

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, 24TH JUNE 2026 - DAY 12

12

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1 THE TRIBUNAL RESUMED ON WEDNESDAY, 24TH JUNE 2026 AS
2 FOLLOWS:

3
4 SOLE MEMBER: Good morning, everybody. Now,
5 Mr. McGovern. 10:31

6 MR. McGOVERN: Thank you, Judge. The next witness is
7 Mr. Ian Hutchinson. Mr. Hutchinson, please.

8
9 MR. IAN HUTCHINSON, HAVING BEEN SWORN, WAS DIRECTLY
10 EXAMINED BY MR. McGOVERN, AS FOLLOWS: 10:31

11
12 1 Q. MR. McGOVERN: Good morning, Mr. Hutchinson. How are
13 you?

14 A. Good, thank you.

15 2 Q. Just to remind you, Mr. Hutchinson, that, as you're 10:31
16 probably aware at this stage, the Tribunal is
17 investigating the effectiveness of the complaints
18 processes and the culture within the Defence Forces in
19 relation to complaints of abuse. The Tribunal is not
20 permitted to make findings in relation to the
21 well-foundedness of complaints of abuse and, for that
22 reason, you are required to refrain from disclosing the
23 names of any alleged perpetrators in your evidence
24 today. Where it is necessary to refer to such
25 individuals, you must do so by their rank or pseudonym
26 given to them by the Tribunal. Do you understand that?

27 A. I understand, yes.

28 3 Q. Thank you very much. Mr. Hutchinson, I think that you
29 enlisted in the Army Apprentice School in late '89?

1 A. That's correct, yeah, in September '89.

2 4 Q. Was that the 34th Platoon?

3 A. That was the 34th Platoon, yes.

4 5 Q. When you -- I think you enrolled as an apprentice radio
5 technician? 10:32

6 A. That's correct.

7 6 Q. And am I correct that you had a family history in the
8 military, both your father and your uncle?

9 A. Yeah. My father was 21 years in the Army and he had
10 four or five other brothers in the Army as well at some 10:32
11 stage.

12 7 Q. And were they serving or had they retired by the time
13 you enlisted in 1989?

14 A. One was still serving, the rest were...

15 8 Q. And the one that was serving, was that your father or 10:33
16 was it an uncle?

17 A. That was an uncle.

18 9 Q. An uncle. Thank you. You were part of the 34th
19 Platoon?

20 A. I was. 10:33

21 10 Q. I think you were just over 18 when you enlisted?

22 A. I was, yes.

23 11 Q. When you enlisted, Mr. Hutchinson, did you receive any
24 instruction in relation to the complaints processes
25 that existed within the Army -- in particular, A7, 10:33
26 Chapter 2 etc?

27 A. No.

28 12 Q. At any time during the three years that you were in the
29 Devoy Barracks, did you receive any instruction in

1 relation to those complaints process?

2 A. No, I don't remember. The first time I heard of a
3 Redress of Wrongs was when I went to The Curragh after
4 my three years in Naas.

5 13 Q. Was that for your Three Star training or was it after 10:33
6 that again?

7 A. After that again, yes.

8 14 Q. Reference has been made to documents posted on
9 noticeboards; have you any knowledge of those?

10 A. No. No. And it's probably a good time to bring it up 10:34
11 there, there was a photograph in one of the papers last
12 week of the square in Naas and it showed the
13 noticeboard, and the location of the noticeboard was
14 right beside the Company Office where the NCOs were,
15 and that was what I considered the danger zone. It's a 10:34
16 place where you just wouldn't go to because anything
17 was liable to happen if you went anywhere near that
18 building, so we just didn't go anywhere near that.

19 15 Q. Thank you. In relation to the noticeboards in general,
20 was any information in relation to the apprentices ever 10:34
21 posted on noticeboards?

22 A. I don't recall. I'd no reason to look at noticeboards
23 at the time. I suppose, when you're in the Army,
24 there's duty rosters that go up and you're required to
25 check the noticeboards to make sure that your name is 10:34
26 up for duty, particularly on a Friday. So, if you're
27 rostered for a duty on a Saturday or a Sunday, there's
28 no excuse for not reading the noticeboard on a Thursday
29 or Friday leaving the barracks and not turn up for duty

1 on a Saturday or Sunday and say that you didn't know.
2 So, that was the only reason why I would have ever read
3 a noticeboard. And we didn't do regimental duties in
4 Naas, so - bar, maybe, the summertime - so there was no
5 requirement to look at noticeboards.

10:35

6 16 Q. Reference has also been made, Mr. Hutchinson, to
7 reading of the Regulations or Acts; have you any
8 recollection of that --

9 A. No.

10 17 Q. -- during your time in Devoy?

10:35

11 A. No.

12 18 Q. If things had been read out, can you recall ever
13 anything being mentioned in relation to the redress
14 processes?

15 A. No. As I said, the first time I've ever heard of a
16 Redress of Wrongs was when I was a private in The
17 Curragh, in the Signals in The Curragh.

10:35

18 19 Q. Thank you. I should have said, Judge, that
19 Mr. Hutchinson's statement is at page 1440 of the
20 booklet, and his two interviews are at 1444 and
21 page 4283.

10:35

22
23 Mr. Hutchinson, in your statement, you mentioned the
24 incident about the -- or incidents about the cutting of
25 the hair of apprentices. Am I correct that this was a
26 process that extended over three different weeks?

10:36

27 A. The actual cutting of the hair was one week, but the
28 lead up to it was three weeks, yes.

29 20 Q. Yes. I think you can date that event by reference to a

1 letter that - your father will give evidence in due
2 course - but I think it started on 14th March 1990,
3 would that be correct, the first of the three weeks?
4 A. Well, I can't tell you the exact date, but, you know,
5 based on the letter, we can just assume looking back 10:36
6 over --
7 21 Q. Okay, well, you needn't worry about the dates.
8 A. Yeah.
9 22 Q. But am I correct that, in the sequence, that it appears
10 to have happened on three successive days -- or weeks? 10:36
11 A. That's correct, yeah.
12 23 Q. In relation to the first of those -- before, actually,
13 we deal with that, can you tell us what was your
14 understanding of the Regulations in relation to hair?
15 A. So, at the time, people understood that what was under 10:37
16 the beret was theirs and what was outside the beret was
17 the Army's. Now, subsequently, that appears not to be
18 the case. But, as young people -- and, apparently,
19 it's a myth and, if it's a myth, then it's, basically,
20 everybody thought that this was the actual situation. 10:37
21 And us being young at the time and not knowing any
22 different, that's what we considered to be the way
23 things were.
24 24 Q. Had you or any of the other apprentices, at that time,
25 had any knowledge in relation to Regulations or 10:37
26 Standing Orders in relation to hair?
27 A. No.
28 25 Q. No. I think Lt. Col. Fred O'Donovan has dealt with
29 that, but you had no knowledge of it?

1 A. No. No, other than it had to be clean and tidy and
2 your beret had to sit straight on your head, that was
3 it.

4 26 Q. Am I correct, Mr. Hutchinson, that the three incidents
5 we're going to talk about now happened on three 10:38
6 consecutive Wednesdays?

7 A. As far as I remember, it was a Wednesday. It was
8 during a military training day and I think that was a
9 Wednesday when we were -- and that year that we were
10 training, so we done a half-day training on a Wednesday 10:38
11 morning, and then we done sports on a Wednesday
12 afternoon.

13 27 Q. All right. In relation to the first of the dates, the
14 first Wednesday we're going to deal with, can you tell
15 us what happened on that date? 10:38

16 A. So was it a typical best uniform, No. 1 uniform,
17 inspection. So we would march onto the square in our
18 best uniform -- by the Platoon Sergeant, he'd march us
19 onto the square, and then the Platoon Commander would
20 come along and he would inspect us one by one, spending 10:38
21 a couple of minutes on each other person, and the
22 Sergeant would write down -- if there was particular
23 issues with people, you'd write down what the
24 particular issues were.

25 28 Q. Can you clarify, Mr. Hutchinson, when you refer to a 10:39
26 sergeant, is this the Platoon Sergeant or the Company
27 Sergeant you're referring to?

28 A. It's the Platoon Sergeant.

29 29 Q. Platoon Sergeant, thank you. So, the notes then were

1 made by the Sergeant in relation to -- can you remember
2 how many apprentices?

3 A. On the first occasion?

4 30 Q. Yes.

5 A. No, I can't. 10:39

6 31 Q. All right.

7 A. I mean, it wasn't the inspection, it was what happened
8 at the end of the inspection, which is where we were
9 asked to remove our berets.

10 32 Q. Okay. So, at the end of the inspection on the first 10:39
11 day, you were asked to remove your berets?

12 A. That's correct.

13 33 Q. And the Sergeant made notes in relation to what? What
14 was the issue that he was recording in the notebook?

15 A. I don't know whether the Sergeant made notes in his 10:39
16 notebook that particular day, but what I do know is
17 that the Platoon Commander wasn't happy with our
18 haircuts and had told us he wasn't happy with the
19 fringes that we had, not so much the back of our hair,
20 and told us that we needed to go and cut our hair. 10:40

21 34 Q. And, ordinarily, if you had been wearing a beret, would
22 the fringe have been underneath that beret?

23 A. That's correct, yes.

24 35 Q. So were you given any instructions, directions or
25 orders by anybody in relation to what to do? 10:40

26 A. Yes, we were told that our -- that we needed to go and
27 get our hair cut and that there was going to be an
28 inspection the following week and that we had to have
29 our hairs cut for the following week.

1 36 Q. Right. Now, what was the process for getting your hair
2 cut? Was there a barber on site in Devoy?
3 A. No. So the process was we went down to Naas Town and
4 spent our own money on getting our hair cut.
5 37 Q. So you'd have to spend your own money to get it -- 10:40
6 A. That's correct.
7 38 Q. Okay. Did any of the platoon members get their hair
8 cut after the first week?
9 A. No.
10 39 Q. All right. So that brings us to the second week then, 10:40
11 which was 21st March. Can you tell us, Mr. Hutchinson,
12 what happened on that occasion?
13 A. Pretty much the same as the week before -- marched onto
14 the square, our No. 1s' inspection, and the Platoon
15 Commander spent his time checking out and, at the end 10:41
16 of it then, he asked us to remove our berets again to
17 see did we get our hairs cut. And we didn't have our
18 hairs cut because we didn't feel we needed to get our
19 hair cut at the time.
20 40 Q. And what was the reaction to that? 10:41
21 A. He just went mad. He just started giving out, giving
22 out angry because we didn't do what he asked us to do.
23 And he started throwing threats all over the place,
24 like he would have done many times before, and pretty
25 much said that if we didn't cut our hair, that he would 10:41
26 cut our hair for us.
27 41 Q. And you referred to a threat, Mr. Hutchinson; what was
28 the threat?
29 A. The threat was if we didn't cut our hair, that he would

1 cut it for us.

2 42 Q. All right, thank you. So that was the end of the
3 second wednesday. That brings us to the third
4 wednesday then?

5 A. Yeah, so just in between those two, the barracks had 10:41
6 arranged for the Army barber to travel from The
7 Curragh, and there was probably about six people who
8 had been told after that parade to the visit the Army
9 barber to get their hair cut. And it's worth
10 mentioning I wasn't one of those six. 10:42

11 43 Q. All right. In relation to the Army barber, as opposed
12 to the one in Naas Town, was that a service that was
13 provided free of charge by the Defence Forces?

14 A. Yes, it was.

15 44 Q. So, to your knowledge, did any of the six people who'd 10:42
16 been identified by the Platoon Commander visit the
17 Defence Force barber between the second and third
18 weeks?

19 A. Just say that again, sorry, I missed that.

20 45 Q. Are you aware whether any of the six people, six 10:42
21 apprentices who had been identified or singled out by
22 the Platoon Commander as needing a haircut, in his
23 opinion, did they visit the Defence Force barber in
24 Devoy Barracks?

25 A. Yes, they did. And of the six, maybe one or two got 10:42
26 their hair cut by the Army barber, and the other -- the
27 rest of the people were told that they didn't actually
28 need a haircut. So he was quite surprised that people
29 presented themselves for a haircut and, in his opinion,

1 they didn't need it.

2 46 Q. So "he" being the Defence Force barber?

3 A. The barber, yes.

4 47 Q. Thank you. So, that brings us then just up to the
5 third Wednesday, which was 28th March. Can you tell us 10:43
6 what happened on that date?

7 A. Yeah. So, just like the previous couple of weeks, we
8 got marched onto the square. We had our No. 1s'
9 uniform inspection. And, at the end of it then - I
10 suppose we could see this happening from the previous 10:43
11 couple of weeks - he asked us to remove our berets.
12 And we didn't have our hair cuts because we didn't feel
13 we needed to, and he just went ballistic and marched us
14 off the square in between two billets, between two
15 buildings which was out of sight of everybody in the 10:44
16 barracks, and got us to remove our berets.

17 48 Q. Had it ever happened, Mr. Hutchinson, on a previous
18 occasion where you were marched off the square into the
19 area you're describing now?

20 A. No. So, this area is a billet where a platoon sleeps. 10:44
21 And it wasn't our billet, it was the next class's up
22 billet. So, we never had a reason to be in that billet
23 because it's not their billet. So it's their private,
24 personal space and we shouldn't be anywhere near that,
25 and they shouldn't be anywhere near us. I think the 10:44
26 reason why we ended up there was because it was the
27 closest part to the square.

28 49 Q. It was, sorry, the?

29 A. It was the closest, quiet place, I suppose you could

1 call it, away from the square.

2 50 Q. All right. When you got to this location outside what
3 would have been, what, the 33rd Platoon billet, what
4 happened?

5 A. He told us to take our berets off and then he took a
6 scissors out and he went to each person and --

10:45

7 51 Q. well, let's take this slowly. First of all, where did
8 the scissors come from?

9 A. It came from his pocket.

10 52 Q. whose pocket? 10:45

11 A. From the Platoon Commander's pocket.

12 53 Q. Right. So, had he gone anywhere between the parade on
13 the front square and the location you're describing
14 now?

15 A. No. 10:45

16 54 Q. All right. So the scissors was in his pocket?

17 A. Yes.

18 55 Q. Right. And when the scissors was produced, what
19 happened?

20 A. He proceeded to go around to everybody, and those who 10:45
21 he felt had a fringe that was longer than he liked, he
22 actually cut it. So, at the time, there was a style
23 that apprentices had and it was probably a flat top, a
24 bit like Top Gun-type stuff, but we used to let our
25 fringes grow down just a small, little bit so we didn't 10:45
26 look too military. And I don't think he liked that,
27 and that's why he decided to cut the hairs.

28 56 Q. Do you know how many people's hair was cut?

29 A. I'd say about five or six on the day. Can't be sure

1 now, but about five or six.

2 57 Q. And what was their reaction, Mr. Hutchinson?

3 A. Well, we were all horrified, really, because you're

4 standing there and you're saying this doesn't seem

5 right, this -- we're hiding away from everybody here. 10:46

6 This man has a scissors in his hand and, you know, he's

7 cutting your hair and it feels like we're getting

8 assaulted here. That's what we felt like.

9 58 Q. I presume there was some discussion about this incident

10 between yourself and the other apprentices, but can I 10:46

11 ask you did you or any of the other apprentices,

12 particularly those who had their hair cut, make any

13 complaint in relation to this?

14 A. No. So the Platoon Sergeant was there at the time, so

15 -- 10:46

16 59 Q. And would he have been there when the hair was cut?

17 A. He was.

18 60 Q. And would he have witnessed this?

19 A. He did.

20 61 Q. You mentioned already, Mr. Hutchinson, that you had 10:46

21 family members, including your father and uncles, who

22 were in the Defence Forces. Did you discuss this

23 incident with them during weekend leave?

24 A. I mentioned -- I had a conversation with my dad. So I

25 came home one weekend and he asked me how things were 10:47

26 and I explained to him that we were going through -- we

27 were getting -- we were having a tough time of it and,

28 ehm...

29 62 Q. Take your time.

1 A. [Short pause]. And he just asked me to tell him what
2 was going on. So, it just so happened to be the
3 weekend after the haircuts, and I told him everything
4 that was happening, including the haircut thing, and
5 that was it, really, for that particular weekend. 10:48

6 63 Q. Did you subsequently discover, Mr. Hutchinson, that
7 your father had done something as a result of what you
8 told him?

9 A. Yes. So, lucky enough, we got off the following
10 weekend and I was at home and my father asked me how 10:48
11 things were and had anything changed, or did I see
12 anything in particular that was happening down around
13 the Company Office where the NCOs were, you know, as if
14 -- when you're in an institution like that, you kind of
15 know when things aren't quite normal, but we didn't see 10:48
16 any change. So that's when he proceeded to tell me
17 that he had wrote an anonymous letter to the CO of the
18 barracks and complained about the haircut incident and
19 the lack of food that we had in the evening time.

20 64 Q. Can we concentrate on the hair, rather than the food, 10:49
21 for the moment?

22 A. Yeah.

23 65 Q. Were you aware that your father was going to write a
24 letter?

25 A. No. 10:49

26 66 Q. And when did you discover that he, in fact, had done
27 so?

28 A. That weekend.

29 67 Q. That was the week --

1 A. That was the -- one weekend, he asked me how things
2 were and I explained to him; and then the following
3 weekend when I was home, he told me he had written the
4 letter.

5 68 Q. So by the time you heard about the letter, the letter 10:49
6 had already been sent?

7 A. That's correct.

8 69 Q. So, at the time, did you see a copy of the letter?

9 A. No.

10 70 Q. And are you aware whether your father retained a copy 10:49
11 of that letter?

12 A. He didn't retain a copy of that letter, no.

13 71 Q. Thank you. We'll hear from your father in due course.

14

15 Can I ask you, Mr. Hutchinson, to your knowledge, was 10:49
16 there any ever investigation in relation to the events
17 surrounding the cutting of the hair?

18 A. No. So this is -- subsequently, we found out that
19 there was something that happened and that the Platoon
20 Commander possibly was paraded in front of the GOC at 10:50
21 the time.

22 72 Q. When did you find that out?

23 A. About two months ago.

24 73 Q. All right! Well, we're going back now over 30 years --

25 A. Yes. 10:50

26 74 Q. At that time when you were in Devoy, or even when you
27 were moved to The Curragh after, were you aware of any
28 investigation in relation to it?

29 A. No. No. So, this is the problem, things happened to

1 us -- maybe things happened in the background to deal
2 with it --

3 75 Q. Yes?

4 A. They weren't dealt with properly, but nobody came back
5 and gave us any feedback about what happened. So, you 10:50
6 know, as far as we were concerned, nothing happened.

7 76 Q. All right. Were you ever interviewed in relation to
8 the hair-cutting incident?

9 A. No.

10 77 Q. Were you ever asked to make a statement in relation to 10:50
11 the hair-cutting incident?

12 A. No.

13 78 Q. To your knowledge, was any other apprentice in the 34th
14 Platoon either interviewed or made a statement in
15 relation to the hair-cutting incident? 10:50

16 A. I'm not aware of anybody, no.

17 79 Q. Can I refer you, Mr. Hutchinson, and you may not have
18 seen this document, but it's a two-page document --
19 Judge, this is at page 2864. Have you ever seen that,
20 Mr. Hutchinson? 10:51

21 A. I've never -- until a couple of months ago, I've never
22 seen that, no.

23 80 Q. Well, we don't know who the author of this is, but it's
24 headed "Chronology of Complaints and Surrounding Events
25 [blank]", and it's in four columns -- there's numbers, 10:51
26 date, complaint and comment. And, as yet, we don't
27 know who these comments were made by, but if you turn
28 to the end of the next page, the very end -- stop there
29 -- you see:

1
2 "Fwd by OC to GOC."

3
4 So, that's forwarded by OC, Officer Commanding - that
5 would have been Hayes - to GOC, General Officer
6 Commanding - that would be Wall. And it's a synopsis
7 of, effectively -- although there are nine, it's
8 actually eight complaints. The last one is a raising
9 of the complaints that were made against 2 Lt. B. The
10 first two are concerned with the cigarette incidents
11 that we've heard of. So, November '89:

12
13 "Cigarettes placed in ears."

14
15 And number 2 is November '89:

16
17 "Cigarettes in his mouth."

18
19 And the comments in each are "This occurred", "This
20 occurred".

21
22 And if you go then to the second of the two pages,
23 number 8, it's described as May 1990, but it would
24 appear that, in fact, that should be March 1990, on
25 your evidence, and it says:

26
27 "Apprentice [blank] stated that 2 Lt. B and a sergeant
28 cut locks from hairs of apprentices who failed to get
29 proper haircuts on square."

1
2 And the comment in relation to that was:

3
4 "This was admitted by 2 Lt. B. He was paraded by..."

5
6 -- and that would appear to be reference to the General
7 Officer Commanding wall. And:

8
9 "This treatment did not reoccur."

10
11 And this is the bit I want to ask you about,
12 Mr. Hutchinson:

13
14 "Apprentices interviewed. Did not..."

15
16 - it appears to be -

17
18 "...indicate or include this as a complaint."

19
20 Are you aware of any apprentice being interviewed in
21 relation to that?

22 A. No.

23 81 Q. And, Judge, could I also, by way of comment --
24 yesterday, Mr. McCann, I think, in the cross-
25 examination of Mr. Guinan, said that the fact that two
26 apprentices raised an issue in relation to the
27 cigarettes when they were being dismissed from the
28 Defence Forces -- if I'm correct in my note that I took
29 at the time, that he said there was a reference to

1 abuse in a redress process, but if -- can we move on
2 to --

3 A. Can I just add something there?

4 82 Q. Yes -- can I just finish first, Mr. Hutchinson?

5 A. Yeah. 10:54

6 83 Q. whoever made the comment on this document says that
7 this was not included as a complaint, the fact that
8 these issues were raised in those circumstances.
9

10 Sorry, Mr. Hutchinson, you were about to say something? 10:54

11 A. Yeah, that particular situation with the two
12 apprentices or the supposed Redress of Wrongs, they
13 wouldn't have been aware of a Redress of Wrongs, but
14 one of their fathers was a serving member at the time
15 in the Air Corps, so he would have guided his son in 10:54
16 that particular process.

17 84 Q. Thank you. The second document I want to refer you to,
18 Mr. Hutchinson, is at page 2831. And, again, it's a
19 document that I think Mr. McCann referred to; it's 16th
20 May 1991. This is a two-page document which was signed 10:55
21 by 2 Lt. B, and I want to draw your attention to
22 paragraph 4. Is that on the screen in front of you?
23 It says:
24

25 "During the summer of 1990, OC [blank] made a 10:55
26 recommendation that two apprentices be discharged as
27 'unlikely to become efficient' (extract from General
28 Conditions Awarding Apprenticeship in..."
29

1 -- presumably the Army Apprentice School.
2
3 "These apprentices were [blank] and [blank]. The
4 cigarette incident emerged during the course of an
5 interview between the GOC Brigadier General [blank] and 10:55
6 Apprentices [blank] and [blank], as well as details of
7 hair-cutting incident and the chewing incident..."
8
9 We're concerned at the moment with the hair-cutting
10 incident -- 10:56
11 A. okay.
12 85 Q.
13
14 "...in October/November '89 approximately. The GOC
15 immediately ordered an investigation as a result of 10:56
16 this. I..."
17
18 - that's the author of the letter, 2 Lt. B -
19
20 "...was paraded in front of the GOC." 10:56
21
22 - that's wall -
23
24 "In October '90, he informed me that:
25 10:56
26 (a) he was satisfied with the results of the
27 investigation..."
28
29 -- I'm going to stop there for a moment. Were you or

1 any of the other apprentices aware of an investigation?

2 A. No.

3 86 Q. All right.

4

5 "(b) he considered that my actions were the result of 10:56

6 overenthusiasm and inexperience;

7

8 (c) there was a difference between apprentice training

9 and cadet training (which was my own previous

10 experience) and that I would have to learn to make the 10:56

11 distinction;

12

13 (d) he hoped that I'd learned a valuable lesson and he

14 now considered the matter closed."

15 10:57

16 Were you aware of any of those matters, Mr. Hutchinson?

17 A. No, I wasn't. And, clearly, when the Platoon Commander

18 came back to Naas, I don't think that there was any

19 lessons learned from that particular situation. And

20 certainly he wasn't supervised. Like, he should have 10:57

21 been supervised, as a junior officer. So he continued

22 to do what he did previously and nobody seemed to step

23 in to correct him.

24 87 Q. Were you aware, Mr. Hutchinson, of the events leading

25 up to the departure of Aptce. Traynor from the Army 10:57

26 Apprentice School?

27 A. I was, yes.

28 88 Q. Would you tell us what you recall of that?

29 A. Damien had -- Damien had been picked on by the Platoon

1 Commander many, many times because the Platoon
2 Commander felt that he wasn't up to scratch and he
3 would zoom on him on pretty much every occasion that he
4 could have and gave Damien a rough time.

5 89 Q. In relation to Aptce. Mullaney, were you present on the 10:58
6 Thursday, 20th June?

7 A. No, thank God, I wasn't, no.

8 90 Q. Were you present on the weekend when Oliver died?

9 A. No, I was in the hospital in The Curragh at the time.

10 91 Q. Were you asked to make a statement in relation to 10:58
11 either of those matters, Mr. Hutchinson?

12 A. I was. So Oliver came to see me in the hospital on the
13 Friday night.

14 92 Q. Just to be clear about this now, this is Aptce. Oliver
15 Mullaney? 10:58

16 A. Oliver Mullaney, yeah.

17 93 Q. And he came to you -- you were in the hospital where?

