

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

PUBLIC HEARING OF THE TRIBUNAL OF INQUIRY BEFORE
THE SOLE MEMBER, MS. JUSTICE ANN POWER,
AT THE INFINITY BUILDING, THIRD FLOOR,
GEORGE'S COURT, GEORGE'S LANE, SMITHFIELD, DUBLIN 7
ON TUESDAY, 7TH JULY 2026 - DAY 19

19

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1 THE TRIBUNAL RESUMED ON TUESDAY, 7TH JULY 2026 AS
2 FOLLOWS:

3
4 SOLE MEMBER: Good morning, everybody. Mr. McGovern.

5 MR. McGOVERN: Good morning, Judge. The first witness 10:30
6 today is Sgt. E. Sergeant.

7
8 SGT. E, HAVING BEEN SWORN, WAS DIRECTLY EXAMINED BY
9 MR. McGOVERN AS FOLLOWS:

10
11 1 Q. MR. McGOVERN: Good morning, Sergeant. Thank you for
12 coming today.

13 A. Morning.

14 2 Q. I will just start with a reminder, if I may, that as
15 you are aware, the Tribunal is investigating the 10:30
16 effectiveness of the complaints processes and the
17 culture within the Defence Forces in relation to
18 complaints of abuse.

19 A. Yes.

20 3 Q. The Tribunal is not permitted to make findings in
21 relation to the well-foundedness of complaints of abuse
22 and, for that reason, you are required to refrain from
23 disclosing the names of any alleged perpetrators in
24 your evidence today. Where it is necessary to refer to
25 such individuals, you must do so by using their rank or
26 the pseudonym given to them by the Tribunal. Do you
27 understand that?

28 A. I do.

29 4 Q. Thank you very much. By way of introduction, Sergeant,

1 I think you originally enlisted in the Defence Forces
2 in 1972; am I correct?

3 A. Correct.

4 5 Q. And you would have been promoted to sergeant when,
5 approximately? 10:31

6 A. Ehm, mid '80s.

7 6 Q. Mid '80s. And in 1986, you were appointed to the Army
8 Apprentice School in Devoy Barracks in Naas, is that
9 correct?

10 A. That's right. 10:31

11 7 Q. And you served there until 1992?

12 A. Yes, correct.

13 8 Q. And throughout that time, were you the Platoon
14 Sergeant?

15 A. Yes, I served as a platoon sergeant and a company 10:32
16 sergeant.

17 9 Q. And a company sergeant?

18 A. Yes.

19 10 Q. In 1991, would you have been the Platoon Sergeant or
20 the Company Sergeant? 10:32

21 A. Platoon.

22 11 Q. The Platoon Sergeant. Thank you. I think the Company
23 Sergeant would have been -- I think he's giving
24 evidence later today.

25 A. '89. 10:32

26 12 Q. You were not just the Platoon Sergeant but I think you
27 were involved in, as an instructor, with the various
28 apprentices, is that correct?

29 A. Correct.

1 13 Q. Over the years?
2 A. Yes, correct.
3 14 Q. And a number of platoons would have passed through your
4 stewardship, if I may put it that way, including in the
5 34th Platoon? 10:32
6 A. Correct.
7 15 Q. You say in your statement, in particular -- sorry,
8 Judge, I should have said at the outset, Sgt. E's
9 statement is to be found at page 3205. And his
10 interviews are at page 3208 and the second one at 4996. 10:33
11
12 You say at your statement, Sergeant, and I don't think
13 it's necessary to call this up necessarily but at
14 paragraph 6 of your statement you say that the Army
15 apprentice training was different to regular recruit 10:33
16 training. Would you explain to us what the difference
17 was between apprentices and recruits?
18 A. Well, the apprentices went to class in the mornings for
19 to learn their apprenticeship. And during that period
20 of the week they would have military training, but they 10:33
21 spent their time in the Apprentice School studying for
22 various trades where the recruit -- done just complete
23 recruit training.
24 16 Q. Obviously there's a difference in the time span,
25 because the apprentices were in Devoy for a total of 10:33
26 three years, is that correct?
27 A. Correct.
28 17 Q. Whereas ordinary recruit training would be a matter of
29 weeks?

1 A. It could be, I think, 16 weeks.

2 18 Q. Was that in total, because there's two stages, you do
3 your initial Two Star and then you go on to your Three
4 Star. So when you refer to 16 weeks, is that a total
5 for the Two Star and Three Star? 10:34

6 A. No.

7 19 Q. No.

8 A. Separate.

9 20 Q. So the basic Two Star training is 16 weeks and then
10 after that there's the Three Star. That's for recruits 10:34
11 into the Army other than apprentices?

12 A. Yes. Yes.

13 21 Q. And then are you aware in relation to the Cadet School;
14 how long is their training period?

15 A. Can you repeat please? 10:34

16 22 Q. The Cadet School, do you know how long their training
17 would last?

18 A. Not now, I don't.

19 23 Q. Well then?

20 A. It could have been a year. I'm not sure on that. 10:34

21 24 Q. I think evidence has been given from 2 Lt. B I think
22 himself that it was an 18-month period if I remember
23 correctly.

24 A. Yeah. I had nothing to do with it.

25 25 Q. You weren't aware of that? 10:35

26 A. No.

27 26 Q. And ranger training, do you know how long that extended
28 for?

29 A. I don't.

1 27 Q. You don't?

2 A. No.

3 28 Q. But the apprentices was three years?

4 A. Yes.

5 29 Q. And would you agree with me that would be the longest 10:35

6 of all the different categories?

7 A. It would be.

8 30 Q. At paragraph 6 you say:

9

10 "Military training was tough. It was much tougher in 10:35

11 the '70s than it was in the '80s and '90s."

12

13 would you like to elaborate upon that?

14 A. Well, that's my opinion.

15 31 Q. That's your opinion? 10:35

16 A. I came through the '70s when I joined and it's my

17 opinion that it was.

18 32 Q. So, your belief/impression was that it got easier as

19 time went on; is that a correct interpretation?

20 A. Maybe. 10:35

21 33 Q. Maybe?

22 A. Maybe, yeah. Maybe.

23 34 Q. You went through it initially in the '70s could it be

24 that your impression of it being tougher in the '70s

25 was because you were enduring it, rather than later on 10:36

26 you were involved in the training. Is that a valid

27 comment or would you disagree with that?

28 A. Ehm, could you repeat that again for me, please.

29 35 Q. You said you went through your training in the '70s and

1 you thought it was tougher then than it was later on.
2 So, I'm simply putting to you, could it be that your
3 impression of things was guided by the fact that you
4 were going through it in the 1970s, whereas later on
5 you were part of the instruction team? 10:36
6 A. Yes. Well, that is my impression. It's my opinion.
7 36 Q. All right. You say that:
8
9 "Shouting was normal."
10 10:36
11 A. Yes.
12 37 Q. Is that the in the '70s, '80s, '90s or generally?
13 A. I would think right through the Army and now.
14 38 Q. Including now?
15 A. Yes. 10:36
16 39 Q. Right. You say you were involved in reading the Rules
17 and Regulations to army apprentices?
18 A. Yes.
19 40 Q. How often would you have done that?
20 A. Probably once a week. 10:37
21 41 Q. Once a week. And that's all rules. Did it include the
22 A7 and the --
23 A. Yes.
24 42 Q. -- procedures for making complaints?
25 A. Yes. The Platoon Commander would do some of that as 10:37
26 well, and the Company Sergeant.
27 43 Q. When you say the Platoon Commander, the Platoon
28 Commander would have varied from year to year and you
29 were there over a number of years?

1 A. Yeah.

2 44 Q. All right.

3

4 "In my opinion, the apprentices were primarily focused
5 on their technical as opposed to their military
6 training. They did the military training but not with
7 the same spirit as other recruits."

8

9 would you expand upon that for us, please? why did you
10 think that the apprentices had a different approach?

11 A. well, the apprentice was looking at a trade at the end
12 of the three year.

13 45 Q. Yes.

14 A. And maybe continuing their military career and maybe
15 not, maybe leaving at the end.

16 46 Q. Do you think that the apprentices were solely there to
17 get a trade, as you put it, rather than as a stepping
18 stone to a career in the Defence Forces?

19 A. Maybe.

20 47 Q. Maybe.

21 A. Yeah.

22 48 Q. we've heard evidence from some of the apprentices and
23 one of them said he was a radio technician. Of the ten
24 or so radio technicians that entered in his year, they
25 were all gone out of the Defence Forces within ten
26 years, or within a number of years because they just
27 found the conditions unbearable basically. Do you
28 think --

29 MR. LEHANE: Sorry, I don't mean to interrupt

1 Mr. McGovern but if he's going to put a statement that
2 somebody said that they left because it was unbearable
3 can you just tell the witness who that was.
4 MR. McGOVERN: I take that back, Judge, that's my
5 paraphrase. 10:39
6 SOLE MEMBER: Thank you.
7 49 Q. MR. McGOVERN: what I'm simply putting to you,
8 Sergeant, is apprentices said that they joined with the
9 intention of staying but they left.
10 A. well, my opinion is that's the apprentice particular 10:39
11 person, whoever they were. That's their opinion.
12 50 Q. That's their opinion.
13 A. I can't verify that.
14 51 Q. Can I put to you, I don't know if you have been
15 following the evidence, if you've been here or you've 10:39
16 been looking at it on the internet?
17 A. No.
18 52 Q. I'll just explain to you, Sergeant, that we have heard
19 evidence over the last five/six weeks from apprentices
20 who have given evidence of their experience in Devoy 10:39
21 and particularly in the 34th and I want to put to you
22 what some of those apprentices said and, specifically,
23 in relation to you. And I'm doing that so you have the
24 opportunity of responding to that and commenting on it
25 so, their statements are not left in a vacuum, as it 10:40
26 were, you know about them and have a chance to respond
27 to them. All right?
28 A. Okay.
29 53 Q. Padraic Lenaghan was an apprentice in the 34th, he says

1 that you and the late [REDACTED] (who is deceased) said
2 following the death of Oliver Mullaney that if it was
3 classed as suicide the family would not get any
4 insurance compensation. Do you remember anything about
5 that conversation?

10:40

6 A. Untrue. Untrue.

7 54 Q. Untrue. So are you saying that that didn't happen?

8 A. Yes. Yes.

9 SOLE MEMBER: Mr. McGovern, I'm sorry for interrupting
10 you, but I think there has been mention of a person who
11 is identified only as Cpl. C so the Tribunal will make
12 an order today in relation to the non-publication of
13 any details leading to the disclosure of the identity
14 of Cpl. C. Thank you.

10:40

15 MR. McGOVERN: I'm sorry, Judge, my mistake.

10:40

16 SOLE MEMBER: That's okay.

17 MR. LEHANE: Sorry, Sole Member, as well, I could be
18 wrong in this and I would be grateful if Mr. McGovern
19 would help me. I know that Mr. Lenaghan dealt with
20 this issue in his interview but I don't think he dealt
21 with it in the evidence that he gave to the Tribunal so
22 I would be grateful if Mr. McGovern could just refer me
23 to that.

10:41

24 SOLE MEMBER: We'll ask Mr. McGovern if he can take us
25 to the point. Perhaps you could repeat what you said,
26 please, Mr. McGovern.

10:41

27 MR. McGOVERN: Mr. Hutchinson said --

28 MR. LEHANE: No, Mr. Lenaghan.

29 MR. McGOVERN: Sorry, Mr. Lenaghan, I beg your pardon.

1 The reference I have is at page 1719.

2 MR. LEHANE: That's the statement, Judge.

3 MR. McGOVERN: That is his statement. I can't refer my

4 Friend to the transcript, but Mr. Lenaghan, my

5 understanding said there was a conversation between you 10:41

6 and him in relation to insurance. Do you remember

7 anything about that?

8 MR. LEHANE: Sorry, Judge.

9 THE WITNESS: No.

10 MR. LEHANE: I'm really sorry for doing this. He did 10:41

11 say it in the statement and it is at 1719, but my note

12 is he didn't deal with that in his evidence. And

13 Mr. Cush was very careful on the last occasion to say

14 that material that would be put would be the evidence.

15 SOLE MEMBER: That's before the Tribunal. We will 10:42

16 check that. And if it's not, we'll refer only to

17 evidence that has been given to the Tribunal. But, in

18 any event, Mr. McGovern, if you could just continue

19 with this and I have noted that and we will just check

20 it. Thank you. 10:42

21 55 Q. MR. McGOVERN: Secondly, Sergeant, Mr. Hutchinson,

22 Ian Hutchinson and David Kennedy, they allege that you

23 were present at the time of the hair-cutting incident

24 by Lt. 2 Lt. B?

25 A. No. 10:42

26 56 Q. Were you there?

27 A. No.

28 57 Q. Did you witness any such incident?

29 A. No.

1 58 Q. Mr. McGrath says something similar but he also says
2 that you pointed out people using the words "there's
3 another one here, sir," or words to that effect?
4 A. I would be in a position to carry out an inspection
5 prior to the Platoon Commander, or any of the NCOs with 10:43
6 that platoon would be in a position to do that. And
7 people would be noted and names taken, if necessary,
8 and they would be told to get a haircut.

9 59 Q. But that's maybe noting something and making a request
10 or even an order for somebody to get a haircut. But, 10:43
11 specifically, the suggestion that the allegation is
12 that you were there when an officer cut apprentices'
13 hair?

14 A. No.

15 60 Q. Mr. David McGrath, do you remember him, he was another 10:43
16 apprentice?

17 A. No.

18 61 Q. You have no recollection of him?
19 A. No recollection.

20 62 Q. He says that you oversaw the removal of posters from 10:43
21 the barracks or the billet where the 34th were based
22 and that that was on the orders of Lt. 2 Lt. B?

23 A. I may have, or another instructor in the platoon may
24 have, and it was an order given and carried out for an
25 inspection by probably the Company Commander or the OC 10:44
26 of the barracks or maybe the Platoon Commander to
27 remove them.

28 63 Q. Could I just be clear about this, Sergeant; are you
29 saying that you remember the Platoon Commander giving

1 an order to the apprentices to remove posters?
2 A. They order would have been given to the instructors to
3 remove the posters from wherever.
4 64 Q. Perhaps you didn't understand the question, Sergeant,
5 so I'll repeat it; were you aware that that order was 10:44
6 given?
7 A. I was.
8 65 Q. You were?
9 A. Yes.
10 66 Q. And were you present when the posters were removed? 10:44
11 A. I was, probably, yes.
12 67 Q. Were you aware that the Platoon Commander subsequently
13 gave an order that the posters be reinstated?
14 A. No.
15 68 Q. You weren't aware of that? 10:44
16 A. No. And I don't think it would happen.
17 69 Q. You think it didn't happen?
18 A. I would presume it didn't.
19 70 Q. And when you say you would presume it didn't happen --
20 A. Yes. 10:45
21 71 Q. -- are you referring to the reinstatement of those?
22 A. Yes, the reinstatement.
23 72 Q. The posters were taken down?
24 A. Yes.
25 73 Q. But you're not sure whether they were ever put back? 10:45
26 A. They were never put back.
27 74 Q. Never put back. Were you ever aware, Sergeant, of an
28 investigation into events involving the 34th Platoon?
29 A. No.

1 75 Q. Never?
2 A. No.
3 76 Q. At any stage?
4 A. No.
5 77 Q. In relation to any particular event? 10:45
6 A. No.
7 78 Q. Can I refer you, Sergeant, to page 3231 of your
8 interview of 27th March this year. You were
9 interviewed, I think, by my colleague, Mr. Beirne, do
10 you remember that? 10:46
11 A. I do.
12 79 Q. And he asked you at the bottom of page 3231 about
13 Aptce. Damien Traynor, do you remember him?
14 A. Not by person. Name now, yes.
15 80 Q. He's the man who had a breakdown in May 1991 and 10:46
16 subsequently bought himself out of the Defence Forces;
17 can you remember that incident?
18 A. I don't.
19 81 Q. You don't remember?
20 A. No. 10:46
21 82 Q. would that have been an unusual event for somebody to
22 have a breakdown?
23 A. In my service in the Apprentice School, yes, probably.
24 Yes.
25 83 Q. All right. But yet even though it was unusual you 10:46
26 don't recollect it?
27 A. No. No.
28 84 Q. Do you remember any investigation into complaints that
29 were made by Aptce. Traynor at that time?

1 A. No, I didn't see them.

2 85 Q. Sorry, you didn't see what?

3 A. I didn't see any reports or anything.

4 86 Q. I'm not asking did you see a report, I'm asking you
5 were you aware of the existence of an investigation? 10:47

6 A. No.

7 87 Q. No. You were unaware of any investigation. Were you
8 ever asked to make a statement?

9 A. No.

10 88 Q. All right. Were you aware of the outcome of the 10:47
11 investigation?

12 A. No.

13 89 Q. Just over the page at page 3232 you were asked by
14 Mr. Beirne:

15 10:47

16 "Q. Four complaints were made against Lt. 2 Lt. B.
17 Did you know anything about that?

18 A. No.

19

20 Q. You weren't asked to make a statement about that? 10:47

21 A. No, we wouldn't be asked.

22

23 Q. Why not?"

24

25 And your answer: 10:47

26

27 "That would be within rank."

28

29 Can you explain or elaborate on that. what did you

1 mean that that was "within rank"?
2 A. well, if a complaint was made, it would be dealt with
3 by the officers of the company.
4 90 Q. So, are you making a distinction between complaints
5 against officers and complaints against men? 10:48
6 A. I am saying that the apprentice complaint would be
7 dealt with by the Platoon Officer, Company Commander
8 and the Commanding Officer.
9 91 Q. All right. But you as the Platoon Sergeant, senior
10 NCO, if a complaint was made or an allegation was made 10:48
11 by an apprentice against a platoon commander, are you
12 saying you were unaware of the existence of an
13 investigation or the outcome?
14 A. Yes.
15 92 Q. Right. And when you say that, because that was "within 10:48
16 rank"; what exactly do you mean by that?
17 A. well, it was dealt with by the officers in the
18 Apprentice School.
19 93 Q. The officers?
20 A. Yeah. 10:48
21 94 Q. So, if a complaint had been made against an NCO, would
22 you hear about that?
23 A. Yes.
24 95 Q. And would you know the outcome of that?
25 A. Possibly, when it would be fully decided what the 10:49
26 outcome would be.
27 96 Q. So I just want to be clear about your evidence,
28 Sergeant. Are you saying there's a distinction between
29 how complaints against officers are investigated on the

1 one hand and complaints about NCOs on the other?

2 A. well, we are speaking of Aptce. Traynor.

3 97 Q. I'm not speaking specifically about him, I'm talking
4 about the investigative process of complaints?

5 A. Officers' complaints or officers... I'm just thinking, 10:49
6 officers' complaints and officers' conferences and
7 officers' business would be dealt with between
8 officers.

9 98 Q. All right. And NCOs wouldn't know about that process?

10 A. We wouldn't be involved. 10:49

11 99 Q. All right. Mr. Beirne went on in the interview to ask
12 you, Sgt. E, at line 21, page 3232. He mentions:
13
14 "After Aptce. Mullaney died, there was another
15 investigation." 10:50
16
17 And he asked how did you hear about the death of
18 Oliver Mullaney and you said you heard it on the news
19 on the radio. That's at page 3233. Is that correct?

20 A. Correct, yeah. 10:50

21 100 Q. So, you weren't in the barracks, you heard about it on
22 the radio?

23 A. Yes.

24 101 Q. All right. Were you aware that there were allegations
25 of abuse made following the death of Oliver Mullaney? 10:50

26 A. No.

27 102 Q. You weren't aware of that?

28 A. No.

29 103 Q. Were you aware of any investigation?

1 A. No.

2 104 Q. You said at interview that the first you heard about an
3 investigation was when you read about it in the papers
4 that were furnished to you by the Tribunal, is that
5 correct? 10:50

6 A. Yes.

7 105 Q. So, that was earlier this year, 2026?

8 A. Yes.

9 106 Q. So am I correct in my understanding, Sergeant, that
10 between 1991 and 2026 you knew nothing about any 10:50
11 allegations of abuse arising out of the death of
12 Oliver Mullaney?

13 A. Correct.

14 107 Q. Shortly after the tragic death of Mr. Mullaney, did you
15 see Military Police in Devoy Barracks? 10:51

16 A. No.

17 108 Q. Not at all?

18 A. No.

19 109 Q. Were you aware that there was a Military Police
20 investigation? 10:51

21 A. No.

22 110 Q. You said that Military Police would come in
23 occasionally but you wouldn't speak to them?

24 A. No.

25 111 Q. And were you asked to give a statement in relation to 10:51
26 Mr. Mullaney?

27 A. No.

28 112 Q. Is it not odd, Sergeant, as platoon commander, in a
29 responsible position, you knew very little about what

1 was going on?

2 A. I wasn't the Platoon Commander, I was the Platoon

3 Sergeant.

4 113 Q. Sorry, I beg your pardon. The Platoon Sergeant, that's

5 my mistake. 10:52

6 A. Well, I knew nothing and I can say that other NCOs

7 didn't know anything about the investigation of

8 Aptce. Mullaney.

9 114 Q. But what about the facts that gave rise to those

10 investigations or allegations? 10:52

11 A. No, I didn't anyway.

12 115 Q. You didn't know?

13 A. Nobody.

14 116 Q. And you knew nothing about an investigation?

15 A. No. 10:52

16 117 Q. Either by senior officers or by Military Police?

17 A. No.

18 118 Q. Or the outcome of that?

19 A. No.

20 119 Q. Were you aware, for instance, that certain officers or 10:52

21 men were removed from Devoy Barracks following these

22 incidents; were you aware of that?

23 A. Yes.

24 120 Q. People were removed?

25 A. Yes, Lt. B. 10:52

26 121 Q. B, yes. Anybody else?

27 A. No.

28 122 Q. You're not aware of any other officer being removed?

29 A. No.

1 123 Q. All right.

2 A. No.

3 124 Q. Were you aware why they were removed?

4 A. No. It was never spoken --

5 125 Q. Never spoken about? 10:53

6 A. -- or made known to me or I'm assuming other people, I

7 don't know.

8 126 Q. Either officially or otherwise?

9 A. Oh, officially, I wasn't told.

10 127 Q. Unofficially, on the grapevine, were you ever aware why 10:53

11 officers were removed?

12 A. No.

13 128 Q. And that's your evidence, Sergeant?

14 A. That's my evidence.

15 MR. McGOVERN: Thank you. You might answer my Friends. 10:53

16 MR. LEHANE: Sole Member, I have listened carefully to

17 Mr. McGovern's questioning of the witness and I think

18 you have the point about Mr. Lenaghan and that can be

19 checked. So aside from that I don't have any

20 questions. 10:53

21 SOLE MEMBER: Thank you, Mr. Lehane. Does anybody else

22 have any questions for this witness? Mr. Brady.

23

24 SGT. E, WAS CROSS-EXAMINED BY MR. BRADY AS FOLLOWS:

25 10:53

26 129 Q. MR. BRADY: Sgt. E, my name is Alan Brady, I'm a

27 barrister instructed by Coleman Legal Solicitors who

28 represent a large number of the 34th Apprentices?

29 A. I'm not hearing you very clearly.

1 130 Q. Can you hear me now?

2 A. Yes.

3 131 Q. My name is Alan Brady, I'm a barrister instructed by
4 Coleman Legal Solicitors who represent a number of
5 apprentices that have given evidence before the 10:54
6 Tribunal, apprentices that were in the 34th apprentice
7 class, okay?

8 A. Okay.

9 132 Q. I've a number of questions for you and if you could
10 just assist the Tribunal and explain the structure of 10:54
11 the NCOs and the officers who were in charge of the
12 34th Platoon. If I can get this correct, there'd be a
13 number of NCOs of corporal rank who would be involved
14 and they would directly report to you as the Platoon
15 Sergeant, and then you would directly report to Lt. B 10:54
16 who was the Platoon Commander, is that correct?

17 A. Yes, correct, yeah.

18 133 Q. So, if there was any -- I suppose, if there was any
19 issues coming from the NCOs about the apprentices,
20 they'd have to filter through you to the Platoon 10:54
21 Commander, would they?

22 A. Well, there may be issues with regard to training, not
23 getting a proper full commitment from the apprentices
24 in training, in whatever we talk about in training,
25 like attitude and dress. But after that, nothing 10:55
26 alarming, no.

27 134 Q. That wasn't the question. I'm just asking you simply;
28 you're a point of contact so it would be unusual for a
29 corporal to go to the officer directly, they'd go

1 through you, would they, as a point of contact?

2 A. Yes.

3 135 Q. For information to filter from one?

4 A. Yes.

5 136 Q. And then that would be, in reverse that would be the 10:55
6 same, so from the Lieutenant to the Sergeant to the
7 NCOs to the apprentices?

8 A. Yes.

9 137 Q. So, essentially, all information flowing both ways
10 would have to come through you? 10:55

11 A. Yes.

12 138 Q. You said this morning that you had given training on
13 the A7 Regulations to the apprentices, is that correct?

14 A. Yes, that would be done occasionally, maybe once a
15 week, by different people. 10:55

16 139 Q. But you done it directly yourself, had you?

17 A. Oh, rarely, yes.

18 140 Q. And you'd witness it being done by other people?

19 A. Yes. It would be on the training programme, yeah.

20 141 Q. Can I bring you to page 3217 of the Tribunal booklet. 10:56
21 And this is an interview that you've given with
22 Mr. Beirne, one of the Tribunal lawyers. And if I
23 could bring you to paragraph 12. And I'll just read it
24 out first and then I'm going to put something to you.
25 3217 and Mr. Beirne asked a question: 10:56
26

27 "One of the main things we're looking at, the main
28 thing we're looking at here is the complaints process
29 and how the complaints process operated. Do you

1 remember were the apprentices given any particular
2 training in relation to how to make a complaint or what
3 to do?"
4
5 You said: 10:56
6
7 "No, no recollection of that at all, no."
8
9 Mr. Beirne says:
10 10:56
11 "Okay. So you say you've no recollection, does that
12 mean they didn't get that training or you just can't
13 remember?"
14
15 You said: 10:57
16
17 "Well, I never seen it happening."
18
19 A. well --
20 142 Q. Can I put something to you? 10:57
21 A. Yeah.
22 143 Q. That directly contradicts what you've said today; do
23 you agree?
24 A. No.
25 144 Q. It doesn't contradict what you've said today, that 10:57
26 you've never seen training being happening, but today
27 you've said that you've not only given the training,
28 you've seen other people giving the training; so which
29 is correct?

1 A. It's correct to say that the training was given, but I
2 never seen any form of complaint.

3 145 Q. That's not what you answered, if I can put it to you.
4 what you've said is you've never seen the training
5 happening? 10:57

6 A. I would have seen training happening. People would
7 have done lectures with the apprentices. The Company
8 Sergeant or myself or the Platoon Officer would have
9 done it.

10 146 Q. Can you just talk me through that process then. So, if 10:58
11 a 16-, 17-, 18-year-old apprentice has a complaint, how
12 did they go about making that complaint?

13 A. They would approach an NCO and speak to the NCO,
14 whoever that section commander was, and it would be
15 said to me then, or passed on, in writing, or whatever, 10:58
16 but I didn't see -- for the people we're speaking of, I
17 didn't see any complaint from any of those.

18 147 Q. That's not what I asked you. I just asked you how it
19 would happen in practice?

20 A. But that's the process. 10:58

21 148 Q. So you would pass on to who?

22 A. It would pass to me and then on to either the Company
23 Sergeant or platoon commander.

24 149 Q. And what if the complaint was about the Platoon
25 Commander, how would that complaint be processed? 10:58

26 A. Well, that decision would be made by the Platoon
27 Commander and the Company Commander, who were the
28 people in authority within the Apprentice Company.

29 150 Q. So, the person who the complaint was made about, your

1 evidence is that they would decide how that complaint
2 would be processed?

3 A. Yes.

4 151 Q. Can I ask you, Mr. McGovern brought up an answer you
5 gave about stuff being kept within rank and I think 10:59
6 your evidence is that this would be something that
7 officers would deal with themselves and they wouldn't
8 bring in NCOs into the fold of that conversation. Is
9 that what you were saying?

10 A. Would you give me that question again please? 10:59

11 152 Q. You said -- maybe I can just bring up the... I think it
12 was at page 3232 of your interview, but you had gone
13 through it again and you said about complaints being
14 kept within rank. And this was in relation to the
15 investigations. Yeah. It's on page 3232 maybe if you 11:00
16 just bring that up. Mr. McGovern went through this
17 with you a couple of minutes ago but this was in
18 relation to the complaints that had been made in
19 relation to Mr. Traynor. And Mr. Beirne asked you --
20 you said you didn't remember and then Mr. Beirne asked 11:00
21 you:
22

23 "And he would -- and he bought himself out with the
24 assistance of his family. And after that, it appears
25 that there were investigations into complaints of 11:00
26 abuse, four complaints of abuse against Lt. B. Did you
27 know anything about that."
28

29 In fairness you said no. Mr. Beirne asked you:

1 "You weren't asked to make a statement about that?"
2
3 You said:
4
5 "No, we wouldn't be asked. 11:01
6
7 MR. BEIRNE: Why not?"
8
9 You said:
10 11:01
11 "That would be within rank."
12
13 Again, could you just clarify what you mean about that
14 for the Tribunal?
15 A. If complaints were made they would be dealt with by the 11:01
16 officers, platoon officers and the Company Commander.
17 153 Q. But this is -- can I ask you this, you're the Platoon
18 Sergeant?
19 A. Yes.
20 154 Q. All information filters through you, this is what 11:01
21 you've said, everything will filter up and filter down
22 through you. I find it strange that you wouldn't be
23 asked, in these various investigations that went on,
24 the MP investigations, the other investigations by the
25 Adjutant; why were you never asked any questions or 11:01
26 interviewed. Do you find that strange?
27 A. Well, you would ask questions. I would ask questions,
28 yes. But, like, the complaint would be dealt with and
29 you would be told it was being dealt with by the

1 Company Commander, or, once again, the Platoon
2 Commander. Like, they made the final decision on what
3 complaints were made and what was to be the outcome of
4 them.

