

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 WEDNESDAY, 8TH JULY 2026 - DAY 20

20

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1 THE TRIBUNAL RESUMED ON WEDNESDAY, 8TH JULY 2026 AS
2 FOLLOWS:

3
4 SOLE MEMBER: Good morning, everybody.

5 MS. PILLAY: I will call Mr. David Henry, please. 10:01

6 SOLE MEMBER: Now, Mr. Henry, I will just remind you
7 that you are under oath and your evidence will continue
8 to be given. Thank you.

9 MS. McGRATH: Good morning, Sole Member, I think I was
10 next. 10:01

11 SOLE MEMBER: You are, indeed, Ms. McGrath.

12
13 MR. DAVID HENRY, WAS CROSS-EXAMINED BY MS. McGRATH AS
14 FOLLOWS:

15
16 1 Q. MS. McGRATH: Good morning, Mr. Henry. My name is
17 Sinead McGrath and I'm counsel for the Minister for
18 Defence, okay?

19 A. Yes.

20 2 Q. Now, I just want to address two very brief issues with 10:02
21 you this morning, if that's okay. And I'm actually
22 going to start near the end of your evidence yesterday
23 evening, on a very, very small point but my Friend
24 behind me here, I don't know if you remember
25 Mr. Compton, he asked you about the Gleason Commission 10:02
26 Report; do you remember that?

27 A. In all honesty and fairness to remember that, it's
28 quite a considerable period of time since I have seen
29 that documentation.

1 3 Q. Okay. But can I just, I suppose, clear up something
2 with you. He mentioned the Gleason Commission Report
3 as being in 1990 and I think you said in response to
4 him that the decision to close the barracks was made at
5 that stage of the game, do you remember? 10:03
6 A. I do, yes.
7 4 Q. Now, just in relation to that, Mr. Henry, we've heard
8 evidence and I think it's been an accepted fact really
9 throughout the Tribunal, that the barracks in fact
10 closed in Naas in 1998? 10:03
11 A. Correct.
12 5 Q. Okay. So you accept that it was eight years after the
13 Gleason Commission?
14 A. Correct.
15 6 Q. Okay. And we've also heard evidence that the decision 10:03
16 to close the barracks was a Government decision,
17 effectively rationalising properties around the
18 country, do you accept that?
19 A. Correct, correct.
20 7 Q. Okay. Just while we're on the Gleason Commission, I 10:03
21 know you're saying -- absolutely it's a very, very long
22 time ago, we were all a lot younger then, but can I ask
23 you, in 1990, in the report it's recorded that it was
24 the first independent investigation into paying
25 conditions in State, in the Defence Forces. So, it was 10:03
26 a big decision, it was a big deal; do you accept that
27 at the time?
28 A. Yes.
29 8 Q. Okay. And do you have any memory of that happening at

1 the time?

2 A. I'm afraid not, no. It's quite a considerable period
3 of time since I've actually seen that document or read
4 it.

5 9 Q. Okay. And you said in your evidence yesterday that you 10:04
6 started in the Apprentice School in 1978 and you were
7 there for 20 years, effectively, is that right?

8 A. Correct.

9 10 Q. Okay. So, the Gleason Commission came to the barracks,
10 well, certainly a group attached to the Gleason 10:04
11 Commission came to the barracks on 25th October 1989,
12 would you have any memory of such a visit, would it
13 have made the news, so to speak, in the barracks at the
14 time?

15 A. I could not give you an answer on that, more than 10:04
16 likely the personnel that came to the barracks were met
17 by the Commanding Officer, the CO of the school and the
18 Company Commander, after that I would have no dealings
19 with it as such.

20 11 Q. Okay. So, I think I know your answer then to my next 10:04
21 question; in the report it says that it met over 3,000
22 members of the Defence Forces over a period of eight
23 months but you don't seem to have been one of those
24 people that would have met that delegation?

25 A. I believe so, yes. 10:05

26 12 Q. Okay. And you'd have no knowledge of any submissions
27 made on behalf of the school at that time?

28 A. I'm afraid not, no.

29 13 Q. Or the NCOs, no?

1 A. Not to my knowledge. At this stage of the game I just
2 can't recall but as far as I remember, I did not make
3 any report.

4 14 Q. Okay. Now, the second issue, and it's the only other
5 issue I want to bring you through this morning, is in 10:05
6 relation to the investigation carried out by
7 Cpt. Tom O'Keeffe, okay?

8 A. Yes.

9 15 Q. Now you were asked about this investigation and taken
10 through it by Ms. Pillay yesterday, isn't that right? 10:05
11 A. Correct.

12 16 Q. Okay. And do you accept, again it's pretty much
13 established as a fact that that investigation took
14 place in the middle of May 1991?

15 A. It would be, yes. 10:06

16 17 Q. Okay. And we have seen the report a number of times
17 from the Captain and it's dated 16th May 1991, would
18 you take any issue with that timeline?

19 A. I couldn't, eh, be sure of the timeline as such, as far
20 as I'm aware when the Ministerial Query came in the CO 10:06
21 brought in the Adjutant and the Sergeant Major and
22 asked him to carry out an investigation.

23 18 Q. Okay. We'll come to the Ministerial Query in a moment
24 and that's really what I do want to focus on. But can
25 we just stay at the very beginning, do you accept that 10:06
26 the investigation by Cpt. O'Keeffe occurred in mid May
27 and his report was 16th May; would you accept that?

28 A. Yes.

29 19 Q. Okay. Now, Ms. Pillay asked you yesterday were you

1 aware of the O'keeffe investigation, okay? And I'll
2 just give you your answer, the transcript wasn't up
3 just when I looked there before we started but I did
4 take a note and you said:
5
6 "I didn't even know it took place until after."
7
8 Do you remember saying that yesterday?
9 A. I do, yes.
10 20 Q. what do you mean by "after," are we talking days or 10:07
11 weeks or months?
12 A. I'd say approximately maybe a week or two weeks after
13 that.
14 21 Q. Okay. And that's when you became aware of the
15 investigation, is that correct? 10:07
16 A. That would be correct.
17 22 Q. Okay. Then you went on to link this investigation with
18 this Ministerial Query?
19 A. Correct.
20 23 Q. And you've done that both in your interviews and you 10:07
21 did it in your evidence yesterday, is that right?
22 A. Yes.
23 24 Q. Okay. And when Ms. Pillay asked you yesterday, you
24 know, do you think you heard about it - it being the
25 Ministerial Query - in the barracks, and you said that 10:07
26 you heard it around the time of the investigation; that
27 was your answer?
28 A. It would be approximately, when I say "around the time
29 of the investigation," the investigation would be

1 carried out and it would have been after the
2 investigation.

3 25 Q. Okay. And you think it was one to two weeks at least
4 afterwards, is that what you're talking about?

5 A. To the best of my knowledge it's quite a considerable 10:08
6 period of time and it's vague in my mind at the present
7 moment, I'm just going by the documentation which I've
8 been reading and trying to place it and put it together
9 it.

10 26 Q. Okay. 10:08

11 A. My timing could be off slightly.

12 27 Q. Your time could be off. Can I just draw your attention
13 that you know that Cpt. O'Keefe gave evidence to the
14 Tribunal?

15 A. Yes. 10:08

16 28 Q. Okay. Now, he gave evidence on Day 16, okay, and three
17 times during that evidence that he gave he was asked
18 about a Ministerial Query and his reply was that he had
19 no memory of a Ministerial Query at the time of his
20 investigation. Okay. So that's his evidence. And I'm 10:08
21 just pointing that out to you, okay?

22 A. Well, I could be the one that's mistaken but I thought
23 when the CO enquired into what had gone on, as I said
24 already, the Adjutant and Sergeant Major were directed
25 to carry out the investigation. It's my own thinking 10:09
26 maybe that it was, but I thought it was actually.

27 29 Q. Now in fairness you just bear with me and we'll just go
28 through a couple of steps.
29

1 Again, yesterday, Ms. Pillay asked you how did you hear
2 about it and your answer was you heard it through the
3 grapevine, okay? And you said "someone mentioned it
4 somewhere."

5 A. Correct.

10:09

6 30 Q. Okay.

7 A. Yeah.

8 31 Q. And that implied that you heard it maybe in the
9 barracks, in or around the time, okay?

10 A. Yes.

10:09

11 32 Q. Okay. Now, if you just bear with me for a moment I
12 just want to bring you to your own interview. And it's
13 at page 5229. If Ms. Heavey could bring that up at
14 5229. I think I have the right page. Now, here in
15 your interview, Ms. Pillay is talking about the
16 investigation and the aspect of a Ministerial Query.
17 And can we just go to line 13, or maybe start with the
18 question at 11 and here it's a lead on from discussions
19 about the investigation into the allegations made by
20 Mr. Traynor, okay? So that's what's being discussed up
21 to this point, okay? And she says to you:

10:10

10:10

22
23 "But you suggested just moments ago that you remembered
24 it."

25
26 And you answered:

10:10

27
28 "Yes. No, I didn't. Look, in all honesty and
29 fairness, I was talking to a gentleman a couple of

1 months ago to me and he said to me - I have to get this
2 right - they had brought in, he had brought in the
3 Sergeant Major, the CO did. He brought in the
4 Adjutant, he brought them in and he told them to carry
5 out an investigation because a Ministerial Query had 10:11
6 come in as in reference to Aptce. Traynor."

7
8 So that's a little bit at odds with what you're saying
9 in the sense that it suggests it's only very recently
10 that this was all brought to your attention or came to 10:11
11 your attention?

12 A. Well, in all honesty and fairness, as I said, it's
13 quite a considerable period of time ago since I have
14 seen that investigation and some of the documentation
15 which I've seen was clicking in my mind as to what was 10:11
16 going on at the time. I could be slightly out in some
17 of the information but I don't want to be out I just
18 want to be right and honest.

19 SOLE MEMBER: Ms. McGrath, it's at odds with what? You
20 said it's a little bit of odds with something. 10:12

21 33 Q. MS. McGRATH: With the evidence yesterday that you
22 heard it on the grapevine, at the time and I think your
23 words were "someone mentioned it somewhere." And I was
24 just putting to you that it seemed to imply that it was
25 in or around the time that you'd heard about the 10:12
26 Ministerial Query but in your interview you're saying
27 you heard it from a gentleman a couple of months ago?

28 A. No. Possibly, I'm wrong on that but I do recall the
29 situation in the barracks at the time it happened.

1 34 Q. Okay. Now, again, Mr. Henry, this is not something
2 you're going to be intimately familiar about but I
3 think you'll have seen from all of the documentation
4 there was an extensive discovery process carried out
5 before these hearings started; would you accept that? 10:12
6 A. Yes.
7 35 Q. Okay. And thousands of documents have been provided
8 both by the Minister for Defence and by the Defence
9 Forces, do you accept that?
10 A. Yes. 10:13
11 36 Q. And if I put it to you that there's no record of
12 anything called a Ministerial Query at around the time
13 of May 1991, what would you say to that?
14 A. Unless somebody told me there was a Ministerial Query
15 happened and I took it up from that individual in 10:13
16 question, I do not know. But I believe that the
17 Traynor -- Mr. Traynor's parents did write a letter to
18 the Commanding Officer at that time, to the best of my
19 knowledge. I stand here now and say you know the way
20 the Army goes on, you'd hear this, you'd hear that, you 10:13
21 might pick up this you might pick up that. If I say
22 I'm wrong in reference to the Ministerial Query, I'm
23 wrong, no one else.
24 37 Q. Okay. You just mentioned a letter there and maybe in
25 ease if I could open a letter that was sent to the 10:13
26 Minister in June 1991, after Mr. Mullaney decided.
27 This is at page 1562 of the documents. Now, I have to
28 say to you it was handwritten by the father of an
29 apprentice, Mr. Liam Murphy, but Mr. Brian Murphy, the

1 apprentice, has typed it out in ease of everybody and
2 this is the typed version of the letter. Can you see
3 there at 1562 it's addressed to the Minister for
4 Defence and it's dated 28th June 1991; do you see that?
5 A. Yes. 10:14
6 38 Q. So this is June, and if you remember, this postdates
7 Mr. Mullaney's tragic death, do you accept that?
8 A. Yes.
9 39 Q. This is all happening after Mr. Mullaney has died?
10 A. After, yeah. 10:14
11 40 Q. So there's a letter written. I'm not going to read out
12 everything but if you just bear with me I'll just point
13 out maybe one or two paragraphs. It's addressed to the
14 Minister, Mr. Brian Daly, Minister for Defence, Dáil
15 Éireann. And it says: 10:15
16
17 "It is with great concern and grave anxiety that I must
18 write to about the following problem/episode that has
19 taken place in the Apprentice School, Devoy Military
20 Barracks, Naas." 10:15
21
22 Do you see that, the first paragraph?
23 A. Yes.
24 41 Q. Then he references his son, Brian Murphy, okay.
25 A. Yes. 10:15
26 42 Q. And in paragraph 2 and in paragraph 3 he talks about
27 military training. And if you just look at the last
28 sentence of paragraph 3 it says:
29

1 "But certain officers are over-zealous and abusing the
2 privilege of being in charge of young boys."
3
4 So this is what Mr. Murphy is saying, the dad. Okay?
5 A. Right. 10:15
6 43 Q. He then goes on to say:
7
8 "All of abuse, which is or was of a personal family
9 nature, came to a head on the days of 20th June 1991 to
10 23rd June 1991 resulting in an apprentice taking his 10:15
11 own life by shooting."
12
13 okay?
14 A. Right.
15 44 Q. Do you see where I am? 10:15
16 A. Yeah.
17 45 Q. And he goes on in the next paragraph, he uses the words
18 it's "a shameless and shocking state of affairs," do
19 you see that on line 2?
20 A. I do. 10:16
21 46 Q. In the last sentence he says:
22
23 "In fact the sorry mess of military training in the
24 Apprentice School is nothing short of scandalous."
25 10:16
26 Do you see that?
27 A. I do, yes.
28 47 Q. Okay. He says:
29

1 "What I have..."
2
3 And that's blanked there. Brian Murphy himself says he
4 couldn't make out his father's word.
5
6 He continues:
7
8 "I say it is that a sense of fair play be initiated and
9 I am asking you please to have a look at what was, and
10 is going on in the school in relation to military 10:16
11 training, and to the welfare of the boys there."
12
13 okay?
14 A. Right.
15 48 Q. okay. So he continues that and if Ms. Heavey just goes 10:16
16 down, you'll see he says in the last paragraph:
17
18 "Thank you for reading this sorry letter..." etc.
19
20 "Yours thankfully, Liam Murphy." 10:16
21
22 okay?
23 A. Yes.
24 49 Q. So Liam Murphy is the father of Brian Murphy, the
25 apprentice. Okay? 10:17
26 A. Right.
27 50 Q. So he writes this letter on 28th June 1991 and
28 Mr. Brian Murphy has confirmed that in his evidence,
29 okay?

1 A. Right, okay.

2 51 Q. When Mr. Murphy - Mr. Liam Murphy himself is not giving
3 evidence but he did attend for interviews and he said
4 that he gave this letter to politicians?

5 A. Right. 10:17

6 52 Q. Now, we do have a statement from the GOC, Mr. Anthony
7 wall and he has not given evidence yet, he is due in on
8 Friday, but he says in his statement that he did get a
9 call. This is at page 3703 of the papers. You see
10 there, if you just drop down to line 5? 10:17

11 A. Yes.

12 53 Q. He's talking to -- am I on the right page. Sorry,
13 line 6.

14

15 "You talk, Mr. Wall about receiving a contact, 10:17
16 receiving contact from the Major General."
17

18 And he confirms that, right? So the Major General had
19 become aware of this letter, had been contacted in
20 relation to it. He contacted the GOC and we know, and 10:18
21 I think you know, that there was a visit then to the
22 Murphy family subsequent to all of this. Okay?

23 A. Right.

24 54 Q. Okay. So the GOC travelled down to the family home of
25 the Murphys after this; do you accept that? 10:18

26 A. I actually didn't know anything about that, as such. I
27 didn't, I wasn't even aware of that.

28 55 Q. Then we also know from the papers after this there was
29 an investigation carried out by the Military Police

1 into the ill-treatment of apprentices, that commenced
2 in July 1991; do you accept that?

3 A. Yes.

4 56 Q. Okay. Now, when you look at what I've just taken you
5 through, is it possible that this is the Ministerial 10:18
6 Query that you might have been thinking about but may
7 not have known the details of?

8 A. I would agree with you there, yes.

9 MS. McGRATH: Okay. Thank you very much, Mr. Henry.

10 SOLE MEMBER: Thank you, Ms. McGrath. 10:19

11

12 MR. DAVID HENRY WAS QUESTIONED BY THE SOLE MEMBER, AS
13 FOLLOWS:

14

15 57 Q. SOLE MEMBER: Mr. Henry, can I just clarify two matters 10:19
16 please in relation to your evidence yesterday. The
17 question of taking an officer aside and having a word
18 with him if you thought that he had overstepped the
19 bounds?

20 A. Yes. 10:19

21 58 Q. And you gave an example, I think it was to Mr. Hogan,
22 about the officers getting ready for exams and, you
23 know, you said these people need to be having their
24 breakfast to go to college?

25 A. Yes. 10:19

26 59 Q. Are you sure that the officer you spoke to was
27 2nd Lt. B because I understood you said it may have
28 been the second year of the exams which the apprentices
29 would have taken, so that would have been -- they would

1 have done their first exams in June 1990 and their
2 exams in June 1992; are you sure it was 2nd Lt. B that
3 you had a word with in relation to the exams?
4 A. It was the exam time. The year in question, it could
5 be year one or the other. 10:20
6 60 Q. But you're sure it was 2nd Lt. B?
7 A. As far as I'm aware, yes.
8 61 Q. And then the use of the flashlight and checking for
9 shaving, you said you were informed about this by an
10 apprentice -- 10:20
11 A. Yes.
12 62 Q. -- and you followed through by going to the Commanding
13 Officer?
14 A. Correct.
15 63 Q. Are you sure who was alleged to have done that? 10:20
16 A. I'm not too sure there.
17 64 Q. You're not too sure on that. Okay, thank you.
18
19 Can I take you to the your own statement, please,
20 there's no need to put it up on the screen, but the 10:20
21 second page of the statement that you made to the
22 Tribunal. You describe the evening when
23 Aptce. Mullaney died and at paragraph 9 you say:
24
25 "I was not on duty that night Mr. Mullaney died." 10:21
26 A. Correct.
27 65 Q. "I have a recollection that Mr. Mullaney was not
28 supposed to have been on duty."
29 A. Yes.

1 66 Q. "I received a telephone call from the Duty Sergeant and
2 was told to come back to the barracks."
3 A. Correct.

4 67 Q. "There was a meeting for officers and NCOs in the
5 canteen." 10:21
6 A. Correct.

7 68 Q. Was that meeting as soon as you came back to the
8 barracks?
9 A. No. That morning -- it was either the Monday or the
10 Tuesday of the following week. 10:21

11 69 Q. okay. Thank you: And you said:
12
13 "The CO told us that there would be an investigation
14 and the Military Police were on site."
15 10:21
16 You said:
17
18 "I recall a heated discussion and that some of the NCOs
19 said that the men were being trained too hard."
20 10:21

21 A. Correct.

22 70 Q. Were you one of the NCOs who held that opinion?
23 A. I would say the statement made was made by the off-cuff
24 because of the shock of the personnel within that. It
25 was to get it out of their system, in my opinion. I 10:22
26 could be totally wrong.

27 71 Q. But I asked you, were you one of the NCOs, you said
28 "some of the NCOs," so it was more than one, it was
29 some of the NCOs.

1 A. Yes.

2 72 Q. "Some of the NCOs said that the men were being trained
3 too hard."
4

5 Were you one of the NCOs who shared that opinion? 10:22

6 A. No. No, not at that present moment in time. I
7 actually went, I think, and asked some of the
8 apprentices in that platoon to write out a report
9 myself.

10 73 Q. Could you repeat that for me. Could you speak into the 10:22
11 microphone?

12 A. I went to some of the apprentices in that platoon and
13 asked them to write out a report.

14 74 Q. About what?

15 A. About the training. 10:22

16 75 Q. And did you get that -- did you get that report from
17 the apprentices?

18 A. From one or two but I don't know whatever happened, to
19 be out straight with you. Some of them said it was
20 okay what was going, others said the running and the 10:23
21 training was a little bit over the top.

22 76 Q. In relation to your evidence yesterday, you said the
23 incident in relation to cigarette butts, you said
24 somebody told you about the cigarette chewing of an
25 incident? 10:23

26 A. That's at some stage of the game.

27 77 Q. The document is dated October/November 1989, I think?

28 A. Correct.

29 78 Q. You think that an apprentice reported it to you and

1 that you reported it to the Company Commander?

2 A. It went further up the line. To be honest to you, who
3 I reported that I cannot give you --

4 79 Q. But you were involved in that incident. It's your
5 evidence that you were involved in the reporting of
6 that incident?

7 A. Somewhere up along the line to somebody. I just can't
8 recall who I said it to.

9 80 0. You said:

10 10:23

11 "It went up to the GOC and the Lieutenant was paraded.
12 The powers that be paraded the Lieutenant in The
13 Curragh" --

14 A. Correct.

15 81 Q. -- "before the GOC."

16
17 And that was the cigarette chewing incident?

18 A. I believe the documentation that we have received it
19 states that in the documentation.

20 82 Q. So that was October/November 1998. And then I think 10:24
21 your evidence in relation to the hair-cutting incident
22 was that you were aware of that alleged incident too?

23 A. I was informed by one of the NCOs that was going around
24 the barracks in question. He stepped in, stopped it
25 and I left the -- the individual in question had
26 stopped the officer in question.

27 83 Q. So, they were two serious incidents that had been
28 brought to your attention?

29 A. Correct.

1 84 Q. Now, when you said yesterday - and I know Ms. McGrath
2 has had a discussion with you about it - but you said
3 yesterday that when a Ministerial Query came into the
4 barracks, yesterday's evidence was in relation to
5 Damien Traynor, you thought his parents had contacted 10:24
6 them. You say:
7
8 "I was dumbfounded when I saw the letter."
9
10 That's the statement of 2 November 1982. The Company 10:24
11 Sergeant's statement. You said:
12
13 "I didn't even know there was an investigation."
14
15 This is what Ms. McGrath has taken you through. 10:25
16
17 The statement that you made, can I take you to a
18 statement that you made a year later in relation to
19 this incident. It's at page 0286. It was opened
20 yesterday to you, and it was a statement you made in 10:25
21 relation to Aptce. Damien Traynor.
22 A. I think we all made out statements at that stage of the
23 game because the CO had demanded that we all make a
24 statement, to compile the investigation.
25 SOLE MEMBER: This statement is dated 2nd September 10:25
26 1992, and it's 0286 on my booklet.
27 MS. PILLAY: I think it might be page 2484.
28 85 Q. SOLE MEMBER: The pages have been updated. Thank you.
29 Apologies. So this is a year later, it's the following

1 year. And I think yesterday Mr. McGuinness was able to
2 help us in relation to these annexes, which I
3 understand were discovered in the context of
4 litigation.

5 A. That's the statement, yes.

10:26

6 86 Q. Yes. And at the end of the statement you're talking
7 about Mr. Traynor's attitude towards military
8 discipline. You say:

9
10 "I was present following the Commanding Officer's order
11 on 2 May when Aptce. Traynor was given the opportunity
12 of improving his behaviour and he signed an undertaking
13 to do so for the rest of his service."

10:26

14
15 You say:

10:26

16
17 "Yet the following weekend he proceeded to cause severe
18 damage to the Rec Room. This was typical of his
19 attitude and his failure to accept military discipline
20 and the military way of life."

10:27

21
22 Can I ask you, bearing in mind that you knew about the
23 cigarette butt incidents, that you knew about the
24 hair-cutting incident, did it ever strike you that this
25 was a young man who was breaking down, and the evidence
26 we've heard is he was self-harming. He was locked up
27 in a room, in the Guard Room till his parents came. In
28 the light of what you knew, did it not strike you that
29 instead of this being an incident of a young man's

10:27

1 failure to accept military discipline, that this might
2 be an alert, a red flag, there's something happening to
3 this young man, based on what you knew?

4 A. I did not lock that young man --

5 87 Q. I didn't say you did. I said he was in the Guard Room? 10:27

6 A. I can't recall him being in the Guard Room, it was the
7 Rec Room he was in, he was in his billet.

8 88 Q. That was when the incident happened.

9 A. Right.

10 89 Q. But after that, and you may not have followed the 10:27
11 evidence here, but after that the evidence was that
12 Aptce. Traynor was taken to the Guard Room, his
13 shoelaces were taken from him, his belt was taken from
14 him, there was evidence of harming himself on his arm?

15 A. I'm not in any way recalling all of that, in any shape 10:28
16 or form. In all honesty and fairness I thought he
17 was -- came down the stairs and was allowed to go to
18 his billet. I cannot even recall him being brought to
19 the Guard Room. The CO came along and says, 'Please
20 sign this undertaking and you can go back and up to 10:28
21 your billet.'

22 90 Q. And you knew nothing then afterwards about what had
23 happened to Aptce. Traynor?

24 A. Very little. I was dealing with 155 apprentices,
25 Judge. He came down out of the CO's office. The CO 10:28
26 had given his undertaking that he would undertake to
27 behave himself. As far as I'm aware, I stand to be
28 corrected, he was allowed to go back to his -- was he
29 not -- maybe somebody had come along after he had

1 wrecked, how would I say, did the damage in the Rec
2 Room, which I wasn't there and maybe put him under
3 arrest for what he did and then brought him down to the
4 Guard Room. I do not know.

5 91 Q. Well, there is evidence -- there will be evidence and 10:29
6 there is documentation to suggest he was kept in the
7 Guard Room until his parents arrived the next day?

