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JUDGE ADVOCATE GENERAL

JAG ANNUAL REPORT
ON THE ADMINISTRATION OF MILITARY JUSTICE
2025-2026



Canada

The Annual Report of the Judge Advocate General to the Minister of National Defence on the Administration of Military Justice from 1 April 2025 to 31 March 2026.

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THE YEAR IN REVIEW

Pursuant to subsection 9.3(2) of the *National Defence Act,*[1] the Judge Advocate General is required to report annually to the Minister of National Defence (the Minister) on the administration of military justice in the Canadian Armed Forces. This report covers the period from 1 April 2025 to 31 March 2026.

Highlights from the Year in Military Justice

The 2025/2026 reporting period marked continued advancement in the administration of military justice and ongoing efforts to modernize the military justice system. These efforts included parliamentary consideration of amendments to the *National Defence Act*, notably the *Military Justice System Modernization Act* (Bill C-11), and other military justice-related legislative initiatives. Several developments contributed to the ongoing evolution and administration of the military justice system, including the establishment of a Service Charge Selection Policy Working Group and continued work under the Permanent Military Court Working Group (PMCWG) and the Military Judges Compensation Committee (MJCC). The Privacy Impact Assessment (PIA) for the summary hearing process was completed. It was also recommended that the Management Action Plan (MAP) in response to the Report 3, administration of justice in the Canadian Armed Forces, of the 2018 spring reports of the Auditor General of Canada be closed. Key actions supporting its completion included enhancing the Justice Administration and Information Management System (JAIMS) to support more effective case management; and publishing the updated Military Justice System Performance Monitoring Framework (MJS-PMF) to strengthen oversight across the military justice system. Implementation of recommendations arising from independent external reviews progressed under the Comprehensive Implementation Plan (CIP), 2023–2028. Additional publications related to military justice were released to evaluate and support the accessibility and administration of the system. Further details are provided in the sections that follow.

[1] RSC 1985, c N-5 [*National Defence Act*].

Legislative Reform of the *National Defence Act*

Military Justice System Modernization Act (Bill C-11)

Throughout the 2025/2026 reporting period, the Office of the JAG supported Parliament's consideration of Bill C-11.[2] Previously proposed as Bill C-66[3], which died on the order paper last reporting period, Bill C-11 was introduced in the House of Commons in September 2025. Bill C-11 proposed amendments to the *National Defence Act,* aimed at modernizing the military justice system by responding to a number of recommendations made by the Report of the Third Independent Review Authority to the Minister of National Defence (IR3)[4] and the Report of the Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces (IECR).[5] At the end of the reporting period, Bill C-11 was at Report stage in the House of Commons. It subsequently received Royal Assent as the Military *Justice System Modernization Act* following the reporting period. These recommendations can be grouped into four thematic areas.

The first thematic area is the removal of the Canadian Armed Forces' jurisdiction to investigate and prosecute *Criminal Code* sexual offences alleged to have been committed in Canada. The second thematic area concerns changes to the appointment of three key military justice authorities: the Canadian Forces Provost Marshal (CFPM), the Director of Military Prosecutions (DMP) and the Director of Defence Counsel Services (DDCS) as well as the provisions dealing with their tenure and removal. The third thematic area focuses on excluding military judges from the summary hearing system and expanding Victim Liaison Officers' access under the *Declaration of Victims Rights*, to include those persons acting on behalf of a victim. The fourth thematic area concerns the proposed amendments to harmonize sex offender information and publication ban provisions in the *National Defence Act* with the 2023 amendments to the *Criminal Code* in the former Bill S-12.[6]

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[2] Bill C-11, *Military Justice System Modernization Act*, 1st Sess, 45th Parl, 2025, (first reading 26 September 2025).
[3] Bill C-66, *Military Justice System Modernization Act*, 1st Sess, 44th Parl, 2024, (first reading 21 March 2024).
[4] Canada, Report of the Third Independent Review Authority to the Minister of National Defence, by Hon Morris J Fish (Ottawa, 2021) [IR3].
[5] Canada, Report of the Independent External Comprehensive Review, by Hon Louise Arbour (Ottawa, 2022) [IECR].
[6] *An Act to amend the Criminal Code, the Sex Offender Information Registration Act, and the International Transfer of Offenders Act* (Statutes of Canada 2023, c 28).

Bail and Sentencing Reform Act (Bill C-14)

Throughout the 2025/2026 reporting period, the Office of the JAG was also engaged in supporting Parliament's consideration of Bill C-14.[7] Tabled in the House of Commons in October 2025, Bill C-14 proposed amendments to the *Criminal Code* to strengthen bail provisions relating to repeat offending and organized crime, and to impose tougher sentences for serious and violent offences. The Bill also amends the *National Defence Act* to, among other things, improve the administration of military justice as it relates to sentencing by increasing the penalty for contempt; require courts martial to give primary consideration to denunciation and deterrence of offences involving criminal organizations; and create new aggravating circumstances to address repeat violent offending, offences against first responders, stealing for commercial purposes and certain property offences. At the end of the reporting period, Bill C-14 was before the Standing Senate Committee on Legal and Constitutional Affairs (LCJC). It subsequently received Royal Assent as the *Bail and Sentencing Reform Act* following the reporting period.

Protecting Victims Act (Bill C-16)

The Office of the JAG also supported Parliament's consideration of Bill C-16.[8] The Bill was tabled in the House of Commons in December 2025. Bill C-16 proposed amendments to the *Criminal Code* that aim to protect victims of gender-based violence, enhancing victim's rights and addressing trial delays. It also proposed corresponding amendments to the *National Defence Act* to provide testimonial aids for victims, creates a new division on trial delay, and streamlines and strengthens procedural rules in sexual offence trials. It will also amend the *Declaration of Victims Rights* to align with proposed amendments to the *Canadian Victims Bill of Rights,* reinforcing that victims have the right to be treated with respect, courtesy, compassion, and fairness. Bill C-16 also provides that victims have the right to receive information about their rights and protection measures. It also enables victims to receive information from authorities in the military justice system without being required to make a request. At the end of the reporting period, Bill C-16 was before the Standing Committee on Justice and Human Rights (JUST). It subsequently received Royal Assent as the *Protecting Victims Act* following the reporting period.

[7] Bill C-14, *Bail and Sentencing Reform Act*, 1st Sess, 45th Parl, 2025, (first reading 23 October 2025).
[8] Bill C-16, *Protecting Victims Act*, 1st Sess, 45th Parl, 2025, (first reading 9 December 2025).

Combatting Hate Act (Bill C-9)

Throughout the 2025/2026 reporting period, the Office of the JAG remained actively engaged in matters related to Parliament's consideration of Bill C-9, tabled on 19 September 2025.[9] Bill C-9 amended the *Criminal Code* to strengthen Canada's response to hate-motivated conduct. Bill C-9 created new hate-related offences, including a specific hate crime offence for conduct motivated by hatred toward an identifiable group based on characteristics such as race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or gender identity or expression. It also created offences relating to the wilful promotion of hatred against an identifiable group through the public display of certain terrorism or hate symbols, as well as the intimidation of persons and the obstruction or interference with lawful access to religious, cultural, educational, and community spaces used by identifiable groups. Persons subject to the Code of Service Discipline who commit one of these offences may be charged with a service offence under section 130 of the *National Defence Act.* At the end of the reporting period, Bill C-9 was at Second Reading at the Senate. Following the reporting period, the Bill received Royal Assent on 18 June 2026 and became the *Combatting Hate Act*.

Service Charge Selection Policy Working Group

During the reporting period, the Judge Advocate General established a working group to examine the process by which disciplinary incidents are triaged and referred to the Canadian Military Prosecution Service (CMPS) for assessment of court martial suitability. Participants in the working group include representatives from CMPS, the Military Justice Division, the Military Justice Modernization Division, the Canadian Forces Provost Marshal, and the Regional Services Division.

The working group developed a number of recommendations and initiated work to update or develop policies related to the application of public interest criteria in decisions to convene a court martial. The initiative supports a consistent and principled approach across the Canadian Armed Forces to determining whether misconduct should be addressed through the summary hearing system or the court martial system. It will inform a new Judge Advocate General Policy Directive on the provision of disciplinary legal advice, which is currently in development.

[9] Bill C-9, *Combatting Hate Act*, 1st Sess, 45th Parl, 2025, (first reading 19 September 2025).

The Permanent Military Court Working Group

In response to Recommendation 5 of the IR3, which recommended the creation of a permanent military court for the Canadian Armed Forces to increase the perception of independence, improve efficiency and reduce delays associated with the *ad hoc* nature of courts martial, the Permanent Military Court Working Group (PMCWG) was established in late 2022. The PMCWG was established to identify the most effective framework for the creation of such a court under s. 101 of the *Constitution Act, 1867*.[10] The PMCWG is a joint endeavour between the Office of the JAG and the Department of Justice Canada and includes an Independent Authority, whose background is in court administration. Its work consists of undertaking consultations, developing legal opinions, considering options for the establishment of the new court, and producing a report to the Minister of National Defence and the Minister of Justice. During the 2025/2026 reporting period, the Working Group convened 12 times, conducted extensive in-person and written consultations with representatives from the military and federal judiciaries, military and federal judicial governance and administration bodies, and senior Canadian Armed Forces leadership including the Chief of the Defence Staff, and began drafting its report. The report is intended to be delivered to the Minister of National Defence and the Minister of Justice during the 2026/2027 reporting period.

Military Judges Compensation Committee

The Military Judges Compensation Committee (MJCC) is a body created by Parliament to ensure an independent, objective, and depoliticized process for inquiring into the adequacy of military judicial compensation. The MJCC, mandated under the *National Defence Act* to submit recommendations to the Minister every four years, performs a similar role and operates according to similar legal principles as its civilian counterpart, the Judicial Compensation and Benefits Commission. In making recommendations on the remuneration level for military judges, the MJCC considers factors such as the need to attract highly qualified candidates to the Bench, the necessity of ensuring judicial independence, and the prevailing economic conditions in Canada.[11] The MJCC delivered its report to the Minister on 31 January 2024 and, on 31 July 2024, the Minister accepted the report's recommendations.

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[10] *Constitution Act, 1867 (UK), 30 & 31 Vict, c 3, s 101, reprinted in RSC 1985, Appendix II, No 5.*
[11] *National Defence Act*, *supra note 1*, s. 165.34(2).

Regulatory amendments to implement the recommendations of the previous MJCC inquiry for the 2019 to 2023 period were approved by the Treasury Board of Canada in March 2026. Work also progressed to support the establishment of the next MJCC, tasked with making recommendations regarding military judges' compensation for the period from 2023 to 2027. As of the date of submission of this report, the Minister's nominee has been working with the nominee of the military judges to select a chairperson nominee, whereupon the three MJCC members will be recommended for appointment to their roles by the Governor in Council.

Completion of a Privacy Impact Assessment

Although a PIA was undertaken by the Department of National Defence and the Canadian Armed Forces in relation to the introduction of JAIMS in 2021/2022, it did not include a comprehensive assessment of personal information handling practices associated with the summary hearings process. Subsequent changes to policies, procedures, and business practices introduced to support the new summary hearing process constituted a substantial program change, creating an appropriate opportunity to conduct a program level PIA in relation to summary hearings. The PIA identified opportunities to strengthen privacy practices, which were addressed by the Office of the JAG's Military Justice Division as part of the assessment process.

Completion of the Management Action Plan

During the reporting period, it was assessed that the actions identified in the Management Action Plan (MAP), developed in response to the Report 3, administration of justice in the Canadian Armed Forces, of the 2018 spring reports of the Auditor General of Canada[12], had been implemented, and closure of the MAP was recommended. The recommendation reflected the Office of the JAG's assessment that the objectives identified in the MAP had been achieved. This assessment was supported by broader modernization efforts within the military justice system, notably the implementation of JAIMS, a review of military police report disclosure practices, the re-establishment of the Military Justice Round Table and the updated MJS-PMF.

[12] Canada, Report 3, administration of justice in the Canadian Armed Forces, of the 2018 spring reports of the Auditor General of Canada, (Ottawa 2018).

These complementary initiatives contributed to the achievement of the MAP's objectives by enhancing case management capabilities, strengthening oversight mechanisms, and improving the timeliness and transparency of military justice processes.

The Comprehensive Implementation Plan 2023-2028

Throughout the reporting period, implementation of recommendations arising from IR3 and the IECR continued as part of the CIP. The CIP is a multi-year plan that prioritizes, structures, and harmonizes initiatives across the Defence Team to create a more open, transparent, and accountable approach to culture change and military justice modernization.[13] The CIP incorporates recommendations from four key external review reports: the IR3,[14] the IECR,[15] the Minister's *Advisory Panel on Systemic Racism and Discrimination Report,*[16] and the *National Apology Advisory Committee Report.*[17]

As part of the CIP, the Office of the JAG is the lead organization for the implementation of 77 recommendations across all phases and supports other organizations in advancing numerous additional recommendations.

During the reporting period, six recommendations for which the Office of the JAG is the lead were fully implemented.[18] By the end of the reporting period, a total of 11 Office of the JAG-led recommendations had been fully implemented. Shortly after the end of the reporting period, the Military Justice System Modernization Act received Royal Assent. Once the relevant provisions are brought into force, IECR recommendation 5, the removal of *Criminal Code* sexual offences from the Canadian armed forces jurisdiction, will be addressed. In addition, a further eight Office of the JAG-led IR3 recommendations will be implemented on dates to be

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[13] Canada, Minister of National Defence, Comprehensive Implementation Plan 2023-2028 (Ottawa, 2024).
[14] *IR3, supra* note 4.
[15] *IECR, supra* note 5.
[16] Canada, Department of National Defence, *Minister of National Defence Advisory Panel on Systemic Racism and Discrimination: Final Report* (January 2022).
[17] Canada, Department of National Defence, *Report of the National Advisory Committee on Apology* (Ottawa, [2022]).
[18] The recommendations that were fully implemented include: institutionalizing victims' rights across the military justice system; establishing formal training and certification for assisting members at summary hearings; enhancing engagement in federal-provincial-territorial justice forums; providing structured pre-investigation and pre-charge legal advice to military police; ensuring sustained capacity for military justice policy development through the Military Justice Modernization Division; and strengthening collaboration and information sharing between the Office of the Judge Advocate General and the Department of Justice Canada.

established by the Governor in Council. The Office of the JAG continues to plan and work towards implementing all recommendations; however, many require legislative amendments and are subject to legislative prioritization established by the Government of Canada.

Justice Administration and Information Management System

The 2025/2026 reporting period marked the first full year in which the Justice Administration and Information Management System (JAIMS) was used across the Canadian Armed Forces to support the administration of disciplinary matters. JAIMS provides commanders with timely and reliable information by electronically tracking the lifecycle of disciplinary cases at the unit level. In doing so, it enhances case management, promotes consistency in the administration of military justice, and supports the Judge Advocate General in fulfilling their statutory responsibility to superintend the administration of military justice.

During the reporting period, 1,679 disciplinary cases were recorded in JAIMS, and 595 summary hearings proceeded. In many other cases, units determined that no further disciplinary proceedings were warranted due to factors such as insufficient evidence, the absence of a service infraction, a lack of public interest, or the use of alternative administrative measures. As this was the first full reporting period following the Canadian Armed Forces implementation of JAIMS, a small number of records remain subject to ongoing data-quality review and validation.

