

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

PUBLIC HEARING OF THE TRIBUNAL OF INQUIRY BEFORE
THE SOLE MEMBER, MS. JUSTICE ANN POWER,
AT THE INFINITY BUILDING, THIRD FLOOR,
GEORGE'S COURT, GEORGE'S LANE, SMITHFIELD, DUBLIN 7
ON THURSDAY, 4TH JUNE 2026 - DAY 2

2

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1 THE TRIBUNAL RESUMED ON WEDNESDAY, 4TH JUNE 2026 AS
2 FOLLOWS:

3
4 SOLE MEMBER: Good morning, everybody, and welcome to
5 this second day of public hearings in the matter of the 10:35
6 Defence Forces Tribunal. Mr. McGovern?

7 MR. McGOVERN: Good morning, Judge. Cmdr. Lyons,
8 please.

9
10 CMDR. DAVID LYONS, HAVING BEEN SWORN, WAS DIRECTLY 10:35
11 EXAMINED BY MR. McGOVERN, AS FOLLOWS:

12
13 SOLE MEMBER: Good morning.

14 THE WITNESS: Good morning, Judge.

15 1 Q. MR. McGOVERN: Now, good morning. I think you're a 10:36
16 Commander in the Naval Service, is that correct?

17 A. That's correct.

18 2 Q. And you're currently the Head of the PSS, which is the
19 Personnel Support Service?

20 A. That's correct. 10:36

21 3 Q. Can we just, Commander, briefly go down through the
22 chronological evolution of the service, if we may? I
23 think that the starting point or the genesis is in May
24 of 1991 and the Gleeson Report on the workplace --
25 that resulted in the formation of the PSS, am I 10:36
26 correct?

27 A. That's correct. It was a recommendation in that report
28 to establish a support service.

29 4 Q. Thank you. I think the PSS as it currently exists,

1 there are five formations and 13 installations. Could
2 you explain that to us, please?

3 A. Yeah. So the Defence Forces is geographically spread
4 across the country. Formations are 1 Brigade,
5 2 Brigade, the Defence Forces Training Centre, the 10:37
6 Naval Service and the Air Corps. And within those
7 formations, there are military establishments or
8 military bases, and at those locations there are
9 Personnel Support Services personnel embedded there.

10 5 Q. So am I correct that, in all, there are 13 what you 10:37
11 call installations?

12 A. That's correct.

13 6 Q. They are, effectively, barracks?

14 A. That's correct.

15 7 Q. I think the second alteration or development came in 10:37
16 September 2002 with a Challenge of a workplace
17 document. That resulted, I think, in the setting up of
18 an independent confidential helpline; would you like to
19 tell us about that, Commander?

20 A. Yeah, so "The Challenge of a workplace Report" 10:37
21 recommended the establishment of an external
22 counselling service and a confidential helpline to
23 allow members of the Defence Forces to avail of
24 external supports. That was initially Carecall, and
25 then it was changed to Inspire, and it's now known as 10:37
26 Lena (By Inspire). That provides a 24-hour counselling
27 and psychotherapy service that's external to the
28 Defence Forces for serving members and adult family
29 members, and recently it now also includes an online

1 support hub for members.

2 8 Q. I think that was established in March of 2003, it
3 became operative at that time?

4 A. I think so.

5 9 Q. And you say it's independent. It's independent of the 10:38
6 Defence Forces, so who actually runs it?

7 A. My understanding is that the contract is paid for by
8 the Department of Defence, and I, as OACPSS, am listed
9 as a point of contact, and then I would link in with my
10 colleague in the Department in relation to the 10:38
11 operation of that service.

12 10 Q. I think in your statement you say that it's not a PSS
13 function, the Lena service?

14 A. Well, it's a --

15 11 Q. It's an additional third party support, I think is how 10:38
16 you described it, is that correct?

17 A. That's correct, yeah. So it's in addition to the
18 internal PSS, which is a Military Employee Assistance
19 Programme, which consists of Military EAP professionals
20 and senior occupational social workers. So this is an 10:39
21 additional option for personnel.

22 12 Q. Thank you. In December 2020, there was a further
23 paper, "Mental Health and Wellbeing Strategy" that was
24 launched by the then Minister for Defence and I think
25 you say that it had eight core objectives? 10:39

26 A. That's correct.

27 13 Q. In your interview, Commander, in 22nd May of this year,
28 I think you identified five of those. If I may list
29 them: (1) reducing stigma, (2) suicide education

1 training, (3) awareness, (4) multidisciplinary
2 approach, and (5) psychosocial support, that's five.
3 We're missing three. Can you identify what they are?
4 A. Yeah, so developing resilience is another one, and then
5 I think you've mentioned the multidisciplinary approach 10:39
6 --
7 14 Q. Yeah.
8 A. There's a model for critical incident stress management
9 in addition to that as well.
10 15 Q. Thank you. I think are you the current Chair of the 10:40
11 Steering Committee?
12 A. Yes, that's correct, I'm the Chair of the Defence
13 Forces Mental Health and wellbeing Steering Committee.
14 16 Q. In 2003, there was another report, "Sexual Ethics and
15 Respectful Relationships" -- did that result in a 10:40
16 training of staff?
17 A. Yeah. So that was a recommendation from the IRG Report
18 and it recommended the establishment of a robust
19 training programme in the area of behaviours and
20 cultures, and that resulted in a programme known as 10:40
21 "Sexual Ethics and Respective Relationships", which has
22 been delivered across the Defence Forces currently.
23 17 Q. I think that staff were trained in that by an outside
24 person from University College Cork?
25 A. That's correct. 10:41
26 18 Q. In your statement, Commandant, you say that that
27 service was now being rolled out or now being
28 delivered; can you assist us in how far that
29 implementation has progressed?

1 A. Yes. So, there was a review of the SERE Programme done
2 in February of this year. The latest information I
3 have is that over 4,000 members of the Defence Forces
4 have undertaken that training.

5 19 Q. 4,000? 10:41

6 A. 4,000, yes. And the training itself is led by the
7 Occupational Social Work Team and it's reviewed in
8 light of, I suppose, recommendations in ongoing
9 surveys, the Value our People Survey, and in light of
10 feedback that we receive from participants in that 10:41
11 workshop. And there are new areas added into it to
12 include -- I think psychological safety was one of
13 them, but it's an evolving piece of training.

14 20 Q. Just to put that into perspective, if 4,000 serving 10:42
15 members of the Defence Forces have been trained, that's
16 out of a total force of what?

17 A. I'm not sure about the total force number.

18 21 Q. Approximately! I'm not asking you to give an exact
19 number.

20 A. 7,500, I think. About 7,500. 10:42

21 22 Q. Okay, so approximately halfway through or thereabouts?

22 A. That's correct.

23 23 Q. In 2004, there was an Interim Grievance Manager office
24 established, could you tell us about that?

25 A. The Interim Grievance Manager, my understanding is that 10:42
26 it was set up again to give an additional external
27 option to members of the Defence Forces, an additional
28 complaints mechanism for persons who may not be
29 comfortable using the internal processes. It was an

1 additional external option.

2 24 Q. When you say external, that's external to the Defence
3 Forces?

4 A. That's correct, external to our own --

5 25 Q. Who runs or controls the Grievance Manager Office? 10:42

6 A. I'm not sure. But potentially the point of contact is
7 the Department of Defence, with a liaison back into the
8 Defence Forces.

9 26 Q. Okay. So it's under the auspices of the Department,
10 rather than the Defence Forces? 10:43

11 A. I think so. It's independent.

12 27 Q. Again, it's described, Commander, as an interim office;
13 do you know on what basis it was established or whether
14 it's intended to be a permanent resource?

15 A. I don't, I couldn't say. My unit or my service is 10:43
16 listed as a point of contact or a third party support
17 in that service, and that's the level of interaction
18 that I have with it.

19 28 Q. Now, in relation to your statement, I think that the
20 PSS office, how many staff are there in the PSS at the 10:43
21 moment?

22 A. Approximately 40 personnel mixed between Military EAP
23 professionals and senior occupational social workers
24 and staff officers.

25 29 Q. So, 40, and they're spread over 13 installations? 10:43

26 A. That's correct.

27 30 Q. So some of the smaller barracks, would they have, what,
28 one/two, what would be the minimum number that would be
29 in any one installation?

1 A. It varies, but some installations might have one member
2 of PSS permanently posted, in addition to the services
3 of a senior occupational social worker, as required.

4 31 Q. And are the PSS Officers, are they full-time or
5 part-time? I'll just clarify that. I assume they're 10:44
6 full-time members of the Defence Forces, but are they
7 full-time PSS Officers or do they combine that with
8 other duties?

9 A. That role is normally in addition to other primary
10 roles. 10:44

11 32 Q. In your statement, Commandant, you say that the PSS
12 offers both advice and guidance to serving members and
13 their families?

14 A. That's correct.

15 33 Q. And that advice would be extended to both a complainant 10:44
16 and a respondent?

17 A. That's correct.

18 34 Q. So, if you have a situation where you have a small
19 barracks with only one PSS Officer, could you not have
20 a situation where they're potentially, at least, 10:45
21 advising both the claimant and the respondent in the
22 one issue?

23 A. No. In that situation, you would seek assistance from
24 another PSS unit, from members from a nearby unit. We
25 would try, where at all possible, to have any sort of 10:45
26 conflict. So, I suppose, to give you an example, you
27 know, Collins Barracks in Cork and the naval base would
28 regularly refer from one service to the other to make
29 sure that there was a degree of separation in instances

1 as you've outlined.

2 35 Q. At paragraph 13 of your statement, Commandant, you say
3 that the PSS staff do not receive any specific or
4 separate training in relation to dealing with
5 complainants of abuse, is that correct? 10:45

6 A. They would receive the same level of training as
7 everybody else in the organisation in understanding the
8 complaints procedures. The role of the Personnel
9 Support Service is specifically to support personnel
10 while they navigate the complaints process. 10:46

11 36 Q. So if the PSS service are giving advice to
12 complainants, and yet they have no training in the
13 complaints process, surely that must cause a
14 difficulty?

15 A. I didn't say that they had no training in the 10:46
16 complaints process.

17 37 Q. But they have no more training than the person who's
18 going to them for assistance?

19 A. That's correct. So, the role of the PSS is
20 information, signposting, referral and support. So 10:46
21 we're listed as a third party alongside a trusted
22 colleague, the Chaplaincy Service, and designated
23 contact persons, and the role is to provide support to
24 that individual and their families while they're
25 engaged in a complaints process. 10:46

26 38 Q. At paragraph 13 of your statement, Commandant, you say
27 that the PSS does not have a specific or separate role
28 in relation to complaints. It's a standalone body,
29 it's not part of the complaints process?

1 A. No, the Personnel Support Service is listed as a third
2 party, alongside the Chaplaincy Service, training NCOs,
3 trusted colleagues and the designated contact person.
4 We're one of a number of allied professionals who would
5 assist persons when making a complaint. 10:47

6 39 Q. But, yet, as I understand it, since 2014, the PSS staff
7 now deliver elements of the A7 briefing or training?

8 A. That's correct.

9 40 Q. So can you explain how that can be if the PSS staff
10 have -- they're not part of the complaints process, 10:47
11 they've no training in it, and yet they're part of the
12 training of people in relation to the A7 complaints
13 system?

14 A. Yes, so the role of PSS or the involvement of PSS
15 personnel in the complaints process training is to 10:48
16 train individuals on receiving disclosures in a way
17 that supports the individual. There's counselling
18 skills that are common to the supporting professions,
19 such as active listening, supporting an individual, you
20 know, compassion, empathy. It's learning -- I suppose 10:48
21 the specific area that they're briefing on is those
22 supporting skills. So it's to advise people who may be
23 involved in the complaints process. That's the role of
24 the PSS in those briefs.

25 41 Q. At paragraph 7 of your statement, Commandant, you say 10:48
26 that the service is predicated on the principle of
27 comprehensive but limited confidentiality. I see that
28 as a contradiction. Can you explain how you can be
29 comprehensive and yet limited confidentiality?

1 A. I can, yes. So, in the helping professions,
2 confidentiality is a central tenet of any counselling
3 professions. The service is predicated on
4 comprehensive confidentiality, so service users can be
5 assured of comprehensive confidentiality. However, 10:49
6 that confidentiality has limits for safety. So, in
7 cases where a person was a risk to themselves or of
8 another colleague, if there was abuse of a child or a
9 vulnerable adult or if there was an admission of a
10 crime, they would be standard limits to that 10:49
11 confidentiality in those professions. So to say it has
12 comprehensive but limited confidentiality is
13 technically correct.

14 42 Q. In one of the annexes to your statement, Commandant,
15 it's Annex A and I'll just refer briefly to it, "A 10:49
16 Commander's Guide to Using the Personnel Support
17 Services" and at page 12 of the book, it says:
18
19 "All personnel using PPS services will be made aware of
20 the limitations to confidentiality before commencing 10:49
21 support."
22
23 Is that the situation that pertains now?

24 A. Yes.

25 43 Q. Am I correct that you have taken up the post of the 10:50
26 Head of the PSS service only since March of this year?

27 A. That's correct.

28 44 Q. So, do I take it in those circumstances you cannot
29 speak to what has happened historically prior to that

1 date and, in particular, the period within the Terms of
2 Reference of the Tribunal between '83 and '24?

3 A. No, I can't speak to that period, but to answer your
4 specific question, those limits to confidentiality are
5 long-established in those professions and personnel are 10:50
6 made aware that where they disclose information that
7 might breach the limits of confidentiality, that that
8 information would then need to be shared. I think
9 that's the question you're asking.

10 45 Q. I have to put it to you, and you may or may not be in a 10:50
11 position to answer or comment on this, but I'll just
12 simply put it to you that in interview with
13 complainants, a recurring theme has been complaint that
14 the PSS service is not confidential, that the staff are
15 part of the chain of command and that if they go to a 10:51
16 PSS officer, as soon as they walk out the door their
17 business is known to their superior officers?

18 A. I wouldn't agree with that statement.

19 46 Q. As of now, it seems to me we have five different
20 services -- sorry, there's also a mediation service. I 10:51
21 omitted asking you about that and perhaps we can deal
22 with that before I proceed further. Is there now a
23 mediation service or --

24 A. No.

25 47 Q. -- provided? There isn't. 10:51

26 A. There's not a separate mediation service. Mediation is
27 a skill set that personnel within PSS would have. They
28 would have alternative conflict resolution skills or be
29 trained as mediators.

1 48 Q. So, in other words, some of the existing 40 staff have
2 training in mediation skills?

3 A. That's correct.

4 49 Q. Thank you. So we have four, then, services. We have
5 the PSS itself, we have Lena, the direct contact 10:51
6 person, and the Interim Grievance Manager office --
7 that's four different services, some of which are
8 internal to the Department and some of which are
9 external. Is there not a basis or a prospect of
10 multiplicity of processes and confusion? 10:52

11 A. I don't believe so. I would say that it gives service
12 users the options to avail of whatever service they
13 feel more comfortable using, and they would have been
14 developed in response to requests from service users
15 that they wanted the option to avail of external 10:52
16 services.

17 MR. McGOVERN: Thank you very much.

18 MR. LEHANE: Yes, Chair, I'm Darren Lehane and I appear
19 for the Defence Forces and I have some questions for
20 this witness. 10:52

21 SOLE MEMBER: Yes.

22 MR. LEHANE: Firstly, Chair, before I commence my
23 cross-examination of the witness, I just want to
24 acknowledge on behalf of the Chief of Staff and welcome
25 the commencement of the public hearings. I want to say 10:53
26 that the Chief of Staff of the Defence Forces listened
27 very carefully to the statement that was made by
28 Mr. Cush in the opening statement about the need for
29 parties to engage in a positive and open and honest

1 manner with the Tribunal as it enters into its public
2 phase, and we look forward to doing our best in that
3 regard. So, that's just what I wanted to say to you,
4 Chair.

5 SOLE MEMBER: I'm very happy to hear that. 10:53

6 REGISTRAR: would you mind just turning on your
7 microphone?

8 MR. LEHANE: Oh, sorry. Thank you, Chair.

9

10 CMDR. LYONS WAS CROSS-EXAMINED BY MR. LEHANE, AS 10:53

11 FOLLOWS:

12

13 50 Q. MR. LEHANE: So, Cmdr. Lyons, as I said, Darren Lehane
14 is my name, and we have met, obviously, before. I want
15 to just ask you some questions in terms of your role 10:53
16 here today. So, in a sense, in helping the Judge with
17 your evidence, am I correct in taking it that you are
18 here to give evidence in two capacities; one in your
19 own personal capacity since you took over your current
20 role? 10:54

21 A. That's correct.

22 51 Q. And, secondly, from your review of all of the
23 documentation of the PSS since its establishment?

24 A. That's correct.

25 52 Q. And that's the basis for your assistance for the Judge? 10:54

26 A. Yes.

27 53 Q. Okay. Just in terms, then, of your statement, you
28 provided a statement to the Tribunal?

29 A. That's correct.

1 54 Q. And the Tribunal has that statement?
2 A. Yes.

3 55 Q. Are you happy to confirm that you're happy with
4 everything that's in that statement?
5 A. Yes, I am. 10:54

6 56 Q. And to adopt it as part of your evidence to the
7 Tribunal?
8 A. Yes, I am.

9 57 Q. Thank you. The third thing I want to do now,
10 Cmdr. Lyons, is I just want to ask you some questions 10:54
11 and I'm going to follow the same format of counsel for
12 the Tribunal. Firstly, I just want to deal with the
13 PSS as a whole. The PSS has three functions?
14 A. That's correct.

15 58 Q. Providing staff advice and guidance to Commanders as 10:54
16 part of the leadership function; directly supporting
17 Defence Forces personnel and their families?
18 A. Yes.

19 59 Q. And providing training and education for Defence Forces
20 and their families, encompassing all aspects of 10:55
21 personnel support?
22 A. That's correct.

23 60 Q. Would you just like to tell the Judge, because it's
24 your evidence not mine, what the mission of the PSS is?
25 A. The mission of the PSS is, I suppose, to provide a 10:55
26 welfare and psychosocial support service. Initially,
27 it was founded to give information, advice and referral
28 and, over the years, it has developed into, I suppose,
29 everything up to the threshold of a medical, mental

1 health and psychosocial support service. It now
2 contains 12 occupational social workers at senior
3 occupational social worker level, and the remainder
4 then are made up of Military Employee Assistance
5 Professionals. The mission of the PSS is to support 10:55
6 serving personnel and their families, to allow them, I
7 suppose, to contribute to their best in service of the
8 State through the Defence Forces.

9 61 Q. Okay. Thank you, Commander. Just in relation to the
10 questions that you were asked concerning the disclosure 10:56
11 of confidential information and the circumstances in
12 which confidential information can be disclosed, I
13 think you told the Judge that the disclosure of
14 confidential information may be necessary where there's
15 a risk of harm to the service user and other person? 10:56

16 A. That's correct.

17 62 Q. Where there's a risk of abuse to a child or a
18 vulnerable person?

19 A. Yes.

20 63 Q. And again I think I'm stating the obvious when I say 10:56
21 it's also where it's necessary to comply with the law?

22 A. That's correct.

23 64 Q. In terms of the PSS's role in relation to complaints,
24 again you've told the Judge that the role of the PSS is
25 to support complainants and respondents who might be 10:56
26 engaged in the complaints process. Can you just
27 elaborate on what form those supports can take?

28 A. So, I suppose, mindful of confidentiality, but, you
29 know, a service user, a typical engagement could be

1 just a consult, it could be a piece of advice, it could
2 be money advice and budgeting, it could be advice on a
3 family matter, it could be advice on an interpersonal
4 difficulty they're having. Those are typical supports
5 given. And then, where necessary, it may need to be 10:57
6 referred to a member of the social work team. It might
7 involve the wider family context or the wider social
8 context or the work context. Those are typical
9 interactions with the Personnel Support Service.

10 65 Q. The second topic I was going to ask you questions about 10:57
11 was the training that PSS staff received, and I think
12 you've answered that question, questions around that in
13 detail.

14
15 Can I move on to the procedures that staff follow in 10:57
16 dealing with the complaint of abuse in relation to the
17 complaints process? You mentioned that the PSS is
18 listed as a third party. Can you just elaborate and
19 help the Judge understand what that involves, firstly,
20 and, secondly, who else might be a third party in that 10:57
21 kind of process?

22 A. Yeah. So, Personnel Support Services, I suppose the
23 reputation of the Personnel Support Services, it's held
24 in high regard within the organisation. Our personnel
25 that work there, both military and civilian, are seen 10:58
26 as trusted people within military locations. The role
27 in a complaints process, we often find ourselves as a
28 first point of contact -- ourselves, the Chaplaincy
29 Service, the designated contact person if they're in

1 that location, and our role would be to sit with the
2 individual in the first instances and hear them, and
3 then try to advise -- sometimes you may need to, I
4 suppose, advocate for them, either with senior ranking
5 individuals, members of the training staff if it's in a 10:58
6 training capacity, but all of that support would be
7 done with, I suppose, without taking agency from the
8 service user. So it would be done with their, I
9 suppose, their preferences in mind. And the role of
10 PSS can include everything from helping them find the 10:58
11 administrative instruction, the paperwork to make the
12 complaint. But just to be clear, we wouldn't make the
13 complaint for them because that would be taking power
14 over an individual. But, again, the Chaplaincy Service
15 would do the same. Training NCOs would do the same. 10:59
16 So we're listed as a third party, but we are unique in
17 that we have trained professionals who are
18 professionally trained to provide support in those
19 counselling and supporting services or skills.

