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# **DIRECTORATE OF LEGAL SERVICES (ARMY)**



## **MODULE FOR CAPTAIN - MAJOR WRITTEN PROMOTION EXAMINATION (DIRECT REGULAR OFFICERS) MILITARY LAW**

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## **INTRODUCTION**

1. Military law is the law that regulate military personnel in the discharge of their functions. It is a branch of the law that entrench discipline in the armed forces. The NA like other armies has 2 self-activating machineries for entrenching discipline. These are the summary trial and court martial. The whole idea of military law therefore is to promote orderliness, discipline and rule of law.

2. This Module encompasses the various principles of military and other topics taught in the NASLS for students on course. It however, highlights some of the requirements on each subject and also asks few questions with the answers provided.

## **MODULE 1**

3. **Law of Military Justice.** Military justice entails the procedures of administering justice in the NA. It starts from pre-trial, to trial and post-trial. Candidates for the Capt-Maj Promotion Exams are expected to understand the procedures at each stage of the military justice starting from; reporting of an offence to the CO in form of a charge, the Content of the Charge Sheet, arrest and detention, investigation by the CO, MP Investigation, Board of Inquiry, Summary of Evidence and Abstract of Evidence. AWOL procedures whereby a personnel is declared absent after 3 days and AWOL after 7 days should also be tested.

4. **Doctrine of Compact.** Candidates are to acquaint themselves with knowledge of doctrine of compact. The doctrine of compact signifies the dual status attained by soldier upon enlistment or commission to be bound by both military and civil law. Candidates are to further note that the status of a Service personnel is now tripartite based on international laws and conventions of which the Federal Government of Nigeria has

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overtime ratified by virtue of Section 12 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

5. **Pre-trial: Military Offences Arrest Detention and Investigation.** Here Candidates would be required to list few military offences and focus on Sections 121, 122, 123 and 124 of the AFA and the relevant provisions under the Rules of Procedure Army, 1972. The Candidates are expected to know the rules regarding arrest, by whom arrest is to be made or effected and against who, 8 days delay report of detention of suspect and various investigation tools available to the CO such as MP Investigation, Board of Inquiry, Regimental Inquiry, Abstract of Evidence and Summary of Evidence respectively.

6. **Trial: Summary Trial and Court Martial.** General knowledge of summary trial and court martial proceedings should be tested. The powers to award punishment under Sections 115 and 116 of the AFA by commanders summarily trying a person should be examined. Court martial proceedings, types, composition, reduction in membership and classes of punishment should also be tested.

7. **Post-Trial: Petition/Review/Appeal.** Petition for review of summary trial under Section 147 of the AFA and appeal for review of finding of court martial under Section 154 of the AFA should be tested. Candidates should be exposed to other legal issues such as fair hearing and right to defence counsel under the AFA and Rules of Procedure Army, 1972.

### **MODULE 1 QUESTIONS & ANSWERS**

8. The following questions could be asked from the discussions above:

a. The mechanisms of military justice in Nigeria are?

Ans: Summary Trial and Court Martial.

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b. Define doctrine of compact.

Ans: The dual or tripartite status attained by a person upon enlistment or commission into the military to be bound by military, civil and international laws.

c. List 2 types of court martial:

Ans: Special Court Martial and General Court Martial.

d. List 3 classes of Service personnel that can effect an arrest:

Ans: Provost, officer and soldier.

e. List 3 people that must be present in a special court martial:

Ans: the President, at least 2 members, a waiting member and judge advocate.

## **MODULE 2**

9. **Law of Military Operations.** Candidates are to be examined on the legal basis for embarking on operation in the first place. Section 217 of the CFRN and Section 1 of the AFA would suffice.

10. **Law of Counter Terrorism.** Here candidates are to acquaint themselves with the extant laws prohibiting terrorism in Nigeria. Candidates are to also note the themes and difficulty in defining terrorism such as the; "Intent, Actors, means, motive and Target" perspective of defining terrorism.

12. **Law of Internal Security Operations.** Candidates are to be examined on Section 217 of the CFRN, legal restrictions during IS Ops and legal procedures of evidence or handing over of suspects during IS Ops.

13. **Command Responsibility/Rules of Engagement.** Candidates could be tested on differences between lawful and

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unlawful orders, rules of engagement (ROE), purposes of ROE (Legal, Military and Political Purposes) among others.

