

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, 2ND JULY 2026 - DAY 17

17

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APPEARANCES

FOR THE DEFENCE FORCES TRIBUNAL :	MR. AEDAN McGOVERN SC MR. MICHAEL CUSH SC MS. LALITA MORGAN PILLAY BL MR. TIM O'HANLON BL
INSTRUCTED BY:	MR. JOHN V. NOLAN, SOLICITOR
FOR THE DEPARTMENT OF DEFENCE:	MR. DIARMAID McGUINNESS SC MS. SINEAD McGRATH SC MS. RUTH MYLOTTE BL MR. KARL SHIRAN BL
INSTRUCTED BY:	MS. SARAH MAGUIRE MS. GRAINNE HYNES SOLICITOR CSSO
FOR THE DEFENCE FORCES:	MR. PATRICK McCANN SC MR. DARREN LEHANE SC MS. ELIZABETH DONOVAN BL MS. CAROLINE A. CARNEY BL
INSTRUCTED BY:	MR. RONAN COTTER SOLICITOR CSSO
FOR SEVERAL WITNESSES REPRESENTED BY COLEMAN LEGAL :	MR. GARY COMPTON SC MR. PATRICK MARRON BL MR. ALAN BRADY BL MR. LOUIS MASTERSON BL
INSTRUCTED BY:	COLEMAN LEGAL LLP
FOR AN INDIVIDUAL REPRESENTED BY SEAN COSTELLO SOLICITORS:	MR. PAUL McGARRY SC MR. TOM HOGAN SC MR. PADRAIG LYONS BL
INSTRUCTED BY:	MR. SEÁN COSTELLO, SOLICITOR SEAN COSTELLO SOLICITORS

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1 THE TRIBUNAL RESUMED ON THURSDAY, 2ND JULY 2026 AS
2 FOLLOWS:

3
4 SOLE MEMBER: Good morning, everybody. Mr. Cush, in
5 advance of calling the witness, I would just like to 10:31
6 remind people of the Tribunal's obligation to ensure
7 that constitutional justice and fair procedures are
8 observed in all proceedings before the Tribunal. And
9 for that reason, the Tribunal has made an order that no
10 report of the proceedings of the Tribunal held today on 10:31
11 2nd July 2026 containing material or information likely
12 to lead members of the public to identify a person as
13 an alleged perpetrator of abuse, or likely to lead
14 members of the public to identify a person as a person
15 against whom a complaint of abuse has been made, shall 10:32
16 be published in any written publication available to
17 the public, or be broadcast in any format by members of
18 the media or by any media organisation or by any person
19 or persons. Thank you, Mr. Cush.

20 MR. CUSH: Good morning, Judge. Our witness this 10:32
21 morning is 2 Lt. B.

22 SOLE MEMBER: Thank you.

23
24 2 LT. B, HAVING BEEN SWORN, WAS DIRECTLY EXAMINED BY
25 MR. CUSH, AS FOLLOWS: 10:32

26
27 1 Q. MR. CUSH: Good morning. 2 Lt. B, as you are aware,
28 the Tribunal is investigating the effectiveness of the
29 complaints processes and the culture within the Defence

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

10 A. Yes, Mr. Cush. 10:33

11 2 Q. Thank you. I think it's the case that you had no
12 family background in the Defence Forces, is that
13 correct?

14 A. That's correct.

15 3 Q. You, yourself, had been a member of what's now known as 10:33
16 the Reserve Defence Forces, I think, from the age of
17 16, is that right?

18 A. Yes.

19 4 Q. You completed your Leaving Cert and you joined the
20 Cadet School at the Military College in The Curragh? 10:34

21 A. Yes.

22 5 Q. That was in December 1987 and, at that time, you were
23 aged 18-and-a-half-years?

24 A. Yes.

25 6 Q. You underwent, as I understand, three cycles of six 10:34
26 months of training at the Cadet School, is that
27 correct?

28 A. That's correct.

29 7 Q. Could you describe those cycles for the Tribunal,

1 please?

2 A. So, the 18 months is organised into three separate
3 periods, roughly calculated in three by six months.
4 The first is that period which -- I don't have the
5 Syllabus of Training available to me from 1987, but it 10:34
6 follows that fairly stringently and it brings you from
7 a person walking in from the street to what is
8 sometimes referred to as Two Star rank. Obviously,
9 it's slightly different because you're a cadet in your
10 first year. Then the middle of the six month periods, 10:35
11 you're advanced to a further level. And the final is
12 bringing you into an assessment as to whether you are
13 or are not to be commissioned.

14 8 Q. And is it broken down in terms of military training,
15 academic training; can you give us a bit more detail? 10:35

16 A. If I recall correctly, the first six months would be
17 very, ehm, I think weighty in terms of the military
18 training, foot drill, arms drill, weapons. There were
19 three weapons, if I remember correctly, that you would
20 have to become -- or retain a certain level of 10:35
21 proficiency in. And I think from kind of the end of
22 the first six months, you started getting more
23 academic. You were getting lectures on the
24 Constitution, perhaps, and history of the Defence
25 Forces. You might call it civics at the time. I'm not 10:36
26 sure what it would be referred to as today.

27 9 Q. And taking the 18 months of training in the round, to
28 what extent do you believe the training was designed to
29 teach leadership skills?

1 A. I think leadership training, and the appreciation of
2 leadership in 1987-89 was very much based on a kind of
3 a historical appreciation, maybe a philosophical
4 approach to leadership, and certainly didn't approach
5 it as it would be today, where leadership would also be 10:36
6 supported by command and, particularly, management
7 philosophy and theory.

8 10 Q. In interview, you said it was different to the current
9 thinking of understanding your audience. And you said
10 there wasn't a lot of empathy in the training? 10:36

11 A. That's absolutely correct.

12 11 Q. So, when we speak of that time, we're currently
13 speaking about the training, do you understand?

14 A. Yes.

15 12 Q. Because we'll come in a moment to what were at that 10:37
16 time said to be the duties of a platoon commander, do
17 you understand?

18 A. Yes.

19 13 Q. All right, well, we'll come to that.

20 A. Yes. 10:37

21 14 Q. When you graduated from Cadet School, you automatically
22 graduate as a 2nd Lieutenant; isn't that so?

23 A. At that time, yes.

24 15 Q. That was a commissioned rank?

25 A. Yes. 10:37

26 16 Q. I think the lowest commissioned rank, but a
27 commissioned rank?

28 A. Correct.

29 17 Q. And that was June of 1989?

1 A. 15th or 12th June. I stand to be corrected on that.

2 18 Q. And you were initially posted to the Air Corps?

3 A. Yes.

4 19 Q. But it transpired you had vertigo?

5 A. That's correct. 10:37

6 20 Q. So in August 1989, you were posted to Devoy and you

7 arrived in September, is that correct?

8 A. Again, I would have to stand corrected on the precise

9 posting date, but just because the date would be

10 de jure, I can't say exactly. There were some residual 10:38

11 duties that I had to perform in Baldonnell and that

12 meant there was days in both locations.

13 21 Q. I think this posting, as I've described, takes the form

14 of a phone call telling you that you are now Platoon

15 Commander and you are to turn up in Devoy; is that 10:38

16 right?

17 A. Essentially, that would have been the passage of

18 communications in 1989. It would have been regarded as

19 a non-formal communication.

20 22 Q. Yes. And short notice, I think? 10:38

21 A. Oh, yes, indeed.

22 23 Q. And platoon commander is not a distinct rank, if I

23 understand correctly; it's a position, is that right?

24 A. That's correct.

25 24 Q. So, jumping forward in time, you left Devoy in July 10:38

26 1991. You ultimately spent a total of 36 years in the

27 Defence Forces, I think, some of which were happy, some

28 not so happy?

29 A. Yes.

1 25 Q. And then you, ultimately, retired with the rank of --
2 can you just confirm your --
3 A. Colonel.
4 26 Q. Colonel?
5 A. Yes. 10:39
6 27 Q. Okay. Just going back, then, to your arrival in Devoy,
7 this is September 1989. I think you told us in
8 interview that some of the apprentices in the 34th
9 Platoon were already there by the time you arrived?
10 A. That was my recollection. And continued to arrive in a 10:39
11 kind of a piecemeal fashion for about two months.
12 28 Q. Exactly, a kind of a straggled intake, which possibly
13 doesn't lend itself to coherent training?
14 A. I think it was quite disruptive for the guys themselves
15 because it meant there was constantly, I suppose, a 10:39
16 process ongoing where guys had to be inducted, issued
17 uniform, all the rest of it. So -- and this, of
18 course, was, for some of them, in the middle of -- or
19 the start of the school term.
20 29 Q. I think you have probably seen the statement from 10:40
21 Col. Fred O'Donovan about the command structure in
22 Devoy Barracks?
23 A. Yes.
24 30 Q. And I think you agree with his description of it?
25 A. I -- I don't disagree with it, I suppose. It's quite 10:40
26 detailed, yes.
27 31 Q. Yes. In his statement, he also appended a document in
28 relation to the various duties of various ranks and
29 positions, isn't that so?

1 A. Yes.

2 32 Q. I just want to draw your attention then to some of the
3 duties that are said to belong to the Platoon
4 Commander, and I'll show you a document, if you just
5 bear with me. [Short pause]. Page 433. And I think 10:40
6 you told us in interview that either an identical
7 document or a virtually identical document was in place
8 in your time, is that correct?

9 A. I don't see anything that I would disagree with here.

10 33 Q. All right. So, just looking at paragraph 286 on the 10:41
11 screen:
12
13 "They are responsible for the training of their
14 platoons and for assisting the company commander in the
15 carrying out of company administration and discipline." 10:41
16
17 You would agree with that?

18 A. Yes.

19 34 Q.
20 "They shall also ensure the proper development of the 10:41
21 apprentice in his platoon in all aspects of the
22 training, i.e. both military and technical."
23
24 That's said to be a duty?

25 A. Just, I mean, the term "proper development", I think it 10:42
26 came up in the interview with you. I would have had
27 no, I suppose, involvement in the technical
28 development. That was very much the preserve of the
29 school and the technical instructors.

1 35 Q. And 289:
2
3 "They will acquaint themselves thoroughly with all
4 apprentices in their platoon through interviews and
5 involvement in training and sports. They should be 10:42
6 aware of all problems, personal and non-personal, and
7 be in a position to get to the root of these troubles."
8
9 So, could I just suggest to you, looking at 289, in
10 particular, that the training that you've described 10:42
11 doesn't equip you for that duty at 289; would you agree
12 or disagree?
13 A. I agree.
14 36 Q. I think when I asked you in interview whether you felt
15 that you had the experience or training to discharge 10:43
16 these duties, you said "not at all"?
17 A. I think that is what I said, yes.
18 37 Q. And is that your evidence today?
19 A. Yes, it is, Mr. Cush.
20 38 Q. There is another aspect of Mr. O'Donovan's statement I 10:43
21 just want to bring to your attention. At paragraph 14
22 of his statement - I'll give you a page number now...
23 Page 390. Oh, I beg your pardon, that's the command
24 structure. I'm so sorry. If you turn on to
25 paragraph 31 on page 396, do you see there 31(a): 10:44
26
27 "Complaints generally."
28
29 And Mr. O'Donovan is saying:

1
2 "During induction and training, and reinforced
3 throughout their training, apprentices were briefed and
4 made aware through publication of Standing Orders,
5 Talks to Troops and Routine Orders, that formal 10:44
6 mechanisms existed through which they could make
7 complaints. This procedure was not limited to the
8 Redress of Wrongs mechanism that existed at the time,
9 but also complaining to their commanding officer and
10 the submission of a grievances to a prescribed officer, 10:44
11 when said officer is inspecting the unit or
12 installation."

13
14 Now, was that your understanding of the process at the
15 time? 10:44

16 A. Yes, Mr. Cush.

17 39 Q. And what do you say about the implementation of that?

18 A. So, the Syllabus of Training for the apprentices was
19 set out and that was to be followed in relation to
20 their military training, and that would have prescribed 10:45
21 various aspects, whether that was formal instruction in
22 aspects of Defence Forces Regulation A7, or, in
23 particular, the aspects dealing with what's called the
24 Redress of Wrongs procedure, which is about complaints,
25 and also how to enter a grievance. These were dealt 10:45
26 with by way of periods of instruction that I, and
27 others, would have delivered.

28
29 In addition to that, there was regular -- an attempt

1 every week to have Talks to Troops, and the Talks to
2 Troops is a description for -- you know, it could be
3 what's happening for the week, ehm, and that would
4 include various details. It could be dealing with
5 complaints that were raised because, as well as the 10:45
6 Redress of Wrongs, which is, of course, pursuant to
7 Section 114 of the Defence Act and the Defence Forces
8 Regulation A7 prescriptions, there were local means of
9 making complaints, complaints about food, complaints
10 about tool kits and all the rest of it. So there's a 10:46
11 way for people to raise complaints and, as I remember,
12 that was made known, if I can put it that way.

13 40 Q. Okay. I just want to break that down a little, if I
14 may?

15 A. Yes. 10:46

16 41 Q. The Talks to Troops may have taken place weekly but I
17 don't think you're suggesting, or are you, that on
18 every occasion, every week, it would have included a
19 discussion on complaints processes?

20 A. No, not at all. The prescriptive element would have 10:46
21 related very much to a requirement that this
22 information be published quarterly and how that was, I
23 suppose -- the term at the time was "promulgated", and
24 this was, essentially, where the relevant extracts of
25 the regulation were placed on the noticeboards that 10:47
26 were located around the barracks.

27 42 Q. So did you understand the essential obligation to
28 promulgate or publish the existence of the complaints
29 processes quarterly?

1 A. That's the regulatory requirement and the Syllabus of
2 Training - which I see is listed here at 31(b) - would
3 have required specifically programmed period of
4 training, in addition.

5 43 Q. Okay. And I think you told us earlier that you say 10:47
6 that you delivered some of this?

7 A. Yes.

8 44 Q. And how did you deliver it?

9 A. So, these were the days long before PowerPoint or, you
10 know, it was literally reading it out and inviting 10:47
11 questions, you know. It wasn't really a situation
12 where -- you didn't have a huge amount of aids to
13 instruction.

14 45 Q. So, you read out --

15 A. Yes. 10:47

16 46 Q. -- what, a regulation, is that right?

17 A. Not the entirety of the Regulation. I know that the --

18 47 Q. The relevant parts?

19 A. Well, you are, I think, in possession of the amended
20 regulation. The Regulation in 1989 wouldn't have been 10:48
21 as amended to the extent -- so, it actually wouldn't
22 have taken that long to read it out.

23 48 Q. And was there any attempt by you or by anybody else to
24 paraphrase it or explain it in non-formal language?

25 A. I don't remember at the time, but I certainly would 10:48
26 have answered any questions that were asked of me.

27 49 Q. Can you recall getting any questions?

28 A. It was 35 years ago, so, I'm sorry, I can't.

29 50 Q. Yes. So the evidence that we've received from

1 apprentices at the time, some suggest they received no
2 such training. Others suggest that they received some
3 training, with the implication, I think, that it went
4 largely over their heads. Might that, in fact -- well,
5 leaving aside the people who said they received no
6 training, but the people who said they received some
7 training --

10:49

8 A. Well, I suppose, the first thing I would say is, for
9 18/19-year-olds, I can appreciate that would not have
10 been what their minds would have been on. I suppose,
11 for me, the granularity in this is that people did make
12 complaints. And I'm not necessarily talking about
13 Redress of Wrongs, which were made, and grievances to a
14 one star general, but also complaints about routine
15 matters that would have been addressed, you know,
16 without a great deal of formality within the chain of
17 command.

10:49

18 51 Q. You understand, of course, that we're concerned with a
19 particular form of complaint?

20 A. Yes.

10:49

21 52 Q. If we could just drop down to the next page, 397,
22 subparagraph (c):

23
24 "Complaints raised with NCOs."

25
26 Do you see that?

10:50

27 A. Yes.

28 53 Q.
29 "The permanent NCO cohort serving in the Army

1 Apprentice School were, in general, experienced."

2
3 And it goes on. Is that a means of airing grievances,
4 do you think?

5 A. Oh, I think certainly my experience with some of the 10:50
6 NCOs there was that they were very experienced people,
7 very competent people. Ehm, I mean, a lot of these
8 issues would have been things that could have been
9 sorted out, ehm, at the ground level, so to speak.
10 Could have been an issue -- I mean, I'm taking about, 10:50
11 maybe, routine issues, difficulties with clothing. I
12 certainly remember safety boots being a recurring issue
13 in the first year. And I thought -- if I had a
14 misgiving about it, I would say I'm sorry we didn't
15 have more NCOs. 10:50

16 54 Q. And then at subparagraph (d), there's the idea of
17 complaints raised with teachers, and we've heard
18 evidence that that was sometimes invoked. The
19 chaplain, as a possibility, do you have any views on
20 the chaplain as an avenue of complaint? 10:51

21 A. Well, I can address the teachers as well --

22 55 Q. Certainly.

23 A. So, the interaction with the teachers was on a daily
24 basis during, can I put it, the school term or the
25 academic year. And there was a regular feedback, ehm, 10:51
26 on each of the five trades from the teachers and it was
27 quite useful. And, really, what you were getting from
28 the teachers was, you know, a kind of a barometer.
29 Obviously, there were results that were, maybe, very

1 good, or maybe not so good, but also how an individual
2 was doing. And there were regular instances of guys
3 that were struggling on the theory side because the
4 Apprentice School subscribed to the City & Guilds
5 standard of examinations and the theoretical aspects of 10:51
6 some of that was exacting. So the teachers were
7 feeding back, not necessarily about complaints, but as
8 well as that, guys could make complaints to their
9 teachers and there was frequently, you know,
10 information passed. If you were coming up to exams - 10:52
11 pressure was on - maybe some time was needed for
12 additional study and so on.

13 56 Q. Okay.

14 A. In relation to the chaplain --

15 57 Q. Yes? 10:52

16 A. Unfortunately, the chaplain was, he was double-hatted.
17 And the first gentleman, I'm not sure if you want me to
18 name him?

19 58 Q. No, it's not necessary. I mean --

20 A. Okay. So, he was -- there were two during my time, 10:52
21 they were both members of the Capuchin Order. The
22 first gentleman was also double-hatted with Clancy
23 Barracks, which has since closed.

24 59 Q. You mean he had two roles?

25 A. Yes. He was a really experienced but, to be fair, 10:52
26 elderly gentleman. I'm not sure how many complaints
27 there would have been made to him. He, then,
28 unfortunately, developed an illness and he was replaced
29 by a younger man.

1 60 Q. Yes.
2 A. And my experience of him would have been quite
3 different. He was, as it happens, a bit of a soccer
4 fan and this allowed him to relate very well. And I
5 think he actually might have appeared in the barracks a 10:53
6 bit more because he enjoyed the interaction with the
7 youngsters.
8 61 Q. But a bit more, if our understanding is correct,
9 remains not a lot?
10 A. In the first case, absolutely, because he was trying to 10:53
11 be -- to fill two masters, I suppose.
12 62 Q. Yes. And then if you drop down to subparagraph (g),
13 there's mention of the Redress of Wrongs scheme, isn't
14 that so?
15 A. Mmm. 10:53
16 63 Q. And that was something that you were aware of at the
17 time and you say --
18 A. Well, I think I'd group that in tandem with the earlier
19 --
20 64 Q. Yeah. 10:53
21 A. I mean, you can't have one without the other. In other
22 words, Section 114 is -- I mean, a regulation is
23 essentially a statutory instrument specific to the
24 Defence Forces, and the DFR A7 elements, I think they
25 amplified the provisions that were in the Act. 10:54
26 65 Q. Yeah.
27 A. The quarterly republication was referred to in the Unit
28 Standing Orders and carried out physically on the
29 noticeboards.

1 66 Q. And just dropping down to (k) on page 399:
2
3 "The Personnel Support Services."
4
5 was that in place in your time? 10:54
6 A. No. And certainly I had no engagement. I'm aware that
7 there seems to have been some confusion about it. Ehm,
8 the Personnel Support Service, as certainly I would
9 have known it later, wasn't really in existence at that
10 time. 10:54
11 67 Q. All right. So, just going back, then, to your arrival
12 in Devoy, you say that you didn't have the requisite
13 training or experience to discharge the duties that
14 we've seen. I think it's correct, also, that you --
15 there was no such thing as an induction course for 10:55
16 being a platoon commander, is that right?
17 A. Can I just go back slightly to say that when you say
18 that I didn't have the requisite training or
19 experience, I certainly would add to that that I didn't
20 know that I didn't have the requisite training and 10:55
21 experience. And to follow on, yes, there wasn't any
22 induction course.
23 68 Q. And there was no on-site training when you arrived?
24 A. No. I met my, eh, predecessor, who was outgoing, and,
25 to be fair to him, he brought me around, introductions. 10:55
26 That was kind of all it amounted to because he was
27 shortly, within days, to depart.
28 69 Q. Yeah. And it didn't go beyond introductions?
29 A. Not at all.

1 70 Q. And one week after your arrival, I think, two other
2 platoon commanders left Devoy Barracks, is that right?
3 A. Well, he was one of the two.
4 71 Q. He was one of the two. And a second then left, both to
5 go on a training course, is that right? 10:56
6 A. A college course.
7 72 Q. A college course --
8 A. -- which meant that they were gone from then until the
9 following May or the beginning of June.
10 73 Q. All right. The recommended ratio for platoon commander 10:56
11 to recruit is one platoon commander for every 50
12 recruits, is that right?
13 A. So, a platoon commander in an infantry battalion, it's
14 one per 32. In the Apprentice School it was one
15 platoon commander for each platoon because, for 10:56
16 example, at the time --
17 74 Q. What's the number? I'm just trying to get the number?
18 A. Well, you see in the 32nd Platoon, there was 30
19 apprentices. In the 33rd and 34th, there would have
20 been 50, 55, 56. 10:56
21 75 Q. Okay. I understand. But, in effect, you ended up as
22 the Acting Platoon Commander for three platoons, is
23 that right, from the beginning?
24 A. Yeah, I mean, acting de jure, but on the ground, I was
25 the only one. 10:57
26 76 Q. Yes. And we're told that that's 157 recruits?
27 A. It sounds correct, yes.
28 77 Q. All right. So, just to be clear, you're 20 years of
29 age at this point?

1 A. Yes.

2 78 Q. You're without the requisite training or experience,
3 and you don't know that. No induction course, no
4 on-site training, and you now have this responsibility
5 for 157 recruits? 10:57

6 A. Yes.

7 79 Q. And they, themselves, range in age from 16 to 20, would
8 that be right?

9 A. I can't remember specifically 16. I would certainly
10 say 17, and I thought the upper age was approaching 20. 10:57

11 80 Q. All right. Not much younger than yourself?

12 A. Correct.

13 81 Q. Okay. So, you're aware that a series of allegations
14 have been made against you in this Tribunal in the
15 course of evidence; you're aware of that fact? 10:58

16 A. Yes.

17 82 Q. And some are serious, some not so serious, perhaps.
18 And in respect of some of them, I think it's fair to
19 say that you agree with the essential facts but dispute
20 the characterisation of abuse; would that be fair? 10:58

21 A. Yes.

22 83 Q. All right. I just want to give you an opportunity to
23 respond to the allegations globally, and I'm suggesting
24 we do it globally rather than individually --

25 A. Thank you. 10:58

26 84 Q. So, do you want to say anything about that?

27 A. So, I respect the right of all persons to come to the
28 Tribunal. It's operating within a particular, ehm,
29 statutory instrument. And persons have come to the

1 Tribunal with allegations and complaints of abuse. I
2 do not doubt the sincerity with which they hold their
3 views. I certainly would regret any perception or any
4 feelings that they have, but, at the same time, I do
5 have to deny that I ever ill-treated or mistreated any 10:59
6 member of the 34th Apprentice Platoon, or any other
7 apprentice in that regard.

8 85 Q. All right. I think there was one particular
9 allegation, just for the sake of completeness, that you
10 may not have been aware of before this morning, but I 10:59
11 drew it to your attention and it's in relation to
12 CS Henry suggestion of flashlights and checking in the
13 early morning for shaving and the like, and he suggests
14 that, you know, he said that that wasn't on and he made
15 a complaint about it. You include that in your 10:59
16 response.

17 A. I heard this for the first time this morning.

18 86 Q. Yes.

19 A. And I would also wish to add that there are many
20 allegations that have been made that I only heard for 11:00
21 the first time this year.