5 155 Q. What do you mean, what questions would you ask? 11:02

6 A. Well, you'd ask what happened at such a particular
7 billet, what happened at such an area, what happened a
8 such a class-taking lesson. Whatever the complaint
9 would be.

10 156 Q. Sorry, this would be questions that you'd ask of the 11:02
11 NCOs, would it, who brought a complaint to you?

12 A. Yes, if I seen, which the complaint would be filed, you
13 would ask exactly what happened them, the Platoon
14 Commander and then would have a briefing on it.

15 157 Q. What complaints would these be? 11:02

16 A. Sorry, say that again?

17 158 Q. What complaints -- I think your evidence earlier was
18 that you didn't see any complaints or you didn't
19 remember any complaints but you've now remembered some?

20 A. If there were complaints. 11:03

21 159 Q. But what complaints?

22 A. It would be brought to the notice, again, of the
23 Platoon Commander.

24 160 Q. Sergeant --

25 A. It would be discussed either at a debriefing of 11:03
26 training and the relevant action would be taken by the
27 Platoon Commander.

28 161 Q. I just want to be clear; did you witness the processing
29 of any complaints in relation to the 34th Apprentice

1 School or any complaints generally?

2 A. No. No. No.

3 162 Q. I'm just going to put this to you, your answer seems to
4 be you did witness some complaints, that seems to be
5 your answer a few minutes ago? 11:03

6 A. No, if some complaints came through the system to the
7 Company Sergeant or myself, the Sergeant, they would be
8 escalated to the people in charge of the platoon.
9 Yeah.

10 163 Q. Do you think as the Platoon Sergeant it would have been 11:03
11 of assistance to the people investigating complaints
12 that they would have had some input from you?

13 A. Well, you would have an input. You'd be -- at a
14 debrief of whatever training or training conferences
15 that was held once a week, you would be asked for -- 11:04
16 and all NCOs would be asked for their input into
17 whatever, eh, complaint was being made, or whatever
18 incident was reported.

19 164 Q. But you've just said you don't remember any complaints,
20 so you were never asked that? 11:04

21 A. Well, I don't, at this stage, remember them, no.

22 165 Q. So, is it the case that you just don't remember or they
23 never happened so you just don't remember them?

24 A. What I'm saying is, it's 34/35-year lapse of time.

25 166 Q. No, I appreciate that. 11:04

26 A. And I don't remember dealing with a particular, or any
27 particular, ehm, cases of anything regarding complaints
28 or that.

29 167 Q. But would you accept, then, it's more than likely if

1 other people have given evidence about making
2 complaints that you probably just don't remember, it's
3 not that they were never, those complaints never
4 filtered through you?

5 A. well, I can't say they didn't or did happen but I just 11:05
6 don't remember.

7 168 Q. Sorry... [Short pause]. Can I bring up page 2483 of
8 the Tribunal booklet. Can you see that document,
9 Sgt. E? Can you see that?

10 A. Yes. 11:06

11 169 Q. what is that document?

12 A. [Short pause].

13 SOLE MEMBER: I think it's only fair that you read the
14 document or you somehow explain the document.

15 170 Q. MR. BRADY: I might just read it out so. This is a 11:06
16 letter, and I'm not sure who it's directed to because
17 it's redacted but it's dated 7th September 1992 and it
18 said:

19

20 "I was platoon sergeant of the [redacted] platoon from 11:06
21 their intake in the autumn of '89 to July '91."
22

23 I'm just going to stop there. would that be the 34th
24 Apprentice Platoon?

25 A. I left the Army in 1992. 11:07

26 171 Q. No, but '89 to '91 would that be the 34th Apprentice?

27 A. Yeah.

28 172 Q. "In my six (6) years in the [redacted] I have had
29 experience of six (6) and an input into training of

1 four (4) platoons. [Redacted] platoon were more
2 difficult in their attitude towards discipline and the
3 military way of life than any of the other platoons.
4 The fact that they took some months to form up and the
5 drop in first year [redacted] pay prior to their 11:07
6 enlistment may have contributed to this. There were,
7 however, some well motivated and satisfactory
8 [redacted] in the platoon. Of the more difficult
9 members, most improved to a satisfactory degree as
10 their training progressed. [Redacted] Traynor came to 11:07
11 the notice of the platoon NCOs at an early stage of the
12 training in that he had a discipline problem as
13 recorded in the platoon diary. This [redacted] was a
14 member of the [redacted] which in itself was not one of
15 the better [redacted]. Had had an attitude problem 11:08
16 towards superiors and seemed to be the platoon bully.
17 An example of this was on the night he broke the pool
18 table when another [redacted], [redacted] later
19 confided in me that he was afraid to report the
20 incident because of what [redacted] Traynor might do to 11:08
21 him. At no time did [redacted] Traynor make any
22 reference to me regarding any incidents of abuse
23 towards him by any member of the staff in [redacted].
24 I became aware that he had made complaints following
25 his discharge and made a statement to Adjutant 11:08
26 [redacted] regarding these allegations at the time."

27
28 Is that a statement that's made by you or a later
29 letter that was drafted by you?

1 A. That wasn't made by me.

2 173 Q. Sorry?

3 A. I didn't make that statement.

4 MR. LEHANE: Sorry, Sole Member, I think that might be
5 useful -- that's annex to another document. Just if 11:09
6 Mr. Brady would explain what that document is and what
7 it's annexed to. It might be useful. And might assist
8 the witness.

9 174 Q. MR. BRADY: This is an annex to Circuit Court
10 proceedings that were taken by Damien Traynor. Do you 11:09
11 remember --

12 A. I've never seen this statement, this is my first time
13 to see that.

14 175 Q. So that wasn't made by you?

15 A. No. 11:09

16 176 Q. Would you have any idea how that came to be in being?

17 A. No. This is completely new to me.

18 177 Q. So, if an unredacted copy was obtained, would your
19 signature be on that document?

20 A. I don't think so. 11:10

21 178 Q. But it might be?

22 A. I don't think so.

23 SOLE MEMBER: Is there a signature at the bottom?

24 MR. BRADY: It seems to be redacted and the name's
25 redacted. I don't know if an unredacted copy can be 11:10
26 given. Again, I don't know why this would be redacted
27 but maybe that's a matter for the Defence Forces to
28 clarify.

29 SOLE MEMBER: Mr. Lehane.

1 MR. LEHANE: Mr. McCann actually makes the very obvious
2 point; it's redacted because the individual giving
3 evidence today is anonymous in terms of the, you know,
4 he's Sgt. E, his name doesn't appear up on it.
5 SOLE MEMBER: But it is Sgt. E, that's what you're 11:10
6 saying. So it is --
7 MR. McCANN: Let's just find out.
8 MR. LEHANE: We'll find out in one second. Yes.
9 SOLE MEMBER: It is. So Counsel to the Defence Forces
10 indicates to the Tribunal, if I'm not mistaken, that 11:11
11 Sgt. [Redacted] is you, Sgt. E.
12 THE WITNESS: Okay.
13 179 Q. MR. BRADY: You don't remember making this?
14 A. I don't. Correct, no.
15 180 Q. Can I put it to you that in effect what existed in the 11:11
16 Apprentice School was a system whereby the apprentices
17 didn't receive any or any adequate training in relation
18 to the complaints process; would you agree?
19 MR. LEHANE: I think we're veering into a submission
20 being made to the witness and the witness being invited 11:11
21 to agree with a submission. The purpose of the
22 cross-examination should list a fact or comment on a
23 fact. I'm not trying to be rude or interruptive.
24 181 Q. MR. BRADY: Maybe I'll rephrase that. In your
25 interview with the Defence Forces Tribunal that I put 11:11
26 to you earlier, you said that you didn't see any
27 training on the complaints procedure happening; isn't
28 that, in fact, what took place?
29 A. Yes, I didn't, no.

1 182 Q. And can I put it to you again that it would, in your
2 experience if there was a complaint against the Platoon
3 Commander from an apprentice, that would, essentially,
4 have to come through a corporal, it would then have to
5 go to you and then you would have to bring that to the 11:12
6 Platoon Commander?

7 A. If made, yeah.

8 183 Q. Would you have been able to -- if you received a
9 complaint against the Platoon Commander, would you have
10 been able to go to above the Platoon Commander's head, 11:12
11 say, to the Company Commander or the Adjutant or the CO
12 of the barracks?

13 A. Ehm, well, when a complaint or whatever is made to the
14 Platoon Commander, it stops with him. He goes forward
15 with it. That's it. He goes to the Company Commander 11:13
16 and he brings to light to the Company Commander what
17 actually may be happening within the company.

18 184 Q. Did you feel there was a system in place for you as a
19 platoon sergeant if you received a complaint about a
20 platoon commander to go a different avenue, to not 11:13
21 bring it to him and bring it to another officer?

22 A. No. No.

23 MR. BRADY: Thank you, Sgt. E.

24 SOLE MEMBER: Thank you, Mr. Brady. Mr. McGuinness.

25 11:13

26 SGT. E, WAS CROSS-EXAMINED BY MR. MCGUINNESS AS
27 FOLLOWS:
28

29 185 Q. MR. MCGUINNESS: Good morning, Sgt. E, I appear for the

1 Minister for Defence in the matter and my name is
2 Diarmaid McGuinness and I just did want to clarify an
3 issue about documents and statements you appear to have
4 made. Could I ask the Tribunal to show you the
5 document at 2446. This is a document which was signed 11:13
6 on 16th May 1991. It is a document which is referred
7 to in Cpt. O'Keeffe's report of that date, but can I
8 ask you to read that document, if you can. If you
9 prefer me to read it to you I will read it to you?
10 A. Well if you do read it I'll proof read it as well. 11:14
11 186 Q. Yes.
12
13 "I have been informed of the allegations made by
14 [blank] Traynor and also the allegations made by
15 [blank] and [blank]. With regards to the allegation by 11:14
16 [blank] Traynor that he had been kicked in the ribs by
17 Lt. R1 while in a press-ups position on the square, I
18 am not aware that this incident took place. I have
19 also been made aware of the allegation that he had been
20 ordered to sign his discharge by Lt. R1 in my presence 11:15
21 and that when he refused I left, following which he was
22 physically abused by Lt. R1. When interviewing [blank]
23 as far as I was aware, Lt. R1 always had myself or CS
24 [blank] present. No complaint was ever made to me
25 about these or any other similar matters, nor am I 11:15
26 aware of the occurrence of any such incidents."
27
28 Now, if we just go down to the bottom there, it's
29 signed by Sergeant and it was taken as recorded there

1 by Captain and the Tribunal has heard evidence from the
2 Captain, who was Cpt. O'Keeffe at the time and he was
3 the Adjutant, I think, at the time you were there?
4 A. He may have been. I don't remember him as a name.
5 187 Q. Yes. And if we just scroll down to the bottom there, 11:15
6 now there's a page notation there, page 2446, and that
7 is the page number attributed to the document by the
8 Tribunal. And do you see the other lettering 0001,
9 that is the document number discovered by the Minister
10 for Defence in respect of which the names of the 11:16
11 document have been redacted. But I want to suggest to
12 you that your name - and I don't want you to say it and
13 I'm not going to say it - but your name is at the top
14 of the statement and is at the bottom of the statement;
15 do you see there it's signed: 11:16
16
17 "Taken down by me..."
18
19 And above that is signed Sergeant. And I want to
20 suggest to you that you made that statement and that 11:16
21 your name is at the top of the statement also. There:
22
23 "Statement of [blank] Sgt. [Blank] ."
24
25 Having seen that document, I do appreciate it's 35, 11:17
26 more than 35 years ago, having seen that statement,
27 does that refresh your memory that you made that
28 statement to Cpt. O'Keeffe on 16th May 1991?
29 A. Well, the time factor is one thing but I don't remember

1 Cpt. O'Keefe. I don't remember ever even speaking
2 with Cpt. O'Keefe. He was adjutant, according to the
3 document, but I don't remember ever speaking to him.

4 188 Q. Yes. Subject to --
5 A. 16th May 1991. 11:17

6 189 Q. Yes. Subject to --
7 A. What date was that actually signed off?

8 190 Q. On 16th May of 1991?
9 A. Well, I don't remember that. No.

10 191 Q. Subject to the sole Member making a ruling on the 11:18
11 matter, that document is in the possession of the
12 Minister unredacted and I want to suggest to you that
13 your name is in the boxes as indicate being your
14 statement and being signed by you. And subject to the
15 permission of the Chair, if necessary, I can put that 11:18
16 document to you and to you alone, to give you an
17 opportunity to say whether your name is in those boxes
18 or not.

19 A. Okay.

20 MR. McGUINNESS: would you like to see that? Is there 11:18
21 any objection?

22 MR. LEHANE: I have no objection to that. I don't have
23 the original.

24 MR. McGUINNESS: I'll get my solicitor to hand it to
25 the Tribunal solicitor to hand it to the witness. 11:18
26 (SAME HANDED).

27 THE WITNESS: Thank you.

28 192 Q. MR. McGUINNESS: Don't say your name or don't read any
29 name on it, but at the top of the statement it says:

1 "Statement of [blank] Sgt. [Blank]."
2
3 Is that your name at the top of the statement?
4 A. Yes, it is.
5 193 Q. And is it your name in the box marked "signed," is that 11:19
6 your name?
7 A. Yes, it is.
8 194 Q. Do you agree that you appear to have made that
9 statement?
10 A. Well, the documentation is telling me, yes, but my mind 11:19
11 is telling me no.
12 195 Q. All right. You've no recollection of making that at
13 the time?
14 A. No, no.
15 196 Q. My colleague behind me put the other document to you, 11:19
16 which is at 2483.
17 A. Can I just ask a question. This is not actually a
18 signature.
19 197 Q. That's the typed version of it?
20 A. Yeah. Okay. Because, ehm, I don't remember ever 11:19
21 signing a document like that. Yeah, okay.
22 198 Q. Could you hand that back. Thank you. (SAME HANDED).
23 Document 2843, again this is a document redacted and
24 discovered by the Minister and at the bottom of the
25 page, if you just go down to the bottom, down to where 11:20
26 the Tribunal pagination is, again, that's the Tribunal
27 pagination, 2483, and in the Minister's original file
28 that's 0287. And can I suggest to you that that is a
29 statement that you made at that time in 1992, on 7th

1 September 1992. Now, I think my Friend read the
2 entirety of the statement to you. But having read that
3 again, have you any recollection of making that
4 statement?

5 A. Well, I was out of the Army on that particular time, 11:20
6 07/09/92.

7 199 Q. I thought your discharge papers showed you were
8 discharged in 1993?

9 A. Ehm...

10 200 Q. Is that not what you said in your interview? 11:21

11 A. I think... I'm thinking now. Ehm... ehm, my discharge
12 papers might be with the team there.

13 201 Q. Pardon?

14 A. I'm just wondering, the date of my discharge, to
15 confirm it fully, correctly. 11:21

16 202 Q. Can you recollect that?

17 SOLE MEMBER: If it's of assistance, the second
18 paragraph of your statement says that you retired from
19 the Army in 1993.

20 THE WITNESS: Okay. Okay. 11:21

21 203 Q. MR. McGUINNESS: I can give you a similar opportunity
22 to view the Minister's unredacted copy which shows your
23 name on it as having made that statement, and if you'd
24 like to see it, I will offer it to you.

25 A. Yeah, why not. Yes. (SAME HANDED). Thank you. 11:22

26 204 Q. I think your name is printed at the bottom of that?

27 A. Yeah.

28 205 Q. Don't read it out.

29 A. Yeah.

1 206 Q. But your signature is also above that?
2 A. It is, yes. Correct.
3 207 Q. And do you agree, then, that that is a statement made
4 by you on that date?
5 A. On paper, yes. 11:22
6 208 Q. Pardon?
7 A. It looks like it.
8 209 Q. But you've identified your own signature on it?
9 A. I have.
10 MR. McGUINNESS: Thank you. If you'd hand that back. 11:23
11 (SAME HANDED).
12 SOLE MEMBER: Thank you, Mr. McGuinness.
13
14 SGT. E WAS QUESTIONED BY THE SOLE MEMBER, AS FOLLOWS:
15 11:23
16 210 Q. SOLE MEMBER: Sgt. E, I want to take you through a
17 couple of questions, please.
18 A. Yes, Judge.
19 211 Q. In relation to the training, you said:
20 11:23
21 "The apprentices did their military training but not
22 with the same spirit, they were looking for a trade at
23 the end of three years and maybe continuing their
24 military career and maybe not."
25 11:23
26 Am I correct in understanding that it wasn't an option
27 for the apprentices just to leave once they had got
28 their trade, that they had some commitment to continue
29 in the Defence Forces?

1 A. I think there was a clause of so many year, nine year.
2 212 Q. Nine years, that's my understanding.
3 A. I'm not sure.
4 213 Q. So it wasn't a case that they could simply leave after
5 three years? 11:23
6 A. Well, some apprentices did buy themselves out.
7 214 Q. I appreciate that. But when you said:
8
9 "And maybe continuing their military careers and maybe
10 not." 11:24
11
12 There was an obligation, as I understand it --
13 A. Yes.
14 215 Q. -- and correct me if I'm wrong, to continue on after
15 they got their trade? 11:24
16 A. There was, yeah.
17 216 Q. Thank you. In relation to the allegations made by
18 Damien Traynor, you said you had no knowledge of any
19 investigation into the allegations. You weren't aware
20 of it in any way. Now, documentation has been put to 11:24
21 you, subsequently, which you have confirmed is your
22 signature, bears your signature?
23 A. I have.
24 217 Q. Could you explain to me how your evidence to the
25 Tribunal, before you saw that documentation, was that 11:24
26 you had no knowledge of any investigations?
27 A. Well, I just didn't.
28 218 Q. You had no knowledge?
29 A. No. No. I don't remember it and I don't remember how

1 it was actually dealt with, and I don't remember his
2 leaving whenever he left. So...

3 219 Q. And was it part of your responsibility as platoon
4 sergeant to be responsible, to a certain extent, for
5 the welfare of the apprentices within your platoon? 11:25

6 A. It would be.

7 220 Q. It was or it wasn't, was that part of your --

8 A. It was.

9 221 Q. It was. And would you consider allegations of abuse
10 being made by one of your apprentices to be a 11:25
11 significant event?

12 A. Well, it would be, yes.

13 222 Q. It would be. It was, is it?

14 A. Yes.

15 223 Q. So how can you explain such a significant event? How 11:25
16 can you say that you have no, I think the word you
17 said, was no knowledge of any investigation?

18 A. Well, as I said, I have not seen this, these letters or
19 reports until today, from whatever date, and I was
20 never brought into the investigation by the Platoon 11:25
21 Officer or the Company Commander or the Commanding
22 Officer.

23 224 Q. But you do accept that an investigation into
24 allegations of abuse for apprentices within your
25 platoon is a significant event -- 11:26

26 A. Yes.

27 225 Q. -- in any platoon sergeant's life?

28 A. It is.

29 226 Q. And you weren't aware of it. You weren't aware of any

1 investigation. There's a difference between saying you
2 weren't aware of the investigation and you weren't
3 brought into the investigation. So which is it?
4 A. Well, I wasn't aware. These incidents may have been
5 happened out of, when I was off, away, I could have 11:26
6 been anywhere. And I didn't actually see them until
7 this particular moment now. I have read them and
8 they're there. But my mind and my memory of that
9 number of years is not telling me anything about the
10 abuse case. 11:26

11 227 Q. Even though you accept, as I understand it --
12 A. Yes.
13 228 Q. -- that to have allegations of that nature made by one
14 of your platoon, whilst you are a platoon sergeant is a
15 significant event? 11:27

16 A. It is.
17 229 Q. In your career?
18 A. It is.
19 230 Q. In a platoon sergeant's career?
20 A. Yes. 11:27

21 231 Q. But you don't have any knowledge of them?
22 A. No. No.
23 232 Q. In relation to the investigation into the events
24 preceding the death of Oliver Mullaney, you said you
25 knew nothing of the investigation into the death of 11:27
26 Oliver Mullaney?
27 A. No.
28 233 Q. And that is your evidence, even though the Military
29 Police were on site in the platoon?

1 A. Yeah.

2 234 Q. In the barracks?

3 A. I never spoke with the Military Police.

4 235 Q. But your evidence is you had no knowledge of any
5 investigation? 11:27

6 A. No.

7 236 Q. And would you agree that to have a shooting of a member
8 of the Defence Forces in service is an unusual and, in
9 this case, a tragic event?

10 A. Tragic, yeah. 11:27

11 237 Q. Would you, as platoon Sergeant, not have any interest
12 in finding out what's happening in relation to this?

13 A. Well, it was -- to the best of my knowledge today, all
14 the situation with Aptce. Mullaney's death was dealt
15 with by the officers within barracks and out of 11:28
16 barracks.

17 238 Q. And you were a non-commissioned officer within the
18 barracks?

19 A. Yeah. I wasn't called to give any evidence or
20 anything. 11:28

21 239 Q. You but said you knew nothing of the investigation?

22 A. I didn't.

23 240 Q. You didn't even know there was an investigation taking
24 place?

25 A. No, it was happening but I didn't know, somewhere. 11:28

26 241 Q. It was happening but you didn't know it was happening?

27 A. No.

28 242 Q. How do you know it was happening if you didn't know it
29 was happening?

1 A. I knew it was happening because it had been rumoured it
2 was happening.

3 243 Q. So, is your evidence now that you did know it was
4 happening?

5 A. No. No. I didn't know it was happening and I didn't 11:28
6 know who was involved in it, or anything else.

7 244 Q. But you said you knew it was happening because of
8 rumours, is that right?

9 A. It was.

10 245 Q. So, did you know it was happening or did you not know 11:29
11 it was happening, Sgt. E?

12 A. Well, it was rumoured it was happening but I wasn't
13 brought in for any evidence.

14 246 Q. I'm asking you; did you know it was happening or did
15 you not know it was happening? 11:29

16 A. Well, yes, it was rumoured in the barracks, yes.

17 247 Q. So is your evidence that you did know it was happening?

18 A. Yes.

19 248 Q. Thank you. We had the evidence of Cpl. G here recently
20 and Cpl. G, I think, was a corporal in Devoy Barracks 11:29
21 at the time when you were platoon sergeant?

22 A. Yes. Yes. Could have been.

23 249 Q. Well, Cpl. G, like yourself, has been given a
24 pseudonym, and if you need to know who Cpl. G is, just
25 to be sure, I'm sure that we can do that. I don't need 11:30
26 to put a document to you but I want to tell you what he
27 said. He said that as an experienced NCO, if he saw a
28 young lieutenant fresh out of Cadet School behaving in
29 a way that gave cause for concern, he would be the

1 first person to pull him aside. That was the evidence
2 he gave.

3 A. Mmm-hmm.

4 250 Q. Am I correct in understanding that your evidence to the
5 Tribunal is that you wouldn't have taken anyone aside 11:30
6 if they were senior in rank to you. I think it was in
7 your statement or actually you said it earlier in your
8 evidence, that it wouldn't be up to you to interfere
9 with the conduct or behaviour of a person senior in
10 rank? 11:30

11 A. That, ehm, issue would be dealt with in debriefing of
12 training if there was --

13 251 Q. Could you explain that to me, please.

14 A. When people would be involved in training on exercise
15 or whatever, there would be a debriefing and if 11:31
16 something was to be said about the conduct of the
17 staff, NCOs, officers, or apprentices, it would be
18 discussed there, not on the actual exercise or not on
19 the actual square or wherever it might have been
20 happening, or about to happen. 11:31

21 252 Q. Would you see it as your role as platoon sergeant to
22 have a word with a person senior in rank to you but
23 newly qualified, as it were, if you saw any conduct
24 that gave cause for concern?

25 A. Yes, you would mention it to that person, and hopefully 11:31
26 he would take it or she would take it on board.

27 253 Q. But you never -- you didn't have to do that during your
28 time, is that correct? Am I correct in understanding?

29 A. Well, yes. Yes.

1 254 Q. Yes?

2 A. Correct.

3 255 Q. You never did that?

4 A. No.

5 256 Q. During your time? 11:32

6 A. No.

7 SOLE MEMBER: Thank you, Sgt. E.

8 THE WITNESS: Thank you, Judge.

9 SOLE MEMBER: Now, we will take a short break between

10 this witness and the next and we'll resume in ten 11:32

11 minutes. Thank you.

12

13 THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

14

15 SOLE MEMBER: Good afternoon. Mr. McGovern. 11:48

16 MR. McGOVERN: Thank you, Judge. The next witness is

17 Lt. A. Lt. A, please.

18

19 LT. A, HAVING BEEN SWORN, WAS DIRECTLY EXAMINED BY

20 MR. McGOVERN AS FOLLOWS: 11:49

21

22 257 Q. MR. McGOVERN: Good morning, Lieutenant.

23 A. Good morning.

24 258 Q. Thank you for coming. I'll just start, if I may, by

25 saying that as you're probably aware, at this stage, 11:49

26 the Tribunal is investigating the effectiveness of the

27 complaints processes and the culture within the Defence

28 Forces in relation to complaints of abuse. The

29 Tribunal is not permitted to make findings in relation

1 to the well-foundedness of complaints of abuse and, for
2 that reason, you are required to refrain from
3 disclosing the names of any alleged perpetrators in
4 your evidence today. Where it is necessary to refer to
5 such individuals, you must do so by using their rank or
6 the pseudonym given to them by the Tribunal. Do you
7 understand that?

8 A. Yes, I do.

9 MR. McGOVERN: Thank you very much. Judge, the
10 Lieutenant's statement may be found at page 3238 of the 11:49
11 book. And the two interviews are at page 3245 and
12 5365.

13 SOLE MEMBER: Thank you.

14 259 Q. MR. McGOVERN: Lieutenant, can we start with basic
15 information about yourself, if we may. I think in 11:50
16 October 1986 you enrolled as a cadet in the Defence
17 Forces, is that correct?

18 A. That's correct. Ehm, commissioned in '89.

19 260 Q. Yeah. And I think when you enrolled as a cadet you
20 were 18 years of age at that stage? 11:50

21 A. Yes, that would be correct.

22 261 Q. You became a lieutenant in June of 1991?

23 A. Ehm --

24 262 Q. These dates are taken from your statement?

25 A. 2nd lieutenant, yes. 11:50

26 263 Q. 2nd lieutenant. And you -- were you an assistant
27 captain later on?

28 A. I would have, I retired as a captain.

29 264 Q. You retired as a captain. You were a full captain in

1 July '97, if I'm correct, in or about?

2 A. I would imagine so, yes.

3 265 Q. I don't know the actual date you left the Defence
4 Forces, Lieutenant, I know you said you were 18 years
5 as a captain in another barracks, but the nature you 11:51
6 left would have been, can you recall?

7 A. Ehm, it would have been, if I went in in '86, it would
8 have been 18/19 years after that.

9 266 Q. 18/19, thank you. Can I refer you, first of all, to
10 your statement, to go through that, if I may, 11:51
11 Lieutenant. Your statement is at page 3238, perhaps if
12 Ms. Heavey could call that up. Is that the statement
13 that you submitted to the Tribunal, Lieutenant?

14 A. Yes.

15 267 Q. And I think that was dated, I don't have a full copy in 11:52
16 front of me at the moment. Sorry.

17 MR. LEHANE: 12/03/26.

18 268 Q. MR. McGOVERN: It's dated at the end of the page,
19 beside your signature, 12th March 2026. At paragraph 4
20 you say -- we'll start at paragraph 3 -- 11:52
21 MR. McCANN: I don't think it's helpful to start at
22 paragraph 3, there's a risk to anonymity in that
23 regard.

24 MR. McGOVERN: I'm sorry, I'll conduct my examination.
25 Mr. McCann can re-examine afterwards, if he so wishes. 11:52
26 MR. McCANN: Sole Member, there's a risk of anonymity
27 to go through the extra curricular material which this
28 witness was involved in. It doesn't in any way assist
29 the job you have to do.

1 SOLE MEMBER: well, there is an order made in relation
2 to the publication or reporting of any matter likely to
3 lead to the identity of this witness.

4 MR. McCANN: This, in my submission, is such matters.

5 MR. McGOVERN: This was included by the Lieutenant in 11:53
6 his own statement --

7 MR. McCANN: Before he had anonymity.

8 SOLE MEMBER: Please allow Mr. McGovern to speak, Mr.
9 McCann.

10 MR. McGOVERN: -- and then submitted to the Tribunal by 11:53
11 the Chief State Solicitor's Office. And, indeed, on
12 previous occasions, and with other witnesses, the
13 Defence Forces themselves have adduced evidence about
14 people's careers and their background and the number of
15 medals they won. I don't know why Mr. McCann wishes to 11:53
16 make a distinction with this witness.

