

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 FRIDAY, 26TH JUNE 2026 - DAY 14

14

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1 THE TRIBUNAL RESUMED ON FRIDAY, 26TH JUNE 2026 AS
2 FOLLOWS:

3
4 SOLE MEMBER: Good morning, everybody. Now,
5 Mr. McGovern. 10:30

6 MR. McGOVERN: Good morning, Judge, the next witness is
7 Mr. David McGrath. Mr. McGrath, please.

8
9 MR. DAVID McGRATH, HAVING BEEN SWORN, WAS DIRECTLY
10 EXAMINED BY MR. McGOVERN, AS FOLLOWS: 10:30

11
12 1 Q. MR. McGOVERN: Good morning, Mr. McGrath.

13 A. Good morning.

14 2 Q. Before we start, can I just remind you that, as you are
15 aware, Mr. McGrath, the Tribunal is investigating the 10:30
16 effectiveness of the complaints processes and the
17 culture within the Defence Forces in relation to
18 complaints of abuse. The Tribunal is not permitted to
19 make findings in relation to the well-foundedness of
20 complaints of abuse and, for that reason, you are
21 required to refrain from disclosing the names of any
22 alleged perpetrators in your evidence today. Where it
23 is necessary to refer to such individuals, you must do
24 so by using their rank or pseudonym given to them by
25 the Tribunal. Do you understand that? 10:31

26 A. I understand that.

27 3 Q. Thank you very much. Mr. McGrath, I think that in
28 August of 1989, you enlisted as an apprentice in the
29 Army Apprentice School in Devoy Barracks in Naas?

1 A. That's correct.

2 4 Q. Am I correct that you were 17 years of age at that
3 time?

4 A. That is correct.

5 5 Q. You enrolled as an apprentice electrician -- or, sorry, 10:31
6 a radio technician?

7 A. That is correct.

8 6 Q. That involved doing City & Guilds exams as you went
9 through your apprenticeship?

10 A. That is correct. 10:31

11 7 Q. When you joined or enlisted, were you given any
12 instruction in relation to the complaints processes
13 that existed within the Defence Forces?

14 A. I spent ten years in the Defence Forces more or less,
15 and never once got training on how to make a complaint. 10:32

16 8 Q. Never once?

17 A. Never once --

18 9 Q. Neither in Devoy or anywhere else?

19 A. -- through my whole my ten years.

20 10 Q. Let's just stick with Devoy, if we may -- 10:32

21 A. Sure.

22 11 Q. While you were in Devoy, were you aware of the
23 existence of noticeboards?

24 A. I was. I knew there was a noticeboard down by the
25 Company Office and that was a place, as Ian Hutchinson 10:32
26 described it as, the danger zone. So you wouldn't go
27 near the place in fear of picking up a job or getting
28 caught for doing something, so you'd avoid the place.

29 12 Q. Can I ask you, Mr. McGrath, either to move in or to

1 move the microphone closer to you?

2 A. Sure.

3 13 Q. Thank you very much. Had you ever any reason to go
4 near the noticeboard?

5 A. Ehm -- 10:32

6 14 Q. As an apprentice in Devoy?

7 A. As an apprentice, the duties may have been posted
8 there, but I'm not sure if they were posted there or
9 was it the platoon leader that would have given you the
10 duty list. So generally -- and you would only have 10:33
11 been doing duties for certain times of the year, so,
12 generally, you'd have no reason to be there.

13 15 Q. Right. There is also a suggestion about the reading of
14 Defence Force Regulations. Do you ever remember that?

15 A. I'm familiar with the term of the "reading of the 10:33
16 Acts", but I don't have a good memory of them being
17 done at any stage. I do know once, when we were doing
18 military training on a wednesday in first year, we
19 would be told rules and regulations, and they'd be
20 brought to us. At one time we had, ehm, two corporals, 10:33
21 and one of them told us that if two or more people in
22 the platoon got together to speak ill of the Army, it
23 would be considered mutiny.

24 16 Q. Do you know when that was --

25 A. And -- sorry, just to add to that. At that time, you 10:33
26 would end up getting court-martialed, sent to The
27 Curragh Prison, and discharged. So, there was a lot of
28 fear was put into us there.

29 17 Q. Can you remember, Mr. McGrath, when that was?

1 A. It was in first year, early first year, but I don't
2 know when that was.

3 18 Q. I'm reminding you now of pseudonyms, but do you
4 remember the persons who told you that?

5 A. Yeah, I do. I think he's deceased now, a corporal. 10:34

6 19 Q. Cpl. C, would it...

7 A. I don't know.

8 20 Q. All right, you don't know the pseudonym, but he's
9 deceased, in any event.

10 A. He's deceased, yeah. 10:34

11 21 Q. All right. Now, can we go back to your introduction?
12 when you went in, you told us you were 17, but what was
13 your expectation when you arrived in Devoy? Did you
14 know what was going to happen or how things were going
15 to progress? 10:34

16 A. So, I had a neighbour of mine who was, who lived the
17 far end of the village, and he had been a year -- he
18 was a year ahead of me in the Army Apprentice School --

19 22 Q. So he would have been the 33rd; is that right?

20 A. That's correct, yeah, and his father was in the Army. 10:35
21 And he came down -- before I went for an interview, he
22 was telling me about it and prepping me for the
23 interview and he told me how Army life was and where it
24 could bring you in your career.

25 23 Q. So when you got to Devoy in 1989, was it as you had 10:35
26 expected and as had been described to you by the
27 apprentice in the year ahead of you?

28 A. I can't say I had a full picture of what to expect. I
29 was only 17 going from school into the Army, so I

1 didn't really have set out any clear expectations.

2 24 Q. All right. You speak in your statement, Mr. McGrath,
3 about being confined to barracks. would you
4 elaborate on that and tell us about it, please, in your
5 own experiences? 10:35

6 A. Sure. So, when we were in Naas, generally you're
7 allowed down the town after half four before study
8 time, but at any time, for any infraction at all, you
9 would be confined to barracks, which means you couldn't
10 leave the place. So that was a big problem for us 10:36
11 because it was the only bit of freedom you had. Plus,
12 as you heard other people testify, the food wasn't
13 great in the place, so you might want to go down the
14 town to get a bag of chips or a sandwich or something
15 like that, and you couldn't do that either. That was 10:36
16 tough too.

17 25 Q. Just to be clear about this, Mr. McGrath, you mentioned
18 if there was an infraction, as you called it, that you
19 would be confined to barracks?

20 A. That's correct, yeah. 10:36

21 26 Q. Was this the person who was guilty of the infraction or
22 would the entire platoon be confined to barracks?

23 A. Both. Yeah. So, sometimes, it could be you personally
24 could be confined to barracks, or, if somebody else
25 messed up, there would be collective punishment and the 10:36
26 whole platoon was kept in.

27 27 Q. Who would make the decision to confine you to barracks?

28 A. It could be a corporal or it could be a sergeant or it
29 could be the lieutenant -- the platoon commander.

1 28 Q. Now, if you were confined to barracks, were you charged
2 with any offence under the Defence Forces Regulations
3 before --
4 A. No.
5 29 Q. No? 10:37
6 A. No, no, just --
7 30 Q. Were you ever given an explanation as to why you were
8 being confined to barracks?
9 A. Sometimes, you would. They could say your boots are
10 dirty or you're thrown off parade, or whatever excuse 10:37
11 is used, and then you were confined to barracks. Other
12 times, you weren't told why.
13 31 Q. In relation to weekend passes, Mr. McGrath, can you
14 tell us the procedure for that? When one would
15 ordinarily apply if you wanted to take weekend leave? 10:37
16 A. Sure. So, what I remember is, on a Wednesday, the
17 Sergeant, the Platoon Sergeant, when he was doing one
18 of the morning parades, would stand in front of the
19 platoon and say, 'The weekend is a...' -- and give it a
20 bit of a break -- and say '...is a closed weekend' or 10:37
21 'an open weekend.' If it was an open weekend, you
22 could apply for a pass on that day. You'd be collected
23 by the platoon leader, which is an apprentice, and he'd
24 bring them down to the -- fill out or three-page
25 report, we'd write out a three-page document. They'd 10:38
26 be collected up, brought down to the orderly's room.
27 And then at, Friday lunchtime, the platoon leader would
28 go down to collect those passes and find out if they
29 were signed, and we were allowed go home or not at that

1 stage.

2 32 Q. Just to interrupt there for a moment, Mr. McGrath, you
3 mentioned a three-page application form?

4 A. Yes.

5 33 Q. Now, I don't know if you were here about two weeks 10:38
6 again when Col. O'Donovan gave evidence in relation to
7 the process. He referred to a printed form, an AF
8 something or other. Did you ever see or use those?

9 A. Never, never saw them. It was always handwritten,
10 always three pages. 10:38

11 34 Q. The application you made was handwritten?

12 A. Correct.

13 35 Q. Where did you get the format or the script for that
14 document?

15 A. I think that we were taught how to do it on a -- given 10:38
16 an example of how to do it early on.

17 36 Q. So if you fill in the form on a Wednesday, it goes up
18 the chain. When would you find out that you had been
19 granted leave to go home the weekend?

20 A. Generally, Friday lunchtime. 10:39

21 37 Q. And was that, after you had been told you had been
22 granted leave, was that ever revoked or cancelled?

23 A. Many times, yeah, many times. Sometimes, when you're
24 on the way to the gate -- I do recall at one stage
25 there was somebody across the road at the bus stop and 10:39
26 they were brought back in. So, after that, nobody
27 stood at the bus stop; they all went down, further down
28 the town at Naas Post Office, which was also a risky
29 strategy because sometimes the bus was full, so if you

1 didn't get on at the first stop and you were at the
2 second stop, you mightn't get home at all that weekend,
3 or you might have to get home much later, or possibly
4 miss your connecting train as well.

5 38 Q. I just want to make sure I understand that. You'd be 10:39
6 granted a weekend pass --

7 A. Correct.

8 39 Q. And you'd get to the gate and get through the gate?
9 A. Yes.

10 40 Q. -- and across the road to the bus stop, and then you 10:40
11 were brought back in again?

12 A. Not me, personally, but it happened to somebody else,
13 yes.

14 41 Q. All right. And in relation to you, personally,
15 Mr. McGrath, in what circumstances would you have found 10:40
16 out that your leave was cancelled, and when?

17 A. So, you mightn't have been given a reason. So you
18 would just find out -- you could find out at lunchtime
19 you were getting a pass and then, at four o'clock, you
20 could find out you weren't getting a pass, or you could 10:40
21 find out as you were getting to the gate that you
22 weren't allowed go home -- the whole platoon wasn't
23 allowed go home.

24 42 Q. Now, did you ever see or did you ever hear about
25 timetables or training schedules? 10:40

26 A. Never. Never. Never once.

27 43 Q. You speak in your statement, Mr. McGrath, about a
28 hair-cutting incident. Would you like to tell us about
29 that? First of all, when do you believe this happened?

1 A. I couldn't tell you without checking my notes, but I
2 think it was in the first year.

3 44 Q. In the first year, all right --

4 A. Yeah.

5 45 Q. That's good enough for the moment. And just tell us in 10:41
6 your own words what you recall happening?

7 A. I recall that we were on the square and Lt. 2B was
8 there and the Sgt. E, I think, was there, and we were
9 having -- in our no. 1s dress suit, having an
10 inspection. The Lieutenant asked everyone to remove 10:41
11 their beret. Wasn't happy with what he saw. The
12 berets were put back on. We were marched off the
13 square and in between the second year billets, which is
14 like a U-shaped billet, so we were in between the two
15 of them, out of view from the Company Office and out of 10:41
16 view from everybody else. We were then ordered to take
17 off our berets again and the Lieutenant went around
18 cutting the fringes of people's hairs. At the time,
19 the Sergeant was walking up and down and, nearly with
20 glee, going, 'Here's another one, Sir, here's another 10:42
21 one, sir', pointing out people, and the Lieutenant went
22 down and cut their hair then as well.

23 46 Q. The scissors that was used to cut the hair, where did
24 that come from?

25 A. I've no idea. 10:42

26 47 Q. Who produced it?

27 A. No, I didn't see. I didn't see.

28 48 Q. How many apprentices' hair would have been cut?

29 A. I guess, maybe, ten. I couldn't tell you offhand.

1 49 Q. Now, did you make a complaint in relation to that,
2 Mr. McGrath?

3 A. I didn't.

4 50 Q. To your knowledge, did anyone else among the
5 apprentices make a complaint about it? 10:42

6 A. I know no apprentice made a complaint, but I know one
7 apprentice's father wrote in a letter to the CO about
8 it, which I learned after I left Naas.

9 51 Q. Are you aware of any investigation taking place at that
10 time in relation to the hair-cutting incident? 10:42

11 A. Absolutely none. No one spoke to us about it.

12 52 Q. Can I just refer for the moment, Judge - if I could,
13 Registrar - to page 2865, if Ms. Heavey calls that?
14 This is a two-page handwritten document, Mr. McGrath.
15 I don't know if you've ever seen it before? 10:43

16 A. I have, I've seen it in the evidence.

17 53 Q. All right. It's stated to be a chronology of events on
18 complaints. And, on the second page, if you go down --
19 sorry, go back, I think. You were on the second page
20 already. Would you stop at number 8 there? Thank you. 10:43
21 It's difficult to read because it's blanked out. It's
22 referring to an incident in May 1990. Would May 1990
23 have been your first year?

24 A. Yes.

25 54 Q. You started in August '89, so May '90 would be the
26 continuation of the first academic year? 10:43

27 A. That's correct.

28 55 Q. All right. So:
29

1 "Apprentice [blank] stated that 2 Lt. B and a sergeant
2 cut locks from hairs of apprentices who failed to get
3 proper haircuts on square."
4

5 And then the comments is:

10:44

6
7 "This was admitted by 2 Lt. B. He was paraded by his
8 General Officer Commanding and this treatment did not
9 reoccur."

10
11 This is the important bit I want to put to you,
12 Mr. McGrath:

10:44

13
14 "Apprentices interviewed did not include this as a
15 complaint."
16

10:44

17 Were you ever interviewed at any stage by anyone in
18 authority within the Defence Forces in relation to what
19 had happened you while you were in the Army Apprentice
20 School.

10:44

21 A. Never.

22 56 Q. Were you ever interviewed by Military Police during
23 your time in the Army Apprentice School?

24 A. Not to any of these events, no.

25 57 Q. To your knowledge, were any of the other apprentices
26 interviewed by senior officers or Military Police?

10:44

27 A. I know a couple were interviewed by Military Police,
28 which I found out after I left Naas, due to what
29 happened to Ollie Mullaney.

1 58 Q. In relation to Mr. Mullaney?
2 A. Yes.
3 59 Q. That was in June of '91?
4 A. That's correct, yeah.
5 60 Q. But, in May 1990 or thereabouts, were you aware of 10:45
6 anyone being interviewed?
7 A. No. Definitely not.
8 61 Q. Thank you. You mentioned an incident on a Sunday
9 night, Mr. McGrath.
10 A. I did. So I recall one Sunday night, we had to be 10:45
11 back, I think it was either --
12 62 Q. Can you help us again, which year of the three years
13 would this have occurred?
14 A. I believe it was -- I think it was the second year.
15 63 Q. Second year, thank you. 10:45
16 A. I think it was the second year.
17 64 Q. All right.
18 A. And we had to come back on a Sunday night, I think it
19 was either 11:30, I think, we were back at and at --
20 there would have been a parade held for the three 10:45
21 platoons who would be out on the square to make sure
22 everyone is back and accounted for. On this night in
23 question --
24 65 Q. Sorry, could I stop you there? This was on a Sunday
25 night -- 10:46
26 A. This was on the Sunday night.
27 66 Q. Those who had been out had returned?
28 A. Correct.
29 67 Q. So, would they have be in uniform or civilian attire?

1 called, ehm, "Barracks Standing Orders", I think they
2 were called. So, every apprentice, in the rules of the
3 Apprentice School, should be issued those book of rules
4 when they join the Apprentice School and they're handed
5 back at the end. Now, we never got those books. We 10:47
6 were shown them on one occasion, and on one occasion we
7 were shown that -- it was -- maybe it was part of one
8 of those Wednesday morning military training and we
9 were shown a map of, say, the Greater Dublin Area and
10 part of Kildare and there's a line drawn that went just 10:48
11 over the north side of the city, all around Dublin, and
12 cut off, say, Newbridge and that area, and that was the
13 area that we were allowed be in without asking for
14 permission. If you want to go outside that area, you
15 had to ask for permission. 10:48

16 71 Q. So, do I understand then that the bounds you're talking
17 about are anywhere within this circle on the map?

18 A. That's correct. That's correct.

19 72 Q. Right.

20 A. So that's where you're allowed operate without 10:48
21 permission.

22 73 Q. Were there many apprentices in your year, the 34th, who
23 lived outside of those defined bounds?

24 A. The majority of them did. There'd be probably four
25 that lived inside the bounds, and I remember on one 10:48
26 occasion we were in the Rec Room and the Platoon
27 Commander came in and asked one man to stand up and
28 said, 'where do you live?', and he said 'I live in
29 Clondalkin' and he said 'The bounds now stop right in

1 front of your house, 100 yards from you house.' He
2 asked Aptce. Hutchinson to stand up and he said 'where
3 do you live?' and he said 'I live in Tallaght', and he
4 said the same thing to him, 'The bounds now stop 100
5 metres from your house -- 100 yards from your house.' 10:49
6 And he asked another guy that lived in Newbridge the
7 same. So those three men boys were now not allowed go
8 home to their house without asking for permission.

