

FIRST MODULE OF PUBLIC HEARINGS

On the Culture Surrounding the Making of Complaints with the Defence Forces

Opening Statement

1. Introduction

Judge, it is my function to deliver an Opening Statement on behalf of the Tribunal for the purposes of outlining, in public, an overview of the Tribunal's work, its Terms of Reference, the way in which its investigations have been conducted since its establishment and the manner in which it intends to proceed from now to the conclusion of its investigations.

The background to the establishment of this Tribunal of Inquiry is well known. Serious allegations of sexual violence, sexual harassment, bullying and discrimination within the Irish Defence Forces were broadcast in an RTÉ Radio 1 documentary entitled *Women of Honour* in 2021. The broadcast gave voice to experiences that, until then, had gone largely unheard.

What emerged was not simply a series of individual grievances, but a broader concern about the structures, practices and culture within the Defence Forces that may have allowed such experiences to persist.

These matters demanded not only attention but decisive action. The Government established a non-statutory Independent Review Group to examine the issues and to make recommendations to the Minister for Defence on measures and strategies required to underpin a workplace based on dignity, equality, mutual respect, and duty of care for every member of the Defence Forces.

The Review Group published its report in March 2023. Its first recommendation was the establishment of a statutory fact-finding process '*to identify systemic failures, if any, in the complaints system, in order to ensure accountability and transparency*'.

Accordingly, following a resolution of Dáil Éireann on the 24th day of January 2024 and of Seanad Éireann on the 30th day of January 2024, the Tánaiste and Minister for Defence, on the 20th day of June 2024, by instrument pursuant to the Tribunals of Inquiry (Evidence) Acts 1921 to 2011 [S.I. 403 of 2024], established this Tribunal of Inquiry.

Terms of Reference

The matters of urgent public importance into which this Tribunal is required to inquire are set out in paragraphs (i) to (vii) of the resolutions of the Houses of the Oireachtas and they constitute the ‘Terms of Reference’ of this Tribunal.

Conceptually, those seven paragraphs fall into three distinct subject areas for investigation, namely,

- the processes and systems for dealing with **complaints of abuse** (paras. (i) to (v));
- the **role played by the Minister** for Defence and her Department in those procedures and systems (para. (vi)); and
- the response made to complaints of **hazardous chemicals** and the adequacy of the complaints processes in the light of such responses (para. (vii)).

In respect of the **first subject area** (the processes for dealing with complaints of abuse), paragraphs (i) to (v) of the Terms of Reference task the Tribunal with examining whether those processes within the Defence Forces were fit for purpose and were properly implemented. The Tribunal must consider the outcome and response to complaints of abuse and whether there were any systemic failures in the complaints processes. The Tribunal must also investigate whether complaints of abuse were actively deterred or whether a culture existed which discouraged their making, and whether complainants were subject to retaliation or reprisal.

The Period Under Inquiry

The period under investigation by the Tribunal is a long one. It covers over four decades, from 1 January 1983 until 20 June 2024.

Two Important Points

Two points must be emphasised at the outset.¹

- First, it is clear the Tribunal's focus is on complaints *processes* within the Defence Forces, and not on the merits of any individual Complaint of Abuse. The Terms of Reference expressly preclude the Tribunal from investigating or making findings on matters which, if established by a court of law, would be criminal in nature.
- Second, and notwithstanding that limitation, the Tribunal is entitled to hear evidence of alleged abuse and its consequences. The Tribunal takes the view that it must hear such evidence because an understanding of the abuse complained of is necessary to enable the Tribunal to consider the response to such complaints and to establish the adequacy of the processes that were available to deal with complaints of abuse.

These two points have important implications for the manner in which the Tribunal must conduct its investigations. This is a matter to which I will return.

