

**TRIBUNAL OF INQUIRY INTO ISSUES RELATING TO THE COMPLAINTS PROCESS IN
THE DEFENCE FORCES AND THE CULTURE SURROUNDING THE MAKING OF
COMPLAINTS FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND SEANAD
ÉIREANN**

**ESTABLISHED BY INSTRUMENT MADE BY THE TÁNAISTE AND MINISTER FOR
DEFENCE UNDER THE TRIBUNALS OF INQUIRY (EVIDENCE) ACTS 1921 TO 2011,
ON 20 JUNE 2024**

ORDER FOR DISCOVERY

UPON ESTABLISHMENT by Instrument dated the 20th day of June 2024 (S.I. 304 of 2024) of a Tribunal of Inquiry into Issues Relating to the Complaints Processes in the Defence Forces and to the Culture Surrounding the Making of Complaints (hereinafter '**the Tribunal**') charged with investigating the matters provided for in its Terms of Reference from the 1st day of January 1983 to the 20th day of June 2024; and

WHEREAS the Tribunal, having regard to the Terms of Reference appended hereto at Schedule Two, considers that the Chief of Staff of the Defence Forces has documents within his power, possession or procurement that are relevant to the matters into which it is inquiring pursuant to the said Terms of Reference; and

WHEREAS the Tribunal further considers that in respect of the documents falling within categories (1) to (10) hereunder, it is necessary and proportionate that the said documents be discovered with anonymization or pseudonymisation, as appropriate, of names and other personal identifying information in accordance with the Discovery Protocol appended hereto at Schedule One of this Order;

THE TRIBUNAL, pursuant to section 4 of the Tribunals of Inquiry (Evidence) (Amendment) Act 1979,

HEREBY ORDERS THAT the Chief of Staff of the Defence Forces does, within a period of 22 weeks from the date hereof, that is on or before the 2nd day of July 2025, make discovery, on oath, of the following documents which are or have been in his power, possession or procurement;

(1) all complaint files relating to complaints of abuse, as defined in the Terms of Reference, made pursuant to the Defence Forces Administrative Instruction A7 Chapter 2, and all later versions of Chapter 2, for the period 14 May 1996 to 20 June 2024, a complaint file being a file opened and maintained by the Defence Forces on receipt of such a complaint, 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 contained on such a complaint file. This includes the following documents relating to such complaints of abuse, where such documents are not contained on the complaint file:

- (i) complaint forms or equivalent initiating complaint documents;
- (ii) Annex A document;
- (iii) report(s) of investigating officer(s);
- (iv) determination(s) of complaints.

(2) all complaint files relating to complaints of abuse, as defined in the Terms of Reference, made pursuant to Defence Forces Administrative Instruction A7 Chapter 1, and all later versions of Chapter 1, from the date of its entry into force up to 20 June 2024, a complaint file being a file opened and maintained by the Defence Forces on receipt of such a complaint, 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 contained on such a complaint

file. This includes the following documents relating to such complaints of abuse, where such documents are not contained on the complaint file:

- (i) complaint forms or equivalent initiating complaint documents;
- (ii) consideration of Commander(s) (if any);
- (iii) determination(s) of complaints;
- (iv) Annex C document.

(3) all complaint files relating to complaints of abuse, as defined in the Terms of Reference, made pursuant to section 114 of the Defence Act 1954 (Redress of Wrongs) for the period 1 January 1983 to 20 June 2024, not covered by categories 1 and 2, a complaint file being a file opened and maintained by the Defence Forces on receipt of such a complaint, 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 contained on such a complaint file. This includes the following documents relating to such complaints of abuse, where such documents are not contained on the complaint file:

- (i) complaint forms or equivalent initiating complaint documents;
- (ii) consideration of Commander(s)/Reports of investigation(s) (if any);
- (iii) determination(s) of complaints.

(4) all documents that relate to complaints of abuse and which are contained on the personal file of a complainant in respect of whom a complaint file has been opened, 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, where such documents are not discovered at categories 1, 2 and 3.

- (5) all documents relating to complaints of abuse, as defined in the Terms of Reference, that were referred to, or reported to, or investigated by the Military Police, and/or that were investigated by the Military Police prior to being investigated by An Garda Síochána, in the period from 1 January 1983 to 20 June 2024, where not already provided.
- (6) all documents relating to abuse, as defined in the Terms of Reference, that were the subject matter of Court Martial proceedings, in the period from 1 January 1983 to 20 June 2024.
- (7) 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 in the period from 1 January 1983 to 20 June 2024, to include, but not limited to, reports, investigations, statements, notes, records of interviews, recordings, determinations, files and transcripts or records of proceedings, memoranda and records of written and electronic correspondence and communications of any kind, where such are not already discovered under category 5.
- (8) all documents relating to complaints of hazardous chemicals, as defined within the Terms of Reference, for the period 1 January 2003 to 20 June 2024, to include, but not limited to, statements, records of investigations and interviews, reports, determinations, notes, memoranda and records of written and electronic correspondence and communications of any kind.
- (9) 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, and all responses thereto, in the period from 1 January 1983 to 20 June 2024.
- (10) all documents relating to complaints of:
- (i) retaliation or reprisals against those who made a Complaint of Abuse;
 - (ii) intimidation consequence on the making of a Complaint of Abuse; or

(iii) the imposition of any penalty or burden upon a person who made a Complaint of Abuse.

to include, but not limited to, all statements, notes, records of investigations and interviews, reports, determinations, memoranda and records of written and electronic correspondence and communications of any kind for the period 1 January 1983 to 20 June 2024.

