

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, 17TH JUNE 2026 - DAY 9

9

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APPEARANCES

FOR THE DEFENCE FORCES TRIBUNAL : MR. AEDAN McGOVERN SC
MR. MICHAEL CUSH SC
MS. LALITA MORGAN PILLAY BL
MR. TIM O'HANLON BL

INSTRUCTED BY: MR. JOHN V. NOLAN, SOLICITOR

FOR THE DEPARTMENT OF DEFENCE : MR. DIARMAID McGUINNESS SC
MS. SINEAD McGRATH SC
MS. RUTH MYLOTTE BL
MR. KARL SHIRHAN BL

INSTRUCTED BY: MS. SARAH MAGUIRE
SOLICITOR
CSSO

FOR THE DEFENCE FORCES : MR. PATRICK McCANN SC
MR. DARREN LEHANE SC
MS. ELIZABETH DONOVAN BL
MS. CAROLINE A. CARNEY BL

INSTRUCTED BY: MR. RONAN COTTER
SOLICITOR
CSSO

FOR SEVERAL WITNESSES
REPRESENTED BY COLEMAN LEGAL : MR. JOHN GORDON SC
MR. GARETH COMPTON SC
MR. ALAN BRADY BL
MR. PATRICK MARRON BL
MR. LOUIS MASTERSON BL

INSTRUCTED BY: COLEMAN LEGAL LLP

FOR SEVERAL WITNESSES REPRESENTED
BY MALCOMSON LAW:

INSTRUCTED BY: MALCOMSON LAW

FOR PERMANENT DEFENCE FORCE OTHER
RANKS REPRESENTATIVE ASSOCIATION
(PDFORRA):

INSTRUCTED BY: MR. FERGUS O'REGAN, SOLICITOR
O'REGAN LITTLE SOLICITORS

FOR AN INDIVIDUAL REPRESENTED
BY SEAN COSTELLO SOLICITORS:

MR. PAUL McGARRY SC
MR. THOMAS P. HOGAN SC

INSTRUCTED BY:

MR. SEÁN COSTELLO, SOLICITOR
SEÁN COSTELLO SOLICITORS

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THE TRIBUNAL RESUMED ON WEDNESDAY, 17TH JUNE 2026 AS
FOLLOWS:

SOLE MEMBER: Good morning. Mr. Cush.

10:03

OPENING STATEMENT BY MR. CUSH

MR. CUSH: Judge, as indicated in the opening statement, the Tribunal will hear from a number of witnesses in this module whose evidence relates to events in the Army Apprentice School, Devoy Barracks between 1989 and 1992. So today the first of those witnesses will be called. Before that, it is appropriate to outline, briefly, the nature of some of the evidence that will be heard, and its potential significance to the overall work of the Tribunal.

Many of the witnesses that will give evidence to the Tribunal were under the age of 18 at the time they joined the Army Apprentice School. Their youth and inexperience is a relevant fact in itself.

The Tribunal will hear allegations of abuse over a long period involving one officer in particular, who, despite being a young man himself - at the time he was 20 to 22 years of age - held significant responsibility. As a Platoon Commander and Acting Platoon Commander he had, at times, responsibility for approximately 157 apprentices.

1 As has been emphasised many times, it's no function of
2 the Tribunal to find the allegations of abuse either or
3 well-founded or unfounded. It's important to
4 emphasise, also, that the officer in question denies
5 vigorously any allegations of abuse, though he agrees 10:05
6 that some of the factual matters described did in fact
7 occur.

8
9 For the purposes of the evidence and the Tribunal's
10 report, the officer has been given the pseudonym 10:05
11 2 Lt. B.

12
13 Among the allegations made against 2 Lt. B are the
14 following:

15 10:05
16 In November 1989 he ordered an apprentice to put
17 cigarettes in his nose and ears and had his photograph
18 taken with a view to embarrassing him.

19
20 Also in November 1989 he had an apprentice put 10:05
21 cigarette butts in his mouth and made him chew them.

22
23 January 1990, he kicked an apprentice, Damien Traynor,
24 in the ribs while he was in a press-up position.

25 10:05
26 February 1990, he ordered Damien Traynor to pack his
27 bags, telling him he was going only, before
28 subsequently telling him it was a joke.
29

1 In March 1990 he ordered Damien Traynor to sign a
2 Discharge Form and when he refused he ordered him into
3 a prone position, stood on his back and kicked him.

4
5 April 1990, he pushed another apprentice up against a
6 wall and threatened him.

10:06

7
8 May 1990, he, along with others, forcibly cut the hair
9 of apprentices, whom he believed not to have had proper
10 haircuts.

10:06

11
12 No formal complaints were made in respect of any of the
13 incidents just described. 2 Lt. B was, however,
14 paraded in front of General Officer Commanding in
15 October 1990 for the two cigarette incidents and the
16 haircutting incident. There was, therefore, at least
17 some knowledge of allegations against him. The timing
18 of that parading in relation to events that occurred
19 some months previously raises its own questions.

10:06

20
21 In the months following the alleged assault upon him,
22 Damien Traynor alleges that he was subjected to
23 continuing pressure and was repeatedly confined to
24 barracks. He will describe a feeling of isolation and
25 building pressure leading, ultimately, to what he will
26 describe as suicidal thoughts.

10:07

27
28 There is a document dated 2nd May 1991 which recorded
29 Damien Traynor applying for a discharge by purchase

1 from the Defence Forces.

2
3 On 11th May 1991 he had a breakdown. He damaged some
4 Army property, including a pool table, he broke some
5 windows. He was placed under guard and items such as 10:07
6 his belt and shoelaces were removed from him. He did,
7 however, conceal a small knife about his person and he
8 ultimately self-harmed - a fact which was noted on his
9 medical examination prior to discharge two days later.

10
11 A colleague of his alerted his parents and they visited
12 him on 12th May 1991.

13
14 Damien Traynor was discharged the following day into
15 the care of his parents. His parents made a number of 10:08
16 complaints reflecting some of the allegations of abuse
17 now alleged by their son. They were assured that the
18 allegations would be investigated.

19
20 There was, also, an interview with Damien Traynor 10:08
21 himself on 13th May, the day of his discharge, the day
22 on which he was the subject to a medical examination
23 prior to discharge, in the course of which the doctor
24 noted that he might require psychiatric help. That was
25 the only interview of Damien Traynor in relation to the 10:08
26 matters of which he complains.

27
28 Neither he nor his parents heard anything further in
29 relation to the promised investigation.

1 There was, in fact, an investigation which effectively
2 exonerated 2 Lt. B and is critical of Damien Traynor.

3
4 The Tribunal will be required to look carefully at this
5 investigation, not least because of the events that
6 follow, but being careful also to avoid analysis with
7 the benefit of hindsight.

10:09

8
9 On 20th June 1991 it is alleged that 2 Lt. B was
10 involved in the bullying of a number of apprentices,
11 including, in particular, Oliver Mullaney. Tragically,
12 two days later, Oliver Mullaney dies in what was either
13 an accidental shooting incident or a suicide. It was
14 the widely held view amongst his fellow platoon members
15 that his death was suicide and that the alleged
16 bullying events contributed to his death. The Tribunal
17 will not determine whether his death was an accident or
18 a suicide.

10:09

10:09

19
20 Two Military Police investigations followed; one into
21 his death on 22nd June 1991 and another into
22 allegations of ill-treatment on 20th June 1991. These
23 investigations, and the conclusions which they reached,
24 and didn't reach, will be carefully examined by the
25 Tribunal.

10:10

10:10

26
27 The Tribunal will also hear that 2 Lt. B left the Army
28 Apprentice School shortly after the death of
29 Oliver Mullaney. The circumstances of his moving from

1 Devoy Barracks are not entirely clear and require
2 investigation. He was later disciplined pursuant to a
3 summary admonition procedure. There was no
4 communication of the fact of this or its outcome to
5 members of the Army Apprentice School.

10:10

6
7 Each of the matters described: The failure to make
8 complaints; the investigation which followed the
9 complaints from Damien Traynor's parents; and the
10 investigations which followed the death of
11 Oliver Mullaney, raise their own concerns. Taken
12 together, they raise broader and more fundamental
13 questions: Did the manner in which complaints were
14 investigated and the manner in which the outcome of
15 investigations was communicated contribute to a culture
16 which deterred the making of complaints?

10:11

10:11

17
18 Thank you, Judge.

19 SOLE MEMBER: Thank you, Mr. Cush. Now we'll take our
20 first witness.

10:11

21 MR. McGOVERN: Good morning, Judge. The first witness
22 is Padraic Lenaghan.

23 SOLE MEMBER: Mr. McGovern, before you begin
24 questioning the witness I do want to remind all of the
25 parties that in the event of any inadvertent or
26 deliberate naming of any individual, an order
27 prohibiting and restricting the reporting of any
28 details that might lead to the identification of such
29 an individual will be made immediately. I just want to

10:12

1 remind the parties of that. Thank you.

2 MR. McGOVERN: Thank you, Judge.

3
4 MR. PADRAIC LENAGHAN, HAVING BEEN SWORN, WAS DIRECTLY
5 EXAMINED BY MR. McGOVERN AS FOLLOWS:

10:12

6
7 1 Q. MR. McGOVERN: Good morning, Mr. Lenaghan.

8 A. Good morning, sir.

9 2 Q. First of all, before we go into your evidence can I
10 advise, you Mr. Lenaghan, that, as you're aware, the
11 Tribunal is investigating the effectiveness of the
12 complaints processes and the culture within the Defence
13 Forces in relation to complaints of abuse. The
14 Tribunal is not permitted to make findings in relation
15 to the well-foundedness of complaints abuse. For that
16 reason, you're required to refrain from disclosing the
17 names of any alleged perpetrators in your evidence
18 today. Where it is necessary to refer to certain
19 individuals, you must do so using their rank or
20 pseudonym given to them by the Tribunal. Do you
21 understand that?

10:12

10:13

10:13

22 A. I understand that.

23 3 Q. Thank you. Your statements and interviews,
24 Mr. Lenaghan, range through a large number of things.
25 As you have heard from the opening from Mr. Cush that
26 this section or module of the Tribunal is concerned
27 with whether there was a failure to make complaints,
28 whether there was a culture which deterred them, and
29 I'm going to concentrate on those matters during your

10:13

1 evidence.

2
3 I think, Mr. Lenaghan, that you originally enlisted as
4 an apprentice in the Army Apprentice School on 5th
5 September of 1989?

10:13

6 A. That's correct.

7 4 Q. And can you tell us how old you were at that stage?

8 A. I was 16.

9 5 Q. 16. And in order to become an apprentice or to join
10 the Apprentice School did your parents have to sign a
11 consent form?

10:14

12 A. I didn't know at the time if they did or not but now I
13 have.

14 6 Q. You're aware that subsequently.

15 A. I'm aware of that, yeah.

10:14

16 7 Q. I think a copy of that consent form is at page 1805,
17 Judge. I'll just call it up, Mr. Lenaghan. If
18 Ms. Heavey can get it. It's a rather poor copy, it's
19 the one we received. It's a photocopy of an original
20 which is difficult to read but we'll do our best in
21 that regard.

10:14

22
23 while we're waiting for that, Mr. Lenaghan, you say
24 that at the time you were unaware that this document
25 had been produced or signed by your parents?

10:14

26 A. Yeah.

27 8 Q. You're now aware that it was, in fact, signed in
28 relation to you and are you aware that it was required
29 to be witnessed before a member of the Garda Síochána

1 or some other official?

2 A. I am now, yes.

3 9 Q. And I'll read the relevant section to you. It's
4 headed:
5
6 "Form of consent to the enlistment of a person under 18
7 years of age."
8
9 And you've told us you were 16 at the time. And the
10 relevant section is:
11
12 "I, Jim Lenaghan..."
13
14 That's your father, isn't that right?

15 A. That's right.

16 10 Q. "...do hereby consent to his/her enrollment in the
17 Defence Forces and I agree in consideration of his/her
18 acceptance as a member of the Defence Forces not to
19 exercise any rights I have in law to his/her discharge
20 on the grounds of his/her age."
21
22 And that was signed, I think, by your father, Jim?

23 A. Okay.

24 11 Q. And have you seen the document, is that his signature
25 on the second page?
26
27 SOLE MEMBER: I think we're having some difficulty
28 uploading it, are we.
29 MR. McGOVERN: We can come back to that.
SOLE MEMBER: What page?

1 MR. McGOVERN: Page 1805.
2 MR. GORDON: The signature is 1806.
3 MR. McGOVERN: Yes, it's a two-page document. I think
4 the original is probably on the first side of the page.
5 MR. GORDON: Yes. 10:16
6 12 Q. MR. McGOVERN: We can come back to that rather than
7 delaying.
8
9 when you joined, I think originally you wanted to
10 become an apprentice motor mechanic, am I correct? 10:16
11 A. That's right, yeah.
12 13 Q. But following an interview you were ultimately accepted
13 as a radio technician?
14 A. That's right, yeah.
15 14 Q. Were you pleased about that? 10:16
16 A. Yeah, well, I took it as a compliment, that the
17 interview had gone well, that was --
18 15 Q. Can I suggest, Mr. Lenaghan, that you move in a little
19 closer?
20 A. I took it as a compliment. 10:17
21 16 Q. You took it as a compliment that were you upgraded, as
22 it were, to a radio technician?
23 A. That's right.
24 17 Q. When you commenced in the Army Apprentice School that
25 was down in Devoy Barracks in Naas, isn't that so? 10:17
26 A. That's correct.
27 18 Q. And when you arrived in September '89 were there many
28 other apprentices there at the time?
29 A. Yeah, there was probably about, to my recollection,

1 about seven or eight at the time.

2 19 Q. And were you given any formal introduction?

3 A. No.

4 20 Q. Could you just describe your initial arrival at the
5 school and how you got on or what happened? 10:17

6 A. Yeah, when I came in first with my parents we were met
7 by, I think it might have been a Senior Apprentice and
8 he took us to a gym, I think it was, to get signed in
9 or to get attested, or something like that. That was
10 the first thing. 10:18

11 21 Q. Did you take an oath?

12 A. We took an oath, yeah. And then you done a medical.

13 22 Q. You did a medical. The introduction you got was from
14 another apprentice in one of the senior classes. There
15 were three years, isn't that right, of apprentices? 10:18

16 A. Yeah. To my knowledge, yes, to my recollection.

17 23 Q. And you were joining as the junior year?

18 A. Yeah.

19 24 Q. And that was the 34th apprentice?

20 A. That's right. 10:18

21 25 Q. In your statement, Mr. Leneghan, you refer to an
22 incident with cigarettes?

23 A. Yes.

24 26 Q. We heard in the opening from Mr. Cush that there were
25 two such incidents. Can you tell us about the one that 10:18
26 you remember?

27 A. Well, the one that happened to me was, I didn't know at
28 the time this happened but then I later found out
29 through documents in the discovery the exact date of

1 it, it was November '89. Myself and maybe six or seven
2 apprentices were sitting on my bed. It was in the
3 evening. We were playing cards. Some of the
4 apprentices was smoking, there was an ashtray on the
5 bed. Somebody heard what sounded like an officer's 10:19
6 shoes coming. Officers work metal tips on the heels of
7 their shoes. So everybody just jumped and ran to their
8 beds. I grabbed the ashtray and I slid it underneath
9 the bed. The door was kicked in by Lt. B. The whole
10 room came to attention. He walked straight over to me 10:19
11 and he said to me, 'Take that ashtray out from under
12 the bed.' I took the ashtray out from underneath the
13 bed, had it in my hand, and he said to me, 'Eat them.'
14 And I said, 'sorry, sir, what do you mean? what do you
15 mean eat them?' And he said, 'Put them in your effing 10:19
16 mouth.' So I put my hand into the ashtray and I took
17 out a couple of, they were butts, like they were all
18 bent and twisted in the ashtray. And I brought them up
19 to put them to my mouth in the hope that he might just
20 say stop. And he said again to me, 'Put them in your 10:20
21 effing mouth and that's an order, Lenaghan.' So I put
22 them in my mouth. And he stood looking at me, he was
23 right up close to my face and he had a wild, wild look
24 on his face, this man. I was just scared of him from
25 an earlier thing that he said when I came in first. 10:20
26 And he looked at me and said, 'Chew, Lenaghan'. And I
27 just felt, like, if I don't do what this man tells me
28 to do, the whole platoon here is going to be in so much
29 trouble, you know? So I said it's the Army, just do

1 it. So I started to chew. I was chewing and he was
2 still looking at me, just, I can just see his face.
3 But then he said to me, 'Swallow them.' And I said to
4 myself like, 'Jesus, he's going to make me swallow
5 these.' So I kept getting spit in my mouth going that 10:21
6 I could try and get these things down. I think I got
7 some of them down. Then he told me, 'Open your mouth.'
8 I opened my mouth and there was ashes, I could feel the
9 ashes in my tongue and all around my mouth and I said
10 he's going to see this now. Then he told me, 'Eat the 10:21
11 rest of them.' And I just thought, Jesus, like, to
12 myself, like. And then I picked up a few more, maybe
13 one or two, I was just scared, like, and I put them in
14 my mouth. He told me to chew them again. I started
15 chewing again but this time I said to myself, no way am 10:22
16 I swallowing this stuff again because I was feeling so
17 sick. So I managed to twist them around the inside of
18 my mouth and I got them underneath my tongue and he
19 told me to open my mouth. I opened my mouth and I had
20 them under my tongue. And then that was just it. It 10:22
21 ended there. Or that's all I can remember. I can
22 remember that clearly, you know. And he walked through
23 the billet. And then, I can't say for sure whether he
24 left straightaway or whether it was ten minutes later
25 or what. But I went to the toilet and I got sick in 10:22
26 the toilet.

27 27 Q. Mr. Lenaghan --
28 A. That was it.
29 28 Q. -- can you help us as to what time of the day this

1 occurred at?

2 A. It was at night.

3 29 Q. Night. And in your evidence you say that when the
4 2 Lt. came in that he went straight to you and asked
5 you to remove the ashtray? 10:23

6 A. Yeah, he didn't -- everybody had gone from the bed.
7 Everybody had gone. We were just playing cards.

8 30 Q. How do you think the 2 Lt. knew that the ashtray was
9 under your bed?

10 A. The only thing I can think of, on reflection, was that 10:23
11 he looked in our windows first to work out who was
12 doing what and then made us approach. Because, I mean,
13 if he wanted to catch anybody he would not have made
14 all that noise on his way in. That's the only
15 conclusion I can come to. 10:23

16 31 Q. And was it dark or light outside?

17 A. Well, my recollection is that it was at nighttime, it
18 was dark. That's my recollection.

19 32 Q. And the lights would have been on inside?

20 A. They would have been on inside, yeah. 10:23

21 33 Q. Now, I should have asked you; were you aware at this
22 stage of any regulations in relation to smoking?

23 A. No.

24 34 Q. We heard evidence at the beginning of the section from
25 Col. Fred O'Donovan in relation to the Army Apprentice 10:24
26 School and he produced the Standing Orders for the Army
27 Apprentice School which contained certain regulations.
28 Did you ever see those?

29 A. Never seen Standing Orders. Ever.

1 35 Q. Ever.

2 A. Never did anybody ever hand us a booklet, or anything,
3 about Standing Orders.

4 36 Q. Were you ever told about Standing Orders, or ever have
5 them explained to you? 10:24

6 A. There was reading of the Acts, or something like that,
7 yes, but not Standing Orders.

8 37 Q. When you joined first, in your initial introduction,
9 did you receive any training in relation to the
10 complaints processes that existed within the Defence 10:24
11 Forces?

12 A. No.

13 38 Q. Did you hear about A7, Chapter 1 or any of those
14 things?

15 A. No, that's alien to me. 10:24

16 39 Q. And throughout your time in the Army Apprentice School,
17 the three years you would have spent there, did you
18 ever get any instruction or training in relation to
19 those processes?

20 A. No. Nothing to do with complaints. Nobody ever gave 10:25
21 us a pathway of how to complain. Nobody told us
22 anything. Nobody sat down with us and told us if we
23 had a problem or a complaint. Ever.

24 40 Q. It was also said, I believe, by Col. Fred O'Donovan
25 that there were noticeboards around the Army Apprentice 10:25
26 School, were you aware of any such noticeboards?

27 A. I think there might have been a noticeboard in the
28 Company Office. That's my only recollection, inside
29 the door of the Company Office.

1 41 Q. And do you know what sort of things were put on that
2 noticeboard?

3 A. I really don't know what was on that because we stayed
4 well away from that place.

5 42 Q. Okay. Can you tell us why, why did you stay well away 10:25
6 from the Company Office?

7 A. Because you were just afraid that Lt. B would spot you
8 and he would just look at you, and you could tell that
9 he was going to get, you know, get you to do fatigues
10 or get you to work somewhere. You just avoided him at 10:26
11 all costs.

12 43 Q. And how did you go about avoiding 2 Lt. B?

13 A. Well myself, anyway, and other fellas would, if I was
14 going to the dining hall or going down by the football
15 pitch I would go a back way, I would go down by, it was 10:26
16 called at the time the Assembly Hall, I think it was
17 called, Assembly Hall, I would go down the back way and
18 avoid him and I'd be watching to make sure - everybody
19 done this - just to make sure that you just got from A
20 to B without him actually spotting you. 10:26

21 44 Q. This wasn't just you, did you say everyone?

22 A. Oh, this was just --

23 45 Q. Why were you so anxious to avoid the Second Lieutenant?

24 A. Because any time he met you there was never anything
25 like, you know, 'Okay, how's things? How are you 10:26
26 getting on?' Any time you met this man there was a
27 problem with you, he would find a problem with you.

28 46 Q. Can I go back to the smoking incident. You told us
29 that following this that you went to the bathroom and

1 you got sick?

2 A. Yeah.

3 47 Q. Some time after that did you approach a sergeant
4 seeking a meeting?

5 A. Yeah. I'm not too sure how long after this, whether it 10:27
6 was days or a week or two weeks, and that's -- I can't
7 recollect that. But I went to the Company Sergeant at
8 the time, I don't know what the code is for him, but he
9 was a Company Sergeant.

10 48 Q. I think he will be giving evidence so I think you can 10:27
11 give his name.

12 A. Yeah, he was CS Henry.

13 49 Q. What was the purpose of approaching the Company
14 Sergeant?

15 A. Oh, I just had enough. I couldn't sleep at night and 10:27
16 what happened with the cigarettes and I just said,
17 'This place is not for me. I need out.'

18 50 Q. So you wanted to leave the Defence Forces?

19 A. Yeah, I wanted out.

20 51 Q. Can you tell us about your meeting with the Company 10:28
21 Sergeant. First of all, where did it take place?

22 A. When I went down to him, he was standing, to my
23 recollection, outside a place called the Orderly Room
24 and I walked up to him and I said to him, 'CS, I want
25 out of the Army.' And he was in the middle of doing 10:28
26 something or in the middle of work and he said to me,
27 'You know it's going to cost you to get out of the
28 Army.' And --

29 52 Q. Is that a reference to the fact that if you left during

1 your apprenticeship you had to buy yourself out?

2 A. You had to buy yourself out, yeah. And at the time I

3 think that was about, I think it was around 1,500 or

4 2,000, I'm not sure.

5 53 Q. That's pounds, is it, rather than euro? 10:28

6 A. That was old Irish pound.

7 54 Q. And did you have that sort of money?

8 A. No, that was huge money to me at that time. No, I

9 wouldn't have had that money.

10 55 Q. Can I ask you; would you parents have had that sort of 10:28

11 money?

12 A. No.

13 56 Q. So how the conversation with of the Sergeant end, was

14 there any conclusion reached?

15 A. There was no conclusion reached. As I said, to my 10:29

16 recollection he was busy doing something and I can't

17 say whether he said, we'll talk about it again, or we

18 will or we won't, but it just ended there.

19 57 Q. So what did you decide to do then?

20 A. Well, at that point, like I was even hesitant to even 10:29

21 ask to get out of the Army in the first place because I

22 knew my parents was going to have to pay this money and

23 I just felt that I had got it out of myself, you know,

24 that I wanted out. And when he didn't come back to had

25 me I kind of say, 'Give it another go,' to myself. 10:29

26 58 Q. In terms of staying in?

27 A. Yeah.

28 59 Q. In the course of your conversation with the Company

29 Sergeant did anyone ask why you wanted to leave?

1 A. No. Never asked me that.

2 60 Q. You were never asked?

3 A. No.

4 61 Q. I mentioned a moment ago that Sergeant Henry will be
5 giving evidence and he says that he's been provided 10:30
6 with all the documents, including your statements, and
7 that he's no recollection of you and therefore he is
8 unable to respond to the individual references. Are
9 you aware of that?

10 A. That's probably understandable. 10:30

11 62 Q. Yes. You don't have an issue with that?

12 A. That's probably understandable. He didn't seek a
13 formal, like, interview to ask me what happened.

14 63 Q. Thank you. Now, throughout this period, you were doing
15 military training and you were also doing your 10:30
16 apprenticeship as a radio technician, isn't that so?

17 A. That's right, yeah.

18 64 Q. And can I ask you about weekend passes. What was the
19 process for applying for a weekend pass?

20 A. Well, the process we had, we had to get an A4 sheet and 10:30
21 we had to draw out, in boxes, your Army name, your
22 number, your rank, the date. You had to draw it out
23 with pen and ruler. Everybody had to do this. And
24 then you had to write: 'Dear, sir, I respectfully
25 submit this is my application for a long weekend or a 10:31
26 short weekend pass. I hope this meets with your kind
27 consideration and approval. I am P Leneghan,' and you
28 signed it.

29 65 Q. And who designated or told you that you had to make the

1 application in that format, Mr. Lenaghan?

2 A. Oh, I really don't know where that came from.

3 66 Q. So --

4 A. Somebody said, 'This is the way it's done.'

5 67 Q. So you're describing writing out something in 10:31

6 longhand --

7 A. Yeah.

8 68 Q. -- on a sheet of paper or sheets of paper. How many

9 pages would this application take up?

10 A. You had to put -- I think from recollection you had to 10:31

11 put a cover page on it saying that it was an

12 application and then you had to put the other one

13 inside it and one on the back of it. I'm not too sure

14 if it had to be stapled. I can't say for sure.

15 69 Q. From your recollection how many pages were there in 10:32

16 total?

17 A. Probably three, but the main part would have been in

18 the middle.

19 70 Q. Three handwritten pages?

20 A. Yeah. 10:32

21 71 Q. We've been told that there was a standard form that was

22 used, that was in the Standing Orders that was filled

23 in, an AF something or other. Did you ever see one of

24 those forms?

25 A. I never recollect that. It may have come in after 10:32

26 Oliver Mullaney's death or sometime after that. I'm

27 not sure. But initially that's the way --

28 72 Q. You have no recollection of it?