17 SOLE MEMBER: Mr. McCann.

18 MR. McCANN: If we just look at it together, it might
19 be of assistance. So, you see, Sole Member, he
20 describes he's a cadet; I've no problem with that. He 11:53
21 then goes into sporting material and he was in this
22 sport and he was in that sport. And this statement,
23 obviously, was made before and completed on 12/03/2026,
24 before he was given anonymity by the Tribunal. And my
25 only point is, Judge, Sole Member, is that it didn't 11:54
26 assist you to know what sports he played when or where
27 and what level he achieved or didn't achieve. So I'm
28 suggesting that those lines, that's lines 2, 3, and 3
29 should be omitted, and --

1 SOLE MEMBER: should be omitted?
2 MR. McCANN: Omitted. should not be dealt with in
3 evidence but of course there's no difficulty dealing
4 with the transport unit and so on and so forth. And
5 it's just a risk to anonymity and in my submission it 11:54
6 won't affect your work. Thank you, Sole Member.
7 SOLE MEMBER: Mr. McGovern, in relation to the
8 information in lines 1, 2 and 3, is it absolutely
9 necessary to take the witness through those?
10 MR. McGOVERN: I'm not concerned with what the 11:54
11 witness's sporting prowess was or is. What I simply
12 wish to do is to show a link with other persons and
13 that will become apparent if I proceed.
14 SOLE MEMBER: And is that necessary by reference to
15 lines 1, 2 and 3. 11:55
16 MR. McGOVERN: What paragraph are we referring to?
17 SOLE MEMBER: Paragraph 3, if you just read it slowly
18 yourself, you can avoid, I think you can take it up
19 from "when I was commissioned."
20 MR. McGOVERN: I can skip on to paragraph 4. 11:55
21 SOLE MEMBER: I think if you just leave out the first
22 three or four lines of paragraph 3, that's fine.
23 MR. McCANN: Thank you very much, Sole Member, and to
24 Mr. McGovern too.
25 SOLE MEMBER: Thank you. 11:55
26 269 Q. MR. McGOVERN: Lieutenant, at paragraph 4 you say you
27 sought admission into the Ranger wing?
28 A. Yes, that's correct.
29 270 Q. And you go on and you say you completed the Ranger wing

1 Selection Course.

2

3 "I was accepted into the Ranger Wing course."

4

5 And you state that: 11:55

6

7 "80 members of the Defence Forces entered into the

8 Ranger Wing selection."

9

10 That's, I take it, your selection course, the one you 11:55

11 did?

12 A. Yes, that's correct.

13 271 Q. "I was the only officer who started"?

14 A. That's correct.

15 272 Q. "I was one of the 18 candidates who succeeded"? 11:56

16 A. Correct.

17 273 Q. So do I understand from that, that of the 80 members

18 who were selected to undergo this course, you were the

19 only officer that was selected and the only officer

20 that succeeded? 11:56

21 A. Correct, yes.

22 274 Q. And out of the 18 that started, only 18 candidates

23 succeeded and you were one of that 18?

24 A. Yes, correct.

25 275 Q. You, I presume, it was some achievement, you were 11:56

26 understandably proud of that achievement?

27 A. I was happy to complete the course, yes.

28 276 Q. Can I ask you to turn to the next page, 3239,

29 paragraph 8.

1 A. Sorry, just if I could bring you further up, because I
2 had stated there, and this was before I got my Gazette,
3 that I was stationed as tech officer in the Apprentice
4 School. I think it's the paragraph after the ranger
5 course was -- that isn't actually the case. I later 11:57
6 was transferred to the Apprentice School. I just
7 received my Gazette Appointments. So I was sent in the
8 Apprentice School for military training. It's a
9 segment for a two-month period in the June, July,
10 August sort of period. 11:57
11 277 Q. So are you referring there, Lieutenant, to paragraph 5:
12
13 "I started as a Technical Stores Officer."
14
15 A. That's correct, yes. 11:57
16 278 Q. So you're saying you were a technical stores officer in
17 Devoy Barracks in 1991?
18 A. No, no, what I'm saying it I was in the 3rd Battalion
19 in 1991.
20 279 Q. The 3rd Battalion was based where? 11:57
21 A. The Curragh Camp. And I trained recruits in the 3rd
22 Battalion and during that period, during that summer
23 period I was transferred over for a period to assist in
24 the Army Apprentice School in their military syllabus.
25 280 Q. Right. 11:58
26 A. So, the transfer to the Army Apprentice School as per
27 Gazette was 1996 and I supplied that last night into
28 yourselves.
29 281 Q. Yes, we have that document. I'll come back to that in

1 a moment but can I ask you to return to paragraph 8 of
2 your statement which is page 3239. Do you see that,
3 Lieutenant?

4 A. Yes.

5 282 Q. Can I start at the second line: 11:58
6
7 "I was a robust individual. As a ranger trainee I had
8 been subject to hazing and mental anguish to build
9 resilience, and I had been tested to withstand these
10 stresses. I completed the Ranger Course in 1999. I 11:59
11 thus started with the Army Apprentice School with the
12 Ranger insignia on my shoulder."
13

14 Do you remember at your original first interview,
15 Lieutenant, I asked you about your training as a ranger 11:59
16 and the hazing to which you'd been subjected to, do you
17 remember that?

18 A. Yes, well I remember our first interview, yes.

19 283 Q. And at page 3250, I don't think it's necessary to call
20 this up, necessarily, I'll just read it to you. I was 11:59
21 ask you about the hazing and your answer at the top of
22 that page was:
23

24 "I suppose the hazing would have been when the
25 instructors would have put you through mental duress so 11:59
26 it would have been sleep deprivation maybe or
27 interrogation under lights, spot spotlights your face.
28 Things like that."
29

1 That was the sort of what you described as hazing that
2 you experienced during your Ranger Course?

3 A. That would have been one of -- yes.

4 284 Q. Continuing on at paragraph 9 you say "Lt. B" that's
5 2 Lt. B: 12:00

6

7 "... was in my Cadet School class there were 30 to 40
8 students in Cadet School. I was friendly with Lt. B in
9 Cadet School and after we played rugby together."

10 12:00

11 A. Yes, we would have represented The Curragh Command
12 rugby team.

13 285 Q. And were you aware that when you came to Devoy Barracks
14 in 1991 that 2 Lt. B was the Platoon Commander for the
15 34th? 12:00

16 A. Yes, we would have been aware of where our Cadet School
17 colleagues would have been posted.

18 286 Q. Can I refer you, Lieutenant, to page 3242 of your
19 statement, paragraph 23. 3242.

20 12:00

21 "I might add that at the time, as compared to now as I
22 understand it, different training methods were used.
23 There were occasions where an officer or an NCO did
24 shout too loud or could be over-zealous in demanding
25 standards." 12:01

26

27 would you like to tell us about that, Lieutenant, the
28 training methods that you believe were applied in 1991?

29 A. well, the training, and I can only take this from my

1 own personal, ehm, experiences, but the training
2 methods would have been such that people did shout at
3 you, people did put you under pressure. People did,
4 ehm, ask you to do things that you might have felt
5 trivial. Ehm, but that was just to see how you would 12:01
6 react under pressure and how your decision-making
7 process would react.

8 287 Q. When you say at paragraph 23 that "at that time,
9 compared to now," do I understand from that statement
10 that you believe things have changed since 1991? 12:02

11 A. Ehm, well, obviously, if we're having a tribunal, ehm,
12 and it's my opinion, things have changed.

13 288 Q. All right. Can I direct you, Lieutenant, further down
14 the same page, paragraph 26, and, in particular, the
15 second line where you say: 12:02
16
17 "Shouting or raised voices would also be normal."
18
19 That was standard or acceptable conduct in 1991, was
20 it? 12:02

21 A. Yes. Well, I would have considered it, personally,
22 yes.

23 289 Q. Fine. Can I direct you, Lieutenant, to page 3239 of
24 your statement. It's a continuation of paragraph 5,
25 which starts on the previous page and I just want to 12:02
26 direct you to the last two sentences.
27
28 "I was not directly involved in training of
29 apprentices. However, from time to time, I was asked

1 to assist with training."
2
3 when you say you were not directly involved in the
4 training of apprentices; what exactly do you mean by
5 that, Lieutenant? 12:03

6 A. Yes, that is out of context because that was when I
7 hadn't, ehm, my Gazette and my postings. That was when
8 I thought that I was the Technical Platoon Officer.

9 290 Q. So are you saying that when you made your statement to
10 the Tribunal in March of this year, and when you 12:03
11 attended for interview, that you were unaware that you
12 were a training officer in the Army Apprentice School?

13 A. I had been to the Apprentice School for a period of the
14 two months. However, I got confused between my
15 technical -- my further posting five years later as a 12:03
16 technical officer in the technical stores.

17 291 Q. Well, forget about your technical roles, now, I just
18 want to talk about your involvement with the
19 34th Platoon. That's the only thing I'm interested in,
20 Lieutenant. I'm not interested in your other 12:04
21 activities. When you say you were not directly
22 involved in the training of apprentices, can you
23 explain what you meant by that "not directly," I mean
24 you either were involved or you weren't involved why
25 did you say you weren't directly mentioned? 12:04

26 A. Sorry, as I previously mentioned this was out of
27 context. I made that statement on the understanding
28 that I was there as the Technical Officer. However, at
29 this time, and you'll have to remember that the

1 Tribunal was -- I had no previous knowledge of what the
2 Tribunal was about and the dates hadn't been furnished
3 to me from the Gazette.

4 292 Q. I'm not concerned about dates, Lieutenant, I'm just
5 concerned about what you did. When you did it, really, 12:05
6 is irrelevant.

7 A. I was a platoon officer in the Apprentice School at
8 that period for two months.

9 293 Q. Right. That's what you're saying now. But can I ask
10 you why, when you made your statement and you attended 12:05
11 for interview, were you saying you were not involved in
12 the training of apprentices? Did that completely slip
13 your memory?

14 A. Because if I bring you back towards the previous
15 paragraph where I stated I was a technical officer, 12:05
16 I've said to you that that wasn't the case. That my
17 dates were mixed up.

18 294 Q. We're not concerned about dates. I'm just talking
19 about an activity. Is it your evidence, today, that
20 when you made your written statement to the Tribunal, 12:05
21 and attended for interview, that you did not remember
22 being a training officer with the 34th Apprentice
23 Platoon; is that what you're saying?

24 A. I'm stating that my -- I -- my time in the Apprentice
25 School, as a training officer, and my time as a 12:06
26 technical officer five years later, that I got mixed up
27 in my dates.

28 295 Q. All right. So, to answer the question then, are you
29 saying that you forgot about your involvement with the

1 34th Apprentice School?

2 A. As I previously said, I have very little recollection
3 of it. But when I was furnished with the documents and
4 saw my Military Police report, I concur that I was
5 involved with the 34th. 12:06

6 296 Q. Okay. Can we move to paragraph 6 and the last sentence
7 there. You repeat what you said in the previous
8 paragraph:
9

10 "I was not directly involved in the training of 12:06
11 apprentices."
12

13 You've made the same definitive statement twice.

14 A. That's correct.

15 297 Q. Yeah. And isn't that factually incorrect, Lieutenant? 12:06

16 A. I was not their platoon commander.

17 298 Q. Okay. Let's be clear about this. When you say you
18 were not their platoon commander; just explain what you
19 mean by that?

20 A. I was not -- I wasn't keeping platoon records, ehm, and 12:07
21 I wasn't the permanent platoon commander.

22 299 Q. All right.

23 A. I was there to assist in the military training for the
24 two months during the summer.

25 300 Q. Can I suggest, Lieutenant, with respect that you're 12:07
26 splitting hairs; you were involved -- I'm not asking
27 you were you the Platoon Commander, I'm asking were you
28 involved in the training. Leaving aside who was the
29 designated platoon commander for the moment, were you

1 or were you not involved in the training of the 34th
2 Apprentice School in the summer of 1991?
3 A. Yes, I was. I was involved.
4 301 Q. okay. Thank you. We're making progress.
5 12:07
6 Can I refer you to page 3240. Paragraph 15. Again,
7 the last two sentences:
8
9 "In respect of this matter, I do not believe that I
10 would have been on the Ranges." 12:08
11
12 Now, just before I ask you about that. I think it's
13 common case that in the summer, June of 1991, the
14 34th Platoon Apprentice School were sent to the ranges
15 in Kilbride. Right? Have you any recollection of 12:08
16 that, Lieutenant?
17 A. Yes, from reading my statement I was on the ranges that
18 day.
19 302 Q. All right. So, if you were on the ranges, why did you
20 say at paragraph 15 of your statement: 12:08
21
22 "I do not believe I have been on the ranges."
23
24 A. Because, again, I was of the opinion that it was during
25 the period of me being posted as technical officer in 12:08
26 the Army Apprentice School.
27 303 Q. When were you posted as technical officer?
28 A. I was posted five years, four or five years afterwards
29 in 1996.

1 304 Q. Surely, Lieutenant, you were aware that the Tribunal
2 was enquiring into events in the summer of 1991 and not
3 five years later?

4 A. No, I wasn't aware.

5 305 Q. You weren't aware. And did any untold event happen in 12:09
6 the subsequent years when you were back in the Army
7 Apprentice School or Devoy Barracks as a technical
8 officer?

9 A. No, no.

10 306 Q. Okay. So why, then, would you remember that and not 12:09
11 remember the dramatic events of the summer of 1991?

12 A. Because I was furnished with my Gazette and it gave me
13 the outline of my -- the timelines.

14 307 Q. All right. Can I refer you to page 4455. That's a 12:09
15 document which was sent to the GOC who is the General
16 Officer Commanding in The Curragh, which would have
17 been wall and it's signed by the Officer Commanding in
18 Devoy. It's sent to wall, by Hayes. It's headed:
19

20 "Apprentice Training - Allegations of ill-treatment of 12:10
21 subordinates."
22

23 MR. McCANN: wall and Hayes, they should be referred to
24 as Mr. wall or Mr. Hayes, or by rank. I know it's hard
25 to remember. I know it's difficult but there should be 12:10
26 a minimum courtesy extended to all witnesses.

27 308 Q. MR. McGOVERN: GOC wall, to give him his correct title.
28 Do you remember him? He was based in The Curragh, is
29 that correct?

1 A. Well, I presume so, yes.

2 309 Q. And OC Hayes was based in Devoy Barracks in Naas?

3 A. Yes, that's correct.

4 310 Q. And this is a letter from OC Hayes to GOC Wall and it's
5 dated, well it's not dated actually but it's franked 12:10
6 25th October 1991 and it's headed:
7
8 "Apprentice Training - Allegations of Ill-Treatment of
9 Subordinates - 20 June 1991."
10 12:10

11 Is that document in front of you, Lieutenant?

12 A. Yeah, I see that document.

13 311 Q. Can I ask you to go to the next page, 4456, the last
14 third of that page, paragraph 4(b) and I'll read it:
15 12:11

16 "The school year, during most of which the apprentices
17 are studying virtually full-time for their trades, had
18 just finished and the summer military training period
19 had commenced on June 18."
20 12:11

21 I'll just stop there for a moment. We know that the
22 events dealing with Aptce. Mullaney started on
23 Thursday, 20th June. So, this is 18th June, some days
24 prior to it:
25 12:11

26 "The Platoon Commander for this period was Lt. A..."
27
28 Is that you, Lieutenant?

29 A. Yeah, well, I had no -- I presume it is if Lt. A is my

1 pseudonym.

2 312 Q. Yes. Just go back on that:

3

4 "Their platoon commander for this period was Lt. A..."

5 12:11

6 So, you're described by the Officer Commanding of Devoy

7 Barracks as the Platoon Commander. Are you telling the

8 Tribunal that you forgot that appointment?

9 A. Yes, because it was an attachment, it was a two-month

10 attachment, it wasn't down on my Gazette. 12:12

11 313 Q. Lieutenant, you said earlier that you were not the

12 Platoon Commander you emphasised that, you were

13 suggesting it was somebody else. This is a

14 contemporaneous document produced by the Officer

15 Commanding at the barracks in which you were, saying 12:12

16 you were the Platoon Commander?

17 A. I had no recollection that I was posted in as a

18 permanent platoon commander.

19 314 Q. No recollection at all?

20 A. Not as -- it doesn't appear on my personal record. So, 12:12

21 I had no recollection of it.

22 315 Q. Right.

23

24 "Their platoon commander was Lt. A who was attached to

25 the AAS from June 17..." 12:12

26

27 That would have been the Monday, isn't that correct, if

28 the Thursday was the 20th, the 17th would have been the

29 Monday.

1 "...for this purpose. Lt. A and the eight NCOs
2 attached to the Army Apprentice School for this
3 training period were fully briefed prior to their
4 commencement on the apprentice training programme and
5 on the required approach to the training of 12:13
6 apprentices."
7

8 I'll stop there. Do you remember receiving a briefing
9 in relation to what was expected of you as the Platoon
10 Commander? 12:13

11 A. No, I've no recollection of it specifically.

12 316 Q. No recollection. Can you remember who might have given
13 that briefing?

14 A. Well, it states there that Cmdt. Coffey did but I've no
15 recollection of saying such a brief. 12:13

16 317 Q. Where did you say it states Cmdt. Coffey gave that
17 briefing?

18 A. Sorry:
19

20 "...Cmdt. A Coffey who confirmed that the overall 12:13
21 performance attitude was notably bad."
22

23 I presume that would have been from a senior officer.

24 318 Q. That's later on where Cmdt. Coffey, he attended the
25 ranges, isn't that correct? 12:14

26 A. Again, I have no recollection of that 35 years ago.

27 319 Q. All right. But if you say you don't specifically
28 remember a briefing, can you have any recollection of
29 what the "required approach" was in relation to the

1 training?
2 A. No, I don't.
3 320 Q. You don't. All right. Can I go down to the end of
4 that paragraph, the last couple of sentences:
5
6 "The approach adopted by Lt. B, and A that evening was,
7 according to their account..."
8
9 That's your account.
10
11 "...meant to correct the poor attitude and bring home
12 to the apprentices they had commenced military
13 training."
14
15 Can you remember having a discussion with a senior 12:14
16 officer and describing your approach to the training?
17 A. No, again, 35 years ago, I've no recollection of a
18 specific conversation I had with someone.
19 321 Q. No recollection. Go on to paragraph 5, if I may:
20
21 "Lt. B has stated that nothing occurred during that 12:15
22 evening which deviated from any training methods which
23 he had been subjected to during his training in the
24 Defence Forces."
25
26 And then I draw your attention to this, if I may: 12:15
27
28 "The Second Officer..."
29

1 And that's you, they've already dealt with B, so now
2 it's you:
3
4 "The Second Officer and the NCOs present felt that in
5 general the training methods adopted during the evening 12:15
6 were methods which in their experience and training
7 produced results."
8
9 what results were you trying to achieve, Lieutenant?
10 A. Well, the reason for training is to upskill someone. 12:15
11 So, I would imagine that would be the training result
12 that you're trying to achieve.
13 322 Q. Can I suggest to you that the results that you are
14 trying to achieve is related back to the reference to
15 the required approach which you were instructed in 12:16
16 during your briefing?
17 A. Well, when you go into an apprentice platoon or when
18 you go into a recruit platoon, your objective is to get
19 them ready for Two Star training, that they pass out
20 and they succeed all the milestones and checkpoints 12:16
21 that are put in front of them in regards to training.
22 So that would be range discipline, weapon safety, would
23 be marching, would be educational, etc., etc.
24 323 Q. I'm not concerned with what the apprentices did, I'm
25 more concerned with what your understanding of your 12:16
26 approach and the results that you were trying to
27 achieve?
28 A. That's what I answered.
29 324 Q. And how that related to the briefing that you got about

1 the required approach to the training. So do you
2 accept, Lieutenant, that you were at the ranges in
3 Kilbride?

4 A. I do, yes.

5 325 Q. Despite your earlier statement in the statement to the 12:17
6 Tribunal, that you weren't there and have no
7 recollection of being on the ranges?

8 A. That's correct.

9 326 Q. Indeed, if you were the Platoon Commander appointed for
10 the summer training, one would have expected you to be 12:17
11 there, would they not?

12 A. The fact that I came in three days earlier, yes, I
13 would have been expected to be there.

14 327 Q. Can I ask you to turn to page 3253. This is the
15 transcript of your interview, the first interview on 12:17
16 25th March '26. Starting at line 22, there's a
17 question:
18

19 "Q. It appears that on the Thursday the 34th Platoon
20 were sent to a course, a training course in Kilbride 12:18
21 Camp, a two-week tactical training course. Were you on
22 that course, were you in attendance?

23 A. No, I wasn't.

24

25 Q. In your statement I think you said you have no 12:18
26 recollection of being there but are you sure one way or
27 the other or is it just something you don't recall?

28 A. I would remember if I was on a two-week training
29 course with them.

1 Q. You may not have been there for the full two weeks
2 but on the Thursday, could you have been there on the
3 Thursday?
4 A. No."
5
6 Is that what you told the Tribunal at your interview? 12:18
7 A. That is correct.
8 328 Q. And isn't that entirely consistent with what you said
9 in your previous statement?
10 A. That is correct. But that is before I was furnished 12:18
11 with the reports and my military report which --
12 Military Police report which jogged my memory.
13 329 Q. All right. So you said that you when you were
14 approached originally by the Tribunal and asked to make
15 a statement, when you drafted the statement and 12:19
16 submitted it to the Tribunal, and when you attended for
17 formal interview, that none of these matters came back
18 to your attention or consciousness?
19 A. That's correct, they didn't.
20 330 Q. Can I refer you to page 3274, Lieutenant. This, again, 12:19
21 is continuing on with your interview. I referred you
22 to some of the statement of the apprentices, in
23 particular Martin wall, I think. And I quoted from
24 what Mr. wall had said:
25
26 "At the end of our second year in school a horrendous 12:19
27 summer lay ahead of us with the 34th Platoon. As the
28 Department of Education exams were finished we were set
29 for another summer of military training. As in the

1 previous year some special officers and NCOs were
2 brought in from other units to assist in our military
3 training. Two of these were particularly cruel and
4 will remain etched in my brain forever. They were
5 Lt. A and Cpl. G."

12:20

6
7 And I asked:

8
9 "Is that a reference to you, Lieutenant?

10 A. Yes, I believe it is."

12:20

11
12 And the interview goes on:

13
14 "Were you brought in, I know you were based in the Army
15 Apprentice School as transport officer, but were you
16 seconded in to help with the training during the summer
17 of the second year of the 34th Platoon?

12:20

18 A. No, that is not correct. I was Tech Stores Officer
19 in the apprentice school at the time.

12:20

20
21 Q. I accept that was your formal position but the
22 question was were you requested to assist in the
23 training of the recruits during the summer of '91?"

24
25 And over the page is your answer:

12:21

26
27 "No.

28
29 Q. So you weren't involved in the training?

1 A. No, I wasn't a training officer with them.
2
3 Q. Just to be clear, I didn't ask you were you a
4 training officer, I asked you did you participate in
5 the training? 12:21
6 A. Can you elaborate on the training?
7
8 Q. Were you present when training exercises were
9 taking place or when the 34th Platoon were being
10 paraded? 12:21
11 A. I was not involved when training. I would have
12 been there if there was an inspection in the
13 barracks..."
14
15 Is that what you told the Tribunal at your interview, 12:21
16 Lieutenant?
17 A. Yes, before I was furnished with the documents.
18 331 Q. You're quite emphatic and insistent that you were not
19 involved in any aspect of the training?
20 A. Correct and I had no recollection. 12:22
21 332 Q. Did none of that come back to you either at the time of
22 your statement or your interview?
23 A. No, but it came back to me when I was furnished with
24 the Military Police reports and all of the Tribunal
25 documents. 12:22
26 333 Q. And when was that, Lieutenant?
27 A. That was, approximately, two/three weeks ago.
28 334 Q. And I think you had a second interview by Teams or a
29 remote interview yesterday evening, isn't that so?

1 A. That's correct.

2 335 Q. I think you were unavailable to attend for interview up
3 to then. And the first reference to this booklet
4 updates was yesterday at that interview, is that
5 correct? 12:22

6 A. Yes, that's correct.

7 336 Q. So do I understand that despite making a statement and
8 despite attending for an interview with the Tribunal
9 the first time you consulted your source reference
10 document was in the last three weeks? 12:23

11 A. That's correct, yes.

12 337 Q. And that jogged your memory?

13 A. Correct.

14 338 Q. At the end of page 3275 I was asking you about
15 Aptce. David McGrath at interview and I put to you what 12:23
16 he had said. This is a quote from David McGrath:
17
18 "So this is in 1991 so it is in your second year?
19 A. Yeah or second year summer. So that night..."
20 12:23
21 That's 20th June '91.
22
23 "...then 2 Lt. B was there and there was another
24 officer called Lt. A..."
25 12:23
26 That's you, Lieutenant?
27 A. Yes.
28 339 Q. "... he was there as well, another big guy."
29

1 That's a quote from David McGrath. And the question
2 is:

3
4 "Is that a reference and indeed a description of you?
5 A. I would imagine so, yes." 12:24

6
7 And it goes on:

8
9 "Q. So Aptce. Lenaghan, Abernethy, Guilfoyle, Murray
10 Wall, McGrath, they all say that you were present at 12:24
11 the parading of the apprentices on the evening of
12 Thursday 20th June 1991?
13 A. I'm not refuting that."

14
15 So, you're accepting that after the apprentices came 12:24
16 back from Kilbride Range on Thursday 20th June 1991 you
17 were there in the barracks that evening?

18 A. That's correct.

19 340 Q. Right. Can we turn to page 3273, please. At the
20 end -- sorry, two-thirds of the way down, line 17. 12:24

21
22 "The apprentices returned from the range at about 6:30
23 in the evening and they were paraded outside the
24 barracks between then and maybe 11 or 12 o'clock at
25 night." 12:25

26
27 This is you now, this is your evidence.

28
29 "The statements that I read out to you all state that

1 you were at the parade. You accept that the.
2
3 LT. A: If possible, yes, I was at the parade."
4
5 Can I just stop and ask you about the times. You say 12:25
6 this parading went on until 11 or 12 o'clock at night?
7 Is that correct?
8 A. Ehm, I think that was part of the allegation the
9 timings came out of that. I didn't put a timeline on
10 that. 12:25
11 341 Q. Right. Do you accept that it did continue until that
12 hour?
13 A. I would be very surprised and my, ehm, Military Police,
14 ehm, witness statement or my report stated --
15 342 Q. We'll come to that in a moment. Just stick with the 12:25
16 times if I may.
17 A. Well, I'd have no recollection.
18 343 Q. You have no recollection of the time. But are you
19 aware that apprentice training was supposed to finish
20 at 4:30 or thereabouts? 12:26
21 A. Ehm, their academic training would finish at 4:30.
22 344 Q. I think it refers to training. But in your experience
23 would it have been normal or acceptable to continue
24 parading apprentices until 11/12 o'clock?
25 A. Well, 11/12 o'clock sounds excessive but certainly 12:26
26 after six o'clock you would have an inspection, an
27 evening inspection to give them a chance to clean
28 weapons, etc., etc. And that's just my recollection or
29 my experience from experience.

1 345 Q. Can I refer you, Lieutenant, to page 3244, the very end
2 of your statement. The last paragraph. I'll read the
3 first sentence:
4
5 "I was not interviewed by the Military Police. I was 12:26
6 not questioned about this matter at all. It is very
7 perturbing to have these allegations made against me
8 out of the blue after 30 years."
9
10 So, you're saying that you were not interviewed by the 12:27
11 Military Police in relation to the events of Thursday,
12 20th June '91?
13 A. Well, again, what I'm saying is, at the time of making
14 this interview I had no recollection of the night.
15 346 Q. That's your statement not the interview. At the time 12:27
16 of your statement --
17 A. Sorry, excuse me, excuse me. You're jumping over and
18 back.
19 347 Q. No, I'm not.
20 A. Yes. 12:27
21 348 Q. I'm trying to follow a bit of sequence. would you just
22 answer the question?
23 MR. McCANN: Every other witness has been allowed
24 answer questions without interruption and I don't see
25 why this witness should be treated differently, in my 12:27
26 submission, Chair.
27 SOLE MEMBER: I heard the witness's answer, it appears
28 he wants to add to that answer. He did answer the
29 question.

1 THE WITNESS: So my point is, at the time of my
2 interview, I didn't have all of the documentation. The
3 documentation arrived. I was able to chronologically
4 go through that and I noted that I was in there as a
5 platoon training officer, that I was in Kilbride Range 12:28
6 and that later I was, eh, posted to the Army Apprentice
7 School five years later. So, it was with the evidence
8 or, sorry, the statements from the Tribunal that now I
9 can say I was interviewed by Military Police in August,
10 after the period, ehm, and that there was an interview 12:28
11 done. I was interviewed once and that I had no
12 recollection of it at the time of our interview here.

13 349 Q. MR. McGOVERN: So both at the time you made your
14 statement and the time that you attended for your first
15 interview, you believe that you were never interviewed 12:29
16 by the Military Police, is that correct?