Ongoing support for users is provided through the JAIMS Centre of Excellence, which assists units in administering disciplinary cases and promotes consistent use of the system across the Canadian Armed Forces. During the reporting period, several enhancements were implemented to improve usability and user experience, while additional upgrades are underway to strengthen reporting capabilities and support military justice performance monitoring initiatives.

Summary Hearings and Discipline in Deployed Environment

A functioning military justice system supports discipline, efficiency, and morale, all of which are foundational to operational readiness and mission success. In operational environments, where timely and effective disciplinary measures are often critical, the military justice system provides the chain of command with an essential tool to maintain discipline.

During the reporting period, a total of 105 summary hearings were conducted in operational environments, including during operations such as Operation REASSURANCE in Latvia and on board His Majesty's Canadian Ships. This demonstrates the continued reliance on the summary hearing process in deployed and operational contexts. The effective administration and tracking of service infractions, supported in part by JAIMS, promotes transparency, consistency, and accountability in the handling of these matters.

Military Justice System Performance Monitoring Framework

The 2025/2026 reporting period marked the transition of the updated MJS-PMF[19] from development to full implementation. The MJS-PMF provides objective quantitative and meaningful qualitative data through a focused set of key performance indicators designed to assess the effectiveness, efficiency, and legitimacy of the military justice system. In support of the Judge Advocate General's role as superintendent of the administration of military justice, the framework enables ongoing monitoring of system performance, identification of trends and areas requiring attention, the development of benchmarks, and the assessment of the impact of legislative and policy changes, while enhancing transparency for policymakers and the public.

The updated MJS-PMF reflects changes introduced by Bill C-77, *An Act to amend the National Defence Act and to make related and consequential amendments to other Acts,*[20] and organizes performance indicators across inputs, outputs and outcomes covering key aspects of the military justice process. Implemented through JAIMS, the framework draws on administrative and survey data related to case flow, timeliness, review and appeal activity, access to justice considerations, and perceptions of fairness and confidence in the system. Following its approval by the Judge Advocate General and publication, the updated MJS-PMF now serves as the foundation for ongoing performance monitoring of the military justice system, as well as future reporting.

[19] Canada, Department of National Defence, *Military Justice System Performance Monitoring Framework* (Ottawa: Department of National Defence, 2025), online: Government of Canada.
[20] Bill C-77, *An Act to amend the National Defence Act and to make related and consequential amendments to other Acts*, 1st Sess, 42nd Parl, 2019 (assented to 21 June 2019).

Military Justice at the Unit Level Post-Case User Experience Survey

The Military Justice at the Unit Level Post-Case User Experience Survey establishes a qualitative baseline of stakeholder experiences under the updated MJS-PMF framework. This baseline supports ongoing monitoring of how system actors perceive and experience the administration of Military Justice at the Unit Level following the completion of a case. This initiative contributes to the MJS-PMF by tracking trends in stakeholder experiences over time, enabling the early identification of emerging issues, shifts in perceptions, and opportunities for targeted improvements. It also supports the Department of National Defence's response to key external reviews.

The survey focuses on Military Justice at the Unit Level actors and provides insight into the day-to-day operation of the summary hearing system and its practical administration impacts. Data collection and analysis are aligned with the reporting period to ensure consistency and comparability with existing reporting mechanisms. By establishing a qualitative baseline of stakeholder experiences, the survey enhances transparent, evidence-based evaluation of the military justice system and supports ongoing performance monitoring and improvement. The Military Justice at the Unit Level Post-Case User Experience Survey was implemented at the end of the reporting period, in March 2026, to support data collection at the start of the subsequent reporting period.

Deprivation of Pay

As reported in the 2024/2025 Annual Report, the processing of the sanction of deprivation of pay within the Canadian Armed Forces was placed on hold in the summer of 2023 to ensure its consistent administration at the unit level. In May 2025, following joint efforts of the Military Justice Division and the Director General Compensation and Benefits, the Chief of the Defence Staff issued direction on the calculation and implementation of the sanction. This direction enabled the hold on processing the deprivation to be lifted, allowing immediate implementation of the sanction. Throughout the reporting period, efforts continued to address all cases affected by this issue, including the correction of previously administered sanctions and the implementation of sanctions that have been delayed as a result of the processing hold.

Evaluation of the Military Justice Training Programs

An Evaluation Report on the Military Justice and Grievance Training Programs, conducted by the Assistant Deputy Minister (Review Services) on behalf of the Department of National Defence and the Canadian Armed Forces, was completed and published during this reporting period.[21] Covering the period from 2019/2020 to 2024/2025, the report addressed recommendations arising from the IR3 and provided a comprehensive assessment of training across the Canadian Armed Forces. It reaffirmed the importance of Military Justice at the Unit Level training as a foundational component of military justice education and highlighted how this training equips personnel with the knowledge and skills required to administer the military justice system effectively while fostering a broader understanding of military justice.

The evaluation identified increased awareness of and access to training, while also noting opportunities to strengthen knowledge retention and support ongoing proficiency among personnel. These findings will inform continued improvements to training and support the effective administration of Military Justice at the Unit Level.

Court Martial Appeal Court: Operational Capacity

The Judge Advocate General continues to observe that the number of judges designated or appointed to the Court Martial Appeal Court has declined in recent years, from more than 60 historically to 22 in the current reporting period. An adequate complement of judges remains important to support the timely and efficient hearing of appeals in both official languages.

Publications Supporting Administration of Military Justice

During the reporting period, several publications were released to support the military justice actors in the conduct of their tasks and improve access to information about the military justice system for Canadian

[21] Canada, Department of National Defence and Canadian Armed Forces, *Evaluation of Military Justice and Grievance Training Programs* (Ottawa: Assistant Deputy Minister (Review Services), 2025).

Armed Forces members. These publications included an updated version of the Code of Service Discipline and Me,[22] the Assisting Member Aide-Memoire,[23] and the Review Authority Aide-Memoire[24].

Conclusion

In exercising superintendence over the military justice system, the Judge Advocate General continues to support the Government of Canada, the Department of National Defence, and the Canadian Armed Forces as it evolves. Throughout the reporting period, the Office of the JAG continued to monitor institutional capacity across the military justice system to ensure that key organizations are positioned to meet current and future operational requirements.

The military justice system continued to evolve alongside broader changes in Canada and the needs of the Canadian Armed Forces. The Office of the JAG efforts remain focused on enhancing fairness, efficiency, and the system's ability to meet the demands of military discipline, guided by a commitment to the rule of law, the protection of participants' rights, and the operational needs of the Canadian Armed Forces.

Fiat Justitia

Robin F. Holman, MSM, CD
Major-General

[22] Canada, Department of National Defence, *The Code of Service Discipline and Me* (Ottawa: Department of National Defence, 2025), online: Government of Canada.
[23] Canada, Department of National Defence, *Assisting Member Aide-Memoire* (Ottawa: Department of National Defence, 2025), online: Government of Canada (Available on the Defence Wide Area Network).
[24] Canada, Department of National Defence, *Review Authority Aide-Memoire* (Ottawa: Department of National Defence, 2025), online: Government of Canada (Available on the Defence Wide Area Network).

1 THE OFFICE OF THE JUDGE ADVOCATE GENERAL

The Judge Advocate General

The Judge Advocate General is appointed by the Governor in Council and acts as the legal advisor to the Governor General, the Minister, the Department of National Defence, and the Canadian Armed Forces in matters relating to military law.[25] The Judge Advocate General also has the statutory duty to superintend the administration of military justice in the Canadian Armed Forces and is responsible to the Minister in the performance of these duties and functions.[26]

Command of the Office of the Judge Advocate General

Under the Ministerial Organization Order, the Office of the JAG is established to assist the Judge Advocate General in carrying out their statutory duties and functions. The Judge Advocate General has command over all officers and non-commissioned members posted to a position established within the Office of the JAG.

The duties of a legal officer are determined by, or under the authority of, the Judge Advocate General and in respect of the performance of those duties, a legal officer is not subject to the command of an officer who is not a legal officer. This ensures that legal officers provide independent legal services. All qualified legal officers serving in the Office of the JAG are members in good standing with the bar of a province or territory in Canada.[27]

Judge Advocate General Chief Warrant Officer

The Judge Advocate General Chief Warrant Officer serves as the senior non-commissioned member advisor to the Judge Advocate General. Based on the command team concept, the Judge Advocate General Chief Warrant Officer provides perspective to the Judge Advocate General and the senior leadership team on strategic

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[25] *National Defence Act*, *supra* note 1, ss. 9(1), 9.1.
[26] *National Defence Act*, *supra* note 1, ss. 9.2(1) and 9.3(1).
[27] Canada, Department of National Defence, *Queen's regulations and Orders for the Canadian Forces* (Ottawa: 20 June 22), [*QR&O)*] art 4.081 and Ministerial Organization Order 96-082, dated 1 August 1996.

issues related the Judge Advocate General's statutory roles, the Canadian Armed Forces, and the Office of the JAG.

Together with the Canadian Armed Forces Chief Warrant Officer, the Judge Advocate General Chief Warrant Officer chairs the Canadian Armed Forces Discipline Advisory Council, which provides Armed Forces Council and the Judge Advocate General with important and valuable advice on matters relevant to the maintenance of discipline efficiency and morale in the Canadian Armed Forces.

Other Chief Warrant Officers and Chief Petty Officers First Class are posted to Assistant Judge Advocate General offices and certain Deputy Judge Advocate offices within Canada. In these roles, they serve as a key link between senior non-commissioned members at the unit, base, wing, and formation levels and the local legal offices in addressing disciplinary and administrative matters.

The Office of the Judge Advocate General

The Office of the JAG supports the Judge Advocate General in carrying out their statutory duties and functions. It is composed of Canadian Armed Forces Regular and Reserve Force legal officers, civilian members of the Public Service, and Canadian Armed Forces members from other military occupations.

The Judge Advocate General's Strategic Guidance defines the Office of the JAG's overall mission as consisting of three principal lines of effort.[28] The first is the delivery of timely, client-focused, options-oriented and operationally driven military legal services in support of the Government of Canada, the Department of National Defence, and the Canadian Armed Forces' priorities and objectives. The second is the superintendence of the administration of the military justice system and the promotion of discipline, efficiency, and morale within the Canadian Armed Forces by enabling its proper operation. The third line of effort is leading by example, inspiring excellence and empowering members of the Office of the JAG to reach their full potential. The Strategic Guidance also identifies four values that guide those who serve in the Office of the JAG: respect, courage, creativity, and accountability.

[28] Canada, Office of the Judge Advocate General, *Strategic Guidance for the Office of the JAG*, (Ottawa, 2024).

The Office of the JAG is composed of six divisions and two directorates, all led by legal officers of the Colonel/Captain(N) rank, as outlined below:

Divisions:

- Chief of Staff and Corporate Services Division
- Military Justice Division
- Military Justice Modernization Division
- Operational and International Law Division
- Administration Law Division
- Regional Services Division

Directorates:

- Defence Counsel Services
- Canadian Military Prosecution Service

The Director of Defence Counsel Services, assisted by legal officers who act as defence counsel, is responsible for providing, supervising, and directing legal services to persons who are liable to be charged, dealt with and tried under the Code of Service Discipline, at no cost to the member. The Director of Defence Counsel Services is appointed by the Minister for a renewable term of four years and acts independently from the Department of National Defence and Canadian Armed Forces authorities when exercising their powers, duties, and functions.

The Director of Military Prosecutions is the senior military prosecutor in the Canadian Armed Forces. It is the responsibility of the Director of Military Prosecutions, with the assistance of legal officers appointed to act as military prosecutors, to prefer charges to be tried by court martial, to conduct all prosecutions at court martial, and to act as counsel for the Minister in respect of appeals to the Court Martial Appeal Court (CMAC) and the Supreme Court of Canada. The Director of Military Prosecutions is also responsible for providing advice in support of investigations conducted by Canadian Forces National Investigation Service and Military Police.

The Director of Military Prosecutions and the Director of Defence Counsel Services submit annual reports to the Judge Advocate General. Their reports for the 2025/2026 reporting period are available online here:

https://www.canada.ca/en/department-national-defence/corporate/reports-publications/military-law.html

2 THE STRUCTURE OF CANADA'S MILITARY JUSTICE SYSTEM

Canada's Military Justice System

Canada's military justice system operates in parallel with its civilian criminal justice counterpart and forms an integral part of the Canadian legal framework. It shares many of the same underlying principles as the civilian criminal justice system and is subject to the same constitutional framework, including the *Canadian Charter of Rights and Freedoms (Charter).*[29] At the same time, it remains a separate and distinct system designed to meet the specific needs of the Canadian Armed Forces, including the maintenance of discipline, efficiency, and morale within the Canadian Armed Forces, and to support public confidence in the administration of military justice.[30]

The Code of Service Discipline

The Code of Service Discipline, contained in Part III of the *National Defence Act*, is "[t]he foundation of Canada's military justice system."[31] It is "an essential ingredient of service life"[32] that "defines the standard of conduct to which military personnel and certain civilians are subject and provides for a set of military tribunals to discipline breaches of that standard."[33] It has also been recognized as serving a public function "by punishing specific conduct which threatens public order and welfare."[34] The Code of Service Discipline sets out the procedures and organization of summary hearings and courts martial, the jurisdiction of various actors in the military justice system, the scale of punishment, and the post-trial review and appeal mechanisms.

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[29] *Canadian Charter of Rights and Freedoms*, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [*Charter*].
[30] *R v Stillman*, 2019 SCC 40, at para 20 [*Stillman*].
[31] *Ibid*, at para 55.
[32] *MacKay v The Queen,* [1980] 2 RCS 370, at p. 398 [*MacKay*].
[33] *R v Généreux*, [1992] 1 SCR 259, at p. 297 [*Généreux*].
[34] *Ibid*, at p. 281.

As part of the legal framework governing discipline within the Canadian Armed Forces, accessible, official, member-facing guidance is available to support understanding of how the Code of Service Discipline applies in practice. Resources such as *The Code of Service Discipline and Me* provide general information on what individuals subject to the Code of Service Discipline can expect during disciplinary proceedings, as well as information on rights and responsibilities, and available review options, contributing to transparency and confidence in the military justice system.

The Two Types of Military Justice Procedure

The military justice system is comprised of two types of procedures for addressing misconduct and relies on both unit-level disciplinary processes and criminal investigations conducted by the Military Police, each serving distinct purposes within the broader framework. The Code of Service Discipline and the *Queen's Regulations and Orders for the Canadian Forces* [35] outline procedures for the disposal of a charge. The following sections describe each type of military justice procedure: summary hearings and courts martial. Summary hearings are non-penal, disciplinary proceedings based on principles of administrative law, designed to address breaches of military discipline at the unit level. Courts martial are military courts, presided over by military judges, which try service offences under the Code of Service Discipline. Characterizing a disciplinary incident as either a service infraction or a service offence requires an assessment of its nature, seriousness, operational impact, complexity, and broader public interest considerations.

The Summary Hearing System

The summary hearing system provides commanders with a fair and efficient means to address breaches of military discipline at the unit level. While still ensuring the persons charged benefit from a procedurally fair process, investigations and hearings require relatively little in the way of time and resources. By minimizing the impact on operational tempo, the summary hearing system is more efficiently employed by units both in garrison and when deployed, improving their operational readiness.

[35] *QR&O*, *supra* note 27.