9 74 Q. And do you know when that happened?
10 A. It was very early on in the first year. 10:49
11 75 Q. The first year. Were those bounds ever redrawn?
12 A. Never. Never redrawn.

13 76 Q. So did they remain in that shrunken form during your
14 three years in Devoy?
15 A. There's no documentation on this. There was no 10:49
16 redrawing of a map or no showing... They were just told
17 'You guys aren't allowed go home because I've changed
18 the rules now.'

19 77 Q. Your name is Mr. McGrath, isn't that correct?
20 A. Yes. 10:49
21 78 Q. Do I understand that there were four apprentices in
22 Devoy at the same time who had the same surname?
23 A. That's correct.

24 79 Q. Would you tell us how that caused a difficulty for you?
25 A. Sure. So, at the time, people were just referred to by 10:50
26 their surname, Aptce. McGrath, Aptce. X, Y, Z. So
27 there was four of us, two of us were -- and there was
28 also three Murphys, but there was Murphy B. and
29 Murphy H., so they could be distinguished by their

1 first letter of their name, because God forbid you'd
2 call someone by their surname -- or their first name!

3
4 So, on this occasion, there was two of us that were
5 D. McGraths and there were two of us that were 10:50
6 P. McGraths and we were in the Rec Room one day and the
7 Lieutenant was talking about, Lt. B, and he said
8 'Aptce. McGrath, stand up.' And I said 'which one?'
9 and he said 'Aptce. D. McGrath'. And I said 'which
10 one?', and he said 'The one that looks like a 10:51
11 scarecrow', as he was looking at me. And I found it
12 very insulting and very humiliating that he said such
13 words to me in front of my colleagues at 17 years of
14 age. At the time, I was very slim and, if you look at
15 the handwritten notes by the Lieutenant, he has noted 10:51
16 in his notes that I look malnourished and my eyes were
17 sunken in my head. And then he used those personal
18 notes to insult me. And, at the same time, you have
19 people complaining that we're not getting enough food
20 in the dining room -- so, instead of trying to help us 10:51
21 out, he just made a personal attack on me, using that
22 information.

23 80 Q. The document you're referring to, Mr. McGrath, is that
24 the platoon diary, is it?

25 A. That's correct. 10:51

26 81 Q. And that would have been kept over the years by the
27 Platoon Commander?

28 A. That's correct. So, this wouldn't be the first time he
29 would use personal information against people. There

1 was one other apprentice with us, [REDACTED] --
2 he's now dead, due to his own bullying in the Army, and
3 Lt. B would have made personal attacks on him from
4 where he was from in Cork, because he knew where he was
5 from and it wasn't, say, the most poshest area in Cork. 10:52
6 And he made personal attacks on [REDACTED] and where he lived
7 too.

8 82 Q. Now, reference has been made, I think, to this on a
9 previous occasion by another witness, but do you recall
10 an incident when two of your class when to a Debs dance 10:52
11 two young ladies from Naas, the town of Naas?

12 A. I do, yeah. So, that incident, two guys were invited
13 to a Debs and they put in their passes to go to the
14 Debs because it was a -- there'd be alcohol in the
15 place, so you had to put in a pass to say 'Can I be in 10:53
16 a place where there's alcohol available?' -- and maybe
17 they wanted to stay out a bit late as well. And we
18 were all brought into the Assembly Hall at one time
19 when the Lieutenant -- the Platoon Commander was
20 talking to us about, whatever, I can't recall, but he 10:53
21 starts berating those two apprentices for bringing down
22 the platoon by associating with the local women in the
23 place and we were told - like, paraphrasing - 'Bring
24 them out the back and sort them out.' And I don't know
25 -- 10:53

26 83 Q. Did that ever happen, Mr. McGrath?

27 A. No, I remember going back up to the billet and saying
28 to one of them, 'Don't mind him, don't listen to him',
29 and I think most people did the same thing, set them at

1 ease.

2 84 Q. Now, the billets, Mr. McGrath, we've had descriptions
3 of those already, that there was a separate billet for
4 each year, isn't that right?

5 A. Correct. 10:54

6 85 Q. And am I correct that when you joined in first year,
7 you didn't move to another billet in your second year,
8 you remained in the same billet for the three years you
9 were there?

10 A. That's correct. 10:54

11 86 Q. And the billets were roughly U-shaped or horseshoe-
12 shaped in design?

13 A. That's correct.

14 87 Q. -- with a centre courtyard type of thing?

15 A. Yes, yes. 10:54

16 88 Q. Now, within the billet themselves, were you permitted
17 to have personal items?

18 A. So, when we joined first, the walls would have been
19 bare in the place and we would be allowed put up our
20 own posters after a while and, if you wanted, you could 10:54
21 get permission to put up a shelf for a radio or the
22 likes.

23 89 Q. The posters you refer to, are they on the billet wall
24 or are they on your locker, or where are they?

25 A. So, they could have been on the wall and they could 10:54
26 have been on your locker, or they could have been on
27 the inside door of your locker. So, I, personally,
28 would have had, say, photographs of family and memories
29 on the inside of my door, and then you could have

1 posters of the latest pop stars on the walls, to
2 personalise --

3 90 Q. And was that permitted?
4 A. That was permitted, yes.

5 91 Q. How long did you have these posters on your wall or on 10:55
6 your locker?
7 A. So they were there for a time and, during first year -
8 I can remember/recall it was in first year - the
9 Lieutenant came in with the Platoon Sergeant --

10 92 Q. Can you identify the lieutenant you're referring to now 10:55
11 please?
12 A. Eh, the Platoon Commander.

13 93 Q. Yeah.
14 A. -- came in with Sgt. E and another corporal. And they
15 were walking around doing inspections and they weren't 10:55
16 happy with the place, so the Lieutenant ordered
17 everyone to take their posters down off the wall as a
18 punishment, and he headed off, and the Sergeant and the
19 Corporal oversaw people taking the posters down.

20 94 Q. What happened to the posters when they were removed? 10:55
21 A. So, I took mine down and just threw it in the bin
22 because they were no good -- there was only one bin,
23 there was no recycling bins back then, so just threw
24 them in the bin and it was done. And then about an
25 hour later, I was marched up into the Lieutenant's 10:56
26 office and paraded in front of him because of the way I
27 took down the posters. So, the two Corporals and
28 Sergeant that were left behind went back and reported
29 back to him that I had taken the posters down in an

1 incorrect manner.

2 95 Q. Were you told how or in what way you had taken the
3 poster down in an incorrect manner?

4 A. No, no, I was just stood to attention in front of the
5 Lieutenant and he berated me for my behaviour. I can't 10:56
6 recall the words that were used. It was just an
7 unpleasant experience. That was the -- one of two
8 times I was ever in that man's office. So when we look
9 at his statement and he tells that he met us on a
10 monthly basis in his office and he was trying to meet 10:57
11 us on a two-weekly basis is a work of fiction. Never
12 had we been there for an interview with that man.

13 96 Q. What happened afterwards in relation to the posters?

14 A. So, our billet was void of any posters or anything for
15 a couple of months and then there was a GOC's 10:57
16 inspection coming up and, before the inspection came
17 up, the CO of the barracks would have his own
18 inspection, a pre-inspection, maybe a week beforehand,
19 and he noticed that the other two billets had all
20 posters up and we had nothing up. So we were then 10:57
21 ordered -- or told we were allowed put pictures back up
22 at that stage, just to make sure it was looking fine
23 for the GOC.

24 97 Q. Now, Mr. McGrath, can I ask you about two of your
25 comrades or your fellow apprentices? The first of 10:58
26 those is Mr. Traynor --

27 A. Yes.

28 98 Q. Do you recall him?

29 A. I certainly do.

1 99 Q. Can you tell us your recollection of events around May
2 of 1991, specifically in relation to Mr. Traynor?
3 A. Well, I know Traynor was getting special attention from
4 the Lieutenant. One of those --
5 100 Q. Do you know of any reason why Aptce. Traynor was 10:58
6 getting special attention, as you put it?
7 A. Absolutely none.
8 101 Q. What did that special attention consist of?
9 A. So, one of those was he -- in the billets, there was
10 two doors midway, and his bed and locker was moved from 10:58
11 where he was stationed and put -- moved in front of one
12 of those doors, but away from everybody else. So all
13 the beds were down -- and they stopped, and then there
14 was a gap, and then Traynor's bed was there and his
15 locker was there, right in front of the door, so any 10:58
16 time the door was opened, he was getting a bit of a
17 breeze. And he was also being isolated from everybody
18 else.
19 102 Q. I think during your interview, you drew a sketch for
20 us, is that so? 10:59
21 A. Sorry?
22 103 Q. Did you draw a sketch of the layout?
23 A. I did, yes, yeah.
24 104 Q. Yes, perhaps Ms. Heavey could pull up page 1549? Did
25 you prepare that, Mr. McGrath? 10:59
26 A. I did, yeah. That's my sketch, yeah.
27 105 Q. Okay. And it shows two, basically, parallel buildings
28 with a void in the middle, is that correct?
29 A. That's correct, yeah.

1 106 Q. And at the top left-hand corner, there's a recreation
2 room?
3 A. That's correct.
4 107 Q. And in the middle, connecting the two arms, there's
5 toilets and showers? 10:59
6 A. That's correct. There's only five showers for 55 men,
7 yeah.
8 108 Q. Five showers for 55. And you have beds on the
9 left-hand side. Were there beds on the right-hand side
10 as well? 11:00
11 A. Yes.
12 109 Q. Okay.
13 A. Yeah.
14 110 Q. You referred -- first of all, where do you say
15 Mr. Traynor was originally positioned? 11:00
16 A. So, I believe he was on the right-hand leg. Well, I'm
17 not sure whereabouts, but on the right-hand leg.
18 111 Q. On the right-hand arm?
19 A. Yes.
20 112 Q. And you say he was moved from there to where? 11:00
21 A. To where it's indicated in the picture there on the
22 left-hand side, just across from the doors there --
23 113 Q. There's a box with "Doors" written in the centre
24 section, is that right?
25 A. Correct. 11:00
26 114 Q. Is that a door that opens out into the open area in the
27 middle?
28 A. That's correct.
29 115 Q. So, where do you say Mr. Traynor's bed was moved to?

1 A. Directly across there where the box says "Traynor" on
2 it.

3 116 Q. Okay, on the left-hand wall of the left-hand arm?
4 A. That's correct.

5 117 Q. Okay. And what was the effect of that? 11:00
6 A. Well, he was -- it was a very unfavourable place to be,
7 straight in front of the doors. It's not going to be
8 -- you got no protection from the weather there. Plus,
9 everybody's going in and out, so you've -- we already
10 had very little privacy, so there would be even less 11:01
11 privacy there. Plus, as you can see there, there's a
12 gap between his bed and the next beds below him, so he
13 was slightly isolated there as well, you know.

14 118 Q. Who made the decision to move Mr. Traynor's bed within
15 the billet? 11:01
16 A. The Platoon Commander.

17 119 Q. And do you know why that was done?
18 A. No idea. No.

19 120 Q. In relation to another apprentice, the late
20 Mr. Oliver Mullaney, do you remember him? 11:01
21 A. I certainly do.

22 121 Q. Can you remember the summer when you'd finished your
23 exams and your study -- you were doing the City &
24 Guilds exams for the radio technician, am I correct?
25 A. That's correct. 11:01

26 122 Q. And you would have finished those exams when?
27 A. I would say it was the June week -- the June Bank
28 Holiday weekend.

29 123 Q. The June Bank Holiday, you finished your exams?

1 A. That's when the exams were on, yeah.

2 124 Q. And when you finished your exams then, was there what
3 was called summer training?

4 A. Military training then, yes.

5 125 Q. Did that take place, or at least part of it, in the 11:02
6 ranges in Kilbride, County Wicklow?

7 A. That's correct.

8 126 Q. In addition to your normal officers, your platoon
9 commander, platoon sergeant and two NCOs, were there
10 other officers brought in for that training? 11:02

11 A. Yes. So Naas Apprentice School was run like a third
12 level college, so any time the colleges were on midterm
13 breaks or summer breaks or Easter breaks, we were in
14 military training mode.

15 127 Q. And -- 11:02

16 A. And, sorry, to answer your question, so, at those
17 times, especially the larger timeframes, NCOs and
18 officers could be brought in from other barracks to
19 help with the training.

20 128 Q. Do you remember - I will remind you now the need to use 11:02
21 pseudonyms - do you remember any other officers who
22 were brought in for the summer training?

23 A. I remember Lt. A was there. I'm not sure if he was
24 brought in or if he was part of the barracks. I can't
25 recall. But he was around, yes. 11:03

26 129 Q. Was he in the ranges?

27 A. I can't recall.

28 130 Q. All right. And there was a Thursday evening when you
29 came back from the ranges; can you remember that day?

1 A. I certainly do.

2 131 Q. Yeah.

3 A. Yeah.

4 132 Q. And do you know what time -- first of all, you would
5 have set off for the ranges that morning? 11:03

6 A. Yes. So this was in our second year, so we'd already
7 been through -- we had already been through one round
8 of military training. So, we'd done it in our first
9 year and that would have been -- that should have been
10 the bigger shock for us because you're going from civvy 11:03
11 street into the Army.

12

13 So, we got through our first year. We had done our
14 training, and it was tough, but we all got through it
15 alive. This was our second year doing it, so we had an 11:03
16 idea what to expect. However, on the Thursday in
17 question, we were up that morning, maybe 6:00/6:30, out
18 for a run. Then we were brought back in and we were
19 told we're going on range training. So, you've got to
20 remember that we didn't know what was happening on a 11:04
21 day-to-day basis. So when you got up in the morning,
22 you didn't know what was happening. You weren't told
23 anything until you were actually doing it.

24

25 So, that morning, we were told we were going to the 11:04
26 ranges, so we had to go and prepare for the ranges and
27 get your combats ready and whatever, backpacks and
28 stuff ready. And then you'd get on the trucks, and
29 then you'd be brought off the trucks and then back on

1 the trucks again, and this would happen multiple times.
2 You'd be marched around and --

3 133 Q. why would you be taken off the truck when you'd got on?
4 A. Lack of planning; lack of organisation; or just to piss
5 us off, maybe. 11:04

6 134 Q. So, did you -- what time would you have got down to
7 Kilbride at then?

8 A. I can't recall what time we got there. But I wouldn't
9 say it was late in the day. So, just to contrast that
10 with when we went on our Three Star course, they said 11:05
11 to us 'You're going on the ranges tomorrow' and
12 everybody groaned and they go 'Oh, what's wrong?' --
13 because the ranges was a great day, everybody loved
14 going to the ranges. It was a nice day and you'd get
15 back early and then you'd be finished and you'd get out 11:05
16 of the place early.
17

18 But, in this case, we weren't. We were brought up to
19 the ranges. We got there and we were split into
20 numerous groups. Someone had to mind the targets, 11:05
21 someone would be shooting, and anybody spare was just
22 running around, being marched around, being kept busy,
23 kept busy --

24 135 Q. And on whose instructions were you marched or run
25 around? 11:05

26 A. The lieutenant and the sergeants.

27 136 Q. Right. Do you know what time you got back at?

28 A. It was --

29 137 Q. Back to Devoy?

1 A. I believe it was about seven or eight o'clock. It was
2 late enough, you know, which, when you see what happens
3 on a normal day, you're usually home early and you're
4 finished and everyone's in good form and you'd hand
5 back in the weapons and clean them the next day. 11:06
6
7 So, we got back there at around eight o'clock and I
8 think we were told to clean our weapons then, or maybe
9 we got fed then and then cleaned our weapons. So, all
10 the time, the pressure was being ramped up and, when 11:06
11 you're in cleaning your weapons, you'd have the two
12 lieutenants walking around, and some corporals walking
13 around screaming at you and shouting at you and they'd
14 be in your face and just hassling you. And then,
15 before you were even ready, you'd be told 'You've got 11:06
16 to be out here in five minutes for a weapons
17 inspection', so then you'd have to put everything
18 together and get out there on time. It was just
19 pressure, pressure, pressure, the whole time, you know.
20 11:06
21 So we were back out on the square and I think more
22 weapons inspections, and they weren't happy then. And
23 then we were back in -- back out in the No. 1s --
24 138 Q. No. 1s being your No. 1 uniform?
25 A. No. 1s, your best uniform. And I remember, on the day, 11:07
26 Ollie was getting a lot of attention, unwanted
27 attention. They started messing with his beret,
28 turning it around, called him a Frenchman. Just
29 generally insulting him -- insulting anybody that was

1 around. Getting personal.

2 139 Q. Who was giving these insults?

3 A. The two Lieutenants. The two Lieutenants.

4 140 Q. Did you speak with Oliver on that occasion?

5 A. Not that day, no, not that night. 11:07

6 141 Q. Did you observe him in any way?

7 A. No. No. Nothing in particular, no.

8 142 Q. That was the Thursday night?