22 87 Q. Yes. Thank you. I want to move on now to the
23 investigations with which you're familiar, and
24 beginning with the investigation of Mr. Traynor's
25 allegations. I just want to describe for you what the 11:00
26 Tribunal understands to be the immediate background to
27 this investigation and you can tell me if, first of
28 all, you're familiar with it and whether you accept it.
29

1 Firstly, Mr. Traynor had a breakdown on the night or
2 early morning of Friday, 10th/Saturday, 11th May, in
3 the course of which he damaged property at Devoy
4 Barracks. Secondly, he was confined, his belt and
5 laces removed, presumably for his own safety. Thirdly, 11:00
6 his parents visited on Sunday, 12th May, but his
7 immediate discharge into their care was not permitted.
8 Fourthly, they returned the next day, Monday, the 13th,
9 and procured his discharge by paying the discharge fee
10 of £2,000. Fifthly, before his discharge, Mr. Traynor 11:01
11 underwent a medical, in the course of which the doctor
12 noticed evidence of self-harm and raised the
13 possibility of psychiatric help. Sixth, his parents -
14 in particular, his mother - made a series of
15 allegations against you and was assured that they would 11:01
16 be investigated. And, lastly, Mr. Traynor himself was
17 interviewed, apparently by Mr. Hayes, and is said to
18 have confirmed those allegations. Now, I think you
19 became aware of those facts -- first of all, do you
20 accept that those are facts? 11:01

21 A. I would just add that in the week preceding, I think
22 you said 10th May, Mr. Traynor had signed a written
23 undertaking as regards his behaviour and, therefore, I
24 think that the headquarters of the Apprentice School
25 were attuned to his case. 11:02

26 88 Q. All right. But the facts as I've described them, which
27 I think are uncontroversial --

28 A. I don't dispute them, sorry.

29 89 Q. You don't dispute them?

1 A. No.

2 90 Q. May I take it also that you were aware of those facts
3 almost immediately, by which I mean, at the latest, on
4 Monday, 13th May?

5 A. I wouldn't disagree with that. 11:02

6 91 Q. So, can I ask you, how did you first learn of the
7 specific allegations?

8 A. Insofar as I can recall, eh, I was informed by the
9 adjutant, then Cpt. O'Keeffe, that he was after being
10 detailed to conduct an investigation into allegations 11:03
11 that were made.

12 92 Q. You think it was from Cpt. O'Keeffe?

13 A. I do.

14 93 Q. And how was that communicated to you?

15 A. I have kept a certain amount of records from that time 11:03
16 and I can't locate anything particular, so I can only
17 imagine it was verbal. I mean, I would have been
18 interacting with him, ehm, on a daily basis and
19 sometimes several times throughout the day, in any
20 event. 11:03

21 94 Q. Yes. But you've no document communicating 'These are
22 the allegations in respect of which we seek your
23 response'?

24 A. No, I mean, I think that -- I don't recall anything
25 specifically, but it must have been put to me. 11:03

26 95 Q. Mmm. In writing, do you think?

27 A. I wouldn't dispute it. I mean, to be honest, I would
28 be surprised if it wasn't put to me in writing.

29 96 Q. Yeah, when we look at your response --

1 A. Mmm.

2 97 Q. -- which does take headings of the allegations as
3 recorded --

4 A. Oh, yeah.

5 98 Q. It does suggest - and I'm only suggesting - that you 11:04
6 probably got some written notice of the allegations?

7 A. I would believe so.

8 99 Q. So, we'll just look at your response, if we may. It's
9 page 2727 of the book. I just want to draw to your
10 attention if we look at that document, do you see that 11:04
11 document is dated 14th May?

12 A. Yes.

13 100 Q. There is another document dated 16th May, which we'll
14 look at in a moment; are you familiar with that? In
15 identical terms, I should say. 11:04

16 A. Okay, yes.

17 101 Q. All right. Maybe we'll just look at it at the same
18 time. It's 4399. Do you see this one dated 16th May?

19 A. Mm-hmm.

20 102 Q. And you can take it from me, unless I've missed 11:05
21 something, that the script is in the same terms, all
22 right?

23 A. Yes.

24 103 Q. So, which of them got sent, would you say? Do you
25 know? 11:05

26 A. I couldn't say. Whichever was signed, I imagine.

27 104 Q. Mmm. And would it be reasonable to suggest that the
28 one with the later date is probably the one that got
29 sent?

1 A. You're kind of inviting me to speculate, Mr. Cush. I
2 mean, that could've been a typist making an error, I
3 don't know.

4 105 Q. Well, is it not, perhaps, the case that you did a draft
5 of the statement, being the earlier dated one, and then 11:05
6 sent the later dated one?

7 A. Possibly, but I have never considered that, you know --
8 the different dates, I mean.

9 106 Q. No, I understand. And nothing may turn on this, but I
10 just want to understand -- it seems unlikely, does it 11:06
11 not, that you would send the document of 14th May and
12 then take the trouble to do up an identical
13 document two days later?

14 A. I don't think I sent any document. I think I would
15 have handed it to him. 11:06

16 107 Q. And it's equally unlikely, I suggest, that you would
17 send two documents, one on the 14th and one on the
18 16th, in identical terms?

19 A. I can't disagree with you because -- the first time
20 I've seen it. 11:06

21 108 Q. Very good. So, I'm going to work on the assumption,
22 unless somebody corrects me, that the document of 16th
23 May is the one that actually was delivered, as you say,
24 all right? But here is what I'm assuming, therefore,
25 is - if we go back to 2727, if you would - this is 14th 11:06
26 May and do the stamps marked "Confidential" tell you
27 anything? Does that, perhaps, suggest it was sent? Am
28 I wrong about that?

29 A. What it would tell me is that it was, perhaps,

1 transmitted to higher headquarters.

2 109 Q. So somebody did receive this, do you think?

3 A. Difficult to know. Eh, "Confidential" is a security
4 classification, not a privacy marking, so... But if
5 somebody drafts a document, or receives a document, 11:07
6 they could have put a particular stamp on it. I mean,
7 it looks like a stamp, as opposed to what you would
8 have today, a water mark or that.

9 110 Q. But, then, contrary to what I was suggesting a moment
10 ago, it does suggest that somebody received this 11:07
11 document? It wasn't merely a draft.

12 A. Or received it and transmitted it on subsequently and
13 put the security marking on it.

14 111 Q. Yes. But that does suggest, does it not, that it
15 wasn't merely a draft that you kept? 11:08

16 A. I'm not sure. I mean, I didn't send it to anyone
17 except -- my only communication was with the officer
18 conducting the investigation.

19 112 Q. Well, just picking that up, this is addressed to
20 "OC through Company Commander", isn't that so? 11:08

21 A. Yes.

22 113 Q. And that's not Cpt. O'Keeffe?

23 A. No.

24 114 Q. Who is that?

25 A. At the time, it was Cmdt. Coffey. 11:08

26 115 Q. And, do you think it might have been from Cmdt. Coffey
27 that you got the notice of what the allegations were,
28 since it's him to whom you're responding?

29 A. I don't think so, because I think I was spoken to by

1 Cpt. O'Keeffe, that he was investigating this.

2 116 Q. All right. But you didn't deliver your response to
3 him?

4 A. To Cpt. O'Keeffe?

5 117 Q. Mmm. 11:09

6 A. I think I might have.

7 118 Q. Right.

8 A. I mean, I'm not sure whether it was in strict
9 conformity with the chain of command, but we're talking
10 about two buildings that are 50 metres apart. 11:09

11 119 Q. All right. His evidence is that he didn't interview
12 you in relation to the allegations and he didn't
13 receive this document from you. And it's not addressed
14 to him. So do you accept that?

15 A. That's his evidence. 11:09

16 120 Q. In any event, you've addressed it to Cmdt. Coffey and
17 you deal with the allegations as you there set out,
18 isn't that right?

19 A. Yes.

20 121 Q. Do I understand that you weren't actually interviewed 11:09
21 by anybody in relation to these allegations or your
22 response?

23 A. I certainly was spoken to by Cpt. O'Keeffe because I
24 would not have been in a position to, ehm, to answer
25 the allegations. And that had to have happened. Do I 11:10
26 recollect it? No, I don't.

27 122 Q. So, as we'll see later, you had some misgivings about
28 his investigation, isn't that so?

29 A. Yes.

1 123 Q. But are you saying then that there was a discussion
2 between you and him in relation to the substance of the
3 allegations?
4 A. Yes.
5 124 Q. But he is suggesting otherwise, just so as you know -- 11:10
6 A. I could only have found out from him.
7 125 Q. No, no --
8 A. That's what I'm saying.
9 126 Q. So I understand that you say you got notice of what the
10 allegations were from him. I understand that. But I'm 11:10
11 asking a different question now. I'm asking you did
12 you have a discussion by way of an interview with him
13 in relation to the substance of the allegations? He
14 says "no".
15 A. There wasn't an interview but there was certainly a 11:11
16 discussion.
17 127 Q. About the substance of the allegations?
18 A. No, that the allegations had been made against me.
19 128 Q. No, so, I understand that, and I want to be very clear
20 about this -- 11:11
21 A. Yes.
22 129 Q. Do you say you got notice from Cpt. O'Keefe of these
23 allegations?
24 A. I'm saying I must have because he was conducting the
25 investigation. 11:11
26 130 Q. All right. Having got notice and having prepared your
27 response, did you have any discussion with him about
28 your response or the substance of the allegations? He
29 says "no".

1 A. I would agree.

2 131 Q. All right. Did you have any discussion with
3 Cmdt. Coffey about the substance of the allegations?
4 A. Other than I was denying the allegations.

5 132 Q. So you sent this document, I understand that -- 11:11
6 A. Mm-hmm.

7 133 Q. Now, having sent it, did you have any interview with
8 him about it?
9 A. With Cmdt. Coffey?

10 134 Q. Yes. 11:12
11 A. I don't recall that.

12 135 Q. So, not with Cpt. O'Keeffe, not with Cmdt. Coffey?
13 A. Well, I would have to say that I can't say that for
14 definite. It was 35 years ago. I mean, I stand by my
15 response. 11:12

16 136 Q. Yes.
17 A. But there were quite a lot of discussions going on
18 about this. This was not some, ehm, isolated
19 situation. This was the culmination of quite a long
20 period involving Mr. Traynor. 11:12

21 137 Q. I understand that. And I'm concerned with the process,
22 so we'll just focus on that, if we may. I'm just
23 taking it in stages. I understand we have established
24 that you had no discussion or interview with
25 Cpt. O'Keeffe in relation to the substance of the 11:12
26 allegations and I think you're saying, but I just want
27 to be clear about it before we leave it, that,
28 similarly, you didn't have any discussion with
29 Cmdt. Coffey in relation to the substance of the

1 allegations?

2 A. No.

3 138 Q. And is the position the same in relation to

4 Cmdt. Hayes?

5 A. Lt. Col. Hayes -- 11:13

6 139 Q. Lieutenant Colonel, yes, I beg your pardon.

7 A. -- I don't recall any discussion with him. well, he

8 would have to ultimately sit in judgement on these

9 matters --

10 140 Q. Yes. 11:13

11 A. So it would be quite unorthodox for him to have any

12 discussion with me. I mean --

13 141 Q. Just as a matter of fact, is the answer "no"?

14 A. No.

15 142 Q. Thank you. And rather than seeking to search for other 11:13

16 names, can I take it, therefore, that you weren't

17 actually interviewed by anybody in relation to the

18 substance of these allegations?

19 A. Not interviewed, no.

20 143 Q. And, the letter of 16th May that we saw before, the 11:13

21 4399 document, it's a different typeface; does that

22 assist you in any way in explaining the two documents?

23 A. Is that 4399?

24 144 Q. Yes, that's it there on the screen now.

25 A. When you say typeface, I don't, I don't follow you. 11:14

26 145 Q. You know what I mean by typeface -- the print on the

27 page?

28 A. Like the font?

29 146 Q. Mmm.

1 A. No, I've no idea.

2 147 Q. Yeah. But they seem to be different; would you agree
3 with that?

4 A. Can I see the previous one?

5 148 Q. Yes, sorry, the previous one is 2727. 11:14

6 A. So, I've no particular expertise on font, but this is
7 all done on -- this is typed material, so I've no
8 particular --

9 149 Q. All right, well, maybe I'm wrong about that. I'm just
10 trying to find out why there are two documents with 11:15
11 different dates in the same -- with the same wording.
12 And are you able to assist at all?

13 A. No.

14 150 Q. I want you to look at another document then. It's
15 2726. If we just scroll down to the bottom so we 11:15
16 see the -- can you just identify the author of this
17 document? He says:

18

19 "I was appointed Company Commander in June '87."

20 11:16

21 A. It's Cpt. Enright, I think.

22 151 Q. And he says that he was appointed in June 1987 and held
23 that appointment until January of this year. So, just
24 some months overlapping your period, isn't that so?

25 A. Yes. 11:16

26 152 Q. And then Commandant who took over?

27 A. Coffey.

28 153 Q. Coffey. In paragraph 2, he says:
29

1 "From the beginning, I found [you] to be a most
2 enthusiastic and dedicated officer, who gave willingly
3 of his spare time to all activities. In November, he
4 was the only platoon commander in the company as two
5 other platoon commanders were attached to the 11:16
6 university attending a third level course."
7
8 And during the period November '89 to June '90, you and
9 himself worked close together on a day-to-day basis.
10 11:17
11 And then he adds:
12
13 "At no stage did I receive or learn of any complaint or
14 allegation regarding his activities or behaviour."
15 11:17
16 Do you see that?
17 A. Yes.
18 154 Q. And then he goes on to say something about Mr. Traynor,
19 isn't that so?
20 A. Yes. 11:17
21 155 Q. And, in contrast to you, it is less than complimentary,
22 is that fair?
23 A. Yes.
24 156 Q. And then if you turn to 2724 -- sorry, I should just
25 note, that last document was dated 15th May. This next 11:17
26 document, 2724, can you tell me who the author of that
27 document is, the Commandant?
28 A. If you could just scroll down to the bottom of it?
29 157 Q. Yes, just do down...

1 A. Cmdt. Coffey.

2 158 Q. And in paragraph 1, 2724 -- sorry, I should also note
3 that this is dated 15th May, also at the top of the
4 page, do you see that?

5 A. Yes. 11:18

6 159 Q. So, we're looking at a very prompt reaction to this
7 investigation, isn't that so?

8 A. Well, I think that's what I meant when I said this was
9 the culmination of a series of events.

10 160 Q. Mmm. 11:18

11 A. So I'm not at all surprised -- when the Commanding
12 Officer gave a direction that the matter was to be
13 investigated, this was to be done, you know,
14 immediately.

15 161 Q. Well, let me just understand what you mean by a 11:18
16 culmination. By culmination, are you referring to
17 events before the making of the allegations?

18 A. Oh, yes.

19 162 Q. Mmm. So you're saying -- you're suggesting, I think,
20 that there was a view of Mr. Traynor long before this 11:19
21 investigation started, is that right?

22 A. No, I'm not suggesting there was a view. If you go
23 back to Cpt. Enright's statement, you'll see that he
24 had -- he recited in his third paragraph his engagement
25 and experience with Mr. Traynor in the conduct of his 11:19
26 own job as the Second-in-Command of the company. The
27 "view" that you mention I think was formed by, ehm, the
28 extensive disciplinary record of Mr. Traynor and the
29 platoon diary, and also informed by the reports from

1 his teachers.

2 163 Q. So, there was a view? I mean, a view that you say was
3 recorded in fact, you would say?

4 A. It was based on fact.

5 164 Q. Yeah. And that, you think, explains the speed of this 11:19
6 investigation, is that right?

7 A. Well, I mean, there were serious allegations made and I
8 think the Commanding Officer was doing his job in
9 having the matter investigated, and with a view to
10 whatever else he might have to do. 11:20

11 165 Q. All right. So, here we are, Cmdt. Coffey, 15th May,
12 and in paragraph 1, he's making an observation very
13 similar to the one that we've seen before, isn't that
14 so, from Cpt. Enright. You're hard-working,
15 enthusiastic -- 157, effectively, isn't that so, and 11:20
16 he's added a little different detail. Is that fair?

17 A. I see that, yes.

18 166 Q. And then in paragraph 2, he says:
19
20 "As regards the allegations made against [you], the 11:20
21 following should be noted..."

22
23 -- and he says some things there that we can discuss
24 with him. I mean, you're not the author of this
25 document, obviously, but you see them there? 11:20

26 A. Yes.

27 167 Q. And in paragraph 3, he says:
28
29 "There have been no allegations relating to my period

1 as Company Commander and I am satisfied that there are
2 no grounds for any such allegations."
3
4 Do you see that?
5 A. Yes. 11:21
6 168 Q. So, that paragraph, taken together with the paragraph
7 in the previous document we've seen, would leave the
8 reader with the idea that there were no allegations
9 against you over the entire period, is that not
10 correct? 11:21
11 A. Cmdt. Coffey talks about "relating to my period as
12 Company Commander" --
13 169 Q. Exactly.
14 A. And he was there for four months at that point.
15 170 Q. Exactly. But that the previous document had been 11:21
16 authored by the previous company commander?
17 A. Yes.
18 171 Q. So, taken together -- and they both say that they're
19 unaware of any allegations against you - it would leave
20 the reader with the impression that there were no such 11:21
21 allegations against you; is that not right?
22 A. You've said you're going to be putting it to them, so
23 it's really for them to respond in that regard. But
24 I'm not disagreeing with you.
25 172 Q. And then at paragraph 4, there's another statement of 11:21
26 the invidious position in which you found yourself
27 because of the shortage of fellow platoon commanders,
28 isn't that right?
29 A. Yes.

1 173 Q. And there's an added piece at the end of paragraph 4:
2
3 "If officers are inexperienced..."
4
5 -- which you definitely were, you'd accept? 11:22
6 A. Yes.
7 174 Q.
8 "...enthusiastic and overtaxed, then the results are
9 predictable. In this case, one incident where there
10 was an element of truth was joined to several 11:22
11 allegations to paint a false and erroneous picture of
12 [you]."
13
14 And I think you would agree with that characterisation,
15 would you? 11:22
16 A. Yes.
17 175 Q. Then what's added is:
18
19 "I have no hesitation in stating that, in my
20 experience, [you] had been an excellent officer. If he 11:22
21 were to be punished or seen to be punished as a result
22 of allegations made by Mr. Traynor, discipline in the
23 company would be badly undermined."
24
25 Did you and Lt. Col. Coffey ever have a discussion to 11:23
26 that effect?
27 A. Cmdt. Coffey.
28 176 Q. Cmdt. Coffey, I beg your pardon.
29 A. No.

1 177 Q. It's not a view he ever expressed to you around this
2 time?
3 A. I, actually, did not even see this, eh, report or
4 Enright's report until, ehm, some time later.
5 178 Q. No, I understand that you may not have seen the 11:23
6 document. I'm just asking you did you have a
7 discussion?
8 A. Oh, no, and I didn't discuss it with him either.
9 179 Q. Hmm?
10 A. No, not at all. 11:23
11 180 Q. Then if we go to 2719, this is a document I think dated
12 16th May 1991, and it's heading is:
13
14 "Application for a discharge by purchase."
15 11:24
16 Do you see that?
17 A. Yes.
18 181 Q. And this is a document authored by Lt. Col. Hayes, do
19 you accept that?
20 A. Yes. 11:24
21 182 Q. And you've seen this document before, isn't that so?
22 A. Yes.
23 183 Q. It's quite a detailed document. In paragraph 7 on
24 page 2721, it says:
25 11:24
26 "During the course of an interview with me,
27 Mr. Traynor's parents made a number of allegations
28 against [you] which they said contributed towards his
29 failure to adapt to the military system. These

1 were..."

2

3 -- and they're listed (a), (b), (c), (d). Do you see

4 that?

5 A. Yes. 11:25

6 184 Q. Now, the notification of the allegations that you

7 received, were they to that effect, broadly speaking,

8 can you recall?

9 A. They look, eh, similar. Ehm, I would have thought that

10 the explanation from me was more familiar, but I'm not 11:25

11 going to disagree with this, yeah.

12 185 Q. But this -- these are the headings to which you

13 responded, is that so?

14 A. Well, this is Lt. Col. Hayes' report. So, again, I

15 can't disagree with what you're putting to me there. 11:25

16 186 Q. All right. And paragraph 8 then records an assurance

17 given to Mr. and Mrs. Traynor that the allegations

18 would be investigated; do you see that?

19 A. Yes.

20 187 Q. Paragraph 9 refers to Mr. Traynor himself being 11:25

21 interviewed; do you see that?

22 A. Yes.

23 188 Q. And 10 to 14 suggest that the allegations were

24 investigated as fully as possible, and goes on to

25 describe some of that; isn't that so? 11:26

26 A. Yes. There's quite a number of descriptions in these

27 paragraphs.

28 189 Q. Yes. In general terms, they exonerate you and condemn

29 Mr. Traynor, would that be fair?

1 A. I don't think I would agree with that kind of
2 characterisation. I mean, there are a number of, ehm,
3 statements made in the conduct, or in the content of
4 Lt. Col. Hayes' report. It's his report. I don't
5 think it exonerates me in that sense. It certainly 11:26
6 doesn't reflect well on Mr. Traynor -- remembering that
7 these allegations were only made after it was proposed
8 to seek his discharge from the Defence Forces.

9 190 Q. What happened to the Traynor investigation, do you
10 know? 11:26

11 A. I don't follow you. When you say "what happened"...

12 191 Q. Well, were you notified of an outcome?

13 A. No.

14 192 Q. Mr. and Mrs. Traynor say likewise. And Mr. Traynor
15 says, likewise, he wasn't notified of any outcome. Was 11:27
16 there an outcome?

17 A. Well, looking at Cpt. O'Keeffe's, ehm, what would I
18 call it -- is it a covering letter or a summation?
19 That seemed to be the end of it.

20 193 Q. But is that not a document that goes to somebody to 11:27
21 make a decision?

22 A. It went to the Commanding Officer, is my understanding,
23 but I --

24 194 Q. Who was the Commanding Officer?

25 A. Lt. Col. Hayes. 11:27

26 195 Q. So, did you ever receive notification from him of a
27 decision?

28 A. Nothing in writing.

29 196 Q. Well, does that suggest that you received something

1 informal?

2 A. I don't recall it, and I don't want to be unfair to the
3 man.

4 197 Q. If you go to the trouble of setting up an investigation
5 of this nature and gathering the evidence in the way it 11:28
6 was gathered and gathering the views of people in the
7 way in which they were gathered, would you not expect
8 to see some formal outcome?

9 A. Well, my recollection is that Mr. Traynor's allegations
10 were not upheld. 11:28

11 198 Q. Well, it's --

12 A. So I --

13 199 Q. -- perfectly clear that that was the direction of
14 travel, if I may put it that way, but is there any
15 record of that? 11:28

16 A. Well, I don't know what you mean by "direction of
17 travel". I mean, for me, there was a culmination by
18 the officer detailed to conduct the investigation and
19 --

20 200 Q. And how did you know that? I just want to understand 11:28
21 how --

22 A. I didn't find that out until some time later.

23 201 Q. When?

24 A. I think I came across these papers when the civil claim
25 was initiated. 11:29

26 202 Q. In December of 1991, that claim was initiated?

27 A. Yeah. It wouldn't have been in December, it would have
28 been the following year.

29 203 Q. Exactly. And that suggests, does it not, that if the

1 claim hadn't been initiated, you wouldn't have seen
2 these documents?

3 A. Possibly.

4 204 Q. It seems to be happenstance that you got to see these
5 documents? 11:29

6 A. At the time, yeah.

7 205 Q. Mmm. And is that how you knew that, effectively, these
8 allegations had been rejected, when you saw them in the
9 context of being asked to assist with the claim?

10 A. So, at the time, I wouldn't have been aware of it being 11:29
11 concluded. So, for me, it might well have been
12 continuing because I wasn't aware whether, for example,
13 that the allegations were not upheld, and I wouldn't
14 have been aware whether there was a contemplation of
15 formal disciplinary action, which would have been 11:30
16 within the purview of the Commanding Officer. So, I
17 didn't know.

18 206 Q. And just going back to the question I asked you a
19 moment ago: would you not expect that an investigation
20 of this nature would culminate in a decision of some 11:30
21 sort that we could see?

22 A. Well, I would now, but at the time I was a person
23 against whom various allegations had been made. I was
24 under investigation, ehm, and, as far as I was
25 concerned, I remained so. 11:30

26 207 Q. We'll just look at Cpt. O'Keeffe's report because it's
27 part of this sequence. It's on page 2729 . Again,
28 I'll draw to your attention that it's dated 16th May,
29 isn't that so?

1 A. Yes.

2 208 Q. And it says what it says. You're familiar with it.
3 You've seen that?

4 A. Yes.

5 209 Q. You've told us that after this allegation being made, 11:31
6 that you made a verbal request for a transfer, is that
7 so?

8 A. Yes.

9 210 Q. At interview, you said that you felt, I think,
10 concerned and isolated at the time? 11:31

11 A. I felt my position was untenable. I don't think I said
12 that at the time, but that led to a fair degree of
13 frustration on my part.

14 211 Q. Can you describe the circumstances in which you made
15 this verbal request for transfer. Firstly, to who? 11:32

16 A. To Lt. Col. Hayes.

17 212 Q. And where?

18 A. I think I initiated a discussion with him in the
19 Officers' Mess.

20 213 Q. And is that -- do you mean that you kind of -- he was 11:32
21 there, you bumped into each other, and you brought it
22 up, is that it?

23 A. Yes.

24 214 Q. And it's not a matter of going to his office and asking
25 to talk to him about something significant? 11:32

26 A. I didn't apply for a personal interview. I didn't feel
27 it was necessary. Ehm, you know, he didn't, to be fair
28 to the man, stand on formality in that respect.