17 A. That's correct, yes.

18 350 Q. Now, not only the Military Police but you go on to say:
19
20 "I was not questioned about this matter at all." 12:29
21

22 So you had no recollection of being asked any questions
23 about the events of Thursday, 20th June 1991?

24 A. At the time of interview, this interview, that was the
25 fact, yes. 12:29

26 351 Q. All right. Can I refer you now to page 3901. Is that
27 a Military Police statement form?

28 A. That is correct, yes.

29 352 Q. Is that a statement that you made, Lieutenant?

1 A. That is correct, yes.

2 353 Q. And am I correct that that statement would have been
3 made to Cpt. Fitzmaurice?

4 A. That is correct, yes.

5 354 Q. And Cpt. Fitzmaurice has attended for interview and he 12:29
6 will be giving evidence in due course, but he said that
7 the protocol within the Defence Forces was that only an
8 officer could take a statement from another officer; is
9 that your understanding?

10 A. I don't know. I'm not au fait with Military Police 12:30
11 Regulations.

12 355 Q. It starts off:
13
14 "As after being cautioned by Cpt. P10..."
15 12:30

16 who I understand is Cpt. Fitzmaurice -- were you
17 cautioned before you made this statement?

18 A. Well, obviously, if he states it in his statement.
19 Again, I can't recall sitting with Cpt. P10 on the day
20 but all I can say is that what's on that statement was 12:30
21 made by myself.

22 356 Q. All right. But you accept, firstly, that you made a
23 statement to the Military Police?

24 A. Yes, I do.

25 357 Q. And you accept that you not only made that statement 12:30
26 but you made it after you'd been formally cautioned?

27 A. Yeah, well --

28 358 Q. Is that correct? You told us earlier, Lieutenant, that
29 you spent about 19 years, or thereabouts, in the

1 Defence Forces?

2 A. Yes.

3 359 Q. Can I ask you how many times during that 19 years were
4 you the subject of a Military Police investigation?

5 A. I would have given Military Police statements in the 12:31
6 past but this would have been one of maybe two or
7 three.

8 360 Q. All right. Let's break that down. Two or three
9 statements to Military Police. With respect, that's
10 not the question I asked you. The question I asked is: 12:31
11 How many times, in the 19 years of your career in the
12 Defence Forces, were you the subject of a Military
13 Police investigation?

14 A. This is a Military Police statement form, I'm not -- I
15 was brought in as an investigatory. I don't think 12:31
16 I'm -- I was -- I wasn't -- there was no Military
17 Police charges furnished against me. So, my
18 recollection is that I was there as a witness for the
19 Military Police.

20 361 Q. So, you were there solely as a witness? 12:32

21 A. Again, that was my recollection at the time.

22 362 Q. But if you were there as a witness, can you tell us why
23 you would have been formally cautioned before you made
24 your statement?

25 A. Is that not the norm? 12:32

26 363 Q. You're in the Defence Forces, Lieutenant, use your
27 experience. Had you ever been cautioned before? You
28 said you made three statements to the Military Police
29 during your career. On the other two occasions, were

1 you cautioned before you made a statement as a witness?

2 A. Ehm, again, from recollection, I would say yes, that

3 that is a standard line that you're cautioned and that

4 it can be used in evidence as a witness.

5 364 Q. Go back to the question that I was asked you earlier: 12:32

6 How many times have you been the subject of a Military

7 Police investigation? If you were cautioned on each of

8 the three occasions that you made a statement to the

9 Military Police, did that imply --

10 A. I actually -- 12:33

11 365 Q. Let me ask the question first. Does that imply that

12 you are subject to a Military Police investigation on

13 three separate occasions?

14 A. No.

15 366 Q. No. So, is this the only occasion, then, that you were 12:33

16 subject to a Military Police investigation as opposed

17 to being a witness?

18 A. I wasn't aware that I was subject to a Military Police

19 investigation.

20 367 Q. All right. You weren't. Can I refer you to page 2888, 12:33

21 Lieutenant. Have you seen that document?

22 A. Well, that would have come after my statement.

23 368 Q. Yeah. Your statement is undated but it, obviously,

24 predates 13th August of 1911 because when we look at

25 the document at page 2888 it's dated 13th August 1991 12:33

26 and it's a letter from -- go to page 3:

27

28 "Investigating Section Military Police Corps."

29

1 And it's sent to the Assistant Provost Marshal, and
2 it's headed "ill-treatment of inferiors." Have you
3 seen that document before?

4 A. Yes, I think that's -- what page number is that?

5 369 Q. 2888. It should be on the screen in front of you? 12:34

6 A. Yes.

7 370 Q. Have you got it? It's headed "ill-treatment of
8 inferiors" and paragraph 2 says:
9

10 "This investigation is now completed and the following 12:34
11 appear to the facts."
12

13 Paragraph 3:
14

15 "P34: Aptce. P34." 12:34
16

17 Sorry, headed P34:
18

19 "Aptce. P34 was interviewed and alleged that:
20 12:34
21 a. Sometime after 2130hrs..."
22

23 That's 9:30 p.m.
24

25 "...while cleaning weapons in the billet Lt. P7 and P35 12:35
26 arrived and tried to take the weapons."
27

28 P35, is that a reference to you, Lieutenant?

29 A. I would imagine so, yes.

1 371 Q. So it's alleged that you were taking weapons on the
2 evening of 20th June.

3

4 "b. Lt. P35 stated that his (P34's) girlfriend was a
5 'pig'."

12:35

6

7 Go down to sub-paragraph (e):

8

9 "Lt. P7 and P35 got on to Aptce. Mullaney about his
10 beret and the officers changed the shape of beret on
11 Aptce. Mullaney's head."

12:35

12

13 Now, can I just state for the record and for your
14 benefit, the Tribunal is not enquiring into the
15 correctness or otherwise of these allegations, I'm
16 simply putting to you that these were allegations that
17 were put to you in the course of a Military Police
18 investigation; is that the case?

12:35

19 A. Yes. And the previous -- my previous Military Police
20 statement, ehm, page 2901, I refuted the fact that I
21 called anyone's girlfriend "a pig."

12:36

22 372 Q. Yes.

23 A. I did say that I took one of the weapons that was left
24 unattended. Ehm, I did also say, ehm:

25

26 "I gave him back his weapon and cautioned him. I do
27 not remember referring to any apprentice girlfriend as
28 a pig. I did not interfere with Aptce. Mullaney's
29 beret."

12:36

1 373 Q. If you turn over the page, I think you've gone ahead of
2 me slightly. Page 2889 which is the in next page,
3 paragraph 5, this sets out your response to the
4 allegations that were made on the previous page.

5 Paragraph 5:

12:36

6
7 "P44: Aptce. P44 was interviewed and alleged that:

8
9 a. In the billet while changing into No. 1s for
10 inspection, P35 took his rifle off the bed and asked
11 him [P35] to give it back to him, his rifle, he told
12 him to fuck off.

12:36

13
14 b. Later Lt. P35 denied all knowledge of the
15 whereabouts of the rifle."

12:37

16
17 If you go down to paragraph 6:

18
19 "P35 was interviewed after being cautioned alleged
20 that:

12:37

21
22 a. He did take an unattended rifle, which later
23 transpired to be an issue to Aptce. P44 off a bed in
24 the billet and that when Aptce. P44 asked for his
25 weapon he (Lt. P35) told him that he (Aptce. P44) would
26 have to see the Company Commander. Lt. P35 further
27 alleged that when the apprentices exited the billet he
28 gave Aptce. P44 back his weapon and cautioned him."

12:37

1 So, paragraph (b) he, that's you:

2
3 "He did not remember referring to any apprentice's
4 girlfriend as a 'pig'.

5
6 c. He did not interfere with Aptce. Mullaney's beret.

7
8 d. He did ask Aptce. P49 was his father in the
9 'sandbags' but did not use this term in a derogatory
10 manner."

11
12 Those paragraphs, is that a fair or accurate summary of
13 your response to the allegations that were made to you?

14 A. Yes, well I did take a weapon that was unattended and
15 the reason, it was to heighten the awareness of
16 security of a weapon at all times. Ehm, Aptce. 44
17 didn't seem too worried about it. Ehm, I did say that
18 he would have to ask the Company Commander for the
19 weapon back but I later gave him the weapon back and
20 told him that weapon security, especially in the state
21 and the climate that we were in, is paramount. And
22 there was a trend, during that day, of a lackadaisical
23 approach towards weapon handling and personal safety
24 when firing ball ammunition and when handling weapons.
25 So that was my reasoning behind that.

26
27 Ehm, as I said, I refuted the calling of that
28 derogatory term, a pig. The word sandbagger or a
29 sandbag is not a derogatory term. The reason -- a

1 sandbag, it came out of when the FCA, it's for the
2 local Defence Force members, the Youth Fire, the
3 Lee-Enfield weapon, which had a strong recoil, and they
4 used put a sandbag on the shoulder to protect the
5 Reserve, ehm, members from hurting their shoulder. So 12:39
6 it isn't a derogatory term.

7 374 Q. So, do you remember giving all these explanations?
8 A. Ehm, no, but from reading my statements I'm happy
9 enough to say that I did.

10 375 Q. All right. The document that we've just been looking 12:40
11 at, 13th August 1991 to the Assistant Provost Marshal,
12 did you receive a copy of that at the time?
13 A. I don't recall. I don't know.

14 376 Q. It does set out not only the allegations that were made
15 against you, but also your response to those, isn't 12:40
16 that right?
17 A. Yes, that's correct.

18 377 Q. But you have no recollection of receiving a copy of
19 that?
20 A. Ehm, I saw in the manuscripts that I did reply to my OC 12:40
21 in the Supply and Transport Company in Clarke Barracks
22 about these. So what I would imagine from joining the
23 dots was that this was furnished to my OC in Transport
24 and I, in turn, replied to him on it. That was
25 page 4427. 12:40

26 378 Q. I'm just coming to that. The next document, I think I
27 brought you through these documents yesterday, the next
28 document, you're correct, is page 4427. Ms. Heavey, if
29 you could call that up, please. This is on the

1 notepaper, presumably Headquarters Curragh Command.
2 This is emanating now from Curragh rather than Devoy.
3 It's addressed to OC Hayes who was the Officer
4 Commanding in Devoy. And it's signed Lt. Col. Adjutant
5 The Curragh Command, we don't know who that is. Ut 12:41
6 it's headed:

7
8 "Alleged misconduct at Army Apprentice School."

9
10 It's quite a short letter, it starts off at paragraph: 12:41
11

12 "I am directed by the GOC C command to bring to your
13 attention that certain allegations, concerning the
14 conduct of Lt. A, CC, S and T company on the evening of
15 20 June 1991, have been made by members of the 12:42
16 34 Platoon AAS.

17
18 2. It is alleged inter alia that Lt. A:

19
20 a. Referred to the girlfriend of apprentice blank as a 12:42
21 'pig'.

22
23 b. Referred to the father of Aptce...."

24
25 skip that. 12:42
26

27 "...as a 'sandbagger' or words to that effect.
28

29 c. Together with the Lt. B..."

1 That's 2 Lt. B.

2

3 "...caused members of the Apprentice Platoon to adopt

4 the prone position, perform press-ups and shout 'hurry

5 up, hurry up, hurry up.'

6

7 3. In accordance with the provisions of paragraph

8 97A(2) of Defence Force Regulation A7, Lt. A is now

9 requested to submit in writing an explanation of the

10 conduct aforementioned at paragraph 2 hereof for the

11 attention and consideration of the GOC Curragh Command.

12

13 4. The explanation should be submitted to the this HQ

14 not later than 05 November 91."

15

16 Do you remember receiving that request?

17 A. No, that would have gone to my OC.

18 379 Q. The letter went to your OC. Paragraph (c) says in

19 accordance with the prohibitions of DFR 97A, you were

20 requested to submit in writing an explanation. The

21 question I asked you, Lieutenant, did you receive such

22 a request?

23 A. That's correct, and on 23rd October, page 4528 --

24 380 Q. We'll come to that in a moment. Don't skip ahead.

25 Let's deal with this first of all. Paragraph 97A(2) of

26 DFR A7; are you familiar with that?

27 A. No, I'm not.

28 381 Q. Did you have any knowledge of what DFR A7 paragraph

29 97A(2) was about?

1 A. I'm sure if I had A7 at hand I'd be able to --

2 382 Q. I'm not asking you to quote from it, I'm just asking
3 you did you know what it was when you received the
4 request for a written explanation?

5 A. No, but the information outlined previously would give 12:44
6 me -- yeah, would have outlined it. I can't recall
7 what I thought or did at the time back in 1991.

8 383 Q. Coming back to a question I asked you earlier about how
9 many times in your 19-year career you were subject to a
10 Military Police investigation. Can I ask you a 12:44
11 slightly different question. How many times in that
12 19-year career were you ever requested pursuant to
13 paragraph 97A(2) of DFR A7 to submit an explanation in
14 writing?

15 A. Well, sorry, I'll just bring you back. Previously you 12:44
16 asked me when I was subject to a Military Police report
17 or statement, it wasn't a Military Police
18 investigation. So I've interactions with Military
19 Police two or three times is what I stated. And I had
20 never been subject of a Military Police report. 12:45

21 384 Q. That's all very good. Come back to the question I
22 asked you. How many times, in your 19-year career,
23 were you asked, pursuant to paragraph 97A(2) of DFR A7
24 to furnish a formal explanation in writing?

25 A. I hadn't -- I've no recollection of ever having to do 12:45
26 one previously.

27 385 Q. All right. So, if this was the one only time in your
28 19-year career where you've been asked to furnish a
29 formal explanation in writing, how is it that you

1 couldn't remember it?

2 A. With the passage of time, I honestly don't recall. I
3 do, when I see it laid out in front of me, and see the
4 documents in front of me. It jars my memory. But at
5 the time of doing the interview with yourselves, I had 12:46
6 no recollection of this.

7 386 Q. Can we go to page 4428 please.

8 SOLE MEMBER: Before you do that, Mr. McGovern, can you
9 talk about the documents in front of you. What
10 documents are you referring to there? 12:46

11 THE WITNESS: These documents here. They're the same.
12 They're copies of -- Mr. Guinan furnished me with these
13 papers, reference papers yesterday.

14 SOLE MEMBER: And who furnished them to you just now?

15 THE WITNESS: I took these off -- I brought them with 12:46
16 myself.

17 SOLE MEMBER: Perhaps you would just put those
18 documents aside and deal with the documents that are
19 present on the screen.

20 THE WITNESS: Apologies. Apologies. 12:47

21 387 Q. MR. MCGOVERN: Page 4428, Lieutenant. It's headed:
22
23 "Alleged misconduct in the Army Apprentice School on
24 the evening of 20th June 1991."
25
26 Is there a signature on the end of that? "Lt. A"? 12:47

27 A. I'm sure, yes.

28 388 Q. Can you remember signing that document?

29 A. I can't remember signing that document.

1 389 Q. You can't remember. Do you dispute that the signature
2 that's blanked out on the end --
3 A. No, I don't. It came from the unit I was stationed in.
4 390 Q. All right. It says:
5
6 "On the evening of 20th June 1991 I, Lt. A, was platoon
7 commander of the 34th Platoon AAS."
8
9 This is your statement. You're stating in writing that
10 you were the Platoon Commander, something you have
11 denied. Can you explain that? 12:47
12 A. I'm sorry, but I haven't denied being the Platoon
13 Commander. What I had stated was that at the time of
14 my interview with yourself, I had thought that this
15 incident had occurred whilst I was the technical 12:48
16 officer.
17 391 Q. Five years later?
18 A. Five years later.
19 392 Q. In this document you state, in October 1991, that you
20 were the Platoon Commander of the 34th Army Apprentice 12:48
21 School?
22 A. That is correct. That was six months after the --
23 393 Q. Yes.
24 A. -- time.
25 394 Q. And at paragraph 2 it says: 12:48
26
27 "That it was alleged that I:
28
29 a. Referred to Aptce. [Blank]'s girlfriend as a 'pig'.

1 Answer: I do totally refute this statement. I did not
2 use this term in relation to any apprentice's
3 girlfriend.

4
5 b. Referred to apprentice's father as a 'sandbagger.' 12:48

6 Answer: I did ask the apprentice if his father in the
7 sandbags but I did not need the term in a derogatory
8 manner. The term 'sandbag' is a widely used term and I
9 wish to emphasise that its use was as a colloquial term
10 and not as a derogatory one. 12:49

11
12 c. That together with 2 Lt. B I had apprentices doing
13 press-ups and chatting 'hurry up, hurry up.'

14 Answer: I was not in the vicinity when the above
15 mentioned occurred, as I recall I was inside the billet 12:49
16 finishing an inspection. I did not play any part in
17 this alleged incident.

18
19 3. In my opinion, my actions were responsible ones
20 which I've found common throughout my training be it in 12:49
21 the Cadet School, the Army Ranger Wing or recruit
22 training in the 3 Infantry Battalion."

23
24 And then it's signed. That's your statement, is it,
25 Lieutenant? 12:49

26 A. It is my reply to the GOC.

27 395 Q. who drafted that?

28 A. I would have drafted that, yes.

29 396 Q. You drafted it, you signed it and you submitted it to

1 the Officer Commanding?

2 A. Yes, correct.

3 397 Q. And do I understand, then, that when it came to your
4 statement and your interview, that you had no
5 recollection of any of that? 12:50

6 A. That is correct, yes.

7 398 Q. Can I just ask you about paragraph 3:
8

9 "In my opinion, my actions were responsible ones which
10 I've found common throughout my training be it in the 12:50
11 Cadet School, the Army Ranger Wing or recruit
12 training."
13

14 Can I suggest to you, Lieutenant, that the training
15 methods utilised on Thursday, 20th June 1991, were mere 12:50
16 in keeping with what one would expect in the Ranger
17 wing rather than an Apprentice School?

18 A. Ehm, I don't think you can --

19 MR. McCANN: I've an objection, Chair. Sole Member,
20 it's an credibly general question, particularly in 12:51
21 circumstances where these are allegations and will only
22 ever be allegations. So, I mean, what particular
23 aspects of the training is Mr. McGovern referring to
24 and what particular aspects of the evidence about the
25 training is Mr. McGovern referring to, otherwise, in my 12:51
26 submission, the question is unfair.

27 SOLE MEMBER: Perhaps the question could be approached
28 by breaking it down into the differences between the
29 training of apprentices and the training in the ranges,

for example, and then let's see what type of training methods might be deployed.

399 Q. MR. McGOVERN: Was there a difference in training methods for regime in the rangers, shall we say, than there were in any other training regime, be it apprentices or recruits?

12:51

A. Yes, of course.

400 Q. Yes. The Ranger wing would be more severe, would it not?

A. It was physically more demanding, yes.

12:52

401 Q. Not simply physical, didn't you refer yourself,
Lieutenant, to sleep deprivation, spotlights in your
face, and so on?

A. Yes.

402 Q. They are things that you'd encounter in the rangers?

12:52

A. Correct.

403 Q. Keeping the apprentices up running around until
11 o'clock at night, is that not the next best thing to
sleep deprivation?

MR. McCANN: And, again, what specific apprentice has said that on oath? Put in a time when this -- first of all, these are all allegations, and will only ever be allegations so it's very unusual, in my submission, that Lt. A is being asked this level of detail when 2 Lt. B asked about all these matters on a global level, none of these matters were gone in to. I make that as a passing comment. But my recollection of the evidence -- sorry, I have no specific recollection, and we have to go through all the transcripts, I have no

1 specific recollection of apprentices, as a whole,
2 giving a consistent timeline, and it may be that an
3 apprentice has given a time period and that should be
4 put to -- if necessary, if necessary, that should be by
5 reference to the transcripts, that should be put to
6 Lt. A, in my submission. 12:53

7 MR. McGOVERN: My questions, Judge, arise out of the
8 statement which was drafted by the witness. I don't
9 need to pursue it any further.

10 SOLE MEMBER: The witness has agreed that there is a 12:53
11 difference or was a difference between the training of
12 apprentices and the training of, for example, rangers
13 and at the end of his statement, which he accepts he
14 makes, he says his actions were found common throughout
15 his training: 12:53

16
17 "In my opinion my actions..."
18

19 And he's referring to the actions in question.
20

21 "...were responsible ones which I found common 12:54
22 throughout my training..."
23

24 So I think he's answering that his actions were common
25 with his training within the Army Ranger wing or 12:54
26 recruit training.

27 THE WITNESS: Your Honour, the Ranger wing, and it's a
28 short period where you go in and you get like a
29 preselection, so you're allowed -- the NCOs would use

1 it as entry into the unit. Ehm, but once you go into
2 the Ranger Course, you're on a panel and you might be
3 called back up to serve as an officer in that unit. I
4 wasn't. Ehm, and I suppose, the Ranger Course
5 training, the recruit training in the 3rd Battalion was 12:54
6 specific in that you were taking young gentlemen, 17
7 and 18 years of age and molding them into a Two Star
8 Three Star soldier. The Ranger Wing is different
9 because the people that are coming there are already
10 soldiers, they've got a great grasp of military 12:55
11 discipline and military aptitude so it's like comparing
12 chalk with cheese. We're not comparing like with like.
13 SOLE MEMBER: But you are saying in this statement
14 which you acknowledge is yours, that your actions were
15 responsible ones and you had found them common 12:55
16 throughout your training in the Cadet School and Ranger
17 wing.
18 THE WITNESS: Yes.
19 SOLE MEMBER: So your actions on the evening in
20 question, you are saying were responsible and were 12:55
21 actions that you found common throughout your training
22 in the Ranger Wing, Recruit Training and Cadet School.
23 THE WITNESS: That's correct, your Honour.
24 SOLE MEMBER: The same actions that you underwent
25 you're saying were deployed that evening? 12:55
26 THE WITNESS: That's correct. But at no stage were we
27 trying to train apprentices to become rangers because
28 it's too far --
29 SOLE MEMBER: I appreciate you weren't trying to train

1 them to become rangers, but you're saying that the
2 actions you took, if I understand you correctly, were
3 you same as the actions that you had been subjected to,
4 the training methods that you had been subjected to.
5 THE WITNESS: To a certain point, yes. 12:56
6 SOLE MEMBER: Thank you.
7 404 Q. MR. McGOVERN: Can I refer you to page 3240 of your
8 statement. Paragraph 12:
9
10 "My recollection is that I left the Army Apprentice 12:56
11 School in 1991. I'm not sure of the exact date."
12
13 Do you remember making that statement?
14 A. Yes, I do.
15 405 Q. And do you recall I asked you about it at your 12:56
16 interview in March of this year?
17 A. Yes, I do, and, again, I hadn't got the Gazette and the
18 timeline wasn't correct.
19 406 Q. Can I refer you to page 3279, which is an extract from
20 your interview and the transcript. Starting at 12:57
21 line 11.
22
23 "Q. In your statement you say that you left the Army
24 Apprentice School sometime in 1991?
25 A. Yes, again I would have to get my officer records 12:57
26 to give specific dates.
27
28 Q. I am not asking you about a specific date but can
29 you assist us with the sequence, was that before or

1 after the death of Aptce. Oliver Mullaney?
2 A. Before.
3
4 Q. You left before?
5 A. Yes, I think so. 12:57
6
7 Q. If you left before you must have left between the
8 20th and 22nd June 1991."
9
10 At this stage Mr. McCann intervened: 12:57
11
12 "Why is that?
13
14 Q. The incident we have been talking about occurred on
15 Thursday, 20th June, Oliver Mullaney died on the 12:58
16 Saturday night of 22nd June. So you if say you
17 left..."
18
19 And you interject and answer:
20 12:58
21 "All right, well, no, I can't recall when."
22
23 Over the page, line 4:
24
25 "Q. Was there an inquiry after the death of 12:58
26 Oliver Mullaney?
27 A. Not to my knowledge.
28
29 Q. Were you ever involved in an inquiry or an

1 investigation?
2 A. No, I wasn't.
3
4 Q. We are told that following the death of
5 Oliver Mullaney that Lt. B was moved; do you have any 12:58
6 recollection of that?
7 A. No.
8
9 Q. Was anybody else moved?
10 A. No, I have no recollection of it. 12:59
11
12 Q. Can you tell us about what was the circumstances in
13 which you left the Apprentice School?
14 A. I think they were getting ready to close down the
15 Apprentice School and the Tech Stores Officer, that 12:59
16 side of it was closing down."
17
18 Could I just ask you about the last statement. Are you
19 aware that the Army Apprentice School closed in 1998?
20 A. Yeah, I'm aware of that because I was the tech officer, 12:59
21 the last tech officer in the Apprentice School.
22 407 Q. And you told us numerous times today that you went
23 back -- after your involvement with the Army Apprentice
24 School in '91, you went back to Devoy in '95, is that
25 correct? 12:59
26 A. Ehm, yes. I was posted out in, ehm --
27 408 Q. August '96?
28 A. August '96 and I was there until February '98.
29 409 Q. Okay. So you went back to Devoy Barracks some years

1 after you had been the Platoon Commander for the 34th
2 in '91, isn't that right?

3 A. Correct, yes.

4 410 Q. So if you had gone back, the Army Apprentice School
5 didn't close until about seven or eight years after 13:00
6 1991, you were back there in '96; why were you stating
7 that it was getting ready to close in 1991?

8 A. Because, as previously mentioned, I hadn't got my
9 dates, my Gazette Appointments, and my timeline was
10 mixed up. 13:00

11 SOLE MEMBER: I know you're not finished, Mr. McGovern,
12 but I think we'll take a break and we'll resume at two
13 o'clock.

14

15 THE TRIBUNAL ADJOURNED FOR LUNCH AND CONTINUED AS 13:01
16 FOLLOWS:

17

18 SOLE MEMBER: Good afternoon, everybody. Now,
19 Mr. McGovern.

20 MR. McGOVERN: Thank you, Judge. Lt. A, please. 14:03

21 SOLE MEMBER: Now, Lt. A, you will recall that you're
22 still under oath, I would ask you not to refer to the
23 papers you have with you at any time, please, and just
24 address papers that are put to you by the Tribunal
25 Counsel, and indeed by counsel for the other parties.
26 Thank you.

27 THE WITNESS: Thank you.

28

29

1 LT. A CONTINUED TO BE DIRECTLY EXAMINED BY MR. MCGOVERN
2 AS FOLLOWS:

3
4 411 Q. MR. McGOVERN: Thank you, Lieutenant. Before we broke
5 for lunch I was asking you about the circumstances in
6 which you left Devoy Barracks in 1991, following the
7 death of Aptce. Mullaney, and I'd asked you was anybody
8 else moved at that time?

14:04

9 MR. McCANN: That has an implication that he was moved.

10 SOLE MEMBER: Sorry, could you repeat your question
11 again, please?

14:04

12 MR. McCANN: That question has, within it, an
13 assumption that Lt. A was moved. I don't think that's
14 been established yet.

15 SOLE MEMBER: I think he asked was anybody else moved.

14:04

16 MR. McCANN: Exactly. And that's the point. So, it
17 has, within it -- sorry, I think the question was, we
18 know that second 2 Lt. B -- we'll have to go back up.
19 Anyway, I'm just saying he should be asked a direct
20 question without assumptions built into it.

14:05

21 412 Q. MR. McGOVERN: There's no assumption. Can I refer you
22 to page 3280. This, again, just for clarification,
23 Lieutenant, is your interview with the Tribunal in
24 March of this year. And start at line 4:

25
26 "Q. Was there an inquiry after the death of
27 Oliver Mullaney?

28 A. Not to my knowledge.

14:05

1 Q. Were you ever involved in an inquiry or
2 investigation?
3 A. No, I wasn't.
4
5 Q. Were you told that following the death of 14:05
6 Oliver Mullaney that Lt. B was moved; do you have any
7 recollection of that?
8 A. No.
9
10 Q. Was anybody else moved? 14:06
11 A. No, I have no recollection of it."
12
13 I'll just stop there for a moment. Isn't it the case,
14 Lieutenant, that following the death of
15 Oliver Mullaney, you were moved from the Army 14:06
16 Apprentice School?
17 A. No, that isn't the case.
18 413 Q. So, are you saying you weren't moved?
19 A. No, I have, ehm -- I stayed in the platoon, I think,
20 from the best of my recollection because there was a 14:06
21 photograph, I saw a photograph that I came across, I
22 was IC of guard of honour for the passing out of the
23 senior platoon.
24 414 Q. All right. I'm not asking you was your photograph
25 taken or were you at a passing out parade; the question 14:06
26 I asked you was were you removed from the Army
27 Apprentice School following the death of
28 Aptce. Mullaney?
29 A. Yes, I was, after a certain period of time.

