

241009_COS_11_ARCO

19 October 2024

**Brig Gen Séamus Ó Giolláin (Retd.),
President,
The Association of Retired Commissioned Officers (ARCO),**

LEGAL REPRESENTATION FOR FORMER DF MEMBERS

My correspondence to you on this matter dated 20 August 2024 refers. Following a review of the legal advice received from Counsel appointed to the Defence Forces, I wish to outline the Defence Forces' position regarding the points you raised:

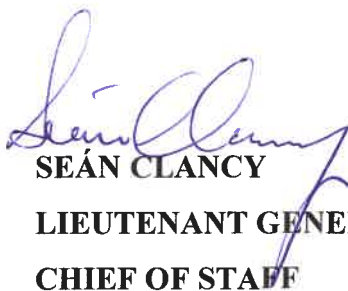
- 1. Current Stage of the Tribunal:** As it stands, the Tribunal is still in its preliminary investigative phase. At this point, no contact has been made with those individuals who were 'decision makers' or had roles in the complaints process under review. Consequently, they do not yet qualify as witnesses or as individuals at risk of adverse findings;
- 2. Entitlement to Representation:** In line with the Tribunals of Inquiry (Evidence) Act 1921, representation is only necessary if an individual faces the risk of an adverse finding or comment. At this stage, the Tribunal has not progressed to a point where such risks are evident for these individuals, and hence, there is no immediate legal entitlement to representation;
- 3. Future Developments:** It has been indicated to me, that as the Tribunal advances through its processes, specifically to the stages where it determines relevant evidence and informs



those who may be affected, the individuals you refer to may indeed move into the position of witnesses and could be at risk of adverse findings. At that juncture, their entitlement to legal representation will become pertinent, and the Defence Forces' legal team will make formal applications to the Tribunal as necessary;

- 4. Assurance of Representation:** Recognising the potential for future developments, the Defence Forces will regard these individuals as 'core participants' at this stage. It is assured that they will receive support and representation from the Defence Forces' legal team throughout the private investigative phase of the Tribunal. Should the situation change, the Defence Forces' legal team are prepared to apply for formal representation at the appropriate time in accordance with the Tribunal's process.

The Defence Forces are committed to safeguarding the rights and interests of our personnel, both retired and serving where applicable, while adhering to the Tribunal's procedures.


SEÁN CLANCY
LIEUTENANT GENERAL
CHIEF OF STAFF