18 A. In The Curragh.

19 94 Q. In The Curragh, yes. So he travelled from Naas to The
20 Curragh? 10:59

21 A. Yeah, so Oliver was the only person who had a car in
22 the platoon and he used to bring us -- when someone was
23 in the hospital in The Curragh, he would drive, like,
24 three or four people up to The Curragh so we'd visit
25 this person in The Curragh and probably break up their 10:59
26 time in the hospital because it wasn't a particularly
27 nice place to be. And on the Thursday night, I was
28 expecting Oliver and a carload of lads to come up to
29 see me, and they didn't, so I was particularly

1 disgusted on Thursday night/Friday morning. And by the
2 end of the day on Friday, I just said, 'well, the lads
3 are all gone home at this stage, so no one's going to
4 come to see me, so I'm here for the weekend', and
5 that's when Oliver turned up. 10:59

6 95 Q. Take your time, Mr. Hutchinson. Would you like to tell
7 us about his visit to you in the hospital in The
8 Curragh?

9 A. Eh, yeah, Oliver was quiet that night. He explained
10 why they hadn't turned up the night before and told us 11:00
11 that they had a particularly rough time on the Thursday
12 night and that, because he was on duty, he said he'd
13 just come and see me on the Friday. So he was quiet
14 that night. He stayed for about an hour and we
15 chatted, and then he went back to the barracks in Naas. 11:00

16 96 Q. When you say he was quiet, was that normal behaviour
17 for him?

18 A. Well, Oliver was always quiet anyway. He was a nice,
19 quiet person, but -- and always very helpful and
20 chatty. But, that particular night, he was just quiet, 11:00
21 more quiet than usual.

22 97 Q. Did you talk to him or ask him why he might be in that
23 frame of mind?

24 A. No. No.

25 98 Q. Was that the last time you would have seen him? 11:00

26 A. Yes.

27 99 Q. You made, apparently, a statement to the Military
28 Police, Mr. Hutchinson, am I correct about that?

29 A. Yeah. I'm actually quite surprised, when I seen some

1 documents, I was quite surprised to see my name on a
2 statement, but I kind of remember being interviewed by
3 the Military Police -- the weeks after Oliver shot
4 himself was difficult to remember stuff.

5 100 Q. Okay. I understand that. Leaving aside what you know 11:01
6 now, had you any recollection, until recently, of
7 making a statement to the Military Police?

8 A. No -- well, I, basically, tried to forget my time in
9 Naas and move on, so I wouldn't have remembered that
10 until I seen the statement. And when I seen the 11:01
11 statement, then I vaguely recall being called down to
12 the - I think it might have been the canteen - to meet
13 someone from the Military Police from The Curragh and
14 make a statement.

15 101 Q. Could I ask Ms. Heavey to go to page 2919, please? 11:02
16 That's headed:
17
18 "Military Police Statement Form
19
20 Statement of: 11:02
21 Surname: Hutchinson.
22 Christian name: Ian."
23
24 And if you go to the end of it:
25
26 "Recorded at 1125 hrs on 9th July 1991 at [blank]." 11:02
27
28 Can you have any recollection, in retrospect,
29 Mr. Hutchinson, of when that statement might have been

1 made?

2 A. No. Was there a signature on that?

3 102 Q. Not on the copy we have. Can you remember --

4 A. I don't recall the contents of the conversation, to be

5 honest. 11:02

6 103 Q. Right. Now that you've seen -- I think you did see the

7 statement recently?

8 A. "Basically, he was in good form" -- yeah, there's a

9 phrase there where it says "He seemed a bit dreamy."

10 104 Q. Yeah, it's on the third line. 11:03

11 A. Yeah.

12 105 Q. I'll just read it, if I may:

13

14 "Basically, he was in good form. Once or twice, he did

15 seem a bit dreamy." 11:03

16

17 A. Yeah, "dreamy" is not -- not really in my vocabulary.

18 It's not something I'd normally use, but I can't say

19 for definite whether I did or I didn't say that on the

20 day. 11:03

21 106 Q. All right.

22

23 "I asked him why no one came to visit on Thursday night

24 and he told me that he arrived back from the ranges at

25 half past eight and they had a room inspection and he 11:03

26 did not get to bed until twelve o'clock. He did not

27 say anything else about Thursday night, except that he

28 was nearly in tears during the room inspection. Oliver

29 stayed until about 10:30. I walked him to the car park

1 and he said 'Ya' and left, that is all."
2
3 A. Yeah, I can't remember him going into any detail on the
4 Thursday night. I can't remember him talking about
5 crying himself to the sleep on the Thursday night. I 11:04
6 don't recall that.
7 107 Q. And do I take it that, if you don't recall it, you
8 don't recall telling somebody about that to go into a
9 statement?
10 A. No. We had a conversation within the platoon there 11:04
11 recently and I think I was quite surprised to hear that
12 because, I wasn't there, I wasn't there on the Thursday
13 night, I was in the hospital. So Oliver would have
14 slept directly across from me...
15 108 Q. Had you ever made a statement to the Military Police 11:04
16 before, or since, Mr. Hutchinson?
17 A. No.
18 109 Q. And you don't know whether it's normal to request
19 people who make statements to sign them?
20 A. Well, I would expect that if it was a statement, that 11:04
21 there should be a signature on the end of it.
22 110 Q. Is your signature on that?
23 A. No, that's... That's handwriting from somebody else.
24 It's not my handwriting.
25 111 Q. Sorry, where's the handwriting? The copy we have is a 11:05
26 typed version?
27 A. Would you say that's typed? I'd say that's
28 handwritten. No?
29 112 Q. Oh, sorry, there is a handwritten one. It's

1 page 3012, I'm told, Ms. Heavey.

2 A. well, that's not my handwriting, anyway, for a start --

3 113 Q. That's not your handwriting, okay.

4 A. But that is my signature at the end.

5 114 Q. Right, so, let's be clear about this. There's a 11:05

6 signature at the end of that?

7 A. Yes, that's mine.

8 115 Q. That's your signature?

9 A. Yeah.

10 116 Q. And the handwriting? 11:05

11 A. It's not my handwriting.

12 117 Q. That's not yours. So, you don't know who took that?

13 A. No.

14 118 Q. -- who wrote it.

15 A. No. 11:05

16 119 Q. Thank you. Now, I think, am I correct, Mr. Hutchinson,

17 that you left the Defence Forces subsequently?

18 A. I did, yeah, in 2000, yeah.

19 120 Q. In 2000?

20 A. Yeah. 11:06

21 121 Q. And, after you left, did you write a letter to the

22 Minister?

23 A. No.

24 122 Q. Page 1469 --

25 A. You might be getting me mixed up with somebody else, 11:06

26 yeah.

27 123 Q. well, I'll just check this now. This is a letter 8th

28 March '24, "Dear Mr. Hutchinson..." --

29 A. The letter was sent in March 2024?

1 124 Q. No, the letter is dated 8th March '24, and it appears
2 to be in reply to the writer's correspondence of 29th
3 January 2024?
4 A. So we're talking about a letter two years ago?
5 125 Q. Yeah. 11:06
6 A. Absolutely not. I don't know where that came from.
7 126 Q. You don't know where that came from?
8 A. No. I've never seen it before.
9 127 Q. And you don't know who the Mr. Hutchinson referred to
10 in that is? 11:07
11 A. It can't be me because I never got that letter. Is
12 there an address on it or something? I --
13 128 Q. No. And there's no copy of the letter of 29th January
14 '24 either. This was given to us by the Defence
15 Forces. Did you send an e-mail? 11:07
16 A. No, I didn't send any e-mail. As I said earlier on, I
17 kept my head down, got my way through the Apprentice
18 School in Naas and carried on with my life. And the
19 first time we started talking about this was a couple
20 of years ago when there was talk of a tribunal, and 11:07
21 that's when all this stuff starts coming back.
22 MS. McGRATH: Judge, just in ease of my Friend, the
23 e-mail is in the correspondence at 1465 onwards.
24 129 Q. MR. McGOVERN: Perhaps Ms. Heavey would go to 1465? An
25 e-mail from Ian Hutch -- 11:08
26 A. Awww...
27 130 Q. -- dated 30th January 2024?
28 A. That was a standard -- I do remember that now. That
29 was just a standard thing that we sent, I think. I

1 can't remember. It's vaguely familiar to me now that I
2 see it there.

3 131 Q. When you say a "standard thing", can you just elaborate
4 on that and tell us what you mean?

5 A. Well, I think it was part of a -- I think it was the 11:08
6 start of the process where we discussed it between
7 ourselves and -- I can't remember the ins and outs of
8 it, but, you know, basically, writing that e-mail was
9 part of you want to be part of the process, so you sent
10 some generic e-mail and signed it off. 11:08

11 132 Q. In January '24 when that e-mail was written, were you
12 aware that there was or was going to be a tribunal of
13 inquiry?

14 A. I think I was at that stage, yeah.

15 133 Q. And you wished to be involved in that? 11:09

16 A. Yes.

17 134 Q. And the letter then that I've referred to you already,
18 8th March 2024, it refers to a letter but, in fact, I
19 think it's a reply to an e-mail, and it's dated -- it
20 refers to correspondence of 29th January '24, but, in 11:09
21 fact, your e-mail is 30th January so...

22 A. I don't know. I don't know, maybe I got an e-mail
23 reply, maybe I got a generic e-mail reply and just
24 ignored it because it was just generic.

25 135 Q. All right. Mr. Hutchinson, in all the time you were in 11:09
26 Devoy Barracks, did you ever make a complaint about
27 anything?

28 A. No. So, the situation really was we were afraid, we
29 were afraid to make a complaint. There's a phrase

1 where you don't pop your head over the fence and make
2 yourself known to other people, so you just -- you just
3 kept your head down and you just continued on. One of
4 the issues we had was we didn't have a safe person. So
5 one of our ex-platoon members went on to do an NCO's 11:10
6 course in Cathal Brugha Barracks and he ended up being
7 the class president because he was the oldest person in
8 the platoon, and he was the safe person. So if anybody
9 on the course had a particular issue with any NCOs or
10 with something that was going on, they went to him and 11:10
11 they complained to him. And then he represented them
12 down in the Company Office with the CS, and they would
13 discuss the issue or incident and then the CS would
14 then decide whether he wants to do something about that
15 or not. So he would have been the safe person, the 11:10
16 class president, the safe person.

17
18 we didn't have a safe person. So, what we had was a
19 platoon leader, and the platoon leader was the person
20 who liaised between the platoon and the platoon NCOs or 11:10
21 platoon commander, and they would only liaison when
22 they had to liaison, for whatever reason. So, whether
23 it was to find out about parades or to go down and get
24 the weekend passes, that's the only time they would go
25 anywhere near the Company Office. I referred to it 11:11
26 earlier on with the photograph that was in the paper of
27 the square and the noticeboard, that was the danger
28 zoned, and we stayed away from there. If we were going
29 anywhere in the barracks, we would walk around the back

1 way because we didn't want to draw attention to
2 ourselves or have somebody pick on us for whatever
3 reason.

4
5 And when we talk to each other and we hear back 11:11
6 stories, one particular guy from the platoon was
7 platoon leader at the time and it was a Friday -- and
8 we had our weekend passes put in from, maybe, the
9 Thursday and he went down on the Friday to collect
10 them. So we finished school, probably about four 11:11
11 o'clock, he went down to the office to collect them, as
12 the platoon leader would, and when he walked into the
13 door, there was two NCOs there and they told him that
14 we weren't going home that weekend and there was no
15 passes for us. So, he stood there amazed because, you 11:12
16 know, we'd filled out the documents, they were signed,
17 we were told they were signed. We were all sitting
18 there with our bags packed waiting to go home -- people
19 had arrangements made to meet their girlfriends or
20 their families or family things that were going on, and 11:12
21 they told him he wasn't going.

22
23 So, he was about to turn around and they said to him
24 'We'll give you your pass, but we won't give the passes
25 for the rest of the platoon.' So they wanted him to go 11:12
26 back up to the room, to 45 lads, with his pass and say
27 'I'm going home, lads, see yous all Sunday' -- and, of
28 course, he wouldn't do that, because it's not the right
29 thing to do.

1
2 So he turned around and started walking out the door,
3 and then they called him back and said 'There' and
4 handed him the 45 passes for everybody and he brought
5 them up to the billet and we all got home. 11:13

6
7 So that's just an example of the situation you were in
8 when you went down to the office. You just didn't know
9 what way it was going to go. It just could go any way
10 at all and, for that reason, you were just afraid to go 11:13
11 down. So you didn't go down, you didn't complain, no
12 one to complain to.

13 136 Q. You've mentioned two things and I just want to ask you
14 about them, Mr. Hutchinson. You spoke there about a
15 platoon leader or liaison officer; was that something 11:13
16 that alternated between the apprentices? It wasn't a
17 fixed position or appointment?

18 A. No, it alternated, so you were platoon leader for the
19 week.

20 137 Q. All right. And you also referred to a safety officer; 11:13
21 is that an official designated position or is it,
22 again, an unofficial one?

23 A. I'd say that's unofficial. When I say "safe", I mean
24 someone who you can go to and have a conversation with
25 -- so whether it's the Padre or whether it's... Like, 11:14
26 really, it should be your platoon sergeant, you should
27 be able to go to your platoon sergeant and tell him
28 you're having whatever difficulties you're having. But
29 we had particular difficulties with the Platoon

1 Sergeant and a couple of NCOs, and obviously
2 particularly difficult with the Platoon Commander
3 because he was the other source of who you went to if
4 you needed to complain. So we definitely weren't going
5 to go near the Platoon Commander, and we had no
6 confidence with the Platoon Sergeant. 11:14

7 138 Q. In the three years you were in Devoy, Mr. Hutchinson,
8 was there anyone you would have classified or
9 considered as a safe officer you could go to to talk
10 to? 11:14

11 A. No.

12 139 Q. And a moment ago, you said that, in relation to
13 complaints, you used the word "afraid"; will you
14 explain what you meant by that? why did you or any of
15 the other apprentices not make a complaint? 11:14

16 A. Because it was liable for something to come back and
17 happen to you, you know, whether it was being kept in
18 for the weekend, whether you were going to be on what
19 was called "fatigues", which was like a work party
20 outside school hours after study at eight o'clock at 11:15
21 night. You'd be -- if something happened and you were
22 being punished, you were on a work party that would
23 have to go out and sweep the ground, dig rose bushes,
24 whatever they felt they wanted you to do. There was a
25 time where a group of people moved sand from one corner 11:15
26 to another corner. And because of all these particular
27 incidents, you just didn't say anything. You just --
28 as I said, you didn't talk to anybody about this, you
29 just put your head down and you just kept going until

1 you got out of there.

2 140 Q. I know, finally, Mr. Hutchinson, that you're no longer
3 in the Defence Forces since 2000, but either then, or
4 now, how -- what changes would you like to see made?

5 A. Yeah, so I don't know what the Defence Forces is like 11:16
6 now. I believe things have changed. But what I would
7 say is, I suppose, any young officers coming out of the
8 Cadet School, they're junior leaders -- part of being a
9 good leader is having some empathy, and I would hope
10 that they would lean on empathy a bit more. So if 11:16
11 there was a situation where they needed to go hard in
12 on somebody to get them up to a certain level of
13 standard, that's fair enough, but they also need to
14 understand a bit of empathy and, if they're going too
15 hard in on somebody, that they need to step back. So I 11:16
16 would urge those young cadets or young officers to be
17 leaning on the empathy side.

18

19 As regards the NCOs, they should really step in and
20 call things out when things happen. It didn't happen 11:16
21 with us. This Platoon Commander ran amok for 18 months
22 and nobody stepped in. You know, we've discussed some
23 things about him being paraded in front of the GOC --
24 he came back to Naas and nobody supervised him as a
25 2nd lieutenant or a lieutenant, whatever he was at the 11:17
26 time. Nobody supervised him. He was let run amok
27 after hours when nobody was in the barracks, and on
28 weekends, and there was nobody there to keep him in
29 line. So I would urge senior NCOs, particularly, to

1 call things out if things seem to be wrong.
2 MR. McGOVERN: Thank you, Mr. Hutchinson. My
3 colleagues may have some questions for you.
4 SOLE MEMBER: Thank you, Mr. McGovern.
5 MR. MASTERSON: Judge, if I may be permitted to put a 11:17
6 few questions?
7 SOLE MEMBER: Yes.
8
9 MR. IAN HUTCHINSON WAS CROSS-EXAMINED BY MR. MASTERSON,
10 AS FOLLOWS: 11:17
11
12 141 Q. MR. MASTERSON: Mr. Hutchinson, Louis Masterson is my
13 name. Now, Mr. McGovern has put a lot of what I
14 intended to cover with you to you already, so I just
15 have a few short questions, if I may. 11:17
16
17 Towards the end, you discussed sort of a safe person or
18 a platoon leader. Can I ask you, I think you said that
19 the platoon leader or the class leader was a role that
20 rotated weekly, is that correct? 11:18
21 A. That's correct, yeah.
22 142 Q. In practice, were those roles, did you see them as a
23 real -- a complaints channel, or was it really a
24 liaison between yourselves and the Company Office?
25 A. It was a liaison. So, their sole job was to ensure 11:18
26 people came out on parade on time, and to hand the
27 platoon over to whoever was taking the parade, whether
28 it was a corporal or a sergeant or a platoon commander.
29 And they had to account for the whereabouts of

1 everybody -- so 40 people on parade, two people sick in
2 the hospital, three people on leave, whatever it was,
3 that's -- basically, the platoon leader's job was just
4 to account for where everybody was, and to liaison with
5 the Company Office to pass information back to the 11:19
6 platoon to say 'There's a parade at two o'clock' or,
7 you know, 'You're not going home this weekend', or
8 whatever.

9 143 Q. And if you had grounds for a complaint, would you ever
10 have felt safe approaching that person to pass it on? 11:19

11 A. No. No. As I said, we had problems with the Platoon
12 Sergeant and we had big problems with the Platoon
13 Commander, and they would have been the two people you
14 needed to go to. There was no one else.

15 144 Q. Looking back now, if there was a complaints system on 11:19
16 paper, was it in any real sense accessible to you or
17 usable to young apprentices in your environment?

18 A. On paper?

19 145 Q. On paper. The Defence Forces have said that there were 11:19
20 DFRs which were exhibited on the noticeboard which set
21 out the complaints processes. So if there were, if
22 that was the case, were they accessible to you as a
23 young apprentice?

24 A. No. So, one of the things that needs to be considered
25 is I don't know how big the DFRs -- I don't know how 11:20
26 much the DFRs, the size of the DFRs or the document --
27 I assume it's a book that thick (indicating). So what
28 are we going to do? Are we going to put a book that
29 thick into a glass -- behind a locked glass mirror and

1 expect everybody is able to read that? That's not
2 practical.

3 146 Q. You continued on to have a career in the Defence Forces
4 after the Apprentice School?

5 A. Yeah. 11:20

6 147 Q. In your subsequent experience, how different was Naas
7 from what you later understood the normal Defence
8 Forces' complaints --

9 A. It was a different world. It was a completely
10 different world. In fact, we had to do our Three Star 11:20
11 course in Cathal Brugha Barracks and, by all accounts,
12 the particular unit was quite a difficult and tough
13 place to do a Three Star course, and people from Dublin
14 had a reputation of being particularly hard as well, so
15 we were not looking forward to that particular course. 11:21
16 At the time, when we arrived there, we were immediately
17 confined to barracks. We were told subsequently by the
18 Platoon Sergeant at the time that it was highly unusual
19 for a platoon to arrive for a Three Star course and be
20 confined to barracks for the weekend, so we can only 11:21
21 think that word had come from Naas that we were to be
22 confined to barracks for the first weekend that we were
23 there.

24

25 So, they appeared to pass on a message to the unit in 11:21
26 the Three Star course that we had a particular
27 reputation and, by the end of the course, we got
28 feedback off them saying 'We don't understand where
29 that reputation came from', because it's not something

1 that they seen in the 16 weeks that we were with them.

2 148 Q. You said to Mr. McGovern in your evidence, and I think
3 you've referenced it in your statements, that, in fact,
4 you never made a complaint during your time in the Army
5 Apprentice School, isn't that right? 11:22

6 A. No.

7 149 Q. After the hair-cutting incident or any of the other
8 incidents, what formal route did you know of at the
9 time, or you subsequently became aware of, that you
10 could have followed to make a complaint? So at the 11:22
11 time you were an apprentice, did you know of a way you
12 could have made a complaint?

13 A. Not really, no. I mean -- I mean, what do you do? Do
14 you tell the Platoon Sergeant who you couldn't trust?
15 Do you tell the Platoon Commander, who you definitely 11:22
16 didn't trust?

17 150 Q. And subsequently in your career after the Army
18 Apprentice School, did you learn of any channel that
19 you could have raised a complaint?

20 A. About our time in Naas or about our time after Naas? 11:22

21 151 Q. About your time after Naas?

22 A. Well, I suppose I was more confident by the time I got
23 to the unit after training where... I never had a
24 reason to do that, so it was never really something
25 that I would think of because I never had an issue 11:23
26 after that.

27 152 Q. You have said that you became aware of an investigation
28 after what I'd loosely called the hair-cutting incident
29 and, indeed, Mr. McGovern has brought up evidence,

1 documentary evidence, of that on screen. Can I just
2 ask you did any NCO or any other authority or any
3 superior approach you and ask you for a statement or
4 any evidence about that?

5 A. No. No. No. As I said, the Platoon Sergeant was 11:23
6 there at the time, so we're hardly going to go to him.

7 153 Q. Mr. McGovern mentioned this very briefly and, indeed,
8 we are going to hear from your father shortly, but I
9 just wanted to ask you, your father told you that he
10 had written an anonymous letter to the CO referencing 11:24
11 the treatment that you and the other apprentices
12 experienced. Do you recall what he was trying to
13 achieve in writing that letter?

14 A. He was trying to protect me, I think. He understood
15 that it was wrong and he was trying to protect me in a 11:24
16 sense that he needed to write an anonymous letter
17 because he wasn't going to sign his name on the letter
18 because he understood from his time in the Defence
19 Forces that, potentially, what would have happened
20 there would be that I would come to people's attention 11:24
21 and I would start to get a rough time, and he didn't
22 want that for me, for obvious reasons, so he just felt
23 the best thing to do here is to write an anonymous
24 letter. Now, he did have a discussion with his brother
25 and a good friend of his, who was also in the Army at 11:25
26 the time, on how to deal with this. So three senior
27 NCOs decided that, between themselves, the best thing
28 to do was send an anonymous letter.

29 154 Q. Can I ask were you -- was your understanding of the

1 culture in the Defence Forces informed by your father's
2 experience and your uncles' experience in the Defence
3 Forces? what I mean to say is did you know what to
4 expect in terms of treatment when you went in?

5 A. In some ways, yes. I would have expected certain tough 11:25
6 times. I mean, we all sit there and watch films of,
7 you know, marines, American films, and people screaming
8 and shouting in your face. So there was an expectation
9 that, at some stage, something like that would happen.
10 But, you know, getting physically abused, getting your 11:26
11 hair cut, consistently being afraid to go anywhere in
12 the barracks, you wouldn't have expected that.

13 155 Q. well, I think you've answered my next question: Did
14 your understanding of the culture before you went in
15 differ from what you actually experienced? 11:26

16 A. Yeah, well, I mean, I was quite young, I was 18. So, I
17 mean, we all have a certain, a certain way that you
18 think things are going to happen and, when you get
19 there then, then it's different. But it was certainly
20 different to any experience I had in the Army after 11:26
21 that.

22 156 Q. And just speaking of fathers, you mentioned a colleague
23 of yours in the Army Apprentice School who had a father
24 in the Defence Forces who later guided him through the
25 Redress of Wrongs process, isn't that right? I think 11:26
26 you --

27 A. well, I can only assume he did because, I mean, we
28 didn't know what a redress of wrongs was, so how could
29 they follow this process? And I don't even know if it

1 was a proper Redress of Wrongs, because that was a
2 situation that those two individuals were dealing with.
3 I wasn't involved in that.

4 157 Q. well, I think you mentioned that they were, and please
5 correct me if I'm wrong, they were departing the 11:27
6 Apprentice School at the time, is that right?

7 A. Yeah, so, I think, at the time, NCOs and officers
8 thought that, from a military perspective, they weren't
9 quite up to scratch. But, from a school perspective --
10 I think they felt that they weren't quite up to scratch 11:27
11 either, and that was the reason why.

12 158 Q. Had you ceased contact with those two apprentices when
13 they were putting in their Redress of Wrongs?

14 A. No, no, they would have been -- they were part of the
15 platoon. 11:27

16 159 Q. Could they have informed you about the process that
17 they were going through, the complaints process?

18 A. well, as I said, I was trying to get my way through. I
19 was just trying to get my way through to the end of the
20 three years and, those two particular individuals, what 11:28
21 happens when you were in the Apprentice School in Naas
22 is you made particular friendships with people who were
23 mainly in your class -- and maybe some other people
24 that were not in your class, but they might have been
25 from the area where you grew up in. So if you were 11:28
26 from a town somewhere in Ireland and you knew that
27 someone else was coming in from the same town, you
28 would naturally hook up with them. So, I knew them,
29 but I didn't know them that well enough to sit down and

1 have conversations with them.

2 160 Q. So, what I'm really getting at is were you informed by
3 their experience of how to put in a complaint?

4 A. No. And I've mentioned it there earlier on, I didn't
5 know what a redress of wrongs was until I got to The 11:28
6 Curragh, after my training.

7 161 Q. I just took a slight detour there, but coming back to
8 the letter that your father wrote, did you notice any
9 marked difference in your experience in the Apprentice
10 School after the letter was sent? 11:29

11 A. No, and that's something my dad asked me the week
12 after, did I see anything that was different in the
13 barracks or was anybody behaving differently to where
14 they had been in the previous couple of weeks, and I
15 said "no". There was absolutely no difference. And 11:29
16 then when he told me that he wrote the letter, I was
17 flabbergasted, to be honest, I didn't see that one
18 coming at all.

