

DRAFT ONLY

DEPARTMENT OF NATIONAL DEFENCE

- ARMY -

HQ D415, Investigations (PN)

OTTAWA Ont, 15 Oct 59

PROVOST MARSHAL'S INSTRUCTION NO 59/18

Interrogations and Statements

AIM

1. To stress the necessity for compliance with the interrogation techniques described in Chapter VIII of CAMT 10-5 when taking statements from soldiers suspected of military or criminal offences.

BACKGROUND

2. This office has been advised that a C Pro C investigator using the "split pair" technique described in para 13 of Chapter VIII, CAMT 10-5, confronted one suspect with a false written statement which he purported to have obtained from the suspect's accomplice. As a result of this false statement a confession was obtained which implicated the suspect and resulted in his conviction.

3. While the end result, ie, the conviction of the offender, may have been desirable, and without attempting to interfere with the Freedom of operation that an investigator must have to conduct an investigation successfully, this procedure was incorrect and illegal. Although the Judges' Rules allow the presentation to an offender of a statement made by an accomplice, it is NOT legal to confront a suspect with a FALSE statement purported to have been made by an accomplice.

PROCEDURE

4. Enquiries by C Pro C investigators will be restricted to facts or natural deductions from facts which have been obtained as evidence. Under NO circumstances will ~~statements~~ ^{purported} statements be presented to suspects under interrogation as actual statements made by accomplices, even if it is considered that this procedure may result in a confession.

5. The idea must be firmly fixed in each C Pro C investigator's mind that a confession from an accused or a suspect ~~is only valid if it is subsequently accepted in a court of law or a military tribunal.~~ ^{is only valid if it is subsequently accepted in a court of law or a military tribunal.} ~~and that the procedure under which it is obtained is not to be used.~~ ^{and that the procedure under which it is obtained is not to be used.} Chapters V to VIII of CAMT 10-5 fully cover all the points which apply to the taking of valid statements from witnesses, suspects and accused persons.

C Pro C

(AC Brady)
Colonel
Provost Marshal

Distribution

C Pro C List "B"

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