### **MODULE 2 QUESTION AND ANSWER**

14. What is the constitutional basis of deploying troops for IS Ops in Nigeria?

Ans: Section 217(2)(c) of the CFRN which empowers the President as the Commander-in-Chief to call out troops in aid of civil authority.

### **MODULE 3**

15. **Sexual Exploitation and Abuse (SEA)**. The legal position on SEA in Nigeria should be highlighted and whether troops are immune from committing SEA while in operation.

16. **Legal Framework of SEA**. Candidates are to acquaint themselves with Sections 77-81 of the AFA, NA Policy SEA and UN Zero Tolerance on SEA.

### **MODULE 3 QUESTION AND ANSWER**

17. List 3 different laws regulating SEA in Nigeria.

Ans: (1) AFA (2) Criminal Code (3) Penal Code.

### **MODULE 4**

18. **International Humanitarian Law (IHL)**. Candidates are expected to understand that under IHL, the means and methods of war are not unlimited.

19. **The Four Geneva Conventions with Additional Protocols**. Candidates to list the 4 Geneva Conventions of 1949 with the Additional Protocols I and II of 1977 and 2005.

20. **Principles of IHL.** Candidates should be able to list at least 4 principles of IHL such as humanity, distinction, proportionality, necessity etc.

## **MODULE 5**

21. **Constitutional Law and General Principles of Law.** On this, Candidates are expected to be examined on meaning of constitution, types of constitution (written/unwritten, rigid/flexible), Section 217 CFRN, who is a plaintiff/defendant, types and hierarchy of courts in Nigeria, National Industrial Court of Nigeria established by virtue of Section 254 of the CFRN among others.

## **EXAMINATION QUESTIONS AND ANSWERS**

### **SECTION A: OBJECTIVES**

1. Criminal justice system in the Nigerian Army is administered through all except:
  - a. Court Martial.
  - b. Commanding Officer.
  - c. Summary Trial.
  - d. None of the above.
2. A court martial is equivalent to all except which of the following court in Nigeria:
  - a. National Industrial Court.
  - b. Federal High Court.
  - c. Court of Appeal.
  - d. State High Court.
3. The Judge Advocate is to law while the President and members are to:
  - a. Proof.

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- b. Facts.
  - c. Defence.
  - d. Prosecute.
4. There are two types of court martial:
- a. Simple and general court martial.
  - b. Special and major court martial.
  - c. General and special court martial.
  - d. None of the above.
5. Who amongst these conducts summary trial in unit:
- a. Commanding officer.
  - b. Staff officer.
  - c. RSM.
  - d. Chief Clerk.
6. All appeals against any decisions to the COA must be with leave:
- a. True.
  - b. False.
  - c. None of the above.
  - d. All of the above.
7. Service personnel are subject to:
- a. All laws in Nigeria.
  - b. Military law only.
  - c. Civil laws.
  - d. International law.
8. Doctrine of Compact means:
- a. A special status attained by a soldier on enlistment.
  - b. A soldier is subject to both military and civil laws.
  - c. An agreement to be bound by both civil and military law.



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- d. All of the above.
9. One of these options is not the duty of Directorate of Legal Services (Army):
- a. Serves as Legal Adviser to the NA.
  - b. Makes laws for the NA.
  - c. Nominate Advocate to serve in courts martial.
  - d. None of the Above.
10. A charge is an allegation in the prescribed form stating that a person has committed an offence contained in a .....
- a. Document.
  - b. Written paper.
  - c. File.
  - d. A written law.
11. Under the AFA, some situations may justify detention of a suspect beyond 24 hours
- a. True.
  - b. False.
  - c. Not sure.
  - d. decided.
12. A BOI can be convened with a minimum number of .....
- a. 3 persons.
  - b. 4 persons.
  - c. 5 persons.
  - d. 6 persons.
13. During reveille, all officers in uniform are expected to face the Quarter Guard and Salute while a civilian who fails to do same is guilty of either of the following offences:

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- a. Disobedience to particular orders.
  - b. Disobedience to lawful commands.
  - c. Conduct to the prejudice of service discipline.
  - d. None of the above.
14. Civilians are subject to same punishment as the members of the Armed Forces of Nigeria:
- a. True.
  - b. False.
  - c. None of the above.
  - d. All of the above.
15. The main law for the Armed Forces of Nigeria is the:
- a. Armed Forces Bill 2019.
  - b. Armed Forces Act Cap A20, Laws of the Federation of Nigeria, 2004.
  - c. Law of Armed Conflict.
  - d. National Assembly Law.
16. A court martial is convened and inaugurated:
- a. True.
  - b. False.
  - c. All of the above.
  - d. None of the above.
17. Who among the following has no business in a court martial:
- a. GOC.
  - b. Brigade Commander.
  - c. Liaison Officer.
  - d. None of the above.
18. A person who appears for the NA in a court martial is called:
- a. Persecutor.

