

**Annex P  
to CMCR Draft Interim Report  
dated 21 July 2017**

**From:** [Fortin.EJJS](mailto:Fortin.EJJS)  
**To:** [+JAG-Consultations@JAG MJ Strat@Ottawa-Hull](mailto:+JAG-Consultations@JAG MJ Strat@Ottawa-Hull)  
**Subject:** Comments on the court martial comprehensive review  
**Date:** November 17, 2016 11:22:04 AM

---

Hello,

In the context of the court martial comprehensive review, I would like to make a few observations on situations that my unit has faced in the past year with respect to referring a charge to court martial.

1. I understand the unit Comd's ultimate responsibility and the referral process, but I find it unacceptable that when charges are laid directly by CFNIS, without the file being presented to the unit Comd, we have to complete the referral documents.
2. I faced pressure from the prosecution to review a case referred to court martial to charge another individual; otherwise, the prosecution would have dropped the charges against the first individual. The previous unit management deemed it unnecessary to charge the second member. At a minimum, I would have expected that the prosecution would put its rationale in writing, a formal review request with justification. It could then decide whether or not to prosecute the first individual. For the second individual, if the prosecution thought that it had a basis for laying charges, it should have the jurisdiction to do so, and the proceeding would determine guilt.

These two issues deserve consideration and analysis in the consultation process for the court martial comprehensive review.

Thank you for your consideration.

***LCol Eric Fortin***

Commanding Officer / 5 Combat Engineer Regiment  
Canadian Armed Forces  
[Eric.Fortin6@forces.gc.ca](mailto:Eric.Fortin6@forces.gc.ca) / Tél. : 418-844-5000, poste 5604/ Cell Ph. : 418-455-0736/ RCCC :  
6665604 // ATS : 418-844-5549

Commandant / 5<sup>e</sup> Régiment du Génie de Combat  
Forces armées canadiennes  
[Eric.Fortin6@forces.gc.ca](mailto:Eric.Fortin6@forces.gc.ca) / Tél. : 418-844-5000, poste 5604/ Tél. cell. : 418-455-0736/ RCCC :  
6665604 // ATS : 418-844-5549