

s.19(1)

SECRET

MEMORANDUM

DDP C FM 5-1-38
(Adm 3A1)

14 Oct 59

FM

Petition For Redress of Grievance

- REACC

1. One of the protagonists of the offence reported upon in this file, [redacted] has protested his conviction and subsequent release from the Canadian Army in a petition for redress of grievance addressed to the Chief of the General Staff. This petition has been disallowed.
2. One of the arguments invoked by [redacted] in his petition was that he was tricked into making a confession. A statement has been obtained through Headquarters Central Command from [redacted], the C Pro C investigator who dealt with this case. Copy of this statement is attached hereto.
3. The CCS has discussed the conduct of this case with the JAG and it is his belief that the method by which the confession was obtained from [redacted] was unethical and not within the spirit of "British justice". It is the opinion of the JAG's Office that the confession, although it was obtained by trickery, would have been admissible in a court martial and admissible in a trial by a civilian magistrate or a civilian judge. However, many judges or magistrates in accepting the confession and passing sentence would censure those concerned for the unethical means employed to obtain the evidence leading to conviction.
4. The CCS has therefore directed that the Canadian Provost Corps as a whole be warned of the need to adhere to what are regarded as fair and honest methods in dealing with infringements or alleged infringements of military discipline, particularly in the obtaining of evidence.
5. You will take immediate action in accordance with the CCS direction, and advise me of the nature of the instruction issued by you.

Sgd: (JDE Smith)
Major-General
Adjutant-General

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