Service Infractions

Service Infractions are breaches of military discipline as defined in the *Queen's Regulations and Orders for the Canadian Forces*[36] and are generally less serious than the misconduct addressed by service offences. There are currently three categories of service infractions. The first category of infractions relates to property and information and covers acts or omissions such as unauthorized possession of public property and failure to disclose a conflict of interest.[37] The second category consists of infractions related to military service. These cover breaches of discipline such as unauthorized discharge of a firearm and other behaviours that adversely affects the discipline, efficiency, or morale of the Canadian Armed Forces.[38] The final category deals with infractions related to drugs and alcohol. This includes behaviour such as the possession of an intoxicant or use of a drug, such as cannabis, while on duty.[39]

Summary Hearings

Summary hearings can only be held to deal with service infractions[40] and may be held anywhere that the Canadian Armed Forces operate.[41] They are conducted by an officer who must be at least one rank above the member charged with the infraction.[42] However, officers may be precluded from conducting a hearing in certain circumstances which are listed in the *National Defence Act.*[43] These provisions help ensure fairness and impartiality of the process by preventing potential conflicts of interest or bias.

The Officer Conducting the Summary Hearing (OCSH) may be a superior commander, a commanding officer, or a delegated officer. When an OCSH has determined that the member has committed a service infraction, the status of the OCSH conducting the hearing will impact the range of sanctions that are available.[44] In order to conduct a summary hearing, an OCSH must successfully complete the Military Justice at the Unit Level training course and exam and be certified by the Judge Advocate General.

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[36] *Ibid*, art 120.02–120.04.
[37] *Ibid*, art 120.02.
[38] *Ibid,* art 120.03.
[39] *Ibid,* art 120.04.
[40] *National Defence Act*, *supra* note 1, s 162.4.
[41] *Ibid,* s 163.5.
[42] *Ibid,* s 163.
[43] *Ibid.*
[44] *Ibid,* s 163.1.

Summary hearings are generally open to the public to attend. However, in certain circumstances, they may be closed if classified information will form part of the evidence, or if information that may impact an individual's safety or security arises as part of the evidence.[45] At the start of the hearing, the OCSH will take an oath or make a solemn affirmation[46] before asking the member charged with the infraction three preliminary questions: did the member have adequate time to prepare, does the member wish to challenge the capacity of the OCSH to conduct the summary hearing, and does the member wish to admit to any of the details of the charge.[47]

Summary hearings are conducted in accordance with the principles of Canadian administrative law, particularly the principles of procedural fairness and natural justice.[48] As such, a member charged with a service infraction must be given the opportunity to request the presence of witnesses, present evidence, and make representations at all stages of the hearing.[49] Unlike at a court martial, the standard of proof at a summary hearing is on a balance of probabilities.[50] A member will, therefore, be deemed to have committed a service infraction if "it is more likely than not that an alleged event occurred."[51] However, it is insufficient for the OCSH to simply state that it is more likely than not that the member committed the infraction. To be a valid determination, the decision of the OCSH must be "transparent, intelligible, and justified."[52] As such, the OCSH must provide in writing the reasons underpinning their determination.

Should the member be found to have committed a service infraction, the OCSH must impose one, or a combination of, the authorized sanctions. Prior to doing so, the OCSH must allow the member to make representations regarding the sanction to be imposed.[53] Finally, after imposing a sanction, the OCSH must provide written reasons to the member and their commanding officer.[54]

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[45] *QR&O*, *supra* note 27, art 122.02.
[46] *Ibid,* art 122.06.
[47] *Ibid,* art 122.07.
[48] *Ibid,* art *122.08.*
[49] *Ibid.*
[50] *National Defence Act*, *supra* note 1, s 163.1.
[51] *FH v McDougall*, 2008 SCC 53 at para 49.
[52] *Vavilov v Canada (Minister of Citizenship and Immigration)*, 2019 SCC 65 at para 15.
[53] *QR&O*, *supra* note 27, art 122.09.
[54] *Ibid.*

Sanctions

The *National Defence Act* enumerates the sanctions available when a member is found to have committed a service infraction. These sanctions are (from most severe to least severe): reduction in rank, severe reprimand, reprimand, deprivation of pay and allowances for no more than 18 days, and minor sanctions.[55]

Minor sanctions are defined in the *Queen's Regulations and Orders for the Canadian Forces* and include confinement to ship or barracks for no more than 14 days, extra work and drill for no more than 14 days, and the withholding of leave for no more than 30 days.[56] Sanctions may be combined so that, for example, a member may be sanctioned to both a reprimand and a deprivation of pay and allowances.[57]

Reviews of Summary Hearing Decisions

A member who has been found to have committed a service infraction may request a review of the decision by applying in writing to a review authority within 14 days following receipt of the written reasons.[58] A review authority is normally the superior in matters of discipline of the officer who conducted the hearing.[59] Alternatively, a review authority may undertake a review of the decision on their own initiative.[60] In both cases, a review authority must obtain legal advice prior to conducting the review.[61] Following the review, the review authority may leave the decision unchanged, quash it entirely or in part,[62] substitute one or more findings,[63] substitute one or more sanctions,[64] or commute, mitigate, or remit the sanction(s).[65] A member who is unsatisfied with the outcome of the review can apply for judicial review before the Federal Court of Canada.

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[55] *National Defence Act*, *supra* note 1, s 162.7. Subsection 162.7(d) of the *National Defence Act* provides for the deprivation of pay and any allowances prescribed in regulations. However, there are currently no allowances prescribed in regulations. Therefore, this sanction is currently limited to only deprivation of pay.
[56] *QR&O*, *supra* note 27, art 123.02.
[57] *Ibid*, art 122.09(3).
[58] *Ibid*, art 124.03.
[59] *Ibid*, art 124.02(1).
[60] *National Defence Act*, *supra* note 1, s 163.6(2).
[61] *QR&Os*, *supra* note 27, art 124.02(2).
[62] *Ibid,* art 124.04.
[63] *Ibid*, art 124.05.
[64] *Ibid*, art 124.06.
[65] *Ibid*, art 124.07.

The Court Martial System

A court martial is a formal military court presided over by a military judge who possesses all the constitutional hallmarks of judicial independence. It is designed to address service offences and grants military judges the authority to impose punishments up to and including life imprisonment. Courts martial are conducted in accordance with rules and procedures similar to those of civilian criminal courts, while considering the unique operational requirements of the Canadian Armed Forces. They exercise the same rights, powers, and privileges as a superior court of criminal jurisdiction with respect to all, "matters necessary or proper for the due exercise of [their] jurisdiction."[66]

Courts martial may take place anywhere in Canada or abroad. The *National Defence Act* provides for two types of court martial: General and Standing. A General Court Martial is composed of a military judge and a panel of five Canadian Armed Forces members. The panel serves as the trier of fact and decides any finding of guilt while the military judge makes any required legal findings. In the event of a guilty finding, the military judge determines the sentence or directs that the offender be discharged absolutely. At a Standing Court Martial, the military judge sits alone, makes any required findings of fact and law and, if the accused person is found guilty, imposes a sentence or directs that the individual be discharged absolutely.

At court martial, the prosecution is conducted by a military prosecutor under the authority of the Director of Military Prosecutions. The accused is entitled to be represented by defence counsel assigned by the Director of Defence Counsel Services, at no cost to the member, or by civilian counsel at their own expense.[67]

Service Offences

The term "service offence" is defined in the *National Defence Act* as "an offence under this Act, the *Criminal Code*, or any other Act of Parliament, committed by a person while subject to the Code of Service Discipline."[68] Thus, service offences include many offences that are unique to the profession of arms, such as disobedience of a lawful command,[69] absence without leave,[70] and conduct to the prejudice of good order and

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[66] *National Defence Act*, *supra* note 1, s 179(1)(d).
[67] In some cases, civilian counsel can be provided at no cost to the member by the Director of Defence Counsel Services.
[68] *National Defence Act*, *supra* note 1, s 2.
[69] *Ibid*, s 83.
[70] *Ibid*, s 90.

discipline,[71] as well as more civil criminal offences such as those found in the *Criminal Code*, and other Acts of Parliament. Members of the Regular Force of the Canadian Armed Forces are always subject to the Code of Service Discipline, whereas members of the Reserve Force and some civilians are subject to the Code of Service Discipline only in the circumstances specified by s. 60 of the *National Defence Act.*

Appeals of Court Martial Decisions

Decisions made at a court martial may be appealed to the Court Martial Appeal Court.[72] The Court Martial Appeal Court is composed of civilian judges from the Federal Court of Appeal, the Federal Court, from the superior courts, or courts of appeal of the provinces and territories who are appointed by the Governor in Council.[73] Court Martial Appeal Court decisions may be appealed to the Supreme Court of Canada on any question of law on which a judge of the Court Martial Appeal Court dissents, or on any question of law when leave to appeal is granted by the Supreme Court of Canada.[74]

[71] *Ibid*, s 129.
[72] The Minister of National Defence has instructed the Director of Military Prosecutions to act on their behalf for appeals to the Court Martial Appeal Court of Canada and the Supreme Court of Canada pursuant to s. 165.11 of the *National Defence Act*.
[73] *National Defence Act*, *supra* note 1, s 234(2).
[74] *Ibid*, s 245.

3 MILITARY JUSTICE SYSTEM STATISTICS

The Office of the JAG remains committed to the collection and reporting of accurate and reliable quantitative data on the administration of the military justice system. The 2025/2026 reporting period represents a significant milestone, marking the first full year in which Military Justice at the Unit Level data has been entered into JAIMS by Canadian Armed Forces members. It is also the first reporting period for which data has been directly extracted from JAIMS for the purposes of analysis and reporting.

This transition represents an important evolution in how military justice data is collected, managed, and analyzed. JAIMS facilitates the capture of more comprehensive, precise, and structured information across the lifecycle of cases, thereby enhancing the depth and overall quality of reporting.

As a result of this transition, some distinctions may be observed when comparing data from this reporting period with that of previous years. While the summary hearing process itself remains unchanged, the implementation of JAIMS near the end of the 2024/2025 reporting period, subsequent system enhancements, and the initial period of user familiarization may have contributed to variations in data capture. In addition, some cases initiated during this reporting period were not yet concluded at the time of data extraction and, as such, are not fully represented in the data set for this year.

These factors are expected to have a temporary impact. As JAIMS continues to be utilized and cases proceed to completion within the system, the completeness, and consistency of reported data will continue to improve.

Summary Hearings

During this reporting period, 595 summary hearings were conducted. This represents approximately a 12% increase over the number of summary hearings conducted during the previous reporting period.[75]

[75] Statistics from the 2024/2025 reporting period may differ from those appearing in the 2024/2025 Annual Report of the Judge Advocate General as a result of late reporting by various units across the Canadian Armed Forces.

Figure 3.1 shows the distribution of summary hearings and courts martial held over the reporting period compared with the previous one.

Figure 3.1: Distribution of Proceedings

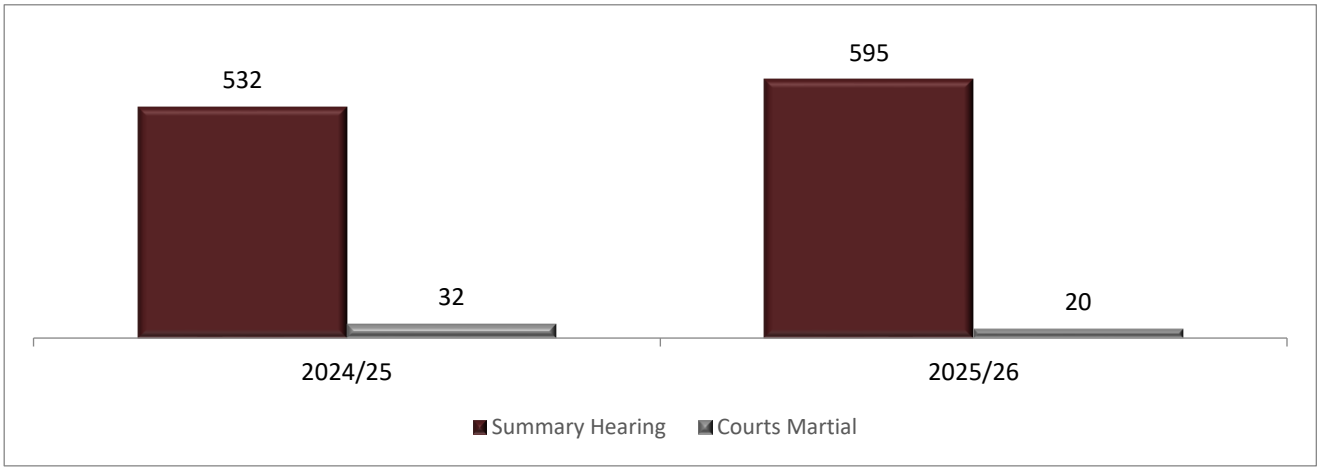
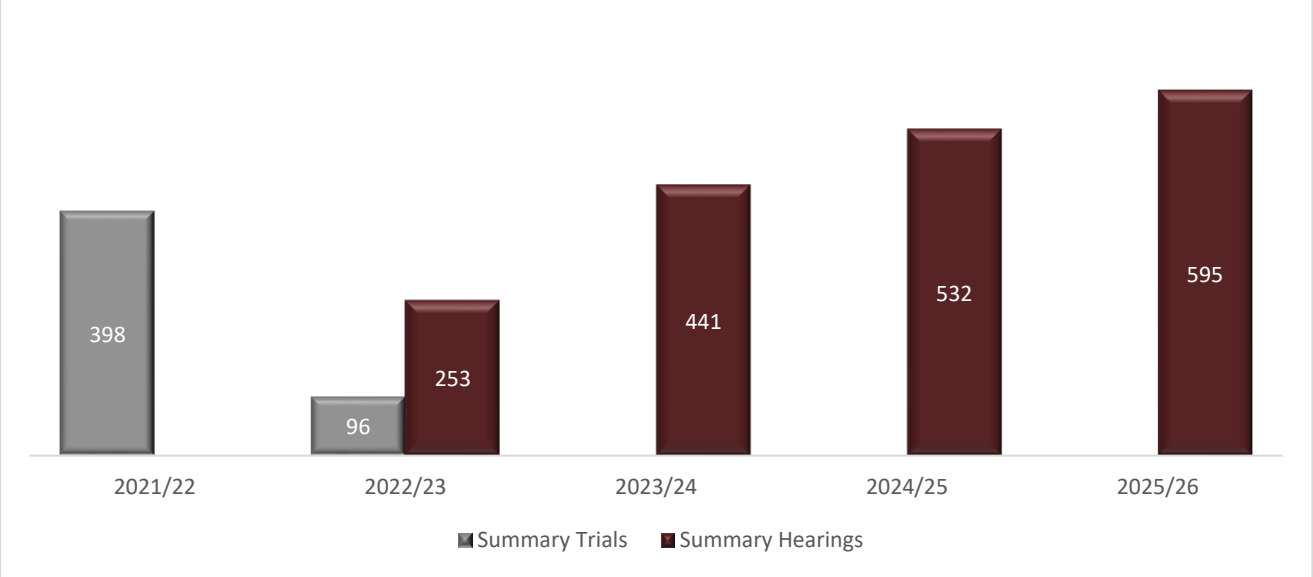


Figure 3.2 shows the number of summary trials and summary hearings held each reporting period since 2021/2022.

