

## Memorandum

To: Director of Internment Operations

Department of National Defence

H.Q.S. 7236-3

H.Q.C. 8504 F.D.23

OTTAWA, H.Q.C.8503 F.D.24

CONFIDENTIAL

8th February, 1940.

Re: Military Court  
Kananaskis, Alta.

I enclose herewith Proceedings of a Military Court held in connection with the escape of the two prisoners from Kananaskis Internment Camp in December, 1939, a copy of which is on each of the False Dockets concerned.

2. After the sentence had been promulgated, each of the prisoners submitted a petition to the District Officer Commanding, M.D. 13, appealing for a revision of sentence. The D.O.C. has forwarded these, but does not recommend any revision in either case of the sentence awarded by the Court.

3. As regards the sentence, it is the opinion of this Department that it was not a disciplinary punishment as mentioned in Section 2, Chapter 3 of the International Convention of 1929, Appendix 24 Manual of Military Law. It was a sentence awarded by a Tribunal of the Detaining Power, and was one which could have been awarded by a Court Martial to a member of that Power's Armed Forces for a similar act committed by him. It is therefore contended that there is no basis for the question raised in the petitions, that the sentence is not authorized by law.

4. The matter is referred to you for your opinion in this connection.

*W. H. Matthews*

Major-General,  
Adjutant-General.