20 66 Q. And in your statement, you describe a DCP and 10:59
21 Representative Associations also as third parties from
22 whom people can seek advice from. What does DCP stand
23 for?

24 A. DCP is the designated contact person.

25 67 Q. And what's a designated contact person? 10:59
26 A. The role of a designated contact person is listed in
27 Admin Instruction A7, but, again, they are a third
28 party. They consist of individuals who volunteer to
29 undertake a short period of training so that they can

1 be a support to a colleague in a situation where they
2 may have an interpersonal conflict or something more
3 serious, you know, I suppose, other abuse or where they
4 feel that they may need to make a complaint. Those
5 individuals voluntarily enter into that role to act as 11:00
6 a third party and they would be alongside the Personnel
7 Support Service, the Chaplaincy, the medics and others
8 listed as potential people that you could make a
9 complaint to, or that you could seek advice from if you
10 had a difficulty. 11:00

11 68 Q. The fourth matter I just want to deal with is the
12 different roles performed by PSS personnel which might
13 be relevant to the handling of complaints of abuse.
14 You have already given the Chair some guidance in
15 relation to that in terms of support functions while 11:00
16 people are engaged in the complaints process. Other
17 than this supportive role, is there any other role
18 provided by the PSS service -- in particular, senior
19 occupational social workers?

20 A. Yeah, so, as you outlined earlier, the role is 11:00
21 threefold. There are three main pillars -- that's
22 advice to command on matters pertaining to mental
23 health and wellbeing specifically; there's the support
24 to serving personnel and their families; and the third
25 role then which has evolved over the lifespan of PSS is 11:01
26 the training and education. A large part of that is in
27 the area of mental health and wellbeing, suicide
28 education and prevention. People are trained in
29 safeTALK and ASSIST Suicide Interventions, and also in

1 mental health first aid. So those roles, I suppose,
2 are the roles that we normally take on.

3
4 But we also run Transition to Civilian Life courses to
5 assist individuals transitioning from the service back 11:01
6 to civilian life. It encompasses everything from a
7 brief chat up to counselling and psychotherapy, and
8 then referral on to the medical mental health team, if
9 required.

10 69 Q. Thank you, Commander. The fifth matter I want to deal 11:01
11 with is just the role of the designated contact
12 persons, and the reason I want to deal with it is
13 because you have helpfully explained (a) what DCP
14 means, (b) what it does -- is (c) you made reference to
15 a number of people involved in this process -- now, can 11:02
16 you describe the training or the certification or the
17 qualifications that these people receive? I'm
18 conscious of the building that we're in, Chair.

19 A. Yeah, so within the PSS, you have military personnel
20 there; they undertake a BA in Employee Support and 11:02
21 wellbeing. They are broadly categorised under the EAP
22 professional -- that's Employee Assistance Programme.
23 And then on the non-uniformed or the civilian side, we
24 have a team of 12 occupational social workers. They're
25 senior grades and they would have a broad range of 11:02
26 experience from outside of the Defence Forces and other
27 bodies. They are regulated by CORU, the regulating
28 body, and I suppose they practise in accordance with
29 very strict procedures and a code of ethics and

1 practice, including those limits to confidentiality.
2 But I suppose their practice is heavily regulated by
3 CORU.

4 70 Q. And again you made mention to the personnel who are
5 involved, I think, in mediation. Can you explain what 11:03
6 qualifications or certification they might have?

7 A. Yes, so, I suppose, over the years, personnel have
8 undertaken various short courses in mediation to become
9 qualified mediators or to allow them to act in the
10 capacity as a mediator. Mediation is listed as the 11:03
11 informal approach in the complaints process. And then,
12 I suppose, without naming -- do you want me to name
13 different bodies?

14 71 Q. You already --

15 A. I suppose the Mediators' Institute of Ireland I think 11:03
16 is the most recent one that some of our staff have
17 undertaken training with.

18 72 Q. A final matter, you'll be glad to hear from me,
19 Cmdr. Lyons, it was put to you by counsel for the
20 Tribunal during his course of his questioning of you 11:03
21 that in interviews with complainants, certain
22 complaints have been made about the confidentiality of
23 the process. In advance of -- and I appreciate the
24 confidentiality of the process is something that you
25 can't talk about individual cases, and I appreciate 11:03
26 that counsel for the Tribunal can't talk about
27 individual cases as well. But in terms of your
28 preparation for coming here in the form of, you know,
29 the questioning of you at the interview which is in the

1 books that have been circulated, and today, no specific
2 instance has been put to you to enable you to comment
3 on how a particular person was engaged with or not
4 engaged with?

5 A. No, and I wouldn't engage with that. 11:04

6 MR. LEHANE: Okay, thank you very much.

7 SOLE MEMBER: Thank you, Mr. Lehane. Does any other
8 party wish to put any questions to the witness?

9 MR. COMPTON: Sorry, Judge, my name is Gary Compton,
10 Judge, and I appear instructed by Coleman Legal 11:04
11 Solicitors on behalf of 110 former members. I have a
12 couple of questions --

13 SOLE MEMBER: Mr. Compton, could you use your
14 microphone? I'm not sure it's on.

15 MR. COMPTON: Oh, sorry. I have only a couple of 11:04
16 questions I'd like to put to the witness, if I may.

17
18 CMDR. LYONS WAS CROSS-EXAMINED BY MR. COMPTON, AS
19 FOLLOWS:

20 11:04

21 73 Q. MR. COMPTON: Cmdr. Lyons, I'm very conscious of the
22 valuable service that you provide through the PSS and
23 what I'm saying is not a criticism at all of that
24 service, but as you have heard from Mr. McGovern and
25 Mr. Lehane, there is a perception on behalf of members, 11:04
26 and former members that there is an issue of
27 confidentiality in respect of the PSS. Now, whether
28 that's true or not may not matter if there is a
29 perception out there, but has the Defence Forces or the

1 PSS itself ever considered that the valuable services
2 that are provided by the PSS could be provided by an
3 external provider, completely independent of the
4 Defence Forces?

5 A. Thanks for your question. I've heard it discussed that 11:05
6 it could be external. However, I suppose the PSS
7 originated from within the organisation and it's unique
8 in its nature in that it consists of colleagues who
9 have the lived experience of military service, so
10 they're uniquely placed to support serving personnel. 11:05
11 That's one of the important aspects of the Personnel
12 Support Service. I'm not sure how seriously it was
13 considered that they would completely externalise the
14 PSS. And I know from conversations with service users
15 and colleagues that it is the unique nature of the PSS 11:06
16 that they can approach a colleague in uniform. It
17 makes them more accessible. And I suppose that's the
18 first level of engagement, and then potentially be
19 referred to a senior occupational social worker who are
20 civilians and not a member, I suppose, of the uniformed 11:06
21 military element. So there is a level of, I suppose,
22 non-uniformed professional support there already. I
23 don't know does that answer your question?

24 74 Q. It does, but what I understand from your answer is that
25 obviously it has been considered, but not to a thorough 11:06
26 extent or to the point of a report or a thorough
27 inquiry into whether or not that's possible, is that
28 correct?

29 A. As I understand it, I haven't heard that there was ever

1 serious consideration given to having an external
2 service. But I wouldn't, I suppose -- personally, I
3 can understand or I can appreciate the value of having
4 personnel who have also got military service to support
5 colleagues in the difficulties that they're having with 11:07
6 military service. My own belief is that an external
7 third party wouldn't have that lived experience.

8 75 Q. And I understand from your interview with Mr. McGovern
9 that in some circumstances where a member would seek
10 your services, he may initially speak to a civilian 11:07
11 member of the PSS and then it may transpire that if
12 it's more of a military matter or the military
13 experience is more pertinent and it may be then handed
14 on to a -- sorry, a Defence Force member of staff, for
15 better words. Is that correct? 11:07

16 A. No. So, in those instances, you know, professionals in
17 the helping professions would often consult, but in an
18 anonymised way, so in a way that doesn't identify the
19 individual. They would consult maybe to get advice on
20 the relevant admin instruction. But, in general, you 11:08
21 wouldn't, I suppose, you wouldn't disclose information
22 from one service user between uniformed and
23 non-uniformed elements, particularly without the
24 express consent of the service user.

25 76 Q. That's the answer to my question. I didn't gather that 11:08
26 from the statement, but you've clarified that now, that
27 if it is a matter where it is transferred from a
28 civilian member of staff to a military member of staff,
29 the consent is sought of the complainant before that's

1 done, is that correct?

2 A. That's correct. Everything is done with the service
3 user's express consent.

4 77 Q. Can I ask you about the mediation service that you
5 offer? Does that apply across the board in terms of 11:08
6 all types of complaint? So no matter how serious a
7 complainant of abuse is - say, a sexual assault - would
8 mediation be offered in that case?

9 A. No, mediation is an option in the informal approach and
10 it's used for, I suppose, more minor, interpersonal 11:09
11 conflicts. So something of a sexual nature or a crime
12 would be elevated and referred to the appropriate
13 authorities.

14 78 Q. Indeed, just on the appropriate authorities, as part of
15 your services, you advise complainants in respect of 11:09
16 their options, and is part of that advice to refer the
17 matter to An Garda Síochána? Is that something that is
18 directly advised by the PSS, or does that go to
19 somebody further up the line before that advice is
20 given? 11:09

21 A. For crimes, that would be advice that would be given by
22 anybody who receives a complaint, it would be referred
23 to An Garda Síochána.

24 79 Q. Directly from the PSS?

25 A. Yes. 11:09

26 MR. COMPTON: Thank you.

27 SOLE MEMBER: Thank you, indeed. Are there any other
28 questions?

29 MS. McGRATH: Judge, I think I'm next.

1 CMDR. LYONS WAS CROSS-EXAMINED BY MS. McGRATH, AS

2 FOLLOWS:

3

4 80 Q. MS. McGRATH: It's Sinead McGrath, Commander, appearing
5 on behalf of the Minister for Defence. I just have a 11:10
6 few short questions for you. I wanted just to clarify
7 something. I think you said in your interview that you
8 were enlisted in 2000, is that right?

9 A. That's correct.

10 81 Q. So you were there for a long stretch of time before you 11:10
11 took over this post, which was just this year on 1st
12 March, isn't that right?

13 A. That's correct.

14 82 Q. So you were both sort of a potential user of the
15 service and now you're effectively running the service? 11:10

16 A. That's correct.

17 83 Q. Isn't that right? So you saw it from both
18 perspectives, effectively?

19 A. Yes.

20 84 Q. Now, I know you came in in 2000, but the Tribunal, as 11:10
21 you know, goes back to 1983. Can I just ask you about
22 the 1991 period and that period before 1991? You may
23 not be able to help the Tribunal but in the sense of
24 what did the landscape look like pre-PSS with regard to
25 welfare and counselling and support services? Are you 11:10
26 able to comment on that or do you have any view or any
27 historical knowledge of what it would have looked like
28 for a recruit?

29 A. Yeah, I think that particular period that you mention,

1 in 1990 there was the establishment of the
2 Representative Associations. The welfare Board Report
3 recommended the establishment of the Personnel Support
4 Service. You know, the Service was established with, I
5 suppose, the employment of a principal social worker in 11:11
6 1991, but, again, I would only be surmising, but I
7 would imagine that it was felt that there was a need
8 for those sort of support services at that time.

9
10 But there has always been, I suppose, a responsibility 11:11
11 on personnel in leadership positions to, I suppose,
12 advocate for the welfare of personnel. You know, that
13 has always been there before the existence of the
14 Representative Associations and PSS. You know, it's
15 the responsibility of everyone in a leadership position 11:11
16 to support the welfare of the personnel.

17 85 Q. I think, Commander, if you look at the Gleeson Report
18 in 1990, in the Gleeson Report it talked about the
19 necessity for welfare and counselling services going
20 forward, but it also referred in it's lookback at the 11:12
21 time that there were welfare officers in every
22 barracks, and that's what's reported in the report, and
23 I take it that that was the pre-existing position, that
24 there was a person called a welfare officer, is that
25 right? 11:12

26 A. That's correct, that's my understanding also, and that
27 that led to the establishment of the Personnel Support
28 Service, and personnel were trained to give money
29 advice and budgeting, everything from general advice to

1 referrals on to the medical system, and then including
2 the social workers when those individuals were employed
3 within the organisation. But, there would have been
4 designated welfare personnel pre-existing the Personnel
5 Support Service. 11:12

6 86 Q. And did that structure fall away then and is that what
7 was replaced in 1991?

8 A. I'm not sure, but I would imagine, I can imagine so,
9 that it was the formalisation of a Personnel Support
10 Service from then on. 11:12

11 87 Q. Can I ask you, we know the establishment date for the
12 PSS was May 1991, but can I ask you is that the date
13 when it was up and running or is that when the rollout
14 of the service started? So would it have taken some
15 time - 1991/1992 - before it was nationwide or, as I 11:13
16 say, was it up and running in May?

17 A. Yeah, I --

18 88 Q. You might not be able to help. I know --

19 A. Yeah, no, I note in my statement May 1991 is given in a
20 document, but it may have been 1992 before personnel 11:13
21 were posted into appointments specifically in a PSS
22 role. But as you've said there, there were always
23 personnel, well-meaning individuals who were trusted in
24 locations providing that -- I suppose they were contact
25 persons or persons that you could go to for support. 11:13

26 89 Q. Thank you, Commander. I think, as you say, the Gleeson
27 Report was in July 1990, and literally ten months later
28 then you had the PSS coming into place. And if I can
29 just ask you about that and I want you to move, if you

1 could move to a document, I don't know if Ms. Heavey
2 can put it up on the screen? It's page 11 of the
3 booklets and it's the annex to your statement, which is
4 "A Commander's Guide to Using the Personnel Support
5 Service" -- so you'd be very familiar with that 11:14
6 document, Commander, I would imagine?

7 A. That's correct.

8 90 Q. And is that --

9 SOLE MEMBER: Ms. McGrath, can we just hold on one
10 moment, please, until the document goes up? Thank you. 11:14

11 91 Q. MS. McGRATH: Oh, thank you, Ms. Heavey. So just
12 looking at that document, I take it that's the current
13 iteration of that document, and would there have been
14 -- is that something which is evolving all the time?
15 would there have been documents like this right back, 11:14
16 do you think, or can you say?

17 A. Again, this was possibly written by my predecessor. I
18 would have reviewed it with the principal social worker
19 recently in terms of its language, but there would have
20 always have been advice for Unit Commanders on how to 11:14
21 best use the Personnel Support Service for the benefit
22 of personnel in their locations. And it just lists
23 some of the services that the PSS provides and I
24 suppose it's to help Unit Commanders in utilising the
25 PSS to best support their people. 11:15

26 92 Q. If we can just look at the document there on the first
27 page, you break down the formation, basically, of the
28 PSS and the hierarchy of it, if you like. And I think
29 you were just asked by my Friend earlier about the

1 externalisation of the service and I think when you see
2 the breakdown of the PSS service there, you see that
3 it's effectively an onsite service for the members of
4 the Defence Forces, effectively, is that correct?

5 A. That's correct. There's a level of nuance and, I 11:15
6 suppose, direct response to the needs of military
7 personnel that the PSS provide that I don't believe
8 could be provided entirely by an external service.

9 93 Q. And does it provide a level of immediacy with regard to
10 issues arising for the personnel? 11:15

11 A. It does, absolutely, on location in military barracks.

12 94 Q. And I think, in particular, you have -- it's recorded
13 there in the document a role played by the senior
14 occupation social workers. So there's a blended
15 civilian aspect to your service, is that right? 11:16

16 A. Yes.

17 95 Q. Again, you give the numbers in your statement, but
18 could you break it down just here this morning, the
19 breakdown between civilian and military that are in the
20 PSS, the numbers? 11:16

21 A. Yes, so the latest figures I have is that there are 12
22 senior occupational social workers, including the
23 principal social worker. Two of those employees are
24 part-time appointments, and then the rest are made up
25 of military professionals. There are five staff 11:16
26 officers, so they're normally at OF-3 Commandant or
27 Lieutenant Commander rank, and they are the designated
28 staff officers for each of the formations.

29 96 Q. And it records there in the document that each

1 installation of the DF is served by a senior social
2 worker, either in full-time or part-time capacity. So
3 each installation has a civilian effectively in place
4 as part of your service?

5 A. Each installation has the coverage of a civilian. Some 11:17
6 installations are less populated than others. You
7 know, in the Dublin area, there's a higher populus, so
8 they have additional senior occupational social work
9 cover, and that is reviewed by the principal social
10 worker to ensure that there is sufficient cover in each 11:17
11 of the areas.

12 97 Q. Okay. Now, if Ms. Heavey can just go down onto the
13 next page of page 12, please, you were asked earlier in
14 your evidence to outline the level of the work that is
15 conducted by the PSS, and I think Mr. McGovern also 11:17
16 asked you to outline who the service is provided to,
17 and I think it's recorded there in the box that it also
18 includes civilian employees and, to a limited role,
19 veterans, is that right?

20 A. That's correct. The engagement with the Veterans 11:17
21 Associations currently is through the Defence Forces
22 Benevolent Fund. There would be a representative on
23 that and that would be in terms of supporting veterans
24 who may face hardship and we would have a good
25 relationship with the -- a strong relationship with the 11:18
26 Veterans Associations and their Veteran Support
27 Officers.

28 98 Q. And if you look at 4(a), (b) and (c), again it breaks
29 it down that you're providing a service to families,

1 and I think it includes adult children, is that right?

2 A. It does, adult children who are living in the same
3 household are also entitled to avail of those external
4 counselling services.

5 99 Q. Just in light then of the breadth of the services you 11:18
6 provide and the persons to whom you provide it, is it
7 possible to break down in any way what level of your
8 service is addressed to complaints of abuse that the
9 Tribunal is dealing with? Is it possible in any way on
10 the basis of anonymised data or is that just an 11:18
11 unknown?

12 A. No, I don't believe that's possible, you know, the
13 interactions with service users are so varied, you
14 know, in terms of what they would engage with PSS for.

15 100 Q. Okay. 11:19

16 A. I don't think it's possible.

17 101 Q. The next paragraph, paragraph 5, refers to the
18 confidentiality of the services and it's been put to
19 you by a number of counsel this morning about the
20 confidentiality aspect of the PSS. Can I ask you one 11:19
21 thing, Commander -- and, again, I know you're new in
22 the role, so you can just say that if there's any
23 issue, but in the IRG, it was recommended in the IRG
24 report in 2023, it was recommended, and I'll just call
25 out the paragraph, 4.12.1, that the PSS should put in 11:19
26 place, and it says:

27

28 "...as a matter of priority, a clear and concise
29 confidentiality statement in line with similar

1 organisations, such as the Civil Service Employee
2 Assistance Service. "

3
4 Can you tell us a little bit about that? Is there work
5 on that? Can you tell the Tribunal what's been
6 happening? 11:20

7 A. I'm aware of that recommendation and, in light of that,
8 a confidentiality statement was published. Normally,
9 it is given to service users so that it's clear on the
10 limits of confidentiality in using the service, and 11:20
11 that confidentiality statement is also on the landing
12 page on our PSS website. So, it's -- that was
13 something that was actioned and we're very clear on
14 what confidentiality means when users engage with the
15 service. 11:20

16 102 Q. And I think the document in the next couple of pages
17 that we're just going through, it talks about the
18 various service, and it was put to you by Mr. McGovern
19 that you are involved in the Defence Forces Mental
20 Health -- and is it Strategy Committee Or Steering 11:20
21 Committee or what's the correct name of it, Commander?

22 A. I think it's actually the Standing Committee, it's a
23 Standing Committee -- Mental Health and wellbeing
24 Standing Committee.

25 103 Q. Does the work of that Committee feed into this document 11:21
26 and the services? Because I see a reference there, for
27 example, to the critical incident stress management
28 work of the PSS, for example, at page 14. Just I'm
29 trying to get to what's the practical implications of

1 the work that the Committee carries out?

2 A. Yeah, so in the area of support, there is an
3 interrelatedness in all aspects. So the work of the
4 Mental Health and wellbeing Standing Committee, who
5 recently met, would look at, you know, there's a 11:21
6 conversation happens around areas that are common to
7 the medical mental health team, to the Chaplaincy, to
8 the social work team, and then we would look at those
9 core objectives and look at, you know, how we are
10 developing along each strand. And then, I suppose, out 11:21
11 of that, there are conversations around recently
12 referrals and just how we work closely together. That
13 is one of the objectives, is a multidisciplinary
14 approach or a comprehensive approach in supporting
15 individuals. But all of the work in this document, all 11:22
16 of the work with the Mental Health and wellbeing
17 Standing Committee, I suppose they all feed into each
18 other. So when this document is reviewed, it would be
19 reviewed in light of conversations or actions taken by
20 the Standing Committee. 11:22

21 104 Q. I think the Minister launched the strategy in December
22 2020 and we're now in 2026, so is that strategy ongoing
23 and is it considered that it will be ongoing for some
24 time?

25 A. It is. Again, just to go back to the eight core or the 11:22
26 eight central objectives in it, there are milestones
27 for each of those that are reviewed and we are
28 progressing along those milestones. There are three or
29 four milestones under each heading and, as recently as

1 last week, we met to review the progress on each of
2 those.

3 105 Q. Okay. And you're the Chair of that Committee since you
4 started, is that right? You automatically become Chair
5 in your position? 11:23

6 A. The appointment is the Chair of that Committee and I
7 report through the director of the medical branch, to
8 the Deputy Chief of Staff support on the progress of
9 that.

10 106 Q. Okay. And does that Committee meet annually or monthly 11:23
11 or how frequently is it?