29 215 Q. And do you think that was close in time, then, to the

1 224 Q. You don't recall who told you?
2 A. Oh, who told me -- Lt. Col. [REDACTED], [REDACTED].
3 225 Q. And was it he who gave you the explanation that you
4 described in interview?
5 A. I'd say it was a passing -- it took, maybe, a minute. 11:34
6 226 Q. But it was him, is that right?
7 A. Yes.
8 227 Q. And do you want to just describe to the Tribunal the
9 explanation that he gave you for your verbal request
10 being declined? 11:34
11 A. So, what Lt. Col. [REDACTED] said to me in passing was, 'Oh,
12 we have word back on your request', and I think
13 something like - and, again, I can't remember it
14 precisely - 'the GOC doesn't agree.' I think he said
15 'He doesn't want the bullies to win.' 11:34
16 228 Q. I just want you to look at two documents prepared by
17 Lt. Col. Hayes -- sorry, Cmdt. Hayes. The first is at
18 2864. And if you turn over the page to 2865 -- sorry,
19 go to the very foot of the page and you'll see that
20 it's not possible to make out a date on this document; 11:35
21 do you see that? But this document is, from our
22 understanding, from the month of May 1991 and the
23 indications are that it was prepared subsequent to 16th
24 May, do you understand?
25 A. And I think -- I'm not disputing that. What I'm saying 11:36
26 to you is the first time seeing this was in, ehm, April
27 of this year.
28 229 Q. Yes, okay, I quite understand. So, I won't dwell on
29 this document with you because you're not the author of

1 it, and you hadn't seen it until very recently, but
2 what it does do, I think you'll agree, is that it lists
3 a series of allegations of complaints, they're
4 described, against you, isn't that so?

5 A. Yes. 11:36

6 230 Q. And it puts dates on them going back to November 1989,
7 is that right?

8 A. Yes.

9 231 Q. And in the right-hand column, there's a comment in
10 respect of them, is that so? 11:36

11 A. Yes.

12 232 Q. And, just to be clear, at least four of those
13 complaints do not emanate from Mr. Traynor, isn't that
14 so?

15 A. I believe so. 11:36

16 233 Q. And it appears, therefore, to be perhaps putting some
17 context on Mr. Traynor's complaints; would that be
18 fair?

19 A. I can't say because I'm not the author of it.

20 234 Q. I understand. All right. And then the second document 11:37
21 is 2876. And, again, just so as -- there's a reference
22 at the foot of this document, do you see that,
23 "TIC118B", that reference there, we're informed by the
24 Defence Forces that means the document relates to
25 Mr. Traynor, do you understand? Is what we're told -- 11:38
26 I'm just telling you.

27 A. Yes, no, thank you.

28 235 Q. And, again, this is a Hayes document, not your
29 document. But do you see there at paragraph no. 2,

1 there's a "C Report", and that "C" in that case is
2 Mr. Traynor, just so as you know?

3 A. Okay.

4 236 Q. And the Ministerial Query, I don't know whether we need
5 to dwell on this, but the evidence suggests that that 11:38
6 certainly predates the death of Mr. Mullaney, do you
7 understand?

8 A. Yes.

9 237 Q. And then there's a reference to "other incidents", do
10 you see that? 11:38

11 A. Yes.

12 238 Q. And we have just seen Cmdt. Hayes has, indeed, prepared
13 a document recording incidents other than Mr. Traynor,
14 isn't that so?

15 A. Yes. 11:38

16 239 Q. And then I just want to look at paragraph 1. It says:
17
18 "The effect of investigation on [you]..."
19
20 -- and then is that the company, the next word? 11:39

21 A. I imagine it refers to the Apprentice Company.

22 240 Q. Yeah.

23
24 "He should not be removed immediately -- suggest
25 August." 11:39
26
27 Now, just that sentence, it suggests, does it not, and
28 I'll come to what you knew about this in a moment, but
29 it suggests that a decision was -- or at least a

1 recommendation was being made that you be removed, but
2 not immediately. It certainly looks that way, doesn't
3 it?

4 A. Yeah. There's no date on it, but...

5 241 Q. Exactly. 11:39

6 A. ...I don't disagree, yeah.

7 242 Q. -- but that it be postponed until August, and why do
8 you think that might have been?

9 A. Because, first of all, ehm, I am speculating here that
10 a replacement would have to be sourced, identified, 11:39
11 ehm, and a period of handover. So, there'd be certain
12 aspects of timetabling. August, then, would be the
13 period when the Apprentice Company would be availing of
14 block summer leave, so that it would be a quieter time.

15 243 Q. All right. Might there also be a perception issue? 11:40

16 A. In relation to me?

17 244 Q. Yes.

18 A. Possibly, but, ehm, part of this is the reason I wanted
19 to get out of the place, you know.

20 245 Q. I understand. And, I mean, you, yourself, when you 11:40
21 came to make a written request for transfer, actually
22 suggested, also, that it be deferred to August, isn't
23 that so, although you made the application in June?

24 A. Well, August is the kind of optimal time when --

25 246 Q. So, when we come to that document, I'm going to suggest 11:40
26 to you that you were clearly saying for perception
27 reasons?

28 A. Oh, yeah, possibly, yeah, as well. I'm not disagreeing
29 with you.

1 247 Q. And I'm suggesting to you that on this occasion, at
2 least one of the reasons - and again it's for Mr. Hayes
3 - might be for perception reasons?
4 A. [No reply].
5 248 Q. Okay. You have a document of your own, then, in 11:41
6 relation to the Traynor allegations and the
7 investigation and we've referred to this a moment ago,
8 but we'll look at it now, if we may. It's 4413. So,
9 this is dated 6th June?
10 A. Yes. 11:42
11 249 Q. Does the top right-hand side suggest to you it was
12 addressed to somebody?
13 A. No.
14 250 Q. No, our understanding of this note from your interview
15 is that this was a note to yourself, effectively? 11:42
16 A. It was a memo to myself, yeah.
17 251 Q. A memo. And you say:
18
19 "While the Aptce. Traynor incident is still fresh in my
20 mind, it may be important in the future to note some 11:42
21 observations."
22
23 Yes?
24 A. Yes.
25 252 Q. And you make some observations in relation to 11:42
26 Mr. Traynor at paragraphs (a) and (b). And in
27 paragraph (c), because we're concerned with the
28 investigation, you make some observations on the
29 investigation and Cpt. O'Keefe, in particular, isn't

1 that so?

2 A. Yes.

3 253 Q. And you say:

4

5 "I am not happy with the behaviour of Cpt. O'Keeffe. I 11:43
6 do not consider that he conducted a fair investigation,
7 and that he may have prejudiced my case."

8

9 It's perfectly clear, it would seem, that you don't
10 know the outcome of the investigation as of this date? 11:43

11 A. Yes.

12 254 Q. All right. You say:

13

14 "He had several apprentices brought in (the number of
15 which I am unsure). He asked them directly if they had 11:43
16 any complaints to make about me! This is my opinion,
17 he gave a CARTE BLANCHE to any apprentice who had a
18 minor gripe, with no relevance to the investigation."

19

20 Now, can I just say, how did you know that that's what 11:43
21 he was doing?

22 A. I was told it.

23 255 Q. BY?

24 A. The Sergeant Major.

25 256 Q. 11:43

26 "This spread around the barracks very quickly, quick
27 enough for a story to be fabricated and lies told, a
28 witch hunt of sorts. I consider that Cpt. O'Keefe
29 acted in a very irresponsible and unprofessional manner

1 and, in fact, two of his letters had to be corrected by
2 the then OC Hayes."
3
4 And when you say two of his letters, what are you
5 referring to? 11:44
6 A. I have no idea because, again, I was told by the
7 Sergeant Major, who was somewhat sympathetic to what
8 was going on.
9 257 Q. Can you just identify the Sergeant Major?
10 A. Sgt. Maj. [REDACTED] 11:44
11 258 Q. [REDACTED]?
12 A. [REDACTED].
13 259 Q. And he told you that two of Cpt. O'Keefe's letters had
14 to be corrected by OC Hayes?
15 A. I remember him saying that they had to be sent back to 11:44
16 the typist.
17 260 Q.
18 "The use of language in his letters was considered
19 incorrect and misleading."
20
21 Is that what he told you?
22 A. Yes.
23 261 Q.
24 "In addition, I was not furnished with the Adjutant's
25 report on the investigation, despite an assurance from 11:44
26 Cpt. O'Keefe that one would be provided."
27
28 So you never got his report?
29 A. No. But I think I refer to receiving a sheaf of

1 documents after the civil claim was initiated.

2 262 Q. I understand that.

3

4 "I informed Cpt. O'Keeffe on several occasions that I
5 was unhappy with his conduct of the investigation." 11:45

6

7 So, is that several occasions then in a couple of days
8 between 13th May and 16th May?

9 A. Well, I would have met him at coffee, I would have met
10 him at lunch. I would have met him on the way home 11:45
11 when he was getting into his car, or whatever.

12 263 Q. And you wasted no opportunity but to express your
13 displeasure, is that right?

14 A. Well, to be fair to the man, he would have initiated
15 discussion with me as well, you know. We were work 11:45
16 colleagues, after all, even though he was doing a
17 difficult task.

18 264 Q. Okay. So can we drop down to (e):

19

20 "I wish to place on record my gratitude and thanks to 11:45
21 Hayes and Coffey."

22

23 Forgive me for not using their ranks.

24

25 "These two officers supported me and stood by me. They 11:46
26 conducted an elaborate and thorough investigation."

27

28 what led you to say that, that they conducted an
29 elaborate and thorough investigation?

1 A. It was very much the public nature of it and the
2 open-ended nature of it.

3 270 Q. I'll just try and understand that now. When you say
4 "public", what do you mean?

5 A. So, when people were waiting to be interviewed by the 11:47
6 Adjutant, they were outside his door, and there was a
7 parade of people up and down from the school or
8 wherever they were employed during the day. So it was
9 quite apparent that there was an investigation going
10 on. 11:48

11 271 Q. But whether that was elaborate and thorough, had you
12 any idea?

13 A. It seemed to me to be thorough and quite intimidating.

14 272 Q. All right. But if I understand you correctly, your
15 real knowledge of the investigation was in relation to 11:48
16 Cpt. O'Keeffe, with whom you were quite dissatisfied,
17 is that not right?

18 A. At the time, yes.

19 273 Q. You had no discussion with Coffey or Hayes about the
20 substance of these allegations, and you didn't know 11:48
21 what they were doing, other than the number of people
22 being interviewed by Cpt. O'Keeffe?

23 A. Essentially, yes.

24 274 Q. So, why do you write that they conducted an elaborate
25 and thorough investigation? 11:48

26 A. Because allegations were made. The Commanding Officer
27 directed that it be conducted. And, certainly, eh,
28 albeit it was, to me, intimidating, it had all the
29 semblance of being thorough and elaborate.

1 275 Q. You say:
2
3 "I did not make my fears about Cpt. O'Keefe known to
4 the OC. However, I am happy that I orally explained
5 and/or conveyed these fears." 11:49
6
7 So, are we to understand from that that you didn't put
8 it in writing, but you expressed it orally?
9 A. Well, I wouldn't have been giving out about the
10 individual conducting the investigation on behalf of 11:49
11 the Commanding Officer, but I would have raised matters
12 like, for example, principally, asking somebody if they
13 have any complaint to make is not the same as having an
14 allegation put to them.
15 276 Q. I do understand that, but are you saying that you 11:49
16 orally explained to Hayes and/or Coffey your fears
17 about it?
18 A. I think I'm talking about the Officer Commanding there,
19 Hayes.
20 277 Q. So, so far as Hayes is concerned, you didn't put it in 11:49
21 writing but you explained your concerns orally?
22 A. As far as I was concerned, he was giving me the time of
23 the day. Maybe he felt that, eh, there was a lot of
24 stress emanating from all of this and he was giving me
25 a few minutes of his time. He certainly gave me no 11:50
26 promises or, you know...
27 278 Q. No, I understand. But you did speak to him about your
28 concerns in relation to Cpt. O'Keefe's investigation?
29 A. Yes. Now, I didn't name -- get into the

personalisation of it, but obviously it was his investigation.

279 Q. Yeah.

"In any case, I think the Officer Commanding saw through the Adjutant's behaviour."

Am I to take from that that something got said that left you with the impression that 'I understand what you're saying', as it were?

A. I think I took some comfort from the fact that he gave me some minutes of his time and that he took on board my fears. But he certainly didn't undertake to do anything about it, if I can put it that way.

280 Q. And when you say he took on board your fears, what did
he say to indicate that?

A. The man is not given to too much... So, a nod of the head, and that's fine. So, he certainly wasn't, how would I put it, compromising himself.

281 Q. He was, at this time, an experienced officer?

A. Yes.

282 Q. Shrewd, would you say?

A. Is that a compliment? Yes.

283 Q. It's a question. Yes?

A. Shrewd, experienced and competent.

284 Q. I want to move to the aftermath of the death of the late Oliver Mullaney. I think we've agreed in interview that in the immediate aftermath, many apprentices were of the view that your actions on the

1 previous Thursday had contributed to what was believed
2 to be his suicide on the Saturday?

3 A. Many were, and some weren't.

4 285 Q. And you were aware of the fact that many were of that
5 view? 11:52

6 A. I did, and in that first interview we had, I think it
7 took me a bit of time to get the chronology right. But
8 it was certainly, ehm, in relation to a meeting which I
9 believe took place on the Monday afternoon. That's
10 when I became aware, I think. 11:52

11 286 Q. And I think, as you acknowledge yourself, this was a
12 remarkably serious allegation, so far as you were
13 concerned?

14 A. So the passing of Oliver is an immense tragedy for his
15 family, for his close friends in the platoon, and those 11:53
16 who he was friendly with in the barracks. It's
17 immeasurable in terms of its impact. To be associated
18 by anybody with his passing is quite a serious matter
19 for me.

20 287 Q. I think you agree that the atmosphere in the barracks 11:53
21 was fairly fraught at this time?

22 A. Initially shocked, ehm, and then fraught, you know,
23 within members of the 34th Platoon.

24 288 Q. Yes. There was a Military Police investigation, isn't
25 that so? 11:54

26 A. Yes.

27 289 Q. You don't get notice of it, but they arrive on site on
28 the night of Mr. Mullaney's death, in the first place,
29 isn't that right?

1 A. Yes, I was on duty myself that night. And that would
2 have been -- I mean, there had been a death in service,
3 so their procedures would require that immediately --
4 as were the Gardaí.

5 290 Q. And some time later a separate investigation - and we 11:54
6 won't describe whether it's separate, connected, one or
7 two - but another investigation begins on 15th July,
8 isn't that so?

9 A. Yes.

10 291 Q. So we've one into the death and one into the events of 11:54
11 the previous evening, Thursday night?

12 A. Yes.

13 292 Q. And it's against a background where, as you say, people
14 are saying that one contributed to the other. Or,
15 sorry, as you acknowledge they're saying? 11:55

16 A. I think I saw some witness referring to one being a
17 consequence of the other, or he may have said "rolled",
18 one rolled into the other.

19 293 Q. All right. By the start date of the investigation into
20 the Thursday night, which, by the way, is 15th July, 11:55
21 you, in fact, were gone from Devoy, isn't that so?

22 A. Yeah, I think the notice of the investigation starting
23 was when I think I was -- I was posted out at that
24 point, yes.

25 294 Q. And you had submitted a request for transfer of, I 11:55
26 think, 28th June, isn't that so?

27 A. Yes.

28 295 Q. And we'll just look at that, if we may. It's 4460.
29 It's dated 28th June. Who's that addressed to?

1 A. OC AAS through Company Commander --

2 296 Q. And who is that?

3 A. Lt. Col. Hayes.

4 297 Q. You say:

5 11:56

6 "I wish to apply from a transfer from the AAS to GTD

7 McDonagh Barracks."

8

9 A. General Training Depot.

10 298 Q. The General Training Depot. And you say: 11:56

11

12 "My reasons are:

13

14 (a) I have spent two years in the AAS and I feel it's

15 time to move on. It may also contribute towards the 11:56

16 betterment of my..."

17

18 -- is that "career"?

19 A. Yes.

20 299 Q. 11:56

21 "(b) I feel that due to past incidents, I have become

22 the victim of a dangerous slur-type campaign being

23 waged by person or persons unknown."

24

25 could I just ask you there when you say "past 11:57

26 incidents" what, are you referring to?

27 A. I think the Traynor allegations, principally.

28 300 Q. You say:

29

1 "I realise that my request comes rather soon after the
2 recent tragic end of Aptce. Mullaney in the barracks.
3 I wish to disassociate myself with any involvement in
4 the incident. Furthermore, I do not wish to be made a
5 sort of 'scapegoat'. To this end I must also request 11:57
6 that the transfer be temporarily delayed (until August
7 if possible). I hope that this area of my request is
8 dealt with serious consideration."
9

10 Is that so? Have I read that correctly? 11:57

11 A. Yes.

12 301 Q. So, you say in subparagraph (c):
13

14 "I do not wish to be made a sort of 'scapegoat'. To
15 this end I must also request that the transfer be 11:58
16 temporarily delayed."
17

18 You see that. So, I think you probably agreed with me
19 earlier that, here you are, anxious to ensure that the
20 perception is that you're not moved immediately 11:58
21 consequent on the death of Mr. Mullaney, is that right?

22 A. Well, I think there was more to it than just myself and
23 the question of perception. I mean, I also would have
24 wanted to ensure that whoever was incoming would have
25 received an adequate and thorough handover. 11:58

26 302 Q. No, I do understand that, but that's not actually what
27 you're referring to in subparagraph (c). You see you
28 say:
29

1 "I do not wish to be made a sort of 'scapegoat'. To
2 this end..."

3

4 -- to the end of not being made a scapegoat, you want
5 it delayed until August, isn't that so? 11:59

6 A. I'm not disagreeing with you in that.

7 303 Q. Yeah, no, so just to be clear then --

8 A. Oh, yeah.

9 304 Q. What you, yourself, are saying is that 'For the purpose
10 of not being made a scapegoat' - in other words, for 11:59
11 perception reasons - 'I would rather this happen in
12 August', some months removed from the event, isn't that
13 right?

14 A. Yes.

15 305 Q. And you say: 11:59

16

17 "I hope this area of my request is dealt with serious
18 consideration."

19

20 And then the next paragraph: 11:59

21

22 "I have already..."

23

24 -- I might ask you to read the rest of this document
25 because it gets harder as we go on. So, would you read 11:59
26 out paragraph 3 onwards?

27 A. Okay.

28

29 "I have already stated that I had served two years in

1 the Army Apprentice School. During that time, I have
2 served as Secretary of Officers' Mess. However, my
3 main task has been as an Officer of Apprentice Company.
4 I have been involved with the attestation, training,
5 administration and welfare of four apprentice platoons 11:59
6 (200 men approximately). I was the only Platoon
7 Commander for approximately 19 out of 22 months. At
8 many times, I felt that the workload was high. I never
9 minded this. However, that being said, an apprentice
10 is not just a recruit, he is usually of a young age, 12:00
11 but intelligent. He may reside a far distance from the
12 AAS."

13
14 Sorry now --

15
16 "Some young men find the separation from friends,
17 family and locality rather difficult. I feel that the
18 AAS must be looked at as a special case. There is a
19 need for three permanent platoon commanders at all
20 times, in addition to a full-time chaplain. I have 12:00
21 been for nearly two years in loco parentis to a lot of
22 young men, some of which were only too glad to confide
23 in me, others were reluctant. I have endeavoured at
24 all times to be as accessible as possible to all
25 apprentices, but one has to bear in mind their position 12:00
26 vis-à-vis my task in the AAS, that is to help in the
27 training of qualified military tradesmen.

28
29 I did not wish my career to be blotted by a situation

1 that could have been rectified. I wish to thank my
2 Commanding Officer and my Company Commander. I hope
3 they do not feel that I have let them down. I have
4 always tried to behave as I was trained. I realise
5 that I have made mistakes, but I hope that this is not 12:01
6 looked on as detrimental in any way. I have tried to
7 be the best officer that I can be.
8
9 I wish to request an interview with the General Officer
10 Commanding as soon as possible to discuss my concerns. 12:01
11
12 I hope that my request meets with your consideration."
13
14 306 Q. And did you secure an interview?
15 A. No. 12:01
16 307 Q. And was your request for deferred removal acceded to?
17 A. I understand that Gen. Wall's position is that I was
18 removed by him, nothing to do with this.
19 308 Q. well, let's just discuss the fact, as opposed to what
20 somebody said. Your removal was not deferred until 12:02
21 August?
22 A. No.
23 309 Q. It was fairly immediate after this?
24 A. Yes.
25 310 Q. Bearing in mind the specific request that you'd made at 12:02
26 subparagraph (c) on the first page that we've seen when
27 you referenced the desire not to be scapegoated, do you
28 feel, in fact, that by being removed so promptly, you
29 were scapegoated?

1 A. I feel very strongly about it, and, yes, I do.

2 311 Q. By whom?

3 A. The General Officer Commanding.

4 312 Q. So, would it be fair to say that from a month earlier,
5 at a time when you seemed to have some faith or some 12:03
6 considerable faith in the superior officers, that had
7 vanished at this time?

8 A. No, my immediate chain of command is not referred to
9 here. This is the General Officer Commanding who --

10 313 Q. You make that distinction? 12:03

11 A. Well, he, ultimately, makes that decision -- postings,
12 transfers, removals and so on.

13 314 Q. And how were you informed of your removal?

14 A. I think it was a phone call.

15 315 Q. From whom, do you recall? 12:03

16 A. I can't, but I must, eh, believe it to have been the
17 Adjutant, Cpt. O'Keefe. That's -- he would give
18 effect to such decisions.

19 316 Q. All right. What sort of notice did you get, do you
20 recall? 12:04

21 A. A few days, I think.

22 317 Q. And you went to the 3rd Battalion, I think, in The
23 Curragh, is that correct?

24 A. Yes.

25 318 Q. Not where you had been requesting to go? 12:04

26 A. Well, that's where the vacancy was.

27 319 Q. But, just to be clear, not where you were requesting?

28 A. Well, I had been misinformed that there was a vacancy
29 in the General Training Depot, and I was incorrect

1 about that.

2 320 Q. Then can I take it that you left without any particular
3 ceremony, would that be fair?

4 A. I'm not sure there would have been a ceremony of any
5 description. I mean, a junior officer being moved, 12:04
6 posted, transferred or removed, I wouldn't have been
7 expecting any ceremony.

8 321 Q. One of the matters that has been raised in the Tribunal
9 in relation to this period before you left was
10 Mr. Murphy, Brian Murphy, saying that when he saw 12:05
11 Military Police Investigators on site, he decided he
12 wanted to speak to them. He had outside advice -- do
13 you recall that? And that he had an engagement with
14 you before doing so -- he was led into your office.
15 You've read that evidence? 12:05

16 A. I have.

17 322 Q. And he says a couple of things and I'll just give you
18 an opportunity to comment. But he says that -- well,
19 he actually says you were crying. I was going to say
20 he says you were upset, but that's maybe not what he 12:05
21 was conveying. He says that you were crying. Is that
22 right?

23 A. No.

24 323 Q. And he says that you endeavoured to deflect him from
25 going to the Military Police? 12:06

26 A. How I know I wasn't crying is because this never
27 happened. And how I know this for certain is
28 Mr. Murphy went on to make two statements to the
29 Military Police. So whatever he claims I was trying to

1 do, I failed, and I'm saying quite categorically I
2 reject any suggestion -- and I add to that that were I
3 to have made such a suggestion, not alone would it have
4 been an offence against military law, it could also be
5 regarded as an attempt to pervert the course of 12:06
6 justice. So I reject Brian Murphy's claim.

7 324 Q. And he puts it in terms of you drawing to his attention
8 that this was only a site inspection at this point in
9 time and that there'd be a second investigation, with
10 the implication, perhaps, that you were suggesting he'd 12:06
11 be better off waiting for the second investigation; did
12 any such discussion take place?

13 A. No such discussion took place. And that's the first
14 time I've heard it described as a site inspection. In
15 my recollection, the Military Police were there every 12:07
16 day in some shape or form and were actively, eh,
17 involved in interviewing. And I think some of their
18 handwritten notes are included in the Tribunal
19 booklets. So it was quite a busy, ehm, investigation,
20 and they weren't, how can I say, turning people away 12:07
21 who wanted to speak to them.

22 325 Q. Okay. I want to move on, if I may, to the admonition
23 procedure that followed. And when I say "that
24 followed", that came consequent on the Military Police
25 investigation, can you recall? 12:08

26 A. Yes.

27 326 Q. And can you tell the Tribunal how you were told that
28 that procedure had commenced?

29 A. I was brought in to my Commanding Officer in the 3rd

1 Infantry Battalion and I was handed a document which
2 initiated an admonition procedure and that I think the
3 Tribunal has received how this arises in the context of
4 Defence Force Regulation A7 -- an admonition arises
5 when there has first been consideration of a formal 12:08
6 discipline pursuant to Part 5 of the Defence Act, and
7 only then is an admonition considered. So, I'm
8 required to furnish a written explanation.