9 A. That was on the Thursday night.

10 143 Q. Were you in the barracks over the weekend, Mr. McGrath? 11:08

11 A. No, the next day was Friday. Friday was another tough

12 day. And, on that time, somewhere near the end of the

13 day, we were told we were allowed go home and everybody

14 was on a real high because there was just so much

15 pressure on us over the last few days. And if you look 11:08

16 back to that diagram -- well, you don't have to bring

17 it up, but, where I was, I had now been moved over the

18 far side because ten of us were moved randomly -- or

19 about five or six of us were taken from where we were

20 in that section and dispersed around the barracks to 11:08

21 different rooms --

22 144 Q. So, if I understand it, you're saying you were taken

23 from the left-hand arm over to the right-hand arm?

24 A. Yeah, I was moved to the right-hand arm down the

25 bottom. 11:08

26 145 Q. And are you saying that the group of five of you who

27 had been together on the left were now dispersed on --

28 A. That's correct. There was probably ten on that side,

29 and half of us were moved and dispersed.

1 146 Q. Do you know why that move was made?
2 A. I don't know. We were getting on very well, so we were
3 a tight group -- the whole platoon was tight, but we
4 were a fairly tight group as well. So I think it was
5 just to split us up a bit, you know. 11:09
6 147 Q. Okay.
7 A. So Oliver would have been on that side, where I
8 originally was, and then I was moved over to the far
9 side. And I remember on that Friday evening -- sorry
10 -- yeah, that Friday evening, where everybody was 11:09
11 packing up to go and everyone was just delighted
12 because there was just so much pressure, and I remember
13 Oliver was standing there at the radiator at the end,
14 just where -- you'd never seem him over that side
15 because he's usually over the other side, and he was 11:09
16 standing there and I remember just seeing him standing
17 there and I go 'why are you here, you know, why aren't
18 you packing?', and he said 'Oh, I'm on duty the
19 weekend', and, to me, he was just there having his last
20 look around because he knew what was going to happen. 11:09
21 148 Q. Was that the last time you saw Oliver?
22 A. It was, yeah. Yeah.
23 149 Q. In all the time that you were in Devoy, Mr. McGrath,
24 did you ever make a complaint about anything?
25 A. Definitely not. 11:10
26 150 Q. Can you tell us why?
27 A. So, we were young, we were in the Army, we didn't know
28 what was right and what was wrong. We didn't know is
29 this just Army training or is this normal behaviour --

1 but we knew it wasn't normal behaviour. But we
2 never -- we didn't have any avenues to make a
3 complaint. We didn't even know it was possible to make
4 a complaint. We didn't even know -- what could you
5 say, you know, or what could you do? We were just 11:10
6 helpless, really. Helpless.

7 151 Q. If you had decided you were going to make a complaint,
8 would you have known how to go about it?

9 A. Absolutely not. No idea where to go or who to talk to.

10 152 Q. And if you had made a complaint, what do you think the 11:11
11 consequence of that would have been?

12 A. Well, everybody in the place -- all the apprentices,
13 should I say, didn't want any attention at all. Any
14 attention wasn't good. You know, you'd get punished
15 for it, you'd get jobs for it. Even they had the 11:11
16 school trip -- you might have heard we had a school
17 trip to France one time and we all went to France,
18 which was a nice trip, and we all got back and anybody
19 that was on the French trip was then, the weekend or
20 the following weekend, was sent to The Curragh to do 11:11
21 work in The Curragh. So not even in their own
22 barracks, we were brought up there to do work up there
23 for going on holidays, you know. So, you just didn't
24 put your head up. You just tried to hide. We walked
25 around the barracks and we hid. This was our home. We 11:12
26 were supposed to be living in our home. We walked
27 around in fear, fear of getting jobs, fear of getting
28 hassled.

29 153 Q. Finally, Mr. McGrath, can I bring you back, if I may,

1 to the Thursday evening after the ranges?
2 A. Yes.
3 154 Q. -- which was the evening when you described what
4 happened Oliver Mullaney. Do you remember anybody else
5 being there at that time, watching or observing what 11:12
6 was going on?
7 A. I do. I remember standing on the square and, over to
8 my left-hand side, just from the left, I could see out
9 of the corner of your eye, I remember seeing the
10 Commandant standing there watching what was going on 11:12
11 and didn't intervene. Didn't intervene. He didn't
12 stop what was going on. Didn't comment on what was
13 going on.
14 155 Q. And how long do you think the Commandant was there?
15 A. I've no idea. It was hard to say. It was hard to see 11:13
16 --
17 156 Q. Well, how long did you observe him for?
18 A. Oh, I can't say, I can't recall.
19 157 Q. And can you recall what time of the day it was at that
20 time? 11:13
21 A. It would have had to be, excuse me, it would have had
22 to be eight o'clock or past eight o'clock, at a
23 minimum.
24 MR. McGOVERN: Thank you, Mr. McGrath. You might
25 answer my Friends. 11:13
26 SOLE MEMBER: Thank you, Mr. Murphy. Mr. Marron.
27 MR. MARRON: Thank you, Chair.
28
29

1 MR. DAVID McGRATH WAS CROSS-EXAMINED BY MR. MARRON, AS
2 FOLLOWS:

3
4 158 Q. MR. MARRON: Mr. McGrath, I just have a few questions
5 because Mr. McGovern has gone through most things. But 11:13
6 just to start chronologically, in your first interview
7 you gave a description of -- I don't know was it your
8 very first encounter with 2nd Lt. B, but it would have
9 been, I think, when he introduced him. Can you just
10 describe that? 11:14

11 A. That's correct. So, early on - I think it could have
12 been our first introduction to the Lieutenant - we
13 were, we were told to go into the Rec Room for a
14 meeting. He came in -- so, if you can imagine, it was
15 like a table at the front and he was sitting on his 11:14
16 chair in front of the table and we were all in, like,
17 say, like a classroom environment, but there was no
18 tables -- there wasn't even enough chairs for
19 everybody. You had people sitting on tables or sitting
20 on chairs and a few people standing. 11:14

21
22 He came in and told us we're in the Army now, he's in
23 charge now. He's now our Mammy - 'I'm your Mammy now'
24 - and read us the riot act, for whatever reason. We
25 were all sitting there. He stood up, knocked the chair 11:14
26 over, stormed out of the room, and we just sat there.
27 I don't think anyone moved for about five minutes. It
28 was just 'what the hell is going on here?', like.

29 159 Q. Very good. Just the Tribunal has heard evidence from

1 another witness in relation to a number of apprentices
2 being required to serve at a function and it was
3 2 Lt. B's 21st birthday party?
4 A. That's correct.
5 160 Q. Do you recall that? 11:15
6 A. I do recall that, and I recall it wasn't the only time
7 that similar incidents happen. There would be many
8 times that you could be out on parade and there'd be
9 ten people selected and thrown off parade -- and it
10 would just so happen that there would be a function on 11:15
11 in the NCOs' mess - it could be a Christmas party or a
12 christening or whatever it was - and those ten people
13 would then be selected to go in and clean up and
14 collect glasses or whatever, work at the function,
15 essentially, yeah. 11:16
16 161 Q. And these would happen at weekends?
17 A. At weekends, yeah, certain weekends.
18 162 Q. Okay. And then just, you just might clarify one thing
19 in relation to the removal of the posters and you said
20 then that the posters went up in advance of a GOC 11:16
21 inspection -- that GOC inspection involves -- it's an
22 outside inspection, is it, yeah?
23 A. That's correct, yeah.
24 163 Q. So the people inspecting are from --
25 A. From The Curragh. 11:16
26 164 Q. From The Curragh.
27 A. From The Curragh, so they wouldn't be --
28 165 Q. And they wouldn't be in the barracks?
29 A. That's correct.

1 166 Q. Okay, thank you. So, in relation to the aftermath of
2 the death of Aptce. Mullaney --

3 A. Yes.

4 167 Q. -- did you have -- was there any discussion in relation
5 to weapons after that? 11:17

6 A. Yes. So, once -- at one stage, we were in the Rec Room
7 and we were asked, very close after Ollie's death, we
8 were asked did we feel comfortable doing weapons duties
9 for now and, 'If you don't, put up your hand', and I
10 put up my hand -- that Saturday, I was on duty with a 11:17
11 weapon.

12 168 Q. So, sorry, you said you didn't feel comfortable --

13 A. So I put up my hand to say 'I don't feel comfortable
14 doing weapons duties at the moment' and, that Saturday,
15 I was on duty with a weapon. 11:17

16 169 Q. Thank you. And then, I mean, you have described the
17 difference afterwards in your treatment in Cathal
18 Brugha, so I don't intend to go into that --

19 A. I would just like to say one thing about the Cathal
20 Brugha, one further point. I was talking to a guy at 11:18
21 the weekend and he said when he went back to do his
22 corporal course in Cathal Brugha many years later, he
23 was talking to our then Platoon Commander and said
24 'I was here in '92, do you remember when we were
25 here?', and that Platoon Commander said 'I do remember 11:18
26 when you were here. We were told yous weren't a good
27 bunch and, in the first couple of days, we ran you
28 around and we gave you a lot of hard running around in
29 combats and whatever, backpacks' and he said 'Yous all

1 looked after each other. You all made sure everyone
2 was fine.' And he said 'We knew then you weren't a
3 bad bunch.'

4 170 Q. So, maybe just my last question, Mr. McGrath, is, in
5 your first interview, and it's at page 1535, you make 11:18
6 -- you say that people must have known what was going
7 on?

8 A. Yes.

9 171 Q. And I think it's there -- so it's just below that,
10 line 14 on, I think, and then even further down. And 11:19
11 you make an interesting point there because you said:
12

13 "They must have known what was going on because they
14 would have known we were kept in all the time, and even
15 the catering set-up for food would have had to have 11:19
16 been provided."
17

18 And I take it that's in contrast to the other platoons,
19 is it?

20 A. As in, they wouldn't be there, so we'd be there. So if 11:19
21 we were there, we had to be fed and they had to keep us
22 on duty and there had to be cooks going in, so they'd
23 have to be rostered. So, yes, that's enough of an
24 indication to know that we were being kept in on a
25 majority basis. 11:20
26 MR. MARRON: Okay, thank you, Mr. McGrath.
27 THE WITNESS: Thank you.
28 SOLE MEMBER: Thank you, Mr. Marron. Is there any
29 other person who wishes to put a question to this

1 witness?

2
3 MR. DAVID McGRATH WAS CROSS-EXAMINED BY MR. HOGAN, AS
4 FOLLOWS:

5
6 172 Q. MR. HOGAN: Mr. McGrath, good morning, Tom Hogan is my
7 name and I represent Lt. 2B. I think you've -- have
8 you been here before, Mr. McGrath?

9 A. I have, indeed, yeah.

10 173 Q. So I suppose you're familiar then with my client's
11 position, which is that he denies any wrongdoing, he
12 denies that he bullied or mistreated any apprentice
13 during the time in question. For the reasons that
14 everyone is clear about, no findings are going to be
15 made in relation to your allegations of mistreatment
16 or, indeed, anyone else's allegations of mistreatment?

17 A. Yes, which is very unfortunate.

18 174 Q. Yeah -- or, indeed, the cause of the tragic death of
19 Oliver Mullaney or anybody else. But, just for the
20 purpose of the record, I'm just putting that denial on
21 the record, Mr. McGrath. You don't have to agree or
22 disagree with that.

23
24 I just, I wouldn't mind asking you; in relation to the
25 haircutting accusation, a complaint was made, is that
26 right?

27 A. No.

28 175 Q. -- by the father of another apprentice?

29 A. That's correct, yeah. You've seen the letter.

1 176 Q. Yeah.
2 A. You know that.
3 177 Q. Did you ever complain to your own family of being
4 mistreated as an apprentice?
5 A. I told my family some of the things that were going on, 11:21
6 yes.
7 178 Q. Did they not see fit to make complaints on your behalf?
8 A. So, the day that Oliver Mullaney died, I heard it from
9 -- another apprentice rang and told me, and I came down
10 and I told my father what happened and he said, 'That 11:22
11 fucker, B'. It's the first time I ever heard him
12 cursing in my life. And before I even said anything,
13 that was his response, 'That fucker, B'. So, that
14 should tell you a lot, yeah.
15 179 Q. I don't really understand that answer, Mr. McGrath. 11:22
16 A. Well, if I need to explain it to you, I will, yeah. Do
17 you want me to explain it to you?
18 180 Q. No, but --
19 A. Okay.
20 181 Q. -- I just suggest to you, Mr. McGrath, that nobody in 11:22
21 this room or, indeed, anywhere knows why Oliver
22 Mullaney --
23 A. We can have strong opinions on it.
24 MR. HOGAN: You can have strong opinions, exactly, and
25 I'll leave it at that. Thank you very much, Mr. 11:22
26 McGrath.
27 SOLE MEMBER: Mr. Lehane.
28 MR. LEHANE: Good morning, Sole Member.
29

1
2 MR. DAVID McGRATH WAS CROSS-EXAMINED BY MR. LEHANE, AS
3 FOLLOWS:
4

5 182 Q. MR. LEHANE: Mr. McGrath, you have been here during the 11:23
6 week so --

7 A. I have, indeed, yeah.

8 183 Q. -- you know that my name is Darren Lehane and I'm going
9 to ask you some questions on behalf of the Defence
10 Forces, and also on behalf of certain individuals. 11:23
11 where I'm asking you a question on behalf of an
12 individual, I will be clear that I'm asking you the
13 question on behalf of the individual, okay?

14 A. That's grand.

15 184 Q. And I'll do this relatively quickly. There are nine 11:23
16 kind of topics I want to deal with you --

17 A. Sure.

18 185 Q. The first is in relation to your knowledge of the
19 complaints process. You said in your evidence today
20 that you never once got trained as to how to make a 11:23
21 complaint when you were in the Army?

22 A. That's correct.

23 186 Q. Okay. And you also referred, in your evidence, to
24 instruction that you used to get on Wednesdays in terms
25 of the reading of the Acts, I think, and you gave an 11:23
26 example about the readings of the Acts, one reading
27 that you remember that happened on a Wednesday while
28 you were in first year, yes?

29 A. Okay.

1 187 Q. And it's just -- again, I'm not trying to catch you
2 out, I'm just trying to enable you to tell the Sole
3 Member what you remember. Do you recall getting
4 lectures on a regular basis in terms of the rules and
5 regulations? 11:24

6 A. No, not on a regular basis. On an ad hoc basis, and
7 maybe near to the start when we came in first.

8 188 Q. Because I think you told the Tribunal legal team in
9 your interviews that you got sessions in what you
10 described of being told how military laws worked. And 11:24
11 you gave the example of -- in relation to the mutiny
12 point. That's at page 1508, Sole Member, just in terms
13 of your own record.

14 A. Okay.

15 189 Q. The reason I'm asking you about these talks that you 11:24
16 got and the sessions that you refer to in your
17 interview is that Lt. 2B, who I don't represent, will
18 say - and he says the same thing that he said in
19 interview - to the Sole Member when he comes to give
20 evidence, that he gave the platoon instruction in 11:25
21 complaints processes and how to make complaints?

22 A. And he said another bit after that as well, that if he
23 didn't, he'd be admonished, was it?

24 190 Q. Well, whatever about what he will say would happen to
25 him, do you recall -- what do you say in relation to 11:25
26 that?

27 A. Well, the reason he uses for to say -- to back up that
28 he gave us training in these matters was that he would
29 be in trouble if he didn't. But he certainly didn't

1 get in trouble for making people eating cigarettes or
2 putting them up their noses, or for giving people abuse
3 or, for kicking people, he didn't get into trouble for
4 them. So I don't see why he'd be worried about getting
5 into trouble for not reading out some Acts that nobody 11:26
6 would be there to witness whether it happened or not.

7 191 Q. All right. Well, Mr. McGrath, I'm just trying to --
8 again, I don't represent him.

9 A. Well, you represent people that were in control of him
10 -- 11:26

11 192 Q. I know, but --

12 A. So... You're also responsible there, if you're
13 representing them.

14 193 Q. What I want you to just tell the Sole Member is, is
15 Lt. 2B correct, in your recollection, when he says he 11:26
16 gave you an instruction in the complaints process?

17 A. I don't recall getting anything.

18 194 Q. Thank you. The second topic I just want to move on to,
19 Sir, is in relation to your evidence in respect of
20 haircutting. You told the Sole Member this morning 11:26
21 that Lt. B asked everyone to remove their beret and
22 then he marched them off the square out of view?

23 A. That's correct.

24 195 Q. And, again, just because I didn't take a note of it,
25 was it between the two billets or where were you 11:26
26 brought?

27 A. It was between the two second year billets in that void
28 from the diagram earlier.

29 196 Q. And, again, you can only speak to what you saw, you

1 witnessed, your impression?

2 A. Yes.

3 197 Q. In your interview with the Tribunal barristers on pages
4 1505 to 1506, and that's just for the Sole Member, you
5 speculated that: 11:27
6

7 "Out of sight of the rest of the barracks, I guess, so
8 you wouldn't have been able to see them from the main
9 offices where some of the other officers or NCOs would
10 have been." 11:27
11

12 A. That's correct.

13 198 Q. And is that still your evidence to the Sole Member this
14 morning, that's your speculation as to why --

15 A. That's my speculation, yeah. 11:27

16 199 Q. In terms of Sgt. E and I'm asking you a question now on
17 behalf of Sgt. E, Sgt. E's position is that he denies
18 that he cut hair and he says he could pinpoint people
19 and say 'You need a haircut', but he has no
20 recollection of anyone cutting them in front of him. 11:28
21 So that's just at 5002, Sole Member, but just what
22 would you like to say to that?