29 A. I have no recollection of that.

1 73 Q. when you fill in this form, what would you do with it
2 or who would you give it to?
3 A. As far as I remember, at the time there would be a
4 Platoon Leader would be selected, you know, it would
5 kind of rotate every, it could be every week. 10:32
6 74 Q. So, the Platoon Leader, am I correct that that was
7 another one of your apprentices?
8 A. Yeah, that's right.
9 75 Q. And that position would rotate, turn throughout?
10 A. Yeah. 10:33
11 76 Q. So you'd give it to the Platoon Leader. Were you ever
12 the Platoon Leader, Mr. Leneghan?
13 A. I was Platoon Leader.
14 77 Q. And did you ever, in that capacity, have to deal with
15 applications for leave? 10:33
16 A. well, you would just -- from memory you would just take
17 them to either your corporal or your sergeant.
18 78 Q. The Corporal or the Sergeant. Is that the Platoon
19 Sergeant or the Company Sergeant?
20 A. No, the Platoon Sergeant. 10:33
21 79 Q. The Platoon Sergeant. So you'd give it either to the
22 Corporal or the Platoon Sergeant?
23 A. That's right.
24 80 Q. And would you know what happened them after that?
25 A. No, I really wouldn't know. 10:33
26 81 Q. If you wanted to go out on the following weekend, the
27 next weekend, how soon would you have to apply or
28 complete your application?
29 A. From memory, I think it could be midweek.

1 82 Q. And the forms would be completed and handed up the
2 line --

3 A. Yeah.

4 83 Q. -- when would you be told whether your application had
5 been granted? 10:33

6 A. You wouldn't know, from my memory and recollection, you
7 wouldn't know till Friday, possibly dinnertime.

8 84 Q. What time on the Friday?

9 A. Dinnertime.

10 85 Q. And when you say dinner, is that midday or evening 10:34
11 time?

12 A. Lunch.

13 86 Q. Lunch on Friday?

14 A. After lunch. It could be after, you could be sitting
15 wondering do I ring home, am I getting home or not 10:34
16 getting home? It could come in at two o'clock or it
17 could be later.

18 87 Q. Early afternoon on the Friday --

19 A. Yeah.

20 88 Q. -- is the first you'd hear about it? 10:34

21 A. Yes.

22 89 Q. Okay. So how would you then present yourself? Had you
23 to sign out at the gate or how did you actually leave?

24 A. Well, once you go the go-ahead there was a lot of
25 excitement so you would be waiting till the Sergeant 10:34
26 said you can go, which would be probably around 4:00 or
27 half four usually.

28 90 Q. Just take this slowly now. You referred to a sergeant,
29 again is that the Company Sergeant or the Platoon

1 Sergeant?

2 A. Probably the Platoon Sergeant.

3 91 Q. The Platoon Sergeant. And he would say to you what?

4 A. He would come back with the sheets to say that it was

5 granted. 10:35

6 92 Q. Okay. And the sheets, these are the forms you'd all

7 filled in?

8 A. Yeah.

9 93 Q. And would they be signed or stamped by somebody?

10 A. As far as I can remember they would be signed, yes. 10:35

11 94 Q. Have you any idea who would have signed them, either

12 his position or rank?

13 A. I can't say.

14 95 Q. So, somebody further up the line?

15 A. Somebody further up the line. 10:35

16 96 Q. Okay. So on the Friday afternoon, now lunchtime,

17 you're told you can go?

18 A. Yeah, in most cases.

19 97 Q. Right. After being told you had been granted leave,

20 were those authorisations cancelled or revoked in any 10:35

21 circumstances?

22 A. They were, yes. There was a couple of times, on

23 approaching the gate, where you'd be told that your

24 pass is not signed, your pass has been taken, it's been

25 cancelled. 10:35

26 98 Q. When you say approaching the gate, what time would this

27 be at?

28 A. This would be when you're leaving to go home probably

29 4:00, half four, something like that.

1 99 Q. On the Friday?
2 A. Yes.
3 100 Q. So at two o'clock or thereabouts you were told your
4 leave is granted?
5 A. Yeah. 10:36
6 101 Q. When you go to leave at 4:00 or half four you find that
7 you're not permitted?
8 A. That's right, yeah.
9 102 Q. Did that happen to you, Mr. Lenaghan?
10 A. That happened to us all. 10:36
11 103 Q. Were you ever told why your leave was countermanded or
12 revoked?
13 A. It would never be explained why your leave was granted.
14 104 Q. Who do you believe made the decision to cancel your
15 leave? 10:36
16 A. There was only one man in that place that would do them
17 sort of things and that was Lt. B.
18 105 Q. And was it ever explained to you why that had happened?
19 A. No.
20 106 Q. Or to anyone else? 10:36
21 A. No, it would be back up, out of your civilian clothes,
22 back into your fatigues or your Army gear and there'd
23 be something lined up for us to do, be that filling a
24 shed with turf, cleaning, sweeping, doing something.
25 107 Q. And what arrangements would you have made to go home? 10:36
26 Had you told your parents, for instance, that you were
27 being granted leave?
28 A. When you'd find out you'd ring them and tell them, 'I'm
29 coming home' to try and arrange a lift off a train or,

1 you know, you'd ring your girlfriend or something to
2 tell her you're coming home. You know?

3 108 Q. And how was that done? Was there a phone?
4 A. There was a phone in the billet, yeah.

5 109 Q. Was it a coin box phone? 10:37
6 A. Yeah, an old coin box phone, yes.

7 110 Q. When you found you weren't getting home what did you
8 have to do?
9 A. You had to make another phone call.

10 111 Q. Did this happen often that leave was cancelled? 10:37
11 A. To my recollection this happened a lot of times,
12 numerous times over that period of 18 months while he
13 was there.

14 112 Q. Mr. Lenaghan, can I move on to an incident. Do you
15 remember going to the firing range? 10:37
16 A. I do remember that, yeah.

17 113 Q. Would that have been in or about May 1991?
18 A. Yes.

19 114 Q. And was that part of your Army training?
20 A. No, it wasn't May, I think it was June. 10:38

21 115 Q. All right.
22 A. I think that was June. I think that was the day
23 that --

24 116 Q. Sorry, I'm skipping on but maybe we'll stick with May
25 for a moment. Was one of your fellow apprentices, was 10:38
26 he Mr. Damien Traynor?
27 A. Yes.

28 117 Q. Do you remember Mr. Traynor?
29 A. I do, but he was gone at that stage.

1 118 Q. He was gone by June?
2 A. Before the ranges, yeah.
3 119 Q. He was gone before that. Can you tell us what happened
4 Damien?
5 A. Damien had a breakdown. 10:38
6 120 Q. And when was that?
7 A. That was in May, to my recollection.
8 121 Q. Of 1991?
9 A. Of 1991.
10 122 Q. And that would have been in your second year, would it? 10:38
11 A. That would have been in my second year, yeah.
12 123 Q. And do you know what led up to Damien's breakdown? Do
13 you yourself know?
14 A. Oh, Lt. B, again, never left him alone.
15 124 Q. So, let's be clear, Mr. Lenaghan. Are you suggesting 10:39
16 that Mr. Traynor received different treatment to other
17 people?
18 A. He was all the time on his back. He was on the back of
19 a couple of different apprentices, you know. I was one
20 of them. Damien was one of them. Another apprentice, 10:39
21 I don't know if I can name him or not.
22 125 Q. Let's just stick with Mr. Traynor. You say he had a
23 particular difficulty?
24 A. Yeah. Yeah. I think he was -- I don't know, he just
25 took a disliking to Damien. 10:39
26 126 Q. Did you witness any incidents involving Mr. Traynor?
27 A. I did, yeah. I witnessed Lt. B kick him while he was
28 doing press-ups.
29 127 Q. Can you just explain that to us now. When you're doing

1 press-ups the Platoon is altogether, is it?

2 A. Yeah. We were out one morning, to my recollection,
3 doing a platoon run. So you'd be out doing a platoon
4 run with Lt. B, there probably was a corporal or a
5 sergeant there as well and -- 10:40

6 128 Q. How long would the runs be?

7 A. The runs, I think, usually, were about three, four,
8 five miles, something to that effect, and it was in --
9 you were in your Army boots and gear.

10 129 Q. And how long would a three-, four-mile run take? 10:40

11 A. Oh, whatever that takes, probably half an hour or
12 something like that there, to do a three- or four-mile
13 run.

14 130 Q. When you came back from the run then you describe these
15 press-ups? 10:40

16 A. Yeah, we came back from the run and he ran us in around
17 the square in the Apprentice School and he stopped us
18 outside of what was known as the Radio Technicians
19 Block and the Feather Block - that's where the feathers
20 were doing their training, their classes. And the RT 10:41
21 Block was where I was doing the trade or professions
22 trade. He put us all into the press-up position. I
23 was up the front facing the square and when we were
24 doing the press-ups, Lt. B was walking around us,
25 shouting at apprentices to, you know, 'Come on, get up, 10:41
26 do the press-ups.' Everybody was very tired this
27 particular morning. Because on the runs, you know, he
28 had an awful habit of making us run back and forward
29 while he took a rest. That happened numerous times.

1 He would have you doing press-ups on the road. Like,
2 we were very tired. When we came into the square he
3 was making us do it all again. We'd no issue with
4 that, it's the Army.
5 10:41

6 And, when I was doing the press-up position I was
7 feeling really tired. So, I was watching, I was
8 looking underneath my chest watching, and watching
9 where his boots was, because I was at the front and I
10 could see back underneath my arms. 10:42

11 131 Q. Can I just stop you there for a moment. Why were you
12 watching 2 Lt. B's boots?

13 A. I was watching his boots because I was that tired I
14 wanted to let my legs down in the press-up position
15 just to take a break but I didn't want him see me doing 10:42
16 it because I knew if he seen me doing it, God knows
17 where that would end with me.

18 132 Q. You're lying prone on the ground?

19 A. Yes.

20 133 Q. With your arms out straight? 10:42

21 A. Doing a press-up.

22 134 Q. And peeping out at the side?

23 A. I'm looking underneath, I'm looking under my arm, and
24 I'm watching his boots. He's walking around -- I
25 actually remember him walking down in front of me and 10:42
26 he stood on my fingers. He stood on a couple of
27 people's fingers. He'd just let you know he was there.
28 He'd put his foot over and roll it over on your finger.
29 He'd just let you know he was there. And he walked

1 around the back and he was shouting at different
2 apprentices, 'Get up. Get the eff up.' He was all
3 cursing, all cursing and shouting. And I was watching
4 him underneath my arm and I could tell him coming up
5 beside Damien. 10:43

6 135 Q. Where was Mr. Traynor relative to you?

7 A. Damien was back to my left, behind me and to my left
8 and I could see Damien in the press-up position.

9 136 Q. And what happened?

10 A. He was standing in front of me and he was shouting, 10:43
11 'Traynor, get the eff up.' And Traynor, like the rest
12 of us, was sort of struggling to get a press-up going.
13 And then I saw him kick him into the side, and he
14 kicked him twice. Now, it wasn't a kick that you would
15 try and put a ball across a bar with but it was a kick, 10:43
16 it was two kicks into his rib, into his side here. And
17 Damien kind of left an "oh" out of him, like that. And
18 Damien went down, but didn't completely go down. I
19 think Damien was trying to show him, you know, 'I can
20 still do this press-up,' you know. 10:44

21 137 Q. Have you any idea when that occurred, Mr. Lenaghan?

22 A. I think that was in 1990. I think it was the year
23 before Damien left, from my memory. I think it was
24 1990.

25 138 Q. Would it have been in or about May of '91, perhaps? 10:44

26 A. No, I don't think it was that soon. He also -- Lt. B,
27 the bit I left out there was, after he kicked him, he
28 put his foot on his back, because I was watching him,
29 he put his foot on his back and he says, 'Come on,

1 tough, guy, do the effing things.' And then that was
2 it. I don't know what happened after that. I think he
3 went to somebody else.

4 139 Q. Now, do you remember Mr. Traynor, ultimately, leaving
5 the Defence Forces? 10:45

6 A. I do, yeah.

7 140 Q. When would that have been?

8 A. He left, it was in May, it was about a month before
9 ollie.

10 141 Q. All right. May of '91? 10:45

11 A. Yeah.

12 142 Q. Can you tell us the circumstances leading up to
13 Mr. Traynor's departure, from your recollection,
14 specifically relating to Mr. Traynor?

15 A. Well, he was being CB'd a lot. 10:45

16 143 Q. That's confined to barracks?

17 A. Confined to barracks, yeah, yeah.

18 144 Q. Will you tell us the process about being confined to
19 barracks. Firstly, who would make the decision that
20 you'd be confined to barracks? 10:45

21 A. Well, to my knowledge it would be Lt. B who would make
22 that decision. He could have been up on a charge for
23 something. I can't say the details. I really don't
24 know.

25 145 Q. Just so we're clear, there's a distinction, as I 10:45
26 understand it, to being on the one hand having your
27 weekend pass cancelled --

28 A. Yeah.

29 146 Q. -- and the other, an order that you be confined to

1 barracks, is that so?

2 A. Yeah. You could be CB'd. We were CB'd numerous times.

3 147 Q. I think leading up to --

4 A. You could be CB'd, for example, you could be told,

5 'Confined to barracks,' before you even put in a pass, 10:46

6 or if you had a pass in you could be told you're CB'd.

7 148 Q. And CB or confined to barracks, that was a punishment?

8 A. Yeah.

9 149 Q. And, I think, you accept that prior to him departing

10 the Defence Forces, Mr. Traynor was absent without 10:46

11 leave or charged with absent without leave on a number

12 of occasions?

13 A. Something like that, yeah.

14 150 Q. And can you tell us what happened in the days before he

15 left. 10:46

16 A. Well, he was CB'd at the weekend. We went home and we

17 came back the Sunday night, I'm not too sure the dates

18 of this, when this happened. We came back that Sunday

19 night and the whole thing at the gate was Traynor, the

20 fellas called him Traynor, Damien, Traynor, 'Traynor is 10:47

21 locked up.' Couldn't believe this. And then the word

22 came out that Traynor, Damien had some sort of a

23 breakdown. And he was locked up in, it's like a jail

24 at the Gate House. It's like an actual cell.

25 151 Q. Like a prison cell? 10:47

26 A. Yeah, it's a cell. You're locked in it.

27 152 Q. How many people would that hold?

28 A. I suppose -- I can't remember exactly what size it was,

29 it wasn't a big room.

1 153 Q. So when you came back on the Sunday night, after a
2 weekend's leave, Mr. Traynor was in a cell?
3 A. That's right.
4 154 Q. At the Gate House?
5 A. Yes. 10:47
6 155 Q. Did you see him in there, did you visit him?
7 A. Yeah, at some point he was let out to talk to us.
8 156 Q. And what condition was he in?
9 A. He was just grey, he was really bad looking. He was
10 just grey, his eyes were black. He just looked 10:48
11 terrible.
12 157 Q. And his clothing, do you remember anything about that
13 at the time?
14 A. Not really, but they did take his belt and his laces
15 and possibly his shoes, or stuff like that. 10:48
16 158 Q. Would that be normal for somebody in detention?
17 A. Oh, I never heard of this until that day. It was like
18 something out of a film.
19 159 Q. And do you know why his shoes, why his laces and his
20 belt were removed? 10:48
21 A. I don't. I can only assume that it was to -- that they
22 were afraid, maybe, that he was maybe going to possibly
23 take his own life in there or something. That's all
24 the conclusion I can come to.
25 160 Q. And did you see any injuries -- 10:48
26 SOLE MEMBER: Mr. McGovern, I'm sorry. Mr. McGarry.
27 MR. MCGARRY: I'm sorry, Chair, I just wanted to seek
28 some clarification just in relation to this particular
29 issue. I'm reluctant to intervene but in light of the

1 statements that have been made about the manner in
2 which the Tribunal is going to hear evidence and, in
3 particular, the Terms of Reference, it seems,
4 certainly, as though Mr. McGovern is getting into
5 issues of potential corroboration of allegations that 10:49
6 are made by other people, in this particular context
7 it's Mr. Traynor who is being asked certain things
8 about whether this would be normal and so on. It seems
9 to me that in circumstances where the Tribunal is
10 expressly precluded from determining whether the 10:49
11 allegations are correct or not, this is straying a long
12 way from the question of complaints being investigated
13 where this witness is being asked about certain things
14 relating to Mr. Traynor. And I say that in
15 circumstances where, obviously, parties are precluded 10:49
16 from engaging in cross-examination or questioning of
17 the witnesses by reference to contradictions that there
18 may be, inconsistencies that there may be, differences
19 between the evidence that's been given now and the
20 statements that have been made to the Tribunal, and so 10:50
21 on. And I'm conscious that, obviously, if I started to
22 do that, you, Chair, and you would be correct if you
23 stopped me and said you can't do that. But I'm just
24 slightly concerned that Mr. McGovern is in an area now
25 which looks like it's engaged in an analysis of the 10:50
26 allegations of, or the complaints that have been made
27 by reference to abuse by somebody else, and as to
28 whether or not this person can corroborate them or
29 witness them. And there's quite a lot of detail and

1 information being given in that context and I'm just
2 conscious that that's not where the Tribunal is headed.
3 And if it is, then, obviously, fair procedures would
4 dictate that we have an opportunity to engage with it.
5 Thank you, Chair.

10:51

6 SOLE MEMBER: Thank you, Mr. McGarry. As you are
7 aware, and it was set out in the opening statement on
8 3rd June, a person is not entitled to cross-examine
9 anyone who makes an allegation of abuse because the
10 Tribunal is not determining the well-foundedness, or
11 otherwise, of such an allegation. But you are entitled
12 to assert a denial of it without going into
13 cross-examination. My understanding, and I'll hear
14 from Mr. McGovern, but my understanding was that he was
15 asking Mr. Lenaghan about his experience, his
16 perception, what he saw.

10:51

10:51

17
18 Now, Mr. McGovern, if you want to qualify that or if
19 you want to say anything to the Tribunal, but that was
20 my understanding of what he was saying.

10:51

21 MR. MCGOVERN: I think, Judge, the condition of
22 Mr. Traynor at the time is set out in official
23 documents and it describes Mr. Traynor's condition at
24 the time and the fact that he had been referred for a
25 medical examination on the 13th. I was simply asking
26 this witness what condition Mr. Traynor was in when he
27 spoke to him on the Sunday evening. I don't need to do
28 any more than that.

10:52

29 SOLE MEMBER: I think the witness is entitled to say

1 what he saw when Mr. Traynor came out. Mr. McGarry?
2 MR. MCGARRY: With respect, this is heading in the
3 direction of well-foundedness, in my submission, but if
4 there are official documents that detail, or support
5 allegations or complaints made by another person, then 10:52
6 that's fine and those documents can, obviously, be
7 referred to, but this witness isn't a medical
8 practitioner or didn't author any of those official
9 documents so asking him what condition somebody was in
10 at a particular time -- 10:52
11 SOLE MEMBER: I don't think the question -- I'm sorry
12 for cutting across you, Mr. McGarry, but I don't think
13 the question was posed in terms of a medical
14 assessment, what condition was he in, what did you see.
15 He described seeing him looking grey, having dark black 10:53
16 eyes.
17 MR. MCGARRY: I suppose the question I posed here was
18 to what end is that question being asked? why is that
19 question important in light of what the Tribunal has to
20 determine? 10:53
21 SOLE MEMBER: Mr. McGovern?
22 MR. MCGOVERN: We know, Judge, that before Mr. Traynor
23 was put in the cell that there was an incident when he
24 broke up a room and I was going to ask the witness had
25 he any knowledge of that. He wasn't there when this 10:53
26 happened and that's why I was wasn't asking him about
27 it specifically, but he does appear to have been aware
28 or made aware of what happened before he came back to
29 the barracks on the Sunday evening.

1 SOLE MEMBER: well, perhaps we -- we've heard what he
2 saw, his evidence in relation to what he saw.
3 THE WITNESS: I wasn't aware. The first time I was
4 aware was when I came through the gates.
5 SOLE MEMBER: Could you repeat that? 10:53
6 THE WITNESS: When I came through the gates is the
7 first time I was aware.
8 SOLE MEMBER: I thought you gave evidence as to what
9 you saw when Mr. Traynor was --
10 THE WITNESS: I did, yeah. 10:54
11 SOLE MEMBER: Perhaps we could move along then to
12 whatever the incident is you want to focus on. And I
13 think everybody is aware of the Tribunal's limitations,
14 a jurisdiction that has been set by the Oireachtas.
15 But counsel is entitled to lead evidence of abuse and 10:54
16 the consequences of it. But, obviously, I cannot make
17 a determination as to the well-foundedness of it. So
18 we might proceed.
19 161 Q. MR. McGOVERN: Mr. Lenaghan, something happened while
20 you were absent. You may or may not know about that, 10:54
21 there was damage done to property by Mr. Traynor
22 himself, is that your understanding?
23 A. Yeah. Yeah.
24 162 Q. And do you know what injuries he might have sustained
25 in doing that damage? 10:54
26 A. I can't say because I wasn't there.
27 163 Q. Very well. That's fine. Mr. Traynor's family, were
28 they aware of what had happened at this stage, to your
29 knowledge?

1		SOLE MEMBER:	I don't think that's a question that this	
2			witness can answer.	
3	164	Q.	MR. McGOVERN: Are you aware that Mr. Traynor's family	
4			subsequently came and he left?	
5		A.	Yeah, I was aware of that. Yeah.	10:55
6	165	Q.	You don't have any specific knowledge about that	
7			directly?	
8		A.	No.	
9	166	Q.	Can I move on to about two months after that incident	
10			involving Mr. Traynor. There was another apprentice,	10:55
11			Mr. Mullaney, do you remember him?	
12		A.	Yeah, Oliver, I remember Oliver, yeah, Lord have mercy	
13			on him.	
14	167	Q.	In June of 1991 had you completed your radio	
15			technician's exams at that stage?	10:55
16		A.	I actually can't answer that question, because I can't	
17			remember that.	
18	168	Q.	All right. Am I correct that you would have done,	
19			throughout the three years you served in the Army	
20			Apprentice School you would have done City & Guilds	10:55
21			exams?	
22		A.	Yeah.	
23	169	Q.	Was that an annual thing?	
24		A.	Yeah, that was an annual thing.	
25	170	Q.	And they were external exams, they weren't military	10:56
26			exams?	
27		A.	That's right, they were City & Guilds.	
28	171	Q.	And they were done for the purpose of your	
29			apprenticeship?	

1 A. That's correct.

2 172 Q. And what time of the year would those City & Guilds
3 normally take place?

4 A. They were probably around summer. The date I can't
5 say, it's that long ago, it was probably May/June, 10:56
6 somewhere around there.

7 173 Q. Would you sit those exams in Devoy Barracks?

8 A. You would, yeah, you'd sit them in Devoy Barracks.

9 174 Q. There was an incident in June of '91 when you went to
10 the ranges for training; do you remember whether that 10:56
11 was before or after you had done your City & Guilds
12 apprentice exams?

13 A. I would be guessing that that was after, because I
14 think the exams was over. I can't be 100% sure of
15 that, but I think when the exams was over and the 10:56
16 military training would have started. Again...

17 175 Q. If you're not sure, you're not sure?

18 A. I'm not sure but... yeah.

19 176 Q. Do you know what time you went to the ranges at on that
20 day? 10:56

21 A. Well, the usual time would be, you'd get up at 6:00 or
22 half six, do your run and then everybody would draw
23 their weapons from the Guard Room and get mounted onto
24 vehicles and the trucks and head off to the ranges.

25 177 Q. And the ranges, am I correct that they were down in 10:57
26 Kilbride in Wicklow?

27 A. Kilbride in Wicklow, yes.

28 178 Q. And how long would you spend at in the ranges?

29 A. You'd spend all day at the ranges.

1 179 Q. So you'd get back then to Devoy at approximately what
2 time?

3 A. I think around four/five o'clock, in that area.

4 180 Q. We'll come back to the return in a moment. But when
5 you were on the ranges, how many officers - and 10:57
6 distinguish, if you could, between NCOs and higher
7 ranked officers - accompanied you to the ranges.

8 A. Well, from recollection, Lt. B would have been there
9 and probably the Company Commander.

10 181 Q. What rank will the Company Commander have been? 10:58

11 A. At that time, I think he was a commandant.

12 182 Q. All right. How many NCOs would there have been?

13 A. There'd be your corporal and your sergeant, I assume.
14 And there could have been a few more to help out, you
15 know. 10:58

16 183 Q. And in terms of officers - and by officers I mean
17 enlisted officers - do you remember how many there
18 were, can you help us?

19 A. There was Lt. B and then there was the Lt. A and there
20 was our own corporals, as far as I can remember, but 10:58
21 there was also other corporals brought in from outside,
22 you know, from different barracks to help out with the
23 training.

24 184 Q. At the beginning of your evidence, Mr. Lenaghan, you
25 described that the structure of your platoon, the NCOs, 10:59
26 the Platoon Sergeant, the Lieutenant and so on, in
27 addition to the normal officers, were there extra
28 officers brought in for this training?

29 A. Yes, there was. There was that Lt. A.

1 185 Q. Yes.

2 A. And Corporal, I know his name, I think it's Corp. G.

3 186 Q. There were extra persons brought in for the training?

4 A. Yeah, there was extra people brought in.

5 187 Q. You say you got back from the ranges at about what 10:59

6 time?

7 A. I think around four/five o'clock.

8 188 Q. Would you describe the events then on the evening of

9 that day, which would have been 20th June of that year,

10 a Thursday? 10:59

11 A. We came back, we got off the trucks, we lined up, usual

12 stuff. There was a bit of the usual cursing and

13 blinding and getting people to do X, Y or Z on the

14 square. Then we were told that we were going for our

15 dinner so we were told to put our weapons in the Guard 11:00

16 Room. So we just left them in behind the wall of the

17 Guard Room, standing against the wall, to my memory,

18 that's where we left them. And then we went into the

19 dining hall and it was the usual rush, rush, rush.

20 We'd so long to get in, get your dinner and get back 11:00

21 out. We came back out --

22 189 Q. What time would this have been?

23 A. Probably half an hour later, maybe something in that,

24 half an hour, maybe three-quarters of an hour, at a

25 guess. 11:00

26 190 Q. Can you estimate the actual time --

27 A. This was --

28 191 Q. -- you finished your dinner?

29 A. I'm guessing probably six o'clock, or something like

1 that.

2 192 Q. And what happened then at six o'clock?

3 A. At six o'clock then, or whatever time it was we came

4 out, we picked up our weapons again. We were all lined

5 up at the Guard Room and just -- we kind of thought we 11:01

6 were finished up in our minds that, like, the ranges is

7 over, like, it's done. But they started, the Corporal

8 and Lt. B and Lt. A started, like, just hounding

9 different fellas, shouting at them. At one stage there

10 was fellas made dance with each other, for some reason. 11:01

11 I don't know why they were made dance with each other.

12 193 Q. How many people, to your recollection, were made engage

13 in this process?