12 A. Generally, quarterly. The membership, the core
13 membership would be quite busy, and then what we would
14 do in advance is we would look at an agenda and invite
15 subject matter experts as required from the Inclusion 11:23
16 Office, from, I suppose, the catering section on
17 nutrition. So subject matter experts, as required,
18 would be invited to attend.

19 107 Q. And if I can just ask, just staying on that Committee
20 and the work of the wellbeing strategy, if I could ask 11:23
21 Ms. Heavey to go to page 18 of the document and it's
22 about the third box down -- well, actually, you see
23 paragraph 32 here is dealing with the strategy and the
24 work of the strategy. It says there in a box:
25
26 "Recommended Action by Commanders". 11:24
27
28 I just wanted to ask you about the second bullet point
29 there:

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"Encourage personnel to participate in initiatives arising from the strategy, including studies conducting as part of the work of the Research Working Group."

11:24

Can you just explain how that works and who they are?

A. So, the Research Working Group, again they would suggest potential research topics. One that comes to mind is a piece of research that might be requested on career courses. So, on, I suppose, senior leadership courses for NCOs and Officers, there's often a research component and we would suggest topics, such as, you know, mechanisms to reduce stigma, how could the Defence Forces reduce stigma around engaging with mental health services or mental health supports, that's one that comes to mind.

11:24

11:25

108 Q. Now, just to clarify the support structure for members and former members, I know it varies from time to time with the persons the various services deal with, but you, as the PSS, you're an internal support service and the Chaplaincy, effectively, are the other internal support service, is that correct?

11:25

A. Yeah, there are a number of allied professionals, as we would be described. So the Personal Support Service, the Chaplaincy Service, the Medical Service, and then, I suppose, people would have buddies or peers who are also supportive. And then they're training NCOs, they're training Officers. In all aspects of your training or your work life, there are support services

11:25

1 available to you.

2 109 Q. And just to leave for a moment the internal, if I can
3 just stay on that page, you see at paragraph 31 there's
4 a reference there to the External Confidential
5 Counselling Service and Mr. McGovern asked you about 11:26
6 Lena (By Inspire). And, again, I think Lena (By
7 Inspire) was established by the Minister for Defence
8 post The Challenge of a workplace report and I think it
9 came into effect in March 2003, as you told
10 Mr. McGovern, isn't that right? 11:26

11 A. Yeah, I think that was the timeframe.

12 110 Q. Now, again, as you confirmed, this is an -- if you call
13 it a pure, it's a pure external, independent
14 counselling service for members and I think with regard
15 to the persons who can access it, again you may or may 11:26
16 not be able to help -- I know you don't run this, but
17 we'll talk about your liaison with the service in a
18 second. But I think it's serving members of the
19 Defence Forces, civilian employees, Civil Defence
20 volunteers, and I have a note saying that, since 2020, 11:26
21 it's now available to family members of PDF personnel,
22 is that correct?

23 A. That's correct. If somebody has an adult child who is
24 an adult living at the same address, those services are
25 extended to them also. 11:27

26 111 Q. I think, again, your familiarity with this service
27 again would deal -- would it be correct of me to say
28 that the external service, the confidentiality
29 counselling services, would deal with a lot of the same

1 nature of work that the PSS is dealing with internally,
2 is that right?

3 A. Yeah, specifically, it's a counselling and
4 psychotherapy service that personnel are able to avail
5 of counselling and psychotherapy, but external to the 11:27
6 Defence Forces. If they engage in PSS, they can avail
7 of, I suppose, counselling through the social work
8 team, and then maybe would need to be referred through
9 the medical then for, I suppose, more for diagnosis and
10 treatment. That's the cut-off, I suppose, if somebody 11:28
11 needs a diagnosis or treatment, it would go into the
12 medical sphere rather than the Personnel Support
13 Service space.

14 112 Q. And this external service, I think it's put in place as
15 a free phone service, it's 24/7, 365 days a year and 11:28
16 it's on a 24/7 basis, is that correct, Commander?

17 A. That's correct, and I think in the last two years it
18 now also includes an online support hub that's free to
19 members of the Defence Forces. So you don't have to
20 engage with a person, you can -- it's an online support 11:28
21 hub where you can avail of a suite of tools, wellbeing
22 tools, breathing techniques, mindfulness techniques.
23 So it's just an additional capacity for personnel to
24 support their wellbeing.

25 113 Q. And I think it goes beyond a telephone service in the 11:28
26 sense there can be referrals for face-to-face
27 consultations and counselling sessions, is that right?

28 A. Oh, absolutely. My understanding is the majority of
29 members would avail of face-to-face counselling and

1 psychotherapy, so in person.

2 114 Q. And I in relation to the Lena (By Inspire) service, can
3 you just tell us what it looks like in any individual
4 barracks? How do personnel know that this is a service
5 they can access? Are there are posters, leaflets, 11:29
6 e-mails? How does it work?

7 A. Yeah, so the information for the Lena (By Inspire)
8 service is published on our Connect app. It's normally
9 published on notice boards in the barracks. It's
10 usually briefed at the end of internal briefings. So 11:29
11 for career courses or briefings, any opportunity that I
12 or my service have, we would make people aware of --
13 there's normally a slide, you know, describing your
14 local personnel support contact details. All of that
15 information is communicated to people. And then if 11:29
16 people wish to avail of the external supports, they
17 ring the confidential number - I think it's in Belfast
18 - and they give their, I suppose, their particulars,
19 their military service number, and then they're
20 referred to a therapist in their locality and they can 11:30
21 opt for online therapy or in-person therapy. All of
22 that information is done externally. I don't have -- I
23 or the Personnel Support Services don't have access to
24 any of that information, it's totally confidential.

25 115 Q. Just on that point, I think do you have a liaison in 11:30
26 any way with Lena (By Inspire) and the Department with
27 regard to the level of engagement of the service?

28 A. I do if I needed to, I suppose, seek information. I
29 could liaise, I have a point of contact in the

1 Department of Defence who manages that contract and,
2 you know, I would, you know, I have to meet with
3 representatives from Lena yet, but it would be about,
4 you know, how is the service doing, is it meeting the
5 needs of service users, it would be that level of 11:30
6 engagement. And, also, if individuals have reached - I
7 think the threshold is ten sessions - they would
8 normally be referred back into either the Personnel
9 Support Service or the Medical Services within the
10 organisation. So it is that level of functional 11:31
11 engagement that I have with them.

12 116 Q. I think with regard to what you've just said there in
13 the sense if there is a cut-off point or a level of
14 engagement that a member can have, but that doesn't
15 mean necessarily that they come back internally; it's 11:31
16 just, my instructions are, there would be a contact
17 with the Department by Lena (By Inspire) for additional
18 services or additional sessions to be provided. It's
19 really a financial contracting funding issue,
20 effectively? 11:31

21 A. It is potentially, possibly, for the Department. But
22 for my own service, I suppose the concern is that
23 personnel would be referred back into the internal
24 Defence Forces process, either medical or Personnel
25 Support Services at a certain point -- that there is a 11:31
26 limit set on the number of sessions and then it would
27 be reviewed internally again.

28 117 Q. And could that limit be extended, depending on the
29 circumstances?

1 A. It can be. If it is recommended by the Clinical
2 Services Manager with Lena (By Inspire), but that would
3 be specific to the needs of the service user and would
4 be recommended by somebody duly qualified.

5 118 Q. I think my instruction is, with your predecessor, there 11:32
6 would be engagement between the PSS, Lena (By Inspire)
7 and the Department on the workings of this particular
8 confidential service?

9 A. That's correct. I mean, it's right and proper that we
10 would review it and make sure it's meeting the needs of 11:32
11 service users. But again the information that I would
12 have from that is purely on the level of user
13 engagement, you know, I suppose, how many sessions are
14 being availed of, how many times the service has been
15 used, and possibly looking for sharp increases or 11:32
16 decreases in the use of the service.

17 119 Q. Okay. Now, just staying externally, Mr. McGovern asked
18 you also about the Interim Grievance Manager and, just
19 with regard to the establishment of that proces going
20 live in April 2025, and you were asked why it was 11:33
21 interim or why it's called interim -- I mean, would you
22 accept that it arises from the IRG Report suggesting
23 that an interim process for external complaint
24 assistance was put in place pending changes that were
25 recommended by the IRG, do you accept that? 11:33

26 A. That's correct. That is actually my understanding,
27 that it was pending a review of our internal complaints
28 processes that this was stood up on an interim basis.

29 120 Q. And my instructions are and I think it's clear from

1 it's publicly accessible on the internet, this service
2 went live in April 2025 to members, isn't that right?

3 A. That's correct.

4 121 Q. And this is for serving members only, though, as an
5 external service, is that right? 11:33

6 A. That's correct. And my understanding is it's to deal
7 with Chapter 1 complaints, so complaints of an
8 interpersonal matter.

9 122 Q. And I think in relation to this particular service,
10 it's set out on the website again to the serving 11:34
11 members that if they're having any difficulty with
12 their complaint or putting it down on paper, there's a
13 liaison officer available to assist them; do you have
14 any knowledge of that aspect of --

15 A. I don't, and it's not something I engage with. I did 11:34
16 meet with the Interim Grievance Manager and their staff
17 just, I suppose, to clarify the role of my service with
18 them. We are listed as a third party, again as a third
19 party, to support individuals in accessing the service.
20 That's the level of engagement that I have currently. 11:34

21 123 Q. And I think that's led by a Mr. Kevin Duffy. You may
22 have met Mr. Duffy, is that right?

23 A. I haven't met Mr. Duffy, I have met some of the staff.

24 124 Q. I think he's a former colleague of ours and he's also a
25 former Chair of the Labour Court? 11:34

26 A. That's my understanding.

27 125 Q. Now, as you say, there's a liaison officer there on
28 that side, and then you, as you say -- again, I'm
29 instructed that there is communication between the PSS

1 and this service; would you accept that?

2 A. I've had very limited communication so far or
3 engagement so far, but there is liaison within the
4 Defence Forces.

5 126 Q. And do you assist also here on a signposting service 11:35
6 for members to this external service?

7 A. I do. We have materials provided by the Interim
8 Grievance Manager that we have circulated
9 electronically and in paper again displayed at
10 prominent locations in all installations to make sure 11:35
11 that personnel are aware of that additional option for
12 them.

13 127 Q. You'll be glad to know, Commander, I'm almost finished,
14 but I just want to ask you about another -- there is
15 actually another external service, you might call it, 11:35
16 or support service available to members and this is
17 Raiseaconcern. I know the Tribunal are familiar with
18 Raiseaconcern and it's the Confidential Contact Person
19 service. Do you know much about that or are you in a
20 position to tell the Tribunal -- do you have any 11:36
21 liaison with that service yourself?

22 A. I'm aware of the service. I haven't had any
23 interaction with them as of yet. I couldn't comment on
24 it.

25 128 Q. I think this is a service that was set up in October 11:36
26 2021 and it was, effectively, put in place to assist
27 you in the IRG process. But I think this is a service
28 again entirely outside the chain of command, is that
29 right?

1 A. That's my understanding, yeah, it's independent of the
2 existing complaints processes.

3 129 Q. Late 2021 -- and I think it's still in operation, it's
4 still in place, is that right?

5 A. My understanding is that it is for now, yes. 11:36

6 130 Q. And, again, sorry, you may have answered this and I may
7 have missed it, is that part of possibly a signposting
8 function that you may have also if somebody wishes to
9 access the Raiseaconcern service?

10 A. Yeah, it might be helpful just to understand that any 11:37
11 PSS location, any of those materials are prominent and,
12 you know, while personnel are waiting for an
13 appointment, there's leaflets, there's QR codes,
14 there's signposting. You know, there's an abundance of
15 materials there to direct serving personnel to all of 11:37
16 those services, both internal and external, and then
17 they would be published on or internal Connect
18 communication app and they would be made -- I suppose
19 personnel would be made aware of all of that
20 information through internal briefings. There's often 11:37
21 a slide or two, particularly given to support services
22 at any opportunity.

23 131 Q. And, now, I think I'm not going to repeat it because
24 Mr. Lehane, in fairness, he took you through the DCP
25 process in quite some detail. But if you look at your 11:37
26 own service, Lena (By Inspire), Raiseaconcern, the DCP,
27 the involvement of the social workers, would you agree,
28 Commander, that the landscape post 1991, it's been a
29 dramatic change in shift throughout the years, would

1 the encouragement of complaints, the encouragement of
2 early resolution of complaints at the lowest possible
3 level, that was part and parcel of the policy of the
4 initial 1996 AI, Chapter 1. Can you describe to me or
5 can you tell me whether there was active encouragement 11:39
6 by the PSS, for such early resolution?

7 A. We would need to remain impartial. Again, it's for the
8 service user to decide on the avenue that they want to
9 pursue, whether that is the formal or informal process,
10 we would specifically not advise them one way or the 11:40
11 other. Ultimately, it's a matter for the service user
12 and we would support them then in whatever avenue that
13 they choose.

14 134 Q. So where did this active encouragement come from?
15 Where is this to be found? Was that at the level of 11:40
16 Commanding Officers being told, if there's a problem,
17 try to get it resolved early and, if necessary, through
18 mediation through the PSS?

19 A. Yeah, my understanding, Judge, is that it would be, you
20 know, it would be, as you said, best for unit cohesion 11:40
21 and operational effectiveness if lower level
22 interpersonal conflicts could be resolved at the lowest
23 possible level, and that informal approach is, I
24 suppose, suggested in A: Admin Instruction as an
25 avenue to maybe be pursued first and see can it be 11:40
26 resolved at that level first and then, if necessary, if
27 it couldn't be resolved between the parties, it can be
28 escalated. So there is, I suppose, a preference to try
29 resolve it at the lowest level first. I'm always

1 really keen to say that that doesn't mean to sweep it
2 under the carpet or that it isn't dealt with. It's an
3 approach that's suggested to see could it be dealt with
4 without elevating it.

5 135 Q. And who makes that suggestion to the person who says 11:41
6 'Something terrible happened to me yesterday and I need
7 to talk about it', who makes that suggestion to resolve
8 it at the lowest possible level?

9 A. The word "suggestion" -- so we would communicate that 11:41
10 these are the options available to a service user and
11 it's outlined in A: Admin Instruction A7, but I would
12 need to be conscious or not trying to sway an
13 individual one way or another. Ultimately, it's up to
14 the aggrieved party or the parties involved to decide
15 on the approach that they want to take, whether that's 11:41
16 informal or formal. I wouldn't suggest either way. I
17 would just inform them and support them.

18 136 Q. Could I ask you -- and I fully understand the limits of 11:42
19 confidentiality that you've described. They're
20 principles that govern, you know, professional services
21 generally. And without breaching confidence, if a
22 member of the PSS was made aware of the problems in a
23 particular unit, what steps, if any, would that member
24 take?

25 A. So, the normal reporting channels for a member of the 11:42
26 PSS, if they're in uniform, and if there is a breach of
27 the limits of confidentiality, in the first instance
28 that would be discussed with the service user, again
29 respecting the agency of that individual and not taking

1 power over them, that would be discussed, that, you
2 know, 'Maybe this is something that I can't assure you
3 of confidentiality in', and then that -- either the
4 uniformed person or the senior occupational social
5 worker would consult then either through myself or the 11:42
6 principal social worker in how best to elevate that,
7 and again always with the engagement of the service
8 user. So we wouldn't take steps without the consent of
9 the service user, but we would make it clear to them
10 that it may have to be elevated. 11:43

11 137 Q. And if the consent of the service user wasn't
12 forthcoming for fear, or for whatever reason, but you,
13 as a member of PSS or a member of PSS, was aware of a
14 risk to others because of what you were told by the
15 service user, would you regard that as bringing you 11:43
16 across the line into the limits of confidentiality?
17 A. I would, Judge, yes.

18 138 Q. So you wouldn't be -- I don't want to put words into
19 your mouth but, you're not dependent upon the consent
20 of the service user to address a problem which is being 11:43
21 signalled to you?
22 A. No, again, Ma'am, it's comprehensive, but limited
23 confidentiality and, you know, once those limits of
24 confidentiality are breached for safety, the incident
25 or the presenting issue may need to be reported to take 11:44
26 further action to keep the individual or their
27 colleagues safe.

28 139 Q. Could I ask you some questions about training,
29 Cmdr. Lyons? Yesterday, we had an expert tell the

1 Tribunal that one measure to encourage people to report
2 abuse, to report wrongdoing, is to train them and to
3 educate them in the understanding of what loyalty
4 means, of what honour means, and these are cardinal
5 virtues, I know, and values within the Defence Forces. 11:44
6 where would that training in that type of issue take
7 place?

8 A. I suppose, our values are part of all aspects of
9 training. You know, everybody who serves tries to
10 serve in accordance with those values, or aspires to. 11:44
11 Specifically on loyalty, you know, the topic of
12 misplaced loyalty is often raised and it's very clear
13 that it's loyalty to the organisation, loyalty to the
14 State, loyalty to the oath, rather than loyalty to
15 individuals. And that's made very clear to people when 11:45
16 we are looking at the values. I just say that because
17 you mentioned loyalty.

18 140 Q. what about loyalty to the person who has signed up to
19 become a member of the Defence Forces and is suffering
20 because of abuse? where is the education? And who is 11:45
21 responsible for it and is it part of your unit in any
22 way? where does the education take place which says
23 'Your loyalty includes a loyalty to speak up for the
24 person who's suffering, the person who is being
25 abused'? 11:45

26 A. Specifically, those instances or those scenarios are
27 often outlined in the initial induction training when
28 you're being taught about the A7 process, your
29 complaints process. The Dignity Charter for the

1 Defence Forces is very clear that every person has the
2 right to be treated with dignity and come to work and
3 be treated with respect. So I suppose those aspects of
4 our culture are taught at the earliest level and
5 they're taught throughout your career on all career 11:46
6 courses. As you progress, they're refreshed. Again,
7 they're published on our internal apps. I know there's
8 a piece of work ongoing at the moment about
9 specifically on the values and clarifying things like
10 misplaced loyalty or, you know, self-sacrifice, you 11:46
11 know, service above self and those aspects. So they
12 are reviewed, but they are communicated frequently to
13 personnel and, the specific question you asked me, it
14 is made clear to people that you don't try to hide
15 things to be loyal to somebody else, that you have a 11:46
16 responsibility -- I suppose we look at bystander
17 intervention is the model we use now, that if you see
18 something, you say something. So those processes are
19 made clear to people throughout their training.

20 141 Q. And apart from having them published on websites and in 11:47
21 manuals, is there any follow-up, is there any survey,
22 is there any way of checking what's written on paper is
23 translating into practice?

24 A. I guess organisational climate surveys have been done
25 in the past. We've just undertaken a Value Our People 11:47
26 survey and we're asking serving personnel just that.
27 But in terms of checking the processes as laid out
28 versus the processes as implemented, I guess it's just
29 through the experiences of individuals really, Ma'am.

1 142 Q. So, is there an evaluative process undertaken by the
2 Defence Forces if surveys are coming back, saying
3 'Look, despite all of these principles and policies
4 that we're publishing and we're telling people about
5 the experience on the ground, these principles aren't 11:48
6 getting through', is there any unit, is there any body
7 that tries to measure policy and practice and tries to
8 change practice based on information and feedback?

9 A. I'm not sure historically, but I suppose we have the
10 External Oversight Body for the Defence Forces 11:48
11 nowadays, you know, and I would argue that there are --
12 I suppose, there is a specific or particular focus on
13 organisational culture now and that speaks to what
14 you're describing as how effective our processes are,
15 and are they meeting the needs of serving personnel. 11:48

16 143 Q. Thank you. I think in response to a question by
17 Mr. Compton, you were asked is mediation offered for
18 sexual harassment, does the PSS, and you answered 'No,
19 it's used for minor interpersonal conflicts.' My
20 understanding is that your evidence is that PSS was up 11:49
21 and running before '91/'92 and we know that
22 Administrative Instruction, Chapter 1 is introduced
23 some five years later in 1996. In that early version,
24 Commanding Officers, the guidance for Commanding
25 Officers was that they have the primary responsibility 11:49
26 in deciding whether to treat sexual behaviour, in any
27 particular case, as unacceptable behaviour -- that is
28 in breach of paragraph 103 obligations. When you say,
29 now, all these years later, it's used for minor

1 interpersonal conflicts, who decides what's minor?
2 A. Again, it would be the aggrieved party, the person
3 making the complaint would decide on whether they want
4 to pursue an informal approach or a formal approach.
5 It's very specifically down to the individual. 11:49

6 144 Q. And would you be able to update me, and perhaps it is
7 in the massive volumes of papers that the Tribunal has
8 received, but would you be able to point me to where
9 there is an update on that guidance that was given in
10 the first version of Chapter 1? 11:50

11 A. I would imagine, Judge, it's in Chapter A7, A: Admin
12 Instruction A7, which steps through the complaints
13 process. And there's a flow chart, and I think it's in
14 my statement as well, on how to proceed with a
15 complaint. 11:50

16 145 Q. But the particular provision that says Commanding
17 Officers have the primary possibility to decide whether
18 to treat sexual behaviour in any particular case as
19 constituting unacceptable behaviour, as in in breach of
20 the paragraph 103 obligations, has that changed? 11:50

21 A. I'm wouldn't be sure, Judge, on that specific -- I
22 would imagine it has changed, but I can't be sure.
23 SOLE MEMBER: okay, well perhaps it's something that we
24 could ask the Defence Forces to point us to in due
25 course? 11:50

26 MR. LEHANE: Absolutely, Judge, we'll come back to you.

27 146 Q. SOLE MEMBER: Thank you. Ms. McGrath asked about how
28 many complaints of abuse are resolved by PSS, and I
29 think your evidence was you don't know. Is there any

1 way that this Tribunal can find out what percentage of
2 complaints, or even an indicative view, what percentage
3 of complaints actually get resolved through the PSS, as
4 opposed to going through the formal service or process?