9 327 Q. Just so as we understand, it's a summary form of
10 procedure, is that right? 12:08

11 A. So, I wasn't aware of it at the time, but I became
12 aware of it since.

13 328 Q. Well, are you agreeing that it is --

14 A. Oh, yes.

15 329 Q. Yes. And I think it's, therefore, if you like, 12:08
16 commenced, but also adjudicated upon by the same
17 officer, is that right?

18 A. Yes.

19 330 Q. And by summary, therefore, it's meant to infer
20 allegations or complaints of a lesser nature? 12:09

21 A. Again, the document that I've read in the Tribunal
22 bundle is from the Chief State Solicitor's Office,
23 which outlines the context for an admonition and its
24 place in the priority of matters to be considered --
25 first of all, formal discipline, and then admonition, 12:09
26 as in this case.

27 331 Q. And, I mean, if the offences were regarded as more
28 serious, a different form of procedure would be used,
29 isn't that right?

1 A. Oh, yes.

2 332 Q. And the penalties available for an admonition, if it's
3 upheld, are at the relatively low end of the scale, is
4 that right?

5 A. The fact of the admonition itself is quite a
6 significant...

7 333 Q. I appreciate that. It's not something that you'd want
8 on your career record?

9 A. Yes.

10 334 Q. But if you could just answer the question that I've
11 asked you, which was that the penalties available at
12 the end of an admonition procedure, if it's upheld, are
13 at the lower end of the scale?

14 A. well, not necessarily, because there are no defined
15 penalties, and it's quite simply you are, ehm, in peril
16 of lots of administrative decisions that may not, eh,
17 be particularly, you know, palatable.

18 335 Q. I think, in fairness to you, we were unaware of the
19 admonition process that had been instigated against you
20 until you, yourself, told us. And the documents we
21 have in relation to it come from you. And I think
22 that's just, Judge, so as you understand it, as we
23 understand it, there is a document destruction process
24 in place for documents of this nature - not just this
25 nature - after a certain time and, presumably, that
26 explains why we didn't receive them from the Defence
27 Forces. And if that's an unfair description, I'll be
28 corrected, but that's our understanding.

1 So we have, therefore, just some documents from you in
2 relation to this process, isn't that so?

3 A. Yes.

4 336 Q. So, I just want to look at some of them. If we could
5 look at page 4430, I think the handwritten date at the 12:11
6 top is October 1991, which would seem to fit with some
7 of the documents that follow, but do you read that any
8 differently?

9 A. No, I don't. I don't disagree.

10 337 Q. And then this is from the office of the Deputy Judge 12:12
11 Advocate General?

12 A. Yes.

13 338 Q. And it is to Brig. Gen. Wall, is that right?

14 A. Yes.

15 339 Q. He would recommend, as follows, on your recommendation 12:12
16 -- is that right?

17 A. Yeah.

18 340 Q. Well, maybe you're better at reading this than I, but
19 -- can you read that properly?

20 A. 12:12
21 "It would appear that Lt..."
22
23 - that's "B" -
24

25 341 Q. Yes, your treatment of -- 12:12
26 A.
27 "...treatment of [something] on the occasion of the
28 weapons inspection (all accounts of which tally..." --
29

1 342 Q. -- "within reason", I think?
2 A.
3 "...was not such as would ensure [something] for
4 authority..."
5 12:12
6 - I think that's "respect" -
7
8 "...or engender feelings of self-respect. Since you
9 consider this admonition to be unsatisfactory, it is
10 open to you to recommend that he be awarded 12:13
11 admonition."
12
13 343 Q. And the reference to the occasion of the weapons
14 inspection, what's that a reference to?
15 A. I imagine it was the Thursday night. 12:13
16 344 Q. Our understanding was that this was in relation to the
17 events of the Thursday night, but that's just a,
18 perhaps, an unusual description of it?
19 A. I...
20 345 Q. You can't explain that? 12:13
21 A. Not for certain.
22 346 Q. And then if we look at 4432, this is a document from
23 7th November 1991 authored by Brig. Gen. Wall, do you
24 see that?
25 A. Yes. 12:14
26 347 Q. 7th November, and he is referencing the Military Police
27 report at paragraph 2?
28 A. Yes.
29 348 Q. -- ill-treatment of subordinates. And then he's

1 outlining corrective action that he says had been
2 taken. He says:
3
4 "The two officers against whom the allegations were
5 made have been removed and replaced." 12:14
6
7 Then he goes on to say the other corrective actions
8 taken. And then, under 4, "Contemplated Action", he
9 says:
10
11 "I have initiated action against the two junior 12:14
12 officers who are the subject of allegations of
13 ill-treatment with a view to the application of
14 paragraph..."
15
16 -- and that's the admonition procedure. And: 12:14
17
18 "The submission of explanations is presently awaited.
19 A decision on further disciplinary action, if such be
20 deemed appropriate, will be made upon receipt of such 12:15
21 explanations."
22
23 Is that right?
24 A. Yes.
25 349 Q. So, here we are, some five-odd months after the events, 12:15
26 and this is initiated?
27 A. I can't remember the exact date. It was some time in
28 November.
29 350 Q. And, then, your response is to be found on 4433, dated

1 29th November?

2 A. Yes.

3 351 Q. And, by this stage, you're indicating in the second
4 paragraph you have received legal advice, do you see
5 that? 12:15

6 A. Sorry? well, I had, but I don't see it. Oh, yes, I
7 see it.

8 352 Q. Paragraph 2 there.

9 A. Yes, that's the first time that I was in a position to
10 obtain legal advice in respect of any of these matters. 12:16

11 353 Q. All right. And just it follows from that, I think,
12 that at the time of the Traynor allegations, you didn't
13 take legal advice, is that right?

14 A. I must say, at the time, and maybe it's because of my
15 age, it just never occurred to me. 12:16

16 354 Q. And nobody suggested --

17 A. No, no.

18 355 Q. And then you deal with the allegations as you there lay
19 out, isn't that so?

20 A. Yes. 12:16

21 356 Q. And what happened then, so far as you're aware, in the
22 immediate aftermath of sending in your response?

23 A. Well, the matter -- I suppose I was left, having
24 submitted my explanation in accordance with the
25 requirement, and, eventually, I was brought in again, 12:16
26 similarly, by my Commanding Officer and handed
27 notification that it was discontinued. But this was a
28 considerable time after.

29 357 Q. So, in between being told that, and we'll come to it in

1 the documents in a moment, and sending in your 29th
2 November response, had you received any communication
3 about what was happening?

4 A. No. Certainly, I don't recall anything verbal, and I
5 definitely didn't receive anything in writing. I 12:17
6 attempted to raise it at one point and I was told, 'No,
7 everything is under consideration.'

8 358 Q. And then if you turn to page 4437, do you see this is
9 December 1992, do you see that?

10 A. Yes. 12:17

11 359 Q. It's 13 months after your response, and the Brigadier
12 General is writing and paragraph 1 says:
13
14 "GOC proposed in his letter of 23 December '91 that
15 [you'd] be awarded an admonition and sought a decision 12:18
16 on the matter from the Adjutant General."
17
18 Do you see that?

19 A. Yes.

20 360 Q. So, although we don't have the letter of 23rd December 12:18
21 1991, it would seem that a decision in principle was
22 taken that an admonition was warranted. That's what it
23 seems to say?

24 A. "...and sought a decision from higher authority."

25 361 Q. "...and sought a decision from higher authority." 12:18
26
27 And in the next paragraph:
28
29 "In the absence of a direction in the matter, no action

1 has been taken."
2
3 So, it would appear that between 23rd December 1991 and
4 7th December 1992, there was no response to the letter.
5 That would appear to be the case? 12:18
6 A. Not to me, but I imagine there was -- the staff process
7 was working, but I wouldn't have had sight of it.
8 362 Q. And insofar as it refers only to the letter of 23rd
9 December 1991, it would seem that there was no
10 follow-up request for a response. The matter seems to 12:19
11 have just lain there for a year?
12 A. To be fair to the people involved, Mr. Cush, I can't
13 speculate on that.
14 363 Q. But you're at the wrong end of this, as it were, in the
15 sense that you don't know what's happening in that 12:19
16 period?
17 A. Yes.
18 364 Q. Did you ever ask anybody?
19 A. I did raise it, and I think I referred to it there a
20 second or two ago, and was told 'Let it go, what's 12:19
21 going to happen is going to happen.'
22 365 Q. And who did you have that conversation with?
23 A. Lt. Col. [REDACTED] was my Commanding Officer at the time.
24 366 Q. In The Curragh?
25 A. Yes. 12:19
26 367 Q. Then it goes on:
27
28 "I have requested a verbal report from his Commanding
29 Officer..."

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-- is that Lt. Col. [REDACTED]?

A. No, that's Lt. Col. [REDACTED]. [REDACTED] had handed over at this point.

368 Q. Okay.

12:20

"...on his performance since posting to that unit. He spoke of a certain degree of naivety and perhaps immaturity, but that his performance in the 3rd Battalion left nothing to be desired. He has every confidence in [you] and would be prepared to stand over [you] as a platoon commander.

12:20

In view of the above, I am of the opinion that the admonition should not proceed and that [you] be informed of that."

12:20

Do you see that?

A. Yes.

369 Q. So, as it transpires, the delay in dealing with it may have worked to your advantage?

12:20

A. I don't agree with that at all, because the matter remained under consideration. So I am there, having been removed from the unit before the Military Police investigation is concluded, before any determination is reached of any sort. Action is taken against me and I am left in a form of, ehm, administrative limbo, as it were, not knowing what's going on and nobody is telling me. So I don't think anything, really, about this

12:20

1 could be said to have worked out to my benefit.

2 370 Q. I do understand that, save can I just point out to you,
3 as we've seen, that there was a recommendation that
4 there should be an admonition, and the reason why that
5 changed, that recommendation was because a year had
6 passed and, actually, you were doing well?

7 A. I don't agree with that either because it's also
8 possible that the Adjutant General didn't agree that
9 the admonition should proceed. This is a letter from
10 The Curragh to the Adjutant General, so they're two
11 separate matters, but I am speculating.

12 371 Q. I'll just have one last go at this, if I may. There
13 was a recommendation back in December 1991 that you'd
14 be admonished, right?

15 A. Yes.

16 372 Q. It may or may not have been agreed with, okay, but a
17 year passed, nothing happened. And it would appear,
18 because you were doing well, it is now suggested that
19 the admonition not proceed. That's what seems to have
20 happened?

21 A. I have my view on it, Mr. Cush, and we don't agree.

22 373 Q. All right. In any event, if you look at 4438:

23

24 "I am to inform you that the Commander has decided to
25 discontinue with the proposed admonition. Please
26 inform him accordingly."

27

28 And that's February 1993, some 20 months after the
29 events under investigation, and presumably you were

1 informed in or about that time?

2 A. My recollection is being handed this, or a copy of it.

3 374 Q. All right, that document we're just looking at?

4 A. This one that's on screen at present.

5 375 Q. And the previous document that we looked at, 7th 12:23
6 December 1992 on page 4437, how do you come to have
7 that document?

8 A. It was given to me in the context of, ehm --
9 Lt. Col. [REDACTED] was his name -- he arrived to the 3rd
10 Battalion and he said 'You should have a copy of this 12:23
11 in case this ever arises again for you.'

12 376 Q. All right.

13 A. And he also gave me a copy of Gen. Wall's letter of 7th
14 November '91.

15 MR. CUSH: Thank you. Judge, I wonder could we just 12:23
16 have a very short break? I think I'm finished, but I
17 just want to check that that is correct, if I may?

18 SOLE MEMBER: Absolutely.

19 MR. CUSH: So maybe five minutes?

20 SOLE MEMBER: Yes, we'll resume again at 12:30. 12:23
21

22 THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

23

24 SOLE MEMBER: Good afternoon again.

25 MR. CUSH: Inevitably, there are just one or two more 12:31
26 questions!

27

28

29

1 2 LT. B CONTINUED TO BE DIRECTLY EXAMINED BY MR. CUSH
2 AS FOLLOWS:

3
4 377 Q. MR. CUSH: A clarification first, if I may. Do you
5 remember we were looking at letters from you on 14th
6 and 16th May 1991? 12:31

7 A. Yes.

8 378 Q. And just to assist you, I'm told that the letter of
9 14th May is the one discovered by both the Defence
10 Forces and the Minister for Defence and appears, 12:32
11 therefore, to be the one that was sent, whereas the
12 16th May document is one discovered by you. Does that
13 assist you in any way?

14 A. Not particularly. It's --

15 379 Q. No. 12:32

16 A. It's essentially the same letter if I...

17 380 Q. Exactly. I just wonder does it assist you at all -- if
18 you had sent the one on 14th May, can you understand at
19 all why the one of 16th May might exist?

20 A. This may come down to a typographical error. I don't 12:32
21 know what turns on this because it's the same letter.

22 381 Q. Okay, that's the first thing. The second thing is that
23 are we right in understanding that after a death - in
24 this case, the death of the late Oliver Mullaney -
25 there would have been a Military Court Tribunal? 12:32

26 A. Not in every case. There are requirements that are now
27 set out in Defence Forces Regulation A5, and there's an
28 accompanying administrative instruction. But, at the
29 time, I'm not sure it was, ehm, a requirement because

1 there would have been a number of --

2 382 Q. was there, in fact, one in this instance?

3 A. No.

4 383 Q. okay. I just want to finish by giving you an
5 opportunity to look at something that you said in
6 interview. It's on page 3411. Sorry, it may be 3410
7 to start. And at the foot of that page, do you see at
8 line 25, I said to you:

9
10 "MR. CUSH: The last thing I want to ask you today,
11 is at an earlier stage this morning, you described the
12 contrast between your time in Devoy Barracks and then
13 your subsequent time in the Curragh. And you said
14 Devoy was horrendous, I think was the word you used."

15
16 And, indeed, it was. And I then, over the page, asked
17 you do you want to explain that, and your answer
18 beginning on line 5, and I won't read it all, but I'll
19 just direct you to this:

20
21 2LtB : I suppose, I was put into a situation that
22 was wrong. The 32nd platoon were the same age as me.
23 One of my cadet class was in the 32nd platoon.
24 Whatever organisational problems were at issue, a lot
25 of that came back and were handed to me. Toolboxes,
26 quality of food, bad, poor NCOs, really bad
27 leadership."

28
29 I just want to pause there. The toolboxes, I think

1 we've heard from witnesses that there were issues about
2 the toolboxes. "Quality of food", we've heard about
3 that, "bad". I don't know whether "bad" is meant to
4 also refer to "poor NCOs", but just take "poor NCOs",
5 is that your view, that the NCOs at the time were poor? 12:35

6 A. To be fair, not of all the NCOs. I had a very good
7 experience of some very professional people. And I
8 think, if I remember correctly, Mr. Cush, that was at
9 the end of a long morning. So, I'm happy to qualify
10 that. 12:35

11 384 Q. All right. And "really bad leadership"?
12 A. Well, when you think back to the infrastructure to --
13 and I go on to talk about it here if you look at 12,
14 the accommodation, the guys who were in -- were
15 full-time students living in open dormitories. The 12:35
16 failures and deficiencies in kit -- I mentioned the
17 safety boots, but that was just one aspect across the
18 range of infrastructure, resources, staffing. The guys
19 in the apprentice platoons were let down.

20 385 Q. So, really bad leadership, to what does that refer? 12:35
21 A. At the top.

22 386 Q. What level are you referring to?
23 A. Defence Forces Headquarters. There were detailed
24 submissions made -- I think the Tribunal is in
25 possession of two cases that were made by the then 12:36
26 Commanding Officer, Lt. Col. Daly, looking for
27 additional staff. You'll also find a lot of
28 information in what I remembered was the submission to
29 the Gleason Commission at the time but I couldn't put

1 my hands on. It was quite a detailed --

2 387 Q. Okay. Now, that I understand what you're referring to,
3 I'm going to stop you there.

4 A. Anyway, I'm saying that these deficiencies were pointed
5 out by good people on the ground and were not acted on. 12:36

6 388 Q. Thank you. And just, for the record, you do go on to
7 make a distinction between the 32nd, 33rd and 34th
8 platoons, and you're making a point that the 34th
9 platoon, in your view, wasn't of the same quality as
10 the others, isn't that so? 12:36

11 A. No, I didn't say that.

12 389 Q. As a whole?

13 A. This arose in the case of some people referring to
14 themselves as a bad platoon, and I certainly would not
15 refer to the 34th platoon in such terms. There are 12:37
16 people in there who had different experiences, and
17 there were also people who had -- very good people --
18 the passage of time, you know, with families, careers
19 and all the rest of it. But I think it's unfair to
20 kind of paint a label like that on a group of people. 12:37

21 MR. CUSH: Thank you. You might answer some questions,
22 please, from my Friends.

23 SOLE MEMBER: Thank you.

24 MR. McGARRY: Thank you, Chair, I don't have any
25 questions at this time. 12:37

26 SOLE MEMBER: Okay, thank you, Mr. McGarry. Does
27 anyone else wish to put a question to the witness?

28 MR. COMPTON: I think it's open to me to go next.

29 SOLE MEMBER: Can you give me some indication of the

1 time you will take because, if it facilitates people,
2 we could break at 12:45 and come back at 1:45? would
3 that --
4 MR. COMPTON: Yeah, I certainly think I will be 45
5 minutes. 12:37
6 SOLE MEMBER: You will be more than?
7 MR. COMPTON: I think about 45 minutes.
8 SOLE MEMBER: About 45 minutes. would it make sense,
9 then, to break now and come back in an hour's time? So
10 let's meet again at 13:45. 12:38
11 MR. COMPTON: Thank you.
12
13 THE TRIBUNAL ADJOURNED FOR LUNCH AND CONTINUED AS
14 FOLLOWS:
15 13:48
16 SOLE MEMBER: Good afternoon.
17 MR. COMPTON: Thank you, Chair.
18 SOLE MEMBER: Now, Mr. Compton, could I ask you to move
19 the microphone as close as possible to you, please?
20 MR. COMPTON: Oh, I'm sorry, it wasn't on there, Chair. 13:48
21
22 2 LT. B WAS CROSS-EXAMINED BY MR. COMPTON, AS FOLLOWS:
23
24 390 Q. MR. COMPTON: Good afternoon. My name is Gary Compton,
25 I'm instructed by Coleman Legal, and we are 13:48
26 representing, in respect of this module, I think 15
27 past members of the Apprentice School.
28
29 Could I ask you to start by identifying a document for

1 us? And can I ask, maybe, it be brought up on screen?
2 It is page 2831. Can you identify this document?
3 A. My screen isn't working.
4 391 Q. Oh, I'm sorry.
5 SOLE MEMBER: Can you read it from there? If you can't 13:49
6 see it, you can tell me.
7 THE WITNESS: My screen is blank, Judge.
8 SOLE MEMBER: No, I'm just wondering can the witness
9 read it from the screen overhead here?
10 THE WITNESS: Not particularly well, but I don't want 13:49
11 to --
12 SOLE MEMBER: Not particularly well. well --
13 THE WITNESS: I don't want to -- no, it's fine, Judge.
14 Yes, Mr. Compton?
15 392 Q. MR. COMPTON: There you go. Now, I can go through it. 13:49
16 So, I understand this to be your document that was
17 created -- I think the date of it is 16/05/1991, and it
18 is a response in relation to the allegations made by
19 Damien Traynor; would that be correct?
20 A. No. 13:50
21 393 Q. Okay. Can you explain what the document is?
22 A. It's an explanation provided by me in respect of
23 allegations.
24 394 Q. well, we'll maybe just unpack that slightly. I'm right
25 in thinking the date is correct and that corresponds 13:50
26 with your understanding, 16th May 1991, is that
27 correct?
28 A. Yes.
29 395 Q. And that's certainly, from my understanding, around the

1 time the allegations were made by Mr. Traynor, is that
2 correct?

3 A. I understand the allegations were made by him on 12th
4 May.

5 396 Q. Okay. But certainly around that date. And just 13:50
6 explain to me, in that context, what you say this
7 document is?

8 A. It's an explanation in relation to an alleged incident
9 for Apprentice unnamed.

10 397 Q. Okay. And have you seen this document? 13:51

11 A. I believe so, yes.

12 398 Q. Okay. So you are familiar with it. Let's go down
13 through it -- it may help your recollection. At
14 paragraph 1, it says:

15 13:51

16 "Herewith please find my report in respect of the
17 above."

18

19 At paragraph 2, it says:

20 13:51

21 "The background to the alleged incident involves an
22 incident of a similar nature. This concerns..."

23

24 -- and there's a redaction there.

25 13:51

26 "There had been a fire in June 1989. The fire gutted
27 the gatehouse, causing serious injury to two personnel.
28 As a result of this incident, I initiated a 'No
29 Smoking' campaign in the billets. I was concerned for

1 the safety of my apprentices. In my opinion, the
2 billets are inadequately quipped for the prevention of
3 fire. There are no smoke alarms and not enough fire
4 extinguishers. In some cases, there can be up to 30
5 apprentices per billet. All of the apprentices
6 understood they should not smoke in the billets."

13:52

7
8 Then 3:

9
10 "One evening when I was an orderly officer - I'm unsure
11 of the date, I think it was November '89 - I walked
12 into [redaction] billets and found Apprentice
13 [redacted] smoking."

13:52

14
15 I think that's Mr. Lenaghan, is that correct?

13:52

16 A. I can't say for sure.

17 399 Q. okay. well, maybe if it comes back to you, you might
18 just confirm that.

19
20 "He put out a cigarette. I then proceeded to question
21 him as to why he was smoking in defiance of the 'No
22 Smoking' ban. He gave no answer. To show the
23 apprentice that I was serious in banning smoking, I
24 took a cigarette from his packet and told him to put it
25 in his nose. I got a photograph taken..."

13:52

13:52

26
27 -- sorry, I don't think it is Mr. Lenaghan, sorry, I
28 apologise for that.

1 "The intended object of this was to embarrass him and
2 thereby get the message across in a lighthearted
3 manner. It was not in any way intended to harm or
4 intimidate him. A similar incident occurred with
5 Apprentice..."

13:53

6
7 -- and I presume that is a reference to Mr. Lenaghan,
8 is that correct?

9 A. Again, because I'm not sure who you were talking about
10 in the first case, I can't be sure but...

13:53

11 400 Q. Okay, it may not be. But, again, I just want to give
12 you the opportunity to clarify that.

13
14 "I learned from my experience in the..."

13:53

15
16 - and then there is a redaction -

17
18 "...that sometimes it was better to treat things in a
19 lighthearted manner.

13:53

20
21 4. During the summer of 1990 OC [redaction] made a
22 recommendation that two apprentices be discharged as
23 unlikely to become efficient from general conditions
24 awarding apprenticeships."

13:53

25
26 And then there's a redaction.

27
28 "These apprentices were Apprentice [redaction]. The
29 cigarette incident emerged during the course of an

1 interview between the GOC Brigadier General and
2 Apprentice [redaction], as well as details of a
3 hair-cutting incident and a chewing incident."
4
5 Now, can I just ask you to explain what those 13:54
6 references relate to? Can you explain what the
7 hair-cutting incident relates to?
8 A. That was an allegation that I had cut somebody's hair.
9 401 Q. And can you tell me who made that allegation?
10 A. I think it was Aptce. [REDACTED]. 13:54
11 402 Q. Okay. And when you say the allegation was that you cut
12 somebody's hair, is that, I think, fair to say against
13 the apprentice's consent, is that correct? That's the
14 allegation being made?
15 A. Well, that's what, I suppose, I've read in the witness 13:54
16 -- or in the transcripts, yes.
17 403 Q. That's the allegation. And then can you just explain
18 what you are referring to as the chewing incident?
19 A. Well, again, this is something that I have denied in
20 respect of if it is chewing and swallowing cigarette 13:54
21 butts.
22 404 Q. And who made that allegation?
23 A. I think it was Aptce. Lenaghan.
24 405 Q. Okay. Can you describe to the Chair what you recall
25 about, first of all, the allegation and, secondly, the 13:55
26 incident itself?
27 A. I don't specifically recall the incident, and I
28 certainly recall this document because I have seen it
29 previously, as you say, and that, again, it was about

1 no smoking. It was about trying to discourage smoking
2 in the billets, which I regarded as a safety concern.
3 As I recall, there had been an incident in The Curragh
4 in the months preceding it where a soldier had,
5 unfortunately, perished in a fire. So, this was in the 13:55
6 consciousness, and that's the background to it.

7 406 Q. Okay. Now, I can just put it to you as a matter of
8 fairness what Mr. Lenaghan describes in relation to
9 that incident, and --

10 MR. MCGARRY: Well, just before my Friend does that, 13:56
11 Chair, it's clear from the Terms of Reference that the
12 Tribunal is permitted to hear evidence of allegations
13 of abuse. But it's equally clear from that and from
14 the opening statement that the Tribunal isn't to become
15 engaged in cross-examination of parties by reference to 13:56
16 the content of that. So, we know what Mr. Lenaghan has
17 said in his evidence and we know what has been said by
18 this witness. So, there's no need for Mr. Compton to
19 put what evidence has been given for the purposes of
20 getting this witness to say 'I deny it' or whatever. 13:56
21 And, in any event, it is not part of what the Tribunal
22 is here to decide. So, in my submission, that's
23 getting into the substance of the content of the
24 particular allegations.