8 A. I cannot recall, Judge. In all honesty and fairness,
9 we're talking about 37 years ago.

10 92 Q. I do, but it's still a fairly significant incident 37 10:29
11 years ago, and this is to a young apprentice in the
12 company --

13 A. Yeah.

14 93 Q. And following this incident, his parents return with
15 £2,000 and buy him out, purchase his discharge? 10:29

16 A. Yeah.

17 94 Q. A year later, when you're writing that document --

18 A. I would be taking that information from the unit
19 journal.

20 95 Q. From the? 10:30

21 A. Unit journal. You make out a unit journal and all the
22 charge sheets and all the information on reference to
23 any individual that had gone through the school would
24 be kept, by right, in the unit journal.

25 96 Q. But you're giving your own opinion here. You're saying 10:30
26 this was typical of his attitude?

27 A. In all fairness, I have made out two statements on
28 Aptce. Traynor, one prior to that one, maybe a year
29 beforehand, and I stated in that statement I would not

1 make any reference to Aptce. Traynor due to the fact of
2 the length of time which I had not known him. That was
3 the first statement I made.

4 97 Q. well, can you date that statement for me?
5 A. I can't. It's actually in the documentation somewhere. 10:30

6 98 Q. But we're talking about 36 years ago?
7 A. Yeah, yeah. Reading it from the documentation which I
8 got --

9 99 Q. And in what context were you making a statement saying
10 that, 36 or 37 years ago, that you couldn't say 10:31
11 anything about Aptce. Traynor?
12 A. I'm just going by the documents on which I'm reading,
13 as such.

14 100 Q. well, perhaps we can identify that document. Perhaps
15 you could ask your solicitor -- you could do it -- 10:31
16 A. I might have it here. I might now, I'm not saying I
17 have...

18 101 Q. I'm just trying to understand the context in which
19 you're telling the Tribunal that a long time ago, over
20 three decades ago, you said you couldn't say anything 10:31
21 about Aptce. Traynor --
22 A. It's on page 4935.

23 102 Q. 4935. And this is dated 4 October 1990?
24 A. 4th October.

25 103 Q. And Aptce. P70 is Aptce. Traynor, is it? 10:31
26 MS. PILLAY: I think this document relates to the
27 Redress of Wrongs that are in Part 7 --
28 SOLE MEMBER: Yes.
29 MS. PILLAY: So there's complaints about separate

1 matters, the two apprentices that were being
2 discharged.

3 104 Q. SOLE MEMBER: Thank you. Thank you. So at that stage
4 in 1990, this is --
5 A. Prior to that. 10:32

6 105 Q. -- prior to the incident in question, you're saying
7 that because you only knew him a short period of time?
8 A. Correct.

9 106 Q. But, now, that's October 1990. We come up to May 1991.
10 By May 1991, you tell the Tribunal you're aware of the 10:32
11 cigarette butt or the cigarette chewing incident,
12 you're aware of the hair-cutting incident, and I'm just
13 wondering whether or not, given your responsibility in
14 the unit, it would not have crossed your mind that this
15 young gentleman, who has broken the pool table, who has 10:32
16 self-harmed, who has broken windows, that this might be
17 something more than the display of his attitude to
18 military discipline?
19 A. I can't really say to you, at this time, Judge, that --
20 in fairness, you could be right, but I wasn't medically 10:33
21 qualified to say what a man was or what he wasn't. I
22 was dealing with apprentices left, right and centre, in
23 all honesty and fairness.

24 107 Q. Was this an unusual incident, this one you're writing
25 about here now, the breaking up of a pool table? 10:33
26 A. I was asked by -- the CO asked us to make all
27 statements out as in reference to Aptce. Traynor.

28 108 Q. Was it an unusual incident, in your experience in the
29 Army Apprentice School, this event that happens and,

1 within two days, the apprentice has purchased his
2 discharge -- he hasn't formally left the Defence Forces
3 at that stage, but he is basically collected by his
4 parents, they pay £2,000, and he is gone from the
5 barracks? 10:34

6 A. I would have to say strongly yes, maybe.

7 109 Q. Thank you. In relation to the Regulations you cited
8 yesterday following the inquiries after the death of
9 Oliver Mullaney, in your opinion would all of the NCOs
10 in the barracks at the time have been aware of the fact 10:34
11 that a military -- the Military Police were present?

12 A. To the best of my knowledge, yes.

13 110 Q. But why do you say that?

14 A. Because the Military Police, you can't -- they have
15 their peak caps, red. They walk into the barracks and 10:34
16 you'll know Military Police -- sure, we used to have
17 Military Police at the gate on duty, doing the gate.

18 111 Q. So the fact that they were now inside the gate?

19 A. They were up the barracks in the Griffins Hall.

20 112 Q. And the NCOs under your command, they would have -- in 10:35
21 your view, would it be possible that somebody didn't
22 know that the Military Police were on site?

23 A. No.

24 113 Q. You described yesterday events in the aftermath of the
25 death of Aptce. Mullaney and you say standard operation 10:35
26 proceedings said there should be a court of inquiry
27 and, through that, all must come out.

28 A. That's correct.

29 114 Q. Now, we have seen the Military Police investigation

1 file and we've seen an inquiry into ill-treatment. In
2 your view, what is your understanding of the full range
3 of inquiries that would take place following the death
4 of a service member?

5 A. I believe, if I'm right, and I stand to be corrected, I 10:35
6 believe that if a person dies in service within the
7 barracks, a court of inquiry must be held.

8 115 Q. And is that something separate to the investigations
9 that you have --

10 A. I would think so, yes. 10:36

11 116 Q. -- to the Military Police investigation. And do you
12 know whether a court of inquiry was held?

13 A. I cannot give you an answer to that.

14 117 Q. Well, perhaps that is something we could find out, if a
15 court of inquiry was held in addition to the Military 10:36
16 Police investigation and the investigation into
17 ill-treatment of apprentices.

18

19 Then, finally, Mr. Henry, you were talking about the
20 training process and you said the apprentices -- you 10:36
21 told them about the complaints processes in relation
22 to --

23 A. I did, yes.

24 118 Q. -- complaints. You said:
25
26 "In all honesty ... I mentioned in the canteen that if
27 apprentices had a problem, they could go to a NCO or
28 officer outside the platoon..." --
29

1 A. Correct.

2 119 Q. The Tribunal has heard evidence from several
3 apprentices about their fear, the fear with which they
4 lived in the barracks. Was there any reality, in your
5 view, to a young apprentice going to an officer outside 10:37
6 of Devoy Barracks and complaining about -- making a
7 complaint about abuse?

8 A. In fairness to the apprentices in the barracks at the
9 time, we had a number of technical NCOs who were ex
10 apprentices and had come through the barracks system, 10:37
11 and they would be the people more than likely that you
12 could go to and make your complaint. And on top of
13 that, we had 15 or 16 civilian teachers. We had the QM
14 personnel and we had administration personnel, and the
15 apprentices would likely be on duty with some of them 10:37
16 and, more than likely, information or talk would go on
17 between them as in reference to complaints.

18 120 Q. Well, we have heard evidence that some complaints were
19 made to the civilian teachers, and that they didn't get
20 very far with those complaints -- not that the civilian 10:38
21 teachers didn't convey them, but that the outcome to
22 the complaint wasn't very successful, if I can put it
23 that way. So, how -- you speak about ex --

24 A. Yeah.

25 121 Q. -- NCOs on site. What are they doing there in the 10:38
26 barracks?

27 A. They're technical NCOs teaching them in the radio
28 technician, in fitter --

29 122 Q. So they're still the teachers? They're the teachers,

1 okay.

2 A. They're teachers, yeah.

3 123 Q. Okay, well, as I said, we have heard evidence in
4 relation to complaints that were made to some civilian
5 teachers -- 10:38

6 A. Well, that would be different again. These are
7 actually NCOs attached to the barracks to teach in
8 reference to the fitter armourers and in reference to
9 the radio technicians. And, in some cases, we had an
10 NCO over in the school teaching motor mechanics. 10:38

11 124 Q. And would you classify that person as being an NCO or
12 an officer outside the platoon?

13 A. Yes.

14 125 Q. Yes, in a different --

15 A. In a different -- those gentlemen had come through the 10:39
16 school as an apprentice, had gone on to their units,
17 had done their job, got promoted, and then looked for a
18 transfer back to the barracks to teach.

19 SOLE MEMBER: Thank you. Thank you very much,
20 Mr. Henry. I don't have any further questions. And 10:39
21 thank you for coming back this morning.

22 MR. LEHANE: Sorry, Sole Member, just while the witness
23 leaves, just on a point of a clarification to assist
24 you, there was a reference there in a document to a
25 BA30 and -- or to an individual who is under a 10:39
26 pseudonym --

27 SOLE MEMBER: In the document that was opened?

28 MR. LEHANE: Yes, the Tribunal will be aware, but
29 that's not Mr. Traynor.

SOLE MEMBER: That that is not Mr. Traynor in the document that --

MR. LEHANE: -- that the witness referred to, yeah.
It's just I'm just telling you --

SOLE MEMBER: Thank you for that. So the document that you brought me to earlier where you said you didn't know the apprentice - in fairness, you didn't know him - your counsel is telling me that that apprentice was not Mr. Traynor. Thank you for that clarification, Mr. Lehané.

MR. LEHANE: No problem.

SOLE MEMBER: Thank you. I'll rise just for about ten minutes. I know there needs to be a check for the next witness. Thank you.

THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

SOLE MEMBER: Good afternoon again -- or good morning.
Now, Mr. McGovern.

MR. McGOVERN: Thank you, Judge. The next witness is Cpt. F, who is joining us remotely. Good morning, Cpt. F, I don't know if you can hear us?

THE WITNESS: Good morning.

SOLE MEMBER: Good morning.

MR. McGOVERN: I would ask the Registrar to get you to make your affirmation and we'll start.

1 CPT. F, HAVING AFFIRMED, WAS DIRECTLY EXAMINED (VIA
2 TEAMS) BY MR. McGOVERN, AS FOLLOWS:

3
4 126 Q. MR. McGOVERN: Good morning, Captain. I'll start with
5 the introductions. I know that you attended in March 10:56
6 of this year for interview with my colleague,
7 Mr. Beirne, but I don't think I have met you before.
8 So, good morning to you, and thank you very much for
9 engaging with the Tribunal.

10
11 Before we start, Captain, I just want to say that, as
12 you may be aware, the Tribunal is investigating the
13 effectiveness of the complaints processes and the
14 culture within the Defence Forces in relation to
15 complaints of abuse. The Tribunal is not permitted to
16 make findings in relation to the well-foundedness of
17 complaints of abuse and, for that reason, you are
18 required to refrain from disclosing the names of any
19 alleged perpetrator in your evidence today. Where it
20 is necessary to refer to such individuals, you must do
21 so by using their rank or the pseudonym given to them
22 by the Tribunal. Do you understand that?

23 A. Yes.

24 127 Q. Thank you. Captain, I know if you can't hear me or if
25 you wish to stop at any stage, please indicate that, 10:57
26 all right?

27 A. Okay.

28 128 Q. Just by way of introduction, I think you joined the
29 Defence Forces as a cadet in 1976?

1 A. Correct.

2 129 Q. I think you were commissioned as an officer in 1978?

3 A. Yes.

4 130 Q. You were promoted to Lieutenant in 1980?

5 A. Mm-hmm. 10:57

6 131 Q. To Captain in 1987?

7 A. Yeah.

8 132 Q. And am I correct that, in 1992, you transferred from

9 the Defence Forces to the Air Corps?

10 A. Correct. 10:57

11 133 Q. And then, in 2002, you were promoted to Commandant?

12 A. That's right.

13 134 Q. And then you retired from the Defence Forces in 2013?

14 A. Correct.

15 135 Q. Specifically in relation to this module of the 10:57

16 Tribunal, I think that between 1979 and 1980 when you

17 would have been a captain, you were -- sorry, I think

18 you were a lieutenant at that stage -- you served as

19 Platoon Commander in the Army Apprentice School in

20 Devoy Barracks in Naas? 10:58

21 A. That's right, yes.

22 136 Q. You were there just for the one year, was it?

23 A. Yes, indeed, yeah, just a year or so.

24 137 Q. Okay. Just in that respect or regard, Captain, can I

25 refer you to something that you said at interview with 10:58

26 my colleague, Mr. Beirne? I don't think it's necessary

27 to call it up on the screen, but it's at page 3300.

28 A. Mm-hmm.

29 138 Q. You were asked about your time as a platoon commander

1 between 1979 and '80, and Mr. Beirne said:

2
3 "Can I ask you, just by way of background, do you
4 remember much about that time, did you enjoy that role?

5
6 And your answer was:

7
8 "Sure, of course, yes, it was perfect after coming out
9 of cadet --"

10
11 -- and it's cut off, but I presume "Cadet School".

12
13 "MR. BEIRNE: I'd say it must have been interesting all
14 right, was it?

15 A. It was lovely, yeah, and the Apprentice School was
16 great. It was like, the best description I can give,
17 it was a sort of a boarding school for three-year-old
18 kids [sic] with a military component to it.

19
20 would you like to elaborate or expand on that, Captain? 10:59

21 A. Well, it was a -- it had a military element. It was
22 obviously run by a military element, but it was a
23 school. And, yeah, no, it was pretty much as I
24 described it there.

25 MS. CARNEY: Sorry, Sole Member --

26 SOLE MEMBER: I think, to be correct, he didn't say
27 "three-year-old kids"; he said "a boarding school for
28 three years for kids" --

29 A. For three years.

1 SOLE MEMBER: Thank you.

2 139 Q. MR. McGOVERN: I apologise. That is my error and I
3 correct it! You treated them not as three-year-olds,
4 obviously, but as young adults?

5 A. Sure, yeah. 11:00

6 140 Q. You came back to the Army Apprentice School between
7 1986 and 1992, am I correct, Captain?

8 A. Correct, yeah.

9 141 Q. And at that time you were in a different capacity. You
10 weren't Platoon Commander, you had been promoted to 11:00
11 Captain and you were there, you say, in the Technical
12 Stores?

13 A. Yes, indeed.

14 142 Q. And that was your responsibility for the time you
15 remained in the Army Apprentice School up to 1992? 11:00

16 A. It was.

17 143 Q. I know you weren't acting as platoon commander, but
18 were you aware of any changes, or did you notice any
19 changes in the way you had previously described it a
20 few moments ago? 11:00

21 A. No.

22 144 Q. On the Saturday night/Sunday morning, you learnt of the
23 tragic death of Aptce. Mullaney. How did you hear
24 about that, Captain?

25 A. I got a phone call at home. 11:01

26 145 Q. And do you remember who contacted you by phone at that
27 time?

28 A. I think it was Cpt. Tom O'Keeffe.

29 146 Q. And he told you, obviously, what had happened. Did you

1 go to Devoy Barracks at that stage?

2 A. Yes, indeed, I went straight in.

3 147 Q. And when you arrived, in paragraph 10 of your
4 statement, paragraphs 9 and 10 of the statement you
5 furnished to the Tribunal -- sorry, Judge, I should 11:01
6 have said, for reference, that the Captain's statement
7 is at page 3290, and his interview is at page 3294.
8 SOLE MEMBER: Thank you.

9 148 Q. MR. McGOVERN: At paragraphs 9 and 10, you describe
10 arriving at the barracks. That would have been on, 11:01
11 what, the Saturday night?

12 A. The Saturday night, yeah, Saturday night.

13 149 Q. And do you know what time you would have arrived in
14 Devoy?

15 A. Not exactly, but the impression in my head is somewhere 11:01
16 in the region of two or three o'clock in the morning, I
17 think, or somewhere there. I'm not sure of that.

18 150 Q. So, would I be correct that if the tragic incident
19 happened on the Saturday and you arrived at two or
20 three, that would have been the early hours of Sunday 11:02
21 morning, would it?

22 A. Yes, it would be, yeah. Yeah.

23 151 Q. And when you got there, did you meet with any of the
24 other apprentices?

25 A. When I -- I took over from Cpt. O'keeffe. He was the 11:02
26 Orderly Officer on duty and I knew that he had to go to
27 the parents' house with the news, with the sad news,
28 and I took over the duties in the barracks. And then
29 as a part of that then, we started to go around and

1 check on everybody and see people. So, yes, we moved
2 around through the barracks.

3 152 Q. When you refer to "everybody", are you talking
4 specifically about the apprentices?

5 A. Well, apprentices, plus all the staff that were there 11:03
6 too, to check that they were all okay, and that they
7 were okay to continue on duty and that we didn't need
8 to take any further actions.

9 153 Q. Can I ask you, Captain -- I know you were in the
10 Technical Stores department, but did you know any of 11:03
11 the apprentices at that time? Were you familiar with
12 any of them?

13 A. Not... Vaguely. No one that I could say, yeah, I know
14 for sure.

15 154 Q. All right. You say at paragraph 10 that you found the 11:03
16 classmates of Mr. Mullaney were very shocked and
17 agitated, in an agitated state. And in the next
18 paragraph, paragraph 10, you said:
19

20 "We gathered them together to help calm them. I stayed 11:03
21 with them to ensure that they were safe and to attempt
22 to bring their shocked and agitated state down from the
23 high pitch that they were in. Over the next hour or
24 two, I let them vent together in order to calm them and
25 to ensure that they would look out for each other in 11:03
26 the time ahead. Their welfare was my sole concern."
27

28 A. Correct. I would have done that on both that night
29 with the few that were there, and then subsequently on

1 the Sunday night when the rest of the platoon and the
2 rest of the Apprentice Company came back into barracks.
3 I had stayed on duty for the Saturday night and was
4 also on duty on the Sunday night.

5 155 Q. You were asked about that by Mr. Beirne at your
6 interview in March and I don't know if it's necessary
7 for Ms. Heavey to call it up, I will just read it to
8 you. It starts at the end of page 330. Mr. Beirne:

9
10 "MR. BEIRNE: These are only young lads of course and
11 one of their colleagues just died.

12 A. Absolutely, that certainly could have happened,
13 that certainly could have happened.

14 MR. BEIRNE: It must have been very distressing for
15 them all, being so young and having to encounter death
16 at such a young age.

17 A. Of course, yeah, they were all very distressed
18 about the whole thing, why wouldn't they? Absolutely,
19 we were all distressed about it."

20
21 And then Mr. Beirne asked you specifically about your
22 statement at paragraph 10, and you say:

23
24 "A. They were in shock.

25 MR. BEIRNE: Right.

26 A. They were in shock.

27 MR. BEIRNE: Were they exhibiting any anger or
28 anything?

29 A. They were absolutely. You had all the emotions

that were flying around the billet at the time and they were generally, yeah, yeah, quite emotional, emotions flying around the billet at the time.

MR. BEIRNE: Do you remember any particular point they were making at the time in their anger, when they were expressing their anger?

A. Their anger seems to have been all pointed in a particular direction to their Platoon Commander.

MR. BEIRNE: Right, okay. So you let them vent I think you said in your statement?

A. Of course, yeah, just let them talk. I was there with the BOS in order just to make sure that nothing untoward happened..."

-- I will just stop there. The BOS, is that the barracks orderly sergeant?

11:06

A. The barrack orderly sergeant, yeah. He may have been coming in and out with me, but we would have patrolled together initially.

156 Q. So can we just deal with that, if I may? The words you used, Captain, in relation to the apprentices, what you observed was that they were distressed, there was shock, they were agitated, there was anger, and there were emotions flying around. Is that a correct description of how you found them on that night?

11:06

A. Yes, yes.

157 Q. You said, in particular, when you were asked was their
anger directed -- you talked about venting their anger
and you were asked was that directed in any particular

11:06

1 way. How did you believe they were venting their anger
2 towards or who were they directing it towards?

3 A. As I said in the statement, it seemed to be directed in
4 the direction of the Platoon Commander.

5 158 Q. That's what you observed. Can I ask you about -- you 11:07
6 go on to say that two things that you tried to do, one
7 was to calm them down?

8 A. Mm-hmm.

9 159 Q. Secondly, you said that you made sure nothing untoward 11:07
10 happened. Would you tell us about that, please? What
11 did you apprehend might happen?

12 A. Any of them overreacting, getting violent, harming
13 themselves, harming others. Ehm, you know, in a
14 shocked state, these kids were in a shocked state. So,
15 we just had to make sure that they came down from that 11:08
16 high level of shock and anxiety to a calm -- to be able
17 to see and understand what was going to happen in the
18 future -- funerals etc.

19 160 Q. Would it be fair to say, Captain, that you believed
20 their actions were unpredictable? 11:08

21 A. Potentially.

22 161 Q. All this was on the Saturday night/early hours of the
23 Sunday morning, is that correct?

24 A. And the Sunday evening as well, when the main body came
25 back. 11:08

26 162 Q. We have heard evidence, and I don't know if you've been
27 following the transcripts, but the Tribunal has heard
28 evidence, particularly from Sgt. Henry, who says that
29 there was a second meeting, or there was a meeting, he

1 believes about two days after, probably on the Monday,
2 when a number of people attended. Were you at that
3 meeting or do you know anything about it, Captain?
4 A. No, I don't remember that, no. I would have been off
5 duty on the Monday morning, so I would have probably 11:09
6 finished work that afternoon or evening and then gone
7 home.
8 163 Q. Thank you. Just one final matter, Captain. Can I ask
9 you do you remember any discussion that you might have
10 had or took place in your presence in relation to 11:09
11 insurance?
12 A. Yeah, I've seen that in the statements and, ehm, I was
13 trying -- I've been trying to remember did I initiate
14 it or did they initiate it in the course of the talking
15 that was going on in the billet. I can't remember 11:09
16 exactly. But if we were talking about the insurance,
17 it was purely that insurance and the idea of suicide
18 had issues and it was -- if I was discussing it, it was
19 purely in that vein, that, yeah, we were aware that
20 insurances and suicide had an implication for each 11:10
21 other. Nothing more than that.
22 MR. McGOVERN: Thank you. You might answer Ms. Carney.
23 SOLE MEMBER: Thank you, Mr. McGovern. Ms. Carney.
24
25 CPT. F WAS CROSS-EXAMINED BY MS. CARNEY, AS FOLLOWS: 11:10
26
27 164 Q. MS. CARNEY: Good morning, Cpt. F. I just have one or
28 two questions for you arising out of Mr. McGovern's
29 questions.

SOLE MEMBER: Ms. Carney, could you speak into the microphone a little clearer?

165 Q. MS. CARNEY: Yes, of course. My apologies, Sole Member. If I can just bring you to -- I don't think it needs to be pulled up, but if I can just refer to the evidence given by Mr. Denis Kennedy, this was on Day 13, 25th June, and it's at pages 21 to 22. And he refers to an officer giving, as he puts it, a kind of talk down at the Rec Room of the billet and he says:

11:10

"We were given this talk down..."

11:11

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-- and then he goes on a bit further:
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"...that some of us might have thought it was suicide and not to mention that it was suicide because the family wouldn't be entitled to the Army insurance money that would go to the family if we pressed that it was suicide."

11:11

And I think that has been mentioned to you by Mr. McGovern, but I just want to put to you the evidence that was given at hearing by Mr. Kennedy in respect of that. He goes on then, Cpt. F, to say, and I quote -- this is the question:

11:11

"Q. And, right or wrong, what was the perception of the recruits of this discussion or talk?"

11:11

1 And Mr. Kennedy answers:

2
3 "A. We felt that they were trying to form a cover-up
4 for the way he'd been treated on the Thursday night
5 that led to him taking his own life on the Saturday."
6

7 And I just want to ask you, Cpt. F, is there anything
8 you would say in relation to that statement from
9 Mr. Kennedy of his belief regarding a cover-up?

10 A. Well, if Mr. Kennedy took it up that way, he took it up 11:12
11 wrong. It was not meant in that way. It was a general
12 conversation that was going on. Ehm, the concept of a
13 cover-up never entered my head from one minute to the
14 other. My only concern, at that time, was the safety
15 of the apprentice class as they were there, and of the 11:12
16 rest of the Company and of the people in the barracks,
17 nothing more and nothing less.

18 MS. CARNEY: Thank you, Cpt. F.

19 SOLE MEMBER: Thank you, Ms. Carney.
20

21 CPT. F WAS CROSS-EXAMINED BY MS. MASTERSON, AS FOLLOWS:
22

23 166 Q. MR. MASTERSON: Cpt. F, good morning. My name is Louis
24 Masterson. I appear instructed on behalf of a number
25 of former members of the Army Apprentice School. I 11:12
26 just have one question for you that arises out of
27 something that Mr. McGovern touched on, and I would ask
28 you, if you could, to cast your mind back to the
29 evening where you met with several of the apprentices

1 after Mr. Mullaney's death. Judge, just for your own
2 ease of reference, these appear at page 3291 at
3 paragraph 10, which is Cpt. F's statement, and then
4 also at pages 3304 and 3305 of Cpt. F's interview.

11:13

6 Cpt. F, I think you indicated to Mr. McGovern that the
7 apprentices were in shock, they were agitated and that
8 they were angry and, in fact, that their anger was
9 directed, particularly at their platoon commander. You
10 said that you gave them an opportunity to vent that
11 anger. You also said in your statement, and I think
12 it's a credit to you, that 'Their welfare was my sole
13 concern.' Can I ask you did you ever distinguish
14 between what was a welfare issue requiring support and
15 what was a complaint that might have required formal
16 recording or escalations?

11:13

11:14

17 A. In relation to what I had heard, I would have passed
18 that on, that information, to the higher authority, the
19 Company Commanders of the Apprentice Company that, what
20 I had heard that that night, I would have passed it on
21 in the natural course of events.

11:14

22 167 Q. Okay. I said I only had one question but --

23 A. As it was out of my -- that particular -- I had no
24 command function in that area, so I passed it on to who
25 I thought should hear it.

11:14

26 168 Q. Arising from that passing on, was that recorded ever as
27 a complaint?

