

Annual Report of the Director of Defence Counsel Services

INTRODUCTION

1. This annual report covers the period from 1 April 2010 to 31 March 2011. The Director was Lieutenant-Colonel Jean-Marie Dugas until 10 August 2010 when I assumed the role. While it has subsequently changed, the rank associated with this position was, throughout the entirety of this period, that of lieutenant-colonel.
2. It has been interesting to have the opportunity, at this point in my career, to be appointed by the Minister as Director Defence Counsel Services (DDCS). It is a "shifting of gears". I have been away from the "court martial" component of the "military justice system" for some time, after spending much of the early part of my career doing both prosecutions and defense, and after ending an eight year period with the prosecution service in 2006.
3. Over the entirety of my military career, our system of courts martial has been a real source of pride. Nonetheless, there are aspects of our system that, from the vantage point of my current position, should be further addressed.
4. It has become apparent to me over the past months that even those who have spent many years working within the system do not have a common understanding of what that system does. For this reason, I feel some compulsion to share with you my own understanding of the system and its purpose within the military community.

PERSPECTIVE AND PURPOSE OF MILITARY JUSTICE SYSTEM

Enforcement of Discipline (generally more quickly and sometimes more severely)

5. The purpose of the Military Justice System is to address the unique needs of the Canadian Forces and to address its disciplinary concerns expeditiously and, sometimes, with more severe punishment. There is nothing surprising in this and it is most eloquently expressed by Mr. Justice Lamer in his oft quoted passage from *R. v. Généreux*, [1992] 1 S.C.R. 259

The purpose of a separate system of military tribunals is to allow the Armed Forces to deal with matters that pertain directly to the discipline, efficiency and morale of the military. The safety and well-being of Canadians depends considerably on the willingness and readiness of a force of men and women to defend against threats to the nation's security. To maintain the Armed Forces in a state of readiness, the military must be in a position to enforce internal discipline effectively and efficiently.