



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 Chief of Staff of the Defence Forces 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 pseudonymisation of names and other information which might lead to the identification of persons. In this regard, a Discovery Protocol governing anonymisation and pseudonymisation will apply.

The terms of the intended Order for Discovery, the Discovery Protocol and the Tribunal’s 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 or referring to complaints of abuse, as defined in the Terms of Reference, to include, but not limited to all statements, notes, records of investigations and interviews, reports, determinations, recordings, memoranda and records of written and electronic correspondence and communications of any kind;
- all documents relating to complaints of abuse, as defined in the Terms of Reference, made to Personnel Support Service or a Barracks Personnel Support Officer;
- all documents relating to complaints of abuse, as defined in the Terms of Reference, that were referred or reported to the Military Police or investigated by the Military Police prior to being investigated by An Garda Síochána;
- all documents relating to complaints of abuse, as defined in the Terms of Reference, arising from or leading to referrals or reports to An Garda Síochána;
- all documents relating to complaints of hazardous chemicals, as defined within the Terms of Reference;
- all notifications to the Health and Safety Authority of incidents in the workplace concerning hazardous chemicals in respect of which complaints of hazardous chemicals, as defined in the Terms of Reference, were made;
- all documents relating to investigations initiated by commanding officers of their own volition into abuse, as that term is defined in the Terms of Reference, or incidents of retaliation, reprisals, intimidation against persons who made complaints of abuse or the imposition of a penalty or burden upon such persons; and
- all protected disclosures made pursuant to the Protected Disclosures Act 2014 and the Protected Disclosures (Amendment) Act 2022 by any serving or former member of the Defence Forces, current or former civilian employee of the Defence Forces or current or former civil servant to the Defence Forces, in respect of the handling of complaints of abuse and/or complaints of hazardous chemicals, as defined in the Terms of Reference, and/or reports of retaliation, reprisals, intimidation, or the imposition of a penalty or burden on a person as a consequence of making a complaint of abuse, or actions or behaviour intended to deter the making of a complaint of abuse.

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.