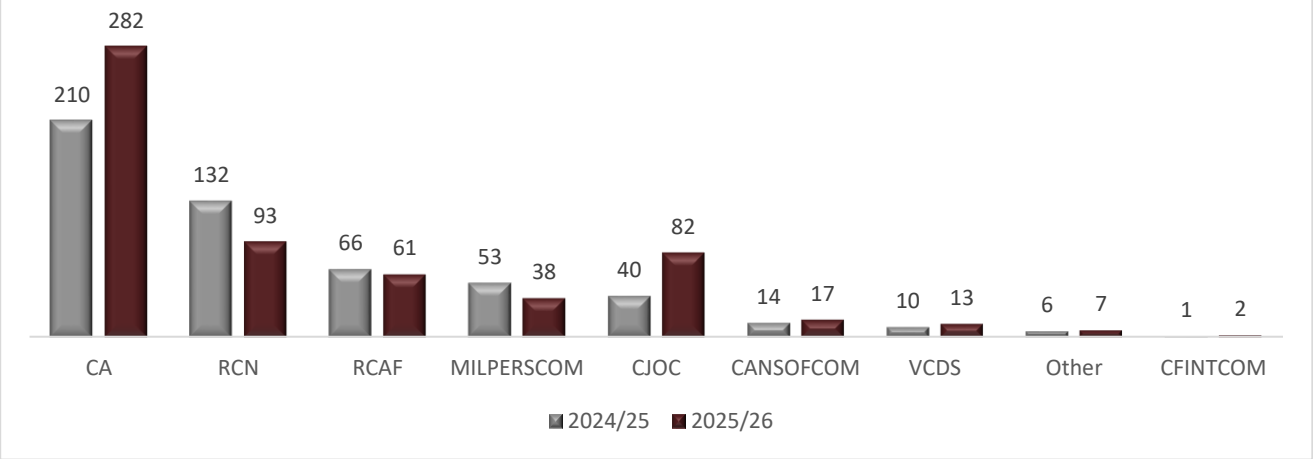
Figure 3.2: Summary Trials and Summary Hearings for the Past Five Reporting Years



Summary Hearings by Organization

In 2025/2026, eight organizations were responsible for nearly 99% of the summary hearings. Figure 3.3 shows the total number of summary hearings held over the reporting period within these organizations (Canadian Army (CA), Royal Canadian Navy (RCN), Royal Canadian Air Force (RCAF), Military Personnel Command (MilPersCom), Canadian Joint Operations Command (CJOC), Canadian Special Operations Forces Command (CANSOFCOM), Vice Chief of Defence Staff (VCDS), Canadian Forces Intelligence Command (CFINTCOM)) as well as the combined number for all other organizations. The distribution of summary hearings across organizations, with the CA accounting for the highest number of hearings (282 or 47%) followed by the RCN (93 or 16%), aligns with the distribution of summary proceedings in previous reporting periods. CJOC recorded a notable increase (82 hearings or 14%), while CANSOFCOM reported 17 summary hearings during the reporting period[76].

Figure 3.3: Summary Hearings by Organization



Charges Disposed of at Summary Hearing

During the reporting period, 1,009 charges for service infractions were disposed of at summary hearing, representing an approximately 8% increase from the previous reporting period. There were 38 charges disposed of for service infractions in relation to property and information under article 120.02 of the *Queen's Regulations and Orders for the Canadian Forces*, accounting for nearly 4% of the total. There were 915 charges disposed of

[76] For security purposes, CANSOFCOM reports summary hearing data in a partially redacted form, which may result in discrepancies in some figures and percentages.

for infractions in relation to military service under article 120.03, accounting for 91% of the total number of charges and 56 charges disposed of for service infractions in relation to drugs and alcohol under article 120.04, accounting for approximately 6% of the total. Figure 3.4 provides the number of charges for each category of service infraction disposed of at summary hearing during the 2024/2025 and 2025/2026 reporting periods. A more detailed list of each infraction disposed of at summary hearing in the last two reporting periods is provided at Annex A.

Figure 3.4: Charges Disposed of at Summary Hearing

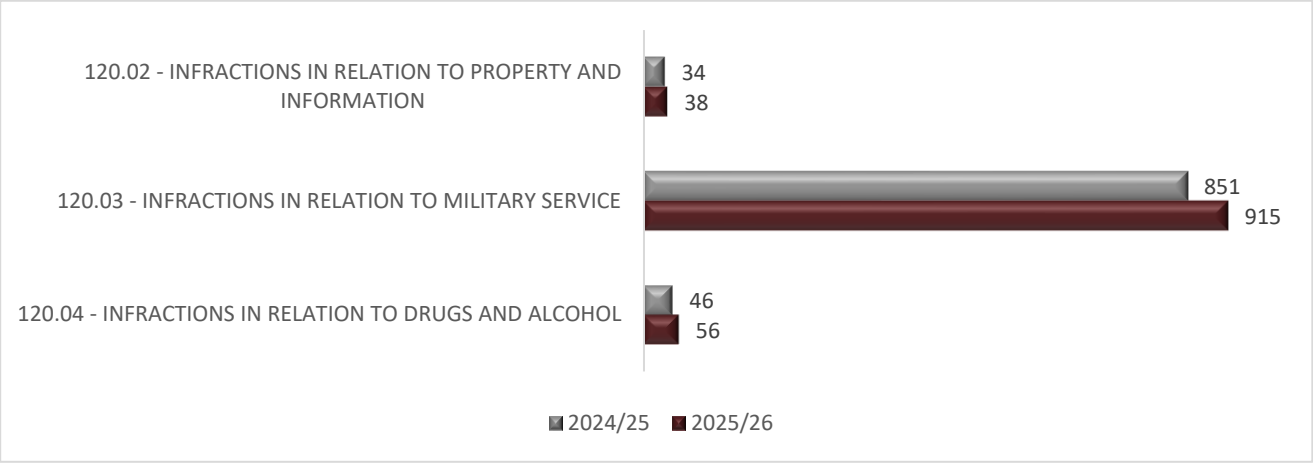
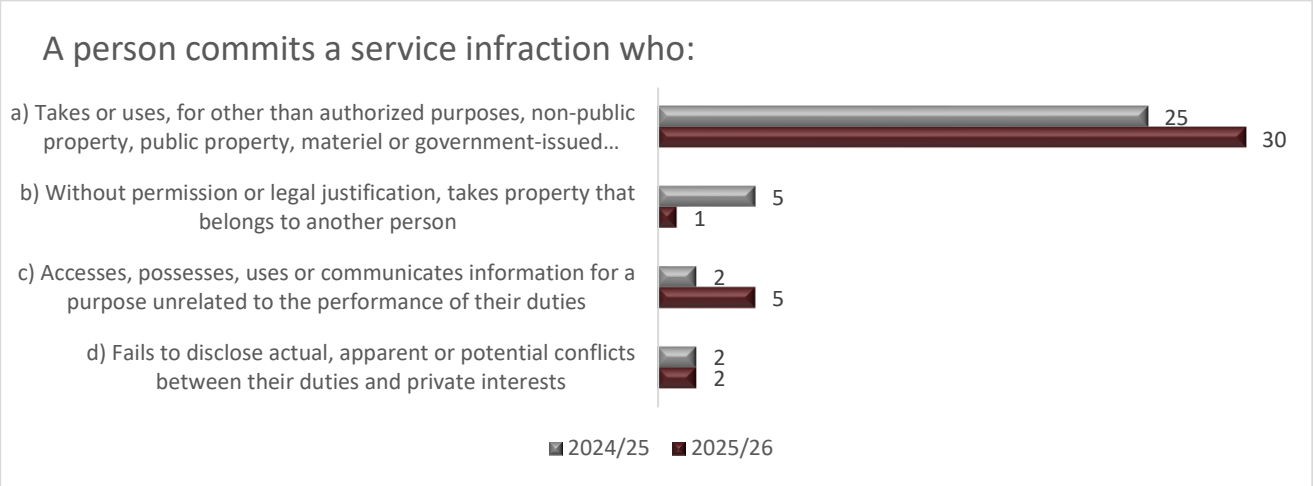


Figure 3.5 sets out the breakdown of the charges disposed of at summary hearing for infractions in relation to property and information under article 120.02 during the 2024/2025 and 2025/2026 reporting periods.

Figure 3.5: Charges Disposed of under QR&O 120.02 (Infractions in Relation to Property and Information)



Of the 38 charges disposed of for infractions in relation to property and information under article 120.02, by far the most common was paragraph 120.02(a) (takes or uses, for other than authorized purposes, non-public property, public property, materiel or government-issued property or damages that property or material), which accounted for approximately 79% of all charges under article 120.02. As a percentage of charges, this represents an increase from the previous reporting period and, in terms of the number of charges, this also marks an increase.

Of the three categories of service infractions, the most frequently charged was service infractions in relation to military service, under article 120.03 of the *Queen's Regulations and Orders for the Canadian Forces*. Article 120.03 includes nine individual service infractions, the highest number of the three categories. It also includes the two most common infractions disposed of at summary hearing: paragraph 120.03(f) (without reasonable excuse, fails to attend or is tardy to their place of duty) and paragraph 120.03(i) (otherwise behaves in a manner that adversely affects the discipline, efficiency, or morale of the Canadian Forces).

This reporting period shows a significantly higher rate of use of 120.03 (g) (dresses in a manner or adopts an appearance or demeanour that is inconsistent with Canadian Forces requirements compared to the previous reporting period and, similarly, a lower rate of use of 120.03 (i) (otherwise behaves in a manner that adversely affects the discipline, efficiency, or morale of the Canadian Forces). This may be explained by a more robust understanding by users of the military justice system of the Annex A of the Military Justice at the Unit Level Policy – Elements of the Service Infraction.

Figure 3.6 sets out the breakdown of the charges disposed of at summary hearing for infractions in relation to military service under article 120.03 of the *Queen's Regulations and Orders for the Canadian Forces* during the 2024/2025 and 2025/2026 reporting periods. Figures 3.7 and 3.8 show the number of charges under *National Defence Act* s. 90 and 129 and paragraphs 120.03(f) and 120.03(i) of the *Queen's Regulations and Orders for the Canadian Forces*, over the five previous reporting periods.

Figure 3.6: Charges Disposed of under QR&O 120.03 (Infractions in Relation to Military Service)

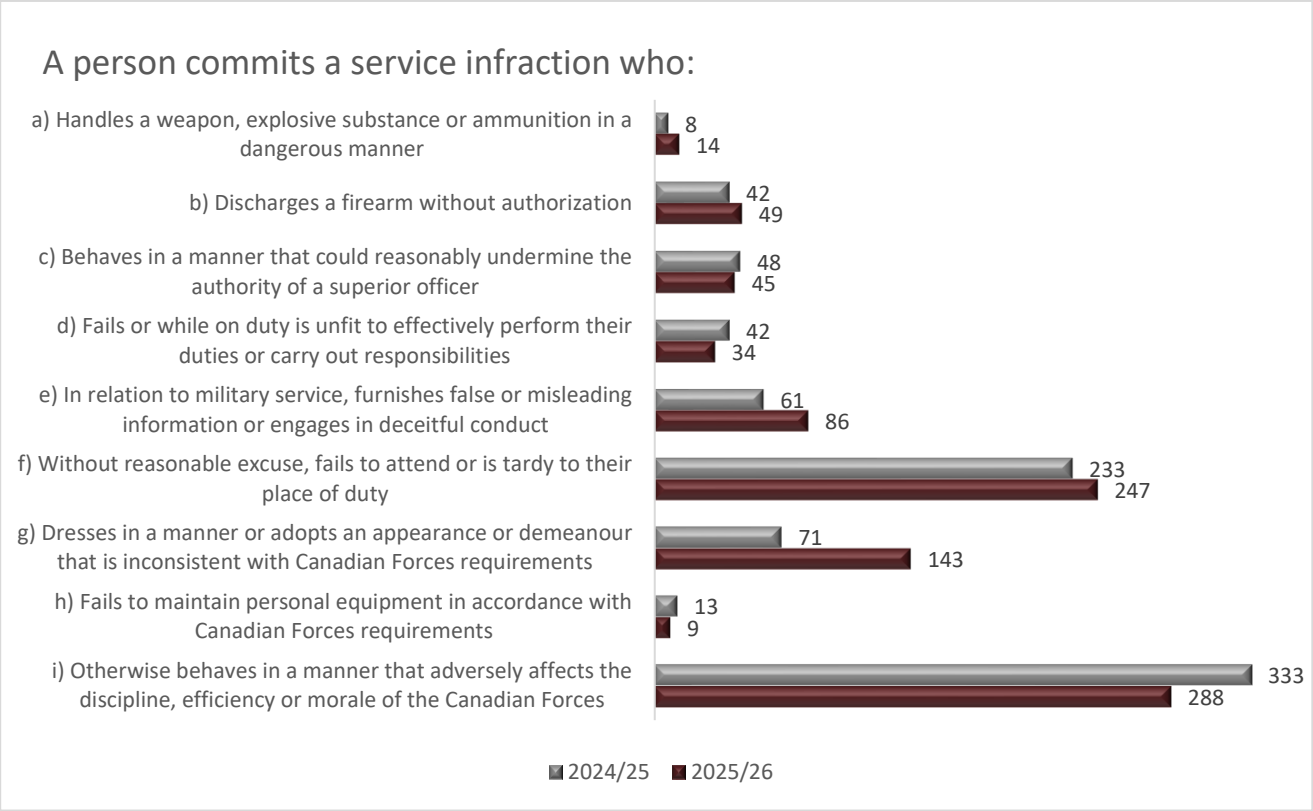


Figure 3.7: Charges Disposed of under NDA s. 90 and QR&O 120.03(f)