25 SOLE MEMBER: Mr. Compton, do you want to respond? 13:57

26 MR. COMPTON: I do, please. I think the starting point
27 is that all of this evidence is relevant, as
28 demonstrated by the fact that the witnesses themselves
29 have given their version of these events. So, as a

1 starting point, this evidence is relevant. And,
2 secondly, it's undoubtedly the case that the
3 credibility of our clients has been put into question,
4 not only by virtue of a denial, but certainly of
5 comments made today, Judge, and particularly the 13:57
6 comments that 2 Lt. B has said that he will not let the
7 bullies win. That is a direct shot across our bow and
8 that entitles us to our rights, Chair, to test or to
9 certainly defend our credibility and, as a natural part
10 of that, I'm entitled to put these matters to 2 Lt. B. 13:57

11
12 Now, the answer, I think, lies in the third point I
13 wish to make. 2 Lt. B, is entitled to deny these
14 matters. He is entitled to make a comment, if he sees
15 so fit, or is entitled not to comment at all. And I 13:58
16 understand from the Terms of Reference that the balance
17 that is being struck, and rightly struck, is that
18 that's where I have to end, once those allegations are
19 put to 2 Lt. B and he chooses how he wishes to respond
20 to them. But to suggest that there is some obstacle in 13:58
21 the way of me putting those I think is not striking the
22 necessary balance.

23
24 And, Again, I would just re-emphasise that point; there
25 was more than one comment today that directly tested 13:58
26 the credibility of our clients. I don't wish to repeat
27 them, because it will just inflame matters. But I
28 think they are encapsulated by that statement where
29 2 Lt. B said that he's not going to let the bullies

1 win. Now, how could that be any more of a direct
2 attack on the people who have come forward to this
3 Tribunal to give their evidence?

4 SOLE MEMBER: Mr. Compton, I'm not actually determining
5 whether the allegations are true or not. I have to
6 decide whether or not the complaints processes for
7 dealing with complaints relating to such allegations
8 were appropriate and fit for purpose, or whether there
9 was a culture that deterred the making of complaints of
10 abuse.

13:59

13:59

11
12 The allegations have been made, the Tribunal has heard
13 them, and the witness has denied the allegations. The
14 reason why the Tribunal has followed the Terms of
15 Reference and allowed evidence of abuse to be led is so
16 that it can determine whether, having regard to the
17 nature of the abuse - serious, very serious, minor -
18 the complaints processes were appropriate and fit for
19 purpose. But that's as far as the Tribunal can go in
20 terms of hearing the evidence.

13:59

13:59

21
22 So, I would ask you, if you have a question to put to
23 the witness, that you put it bearing in mind the job
24 that I have to do in terms of the appropriateness, or
25 otherwise, of the complaints processes and/or,
26 particularly in this module, whether there was a
27 culture that discouraged the making of complaints of
28 abuse and/or whether there was active deterrence
29 thereof.

14:00

1 MR. COMPTON: Before we move on, Chair, I think it's
2 probably useful just to maybe slightly delay on this
3 point and hopefully avoid further objections. And, of
4 course, whatever the Chair rules, obviously I will
5 adhere to that, but I do think, and not to just repeat 14:00
6 the credibility point, but it is something that is
7 instilled into the rights of parties appearing before
8 the Tribunal, and that's our main role insofar as we're
9 entitled to defend our clients' credibility where it is
10 attacked. So if we start -- we can't ignore the 14:01
11 comments today, and if the Chair rules that those
12 comments aren't attacking credibility, well then a lot
13 of the substance of my points are taken away. But I
14 can't see how comments such as the one I have repeated
15 are said in respect of bullies can be anything other 14:01
16 than attacking credibility.

17
18 So, if the Chair is with me on that point --

19 MR. CUSH: Sorry, Mr. Compton, I beg your pardon, but I
20 wonder if I could just be heard briefly on this 14:01
21 question of credibility, because it seems to me at the
22 core of Mr. Compton's approach?

23 SOLE MEMBER: Yes.

24 MR. CUSH: I just want to say absolutely clearly that
25 in respect of the allegations of abuse, the credibility 14:01
26 of Mr. Compton's clients, or that of any other
27 complaint of abuse, is not in issue in this Tribunal.

28 SOLE MEMBER: Absolutely.

29 MR. CUSH: They were permitted to lead their evidence

1 of abuse -- and it also follows that the credibility of
2 this witness and other people who are alleged to have
3 been abusers, on this question of abuse, is not an
4 issue before this Tribunal.

5 SOLE MEMBER: Yes.

14:02

6 MR. CUSH: And the fact that this witness earlier today
7 gave evidence of what somebody else had said, "Don't
8 let the bullies win", or words to that effect, does not
9 change that one iota. So the credibility -- and I can
10 reassure Mr. Compton of this, that the credibility of
11 his clients is not in issue in this Tribunal on the
12 question of abuse.

14:02

13 SOLE MEMBER: Absolutely.

14 MR. COMPTON: Sorry, maybe I could just briefly respond
15 to that, but I suspect this will be the last of the
16 objections, so it is worth putting the effort in now.

14:02

17
18 There is certainly some comfort to be gained by the
19 restatement of the fact that the report, when it comes,
20 will not be testing or commenting on the credibility of
21 witnesses or of my clients. But that only goes some
22 way. This is, obviously, a public inquiry where
23 comments are made and reported. And, in that context,
24 a report that will not comment on my credibility does
25 not meet the damage that may be caused to my clients'
26 reputation in the meantime. And what I'm suggesting as
27 a balance that should be struck is that I should be
28 entitled to put the allegations that we are all
29 familiar - there are not many of them - to 2 Lt. B, and

14:02

14:03

1 he can deny these if he wishes to do so -- sorry, I'll
2 just finish off my point on this. Because, otherwise,
3 we have a situation where I have no protections other
4 than the potential of my credibility not being
5 discussed at some future date --

14:03

6 SOLE MEMBER: If I can interrupt you, please,
7 Mr. Compton, your credibility and the credibility of
8 your clients isn't an issue in relation to the
9 allegations of abuse. So, you're saying that you -- to
10 the extent you say you have no protection, it's not
11 going to be a matter that I have to trouble myself
12 with. I'm not going to be looking at whether or not
13 they were telling the truth or not about the
14 allegations of abuse.

14:03

15 MR. COMPTON: I appreciate that. And, sorry, I do
16 accept that 100%, so don't take anything I say to be
17 contesting that. But we are left with a situation that
18 we can't deny that matters are said in evidence that
19 are reported in the media and we aren't given the
20 opportunity to revoke those.

14:04

14:04

21 SOLE MEMBER: Well, you have the same opportunity as
22 the witness has -- if an allegation has been put, an
23 allegation against your client, and if that constitutes
24 a form of wrongdoing within the Terms of Reference of
25 the Tribunal, you have an opportunity to deny that, to
26 the same extent that the witness has an opportunity to
27 deny the allegations that have been put and that have
28 been made against him. I'm still struggling to see how
29 the credibility of your clients in relation to

14:04

1 allegations of abuse have any relevance to my role
2 here.

3 MR. COMPTON: well, I appreciate that, Judge, but when
4 you are in a situation where matters are -- evidence is
5 given and evidence is then blanketly denied, that, in 14:05
6 itself, raises the question of credibility. It simply
7 does.

8 MR. MCGARRY: Can I just say, Chair, that's an
9 extraordinary submission to make in circumstances where
10 Mr. Compton's clients have come in here, day after day, 14:05
11 and repeated allegations in respect of which no
12 cross-examination is specifically permitted to be made,
13 many of which have been the subject of blanket
14 reporting in the media and, in that context, a context
15 in which no cross-examination of them is permitted to 14:05
16 take place. And we understand that those are the
17 rules, those are the Terms of Reference, that's how it
18 is. Mr. Compton started off his objection by saying
19 it's relevant to the question he's asking, and I ask
20 the question: Relevant to what? He talked about the 14:05
21 credibility of his clients being put in issue by virtue
22 of a comment made in the evidence this morning by this
23 witness about "Don't let the bullies win", a comment
24 which is attributed to another person, to Mr. [REDACTED].
25 How on earth could that have anything to do with this 14:06
26 witness's evidence?

27
28 But I repeat the point that this witness has had to
29 suffer a number of days of reports of evidence, which

1 can't be challenged and tested in cross-examination, of
2 a whole variety of people. And it's a bit rich for
3 Mr. Compton to come here and say it's unfair on his
4 clients that they can't now do the very thing that we
5 were precluded from doing in respect of 2 Lt. B.

14:06

6 SOLE MEMBER: Mr. Compton --

7 MR. COMPTON: I'm just not following that, in truth.
8 Sorry, I don't mean to cut you off, Chair, in case you
9 weren't inviting me to answer that.

10 SOLE MEMBER: No, but I would ask you to keep your
11 questions to the matters that fall within the remit of
12 the Tribunal. If the answer to the question doesn't
13 help me to answer the questions that I have to answer,
14 then it's not a question that's relevant to my work.

14:06

15 MR. COMPTON: well, just on that, I skipped by that
16 point because I thought that was the least
17 controversial point. But the fact the specific
18 allegations, the specific acts of alleged abuse are
19 something that feed directly into the culture that was
20 present, the attitudes of the day, the culture of the
21 day, which is something that's directly at issue in
22 this module. And, in that case, as I say, that's
23 relevant. It was relevant insofar as my witness is
24 giving their evidence. It's relevant insofar as I'm
25 addressing this witness.

14:07

14:07

14:07

26
27 I do accept that it's not a court and it has its own
28 rules of engagement, and those have been clearly set
29 out as at the start. But I don't think that precludes

1 the giving the opportunity to my clients to have the
2 allegations put, as much as the right of this witness
3 to have his denials put to my witnesses. I don't think
4 it is unfair - and, in fact, it's probably fairer - to
5 allow the opportunity of the allegations to be put to 14:08
6 this witness, and the witness can then choose to
7 comment or not. And I accept, after that, I can't go
8 further than that. I can't cross-examine on that.

9 SOLE MEMBER: when the allegations were made, when the
10 evidence of your clients was given to the Tribunal, 14:08
11 this witness's counsel formally recorded the fact that
12 his client denied the allegations. So, that's as far
13 as I can go in terms of hearing them, hearing they're
14 denied, and then moving on to what I have to deal with.

15 14:08
16 So, in those circumstances, I would ask you just to
17 focus your questions, to the best of your ability, on
18 the complaints processes, the appropriateness, you
19 know, and whether they were fit for purpose and,
20 indeed, the culture. And whilst the culture within the 14:08
21 Defence Forces is relevant particularly to this module,
22 I can't -- I won't be making findings of abuse against
23 any particular individual. But I have heard the
24 evidence which your clients have made and I've heard
25 the denial of that evidence. So, could I ask you just 14:09
26 to focus, to the best of your ability, on questions
27 that will enable me to focus on my work.

28 MR. COMPTON: Thank you very much.

29 SOLE MEMBER: Thank you, Mr. Compton.

1 407 Q. MR. COMPTON: Can I ask you then, can I skip forward to
2 a separate point, and it is the investigation that you
3 were asked about today by Mr. Cush, and this is the
4 investigation into Mr. Traynor's allegations in May
5 1991. You fairly confirmed to the Chair that you were 14:09
6 not interviewed as part of that investigation; is that
7 correct?
8 A. Yes.
9 408 Q. And I understand that, since that time, you have some
10 experience in legal matters, is that correct? Sorry, 14:10
11 as a professional, is that correct, you have some, I
12 think, qualifications in respect of legal matters?
13 A. I would just be a bit concerned about identification
14 now. And also relevance.
15 409 Q. Well, I apologise for that. I apologise for that. I 14:10
16 think you understand the import of my question, though,
17 I think you have some experience in that role, is that
18 correct?
19 A. Now, that I didn't have then.
20 410 Q. And would you -- just in terms of an investigation 14:10
21 where the complainant and the alleged perpetrator
22 aren't interviewed; would you consider that to be a
23 fair investigation?
24 A. Standards of investigations and inquiries in 1991 were
25 something that I knew very little about. How I would 14:10
26 feel about that now is -- you'd have to put a different
27 set of facts in front of me, an investigation taking
28 place in 2026.
29 411 Q. Did you ask to be interviewed as part of the

1 investigation?

2 A. I think I confirmed that there were discussions between
3 myself and the officer conducting the investigation.
4 He supplied me, as far as I can recall, to the best of
5 my knowledge, with the allegations. Otherwise, I 14:11
6 couldn't have replied to them.

7 412 Q. But did you not seek the opportunity to be heard?
8 Obviously, these were serious matters that were being
9 raised against you. Did you not seek the opportunity
10 to put those -- to be heard and given your full rights? 14:11

11 A. On the contrary, I think they were serious matters.
12 And, secondly, I was heard.

13 413 Q. In what way?

14 A. I had a copy of my, ehm, report, I presume.

15 414 Q. So, you were satisfied that that was sufficient to 14:11
16 protect your rights in the course of the investigation?

17 A. Well, you're asking me to cast myself back to 1991.
18 Was I satisfied? I wasn't satisfied about a lot of
19 aspects of it, but I had to get on with it.

20 415 Q. And what if the outcome of the investigation went 14:12
21 seriously against you? If we can just speculate to say
22 -- not to say that this was deserved, but say it was
23 recommended that you were discharged, would you have
24 felt that you had got your full rights in that context?

25 A. I'm not going to speculate, thank you. 14:12

26 416 Q. And I may be wrong on this, so you might just take me
27 through this, am I understanding that your evidence was
28 that the Redress of Wrongs procedure was effective?

29 A. I wasn't asked that.

1 417 Q. well, can I ask you that question now; do you think it
2 was effective?

3 A. Insofar as it was relied on and used by two members,
4 ehm, that I'm aware of, of the 34th Platoon, so there
5 has to be some degree of utility to it. 14:13

6 418 Q. And were you aware at the time that there was quite a
7 substantial investigation or a report commissioned
8 called the Gleason Report?

9 A. I remember reading the Officer Commanding's submission
10 to the Gleason Report, which focused very much on the 14:13
11 problems and the deficiencies in the terms and
12 conditions of apprentice pay, and terms and conditions
13 generally. I have asked for that to be produced, but I
14 understand that it's no longer available.

15 419 Q. It is, it's certainly hard to source, but it is 14:13
16 possible to do so and I think it is on the system. If
17 necessary, we can bring this up --

18 A. well, I can -- sorry, you may have misread me,
19 Mr. Compton. I'm talking about the Apprentice School
20 submission to Mr. Gleason's report, not the report 14:13
21 itself. I have the report.

22 420 Q. Indeed. And I think there was, as you say, the Gleason
23 Report dealt with lots of matters, some, as you say,
24 conditions and things like that. But it also dealt
25 with the grievance procedure; do you remember that part 14:14
26 of that?

27 A. No.

28 421 Q. Indeed. It probably follows from that that you don't
29 recall that the NCOs made a submission in respect of

1 the grievance or the Redress of Wrongs procedure?

2 A. As did the officers' fledgling representative

3 association, I think.

4 422 Q. So you are familiar that that did happen?

5 A. Well, I mean, there was dissatisfaction with it, so it 14:14

6 stands to reason that there was going to be submissions

7 made. This was the most important report on Defence

8 Forces' terms and conditions in quite a long time, if

9 decades.

10 423 Q. Well, let's just focus in on the grievance procedure 14:14

11 aspect, which again you fairly say that you were aware

12 that a submission was made on behalf of NCOs. The

13 report itself, and I can give a note to it - and, if

14 necessary, we can bring it up - but I can certainly

15 give a reference point, point 5.143. 14:14

16 A. I haven't got that open in front of me.

17 424 Q. I don't think it's necessary. I'll read it out and, if

18 there is any confusion, I think we can call it up on

19 the screen. But it notes at that 5.143 that:

20 14:15

21 "The Commission received many criticisms about the

22 procedure for Redress of Wrongs. The NCOs' team

23 submission pointed out that 'The...'

24

25 -- and this is a quote: 14:15

26

27 "'The procedure is now held to be a meaningless ritual,

28 with little or no hope of actual redress at the end.

29 There is also the perception that if the person applies

1 for redress, he may become the subject of 'special
2 treatment' or some form of victimisation. The
3 procedure has now lost all credibility and is now more
4 or less ignored by the NCOs. This has led to a good
5 deal of pent-up frustration on the part of personnel.'" 14:15

6
7 And that's a quote from, as I understand it, from the
8 NCOs' submission as part of the Gleason Report. Does
9 that tally with your understanding of the Redress of
10 Wrongs procedure at that time? 14:16

11 A. No, and what you've read out is, I think, to be fair to
12 you, has no relevance to me.

13 425 Q. And why is that?

14 A. Because I don't see any -- I don't recognise anything
15 in it that arises in my case. The fact of the matter 14:16
16 is, the procedure that was required to be promulgated,
17 published, ehm, instructed on, guidance delivered on,
18 and all of rest of it, that was done and that procedure
19 was relied on, in good faith by people, at the material
20 time. 14:16

21 426 Q. Maybe, I'll try and make myself clearer in that regard.
22 The relevance that I see is that, if the Redress of
23 Wrongs procedure is as described here, it certainly
24 wasn't available to my clients in any real form during
25 the period 1989 to 1991 when this submission was made. 14:16
26 And then to suggest that, which I understand you to do
27 - but again you correct me if I'm wrong - to suggest
28 that there was this procedure and it was used, I say is
29 not accurate, and I'm asking you to comment on that?

1 A. Could you repeat the last bit, sorry, please?

2 427 Q. Sorry, not at all. I'm saying that my understanding of
3 what your initial comment was in respect of the Redress
4 of Wrongs procedure was that it was used, which I take
5 from that is you saying that that was effective -- I 14:17
6 may be wrong in that. I'm putting this quote to you
7 because it notes that the NCOS' representative body at
8 that time made a submission completely to the opposite.
9 And the upshot of all of that, I say, and the relevance
10 of that, I say, is that it's not accurate to say that 14:17
11 my clients had an effective outlet to make a complaint
12 during 1989 to 1991 in the form of the Redress of
13 Wrongs. And I'm just asking you to comment upon that,
14 any part of that. I know it's packed.

15 A. Well, I'm going to refrain from any speculation on the 14:18
16 system that I might have had to deal with or could have
17 dealt with. And if it was revised - and I appreciate
18 what you're referring to - but I had to deal with the
19 system that was in place, and I can really only comment
20 on that. And I did regard that, if it was used -- or 14:18
21 used -- invoked and relied upon, that's about as far as
22 I can go with that.

23 428 Q. You saw from that, the part I quoted, that the main
24 reason, I think, that it wasn't used or the NCOS
25 thought it wasn't used was that the price of using it 14:18
26 was that the person could be subject to special
27 treatment or some form of victimisation. Now, does
28 that tally with any of your recollections at the time?

29 A. Not at the time.

1 429 Q. So, am I understanding from that that you think and
2 your view was that this procedure was available and
3 could be used without any fear of a retaliation?
4 A. Absolutely.
5 430 Q. Okay. And insofar as the NCOs' representative body say 14:19
6 otherwise, you simply just disagree, is that correct?
7 A. I have every respect for the NCOs' representative body
8 at the time, and what it is today, ehm, but I don't
9 hold firm to the contention that you're making. I
10 disagree, actually. 14:19
11 431 Q. Okay. And are you aware, at that time, of any
12 complaints of abuse -- not against anyone, in
13 particular, but of any complaints of abuse being made?
14 A. Am I aware of any complaints of abuse?
15 432 Q. Yes. 14:20
16 A. Against?
17 433 Q. I'm trying to leave it open deliberately, not to name
18 anyone. But any complaints - I'll leave it as broad as
19 that - any complaints of abuse being made in the period
20 1989 t o 1991? 14:20
21 A. Well, there are allegations of complaints of abuse that
22 have been made to the Tribunal from that time and from
23 what it seems is this year. So, these have been made
24 and aired before the Tribunal.
25 434 Q. Outside that, are you aware of any other claims of 14:20
26 abuse?
27 A. At the time?
28 435 Q. At the time.
29 A. No.

1 436 Q. So, that would - I'm going to try put words in your
2 mouth, so please disagree - that would suggest that
3 there were no incidents of abuse outside the ones we
4 are all familiar with now, or are we saying --
5 A. Well, now you are trying to put words in my mouth and 14:20
6 --
7 437 Q. Well, I was honest with you at the start.
8 A. I don't accept what you're saying. I disagree
9 completely. You've asked me a question, was I aware of
10 it, and I said I wasn't. 14:21
11 438 Q. That's okay. And I'm saying what follows on from that
12 is are you saying that there were no claims of abuse
13 that you're aware of, or that it simply wasn't
14 reported?
15 A. I think it's the same question, isn't it, just asked a 14:21
16 different way three times. I was not aware -- again,
17 I'll go back to the first of your three questions. I
18 was not aware, eh, of other complaints of abuse other
19 than those that have been raised before the Tribunal.
20 439 Q. Could I ask you, then, just to, going to the culture 14:21
21 that existed in 1989 and, within that context, can I
22 ask you about your training? I understand that you
23 were a cadet, is that correct?
24 A. That's correct.
25 440 Q. And can you just remind me - I know you've said this - 14:21
26 what years you were trained over in respect of your --
27 A. '87 to '89.
28 441 Q. And as part of that training, you fairly said that you
29 weren't trained, as one would expect today, in terms of

1 leadership and management of individuals, is that
2 correct?

3 A. I think I made a distinction between leadership and
4 management, but, yes, in the round.

5 442 Q. And did any of the training touch upon the differences 14:22
6 between, say, recruits and apprentices?

7 A. No.

8 443 Q. In your own mind, is there a difference between
9 recruits and apprentices?

10 A. In 1989? 14:22

11 444 Q. Yes.

12 A. Not particularly. They were both inductees into the
13 Permanent Defence Forces. They follow a particular
14 Syllabus of Training. That's -- if that's what you
15 mean? 14:23

16 445 Q. Well, is there a difference in respect of the age
17 profile of apprentices and cadets or recruits?

18 A. No, because prior -- during this time and until Ireland
19 signed the Optional Protocol to the Convention on the
20 Rights of the Child, the Defence Forces was recruiting 14:23
21 what you might call or refer to as minors - so under
22 18s - and what was also referred to as "bands men",
23 because I don't think there were any ladies in the
24 band. So bands men, recruits and apprentices were
25 routinely recruited under the age of 18. 14:23

26 446 Q. And in terms of, say, the motivation of an apprentice
27 versus the motivation of a cadet or recruit, is there
28 any difference there? Motivation in joining the Army,
29 I should say.

1 A. I've never trained a recruit platoon, so I can't answer
2 that.

3 447 Q. Well, you're a cadet, so let's stick to the comparison
4 between cadets and apprentices. Is there a difference
5 in motivation in joining the Army? 14:24

6 A. Well, I suppose I would regard motivation as a very
7 personal mindset, so I can't speak for somebody else's
8 motivation. Some people particularly want to be
9 cadets, some people want to be apprentices. I can't
10 really say beyond that. 14:24

11 448 Q. Well, I understood from your interview with Mr. Cush,
12 your first interview, that it was certainly your own
13 motivation was being a soldier first. Is that a
14 fair --

15 A. Yes. 14:24

16 449 Q. That's fair. And I'm just putting to you that in
17 respect of apprentices, that that isn't the primary
18 motivation in respect of all apprentices. It may well
19 be for some, but a dominant motivation is to learn a
20 trade, is that correct? Or is that your understanding, 14:24
21 I should say?

22 A. Not necessarily, no. Because there was a particular
23 time in the late '80s when there weren't general
24 service recruiting or general service recruitment so
25 that might have led - and I'm saying potentially here - 14:25
26 to persons joining the Apprentice School because they
27 couldn't join recruits or maybe weren't successful in
28 the cadet competition.

29 450 Q. And at any time during your period as Platoon Commander

1 in 1989 to 1991, was that something that you suspected
2 was part of the problem with the 34th Platoon, that
3 some were motivated simply to get a trade, rather than
4 putting the Army first?

5 A. Well, I have never spoken derogatorily of the 34th 14:25
6 Apprentice Platoon and given them a label of any
7 description. And I have been at pains to kind of ask
8 that this "bad platoon" moniker be not associated with
9 them. But I think it is fair to say that across all
10 the apprentice platoons, I would have, you know, met 14:26
11 people who were more interested and more motivated by,
12 you know, getting their trade papers, yes.

13 451 Q. And when you talked about Devoy Barracks being
14 horrendous, I think that was a part that Mr. Cush
15 brought you through in your transcript, and there were 14:26
16 specific examples you gave in respect of why you said
17 that was so?

18 A. When I spoke about what was horrendous, I wasn't
19 speaking about Devoy Barracks. I was speaking about my
20 experience and experiences in Devoy Barracks. 14:26

21 452 Q. And was that limited to the period in May 1991 and June
22 1991, or was that prior to that, when you started in
23 1989?