2. Unique Nature of Defence Forces Workplace

The Tribunal is, no doubt, aware that the Defence Forces provide a unique and distinctive workplace, one that is discernibly different from every other employment context. Defined by its strict hierarchy, its chain of command structure and its deep sense of collective purpose, it is a workplace unlike any other. Whether in defence of national security or on overseas missions, members may be called to put their lives on the line or

¹ Both points are set out in paragraph I (d) of Terms of Reference.

to entrust their lives to fellow Defence Forces members. As obedience to commands is integral to a member's whole existence, the maintenance of good order and discipline is a key element in military life. Its strict disciplinary code includes elements that have no equivalent in civilian life and a recruit, on joining, submits voluntarily to this code. (This is a paraphrasing of Carroll J's observations in *Scarff v Taylor* [1994])

Membership of the Defence Forces also brings unique and stringent obligations and responsibilities. All relationships are predicated on the fundamental principle that all lawful orders must be obeyed. The countervailing principle or corollary of this is that all authority must be exercised with the highest sense of responsibility.² This relationship of unquestioned obedience to a superior, sets the Defence Forces apart from all other organisations within the State. It means that membership of the Defence Forces cannot be equated to employment within a civilian work force.

The Irish Defence Forces, comprising the Army, the Naval Service and the Air Corps, is a large and complex organisation. In considering whether the processes for dealing with Complaints of Abuse within the Irish Defence Forces were appropriate, the Tribunal will consider the processes that were in place within other military contexts. A consideration of how military forces in other jurisdictions dealt with complaints of abuse over the last 40 years, may be helpful, for comparative purposes, in establishing whether the processes available to personnel in the Irish Defence Forces were broadly similar and whether they were appropriate and fit for purpose.

3. Work of the Tribunal to date

The Terms of Reference require the Tribunal to report to the Taoiseach with such findings and recommendations as it sees fit '*as expeditiously as possible*'. The Tribunal has at all times approached its work with that objective in mind.

² Paragraph 102 of Administrative Instruction A7 Chapter 1

The maxim in relation to a Tribunal of Inquiry is that every Tribunal starts out with a blank piece of paper. It pursues no agenda. Its team is neutral. It's on a fact-finding mission. At its commencement, it knows nothing about the evidence that will be uncovered as a result of its investigations. It is the task of a Tribunal to seek out those who have information relevant to its inquiry and to use the powers conferred upon it by law, to elicit relevant witness statements and to examine all relevant documentation. In this regard, the Tribunal has acted assiduously and persistently in progressing its private investigations.

3. (a) Protective Orders and Call for Information

Within 24 hours of its establishment and in anticipation of the scale of material that it would want to examine, the Tribunal, made Protective Orders in respect of the Chief of Staff and the Minister for Defence. Those Orders directed the parties concerned to retain, protect and preserve all documents and devices that contain information or material that is relevant or potentially relevant to the matters under inquiry. The Orders indicated a broad interpretation applied to the terms 'documents and 'preservation'.

Three days later, the Tribunal held its first public sitting on 24 June 2024. On that occasion, Judge, you outlined the Tribunal's mandate, the stages of its work, and the limits of its jurisdiction.

A Call for Information was issued on the same day, and repeated thereafter, inviting any person who might assist the Tribunal to come forward. No fewer than 312 people responded to the Tribunal's call for information. For many, if not most of those coming forward it was a brave and difficult decision on their part to share their experiences with the Tribunal. Every statement furnished to the Tribunal has provided a valuable contribution to the Tribunal's understanding of the matters it must investigate. It has also been apparent to the Tribunal that those coming forward are almost invariably motivated, not just by the opportunity to voice their own concerns, but also by the interests of the Defence Forces themselves. For reasons which I will explain shortly, it

will not be possible for the Tribunal to call as witnesses all of those who have provided information but it is appropriate that the Tribunal should take this first opportunity in public to thank them for their contribution.

3. (b) Applications for legal representation

On 22 July 2024 the Tribunal sat for the purpose of considering applications for legal representation from several parties and representative groups. Given the serious allegations of abuse that had been the subject of complaints by many who had contacted the Tribunal, considerable concern was expressed by such ‘interested’ persons about sharing information with the Tribunal in the absence of legal assistance.

On 25 July 2024, the Tribunal delivered its Ruling, in respect of those applications. Initially grants of limited legal representation were afforded in relation to the Tribunal’s private investigative phase.

