JUNE 2012 EXAMINATION

DATE: 4 JUNE 2012

TIME: 09H00 – 11H00

TOTAL: 100 MARKS

DURATION: 2 HOURS

PASS MARK: 40%

(YX-98)

MILITARY LAW

THIS EXAMINATION PAPER CONSISTS OF 3 SECTIONS:

SECTION A: CONSISTS OF:

(i) 10 MULTIPLE-CHOICE QUESTIONS (10 MARKS)
(ii) 10 TRUE OR FALSE QUESTIONS (10 MARKS)
(iii) 10 MATCHING-STATEMENT QUESTIONS (10 MARKS)

ANSWER ALL THE QUESTIONS

SECTION B: CONSISTS OF 4 SHORT QUESTIONS

ANSWER ALL THE QUESTIONS (50 MARKS)

SECTION C: CONSISTS OF 3 LONG ANSWER 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.
(i)  MULTIPLE-CHOICE QUESTIONS

Choose the correct option for each of the following. Write only the question number and your chosen answer. For instance, if you think that the correct answer for number 1 is (a), then write it as 1. (a).

1. The criminal jurisdiction of the court is confined to the:
   (a) punishment for murder.
   (b) punishment for theft.
   (c) punishment for robbery.
   (d) punishment for ill discipline.

2. In which year was the office of the High Constable forfeited to the Crown?
   (a) 2000
   (b) 1601
   (c) 1739
   (d) 1521

3. Which of the following is the major source of military law in South Africa?
   (a) The South African Police Act 68 of 1995
   (b) The Defence Act 42 of 2002
   (c) The Military Act 20 of 2000
   (d) The Constitution of South Africa

4. Are soldiers allowed to strike?
   (a) yes
   (b) no
   (c) in certain circumstances
   (d) All of the above.

5. In which year was the standing army established?
   (a) 1717
   (b) 1660
   (c) 1852
   (d) 1515

6. How many types of offences can a soldier commit?
   (a) one
   (b) two
   (c) three
   (d) four
7. Section _____ provides for searches of military premises.
   (a) 12
   (b) 70
   (c) 121
   (d) 53

8. Which of the following is found at a camp?
   (a) a prisoner
   (b) a sailor
   (c) a soldier
   (d) a policeman

9. Section _____ deals with desertion.
   (a) 90
   (b) 24
   (c) 13
   (d) 101

10. The term *other rank* refers to:
    (a) a person other than an officer.
    (b) a captain.
    (c) a deserter.
    (d) a military man.

(ii) **TRUE OR FALSE QUESTIONS**

Indicate whether the following statements are true or false. Write only 'true' or 'false' for your answer.

1. Military justice is based on three very simple principles.
2. The first Mutiny Act was passed in April 1869.
3. Any person who deliberately misleads a board of inquiry is not guilty of an offence.
4. An arrest can only be made with a warrant.
5. Pointing a firearm at a superior officer constitutes a misdemeanour.
6. The officer must be appointed as a military judge in terms of section 14(1)(b) of the MDSMA.
7. A superior officer has the right at any time to give a command for the purpose of maintaining good order.
8. The appropriation of property takes property away from the control of someone.
9. A military judge will preside over an officer with the rank of major or higher.

10. An adjutant general must be a qualified SANDF officer.

(iii) MATCHING-STATEMENT QUESTIONS

Match the statements in Column B to the statements in Column A. Write down the answers only, for example 1. (a).

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. military law</td>
<td>(a) public shame or disgrace</td>
</tr>
<tr>
<td>2. plenary</td>
<td>(b) absolute, without qualification</td>
</tr>
<tr>
<td>3. military discipline code</td>
<td>(c) posted to protect both personnel and equipment</td>
</tr>
<tr>
<td>4. ignominy</td>
<td>(d) exaggerate or fake illness in order to escape duty or work</td>
</tr>
<tr>
<td>5. enemy</td>
<td>(e) section 13</td>
</tr>
<tr>
<td>6. imprisonment</td>
<td>(f) any armed rebel or mutineers</td>
</tr>
<tr>
<td>7. guards and sentries</td>
<td>(g) leave of absence, especially from military duty</td>
</tr>
<tr>
<td>8. malinger</td>
<td>(h) with or without compulsory labour</td>
</tr>
<tr>
<td>9. desertion</td>
<td>(i) is to maintain discipline among soldiers</td>
</tr>
<tr>
<td>10. furlough</td>
<td>(j) classifies the military offences that were previously contained in the British Army Act</td>
</tr>
</tbody>
</table>
SECTION B: SHORT QUESTIONS (50 MARKS)

ANSWER ALL THE QUESTIONS

QUESTION 1
(a) What is a 'lawful command'? (5)
(b) Under which circumstances will it be acceptable to warn an offender instead of arresting them? (5) [10]

QUESTION 2
(a) From most severe to most lenient, what are the punishments to which an officer can be subjected? (10)
(b) i. What is military law and with what does it concern itself? (5)
    ii. List the three principles on which military law is based. (3)
    iii. What is an 'Article of War'? (2) [20]

QUESTION 3
(a) Name any five offences relating to 'orders'. (5)
(b) Name any five offences in relation to 'property'. (5) [10]

QUESTION 4
(a) What is meant by offensive behaviour? (5)
(b) Briefly explain the elements of desertion and absence without leave, and the difference between desertion and absence without leave. (5) [10] [50]
SECTION C: INTERPRETATIVE QUESTIONS  (20 MARKS)

ANSWER ONE OF THE QUESTIONS

QUESTION 1

(a) Identify the types of offences relating to signals, watchwords and disclosure of information.  (10)

(b) Discuss 'Willful Defiance'.  (10)  [20]

OR

QUESTION 2

Discuss the rights of every sentenced prisoner.  [20]

OR

QUESTION 3

(a)  
 i.  Briefly explain Rule 113 Rights with respect to custody.  (5)

 ii.  Identify five actions that must be performed when affecting an arrest without a warrant.  (5)

(b)  Explain the Mutiny Act.  (10)  [20]

[20]

Section A: 30 marks
Section B: 50 marks
Section C: 20 marks
TOTAL: 100 MARKS