24 A. I think I've referred to some of it in my answers
25 earlier today, but, like, there was a range of 14:27
26 experiences that were very unsatisfactory from a
27 professional perspective and from a personal
28 perspective. You don't enter into these things without
29 trying to do your best for people. And when you're

1 fighting against an incoming tide, poor resources/
2 facilities, limited staff, you know, it's easy to
3 become disenheartened.

4 453 Q. You mentioned, I think, also, that there was -- I can't
5 quite remember the name of the ranking officer that you 14:27
6 mentioned, but there was two cases put forward to seek
7 extra staff for Devoy Barracks, isn't that right, in
8 1990, I think, is that correct?

9 A. Yes, I think they're in one of the booklets.

10 454 Q. And you're familiar with those documents. You 14:27
11 obviously are if you brought them to the attention of
12 the Chair --

13 A. Yes, I brought them to the attention of the Chair.

14 455 Q. Is it a fair summary of those documents to say that
15 there was indiscipline in Devoy Barracks due to the 14:28
16 understaffing, the fact that apprentices were
17 ambitious, the fact that apprentices were quite
18 familiar with civilian codes and civilian lives, and
19 all of that contributed to an unsatisfactory position
20 in terms of discipline in Devoy Barracks and, as a 14:28
21 result, extra staff were needed; is that correct?

22 A. I don't have the documents open in front of me, or the
23 particular document that I think you're referring to,
24 but I think what we're talking about is a lack of
25 personnel to afford adequate levels of supervision. 14:28
26 I'm not talking about indiscipline.

27 456 Q. So, even if supervision, given that you needed
28 assistance in respect of supervision, in the absence of
29 that assistance, how did you go about imposing

1 discipline on the members of the 34th Platoon?

2 A. I didn't impose discipline, the discipline is a facet
3 of military life, regimental routine. When issues
4 arose, they were dealt with in that normal system.
5 People were either spoken to, paraded, or eventually 14:29
6 charged.

7 457 Q. And are they the three options that were available to
8 you? I think just -- you say paraded, charged or
9 spoken to. Are they the three options? Were there
10 further options that you had in terms of instilling 14:29
11 discipline? I'm sorry about the word "imposing", but
12 instilling discipline?

13 A. Well, "spoken to" includes forms of guidance, finding
14 out, well, 'what's the problem here?', 'what's the
15 issue?' and, if there is a solution that could be 14:30
16 found, find that solution. I mean, discipline is one
17 thing; administrative remedial measures is quite
18 another. But one could solve the problem of the other,
19 if you know what I mean.

20 458 Q. Well, we've heard evidence of other forms of instilling 14:30
21 discipline, such as cancelling of weekend passes. Is
22 that something you were familiar with?

23 A. I've read the allegations made, yeah.

24 459 Q. And do you have any response to that? Is that
25 something that you say that simply didn't arise in your 14:30
26 period?

27 A. Well, and I think other witnesses have commented before
28 the Tribunal in relation to this, or perhaps they will
29 -- I may be mixing that up with interviews. So, one of

1 the issues that arises here is whether a person has
2 been charged formally and whether they've received a
3 punishment pursuant to the relevant section of the
4 Defence Act, which was a punishment called "Confinement
5 to barracks". Now, confinement to barracks commenced 14:31
6 on the day that the determination was awarded by the
7 officer hearing the charges. That's one aspect.

8
9 Another aspect is the loss of privileges. And I think
10 the overall time off scheme would have been the first 14:31
11 years were usually kept for the first six to eight
12 weeks, and that was very similar to the Cadet School at
13 the time. And then there was either a long weekend or
14 a short weekend, and the short weekend commenced at
15 lunchtime on a Saturday. 14:31

16
17 In the late '80s/early '90s, if you were from a
18 location within 50 miles of the barracks, or you maybe
19 were fortunate to be on service by a good bus route or
20 a train, you could go home on a Saturday, and you 14:32
21 invariably did. There was a blend of that, then, in
22 the second year and, in the third year, senior
23 apprentices were off nearly every weekend.

24
25 But to return to your question about cancellation, I've 14:32
26 read what was said, what's been alleged, and certainly
27 I don't agree that this was something that happened on
28 a widespread basis. It is not an easy thing to cancel
29 the weekend of 50 people. You have to have additional

1 cooks, you have to have food. So the suggestion that
2 this is going to be done at 12 o'clock on a Friday is
3 something that just doesn't compute and I don't accept
4 it.

5 460 Q. But is it easier to cancel the weekend pass of one 14:32
6 person?

7 A. Is it easier?

8 461 Q. Well, you suggest there's a problem with cancelling the
9 entire platoon's, but I'm just saying it would follow
10 to me then that that difficulty wouldn't arise if 14:33
11 you're cancelling the pass of a single person?

12 A. Well, it doesn't arise in my case because I didn't do
13 it. So if an apprentice was, eh, under a
14 determination of confinement to barracks, then the
15 individual was confined to barracks. Some apprentices 14:33
16 couldn't go home because it would take them a day and a
17 half or two days to get there. But that's not a of
18 confinement to barracks or a case where their
19 privileges were in some way restricted. And I think
20 there is a degree of confusion in some of that. 14:33

21 462 Q. But there is, again, just focusing on the culture at
22 the time, the evidence has been given - think at least
23 once, if not more - that there was a fear that weekend
24 passes could be cancelled at the very last minute, to
25 the point where apprentices would not even stand at the 14:33
26 bus stop outside the gates for fear that they would be
27 spotted and would have their passes cancelled. Does
28 that...

29 A. No, I couldn't agree with that. It certainly wouldn't

1 have been in my experience. Really, the guys worked
2 hard. If it was their turn to go home for the weekend,
3 particularly if it was a long weekend, you were trying
4 to get them home. But this suggestion that passes were
5 cancelled on a whim... Now, if they were subject to a 14:34
6 loss of privileges, and that's what leave is, leave is
7 a privilege - it's contained in Defence Forces
8 Regulation A11, I believe - but this is not something
9 that you would do on an arbitrary basis. It's wrong.

10 463 Q. Just taking up that point, is it part of that 14:34
11 regulation or your training that you are trained on the
12 impact that the cancellation of a weekend pass may
13 have, or being confined to barracks may have on an
14 apprentice? Is that part of the training?

15 A. Well, I can't say I was ever trained on something that 14:35
16 I never participated in or never occurred.

17 464 Q. With respect, all I'm asking you now is a separate
18 point. We've moved past me asking you to comment on
19 whether you participated. I'm now asking you on the
20 training itself. And I'm asking you, is part of that 14:35
21 training, training that involves explaining to the
22 people involved in the cancellation process, either at
23 a preliminary step or making the decision, what the
24 impact that may have on an apprentice? And that, I
25 think, is a yes or no answer. 14:35

26 A. Well, it's not a yes or no answer. I mean, no, I was
27 never trained on anything of that nature.

28 465 Q. And I say that because, again, it's been consistent
29 evidence, that you've seen for yourself, that this had

1 considerable -- the fact of having weekend passes
2 cancelled had considerable effect on the apprentices,
3 and the respite that was offered by weekend breaks was
4 taken away from them, and that's why I asked that?

5 A. Not taken away by me, is all I can add to that. 14:36

6 466 Q. Mr. Seamus Boyle - again, you would be familiar with
7 his evidence - his recollection, and it may be that he
8 wasn't being precise in this, was that from Christmas
9 to Easter he didn't have a weekend break. Do you
10 remember Seamus Boyle? 14:36

11 A. I do, and I remember travelling to his -- I think his
12 father's funeral, and it took best part of a day
13 because he lived in Inishmore. So he was one of the
14 guys, unfortunately, who had quite a distance to travel
15 to get home. But hearing that, you know, hearing him 14:36
16 air those particular difficulties was a surprise to me,
17 because efforts were made to facilitate him, given the
18 length of time -- or, sorry, the journey that he had to
19 undertake.

20 467 Q. So you don't agree with him in that regard, I think is 14:37
21 that what you were saying?

22 A. I respect his right to air what he wishes, but my
23 recollection of his specific case is different.

24 468 Q. And would you accept that his recollection may be more
25 precise or accurate in circumstances where he was the 14:37
26 recipient of having the passes cancelled?

27 SOLE MEMBER: Mr. Compton, could I ask you again to
28 refocus the questions on the complaints processes and
29 the questions I have to answer?

1 MR. COMPTON: I will.

2 SOLE MEMBER: Thank you.

3 469 Q. MR. COMPTON: Could I ask you to, if possible, can we
4 pull up the transcript from Day 10, which is 19th June?
5 This is your -- sorry, it's not. Sorry, I got that 14:37
6 wrong. Could I ask for page 3411 to be put up? Thank
7 you. I think Mr. Cush went through this with you. And
8 this is where at the top, I think, at line 5, you were
9 describing, I think, some of the problems you perceived
10 when you took up the position in 1989, and that starts 14:38
11 with:
12
13 "I suppose, I was put into a situation that was wrong."
14
15 Can I ask you then just to skip through that paragraph 14:38
16 to the next paragraph, which starts:
17
18 "Then there was a marked contrast, you know. The
19 32nd..."
20
21 - I think the 32nd Platoon -
22
23 "...were older, but they were off every weekend. They
24 were no problem. And I would say today, a mature
25 bunch, you know."
26
27 Can you just explain what you mean by the reference
28 "but they were off every weekend"?
29 A. They were senior apprentices and that was regarded as

1 kind of a rite of passage. Plus, they would, a lot of
2 them, have their own vehicles, so they had flexibility
3 and the ability to... But certainly, because they were
4 senior apprentices, it was certainly customary for them
5 to be off every weekend.

14:39

6 470 Q. And do you think that the fact that they were off every
7 weekend certainly helped not only the apprentices, but
8 the discipline of the 32nd Platoon?

9 A. I wouldn't draw an immediate connection between both.

10 SOLE MEMBER: Mr. Compton, can I remind you again,
11 please, to focus your question on something that I can
12 actually make a determination in relation to. Thank
13 you.

14:40

14 MR. COMPTON: I want to just put, and this slightly
15 steps outside that, Chair, but, as previously
16 discussed, where something has been said, I think I'm
17 entitled to put the other -- my clients' version of
18 that to the witness, if he has said something
19 specifically about one of my clients. And, just on
20 that, I'll give you -- rather than put it, I'll just
21 explain to the Court where I'm going with this.

14:40

22
23 what was said was that Mr. Traynor signed a commitment
24 the week before he sought discharge, and we're familiar
25 with that. But I think it's only fair, given that that
26 was presented as supporting the witness's version of
27 events or recollection that there was no substance to
28 the complaints of Mr. Traynor, I think it's only fair
29 that I should be able to put Mr. Traynor's explanation

14:40

1 for signing that commitment to the witness.
2 SOLE MEMBER: I'm not convinced that it is,
3 Mr. Compton. I've heard what Mr. Traynor has to say.
4 I am, of course, interested in the quality of the
5 investigation in relation to the complaints that were 14:41
6 made, but that specific matter, I've heard what he has
7 to say, and I factor that into the overall picture.
8 But it's not something that I'm going to decide did or
9 didn't happen.

10 471 Q. MR. COMPTON: Thank you, Chair. [Short pause]. I'm 14:41
11 going to close just on this, and it's an invitation
12 that doesn't have to be taken up, but my understanding
13 is that you quite fairly, in certainly the document
14 that I was referring you to, have accepted some
15 shortcomings on your part. And, obviously, there are 14:42
16 contexts to all of this, particularly the fact of the
17 ages and the lack of training - your age, my clients'
18 ages, the conditions that existed in 1989 - and
19 obviously my clients have come here today and
20 throughout this process to assist the Tribunal and to 14:42
21 give what they think is relevant evidence. So, I'm
22 inviting you, in the context that you have acknowledged
23 some mistakes, to address my clients in that regard.

24 SOLE MEMBER: Mr. Compton, if you put a question to the
25 witness, that's fine. But I don't know what you're 14:42
26 inviting the witness to do.

27 MR. COMPTON: I will. And that can be the end of it,
28 Judge.

29 SOLE MEMBER: And bear in mind the invitation, again,

1 whatever it is, has to come within the Terms of
2 Reference.

3 MR. COMPTON: well, I suspect there will be an
4 objection, but the witness doesn't have to answer it.
5 I am inviting you to address any mistakes that you 14:43
6 think you've made during your period from 1989 to 1991
7 --

8 MR. McGARRY: That's not a question.

9 MR. COMPTON: That's fine.

10 SOLE MEMBER: Thank you, Mr. Compton. Now, do we have 14:43
11 any other questions?

12 MR. McCANN: Yes, Sole Member.

13 SOLE MEMBER: Thank you, Mr. McCann.

14

15 2 LT. B WAS CROSS-EXAMINED BY MR. McCANN AS FOLLOWS: 14:43
16

17 472 Q. MR. McCANN: Thank you very much, 2nd Lt. B. You can
18 hear me, Sole Member, yes?

19 SOLE MEMBER: Yes, I can, thank you, Mr. McCann.

20 473 Q. MR. McCANN: As you know, I appear for the Defence 14:43
21 Forces. My name is Patrick McCann. I think for the
22 other witnesses who've served in the Defence Forces,
23 I've gone into their biography a little bit, but, for
24 obvious reasons, I'm not doing that with you,
25 2nd Lt. B, and I hope you'll understand why. The "why" 14:44
26 is to do with your confidentiality, to be clear, the
27 right to confidentiality.

28 A. Thank you, Mr. McCann.

29 474 Q. Just, again, Mr. Cush, I think earlier this morning,

1 went through the -- this will be a little bit technical
2 and a little bit slow, 2nd Lt. B, so just sorry for
3 that, but I don't think there'll be much in the way of,
4 from your point of view, much in the way of fireworks,
5 at least not -- well, that's my intention.

14:44

6
7 So I want to really just discuss the Acts with you, and
8 I want to discuss the Defence Forces Regulations with
9 you and your tuition at the Army Apprentice School.

10
11 So, by way of context, Mr. Cush brought you to
12 Col. O'Donovan's statement to the Tribunal and, again,
13 we might just bring it up. It's at page 396 in the
14 books, the very first book. And, again, Mr. Cush
15 brought you through this earlier, and I think
16 Col. O'Donovan said that the apprentices were, in his
17 time -- and we know that his time was a number of years
18 after your time, isn't that right?

14:44

14:45

19 A. Yes.

20 475 Q. Depending when you count it, it's either four years
21 from the end, when you left, or six years from when you
22 started. So, it would certainly be -- thanks very much
23 for delivering the books -- I understand you, like
24 myself, have eyesight problems, 2nd Lt. B, so I'm very
25 grateful for the assistance of the books.

14:45

14:45

26
27 So, as you can see, Col. O'Donovan referred to -- yes,
28 just go down just so I can read it. So he describes,
29 first of all, he does it in the reverse order, he

1 described the mechanisms of communication, and then he
2 described what the complaint mechanisms were, just to
3 read them there:

4
5 "This procedure was not limited to the Redress of
6 Wrongs mechanism as discussed, but also complaining to
7 their commanding officer and the submission of
8 grievances to a prescribed Officer."

14:46

9
10 So, I'll just be discussing those with you. So, again,
11 if the Registrar might bring up then the Defence Act,
12 1954, are you familiar with this?

14:46

13 A. Yes.

14 476 Q. -- and Section 114, and we'll try and locate this. So
15 it's at page 77 of Tribunal Reference Book 1. So,
16 page 77, if you just go down a little bit further --
17 yes, thanks very much. And, again, thanks to the
18 judicial assistant for her assistance. So, page 77,
19 first.

14:46

20 A. Yes.

14:46

21 477 Q. Again, just trying to locate and understand what this
22 might have meant to the individual apprentices, so if
23 we read Section 114(2) together, 2nd Lt. B:

24
25 "If any man..."

14:47

26
27 -- and I think the distinction is made between officers
28 and men, and you might just explain that to the sole
29 Member?

1 A. So, obviously in the Act drafted in 1954, the term
2 "man", unfortunately -- obviously, today it would be --
3 it refers to enlisted personnel.

4 478 Q. Any enlisted personnel, exactly.

5 A. So either commissioned or non-commissioned, but 14:47
6 enlisted in this particular case.

7 479 Q. Yes.

8 A. And, not to add to the confusion, but the enlisted
9 personnel would include non-commissioned officers and
10 persons of Army Private rank and their Naval Service 14:47
11 and Air Corps equivalence.

12 480 Q. Right. So, again, "man" includes -- "man" here
13 includes apprentice, private, but also corporal
14 sergeant, company sergeant...

15 A. I'm not sure if it is included in the interpretation 14:48
16 earlier on in the Act, but --

17 481 Q. Okay, well, if it is -- well, don't worry, we're not
18 absolutely concerned with the detail of it, but just
19 that that is who a man is -- of course, now it's man
20 and woman, obviously, since women entered the Defence 14:48
21 Forces.

22

23 So then:

24

25 "If any man thinks himself wronged in any matter by any 14:48
26 officer, other than his company commander..."

27

28 -- so you would have been an officer?

29 A. Yes.

1 482 Q. "...other than his company commander, or by any man..."
2
3 -- so, again, if the apprentices had a complaint inter
4 se, if I can use that expression, that would also be
5 the route for making a complaint and they may make a 14:48
6 complaint thereof to the Company Commander, isn't that
7 right?
8 A. Yes.
9 483 Q. And, again, there's nothing there in the Act which says
10 they have to follow through a chain of command, that 14:48
11 they have to give the complaint to a corporal, who in
12 turn, gives it to a sergeant, who in turn gives it to
13 another sergeant, who in turn gives it... Am I right
14 about that?
15 A. Yes. 14:49
16 484 Q. Nothing in the Act about that. All right. So then we
17 can continue on to page 78. Yes, I think there's --
18 sorry, just before I leave that there, this is the
19 consolidated version of the Act, Sole Member.
20 A. Yes, I see that. 14:49
21 485 Q. And you can see there if we turn to page 78, it refers
22 to, if you're unhappy with the determination of the
23 Commanding Officer, you can complain -- now, it says,
24 to the Chief of Staff, and, again, I think it was to
25 the Minister for Defence, isn't that right, or can you 14:49
26 recall that?
27 A. I think there was a number of amendments made in the
28 Ombudsman's Act 2004.
29 486 Q. And that was one of them, I think?

1 A. Yes.

2 487 Q. So the Minister is taken out of the picture in the Act
3 and the Chief of Staff is replaced, isn't that right?

4 A. Yeah, well, not just that, because you see the
5 reference there to (4) -- 14:50

6 488 Q. Yeah.

7 A.
8 "The Minister shall make regulations..." --
9

10 489 Q. Yes. 14:50

11 A. So, the original Section 114 had that similar provision
12 and the making of regulations including, obviously,
13 Defence Forces Regulation A7, paragraphs 11 and 12, I
14 think --

15 490 Q. And we're coming there just in a second. 14:50

16 A. Yes, but --

17 491 Q. Go on, yes.

18 A. You kind of... Just to kind of help you with the
19 question, there's a creation of what's called
20 Administrative Instructions and Administrative 14:50
21 Instruction A7, Chapter 1 and Chapter 2, I think the
22 first one of those came in the mid '90s --

23 492 Q. Yes, 1996, I think, the Sole Member reminded us
24 yesterday.

25 A. So they would all be supporting architecture, and 14:50
26 obviously necessary to give effect to Section 114 of
27 the Act.

28 493 Q. And, again, that comes later and doesn't apply in
29 respect of the time in which you were Platoon Commander

1 in Devoy Barracks, isn't that right? The 1996
2 Administrative Instructions postdate your time in Devoy
3 Barracks?

4 A. Yes.

5 494 Q. And you agree with that. So I was going to ask the 14:51
6 various assistants to then move on to page 505 in the
7 same book, Tribunal Reference Book 1, and this is
8 Defence Forces Regulations A7 and it's page 505, if you
9 wouldn't mind, 2nd Lt. B -- or formerly 2nd Lt. B.

10 A. Yes. 14:51

11 495 Q. So, again, this is a Defence Forces Regulations A7.
12 You see there at the bottom of the page, the right-hand
13 corner, page 505, yes?

14 A. Yes.

15 496 Q. And then if we move forward to page 509 you'll see 14:51
16 there that it tracks the amendments which occurred over
17 time?

18 A. Yes.

19 497 Q. And, again, subject to correction, I think there were
20 no amendments to the Regulations we're going to look at 14:52
21 now, subject to correction. You don't need to worry
22 yourself about that, that's really for the Sole Member.
23

24 Then if we move on to page 531, that's Part 2 of these
25 Regulations, entitled "Redress of wrongs", do you see 14:52
26 that?

27 A. Yes.

28 498 Q. All right. And then it says there at Regulation 9:
29

1 "For the purpose of Section 114 of the Act, an officer
2 or man shall be entitled to treat as a wrong..."

3
4 -- that's to do with decisions, we're quite all right
5 with that. Then moving on to page 532, that's
6 Regulation 11, and again it provides at Regulation
7 11(1):

14:52

8
9 "A man making a complaint to his Company Commander
10 under Section 142 of the Act may submit his complaint
11 orally or in writing."

14:52

12
13 And, again, that seems to be the position that obtained
14 at the time. There was no formality, as such,
15 attached. There was no written formality required to
16 make a complaint, isn't that right?

14:53

17 A. No.

18 499 Q. And then, similarly, and going back to the point you
19 made earlier, at 11(2):

20
21 "A man making a complaint to his commanding officer
22 under section 114(2) of the Act, may submit his
23 complaint orally or in writing. Such man shall,
24 however, in either case inform his company commander in
25 advance of his intention to complain to his commanding
26 officer."

14:53

14:53

27
28 So, who, in Devoy Barracks, would have been the Company
29 Commander and who would have been the Commanding

1 officer there?

2 A. So, initially, it would have been Cpt. Enright, and
3 then from, I think the end of January '91, it was
4 Cmdt. Coffey.

5 500 Q. Right. 14:53

6 A. They were --

7 501 Q. They were the Commanding Officers?

8 A. No, so --

9 502 Q. Sorry, they were the Company Commanders, I beg your
10 pardon. 14:53

11 A. Company Commanders, yes. So, first of all,
12 Lt. Col. Daly was the first Officer Commanding, and the
13 second was was Lt. Col. Walter Hayes.

14 503 Q. Am I right in thinking that arising from that dialogue,
15 the position was that apprentices did not have to go 14:54
16 through the chain of command in making a Redress of
17 Wrongs complaint?

18 A. I know that it would have to be transmitted
19 expeditiously, but I'm not sure of the exact route.

20 504 Q. Right. 14:54

21 A. You know, when a complaint -- when Section 114 is
22 invoked, because it is a statutory right of an
23 individual, you know, I think it has to be expedited.

24 505 Q. We're coming to that --

25 A. It contains quite a degree of seriousness. 14:54

26 506 Q. But, just to be clear - and, again, you were in place
27 then and you've, through your experience, you've much
28 more knowledge of this than I have, obviously - there
29 doesn't seem to be anything in the Regulations, as

1 indeed there wasn't in the Act, about having to give
2 your Redress of Wrongs, if you were a private or an
3 apprentice, to a corporal, who would then transmit it
4 on to a platoon sergeant, who would submit it to a
5 company sergeant, I'm right in that respect, amn't I? 14:55

6 A. That's right. If I remember correctly, it was the
7 company sergeant of the apprentice company who had
8 maybe daily interaction with all -- well, there would
9 always be three platoons and, therefore, would have
10 certainly made himself available, if the platoon 14:55
11 sergeant or the platoon corporal wasn't available. But
12 company sergeant was a kind of a local figure, ehm, in
13 authority. He was the most senior NCO in the
14 Apprentice Company and, therefore, my recollection is
15 of him being available as that conduit, while not 14:55
16 necessarily religiously calling it the chain of
17 command.

18 507 Q. All right. If we just turn over the page to 533 then,
19 please, 2nd Lt. B, we will see here at 11A, it says:

20
21 "A commanding officer who receives a complaint from an
22 officer will address the Chief of Staff..."

23
24 -- that's from an officer. But then if we look at the
25 next subsection, 11A(2): 14:56

26
27 "A commanding officer who receives a complaint from a
28 man addressed to the Chief of Staff shall forward it
29 through normal military channels to the Chief of

1 Staff."

2
3 So, that would appear to suggest, if you make a Redress
4 of wrongs to your commanding officer -- that's, again,
5 Mr. Coffey in this case or Cmdt. Coffey?

14:56

6 A. Coffey was the Apprentice Company, yeah.

7 508 Q. This would have been a complaint to the Commanding
8 Officer, we'll say Lt. Col. Hayes, is that right?

9 A. Well for example, if the complaint was against
10 Cmdt. Coffey.

14:57

11 509 Q. Yes. And that would have, under the Regulations, then
12 been transmitted to the Chief of Staff, so to head
13 office, can I put it in those terms?

14 A. I'm not 100% of the 11A, B and C, when they were --
15 when the Regulation was amended.

14:57

16 510 Q. Yeah. I follow. But, I think, again subject to
17 correction, that having looked at the earlier
18 amendments, I think these were the correct and
19 applicable regulation for 1989.

