

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 TUESDAY, 9TH JUNE 2026 - DAY 4

4

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I N D E X

W I T N E S S

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1 THE HEARING RESUMED ON TUESDAY, 9TH JUNE 2026, AS
2 FOLLOWS:

3
4 SOLE MEMBER: Good morning, everybody. Before today's
5 proceedings commence, I want to recall that the 10:30
6 Tribunal is not tasked with determining, nor indeed has
7 it any power to determine the merits of individual
8 complaints of abuse.

9
10 At the opening statement on 3rd June this year, 10:30
11 Mr. Cush explained the procedures that the Tribunal
12 intends to adopt in order to ensure that fair
13 procedures are observed and to protect the
14 constitutional rights of those involved in the making
15 of allegations of abuse. 10:30

16
17 witnesses before the Tribunal will not be permitted to
18 name any alleged abusers during oral testimony. In
19 respect of persons against whom allegations of abuse
20 have been made, if the identity of any such person is 10:31
21 either deliberately or inadvertently revealed in the
22 course of Tribunal hearings, the Tribunal, to preserve
23 the confidentiality of the information concerned,
24 intends to impose reporting restrictions on all members
25 of the media, all media organisations, and any person 10:31
26 or persons directing that no report of the proceedings
27 of that particular day containing material likely to
28 lead members of the public to identify a person as an
29 alleged perpetrator of abuse, or likely to lead members

1 of the public to identify a person as a person against
2 whom a complaint of abuse is made, shall be published
3 in a written publication available to the public or be
4 broadcast.

5
6 So, no report containing that information shall be
7 published in a written publication or shall be
8 broadcast.

9
10 So, with that reminder in place, I would ask for the
11 first witness, please, to be called.

12 MR. CUSH: May it please you, Judge. Judge, the first
13 witness this morning is Mr. Paul Kavanagh.
14 Mr. Kavanagh, please.

15
16 MR. PAUL KAVANAGH, HAVING BEEN SWORN, WAS DIRECTLY
17 EXAMINED BY MR. CUSH, AS FOLLOWS:

18
19 1 Q. MR. CUSH: Good morning, Mr. Kavanagh.

20 A. Good morning.

21 2 Q. Mr. Kavanagh, as you are aware, the Tribunal is
22 investigating the effectiveness of the complaints
23 processes and the culture within the Defence Forces in
24 relation to complaints of abuse. It is not permitted
25 to make findings in relation to the well-foundedness of
26 complaints of abuse and, for that reason, you are
27 required to refrain from disclosing the names of any
28 alleged perpetrators in your evidence today. Where it
29 is necessary to refer to such individuals, you must do

1 so by referring to their rank or pseudonym given to
2 them by the Tribunal. Do you understand?

3 A. I do, yeah.

4 3 Q. Thank you, Mr. Kavanagh. Mr. Kavanagh, you have
5 assisted the Tribunal by making a number of statements 10:33
6 to the Tribunal and you have attended, I think, for two
7 interviews with the Tribunal, isn't that so?

8 A. That's correct, yeah.

9 4 Q. You described how, in 1988, I think you underwent
10 recruit training, is that right? 10:33

11 A. I did, yeah.

12 5 Q. Can you say where that occurred?

13 A. It was in Cabra Barracks.

14 6 Q. And what age were you at that time?

15 A. 22. 10:33

16 7 Q. 22. All right. And I think in the course of that
17 recruit training, you had certain interactions with a
18 fellow recruit who was, in fact, the younger brother of
19 a trainee NCO, is that correct?

20 A. That's true, yeah. 10:34

21 8 Q. And could you just describe to the Tribunal what
22 happened?

23 A. Possibly it was a series of kind of bullying incidents
24 going on for weeks and weeks and weeks, coming in late
25 at night, a few brings drinks on him, would come down 10:34
26 to my room, would whisper things like 'I'm going to get
27 you' and stuff like that. And all this was going on
28 for weeks and weeks and weeks. And knowing that he had
29 a relative that was a training instructor, I just said

1 'If I do anything here, I'm going to be in trouble and
2 I could be thrown out of the Army.' So I had to just
3 put up with it.

4
5 But then I think one morning he started - it was early 10:34
6 morning - he started his antics again. So I just
7 probably had enough and I just put him to the ground.
8 And that was the end of it. He never came back near me
9 at all. But then I had to deal with the relative that
10 he had training us and he came down hard then. 10:35

11 9 Q. And what happened then with the older brother?

12 A. Well, he would -- we were on parade, morning parade,
13 and he'd walk through the lines and he'd say, 'Oh, you
14 think you're a big man' and all this sort of stuff, you
15 know, 'You're a big man now, aren't you?', and all 10:35
16 this, all this kind of stuff. And you're standing to
17 attention and you can't answer back, you can't do
18 anything, you just have to go with it. And he kept on
19 and on and on. And then we were facing the square one
20 morning and lockers were thrown out the first floor 10:35
21 window. I think one of them was mine, I can recollect
22 one of them was mine. There was two or three actually
23 lockers thrown out from the first floor onto the ground
24 behind us. So it created panic, it created kind of
25 intimidation. So that was what happened there, you 10:36
26 know.

27 10 Q. Okay. And did you ever complain about either the
28 younger brother or the older brother?

29 A. There was no nowhere to go. There was nowhere to

1 complain because it was deemed as a weakness and you
2 were a moaner or you were a cribber, or you were looked
3 upon differently then if you went -- it was kind of you
4 went crying looking for help, like, you know. The Army
5 didn't -- it was kind of a hard man's image and you 10:36
6 were doing yourself no justice by -- there was nowhere
7 to go, really, to lodge a complaint in them days, '88,
8 I had really nowhere to go.

9 11 Q. In the course of your training, had you been made aware
10 of complaint processes that were available? 10:36

11 A. No. No, not in 1988. You weren't told nothing like
12 that.

13 12 Q. All right.

14 A. Nothing.

15 13 Q. At some point in time, did you become aware of a 10:36
16 Redress of Wrongs scheme?

17 A. Yeah, I think that was in -- I think that Redress of
18 Wrongs or something, from what I can remember, came out
19 in the early 1990s or sometime in the 1990s. Now, I
20 might be wrong, but from my recollection, what the 10:37
21 Redress of Wrongs is, I've seen individuals redressing,
22 going that way, and, like, obviously I've seen it and,
23 yeah, okay, they could win the redress, but the Army
24 don't forget. At the end of the day then, they're
25 still in the barracks, they're still in their units, 10:37
26 but then, like, their careers, overseas service, they
27 mightn't get overseas service, something would be
28 blocked on them, courses would be stopped, something
29 like that, they mightn't get courses. So it would be

1 all that kind of stuff, like, you know. You might win
2 the battle, but you won't win the war, do you know? So
3 I never went forward with it. When the Redress came
4 in, I seen what happened to lads. They never really
5 progressed after they redressed someone, whether they 10:37
6 were right or wrong, you know.

