JUNE 2013 EXAMINATION
DATE: 3 JUNE 2013
TIME: 09H00 – 11H00
TOTAL: 100 MARKS
DURATION: 2 HOURS
PASS MARK: 40%

(YX-98)
MILITARY LAW

THIS EXAMINATION PAPER CONSISTS OF 4 SECTIONS:

SECTION A: CONSISTS OF 5 TRUE OR FALSE QUESTIONS
ANSWER ALL THE QUESTIONS (10 MARKS)

SECTION B: CONSISTS OF 4 SHORT QUESTIONS
ANSWER ALL THE QUESTIONS (20 MARKS)

SECTION C: CONSISTS OF 7 LONG ANSWER QUESTIONS
ANSWER ALL THE QUESTIONS (50 MARKS)

SECTION D: CONSISTS OF 2 INTERPRETATIVE QUESTIONS
ANSWER ONE OF THE QUESTIONS (20 MARKS)

INSTRUCTIONS:
1. Read the following instructions carefully before answering the paper, as failure to act upon them will result in a loss of marks.
2. Write your answers in your answer book, which is provided in the exam.
3. Ensure that your name and student number are clearly indicated on your answer book.
4. Write your answers in either blue or black ink in your answer book.
5. Read each question very carefully before you answer it and number your answers exactly as the questions are numbered.
6. Begin with the question for which you think you will get the best marks.
7. Note the mark allocations for each question – give enough facts to earn the marks allocated. Don't waste time by giving more information than required.
8. You are welcome to use diagrams to illustrate your answers.
9. Please write neatly – we cannot mark illegible handwriting.
10. Any student caught cheating will have his or her examination paper and notes confiscated. The College will take disciplinary measures to protect the integrity of these examinations.
11. If there is something wrong with or missing from your exam paper or your answer book, please inform your invigilator immediately. If you do not inform your invigilator about a problem, the College will not be able to rectify it afterwards, and your marks cannot be adjusted to allow for the problem.
12. This paper may be removed from the examination hall after the examination has taken place.
TRUE OR FALSE QUESTIONS

Indicate whether the following statements are True or False. Motivate all your answers.

1. The object of military law is to maintain discipline among soldiers only.
2. Cashiering is applicable to all members of the armed forces.
3. A court of a Military Judge will be presided over by an officer holding field rank (major and above).
4. An arrest can only be made with a warrant.
5. The Army Discipline and Regulation Act came into effect in 1879. [5 × 2 = 10]
SECTION B: SHORT QUESTIONS  (20 MARKS)

ANSWER ALL THE QUESTIONS

QUESTION 1

The object of military law is to maintain discipline among soldiers and other persons who form part of the armed forces of a country.

Provide examples of offences committed by soldiers that require severe punishment. [3]

QUESTION 2

Define cashiering. [2]

QUESTION 3

The maximum sentence that a military court can impose for an offence in terms of section 4 is imprisonment. For all other offences, a military court may impose a sentence that is less than the maximum indicated for the offence. The maximum sentence for assaulting a superior officer is imprisonment for a period of five years.

List the sentences that the military court may impose if the accused is a private. [9]

QUESTION 4

Soldiers are required to inform their superior officer of any suspicions they may have about other soldiers.

Describe the suspicions that they are required to report. [6]

[20]
SECTION C: LONG ANSWER QUESTIONS (50 MARKS)

ANSWER ALL THE QUESTIONS

QUESTION 1
List the punishments to which an officer can be subjected, from the most severe to the most lenient. [8]

QUESTION 2
Section 12(a) consists of three separate offences that can be committed by a person appointed as a sentry or as a watch keeper.
Describe these offences. [3]

QUESTION 3
List the offences relating to orders. [7]

QUESTION 4
List the four methods of obtaining the presence of an accused in court. [4]

QUESTION 5
Any person subject to the Military Discipline Code (MDC) who is authorised to arrest an offender must ask themselves six questions before issuing a warning or making an arrest.
What are these six questions? [6]

QUESTION 6
Discuss the offence of disobedience as one of the offences relating to orders. [12]

QUESTION 7
The description of the offences makes no reference to a specific blood alcohol level that is unacceptable, as it is only necessary that the accused be under the influence of intoxicating liquor or narcotic drugs. Proof of drunkenness can be provided by means of affidavits.
Identify the details that must be included in an affidavit as proof of drunkenness. [10]

[50]
SECTION D: INTERPRETATIVE QUESTIONS

ANSWER ONE OF THE QUESTIONS

QUESTION 1

Rule 2(3) makes provision that an accused be informed of his or her rights as contained in the 1996 Constitution Bill of Rights. Section 35(1) and 35(2) of the Constitution deals with the rights of arrested and detained persons.

Explain these rights as laid out in sections 35 (1) and 35 (2) of the Constitution. [20]

OR

QUESTION 2

The Adjutant General controls the Military Legal Services division of the SANDF. This officer is also known as the Chief of Military Services. The Adjutant General has four subordinate directors.

Discuss the duties of the Military Judge as one of the directors. [20]