28 A. No. Well, not that I know of anyway.

29 MR. MASTERSON: Okay. Thank you very much, Cpt. F.

1 THE WITNESS: You're welcome.
2 SOLE MEMBER: Thank you.
3 MS. McGRATH: No questions.
4
5 CPT. F. WAS QUESTIONED BY THE SOLE MEMBER, AS FOLLOWS: 11:15
6
7 169 Q. SOLE MEMBER: Cpt. F, good morning. I am the Judge who
8 is conducting this inquiry and I have one question.
9 It's following on from what a question Mr. Masterson
10 asked you. The words you used to describe the 11:15
11 apprentices, as I understand it, were that they were
12 overreacting, getting violent -- or, sorry, this was
13 the risk you were trying to avert, my apologies --
14 -overreacting, getting violent, harming themselves,
15 harming others, and this is what you were trying to 11:15
16 avert, is that correct?
17 A. Yeah. Judge, I was -- they weren't actually doing it.
18 They were talking --
19 170 Q. I understand that, yes, of course.
20 A. They were talking, okay. It was words splattered all 11:15
21 over the room by young men who were in a shocked state.
22 171 Q. Can you remember any of those words?
23 A. I cannot, no.
24 172 Q. But you were afraid -- this is what you were trying to
25 avoid? 11:16
26 A. Sure. I knew they were agitated. So in an agitated
27 state, you needed to just listen and try and talk them
28 down. Talk them down slowly, slowly over time.
29 173 Q. And if their colleague had died in a car accident, for

1 example, would you agree that it's not likely you would
2 be dealing with that range of emotions and that you
3 wouldn't be trying to avoid or talk someone down from
4 getting violent or harming themselves or harming
5 others; would that be fair? 11:16

6 A. If the young people were showing the same kind of
7 signs, yeah, I would be still trying to do the same
8 thing.

9 174 Q. That wasn't my question, Cpt. F.

10 A. Yeah, I'm not sure of where you're coming from, Judge, 11:16
11 if you don't mind.

12 175 Q. I'm asking you a question, Cpt. F.

13 A. Sorry.

14 176 Q. If their comrade had died in a car accident, would you
15 agree that it's not likely you would be trying to avoid 11:17
16 the risk of the apprentices getting violent, harming
17 themselves or harming others?

18 A. [Pause]. I really don't know. Please, could you say
19 that again for me, please?

20 177 Q. Okay, you have -- you're meeting these young 11:17
21 apprentices. You say they're venting their anger and
22 you're trying to calm them down. And you were
23 attempting to avoid what you described as overreacting,
24 getting violent, harming themselves or harming others.
25 This is what you were trying to avoid, you said in your 11:17
26 testimony?

27 A. Yes.

28 178 Q. I'm asking you if you would agree that if they had
29 heard that their colleague had died in a car accident,

1 whilst they might be extremely upset, is it likely that
2 you would be dealing with that range of emotions, the
3 fear of getting violent, harming themselves or harming
4 others?

5 A. Ah, I'm sorry, I'm with you now. I'm with you now. 11:18

6 179 Q. Thank you.

7 A. No, no.

8 180 Q. No. Thank you. So, I heard your answer to
9 Mr. Masterson that you passed it up the line, their
10 reaction. Did it cause you to ask any questions in 11:18
11 respect of the Platoon Commander, given the reaction
12 and the direction of the apprentices' anger?

13 A. I was aware that a process would be entered into by the
14 both the Company and by the CO of the barracks. So, I
15 was out of the equation at that stage of the game. 11:18
16 And, to put it mildly, it would have been classed as
17 none of my business at that stage.

18 181 Q. Okay. I appreciate that you weren't directly involved
19 with the training of apprentices, but were a senior
20 officer in the barracks; did it cause you to ask any 11:19
21 questions in respect of the Platoon Commander, given
22 the reaction you witnessed and the direction of the
23 apprentices' emotions?

24 A. It would have, in relation to -- let me say this:
25 Having passed on what I had heard, of course I would 11:19
26 have been anxious at some stage to hear back had
27 something happened or was there any truth to any of
28 this. But I don't remember hearing anything back.
29 That's the best I've got on that for you, I'm afraid.

1 182 Q. Were you surprised at the direction of the anger?

2 A. Yes. Absolutely. Yes.

3 SOLE MEMBER: Thank you, Cpt. F. I don't have any
4 other questions for you. Thank you.

5 THE WITNESS: Thank you.

11:20

6 SOLE MEMBER: We'll rise now for ten minutes. Thank
7 you.

8

9 THE TRIBUNAL ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

10

11:33

11 SOLE MEMBER: Good afternoon.

12 MR. O'HANLON: Good morning, Judge.

13 SOLE MEMBER: Good morning. Mr. O'Hanlon.

14 MR. O'HANLON: The next witness is Mr. Anthony Coffey.

15 SOLE MEMBER: Thank you.

11:34

16 MR. O'HANLON: Mr. Coffey.

17

18 MR. ANTHONY COFFEY, HAVING BEEN SWORN, WAS DIRECTLY
19 EXAMINED BY MR. O'HANLON AS FOLLOWS:

20

11:34

21 183 Q. MR. O'HANLON: Good morning, Mr. Coffey. Thank you for
22 attending to give your evidence today. Before I
23 proceed, I must remind you that the Tribunal is
24 investigating the effectiveness of the complaints
25 processes and the culture within the Defence Forces in
26 relation to complaints of abuse. The Tribunal is not
27 permitted to make findings in relation to the
28 well-foundedness of complaints of abuse and, for that
29 reason, you are required to refrain from disclosing the

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

11:35

6 A. I do.

7 184 Q. Mr. Coffey, please take your time when responding to my
8 questions, and if you could kindly direct your answers
9 to the Judge.

10
11 Mr. Coffey, you provided a statement to the Tribunal in
12 March 2026 and you have attended for two interviews
13 with Counsel to the Tribunal, is that right?

11:35

14 A. That's correct.

15 185 Q. Judge, Mr. Coffey's statement can be found at page 3612
16 of the booklet of documents. The first interview is at
17 page 3618 and the second interview is at page 5248.

11:35

18
19 Mr. Coffey, you joined the Defence Forces as a cadet in
20 1968, is that right?

11:36

21 A. Yes.

22 186 Q. You became an infantry officer in 1970?

23 A. Yes.

24 187 Q. You, ultimately, retired as a lieutenant colonel in
25 2007, is that right? There were a number of promotions
26 throughout your time in the Defence Forces?

11:36

27 A. Yes. I would like to fill in that somewhat.

28 SOLE MEMBER: Mr. Coffey, could I ask you to move the
29 microphone to you a little bit more so I can hear you?

1 Thank you.

2 THE WITNESS: I was commissioned in 1970 and I was then
3 posted to the 3rd Infantry Battalion in The Curragh.
4 But I was attending university at the time and I
5 returned to university. When I had finished my 11:37
6 university degree course, BA in History and Irish, I
7 returned, but I was then posted to the General Training
8 Depot in The Curragh Camp as well, where I was then
9 posted as a platoon commander to the recruit company.
10 I was in charge of training platoons of recruits, and 11:37
11 later NCOs. I would have trained about three platoons
12 of recruits and one course of potential NCOs.

13
14 I then went on a course to the College of Catering in
15 Dublin where I got a diploma in catering management. 11:38
16

17 On return from there, I spent a short time in the
18 General Training Depot again, and then I was posted to
19 Command Headquarters in The Curragh. This was the
20 structure of the -- they were called commands at the 11:38
21 time, you know. It's changed since then. I served
22 there for, eh, some years and I was then transferred on
23 promotion to Captain to the 3rd Battalion in The
24 Curragh also. I was 2IC of a company, an infantry
25 company there. 11:39
26

27 I then was posted overseas to UNIFIL in Lebanon in the
28 first 33rd Battalion, which was the first battalion to
29 serve in Lebanon at that time. I went there as platoon

1 commander captain. The reason I was a platoon
2 commander captain was because it was a platoon, a
3 support platoon of heavy weapons, and that was the
4 appointment, it was a captain's appointment.

11:39

6 On my return from Lebanon, as I recall, I was then
7 posted to the General Training Depot as a quartermaster
8 in charge of logistics, so the General Training Depot.

10 I remained there until promoted commandant. And on
11 promotion to commandant, I was posted to OC, Army
12 School of Catering in McKee barracks. I spent
13 approximately three years there and I was then posted
14 overseas to UN -- UNSCO, a UN organisation in the
15 Middle East, a general organisation. I was posted
16 there as what you call a UNMO, a UN military observer,
17 and served in, first of all, Syria in the Golan Heights
18 as an observer, and then I was posted down through as
19 Chief UN Liaison Officer in Gaza, the Gaza Strip.

11:40

11:40

20
21 On return from there -- I was there for two years, more
22 or less, most of it in the Gaza Strip. I returned from
23 UNSCO and I served for some time - I'm not sure when or
24 how long - but I then went overseas again about two
25 years later to central America. I was an observer in
26 Central America and my position was in El Salvador and
27 for a while in Nicaragua.

11:41

11:41

28
29 On return from there -- my memory has let me down now!

1 I, eh -- yes, I was posted to the Army Apprentice
2 School, or I was attached to the Army Apprentice School
3 in Naas.

4 188 Q. Did you ever work within the Military Police?
5 A. I was. That was the missing link there. I did, eh, I 11:42
6 was in the Military Police as governor of the Military
7 Detention Barracks.

8 189 Q. What rank were you at that time?
9 A. I was commandant.

10 190 Q. You were commandant at that point? 11:42
11 A. Yes.

12 191 Q. Do you recall what year that was?
13 A. Eh, it was, ehm, some time after I came back between my
14 UNSCO trip and my Central American trip.

15 192 Q. And did you carry out investigations as part of that 11:42
16 role?
17 A. No, I didn't. No. No.

18 193 Q. Mr. Coffey --
19 A. Not that I can recall.

20 194 Q. -- you joined the Army Apprentice School in January 11:43
21 1991?
22 A. Yeah.

23 195 Q. Is that right? You've just described to the Tribunal
24 that you were overseas prior to that?
25 A. Yeah. 11:43

26 196 Q. And in your statement, you described yourself as the de
27 facto company commander in the Army Apprentice School?
28 A. That's correct.

29 197 Q. Now, company commander is not a rank, if I understand

1 correctly, it's a position?

2 A. No, company commander is an appointment. The rank is
3 either captain or commandant.

4 198 Q. And you were a commandant at the time?

5 A. I was a commandant, but it had been a captain's
6 appointment up until that.

7 199 Q. So it was an unusual appointment for you as a
8 commandant to go in as the company commander at that
9 time?

10 A. Well, most of the appointments for a company commander 11:43
11 were commandants. But for some reason or another, in
12 some of the training establishments, they remained
13 captains. For example, when I was in the Training
14 Depot training recruits, the recruit company commander
15 was a captain, and that was the position in Naas prior 11:44
16 to my appointment. I understand that there had been --
17 I understand now that there had been a case made by the
18 Naas people for to have it made up to the company
19 commander -- or a commandant. But I only read that in
20 submissions. 11:44

21 200 Q. That captain that had been the Company Commander, he
22 remained in the Army Apprentice School as your
23 Second-in-Command?

24 A. He was my Second-in-Command, that is correct.

25 201 Q. At interview, Cpt. F described the Army Apprentice 11:44
26 School as a sort of boarding school for three years for
27 kids with a military element to it. Would you agree to
28 that description?

29 A. No.

1 202 Q. Can you explain to the Tribunal how you'd describe the
2 Army Apprentice School?

3 A. The Army Apprentice School was a military establishment
4 for the purposes of training, eh, technical staff to
5 build appointments in the Army. And because they were 11:45
6 building appointments in the Army they had to be
7 trained in accordance with Army Regulations.

8 203 Q. And you had been overseas prior to joining the Army
9 Apprentice School?

10 A. Yeah. 11:45

11 204 Q. Was that a different environment than when you joined
12 in 1991?

13 A. Of course, it was. I was in Central America, in El
14 Salvador and Honduras and Nicaragua.

15 205 Q. And in terms of your day-to-day could you describe to 11:46
16 the Tribunal the average day of a company commander in
17 the Army Apprentice School?

18 A. In the Army Apprentice School. Well, it's governed, by
19 and large, by the implementation of the syllabus.
20 That's your guiding line. And I would -- and then this 11:46
21 is implemented by the programme of training that are
22 made out daily -- or weekly rather.

23

24 I would be responsible, and ensure that the syllabus of
25 Training was being fulfilled by ensuring that the 11:46
26 programmes were made out and were in accordance with
27 the syllabus, first of all. That the instructors
28 allocated were available or would be available, that
29 there was none of them on leave, for example, that they

1 were properly qualified to carry out the tasks that
2 were required of them in their -- in carrying out of
3 their instruction.

4 206 Q. Did you live at the Army Apprentice School?

5 A. No.

11:47

6 207 Q. And what time did you start work at?

7 A. I would normally start work at 9:00 or shortly before
8 it.

9 208 Q. What time would you finish work?

10 A. I would normally finish work at half past four in the
11 evening.

11:47

12 209 Q. Okay. At paragraph 14 of your statement to the
13 Tribunal you described your relationship with the
14 Lieutenant Colonel?

15 A. Yes.

11:47

16 210 Q. You said:

17

18 "We would have been in contact from day-to-day on
19 routine matters pertaining to the performance of the
20 job at hand. These discussions were amicable
21 interactions regarding the administration and
22 performance of the programme of training and were
23 routine to a training environment. I do not recall
24 anything unusual in this regard. Apart from that, we
25 made at coffee time each day in the officers' mess.

11:47

11:48

26

27 With respect to social interactions in the officers'
28 mess, I do not recall gossip being discussed."

29

1 A. I'd like to amend that slightly. I had two
2 responsibilities as company commander; I had a
3 responsibility to the company, to ensure that they were
4 properly trained. And I had a responsibility to the
5 Commanding Officer to carry out all my duties. And, 11:48
6 eh, I failed to mention the last day that, eh, regular
7 meetings would occur to discuss, both within the
8 company and with the Commanding Officer. I would meet
9 with the Commanding Officer at a conference, as it was
10 called, and he would impart any instructions that he 11:49
11 had for me as regards the company, and I would, at the
12 same time, if I had any -- was having any difficulties
13 with aspects of the company that I couldn't -- exterior
14 difficulties that I couldn't handle, I would, ehm, I
15 would inform the Commanding Officer for his action. 11:49

16 211 Q. And --

17 A. Within the company itself, eh, I would hold regular
18 meetings and I think that -- regular conferences and I
19 think that probably, eh, once a week at least, and
20 others as necessary, depending on the circumstances. 11:49

21

22 I'd just like to go back to my responsibilities as
23 company commander. I was also responsible for the
24 implementation --

25 212 Q. We'll get on to the duties of the Company Commander in 11:50
26 a moment, Mr. Coffey?

27 A. Sorry.

28 213 Q. We'll get on to the duties of the Company Commander in
29 a moment, if that's okay?

1 A. Okay.

2 214 Q. When you started in the Army Apprentice School was
3 there a handover process with the Captain who had been
4 company commander?

5 A. I don't recall a formal one but he was still on the 11:50
6 ground, he would have shown me around. He would have
7 indicated what the company routine was, what was -- if
8 there were difficulties with the amount of staff or if
9 there were any difficulties. So, I would have done the
10 handover over a period of time, as I was going along. 11:50

11 215 Q. Did he inform you of any complaints about officers or
12 apprentices?

13 A. No.

14 216 Q. If Ms. Heavey could please display page 2864 of the
15 booklet of documents. Mr. Coffey, this is a document 11:51
16 we discussed at interview. It's a chronology of
17 complaints and surrounding events. You will note the
18 columns: The date, the complaint and the comment. At
19 the bottom of the document you will see the Defence
20 Forces' discovery stamp, it's "TIC118B." That's the 11:51
21 file reference provided for Damien Traynor's discovery
22 file.

23 A. Yes.

24 217 Q. At the bottom of page 2, you can see in handwriting at
25 the bottom of the page, it's forwarded by the OC to the 11:52
26 GOC. On the bottom right, just underneath the
27 pagination you can see page "91," it has been
28 established at the Tribunal that that actually says May
29 1991, it's the page number it blocking that.

1 A. Mmm.

2 218 Q. Were you aware of any of the complaints on this
3 document when you joined the Army Apprentice School, or
4 were you made aware of any of the complaints?

5 A. No. 11:52

6 219 Q. If Ms. Heavey could please go to the first page of that
7 document. November 1989, that's a cigarette incident.
8 No. 2, again November 1989, that's a further cigarette
9 incident. Numbers 3 to 6 are Damien Traynor
10 complaints - we'll come back to them later on. No. 7 11:53
11 is somebody saying they were pushed against a wall and
12 threatened by 2 Lt. B. And no. 8 is a hair-cutting
13 incident.
14

15 Mr. Coffey, when you joined the Army Apprentice School, 11:53
16 am I correct in saying that there was the 33rd, 34th
17 and 35th platoons present at the time?

18 A. I don't recall the numbers of the platoons, I was new
19 to the place. They would generally be referred to as
20 the senior platoon or the -- that's my recollection of 11:53
21 it. Ehm, the numbers, eh, at this stage, I wouldn't
22 recall.

23 220 Q. Do you recall if the 34th Platoon were in their second
24 year?

25 A. Eh, yes, with these documents, the documents I've 11:53
26 received, I understand that the 34th Platoon was in
27 their second year, yes.

28 221 Q. In his statement to the Tribunal, Col. Fred O'Donovan
29 who served in the Army Apprentice School from 1995 to

1 1998 explained the structure of the Army Apprentice
2 School. That's at page 389 of the booklet of
3 documents, paragraphs 13 and 14. He says that there
4 was an Administration Company and Apprentice Company in
5 the school; would you agree with that? 11:54

6 A. Yes.

7 222 Q. And you were part of the Apprentice Company, is that
8 right?

9 A. Yes.

10 223 Q. If Ms. Heavey could please display the command 11:54
11 structure of the Army Apprentice School at page 2492 of
12 the booklet of documents. That's the structure of the
13 Army Apprentice School. And you can see at the top:
14

15 "Establishment [redacted]..." 11:55
16

17 Presumably Army Apprentice School.

18

19 "Command structure."

20

21 So you can see the OC. The lieutenant colonel is at
22 the top. And then halfway down the page on the right,
23 just below there, you can see:
24

25 "[Redacted] Company Captain, Company Command, 11:55
26 Commandant."
27

28 A. Yes.

29 224 Q. Is that you?

1 A. Yes.

2 225 Q. And below you there is a company sergeant?

3 A. Yes.

4 226 Q. And below that then there are three platoons, each with
5 a lieutenant platoon commander, a platoon sergeant and 11:55
6 platoon corporals?

7 A. Yes.

8 227 Q. In terms of written correspondence through that command
9 structure, Mr. Coffey, how does that operate in the
10 Defence Forces, or how did that operate in the Defence 11:55
11 Forces at a time prior to e-mail?

12 A. Ehm, my recollection of it would be that if one of my
13 subordinates was writing to one of my superiors, he
14 would normally, eh, put it through the Company
15 Commander through me. 11:56

16 228 Q. That's something we see on a lot of the correspondence?

17 A. And, likewise, if I recall properly, if the, for
18 example, if the CS wanted to write -- if the CS had
19 wanted to write to me, he would put it through the --
20 sorry, he would write to me directly, or through the 11:56
21 2IC. But more than likely directly. That's my memory
22 of it.

23 229 Q. But if they were writing to the OC it would go through
24 you?

25 A. It would be unlikely or unusual for the NCOs to be 11:57
26 writing, they would normally be reporting (inaudible).

27 230 Q. Can you explain to the Tribunal what "through" means.
28 That letter is delivered to you, is that correct?

29 A. Yeah. If one of my subordinates is writing to the

1 Commanding Officer, an officer subordinate, he would
2 have to put the letter through me for my attention,
3 first of all, before delivering it on to the Commanding
4 Officer. That was the -- that was standard throughout
5 the Army. 11:57

6 231 Q. And who delivers it to you? Do they hand deliver the
7 letter to you, the sender of the letter, the author?

8 A. Yes. Well, it would -- depends on the administrative
9 set up; i.e. the typing system, etc., etc. It was very
10 primitive in those times, it's not like now. He might 11:58
11 deliver it by, in handwriting, if there were no typing
12 facilities available. But, generally, it would be a
13 typed letter if it was of significance. But, as I
14 said, it would be rare enough because the -- most
15 messages to be delivered to me would be verbally 11:58
16 delivered because of my interaction on a daily basis
17 with my subordinates.

18 232 Q. And, Mr. Coffey, when you arrived at the Army
19 Apprentice School there was one platoon commander in
20 charge of the three platoons, is that right? 11:58

21 A. That's my memory of it, yes.

22 233 Q. Is it fair to say that when you arrived, the Army
23 Apprentice School was short staffed in that regard?

24 A. That would -- I would consider it, yes.

25 234 Q. In relation to the Standing Orders, Mr. Coffey, and the 11:59
26 duties of the Assistant Chief Instructor and the
27 Apprentice Company Commander, we might display them on
28 the screen, if Ms. Heavey could please put up
29 page 2488. You will see at paragraph 270 it states:

1
2 "He will be responsible for the military training and
3 administration of personnel of the [redacted]."

4
5 I assume Apprentice Company. Okay? So that's one of
6 your duties. Paragraph 271:

11:59

7
8 "He will ensure that his officers and NCOs carry out
9 their duties with regard to administration and
10 training."

11:59

11
12 So that is another duty of the Company Commander.

13
14 Paragraph 275:

15
16 "He will ensure that sections of the Defence Act,
17 Offences Against the State Act and Officials Secret
18 Act, as are specified in Defence Force Regulations, are
19 read out and explained to his men on parade."

12:00

20
21 when we discussed those duties at interview,
22 Mr. Coffey, you said:

12:00

23
24 "So I may not have read these at all. I probably
25 should have but I don't recall particularly reading
26 them."

12:00

27
28 Can you recall ensuring that sections of the Defence
29 Act or the Defence Force Regulations were read out to

1 apprentices?

2 A. I just want to clarify on that. Eh, I was a very
3 experienced officer and I had been through a lot of
4 different appointments and Standing Orders are common
5 to them all. Eh, and the -- most of the ones that are 12:00
6 common to them all, they are things that an officer
7 should know and they're inherent in an officer's
8 performance and an officer's training. The fact that I
9 couldn't recall reading them didn't mean that I wasn't
10 aware of my duties or that I, eh, didn't pass any 12:01
11 remarks on them. I knew where the Standing Orders
12 were. I knew where to look if there was any doubt in
13 my mind about any particular part of them. But I would
14 have been aware, having been through training
15 institutions, the requirements of implementing the 12:01
16 syllabus, discipline, etc., etc., and I -- that's what
17 I meant by I might not have read, formally, the
18 Regulations. But I was aware of them and I knew what
19 my duties were and my obligations.

20 235 Q. So, that's a very different answer to what you gave at 12:02
21 interview, Mr. Coffey.

22 A. I understand that and I was not very pleased with it
23 when I read it on the transcript either.

24 236 Q. Can you recall ensuring that sections of the Defence
25 Act and the Defence Force Regulations were read out to 12:02
26 the apprentices?

27 A. As I said, when the -- I would have been an experienced
28 officer and I would have known, and I don't recall
29 particularly ever reading them out myself, but the

1 duties of my subordinates would have been clear to them
2 and I would expect them to carry them out. I would
3 note if they weren't, by and large by virtue of my
4 experience, even if I didn't know the detail of the
5 particular, eh, order in question, I would know just
6 automatically what should be done.

12:03

7
8 As regards the reading out of them, that was
9 automatically in every unit that I had ever served in.
10 It was not something that was introduced for the
11 Apprentice School, it was a duty on -- when I joined
12 originally it would be done at pay, when at that time
13 officers would be paid by hand -- sorry, other ranks
14 would be paid by hand and at the same time they would
15 be read out the sections of the Act. As far as I was
16 aware, and as far as I recall, that was being carried
17 out and I had no reason to believe that it wasn't. I
18 don't recall actually checking up on it specifically,
19 but I had no reason to believe that it wasn't being
20 carried out.

12:03

12:03

12:04

21 237 Q. In relation to Damien Traynor, Mr. Coffey --

22 A. Yes.

23 238 Q. -- on 11th or 12th May there was an incident in the Rec
24 Room, it was a Saturday night. Mr. Traynor had a
25 breakdown of sorts and he damaged Defence Forces'
26 properties, which included a pool table in the Rec
27 Room. He was confined in the Fire Picket Room with his
28 belt and laces removed, presumably for his own safety.
29 His parents visited on the Sunday and on that occasion

12:04

1 Damien Traynor was not permitted to leave with them.
2 Were you in the Army Apprentice School that weekend, on
3 11th and 12th May 1991, Mr. Coffey?
4 A. No.
5 239 Q. But you were there on 13th May, isn't that correct, the 12:05
6 Monday?
7 A. I was there, yes.
8 240 Q. And at interview you said that you were present for a
9 meeting with Damien Traynor's parents and the
10 Lieutenant Colonel, is that right? 12:05
11 A. Yes.
12 241 Q. Can you recall what was discussed?
13 A. I have a vague memory of being at a meeting.
14 242 Q. Okay.
15 A. A lot of this is -- the, ehm... I learned from the 12:05
16 documents given to me, I relearned. I had forgotten
17 about them and the detail surrounding them is very hazy
18 in my mind, or non-existent, as I said in my first
19 statement.
20 243 Q. Can you recall what was discussed at that meeting? 12:06
21 A. I don't, to be honest with you now. I don't recall
22 what went on at the meeting.
23 244 Q. Can you recall anything about Mr. Traynor receiving
24 medical treatment or his parents rejecting medical
25 treatment? 12:06
26 A. No, I can't recall it. I can't recall what went on at
27 that meeting at all. I had a vague memory that I was
28 present at it and that's about all.
29 245 Q. Do you recall any allegations of mistreatment being

1 made by Mr. Traynor's parents?

2 A. No.

3 246 Q. Mr. Traynor was charged on the Monday morning and he
4 was discharged by purchase that afternoon at a fee of
5 £2,000. So I'd like to focus on a four-day period, 12:06
6 Mr. Coffey, from 13th until 16th May 1991. That's the
7 Monday, Tuesday, Wednesday and Thursday. On the
8 Monday, Damien Traynor left the Army Apprentice School.
9 Sometime thereafter, Cpt. O'Keeffe is asked to carry
10 out an investigation into the allegations made by 12:07
11 Mr. Traynor. He has told the Tribunal that you
12 provided assistance in that regard. He said you had
13 Military Police experience. You told him how to
14 conduct an interview. You advised him to give
15 apprentices the option of making a written or a verbal 12:07
16 statement; do you recall assisting Mr. O'Keeffe?

