

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 THURSDAY, 25TH JUNE 2026 - DAY 13

13

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1 THE TRIBUNAL RESUMED ON THURSDAY, 25TH JUNE 2026 AS
2 FOLLOWS:

3
4 SOLE MEMBER: Good morning, everybody. Mr. Cush.
5 MR. CUSH: Good morning, Judge. Our first witness
6 today is Mr. Denis Kennedy. Mr. Kennedy, please.

10:31

7
8 MR. DENIS KENNEDY, HAVING BEEN SWORN, WAS DIRECTLY
9 EXAMINED BY MR. CUSH AS FOLLOWS:

10:32

10
11 1 Q. MR. CUSH: Mr. Kennedy, as you are aware, the Tribunal
12 is investigating the effectiveness of the complaints
13 processes and the culture within the Defence Forces in
14 relation to complaints of abuse. It's not permitted to
15 make findings in relation to the well-foundedness of
16 complaints of abuse and, for that reason, you are
17 required to refrain from disclosing the names of any
18 alleged perpetrators in your evidence today. Where it
19 is necessary to refer to such individuals, you must do
20 so by using their rank or pseudonym given to them by
21 the Tribunal. Do you understand that?

22 A. Yes.

23 2 Q. Thank you. Mr. Kennedy, you joined the Apprentice
24 School in Devoy Barracks in Naas in September of 1989,
25 isn't that so?

10:33

26 A. That's correct.

27 3 Q. And you had the benefit, if I put it that way, of
28 having had an older brother go through the Apprentice
29 School before you?

1 A. That's correct. He went through it approximately five
2 years beforehand. Some of the NCOs were still there in
3 my time that were there in his time.

4 4 Q. All right. Based on what he had described to you as
5 being his experience of it, what expectation did you 10:33
6 have of what the Apprentice School would be like?

7 A. So, the day of his induction I was actually there. My
8 parents dropped him off, I was the younger brother, I
9 was there. I suppose I was wide-eyed being in the
10 military barracks, everything was exciting. Ehm, the 10:34
11 idea, I suppose, of being a soldier for any young boy
12 is kind of an exciting thing.

13

14 I remember when I came of age he actually told me that
15 I should apply, that I would get a real good training. 10:34
16 You'd be far more kind of qualified in your trade than
17 doing it outside or anything like that and that it was
18 of a way higher standard and that soldiering life,
19 while tough, would be good. And he described it as
20 "tough but fair." 10:34

21 5 Q. So that was the expectation that you had heading into
22 the Apprentice School?

23 A. Yes.

24 6 Q. A good training with tough but fair conditions?

25 A. Yes. 10:35

26 7 Q. And I think that wasn't your experience?

27 A. I walked into hell.

28 8 Q. You say you can only describe your time as torture?

29 A. We weren't trained, we were tortured.

1 9 Q. You say that you were systematically abused, verbally,
2 mentally, physically?

3 A. You have to also remember that nearly half the platoon
4 were only 16 years of age. We were kids. We weren't
5 men, we were kids. You train kids, you nurture them 10:35
6 and you bring them along and they're capable of huge
7 things done in the right way. But we were tortured, we
8 weren't trained.

9 10 Q. We'll come to some of that in just a moment. But can I
10 just ask you, firstly, about your understanding of the 10:35
11 complaints processes available to you?

12 A. Yes.

13 11 Q. What training did you get in the complaints processes?

14 A. We didn't get any training in the complaints process.
15 I can't remember being told, and regardless if you 10:36
16 were, if you had a placard around your that neck
17 12 hours a day with the complaints process on it you
18 would have been absolutely terrified to do it because
19 the repercussions would have been so severe.

20 12 Q. Just going back to what training you received, your 10:36
21 evidence is that you don't recall any training in the
22 complaints process, is that right?

23 A. No, I don't know.

24 13 Q. And do you recall anything being said about the
25 complaints process, maybe on the parade ground even? 10:36
26 A. The parade ground was a strange place. Most of the
27 time you were being marched in combats, boots, No. 1
28 union form, boots, you were marched for hours and there
29 was stuff being shouted at you 90% of that time while

1 you were marching and maybe while you were standing to
2 attention for a period of time afterwards.

3 14 Q. Were Regulations read out to you?

4 A. I recall Regulations being.
5 Read out during military training about certain things, 10:37
6 like the weapons. I mean we were there for three years
7 and we weapons trained for three years so there would
8 have been Regulations read out about those. I don't
9 remember anything, bar, I've -- I can remember that
10 shortly after the hair-cutting incident they decided to 10:37
11 read out the Regulation about dress and haircut, and
12 whether that was just a cover for it or not I don't
13 know, or to get it out there. But they decided in
14 their wisdom that maybe it might be good to try and
15 cover it up by reading us the Regulation about the 10:37
16 length of your hair at that stage.

17 15 Q. All right. Then in terms of a more formal setting like
18 a classroom setting, you've no recollection of every
19 receiving any training?

20 A. No, we would have had what weapons training sometimes 10:38
21 in that environment, but definitely not Regulations.

22 16 Q. Okay. What about notification of complaints processes
23 on a noticeboard?

24 A. I recall that there would be a list of your duties on a
25 noticeboard but -- you have to consider that there's 10:38
26 over 1500 pages in Regulations. If you recall the old
27 classic phone book, how thick that was and how big it
28 was and how thin the pages were and there was 1200 plus
29 pages in that. So if you're talking about A4

1 Regulations of a book that's basically a library, where
2 do you put that on a noticeboard?

3 17 Q. But you say as a matter of fact you never saw it on a
4 noticeboard?

5 A. No. It couldn't have been on a noticeboard. 10:39

6 18 Q. And then, separately, you'd said to the Tribunal a
7 moment ago that even if you had received training in
8 the complaints processes, I think you were suggesting
9 you wouldn't have availed of them?

10 A. No. 10:39

11 19 Q. And why is that?

12 A. You would have been terrified of the repercussions. I
13 made one or two verbal complaints about food and that
14 when I was at my last kind of straw, I couldn't take it
15 anymore. I mean we were basically malnourished with 10:39
16 the standard of food we were given. And there was one
17 particular day that I was given a dinner and it was
18 fish that was -- they made the batter out of cornflakes
19 and when I broke it open it was full of brown cod worms
20 and something in me broke that day, and I didn't care 10:39
21 what the repercussions was or how badly I was punished
22 afterwards and I went to the officer. I brought him
23 the plate of food. I put it in front of him and I
24 said, 'This is what we're reduced to eat.'

25 20 Q. I think in your statement you've identified that the 10:40
26 officer was 2 Lt., is that right?

27 A. That's correct.

28 21 Q. So on this occasion you had sufficient courage --

29 A. Yeah.

1 22 Q. -- to show him?
2 A. At this stage I didn't care what the punishment was
3 because we were starving at this stage and malnourished
4 and I think I had been running in the An Cosantóir and
5 that as well and I just was at my -- it was the last 10:40
6 straw for me. And the repercussions didn't matter and
7 he proceeded to follow me over to the dining hall and I
8 remember five minutes later hearing himself and all the
9 cooks laughing about it inside. So I wasn't going to
10 be making any complaints ever again because it was just 10:40
11 a pointless act.
12 23 Q. So, as you say, pointless. On that occasion you felt
13 your complaint was pointless, is that right?
14 A. Yeah.
15 24 Q. But, separately, you spoke about possible 10:41
16 repercussions?
17 A. Absolutely, yeah.
18 25 Q. And why do you think there may have been repercussions?
19 A. There's... the main instigator of everything that
20 happened to us was 2 Lt. B. All the torture and 10:41
21 punishments was basically his doing and your first
22 point of contact on making a complaint would be an NCO
23 or him so you were basically trying to make a
24 complaint. You were knocking on a door to go and make
25 a complaint and the person that was answering the door 10:41
26 with a big sarcastic smile on his face would have been
27 [REDACTED].
28 SOLE MEMBER: The Tribunal has made an order to
29 indicate that the reference to the individual should

1 not be report. So that order is now in place in
2 respect of today's proceedings. There should be no
3 reporting of any material that's likely to lead to the
4 identity of 2 Lt. B. Thank you.

5
6 Could I ask you just to move slightly closer to the
7 microphone or to move the microphone closer to you.

8 26 Q. MR. CUSH: Mr. Kennedy, you describe as one of the
9 punishments, confinement to barracks?

10 A. Yes.

11 27 Q. And I think you made the point that as a young
12 17-year-old you're living to get home for the weekend?

13 A. Yeah. I was actually 16 when I went in. I turned 16
14 in March and I was in the Army by September. While I
15 had a little bit of information on it from my older
16 brother, it was nothing like I expected. I mean at 16
17 or 17 or 18, like, your family is very important to
18 you. To be in that kind of a horrendous abusive alien
19 environment, to get any kind of a break from it, to
20 recover and have the support of your family or get
21 home, see your girlfriend or whatever was of huge
22 importance to me. That's what we lived for. It was
23 our only saving grace and they knew that and they
24 always took that away from us. We were imprisoned
25 nearly more than we were confined.

26 28 Q. And was that a regular punishment that you witnessed?

27 A. Very regular. Yeah, very.

28 29 Q. And it happened to you?

29 A. It did, indeed, yeah.

1 30 Q. And you describe in your statement as CBs being dealt
2 out at a whim?

3 A. Yes.

4 31 Q. Could you just maybe elaborate on that?

5 A. It would be absolutely -- I mean, we were often given 10:43
6 passes, you'd have to apply for your pass at the start
7 of the week, it would be granted and I remember having
8 my bag packed, I can see all the lads going out the
9 gate, everybody on an absolute high and the Military
10 Policeman stopping me at the gate and saying that my 10:43
11 pass was revoked.

12 32 Q. And that's the first you'd heard of it being revoked?

13 A. Yes.

14 33 Q. And were you given an explanation?

15 A. I can't remember what the explanation was at the time 10:44
16 but this happened a couple of times.
17

18 There was also an incident when I was due to go home,
19 my girlfriend's graduation was on. I mean, there had
20 been a lot of preparation and stuff and looking forward 10:44
21 to and I got to the gate to find out that my pass had
22 been revoked.

23 34 Q. And what did happen then?

24 A. I had been on duty a couple of weeks before that and I
25 think it was actually some of the older platoon had 10:44
26 come in maybe a few minutes later and I was questioned
27 about it and, I suppose, they might not have been happy
28 with the answers.

29 35 Q. I'll just come to this separately.

1 A. I think this may have ran through on to why I was
2 stopped going home that weekend.

3 36 Q. As well as what we're about to come to?

4 A. Yeah, I think it was an ongoing punishment for me. I
5 was punished in a couple of ways for that. 10:45

6 37 Q. But on that particular occasion I think there was a
7 follow-up from the father of your girlfriend?

8 A. That's right, yeah. I mean at that stage there was no
9 mobile phones. You couldn't just text and say. My
10 girlfriend was a similar age to me so we were both from 10:45
11 Templemore. So I had to go to a pay phone, ring, give
12 her the bad news. Her father went crazy about it. He
13 was after investing hundreds of pounds into a dress for
14 her and sorting stuff out and to make it a special
15 occasion for her and tickets and stuff, I suppose. So, 10:45
16 I got talking to him anyway and he rang the barracks
17 afterwards, I'm not sure who he got talking to, but
18 explained the situation and said, you know, 'This is
19 horrendous what's going on here.' And I think I was
20 only 17 at the time as well, still only 17, and 10:46
21 eventually, I didn't -- there was no confirmation even
22 on the Friday evening. On Saturday morning I was told
23 that I'd be let home Saturday afternoon. I was given
24 chores to do on the Saturday morning and I was told I
25 would be let home on the Saturday afternoon. 10:46
26

27 So there was a train early Saturday afternoon that
28 would have got me down reasonably early, in the late
29 afternoon, it would have given me time to prepare and

1 all that. But 2 Lt. B, being the man that he was, made
2 sure that he didn't let me go until later in the
3 afternoon, that I'd miss that train. And I think I
4 didn't get into Templemore until eight or nine o'clock
5 that night. 10:46

6 38 Q. That, I think, you describe as being a petty,
7 vindictive?

8 A. Just pure vindictive. That's is something that's
9 predetermined that they think out to actually hurt you.

10 39 Q. That, I think, a moment ago you were suggesting might 10:47
11 have been a follow-on punishment arising from a
12 previous incident --

13 A. Yes.

14 40 Q. -- in relation to, as I understand from your statement,
15 to allegedly some people returning late? 10:47

16 A. Yes.

17 41 Q. You being on gate duty?

18 A. Yes.

19 42 Q. And then you being requested to identify those people,
20 is that right? 10:47

21 A. Yes.

22 43 Q. And you declined to do so?

23 A. I don't think I actually knew exactly who was it
24 because I think they were in a class ahead of me at the
25 time or a different platoon and I wasn't 100%. This 10:47
26 could have been, like, minutes later, you were in at
27 half eleven and this could have been -- I think
28 somebody was spotted and whether it was even late or
29 not, or whether it was somebody spotted walking around

1 when they should have been in the billet and it was
2 perceived that somebody had come in late.

3 44 Q. But having declined to give the name, even if you
4 didn't know them, what was the punishment then?

5 A. So, again, I was kept in on a Saturday morning and I 10:47
6 was paraded in a combat uniform.

7 45 Q. Could I just understand that. Were you told to put on
8 your full combat uniform?

9 A. Yeah. I was told to report to the square and put on my
10 combat fighting uniform with backpack. 10:48

11 46 Q. All right. And this is Saturday?

12 A. Saturday morning, yeah.

13 47 Q. And then what happened?

14 A. 2 Lt. B proceeded to question me again as to who it was
15 and I told him I didn't know who it was. And he had a 10:48
16 ball and kind of like a hurley or a thing with him and
17 he proceeded to hit the ball the length of the square,
18 it's an old British barracks, the square is quite long.
19 He proceeded to hit the ball the length of the square
20 and ordered me to run and fetch the ball and bring it 10:48
21 back to him. He asked me again who it was and I
22 declined. He'd do it again, the full length of the
23 square, run. And he proceeded to do that until I
24 couldn't do it anymore.