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- b. Prosecutor.
  - c. Prosecutrix.
  - d. Precursor.
19. Law of Armed Conflict is the same as:
- a. International Humanitarian Law.
  - b. International Human Rights Law.
  - c. International Humane Law.
  - d. None of the above.
20. One of the following is a duty of an Investigating Officer.
- a. Effecting arrest of suspects.
  - b. Preparation of charges against suspects.
  - c. Arraignment of suspects.
  - d. Presiding over trial of suspects.
21. An offence is reported to the Commanding Officer in form of a -----
- a. Charge.
  - b. Query.
  - c. Report.
  - d. Petition.
22. ----- is conducted where the identity of the suspect is in doubt during the course of preliminary investigation.
- a. RSM parade
  - b. Identification parade
  - c. CO's parade
  - d. Adjutant's parade
23. One of these is not a content of a charge sheet.
- a. Date of commission of alleged offence.
  - b. name of accused.
  - c. date of TOS.

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- d. Place where the alleged offence was committed.
24. A person is presumed \_\_\_\_\_ until contrary is proven by the prosecution.
- a. Innocent.
  - b. Guilty.
  - c. Accused.
  - d. Offender.
25. The onus of proof is on the \_\_\_\_\_
- a. Defence.
  - b. Prosecution.
  - c. Accused.
  - d. Court.
26. A \_\_\_\_\_ is allowed to accept certain facts which are within its general service knowledge.
- a. Defence.
  - b. Prosecution.
  - c. Court Martial.
  - d. Federal High Court.
27. \_\_\_\_\_ requires that evidence must tend to prove or disprove the charge.
- a. Relevance.
  - b. Hearsay.
  - c. Confession.
  - d. Opinion Evidence.
28. The opinion of \_\_\_\_\_ is admissible in court.
- a. A Witness.
  - b. An Expert.
  - c. A Doctor.
  - d. A Judge.

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29. The \_\_\_\_\_ requires that before an accused's confession to an offence can be accepted in evidence, it must be freely and voluntarily given.

- a. Rule as to Confession.
- b. Rule as to Hearsay.
- c. Rule as to Relevance.
- d. Rule as to Opinion.

30. Summary of Evidence must be made on Oath? True/False

31. Before a Summary of Evidence can be ordered against an accused, he must be ..... with a specific offence under the AFA.

- a. Tried.
- b. Investigated.
- c. Charged.
- d. Queried.

32. A Summary of Evidence serves the following purposes except;

- a. It enables ASA to decide whether a court-martial should be convened.
- b. Forms the brief for the prosecutor.
- c. It enables the accused to prepare his defence.
- d. It enables the accused to prepare his appeal.

33. The heading of the Summary of Evidence should follow the set form set out in first schedule to .....

- a. AFA.
- b. RPA.
- c. CFRN.
- d. CAMA.

34. When the first witness is called the officer taking the

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Summary of Evidence is to administer the .....

- a. Pledge.
- b. Anthem.
- c. Oath.
- d. Attestation.

35. When the evidence of a foreign witness is being recorded through an interpreter particular attention must be paid to the .....

- a. Recorder.
- b. Procedure.
- c. Language.
- d. Sex.

36. If witnesses for the defence are unable to attend taking of Summary of Evidence ..... of their evidence may be included in the Summary of Evidence.

- a. Oral statement.
- b. Written statement.
- c. Evidential statement.
- d. Parole.

37. If .....is recalled before the completion of the summary he is to be reminded that he is on his former oath.

- a. CO.
- b. Prosecutor.
- c. Witness.
- d. Accused.

38. When all the evidence has been recorded, the officer taking the Summary of Evidence is to ..... at the end thereof.

- a. Codify.
- b. Certify.