1 415 Q. Okay. Now, in the interview, I went on to ask:
2
3 "Can you tell us what was the circumstances in which
4 you left the Army Apprentice School in 1991?"
5 14:07
6 And your answer was:
7
8 "I think they were getting ready to close the
9 Apprentice School and the Tech Stores Officer, that
10 side of it was closing down." 14:07
11
12 And I put it to you that the Army Apprentice School in
13 Devoy Barracks only closed in 1998, some seven and a
14 half years after June of '91. Why did you think you
15 were moved because the Apprentice School was closing? 14:07
16 A. Ehm, because, as previously stated, my dates were
17 mixed. I thought that I had been there as the tech
18 officer but in fact I was there as a platoon commander
19 four years previous.
20 416 Q. All right. So you had no recollection of being moved, 14:07
21 or that you, not only that other officers were moved
22 but that you, in particular, were moved; do I
23 understand you to say a moment ago that you were not
24 moved because of anything to do with Mr. Mullaney?
25 A. That's correct, yes. 14:08
26 417 Q. All right. Can I refer you to page 4455. This is a
27 document referred to this morning and I referred you to
28 paragraph 4 of the second page. But I just want to ask
29 you about the start of it. We know this is addressed

1 to GOC wall who was in The Curragh and it's from
2 OC Hayes in the Army Apprentice School, Devoy. It's
3 headed:

4
5 "Apprentice Training - Allegations of Ill-Treatment of 14:08
6 Subordinates - 20 June 1991

7
8 Sir,

9
10 1. Herewith full report on the above..." 14:08

11
12 And the above is a reference to the ill-treatment of
13 subordinates on 20th June 1991.

14
15 "...as contained in the MP report dated 14 Aug 91, as 14:09
16 requested.

17
18 2. The allegations are against two officers, Lt. B and
19 Lt. A..."

20
21 That being yourself. 14:09

22
23 "...both of whom were posted from the AAS soon after
24 the alleged incidents, and are still the subject of an
25 ongoing investigation." 14:09

26
27 So, in October 1991, the Commanding Officer, OC Hayes,
28 is stating that you and another officer were posted
29 from the Army Apprentice School; is that the case or is

1 it not?

2 A. Yes, that would have been the case.

3 418 Q. And why, do you say, you were removed from the Army
4 Apprentice School?

5 A. Because their military training segment had finished.

6 419 Q. That's the only reason?

7 A. Yes, I would imagine so.

8 420 Q. So, if that was the only reason, Lieutenant, can you
9 tell us why, in October 1991, OC Hayes was stating:

10 14:10

11 "...they are still the subject of an ongoing
12 investigation."

13

14 If you had been moved because the training had ended,
15 why would there be a need for an investigation?

16 A. I wasn't aware that I was being investigated.

17 421 Q. Just stop now and think about that. Your evidence to
18 the Tribunal is that you were not aware that you were
19 being investigated?

20 A. Yes. 14:10

21 422 Q. Is that your evidence?

22 A. well, I'm -- what I'm saying is that I haven't -- I
23 wasn't aware of this ongoing report and that this
24 circulation had existed.

25 423 Q. You just said a moment ago, Lieutenant, you were not 14:10
26 aware of an investigation. You made a statement under
27 caution to the Military Police, you were asked to give
28 an explanation in writing and you did so. Are you
29 seriously saying that you did not know you were under

1 investigation?

2 A. I've no recollection of being under investigation.

3 424 Q. No recollection. And no recollection, then, I take it,
4 of being removed from the Army Apprentice School?

5 A. Ehm, that is correct, because if -- I was posted into 14:11
6 the Army Apprentice School four years later so, with
7 that in mind, I wouldn't have thought that I would have
8 been posted back into a unit where there was an
9 investigation.

10 425 Q. I'm not concerned, Lieutenant, what happened in 1996 14:11
11 and where you were posted or why, I'm asking you
12 specifically about 19 --

13 MR. McCANN: Sorry.

14 MR. McGOVERN: I haven't put the question.

15 MR. McCANN: I must be allowed make an objection, or 14:11
16 not.

17 SOLE MEMBER: Tell me your objection, Mr. McCann?

18 MR. McCANN: The witness is offering an explanation and
19 he's saying it relates to events in 1996 and
20 Mr. McGovern says he's not interested. And it's not a 14:12
21 question of what Mr. McGovern is interested or is not
22 interested in, it's what the witness wants to give by
23 way of evidence and then the Sole Member will decide on
24 the relevance, the credibility, whether it is a
25 sufficient or satisfactory explanation. But 14:12
26 Mr. McGovern just can't curtail, in my submission,
27 can't curtail evidence based on his own views as to the
28 nature or the evidence or status of the evidence as we
29 move along. Thank you, Sole Member.

1 SOLE MEMBER: Thank you, Mr. McCann. My understanding
2 is that the question that was being put to the witness
3 was whether or not he was aware of the fact that his
4 being moved or posted from the Army Apprentice School
5 "soon after the alleged incidents" including alleged
6 incidents against himself, whether or not he was aware
7 of that investigation. And in answering that specific
8 question the witness was referring to events that
9 occurred later on, to explain why he wasn't aware back
10 in 1991.

14:12

14:13

11 MR. McCANN: well... anyway, I don't want to be giving
12 evidence on his behalf, obviously, but the only point
13 I'm making is that when a witness has been asked a
14 question, and something has been put to him and it
15 appears that his credibility is being challenged he's
16 entitled to give his explanation, nothing more than
17 that.

14:13

18 SOLE MEMBER: Okay. So your explanation is that you
19 weren't aware of the fact, correct me if I'm wrong,
20 that you were being posted from the Army Apprentice
21 School having been the subject of allegations and that
22 you were posted from the Apprentice School soon after
23 those alleged incidents and your answer, if I
24 understand it, Lt. A, is that you weren't aware of that
25 in 1991?

14:13

14:13

26 THE WITNESS: That is correct, your Honour.

27 SOLE MEMBER: Perhaps, then, you will explain what you
28 were going to say about 1996, some five years later and
29 how that helps me to understand why it is so that you

1 weren't aware in 1991 of the question that you were
2 asked?

3 THE WITNESS: From -- if I had been posted or exited or
4 transferred out of the Apprentice School because of an
5 issue, because of a Military Police investigation, I
6 wouldn't have been posted back into there four years
7 later.

14:14

8 SOLE MEMBER: I think that's your opinion but I think
9 Mr. McGovern was drawing your attention to paragraph 2
10 of the report of, I think it's OC Hayes, if I'm not
11 mistaken, that's date stamped 25th October 1991.

14:14

12 THE WITNESS: Yes, your Honour. In October 1991, I
13 would have been back in my unit.

14 SOLE MEMBER: It's paragraph 2 of that report. Perhaps
15 you would read it once again to the witness and then
16 let him answer the question as to whether or not he was
17 aware of it.

14:15

18 426 Q. MR. MCGOVERN: Paragraph 2 of OC Hayes's report, of
19 25th October 1991 reads:

20
21 "The allegations are against two officers, Lt. B and
22 Lt. A, both of whom were posted from AAS soon after the
23 alleged incidents, and are still the subject of an
24 ongoing investigation."

14:15

25
26 There's two things I want to put to you about that,
27 Lieutenant, first of all, do you accept what OC Hayes
28 is stating in that letter of 25th October, that you
29 were posted from, or removed from the Army Apprentice

14:15

1 School?

2 A. Yes, I accept I was posted from the Apprentice School.

3 427 Q. All right. And he goes on to say that:

4

5 "The two officers..." 14:15

6

7 Including you.

8

9 "...are the subject of an ongoing investigation."

10 14:16

11 Were you aware of that?

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

13 428 Q. You were unaware of any ongoing investigation in

14 October 1991?

15 A. At the time, yes. 14:16

16 429 Q. Yes. So, if you were unaware of an investigation why

17 do you say you were posted from the Army Apprentice

18 School?

19 A. My view, ehm, looking back with the vague recollection

20 that I have would be that it's a military -- they've a 14:16

21 military segment where they do military training during

22 the summer and that that period had ceased.

23 430 Q. Okay. Well, let's just parse that, if we may. If you

24 left the Army Apprentice School simply because the

25 military training regime had finished, why would there 14:16

26 be an ongoing investigation into you?

27 A. Again, I would imagine - and this is only me with a

28 vague recollection - I would imagine because there was

29 allegations levelled against me.

1 431 Q. All right. And you think you're removal from the Army
2 Apprentice School, you say had nothing to do with those
3 allegations?
4 A. I don't think so.

5 432 Q. All right. So, do you think OC Hayes is wrong in what 14:17
6 he says at paragraph 2, that you were removed from the
7 Army Apprentice School soon after the allegations and
8 you were the subject of ongoing investigations; is that
9 correct or incorrect?

10 A. Well, that's incorrect because he didn't say I was 14:17
11 removed, he said I was posted.

12 433 Q. Posted from?
13 A. From the Army Apprentice School.

14 434 Q. Yes.
15 A. It's not removed. 14:17

16 435 Q. Okay.
17 A. I feel that removed is a derogatory term and it implies
18 that I'm guilty of something. I was posted, which is
19 the normal way in which officers are moved around the
20 Defence Forces. 14:18

21 436 Q. I accept entirely that the word used by OC Hayes in his
22 letter of 25th October is "posted" and you say that's
23 wrong -- sorry, it's right and that you weren't
24 removed. Am I correct in my understanding?

25 A. Well, that's my reading of it, yes. 14:18

26 437 Q. So you weren't removed, you were posted elsewhere?
27 A. Correct.

28 438 Q. All right. Can we turn to page 4432, please. That's a
29 letter on Headquarters Curragh Command and it's signed

1 by Brigadier General GOC wall and it's addressed to the
2 Adjutant General in Defence Forces Headquarters in
3 Dublin, dated 7th November '91; is that correct?
4 A. Yes.
5 439 Q. November '91, 7th November is about four, four and a 14:18
6 half months after the incident involving Mr. Mullaney,
7 wouldn't that be correct?
8 A. Yes.
9 440 Q. It's headed:
10
11 "Devoy Barracks, Naas Apprentice Training - 14:19
12 ill-treatment of subordinates."
13
14 And at paragraph 2 it says:
15
16 "Report: The Military Police report dated 14 August 14:19
17 1991, contains certain allegations of ill-treatment of
18 subordinates. These allegations concern two junior
19 officers. Outlined at para 3(a) and para 4 the
20 follow up action has been taken in relation to these 14:19
21 allegations."
22
23 I'll stop there. Do you accept that you were one of
24 the two junior officers referred to in that letter?
25 A. Ehm, I have no knowledge of that but, yes, I would 14:19
26 accept that I was one of those.
27 441 Q. Paragraph 3:
28
29 "Corrective action:

1 The following is a summary of the corrective action
2 taken:
3
4 a. The two officers against whom the allegations were
5 made have been removed and replaced." 14:20
6
7 It doesn't use the word "posted," it says "removed."
8 This is the GOC of The Curragh Command stating that you
9 had been removed and replaced; what do you say about
10 that, Lieutenant? 14:20
11 A. I accept what the GOC said but I had no knowledge that
12 I had been removed.
13 442 Q. No knowledge?
14 A. No.
15 443 Q. All right. Can we go down to paragraph 4: 14:20
16
17 "Contemplated action:
18
19 I..."
20 14:20
21 That's the GOC of The Curragh Command:
22
23 "...have initiated action against the two junior
24 officers who are the subject of the allegations of
25 ill-treatment with a view to the application of 14:20
26 para 97A DFR A7 - Admonition."
27
28 Do you recall this morning, Lieutenant, I asked you
29 about the paragraph 97A procedure and the request made

1 of you to make a written statement and your reply to
2 that, do you remember that?

3 A. Yes, I do.

4 444 Q. So this is in November 1991, the Brigadier General in
5 Command of The Curragh Command is stating that the 14:21
6 admonition proceedings have been initiated against you.
7 So, you were requested to give a statement. You did
8 give a statement or an explanation and now the GOC has
9 stated that admonition proceedings have been commenced
10 against you. Do you remember that? 14:21

11 A. No, I've no recollection of admonition.

12 445 Q. No recollection, whatever, of admonition proceedings
13 being taken against you?

14 A. No.

15 446 Q. "The submission of an explanation under para (2) of 14:22
16 para 97A is presently awaited. A decision on further
17 disciplinary action, if such be demonstrated
18 appropriate, will be made upon receipt of such
19 explanations."
20 14:22

21 Do you have any memory, Lieutenant, about what happened
22 to those admonition proceedings?

23 A. No, I don't.

24 447 Q. Do you accept that admonition proceedings were
25 instigated against you? 14:22

26 A. I have no recollection, I can't remember.

27 448 Q. You have no recollection of that at all. And you don't
28 know what became of those proceedings?

29 A. No, I don't.

1 449 Q. I know this has gone on a while, Lieutenant, since this
2 morning, but can I just recap briefly. You said,
3 definitively, to the Tribunal that you were not
4 directly involved in training apprentices; wasn't that
5 statement factually incorrect? 14:23

6 A. Yes.

7 450 Q. You said that you do not believe you would have been at
8 the ranges; wasn't that statement incorrect?

9 A. Yes.

10 451 Q. You said in relation to the events of Thursday, 20th 14:23
11 June of 1991 that you were unaware of allegations or
12 investigations; that can't be the case, can it?

13 A. Ehm, I explained the previous two statements in that my
14 timelines were mixed up.

15 452 Q. All right. Irrespective of timelines, events are 14:23
16 different from timelines, it's just the fact of an
17 investigation, you're saying you were unaware of that?

18 A. That's correct.

19 453 Q. Right. You also said that you were not interviewed by 14:23
20 the Military Police or questioned at all in relation to
21 the events of Thursday, the 20th, isn't that factually
22 incorrect?

23 A. My initial response to you, before I was furnished with
24 the documentation was I had no recollection of a
25 Military Police investigation. 14:24

26 454 Q. And when you were asked about the circumstances in
27 which you left Devoy Barracks, you initially said you
28 left before the death of Oliver Mullaney, isn't that
29 so?

1 A. Again, my timelines, it was the Tribunal and the
2 requests for interview was sprung upon me and I had no
3 recollection of the surrounding facts.

4 455 Q. And when you were asked what officers had been removed
5 from Devoy Barracks, you said you didn't know, even 14:24
6 though you, yourself, were one of them?

7 A. During the normal, ehm, course of events, officers
8 would be transferred after the training had ceased, the
9 military training. And I assumed, or I thought that
10 that was the case with myself. 14:24

11 456 Q. And when you were asked why you had left Devoy
12 Barracks, your explanation was that it was about to
13 close; that's factually incorrect, isn't it?

14 A. Again, that was my initial comment to you before I had
15 received the documentation. 14:25

16 457 Q. And do I still understand the position that you do not
17 remember the fact that you were admonished?

18 A. Yes, that's correct.

19 458 Q. Okay. And when you told us --
20 MR. McCANN: Sorry, Judge, there's no evidence that he 14:25
21 was admonished.

22 SOLE MEMBER: Perhaps you would just articulate that
23 question slightly different.

24 MR. McCANN: But, sorry, I mean it's a very serious
25 matter to say, in a public tribunal, even with 14:25
26 anonymity that something has happened which is a very
27 serious disciplinary matter and to have that wrong, in
28 a long list of matters --

29 SOLE MEMBER: We will correct the transcript now

1 because the reference that Mr. McGovern was citing was
2 from GOC wall's letter.

3 MR. McCANN: To be clear, I accept it was contemplated
4 and considered. But there's no evidence that there was
5 an admonishment and mistakes like that shouldn't be 14:26
6 made.

7 SOLE MEMBER: Thank you, Mr. McCann.

8 MR. MCGOVERN: In reply to Mr. McCann's objection, he
9 said admonition was contemplated. The word used by
10 Lt. Gen. wall was he "has initiated admonition 14:26
11 proceedings." Were you aware or is it still the case,
12 Lieutenant, that you have no recollection of the
13 initiation of admonition proceedings against you.

14 A. That is correct, yeah.

15 459 Q. And you've no recollection of a Military Police 14:26
16 investigation?

17 A. Well, after seeing the report, there was a Military
18 Police investigation.

19 460 Q. Yes. But yet you said and told the Tribunal that you
20 didn't make a statement to the Military Police or, 14:26
21 indeed, were asked questions by anybody; isn't that
22 factually incorrect?

23 A. Well, as I have said numerous times today, the
24 timelines and my recollection, I hadn't got the
25 documentation for the Tribunal. 14:27

26 461 Q. But would it be fair to say that your recollection
27 about these events is not great?

28 A. I have very little recollection of the events on the
29 day.

1 MR. McGOVERN: Thank you.
2 SOLE MEMBER: Thank you, Mr. McGovern.
3 MR. McCANN: I've no questions.
4 SOLE MEMBER: You have no questions.
5 MR. McCANN: Thank you, Sole Member. 14:27
6 SOLE MEMBER: Mr. Masterson.
7
8 LT. A, WAS CROSS-EXAMINED BY MR. MASTERSON AS FOLLOWS:
9
10 462 Q. MR. MASTERSON: Lt. A, my name is Louis Masterson, I'm 14:27
11 instructed by Coleman Legal on behalf of a number of
12 former members of the apprentice class. You'll be glad
13 to hear that, I think I can say without fear of
14 contradiction that I can't better what Mr. McGovern has
15 put to you in terms of the detail. So, I don't 14:27
16 propose, I had intended to, but I don't propose to
17 revisit everything that he has brought you through. He
18 has been very diligent and detailed in his examination
19 of you. I do just have a couple of questions, if I
20 may, that I want to put to you, particularly about your 14:28
21 time during the Apprentice School.
22
23 Can I ask you, and I'm certainly not being facetious
24 when I say this, I understand that you don't recollect
25 a lot of what happened, I accept it's 35 years ago and 14:28
26 you're not the only person to come to this Tribunal and
27 be hazy on certain memories, but can I ask you, do you
28 recall who actually appointed you to the summer
29 military training in the Apprentice School?

1 A. No. I was -- I was a platoon officer in the 3rd
2 Battalion and the 3rd Battalion and the 13th I think
3 are in Kilkenny so there's two infantry battalions,
4 training battalions in the GOC's area, The Curragh
5 Command, and I would have been brought in by my 14:29
6 adjutant or someone in the 3rd Battalion and told,
7 'You're going over to the Apprentice School.' So I
8 don't specifically know whether --

9 463 Q. Can I ask you, you've said in your statement to the
10 Tribunal that you, I think, were in class with 2nd 14:29
11 Lt. B?

12 A. Correct.

13 464 Q. That you played rugby with him and that you were
14 friendly with him, that is to say you were friends with
15 him. Do you have any knowledge that he might have 14:29
16 requested you to come to the summer training of that
17 military, of the Apprentice School?

18 A. No, I don't -- now, sorry, this is my summation of it,
19 but the, ehm, a 2nd lieutenant wouldn't have the
20 authority and wouldn't request another -- it's beyond 14:29
21 their pay grade, as they say. It wouldn't be -- it
22 would be the administration adjutant upwards would be
23 the deciding factor on that.

24 465 Q. There was some debate about it earlier but I think you
25 have accepted that you were platoon commander for that 14:30
26 summer period?

27 A. Yes, that's correct.

28 466 Q. Could you outline to the Tribunal precisely what your
29 role and responsibilities were during that time?

1 A. Ehm, well I would have gone -- I would have been posted
2 on the 17th, ehm, the incident in question, going from
3 the date lines was the 21st. So, we would have
4 normally -- you would have gone in and proceeded with
5 military training. So, you would have had to go 14:30
6 through a different syllabus, weapons training, range
7 practises, stuff like that. So you'd have a very, very
8 specific syllabus to get through. And that would have
9 been --

10 467 Q. And was that prescribed to you, that syllabus? 14:30

11 A. It would have been the norm. Now, the 2nd Lt. B would
12 have been there for three years. So I would have been
13 going in -- it would be -- the normal military training
14 would run alongside all three platoons that were there.

15 468 Q. Can I ask you, Lt. A, how soon after you completed your 14:31
16 ranger training did you start in Devoy Barracks?

17 A. Ehm, from recollection it would have been maybe 12 to
18 18 months afterwards. So I would have trained a
19 recruit platoon in the 3rd Battalion, ehm, prior. That
20 would have been in that gap. 14:31

21 469 Q. Okay. In your interview with the Tribunal ahead of
22 today, I think you accepted that press-ups, jogging on
23 the spot, raised voices and revoking weekend passes
24 were normal features of training --

25 MR. McCANN: I don't recall the revoking weekend 14:31
26 passes.

27 MR. MASTERSON: Okay.

28 MR. McCANN: Accuracy is vital. I can't be remembering
29 everything. If something is put it should be put

1 carefully and Mr. Masterson should be certain of what
2 he's saying. I just don't recall that that --
3 SOLE MEMBER: The reference to weekend passes didn't
4 arise, as far as I can recall.
5 MR. MASTERSON: I beg your pardon, that's a failing on 14:32
6 my part and I apologise for that.
7 SOLE MEMBER: Thank you.
8 470 Q. MR. MASTERSON: I think you indicated, Lt. A, that
9 press-ups, jogging and raised voices were normal
10 features of training, isn't that right? 14:32
11 A. Yes.
12 471 Q. And it has been said by several apprentices who have
13 given evidence that weekend passes were considered a
14 privilege; would you accept that?
15 A. Again, I wouldn't have been the granting authority of 14:32
16 weekend passes, ehm, but from previous experience in
17 Cadet School, etc., the weekend passes would have been
18 subject to the discretion of your CO.
19 472 Q. So, officers and COs had direct control over the
20 weekend passes, is that correct? 14:33
21 A. Again, yes, that would have been correct.
22 473 Q. Some of the apprentices in the Apprentice School were
23 under age, that is to say they were under 18, isn't
24 that right?
25 A. I'm unaware of their ages, to be honest. 14:33
26 474 Q. Okay.
27 A. But I would imagine so, yes.
28 475 Q. Would you agree with me that they were young men?
29 A. Yes, as per recruits, the same age as recruits --

1 cadets would have been a little bit older because they
2 would have gone in with their Leaving Cert so they
3 would have been 18 plus.

4 476 Q. Can I ask you, Lt. A, if an apprentice knew that a more
5 senior officer, that is to say 2nd lieutenant, 14:34
6 controlled or had permission -- or had the ability,
7 rather, to revoke weekend passes or, indeed, to parade
8 somebody, can I put it to you, or can I ask for your
9 opinion; do you think that that would have an impact on
10 their willingness to make a complaint about that 14:34
11 individual?

12 A. Again, I -- I don't know where you're going with this.
13 MR. McCANN: Sorry, Sole Member, there's a couple of
14 problems with that.

15 SOLE MEMBER: Yes. 14:34

16 MR. McCANN: If an apprentice knew that one or more
17 senior officers, I thought the witness said that the
18 question of weekend passes were matters for the Company
19 Commander, that would be Mr. Coffey, am I right? Yes,
20 Mr. Coffey. He did mention something, but the 14:35
21 transcript is now running away from me.

22 SOLE MEMBER: Can we just go backwards in the
23 transcript to see what the witness said? Not too far
24 back.

25 MR. McCANN: I just want to see what the question was. 14:35
26 So, if an apprentice knew that a more senior officer,
27 that is to say, a 2nd lieutenant controlled or had
28 permission, I don't think that's the state of the
29 evidence. That's the first thing.

1 SOLE MEMBER: So it's a hypothetical. If a apprentice
2 knew.
3 MR. McCANN: Or had the ability to revoke weekend
4 passes, a hypothetical. And, again, I don't think
5 that's the state of the evidence. Or indeed to parade. 14:35
6 We have clearly had no mention about parading. And
7 then Mr. Masterson asks what would have gone through
8 their head. Is that really --
9 SOLE MEMBER: Can we see what he asked? So if an
10 apprentice knew that a more senior officer could -- 14:35
11 MR. McCANN: would it have an impact on their
12 willingness. I'm saying that's a matter for you, it's
13 not a matter for this witness.
14 SOLE MEMBER: Thank you. I'm inclined to agree,
15 Mr. Masterson. 14:36
16 477 Q. MR. MASTERSON: That's fine. I'll just put one final
17 question to you, Lt. A, if I may. In your experience -
18 and you have considerable experience in your Defence
19 Forces career, as outlined in your examination-in-chief
20 - would you accept that the absence of a known 14:36
21 complaint, may be different to the absence of grounds
22 for complaint?
23 A. Sorry, I don't understand your question.
24 478 Q. would you accept that in circumstances where
25 apprentices may have been unwilling or unable, in that 14:36
26 they weren't informed, it was suggested, of how to make
27 a complaint?
28 MR. McCANN: Again.
29 SOLE MEMBER: Mr. McCann, he is asking a hypothetical

1 question.

2 MR. McCANN: I know, but I don't think this witness has
3 been asked, from what I can remember, I don't think
4 he's been asked about complaints at all. I don't think
5 he's been asked whether there were absence of grounds 14:37
6 for complaints. That's a matter for them to give
7 evidence. They have given evidence about it.

8 SOLE MEMBER: We have had evidence from several
9 apprentices who indicated that they didn't make a
10 complaint or were afraid to make a complaint. 14:37

11 MR. McCANN: We have absolutely heard that evidence,
12 Sole Member, but how can this witness assist with that?

13 SOLE MEMBER: I want to hear the end of the question
14 before I can answer that. I haven't heard it.

15 479 Q. MR. MASTERSON: There has been evidence led, during the 14:37
16 course of this Tribunal, that certain people either
17 didn't know how to make a complaint or they were
18 fearful for so doing. Would you accept that the
19 absence of a complaint may reflect either being fearful
20 or an absence of knowledge, rather than an absence of 14:38
21 grounds for the complaint, that is to suggest there may
22 have been cause for complaint, but that people didn't
23 either necessarily know how to, or were fearful; can
24 you distinguish between those?

25 A. Ehm, it depends on the leadership style of the person. 14:38
26 Ehm, and if the leadership style is that of an open,
27 ehm, person where there's an issue, then would you like
28 that your subordinates can come to you and discuss.
29 Ehm, but that's a very individual, basic sort of

1 fundamental of the way the officer, how would you say,
2 carries himself and his relationship with his platoon.

3 MR. MASTERSON: Thank you very much.

4 SOLE MEMBER: Thank you, Mr. Masterson. Does anyone
5 else have any questions for the witness? No.

14:39

6
7 LT. A WAS QUESTIONED BY THE SOLE MEMBER, AS FOLLOWS:

8
9 480 Q. SOLE MEMBER: Lt. A, the training methods that you
10 describe at paragraph 23 of your statement, you say
11 that:

14:39

12
13 "Training methods have changed."

14
15 And in response to Mr. McGovern's question you
16 replied -- sorry, in response to his question about
17 whether training methods have changed you replied, and
18 I'm quoting:

14:39

19
20 "Well, obviously if we're having a tribunal and it's my
21 opinion things have changed."

14:39

22
23 Can you elaborate on that answer please, and explain to
24 me why you answered that question in the way you did?

25 A. Ehm, I just think - and this, again, is my own personal
26 view - ehm, I think the military -- training of the
27 military has progressed to quite a very, very hi-tech
28 military machine and I think the training methods that
29 were, ehm, used when I was a cadet, when I trained

14:39

1 Three Star -- Two Star, Three Star in the 3rd Battalion
2 compared to how they're trained now has changed
3 considerably in that it's more technical now. It's
4 more -- it's hi-tech, it's computer-based, whereas
5 before it was hands-on weaponry, going to the range,
6 etc.

14:40

7 481 Q. Could you explain to me why you said:

8
9 "Well if we're having a tribunal things have changed."

14:40

10
11 what has having a tribunal got to do with a change in
12 the methods you've described there a moment ago,
13 hi-tech, computer-based, why would we be having a
14 tribunal?

15 A. I just think, and again it's my own point of view, I
16 just think that the public sentiment, ehm, might have
17 shifted or that, you know, we -- things have moved on.

14:41

18 482 Q. Is it the public sentiment about hi-tech training or
19 computer -- I'm struggling to see how your answer to
20 the question about a change in training methods is in
21 any way connected to the fact that a public inquiry has
22 been established?

14:41

23 A. Ehm, I think looking back 35 years ago, in hindsight,
24 would I have done things different? Ehm, I'm happy
25 with my training regime but I'm terribly upset about
26 the allegations that have been posted against me. And
27 I -- it's, you know, bringing back up the past and my
28 recollection is poor on it. But when I opened up the
29 reports and saw Military Police, a Military Police

14:41

1 report and my calling a fella a sandbagger and all of
2 that, just the memories came flooding back. And,
3 again, I'm not serving at the moment so I don't know,
4 ehm, where the training regime is now. I would imagine
5 it has changed. And, again, my comment there was 14:42
6 totally my own perception. Ehm, the reference to the
7 Tribunal is that it's, obviously, being taken as a
8 very, very serious matter. And that's -- that
9 warranted my comment.

10 483 Q. In relation to training methods, you said: 14:42
11
12 "The training methods were such that people did shout
13 at you, put you under pressure, ask you to do things
14 that you might have felt trivial, to see how you would
15 react under pressure. Just to see how you would 14:43
16 react."
17
18 Can you give me an example of some such trivial things?
19 A. Ehm, during an inspection you might request, ehm, a
20 soldier or recruit to -- there was -- if a recruit was 14:43
21 late, the press-up -- the recruit platoon would go into
22 a press-up position and --

23 484 Q. The whole platoon?
24 A. Yes. And that was to instill that they wouldn't leave
25 the billet until everybody was together. And it was to 14:43
26 instill camaraderie and team work and togetherness by
27 them. And that's one example of such.

28 485 Q. So the whole platoon being ordered into the press-up
29 position is one example. Have you any other examples

1 of trivial things that an apprentice would have been
2 asked to undergo just to see how he would react under
3 pressure, just to see how he would react. What other
4 trivial things do you envisage?