14 A. Oh, four or five I'd say.

15 194 Q. And how long did that go on for, the dancing? 11:02

16 A. Oh, I don't know. It seemed like it went on for ten or

17 15 minutes. It may not have been. And they were made

18 sing songs. It was bizarre. It was totally bizarre

19 what was going on.

20 195 Q. Was this a fun time now? 11:02

21 A. Oh, no, this wasn't fun, this was like -- this was just

22 -- to me it was just weird where is this going to?

23 what is the purpose of this, you know.

24 196 Q. Apart from the singing and the dancing, what else

25 happened on that evening, Mr. Lenaghan? 11:02

26 A. Lt. B and Lt. A were getting on people's cases and some

27 fellas were, you know, stronger than other people but

28 they got on Ollie's case.

29 197 Q. Is this Mr. Mullaney?

1 A. Yes.

2 198 Q. Yeah. And when you say "got on his case," will you
3 tell us what you saw?

4 A. Just up close to his face, roaring and shouting at him.
5 I mean pretty much spitting while shouting into his 11:02
6 face, calling him, 'Mullaney, you're a real old
7 farmer.' That was Lt. B who said that because I wasn't
8 too far away from Ollie. 'You're a real old farmer.'
9 And he said, 'You'll never be a soldier.' He said that
10 to Ollie, 'You'll never be a soldier.' And Ollie was 11:03
11 kind of -- Ollie was a quiet, quiet countryman, so he
12 was. And Ollie was kind of not taking it too well.
13 And then Lt. B went up to him and twisted his hat, his
14 beret around on his head and said to him, 'Now, that's
15 better, Ollie, you're a real old farmer now.' Ollie 11:03
16 wasn't taking it well at all.

17

18 They were also doing things like, I think it was
19 [REDACTED]...

20 199 Q. I did ask you, Mr. Leneghan, not to mention people by 11:03
21 name?

22 A. Sorry.

23 SOLE MEMBER: It's an inadvertent mention so the
24 Tribunal now has made an order and it will be uploaded
25 onto the website that there is a restriction in 11:04
26 reporting of the last piece of evidence. Thank you.
27 And it will be struck from the record, please, of the
28 stenographer's note. Thank you.

29 200 Q. MR. McGOVERN: You were talking, Mr. Lenaghan, about

1 Oliver Mullaney's beret?

2 A. Yeah.

3 201 Q. Yes. Do you remember anything in relation to the guns
4 themselves that you had been using on the ranges, on
5 the evening? 11:04

6 A. In kind of what regard?

7 202 Q. If you don't remember that's fine.

8 A. There was a weapons inspection, if that's what you're
9 talking about.

10 203 Q. Yes. What time did that take place at? 11:04

11 A. That took place later on. That, I think, took place
12 maybe at, it could be eight o'clock or nine o'clock, it
13 was later on.

14 204 Q. Can you tell us about the weapons inspection, what did
15 that entail? 11:04

16 A. Your weapon, when you came back from the ranges you
17 were supposed to clean your weapon and then there was a
18 weapons inspection. So we were told to go and clean
19 our weapons. From my recollection we weren't given
20 much time to clean them. We were in a hurry trying to 11:05
21 clean them. While we were cleaning them, the Lt. B,
22 Lt. A, that G, Corp. G, there could have been somebody
23 else there, another corporal, I can't recall him, they
24 were going around, like, poking in lockers. Your
25 locker would be open and lifting things out of the 11:05
26 locker and throwing them on the bed.

27 205 Q. These are personal items now?

28 A. Yeah. See, your door would be open in your locker for
29 one reason or another and they'd be throwing stuff out

1 of your locker, pushing around your locker. I do know
2 that they were trying -- they were trying to take
3 pieces of your weapon. So you'd have your weapon loose
4 there on bed or on the ground and they'd come in and
5 try and get your weapon and you'd be jumping over to 11:06
6 try and stop them. It was very, very strange. I never
7 seen it happening ever.

8 206 Q. Can you just explain this, Mr. Leneghan. You were
9 asked to have a weapons inspection, is that right?

10 A. Yeah. 11:06

11 207 Q. Before you have a weapons inspection do you have to
12 clean the weapons?

13 A. That's right.

14 208 Q. And to clean it does that involve dismantling it?

15 A. You have to dismantle the whole weapon, yeah. 11:06

16 209 Q. Okay. So the gun is in a dismantled or semi-dismantled
17 fashion?

18 A. That's right, yeah.

19 210 Q. And you're saying what happened?

20 A. Lt. B and Lt. A were running around half mad trying to 11:06
21 grab the barrel, trying to grab the firing pin, doing
22 sneaky things, you know. So you had to just keep
23 watching from the corner of your eye where they were,
24 until you got your rifle cleaned and back together
25 again. 11:06

26 211 Q. So after you had put your weapon back together again
27 did you go back onto the square for an inspection?

28 A. After we put the weapons together, as far as I can
29 remember, we were told, because our weapons wasn't

1 clean, they deemed our weapons not clean that we were
2 ordered into our Number 1 uniform which is like your
3 dress, not combats, it's like a suit. We were ordered
4 into it and we were back out on the square for an
5 inspection. 11:07

6 212 Q. The Number 1, is that the one with all the shiny
7 buttons?

8 A. Yeah.

9 213 Q. Okay. So what time were you paraded in your Number 1
10 uniform? 11:07

11 A. I think that's in or around, could be up at -- I can't
12 say for sure, it could be up at 10/11 o'clock at night.

13 214 Q. What time were you or was the Platoon dismissed at that
14 stage?

15 A. From my memory, I think it was very close to midnight, 11:07
16 from memory, to when it all just stopped.

17 215 Q. And did you have to bring your weapons back to the
18 Army?

19 A. Yeah, we had to bring our weapons back down to get them
20 put back in. 11:07

21 216 Q. So can you assist us as to what time the Platoon got
22 back to their billet at?

23 A. Again, it's 30 years ago, it could be -- it's somewhere
24 around that 11/12 o'clock, somewhere there.

25 217 Q. Okay. After the Platoon had been dismissed, you went 11:08
26 back to the billet; did you have any interaction with
27 Oliver Mullaney?

28 A. I'd no interaction with him but I recall him crying,
29 crying in his bed.

1 218 Q. That was the Thursday?
2 A. Yeah. He was sobbing in his bed.
3 219 Q. Did you see Oliver Mullaney after that?
4 A. No. Sorry, when you say did you see him, what do you
5 mean? 11:08
6 220 Q. Well, did you meet with him?
7 A. No, I hadn't a conversation, no.
8 221 Q. No further discussion?
9 A. No.
10 222 Q. Were you in the barracks, Mr. Lenaghan, on the Sunday 11:08
11 or were you on weekend leave?
12 A. I was on weekend leave.
13 223 Q. And what time did you return after your leave?
14 A. The usual return time was, you know, ten o'clock at
15 night. 11:08
16 224 Q. And when you got back, did you discover that
17 Apprentice Mullaney had died?
18 A. Yeah.
19 225 Q. To your knowledge, Mr. Lenaghan, was there ever an
20 investigation into the events you described; firstly, 11:09
21 Mr. Traynor, were you aware of any investigation into
22 what had happened him?
23 A. No.
24 226 Q. Were you aware of any investigation into the events of
25 the evening of Thursday, 20th June when you came back 11:09
26 from the ranges?
27 A. No.
28 227 Q. Were you aware of any investigation into the death of
29 Apprentice Mullaney?

1 A. No.

2 228 Q. Can we pass on to another matter, Mr. Lenaghan. Your
3 apprenticeship was four years, am I correct?

4 A. Four years, yeah.

5 229 Q. And the first three years of that was spent in the 11:09
6 Devoy Barracks in Naas?

7 A. That's correct, yeah.

8 230 Q. And the final year of your apprenticeship would then
9 have been spent out in a barracks or platoon --

10 A. Yeah. 11:10

11 231 Q. -- somewhere else, is that right?

12 A. Yeah.

13 232 Q. And did you spend a year in The Curragh Signals Depot?

14 A. That's right, I did, yeah.

15 233 Q. Was that to complete your apprenticeship or had you 11:10
16 completed your apprenticeship as a radio technician at
17 that stage?

18 A. You were, as far as I can remember, you were a tech,
19 you were a certain level of tech, and when you went to
20 The Curragh you became Tech 5. So you're Tech 4 11:10
21 leaving the Army Apprentice School and then you were a
22 Tech 5.

23 234 Q. I think you spent a year in the Signals Depot in The
24 Curragh, is that between '92 and '93?

25 A. That's between '92 and '93, yeah. 11:10

26 235 Q. And I don't think you had any particular problems
27 there?

28 A. No, The Curragh was fine.

29 236 Q. And after that, in '93 were you posted again, this time

1 to the Signals Unit in McKee Barracks in Blackhorse
2 Avenue?

3 A. That's right, yes.

4 237 Q. And there, I think, you had interaction with a company
5 sergeant? 11:11

6 A. That's correct.

7 238 Q. Am I correct that this sergeant was not a technical
8 person, he wasn't a radio technician?

9 A. No, he wasn't a radio technician.

10 239 Q. And your immediate superior, was that a sergeant in the 11:11
11 technical section in the radio technicians system?

12 A. That's right, yeah.

13 240 Q. So the Company Sergeant that you're going to tell us
14 about, was he someone in your direct line or was he
15 someone that you encountered while you were in McKee 11:11
16 Barracks?

17 A. Yeah, well he was the Company Sergeant of AHQ Signals,
18 which was the building which would be attached to the
19 workshops.

20 241 Q. So, how often would you encounter the Company Sergeant? 11:11

21 A. In the morning parade.

22 242 Q. And what, traditionally, or normally, happened when
23 you'd meet this sergeant?

24 A. Well, again, for some reason he took a disliking to me
25 and most mornings he would -- any cleaning or work or 11:12
26 kind of dirty jobs that had to be done I was always
27 detailed to do these. He also called me by the wrong
28 name for the entire term that I was there. He would
29 never called me by my proper name.

1 243 Q. And do you think that was accidental?
2 A. I think it -- I just think he was intentionally not
3 wanting to call -- he just called me "Lenigen" all the
4 time.
5 244 Q. As a result of your experience of this Company 11:12
6 Sergeant, did you apply for a transfer?
7 A. I did, yes.
8 245 Q. And would that have been in or about February of '94?
9 A. That's correct, yes.
10 246 Q. Do you know who you made the application -- first of 11:12
11 all, I think you wanted to be transfer to Gormanston,
12 is that correct?
13 A. That's right, yeah.
14 247 Q. That's up in Meath?
15 A. Yeah. 11:12
16 248 Q. Can you recollect who you would have made that
17 application for a transfer to?
18 A. Well, I'd say it would have been put through to the
19 Company Commander.
20 249 Q. And was that application for the transfer to 11:13
21 Gormanston, was that granted or refused?
22 A. It wasn't granted. As far as I can remember Gormanston
23 had sufficient radio technicians. AHQ was able to
24 release a radio technician so it kind of suited AHQ but
25 didn't suit Gormanston. 11:13
26 250 Q. Can you tell the Tribunal, Mr. Lenaghan, why did you
27 want to go to Gormanston? Why did you make the
28 application for the transfer?
29 A. The CS was constantly harassing me. I just wanted to

1 go. I wanted out. It was Naas all over again for me.
2 I just wanted -- I wanted away from him.

3 251 Q. Did you also make an application to go abroad to the
4 Lebanon?

5 A. I did, yeah. 11:13

6 252 Q. And why did you make that application, Mr. Lenaghan?

7 A. Well, again, I wanted to get away from him, and I
8 wanted to make a few pound and I wanted to see a bit
9 more of the Army and what it was really like.

10 253 Q. Okay. And did you fill in all the forms and make the 11:14
11 formal application to go to the Lebanon?

12 A. I did, yeah.

13 254 Q. And were you granted permission to go?

14 A. Yes. I was granted, yeah.

15 255 Q. You were approved. And after you got approval to go to 11:14
16 the Lebanon, what did you discover?

17 A. Oh, I find out then, when I had everything done, that
18 the man I was trying to escape from was going on the
19 same trip.

20 256 Q. And would he have been your direct superior during the 11:14
21 trip?

22 A. Yes.

23 257 Q. And how long would the trip have been for?

24 A. It was for six months.

25 258 Q. So did you go to the Lebanon in the end? 11:14

26 A. I had everybody told, I had all plans and preparations
27 done and I just said, like this is going to be so
28 embarrassing if I don't go ahead with this. So I went.

29 259 Q. So you went?

1 A. I went.

2 260 Q. And you did the six months?

3 A. I did the six months, yeah.

4 261 Q. And did you have any problems while you were there?

5 A. Same thing. I was -- I was easy pickings for the CS. 11:14

6 All the time. Even the other people from the other

7 trades, the other engineers noticed it. They said, you

8 know, 'what has he got on you? What is he doing to

9 you?'

10 262 Q. I think after you returned from the Lebanon you were 11:15

11 diagnosed with an ulcer?

12 A. That's right, yeah.

13 263 Q. Was that diagnosis made by a civilian doctor or a

14 military doctor?

15 A. No, that was diagnosed by a military doctor in 11:15

16 St. Bricin's.

17 264 Q. And were you put on medication on for that?

18 A. I was. He diagnosed me with an ulcer and I got an

19 endoscope done - that's where they go down your throat

20 to see - and they identified a bad ulcer and I was 11:15

21 given, I think it's sort of Helicobacter, or something

22 was the name of it.

23 265 Q. A medication for treating?

24 A. A medication to kill the sort of triggers.

25 266 Q. Did the Defence Force doctor also make a recommendation 11:15

26 or certification in relation to your duties?

27 A. Yeah, he did. He was giving me "LD" which in military

28 terms is called "light duty."

29 267 Q. And how long was the light duties to last for?

1 A. Well, there was different times when he gave it to me
2 because it kept reoccurring but there was one, in
3 particular, from memory, was 28 days.

4 268 Q. So would that have been recorded in your military
5 document, your LA 30 medical record? 11:16

6 A. Yes. Yes.

7 269 Q. And would your superiors have known about that
8 diagnosis and the fact that you were certified for
9 light duties?

10 A. Yeah. Well, when you went sick you got what was known 11:16
11 as your LA 30, which was your letter arm and no. 30,
12 that was your medical book. It was a red book and you
13 went down and the doctor would fill it out. You'd come
14 back up. You got that book out of the Company Office.
15 You'd get it off the Sergeant or the Company Sergeant, 11:16
16 whoever was there, and you'd return it. And sometimes
17 they'd ask, 'what is your situation?'

18 270 Q. So, you have a situation, you've been diagnosed with
19 the ulcer, you've been given medication, the Defence
20 Force doctor has certified light duties. So what then 11:17
21 happened between you and this Company Sergeant?

22 A. Well, what happened was, again, he was detailing me to
23 do all different jobs, carrying stuff around the
24 barracks, washing and cleaning. And a lot of this
25 involved me stooping and the doctor told me no stooping 11:17
26 or just try and let this ulcer, you know, heal.

27 271 Q. Can I just stop you there for a moment. You're talking
28 about stoop, if you stooped or bent over what affect
29 would that have had on you?

1 A. I was getting like a heartburn, severe heartburn, it
2 was a duodenum ulcer I had.

3 272 Q. So the Sergeant was detailing you for what sort of
4 duties?

5 A. Cleaning and washing and just general kind of dirty 11:18
6 jobs, you know.

7 273 Q. You were a qualified radio technician?

8 A. Oh, yeah, I was qualified.

9 274 Q. Where should you have been, what duties you should you
10 have been performing? 11:18

11 A. I should have been in the workshop.

12 275 Q. Doing what?

13 A. Repairing military radios, equipment, communications
14 equipment, all that.

15 276 Q. And were there other people available to do the 11:18
16 cleaning duties?

17 A. There would have been other people, yeah. There was
18 loads of people there to do different cleaning duties.
19 I had no issue with doing clean duties but I didn't
20 want to be doing them all the time and everybody else 11:18
21 not doing them.

22 277 Q. As a result of your experiences, did you seek a meeting
23 with your Commanding Officer?

24 A. Yeah, well, what actually happened was, I told the CS,
25 he told me to do these jobs about and I said to him 11:18
26 that the doctor had told me I wasn't to do any stooping
27 or carrying anything. And he said to me, 'do you want
28 to do any effing work around here at the all, Lenigen?'
29 And I said, 'Look, my first priority here is to get my

1 ulcer, you know, healed and sorted out.' And I told
2 him, 'And if you continue to harass me, it's making
3 things worse.' And he says to me, 'If you have a
4 problem with me, you put a complaint into the CO.'

5 278 Q. who was the Commanding Officer at that time? 11:19

6 A. At that time it was Cmdt. --

7 MR. McCANN: No names, obviously.

8 279 Q. MR. McGOVERN: The Commandant is going to give evidence
9 shortly.

10 A. Cmdt. Brennan. 11:19

11 280 Q. And did you request to have a meeting with
12 Cmdt. Brennan?

13 A. I put the application in to meet the CO. I was called
14 into the CO. I went to the CO. I explained to the CO
15 what has been going on. Cmdt. Brennan was listening to 11:20
16 me telling him all about it. I told him, 'If this man
17 continues to harass me, I'm going to have to take legal
18 action.' That's the point I was at. I told him, 'I'm
19 at breaking point here and I have no choice here but to
20 take some form of legal action.' 11:20

21 281 Q. So what happened then as a result of your meeting with
22 the Commandant?

23 A. Then, either the next day or subsequent days, just all
24 of a sudden I wasn't doing any more cleaning.

25 282 Q. And do you infer from that, Mr. Lenaghan? 11:20

26 A. Well, the only thing I can think of is that the CO, the
27 Officer Commanding had a word with the CS.

28 283 Q. So, it's your understanding that he intervened on your
29 behalf?

1 A. Yeah. I think he had some sort of a word with him. No
2 doubt. The whole harassment didn't just end but the
3 cleaning and the, you know, the automatic detailing of
4 me every single morning to wash and clean and sweep and
5 carry and empty bins and all that, that came to an end. 11:21
6 But the general, his general view towards me never
7 changed.

8 284 Q. By his view towards you, you mean the Company Sergeant?
9 A. Yes.

10 285 Q. But you believe that the Commandant intervened for your 11:21
11 benefit?

12 A. Yes, I would.

13 286 Q. Now, did you go to St. Bricin's Hospital in or around
14 the time that you met the Commandant?

15 A. He ordered me to go to St. Bricin's Hospital. 11:21

16 287 Q. "He" being the Commandant?
17 A. The Commandant, yeah.

18 288 Q. Have you any idea why he would have ordered you to go?
19 A. I couldn't understand that and I actually said it to
20 him, I said, 'why am I going back to the hospital?' 11:21
21 because a particular doctor was after giving me, you
22 know, light duty and medication and I couldn't
23 understand why is a CO, who's not a doctor, sending me
24 back down to get looked at by a doctor? So, I didn't
25 question it as normal and -- no, he actually said, 11:22
26 'That doesn't matter now.' You see, I took a
27 transcript of all this at the time because I was so
28 worried, I was at breaking point at this and I said I
29 need to record this.

1 289 Q. okay. So, my understanding is that you kept a diary --

2 A. I kept a diary, yeah.

3 290 Q. -- of events and dates?

4 A. That's why the dates appear in my transcript.

5 291 Q. So it's your understanding that the Commandant orders 11:22

6 you to go to Bricin's?

7 A. Oh, he ordered me to go to Bricin's, 100%, yeah.

8 292 Q. I have to put it to you, Mr. Lenaghan, that the

9 Commandant will say that he might have arranged for you

10 to go to Bricin's but it wasn't by way of an order; he 11:22

11 did it, what he believed was in your best interest at

12 the time?

13 A. well, I can't speak for what he meant about it.

14 293 Q. we'll hear evidence from him in due course I just want

15 to put it to you to give you the opportunity to comment 11:23

16 on that?

17 A. Okay.

18 294 Q. But you did go to St. Bricin's?

19 A. I did, I went to St. Bricin's.

20 295 Q. How many times do you think you met the Commandant? 11:23

21 A. Not very often.

22 296 Q. would it have been --

23 A. Probably twice or three times.

24 297 Q. Twice or three times. In relation to your difficulties

25 with the Sergeant or in total while you from in 11:23

26 Blackhorse Avenue?

27 A. That particular Commandant, you wouldn't see much of

28 him. It was just the two times really.

29 298 Q. So you say you met him twice, I think his recollection

1 is that you only met the once?

2 A. Yeah, yeah. Right. No, he definitely met me twice.

3 299 Q. After --

4 A. See, the first time he met me, the first time he met me

5 was the time that I put in the application to see the 11:23

6 CO because I was told to put in the application to

7 complain about the CS. That's the first time. That's

8 no. 1. And no. 2 is when he took me, when he ordered

9 me to go to St. Bricin's.

10 300 Q. Now, after you were released from St. Bricin's somebody 11:24

11 asked you about your medical status; am I correct?

12 A. Yeah, that was the CS. Other things happened down in

13 the hospital at that time as well. But anyway, the CS

14 asked me on parade, he asked me, on parade, 'Lenigen,

15 what medical category are you?' And I said, 'I don't 11:24

16 know.' I didn't know. And when I went back into the

17 workshops --

18 301 Q. This is the radio technician?

19 A. The radio technician workshops, I was talking to the

20 Sergeant in there and I was saying, 'Why is he asking 11:24

21 me what medical, you know, what category am I?' And

22 the Sergeant says, the Sergeant was part of, I think,

23 PDFORRA and part of -- he was au fait to things that

24 was going on and he says, 'There's a thing called

25 Voluntary Early Retirement.' 11:25

26 302 Q. Is that otherwise known as "VER"?

27 A. Yeah.

28 303 Q. Voluntary Early Retirement?

29 A. Yeah.

1 304 Q. And how do you qualify for Voluntary Early Retirement?
2 A. Well, I can't say the exact definite qualification but
3 one of them was if you're a Category C.
4 305 Q. That's Category C medical classification?
5 A. Yeah. 11:25
6 306 Q. And did you know what your medical classification was
7 at that time?
8 A. No.
9 307 Q. But did you enquire?
10 A. I enquired, yeah. 11:25
11 308 Q. And what was your medical classification?
12 A. It was C.
13 309 Q. So you discovered you were eligible for Voluntary Early
14 Retirement?
15 A. That's right, yeah. 11:25
16 310 Q. And did you apply for that, Mr. Lenaghan?
17 A. I applied because that was, like, a gift from Heaven
18 when I heard that I was eligible for this because I
19 didn't have to pay to buy myself out because I needed
20 out. I was at breaking point. 11:26
21 311 Q. So, this would have been in April '97?
22 A. Yeah.
23 312 Q. Having enlisted originally in 1973?
24 A. Enlisted in 1989.
25 313 Q. I beg your pardon. 11:26
26 A. I was born in '73.
27 314 Q. When your application for Voluntary Early Retirement
28 was accepted did you leave the Defence Forces?
29 A. I did, yeah. I accepted it, reluctantly.

1 315 Q. At the beginning, Mr. Lenaghan, I asked you when you
2 joined as an apprentice in the Army Apprentice School
3 did you know anything about the complaints processes;
4 during your three years in the Defence Forces - in the
5 Army Apprentice School firstly - did you ever make a 11:26
6 complaint about anything that happened to you in the
7 Army Apprentice School?
8 A. Never.

9 316 Q. In particular, did you ever make a complaint about what
10 happened you on the Thursday night that you were at the 11:26
11 ranges in May/June of '91?
12 A. No.

13 317 Q. Can you tell us why that was, firstly?
14 A. To this day I can't tell why we didn't make complaints
15 or I didn't make complaints. I really and truly -- all 11:27
16 I can think of is that somehow it just wasn't -- I had
17 never heard of anybody in the Army Apprentice School,
18 or anywhere, making a complaint. It was completely
19 alien. Making a complaint and being in the Army, to
20 us, just didn't go together. 11:27

21 318 Q. If you had been minded to make a complaint, would you
22 have known how to go about it?
23 A. No, absolutely not.

24 319 Q. So you did go to speak to the sergeant about leaving
25 the Defence Forces after the cigarette incident? 11:27
26 A. Yes.

27 320 Q. Did you ever think about making a complaint at that
28 stage or subsequently?
29 A. No.

1 321 Q. Never crossed your mind?

2 A. It didn't cross my mind, no.

3 322 Q. And, subsequently, when you went to McKee Barracks and
4 you had the difficulties with the Company Sergeant
5 there, we know that, ultimately, you sought a meeting 11:28
6 with the Commandant, but did you ever make a formal
7 complaint in relation to that?

8 A. Sorry, just say that again to me.

9 323 Q. Later on, when you were in McKee Barracks and you had
10 the difficulties with the Company Sergeant there? 11:28

11 A. Yeah.

12 324 Q. Apart from seeking the meeting with the Commandant, did
13 you ever make a formal complaint about the behaviour of
14 the Company Sergeant towards you?

15 A. No, no. 11:28

16 325 Q. And will you tell us why that was?

17 A. Well, all I can think of is that I never done it in
18 Naas, I didn't realise there was even a way to do it.
19 As far as I was concerned, your senior rank, they're
20 the last word and you just did what you were told. 11:28

21 Nobody informed us as to how, where. I mean, if
22 somebody had have came to us and said, 'Right, lads,
23 listen, if you have a problem this is how you do it, it
24 would be totally confidential,' I'm pretty sure I would
25 have used it. But there was just an atmosphere of 11:29
26 total fear in the Army Apprentice School and I just
27 think I carried that with me into AHQ Signals.

28 326 Q. You, ultimately, left the Defence Forces, Mr. Lenaghan,
29 in April '97, but are there any changes that you would

1 like to have seen in the processes that you think would
2 have been beneficial to you or to your fellow
3 apprentices?

4 A. well, suggested new ways?

5 327 Q. what do you think would have improved your situation? 11:29

6 A. The only way I can think is that if there was something
7 set up in the civilian world where, you know, a serving
8 member could go to, like a form of a civilian building
9 or a civilian person and be assured that he wasn't seen
10 walking through the door of a complaints office, or he 11:30
11 could be sure that if he had a problem it would be
12 totally confidential, that he could go in there, say it
13 and that it would not affect him in his career or the
14 next day or the next week. Something, that's what I
15 would be thinking, would probably work. 11:30

16 MR. McGOVERN: Thank you. I think my Friends probably
17 have some questions.

18 SOLE MEMBER: Thank you.

19

20 MR. PADRAIC LENEHAN, WAS CROSS-EXAMINED BY MR. COMPTON 11:30

21 AS FOLLOWS:

22

23 328 Q. MR. COMPTON: Mr. Lenaghan, Gary Compton, we have met,
24 of course. Mr. Lenaghan, can you explain to the Chair
25 the significance of having being confined to barracks 11:30
26 or having your weekend pass cancelled?