17 A. As I said before, most of the information that I have
18 on the period I learned it from the documents that were
19 presented to me, ehm, before the Tribunal. My memory
20 is very hazy during that period. I -- but, to answer 12:08
21 your question, I don't specifically remember
22 Cpt. O'Keeffe coming to me for advice, but it could
23 have happened. I wouldn't dare contradict that in any
24 way.

25 247 Q. Thank you, Mr. Coffey. In Mr. O'Keeffe's report dated 12:08
26 16th May, so on the Thursday, the fourth of the four
27 days, at page 2824 of the booklet of documents he says
28 that he interviewed ten apprentices and the Platoon
29 Sergeant. Did Mr. O'Keeffe or Cpt. O'Keeffe inform you

1 of what was said by the ten apprentices and the Platoon
2 Sergeant, Mr. Coffey?

3 A. I can't recall that he did. I can't recall that he
4 did, no.

5 248 Q. Did anybody tell you what was said by the ten 12:09
6 apprentices and the Platoon Sergeant?

7 A. No, not -- what they said to Cpt. O'Keefe, no. Not
8 that I can recall. As part of their investigation, do
9 I understand that correctly, is that what you're asking
10 me? 12:09

11 249 Q. Yes.

12 A. No, I wasn't party to -- I don't recall being party to
13 the investigation as such, or that part of it,
14 certainly.

15 250 Q. The allegations made by Mr. Traynor, of which there 12:09
16 were four, were all against one individual, that's
17 2 Lt. B, who was the Platoon Commander?

18 A. Yes.

19 251 Q. You wrote a memo on 6th June 1991, there's no stamp at
20 the bottom of that document. It's at page 4413, if 12:10
21 Ms. Heavey could display that document. 2 Lt. B says:
22
23 "I have decided while the Aptce. Traynor D incident is
24 still fresh in my mind that it may be important in the
25 future to note some observations." 12:10
26
27 And paragraph (c)."
28
29 A. Sorry, this was written by?

1 252 Q. 2 Lt. B.

2 A. Okay.

3 253 Q. It's a memo. So, it wasn't sent to anybody.

4

5 "I am not happy with the behaviour of the Barrack 12:10

6 Adjutant, Cpt. O'Keefe. I do not consider that he

7 conducted a fair investigation and that he may have

8 prejudiced my case. He had several apprentices brought

9 in (the number of which I am unsure) he asked them

10 directly if they had any complaints to make about me! 12:10

11 This in my opinion gave a CARTE BLANCHE to any

12 apprentice who had a minor gripe with no relevance to

13 the investigation. This spread around the barracks

14 very quickly, quick enough for stories to be fabricated

15 and lies told, a 'witch hunt' of sorts. I consider 12:11

16 that Cpt. O'Keefe acted in a very irresponsible and

17 unprofessional manner. In fact, two (2) of his letters

18 had to be corrected by then the OC AAS

19 Lt. Col. W. Hayes. The use of language in his letters

20 was considered incorrect and misleading by the CO. In 12:11

21 addition, I was not furnished with the Adjutant's

22 report on the investigation, despite an assurance from

23 Cpt. O'Keefe that one would be provided to me. I

24 informed Cpt. O'Keefe on several occasions that I was

25 unhappy with his conduct of the investigation." 12:11

26

27 Paragraph (d):

28

29 "I wish to place on record my gratitude and thanks to

1 OC AAS Lt. Col. Hayes and the Company Commander,
2 Apprentice Company Commandant A Coffey. These two
3 officers supported me and stood by me. They conducted
4 an elaborate and thorough investigation."

12:12

6 Do you recall conducting an elaborate and thorough
7 investigation into the Damien Traynor allegations,
8 Mr. Coffey?

9 A. No.

10 254 Q. Would it be unusual for a 2nd lieutenant to criticise a 12:12
11 captain on how they conduct an investigation in the
12 Defence Forces?

13 A. Possibly, under the circumstances as portrayed there,
14 it might be, but it wouldn't be the normal. Certainly,
15 I, as a 2nd lieutenant wouldn't have, eh, aired my 12:12
16 dissatisfaction with the Captain Adjutant especially.

17 255 Q. In Cpt. O'Keeffe's report he says that he "interviewed
18 a totally of ten apprentices from the second year
19 platoon, all were afforded the opportunity to make a
20 written statement, a verbal statement or make no 12:13
21 statement. Six apprentices and Sgt. [Blank] made
22 written statements taken down by me in the presence of
23 either Lt. [Redacted] or RSM. Four other apprentices
24 made verbal statements in my presence of that of
25 Lt. [Redacted] RSM [redacted]." 12:13
26

27 The Tribunal have been provided with two written
28 statements in relation to that investigation,
29 Mr. Coffey. One of them is the statement of

1 Padraic Lenaghan. If that document could be displayed
2 at page 2444, please, Ms. Heavey. So at the top you
3 can see:

4
5 "Statement of [redacted]." 12:14

6
7 It has been confirmed by the Minister for Defence by
8 letter dated 8th June 2026 - and that's at page 4756,
9 there's no need to display it - that that statement is
10 the statement of Padraic Lenaghan, Mr. Coffey. I'm 12:14
11 just going to read that out. You can see that it was
12 taken at LX9 on 15th May 1991:

13
14 "I am not sure what time of the year it was. We were
15 all in combats. We were doing press-ups. Some were 12:14
16 down on the ground not able to do any more. I was on
17 the square between the fitter and the RT wing.
18 Lt. R1..."

19
20 That's 2 Lt. B. 12:14

21
22 "...was walking over and back telling people to do
23 more. Aptce. Traynor was on the ground. 2 Lt. B
24 shouted at Aptce. Traynor to get up, i.e. not to be
25 lying down. He also shouted at others to get up. The 12:15
26 full platoon were present. He walked over behind
27 Aptce. Traynor and all I heard was what sounded like a
28 kick. I heard Aptce. Traynor groan and I looked over
29 and saw him on the ground. Aptce. Traynor later was

1 talking to other fellows saying, 'He hit me a kick,' or
2 words to that effect. He never showed me any mark on
3 his body."

4
5 So that's a statement taken on 15th May 1991, that's
6 day three of the four days, Mr. Coffey. If Ms. Heavey
7 could please display page 2872 of the booklet of
8 documents. That document is headed "Apprentices
9 Interviewed." And the first one there:

12:15

10
11 "[Blank] Aptce. [Blank] cigarettes in ears, nostrils
12 and mouth."

12:16

13
14 Next one:

15
16 "Apprentice shout, point finger..."

12:16

17
18 No. 3, you can see in the second line of that:

19
20 "Nov-Dec 89."

12:16

21
22 And the line below that seems to say:

23
24 "Ordered Aptce. [Blank] to pick up butts, put them in
25 mouth and started shouting in billet."

12:16

26
27 6. Apprentice Nov-Dec 89 apprentice [blank]."

28
29 And you can see there:

1 "Pick up butts."
2
3 Five, that's Traynor in relation to the press-up
4 position and then no. 6:
5 12:17
6 "Not sure what time of the year it was. What sounded
7 like a kick."
8
9 So that seems to be the statement of Padraic Lenaghan,
10 Mr. Coffey, that I've just read out to the Tribunal. 12:17
11 Those are the same words that he used in his written
12 statement.
13
14 Below that, (b) seems to be the same statement he:
15 12:17
16 "He was made to eat butts, put in his mouth and said
17 'chew.' Did no the think it necessary to make a
18 complaint at the time.
19
20 Told parents about it and they laughed." 12:17
21
22 And then on the next page, Mr. Coffey --
23 A. That last comment was by who?
24 256 Q. It seems to be Padraic Lenaghan also. But that did not
25 appear in his written statement in relation to the 12:18
26 Damien Traynor allegation.
27 A. Okay.
28 257 Q. So that's the six written statements that were given to
29 Cpt. O'Keeffe, Mr. Coffey. Now you can see no. 7, 8, 9

1 and 10, they're verbal statements. So if you refer
2 back to the report of Cpt. O'Keeffe. He says he took
3 ten statements from apprentices, six were written and
4 four were verbal. So this seems to be a document and
5 Cpt. O'Keeffe thought as much, written by 12:18
6 Lt. Col. Hayes in relation to the statements taken by
7 Cpt. O'Keeffe when investigating the allegations by
8 Damien Traynor; do you have any comment on that?
9 A. No. I don't know. I don't know where this is going.
10 258 Q. But were you made aware of those allegations during the 12:19
11 investigation of Damien Traynor's allegations?
12 A. No. I'm quite sure about that. My memory might be
13 vague but, eh, if I was presented with something like
14 that --
15 259 Q. SOLE MEMBER: Could you speak up please. You said no 12:19
16 you're quite sure about that. Could you repeat what
17 you said I didn't hear you?
18 THE WITNESS: I'm quite sure that I was not aware of
19 the contents of this statement.
20 260 Q. MR. O'HANLON: If Ms. Heavey could please scroll down 12:19
21 to page 2876 of the booklet of documents. This is a
22 handwritten document headed "GOC":
23
24 "Effective investigation of Lt. R and company.
25 12:19
26 He should not be removed immediately (suggest Aug).
27 Break in period for replacement."
28
29 Do you recall any discussions in relation to removing

1 2 Lt. B --

2 A. Sorry, was this written by the GOC or was it written to

3 the GOC? It's not clear.

4 261 Q. I think it was written to the GOC and, potentially, in

5 Lt. Col. Hayes's handwriting. Lt. Col. Hayes has not 12:20

6 given evidence to the Tribunal yet.

7

8 You provided a statement in relation to the allegations

9 made by Damien Traynor, didn't you, Mr. Coffey?

10 A. I did, yes. 12:20

11 262 Q. If Ms. Heavey could please pull up page 4397 of the

12 booklet of documents. This is an undated document, but

13 if Ms. Heavey could scroll down to page 2 and at the

14 bottom you can see that it is signed by you,

15 Mr. Coffey. Is that your signature? 12:21

16 A. Yes.

17 263 Q. It's from you, you're the author of the document, and

18 it's to the OC, to Lt. Col. Hayes:

19

20 "Allegations against 2 Lt. B." 12:21

21

22 I'm going to go through this document, Mr. Coffey.

23

24 Paragraph 1:

25 12:21

26 "Since taking over as company commander Apprentice

27 Company in January 1991 I have found 2 Lt. B to be

28 hard-working, enthusiastic and competent. As the only

29 lieutenant in an apprentice company of 157 apprentices

1 he has effectively been platoon commander to all of
2 them."

3
4 I think we touched on this earlier on, Mr. Coffey, when
5 I asked you if it was fair to say that the Army
6 Apprentice School was understaffed and I think you
7 agreed that it was.

12:21

8
9 And then paragraph 2:

10
11 "As regards the allegations made against 2 Lt. B the
12 following should be noted:

12:22

13
14 a. The incidents are alleged to have taken place
15 approximately 1½ years ago."

12:22

16
17 So, Mr. Traynor's allegations start in January 1990.

18
19 "There appears to have been no complaints made at the
20 time."

12:22

21
22 And I should say that one of the complaints, of
23 Mr. Traynor's complaints, one of four was an ongoing
24 complaint.

12:22

25
26 "c. Aptce. Traynor's allegations were made as a result
27 of close questioning to establish the cause of his
28 continuous misbehaviour and only after he had applied
29 for and was being granted his discharge. When

1 interviewed by me subsequent to being charged with
2 absent while on CB he made no such allegations.

3
4 d. Aptce. Lenaghan's allegations was made again in the
5 course of questioning about Aptce. Traynor's
6 allegations. Aptce. Lenaghan also applied for his
7 discharged around the time that Aptce. Traynor applied
8 for his but subsequently withdrew his application when
9 Aptce. Traynor's application was granted.

12:23

10
11 e. Aptce. Traynor and Aptce. Lenaghan are friends and
12 have similar conduct sheets."

12:23

13
14 So, Mr. Coffey, at the time of writing this document it
15 seems that you were aware of Padraic Lenaghan's
16 statement in relation to the allegations made by
17 Damien Traynor?

12:23

18 A. I have no recollection of this document. This is -- I
19 was -- I couldn't recall having written this document
20 in the first place. But it's clear that it's mine and
21 any comments I would make on it I would have to say
22 that it's in -- having been presented with the
23 document, I'm accepting that it's mine.

12:23

24 264 Q. Are you accepting that you were aware of Mr. Lenaghan's
25 complaints at that point?

12:24

26 A. I'm not sure what date is on this document.

27 265 Q. There's no date on this document. The first point on
28 it says that the complaints made were a year and a half
29 ago.

1 A. Yes.

2 266 Q. They date back to January 1990.

3 A. As I said, I have no recollection of writing this

4 document and, eh, therefore, I probably shouldn't

5 comment on it. But I think, having gone through the 12:24

6 documents that were presented to me, that there's very

7 similar --

8 267 Q. We'll move on to that document in a moment, Mr. Coffey.

9 A. Yes.

10 268 Q. If Ms. Heavey could please scroll down to the next page 12:24

11 at (g):

12

13 "The allegations appear to have the hallmarks of an

14 orchestrated effort by a disgruntled apprentice whose

15 conduct sheet indicates that he was not suitable to 12:25

16 remain a member of the Defence Forces. In this effort,

17 he appears to be aided by Aptce. Lenaghan who has a

18 similar conduct sheet. Since the departure of

19 Aptce. Traynor, Aptce. Lenaghan does not seem to have

20 much enthusiasm for continuing with the allegations. 12:25

21

22 h. The allegations made by Aptce. Lenaghan was

23 essentially part of the 'No Smoking' Campaign and

24 whereas it may not have been specifically dealt with by

25 the then GOC Brigadier General who was mentioned at the 12:25

26 time. Brig. Gen. [Blank]'s statement that the matter

27 was now closed should be borne in mind.

28

29 3. There have been no allegations relating to my

1 period as Company Commander Apprentice Company and I am
2 satisfied that there are no grounds for any such
3 allegations."

4
5 Now, it seems that one of Mr. Traynor's allegations was 12:25
6 an ongoing complaint, Mr. Coffey, just so you're aware
7 of that. There was an ongoing complaint which did
8 relate to your time in the Army Apprentice School from
9 January up until when the complaint was made.

10
11 Paragraph 4:

12
13 "The situation whereby there is only one lieutenant, in
14 this case a 2nd lieutenant, in a company of 157 young
15 apprentices who are only partially trained and are 12:26
16 confined over a period of three years is wrong. It is
17 essential to have a platoon commander with each
18 platoon. 2 Lt. B was put in an invidious position in
19 that having tried his best to be platoon commander to
20 three platoons at once then he found that he had to 12:26
21 refute and defend himself against allegations made by
22 or arising out of statements of a disgruntled
23 apprentice. No officer is perfect and if the members
24 of any platoon are interviewed, invariably those who
25 are dissatisfied will find cause for complaint with 12:27
26 their platoon commander. If the officers are
27 inexperienced, enthusiastic and overtaxed then the
28 results are predictable."

1 Can you explain to the Tribunal what you may have meant
2 by that, "the results are predictable," what results
3 are predictable, Mr. Coffey?

4 A. Can I refer you to another document, similar to this.

5 269 Q. We'll move on to that document after this. 12:27

6 A. Well, it's relevant to here because, eh, I can make a
7 contribution to part of my reason. But, eh, in short,
8 I don't know -- sorry, as I said, I don't remember this
9 document, writing this document and I don't know what
10 the date and the sequence were. I just -- I don't 12:27
11 understand -- I don't remember it and that's plain and
12 simple. I don't know -- I'll just leave it at that
13 because I'm not knowing -- I'm not aware of my thoughts
14 at that stage.

15 270 Q. "In this case one incident, where there was an element 12:28
16 of truth, was joined with several allegations to paint
17 a false and erroneous picture of 2 Lt. B."

18

19 Do you know what he might have been talking about
20 there, Mr. Coffey? What several allegations? 12:28
21 Mr. Traynor's allegations or Mr. Lenaghan's
22 allegations?

23 A. I would imagine, and again I'm only surmising, the
24 allegations that were made by -- the investigation was
25 about, eh, as far as I can see, was about the 12:29
26 allegations made by, eh, Aptce. --

27 271 Q. Traynor?

28 A. -- Traynor, yes, correct.

29 272 Q. And in the course of that investigation ten statements

1 were taken?

2 A. Yes.

3 273 Q. And it appears that other allegations came out of that
4 investigation?

5 A. Yes. 12:29

6 274 Q. Those ten statements?

7 A. Yeah.

8 275 Q. And 2 Lt. B was not very happy with how that
9 investigation was conducted, Mr. Coffey?

10 A. Okay. I was not aware, eh, as far as I recall, of the 12:29
11 results of the investigation or the results of
12 Cmdt. O'Keeffe's investigation and that this part of
13 it, ehm, is -- I just don't recall it at all. So,
14 there's no point in me trying to say that it was this
15 or it was that, because I don't recall this document 12:30
16 and it only come to my attention as part of the
17 documents that were submitted.

18 276 Q. Do you accept --

19 A. I don't know why it should be -- why it was written and
20 I don't know why it has no date on it. 12:30

21 277 Q. Do you accept that it is your signature on it?

22 A. Oh, it is my signature. I'm not denying that. It's
23 just I cannot, at this point, eh, put it into any kind
24 of a sequence of events, if you understand me.

25 278 Q. Do you accept that you became aware of other 12:30
26 allegations made by apprentices during the course of
27 that investigation, based on that document, Mr. Coffey?

28 A. I'm aware that I became aware of -- sorry, I accept
29 that I became aware of the allegations, but the

1 allegations, as I would have thought, were the
2 allegations made by, ehm, Aptce. Traynor who was in the
3 process of being discharged. And he had made the
4 allegations. That's what I can gather from the
5 sequence. As I said, it's not very clear to me.

12:31

6
7 I don't know when this document was written, I'll be
8 honest with you. Eh, I just -- there's no date on it
9 and I don't know. But my memory, such as it is, was
10 that I conducted -- I was -- commented on, in a similar
11 document, very similar to that, I just see it in the --

12:32

12 279 Q. We'll move on to that document now.

13 A. Yeah.

14 280 Q. If Ms. Heavey could pull up page 2819 of the booklet of
15 documents, please. Excuse me, that's the wrong
16 document. We can deal with this document now, however.

12:32

17 A. Yeah.

18 281 Q. This is a document dated 14th May 1991, so that's day
19 two of the four days, Mr. Coffey?

20 A. Yeah.

12:32

21 282 Q. It's from 2 Lt. B to the OC and you see there it says
22 "through the Company Commander."

23 A. Yes.

24 283 Q. You explained how that operated earlier on. So that
25 letter would have been delivered to you and you would
26 have read it and relayed it to Lt. Col. Hayes.

12:32

27
28 In that document, 2 Lt. B addresses the four
29 allegations against him. We know from the report of

1 Cpt. O'keeffe that only two of those four allegations
2 were investigated. You had seen this document on 14th
3 May 1991; do you accept that?

4 A. Yes. Whatever date is on it, yes.

5 284 Q. And then if Ms. Heavey could move on to page 2759 of 12:33
6 the booklet, please. That's the document you were
7 referring to, Mr. Coffey, I think. It's dated 15th May
8 1991. The author of that document is you. It's sent
9 to Lt. Col. Hayes, do you see the OC, during the
10 Cpt. O'keeffe investigation? 12:33

11 A. Yes.

12 285 Q. That's day three of the four days. It's very similar
13 to the document we examined a moment ago?

14 A. Yes.

15 286 Q. It does not include anything about Aptce. Lenaghan? 12:34

16 A. Yes.

17 287 Q. Other than that, it's an identical document, isn't that
18 right, Mr. Coffey?

19 A. Yes. Yes. Eh, I'll take it at face value, yes, it is.

20 288 Q. Why did you write that document, Mr. Coffey? 12:34

21 A. I wrote that document as part of my comments on the
22 reply to the allegations that had been made by
23 2nd Lt. R.

24 289 Q. And there are no mentions of Aptce. Lenaghan or any
25 other interviews in this document, except for this 12:34
26 line:
27
28 "No officer is perfect and if the members of any
29 platoon are interviewed, invariably those who are

1 interviewed will find cause for complaint with their
2 platoon commander. If the officers are inexperienced,
3 enthusiastic and overtaxed then the results are
4 predictable."

5
6 In this document, what are the predictable results,
7 Mr. Coffey?

8 A. I'm not 100% sure what I had in mind there, but in his
9 reply -- sorry, 2nd Lt. R in his submission to me en
10 route to the Commanding Officer, he had mentioned,
11 eh -- he had mentioned that he had one of the, eh, the
12 documents, in one of the -- in the one of the
13 allegations, sorry, in one of the allegations that he
14 had carried out -- he was sent -- one of the
15 allegations, I think, was that he ordered the
16 apprentice to pack his bags, that he was going to be
17 discharged, or something like that.

18 290 Q. That's correct.

19 A. This is my comment on it now at a very long distance
20 and it would be possibly explain some of my reaction.

21
22 The actions he carried out, as I recall, where he, or
23 he was accused of was the incident whereby he told him
24 about the allegations or about one of the allegations
25 was to pack his bags and move out. To me, that would
26 show inexperience

27 291 Q. Can I move on to the next line, Mr. Coffey?

28 A. Yeah.

29 292 Q. "In this case, one incident, where there was an element

1 of truth, was joined with several allegations to paint
2 a false and erroneous picture of 2 Lt. B."
3
4 A. Yeah.
5 293 Q. If you were not aware of the other allegations made by 12:37
6 apprentices --
7 A. No, not as I recall.
8 294 Q. -- how were you aware that there's one incident where
9 there is an element of truth if you're not privy to
10 what is going on in the investigation, Mr. Coffey? 12:37
11 A. I'm referring to -- I'm referring to explanation given
12 by 2nd Lt. R.
13 295 Q. So that's taken as the truth?
14 A. He came to me. His explanation was that he had -- he
15 gave an account of what the allegations were and he 12:38
16 admitted that the allegation about telling him to pack
17 his bags, that particular one, was true. But I'm just
18 reading from there that he admitted that.
19 296 Q. I think he accepted elements of two of the allegations?
20 A. I think that's what I was referring to. As I said, at 12:38
21 this remove, I am not entirely sure but it would make
22 sense to me that I would accept that his partial
23 explanation was, or his explanation of that incident
24 was -- he admitted to, he had admitted to it. So
25 that's what I'm talking about, I think, when I said 12:39
26 that the partial -- sorry, one allegation or part an
27 allegation was being used to reinforce the other ones.
28 I was dealing entirely with his reputation of the
29 allegations.

1 297 Q. So regardless of what the ongoing investigation may
2 show, you were satisfied based on a letter submitted by
3 2 Lt. B?
4 A. I cannot, at this juncture, recall the timings of it,
5 or what I knew and what I didn't know. And I would be 12:39
6 very reluctant to comment on them, really, because I
7 might mislead the Tribunal.
8 298 Q. Paragraph 5, Mr. Coffey:
9
10 "I have no hesitation in stating that in my experience 12:40
11 2 Lt. B has been an excellent officer. If he were to
12 be punished or seen to be punished as a result of
13 allegations made by Aptce. C, discipline in Apprentice
14 Company would be badly undermined."
15 12:40
16 Can you explain that comment to the Tribunal, please?
17 A. Again, I'm not 100% of what my thinking was at that
18 stage, but it was possibly that I didn't believe
19 entirely the allegations, the four allegations that had
20 been put to me. 12:40
21 299 Q. Based on what, Mr. Coffey?
22 A. Based on the fact that the 2nd Lieutenant had given an
23 explanation. If he was then subsequently disciplined,
24 it would have been unjust and would undermine
25 discipline. 12:41
26
27 Bear in mind, again, going back through documents not
28 through memory, the preliminary to the discharge by
29 purchase of Aptce. Traynor, eh, I would have been aware

1 of his conduct record because when I was conducting the
2 orders on his trial by subordinate officer, I would
3 have his conduct sheet on the desk beside me. So, I
4 would have been aware of his conduct sheet and his
5 previous conduct sheet would have indicated that I 12:42
6 would have a serious doubt about the allegations in the
7 first place.

8
9 As regards undermining discipline, possibly my thinking
10 at the time was that his actions seemed to result in 12:42
11 no -- eh, or, sorry, the officer who had had trained
12 him was being disciplined as a result of his
13 allegations. He -- well, other apprentices might say
14 why should I carry out the orders, if they were so
15 minded. That's, I think, possibly was my memory but, 12:43
16 again, I don't have a really clear memory on this and
17 I'm only trying to interpret what I saw.

18 300 Q. Thank you, Mr. Coffey. If Ms. Heavey could please move
19 on to page 2831 of the booklet of documents. This is a
20 letter from 2 Lt. B to Lt. Col. Hayes and, again, 12:43
21 you'll see on the top left of that document that it is
22 through the Company Commander. It's dated 16th May
23 1991, day four of the four days, Mr. Coffey. It's the
24 day after you sent your letter?

25 A. Mm-hmm. 12:44

26 301 Q. This letter addresses cigarette incidents and
27 hair-cutting incidents. At paragraph 3:

28
29 "One evening, when I was Orderly Officer I walked into

1 the billets and found Aptce. [Blank] smoking. He put
2 out the cigarette. I then proceeded to question him as
3 to why he was smoking in defiance of the no smoking
4 ban. He gave no answer. To show the apprentice that I
5 was serious in banning smoking I took a cigarette from 12:44
6 his packet and told him to put it in his nose. I got
7 the photograph taken of [blank]. The intended object
8 of this was to embarrass him and thereby get the
9 message across in a lighthearted manner. It was not in
10 any way intended to harm or intimidate him. A similar 12:44
11 incident occurred with Aptce. [Blank]. I learned from
12 my experience in [blank] that sometimes it was better
13 to treat things in a lighthearted manner.