7 14 Q. So that was your perception?
8 A. That's my perception, yeah.

9 15 Q. And do you think that was shared by others or were you
10 unique in that respect? 10:38
11 A. No, I'd say other guys seen what was going on. I'd say
12 it's 50/50 on that, really, like, you know. But I'd
13 say a good lad with a bit of intelligence would have
14 seen, like, 'I'll just keep my mouth closed here and
15 just roll with this because if I open my mouth here or 10:38
16 complain, it's going to go against me down the line.'

17 16 Q. Sometime later in 1988 there was an incident involving
18 hair shaving, isn't that so?
19 A. Yeah, that's correct, yeah.

20 17 Q. Can you describe that to the Tribunal, please? 10:38
21 A. Yeah. In 1988, basically, there was -- I don't think
22 there was a barber in Cabra Barracks in 1988, but at
23 the weekend when you went home, you got your hair cut,
24 like not -- a number 2 at the sides or whatever, there
25 was nothing big about it. But one Friday evening, we 10:39
26 were nearly getting out and the room upstairs was
27 locked - it was a six-man room, I think - and a chair
28 was put in the middle of the room and NCOs started
29 shaving heads. I think there was six of us, six of us

1 head shaved. It was kind of like Hare Krishna. It was
2 really unique in them days. Like Sinéad O'Connor, no
3 disrespect to her, she would have that kind of a
4 hairstyle. But, in 1988, it was really -- no one had
5 them kind of haircuts. So six of us was cut. The door 10:39
6 was locked. And all I can remember was this NCO
7 laughing his socks off. So, it was funny to him, but
8 it wasn't funny to us. So, that was that. It was late
9 Friday evening. So we went home. So that Monday
10 morning -- 10:39

11 18 Q. Just before you go, can I take it from the way you
12 described it, Mr. Kavanagh, that you weren't a willing
13 participant in this?

14 A. Ah, no, I wasn't willing. The door was locked. To
15 this day, I can hear that door locking and I knew there 10:40
16 was something going down. And, like, I stood in the
17 corner, but still this chair was put in the middle of
18 the room and one by one -- I think it stopped at six.
19 There might have been more lads in the room. It
20 stopped at six because someone was coming and there was 10:40
21 panic and then it stopped, you know. So that's why it
22 was -- I think we were mockingly referred to as the
23 Brugha Six.

24 19 Q. And how many people were observing this?

25 A. Quite a number of the platoon. Probably it could be 10:40
26 ten more. There could have been about 12 or 13 in the
27 room.

28 20 Q. Do you mean fellow recruits?

29 A. Fellow recruits, yeah.

1 21 Q. And of more senior personnel, how many were there?
2 A. Just can't remember. All I remember is there was one
3 senior NCO was there. He was the culprit, all right,
4 yeah. I can't remember if there was another NCO there
5 or not. 10:41

6 22 Q. And when you say the culprit, do you mean the person
7 actually doing the hair-shaving?
8 A. Yeah.

9 23 Q. And the person who you described earlier as laughing
10 their socks off? 10:41
11 A. Yeah, he was laughing his socks off.

12 24 Q. Was that the culprit or somebody else?
13 A. No, that was himself. He thought it was very funny.

14 25 Q. All right. The following Monday then, I think
15 something -- 10:41
16 A. Yeah, we went home. Like, it was late Friday evening
17 that happened, so went home as normal and, Monday
18 morning, all six of us were brought over to a building
19 on the far side of the square, brought upstairs
20 individually and we'd to sit in front of a -- I think 10:41
21 it was a table of two or three Officers and they asked
22 me what happened, and I told them what happened, and
23 they said --

24 26 Q. Can I just pause here? The two or three Officers who
25 were present and were about to ask you questions, did 10:41
26 they include the culprit or not?
27 A. No, the culprit wasn't there.

28 27 Q. All right.
29 A. And they just asked me what happened. So I told them

1 what happened. And they said, 'Right, now, for the
2 next two, three, four or five weekends when you go home
3 at the weekend, you've to wear a skip hat, and you've
4 not to -- you're not to go to the newspapers, you're
5 not to go to...' -- newspapers was the social media 10:42
6 then, there was no phones in them days. So 'You're not
7 to go to any newspapers or say anything about this to
8 anybody.' And you probably -- I don't think we got out
9 the following weekend because the hair was that bad.
10 We were scalped, actually. So I think it was two weeks 10:42
11 later we got out, but we were instructed when we got
12 out to wear the skip -- monkey hats or skip hats at all
13 times at the weekend before we'd come back Monday, the
14 following Monday. So that's what happened there, you
15 know. 10:42

16 28 Q. And the person who I'm describing as the culprit, did
17 you see him again?

18 A. No, that guy, I never seen him again. So, obviously
19 whatever happened to him internally there -- maybe he
20 was moved to another barracks or something. But I 10:43
21 vaguely remember months and months later seeing him in
22 the barracks, but he had no dealings with us.

23 29 Q. Fine. And do you know if he was the subject of any
24 sort of disciplinary action or did anybody talk to you
25 about disciplinary action? 10:43

26 A. Ehm, rumours going around, but the Military probably
27 just dealt with it their way, maybe moved him out of
28 the place, moved him away, I don't know. They dealt
29 with it. I never found out really what happened to

1 him, but he was moved quite quickly out of that
2 barracks, yeah, for a period of time.

3 30 Q. And did you think about making a complaint about this
4 incident, the hair-shaving?

5 A. No. You couldn't make a complaint because, in the 80s, 10:43
6 I mean, you'd just lose your job in the Army. I mean,
7 you had nowhere to go like, you know. Work was pretty
8 bad outside, there was no employment. So you waited
9 years to get into the Army, you wanted to give it a
10 good shout, a good shot. So by going whinging and 10:44
11 crying, but, sure, there's no one to go to to whinge or
12 cry to report. And we didn't know the complaints
13 procedure, if there was any at all there. It wasn't
14 pointed out to us where to go or what to do.

15 31 Q. And to your knowledge then, did any of the other 10:44
16 victims of this abuse make a complaint?

17 A. No. It wasn't heard of. Like, you couldn't. Your job
18 was gone, really, you know.

19 32 Q. And nobody told you anything about whether or not the
20 culprit was disciplined? 10:44

21 A. No. No, no, I can't finalise that, but he was never
22 seen again in the barracks. I just remember a couple
23 of months later I remember he was in some time doing
24 something, but he was no connection with us, no.

25 33 Q. Some years later, you attended an Army psychiatrist, 10:44
26 isn't that so?

27 A. Yeah, yeah.

28 34 Q. I think in 1991?