19 162 Q. And did anyone, subsequently to the letter being sent,
20 did anyone inform you or, indeed, any of the other 11:29
21 apprentices that you know of, that a complaint had been
22 received, examined or acted upon?

23 A. No. No. I mean, this - again, I've alluded to it
24 previously - things went on in the background and
25 nobody gave us any feedback whatsoever on anything that 11:30
26 was happening.

27 163 Q. I think you've informed the Tribunal in your evidence
28 to Mr. McGovern that you only became aware of an
29 investigation going on behind the scenes approximately

1 two years ago, is that correct?

2 A. No, I would say six months ago.

3 164 Q. Six months ago?

4 A. Yeah. Not even six months ago, actually. I would say, 11:30
5 literally two months ago when someone within the group
6 shared some documents that they had, and they were the
7 documents with the correspondence between the CO and
8 the GOC and all that type of stuff. I wasn't aware of
9 that before then --

10 165 Q. So it was never communicated to you at the time? 11:30

11 A. No.

12 166 Q. And the Military Police statement that you were asked
13 to give after Mr. Mullaney's death, I appreciate you
14 don't quite recollect -- you sort of vaguely recollect
15 making it, but was that the first time that you think 11:30
16 you would have been drawn into an investigative process
17 for something that had gone wrong?

18 A. Absolutely first time, yeah.

19 167 Q. Can I ask you what -- when you were in the Army
20 Apprentice School, can you give details of what you 11:31
21 would have feared if you had made a complaint?

22 A. So, it was the fear of not being allowed home. It was
23 the fear of spending your evenings digging rose bushes.
24 It was the fear of every time you went out on parade,
25 no matter what you done, it wasn't good enough. No 11:31
26 matter a room inspection, no matter how much time you
27 spent on your kit or your locker or anything else like
28 that, it wasn't good enough and, you know, they'd find
29 a fault in everything, everywhere, and that just brings

1 its own fallouts then as regards not getting home or
2 spending time on fatigues, cleaning the barracks.

3 168 Q. You mentioned just when you were finishing with
4 Mr. McGovern not wanting to stick your head above the
5 fence; do you recall that? 11:32

6 A. Yes.

7 169 Q. Is it fair to say that you, as an apprentice, the only
8 way you would have practically got through your time in
9 Naas was not to be noticed?

10 A. That's correct. 11:32

11 170 Q. And I think you've accepted that you did write an
12 e-mail to the Minister for Justice, isn't that right?

13 A. That's right, yeah.

14 171 Q. But I think you said that it might have been -- was
15 that off your own bat or was that suggested to you? 11:32

16 A. No, it was a discussion amongst the group that 'This
17 process is starting and this is something that you need
18 to do and, you know, the advice is you should just
19 write this e-mail.'

20 172 Q. And when you say "amongst the group", did you remain in 11:32
21 contact with your classmates in the years after the
22 Army Apprentice School?

23 A. Consistently would have been in contact with, more
24 likely, the people from your class, in your trade, but
25 certainly we've had reunions in the past. We've gone 11:33
26 up to Carrick-on-Shannon -- we used to get together and
27 go to Carrick-on-Shannon coming up to 22nd June. And
28 we'd go and visit the family in Leitrim the following
29 day, the mother, Oliver Mullaney's mother.

1 173 Q. Thank you. Just a few more short questions, if I may,
2 Mr. Hutchinson. When you were writing to the Minister
3 for Defence, what was your intended outcome of that
4 correspondence?
5 A. That I was going to be part of the process. 11:34
6 174 Q. Mr. McGovern pulled it up on screen. I think you would
7 acknowledge that you did receive a reply from the
8 Minister?
9 A. As I said, I probably did, and it was a generic e-mail,
10 and just thought this is just a generic response to the 11:34
11 e-mail.
12 175 Q. Were you satisfied with that reply?
13 A. I was satisfied in a way that I felt I'm now part of
14 the system. I'm now part of this process.
15 176 Q. But you raised certain complaints in your -- complaints 11:34
16 of abuse in the e-mail. Were you satisfied with the
17 reply that you received from the Minister for Defence
18 to the raising of those complaints in an e-mail?
19 A. Again, I was satisfied that I was part, initiated to be
20 part of this process. I didn't really -- I didn't 11:34
21 really read or take note of the contents because, for
22 me, it was a generic reply that just informed me that
23 'You're now part of this process.'
24 177 Q. And my last question to you, Mr. Hutchinson - and,
25 again, it's something that Mr. McGovern touched on - 11:35
26 the Tribunal is tasked, part of its task is to suggest
27 potential ways, going forward, that complaints can be
28 dealt with. Are there any recommendations that you
29 think should be brought in to the Defence Forces that

1 would avoid situations like your own?

2 A. I've no real opinion on that, other than what I
3 mentioned there earlier on, which is just for, you
4 know, junior leaders coming out of the Cadet School or
5 senior NCOs. After that, I don't know what the process 11:35
6 is now at the moment. I don't know whether it's
7 sufficient or it's not sufficient, so it's pointless
8 for me to give any opinion on that because what's there
9 might be relevant, I don't know.

10 MR. MASTERSON: Thank you very much, Mr. Hutchinson. 11:36
11 Thank you, Judge.

12 SOLE MEMBER: Thank you, Mr. Masterson. Mr. McGarry.
13 MR. McGARRY: Thank you, Chair.

14

15 MR. IAN HUTCHINSON, WAS CROSS-EXAMINED BY McGARRY AS 11:36
16 FOLLOWS:

17

18 178 Q. MR. McGARRY: Mr. Hutchinson, I'm one of the lawyers
19 representing 2 Lt. B and I just want to ask you a
20 couple of questions, in particular, about the complaint 11:36
21 e-mail that you sent to the Minister on 30th January
22 2024. It's 1466 in the Tribunal's bundle and we might
23 just bring that up for a moment. You'll see there it
24 says -- I think you accept that you wrote this e-mail,
25 is that right? 11:36

26 A. I have a vague recollection of it, yes.

27 179 Q. You've used the word "we" and you've described it, I
28 think, as a generic e-mail. Does that suggest that it
29 might have been drafted by somebody else?

1 A. I can't remember --
2 180 Q. -- or that there were --
3 A. I can't remember.
4 181 Q. Yeah. Or is it likely, perhaps, that there were
5 similar e-mails sent in by a number of other people? 11:37
6 A. There could have been.
7 182 Q. Your own counsel asked you a couple of moments ago, he
8 said that in this --
9 MR. McGOVERN: I'm not this witness's counsel; I'm
10 counsel to the Tribunal. 11:37
11 SOLE MEMBER: would you like to speak through the
12 microphone, please, Mr. McGovern?
13 MR. McGOVERN: I'm not Mr. Hutchinson's counsel --
14 MR. McGARRY: No, no, I'm not referring to
15 Mr. McGovern. 11:37
16 MR. McGOVERN: Sorry.
17 MR. McGARRY: I'm referring to Mr. Masterson.
18 MR. MCGOVERN: Oh, I beg your pardon.
19 MR. McGARRY: And your own counsel a moment ago stated
20 that, in this e-mail, you made complaints of abuse. 11:37
21 That's the question -- that's what was pointed out to
22 you. And he asked you then, by way of follow-up, were
23 you happy with the response that you got from the
24 Minister. And I'm just looking at the e-mail,
25 Mr. Hutchinson, and whilst it says in the first 11:37
26 paragraph:
27
28 "I wish to make a 'complaint of abuse' suffered by
29 me'..."

1
2 -- I'm not seeing in the body of the e-mail any
3 specific identification of any instance of alleged
4 abuse suffered by you?
5 A. And you want to know why, is it? 11:38
6 183 Q. No, no, would you agree with me that, in that e-mail,
7 it doesn't identify any particular instance of an
8 allegation of abuse of --
9 A. No, no, it doesn't, because the train of thought at the
10 time was I'm starting this process, and all that 11:38
11 information will come out as part of the process.
12 184 Q. Yes.
13 A. So this is just an e-mail to say 'Something has
14 happened to me and I want to be part of this process.'
15 185 Q. Yes. 11:38
16 A. And then, you know, you'll -- at that stage then, or at
17 some stage in the future, you'll get your opportunity
18 to tell the things that happened to you.
19 186 Q. Yes. And then just look at the two subsequent
20 paragraphs -- just perhaps look at number 2, which says 11:38
21 -- you say:
22
23 "I have evidence to show that I was aware of reprisals
24 against those who made complaint of abuse."
25 11:39
26 And then you describe those reprisals as victimisation,
27 retaliation and intimidation. And I just want to ask
28 you did you give evidence to the Tribunal of your
29 awareness of reprisals against those who made

1 complaints?
2 A. I don't recall.
3 187 Q. I see. And, similarly, in the first paragraph, you
4 said:
5
6 "I have evidence to show that complaints of abuse were
7 actively deterred."
8
9 And you use the words "actively deterred", and again I
10 have to ask you did you give the Tribunal that evidence 11:39
11 to show that complaints of abuse were actively
12 deterred?
13 A. Yes, I did.
14 188 Q. And what was that evidence?
15 A. Well, that's a typical example, as I said, was that we 11:39
16 were afraid to go near -- and an example was the
17 platoon leader went down to pick up passes for the
18 weekend and just got abused during his time in the
19 office and, you know, that's just a typical example of
20 how you were deterred. You see what happens to one 11:40
21 person, you just don't want it to happen to you.
22 189 Q. I see. So, the active deterrence is the concern from
23 the culture that you refer to in the subsequent
24 sentence, is that right?
25 A. The culture, yes. 11:40
26 MR. McGARRY: Okay. Thank you.
27 SOLE MEMBER: Thank you, Mr. Mr. McGarry. Mr. McCann.
28 MR. McCANN: Thank you, Sole Member.
29

1
2 MR. IAN HUTCHINSON, WAS CROSS-EXAMINED BY MR. McCANN AS
3 FOLLOWS:
4

5 190 Q. MR. McCANN: Mr. Hutchinson, my name is Patrick McCann, 11:40
6 and I'm acting for the Defence Forces, one of the
7 barristers for the Defence Forces.

8 A. Okay.

9 191 Q. I'm also acting for Sgt. E, the Platoon Sergeant, just
10 so you know that. 11:40

11 A. Okay.

12 192 Q. Again, Mr. Hutchinson, again I know giving evidence for
13 you this morning has been distressing and it's
14 certainly not my intention to add to your distress. If
15 you're unhappy with any of the questions I'm asking, 11:41
16 for any reason, if you don't follow them or if you
17 didn't hear them correctly, be sure to let me know.

18 A. Thank you.

19 193 Q. All right. So, Mr. Hutchinson, just by way of
20 biography then, you enlisted, I think, on 29th August 11:41
21 1989 as a radio technician. And would you have been
22 one of the earlier people to arrive on the campus, if I
23 can call it that?

24 A. The first day.

25 194 Q. The first day? 11:41

26 A. The first day, first group, yes.

27 195 Q. First day, first group?

28 A. Yeah.

29 196 Q. Right. Okay. And then you -- I think we've heard

1 evidence of this from other, from your colleague
2 apprentices, that other people arrived later over the
3 next month or two, or three even?

4 A. I think somebody arrived just before Christmas.

5 197 Q. All right. 11:41

6 A. So, I suppose, the day I arrived was probably about 12
7 people. And then it was probably the same the next
8 week. And then as the weeks went on, gradually it
9 would be three or four, or two or three, or whatever.

10 198 Q. From the first week, did instruction begin in that you 11:42
11 were learning things about the Defence Forces and
12 learning things about your job from the very first week
13 -- from the very first day, I'm sure? Was there
14 training from the very first day you arrived or were
15 you sitting around for a couple of weeks waiting? 11:42

16 A. Not weeks. No. No. My memory of the first week is
17 playing soccer in the drill shed.

18 199 Q. All right.

19 A. And getting to know other people.

20 200 Q. All right. 11:42

21 A. And there would have been a small bit of parading. I
22 can't remember whether we were marching around at the
23 time -- I don't think so. I don't think we had a
24 uniform either.

25 201 Q. Okay. But at a certain point, the formal school 11:42
26 instruction began and that was -- would you be able to
27 assist the Tribunal in putting a date on that? Was it
28 September or October, that's what I'm asking you?

29 A. So, the academic school part followed the academic

1 calendar that every other school/college follows. So,
2 mid-September/late-September, something like that, is
3 when we started to go to school. So we had a week or
4 two before we went to school.

5 202 Q. Okay. And the military instruction, can you remember 11:43
6 when that started in a formal way or a more structured
7 way?

8 A. In a formal way, it would have started -- probably
9 after the second week, it would have started on, in
10 first year, on a Wednesday morning, a half a day 11:43
11 training on a Wednesday morning, and then sports. And
12 then the following year, it would be a Monday morning,
13 you went to school on a Monday. And then in third
14 year, it was a Friday afternoon.

15 203 Q. All right. Mr. Hutchinson, again, you enlisted as a 11:43
16 radio technician. You must have been -- I think we
17 have had this discussion, but I think you must have
18 been good at maths or physics or good with numbers to
19 be able to pursue that as --

20 A. I definitely wasn't good at physics anyway, because I 11:44
21 failed physics twice and nearly got kicked out of the
22 Apprentice School because of it.

23 204 Q. All right. But you had to at least have some knowledge
24 of it to -- you were better at physics than the rest of
25 the apprentices anyhow?! 11:44

26 A. Well, I don't know! I don't know how they got on. I
27 mean, I done Leaving Cert physics.

28 205 Q. Yeah.

29 A. I don't know how they got on with their Leaving Cert

1 physics but...

2 206 Q. But you had Leaving Cert physics?

3 A. I did, yeah.

4 207 Q. And, again, if you were a fitter or armourer or
5 carpenter, the likelihood is that you wouldn't have 11:44
6 done physics or, maybe, higher maths for --

7 A. No, well, so, you know, when we joined the Apprentice
8 School, we were between 16 and 18, so some people had
9 Leaving Cert and some people didn't. Other people
10 might have had -- it was known as the Junior Cert at 11:44
11 the time. Physics is an optional subject. I mean, if
12 you're alluding to were radio technicians better than
13 any other --

14 208 Q. No, I'm not alluding to that.

15 A. Okay, because that seems to be the way it's going! 11:45

16 209 Q. No, I'm not, I'm not saying that.

17 A. Okay.

18 210 Q. I'm just saying different people, different classes,
19 different aptitudes, that's all. I'm certainly not
20 saying anybody is better than anybody else. 11:45
21

22 I think, again, in the course of your career, you
23 achieved a Grade 1 level as a radio technician. Would
24 that be the highest level of radio technician? You did
25 courses and you did -- 11:45

26 A. So we done our City & Guilds exams and, part and parcel
27 of that, when you passed out of the Apprentice School
28 in Naas, if you successfully passed all your City &
29 Guilds exams -- and we did have some what was known as

1 Two Star, which were more practical things about
2 charging batteries and fixing radios, which is
3 effectively what you done when you went to the units --
4 211 Q. Right.
5 A. So I would have passed my exams end of third year and 11:45
6 we would have got what was known as Tech 4 Pay. And
7 then, in fourth year, we spent another year studying
8 and, if you passed your exams there, you got what was
9 known as Tech 5 Pay, which was the highest tech pay you
10 could get. 11:46
11 212 Q. And the point I'm making is that, whatever level you
12 could achieve as a radio technician, you achieved the
13 highest level in the Defence Forces?
14 A. Yes. I wouldn't say the highest marks now, but the
15 highest level, yeah. 11:46
16 213 Q. Then you were promoted to corporal, I think? You were
17 corporal by the time you left the Defence Forces?
18 A. I was, yeah.
19 214 Q. And you have a service medal. I think you got that in
20 January 2000, and I might acknowledge that now -- 11:46
21 A. Well, do you know when in January, because I know I
22 left in January 2000.
23 215 Q. All right. But you know you have a medal?
24 A. I have a ten-year service medal, yeah, I think.
25 216 Q. Okay, well, that's a medal, isn't it? 11:46
26 A. I mean, giving someone a medal for being ten years in
27 the Army, it doesn't really feel like you should be
28 giving someone a medal, but...
29 217 Q. Anyway, you have a medal. We won't disagree with that.

1 A. Okay.

2 218 Q. And you did ten years in the Defence Forces, and then
3 you went on to work in another related profession, if I
4 put it like that -- you worked in the Guards?

5 A. Yeah, that's correct. 11:47

6 219 Q. Again, you explained your family links and you had your
7 father and, again, you had a number of uncles in the
8 Defence Forces?

9 A. Yes.

10 220 Q. -- at one point, and some of them holding senior 11:47
11 positions, isn't that correct?

12 A. Yes, that's correct, yeah.

13 221 Q. All right. I think you said in one of your -- either
14 your statement or your interview with the Tribunal
15 Counsel, or in your statement to the Tribunal, that 11:47
16 life became a lot easier after 2 Lt. B left the Army
17 Apprentice School, isn't that correct?

18 A. I think that's fair to say. I wouldn't say it was
19 easy, I'd say it was easier.

20 222 Q. Right. And after you left the Defence Forces, I think 11:47
21 you described to the Tribunal this morning how it was a
22 different world after you left -- sorry, after you left
23 the Army Apprentice School, it was a different world?

24 A. Absolutely, yeah.

25 223 Q. And that's the evidence you're giving the Tribunal this 11:48
26 morning?

27 A. Yeah.

28 224 Q. And did you enjoy your overall time -- sorry, did you
29 enjoy your time after leaving the Army Apprentice

1 School in the Defence Forces?

2 A. I did, yeah, yeah.

3 225 Q. Again, I think, again, in one of the interviews or in
4 one of your statements, you said that you were treated
5 with dignity in later deployments. I think you used 11:48
6 that word?

7 A. I wouldn't say "dignity", I'd say I was treated normal.

8 226 Q. Treated normally, all right. And would you agree with
9 me that what happened, particularly for the first two
10 years in the Army Apprentice School, was very different 11:48
11 from what happened generally in your experience in the
12 Defence Forces?

13 A. 100% different.

14 227 Q. 100% different?

15 A. Yes. 11:48

16 228 Q. And you'd agree, I think it follows, that the Army
17 Apprentice School was not representative of the Defence
18 Forces?

19 A. Well, it was a representative of the Defence Forces in
20 the Army Apprentice School, so it was a representative 11:48
21 of the Defence Forces, is probably the best way of
22 describing it. Whether someone considers that to be
23 different to what, you know, what's supposed to
24 happen...

25 229 Q. Yeah. I'll have another go at the question, 11:49
26 Mr. Hutchinson: would you agree with me it was the
27 Army Apprentice School, particularly the first two
28 years, was not representative of the Defence Forces as
29 a whole, in your experience?

1 A. As a whole? well, obviously, we experienced something
2 different after it, so, as a whole, no, but, at the
3 time, for the first three or four years, yes, it would
4 have been, yeah.

5 230 Q. Do you think your experience - again, particularly in 11:49
6 those first two years while 2 Lt. B was the Commandant
7 - do you think your experience in the Army Apprentice
8 School was different from platoons ahead of you and
9 behind you?

10 A. So, in my last job, I knew -- I won't say many 11:49
11 ex-apprentices, but I probably knew about six
12 ex-apprentices. Some of them were -- most of them were
13 before me, my time in the Apprentice School, and one or
14 two of them were after me. And having discussions with
15 them in the past, they didn't have the same experience 11:50
16 as I had. I remember talking to one guy, in
17 particular, and he said to me 'It seems like all the
18 stars, all the moons all lined up -- all the bad ones
19 all lined up the year that we were in Naas', as in the
20 wrong people were there when I was there. 11:50

21 231 Q. And I think the reason I'm asking you that question is
22 I must have read that somewhere, Mr. Hutchinson, and
23 that's why I asked you, but, happily, we're in
24 agreement.

25 11:50
26 If you just look at the hair-cutting incident, just the
27 first thing I'd ask you then is, in respect of this
28 allegation, your description to the Tribunal is that
29 the apprentices were taken out of sight when this

1 alleged event occurred. And I think you also described
2 earlier to the Tribunal how, in your view, there was a
3 lack of supervision, especially after hours and at
4 weekends, when, on your account, 2 Lt. B was allowed
5 run amok, I think is what you said, isn't that right? 11:51

6 A. Yes, that's right, yeah.

7 232 Q. And would that be a correct characterisation generally,
8 that this -- that the alleged abuse by 2 Lt. B occurred
9 out of the sight of the other officers and the other
10 NCOs at the Army Apprentice School? 11:51

11 A. No, that's not accurate. So, things would have
12 happened in front of NCOs and other officers, and then
13 other things would have happened outside normal working
14 hours.

15 233 Q. Okay, that's all right. You disagree with me, and 11:51
16 that's no difficulty with that. I think I'm required
17 to just do one or two formal things here now,
18 Mr. Hutchinson, so just bear with me. So, I told you I
19 also appear for Sgt. E and, on his behalf, I will be
20 saying that -- Sgt. E is the Company Sergeant, you know 11:52
21 who I'm talking about?

22 A. So you're representing Sgt. E, who was a company
23 sergeant?

24 234 Q. Yes.

25 A. Okay. 11:52

26 235 Q. Sorry, I beg your pardon, I was talking about the
27 Platoon Sergeant.

28 A. I thought you were talking about the -- you're talking
29 about the Platoon Sergeant?

1 236 Q. Yeah, exactly. Now, I'm now talking about the Platoon
2 Sergeant, I beg your pardon.
3 A. I understand now, yeah.
4 237 Q. So, that was the confusion, I apologise for that. It
5 doesn't help you and it doesn't help -- it doesn't help 11:52
6 you anyhow. Anyway, your account is that I think
7 either you said to the Tribunal either in interview or
8 you said it today, that Sgt. E was walking in and out,
9 and Sgt. E's evidence is that he didn't witness any
10 hair being cut? 11:52
11 A. Well, he would say that, wouldn't he?
12 238 Q. Again, I just have to do this formally, Mr. Hutchinson.
13 A. Yeah.
14 239 Q. And then, again, he will say that he was not involved
15 in the cutting of the hair of the apprentices, and he 11:53
16 said he did not cut the boys' hairs without their
17 consent. Again, I'm just saying that to you, but you
18 can feel free to disagree with me, Mr. Hutchinson?
19 A. So, what I was reminded of recently was he walked
20 around in front of the Platoon Commander and said 'This 11:53
21 person's hair', 'This person's hair', 'This person's
22 hair.' Now, I don't remember that, but apparently
23 that's what happened on the day. So he mightn't have
24 physically cut people's hair, but he certainly brought
25 it to the attention of the Platoon Commander on the 11:53
26 day.
27 240 Q. And was it bringing -- anyway, we're not going into the
28 cross-examination of the abuse. And, again, just, and
29 it's a matter of formality, these are formal things I

1 have to do, Mr. Hutchinson -- just bear with me,
2 please.

3 A. Yeah.

4 241 Q. And, again, he said in his interview with the Tribunal
5 - for the assistance of the Sole Member, it's at pages 11:53
6 3223 and 3227 - he said that he didn't see the
7 2nd Lieutenant doing it either, cutting people's hair.
8 And, again, Mr. Hutchinson, feel free to disagree with
9 me if you want to?

10 A. Well, it's difficult for him not to see when he's 11:54
11 walking around in front of the Platoon Commander,
12 saying to the next person and going 'His hair is long'
13 or 'You need to have a look at his hair.' So it's
14 difficult for him not to see it when he's beside him
15 pointing out other people. 11:54

16 242 Q. Can we just discuss, just while I have it, I think, in
17 my head, you told the Tribunal this morning that you
18 had a, as one would expect -- it's going back a long
19 time ago, Mr. Hutchinson, we're back now nearly 40
20 years ago and it's hard to remember conversations we 11:55
21 had with our parents with any accuracy, but we're both
22 doing our best --

23 A. Okay.

24 243 Q. And you're -- you know, again, I don't what to seize on
25 any particular words, but just so that you can assist 11:55
26 the Tribunal, I think you told the Tribunal that you
27 were -- you told your father some time around the time
28 -- some time, obviously, before he wrote the letter -
29 so we're dating that, maybe, March/April 1990 - I can't

1 remember the date of the letter, but maybe somebody
2 might help me with that. But you told your father all
3 that was going on at the Army Apprentice School, and
4 about the haircut, do you remember saying that to the
5 Tribunal? 11:55

6 A. I wouldn't say I told him everything. I told him --
7 you see, it's difficult, because he would have
8 experienced it in the past. So, you know, he -- I say
9 something to him and he'd probably say, 'Oh, that's
10 just standard Army training in...', you know -- 11:56

11 244 Q. Yeah.

12 A. So I wouldn't have told him everything that was going
13 on, but I certainly would have told him the experience
14 I would have had over the previous couple of weeks,
15 included the haircut. 11:56

16 245 Q. And were you trying in your conversations with your
17 father to differentiate between what you thought might
18 be difficult or challenging from things that were
19 unfair or abusive, were you trying to make that
20 distinction and trying to communicate the abusive 11:56
21 things to him, or were you just talking generally about
22 your experiences?

23 A. Just generally. I mean, things that happened were
24 unfair, and then things that happened were abusive.
25 So, yeah, I don't recall the exact conversation at the 11:56
26 time.

27 246 Q. And, again, it's difficult and, again, I'm not seizing
28 on this, but Mr. Traynor says that he was -- he was
29 abused, I think, and you didn't mention it in your

1 evidence this morning, but he makes an allegation about
2 being kicked in the parade yard?