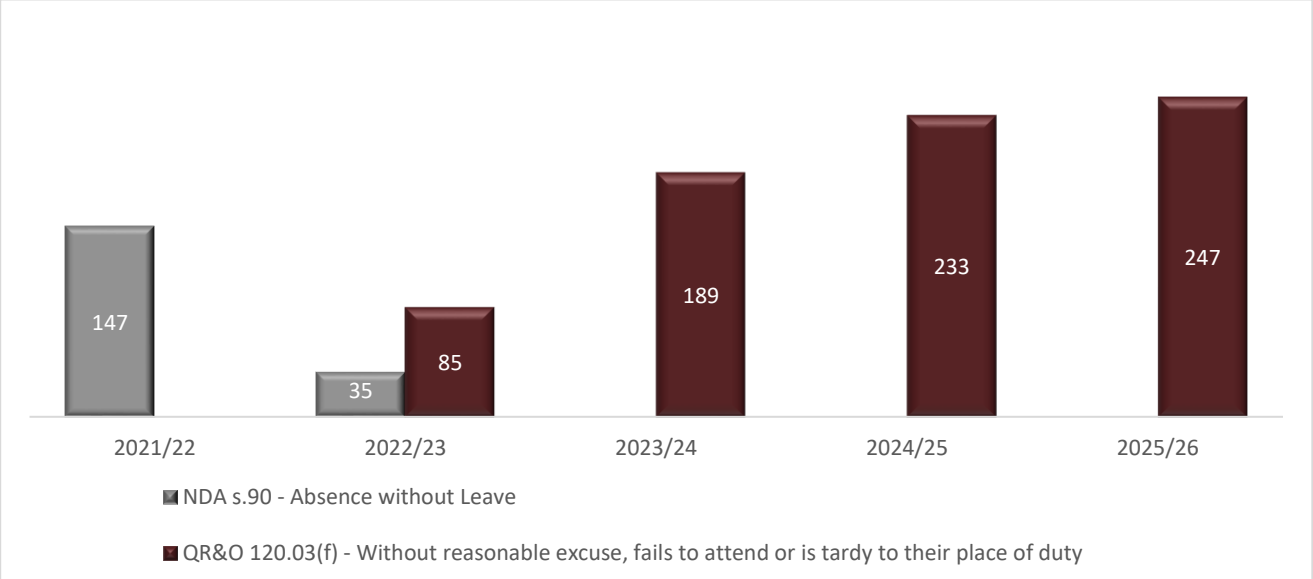
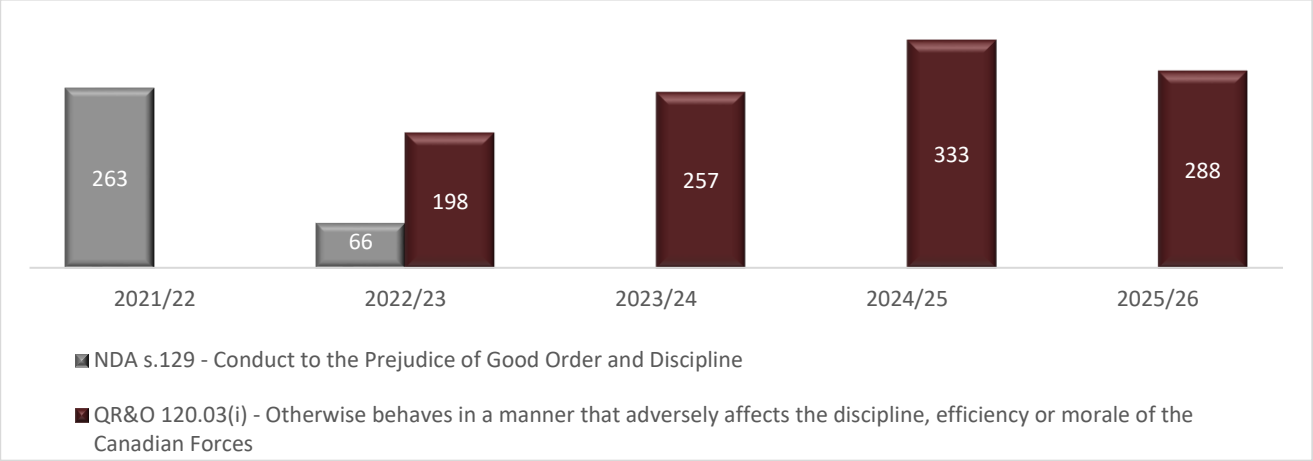


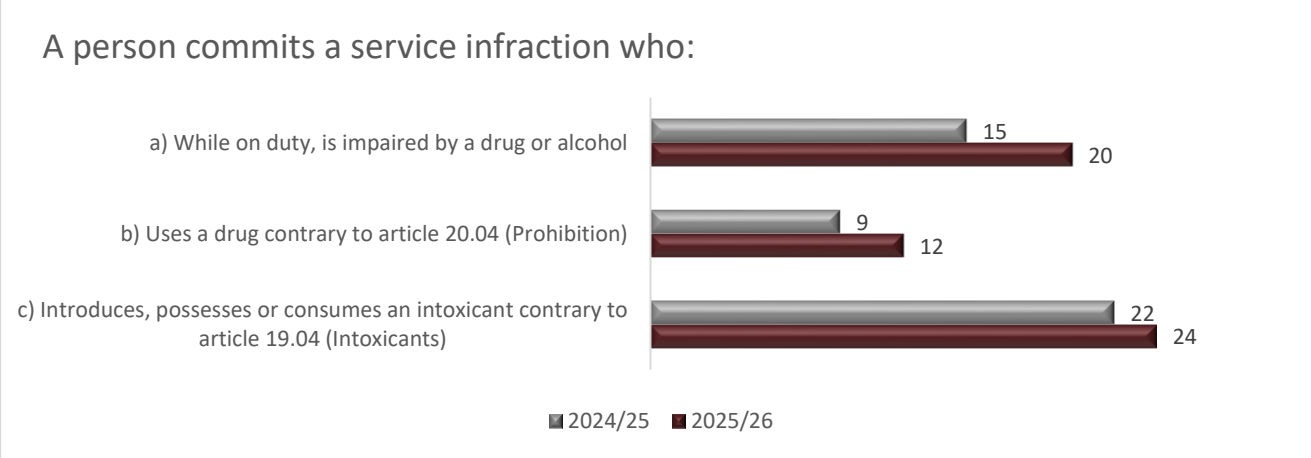
Figure 3.8: Charges Disposed of under NDA s.129 and QR&O 120.03(i)



The total number of charges disposed of during this reporting period for infractions in relation to drugs and alcohol under article 120.04 of the *Queen's Regulations and Orders for the Canadian Forces* is very close to the number of charges disposed of during the previous reporting period (56 and 46, respectively). The most commonly charged infraction under this article was paragraph 120.04(c) (introduces, possesses, or consumes an intoxicant contrary to article 19.04 of the *Queen's Regulations and Orders for the Canadian Forces* (Intoxicants)), accounting for nearly 43% of all charges under this article. Figure 3.9 sets out the breakdown of the charges

disposed of at summary hearing for infractions in relation to drugs and alcohol under article 120.04 of the *Queen's Regulations and Orders for the Canadian Forces* during the 2024/2025 and 2025/2026 reporting periods.

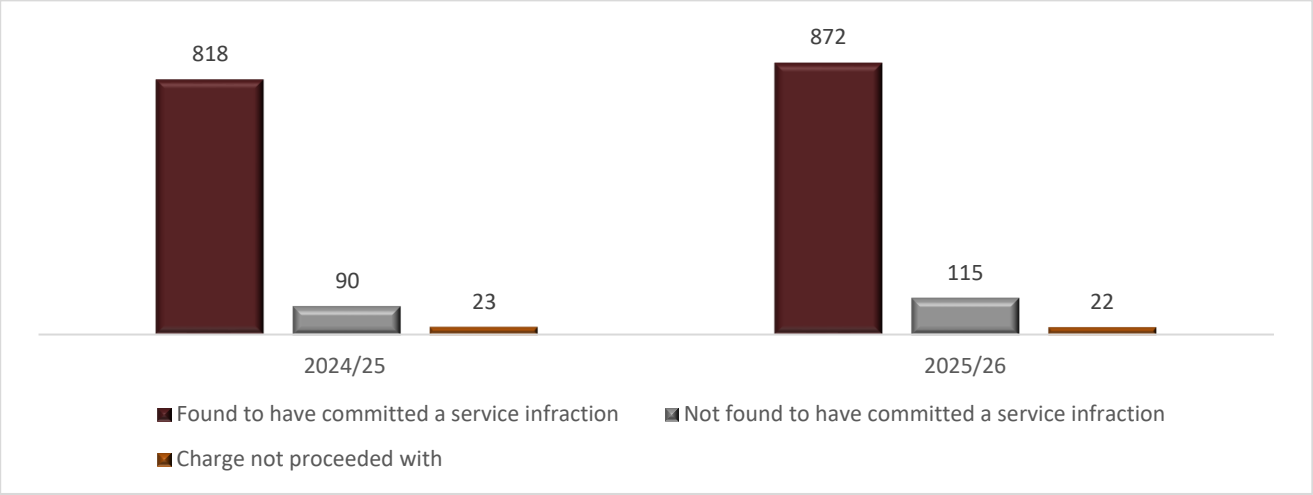
Figure *3.9: Charges Disposed of under QR&O 120.04 (Infractions in Relation to Drugs and Alcohol)*



Findings at Summary Hearing

During the reporting period, 872 charges resulted in a finding that the alleged service infraction was committed, representing approximately 86% of charges. 115 charges resulted in a finding that the alleged service infraction was not committed, representing nearly 11% of charges. 22 charges were not proceeded with at summary hearing, representing approximately 2% of charges. These percentages are similar to the 2024/2025 reporting period, when 87.66% of charges resulted in a finding that the service infraction had been committed, 9.67% of charges resulted in a finding that the infraction had not been committed, and 2.47% of charges were not proceeded with at summary hearing. The statistics for findings at summary hearing for both the 2024/2025 and the present reporting period are set out at Figure 3.10.

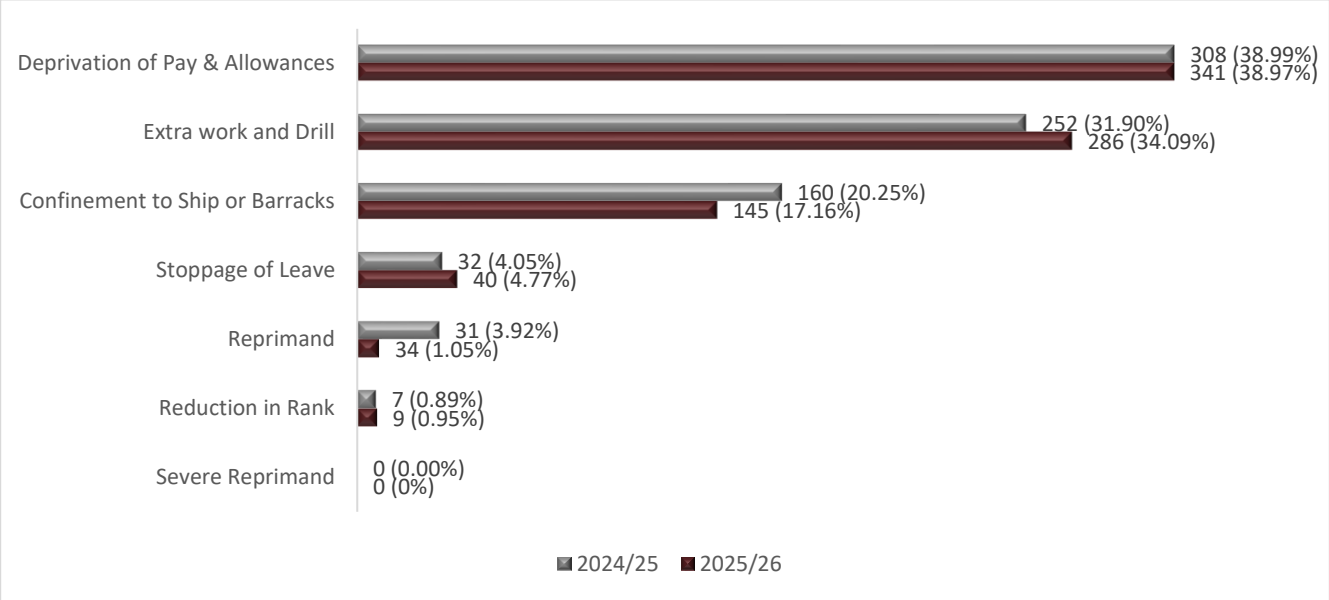
Figure 3.10: Findings at Summary Hearing



Sanctions at Summary Hearing

During this reporting period, deprivation of pay was the most common sanction imposed at summary hearing, imposed 341 times and accounting for approximately 39% of sanctions. This was consistent with the 2024/2025 reporting period, when it also accounted for nearly 39% of sanctions. Extra work and drill was the second most frequently imposed sanction, imposed 286 times and accounting for approximately 34% of sanctions, while confinement to ship or barracks was imposed 145 times and accounted for approximately 17% of sanctions. During the previous reporting period, confinement to ship or barracks accounted for approximately 20% of sanctions imposed, while extra work and drill accounted for approximately 32%. Figure 3.11 shows the relative number and percentage of each type of sanction that was imposed at summary hearing during the 2024/2025 and 2025/2026 reporting periods.

*Figure 3.11: Sanctions at Summary Hearing**



**44 cases had no information on sanctions in JAIMS.*

Summary Hearings by Rank

During the reporting period, there were a total of 459 summary hearings for junior non-commissioned members (between Private/Aviator (Basic)/Sailor 3rd Class and Master Corporal/Master Sailor) and 58 for senior non-commissioned members (between Sergeant/Petty Officer 2nd Class and Chief Warrant Officer/Chief Petty Officer 1st Class). For officers, there were 12 summary hearings for subordinate officers (officer cadets/naval cadets), 60 hearings for junior officers (between Second Lieutenant/Acting Sub Lieutenant and Captain/Lieutenant (N)), and 6 hearings for senior officers (between Major/Lieutenant Commander and Colonel/Captain(N)). Figure 3.12 sets out the number and percentage of summary hearings organized by the rank of the person alleged to have committed the service infraction.

Figure 3.12: Summary Hearings by Rank

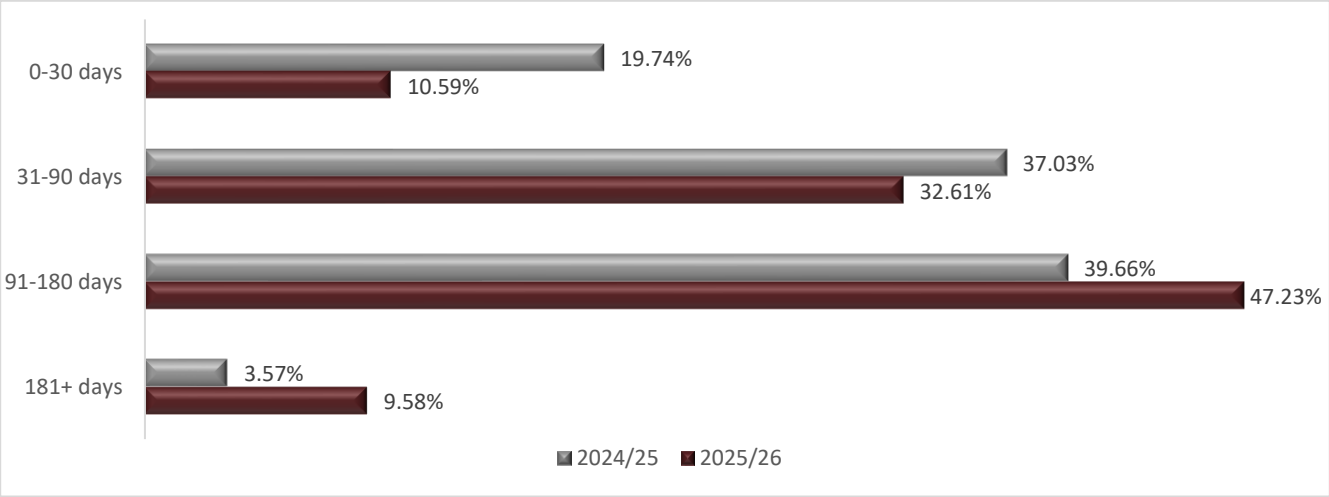
	2024/25		2025/26	
	#	%	#	%
Private/Aviator (Basic) / Sailor 3rd Class	66	12.41	15	2.52
Private / Aviator / Sailor 2nd Class	83	15.60	160	26.89
Corporal / Sailor 1st Class	142	26.69	216	36.30
Master Corporal / Master Sailor	69	12.97	68	11.43
Sergeant / Petty Officer 2nd Class	62	11.65	35	5.88
Warrant Officer / Petty Officer 1st Class	22	4.14	19	3.19
Master Warrant Officer / Chief Petty Officer 2nd Class	5	0.94	4	0.67
Chief Warrant Officer / Chief Petty Officer 1st Class	1	0.19	0	0.00
Officer Cadet / Naval Cadet	20	3.76	12	2.02
Second Lieutenant / Acting Sub-Lieutenant	8	1.50	15	2.52
Lieutenant / Sub-Lieutenant	21	3.95	7	1.18
Captain / Lieutenant (Navy)	28	5.26	38	6.39
Major / Lieutenant-Commander	5	0.94	5	0.84
Lieutenant-Colonel / Commander	0	0.00	1	0.17
Total	**532**	**100**	**595**	**100**

Timeline for Summary Hearings

Summary hearings are intended to allow Canadian Armed Forces units to address misconduct as promptly as possible, while still maintaining a fair process. An essential feature of the summary hearing system is that summary hearings are required to commence within six months of the alleged commission of the service infraction. Delays in addressing disciplinary issues allow problems to persist and adversely impact a unit's morale and efficiency. In this regard, the summary hearing system appears to be functioning as intended. The average number of days between an alleged infraction and the conclusion of the summary hearing during the reporting

period was 106 days. This number may indicate an initial adjustment period following the implementation of JAIMS, as compared to 2024/2025, when the average time between an alleged infraction and the conclusion of a summary hearing was 81 days. In the previous reporting period, there was an average of 56 days between the commission of an alleged service infraction and the laying of charges, and approximately 27 days between the laying of charges and commencement of a summary hearing. In the current reporting period, the number of days had increased to 72 days and 33 days, respectively. Figure 3.13 shows the percentage of cases completed within each tier of elapsed days between the date of an alleged service infraction and the completion of a summary hearing during the 2024/2025 and 2025/2026 reporting periods.