29 A. Roughly in the early 90s sometime, I'm not too sure.

1 35 Q. And I think part of what you were relating to him
2 involved these incidents that you've described to the
3 Tribunal?
4 A. Yeah. Yeah.

5 36 Q. And were there some other matters arising from an 10:45
6 overseas trip that were involved in that discussion?
7 A. Overseas trip? Ehm, I just can't remember that now.
8 Overseas trip?

9 37 Q. Right, you think it was more linked to these matters,
10 is that so? 10:45
11 A. Yeah, well, it was more to do with the bullying. And,
12 of course, we did have overseas because, at that time,
13 I think Iran or Iraq was invading Kuwait and there was
14 Scud missiles pointed at Tel Aviv. So it was very
15 scary times over there. We were training with the NBC 10:45
16 suits and all sorts of stuff, like, you know. So it
17 would be a combination of the overseas trip and the
18 recruit training incidents that probably I went to see
19 the psychiatrist, yeah.

20 38 Q. And after you'd been to see the psychiatrist, I think 10:45
21 you had a discussion with a colleague, is that correct?
22 A. Yeah, I went back to my unit and I got pulled aside by
23 a lad that worked in the office and he just --
24 obviously, he got wind of the word that I had an
25 appointment with -- nothing confidential, you see, so I 10:46
26 go in and I had an appointment with the -- I think the
27 psychiatrist told him, and he said to me 'Paul, look
28 it, I wouldn't be going up seeing him because if he
29 sends a report back to the CO in connection with what

1 you're saying or whatever, you could be downgraded',
2 which means you could lose your job or you'd be
3 shortlisted and you wouldn't get promotion and stuff
4 like that. It would be detrimental, like. So I didn't
5 go see him again, you know.

10:46

6 39 Q. And that view that he expressed, whether it be right or
7 wrong, do you think it was a generally held view?

8 A. It would be, yeah. It was generally held. It was
9 deemed as, yeah, mental health issues then were kind of
10 taboo, like, you know, so it'd deemed as there's
11 something wrong and then there'd be a question mark
12 over you, you know, so it would affect you, you know.

10:47

13 40 Q. In your statement to the Tribunal, what you said was
14 that:

15
16 "The warning from a colleague reflects a culture that
17 discouraged seeking mental health support, thereby
18 deterri ng complai nt or di scl osu res of personal i ssues."

10:47

19
20 Is that your view?

10:47

21 A. It would, yeah, yeah, because I was only whatever age I
22 was, mid 20s or whatever, and, like, the career ahead
23 of me, like, overseas, the courses and that, and to get
24 a phone call -- -if the CO got wind of the word, like,
25 I was attending then, I could be downgraded medically,
26 you know, so that fear would stop me from going there,
27 you know.

10:47

28 41 Q. In 1991, I think you were stationed with the Air Corps
29 in Baldonnell, is that correct?

1 A. 1991? No. It would be Gormanston.

2 42 Q. Gormanston, I beg your pardon.

3 A. No.

4 43 Q. And you were subsequently moved to Baldonnell?

5 A. Yeah, the reorganisation in 2012, yeah. 10:48

6 44 Q. I beg your pardon. So were you working in stores then
7 in Gormanston?

8 A. I was working in main tech stores, Gormanston, issuing
9 our aircraft spares and also refueling the planes, but
10 -- we were in charge of petrol and oil as well there, 10:48
11 so we had a combination of aircraft spares and we were
12 in charge of the refueling of the aeroplane, the fuel.

13 45 Q. Okay. So you told the Tribunal about what you
14 described as a tubbing incident, but you would you tell
15 the Tribunal today what happened? 10:48

16 A. Well, one day I was working in the stores, like, I was
17 giving out parts over the counter, Judge, and I think
18 six/seven guys, maybe more, came into the stores and I
19 was grabbed by the throat, the shirt, dragged across
20 three bays to a tub -- there was a corner of the hangar 10:48
21 outside the hangar and I was submerged in the tub, full
22 of a mixture of chemicals, oil and everything. All the
23 waste from the hangar was all put into this big tub.
24 There was actually a dead crow on top of the tub.
25 That's what I can remember, is this dead crow, was the 10:49
26 last thing I seen. Then I was totally submerged in it,
27 sometime in the early 1990s.

28 46 Q. And can you describe how that was done? Were you
29 tilted up or were you put in or how was it done?

1 A. Probably three on each side and then completely --
2 somebody got my head and completely down in the thing.
3 (INDICATING).

4 47 Q. Head first?

5 A. Oh, yeah, gone, completely destroyed, yeah. 10:49

6 48 Q. And were you the only person, do you think, to have
7 suffered that or was that more widespread?

8 A. No, I wouldn't have been the only one, but not
9 everybody was tubbed, that's all I have to say on that.
10 There was other guys tubbed and nothing was done, 10:49
11 nothing was done about it, to my knowledge, nothing
12 ever was -- there was no disciplinary action taken by
13 anybody that was tubbed or anybody that tried to tub
14 someone. Well, there wasn't many people tubbed, you
15 know. It wasn't, like, constant, it was just every now 10:50
16 and again you might hear of something, you know.

17 49 Q. But it was known to happen, is that right?

18 A. Yeah, it was known to happen, yeah.

19 50 Q. And who knew about it, to your knowledge?

20 A. Anybody that was in the place of employment. Anybody 10:50
21 that was in that barracks or in that unit knew what
22 happened. Because Gormanston was a small barracks
23 then, like, you know.

24 51 Q. And I think it's your belief that you have suffered
25 long-term effects from that incident? 10:50

26 A. Yeah. Look at my scalp, I've rash on my scalp, I've an
27 itchy scalp the whole time ever since that. It comes
28 and goes. It's an itchiness, redness, sometimes sores.
29 They come and go. That's all I have to say on that

1 really, you know.

2 52 Q. Okay. And did you make any complaint about that
3 incident?

4 A. No, I didn't. Like, again, there was nowhere to go.
5 There was no one to complaint with. No one would deal 10:51
6 with that. There was no way of dealing with that
7 because, I don't know, like, you just, you kind of
8 couldn't complain really in them days. You're still
9 talking about early 1990s/80s. No, there was no door
10 to knock on, saying 'These lads done this', you know. 10:51
11 There was nothing, you know.

12 53 Q. And the suggestion of weakness that you described
13 earlier, was that still alive at this time?

14 A. It would be, yeah. It would be, yeah. It was deemed
15 as a weakness going -- it would be like a cry-baby. 10:52
16 'He's only a cry-baby -- sure, look at him going
17 whinging to the Adjutant or the CO' or something like
18 that. Yeah, it would be deemed as a weakness, yeah.

19 54 Q. I think Gormanston ceased to be an operative base
20 sometime thereafter, but you remained in Gormanston 10:52
21 yourself for some years?