5 A. I'm not sure, Judge. I suppose, the interactions with 11:51
6 the Personnel Support Services could be, you know, a
7 discrete conversation over a cup of tea looking for
8 some lower level support and guidance, up to including
9 guiding somebody through the complaints process. Those
10 instances may not be recorded as interactions because, 11:51
11 you know, individuals would have a preference to remain
12 confidential and for that not to be recorded. However,
13 if somebody engaged with the senior occupational social
14 workers, you know, in a therapeutic setting, there
15 would be records kept of that. But in terms of 11:52
16 complaints, we wouldn't keep a record of the complaint,
17 we would specifically keep a record of supporting a
18 service user.

19 147 Q. So whilst the Tribunal has recourse to the number of
20 people who came forward to answer its call for 11:52
21 information and to assist it with its Inquiry, it has
22 access to that cohort of people as a source when it's
23 attempting to understand the size of the problem and
24 how the process has worked. It also has access to, as
25 Mr. Cush pointed out yesterday, every single complaint 11:52
26 file that was opened over the 41-year period. But both
27 of those sources indicate complaints that are now
28 brought to the attention of the Tribunal. Is there any
29 way of assessing whether that represents most

1 complaints, half of the complaints, a tiny fraction of
2 the complaints? Given that the PSS service exists,
3 given that there's encouragement to resolve problems at
4 the lowest possible level, has the Tribunal any way of
5 ascertaining what volume of complaints go through the
6 PSS? 11:53

7 A. Again, Ma'am, I couldn't say. We are -- we were one
8 party to whom complaints are often made, and
9 specifically our role is to support the individual, but
10 the complaint and the record of the complaint then 11:53
11 would be potentially kept at unit level. I know some
12 of those complaints have been received that have been,
13 I suppose, gathered again across the PSS, the
14 Chaplaincy Service, training units, or disclosures to
15 other serving members. You know, there's such a wide, 11:53
16 I suppose, wide choice of avenues for personnel to make
17 complaints and where complaints might be recorded.
18 Again, just within my own service, it would be a record
19 of the support given to personnel, rather than a record
20 of the complaint itself. 11:53

21 148 Q. And that's only if the professional services like
22 social workers or psychologists get involved?

23 A. That's correct.

24 149 Q. In terms of those who use the external, the Lena (By
25 Inspire) service and from its inception when it was 11:54
26 Inspire, it's my understanding that that's something
27 you're not involved in and that, essentially, the bill
28 goes to the Department?

29 A. That's correct, Ma'am.

1 150 Q. So perhaps if we could, at some stage, see the bill on
2 an annual basis, we might get some indication as to how
3 extensive such a service is? It might give us some
4 indication of service users?

5 A. Mmm. 11:54

6 151 Q. And you say, finally, that in your view, the landscape,
7 since 1991, has changed fundamentally, that's your
8 evidence?

9 A. Absolutely, Ma'am, it has.

10 152 Q. Can you tell me whether, in your experience as a 11:54
11 Commander, that it's not just the landscape/the
12 picture, that has changed, but the practice? Have you
13 anything to say there?

14 A. I would say the change that has taken place in the
15 Defence Forces, specifically in relation to the welfare 11:55
16 of our personnel, has been enormous in recent years.
17 And it is in response to a particular focus on it, but
18 when I read, as part of preparing for this process,
19 when I read the Welfare Board report, the organisation
20 that's outlined in that is unrecognisable from the 11:55
21 organisation that I represent today. And in terms of
22 the support services, as I said, there has never been
23 so many avenues for support, options for support, both
24 internally, uniformed and civilian, and externally,
25 separate to the Defence organisation. 11:55

26 153 Q. And in your personal experience, I'm asking you now not
27 so much as the head of PSS, but in your personal
28 experience, have you seen a change?

29 A. I have, Ma'am, yes.

1 154 Q. In terms of what you're told, in terms of training,
2 what loyalty means, what honour means, you've seen that
3 in practice?

4 A. I have, and I work with, I suppose, a generation of
5 people who are joining the Defence Forces more recently 11:55
6 and they're more educated in this area, they're more
7 educated in their mental health and wellbeing. They're
8 very clear on consent. They're very clear on how
9 personnel should be treated in a workplace. They're
10 informed. Yeah, they're educated in this space and the 11:56
11 structures are now in place to support them.

12 SOLE MEMBER: Thank you. Thank you, Cmdr. Lyons. Any
13 further questions?

14 MS. McGRATH: No, thank you, Judge. Just in relation
15 to that, we will make all endeavours to put together 11:56
16 material that you've requested.

17 SOLE MEMBER: Just to give us a picture, that would be
18 very helpful, Ms. McGrath. Okay, thank you,
19 Cmdr. Lyons, you are free to go.

20 11:56

21 The Tribunal now will take a short break before we
22 begin with our next witness. It's 12 o'clock -- if
23 we'll say we'll take 15 minutes? Thanks.

24

25 THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS: 12:04
26

27 SOLE MEMBER: Good afternoon, again.

28 MR. CUSH: Good afternoon, Judge. The next witness is
29 Col. Damien Coakley.

1 SOLE MEMBER: Yes. Thank you.

2

3 COL. DAMIEN COAKLEY, HAVING BEEN SWORN, WAS DIRECTLY
4 EXAMINED BY MR. CUSH, AS FOLLOWS:

5

12:16

6 155 Q. MR. CUSH: Good afternoon, Col. Coakley.
7 Col. Coakley's statement is to be found at page 3943 of
8 the book.

9

10 Col. Coakley, you furnished the Tribunal with a
11 statement from which we know that you joined the
12 Defence Forces in 1989. You, therefore, have 37 years'
13 experience in the organisation, isn't that so?

12:17

14 A. That's correct.

15 156 Q. And your current appointment is Provost Marshal and
16 Director of Military Police, a position you've held
17 since January 2024?

12:17

18 A. That's correct.

19 157 Q. You've said out in your statement a series of
20 qualifications and education that you have and they are
21 extensive, isn't that so?

12:17

22 A. That's correct.

23 158 Q. You describe the Office of Provost Marshal as being
24 provided for in the Defence Act, isn't that so, so it
25 has a statutory origin?

12:18

26 A. Correct, Section 170 of the Defence Act, 1954.

27 159 Q. And the Provost Marshal, I think, is also the Director
28 of Military Police?

29 A. Correct, it's a double-hatted appointment.

1 160 Q. You make the point that the Provost Marshal and the
2 Director of Military Police have no command authority
3 over members of the Military Police Corps, with the
4 exception of officers in your office, is that so?
5 A. That's correct. 12:18

6 161 Q. What's the significance of that?
7 A. It means that, as Provost Marshal, I have no tasking
8 authority over Military Police personnel located in the
9 brigades or the formations.

10 162 Q. Your reporting structure is outlined. You report to 12:18
11 the Deputy Chief of Staff of Support, is that so?
12 A. Yes.

13 163 Q. And when you say "nested in the Support Division", do
14 you mean that's where you're physically situate?
15 A. Yes, my office is located in the Support Division, not 12:18
16 physically, but within that structure.

17 164 Q. I see. One of your roles is to monitor professional
18 standards to the delivery of relevant courses in the MP
19 School and MP participation on external training and
20 education, is that so? 12:19
21 A. That's correct.

22 165 Q. Can you describe the educational process and how
23 significant that is or how extensive it is?
24 A. The Military Police School located in The Curragh is
25 where the, I suppose, foundation Military Police 12:19
26 training is done. We have a number of induction
27 courses for both enlisted personnel and officers, and
28 that's where they start their Military Police
29 professional career, I suppose. Also, in the Military

1 Police School, we conduct more specialist law
2 enforcement courses, investigations courses, drugs
3 courses and so on and so forth.

4
5 We would also do courses with An Garda Síochána, more 12:19
6 specialist Scenes of Crime examination courses,
7 generally conducted on an annual basis. And then we
8 would send personnel, as the need requires, on various
9 third level courses as well.

10 166 Q. You indicate that the Provost Marshal issues Provost 12:20
11 Marshal's Directives. Now, without indicating the
12 content of those, could you just describe what they
13 are?

14 A. Essentially, the Provost Marshal's Directives is a
15 guidance document that covers procedural matters and 12:20
16 how investigations might be conducted, or are to be
17 conducted. There's obviously a certain amount of
18 latitude in how investigators approach that. But it's
19 just to give some structure to how we carry out our
20 business. 12:20

21 167 Q. One of the features to which you draw attention is your
22 independence, isn't that so?

23 A. Correct.

24 168 Q. I think you make the point that you don't have
25 statutory independence? 12:20

26 A. No, the Military Police have no statutory independence.
27 Since 2015, we have in Defence Force Regulation A18,
28 paragraph 14, independence in the conduct of
29 investigations.

1 169 Q. And what was the position prior to 2015?
2 A. As far as I'm aware, there was no regulatory provision
3 pre-2015 for independence.
4 170 Q. Mmm. And was independence understood to be the
5 position prior to that time, do you know? 12:21
6 A. Yes, it would be an accepted practice that when you
7 were conducting investigations, you conducted them
8 without fear or favour. But it was then captured in
9 2015 in writing.
10 171 Q. And what does independence mean in practice? 12:21
11 A. For an investigator, it means that you have the freedom
12 of manoeuvre of making investigative decisions free
13 from any external influence, and the investigation
14 process would mean that you follow the evidence -- you
15 know, you're not operating within parameters, for 12:21
16 example. That's what independence means.
17 172 Q. Well, who decides, firstly, what is to be investigated?
18 A. Investigations are initiated based on some form of
19 complaint and that's the starting point for an
20 investigation and you'd move from there. 12:21
21 173 Q. And when you say you'd move from there, is it the case
22 that the investigation of a complaint might lead to a
23 broadening of the scope of that investigation?
24 A. Correct.
25 174 Q. And would that be a matter for your office as to 12:22
26 whether it's broadened or not?
27 A. Not necessarily. If the investigation was being
28 conducted by a Military Police unit in a formation,
29 they would have the investigative leeway to go where

1 the investigation took them. So the initial allegation
2 is the starting point and that may develop or, indeed,
3 may go no further than that.

4 175 Q. But within the Military Police, the decision to -- if
5 it's not actually your office, it may be at the level 12:22
6 of an investigator, but am I right in understanding
7 that it's within the Military Police that the decision
8 to extend the scope is made?

9 A. Correct.

10 176 Q. And, does it follow that there isn't or there oughtn't 12:22
11 to be any external direction as to the scope of an
12 investigation?

13 A. No, the investigation is conducted under the provisions
14 of DFR A18. So when we conduct investigations, they're
15 done on an independent basis. 12:23

16 177 Q. Right. And then whatever about the scope of the
17 investigation, how you actually go about your
18 investigation is, presumably, exclusively a matter for
19 the Military Police?

20 A. Correct. 12:23

21 178 Q. And that independence that you describe, is that an
22 important aspect of the way you work?

23 A. It's a fundamental part of how we work.

24 179 Q. Why do you say that?

25 A. Because to conduct any investigation, you have to 12:23
26 conduct it in an impartial, fair, robust way in order
27 to ascertain the facts, present the evidence. And all
28 investigators would be very conscious of the fact that
29 when they sign off on that report, they're standing

1 over what they've produced. It has to be factual.
2 Evidence has to be supported. And, therefore, having
3 that independence allows Military Police produce a
4 report that's firm, impartial and robust.

5 180 Q. You describe in your witness statement also the 12:24
6 position of Assistant Provost Marshals, and could you
7 just briefly tell us about those, please?

8 A. In the brigades and the formations, the structure
9 provides for Assistant Provost Marshals at Commandant
10 rank, and they are essentially the Chief Military 12:24
11 Police Officer within the brigades and the formations.
12 They don't report into the Provost Marshal, they report
13 to their formation or brigade commander.

14 181 Q. You likewise outline the role of Military Police as 12:24
15 investigator, so could you describe the structure of
16 the investigative body?

17 A. The Military Police companies in the brigades and
18 formations are essentially divided into two parts, a
19 provost element, which is the general policing element,
20 and then the investigation, the TOONR section, 12:24
21 depending on the size of the unit, and they are the
22 elements within the formations that would conduct the
23 investigations.

24 182 Q. Approximately how many investigators are there?

25 A. In the Military Police Corps in the formations, you 12:25
26 would have approximately -- an establishment for
27 approximately 34 investigators. But other MPs in other
28 MP appointments who are suitably qualified could be
29 drafted in, if the need arose.

1 183 Q. And, on page 3945 of the book, you outline the
2 procedure for initiating a Military Police
3 investigation. And as a triggering event, you describe
4 it being set in motion when a complaint or observation
5 indicates a possible breach of the military law or 12:25
6 regulations, including incidents of crimes, security
7 breaches or misconduct. Can I just ask you is there
8 any substantive difference between a complaint and an
9 observation?

10 A. I suppose, a complaint is a straightforward process 12:25
11 where someone comes in and makes a formal complaint; an
12 observation may be that someone has noticed a building
13 that had been broken into, for example, or has
14 witnessed something and, while not a victim themselves,
15 has reported something. They would be the two kind of 12:26
16 -- or the difference between a complaint and an
17 observation.

18 184 Q. All right. And when you speak of "someone", can it be
19 the case that the someone is a person other than a
20 serving member of the Defence Forces? 12:26

21 A. Yes, we would deal, on occasion, with a civilian who
22 makes a complaint, yeah.

23 185 Q. You describe then immediate reporting and this idea
24 that there must be a preliminary investigation report
25 within 48 hours covering basic known facts? 12:26

26 A. Correct.

27 186 Q. And, presumably, in some circumstances, that has to be
28 a very preliminary report because the time may not be
29 sufficient to detail all that's required, is that so?

1 A. Correct.

2 187 Q. And what happens thereafter?

3 A. When a complaint is made, the first document that the
4 Military Police will produce is a preliminary
5 investigation report. This contains a very basic 12:27
6 outline of events about the allegation. It may list
7 the date of offence, if known, or a timeframe.
8 Critically, it provides the case reference number,
9 which is how we track the investigation. It also would
10 list the assigned investigators. And that's issued 12:27
11 then by the Assistant Provost Marshal to the Unit
12 Commander of the person making the complaint. It's
13 generally copied to the Formation Legal Officer and the
14 Senior Staff Officer in charge of HR in the formation
15 as well. 12:27

16 188 Q. You describe at the bottom of page 3945 the procedures
17 governing the conduct of investigations into abuse and
18 you say that:

19
20 "Investigations conducted by the Military Police have 12:28
21 included the following considerations..."

22
23 And you say:

24
25 "Investigations will be conducted based on the nature 12:28
26 of the offence and the unique circumstances of the
27 matter under investigation."

28
29 So, do I understand from that that it is for the

1 Military Police Investigator to ascertain the unique
2 circumstances and then to formulate the scope and
3 method of investigation?
4 A. Correct.
5 189 Q. Scene management and evidence collection, securing the 12:28
6 scene, recording actions, these are all part of what is
7 done?
8 A. Correct.
9 190 Q. You have a section then on witnesses and suspect
10 interviews, and you say: 12:28
11
12 "Witnesses are interviewed using standard templates.
13 Their statements are clearly marked as 'Stated',
14 'Reported' or 'Alleged' to maintain factual clarity
15 without conflating these with verified facts." 12:29
16
17 So, if somebody makes a series of -- if a number of
18 people or one person make allegations to a Military
19 Police Investigator, they are recorded as allegations
20 is that so? 12:29
21 A. Well, in the process of an investigation, once a
22 complaint has been received, witnesses are interviewed
23 and, depending on the type of investigation,
24 information is elicited from the witness. All
25 personnel involved will be interviewed and, throughout 12:29
26 the process, investigators will conduct case
27 conferences to discuss follow-on tasks, depending on
28 what information has been gleaned. So we wouldn't, you
29 know, predetermine or take anything at face value. You

1 know, anyone involved in an investigation is
2 interviewed, evidence is gathered and, as the
3 investigation progresses, then that will dictate what
4 direction it goes in or what additional investigative
5 routes you must take. 12:30

6 191 Q. But is it the case, in fact, that the Military Police
7 never reach a conclusion on a contested allegation?

8 A. That's correct, we don't at the end of an investigation
9 state who has done wrong or committed an offence
10 against military law. We prepare the facts in an 12:30
11 investigation report, and the report is then fed into
12 the chain of command where those decisions are made.

13 192 Q. So what you describe as "facts" is, in fact, the fact
14 of the making of an allegation, rather than the
15 resolution of the allegation, is that right? 12:30

16 A. Correct.

17 193 Q. And "Suspect Interviews", you describe, and you say:
18
19 "When applicable, suspects are informed of their rights
20 and cautioned appropriately. They are conducted under 12:30
21 secure conditions and legal representation is
22 permitted, when necessary."
23

24 "When necessary", who determines that?

25 A. Anyone who's interviewed or invited to interview in a 12:31
26 cautioned setting is advised that they can bring in
27 legal representation.

28 194 Q. So a caution immediately leads to the advice that you
29 can --

1 A. Correct.

2 195 Q. External specialist support is available, and you say:

3

4 "An Garda Síochána, where required and appropriate."

5 12:31

6 And then you say:

7

8 "In certain circumstances, Military Police may

9 determine to refer a matter to An Garda Síochána to

10 investigate." 12:31

11

12 You say:

13

14 "This may occur if civilians were allegedly involved or

15 certain offences which may require the investigation be 12:31

16 referred to An Garda Síochána."

17

18 And can I ask you; is there anything written that

19 delineates the circumstances in which a matter ought to

20 be referred to the Guards? 12:32

21 A. I suppose the clearest is Section 192 of the Defence

22 Act - it was amended in 2024 - which clearly sets out,

23 for example, that all sexual offences must now be

24 referred to An Garda Síochána.

25 196 Q. And prior to that? 12:32

26 A. Prior to that amendment, sexual offences were referred

27 to An Garda Síochána, but the more serious sexual

28 offences.

29 197 Q. And that delineation of "more serious" or --

1 A. So, for example, rape would automatically go to An
2 Garda Síochána if that came to light, but now any level
3 of sexual assault is referred.

4 198 Q. The next section of your statement then deals with the
5 summary of the training provided to the members of the 12:32
6 Military Police and you outline that. Has that changed
7 over the years?

8 A. It has, and it continues to evolve. We would, I
9 suppose, focus in an awful lot more now on our
10 interviewing. We align ourselves very closely with An 12:33
11 Garda Síochána and the interview models, for example,
12 that they use. So we have embraced that. We are
13 currently in the process of developing Level 7 and
14 Level 9 professional third level qualifications for all
15 our personnel. And we, I suppose, are very conscious 12:33
16 of maintaining and monitoring international best
17 practice.

18 199 Q. One of the matters raised yesterday by Mr. Bratli when
19 giving his evidence was referable to the idea of
20 loyalty, and I think your attention has been brought to 12:33
21 the relevant part of the transcript?

22 A. Correct.

23 200 Q. And I think you were here today when the Judge asked
24 Cmdr. Lyons a question along the same lines. You have
25 read Mr. Bratli's evidence on that section? 12:34
26 A. I have.

27 201 Q. Can I ask you in broad terms do you agree with what he
28 said there about the nature of loyalty?

29 A. I understand where he's coming from. My experience as

1 an investigator is slightly different than that. When
2 you're investigating matters, you will regularly
3 encounter groups of personal loyalty and the
4 investigative process is designed to work through that.
5 I haven't encountered a situation where loyalty to the 12:34
6 organisation or unit has impacted or influenced an
7 investigation.

8 202 Q. And within the training that you're describing for
9 Military Police and the evolution of that training, is
10 the concept of loyalty, does that form part of that 12:34
11 training?

12 A. In the context of understanding as part of the
13 investigative process that, if you're investigating a
14 group of people that are known to each other, this is
15 always a factor and how it may colour their evidence. 12:34

16 203 Q. So, do I understand you to say that from the
17 investigative perspective, that's something that you
18 would also be alert to, any idea of misplaced loyalty?

19 A. Absolutely.

20 204 Q. On page 3948 of the statement, you describe the 12:35
21 procedures relating to disposal certification. Could
22 you just explain what a Disposal Certificate is?

23 A. Well, a Disposal Certificate is a document that we
24 would issue with our final investigation reports. It's
25 sent with the final investigation report to a Unit 12:35
26 Commander, for example, who will deal with the matter,
27 and the expectation is that he or she will then return
28 a completed disposal cert when action has been taken,
29 if deemed appropriate, to the Military Police, and that

1 disposal cert then is attached to the Military Police
2 file just by way of closing off the matter.

3 205 Q. So, it's you do your reports, you send them to the
4 relevant unit, if I describe it that way, and the unit
5 determines what then happens, completes the Disposal 12:36
6 Certificate, and that's your information as to the
7 outcome, is that right?

8 A. Correct. So, when the Military Police issue a final
9 investigation report, we cease then to have anything to
10 do with it. We, essentially, become witnesses. The 12:36
11 Unit Commander or whoever the report is issued to, they
12 determine what action is taken, based on the report, as
13 deemed appropriate.

14 206 Q. So when you say you become witnesses, is it right,
15 perhaps, to say that you become potential witnesses, 12:36
16 depending on what is decided?

17 A. Correct. For example, if disciplinary action was to be
18 taken, the Military Police could be called to give
19 evidence in any subsequent action, yes.

20 207 Q. But if it's decided to do nothing or perhaps to deal 12:36
21 with it in some relatively summary fashion, you may not
22 be called at all?

23 A. Correct.

24 208 Q. You describe then a summary of the -- well, you say
25 you've no role in the admonition procedure because that 12:37
26 is part of the process that follows after your report,
27 isn't that so?