25 48 Q. And did he ask you, again, to reveal the names? 10:49

26 A. Yes. Numerous times. Every time I'd come back up.

27 49 Q. In your statement you describe that as treating you
28 like a dog?

29 A. That's exactly what it was. And, in fact, you'd

1 probably give a dog a drink of water. There was none
2 of that.

3 50 Q. At the end of that, when you say you couldn't do it
4 anymore, what condition were you in?

5 A. I would be quite stubborn and I was quite fit at the 10:49
6 time and on a lot of our runs 2 Lt. B would, wouldn't
7 be able to kind of keep up the pace so he'd run us up
8 and back till he got his breath. He was kind of
9 jealous of a lot of us for being fit. I didn't want to
10 give into him either so I literally ran myself to 10:50
11 exhaustion just not to give in.

12 51 Q. I think you say you saw the doctor as a result of that?

13 A. Yeah, I was kind of feeling kind of woozy for a couple
14 of days afterwards. I'd say maybe a little bit of heat
15 stroke as well because it was a hot day, and I reported 10:50
16 to the doctor afterwards. And I was probably
17 dehydrated as well.

18 52 Q. The hair-cutting incident; could you just describe that
19 for me?

20 A. So, we had to have our hair really short. I think the 10:50
21 first week I got -- I was into my rock music and
22 followed that kind of trend with a kind of long or
23 shaggy hair and I think the first week I had to get
24 three or four haircuts, keep going back to get haircuts
25 because it wasn't short enough, so much so that the 10:51
26 barber actually gave me the last couple for free. So,
27 your hair was short back and sides and you might leave
28 the top of it somewhat a little bit longer, and 2 Lt. B
29 started picking on apprentices for having their hair

1 too long. And there was an incident then where he took
2 it upon himself to take a scissors and actually cut
3 apprentices' hair himself.

4 53 Q. Not yours, but you did you witness that?
5 A. I did witness it, yeah. I was to be one of them but I 10:51
6 managed to escape in the hullabaloo of him cutting
7 other people's hair and got away with it.

8 54 Q. You describe also in your statement an incident when
9 you were doing press-ups?
10 A. Yes. 10:51

11 55 Q. Can you just describe that?
12 A. We were after being on a run and we were brought back
13 into the square. We were made -- we were made line up
14 and we were told to get into press-up position. He
15 would order us to do a number of press-ups and then he 10:52
16 would ask you to hold the press-up position where you
17 would hold in the upright position. It was a kind of a
18 damned if you do and damned if you don't situation
19 with, you couldn't do the right thing. If you were
20 able to hold it in the right position he'd come, and I 10:52
21 remember him walking on my fingers trying to get me to
22 drop and if you weren't able to hold the position, he
23 was chastising you for that as well.

24 56 Q. And in relation to Mr. Traynor, you say that you heard
25 a shout of anguish from him but am I right in 10:52
26 understanding you didn't witness anything?
27 A. I remember 2 Lt. B coming over and I was well able to
28 hold the position at the time, again, at the time I was
29 quite fit. I was well able to hold the position and I

1 remember him deliberately putting his foot on my hand
2 and just increasing the pressure, increasing the
3 pressure. Trying to get you to drop it.
4
5 He moved on from me and he went to the next row and 10:53
6 Mr. Traynor was in that row. And I heard him shouting
7 something at Damien Traynor. I didn't know at the time
8 who it was because I couldn't see but afterwards I
9 realised who it was. So I heard him shouting something
10 at him. Something about the, to get into the position, 10:53
11 or whatever. And then I kind of heard of a whoosh or a
12 kind of a slight kind of cry out of Damien Traynor and
13 I realised afterwards that he was after kicking him in
14 the ribs
15 57 Q. But, just to be clear, you didn't actually see that, is 10:53
16 that right?
17 A. No, I didn't actually see it, no.
18 58 Q. I understand. You did see an incident involving
19 Mr. Lenaghan, I think, and the cigarettes?
20 A. Yeah, that's correct, yeah. 10:53
21 59 Q. You witnessed that?
22 A. I saw that, a bit of it from a distance, yeah.
23 60 Q. And in your statement you say that he was forced to put
24 cigarette butts in his mouth because an ashtray had
25 been found in his locker? 10:54
26 A. Yeah, I think this has all been kind of proven already
27 that he was forced to put the dregs of an ashtray,
28 cigarette butts into his mouth, chew them and asked to
29 swallow them as well.

1 61 Q. On one exercise you say 2 Lt. B goaded you to hit him,
2 is that right?

3 A. Yeah. Again, as I said, it's damned if you do, damned
4 if you don't. If you weren't fit enough he was giving
5 out to you and if you were nearly too fit he was kind 10:54
6 of a bit jealous of you because he was a bit overweight
7 himself at the time and he wasn't that fit and he'd
8 kind of goad at times to try and get the better of you,
9 you know.

10 62 Q. I think in your statement you describe an atmosphere of 10:55
11 increasing pressure?

12 A. Yeah. It was like a stormy day with the, do you know
13 that kind of heavy pressure atmosphere. It was like
14 that every day in Naas Barracks. This was pressure
15 feeling, kind of pressure cooker feeling on you all the 10:55
16 time.

17 63 Q. On the Thursday preceding Ollie Mullaney's death I
18 don't think you were part of the military training in
19 Kilbride, is that right?

20 A. No, I wasn't. Unfortunately I'd fractured a bone in my 10:55
21 hand a few days beforehand and I wasn't medically fit
22 to be on the ranges that day.

23 64 Q. I understand. And I think the actual guard duty that
24 Mr. Mullaney did then on the Saturday was originally
25 scheduled to be yours, is that right? 10:56

26 A. Yeah, myself and Ian Hutchinson both were, I think,
27 down for duty that think weekend and both of us -- Ian
28 ended up in hospital over something and I had injured
29 my hand and Ollie was waiting on for the duties on that

1 weekend.

2 65 Q. okay. whilst you weren't at the training exercise in
3 kilbride you were at the barracks later when the
4 recruits returned?

5 A. Yeah, I remember them being brought back into the 10:56
6 barracks as it was getting to dusk. I remember them
7 being taken off the Army trucks, all in full battle
8 gear still at that stage, helmets, boots, combats and
9 he proceeded to start -- and this was -- they had
10 missed dinner at this stage as well. They had missed 10:56
11 the half four dinner. And I remember him starting to
12 run them around the square as he got them off the
13 truck.

14 66 Q. And we've had descriptions of what ensued that evening.

15 A. Yeah, it was horrendous, to say the least. 10:57
16 Indescribable in a way. I watched the whole thing
17 unfold from the side of one of the black huts, it gave
18 me a view of where he had them outside the Guard Room.
19 So I was watching it unfold and it was terrifying.

20 67 Q. Could I just ask you, generally, what would you say was 10:57
21 the level of awareness of what was going on, the
22 pressure building, the situation of the recruits? I
23 don't mean amongst recruits but amongst officers,
24 generally?

25 A. How do you mean, sorry, now. 10:57

26 68 Q. well, you've described a whole series of incidents?

27 A. Yeah.

28 69 Q. And other witnesses have described the same incidents
29 and other ones and I just want to ask you; do you have

1 any appreciation of the extent to which it was known
2 that this was going on, if I put it that way?
3 A. Of officer -- the regime higher than 2 Lt. B?
4 70 Q. Yes.
5 A. They would have been well aware of it. They were 10:58
6 watching on.
7 71 Q. Why do you say that?
8 A. They were watching on. They were watching on at what
9 he was doing. They were well aware of what was going
10 on. And I think he had been reprimanded for a couple 10:58
11 of incidents.
12 72 Q. If you come to the events of the Thursday evening that
13 you witness at the barracks?
14 A. Yes.
15 73 Q. What would you say the level of awareness was of what 10:58
16 happened that evening?
17 A. There was a higher ranked officer there, I can't
18 remember, I don't know the abbreviation for him but
19 there was a higher ranked officer there.
20 74 Q. I think in your statement you've described the effect 10:58
21 that the death of Ollie Mullaney has had on you?
22 A. It still affects me to this day. It was -- if you can
23 imagine -- if you imagine any kids of school age, 16,
24 17, 18 and one of their pals dies even in an accident,
25 the effect that it has on them. I think affects -- I 10:59
26 think we've all known of young kids being killed maybe
27 in car crashes or this, that and the other, kids maybe
28 in their class, or something like that, at school and
29 the effect that it has on the whole thing. well

1 imagine a bunch of young fellas that are in this
2 situation and they form a huge bond instantly, didn't
3 matter what your background, whether you come from a
4 wealthy background or a poor background we were all
5 going through the same thing so we were all brought to 10:59
6 the one level. And that kind of forms a unique level
7 that you don't have anywhere else.
8
9 when an incident like what happened to Ollie Mullaney
10 happens, it just, it's just devastating. Just, it 10:59
11 rings through, echoes through your whole life, the rest
12 of your whole life.
13 75 Q. Did anybody speak to the platoon after Ollie's death
14 about his death?
15 A. Yeah. I'm not sure of the abbreviation. 11:00
16 76 Q. You can leave the name out for a moment.
17 A. The officer from the school came over and gave us this
18 kind of a talk down about --
19 77 Q. Can I just ask you to describe, where were you when
20 this talk took place? 11:00
21 A. We were in the Rec Room of the billet.
22 78 Q. Were you brought in for the purposes of the talk or
23 were you just there?
24 A. We might have been in the billet already and then we
25 were all told to go to the Rec Room. 11:00
26 79 Q. All right. And you were spoken to?
27 A. We were spoken to. We were given this talk down, this,
28 obviously rehearsed talk down as to how horrendous --
29 how devastating it was for us and how horrendous it

1 this accident was and we were told not to -- that some
2 of us might have thought it was suicide and not to
3 mention that it was suicide because the family wouldn't
4 be entitled to the Army insurance money that would go
5 to the family if we pressed that it was suicide. 11:01

6 80 Q. And, right or wrong, what was the perception of the
7 recruits of this discussion or talk?

8 A. We felt that they were trying to form a cover-up for
9 the way he'd been treated on the Thursday night that
10 led to him taking his own life on the Saturday. 11:01

11 MR. CUSH: Thank you, Mr. Kennedy. Some of my
12 colleagues will have questions.

13
14 MR. DENIS KENNEDY, WAS CROSS-EXAMINED BY MR. BRADY AS
15 FOLLOWS: 11:02

16
17 81 Q. MR. BRADY: Mr. Kennedy, I have a couple of questions
18 for you. You mentioned earlier in your evidence that a
19 number of creates recruits, a good number of them were
20 16 at the time when they went to -- the apprentices. 11:02

21 A. There was a lot of us, yeah. Yeah, there was a big
22 percentage of us that had to get our parents' consent,
23 signed by the Gardaí to give the State consent to take
24 control of us and look after us.

25 82 Q. I was going to ask you about that. What was your
26 understanding of that process? So your parents had to
27 sign you over to the Army? 11:02

28 A. At the time at my age I didn't even understand what was
29 going on but, I mean, I remember that when it came to

1 it and my parents having to sign, my mother got quite
2 upset about it, when it came to the crux of it and I
3 kind of, and kind of realised then -- I realise that
4 now that I'm older the actual depth of what they were
5 actually doing, to kind of hand over your child to the 11:02
6 State, really, in a way, and expect them to look after
7 them.

8 83 Q. And, I suppose, put their child into the care of the
9 Defence Forces?

10 A. Yeah, literally handed over. And you can imagine the 11:03
11 devastation then, 18 months later, when one of these
12 young men that you're after giving your child over to
13 the State that's with him, takes his own life.

14 84 Q. You mentioned an incident about food and, in
15 particular, about cod that you had found worms in? 11:03

16 A. Yeah. Like, the food was absolutely horrendous. We
17 were malnourished. We were living on -- the best part
18 of any of the food was the bread, if you got it early
19 enough that it wasn't stale. And eggs, which the
20 running joke they couldn't fuck up an egg, you know. 11:03

21 85 Q. I think in your statement you mention a lot of
22 different instances you didn't have enough food, you
23 were hungry.

24 A. Yeah, we were hungry.

25 86 Q. There was other issues with some of the food being at 11:03
26 the point of spoiling?

27 A. The training was physical, you know. You were out
28 early, you were out on parade before you went to school
29 even. So you were out for long hours, you know. And

1 the food was horrendous. I think I described. I
2 didn't even know what it was at the time, there was big
3 old cooking trays that would have been put into ovens
4 and, I mean, you can imagine your own tray in your own
5 oven that might be a year old, it gets fairly decrepit 11:04
6 and food burnt into it, it doesn't remove. Imagine
7 that tray if you still had it ten years later and
8 that's what we were being served food in. I remember
9 get scrambled he had egg. We used to get scrambled egg
10 and it was like this hard lump of pitted rubber at the 11:04
11 bottom of an inch and a half of liquid butter on top of
12 it and this was served to us.

13 87 Q. And this was at a stage where you were going through
14 intensive training, and you're still a minor, I
15 suppose, at this stage? 11:05

16 A. Still a minor.

17 88 Q. And you're growing?

18 A. Absolutely. And it's a higher standard ration and more
19 that you should be getting, at that stage, to build you
20 up, especially for the level of training and exercise 11:05
21 and physical exertion that we had at that stage on top
22 of our school year as well.

23 89 Q. You mentioned in your statement about witnessing
24 rations being taken out of the housekeeping?

25 A. Yeah. 11:05

26 90 Q. Explain that.

27 A. The best of the rations left in the boot of a car
28 belonging to some of the NCOs, some of the cooks. They
29 had their own little clique going as to, do you know,

1 friends of the cooks might get rations. The cooks
2 themselves were taking the best of it so we were
3 getting stuff like, numerous, numerous, numerous
4 occasions where we were getting sausages where half of
5 it would be gone pink where it would be gone stale and 11:05
6 it would be turning.