22 A. Yeah, it ceased to be in 2001. And the ACOS, the
23 aeroplanes were taken back to Baldonnell and there was,
24 I think, 30 of us left in Gormanston attached to camp
25 staff or the 27th Battalion. We still belonged to the 10:52
26 Air Corps. The only reason that we were allowed stay
27 in Gormanston was because we'd I think ten or more
28 years done in the Air Corps and they could not move you
29 back to Baldonnell because you done ten -- because

1 there was other units remaining in the same place of
2 employment. So I think military and legally-wise, they
3 had to leave us attached to Gormanston, if you chose
4 that way.

5 55 Q. But you ultimately were moved to Baldonnell? 10:53

6 A. Oh, yeah, in 2012, I think August 2012, I think two
7 officers came down and they gave us two weeks to lift
8 and shift. There was only ten of us left, we had to go
9 back to Baldonnell. So we got two weeks' notice. And
10 then they came back two weeks later and they said 10:53
11 they'd never do that again because they got their hands
12 slapped, 'but you have until 3rd December, another
13 three months, and then you're gone, back to
14 Baldonnell.'

15 56 Q. And you remained at Baldonnell from that time until 10:53
16 just last year?

17 A. From 3rd December 2012 to 27th of last year, 2025. I'm
18 the last one that was on the old Gormanston that stayed
19 there, yeah. I was medically discharged in 2025.

20 57 Q. Okay. So, in that period, you've described incidents 10:53
21 to the Tribunal from 1988 through to 1991, but you
22 stayed in the Forces right through until last year.

23 A. Yeah. I had a mortgage at the time, so... Yeah.

24 58 Q. I just want to ask you, do you think matters have 10:54
25 improved? Has the culture that you have described from
26 the earlier period, has it improved?

27 A. Yeah, it has improved. I won't say it hasn't. It has
28 improved. I think the -- in particular, they have the
29 outsourcing where you can go outside for if you have

1 problems with drink, alcohol, marriage, any sort of
2 financial problems, any sort of problems you have, you
3 can go outside to -- there's one or two companies, I
4 can't think of the name now -- Inspire or something
5 like that. There's a few of them, and they're very, 10:54
6 very good, and because you feel more comfortable
7 talking outside than you do inside, you know what I
8 mean, like? So I do...

9 59 Q. So, those services that you describe are really to deal
10 with what I might describe as social issues, is that 10:55
11 right?

12 A. Yeah, it can be more social issues, yeah, yeah.

13 60 Q. So if we speak about the internal issues, things that
14 you might wish to complain about, do you see an
15 improvement in that respect? 10:55

16 A. No.

17 61 Q. Not at all?

18 A. A little bit, but not much.

19 62 Q. Okay.

20 A. The confidentiality would be a big thing. 10:55

21 63 Q. You think that remains an issue?

22 A. That remains an issue, yeah.

23 64 Q. In what respects do you say it has improved?

24 A. Ehm...

25 65 Q. Do you think people are more aware of complaint 10:55
26 processes than they used to be?

27 A. That's exactly it. People are more aware. When we
28 joined in 1988 to the early '90s, we weren't aware of
29 anywhere to go to complain if there was anywhere to go,

1 and it was deemed a weakness -- you were a cry-baby or
2 a whinger, you know. But it has come on since then.
3 There is places to -- it has improved, yeah. But the
4 confidentiality would be the big question mark, you
5 know.

10:56

6 66 Q. And do you have any view yourself on how that problem
7 might be addressed?

8 A. Yeah, I have a view, actually. Whether you come in as
9 a young officer or you come in as a young recruit,
10 there should be an office or a door and you're told
11 when you come in, 'That's where you go if you have a
12 complaint about anything.' And I honestly think it
13 should be civilianised. There should be two civilians
14 in there, a male and a female, and they have some sort
15 of a link to whoever's in charge of that barracks so
16 they can sort out the issue there and then. Because I
17 think people feel more comfortable talking to civilians
18 than they do military. It's a kind of a trust thing,
19 you know, and confidentiality.

10:56

10:56

20
21 So, yeah, an office within the barracks with a male and
22 female, for obvious reasons because a lot of females
23 are joining now, and they're told when they come in,
24 whether it be a young Officer or a Cadet or a young
25 Recruit, 'That's where you go if you've any issues',
26 and they should be qualified enough. There should be a
27 link then from there to maybe the Commanding Officer or
28 somebody in the Army where they can iron out the issue
29 in the office, and that would be the end of it, you

10:56

10:57

1 know.

2 67 Q. So you think civilian involvement would be important?

3 A. Yeah, I definitely think civilian appointment would
4 help the Army go a long way because the confidentiality
5 is just, it's not there, you know.

10:57

6 MR. CUSH: Mr. Kavanagh, thank you very much. Some of
7 my colleagues will have a few questions for you.

8 A. Okay, thanks.

9 MR. CUSH: Thank you.

10 MR. MASTERSON: Chair, Louis Masterson. If I may be
11 permitted to put just a few short questions to
12 Mr. Kavanagh?

13 SOLE MEMBER: Yes, Mr. Masterson. Could I ask you to
14 turn on your microphone and move it as close as
15 possible to you? Thank you.

16 MR. MASTERSON: Yes, I beg your pardon.

17

18 MR. PAUL KAVANAGH WAS THEN CROSS-EXAMINED BY

19 MR. MASTERSON, AS FOLLOWS:

20

10:57

21 68 Q. MR MASTERSON: Mr. Kavanagh, thank you very much. Can
22 I just ask you a few very short questions, if I may?
23 In your original interviews - I think you did one with
24 Mr. Beirne, who's a member of the Tribunal legal team,
25 and you did a second one prior to today with Mr. Cush -
26 it was put to you several times whether or not you
27 complained after a number of the incidents that you've
28 highlighted today, and I think you said you didn't,
29 isn't that right?

10:58

1 A. Yeah, that's correct.

2 69 Q. When I was reviewing those transcripts, the closest
3 that I ever saw you to coming to complain, which is in
4 your first interview with Mr. Beirne - Judge, it's at
5 page 741, just for your ease of reference - I think you 10:58
6 were detailed to do some cleaning of chemicals in
7 relation to aircraft in Gormanston --

8 A. In Baldonnell.

9 70 Q. I beg your pardon.

10 A. Yeah. 10:59

11 71 Q. And at line 15, Judge, Mr. Beirne puts it to
12 Mr. Kavanagh, he says:
13
14 "Did you ever make a complaint about that?"
15 10:59
16 And a few lines down, at line 20, you said:
17
18 "I said it to loads. I said it to lads, the
19 technicians that I worked with."
20 10:59
21 And that, I think, is the closest I've ever seen you to
22 coming to complain. But looking back on it now, do you
23 believe that that complaint was dealt with
24 appropriately?

