

**TRIBUNAL OF INQUIRY INTO ISSUES RELATING 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 7 of October 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 in respect of the Chief of Staff.

The proposed categories of discovery are discrete and relate to a former Captain of the Defence Forces who has engaged with the Tribunal during the private investigative phase of its inquiry and comprise:

Category (1)

All documents relating to the Military Police investigation as directed by the General Officer Commanding of Defence Forces Training Centre in 2020, in respect of an allegation made by ex-Captain A0999 that a Commandant (Medical Officer) had knowingly and/or wrongfully inputted into the Socrates system, false and/or incorrect information in relation to the medical status of ex-Captain A0999 in or around 14 May 2020 which led to her medical downgrading and de-selection for overseas service such documentation to include, but is 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 appeal made by ex-Captain A0999 to the General Officer Commanding of Defence Forces Training Centre, in or around 21 October 2020, in respect of her de-selection/non-recommendation for overseas service for the period July – December 2020 inclusive, 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.

Reasons for requiring discovery of documents in Category (1) and Category (2)

In the light of the information received from ex-Captain A0999 together with documents received from the Chief of Staff of the Defence Forces and the 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 Term of Reference and, in particular, to paragraph (v) thereof in that ex-Captain A0999 alleges that she suffered retaliation and/or reprisals consequent upon her making a 'Complaint of Abuse', in that a medical officer knowingly and/or wrongfully inputted into the Socrates system false and/or incorrect information in relation to her medical status in or around 14 May 2020 which led to her medical downgrading and de-selection for overseas duty. The Tribunal is aware that a Military Police investigation was carried out into the said allegations. It is also aware that ex-Captain A0999 appealed to the General Officer Commanding, Defence Forces Training Centre, in or around 21 October 2020, in respect of her de-selection/non-recommendation for overseas service. Further, the documents are necessary to enable the Tribunal to carry out its functions and to report on the urgent 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 ex-Captain A0999. 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 6 October 2026.