23 A. Well, I know he was there.

24 200 Q. The third issue I want to discuss with you is in
25 relation to your evidence to the Tribunal in terms of 11:28
26 what was said to you about the consequence of making a
27 complaint. You said that you were told that if you did
28 make a complaint, it would be regarded as mutiny. Do
29 you remember saying that this morning?

1 A. Yes. Yes.

2 201 Q. And, this morning, you said that you were told this by
3 two corporals, and then you went on to say that the
4 Corporal was deceased?

5 A. Yes. 11:28

6 202 Q. So, are you saying it was two corporals or one
7 corporal?

8 A. I can recall it was the deceased corporal that said it.
9 I would think the two of them were with each other all
10 the time, so I wouldn't be surprised if he was there as 11:29
11 well.

12 203 Q. No, but it's just --

13 A. But I can't recall, I can't recall.

14 204 Q. In fairness, that's fine, and I think -- and, again,
15 you're here, this is the important bit, that you give 11:29
16 sworn testimony, but, again, it's your testimony to the
17 Sole Member is that it was Cpl. C, okay, that you said
18 you could see. Okay.

19

20 The fourth topic I want to move on to is your evidence 11:29
21 this morning in relation to the posters, and now I'm
22 going to just ask you a question on behalf of Sgt. E.
23 He says that he has no recollection of that incident,
24 but he says it may be true and that, if the Platoon
25 Commander instructed him to either direct people to 11:29
26 take down posters or take them down himself, that he
27 would have done that. So I'm just telling you what he
28 said.

29 A. That's fine, yeah.

1 205 Q. And, again, Sole Member, that's on 1519. The fifth
2 thing I want to ask you about is in relation to the
3 events on the square on the Thursday.
4 A. Okay.
5 206 Q. And, here, I'm representing two individuals. One is 11:30
6 Lt. A --
7 A. Yes.
8 207 Q. -- and just in respect of him, he says he has no
9 recollection of that night. That's what his evidence
10 to the Sole Member will be. 11:30
11 A. It's well for him.
12 208 Q. And the second individual that I represent is
13 Mr. Coffey --
14 A. Yes.
15 209 Q. And you were asked this morning at around - well, it 11:30
16 doesn't matter what time - 11:13 did you remember
17 anyone else watching or observing what was going on,
18 and you told the Sole Member that you recall Mr. Coffey
19 observing what was going on?
20 A. I did, indeed. 11:31
21 210 Q. Again, I just want to remind you of what you said in
22 the interview that you had with the Tribunal Counsel.
23 Sole Member, this is on page 1531. I'm not trying to
24 trick you here or catch you out, I just want to remind
25 you to give you a chance to clarify your evidence to 11:31
26 the Sole Member. You were asked the question at 259:
27
28 "Q. So Coffey was there when that was going on, not
29 just -- he wasn't simply present for physical

1 exercises, but was he there when abuse of Oliver was
2 taking place?"
3
4 -- so that's the question.
5 A. Okay. 11:31
6 211 Q. And your answer is:
7
8 "So I can't say exactly, all right, I can't say
9 exactly, but he was there when we were taken out at ten
10 at night that evening, knowing that we were going from 11:31
11 seven in the morning, so he was aware that things were
12 going on that late at night."
13
14 So, in your interview, you said you couldn't say
15 exactly -- 11:32
16 A. Yes.
17 212 Q. -- whether Mr. Coffey observed or was present to
18 observe when the abuse of the late Mr. Mullaney was
19 taking place. Ehm, which is it, is it that, or are you
20 saying now that he did observe it? 11:32
21 A. I'm saying the same thing; he was there when we were on
22 the square and there was abuse going on. What he
23 actually saw, I don't know.
24 213 Q. Because, again, in your interview, you say you
25 weren't -- you couldn't say exactly was he there when 11:32
26 the abuse of Oliver was taking place?
27 A. Okay. I think that's fair, yeah.
28 214 Q. Thank you. The reason I say that or I'm reminding you
29 of that is Mr. Coffey will tell the Tribunal that he

1 didn't witness any abuse of the late Mr. Mullaney in
2 the square on that evening?

3 A. well, he was there.

4 215 Q. I know, but the Sole Member has your answers in
5 relation to that. 11:33

6

7 The seventh topic I want to just ask you some questions
8 about is your evidence that you were encouraged not to
9 make statements to the Military Police regarding the
10 passing or the death of Mr. Mullaney, do you remember 11:33
11 that?

12 A. I don't recall saying that.

13 216 Q. Okay. well, I can pass over from it then.

14 SOLE MEMBER: I think what he said was he hadn't been
15 asked to give an interview by the Military Police. 11:33

16 217 Q. MR. LEHANE: Oh, sorry. Okay, thank you. Thank you,
17 Sole Member, that's helpful for me.

18 A. I didn't know the Military Police were there taking
19 statements.

20 218 Q. That's fine. The last matter that I want to just ask 11:33
21 you about is you were asked by, I think by counsel for
22 Lt. 2B, why you didn't speak to a family member to make
23 a complaint or make a complaint yourself, do you
24 remember that?

25 A. Yes. 11:34

26 219 Q. But I think, in fairness to you, in your submission to
27 the Tribunal that you made dated 30th September 2024 -
28 and the reference, Sole Member, is 1482 - you say:
29

1 "In saying that I don't have any personal major
2 incidents that individually target me, I was still
3 psychologically impacted by the incidents that were
4 directly targeted at other people."

11:34

6 So, in fairness to you, if I'm reading that correctly,
7 you're here to help the Sole Member with what you
8 observed happening to other people --

9 A. And what I experienced.

10 220 Q. And what you experienced?

11:34

11 A. Yes.

12 221 Q. But, again, in terms of -- you know, because of that,
13 you know, I don't think you can be criticised for not
14 making a complaint. Thank you very much, Sir.

15 SOLE MEMBER: Are there any other questions for the
16 witness?

11:35

17
18 MR. McGRATH WAS QUESTIONED BY THE SOLE MEMBER, AS
19 FOLLOWS:

20
21 222 Q. SOLE MEMBER: Mr. McGrath, could you explain to me the
22 relationship between the weekend pass, which you said
23 may or may not be given, may be given and may be
24 revoked at the last moment or whatever, and this
25 evidence you gave in relation to the draw, the
26 redrawing of the bounds? My understanding was that the
27 three apprentices in question were told the boundary
28 now stops 100 metres from their homes?

11:35

11:35

29 A. That's correct.

1 223 Q. -- which meant that they weren't allowed beyond the
2 bound and, therefore, they weren't allowed home. So
3 how did that work with them getting weekend passes?
4 A. So, if you got a weekend pass, it meant you're allowed
5 go out of bounds. So it meant when you filled that 11:35
6 form, you said 'I want to go home' and you say where
7 you're living or where you're going to, so you're
8 allowed to go to your home or that location.
9 224 Q. So the boundary was for general movement outside the
10 barracks, basically? 11:36
11 A. For day-to-day. Day-to-day. So, if you finished at
12 four o'clock on a Wednesday, you could hop on a bus and
13 go anywhere within those bounds without asking
14 permission.
15 225 Q. And can you help me understand what was the principle 11:36
16 -- what was the norm in relation to apprentices when
17 they arrived? Were they told 'You're here Monday to
18 Friday', 'You're off Wednesday', 'You get home
19 weekends, unless it's withdrawn'? What was the
20 structure? What were you told about your freedom, your 11:36
21 liberty?
22 A. We were told in first year you would have one closed
23 weekend, which meant you were staying in --
24 226 Q. Per month?
25 A. Yeah, sorry, on a monthly basis, you have one closed 11:36
26 weekend, one short weekend, and two long weekends. And
27 then as you got into second year, you would have less
28 closed and more open weekends. And, third year, you
29 should be getting long weekends, which would allow you

1 come in on Monday, a half day Monday.

2 227 Q. Just take me back to first year. One closed weekend,
3 one short weekend and one long weekend?

4 A. Yes.

5 228 Q. And that left a weekend in the month missing? 11:37

6 A. No, two -- two, sorry.

7 229 Q. Oh, sorry, two --

8 A. Yeah, so one closed weekend --

9 230 Q. Yes?

10 A. The short weekend was from Saturday lunchtime -- 11:37

11 231 Q. Yes.

12 A. And two long weekends were from Friday evening to
13 Sunday night at 11:30.

14 232 Q. And the closed weekend was you're in?

15 A. The closed weekend was you're in. 11:37

16 233 Q. I see, thank you, that's very helpful.

17 A. And you could be doing military training on those
18 closed weekends -- so that's what we were told at the
19 start.

20 234 Q. You could get military training, okay. 11:37

21 A. So, as you went to second year, you should probably get
22 three long weekends, and maybe the odd closed weekend.
23 And, third year, you should be off all the time. I was
24 talking to a guy who was in the platoon after us there
25 recently and he said he couldn't believe he was in 11:37
26 first year, we were in second year, and they were
27 getting more weekends than us off.

28 235 Q. I see. Is it correct, therefore, that based on that
29 information that you say you were given --

1 A. Yes.

2 236 Q. -- that the expectation was that, for most weekends,
3 you would be out, whether on a short weekend or a long
4 weekend?

5 A. Correct. That was our expectation, yes. 11:38

6 237 Q. That was the expectation. And then one final question,
7 please. One of the matters that I have to investigate
8 is whether there was active deterrence when it came to
9 the making of complaints of abuse or a culture that
10 discouraged the making of complaints of abuse. When 11:38
11 you were told that if two or more people spoke ill of
12 the Army you'd go to The Curragh Prison, you'd be
13 court-martialed and discharged, or possibly discharged
14 --

15 A. That's correct, yeah. 11:38

16 238 Q. When you were told, how did you interpret that? Was
17 that, in your view, just the way it was? That was the
18 law, as it were, military law, or was that a
19 discouragement towards making a complaint, or did you
20 feel 'I can't make a complaint'? How did you interpret 11:38
21 being given that information?

22 A. We felt -- I felt that we were now in the position
23 that, if there was something going wrong, you couldn't
24 discuss it with somebody else, yeah. So, you
25 weren't -- because that's two people talking about the 11:39
26 Army, so you couldn't discuss it, so the conversation
27 was being closed down, is what I found.

28 239 Q. So you couldn't discuss it with your friend, say, in
29 the next bed?

1 A. No.

2 240 Q. And what about in terms of bringing a problem of abuse
3 forward, raising a complaint?

4 A. It never even entered my head to do something like
5 that. 11:39

6 241 Q. And that information you were given, did that impact on
7 your sense that it just didn't enter your head that you
8 could make a complaint, if I'm understanding your
9 evidence?

10 A. Can you ask that again, please? 11:39

11 242 Q. When you said that 'It never entered my head to make a
12 complaint', was that understanding on your part in any
13 way influenced by the information you were given about
14 if you discuss this with another person, it's mutiny,
15 or it's -- you'd be court-martialed? 11:39

16 A. I would have to say I think I would, yeah, because, at
17 that stage, you're being shut down for talking and
18 saying things weren't right, yeah.

19 SOLE MEMBER: Thank you very much, indeed, Mr. McGrath.

20 THE WITNESS: Can I just finish, Chair, yeah -- so, on 11:40
21 the Friday, night Oliver Mullaney dropped another guy
22 home and, on his way home, he said, 'How can 52 lads be
23 so wrong and one man so right?'

24 243 Q. SOLE MEMBER: Could you just tell me -- could you just
25 explain that to me again, what you're trying to tell 11:40
26 me?

27 A. Oliver dropped a --

28 244 Q. Another apprentice home from the 34th Platoon?

29 A. On the Friday night before he died.

1 245 Q. And do we know, without naming him, do we know who this
2 other apprentice is?
3 A. We do, yeah. It's in his Military Police statement --
4 246 Q. Yes?
5 A. He said that Oliver said to him 'How can 52 lads be so 11:40
6 wrong and one man be so right?', yeah, indicating we're
7 always in the wrong, no matter what happens. And that
8 was his mindset at the time.
9 SOLE MEMBER: Thank you very much, Mr. McGrath, for
10 coming to give evidence to the Tribunal. It greatly 11:40
11 assists in the work that I have to do. Thank you very
12 much. Now, we'll take the next witness, please.
13 MR. CUSH: The next witness, Judge, is Mr. Martin Wall.
14 SOLE MEMBER: Thank you.
15 11:41
16 MR. MARTIN WALL, HAVING BEEN SWORN, WAS DIRECTLY
17 EXAMINED BY MR. CUSH AS FOLLOWS:
18
19 247 Q. MR. CUSH: Good morning, Mr. wall.
20 A. Good morning. 11:42
21 248 Q. Mr. wall, as you are aware, the Tribunal is
22 investigating the effectiveness of the complaints
23 processes and the culture within the Defence Forces in
24 relation to complaints of abuse. The Tribunal is not
25 permitted to make findings in relation to the
26 well-foundedness of complaints of abuse and, for that
27 reason, you are required to refrain from disclosing the
28 names of any alleged perpetrators in your evidence
29 today. Where it is necessary to refer to such

1 individuals, you must do so by using their rank or
2 pseudonym given to them by the Tribunal. Do you
3 understand that?

4 A. Yes.

5 249 Q. Thank you. Mr. Wall, you joined the Army Apprentice 11:42
6 School on 28th September 1989, I think, is that right?

7 A. That's true, yeah.

8 250 Q. And your intention was to learn the trade of fitter or
9 mechanic, is that right?

10 A. Yeah. 11:42

11 251 Q. And unlike some of your fellow recruits, you had no
12 family or friends by way of background in the Army, is
13 that right? You came fresh, as it were?

14 A. Yes, that's true.

15 252 Q. And you describe in your witness statement your arrival 11:43
16 and your very first impressions of the barracks in
17 Naas, and one of the points you make is that you
18 weren't given any induction in relation to structure or
19 rank or saluting, who to salute, how to salute, when to
20 salute. You were told nothing of that nature? 11:43

21 A. No.

22 253 Q. And, yet, if you were deemed to have not done something
23 correctly, you were punished for it, is that right?

24 A. That's true, yeah.

25 254 Q. Okay. You have a number of complaints outlined that I 11:43
26 will pass over, but I'll just identify them, if I may.
27 You make a complaint in relation to pay, you make a
28 complaint in relation to food, and you make a
29 particular complaint in relation to being obliged to

1 purchase a tool kit, is that so?

2 A. Yeah, that's correct.

3 255 Q. I suppose, I just want to know those, Mr. Wall,
4 but I'm going to pass from them because perhaps they're
5 not entirely within the Terms of Reference. 11:44
6

7 So, you had initial contact with 2 Lt. B and he was
8 very much a feature of your life in Naas, isn't that
9 so?

10 A. That's correct, yeah. 11:44

11 256 Q. And you described how you think he took a dislike to
12 you from early on and he would square up to you, shout
13 in your face, and then various punishments would be
14 administered. So, could you just describe some of that
15 for the Tribunal, please. 11:44

16 A. I suppose, where do you start? The punishment could
17 range from anything -- it could be getting to do
18 push-ups, do laps of the square -- or, sorry, run laps
19 of the square. It could be -- you could be singled out
20 for, as they're called, fatigues, which was work 11:45
21 details after hours, which would be, I suppose, it
22 could be sweeping the barracks, it could be shovelling
23 turf, it could be raking up grass, that kind of stuff.
24 But it seems probably always looking for people, always
25 looking for bodies to do that, and I felt, I suppose, 11:45
26 that I couldn't do anything right for this man.

27 257 Q. You say you'd never been in trouble before, is that
28 right?

29 A. No. No.

1 258 Q. But this was different?
2 A. This was completely different, yes.
3 259 Q. You say that the punishment never seemed fitting to the
4 crime. Was that a feature of your perception of
5 events? 11:45
6 A. It was, yeah. And, often, you wouldn't know what the
7 crime was you were being punished for.
8 260 Q. And did you have any understanding of when the
9 punishment would end or...
10 A. It would be at 2 Lt. B's when -- when it would end. 11:46
11 261 Q. You describe quite early on in your statement, but I
12 just want you to explain whether this is applicable to
13 your entire time there, you say you didn't complain,
14 you felt trapped, that the culture within the military
15 discouraged speaking out:- 11:46
16
17 "...any hint of weakness would have led to worse
18 treatment. We were constantly told that if we complain,
19 it would mark us as troublemakers and likely result in
20 harsher punishment or ridicule." 11:46
21
22 And I will just identify one other passage. At the
23 very end of your statement, you say:
24
25 "I didn't complain because of a combination of fear, 11:46
26 shame, isolation and the belief that it wouldn't change
27 anything."
28
29 Could I just ask you to explain those matters that

1 you've identified -- a combination of fear, what was
2 the fear?