3 A. On the square, yes.

4 247 Q. On the square.

5 A. Yeah. 11:57

6 248 Q. And did you mention that to your father, do you recall?

7 A. I can't remember.

8 249 Q. Okay. And just while we're on this Mr. Traynor, do you
9 recall Mr. Traynor being punched in the stomach
10 repeatedly in the parade yard? 11:57

11 A. I absolutely do. I recall it -- I didn't see it but,
12 you know, we were all on the square after a run and we
13 were down in the press-up position and I heard Damien
14 make a noise, make a yelp noise.

15 250 Q. We're at cross purposes, Mr. Hutchinson. I'm not 11:57
16 asking you about that incident.

17 A. Okay.

18 251 Q. I don't know whether you're aware, but Mr. Traynor says
19 that I think during a formal inspection, that the
20 platoon were in their -- is it No. 1s? 11:57

21 A. No. 1s, yeah.

22 252 Q. -- their proper uniform, and he says he was punched
23 repeatedly in the stomach by 2 Lt. B. Do you have any
24 recollection of that?

25 A. No. 11:58

26 253 Q. All right. Can we just talk about complaints for a
27 moment or two, Mr. Hutchinson?

28 A. Yes.

29 254 Q. And, again, this is -- hopefully, we're staying away

1 now from abuse from this moment onwards.
2 Brig. Gen. Ryan, you remember him as 2nd Lt. Ryan?
3 Maybe, you don't -- he's the --
4 A. I do, yeah. No, I remember him, yeah.
5 255 Q. He's the Platoon Commander who replaced 2nd Lt. B. 11:58
6 A. After a couple of weeks.
7 256 Q. Yeah, after a couple of weeks.
8 A. Yeah, we had another lieutenant for a period of time
9 after Oliver shot himself --
10 257 Q. All right. 11:58
11 A. -- after the Platoon Commander was transferred out to
12 The Curragh.
13 258 Q. Okay, that's helpful to know. And his evidence will be
14 that he trained the platoon or he ensured that the
15 platoon were trained on complaints. And, obviously, 11:59
16 you would have been in your third year at this time,
17 but that will be his evidence.
18 A. Well, I don't recall any of that. He was certainly a
19 different person to the previous platoon commander,
20 that's for sure. He was -- he wasn't like the previous 11:59
21 platoon commander, is probably the best way of
22 describing it.
23 259 Q. And, again, we're not -- it may not be of any
24 importance, but my understanding of the sequence of
25 events, and I could be wrong, is that the second -- 11:59
26 sorry, 2nd Lt. Ryan immediately replaced 2nd Lt. B and
27 that there was no interregnum where there was another
28 commandant in charge of the platoon. That's his
29 recollection?

1 needed to go and complain to.

2 261 Q. Yeah. Could it also be, though, that you were told
3 about complaints and, like many things, you know, some
4 of the physics classes, you know, some things stick,
5 some things don't stick, isn't that just part of
6 schooling as well?

7 A. As I said, I don't remember anything about complaints.
8 what I can say is the Redress of Wrongs process was
9 something that I was only made aware of when I went to
10 The Curragh, outside the Apprentice School in Naas.

L1 262 Q. Okay. And, again, I'm not going to spend a long time
L2 on this, Mr. Hutchinson, you'll be glad to hear, but
L3 just one of your fellow apprentices, Mr. Kennedy -
L4 again, this is this exchange at page 1652 in the books,
L5 Q. 22 - so the question is asked, I think, by Tribunal
L6 Counsel:

L8 "Ok. So when you signed on..."

20 -- you remember Mr. Kennedy, do you?

21 A. I do, yeah.

22 263 Q.
23 "Q. Ok. When you signed on or when you commenced your
24 training were you aware of the complaint system that
25 existed within the Defence Forces, was that explained
26 to you?

27 A. No."

29 And then the next question is:

1
2 "No, did you ever get any introduction to that."
3

4 And then Mr. Kennedy said:
5

6 "Very little, if any. There would have been maybe a
7 mention of it at some stage during your three years as
8 part of where it went through kind of the military
9 system. I can't remember exactly the terms of it but
10 where they would read out stuff from that kind of
11 military booklet."
12

13 So it's not the clearest answer. But he seems to have
14 some recollection -- again, it's for the Tribunal Chair
15 to decide what that means and, of course, he's giving 12:03
16 evidence, I think, later and we'll have to ask him
17 about this as well, but that would appear to suggest
18 that at least some of the apprentices had some
19 knowledge of complaints process being instructed to
20 them. 12:03

21 A. Well, then you'd have to ask the question then why
22 didn't they use that process.

23 264 Q. All right.

24 A. I mean, I don't recall, as I said, I don't recall that,
25 any process. So, you know, if people were instructed 12:03
26 on it, why didn't they tell other people when things
27 were happening, 'This is what you need to do'? As I
28 said earlier on, we didn't have a safe person, we
29 couldn't rely on going down to the Company Office to

1 make any complaints. We didn't trust people so...

2 265 Q. I suppose, Mr. Hutchinson, there's two things. First
3 of all, were the apprentices taught about the
4 complaints process? That's what I'm asking about now.
5 Can I take it that, from your answer, that you admitted 12:04
6 that, at least of the possibility, that you and the
7 platoon generally were taught about the complaints
8 process -- and then we'll go on to discuss why, or why
9 you didn't use it, or why you did, indeed, use it.

10 A. I don't recall. 12:04

11 266 Q. Okay.

12 A. I don't recall anyone telling me 'If you have a
13 problem, go to this person.'

14 267 Q. Right.

15 A. 'This is the process.' 12:04

16 268 Q. And, again, Mr. Hutchinson, Cpl. D's recollection -
17 just let me get this here - and again, Cpl. D will give
18 evidence -- his evidence will be, as I understand it,
19 that the apprentices were told about the complaints
20 procedure at induction, and that's at page 3186 of the 12:05
21 books, Chair, just again, which may be of assistance.
22 So, again, you know that that's his recollection,
23 Mr. Hutchinson, and, of course, you're perfectly free
24 to say and to repeat that you have no recollection.

25 A. Well, can he remember specifically telling our platoon? 12:05

26 269 Q. That's a question that --

27 A. That's the question. I don't recall. Can he recall
28 telling me or telling any member of the 34th Platoon
29 about this? I doubt it. You know, I mean, this day

1 and age, you go and do a health and safety course,
2 manual lifting, you have to sign a document saying
3 'I've been trained, if anything happens --
4 270 Q. Yeah.
5 A. You know, nothing like that back in the day. 12:05
6 271 Q. I think that's certainly a fair point, Mr. Hutchinson,
7 that life would be a lot easier for the Sole Member if
8 the complaints -- if there had been a book where each
9 and every apprentice signed, 'I was taught this on this
10 date', and so on and so forth. It would be a lot 12:06
11 easier, but that doesn't seem to be available to us.
12
13 Then just to just go on to the people who did make
14 complaints, it would appear that your father made a
15 complaint about the hair-cutting, albeit anonymously; 12:06
16 correct?
17 A. Yes.
18 272 Q. And, again, we understand that after Mr. Mullaney died,
19 Mr. Brian Murphy's father also made a complaint.
20 Various of the apprentices have said that they made 12:06
21 complaints to teachers. Mr. Larry Murphy was here in
22 the last day or two and he said he made a complaint to
23 an ex-Taoiseach. In fact, I don't think the particular
24 politician was ever a Taoiseach, but he made a
25 complaint to a politician on one of the main -- one of 12:07
26 the principal streets in Naas, and I don't know whether
27 you heard that?
28 A. I believe he done that, yes. I wasn't there so...
29 273 Q. No, exactly. And then, again, we heard yesterday --

1 Sgt. Guinan was here yesterday and Mr. Boyle, do you
2 remember them? Maybe you do/maybe you don't.

3 A. I do, yeah. I do, yeah.

4 274 Q. And, again, they say that they -- if I put it in
5 inverted commas -- sorry, they told their story of how 12:07
6 they were treated - on their account, mistreated - in
7 the Army Apprentice School to their colleagues at
8 Haulbowline in Cork and they, in turn, were interviewed
9 by Mr. Scarrott, one of the officers down in the Naval
10 Service? 12:07

11 A. I recall that, but I only recall that from
12 conversations between ourselves.

13 275 Q. Okay. And then just in relation to the apprentices who
14 actually made Redress of Wrongs complaints, I think
15 we're calling them Aptce. 70 and Aptce. 72 -- you know 12:08
16 who I'm referring to? You know what I'm talking about,
17 yeah?

18 A. I do, yeah.

19 276 Q. I think you said to the Tribunal that you either know
20 or you believe that one of their fathers was in the 12:08
21 Defence Forces --

22 A. I worked with his -- I worked with their father --

23 277 Q. Their father?

24 A. In Baldonnell, yeah.

25 278 Q. All right, okay. But that was one or both or... 12:08
26 A. One.

27 279 Q. One. All right.

28 A. Yeah, that's how I knew he had a father in the Army.

29 280 Q. All right. But, again, does it not suggest that

1 certainly apprentices -- many of the apprentices had
2 family in the Defence Forces. would it be more than
3 half, if you had to estimate it?

4 A. No, I would say literally 10%.

5 281 Q. 10%. 12:09

6 A. Maybe four people out of 45.

7 282 Q. All right. So there was you, there was Apprentice
8 either 70 or 72, and there were a small number of
9 others?

10 A. What's 70 or 72? 12:09

11 283 Q. Sorry, when I say 70 or 72, I'm referring to the
12 apprentices --

13 A. The two apprentices from that particular situation?

14 284 Q. Yeah.

15 A. So, one of them would have -- as I said, his father 12:09
16 was...

17 285 Q. Yes, all right. But does it now show that,
18 particularly when things got very critical, that there
19 were resources available to, at least some of the
20 apprentices, to make a Redress of Wrongs, or to make 12:09
21 complaints generally?

22 A. They got their opportunity, but they were fighting for
23 their careers. You know, I mean, at the end of the
24 day, to get to the Apprentice School was quite
25 difficult. There was an interview process and I 12:09
26 believe it was 5,000 people who applied for 50
27 positions or 45 positions at the time. So to actually
28 get there, you were doing quite well for yourself. And
29 for someone to turn around and say 'we're throwing you

1 out - academically, we don't think you're up to scratch
2 and, militarily, we don't think you're up to scratch -
3 we're going to throw you out' and, you know, for them
4 to come back and say 'well, the following things
5 happened to us and you need to give us a chance here', 12:10
6 and that's what happened.

7 286 Q. Again, we discussed that in the last day or two, and
8 that's very helpful, Mr. Hutchinson.
9

10 Just, again, we won't spend a lot of time on this, 12:10
11 Mr. Hutchinson, but just two points, first of all --
12 this is going on to noticeboards territory, just to
13 give you some context. Where did you collect -- sorry,
14 did you physically collect your pay in 1989?

15 A. No, it was paid into the bank. 12:11

16 287 Q. Paid into the bank. Then moving on to the
17 noticeboards, I think you said in your evidence earlier
18 on to the Tribunal that you had to look at the rosters
19 to find out what duties you had?

20 A. So, that would have been outside the Apprentice School 12:11
21 in Naas. That wouldn't have been part of the
22 Apprentice School in Naas. I can't -- the only time
23 you done a regimental duty was when there was weapons
24 in the barracks, and the only time the weapons were in
25 the barracks was in the summertime when we weren't at 12:11
26 school, and that's when we done -- and I think it might
27 have been only for a couple weeks --

28 288 Q. All right.

29 A. So there would have been 24-hour duties there. I can't

1 remember what way the roster would have worked for the
2 duties, and I can't remember if people were physically
3 told they were on duty next Tuesday, Wednesday,
4 Thursday, Friday, Saturday night, or they went and
5 looked at a board, I can't remember that. But, outside 12:11
6 regimental duties, you just didn't look at the
7 noticeboard.

8 289 Q. All right.

9 A. As I said earlier on, the picture in the paper shows
10 exactly where the noticeboard is, and it's in the 12:12
11 danger zone. It's a place where you just don't go to
12 unless you have to.

13 290 Q. And, again, I want to be fair to you, Mr. Hutchinson,
14 and just to give you an indication of what the evidence
15 will be, the evidence from now Brig. Gen. Ryan was that 12:12
16 there was a noticeboard certainly in his time -- so
17 he's obviously arriving in 1991 -- and there was a
18 noticeboard in what he called the main block, there was
19 a noticeboard in each of the Rec Rooms, and there was
20 also a noticeboard in the school proper? 12:12

21 A. So, as a radio technician, we were in a separate part
22 of the school to the rest of the trades --

23 291 Q. I follow that.

24 A. So we were actually part of the square, so the school
25 looked out onto the square. So we wouldn't have looked 12:12
26 at any noticeboards in the school because the school
27 was the other side of the barracks.

28 292 Q. And I think, Mr. Boyle, was he also a radio technician?

29 A. No, Seamus was a fitter armour, but the fitter armourer

1 were actually beside us on the square as well.

2 293 Q. Maybe that's why I had you confused.

3 A. Yeah.

4 294 Q. All right. Just in relation to -- and, again, you
5 know, if your evidence is, as it is, that, you know, 12:13
6 you have no recollection of visiting the noticeboard,
7 the evidence -- I'm just giving you an opportunity, in
8 case it might be said that I didn't give you an
9 opportunity later -- so you made a point about, sure,
10 there's no point of putting up a big book of Defence 12:13
11 Forces Regulations behind glass, because then it can't
12 be consulted. I think that's what you told the Chair
13 earlier?

14 A. Well, that, to me, makes common sense.

15 295 Q. Yeah, exactly. And it would. But, again, to be clear, 12:13
16 the evidence will be that the Defence Forces were only
17 required to periodically publish I think what were
18 called routine orders, and they would have been over
19 four or five pages only, and they would be pinned up
20 individually and they would have included a recital 12:13
21 about how the complaints process worked. And, again,
22 just to be fair to you, Mr. Hutchinson, if you want to
23 comment on that?

24 A. As I said, we never went near the noticeboard. Things
25 like that might have happened in the real Army out in 12:14
26 The Curragh or wherever else. That wasn't the case in
27 the Apprentice School in Naas. At least, I didn't see
28 it, because I had no reason to go over and look at the
29 noticeboard. As I mentioned earlier on, it was an area

1 in the barracks where you just didn't go to.

2 296 Q. And do you remember looking and seeing information
3 about the complaints process on noticeboards in The
4 Curragh or later in your career in the Defence Forces?

5 A. The only time I would look at the noticeboards outside 12:14
6 the Apprentice School in Naas was to check and see was
7 I on duty. I wouldn't have looked at the contents of
8 the rest of it because it didn't concern me at the
9 time. All I was concerned about is was I on duty
10 Saturday/Sunday and did I need to turn up. 12:14

11 297 Q. I see. No difficulty with that, Mr. Hutchinson. Just,
12 then -- so, Chair, there was an objection to this line
13 of questioning yesterday so I am just going to
14 anticipate that there might be an objection today.
15 12:15

16 So, I want to ask Mr. Hutchinson about the interactions
17 between the platoon group who became the particular
18 action group. You're one of the signatories to -- I'll
19 just get out the piece of paper here. Just bear with
20 me one second, Mr. Hutchinson. You're one of the 12:15
21 signatories to the submissions sent to the Tribunal.
22 So, this is at page 1427, "Application for Group Legal
23 Representation", and there's, again, on page 1433,
24 there's a list of people who are involved. Again, I
25 don't need to go through the list, but I just want to 12:16
26 ask you some questions about this.

27

28 You told the Tribunal that you attended a meeting in
29 the Osprey Hotel, do you remember that?

1 A. Yes, I do remember that, yes.

2 298 Q. would you tell us or remind us where the Osprey Hotel
3 is?

4 A. The Osprey Hotel is in the grounds of the old barracks,
5 funnily enough! 12:16

6 299 Q. I see, okay.

7 A. It was built around the back where the Officers' Mess
8 used to be. So the only thing left there is the
9 structure of the main archway into where it used to be
10 the square. So that's the only part that's left there 12:16
11 now, is the Kildare County Council and the Osprey
12 Hotel.

13 300 Q. So it's a hotel outside Naas?

14 A. Absolutely, yeah.

15 301 Q. Okay. And just explain to the Tribunal the 12:16
16 circumstances in which this meeting came to be
17 convened?

18 A. So, at the time -- I can't remember the name of the
19 process -- the IFR? There was an investigation into --

20 302 Q. Yeah, IRG, maybe? 12:17

21 A. The IRG. I'm not sure whether that was before or after
22 that.

23 303 Q. Right. Did you participate in that?

24 A. No.

25 304 Q. All right. 12:17

26 A. No.

27 305 Q. Did you participate as a group in that, no ?

28 A. No.

29 306 Q. Or individually?

1 A. No.

2 307 Q. No. But, anyway, you saw that was going on -- and then
3 go on, please?

4 A. So what happened was we knew there was some discussions
5 about a possible tribunal and people were asked to get 12:17
6 together to discuss our views on whether it was worth
7 participating in the process or not. Some very
8 difficult conversations on the night. Some surprising
9 things came out about people who were saying they were
10 actually afraid to go back to the barracks on a Sunday 12:17
11 night, which was something I was quite taken back on
12 because there was never a case where I was afraid to go
13 back to the barracks on a Sunday night. I was never
14 looking forward to it, but I wouldn't say I was afraid
15 when I was there. So that was something that came out 12:18
16 of that particular meeting.

17 308 Q. And was there a discussion about -- I mean, for
18 example, were complaints discussed at this particular
19 meeting?

20 A. No. 12:18

21 309 Q. And was this one of several meetings or one of -- or
22 was it a one-off meeting?

23 A. It was a one-off.

24 310 Q. All right. And, again, I think, again, in your
25 interview with the Tribunal, you said there was an 12:18
26 unnamed Air Corps Officer in attendance?

27 A. That's correct, yeah --

28 MR. BRADY: Judge --

29 THE WITNESS: He was the one who produced the letter.

1 So he produced the letter that my dad wrote -- or
2 should I say it was typed out, the one he helped to put
3 together. That's the first time I seen the letter.

4 SOLE MEMBER: Thank you. Now, Mr. Brady?

5 MR. BRADY: Judge, I think there was an objection to 12:18
6 this line of questioning yesterday and I just don't see
7 what the relevance is. And I'm not sure if Mr. McCann
8 wants to continue with it, but there was an objection
9 made yesterday in relation to it by Mr. Compton and I
10 don't think it was pursued after that. 12:19

11 SOLE MEMBER: It wasn't. I was about to ask you,
12 Mr. McCann, how this helps me answer the seven
13 questions that I have to answer.

14 MR. McCANN: Yes, exactly. So, Chair, if we look at
15 the opening statement for this module -- I'll see if I 12:19
16 can find it now. Sorry, it's in a different book.
17 It's at internal pagination 17 of the opening
18 statement, Chair, dealing with fair procedures. So
19 Mr. Cush, I think, did the opening statement and he
20 said -- again, I don't know what page it is in the 12:20
21 transcript, but I think it was published separately,
22 page 17:

23
24 "In order therefore to ensure that fair procedures are
25 observed and to protect the constitutional rights of
26 those involved in the making of allegations of abuse,
27 the Tribunal intends to adopt the following procedures:

28
29 1. The names of alleged perpetrators of abuse will be

1 redacted from the booklets of documents circulated to
2 relevant parties for hearings before the Tribunal;

3
4 2. Witnesses before the Tribunal will not be permitted
5 to name any alleged perpetrators of abuse during oral
6 testimony;

7
8 3. The Tribunal will not name alleged perpetrators of
9 abuse either in the course of its hearings or in its
10 report to the Taoiseach;

11
12 4. ..."

13
14 -- and then this is the bit, really, that I want to
15 bring to the Tribunal's attention:

12:20

16
17 "4. Alleged perpetrators of abuse will not be
18 permitted to cross-examine a complainant with a view to
19 suggesting or establishing that the Complaint of Abuse
20 is unfounded. They will, however, be entitled to put a
21 denial of abuse, and, if appropriate, a short summary
22 of the basis for the denial."

23
24 So I'm not asking any questions about abuse and I'm not
25 asking any questions designed to undermine or to test
26 the credibility of the allegations of abuse, and I'll
27 be careful, I hope, to steer fairly clearly away from
28 allegations of abuse. And I'm not suggesting and will
29 not be suggesting to Mr. Hutchinson that allegations of

12:21

1 abuse are unfounded. However, I am entitled to test
2 the evidence in respect of complaints and the
3 recollection of apprentices in that respect; deal with
4 syllabuses and noticeboards; and, on behalf of my
5 client, I'm entitled to probe the circumstances in
6 which the statements came to be made. As I say,
7 Mr. Hutchinson volunteered this evidence and, in fact,
8 Mr. Masterson, his own counsel, asked him about this
9 evidence. So I'm saying I'm entitled to explore this,
10 a little bit.

12:21

11 SOLE MEMBER: A little bit. And have you completed?

12 MR. McCANN: No, I haven't!

13 SOLE MEMBER: well, I'm still finding it difficult,
14 Mr. McCann, to see how questioning about how the group
15 came together, how that forms the basis or can form the
16 basis of a denial. Maybe, you could articulate a
17 question that really helps me to answer the questions
18 in the Terms of Reference.

12:22

19 311 Q. MR. McCANN: Yes. I was going to ask you then,
20 Mr. Hutchinson, about -- again, you described how there
21 was this Air Corps officer -- and I think, then, this
22 was the bit that interested me in your statement, you
23 said -- I think in your interview with the Tribunal,
24 you said that he said to you 'You're going to have to
25 address what's going into your statements', do you
26 remember anything about that, any discussion about
27 that?

12:22

28 A. So, there was a general discussion. It was basically a
29 situation where we got together to discuss a potential

1 tribunal and people made their feelings known at the
2 time. Some people were happy to engage in the process
3 and other people were not happy to engage in the
4 process. And it felt like this was the start of trying
5 to organise ourselves into a situation of where we 12:23
6 could support each other when we made our statements.

7 312 Q. I would just ask, then, in that respect, when
8 supporting each other in the making of statements, did
9 you circulate each other's statements to each other?

10 A. No. No. In fact, we actually made a conscious 12:23
11 decision not to do that.

12 313 Q. All right.

13 A. Because we felt that we just need to tell our own story
14 and, you know... And after that then...

15 314 Q. So when you came down, when you came to write your 12:23
16 statement, could you just describe to the Tribunal in
17 what circumstances you wrote your statement? Was it at
18 home? And, again, I don't want to know anything about
19 solicitors, but was it in -- or was it in your
20 solicitor's office? 12:23

21 MR. BRADY: Judge, I really have to insist --

22 SOLE MEMBER: I have to say, Mr. McCann, I'm finding it
23 really difficult at this stage to see the relevance of
24 this question.

25 THE WITNESS: I don't mind answering it. 12:23

26 SOLE MEMBER: I know you don't mind answering it, but
27 it's whether or not it's relevant to what I have to do.

28 315 Q. MR. McCANN: well, I think the answer to the question,
29 maybe, is that there was a conscious decision on the

1 part of the apprentices not to exchange statements, and
2 that's -- I have that answer.

3
4 Just in terms of the -- you have no recollection of
5 being interviewed by the Military Police, though I 12:24
6 think you accept that you were interviewed by the
7 Military Police?

8 A. I have a vague recollection. As I said, the couple of
9 weeks after Oliver shot himself was -- it was difficult
10 and, you know, 35 years ago, it's hard to remember lots 12:24
11 of things that happened but, particularly after that,
12 we were basically in survival mode at that stage. So,
13 as I said, I think I recall -- because Oliver came to
14 see me in the hospital the night before, I knew I was
15 going to have some source of information for an 12:24
16 investigation. And when I got called down for an
17 interview, it didn't surprise me one bit. So, just
18 because I don't recall the contents of the interview,
19 I'm not saying that it didn't happen.

20 316 Q. All right. And just -- I don't think we need to bring 12:25
21 it up, but there was a reference in the e-mail to you
22 having evidence of reprisals. And is it your evidence
23 that was to do with weekend passes? Was that the
24 evidence of reprisals for people making complaints, or
25 is there anything more specific you can assist the 12:25
26 Tribunal with?

27 A. Taking weekend passes off people, having them doing
28 fatigues at nighttime.

29 317 Q. But did that actually happen in response to somebody

1 making a complaint, or was that a fear that that would
2 happen?

3 A. But, sure, I mean, nobody really made a complaint. I
4 mean, generally speaking, other than the two
5 individuals, and maybe Damien after the fact, nobody 12:25
6 else made a complaint. So, you know, there couldn't
7 have been a recourse if they didn't make a complaint.
8 MR. McCANN: I think that's the point I was making.
9 Thank you very much, Mr. Hutchinson.

10 THE WITNESS: Thank you. 12:25

11 SOLE MEMBER: Thank you, Mr. McCann. Ms. McGrath?

12 MS. McGRATH: Thank you, Judge.

13

14 MR. IAN HUTCHINSON, WAS CROSS-EXAMINED BY MS. McGRATH
15 AS FOLLOWS: 12:25

16

17 318 Q. MS. McGRATH: Good afternoon, Mr. Hutchinson. Just,
18 really briefly, my name is Sinead McGrath and I'm one
19 of the counsel on the team for the Minister for Defence
20 -- 12:26

21 A. Okay.

22 319 Q. And I just want to address one very brief issue with
23 you before we finish up. If I could ask Ms. Heavey to
24 open page 1465 of the documents -- it's been opened a
25 couple of times this morning, and this is your e-mail 12:26
26 to the Minister for Defence that your counsel asked you
27 about earlier today. So, if you can just look at that?
28

29 Now, I think in answer to your counsel, you said that

1 the advice at the time was to write this e-mail. Now,
2 I'm not asking you what type of advice that was, but,
3 at the time, is it right that you had some advice or
4 help or guidance around this time about what way you
5 would proceed? 12:26

6 A. Yes.

7 320 Q. Okay. Now -- and I think you, very fairly, you say
8 it's a generic e-mail and, I suppose, am I stating the
9 obvious then when I say that when you made that
10 decision on 30th January to write to the Minister, that 12:27
11 there's no specifics in that e-mail? There's no
12 reference to specific incidents, dates, times,
13 locations, or anything like that, is that right?