7 91 Q. And do you know who those rations were for, the ones
8 that were taken, were they for the apprentice classes,
9 were they for other groups, do you have any
10 understanding? 11:06

11 A. We weren't getting them.

12 92 Q. Okay. As you described it, you reached a point where
13 you felt everything was getting too much and you went
14 to 2 Lt. B to make a complaint. That must have taken a
15 lot of courage, did it? 11:06

16 A. Yeah, yeah. I mean, I'd had numerous punishments for
17 basically doing nothing wrong before this. Like, you
18 can only bend so far. You can only take so much
19 really. And then the punishments don't -- it doesn't
20 seem to matter to you anymore if you're going to be 11:06
21 punished or not and that's the state that I was in when
22 I went to 2 Lt. B. At that stage, I think, like, if
23 you're malnourished you don't think straight, it
24 affects your mental capacity and, I think, that's the
25 stage that I was at. 11:06

26 93 Q. And you mentioned about the officer then went and had a
27 discussion with the cooks and you heard laughter?

28 A. The officer followed me over and went into the -- so
29 the cook house is in the middle of the two dining

1 rooms, there's a dining room each side and there's
2 swinging doors in between so you could hear what's
3 going on inside in the cook house, and a couple of
4 minutes later he had followed me back over and I could
5 hear him having a big laugh and a big jeer inside with 11:07
6 the cooks.

7 94 Q. Can I ask you, after you brought this complaint to the
8 officer, had anything changed then with the food in
9 terms of the quantity or the quality after that?

10 A. No, nothing. 11:07

11 95 Q. I mean what --

12 A. The highlight of the change in our food was in second
13 year we got yoghurts and half the time they'd be sour.

14 96 Q. I mean, what effect did that have on you that you have
15 a concern with the, I suppose, what was happening to 11:07
16 you with the food and as you put it, you felt
17 malnourished. You've made a verbal complaint and
18 nothing's happening about it. What effect did that
19 have you on?

20 A. Just demoralising. Just demoralising. Like, this is 11:08
21 the officer that was supposed to be taking care of
22 taking us, and taking care of kids. We weren't
23 soldiers at that time, we were kids. It was just
24 demoralising.

25 97 Q. Do you think it affected your confidence to bring any 11:08
26 further complaints?

27 A. Absolutely. Why would you bother after that?

28 98 Q. And in terms of other members of the training staff or
29 superior officers there, did you feel there was any

1 NCOS or other officers that you could have confidence
2 in?

3 A. They were just going to make a joke out of it or there
4 was going to be repercussions, you know. You'd have
5 been singled out as the complainer. 'Did you see hear 11:08
6 what he said about such-and-such.' There was a clique
7 there, you know.

8 99 Q. You mentioned an incident on the square and you said in
9 your direct evidence that you went to a doctor. I
10 don't need to you name anyone specifically but I just 11:09
11 want you to clarify was that a civilian doctor or an
12 Army doctor?

13 A. No, that would have been a military doctor and that
14 should be in my LA 30, I didn't search to get that yet
15 but that should be documented, that date and what 11:09
16 happened, I would have explained to the military
17 doctor. But he was a military officer doctor.

18 100 Q. And the LA 30, that's your personal --

19 A. Your medical book of all the entries that you would
20 make while going to the doctor. 11:09

21 101 Q. And you told him what had happened to you?

22 A. I did, indeed, yeah.

23 102 Q. And did anything happen from that?

24 A. No.

25 103 Q. You mentioned, again, that there was a senior officer 11:09
26 that had witnessed events of the Thursday night. I
27 don't need you to identify that, but just --

28 A. There was, yeah.

29 104 Q. Could you remember what rank they were?

1 A. I think he was the CO.

2 105 Q. I suppose, looking back at the situation now, and the
3 Tribunal is tasked with the complaints procedure as a
4 whole and culture, do you think would a system to be in
5 place to make you feel comfortable coming forward to 11:10
6 make a complaint or...

7 A. Now?

8 106 Q. Well, I mean what would be your thoughts on it,
9 generally? If you have any thoughts on it?

10 A. What could they do to improve? 11:10

11 107 Q. Mmm.

12 A. I'm actually vested in this because I have a young
13 18-year-old son and he's now taken an interest in
14 joining the Army and to be honest with you I'm
15 terrified for him if he does. And while I think I can 11:10
16 safely say that incidents that happened to the 34th
17 Platoon did change things for the better, I think it
18 did. I think it rang through the whole Defence Forces
19 at that stage, that a young man had taken his life over
20 harassment and I abuse and I think it did change the 11:11
21 culture somewhat gradually maybe into the future.

22

23 You're in an antiquated system. Now, it might have
24 improved, I'm not too well up on it since then. I'm
25 gone from a military a long time. But when you're in 11:11
26 an environment where an officer can order you to do
27 something and you have to do it, if an officer can say
28 to you that a black placard is white and it's actually
29 black but he can say to you that placard is white and

1 you have to go yes, sir. You have no chance in an
2 environment like that

3 108 Q. I suppose, as a parent of a child who's contemplating
4 going into the Defence Forces, what processes would you
5 like to see in place that your child could avail of? 11:12

6 A. There needs to be an independent body set up to govern.
7 There's nowhere -- there was no one there to ref the
8 referee, do you know what I mean? It's like as if the
9 referee's decision is final but who's there to say what
10 he's saying is right, do you know what I mean? There's 11:12
11 no one there to ref the referee, there's no one there
12 to judge the judge. There needs to be an independent
13 body set up, and it needs to be set up, not of retired
14 officers and stuff like that or people that maybe if
15 they find out two years later that they were involved 11:12
16 in some kind of an abusive situation when they were
17 severing, it needs to be a completely independent body
18 set up for the safety of -- that they can have a voice
19 that will -- it will have some meaning if they do make
20 a complaint and that something will be done about it 11:13
21 and done in a proper procedure.

22 MR. BRADY: Mr. Kennedy, thank you very much.

23 SOLE MEMBER: Thank you, Mr. Brady. Does anyone wish
24 to put a question to Mr. Kennedy?

25 11:13

26 MR. DENIS KENNEDY, WAS CROSS-EXAMINED BY MR. HOGAN AS
27 FOLLOWS:

28

29 109 Q. MR. HOGAN: Good morning, Mr. Kennedy. Tom Hogan is my

1 name, can you hear me?

2 A. How are you Tom, yeah.

3 110 Q. I represent the individual against who you primarily
4 claim of mistreating you during your time as an
5 apprentice. I think you're fully aware that, 11:13
6 obviously, the role of the Tribunal is not to make any
7 findings in relation to any of the allegations of abuse
8 or mistreatment.

9 A. Yeah, that's unfortunate really.

10 111 Q. It's not a criticism, Mr. Kennedy, but when you were 11:13
11 talking about the alleged incident with the cigarettes,
12 you said that that's already been proven and I just
13 want to correct you on that. Nothing, nothing in
14 relation to these allegations is proven or will be
15 proven or will be found to have been established by the 11:14
16 Tribunal; you understand that?

17 A. I'm talking about that this has already been proven in
18 statements that has been made, and interviews.

19 112 Q. Could I just ask you just in relation to the complaint
20 that you made about the fish. 11:14

21 A. Yeah.

22 113 Q. And you said that after that you had no confidence to
23 make any other complaints about the food?

24 A. Yeah.

25 114 Q. I see in your statement that you said that you were 11:14
26 always complaining about the food?

27 A. That I was?

28 115 Q. Yes.

29 A. I would have been always complaining, yeah, in general

1 but I didn't go direct to a certain officer about it.

2 116 Q. But you were complaining to the NCOs about the food?

3 A. They would come around and maybe ask you what it was

4 like and you'd say it wouldn't great, or whatever,

5 yeah, at times. But there was no kind of official 11:15

6 complaint like I made to the officer on that particular

7 day.

8 117 Q. And you said you'd make a complaint to the NCO which

9 should have been a complaint that should have been then

10 carried on to the officer in charge and so forth, but 11:15

11 it made no difference you say?

12 A. Yeah, again, the system broke down, yeah.

13 118 Q. This isn't really a question, Mr. Kennedy, but just for

14 the record, just to be clear, that my client denies all

15 of the allegations that you make against him in 11:15

16 relation to mistreatment, either against you or others

17 that you say you witnessed being abused or mistreated?

18 A. I know. And you must have a difficult job having to

19 listen to what you heard here over a the last number of

20 days and him still deny it all. 11:15

21 119 Q. Well, it is a difficult job, Mr. Kennedy, because

22 ordinarily I'd be able to contradict you about what

23 you're saying but I'm not allowed do that.

24 A. It would be a great battle if we could actually do

25 that. 11:16

26 MR. HOGAN: Okay, thank you. Mr. Kennedy.

27 SOLE MEMBER: Thank you, Mr. Hogan. Mr. Lehane.

28 MR. LEHANE: Thank you, Sole Member.

29

1 MR. DENIS KENNEDY, WAS CROSS-EXAMINED BY MR. LEHANE AS
2 FOLLOWS:

3
4 120 Q. MR. LEHANE: Mr. Kennedy, my name is I'm Darren Lehane
5 and I'm the barrister who represents two groups, first 11:16
6 the Defence Forces and, secondly, a number of
7 individual former members of the Defence Forces. I'm
8 going to ask you questions in both capacities but I'll
9 be very clear when I'm asking questions on behalf of
10 the Defence Forces, or when I'm asking questions on 11:16
11 behalf of the individuals, okay?

12 A. Sorry, which individuals?

13 121 Q. I'll tell you when I'm going through them. What I'm
14 saying is, I'll tell you when I'm asking questions on
15 behalf of the Defence Forces, I'll say, 'Now I'm 11:16
16 dealing with Defence Forces. And then when I move on
17 to the individuals, for example, Cpt. F --

18 A. All right. Okay.

19 122 Q. I'll say, 'Now I'm going to ask you some questions on
20 behalf of the Cpt. F'? 11:17

21 A. Okay.

22 123 Q. If at any point, I should say, you don't follow what
23 I'm saying or you don't understand, or I'm talking too
24 quickly, stop me and get me to repeat myself or clarify
25 what I'm saying. I won't be put out about that. 11:17
26

27 Again, just in terms of the Defence Forces, I'm going
28 to ask you some questions on behalf of the Defence
29 Forces now and the first question I'm going to ask you

1 just relates to training, because in your evidence to
2 the Sole Member, while Mr. Cush was asking you
3 questions, you said you didn't recall any training in
4 the complaints process. You recall Regulations being
5 read out about certain and you say there may have been 11:17
6 Regulations read out by complaints. You say that
7 shortly after the hair-cutting incident you remember
8 Regulations being read out about hair, but you don't
9 remember any recollection of a formal class or lecture
10 in relation to complaints; is that a fair summary of 11:18
11 what you said this morning, Mr. Kennedy?

12 A. There or thereabouts, I think, maybe.

13 124 Q. During your interview with the Tribunal - and I'll read
14 this out to you. Sole Member, this is on page 1652 of
15 the book, I don't need it put up. You're asked a 11:18
16 similar question, and the question was --

17 A. Could you bring up that please?

18 125 Q. Absolutely. If Ms. Heavey or the responsible person
19 could maybe put up 1652. Do you have it up there?
20 Brilliant. Do you see Q22 there in front of you? 11:18

21 A. Yes.

22 126 Q. "OK. When you signed on or when you commenced your
23 training were you aware of the complaint system that
24 existed within the Defence Forces? Was that explained
25 to you?" 11:18
26

27 And you say:

28

29 "No. "

1 Again, that's consistent with what you said today.

2
3 "Q23. No. Did you ever get any introduction to that?

4 A. Very little if any. There would have been maybe a
5 mention of it at some stage during your three years as 11:19
6 part of where it went through kind of the military
7 system. I can't remember exactly the terms of it but
8 where they read out stuff from the kind of military
9 booklet. You were given kind of bits of that now and
10 again through your military training, but certainly it 11:19
11 wasn't given to us at the beginning as it should have
12 been if there was such a thing and it would have been
13 read over fairly quickly or fairly scantily at that
14 stage.

15
16 Q24. OK. You say you were given it at different
17 stages, was this orally or were even given anything in
18 writing?

19 A. During our military training there would have been
20 kind of -- the military Regulations would have been 11:19
21 read to us, given to us as part of our military
22 training.

23
24 Q25. So when you say given to you, being read out?

25 A. Read out, yeah." 11:19
26

27 127 Q. Just to pause there, Mr. Kennedy. That's what you said
28 in the interview, that you weren't excluding the
29 possibility of getting some explanation in terms of the

1 complaints process.

2 A. Not exactly the complaints process there I was saying
3 about the military training that we would have been
4 read out certain DFRs. I mean we were trained on
5 weapons and all aspects of military training which is 11:20
6 part of the huge library of DFRs. So we would have
7 been read certain DFRs at certain parts of our military
8 training. If we were doing weapons there would have
9 been probably a regulation or something about that.

10 128 Q. And you've described, in detail, you remember getting 11:20
11 instruction in how to handle arms?

12 A. Yeah.

13 129 Q. It's just, I suppose, the mention when you were asked
14 about at line 15 on the previous page, did you get any
15 training in the complaints system, you said: 11:20
16
17 "There would have been maybe a mention of it at some
18 stage."
19

20 So it was as a result of that answer in the interview 11:20
21 I'm putting to you that you weren't excluding the
22 possibility of receiving?

23 A. I don't remember this. I know it's a bit long-winded
24 and whatever but I don't remember the complaints
25 process being explained to me. 11:21

26 130 Q. Don't worry about being long-winded. All you can do is
27 tell the Sole Member what you remember and what you
28 heard and what you witnessed yourself and how you felt
29 yourself. I suppose I'm just trying to probe with you

1 that in the interview you speculated that there might
2 have been a mention of it?

3 A. well, I can't say for definite.

4 131 Q. That's fair enough. That's fair enough. And in
5 terms -- the second thing I just wanted to ask you 11:21
6 about is why you mentioned in your evidence earlier on
7 in the questions being asked by Mr. Cush about the
8 noticeboard. Where do you recall the noticeboard was,
9 Mr. Kennedy?