14
15 4. During the summer of 1990 OC [redacted] made a 12:45
16 recommendation that two apprentices be discharged as
17 unlikely to become. (Extract from General Conditions
18 Awarding Apprenticeships in [blank] 1989). These
19 apprentices were [redacted] Aptce. [Redacted] and
20 [redacted] Aptce. [Redacted]. The cigarette incident 12:45
21 emerged during the course of an interview between of
22 GOC, Brigadier General [redacted] and Aptce. [Redacted]
23 and Aptce. [Redacted] as well as details of a
24 hair-cutting incident and the chewing incident in
25 October/November 1989. The GOC immediately ordered an 12:45
26 investigation. As a result of this, I was paraded in
27 front of the GOC in October 90.

28
29 5. Around the same time as the [redacted] incident

1 (approx. November 1989) and as part of the 'No Smoking'
2 Campaign, I have a vague recollection of a similar
3 incident during which I entered an apprentice billet
4 and found an apprentice smoking. I had the apprentice
5 put the extinguished butts of his smoked cigarettes 12:46
6 between his lips, again to embarrass him and drive home
7 the no smoking message. As I recall, the incident was
8 quite lighthearted and at no time did I order an
9 apprentice to eat cigarette butts. I do not recall who
10 the apprentice in question was but it could have been 12:46
11 Aptce. [Blank]."
12
13 I assume that's Padraic Lenaghan. So, at this point,
14 if not before, Mr. Coffey, you were certainly aware of
15 allegations being made, aside from the Damien Traynor 12:46
16 allegations, is that right?
17 A. Yeah. When this document came through me, as I said at
18 the start, and it's dated the 16th --
19 302 Q. That's right?
20 A. -- I think my report went in on the 15th. 12:46
21 303 Q. And at that point did you have any concerns for the
22 welfare of the apprentices?
23 A. I wouldn't have had -- I don't recall how I reacted to
24 this but with my experience and previous knowledge, I
25 think I would be appalled with this. 12:47
26 304 Q. Do you recall any discussions around that time to
27 remove 2 Lt. B from the Army Apprentice School?
28 A. Ehm, around this time being?
29 305 Q. May 1991?

1 A. May? No. I don't recall anything being said about
2 that at that time.

3 306 Q. But it may have been said?

4 A. Oh, it may have been said, yes.

5 307 Q. If Ms. Heavey could move along to page 2719 of the 12:48
6 booklet of documents. That's a document dated 16th May
7 1991, the author is Lt. Col. Hayes and it's to the GOC.
8 Probably GOC wall at the time. It's confidential and
9 it's in relation to an application for discharge by
10 purchase. 12:48
11

12 At paragraph 7 of that document, it's on page 2721:
13

14 "During the course of an interview with me,
15 Aptce. Traynor's parents made a number of allegations 12:48
16 against the Apprentice Company Platoon Commander,
17 2 Lt. B, which they said contributed towards
18 Aptce. Traynor's failure to adapt to the military
19 system."
20 12:49

21 There's the four allegations listed.
22

23 "Mr. and Mrs. Traynor were given an assurance that
24 these allegations would be investigated."
25 12:49

26 A. Sorry, could you please just scroll back for a moment.

27 308 Q. Paragraph 7?

28 A. "Kicked in the ribs."

29 309 Q. That's the four allegations made by Mr. Traynor. At

1 paragraph 8, Mr. Coffey:

2
3 "Mr. and Mrs. Traynor were given an assurance that
4 these allegations would be investigated. Mrs. Traynor
5 said that she would make sure that they were, but did 12:49
6 not elaborate. They confirmed that they were unaware
7 of any personal problems their son had had at home but
8 said that the death of his [redacted] during his time
9 in the of Aptce. Traynor's grandfather and an uncle (to
10 whom he was very attached) had a depressing effect on 12:50
11 him. They also agreed that Aptce. Traynor did not
12 adapt well to the military way of life.

13
14 9. Subsequent to this conversation, Aptce. Traynor was
15 interviewed by me. He confirmed the allegations. He 12:50
16 said that the first incident took place in January 90,
17 the second approx March 90 and the third before last
18 summer. The fourth had been ongoing."

19
20 So, that's how Lt. Col. Hayes says he became aware of 12:50
21 the incidents. That's in a report to the GOC.
22 Aptce. Traynor's parents made the allegations and
23 Aptce. Traynor later confirmed those allegations.

24 A. Yeah.

25 310 Q. In your letter to the OC in relation to these 12:51
26 investigations at paragraph (c) you said:

27
28 "Aptce. C allegations were made as a result of close
29 questioning to establish the cause of his continuous

1 misbehaviour and only after he had applied for and was
2 being granted his discharge."
3
4 It seems that his parents made the complaint and
5 Mr. Traynor later confirmed -- 12:51
6 A. Yes.
7 311 Q. -- those complaints?
8 A. Yes.
9 312 Q. But in your letter to the OC you say that:
10
11 "Aptce. C's allegations were made as a result of close 12:51
12 questioning to establish the cause of his continuous
13 misbehaviour."
14
15 A. No. 12:51
16 313 Q. Can you explain that?
17 A. I don't understand that at all.
18 314 Q. It's at page 2759 of the booklet of documents at
19 paragraph 2(c). This is the document dated 15th May
20 1991. You're the author of that document, we've just 12:52
21 discussed it at length. Paragraph (c), can you explain
22 that to the Tribunal, Mr. Coffey?
23 A. [Short pause]. Yes. That was very clear, eh, the
24 allegations were made after close questioning by,
25 presumably by Lt. Col. Hayes, or by myself during his 12:52
26 trial, his hearing, as a result. And --
27 315 Q. This is on Monday, the 13th?
28 A. Immediately following that - his statement is right in
29 my head now - I had charged him, or he had been

1 charged -- he was charged in front of me. I had
2 questioned him closely about his misbehaviour, his
3 behaviour. And --

4 316 Q. Were you aware that Mr. Traynor had had a breakdown of
5 sorts on the Saturday night, Mr. Coffey? 12:53

6 A. My understanding of it was that he had, eh, damaged
7 property.

8 317 Q. Were you aware that the laces were taken out of his
9 shoes and the belt was taken out of his pants when he
10 was put in the Fire Picket Room? 12:53

11 A. I may not have been aware of the detail but it would be
12 normal, yeah.

13 SOLE MEMBER: what would be normal?

14 THE WITNESS: To remove his shoelaces. It would be a
15 protective device. 12:54

16 SOLE MEMBER: It would be normal if what?

17 THE WITNESS: If he was brought to the Guard Room under
18 escort and reluctantly. He would be under arrest
19 pending charge, and it would be, or it could be -- it
20 would not be unusual, shall I say, to remove his laces 12:54
21 and his -- anything that was on him that could cause,
22 possibly cause further misharm.

23 SOLE MEMBER: To what? To himself?

24 THE WITNESS: To himself, yes. I think that's what is
25 being referred to there. 12:55

26 SOLE MEMBER: Thank you.

27 318 Q. MR. O'HANLON: Given your time in the Military Police,
28 Mr. Coffey, what would your comments be on how that
29 investigation took place?

1 A. Eh, I would be reluctant to comment on it because, ehm,
2 my experience in the Military Police at that stage was
3 very limited and I had never carried out an
4 investigation myself. As I said, I was in the
5 detention barracks as OC and governor of the detention 12:56
6 barracks, it's a different part of the Military Police
7 investigation so I had -- at that stage I had not
8 encountered an actual investigation myself.

9 319 Q. And number of weeks later, Aptce. Oliver Mullaney died
10 by suicide at the Army Apprentice School? 12:56

11 A. That's correct.

12 320 Q. Do you recall that?

13 A. I recall being informed about that, yes.

14 321 Q. There were two Military Police investigations; one was
15 into the death of Mr. Mullaney; and the second was in 12:56
16 relation to ill-treatment of inferiors on 20th June
17 1991, two days prior to Mr. Mullaney's death. Were you
18 aware of those investigations at the time?

19 A. The only investigation I was aware of at the time was
20 the investigation into his death, which would have 12:57
21 started, and would have been normal procedure for the
22 death of a person in service. Conducted as part -- it
23 would be normal for anybody who died in service.

24 322 Q. As the Company Commander of the Army Apprentice School,
25 you were not aware of an investigation being conducted 12:57
26 by the Military Police in relation to the behaviour on
27 a date two days prior to the suicide?

28 A. No.

29 SOLE MEMBER: Mr. O'Hanlon, we might just pause there

1 now and take a break for lunch and come back at two
2 o'clock.

3
4 THE TRIBUNAL ADJOURNED FOR LUNCH AND CONTINUED AS
5 FOLLOWS:

12:58

6
7 SOLE MEMBER: Good afternoon.

8 MR. O'HANLON: Good afternoon, Judge.

9 SOLE MEMBER: Mr. O'Hanlon.

10 MR. O'HANLON: Mr. Coffey, please.

14:02

11 SOLE MEMBER: Good afternoon, Mr. Coffey, I would just
12 remind you that you're still under oath.

13 THE WITNESS: Thank you very much.

14 SOLE MEMBER: If you wouldn't mind, again, speaking
15 into the microphone. Thank you.

14:02

16 THE WITNESS: Thank you.

17 MR. O'HANLON: Thank you, Mr. Coffey.

18
19 MR. ANTHONY COFFEY CONTINUED TO BE DIRECTLY EXAMINED BY
20 MR. O'HANLON AS FOLLOWS:

14:02

21
22 323 Q. MR. O'HANLON: Before the break you had just told the
23 Tribunal that you were not aware of a Military Police
24 investigation into the ill-treatment of inferiors on
25 20th June 1991, is that right?

14:02

26 A. Pardon?

27 324 Q. Is that right?

28 A. That's correct, yes.

29 325 Q. On that day, on 20th June 1991, two days prior to the

1 death of Oliver Mullaney, there was military training
2 in Kilbride, is that right?

3 A. Yes.

4 326 Q. Were you present on that day?

5 A. I was present at the military training, yes, the ranges 14:03
6 were being conducted, yeah.

7 327 Q. Do you recall being there on that day?

8 A. I do. I recall that, yes.

9 328 Q. And how did you get there?

10 A. I went there in my own private vehicle, my car. 14:03

11 329 Q. Do you remember that?

12 A. Well, eh, there was no transport in Naas Barracks at
13 that time, no transport, so that's how I would have
14 gotten there, yes.

15 330 Q. And how did the platoon get there? 14:03

16 A. Eh, my observation at the time was that they weren't
17 performing very well.

18 331 Q. But how did they travel to Kilbride?

19 A. Pardon?

20 332 Q. How did they travel to Kilbride? 14:03

21 A. They travelled in a truck, I presume, yes. A military
22 truck.

23 333 Q. And how did the other officers travel to Kilbride?

24 A. I don't know. I would imagine they would have probably
25 travelled on a military vehicle as well, yeah. 14:04

26 334 Q. But you did not travel on a military vehicle?

27 A. I did not, no. I was only conducting a visit as part
28 of my function as overseeing and ensuring, acquainting
29 myself to ensure that training was being properly

1 conducted.

2 335 Q. Can you tell the Tribunal about that.

3 A. About what?

4 336 Q. About what you witnessed at Kilbride on that day?

5 A. Yeah. I witnessed them conducting range practises. I 14:04

6 don't know anything precisely -- I don't recall

7 anything precisely that I noted but -- anything, in

8 particular, should I say, but I just formed the opinion

9 that, eh, the range practises were not being conducted

10 very well. And, eh, the range practises are, first of 14:05

11 all, an essential part of military training but they

12 are also a very dangerous part of military training and

13 if they're not being conducted properly, then there has

14 to be two questions; did -- first of all, did they

15 receive the proper training? And then if they didn't 14:05

16 receive the proper training you would have to take

17 corrective action. The other is that they were not

18 responding to the training in the way that they had

19 been trained.

20 337 Q. And were you satisfied with the training on that day? 14:05

21 A. I wasn't particularly satisfied with the conduct at the

22 ranges. As I said, there's nothing in particular --

23 what I said last in a general way, but that's what I

24 would be looking out for. But I don't recall, ehm,

25 that there was anything in particular wrong, and I 14:06

26 certainly wouldn't think that there was, eh -- that I

27 recall anything that was dangerous being happening.

28 But, as I said, I just really don't recall what it was.

29 338 Q. And when you say that you weren't satisfied with the

1 conduct at the ranges?

2 A. Yeah.

3 339 Q. whose conduct is that?

4 A. Yeah, well the apprentices generally. They were --

5 seemed to be, eh, not very enthusiastic about their 14:06

6 work for starters. And that's an impression I would

7 have formed on there.

8 340 Q. Did you communicate your dissatisfaction to anybody?

9 A. No.

10 341 Q. Can you remember that? 14:07

11 A. Not on the ranges, no. No.

12 342 Q. Do you remember not communicating that to anyone?

13 A. I don't remember not communicating but I would imagine

14 that, eh, I didn't.

15 343 Q. In evidence, the 34th Platoon have told the Tribunal 14:07

16 about an intense day of training in Kilbride on that

17 day?

18 A. Mmm.

19 344 Q. They've told the Tribunal about mistreatment throughout

20 the day and on into the night. That was back in Devoy 14:07

21 Barracks, at the Army Apprentice School, Mr. Coffey?

22 A. Sorry?

23 345 Q. After the military training in Kilbride, the

24 34th Platoon returned to Devoy Barracks to the Army

25 Apprentice School? 14:08

26 A. Yes.

27 346 Q. There was a weapons inspection?

28 A. Yes.

29 347 Q. And there was a parade on the square?

1 A. Yes.

2 348 Q. Were you present for that?

3 A. No, I was not.

4 349 Q. And you are aware that several of the members of the
5 34th Platoon had told the Tribunal that you were in 14:08
6 fact there on that occasion?

7 A. I am aware of that, and I absolutely categorically deny
8 that I was there on that occasion.

9 350 Q. You can remember not being there on that occasion in
10 1991? 14:08

11 A. Yes. I did not witness the conduct as alleged by the
12 apprentices.

13 351 Q. The Tribunal has heard evidence of there being a
14 perception, within the 34th Platoon, that the events on
15 20th June 1991 contributed to the death of 14:08
16 Oliver Mullaney on 22nd June 1991; were you aware of
17 that perception, Mr. Coffey?

18 A. Eh, I don't recall, in particular, but I probably would
19 have become aware at some stage subsequent to the
20 event. 14:09

21 352 Q. You don't recall that?

22 A. I don't particularly recall it, no. Eh, I was aware
23 that there were allegations being made of that nature,
24 that the Lieutenant was responsible in some way. But,
25 as I said, eh, it would have been, I would have thought 14:09
26 about it, idle talk.

27 353 Q. You have read the documentation provided to you by the
28 Tribunal?

29 A. Mm-hmm.

1 354 Q. And have you heard any of the evidence that has been
2 before the Tribunal, given by members of 34th Platoon
3 in relation to what happened that night?
4 A. No, I haven't heard any of the evidence given before
5 the Tribunal, no. 14:10
6 355 Q. The evidence before the Tribunal is that Mr. Mullaney
7 was insulted throughout that parading.
8 A. Yes.
9 356 Q. Members of the 34th Platoon were forced to sing and
10 dance. 14:10
11 A. Yes.
12 357 Q. Mr. Mullaney's hat was put sideways, he was called a
13 French man and a farmer. He cried himself to sleep
14 that night, Mr. Coffey.
15 A. Yes. 14:10
16 358 Q. Were you aware of that?
17 A. I was aware of it subsequently, yes.
18 359 Q. Do you know when?
19 A. Ehm, I can't recall. I just can't recall when, no.
20 360 Q. Cpt. F gave evidence to the Tribunal and he said that 14:10
21 he spoke to the 34th Platoon on the Sunday night, on
22 23rd June, the day after Mr. Mullaney's death, when the
23 platoon returned to Devoy Barracks. In his statement
24 to the Tribunal he said the platoon were "shocked and
25 agitated." At interview, that's as page 3305 of the 14:11
26 booklet, he said:
27
28 "Their anger seems to have been all pointed in a
29 particular direction, to their platoon commander."

1 Did Cpt. F communicate --
2 A. Pardon?
3 361 Q. Did Cpt. F communicate that to you?
4 A. I have no recollection of that.
5 362 Q. Were you aware of it when you returned to the barracks? 14:11
6 A. Eh, I would have become aware of it sometime, yes.
7 But, I wasn't approached directly and made aware of it,
8 not by Cpt. F, or anybody else, no.
9 363 Q. And not by any of the members of the 34th Platoon?
10 A. Eh, no, no. It would have been something that was 14:12
11 circulated, shall we say.
12 364 Q. And you were the Company Commander at the Apprentice
13 School?
14 A. I was the Company Commander, yeah.
15 365 Q. If Ms. Heavey could please open page 4455 of the 14:12
16 booklet of documents. Excuse me, it's 4460. My
17 apologies. That's a handwritten letter dated 28th June
18 1991. The author is 2 Lt. B. And you can see there on
19 the top left it's to the OC, Army Apprentice School,
20 Lt. Col. Hayes, and through the Company Commander, 14:13
21 that's you.
22
23 Paragraph 1:
24
25 "I wish to apply for a transfer from the AAS to GTD, 14:13
26 McDonagh Barracks."
27
28 I believe that's in Kilkenny, Mr. Coffey, is that
29 correct?

1 A. General Training Depot, that was the name of the unit
2 in The Curragh, McDonagh Barracks was in The Curragh
3 and GTD was the initials for General Training Depot.

4 366 Q. So that's in The Curragh?

5 A. In The Curragh, sorry, yes. 14:13

6 367 Q. Thank you. Paragraph (b):

7

8 "I feel that due to past incidents I have become the
9 victim of a dangerous slur-type campaign being waged by
10 person or persons unknown. 14:13

11

12 (c) I realise that my request comes rather soon after
13 the recent tragic end of Aptce. Mullaney O in barracks.
14 I wish to disassociate myself from any involvement in
15 the incident. Furthermore, I do not wish to be made a 14:14
16 sort of 'scapegoat'. To this end I must also request
17 that the transfer be temporarily delayed (until late
18 August if possible)."

19

20 A. Yes. 14:14

21 368 Q. That's dated 28th June 1991, Mr. Coffey.

22 A. Yes.

23 369 Q. Six days after the death of Mr. Mullaney?

24 A. Mm-hmm.

25 370 Q. And that has gone through the Company Commander. Do 14:14
26 you recall receiving that letter?

27 A. I recall receiving a request for transfer, yeah. I
28 don't recall the amount of detail in that, that's in
29 that application but I do remember a request for a

1 transfer.

2 371 Q. And in your statement to the Tribunal I think you said
3 you didn't recall anything unusual about the request
4 for a transfer?

5 A. Eh, well, I didn't. At the time I didn't consider any 14:15
6 of it to be unusual.

7 372 Q. At this point, Mr. Coffey, you were aware --

8 A. Could I just interject there for a moment. This was an
9 application to the, eh, battalion, or the Unit
10 Commander. It was coming through me for my 14:15
11 information. As far as I was concerned, the -- would
12 be my recollection of it, the top line was a request
13 for transfer was the part that concerned me. What I
14 would be looking for at that stage was, if this officer
15 is going to be transferred, will I get a replacement? 14:16
16 That's the type of thinking that would be going on.
17 I'm not sure I would have thought that at the time but
18 that's my, eh, thinking on it now. And his reasons,
19 they could be dealt with by the CO, to whom it was
20 addressed. 14:16
21

22 When I said I recommended, as I said, I recommended his
23 transfer as requested, but I don't recall this amount
24 of detail but I'm not saying that it wasn't in it. But
25 what I was referring to was, I recommended -- I'm 14:17
26 surprised it's not written on the document, and there's
27 no indication that it went anywhere, as far as I can
28 see.

29 373 Q. That's correct, Mr. Coffey. It's not stamped.

1 A. Yeah.

2 374 Q. And this was not received in discovery from the Defence
3 Forces?

4 A. Yeah. But what I'm saying is that it wasn't to me, it
5 was through me. As in, as I explained earlier on, it 14:17
6 was going through the chain of command.

7 375 Q. If it was sent, you would have read it?

8 A. I would have read it, yes. Yes. If this is the
9 document that was presented to me, I would have
10 recommended it. But I would probably -- probably 14:17
11 wouldn't have made any comment on it, apart from
12 recommending. I would accept that they were his
13 reasons but it was for somebody else to make the
14 decision, not for me.

15 376 Q. At this point, Mr. Coffey, you were aware of four 14:18
16 allegations made by Damien Traynor. You were aware of
17 two incidents involving cigarettes; one whereby an
18 apprentice was told to put cigarettes in his nose and
19 ears; another whereby an apprentice was forced to put
20 butts in his mouth and chew? 14:18

21 A. Could I stop you for a moment there. I'm not sure that
22 I was aware of the cigarette incident and I'm not sure
23 of the amount of detail that went into describing it to
24 me. I'm only saying that I don't recall it at the
25 time. It strikes me as very graphic now when I see it 14:18
26 described here, but I don't remember it at the time.
27 But this is an application for a transfer after a
28 series of events.

29 377 Q. That's correct, Mr. Coffey. Do you recall earlier on

1 today when we discussed a letter dated 16th May 1991,
2 one day after your sent your report, or your statement
3 to Lt. Col. Hayes?

4 A. Mmm.

5 378 Q. In that document from 2 Lt. B to the Officer 14:19
6 Commanding, through you, he addresses the cigarette
7 incidents and the hair-cutting incident?

8 A. Yes.

9 379 Q. You were aware of them from 16th May?

10 A. 16th, that's correct. 14:19

11 380 Q. At the very latest?

12 A. Yes, that would appear to be the case, yes, yes.

13 381 Q. Potentially, before that?

14 A. Possibly, yes. But on that occasion I was
15 addressing -- I was addressing the -- my recollection 14:19
16 of it is, as I said, I don't remember it very well, or
17 at all in fact, but I'm now using the documents that
18 were presented to me by the Tribunal and I'm surmising,
19 and maybe I shouldn't, but I'm surmising that I was
20 addressing -- I know we're going back over the same 14:20
21 ground now, but I was addressing the four allegations
22 that Lt. B had sent to me, through the -- through me to
23 the CO, and they were my comments on it at the time.
24 That's how I felt at the time, eh...

25 382 Q. And at this time, in or around 28th June 1991, less 14:20
26 than a week after an apprentice has taken his life in
27 the Army Apprentice School, and you were the Company
28 Commander, at that time you were aware --

29 A. Yeah.

1 383 Q. -- of the cigarettes, the hair-cutting, the four
2 allegations made by Mr. Traynor, and you were also
3 aware of the perception within the 34th Platoon that
4 the events on 20th June 1991 contributed to the death
5 of Aptce. Oliver Mullaney; isn't that right? 14:21

6 A. The perception of the apprentices, eh, I'm not too sure
7 that I was, eh, aware of this, except that it was idle
8 talk in anger afterwards, that would be how I would --
9 insofar as I can recall it, and --

10 384 Q. Can you explain that "idle talk" to the Tribunal, 14:22
11 please, Mr. Coffey?

12 A. Well, I gather that there were meetings held and, eh,
13 from the documents and I know -- I remember from the,
14 ehm -- that the CO addressed them.

15 385 Q. The Platoon Sergeant said there had been a meeting the 14:22
16 day after?

17 A. I don't know which meeting that was, but the CO
18 addressed them, was it at that meeting or was there
19 some other meeting? I can't recall that.

20 386 Q. Is it fair to say that you were aware of this 14:22
21 perception at that time, Mr. Coffey?

22 A. Probably, yes.

23 387 Q. Were you concerned for the welfare of the apprentices
24 at that point, Mr. Coffey?

25 A. Well, I would have formed the opinion at that stage 14:23
26 that, eh, I think that the 2nd Lieutenant's position
27 was untenable. That he applied for a transfer and I
28 was not going to object to it.

29 388 Q. Did you think there needed to be an investigation, as

1 you weren't aware of the investigation being conducted
2 by the Military Police into the ill-treatment of
3 inferiors?

4 A. Sorry, could you say that again, please?

5 389 Q. You told the Tribunal that you were not aware of an 14:23
6 investigation being conducted by the Military Police in
7 relation to the ill-treatment of inferiors on 20th June
8 1991?

9 A. That's correct, yes, I was not.

10 390 Q. As company commander, did you think there should have 14:24
11 been an investigation at that point?

12 A. Now, I am not sure what I was thinking at that time and
13 I really can't recall if I was then aware of the
14 Military Police investigation but I certainly wasn't up
15 to that, and the, ehm -- and then maybe I was made 14:24
16 aware of it. I have no recall of Military Police
17 involvement in this until a much later stage when they
18 came in with the result. And that would be normal
19 enough for Military Police. They wouldn't be ringing
20 me up and telling me, 'Oh, we're conducting an 14:24
21 investigation into your crowd.' That just wouldn't
22 happen. They would go about their business in the way
23 that they do go about their business. They wouldn't
24 come to me, necessarily. And I wouldn't dare intervene
25 or, eh, look for, eh, an interim report or anything 14:25
26 like that, even if I did know that they were conducting
27 business. So, the fact that I didn't know is not
28 unusual.

29 391 Q. Is it unusual for a company commander to not

1 investigate circumstances such as these ones,
2 Mr. Coffey?

3 A. Eh, I think I would have been aware that the Commanding
4 Officer was conducting an investigation of some
5 description. 14:25

6 392 Q. What investigation was that?

7 A. He would be -- he would be looking at the overall
8 picture, because he had the, eh, he may have known, I
9 don't know that. And I'm indulging in idle speculation
10 here now. 14:26

11 393 Q. We might avoid idle speculation, Mr. Coffey.

12 A. I'm trying to help, but I'm operating with very limited
13 memory recall. I'm trying to be as helpful as I can to
14 the Tribunal now. And, eh, I'm trying to, eh, piece
15 together from the documentation how -- what the various 14:26
16 things might have meant or might not have meant, and it
17 may or may not be helpful.

18 394 Q. Mr. Coffey, the Tribunal is investigating whether or
19 not complaints of abuse were actively deterred, or
20 whether there was a culture that discouraged the making 14:27
21 of complaints of abuse. If Ms. Heavey could please
22 display Day 10, 19th June 2026. That's
23 Damien Traynor's evidence before the Tribunal. Page 25
24 of that transcript. Line 27. That's Mr. Cush asking
25 the question. 14:27
26

27 "Q. Why didn't you complain about it?