More recently, further grants have been made for limited representation during the public hearings phase of the Tribunal.

3. (c) Engagement with Stakeholders

The Tribunal’s legal team held numerous meetings with interested groups. Arising from concerns expressed during those engagements, the Tribunal wrote to the Chief of Staff of the Defence Forces in August 2024, requesting that a formal Direction issue through the chain of command confirming that members engaging with the Tribunal would be supported and would not be subject to any penalty. The Tribunal also requested the dissemination of a detailed FAQ document which it had prepared.

The Chief of Staff responded, positively, and both the requested Direction and the Tribunal’s FAQs were duly disseminated.

3. (d) Discovery and Data Protection

The Tribunal is tasked with conducting a public inquiry that extends over 41 years, a period during which volumes of documents and files relevant to the work of the Tribunal

were created. The Tribunal considered that in order to conduct a rigorous and robust investigation into the complaints processes within the Defence Forces in respect of complaints of abuse, it was necessary for it to examine every complaint file that had been created arising from every complaint of abuse that was made over the 41-year period of its inquiry. An equally robust approach was taken to relevant documentation in the possession of the Minister for Defence.

It was clear that such discovery would be extensive. At the same time, the Tribunal was obliged to reconcile its investigative obligations with its obligations under enhanced data protection and privacy rights as prescribed by national and EU law. Several meetings between the Tribunal's legal team and the legal representatives of the Defence Forces and the Minister and were held with a view to reconciling the Tribunal's requirement for extensive discovery with the rights and obligations arising under the General Data Protection Regulation ('GDPR') and the constitutional right to privacy.

GDPR considerations required the creation of a series of Protocols designed to respect data protection and privacy rights and obligations whilst facilitating the Tribunal in examining all relevant documentation necessary for its investigation.

Following requests by the Tribunal, a series of Regulations were made under the Data Protection Act 2018. These were:

- Data Protection Act 2018 (Section 38(4)) (Defence Forces Tribunal of Inquiry) Regulations 2024 which permitted the processing of personal data;
- Data Protection Act 2018 (Section 53(1)) (Defence Forces Tribunal of Inquiry) Regulations 2024 which permitted the processing of sensitive personal data; and
- Data Protection Act 2018 (Section 60(6)) (Defence Forces Tribunal of Inquiry) Regulations 2024, which are restrictions the Tribunal required.

During the course of the public hearings, it will be evident that redactions have, where necessary, been made to certain documentation. The Tribunal may make such redactions where material is not relevant to any issue arising for its determination, and/or where it

is necessary to protect the rights to privacy or confidentiality or data protection of any party or individual.

Orders for Discovery: The Chief of Staff

The Tribunal has, to date, made three Orders for Discovery against the Chief of Staff of the Defence Forces.

The first Order was made on 28 January 2025 and, setting out 12 categories of documentation, it required discovery, by 2 July 2025, of all complaint files and other materials the Tribunal deemed relevant to its inquiry. The Defence Forces sought an extension of time and on 30 June 2025, the Chief of Staff was given a further 22 weeks within which to comply with the Order. On 28 November 2025, the Chief of Staff swore an Affidavit of Discovery in compliance with the Tribunal's Order.

Information brought to the Tribunal's attention through interviews with individuals and files discovered, gave rise to the Tribunal making a second Order for Discovery as against the Chief of Staff of the Defence Forces on 13 February 2026. The documents sought in this instance related to an investigation conducted by the Military Police in respect of the death of an Apprentice on 22 June 1991 at Devoy Barracks, Naas, County Kildare. On 12 March 2026 the Chief of Staff swore a Supplemental Affidavit of Discovery and produced the requested documentation in addition to other documents that had come to light since his first Affidavit had been sworn.

Pursuing a trail of information identified in that further tranche of documentation, the Tribunal made a third Order for Discovery as against the Chief of Staff on 22 May 2026. In this regard, discovery was required in respect of additional documents and materials relating to the Army Apprentice School, Devoy Barracks, Naas from 1989 to 1992.