3 A. Well, the fear was, I suppose, there was -- we were
4 told of a chain of command and that everything had to
5 go through the chain of command. So, the chain of 11:47
6 command would have started with the training corporals,
7 training NCOs, sergeant, company sergeant, platoon
8 commander, company commander and then commanding
9 officer. So, if we had a complaint or if I had a
10 complaint about, say, 2 Lt. B, it would ultimately land 11:47
11 on his desk on the way up the chain of command. So he
12 wouldn't want that going any further up the chain of
13 command, which would may result in the commanding
14 officer or the company commander, who would be his
15 direct superior, having to question him on it. So I 11:48
16 feel the likes of that would have been shut down. You
17 knew -- you were told the chain of command, but you
18 were told you had to use it, you couldn't go outside
19 the chain of command -- and which would be the same if
20 you had a complaint against the training NCOs, it would 11:48
21 have to land on their desk first as well.

22 262 Q. All right. Shame -- why would you feel shame?

23 A. Eh, you know, I suppose, there was, you know: Were
24 they right? was I wrong? Did I do something wrong?
25 That, I suppose. Ehm, there was, I suppose, there was 11:49
26 also a threat of, we'll say, if they -- I suppose there
27 was a threat there all the time that you could be
28 kicked out of the Army with a dishonourable discharge,
29 so that -- and, I suppose, the threat associated with

1 that was 'You're never going to get a job in this
2 country again with this dishonourable discharge', so
3 you were going to be shamed; there would be shame
4 associated with that. So, that's, I suppose, where the
5 shame would come from.

11:49

6 263 Q. Was there any perception of weakness around the making
7 of a complaint?

8 A. Well, I suppose I didn't know what was right or wrong
9 in their eyes. So, would I have been complaining -- I
10 suppose, would I have been complaining that something
11 that I should have known, or that maybe I should have
12 known? So, that would be probably a sign of weakness,
13 in my eyes, if I was bringing that up.

11:50

14 264 Q. Okay. The next matter that you mentioned was
15 isolation. Why do you say that you might have been
16 isolated if you complained?

11:50

17 A. Well, I suppose you could put the isolation with the
18 first part because, again, it would be going back to
19 the weekend passes and stuff like that, you could be
20 kept in. You were going to be singled out. I suppose,
21 that would be the isolation. Everyone else -- you'd be
22 singled out, everybody else would be, maybe, allowed
23 home for the weekend and you'd be singled out, so that
24 would be isolation, I suppose, that would be what I'd
25 mean about that.

11:50

11:51

26 265 Q. And the belief that it wouldn't change anything -- why
27 do you say that?

28 A. I suppose, hindsight, I suppose, is a great thing, but
29 the few complaints there was didn't change anything, so

1 we would have talked about, amongst ourselves, and, you
2 know, there was nothing getting better -- it was
3 getting worse, if anything. So there was nothing
4 changing. And, I suppose, the hierarchy, the hierarchy
5 at the time knew what was going on. The senior 11:51
6 officers in the barracks would have known what was
7 going on. So, it would have been in their authority to
8 change, but nothing changed.

9 266 Q. You mentioned earlier that you had to go through the
10 chain of command. Am I to understand from that that 11:51
11 there was some form of training given to you about a
12 complaints process, from which you understood you had
13 to go through the chain of command?

14 A. No, there was no training given on any complaints
15 process. We may -- they would have alluded to the 11:52
16 chain of command and -- I suppose, they would have
17 alluded to the chain of command and, I suppose, they
18 didn't want apprentices knocking on the commanding
19 officer's door or the company commander's door. So
20 that would be the chain of command. But there was no 11:52
21 training given any in complaints process.

22 267 Q. And what about on the noticeboard, was there any detail
23 of a complaints process on a noticeboard?

24 A. Not that I can recall.

25 268 Q. And do you recall regulations being read out to you on 11:52
26 occasion?

27 A. On occasion, on an ad hoc basis, I would recall them
28 being read out verbatim from the Defence Forces
29 Regulations. Very legalistic, very legalistic terms

1 that I certainly wouldn't have understood it as a
2 16-year-old. And it would be my belief that the person
3 reading them out didn't really understand them either,
4 but they were just reading them verbatim line-by-line
5 from the DFR. 11:53

6 269 Q. Might some of those things being read have been about
7 complaints processes?

8 A. I would doubt it very much. I wouldn't imagine they
9 would have liked us knowing of a complaints process or
10 given us the tools to make complaints. 11:53

11 270 Q. In your witness statement, Mr. Wall, you describe a
12 humiliating incident for you involving an older class.
13 And you said that you felt embarrassed, humiliated and
14 ashamed as a result, but you didn't make any complaint
15 about it. Why was that? Was that part of what we 11:54
16 described before?

17 A. Well, I suppose, again, we would have had to go to the
18 chain of command, and I suppose 2 Lt. B would have been
19 the platoon commander and in, I suppose, as I say, in
20 the real world, you should have been able to approach 11:54
21 this man and make a complaint about any issues, but
22 this man was not approachable and didn't show any
23 empathy. So I wouldn't have felt comfortable making a
24 complaint to him; I would say it would have come back
25 on top of me. 11:54

26 271 Q. Okay. You describe an occasion when you and
27 Damien Traynor were seen giggling during an
28 instruction, is that so?

29 A. Yeah.

1 272 Q. Just describe that incident for me, if you would?
2 A. So, it was our first time -- it was our introduction to
3 the rifle, the Steyr rifle, which was the standard-
4 issue rifle at the time within the Defence Forces.
5 And, at the time, the barracks, during, let's say -- 11:55
6 with the exception of the summer, the barracks, there
7 wasn't weapons kept in the barracks and they were kept
8 in The Curragh. So we were put on to the back of
9 trucks for to get the weapons in The Curragh, and we
10 would have been doing classes in The Curragh on this 11:55
11 weapon.
12
13 At some stage -- now, I'm not -- at some stage, myself
14 and Damien were giggling, for want of a better word --
15 somebody maybe cracked a joke, we may have found 11:55
16 something amusing, but the corporal at the time or the
17 corporals at the time took exception to this and they
18 made myself and Damien stand outside the block, or
19 whatever the room that the training was going on in,
20 and continued on with everybody else. 11:56
21
22 So, we were put back on to the -- so, the day was
23 finished anyway -- back on to the back of the trucks
24 and back to Devoy Barracks. So, we didn't think much
25 more of it, but, next thing, we were -- 2 Lt. B 11:56
26 summonsed us to his office. So, this had grown arms
27 and legs. In my opinion, this had grown arms and legs
28 by the time -- from the incident, by the time it got to
29 2 Lt. B.

1 273 Q. I think you said you were six weeks in the Army at this
2 stage?
3 A. At the time I thought it was when I made my statement,
4 but on reflection and on looking at my record, it was
5 probably four or five months in. It happened in 11:57
6 February 1990.
7 274 Q. Okay. Now, I'm sorry, I interrupted you. You were
8 brought to the office of 2 Lt. B?
9 A. Yeah.
10 275 Q. And? 11:57
11 A. So, we were in 2 Lt. B's office, standing in front of
12 him with -- and I suppose I have to paint a picture
13 here that this man's office didn't a chair. It had a
14 chair behind his desk, but it didn't have a chair in
15 front of his desk. It wasn't like a one-to-one where 11:57
16 you'd expect... You were stood to attention, rigid, in
17 front of his desk. Myself and Damien were stood to
18 attention, rigid, in front of his desk, and he was
19 walking in front of us. And I can remember at the time
20 he was poking his finger into my breast bone, straight 11:57
21 into my breast bone, for whatever the incident was or
22 looking for an explanation of the incident, or the
23 alleged incident -- or alleged offence, let's say. And
24 it was quite sore. And he probably wasn't getting the
25 answers he was looking for, so, next thing, he ordered 11:58
26 us into the push-up position. And, I suppose, when you
27 were doing push-ups, it was -- push-ups were used as a
28 punishment at the time and, in his opinion, we were
29 never going down far enough, the chest was never close

1 to the ground. So he would put his boot on -- in
2 between our shoulder blades, in between my shoulder
3 blades to get me down further to the ground. And
4 standing -- probably stood on fingers as well, you
5 know, when he'd be walking.

11:58

6
7 So, then it was get up. Then it was -- it was get up,
8 probably more poking in the chest -- and this is all
9 the time while stood at attention looking out your own
10 height. You can't look the man in the face. If you do 11:58
11 look at the man in the face, he says 'Don't eyeball
12 me.' That was his -- his regular thing was 'Don't
13 eyeball me.' So, you were basically being berated and
14 you to stand to attention, rigid, looking out your own
15 height.

11:59

16
17 So, my recollection of this, we were -- well, this went
18 on. So, at the time, there would have been -- he would
19 have told us he's charging us for this offence, but
20 always what seemed to be prior to the charges, there 11:59
21 was a period of confinement or a reprimand, or whatever
22 you want to call it, but... So we would have been
23 confined for a week, possibly a week, before the
24 charges, then the charges, and then we would have been
25 awarded maybe five -- three, five, seven days 11:59
26 confinement to barracks, with no credit for time
27 already served, as such, on confinement.

28 276 Q. Okay. We might just look at the document on page 2142.
29 This appears to be the charge sheet, Mr. Wall, in

1 relation to the incident you've just described, I
2 think, does that look right?

3 A. Yeah.

4 277 Q. -- where it is said that, at 10:30 in the morning, you 12:00
5 did smirk, laugh and cause a disturbance while being
6 instructed. So, that was the charge you faced?

7 A. That was the charge, yeah.

8 278 Q. And you received the punishment for it that you've
9 described?

10 A. Yeah. Now, I don't even believe at the time a safety 12:00
11 precaution lesson -- I don't even think we were in the
12 room at the time when that incident occurred.

13 279 Q. All right. You described another occasion when, on a
14 Friday night, you and Damien were returning to barracks
15 after being in Naas Town and you again encountered 12:01
16 2 Lt. B late that evening, is that right?

17 A. Yeah.

18 280 Q. Can you just describe that?

19 A. From recollection and a bit of research, I'm going to
20 say that was in February/March '91. It was a Friday 12:01
21 night and Damien and I had been down the town. We
22 could have been to the cinema, we could have been for
23 something to eat, I can't recall. And there was
24 probably something on on the Saturday that we were
25 there on the Friday night in the first place. We 12:01
26 hadn't been confined.

27

28 So, in the normal run of things, you had to be back in
29 the barracks by half eleven at night. So, we would --

1 it would have been before that. So we came in through
2 the gate and the procedure at the time was when you
3 were coming in -- when you were coming in and out of
4 the barracks, in the Gate House there was a nominal
5 roll and you marked yourself in and out, the time you
6 were in and out on the nominal roll.

12:02

7
8 So we had came in, signed in, and just -- we were only
9 in the gate and, next thing, 2 Lt. B arrives in in his
10 car. So, the gate would have been locked, so the
11 person on the gate would have opened the gate, lifted
12 the barrier to let him in. So he follows us up and
13 stops us. He stops his car, gets out of his car and
14 starts to berate us -- where were we, what were we
15 doing. Again, down into the -- down/up into the
16 push-up position. What were we doing? Who were we
17 with? Why were we there? And, I suppose, again,
18 wasn't getting the answers, wasn't getting the answers
19 he was looking for and sent us, from what I recall,
20 sent us back to our accommodation, and that was that
21 for the night, yeah

12:02

12:02

12:03

22 281 Q. And that preceded, I think, the pair of you being
23 called to his office, is that right?

24 A. We would have been called -- so that was a Friday
25 night. I don't know what the reason for us being there
26 on the Saturday, the requirement for us being there on
27 the Saturday, but it would probably be on the following
28 Monday then we would have been called into his office.

12:03

29 282 Q. And, on that occasion, you were asked whether or not

1 you were a relative of one of the senior officers, is
2 that right?

3 A. That's right, yeah.

4 283 Q. And when you said, well, not an uncle but a second
5 cousin, you were then told to leave and Damien Traynor 12:03
6 was left on his own, is that right?

7 A. Yeah. I don't believe it was -- he asked me that
8 question and I don't believe it was the answer he was
9 either expecting or looking for. So, he ejected me
10 from his office at that time, yeah. 12:03

11 284 Q. You also describe how weekend passes -- and that was an
12 instrument of punishment, as you saw, the way they were
13 administered?

14 A. Yeah. They could be taken away at a whim.

15 285 Q. The hair-cutting incident involving yourself, Mr. Wall, 12:04
16 can you describe that?

17 A. So, I suppose, the hair-cutting incident that you heard
18 from David McGrath earlier, I would have been with the
19 platoon that day but, obviously, my hair would have
20 been acceptable on that day. But, I suppose, it was 12:04
21 another day and, I suppose, 2 Lt. B was still in his
22 hairdressing phase at the time and we had a billet
23 inspection. Now, a billet inspection is where you
24 stood by your bed and he inspected your locker or he
25 inspected the cleanliness of the accommodation, or 12:05
26 whatever else he needed to inspect or wanted to
27 inspect. And, again, it was stood to attention at the
28 end of your bed.

29

1 But on this particular day -- sorry, during the billet
2 inspections, while indoor, you didn't wear a headdress,
3 so a headdress was off. And at the time -- at the
4 time, I had short hair in, I'd say, a flat top, spiked
5 type, but the fringe would have been a bit longer, and 12:05
6 I would have brushed -- I suppose, there was a belief
7 at the time that what was under your headdress was your
8 own and what was below was Defence Force property, or
9 something like that. But I would have had the fringe
10 brushed back into my hair, so you wouldn't have 12:06
11 particularly noticed it.
12
13 So, 2 Lt. B was doing his rounds of the accommodation
14 and he put his hand into my hair and pulled out my
15 fringe, and he didn't like what he saw anyway. So he 12:06
16 ordered another apprentice to fetch a scissors and he
17 proceeded then to cut it at the root, cut my fringe off
18 at the root.
19 286 Q. Okay. In your statement, you say that charges were
20 often preferred for what you perceived as very petty 12:06
21 matters, is that right?
22 A. That's correct, yeah.
23 287 Q. And you say you were charged on several occasions?
24 A. That's correct, yeah.
25 288 Q. And can you describe what some of those charges might 12:06
26 have been?
27 A. Well, there was one occasion -- there was one occasion
28 I was an apprentice fitter and we were in second year
29 and he took the -- sorry, our class teacher took us to

1 a trade fare in the RDS on a Friday and we were in the
2 belief -- so we left the barracks that morning, we got
3 the Bus Éireann bus to Dublin and made our way out to
4 the RDS. And when leaving that morning, we had our
5 bags packed with us; it was our belief that we were off 12:07
6 for the weekend. So we would have been all making our
7 way home from Dublin, as opposed to going back to Naas
8 to get -- work our way back up to Dublin to go home.

9
10 So we come back on the Sunday night and the class was 12:07
11 informed that we were absent because we didn't have our
12 passes with us at the time. So there would have been
13 charges made for that.

14
15 There was another occasion - and this is with the 12:08
16 benefit of hindsight and having seen my record - that I
17 was class leader and somebody took a notion that the
18 fitters' workshop wasn't clean enough, so I, as class
19 leader, was going to be charged for that. Now, we
20 would have cleaned it up afterwards but the class 12:08
21 leader was going to be charged. It would have been the
22 responsibility of everybody to clean it but... So
23 that's the kind of pettiness.

24
25 There was other occasions people would have been 12:08
26 charged for dirt on their boots, dirt on the soles of
27 their boots, dirty uniform, being late etc.

28 289 Q. Very small matters?

29 A. Trivial matters, yeah.

1 290 Q. okay.
2 A. I wouldn't have seen the like of it after Naas with the
3 trivial matters and charges being preferred for them.
4 291 Q. You describe being denied the opportunity to travel to
5 a camp in Tralee that was something, I think, the 12:09
6 platoon was looking forward to, is that right?
7 A. So, yeah, so in first year, after the military
8 training, we had three weeks' leave and we come back
9 then and there was a camp in Tralee and there was
10 supposed to be adventure training. I'm not sure the 12:09
11 duration was it, was it a week or two, but there was
12 some of us kept behind and we were told it was because
13 of our poor performance during military training, we
14 were being left behind.
15 292 Q. And then by September of 1990, you say that 2 Lt. B had 12:09
16 completely lost the run of himself. Are you
17 suggesting, therefore, that his behaviour became worse
18 as time went on?
19 A. I would -- yeah, it was getting worse as time went on
20 and it was remaining unchecked by his superiors. 12:10
21 293 Q. And I think you and others have made mention of the
22 fact that he went on a ranger course at one point and,
23 whilst away, things were better but, on return, worse,
24 is that right?
25 A. Yeah. So -- and, from recollection, that would have 12:10
26 been early 1991 he went on that. So that course was a
27 month long, a month long. It was a ranger selection
28 course. So, when he came back, he was armed with all
29 these new tactics that he learned on the ranger

1 selective course and he was probably using us as his
2 guinea pigs for them.

3 294 Q. Moving, then, to the events of Thursday, 20th June, you
4 describe in your statement the detail of that, what you
5 described as ridiculing and beasting, until being 12:11
6 physically exhausted. And you say that three people,
7 in particular, were singled out, Mr. Mullaney, yourself
8 and one other person, is that right?

9 A. That's right.

10 295 Q. Do you want to just briefly describe that? Could I ask 12:11
11 you are you speaking about the camp in Kilbride or when
12 you returned to barracks, just to make that clear?

13 A. So, when we returned to barracks on the Thursday night.
14 We would have been at the ranges on the Thursday, so
15 this was when we returned to barracks. 12:11

16 296 Q. So, your recollection of that, if you would?

