



Tribunal of Inquiry into Issues Relating to the Complaints Processes in the Defence Forces and the Culture Surrounding the Making of Complaints (‘Defence Forces Tribunal’)

Established by the Government under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011 by statutory instrument signed by the Tánaiste and Minister for Defence on the 20th day of June 2024.

NOTICE OF INTENDED ORDER FOR DISCOVERY

TAKE NOTICE that the Defence Forces Tribunal (‘the Tribunal’) intends to make an Order for Discovery on a date or dates not before 27 January 2025 requiring the Minister for Defence to make discovery, on oath, of documents relevant to the Tribunal’s Inquiry which are or have been in his possession, power or procurement.

The Tribunal considers that in respect of documents falling within the terms of the intended Order for Discovery, it is appropriate, at this time, that the documents be discovered with anonymisation or psuedonymisation of names and other information which might lead to the identification of persons. In this regard, a Discovery Protocol governing anonymisation and psuedonymisation will apply.

The terms of the intended Order for Discovery, the Discovery Protocol and the Terms of Reference are available on the Tribunal’s website www.toidf.ie and can be provided upon request by email (info@toidf.ie) or by telephone (01-539 1550).

All of the categories of discovery concern documents that fall within the period of 1 January 1983 to 20 June 2024. The term ‘documents’ includes statements, notes, records of investigations and interviews, reports, determinations, recordings, memoranda and records of written and electronic correspondence and communications of any kind. A summary of the categories of discovery to be provided to the Tribunal is as follows:

- all complaint files relating to complaints of abuse, as defined in the Terms of Reference;
- all documents relating to notifications to the Minister for Defence about complaints of abuse, as defined in the Terms of Reference;
- all documents relating to protected disclosures made to the Minister for Defence under the Protected Disclosures Act 2014, and where applicable the Protected Disclosures (Amendment) Act 2022, relating to any of the Terms of Reference (i) to (vii) of the Tribunal;
- all documents relating to notifications and reports to the Minister for Defence of complaints of hazardous chemicals, as defined in the Terms of Reference, and the response thereto;
- all documents requesting changes in the Defence Forces Act 1954, and all amending Acts, and Regulations made thereunder, relating to complaints processes available to members of the Defence Forces insofar as they concern complaints of abuse;
- all documents requesting changes in the Defence Forces Act 1954, and all amending Acts, and Regulations made thereunder, relating to the jurisdiction of the Military Police to investigate complaints of abuse, as defined in the Terms of Reference; and
- all documents relating to investigations initiated by the Minister for Defence, into the complaints processes, as defined in the Terms of Reference.

Persons who believe that they may be affected by the terms of the intended Order for Discovery may make submissions, in writing, to the Tribunal by close of business on 13 January 2025.