Orders for Discovery: The Minister for Defence

On 27 January 2025, the Tribunal made an Order for Discovery in respect of the Minister for Defence, requiring, by 16 June 2025, the discovery of all documents and materials in the minister's possession that are relevant to the matters within its remit as stipulated in the Order. In response to an application made on behalf of the Minister, the Tribunal,

on 30 June 2025 extended the time for compliance with its Order for Discovery by twenty-two weeks.

On 18 November 2025, the Secretary General of the Department of Defence swore an Affidavit of Discovery on behalf of the Minister for Defence. A Supplemental Affidavit of Discovery was sworn on 23 February 2026 by the Secretary General of the Department on behalf of the Minister for Defence to address and discover additional material delivered to the Tribunal after the swearing of her initial Affidavit.

It is self-evident that the volume of documentation which the Tribunal is processing is voluminous and, as matters stand, it extends to over 226,000 pages of materials that require to be examined and assessed. The review of this documentation is a massive task, and it forms part of the ongoing work of the Tribunal.

3. (e) Interpretation of Terms of Reference:

On 13 May 2025, the Tribunal issued a public notice of its intention to hold a hearing, on 16 June 2025, to consider the interpretation of its Terms of Reference. Interested parties were invited to make submissions on three key issues:

- (i) the definition of the various elements of “Abuse”;
- (ii) whether a broader interpretation of ‘abuse’ should be adopted; and
- (iii) the interpretation of Term of Reference (iv), concerning whether complaints of abuse were deterred or discouraged.

Submissions were received from several parties, and they were published on the Tribunal’s website.

The Tribunal delivered its Ruling on the Interpretation of its Terms of Reference on 30 June 2025. It confirmed its preliminary interpretation of certain elements of ‘Abuse’ and declined to adopt a broader interpretation of the definition, noting that, to do so, would amount to an impermissible expansion of its Terms of Reference.

In respect of Term of Reference (iv), the Tribunal confirmed that a failure to make a

complaint at the relevant time—whether due to a perceived culture, fear of retaliation or otherwise—did not preclude a person from coming forward with evidence relevant to the inquiry.

The Ruling can be found on the Tribunal’s website.

3. (f) Interviews Conducted

In order to ensure a thorough and proper investigation of the matters falling within its Terms of Reference it has been and continues to be necessary for the Tribunal to interview many individuals.

The process of conducting interviews commenced in January 2025. To date, 190 individuals have been interviewed, some of them more than once. In addition, a further 17 individuals have been interviewed in circumstances where it is alleged that they played a role in the handling of complaints and/ or contributed to a culture within the Defence Forces that discouraged the making of Complaints of Abuse. All interviews are conducted by two members of the Tribunal’s team. The interviews are recorded and that recording is then transcribed so there is an accurate account of the meeting. The interview process remains ongoing.

3. (g) Order for Disclosure

During its private investigations, the Tribunal was required to address a further practical and procedural necessity.

On 23 October 2025, the Tribunal made an Order for Disclosure directing the Chief of Staff and the Minister for Defence to disclose information concerning the identity and contact details of certain individuals. These included investigating officers, decision-makers, mediators and persons involved in the processes for dealing with complaints of abuse who as well as those who may have deterred the making of such complaints and those engaged in responding to or failing to respond to complaints of hazardous chemicals.

The disclosure ordered was limited in scope, confined to what was strictly necessary to enable the Tribunal to contact the individuals concerned by post, telephone, or email. The Orders were necessary to ensure that the Tribunal could discharge its statutory functions and that its inquiry proceeded in accordance with fair procedures and constitutional justice. Individuals whose actions or omissions may be the subject of criticism are entitled to be heard by the Tribunal and to be given an opportunity to vindicate their good name.

3. The Scale of the Task and the Anticipated Approach

Judge, I have outlined above some of the measures that have been taken to ensure that a robust and meaningful investigation is carried out. The sheer scale of this task in hand cannot be overstated.