14 A. Hence the saying it's a generic e-mail.

15 321 Q. Yeah, so I think that's fair enough. And I think you 12:27
16 have your name and your army number on it. And you've
17 given evidence here this morning that you were in the
18 Defence Forces for a period of ten years, so,
19 effectively, it could have related to anything within
20 that period, conceivably, would you accept that? 12:27

21 A. Absolutely, yeah, yeah.

22 322 Q. Okay.

23 A. Yeah.

24 323 Q. So, then if we just go -- if Ms. Heavey can just click
25 forward there to the response from the Minister? 12:27
26 Now --

27 REGISTRAR: Just the page?

28 324 Q. MS. McGRATH: 1469. Again, Mr. Hutchinson, none of
29 this is a criticism whatsoever of how you decided to

1 correspond with the Minister or the decision that you
2 made, but this response was described in your evidence
3 as a generic response to what you had put in, isn't
4 that right?

5 A. That's what it appears. 12:28

6 325 Q. That's what you said earlier?

7 A. That's what it appears to be, yeah.

8 326 Q. Okay. Now, in it, the Minister is coming back to you
9 -- now, we know there's the date reference there, but I
10 think it's accepted it is a response to you. I think 12:28
11 there's a reference there to the various processes that
12 are out there, effectively, for current or former
13 members of the Defence Forces; would you accept that
14 that's the general tenor of the e-mail response?

15 A. So, if you can recall, I absolutely said I didn't send 12:28
16 that e-mail when I first seen it because it was a
17 surprise to me. But once we went into the more detail
18 of it, I do remember sending the e-mail.

19 327 Q. Okay.

20 A. But what I will say is, because I absolutely didn't 12:28
21 remember sending the e-mail, is because I didn't really
22 read the reply because I thought it was a generic
23 reply.

24 328 Q. Okay.

25 A. So I didn't feel it was worth spending ten minutes or 12:28
26 five minutes of my time reading the contents and trying
27 to understand what the contents were.

28 329 Q. Okay. And can I just say there that you see, if you
29 just progress down the letter, there's a reference to

1 the Ombudsman process. There's a reference there to
2 potentially serious criminal matters going to An Garda
3 Síochána. There's a reference to the confidential
4 contact person. But there's also, then, the last
5 number of paragraphs referencing this Tribunal. Do you 12:29
6 see that, Mr. Hutchinson, there in the e-mail response?
7 A. The last three paragraphs, is it?
8 330 Q. Yeah, there's the last four paragraphs there talking
9 about the Tribunal, that it's being put in place?
10 A. Okay. 12:29
11 331 Q. Do you see that?
12 A. Yeah.
13 332 Q. And do you see in the second last paragraph, it says:
14
15 "Both current and former Defence Force members who 12:29
16 believe they have information that may be relevant to
17 the work of the Tribunal can exercise their own
18 discretion in terms of making a submission to the
19 Tribunal for its consideration."
20 12:29
21 A. Yes.
22 333 Q. Do you think that's a fair and reasonable thing to say
23 to you at that time?
24 A. Yeah.
25 334 Q. Okay. And I think you elected to put in -- I mean, we 12:30
26 don't have the date of your submission to the Tribunal
27 on the documents that were circulated, but that was the
28 action that you decided to take, isn't that right?
29 A. Yeah, so I made a conscientious decision at the time

1 not to go into details of everything that happened to
2 us because, as a group, we had 14 other individuals who
3 decided that they wanted to put something in, and put
4 something substantial in. So, I'm the type of person
5 who's efficient enough to know what's the point in me 12:30
6 repeating everything that everyone else has said? It's
7 there on their record with their particular ones, so
8 what I would do or what I decided to do at the time was
9 to talk about the haircut because there was a letter
10 that was sent that was proof that the actual incident 12:30
11 happened at the time. And I felt I'm going to
12 concentrate my time and effort on that particular
13 situation because everyone else was talking about
14 everything else, and there's no need for me to do it.

15 335 Q. Okay. And I appreciate that, Mr. Hutchinson, but I 12:31
16 think what I'm asking you is that the response that
17 came back, I think you're accepting that it was a fair
18 enough response in the circumstances to your e-mail, is
19 that right?

20 A. Yes. 12:31

21 336 Q. Okay. And I think, just so that the Tribunal knows and
22 just for the record, I think there was no further
23 correspondence by you in relation to any of these
24 issues after that date, is that right? You decided to
25 come to the Tribunal, is that correct? 12:31

26 A. Well, that's my understanding of the process, was this
27 helps me start the process and then, whatever
28 engagement the process has after that, is when I engage
29 and, you know, start passing information after that.

1 MS. McGRATH: Thank you, Mr. Hutchinson.
2 SOLE MEMBER: Thank you, Ms. McGrath. Mr. Masterson,
3 you wish to say something?
4 MR. MASTERSON: Judge, I'm terribly sorry, I just want
5 to put something on record as a point of information. 12:32
6 Ms. McGrath put it to the witness that he received
7 advice in writing this letter -- I just want to state
8 that that was not legal advice. That's all.
9 SOLE MEMBER: Thank you, Mr. Masterson.
10 MR. McGOVERN: If I may, Judge, there's just a couple 12:32
11 of questions I have arising from matters put by
12 Mr. McCann --
13 SOLE MEMBER: Yes, of course.
14 MR. McGOVERN: -- and perhaps also Ms. McGrath.
15 SOLE MEMBER: Of course, yes.
16
17 MR. IAN HUTCHINSON WAS RE-EXAMINED BY MR. McGOVERN AS
18 FOLLOWS:
19
20 337 Q. MR. McGOVERN: Mr. Hutchinson, when Mr. McCann was 12:32
21 examining you a moment ago, he put it to you that
22 2 Lt. B --
23 MR. McCANN: I didn't put anything to anybody.
24 SOLE MEMBER: Sorry, Mr. McCann, I didn't --
25 MR. McCANN: I didn't put anything to anybody. I did 12:32
26 indicate what Brig. Gen. Ryan is going to say.
27 338 Q. MR. McGOVERN: Yeah. It was put to you that 2 Lt. B
28 was replaced immediately following the death of
29 Aptce. Mullaney by Lt. Ryan, and your answer to that

1 was that there was another platoon commander there for
2 a couple weeks, am I correct, is that what you said?

3 A. So, when I say there was another platoon commander, I
4 can't tell you whether he was assigned to the platoon
5 on paper as being our platoon commander. All I know 12:33
6 was there was a period of time of time between when
7 Lt. B left and when Lt. Ryan joined.

8 339 Q. Okay. Now, I just want to warn you and advise you of
9 the advice I gave you at the beginning not to identify
10 people by name, but to use the pseudonyms that the 12:33
11 Defence Forces Tribunal have given you, but do you
12 remember or can you identify the person that you say
13 was between 2 Lt. B and Lt. Ryan?

14 A. I think he's known as Lt. A or 2nd Lt. A, is he?

15 340 Q. All right, thank you. We've heard evidence, the 12:33
16 Tribunal has heard extensive evidence at this stage in
17 relation to what happened at the ranges on 20th June
18 1991. I think you said you weren't present at that?

19 A. That's correct, yeah.

20 341 Q. Do you know was Lt. A present at the ranges on 20th 12:34
21 June 1991?

22 A. I can't tell you that because I wasn't there.

23 342 Q. All right. Before, I think it was Lt. Ryan himself in
24 his statement -- I don't have it in front of me, but my
25 recollection of what he says is that he took over 12:34
26 immediately following the passing out parade. Can you
27 remember that?

28 A. So, would he have been talking about the passing out
29 parade of the 33rd Platoon?

1 343 Q. Yes, because you were in your second year, so the
2 passing out parade would have been for the previous
3 year, the year ahead of you, which would have been the
4 33rd?

5 A. Okay. So, recollecting dates, the passing out parade 12:34
6 was always late June or early July so...

7 344 Q. You're correct. Because, in fact, my memory, and I
8 stand to be corrected about this because I don't have
9 it in front of me, but my recollection of Lt. Ryan's
10 statement is that he said he took over the day after 12:35
11 the passing out, which, from memory, was either 2nd or
12 4th July?

13 A. So, I don't recall that particular day other than the
14 fact that we were particularly disgusted that we had to
15 wait another year before it was our turn. But our 12:35
16 passing out parade was on 2nd July 1992. So, I can
17 only assume that theirs was some time late June or
18 early July -- the first week in July.

19 345 Q. Was Lieutenant 2 Lt. B still in charge of the 34th
20 Platoon after the death of Oliver Mullaney? 12:35

21 A. He was.

22 346 Q. Was he in situ and controlling things, or did he simply
23 remain there on paper?

24 A. No, he was still controlling things. He was still
25 talking to people. People had to -- people who wanted 12:36
26 to make statements to the Military Police went to see
27 him. Brian Murphy would be one of those people. So he
28 was... It was... Everything was... How is the best
29 way just of saying this? There was no change after

1 Oliver shot himself for a week or two.

2 347 Q. This other platoon commander between Lt. B and Lt. A
3 you said was there for a couple of weeks, why do you
4 say he was your platoon commander and was in charge for
5 the period of approximately four weeks between 2nd June 12:36
6 1991 and the passing out of early July?

7 A. I'm not recalling whether I said he was platoon
8 commander, but certainly he... Certainly he seemed to
9 be the officer in charge of the platoon after the
10 previous guy was transferred. 12:37

11 348 Q. Will you tell us why you say that, Mr. Hutchinson?

12 A. Because he was taking parades. He brought us out for a
13 run --

14 349 Q. That's what I wanted to ask you about. When was this
15 run? 12:37

16 A. So the run would have been -- I can only say a week or
17 two after Oliver shot himself, something along the
18 lines of that.

19 350 Q. Had Lt. Ryan taken over at this stage?

20 A. No. 12:37

21 351 Q. Okay. Where was the run?

22 A. So, during our PT runs in the morning, which would have
23 been half six in the morning, normally we'd run out the
24 gate and we'd swing a left and we would run up the
25 Newbridge Road. There's a roundabout there, but it was 12:37
26 a different type -- it was a different situation 35
27 years ago, but we would probably run around that
28 roundabout and come back down. So each run was about
29 three miles at the time and the pace was whatever the

1 officer that brought us out running would run at. This
2 particular morning we swung right and we ran down into
3 the town --

4 352 Q. That's the town of Naas?

5 A. The town of Naas, yeah. So that would have been highly 12:38
6 unusual. I can't really recall a situation where we
7 ran down through Naas. We may have done it in our
8 early days, but it certainly wasn't normal.

9 353 Q. So, who was in charge of this run?

10 A. So, that Lt. A was in charge of that. 12:38

11 354 Q. And how many times did you complete this run down to
12 Naas and back?

13 A. So we went down to Naas Town and we swung a right there
14 at the junction with Newbridge Road. And we ran out to
15 loop around Naas Town past the hospital over to the 12:38
16 Blessington Road, back into the main Dublin Road and
17 back up through the centre of the town. And while we
18 were running up the centre of the town, Lt. A asked us
19 to sing a song and... [Short pause] We didn't want to
20 sing, we didn't want to sing a song because we weren't 12:39
21 in the right frame of mind. We'd lost our friend only
22 a week or two before and we just weren't going to sing.
23 And what he said at the time was, 'If you don't sing,
24 I'm going to bring yous around the town again.' And,
25 of course, we refused to sing and, instead of turning 12:39
26 right to go back up towards the barracks, he looped us
27 back around the loop road by the hospital and thing.
28 So, you know, at that stage, we would have had three
29 miles to go, so, you know, we weren't going to sing a

1 song and we firmly decided, as a group, that they
2 weren't going to do anything to us because of what
3 happened the previous couple of weeks and that it was
4 just a big bluff and they were just going to turn right
5 and bring us back up. But, instead, we were forced 12:40
6 around the town again and, when we came back up the
7 second time --

8 355 Q. Was that a second three miles?

9 A. Yeah, it would have been probably, yeah, two or two
10 plus would have been added on on that day. He asked us 12:40
11 to sing a song again and, if we didn't sing the song,
12 he threatened he would bring us around again. So
13 obviously, at that stage, we just wanted to get back to
14 the barracks, so our hand was forced and we sang a
15 song. But, looking back at the situation, it felt 12:40
16 like... It just felt like they were sending a message
17 to the town to say that everything was all right up in
18 the barracks, you know, after what happened the
19 previous couple of weeks; that there was no issues up
20 in the barracks and everybody was happy and it was like 12:41
21 telling the whole town, 'Nothing to see here,
22 everything's good .'

23 356 Q. Lt. Ryan, in his statement and interview, referred to
24 the fact that the flags at the barracks were at half
25 mast. Was that in Naas or was that in The Curragh? 12:41

26 A. I can't remember.

27 357 Q. Okay, fine. So it would have been known in the town
28 that someone had died?

29 A. It would have been a big shock to the whole town. Naas

1 was a lot smaller then than it is now.

2 358 Q. The second matter I want to ask you about,
3 Mr. Hutchinson, is this meeting. You said in your
4 direct evidence that -- or, sorry, it may have been in
5 reply to your own counsel, that you -- there were 12:42
6 meetings at various stages after you finished in the
7 Army Apprentice School, and I think you distinguished
8 between your class and the platoon. Your class, am I
9 correct, is your radio technician's class?

10 A. Yes. 12:42

11 359 Q. -- which was, how many would have been in that?

12 A. Well, initially, there was ten. And then we lost the
13 two guys who we discussed there earlier on -- they were
14 back a class, they were a previous class, so I think we
15 ended up with eight. 12:42

16 360 Q. So the class was ten and the platoon was 65 or
17 thereabouts?

18 A. 45.

19 361 Q. 45, right. And then you said you had class meetings
20 and you had platoon meetings over the years, and you 12:42
21 also said, I think, that a group of you would go to
22 Carrick-on-Shannon on the anniversary of Oliver's
23 death?

24 A. Yeah. Basically, the reason why we went to
25 Carrick-on-Shannon was -- the main reason was to see 12:43
26 the family. The family would be on a Sunday, so we'd
27 get together on a Saturday night and have a few pints
28 and have a chat, and then go and see the family the
29 following day.

1 362 Q. So you kept in touch consistently from the time you
2 left the Defence Forces -- or certainly left the Army
3 Apprentice School?
4 A. Well, I wouldn't say -- there's certain people who I
5 would have been consistently talking to, and then 12:43
6 there's certain people you'd only see once, you know,
7 maybe in Carrick-on-Shannon. Like, you're talking
8 about maybe four, six, seven people would turn up to
9 Carrick-on-Shannon, and we didn't do that every year.
10 We did for the first probably 10 or 15 years and then, 12:43
11 after that, it was probably every three or four years
12 after that. And we've had two reunions, two proper
13 reunions, since the time we all left Naas.

14 363 Q. And then the meeting that Mr. McCann referred to in the
15 Osprey Hotel, would that have been in or around March 12:43
16 2024? Sorry, early 2024?
17 A. I can't remember.

18 364 Q. All right. But am I correct, and correct me if I'm
19 wrong, Mr. Hutchinson, that around that time it was
20 public knowledge, it was in the public domain, that a 12:44
21 tribunal was going to be established?
22 A. I can't say whether it was within the public domain.
23 It could have been. Or there was some discussion about
24 it. So I can't be sure.

25 365 Q. And your e-mail -- 12:44
26 SOLE MEMBER: Mr. McGovern - I'm sorry for interrupting
27 you - I think as of March 2024, the Tribunal had been
28 established. It was 20th June 2024. So, I think, at
29 that stage, we were already three months.

1 THE WITNESS: okay.

2 366 Q. MR. McGOVERN: Your e-mail is dated 30th January 2024,
3 isn't that right, your e-mail to the Minister?

4 A. I'm not sure.

5 367 Q. Yeah, it's been called up already on the screen, and 12:44
6 the reply from the Minister is 8th March 2024.

7 MR. McCANN: If it's of any assistance to Mr. McGovern,
8 on page 14...

9 MR. McGOVERN: 1465.

10 MR. McCANN: If I might give you the assistance first, 12:45
11 he said -- he talked about it being five years ago at
12 page 1459 of his interview with the Tribunal Counsel,
13 if that is of any assistance.

14 368 Q. MR. McGOVERN: In other words, you had -- there was a
15 meeting in the Osprey Hotel, some of the platoon 12:45
16 members there. And then, around that time, you sent an
17 e-mail to the Minister?

18 A. That could be, I'm not sure.

19 369 Q. Okay. And the reply you got from the Minister, which
20 is dated 8 March, specifically refers to the Tribunal. 12:45
21 It says:

22

23 "In addition, as you may be aware, the Government
24 recently approved the establishment of a tribunal of
25 inquiry." 12:45
26

27 A. Okay.

28 MR. McGOVERN: Thank you.

29 SOLE MEMBER: Thank you, Mr. McGovern. No further

1 questions from anyone?

2
3 MR. IAN HUTCHINSON WAS QUESTIONED BY THE SOLE MEMBER,
4 AS FOLLOWS:

5
6 370 Q. SOLE MEMBER: Mr. Hutchinson, I have a couple of
7 questions I would like to ask you. We have seen from
8 one of the documents that was called up that 2 Lt. B
9 was told there was a difference between apprentice
10 training and cadet training. And you said in response 12:46
11 'He continued to do what he did, he was a junior
12 officer and nobody seemed to step in to correct him'?

13 A. Yes.

14 371 Q. Could you help me understand why you would assume that
15 NCOs, who I understand would be junior to this 12:46
16 particular officer, junior in rank, why would they be
17 the people to step in to stop him?

18 A. Because they're older and wiser. So, 2nd lieutenants,
19 this particular 2nd Lieutenant was 20 when he arrived
20 at the Apprentice School in Naas. I was 18. So he was 12:46
21 only two years older than I was. His only experience
22 in the Army was obviously the Cadet School. You would
23 expect Senior NCOs to call things out if there was a
24 particular problem, regardless of the rank structure.
25 I mean, at the end of the day, seniority or your time 12:47
26 spent in a job has to account for something at some
27 stage and, to be fair, lots of senior NCOs are very
28 well respected in barracks across the board and,
29 particularly sergeant majors, of which, by the way, we

1 never heard anything of the sergeant major in the
2 Apprentice School in Naas, because the CS was the only
3 one. You would have expected a senior NCO to step in
4 and call people on their behaviour.

5 372 Q. Including a junior officer superior in rank? 12:47

6 A. I'd say including a corporal, although corporals
7 wouldn't do that. But I'd certainly expect a sergeant
8 to step in and have a word, and certainly a company
9 sergeant.

10 373 Q. And in your experience of the Defence Forces after you 12:47
11 left the Apprentice School, have you ever seen an
12 experienced NCO check or called to account an officer?

13 A. I was never in a situation where that needed to be
14 done.

15 374 Q. Thank you. Could I just check the date with you? You 12:48
16 did give evidence that whilst you were in the Army
17 Apprentice School, you kept your head down. You didn't
18 have a safe person. And then you described one
19 ex-platoon member doing an NCO course and that you went
20 to him as the CS and he was your safe person. Can you 12:48
21 put a date on that time you're talking about? I'm
22 assuming it was post the Army Apprentice School?

23 A. I would say that was probably mid-2000s.

24 375 Q. Okay. So it was long after you had left the school?

25 A. Yes. Yeah. 12:48

26 SOLE MEMBER: They're the only questions that I have
27 for you. Thank you, Mr. Hutchinson, thank you very
28 much. I know it wasn't easy giving evidence, but I do
29 appreciate the service that you have done. Thank you

1 very much, indeed.

2 THE WITNESS: Lovely, thank you, cheers.

3 SOLE MEMBER: Now, it's ten minutes to one o'clock. I

4 don't know whether we will proceed with the evidence of

5 Mr. Hutchinson? It may be preferable to take a break 12:49

6 and come back ten minutes earlier, Mr. McGovern?

7 MR. McGOVERN: Yes, I don't think Mr. Hutchinson...

8 well, I don't think his direct evidence will be long!

9 I don't know about the cross-examination.

10 SOLE MEMBER: Yeah, it might be preferable if we rise 12:49

11 -- I'll rise now and we'll come back at ten to two.

12 Thank you very much.

13

14 THE TRIBUNAL ADJOURNED FOR LUNCH AND CONTINUED AS

15 FOLLOWS: 12:49

16

17 SOLE MEMBER: Good afternoon, everybody. Now,

18 Mr. McGovern.

19 MR. McGOVERN: Good afternoon, Judge. The next witness

20 is Mr. James Hutchinson, please. Mr. Hutchinson. 13:52

21

22 MR. JAMES HUTCHINSON, HAVING BEEN SWORN, WAS DIRECTLY

23 EXAMINED BY MR. McGOVERN AS FOLLOWS:

24

25 376 Q. MR. McGOVERN: Good afternoon, Mr. Hutchinson. 13:52

26 A. Good afternoon.

27 377 Q. Thank you very much for coming to the Tribunal. I just

28 have to formally tell you that, as you may be aware,

29 the Tribunal is investigating the effectiveness of the

1 complaints processes and the culture within the Defence
2 Forces in relation to complaints of abuse. The
3 Tribunal is not permitted to make findings in relation
4 to the well-foundedness of complaints of abuse and, for
5 that reason, you are required to refrain from
6 disclosing the names of any alleged perpetrators in
7 your evidence today. Where it is necessary for you to
8 refer to such individuals, you must do so by using the
9 pseudonym that the Tribunal has given them. Do you
10 understand that?

13:53

11 A. I do.

12 378 Q. Thank you very much. Mr. Hutchinson, I think, firstly,
13 you're the father of the last witness, Ian Hutchinson,
14 is that correct?

15 A. That's right, yes.

13:53

16 379 Q. Can you tell us, Mr. Hutchinson, your full name is
17 James Anthony Hutchinson, and I think you're generally
18 known as "Tony"?

19 A. Correct, yeah.

20 380 Q. -- which is the abbreviation of your second Christian
21 name.

13:53

22 A. Yeah.

23 381 Q. Can you tell us about your family history and
24 involvement with the Defence Forces, please?

25 A. Well, I spent 21 years in the Army. I retired as
26 Sergeant Major. And I had five -- four other brothers
27 serving with me at the time. I had two elder brothers
28 in the Army as well.

13:53

29 382 Q. So, you certainly would have been well versed in the

1 ways of the Defence Forces?

2 A. I would, indeed.

3 383 Q. I think, Mr. Hutchinson, you retired in 1986, is that

4 correct?

5 A. That's correct. 13:54

6 384 Q. And that would have been three years, then, before Ian

7 entered the Army Apprentice School in '89?

8 A. Yes.

9 385 Q. Right. Were you happy to see Ian join the Defence

10 Forces? 13:54

11 A. I was delighted for him to get into the Apprentice

12 School.

13 386 Q. And when Ian would come home at weekends, would you

14 talk to him and ask him about how he was getting on?

15 A. I would, indeed, yes. I'd always have a conversation 13:54

16 to see how things were going.

17 387 Q. Yes. As a former member of the Defence Forces, you had

18 an interest in how he was doing?

19 A. Indeed, yes.

20 388 Q. Okay. Did Ian tell you about his experiences and what 13:54

21 was happening?

22 A. He did, he discussed --

23 389 Q. -- in the Apprentice School in Devoy Barracks?

24 A. Correct, he did, yeah.

25 390 Q. And can you tell us what was your reaction when you 13:55

26 heard what --

27 A. I was amazed with some of the things that he was coming

28 out with.

29 391 Q. Why was that?

1 A. Because I've never heard of any -- or had any
2 experience of similar situations.

3 392 Q. Yeah. And, in particular, did Ian tell you about an
4 incident which involved the cutting of hair?

5 A. He did. That was one of the ones he was very mad 13:55
6 about.

7 393 Q. Had you, in your experience of the Defence Forces, ever
8 encountered anything like that previously?

9 A. Nothing like that. There was always a barber in a
10 situation for haircuts. 13:55

11 394 Q. An Army Defence Forces --

12 A. Yeah.

13 395 Q. -- in the barracks?

14 A. Yeah.

15 396 Q. As a result of what your son, Ian, told you, what did 13:55
16 you decide to do?

17 A. Well, I decided that this was going a bit far, so I had
18 a conversation with my brother and another guy and
19 we decided --

20 397 Q. Can I just stop you there for a moment? You mentioned 13:56
21 having a conversation with your brother and another
22 guy; was the other guy also a former Defence Force
23 member?

24 A. He was actually serving, a company sergeant.

25 398 Q. So he was serving at the time? 13:56

26 A. Serving at the time.

27 399 Q. So the three of you then had a discussion, is that
28 correct?

29 A. Correct, yeah.

1 400 Q. And what was this discussion about, Mr. Hutchinson?

2 A. It was about cutting hair. To me, if anyone -- if you

3 went near someone like that, that's assault, you know.

4 There's a barber provided to cut hair.

5 401 Q. So, what did you decide to do? 13:56

6 A. We decided to pen a letter and have it typed and send

7 it off anonymously.

8 402 Q. Okay. Now, let's deal with this step by step, if we

9 may. First of all, you say "we decided" -- was that

10 you, your brother, and the other serving member of the 13:57

11 Defence Forces?

12 A. That's right, it was.

13 403 Q. So, who composed or drafted the letter?

