



Tribunal of Inquiry into Issues Relating to the Complaints Processes in the Defence Forces and the Culture Surrounding the Making of Complaints (‘the 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 TRIBUNAL RULING ON ITS INTERPRETATION OF THE TERMS OF REFERENCE

On 13 May 2025, the Tribunal published a Notice of its intention to hold a public hearing and it invited interested parties to make submissions and, by reference thereto, to address the Tribunal at the hearing, should they wish to do so, in relation to the matters set out in the Notice.

At a public sitting of the Tribunal on 16 June 2025, several parties, having made written submissions which were published on the Tribunal’s website, made oral submissions on the Tribunal’s interpretation of ‘Abuse’ as that term is defined in the Tribunal’s Terms of Reference.

The full Ruling of the Tribunal on its Interpretation of the Terms of Reference can be found [here](#).

The findings of the Tribunal in its Ruling on its Interpretation of the Terms of Reference are as follows:

- (i) the Tribunal's interpretation of the term 'abuse' is based on a plain and literal reading of the definition of 'abuse' as set out in the Terms of Reference;
- (ii) breaches of health and safety obligations cannot be said to constitute 'abuse' and, in examining the complaints processes for dealing with 'abuse', the Tribunal has no jurisdiction to investigate such alleged breaches or how complaints of such alleged breaches were responded to by the Defence Forces;
- (iii) the Tribunal's function is to interpret the Terms of Reference as they are and it has no power to enlarge its jurisdiction by '*expanding*' the Terms of Reference;
- (iv) the Tribunal's interpretation of a complaint of 'psychological harm' is a complaint of a wrongful act which is said to have caused a recognised psychological injury;
- (v) there is no requirement on any person to prove that an allegation of abuse is well-founded and, thus, there is no requirement that medical evidence be furnished to the Tribunal to substantiate a complaint of 'psychological harm' or a complaint of any other form of 'abuse' identified in the Terms of Reference;
- (vi) the Tribunal's interpretation of 'harassment' as a form of abuse remains unchanged, as does its interpretation of Term of Reference (iv);

and

- (vii) the evidence of a family member of Defence Forces personnel may be admissible where that evidence is relevant to the Tribunal's inquiry.

Dated the 30th day of June 2025