10 A. I'm very vague as to that. I think -- 11:21

11 132 Q. That's fair enough and there's no problem being vague,
12 it's 35 --

13 A. When you say a noticeboard what type of noticeboard are
14 you on about?

15 133 Q. It's just you were asked by Mr. Cush about a 11:22
16 noticeboard and you say you remember a list of duties
17 on the noticeboard. I wasn't there so I can't describe
18 what the noticeboard is.

19 A. All right, yeah.

20 134 Q. I'm asking you to tell the Sole Member? 11:22

21 A. There was a noticeboard near the Company Office.

22 135 Q. Okay. And you remember consulting that on occasion,
23 you said:
24

25 "I remember a list of duties on the noticeboard." 11:22
26

27 Could you just help the Sole Member a little bit about
28 how you would come to be looking at the kind of
29 material that would be on it. Because, again, I wasn't

1 there, the Sole Member wasn't there.

2 A. There might be an A4 page put up with a list of duties
3 on it.

4 136 Q. Okay. Do you remember anything else being put on this
5 noticeboard? 11:22

6 A. I don't really, no.

7 137 Q. If somebody was to say - and again I'm conscious, you
8 know, it's a long time ago - if somebody was to say
9 that from time to time, notices would be put up with
10 details of a complaint process, would they be wrong, do 11:22
11 you have any recollection of that?

12 A. I've no recollection of seeing that on the noticeboard.

13 138 Q. Okay. And other people can give their evidence in
14 relation to what they saw on the noticeboard but thank
15 you very much, Mr. Kennedy, in relation to that. 11:23

16

17 And in terms, then, of the third set of questions I
18 want to ask you on behalf of the Defence Forces, it
19 relates to your experience. And, again, you're aware,
20 I don't represent 2 Lt. B, he's not one of the people I 11:23
21 represent, that's Mr. Hogan, the other gentleman who
22 asked you questions just before me. In your evidence
23 you said that you regarded 2 Lt. B as the main
24 instigator of all the torture and punishments that you
25 experienced; is that right? 11:23

26 A. Yes.

27 139 Q. Again, in your interview to the Tribunal team, you
28 identified 2 Lt. B as the main perpetrator?

29 A. Yes.

1 140 Q. 2 Lt. B said in his interview - and I presume he will
2 say this when he comes to give evidence - that he gave
3 instruction to the platoon in terms of the complaints
4 process and how to make complaints; what do you say to
5 that? 11:24

6 A. I wouldn't agree with it.

7 141 Q. Okay. And, again, I wasn't there, you were there. You
8 know, 2 Lt. B, he was in charge of you?

9 A. Yes.

10 142 Q. He was the Platoon Commander, okay. 11:24

11

12 In terms of your experience with 2 Lt. B's successor,
13 do you remember the man who came along when 2 Lt. B had
14 gone. A big, tall man.

15 A. Oh, yeah, yeah, yeah. I do indeed, yeah. 11:25

16 143 Q. Other people have indicated in interviews that they had
17 a positive experience with his successor; do you
18 recall - and again you can only speak to your
19 experience?

20 A. Yeah. 11:25

21 144 Q. What was your experience of the person who replaced
22 2 Lt. B?

23 A. Ehm, to be honest, I remember the man you're talking
24 about, a big, tall lanky man, we had a nickname called
25 "Nancy" for him because he kind of ran like a woman, no 11:25
26 offence.

27 145 Q. At least he can run, I can't run!

28 A. Yeah, yeah. I don't remember much after the whole
29 Ollie Mullaney incident, to be honest with you. I

1 don't know why but I don't remember much of Naas after
2 that. Snippets here and there and I don't know why.

3 146 Q. In terms of the snippets that you can remember, and,
4 again, I'm couching this in a particular way based on
5 your answer, do you remember anything negative about it 11:26
6 after this gentleman took over?

7 A. I know that it might have eased slightly but there was
8 still a kind of a negative vibe in the training that we
9 were having after that.

10 147 Q. And I think, in fairness to you, in your interview you 11:26
11 said that your experience after -- your experience
12 after 2 Lt. B left was informed by everything you say
13 you'd experienced when 2 Lt. B was there?

14 A. Sorry, say that again?

15 148 Q. I think you'd say in your interview, Mr. Kennedy, that, 11:26
16 you know, the effect of what you've described to the
17 Sole Member of your experiences, what happened to you
18 when 2 Lt. B was there, okay? Kind of you carried it
19 with you for the rest of your time in the Army
20 Apprentice School in terms of how you felt; is that a 11:27
21 fair summary?

22 A. Absolutely, yeah.

23 149 Q. Okay. Thank you. Just in terms of moving off the
24 questions I'm asking you on behalf of the Defence
25 Forces, I'm now moving on to a number of the 11:27
26 individuals, okay? And the first person I just want to
27 ask you some questions on behalf of is Cpt. F. Okay?

28 A. Okay.

29 150 Q. And --

1 A. Can I be furnished with the...
2 151 Q. No, Cpt. F?
3 SOLE MEMBER: I don't think the witness understands.
4 152 Q. MR. LEHANE: I'll explain to you who he is, based on 11:27
5 your evidence. Do you remember in your evidence you
6 said after the tragic events involving the late
7 Aptce. Mullaney an officer spoke to you about what had
8 happened. In your direct evidence a few minutes ago to
9 Mr. Cush?
10 A. Which part is this now? 11:28
11 153 Q. In relation to -- you said when all of the apprentices
12 were assembled after --
13 A. Can you bring up this page of my statement?
14 154 Q. Unfortunately, it's from your evidence earlier on
15 but -- 11:28
16 A. Is that not listed.
17 MR. LEHANE: We might be able to bring it up. I don't
18 have it in front of me.
19 SOLE MEMBER: Is it possible to go back to the evidence
20 that was given? 11:28
21 THE STENOGRAPHER: Yes.
22 SOLE MEMBER: Is this the evidence in relation to being
23 in the billet and then going to the Rec Room
24 afterwards.
25 MR. LEHANE: It's the Rec Room and the presentation. 11:28
26 THE WITNESS: This is part of my statement? Can that
27 be brought up?
28 SOLE MEMBER: No, it's just what you said in evidence.
29 MR. LEHANE: 1645 Mr. Cush tells me.

1 SOLE MEMBER: 1645.

2 155 Q. MR. LEHANE: Do you see there, again, this is a helpful
3 way of doing it, and I'm grateful to Mr. Cush, this is
4 what you said in your statement:
5
6 "Shortly after Ollie's, officer (Cpt. F) tried to give
7 us a talk down telling us it was an awful accident and
8 to think of his family. They would need the insurance
9 money and if there was confusion or mention of suicide
10 they wouldn't get it. This was a story that had to
11 have been orchestrated by all of the officers and
12 probably NCOs to cover up the bullying suicide."
13
14 A. Yes.
15 156 Q. Do you remember you were asked questions about that by
16 Mr. Cush earlier on.
17 A. Yes.
18 157 Q. And I'm just going to tell you what Cpt. F, the officer
19 there that you referred to says in respect to it. He
20 says, or he will say:
21
22 "Now did they bring it up the issue of insurance or did
23 I bring it up? I can't remember."
24
25 And that he said:
26
27 "It could have been an issue, yeah. It could have been
28 an issue but whether I said it or whether they said it
29 I don't remember in terms of that issue."

1 I want tell you that that's what the individual you're
2 referring to has said in his interview and will say.
3 You don't have to comment on it I'm just telling you
4 saying that's what he said
5 A. Thanks. 11:30
6 158 Q. In terms of the other individuals, I'm conscious,
7 because I've listened very carefully to your evidence
8 and I've read your statement and I've read your
9 interviews, but I'm asking you questions based on the
10 evidence you've given today. I think the only other 11:30
11 individual I have to ask you a question on behalf of is
12 the CO that you referred to, I think, in answer to a
13 question of Mr. Brady. And you say that the CO, you
14 didn't mention him by name but you say that he
15 witnessed -- your recollection is that you say he 11:30
16 witnessed the events occurring on the square; do you
17 remember that?
18 A. Yeah.
19 MR. LEHANE: He will say that he doesn't have a
20 recollection of that. That's what he says. Thank you, 11:31
21 very much, Mr. Kennedy, for bearing with me and thank
22 you, Sole Member.
23 SOLE MEMBER: Thank you, Mr. Lehane.
24 MS. McGRATH: No questions.
25 SOLE MEMBER: Two or three questions I have to ask you, 11:31
26 Mr. Kennedy.
27 THE WITNESS: Yes, Ma'am.
28
29

1 MR. DENIS KENNEDY WAS QUESTIONED BY THE SOLE MEMBER, AS
2 FOLLOWS:

3
4 159 Q. SOLE MEMBER: If I can take you back to this
5 noticeboard and this list of duties that you mentioned. 11:31
6 Yesterday Mr. Murphy gave evidence to the fact that the
7 because you were apprentices going to school,
8 effectively, albeit third level that you weren't
9 assigned duties in the same way that you would if you
10 were in the Army. He said the platoon leader would be 11:31
11 person who would come and tell you things like parades
12 are on at two o'clock, or whatever?

13 A. Yes, Ma'am.

14 160 Q. Can you explain to me the discrepancy or why there is a
15 difference between his recollection -- 11:31

16 A. There would be that as well. He would be given that
17 list anyway so he would come and kind of reiterate it
18 to you maybe. And the noticeboard might have been
19 something that the list might have been put on to later
20 on, or maybe the second half of our training because we 11:32
21 would have been doing armed guards at that stage.
22 While before that it was a lesser duty kind of doing,
23 initially when we went in first we weren't weapons
24 trained so we didn't do armed guards where we were
25 carrying a live weapon for the 24 hours. That would 11:32
26 have been into our second year and depending on your
27 age, even though I started doing armed guards when I
28 was only 17, I still wasn't -- and I shouldn't have
29 been doing them but those armed guards might have on

1 the list more so than the lesser duty of the gate,
2 which, as Larry referred to, they would have told you
3 as your platoon person, or whatever the terminology was
4 for it, you know, at the time. You know, that explains
5 it that you were becoming more of a -- regarded more of 11:32
6 a soldier, I suppose, when you were doing armed guard
7 -- so you might have been on that noticeboard, whereas
8 when you were only doing your gate duties in your first
9 year it mightn't have been put up on that noticeboard
10 at that time. 11:33

11 161 Q. Thank you. You say you went to the military doctor;
12 were you still a minor at that stage, can you recall?

13 A. I was, yeah. I would have been 17 at that stage.

14 162 Q. And can you tell me what exactly do you recall that you
15 told the officer? 11:33

16 A. I don't recall a whole lot. I would have told him that
17 I had been ran, you know -- we were just on the square
18 and that I was feeling sick or whatever. I think I had
19 a slight bit of heat stroke. It was a very hot day on
20 the day and I remember, I think it was actually one of 11:33
21 the privates that worked in the cook house, not an
22 apprentice, that was there and helped me up to the
23 billet after the whole thing was over. I don't know
24 whether he was watching it or saw the tail end of it
25 and saw that I was staggering and helped me up to the 11:33
26 billet. I would have told him what happened.

27 163 Q. Thank you. And, finally, you referred a number of
28 times in your evidence to being handed over into the
29 care of the State and you say it left a mark on you and

1 that you now left the military and that you had a
2 vested interest in where things go because of your own
3 son's interest?

4 A. Yes, Ma'am.

5 164 Q. Did you ever think of raising a complaint or informing 11:34
6 the State about what you have described as torture?

7 A. So, the Tribunal has provided counselling for us.
8 Counselling wouldn't have been something that I would
9 have been in a rush to engage in. I engaged in it with
10 another incident that happened in my life and I found 11:34
11 it of no use whatsoever. I found the fact that they
12 couldn't understand it, if you like, the Defence Forces
13 barristers while they know all the book work they don't
14 know the day-to-day feeling of being in the military.
15 They don't have a good grasp on that aspect of it. So, 11:35
16 I went to the counsellor and I told him the exact
17 story. And because of my age they said that it was
18 child abuse, an historic child abuse and then went to
19 Tusla about it and Tusla recommended it be reported to
20 the Guards. 11:35

21 165 Q. But did you yourself ever make a complaint as an adult?

22 A. This is the first time that I've been able to even get
23 this far in the whole thing. So as an adult now,
24 whether I decide to go down that route that is being
25 recommended to me is something that I'm going to have 11:35
26 to consider.

27 166 Q. Can I ask you, finally, what was your motivation in
28 coming to the Tribunal? What were you hoping to
29 achieve, bearing in mind what the Tribunal's Terms of

1 Reference stipulate?

2 A. Ehm, that's a good question. I suppose, while it
3 stipulates that it's about the complaints procedure but
4 it's taking into consideration the complaints
5 themselves and if they were abuse or whatever as well, 11:36
6 that's being given consideration obviously. The big
7 one was the whole thing that revolved around
8 Oliver Mullaney that it had to be spoken about and
9 we've basically waited 35 years to have our voices
10 heard. And I hope that in some way it will be taken on 11:36
11 board and that things will change in the military and
12 that a better system would be in place. And maybe even
13 for the likes of my young lad that something like this
14 will never happen to him again and if somebody does
15 bully him that he will be able to go to somebody and 11:37
16 they will take it on board and do the right thing about
17 it.

18 SOLE MEMBER: Thank you very much for your evidence,
19 Mr. Kennedy.

20 THE WITNESS: Thanks, Ma'am. 11:37

21 SOLE MEMBER: Does anyone have a question arising from
22 it? Okay thanks very much. Our next witness, please.

23 MS. PILLAY: The next witness is Mr. Brian Abernethy.

24 SOLE MEMBER: My apologies. The stenographer has asked
25 for a short break so if it's okay we'll just take a 11:37
26 ten-minute break. Thank you.