27 A. well, the week was that intense and you were living
28 under that much fear from this man, this Lt. B, that
29 when you got your weekend -- the only way I can

1 describe it to you is you were free, you were actually
2 free. You did not have to look over your shoulder
3 again. You had Friday night, Saturday, Sunday just
4 where... it was just freedom. That's all I can say to
5 you. 11:31

6 329 Q. And would it be right to say that if had happened once
7 it's a significant event in your life but if it happens
8 more than once, that affect builds up?

9 A. If what happens?

10 330 Q. If your leave is cancelled more than once? 11:31

11 A. Oh, yeah, you lose, you totally lose -- like, even when
12 we put in passes back then, you would not even think
13 about ringing or telling anybody until you were on the
14 bus. And we wouldn't even get on the bus outside the
15 barrack gate. Nobody got on that bus stop outside the 11:32
16 barrack gate.

17 331 Q. And why was that?

18 A. The fear was that if there was somebody needed or there
19 was fatigues to be done or a lorry load of turf or
20 something arrived, that somebody would call you back in 11:32
21 and you'd, as they said the in the Army, caught for a
22 detail. So everybody, when they got out, when they got
23 out through that gate, you go straight down the street
24 in Naas, turn across the canal and when you got round
25 that corner of the canal you were almost safe. But 11:32
26 when you were standing waiting for that bus, when you
27 heard those doors closing behind you, it was just,
28 just, complete relief.

29 332 Q. You say in your statement, your initial statement, that

1 Ollie Mullaney saved your life; can you explain to us
2 what you meant by that?

3 A. Yeah, during that time I was having, I was having, bad,
4 bad, bad thoughts.

5 333 Q. Take your time, Mr. Lenaghan. Would you like to 11:33
6 elaborate on that. You don't have to?

7 A. No.

8 334 Q. I'm just conscious that you want this opportunity to
9 tell your story but you don't have to, Mr. Lenaghan?

10 SOLE MEMBER: Do take your time. 11:33
11 THE WITNESS: I had thoughts about, just, just
12 finishing it.

13 335 Q. MR. COMPTON: would you like me to move on,
14 Mr. Lenaghan?

15 A. Yeah. 11:33

16 336 Q. Thank you. Did anyone in the platoon -- sorry, tell me
17 to stop if you need any moment. Did anyone in the
18 platoon speak to you, or the rest of the apprentices
19 about Ollie Mullaney's death?

20 A. In what way, sir? 11:34

21 337 Q. As in explaining what had happened or what they
22 considered had happened to Oliver?

23 A. I just think -- everybody was 100% sure, like, just
24 that he -- the pressure of this man, Lt. B, just was
25 too much for Ollie. 11:34

26 338 Q. And did Lt. B speak to you about Ollie's death, or do
27 you recall?

28 A. I can't remember him speaking at all about it, ever.

29 339 Q. And can I take you back to the Thursday when you were

1 being paraded, you had come back from the firing range
2 and the issue with the flags had been raised. You've
3 explained to the Chair what happened. But was there
4 anything said -- in your statement you refer to
5 questions being put to the apprentices by Lt. B 11:35
6 requiring a certain answer, do you recall that?
7 A. I do, yeah.
8 340 Q. Can you tell the Chair about that, please?
9 A. Like, the Lt. B and that Corp. G, it was almost as
10 if -- and Lt. A, it was almost as if they were trying 11:35
11 to impress each other as to how they could make, you
12 know, put people in a bad situation. I don't know
13 which of them came up with the idea of asking each
14 apprentice why did you join the Army. And one
15 apprentice would answer to get a trade, and he was told 11:35
16 get down and do press-ups. So he'd be down doing
17 press-ups. He'd ask the next man. Soon people
18 realised if you said a soldier you'd be left standing.
19 And Ollie said, to my recollection, that he wanted --
20 for a trade and that's when, I think that's probably 11:36
21 what ignited the whole crease they gave him.
22
23 They slagged him off about his car. Slagged him off
24 about his car. It was an old car. It was that old
25 that you would need -- if you were putting a radio in 11:36
26 it, it would have to be a value of radio, you know.
27 Slagged him off about Carrick-on-Shannon, about doing
28 tours to save money, charging too much or something. I
29 didn't understand, I didn't even know what tours was

1 going on in Carrick-on-Shannon.

2 341 Q. And without naming specific names, I don't think it's
3 necessary, were there other people, people other than
4 the apprentices, that witnessed what happened on
5 Thursday, that Thursday evening? 11:37

6 A. I remember, very clearly, the Company Commander
7 standing at the NCOs' mess. He was standing there, so
8 he was, he was, I don't know if I can say his name.
9 MR. McCANN: No, you can't.

10 THE WITNESS: He was the Company Commander at the time. 11:37
11 He was standing there, so he was. I remember it clear
12 because he was wearing no combats. I just noticed he
13 was wearing no combats and his hair was kind of long.
14 It just stood out in my memory. Just one of those
15 things but he was standing watching all this happening. 11:37

16 342 Q. MR. COMPTON: Did he intervene?
17 A. No.

18 343 Q. Am I correct in thinking that Ollie was in the barracks
19 the following weekend, is that correct?
20 A. Yeah. My recollection of that is, I think he changed a 11:38
21 duty with one of the apprentices. That's my
22 recollection of it. And he was on duty that Saturday.

23 344 Q. Mr. Lenaghan, I know from your statement you were
24 deeply moved by the fact, I think, that there was no
25 commemoration of Ollie Mullaney, is that correct? 11:38
26 A. Yeah, I said that because we passed out in 1992, June,
27 no July, July 2nd 1992, and when we passed out, nobody
28 mentioned, you know, when they talked about the
29 carpenters, talked about the electricians over the

1 Tannoy when they were presented with things and all the
2 families were there, nobody at any point mentioned
3 Ollie Mullaney. They never said, you know, 'we're
4 missing one of our friends or comrades,' whatever
5 way you want to refer to him as. It was as if the man 11:39
6 never existed. There was no mention whatsoever. Even
7 in the booklet there wasn't even a wee little picture
8 of the chap or a wee note to say, you know, we miss
9 you, or something.

10 345 Q. Thank you, Mr. Leneghan. You described to us the first 11:39
11 incident involving cigarettes. I understand there's a
12 second incident involving cigarettes and a photograph.
13 Can you tell the Chair about that, please?

14 A. Yeah. I actually seen that photograph. The actual
15 incident, to my recollection, I think it happened up in 11:40
16 the billets or outside the billets, I think. Lt. B,
17 again -- I don't know the background to how it came
18 about, but he put cigarettes into the ears and nose and
19 the mouth of two apprentices. I know their names but I
20 don't think... 11:40

21 346 Q. I don't think it's necessary to name them at this point
22 Mr. Leneghan.

23 A. Yeah. And they --

24 347 Q. Continue.

25 A. They were made put these cigarettes in their noses and 11:40
26 in their mouth and Lt. B got another apprentice to take
27 a picture of it. And he told the apprentice, 'Make
28 sure I'm not in it.' And I know the apprentice and I
29 seen the picture. The apprentice stood back and got

1 him in the photo. That was okay. Then two
2 apprentices, I don't know whether they failed their
3 exams or whether they didn't really want to do the
4 trade they were doing, but they were ultimately going
5 to be dismissed from the Apprentice School and their 11:41
6 backs was against the wall and they were about to be
7 discharged or dismissed and they produced the
8 photograph. And when the photograph was produced,
9 their discharge or dismissal was dropped.

10 348 Q. And you also described an incident where first year 11:41
11 apprentices were made perform or strip in front of
12 other apprentices; can you describe that to the Chair,
13 please?

14 A. Yeah. That was -- so when you went in first, when you
15 went in first to the Army there was kind of, it would 11:42
16 have been the years ahead of you and sometimes they'd
17 take young apprentices out and make them do, make them,
18 when I say perform, I mean, you know, dance or sing or
19 something, you know. Stand them up on a table and one
20 of the things they done was, like I mean, it's not 11:42
21 right to be saying it in front of ladies here, you
22 know, a fella made himself look like a woman. That's
23 the best way I can explain it to you.

24 349 Q. And were they made take their clothes off?

25 A. Yeah. 11:42

26 350 Q. And, again, was there any complaints about any of this?

27 A. No.

28 351 Q. Did you feel you could complain?

29 A. No. Come on, like I mean, I know this question has

1 been asked all the time but it's almost as if, like,
2 you're in the Army, this is what happens, nobody has
3 been known to complain. Nobody had spoke about how to
4 complain. It just wasn't a thing you done.

5 352 Q. And did you have any fears what would happen to you if 11:43
6 you complained?

7 A. Well, my fear always was, there was the fear of if you
8 complained things are just going to get worse. They
9 were just going to get worse because you'd be
10 signalled. You'd 100% be a targeted man. That man 11:43
11 complained against me, let's just, as they said in the
12 Army, "let's ride him." That was the term they used.
13 So, the best thing was, keep your head down, just take
14 it all, get through and get out. If you can get out
15 alive. 11:43

16 353 Q. You also described an incident where someone had their
17 hair forcibly cut?

18 A. Yeah.

19 354 Q. Can you describe that to the Chair?

20 A. Well, Lt. B wasn't happy with the people got their hair 11:44
21 cut. So some guys would get their hair cut, no. 2,
22 no. 3 back and sides, some of them would leave a little
23 bit of a fringe, you know, just a little bit of a
24 fringe I suppose to try and keep them from looking like
25 convicts or something, I don't know, just for style. I 11:44
26 was none of them, I've red hair and it wouldn't look
27 good to have a fringe sticking out so I hadn't that
28 problem. But I remember Sgt. E and Lt. B coming up, I
29 remember it was between the billets, it was almost as

1 if they were trying to hide. Between the billets there
2 was grass, between the second year billet, it could
3 have been third year billet, one of the billets, they
4 were between those billets and everybody was told
5 remove your hats. We didn't know what was going on. 11:45
6 And Sgt. E was pointing at different people and Lt. B
7 just went around cutting lumps off people's hair with
8 scissors. That was that.

9 355 Q. Just before I touch upon the next subject, I'm
10 conscious that it is something that you may be very 11:45
11 reluctant to speak about so I want to say to you in
12 advance that you don't have to if you don't want to.
13 Obviously, there may be reporting of your evidence so,
14 again, just to keep that in mind and take your time.

15
16 There was another incident that you referred to in your
17 statement involving a mop; are you happy to talk about
18 that?

19 A. I'm happy to talk about that but there's going to be
20 bits of it that I'm going to say indirectly because 11:46
21 it's, like it's, it's just not nice.

22 356 Q. I understand.

23 A. So, I'm not too sure of the time on this, it was early,
24 it could have been '90, but I was woke up one morning
25 to the feeling of something, something being pushed up 11:46
26 along my leg and when I woke up there was a corporal
27 there. I actually think the Corporal is not with us, I
28 think he could be passed away. But he had a mop and he
29 was pushing the mop up underneath the blankets, the bed

1 I was in, you know. And, look it, whatever way a man's
2 body works at night, I don't know, but things happened
3 and he ordered me out of the bed and he made me run
4 around the billet like that. And he got me to -- no,
5 he told me to take the brush, take the brush, hold it 11:47
6 over your head and run around the billet. And I was
7 like that, you know (indicating). And sure, it was a
8 big, big laugh for the whole bunk of lads, you know.
9 Look it, I was slagged about that for months after
10 that, you know. 11:47

11 357 Q. How did that incident affect you, Mr. Lenaghan?
12 A. Well, look it, when anything comes up about, you're
13 always going to be slagged about it, it's always going
14 to be in your mind. It's just very uncomfortable, that
15 I would be sleeping and somebody could just do that. 11:47
16 Like, when I reflect on it, if that happened my son I
17 would be so angry, like, I mean, my God. Like, why
18 could anybody even think about doing that.

19 358 Q. Can I bring you to when you went to St. Bricin's
20 Hospital? 11:48
21 A. Yeah.

22 359 Q. I understand Mr. McGovern was talking about your
23 interaction with - I think he can be named -
24 Cmdt. Brennan. Did Cmdt. Brennan explain to you why
25 you were being referred to St. Bricin's Hospital? 11:48
26 A. The only thing I can remember him saying is, 'You are
27 to be monitored and observed.'

28 360 Q. And did he say it was for medical reasons or did he say
29 it was for some other reason?

1 A. No, he didn't, he just said, 'You're to be monitored
2 and observed.' He didn't explain whether it was --
3 that's my recollection of what he said.

4 361 Q. And just my last question, you'll be glad to hear.
5 when you think back now about your time in Naas, how do 11:48
6 you feel?

7 A. I mean, this is, actually, worse for me. These past
8 four years, I've spent more time talking about Naas
9 than I spent in it, you know. I've talked about these
10 incidents to people more than I ever talked about it. 11:49
11 I see pictures -- I see pictures of myself when I was
12 young and I'm so young-looking and I've a son and I
13 can't believe, like, that -- how could I let him into
14 that situation like that? That would be just, like,
15 that would be Hell on Earth. And this is me using him 11:49
16 to reflect on myself. And he, no doubt, through
17 bravery, like all young men, wouldn't have told me
18 either. That's the way I was. And... the cigarette
19 incident, one of the boys that seen that was a fella
20 called [REDACTED], he's a good friend of mine, 11:50
21 and he took his own life in 2000 in a barracks in Cork.
22 And there's a third, and I can't say his name.
23 [Witness upset].

24 MR. COMPTON: Thank you very much, Mr. Lenaghan.

25 SOLE MEMBER: Thank you, Mr. Compton. Take your time, 11:51
26 Mr. Lenaghan. Would you like a break for a couple of
27 moments?

28 THE WITNESS: No, it's okay.

29 SOLE MEMBER: Does anybody else wish to put a question

1 to the witness?

2 MR. LEHANE: I would normally go at this point, Judge,

3 but I just thought given the sequencing of this module

4 that I might go after Mr. McGarry.

5 SOLE MEMBER: Mr. McGarry, do you wish to put a 11:51

6 question?

7 MR. MCGARRY: I just have a couple of very brief

8 matters that I want to raise. I'm quite happy if the

9 Tribunal wants to take a short recess.

10 SOLE MEMBER: No, we can go ahead, I think if the 11:52

11 witness is okay.

12 THE WITNESS: It's okay.

13

14 MR. PADRAIC LENEHAN, WAS CROSS-EXAMINED BY MR. MCGARRY

15 AS FOLLOWS: 11:52

16

17 362 Q. MR. MCGARRY: Mr. Lenaghan, I think you know from what

18 was said earlier, obviously, that -- I should say

19 Paul McGarry is my name and I represent the person

20 against whom some of the allegations that are 11:52

21 identified in this module have been made and,

22 obviously, for the record, and I have to say that the

23 allegations that have been made, particularly in

24 respect of my client, are denied in full and I do need

25 to formally say that for the record. I don't need you 11:52

26 to comment on that but that's just for the record, I do

27 need to say that.

28

29 There are just a couple of things that I want to put to

1 you. You said, and you said this in your statement,
2 that you had difficulties with regard to the making of
3 complaints when you were an apprentice, isn't that
4 right?

5 A. Yeah. 11:53

6 363 Q. I think you, variously, said you didn't feel you could
7 or it wasn't the done thing. But you did make a form
8 of complaint, I think, in relation to the Sergeant when
9 you moved to McKee, isn't that right?

10 A. Yeah, well I asked them that I wanted to leave. 11:53

11 364 Q. You approached the more senior person, didn't you,
12 about him?

13 A. Yeah, but he was the Company Sergeant.

14 365 Q. Yeah. So, even though you say you couldn't make
15 complaints about certain things, allegations that you 11:53
16 made that are very serious, you did, however, make a
17 complaint, or observations, or brought your concerns to
18 somebody in relation to that sergeant, subsequently,
19 didn't you?

20 A. Well, I didn't actually fulfil the complaint. 11:53

21 366 Q. I see.

22 A. I told him I wanted to leave. I was afraid to even
23 mention that man, LT's name.

24 367 Q. I think you also, I think, were you interviewed in
25 relation to complaints made by Mr. Traynor? 11:54

26 A. I don't recall that interview at all.

27 368 Q. Okay. Well, again, I have to suggest to you that you
28 were -- certainly, somebody spoke to you about those
29 complaints or that complaint, but that complaint wasn't

1 ultimately, upheld, isn't that right?

2 A. I can't say.

3 MR. McGARRY: Thank you.

4 SOLE MEMBER: Thank you, Mr. McGarry. Mr. Lehane.

5 11:54

6 MR. PADRAIC LENEHAN, WAS CROSS-EXAMINED BY MR. LEHANE

7 AS FOLLOWS:

8

9 369 Q. MR. LEHANE: My name is Darren Lehane and I just want
10 to make sure that I get the pronunciation of your
11 surname right. Is it LEEN-AHAN LEN-IHAN?

12 A. LEEN-AHAN.

13 370 Q. LEEN-AHAN, yes, thank you. I just wanted to check
14 that. People always say LE-HAN instead of LEE-HAN, so
15 I just wanted to make sure.

16 11:55

17 Firstly, I want to say at the outset that I appreciate
18 that this is a very stressful experience for you. I
19 know it's not pleasant coming into a room full of
20 strangers and talking about events many decades ago
21 which have left a lasting impression upon you. So I
22 just want to say that at the start.

23

24 If at any point during my questions, Mr. Lenaghan, you
25 don't understand something that I'm saying or I'm
26 speaking too quickly or you would like me to repeat
27 myself, don't hesitate to ask, please do it, okay?
28 Just in terms of what I'm doing in my role, I represent
29 two classes of entity here today; I represent the

11:55

1 Defence Forces, okay, as a corporate entity, and I also
2 represent a number of individuals who are involved in
3 the Tribunal who have been asked to comment on your
4 evidence, okay? So that's why I'm asking questions.

11:55

6 In asking questions, Mr. Lenaghan, I've listened very
7 carefully to what you've said today, and, obviously,
8 I've read the transcript of the interviews that you had
9 with Tribunal Counsel, and the statements that you've
10 made as part of that, but I'm only going to ask you
11 questions arising out of what you've said to the
12 Tribunal barrister, your own barrister and Lt. B's
13 barrister, okay? Are you with me? I know this is a
14 rather long way of introducing the question but I just
15 think it's important to do it.

11:56

11:56

16
17 Now, you said at the outset you never made a formal
18 complaint in relation to your time in the Army
19 Apprentice School, isn't that right?

20 A. I didn't say that.

11:56

21 371 Q. My --

22 A. Because I'm after speaking about, that I made a
23 complaint to Cmdt. Brennan.

24 372 Q. No, I meant in the Army Apprentice School?

25 SOLE MEMBER: I think the witness didn't hear the end
26 of your sentence. While you were in the Army
27 Apprentice School.

11:57

28 373 Q. MR. LEHANE: While you were in the Army Apprentice
29 School. So you didn't. And you described,

1 Mr. Lenaghan, an interaction that you had with
2 CS Henry --

3 A. Yes.

4 374 Q. -- while you were in the Army Apprentice School --

5 A. Mmm. 11:57

6 375 Q. -- following the first cigarette incident, if I can
7 describe it thus. And you said that you went up to
8 CS Henry?

9 A. Mmm.

10 376 Q. That he was in the middle of work? 11:57

11 A. Yeah.

12 377 Q. That he was busy doing that work; yes?

13 A. That's what it appeared at the time.

14 378 Q. That's what it appeared to you. And that you told him
15 that you wanted to leave the Army? 11:57

16 A. That's correct.

17 379 Q. And that he told you that if you wanted to leave the
18 Army that you had to buy yourself out?

19 A. That's right.

20 380 Q. Now, I'm conscious that I know what that means and all 11:57
21 the lawyers in the room know what this means, but
22 because this is a public inquiry do you just want to
23 tell the Judge what the concept of buying out means?

24 A. Well, buying out means that if you want to leave your
25 apprenticeship, you have to pay to get out of the 11:58
26 apprenticeship.

27 381 Q. And that would have been the same for anyone else who
28 was in an apprenticeship as well?

29 A. Yeah.

1 382 Q. And, again, my note of the evidence is that you didn't
2 tell CS Henry anything about the incident that had
3 happened to you with the cigarette butts, or
4 cigarettes?
5 A. Yeah. 11:58

6 383 Q. And in fairness to you, when Counsel for the Tribunal
7 put to you that CS Henry, who I represent here, which
8 is why I'm asking these questions, told the Tribunal in
9 interview that he had no recollection of you --
10 A. Yeah. 11:58

11 384 Q. -- your response here was that that was perfectly
12 understandable given the nature of the interaction?
13 A. Yeah.

14 385 Q. So that's the first thing I wanted to talk to you
15 about. 11:59

16
17 The second incident I want to talk to you about is in
18 relation to the description that you provided to your
19 own barrister, Mr. Lenaghan, in terms of the Company
20 Commander witnessing the incident that occurred on the 11:59
21 square
22 A. It was outside the Guard Room, yeah.

23 386 Q. He was standing outside?
24 A. Outside the NCOs' mess.

25 387 Q. The NCOs' mess. I represent the Company Commander and 11:59
26 his position is that he did not witness any such
27 incident. Again, you've heard -- it's been explained a
28 number of times now, I have to put it to you now, I'm
29 not entering into a debate about it, I have to put it

1 to you formally, okay?

2 A. And?

3 388 Q. No, that's what I have to do, Mr. Lenaghan.

4

5 In terms of the other individuals that you described 11:59
6 being present at this incident, I represent Lt. A, and
7 he says he's no recollection of it.

8 A. Okay.

9 389 Q. And I represent Corp. G and he says that he has no
10 recollection of it, but that he's not in a position to 12:00
11 dispute your evidence if you've given it as you have,
12 that he screamed at you, interacted with you and all
13 that. Okay, Mr. Lenaghan?

14 A. Yeah.

15 390 Q. The third individual I just want to deal with, and, 12:00
16 again, I think it was answer to questions from your
17 barrister, was in relation to Sgt. E and the
18 haircutting incident and I represent Sgt. E?

19 A. Mmm.

20 391 Q. And Sgt. E was asked about your recollection that 12:00
21 Second Lt. B and Sgt. E forcibly cut hair without
22 people's consent. That was put to him in interview.
23 And his position is that it didn't happen. And, again,
24 I have to put it to you in that context. And I know, I
25 know this is upsetting for you, but this is just the 12:01
26 process, as the Judge said at the start, I'm not asking
27 you any questions or getting into any detail about the
28 incidents but I'm formally recording what the position
29 of these individuals is.

1 And, having dealt with those individuals, and their
2 accounts, Ii just want to ask you some questions now
3 about -- sorry, and the complaints and your awareness
4 of the complaints process. And, again, you quite
5 properly picked me up on the fact that you hadn't heard 12:01
6 the end of my first question, you know, about the fact
7 that you didn't make complaints when you were in the
8 AAS by telling me you did make a formal complaint when
9 you were in the, in your other posting.
10 SOLE MEMBER: I think the witness said he didn't fulfil 12:02
11 the complaint.
12 392 Q. MR. LEHANE: Sorry. That you didn't fulfil the
13 complaint. But, again --
14 A. No, that's different.
15 393 Q. Okay. 12:02
16 A. That's different. That's different. One was the CS,
17 me not fulfilling the complaint with the CS. The other
18 one was the complaint to Cmdt. Brennan in AHQ Signals.
19 That was the complaint, the only complaint I ever made
20 in the Army. 12:02
21 394 Q. And in relation to the complaint that you made to
22 Cmdt. Brennan - I don't represent Cmdt. Brennan but I
23 represent the Army - you've described to the Judge how
24 you went about making the complaint, you told the
25 person, the CS that you were interacting with that you 12:02
26 weren't going to put up with this anymore and you
27 wanted it to end. He directed you to the
28 Cmdt. Brennan, you interacted with Cmdt. Brennan?
29 A. Correct.

1 395 Q. And you no longer got I think what others have
2 described, dirty details that you were getting every
3 morning?
4 A. Yeah, so there was a small relief.
5 396 Q. So there was a resolution of sorts -- 12:03
6 A. A small relief.
7 397 Q. -- to the thing you were complaining about. Now, how
8 did you describe, or how would you describe, again,
9 your awareness of the complaints processes when you
10 were in the Army Apprentice School itself? 12:03
11 A. No awareness whatsoever.
12 398 Q. And how many people were in the Army Apprentice School
13 with you at that point, was there around 60 people in
14 your class?
15 A. Yeah, 53. 12:03
16 399 Q. 53 people in your class. Again, I appreciate you can
17 only give evidence as to what happened to you and you
18 can only give evidence in relation to what you recall,
19 okay? But at least one individual who was in the Army
20 Apprentice School when you were there, 12:04
21 Michael O'Connell, do you remember him?
22 A. Yes.
23 400 Q. Michael O'Connell - I'll read this out and if anyone
24 wanted to put it on the screen, it's an extract from
25 page 2058-2059 - Michael O'Connell was asked: 12:04
26
27 "Q. And can I ask you, during your training were you
28 ever given any training about the complaints processes
29 or what to do if anything went wrong or you were but

1 bullied by anybody?"
2
3 It's up there, do you see the screen in front of you?
4 It's next to question 65. Do you see that?
5 A. Yes. 12:05
6 401 Q. Just confirm to me please?
7 A. I confirm that, yeah. 65.
8 402 Q. 65 there. And do you see the answer given at -- oh,
9 yes, and somebody is helpfully using an arrow to
10 underline what I'm reading out. 12:05
11
12 "Yeah, so, I think first year definitely we would have
13 been, and I can't recall exactly maybe someone else
14 will know...
15 12:05
16 Q. Well, just tell us what you remember. I mean don't
17 worry about it you don't.
18 A. Well, there was a thing calls the DFRs, the Defence
19 Forces Regulations, and DFRs had some cadence, probably
20 not quite weekly, I certainly recall in my first year 12:05
21 that we would have had sections of the DFRs read out to
22 us while on parade. I can't recall specifically but I
23 have to assume that the complaints procedure, A7 or
24 whatever it is, was called at that particular point in
25 time. To be honest with you, in our experience it 12:05
26 didn't matter, like, all of these things we were kind
27 of hearing about in terms of what you're entitled to
28 whatever."
29

1 And then question 67:

2
3 "Q. But you were never given them to physically read
4 or study, or anything like that?

5 A. No. No.

12:06

6
7 Q. But it's quite possible that they were read out to
8 you?

9 A. Yes, and I think in that respects, you know, I kind
10 of get the sense that it's kind of a bare minimum, read
11 them and that's the then done, that kind of mentality."

12:06

12
13 Again, that individual, he can only speak to what he
14 remembers and what he recalls, but is that ringing any
15 bells in terms of your memory?