(11) all versions of Administrative Instruction A7, Chapter 1 and Chapter 2 since those procedures first came into force up to 20 June 2024.

(12) all correspondence sent by the Defence Forces to the Minister for Defence and/or Department of Defence requesting amendments to the Defence Act 1954 and all amending Acts, and Regulations made thereunder relating to the complaints processes identified at A, B and C of the Terms of Reference, for the period from 1 January 1983 to June 2024.

AND THE TRIBUNAL FURTHER ORDERS THAT, in respect of the documents falling within categories (1) to (10) above, the Deponent shall, in accordance with the Discovery Protocol appended hereto at Schedule One, anonymise or pseudonymise, as appropriate, all names and other information which might lead to the identification of persons.

Signed



Pádraig Mac Croistail
Tribunal Registrar

Date of Perfection: 28th day of January 2025

To: Ms Maria Browne
Chief State Solicitor
Office of the Chief State Solicitor
Osmond House
Little Ship Street
Dublin 8
D08 V8C5

Schedule One

DISCOVERY PROTOCOL

Detail	Marker
Complainant details	Anonymised – Marker “C” to be inserted.
Respondent details	Anonymised – Marker “R” to be inserted. Where there are multiple respondents within a file, each to be distinguished by R and number, e.g. R1, R2, etc. for the purposes of that file only.
Investigating officer(s) / decision maker(s)	Anonymised but subject to an individual numerical code which is visible so that the Tribunal can detect whether the same investigating officers/decision makers are involved in more than one complaint, and which enables the Defence Forces identify those investigating officers/decision makers to the Tribunal should that prove necessary.
Mediator(s)	Anonymised but subject to an individual numerical code which is visible so that the Tribunal can detect whether the same mediators are involved in more than one complaint, and which enables the Defence Forces identify those mediators to the Tribunal should that prove necessary.
Locations i.e. the barracks, or equivalent location, where the complainant is based and where the complaint is handled.	Anonymised but subject to an individual numerical code which is visible so that the Tribunal can detect whether the same locations are involved in more than one complaint, and which enables the Defence Forces identify those locations to the Tribunal should that prove necessary.
Witnesses	Anonymised with no marker
Detail	Marker

Third parties	Anonymised with no marker
Other identifying data (such as, but not limited to, units, date of birth, personnel number, home address, phone numbers , email addresses, signatures family identifiers)	Anonymised with no marker
Dates (other than date of birth)	Included
Ranks	Included
Gender	Included

NOTES

1. The Defence Forces will provide contemporaneously with delivery of a file, the information that the Respondent has been a Respondent in another complaint previously furnished to the Tribunal, and identify which file(s) previously delivered relate to the same Respondent.
2. The Defence Forces will provide contemporaneously with delivery of a file, the information that the complainant has been a complainant in another complaint previously furnished to the Tribunal, and identify which file(s) previously delivered relate to the same complainant.
3. Locations equivalent to barracks, for the purposes of this Order, include for example, locations such as the Military School, Casement Aerodrome and UNIFIL. Location will be identified in the manner described above, irrespective of whether the file includes references to more specific location(s) or does not specifically state the location. Where the file does state the location, the relevant numerical code will be applied to the location only once in a file, being the first time it is stated in the file in reference to the complainant or investigating officer, as appropriate. Where the file does not

state the location the Defence Forces will make that information, i.e. the relevant numerical code for the location, available with delivery of the file.

4. Where a file does not state the relevant barracks or equivalent location but states a more specific location, the Defence Forces will identify the relevant barracks or equivalent location and redact the first reference in the file to the more specific location with a visible marker corresponding to that relevant barracks or equivalent location.
5. Within a short time after the making of this Order the Defence Forces will deliver files to the Tribunal and thereafter will continue to deliver files on a regular basis until their obligations have been met. Where the Tribunal supplies the Defence Forces with a written consent from a Complainant to the effect that the Complainant's file should be identified to the Tribunal, the Defence Forces will prioritise the delivery of that file (if it has not already been delivered), anonymised as set out above, and will confirm that the file relates to the particular Complainant from whom the consent has been received.
6. Should the Tribunal require the Defence Forces to identify investigating officer(s), decision maker(s), mediator(s) or location(s), this will be the subject of a further Order for Discovery and parties affected by same will be notified.

Schedule Two

TERMS OF REFERENCE

The Tribunal's Terms of Reference are available at the following link:

<https://www.toidf.ie/terms-of-reference/>