Most Tribunals of Inquiry established in the State, to date, have focused either on specific dates or incidents or on particular individuals and, certainly, on more limited time frames. In contrast this Tribunal is tasked with investigating, multiple processes in relation to complaints of abuse in the Defence Forces over a period of four decades, that is, from 1 January 1983 to 20 June 2024. That is a significant period of time and as you observed at the outset *'the Tribunal's task is a formidable one'*.

Notwithstanding its very lengthy period of review, the Tribunal is obliged by its Terms of Reference to *'endeavor to complete its work within three years of its establishment'*. Conscious, no doubt, of the difficulty posed by that objective, the Oireachtas included within the Terms of Reference, a specific provision to the effect that the Tribunal may *'exercise a discretion in relation to the extent of the evidence that it hears and will be entitled to consider that a sample of evidence on particular issues is sufficient for it to make conclusions and report upon its findings'*.

Given the requirement of expedition set by the Terms of Reference and the objective of a completion of its work within three years of its establishment, the Tribunal will be

obliged to avail of the power to limit the extent of the evidence that it adduces and therefore the number of witnesses that it calls to provide oral testimony.

Although today sees the commencement of the Tribunal's public hearings, it is important to point out that its investigations are ongoing and are being carried out in tandem with this first round of public hearings. The timelines envisaged by the Terms of Reference necessitate this approach. Evidence will therefore be adduced before the Tribunal in a modular fashion.

4. The Processes Available

Before turning our attention to what the Tribunal will consider in this module, it may be helpful to provide a very brief overview of the types of processes that were available to Defence Forces personnel and relevant civilians and civil servants when it came to making of complaints of abuse.

The Terms of Reference identify six distinct complaints processes, five of which are potential mechanisms for processing complaints of abuse. These are:

- Process No. 1 ~ Complaints Seeking a Redress of Wrongs (S. 114 / Chapter 2)
- Process No. 2 ~ Complaints About Unacceptable Behaviour (A7 Chapter 1)
- Process No. 3 ~ Complaints to the Ombudsman for the Defence Forces
- Process No. 4 ~ Complaints About Offences under Military Law (S. 169)
- Process No. 5 ~ Complaints in the Form of Protected Disclosures

The complaints processes comprised formal and informal mechanisms through which members of the Defence Forces, civil servants and civilian employees could raise concerns, including workplace grievances. Not every workplace issue raised is relevant to the Tribunal's investigation but those relating to abuse, that is, discrimination, bullying, harassment, physical torture, physical assault, psychological harm, sexual harassment and any form of sexual misconduct (including sexual assault, aggravated sexual assault and rape)—fall within the scope of the Tribunal's investigation.

The availability of an effective complaints process is critical for any organisation, but it is particularly so when it comes matters as serious as complaints of abuse. An effective complaints process will act as a deterrent to potential abusers and will contribute to the maintenance of discipline and morale within the workforce. The Tribunal does not prejudge what constitutes an effective complaints process or whether the complaints processes available to members of the Defence Forces were in fact effective. Among the matters which the Tribunal will explore will be:

- (i) Whether members were informed, adequately or at all, of the existence and/or scope of the various complaint processes available;
- (ii) Whether members were informed adequately or at all of how to initiate the various complaint processes available;
- (iii) Whether the investigation of complaints was performed competently;
- (iv) Whether the confidentiality of the process was maintained so far as practicable;
- (v) Whether complainants and those complained against were notified of the outcome of the investigation and the extent of that notification.

5. The Tribunal's Mandate in respect of Complaints of Abuse

I mentioned at the outset that the seven key matters into which the Tribunal must inquire fall, broadly, into three subject areas—the largest of which concerns the systems and processes for dealing with complaints of abuse.

The Tribunal must establish the adequacy or otherwise of the processes that were available to complainants, the extent of adherence thereto, and the response to complaints of abuse. It must identify if there were systemic failures in those processes and investigate whether complaints were actively deterred or whether there existed a culture that discouraged the making of complaints. It must also investigate whether complainants suffered retaliation, reprisals, intimidation or penalties as a consequence of having made a complaint of abuse.