27
28 THE TRIBUNAL ADJOURNED BRIEFLY
29

1 THE TRIBUNAL RESUMED AS FOLLOWS:

2
3 SOLE MEMBER: Good afternoon.

4 MS. PILLAY: The next witness, Judge, is Mr. Brian
5 Abernethy.

11:51

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

9
10 167 Q. MS. PILLAY: Mr. Abernethy, as you are aware, the
11 Tribunal is investigating the effectiveness of the
12 complaints processes and the culture within the Defence
13 Forces in relation to complaints of abuse. It's 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. Where it is
18 necessary to refer to such individuals, you must do so
19 by using their rank or their pseudonym given to them by
20 the Tribunal. Do you understand that?

11:51

21 A. I do, yeah.

22 168 Q. Mr. Abernethy, if you can address your answers to the
23 Judge.

24 A. YES.

25 169 Q. I think you provided a statement to the Tribunal and
26 you also attended for two interviews with Counsel to
27 the Tribunal, is that correct?

11:52

28 A. That's correct.

29 170 Q. And, Judge, these documents can be found in booklet

11:52

1 part 3, at page 1845, and in booklet part 8 at
2 page 4648.

3

4 Mr. Abernethy, can you tell the Tribunal when did you
5 join the Defence Forces?

11:52

6 A. I joined on 5th September 1989.

7 171 Q. And I think you went on to serve 22 years in the Army,
8 is that correct?

9 A. That's correct, yes.

10 172 Q. And that included five overseas tours of duty?

11:53

11 A. That's correct, yes.

12 173 Q. And you served up until February 2012?

13 A. That's right, yeah, 28th February.

14 174 Q. 28th February. And I think before you joined the
15 Permanent Defence Forces you were in the Reserve Army,
16 is that correct?

11:53

17 A. That's correct. I was in the 1st Field Medical Company
18 so it was a medical FCA unit. We did various training
19 on first aid but also on keeping your uniform,
20 marching, things like that as well, yeah.

11:53

21 175 Q. You did various training including first aid and
22 keeping your uniform?

23 A. Yes. You were used a uniform which was, as a young
24 teenager you were very proud to have. I suppose my
25 brother had been in the FCA so I followed in his
26 footsteps. It was a big thing for the small village I
27 was in, a very proud military history, I suppose. You
28 know, it was a natural progression that all the young
29 fellas would go into the FCA and, you know, you'd be

11:53

1 proud to be there. You had pride in your uniform and,
2 you know, sometimes you'd be on the St. Patrick's Day
3 parades and things like that and you'd be proud to be
4 part of it. Looking well doing these parades.

5 176 Q. I think you were interested in an electrical 11:54
6 apprenticeship with the Army, is that right?

7 A. Yeah, yeah. So, I suppose, this was my third year
8 applying when I was accepted into the Apprentice
9 School. I'd applied two years previously, after my
10 Inter Cert at the time, but it was after my Leaving 11:54
11 Cert that I was finally accepted in.

12 177 Q. Very good. And I think you mentioned that there were
13 many applications for the Army apprenticeship, you
14 thought it was a very desirable post at the time?

15 A. Absolutely. well, I suppose, you have to remember it 11:54
16 was the end of the '80s as well and it was a bleak
17 enough time in Ireland work wise. And it was seen as a
18 great, like, obviously you were going to get a trade
19 but it was also within the Defence Forces so it was a
20 real proud moment to get that. At the time I believe 11:55
21 the number being bandied was that there was 5,000
22 applications for the post in the Apprentice School at
23 that time, yeah.

24 178 Q. Okay. And I think you were 18 when you started in
25 Devoy, is that right? 11:55

26 A. That's right, yeah.

27 179 Q. And you mentioned that you were doing well for a short
28 period when you started in Devoy Barracks?

29 A. Yeah. well, look it, I suppose, and it was brief but,

1 I suppose, I -- you know, I knew how to buff my boots,
2 get my uniform sharp-looking and the whole lot. So, I
3 suppose, that would make you stand out naturally anyway
4 at the very start. Where I was, also, extremely fit
5 starting the Apprentice School as well. I was involved 11:55
6 in, I suppose, football and hurling at home and things
7 like that as well. So, you know, naturally, you know,
8 I suppose, things were going okay. You would be out on
9 parade and, you know, everything would look well so,
10 you know, you got compliments on that initially, yeah. 11:56
11 180 Q. Okay. But you did say you weren't perfectly behaved as
12 a young apprentice, is that right?
13 A. I suppose, it's part -- part of this process, you know,
14 you kind of look back and you still blame yourself for
15 a lot of the things that happened. You kind of say, 11:56
16 but, like, when you say you weren't well behaved you
17 were a minute late for parade. You went to a nightclub
18 as an 18-year-old. It's not that we were going down
19 the town and wrecking the place or having fights, or
20 anything like that. We were going down to the chipper 11:56
21 and having chips, I think it was the Capri Grill in
22 Naas. And okay if we were late or if we met up with
23 somebody, or whatever it was, we weren't doing any bad.
24 But, unfortunately, it was picked on and it was treated
25 as if we had shot somebody. 11:57
26 181 Q. Okay.
27 A. Is about the only way of describing it.
28 182 Q. You referred to an incident there where you were in a
29 nightclub, so that was the once-off incident where you

1 Lt. B blamed me for taking the other apprentice out
2 because I was older than him. But we were confined to
3 barracks then for a period of time and then charged, I
4 believe, and we would have been confined to barracks
5 again then after that as part of the punishment, as far 11:59
6 as I know.

7 185 Q. Okay. And being confined to barracks, was that
8 difficult for an apprentice?

9 A. It was the worst, you know, I suppose it's hard to
10 describe the atmosphere there. Like, you were in a 11:59
11 constant state of flux. Like, you know, you get up in
12 the morning the first thing you were doing was you were
13 going down and you were having a parade before school
14 or, you know, as part of your morning training or
15 whatever. And you didn't know what way that day was 11:59
16 going to go from the very second. So it could be
17 something stupid. You know, they could pick something
18 out on your uniform, whether it was right or wrong but
19 they would just pick it out and then you were just
20 beasted after that. So this was constant. So -- 11:59

21 186 Q. I'll just go back to that confinement to barracks.
22 That was your first confinement to barracks when you
23 were discovered in the nightclub?

24 A. I'm not sure. I'm not sure.

25 187 Q. I think you mentioned that they whole, and maybe the 11:59
26 whole platoon or a large number were confined to
27 barracks as a result of you being discovered in a
28 nightclub?

29 A. Yeah, they did that where, you know, they'd do a group

1 punishment because of somebody's indiscretion and this
2 was the means of getting people to turn on you. That
3 they'd be pissed off with you that they were being kept
4 in, or whatever, you know. It was unfair on them. I'm
5 conscious, I suppose, you know, it could have been a 12:00
6 lot worse like, you know, the lads were very -- I
7 suppose, they knew if it wasn't me it was going to be
8 the next lad so it was just one of these things and we
9 just got on with it, you know.

10 188 Q. And do you know how many of the platoon were confined 12:00
11 to barracks as a result of that incident?

12 A. Well, if it was the platoon it would have been 50 guys
13 probably.

14 189 Q. So the full 34th Platoon?

15 A. I would have thought so, yeah. 12:00

16 190 Q. And I think during this period of confinement that you
17 requested to go to an event outside, your Debs?

18 A. Yeah, so my Debs was coming up at the time. I think it
19 was possibly the following weekend. I hadn't a
20 girlfriend at the time but I had a good friend down 12:01
21 there that was in my class so we'd said we'd go
22 together. So she'd organised her dress, the usual
23 thing. Probably -- I can't tell half the things that
24 she probably had to do. But I -- yeah, look, I ordered
25 a kind of suit, I just gave the general sizes and all 12:01
26 that kind of thing. And I requested, 'Look, I know I
27 fecked up but this is my Debs is there any chance I
28 could go?' Kept asking during the week, nothing, no
29 answer, no answer, no answer. Then, finally - I think

1 the Debs was on the Saturday night and at 12 o'clock
2 that day I was told I could go to my Debs but I'd have
3 to be back in the barracks early the following day.

4 191 Q. Did that present any difficulties?

5 A. Of course, it did, sure, like, none of us had cars so, 12:02
6 you know, you were reliant on public transport, which
7 doesn't run with the same regularity as it does now.
8 So, I was never going to make it on time for the Debs
9 at that stage. I'd already told the girl, 'Look, this
10 isn't going to happen,' you know. I told her earlier 12:02
11 on in the week, 'You know, it's not going to happen.
12 I'm not going to make it down.' But I went home
13 anyway.

14 192 Q. Where did you have to travel to, just to be clear?

15 A. Cork. 12:02

16 193 Q. To Cork from Naas?

17 A. Yeah. Well, North Cork, Kilworth, to be exact.

18 194 Q. And who granted you permission, in the end, at that
19 time to go?

20 A. I assume it was a combination -- I can't remember 12:02
21 clearly but I assume it was a combination between
22 Lt. 2B and the CS I would imagine.

23 195 Q. I think you mentioned after this you did have other
24 issues which often started at parading with 2nd Lt. B?

25 A. Yeah. 12:03

26 196 Q. Can you tell the Tribunal about those issues?

27 A. I suppose, you know, there was things there, I suppose
28 even from my time in the FCA, the first thing we were
29 taught was pride in your uniform and the whole lot.

1 Look, I knew the problem with is once you get in
2 trouble your head's above the parapet, you're
3 absolutely a target. There was one instance where I
4 knew there was an inspection coming up, No. 1s
5 inspection so I said, right, everything is going to be 12:03
6 100%, boots were bulled, I'd a crease in my uniform,
7 shirt was washed, cleaned, perfect, tie tied properly.
8 And even when we came out of the billets we used to
9 check each other off just to make sure everything was
10 right. So we went out totally comfortable that it was 12:03
11 right. And Lt. 2B came over, stuck his fingers down
12 the side of my shirt and rubbed the outside of the
13 collar with his thumb and smudged my shirt and then
14 told me that my shirt was dirty. So, you know, at that
15 stage I was kind of thinking, 'what's the point here?' 12:04
16 You couldn't say to them, 'No, you just did that.'
17 You'd be absolutely murdered. Or else if you said it
18 wasn't, he'd turn around and say, 'Are you calling me a
19 liar?' You know, so you were backed up into a corner
20 and you had nowhere to go. That was, again some 12:04
21 repercussions, I can't even remember exactly what the
22 repercussions for that one was.

23 197 Q. And just in relation to the shirt, that happened on one
24 occasion, was it?

25 A. Yeah. That was on one occasion in particular, yeah. 12:04

26 198 Q. And you think you mentioned that there was similar
27 incidents with your boots?

28 A. Yeah. So you could be out on parade and I remember one
29 in front of the Orderly Room, we were just walking up

1 along the thing, just come up and just stand on your
2 buffed boot, you know, so it would scratch the front of
3 them and then say your boot is scuffed. And again
4 you're kind of going, what the hell am I supposed to do
5 here? You're just caught. You're in the hands of a 12:05
6 tyrant that can just do what he wants and nobody's
7 pulling him on it.

8 199 Q. And would there be any repercussion for you if your
9 boot was scuffed or your shirt was smudged?

10 A. Oh, yeah, you could be pulled out for parade then or it 12:05
11 could be dirty detail or more confinement, or whatever.
12 I can't remember the exact details but I would imagine
13 it was confinement again.

14 200 Q. There was also issues that you mentioned in your
15 statement and interview about weekend leave and how 12:05
16 that was handled by your superiors?

17 A. Yeah. I suppose we spoke about it briefly. The only
18 relief you got when we were in Naas was when you got
19 out of there, you know, when you got to get home so
20 that you could just could down. You were just on edge 12:06
21 constantly when you were there. You'd be looking
22 forward so much to your weekend but you were never
23 guaranteed it. You know, you were always being told --
24 you might be told on Wednesday, yeah, you're getting
25 it, but you didn't know that till you were outside the 12:06
26 gate. And even beyond it, until you were on the bus
27 and gone.

28

29 I remember going down to the gate one time and we were

1 all pulled back but there was lads actually outside the
2 gate where the bus was and they were called back in.
3 So they were actually outside the barracks and pulled
4 back in and told, 'You have to get back up there
5 again.' 12:06

6 201 Q. Just to be clear, so this is when you thought you had
7 weekend leave and you would be going on your weekend
8 leave and at the gate?

9 A. Yeah, you'd have bags packed and your bags over your
10 shoulder, you were looking forward to the weekend and 12:06
11 next thing you'd just get pulled back up again.

12 202 Q. Then this sudden revoking of the weekend pass at the
13 gate, how often might that have happened in your time
14 there?

15 A. At the gate a number of times, particularly in the 12:06
16 first two years. There was a good number of times.
17 But it wasn't just at the gate, like, it was the not
18 knowing, you know. So, they were probably the more
19 extreme elements of it where you're down there, you're
20 looking forward to going home with your bag packed and 12:07
21 then you have to go back up. But there's the other one
22 where they'd play games with you and you'd be waiting
23 could you get off, would you be going home? And then,
24 you know, they'd say, 'It's pending an inspection on
25 Friday morning,' you know. And you just didn't know. 12:07
26 So you couldn't make plans. And, like, this wasn't --
27 this wasn't a recruit training, this wasn't a couple of
28 weeks, this was two years of our lives that we were
29 living like this. Absolutely being treated like, you

1 know, second class citizens that, you know -- like, it
2 felt more like a penal colony than it did a training
3 facility. It really did, you know.

4 203 Q. You've mentioned about being confined to barracks, was
5 that a more serious punishment than the weekend leave 12:08
6 pass being revoked?

7 A. Yes. I suppose, you could have your weekend leave pass
8 revoked but be allowed to go down the town maybe, but
9 with confined to barracks you couldn't go outside the
10 gate. 12:08

11 204 Q. Over your three years you previously said that you
12 think you had in excess of six months confined to
13 barracks?