Figure 3.13: Elapsed Days between Alleged Service Infraction and Completion of Summary Hearing by Percentage of Cases



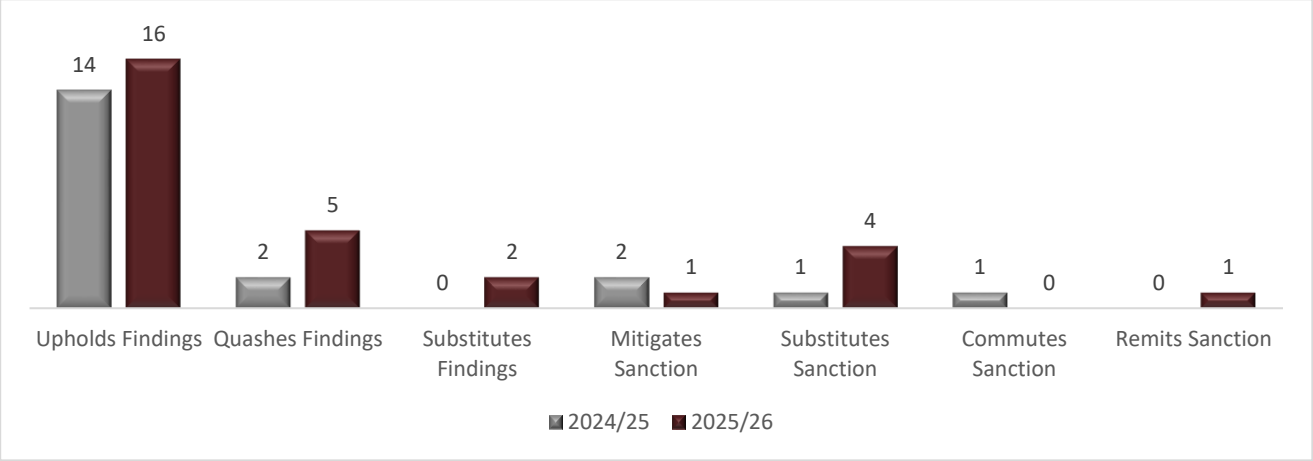
Reviews of Summary Hearings

The review of a summary hearing can be initiated at the request of the member who was found to have committed a service infraction or on the initiative of a review authority. During the 2025/2026 reporting period, there were 24 reviews, representing approximately 4.0% of summary hearings. This is comparable to the 2024/2025 reporting period, when there were 16 reviews, representing approximately 3.0% of summary hearings.

Review authorities for summary hearings can uphold the finding that the member committed the service infraction, quash the finding, or substitute a finding. During this reporting period, review authorities upheld 16

findings, quashed 5 findings, and substituted 2 findings. With respect to sanctions imposed at summary hearings, review authorities mitigated 1 sanction, substituted 4 sanctions, commuted 0 sanction, and remitted 1 sanction. A breakdown of all decisions by review authorities for the 2024/2025 and 2025/2026 reporting periods may be found at Figure 3.14.

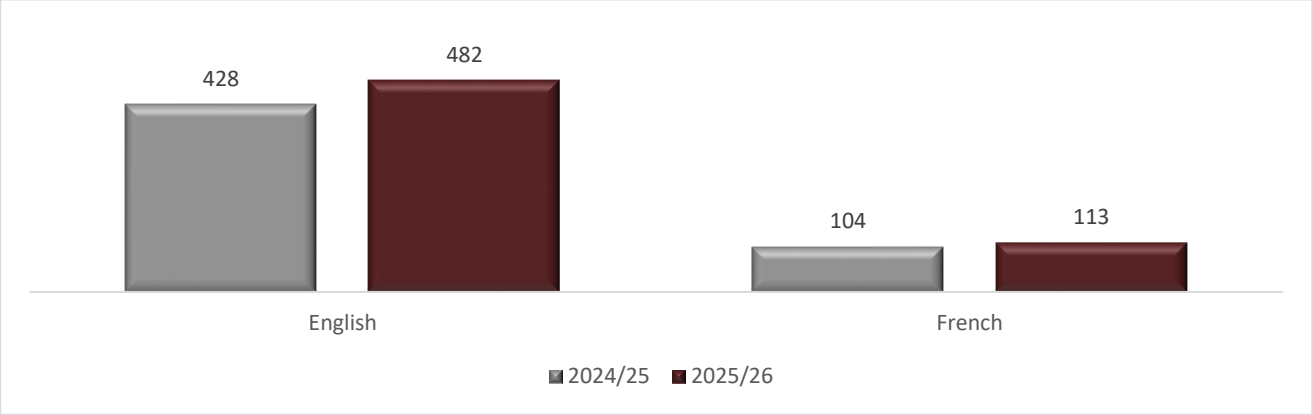
Figure 3.14: Decisions by Review Authorities



Language of Summary Hearings

Persons charged with having committed a service infraction have the right for the hearing to be conducted in the official language of their choice. An OCSH must be able to understand the language in which a summary hearing is to be conducted without the assistance of an interpreter. In this reporting period, 482 summary hearings were conducted in English, and 113 summary hearings were conducted in French. These numbers are broadly consistent with the previous reporting period and the proportion of anglophones to francophones in the Canadian Armed Forces which are 76% and 24% respectively. In this reporting period, the proportions of summary hearings were approximately 81% and 19%, respectively. Figure 3.15 shows the total number of summary hearings conducted in English and French for the 2024/2025 and 2025/2026 reporting periods.

Figure 3.15: Language of Summary Hearings



Arrests Reported in JAIMS

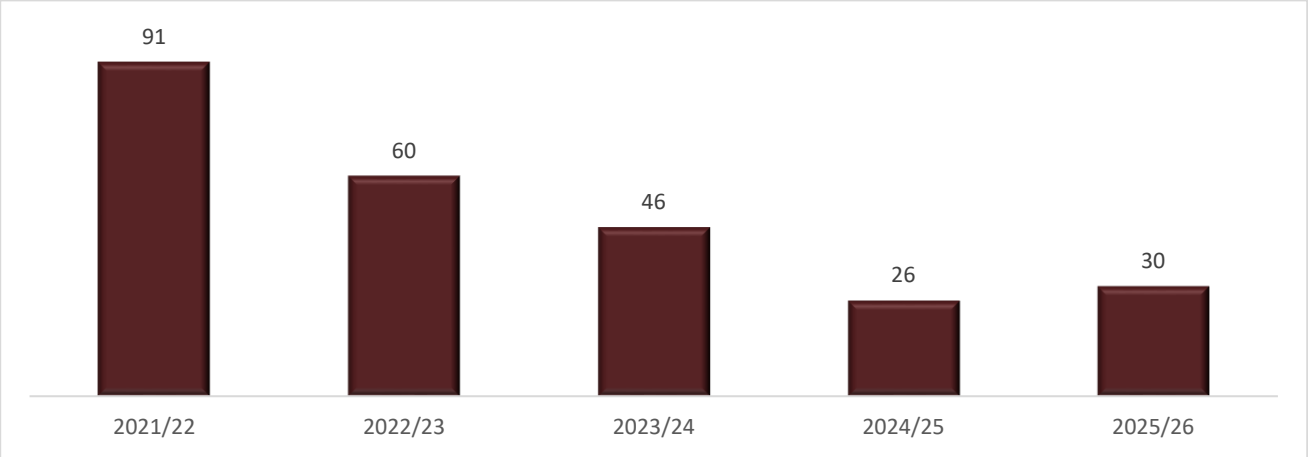
In response to recommendation 35 of the IR3, measures were implemented to strengthen the collection and monitoring of military justice data, including information related to arrests. During the 2025/2026 reporting period, no arrests made by military authorities at the unit level were reported in JAIMS. This report does not include data concerning arrests conducted by the Military Police, which are managed through separate information management systems.

Courts Martial

Referrals to the Director of Military Prosecutions

All service offences charges are referred directly to the DMP. During this reporting period, the DMP received a total of 30 new referrals or requests for charges to proceed to trial by court martial, an increase of four cases from the 2024/2025 reporting period. Figure 3.16 shows the number of referrals received by the DMP over the last five reporting periods.

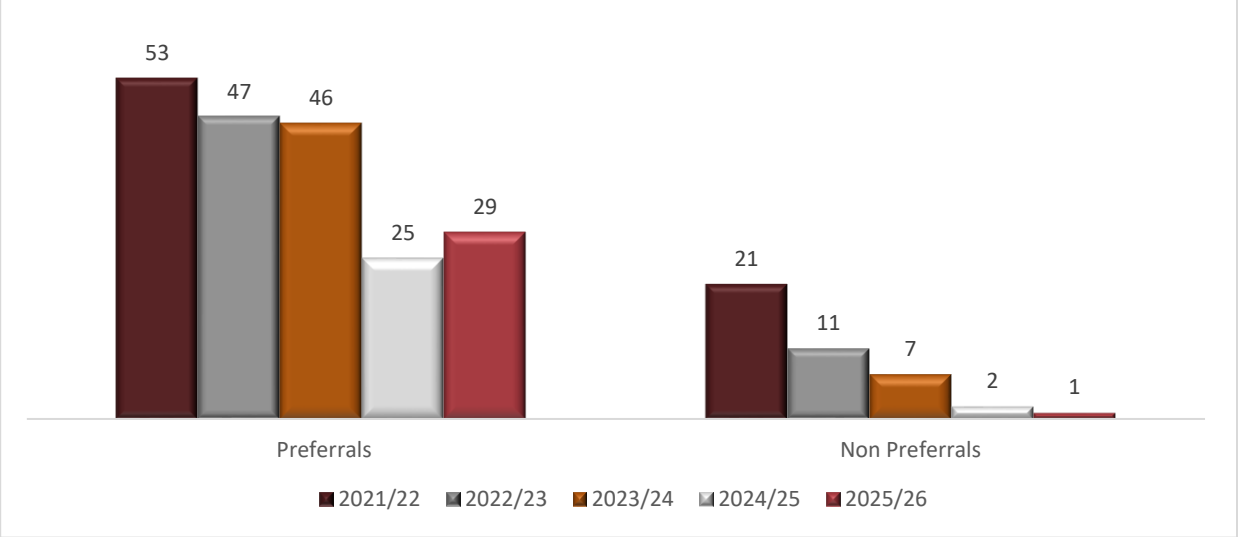
Figure 3.16: Referrals to the Director of Military Prosecutions



Cases Preferred by the Director of Military Prosecutions

During this reporting period, the DMP proceeded with charges or preferred charges in 29 cases for trial by court martial. There was one case where the DMP did not proceed with or prefer any charges. Figure 3.17 illustrates the number of cases preferred by the DMP and the number of files where no charges were preferred over the past five reporting periods.

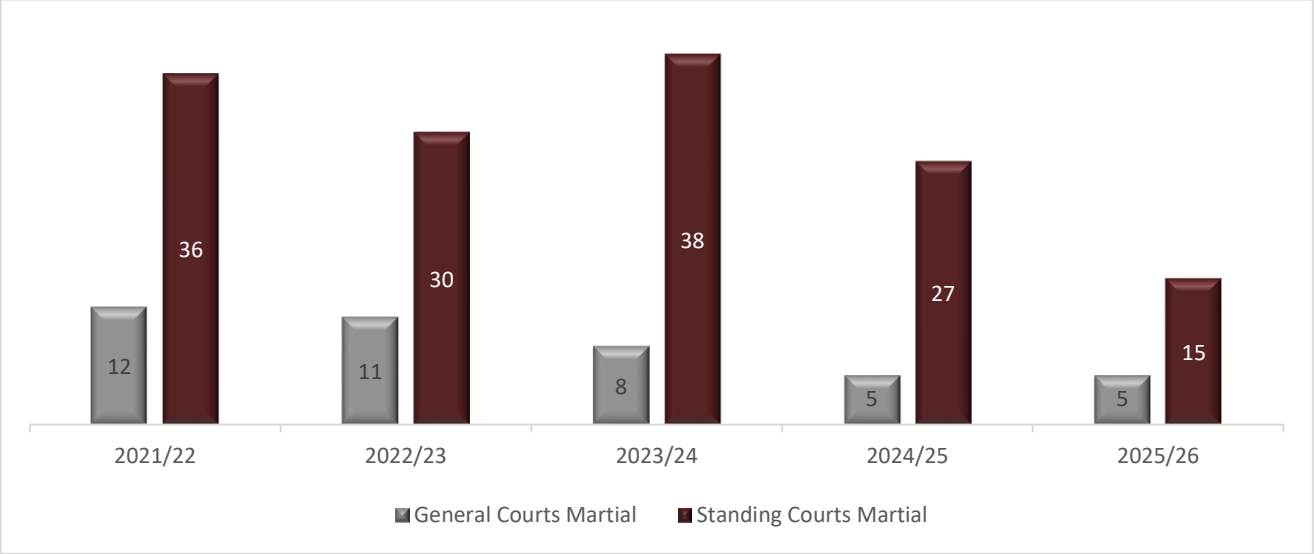
Figure 3.17: Cases Preferred by the Director of Military Prosecutions



Number of Courts Martial

During this reporting period, 20 courts martial were conducted, a decrease from the 32 courts martial held during the previous reporting period. Of the 20 courts martial, seven involved contested trials, 13 were guilty pleas with joint submissions on sentencing. The most common service offence disposed of at court martial during this reporting period was conduct to the prejudice of good order and discipline under section 129 of the *National Defence Act*, which accounted for over 17% of offences. This is a decrease from the previous reporting period when conduct to the prejudice of good order and discipline charges accounted for 19.72% of service offences. Figure 3.18 sets out the number of courts martial for the past five reporting periods. Annex B contains a summary of all service offences disposed of at court martial in the last two reporting periods.