5 A. Again, we're going for examples, maybe stripping a 14:44
6 weapon, putting a weapon back again and see how -- and
7 put a timed stopwatch on it that they're competing with
8 each other and see how they do. And that's to instill
9 familiarity with the weapon that they're using. Things
10 like that. 14:44

11 486 Q. The two examples you've given me, stripping a weapon or
12 going into the press-up position, these appear to be
13 associated with military training in any event?

14 A. Yes.

15 487 Q. I understand your evidence today was that you accept 14:44
16 that you were on the ranges on the day of 20th June
17 1991 and that you were involved in the training and
18 that you were on the square in Devoy Barracks. And I
19 think your response to allegations that were made
20 against you indicates that you do accept that, I think. 14:44
21 Now, the Tribunal has heard allegations and I reiterate
22 they are allegations, and we have no remit to
23 investigate the veracity or otherwise of those
24 allegations, but the Tribunal has heard evidence led in
25 relation to allegations as to what happened on the 14:45
26 Thursday evening and such allegations refer to an
27 apprentice's beret being interfered with, the singing
28 of songs, the dancing of platoons, apprentices being
29 asked to kiss each other; are these the type of matters

1 that would come within what you would describe as
2 trivial events just to see how a person would react
3 under pressure?

4 A. Absolutely not.

5 488 Q. Absolutely not. Thank you. Can I take you to your 14:45
6 memory, Lt. A. Mr. McGovern has taken you through
7 several matters that were in your statement that you
8 have no recollection of and you accept that many of the
9 things you said in your statement, in your interview I
10 should say, with the Tribunal Counsel, that they were 14:46
11 not correct?

12 A. Correct.

13 489 Q. And that was a couple of months ago, that was March
14 2026?

15 A. Yes. 14:46

16 490 Q. I'm struggling to understand how seeing a diary in
17 terms of where you were, at what time, in terms of
18 knowing, yes, it was 17th June 1991, I was in Devoy
19 Barracks and that you returned there several years
20 later; I'm struggling to see how seeing those dates 14:46
21 would jog your memory in relation to the substantive
22 matters, not just the dates but the substantive matters
23 about allegations of ill-treatment, about Military
24 Police investigations. Can you explain to me how just
25 seeing dates has the impact of making you remember 14:46
26 things which you didn't remember a couple of months
27 ago?

28 A. Yes, because at the time, at the time of the interview,
29 ehm, and, again, it was 35 years later, at the time of

1 the interview I wasn't furnished with my postings.
2 Ehm, I knew I had been in the Apprentice School and
3 that explains why I said that when I departed the
4 Apprentice School it was closing down. Then I --
5 491 Q. I'm sorry for interrupting you. I'm sorry. That does 14:47
6 refer to the dates, okay. So I accept that your dates
7 might have been confused, you didn't know when it was
8 closing down, you didn't know when you were posted. I
9 take that. My question is; how does knowing when the
10 Apprentice School was closed or what precise date you 14:47
11 were posted, how does knowing those dates help you now
12 to remember substantive events which you didn't
13 remember a couple of months ago?
14 A. Because, your Honour, I was thinking that when the
15 allegations was placed upon me, that I was in there as 14:47
16 the tech stores officer, I had neglected or forgot
17 about my period of six weeks or two months in the
18 Apprentice School doing the military training.
19 492 Q. So you thought the matters that were being put to you
20 by Counsel for the Tribunal - I just want to be clear 14:48
21 that this is your evidence - you understood when they
22 were matters were being put to you in interview, that
23 these were all events that happened to you while you
24 were in charge of stores and nothing to do with
25 military training? 14:48
26 A. Correct.
27 493 Q. Nothing to do with the apprentice training?
28 A. Correct.
29 494 Q. Even though in your interview, counsel cited to you

1 allegations made by apprentices in the course of their
2 training?

3 A. Yes, but, again, your Honour, I hadn't got -- it was
4 only when I got my Gazette which gave me my specific
5 posting time in the Apprentice School as tech officer 14:48
6 that I realised. And then what I did was, I took the
7 year of 1991 and my posting was 3rd Battalion, so it
8 was in between that period.

9 495 Q. But how does knowing that it wasn't about your period
10 as the officer in charge of stores, how does that 14:49
11 change your memory of the substantive events?

12 A. Well, that would -- my behaviour as tech stores officer
13 was completely different to my behaviour as the platoon
14 commander.

15 496 Q. But allegations were put to you by Counsel for the 14:49
16 Tribunal, based on what the Tribunal had been told by
17 witnesses who have since come forward, the allegations
18 were about the training of the apprentices. Are you
19 saying that you understood that those allegations were
20 made against you when you were the stores officer and 14:49
21 had nothing to do with the training?

22 A. I had -- my dates were completely mixed up.

23 497 Q. I appreciate your dates were mixed up. I'm talking
24 about the substantive matters.

25 A. Yeah, well, the substantive matters, your Honour, to be 14:50
26 honest, I refuted the allegations that were put against
27 me. And I was unsure of the dates, because I hadn't
28 been furnished with all of the Tribunal documents. So,
29 I was answering questions from Mr. McGovern that I had

1 no knowledge of.

2 498 Q. And yet you remembered -- you remembered those
3 substantive matters when you were given your Gazette
4 and told which dates you were where?

5 A. And when I got my Military Police investigation and all 14:50
6 the other documents that came with it.

7 499 Q. In relation to the allegations, the Military Police
8 investigation, I understood your answer to Mr. McGovern
9 to be that you didn't remember it, this investigation,
10 until you got the documents from the Tribunal? 14:51

11 A. That's correct.

12 500 Q. Do you accept now that you were the subject of a
13 Military Police investigation?

14 A. I accept the fact that I was called in as a witness and
15 that a statement was taken. Looking at the documents 14:51
16 from GOC on that I have to accept that I was subject --
17 I wasn't aware at the time, that I was subject to an
18 investigation.

19 501 Q. Mr. McGovern took you through the letter written by
20 OC Hayes dated 25th October 1991 and this was the 14:51
21 letter that was opened just very recently, and you said
22 you were not aware that you were the subject of an
23 investigation, and that is your evidence to the
24 Tribunal?

25 A. That's correct. 14:51

26 502 Q. And you said you weren't aware that you were the
27 subject of an investigation at that time; and that's
28 your evidence to the Tribunal?

29 A. Yes.

1 503 Q. Can you explain to me how that could be, if two days
2 earlier, 23rd October 1991 you were answering questions
3 in writing about allegations that had been made against
4 you?

5 A. Again, I was answering it as a witness statement. I 14:52
6 wasn't aware that I was subject to --

7 504 Q. You were answering statements?

8 A. By Cpt. Fitzmaurice.

9 505 Q. You were answering allegations made against you. How
10 does that make you a witness? You were answering, in 14:52
11 writing, two days earlier, allegations that had been
12 made against you in relation to calling somebody's
13 girlfriend a pig, in relation to the sandbag matter,
14 and so forth. You were answering allegations made
15 against you, two days before the letter that OC Hayes 14:52
16 wrote on 25th November 1991; can you explain to me how
17 you couldn't have been aware at that time if two days
18 earlier you were answering those allegations?

19 A. Because, your Honour, and this is me with sketchy, ehm,
20 memory of it, ehm, I don't think the Military Police 14:53
21 investigation was made public or the findings were made
22 public. So, I wouldn't have been aware that Col. Wall
23 had been sending e-mails, or sending letters to GOC, or
24 that I was subject of these. I -- the first I -- I was
25 brought in by the Military Police, Cpt. Fitzmaurice, he 14:53
26 interviewed me.

27 506 Q. He took a statement from you under caution?

28 A. Took a statement under caution and I answered what he
29 had asked. And I wasn't aware -- the next I -- and

1 this is me from reading the documents I've got because
2 my recollection is poor of that time, but the next
3 thing was that my GOC in the transport company, wrote a
4 letter, ehm, replying to the matters that were outlined
5 already by Mr. McGovern.

14:54

6 SOLE MEMBER: Thank you, Lt. A.

7 THE WITNESS: Okay.

8 SOLE MEMBER: The Tribunal will now take a ten-minute
9 break before we proceed with the next witness. Thank
10 you.

14:54

11
12 THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

13
14 SOLE MEMBER: Good afternoon again.

15 MS. PILLAY: Good afternoon, Judge. The next witness
16 is Mr. David Henry.

15:05

17 SOLE MEMBER: Thank you.

18 MS. PILLAY: Mr. Henry.

19
20 MR. DAVID HENRY, HAVING BEEN SWORN, WAS DIRECTLY
21 EXAMINED BY MS. PILLAY AS FOLLOWS:

15:05

22
23 507 Q. MS. PILLAY: Mr. Henry, as you are aware, the Tribunal
24 is investigating the effectiveness of the complaints
25 processes and the culture within the Defence Forces in
26 relation to complaints of abuse. It is not permitted
27 to make findings in relation to the well-foundedness of
28 complaints of abuse and, for that reason, you are
29 required to refrain from disclosing the names of any

1 alleged perpetrators in your evidence today. And where
2 it is necessary to refer to such individuals, you must
3 do so by using their rank or the pseudonym given to
4 them by the Tribunal. Do you understand that?

5 A. Yes. 15:06

6 508 Q. And you can address your answers to the Judge, please.

7 A. Yes.

8 509 Q. So, Mr. Henry, you provided a statement to the Tribunal
9 and you attended for two interviews, is that correct?

10 A. Yes. 15:06

11 510 Q. And I think the documents, Judge, can you found in
12 Part 5 at page 3506 and in Part 9 at page 5188. So I
13 think you enlisted in the Defence Forces in 1974?

14 A. Yes.

15 511 Q. And I think in 1975, you qualified as a Three Star 15:06
16 Private?

17 A. Yes.

18 512 Q. So you were promoted to Corporal in 1976?

19 A. Yes.

20 513 Q. And to Sergeant in 1979? 15:06

21 A. Yes.

22 514 Q. I think you were again promoted in about '89 or '90 and
23 that was to Company Sergeant?

24 A. Acting Company Sergeant.

25 515 Q. Acting Company Sergeant? 15:07

26 A. Without pay.

27 516 Q. And each time you were promoted, I think you were
28 required to complete a course, is that correct?

29 A. For a senior NCO, you're required to do a course for

1 eight weeks. If you acquire the certain standard that
2 they require, you will be promoted when the vacancy
3 arises for a CS.

4 517 Q. You might move a bit closer to the microphone --
5 A. Right.

6 518 Q. Thank you. And I think each course would include
7 instruction on how to train and guide subordinates; is
8 that right?
9 A. Correct.

10 519 Q. And each promotion also required the passing of a 15:07
11 written test on the Defence Forces Regulations, I think
12 you said, is that correct?
13 A. Which I have here, if needed.

14 520 Q. But if you can just tell the Tribunal, did it require
15 the passing of a test? 15:07
16 A. Yes.

17 521 Q. And that was in relation to the Defence Forces
18 Regulations, is that right?
19 A. Yes.

20 522 Q. And the promotion for each, you would also have to 15:07
21 learn the duties required to perform that role, is that
22 right?
23 A. Well, it would be in the course itself, and it would be
24 part of the requirements when you're sitting down doing
25 the test. 15:08

26 523 Q. Okay. And when did you retire from the Defence Forces?
27 A. '78, when they closed the barracks.

28 524 Q. So, in --
29 A. Oh, sorry, '98.

1 525 Q. '98, yes. So, in total, does that mean that you were
2 about 24 years in the Defence Forces?

3 A. Slightly over 24, but it was -- yes.

4 526 Q. Okay. Slightly over 24 years?

5 A. Yeah. 15:08

6 527 Q. Okay. And I think you spent time in the Army
7 Apprentice School and that started in 1978. You were
8 transferred there, is that right?

9 A. Yes.

10 528 Q. And from 1989 you were Acting Company Sergeant, is that 15:08
11 correct?

12 A. Eh, '89, it could be slightly after that. I'm not
13 quite sure of the date.

14 529 Q. And one of the documents indicates it's October '89,
15 could that be correct from your memory? 15:08

16 A. I'll go along with that, yes.

17 530 Q. So below you in rank in the AAS, I think there was a
18 sergeant, a platoon sergeant, and there were also
19 corporals and obviously apprentices?

20 A. The strength of the Apprentice Company at the time was 15:09
21 the captain, which later became a commandant. There
22 was three --

23 531 Q. Mr. Henry, just focus on the ranks below.

24 A. Oh, right, okay.

25 532 Q. So there was a platoon sergeant below up? 15:09

26 A. Correct.

27 533 Q. And a sergeant below you?

28 A. Platoon officer, platoon sergeant and two corporals.

29 534 Q. Two corporals. Okay. So I think you were the second

1 most senior NCO from 1990 onwards, is that right?

2 A. Eh, correct. Major and the BQ would be over me.

3 535 Q. Okay, so there was a sergeant major who was over you in

4 the barracks?

5 A. Yes. 15:09

6 536 Q. But you were the most senior NCO in the AAS, is that

7 right?

8 A. I'd be second.

9 537 Q. Second, I see.

10 A. Yeah. 15:09

11 538 Q. There was a BQ, and that's a battery quartermaster?

12 A. Yes.

13 539 Q. But he looked after administration, so that was

14 separate to the AAS?

15 A. He'd be supporting the Apprentice Company when they 15:09

16 were going on the ground, as in reference to summer

17 camps and in reference to military training for all the

18 combination, food, cantage (sic), transport.

19 540 Q. So he was involved in the AS, is that what you're

20 saying? 15:10

21 A. He was the BQ and when I required to get everything

22 ready for the summer period of training, I would have

23 to put in submissions to him and he, in turn, would go

24 to The Curragh and make sure we'd have all the relevant

25 equipment and support that we need. 15:10

26 541 Q. And would he have day-to-day dealings with the

27 apprentices themselves?

28 A. No. He'd come through me.

29 542 Q. Okay. So, I think you were the senior NCO instructor

1 for the Army Apprentice School, is that right?

2 A. I would be the senior company sergeant with the

3 apprentices, and also with Headquarter Company as well.

4 543 Q. Were you the senior NCO instructor?

5 A. Yes. 15:10

6 544 Q. Thank you. And in terms of the officers in the AAS

7 from around 1989 to '91, I think the lowest ranking

8 officer was a 2nd lieutenant, is that right? Is that

9 correct?

10 A. Strong possibility, yes. I'd have to say yes, yeah. 15:11

11 545 Q. And the officers directly above him were, as you

12 mentioned earlier, there was a captain?

13 A. Yes.

14 546 Q. Who was Second-in-Command?

15 A. Yes. 15:11

16 547 Q. There was Cmdt. Coffey, who was the Company Commander?

17 A. Yes.

18 548 Q. And then Lt. Col. Hayes?

19 A. Yes.

20 549 Q. And the 2nd lieutenant was the only full-time platoon 15:11

21 commander during this period; is that right?

22 A. For a period of time at that stage of the game, yes.

23 550 Q. And that's because the platoon commanders for the other

24 two platoons were in full-time education, is that

25 right? 15:11

26 A. In Galway in the university.

27 551 Q. Okay. And that meant 2nd Lt. B, who was this Platoon

28 Commander, was, in effect, the Commander for over 150

29 apprentices?

1 A. Correct.

2 552 Q. And I think you said that was something that was
3 unusual?

4 A. Very unusual at the time. As I said before - maybe I
5 shouldn't be saying it now - we were understrength. 15:11

6 553 Q. Okay. And, again, you were in the AAS from '78?

7 A. '98.

8 554 Q. Up to '98. Did that occur on previous occasions later
9 where there was only one single full-time platoon
10 commander? 15:12

11 A. I would have to say, if I may, please, it ended up that
12 the shortage of officers, the senior NCOs actually had
13 to do the officers' duty in the barracks.

14 555 Q. We'll just try and focus on the question, Mr. Henry.
15 Was there another occasion where there was only one 15:12
16 full-time platoon commander in the period of time you
17 were there?

18 A. I can't give you a straight answer to that. It's not
19 just there at the present moment.

20 556 Q. Okay. But it was very unusual? 15:12

21 A. It was very unusual, yeah.

22 557 Q. You can say that. And what type of challenges might
23 that present?

24 A. Well, first and foremost, he would have to look
25 after -- with the three platoons, which is 155 men at 15:12
26 the time, he would have to deal with their, I would
27 say, parades in the morning; he would have to listen to
28 their complaints; and he would check on the billets and
29 their dress.

1 558 Q. And he would have to do that for 150 or so?
2 A. well, depends -- a platoon sergeant and myself more
3 than likely would take up some mornings to take the
4 pressure off him, to be able to look after all these
5 people. 15:13
6 559 Q. Okay. And I think there were a number of duties
7 associated with the role of Company Sergeant and
8 Ms. Heavey might bring up page 480? That's 480. And
9 this is the role of the Company Sergeant. And I think
10 we looked at this in your interview -- 15:13
11 A. We did, yes.
12 560 Q. -- Mr. Henry, you remember this?
13 A. I actually have it there in the bag.
14 561 Q. It's okay. So I think you said this document was more
15 than likely given to you on your Senior NCO course and 15:13
16 you might read it every so often, but not daily, is
17 that fair to say?
18 A. Not daily, no. I would like to point out in reference
19 to that documentation, even though I was supervising
20 the NCOs, as such, the administration of the Apprentice 15:14
21 Company in reference to paperwork was my
22 responsibility. And in all honesty and fairness, the
23 amount of paperwork that would come in over the summer
24 period of time, you could be in the office for three or
25 four days before you could get out. 15:14
26 562 Q. I'm just going to move on to paragraph 600 in this
27 document. That's the first paragraph, if you can see
28 that screen in front of you?
29 A. I have, yeah.

1 563 Q. And it said about the Company Sergeant, it says:
2
3 "He is the Senior Non-Commissioned Officer and is
4 responsible to the Company Commander for the discipline
5 and good order of the company generally." 15:14
6
7 A. Correct.

8 564 Q. Is that something you accept is the position?
9 A. I would accept that is the position.

10 565 Q. And, at paragraph 614, down the bottom of that 15:14
11 particular page - we might scroll down - it said:
12
13 "He will carry out any other duties as assigned to him
14 from time to time by the Company Commander."
15 15:14
16 A. Correct.

17 566 Q. So that was also the position. And I think you said at
18 interview that you would never report to the company
19 commander; you would go up the chain to the platoon
20 commander? 15:15
21 A. If there was an incident by an officer on the square on
22 which I did not take kindly to, I would actually speak
23 to that officer away from everybody else and notify him
24 that things were being done wrong. If it continued, I
25 then would inform the company commander. 15:15

26 567 Q. So, what I'm wondering, Mr. Henry, is who did you
27 report to? You said in your interview that you would
28 report directly to the platoon commander?
29 A. If the platoon commander was the platoon commander on

1 the square.

2 568 Q. Yes.

3 A. And then if he didn't react to what I said to him and

4 he continued on, I would go to the Company Commander,

5 which is the Cmdt. Coffey. 15:15

6 569 Q. I mean in general, not about any particular incident.

7 So, in your day-to-day duties --

8 A. Right.

9 570 Q. -- would you report to the platoon commander for your

10 day-to-day duties or to the company commander? 15:15

11 A. Oh, to the company commander, I would report.

12 571 Q. Okay. And at paragraph 610 --

13 MR. HOGAN: Sorry, Sole Member, I'm having difficulty

14 hearing Mr. Henry.

15 MS. PILLAY: Oh, apologies. 15:16

16 SOLE MEMBER: You're having difficulty -- thank you for

17 --

18 THE WITNESS: Am I not close to it?

19 SOLE MEMBER: If you could bring the microphone close

20 to you, please, that would be great. Thank you. 15:16

21 THE WITNESS: Yeah. Thank you.

22 572 Q. MS. PILLAY: So, at paragraph 610, it says there about

23 the Company Sergeant:

24

25 "He is the senior NCO instructor and will supervise 15:16

26 other NCO instructors, as well as carrying out any

27 instruction that is assigned to him."

28

29 A. Yes.

1 573 Q. And I think you were asked at your interview and you
2 said that this duty, you understood it to involve
3 checking the NCOs and checking that they were looking
4 after the apprentices properly, is that correct?
5 A. I would say so, yes. 15:16
6 574 Q. And that involved observing the NCOs, interacting with
7 the platoon, and observing how they behaved at the
8 premises?
9 A. Yes.
10 575 Q. And how did you go about that role, can you tell the 15:17
11 Tribunal?
12 A. If we were in military training during the summer
13 period in time, we would get attached NCOs in from
14 other units that had been posted to us by the Command.
15 We would get them from various locations within the -- 15:17
16 not in the Curragh Command but all over the country
17 from the various units. We would approximately get
18 about six NCOs and maybe two platoon officers. We had
19 only six NCOs ourselves within the barracks --
20 576 Q. Mr. Henry, I think I may have phrased that badly. So 15:17
21 I'm talking about over the whole year, in general, how
22 would you supervise your NCOs? What procedures did you
23 have in place to ensure that they were interacting
24 properly with the apprentices?
25 A. If we were to take into consideration that the 15:17
26 apprentices for nine months of the year were in school
27 and were being supervised by the civilian teachers and
28 the technical NCOs that was teaching them, the NCOs
29 that was in the military training side of it would

1 inspect them in the morning, as I referenced before, at
2 half past eight, and they would then march over to the
3 school. Because of the shortage of NCOs in the
4 barracks, we had -- each section of apprentices had a
5 section leader and each platoon had a platoon leader 15:18
6 nominated by the platoon. So there would be
7 apprentices marching above.

8 577 Q. And what would you do to ensure that they were
9 interacting appropriately with the apprentices?

10 A. The NCOs? 15:18

11 578 Q. Yes.

12 A. Eh, the NCOs would go and check them in the morning as
13 in reference to they were out on parade on time.

14 579 Q. That's what the NCOs would do?

15 A. Yes. 15:18

16 580 Q. And how would you make sure that the NCOs were
17 interacting properly? would you observe them? would
18 you monitor them? would you speak to them?

19 A. We would have a parade at half past eight for all three
20 platoons on the square. The NCOs who would be there 15:19
21 available to us at the time would check them out and I
22 would ensure to call the parade of the 150 or 160
23 personnel, dismiss them as such. The section leaders
24 would then take them over and march them to their
25 classrooms. 15:19

26 581 Q. So, your answer seems to be about the apprentices, but
27 I'm wondering about you and the NCOs. So how did you
28 brief the NCOs? How did you explain to them what to do
29 with the apprentices?

1 A. But they'd already know prior to that. Sure, they were
2 in training with them for a period of time. It would
3 be automatic for them to go in in the morning to check
4 the billets, to see was anybody sick within the bed or
5 needed the medics to go to them, and then come out on 15:19
6 the square with the remainder.

7 582 Q. So is your answer that they already would know?

8 A. They already would know, yeah.

9 583 Q. And I think you said that the company commander would
10 hold a monthly conference -- 15:20

11 A. Yes.

12 584 Q. -- and in attendance would be the platoon commander,
13 yourself and the platoon sergeant?

14 A. Correct.

15 585 Q. And maybe the 2IC? 15:20

16 A. Correct.

17 586 Q. And sometimes corporals would be in attendance, is that
18 right?

19 A. If we were preparing for The Glen or getting ready for
20 the passing out, we would have to bring all the NCOs 15:20
21 in, and officers, to make sure that the platoon that
22 was passing out was thoroughly prepared for to go on
23 the square on the day in question, that their dress and
24 the decadence was up to standard, and the parade that
25 we do on the square would be up to standard for people 15:20
26 to look at.

27 587 Q. And that's the passing out in July, is that right?

28 A. The first Thursday in July.

29 588 Q. Okay. So, this was a monthly conference -- so was it

1 held every single month over the year?

2 A. Eh, as according to the company commander required, he

3 would call it on a monthly basis.

4 589 Q. Sorry, I didn't quite understand that. You said in

5 your interview it was a monthly conference? 15:20

6 A. A monthly conference, yeah.

7 590 Q. Was it a monthly conference?

8 A. Monthly, yeah.

9 591 Q. And I think you mentioned that you couldn't recall

10 discussions about any particular issues or problems of 15:21

11 any apprentices at that conference, is that correct?

12 A. Well, if there was, I'll have to be honest with you, I

13 can't really remember at the certain time, but if there

14 was a problem with the apprentices, I'm sure either the

15 platoon officer or the platoon sergeants who were there 15:21

16 would -- might bring it up, as such.

17 592 Q. Sorry, did you say a problem might be brought up?

18 A. At some stage of the game, I would have to say, yes.

19 593 Q. Okay. Paragraph 609 are the duties, and we don't need

20 to have that up on the screen again, but it states: 15:21

21

22 "The Company Sergeant will ensure that instruction is

23 given to apprentices on the following..."

24

25 -- and it lists the Defence Act, the Barrack Standing 15:21

26 Orders and other instructions?

27 A. Yes.

28 594 Q. And I think this is something that you did on a weekly

29 basis, you said in your interview?

1 A. Every Tuesday morning.

2 595 Q. Okay. And this is something called Reading of the
3 Acts, is that right?

4 A. Defence Force Acts, yes.

5 596 Q. I think it's either called Talk to Troops or Reading of 15:22
6 the Acts?

7 A. Correct.

8 597 Q. And you indicated that you had a system to ensure that
9 you would go through different sections of the Acts
10 each week? 15:22

11 A. Correct.

12 598 Q. And can you tell the Tribunal just very briefly what
13 that system was?

14 A. Eh, I would have a small little book, as such, as in
15 reference to the Acts and which I would read out on a 15:22
16 weekly basis. We'll just take the ones I can recall
17 now at the present moment. Absenteeism would be a
18 regular one that would be brought out, as such, because
19 apprentices, being apprentices, they might not always
20 get back on time. We would -- insubordination. Eh -- 15:22

21 599 Q. Okay. We don't need to list the individual ones.

22 A. Yeah.

23 600 Q. I think you said you would read them and you would
24 explain them, is that correct?

25 A. I would, yes. 15:22

26 601 Q. And what would the explaining entail?

27 A. Absenteeism would be by virtue of the fact that if you
28 were seven days, documentation would be sent to the
29 nearest APM in The Curragh. Another document would be

1 sent to the local Garda Sergeant. You'd do that three
2 times -- seven days, 14 days, 21 days and, after 21
3 days within the Defence Forces -- now, I stand to be
4 corrected --

5 602 Q. Mr. Henry, I think you're explaining absenteeism now, 15:23
6 is that right?

7 A. Yes.

8 603 Q. Okay, so, in general, you'd explain each section, is
9 that what you would do?

10 A. Yes. 15:23

11 604 Q. I see. And this Reading of the Acts, that was given to
12 the full company at each time, is that right?

13 A. I would have to say approximately about 140 apprentices
14 would be, or 130, because some of the apprentices would
15 already be -- how would I describe this so that 15:23
16 everybody can grasp it? We had room orderlies, dining
17 hall orderlies --

18 605 Q. Mr. Henry, I'll just ask you to focus on the question.
19 So the full company is about 150 apprentices?

20 A. 150, yeah. 15:24

21 606 Q. And when you did the Reading of the Acts, would the
22 full company of 150 apprentices be in the room?

23 A. Approximately 140 or 135.

24 607 Q. 135?

25 A. Yeah. 15:24

26 608 Q. And was there any conversation about the sections of
27 the Act that were being read out? Did you engage with
28 the apprentices?

29 A. If they did ask me, I would try to explain at all

1 times.

2 609 Q. Okay. And I think you may be aware that different
3 evidence has been given by a number of former
4 apprentices. So, some 34th Platoon former apprentices
5 recall you reading the Acts, and some do not -- 15:24

6 A. Right, yeah.

7 610 Q. Mr. Michael O'Connell said:
8
9 "An NCO, maybe the Company Sergeant, would read the
10 Regulations, but there was no explanation or checking 15:24
11 of understanding."
12

13 A. I believe somewhere within the documentation, one of
14 the apprentices states 'Henry would read out the Acts
15 and if we had any complaints to make, that I could go 15:25
16 to an NCO or officers outside of the company to make a
17 complaint.'

18 611 Q. Mr. Henry, I'm just going to tell you what was said in
19 evidence by two people, and then I'll let you comment
20 on that -- 15:25

21 A. Right.

22 612 Q. -- and see if you agree with that.

23 A. Okay.

24 613 Q. So, Mr. Michael O'Connell said that maybe the Company
25 Sergeant would read the Regulations, but there was no 15:25
26 explanation or checking of understanding. And
27 Mr. O'Connell said he didn't think it happened every
28 week. Mr. Brian Abernethy said that he did recall the
29 Company Sergeant reading the Acts, but also said there

1 was no checking for understanding, nor was there any
2 testing of the knowledge. Would you disagree or agree
3 with what they said in evidence?

4 A. I would have to say, in fairness to those two lads, I
5 did my best to explain the Acts when they were being 15:25
6 read out.

7 614 Q. Okay. And I think you said about a noticeboard, that
8 there was a noticeboard outside the Orderly Room, and
9 that's where the Defence Act or Routine Orders would be
10 put up? 15:26

11 A. I believe there was three noticeboards in the barracks,
12 one outside the Orderly Room, one in the canteen, and
13 there was one over in the school as you went in towards
14 the main office. And the Routine Orders were posted
15 there on a weekly or a daily basis, regardless of how 15:26
16 many times they were made out.