14 A. I think so, yeah, over that period of time. See, I
15 suppose, my experience anywhere else is if you were to 12:08
16 charge you'd wait your charge, you'd get your charge
17 and whatever the punishment was that's what it was,
18 right? But here you were confined to barracks until
19 you got charged and then you got charged and you got
20 your confined to barracks sentence and then you did 12:08
21 that as well. So, like, there was times there that I
22 was confined to barracks for three weeks at a time, you
23 know, where you couldn't go outside the gate. And, you
24 know --

25 205 Q. You referred to charges there and just so the Tribunal 12:09
26 understands; what might you be charged over?

27 A. Ehm, you know, the uniform not being up to standard.
28 AWOL. And that kind of ranged from anything from being
29 a couple of minutes to -- but that there was once, I

1 think maybe twice that I didn't come back till the
2 following morning. There was one time that I just
3 couldn't, you know, I couldn't bring myself to get on
4 the bus. It's as simple as that. I couldn't get my
5 head around it. 12:09

6 206 Q. And do you know who was involved in preferring these
7 charges?

8 A. Ehm, so I suppose the more serious ones would have been
9 the Company Commander but there was a lot of kind of
10 spurious ones that they would have been up front of 12:09
11 Lt. 2B and he was dishing out whatever he felt
12 appropriate himself.

13 207 Q. I think there was a period of time when you were at
14 Devoy Barracks when you were in fear of an assault and
15 you refer to this in your statement and interview? 12:10

16 A. Yeah.

17 208 Q. Can you tell the Tribunal about that?

18 A. Yeah. So, look, I suppose, the actual timeframe I'm
19 not quite sure of but I do recall that Lt. 2B gave an
20 order to the platoon to take me around the back of the 12:10
21 billets and sort me out.

22 209 Q. And who told you that, Mr. Abernethy?

23 A. The lads said it living around me, you know, the
24 apprentices that were -- like, you have to understand
25 what a billet looked like, I suppose. Like a billet 12:10
26 might be the size of this room and there was two of
27 those, but you'd have two lots of beds facing each
28 other and, like, there was one apprentice beside me and
29 he wasn't the prettiest-looking thing but he was only

1 about less than a metre away from me so you were that
2 close to each other. So, you know, you'd be talking
3 afterwards and they did mention about this and they
4 said, 'He's after telling us to take you around the
5 back and sort you out,' you know. And, you know, 12:11
6 that's a hard thing to hear for a young fella, you
7 know. You're 18, 19 years of age and there's this
8 officer ordering the platoon to attack me, basically.
9 okay? I didn't sleep well. I didn't sleep at all
10 probably for a week after that. You know, okay now 12:11
11 looking back on it I'm proud to say that the quality of
12 the lads that were there that it was never going to
13 happen. But at the time, like, I didn't know. And,
14 like, I was wrecked. I was an emotional wreck from it,
15 to be honest with you because you just didn't know 12:11
16 whether something was going to happen. You didn't know
17 whether you were going to get dragged behind something
18 during the day or, like, Full Metal Jacket that they'd
19 just come and grab you in the middle of the night out
20 of your bed and do something to you, you know. 12:12
21
22 I know now that was never going to be an option with
23 the quality of the guys that were there but, you know,
24 it didn't help at the time. Certainly not.
25 210 Q. But you didn't know at the time whether it was going to 12:12
26 happen?
27 A. No, no.
28 211 Q. And then these different problems that you've outlined
29 to the Judge, can you tell the Judge how that affected

1 you at the time?

2 A. well, look, a lot of the things -- you know, certain
3 things, you'd be running down for parade and there
4 might be a guy just in front of you and he's allowed
5 join the parade and you're pulled back because you're 12:12
6 the target and then you're absent from the parade
7 because you weren't there, even though there might only
8 be a metre between the two of ye, you know?

9
10 There was the uniform, even after going out of your way 12:12
11 to make sure your uniform was right and it gets defiled
12 by somebody. Your boots, the same thing. And like I
13 knew how to shine my boots. They said that they were
14 all scuffed. The first thing we did when we went back
15 to the billet was you'd put your No. 1 boots which was 12:13
16 the shiny boots, you'd put them in, and you'd put
17 something over them to protect them to make sure that
18 they'd never get damaged. So you wouldn't have to do a
19 whole lot of work on them for the next parade. So they
20 weren't scuffed going out on parade, they were scuffed 12:13
21 on the parade by him.

22
23 I suppose the problem is, you can only go through so
24 much of that before you kind of say, 'what's the point?
25 You know, what am I doing here? Every time I try to do 12:13
26 something, it just gets knocked back.' And, you know,
27 the more you try to make it better, the worse it got
28 nearly, you know.

1 Like, I heard earlier there that we were extremely fit
2 so whatever punishment they could try to dig out that
3 way, they couldn't keep up with us. So it would be an
4 option of either standing in the middle of the square
5 and having us running around in circles, or out on the 12:14
6 road and making us go up and back and up and back
7 because they couldn't keep up with us.
8

9 But, I suppose, it just turned you against the Army is
10 the only way I could describe it. It made you feel 12:14
11 that this was an environment where no matter what you
12 did, you couldn't get up. You couldn't get better.
13 They always had their foot on your head, effectively,
14 you know, keeping you down.

15 212 Q. whilst you were in the Army Apprentice School, did you 12:14
16 ever complain to ever of the officers or the senior
17 NCOs about any of these issues?

18 A. Not a notion of it.

19 213 Q. Say that again?

20 A. No, not a notion of it. 12:14

21 214 Q. Okay. And can you explain to the Tribunal why not?

22 A. Ehm, all these people were there, they were there in
23 different forms. So they might not have been there
24 physically at a particular time but then they all knew
25 who was going on. They all saw it. They all saw 12:15
26 lads -- like, you didn't have to ask a question, there
27 was a young fella sitting up in the billet on a
28 Saturday on his own and they didn't seem to ask a
29 question or wonder why, or never questioned anything

1 that was happening. The haircuts. Everything else.
2 The cigarettes. A bloody photograph taken of the
3 cigarettes, you know, and nobody questioned anything.
4 So, who were you going to complain to? Honestly, like,
5 who could you complain to? And if you did, the fear 12:15
6 was - and it was a genuine fear - that if you did
7 complain it would come back on you but not just you, it
8 would come back and the whole platoon would be punished
9 for it. And that's the way that they worked.

10 215 Q. And in relation to the incident, you mentioned 12:15
11 haircutting and incidents with cigarettes, I don't
12 think you witnessed any of those incidents, is that
13 right?

14 A. The haircutting would have been on the parade but I
15 don't recall it well enough. And I spoke before that 12:16
16 anything that I don't recall clearly I haven't attested
17 to because I don't want to do wrong by the Tribunal
18 either. And likewise with the cigarettes, I have a
19 feeling that I was there but I can't remember it. In
20 good conscience I can't claim that I remember it. 12:16

21 216 Q. Mr. Abernethy, in relation to Mr. Traynor, I think at
22 the time you were not aware of complaints being made by
23 him but you knew that there was something going on, is
24 that fair to say?

25 A. Well, I wasn't aware of an official complaint. Like I 12:16
26 knew -- look, the guy was in a bad way, you know. Like
27 he'd been treated horrifically by people that were
28 supposed to be training us. And we all saw it. Like,
29 you mightn't see what actually happened but you saw the

1 effect of it, you know, and you saw how the person was.
2 And, you know, if we saw it, the NCOs and the officers
3 surely saw it. And nobody did a thing about it, you
4 know.

5 217 Q. Were you after asked for a statement by any officer or 12:17
6 NCO about what had happened with Mr. Traynor?

7 A. Nothing. Nothing. Look, it's 35 years ago but from my
8 recollection, no.

9 218 Q. And, Mr. Abernethy, I'm just going to move on to 20th
10 June, the Thursday night events? 12:17

11 A. Okay.

12 219 Q. So you described in your statements the events leading
13 up to death of your friend, Mr. Mullaney. Can you tell
14 the Tribunal about that night and that day?

15 A. So, it was a particularly tough day on the ranges. I 12:17
16 suppose, it's not like ranges that you'd normally
17 experience in the Army, you know, there's certain
18 protocols that would be taken to, that, you know, to
19 ensure the safety of people, you know, but we were ran
20 like lunatics around that range, you know, and just 12:18
21 absolutely treated extremely poorly. Came back then
22 and later that evening then, I suppose there was
23 certain parts I wasn't at up in the billet because I
24 was down in the dining hall. We had to do -- there's
25 certain groups had to look after the dining hall at 12:18
26 certain stages but we were trying to sneak up the back
27 but we got called and pulled into the circle and part
28 of the beating then that was going on that night in
29 front of the Guard Room. It was terrible. Like, they

1 were just going from person to person. Ironically,
2 that night I don't think I got anything, which was a
3 surprise. But, you know, they were stopping on people,
4 they were mocking their appearance, mocking this, that
5 and the other. But I remember they stopped with Ollie. 12:19
6 I'm sorry now, I'm conscious there is family members
7 here as well. But they treated him so poorly. It was
8 a disgrace. It was an absolute disgrace how they
9 treated him, you know. Like, you think about the first
10 thing that you're taught about the Army and it's 12:19
11 respect for the uniform and here are thugs grabbing his
12 beret and turning it sideways to make it look like a
13 flat cap and calling him a farmer and he had 'no
14 fucking business in the Army' and to 'feck off back to
15 Leitrim.' So that's what we were dealing with. And 12:19
16 that's what Ollie was dealing with.

17
18 And Ollie was probably one of the nicest guys in the
19 world that you'd ever meet. Really was. There was
20 always a smile on his face. But he was a quiet kind of 12:20
21 guy. And he took that on board hike like a
22 sledgehammer. Took it on board like a sledgehammer.
23 And I don't care what anybody says that caused what
24 happened two days later. I don't care what findings.
25 I don't care whether this Tribunal can find anything to 12:20
26 do with it, that's what caused it two days later.

27 220 Q. Mr. Abernethy, using their pseudonyms can you tell the
28 Tribunal the two officers you're speaking about?

29 A. Okay, so there's Lt. 2B and then there was Lt. A.

1 Maybe it ws Lt. 2A, I'm not too sure.

2 221 Q. A lieutenant was the second person?

3 A. Yeah.

4 222 Q. You mentioned in your statement that you cannot say
5 what happened in the subsequent days because it was a 12:20
6 blank. So is it unusual for you to have a memory blank
7 like that?

8 A. No, it's not. Look, I've tried. You asked was I
9 interviewed after. I just don't remember. It was a
10 haze, you know. Like after we hearing what happened to 12:21
11 ollie on that Sunday, Sunday night when we got back, we
12 were all in shock, you know, just didn't -- you
13 couldn't make sense of it, you know. Like, you knew
14 why but you couldn't -- like, one of your buddies that
15 was there on Friday night wasn't there anymore, you 12:21
16 know. And, I suppose, realistically I'd say just part
17 of me blanked certain elements of those following days
18 out. I just, you know -- I just can't recall, you
19 know. We were talking about being pulled into a Rec
20 Room. I don't even recall that. Silly things like 12:22
21 that, you know. But I was just in survival mode, I'd
22 say, at that stage, you know. Like we were kids. We
23 were still only kids, like. And that's the thing. I
24 know I was one of the oldest in the platoon, but I was
25 a 19-year-old. I'd done my Leaving Cert. For me a big 12:22
26 trip out was going to Dublin for the All Ireland or
27 something like that. But I'd never been anywhere. I'd
28 done some Mickey Mouse summer jobs but I'd never
29 experienced life and I certainly didn't expect or

1 experience what I experienced in Naas, you know. So,
2 yeah, I couldn't remember. I just couldn't remember
3 those days afterwards.

4 223 Q. And I just want to be clear in relation to the officers
5 that you mention that were present on the Thursday 12:22
6 night, were they the same officers that were present at
7 the ranges on the Thursday during the day?

8 A. Would have been, yeah. I think.

9 224 Q. And you said that you knew why what happened to
10 Oliver Mullaney happened, as in the Thursday night, you 12:23
11 made that connection. Do you think that connection and
12 that view was shared by other members of the platoon?

13 A. I think the whole platoon felt the same. Being honest
14 with you, I don't think there was a doubt in their
15 mind. Look, as I said before, you never know what's 12:23
16 going on in people's lives but, you know, there's a
17 straw that broke the camel's back, as they say, and
18 nobody what was going on nobody deserved to be treated
19 like he was treated that night. And it certainly was a
20 major contributory factor to his passing. 12:23

21 225 Q. You said in your first interview that you were told not
22 to say anything about a suicide or his family would not
23 get insurance. Is that something you remember being
24 told?

25 A. I remember them saying -- I can't remember exactly who 12:23
26 but I do recall them saying it. It was said a number
27 of times. It wasn't just said once or twice but it was
28 said and, you know, we were told -- look, we were
29 conscious, I don't know, was it CAFNBO or GANBO, or

1 something like that, was the insurance thing. But, you
2 know, if we said that it was suicide and that got out
3 that the family wouldn't get the money.

4 226 Q. And did that stop you talking about suicide. Do you
5 think that affected you. Conversations about it? 12:24

6 A. I suppose we talked amongst ourselves. We knew what it
7 was, you know. But, I suppose, where this was being
8 said was don't say it to anybody else. Don't say it
9 outside. Don't say it to -- I assume they meant don't
10 say it to any Military Police as well. I'm not putting 12:24
11 words in their mouth but, you know, I assume that's
12 what they were referring to, 'Don't talk to any
13 external factors because it may affect the family
14 getting paid.'

15 227 Q. That's what you understood that reference to be about? 12:24

16 A. Yeah.

17 228 Q. And did you talk to any Military Police about what
18 happened to Mr. Mullaney?

19 A. No, I don't think so. Again, if I did, I have no
20 recollection of it. 12:25

21 229 Q. Do you recall being asked by any superior rank about
22 what had happened to Mr. Mullaney?

23 A. Again, not tomorrow I remember.

24 230 Q. Just to be clear again, did you ever complain about the
25 treatment on the Thursday night, or the connection to 12:25
26 Thursday and Saturday?