25 A. No, it wasn't, no. 10:59

26 72 Q. And why not?

27 A. Ehm, I honestly don't know why it wasn't dealt with. I
28 mean, I wasn't even an aircraft mechanic. I shouldn't
29 have been even up there helping out.

1 73 Q. And if you, as you say, you said it to loads, you said
2 it to the lads around you, were they your
3 contemporaries or would they have been senior to you?
4 A. No, they would have been senior and the same rank. But
5 they were aircraft mechanics. You have to remember 11:00
6 that when I was moved up to Gormanston, I was just put
7 in a hangar and told to clean the hangar.

8 74 Q. Okay.
9 A. So, I was just a caretaker. So when the plane came in
10 and it was whatever problems it was -- whatever leakage 11:00
11 was from the toilets or whatever it was, it was said to
12 us in the tea room or whatever, 'Now, all hands on
13 deck, everybody has to get into that aeroplane and
14 clean that aeroplane.' So, like, it was me as well,
15 even though I wasn't an aircraft mechanic -- because I 11:00
16 worked with them, but I wasn't an aircraft mechanic, I
17 was a cleaner.

18 75 Q. Okay. But I just want to bring you back specifically
19 to the complaints. You say you said it to loads of
20 people but nothing ever happened? 11:01
21 A. No, nothing ever happened.

22 76 Q. And would that be typical?
23 A. Yeah. Yeah. Yeah.

24 77 Q. And was that just for yourself or was that broadly
25 among Defence Forces persons? 11:01
26 A. No, I said it amongst -- I said it to all the -- I said
27 it among all the technicians that were in that
28 aeroplane, I said 'Look it, sure, I shouldn't be even
29 in here because I'm not mechanic, I shouldn't be even

1 in the aeroplane.'

2 78 Q. Okay, if I may, because I want to focus specifically on
3 the complaints, so I might just move on. Judge, if I
4 could refer in the same transcript of the same
5 interview at page 744, Mr. Kavanagh, you reference the 11:01
6 culture - this is to do with the tubbing - you
7 reference the culture in the Defence Forces and you say
8 it was like a hazing, that you were tubbed. To your
9 knowledge and to the best of your recollection, were
10 the more senior members aware of this sort of ritual or 11:02
11 hazing as you describe it?

12 A. Oh, totally. Oh, totally, yeah, yeah.

13 79 Q. And what was their response to it?

14 A. There was no action taken. There was no parades called
15 saying this has to stop. There was another incident 11:02
16 there maybe last year and we came to the decision -- no
17 one ever called us aside and said 'Look it, no more of
18 this lads, this shouldn't be happening.'

19 80 Q. Sorry, I mean, as far as I'm aware, this occurred in
20 the early 90s. Are you suggesting that there was -- 11:02
21 it's prevalent up until today?

22 A. No --

23 81 Q. You said last year? Or maybe I'm misunderstanding you,
24 sorry?

25 A. No, it was definitely prevalent in the 1990s. Because 11:02
26 we were there in the 1990s. It was prevalent in the
27 90s. Baldonnell, I believe, I wasn't in Baldonnell in
28 the early 2000s, but it was going on in Baldonnell in
29 the early 2000s as well, as far as I know.

1 82 Q. You describe it as a culture?
2 A. A kind of a culture thing, yeah.

3 83 Q. And can I ask you, Mr. Kavanagh, how would you describe
4 the culture generally within the Defence Forces to
5 raising complaints or concerns, in your experience? 11:03
6 A. No, you were looked upon, to me, you were looked upon
7 differently then if you did stick your head up above
8 the pulpit and complain or brought something, you were
9 looked at differently. In other words, you didn't go
10 with the flow, so you were kind of, you know, you 11:03
11 didn't fit in then, you know. You weren't made feel
12 relaxed making a complaint, you know, or you weren't
13 listened to. You were kind of put to one side, you
14 know.

15 84 Q. And am I to take it then that that culture would 11:03
16 discourage people from making complaints?
17 A. Yes. Yeah, definitely, yeah.

18 85 Q. You've said to Mr. Cush, you replied to one of his
19 questions and you said -- I mean, you are uniquely
20 positioned, Mr. Kavanagh, in that your career has 11:04
21 spanned almost the entire period within which this
22 Terms of Reference applies to, but you said in reply to
23 one of Mr. Cush's questions that people are more aware
24 of the complaints processes, but thereafter you went on
25 and you mentioned terms like "whinger" and "cry-baby". 11:04
26 Notwithstanding that people may be more aware of the
27 complaints processes, are they inclined to use them in
28 more recent years?
29 A. Ehm, I'm a bit 50/50 on that. Yeah, there is more of

1 an uptake on it. But when you look at the system, the
2 more career-minded lads are, they're not tending to go
3 forward because they're looking after their career.
4 They don't want to come forward to jeopardise their
5 career, so they're staying quiet and hopefully somebody 11:05
6 else might come forward, but they're not going to come
7 forward.

8 86 Q. So are the motivations for not making a complaint
9 largely the same as they were in the 1980s?

10 A. More or less, yeah, yeah, yeah. For a career-minded or 11:05
11 anybody that wants to get on, yeah, yeah.

12 87 Q. And I think Mr. Cush, and I'll finish on this, but I
13 think Mr. Cush touched on this; can I ask you,
14 Mr. Kavanagh, what would you most like to see change in
15 the Defence Forces as a result of this Tribunal? 11:05

16 A. Ehm, the thing I'd most like, I think I said it before,
17 would be, on entry level, when you come in, whether you
18 come in at ordinary ranks or an Officer, you should be
19 sat -- you should be told 'There is the door, there's
20 the office, that's the location, that's the 11:05
21 extension number and you're to go there if you have any
22 complaints, anything wrong, you go there because...' --
23 yeah. It should be manned by civilians.

24 88 Q. And I said that would be my last question, but I just
25 have one more, if I may. 11:06

26 A. Yeah.

27 89 Q. If there was an external complaints procedure that was
28 manned by civilians, how would that specifically
29 encourage people to come forward?

1 A. It would greatly, yeah, an external one, yeah.

2 90 Q. But would people not still be labelled potentially as
3 whingers or cry-babies, to use your own words?

4 A. Yeah, they probably would, yeah. Yeah. Yeah.

5 91 Q. Is there anything that could be done to protect that? 11:06

6 A. Ehm...

7 92 Q. If you don't know, that's fine.

8 A. Not really. The only thing I have to say is, like,
9 people in the military feel more comfortable talking to
10 civilians than and for them to have some link then with 11:07
11 the military to deal with the issue that that person
12 has. Because talking to a military person is just not
13 the same. It's just, you know, you don't feel the
14 confidentiality's there, you know, so...