28 A. Again, complain to who? There was nobody there to
29 complain to. You know, I think you have to -- and it's

1 very different - and I suppose I've thought about this
2 a lot - it's very difficult to convey -- you know,
3 while we can put words on it, but what we can't put
4 into any of this is the feeling, you know, the
5 atmosphere, the environment. You know, it's very, very 14:28
6 difficult to explain what that was like. You know,
7 there was never a point where anybody, that I'm aware
8 of, ever made a decision not to complain. It just --
9 it just was alien. There was no concept of complaint
10 or no concept that there was even an option to 14:28
11 complain. And I think that's really important to
12 understand that control that was there, that power over
13 us, that we were so cocooned within his control that,
14 you know, there was nobody else stepping in there at
15 any point where you would -- and, you know, we wouldn't 14:28
16 have had, probably, because we were so scared, if we
17 had had, but there just wasn't any opportunity there
18 for any -- there was never any sign of any outsiders
19 within that. Like, as I say, he was in control and
20 that was it." 14:29

21
22 would you like to comment on that, Mr. Coffey?

23 A. I think I wouldn't agree with that.

24 395 Q. who was there to complain to?

25 A. There was the NCOs, the Company Sergeant, there was 14:29
26 myself and he got, eh, he was before me on several
27 occasions and always conducting an investigation trial.
28 I would ask -- this is procedure, I would ask, 'what
29 was your problem? what's your version of the story

1 here?' And he would be afforded full opportunity to
2 call witnesses, because that's one of the parts of the
3 trial. His rights would have been read out to him. He
4 could have, at any stage, and from what the documents
5 indicate to me there that even when he was about to be 14:30
6 discharged, he was asked, again, what the problems
7 were, what his difficulties were or why was he not
8 behaving properly. And he declined to make a complaint
9 of any description.

10 396 Q. Mr. Coffey, the majority of the 34th Platoon who gave 14:30
11 evidence before the Tribunal have said that they
12 weren't informed on how, or they don't recall being
13 informed on how to make a complaint of abuse. Do you
14 know the system that was in place at the time for
15 making a formal complaint of abuse? 14:30

16 A. Yeah.

17 397 Q. What was that?

18 A. They would just complain to the nearest NCO.

19 398 Q. Section 114 of the Defence Act 1954, Mr. Coffey?

20 A. Yes. 14:31

21 399 Q. Are you aware of that?

22 A. I would be, yes. That would be a formal complaint,
23 yes.

24 400 Q. Do you know who that formal complaint, pursuant to
25 Section 114 would be made to, Mr. Coffey? 14:31

26 A. I'm 20 years out of the Army and even when I was in the
27 Army I wouldn't recall the various sections of the
28 various Acts.

29 401 Q. It's you, Mr. Coffey?

1 A. Pardon?

2 402 Q. Complaints should be made to you, the Company
3 Commander?

4 A. Yeah. They were entitled to make complaints to me.

5 403 Q. Can you see why they might not have felt comfortable 14:31
6 doing that. We've discussed here before the Tribunal
7 today that you were aware of allegations made by
8 Damien Traynor, you wrote a strong letter in relation
9 to that to say that to discipline or to punish 2 Lt. B
10 would be bad for discipline in the Army Apprentice 14:31
11 School. You were aware of hair-cutting incidents. You
12 were aware of cigarette incidents. You were aware of a
13 perception in relation to the death of Oliver Mullaney.

14 A. Mmm.

15 404 Q. You did nothing. 14:32

16 A. No, I would reject that. That period you spoke about,
17 when I was aware was after, eh --

18 405 Q. It was a day after you sent your letter, Mr. Coffey?

19 A. It was -- sorry, it was after the apprentice had
20 already been granted his discharge. Now, he had been 14:32
21 afforded -- I can understand if he was reluctant to
22 come up to anybody and say, eh, 'I have a complaint to
23 make about lieutenant such and I want to go to the
24 Company Commander,' or 'I want to go to the Company
25 Commander to make a complaint about lieutenant such.' 14:33
26 I can understand that, but when he was offered the
27 opportunity in front of the Company Commander, and
28 subsequently in front of the CO, he did not make the
29 complaint. He made the complaints subsequent to his

1 discharge.

2 406 Q. That's right.

3 A. Or as he was almost literally going out the gate.

4 407 Q. That's correct.

5 A. That's my memory. 14:33

6 408 Q. His parents made the complaints initially?

7 A. Pardon.

8 409 Q. His parent initially made the complaints?

9 A. Or his parents, yes.

10 410 Q. That's right? 14:33

11 A. Yes.

12 411 Q. The Platoon Sergeant, Mr. Henry, has given evidence to

13 the Tribunal. He said there was an incident with the

14 shining of flashlights?

15 A. Mm-hmm. 14:33

16 412 Q. And he may have brought that to your attention; do you

17 have any recollection of that?

18 A. I don't. I don't particularly. No.

19 413 Q. Mr. Coffey, having read the documentation provided to

20 you, and from hearing the evidence -- 14:34

21 A. Sorry, by the way, I'm not doubting Mr. Henry's

22 evidence or anything like that. He may have done but

23 it's just I don't recall.

24 414 Q. You don't recall. Having read the documentation

25 provided to you, Mr. Coffey, and having discussed that 14:34

26 in detail before the Tribunal today, is there anything

27 you would do differently if you could go back to that

28 period, that four-day period from 13th May 1991 to 16th

29 May 1991, in relation to the allegations made by

1 Mr. Damien Traynor?

2 A. Eh, I would be indulging in speculation because I can't
3 recall how much I had absorbed of all of that. I
4 possibly would have done something different. But I
5 would -- I'm not sure exactly what or how. It all 14:35
6 happened in a relatively short period and I had only
7 been there for three months or something in that first
8 three or four months when Mr. Traynor's incident
9 happened. So, ehm, would I have done anything
10 different? Possibly. On reflection. 14:35

11 MR. O'HANLON: Thank you, Mr. Coffey. Some of my
12 colleagues may have some questions for you.

13 SOLE MEMBER: Thank you. Mr. Lehane.

14
15 MR. ANTHONY COFFEY, WAS CROSS-EXAMINED BY MR. LEHANE AS 14:35
16 FOLLOWS:

17
18 415 Q. MR. LEHANE: Mr. Coffey, I'm going to ask you some
19 questions. Firstly, I just want to deal, in a very
20 general sense, with your recollection. I think you'll 14:36
21 agree with me that your recollection of the four days
22 in May, 13th, 14th, 15th and 16th May - this is in
23 relation to Mr. Traynor - your memories of what
24 happened on those days has faded, in some cases nearly
25 entirely, is that right? 14:36

26 A. Yes.

27 416 Q. And when you were giving your evidence and Counsel for
28 the Tribunal brought you very carefully through
29 documents that were generated in relation to those four

1 days and he brought you to them, do you remember he
2 said the first day, the Monday, the second day the
3 Tuesday, the third day the Wednesday, the fourth day
4 the Thursday.

5 A. Yes. 14:36

6 417 Q. Again, when you were referred to documents that had
7 your signature on them, you didn't deny that they were
8 your documents?

9 A. Yes.

10 418 Q. And when you were brought to documents that were copied 14:37
11 to you, do you remember like from somebody, let's say
12 like a 2nd lieutenant to the Officer Commanding through
13 the Company Commander, that was you --

14 A. Yes.

15 419 Q. -- you didn't deny that they would have gone through 14:37
16 you, or been copied to you, isn't that right?

17 A. No.

18 420 Q. And, again, when you were asked questions on those
19 documents, I think you were very clear that to a degree
20 you were engaging in speculation as to why you might 14:37
21 have written something, because you couldn't remember
22 the events of the time, is that right?

23 A. That's correct.

24 421 Q. And in relation to the questions that you were asked in
25 respect of the events of June - this events surrounding 14:37
26 the late Mr. Oliver Mullaney - you were asked, firstly,
27 I think about your recollection of the events on 20th
28 June, this is in Kilbride on the ranges; do you recall
29 that?

1 A. Yes. 14:38

2 422 Q. And your recollection of that, I think, was, again,
3 that you went there on an inspection to see how the
4 training was going, is that right?

5 A. Yes. 14:38

6 423 Q. And you couldn't remember, in any great detail, how you
7 got there. I think you were probed about what vehicle
8 you might have travelled in?

9 A. I think I should have been clear there. I went in my
10 own private car. 14:38

11 424 Q. And, in fairness, you were clear on that, that you were
12 in your car. But, again, you know, in terms of your
13 memory of the day, you know, it related to the
14 inspection.
15 14:38

16 Later that day, evidence was put to you by Counsel to
17 the Tribunal that had been given to the Sole Member
18 about events on the square; do you remember that?

19 A. Yes.

20 425 Q. And you were asked why you remembered that you weren't 14:38
21 there; do you recall that?

22 A. Yes.

23 426 Q. Okay. Firstly, could you just remind the Sole Member -
24 I know you said it already but I don't want to be
25 putting words into your mouth - what was your normal 14:39
26 working day like, half nine to four o'clock?

27 A. Nine o'clock to half four.

28 427 Q. Again, just in relation to the events described on the
29 square on the 20th, I mean you've had an opportunity to

1 read the material in the books that were provided to
2 you by the Chief State Solicitor's Office, having given
3 been given to it by the Tribunal, isn't that right?

4 A. Sorry?

5 428 Q. The allegations, I'm referring to the allegations of 14:39
6 transpired on the square.

7 A. Yes.

8 429 Q. You know ballroom dancing, singing, etc. You'd agree
9 with me they're memorable events, had you witnessed it?

10 A. Yes. 14:39

11 430 Q. So you would have a recall if you witnessed something
12 like that?

13 A. Well, not only that, eh, but if I had been there and
14 observed what was going on then I was conducting this
15 business. The senior officer present is the officer in 14:40
16 charge and when people make allegations that I was
17 there, they were saying I was conducting it. This
18 might not be clear but I'll explain.

19

20 The officer who's the senior man who is present at 14:40
21 anything is responsible for the conduct of his
22 subordinates. Irrespective, if a senior officer is in
23 the presence of a matter that's in breach of
24 Regulations, he is bound to intervene and take action
25 to stop it, not -- he cannot excuse himself by saying, 14:41
26 'I was only there.' I know that, I have always known
27 that. The senior officer present is the person
28 responsible. In this case, these people are accusing
29 me of being present and conducting that activity as is

1 outlined.

2 431 Q. So just --

3 A. I categorically and absolutely deny that. I'm a
4 professional officer and I carried out my duties, all
5 of my duties, to the best of my ability in accordance 14:41
6 with my oath. And I have no hesitation, whatsoever, in
7 denying that I was there.

8 432 Q. So just so I'm clear and we're not at cross purposes,
9 Mr. Coffey, I think what you're saying is that if
10 you're the senior officer in a situation where somebody 14:42
11 who is lower in rank than you who is behaving in a
12 manner that is unacceptable, it is not open to you to
13 simply ignore it, but rather -- sorry, if you did
14 ignore it, you're deemed to have condoned the activity
15 and you have ultimate responsibility for it; is that 14:42
16 your evidence?

17 A. Yes. The term used normally is an officer is
18 responsible for his subordinates, what they do and what
19 they fail to do.

20 433 Q. Thank you, Mr. Coffey. Just in terms of the general 14:42
21 matters, you'll recall you were asked questions of a
22 general nature, you were asked questions in relation to
23 Mr. Traynor, you were asked in relation to Mr. Mullaney
24 and the related investigation. But just in respect of
25 the event questions that you were asked, I just want 14:42
26 you to develop one point or assist the Sole Member
27 with. Again, in an age of e-mail and documents we can
28 forget about how people used to communicate in
29 organisations in the past. But I think your evidence

1 to the Sole Member was normally people would report
2 verbally, is that right, and messages would be
3 delivered in a verbal fashion, is that right? Or am I
4 taking that up wrong?

5 A. Sorry?

14:43

6 434 Q. Communications to you from the people under you, how
7 would they normally -- if a 2nd lieutenant or a captain
8 had something to say to you, how would they normally
9 say it to you, would they do it in writing or would
10 they do it orally?

14:43

11 A. In the normal routine of the barracks they would
12 approach me and say it to me. If it was something
13 formal that they had to report on or they had been
14 asked to report on, then they would do it in writing.

15 435 Q. I want to move on now just to the evidence that you
16 gave to the Sole Member about the reading of the
17 Defence Acts and the Defence Regulations and you told
18 the Sole Member, I think, that you didn't recall
19 reading them but you would have expected your
20 subordinates to do so. Again, you weren't here for the
21 evidence that's been given, but evidence has been given
22 to the Sole Member from NCOs and the platoon lieutenant
23 that they did give this instruction. So that's just so
24 you're aware.

14:43

14:44

25
26 Moving on to the investigation into the allegations
27 made by Mr. Traynor. I have to ask you this because it
28 was put to Cpt. O'Keefe, but what would your response
29 be to the suggestion that there was a cover-up engaged

14:44

1 in in relation to the investigation of these
2 allegations?

3 A. I think it's dreadful to even suggest it. I would have
4 no concept of why I would -- why would I engage in
5 anything like that? I just have no concept of that. I 14:45
6 think it's an outrageous allegation to make. And I
7 categorically deny it.

8 436 Q. Okay. And, again, just formally because it was put to
9 other people; did you in any way interfere or seek to
10 interfere with Cpt. O'Keefe's work in the task that he 14:45
11 had been assigned in investigating these matters?

12 A. No.

13 437 Q. Again, and Mr. O'Hanlon very carefully set out to the
14 Sole Member the timeline that was involved and the
15 underlying allegations -- 14:45

16 A. Sorry to interrupt you. Just to clarify on the "no."
17 My only contribution to Cpt. O'Keefe's investigation
18 was, as he alleged, or as he said in his statement, the
19 only -- that I may have -- my categoric no I want to
20 qualify it. Cpt. O'Keefe said, in my recollection in 14:46
21 his statement, that he had come to me for advice on how
22 to conduct the investigation. I don't recall the
23 incident or him coming to me but I have no reason to
24 doubt it was correct. In many cases, officers would
25 come to me for advice on any matter in the barracks and 14:46
26 I would always be open to giving that advice if I was
27 in a position to do so. And to me, that would, eh,
28 tone in with that statement by Cpt. O'Keefe. So, that
29 could not be interpreted, or should not be interpreted

1 as interfering in an investigation. It happened before
2 the investigation began, obviously.

3 438 Q. And, as I said, Mr. Coffey, the third aspect of your
4 evidence related to circumstances that arise in
5 relation to Mr. Mullaney and I've already asked you in 14:47
6 relation to that so I don't have to ask you any other
7 questions in respect of that.

8

9 You were asked earlier on, when you were taken by
10 Mr. O'Hanlon for the Tribunal, through the duties and 14:47
11 responsibilities of the Company Commander in the Army
12 Apprentice School, do you recall that, the duties of
13 the Company Commander?

14 A. Yes.

15 439 Q. Again, you told the sole Member that you were the first 14:48
16 commandant in this position, yes?

17 A. Yes.

18 440 Q. That it had previously been a role that had been
19 carried out by a captain?

20 A. Yes. 14:48

21 441 Q. And that that was commonplace within training
22 establishments, I think you said?

23 A. Yes. The training establishments I knew of were Naas
24 and the General Training Depot, in particular, and it
25 was not unusual, for whatever reason, to have a captain 14:48
26 up to the time I came, captain Company commander.

27 442 Q. Whereas in other infantry units I think company
28 commanders at this stage were commandants, is that
29 right?

1 A. Company commanders were commandants, yes, and captains
2 would be 2ICs, Second-in-Command.

3 443 Q. And you took over that role and you said that the
4 Captain Company Commander who was there, from whom you
5 took over - and we won't name him now - but he remained 14:48
6 there as your Second-in-Command?

7 A. That's correct.

8 MR. LEHANE: Thank you very much, Mr. Coffey.

9 SOLE MEMBER: That you, Mr. Lehane.

10 MR. HOGAN: No questions for this witness, thank you. 14:49

11 SOLE MEMBER: Thank you. Any questions?

12 MR. BRADY: Judge, I have a few questions but I'm not
13 sure if my Friends from the Minister's Office want to
14 go first?

15 SOLE MEMBER: Mr. McGuinness, do you have any 14:49
16 questions, you're next, are you?

17 MR. MCGUINNESS: No. I'm anxious to do whatever you
18 deem appropriate. If my Friend is applying to be
19 deferred for some reason, I'm happy --

20 MR. BRADY: No, I just -- 14:49

21 SOLE MEMBER: I think the usual course is that you are
22 first and then Mr. McGuinness follows.

23 MR. BRADY: I just didn't want to steal
24 Mr. McGuinness's thunder.

25

26 MR. ANTHONY COFFEY, WAS CROSS-EXAMINED BY MR. BRADY AS
27 FOLLOWS:
28

29 444 Q. MR. BRADY: Mr. Coffey, my name is Alan Brady, I'm a

1 barrister instructed by Coleman Legal Solicitors who
2 represent a number of former members of the 34th
3 apprentice class that have given evidence before the
4 Tribunal. A couple of questions I wanted to ask you
5 and I just wanted to pick up on a couple of things 14:50
6 first that you said in your evidence. You were talking
7 about your knowledge of the Section 114 procedures and
8 I think you said something to the effect of, 'well, I
9 don't remember them and even when I was in the Army, I
10 wouldn't have remembered them either;' that's what you 14:50
11 said, isn't it?

12 A. Could I just clarify that. I don't remember which
13 sections applied to the various things, but the
14 content, eh, I would have known of for sure, as I would
15 have been trained in -- or instructed in those various 14:50
16 things.

17
18 So, what I was saying there was when he was reading out
19 section this and section that, at this recall I
20 wouldn't have a clue what was the contents of that. 14:51
21 That's my point there.

22 445 Q. But, I suppose, it would be hard for someone to
23 remember all those sections if they hadn't received
24 adequate training; would you accept that? It's a
25 simple question. Do you accept it or not? Mr. Coffey? 14:51

26 A. Eh, it would be hard for someone to receive all those
27 sections if they hadn't received adequate training.

28 446 Q. That's the question. Would you accept that?

29 A. I'm not very good on the hearing. I was trying to --

1 447 Q. That's fine, take your time. If I could assist you
2 maybe just the question --

3 A. It's gone from me now, the question. I was looking at
4 it on the screen.

5 448 Q. I can say it to you again if you want. 14:52

6 A. Please, yeah.

7 449 Q. The question I had was that if someone hadn't received
8 adequate training in the complaints procedure, it would
9 be hard for them to remember or know how to engage with
10 it, would you accept that as a concept? 14:52

11 A. I would, yes.

12 450 Q. Could I bring you to page 2760 of the Tribunal booklet.
13 You've seen this document a few times but this is a
14 letter that you wrote to the Commanding Officer.
15 Sorry, if I could just go back up one page to 2769 just 14:52
16 to get the start of this document?
17 REGISTRAR: 59 or 69.

18 451 Q. MR. BRADY: Sorry, 2759, apologies. This is the letter
19 that you sent to your commanding officer, who I believe
20 is Lt. Col. Hayes, isn't it, on 15th May 1991, and 14:53
21 you've sent this and we've gone through it but in
22 essence what you've said in it is, you don't feel that
23 2 Lt. B has done anything to justify being removed, or
24 the allegations investigated for -- would that be
25 accurate? 14:53

26 A. Sorry, could you say that again please?

27 452 Q. This is a letter that you wrote --

28 A. No, what was the question?

29 453 Q. Sorry, I'm just trying to paraphrase the letter for

1 you?

2 A. Yes, I have it here in front of me. I can see it.

3 454 Q. Essentially -- maybe if I can just read out the

4 section. If I can go to page 2760. Paragraph 4:

5

6 "The situation whereby there is only one LT, in this

7 case a 2nd lieutenant in a company of 157 young

8 apprentices, who are only partially trained and are

9 confined over a period of three (3) years is wrong. It

10 is essential to have a platoon commander with each

11 platoon. 2 Lt. R..."

12

13 who I think is 2nd Lt. B.

14

15 "...was put in an invidious position in that having

16 tried his best to be platoon commandant to three (3)

17 platoons at once he found that he had to refute and

18 defend himself against allegations made by or arising

19 out of statements by a disgruntled apprentice. No

20 officer is perfect and if the members of any platoon

21 are interviewed, invariably those who are dissatisfied

22 will find cause for complaint with their platoon

23 commander. If the officers are inexperienced,

24 enthusiastic and overtaxed then the results are

25 predictable. In this case, one incident where there

26 was an element of truth, was joined with several

27 allegations to paint a false and erroneous picture of

28 2 Lt. R."

29

14:53

14:54

14:55

14:55

1 That was your position on 15th May, wasn't it?

2 A. That was my submission to my commanding officer on the
3 foot of receiving 2nd Lt. R's explanation, which came
4 through me. Yes, that's --

5 455 Q. Okay. Could I bring you to page 111 of today's
6 transcript, please. I think there was a question at
7 line 19 and I'll just read it to you and this was a
8 question by Mr. Lehane:

14:55

9
10 "So just so I'm clear and we're not at cross purposes,
11 Mr. Coffey, I think what you're saying is that if
12 you're the senior officer in a situation where somebody
13 who is lower in rank than you who is behaving in a
14 manner that is unacceptable, it is not open to you to
15 simply ignore it, but rather -- sorry, if you did
16 ignore it, you're deemed to have condoned the activity
17 and you have ultimate responsibility for it; is that
18 your evidence? "

19
20 And you said yes.

14:57

21 A. I did, yes.

22 456 Q. "The term used normally is an officer is possibly for
23 his subordinates, what they do and what they fail to
24 do."

25 A. Yeah.

14:57

26 457 Q. That's a sensible enough approach if become aware that
27 some of your subordinates are acting less than
28 appropriate or in an inappropriate manner, there's a
29 duty on you as their senior officer to intervene, isn't

1 there?

2 A. Yes.

3 458 Q. Can I bring you to page 2831 of the Tribunal booklet,
4 please. This is a letter that was addressed to the OC,
5 through your office as company commander. And I think 14:58
6 you said in evidence earlier that you read all these
7 documents and you had knowledge of this. But you were
8 asked a number of questions earlier about it by
9 Mr. O'Hanlon, and you were asked specifically about the
10 acknowledgements that were made in that and maybe if I 14:58
11 can just read that out for you again. It says at
12 paragraph 3:

13

14 "One evening when I was an orderly officer (I'm unsure
15 of the date, I think it was November 89) I walked into 14:58
16 [redaction] billets and found Aptce. [Redacted] smoking
17 he gave no answer. He put out a cigarette. I then
18 proceeded to question him as to why he was smoking in
19 defiance of the 'No Smoking' ban. He gave no answer.
20 To show the apprentice that I was serious in banning
21 smoking, I took a cigarette from his packet and told
22 him to put it in his nose. I got the photograph taken
23 of [blank]. The intended object of this was to
24 embarrass him and thereby get the message across in a
25 lighthearted manner. It was not in any way intended to
26 harm or intimidate him. A similar incident occurred
27 with Aptce. [Blank]. I learned from my experience in
28 [blank] that sometimes it was better to treat things in
29 a lighthearted manner."

1 At 4:

2
3 "During the summer of 1990 OC [redacted] made a
4 recommendation that two apprentices be discharged as
5 unlikely to become. (Extract from General Conditions
6 Awarding Apprenticeships in [blank] 1989). These
7 apprentices were [redacted] Aptce. [Redacted] and
8 [redacted] Aptce. [Redacted]. The cigarette incident
9 emerged during the course of an interview between of
10 GOC, Brigadier General [redacted] and Aptce. [Redacted]
11 and Aptce. [Redacted] as well as details of a
12 hair-cutting incident and the chewing incident in
13 October/November 1989. The GOC immediately ordered an
14 investigation. As a result of this, I was paraded in
15 front of the GOC in October 90. The GOC immediately
16 ordered an investigation.

17
18 (b) he considered that my actions were the result of
19 overenthusiasm and inexperience;

20
21 (c) there was a difference between apprentice training
22 and cadet training... [etc.]

23
24 (d) he hoped that I'd learned a valuable lesson..."

25 15:00

26 Can I ask you; you said in your evidence to
27 Mr. O'Hanlon when he asked you about this, you said you
28 would have been appalled at hearing this information
29 about an officer asking apprentices to put cigarettes

1 in their mouth and put them in their nose; is that
2 correct?

3 A. Yes, I think I would, yeah.

4 459 Q. Can I ask you; first off, the 15th May letter, why did
5 you send that before Cpt. O'Keeffe's investigation was 15:00
6 finished?

7 A. Sorry, why did who send it?

8 460 Q. why did you send the 15th May letter. That was the
9 letter you sent before to the CO --

10 A. Is this... 15:01

11 461 Q. I'm coming to this letter in a second, okay? The
12 earlier letter you sent, the one you sent the day
13 before, okay? And I can bring it back up on the screen
14 if you want. But this is the letter you sent to the
15 CO -- 15:01

16 A. Yes.

17 462 Q. -- to say that you didn't -- I suppose, essentially
18 that you didn't have any -- you didn't accept the
19 allegations that had been made and, in your view,
20 2 Lt. B was a fine officer? 15:01

21 A. Yeah.

22 463 Q. why was that letter sent before the allegations were
23 actually investigated?