During the private investigative stage of its work, the Tribunal's legal team interviewed several people who alleged that they suffered abuse during their time within the Defence Forces, but who had not availed themselves of the relevant complaints processes. In such cases, the lengthy process of having to await receipt complaint files from the Chief of Staff before scheduling interviews did not arise. These individuals were amongst the first to be interviewed by the Tribunal's legal team and many of them will give evidence during this module.

6. First Module ~ Active Deterrence and Culture ~ Term of Reference (iv)

Today, we are commencing the first module of public hearings which will focus on Term of Reference number (iv). This requires the Tribunal to investigate '*whether Complaints of Abuse were **actively deterred** or whether there was a **culture that discouraged the making of the Complaints of Abuse***'. The primary focus of this Module is Term of Reference iv; however, some of the evidence may be relevant to other Terms of Reference.

The existence of accessible, fair and transparent complaints processes is of little practical value if members of an organisation feel unable, or unwilling to invoke them or unsafe when doing so. A formal process may appear appropriate on paper, but may fail, in practice, if the prevailing culture exists which discourages complaints being made, or penalises those who make them, or signals that complaints will not be welcomed or believed or handled appropriately.

It is, therefore, appropriate at this early stage of the Tribunal's public phase, to examine the lived experiences of those who allege that they suffered abuse but who did not make complaints in relation thereto. It is necessary to explore their reason for not complaining as such evidence may go directly to the question of culture. It is also important to hear from those who believe that they were deterred from making a complaint of abuse. What was communicated through behaviour, through command structures, through informal practices, and through institutional responses or failures to respond, when concerns were raised?

Of the 58 witnesses who will give evidence in the course of this module of the Tribunal's hearings 36 will be connected with events at the Army Apprentice School, Devoy Barracks, Naas, in the period 1989 to 1992. The first of those witnesses is scheduled to give evidence on 17 June 2026. It will be necessary to preface that body of testimony with a short statement outlining the nature of the evidence to be adduced and the potential significance of the evidence to the Tribunal's investigation. Six of the witnesses to give evidence in this module are concerned with the prescription of Larium, an anti-malarial drug prescribed to members of the forces sent on certain overseas missions. The Tribunal is aware that as of 2019 there were 225 proceedings instituted by members of the Defence Forces in respect of the prescription of Larium. Not one of those litigants appears to have made a complaint to the Defence Forces themselves availing of any of the formal complaint processes available. The Tribunal seeks to understand why that was so. The Tribunal is not concerned with the efficacy of the prescription of Larium or its potential side effects and is not concerned with the outcome of the litigation, whether it be completed or pending.

For this module, the parties that have applied for and been granted legal representation include:

1. the Defence Forces represented by the Chief State Solicitor's Office;
2. the Minister for Defence represented by Chief State Solicitor's Office;
3. the Woman of Honour represented by Malcomson Law Solicitors LLP;
4. witnesses represented by Coleman Legal LLP;
5. Permanent Defence Forces Representative Association (PDFORRA) represented by O'Regan Little Solicitors LLLP;
6. a witness represented by O'Mara Geraghty McCourt Solicitors; and
7. a witness represented by Sean Costello Solicitors;

In this module, a number of expert witnesses and Defence Forces personnel will give evidence that extends beyond the scope of this module. The expert witnesses will provide evidence in relation to the complaints process in the Defence Forces, and the Defence

Forces personnel will provide evidence in relation to specific roles and/or functions in the Defence Forces that are linked to the complaints processes. These include:

1. the Provost Marshal and the Director of the Military Police;
2. the Officer in Charge, Defence Forces Personnel Support Service;
3. the Director of the Medical Branch of the Defence Forces;
4. the Director of Infantry and School Commandant of the Infantry School;
5. the Head Chaplin of the Defence Forces; and
6. the Ombudsman for the Defence Forces.

Transcripts of this evidence, and all evidence before the Tribunal, will be published on the Tribunal website. Individuals or groups who have not yet been granted representation, but wish to cross examine expert witnesses and/or the Defence Forces personnel, may apply in writing to the Tribunal. Where appropriate, the Tribunal will afford an opportunity for cross examination at a later date.