17 615 Q. You said in your interview that there was noticeboard,
18 and today now is the first time you said there's three
19 --

20 A. There's three. I thought I -- 15:26

21 616 Q. And why has -- just one second.

22 A. Sorry.

23 617 Q. So why has that changed from what you said in your
24 evidence?

25 A. By virtue of the fact, as one would say, somebody must 15:26
26 have said it to me there was three in the barracks now.
27 I believe there was one in the school and there was one
28 in the canteen.

29 618 Q. So your answer is it changed because somebody might

1 have said it to you that there was three?

2 A. Correct.

3 619 Q. And I think you -- were you aware of the view that
4 everyone in the barracks had to look at the noticeboard
5 for their duties, is that right? 15:26

6 A. I believe it's part and parcel of the duty of all
7 personnel that's in the barracks to read the
8 noticeboard on a regular basis.

9 620 Q. And you think that at some stage the complaints
10 procedure -- I think you said at page 3539 that the 15:27
11 complaints procedure must have been put up, but you
12 can't be sure; is that fair to say?

13 A. I would say that, yes.

14 621 Q. Okay. And can you tell the Tribunal, in your view,
15 were the apprentices aware of how to make a complaint 15:27
16 of abuse from Reading of the Acts and from the
17 noticeboard?

18 A. In all honesty and fairness to the apprentices, as I
19 said just earlier on, I mentioned in the canteen that
20 if apprentices had a problem, they could go to a NCO or 15:27
21 officer outside the platoon in which they were in; plus
22 by virtue of the fact we had administration personnel
23 who would not be dealing with the apprentices they
24 could talk to. We had a queue around the side of the
25 barracks with NCOs and officers in which they could 15:28
26 talk to. We had 13 or 15 civilian teachers which they
27 would be with every day of the week when in school and,
28 above all, I would say that we had technical NCOs who
29 had originally gone through the school as apprentices

1 and came back to teach, who they would talk to before
2 any of us at all if there was a problem.

3 622 Q. Mr. Henry, do you think that the apprentices were aware
4 of how to make a complaint under Section 114, the
5 Redress of Wrongs? 15:28

6 A. I believe so.

7 623 Q. And do you think they understood that they could go to
8 the company commander under Section 114?

9 A. To my knowledge now, I couldn't -- I say "yes", but it
10 will be up to the apprentice to ask me could they go. 15:28
11 I have -- right, go ahead.

12 624 Q. And I think you mentioned that if the company commander
13 was inspecting the platoon, that you, as company
14 sergeant, would be obliged to accompany him, is that
15 right? 15:29

16 A. Correct. And I would have to bring a pen and paper
17 with me to ensure that any comments which were made, I
18 would have to take down and we'd check after for what
19 was required to be done.

20 625 Q. And I think that you said that you regularly saw the 15:29
21 Platoon Commander, 2nd Lt. B, conducting inspections of
22 the 34th Platoon during the relevant period of time, is
23 that right?

24 A. I would, yes.

25 626 Q. Okay. Then I'm just going to move on to your knowledge 15:29
26 about the mistreatment of the apprentices. So we have
27 discussed this at your interviews. So you said, to
28 your knowledge, the NCOs were not mistreating the
29 apprentices. That was at page 5207. Is that something

1 you stand over?

2 A. That is the -- to the best of my knowledge. I was not
3 privileged to be there all the time, as such.

4 627 Q. Okay. And you did recall advising 2nd Lt. B to ease
5 back on the 34th Platoon on at least two occasions, I 15:30
6 think, is that right?

7 A. Correct.

8 628 Q. And can you tell the Tribunal about that, slowly?

9 A. The situation was, as I came into the barracks around
10 quarter past eight in the morning, eh, it was the exam 15:30
11 period of time which we were directed by the Commanding
12 Officer, CO of the School and the Company Commander,
13 that all students must be in their classroom by half
14 eight to prepare for their exams. I saw them on the
15 square marching. I went over to 2 Lt. B. I explained 15:30
16 to him these gentlemen have to be in school to prepare
17 for their exams. In doing so, some of them young
18 apprentices were doing eight-hour exams, which can
19 totally zap them. So I said to him, 'Stop that, let
20 them head for the school and get themselves ready for 15:31
21 the exams.'

22 629 Q. You said this was exam time, so what month of the year
23 would this be?

24 A. It would be from May up to June, the exams; it would be
25 Department of Education. 15:31

26 630 Q. And these two occasions that you said this or pulled
27 2nd Lt. B aside, do you know what year they occurred
28 in?

29 A. No, I'd be wrong even to say the year now at this stage

1 of the game. I think it was the first or second year
2 he was there.

3 631 Q. Okay. So the first May or June he was there would be
4 1990. Or else it was 1991, is that right?

5 A. It could be '91. 15:31

6 632 Q. Okay. And I think you're aware of another incident in
7 relation to haircutting. So you said in your second
8 interview that a sergeant told you that he walked in on
9 the apprentices having their hair cut by 2nd Lt. B?

10 A. That is correct. And that Sergeant in question stepped 15:32
11 in, pulled the Lieutenant to one side and said to him
12 'Do you realise what you're doing? If a person needs a
13 haircut, detail it for him, let him go to the barber
14 and, that's it, you do not do what you're doing.'

15 633 Q. Are you repeating what the Sergeant told you he said to 15:32
16 the 2nd Lieutenant?

17 A. Yes.

18 634 Q. And did you report what the Sergeant told you to the
19 Company Commander?

20 A. No. 15:32

21 635 Q. And did you report it to anybody else?

22 A. I did not. The Sergeant had dealt with it and I left
23 it at that.

24 636 Q. Okay. And do you know when that occurred?

25 A. I couldn't give you a straight answer. 15:32

26 637 Q. I think there was another issue that you did report to
27 the Company Commander and this was in relation to
28 flashlights being used --

29 A. Correct.

1 638 Q. -- to examine the apprentices in early morning parades?
2 A. This would have happened around the period of time
3 around November or December where it was dark in the
4 morning, and the parade was held at half seven for the
5 apprentices to go and have their breakfast. It was not 15:33
6 time for an inspection. You'd bring them on the
7 square, you'd make sure they're okay and you'd send
8 them over to the dining hall to get their breakfast.
9 It was not for an inspection by anybody. Just to make
10 sure the numbers were right. 15:33
11 639 Q. And I think you said that this was happening on the
12 cold winter mornings, is that right?
13 A. Correct.
14 640 Q. You said there it was, you think, November or December?
15 A. It could be November or December. It was one of the 15:33
16 mornings that it wouldn't be bright till around quarter
17 past eight.
18 641 Q. And who was the person who was conducting the
19 inspections with the flashlights?
20 A. A lieutenant. 15:33
21 642 Q. Was it 2nd Lt. B?
22 A. It could have been. A lieutenant, as far as I
23 remember. I was told by an apprentice what was going
24 on, so I reported it to Company Commander.
25 643 Q. And do you recall what year this was? 15:33
26 A. Off the top of my head, it could be late '90 or '91,
27 whatever that -- as such. I'm not too sure of the
28 year.
29 644 Q. And you said that apprentices reported it to you, and

1 you reported it to the Company Commander?

2 A. Yes.

3 645 Q. And you said you reported it to the Company Commander

4 Coffey?

5 A. Correct. It was actually brought up in the conference 15:34

6 when I reported it, as such. The Company Commander

7 called a conference and we were all there and I says,

8 'Excuse me, sir, some personnel is going around in the

9 morning time looking at apprentices to see were they

10 shaved with a flashlight. That is not on. These lads 15:34

11 have to be in their dining hall having their breakfast

12 and not for inspections.'

13 646 Q. Okay, so Cmdt. Coffey was the Company Commander from

14 January 1991, do you recall that?

15 A. I can't really, no, in all honesty, in fairness. 15:34

16 647 Q. So, in November 1991, 2nd Lt. B was no longer there?

17 A. Right. It must be before that then at that stage of

18 the game.

19 648 Q. So I think it's fair to say you're not sure of the year

20 or the date? 15:35

21 A. I'm not sure of the year, in all honesty and fairness.

22 649 Q. But you do think that Cmdt. Coffey put a stop to that?

23 A. Definitely.

24 650 Q. And you said it was discussed at one of the

25 conferences, is that right? 15:35

26 A. Well, we had a conference and Cmdt. Coffey mentioned

27 the fact that that will not happen in the morning time,

28 that young apprentices need to go and get their

29 breakfast.

1 651 Q. And you also heard -- I don't know whether it was
2 rumour, but I think somebody told you about 2nd Lt. B
3 and incidents in relation to cigarette chewing?
4 A. Yes.
5 652 Q. And you said there was an incident in November '89. Do 15:35
6 you recall who talked to you about that?
7 A. I can't say off the top of my head. I'd be wrong to
8 start mentioning names. I just can't remember.
9 653 Q. At your second interview, you said that you think an
10 apprentice reported this to you and you said you 15:36
11 reported it to the company commander at the time?
12 A. I have reason to believe that report went the whole way
13 up the line as far as the GOC, and the lieutenant in
14 question was paraded, I believe.
15 654 Q. And is correct that you reported it to the company 15:36
16 commander at that time?
17 A. In all honesty and fairness, it's so vague in my mind
18 now at this stage of the game, I can't recall who I
19 actually said it to. But it was brought forward by the
20 people, and the powers that be paraded that lieutenant 15:36
21 to the GOC in The Curragh, and he was, if I'm not
22 mistaken, somewhere in the booklets, he said he was
23 reprimanded by the GOC for his actions.
24 655 Q. I don't think you were present for any of the parading
25 -- 15:36
26 A. None whatsoever.
27 656 Q. But I'm just trying to understand, from your memory,
28 you recall reporting what the apprentice said to you to
29 somebody of a superior rank?

1 A. I do, yes.

2 657 Q. And to an officer, is that right?

3 A. It would be further up the line anyhow. I was the --

4 well, if the Sergeant Major was there, it wouldn't be

5 reported to him. It was done within the company, so it 15:37

6 went further up the line within the company.

7 658 Q. And I think you indicated in your interviews that you

8 thought that all those particular incidents were

9 unacceptable behaviour, those alleged incidents?

10 A. Here, in front of everybody, I am ashamed to be company 15:37

11 sergeant of an apprentice company with people carrying

12 on like that.

13 659 Q. And at any of these conferences, were all the alleged

14 incidents discussed together?

15 A. No. 15:37

16 660 Q. And does that seem strange now, that it wasn't pieced

17 together that there was a number of allegations against

18 the 2nd Lieutenant?

19 A. I can't give you an honest answer on that. I can't

20 read into people's minds what they think. 15:37

21 661 Q. Well, I'm wondering what you think when you were

22 present at those conferences. Did you ever bring it up

23 and say 'There's a number of allegations here'?

24 A. No, I did not.

25 662 Q. Okay. I'm just going to move on to Mr. Damien Traynor. 15:37

26 We discussed him at your interviews.

27 A. Yes.

28 663 Q. And do you recall Mr. Damien Traynor?

29 A. I do. He's down there.

1 664 Q. And do you recall meeting him in 1991, or 1990 or '89?
2 A. As an apprentice, I have to say I was surprised - the
3 chap is down there, he's a fine man - but, talking to
4 him, no, as such.
5 665 Q. Okay. So, Mr. Traynor suffered a breakdown in May 1991 15:38
6 and was discharged by purchase, and we talked about
7 this in your interview. His parents were called into
8 Devoy in May 1991 and particular allegations were made
9 about the mistreatment of Mr. Traynor at the hands of
10 2nd Lt. B? 15:38
11 A. I have reason to believe so.
12 666 Q. In your first interview, you said you couldn't recall
13 Mr. Traynor --
14 A. In fairness --
15 667 Q. Just one second now. 15:38
16 A. Okay.
17 668 Q. And that you couldn't recall the allegations at all, is
18 that correct?
19 A. I would be right in saying that. And may I say I
20 wouldn't know nothing about the letter until such time 15:39
21 as you showed me that letter on the day in question.
22 669 Q. Okay. I think you said that the first time you heard
23 about the allegations made in relation to the physical
24 abuse of Mr. Traynor was from reading the documents
25 furnished to you by the Tribunal, is that correct? 15:39
26 A. That would be correct.
27 670 Q. And are you still standing over that, that that's the
28 first time you heard about those allegations?
29 A. Well, looking at the statement on which I made after

1 seeing it at the first meeting of the Tribunal, I must
2 at some stage of the game heard about it, but as far as
3 I can remember, I just can't recall.

4 671 Q. Okay. We might bring that statement up. That's
5 page 2484, and Ms. Heavey might pull this up. So I 15:39
6 think you're referring to a statement that you made on
7 2nd September 1992?

8 A. Correct. I believe now that statement was made by - I
9 consulted with a number of people within the barracks -
10 due to the fact I think Mr. Traynor's family, in 15:40
11 fairness to them, went to a minister and made a
12 complaint and a Ministerial Query came into the
13 barracks, and if anybody had dealt in the Apprentice
14 Company with the alleged Mr. Traynor, we all had to
15 make out a statement, as such. 15:40

16 672 Q. About halfway down that page, this statement -- and we
17 just might look at the end of it, it says "CS", I
18 think, at the end?

19 A. Yes. That's me.

20 673 Q. So you accept that's your statement, is that right? 15:40

21 A. Yes, I do now, yes.

22 674 Q. Okay. And in the middle of that statement - Ms. Heavey
23 might scroll up again, apologies - it says:
24
25 "When Aptce. Traynor had left following his application 15:40
26 for discharge, I heard that he made a number of
27 allegations of physical abuse."
28

29 A. Yes.

1 675 Q. "From my experience as an NCO in the LX9..."
2
3
4 - which I think is Devoy -
5 15:40
6 "...since 1978, such incidents would have not have
7 taken place under any circumstances."
8
9 A. In fairness to Mr. Traynor and his family, I was not
10 there when these incidents he has alleged took place. 15:41
11 I, as Company Sergeant, if I'd seen it going on, I
12 definitely would -- I won't use this word, but I'd
13 definitely put that individual who was doing it to one
14 in a corner. After that, you can take out of your own
15 mind what I'd do to him. 15:41
16 676 Q. It might be difficult to understand how you could
17 forget about these allegations considering what you
18 said in that statement. Do you have any explanation
19 for the Tribunal?
20 A. I just can't -- in fairness to yous, when you showed me 15:41
21 that letter, I was dumbfounded. I just can't recall.
22 There's stuff now in all honesty and fairness that's in
23 front of me that I didn't even remember until such time
24 as you showed me in the first interview.
25 677 Q. You said that you were aware at the time in 1991 of 15:41
26 Cpt. O'Keeffe's investigation into the allegations
27 about Mr. Traynor?
28 A. Yes.
29 678 Q. And that was then in your second interview after we

1 discussed it again?

2 A. Correct.

3 679 Q. And do you remember what you knew about the
4 investigation at the time?

5 A. In fairness to everybody concerned, I didn't even know 15:42
6 it took place until I was told after.

7 680 Q. When you say "after" --

8 A. Yeah, I believe the Commanding Officer, Col. Hayes, got
9 a Ministerial Query either through the GOC or through
10 himself. He brought in the Sergeant Major and 15:42
11 Cpt. O'Keefe at the time and he says 'I want a full
12 investigation into this, I want it completely
13 straightened out. You will bring in the apprentices,
14 get them to make a statement, and I wish to know what
15 went on because there's a Ministerial Query into it.' 15:42

16 681 Q. And how did you hear about this Ministerial Query?

17 A. Look it, like everything else in any army barracks, the
18 word of grapevine goes around, and somebody would
19 mention is somewhere.

20 682 Q. So you think you heard it around the barracks around 15:43
21 the time of the investigation?

22 A. I would have to say yes.

23 683 Q. I'm just going to move on to June 1991, Mr. Henry.

24 A. Yes.

25 684 Q. So, in your statement, you spoke of the meeting after 15:43
26 the tragic death of Mr. Mullaney.

27 A. Go ahead. This is going to be -- just give me a
28 minute, please.

29 685 Q. Of course.

1 A. Right. Go. Go.

2 686 Q. Okay. I think you said there was a meeting after
3 Mr. Mullaney died -- the next day, is that right?

4 A. I wouldn't say it was the next day. I was the NCO
5 brought in on that night in question. I have never 15:43
6 forgot what I saw that night and it still affects me to
7 this day. And to the Apprentices of the 34th Platoon,
8 I apologise to each and every single one of them here
9 and now. That is something that I, as CS, thought I'd
10 never have to face. But there was a meeting, as far as 15:44
11 I know, either the Monday or the Tuesday.

12 687 Q. In your statement, you said it was the next day; do you
13 think your statement is incorrect?

14 A. It couldn't be the next day. The next day was Sunday,
15 if I'm not mistaken, it happened on a Saturday night. 15:44

16 688 Q. Okay. You said that, at this meeting, there was a
17 heated discussion and some of the NCOs said that the
18 men were being trained too hard; do you recall that?

19 A. I recall that and, thinking back over it, it was, I'd
20 say -- we should have been brought into that barracks 15:44
21 at that stage of the game counselling for every member
22 of that platoon, including the people that was on duty,
23 and including the people that came off duty.

24 689 Q. Take your time, Mr. Henry. Do you need a drink of
25 water -- 15:44

26 A. No counselling. No counselling came in. We had to
27 take it on board, wear the uniform, and keep going.

28 690 Q. I'm just going to go back to the meeting that you
29 discussed, if you're ready?

1 A. Go ahead.

2 691 Q. So at the meeting, you said that some of the NCOs said
3 that the men were being trained too hard; is that
4 correct, that's what happened?

5 A. I said that. Looking back at it, it was just a heated 15:45
6 discussion between personnel who were shocked at what
7 had happened.

8 692 Q. And why do you think that was being brought up in a
9 meeting a day or two after the death of Mr. Mullaney?

10 A. I say it was a remark off-the-cuff; it's just somebody 15:45
11 wanted to get something off their chest.

12 693 Q. Well, do you think people at the meeting were making a
13 link between the Thursday night and training too hard?

14 A. I couldn't really give you a straight answer on that.
15 what happened Thursday night, I am ashamed to be a CS 15:45
16 in that company.

17 694 Q. I think you said that the Company Commander addressed a
18 meeting of the apprentices on maybe the Monday, is that
19 correct?

20 A. That could have been a Monday or a Tuesday. 15:46

21 695 Q. And do you recall anyone, at that stage, making any
22 link between the Thursday and the Saturday?

23 A. I can't really say -- I can't even remember. As I said
24 earlier on, every single body that was in that barracks
25 should have had counselling that had any involvement, 15:46
26 and especially the young apprentices and the guard that
27 was on -- and I and the Garda went in, we just
28 weren't -- I'll be out straight with you, my mind was
29 all over the place and I'd say every single individual

1 in that platoon and who was on guard just didn't know
2 whether they were coming or going.

3 696 Q. I think you were aware that there was an investigation
4 into the ill-treatment of apprentices on the Thursday
5 night by the Military Police, is that right? 15:46

6 A. I'll be honest with you, I thought there was two
7 inspections, two inquiries into that, because the
8 Military Police were brought into the barracks to find
9 out what went on. A meeting was held in -- the
10 Military Police were in the Griffin Hall where, 15:47
11 God be good to him, young Griffin had passed away
12 overseas and we named it after him. And if I'm not
13 mistaken, there was three military personnel in there
14 taking statements for the next number of days for
15 anybody who wished to make a statement as in reference 15:47
16 to what had gone on in the barracks.

17 697 Q. And we do have two files, one in relation to a Military
18 Police investigation into the death of Mr. Mullaney,
19 and then a second Military Police investigation into
20 the events on the Thursday night. And were you aware 15:47
21 of that second Military Police investigation into the
22 events on the Thursday night?

23 A. I wouldn't have known about that only for that on the
24 number of last couple of months, somebody told me there
25 was a second investigation. I knew about the first one 15:47
26 because I was there and I brought, actually, a number
27 of apprentices - to my knowledge, and I stand to be
28 corrected - over to the Military Police to make
29 statements.

1 698 Q. I think you understood at the time that Lt. B and
2 others were being moved because of what had happened to
3 Mr. Mullaney, is that correct?
4 A. Two lieutenants and two corporals were moved out of the
5 barracks the following week. 15:48
6 699 Q. And why did you understand they were moved?
7 A. I presume it was the incident on Thursday night prior
8 to that.
9 700 Q. And that's what you understood at the time, is that
10 right? 15:48
11 A. Well, anybody with a bit of common sense between the
12 two ears would have thought nothing else. So, yes, I
13 would.
14 701 Q. So you had made a connection with the Thursday night at
15 that stage? 15:48
16 A. Well, I will anyhow.
17 702 Q. Okay. Mr. Henry, I'm just going to tell you a bit of
18 evidence from a number of different complainants that
19 they said to the Tribunal, just to give you a chance to
20 comment on them. There's nothing too detailed. 15:49
21
22 Firstly, Mr. Lenaghan, on 18th June, said that after he
23 was forced to chew cigarettes, he went to you as the
24 Company Sergeant and you were in the middle of doing
25 work outside the Orderly Room and he said that he 15:49
26 wanted to leave the Army and he said that you never
27 asked him why he wished to leave. Do you have any
28 recollection of that?
29 A. I can't recall that chap coming to me and I apologise

1 here and now that I can't recall. But I read the
2 documentation which was sent to me by the Tribunal and
3 I believe Mr. Lenaghan did nine years after that, and I
4 clap him on the back for that, because he had a bit of
5 bottle in his back.

15:49

6 703 Q. Just to be fair to you and to be clear, Mr. Henry, he
7 never indicated that he told you about the cigarette
8 incident; he just said to you that he wanted to leave?

9 A. Yeah. Like, somewhere along the line, somebody must
10 have said something because that went further up the
11 line and, as I said earlier on in this, that Lt. B was
12 paraded by the GOC in The Curragh over that incident --
13 to my knowledge. I stand to be corrected.

15:49

14 704 Q. Mr. Brian Murphy gave evidence on 19th June and he said
15 that he approached you after the death of Mr. Mullaney
16 and said that he wanted to make a statement to the
17 Military Police, and this would have been about 26th
18 June. He said that you didn't direct him to the
19 Military Police Investigators, but instead you brought
20 him to see 2nd Lt. B. Do you have any comment to make
21 on that?

15:50

22 A. I think when that man -- I'm not too sure now but, if
23 I'm not mistaken, as I said earlier on, I was in a
24 world of my own at that stage of the game because
25 everything was actually going through my mind after
26 that incident and after looking at that young lad. I
27 just didn't know what I was saying to anybody.

15:50

28 705 Q. He said when he came out of 2nd Lt. B's office, you
29 told him that there would be a second inquiry and that,

1 that particular day, the Military Police were only
2 there on fact-finding. Do you have any comment to make
3 on that?

4 A. I believe that's why they were there, for to interview
5 the people that were on guard on the night in question. 15:51
6 I did not know they were taking other statements, but I
7 believe Mr. Murphy, to my knowledge, went and made a
8 statement on that day in question as well.

9 706 Q. But did you say to him that there would be a second
10 inquiry? 15:51

11 A. I did say there would be a second inquiry because I
12 stand -- SOPs, in reference to any person that dies in
13 service, the rules state there must be a court of
14 inquiry and all the truth must come out. It's in the
15 DFR. 15:51

16 707 Q. Just so I'm clear, you think that Mr. Murphy is
17 correct, that you may have said to him there will be a
18 second inquiry?

19 A. I must have been going according to what I had read.
20 And I actually have it here in my book. 15:51

21 708 Q. That's fine. So, Mr. Murphy suggested that you were
22 trying to discourage him from making a statement to the
23 Military Police that day?

24 A. Here and now, I would never discourage anybody -
25 anybody - from making a statement. 15:52

26 709 Q. Okay. I am just going to move on to Mr. Brian
27 Abernethy. In his evidence on 25th June, he said that:
28
29 "CS Henry claims that he has no knowledge of any of the

1 misdoings, which I find incredible, to be honest with
2 you, absolutely incredible."
3
4 would you like to comment on that, Mr. Henry?
5 A. What does he mean by "misdoings", "incredible" -- if I 15:52
6 could comment on...
7 710 Q. Any "mistreatments".
8 A. I think I have, in all honesty and fairness, stated
9 earlier on here that if I saw anybody stepping out of
10 line, I would definitely act accordingly. 15:52
11 711 Q. And Mr. Ian Hutchinson, when he was being asked about
12 what he would expect an NCO to do, he said that if a
13 platoon commander was mistreating an apprentice, he
14 would expect an NCO to step in.
15 A. I'd have to say did I not step in when they were on the 15:53
16 parade? And when they were being checked in the
17 morning, did I not step in to see that they are being
18 looked after and made a complaint to the powers that
19 be?
20 712 Q. Do you agree that senior NCOs should step in if an 15:53
21 officer is mistreating an apprentice?
22 A. My responsibility is to look after anybody that is in
23 under my command both within the Apprentice Company and
24 the Headquarter Company, and I have done my utmost as
25 long as the years that I was in that barracks to do 15:53
26 that to the best of my ability and beyond. And if I
27 was to start telling you stories of how I helped
28 privates, apprentices and NCOs, I'm afraid your
29 Tribunal could be here till next month.

1 MS. PILLAY: Mr. Henry, I have no further questions for
2 you, but my Friends might have some questions if you
3 stay there, please.
4 THE WITNESS: Thank you.
5 MS. PILLAY: Thank you. 15:54
6 THE WITNESS: And I apologise the way I went...
7 MS. PILLAY: That's fine.
8 MR. LEHANE: Sole Member, I think just by virtue of the
9 way that Ms. Pillay has taken the witness through the
10 transcript references, I don't have to do that now, so 15:54
11 just that's the context to you.
12
13 MR. DAVID HENRY, WAS CROSS-EXAMINED BY LEHANE AS
14 FOLLOWS:
15 15:54
16 713 Q. MR. LEHANE: Mr. Henry, the first thing -- I just want
17 to say three things to you. Firstly, you're aware
18 nobody is making an allegation of abuse against you.
19 A. Thank you.
20 714 Q. Secondly, it's just arising out of Ms. Pillay's 15:54
21 examination of you on background matters, I'd just like
22 you to tell the Sole Member what were your hours of
23 work? When were you present on the base?
24 A. I'd be there Monday to Friday, eight till five. And
25 then my wife had a great statement for me -- she used 15:54
26 to say to me 'why don't you bring your bed with you
27 you're in that often?'
28 715 Q. And the second thing I want to ask you about just
29 arises from the questions that Ms. Pillay asked you

1 about, your observations of NCOs. Do you remember when
2 she asked you how would you have had occasion to
3 observe your fellow non-commissioned officers do their
4 jobs, do you remember that?

5 A. We had five acres of land within the barracks and many 15:55
6 a nook hole all over the place, and some of the NCOs,
7 in fairness, liked the old cigarette at the time and
8 you might go around the corner and find the apprentice
9 and himself having a puff, and you'd get on to them
10 then not to be doing these things, they should be out 15:55
11 training.

12 716 Q. Oh, no, no, but just in terms of there was reference to
13 the square, would you have been on the square with the
14 NCOs when they were --

15 A. Not at all times. As I said earlier on, the paperwork 15:55
16 on which I had to do would be in the office maybe four
17 or five times. You could be three or four hours --

18 717 Q. And just --

19 A. May I explain just for a minute the administration and
20 booklets? I'd be responsible for ensuring, first and 15:56
21 foremost, while we were going to the range, we'd have
22 to have transport, we'd have to have the cooks with the
23 food, we'd have to have a medic, you'd have to have a
24 fitter armourer, you'd have to have ammunition, we'd
25 have to have security. My responsibility was to make 15:56
26 sure that that was done right and especially at the
27 time of the thing because The Troubles were still on
28 and we had to make sure that security was right as our
29 priority.

1 718 Q. Mr. Henry, you just made reference to the office there
2 and the Sole Member will be aware -- you probably won't
3 be aware, but evidence has been given in relation to
4 people's willingness to approach the office or things
5 being done out of sight of the office. Just to help 15:56
6 the Sole Member, could you just tell the Sole Member
7 where your office was and when you would have been in
8 there on a normal day?

9 A. I'd go in in the morning, Judge, and the office would
10 be in a corner out of the way, right down the very far 15:56
11 end of the hall. I'd have to make out the parade
12 states in the morning, I'd have to bring them over to
13 the Orderly Room, I'd have to check on reference to
14 LA 30s and the sickness and the whole lot like that.
15 I'd go down after then, if there was anyone sick in the 15:57
16 billets, I would have to go down to the medical hut and
17 inform the medics for them to come up to check the lads
18 who might still sick in bed -- or the people that was
19 going down that have to get their LA 30s, and I would
20 have to make out a parade state. I would bring that 15:57
21 into the Orderly Room to ensure -- and I would inform
22 the company commander upstairs as in reference to the
23 strength of who was sick and who was -- the usual thing
24 as in reference to something like a hospital effort
25 that we check all those people. 15:57

26 719 Q. And, finally, Mr. Henry, and I appreciate I'm asking a
27 question about events in the 1990s, 1980s, mid 1990s --
28 again, you were a senior non-commissioned officer and
29 it's the first occasion on which the Sole Member has

1 had an opportunity to hear from a senior
2 non-commissioned officer in the rank of company
3 sergeant for a prolonged period of time -- could you
4 just tell the sole Member a little bit about the
5 culture of deference that may or may not have existed 15:58
6 at that point in time and how you would interact with,
7 you know, commissioned officers and when you would feel
8 you could speak to them, I suppose?