15 MR. MASTERSON: Thank you very much, Mr. Kavanagh. 11:07

16 THE WITNESS: No problem.

17 MR. MASTERSON: Thank you, Judge.

18

19 MR. KAVANAGH WAS then CROSS-EXAMINED BY MR. LEHANE, AS
20 FOLLOWS: 11:07

21

22 MR. LEHANE: Yes, Judge --

23 SOLE MEMBER: Mr. Lehane, could I ask you to use a
24 microphone?

25 93 Q. MR. LEHANE: I will, indeed. Thank you very much, and 11:07
26 thank you to Mr. McCann for turning it on.

27

28 Mr. Kavanagh, my name is Darren Lehane and I am a
29 barrister who's representing the Defence Forces. So,

1 I'm going to ask you some questions. I'm going to deal
2 with three broad subject headings: Firstly, your role
3 and my role; secondly, your experience of the Defence
4 Forces today; and, finally, your experiences of the
5 Defence Forces in the past, okay?

11:08

6
7 But before I do that, I just want to acknowledge that
8 this is a stressful experience, I appreciate this is a
9 stressful experience, and it's very important that if
10 you don't understand something that I'm saying or I'm
11 speaking too quickly or you'd like me to repeat myself,
12 just stop me and say 'Can you clarify what you mean by
13 that, Mr. Lehane, or can you repeat yourself?', okay?

11:08

14 A. Okay, yeah.

15 94 Q. So, firstly, in respect of your role and my role, I
16 just want to explain the reason I'm asking you
17 questions and the context in which I'm doing it, if I
18 may. You're aware, because you were sitting at the
19 back of the room, that the Judge explained at the start
20 of today's session that the Tribunal isn't
21 investigating whether allegations of abuse are true or
22 not --

11:08

11:09

23 A. (Witness Nods).

24 95 Q. Yeah, you're nodding, yeah?

25 A. Yeah.

11:09

26 96 Q. It's looking into whether complaints of abuse were
27 deterred or whether there was a culture that
28 discouraged the making of complaints of abuse.

29 A. Yeah.

1 97 Q. And, consequently, the Tribunal isn't going to make a
2 finding of whether an individual allegation of abuse is
3 true or not.

4 A. I understand.

5 98 Q. And the reason you're telling the Judge about your, you 11:09
6 know, experiences and the allegations of abuse you're
7 making is to enable the Judge to properly contextualise
8 how those complaints were dealt with or why you didn't
9 make a complaint. Are you with me?

10 A. (Witness Nods). 11:10

11 99 Q. Okay. As a result of that, Mr. Kavanagh, I just want
12 to tell you at the outset that I won't be asking you
13 any questions about the individual allegations of
14 abuse, right, with a view to working out whether
15 they're true or not, okay? So are you with me? 11:10

16 A. Yeah, I am.

17 100 Q. So that's my role. In terms of your role,
18 Mr. Kavanagh, I think you'll agree with me you're here
19 to speak to what happened to you?

20 A. (Witness Nods). 11:10

21 101 Q. Yes?

22 A. Yeah.

23 102 Q. And to speak to how you feel now and how you felt at
24 the time in the past?

25 A. Yeah. 11:10

26 103 Q. And I think you'll agree with me, Mr. Kavanagh, that if
27 you were to comment on how other people feel, that
28 would be speculation on your part, because you're not
29 there?

1 A. Yeah, I understand, yeah.

2 104 Q. And similarly, you can't comment on what happened to
3 other people unless you were there and saw it or heard
4 it?

5 A. (Witness Nods). 11:11

6 105 Q. Nothing controversial in any of that, Mr. Kavanagh?

7 A. Yeah.

8 106 Q. So, having dealt with that first topic I wanted to deal
9 with in terms of our respective roles, I want to move
10 to the second subject that I said I was going to deal 11:11
11 with, your experiences in the Defence Forces today.
12 Okay? And in fairness to you, you very fairly
13 explained during the course of your interviews, okay,
14 and you very fairly stated today in your evidence to
15 the judge that the Defence Forces today is, in your 11:11
16 opinion, a different place to the Defence Forces in the
17 past in terms of complaint processes?

18 A. Yeah.

19 107 Q. And again, you told the Judge, in answer to questions
20 raised by Mr. Cush in his examination earlier on, that 11:11
21 the Defence Forces is a better place in terms of making
22 complaints now to what it was in the past?

23 A. Yeah.

24 108 Q. And you told Mr. Cush -- or, sorry, you told the Judge,
25 in answer to a question from Mr. Cush, that you were 11:12
26 drawing a distinction between what I might call the
27 pastoral or, you know, support services, which you say
28 are good, yes?

29 A. Externally, the ones, yeah.

1 109 Q. And then the complaint services, the internal complaint
2 processes, which you say have improved, but in your
3 view, you know, it seems to be based on building trust
4 internally?

5 A. Yeah.

11:12

6 110 Q. So, that's what I wanted to just clarify, or get you to
7 say again to the judge in terms of the Defence Forces
8 today.

9

10 The third subject that I want to deal with, as
11 outlined, is your past experiences in the Defence
12 Forces. And again I'm only concerned, Mr. Kavanagh, as
13 I said, with the complaints processes. And to
14 contextualise that, at least for myself, I'd like to
15 just ask you some questions about the training you
16 received when you joined the Defence Forces. Do you
17 remember, when you joined the Defence Forces, the
18 training you received?

11:12

11:13

19 A. I do, yeah.

20 111 Q. Do you want to just tell the Judge briefly what form
21 that training took?

11:13

22 A. Yeah, it was six months, made up of drill, barrack
23 drills, marching. Then you were two or three weeks on
24 the ground. They prepped us how to survive on the
25 ground, how to train on the ground, combat, section
26 attacks. So that was about eight weeks into it, you
27 were two or three weeks on the ground. The first few
28 weeks, we were in barracks, basic stuff like how to
29 look after yourself, a bit of hygiene, clean shaven,

11:13

1 dress properly and boots - boots was a big thing then.
2 Just general how to keep yourself clean and tidy and be
3 on time. And then the marching and that stuff, then
4 two weeks on the ground. Then you passed out after 16
5 weeks, I think. And then you done an eight-week three 11:14
6 star course, which would be map reading and all other
7 stuff like that. So it was a bit more relaxed, the
8 three star course. The recruit training was hard and
9 fast, very tough, like, you know. The first one, you
10 come into a military setting, it is tough, like, you 11:14
11 know. So, yeah, that was the recruit training.

12 112 Q. So, in terms of the training that you've described to
13 the judge there in terms of the first bit, as a raw
14 recruit, if I can use that expression, and the second
15 in terms of the three star course, am I correct in 11:15
16 understanding that you have the physical element to the
17 training?