27 A. No, I did not, no. And, I suppose, going back, I
28 suppose - and I said it when we were on the parade,
29 it's a shameful thing for me but at the time I was just

1 happy it wasn't me that was getting it. And that's a
2 huge point of shame for myself, you know. You know, I
3 was one of the oldest, I should have spoke up but I
4 didn't have the balls to do it, you know. And that's
5 hard to live with.

12:26

6 231 Q. Mr. Abernethy, you mentioned in your statement or
7 interview that a young lieutenant should never have
8 been given the freedom to run riot on a platoon of
9 young apprentices. Can you explain that?

10 A. Yeah. I suppose, look, my time -- sorry. My time
11 after Naas was a different environment and I was very
12 fortunate to serve in a good technical unit where
13 everybody was treated with respect. In fact we were
14 all from the CO down to the private, we were all
15 treated as colleagues. To be fair, most of us were on
16 first-name basis. You might call them sir but you did
17 because you respected them. And they treated you with
18 respect and they respected your opinion and your
19 technical ability as well.

12:26

12:26

20
21 But I do remember, like, if any young lieutenant used
22 to come in, would come into the barracks and if they
23 acted like that, I know for a fact that the CSSs that
24 were there would pull him aside and say what the hell
25 do you think you're doing? You can't do that, you
26 know. You need to treat these boys properly, you know.
27 And that didn't happen for us in Naas. Nobody did.
28 And that was the problem.
29

12:27

12:27

1 Had his wings been clipped early, we might not be here
2 at all and that's the sad thing about it, that nobody
3 took action. And there's an old saying, evil exists
4 when good people do nothing, and that's exactly what
5 happened. Nothing was done. Turned their back on it. 12:27
6 Nobody was aware. They were all aware. They all knew
7 damn well what was going on there. But they did
8 nothing about it. And nobody pulled them. Remember,
9 he had his 21st in Naas. That's the age of a person
10 that we're talking about now. And he was allowed do 12:28
11 what he wanted with impunity, and nobody within Naas
12 was pulling him on it. Eventually, there was some -- I
13 believe from reading transcripts, I wasn't aware at the
14 time but I believe he was paraded thereafter or while
15 he was in Naas. But then what came of it? Nothing. 12:28
16 He was still there. You know, he was still allowed do
17 what he -- because if he -- I think the timeframes that
18 they were talking about, that was before June 1991, and
19 nothing changed. So what was the effectiveness of that
20 parading? You know? Nothing changed. 12:29

21 232 Q. Mr. Abernethy, I'm just going to ask you about your
22 training in Devoy Barracks and what you remember about
23 that now.

24 A. Sure.

25 233 Q. I think you do recall reading of the Acts taking place 12:29
26 when you were in Devoy Barracks?

27 A. Yeah. I suppose, there was some readings, right. I've
28 a memory of the CS reading on high legal speak. That's
29 the only way I can describe it, sorry to your

1 profession. But this is what it was. Now, you can
2 imagine that to a 16-, 17-, 18-year-old. It was just
3 straight over our heads. Straight over our heads. We
4 were standing there. All we were thinking of was
5 what's going to happen next, or whatever. So they read 12:29
6 these but there was no training. This wasn't training,
7 this was something being read aloud and that was it.
8 But there was no checking for understanding. There was
9 no testing of knowledge thereafter, you know, this was
10 just some proclamation, you know, that we were just sat 12:30
11 there for, you know.

12 234 Q. And do you remember the ranks of the people who
13 performed the reading of the Acts?

14 A. Well, my memory -- I suppose, the one memory I have of
15 it was the CS reading it out. I don't recall other 12:30
16 ones, to be honest.

17 235 Q. And you were asked in your second interview about
18 Lt. Ryan, when he took over as platoon commander and
19 whether he read the Acts and may have done so in
20 ordinary language also and you said you wouldn't 12:30
21 disagree with that, you think that's something he might
22 have done?

23 A. Yeah. So, I suppose, I don't have the memory of him
24 reading the Acts but I just, based on the person
25 himself and, you know, I did get the sense that this 12:30
26 guy was genuine, he was a good guy. He was there. He
27 was trying to make it better. The problem he had with
28 us was that we were so far gone at that stage, it
29 didn't matter what was read. You know, it didn't

1 matter what he did because we'd been abused for two
2 years. And that was psychologically. That was
3 physically, you know, everything. Look, God bless him,
4 he tried. He tried to get us on board and he was a
5 nice guy. That's what I meant, he would be the kind of 12:31
6 person that would try and explain something to you, I
7 suppose, but I don't have that recollection of him
8 actually talking about particular DFRs, no.

9 236 Q. I think you said in your interview that you do recall a
10 noticeboard in Devoy Barracks? 12:31

11 A. Yeah. And there was one or two down by -- there was a
12 company office and an Orderly Room. I think there was
13 small little ones. Now, they wouldn't be much bigger
14 than the sign there (indicating) maybe a tiny bit
15 bigger but that was it, you know. So, yeah, and you 12:32
16 could have maybe the duties posted there or whatever
17 then like, you know, or on a noticeboard.

18 237 Q. Okay. And do you recall any complaint processes being
19 posted on the noticeboard?

20 A. I don't. I'd like to pay the person that read those 12:32
21 because when you were down -- these were on the square,
22 remember now, right? So, the Orderly Room was there
23 where Lt. 2B would be hanging out and the CS and the
24 Orderly Room was on the other elevation and that would
25 be the administrative side of the barracks. I suppose, 12:32
26 even when we used to be going for food we used to run
27 down the back of the billets to avoid it. We used to
28 call it sniper's alley. Because there's no way
29 somebody would nonchalantly go over to the noticeboard,

1 stick their hands in their pockets and go read DFRs for
2 fear of what you'd get. Because you'd get shouted at,
3 or, you know, you'd get caught for something. So you
4 were never anywhere near it. You would try to avoid
5 that place as much as possible. It was only out of 12:33
6 necessity, and usually in the evening that you would go
7 over and you'd take a look and see whether you were on
8 duty or not and that was it, you know. So I couldn't
9 tell you what was up on that board, to be honest with
10 you. There was some typed stuff but I hadn't a clue 12:33
11 what it was.

12 238 Q. From what you're saying then you didn't learn about the
13 complaints processes from the noticeboard or from the
14 reading of the Acts?

15 A. No. They may well have read out anything to do with 12:33
16 complaints but I had no understanding of it thereafter.
17 So there was no learning, you know. And, I suppose, I
18 do a lot of training to people within my profession and
19 you have to, you know, ensure that, you know, that
20 communication has been completed. And that wasn't the 12:34
21 case. This is just some read-off or some notice thing
22 putting it up on the board. But one thing I'd like to
23 say is; I think my colleague mentioned it earlier on,
24 there was 1500 pages of DFRs and yet 35 years later
25 everybody seems to be so sure and adamant that that one 12:34
26 section that this Tribunal is interested in was
27 definitely up there. How plausible is that?

28 239 Q. Mr. Abernethy, did you understand, when you were in
29 Devoy Barracks, how to go about making a complaint of

1 abuse?

2 A. Hadn't a clue. I hadn't a clue. And, I suppose, by
3 right you're point of contact should be your CS, you
4 know. But that was never going to happen. Because
5 where was the CS going to go? He'd go up to Lt. 2B. 12:35
6 'There's been an issue here now. We'll discuss this.'
7 And then what was going to happen? It mightn't be over
8 that but your next parade, you were done, you know.
9 So, absolutely, I had no intention ever of making a
10 complaint in that place. All I wanted to do was 12:35
11 survive it.

12 240 Q. And can you tell the Judge when did you learn about the
13 Redress of Wrongs procedure, do you know?

14 A. It was after I left Naas. I suppose, I would think
15 that it was when I was in Clancy Barracks. And it's 12:35
16 not that I learnt of it but I was aware of people who
17 had taken cases of Redress of Wrongs for the likes of
18 somebody getting overseas in front of them or a
19 promotion ahead of them, or something like that. So I
20 was aware of it, not quite fully sure of the process 12:36
21 but, you know, I knew it was there and that you had to
22 apply, I don't know whether it was to the GOC or who,
23 or the CO, I'm not too sure. But there was that
24 process there, yeah. And I was aware of it then at
25 that stage, yeah. 12:36

26 241 Q. And Clancy Barracks, was that long after you left Naas?

27 A. No. So, I suppose when we left Naas we did our Three
28 Star course in Cathal Brugha Barracks and then we were
29 posted to our various units my home unit would have

1 been 3rd Garrison Ordnance in Cork but you then went up
2 to do your year training in the trade. So, because of
3 the nature of the trade I was doing and because I was
4 in Ordnance we went to Clancy Barracks where we did
5 further training on radioactive equipment which is 12:36
6 radiation detection equipment, optical equipment and
7 robot maintenance for the bomb disposal and stuff like
8 that as well. That was concentrating then as well as
9 part of our fourth year. But I wound up staying or
10 applying to stay in Clancy then. I met somebody and I 12:37
11 had intended in staying in Dublin then at that stage.
12 So I gave ten years in Clancy Barracks then after that.
13 242 Q. Okay. And then you stayed in the Army for nearly
14 20 years after Devoy Barracks.
15 A. Mm-hmm. 12:37
16 243 Q. Do you think that things improved in relation to
17 informing persons about systems for complaining about
18 abuse?
19 A. Yeah, look. I suppose, you know, you saw the likes of
20 the PSS system certainly coming in and there was 12:37
21 efforts being made. I'm not going to deny that. There
22 was efforts being made. They were trying to make the
23 place so much better and, you know, the idea of it was
24 that there was a point of contact. I suppose it's
25 flawed to a certain extent because the point of contact 12:38
26 is still within the barracks so you'd always have that,
27 I suppose, apprehension that if you say something, is
28 that going to be discussed over coffee, you know, with
29 the guys down in the mess thereafter, you know? But,

1 you know, there was efforts being made for the positive
2 to improve people's lives within the Army, yeah, and
3 about, you know, how to, I suppose, maybe how to make a
4 complaint. I still don't really recall an official
5 training on making a complaint, you know. I suppose 12:38
6 you'd learn it, like, you know, you'd learn it within
7 the unit and at the time if you felt wronged you could
8 go to the CO and then say, 'Hold on now, your man's
9 getting overseas before me,' or whatever. You know, a
10 lot of the time it would get sorted out without any 12:39
11 setting like a the Redress of Wrongs, they would review
12 it and then go, 'Look, fair enough he was overseas two
13 years ago, it's his turn,' or whatever. Whether I got
14 official training, I don't recall if I ever got one
15 officially, no. 12:39

16 244 Q. Can you tell the Tribunal why did you provide a
17 statement to the Tribunal? why did you come here?

18 A. It's a hard one. And it's a funny one and I'd like to
19 give analogy, I suppose. Last Sunday was Father's Day,
20 right. I was at a concert with my 19-year-old son. It 12:39
21 was Metallica - don't judge me! But the following day
22 I was remembering another 19-year-old, who didn't get
23 to enjoy those things. And, I suppose, you have all
24 these learned colleagues who will question our motives
25 or question, you know, some of our statements or play 12:40
26 with words and things like that. We've nothing to gain
27 here. We came here because it was the right thing to
28 do, to let people know what was happening. And I know
29 it's not to be adjudicated whether it happened or

1 whether there was a wrongdoing or not, but it was only
2 right -- and I said it to my partner the other day that
3 that I will go to my grave that little bit easier
4 knowing that I took part in this process.
5 MS. PILLAY: Thank you, Mr. Abernethy, my Friends may 12:41
6 have some questions.
7 THE WITNESS: Okay.
8
9 MR. BRIAN ABERNETHY, WAS CROSS-EXAMINED BY MR. MARRON
10 AS FOLLOWS: 12:41
11
12 245 Q. MR. MARRON: Mr. Abernethy, I had quite a few questions
13 for you but you'll be delighted to know that a lot of
14 them have been answered.
15 A. Okay. 12:41
16 246 Q. But, I suppose, I'll just start with one and just what
17 do you do -- you had a long career in the Army,
18 23 years and what do you do now?
19 A. So I work as a safety manager for an international
20 engineering firm so we're working on a large-scale 12:41
21 132 million expansion project on a pharmaceutical site
22 in Cork.
23 247 Q. And you would have a number of people reporting to you?
24 A. Yeah. So I'd have three direct reports and then a team
25 of safety advisers and then underneath that maybe ten 12:41
26 directly.
27 248 Q. I'm assuming that involves a lot of training?
28 A. Yes.
29 249 Q. Just your view now is informed by the way you train

1 people?

2 A. Very much so, yes.

3 250 Q. And just I note that in your statement you say whatever
4 about what you recall, you certainly weren't aware as a
5 consequence of a procedure for making a complaint? 12:42

6 A. It was all, like, I suppose, again, people may state
7 that they communicated this but I certainly was none
8 the wiser of any complaints process as a consequence.

9 251 Q. Very good. Very good. In the course of your evidence
10 you actually mentioned something about the age of 12:42
11 2 Lt. B and you said that he actually had his 21st
12 birthday party in Devoy Barracks?

13 A. Correct, yes.

14 252 Q. Do you want to just tell us about that and how you know
15 that? 12:43

16 A. Well, we got invited, the electricians class. Sorry,
17 we'd been messing with our class teacher, okay, it went
18 too far, we all put our hand up and said the banter
19 went too far and he reported us, he said he wasn't
20 happy with it and that's fair enough. So we were kept 12:43
21 in that weekend. Conveniently, there was a 21st on in
22 the Officers' Mess that night. I think it may have
23 been the Saturday night. So we were over there to
24 clean up, collect glasses and all this kind of thing
25 inside in the Officers' Mess. And, I suppose, it was 12:43
26 nearly embittering really because there we were being
27 told that we couldn't go and have a drink and yet there
28 we were mopping up people's vomit from the dance floor,
29 or the floor where they were dancing in the Officers'

1 Mess. I believe somebody went head first in the cake.
2 And these, again, I've an assumption that the vast
3 majority of these would have been officers, you know,
4 and guests. But, you know, here we were being held to
5 a standard for three years of our lives, as young 12:44
6 teenagers and here was these people behaving like
7 animals inside in the Officers' Mess and we having to
8 clean up after it.