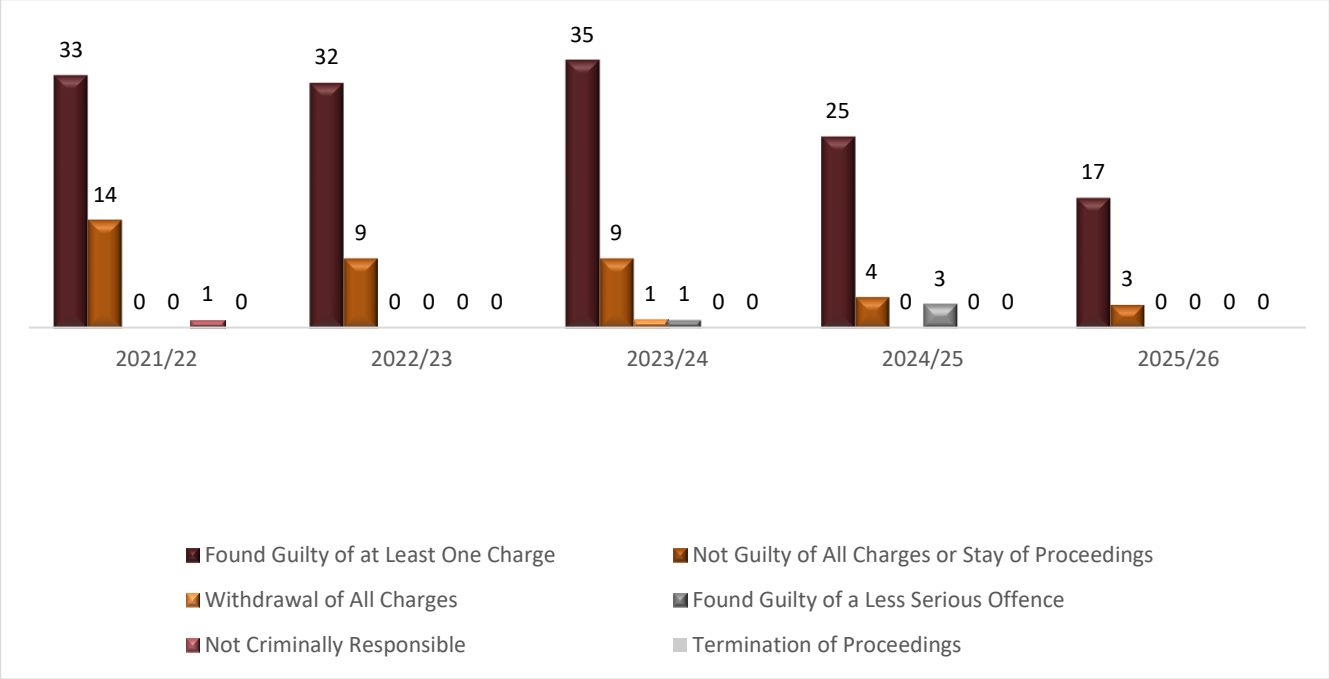
Figure 3.18: Number of Courts Martial



Dispositions of Cases at Court Martial

Of the 20 completed courts martial during this reporting period, 17 resulted in a finding of guilty on at least one charge, three resulted in a finding of not guilty on all charges or a stay of proceedings. Figure 3.19 shows the disposition of cases over the past five reporting periods.

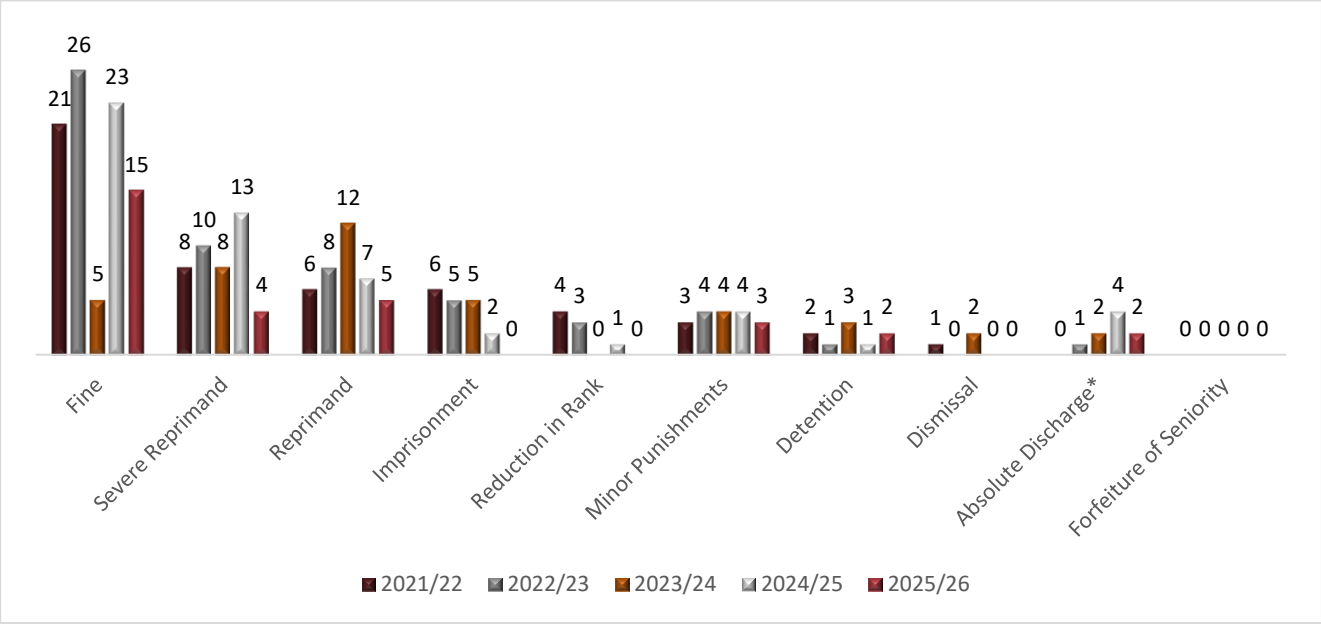
Figure 3.19: Dispositions of Cases at Court Martial



Punishments at Court Martial

The most common punishments imposed at court martial are fines, followed by reprimands. Figure 3.20 breaks down the punishments imposed by court martial over the last five reporting periods.

Figure 3.20: Punishments at Court Martial



* An absolute discharge is not a punishment. If a court martial, finding that it is in the best interests of the offender and not contrary to the public interest, directs that an offender be discharged absolutely of an offence, the offender is deemed not to have been convicted of the offence except with respect to appeals and pleas in subsequent proceedings in which the offender has already been tried for and convicted of the same offence.

4 MILITARY JUSTICE JURISPRUDENCE

This chapter examines key military justice jurisprudence from the 2025/2026 reporting period. These decisions, from Courts Martial, the Court Martial Appeal Court, the Federal Court of Canada, and the Supreme Court of Canada will help shape the future development of the military justice system.

Courts Martial

Legacy Sexual Offence Cases Post-Edwards

Following the *IECR*'s[77] interim recommendation and subsequent Interim Direction Regarding the Implementation of Madame Arbour Interim Recommendation from the DMP, the CMPS ceased prosecuting service offences based on *Criminal Code* sexual offences. However, a number of legacy cases already preferred or proceeding before the DMP's Interim Direction remained within the military justice system. Some of these remaining cases were temporarily paused pending the Supreme Court of Canada's decision in *Edwards,*[78] where the Court confirmed the system's constitutionality. These cases resumed and progressed during the reporting period.

In *R v Iredale*, the accused was acquitted of three counts of sexual assault under s. 130 of the *National Defence Act* (sexual assault s. 271 *Criminal Code*) and one count of conduct prejudicial to good order and discipline under s. 129 of the *National Defence Act*. However, he was found guilty of two counts of conduct prejudicial to good order and discipline under s. 129 of the *National Defence Act*, resulting in a severe reprimand and a $5,000 fine. In *R v Brousseau*, *R v Daniel-Awong*, and *R v Brown*, the accused were acquitted of all charges. No public decisions were released in these cases following the end of proceedings.

In *R v Houde,*[79] discussed below, the Court Martial Appeal Court ordered a new trial, which is expected during the next reporting period.

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[77] *IECR*, *supra* note 5.
[78] *R v Edwards*, 2024 SCC 15, [*Edwards*].
[79] *R v Houde*, 2025 CMAC 2.

Indigenous Practices and Sentencing at Court Martial

R v Christmas[80]

In *R v Christmas*, the Court Martial considered whether Indigenous cultural and spiritual practices could be incorporated into court martial proceedings. The Court approved the use of Indigenous practices, including taking an oath on an eagle feather and participating in a smudging ceremony,[81] confirming that such practices are consistent with the solemnity of court martial proceedings and broader reconciliation efforts in Canada.

The accused faced charges under sections 130, 93, and 97 of the *National Defence Act* arising from incidents that occurred during a Canadian Armed Forces training course in 2019. The accused was acquitted of both sexual assault and disgraceful conduct charges but was convicted of drunkenness. In determining sentence, the Court considered the circumstances of Indigenous offenders in accordance with the *National Defence Act*.[82] For the offence of drunkenness, the accused received a fine of $500.[83]

This decision confirms the authority of Courts Martial, under s. 179 of the *National Defence Act* and *Queen's Regulations and Orders for the Canadian Forces* 101.04, to incorporate Indigenous cultural and spiritual practices. It reflects developments in civilian courts and supports ongoing reconciliation efforts within Canada.

The Timeliness of Disclosure

R v Michalopoulos[84]

In *R v Michalopoulos*, the applicant sought relief under section 24(1) of the *Charter*, asserting that delayed and incomplete disclosure by the prosecution, most notably an audio recording of a key witness, has infringed his s. 7 right to make full answer and defence. In response to substantial supplementary disclosure (exceeding 1,250 pages) and the late delivery of the audio recording on the scheduled trial date, the applicant

[80] *R v Christmas*, 2025 CM 7006.
[81] *R v Christmas*, 2025 CM 7003.
[82] *National Defence Act*, *supra* note 1, s 203.3(c.1).
[83] *R v Christmas*, 2025 CM 7007.
[84] R v *Michalopoulos*, 2025 CM 6005.

had requested either a five-week adjournment or the exclusion of the witness's evidence, citing significant challenges in adequately preparing for trial.

The prosecution conceded that the late disclosure of the recording breached its obligations to provide relevant information to the defence but maintained that the applicant already possessed the essential information for months.

The Court reaffirmed that the prosecution has a continuous duty to disclose all relevant information in a timely manner, as established in *R v Stinchcombe,*[85] and recognized this obligation as constitutionally protected under s. 7. It further pointed out, referencing *R v Carosella,*[86] that failure to disclose relevant information can itself constitute a breach, though prejudice is primarily assessed when determining remedies. Drawing on *R v Bjelland,*[87] the Court emphasized that exclusion of evidence is an exceptional remedy reserved for cases where trial fairness cannot be restored otherwise. Applying these principles, the Court found a limited s. 7 breach arising from the late disclosure of the audio recording but concluded that the overall disclosure shortcomings did not render the trial unfair.

As a remedy, the court granted a brief adjournment from 8 to 12 September 2025 and permitted the defence to defer cross-examination of the witness. This ruling highlights the significance of timely and systematic disclosure, confirming that courts prioritize proportionate remedies that uphold procedural fairness as well as the efficiency and integrity of the trial process.

[85] *R v Stinchcombe,* [1991] 3 R.C.S. 326.
[86] *R v Carosella*, [1997] 1 SCR 80.
[87] *R v Bjelland*, 2009 SCC 38.

Court Martial Appeal Court

Late Notice of Appeal Accepted Following Constitutional Change

R v Cadieux[88]

The appellant sought leave to file a late notice of appeal to revive an appeal abandoned in 2019 following a conviction for sexual assault under *National Defence Act* s. 130 (s.271 *Criminal Code*), which triggered a mandatory 20-year sex offender registration under s. 227.01 of the *National Defence Act*.

Following the Supreme Court's decision in *R v Ndhlovu,*[89] which declared mandatory registration unconstitutional under s. 7 of the *Charter*, and the CMAC confirmation in *R v O'Dell*[90] that this applied to *National Defence Act* s. 227.01, the appellant submitted an application in August 2025 to extend the time to challenge the registration order. The Court requested submissions on whether the previous abandonment barred the motion. The issues were whether abandonment precluded the motion and whether an extension should be granted.

While the CMAC Rules do not expressly allow revival of an abandoned appeal, Rule 3(1) is intended to ensure that the law is carried out to secure the just resolution of proceedings. Applying *Philipos v. Canada (Attorney General),*[91] the Court held that revival of a proceeding is permissible where a fundamental event undermines the abandonment, there is a reasonable prospect of success, and no undue prejudice arises.

The Court found that the constitutional developments in *Ndhlovu* and *O'Dell* constituted such a fundamental event, that the appeal had a reasonable prospect of success, and that reopening would cause no prejudice or offend finality. It further held that it had authority under *National Defence Act* s. 232(4) to extend time where justice so requires, noting the serious constitutional issues raised, the lack of prejudice, and the prosecution's support.

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[88] *R v Cadieux*, 2026 CMAC 1.
[89] *R v Ndhlovu*, 2022 SCC 38.
[90] *R v O'Dell,* 2024 CMAC 5.
[91] *Philipos v. Canada (Attorney General),* 2016 FCA 79.

The motion was granted and the notice of appeal filed on 26 August 2025 accepted. The decision affirms that abandonment does not extinguish appeal rights and may be set aside in exceptional circumstances, emphasizing flexibility, fairness, and the protection of constitutional rights within the military justice system.

Sentencing Authority under the *National Defence Act*

R v Calderon[92]

The CMAC reaffirmed that the military justice system is distinct from the civilian criminal system and that its separate sentencing regime under the *National Defence Act* is constitutionally valid. In this case, the prosecution argued that courts martial should have access to all discretionary sentencing options available under the *Criminal Code*, but the CMAC rejected this position. The case arose from an incident in which the respondent, a corporal, engaged in dangerous driving that resulted in a vehicle rollover, minor injuries, and the destruction of a military truck. After charges of dangerous operation of a motor vehicle causing bodily harm were withdrawn, the respondent pleaded guilty to two counts of dangerous driving.

Although the parties jointly proposed a sentence including a driving prohibition, the Military Judge concluded he lacked jurisdiction under the *National Defence Act* to impose such an order. On appeal, the CMAC upheld that conclusion, finding it unnecessary to address additional arguments. The sole issue was whether courts martial may impose all discretionary sentencing options available to civilian courts.

The CMAC emphasized that members of the Canadian Armed Forces are governed by the Code of Service Discipline, which sets out a complete sentencing framework, including a closed list of punishments under *National Defence Act* s. 139, aligned with military objectives of discipline, efficiency, and morale. While civilian courts may impose discretionary orders such as driving prohibitions, the *National Defence Act* contains no equivalent authority, and Parliament has created distinct, self-contained regimes for matters such as weapons prohibitions, *Sex Offender Information Registration Act* orders, and DNA orders. Interpreting *National Defence Act* s. 130(2)(b) in its full context, the CMAC held that it establishes maximum punishments rather than importing all civilian sentencing tools, a conclusion reinforced by the French text and the need to avoid redundancy. The broader statutory, contextual, and jurisprudential landscape—including consistent authority from the Supreme

[92] *R v Calderon*, 2026 CMAC 2.

Court of Canada and CMAC—confirms that courts martial are limited to *National Defence Act* authorized punishments and do not have access to civilian measures such as conditional sentences or probation unless expressly provided.

The appeal was therefore dismissed. The decision reinforces the strict separation between military and civilian sentencing regimes, confirms that courts martial cannot adopt discretionary civilian sanctions absent legislative authority, and underscores that any expansion of military sentencing powers must come from Parliament rather than judicial interpretation.

