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MILITARY LAW AND OPERATIONS Chris Madsen Release No. 2, October 2023

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What's New in This Update:

- Colonel Robin Holman has been appointed Judge Advocate General in the rank of Brigadier-General, replacing Rear-Admiral Geneviève Bernatchez from June 28, 2023, for a four-year term: see § 2:8.
- Caroline Xavier, the Chief of the Communications Security Establishment, spoke to a parliamentary committee on cyber security. see § 3:14.
- Retired Canadian general Dany Fortin has filed a statement of claim in the Superior Court of Ontario seeking compensation and damages from the government and certain high officials for alleged problems with police investigation and political interference that led to his trial for sexual assault, for which he was acquitted by a provincial court in Québec: see § 4:17.
- Minister of National Defence Anita Anand issued a statement on the one-year anniversary of Madame Louis Arbour's Independent External Review, which commits to recommendations for reform and change in military culture and organization: see § 4:17.
- Jocelyne Therrien, the external monitor on implementation of the recommendations of the Independent External Review, issued a first status report: see § 4:17.
- A new section Armed Civilians in Armed Conflict – Child Soldiers is added: see: § 6:9.50.
- Courts martial lists for 2021 and 2022 have been updated and courts martial for 2023 added.
- Of the new case law discussed in this release, the following are of note:
 1. In *R. v. McGregor*, the Supreme Court of Canada considered the extra-territorial application of the Charter of Rights and Freedoms in the case of the search and investigation of a military member serving in a foreign country, and use of evidence from seized computers: see § 6:3.
 2. In *R. v. Vu*, the Court Martial Appeal Court of Canada tangentially referred to use of video evidence in a sexual assault case sent back for retrial, for consideration of informed consent: see § 4:17.
 3. In *R. v. Kavanagh*, a military reservist was sentenced to sixteen months imprisonment by a provincial criminal court for luring a child and sharing sexually explicit images with a child, in actuality American police posing as a minor online. The military reservist was a cadet instructor who worked with younger people: see § 4:28.

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