20 A. I'm not going to dispute that.

14:57

21 511 Q. And then if we look, then -- and were you aware, and
22 we'll come to this when we look at the sole example of
23 Redress of wrongs, and I know we have very, very many
24 examples before the Tribunal's work is over. But the
25 sole example of a Redress of wrongs - and it's not an
26 abuse Redress of wrongs - has been before the Tribunal.
27 It went to the Minister and are you aware that until
28 2005, again, as I understand it and subject to
29 correction, that all Redress of wrongs were

14:57

1 communicated to the Minister?

2 A. No, I wasn't aware of that.

3 512 Q. All right. Then if we just complete our reading of the
4 Regulations here:

5 14:58

6 "Every complaint made pursuant to Section 114 of the
7 Act shall be dealt with at every stage with the utmost
8 despatch."

10 Do you see that there? I think you referred to that 14:58
11 earlier, is that right?

12 A. Yes.

13 513 Q. And then just looking at 11C, and this is the
14 unusual -- sorry, certainly to a civilian it just looks
15 unusual, to my eyes, a matter of opinion. 11C(1)
16 describes how:

18 "A person subject to military law..."

20 So that would be all personnel in the Defence Forces: 14:58

22 "...may submit personally any grievance to the officers
23 mentioned hereunder on the occasion of a general
24 inspection by such officer of the unit, military
25 installation... military member of the Council of
26 Defence..." and so on."

28 And this refers to the complaints at inspections, at
29 unit inspections, doesn't it?

1 A. So the difference between a complaint under Section 114
2 and a grievance, a grievance, ehm, is a historical
3 throwback to pre-war of Independence and it relates to
4 a post-Crimean War reform of the British Army where, on
5 the occasion of a visit by a field officer at the time, 14:59
6 historically, a senior officer, a person could step
7 forward in the ranks and request, and be granted as of
8 right an interview.

9 514 Q. Yes. And, again, in your experience, first of all,
10 generally in the Defence Forces, did you see that 14:59
11 happening?

12 A. Yes.

13 515 Q. So, again, at every inspection --

14 A. No.

15 516 Q. Sorry let me ask the question first. 14:59

16 A. No, not at every -- it wouldn't have been routine.

17 517 Q. But you saw it happen once a year, or how many of these
18 inspections would you have been at?

19 A. I would say definitely once a year and it caused, ehm,
20 you know, it was interesting administratively because 15:00
21 it knocked time schedules and timetables out of kilter
22 and, you know, because it had to be addressed and,
23 let's say, ehm, a location had to be found where this
24 could be done.

25 518 Q. All right. 15:00

26 A. So, at one point there was an attempt made to encourage
27 this to be, ehm, applied for in advance.

28 519 Q. All right.

29 A. So, yes, it was -- it did happen from time to time.

1 520 Q. And, again, do you have any recollection, I'm assuming
2 the answer is no, but do you have any recollection of
3 it occurring in Devoy Barracks in your time there?
4 A. Not of a grievance, no.
5 521 Q. Okay. Not a grievance. All right. And then just the 15:00
6 last page then, page 534, the publication in Routine
7 Orders. So taking this bit by bit. What is a Routine
8 Order. Do you see that there, 2nd Lt. B?
9 A. Yes, a Routine Order -- so, every unit in the
10 establishment of the Defence Forces -- when I say every 15:01
11 unit, so let's say we're talking about the Army
12 Apprentice School, is required to publish a Routine
13 Order, by which it's kind of a regimental newspaper or
14 gazette. Ehm, for example, deductions from pay.
15 522 Q. Yes. 15:01
16 A. Postings, hospital admissions, hospital discharges,
17 ehm, you know, even things like applications to get
18 married, eh, were included in this Routine Order. And
19 as well as at that, and you will see other areas in the
20 Defence Forces Regulation where certain information has 15:01
21 to be published, ehm, promulgated, for the benefit of
22 enlisted personnel.
23 523 Q. And then, 2nd Lt. B, it identifies certain paragraphs
24 that are published every time a Routine Order is
25 published. Am I right in thinking that? Or, sorry, 15:02
26 published quarterly in the Routine Orders?
27 A. Yes.
28 524 Q. So the paragraphs dealing with complaints, they are 9
29 and so on, 9, 10, 11 and so on, isn't that correct?

1 A. Yes.

2 525 Q. They should to be published, would you confirm, please,
3 if I'm right, they should be published quarterly in
4 Unit Routine Orders, is that correct?

5 A. I think the first aspect of it was that they had to be 15:02
6 incorporated into your Unit Standing Orders. And the
7 second aspect of it is, yes, and they were published.
8 The Routine Order, ehm, it might be a one-page document
9 because there might be no particular administrative
10 details. And it would attach, literally, the extracts 15:02
11 from, you know, paragraphs 9 to 11 in this case.

12 526 Q. And that's the point I wanted to -- maybe you could
13 assist the Tribunal with this. So, some of the
14 evidence, some of the points that some of the
15 apprentices have made - and, again, everybody is trying 15:03
16 a very difficult task to turn their minds back 35 years
17 and so on - they made the point that while some aspects
18 of the complaints process could, in theory, if I could
19 put it like, have been published on noticeboards or
20 promulgated on noticeboards, that, as they describe -- 15:03
21 sorry, at least one witness but it may be more than one
22 witness, said there was no point putting a book or a
23 booklet up because, obviously, it was behind glass -
24 which it may or may not have been - that you couldn't
25 read it. But would you describe to the Tribunal what 15:03
26 actually was put up on the noticeboard, page-by-page?

27 A. Well, it was those two pages.

28 527 Q. Right.

29 A. And there wasn't just one noticeboard. Ehm, I suppose,

1 it's also important for me to --

2 528 Q. I'll come back to the noticeboard. I want to get it as
3 clear as possible for the Sole Member.

4 A. Yeah, but I was just want to say this is 1991.

5 529 Q. Yes. 15:04

6 A. Ehm, and the noticeboard is your primary means, ehm,
7 other than when people are gathered collectively, of
8 informing people, you know.

9 530 Q. Yes. I just want you to give, insofar as you can,
10 insofar as your recollection permits, to give the Sole 15:04
11 Member, as clear a view as possible - as clear a view
12 as possible - of what exactly was published on the
13 noticeboard, in particular, was it the pages we've just
14 been looking at a few minutes ago in the Regulations?

15 A. Yes. 15:04

16 531 Q. So, Regulation 9, 10, 11, page-by-page, and they would
17 be pinned up on the noticeboard, am I right about that?

18 A. Yes.

19 532 Q. And they would have been there every quarter?

20 A. As per the Regulation. 15:04

21 533 Q. And how long would they have lasted there, so how long
22 would they have been visible there for? In other
23 words --

24 A. Okay.

25 534 Q. -- you publish a Routine Order -- 15:05

26 A. Mmm.

27 535 Q. -- Unit Routine Order, so every quarter up goes the
28 complaints documents, the complaints paragraphs, for
29 how long would it have been on the noticeboard to your

1 recollection? In other words, when was the next
2 Routine Order? How often were they replaced?

3 A. I think I recall a weekly Routine Order.

4 536 Q. We think maybe up for a week?

5 A. Certainly up for a week, yeah. 15:05

6 537 Q. All right. Col. O'Donovan referred to, and again he's
7 dealing with a period slightly later than your period,
8 he referred to induction training on complaints, I
9 think that's at 396, again it was 396 we looked at
10 earlier in his statement. And I think you told 15:05
11 Mr. Cush, I might have been out for this little bit,
12 unfortunately, this morning, but I think you told
13 Mr. Cush that you have a recollection of actually
14 delivering this instruction, isn't that right?

15 A. That was my job. 15:06

16 538 Q. That was your job. And, again, your recollection is
17 you did that in a classroom or a formal teaching
18 environment? You did it in a classroom.

19 A. It was in the recreation room.

20 539 Q. Of the Rec Room? 15:06

21 A. There wasn't a classroom available.

22 540 Q. All right. Just before I forget it. You had started
23 telling the Sole Member about noticeboards and, again,
24 I appreciate it's very difficult to go back in time,
25 generally and in particular, but going back to 1989 and 15:06
26 noticeboards; can you recall how many noticeboards
27 there might have been and where they were and
28 Brig. Gen. Ryan will also try his best to give his
29 recollection.

1 A. There was a noticeboard on the left-hand side as you
2 walked into the Apprentice Company main building.
3 There was a noticeboard on the side of what was, I
4 think, the barrack accountant's stores, that was an old
5 dilapidated Nissen hut and the noticeboard was on the 15:07
6 side of it. And there was a noticeboard in the school.
7 541 Q. Yes. And do you have any recollection of a noticeboard
8 or boards being in the recreation rooms of billets?
9 A. Not in particular.
10 542 Q. All right. 15:07
11 A. Because it was a recreation room, that was its -- its
12 primary aim was, it was a welfare facility.
13 543 Q. Yes. And, again, I think we heard evidence from, I
14 can't remember, it might have been Aptce. Hutchinson
15 who very kindly gave evidence here a week or two ago, I 15:07
16 think he described where he was platoon captain for a
17 number of weeks, he says - I think it was
18 Mr. Hutchinson - and he said that he consulted with the
19 noticeboard and that the platoon captain would go on
20 behalf of the platoon to the noticeboards to see what 15:08
21 duties members of the platoon had. Do you have any
22 recollection?
23 A. I think more platoon leader, it was kind of a weekly
24 responsibility.
25 544 Q. I think he said he had it for four weeks, for whatever 15:08
26 reason. All right. But, again, he might be the expert
27 as a result. But, can you remember, in general terms,
28 whether or not the apprentices had to consult
29 noticeboards or not?

1 A. Well, I don't have the Regulation but there's a
2 requirement for people to make themselves -- or to
3 acquaint themselves I think is the term, with
4 information that is published.
5 15:08
6 Now, did that happen in practice? I wouldn't even
7 begin to...
8 545 Q. All right. But I understand the bit about you were
9 supposed to make yourself, you know, aware of rules
10 that obtain to your profession. But the question was 15:08
11 really whether or not members of the platoon would have
12 had to look at noticeboards for the purpose of
13 identifying what duties they had?
14 A. Oh, definitely. And let's say, for example, sport.
15 Sport was another one that regularly drew people to the 15:09
16 noticeboard because what time such-and-such a match
17 was, was it an away game, when they were leaving.
18 Maybe information like that.
19 546 Q. And were you on the team, wasn't that always the most
20 important bit, no? 15:09
21 A. So, in that sense, the noticeboard, and I think this
22 one would be the one near rest the apprentices' billet,
23 which was the second one I described --
24 547 Q. All right.
25 A. -- would have a lot of, I suppose, realtime 15:09
26 information.
27 548 Q. All right. Just, again, and I know Brig. Gen. Ryan
28 will give evidence on this maybe later today - if I
29 hurry up, or maybe tomorrow morning - and Talk to

1 Troops, is that a different thing, 2nd Lt. B, from the
2 formal instruction on complaints? First of all, is it
3 a different thing to formal instruction?

4 A. Yes.

5 549 Q. And did Talk to Troops also cover complaints processes, 15:10
6 to your recollection, at the time you were --

7 A. Yes. And I think the schedule of what was to be in the
8 Talk to Troops is contained in DFR A7.

9 550 Q. All right. And, again, is that something you were
10 responsible for or was it something that you and NCOs 15:10
11 were responsible for?

12 A. There was an overlap there.

13 551 Q. Right.

14 A. It would have been myself, the Company Sergeant and the
15 Platoon Sergeant. 15:10

16 552 Q. All right.

17 A. It would depend on, you know, what was going on at any
18 particular, on any particular day, I think.

19 553 Q. Yes.

20 A. But the Talk to Troops normally refers to a weekly 15:10
21 gathering.

22 554 Q. Yes. Okay. I just wanted to look at, because it has
23 got some features which are potentially interesting for
24 the Tribunal. If we turn to page 4865, and this is the
25 one sample Redress of Wrongs. 4865, again to be clear, 15:10
26 this is not a complaint of abuse. But just to look at
27 it. 4865. I think it's coming your way. It's
28 impossible to remember which folder which page is in.

29 A. Yes, I have it.

1 555 Q. So we have that there. Thanks very much, 2nd Lt. B.
2 If we just look at it. So it's dated, again, an
3 unusual way of writing a date, it's a trivial point?
4 A. No, it's --
5 556 Q. But that is 26th July 1990? 15:11
6 A. I think it's referred to, it's a long time since I
7 learned this, date-time group.
8 557 Q. Okay. Anyway that's the way it's done in the Defence
9 Forces.
10 A. Yeah. 15:11
11 558 Q. You embed the time in the date?
12 A. Yes. I think what's missing there is whether it's
13 Alpha or Zulu time.
14 559 Q. Then, again, this is, if we look at the top of the
15 page, it's to GOC. 15:12
16 A. Yes.
17 560 Q. Would that have been at that point, I think it was --
18 A. I believe it was Brig. Gen. Duffy.
19 561 Q. All right. "Through Lt. 83," I think that's not you?
20 A. No, that's probably Lt. Col. it should say. 15:12
21 562 Q. And again it's through and again it's somebody who's
22 not you and it's through Sgt. Maj. P76. Can we take it
23 from this that this Redress of Wrongs - again it's not
24 about abuse and it doesn't concern your conduct
25 directly, and it wasn't made -- it doesn't concern your 15:12
26 conduct, the Redress of Wrong does not concern your
27 conduct. It was made without passing through your
28 hands?
29 A. Yeah, I've just noticed that.

1 563 Q. Yes. So, it didn't go through your hands. And you had
2 no role in its onward transmission?
3 A. No.
4 564 Q. No. And then, again, just to complete out this bit
5 here. If we go to 4873. 15:13
6 A. Yes.
7 565 Q. I think that's a -- that's the conclusion of the --
8 that's the notes that Brig. Gen. GOC at page 4874 and
9 he's -- this is his report, isn't that right?
10 A. Yes. 15:13
11 566 Q. And, again, at 4876 then the apprentices as part of the
12 process withdraw, in this particular case they
13 withdraws his Redress of Wrongs?
14 A. Because his wrong had been redressed.
15 567 Q. All right. I just want to find... just bear with me 15:14
16 for one second. [Short pause]. Yes. If we turn to
17 page 4904. Sorry, 4904. Yes, sorry, 4903, 2nd Lt. B.
18 This appears to be an application for a private
19 interview and it doesn't tell us at 4903 who the
20 interview is with. Do you see that there, from 15:14
21 Aptce. P70?
22 A. Mm-hmm.
23 568 Q. And then we find the next page, 4904, and you see in
24 the middle it says:
25
26 "Application to see COMD Legal Officer."
27
28 which would have --
29 A. Command. 15:15

1 569 Q. Command Legal Officer.
2 A. Yeah.
3 570 Q. So these apprentices, on page 4904, are looking for an
4 interview not with the GOC, I think I might have said
5 it was with the GOC on an earlier day. But it's in 15:15
6 fact to see a legal officer in headquarters is that
7 right?
8 A. Yes.
9 571 Q. Can you assist the Tribunal as to whether or not that
10 is unusual or not unusual? 15:15
11 A. That is certainly unusual.
12 572 Q. All right. Okay.
13 A. Because Command Legal Officer is on what's called the
14 General Officer's personal staff.
15 573 Q. All right. 15:15
16 A. And he is, or she is the, you know, assigned or
17 dedicated legal adviser.
18 574 Q. Okay.
19 A. So, therefore, were somebody to be seeking legal advice
20 in respect of a matter that they are then seeking to 15:16
21 advance to the General, there's going to be a conflict.
22 575 Q. I can see the difficulty.
23 A. Yes.
24 576 Q. Anyway, it's an informal application but it's been made
25 and it's been addressed in some shape or form? 15:16
26 A. Yeah, it's unusual but it is certainly being processed.
27 577 Q. Yes, it is.
28 A. I think he's given a reply as well.
29 578 Q. And if we turn to page 4905. And you'll see there at

1 paragraph 1, this appears to be, is it a Defence Forces
2 document. I think it is. But it refers both on
3 page 4905 and 4906 to the Minister. And, again, let me
4 just make sure that I have this right, just bear with
5 me for one second. You just look at that for one 15:16
6 second if you wouldn't mind. My instructions are that
7 before 2005, Redress of Wrongs were submitted to the
8 Minister, through the Adjutant General for enlisted
9 personnel. Were you aware of that?

10 A. I wasn't aware of that and I thought it only commenced 15:17
11 in 2005 actually.

12 579 Q. All right. Pre-2005. So, it would appear, perhaps,
13 relevant for the expert witnesses, it would appear that
14 there was a civilian input?

15 A. Oh, yes. 15:17

16 580 Q. The Minister being a civilian, by definition?

17 A. Well, the Department of Defence would have --

18 581 Q. The Department of Defence populated by civilians, am I
19 right about that?

20 A. Well, no uniform would have access to the Minister 15:17
21 without the engagement of the Department.

22 582 Q. So, this Redress of Wrongs was also seen by the
23 Minister and his officials?

24 A. Had to have been.

25 583 Q. All right. Just then in relation to... we're not going 15:18
26 to spend a lot of time on this but just -- yeah. I
27 mean, your recollection is that -- again, just there
28 was a very vivid piece of evidence given by one of the
29 apprentices about complaining about food and he said he

1 went from his mess to the Officers' Mess and produced
2 the food to you and said, 'Look at this;' did you see
3 that?
4 A. No.
5 584 Q. All right. Okay. You have no recollection? 15:19
6 A. Sorry, I've seen it.
7 585 Q. You saw it but you've no recollection?
8 A. I've read the transcript but --
9 586 Q. All right.
10 A. I think I would remember it. 15:19
11 587 Q. All right.
12 A. I'm not saying I don't recollect, I'm saying I don't
13 think it happened.
14 588 Q. And, I'm not going to go through all of the, because I
15 have done it with other witnesses, and, again, you've 15:19
16 seen the points I made about the actual number of
17 complaints that were made in your time in Devoy
18 Barracks?
19 A. Well, can I just revert, return there to the food.
20 589 Q. Yes. 15:19
21 A. So the Orderly Officer of the day was required to visit
22 the dining hall or the cook house and check the
23 standard up there and if there were complaints made,
24 that had to be entered into a rather big ledger.
25 590 Q. All right. Okay. And, again, you heard yesterday that 15:19
26 Cpt. O'Keefe said that, again you complain about the
27 process but he did listen to the apprentices and three
28 unnamed apprentices made allegations against you in his
29 interviews with them, isn't that right?

1 A. Cpt. O'Keefe was put and given the responsibility of
2 conducting investigation on behalf of the Commanding
3 Officer, which is exactly what should have happened.
4 And he did his job.

5 591 Q. Yeah. And they, a number of apprentices who were 15:20
6 interviewed, made specific complaints, isn't that
7 right?

8 A. Yes.

9 592 Q. As we saw yesterday. All right. Again, not wanting to
10 go over the ground, I'm not going over the ground 15:20
11 Mr. Compton went over at all, but just to be clear,
12 I'll put it this way, you have disagreements -- there
13 are disagreements between you and the apprentices, is
14 that a fair way of putting it?

15 A. Disagreements? 15:20

16 593 Q. Some of -- I'm trying to put it in neutral terms.
17 You've a view of what happened in 1989, they've a view.
18 And not all of them. That's clear as well?

19 A. Yes.

20 594 Q. I'm just trying to put it a neutral way. And am I 15:20
21 right in saying that the Army Apprentice School,
22 between 1989 and 1991 was unlike the experience you
23 later had in the Defence Forces?

24 A. Yes.

25 595 Q. And that the Army Apprentice School at that time was 15:21
26 not representative of the Defence Forces at that time?

27 A. Ehm, I wouldn't necessarily agree with that. I mean,
28 you know, reference has already been made to the
29 Gleason Commission. The Gleason Commission came about

1 as a result of specific, I would say, institutional
2 neglect; difficulties in pay conditions; looking at the
3 apprentices themselves. Apprentice pay was cut in half
4 in or about 1985/86. So, in many respects, actually,
5 the Apprentice School would have been quite similar to 15:21
6 the Defence Forces.

7 596 Q. All right. Again, it was touched on, the Cadet School
8 and the adequacy of the training you got there,
9 2nd Lt. B.

10 A. Yes. 15:21

11 597 Q. And just overall, I mean apart from training you to be
12 a soldier, what was the purpose of Officer School?
13 Maybe to put it another way?

14 A. Yes.

15 598 Q. Was it more specifically -- maybe an easier way to 15:22
16 address it, it was, of its nature, intended to teach
17 you how to lead?

18 A. Yes. And, I think, if I could start in reverse, I
19 suppose. You were -- the intention was to bring you to
20 a particular stage of competence that you could be 15:22
21 certified to the Minister to be commissioned into the
22 Defence Forces.

23 599 Q. Right.

24 A. So, that was the goal and in kind of terms of reverse
25 engineering, there were aspects of leadership and 15:22
26 command, but not management.

27 600 Q. All right.

28 A. Now, I use "management" in the 2026 context, and I'm
29 also conscious that there have been significant

1 advancements in the last two decades in particular in
2 that area.

3 601 Q. But in 1989, when you went to Cadet School, you were
4 trained so as to be able, on completion of your training,
5 to lead a platoon of men in warfare, isn't that right?

6 A. A platoon of 31, 32.

7 602 Q. Yes.

8 A. Yes.

9 603 Q. And in warfare?

10 A. In conventional warfare, yes.

11 604 Q. If necessary. So that leadership was absolutely
12 integral to the course?

13 A. I should add, there was a significant emphasis at the
14 time on internal security, given the Border issue.

15 605 Q. Absolutely. Absolutely. And, again, obviously, on
16 behalf of my client I completely acknowledge the
17 exceptional contribution that the Defence Forces have
18 made to the State at all times, but at that particular
19 time as well.

20 15:24

21 Just last question, again feel free to disagree with me
22 if you want. On the hypothesis that any of the
23 complaints were true, on that hypothesis, would you
24 accept that that conduct would have been unacceptable
25 conduct?

26 A. I can't comment on a hypothesis.

27 606 Q. All right. Thanks very much. Just one second. Again,
28 just to make sure I've asked the question: I think
29 you're telling me that you don't want to comment on it

1 but I'll just ask the question to be sure I've asked
2 it. On the hypothesis that any of those allegations
3 were true - and, again, I understand you're saying
4 they're not true, I'm right about that, amn't I?
5 A. I've commented already. 15:25
6 607 Q. Exactly. And on that hypothesis, you would accept that
7 that behaviour was unacceptable, alleged hypothetical
8 behaviour, just to be clear, would be unacceptable?
9 A. Again, I can't comment on a hypothesis.
10 MR. McCANN: Thanks very much. 15:25
11 SOLE MEMBER: Thank you.
12
13 2 LT. B, WAS CROSS-EXAMINED BY MR. McGUINNESS AS
14 FOLLOWS:
15 15:25
16 608 Q. MR. McGUINNESS: I'm counsel for the Minister for
17 Defence in this matter, my name is Diarmaid McGuinness.
18 Could I just ask you about your understanding of
19 matters in the period from when you were first made
20 aware of Mr. Traynor's allegations until the time you 15:25
21 were removed, as it were, from the Apprentice School.
22 Now, obviously, you've told us you received no written
23 notification of the complaints made against you, but
24 you understood, from Cpt. O'Keeffe, as I understand it,
25 what those allegations were? 15:26
26 A. Yes, I think I replied to Mr. Cush this morning about
27 that.
28 MR. CUSH: I'm so sorry to interrupt, Mr. McGuinness.
29 But my understanding of the reply this morning was to

1 the effect he probably did receive some form of written
2 notification. So we're not at cross purposes.
3 SOLE MEMBER: Yes.

4 609 Q. MR. MCGUINNESS: You were, in any event, made aware,
5 somehow, of the fact of the complaints having been made 15:26
6 both by the parents of Mr. Traynor, and, apparently,
7 also by Mr. Traynor when interviewed prior to being
8 released?

9 A. I don't remember a specific detail but I'm not
10 disagreeing with you. 15:26

11 610 Q. Yes. Again, as I understand it, as you've told the
12 Tribunal this morning, that you weren't informed of the
13 outcome of the investigation into the complaints for
14 some time?

15 A. That's correct. 15:26

16 611 Q. And could I ask you; when did you, in fact, learn of
17 the results of the investigation into those complaints?

18 A. Insofar as I can recall, I didn't find out until the
19 process commenced where I received documentation from
20 the civil claim. So, that would have been Q1 of 1992. 15:27

21 612 Q. Following on from that then, there was the death of
22 Oliver Mullaney in the Gate House -- the Guard Room, I
23 think?

24 A. The Guard Room.

25 613 Q. Yes. And you became aware that there was an 15:27
26 investigation being conducted by the Military Police in
27 relation to the circumstances of that?

28 A. I was on duty on the night --

29 614 Q. Yes.

1 A. -- and, ehm, very quickly the Military Police and the
2 Gardaí arrived.

3 615 Q. And did you become aware, then, that there was a second
4 investigation ordered into what was described as the
5 ill-treatment of inferiors, allegedly by you? 15:28

6 A. I'd saw that title on a report, but I knew that there
7 was, either a second investigation or a continuation of
8 the investigation going on.

