

**TRIBUNAL OF INQUIRY INTO ISSUES RELATED TO THE
COMPLAINTS PROCESSES IN THE DEFENCE FORCES AND THE
CULTURE SURROUNDING THE MAKING OF COMPLAINTS
(‘Defence Forces 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 INTENDED ORDER FOR DISCOVERY

TAKE NOTICE that the Defence Forces Tribunal intends to make an Order on a date not before the 7th day of August 2026 requiring the Chief of Staff of the Defence Forces to make discovery, on oath, of documents relevant to the Tribunal’s Inquiry which are or have been in his possession, power or procurement and which are not captured by the existing Orders for Discovery as made by the Tribunal against the Chief of Staff.

The proposed categories of discovery are discrete and relate to Corporal 862208 who has engaged with the Tribunal during the private investigative phase of its inquiry, and are as follows:

Category (1)

All documents relating to the decision to charge Corporal 862208 for making false statements against an officer or a man on 15 August 2015, 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.

Category (2)

All documents relating to the military police investigation of Corporal 862208 in respect of charges contrary to section 141 of the Defence Act, 1954, in respect of the allegation of making false statements against an officer or a man on 15 August 2015, 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.

Reason for seeking the documents requested at categories (1) and (2)

In the light of the information received from Corporal 862208, together with documents received from the Chief of Staff of the Defence Forces and Minister for Defence, the Tribunal is satisfied that it is necessary and proportionate and in the interests of justice for it to examine the aforementioned categories of documentation. Such documents are relevant to the Tribunal's Terms of Reference and, in particular, to paragraph (v) thereof in that Corporal 862208 alleges that he suffered retaliation and/or reprisals consequent on the making of a 'Complaint of Abuse', in that he was charged for an offence contrary to section 141 of the Defence Act 1954 for the nature of his complaint about a senior NCO. The Tribunal is aware that a Military Police investigation was carried out into the said allegations. Further, the documents are necessary to enable the Tribunal to carry out its function and report on the matters set out in the Terms of Reference.

The Tribunal considers that in respect of documents falling within the terms of the intended Order for Discovery, it is appropriate, at this time, that the documents be discovered with anonymisation or pseudonymisation of names and other information which might lead to the identification of persons other than that of Corporal 862208. In this regard, a Discovery Protocol governing anonymisation and pseudonymisation will apply.

The terms of the intended Order for Discovery together with the Discovery Protocol are enclosed for your consideration.

Persons who believe that they may be affected by the terms of the intended Order for Discovery may make submissions, in writing, to the Tribunal by close of business on the 6th day of August 2026.