14 A. Well, between the three of us, we decided what to put

15 into the letter. 13:57

16 404 Q. Right. And you said it was typed; who typed the

17 letter?

18 A. My brother had it typed.

19 405 Q. Your brother had it typed. And who posted the letter?

20 A. I, actually, posted it, addressed and posted the 13:57

21 letter.

22 406 Q. You posted it. And who was the letter addressed to?

23 A. Officer Commanding, Devoy Barracks, Naas, County

24 Kildare.

25 407 Q. Right. Now, did you tell your son, Ian, that you were 13:57

26 going to write a letter?

27 A. No, I didn't.

28 408 Q. Why was that?

29 A. Because I didn't want him getting upset about if they

1 found out who the letter was coming from, he would be
2 harassed or whatever.

3 409 Q. And after you had posted the letter, did you tell Ian
4 that you'd sent it?

5 A. I did, the next time I seen him, the next weekend that 13:58
6 he came home.

7 410 Q. All right. You told us you posted the letter yourself?

8 A. I did.

9 411 Q. Did you keep a copy of the letter?

10 A. No, I didn't. 13:58

11 412 Q. Can you tell us what was in the letter? what were you
12 complaining about? why were you writing to the
13 Commanding Officer?

14 A. I was making the complaint that a situation like that
15 should not have happened, lining young guys up and 13:58
16 cutting their hair with a scissors.

17 413 Q. And what did you ask should be done?

18 A. I didn't ask anything. I thought that the Commanding
19 Officer at that stage would have rectified the
20 situation. 13:58

21 414 Q. Did you sign the letter?

22 A. No.

23 415 Q. Was there any name on the end of the letter?

24 A. Just "Concerned Citizen".

25 416 Q. And why did you not sign the letter, Mr. Hutchinson? 13:58

26 A. Well, I didn't want everyone down there to know who was
27 making the complaint because, if I did, Ian would have
28 been, as they call it in the Army, dirty details. He'd
29 be -- they'd be on his back really, you know.

1 417 Q. And what led you to believe that if Ian was identified
2 with the letter, that he would be given dirty duties?
3 A. Well, that's the situation in the Army.
4 418 Q. So, was that unique to the Army Apprentice School, in
5 your experience, or was that a regular across the board 13:59
6 problem?
7 A. Well, he had no confidence in the people there at the
8 time, the people in charge.
9 419 Q. So as a result of that, you didn't put your name on the
10 letter? 13:59
11 A. No.
12 420 Q. And I take it that, since you didn't sign the letter or
13 identify yourself, you never received a reply or
14 response to it?
15 A. No. 13:59
16 421 Q. So, have you any knowledge as to what happened as a
17 result of you sending your letter?
18 A. No, I've no idea what happened.
19 422 Q. And from your discussions with Ian, what was your
20 understanding or impression? Did anything change 14:00
21 within the Army Apprentice School in Devoy, as a result
22 of your letter?
23 A. No, nothing changed. Nothing that he talked about
24 anyway.
25 MR. McGOVERN: Thank you, Mr. Hutchinson. 14:00
26 SOLE MEMBER: Thank you. No questions. Anybody?
27 MR. LEHANE: No questions.
28 SOLE MEMBER: No questions.
29 MR. LYONS: No questions, Chair.

1 MS. McGRATH: No questions.

2 SOLE MEMBER: I have one question for you,

3 Mr. Hutchinson.

4

5 MR. JAMES HUTCHINSON WAS QUESTIONED BY THE SOLE MEMBER, 14:00

6 AS FOLLOWS:

7

8 423 Q. SOLE MEMBER: When you say you didn't sign the letter

9 because you didn't want Ian to be put on dirty details

10 -- and I think Mr. McGovern asked you was that based on 14:00

11 what Ian had said or was it generally, I would like you

12 to clarify whether your answer that you were afraid

13 he'd be placed on dirty details, you said "That's the

14 situation in the Army." Was that based on what Ian had

15 said to you, or was that based on your own experience 14:00

16 in 21 years?

17 A. Well, that was based, really, on my own experience, you

18 know.

19 424 Q. Could you elaborate a little bit for me? What would

20 happen, based on your experience, if you made a 14:01

21 complaint?

22 A. It was like what they call a squealing.

23 425 Q. It was called squealing?

24 A. Yeah, you're talking about someone else, you know. So

25 that wouldn't go down very well. 14:01

26 426 Q. What would happen, in your experience?

27 A. Well, obviously there's people there that would get on

28 your back and any dirty details that came in for the

29 cook house duty, or whatever, they would be caught

1 first to do that, because of squealing.

2 427 Q. Because of squealing. Is that how making a complaint
3 would have been characterised, as squealing?

4 A. It would, yes.

5 428 Q. I see. And I have one other question. Your son gave 14:01
6 evidence and indicated that none of the senior NCOs in
7 the Army Apprentice School intervened or tried to put a
8 halt to what was happening at the hands of 2 Lt. B, and
9 I asked him whether it would be usual for a person
10 junior in rank to an officer to intervene if they saw 14:02
11 behaviour that was unacceptable or inappropriate. Has
12 it been your experience in the Army that a more junior
13 person in rank, but an experienced person in years,
14 would intervene or would seek to interfere with a more
15 Senior Officer, albeit it a recently-appointed senior 14:02
16 officer?

17 A. In my experience, the Sergeant, the Platoon Sergeant or
18 the Company Sergeant would have a word with the Platoon
19 Officer and try and guide him in the right lines,
20 without going overboard. 14:02

21 429 Q. I see, even though he would be junior in rank?

22 A. Even though -- you've to try to give him a bit of
23 experience because they're not used to dealing with
24 recruits, you know.

25 SOLE MEMBER: I see. Thank you very much indeed for 14:03
26 your evidence, I appreciate it.

27 THE WITNESS: Thank you, Judge.

28 SOLE MEMBER: Thank you. Okay, I think we can move on
29 to the next witness, please. Mr. O'Hanlon.

1 MR. O'HANLON: Thank you, Judge. The next witness is
2 Mr. John Murphy.

3
4 MR. JOHN MURPHY, HAVING BEEN SWORN, WAS DIRECTLY
5 EXAMINED BY MR. O'HANLON AS FOLLOWS:

14:03

6
7 430 Q. MR. O'HANLON: Good afternoon, Mr. Murphy.

8 A. Good afternoon.

9 431 Q. That you for attending today to give your evidence.

10 Before we proceed, I must remind you that the Tribunal 14:03
11 is investigating the effectiveness of the complaints
12 processes and the culture within the Defence Forces in
13 relation to complaints of abuse. The Tribunal is not
14 permitted to make findings in relation to the
15 well-foundedness of complaints of abuse and, for that
16 reason, you are required to refrain from disclosing the
17 names of any alleged perpetrators in your evidence
18 today. Where it is necessary to refer to such
19 individuals, you must do so by using their rank or the
20 pseudonym given to them by the Tribunal. Do you
21 understand that?

22 A. I understand.

23 432 Q. Thank you. Please take your time when responding to my
24 questions, and if you could kindly direct your answers
25 to the Judge.

14:04

26 A. Okay.

27 433 Q. Mr. Murphy, you provided a statement to the Tribunal
28 and you've attended for an interview with Counsel to
29 the Tribunal, is that right?

1 A. That's correct.

2 434 Q. Judge, Mr. Murphy's statement to the Tribunal can be
3 found at page 2159 of the booklet of documents and his
4 interview is at page 2162.

5 14:05

6 Mr. Murphy, I know from your statement and your
7 interview that you joined the Defence Forces in 1989 as
8 a fitter turner, is that right?

9 A. Correct.

10 435 Q. I think you joined in October as an apprentice and that 14:05
11 was a little bit after the rest of the platoon, is that
12 right?

13 A. That's correct, Judge. I know I just started back in
14 Leaving Cert year, Sixth Year. I'd already got a
15 rejection letter at that stage, so I was happy to go 14:05
16 back to school, finish my Leaving Cert. So, in October
17 '89 then, I think on a Monday, I got a phone call to
18 say, look, a place had become available, would I be
19 interested in it. I arrived in on a Wednesday morning.
20 I was the sole entrant that day. I was the only one 14:05
21 being sworn in, so it was scary, daunting. But, as I
22 said, I was the only one in on that day.

23 SOLE MEMBER: Could I ask you to bring the microphone
24 slightly closer to you?

25 THE WITNESS: Sure. 14:05

26 SOLE MEMBER: Thanks very much. Thank you, Mr. Murphy.

27 436 Q. MR. O'HANLON: And, Mr. Murphy, what led to you joining
28 the Defence Forces or applying for the apprenticeship?

29 A. The Army Apprentice School had a great reputation at

1 the time. You know, I'd heard about it, that they turn
2 out great trades people that have worked all over the
3 world, so the reputation there would follow me on, as I
4 had hoped. When I applied, our career guidance teacher
5 in school had brought us in and said 'Look, this is a 14:06
6 great opportunity for people to be brought in here.'
7
8 So, at the time, I think I counted there was 35 lads
9 applied for a vacancy or a spot in the Apprentice
10 School. I think three or four of us got called for 14:06
11 interview. So I was disappointed when I got the
12 rejection letter, but when I got called back, I was
13 absolutely -- I was thrilled to bits because it was a
14 great achievement. Out of the 35 that went for it, I
15 was the only one going in. I spoke to my career 14:06
16 guidance teacher -- because I was in Sixth Year, I
17 thought I was going to lose out not doing the Leaving
18 Cert, but he gave me some great advice and he said,
19 'No', he said, 'it's a great opportunity, you should
20 take it.' 14:07
21 437 Q. And what age were you then in October 1989?
22 A. I was 17.
23 438 Q. I think you said that your mother signed a consent
24 form?
25 A. Yeah, I did ask my mother and she remembers signing 14:07
26 something, yes.
27 439 Q. Can you describe to the Tribunal what your initial
28 impression of Army Apprentice School was?
29 A. So, I think when I went in, I was about six and a half

1 to seven weeks behind everyone else. So, at that
2 stage, they were more accustomed to military life. So
3 they had been marching and doing PTs and things like
4 that; they had got fitter over the few weeks they were
5 in before me. They also had started the academic year. 14:07

6
7 So, we would have been the same, we were doing
8 mechanical engineering, really, it was the equivalent
9 of -- sorry, we were doing fitter turner, but it was
10 the equivalent of mechanical engineering, the first 14:07
11 year in college. So the first year in college would
12 have been a follow on from Sixth Year. So, I didn't do
13 Sixth Year, so I was a little bit behind in that, in a
14 sense, and I was behind in the marching on the square
15 and everything like that. So everything, like, I hit 14:08
16 the ground running. My head wasn't in the right place
17 because I didn't know -- they were coming at us from
18 all angles at that stage and I was trying to catch up
19 the whole time.

20 14:08
21 The lads in the class, in fairness to them, helped me
22 out as much as I can. As I said, I couldn't march
23 really so -- I know, Damien Traynor, he was an ex-FCA
24 man, so he knew I was struggling. He knew everything
25 was -- I was catching up with everything, even 14:08
26 academically. And, in fairness to Damien, he gave me a
27 little bit of background tuition on the square bashing,
28 as we used to call it. We just went into a corner in
29 the Rec Room and he helped me out. And, it did, it was

1 a small little thing -- and I know the lads were
2 probably giggling at us, but, like, it helped me out so
3 much. It just took the pressure off me a little bit
4 that I was the only man that couldn't march.

14:09

6 And also in the classroom, then, because they were in
7 before me, most of the lads had their toolboxes and
8 things like that. I didn't, so I was borrowing stuff.
9 But, in fairness to Damien, like, he helped me out. He
10 knew I was catching up there as well. So, his toolbox,
11 he just threw me the keys whenever I wanted it just to
12 help myself there. So, as I said, it was a small
13 gesture from him, but at the time it was just so
14 helpful to me.

14:09

15 440 Q. Do you recall during that initial stage or at any stage
16 during your time in the Army Apprentice School
17 receiving any instruction or training in relation to
18 complaints of abuse?

14:09

19 A. No, to the best of my knowledge, I never received any
20 information on that.

14:09

21 441 Q. And you have said that some your colleagues helped you
22 out on stuff that you might have missed, and do you
23 recall any of them informing of you complaints
24 processes or how to make a complaint of abuse?

25 A. No, no one informed me on anything like that.

14:10

26 442 Q. So it didn't seem that they had been informed, or they
27 didn't tell you this was -- they had been told?

28 A. No, and, as I said, they were in seven weeks before --
29 well, six and a half to seven weeks before me, but no

1 one ever gave me any information on any complaints.

2 443 Q. Can you recall any reading of the Acts or Talks to
3 Troops?

4 A. No, I can't recall anything like that.

5 444 Q. Do you recall noticeboards in Army Apprentice School? 14:10

6 A. I never had reason to look at a noticeboard. As far as
7 I can remember, we had a noticeboard on the way into
8 our billet, but I never stopped to look at it because
9 there was never anything on it that related to me. So
10 I never looked. I can't say I've ever looked at a 14:10
11 noticeboard in there.

12 445 Q. So you don't -- I'm taking it from that that you don't
13 recall any routine orders or Defence Forces Regulations
14 being posted on those noticeboards?

15 A. No, certainly not, no. 14:11

16 446 Q. Do you recall any instruction to read those routine
17 orders or Defence Forces Regulations?

18 A. No, I have no recollection of anything like that.

19 447 Q. Can you recall the Platoon Commander giving any
20 instruction in relation to complaints processes? 14:11

21 A. No, he didn't, no.

22 448 Q. Mr. Murphy, I know from your statement and your
23 interview that you had difficulty planning weekends
24 during your time in the Army Apprentice School?

25 A. That's correct, yeah. So, when I got in anyway, I 14:11
26 think my first weekend there was the first weekend that
27 the rest of the platoon were getting off so, I was
28 lucky enough, I got off that weekend. But as we got
29 on, as the months and weeks went by, our weekends

1 became less and less. We, in first year, we had
2 military training. During the academic year, in first
3 year, we had military training on a Wednesday morning.
4 On a Wednesday morning, we would have some sort of
5 inspection and we'd always be told by the Platoon 14:12
6 Sergeant that your weekend is pending on the results of
7 the inspection, the turnout. So, naturally enough,
8 everyone is going to put in their best effort.
9 Everyone wanted to get home. It was just a welcome
10 relief just to get out of it for the weekend. And no 14:12
11 matter how hard we felt we tried and how good we
12 thought we were, the weekend leave would be cancelled.
13 And sometimes we would find out on the day that you're
14 not going home for the weekend. Sometimes, we would
15 find out on a Thursday we're not going to home. 14:12
16 Sometimes, it could be a Friday. And it got to a stage
17 a couple of times we got to the gate and we were told
18 -- that morning, we would be given permission to go
19 home and, when we'd get to the gate then on Friday
20 afternoon, we're told 'No, your passes are cancelled, 14:12
21 get back up to the billets.'

22 449 Q. Mr. Murphy, if we could go through that just stage by
23 stage, if you don't mind? So you said, on a Wednesday,
24 you would be told 'Your weekend is pending on
25 inspection', or whatever it may be. At that point, had 14:13
26 you made the application for a weekend pass?

27 A. Yes. Usually, mid week, maybe Tuesday to Wednesday, we
28 would be told to put in an application for a weekend
29 pass.

1 450 Q. was that application in writing?
2 A. That was -- yes. It was the old-fashioned written
3 application. It would be done over three pages. And
4 each individual that wanted a weekend pass would have
5 to submit that and have his name signed at the bottom 14:13
6 of it. That would be submitted to the Company Office.
7 So it would be recommended by the Platoon Sergeant and
8 then signed by the Platoon Commander.

9 451 Q. And then you said that you could find out on a Thursday
10 or a Friday that you were not going home? 14:13
11 A. That's correct, yes.

12 452 Q. So, can we just distinguish between a weekend pass
13 being refused and a pass that has been granted being
14 revoked?
15 A. Yeah. Well, we were never told that it was being 14:13
16 refused. Revoke and refuse was just the same thing for
17 us. They never said -- what they used to say was,
18 'Okay, put in your pass, you're going home.'
19 Sometimes, we got the passes back signed so we would
20 take it for granted, yes, we are going home -- to get 14:14
21 to the gate on a Friday evening and to be told 'You're
22 not going home, your pass has been cancelled.'

23 453 Q. So you had received a grant allowing you to go home
24 that weekend, and you would be told at the gate that
25 you were not? 14:14
26 A. Yes, correct.

27 454 Q. And who at the gate would tell you that?
28 A. It was usually the Military Police on the gate, or
29 whoever the duty NCO was on the day. He would say

1 '34th Platoon aren't going home, you've been confined
2 to barracks.'

3 455 Q. Did they provide you with a reason?

4 A. Never. We never got a reason for why.

5 456 Q. Was there an appeal process available in relation to 14:15
6 the revocation or the refusal of a weekend pass?

7 A. No, no. Never.

8 457 Q. At interview you said if turf arrived on a Friday you
9 knew you would be kept in for the weekend?

10 A. That's right, yeah. 14:15

11 458 Q. Explain that to the Tribunal, please?

12 A. So, there was a turf shed out the back and the turf was
13 a the main heating of the barracks, I know it sounds
14 quite funny now. We knew if a trailer load of turf
15 came in, we knew someone had to put it into the shed 14:15
16 and at the time it was going to be -- we always knew it
17 was going to be the 34th Platoon. So we knew our
18 passes were going to be revoked that weekend. We knew
19 they were going to be cancelled, we weren't going to
20 get them anyway and they would come up with some stupid 14:15
21 excuses, maybe, if they even told us.

22

23 We'd go down on a Friday and we'd put the turf in the
24 shed and then we'd get down on Saturday and take all
25 the turf back out of the shed, and then we'd go down on 14:15
26 the Sunday and put the turf back into the shed. And
27 that's just the way it was. When a tractor load of
28 turf came in we knew three days we'd be doing turf.

29 459 Q. Thank you, Mr. Murphy. You witnessed a hair-cutting

1 incident, I believe?

2 A. Yes.

3 460 Q. Can you tell the Tribunal about that?

4 A. I think it was sometime in first year, it was a
5 wednesday morning so it was first year. The Platoon 14:16
6 Sergeant marched us out on the square for the Platoon
7 officer to inspect us. So when we march out on the
8 square, we march in close file, close rank. So then we
9 face the officer and the command was given to open
10 ranks. 14:16

11 461 Q. If you don't mind just explaining close rank and open?

12 A. Close rank is when you march side by side and when
13 you're marching somewhere. So when you're being
14 inspected, for the officer to walk around and inspect
15 you there has to be a gap between the front rank, the 14:16
16 middle rank and the back rank. So when we got onto the
17 square, the order is given to face the officer and then
18 the next order is to open ranks. So the front rank
19 would move one or two paces forward, the rear rank
20 would move one or two paces to the rear and the centre 14:17
21 rank would stay where they were and this would allow the
22 inspection to take place.

23

24 So when we were on the square we were given the order
25 to open ranks. The officer inspected us and he went 14:17
26 around to -- then when the inspection was finished he
27 went back around to the front of the parade and then
28 the order was given to -- the order at the time was
29 "díclúdaig," so that was remove headdress. So we all

1 removed headdress. This was unusual because I don't
2 remember it happening before and he went around and the
3 Officer, the Platoon Commander had a look at certain
4 haircuts, walking around between the ranks. So that
5 was fine. We were -- he went to the front of the 14:17
6 parade. We were told to close ranks, that was because
7 we were going to be marching in close file. The
8 Platoon Sergeant then marched us off the square and he
9 marched us into an area of a different platoon.

10
11 So the platoons were, say, a U shape billet with hollow
12 in the middle so he marched us in between the two
13 buildings and we were out of sight. This was a
14 different platoon, you know, it's not our billeted
15 area, we shouldn't be there. They don't go into our 14:18
16 areas and we didn't go into theirs, just out of
17 respect. So we were marched in here anyway by the
18 Platoon Sergeant. We were given the orders again to
19 open ranks so this would allow individuals to walk in
20 between. 14:18

21
22 To the best of my knowledge, the Officer gave the order
23 to remove berets. Again, the Platoon Sergeant, as I
24 can remember, produced a scissors. As the Officer went
25 around, he was cutting individuals' hair. The Platoon 14:18
26 Sergeant disappeared so he eliminated himself with
27 everything that was happening with us. The Platoon
28 Officer went around he cut people's hairs, I don't know
29 how many hairs he cut, I couldn't tell you.

1
2 He was a few minutes doing this. Everything was done
3 and the Platoon Sergeant arrived back out.
4
5 So, in my opinion, he knew, he knew what was being done 14:19
6 was absolutely completely wrong, but he distanced
7 himself from being an eyewitness to this carry on.
8 462 Q. Were you aware of any investigations into that
9 incident, Mr. Murphy?
10 A. No, I wasn't. 14:19
11 463 Q. Were you ever asked to provide a statement in relation
12 to it?
13 A. No, I was never asked to provide a statement.
14 464 Q. Were you ever interviewed in relation to that?
15 A. No, never. 14:19
16 465 Q. You spoke earlier on about a fellow colleague,
17 Damien Traynor. You told the Tribunal how he helped
18 you out in your initial days --
19 A. Yeah.
20 466 Q. -- in the Army Apprentice School. Was he a friend of 14:19
21 yours?
22 A. Yes. Damien was in my class. So, like we would
23 have -- you'd your own classmates, you were working
24 with them every day so you do build up a good bond with
25 the lads that are around us. 14:20
26 467 Q. Did you feel he was singled out?
27 A. Yes.
28 468 Q. Can you explain that to the Tribunal, please?
29 A. My first recollection of Damien being singled out, we

1 were on parade on the square one day and the Platoon
2 officer was doing the rounds he was doing his
3 inspection. So Damien was quite tall so, generally, he
4 was always maybe the first or second lad in the front
5 rank. And sometimes he was behind me but he was always 14:20
6 there. And it got to the stage where he wouldn't even
7 be inspected by the officer, as the officer walked up
8 to him he would say, 'Traynor get off my parade.'

9 469 Q. And when you say "the Officer"?
10 A. That's the Platoon Commander. If I was -- in the rear 14:20
11 ranks I would see it, sometimes I was in the front rank
12 and all I could hear was, 'Traynor, get off my parade.'
13 And he was taken off parade and repercussions of that
14 is generally there used to be -- his weekend pass, he
15 wouldn't get it. 14:21

16 470 Q. The Tribunal has heard from Mr. Traynor and is familiar
17 of his situation but, also, that he left the Defence
18 Forces in May 1991 by purchase. Can you recall the
19 events surrounding that time?

20 A. Yes. So, that weekend, we got our pass to go home and 14:21
21 I came back on the Sunday evening and to my memory, as
22 I walked through the gate -- so, you had the Duty Room
23 at the gate and behind that, it was like it was a small
24 room, sometimes it was a bedroom that at night the Fire
25 Picket would sleep in there if they were on duty. And 14:21
26 there was -- from my memory there was a window at the
27 front and as I walked by the window I could see Damien
28 just sitting in there. I thought it was unusual. I
29 knew he'd been kept in the weekend but I just couldn't

1 figure out why. We never had reason to use that place
2 outside the Duty Room and we weren't doing duties.
3
4 So when I got up to the billet anyway some of the lads
5 had is a said to me Damien had, all we could say, it 14:22
6 was a breakdown. He didn't -- there was damage done to
7 the place. So, I think windows had been broken. We
8 had a pool table in our Rec Room, I think there was
9 damage done to the pool table as well. And for that
10 reason Damien was under house arrest down at the gate. 14:22
11 471 Q. Did you witness Mr. Traynor being kicked in the ribs?
12 A. I never witnessed it. I'd heard but I never witnessed
13 anything like that being done.
14 472 Q. And were you aware of any investigations into the
15 mistreatment of Mr. Traynor? 14:22
16 A. No, I was never aware of an investigation.
17 473 Q. Were you ever asked to provide a statement in relation
18 to any investigations that may have been going on?
19 A. No, never.
20 474 Q. Were you ever interviewed in relation to any 14:23
21 investigations?
22 A. No, never. Never interviewed either.
23 475 Q. Did you witness Mr. Traynor being punched in the
24 stomach?
25 A. No, never witnessed it. 14:23
26 476 Q. In your statement, Mr. Murphy, you say you became
27 completely disillusioned with the Defence Forces?
28 A. Yeah.
29 477 Q. And I think you considered leaving the Army Apprentice

1 School?

2 A. Yeah. At the time -- the only way for me to explain
3 it, my head was absolutely fried that -- and Damien
4 highlighted this, what was done to him was wrong and I
5 thought, this platoon commander was getting away with 14:23
6 this, not even him, it was the whole establishment in
7 there got away with this. I said -- it just got worse
8 and worse. The only way I could see getting out of
9 this was, I was willing to leave, I wanted to leave.
10 Now, at the time -- when I went into the Apprentice 14:24
11 School, as I said to you, it was such an achievement, I
12 didn't have a Leaving Cert I got in on my Inter Cert
13 results to my mother was proud.

14 478 Q. Take your time, Mr. Murphy.

15 A. [Short pause]. I didn't want to let her down but... I 14:24
16 felt the only way I could go forward was just to get
17 out of Naas, get out of the Apprentice School. I had
18 some money saved, because I'd been working for summers
19 so I was just -- I didn't care how much it cost. So I
20 rang home one evening and explained everything to my 14:24
21 mother and it was out of the blue because I hadn't
22 spoken about anything that had gone on before. So she
23 was quite shocked. Like, she was standing by me 100%,
24 if that's what I wanted to do but she wanted to talk to
25 me properly first. I knew she was away that weekend. 14:25
26 So I went home that weekend and I knew she wasn't there
27 but it was such a relief to get out, like. It was just
28 a burden had been lifted off us, just to get home for a
29 weekend.