12:06

16 A. To be honest with you, me reading that there, that's
17 somebody very nervous and doesn't know how to answer
18 that question because it's repeating himself over and
19 over, and he doesn't mention complaints at all there.
20 It doesn't really make sense to me, that, what's being
21 said there, to be honest with you.

12:06

22 403 Q. But in terms of jogging your memory; does that do
23 anything to jog your memory about you being told about
24 the complaints processes during your training?

25 A. No.

12:06

26 404 Q. Okay. Sorry, just one final question - and, again, you
27 can only speak about what you know now - are you aware
28 of any other individuals, or -- sorry, are you aware of
29 any individuals who instituted a formal Redress of

1 wrongs or complaints process while they were in the
2 Army Apprentice School?

3 A. No.

4 MR. LEHANE: Thank you very much.

5 SOLE MEMBER: Thank you. Is there anybody else? Thank 12:07
6 you.

7

8 MR. PADRAIC LENAGHAN WAS QUESTIONED BY THE SOLE MEMBER,
9 AS FOLLOWS:

10

11 405 Q. SOLE MEMBER: Mr. Lenaghan, I think you told the 12:07
12 Tribunal earlier that you recalled something around the
13 reading of the Acts, I think that's what you referred
14 to, is that correct?

15 A. Yeah. 12:07

16 406 Q. And could it be that what was just opened to you now by
17 Counsel for the Defence Forces --

18 A. Yeah, that's possible, maybe what that man there is
19 referring to.

20 407 Q. The reading? 12:07

21 A. The Acts.

22 408 Q. And you think that that may be what he's talking about?

23 A. That's what I was probably thinking of, it appears to
24 be the same thing.

25 409 Q. Thank you. In relation to your evidence, you said at 12:08
26 one stage - and I think it was in answer to a question
27 from your own counsel but I could be wrong in that - if
28 you complained things would get worse, you'd be singled
29 out and I think the expression you used was "let's ride

1 him," that that was the common expression used in the
2 Defence Forces, in the Army at the time. Can I ask
3 you: How did you know that things would get worse?
4 A. Judge, you know, this is one of the problems with that
5 question about the complaints, it's almost as if we're 12:08
6 in an environment where you've never heard of anybody
7 complaining. You don't know how to complain. It's
8 just completely alien to the Army and the whole mature,
9 macho, no complaining Army fighting, tough, just didn't
10 come into it. You done what you're told and you just, 12:09
11 you knew if you complained it would -- it's the only
12 way I can explain it, Judge, you just knew that it
13 wasn't going to get any better, it would get worse if
14 you complained about it. That's... I really can't
15 answer you any other way. 12:09
16 410 Q. Was it something you were told or was it something you
17 had seen?
18 A. Well, I do know at one point we were told by Corporal,
19 I think it's D, and the Corporal with the mop, sorry,
20 I'll rephrase that. We were told, it's not I think, 12:09
21 it's just it's that long ago, I'm just trying to work
22 out which of them actually said it, you know? And the
23 way it was put to us was like this: If one or two
24 apprentices complained about the Army, that you could
25 be charged, you could be imprisoned, or the other thing 12:10
26 was, or you could be dishonourably discharged. That
27 was put to us by either one of those two. The two of
28 them were together. That was said a couple of times,
29 you know, we would have heard it from others, you know.

1 So that kind of immediately put you off. That was
2 said.

3 411 Q. Thank you. And the fact, was there any significance to
4 being told that if two of you complained, did that
5 carry any particular significance? 12:10

6 A. I'm not sure. One or two, it's just my memory of it,
7 if one or two of you complained.

8 412 Q. Was it characterised in any way if two people got
9 together and started to complain, what would that...

10 A. I suppose, that in the Army could be classed as a 12:11
11 mutiny or something. That's what I'd be thinking.
12 That's probably people getting together and, I don't
13 know, trying to overthrow the Army are something, I
14 don't know.

15 413 Q. Were you ever told, was that put to you, was that -- 12:11

16 A. No, no, it was put to me just that if one or two
17 complained about the Army you could be charged,
18 imprisoned or dishonourably discharged out of the Army.
19 Dishonourably discharged was a big fear for me anyway.
20 I wasn't going to be dishonourably discharged out of 12:11
21 the Army, at any cost.

22 414 Q. Thank you. And while we're on the question of
23 dishonour and honour, were you ever spoken to as a
24 young recruit, as a young entrant into the Army - were
25 you ever spoken to you about what it means to be in the 12:12
26 Army, what honour means, what loyalty means, what being
27 a good soldier means. Was that ever communicated to
28 you?

29 A. No. See, Judge, when I went into the Army I was

1 expecting kind of a sit-down and an explanation of what
2 was ahead of us. I was only 16. And, you know, that
3 we'd gradually get into this and get to know each
4 other. Like, I played football all my life, I worked
5 on a farm all my life, I'm not a stranger to hard work 12:12
6 and fitness. I knew it was going to be tough. But
7 when it came to mental, they mentally tortured all the
8 time. When I went in there first, when I went in there
9 first I was down in the dining hall and Lt. B told me,
10 'What the eff's your name?' I told him Padraic, and he 12:12
11 said, 'You'll be effing known as Apprentice Lenaghan,'
12 and he said, 'The next time I see you, you'll have a
13 haircut and that muck off your face.' And I was only
14 16, I was wasn't even shaving yet. I probably looking
15 like Shaggy out of Scooby-Doo, you know. I hadn't even 12:13
16 shaved yet.

17
18 And then later on in the billet he came up and he gave
19 it to me again and he said, 'I thought I told you to
20 get...' I'm just giving you an idea of the -- just, 12:13
21 there's no introduction. There's no, 'There's the
22 barbers. Here's the toilets. Here's the showers.
23 This is what we expect. This is the number haircut
24 you've to get. Your uniform.' There's none of that.
25 Just bang on top you. And, you know, he was talking to 12:13
26 me that first day I went in and, like, I won't say
27 talking, he was roaring at me and when he said to me,
28 when he'd speak to me he'd say to me, 'Don't effing
29 eyeball me.' And I didn't know what he was talking

1 about. I was looking at the man, he was talking to me.
2 And I do understand you're not supposed to look, but I
3 understand it now but not then. And he told me that
4 day and that scared the living daylights out of me, he
5 told me, 'I am your Mammy and your Daddy.' That's what 12:14
6 he said to me, and I've my hand on that Bible, 'I am
7 your Mammy and your Daddy and you'll do everything I
8 tell you.' And I was just shocked. I went in there
9 ready for action and before I knew it, it was just...
10 just disaster, it was a nightmare. That was it. I'm 12:14
11 just giving you an idea, you know, of sitting down and
12 talking about the Army and honour. Like, that man,
13 that LT, that man had neither decency nor justice in
14 him. He'd neither of them.
15 12:15
16 I train young fellas at football and, you know, it's
17 one thing Naas gave me, it gave me decency and justice
18 towards young people because I got it firsthand.
19 415 Q. And could you describe to me, then, why you came to the
20 Tribunal? 12:15
21 A. I'm beginning to regret it the way the affect it's
22 having on me, but I'm saying that lightly. I mean it's
23 hopefully coming to an end.
24 416 Q. It is important that people like you come forward if
25 you have information that's relevant to the Tribunal's 12:15
26 Inquiry, it's recall important, it's a public service
27 that you come forward and you speak about it so I do
28 appreciate that.
29 A. well, I felt, actually, if something like this had have

1 happened before I entered the Army then I wouldn't have
2 had to experience any of that. Oliver Mullaney would
3 more than likely be alive. [REDACTED] possibly
4 could be alive. I mean, I wouldn't be here. It's a
5 waste of time over -- it's a waste of time over not 12:16
6 supervising a young person with a lot of control, you
7 know. I mean there was NCOs in that barracks and they
8 could have stepped up and faced them and said, 'what
9 you're doing is wrong. This is not professional. This
10 is not training. This is soul breaking. You're not 12:16
11 strengthening these young lads, you're killing them.'
12 I wouldn't be here today, and neither would you.
13 That's why I came.
14 SOLE MEMBER: Thank you very much, Mr. Lenaghan. I
15 just want to let you know -- 12:17
16 MR. LEHANE: Sorry, Judge, I just have one question for
17 the witness arising from an answer and a question, an
18 answer the witness gave to a point you had raised.
19 SOLE MEMBER: And what was that?
20 MR. LEHANE: It was in relation to the allegation 12:17
21 that's been made against Corp. D and the statement in
22 relation to the mutiny. That wasn't given in evidence
23 prior to you asking a question. So, again, just,
24 Mr. Lenaghan, for the record, I represent Corp. D and
25 he denies that. 12:17
26 SOLE MEMBER: Thank you, Mr. Lehaney. I want to say,
27 Mr. Lenaghan, I want to thank you for coming forward, I
28 know it wasn't easy. I also want to let you know that
29 the record will be corrected to ensure that your name

1 on the transcript is addressed and spelled properly.
2 So thank you very much for the evidence you've given
3 here today.
4

5 I want to remind everybody that an order has been made. 12:17
6 There was an inadvertent mention of a person's name and
7 an order has been made restricting the publication of
8 any information or material likely to lead to the
9 identity of a person who has been given a pseudonym.
10 Thank you very much. 12:18

11
12 The Tribunal will rise for ten minutes and we'll come
13 back with the next witness.
14

15 THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS: 12:26
16

17 SOLE MEMBER: Good afternoon. Now, Mr. McGovern.
18 MR. McGOVERN: Thank you, Judge. The next witness,
19 Judge, is Mr. Edward Brennan. Mr. Brennan, please.
20

21 MR. EDWARD BRENNAN, HAVING BEEN SWORN, WAS DIRECTLY
22 EXAMINED BY MR. McGOVERN AS FOLLOWS:
23

24 417 Q. MR. McGOVERN: Good afternoon, Mr. Brennan. Thank you
25 for coming here today. 12:31

26 A. Good afternoon.

27 418 Q. For the record, Judge, Mr. Brennan's statement is at
28 page 1827.
29

1 Before I commence your evidence, Mr. Brennan, can I
2 just point out to you that as you are aware, the
3 tribunal is investigating the effectiveness of the
4 complaints process and the culture within the Defence
5 Forces in relation to complaints of abuse. The 12:31
6 Tribunal is not permitted to make findings in relation
7 to the well-foundedness of complaints of abuse. For
8 that reason, you're required to refrain from disclosing
9 the names of any alleged perpetrators in your evidence
10 today. Where it is necessary to refer to such 12:31
11 individuals, you must do so by using their rank or the
12 pseudonym which was given to them by the Tribunal. Do
13 you understand that?

14 A. I do.

15 419 Q. Thank you very much. I don't know if you were here 12:32
16 earlier, Mr. Brennan, to hear the evidence of the last
17 witness, Mr. Lenaghan?

18 A. I was, yes.

19 420 Q. You're, not, I think, unusually, represented by the
20 Defence Forces? 12:32

21 A. No.

22 421 Q. You're here as a sole individual?

23 A. Correct.

24 422 Q. And I think you didn't make a formal statement to the
25 Tribunal but you did attend for interview on 7th May 12:32
26 2026 and that's at page 1824, Judge.

27

28 By way of background, Mr. Brennan, can you tell us when
29 you enlisted in the Defence Forces?

1 A. I went in as cadet on 28th November 1973.

2 423 Q. Okay. And I know that you ultimately, at least reached
3 the rank of commandant but when you left the Cadet
4 School you would have been a lieutenant, is that
5 correct? 12:33

6 A. Second Lieutenant.

7 424 Q. And you rose up through the ranks, ultimately. When
8 did you retire from the Defence Forces?

9 A. About 14/15 years ago.

10 425 Q. And what rank were you at the time of your retirement? 12:33

11 A. I was a commandant.

12 426 Q. Commandant. Am I correct that in 1992/93 you would
13 have been based in McKee Barracks?

14 A. That's correct.

15 427 Q. And what rank did you hold at that time? 12:33

16 A. As a commandant.

17 428 Q. And can you remember the last witness, Mr. Lenaghan?

18 A. When this came up I remembered then, but being on the
19 northern side of 70, I'm not quite sure about some of
20 the detail. 12:33

21 429 Q. That's understandable. But have you any recollection
22 of Mr. Lenaghan at all?

23 A. Oh, I do. I do remember meeting him, yes. Yeah.

24 430 Q. Mr. Lenaghan gives four events. First of all he said
25 he applied for a transfer to Gormanston. Have you any 12:34
26 memory of being involved in that?

27 A. I don't, actually, remember being involved in that, but
28 if there wasn't a vacancy in Gormanston, this is
29 probably why he said that they weren't -- Gormanston

1 wouldn't agree to take him, they couldn't take him,
2 probably, because there wasn't a vacancy there for a
3 technician.

4 431 Q. If there's no vacancy there's no consent and was the
5 consent of Gormanston required for such a transfer? 12:34

6 A. Well, I would imagine so, yeah.

7 432 Q. The second event that Mr. Leneghan refers to is when he
8 applied to go to Kosovo and he was accepted for that?

9 A. To Lebanon.

10 433 Q. To Lebanon, I beg your pardon. Have you any knowledge 12:34
11 or were you involved in that?

12 A. Well, I if was there at the time as Commanding Officer
13 I would have recommended him for the appointment if he
14 had volunteered.

15 434 Q. And, indeed, he was recommended because he was 12:35
16 selected?

17 A. Yeah.

18 435 Q. Mr. Lenaghan also refers, or his recollection is that
19 he had two meetings with you; is that your
20 recollection? 12:35

21 A. Now, I can only remember one meeting but, again, that's
22 not to say that there wasn't a second meeting.

23 436 Q. And the meeting that you recollect, can you tell us
24 what that was about, Mr. Brennan?

25 A. Well, he -- at the time, he felt that he was being 12:35
26 singled out by the Company Sergeant and he, what shall
27 I say, he -- I knew nothing about the Naas situation at
28 all, at this stage. But I did feel that he was -- he
29 didn't want go to Bricin's. And if I could think back

1 I could have ordered him but I just don't remember it
2 but I do remember that I wanted him to go to Bricin's.

3 437 Q. why was that?

4 A. well, I found, at the time, that he was under a great
5 deal of stress and as Commanding Officer you have a 12:36
6 responsibility towards the welfare of all that goes
7 under you. So I wanted him to be seen by a doctor.

8 438 Q. And that was why he was referred to Bricin's, was it?

9 A. That's why I wanted him -- I sent him to Bricin's.

10 439 Q. Specifically in relation to the complaints he was 12:36
11 making about the Company Sergeant, Mr. Brennan, did
12 you, from your memory or recollection, take any action
13 on foot of his complaints?

14 A. Absolutely. I would have spoken to the
15 Company Sergeant. I don't remember the exact meeting I 12:36
16 had with him but I think from what Mr. Lenaghan said,
17 it beared [sic] some truth in that he seemed to get
18 some help from that, you know.

19 440 Q. would it be normal for you in a situation such as that
20 to intervene and talk to the person against whom the 12:36
21 complaint is made?

22 A. Certainly, absolutely.

23 441 Q. That would have been your practice?

24 A. Oh, absolutely.

25 442 Q. And do you have a recollection of speaking with the 12:37
26 Company Sergeant?

27 A. I just don't remember the actual conversation I had
28 with the Company Sergeant but I would have spoken to
29 him. I know I would.

1 443 Q. And, as a result of that, did Mr. Lenaghan speak to
2 you, again, about the outcome or what the result was?
3 A. No, not that I can remember.
4 MR. McGOVERN: But I think he does accept and
5 acknowledge that the immediate difficulties he had, in 12:37
6 terms of the dirty duties, that ceased. Thank you very
7 much. Answer my Friends.
8 SOLE MEMBER: Does anybody wish to put a question?
9 MR. LEHANE: I don't have any questions, Judge.
10 SOLE MEMBER: I just have a question for you, please, 12:37
11 Mr. Brennan.
12
13 MR. EDWARD BRENNAN WAS QUESTIONED BY THE SOLE MEMBER,
14 AS FOLLOWS:
15 12:37
16 444 Q. SOLE MEMBER: You spoke about the responsibility which
17 a commanding officer would have in terms of the welfare
18 of people who are recruits, could you tell me a little
19 bit of that in the Defence Forces?
20 A. Well, a commanding officer is responsible for what his 12:38
21 men do and what they fail to do. And with that you
22 carry, I suppose, what shall I say? well, you have a
23 responsibility towards his welfare and that's why, at
24 the time he was so, so stressed when he spoke to me
25 that I felt, myself, that not being qualified myself in 12:38
26 that area, that he was best to seek medical advice. I
27 did know he had an ulcer and one of the things that
28 really annoys an ulcer is stress. So for his physical
29 and mental wellbeing I would have sent him to a medical

1 person.

2 445 Q. And the source of stress, was that something that would
3 concern you as a commanding officer?

4 A. Oh, absolutely. I knew nothing about Naas at this
5 stage at all but I could read it from his person that 12:39
6 he was under a degree of stress.

7 446 Q. And did that surprise you that a young person would
8 come to you with that degree of stress and identify --

9 A. It would, yeah, especially, probably young people don't
10 manage stress probably as well as older people. 12:39

11 447 Q. And can you tell me, from your experience, something of
12 the culture in the Defence Forces when it comes to
13 making complaints? Can I just preface my question by
14 telling you that we did have an expert in here on the
15 first day and that expert described the culture, and, 12:39
16 you know, he gave the positives and the negatives. But
17 from your experience, can you tell me how would you
18 characterise the culture in the Defence Forces when it
19 comes to making complaints, particularly from young
20 people who had joined the Army Apprentice School. And 12:40
21 I know you weren't involved in that but just young
22 people joining at such a young age, what was the
23 culture in relation to complaints of abuse?

24 A. Sorry, like, I dealt with, we'll say, over my career
25 maybe four or five Redress of Wrongs, shall we say. 12:40

26 448 Q. Yes.

27 A. Now, the procedure there would be that I would speak to
28 the person who was making the complaint and I would
29 speak to the person who was being complained about and

1 try and get common ground between both, sometimes
2 you're successful, sometimes you're not.

3 449 Q. Yes.

4 A. And you just -- you would write your report one way or
5 the other and it would be sent to the Command 12:40
6 Headquarters. That's the way it was.

7 450 Q. And, in your view, I think you said you dealt with four
8 Redress of Wrongs, sorry, I don't know whether you said
9 that in evidence in the witness box, but did you, over
10 the course of your career? 12:41

11 A. Yeah, that's what I'm really guessing.

12 451 Q. And how many years in total did you say that was?

13 A. 39 years.

14 452 Q. would you describe that as a particularly low incidence
15 of formal complaints, of using formal complaints 12:41
16 procedures over 39 years?

17 A. I think there was some study done on this as regards
18 the number of redresses and all the rest of it and I
19 just can't remember the figure inside that block of
20 time, you know. 12:41

21 453 Q. But, does it surprise you that over 39 years in your
22 career, you're familiar with four instances of a
23 formal --

24 A. It wouldn't necessarily surprise me.

25 454 Q. why is that? 12:41

26 A. I mean you're always going to get -- some of them are
27 justified. I can remember one where a sergeant put in
28 a redress and it was to do with overseas service, that
29 someone less qualified and all the rest of it and was

1 picked above him and I felt he had a case and
2 thankfully it resolved, you know. So you try to find
3 common ground and if you can't, you just furnish your
4 report and send it on to the higher authority.

5 455 Q. But, coming back to my question; four formal complaints 12:42
6 over 39 years?

7 A. But, I mean, I wouldn't be the only one who be would
8 doing --

9 456 Q. Of course. But you were a senior officer?
10 A. Yes, but, like... the number of officers around it 12:42
11 would be shared around.

12 457 Q. Yes.
13 A. So I wouldn't necessarily know how many Redresses
14 overall there had been. So, like, four wouldn't -- I
15 wouldn't have even thought about it in that sense. I 12:43
16 didn't expect to get a redress every year, that type of
17 a way, you know, because it would be shared around.

18 458 Q. How would you characterise the culture in the Defence
19 Forces when it comes to complaints of abuse?

20 A. If there is abuse, I, personally, would have taken it 12:43
21 very seriously and I would have acted upon it. That
22 would be --

23 459 Q. Your only personal view?
24 A. My own personal view.

25 460 Q. But I'm asking you about the culture generally? 12:43
26 A. The culture generally, I mean, that was the way it was
27 dealt with, I think, in most instances that I would
28 have heard of. As I say, again, like, the troops, they
29 have a loyalty to you but you have a loyalty, it's a

1 two-way street, you've a loyalty to them as well. So
2 if they're being abused by someone in your own unit,
3 you do something about it.

4 461 Q. If they tell you about it?
5 A. Oh, if they tell you about it, yeah. 12:44

6 462 Q. But did the culture encourage people, in your
7 experience, to speak up and tell their senior officers
8 about abuse?
9 A. It's really hard to answer.

10 463 Q. I would really like you to try. 12:44
11 A. There was never any kind of a, what should I say, hard
12 and fast rule that if you made a complaint you were
13 going to be in the bad books with the Commanding
14 Officer, or whatever. That, certainly, wouldn't be the
15 way it was. Now, okay, probably people weren't 12:44
16 encouraged to go the formal complaint of that but if
17 you could deal with it as a man's commanding officer,
18 that was, you know, some degree of relief to the person
19 who would be making the complaint.

20 464 Q. And if there wasn't a hard and fast rule, was there an 12:44
21 understanding about complaining? I think earlier
22 witnesses spoke about being characterised as whingers.

23 A. If a person has a just complaint, I never saw any --
24 you know, it wasn't that kind of a feeling that I had
25 about it anyway, that if you had a justifiable 12:45
26 complaint to make, you made it.

27 465 Q. Were you encouraged to make it?
28 A. You wouldn't be necessarily encouraged, it's up to an
29 individual person to make their own mind up as to what

1 they wanted to do. I mean you don't go around looking
2 for complaints, naturally enough. But if a person came
3 to you, you would certainly do something about it.

4 466 Q. You would?

5 A. Well, I would. 12:45

6 467 Q. Yes. And do you recall teaching or conveying to young
7 soldiers under your duty, your command, what it meant,
8 what honour meant, what loyalty meant?

9 A. I was commanding officer of several units over the
10 years and you develop a relationship with your own 12:46
11 troops. I was unit commanders in other signal units
12 and, you know, I never found any difficulty in relaying
13 to people and talking to people. So, that was my own
14 experience of it.

15 468 Q. Was there a formal education in terms of what honour 12:46
16 meant?

17 A. Maybe in their training, when they're training, their
18 training stages, recruitment and that type of thing, it
19 probably would come into the syllabus there.

20 469 Q. Did you have any personal experience of that? 12:47

21 A. I wouldn't have any experience of that, no. Again I
22 was in signals, communications.

23 470 Q. I think the last witness, he spoke of raising a matter
24 with you and then things improved after that?

25 A. Yeah. 12:47

26 471 Q. Would you have characterised that as the commencement
27 of a formal Redress of Wrongs or just a young person
28 having a word with you?

29 A. No, no, I wouldn't have -- I wouldn't have thought that

1 a Redress of wrongs would come in because of the action
2 I had taken. And it seemed to alleviate some of the
3 stress from the individual.

4 472 Q. So, rather than formally making a complaint to you, did
5 you see him as raising a concern, raising an issue, I 12:47
6 think --

7 A. Well, he was raising an issue with me. That should be
8 corrected and I took steps to correct it as best I
9 could.

10 SOLE MEMBER: Thank you very much, Mr. Brennan. Thank 12:48
11 you.

12
13 okay, the Tribunal will rise now until two o'clock and
14 we'll have our next witness then. Thank you.

15 12:48
16 THE TRIBUNAL ADJOURNED FOR LUNCH AND CONTINUED AS
17 FOLLOWS:

18
19 SOLE MEMBER: Good afternoon, everybody. Before
20 Ms. Pillay begins I just want to inform the parties, 14:00
21 and all those who are present, that the schedule for
22 tomorrow's proceedings has been amended. The Tribunal
23 won't sit tomorrow, the circumstances are beyond our
24 control, we won't sit tomorrow and witnesses who are
25 scheduled to give evidence tomorrow will give evidence 14:01
26 on Friday instead and there is a notice to that effect
27 on the website. Thank you. Ms. Pillay.

28 MS. PILLAY: Judge, the next witness is
29 Mr. Michael O'Connell. Mr. O'Connell, please.

1
2 MR. MICHAEL O'CONNELL, HAVING BEEN SWORN, WAS DIRECTLY
3 EXAMINED BY MS. PILLAY AS FOLLOWS:
4

5 473 Q. MS. PILLAY: Mr. O'Connell, as you're aware, the 14:01
6 Tribunal is investigating the effectiveness of the
7 complaints processes and the culture within the
8 Defences Forces in relation to complaints of abuse. So
9 the Tribunal is not permitted to make findings in
10 relation to the well-foundedness of complaints of 14:02
11 abuse, and for that reason you're required to refrain
12 from disclosing the names of any alleged perpetrators.
13 Where it is necessary to refer to such individuals, you
14 must do so by their rank or the pseudonym given to them
15 by the Tribunal. Do you understand this? 14:02

16 A. I understand.

17 474 Q. Mr. O'Connell, you provided a statement and you
18 attended for two interviews with Counsel to the
19 Tribunal, is that correct?

20 A. Yes. 14:02

21 475 Q. Okay. And those documents, Judge, can be found at
22 Booklet Part 1 from pages 2035 to 2088, and, also,
23 Booklet Part 8, from pages 4503 to 4540.

24 Mr. O'Connell, if you can address your answers to the
25 Judge. 14:02

26 A. Will do.

27 476 Q. Mr. O'Connell, what date did you or year did you join
28 the Defence Forces?

29 A. July 1989.

1 477 Q. And when did you end your service in the Defence
2 Forces?
3 A. July 1998.

4 478 Q. I think you commenced your Army career in the Army
5 Apprentice School, is that correct? 14:03
6 A. That's correct.

7 479 Q. And what age were you when you commenced your
8 apprenticeship there?
9 A. 16-and-three-quarters.

10 480 Q. In your statement to the Tribunal you described the 14:03
11 opportunity of joining the Army Apprentice School as
12 very appealing, is that correct?
13 A. Yes.

14 481 Q. And can you explain to the Judge why it was considered
15 appealing? 14:03
16 A. The economic situation in Ireland in the mid to late
17 '80s wasn't as attractive as it is today. I hadn't put
18 adequate focus on my education, I wasn't academically
19 inclined at that point in time, and when I came across
20 the opportunity to get a qualification and a career 14:03
21 within the military, it seemed very exciting to me. It
22 was still a means for me to be educated and move in a
23 different direction and in some respects I was kind of
24 finished with school. I felt it had ran its course
25 with me and I was ready to move on to other things. 14:04

26 482 Q. I see. I think you mentioned previously that you think
27 thousands of people were applying for the places in the
28 Army Apprentice School and you felt lucky to obtain
29 that placement, is that correct?