24 A. That letter was sent by me on foot of receiving an
25 explanation, a letter from the 2nd Lieutenant to the 15:01
26 Commanding Officer. I have no recollection as to why
27 he prompted, but I presume it was part of an
28 investigation that was ongoing. I noted the
29 explanations given to the alleged incident and I felt

1 that, as I had been dealing with the, ehm, allegations
2 at that stage I made my comments on it and passed it
3 up.
4 SOLE MEMBER: Mr. Brady, I think it's only fair to put
5 to this witness the fact that Cpt. O'Keeffe indicated 15:02
6 that he was not asked to conduct an investigation, but
7 he gave very clear evidence that he was asked it
8 interview apprentices, interview the Platoon Sergeant
9 and check the medical record. So, I think when you
10 characterise it as submitting a letter before the 15:02
11 investigation was complete, I think Cpt. O'Keeffe's
12 evidence is that he wasn't the person conducting the
13 entire investigation.
14 MR. BRADY: I take the point. Sorry, Judge, I do take
15 the point. I thought I had saw something earlier where 15:03
16 it said that the CO - and I don't want to go into this
17 and I can maybe clarify this and come back to it maybe
18 with Col. Hayes - but that he had ordered an
19 investigation but maybe that's --
20 SOLE MEMBER: That's correct. 15:03
21 MR. BRADY: So it was an investigation that
22 Cpt. O'Keeffe --
23 SOLE MEMBER: Cpt. O'Keeffe's evidence was that
24 OC Hayes had directed him to do three things and that
25 he understood, because he was asked did he speak to 15:03
26 anybody else and he said no, he understood other people
27 were being interviewed separately, apart from his
28 interviews. Just to be clear about what the evidence
29 to date has been. Thank you.

1 464 Q. MR. BRADY: Maybe I can ask you differently. why did
2 you send that letter on 15th May before Cpt. O'Keefe
3 had carried out all those other jobs that he'd been
4 assigned to do?

5 A. I think I've answered that already; I sent it on foot 15:04
6 of an explanation that was being offered by the
7 2nd Lieutenant to the CO, that had come through me, and
8 I made my comments on it.

9 465 Q. It couldn't have been the letter of 16th May, perhaps
10 we might put that letter back up, it's 2381, because 15:04
11 that's the day after you sent your letter on 15th May.
12 So it's not that letter. It's not this letter here
13 that you said you were appalled by the conduct that's
14 set out in it?

15 A. Yeah. 15:04

16 466 Q. Can I ask you then --

17 A. Appalled on the detail but the letter I wrote, first of
18 all, it predated my receipt of this letter or it going
19 through me. It predated it. And there were no
20 references in it to anything other than the four 15:05
21 allegations that the Lieutenant had been asked,
22 obviously, to explain.

23 467 Q. And I think, in fairness to you, you're of that view
24 because you had only recently taken over as the
25 Commanding Officer, or the Company Commander and you 15:05
26 weren't aware of all of this stuff going on previously
27 with --

28 A. I wasn't, no. No. And just be clear, my comments are
29 directed to the CO citing my experience of the

1 Lieutenant to that date. I was not commenting on
2 anything else that was involved. That was my
3 experience of the Lieutenant on that date. And I
4 stated in it accordingly.

5 468 Q. Did you think, having sight of this letter then on 16th 15:06
6 May, that it changed your view that, 'God, maybe I
7 shouldn't have sent that letter yesterday. Maybe I
8 should send another letter to the CO and say well
9 actually on hindsight, or disregard my views from the
10 15th, because clearly this officer has been engaged in 15:06
11 appalling behaviour to subordinates'?

12 A. I think we're engaging into speculation now and I
13 wouldn't be prepared to comment on it.

14 469 Q. Did you send any further correspondence; yes or no?
15 A. Pardon? 15:07

16 470 Q. Did you send any further correspondence to the CO,
17 another letter with your views on --

18 A. Not that I recall, no.

19 471 Q. Can I put it to you that you didn't send any or other
20 letter because if you did it would have been disclosed 15:07
21 to the Tribunal. So you didn't send any other letter?

22 A. Not that I can recall, no.

23 472 Q. Do you think that you should have, given what you found
24 out in that letter?

25 A. Perhaps I should, but I didn't. 15:07

26 473 Q. You were asked a number of questions about the day in
27 the ranges and you said that you weren't satisfied with
28 the conduct of the apprentices, isn't that correct?

29 A. I wasn't happy. I got the impression that the ranges

1 were not -- the practises -- there was not a proper
2 atmosphere. I just -- that was the feeling I got. I
3 don't know what I based that on but I just remember at
4 the time that I -- I wasn't particularly happy but, as
5 I said, I don't know what gave cause to that. I don't 15:08
6 recall at this stage, and I did not communicate it to
7 anybody at the time. But I'm sure that I would have,
8 at subsequent conference, and I would have been looking
9 at it. That's my recollection of it. That's my
10 recollection of the thing. And what I'm saying, I'm 15:08
11 sure -- I'm not sure but I speculate that I would
12 probably have dealt with it at a later stage.

13 474 Q. When would that have been, the Friday? Would it have
14 been the Friday? The Monday?

15 A. I don't know. Eh, I'm just -- I'm entering into 15:09
16 speculation and I don't want to comment on it any
17 further.

18 475 Q. Can I put it to you that it's probably more likely that
19 you did raise your dissatisfaction with some of your
20 subordinates on that day, isn't it? 15:09

21 A. No. I couldn't -- I'm not sure about that. I don't
22 recall.

23 476 Q. CS Henry was giving evidence yesterday and today, and,
24 I suppose CS Henry would have been a point of contact
25 with you, or you would have been regularly in contact 15:09
26 with him and I think you said that out in your
27 statement, didn't you, Mr. Coffey?

28 A. Yes. He was my Company Sergeant.

29 477 Q. Yes. And he was asked a number of questions this

1 morning and I can bring you back through the transcript
2 if you want. But he was ask about the MP investigation
3 and he was asked would he have been aware that the MP
4 were in the barracks and he said yes, he would have
5 been aware that they were in doing investigations, they 15:10
6 were in Griffin Hall. That's what he said, okay?

7 A. Okay.

8 478 Q. And then it was put to him or a question was asked of
9 him and I think it was put by the Sole Member:

10
11 "Would it be possible that someone would have not known
12 that the Military Police would be on site?"

13
14 And he said "no."

15 A. Yes. 15:10

16 479 Q. I know you've said that you weren't formally told that
17 the Military Police were carrying out an investigation,
18 but, surely, you would have known that the Military
19 Police were on site. Your company sergeant knew it, it
20 seems unlikely that you wouldn't have known it? 15:11

21 A. My recollection of this was that the Military Police
22 were on site conducting an investigation into the
23 matters surrounding the death of Cpl. Mullaney. What I
24 took from that was that they were examining the
25 situation that arose after his death, in other words, I 15:11
26 was trying to establish -- it was a routine
27 investigation. That was my understanding of the
28 Military Police presence, are conducting an
29 investigation. I did not see them around the barracks

1 and I wouldn't recognise them if I did because they
2 would have been in civilian clothing.

3 480 Q. And you weren't interviewed by them?

4 A. Pardon?

5 481 Q. You weren't interviewed by them at the time? 15:12

6 A. I wasn't, no.

7 482 Q. Do you think that that's strange that the Company
8 Commander would not be interviewed as part of the
9 investigation?

10 A. No. 15:12

11 483 Q. why not?

12 A. Sorry?

13 484 Q. why not? why do you not think that's strange?

14 A. well, they weren't investigating me and, ehm, it may be
15 strange but I wasn't aware of it -- I wasn't aware that 15:12
16 they were conducting an investigation at the time. So,
17 when I say was it strange, that's their decision, that
18 was their decision, that was what happened at the time.
19 I wouldn't be prepared to comment on whether I thought
20 it was strange or not. 15:13

21 485 Q. Can I bring you back to your letter of 15th May and
22 I'll just bring up page 2670. At page 5 you said:
23

24 "I have no hesitation in stating that in my experience
25 2 Lt. R has been an excellent officer. If he were to 15:13
26 be punished or seen to be punished as a result of
27 allegations made by Aptce. C, discipline in the
28 Apprentice Company would be badly undermined."
29

1 would you have held the same view if those allegations
2 had been made against an NCO and not an officer?

3 A. Yeah, we're dealing in speculation now. Eh, depending
4 on the experience I had with the NCO and what the
5 circumstances were, I would express my opinion on an 15:14
6 NCO as I would expect to be asked about how did you
7 find this NCO and I would express my opinion on how I
8 found him, what his performance was like, in my
9 experience. And that's all I'm referring to there, is
10 my experience, which was about four months. 15:14

11 MR. BRADY: Thank you, Mr. Coffey.

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

13

14 MR. ANTHONY COFFEY, WAS CROSS-EXAMINED BY
15 MR. MCGUINNESS AS FOLLOWS: 15:14

16

17 486 Q. MR. MCGUINNESS: Good afternoon, Mr. Coffey.

18 A. Good afternoon.

19 487 Q. I'm appearing for the Minister for Defence in this
20 matter and my name is Diarmaid McGuinness. 15:14

21

22 Could I ask you about that letter of 15th May?

23 A. Yeah.

24 488 Q. If we could go, please, to document 2724. This is the
25 copy of the document discovered by the Minister for 15:15
26 Defence to the Tribunal, and it's got "confidential"
27 marked at the top and bottom of both pages; what would
28 that convey to you, Mr. Coffey?

29 A. That it had gone to a higher authority of some

1 description.

2 489 Q. Yes. I mean, it wouldn't be your function to stamp
3 that on it prior to sending it, obviously?

4 A. No.

5 490 Q. No. Just going back up to the top, it's got -- 15:15

6 A. Sorry, this is addressed to?

7 491 Q. Well --

8 A. Sorry. This is my letter?

9 492 Q. Yes, that's your letter. It's going to the OC of the
10 Army Apprentice School. 15:16

11 A. Yes. No, I would not -- I wouldn't have a stamp
12 "confidential."

13 493 Q. Pardon. If you could keep your voice up, please,
14 Mr. Coffey, thank you.

15 A. Sorry. No, I would not have put that stamp on it. 15:16

16 494 Q. Beside that stamp there's an "Annex B" and that refers
17 to a series of annexes that were sent with the report
18 which went up through the military and then came to the
19 Minister in connection with the proceedings that were
20 issued by Mr. Traynor. Could I just ask you to go down 15:16
21 to the bottom of the page. And just if we stop there.
22 Paragraphs (d) and (e), they're different to your other
23 version or earlier version of that letter. I don't
24 know, do you agree with that, without seeing it again?
25 Do you recall looking at the undated version of a 15:17
26 letter that's quite similar?

27 A. That was presented to me earlier?

28 495 Q. Yes.

29 A. Yes.

1 496 Q. And that undated letter has different paragraphs (d)
2 and (e) and it's got three additional paragraphs, (f),
3 (g) and (h)?

4 A. Yes.

5 497 Q. Do you see that? So there's no (f), (g) and (h) on the 15:17
6 one that was sent by you, isn't that correct?

7 A. (a), (b), (c), (d).

8 498 Q. And it goes on to paragraph 3 there?

9 A. "There would be no allegation in relating to my period
10 as company commander..." Is that what you're speaking 15:18
11 of?

12 499 Q. Yes.

13 A. Yes.

14 500 Q. If we go down to the bottom, that's the version signed
15 by you, I think you've accepted that? 15:18

16 A. Yes.

17 501 Q. Could we then look at the Defence Forces' version of
18 the same document at page 2759?

19 A. Yes.

20 502 Q. It's got the same stamps at the top, the same reference 15:18
21 to Annex B, the same date. It's similarly redacted.
22 And if we just go down the page, bottom of the page
23 we'll see the Defence Forces' discovery code there in
24 the red letters. Now, you wouldn't have been aware of
25 that, obviously. But if we just go down, the second 15:18
26 page, you can see there's only sub-paragraph 2, (a),
27 (b), (c), (d) and (e) there, there's no (f), (g) and
28 (h), isn't that right?

29 A. Yes.

1 503 Q. If we then go to the copy at 4397. This is a document
2 which did not emerge from either the Minister's
3 discovery or from the Defence Forces' discovery. It's
4 in fact a document produced by 2 Lt. B to the Tribunal
5 and there's no date on that. And, presumably, you 15:19
6 would take care to write a date on something if you
7 were sending it?
8 A. Of course.
9 504 Q. Yes. And you signed that, though, we'll see --
10 A. My signature is on it, yes. 15:19
11 505 Q. -- at the bottom. And there are no stamps on it of any
12 kind and no reference to Annex B on it, additionally?
13 A. Yeah.
14 506 Q. If we just go up and see, paragraphs (d) and (e) are
15 different to the one you sent, and there's additional 15:20
16 paragraphs, (f), (g) and (h) --
17 A. Yes.
18 507 Q. -- that are not in the other letter; do you agree with
19 that?
20 A. Yes. Yes. That's correct. 15:20
21 508 Q. And if we just go down to look at the concluding
22 paragraphs, there's some minor difference in formatting
23 between 4 there and 4 in the one you sent. But
24 overall, will you agree with me that the document, as a
25 whole, supports 2 Lt. B's position? 15:20
26 A. Yes, it would appear -- it reflects my, eh, experience
27 of 2 Lt. B, yeah.
28 509 Q. Yes.
29 A. That's what I would be trying it get across.

1 510 Q. Yes.
2 A. I think that none of the things that happened had
3 happened in my -- during my period, and my knowledge of
4 him. The things that appeared to have happened
5 beforehand appear to have been dealt with. So, I was 15:21
6 dealing with just what I was aware of, in my own time.
7 511 Q. Yes. You knew that the earlier complaints in respect
8 of which he had been paraded had been dealt with?
9 A. I don't have -- I couldn't say that. Whether I may
10 have been aware of it, I'm not sure. My memory is very 15:21
11 clouded on this whole area when -- I can't recall them
12 and the sequence and documents as put to me are not
13 very clear either.
14 512 Q. Yes.
15 A. I don't know why this one would have been sent and I 15:22
16 don't know when it was sent.
17 513 Q. Well, that's what I'm going to ask you. As I
18 understood your evidence, you haven't said that this
19 was sent?
20 A. I don't know whether it was actually sent or not, 15:22
21 because what I'm saying is that I don't understand why
22 the two documents are close together and dated. I
23 don't understand it and I don't recall either of them
24 from the real situation.
25 514 Q. Well, this isn't dated and there seems to be no 15:22
26 evidence that it was received by anyone. And the
27 inference, it's a matter for the Sole Member, is that
28 since you signed that letter, and it came from 2 Lt. B,
29 albeit lately, is that you gave it to him as an

1 indication of your support so that he would know what
2 you were saying to the OC of the Army Apprentice
3 School?

4 A. No, I would never have done that. That would not be
5 the way I conducted my business. I don't know where -- 15:23
6 I signed it --

7 MR. HOGAN: Sorry, Sole Member, excuse me, Sole Member,
8 that was never put to 2 Lt. B.

9 MR. McGUINNESS: It's a question --

10 MR. HOGAN: That that document was handed to him to 15:23
11 show his support. That was never put to him.

12 SOLE MEMBER: I understand that Mr. McGuinness is
13 exploring with this witness how there comes to be a
14 document, with his signature on it, that contains
15 material which isn't on the final version that was 15:24
16 sent, if we can put it that way, or isn't on the
17 version that was sent, and he's exploring how that came
18 to be.

19 MR. HOGAN: I would have expected him to ask my client
20 did Mr. Coffey hand the document to him so that he 15:24
21 would have had an opportunity to give his evidence in
22 relation to it. That wasn't done.

23 MR. McGUINNESS: I'm exploring what this witness did
24 with a document written by him. I'm going
25 appropriately, in my submission, to try and assist the 15:24
26 Tribunal, as to how it's undated, why it hasn't appear
27 to have been sent, why it hasn't turned up in anyone's
28 discovery. It apparently came through 2 Lt. B's
29 production of documents to the Tribunal. I'm exploring

1 the obvious inference, for this witness, to ask him
2 what he did with it.

3 SOLE MEMBER: It's certainly a matter that I have an
4 interest in understanding.

5 MR. HOGAN: But then why wasn't my client asked about 15:25
6 it? The proposition was that he was handed the
7 document by Mr. Coffey so that he would know that
8 Mr. Coffey was supporting his position. That was the
9 proposition that was put to the witness.

10 SOLE MEMBER: If I'm not mistaken, the question was did 15:25
11 you give this document to 2 Lt. B and that's a
12 question.

13 MR. HOGAN: To show that you were supporting him.

14 SOLE MEMBER: I think he had examined the document and
15 it was generally supportive of your client, and he 15:25
16 asked this witness about something that he did or did
17 not do.

18 MR. HOGAN: I'm open to correction, Sole Member, but my
19 understanding of the question was that it was -- the
20 document was given in order that Lt. 2B would know that 15:25
21 Mr. Coffey was supporting his position.

22 SOLE MEMBER: I didn't think the question went that far
23 but perhaps Mr. McGuinness will pose the question again
24 to the witness, this witness can answer.

25 515 Q. MR. MCGUINNESS: You've agreed it was your practice to 15:26
26 date documents before you sent them, isn't that right?

27 A. Normally, it would be normal.

28 516 Q. Yes. And you've no evidence to offer the Tribunal,
29 have you, that you sent this document to the OC of the

1 Army Apprentice School?

2 A. No.

3 517 Q. And --

4 A. I don't recall this document.

5 518 Q. Where did this document -- 15:26

6 A. And I certainly wouldn't speculate on whether it got

7 there or didn't get there.

8 519 Q. Well, where did this document go to?

9 A. I presume it went to the OC, to whom it was addressed.

10 Sorry, can you scroll it down for me just to see the 15:26

11 heading of it.

12 520 Q. Scroll it up.

13 A. It's addressed to OC, Army Apprentice School.

14 521 Q. Yeah.

15 A. It's signed by me. There's no date on it. They're all 15:27

16 established facts. It's on Army Apprentice School --

17 522 Q. Yes. You've agreed --

18 A. -- paper.

19 523 Q. -- with the letter that you did send dated the 15th

20 that that was supportive of 2 Lt. B's position and 15:27

21 you've explained why you took that view, isn't that

22 right?

23 A. Yes.

24 524 Q. Would you agree, also, that this letter is similarly

25 supportive of that position and perhaps even more so by 15:27

26 reference to the other incidents related to in that?

27 A. Yes.

28 525 Q. Can I ask you this question; you were asked by counsel

29 about 2 Lt. B's memo, that he recorded, apparently for

himself, in which he records your support; can you help the Tribunal as to what way you did support him, if you did support him?

A. As I explained earlier on, I was responsible for all my subordinates and he would have been one. And he was under an investigation. He'd given an explanation, through me, and I made comments on it, that I was, at the time, was aware -- that I was aware of his -- sorry. I made comments on the document he submitted to me, which were allegations, because that would be normal. If a letter came through me to the OC and there was something relevant on it I would comment.

526 Q. And did you make comments?

A. This is my comment.

527 Q. This is your comment?

A. Yes. The letter -- this letter was written, as far as I can see, on foot of, eh, Lt. B's letter that came the day before, explaining the allegations that were made against him.

528 Q. Now, did you speak with him --

A. That's my -- that's my interpretation of the documents that came before me. It's not my recollection one way or the other but as I've already stated, I don't recall but I'm just, eh, trying to help insofar as put it in context and in sequence. I was commenting, in that letter, on one of my lieutenants who had allegations made against him, and I was adding my feelings about the matter when he gave me his answer to -- he had, obviously, been requested by somebody, that's the logic

1 of it, or other, to give an explanation to what he had
2 to say about the allegations. That's how I see it at
3 this point. I then put pen to paper to point out that,
4 insofar as I could, that this officer, obviously
5 realising that this was a very serious matter and a 15:31
6 lieutenant was being -- allegations were being made
7 against a lieutenant. They hadn't been fully
8 investigated, as far as I was concerned, and I was
9 making my comment, and they were about the term that I
10 had served with them, or he had -- I had been in the 15:31
11 barracks and had served with him. They were my -- and
12 I commented on the four allegations and they're the
13 same four allegations that 2nd Lt. B gave me an
14 explanation. His letter prompted this. But the
15 letter -- his letter was going to the OC and these were 15:31
16 my comments on the letter, for the benefit of the OC.

17 529 Q. And what date did you get that letter on that you
18 commented on?

19 A. Eh, I think with the documentation it was the day
20 before, it was the day before, yeah. 15:32

21 530 Q. And if he recorded in his notes to himself that you
22 supported him, how, if that's the case, and you agree
23 that these two letters or versions of them were in
24 support of him, did you say to him that you had
25 supported him in this way? 15:32

26 A. I wouldn't have said anything like that. As far as --
27 this was, eh, this wasn't an old pal's act, like, this
28 was serious allegations had been made against one of my
29 lieutenants and I was obliged to -- and there would

1 have been consequences or possibly would have been
2 consequences. And I was explaining that in my
3 experience this was the way -- first of all, I was
4 explaining on his comments, on the allegations, the
5 four allegations, that had been made. I was making my 15:33
6 comments on that.

7
8 That's how I see the sequence of events.

9 531 Q. Now, can I ask about another issue. You were asked to
10 look at his handwritten letter relating to a transfer. 15:33
11 was he in the habit of submitting requests in
12 handwriting? He seems to have been typing everything
13 up until this time?

14 A. No. That, ehm -- that seemed unusual to me about him.

15 532 Q. That's what I want to ask you. Did you get that 15:33
16 handwritten letter relating to a transfer?

17 A. I don't know if it was that handwritten letter, but I
18 got an application for a transfer. That's my
19 recollection, my vague recollection. And I couldn't
20 remember the contents, as I have said. That was my 15:34
21 original statement, part of my original interview. And
22 I had not been provided with the document at that
23 stage. And, in fact, if people want to check, eh, it
24 was pointed out to me that my statement was at variance
25 with, ehm, my OC version of events, and the GOC's 15:34
26 version of events on why he was discharged. I had a
27 recollection that he had made an application to me,
28 whether it was this application or -- in hindsight I
29 would say it would have been unusual for him to do it

1 in writing, in his handwriting. But, like, that's -- I
2 didn't remark on it because I don't actually remember
3 the content of it or the shape of the -- what format
4 was in it. I just remember that he made an application
5 for discharge, or for -- pardon me, not discharge, for 15:35
6 transfer.

7 533 Q. Well, that's what I want to ask you. Do you have any
8 recollection of his making one verbally to? Could you
9 have supported it verbally?

10 A. No. I don't recall. I don't recall any, eh -- may 15:35
11 have been but I don't recall making -- no, having
12 conversations.

13 534 Q. Were you in a position, at any stage, to relay any
14 message back to him about him not being transferred?

15 A. No. I don't recall anything like that. 15:36

16 535 Q. Subject to correction, I don't think we've seen any
17 written document relating to your endorsement of the
18 transfer proposition, or any date. Did you have any
19 discussions with anyone about the date of the possible
20 transfer? 15:36

21 A. I have no recollection of the -- his request for a
22 postponement on the transfer, or anything like that. I
23 just recall that he made an application for transfer.
24 I don't recall the contents and, as I said, it was
25 in -- it then came up in the format, the production of 15:37
26 documents. When I saw it in the format it was in, I
27 was a little bit surprised that it was in his own
28 handwriting.

29 536 Q. It doesn't seem to bear any record of transmission or

1 receipt on itself; would that be odd as far as you are
2 concerned?

3 A. Ehm, it wouldn't be normal. Most of the rest of the
4 stuff -- when I say it wouldn't be normal, it wouldn't
5 be in keeping with his other documents. 15:37

6 537 Q. Yes. Unusual?

7 A. well, perhaps I could say that he was applying -- this
8 is only, again, speculation, but it just struck me that
9 he might have been embarrassed, he probably was
10 embarrassed, and he didn't want to put it through the 15:38
11 typist. As far as I recall there was one typist in the
12 barracks. He may -- that's just a thought.

13 538 Q. Okay.

14 A. It struck me when I saw it. At the time I don't
15 recall, as I said. 15:38

16 MR. McGUINNESS: Okay, thank you, Mr. Coffey.

17 SOLE MEMBER: Thank you, Mr. McGuinness.

18

19 MR. ANTHONY COFFEY WAS QUESTIONED BY THE SOLE MEMBER,
20 AS FOLLOWS: 15:38

21

22 539 Q. SOLE MEMBER: whilst we're on the question of these two
23 versions of the document, I think you have agreed in
24 answer to Mr. McGuinness's question, that the unstamped
25 and undated version of the letter that we were talking 15:39
26 about followed on from 2nd Lt. B's answering of the
27 allegations dated 14th May 1991. And you said, in
28 evidence and in answer to the questions Mr. McGuinness
29 asked you, that what you were doing was you were

1 responding to his explanation, you were giving your
2 view on the basis of his explanation and his
3 explanation is dated 14th May 1991, and it's going
4 through you, not to you but through you?

5 A. Through me. 15:39

6 540 Q. So, am I correct then in understanding that even though
7 it's not dated and it's different to the version that
8 is dated and is stamped, it nevertheless followed on
9 his explanation, because you're setting out your views
10 of him and of the allegations? 15:39

11 A. Eh, the, ehm -- I'm not clear on the sequence of events
12 around the time, but -- and I don't understand why
13 there are two versions. When I said that there must
14 have been subsequent, again, I was just trying to think
15 of some reason why two letters, very similar in 15:40
16 content, would be submitted, and it just doesn't -- I
17 can't think of any reason why it should happen and
18 especially when one of them was undated.

19 541 Q. Not only was it undated but it was also unstamped?

20 A. Yeah, which would indicat that it hadn't gone any 15:41
21 further.

22 542 Q. So you accept that you signed a letter, broadly similar
23 to the letter that was sent in terms of your view of
24 2nd Lt. B. You signed it. It's not dated and it's not
25 stamped, which would suggest it didn't go; is that your 15:41
26 evidence?

27 A. It's possible. Yeah, it's possible, yeah. But I don't
28 really, eh, know, to be honest with you. It is
29 possible that that is an explanation.

1 543 Q. Could we bring up the undated and unstamped version of
2 this letter again, please? Now, you will see the
3 typeface of that:
4
5 "ALLEGATIONS AGAINST 2ND LT. B" 15:42
6
7 -- that's all in capitals?
8 A. Yeah.
9 544 Q. And the one that was dated and stamped, and also signed
10 by you: 15:42
11
12 "Allegations against 2nd Lt. R"
13
14 -- who we know is 2nd Lt. B, they're not in capitals.
15 So it's a very different draft of a letter? 15:42
16 A. Yes.
17 545 Q. We know, if you move down the page a little bit, that
18 you're dealing with allegations that have been made
19 against him?
20 A. Yeah. 15:42
21 546 Q. And that in respect of paragraphs (a), (b), (c), (d)
22 and (e) of the version that we know was stamped, it's
23 the same. But in relation to the paragraphs dealing
24 with Aptce. Lenaghan's allegations, they're removed
25 from the letter that was sent? 15:43
26 A. Yeah. Eh, I really couldn't explain that, but, again,
27 eh -- no, I can't. It doesn't -- it doesn't follow any
28 kind of logic to me of why I would do that, unless -
29 and I'm only speculating here - that I wrote that after

1 I had already submitted the previous one. I don't
2 know, is my answer, and I don't recall writing either
3 of them, so I'm only speculating.