1 479 Q. You said at interview that you felt the 34th Platoon
2 were treated differently to the other platoons, is that
3 the case?

4 A. I certainly feel that way. To a certain extent, they
5 had some issues as well but nothing to the severity 14:25
6 that we got, like. We were being kept in weekends.
7 For what? We don't know. And the general thing on the
8 ground was that -- you got very few weekends in first
9 year, you got a little bit more in second year and you
10 got more in third year. And we were being confined for 14:26
11 weeks and weeks in second year and the first year were
12 going home every weekend and there was just an unfair
13 element of that. We did nothing wrong. But we were
14 just being punished. For what? I don't know.

15 480 Q. Mr. Murphy, the Tribunal has heard evidence surrounding 14:26
16 the death of Mr. Oliver Mullaney.

17 A. Yeah.

18 481 Q. If it's okay with you --

19 A. Okay.

20 482 Q. -- could you describe the events on the Thursday 14:26
21 preceding Mr. Mullaney's death?

22 A. So, my memory only starts on the square that Thursday
23 evening. I don't remember the rest of the day and I
24 knew the tempo on the square was -- the Platoon
25 Commander was shouting at everyone. I know there was 14:26
26 other people there as well but I can just remember
27 him --

28 483 Q. Sorry, Mr. Murphy, you said this was on the square?

29 A. Yes.

1 484 Q. what time of the day is that?
2 A. This was evening time. This was probably seven to
3 eight o'clock, I think, I'm not 100% sure but we would
4 have had dinner late evening so it was after dinner
5 that all of this would have taken part. And there was 14:27
6 an awful lot of shouting. We were just... I was afraid
7 to look because if you caught someone's attention
8 they'd be in your face and they'd be screaming at you
9 and I just didn't want that. I didn't want to put my
10 name, I didn't want to show my face or anything like 14:27
11 that, I just wanted to keep under the radar and not
12 have anyone shouting at me.

13 485 Q. when you say "they," Mr. Murphy, who was shouting at
14 you?
15 A. I know there was other instructors but all I can 14:27
16 remember is the Platoon Commander. That's all. I know
17 there was other individuals there but for some reason
18 all I can just remember is him. And he had said
19 something to Ollie, Ollie Mullaney, and obviously he
20 got a reaction. And from that reaction he stayed -- he 14:28
21 humiliated Ollie, he just harassed him. He ridiculed
22 him. He called him... [Short pause]. Called him a big
23 thick farmer from Leitrim. And he stayed at him and
24 stayed at him and he just wouldn't leave him alone.
25 Ollie -- I was quiet in Naas, Ollie was quiet, Ollie 14:28
26 was a gentleman. I couldn't, I couldn't understand why
27 he treated someone like that.

28 486 Q. Did you go home the next day, Mr. Murphy?
29 A. Yeah, we all went home. We went home that Friday and,

1 and it's just, as I said, it was just a relief, just to
2 get out of the barracks that evening and get home.
3 We -- on Sunday morning, I'd heard on the news that a
4 private had died as a result of a shooting incident in
5 the barracks. We were apprentices at the time so I 14:29
6 didn't understand, I thought it wasn't one of us,
7 because there were privates in the barracks at the
8 time. So, obviously I was curious but that was it.
9 Just, I wasn't worried that it was one of us.

10
11 That was on the news that morning. And then, I think
12 it was the lunchtime news they had named him as
13 Pte. Oliver Mullaney. It was a shock. I just couldn't
14 believe it. I could understand why, Thursday night
15 what he had gone through, but still... still shocked 14:30

16 487 Q. And how was the atmosphere in Army Apprentice School
17 when you arrived back?

18 A. Oh, as you can imagine, like... I remember I got on
19 the bus that night, went back -- I got the bus from
20 home back to Naas and there was two other apprentices 14:30
21 on the bus and we just, we couldn't even talk to each
22 other. We knew what had happened but, like, we just,
23 we just couldn't put words together to string a
24 sentence to say how shocked, how upset we were. So...

25 488 Q. Mr. Murphy, is it your belief that Mr. Mullaney died by 14:30
26 suicide?

27 A. Yes, it is.

28 489 Q. And was there a perception within the 34th Platoon that
29 the events on the Thursday night contributed to his

1 death?

2 A. Yes, absolutely.

3 490 Q. Were the NCOs and the officers aware of how you felt?

4 A. Aware of how me as an individual?

5 491 Q. How the platoon felt, or you as an individual? 14:31

6 A. I, honestly, don't think they gave a monkey's uncle how

7 we all felt. Sorry, after Ollie's death?

8 492 Q. Yeah.

9 A. No, I don't think they did. I don't think they cared,

10 to tell you the truth. They distanced themselves from 14:31

11 us. I have no recollection of ever being asked did I

12 want to talk about it.

13 493 Q. Was there a chaplain available?

14 A. There was a chaplain but I can't remember him coming in

15 and sitting down and talking to us. I'm not say he 14:32

16 didn't but I just can't remember that happening.

17 494 Q. Were you aware of any investigations into the

18 ill-treatment of inferiors around that time?

19 A. No.

20 495 Q. Or following Oliver Mullaney's death? 14:32

21 A. No, I wasn't aware of any investigations at all.

22 496 Q. Were you asked to provide a statement in relation to

23 any investigations surrounding Oliver Mullaney's death?

24 A. No, I wasn't asked to provide any statement either.

25 497 Q. Were you ever interviewed by a member of the Military 14:32

26 Police in relation to any investigation?

27 A. No, never.

28 498 Q. Did anything change in Army Apprentice School after

29 Mr. Mullaney's death?

1 A. Yes. So, I don't know the timeframe after but the
2 Platoon Commander and the Platoon Sergeant were
3 removed. We got a different platoon sergeant, he was
4 part of the establishment in Naas so we knew of him
5 being there. And we got a different platoon commander 14:33
6 from The Curragh. So --

7 499 Q. Do you know how long after Mr. Mullaney's death that
8 might have been?

9 A. I'm not -- I can't really recall. I think it was
10 certainly within the next few weeks, that's just to my 14:33
11 knowledge. And things, the pressure just seemed to,
12 not disappear but it was less pressure than what we
13 were under at the time. Things were a little bit more
14 relaxed when it came to our platoon. We still did our
15 day-to-day things. The shouting, the ridicule of 14:33
16 apprentices, their harassment, just seemed at the time
17 just to ease off as well.

18

19 So, like, it seemed to be just an easier day-to-day
20 shortly after Ollie died. 14:34

21 500 Q. Was there a period after Oliver Mullaney's death where
22 the Platoon Commander continued?

23 A. Ehm, I'm not sure, I can't recall. I thought he was
24 gone within the next few days, I'm not really sure. He
25 was there for a few days afterwards, all right. But I 14:34
26 can't tell you for how long, whether it was a week or
27 two weeks, but I know he was there for a short period.

28 501 Q. And you said there, there was a change in attitude?

29 A. Yes.

1 502 Q. Did you get your weekend passes?
2 A. Yes. Our weekend passes were more plentiful. When we
3 were told we were going home, we were going home. If
4 we were told on a Tuesday we were going home, we got
5 home. We knew -- there was still some element of doubt 14:34
6 that, you know, some day we're going to go down here to
7 the gate and they're going to tell us that, no, the
8 pass has been cancelled, but it didn't happen. So when
9 they said we were going home for the weekend, we got
10 home for the weekend. 14:35

11 503 Q. And did the Platoon Sergeant remain in Devoy Barracks?
12 A. Yes, the Platoon Sergeant did remain in the barracks
13 but he had nothing got to do with us at that stage. He
14 was still a sergeant in the barracks but no dealings
15 with us, no firsthand dealings with us. 14:35

16 504 Q. The Platoon Commander that took over, I understand is
17 now a brigadier general and he will give evidence to
18 the Tribunal?
19 A. That's correct.

20 505 Q. He has been interviewed by the team and he has said 14:35
21 that when he took over he informed the 34th Platoon of
22 the complaints processes available to them. Do you
23 recall that happening?
24 A. No, I don't recall that happening.

25 506 Q. You completed your time in Army Apprentice School? 14:36
26 A. Yes.

27 507 Q. And I think you left as a Two-Star Private?
28 A. That's correct.

29 508 Q. And went to Cathal Brugha Barracks?

1 A. So the follow-on, the negotiation part of our training
2 was to reach the rank of Three Star training, it was a
3 there nine-week course, that year we were told we were
4 doing our Three Star training in Cathal Brugha
5 Barracks. We arrived up on a Monday morning I think it 14:36
6 was, I'm not really sure. We were brought in, we were
7 met with the Platoon Sergeant and he was giving a spiel
8 and he said, 'You're being kept in this weekend.' And
9 I thought, 'Oh, here we go again.' Like, it's a joke
10 at this stage. We're going to go through nine weeks of 14:36
11 hell all over again. He did say to you, 'This is so
12 unusual that a Three Star course comes in for the first
13 week and you're confined before you even get here.'
14 So my thinking was that -- he had said to us as well,
15 he said, 'Look, ye've heard stories about us.' We knew 14:37
16 Cathal Brugha was tough, physically it was going to be
17 tough. And he said, 'We've heard stories about ye.'
18 So, my understanding was that there was a phone call,
19 some contact was made from the Apprentice School in
20 Naas to Cathal Brugha Barracks to say, 'Yous have an 14:37
21 absolute shower of whatever going up to ye and this is
22 how ye should treat them from the start.' That was my
23 opinion of it.
24
25 So, nine weeks we were there, through the training, I 14:37
26 don't know what stage through the training, it was
27 probably closer to the end of training, we were in
28 getting a lecture one day from the Platoon Sergeant and
29 he came out and he said, 'We don't know why we got that

1 description of ye because it's absolutely not what we
2 expected. What we expected coming up here was a shower
3 of wasters.' And he said. 'By all accounts we did not
4 get that.' And we had been in Naas together three
5 years. We had bonded so well, we all looked out for 14:38
6 each other. We all soldiered well together. It was
7 tough but we looked out for each other doing that. So
8 he was to surprised at the original comment that
9 whatever it was. But we were nothing like that. And
10 in fairness to them, they gave us a fair chance. They 14:38
11 truth the us like human beings. As I said to you, it
12 was tough. But if we were told we were going home for
13 the weekend, we got home for the weekend. There was
14 none of the mind games with Naas that you get to the
15 gate on a Friday afternoon thinking you're going home 14:38
16 and you're not going home. That had gone. For the
17 first time we were treated like adults, like soldiers
18 should have been treated.

19 509 Q. Mr. Murphy, I think you spent 32 years in total in the
20 Defence Forces? 14:38

21 A. Correct, yes.

22 510 Q. And you instructed on various courses, including career
23 courses but you also instructed apprentices?

24 A. Correct, yes.

25 511 Q. Can you describe that to the Tribunal, please. 14:39

26 A. Okay. So, in 2001 I did my own NCO's course. What
27 that entailed was I was going from the rank of private
28 to corporal and corporal would be considered a junior
29 leader. So I did my course in Cathal Brugha Barracks,

1 I passed out, I reached the rank of corporal and that
2 would allow me then to go back and instruct. So the
3 instruction I gave in the Ordnance School was with
4 ordnance apprentices. The way of training had changed
5 slightly since I came into the Army. So we went into 14:39
6 the Apprentice School as apprentices but each corps now
7 was taking individuals in and training them as
8 apprentices. So I was a corporal so I was asked from
9 time to time would I go up, would I instruct
10 apprentices on weapons. That was my qualification on 14:40
11 my fourth year. We were fitter armourers, so we
12 inspected and repaired weapons in the Irish Army.

13
14 So because we were in The Curragh as well and the
15 Ordnance School was in The Curragh, we went up and I 14:40
16 instructed apprentices coming through in different
17 phases of on their apprenticeship on a certain amount
18 of weapons as well. So that went on down through the
19 years.

20 14:40
21 There was a potential NCO's course in 2006 and that was
22 for junior leaders to go to the rank of corporal. At
23 the time I was still a corporal but I wanted to
24 progress to be a sergeant. I had been away from the
25 military side of training for a while because I was 14:40
26 dealing with workshops most of the time so I wanted to
27 familiarise myself with the military side of things
28 again. And I thought this would be a great opportunity
29 just to get the confidence wheel kicking again. I went

1 up -- I volunteered to instruct on the NCO's course. I
2 think that was about a six-month duration. And it was
3 to teach them, I was teaching myself as well as we went
4 along, all the military side of instruction. And, as I
5 said, that was six months in the Curragh Camp. That 14:41
6 progressed me then. It was a great recap. Then I went
7 on and did a standard course to be sergeant then a
8 couple of years after.

9 512 Q. Did you receive or provide any training or instructions
10 in relation to handling complaints of abuse or what to 14:41
11 do if you see abuse?

12 A. I never received any -- sorry, I had -- up to that, I
13 hadn't. When I instructed on my NCO -- sorry, when I
14 instruct on the NCO's course I think it was 2006.
15 Before the course started we did a week in the college 14:41
16 in The Curragh Camp and it was called at the time, I
17 don't know what it's called now, it was called
18 "training the trainers." So a CS came down from
19 Dublin, I don't know his name. And he would give
20 lectures to us on how to deal with individuals, the 14:42
21 day-today running you know, everything that's
22 timetabled, you can't go off the timetable, things like
23 that. And I remember his comments at the time was,
24 'Your job is to keep an eye on the officer.' That is
25 what he had said to us. Because, officers had a 14:42
26 certain rank, they think, 'Two years in the Military
27 College I have a load of power here,' and they go out
28 and everybody is calling them sir, or whatever it is.
29 He had said to us - and I always remember him saying -

1 he said, 'Your job is to keep an eye on him.' Now,
2 saying that, we never had a problem with that officer.
3 He was an absolute gentleman to deal with and I was so
4 impressed with him. He wanted everyone there to finish
5 that course and he made sure. He worked hard, but he 14:42
6 made sure everyone got through it. So, it was a
7 pleasure, actually, to see something being done by a
8 platoon commander properly. And he certainly showed up
9 for that.

10 513 Q. Can I ask, Mr. Murphy, how do you keep an eye on an 14:43
11 officer?

12 A. Well, what I would have done, because we were
13 considered corporals, we were junior leaders. My way
14 of -- if I ever thought he was doing something out of
15 the ordinary, I would go to the Platoon Sergeant and I 14:43
16 would have had a quiet word with him. The Platoon
17 Sergeant was a senior guy, he had years in the Army.
18 He was very level-headed. He was had plenty of
19 experience. So, that would have been my way of doing
20 it. I think if I had gone to the officer himself, I 14:43
21 would have been insulting him, his rank and I probably
22 would have been insulting the sergeant as well. So
23 that would have been my chain.

24 514 Q. Then if I can bring you back to Army Apprentice School;
25 did you ever make a complaint of abuse? 14:44

26 A. No, I never complained in the Apprentice School.

27 515 Q. And in your statement you provide five reasons as to
28 why you did not complain and I think it might be
29 worthwhile going through those --

1 A. Okay.

2 516 Q. -- because it might give the Tribunal an understanding
3 of the culture within the Army Apprentice School in
4 relation to complaints of process. The first one you
5 provide - and this is a page 2160 of the booklet of
6 documents, it's your statement to the Tribunal you
7 said:

14:44

8

9 "There was a constant fear and intimidation."

10

14:44

11 A. Yes.

12 517 Q. You say that:

13

14 "There was no trust in the system. Targeting the
15 group, not just individuals. Being young and
16 vulnerable and survival mode."

14:44

17

18 Do you stand over that statement?

19 A. I do. I do stand. Okay, I didn't know of a process of
20 complaints when I was there. It was never explained to
21 me. But who would we have complained to? The Platoon
22 Sergeant and the Platoon Officer, they were the ones
23 there to look out for us. So, if I wanted to complain
24 about the Platoon Commander, I'd have to go to the
25 Platoon Sergeant and the Platoon Sergeant was the
26 problem as well. So, like, why would I go -- why would
27 I throw my name out there? When I saw what happened to
28 Damien, like, why would I put myself through that? I
29 didn't want that, I wanted to go home at the weekends.

14:45

14:45

1 I just wanted a break whenever I could get it. I
2 certainly wasn't going to bring -- I wasn't going to
3 bring that hassle on myself and that's what I thought,
4 that's what I felt at the time, that I would be just
5 opening a can of worms and my name would be out there
6 as a little whinger.

14:45

7 518 Q. You said at interview that you were afraid you would
8 jeopardise whatever chance you had of going home for a
9 weekend if you made a complaint?

10 A. Yeah. At the time when our passes were always
11 cancelled, you know, they cancelled them for no
12 reasons. I certainly didn't want to give them a reason
13 because I said what's the point, like, I'm going to get
14 less and less weekends at home. It was just such a
15 relief to get out of the barracks, why would I
16 jeopardise any of that.

14:46

17 519 Q. Then in relation to Devoy Barracks you were asked at
18 interview if other people were aware of the treatment
19 you were receiving. And you responded at page 2185 of
20 the booklet of documents:

14:46

21
22 "They had to have been, like, there was a company
23 commander in Devoy Barracks at the time there. There
24 was a CO, he was the boss. They had to have known what
25 was going on. There was a sergeant major. There was a
26 company sergeant. Like, surely, we were living, it was
27 one barracks. There was, I don't know, maybe 100
28 apprentices. I'm not sure really but they had to have
29 non-what was going on and the Platoon Officer worked

14:46

1 with his peers. Our platoon sergeant, there was other
2 sergeants there, he worked with his peers as well and
3 they worked with the lower ranks. So how they didn't
4 know, it completely amazes me if they didn't."

14:47

5
6 A. Correct.

7 520 Q. Can you elaborate on that for the Tribunal?

8 A. The barracks was an enclosed barracks so there was a
9 company office where all the instructors were during
10 the day. The officers had a different room. They'd go 14:47
11 in, they'd talk, like, I've been a sergeant in the
12 Army, I've had individuals underneath me and it's...
13 it's our job to look out for the lower ranks. Like you
14 have to have some sort of empathy. But, as I said, we
15 know those NCOs were talking. Like, those NCOs, before 14:48
16 we got to Dublin they had sent stories ahead. So I
17 know for a -- I know they were talking to each other
18 down there. The officers were talking as well.

19
20 So, the day we were marched off the square in between 14:48
21 the billets to get the hair cut, surely to God someone
22 somewhere along the line said, 'well, they were on the
23 square two minutes ago, we don't know where they are
24 now.' You have to be curious as to what was going on.
25 That's my own opinion 14:48

26 521 Q. And during your time in the Army Apprentice School,
27 were you aware of any other apprentices making
28 complaints in relation to abuse?

29 A. No, I wasn't.

1 522 Q. You spent 32 years in the Defence Forces, Mr. Murphy,
2 aside from your time in Devoy Barracks, did you enjoy
3 your time in the Defence Forces?
4 A. I loved, loved the Army. I had 29 happy years in the
5 Army. I don't count the first three. The Army gave me 14:49
6 the life. I saw the world. Got my house. I was
7 happy. I did my duties. Did my work. And, as I said,
8 I'm very proud that I served.
9 523 Q. 32 years is a long time and the Tribunal is
10 investigating all of that period. Can you describe the 14:49
11 evolution of the complaints processes and the culture
12 in relation to complaints of abuse during that period?
13 A. When I left Naas in '92, I'd gone to Clancy for a year,
14 I finished my fourth year of training in Clancy and
15 there was such a difference in just the system at the 14:49
16 time. It was just -- it was -- it was just different.
17 It was more relaxing. I know in Naas we were in
18 training but in Clancy I was in my fourth year in
19 training as well. But there was NCOs there that didn't
20 treat us like the NCOs treated us in Naas. There was 14:50
21 officers there that we worked alongside and you could
22 sit down and you could talk to them, and it was
23 completely different to -- I call Naas a regime, it was
24 completely different to that. So, I didn't need a
25 complaints process because I never felt I had to 14:50
26 complain. I never felt the need that I was being
27 picked upon, or anything like that. But I knew when I
28 got to The Curragh, after my training, I knew there was
29 good sergeants there, there was sergeants there with

1 years of experience and they certainly looked out
2 for -- we were young lads going in after that. They
3 certainly looked out for us. They gave us a heads up
4 on everything. They told us, 'This is the way we do
5 these things.' So I never had to complain. I never
6 needed to complain.

14:50

7
8 But I know certainly in my last few years in the Army,
9 the PSS came into operation, and it was great to see at
10 the time because it just felt like someone had
11 somewhere to go if they needed. It was better than
12 what we had at that stage.

14:51

13 524 Q. Thank you. And then, finally, Mr. Murphy, what purpose
14 did you come to the Tribunal?

15 A. Sorry?

14:51

16 525 Q. Why did you come to the Tribunal, why did you provide a
17 statement?

18 A. I didn't want to come here. I had three bad years in
19 Naas... sorry.

20 526 Q. Take your time.

14:51

21 A. [Short pause]. I don't talk about Naas at home. My
22 mother is the only one that knows what went on. My
23 wife, my kids don't know. I don't know, maybe I wanted
24 closure. I wanted Damien Traynor, I wanted his name, I
25 wanted him to know that he did nothing wrong and what
26 happened to him shouldn't have happened. Certainly
27 what happened to Ollie, like we lost a good friend.
28 Damien helped me out so much. I wanted to come here
29 today for him.

14:52

1
2 I just want to move on. I want people to know what
3 happened to us and I wanted Damien to know that, you
4 know, it shouldn't have happened to him, it shouldn't
5 have happened to Ollie either.

14:53

6 MR. O'HANLON: Thank you, Mr. Murphy. Some of my
7 colleagues might have some questions for you.

8
9 MR. JOHN MURPHY, WAS CROSS-EXAMINED BY MR. MASTERSON AS
10 FOLLOWS:

14:53

11
12 527 Q. MR. MASTERSON: Mr. O'Hanlon has done a very
13 comprehensive job so I only have three or four matters
14 that I want to put to the witness so I won't be long.

14:53

15
16 Mr. Murphy, you have given very convincing evidence
17 that you received no training whatsoever in the
18 complaints process --

19 MR. McCANN: Chair, there shouldn't be a conclusion
20 built into the question. Sorry, there shouldn't be a
21 description, in evaluative terms, of Mr. Murphy's
22 evidence in the way the question is posed, in my
23 submission, Judge.

14:53

24 SOLE MEMBER: Thank you, Mr. McCann.

25 MR. MASTERSON: I accept that, Judge, and I will
26 rephrase the question.

14:54

27 SOLE MEMBER: Yes.

28 528 Q. MR. MASTERSON: Mr. Murphy, you said in your direct
29 evidence and I took a note of it, that:

"No one informed me about how to make a complaint."

A. That's correct.

529 Q. Thank you. In your statement which you provided on 30th September 2024, so I appreciate it's nearly two years ago now, you said - and, Judge, for the Court's reference is this is at page 2160. Mr. Murphy, you said:

14:54

"I didn't complain at the time because of a combination of fear, intimidation and feeling like it would be pointless."

14:54

I note the absence in that statement of the fact that you didn't have any knowledge of how to complain. Now, perhaps it's semantics, but when you say you didn't complain because of a combination of fear, intimidation and feeling like it was pointless?

14.54

A. I didn't complain at the time because I didn't know how to complain either. But I was, also -- the reprisals of complaining. People were being punished for things that we didn't know we did. So, complaining wouldn't get me anywhere, as I said, but I didn't know there was a process there to complain.

14.55

530 Q. You said in your evidence with Mr. O'Hanlon that the
NCOs and officers didn't give a "monkey's uncle" about
us, isn't that correct?

14:55

A. That's correct.

1 531 Q. In your statement, on the same page, Judge, middle of
2 the page, you say:
3
4 "I remember one of the days..."
5 14:55
6 Sorry, I should reference this is shortly after
7 Mr. Mullaney's death. You said:
8
9 "I remember one of the days the Platoon Officer brought
10 us all into the Rec Room and gave some stupid speech 14:56
11 that it wasn't his fault, and shed some crocodile
12 tears."
13
14 I wonder could you just elaborate on that a little bit,
15 please? 14:56
16 A. That's correct. As I said to you, I don't remember, it
17 could have been one or two days after Ollie had passed.
18 He came into the billet and he told us all to go up the
19 Rec Room. And we went in and he gave some spiel and at
20 the same time he said, 'I hope you don't think what 14:56
21 happened was my fault.' And the crocodile tears -- he
22 turned his back to us and his body movement was like a
23 guy that was sobbing and he turned around and his eyes
24 were red and that's where I got the crocodile tears
25 from because he didn't give a monkey's uncle about us. 14:56
26 I'm sorry to be saying it like that but that's the
27 truth. That's what I feel.
28 532 Q. You say in your statement - page 2161, Judge - that
29 complaining felt too risky. If there had been a safe

1 or an anonymous method of submitting your complaint at
2 that time, do you think you would have done it?

3 A. Not in Devoy Barracks, I wouldn't. It was just -- I
4 wouldn't have chanced it. Definitely not.

5 533 Q. And then, Mr. Murphy, I think you said you spent 32 14:57
6 years in the Defence Forces; can you just remind me
7 what was the final rank that you obtained?

8 A. So, I got to the rank of sergeant. For a period of
9 time there I did do the rank of company sergeant where
10 the Company Sergeant of the unit had moved on to 14:57
11 another place for seven months so I was doing his job
12 in the unit.