1 A. I believe so, yeah. I know after we joined there would
2 have been guys in platoons who had brothers who had
3 been previously, we had heard of lots of people who had
4 applied who were unsuccessful. In the radio tech,
5 class which I joined, there were 15 of us that were 14:04
6 successful so we felt quite privileged. We felt we
7 were a small, unique, I think, part of the Army at that
8 point in time in that was it the only area of the Army
9 that was churning out, you know, military personnel
10 that were dealing with, we'll say the various aspects 14:05
11 of maintaining, you know, whether it was mechanics or
12 signals and radio, you know, fitters. There was a
13 whole range of things. So it seemed like a really good
14 opportunity and it felt like a very stable and secure
15 career. And when I joined it I joined it with 14:05
16 long-term intent, to be honest. I never thought I
17 would exit quickly. So, yeah, I was very excited, felt
18 privileged and, yeah...
19 483 Q. And, I think, you commenced a trade in, is it radio
20 technician, is that correct? 14:05
21 A. It started out as radio technician and at some stage
22 during our studies it progressed to being a
23 telecommunications technician. So it would have been
24 around, I suppose started out with the radios that the
25 Army used at the time and then over my period of time 14:05
26 here it moved very quickly from radios, with the
27 introduction of the internet and then networks became
28 part of what we did. Yeah, so all of that
29 telecommunications technician qualification allowed us

1 to, you know, fulfil, those roles within the military.
2 484 Q. Okay. And can you tell the Tribunal a bit about the
3 training and education syllabus. I think you mentioned
4 there was four days of class and then it was divided up
5 again after that, was it? 14:06
6 A. Yeah. So if I recall correctly, we had parade every
7 morning which would have been taken by the Platoon
8 Leader, that was one of us that was nominated, that was
9 rotated weekly. We were presented to the Platoon
10 Commander and to the NCOs. Following the parade, we 14:06
11 would make our way to our respective lectures and
12 classes across the five disciplines at the time. And
13 Monday, Tuesday were full days of lectures and class,
14 there was study every evening for, I'm going to say two
15 hours, again other people can confirm that. Wednesday 14:07
16 was a half-day and then a half-day of military
17 training, I think. And then we had Thursday was a full
18 day and Friday was a half-day of -- sorry, a half-day
19 of school and a half-day of sports and physical
20 education. 14:07
21 485 Q. Okay.
22 A. Roughly, broadly, that was as I recall.
23 486 Q. So you said there a half-day of military training?
24 A. Yes.
25 487 Q. Per week and that was throughout the year? 14:07
26 A. Yes.
27 488 Q. Until summertime, is that right?
28 A. And summertime pretty much we were full-time military
29 training then, until the back end of August where

1 typically there was some leave, probably, taken at that
2 point in time.

3 489 Q. For each of your three years at summertime, which
4 probably commenced around June --

5 A. Yes. 14:07

6 490 Q. -- you had full-time military training?

7 A. Yes.

8 491 Q. Okay. And it's necessary for the Tribunal to
9 understand what training you received on the complaints
10 processes when you started in the Army Apprentice 14:08
11 School. So can you tell the Judge a bit about that?

12 A. So, at some cadence, I can't recall, you know, whether
13 it was weekly, it possibly wasn't weekly but in first
14 year some member, whether it was an NCO, maybe the CS,
15 would read what was called DFRs or regulations and, 14:08
16 essentially, stand in front of the platoon and just
17 read a section from the text almost like the Bible
18 here, but a text of that nature and they would read a
19 section of the DFRs. I have to assume that through
20 those texts being read that the complaints process, or 14:08
21 whatever it was called at the time, whatever the
22 complaints process was referred to but it very much
23 felt like we're here, we're doing this and we're kind
24 of ticking a box. There was no checking for
25 understanding. There was no separate, you know, we'll 14:09
26 say conversations about a particular section of it to
27 make sure people understood. You know, the reality is
28 they didn't seem -- they seemed quite theoretical in
29 terms of what could and should happen.

1 492 Q. Okay. So you were read the Defence Forces Regulations
2 but nobody explained them to you during those readings,
3 is that correct?
4 A. Yes, that is correct.

5 493 Q. Okay. 14:09
6 A. My recollection is they were just read. So whatever
7 they were written, how they were written, whatever
8 period they were written in, because I don't know how
9 often they were updated from the 1950s or the 1920s or
10 whatever, but how appropriate or relevant the language 14:09
11 was to us at 16-and-three-quarters, you know, was
12 questionable.
13

14 So it would have been better if we had a bit more time
15 to understand and practical examples, perhaps, of how 14:09
16 these regulations were there to protect us. That was
17 not the position.

18 494 Q. And were you given an opportunity to ask questions on
19 those regulations?
20 A. No. Not that I recall. 14:10

21 495 Q. Okay. And do you remember any lectures that were
22 called Talk to Troops lectures, does that ring a bell?
23 A. Not that I recall.

24 496 Q. We've heard that from Col. Corcoran that people were
25 given Talk to Troops but that doesn't sound familiar to 14:10
26 you?
27 A. Not that I recall.

28 497 Q. And do you remember a noticeboard in the barracks?
29 A. No, I don't recall a noticeboard.

1 498 Q. So you don't remember seeing Standing Orders or any
2 other regulations being pinned up on any noticeboard?
3 A. I do not.
4 499 Q. And what did you understand, in your early few weeks or
5 months, or even in your first year in the Army 14:10
6 Apprentice School about what you were to do if you had
7 a complaint of abuse?
8 A. With regs, without regs and with anything, I suppose
9 we'll say in wider life you would go to, I suppose,
10 person in charge, whether it's, you know -- I train a 14:11
11 hurling team so the reality is if there's an issue
12 they'll come to me as the coach. So, I would assume --
13 and things would come up and in these conversations
14 it's probably difficult for me to separate between the
15 day-to-day issues that occur around maybe not being 14:11
16 happy with the amount of bread we got for lunch, so
17 that would be an issue. Maybe a grievance which might
18 be a little bit further which is we don't seem to get
19 enough bread for we'll say a period of a month and
20 there's something not being dealt with here. At what 14:11
21 point in time does something turn from an issue to a
22 grievance to a complaint? I'm not entirely sure what
23 the definition of that would be.
24
25 I would say in general terms our grievances and issues 14:11
26 didn't seem to get much of a hearing or certainly
27 didn't get any kind of response or change. And for the
28 most part it felt that we really were talking to the
29 wall.

1
2 So anything that may have been written, as it relates
3 to DFRs or what we should expect, certainly did not
4 feel, it was not my lived experience of my time in
5 Naas. 14:12

6 500 Q. Okay. So you mentioned a grievance there in relation
7 to bread so you did maybe complain about a minor
8 grievance?

9 A. Yes.

10 501 Q. Okay. But if you had something more serious, an abuse, 14:12
11 did you know who you would go to complain to about
12 abuse?

13 A. No. So I think today the term would be we'll say let's
14 call it a nominated person. There wasn't a single
15 person that if you had an issue you could go to. And 14:12
16 the reality was that daily, as I recall, we were woken
17 every day by someone different, as in the duty NCO
18 would come and wake us that morning. So you might say,
19 'Can you do something about this.' Or 'Is this
20 happening or is that happening? we don't know. Have 14:13
21 we a weekend or not coming up?' And they'd say they'll
22 find out. We probably would meet the Platoon NCO most
23 of the time on parade. The parade wasn't a place to
24 ask questions. The parade was a count.

25 502 Q. And, I suppose, Mr. O'Connell, just what I'm getting at 14:13
26 really is did you understand that under section 114 you
27 could go to your Company Commander with a complaint of
28 a Redress of Wrongs; did you ever know that in the Army
29 Apprentice School?

1 A. Perhaps.

2 503 Q. Okay. I'm just going to move on to another matter that
3 you explained in your interview you said that early on,
4 the 34th Platoon were labelled as "troublesome," I
5 think you said this in your statement. What do you 14:13
6 think that was the case?

7 A. As I mentioned earlier, some of the boys in the platoon
8 had siblings or a parent or a father who had been in
9 and, I suppose, they had a sense of, I suppose, what
10 their recollection of the experience was or what the 14:14
11 experience should be. And, also, the platoons ahead of
12 us would, you know, share with us they felt we were
13 getting a harder time or that, you know, there was
14 something about how we were being handled, certainly in
15 1990. I think the first few months were us kind of 14:14
16 getting to know the place, getting to know the system,
17 getting to know each other. But, certainly, I think,
18 as 1990 progressed, for whatever reason, there was no
19 particular one incident that I can recall that said now
20 we're a troublesome platoon. I just thing in general 14:14
21 terms we got labelled. Yeah.

22 504 Q. And why did you have the impression that you were
23 labelled as "troublesome"? I think you refer there to
24 the way you were treated differently, is it?

25 A. Yeah, I think there was a view, you know, when we 14:14
26 talked to the 32nd and 33rd that we were having a
27 tougher time, or they were doing more with us than
28 perhaps what had been done with them previously.

29 505 Q. I think there was over 50 people in the 34th Platoon,

1 is that right?

2 A. Yes, just over 50.

3 506 Q. Okay. And do you think, from what you remember that
4 the whole platoon was labelled as "troublesome"?

5 A. Yes. The reality is that in these situations with the 14:15
6 military you're as strong as your weakest man, I
7 suppose, and the reality is if one person drops the
8 ball the platoon get creased. And the reality is
9 pretty much any time the ball was dropped we all felt
10 the outcomes of that, whether it was a cancelled 14:15
11 weekend or, you know, extra duties or whatever it might
12 be in terms of clean-ups. But that is part of the
13 nature of the military system and you're trying to
14 build a bond and a team and they certainly succeeded
15 with us in the 34th. 14:15

16 507 Q. And the lieutenants that commanded your platoon I think
17 were quite young and you mentioned previously you think
18 there may have been some friction due to the commanders
19 being so close in age, is that correct?

20 A. Yeah. My sense would be, I would have been, as my 14:16
21 colleagues would remember, quite small and very naive,
22 especially when I met some of the guys, let's say the
23 guys from Dublin which I had never been to at that
24 stage. You had guys in there who were, you know, two
25 years older than me. They had a bit more living. They 14:16
26 had more experience. In some respects, you know, on
27 occasion, maybe they would be more vocal and I do feel
28 that some of the stronger people in our platoon at that
29 point took a tougher time, took a tougher time than

1 many of us because maybe of how they, you know, even
2 maybe how they were physically built, if they were
3 taller or if they were, potentially, looking over an
4 officer or looking down on an officer. I think there
5 was some friction there and I do think there was an
6 element of, again, trying to make soldiers of us and to
7 try to break us into what they felt we needed to be.

14:17

8 508 Q. And you also said in your interview at page 4516, you
9 said that you were "of the view that no one was keeping
10 the young commanders in check, they seemed to be making
11 it up as they went along." Can you explain that a bit
12 more?

14:17

13 A. Yeah, so I can go to June, I can go to June 1990 now,
14 if that's where you'd like me to go?

15 509 Q. Well, just in general. We're really looking back from
16 early days in '89 so not particular months.

14:17

17 A. I do recall, for example -- I do recall, for example,
18 in general terms, again, recollection from 35 years
19 ago, 36 years ago, but the reality is for the most part
20 if we were to do a run, runs would happen on the
21 military morning or during military training. There
22 were periods where the frequency of physical exercise
23 early in the morning increased, which was not in line
24 with our expectation of what we had been used to. So,
25 for whatever reason, I don't know why that happened and
26 that seemed to continue. And at some point I do
27 remember that someone from the technical side - I think
28 in our own unit in the RT class - made a representation
29 to say that these guys were here to study on the days

14:18

14:18

1 that the classroom days and they shouldn't have been
2 taken out for runs on those days. And I do think at
3 some point I think that backed off a little bit until
4 we got into the military side of things. But it's just
5 as a fact that it took for someone to observe the fact, 14:18
6 perhaps we weren't turning up or, we'll say, acting as
7 we should in class because, potentially, we had been
8 out the morning before, etc., or there was too much
9 being thrown at us. That type of feeling.

10 510 Q. Then you said in your second interview that you think 14:18
11 your platoon "lost some privileges because of being
12 labelled as troublesome" and you referred to weekend
13 leave. So, did you lose any weekend leave, do you
14 think?

15 A. Yes, we did. Yes. 14:19

16 511 Q. Okay. And did you yourself have limited weekend leave
17 or less weekend leave than you expected?

18 A. Yes. We were -- we joined the Army to get a trade and
19 the expectation was that you were there Monday to
20 Friday. The idea that your weekends would be taken 14:19
21 from you and you weren't paid for those weekends seemed
22 very much at odds with what we'd signed up for. And it
23 also seemed, when we talked to our colleagues in the
24 years ahead that it was, again, a little bit -- we
25 seemed to have more of those privileges, I shouldn't 14:19
26 even call them privileges, to be honest, basic rights
27 to have a weekend off. It seemed that we had to
28 request for our weekends off. We had to look for time
29 off and that became par for the course. We would find

1 ourselves -- it was almost like, you know, I've
2 children now who are 10, 11, 12, if they have a good
3 week they'll get technology on Saturday, it felt very
4 much like that. It felt that if we had a good week we
5 might have the weekend off but we wouldn't know until 14:20
6 Friday evening. So your ability to make plans with
7 your friends -- your ability to take downtime was
8 unpredictable, let's say.

9 512 Q. So it could happen suddenly on a Friday that you would
10 be told you didn't have weekend leave, is that correct? 14:20

11 A. Yes.

12 513 Q. And did that happen very often to you during your time
13 in the Army Apprentice School?

14 A. So, again, for the first number of months, probably not
15 as frequently. I think as we approached the military 14:20
16 training period, or if there were events, we'll say
17 throughout the months in the academic, let's say, year,
18 if there were events that a platoon commander or people
19 weren't happy with then, potentially, our weekends
20 would be taken from us. 14:21

21 514 Q. Okay. And if you had to give an approximate amount
22 during 1990 and 1991, how many weekends would you say
23 per month you had leave?

24 A. It would feel to me that -- it would feel to me over
25 the point in time that things really were coming to a 14:21
26 head that two in every four were curtailed or changed
27 in some way, whether that was a short weekend, which I
28 think meant a pass from barracks from I'm going to say
29 12:30, which was typically the lunch break on the day,

1 from 12:30 on the Saturday and then back Sunday night,
2 or a full weekend being off, which meant you were
3 confined -- sorry, sometimes confined to barracks but
4 sometimes in for the weekend and no time to go home.

5 515 Q. So it was a regular occurrence? 14:22

6 A. Yeah. Perhaps, you know -- yeah, I'd say certain
7 periods. As things really came to a head it became
8 more and more of an occurrence. It became very, very
9 difficult for us to plan lives outside of Naas.

10 516 Q. And did you have any issues with being confined to 14:22
11 barracks; were you confined to barracks unfairly in
12 your opinion when you were there?

13 A. Sorry, say that again?

14 517 Q. Were you confined to barracks during your time in the 14:22
15 Army Apprentice School over weekends?

16 A. Yes, we were. And, you know, on occasion confined to
17 barracks might have resulted in some work parties or
18 things that had to be done on Saturday, whether it's
19 painting buildings, which was not our job, not why we
20 were there. Moving turf. Various bits and pieces 14:23
21 that -- we'll say housekeeping around the facility,
22 that would be part of it. You know... yeah, that type
23 of stuff.

24

25 The other thing I'd say as well about confinement, 14:23
26 especially when we became of an age where you were
27 allowed consume alcohol, even when we weren't confined
28 we were not allowed drink in Naas. We weren't allowed
29 have drinks in Naas. We weren't allowed go for a beer.

1 And when you were from Cork - which I am originally -
2 the idea of just, you know, whoever is up from Cork and
3 stuck, the idea that you couldn't go down town and, you
4 know, socialise and have a beer if you wanted a beer,
5 again, seemed at odds with the fact that we were now 14:23
6 legally of age and for some reason the military had
7 some reason to impose another rule upon us, which was
8 at odds, again, I suppose, with what we expected.

9 518 Q. Did this confinement to barracks and sudden
10 cancellation of weekend leave have an affect on you as 14:24
11 a young person?

12 A. Absolutely, yes.

13 519 Q. Can you try and tell the about how that affected you?

14 A. Well, I suppose, the one that's on record from my
15 previous interviews was the fact that I had been 14:24
16 invited to a Debs in Cork, which was to be on a
17 Saturday night and we were running the usual gauntlet
18 about whether or not we would have the weekend off. So
19 I had this girl who thought I would be there and on
20 Friday night I was making phone calls to say, 'Yeah, I 14:24
21 think I'll be okay but I'm not sure,' but to be told
22 Friday evening that we weren't getting the weekend. So
23 that was quite difficult. And even family events and
24 things that were happening, you couldn't say whether
25 you'd be there or not. It just wasn't -- it wasn't 14:24
26 reliable. You couldn't depend on it.

27 520 Q. Okay. And you spoke in your interview about growing
28 out your hair during your time in the Army Apprentice
29 School?

1 A. Yes.

2 521 Q. But I think that wasn't in line with the haircut that
3 you should have had, is that correct?

4 A. Sorry?

5 522 Q. That wasn't in line with the haircut that you were 14:25
6 meant to have as an apprentice, is that right?

7 A. I don't remember ever seeing anything written about
8 what kind of haircut we should have, to be honest.
9 Again, general expectations, military attire, short
10 back and sides would have been it. There was a view - 14:25
11 again nothing was written about this - that what was
12 under your beret was your own. That clearly was not
13 the case.

14 523 Q. And you said in your interview, page 2059, you said
15 that a group of you had these haircuts and you were 14:25
16 told to get them cut. And you were lined up on parade
17 you believe that some people had their hair cut but you
18 didn't see that happen?

19 A. No. Again, when you're on parade it's eyes in front,
20 you're not looking left or right. All I'll say is the 14:25
21 fact that mine wasn't cut, I was quite proud of myself
22 at the time that I did a sneaky job that I put it back
23 under itself and it didn't get cut. A little win for
24 me that day, I suppose.

25 14:26

26 But I do know when we got back to the billet afterwards
27 that some guys had had their hair cut.

28 524 Q. And why do you think that?

29 A. Because they had long hair before the parade and after

1 the parade they had nothing.

2 525 Q. Did they complain about it? Did they say anything
3 about it?

4 A. We're back to the word "complaint." We talked about
5 it, we talked about the fact that this was ridiculous, 14:26
6 this should not be happening. Honestly, where were we
7 going to go? Who were we going to talk to.

8 526 Q. Okay. I think you know Damien Traynor, as another
9 apprentice who was in the 34th with you?

10 A. Yes. 14:26

11 527 Q. And I think you're aware that he had what's described
12 as a breakdown in May 1991?

13 A. Yes.

14 528 Q. Okay. And do you know if Mr. Traynor ever made any -
15 I'm going to use the word again - any complaints about 14:26
16 what had happened to him in the Army Apprentice School?

17 A. I'm not sure.

18 529 Q. And you were asked in your first interview about any
19 changes in attitude of the authorities in the four to
20 five weeks after Mr. Traynor's departure and you said 14:27
21 there was no change in attitude; can you explain what
22 that attitude was that didn't change?

23 A. I've been thinking about this over the last few weeks,
24 I would describe it as a pressure cooker in that the
25 heat kept getting turned up and turned up and Damien 14:27
26 was the first person to show signs of popping and the
27 fact that it was broken. Damien was, and is, an
28 affable, strong person. And I was in the billet the
29 weekend where the incident took place with Damien and I

1 had never seen anything like it in terms of how he just
2 flipped. I was three or four -- where I was placed in
3 my billet, there was about 24 of us on one side and
4 there was a Rec Room at the top, it's called the north
5 end and I was three beds down from the billet and I
6 could just hear all hell breaking loose. Just things
7 being broken, you know, a lot of noise, quite, quite,
8 quite frightening in many respects to see one of your
9 classmates getting to that point and the fact that he'd
10 been driven to that point.

14:28

14:28

11
12 So that was -- that was the first pressure pot.

13
14 In the weeks that followed, I don't recall being
15 interviewed about the events that happened that
16 weekend, which I find remarkable. And in some respects
17 I feel that if the events of that weekend had been
18 comprehensively reviewed and investigated that
19 potentially some changes could have taken place, which
20 I do believe would have prevented the death of
21 Oliver Mullaney on 20th June.

14:29

14:29

22
23 Again, that's my view. Some of my colleagues might
24 take the same view. There was that moment between
25 Damien's incident and Oliver's death that could have
26 been acted on and we wouldn't be here today.

14:29

27 530 Q. I will move on now, Mr. O'Connell, to that summer of
28 1991. And I think you said earlier there was an
29 intense period of military training that commenced and

1 that happened in June '91, is that right?

2 A. Yes.

3 531 Q. Okay. And then this led, in June 1991 to the tragic
4 death of Mr. Mullaney. And you've mentioned him there
5 and he was an apprentice there with you in the
6 34th Platoon, isn't that right?

7 A. Yes.

8 532 Q. Okay. And you referred in your interview to the
9 Thursday, Thursday night before Mr. Mullaney's death on
10 20th June; do you recall that night?

11 A. Yes.

12 533 Q. Can you tell the Judge a bit about that, what happened
13 that night?

14 A. I can't recall all the events of the day. Some people
15 recall different aspects differently. I believe we
16 were on the ranges. You know, it was part of the
17 military training on the ranges learning to fire a
18 weapon in target practise.

19
20 I can't recall exactly what time but, certainly, on
21 that Thursday evening we were summoned, shouted at and
22 told to get into parade in front of the Guard House.

23 And I suppose what's worth noting is, from my
24 perspective, there were a number of new people who had
25 joined the Company who, we'll say, were more, they

26 would have been based in, we'll say, the central
27 Training Depots from various parts of the country. So
28 these were people who typically train people on NCO
29 courses or Three Star courses. So, they were new to us

1 but the reality is, the intensity of -- the intensity
2 of how they turned up and what they expected of us
3 certainly increased in the days up to the Thursday.
4 When we were on parade in front of the Guard House,
5 effectively, there was, you know, roaring in your face 14:31
6 and coming really close up to you, right up to your
7 face and roaring in your face and, you know, picking
8 whatever they thought was appropriate to you. For me,
9 I had a pair of circular glasses at the time, I thought
10 I was very cool. I was school probably at the time! 14:32
11 But they were John Lennonish looking glasses and the
12 Corporal was who there roared in my face, 'You look
13 like John Lennon, sing me a song.' At that point, we
14 had gone through so much, I built the resilience to say
15 this is just nonsense, just do what he says, and he'll 14:32
16 move on. So I stood forward, I sang a piece of
17 Imagine. He went on to the next person, who was
18 Oliver Mullaney.
19 SOLE MEMBER: I'm sorry for interrupting you. Can I
20 just ask that we concentrate on what the witness is 14:33
21 saying. Thank you.
22 THE WITNESS: So, Oliver Mullaney was beside me and the
23 NCO in question moved on to Oliver. Oliver had, for
24 whatever reason, his hat just sat differently.
25 Everyone's hat sat differently on their heads but the 14:33
26 way his hat sat on his head, this corporal chose to
27 slag Oliver for being a farmer. This guy was a Dub,
28 maybe that was of slagging a country people, I'm not
29 sure. But he slagged Oliver for being a farmer and,

1 you know, just started screaming stuff in his face.
2 Moved the beret on his head to make it more peaked,
3 and, yeah, that was -- then it moved on and moved on
4 and to be honest I can't remember how the thing
5 finished up, to be honest with you, but for my 14:33
6 perspective I just said, 'Get me out of this night, get
7 me through what I need to do and there'll be more of
8 the same SHIT tomorrow.' That's how I felt.

9 534 Q. MS. PILLAY: So you wanted to get out that night and
10 just move on. So it was a difficult night? 14:34

11 A. It was a very difficult night. Very difficult night.
12 And it can only be -- I'm trying to figure out when we
13 finished exams but typically exams probably finish in
14 June. We can only have been a week or two into
15 military training of that year when that night took 14:34
16 place. I can't recall how long it was. But it can't
17 have been that far in, just based on us finishing
18 exams, let's say June timeframe, maybe early June. But
19 it was a lot in one week. I just felt tired. I felt
20 worn out. We had early starts. We were -- fine, it's 14:34
21 military training. No one has an issue with military
22 training, you were in the Army. But what wasn't clear
23 to me, at that point in time, is, when is this it?
24 When have we reached the end of whatever this military
25 training is? It just seemed relentless. It seemed in 14:35
26 some respects that if you sang the song and did the
27 thing, they knew that wasn't a thing to break you on,
28 that they would try something else.

1 I was thinking earlier on about these ultimate hell
2 weeks, I'm not saying, you know, that it's that, but
3 the difference is, I think when you're in the reality
4 the difference is you don't know when it's going to
5 end. And you hope and you assume, but it wasn't 14:35
6 evident to us, that there's someone supervising the
7 supervisors, and that was not evident.

8 535 Q. And you went home then on the Friday or Saturday, was
9 it, after that Thursday?

10 A. Yes, I can't remember which day, but I went home. 14:35

11 536 Q. And then, I think, you found out about the tragic
12 passing of Mr. Mullaney on the Sunday?

13 A. Yeah.

14 537 Q. And then you returned to Devoy Barracks on the Sunday
15 night? 14:36

16 A. Yeah. I'd said to my mother in, we'll say the year or
17 so before Oliver's passing that the place was
18 unbearable. I was describing things that were
19 happening. My mother - and parents in general, who let
20 their kids go in there - would have assumed that there 14:36
21 were controls and balances and checks on, you know, the
22 military. This is the military, so that there would be
23 structures in place to prevent these type of things
24 happening.

25 14:36

26 It's only when Oliver passed did my mum realise how
27 serious it had gotten. And on the Sunday, I can't
28 remember what I was doing, but I came back into the
29 train station in Kent in Cork. And we all typically,

1 those of us from Cork would kind of take the same kind
2 of seats and be in the same area and generally you
3 would, you know, meet up and chat about the weekend.
4 And I went on to the train, you know, happy with my
5 weekend, always kind of dreading going back but at 14:37
6 least the guys were there. The camaraderie was good.
7 But the guys were all, 'Did you not hear?' And I
8 hadn't heard.

9
10 So we went back to Devoy that night. And, you know, 50 14:37
11 or so guys who had lived, I suppose, 18 months or so
12 together, whatever time period it is, it just felt --
13 we just -- we always had a feeling that something like
14 this was going to happen. It was a question of who.
15 Unfortunately, it was Ollie. 14:38

16 538 Q. I think you said that you did have a talk given you to
17 by a captain, is that correct, on what had happened?

