



December 12, 2016

Via email: JAG.CMCRT-ERGCM@forces.gc.ca

Office of the Judge Advocate General
Court Martial Comprehensive Review Team
101 Colonel By Drive
Ottawa, ON K1A 0K2

Dear Sir/Madam:

Re: Court Martial Comprehensive Review - Public Consultation

I am writing on behalf of the Canadian Bar Association's Military Law Section (CBA Section) about the comprehensive review currently being conducted by the Office of the Judge-Advocate General of the Canadian Armed Forces on Canada's court martial system. The CBA Section would like to offer our input and assistance to the review process.

The Terms of Reference (TOR) for this review state that "the purpose of this comprehensive review is to conduct a legal and policy analysis of all aspects of the CAF's court martial system and, where appropriate, to develop and analyze options to enhance the effectiveness, efficiency, and legitimacy of that system." The Court Martial Comprehensive Review Team (CMCRT) must assess the current court martial system's effectiveness, efficiency and legitimacy to determine whether changes are required or advisable to promote greater systemic effectiveness, efficiency or legitimacy. The CMCRT has been asked to consider a range of subjects, including status and institutional structure of tribunals and courts with jurisdiction over service offences, ensuring people accused of service offences have access to counsel, laws of evidence and rights of appeal, to name only a few examples.

An online public consultation took place from October 11 to November 7, 2016, but the TOR allow the CMCRT to conduct further consultation with Canadians with demonstrable expertise in a subject relevant to the review. The TOR also direct the CMCRT to consult with senior CAF leaders on relevant issues from January to March 2017. We note that the final report from the review must be completed by July 14, 2017.

The CBA Section would like to meaningfully contribute to this process and our legislation and law reform activities are led by retired Lieutenant-Colonel (and former Military Judge) Jean-Guy Perron who offers the required expertise. Given the breadth of subjects under review, our consideration of

the many subject areas involved was not possible in the brief time allowed for public consultation. We propose sending a written submission to the CMCRT no later than March 31, 2017.

Thank you for considering this offer of assistance, and we look forward to hearing from you at your earliest convenience.

Yours truly,

(original letter signed by Gaylene Schellenberg for Evatt F. A. Merchant)

Evatt F. A. Merchant
Chair, CBA Military Law Section