28 A. Correct.

29 209 Q. And you describe protocols and guidelines relating to

1 the storage of investigation reports and supporting
2 documentation, and that's presumably important to the
3 safekeeping of those?

4 A. Correct.

5 210 Q. You describe guidelines and protocols designed to
6 ensure quality and accurate reporting by the Military
7 Police, and are they part of the ongoing educational
8 engagement?

12:37

9 A. Yes. One of our roles is when an investigation is
10 finished in one of the brigades or the formations, we
11 would be copied with the report. We would assess all
12 reports that come in, as well as logging them on a
13 master ledger. We regularly then would hold
14 conferences for what we call crime readers, who are the
15 people who would assess reports at unit level, Military
16 Police unit level, and make sure that people are
17 reminded of the contents of the Provost Marshal's
18 Directives and so on and so forth, and then address any
19 trends that are appearing in the reports.

12:37

12:37

20 211 Q. You likewise have a section in your statement on the
21 training and procedural documentation relating to the
22 oversight role exercised by the Assistant Provost
23 Marshal, and can you just describe that?

12:38

24 A. The Assistant Provost Marshals are also the Unit
25 Commanders of the Military Police Units in the brigades
26 and the formations. So as part of the oversight of
27 investigations, it starts off at the investigator
28 level. So they conduct the investigation, they put
29 together the draft report. That then is reviewed in

12:38

1 the investigation section. The Senior Non-Commissioned
2 Officer or Officer will review it as well. If there
3 are additional investigative tasks or actions arising,
4 they'll go back and do that.

12:38

5
6 The crime reader then, who is a dedicated Senior NCO
7 normally, will review the case as well and, when it
8 reaches a standard that is suitable in the context of
9 evidential standing, Provost Marshal's Directives, and
10 the report is formatted appropriately, it goes to the
11 Assistant Provost Marshal, who signs off on the report
12 and it's he or she who then issues out the report.

12:39

13 212 Q. Col. Coakley, I think you're aware of the tragic death
14 of Oliver Mullaney in 1991?

15 A. Correct.

12:39

16 213 Q. Now, this happened almost a decade before you joined
17 the Military Police, isn't that so?

18 A. Correct.

19 214 Q. So, not only do you have no firsthand knowledge of the
20 events surrounding his death, but you, I think, have
21 told us that you weren't even aware of it at the time?

12:39

22 A. Correct.

23 215 Q. But in assisting the Defence Forces prepare for this
24 Tribunal, and in making discovery of documents, you
25 have become aware of certain matters in relation to
26 those events, isn't that so?

12:39

27 A. Correct.

28 216 Q. But I'm stressing that you have no firsthand knowledge.
29

1 I think you've become aware that there were, in fact,
2 two separate Military Police investigations in relation
3 to the death of the late Oliver Mullaney?
4 A. Correct.
5 217 Q. Now, one in relation to the circumstances of his death 12:40
6 on Saturday, 22nd June?
7 A. Correct.
8 218 Q. And another in relation to alleged - and I stress
9 alleged - bullying and abusive behaviour of him, and
10 maybe others, by one or perhaps more superior officers 12:40
11 on the previous Thursday, 20th June, you've become
12 aware of that?
13 A. Yes, there was an investigation -- I think it was
14 titled "Ill-Treatment of Inferiors", which is
15 Section 140 of the Defence Act. 12:40
16 219 Q. And you've become aware that the widely held view
17 within the Platoon - and I'm not, I'm stressing this is
18 not something the Tribunal will decide - is that
19 Oliver Mullaney's death was, in fact, a suicide; are
20 you aware of that widely held view? 12:41
21 A. That it was a suicide?
22 220 Q. Mmm.
23 A. Yes.
24 221 Q. And a widely held view within the Platoon also - and
25 again not something the Tribunal will decide - that the 12:41
26 events of the previous Thursday, 20th June, caused or
27 contributed to his alleged suicide; you're aware of
28 that being a held view at the time?
29 A. I'm not aware of what the Platoon, the Platoon's view

1 is, but I understand that there was a connection to
2 both incidents, yes.

3 222 Q. And I just want you to look -- I'm not going to dwell
4 on any detail on this, but I want you to just look at
5 the investigation into the actual death. This is a 12:41
6 Military Police investigation and this is document 2980
7 in the book. And do you see it's dated 29th July? We
8 just passed the date, but 29th July --

9 A. Yes, I see that.

10 223 Q. And you're familiar with this document? 12:42

11 A. I've seen it before, yes.

12 224 Q. And we don't need to dwell on the details today,
13 Colonel, but can you confirm to us that that's in a
14 standard format in that it identifies the essential
15 facts surrounding the death, isn't that so? 12:42

16 A. It is.

17 225 Q. And then if we look at the next report, it's page 2888
18 of the book -- and, again, I don't want to dwell on the
19 detail of this today, but you'll see this is dated 13th
20 August 1991, do you see that? 12:42

21 A. I see that.

22 226 Q. And in the first paragraph you'll see that:
23
24 "On 15th July, this office was instructed by..."
25 12:42
26 -- that's presumably "Assistant Provost Marshal", is
27 that right?

28 A. I can't see it from here.

29 227 Q. Oh, I'm so sorry. Well, it says "APM"?

1 A. APM, Assistant Provost Marshal, yeah.

2 228 Q. Yeah.

3

4 "...to commence an investigation."

5 12:43

6 And again you're familiar with this document, we don't

7 need to scroll any further, but it records a series of

8 allegations, isn't that so?

9 A. Correct.

10 229 Q. And for some of the people who are being, whose 12:43

11 interview is being recorded in this document, the fact

12 of them having been cautioned is also recorded, isn't

13 that so?

14 A. Correct.

15 230 Q. And, again, in terms of its format at least, is that 12:43

16 standard?

17 A. It is.

18 231 Q. All right. You assisted the Tribunal, Col. Coakley,

19 by, amongst others things, coming in and meeting with

20 us for an interview on 28th May -- recently, you recall 12:43

21 that?

22 A. I did, yeah.

23 232 Q. And I asked you some questions about this

24 investigation, you'll recall that?

25 A. You did. 12:44

26 233 Q. And I just want to bring your attention to some of

27 those matters, if I may. This, Judge, is page 4482 of

28 the book, and the very last line of that page. So, I

29 just want to stress this, at line 28 I was putting to

1 you, Col. Coakley, and I'm saying it again, this is no
2 criticism of you, obviously, but we want to understand
3 something about this investigation. You're the current
4 Provost Marshal and we're looking for your assistance.
5 So I'm saying the same to you today, do you understand? 12:44

6 A. I do.

7 234 Q. And if you go to the foot of page 21, line 28, you'll
8 see there that -- can you not see the screen?

9 A. I can't, no, there's a shine.

10 235 Q. Actually, I might just give you a hard copy of the 12:45
11 transcript if that would assist. It's not on your
12 screen, no?

13 SOLE MEMBER: It's not coming up on my screen either.

14 MR. CUSH: If you just bear with us and, Judge, we'll
15 get you a hard copy and the witness a hard copy. 12:45

16 Page 21. [Short pause].

17 SOLE MEMBER: Thank you, I have it.

18 236 Q. MR. CUSH: So, line 20, the very foot of the page
19 there, Colonel, you're saying:

20

21 "COL. COAKLEY: And these two investigations would be
22 seen as two stand-alone investigations, even though
23 there may have been a connection or there was a
24 connection or may have been a connection, but they
25 would still be two separate incidents."
26

27 okay. And then I ask you:

28

29 "MR. CUSH: Now let me ask you what you would do today.

1 Let me ask you firstly if you were being told, if, the
2 allegation was that the bullying on the Thursday
3 contributed to the death on the Saturday by suicide,
4 would you have launched two, or would you today, launch
5 two separate standalone investigations?

6 COL. COAKLEY: If it was me, and they were this close
7 apart, I would probably roll them into one."
8

9 Is that your view, remain your review?

10 A. It does, but I would caveat it with the fact that in 12:46
11 order to make an investigative decision, you'd have to
12 sit down and assess what was done. And I do understand
13 from the investigation into the ill-treatment that the
14 fatality was referenced in that case, but I think
15 today, given the proximity of the two incidents, that 12:47
16 they would be rolled into one, yes.

17 237 Q. All right. And I asked you "why" and you say:

18
19 "COL. COAKLEY: Well, in making investigative
20 decisions, you know, you would have to have a very, I
21 suppose, strong understanding of the workings of a
22 particular matter in order then to bring another
23 incident into the fold, and the investigators at the
24 time would have been faced with that decision as well.
25 And certainly if we were doing an investigation today,
26 and there was an incident that was connected to it,
27 there would be a discussion about bringing that element
28 into the same investigation. That would be looking at
29 it through today's lens."

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And I take it you stand over that?

A. I do. I think it's important to note, though, that when there are fatalities in the Defence Forces, the agency that has primacy is An Garda Síochána. The Military Police would, as we would have discussed, look at the incident from process perspective, you know, was everything done from a military perspective. But the actual investigation into the fatality would be done by An Garda Síochána.

12:47

12:48

238 Q. Mmm. But the Military and the Military Police would be interested, would they not, if there was a connection between bullying and abusive behaviour and a death?

A. Yes.

239 Q. So, then I ask you:

12:48

"MR. CUSH: So when I ask you why, do I understand you to say that if it is being contended that one contributed to the other..."

-- that is the abuse contributed to the death --

"...that connection should be investigated?"

COL. COAKLEY: Ehm, if it was today, yes."

And I presume you stand over that?

A. Correct.

240 Q. And I ask you:

1 "MR. CUSH: Is that not obvious?
2 COL. COAKLEY: It would be, but again, I just --
3 I understand where you are coming from and certainly
4 the two, looking at it now, with today's lens, are
5 absolutely no -- there is -- they would be put into one
6 investigation."

7
8 And you stand over that?

9 A. Yes.

10 241 Q. And you say at line 10:

12:49

11
12 "COL. COAKLEY: But back then, I can't explain why."

13
14 And that's fair, because it's long before your time.
15 And, at line 13, I say:

12:49

16
17 "MR. CUSH: If I understand you correctly, what you are
18 saying is that if the allegation being made is that the
19 events of Thursday contributed to a suicide on
20 Saturday, you would appoint one investigator and you
21 would want to see the alleged connection investigated,
22 is that right?

23 COL. COAKLEY: Well, yeah. I mean, there would be an
24 investigation team put together and that would
25 obviously have to factor into it, yes."

26
27 Do you stand over that?

28 A. Correct. You would have to investigate the connection.

29 242 Q. Mmm. And then I suggested to you:

1 "MR. CUSH: Okay. And can I suggest to you, and tell
2 me if I am wrong, that you are saying that because it
3 is a matter of common sense?

4 COL. COAKLEY: Well, yes, I mean, this is the way an
5 investigation now would be conducted and if there were
6 two incidents in such close proximity to each other and
7 one had an obvious impact on the other, then they would
8 be rolled into one, yes."

9

10 And, again, I take it you'd stand over that?

12:50

11 A. Correct.

12 243 Q. And is it unfair to suggest, perhaps, Col. Coakley,
13 that what is a matter of common sense today was, in
14 fact, a matter of common sense in 1991?

15 A. I don't think I can fairly answer that question. I
16 don't know the circumstances surrounding the
17 decision-making processes employed at the time.

12:50

18 MR. CUSH: Thank you very much, Col. Coakley.

19 SOLE MEMBER: Thank you, Mr. Cush. Mr. Lehane?

20

12:50

21 COL. COAKLEY WAS CROSS-EXAMINED BY MR. LEHANE, AS
22 FOLLOWS:

23

24 244 Q. MR. LEHANE: Yes, Judge, I just have a small number of
25 questions. Good afternoon, Colonel.

12:50

26 A. Good afternoon.

27 245 Q. I just want to ask you and I'm going to tell you just
28 on a number of topics, firstly you provided a statement
29 to the Tribunal?

1 A. I did.

2 246 Q. And you have reviewed the statement?

3 A. I did.

4 247 Q. And subject to any questions that either Mr. Cush has
5 asked or anybody else asks, are you happy for that to 12:51
6 reflect your evidence to the Tribunal?

7 A. I am.

8 248 Q. Okay. Thank you. The second thing I just want to deal
9 with is your role here today --

10 REGISTRAR: Sorry, can I just remind you to turn on 12:51
11 your microphone, thank you?

12 249 Q. MR. LEHANE: Sorry, it happens again! So, secondly,
13 the second thing I want to ask you about is just your
14 role here today. You are here primarily to give expert
15 evidence to the Tribunal on the operation of the 12:51
16 Military Police during the period under review?

17 A. I am.

18 250 Q. Secondly, you're able to give personal evidence to the
19 Chair in relation to the six months that you've been in
20 charge of this service? 12:51

21 A. I took over in January '24.

22 251 Q. Yeah, and in June 2024, I think --

23 A. Yeah, I am.

24 252 Q. -- the Terms of Reference commenced. Thirdly, you're
25 able to give assistance to the Judge in terms of your 12:51
26 assessment of documents that you were provided with
27 during the course of the interview?

28 A. Yes.

29 253 Q. Okay. And, fourthly, I suppose, you're able to assist

1 the Judge, like any other officer or serving, either
2 current or former serving member of the Defence Force,
3 in terms of your lived experience in the Defence Forces
4 during the entire period of your career?

5 A. Correct. 12:52

6 254 Q. Okay. The third aspect I just want to deal very
7 briefly is in terms of independence and training. And,
8 again, you heard the Chair earlier on and you heard
9 Mr. Cush just asking you questions about loyalty and
10 independence. And, again, just as a Military 12:52
11 Policeman, somebody involved in the subject matter of
12 Military Police jurisdiction, would you just tell the
13 Judge again how important independence is to the
14 performance of that role?

15 A. It's critical. It's central. 12:52

16 255 Q. And, in terms of training, because again the Judge has
17 the unenviable task of trying to review things that
18 happened over a period of nearly four decades, how
19 important, based on your expert view, would
20 independence in the performance of that task have been 12:53
21 during the entire period?

22 A. Again, it's central to any law enforcement function
23 that you have that independence to ensure that all your
24 decisions are conducted with an independence umbrella,
25 if you like, to allow you operate without fear or 12:53
26 favour.

27 256 Q. And in terms of independence, our understanding of
28 independence, I think, has evolved ourselves over
29 recent years in terms of the need to be conscious of

1 not only obvious bias, but also inbuilt or unconscious
2 bias or unconscious loyalty. How important is
3 recognising that now in the Military Police in the
4 performance of its task?

5 A. I think Military Police personnel are very alert to it. 12:53
6 I think the Military Police are acutely aware that what
7 they do is produced in a final investigation report,
8 with all the supporting documentation and evidence
9 located in a discoverable file. So, anything that they
10 do is put down in black and white and that allows 12:54
11 Military Police personnel to be focused on the conduct
12 of their investigations.

13 257 Q. And in terms of the training of individuals in the need
14 to be aware of the possibility of bias, how has that
15 evolved during the period of review? 12:54

16 A. I think in the Military Police School, when
17 investigative training is conducted, and in all
18 Military Police courses, you know, investigations will
19 form a part in it depending on what type of course is
20 being run, and investigators are aware that when they 12:54
21 are conducting interviews, for example, of what they
22 need to do, they park their own personal opinions or
23 positions and record facts or witness facts. So, they
24 don't engage in opinion, they don't engage in taking a
25 position on matters and, when we do, as we've discussed 12:55
26 earlier, produce a final Military Police Report, there
27 is no opinion in the conclusions, it's just what's been
28 discovered. There's no decision made on guilty or
29 innocence. It's just these are the facts as we found

1 them, and someone else then makes that decision.

2 258 Q. Could you just tell the Judge as well in terms of
3 continuing professional development or training, what
4 continuing professional development or training
5 Military Police people at various levels of the
6 organisation receive throughout their training? 12:55

7 A. The Military Police, particularly the investigators
8 rely very heavily on experiential learning. And
9 throughout their career, they'll undergo, I suppose,
10 the basic courses that Military Police Investigators 12:55
11 undergo, which is the investigation course, but we'll
12 send investigators on a broad range of courses in
13 Ireland and abroad. We'll send them on courses run by
14 An Garda Síochána. What's learned on those courses is
15 brought back in to update Military Police facilitated 12:56
16 by we bring in external experts to deliver training
17 from abroad and Ireland, and we're in the process of
18 contracting in a retired detective superintendent as
19 well to add to our, I suppose, quality assurance
20 process as well and to ensure that we maintain 12:56
21 international best practice. So depending on the rank,
22 we will send Senior Officers on the Garda Senior
23 Investigating Officers Course, a two-year programme.
24 They'll undergo courses in human rights and all the
25 training that we undergo then, we feed back in to our 12:56
26 own, I suppose, continued professional development in
27 the Military Police School.

28 259 Q. And, finally, Colonel, just in terms of the Military
29 Police investigations that you've been referred to, the

1 two that were referred to by Mr. Cush, when you were
2 being interviewed by the Tribunal legal team and you
3 were provided with copies of those documents, you had a
4 high level of familiarity with them at that point, as a
5 result of the discovery process?

12:57

6 A. I had knowledge of these cases. I wouldn't say I had
7 an indepth knowledge of them. And I think I was
8 presented with a few pages from each of them.

9 260 Q. But you were happy to assist the Tribunal --

10 A. Absolutely.

12:57

11 261 Q. -- in terms of developing its understanding during the
12 course of interview as to your view now of those
13 investigations?

14 A. Absolutely.

15 MR. LEHANE: Okay. Thank you very much.

12:57

16 SOLE MEMBER: Thank you, Mr. Lehane.

17 MR. BRADY: Judge, Alan Brady, instructed by Coleman
18 Legal. I represent a large number of parties that are
19 coming before the Tribunal. I have a number of
20 questions for Col. Coakley, but I am conscious that we
21 are probably coming up to lunchtime and I --

12:57

22 SOLE MEMBER: Yes. It's three minutes to one o'clock,
23 so I think it probably is appropriate that we would
24 take a pause now and resume at 2:00 p.m. Thank you.

25 12:57

26 THE TRIBUNAL ADJOURNED FOR LUNCH AND CONTINUED AS
27 FOLLOWS:

28

29 SOLE MEMBER: Good afternoon again. Now, I think,

1 Mr. Brady, you were about to put some questions to the
2 Colonel?

3 MR. BRADY: Yes, thank you, Judge.

4

5 COL. COAKLEY WAS CROSS-EXAMINED BY MR. BRADY, AS 14:02
6 FOLLOWS:

7

8 262 Q. MR. BRADY: Col. Coakley, good afternoon. I just have
9 a number of questions for you. First off, maybe if I
10 could just bring you to your report at page 3873 of the 14:02
11 booklet and I just want to clarify one point with you
12 and you might shed some light on this. But you say
13 that in your role as the Provost Marshal and the
14 Director of Military Police, you don't have command
15 authority over all military policemen in the Defence 14:02
16 Forces, is that correct?

17 A. That's correct.

18 263 Q. So, if you break it down, just say we use an example of
19 -- I think you mentioned earlier there was different
20 brigades. There was the Eastern Brigade, there was 14:03
21 Defence Forces Training Centres, so say the Eastern
22 Brigade, and that's predominantly based in the Leinster
23 region, I believe, is it?

24 A. Yeah, headquartered in Dublin.

25 264 Q. So you'd have what you call a company of MPs that are 14:03
26 within that unit, and I presume that they are
27 subordinate in the command structure and rank to, I
28 suppose, the hierarchy of that unit as you go up the
29 rank structure and the command level, would that be

1 correct?

2 A. It would be.

3 265 Q. So they'd be investigating allegations within the unit
4 that they're also subordinate to a large number of
5 members within that unit as well? 14:03

6 A. Well, they're part of the Second Brigade so they're an
7 element of the Second Brigade, and their area of
8 responsibility is the Second Brigade, so they would
9 investigate matters in the Second Brigade.

10 266 Q. Yeah, I know, but it's just because Mr. Lehane had 14:04
11 touched on independence earlier and one thing that
12 struck me about this structure is that, well, if they
13 were truly independent, they might be under a different
14 umbrella, a military police unit that was separate to
15 all other units; would you agree that that would be 14:04
16 more independent than maybe the system that they're in
17 at the minute?

18 A. That is a structure that is employed in other, military
19 police forces, yes.

20 267 Q. Do you know of any by way of example? 14:04

21 A. Well, the Canadians, the Canadian Military Police would
22 operate as a sort of an independent entity within their
23 Armed Forces. And elements of the UK Military Police
24 as well would operate with far more independence.
25 Their Serious Crime Command, for example, would be 14:04
26 independent to the operational chain of command.

27 268 Q. And do you know, and perhaps you might not be able to
28 answer this, do you know if this is something that the
29 Irish Defence Forces have looked at implementing or

1 bringing in?

2 A. Yes, I think independence from the operational chain of
3 command is one of the recommendations contained in the
4 Commission of the Defence Forces.

5 269 Q. Again, this may not be something you can answer, but do 14:05
6 you know if there's any plans to implement that or
7 implement those recommendations?

8 A. I suppose the Military Police are undergoing a process
9 of transformation, as the wider Defence Forces are, and
10 certainly this is one of the areas that is being looked 14:05
11 at actively at the moment, yes.

12 270 Q. Could I bring you to just another part of your
13 statement, and it's at page 3875? I think Mr. Cush had
14 touched upon this earlier, but I might just read the
15 specific section I want to focus in on, and you've said 14:05
16 -- it's under the heading of:

17

18 "The procedure for initiating a Military Police
19 Investigation, including reference to all relevant
20 documents. Part A: Initiation of the 14:05
21 investigation. . ."