18 A. Yeah. So whether it was off his own volition or choice
19 to come and have a chat, I think it was a Sunday
20 evening, late, we were in tears, we were annoyed, we 14:38
21 were angry. There was no real structure put around us.
22 There was no one that could kind of come in and just
23 talk to us in a way that would have helped. But one
24 guy did come in at the back of the other billet and, I
25 don't know if everyone was there or not but everyone 14:38
26 was there, we all grabbed up a few seats and he made an
27 attempt, I don't think he was necessarily qualified to
28 do what he was doing, whether he had been asked to do
29 it or not but at least he made an attempt, he took a

1 lot of feedback from us. He took, you know, probably
2 some abuse from us. He saw the tears. He knew we were
3 hurting. We were hurting. The whole barracks knew we
4 were hurting at that point in time. And at least he
5 made an effort. Did it do a whole pile for us? I 14:39
6 don't know. At least he made an effort is what I'll
7 say.

8 539 Q. And did anybody tell you, in authority, about the
9 process now that would occur, or any investigation that
10 was going to happen? 14:39

11 A. No.

12 540 Q. Did anyone tell you what had happened to Mr. Mullaney?

13 A. No.

14 541 Q. I think you mentioned in your statement that there were
15 two guys who were on duty with Oliver on Saturday, I 14:39
16 think is what you said, and they did give a statement;
17 is that correct?

18 A. I believe they had to give a statement for the
19 coroner's report. I believe that's what they were
20 involved with. 14:40

21 542 Q. Okay. And was that your understanding at the time of
22 the events?

23 A. No. I've no idea when that took place, whether it was
24 in weeks, months, I've no idea when that took place.

25 543 Q. So you don't recall anyone taking statements around the 14:40
26 time of these events?

27 A. No.

28 544 Q. Were you ever asked for a statement yourself about what
29 had happened?

1 A. No.

2 545 Q. And were you ever asked by any superior rank about what
3 had happened?

4 A. No.

5 546 Q. I think you're aware now that there was an 14:40
6 investigation into the ill-treatment of apprentices on
7 the Thursday night, 20th June?

8 A. Am I aware? Say that again, sorry.

9 547 Q. I think you are now aware that there was, at the time,
10 an investigation into the ill-treatment of apprentices 14:41
11 on the Thursday night, preceding Mr. Mullaney's death?

12 A. Not sure I am.

13 548 Q. Okay. So you were certainly not aware of it at the
14 time then?

15 A. No. 14:41

16 549 Q. Were you aware of a coroner's inquest at the time?

17 A. So, there was a coroner's report so I assume there must
18 have been a coroner's inquest.

19 550 Q. So you did see the report?

20 A. No. 14:41

21 551 Q. When did you first learn about the report?

22 A. I honestly can't say. I would say years. Years post
23 the event. Post the event and the impact it had on us
24 as young men. We felt a sense of loyalty to, I
25 suppose, Ollie and his family and for the first number 14:41
26 of years, religiously we would visit the Mullaney's in
27 Leitrim. And I think when we would talk about the
28 events, at some point probably in one of those meet-ups
29 is where you -- you put more and more of the pieces

1 together in terms of, 'Oh, I didn't know that happened.
2 I didn't know that happened.' Even today. Even now
3 there's things that I wasn't aware of. And that
4 piecemeal approach to how it was handled was less than
5 satisfactory. And, as I said earlier, has us here 14:42
6 today.

7 552 Q. And you said in your statement with respect to the
8 death of Mr. Mullaney, you said that you believe there
9 was a cover-up and you believed that at the time. Can
10 you explain that to the Judge why you think that? 14:42

11 A. So, you know, I talk about the fact that going from
12 joining, being excited, career, the opportunity, to
13 eventually getting into the system and in some respects
14 our confidence as a system just gradually eroded, and I
15 think come June of 1991 was non-existent at that point 14:43
16 in time. We had bonded quite strongly as a platoon.
17 As I said earlier, the Army managed achieve that in us
18 that we became good mates and I think we also became
19 good tradesmen and good soldiers. But the reality is
20 that when we started to challenge the events around 14:43
21 that time, the piecemeal approach, so someone might ask
22 a question, you got a piece of information. And then
23 you ask another question, you got a piece of
24 information. What became clear, very early on, is the
25 fact that I think elements of the story were starting 14:43
26 to be suppressed. And what I was hearing was the fact
27 that we had to stop talking about it because the
28 Mullaney family would not get insurance if it was on
29 record as a suicide. So, the way it was being

1 positioned was accidental death, not a suicide. I'm
2 not an arms expert. I never went on to practise any
3 more weapons within the military, except the one used.
4 Those of us who used that weapon knew it well enough to
5 realise that it could not have been an accident.

14:44

6 553 Q. And from your statement and interviews I think it's
7 clear, and you said that you connect Mr. Mullaney's
8 death to the events preceding that in the Army
9 Apprentice School; did you ever report that to anyone
10 in the Army Apprentice School?

14:44

11 A. No.

12 554 Q. And can you explain why not?

13 A. There was no point. There was no point. Nothing,
14 nothing would happen. When we couldn't rely on the
15 system, we relied on each other more as platoon
16 members. But there was no point. There was... there
17 just seemed to be no avenue. If, for example -- if,
18 for example, to your point earlier, if someone
19 explained what happened, if someone was truthful with
20 us about what happened, if they explained what was to
21 happen next, we were all, you know -- we needed that.
22 We deserve that. And I think that would have helped
23 greatly. But there wasn't one person, other than the
24 attempt made by one officer, there wasn't one person
25 that recognised that that was a need and that was the
26 right thing to do at that point in time.

14:45

14:45

14:45

27 555 Q. And, Mr. O'Connell, and though you're clear that you
28 were never informed about the outcomes of the
29 investigations, you did mention in your interview that

1 it was obvious to you there were changes being made on
2 foot of what had happened to Mr. Mullaney. I think you
3 mentioned the Platoon Commander had left, is that
4 correct?

5 A. Yes. We had a new platoon commander. His approach was 14:46
6 much different. Much different, maybe more in line
7 with what we would have expected. And, in some
8 respects, third year was -- third year was a different
9 experience. When you're in third year you're thinking
10 about passing out, you're thinking about moving on, 14:46
11 getting out of this place really, but third year was a
12 different experience and I do think that -- there were
13 some changes. But, again, no kind of -- no explanation
14 of rationale for changes or why changes had happened.
15 There was none of that. We all knew that those that 14:47
16 potentially were involved that led to the situation we
17 had potentially were better serving elsewhere. So,
18 yeah. Some changes. Third year became a better
19 experience but not all of us got there.

20 556 Q. And in your third year when you had a different platoon 14:47
21 commander, did you ever consider reporting to him what
22 had happened prior to the death of Mr. Mullaney?

23 A. No. Back again to the positioning in the narrative
24 around insurance payouts. We probably, I/we, just
25 decided to leave well enough alone. 14:48

26 557 Q. I think at the end of your three years in Naas, you
27 were a Two Star Private and then you went on to do a
28 number of weeks' training to become a Three Star
29 Private?

1 A. Correct.

2 558 Q. I think then you continued your service and you served
3 in McKee Barracks until 1998 and you were deployed
4 overseas twice?

5 A. Correct. 14:48

6 559 Q. I think from your interview that you were still unaware
7 of the complaints processes for the remainder of your
8 service from '92 to '98, is that fair to say?

9 A. Yes.

10 560 Q. And do you remember any lectures in that period of time 14:48
11 up to 1998 on the complaints processes or anything
12 about what to do if there was a complaint of abuse?

13 A. Again, I think the DFRs were quoted. At some cadence I
14 couldn't tell you what cadence they were, but DFRs were
15 quoted by the CS in McKee. That's about it, to be 14:49
16 honest. Nothing more than that.

17 561 Q. Okay. So what was your understanding, after ten years
18 in service, about what to do if you had a complaint of,
19 for example, someone assaulting you or somebody
20 bullying you or harassing you. What do you think that 14:49
21 you would do after ten years?

22 A. Unfortunately, I never had a complaint of that nature.
23 I just would have left, to be honest. You know, small
24 things in, let's call it the real Army, once we
25 qualified, you know, I was thinking earlier on that 14:49
26 there was, for example, over a period of three years I
27 was on Christmas Day duty two of the three years, you
28 go to the or Orderly Room and you'd say, 'I was on last
29 year, why am I on again?' And, honestly, it felt to me

1 that I got more duties as a result of me saying
2 anything so I just planned my exit. I had enough. I
3 wanted to -- I had gone back to college. I wanted to
4 get out and the military really had no interest in
5 doing anything to retain me at that point, which, as I 14:50
6 say, was very disappointing considering where I started
7 nine years earlier and I was thinking about this as a
8 career.

9 MS. PILLAY: Thank you, Mr. O'Connell, there might be
10 some further questions for you. 14:50

11
12 MR. MICHAEL O'CONNELL, WAS CROSS-EXAMINED BY MR. BRADY
13 AS FOLLOWS:

14
15 562 Q. MR. BRADY: Alan Brady, instructed by Coleman Legal. 14:50
16 I've a question couple of questions. Mr. O'Connell,
17 you've given evidence about, I suppose, the fact that
18 you were in the 34th Platoon, there was two other
19 platoons as well. Maybe just for the assistance of the
20 Tribunal, could you just give a little bit of structure 14:50
21 about the make-up, so within your platoon, how many
22 NCOs you who would have had, who were the NCOs, was
23 there an officer in charge, who did they report to?

24 A. I probably won't do a great job on the make-up of the
25 positions that are required to run a barracks per se. 14:51
26 what I would say for each platoon, as I recall, there
27 would have been a platoon corporal, a platoon sergeant,
28 a platoon commander, essentially they all reported up
29 in that order to the Platoon Commander and then the

1 Platoon Commander reported to the Company Commander who
2 would have been responsible for the three platoons at
3 that time. So that position would have had oversight
4 of the structure beneath all of us, essentially, which
5 was, let's say, 150 men and boys. And then the, we'll 14:51
6 say the governing structure with the NCOs and the
7 officers. And then a level above that, so the
8 supporting parts I don't know, adjutants and bits and
9 pieces. But then you had the Barracks Commander or
10 Unit Commander, I can't recall the term but that would 14:52
11 have been the person typically at the rank of
12 lieutenant colonel, I think, or maybe a colonel who
13 would have been responsible for all affairs of the
14 barracks at Naas.

15 563 Q. And that company commander, would that have been 14:52
16 someone in a captain or commandant rank or can you
17 remember?

18 A. Captain, as I recall.

19 564 Q. So that captain was, essentially, over the three
20 platoons and each of the Platoon Commanders would 14:52
21 report to them but they'd have general oversight, that
22 was your understanding?

23 A. That would be my recollection and understanding, yes.

24 565 Q. You mentioned earlier about it had been apparent that
25 your platoon was getting a rougher ride. I mean, how 14:52
26 do you say that?

27 A. Just in terms of the -- maybe the increase in runs,
28 maybe how we were dealt with on the half-day military
29 training. You know, military training was a little

1 bit -- during the year weapons were only in barracks
 2 during the summer training so we didn't really get to
 3 do weapons training, as I recall, during the academic
 4 year. So the military training was largely around
 5 marching and drills and things like that. And, you 14:53
 6 know, stuff to help you to learn aspects of the
 7 military. So, I think when it came to it, there just
 8 seems to be how we were handled how we were, we'll
 9 say -- and, again, and I will preface this by saying
 10 that again third year different, we'll say the first 14:53
 11 six months of joining the organisation different. But
 12 whatever point in time we became labelled, from then on
 13 just the intensity of things, the fact that we were
 14 asked to do more. It could be work parties. It could
 15 have been more kind of confinement at weekends. It was 14:54
 16 withdrawal of privilege, let's say. Things like that.
 17 Specifics, now, I can't recall beyond that, to be
 18 honest. But just the reality is other platoons will
 19 say that we were seen to be having a tougher time. And
 20 to be fair as well, it's hard to know, you know, again 14:54
 21 this being the first time, you join something new, you
 22 don't know quite what to expect so you listen to people
 23 around you and you kind of say, well, what was their
 24 experience? And their view of us was we were having a
 25 tougher time than they had. 14:54
 26 566 Q. This was the other apprentice classes?
 27 A. The 33rd and, perhaps, 32nd, yeah.
 28 567 Q. You mentioned that you were training to be a radio
 29 technician. So maybe if you could just explain to the

1 Tribunal, your normal day, say, I think you were term
2 time so you probably had a period in the year where you
3 would have done a lot of non-military lectures, you
4 would have been learning the tools of the trade,
5 essentially, and been in that. In terms of who was 14:55
6 over you in that period, would you have had different
7 NCOs in the summer, would you have different --

8 A. Yes.

9 568 Q. Okay, so you had different NCOs during that period of
10 the year. And then what about the training for your 14:55
11 actual, non-military side but your educational, was
12 that a military educator or was that a civilian
13 educator?

14 A. I probably cut you off too soon, sorry, so let me just
15 correct. The Platoon NCO, the -- platoon NCOs and 14:55
16 platoon commander ultimately had responsible for
17 platoon. When each class went to their respective
18 study areas, certainly the case for RTs, radio techs, I
19 can't comment on the rest but they were typically then,
20 I think we had three civilian lecturers, three civilian 14:55
21 lecturers, I think, and we then also had technical
22 NCOs. These technical NCOs would have been guys that
23 had qualified in the Apprentice School many years
24 before, and there was a sergeant and a corporal in
25 those areas. 14:56

26
27 what I would say is that discussions with, and again
28 this is the whole piece around, you know, there's lots
29 of good people in every organisation, I would say that

1 the people that we dealt with on the radio tech side of
2 things in particular were sound people. Were looking
3 out for us. Their focus was on making us good,
4 qualified tradespeople that could do a job for the
5 military.

14:56

6 569 Q. You said earlier in your evidence that one of your
7 lecturers, I'm not exactly sure if you identified a
8 particular person or anything, but you said that you
9 used to go for runs in the morning and then someone
10 made a complaint, one of the lecturers, that were
11 falling asleep, you showed up, you know, you were just
12 wrecked and after that it calmed down a bit. Do you
13 know if that was a civilian member of staff or was that
14 a technical NCO?

14:57

15 A. I don't recall. I don't recall.

14:57

16 570 Q. But it was one of those persons from the non-military
17 side that were doing the technical that had --

18 A. Well, they could still be military and technical but I
19 certainly felt -- I really feel it came from the RT,
20 we'll say, staff, radio tech staff. Whether it was the
21 civilian or military guys, I can't comment.

14:57

22 571 Q. Okay. And then you talked about your summer training
23 as well. And one thing you said in your statement at
24 page 2039, you said that there was, essentially, a new
25 set of NCOs would come in for the summertime. I think
26 you said that here today. But you said, and I want to
27 ask you about this, you said:
28 "This, to me, was somewhat akin to the black and tans."
29

14:57

1 This is page 2039 in the last paragraph. What do you
2 mean by that?

3 A. It just was completely different. It was just complete
4 change. You know, when you're -- and, again, what's
5 reasonable within military training, where is the line 14:58
6 drawn? But the reality is the intensity, the
7 frequency, everything just changed in terms of how we
8 were being treated. Unreasonable expectations that
9 change from one uniform to the next uniform to the next
10 uniform. What reason? You never asked, you just did 14:58
11 what you were told because that was part of what the
12 training brought at that point in time. The people
13 that came from, we'll Dublin, the south, the west,
14 would tell us, fairly openly, they weren't happy being
15 there. They had been sent there to crease us, because 14:59
16 we were broken. That their job was to crease us over
17 that training period. So they were none too happy
18 being there. And I can tell you we weren't happy with
19 them being there either. But the reality is, these
20 were guys who probably like training and they're 14:59
21 probably good at it, but, again, remembering this was
22 not a Three Star course. Three Star courses or NCO
23 courses are different things. This was us doing six
24 weeks of military training during the academic year.

25
26 The amount of training we completed in the three years,
27 I'd say could have easily qualified us for NCOs, never
28 mind the Three Star course that we took in Cathal
29 Brugha when we finished. And to that point, the NCOs

1 that we started with in Cathal Brugha, at the end were
2 very complimentary and felt that we were actually quite
3 good soldiers.
4
5 So you can say that the training in some respects that 15:00
6 we did through the years stood to us well, but, again,
7 that's not what this is all about. The reality is in
8 all of this, whether it's the military training and the
9 learning, whether it's the technical skills, the
10 leadership skills, you know, both the positives and 15:00
11 negatives are true in my experience.
12 572 Q. So it was like, I suppose, it was apparent pretty
13 quickly when the summer started that it was just the
14 intensity of it, was it, if I can paraphrase it?
15 A. Yes. 15:00
16 573 Q. And that would have been coming into the summer of
17 1991, that would have started around June, would it?
18 A. Yes.
19 574 Q. So you would have been probably, two or three, a number
20 of weeks before Oliver Mullaney's death, was it? 15:00
21 A. Yeah. One or two, I can't recall exactly.
22 575 Q. And I think you were asked earlier just in relation to
23 did anyone come to you investigating this and you said
24 that no one had seemed to ask you any questions. I
25 just want to be clear maybe for the Tribunal, are you 15:01
26 just talking about Oliver Mullaney's death or are you
27 talking about it and the Thursday night incident or is
28 it one or the other?
29 A. Both.

1 576 Q. So nobody came to talk to you about either?

2 A. No. Or Damien Traynor either, and the fact that I was

3 there that weekend. So, if you want three specific

4 things, Damien Traynor incident; the Thursday night;

5 and post Oliver's passing. 15:01

6 577 Q. Was that just you or do you think it was the platoon as

7 a whole?

8 A. I can speak for me. My sense would be it would be for

9 the whole, as in I don't -- like, I would have felt

10 left out if other people were talked to, to be honest. 15:01

11 So I don't -- other than, as I say, the coroner's

12 report and getting involved there, not aware. And I

13 think I would have heard if other people had been

14 talked to.

15 578 Q. You mentioned somebody had came to you and talked to 15:02

16 you as a group?

17 A. Yeah.

18 579 Q. You're not sure if everybody was there but someone

19 talked to you behind the billet. I don't want you to

20 name that person specifically but was that an officer, 15:02

21 was that an NCO, who was it in terms of the structure

22 within your organisation?

23 A. It was an officer.

24 580 Q. Captain, commandant?

25 A. Let's say one of those two, yes. But not within the 15:02

26 direct structure that I referred to earlier.

27 581 Q. And I think you mentioned that some of the training had

28 changed after that. I mean, how long after it, was it

29 days, weeks, months, a year?

1 A. Oh, I think in the days following they didn't know what
2 to do with us, honestly. I think we were just too
3 fragile as a platoon and as individuals at that point
4 in time that they -- I think they just backed off for a
5 period and I think we needed a bit of that space. And 15:03
6 then, as we say, we had a change in the structure.

7 582 Q. What do you mean by that?

8 A. We had a new platoon commander within, I can't tell
9 you, a matter of weeks or I can't remember the
10 timeframe. But there was a change there. There was 15:03
11 just a general change. It moves from a point where the
12 entire -- I don't know if this -- I don't think -- I
13 don't know if this had ever happened in Naas before, to
14 be honest, and I think for those who are -- I think
15 those who were there for quite some time were genuinely 15:03
16 shocked that this had happened. So, I think it -- I
17 think it rattled through the entire -- it rattled
18 through the system. I think I nearly feel in some
19 respects it also may have resulted, perhaps, in the
20 demise of the whole concept of what Naas was. And, 15:04
21 unfortunately, what? Six or seven years later, I can't
22 remember the timeframe, but it was closed and I think
23 that was the military's loss.

24 583 Q. Did you feel you could have made a complaint back then?

25 A. No. 15:04

26 584 Q. Why not?

27 A. As I mentioned earlier, I mentioned in my transcript
28 previously, I think it's learned helplessness. You get
29 to a point and you feel if the small things can't be

1 handled well why would you have any confidence in the
2 more serious things? So there was no real... We
3 talked to each other. We hoped it would get better.
4 We tried to become better soldiers with a standard that
5 seemed to keep evolving. It was hard to keep up in 15:04
6 terms of what it could look like but we tried our best
7 to kind of get there.

8 585 Q. Were you offered any counselling? Was anyone from the
9 Chaplaincy Service, was that service offered to you?

10 A. Not that I recall. A chaplain would have been there at 15:05
11 some cadence. Again, I can't recall. We would have
12 had maybe retreats on some occasion. Perhaps in first
13 year there was a retreat. Off the top of my head, I
14 can't remember. Yeah, I don't think the chaplaincy was
15 a very active or accessible, we'll say, service for 15:05
16 want of a better term.

17
18 My sense, as well, I wouldn't have had great
19 confidence, I think, in the Chaplaincy Service. My
20 sense would be that the chaplain ate dinner in the 15:05
21 officers' mess for the most part. I do record that as
22 well in McKee, from my experience there, and in
23 overseas. So the reality is the chaplain became part
24 of the, we'll say, the governing structure. So, I
25 don't think there was -- I certainly wouldn't have 15:05
26 viewed the chaplain as someone that was independent to
27 the governing structure that was in place.

28 586 Q. From your point of view, and this might assist the
29 Tribunal, what do you think would have had to have been

1 in place at the time for you to feel comfortable to
2 come forward and make a complaint?

3 A. I think in ideal terms, for me, the aspects of
4 regulations that we seem to keep referring to here as
5 being in place, I think giving time for people to 15:06
6 understand, to understand how they should be used, to
7 give you examples of potentially how they could be
8 used. They didn't feel -- they didn't feel accessible.
9 They didn't feel safe. You need to have safety when
10 you're reporting your superiors. The reality is, the 15:06
11 expectation in the structure, for me, as it felt was
12 the perpetrators of the harm were the people that I was
13 expected to go and report the harm to. And that did
14 not feel safe. In fact, if anything, in our
15 experience, the more we raised things, the more we made 15:07
16 life difficult for ourselves.

17 587 Q. I think you used the phrase earlier there was no one
18 there to "supervise the supervisors." Did you feel you
19 could go above the people that you had issues with and
20 make complaints to a higher rank? 15:07

21 A. No.

22 588 Q. Why not?

23 A. Just not done. Not the way. Not the way.

24 589 Q. Would you have any, maybe, explanation for that answer,
25 or you could maybe offer some guidance to the Tribunal? 15:07

26 A. To be honest, Naas was -- again, I can't tell you a
27 number -- I can tell you how many apprentices were
28 there, I could probably make an estimate that there was
29 probably 20 NCOS there who, for the most part, were

1 very stable, as in there wasn't a lot of change with
2 the NCOs. Officers probably changed a bit. Maybe
3 there was 10, 12 officers, I can't recall. You know,
4 it just didn't feel to me that there was anyone really,
5 at the officer level that you could go and have a
6 conversation with. Or there wasn't anyone nominated to
7 be person that you could go and have a conversation
8 with if you had a grievance or a complaint. They
9 just... they ate together, they worked together, they
10 were a tight group and, I think, they all kind of toed
11 their party line in terms of what they felt needed to
12 be achieved and it was if you were outside the model of
13 they had for the Apprentice School, as we see with a
14 number of our colleagues, the reality is that they just
15 made your life difficult and you moved on. So there
16 was no mechanism.

15:08

15:08

15:09

17
18 I think if I'd started to make complaints, gradually
19 and eventually I think you just become labelled by them
20 again as someone else that needs to be watched and
21 given a hard time. There was no point.

15:09

22 590 Q. Did anyone ever come to you or any of the other
23 apprentices in your platoon, an NCO, an officer, did
24 anyone else at any stage go, 'Look, what happened to
25 you is wrong I think you should go make a complaint'?

15:09

26 A. No. No, and, you know, even at that point, if someone
27 had come to us on the days after Oliver's passing, and
28 even reminded us of the complaints process, I think the
29 context would have been certainly understood a hell of

1 a lot more at that point in time, but that didn't
2 happen. That is something that could have happened
3 easily. No, I think military term, ranks were shut.

4 591 Q. You mentioned, sorry, I just have a couple more
5 questions for you. You mentioned that there was about 15:10
6 15 apprentices signalmen that roughly might have
7 started, I think you said that in your direct evidence?

8 A. Yes.

9 592 Q. And you left after eight years?

10 A. Nine. 15:10

11 593 Q. Nine years. Did the rest of them generally stay on or
12 did they leave or do you know?

13 A. No, I think it's a question of culture, I suppose, at
14 the time, and recognising that this is 28 years, I'm 28
15 years out of the military, in our particular space we 15:10
16 were quite fortunate because we were in
17 telecommunications because of where the internet had
18 come and all of a sudden that exploded in networks. I
19 think it's still a problem the military have today in
20 terms of specific skills around signals and networks 15:10
21 and security, but the reality is that all ten of us
22 that qualified in Naas had left the military within
23 nine years. So we did the bare minimum to fulfil our
24 contracts. Some didn't go that far, some bought out,
25 paid to get out. Paid to get out, you know. And, you 15:11
26 know, others -- so the reality is all ten of us had
27 exited before the nine years were complete. And it is
28 remarkable, because I was 12 years then were pension.
29 If you go back to my joining, pensionable, secure job,

1 career for life, prospects not great when I joined to
2 just say, forget it, I'm not staying here for 21,
3 because the reality is, I don't really think, and I
4 think it's changed a bit now, but I don't really think
5 that there was enough done to recognise, I suppose, 15:11
6 what our role was and maybe what our contribution had
7 been, could have been, could continue to be today, and
8 you were just a number. You were just a number. That
9 was it. 853976.

10 594 Q. If, looking back, you felt that the culture had been 15:12
11 different and there was maybe a more transparent
12 complaints procedure, do you think you would have
13 stayed in the military?

14 A. I made a request to get my external studies funded.
15 That was denied so I went back to college myself. I 15:12
16 think if the college had, at that time, funded my
17 degree, they would have kept me for another, five, six,
18 seven years and then I would have been pensionable 21,
19 and to be honest, 37 years of age, which I would have
20 been then, that would have been okay by me. That's how 15:12
21 I felt at the time. But there was no, you know, other
22 people have referred to it in their evidence about the
23 fact that - and I will say here that there was a
24 certain cohort of people in the NCOs who hadn't come
25 through Naas, who weren't technical, that somewhat 15:13
26 seemed to resent the fact that we had "cushy" jobs.
27 But we had trained to be the technical arm of the
28 military. That was our job. But whenever they could,
29 they brought us back into basic military service. So

1 more duties, more tasks in line with, we'll say, what
2 the regular military were in place to do. And that's
3 not why we were employed and that's not why they
4 invested thousands over a period of four years in me
5 and my colleagues, in signals in particular, for us to 15:13
6 then just do the bare minimum and walk out the door.
7 It wouldn't have taken a lot. It wouldn't have taken a
8 lot for me. In hindsight, I'm delighted but it's just
9 the way it panned out for me.

10 595 Q. One final question, I know it was put to you earlier by 15:13
11 my Friend about some of the evidence that Col. Corcoran
12 had given the Tribunal previously. At one point in his
13 evidence he said that the Apprentice School was like a
14 family; did it feel like a family to you?

