

**TRIBUNAL OF INQUIRY INTO ISSUES RELATING TO THE COMPLAINTS PROCESSES  
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**

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**INTENDED ORDER FOR DISCOVERY**

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**UPON ESTABLISHMENT** by Instrument dated the 20<sup>th</sup> 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 1<sup>st</sup> day of January 1983 to the 20<sup>th</sup> day of June 2024; and

**WHEREAS** the Tribunal, having regard to the Terms of Reference appended hereto at Schedule Two, considers that the Minister for Defence 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 also considers that it is necessary to make an Order for discovery and production of the said documents and material as set out hereunder; and

**WHEREAS** the Tribunal further considers that in respect of the documents falling within categories (1) to (4) hereunder, it is necessary and proportionate that the said documents be discovered with anonymisation 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 Minister for Defence does, within a period of fifteen weeks from the date hereof, make discovery, on oath, of the following documents which are or have been in his power, possession, power or procurement:

- (1) all complaint files relating to complaints of abuse, as defined in the Terms of Reference, made to the Minister for Defence pursuant to section 114 of the Defence Act 1954 (Redress of Wrongs) for the period from 1 January 1983 to 20 June 2024, 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;
- (2) all documents relating to notifications to the Minister for Defence about complaints of abuse, as defined in the Terms of Reference, made pursuant to section 114 of the Defence Act 1954, and all amending Acts, or otherwise, for the period 1 January 1983 to 20 June 2024, to include, but not limited to, all statements, notifications, notes, records of investigations and interviews, reports, determinations, recordings, memoranda and records of written and electronic correspondence and communications of any kind;
- (3) 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 covering the period from 15 July 2014 to 20 June 2024, to include, but not limited to, all files, statements, notes, records of investigations, reports, recordings, determinations, memoranda and records of written and electronic correspondence and communications of any kind;
- (4) all documents relating to notifications and reports to the Minister for Defence of complaints of hazardous chemicals, as defined within the Terms of Reference, and the response thereto, for the period 1 January 1983 to 20 June 2024, to include,

but not limited to, complaints files, statements, records of investigations and interviews, recordings, reports, determinations, notes, memoranda and records of written and electronic correspondence and communications of any kind;

(5) all documents, requesting changes in the Defence Forces Act 1954, and all amending Acts, and Regulations made thereunder, relating to the complaints processes available to members of the Defence Forces insofar as they concern complaints of abuse, as defined in the Terms of Reference, for the period from 1 January 1983 to 20 June 2024, to include, but not limited to, submissions, memoranda, reports and written and electronic correspondence of any kind;

(6) 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, for the period from 1 January 1983 to 20 June 2024, to include, but not limited to, submissions, memoranda, reports and written and electronic correspondence of any kind; and

(7) all documents relating to investigations initiated by the Minister for Defence, into the complaints processes, as defined in the Terms of Reference, for the period from 1 January 1983 to 20 June 2024, to include, but not limited to, all statements, notes, records of investigations, reports, determinations, memoranda and records of written and electronic correspondence and communications of any kind.

**AND THE TRIBUNAL FURTHER ORDERS THAT**, in respect of the documents falling within categories (1) to (4) 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

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**Pádraig Mac Criostail**  
**Tribunal Registrar**

Date of Perfection:

**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. Where there are multiple complainants within a file, each to be distinguished by C and number, e.g. C1, C2, etc. for the purposes of that file only.
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 Minister for Defence 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 Minister for Defence 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 Minister for Defence identify those locations to the Tribunal should that prove necessary.
Witnesses	Anonymised with no marker
Third parties	Anonymised with no marker

Detail	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 Minister for Defence 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 Minister for Defence 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 Camp Shamrock. 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 Minister for Defence 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 Minister for Defence 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 Minister for Defence 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 Minister for Defence with a written consent from a Complainant to the effect that the Complainant's file should be identified to the Tribunal, the Minister for Defence 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 Minister for Defence 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/>