9 616 Q. And, Mr. O'Keeffe told the Tribunal yesterday that he
10 had become aware at the time of a visit by the GOC to 15:28
11 the Murphy family after a letter had been handed to the
12 Minister by Mr. Murphy's father; did you become aware
13 of that at the time?

14 A. I read it in the Tribunal papers that were furnished to
15 me, in March of this year. 15:28

16 617 Q. Okay. You didn't know that at the time, then, is that
17 right?

18 A. That's right.

19 618 Q. And, can I ask you then; when did you make your request
20 to be transferred out, verbally? 15:28

21 A. It would have been the week of the investigation,
22 probably two or three days after, in May of 1991.

23 619 Q. In May of 1991. And you received an answer back from a
24 member of the staff of the General Officer?

25 A. No. 15:29

26 620 Q. Is that right?

27 A. From the School Commandant.

28 621 Q. The School Commandant?

29 A. Yes.

1 622 Q. And you applied, then, in writing, on 28th --
2 A. Yes.
3 623 Q. -- June and you read the handwritten letter of
4 application in that are regard?
5 A. Yes. It's my letter. 15:29
6 624 Q. Had August been suggested to you as the date upon which
7 you would --
8 A. No.
9 625 Q. -- make the transfer?
10 A. No. 15:29
11 626 Q. Could I ask you to look at page 2876, it's Col. Hayes's
12 handwritten note?
13 A. Yeah.
14 627 Q. Can you identify that as Col. Hayes's handwriting?
15 A. No. I had not seen that prior to this year. 15:30
16 628 Q. Mr. O'Keeffe has done so and the Tribunal has had two
17 interviews with Col. Hayes. The first point there
18 says:
19
20 "Effect of investigation on Lt. R..." 15:30
21
22 That's you.
23
24 "...And company. He should not be removed immediately.
25 Suggest Aug." 15:31
26
27 I'm just wondering about the possibility, could it have
28 been suggested to you that you should seek to be
29 removed or transferred in August, and that's why you

1 put it in your letter of 28th June?

2 A. No, because I agreed, and I did agree with Mr. Cush
3 this morning when, certainly, it would have been a
4 perception issue for me, ehm, in relation to the, I
5 suppose, the visual spectacle of this. And, secondly, 15:31
6 because in August the guys were back from their
7 adventure training in Tralee and they would be going on
8 three weeks' leave. So any handover -- it was just a
9 quieter time.

10 629 Q. Yes. 15:31

11 A. So there was two aspects of it. But to answer your
12 question, particularly, no, August was not suggested to
13 me.

14 630 Q. And the reference after that is:
15
16 "Break in period for replacement."
17
18 Again, that's something that you then contemplated,
19 obviously, as being necessary, yourself?

20 A. Well, I didn't get a handover myself and I was kind of 15:32
21 keen to make sure that that was done.

22 631 Q. Yes. Point 2 refers to the Traynor Report, and you
23 hadn't seen a report, yourself, at that point in time?

24 A. No.

25 632 Q. And point 3 refers to Ministerial Query. And did you 15:32
26 hear any talk at all that Mr. Murphy's father had
27 brought a letter to the Minister?

28 A. No.

29 633 Q. And that there had been a visit --

1 A. Not at the time. I saw all of the detail in the papers
2 furnished to me in March of this year.

3 634 Q. Yes. And there's reference then to "other incidents."
4 And other incidents, apart from the Traynor
5 investigation, could relate, could it not, to the 15:33
6 incidents that were being investigated in the
7 ill-treatment of inferiors investigation?

8 A. I don't know when this was written so I'm not in a
9 position to disagree with you.

10 635 Q. Could I ask you to look at page 5140 of the documents. 15:33
11 This is a transcript of the second interview of
12 Mr. Hayes. And do you see at line 4 there, the note is
13 presented to him. He says there's no date on it;
14 Mr. Cush says no. Mr. Hayes says:
15
16 "But it wasn't that long..." 15:33
17

18 SOLE MEMBER: Sorry, Mr. McGuinness, could you just
19 wait until the witness has the document. I don't know
20 why his screen is not working. Thank you. 15:34
21 THE WITNESS: Sorry.

22 636 Q. MR. McGUINNESS: Mr. Hayes says:
23
24 "But it wasn't that long after all these events took
25 place so what I could have been saying there was that
26 2 Lt. B should be replaced.
27 MR. CUSH: Yes, the word 'removed' suggests that
28 doesn't it?
29 MR. HAYES: Yeah, yeah. But when I investigated the

1 whole thing and realised what the attitude was towards
2 him, that they he contributed to, nothing to do with
3 Traynor very much at all but to unfortunately
4 Mullaney's death."

5
6 And Mr. Cush appears to suggest:

7
8 "But this document, it appears, was written prior to
9 the death of Oliver Mullaney."

10
11 Mr. Hayes says:

12
13 "Not if it mentions August."

14
15 Cush says:

16
17 "'He should not be removed immediately (suggest
18 August). The August reference appears to be a
19 suggestion as to when he should be removed."

20
21 Mr. Hayes says:

22
23 "Yeah. It is fairly immediate after the death of
24 Mullaney, that would have been in my mind at that time
25 when I heard the various way that the Platoon Commander
26 would be now finding it difficult to control such a
27 platoon that had these, some people anyway had these
28 images of him.

29 MR. CUSH: So do you think that this document postdates

1 the death of Oliver Mullaney?
2 MR. HAYES: It was after the death, yes, yeah, I do, it
3 looks like that."
4
5 AND he goes on and he appears to confirm that later 15:35
6 down that page.
7
8 Had you any discussion with any other members of the
9 Defence Forces about arranging for the transfer out of
10 the Apprentice School in August? 15:35
11 A. No.
12 637 Q. And do I understand your evidence to suggest that the
13 transfer out was a removal in the sense of being
14 regarded by you as a punishment?
15 A. Yes. 15:36
16 MR. McGUINNESS: Thank you.
17 SOLE MEMBER: Thank you. Mr. Cush.
18 MR. CUSH: A few small issues if I may.
19
20 2 LT. B WAS RE-EXAMINED BY MR. CUSH AS FOLLOWS: 15:36
21
22 638 Q. MR. CUSH: You were talking with Mr. McCann about the
23 complaints processes, if you recall. And you
24 mentioned, at one point, that the Company Sergeant
25 could act as a conduit; do you recall that? 15:36
26 A. Yes.
27 639 Q. And that's in relation to the making of complaints, is
28 that right?
29 A. Well, in relation to CS Henry himself, he was that kind

1 of individual. He would make himself available.

2 640 Q. But there's no provision, I think, in the Act or the
3 Regulations for a role for the Company Sergeant?

4 A. No, not in that.

5 641 Q. So, in practice, it operated slightly differently to 15:36
6 how it was laid out in the Act?

7 A. I think in the nature of complaints of a kind of an
8 administrative nature, that could be resolved
9 internally. But certainly if we're talking about the
10 passage of, ehm, an application for a Redress of Wrongs 15:37
11 and all the rest of it, CS Henry would not have been
12 involved.

13 642 Q. All right. Mr. McCann brought you through the
14 provisions of the Act and the Regulations, as you'll
15 recall, and Mr. McCann is a senior counsel of some 15:37
16 considerable experience and you have your own
17 experience and familiarity with these documents, isn't
18 that so?

19 A. It was some time ago now, but, yes, thank you.

20 643 Q. So you share a level of understanding about them, isn't 15:37
21 that so?

22 A. Well, I mean I recall writing -- being involved in
23 particular amendments to the Regulation, consequent on
24 the 2007 Amendment Act.

25 644 Q. Exactly. So you have a certain level of understanding, 15:37
26 as does Mr. McCann?

27 A. Yes.

28 645 Q. And in compliance with the obligation, and please
29 understand I'm not suggesting it's non-compliance, but

1 in compliance with your obligation, you read out those
2 provisions --

3 A. Yes.

4 646 Q. -- to the recruits?

5 A. Yes. 15:38

6 647 Q. And, as you told us this morning, without paraphrasing
7 them but if they had questions you'd answer them?

8 A. Yes.

9 648 Q. And can I just suggest to you, it's not a criticism of
10 you, but can I just suggest to you that if you read out 15:38
11 provisions to a group of 16 to 20-year-olds sitting in
12 a Rec Room, a very significant number of them won't
13 understand what you're saying?

14 A. I couldn't dispute that and I actually think you might
15 be doing some of them a disservice. We're talking 15:38
16 about highly intelligent people. But they necessarily
17 wouldn't have been that motivated to hear about what
18 was a rather abstract process. So I'm kind of trying
19 to add to that.

20 649 Q. And fewer, again, I suggest, would remember what you 15:39
21 had read out to them?

22 A. I can only, I suppose, confirm my part in the process
23 and that, you know, if my information was or was not
24 landing, ehm, I mean I would say there's quite an
25 amount of information that was imparted that was just 15:39
26 of no interest.

27 650 Q. I'm going to just press you a little bit now because
28 you're the man there on the ground?

29 A. Yes.

1 651 Q. I just want to suggest to you that as a matter of
2 common sense, it would appear that a significant
3 majority of people won't understand this, still less
4 remember it; does that accord with your appreciation?
5 A. No, I don't think I can agree with that because you 15:40
6 were either being informed about how to make a
7 complaint and where it goes or you're not. So it's
8 kind of a logical process that is depicted in the
9 Regulation. But, I mean, I do, of course, take the
10 point that when you're that particular young age, 15:40
11 you're not necessarily going to be that interested in
12 hearing this kind of information.
13 652 Q. And if you're not interested in hearing it you're not
14 going to be understanding it, isn't that right?
15 A. Yes. I couldn't disagree with that. 15:40
16 653 Q. And, then, again, in discharge of the obligation to
17 publish quarterly, if I understand the evidence
18 correctly, you're saying that quarterly for one week,
19 so is four weeks a year these pages going on the
20 noticeboard? 15:40
21 A. Yes.
22 654 Q. And can I suggest to you, again, the likelihood,
23 whatever about the duty to acquaint yourself with these
24 provisions that you've emphasised is on the
25 apprentices, the likelihood of them going and reading 15:40
26 it is pretty remote?
27 A. The system that I had to engage with and to adhere to,
28 Mr. Cush, is the system that I did.
29 655 Q. Exactly.

1 A. And I think, to be fair, it was 1991.

2 656 Q. It's not a criticism of you.

3 A. I appreciate that. I appreciate that.

4 657 Q. Just go back to the question.

5 A. But I have answered the question. 15:41

6 658 Q. No. well, I'll just try and press you a little

7 further, if I may. I'm suggesting to you that the

8 prospect of these apprentices going and reading those

9 two-page documents on the noticeboard, are pretty

10 remote? 15:41

11 A. I'm not going to disagree with you.

12 MR. CUSH: Thanks very much.

13 SOLE MEMBER: Thank you, Mr. Cush. I have some

14 questions for the witness.

15 15:41

16 2 LT. B WAS QUESTIONED BY THE SOLE MEMBER, AS FOLLOWS:

17

18 659 Q. SOLE MEMBER: Now, the quality of investigations that

19 may or may not have taken place during your time in the

20 Army Apprentice School is something that is of interest 15:41

21 to the Tribunal. Mr. Cush took you to your note or

22 your memo of 6th June 1991 and he read out what you had

23 said about Officers Coffey and Hayes. And the words

24 you used were that "they conducted an elaborate

25 investigation." And when pressed a little further you 15:42

26 said, well it had all the semblances of a thorough

27 investigation. So "elaborate and thorough" is your

28 assessment of the investigation that took place.

29

1 Could you help me understand how you reached that view,
2 bearing in mind the following:

3
4 The Tribunal has seen no document by either of those
5 officers that's entitled investigation or results of 15:42
6 investigation, as one might expect, given the serious
7 nature of some of the allegations. The principal
8 document wherein Officer Commanding Hayes refers to the
9 allegations against you is not, in fact, an
10 investigation, it's headed "Application for Discharge 15:43
11 By Purchase: Damien Traynor" and it's dated 16th May
12 1991. That's the first factor I'd ask you to bear in
13 mind.

14
15 Secondly, Cpt. O'Keeffe's evidence was that he was 15:43
16 ordered not to conduct an investigation, but to
17 interview apprentices, and the Platoon Sergeant and to
18 check the LA 30 record for Mr. Traynor. So, he ordered
19 Cpt. O'Keeffe to interview the apprentices, but
20 Cpt. O'Keeffe didn't interview you, the person against 15:43
21 whom the allegations were made, and I think you
22 confirmed that in your evidence.

23
24 Neither the Officer Commanding Hayes nor anyone else
25 interviewed you, if I understand your evidence; is that 15:43
26 correct? And yet he says, at paragraph 10 of his
27 report into the discharge, that statements were taken
28 from apprentices and from you. But you've told us you
29 weren't interviewed by anybody?

1 A. I wasn't interviewed, Judge, yes.

2 660 Q. Did you give a statement to somebody?

3 A. well, I certainly had discussions --

4 661 Q. Did you give a statement to somebody. He says:

5

6 "Statements were taken from the apprentices and from

7 [you]."

8

9 A. I thought I was referring to the statement that I had

10 given, the one that came up this morning dated 16th May 15:44

11 or the 14th. That's the --

12 662 Q. You gave that statement to the two officers in

13 question, is that right?

14 A. I thought it was to Cpt. O'Keeffe.

15 663 Q. You gave a statement to Cpt. O'Keeffe? 15:44

16 A. well, that had to go to him, he was doing the

17 investigation. So...

18 664 Q. I didn't understand but I will check it, I didn't

19 understand Cpt. O'Keeffe's evidence to be that he took

20 a statement from you. 15:44

21 MR. CUSH: If I can assist.

22 SOLE MEMBER: Please, do.

23 MR. CUSH: Cpt. O'Keeffe has given evidence that he

24 didn't receive that statement and as you recall, it's

25 not addressed to him. But, certainly, the witness did 15:45

26 give a statement and it was addressed to --

27 SOLE MEMBER: Officer Commanding.

28 MR. CUSH: Officer Commanding. And we saw that

29 statement with two dates.

1 SOLE MEMBER: Two versions.

2 MR. CUSH: But that's the statement which, I think, the

3 witness is referring to.

4 665 Q. SOLE MEMBER: Okay. So with that qualification,

5 another factor I'd ask you to bear in mind is that the 15:45

6 Officer Commanding Hayes records that Damien Traynor's

7 parents were assured that the allegations would be

8 investigated. But we've heard evidence that nobody

9 contacted them, nobody interviewed them and nobody

10 informed them of the outcome of the investigation. So, 15:45

11 with the qualification just made there by Mr. Cush, I

12 am struggling to see how anything that happened in

13 relation to that could be classified by you as a

14 thorough and elaborate investigation. Could you help

15 me understand that? 15:45

16 A. Well, I think, that memorandum that I wrote myself and

17 had typed is dated 6th June.

18 666 Q. June, yes.

19 A. And when the investigation commenced, which I think was

20 14th, 13th, it was -- I was actually quite intimidated 15:46

21 by the nature of it, the amount of people involved.

22 There were, it seemed, 20 to 25 people involved,

23 everyone from, you know, the Commanding Officer who

24 directed the investigation occur, you know, the typist

25 was working late, ehm, there were people coming and 15:46

26 going, waiting to be interviewed, after being

27 interviewed. Ehm, it just seemed to me to be elaborate

28 and thorough. I mean, now at that point, eh, I

29 suppose, I wasn't aware, in the first few days, what

1 the allegations were, the first two days, I suppose,
2 you'd say. Ehm, but, yes, it seemed thorough to me.
3 As a matter of fact, as I said, I found it
4 intimidating.

5 667 Q. Can I ask you a question about the contacts you made 15:47
6 with Cpt. O'Keefe. You denied Mr. Brian Murphy's
7 evidence in relation to you directing him or telling
8 him not to go to the Military Police, you were
9 categoric in your denial of that?

10 A. It didn't happen. 15:47

11 668 Q. Yes, I heard that. And you said that it never
12 happened. You said:

13
14 "Were I to have made such a suggestion it would have
15 been an offence against military law." 15:47

16
17 Nevertheless, and, again, I need you to help me to
18 understand that even though you knew that you were the
19 subject of an investigation, you told the Tribunal you
20 approached Cpt. O'Keefe, on several occasions, to let 15:47
21 him know you were unhappy with what he was doing with
22 his investigation?

23 A. I didn't approach him. What I did was I met with him
24 because we were interacting regularly over those few
25 days anyway. 15:47

26 669 Q. You didn't approach him. I understood you to say, and
27 I think the way it was put was you wasted no
28 opportunity to express your displeasure to him.

29 A. Well, I was concerned that he was conducting an

1 investigation, essentially asking anybody had they any
2 complaint to make about me, as opposed to the actual
3 allegations that were made.

4 670 Q. Do you think that approaching a person who's charged
5 with interviewing apprentices was an appropriate 15:48
6 intervention to make at that point?

7 A. I didn't go out to seek to intervene, we were meeting
8 routinely anyway throughout the course of various days,
9 as any other day.

10 671 Q. But did you think it was appropriate, if you met him in 15:48
11 the Officers' Mess, did you think it was appropriate to
12 approach him and to let him know you weren't happy with
13 how he was doing his job?

14 A. Again, my recollection is not of approaching him.

15 672 Q. well, do you think, if I may put it this way, it was 15:48
16 appropriate for you, before the investigation had
17 concluded, to intervene in some way by questioning him,
18 by telling him you weren't happy with it?

19 A. well, I certainly wasn't intervening. He was a
20 captain, senior to me. 15:49

21 673 Q. So, what was it?

22 A. It wasn't an intervention.

23 674 Q. So what was it?

24 A. It was a discussion.

25 675 Q. Do you think it was appropriate to have that discussion 15:49
26 with him?

27 A. I don't think it came up in that context of it being
28 appropriate or not.

29 676 Q. But, it came up, was it appropriate?

1 A. I didn't regard it as appropriate.

2 677 Q. You didn't regard it as appropriate?

3 A. As inappropriate.

4 678 Q. As inappropriate. In relation to the training, I think
5 you were taken to the duties of a platoon commander at 15:49
6 paragraph 289 of the document. And you said, according
7 to that document, you, as platoon commander, should be
8 in a position to get to the root of all troubles of the
9 problems of the apprentices in the platoon. And you
10 answered that you had no training for that? 15:49

11 A. No specific training, yes.

12 679 Q. Do I take from that, and correct me if I'm wrong, that
13 if an apprentice had come to you, troubled by what they
14 were experiencing, that you wouldn't have known how to
15 handle it? 15:50

16 A. No, that's not correct.

17 680 Q. So, how would you have known how to handle it if one of
18 the apprentices came to you and said, 'Platoon
19 commander, you know, we're having a really, really hard
20 time here, it's very difficult.' And we've heard the 15:50
21 witnesses last week give their evidence and, again, we
22 make no finding in relation to that. But how would you
23 have handled it ?

24 A. I would have raised it with higher authority, with my
25 next one up in the chain of command. And I did raise 15:50
26 issues.

27 681 Q. I'm talking about issues of a serious nature, some of
28 the allegations?

29 A. Well, that's the same answer. I would have reported it

1 to my one up, my higher in the chain.

2 682 Q. And if they had said, 'well, part of the problem is
3 what you're doing,' how would you have handled that?

4 A. But they didn't say that.

5 683 Q. No, I know they didn't, but you just told me that just 15:50
6 because you had no training didn't mean that you
7 wouldn't know how to deal with it and I'm asking you
8 how would you have dealt with?

9 A. I'm sorry now, I'm not following you, Judge. It's
10 probably my fault. But you're asking me how would I 15:51
11 have dealt --

12 684 Q. Had an apprentice come to you and said, 'Platoon
13 commander, we are fearful, we're frightened, we don't
14 think it's appropriate what's happening to us,' would
15 you have said, 'I'll bring that to the higher 15:51
16 authority.'

17 A. But if I was the problem they wouldn't have come to me.

18 685 Q. If you were the problem they wouldn't have come to you.
19 So, how, then, would you have discharged your duty
20 under 289 of being in a position to hear their problems 15:51
21 and get to the root of the problems?

22 A. Well, first of all, I was routinely engaging with
23 apprentices across the three platoons about all sorts
24 of issues. But if the complaint is about me, then, I
25 think, they're not going to come to me with a problem. 15:51
26 So I'm not going to be aware of it, or I may become
27 aware of it subsequently.

28 686 Q. Can you tell me, then, what avenue, in your view, was
29 open to apprentices to complain about the source of

1 their fear, if they had fear?

2 A. well, they could seek a private interview with the

3 Company Commander.

4 687 Q. They could go to speak with the Company Commander. The

5 Officer Commanding? 15:52

6 A. No, Cmdt. Coffey, first, or if not him the Officer

7 Commanding in the unit.

8 688 Q. And in relation to Cmdt. Coffey and Officer Commanding

9 Hayes, when you described the "really bad leadership"

10 in the 34th Platoon and you were questioned about that, 15:52

11 what did you mean by that. Could you explain it

12 further. Do you exclude them from the comment of

13 "really bad leadership"?

14 A. I referred to bad leadership in the context of Defence

15 Forces Headquarters. 15:52

16 689 Q. You did. Did you exclude the leadership of the

17 Cpy. Cmdr. Coffey, the Officer Commanding Hayes and the

18 General Officer Commanding Wall; did you exclude them

19 from criticism when you say "bad leadership"?

20 A. When I was asked the question in the interview by 15:53

21 Mr. Cush, which was in April, I was referring to

22 Defence Forces Headquarters.

23 690 Q. Yes.

24 A. I didn't turn my mind to anybody from the local

25 headquarters staff, or, eh, Gen. Wall. 15:53

26 691 Q. And what is your view, bearing in mind that we have to

27 examine the complaints processes, what is your view of

28 the leadership in the platoon at the time?

29 A. The leadership --

1 692 Q. Bearing in mind that the General Officer Commanding was
2 Anthony Wall, the Officer Commanding was Walter Hayes,
3 and the Company Commander was Anthony Coffey. Could I
4 have your view of the leadership, taking all three into
5 account? 15:53

6 A. So, complaints that were made at the time were
7 investigated and I respect totally it's the Tribunal's,
8 ehm, decision and prerogative to make decisions on the
9 adequacy of that. But I'm going back to 1991 and these
10 matters were serious matters at the time. They were 15:54
11 investigated. They were brought to some sort of a
12 conclusion, eventually, ehm, and I certainly would be
13 critical about that in terms of myself and, also, the
14 guys in the platoon who weren't informed, either, of
15 what was going on. And I think that that was, ehm, a 15:54
16 serious deficiency.

17 693 Q. It seems to me - and again correct me if I'm wrong -
18 that the investigation into the allegations that
19 Mr. Traynor had made, I understand that he was
20 interviewed on the morning of this discharge, is that 15:54
21 correct, either 12th or 13th May?

22 A. So, again, ehm, as per my replies to Mr. Cush this
23 morning, this was not the first time that
24 Mr. Traynor had --

25 694 Q. I'm not asking about previous incidents about 15:55
26 Mr. Traynor, I'm asking about his interview in relation
27 to complaints that he had made, and that's all I'm
28 asking about.

29 A. Mr. Traynor was in a situation where an application for

1 his discharge was going to be made, eh, and I think the
2 term is service is no longer required. Then there was
3 some sort of exchange whereby his parents arrived to
4 purchase his discharge and then, and only then, is when
5 he made a series of allegations.

15:55

6 695 Q. He was interviewed on the morning, I understand it, the
7 13th, he was seen by the company doctor. He was asked
8 if he needed to a psychiatrist. His evidence was that
9 he presented, he was there with cuts, the laces were
10 taken from his shoes, he had what he described as a
11 breakdown. All of that happened prior to him being
12 interviewed before his discharge. And that happened,
13 to the best of my recollection, on either 12th or 13th
14 May but I think it was the 13th. And the
15 investigation, again, correct me if I'm wrong, appears
16 to have finished on 16th May. Cpt. O'Keeffe had
17 furnished the results of his interview and the Officer
18 Commanding Hayes had completed his report on his
19 application for discharge. So, it seems to have been
20 over within three to four days?

15:55

15:56

15:56

21 A. Yes.

22 696 Q. Can you comment on the contrast between the speed with
23 which those allegations were dealt with, and I can't
24 say at this stage whether we can call them an
25 investigation, I don't know yet, but can you comment
26 on, three to four days within which those serious
27 allegations were dealt with, and yet it took over a
28 year for your admonition proceedings to take place; is
29 there a reason why a private or an apprentice would

15:56

1 have such a quick investigation and yet when it comes
2 to an officer like you, it would take over a year. You
3 said you felt in limbo, administrative limbo?

4 A. Yes.

5 697 Q. Can you comment on why one would be done in three to 15:57
6 four days and the other not, within a year?

7 A. Not particularly, other than the fact that, eh, I
8 suppose, the investigation in relation to Mr. Traynor's
9 allegations was, ehm, a series of interviews. I don't
10 think his complaints were upheld and I think in 15:57
11 relation to my situation it was far more complex.

12 SOLE MEMBER: Thank you very much. The Tribunal will
13 now rise and we'll resume tomorrow at 10:30.

14
15 THE TRIBUNAL WAS THEN ADJOURNED UNTIL FRIDAY, 3RD JULY 15:57
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