



**Notes for an Address**

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Good afternoon,

I would like to say what a pleasure and privilege it is to be invited to participate in this forum, and to join my distinguished colleagues on this panel.

As you may know, the Military Police Complaints Commission of Canada, that I have had the honor of chairing since its creation, is responsible for civilian oversight of the Canadian Forces Military Police, and wherever else in the world Military Police members may be deployed with the Canadian Forces.

The reach of the Military Police Complaints Commission is, therefore, both National and International. The challenges involved in discharging my responsibilities as Chairperson of the Commission in this environment are many.

I would like to talk about some of those challenges in my remarks this afternoon, but I should first say a few things about the Commission itself.

The Military Police Complaints Commission came into being in December of 1999, as part of a major overhaul of Canada's National Defence Act. It is an autonomous, external body, operating independently of the Canadian Forces and Department of National Defence. It reports to the Parliament of Canada, and to Canadians, through the Minister of National Defence.

All of the Commission's members are civilians. Its mandate is to provide for greater public accountability by the military police and the chain of command in relation to military police investigations.

Although the Commission does not have decision-making powers, it can make recommendations that could have serious repercussions for those who are the subjects of complaint.

With some variations, the complaint procedure, and the powers of the Commission to investigate conduct complaints against military police are typical of an agency of this kind.

What may be unique about the Military Police Complaints Commission is its power to investigate complaints of interference. This is a first of its kind in the world.

Any military police member who has reasonable grounds to believe an officer, a non-commissioned member or a civilian senior official of the Department of National Defence has acted improperly in attempting to influence or otherwise interfere with an investigation may file a complaint. It should be noted that complaints of interference can involve not only chain-of-command situations, but also allegations of intimidation by any member of the Canadian Forces or civilian senior officials of the Department.

While the initial investigation of conduct complaints is conducted by the Provost Marshal, the investigation of interference complaints is the sole responsibility of the Complaints Commission.

The Commission has other special powers. Among others, without benefit of a complaint being lodged, it can order an investigation if the Chairperson deems this to be in the public interest. The Commission can hold public hearings into complaints, and compel testimony at these hearings.

While few would argue that civilian oversight leads to more accountable policing which in turn enhances both human rights and the credibility of the police, the introduction of civilian oversight to any law enforcement agency can be a difficult time for both sides.

As a society, we demand a great deal of our police services. We expect them to serve and protect the rest of us, and to put themselves into dangerous situations on our behalf. In return, we entrust them with special powers, and expect them to exercise those powers with full respect for human rights and dignity.

The idea of bringing in civilians to second-guess and judge the conduct of police is bound, at the very least, to arouse some resentment.

Furthermore, the introduction of civilian oversight seems only seldom to be part of a coherent plan; rather, it frequently comes in response to a crisis of some sort, adding to the perception that it is a punishment of some kind.

Such was the case for the Military Police Complaints Commission.

During the 1990's, a series of incidents involving members of the Canadian Forces gave rise to some serious questions about the Canadian military in general, and the administration of justice in the Canadian military in particular.

The Canadian Forces, so long an object of pride for Canadians for their good work in national and international crises, were fast becoming discredited when it was learned Canadian soldiers deployed on a mission of mercy to Somalia in the early 90s had tortured and beaten a Somali teenager to death.

The spotlight then fell on the military justice system, and Canadians did not like what they saw.

There was a full-scale public inquiry into the Canadian Forces deployment to Somalia, chaired by the Honorable Gilles Létourneau.

Also, the late Right Honorable Brian Dickson, a former Chief Justice of the Supreme Court of Canada was called upon to chair a Special Advisory Group on Military Justice and Investigation Services.

The two reports issued by the Special Advisory Group, and the report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia could not have been more clear in stating the urgent need for major changes if the military and its justice system were to fit the notions of fairness, openness and accountability expected in a modern, democratic society.

The report of the Somalia inquiry in particular revealed conflicts of interest, command influence and lack of independence in the investigations into the misconduct during the mission.

