

**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 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 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 Tribunal, having regard to the Terms of Reference appended hereto at Schedule Two, on the 28th day of January 2025, made an Order for Discovery in respect of the Chief of Staff of the Defence Forces pertaining to the documents specified at categories (1) to (12) inclusive of the said Order and in respect of which the Chief of Staff on the 30th day of November 2025 filed an Affidavit of Discovery; and

WHEREAS the Tribunal considers that the Chief of Staff of the Defence Forces has, within his power, possession or procurement, a further category of documents and materials that are relevant to the matters into which it is inquiring pursuant to the Terms of Reference; and

WHEREAS the Tribunal also considers that it is necessary and proportionate to make an Order for discovery and production of the aforesaid further category of documents and materials as set out hereunder; and

WHEREAS the Tribunal further considers that, in respect of the documents and materials falling within the aforesaid further category of documents that are specified under category (1) hereunder, it is necessary and proportionate that the said documents and materials be discovered with anonymisation or pseudonymisation, as appropriate, of the 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 four weeks from the date hereof, make discovery, on oath, of the following documents and materials which are or have been in his power, possession, or procurement:

- (1) all documents relating to the investigation conducted by the Military Police in respect of the death on 22 June 1991 of Apprentice Oliver Mullaney at Devoy Barracks, Naas, County Kildare, to include but not limited to all statements that were furnished to and/or examined by the Military Police in the course of the aforesaid investigation, and all notes, records of investigations and interviews, reports, determinations, recordings, memoranda and records of written and electronic correspondence and communications of any kind.

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

Signed

Lynn Heavey
Tribunal Registrar

Date of Perfection:

To: Ms. Maria Browne
Chief State Solicitor
Chief State Solicitor's Office
Smithfield Hall
Bow Street
Dublin 7
D07 AEF4

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

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 the aforesaid documents, 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 the aforesaid documents, 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 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. 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 Disclosure 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/>