4 547 Q. But you do accept that your letter, this letter here,
5 was written after he had given his explanation to you, 15:44
6 because that's how you deal with the fact that, for
7 example, Aptce. Traynor's allegations were made as a
8 result of close questioning. It's how you deal with
9 the fact that the alleged incidents took place
10 approximately one-and-a-half years ago. You accept you 15:44
11 wouldn't have known those things unless you had been
12 informed about them by 2nd Lt. B?

13 A. Yes. He had been asked to -- sorry, he had been asked
14 to explain the allegations that had been made against
15 him by -- 15:44

16 548 Q. By who? who asked him to --

17 A. -- by Mr. Traynor. I presume it was the Commanding
18 Officer.

19 549 Q. You presume that it was Commanding Officer Hayes asked
20 him to explain it, and he was replying back to the 15:44
21 Commanding Officer through you?

22 A. That's what I would take from it. But, again, it's
23 just an opinion and I couldn't say that I recall that
24 it's correct.

25 550 Q. But, nevertheless, this is a letter with your signature 15:45
26 and you're asking the Commanding Officer to note the
27 following, that the alleged incidents happened a year
28 and a half ago?

29 A. Yes.

1 551 Q. Can I presume from that, can I conclude from that that
2 you had been informed, whether verbally or in writing
3 the day before, of 2 Lt. B's response to the
4 allegations?
5 A. Well, I would have been -- I would have been 15:45
6 actually -- the letters, as far as I can see, would
7 have been drafted on foot of 2nd Lt. B submitting his
8 explanations.
9 552 Q. Exactly. And his explanation is submitted on 14th May.
10 So, if the letter would have been or was drafted on 15:45
11 foot of his explanations, does it not follow that the
12 letter came after his explanations dated 14th May?
13 A. My -- the way I think it happened was that - I'm just
14 speculating - Lt. B was asked to explain the
15 allegations. 15:46
16 553 Q. Yes.
17 A. And he, ehm, he made out his explanations. He
18 submitted them, through me, to the OC.
19 554 Q. On 14th May. He submitted them --
20 A. Yeah. 15:46
21 555 Q. It's 2727. On 14th May, he writes --
22 A. I wrote a letter on the 15th.
23 556 Q. You did.
24 A. And that's my recollection.
25 557 Q. Yes. 15:47
26 A. The other letter, I don't know, I have no recollection
27 and I can't make any, ehm, even a stab at what -- why
28 it was written. As I said, I didn't know -- I couldn't
29 remember the other one either, but even just trying to

1 follow a sequence on it, it doesn't make any sense to
2 me. But there obviously was a reason at the time.

3 558 Q. And I would really like to know and work out what that
4 reason was as to why there are two letters, identical
5 in terms, except for three paragraphs, which contain 15:47
6 allegations made by Mr. Lenaghan, and with a different
7 typeface, both of which are signed by you and one of
8 which appears to have been sent, because it's marked
9 "Confidential", it's stamped "Confidential", suggesting
10 that it was received, and why one isn't? 15:48

11 A. Sorry, ehm, the "Confidential" would indicate that it
12 was received by the person it was going to.

13 559 Q. Yes.

14 A. But the reason -- sorry, the reason it would be marked
15 "Confidential" was that he was sending it to the higher 15:48
16 authority. That's my understanding of it.

17 560 Q. So is it your evidence that a letter of this nature
18 going not to you, but through you, wouldn't be marked
19 "Confidential" by you? You would send it up the line
20 of command and the person receiving it, to whom it was 15:48
21 addressed, would stamp "Confidential" on it?

22 A. No. If -- this is just my idea: If he was sending it
23 on to the next higher authority, they would -- they
24 might stamp it "Confidential" or he might stamp it.
25 I'm not clear on that, to be honest, now. I'm trying 15:49
26 to help. But it indicates that it went at least past
27 the OC. He send it to the next higher headquarters.
28 whether their system required to stamp it
29 "Confidential" or whether he felt that he had to stamp

1 it "Confidential" or not, I couldn't say.

2 561 Q. And in all your experience in the Defence Forces,
3 Mr. Coffey, what do you understand when you see a
4 document stamped "Confidential"? Does it indicate it
5 was received by the person to whom it was addressed? 15:49
6 Does it indicate that?

7 A. Eh, it indicates that somebody thought it was of a
8 confidential nature.

9 562 Q. And we don't know who thought that --
10 A. We don't. 15:50

11 563 Q. -- because you don't know?
12 A. No.

13 564 Q. So are you saying it doesn't mean it was received -- it
14 doesn't necessarily mean it was received?

15 A. Eh, it was received by somebody, if you follow me, but 15:50
16 because...

17 565 Q. How do we know this one that's marked "Confidential"
18 was received and how do we know that the one that's not
19 marked "Confidential", how do we know one was received
20 and one wasn't? 15:50

21 A. I don't know, to be honest with you. I couldn't answer
22 you that question, sorry.

23 566 Q. Is the fact that the letter, the longer version of the
24 letter, if I can put it that way, the longer version
25 and undated version of the letter, that doesn't have a 15:50
26 stamp "Confidential", is it safe to say that that
27 wasn't sent? It wasn't in the discovery provided by
28 the Defence Forces. It wasn't in the discovery
29 provided by the Minister. Is it safe for me to assume

1 that that wasn't sent; it was provided to the Tribunal
2 by 2nd Lt. B?

3 A. I'd be reluctant to comment, because I'm not sure
4 either.

5 567 Q. You'd be reluctant to comment but then -- 15:51

6 A. I'd be reluctant to, ehm, speculate.

7 568 Q. To say it wasn't?

8 A. To say it was or it wasn't, you know, because, to be
9 honest with you, I don't know.

10 569 Q. Would you accept it's unlikely that both letters were 15:51
11 sent, that you would send a letter with three
12 paragraphs omitted at some stage, a letter that was
13 identical in terms to either a previous or a subsequent
14 letter? How likely is that, that you would send two
15 letters, one undated, unstamped, and containing more 15:52
16 information than one that's dated and stamped?

17 A. Eh --

18 570 Q. Would you do that as a matter of practice, in your
19 experience?

20 A. No, I find it hard to understand why it should happen. 15:52
21 The only thing I can think is that the letter that's
22 stamped, the one with the -- dealt exclusively with --

23 571 Q. With Mr. Traynor's allegations?

24 A. -- with Aptce. Traynor's allegations, yeah -- that if
25 the investigation was ongoing into those allegations, 15:52
26 that they mightn't have, they mightn't have been
27 included, or something like that. Reading through some
28 of the other documentation and some of the other
29 statements and that, it strikes me that the main focus

1 on this investigation was Aptce. Traynor's allegations
2 and the effect that might have on his discharge --
3 again in the sense that they were only investigating
4 the allegations in the light of his discharge by
5 purchase, because £2,000 was a vast sum of money at 15:53
6 that time.

7 572 Q. It was.
8 A. I couldn't have produced it, and most people couldn't,
9 on short notice. And I think it was in that, that
10 would possibly be the background to it. But, again, 15:54
11 I'm just speculating.

12 573 Q. So, can I take it as your evidence to the Tribunal,
13 Mr. Coffey, that you can't explain why there are two
14 letters in almost identical terms, save for the
15 allegations made by Padraic Lenaghan? 15:54

16 A. Yes.

17 574 Q. You can't explain that?
18 A. I can't explain that.

19 575 Q. When you said £2,000 was a significant sum of money at
20 the time, do you think that that gives you any 15:54
21 indication as to how important it was to
22 Aptce. Traynor's parents to remove him from the Army
23 Apprentice School?

24 A. Well, I would, ehm, think that it was a big burden, a
25 heavy burden on the parents. 15:55

26 576 Q. A heavy burden on the parents?
27 A. Yes, I would think so. It would have been on any
28 parents. Now, he had applied for discharge and, as far
29 as -- from what I can see from the documentation, the

1 sequence is outlined. He had a poor conduct record, he
2 -- etc. He hadn't made any complaints during the
3 preliminary trial --

4 577 Q. His evidence is -- I have to just clarify, you said you
5 haven't been following the evidence, or you haven't 15:55
6 been... is that right, that has been presented to the
7 Tribunal?

8 A. Yeah.

9 578 Q. There has been evidence from several apprentices that
10 they were -- that making a complaint was just not an 15:56
11 option. Mr. O'Hanlon read one of the transcripts
12 today.

13 A. Yeah.

14 579 Q. There's significant evidence before the Tribunal that
15 an atmosphere of fear was prevalent amongst the 15:56
16 apprentices.

17 A. Mm-hmm.

18 580 Q. So the fact that he doesn't make the allegations until,
19 to use your own words, he's on his way out the door,
20 that may put a context on the timing of his 15:56
21 allegations. And I asked you was the fact that his
22 parents were prepared to pay £2,000 indicative of -- in
23 your view, indicative of their concern to remove their
24 son from the Army Apprentice School. It's not
25 something they would have done lightly, given what you 15:56
26 say about the amount of money involved?

27 A. Yes. Yes.

28 581 Q. Okay. I want to press you or maybe question you a
29 little further just on questions that Mr. Brady put to

1 you. On 14th May 1991, 2nd Lt. B is writing to you
2 about the four allegations made by Aptce. Traynor.

3 A. Yes.

4 582 Q. On 15th May - you accept the letter that was sent -
5 that you wrote to Officer Commanding Hayes about 2nd 15:57
6 Lt. B, and you said there were no allegations
7 regulating to your period as company commander?

8 A. Yes.

9 583 Q. And then on 16th May, we know that 2nd Lt. B wrote,
10 through you, to Officer Commanding Hayes setting out 15:57
11 his account of the cigarette incidents and the
12 hair-cutting incidents. And your evidence to the
13 Tribunal this morning was:

14

15 "I don't recall how I reacted, but with my experience 15:57
16 and previous knowledge, I think I would be appalled
17 with this."

18

19 "Appalled" is a strong word, would you agree?

20 A. Well, maybe I used the wrong word. I would be -- I 15:57
21 would certainly be alarmed.

22 584 Q. Alarmed.

23 A. Yes.

24 585 Q. Now, you also said it was part of your job to discharge
25 your duties not just to the Company but to the Officer 15:58
26 Commanding?

27 A. Mmm.

28 586 Q. Am I correct in assuming that part of your duties would
29 be to keep the Officer Commanding informed as to what's

1 happening in the barracks?

2 A. Yes.

3 587 Q. And you said you did this to the best of your ability?

4 A. Yes.

5 588 Q. If you were alarmed when you say the allegations set 15:58
6 out and explained in the letter of 16th May, why did
7 you not see it as part of your duty to immediately
8 apprise the Officer Commanding about the fact that you
9 had inadvertently misled him the previous day when you
10 said there were no allegations about 2nd Lt. B? 15:58

11 A. Eh, I don't -- sorry, just to clarify, what you're
12 saying to me is that... Eh, no, I think, to refocus a
13 little bit from how I see this, two things: I was
14 talking about there were no allegations during my
15 period, and I was not aware of any allegations that had 15:59
16 been made previously that happened. These allegations
17 came to me when Aptce. Traynor was applying for his
18 discharge. And he didn't mention them to me during the
19 preliminary phase.

20 589 Q. We'll come on to that in a moment, Mr. Coffey. My 16:00
21 question was; you told the Tribunal that you discharged
22 your office and your responsibility to the best of your
23 ability and that part of that responsibility meant
24 keeping the Officer Commanding informed about what was
25 going on? 16:00

26 A. Yes.

27 590 Q. I'm asking you when you came across the allegations
28 against 2nd Lt. B, allegations which you said would be
29 a source of alarm, if not making you appalled, when you

1 came across those alarming allegations the day after
2 you had written to your Officer Commanding saying 'No
3 allegations in my time', and you said here no
4 allegations you were aware of, why didn't you
5 immediately write to him and say, 'I must correct the 16:00
6 information I gave to you yesterday. There were
7 certain allegations against 2nd Lt. B, allegations that
8 are a source of alarm'?

9 A. I can only answer that by saying that he probably knew
10 about the allegations before that, but I don't know. I 16:01
11 can't, in conscience, say why I didn't. I just can't
12 say that.

13 591 Q. Thank you. Okay. Cpt. O'Keeffe gave evidence that
14 Officer Commanding Hayes would sometimes correct
15 drafts, maybe before it went to the typist or whatever, 16:01
16 or he may, say, use a different word rather than the
17 word that's in the draft. Why would, in your
18 experience, why would a captain beneath you in rank be
19 dealing with the person superior to you in rank without
20 going through you? 16:02

21 A. Eh, the chain of command was from -- Cpt. O'Keeffe was
22 in two roles --

23 592 Q. Yes?

24 A. He was the adjutant, which is a staff officer --

25 593 Q. Yes. 16:02

26 A. He's the staff officer directly to the commanding
27 officer.

28 594 Q. I see. Thank you.

29 A. He was not in my chain of command.

1 595 Q. Thank you, that answers my question in that aspect.

2 A. He was also -- sorry, he was also a company commander

3 in his own right as well, but not of my company.

4 596 Q. Yes, I understand. Thank you for that.

5 16:02

6 Now, you were also shown a memo that I think 2nd Lt. B

7 had written to himself whereby he wishes to express his

8 gratitude to you, or he's grateful to you and to

9 OC Hayes for your support. This is a memo he wrote to

10 himself. And, in that, he conveys the fact that he let 16:03

11 Cpt. O'Keefe know, on more than one occasion, that he

12 was dissatisfied with his investigation, as he called

13 it, in terms of interviewing the apprentices. Do you

14 remember that memo being opened to you this morning?

15 A. I do, yes. 16:03

16 597 Q. You do. And I asked 2nd Lt. B about the propriety of

17 going to somebody who was investigating allegations

18 that had been made against him and communicating to him

19 that he wasn't happy about that. And I think you said

20 that "I, as a 2nd lieutenant, wouldn't have aired my 16:03

21 dissatisfaction with a captain, particularly an

22 adjutant"?

23 A. Yes.

24 598 Q. Do you think there was something unusual about a 2nd

25 lieutenant going to a person investigating allegations 16:03

26 at a certain level by interviewing those who made the

27 allegations, do you think that was appropriate, or is

28 that something that you'd come across in your career?

29 A. I certainly wasn't aware of it at the time that it was

1 happening, but I think it is rather unusual, yeah.
2
3 Now, the only clarification I would -- I would add to
4 that is that the unit in the barracks operated as a
5 unit and we did our jobs separately, but we interacted 16:04
6 fairly regularly. But our job was our job and if I had
7 something to do, I went straight to the CO. But the
8 adjutant was his staff officer who was responsible for
9 administration and -- sorry, your question was again,
10 please? 16:05

11 599 Q. In your experience, your long experience as a senior
12 officer in the Defence Forces, is there -- does it
13 strike you as unusual that a 2nd lieutenant would go to
14 a captain who's been charged with certain aspects of an
15 investigation into the 2nd lieutenant's conduct and 16:05
16 convey his dissatisfaction to the captain?

17 A. I would.

18 600 Q. You would find that unusual, thank you. Can I take
19 you, please, to the Damien Traynor events of 11th, 12th
20 and 13th May? Is it your understanding and your 16:05
21 evidence to the Tribunal that at that point when
22 Aptce. Traynor was being held in the Fire Room -- Fire
23 Picket Room, is that what it's called, yes?

24 A. Yes.

25 601 Q. Is it your understanding that, at that moment, 16:06
26 Aptce. Traynor was under arrest and that's why he was
27 held in the room?

28 A. Yes.

29 602 Q. He was under arrest for damaging --

1 A. He was under arrest, yeah.

2 603 Q. He was under arrest. So he wasn't placed in the room
3 for his own safety, or was he?

4 A. No, no, he was under arrest.

5 604 Q. He was under arrest and placed in that room, and you 16:06
6 say not for his safety?

7 A. No, no, he wasn't placed in the room for his own safety
8 --

9 605 Q. So why were his laces removed and his belt, why would
10 that have happened? 16:06

11 A. That would have been, ehm, standard, I would think.

12 606 Q. For any person under arrest for anything?

13 A. Well, if they had been violent towards furniture -- and
14 my understanding is, when he was arrested, he was
15 violent, or had been engaging in violent behaviour. 16:07
16 And I don't know the exact ins and outs of the
17 circumstances of his arrest, but it just strikes me
18 from reading it there that he was breaking up the Rec
19 Room.

20 607 Q. And did you say you charged him? 16:07

21 A. I dealt with the charges.

22 608 Q. You dealt with the charges?

23 A. Sorry, I did the subordinate officer's investigation
24 and he was charged in front of me, first of all.

25 609 Q. Was this on the Monday? 16:07

26 A. Yes. That's my recollection.

27 610 Q. So he was under arrest from the Saturday night/Sunday
28 morning?

29 A. Yeah.

1 611 Q. And then he's brought before you on Monday morning?
2 A. Yes.

3 612 Q. And you conduct -- did you say a trial?
4 A. Yes.

5 613 Q. You conducted a trial of the apprentice? 16:07
6 A. It's not strictly a trial. I think it's an
7 investigation, I don't know what the technical term is.
8 There was an investigation - I don't recall the
9 technical term - an investigation prior to -- it's the
10 first step in a court-martial proceeding. 16:08

11 614 Q. Okay, so you're investigating the charge against him,
12 which I think was damage to property, is that right?
13 A. Yes.

14 615 Q. Was there any other charge laid against the apprentice
15 at that point? 16:08
16 MR. LEHANE: Sorry, Sole Member, it might be helpful --
17 there's a weekly Routine Order and there are details of
18 that on page --

19 616 Q. SOLE MEMBER: Thank you. Yeah, I just need to know
20 this witness's understanding of what he was involved in 16:08
21 on the Monday morning when he met Aptce. Traynor. So
22 it was your understanding he'd been charged, he was
23 under arrest, and you were conducting the -- I think
24 you used the word "trial" in evidence, but the
25 investigation into the charge, because you're the 16:08
26 commander, is that right?
27 A. I was the company commander, yeah.

28 617 Q. And I understand he was convicted and he had to pay a
29 fine for the damage to the property?

1 A. He was found guilty, yeah.

2 618 Q. He was found guilty by you, is that right?

3 A. He was found guilty by me... Sorry, I'm not 100% sure
4 now because there was a couple of trials going on
5 around, even from the documentation. I think -- I can 16:09
6 be corrected on this, but I would have -- the options
7 open to me were to listen to what he had to say and I
8 could put down "Case explained"; I could deal with it
9 myself and award him a punishment of whatever. But
10 this was a serious -- he had damaged 200-and-whatever 16:09
11 pounds worth of property --

12 619 Q. Yes?

13 A. So I remanded him to appear before the -- I don't know
14 if "remand" is the term they use in --

15 620 Q. Now, he's leaving the same day. This was 13th May. 16:10

16 A. Yeah, he was remanded before -- and he was sent before
17 the Commanding Officer.

18 621 Q. He was sent before the Commanding Officer?

19 A. Yeah, that's my understanding of it, yeah. He was the
20 one who awarded the punishment because I think, if I'm 16:10
21 correct, there's a limit on how much I could fine him
22 or --

23 622 Q. Yes.

24 A. -- under the circumstances. And he was remanded before
25 the commanding officer. 16:10

26 623 Q. Aptce. Traynor had been taken into custody, as you say,
27 or he was under arrest. He was in a room and his shoes
28 had -- or his laces had been taken from him, his belt
29 had been taken from him. He has given evidence that he

1 had a breakdown, that he smashed up the table, that --
2 he literally broke down, and his evidence is that it
3 was under the pressure and the constant fear with which
4 he lived during his time in the Army Apprentice School.
5 So, this young man is now before you, he's had a 16:11
6 breakdown, he's deemed a threat to himself, there's
7 indications that he has self-harmed. He's being
8 removed by his parents at significant expense and he
9 has made allegations on his way out the door about the
10 Platoon Commander, about whom, at this point, you knew 16:11
11 of allegations -- at least, the correspondence here
12 would suggest -- or, sorry, about -- sorry, you have
13 said that, as of this time, which is 13th May -- no,
14 correct me, that you didn't know about the
15 Padraic Lenaghan allegations -- this is the next day or 16:11
16 the day after. This is in the four days afterwards.
17 But he has made allegations about the Platoon
18 Commander. Did it ever cross your mind that this young
19 apprentice might be in no fit state to be tried for
20 damage to property? Did that cross your mind, given 16:12
21 what you were dealing with?

22 A. Eh, no.

23 624 Q. Did it ever cross your mind that there might have been
24 grounds for a complaint of abuse?

25 A. Eh, no, to be honest with you. 16:12

26 625 Q. Thank you. And then, finally, you're categorical in
27 your evidence you deny being on the square on the
28 Thursday evening preceding the death of
29 Oliver Mullaney. And you're very clear in your memory

1 of that, even though your memory of events the previous
2 month, you're not so clear; you're vague about that,
3 you said.

4
5 You said that Cpt. F didn't tell you about the
6 apprentices' anger when they learnt of
7 Aptce. Mullaney's death?

16:12

8 A. I can't recall him -- now, he may well have done, but I
9 can't recall it. That's what I'm saying.

10 626 Q. Now, Mr. O'Hanlon took you through the correspondence
11 of 28th June 1991, and if, as of that date, a week
12 after the death of Mr. Mullaney, you were aware of four
13 allegations that Aptce. Traynor had made against
14 2nd Lt. B --

16:13

15 A. Yes.

16:13

16 627 Q. You were aware of two cigarette incidents, which, on
17 your own evidence, you would find alarming?

18 A. Sorry, the detail, I'm not sure. The detail of the
19 cigarette incidents, I'm not sure. I don't know.
20 Sorry, but, continue -- I was, yes.

16:13

21 628 Q. Yes, Mr. Coffey, your evidence is that you were aware
22 of the cigarette incidents, the hair-cutting incidents
23 that had been communicated through you on 16th May.
24 And you said initially you would be appalled and, when
25 I questioned you on it, you said you'd find them
26 alarming, the detail that you had in that letter of
27 16th May.

16:14

28
29 Now, we're up at 28th June, a week after the death of a

1 young apprentice in service. You now have knowledge of
2 four allegations against the Platoon Commander --
3 that's the Damien Traynor allegations. You have
4 knowledge of the two cigarettes incidents which the
5 Platoon Commander explained to you; you have knowledge 16:14
6 of the hair-cutting incident; and you have, I think you
7 agreed, a perception within the 34th Platoon that the
8 events of Thursday night were connected to the death or
9 contributed to the death of Oliver Mullaney. How, with
10 the knowledge that you have before the death, how could 16:14
11 you -- can you explain to me how you could describe
12 that as just idle talk? That having regard to
13 everything that you knew up to the point of perception
14 of the apprentices' anger, how could you say, 'I
15 thought that was idle talk'? 16:15

16 A. Maybe idle talk is not the correct term. But I think
17 35 years ago, ehm, when a death, accidental or apparent
18 suicide occurred, I certainly would -- my experience
19 would have been that to have -- a young man has died
20 under unusual circumstances, shall we say. My first 16:15
21 concern at that stage is the parents and next of kin.
22 It's bad enough to have him dead, but there was a
23 stigma attached to suicide at that time. And for
24 somebody to communicate that he had committed suicide
25 to the parents, on top of the fact that he was dead 16:16
26 anyway - I presume to make a judgement on it - I
27 certainly wouldn't make a judgement of any description,
28 irrespective of anything that had gone before or after.
29 629 Q. So the allegations that you were aware of that a young

1 apprentice had made, your awareness of the cigarette
2 incidents, your awareness of the hair-cutting, and your
3 knowledge of the perception amongst the apprentices
4 that there was a connection between the death and what
5 happened to the apprentice the previous Thursday
6 evening, you didn't see that as something more than
7 talk?

16:17

8 A. I didn't make a connection between --

9 630 Q. You didn't, no, but you're aware now, I think, that
10 there was that perception?

16:17

11 A. Yeah.

12 631 Q. Can I ask you, if that's the view of the Company
13 Commander, with all that knowledge, does it not
14 substantiate the apprentices' view that there was no
15 point in making a complaint of abuse?

16:17

16 A. My answer to that is that each, eh, each -- as far as I
17 can see from this, each one of the allegations that
18 came to the notice of the authorities by whichever way,
19 they -- they were reported. They may not have come
20 through me, but there was a complaint made. As far as
21 I can see, the complaints were investigated. Now, the
22 result of the investigation or the action taken in the
23 investigation might not have been adequate by today's
24 standards, but they were investigated. And I have to
25 say that I probably didn't make a connection between
26 the various ones. As I said, I was mostly
27 concentrating on my time in the Defence Forces -- or in
28 the Army Apprentice School, which was approximately
29 four months previously. And the first -- the first of

16:18

16:18

1 the complaints that came to my attention were the one
2 by Aptce. Traynor.

3 632 Q. would you accept now that all of the complaints that
4 you're now aware of, all of these alleged incidents,
5 would you accept now that they're serious, first of 16:19
6 all, and that there's quite a number of them?

7 A. well, they are serious, there's no question about that.
8 And when put together, they look even more serious,
9 yes.

10 SOLE MEMBER: Thank you. Thank you, Mr. Coffey, for 16:19
11 coming to help the Tribunal with your evidence. Thank
12 you.

13 THE WITNESS: Thank you.

14 SOLE MEMBER: we'll rise now and we'll resume at 10:30
15 tomorrow. 16:19

16
17 THE TRIBUNAL WAS THEN ADJOURNED UNTIL THURSDAY, 9TH
18 JULY 2026 AT 10:30 A.M.

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