18 A. Yeah, very -- yeah, very, very, very, very tough, like,
19 you know. So...

20 113 Q. And secondly, you receive a series of kind of course of 11:15
21 instruction in Army life? You've described there
22 hygiene, for example, turning up on time, the rhythm of
23 Army life, is that right?

24 A. Yeah, well, it was kind of drilled into you. And, I
25 mean, if you were late for anything, you kind of done a 11:15
26 few laps of Cathal Brugha barracks, you know. So you
27 wouldn't be late again, like, you know.

28 114 Q. I think somebody said to me once, in the Army it's a
29 case of you can do things three ways: Properly,

1 incorrectly and again.

2 A. That's correct, yeah.

3 115 Q. Would that be a fair assessment?

4 A. That's it.

5 116 Q. But just in terms of your training you received in Army 11:15
6 life, did you receive training in how the Army is
7 structured in terms of who to -- your interactions with
8 various people?

9 A. No.

10 117 Q. Okay. 11:16

11 A. No. No.

12 118 Q. Is it that you can't remember it, or you're saying it
13 didn't happen?

14 A. No, I think that's the one thing that's changed. When
15 you went in, you just had to -- you survived amongst 11:16
16 the lads you were training with. You knew nothing
17 about -- you knew nothing. And you definitely knew
18 there was nowhere to go to complain. You didn't know
19 anything about the military law, you didn't know
20 anything about military law or anything like that. So, 11:16
21 yeah, you were just thrown in, a group of lads
22 together, and you had to survive. But you weren't told
23 anything about anything, there's anything else. You
24 weren't told anything about military life or
25 regulations or anything like that, you know. 11:16

26 119 Q. Can you help the Judge; in your memory, do you remember
27 any of the lectures or talks you received during the
28 course of your training?

29 A. During the course of my training, there was none

1 really. It was just the general kind of on the ground
2 stuff, how to survive on the ground. That was it
3 really. There was no courses, courses, courses like
4 there is now, like. It's different.

5 120 Q. If somebody was to say that they received training or 11:17
6 instruction or benefited from a talk about how the Army
7 is structured, the rules and regulations at that time,
8 would they be incorrect?

9 A. Ah, they'd be incorrect, yeah. Because you weren't,
10 kind of you weren't told anything in them days when you 11:17
11 got in, you just had to do what you were told and...
12 and just do what you were told and be on time. But you
13 weren't told about anything, you know.

14 121 Q. Now, again I think, just moving off that, in terms of 11:17
15 your experience in the Defence Forces, you were there
16 in the '80s, you were there in the '90s, you were there
17 in the noughties, the tens and you retired last year,
18 is that right?

19 A. Yeah, I was medically discharged in '25.

20 122 Q. And I think you told Mr. Cush that you were aware of 11:17
21 the Redress of Wrongs process in the 1990s?

22 A. I think it came in. But I didn't even know, I wasn't
23 sat down and told 'This is how the redress thing
24 works.' when I heard "redress", I hadn't, I actually
25 hadn't a clue what that meant or how do you go about 11:18
26 that. But looking at lads that, over the next ten
27 years, that went down the redress road, they never
28 really progressed in their career, like they never
29 really, you know. That's just my opinion.

1 123 Q. Thank you, Mr. Kavanagh. In relation to the incident
2 in 1988/1989, the hair shaving incident where you've
3 described to the judge there - and again I'm not
4 concerned with whether it happened or not, I'm
5 concerned with how it was investigated - and again, 11:18
6 just when you're answering my questions, bear in mind
7 what the judge said about naming people and whatnot.
8 A. Yeah.

9 124 Q. You described being brought into a room with a table of
10 two or three Officers and asked what happened. 11:18
11 A. Yeah. That was on a Monday morning after it happening
12 on a Friday.

13 125 Q. And you've given three different statements to the
14 Tribunal and you had two different interviews, but in
15 fairness to you, this was the one that you dealt with, 11:19
16 I think, in your first statement, isn't that right?
17 A. Mm-hmm.

18 126 Q. Where you talked about, you know, the recruit training
19 incident, and you describe it. Again, just, this is
20 for the Judge, on page 710 of the papers, Judge. I'm 11:19
21 not going to ask for it to be put on the screen. But
22 you describe this and you say that you were brought in
23 front of the panel of Officers, yes?
24 A. Yes, that's correct, yeah.

25 127 Q. And again, you didn't name the individuals in your 11:19
26 statement. And you say that you were instructed to
27 keep your mouth shut and to wear a, what you describe
28 as a skip cap over the weekend and at all times
29 thereafter and instructed not to go to the media under

1 any circumstances?

2 A. That is correct. A monkey hat, yeah. We were told for
3 two or three weekends 'You won't be getting out next
4 week, but you probably might get out the weekend after
5 that. And you've to wear a monkey hat for the next few 11:20
6 weekends when you go home after that.'

7 128 Q. And in fairness, you've described to the judge the
8 impact that you say that this incident had on you.

9 A. Yeah. Well, we were mockingly referred to as, it was
10 massive then, because we were mockingly referred to as 11:20
11 the Brugha six. I think that may be in connection with
12 the Birmingham Six or something. We were called the
13 Brugha six, you know.

14 129 Q. But in terms, I suppose, from my perspective as
15 representing the Defence Forces and the Judge's 11:20
16 perspective as trying to look into a process by which a
17 complaint is dealt with or processed, you'd agree with
18 me that, you know, it's important that you're able to
19 identify the individuals with a view to contacting
20 them, with a view to saying, 'Look, did this happen on 11:20
21 this date,' to enable everybody to find out what
22 happened?

23 A. Yeah.

24 130 Q. And you haven't given the identities to the Tribunal of
25 the individuals? 11:20

26 A. No.

27 MR. LEHANE: Sorry, just bear with me. So,
28 Mr. Kavanagh, thank you. Again, as I said, my
29 questions are focused on what the Tribunal is

1 interested in --

2 THE WITNESS: Like, in them days in the '80s, like,
3 there was no phones and media wasn't as rampant as it
4 is now. So it was the newspapers the three Officers,
5 they said 'You're not to go to the media,' which was 11:21
6 newspapers, 'and you've to say nothing to no one.' In
7 other words, just keep your mouth closed. And if you
8 opened your mouth, you were gone out of the Army and
9 that was it, you know.

10 MR. LEHANE: Thank you very much, Mr. Kavanagh. 11:21

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

12

13 MR. KAVANAGH WAS CROSS-EXAMINED BY MS. McGRATH AS
14 FOLLOWS:

15 11:21

16 131 Q. MS. McGRATH: Good morning, Mr. Kavanagh. My name is
17 Sinéad McGrath and I'm just one of the counsel for the
18 Minister for Defence.