9 A. Some of the officers in question at the time -- as I
10 pointed out, we had only one officer there for a period 15:58
11 of time. You would go and actually speak to the
12 officer if there was something going wrong. You would
13 advise them. You wouldn't start going hell bent for
14 leather, locking horns and telling him 'That's wrong'.
15 You'd bring that individual to one side and say, 15:58
16 'Excuse me, sir, the situation and what you're doing at
17 this present moment in time is not acceptable. You'll
18 have to stand back and take it a little bit easier than
19 what you should be doing.' And in fairness to the
20 majority of them, every single one of them would listen 15:58
21 to me.

22 MR. LEHANE: Thank you very much, Mr. Henry.

23 SOLE MEMBER: Thank you, Mr. Lehane.

24
25 MR. DAVID HENRY, WAS CROSS-EXAMINED BY MR. HOGAN AS 15:58
26 FOLLOWS:

27
28 720 Q. MR. HOGAN: Hello, Mr. Henry, Tom Hogan is my name. I
29 represent Lt. 2B and I just have a couple of questions

1 for you.

2 A. Yes, sir.

3 721 Q. You said in your interview that you were taught to be
4 strict, to be fair and to be firm?

5 A. Correct. 15:59

6 722 Q. Brig. Gen. Ryan gave evidence as well and he said he
7 was taught to be fair, to be firm and to be friendly?

8 A. Eh, in fairness, it's a bit, a little bit different
9 time. Maybe I have it wrong, maybe I haven't. It's
10 just the words I used at the time. I would not say -- 15:59
11 in fairness to Gen. Ryan, myself and himself actually
12 served together.

13 723 Q. Yes. I think he was the Platoon Commander that took
14 over?

15 A. He was, yes. And a good platoon commander too. 15:59

16 724 Q. And I think you fairly said to the Tribunal that if you
17 saw an officer out of line, that you'd take them to
18 task. You'd pull them aside and tell them to ease
19 back, isn't that right?

20 A. I would actually say -- bring them to one side and say 15:59
21 to them, 'Excuse me, sir, can I have a word with you
22 please? I want to explain something to you', and that
23 would be it, I would explain to him and then move away.
24 It was up to the officer then at that stage of the game
25 to take on board what I said. 16:00

26 725 Q. I think you said in answer to one of Ms. Pillay's
27 questions that if you saw someone stepping out of line,
28 you'd act accordingly?

29 A. Yes.

1 726 Q. You'd call it out?
2 A. Yes.
3 727 Q. And I think you say you had reason to do that with
4 Lt. 2B in relation to having men on the square when you
5 felt they should be studying for their exams and you 16:00
6 told him, you say, that he should ease back?
7 A. That was -- the direction came from the CO of the
8 barracks and the Company Commander that, when exams
9 were coming up, all personnel who were involved in
10 exams, we have to ease back the military training to 16:00
11 ensure the individuals in question had an opportunity
12 to get ready for their exams and go to study.
13 728 Q. You also gave evidence in relation to the use of a
14 flashlight during the winter months?
15 A. Correct. 16:01
16 729 Q. Yes. And just to say that my client says that the
17 first time that he heard of that allegation was when it
18 was put to him last Thursday. But you don't have to
19 agree or disagree with that, I'm just putting that on
20 the record, Mr. Henry. But could I ask you why didn't 16:01
21 you call out Lt. 2B in relation to the use of the
22 flashlight in the way that you asked him to ease back
23 because of the exams?
24 A. In fairness to you, sir, I was not in the barracks when
25 that went on, I was informed by an apprentice that what 16:01
26 was going on at half seven in the morning. I was told,
27 and I followed through on it to see who it was.
28 730 Q. I think you said in your evidence that you have no
29 knowledge of any mistreatment of apprentices -- you

1 yourself, have no knowledge of mistreatment of
2 apprentices during the time in question, 1990 or '91?
3 A. All I have the knowledge of is what was said on the
4 reference to the night of the 20th, of that night, by
5 other personnel. 16:02

6 731 Q. I'm not asking you about what you were told, Mr. Henry,
7 I'm just asking you about you, yourself, and what you
8 experienced. You said in your evidence that you had no
9 knowledge of mistreatment?

10 A. Is that not in reference to Mr. Traynor's statement? 16:02

11 732 Q. No. You were asked about Mr. Abernethy, and I think
12 you said that you had no knowledge of mistreatment.
13 You said:
14
15 "If I saw anyone stepping out of line, I would act 16:03
16 accordingly."
17

18 A. Yes.

19 733 Q. And you gave two examples. One was directly going to
20 Lt. 2B in relation to the schoolwork, and the other 16:03
21 example you gave was in relation to the flashlights,
22 although you didn't go directly to Lt. 2B -- you went
23 to the Commanding Officer in relation to that, although
24 that's disputed. But they're the only two examples
25 that you've given in terms of calling anyone out, 16:03
26 calling an officer out, in terms of my client, Lt. 2B.
27 They're the only two occasions. One, you called him
28 out directly and, on another occasion, based on what
29 you say an apprentice told you, you called him out to a

1 commanding officer, is that the sum of it?

2 A. That is as best I can recall.

3 734 Q. And any other matters that you have given evidence in
4 relation to are matters which you actually learned
5 later when you were given documents by the Tribunal,
6 isn't that right?

16:04

7 A. Correct.

8 MR. HOGAN: Thank you, Mr. Henry.

9 SOLE MEMBER: Thank you, Mr. Hogan.

10

16:04

11 MR. DAVID HENRY WAS CROSS-EXAMINED BY MR. COMPTON AS
12 FOLLOWS:

13

14 735 Q. MR. COMPTON: Mr. Henry, my name is Gary Compton --

15 A. Sorry?

16:04

16 736 Q. Sorry, Mr. Henry, can you hear me?

17 A. Yes.

18 737 Q. My name is Gary Compton. I'm instructed by Coleman
19 Legal and I'm representing past members of the
20 Apprentice School.

16:04

21 A. Right.

22 738 Q. I understand your evidence in relation to how you would
23 deal with what you perceived was inappropriate
24 treatment, and you've given the example that if you saw
25 something happening on the square, you would pull an
26 officer over, you would say it's inappropriate, and
27 that would be your way of dealing with it, is that
28 correct?

16:04

29 A. Correct.

1 739 Q. And you also fairly say that there was, certainly at
2 the time, there was a deference shown to officers, and
3 I think you just said there you would say what you had
4 to say and then it was up to the officer to take that
5 on board? 16:05

6 A. Correct.

7 740 Q. Now, I just want to ask you that, given that you have a
8 duty and other people have a duty to the apprentices,
9 would it not have been better to make a formal
10 complaint in respect of any inappropriate treatment 16:05
11 that you would have witnessed?

12 A. I believe everybody has to be given a chance to learn,
13 and by -- so how would I describe this the best way?
14 Everyone has a chance to learn and they should listen
15 to the first thing they're being told, and if they 16:05
16 listen right, they will learn from that and it won't
17 happen again. I would not bring a situation up the
18 first time around, I would give the individual an
19 opportunity to correct the way he was going on.

20 741 Q. But it follows certainly in my mind from that, that if 16:06
21 you deal with it in that fashion, then it really does
22 require you to witness any ill-treatment or
23 inappropriate treatment for you to have any effect and
24 to give -- to fulfil your duty to the apprentices,
25 because it's only when you see it can you have those 16:06
26 informal chats with the officers -- whereby, if you
27 reported it, that would set a mark that would have to
28 be addressed by the people in authority and that would
29 better protect the apprentices?

1 A. I would be inclined to agree with you on that, sir,
2 yes.

3 742 Q. And when you talk about having those chats with
4 officers, if you had witnessed - and I say if you had
5 witnessed - any abuse, would you still have approached 16:06
6 it in that manner? would you have had the informal
7 chat and left it to the officer to take on board what
8 you had said?

9 A. No, if I saw abuse, it wouldn't stop there, it'll go
10 further. You cannot -- apprentices have to be 16:07
11 respected. And if you wish for apprentices to respect
12 you, you have to respect them. You cannot abuse a
13 young man. You're teaching them what the Army --
14 teaching for their school, for their technicality, for
15 the military. would not, and I have never done, 16:07
16 mistreated apprentices, and I would not tolerate it
17 anywhere.

18 743 Q. Well, just to be clear and fair to you, I'm talking
19 about the reporting of incidents. I'm not suggesting
20 you, yourself, were responsible for any of these 16:07
21 incidents. But let's just take the example that you
22 accept you were aware of, albeit to a third party, the
23 hair-cutting incident?

24 A. Right, yes.

25 744 Q. Is that not an abuse? 16:07

26 A. I heard that through a third party. The third party
27 who told me answered it, had dealt with it there and
28 then on the spot. I heard no more about it after that.

29 745 Q. I appreciate all of that, but the act itself, in your

1 mind, was that not inappropriate treatment or abuse?

2 A. You're right in what you're saying, the act itself, but

3 I had reason to believe the act didn't take place, it

4 was about to take place and the NCO in question stepped

5 in, pulled the officer in question, and no further act 16:08

6 took place on that day in question.

7 746 Q. I'm not quite following your evidence in that regard

8 because I understood you to say that when it comes to

9 abuse, that's different, you would report that. But

10 when it comes to something less than that, you would 16:08

11 approach it in the informal manner in which you've

12 described. But now we're talking about the

13 hair-cutting incident, which I think we agree is

14 abuse --

15 A. Is that not abuse -- you're actually handling a man 16:09

16 there. By no means should you put a hand on an

17 apprentice in any way whatsoever unless you're teaching

18 him how to do things. If you put a hand on a person's

19 hair like that to cut it, that is an abuse.

20 747 Q. I agree with you totally, and my point being shouldn't, 16:09

21 in hindsight, in fairness to you, Mr. Henry, in

22 hindsight, would it be better for the protection of the

23 apprentices had that been made the subject of a formal

24 complaint?

25 A. Looking at it that way, sir, I agree with you. 16:09

26 748 Q. And, again, in fairness to you, the fact that you

27 didn't make a formal complaint at the time, I put it to

28 you that that's part -- the reason for that was part of

29 the culture that existed and it's as indicated by the

1 fact that you, yourself, have referred to the deference
2 that existed between officers and NCOS?
3 MR. LEHANE: Sorry, Sole Member, the preliminary
4 point --
5 SOLE MEMBER: Could you use your microphone, please, 16:09
6 Mr. Lehane?
7 MR. LEHANE: Sorry, Sole Member, yes. Mr. Compton put
8 a hypothetical first, I think. And then, having put
9 the hypothetical and invited the response that he got,
10 he then proceeded to put as a fact "the fact that you 16:10
11 didn't make a formal complaint at the time". So he
12 went from a hypothetical to a criticism, and I don't
13 think that's fair to the witness.
14 MR. COMPTON: With respect, Chair, I just don't accept
15 that as a basis for an objection. In terms of anything 16:10
16 that is perceived as being unfair by Mr. Lehane, or
17 anyone else, there is the opportunity to correct that
18 unfairness. And there is nothing in law that I'm aware
19 of that prohibits me from asking a witness a
20 hypothetical. The witness can answer or not answer. 16:10
21 But certainly the sequence that Mr. Lehane describes is
22 not based in any real objection. And I think, as I
23 say, if there's an unfairness, that can be dealt with
24 later.
25 SOLE MEMBER: Mr. Lehane? 16:10
26 MR. LEHANE: Sorry, Sole Member, I think when
27 Mr. Compton says is there a basis in law, the Tribunal
28 operates on the basis that the witness is taken in
29 chief by the Tribunal, and he is then cross-examined by

1 his own counsel - me - and by Mr. Compton. The purpose
2 of that cross-examination is to elicit facts to enable
3 Mr. Compton to make a submission at the appropriate
4 point to you. Basic fairness requires that if a
5 witness, the Tribunal's witness - and Tribunal Counsel 16:11
6 are always at pains to point this out because it is
7 correct - he's not my witness, he's your witness - is
8 entitled to have the matter put to him fairly. And, as
9 I said, it's just it's a matter of fact, he was asked a
10 hypothetical. He responded to the hypothetical and 16:11
11 then he was put 'As a matter of fact' and, you know,
12 'would you agree with this?'

13 MR. COMPTON: I have to be honest, I don't even follow
14 that, in truth.

15 SOLE MEMBER: I don't really follow it either. Could 16:11
16 you just explain what was the matter of fact that you
17 were putting to the witness based on his answer to the
18 hypothetical? Can we just revisit the question first
19 before we see if it's appropriate?

20 MR. COMPTON: Absolutely. It may be no harm, given the 16:12
21 time that's passed since, if we can just track back to
22 that question, if possible?

23 THE STENOGRAPHER: Is it further up?

24 SOLE MEMBER: It's further down, I think. I think it
25 beings on line 16. 16:12

26 MR. COMPTON: Line 16. The first part of that, I
27 think, is, we all agree, is what the witness has said
28 and he has explained why.

29 SOLE MEMBER: That he didn't make a formal complaint at

1 the time about the hair-cutting incident. Yes.

2 MR. COMPTON: And then I went on to ask him about the
3 reason for not making a formal complaint and I put to
4 him that that was due to the culture that existed at
5 the time and that was as indicated by what the witness 16:12
6 has also said about the deference that existed between
7 officers and NCOs. I can't see what's objectionable
8 about that question.

9 MR. LEHANE: Sorry, Sole Member, it's actually -- if
10 you scroll up. 16:13

11 SOLE MEMBER: It's further up. You don't have an issue
12 with that question.

13 MR. LEHANE: No, no, no, that's the follow-on, you see
14 it's the hypothetical that went on beforehand. So if
15 you just scroll up there. 16:14

16 SOLE MEMBER: Another little bit please. Okay.

17 THE STENOGRAPHER: Will I scroll more?

18 MR. LEHANE: It's further down. Sorry, it's just
19 because it went up too fast.

20 SOLE MEMBER: Okay. We're back to the hair-cutting 16:14
21 incident now. So what was the hypothetical, can you
22 assist us here, because I understood that the question
23 was put to the witness that he didn't make a formal
24 complaint, he agreed and on foot of that there was a
25 question on was that part of the culture or the 16:14
26 deference to it.

27 MR. LEHANE: Sorry, I think I'm now confused myself by
28 the transcript so I'm not going to pursue it. I can
29 revisit it.

1 MR. COMPTON: Sorry, Chair.

2 SOLE MEMBER: Thank you, Mr. Compton.

3 749 Q. MR. COMPTON: Just to pick up, if you can remember
4 where we are. I'm asking you about the culture and the
5 fact -- what I'm putting to you is that the culture 16:14
6 contributed to your decision not to make a formal
7 complaint. Just to ask that more directly; did you
8 feel that you could make a formal complaint?

9 A. I would think so, yeah. In all honesty and fairness
10 over the hair-cutting incident, if I had thought about 16:14
11 it a little bit more, maybe I should have brought it
12 forward and said something to higher authorities. At
13 this present in moment I just can't say yes or no to it
14 as such.

15 750 Q. What I understand you to have said in relation to the 16:15
16 complaints process centres very much around the Redress
17 of wrongs procedure?

18 A. Yes, sir, and may I ask, now in all honesty and
19 fairness, at the earliest stage of the interview here I
20 was asked did I explain to the apprentices how they 16:15
21 made out their complaints. I believe in some of the
22 statements there an individual in question has made out
23 a Redress of wrongs and he was only a couple of years
24 in the barracks at the time. So, therefore, I feel at
25 some stage of the game down the road I must have 16:15
26 explained how to do it.

27 751 Q. But my question to you is that the Redress of wrongs
28 procedure didn't have any meaningful effect, or
29 certainly did not avail or help anyone who wished to

1 make a complaint. Do you agree with that?

2 A. I can't give you an honest answer and that's what I'm
3 here for, to get to the truth of everything that was
4 done and to give you a straight answer and I'm not
5 going to give you six of one and half dozen of the 16:16
6 other. It would not be fair to anybody here in this
7 room.

8 752 Q. Let me help you with that. You're aware at the time, I
9 think it's 1989, there was a very, very big
10 investigation into conditions in the Army and that was, 16:16
11 I think, the Gleason Investigation and that culminated
12 in the Gleason Report. Were you aware of that at the
13 time?

14 A. I believe at that stage of the game they made a
15 statement to close the barracks. 16:16

16 753 Q. Just answer my question, if you could. You're aware of
17 the report and the surrounding investigation that led
18 to the report?

19 A. It was a green book, wasn't it?

20 754 Q. I can't remember the colour. 16:17

21 A. About that size (indicating).

22 755 Q. It was very much that size, but as part of that, you
23 were a NCO at the time in 1989, isn't that correct?

24 A. Correct.

25 756 Q. A representative body on behalf of NCOs made a 16:17
26 submission to the Gleason Investigation that the
27 Redress of Wrongs procedure was meaningless because --
28 sorry, I can get the exact wording?

29 A. I can see where you're coming from, sir.

1 757 Q. Just let me finish this, if you don't mind. The NCOs,
2 which you were one of, and there was a representative
3 body saying the Redress of Wrongs was meaningless,
4 particularly because there was this fear that if you
5 made a complaint you would be subject of victimisation 16:17
6 and retaliation of some unspecified type. Would you
7 agree with that?

8 A. I would have to say that your statement at that stage
9 of the game would have some bearing on it, yes.

10 758 Q. I'm not quite following the word "bearing," and that's 16:17
11 not a criticism, but I think you are agreeing with me,
12 is that correct; in 1989 the Redress of Wrongs, there
13 was a perception that that was meaningless because if
14 you made a complaint you would be the subject of
15 victimisation? 16:18

16 A. I can't give you a straight answer to that, sir, in
17 fairness. We're talking about '89, '99, 2009, 2019,
18 you're talking about 35, 36 years ago. In fairness to
19 the Defence Forces, I would not be here today if
20 everything had gone according to plan in reference to 16:18
21 the incident that happened in the barracks. If we had
22 consultation people in the barracks on the weeks after
23 that happened, I would honestly say to everybody here
24 now we would not be here and everything would have been
25 solved if it was looked after properly. 16:18

26 759 Q. I do appreciate that. But I just want to just press on
27 this point one more time because I'm not quite
28 following your answer. Are you suggesting that as of
29 1989, 1990, 1991, in your view the Redress of Wrongs

1 procedure was an effective complaints process that
2 could be availed of by anyone?

3 A. It was there to be used but it's the people who's
4 dealing with it had to deal with that to say whether it
5 was right or wrong. 16:19

6 760 Q. I'm asking your view, because you were there at the
7 time, you were in a position of responsibility, you
8 were clearly, you say, responsible for training in
9 respect of the Redress of Wrongs, so, I would put it to
10 you that you do have some valuable opinions to give in 16:19
11 respect of that. So do you agree or not; was it
12 effective, as a complaints process, from 1989 to 1991?

13 A. I would say it could have been a little bit better than
14 what it was.

15 761 Q. And insofar as the fear of retaliation goes, or 16:19
16 victimisation, are you saying that there are no grounds
17 for those comments as contained in the Gleason Report,
18 or there may well be?

19 A. In fairness to everybody concerned, I could not give
20 you an answer to that. 16:20

21 762 Q. And why is that?

22 A. Because I don't think I'm qualified to give you one.

23 763 Q. But I just put it to you my belief that you're
24 qualified?

25 A. Oh, thank you. 16:20

26 764 Q. No, I genuinely do, because not only were you an NCO in
27 the Apprentice School at that time you have given
28 evidence that you trained the apprentices in respect of
29 the complaints process so you are very much positioned

1 to give an opinion on that. I'd ask you to do so.

2 A. The Gleason Report at the time made reference to
3 complaints. If there was victimisation against the
4 individual who made a complaint, in my opinion, that
5 would have been totally wrong. 16:20

6 765 Q. I appreciate you're saying it would be totally wrong
7 but were you aware of victimisation in the event that a
8 complaint was made?

9 A. May I say something here, Judge, please; I was involved
10 in a case in Naas Court many years ago as in reference 16:21
11 to a private - no names mentioned - he had been bullied
12 and I was brought in as a witness and that individual
13 only met me a couple of weeks ago and thanked me for
14 the way in which I had looked after him. So, I'm
15 saying to you, sir, I cannot really give you a straight 16:21
16 answer to what you're asking me because I don't think
17 I'm qualified to do that.

18 766 Q. Well, again, not to repeat my objection in that regard,
19 but what I am saying to you, Mr. Henry, and my
20 perception from listening to your evidence, is that 16:21
21 there was -- the problem here is the lack of formality
22 around the complaints process. As you've fairly given
23 evidence yourself, there was, in your own mind, the
24 approach to take was to have the informal conversation
25 with officers and leave it to them to remedy what you 16:22
26 thought was inappropriate. And then, I think at the
27 height of it, you gave evidence that there would be
28 discussions at a conference that could take place on a
29 monthly basis. But I think we agree at this stage in

1 light of what you previously said in respect of the
2 duty that was owed to apprentices, it would be better
3 in hindsight, had all of these matters been put on a
4 formal setting and therefore had to be addressed in a
5 formal manner and that was the best way of achieving 16:22
6 the protection of the apprentices going forward. Would
7 you agree with that?

8 A. Yes.

9 767 Q. Thank you. Can I briefly just touch upon one last
10 point. You've talked about and fairly described the 16:22
11 aftermath of the tragic event of Mr. Mullaney's
12 suicide. I don't want to ask you about anything about
13 allegations, I accept these are allegations, I don't
14 want you to comment upon them in particular. But you
15 have fairly said you were aware of them. You fairly 16:23
16 said that there was a link, certainly, I think common
17 sense would dictate that there was a link between the
18 events on the Saturday and the events of the previous
19 Thursday. So I certainly take from all of that that
20 you were aware that there were allegations being made 16:23
21 against 2 Lt. B, whether they're true or not it
22 doesn't, but certainly within the days that followed
23 there were allegations being made against 2 Lt. B; is
24 that correct?

25 A. I would have to say, in all honesty and fairness, talk 16:23
26 went around the barracks, people made accusations
27 around the barracks and I believe that the inquiry made
28 by the Military Police is what we should all go by, in
29 in fairness to everybody.

1 768 Q. I'm just focusing on the first part of that. So we do
2 agree --
3 MR. HOGAN: He got his answer there, Sole Member. He
4 now wants to cross-examine on that.
5 SOLE MEMBER: I think he's asking the witness a 16:24
6 question. I understood the witness earlier had said,
7 quite early in his evidence, that 2nd Lt. B was removed
8 very shortly after those events.
9 THE WITNESS: Correct.
10 SOLE MEMBER: Is that correct? 16:24
11 THE WITNESS: Correct.
12 SOLE MEMBER: So he's asking a question now as to this
13 witness's awareness in relation to the allegations.
14 MR. COMPTON: I didn't even get to ask the question.
15 SOLE MEMBER: So he did given evidence earlier on in 16:24
16 relation to the removal, as he understood it, of
17 2nd Lt. B.
18 769 Q. MR. COMPTON: And that's all I'm asking. Following on
19 from that, from your awareness of the allegations, when
20 Mr. Murphy approached you - and you accept that this 16:24
21 happened - and talked to you about making a statement,
22 that was certainly some days or weeks - I think,
23 ultimately, Mr. Murphy made a statement on 18th July of
24 1991, so one month later, after Mr. Mullaney's death.
25 So, it appears to me, at least, that the conversation 16:25
26 that he had with you regarding making the statement
27 would have happened sometime after the events on 22nd
28 June and prior to the actual making of the statement on
29 18th July?

1 A. I believe that the Murphy chap came to me, if I recall
2 properly, as I said, I was all over the place at that
3 stage of the game, true to the fact that the incident
4 had happened. That it could have been the Tuesday or
5 the Wednesday when the Military Police were in the 16:25
6 barracks taking statements.

7 770 Q. Indeed. So, at that time you had an awareness of the
8 allegations against 2 Lt. B and we've established that.
9 So my question to you is, why would you take Mr. Murphy
10 to 2 Lt. B? 16:25

11 A. In fairness, I can't even give you a straight answer to
12 that, as I said already, I didn't know whether I was
13 coming or going. There was stuff going around me.
14 People asking me questions. And, as I said earlier on,
15 I just couldn't get over what had happened. I could 16:26
16 have been liable to say anything to anybody at that
17 stage of the game. I think, in all honesty and
18 fairness, everybody within that barracks was actually
19 in shock. And I say it again, that counselling should
20 have been brought in for everybody that had been 16:26
21 involved and, especially, to the young apprentices who
22 were in his platoon whether provided as a group or as
23 an individual, and that's what I found wrong. We
24 should have had special people in there to look after
25 us. 16:26

26 771 Q. But I think you'll agree with me, you did not report
27 directly to 2 Lt., isn't that correct B?

28 A. I didn't bring him up, I think he walked up himself.

29 772 Q. It's a slightly different point. The document that you

1 were shown setting out the duties of a platoon
2 commander, I think paragraph 600, the document is at
3 480, we don't need to look now, but I think you agreed
4 with Ms. Pillay that you directly reported to the
5 Company Commander, isn't that correct?

16:27

6 A. Correct.

7 773 Q. So, the question then is, if you had a concern, or
8 there was any doubt in your mind about Mr. Murphy
9 making a complaint or how you would even make a
10 complaint, why didn't you go to the Company Commander?

16:27

11 A. I can't give you a straight answer, sir. As I said, I
12 was all over the place. I'm not just making an excuse,
13 I just can't recall.

14 SOLE MEMBER: Mr. Compton, I'm just conscious of the
15 time. It's 4:30 now, and if you have to take some
16 further time with the witness, I don't know whether --
17 MS. McGRATH: I have some questions.

16:27

18 SOLE MEMBER: You have some questions and I have some
19 questions. I think it might be helpful if the witness
20 could return early tomorrow morning and finish your
21 evidence to the Tribunal.

16:27

22 MR. COMPTON: Judge, sorry about that. I have actually
23 just one question and unfortunately I'm not here in the
24 morning, I just have a commitment that I can't get out
25 of. I can literally finish in two minutes.

16:28

26 SOLE MEMBER: That's okay. I'm not trying to rush you
27 in any way in relation to the questioning but I'm just
28 conscious that we could be here quite late in the day
29 given the questions that still have to be asked.

1 Could I ask you, Mr. Henry, would it be possible for
2 you to return tomorrow morning for a short period of
3 time?
4 THE WITNESS: Okay.
5 SOLE MEMBER: We might begin at 10:00 a.m. in order to 16:28
6 finish with your evidence and then commence with the
7 schedule.
8
9 Now, Mr. Compton, feel free to finish your questions
10 and then we will resume tomorrow at 10:00 a.m. 16:28
11 MR. COMPTON: I very much appreciate that, Chair.
12 SOLE MEMBER: Thank you.
13 774 Q. MR. COMPTON: Sorry, I was putting to you why you
14 didn't bring Mr. Murphy, if you had any concerns
15 whatsoever to the Company Commander. I think your 16:28
16 answer to that was you just weren't thinking straight,
17 is that correct?
18 A. Correct.
19 775 Q. But you were aware, at that stage, and I think we've
20 established this, for better or worse for good or bad, 16:28
21 there were allegations circulating that everyone is
22 aware of, that 2 Lt. B was involved in the controversy,
23 I have to say it, it's neutral terms, so you were aware
24 of that yet you still brought Mr. Murphy to 2 Lt. B
25 rather than the Company Commander. In hindsight was 16:29
26 that a grave error on your part?
27 A. I don't recall bringing Mr. Murphy up to him, to be
28 quite honest with you. I just don't.
29 776 Q. You have accepted that in your interview, so, on the

1 basis that you have accepted that -- and you've also, I
2 think, explained, I don't think you've said it didn't
3 happen, you just said you weren't thinking straight?
4 A. Yeah, I wasn't thinking straight.
5 777 Q. So you do accept it happened but you weren't thinking 16:29
6 straight. So in hindsight -- sorry, I'll put it to you
7 straight: Is this another example of your attempting
8 to deal with a serious issue in an informal manner,
9 rather than go through what the formal process would be
10 such as the Redress of Wrongs procedure? 16:30
11 A. I think, in all honesty and fairness, the powers that
12 be took action after all that, by virtue of the fact,
13 even though I wasn't aware of what was going on around
14 me.
15 778 Q. I asked a different question, I'll ask it one more time 16:30
16 and that's my last question. Is this another example
17 of you attempting to deal with a serious issue in an
18 informal manner rather than making a formal complaint?
19 Sorry, deal with it by way of a formal process?
20 A. I just can't give you a straight answer, sir, I'll be 16:30
21 out straight with you. I'm just not -- I'm all over
22 the place here.
23 MR. COMPTON: Thank you very much.
24 SOLE MEMBER: Thank you, Mr. Compton. We'll rise now
25 and resume at 10:00 a.m. in the morning to finish with 16:30
26 this witness. Thank you.
27
28 THE TRIBUNAL WAS THEN ADJOURNED UNTIL WEDNESDAY, 8TH
29 JULY 2026 AT 10:00 A.M.

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