13 534 Q. And I think Mr. O'Hanlon referenced this, but I just
14 want to be clear for my own sake, and it's a question
15 that you may have heard posed by the Judge to 14:57
16 Mr. Hutchinson earlier; given that you did obtain the
17 rank of company sergeant, did you ever give feedback to
18 a more junior in terms of years spent in the Defence
19 Forces but technically a superior officer? would you
20 have ever given feedback to an officer? 14:58

21 A. Yes, I would have.

22 535 Q. And did you?

23 A. Did I? I don't think I ever had a need to. I know
24 when -- even as a sergeant in the office or a company,
25 when I did the Company Sergeant's job we had new 14:58
26 officers coming in from time to time coming from the
27 rank of lieutenant to captain and they would always
28 come in and introduce themselves and say, 'I am taking
29 over...' This is my vacancy down here now and they

1 would always just fall in as to the way the unit ran.
2 And I remember one officer saying it to me, 'I'm not
3 here to make changes.' He said, 'You've established
4 yourself at this stage, I'm here to help out.' So for
5 me, personally, we worked very closely with ordnance 14:59
6 officers, I was in the Ordnance Unit, we worked very
7 closely with our officers and we always had a good
8 working environment. So in that sense I never had
9 reason to say to any officer anything like that.

10 536 Q. And my last question, Mr. Murphy, you've referenced the 14:59
11 implementation of the PSS shortly before you departed
12 the Defence Forces?

13 A. Yes.

14 537 Q. But is there anything that you would like to see
15 implemented in the Defence Forces that would improve 14:59
16 the culture of complaints?

17 A. I think at the time, like, I'm gone maybe five or six
18 years now and I'm just going to say it back to what it
19 was like when I left it. But I think at the time the
20 PSS needed to get out there more. I think they need 14:59
21 more people in it. So, for people to have a problem
22 they have to go to the PSS. And I think that's a big
23 step. And, look, it's -- some people are willing to do
24 it, some aren't. But I think the PSS need to get into
25 the units as well. Regardless of the size of the unit, 15:00
26 they have to make themselves known. Like, everyone
27 knows they're there but I think people are still afraid
28 to go down to them in case they're seen and in case
29 someone puts two and two together and comes up with

1 six. But my own personal opinion, I think the PSS
2 should be a bigger -- should have a bigger involvement.
3 They should have a bigger staff. I don't know whether
4 that boils down to qualifications or not.

5
6 I think they just need to get out there more.

7 MR. MASTERSON: Thank you very much, Mr. Murphy. Thank
8 you, Judge.

9 SOLE MEMBER: Thank you, Mr. Masterson. Mr. Lyons.

10
11 MR. JOHN MURPHY, WAS CROSS-EXAMINED BY MR. LYONS AS
12 FOLLOWS:

13
14 538 Q. MR. LYONS: Good afternoon, Mr. Murphy. I appear on
15 behalf of 2 Lt. B, I think he's referred to as the 15:00
16 Platoon Commander in your statement. I don't have any
17 questions for you per se, Mr. Murphy, I just want to
18 state on the record that in your statement, in your
19 evidence you've made some allegations of bullying and
20 harassment as against 2 Lt. B and those aren't accepted 15:01
21 and you'll be aware that that's the position that's
22 been taken with other witnesses as well. So I'm just
23 simply putting that to you and I don't have any
24 questions for you.

25 A. Okay.

26 SOLE MEMBER: Do you have anything to say?

27 THE WITNESS: No.

28 SOLE MEMBER: Thank you, Mr. Lyons. Yes, Mr. McCann.

1 21-year bar?

2 A. Correct.

3 544 Q. So you've five medals which I think I'd like to
4 acknowledge.
5 15:02

6 And, again, Mr. Murphy, I mean I won't be talking to
7 you really much, if at all, about the alleged abuse so
8 hopefully this won't be in any way distressing for you.
9 All right.
10 15:02

11 I think you described how, after 2nd Lt. B left Devoy
12 Barracks in 1991, that you were treated with respect by
13 then 2nd Lt. Ryan. Do you remember saying that either
14 in your statement or in your interviews with the
15 Tribunal Counsel? 15:03

16 A. Yes, yes, I remember saying that.

17 545 Q. And you continue to hold that view?

18 A. Yes.

19 546 Q. Again, again, I think we take from your evidence today
20 that is the case that you had a generally positive 15:03
21 time, overall -- sorry, put it a different way; after
22 you left Clancy Barracks you had a generally positive
23 time in the Defence Forces?

24 A. After I left the Apprentice School in Naas I had a good
25 time. 15:03

26 547 Q. Yes. And you described, for example, Clancy Barracks
27 as being either different or completely different?

28 A. Yes.

29 548 Q. So, can we take it from that that the period, and in

1 particular the first two years at the Army Apprentice
2 School were not, in general, what your experience in
3 the Defence Forces was like, that this was an
4 exceptional part of your experience in the Defence
5 Forces? 15:04

6 A. Absolutely. The three years in -- I will say the three
7 years in the Apprentice School is no reflection on the
8 Army.

9 549 Q. All right. Okay. And, again, is it your evidence to
10 the Tribunal, just to be clear, that your platoon was 15:04
11 treated differently than platoons before you and
12 platoons after you, to the best of your knowledge?

13 A. That's correct, yeah. That's 100%.

14 550 Q. Thank you very much for that. Again, as my colleague
15 for 2nd Lt. B put a number of formal matters to you, I 15:04
16 have to put a number of formal matters to you on behalf
17 of Sgt. E, so that's the Platoon Sergeant. Again, we
18 were discussing haircuts and I think -- yes, in any
19 event, the Sergeant will say, as I understand it, that
20 his position is that he didn't witness the hair being 15:05
21 cut and I know you have a different view of that.

22 A. Well, I said before he didn't witness it.

23 551 Q. Oh, he didn't witness it, all right.

24 A. Wait now, sorry.

25 SOLE MEMBER: Absolutely. 15:05

26 MR. McCANN: I beg your pardon.

27 SOLE MEMBER: I think the witness wanted to clarify
28 something.

29 MR. McCANN: Sorry, absolutely.

1 THE WITNESS: As I said before, when the Platoon
2 Commander started to cut hair with a scissors, the
3 Sergeant was there, he knew what was coming so he
4 hightailed out there and he was gone for the duration
5 of the haircutting. And when the Platoon Commander was 15:05
6 finished cutting hair, the Platoon Sergeant arrived
7 back. Sorry...

8 552 Q. MR. McCANN: As I say, I just have to make a formal
9 point, Mr. Murphy. I'm not entering into a debate with
10 you. You're entitled to your view and I think the 15:05
11 Sergeant is entitled to his.

12 A. Sorry, can I say something else to you? It just
13 sounded like you were saying that he wasn't there at
14 all. He was there.

15 553 Q. well, I think -- 15:06

16 A. He wasn't standing in front of us when our hair was
17 being cut but he was there.

18 554 Q. well, to be clear, he, as I understand it, will say
19 that he was not involved in the cutting of the
20 apprentices' hair? 15:06

21 A. I'm sorry, he was involved.

22 555 Q. There we have to agree to differ for better or for
23 worse. Just also, Sgt. E will say that he had no role
24 and again I'm only saying this as a matter of formality
25 because I have to do it, that he was not -- when I say 15:06
26 I have to do it, according to the procedures of the
27 Tribunal I'm required not to debate with you about
28 these matters. Sgt. E will say, just to put it on the
29 record, that he was not involved and had no role in the

1 approval or the cancelling of passes, that's the
2 Platoon Sergeant, right?

3 A. Sorry, am I being asked for my opinion.

4 556 Q. I'm telling you what -- but absolutely, you can say
5 whatever you want. 15:07

6 SOLE MEMBER: If you wish to comment when some matter
7 is raised, of course.

8 THE WITNESS: The Platoon Sergeant, of course, had to
9 have some involvement in it. Like, he was our platoon
10 sergeant. So, between the two of them, it was his job. 15:07

11 557 Q. MR. McCANN: As I say, I don't think I'm supposed to
12 get into a debate with you so I won't.

13

14 If we think about it for a second, Mr. Murphy, weekend
15 passes, again without getting into a debate as to 15:07
16 whether or not they were cancelled at the last minute
17 or whether that was communicated to the apprentices at
18 the last minute, it couldn't have been a decision taken
19 at the last minute?

20 A. I don't know when a decision was made. We were told at 15:07
21 the last minute. And, as I said, Judge, some days we
22 would be told early in the week if we weren't going
23 home.

24 558 Q. Yeah.

25 A. I was going to say some days it would be the day 15:08
26 before. But to get to the gate thinking you're going
27 home for the weekend, you don't understand how, how
28 demoralising that is. Like when we all think -- we
29 were 16, 17, 18 at the time, we thought we were going

1 home for a weekend, we thought we were just getting a
2 break out of the place and to get that kick in the
3 backside was just such a blow to us.

4 559 Q. And the reason why it was a decision that couldn't have
5 been made at the last minute is because catering had to 15:08
6 be looked after for the weekend for apprentices if they
7 were staying in, isn't that right?

8 A. Maybe so, but we were told at the last minute. That's
9 what I was trying to say earlier on.

10 560 Q. And I hear what you say in relation to that. 15:08
11

12 Again, I'm not going to do it this in any kind of
13 extensive way because, again, you were here for my
14 discussion with Mr. Hutchinson, but just, again if you
15 have any -- if you want to comment on any of these 15:09
16 things feel free to do so, to deal with the complaints.
17 And just because it will be the evidence of the Defence
18 Forces, as I understand it, that information was
19 given -- you arrived late, I think, isn't that right

20 A. That's correct. 15:09

21 561 Q. You weren't maybe the last apprentice to arrive but you
22 were one of the later apprentices to arrive?

23 A. I wasn't the last, no. I know I arrived, I think it
24 was the second week of October and I know at the time
25 into November apprentices were still arriving in. 15:09

26 562 Q. Yeah. All right. And, again, Mr. Hutchinson made the
27 reasonable point that, you know, it is probably when
28 corporal, for example, when Cpl. D says that
29 apprentices in general were taught about complaints

1 processes on induction, he says not unreasonably well
2 does he recall me being - me referring to
3 Mr. Hutchinson - taught about complaints processes or
4 does he remember the 34th Platoon so I take that point
5 on board. But just to give you an opportunity to
6 comment if you want, if you want, only.

15:10

7
8 Brig. Gen. Ryan will say that in third year he had a
9 regime in place, probably for the first years, that
10 they were trained on complaints. And, again, maybe
11 this doesn't really touch on you?

15:10

12 A. I can't comment on what he did with the first years, I
13 know what he didn't do with us and that's what I said
14 earlier.

15 563 Q. Okay.

15:10

16 A. We had no information given to us on a complaints
17 process.

18 564 Q. Okay. And then 2nd Lt. B and, again, you will have
19 heard me saying this no Mr. Hutchinson, as I understand
20 it, his evidence to the Tribunal was that he taught the
21 34th Platoon, at some point in time in the first year,
22 about the complaints process. And, again, you're
23 absolutely entitled to disagree with that evidence.
24 But just if you want to comment feel free to comment?

15:10

25 A. When I went in in October, he didn't. From October on,
26 sorry, Judge, from October --

15:11

27 SOLE MEMBER: Just move closer to the microphone,
28 please.

29 THE WITNESS: From October on he certainly didn't. So

1 if that had been happening, if he had done it before I
2 got in, well and good but I know he didn't do it after
3 my enlistment.

4 565 Q. Okay. And can you be absolutely certain that you would
5 have recalled every single class? 15:11

6 A. To the best of my knowledge.

7 566 Q. To the best of your knowledge.

8 A. Yes.

9 567 Q. And that's fine. It's something that I don't think any
10 of us could be certain about, it can be reasonably 15:11
11 said. I don't remember -- everybody in this room
12 doesn't remember every single aspect of every single
13 class, I think that's a reasonable point, isn't it?

14 A. Yes.

15 568 Q. Again, you'll have heard, again, in the discussion with 15:11
16 Mr. Hutchinson about, I think we were calling them
17 Aptce. 70 and Aptce. 72, do you know who I'm referring
18 to?

19 A. Yes.

20 569 Q. And you heard the debate, not the debate, the 15:12
21 discussion I had with Mr. Hutchinson. Did you know
22 anything about that at the time?

23 A. Yeah, I knew what was happening at the time. I wasn't
24 aware of all the details that were going on. But I
25 knew at the time they were trying to get them out of 15:12
26 the Apprentice School, out of the Army. But, as I
27 said, it wasn't me. So, I didn't get involved with
28 that.

29 570 Q. But did you know the lengths they had gone to stay in

1 the school and the tactics?

2 A. No, I didn't.

3 571 Q. Successful tactics, as it turns out, that they
4 deployed?

5 A. I didn't know the lengths but, as I said earlier, the 15:12
6 Apprentice School had a fantastic reputation of turning
7 out tradesmen and I understand why they went to the
8 lengths that they did go to. It was so hard to get in
9 that, you know, to pass out was even a bigger
10 achievement in itself. So I certainly understand why 15:13
11 the two lads did what they did.

12 572 Q. Yeah. Sorry, nobody's criticising -- I'm certainly not
13 criticising them, but was it not something they would
14 have been telling people about, about this great, you
15 know, this great success they had in their school 15:13
16 career that they had --

17 A. I don't think it would be something to be shouting out.
18 Sorry, Judge, that's my own opinion.

19 573 Q. That they'd been to a meeting with the General Officer
20 Commanding and they were walking a plank, so to speak, 15:13
21 and they walked all the way back?

22 A. As I said to you, I didn't know all the details about
23 this.

24 574 Q. Okay.

25 A. So I just can't -- I can't make a comment on that. 15:13

26 575 Q. There's no problem with that, Mr. Murphy.

27

28 And, again, you've very fairly set out how, in your
29 later time in the Defence Forces you had very good

1 relationships with officers in general; correct?

2 A. That's correct.

3 576 Q. And in fact I don't think I remember you even alluding
4 to any problems with any officers?

5 A. No, certainly didn't, as I said to you, down the years 15:14
6 in my time after the Apprentice School.

7 577 Q. Or any problems with superior in rank NCOs?

8 A. Never. Never. I've worked with some great officers
9 and NCOs.

10 578 Q. So, there was never -- and again, I think, you very 15:14
11 fairly told the Tribunal there was no reason for you to
12 even think about the complaints process in the rest of
13 your career?

14 A. That's correct.

15 579 Q. Happy place to be for everybody? 15:14

16 A. [Witness nods].

17 580 Q. Again, I think you're aware that during your career -
18 your career largely spans the time period of the
19 Tribunal's work - there had been a number of positive
20 developments and you instance, for example, the 15:14
21 Personnel Support Service; correct?

22 A. Yes.

23 581 Q. I don't want to pry, but you never had to use it
24 yourself?

25 A. Not, personally, no. 15:15

26 582 Q. And any colleagues use it?

27 A. Colleagues, yes.

28 583 Q. Did they have positive experiences, again, as far as
29 you know?

1 A. I can't comment on that.

2 584 Q. All right, okay. All right. And, again, are you
3 familiar with the fact that there's a civilian
4 component in the Personnel Support Service, I mean
5 there's non-Defence Forces personnel? 15:15

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

7 585 Q. And, again, that shouldn't surprise any of us.
8

9 And, again, you make a suggestion, which may well be a
10 very good one, that the Personnel Support Service 15:15
11 should be proactive and get out there, I think is that
12 how you put it?

13 A. Yes, that's my opinion.

14 586 Q. And are you saying that the Personnel Support Service
15 should be looking to have interviews with every member 15:15
16 of the Defence Forces rather than just those that come
17 to them?

18 A. No.

19 587 Q. No, you're not saying that?

20 A. I certainly think they should make themselves more 15:15
21 aware to units.

22 588 Q. All right.

23 A. And then from there.

24 589 Q. And, again, we had Sgt. Guinan in yesterday, you know
25 who he is? 15:16

26 A. Yes.

27 590 Q. And you know he's the General Secretary of PDFORRA?

28 A. I do.

29 591 Q. Again, would the establishment of the representative

1 body for members of the Defence Forces, would that have
2 been a positive development in the Defence Forces in
3 your time there, PDFORRA, is that a positive?
4 A. Would the creation of PDFORRA?
5 592 Q. Yeah. 15:16
6 A. Absolutely, yes.
7 593 Q. Sorry, go on.
8 A. No, it was a plus step for the Defence Forces, I think.
9 594 Q. Yes. And its performance, PDFORRA, did PDFORRA do good
10 work? 15:16
11 A. Yes, I agree with some of the stuff they did. Yes.
12 595 Q. All right. And, again, you'd be aware that, again,
13 during your time period, during your career in the
14 Defence Forces, an Ombudsman's office of established?
15 A. Correct. 15:17
16 596 Q. But, again, you never had to, happily, contemplate
17 using that office. And, again, you'd be aware, or
18 maybe not, that there was a Protected Disclosures Act
19 came into force in 2014, maybe you do maybe you don't
20 know that? 15:17
21 A. I didn't know that either.
22 MR. McCANN: They're my questions, Mr. Murphy. Thank
23 you very much.
24 SOLE MEMBER: Before you finish, Mr. McCann. I just
25 want to take you back to a question that you put to 15:17
26 Mr. Murphy or a question you asked of Mr. Murphy. Did
27 I hear you correctly when you raised a question in
28 relation to the tactics used by A70 and A72 to the stay
29 in the Defence Forces?

1 MR. McCANN: The strategy as Mr. McGuinness said
2 yesterday. The strategy.
3 SOLE MEMBER: Was it tactics.
4 MR. McCANN: I think that's the word I used, yeah.
5 SOLE MEMBER: And is that you clients' position that 15:17
6 these were tactics.
7 MR. McCANN: It's the danger of metaphor, Chair. Maybe
8 I shouldn't have used the word "tactics." Anyway,
9 Chair, you know better than anybody what happened. I'm
10 not seeking to characterise it in any denigratory way. 15:18
11 SOLE MEMBER: Thank you, I just wanted to clarify it.
12 MR. McCANN: Thank you very much, Chair.
13 SOLE MEMBER: Thank you, Mr. McCann. Does anyone else
14 have a question to put to Mr. Murphy?
15 MS. McGRATH: No, Judge. 15:18
16
17 MR. JOHN MURPHY WAS QUESTIONED BY THE SOLE MEMBER, AS
18 FOLLOWS:
19
20 597 Q. SOLE MEMBER: Mr. Murphy, one or two questions please. 15:18
21 Can you explain to me how it came to be, in your view,
22 that things had improved after the death of
23 Oliver Mullaney and that I think you said the 2nd Lt. B
24 and the Company Sergeant were no longer working with
25 you in the Apprentice School and you felt the stress 15:18
26 and the pressure had just eased up a bit. Given that
27 that was the case, why or how did you think a phone
28 call was made some time later when you went to Cathal
29 Brugha Barracks to say, you know, this group is

1 difficult?

2 A. Ehm, one of the stories -- when we got to Cathal Brugha
3 Barracks - and I wasn't aware of this until the Platoon
4 Sergeant, when we got into Cathal Brugha Barracks, he
5 said something one day about something happened with a 15:19
6 football. Exactly, a minor, trivial thing. But it
7 happened in Naas. And I didn't know about this but
8 when we got there, the Platoon Sergeant, sometime
9 during the training had said that we heard all about
10 the stories and he mentioned a couple of things but 'We 15:19
11 heard about the football.' So, for him to say that, we
12 knew then something was sent in from Naas. Now, as I
13 said, I wasn't aware of it, it was some of the lads
14 that were involved in the sports more than I was had
15 said something, oh, there was some indication that a 15:20
16 football went missing or something, and we were blamed
17 for it, things like that. So that was sort of how we
18 got to think, then, that there was calls made with
19 stories from Naas to Dublin.

20 598 Q. And would that have come as a surprise to you, given 15:20
21 that you'd had this period of relative peace in the
22 aftermath of Oliver's death?

23 A. Yes, I was very surprised at that, yes, I have to say.
24 I thought we were just going to be given a chance, you
25 know. 15:20

26 599 Q. You say you spent 32 years in the Defence Forces and
27 the first three --

28 A. I don't talk about.

29 600 Q. -- you don't talk about. You went on to instruct

1 apprentices yourself, you said. Did you train
2 apprentices on the complaints processes or, to your
3 knowledge, were they made aware of the complaints
4 processes?

5 A. Yes, to my knowledge they would have been made aware of 15:20
6 the complaints process. But, as I said, at the time,
7 if the Ordnance School was short instructors, they
8 would make a call. The Ordnance School and my unit
9 were in the same camp, in The Curragh Camp. So it was
10 easy for us to go there rather than ringing Cork or 15:21
11 Dublin to supply an instructor because you have the
12 whole logistics of trying to get to The Curragh. So
13 that's why I would have, down through the years, have
14 been brought in every now and then.

15 601 Q. You were ever aware in your time instructing 15:21
16 apprentices of any of them using the complaints
17 processes?

18 A. No, I wasn't aware of any of them.

19 602 Q. Can you put a year or time on that, can you just remind
20 me of the time you were instructing apprentices? 15:21
21 A. I think I was promoted in 2001. So anywhere between
22 2001 and probably 2007, I would have been on the odd
23 occasion asked to go up and instruct.

24 603 Q. But you've no memory or no experience of anyone, any
25 apprentice deploying the complaints processes? 15:21
26 A. No, Judge.

27 604 Q. Okay. Finally you said our job is to look after those
28 who are subordinate to you. Was that your experience
29 in the 29 years you had after leaving Naas?

1 A. Yes, absolutely.

2 605 Q. Across the board in the Defence Forces, was that your
3 experience that senior NCOs and officers looked after
4 those who were subordinate?

5 A. Yes. That was my opinion. When I got to the rank of 15:22
6 corporal, we would have had junior ranks working with
7 us and alongside us so we'd look out for them. And
8 then certainly to the rank of sergeant, you'd be over a
9 bigger group so you have to have some involvement with
10 them to see how everything is going day-to-day. You'd 15:22
11 get to know these people that if a guy comes in and
12 he's happy every day and then he's in one day and he
13 comes in in bad form, you know, it's up to us -- I know
14 it could be home life but even sitting down and having
15 a cup of coffee with him, like, it does -- as I say, I 15:22
16 probably shared, was it halved, or something, is it?
17 I'm not sure. As I said, these were, we were all
18 friends as well. But it was, certainly, it was my job
19 as a sergeant at the time to keep an eye out.

20 606 Q. And was that your disposition that if you saw one of 15:23
21 your subordinate soldiers come in, that you would sit
22 down and have a coffee if you thought he or she was
23 off. Was that your disposition or do you think that
24 was?

25 A. No, I think that was the wider Defence Forces. 15:23

26 607 Q. That was part of the Defence Forces?

27 A. I think so. To get to that rank, I think you have
28 to -- it's part of it, I think.

29 608 Q. Were you formally told about that? Were you formally

1 told about the values in the Defence Forces?

2 A. Ehm, I don't know. I can't remember. I would have
3 seen sergeants go before me. Like, when I was the
4 junior rank, so I would have seen corporals and
5 sergeants if we had a problem. So I think from that 15:23
6 extent that followed on as well. For me it did anyway.
7 But I... I can't say I was ever formally trained in
8 that way. But, certainly seeing guys go before me and
9 treat me with some respect and everything, it's the
10 least I could give back. 15:24

11 609 Q. And then, finally - I know it's about four or five
12 years since you left the Defence Forces - the values of
13 loyalty and personal courage, how are these
14 transmitted, in your experience, the core values of the
15 Defence Forces? 15:24

16 A. Today?

17 610 Q. Yeah, well, up to the time you left. You can only
18 speak of your experience.

19 A. Ehm...

20 611 Q. How were they conveyed to you? How were they taught? 15:24

21 A. I think a lot of it is part of being in the Army, and
22 it's instructed to you down through the years as well.
23 But I think a lot of it is an individual as well and
24 how he perceives it.

25 612 Q. If I go on to the website of Óglaigh na hÉireann, I see 15:24
26 what the values are --

27 A. Mm-hmm.

28 613 Q. Are you saying that you don't -- you didn't actually
29 have formal training? New recruits come in, they're

1 told 'This is who we are, we serve the nation, these
2 are our values' -- is there anything formal like that
3 or did you ever experience anything formal?
4 A. There is, yes. So there is a training doctrine there
5 and training syllabi as well that we would have used 15:25
6 down through the years as well. So that's there to
7 use, if that's what you mean.
8 614 Q. And those values are part and parcel of what you train
9 people in?
10 A. Yes, yes. 15:25
11 SOLE MEMBER: Okay. Thank you very much, Mr. Murphy,
12 for your evidence. I really appreciate it.
13 MR. McCANN: Sole Member, I just have one question
14 arising out of the questions, the very helpful
15 questions you've asked. 15:25
16 SOLE MEMBER: Yes, of course.
17
18 MR. MURPHY WAS FURTHER CROSS-EXAMINED BY MR. McCANN, AS
19 FOLLOWS:
20 15:25
21 615 Q. MR. McCANN: Mr. Murphy, just one last question; as I
22 understood it, you were, as a trainer, you were
23 training in ordinance. And, again, you described it to
24 the Tribunal -- you were instructing other members of
25 the Defence Forces in respect of the inspection and 15:26
26 repairing of weapons, is that right?
27 A. That's correct.
28 616 Q. So it wouldn't have been your job to instruct on the
29 complaints process or anything like that?

1 A. No, not at the time.

2 MR. McCANN: Thank you very much.

3 SOLE MEMBER: Thank you, Mr. McCann. Thank you again,
4 Mr. Murphy, for your evidence. We'll finish up now and
5 we'll meet again tomorrow at 10:30.

6
7 THE TRIBUNAL WAS THEN ADJOURNED UNTIL THURSDAY, 25TH
8 JUNE 2026 AT 10:30 A.M.
9

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