22

23 -- and you've got "triggering events":

24

25 "An MP investigation is set in motion when a complaint 14:06
26 or observation indicates a possible breach of the
27 military law or regulations, including incidents of
28 crime, security breaches or misconduct."
29

1 Am I correct in saying that some of those allegations,
2 say, of misconduct, incidents of crime that would
3 result in instances of abuse happening, they are
4 matters that are within the remit of this Tribunal?

5 A. Yes, they would fall under, you know, any allegations 14:06
6 of abuse, ill-treatment, any of that would all warrant
7 the triggering of an investigation, yeah.

8 271 Q. And I think a complaint being triggered is quite
9 straightforward; you'll have a complainant who
10 something has happened to them, and they'll come to the 14:06
11 MP and they'll report it and then you'll set out your
12 investigations. What I want to focus on is this
13 concept of an observation and I think you -- I can't
14 remember if you've said it here today, but it might be
15 in your interview with the Tribunal, you said that -- 14:07
16 oh, sorry, you did say it today, that that could be an
17 observation from another member of the Defence Forces
18 or a member of the public?

19 A. Correct.

20 272 Q. That's what you said. My question is in relation to a 14:07
21 member of the Defence Forces who -- we might use the
22 example that the Tribunal used yesterday where there's
23 a fracas between two members of the Defence Forces,
24 there's punches thrown, one of them might be hurt or
25 there's something like that happens and a member of the 14:07
26 Defence Forces sees this, neither of those parties make
27 a complaint to the MPs, is there any guidance within
28 the Defence Forces, the whole plethora of regulations,
29 is there any guidance or any obligation on a member of

1 the Defence Forces to make that report to the MP?

2 A. Well, Commanding Officers are obliged to report to the
3 Military Police certain issues that would fall into
4 those categories, like, you know, criminal allegations
5 and so forth. The Military Police, apart from dealing 14:07
6 with, let's say, criminal, allegations of criminality,
7 would also be involved in the investigation of
8 disciplinary offences. And while the traditional way
9 of an investigation being launched is someone making a
10 complaint or a Unit Commander requesting the Military 14:08
11 Police to conduct an investigation, and while
12 discipline is a unit responsibility, in order to
13 maintain discipline, there may be a requirement to
14 initiate an investigation where no complaint has been
15 forthcoming. 14:08

16 273 Q. So, for any observable -- so if there's an observation
17 that happens where there's potentially a breach of
18 misconduct or military law that has resulted in abuse,
19 it first has to go through the Commanding Officer to
20 get to the Military Police to investigate, is that 14:08
21 correct?

22 A. Not necessarily. If someone observed something and
23 reported it as a third party, that would, or may,
24 trigger an investigation. But every incident has its
25 own peculiarities, and every report would be assessed 14:09
26 and if it was deemed appropriate - and this may involve
27 taking legal advice - an investigation would be
28 launched.

29 274 Q. So just to be clear, say a member of the Defence Forces

1 who's not a Commanding Officer can approach the
2 Military Police and, essentially, say that 'I've
3 observed something happening that may be a breach of
4 military law'?

5 A. Absolutely. 14:09

6 275 Q. Within the Defence Forces itself, is there any training
7 or guidance provided to all of the members, including
8 the Commanding Officer, as to when it's appropriate to
9 actually approach the Military Police or to raise your
10 concerns? 14:09

11 A. I couldn't put my hand on specific training modules,
12 but I would be able to say that assistant provost
13 marshals would, at regular formation commanders'
14 conferences remind unit commanders of their
15 responsibilities and, you know, training at formation 14:10
16 level would be conducted where discussions about how
17 and when to employ the Military Police is given. It's
18 a regular occurrence for unit commanders to seek advice
19 from the Military Police, from the Assistant Provost
20 Marshals, for example, when they're encountering or 14:10
21 dealing with an issue, they may seek guidance on an
22 appropriate course of action for them. They may
23 suggest they are considering calling in the Military
24 Police and seek advice and guidance from the Assistant
25 Provost Marshal, and they may also draw on the Legal 14:10
26 Officer on the formation of the brigade before making
27 those calls.

28 276 Q. But that training seems to be primarily focused towards
29 the Commanding Officers and, I suppose, my question was

1 different. Is there any training or guidance to
2 members of the Defence Forces as a whole in relation to
3 making complaints to, or raising observations to the
4 Military Police about allegations of wrongdoing?

5 A. I can't say definitively where that training is, but it 14:11
6 will be common practice for the Military Police to
7 brief on a range of courses in the Defence Forces,
8 outlining their roles, how they can be contacted and so
9 on and so forth.

10 277 Q. And would this be, say, in an initial training for 14:11
11 recruits or is it more specialised courses?

12 A. It would be done throughout their careers. It would be
13 a regular occurrence. You know, we would conduct
14 repetitive training on manual handling, for example,
15 every year, briefed by the Military Police or conducted 14:11
16 on a regular basis. Each brigade installation, so each
17 barracks in the country would have a Military Police
18 detachment that are there for that unit to use and to
19 draw on their expertise as well. So there's a Military
20 Police presence in every manned military installation 14:11
21 in the State.

22 278 Q. Cpt. Bratli, yesterday, I don't know if you were here
23 for his evidence, but he had given an example from the
24 Norwegian system and an example of a sexual assault,
25 and he said that in the Norwegian system, that would be 14:12
26 sent out to the Civilian Police Authorities
27 straightaway. Or, in fact, I think he went further and
28 he said that most criminal actions are investigated by
29 them. Can I just ask you this: If the Military Police

1 was provided -- either if a complaint was made to them
2 or an observation, as you call it, was made to them
3 that there had been a sexual assault had taken place,
4 can you explain the, I suppose the triggering events or
5 at what stage do you, as the Military Police, decide to 14:12
6 refer that to the Garda Síochána to investigate?

7 A. I suppose the first thing I'd say is that a member of
8 the Defence Forces, at any rank, can contact An Garda
9 Síochána directly themselves. They don't have to come
10 near the Military Police or the chain of command. 14:13
11 They're fully entitled, as a citizen of the State, to
12 engage with An Garda Síochána. If something is
13 disclosed of a sexual nature to the Military Police, we
14 would, again depending on the situation, we may take a
15 statement from the individual, and then we would refer 14:13
16 it to a dedicated point of contact in An Garda
17 Síochána, and they would assess it from there. If they
18 came back and said to us, 'Yes, look, there are
19 ingredients for a sexual offence here', we would pass
20 on the details to the victim of a member of An Garda 14:13
21 Síochána that would deal with their complaint. It's
22 then up to the alleged victim or the victim to go and
23 make a complaint because third party complaints aren't
24 entertained. And then we would, obviously, support the
25 individual, bring them to a garda station or support 14:14
26 them in any way we could. So that's how that referral
27 would work. We would err on the side of caution. So,
28 even if we believed that there wasn't a sexual element
29 to an offence, if was there ever any gender, any

1 sexualised language or anything of that nature, we
2 would err on the side of caution and refer it anyway.
3 And when -- if An Garda Síochána says there was no
4 criminal offence committed or disclosed at that point,
5 we would then initiate an investigation into it
6 ourselves.

14:14

7 279 Q. So, I presume there's -- you'd look at, maybe, the
8 elements of it and the seriousness of the allegation
9 and whether it had triggered an obligation then to
10 either refer it to the Gardaí or kind of start that
11 process, would you?

14:14

12 A. Well, Section 192 of the Defence Act, as amended in
13 2024, makes it clear what we have to do and for what
14 offence. So we refer all those offences that are
15 listed in Section 192 to An Garda Síochána,
16 irrespective of our thoughts on the matter, it would go
17 straight to the Guards.

14:15

18 280 Q. And before that date?

19 A. Pre-2024 amendment, any serious sexual offence would go
20 immediately to An Garda Síochána. It wouldn't
21 necessarily require the Military Police to do it. If
22 an incident happened in any installation, the Duty
23 Officer may, depending on the circumstances, contact
24 the Military Police or, indeed, inform the local Gardaí
25 immediately.

14:15

26 281 Q. But this is all predicated on the Military Police
27 becoming aware of it, and it seems that for a large
28 part of the complaints, the filter is the Commanding
29 Officer?

14:15

1 A. Again, it depends very much on a case by case basis.
2 Sometimes the Military Police will hear about something
3 first; an individual will come directly to the Military
4 Police. Other times, a victim may take time to
5 disclose something to a trusted colleague, who may 14:16
6 then, you know, help them bring it to the chain of
7 command, or come directly to the Military Police.
8
9 Pre-2024, if a serious, you know, if an issue was
10 brought to the attention of the Military Police, one of 14:16
11 the first things that we would often advise is that,
12 'Look, you can bring this matter to An Garda Síochána
13 as well. Would you like to do that - we'll facilitate
14 you - or do you want the Military Police to do it?',
15 and then, depending on their wishes, we'd move forward. 14:16
16 282 Q. Again, you've mentioned a lot about training to
17 commanding officers. Is there any specific training to
18 them as to how to deal -- I suppose, triggering events
19 to make a complaint to the Military Police. So, you
20 know, you talk about the severity, specific allegations 14:16
21 -- I mean, it seems that it's really left up to the
22 Commanding Officer themselves. Is it their own
23 judgement or do they have a set of regulations or
24 requirements to work off?
25 A. Well, in the military system, commanding officers are 14:17
26 vested with a lot of authority, and commanding officers
27 are generally officers with extensive military
28 experience and would draw on that experience in
29 assessing particular incidents. They have access to

1 the Formation Legal Officer, they have access to the
2 Assistant Provost Marshal, and they have access to all
3 the necessary supports that they may require in order
4 to support a decision that they had to make. But they
5 would draw on their experience in making all these
6 decisions. 14:17

7 283 Q. And then once you carry out your investigation, it goes
8 back to the Commanding Officer and they make a decision
9 as to whether it should be escalated to, for example, a
10 court-martial, is it? 14:17

11 A. Yes, so the Military Police conduct the investigation.
12 We conclude the investigation, submit the investigation
13 report to the Unit Commander or the Formation Commander
14 and then, from there out, the decisions on what happens
15 is beyond the Military Police remit. 14:18

16 284 Q. But they don't necessarily, the Commanding Officers
17 don't necessarily have any training in law or police
18 procedures or anything like that, would they?

19 A. They would. On their career courses, you know, there
20 are modules where they would be exposed to lectures
21 from legal officers on how the disciplinary process
22 works. Again, these are officers with extensive
23 military experience and unit commanders, you know,
24 would have grown up in the system, learning on various
25 courses through participation and disciplinary matters. 14:18
26 And, again, the purposes of the Legal Officers in the
27 formation as well is to provide the legal support and
28 answer questions posed by unit commanders in how they
29 deal with these matters as well. So, unit commanders

1 don't make decisions or move without getting the
2 required support and having questions answered by the
3 appropriate legal officers, for example.

4 285 Q. These are generally probably senior officers of
5 Lieutenant Colonel or Colonel rank, would they be? 14:19

6 A. Generally Lieutenant Colonel rank would be the Unit
7 Commanders of the largest units. You will have unit
8 commanders at Commandant rank, but again with extensive
9 military experience.

10 286 Q. And I suppose would it reflect badly - I'm talking 14:19
11 hypothetically here, I'm not talking about any specific
12 situation - but would it reflect badly on a commander
13 of a unit that was maybe going for promotion then if
14 there had been a lot of allegations of wrongdoing in
15 their unit? 14:19

16 A. I don't think so. I think unit commanders deal with
17 issues that are presented to them. Unit commanders
18 don't operate in isolation. Unit commanders operate in
19 a structure within a brigade or a formation where, if
20 they're dealing with an issue, you know, they generally 14:19
21 won't -- it's not kept to themselves, for example, and
22 kept in-house, it's shared with the Formation
23 Commander, for example, and the Brigade Adjutants, who
24 are the Senior HR Officer in the formation, would be in
25 the loop for it as well. 14:20

26 287 Q. But I suppose what it sounds is happening is that
27 there's a large remit given to commanding officers
28 where, on one hand, they become aware of wrongdoing or
29 an allegation of abuse or something like that and, I

1 suppose, on one end, they can keep it within the unit
2 and try to deal with it very informally, or they might
3 decide to send it to the Military Police. But there
4 doesn't seem to be any specific guidance as to what
5 they should do in relation to those circumstances, 14:20
6 apart from maybe using their own judgement and relying
7 on, as you say, a legal officer or somebody else like
8 that. Is that correct, or am I wrong?

9 A. I think, from my experience, unit commanders who
10 command large units don't do so in isolation. Their 14:20
11 experience allows them assess the severity of
12 particular incidents that they're dealing with, and are
13 very active when it comes to formulating an appropriate
14 course of action, whether to report it to the Military
15 Police, which is quite often a solution that's chosen 14:21
16 by the Unit Commanders in order to ensure that everyone
17 involved in the issue is afforded the appropriate
18 rights and protections.

19 288 Q. Do you think that a commanding officer would be
20 assisted not just from the facts that you present them, 14:21
21 but maybe some form of recommendation from the Military
22 Police to say 'we've investigated this, the evidence
23 would strongly point that something has happened here'
24 and that a recommendation to a commanding officer to
25 assist them in that decision-making process? 14:21

26 A. The Military Police, I suppose, in the production of
27 final investigation reports are very clear in that we
28 don't put forward suggested course of actions. We
29 don't make recommendations on action to be taken or not

1 to be taken. We prefer the facts. The facts are then
2 analysed by the Unit Commander, in consultation with
3 the Legal Officers, and they decide on the course of
4 action. And there's very clear delineation on what the
5 Military do and don't do. 14:22

6 289 Q. One thing that seemed curious to me when I was looking
7 at the kind of structures within the Defence Forces, is
8 that there's, and correct me if I'm wrong, there's an
9 Office of the Director of Military Prosecutions -- I
10 suppose that's a similar office to, say, the DPP on the 14:22
11 civilian side?

12 A. Correct.

13 290 Q. Why, and maybe you can't explain this, but I just found
14 it curious that the Military Police, when they
15 investigate a crime or an issue of wrongdoing or 14:22
16 something that's specifically serious to warrant their
17 investigation, why do you not make a report to the
18 Office of Director of Military Prosecutions, as opposed
19 to the Commanding Officer, if it was sufficiently
20 serious? And perhaps you do -- maybe if it's serious 14:22
21 enough, like an allegation of sexual assault, does it
22 go straight to the Director of Military Prosecutions or
23 goes it go back to the Commanding Officer?

24 A. Well, I suppose, on the first point, since 2024, that
25 decision doesn't arise because cases go directly to the 14:23
26 An Garda Síochána. The Military Police do not and are
27 not authorised or empowered to submit investigation
28 reports directly to the Director of Military
29 Prosecutions.

1 291 Q. So it's up to the Commanding Officer then to refer to
2 the Office of Director of Military Prosecutions, is it?
3 A. The first port of call for the Military Police
4 Investigation Report is generally the Unit Commander,
5 and the decision-making process on what happens or 14:23
6 doesn't happen starts there.

7 292 Q. So, I suppose, if we could use an analogy, a Military
8 Police investigation, it goes to a party that's not
9 within the investigative or prosecution service --
10 they're essentially the Commanding Officer, and then it 14:23
11 goes back, maybe, to the prosecution. It would be akin
12 to maybe the Gardaí investigating it, making a report
13 to Department of Justice and then the Department of
14 Justice, someone in there deciding whether it goes back
15 to the DPP. It just seems to be a -- there seems to be 14:24
16 one step removed -- whereas on the civilian side, it's
17 a clear path, whereas on the military you have this, I
18 suppose, party in the middle that has the decision as
19 to whether it should be escalated or not, and they're
20 not specifically particularly trained in that area but 14:24
21 they're the person that is there to make that decision,
22 is that correct?

23 A. Yes. There are some offences that the Unit Commander
24 can't deal with and have to be referred to the Director
25 of Military Prosecutions. Other charges of less 14:24
26 serious nature, the Unit Commander can deal with those
27 under our system. But the Military Police play no role
28 in any of that decision-making process, and the
29 Regulations at the moment are that Military Police

1 investigation reports are not sent by the Military
2 Police directly to the Director of Military
3 Prosecutions.

4 MR. BRADY: Col. Coakley, thanks very much.

5 THE WITNESS: Thank you. 14:25

6 SOLE MEMBER: Thanks very much, Mr. Brady. Does any
7 other party wish to question? Mr. McGuinness.

8
9 COL. COAKLEY WAS CROSS-EXAMINED BY MR. MCGUINNESS, AS
10 FOLLOWS: 14:25

11
12 293 Q. MR. MCGUINNESS: Good afternoon, Col. Coakley. My name
13 is Diarmaid McGuinness. I'm one of the counsel for the
14 Minister for Defence and I think you'll understand,
15 obviously, that the Minister is statutorily responsible 14:25
16 for the Defence Forces subject to the Defence Act and
17 the Constitution, of course.

18
19 I'd like to ask you, firstly, a little bit about your
20 experience prior to becoming Provost Marshal. You told 14:25
21 us you enlisted in 1989. When did you first join the
22 Military Police?

23 A. If memory serves me, I would have completed my first
24 Military Police course probably in around 2000 and I
25 transferred to the Military Police Corps, again if 14:25
26 memory serves me, in 2004.

27 294 Q. So you were in the Military Police from then on?

28 A. No. The way we work at the moment is that, for our
29 broader military education, we tend to move around a

1 bit. My corps is Military Police, but between 2000 and
2 today, I would have served in a broad range of
3 appointments, including Military Police appointments
4 abroad and at home.

5 295 Q. So how long would you have been in the advanced 14:26
6 Military Police Officers' course?

7 A. If memory serves me, that would have been a two-week
8 course.

9 296 Q. Pardon?

10 A. If memory serves me, about two weeks. It's a while 14:26
11 since I did it.

12 297 Q. Yeah. And then the Senior Investigating Officers
13 course?

14 A. That was approximately a two-year programme with An
15 Garda Síochána. 14:26

16 298 Q. And the other, as it were, external investigatory
17 courses, forensic science etc. and serious crime, are
18 shorter courses, I suppose?

19 A. I would have a range of shorter courses. Criminal
20 intelligence, data analysis and recovery, they would 14:27
21 have been kind of one or two weeks in duration, those
22 types of courses.

23 299 Q. All right. And can I ask you is it possible for you to
24 give a pretty accurate answer as to how long you
25 actually acted as a military policeman? 14:27

26 A. I'm going to say maybe 15 years in total.

27 300 Q. All right. And could you give us an example of where
28 you served as a military policeman?

29 A. I served for approximately 11 years as Captain Staff

1 Officer in the Office of the Provost Marshal. I served
2 as a Senior Staff Officer in the Office of the Provost
3 Marshal and Executive Officer in the Office of the
4 Provost Marshal. I served as the Deputy Commanding
5 Officer of the International Military Police Company in 14:27
6 SFOR, in the Stabilisation Force Mission in Yugoslavia
7 in 2002 and 2003. I served as the Contingent Military
8 Police Officer in UNIFIL in 2000, and I would have been
9 Acting Provost Marshal on maybe one or two occasions
10 for maybe a number of months, six months maybe. 14:28

11 301 Q. Yes.

12 A. And in between that then, I would have conducted
13 investigations when not in Military Police
14 appointments, if there was a cyber element to it or a
15 security element to it. 14:28

16 302 Q. And is it possible for you to give an estimate of the
17 number of complaints you've investigated as a military
18 policeman over that period?

19 A. Generally, in my role, I would have dealt with the more
20 sensitive investigations organisationally. I couldn't 14:28
21 put a figure on it, but I've investigated sexual
22 assault, I would have investigated drugs, fraud,
23 security matters, and just a range of general-type
24 offences as well. But I would have fed into quite a
25 number of investigations in an advice capacity, maybe, 14:29
26 over the years.

27 303 Q. Can I take it that you've been involved in many
28 Military Police investigations then from start to
29 finish, from the beginning of compiling at PIR and then

1 a final MP report?

2 A. Yes, and I would have conducted as lead investigator
3 investigations from the receiving of the complaint to
4 furnishing of the final report, yes.

5 304 Q. One of the things that the Tribunal is enquiring into 14:29
6 is a very specific term of reference in relation to
7 active deterrence or discouragement of the making of
8 complaints in the broadest sense, and obviously
9 Section 169 of the military justice system comes within
10 that. Have you seen, in your career, evidence of the 14:29
11 Military Police management or individuals actively
12 discouraging complainants?

13 A. Absolutely not. Not in my experience. I've never
14 encountered it. In fact, we would actively encourage
15 people to make complaints if they felt there was 14:30
16 something to complain about. Absolutely.

17 305 Q. But have you seen or heard of situations where somebody
18 comes in to make a complaint and the Military
19 Policeman's pen or pencil is poised over the statement
20 and nothing gets complained about and an explanation is 14:30
21 given to the Military Police as to why they don't want
22 to do it. Have you ever experienced that yourself or
23 heard about it anecdotally?

24 A. Can you clarify that question?

25 306 Q. Where somebody comes to the Military Police and they 14:30
26 have come because of a reason, whether a disciplinary
27 or criminal offence has been committed, and they want
28 to talk about making the complaint, they may tell you
29 what it is, but they don't actually make the complaint,

1 have you had or heard of any experience such as that?
2 A. I personally haven't, but once something is disclosed
3 to the Military Police, again we always have to, apart
4 from an allegation of a criminal offence, there's a
5 disciplinary aspect to it as well. So, for example, we 14:31
6 have had a case, for example, where something
7 inappropriate happened. Neither the victim wanted to
8 make a complaint, or obviously the suspect didn't have
9 any wish to get involved, but we still pursued it
10 because there were other witnesses that witnessed the 14:31
11 incident and, from a disciplinary perspective, you
12 know, there was an onus on us to follow that through.