9 253 Q. After Devoy, I think you went to Clancy Barracks, is
10 that correct? 12:44

11 A. That's correct, yes.

12 254 Q. And I know you've talked a bit about that but can you
13 tell me what happened when you arrived there? I think
14 you said in your statement that you were confined to
15 barracks at first? 12:45

16 A. No, that wasn't Clancy.

17 255 Q. Sorry, that was when you went to?

18 A. When we went to Cathal Brugha Barracks.

19 256 Q. My apologies.

20 A. So, I suppose, straight after Clancy or straight after 12:45
21 Naas we would have had to go do our Three Star course.
22 So we went up there. Got in the gate and the training
23 NCOs informed us that we were confined to barracks.
24 And this was unheard of, like, they had never even
25 heard of this. 12:45

26 257 Q. And were you told why?

27 A. No. Afterwards they mentioned, you know, that word had
28 come up that there was a shower of troublemakers,
29 basically, coming up to the Three Star course.

1 258 Q. And how did you get on on your Three Star course?
2 A. Look, it was tough, you know. But that was nothing to
3 us. We were super fit at that stage, tough wasn't an
4 issue. We'd been through -- we'd been through the Two
5 Star, the equivalent of the Two Star course I would 12:46
6 imagine two or three times. I know they kind of split
7 it up and said we had only done this amount of
8 training. We were in training in Naas all the time.
9 So when we got up there it was tough, yes, but it was
10 fair, and we got through it. There was no issue there. 12:46
11 259 Q. I think you said in your statement that some of the
12 NCOs complimented you as a group?
13 A. Yeah, like, they did mention, like -- so there was one
14 part about walking over the mountains and kind of a
15 forced march kind of thing with your gear on and the 12:46
16 whole lot. And they said that we had gone over the
17 mountains in the fastest time on record. Now, they
18 might say that to every recruit to make you feel good
19 afterwards but they had nothing derogatory to say about
20 us, to my knowledge. 12:46
21 260 Q. Just to finish with; you've quite a varied experience
22 of the Defence Forces and I know that you were in the
23 FCA and you said you were in Kilworth, Kilworth Camp is
24 one of the largest camps in the country I think it's
25 fair to say? 12:47
26 A. Yeah.
27 261 Q. That was your experience before and then you went to
28 Devoy and then afterwards we know you were in Cathal
29 Brugha, you were Clancy, you were in Cork and you would

1 have had experience of maybe other?

2 A. Yeah, we would have been part of -- some of the work we
3 would have been up in Finner in Donegal, Finner Camp up
4 there as well. And then -- ah, look, so part of the
5 armed artificer, it's weapons sighting systems, so for 12:47
6 the whole Southern Brigade we'd have to go around the
7 various barracks, even up as far as Portlaoise Prison
8 and, you know, you'd go in, you'd do your inspections,
9 you could be there for a week doing inspections on
10 various equipment. 12:47

11 262 Q. So you're familiar with, more or less, the entire
12 Defence Forces, all the installations and you've done
13 several tours of duty?

14 A. Mmm.

15 263 Q. And I just say in your first interview, and it's at 12:48
16 page 1873, we might just bring it up there. At line 15
17 you say:
18
19 "I've never experienced it where a whole barracks was
20 rotten, and that's the only way of describing what it 12:48
21 was, it was just rotten to the core and, you know, I
22 suppose there were some nice guys there but they never
23 said anything, you know."
24
25 Do you want to maybe expand on that? 12:48

26 A. Like, how we were treated was horrendous, okay? This
27 wasn't normal training. This wasn't close relation to
28 military training. There was elements of military
29 training in it but it was like it was an excuse for an

1 narcicisstic thug to do what he wanted and nobody
2 checked him on it. And that's why it was toxic,
3 because nobody stopped it. It was just absolutely a
4 disgrace to the Army, to be honest with you. You know,
5 how they allowed young teenagers, who were in their 12:49
6 care, you must remember that. They were after signing
7 and saying that they were taking these people into
8 their care and they treated them like dirt.

9 MR. MARRON: Thank you, Mr. Abernethy. You might just
10 answer any other questions. 12:49

11 THE WITNESS: Sure.

12 SOLE MEMBER: Thank you, Mr. Marron. Does anybody else
13 wish to put a question to Mr. Abernethy.

14 MR. LYONS: Yes, Judge, I will, if I can.

15 12:49

16 MR. BRIAN ABERNETHY, WAS CROSS-EXAMINED BY MR. LYONS AS
17 FOLLOWS:

18

19 264 Q. MR. LYONS: Good afternoon, Mr. Abernethy,
20 Padraig Lyons is my name and I'm one of the lawyers 12:49
21 that appears on behalf of 2 Lt. B in this matter.

22 A. Okay.

23 265 Q. At the outset, Mr. Abernethy, and I think you were here
24 for the evidence that was given earlier on, you're
25 aware that my client, 2 Lt. B, denies the allegations 12:49
26 of bullying and harassment. That's already been stated
27 on the record and I think you're aware of that?

28 A. I wouldn't have expected anything else, sir.

29 266 Q. And I think you're aware, also, of what the parameters

1 of the Tribunal are and the Tribunal will not make any
2 findings in relation to those allegations; you're aware
3 of that, isn't that right?

4 A. Correct.

5 267 Q. So I just want to ask you a couple of questions, if I 12:50
6 can, Mr. Abernethy. I want to ask you one question
7 just in relation to the allegation that you make that
8 my client indicated to other apprentices that they
9 should sort you out. I think that's what you said in
10 your evidence, is that correct? 12:50

11 A. I think multiple said that in their evidence, yes.

12 268 Q. I think in your statement, and I think in your evidence
13 again this morning you say that that was something that
14 was advised to you by certain other lads within the
15 platoon, isn't that right? 12:50

16 A. Yeah.

17 269 Q. So it wasn't something that you were firsthand aware
18 of, it was advised to you by others, isn't that
19 correct?

20 A. Correct. 12:50

21 270 Q. In your interview you mentioned, and you said it again
22 in your evidence this morning, that the Defence Force
23 Regulations were read out to you whilst you were in
24 Devoy?

25 A. Some probably were. 12:51

26 271 Q. And, I think, actually, you elaborated on that this
27 morning and said that the Company Sergeant was the one
28 who read it out to you?

29 A. From my memory, yeah.

1 272 Q. Do you ever recall 2 Lt. B giving you any instruction
2 in respect of that?

3 A. No.

4 273 Q. Okay. I don't know if you're aware but he has given a
5 statement where he says he did advise in relation to 12:51
6 complaints processes, you don't have a recollection of
7 that, is that correct?

8 A. I read that, yeah. Ehm, but then, again, he's denying
9 any allegations that we made so, you know, I'll take it
10 with a pinch of salt. 12:51

11 274 Q. There's another witness, Mr. Boyle, and he made a point
12 which you, I think, agree with which is that
13 responsibility for a lot of what you allege was wrong
14 in Devoy should also rest with senior NCOs, isn't that
15 correct? 12:51

16 A. Correct, yes.

17 275 Q. And you accept that as being the case?

18 A. Yes, but it doesn't preclude somebody from having
19 common decency and not treating people the way that
20 your client did. 12:52

21 MR. LYONS: Thank you, Mr. Abernethy.

22 SOLE MEMBER: Thank you, Mr. Lyons.

23

24 MR. BRIAN ABERNETHY, WAS CROSS-EXAMINED BY MR. LEHANE
25 AS FOLLOWS: 12:52
26

27 276 Q. MR. LEHANE: Mr. Abernethy, my name is Darren Lehane.
28 You were here earlier on so you heard what I said to
29 your former colleague?

1 A. Yeah.

2 277 Q. Is so I won't repeat it?

3 A. That's fine.

4 278 Q. I'll be asking questions on behalf of the Defence
5 Forces and on behalf of certain individual former 12:52
6 members. And stop me if you're not following something
7 or you want me to repeat it. I won't be with you for
8 very long.

9

10 On behalf of the Defence Forces I'm going to ask you 12:52
11 some questions now.

12 A. Sure.

13 279 Q. Am I correct in understanding your evidence to the sole
14 Member that you had a positive experience in the
15 Defence Forces after you left Naas? 12:52

16 A. Absolutely, yes.

17 280 Q. And in terms of your experience in Naas, am I correct
18 in understanding your evidence that once Lt. Ryan
19 arrived -- you had a positive experience of Lt. Ryan?

20 A. Yeah, I thought he was a good guy, yeah. 12:53

21 281 Q. And you've described in a compelling way to the sole
22 Member why you felt people mightn't have been able to
23 engage with Lt. Ryan in a particular way, so I won't
24 ask you any questions about your experience with
25 Lt. Ryan given that you said you had a positive one. 12:53

26 A. Mm-hmm.

27 282 Q. But then in terms of your negative experience in the
28 Army Apprentice School, that was while you were under
29 the command of your platoon commander, 2 Lt. B?

1 A. Yeah.

2 283 Q. And you've used various descriptors for him which are
3 on the transcript and, you know, it's very clear your
4 view of him.

5 A. Yeah. 12:53

6 284 Q. Again, I don't represent him.

7 A. No, I understand that.

8 285 Q. The gentlemen behind me do. And again I'm not going to
9 ask you any questions about training or noticeboards
10 because I've listened very carefully to what you've 12:53
11 said and I don't feel I need to probe you on that
12 because your evidence is very clear to the Sole Member.
13

14 And, again, you'll appreciate there are matters you
15 would have dealt with today in your evidence that are 12:54
16 not matters that the Sole Member will have to make
17 findings in relation to so I'm not going to deal with
18 those either

19 A. Okay.

20 286 Q. So I just want you to understand that, I'm not being 12:54
21 disrespectful to you by ignoring things you said, I'm
22 just telling you why I'm not doing certain things.

23 A. No problem.

24 287 Q. I now want to move from the questions on behalf of the
25 Defence Forces to the questions on behalf of the 12:54
26 individuals --

27 A. Yeah.

28 288 Q. -- that I represent. And I'm going to just deal with
29 two individuals, the first is the person whose known as

1 Lt. A?
2 A. Okay.
3 289 Q. And, again, I know the pseudonyms can be difficult.
4 But it's just in relation to -- you'll recall the
5 evidence you gave to the Sole Member of what transpired 12:54
6 on the range?
7 A. Mm-hmm.
8 290 Q. And afterwards on the square, and your description of
9 Lt. A and his role there. I just have to put to you -
10 it's just the nature of this process and you heard me 12:55
11 do this earlier on - that Lt. A will say to the Sole
12 Member that he has no recollection of the events you
13 describe. Okay, that's just for you to know.
14 A. Okay.
15 291 Q. In terms of the second individual I just want to 12:55
16 mention that I represent is the CS?
17 A. Okay.
18 292 Q. Okay. And the first thing in relation to the CS is
19 you've given your evidence that, you know, the CS, one
20 of the roles of the CS was reading out the DFRs and 12:55
21 other documents. But just in relation to Mr. Henry, he
22 will say that he did that. I'm not getting into what
23 bits he read out but his evidence will tally that he
24 did this on a regular basis.
25 12:55
26 In relation to the statement, you were talking about
27 people's failure at a senior level to intervene, to
28 restrain --
29 A. Yeah.

1 293 Q. -- 2 Lt. B. Mr. Henry will say when he comes here that
2 he did intervene on one or two occasions with Lt. 2B in
3 respect of overtraining?
4 A. Mm-hmm.

5 294 Q. That's what he will say. And he will say that he would 12:56
6 have intervened if he'd seen something going on that he
7 didn't think appropriate. So I just want to tell you
8 that that's what he's going to say?
9 A. Okay. Can I put something to you?

10 295 Q. Of course. 12:56
11 A. Okay. Are the Army -- is the Army bound by the laws of
12 this land?

13 296 Q. Well, in terms of the debate, I think what I would like
14 you to do is just to tell the Sole Member your response
15 to what Mr. Henry said so -- 12:56
16 A. I read his response and, again, he claims that he's no
17 knowledge of any of the misdoings, which I find
18 incredible, to be honest with you. Absolutely
19 incredible. But the point I was making there was that
20 the Safety, Health & Welfare at Work Act was enacted in 12:57
21 1989 and made provision for a safe place at work. And
22 the Defence Forces in Devoy Barracks in Naas failed in
23 their duty of care to all of the apprentices in the
24 34th Platoon.

25 297 Q. Okay. And that's your position to the Sole Member? 12:57
26 A. Absolutely, yeah.

27 MR. LEHANE: I just wanted to check with my colleagues
28 in case there is anything I have forgotten. Thank you
29 very much, Mr. Abernethy. As I said, I listened

1 carefully to your I read your statements of interview
2 and your statement and they're the questions I want to
3 ask both in respect of the Defence Forces and the
4 individuals.

5 THE WITNESS: Thanks very much.

12:57

6 SOLE MEMBER: Thank you.

7 MS. McGRATH: No questions.

8 SOLE MEMBER: No further questions. You have given
9 comprehensive answers and you've covered many issues
10 that have been raised with you by counsel and I don't
11 have any further questions for you, Mr. Abernethy. I
12 just want to thank you for coming here. I've listened
13 very carefully to everything you've said, as I do to
14 every witness, and I'm very grateful to you for the
15 service that you've given. Thank you very much.

12:58

12:58

16 THE WITNESS: And I'd just like to say thanks for the
17 opportunity for us to share the story as well. We
18 really do appreciate it.

19 SOLE MEMBER: Thank you. We don't have any more
20 witnesses today so we will resume tomorrow at 10:30.
21 Thank you.

12:58

22
23 THE TRIBUNAL WAS THEN ADJOURNED UNTIL FRIDAY, 26TH JUNE
24 2026 AT 10:30 A.M.

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