17 A. So, by this stage, we were in, I'm going to say, full
18 summer training, military training mode, and there
19 would have been extra NCOs and officers drafted in to
20 assist with this training. And I believe - I think we 12:12
21 we're calling him Lt. A - was one of these officers
22 brought in. I think he was the only officer brought
23 in, but he was there as well and there was - and I
24 think you're calling him Cpl. G - was brought in as
25 well, amongst others. 12:12
26

27 So, we came back, it was, I think it was -- I'm not
28 sure of the times now, to be honest with you. It was a
29 summer's evening, so it was probably -- 20th June, it

1 probably didn't dark till half ten that night. So we
2 came back and we would have been fed, probably cleaning
3 weapons, and they had us - and I'm not sure, I think
4 this was actually when we got off the truck - there
5 would have been a lot of carry-on, a lot of childish, 12:12
6 childish, childish carry-on by these -- I suppose
7 they'd like to give the perception that they were
8 pillars of the community, but they were acting so, so
9 childish, like, 2 Lt. B and Lt. A and Cpl. G. They
10 seemed so childish. Looking back on it, they were 12:13
11 making people dance with each other, kiss with each
12 other, sing nursery rhymes, that kind of stuff. But I
13 believe at the time, as I said in my statement, it
14 was -- it's my recollection that I was singled out for,
15 I suppose, worse treatment than the rest. If you could 12:13
16 say that there was worse treatment than the rest,
17 Oliver Mullaney was singled out, and there was one
18 other who I can't recall who it was

19 297 Q. The following day, you were on guard duty, is that
20 right? 12:14
21 A. That's correct, yeah.

22 298 Q. And that's a day of respite, in some respects?
23 A. Absolutely, yeah.

24 299 Q. And, after that, the following morning, you went home?
25 A. Yeah. 12:14
26 300 Q. And then on the Sunday, I think, you learned of
27 Oliver Mullaney's death?
28 A. Yeah.

29 301 Q. And in your statement you subsequently describe coming

1 back on the Sunday evening and meeting with some fellow
2 platoon members in a pub in Naas before returning to
3 barracks, is that right?

4 A. My recollection is that, some of us, we would have got
5 the bus from Busáras back down to Naas, and my 12:14
6 recollection is we probably went into a pub for a pint.
7 Our spirits were low, our spirits were very low.

8 302 Q. And do you recall some discussion from Cpt. F either
9 that evening or subsequently?

10 A. That evening. 12:15

11 303 Q. That evening. And what was the gist of that?

12 A. I'm not entirely sure. He was -- I don't know did he
13 assemble us or did he happen to be there, but we were
14 down one -- we were all assembled down one end of one
15 billet, as we've seen earlier, so the right-hand billet 12:15
16 is my recollection of where it was, and we were all
17 assembled down there. And I believe -- I'd say he was
18 probably Duty Officer that night, on the Sunday night,
19 because he was in uniform, and I believe he was
20 probably trying to defuse the situation. Guys were 12:15
21 angry. Guys were very angry that night, and he was
22 trying to defuse the situation.

23 304 Q. You described there being Military Police activity in
24 the following days?

25 A. The Military Police were -- they did have a presence in 12:15
26 the following days. Now, I wasn't involved in the
27 Military Police investigation.

28 305 Q. You didn't make any statement and you weren't asked to?

29 A. Correct, I didn't make a statement. I wasn't asked to

1 make a statement.

2 306 Q. Could I just digress backwards in time slightly? Were
3 you aware of an investigation into allegations made by
4 Mr. Traynor's parents?

5 A. At that time, no. 12:16

6 307 Q. But a month previously, you weren't even aware of an
7 investigation, is that right?

8 A. No. No.

9 308 Q. And nobody, therefore, I presume, asked you to give any
10 statement in relation to such an investigation? 12:16

11 A. No.

12 309 Q. So, going back to Ollie Mullaney's death and the
13 investigation from the Military Police, you didn't
14 volunteer a statement and you weren't asked to give a
15 statement? 12:16

16 A. Yeah, that's correct.

17 310 Q. Were you aware that Mr. Murphy had given a statement?

18 A. I was, yeah.

19 311 Q. In the weeks that followed, you say 2 Lt. B kept a low
20 profile and was soon transferred out to another unit. 12:17
21 That's the way you've put it in your statement?

22 A. Mm-hmm.

23 312 Q. And did you have any understanding as to why he moved?

24 A. I'd say he was moved.

25 313 Q. But did anybody ever tell you anything about why he was 12:17
26 moved?

27 A. No. I suppose it's worth pointing out I did 23 years
28 in the Defence Forces and the misbehaviour of officers
29 was never publicly -- people were never publicly made

1 aware of misbehaviour of officers or any punishment
2 that they received.

3 314 Q. And, by that, do you mean that misbehaviour might have
4 been privately acknowledged, but not publicly
5 acknowledged, is that what you mean? 12:18

6 A. Yeah, it would never be publicly acknowledged. We
7 would, as a platoon, and personally, we would have
8 loved to know -- we'd love to know was he punished and
9 the nature of that punishment. But, as I said, it was
10 never -- those punishments were never made public. 12:18

11 315 Q. And, I think, you he was then replaced by Lt. Stephen
12 Ryan and I think you have indicated that, as far as you
13 were concerned, things improved under his command?

14 A. Yeah.

15 316 Q. You describe in your statement that, after the summer, 12:18
16 and I just want to make sure I've got the timing right,
17 that, when you returned, it had been arranged or it was
18 arranged for, as I understand it, the entire platoon to
19 see an Army psychiatrist, is that right?

20 A. Yeah, I believe -- and it was never said and, I 12:19
21 suppose, in the -- in my recollection of it and, I
22 suppose, armed with the knowledge I have today and 35
23 years' life experience after it, I believe that -- I
24 believe that they were worried that there may have been
25 a repeat, that somebody else may have considered taking 12:19
26 their life that way. But there was never any -- I
27 don't think there was -- no one ever said, 'Lads,
28 there's the number of the Samaritans, there's a
29 helpline.' No one ever came and said that. But I

1 believe they thought that there may have been a repeat
2 of Oliver's death or in similar circumstances. Because
3 my recollection is also, and I'll get to it in a
4 second, that when -- the barracks was still armed at
5 the time and, while you were on guard duty, you did two 12:20
6 hours on the beat, which was you're armed - and this
7 was a cage around the Guard Room - and four hours back
8 in the Guard Room over the 24-hour period. But with
9 the weapons at the time -- and, I suppose, at the time,
10 you were mounted on guard, you were given a weapon and 12:20
11 60 rounds of ammunition every time you were mounted on
12 guard. I believe they didn't trust us with weapons at
13 the time then after that because they had us doing the
14 beats around the Guard Room with batons. Now, I don't
15 know what good a baton would have done when, at the 12:20
16 time, you were there, there was a subversive threat in
17 the country, and you were there to guard the weapons
18 and ammunition in the barracks, so I don't know what
19 good you would have done with a baton.

20
21 But, anyway getting back to your question, so I recall
22 that they brought in, let's say, a psychiatrist, an
23 army psychiatrist, and it was voluntary if you wanted
24 today go to it. Now, I had said maybe I'll give this a
25 shot because, you know, I was traumatised by recent 12:21
26 events and it was probably playing on my mind. And I
27 went down and I can remember this lad was standing in
28 the middle of the canteen at the time and he was
29 wearing an Army uniform and I said, 'No, I'm out of

1 here.' He was an Army officer, I believe, maybe a
2 captain or a commandant, and I said, no, I couldn't
3 trust an Army officer. Now, in hindsight, I wouldn't
4 doubt this man's discretion in his role, but at the
5 time I couldn't trust -- maybe if they brought him in 12:22
6 in civilian attire, or something like that, I may have
7 spoken to him, but I wasn't going to talk to an Army
8 officer.

9 317 Q. There's just one matter that I overlooked, Mr. Wall.
10 In your statement, when describing the events of 12:22
11 Thursday evening back at the barracks, you do say that
12 they were witnessed by the Company Commander; is that
13 your evidence?

14 A. Yeah.

15 318 Q. And for what length of time, can you say or can you 12:22
16 recall?

17 A. I couldn't honestly give you that answer, but I
18 remember him being -- we would have been all at the
19 ranges and I remember him being at the side of the
20 square when we fell in and got off the trucks and all 12:22
21 this childish carry-on began.

22 319 Q. Okay.

23 A. The minutes morphed into hours, so I couldn't put a
24 timeframe on it.

25 320 Q. You, after you passed out from the Army Apprentice 12:22
26 School, you were sent on a command training depot
27 course, is that right?

28 A. Yeah.

29 321 Q. -- to Cathal Brugha. And you didn't complete that

1 course; isn't that right?

2 A. That's true, yeah.

3 322 Q. And I think for some period -- you had broken your big
4 toe, at one stage, and you had a chest infection and
5 you were hospitalised? 12:23

6 A. Exactly, I was hospitalised.

7 323 Q. Then, when in the hospital, you were visited by a
8 superior officer and he berated you for being dressed
9 in civilian attire, isn't that so?

10 A. That's correct, yeah. 12:23

11 324 Q. And I think then a decision was taken that you were not
12 going to complete that course?

13 A. Yeah, I was after spending eight days in the hospital
14 at that stage and I would have missed too much, and
15 they made a decision - it wasn't a mutual decision - 12:23
16 they made the decision to get rid of me off the course.

17 325 Q. In fact, that wasn't a matter that you cared about one
18 way or the other at that stage?

19 A. No, no.

20 326 Q. But you do describe yourself, then, as being a broken 12:24
21 man at that point. A promising career, as you saw it
22 initially, hadn't materialised. I think you say you
23 had begun to drink excessively, although you got that
24 under control?

25 A. Yeah. 12:24

26 327 Q. But these were the effects on you from your period in
27 Naas, is that right?

28 A. Yeah.

29 328 Q. Okay. So, then you transferred to the Navy?

1 A. Yeah.

2 329 Q. And you described that as being much more successful?

3 A. Yeah.

4 330 Q. Could you explain why?

5 A. I suppose, it was, having been institutionalised for 12:24

6 three years in what wasn't the real military -- now --

7 and I would have... It wasn't the real military, it

8 was no relation to the real military. We were three

9 years on the training, three years and -- and three

10 years with no rank, effectively, and institutionalised. 12:25

11 You couldn't talk to anyone of rank, you couldn't have

12 friends of any other rank. You know, there was no

13 friendly conversation with anybody of rank. You

14 couldn't confide in them. Whereas -- and I'm going to

15 say in the Navy, and this would be of other units 12:25

16 within the Defence Forces as well, there was more

17 respect shown. People respected you for the job you

18 were doing. You had a role to do. Now, it had its ups

19 and downs as well, but, in general, I suppose, respect

20 was given. You could talk to people. People would 12:25

21 listen to you. You could talk to officers. You didn't

22 have to stand to attention talking to an officer.

23 They'd talk to you, they could shoot the breeze with

24 you, you know. 2 Lt. B or any of his superiors would

25 never ask you how you were getting on and have an 12:26

26 informal conversation with you.

27 331 Q. You describe how you were encouraged on one occasion in

28 the Navy to apply for an NCO course, which would have

29 involved military training. You were reluctant to do

1 that and you purposely failed the fitness test. Could
2 you just explain why you were reluctant to do that?

3 A. Because a Potential NCO's course is more military
4 training and, because of the military training that I
5 had received in Naas, I was very reluctant to go back 12:26
6 and put myself through military training again. So I
7 had applied -- I was asked to apply for it, it had been
8 recommended, but all that lay between me and that was
9 passing the fitness test and I thought 'Ah, we won't
10 bother, we'll fail the fitness test', and that was a 12:26
11 way of getting away from it.

12 332 Q. But you did subsequently apply for the NCO course?

13 A. I did, yeah.

14 333 Q. And successfully completed it -- and I think a further
15 senior NCO course, isn't that so? 12:27

16 A. Yeah.

17 334 Q. Within the Navy, you say you did encounter bullying on
18 certain occasions, but do I understand you to convey
19 the idea that it was dealt with?

20 A. No. I didn't experience much of it. There was some of 12:27
21 it. I didn't experience much of it, and I have to -- I
22 suppose, I had learned, I suppose, as you get older, I
23 had learned if you just ignore them, the bullies, they
24 will go away, and that was my perception of it, and
25 don't give them the ammunition. But, I suppose, there 12:27
26 was a bit of it, but, like, you know, for 70% of my
27 time in the Navy, I was an NCO, and so it may not have
28 been directed at me. And, do you know, I was there, I
29 was there to do a job, I was doing a job. I was doing

1 it in my -- in their own eyes, I was doing the job
2 correctly that I was being paid to do. All my annual
3 appraisals were coming in as above average over my time
4 in the Navy. So, I suppose, I wouldn't have felt a
5 victim of bullying. 12:28

6 335 Q. Just one last thing. In your interview, Mr. Wall, you
7 did indicate that, on one occasion, you had been the
8 subject of a complaint; do you recall that?

9 A. Yeah.

10 336 Q. And you say that was dealt with? 12:28

11 A. It was dealt with at local level.

12 337 Q. And, appropriately, in your view, is that right?

13 A. Yeah.

14 338 Q. So, that related to your time in Naas; is that right?

15 A. No, that was in the Navy. 12:29

16 MR. CUSH: In the Navy, I understand. Okay, thank you
17 very much, Mr. Wall.

18 SOLE MEMBER: Thank you, Mr. Cush. Mr. Brady.

19

20 MR. MARTIN WALL, WAS CROSS-EXAMINED BY COUNSEL AS 12:29
21 FOLLOWS:
22

23 339 Q. MR. BRADY: Good afternoon, Mr. Wall. A couple of
24 questions for you. I think you mentioned in your
25 statement and today that you were 16 when you went into 12:29
26 the Apprentice School?

27 A. Yeah.

28 340 Q. And your parents would have had to sign a form of
29 consent or something like that, would they, to put you

1 into it?

2 A. Yeah.

3 341 Q. -- to allow you to join at that stage?

4 A. Yeah.

5 342 Q. You mention in your statement then that in or around -- 12:29

6 I think it might have been the first day that you were

7 there, you were -- after a period, you met 2 Lt. B and

8 a couple of other NCOs and you were introduced to them.

9 And you state that 2 Lt. B, as you put it, 'gave the

10 spiel about how he is now our Mammy and Daddy.' I 12:29

11 mean, how did you take that to be? Did you take that

12 as being kind of he was there in a caring position, or

13 is it someone in authoritarian position, or what way

14 did you take that?

15 A. Authoritarian position. It wasn't -- he wasn't going 12:30

16 to nurture us as a parent.

17 343 Q. In terms of nurturing, you mention in your statement

18 about food and I know Mr. Cush had indicated that you

19 had some complaints about it, but I just do want to

20 raise one issue with you on it. Was the issue with the 12:30

21 food, was it that it was substandard or that you just

22 weren't getting enough food?

23 A. I suppose, it was both. It was substandard and it

24 scarce.

25 344 Q. And this was in a period when you're, you know, a 12:30

26 minor, you're still underage and you're going through

27 intensive military training -- you felt you didn't have

28 enough food, was it?

29 A. Yeah.

1 345 Q. And did you feel that you were getting enough rations
2 and was there enough rations being made available to
3 you?
4 A. There was breakfast, lunch and dinner. That was what
5 was there. So, dinner was at half four in the evening 12:31
6 and, after that, there was nothing until breakfast the
7 following morning.
8 346 Q. But you mention in your statement about having to
9 purchase your own food at times and then, also,
10 witnessing rations being taken out of the Army camp, 12:31
11 was it?
12 A. Yeah.
13 347 Q. Can you just maybe touch upon that?
14 A. So, purchase your own food at times -- there was a
15 canteen, there was a canteen on site as well which 12:31
16 opened in the evenings and they sold sandwiches, or
17 whatever, cups of tea. You had to buy a cup of tea,
18 that's how bad things were. Or there was a supermarket
19 across the road -- and, I suppose, the restaurants and
20 the takeaways in the town would have done quite well 12:31
21 out of us. And with the rations being taken away, it
22 seemed to be whenever -- the rations would come in in a
23 truck from The Curragh and they'd be brought into what
24 was called the rations stores and, next thing, there
25 was -- the barracks staff would be carrying rations 12:32
26 away with them, whatever, be it meat, cheese, spuds,
27 whatever they could. Now, this was quite open and
28 known about.
29 348 Q. And is it your view or do you have any thoughts on

1 whether these were rations that were specifically set
2 aside for apprentices and should have gone to the
3 apprentices?

4 A. Absolutely, because these people would have been living
5 out and wouldn't have been entitled to rations unless 12:32
6 they were on duty.

7 349 Q. So, I suppose, the logical conclusion of that, if you
8 agree or disagree on it, is that you were hungry
9 because the rations that were supposed to be for you
10 were being taken by other members of the Defence 12:32
11 Forces?

12 MR. McCANN: Sole Member, I just fear that we're really
13 straying away from the Terms of Reference now dealing
14 with misuse of rations and misuse of food. I mean, it
15 just wasn't raised by Mr. Cush and I think there was a 12:33
16 reason why that was so.