7. Future Models

The Tribunal will proceed to the hearing of its second module in October 2026. This module will focus on Terms of Reference (i) to (v). Further information in relation to the second module will be made available on the Tribunal's website in due course.

8. Evidence of Abuse

[Notice in relation to Abuse to now appear on screens in hearing room.]

The Tribunal is not tasked with determining nor has it any power to determine the merits of individual complaints of abuse. However, for the reasons explained earlier, it will hear evidence of alleged abuse and its consequences.

The Tribunal recognises that hearing evidence of abuse against alleged perpetrators in circumstances where the Tribunal cannot make a finding as to whether the allegation is well-founded or not, could operate unfairly both as against the alleged perpetrator of the abuse and the complainant making the allegation of abuse. The alleged perpetrator would be denied the opportunity to vindicate his or her good name and reputation by a finding from the Tribunal that the allegation was unfounded. A complainant subjected to vigorous cross-examination designed to suggest that the complaint is unfounded would be denied the opportunity to vindicate his or her good name by having the complaint upheld.

In order, therefore, to ensure that fair procedures are observed and to protect the constitutional rights of those involved in the making of allegations of abuse, the Tribunal intends to adopt the following procedures:

- (i) the names of alleged perpetrators of abuse will be redacted from the booklets of documents circulated to relevant parties for hearings before the Tribunal;
- (ii) witnesses before the Tribunal will not be permitted to name any alleged perpetrators of abuse during oral testimony;
- (iii) the Tribunal will not name alleged perpetrators of abuse either in the course of its hearings or in its Report to the Taoiseach;
- (iv) alleged perpetrators of abuse will not be permitted to cross-examine a complainant with a view to suggesting or establishing that the complaint of abuse is unfounded. They will, however, be entitled to put a denial of abuse and, if appropriate, a short summary of the basis for the denial;
- (v) in limited circumstances, alleged perpetrators of abuse will be called to give evidence before the Tribunal in respect of matters relevant to the Tribunal's Terms of Reference, and such persons will be given a pseudonym by which

they will be referred and/or addressed at all times and by all parties throughout the course of the Tribunal's public hearings and, if it should arise, in the Tribunal's Report; and

- (vi) In respect of alleged perpetrators of abuse, if the identity of any such person is either deliberately or inadvertently revealed in the course of the Tribunal's hearings, the Tribunal, to preserve the confidentiality of such information, intends to impose reporting restrictions on all members of the media, all media organisations and any other person or persons, directing that no report of the proceedings of that particular day containing material likely to lead members of the public to identify a person as an alleged perpetrator of abuse, or likely to lead members of the public to identify a person as a person against whom a complaint of abuse is made, shall be published in a written publication available to the public or be broadcast.

Judge, these proceedings are inquisitorial rather than adversarial in nature. Witnesses who appear before this Tribunal are the Tribunal's witnesses. Their evidence will be led by Counsel to the Tribunal, who bear primary responsibility for eliciting relevant facts, testing evidence where that is necessary, and ensuring that the Tribunal is placed in a position to make informed findings within the limits of its mandate.

Those findings will be based principally on the oral evidence that is adduced before the Tribunal, and the extensive documentation that has been provided by way of discovery by the Defence Forces and the Minister for Defence.

There is no automatic right for any party to cross-examine a witness. Applications to cross-examine may be made where a person's right to his or her good name is or is likely to be impugned by the evidence given or where the credibility of a witness is genuinely in issue or where a person or a group has an important interest in the evidence given.

The Tribunal is not determining disputes between parties, nor is it seeking to make a

case against any individual or organisation. Its role is to inquire and report.

The Tribunal also emphasises that full cooperation with its work is essential. The effectiveness of any Tribunal of inquiry depends upon the willingness of witnesses and parties to engage openly and honestly with its processes. Where necessary, the Tribunal has the power to enforce compliance by appropriate orders, but it hopes that such measures will not be required.

The Tribunal will proceed methodically, fairly and independently, conscious of the seriousness of the issues under examination, the experiences of those who have come forward, and the public interest in relation to the urgent matters of public importance on which this Tribunal has been asked to report.