Military Jurisdiction over Civilians Abroad

R v Allison[93]

The CMAC considered an appeal from a conviction by a Standing Court Martial for operating a conveyance while impaired, contrary to *National Defence Act* s.130 and *Criminal Code* s. 320.14(1)(a). Although the conduct occurred in Belgium, where it was not criminal, Canadian law applied extraterritorially under the *Criminal Code* and the *National Defence Act* because the appellant was a civilian dependant accompanying a member of the Canadian Armed Forces. At trial, the appellant challenged the jurisdiction of the military justice system through a plea in bar of trial, arguing that prosecuting a civilian in a court martial was arbitrary and disproportionate in violation of s. 7 of the *Charter*; the Chief Military Judge dismissed that application. On appeal, the appellant did not contest the applicability of Canadian law, the commission of the offence, the constitutionality of the relevant legislative provisions, or the exercise of prosecutorial discretion, which significantly narrowed the scope of the appeal.

The sole issue was whether the decision to prosecute the appellant within the military justice system was arbitrary or disproportionate. The CMAC rejected the argument that civilians may only be tried by military tribunals in exceptional circumstances, finding no such limitation in the *National Defence Act and* held that prosecutorial discretion to proceed under the Code of Service Discipline is entitled to substantial deference and may be interfered with only in cases of flagrant impropriety amounting to an abuse of process. Relying on Supreme Court of Canada authority, including *R v Anderson,*[94] the CMAC concluded that the prosecution was

[93] *R v Allison,* 2025 CMAC 3.
[94] *R v Anderson,* 2014 SCC 41.

neither arbitrary nor disproportionate, was consistent with s. 7 of the *Charter*, and aligned with the purposes of the Code of Service Discipline, including the maintenance of discipline, efficiency, and morale of the Canadian Armed Forces. The appeal was therefore dismissed. This case matters because it removes a perceived restraint on the exercise of the jurisdiction over civilian set in *Wehmeie*r.[95]

Judicial Instructions and Trial Fairness in Courts Martial

R v Houde[96]

The CMAC granted the appeal of a conviction, which stemmed from a General Court Martial verdict finding the individual guilty on two counts of sexual assault involving their former partner. The incidents were alleged to have occurred between 2013 and 2018 near Canadian Forces Base Bagotville. The appellant was also acquitted of a third charge related to bodily harm. They argued that the trial judge gave improper instructions to the panel, refused to order the production of text messages, and questioned the constitutional independence of military judges. However, the last two arguments were dropped or became irrelevant after the Supreme Court's ruling in *Edwards.*[97]

The remaining issues concerned whether the trial judge's instructions contravened the principles in *R v W.(D).,*[98] concerning the proper approach to determining whether a reasonable doubt exists in the face of conflicting evidence, and whether the judge made inappropriate comments on the evidence, including photographic evidence. Applying the functional approach to jury instructions, the CMAC emphasized that the question is whether the charge, read as a whole, properly equipped the panel to apply the law, particularly the presumption of innocence and the standard of proof beyond a reasonable doubt.

Although much of the charge followed accepted models, the CMAC identified several serious errors: certain passages improperly framed the case as turning on the complainant's credibility rather than on whether the Crown had proven guilt beyond a reasonable doubt, thereby risking a shift in the burden of proof. The CMAC rejected the characterization of these passages as mere commentary, finding they amounted to legal misdirection with a material impact on the verdict. The Court further held that the errors could not be cured by

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[95] *R v Wehmeier*, 2014 CMAC 5.
[96] *Houde, supra* note 79.
[97] *Edwards*, *supra* note 78.
[98] *R v W.(D).,* [1991] 1 SCR 742.

isolating correct portions of the charge and that, despite the acquittal on one count, it could not be assumed the panel would have reached the same verdict absent the flawed instructions.

The CMAC also found that the trial judge's treatment of photographic evidence was unbalanced and unfair, as it failed to explain how the evidence could support the defence theory and improperly directed the panel to disregard evidence it did not believe, contrary to the principle that all admitted evidence must be considered in assessing reasonable doubt. As a result, the CMAC ordered a new trial on the remaining charges, reaffirming the centrality of the *W.(D).* framework, the limits on judicial commentary, and the requirement that panels assess all evidence holistically.

Robust application of Jordan to courts martial

R v Jacques[99]

The CMAC dismissed both an appeal by the CMPS and a cross-appeal by the accused arising from a Military Judge's decision to stay six fraud-related charges for unreasonable delay under *Charter* s. 11(b). The Military Judge had identified two relevant periods of delay: a 189-day delay in 2021–2022 caused by a change in defence counsel, properly treated as an exceptional circumstance not attributable to the accused, and a 217-day delay in 2023–2024 triggered by the accused's *Charter* challenge to panel selection, which required recalling the Court Martial Administrator as a witness and expanded when additional hearing days became necessary. Although the defence initiated the *Charter* application, the Military Judge concluded that the decisive cause of exceeding the 18-month *Jordan*[100] ceiling was the prosecution's complete unavailability for proposed trial dates in November 2023 and early 2024, due to staffing constraints and an inability to reassign counsel, whereas defence availability became limited only later.

On appeal, the CMAC reaffirmed that the *Jordan* framework applies fully to courts martial, that factual findings on delay attract deference, and that exceptional circumstances must be unforeseen, unavoidable, and beyond the prosecution's ability to remedy. It found no reviewable error in the Military Judge's conclusion that the ceiling had already been exceeded when the trial was adjourned on 3 August 2023, rendering later events—such as the accused's Federal Court litigation—irrelevant. The CMAC rejected the prosecution's argument that

[99] *R v Jacques*, 2026 CMAC 3.
[100] *R v Jordan,* 2016 SCC 27.

the Military Judge misapprehended availability, confirming that the accused was available while the prosecution was not, and held that earlier delays had already been properly accounted for. It also refused to entertain the prosecution's attempt to raise a new exceptional circumstances argument on appeal, noting that even if considered, it lacked merit because the need to recall the Court Martial Administrator was a foreseeable consequence of the prosecution's change in position. The CMAC therefore upheld the stay of proceedings and dismissed the accused's cross-appeal as moot, reinforcing that institutional or scheduling limitations within the CMPS will not excuse delay beyond the *Jordan* ceiling and underscoring the obligation of military justice actors to ensure trials proceed within constitutional time limits.

Federal Court of Canada

The Reasonableness of a Summary Hearing Review

Wiome v Canada (Attorney General)[101]

The applicant sought judicial review of findings that they had committed two service infractions under *Queen's Regulations and Orders for the Canadian Forces* 120.03(i): making comments of a sexual nature and making racist comments. They also sought review of the sanction of reduction in rank. The applicant alleged a lack of adequate reasons and a breach of s. 7 of the *Charter*. The Court found the Review Authority's decision to be unreasonable and remitted the matter to a different Review Authority for redetermination. The summary hearing decision was subsequently reviewed by a different Review Authority, which found the decision of the OCSH to be valid and upheld both the findings and the sanction imposed. Following this review, the applicant filed a second notice for judicial review with the Federal Court. This application is expected to be heard during the next reporting period.

During the reporting period, two similar cases were filed seeking judicial review of Review Authority decisions: *Coville-Primeau v Canada (Attorney General)* and *Molloy v Canada (Attorney General)*. Both matters are currently awaiting hearing dates before the Federal Court.

[101] Wiome v Canada (*Attorney General),* 2025 FC 257.

Supreme Court of Canada

There were no Supreme Court of Canada decisions rendered during the reporting period that directly impacted the military justice system. However, the effects of the Court's 2024 decision in *Edwards*[102] continued to be felt during this reporting period, particularly in relation to legacy court martial proceedings that had been paused pending the outcome of that appeal.

[102] *Edwards*, *supra* note 78.

CONCLUSION

The 2025/2026 reporting period reflects continued progress in the evolution of Canada's military justice system. Throughout the reporting period, the system operated with increasing coherence, stability, and transparency, informed by operational experience, external review, and strengthened oversight. Together, these efforts continue to support the Canadian Armed Forces in maintaining discipline, efficiency, and morale while safeguarding the rights of those subject to the system.

This reporting period also marked the first full year in which disciplinary records were administered through JAIMS, further embedding digital case management in the administration of military justice. The use of JAIMS enhanced the consistency, accessibility, and timeliness of case information and established an important baseline for future analysis. Alongside JAIMS, the implementation of the updated MJS-PMF strengthened transparency, accountability, and performance measurement by providing a structured, evidence-based approach to assessing the effectiveness, efficiency, and legitimacy of the military justice system. Together, JAIMS and the MJS-PMF represented a significant step forward in enabling continuous monitoring, informed decision-making, and maintaining public confidence.

Legislative and policy development remained a key focus during the reporting period. Parliamentary consideration of proposed amendments to the *National Defence Act* reflects continued efforts to ensure that the system remains aligned with contemporary legal standards and societal expectations. Complementary initiatives, including the Service Charge Selection Policy Working Group and the PMCWG, demonstrate a forward-looking approach to enhancing fairness and efficiency. Implementation of recommendations arising from independent external reviews continued under the CIP 2023–2028, reflecting a sustained commitment to long-term reform while recognizing that certain initiatives require continued coordination and legislative action.

The 2025/2026 reporting period demonstrates a military justice system that continues to modernize in a deliberate and structured manner. Legislative reform, enhanced performance measurement, digital modernization, and ongoing policy development have collectively strengthened its effectiveness and coherence. Judicial guidance supports this foundation, ensuring that the system remains consistent with *Charter* principles while responsive to the operational realities of the Canadian Armed Forces. Taken together, these elements reinforce the military justice system's role in maintaining discipline, supporting operational effectiveness, and upholding the rule of law within the Canadian Armed Forces.

ANNEX A: Summary of Service Infractions Disposed of at Summary Hearing

		2024/25		2025/26	
QR&O Section	**Description**	#	%	#	%
120.02(a)	Takes or uses, for other than authorized purposes, non-public property, public property, materiel or government-issued property or damages that property or materiel	25	2.69%	30	2.97%
120.02(b)	Without permission or legal justification, takes property that belongs to another person	5	0.54%	1	0.10%
120.02(c)	Accesses, possesses, uses or communicates information for a purpose unrelated to the performance of their duties	2	0.21%	5	0.50%
120.02(d)	Fails to disclose actual, apparent or potential conflicts between their duties and private interests	2	0.21%	2	0.20%
120.03(a)	Handles a weapon, explosive substance or ammunition in a dangerous manner	8	0.86%	14	1.39%
120.03(b)	Discharges a firearm without authorization	42	4.51%	49	4.86%
120.03(c)	Behaves in a manner that could reasonably undermine the authority of a superior officer	48	5.16%	45	4.46%
120.03(d)	Fails or while on duty is unfit to effectively perform their duties or carry out responsibilities	42	4.51%	34	3.37%
120.03(e)	In relation to military service, furnishes false or misleading information or engages in deceitful conduct	61	6.55%	86	8.52%
120.03(f)	Without reasonable excuse, fails to attend or is tardy to their place of duty	233	25.03%	247	24.48%
120.03(g)	Dresses in a manner or adopts an appearance or demeanour that is inconsistent with Canadian Forces requirements	71	7.63%	143	14.17%

120.03(h)	Fails to maintain personal equipment or assigned quarters in accordance with Canadian Forces requirements	13	1.40%	9	0.89%
120.03(i)	Otherwise behaves in a manner that adversely affects the discipline, efficiency /or morale of the Canadian Forces	333	35.77%	288	28.54%
120.04(a)	While on duty, is impaired by a drug or alcohol	15	1.61%	20	1.98%
120.04(b)	Uses a drug contrary to article 20.04 (Prohibition)	9	1%	12	1.19%
120.04(c)	Introduces, possesses or consumes an intoxicant contrary to article 19.04 (Intoxicants)	22	2.36%	24	2.38%
Total		**931**	**100**	**1009**	**100**

ANNEX B: Summary of Service Offences Disposed of at Court Martial

		2024/25		2025/26	
NDA Section	**Description**	**#**	**%**	**#**	**%**
81	Offences related to mutiny	0	0%	0	0%
83	Disobedience of lawful command	1	1.41%	0	0%
84	Striking a superior officer	0	0%	0	0%
85	Insubordinate behaviour	0	0%	0	0%
86	Quarrels and disturbances	4	5.63%	4	8.51%
88	Desertion	0	0%	0	0%
90	Absence without leave	0	0%	1	2.13%
92	Scandalous conduct by officers	0	0%	0	0%
93	Cruel or disgraceful conduct	0	0%	1	2.13%
95	Abuse of subordinates	5	7.04%	1	2.13%
97	Drunkenness	4	5.63%	3	6.38%
101.1	Failure to comply with conditions	0	0%	0	0%
108	Signing inaccurate certificate	0	0%	1	2.13%
111	Improper driving of vehicles	2	2.82%	0	0%
112	Improper use of vehicles	1	1.41%	0	0%
114	Stealing	2	2.82%	0	0%
117 (f)	Miscellaneous offences	2	2.82%	0	0%
124	Negligent performance of duties	1	1.41%	1	2.13%

125	Offences in relation to documents	2	2.82%	1	2.13%
127	Injurious or destructive handling of dangerous substances	0	0%	0	0%
129	Conduct to the prejudice of good order and discipline	14	19.72%	8	17.02%
130 (4(1) CDSA*)	Possession of a substance included in schedule III	1	1.41%	0	0%
130 (91(2)) CC)**	Unauthorized possession of prohibited weapon	0	0%	1	2.13%
130 (93 CC)	Possession of a firearm at unauthorized place	1	1.41%	1	2.13%
130 (122 CC)	Fraud by public officer	1	1.41%	0	0%
130 (173 CC)	Indecent acts	0	0%	0	0%
130 (264(1) CC)	Uttering threats	1	1.41%	1	2.13%
130 (266 CC)	Assault	4	5.63%	5	10.64%
130 (267 CC)	Assault causing bodily harm	8	11.27%	4	8.51%
130 (268 CC)	Aggravated assault	0	0%	1	2.13%
130 (271 CC)	Sexual assault	1	1.41%	6	12.77%
130 (272 CC)	Sexual assault causing bodily harm	1	1.41%	1	2.13%
130 (279(2) CC)	Forcible confinement	1	1.41%	2	4.26%
130 (320.13 CC)	Offences related to conveyance	3	4.23%	0	0%

130 (320.14(1) CC)	Operation of a conveyance while impaired	2	2.82%	0	0%
130 (334(a) CC)	Theft (value stolen exceeds $5000)	0	0%	0	0%
130 (334(b) CC)	Theft (value stolen under $5000)	3	4.23%	1	2.13%
130 (342.1 CC)	Unauthorized use of a computer	0	0%	0	0%
130 (346 CC)	Extortion	1	1.41%	1	2.13%
130 (354 CC)	Possession of stolen property	1	1.41%	0	0%
130 (367 CC)	Forgery	0	0%	0	0%
130 (368 CC)	Making use of a forged document	2	2.82%	0	0%
130 (374) CC)	Drawing a document without authority	0	0%	0	0%
130 (380(1) CC)	Fraud	2	2.82%	2	4.26%
Total		**71**	**100**	**47**	**100**

* *Controlled Drugs and Substances Act*, S.C. 1996, c. 19.

** *Criminal Code*, R.S.C., 1985, c. C-46.