17 SOLE MEMBER: Mr. Brady?

18 MR. BRADY: Judge, if I may, the Terms of Reference are
19 clearly in relation to allegations of abuse. There's
20 been a number of apprentices who have given -- there 12:33
21 was one witness yesterday who gave evidence that he
22 went and made a complaint about not having enough food.
23 I would submit that rations being taken away from the
24 apprentices that were meant for them, or not being
25 given enough food, or being denied food or being -- 12:33
26 malnutrition is a form of abuse and it would come in
27 within the Terms of Reference. Now, the Tribunal may
28 or may not agree with me -- I don't have any more
29 questions on it --

1 SOLE MEMBER: Under which of the eight headings that
2 define abuse?
3 MR. BRADY: Physical abuse, Judge. It's not direct
4 but, I mean, it is clearly, if a person is being denied
5 food, it is a form of abuse. 12:34
6 SOLE MEMBER: Well, abuse has a very definite meaning.
7 It's torture, it's assault, it's harassment, it's
8 bullying. So we have to keep to the eight aspects or
9 eight types of wrongdoing. And this witness has
10 already told Mr. Cush that he did make a complaint 12:34
11 about the food, so we might --
12 MR. BRADY: Well, I think he has answered my questions
13 anyway, so I will move on from that point, Judge.
14 SOLE MEMBER: That you, Mr. Brady.
15 350 Q. MR. BRADY: Mr. Wall, you indicated that you spent a 12:34
16 long time in the Defence Forces after Naas. And you
17 went into the Navy and you have set out that you've
18 done an NCO's course, which would promote you to the
19 equivalent rank in the Army of Corporal; a standard
20 NCO's course, I think, that would promote you to the 12:35
21 equivalent rank of Sergeant; and then a Senior NCO's
22 course, is that correct?
23 A. That's correct, yes.
24 351 Q. They would involve a range of, I suppose, military
25 training, fitness training, classroom training and 12:35
26 they'd be fairly intense; would you agree?
27 A. Yeah. So, if I could get it in there now -- so, a
28 potential NCO's course is, I suppose, it's based on
29 leadership and instruction and, at the end of it, they

1 want you to be an instructor. You're qualified to be
2 an instructor and a junior leader. And a lot -- I
3 suppose, a lot of the training given is to enable you
4 to train a class of recruits. That would be the basic
5 level of training, that the instruction that would be 12:35
6 expected after you. But I found when I went on that
7 Potential NCO's course, it's recruits in reverse, I
8 suppose, and such that they're teaching you how to
9 instruct recruits. But there was stuff that my
10 colleagues on that course knew from their recruit 12:36
11 training that I had never -- was alien to me, so I felt
12 I was on a -- I felt I was playing catch-up all the
13 time. This would have been stuff that should have been
14 taught in the recruit syllabus, but it wasn't taught to
15 us in Naas. 12:36

16
17 So, as I said in my statement, at the time I thought I
18 had learning difficulties while in Naas, which I
19 couldn't comprehend, but when I successfully completed
20 the Potential NCO's course, I realised, I think, the 12:36
21 instructors had the instruction difficulties because
22 the methods and instructions that they were or were not
23 using was nothing compared to the method of
24 instructions that was taught to students on a Potential
25 NCO's course, which was any Potential NCO's course or 12:37
26 Standard NCO's courses that our instructors in Naas
27 would have done, would have been the same syllabus as
28 the courses I did in subsequent years.

29 352 Q. And you mention, as well, about coming up to the summer

1 of 1991, you had mentioned to Mr. Cush about 2 Lt. B
2 going on a ranger selection course and you mentioned in
3 your statement as well that there were other NCOs
4 brought in to do the military aspect of your training?
5 A. Yeah. 12:37
6 353 Q. During that summer?
7 A. Yeah.
8 354 Q. I mean, given your experience of your number of years
9 in the Army, and then having gone on these other
10 courses, Potential NCO's courses, training courses, I 12:37
11 mean, what's your view in relation to the, I suppose,
12 the training, the level of training that would have
13 went on over that summer and compared to those courses
14 and --
15 A. It was -- I would say the standard was -- is not what 12:38
16 would be expected of a training NCO. It certainly
17 wasn't -- it certainly wasn't on a syllabus for
18 training. It seemed to be just a constant beasting
19 of -- beasting of us and it was as if they were having
20 fun with us, fun for themselves. And, I suppose... Let 12:38
21 me think... Yeah, it certainly wasn't. And, I suppose
22 -- yeah, I know what I'm going to say now. Over the
23 years, I've met many people who went through the whole
24 recruit training thing between the Army and the Navy
25 and all this and nobody seemed to, I suppose, look back 12:39
26 in anger at the treatment they got during the recruit
27 training in general -- and I'm generalising here, other
28 individuals have their own story to tell. But -- and
29 it, actually, it took me a while, it took me a while to

1 fathom that some people were still, would class
2 themselves as close friends of their recruit
3 instructors and they would be able to socialise with
4 them and they'd class themselves as good friends and
5 had an enjoyable experience. This was far from - I was 12:39
6 actually surprised by this - nobody in the 34th Platoon
7 had an enjoyable experience in recruit training.

8 355 Q. I suppose a knock-on of that would be that troops in
9 training would, I suppose, from your experience, would
10 maybe have confidence to go to some of their trainers 12:40
11 or NCOs and confide in them if they were finding things
12 tough or struggling with --

13 A. Yeah.

14 356 Q. And did you feel that you could do that in Devoy
15 Barracks? 12:40

16 A. No, I would never -- as I said earlier, like, they
17 berated you all the time. I wouldn't have had the
18 confidence to go to them. I wouldn't have the
19 confidence in them. They didn't show any empathy.
20 They weren't approachable. As I said, 2 Lt. B was 12:40
21 just, as I said in my statement, he had completely lost
22 the run of himself at this stage.

23 357 Q. You went on to be promoted to Petty Officer, I think it
24 is?

25 A. Yeah. 12:40

26 358 Q. That would be the equivalent of a sergeant in the
27 Defence Forces?

28 A. Correct.

29 359 Q. And you did a Senior NCO's course to be promoted to is

1 it the Chief Petty officer?

2 A. Yeah.

3 360 Q. -- which would be the equivalent of Company Sergeant in
4 the Defence Forces?

5 A. Yeah. 12:40

6 361 Q. And were you ever promoted to Company Sergeant?

7 A. No, I was interviewed and put on a panel, but I left
8 before I was promoted.

9 362 Q. But, I suppose, as a sergeant or as an NCO, you would
10 have had interactions with, perhaps, junior officers, 12:41
11 2nd lieutenants and lieutenants, would you?

12 A. Absolutely, yeah.

13 363 Q. I mean, would it have been your experience, would it
14 have been expected of you, or generally would it have
15 been expected of NCOs and senior NCOs to maybe have a 12:41
16 quiet word with an officer if they felt they were going
17 too far?

18 A. Yeah, yeah. Now, I'm generalising here as well, but
19 the junior officers I encountered in the Navy, most of
20 them, I would have been supervising their training at 12:41
21 one stage or another, and they respected me for that
22 and they didn't -- they knew they were there to learn
23 off me and not vice versa. And there was a perception
24 at one stage - and I don't know how true or not true it 12:42
25 is - amongst officers that rank equals knowledge, so
26 the higher up they go, the more knowledgeable they are
27 and they know everything. But this wouldn't have been
28 the case with the junior officers and, personally, I
29 wouldn't have had to pull any junior officer into line.

1 But in a training environment, it would very much be
2 seen as the senior NCO's position to keep them in line.

3
4 And I'll go a bit further. So, the year after I did a
5 Potential NCO's course, I did a Standard NCO's course - 12:42
6 as I said earlier, it was for promotion to Petty
7 Officer - and I would have been probably one of the
8 most junior and the youngest on that course and so I
9 may have -- I had 10 years' service at the time and
10 there was other guys that may have 15, 16, 17, 18 12:42
11 years' service. And the class officer came out one
12 morning and he started throwing his weight around the
13 place and he was pulling people for this, that and the
14 other and this wouldn't have been a junior officer --
15 he would have been a junior officer by appointment but 12:43
16 he wouldn't have been -- he may have had five or six or
17 seven years' service done at the time, but he was
18 pulling his weight and he was -- this kind of stupid
19 carry-on again that I knew only too well from 2 Lt. B
20 back in the day. But he was pulling people for alleged 12:43
21 dirty boots and all this, and wanted reports. It was
22 the last day he did it. He was pulled by the senior
23 NCO and he didn't do it the following day, or ever
24 again, do you know? And there was no more of it. He
25 was a quiet boy after that. 12:43

26 364 Q. So, even though that person outranked in the military
27 system the senior NCO, there was still an obligation on
28 the senior NCO to intervene?

29 A. Well, senior NCOs would have the benefit of experience,

1 whereas a junior officer, a junior officer just out of
2 Cadet School, a newly commissioned junior officer, is
3 still a trainee. So, effectively, in Naas, you had a
4 trainee over trainees -- a 20-year-old trainee with
5 authority over possibly up to 150 apprentices. Where
6 else in society would you have that?

12:44

7 365 Q. You mentioned as well about a number of charges that
8 you were subject to in Naas and, I suppose, these would
9 have been throughout the time from when you were 16 and
10 then when you became of age.

12:44

11
12 Can I ask you just when you were being charged and when
13 these were being brought against you, were you ever
14 given any support or someone to represent you or put
15 forward your position or anything like that?

12:44

16 A. No.

17 366 Q. Do you feel that that would have assisted you?

18 A. Yes. Yes. Do you know, in, I suppose, in criminal
19 law, anyone that's on criminal charges is afforded
20 legal representation. We weren't afforded any
21 representation, even be it somebody who was
22 knowledgeable of the system and could advise on it. So
23 there was no representation offered or we weren't
24 allowed to ask for representation either.

12:45

25
26 Now, my understanding since is that if a case went to
27 court-martial you were entitled to a solicitor, but not
28 for summary charges, as they called them.

12:45

29 367 Q. Okay. You were talking earlier about disciplinary or

1 some investigation into 2 Lt. B's issues and you said
2 you would have loved to have known if there was -- if
3 he was punished and what that punishment was at the
4 time when you were an apprentice?

5 A. Mmm.

12:46

6 368 Q. I mean, would it have assisted you as an apprentice,
7 maybe, to agitate some of these concerns if you felt
8 that there was a transparent system in place where you
9 knew that people were being held accountable?

10 A. Absolutely.

12:46

11 369 Q. And in your time in the Defence Forces since, I mean,
12 is it a case that if complaints -- you're understand of
13 the complaints procedure, your involvement of it, that
14 there is transparency with that, or do you think it's
15 something that needs to change?

12:46

16 A. I didn't -- after -- for the 20 years I served after I
17 left Naas, I feel I didn't have much to complain about,
18 so I didn't -- it wasn't a process I used. It wasn't a
19 process that I really had to educate myself on. I knew
20 that there was -- I knew there was routes, if I did
21 have a complaint, I knew there was routes that I could
22 have taken. But, as I said, I didn't have much to
23 complain but so it wasn't... And, as I said, I'm gone
24 since -- I left the Defence Forces in 2013, so I
25 wouldn't be fit to comment on what it's like in the
26 last 13 or 14 years.

12:47

12:47

27 MR. BRADY: Thank you, Mr. Wall.

28 SOLE MEMBER: Thank you, Mr. Brady. Mr. Hogan?

29

1 MR. MARTIN WALL, WAS CROSS-EXAMINED BY MR. HOGAN, AS
2 FOLLOWS:

3
4 370 Q. MR. HOGAN: Thank you, sole Member. Mr. wall, Tom
5 Hogan is my name and I represent Lt. 2B. Firstly, I
6 would just like to put on the record that my client
7 denies ever having mistreated you or bullied you in the
8 way that you have described or, indeed, anyone else.
9 But, as you know, no findings are going to be made in
10 relation to your allegations of mistreatment and, in
11 those circumstances, I'm not permitted to cross-examine
12 you on those matters.

12:47

12:48

13
14 But I do have a few questions in relation to an issue
15 that you identify in your statement to the Tribunal,
16 and also the interview that you gave to the Tribunal.
17 Could you explain to the Tribunal -- I think you
18 suggest in your statement that there was a culture of
19 bullying among apprentices themselves. Could you tell
20 the Tribunal about that?

12:48

12:48

21 A. Well, I'll just answer your first statement first and
22 make a comment on your first statement. It wouldn't be
23 the first time 2 Lt. B accused me of lying, so I'll
24 just have that on record.

12:49

25
26 And --

27 371 Q. well, just to be clear, Mr. wall, I'm not accusing of
28 lying, I'm just simply saying --

29 A. No, but 2 Lt. B at least appears to be.

1 372 Q. -- that my client denies your accusations.
2 A. Yeah, well, that's -- he's calling me a liar so, in my
3 eyes.
4 373 Q. Very good.
5 A. But we may agree to disagree on that. 12:49
6
7 There was bullying between different platoons, but a
8 lot of it -- and a lot of it was horseplay.
9 374 Q. would you describe making an apprentice take off his
10 clothes and stand on a table naked in front of other 12:49
11 apprentices and tuck his genitalia between his legs to
12 appear like a woman, do you think that's horseplay,
13 Mr. wall?
14 A. Absolutely not.
15 375 Q. It's a shocking form of humiliation, I'd have to 12:49
16 suggest to you?
17 A. I'd agree with you.
18 376 Q. what other --
19 MR. BRADY: Judge, sorry, I'm not sure if Mr. Hogan is
20 finished, but I'm just not sure what -- if we really 12:50
21 need to get into that at all.
22 SOLE MEMBER: Could you explain to me what this has to
23 do with the Terms of Reference, Mr. Hogan, and where
24 you are going with this?
25 MR. HOGAN: Yes, well, the Terms of Reference are to 12:50
26 enquire into abuse --
27 SOLE MEMBER: The complaints process for complaints of
28 abuse.
29 MR. HOGAN: Yes. And this witness has -- well, I'd

1 like to ask him about it -- he has made statements to
2 the effect that he was dissuaded from making
3 complaints, not just because of the fact that there
4 wasn't a complaints process that he was aware of, that
5 he had no confidence in making a complaint, or you 12:50
6 couldn't make a complaint because it wouldn't be taken
7 seriously, but he also talks about not being able to
8 make complaints because his fellow recruits, his fellow
9 apprentices, would carry out retribution for making
10 such complaints. 12:51

11
12 But it's also, I respectfully suggest, well within the
13 Terms of Reference to consider what level of bullying
14 there was among the apprentices themselves. It appears
15 to be a very serious issue. So, on the one hand, it's 12:51
16 suggested against my client, in particular, that he was
17 guilty of bullying, but, in fact, apprentices were
18 bullying each other, in a very serious way, it appears.
19 SOLE MEMBER: But I'm investigating the complaints
20 processes within the Defence Forces for dealing with 12:51
21 complaints of abuse, including complaints about
22 bullying. So, if you could keep your questions to the
23 focus of the Terms of Reference, which is the
24 complaints processes for dealing with complaints of
25 bullying, in this instance, and whether those processes 12:51
26 were appropriate, fit for purpose, deployed, the
27 outcome of them, and all of the other matters in the
28 Terms of Reference, Mr. Hogan, thank you.

29 377 Q. MR. HOGAN: Excuse me, Mr. Wall, for just one moment.

1 [Short pause]. So I think you said in your written
2 submission to the Tribunal, Mr. Wall, that:

3
4 "Reporting issues would have likely led to more
5 bullying from both peers and superiors, with no
6 guarantee of any positive outcome."
7

12:52

8 So, you were deterred -- are you saying there you were
9 deterred from making complaints against your peers for
10 fear of retribution?

12:52

11 A. I would have felt I was deterred. I would have felt
12 that there was no, at the time, that there was no room
13 for -- there was no room in that barracks for reporting
14 anything, be it good, bad or indifferent. Yes, there
15 probably would have been retribution and -- there would
16 have been retribution, yeah, and there would have been
17 a fear of retribution. And, again, as I said earlier,
18 that there was no point of contact for complaints.
19 2 Lt. B was not any way approachable or wouldn't have
20 shown any empathy. That's what I felt. If I was to
21 approach 2 Lt. B with a complaint that was not his
22 doing, I probably would have felt I would have been
23 standing to attention and looking out my own height in
24 his office and reeling my complaint, so I preferred to
25 not -- I chose not to complain because, as I said, I
26 didn't feel there was an avenue for me to complain, an
27 effective avenue for me to complain.