15 A. The 34th Platoon was my family. I'd imagine, I don't 15:14
16 know the officer you're referring to, I'd imagine in
17 the officers' mess they felt like a family in the NCOs'
18 mess they felt like a family. My family was the 34th
19 platoon.

20 MR. BRADY: Thank you, Mr. O'Connell. 15:14

21 SOLE MEMBER: Does anybody else wish to put a question
22 to Mr. O'Connell?
23

24 MR. MICHAEL O'CONNELL, WAS CROSS-EXAMINED BY MR. LEHANE
25 AS FOLLOWS: 15:14
26

27 596 Q. MR. LEHANE: Mr. O'Connell, Darren Lehane is my name
28 and I appear for the Defence Forces and a number of
29 current and former members of the Defence Forces. I'm

1 going to be asking you some questions on behalf of
2 those sets of people.

3 A. Very good.

4 597 Q. If you were sitting at the back - were you sitting at
5 the back earlier on today? 15:15

6 A. Yes.

7 598 Q. Do you remember what I said to the other individual
8 about if I'm speaking quickly or if you don't follow
9 what I'm saying --

10 A. That's fine. 15:15

11 599 Q. -- just stop me. I'm going to deal with two broad
12 topics, Mr. O'Connell, and I'll just tell you what they
13 are now just so you have an idea what I'm going to be
14 doing.

15 15:15

16 Firstly, I'm going to be asking you some questions
17 about your awareness of complaints processes. And
18 then, secondly, I'm going to be asking you about your
19 practical experience of complaints processes. Are you
20 with me? 15:15

21 A. Yes.

22 600 Q. Okay. So just dealing firstly with your awareness of
23 complaints processes. When I'm asking you these
24 questions, I also represent -- one of the former
25 members of the Defence Forces that I represent is the 15:15
26 Company Sergeant who was there at the time that you
27 were going to be training. And, again, this isn't
28 controversial because there isn't very much between you
29 so I'm just going to put to you what he told the

1 Tribunal in his statement.

2

3 He told the Tribunal in his statement that he read the
4 DF Rules and Regulations to the Apprentices on a
5 regular basis. He said it was generally Tuesday 15:16
6 mornings. I think that tallies with your account to
7 the Tribunal that you received lectures or talks on DF
8 Regulations on a somewhat regular basis

9 A. Regularly is fair. Would not say weekly. So the
10 cadence -- it would be interesting to understand the 15:16
11 cadence because I don't...

12 601 Q. Could you, again, this is probably my fault, my lack of
13 understanding the English language. When you said
14 "cadence," you said there "to understand the cadence,"
15 what do you mean by that? 15:16

16 A. The frequency. You mentioned that it's Tuesdays.

17 602 Q. Yeah.

18 A. Perhaps it was Tuesdays, on Tuesday mornings. I don't
19 recall that it was every Tuesday. I also would not
20 recall -- I don't think that it was always the CS. In 15:16
21 fact, it couldn't have been because if the CS was not
22 there someone else would have to step in. So I would
23 say that it was not every week. That's my
24 recollection.

25 603 Q. And in fairness to you, you can only tell the Tribunal 15:17
26 what happened to you --

27 A. Yes.

28 604 Q. -- or what you heard about your experience, in the same
29 way he can only do as well?

1 A. Of course, yes.

2 605 Q. In fairness to him, he's just saying they gave on a
3 regular basis is his recollection it was generally on a
4 Tuesday?

5 A. And to be fair, he also had three platoons, right, so, 15:17
6 under his care and he was quite experienced so I
7 can't -- and he was there long before I was and I
8 assume he was there after I was.

9 606 Q. We're not fighting over that because I think he
10 himself, you know, giving a talk to sometimes 140 lads 15:17
11 sitting down while he's reading away the Defence Acts
12 and you're trying to explain them and people not being
13 interested or being disinterested, you know, that's
14 just a factor of life when you're giving talks to large
15 groups of people? 15:17

16 A. Indeed. I would just correct one thing if you don't
17 mind. Standing.

18 607 Q. Yeah.

19 A. Standing, and also on the way to another activity which
20 was normally class, if it was Tuesday morning. 15:17

21 608 Q. Okay.

22 A. So we're not in a situation where sit, have a
23 discussion, that wasn't the environment we were in.

24 609 Q. Okay. Just, I suppose, I should have done this just in
25 aid of the Tribunal, Judge. The extract I'm reading 15:18
26 from the CS's evidence is located on page 3537, it
27 doesn't need to go up, but that's where it is
28 internally, keeping it straight.

29

1 Now, you were asked by Counsel to the Tribunal during
2 your examination-in-chief what your understanding was
3 of what you would do if you had to make a complaint and
4 my note of what you said is that your understanding
5 would be that you would go to the person in charge? 15:18
6 Now, Section 114 says, you know, this is the actual
7 process if a person thinks themselves wrong in any
8 matter by any person other than their CO, they should
9 go to the CO. So that he is the person in charge
10 that's the same as what you're describing there, isn't it? 15:18
11
12 A. No, no. What I'm describing is the normal run of order
13 would be, in my experience, that you would go to the
14 NCO first and then, potentially, determine if it needed
15 to go further. 15:19
16 610 Q. Another thing the CS said, and I just want to probe
17 with you because we've had one other person here this
18 morning - we're on the start of the Army Apprentice
19 School module so hence I'm asking you a question about
20 just the mechanics of it. The CS said that there was a 15:19
21 noticeboard in the Orderly Room, do you remember that?
22 A. I don't recall.
23 611 Q. Would you have been in and out of the Orderly Room?
24 A. No. The only occasions for me to visit the Orderly
25 Room would have been weekend passes or, you know, 15:19
26 something exceptional that I needed, maybe to get an
27 evening off or go and do something, then you would take
28 your handwritten pass into the Orderly Room. But I
29 don't recall the noticeboard.

1 612 Q. Okay. And, again, you've already answered the
2 question. The reason I was asking you the question is
3 that the CS said that the noticeboard outside the
4 Orderly Room was a place where Defence Acts would be
5 put up every so often, routine orders and matters like 15:20
6 that. That's why I was asking you that. That's,
7 again, on 3536, Judge.

8 A. So his lived experience, in fairness, I can't doubt the
9 man based on the fact that he was CS of that barracks
10 for a good number of years. I had three years and, you 15:20
11 know, I don't recall my lived experience -- it's not in
12 line to some of the things that you're saying.

13 613 Q. No, no, but in fairness, and your reference to lived
14 experience is very important because all the Judge can
15 do -- 15:20

16 A. Of course.

17 614 Q. -- the Chair can do when she's processing all the
18 evidence that comes here is listen to what people saw
19 and heard and felt themselves their lived experience as
20 opposed to what other people saw, heard or other 15:20
21 people's lived experience. So that's very fair to say.
22 And, again, I think that was something you also didn't
23 take issue with when you were being asked about the
24 complaints process and your knowledge of it by Counsel
25 to the Tribunal earlier on is when elements of it were 15:21
26 put to you, were you aware, for example, of the Redress
27 of wrongs procedure, you said perhaps. You weren't
28 perhaps somebody else was telling fibs if they say
29 that. Again it's your lived experience?

1 A. I would imagine that if someone had a significant
2 issue, and they felt that they couldn't deal with it
3 through, we'll say, mechanisms to go to the NCO, etc.,
4 etc., that it probably was in their interest to figure
5 out how they would, I suppose, try to ensure that their 15:23
6 grievance got some progress or got progressed or got
7 aired in some way for some sort of resolution. I would
8 imagine that -- like, as I say, these things, if they
9 were read out and if they were in place for decades,
10 there had to be a structure, there had to be a 15:23
11 structure.

12 619 Q. Yes.

13 A. For me, the reality is the structure was not safe. If
14 other people decided to follow the structure, well that
15 was their call to figure out the best way to navigate 15:23
16 that.

17 620 Q. Again, thank you for that. In terms of your account
18 that for you the structure wasn't safe, I now want to
19 move on to my, I said I was going to be talking about
20 two things? 15:23

21 A. Yes.

22 621 Q. First your awareness of the complaints processes and
23 second your lived experience.

24 A. Yeah.

25 622 Q. I described it as your experience but I think your 15:24
26 lived experience is probably a better way of describing
27 it, it's your language. You're aware that the Tribunal
28 is looking at how complaints processes operated in
29 relation to allegations of abuse in this module?

1 A. Yes.

2 623 Q. And abuse, for the purposes of the Terms of Reference,
3 you know, means discrimination, bullying, harassment,
4 physical torture, physical assault, psychological harm,
5 sexual harassment and sexual misconduct, you're aware 15:24
6 of that, are you?

7 A. Yes.

8 624 Q. And I think you told, or you were asked about this in
9 one of your interviews with Tribunal Counsel, and I
10 think in fairness to you, your evidence today kind of 15:24
11 bears this out as well, in terms of your lived
12 experience, you're not coming to the Tribunal - and
13 maybe you are and if you are correct me I just want to
14 make sure that I'm right - am I correct in my
15 understanding that you're not coming to the Tribunal 15:24
16 complaining that you suffered abuse within that
17 definition, rather you're coming to help the Tribunal
18 understand how the place worked and your awareness of
19 what happened to other people. Like, for example,
20 Damien Traynor, or the late Oliver Mullaney? 15:25

21 A. More so the latter.

22 625 Q. Okay.

23 A. In coming to -- in becoming aware of this process and
24 this Tribunal I thought long and hard about reopening,
25 you know, a can of worms or a period of my life that 15:25
26 has long since passed. I don't think my lived
27 experience is in any way more challenging, and
28 certainly wasn't more challenging than some of the
29 other people who are representing themselves in the

1 coming weeks. I'm more here out of a duty to
2 Oliver Mullaney, firstly, and I'm standing by my
3 colleagues to, I suppose, redress what I feel about
4 something that if there was an effectiveness complaints
5 process 35 years ago, we wouldn't have to be here 15:26
6 today. So, in the latter, definitely more so to your
7 question. Did it harm me? At the time, yeah, it was a
8 pretty crappy experience --

9 626 Q. well, no --

10 A. If you don't mind. -- and one that I wouldn't 15:26
11 recommend to anyone. I wouldn't recommend anyone to
12 join the military based on my experience of the
13 military. Did it give me strength and resilience?
14 Yes. And I go back to the point that there's good and
15 bad in my narrative, in my story. I learnt a lot from 15:27
16 it. I'm stronger for it. But I had to go through it,
17 I wish I didn't.

18 627 Q. Sorry, I interrupted you earlier on. Is there anything
19 else you'd like to say?

20 A. No, thank you. 15:27

21 MR. LEHANE: So, your answer to that question shortens
22 the remaining number of questions I've to ask because
23 you were asked a number of questions by Mr. Brady in
24 front of me about why you didn't utilise complaints
25 mechanisms, but, again, you've told the Judge the 15:27
26 reason you're here is not so much because of what
27 happened to you - and you've described in a compelling
28 way, if I may say, your experience, your lived
29 experience in your time in the 34th Platoon, but the

1 issue of you making kind of a Section 114, raising a
2 Section 114 issue or Redress of Wrongs, that doesn't
3 arise so I don't need to ask you any questions about
4 it. Can I thank you for just answering my questions.

5 THE WITNESS: Thank you.

15:28

6 SOLE MEMBER: Thank you, Mr. Lehane. Anybody else wish
7 to put a question to the witness?

8
9 MR. MICHAEL O'CONNELL WAS QUESTIONED BY THE SOLE
10 MEMBER, AS FOLLOWS:

15:28

11
12 628 Q. SOLE MEMBER: Mr. O'Connell, thank you again for coming
13 here to share your experience with the Tribunal. Could
14 I take you up on a point that Mr. Lehane has just
15 raised. I understood he was asking you to clarify
16 whether you would characterise what happened to you as
17 abuse and I'd like to hear a little bit more on that
18 because what I heard earlier when you described the
19 pressure cooker environment, when you described the
20 experience of what do we have to do to break this
21 person, I get him to sing so he sings, what else?
22 would you characterise that as abuse of young men?

15:28

23 A. We're going to into definitions and an area now that I
24 don't particularly feel qualified to speak on.

25 629 Q. We have a clear definition and it includes bullying?

15:29

26 A. Yes.

27 630 Q. And it includes harassment and it includes assault and
28 it includes physical torture?

29 A. The challenge, I suppose, for me in all of this is

1 what's deemed acceptable in military training and when
2 the lines are crossed. Because you didn't know where
3 the lines were, it's very hard for me to say was I
4 being soft, you know, in my response to particular
5 things? There are terms today that we use that we were 15:29
6 probably not familiar with 35 years ago. Did I lose
7 sleep? Did I cry? Yes, of course I did. I lost sleep
8 last night with this.

9
10 we have cried a lot for Ollie and we've cried for 15:30
11 ourselves in our experience. Does that mean we had
12 emotional abuse? Maybe. It's really hard for me to
13 define -- what is -- what point in time do you
14 determine, I leave it to the legal profession for this.
15 I don't know. I don't know. 15:30

16 631 Q. Did you feel the line was crossed between military
17 training -- did you feel a line was crossed that went
18 beyond military training?

19 A. Based on what we were being trained to do, our primary
20 role to become qualified technical resources for the 15:30
21 military, it did not seem appropriate, to me at that
22 point in time, that we would have to go through the
23 extremes of training we were going through.

24
25 what's also interesting just as a side note on this, on 15:31
26 the training piece, the reality is in the real Army, as
27 I referred to, at one point there used to be a
28 technical course for NCOs and a course for
29 non-technical folk and the technical NCO course was

1 training, because it was recognised they didn't need
2 the same. For some reason, at the point in time we
3 were there, we seemed to have much more of the military
4 and we still had to go through a Three Star course in
5 Cathal Brugha.

15:31

6
7 So, I digress slightly but I think the point is I find
8 it difficult to tell you at what point in time you say,
9 yes, for me, I feel abused, I feel we all went through
10 what we shouldn't have went through. I think some
11 people, you know, did quite badly out of the
12 experience. You know, Ollie's passing, you know, is
13 the worst case. So it's hard for me to say, you
14 know -- emotional abuse, fine, but to what extent? I'm
15 here. I came out of it. I learnt something from it.
16 I became tougher from it. But did I have to go through
17 it? No, I don't think we should have went through it.

15:31

15:32

18 632 Q. And I don't have any remit to investigate emotional
19 abuse, but the bullying and harassment and torture I
20 do, not to investigate the abuse, of course, but the
21 complaints processes for dealing with those forms of
22 abuse.

15:32

23
24 You ha said earlier that you did your best to be good
25 soldiers, you and your fellow platoon members, with a
26 standard that seemed to keep evolving. What was your
27 understanding then of what a good soldier was and did
28 it include the moral courage to speak up and make a
29 complaint if some member of the platoon was suffering,

15:32

1 or was that not within...

2 A. Can you repeat, sorry.

3 633 Q. When you said we did our best to be good soldiers --

4 A. Yeah.

5 634 Q. -- with a standard that seemed to keep evolving; I'm 15:33

6 asking you to explain to me what did you understand a

7 good soldier to be. What did you understand being a

8 good soldier meant? And was it conveyed to you or in

9 some way communicated to you that being a good soldier

10 meant incorporating the values of moral courage and 15:33

11 integrity and speaking up for the weak; was that ever

12 part of your training in terms of what a good soldier

13 would be?

14 A. Maybe two parts. Maybe good apprentice, good soldier

15 but we were apprentices at the time. The reality is I 15:33

16 mentioned in my earlier interviews about almost like

17 having competition and finding ways to get the shiniest

18 boots, you know. So you'd be on parade and they'd say

19 good job. Also, this sounds nuts when I say it but we

20 used to have to buff the floors every morning in the 15:34

21 billet. And, you know, there are occasions where we'd

22 really be really taking pride in the basics of

23 housekeeping and what was expected of us. I honestly

24 feel that we were trying but we seemed to also get

25 caught up. Like sometimes obstacles were thrown in our 15:34

26 way to make it seem that we weren't doing good enough.

27 For example, it's just come to my head now, there was

28 an occasion where we were buffing the floors and before

29 the parade happened, some NCO, I don't know who, went

1 around with chalked and marked the floor so when the
2 officer came in to inspect they said, 'That floor's not
3 clean.' And you're going, 'Right.' You're kind of
4 going, 'Seriously? This is just not.' It's not fair,
5 right? So that's the first piece.

15:34

6
7 So different definitions. So I think in terms of being
8 an apprentice, not necessarily a good soldier, being an
9 apprentice, what it is we were expected to do every
10 day, building our bed lock, getting that right,
11 cleaning the sinks, cleaning the showers, mopping and
12 buffing the floors, making sure that we were presented
13 well for parade. That was all part of what being a
14 good apprentice was. As well, by the way - and most
15 importantly - that if you didn't qualify through your
16 technical side of things you no longer were going to be
17 an apprentice. So, the priority and emphasis for all
18 of us was get your studies and get qualifications there
19 first. You could fall back to be a soldier but that's
20 not why you were there. So that's the first piece.

15:35

15:35

15:35

21
22 The second piece as I referred to, yes, I think the
23 camaraderie, as you'd expect from the military, being a
24 good platoon, carrying each other through tough
25 military exercises in Kilbride or the Glen of Imaal,
26 all builds this sense of camaraderie with the people
27 you go through it with, because I got carried through
28 some tough times and tough times I carried a weapon
29 that I wasn't able to carry, but that's what you did

15:35

1 because people had blisters. So you absolutely get
2 built into this whole thing of one for all and you take
3 care of your peers. And I think through the platoon
4 leadership, the fact that it was a position that was
5 rotated, you also were responsible for managing
6 certain aspects of platoon organisation on a weekly
7 basis.

15:36

8
9 So there, certainly, was an element of camaraderie, you
10 know, being part of the military, what you'd expect,
11 etc., etc.

15:36

12 635 Q. And did taking care of your comrades or taking care of
13 your other members of the platoon, was it ever conveyed
14 that that might also mean speaking up for them, if
15 they're suffering?

15:36

16 A. Not that I recall, no.

17 636 Q. And can I ask you about weekend passes. You described
18 it initially I think as a withdrawal of the privilege,
19 that the weekend pass would be removed and then you
20 corrected yourself and you said rights, these were your
21 rights to go home. What did you understand when you
22 joined the military in terms of your weekend freedoms
23 or weekend availability to have your weekend off?

15:37

24 A. Monday to Friday.

25 637 Q. Was that agreed, was that your understanding going in?

15:37

26 A. You know, like, I don't recall signing a contract
27 because I was a minor, let's say, at the point in time.
28 The assumption that my mother or father, but I don't
29 recall them signing consent forms. This wasn't at a

1 time where, I suppose, you asked those type of
2 questions, like you might ask today of a new employer.
3 I was damn grateful to have the opportunity. I
4 expected to be off weekends. No one told me I wouldn't
5 be, so I expected to be off weekends.

15:37

6 638 Q. Then, finally, you spoke about the aftermath of the
7 death of one your colleagues, Ollie Mullaney, and you
8 said that the superior officers, the people in charge,
9 as it were, "they knew we were angry, they knew we were
10 angry;" did this present or did this not present an
11 opportunity to explain the source of your anger, as in
12 it went beyond the fact that a colleague died, but it
13 was the treatment that you had experienced as you
14 recounted it?

15:38

15 A. Sorry, say that again, sorry.

15:38

16 639 Q. The fact that your superiors knew you were angry --

17 A. Yeah.

18 640 Q. -- did that provide an occasion or an opportunity for
19 the source of your anger to be discussed, explained,
20 teased out. Angry rather than sad. I mean if the
21 death had occurred in different circumstances perhaps
22 there'd be a sadness. But I was struck by the fact you
23 said "they knew we were angry" and I'm wondering was
24 there a scope or a context in which the source of the
25 anger could be explored, or might have been shared?

15:38

15:39

26 A. I think there was an opportunity -- there could have
27 been an opportunity for that to happen. Unfortunately,
28 I don't recall. I don't recall any opportunity being
29 created for that to happen, no. 1. And, secondly, I

1 think from our own perspective, again, there was 50 of
2 us, and even coming to this conversation today, we're
3 all in different places in terms of, you know, what the
4 experience was, what do we think should come of this.
5 I think the reality is, for me, I very much from my own 15:39
6 perspective stopped really, I think the suppression
7 based on the insurance side of things just gradually
8 just -- any anger we had just gradually dissipated
9 because we just felt let this be. Let this be and, you
10 know, hopefully things improve. Hopefully things 15:40
11 improve. But, ultimately, it just didn't seem there
12 was any mechanism or any real ability to do anything
13 different from where we were at.

14 641 Q. And, finally, Mr. O'Connell, what would you envisage as
15 being an improved scenario in terms of complaints 15:40
16 procedures today? I appreciate you're not in the
17 Defence Forces today.

18 A. Yes.

19 642 Q. But what might have been better for you in terms of a
20 process or a structure? 15:40

21 A. The reality is that for something to be effective in
22 the complaints space, I feel there needs to be
23 independence. There needs to be a mechanism that
24 ensures that there isn't repercussions on the person
25 who makes the complaint. 15:41
26

27 I think conversations and discussions about what the
28 complaints process looks like, what you should expect,
29 how is the complainant, this is what you should expect

1 happen. Explain the process. Make the process really
2 clear so people understand it.

3
4 The fact that everyone should understand the process,
5 not just the complainant but people who potentially are 15:41
6 in the organisation should understand what the
7 complaint process is. And independence, yeah. What
8 else would I say? Yeah, they're probably the main
9 thing really.

10 SOLE MEMBER: Thank you very much, Mr. O'Connell. 15:41

11 MR. LEHANE: Sorry, Judge, just one thing has been
12 brought to my attention and it will be obvious but I
13 have to give the witness an opportunity. You mentioned
14 in your evidence it was view that there was a cover-up
15 in relation to -- it's not obvious until I say it, that 15:42
16 is denied by the Defence Forces and my clients.

17 SOLE MEMBER: You have somebody coming to give evidence
18 in relation to it.

19 MR. LEHANE: It was put to one of the witnesses who's
20 going to give evidence, in his interview, that there 15:42
21 was a cover-up in relation to the interview. He will
22 be coming to give evidence.

23 SOLE MEMBER: So your client will produce evidence.

24 MR. LEHANE: Yes.

25 SOLE MEMBER: Thank you. 15:42

26 MR. LEHANE: I just didn't want to let the witness go.

27 SOLE MEMBER: Do you want to say anything in relation
28 to that, Mr. O'Connell? Do you want to...

29 THE WITNESS: No.

1 SOLE MEMBER: ...give a different view.

2 THE WITNESS: No. I have given my view.

3 SOLE MEMBER: You have given your view. Thank you very

4 much.

5 MR. BRADY: Judge, just on that. I wonder is it more 15:42

6 appropriate to give a little bit more of an indication

7 as to who this witness might be or what context they're

8 going to give, rather than just I have a witness coming

9 and they're going to give evidence. I mean is it

10 someone from the Defence Forces, a former member, a 15:42

11 current member? This is maybe the second time this has

12 happened.

13 SOLE MEMBER: Perhaps you could address that point,

14 Mr. Lehane.

15 MR. LEHANE: Thank you, Judge. Sorry, Chair. 15:43

16 SOLE MEMBER: Sole Member.

17 MR. LEHANE: Sorry, Sole Member, again, I'm trying my

18 best to get it right. You will be aware, from reading

19 the interviews in the run-up to this module, that

20 during the interviews that one of the individuals who 15:43

21 was involved in the investigation, it was put to him,

22 for the first time during the course of the interview's

23 conclusion that he was involved in a cover-up in

24 relation to this, okay?

25 SOLE MEMBER: well, I don't carry around the contents 15:43

26 of the interview in my head, Mr. Lehane. You might be

27 a little bit more precise.

28 MR. LEHANE: Do you want me to name the individual?

29 Because one of the things that we will be talking about

1 at one point is in relation to whether he can be named.
2 This witness has given his -- this is why I couched it
3 very carefully when I was asking the question. He has
4 indicated that in his view, internal to him, his
5 feeling is that there was a cover-up.

15:44

6 SOLE MEMBER: Yes.

7 MR. LEHANE: If I have a different, and I'm going to
8 articulate a different position I have to put it to him
9 that that different position is going to be
10 articulated.

15:44

11 SOLE MEMBER: And you have to produce the witness who's
12 going to do that.

13 MR. LEHANE: And I have to produce the witness to do
14 that and I will be doing that. I don't think
15 Mr. Brady, or indeed the witness, is under any
16 disadvantage from me not putting the individual's name
17 to him. I can do that if the Sole Member wishes.

15:44

18 MS. PILLAY: Judge, I think maybe Mr. Lehane is
19 referring to is an investigator who investigated the
20 Traynor allegations. And I understand during an
21 interview with an investigator it may have been put to
22 him that there there was an cover-up. But
23 Mr. O'Connell's evidence in relation to a cover-up is
24 in relation to the Mullaney death so they are two
25 separate matters. I don't know if that assists.

15:44

26 SOLE MEMBER: Does that clarify matters?

27 MR. LEHANE: It does, but, again, I'm just trying to be
28 fair to the witness in that I don't want him going away
29 without me articulating what my clients' position is in

1 relation to this.

2 SOLE MEMBER: But Ms. Pillay has just said that the
3 view expressed by the witness in relation the cover-up
4 - which is his view - that that was in relation to the
5 death of Mr. Oliver Mullaney; whereas, the investigator 15:45
6 that you, I understand, are talking about was
7 investigating a different event. Is that right,
8 Ms. Pillay, have I got that correct?

9 MS. PILLAY: That is correct and the investigator is
10 named he's on the witness list. I think he can be 15:45
11 named.

12 SOLE MEMBER: And it's the same investigator but it's
13 in a different investigation?

14 MR. LEHANE: Yes.

15 SOLE MEMBER: So then it doesn't apply to this 15:45
16 particular witness.

17 MR. LEHANE: Yes, Judge. I'm just trying to be fair to
18 everybody, including the witness.

19 SOLE MEMBER: But it's a different investigator.

20 MR. LEHANE: Yes. 15:45

21 SOLE MEMBER: Thank you, Mr. Lehane. Mr. O'Connell,
22 thank so much for coming today to give evidence. The
23 Tribunal, as a whole we appreciate, it's not an easy
24 experience to come but it's an important thing that you
25 have done and I want to thank you for doing that. 15:45
26

27 As I said earlier today, we will not be sitting
28 tomorrow, there's been a change in schedule and I will
29 see you at 10:30, we'll resume proceedings at 10:30 on

1 Friday morning. Thank you.

2
3 THE TRIBUNAL WAS THEN ADJOURNED UNTIL FRIDAY, 19TH JUNE
4 2026 AT 10:30 A.M.
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