The Government of Canada responded to these reports in 1998 with the most sweeping revision of Canada's National Defence Act in fifty years.

Almost all of the changes were directed at the reform and modernization of the administration of justice in the Canadian Forces, from military policing to military courts.

It was against this background of upheaval and loss of public confidence in the military and military justice that the Military Police Complaints Commission appeared in the revised National Defence Act. Rightly or wrongly, the creation of the Commission almost certainly added to the military's feeling that it was under siege by the Canadian government and the Canadian public.

If the Commission were to succeed, it would have to act quickly to dissuade the members of the Canadian Forces that it was set up as some kind of legalized witch-hunt, and at the same time, persuade the Canadian public the Commission was more than a public relations initiative on behalf of the Forces.

In other words, it was imperative to establish credibility and an identity for the Commission.

For an organization as young as the Military Police Complaints Commission, meeting this challenge continues to be very much an ongoing process.

In the midst of hiring staff, finding office space and equipment and navigating the mysterious waters that are the federal bureaucracy – not to mention opening files on 83 complaints in our first year of activity – an outreach program was instituted.

This outreach program is primarily aimed at demonstrating to the members of the Canadian Forces how the Commission, rather than an adversary, can be a partner in restoring confidence and pride in the Canadian Forces and in bringing a new sense of professionalism to the military police.

It is also intended to raise awareness of the Commission's role and mandate, and to ensure everyone, military personnel and civilians alike, know their right to have their complaints heard and investigated. As the saying goes, rights are a wonderful thing to

have, but if you don't know what they are or how to use them, they're not going to do you much good.

As Chairperson of the Commission, I have delivered speeches to a number of Canadian Forces gatherings over the past year, and made presentations on several Canadian Forces bases where I also met and talked with members of the military police and base commanders.

I have visited with military police at a number of detachments associated with the Canadian Forces deployment to the NATO Stabilization Force in Bosnia.

In every instance, I have been delighted by the warmth of my reception. Many members of the military police, in particular those serving in Bosnia, have expressed their appreciation for the interest the Commission has shown in them.

I have also been inspired by and grateful for the cooperation I have received from the senior ranks in the Canadian Forces and their personnel. The Chief and Vice Chief of the Defence Staff, the former and current Provost Marshal and others have been unfailingly helpful in finding and arranging opportunities for me to visit and talk with members of the Forces and the military police.

The rapport established between the Commission and the Canadian Forces over the past year is very encouraging and absolutely essential if the Commission is to succeed.

The need for change was clear and urgent. That the military is able to see the Complaints Commission as an agent for positive change is most promising.

This is not to say there are not challenges yet to be met and overcome:

- Since the Commission began operations, it has received only one complaint of interference. I question whether this reflects reality, or a fear of reprisal on the part of those who may have a legitimate complaint. We must find a way to assure members of the military police that filing a complaint about interference will not put their career or opportunity for promotion in jeopardy.
- We must find a way to inform civilians in other countries where Canadian Forces Military Police are deployed that they too have a right to file conduct complaints. This is especially important in areas where civil order may have broken down, or where "police" and "respect for human rights" may not always fit into the same sentence -- areas where military police, by their conduct, affect not only how Canadians are perceived by others, but how we perceive ourselves.
- Overseeing a police service deployed across a vast country and around the world naturally involves some logistical difficulties. We must find ways to deal with issues like access to witnesses and other aspects of investigations in a practical and cost-effective manner.

- In a military setting, there will always be the challenge of upholding the principles of openness and transparency in investigations, without interfering with security or operations.
- In addition, we are still fine-tuning the organization of the Commission, still hiring some staff, and developing policies and procedures.

It is a challenging undertaking, but with the continued support and cooperation of the Canadian Forces and the military police, I am confident we shall realize our vision: To ensure the highest standard of conduct by military police, and discourage improper interference in any military police investigation.

In doing so, the Commission believes it can make a significant contribution to better protection for the military and the public alike, and foster greater respect for human rights and freedoms wherever military police serve.

Thank you.