12:53

12:53

12:53

28 MR. HOGAN: Thank you very much, Mr. Wall.

29 SOLE MEMBER: Thank you, Mr. Hogan. Mr. McCann.

1 MR. McCANN: I'll be about 10 to 15 minutes, Sole
2 Member, if you want to -- well, whatever's convenient
3 for you, obviously, and for Mr. Wall, of course.
4 SOLE MEMBER: I do have a short meeting at one o'clock,
5 but I'm happy to run over if we think we'd get it 12:54
6 finished by a quarter past one, but I don't want to put
7 anyone under pressure timewise.
8 MR. McCANN: I'm in your hands.
9 SOLE MEMBER: we'll keep going then.
10 MR. McCANN: Very good. 12:54
11 SOLE MEMBER: Thank you.
12
13 MR. MARTIN WALL, WAS CROSS-EXAMINED BY MR. McCANN, AS
14 FOLLOWS:
15 12:54
16 378 Q. MR. McCANN: Mr. Wall, my name is Patrick McCann. I
17 appear for the Defence Forces. I don't appear for
18 2nd Lt. B, and I do appear for various corporals,
19 sergeants, company commanders and so on. I'm very
20 conscious that you spent 24 years in the Defence 12:55
21 Forces. You worked in the Naval Service from 1995
22 onwards and --
23 A. 1992.
24 379 Q. I beg your pardon, 1992, and I can see you have a very
25 successful career in the Navy Services. You served in 12:55
26 various vessels -- Ciara, Orla, Emer, Niamh, Aoife,
27 Aisling, Deirdre, Eithne and so on, and you have
28 completed, as well as the NCO courses you've described
29 to the Sole Member, you've completed 30 to 40 civilian

1 and military courses, isn't that right, Mr. wall?
2 A. Yes.
3 380 Q. And you've three medals, Defence Force medals,
4 including one Article 5 NATO Medal, which I'm happy to
5 acknowledge. Is that right, Mr. wall? 12:55
6 A. Yeah.
7 381 Q. And, as I say, you were promoted and you had a
8 successful career in the Naval Service, as discussed.
9 I think you were describing to the Tribunal how, in
10 your time, especially in the Naval Service but after 12:56
11 leaving the Army Apprentice School, that apart from
12 that episode with that one isolated single officer,
13 there was no need for you as an NCO to have a quiet
14 word or to restrain anybody for what you considered to
15 be misbehaviour on their part, isn't that right? 12:56
16 A. That's correct, yeah.
17 382 Q. I think you also described to the Tribunal how you
18 enjoyed your, apart from your time in the Army
19 Apprentice School, you generally had a positive career
20 in the Defence Forces, would that be correct? And 12:56
21 leaving aside also the incident at Bricin's Hospital,
22 is that correct or is that fair?
23 A. Yeah.
24 383 Q. You described to the Tribunal how you didn't see the
25 like of it afterwards. So, you differentiate between 12:57
26 what happened at the Army Apprentice School and what
27 happened afterwards, is that correct?
28 A. That's correct, yeah.
29 384 Q. And, again, I think you also agree that things improved

1 with the arrival of 2nd Lt. Ryan, as he then was, is
2 that correct?

3 A. Yeah, I would agree, yeah.

4 385 Q. And you were describing how, generally, you come across
5 in your 24 years in the Defence Forces, you come across 12:57
6 obviously a multitude of Defence Forces' personnel and
7 you said to the Tribunal, of all those people, no one
8 seemed to look back in anger at their recruit training;
9 isn't that right?

10 A. Yes. 12:57

11 386 Q. Well, if we put all those things together, would you
12 accept that your first two years in the Army Apprentice
13 School - that's from September 1989 to July 1991 -
14 were, indeed, difficult and unhappy, I think we're
15 agreed on that? 12:57

16 A. Yes, I agree.

17 387 Q. But you would agree that that treatment was not
18 reflected and not repeated in later postings in the
19 Defence Forces?

20 A. Yeah. 12:58

21 388 Q. Is that correct?

22 A. That's correct.

23 389 Q. And would you -- again, can we take it from that and
24 can the Tribunal take it from that that those two
25 years, in particular, at the Army Apprentice School, 12:58
26 were not representative of the Defence Forces in your
27 many years of service in the Defence Forces?

28 A. Yeah, I would agree with you there, yeah.

29 390 Q. Okay. And would you also agree, based on what you

1 know, that the treatment of the 34th Platoon was
2 different from and worse than -- sorry, was not -- I'll
3 put it differently. Would you agree that the treatment
4 of the 34th Platoon was not representative, as far as
5 you know, of the treatment of the other platoons before 12:58
6 and after in the Army Apprentice School?

7 A. So what would have been there when I was there was the
8 32nd, 33rd, 34th, 35th and 36th Platoon. Now, I
9 believe when I joined, 2 Lt. B was Platoon Commander of
10 the 34th Platoon, and he was also overseeing the 32nd 12:59
11 and 33rd Platoon. And they seemed to be getting a lot
12 easier of -- a lot easier treatment and we were, I
13 suppose, 34th Platoon would have been seen as -- he
14 would have singled us out for a rougher treatment.

15
16 Now, I also acknowledge that we were the junior
17 platoon, so the more senior platoons would have
18 expected certain privileges or increased privileges.
19 But when we rolled on into second year, these
20 privileges weren't coming our way, that we had seen 12:59
21 previous platoons receiving.

22 391 Q. Thank you very much, Mr. Wall. Just there's a couple
23 of formal things I've to do about the Thursday night
24 and that's the night when you say Mr. Mullaney was
25 mistreated. One of my clients is Cpl. G and, just for 13:00
26 the record, he's unable to recall anything specific
27 about that evening, however he does have an
28 recollection of the apprentices doing ballroom dancing.
29 And again for the Sole Member that's at 3164,

1 paragraph 7 and 8. And he does admit that screaming
2 and shouting were possible. I think the transcript
3 said profanities were impossible, the transcript of the
4 interview, but I think you probably meant possible.
5 That looks like a typographical error. That's Cpl. G. 13:00
6
7 For Lt. A, he has no recollection of that particular
8 Thursday night, Mr. Wall.
9
10 Just in respect of to the Company Commander; just to 13:00
11 try and get your evidence as precise as we can, if you
12 wouldn't mind, you described to the Tribunal how the
13 trucks came back at a particular time from the ranges
14 and were you able to, could you identify when that was,
15 Mr. Wall? 13:01
16 A. No, I couldn't identify a particular, it would have
17 been late in the evening.
18 392 Q. Late in the evening?
19 A. Late in the evening, yeah, but I couldn't put a time on
20 it. 13:01
21 393 Q. All right.
22 A. It could be seven, eight o'clock, I don't know.
23 394 Q. And your recollection, just for the record the Company
24 Commander has a different recollection but your
25 recollection is that you saw the Company Commander as 13:01
26 you got off the trucks and you've no recollection of
27 him being there afterwards, is that right?
28 A. No.
29 395 Q. I think you said he was there when you got off the

1 trucks is, I think, what you said?

2 A. No, well I said he was there on the side of the square
3 when this carry on was going on.

4 396 Q. All right.

5 A. which would have happened soon enough, I think, after 13:01
6 we got off the trucks.

7 397 Q. Okay. And again, just for the record and, again, these
8 are the rules of engagement, if I can put it this way.
9 The Company Commander will say he was not a witness to
10 this alleged incident and he didn't witness any such 13:02
11 incident during his service at the Army Apprentice
12 School and that, generally, his hours ended at 4:30. I
13 think we're going to have to agree to disagree because
14 the Tribunal can't adjudicate on it?

15 A. well, I think -- I wouldn't expect anything less of him 13:02
16 because, again, 2 Lt. B was subordinate to him, 2 Lt. B
17 reported to him and he allowed 2 Lt. B to continue with
18 his reign of terror.

19 398 Q. As I say, we'll have to agree to disagree. I just want
20 to look at complaints very quickly, Mr. wall, if you 13:02
21 wouldn't mind. You've been here for some of the days
22 of evidence before now, have you?

23 A. No.

24 399 Q. All right. I think I have to formally put to you that
25 certainly 2 Lt. B will, I understand, say that he did 13:03
26 teach complaints, if I put it in broad terms, to your
27 platoon. I understand that's going to be his evidence,
28 again to repeat, I'm he's not my?

29 A. I would argue there. I would say 2 Lt. B taught us

1 nothing.

2 400 Q. All right.

3 A. And he certainly didn't teach us complaints or

4 complaints procedure.

5 401 Q. All right. Just again, we won't spend a lot of time on 13:03

6 this, Mr. Wall, you describe how you were at one point

7 the platoon leader, is that right, or the class leader,

8 can you recall that?

9 A. I was platoon leader, yeah, so that was a role that

10 was -- there was 52 or 3 of us so that was a role that 13:03

11 was done, it was passed on every week.

12 402 Q. Right.

13 A. 2 Lt. B felt I wasn't doing a correct job of it so I

14 ended up doing it four weeks because, again... and,

15 again, it was a role that you were not given any 13:04

16 training on how and what to do. And it was "a

17 leadership role" but we weren't given any training in

18 leadership. But because -- I wasn't told the error of

19 my ways, either, on where you're going wrong.

20 'Aptce. Wall, you're doing this wrong, this is what 13:04

21 you're supposed to do.' I was just left at it for

22 another three weeks, so four weeks in total. And that

23 would have rotated again the following year and the

24 following year.

25 403 Q. You may be the best placed person to assist the 13:04

26 Tribunal with this particular issue which may assist

27 the Tribunal. Do you recall having to attend to

28 noticeboards to discover duties for members of the

29 platoon over the four weeks you were doing the platoon

1 leader?

2 A. The duties would be posted on the noticeboard.

3 404 Q. Right. And did you, as class leader, have to visit the
4 noticeboards and look to see what duties were on the
5 noticeboard for other members of the platoon? 13:05

6 A. No.

7 405 Q. You didn't have to do that as class leader?

8 A. No. When the duty list went up, my recollection is I'd
9 look at it for my own duties --

10 406 Q. All right. 13:05

11 A. -- to see if I was on duty.

12 407 Q. Can you just tell the Tribunal about that. The duty
13 list went up -- that was every weekend, was it, there
14 was a duty list went up or how often would there be a
15 duty list on the noticeboards? Were there several 13:05
16 noticeboards in the school?

17 A. I don't know the period of time that the duties
18 covered. Some places would have made them out on a
19 week to week basis, some units would make them out on a
20 month to month basis so I couldn't tell you the 13:05
21 duration of that duty list.

22 408 Q. But do you think were you, you as an apprentice were
23 you looking at the noticeboard every day to look for
24 your duties or was it every week or was it every month,
25 just assist the Tribunal and me hopefully, with that, 13:06
26 please.

27 A. Well, I can't remember -- we used to do, I think it was
28 Fire Picket duties so you were doing -- as I said
29 earlier on, the barracks was unarmed for ten months of

1 the year so there was only Fire Picket duties and you
2 were opening and closing the gate, that kind of stuff.
3 I can't remember the frequency of them. They may have
4 come around once a month. If you were on this week you
5 know and, again, you know you're going to be free for a 13:06
6 couple of weeks so you'd know the frequency. And, as I
7 say, I can't remember the frequency. It was more
8 frequent than should have been because, again, they
9 were unpaid as well.

10 409 Q. But you think you were looking at a noticeboard every 13:06
11 few weeks. You, personally?

12 A. Me, personally, yeah, I would have looked at it every
13 couple of weeks. If I was on duty this week I knew I
14 wouldn't have to look at it for another couple of
15 weeks. 13:07

16 410 Q. Would it be fair to say that was true of all the
17 recruits, they would have looked at the noticeboards
18 every couple of weeks?

19 A. I can't speak for the other recruits, to be honest with
20 you. 13:07

21 411 Q. Okay, that's fair enough. Again, just to give you an
22 opportunity to comment on it, if you want, I understand
23 the evidence will be that there were -- from time to
24 time, Defence Force Regulations were published on the
25 noticeboard, do you have any recollection of looking at 13:07
26 Defence Force Regulations?

27 A. On the noticeboard, no.

28 412 Q. But they may well have been there?

29 A. They may well -- they may well have been there, I can't

1 recall them being there.

2 413 Q. All right.

3 A. And, to be honest, with you, as I said earlier on,
4 personally, I wouldn't have understood them in the
5 legal language that they were written in. 13:07

6 414 Q. Yes. I understand what you're saying, Mr. Wall,
7 clearly. I think also your evidence to the Tribunal is
8 that even if you knew about the complaints process in
9 detail and absorbed it, you didn't feel the
10 circumstances were such that you could make a 13:08
11 complaint, isn't that right? If I do that again. I'm
12 saying, Mr. Wall, I think you're saying to the
13 Tribunal, but correct me if I'm wrong, please do,
14 you're saying that even if you knew absolutely and
15 clearly how to make a complaint, and even if you could 13:08
16 make it directly to the Commanding Officer, which I
17 think was your entitlement, you wouldn't have felt, for
18 reasons of that lived experience you were having, that
19 that was a good idea or something you could do, is that
20 correct? 13:08

21 A. If there was a fit-for-purpose complaints process there
22 I would have felt comfortable using it. If it was fit
23 for purpose, if you could go all the way to the
24 Commanding Officer without fear of retribution, I would
25 have used it. 13:09

26 415 Q. All right.

27 A. But I wouldn't even say there was a complaints process,
28 never mind a fit-for-purpose complaints process.

29 416 Q. And, again, do you have any familiarity or any

1 knowledge of what happened to apprentices who we are
2 calling, maybe it's just me, Aptce. 70 and Aptce. 72
3 who made complaints, these were not abuse complaints,
4 to be clear, but they made complaints and they deployed
5 a Redress of Wrongs procedure in circumstances where 13:09
6 they were fearful they were going to be discharged from
7 the school; do you have any recollection of that at the
8 time, Mr. Wall?
9 A. I've no recollection of it at the time.
10 417 Q. All right. You've heard about it since? 13:09
11 A. I've heard about it since. I've... I was reading the
12 minutes of somebody else's the other evening, last
13 night and I had to jog my memory who they were but I
14 wouldn't be familiar with -- I wouldn't be familiar
15 how -- what was done on their behalf or what they did 13:10
16 on their behalf at the time.
17 418 Q. I think that was the question I was going to ask. And
18 did you know that Mr. Murphy's father wrote a letter of
19 complaint after Mr. Mullaney died; did you know that,
20 at the time? 13:10
21 A. I can't recall.
22 419 Q. All right.
23 A. I can't recall, to be honest with you.
24 420 Q. And, again, you were a fitter, fitter was your -- that
25 was the class you were in, Mr. Wall, is it? 13:10
26 A. That's correct, yeah.
27 421 Q. And there were motor mechanics, carpenters, radio
28 technicians, electricians, do I have that right?
29 A. Yeah.

1 422 Q. All right. You had civilian teachers as well?
2 A. We had civilian teachers, yeah.

3 423 Q. Do you recall, some of the apprentices recall them as a
4 different class in general, do you recall whether or
5 not complaints were made to civilian teachers? I'm not 13:11
6 saying formal complaints, written complaints, but
7 people expressed grievances?

8 A. We may have expressed ourselves to our civilian
9 teachers because, I suppose, we may have felt we could
10 have trusted them. Now, it would have been -- if there 13:11
11 was complaints it would have been in an informal
12 manner.

13 424 Q. All right. And then just to conclude here, you do
14 accept that there have been positive, since 1989, and
15 particularly in the 1990s onwards, there have been 13:11
16 positive developments as regards the treatment of
17 personnel in the Defence Forces and I'm citing the
18 establishment of PDFORRA; would that be a positive
19 development in your experience, Mr. Wall?

20 A. Yes. I suppose it would have been. Like, paying 13:11
21 conditions would have improved and, I suppose, there
22 was a certain level of representation came with
23 PDFORRA.

24 425 Q. Again, I think you also said -- I think you said that
25 the establishment of the Personnel Support Service was 13:12
26 also a positive development and you've used the
27 service, I think you told the Tribunal that. It's not
28 a trade secret, I hope?

29 A. No, I have used the service and I had a positive

1 result.

2 426 Q. All right.

3 A. And positive experience of it.

4 427 Q. And I'm trying to remember now when did you leave --

5 was the Protected Disclosures Act in place by the time 13:12

6 you...

7 A. I don't recall.

8 428 Q. No. Probably not. And, again, you know that there was

9 an Ombudsman was introduced, an ombudsperson was

10 introduced in 2005; were you familiar with that, 13:12

11 assistance of that office and there was --

12 A. Ehm, I probably may have heard about it. It's not

13 something that I actually -- there was something in the

14 media about a Defence Forces Ombudsman recently and it

15 kind of surprised me that there was. 13:12

16 MR. McCANN: Thank you very much, Mr. Wall. Thank you.

17 SOLE MEMBER: Thank you, Mr. McCann. No further

18 questions.

19

20 MR. MARTIN WALL WAS QUESTIONED BY THE SOLE MEMBER, AS 13:13

21 FOLLOWS:

22

23 429 Q. SOLE MEMBER: I have only one question for you,

24 Mr. Wall. When you said the night of Ollie Mullaney's

25 death, or the Sunday when you came back after he died, 13:13

26 you said you were very angry that night and that Cpt. F

27 came and I think your testimony was he tried to defuse

28 the situation. Did you convey to Cpt. F, at that

29 point, the source of your anger as opposed to being

1 upset but the reason why you were angry, and was this
2 not an opportunity to complain about the events that
3 you described?

4 A. I, personally, didn't convey my anger but I, how would
5 you say? I would like to credit Cpt. F with enough
6 intelligence that he would have seen where our anger
7 came from. That's really all I can say on that. Like,
8 ehm, he knew why he was there and he knew why we were
9 there and he would have known the source of our anger.

13:13

10 SOLE MEMBER: Thank you very much, Mr. wall. Thank you
11 for coming to give evidence today.

13:14

12 THE WITNESS: Thank you, Judge.

13 SOLE MEMBER: The Tribunal will resume proceedings
14 again on Tuesday at 10:30. Thank you.

13:14

15
16 THE TRIBUNAL WAS THEN ADJOURNED UNTIL TUESDAY, 30TH
17 JUNE 2026 AT 10:30 A.M.

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