



C H A I R P E R S O N . P R É S I D E N T E

June 19, 2002

General Ray Henault, CMM, CD  
Chief of the Defence Staff  
National Defence Headquarters  
13<sup>th</sup> Floor, South Tower  
101 Colonel By Drive  
Ottawa, ON K1A 0K2

**Our Files:** MPCC-2000-055 (Complaint of Major G.D. Wight)  
MPCC-2001-003 (Complaint of Lieutenant-Colonel T. Battista)

**General Henault:**

Please refer to my earlier letter to your predecessor, General Baril, dated February 6, 2001 concerning these files. In this letter, I notified the Chief of the Defence Staff of my decision to cause the Complaints Commission to conduct an investigation, in the public interest, into these conduct complaints, pursuant to subsection 250.38(3) of the *National Defence Act*.

Enclosed is my interim report on this investigation setting out my findings and recommendations. I have included a working copy for your convenience. In accordance with section 250.39 of the Act, the interim report is sent to the Minister, the Chief of the Defence Staff, the Judge Advocate General and the Provost Marshal.

Sections 250.49 and 250.51 of the Act require that, on receipt of a report under section 250.39 in respect of a conduct complaint, the Provost Marshal shall review the complaint in light of the findings and recommendations set out in the report. Following this review, the Minister and the Chairperson are to be notified in writing of any action that has been or will be taken with respect to the complaint. Included in this notice are reasons for not acting should the person reviewing my report so decide.

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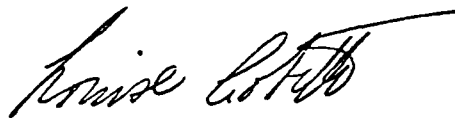
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My decision to cause this public interest investigation to be conducted by the Complaints Commission was based largely on the assertions of both complainants that they had not been treated fairly and impartially and, in fact, perceived a bias on the part of the Provost Marshal. Both complainants indicated that, since the Provost Marshal had taken decisions based on the police investigation being complained about, a conflict of interest situation existed. The complaints also implicated military police members in the office of the Provost Marshal. I concurred with the view that a reasonable apprehension of bias existed. During the course of the investigation by the Complaints Commission, the Canadian Forces Provost Marshal was also invited to provide her testimony before the Commission.

For these reasons, I believe that it would be inappropriate, and contrary to the spirit of the Act, for the Provost Marshal to conduct the review of my interim report. I am, therefore, requesting that you, as the Chief of the Defence Staff, review this report.

Upon receipt of your notice of action, I will prepare my final report with findings and recommendations for distribution to recipients as specified in subsection 250.53(2) of the Act.

Yours truly,

A handwritten signature in cursive script, appearing to read "Louise Cobetto".

Louise Cobetto  
Chairperson

Encl.