TABLE OF CONTENTS

Int	rodu	ction			1			
1.	JURISDICTION OF SERVICE TRIBUNALS							
	1.1	Subject-matter jurisdiction, i.e. over the offence, and the notion of a service offence						
	1.2	Personal jurisdiction, i.e. over the person, and extension to persons accompanying the Canadian Forces						
	1.3	Jurisdiction over the place of commission of the offence: exclusion of certain offences9						
	1.4	Jurisdictional time-limits						
	1.5		urrent ju Lack of	risdiction with civil courts f information and criteria to determine	9			
		1.5.2	The mil	exercising the right to prosecutelitary nexus requirement: the Canadian, an, Australian, French and Belgian positions. The situation in Canada	13			
			1.5.2.2 1.5.2.3	The situation in the United States and in Australia The situation in France and in Belgium	21			
	1.6	Merge	iplinary offences with those	, 20				
		under 1.6.1	The imp	ninal Code and consequences thereof precise and broad nature of disciplinary s				
2.								
	2.1	Service tribunals						
	2.2		m					
		2.2.1	neral Court Martial					
			2.2.1.1	Its status and nature				
		2.2.2	2.2.1.2 The Star	Composition and jurisdictionnding Court Martial				

			2.2.2.1	Its status and nature	32	
			2.2.2.1	Composition and jurisdiction	33	
		000	2.2.2.4 Diabent	the accused to choose the mode of trial	33	
		2,2.3	Kight of	presiding at a summary trial	34	
		2.2.4		The commanding officer	34	
			2.2.4.1	The superior commander	34	
			2.2.4.2	The procedural features of a summary tria	al 35	
			2.2.4.3 2.2.4.4	The evolution in Europe following the		
			2.2.4.4	decisions of the European Court		
				of Human Rights	36	
			2.2.4.5	The authority of the chain of command		
			2.2.1.0	to interfere with verdicts and sentences	39	
			2,2.4.6	The jurisdiction of commanding officers		
				and superior commanders	.,40	
			2.2.4.7	Powers with respect to sentencing	41	
	T		on on will	TARY JUDGES	43	
3.	INDEPENDENCE OF MILITARY JUDGES				.43	
	3.1	Instit	tutional i	ndependence		
		3.1.1	Departures from institutional independence:			
	the power of the suspending authority and of the Governor in Council to interfere					
			of the	ne sentence or verdict	47	
4.	Тне	Court	MARTIAL	Appeal Court	49	
	4.1	Role	and fun	ctions of the Court of Appeal	49	
	4.2	2 The nowers of the Court of Appeal			50	
	1.0	4.2.1	Its inh	erent jurisdiction	50	
		4.2.2	2 Its in	plicit jurisdiction	51	
		4.2.5	R Its and	cillary powers	51	
		4.2.4	1 With r	respect to the finding of guilty	51	
		4.2.	. With	respect to acquittal	52	
		4.2.	a Wäth i	respect to the legality and severity		
		4,4.	of the	sentence	52	
5.	Cor	CONCLUSION: CURRENT AND PREDICTABLE TRENDS WITH RESPECT TO MILITARY JUSTICE				
S	CHEDU.	LE A: I	Relford F	ACTORS	57	
				OCM OF UNDERSTANDING		
				N MILITARY COURT SYSTEM AS PROPOSED		
S	CHEDU	LE C: A	AUSTRALIA:	OF AUSTRALIA BILL 2012	69	
B	Y THE I	(VI ILITA	KY COURT	Of Floatham Dian =		