

**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**

INTENDED ORDER FOR DISCLOSURE

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 in respect of Complaints of Abuse and Complaints of Hazardous Chemicals and to the Culture Surrounding the Making of Complaints of Abuse (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 Oireachtas has determined that the matters which the Tribunal has been charged with investigating are definite matters of urgent public importance; and

WHEREAS the Tribunal, during its preliminary investigative phase, has considered a large volume of material, in private, and in the light of the information received, is satisfied that, in the interests of justice, it is required to pursue further lines of inquiry; and

WHEREAS the Tribunal considers that it is necessary and in the public interest for the Minister for Defence to disclose to the Tribunal information concerning the identity and contact details (hereinafter 'information') of certain individuals, including, investigating officers and/or decision-makers and/or mediators and/or persons engaged in and/or

otherwise involved in the complaints processes for dealing with complaints of abuse and/or persons who may have deterred the making of complaints of abuse, and/or persons engaged in responding to and/or in failing to respond to complaints of hazardous chemicals, and that such disclosure be limited to the extent that is necessary to enable the Tribunal to contact the aforesaid individuals by post and by telephone and by email; and

WHEREAS the Tribunal on the 27th day of January, 2025 made an Order for Discovery in respect of the Minister for Defence to which Order a Protocol was appended and pursuant to which Protocol the personal identification details of investigating officers/decision-makers/mediators were to be anonymised by way of individual numerical codes so that the Tribunal could ascertain whether the same investigating officers/decision makers/mediators were involved in more than one complaint, and so that the Minister for Defence could, thereafter, indicate to the Tribunal the identity of those investigating officers/decision makers/mediators should such prove to be necessary; and

WHEREAS the Tribunal considers that the Minister for Defence, his servants and/or agents, have the aforesaid information within his/their power, possession or procurement, in circumstances where such information is not otherwise available, reasonably, to the Tribunal or otherwise procurable by means of Discovery already made, and the Tribunal being satisfied that it is in the interests of justice that the aforesaid information be disclosed to the Tribunal; and

NOTING THAT THE TRIBUNAL is lawfully entitled to procure and process the aforesaid information in accordance with the Tribunals of Inquiry (Evidence) Acts 1921 – 2011 and further in accordance with Regulation 6 of S.I. 623 of 2024 and Regulation 6 of S.I. 624 of 2024 and in accordance with the safeguards published in its Data Privacy Notice; and

RECALLING the provisions of Section 4 of the Tribunals of Inquiry (Evidence) (Amendment) Act 1979 which empower the Tribunal to make such orders as it considers necessary for the purposes of its functions: and

THE TRIBUNAL being satisfied that an Order for Disclosure is necessary for the purposes of:

- (i) enabling the Tribunal to carry out its functions under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011 and report on the definite matters of public importance specified in S.I. 304 of 2024 of investigating issues pertaining to the processes for the making of complaints of abuse within the Defence Forces, including, the culture surrounding the making of such complaints, and of investigating the response to complaints of hazardous chemicals; and
- (ii) ensuring that the Tribunal carries out its functions in accordance with the requirements of fair procedures and constitutional justice by affording to the individuals concerned an opportunity to answer allegations that have been made in relation to their processing and/or handling and/or alleged deterrence of the making of complaints of abuse and/or their response to complaints of hazardous chemicals and, further, by affording to such individuals an opportunity to vindicate their constitutional right to their good name;

HEREBY ORDERS that the Minister for Defence, his servants and/or agents, upon receipt of a written request made by the Tribunal, does make disclosure of the identity of investigating officers/decision-makers/mediators whose identity, pursuant to the Discovery Protocol (Schedule One of the Order for Discovery), is the subject of anonymisation by way of individual numerical codes in the documentation discovered to the Tribunal by the Minister for Defence; and

THE TRIBUNAL FURTHER ORDERS that the Minister for Defence, his servants and/or agents, upon receipt of a written request made by the Tribunal, does make disclosure of the contact details, to include postal address, telephone and email address, of the aforesaid investigating officers/decision-makers/mediators and/or of any other persons engaged in and/or otherwise involved in the complaints processes for dealing with complaints of abuse and/or persons who may have deterred the making of complaints of abuse, and/or persons engaged in responding to and/or failing to respond to complaints

of hazardous chemicals, who are identified to the Minister for Defence by the Tribunal and who, in accordance with the requirements of constitutional justice and fair procedures, are entitled to be informed of the allegations made against them in the context of their respective roles of investigating complaints of abuse and/or of being involved in and/or otherwise engaged in the processes for the making of complaints of abuse and/or of deterring, allegedly, the making of such complaints of abuse (as the case may be) and/or of responding to complaints of hazardous chemicals; and

THE TRIBUNAL FURTHER ORDERS THAT such disclosure is made within a period of 10 days from the date of receipt of such written request as made by the Tribunal.

The contact details to be disclosed to the Tribunal are to be limited to the extent that enables the Tribunal to contact the individuals concerned by name, address, telephone number and email address.

Signed: _____
Lynn Heavey
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