13 307 Q. Yes. And, I suppose, just to get the basics right, you
14 have no jurisdiction over people who aren't subject to
15 military law? 14:31

16 A. We have no jurisdiction. We couldn't take a cautioned
17 statement, for example. However, we do regularly take
18 statements, witness statements from members.

19 308 Q. Civilian?

20 A. From civilians or people who aren't members of the 14:31
21 Defence Forces.

22 309 Q. And the people who are within your jurisdiction then,
23 they can be dealt with by the Military Police in an
24 investigation in relation to criminal offences and also
25 disciplinary matters, misconduct? 14:32

26 A. Correct. Offences against military law.

27 310 Q. Yes. Yes. And it covers both, as it were, the
28 ordinary civil law offences, which are offences under
29 military law?

1 A. Correct, through Section 169.

2 311 Q. That's, as it were, the gateway to the Military Police
3 having the ability to maintain law and order and
4 discipline in the Defence Forces?

5 A. Correct. 14:32

6 312 Q. Would you agree or have you a view as to whether it's
7 indispensable to have that sort of regime, albeit that
8 exceptions may be carved out for legitimate reasons?

9 A. Military law and discipline is an essential element of
10 all uniformed military forces throughout the world and 14:32
11 we, as members of the Defence Forces, when we take the
12 oath, become subject to the Defence Act, and in the
13 Defence Act, there are specific offences that are
14 purely designed to ensure that we operate a disciplined
15 and uniform force. 14:33

16 313 Q. Yes, cohesion, obedience and discipline seem to be
17 regarded as essential elements for any Defence Forces,
18 is that correct?

19 A. Correct.

20 314 Q. Now, you've told my friend, Mr. Brady, about there 14:33
21 being Military Police in every installation, in every
22 Defence Forces installation in the country. Can I just
23 ask you about numbers? Do you know at this moment in
24 time how many Military Policemen are there in the
25 State, approximately? 14:33

26 A. In the Military Police Corps, the established figure is
27 187. And when you bring in the Naval and the Air Corps
28 elements, it goes up to 196. The First Brigade in Cork
29 have an additional 29 personnel who are reservists, and

1 Dublin have the same, 29 reservists.

2 315 Q. And within that is the corps of investigators that you
3 have told the Tribunal about earlier this morning, the
4 number, which can be supplemented by those other
5 Military Policemen who have investigative experience, 14:34
6 is that right?

7 A. Correct, yeah. So there's an establishment within the
8 Military Police Corps for investigators and, if my
9 maths are right, it's 34 who are on the establishment.
10 However, we have other MPs filling other MP 14:34
11 appointments who may be operating in a logistics role,
12 for example, but would be drawn into an investigation
13 that might have a logistics aspect to it, but they
14 would be qualified investigators.

15 316 Q. Now, in terms of the Air Corps at Baldonnel, how many 14:34
16 Military Police are there then at present?

17 A. At present, I think there are three. They're not fully
18 established.

19 317 Q. Yes. And in Naval Headquarters, Haulbowline?

20 A. Three. 14:35

21 318 Q. And just I suppose it's a very special question, do
22 Military Police in the Naval Service, do they go out on
23 the Long Éireannach, when they're out at sea ever?

24 A. Not in the ordinary course of work, no.

25 319 Q. Then, finally, just in relation to Military Policemen, 14:35
26 do they perform other duties or are these their
27 full-time occupation as a member of the Defence Forces?

28 A. They are Military Police personnel, that's their
29 full-time occupation. They do other duties. As I

1 mentioned earlier, the Provost element are what we
2 would classify the normal policing elements within the
3 units, and they would to traffic accident
4 investigation, they will do duties in Government
5 buildings, they will do convoy movements and so on and 14:35
6 so forth, but they're solely employed as Military
7 Police and investigators, and their primary function is
8 the conduct of investigations.

9 320 Q. You have referred to DFR 18, in particular, as the
10 basis for investigations of the Military Police, is 14:36
11 that correct?

12 A. No, DFR A18 paragraph 14 sets out the independence
13 provided for the Military Police which was signed by
14 the Minister, if I remember, in 2015.

15 321 Q. Yes. And I was wondering, are you in a position to 14:36
16 tell the Tribunal whether there was any particular
17 trigger for that?

18 A. I think I was actually involved in the development of
19 that amendment and it was designed as part of the
20 process of moving towards a more independent and 14:36
21 grounded Military Police capability.

22 322 Q. Yes. And I think that followed upon the development
23 of, as it were, an independent military judge being
24 appointed under a previous amendment of the Defence
25 Acts, isn't that correct? 14:36

26 A. Yes, the military judge, and the Director of Military
27 Prosecutions and the Court-Martial Administrator were
28 introduced following the 2007 amendment, under
29 Section 184.

1 323 Q. Yes. And that was to bolster, I suppose, the desire to
2 have independent courts, independent prosecutors within
3 the Military Justice System?
4 A. Correct.

5 324 Q. And the Office of Provost Marshal itself, then, you've 14:37
6 explained to the Tribunal that you have no command
7 authority over the members of the MP Corps, but can you
8 direct an investigation, suppose if somebody comes with
9 a complaint to you, how do you, as Provost Marshal,
10 deal with that yourself? 14:37
11 A. I would make a recommendation. So, I would write to
12 the Formation Commander saying that this had been
13 disclosed and it's based on what's been brought to our
14 attention that an investigation is recommended. The
15 Formation Commander then would direct the investigation 14:38
16 or request the investigation be initiated.

17 325 Q. And are you in a position to call him to account if he
18 hasn't done that, or who is he responsible to?
19 A. Well, it has never arisen but if something like that
20 arose, well then I would have to take it to my 14:38
21 superior, Deputy Chief of Staff Support, but, again, I
22 would hasten to add, it has never happened in my
23 experience.

24 326 Q. Yes. The Assistant Provost Marshals, they're not
25 directly responsible to you in the sense that they're 14:38
26 out in their own unit and formation, is that correct?
27 Or is there a de facto sort of responsibility?
28 A. There's a -- we have a relationship. There is no
29 command and control so I can't task them but there is

1 daily interaction where they might seek advice from me
2 or my staff and they may need additional investigative
3 resources. So I would be the facilitator to get
4 resources from another part of the Defence Forces to
5 support them, and that would involve talking to 14:39
6 different Formation Commanders and that type of thing.
7 They are responsible to their own Formation Commander
8 for the conduct of the investigations, but throughout
9 the investigative process, there is a lot of
10 engagement, there are case conferences. And, again, it 14:39
11 very much depends what's under investigation. If it's
12 a very serious or sensitive investigation, there's
13 obviously going to be more contact. Generally, if it's
14 a serious and sensitive investigation we'll run it out
15 of my office, I'll appoint one of my Officers as the 14:39
16 lead investigator and we'll put together a specialist
17 team for that.

18 327 Q. Yes.

19 A. But, ultimately, the Assistant Provost Marshals report
20 to their Formation Commanders in all that their unit 14:39
21 does and fails to do.

22 328 Q. Yes. You get the preliminary investigation report?

23 A. I'm copied on it, yes.

24 329 Q. You're copied on it. Is that to enable you to have an
25 overview of the scale of what's being reported or 14:39
26 investigated and the where and when and the
27 accountability, is it?

28 A. Well, it serves a number of purposes --

29 330 Q. Yes.

1 A. -- one is that in the Provost Marshal's Office we track
2 all investigations at home and overseas so we're able
3 to track the investigation. It also allows me know
4 what's going on from an investigative perspective.

5 331 Q. Yes. 14:40

6 A. And, also, track what's happening where, are there
7 trends developing, and that sort of thing.

8 332 Q. Yes. So, your resource and material then, does that
9 enable you to assist the Chief of Staff provide
10 quarterly reports to the Minister? Are you involved in 14:40
11 the compilation of those for the provision of them by
12 the Chief of Staff to the Minister?

13 A. We would feed into the General Staff and provide any
14 information that we're requested do provide.

15 333 Q. Yes. 14:40

16 A. Yeah.

17 334 Q. So incident, date, location, nature of the
18 investigation, etc.?

19 A. Yes.

20 335 Q. Do you know that they have been furnished, since 2014 14:41
21 onwards, to the Minister by the Chief of Staff?

22 A. No.

23 336 Q. No. Okay.

24 A. And I would just hasten to add that it's certain cases
25 that we would monitor because of the very nature of the 14:41
26 matter under investigation. Routine investigations are
27 conducted on that basis.

28 337 Q. Yes.

29 A. So it's the small number of the more serious or more

1 sensitive types of investigations that we will closely
2 monitor.

3 338 Q. But, as I understand it, the Minister neither gets the
4 register of the investigations, there's no procedure
5 set down in the Regulations to provide military
6 investigation reports to the Minister and the Minister
7 doesn't interfere in the matters of military justice?

14:41

8 A. No. We're very conscious of the confidentiality of the
9 information contained in investigation reports. No
10 information is passed to anyone, certainly no details,
11 names, personal information. Any information we would
12 provide would be purely administrative in nature. The
13 only people that will get to see the investigation
14 report, as I said earlier, is the Unit Commander and
15 then if a file was to go to the Director of Military
16 Prosecutions on discovery, all the relevant
17 documentation is made available.

14:42

14:42

18 339 Q. And is the Unit Commander, there's no obligation under
19 the Regulations to require him to send any or every
20 Military Police investigation report to the Director of
21 Military Prosecution, is there?

14:42

22 A. Certain charges set out in the Defence Act are required
23 to be sent forward to the Director of Military
24 Prosecutions. Others can be dealt with by the Unit
25 Commander himself or herself. And there are some
26 charges that the Unit Commander can request, from the
27 Director of Military Prosecutions, authority to deal
28 with those specific charges but it's all clearly laid
29 out.

14:42

1 340 Q. So it could be summary disposal?
2 A. Correct.

3 341 Q. Or maybe in some circumstances court-martial?
4 A. Correct. And, again, that decision is made by the Unit
5 Commander. If the Unit Commander determined that the 14:43
6 issue was serious enough, he or she could refer it on
7 for court-martial.

8 342 Q. Yes. Either of these court-martial proceedings, they
9 could relate to, as it were, a civil, criminal offence
10 or a military offence? 14:43

11 A. We would classify them generally as offences against
12 military law, and that would include Section 169.

13 343 Q. Yes. So the whole scale of misconduct can be
14 investigated when complaints are made and if there's an
15 investigation report, it can lead to prosecutions under 14:43
16 military law?

17 A. Not everything can be investigated on island by the
18 Military Police and again that's governed by Section
19 192 of the Defence Act so murder, manslaughter,
20 treason, sexual offences are all, under that section, 14:44
21 referred to An Garda Síochána.

22 344 Q. Yes. That's the new provision in the new Defence
23 (Amendment) Act 2024?

24 A. The criminal law, child trafficking, pornography --

25 345 Q. Yes, the criminal law. 14:44
26 A. -- amendment 2024, if I'm correct in the title of the
27 Act, but prior to that, Section 192 still required us
28 to refer murder, manslaughter, rape and serious sexual
29 assault to the guards.

1 346 Q. Yes. I think the change in relation to removing the
2 jurisdiction of the court-martial's ability to try
3 those sort of offences was an issue that the IRG looked
4 at in its deliberations, isn't that correct?

5 A. I'm not 100% sure, it's a while sense I reader the IRG 14:44
6 Report.

7 347 Q. The record is there of the deliberations of the
8 Independent Review Group, at page 59, where they
9 considered the basis for allowing court-martials to
10 deal with those categories of offences. And they 14:45
11 ultimately recommended, at page 95, subparagraph (6)
12 that the Minister -- it recommended the Minister for
13 Defence consider recommending to the Government the
14 termination of the jurisdiction of court-martials to
15 deal with those offences. And a bill was introduced 14:45
16 that year and then passed in '24 to deal with that, is
17 that correct?

18 A. That's my understanding, yes.

19 348 Q. My Friend was asking about the position of the Unit
20 Commander and his function in considering a report and 14:45
21 whether another system had been considered by the
22 Defence Forces and I think you referred to the
23 Commission on Defence Forces Report of 2022, and that
24 set out 130 recommendations which are being implemented
25 by a group established by the Minister in conjunction 14:46
26 with the Defence Forces. And there's a very detailed
27 progress plan in terms of achieving those
28 recommendations within a timescale set out by the
29 group, isn't that correct?

1 A. Correct. 14:46

2 349 Q. Going back to what is, perhaps, a central issue, the
3 issue of triggering events. A complaint could come to
4 the Military Police under Chapter 1 or Chapter 2 of A7?

5 A. Correct. 14:46

6 350 Q. But it's not necessary to invoke those, as I understand
7 it. You can go, as you can go to An Garda Síochána,
8 you can go to a Military Policeman and verbally make a
9 complaint?

10 A. Correct. 14:46

11 351 Q. There's no restriction or form or procedure or practice
12 in that regard?

13 A. No.

14 352 Q. Is that right?

15 A. Correct. 14:46

16 353 Q. So, any member of the Defence Forces, or Reserve or
17 Apprentices or Recruits, they have the same right and
18 entitlement as anyone else to make such a complaint --

19 A. Correct.

20 354 Q. -- should they want to. But it begs the question: Are 14:47
21 they informed of that at what stage or is it part of --
22 do you know how that is, how that entitlement is
23 disseminated or how members of the force are reminded
24 of that?

25 A. It's been, probably, 30 years since I've been involved 14:47
26 in training.

27 355 Q. Yes.

28 A. So I can't, hand on heart, say that it's delivered but
29 I do know that the Military Police would interact

1 across the formation with units, and we're very alert
2 to inductees coming into the system being made aware of
3 what they can and can't do. But I can't tell you at
4 what stage they're briefed on that they can go to the
5 Military Police.

14:48

6 356 Q. Yes. I mean we've heard from the PSS this morning that
7 they post a lot of information relating to different
8 support services; is that something that the Military
9 Police itself does for itself, or not, at this point in
10 time?

14:48

11 A. Not at this point in time, no.

12 357 Q. And as I understand your answer to Mr. Brady, it's also
13 possible for someone to come to the Military Police and
14 say, suppose Sergeant X is assaulted by Corporal Y, any
15 other member who has seen that can go and make that
16 complaint?

14:48

17 A. Well, they'd be making a disclosure as against a
18 complaint because they're not directly involved in it
19 themselves. But the answer is anybody in the Defence
20 Forces at any rank, or a civilian can make contact with
21 the Military Police and make a disclosure, make a
22 complaint. Absolutely.

14:48

23 358 Q. They're not turned away by reason of the fact that
24 they're not the victim?

25 A. No. It's something that has to be handled very
26 sensitively by the Military Police because sometimes
27 someone might make a disclosure and we take that very,
28 very seriously. We'll take note of it, we'll record
29 the interaction. And, as sensitively as we can, we'll

14:49

1 approach the alleged victim because the alleged victim
2 may not want to do anything. And in some cases the
3 alleged victim might turn around and say, 'That's lies,
4 who told you that?' So we have to manage that
5 information very carefully. But the answer is that 14:49
6 anything that is disclosed to the Military Police is
7 followed up. It's not left hanging, it's not left on a
8 Post-it. It's filed. That's what we do today. So
9 everything that's reported to us is actioned.

10 359 Q. Right. And can I ask you this; the Tribunal is looking 14:49
11 at this issue of deterrence and discouragement and I'm
12 not going to speculate as to why people don't come to
13 make a complaint. Some people may have decided, for
14 whatever reasons, good or bad, personal reasons, who
15 knows, that they keep it to themselves and they say 14:50
16 nothing to anyone. Others may have discussed it with
17 people, others may have discussed it with other
18 soldiers or family or friends. But there appears to
19 be, from reports and analyses, a degree of fear
20 sometimes about reporting complaints of misconduct, 14:50
21 even criminal offences; can you see anything that would
22 assist the Tribunal in making recommendations to make
23 that easier, for a simpler pathway to making that
24 decision?

25 A. I think that the presence of the Military Police in all 14:51
26 installations is the first point of contact where
27 someone has a query about moving forward. I suppose
28 what I would say is that we deal with victims who are
29 afraid or slow to come forward because, you know,

1 they've never encountered a situation like this and we
2 would, you know, very sensitively in a very
3 victim-centric way try and support that person in
4 making the right decision. But for us it's about
5 addressing the issue and holding people to account. In 14:51
6 my experience I've seen people make complaints very
7 strongly, knowing that the complaint is going to be
8 quite tough to process through for them. And other
9 people, then, have just decided that they can't, or
10 don't feel that they want to make a complaint and that 14:52
11 can be for a multitude of reasons. But, certainly,
12 anybody that brings any complaint to the Military
13 Police is entertained and followed up. And in fact I'd
14 go so far as to say people would be encouraged to go
15 formal on issues with the Military Police. 14:52

16 360 Q. Obviously, Military Police investigations that result
17 in convictions can shake the confidence of the public
18 and members of the force in the force itself. Are you
19 aware of proposals put forward by the Minister for
20 Justice to formally amend the law to allow the Chief of 14:52
21 Staff to suspend members who are awaiting trial on
22 criminal offences? Is that likely to give some added
23 confidence, perhaps, for people to report offences, do
24 you think?

25 A. I'm not involved in that but I do know that in my 14:53
26 experience, when people see people held to account,
27 that gives confidence to other people in the
28 organisation, that they see people being held to
29 account.

1 MR. MCGUINNESS: Thank you, Col. Coakley.
2 MR. LEHANE: Sorry, Judge, I just have one question
3 arising out of Mr. Brady's questions. I wonder if I
4 might beg your indulgence?
5 SOLE MEMBER: Of course. 14:53
6
7 COL. COAKLEY WAS FURTHER CROSS-EXAMINED BY MR. LEHANE
8 AS FOLLOWS:
9
10 361 Q. MR. LEHANE: Colonel, about 2:20, you might recall that 14:53
11 Mr. Brady asked you a question where he put it to you
12 that there didn't seem to be any specific guidelines as
13 to what an officer should do in a particular
14 circumstance; do you remember that question?
15 A. I do. 14:53
16 362 Q. In terms of dealing with those guidelines you're
17 familiar, obviously, with DF Regulation A7?
18 A. I'm familiar with it, yes.
19 363 Q. Paragraph 2. Are you familiar with paragraph 2,
20 maintenance of discipline -- 14:54
21 SOLE MEMBER: Perhaps, Mr. Lehane, we might put it up
22 on the screen if you could give to Ms. Heavey the page
23 number.
24 MR. LEHANE: I'm operating off a different copy so I'm
25 going to read out one paragraph but I'll do it slowly. 14:54
26 SOLE MEMBER: All right.
27 364 Q. MR. LEHANE: "The maintenance of discipline -
28 responsibility of officers."
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It says:

"An officer is at all times responsible for the maintenance of good order and military discipline and will afford his superiors the utmost assistance and support towards this entity. He is duty-bound to take note of, repress..."

14:54

And this is the significant bit I just want to refer to:

14:54

"...and instantly report any negligence or improper conduct on the part of men, whether on or off duty, and whether such men do or do not belong to his own unit."

14:54

would you agree with me that's --

A. I would. My apologies, I actually thought I'd mentioned that earlier where a Unit Commander has an obligation to report matters.

365 Q. Again, that's very specific guidance just in aid of Mr. Brady.

14:54

And, similarly, just in respect of Administrative Instruction 0196, the investigation of crime, you're familiar with that?

14:55

A. I am.

366 Q. And there, in terms of the reporting of crime - and I'll just read it out again, Chair, just very slowly:

1 "As soon as a crime, offence, or incident requiring
2 police investigation is discovered in a barracks or
3 post, the Unit Commander/Barrack Commander (or in their
4 absence the ordinary officer) will immediately inform
5 the Assistant Provost Marshal, and request the 14:55
6 immediate assistance of the Military Police. The
7 Assistant Provost Marshal will inform the GOC. After
8 normal duty hours, the Command Duty Officer will be
9 informed and he will inform the Military Police."

10
11 A. Yes, Admin Instruction 0196.

12 367 Q. And again fairly specific?

13 A. Correct.

14 MR. LEHANE: Thank you, Judge, for letting me
15 intervene. 14:55

16 SOLE MEMBER: Thank you.

17 MR. CUSH: Just one matter arising, if I might, Judge.

18 SOLE MEMBER: Yes.

19
20 COL. COAKLEY WAS RE-EXAMINED BY MR. CUSH AS FOLLOWS:

21
22 368 Q. MR. CUSH: Col. Coakley, you've told us that a Military
23 Police investigation is set in motion when a complaint
24 or an observation is made indicating a breach of
25 military law or regulation. If it is the case that 14:55
26 there is a culture or act of deterrence that prevents,
27 that succeeds in preventing the complaint or
28 observation being made, it follows, does it not, that
29 there will be no Military Police investigation and,

1 therefore, you're unlikely to become aware of it. Is
2 that fair?

3 A. Absolutely. I mean, we would only become aware of
4 these matters when someone comes to us and makes a
5 complaint or reports something to us. 14:56

6 369 Q. If, on the other hand, there exists a culture or act of
7 deterrence which fails to prevent the complainant
8 coming forward with a complaint, is it fair to assume
9 that as a matter of likelihood that complainant would
10 probably mention the attempt to prevent the complaint 14:56
11 being made?

12 A. Absolutely. In the Defence Forces, in barracks, you
13 know, people talk. We have Military Police in every
14 installation, you know, word travels and absolutely
15 word will travel. It's not something I've ever 14:57
16 encountered but we will only ever deal with a complaint
17 when it comes to us and that's the first time we hear.