19 A. Yeah, Sinéad, yeah.

20 132 Q. And, Mr. Kavanagh, I really, I've just one very brief 11:21
21 question for you.

22 A. No bother.

23 133 Q. I think a very important part of your evidence today
24 was you were asked on two occasions what you would like
25 to see changed and I think when Mr. Cush put it to you 11:21
26 do you have a view on what you would like to see now -
27 and this is in relation to the complaints processes
28 themselves. And can I just summarise what I think your
29 answer was, is that you envisaged that there's

1 something on-site, there's an office, there's a door,
2 there's a number, you can walk through that door and
3 you feel comfortable, you have trust in confidentiality
4 and there's civilians dealing with you, a point of
5 entry. Is that a fair summary of how you see it? 11:22

6 A. That's how I see it. And it should be instructed to
7 the recruit or the young cadet on day one of his
8 introduction in the Army, he should be -- that should
9 be pointed out to him, that hopefully there might be
10 something down the line, there might be an office he 11:22
11 can go into with civilians, both a male and a female,
12 where you can get it off your chest, say what's wrong -
13 it mightn't be wrong or it could be wrong - but they'll
14 link up with a military source and they'll sort it out
15 there and then. 11:22

16 134 Q. And I think you said that, when you were answering
17 Mr. Cush, you said there would be a link from there to
18 a Commanding Officer, who can then iron out the
19 problem. Is that a fair summary of your answer?

20 A. That is a fair summary. Because I think you'd feel 11:23
21 more relaxed talking to a civilian and to know that
22 there's somebody else watching, there's somebody else,
23 you know.

24 135 Q. And I think it's something which you see as being
25 visible, it's on-site and -- 11:23

26 A. And it should be pointed out to them straightaway on
27 entry when they come in.

28 136 Q. And I think, the only reason I'm asking you that is
29 when your barrister, Mr. Masterson, was asking you

1 should there be an external complaints process, manned
2 by civilians, it's just that I think what you are
3 saying is that you're seeing something visible,
4 immediate and on-site, with civilian involvement?

5 A. Yeah.

11:23

6 137 Q. Is that your evidence?

7 A. Yeah.

8 MS. McGRATH: Okay, thank you, Mr. Kavanagh.

9 SOLE MEMBER: No bother. Thanks.

10 MR. CUSH: No questions.

11:23

11 SOLE MEMBER: Thank you very much, Mr. Kavanagh. I
12 don't have any questions for you. So, I thank you for
13 giving evidence to the Tribunal.

14

15 I will pause proceedings now. We'll meet again at
16 2 p.m. The witness who will give evidence at 2 p.m.
17 will be giving evidence otherwise than fully in public.
18 And just before proceedings commence, you will be asked
19 to remain in the room in order to protect the identity
20 of the witness. So, I would thank everybody for their
21 co-operation in this regard. Thank you very much.

11:23

11:24

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23 THE HEARING WAS THEN ADJOURNED UNTIL 2 P.M.

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1 THE HEARING RESUMED AS FOLLOWS AT 2 P.M.

2
3 SOLE MEMBER: Good afternoon.

4 MR. CUSH: Good afternoon, Chair. Chair, it was
5 proposed that the next witness was intended to be a 14:16
6 Ms. T. And just some short time ago, Judge, we have
7 become aware of two volumes of potentially relevant
8 documentation which we have not seen before and in
9 respect of which we don't have a statement from Ms. T.
10 And without saying anything about how that has come to 14:16
11 pass at the moment, it's a situation which I have to
12 regrettably suggest makes it inappropriate that we
13 would proceed with the evidence of Ms. T this
14 afternoon. And that's very unfortunate, most
15 particularly for Ms. T herself, for whom this must be a 14:16
16 difficult experience. It's also unfortunate for the
17 Tribunal and for the parties in attendance. But it is,
18 regrettably, my view that that is what should ensue. I
19 think if we were to proceed without a consideration of
20 this documentation and without some statement as to its 14:17
21 potential relevance, we would proceed in a way that
22 wouldn't best serve the interests of justice.

23
24 So, in those circumstances, I'm suggesting to you,
25 Judge, that we adjourn the witness to a date not yet to 14:17
26 be fixed, but to be within this module and, therefore,
27 not later than July of this year. We request a
28 supplemental statement from the witness in relation to
29 the documentation and I think Mr. Bradley is agreeable

1 to a period of seven days, if that meets with your
2 approval, Judge, for the delivery of that statement,
3 and that the documentation would be furnished to us
4 immediately.

5
6 So, on that basis, therefore, Judge, I'm making that
7 application for an adjournment. And I think I'm
8 correct in saying that none of the interested parties
9 are objecting to that application, but you may wish to
10 hear them.

11 SOLE MEMBER: Thank you, Mr. Cush. Does any party wish
12 to make any submission on the application that has been
13 made?

14 MR. McGUI NNESS: Judge, as you know, I appear on behalf
15 of the Minister for Defence in this matter. And
16 obviously documents are normally produced either
17 voluntarily or by discovery, but the Tribunal has a
18 procedure which deals with documents which are intended
19 to be referred to.

20 SOLE MEMBER: It does.

21 MR. McGUI NNESS: And the Minister has no difficulty in
22 the Tribunal adhering to its own procedures giving
23 effect to that, to allow for the orderly production and
24 redaction of them, if necessary, and the circulation to
25 all the parties. So the Minister has no objection to
26 Mr. Cush's application.

27 SOLE MEMBER: Thank you, Mr. McGuinness.

28 MR. McCANN: Similarly, Judge, as you know, I appear
29 for the Defence Forces and I, similarly, have no

1 objection. Thank you, Judge.

2 SOLE MEMBER: Thank you, Mr. McCann. Well, it is
3 frustrating to hear that the application has to be
4 made, particularly having regard to the work that has
5 gone into preparing for these public hearings, and it 14:19
6 is particularly difficult, as Mr. Cush has said, for
7 the witness who was to give evidence today.

8
9 The Tribunal is working in the public interest and the
10 public is entitled to have its proceedings presented in 14:19
11 an orderly and an efficient manner and if a statement
12 -- if a supplemental statement is required of the
13 witness, then it is only proper that she be given an
14 opportunity to provide such a statement.

15
16 I note that the supplemental statement will be with the 14:19
17 Tribunal within seven days of today's date and that the
18 documentation in question will be furnished
19 immediately.

20
21 So, in these circumstances, I will grant the 14:20
22 application to adjourn the proceedings and will notify
23 the parties as to when the evidence of the next
24 witness, who was due to give evidence today, will
25 actually be taken by the Tribunal. Thank you very much 14:20
26 to the parties.

27 MR. CUSH: Thank you, Judge.

28 THE HEARING WAS THEN ADJOURNED UNTIL WEDNESDAY, 10TH
29 JUNE 2026 AT 10:30 A.M.

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