18 370 Q. That's the final thing I just wanted to ask you. In
19 your long experience, which you've described, you
20 haven't come across a situation where a complainant 14:57
21 says, 'Not only am I making a complaint but by the way
22 there was an attempt to deter me from making a
23 complaint,' you've never encountered that?

24 A. I've never encountered, that but I have encountered in 14:57
25 investigations where an alleged perpetrator might say
26 something to warn off someone from taking action. But
27 more often than not it's people of equal rank and, you
28 know, 'Please don't report' this kind of thing. But it
29 all will come out in the investigation in the end. And

1 one thing I would add is that when something is brought
2 to our attention, we would look at the dates of when
3 the alleged incident occurred, when it was reported,
4 maybe to the unit, and why was there a delay in
5 reporting it to the Military Police. So, we would 14:58
6 be -- and that's something that we would focus in on,
7 what was the reason for this delay. And quite often
8 there's an explanation for it. So we're very conscious
9 that the minute something happens, it's immediately
10 reported to us. 14:58

11 371 Q. Do I understand you to mean, therefore, that if there's
12 a gap between the date of what is alleged to have
13 happened and the reporting of it, that as a Military
14 Police Investigator you are alert to the possibility
15 that there may have been an attempt to deter the making 14:58
16 of a complaint?

17 A. Well, I wouldn't jump to a conclusion like that. What
18 I would be asking as an investigator is why was there a
19 delay from the date of incident to the date of
20 reporting? It may mean that word only got to the Unit 14:58
21 Commander three weeks later, but certainly to me it
22 wouldn't infer that there was someone discouraging them
23 from coming forward. I think Unit Commanders are far
24 more alert to the fact that there is only one way of
25 dealing with matters now and that's down the formal 14:59
26 route, document and deal with it head-on.

27 372 Q. Okay. And did I understand you a moment ago to say
28 that you have in fact come across either an example or
29 some examples of somebody saying, 'Please don't report

1 this,' or words though that effect?
2 A. Yes, but generally between people of equal rank,
3 friends who may have got into a bit of a barny may say,
4 'Please, I'm sorry.' But other than that, I've never
5 come across anything that would suggest someone was 14:59
6 actively moved or deterred or put off making a
7 complaint. In fact, my experience is to the contrary,
8 people are encouraged to come forward and report things
9 formally.
10 MR. CUSH: Thank you very much, Colonel. 14:59
11 SOLE MEMBER: Thank you, Mr. Cush. Is there any
12 application on behalf of any other party?
13
14 COL. COAKLEY WAS QUESTIONED BY THE SOLE MEMBER, AS
15 FOLLOWS: 15:00
16
17 373 Q. SOLE MEMBER: Colonel, I have some questions for you
18 and I'll start with the more banal and I'll ask you to
19 help me to understand. You say in your statement that
20 as Provost Marshal you maintain an overview of 15:00
21 investigations and a register of Military Police
22 investigations. When did that register commence?
23 A. I don't know the exact date but it's certainly going
24 back decades.
25 374 Q. Decades? 15:00
26 A. Decades.
27 375 Q. Four, three?
28 A. More, I would think.
29 376 Q. More than four decades?

1 A. Yeah.

2 377 Q. So you have a register of all complaints that are
3 investigated by the Military Police?

4 A. Correct.

5 378 Q. So, when the Tribunal made an order for discovery and 15:00
6 sought Military Police files in relation to complaints
7 of abuse, it was a relatively straightforward method,
8 was it, of saying, 'I'll check the register, this is
9 about discrimination, or this is about assault, or this
10 is about rape,' or this is about whatever. You would 15:00
11 have been able to identify, from the register, the
12 number of relevant complaints?

13 A. Some of them, Judge. The cases are put onto the
14 register at a very early juncture of an investigation
15 and things can develop, people can come out at the last 15:01
16 minute and make an allegation and the ledger entry
17 won't change but the context of the investigation may
18 so it still warranted us going through, physically,
19 each and every file. And while the ledger helped us
20 identify some of the cases, it still resulted in us 15:01
21 going through files to make sure that we were capturing
22 everything.

23 379 Q. And you were involved in that process?

24 A. My staff. We dedicated about, I think 80% of my staff
25 for about 12 months doing it. So, we had, again, a lot 15:01
26 of files maintained over the years and due to the
27 restructuring of the Military Police, files were in
28 different places. So it was a timely, or
29 time-consuming process.

1 380 Q. And has that register now been -- is it now kept in
2 digital format? Are you able to say, if it goes back
3 over four decades, maybe five, you now have a list or
4 at least an account, in digital format, of all of the
5 complaints that you've investigated? 15:02

6 A. Of all of the files that have been uploaded we have and
7 we're currently in the process of acquiring a data
8 management system, and also consolidating the files
9 into one secure location going forward. And the new
10 digital management system would be designed to capture 15:02
11 all the investigative actions, it's auditable and will
12 allow us to search much more efficiently.

13 381 Q. Thank you. I'm sure you're aware that under the
14 Chapter 2 Complaints Process, it's fairly clear what
15 should be on a file so we know that, you know, there's 15:02
16 an Annex C report, we can identify what should be on a
17 well-maintained complaint file, say, under Chapter 2.
18 And I know we've heard reference today to various
19 regulations or sources that govern the maintenance of
20 Military Police files. Is there any one document that 15:03
21 you can point me to that would show me, okay, a
22 properly-maintained Military Police file should have...
23 beginning with preliminary investigation report, right
24 down to Disposal Certificate?

25 A. The Provost Marshal's Directive would kind of govern 15:03
26 the way investigation reports are constructed and,
27 again, it's a guidance document.

28 382 Q. It will list - and I know we have received list some
29 recently - but it will list everything that should be

1 on that file?

2 A. Yes, Judge.

3 383 Q. And in the course of your assistance in providing
4 discovery, have you come across inconsistencies in
5 files that have been submitted so that some files may
6 be missing a Disposal Certificate, or others might be
7 missing interviews or records of interviews?

15:03

8 A. There have been some files which wouldn't be as
9 complete as others, more historical files. I couldn't
10 see a pattern, for example. But, generally, whatever
11 was kept at the point that the files were put away is
12 what was left, it's what was found. I haven't seen any
13 pattern of inconsistencies or only just things that
14 might have happened over time.

15:04

15 384 Q. And in that process of reviewing files, in order to
16 help the Tribunal, if you saw files that were clearly
17 incomplete - and I'm not suggesting that we have a
18 large cohort of files from the Military Police that are
19 incomplete - but if you did see files that were
20 incomplete would that trigger any questions?

15:04

21 A. I suppose, the first thing I'd look at is what was the
22 file about. But, certainly, if there was a pattern of
23 files coming out of a particular location I'd be asking
24 about their filing system. The files are generally, as
25 I said earlier, MPs are very alert to the fact that
26 they're products in black and white and it's something
27 they may rely on themselves down the line so everything
28 is filed. There have been a number of barrack
29 closures, for example, where files were moved. The

15:05

1 Western Brigade closed so all the Military Police files
2 from the Western Brigade, which was headquartered in
3 Athlone were all moved. We had files in Military
4 Archives and as part of the discovery process we went
5 back to old MP buildings that we occupied, we went into 15:05
6 every single office and took files where we could think
7 they were. The one thing about Military Police files
8 is that the final reports are copied to a number of
9 offices. The Legal Officers would traditionally have
10 got copies, the Formation Commander. So we weren't the 15:05
11 only ones who had final copies of those reports. So we
12 searched everywhere we could think of for reports.

13 385 Q. Thank you. Can I ask you what standard will you apply.
14 We are, obviously, in the process of examining all of
15 the files that you have provided, and in certain cases 15:06
16 the file may indicate that A alleged this and B denied
17 it, and no decision is arrived at. What standard do
18 you use? That's not the case in all files. In other
19 cases we can see, clearly, that the Investigating
20 Officer has come to a view, and I will ask you some 15:06
21 questions about that in a moment in terms of
22 recommendations, but what standard do you use when
23 you're investigating, is it simply a case that if an
24 allegation is made and then it's denied you can't?

25 A. I think, in some cases, where it's one-on-one, there 15:06
26 are no witnesses, there are no injuries, there's no
27 medical reports, there's no CCTV, there's no access
28 control where you can tie people down. It may be
29 difficult. I suppose, investigators are very much, you

1 know, you have incredibly diligent, focused and then
2 you have other people that are more procedurally driven
3 maybe. But nowadays we tend to move down the road of
4 closing off avenues of investigation to say, 'Yeah, we
5 looked for CCTV. There was none. That's closed off.' 15:07
6 And when someone is reading the report they know.
7 'Okay, they looked for CCTV and there was nothing
8 there.' But for us it's about investigating, it's
9 about burdens of proof, it's about making sure you
10 gather evidence that's strong enough to stand up, that 15:07
11 you can stand over or disprove what a witness is
12 saying, and compiling it. So our investigations are
13 becoming more, far more detailed than maybe 30, 40,
14 50 years ago. And in the court-martial system,
15 Military Police files, as part of the discovery 15:07
16 process, are being examined by defence lawyers and
17 we're acutely aware of that. MPs are brought into the
18 box to give evidence, and we, ultimately, know that our
19 files may end up in the Court-Martial Appeals Court so
20 that we have to be happy to stand over our products, 15:08
21 and we're constantly developing. We're working now
22 much closer with our Director of Military Prosecution
23 colleagues in coming together to make sure that what we
24 produce, that they can employ. As I said, we were
25 contracting in an external expert as well to help us 15:08
26 develop our report writing.

27 386 Q. Thank you. Can I take you to the question of your
28 independence. If an allegation is made that a
29 respondent - and that's the term the Tribunal is using

1 for someone against whom an allegation is may - if I
2 were to come across a file where there's an allegation
3 that somebody tried to interfere with the
4 investigation, and if somebody actually did try to
5 interfere with the investigation, what would you do? 15:09

6 A. The first thing I'd want to know where was it? And
7 then I would appoint a senior Military Police Officer
8 from another part of the organisation to conduct a
9 review of it and investigate it. And if it was deemed
10 that there was active interference, well then that 15:09
11 would be, in my view, grounds for disciplinary action.

12 387 Q. And if it were a case that a person were to bring to
13 bear some pressure on you in your function, what would
14 you do?

15 A. I'd record the fact and I'd put it in writing and I 15:09
16 would elevate it to my superior.

17 388 Q. Can I take you now, please, to this question of reports
18 to An Garda Síochána and could you help me understand
19 something. I've listened very carefully to your
20 evidence. I'm aware of the provisions of Section 192, 15:10
21 I'm aware of the amendments, but you may recall some
22 time ago, in the last year or two, there was a lot of
23 discussion about whether criminal offences that are
24 committed should automatically be reported to An Garda
25 Síochána. There is a general routine order, dating 15:10
26 back as far as 1955 - and I think Mr. O'Hanlon, you
27 might have the page reference, do you, or perhaps it
28 has been given?

29 MR. O' HANLON: 616.

1 389 Q. SOLE MEMBER: Perhaps we could have a look at that.

2 A. GRO43/55.

3 390 Q. It is GRO43 of 1955 I'm sure you are familiar with it.
4 But I've been struggling, I suppose, to understand why
5 there has been some discussion about, 'Oh, yes, from
6 now on we must make sure to report these things to An
7 Garda Síochána,' because my reading of GRO45,
8 paragraph 22, if we could just move down to
9 paragraph 22:

15:11

10

15:11

11 "Complaints of criminal wrongdoing alleged against
12 members of the Defence Forces."

13

14 I don't know whether you can pull that up?

15 Paragraph 22. I think you're very familiar with it
16 anyway, whilst Ms. Heavey is trying to find it. Where
17 it says:

15:11

18

19 "Where a question arises as to the suitable tribunal to
20 try a civil offence, either

15:11

21

22 (a) is of a serious nature, or

23

24 (b) involves the person or the property of a person not
25 subject to military law..."

15:12

26

27 The decision will rest with the superintendent.

28

29 So there is this process of liaising between the

1 Defence Forces and An Garda Síochána but this seems to
2 suggest, it states that the decision will rest with the
3 superintendent where there's a question as to which
4 tribunal is appropriate. Is that correct?

5 A. Yes. Generally - and again it's something that we 15:12
6 wouldn't encounter very often - if there was an
7 incident outside Military Installation where two
8 members of the Defence Forces were involved in an
9 incident involving themselves, the local superintendent
10 would be contacted by the Assistant Provost Marshal, 15:12
11 and would enquire as to whether he may be satisfied to
12 have the military deal with it, or will he or she keep
13 it and deal with it. That's what that is.

14 391 Q. But the call is with the superintendent?

15 A. Oh, absolutely. 15:13

16 392 Q. Okay. And then, paragraph 22 of Part 2 of the GRO1955,
17 GRO43 it says:

18
19 "Where it appears, or where there are reasonable
20 grounds for suspecting that a civil offence has been 15:13
21 committed by a person subject to military law and that
22 such offence either: -

23
24 (a) is of a serious nature, or

25 15:13

26 (b) involves the person or the property of a person who
27 is not subject to military lawyer..."

28

29 So it's an option it's either of a serious nature or it

1 relates to a civilian.

2

3 "...the commanding officer of such first mentioned
4 person, or any officer of the military police, or to
5 whom the facts are made known, shall..."

15:13

6

7 In mandatory terms.

8

9 "...shall, with all due despatch, report the facts at
10 the nearest or most convenient Garda Síochána station."

15:13

11

12 That has been the position since 1955, an obligation,
13 if it's either of a serious nature or involves the
14 person or property of a civilian, the Commanding
15 Officer shall report it. How do you decide or what
16 particular test have you used, or can you tell me the
17 Defence Forces have used since 1955 to decide whether
18 an offence is of a serious nature

15:14

19 A. Well, I suppose, the first thing I would say, Judge, is
20 that if a member of the Defence Forces is involved in
21 an incident outside involving a civilian, for example,
22 we'd have to know about it, and the individual isn't
23 obliged to inform his or her chain of command, but for
24 us, an offence of a serious nature would be anything, I
25 suppose, from section 2 of the Non-Fatal Offences of
26 the Persons Act up, or, obviously, any sexual offence,
27 anything like that, you know, they'd be the kind of
28 things that you would consider for a serious nature.

15:14

15:14

29 393 Q. So since 1955, any Commanding Officer, who is aware

1 that an offence of a serious nature is alleged to have
2 been committed, has had that obligation to inform An
3 Garda Síochána; has that happened in practice in your
4 view?

5 A. I know of a few cases where, yes, it would be carried 15:15
6 out.

7 394 Q. But it's mandatory. It's "shall." There was an
8 obligation for it to be carried out in all cases. I'm
9 sorry for cutting across you, Colonel, but it was
10 mandatory that in all cases where an offence is alleged 15:15
11 to have been committed, and that offence is of a
12 serious nature, there was an obligation on the
13 Commanding Officer to inform An Garda Síochána; from
14 your experience has that happened? That's my first
15 part of the question. And if it has happened, why was 15:15
16 there such a discussion about it, let's say, in the
17 last few years, from now on we're going to do this, it
18 was always there, it was not?

19 A. It was. And I would have, in my own experience, noted
20 Commanding Officers reporting serious incidents 15:16
21 directly to An Garda Síochána without coming to the
22 Military Police. But it's also my experience that if
23 someone is involved in an incident outside of the
24 installation, the first time we'll hear about it is
25 when the guards contact us to let us know that it's 15:16
26 happened?

27 395 Q. Before you go to incidents that occur outside, what
28 about incidents that occur inside. An offence of a
29 serious nature is alleged to have been committed

1 inside, there was an obligation on the Commanding
2 Officer, dating back to 1955 by way of a general
3 routine order, to inform An Garda Síochána?

4 A. I suppose, the way this would have been interpreted is
5 that any incident that would have involved military 15:16
6 personnel on a military installation would be dealt
7 with under military jurisdiction. And it's only for
8 us, our involvement with the local superintendent is
9 only ever where an individual was involved in an
10 incident outside, and that's generally involving 15:17
11 military on military. If there was a civilian involved
12 and it happened outside it would have nothing to do
13 with us. But, traditionally, internally, any offences
14 against military law, including serious offences, would
15 be dealt with internally. 15:17

16 396 Q. And how did that interpretation sit well with this
17 provision in the GRO?

18 A. I don't have an answer, Judge. This is how it was
19 always done. There have been cases where we've
20 reported incidents in barracks and there have been 15:17
21 questions then about this is military jurisdiction, it
22 shouldn't have been to the guards.

23 397 Q. It shouldn't have been given to the guards?

24 A. Correct.

25 398 Q. And has there been much discussion about this 15:17
26 obligation, because it's there in black and white and
27 there's nothing to suggest that the interpretation is
28 to be limited to circumstances where, well if it
29 happens on site it's a Military Police investigation.

1 It's quite clear if it's of a serious nature the
2 Commanding Officer shall, with all due despatch, report
3 the facts to the nearest station?

4 A. In my experience, if something very serious happened
5 internally, and it would warrant garda investigation we 15:18
6 would do it. So, for example, we have had cases where
7 narcotics were located and we would contact the local
8 guards and let them deal with it because there may be
9 an external element to it. Again, in my 30-odd years
10 of service, I can't recall any, as a Military Police 15:18
11 Officer, incidents happening in a military installation
12 in Ireland that would warrant, you know, immediate
13 referral up to the guards apart from sexual offences
14 and things like that that I discussed earlier.

15 399 Q. And that's your experience notwithstanding this 15:18
16 provision?

17 A. Yeah. Yes, Judge.

18 400 Q. Thank you. Can I ask you about Disposal Certificates
19 because, again, these are things we have come across on
20 the files. I understood you to say that the Military 15:19
21 Police investigate, you conclude the investigation and
22 you submit the report to the Unit Commander and from
23 there on the decision is beyond the remit of the
24 Military Police Unit. Did I also understand you to say
25 that you don't make recommendations? 15:19

26 A. Correct. There was a time, going back a number of
27 years ago, where suggested charges would be put in, but
28 those suggested charges were just as an aid to the Unit
29 Commander, they weren't charges that were signed to be

1 dealt with, they were just suggested charges. But that
2 practice stopped a number of years ago.

3 401 Q. And do you know when it stopped and why it stopped?
4 A. I don't.

5 402 Q. And if you'd come across a case where there was a 15:19
6 suggested charge, or a recommended charge that the
7 person be prosecuted under the Offences Against the
8 Person Act, and when the Discharge Form was completed
9 and came back to you, or the Disposal Certificate was
10 completed and came back to you and you saw an 15:20
11 individual had in fact been dealt with by way of a
12 Section 169, it was conduct prejudicial to good order
13 and behaviour. So the Military Police is making a
14 recommendation that this should happen and the
15 Commanding Officer decides, 'No, I'll deal with it as a 15:20
16 Section 169 case,' have you come across that very
17 often?

18 A. No, Judge. 168s can be dealt with summarily but the
19 169 would have to be referred to the Director of
20 Military Prosecution. But, again, the Disposal Cert 15:20
21 for us is just a way of, I suppose, first of all
22 knowing what has happened for our file, but, also, that
23 if it is referred on, that we need to keep the file, I
24 suppose, active because discovery will follow for, if
25 it was going toing to the Director of Military 15:20
26 Prosecution there would be discovery and then we'd have
27 to furnish the entire file with the original statements
28 so on and so forth to the Director of Military
29 Prosecution Office.

1 403 Q. But if the Military Police, and I appreciate you've
2 said that this practice has stopped, if on the Disposal
3 Certificate which is sent out at the end of the
4 investigation, there's a recommendation that a criminal
5 prosecution, effectively, follow, and instead the unit 15:21
6 or the Commanding Officer completes the form and sends
7 it back to you for the file, and what's on it is no,
8 this will be a disciplinary offence under Section 168;
9 can you do anything about that?

10 A. No, that's their prerogative, Ma'am. They make that 15:21
11 decision. And in fact it's not recommended charges,
12 they're suggested charges. And, in my experience if
13 the file was of such gravity that, you know, you might
14 think that there would be 169 charges you probably
15 wouldn't attach any suggested charges. The file would 15:21
16 go to the Unit Commander. The Unit Commander -- the
17 Legal Officer would get a copy of that report at the
18 same time and then it would be, I suppose self-evident
19 from their perspective of what needed to happen.

20 404 Q. Thank you. And then, finally, you answered a question 15:22
21 Mr. Cush asked about two investigations into the death
22 of an apprentice. And you were asked, I think, what
23 was common sense today, would that have been common
24 sense some time ago at the time of the very tragic
25 event. You said you cannot say what went into the 15:22
26 decision-making process. In your review of the files -
27 and I'm sure you've had an opportunity to look at them,
28 obviously, for the purposes of your assistance to the
29 Tribunal - have you come across any other instances, or

1 many other instances where you would look at something
2 and say, 'I don't know why this would happen.'
3 Something like two investigations into an event like
4 that?

5 A. No. 15:22

6 405 Q. No?

7 A. No, Judge.

8 SOLE MEMBER: Thank you. Thank you very much indeed,
9 Col. Coakley.

10 THE WITNESS: Thank you. 15:23

11 SOLE MEMBER: I think that brings our proceedings for
12 today to an end. It just remains for me to thank all
13 of the parties and their legal representatives and,
14 indeed, the witnesses who assisted the Tribunal today
15 and all who have supported the Tribunal in preparing 15:23
16 for these hearings. And, of course, Ms. Heavey, our
17 registrar. Thank you very much. And tomorrow morning
18 at 10:30.

19
20 THE TRIBUNAL WAS THEN ADJOURNED UNTIL FRIDAY, 5TH JUNE 15:23
21 2026 AT 10:30 A.M.

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