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- c. Certificate.
- d. Close.

39. An offender who is not kept in custody but restricted from leaving a particular area pending investigation or trial is on \_\_\_\_\_ arrest.

- a. Custody.
- b. Restricted.
- c. Open.
- d. Area.
- e. Close.

40. An offender kept in temporary custody pending investigation and trial is on \_\_\_\_\_ arrest.

- a. Temporary.
- b. Trial.
- c. Lockdown.
- d. Close.
- e. Upside down.

41. A young officer can arrest a senior officer where the senior officer to be arrested engages in.

- a. Pressing phone on parade.
- b. Quarrelling and Disorderly behavior.
- c. Drinking.
- d. Gossiping.
- e. Entering the mess without beret.

42. The power of arrest is exercisable either personally or by giving orders for a person's arrest

- a. False.
- b. True.
- c. Not sure.

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- d. Undecided.
  - e. None of the above.
43. A LCpl from military police acting on the order of an officer can arrest any Officer.
- a. True.
  - b. False.
  - c. Undecided.
  - d. Not sure.
  - e. All of the above.
44. As soon as practicable time under Section 35(4) and (5) of CFRN means.
- a. 7 days after arrest.
  - b. 72 hours from the time of arrest.
  - c. Within 24 hours from time of arrest.
  - d. Not more than 48 hours from the time of arrest.
  - e. C and D above.
45. Under the AFA, some situations may justify detention of a suspect beyond 24 hours.
- a. True.
  - b. False.
  - c. Not sure.
  - d. Decided.
  - e. All of the above.
46. The total period of detention under the AFA shall not exceed.
- a. 60 days.
  - b. 90 days.
  - c. 80 days.
  - d. 99 days.
  - e. None of the above.



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47. The 1999 Constitution (as amended) is the supreme law of the land (otherwise known as).
- The first law of Nigeria.
  - The best law of the land.
  - The Grund-norm of the land.
  - The last law of land.
48. The Law of Armed Conflict (LOAC) also referred to as.
- International law foreigners.
  - Laws of War.
  - International societal law.
  - International criminal law.
49. The provisions of the Armed Forces Act does not apply to women.
- True.
  - False.
  - All of above.
  - None of the above.
50. Officers and Warrant Officers have the right of election under the Act as whether or not to be tried summarily.
- False.
  - True.
  - None of the above.
  - All of the above.
51. The offence of AWOL can be tried by one of the following.
- Court martial.
  - Military police investigation report.
  - Regimental inquiry.
  - Board of inquiry.
52. Soldiers are only subject to military law.

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- a. True.
  - b. False.
  - c. All of the above.
  - d. None of the above.
53. Appeal from the decisions of the Court Martial goes to
- a. Supreme Court.
  - b. Summary trial.
  - c. Court of Appeal.
  - d. Office of the Prosecutor at the ICC.
54. A person subject to service law can also be punished by civil Courts
- a. False.
  - b. True.
  - c. None of the above.
  - d. A above.
55. By virtue of the relevant provision of AFA, the President of a Board of Inquiry (BOI) must not be below the rank of.
- a. Major or corresponding rank.
  - b. Colonel or corresponding rank.
  - c. Captain or corresponding rank.
  - d. Lieutenant or corresponding rank.
56. The evidence of BOI cannot be used against a person at a court martial trial except where a witness is on trial for the offence of.
- a. Murder.
  - b. Scandalous conduct.
  - c. Perjury.
  - d. AWOL.

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57. There are \_\_\_\_\_ types of court martial under the Armed Forces Act?

- a. Three.
- b. Two.
- c. One.
- d. Four.

58. The following people can convene a General Court Martial except?

- a. President of the Federal Republic of Nigeria
- b. CDS.
- c. Service Chiefs.
- d. GOC.
- e. Chief Justice of Nigeria.

59. A General Court Martial is composed of a President, not less than three members, a Judge Advocate and a liaison officer. TRUE or FALSE? \_\_\_\_\_

60. A person convicted and sentenced summarily may petition against the finding or award or both to the ASA for a review not later than \_\_\_\_\_?

- a. 30 days.
- b. 31 days.
- c. One month.
- d. One (1) day.

61. Rules of Procedure (Army) 1972 is to the Nigerian Army, \_\_\_\_\_ is to the Nigerian Navy and the Rules of Procedure (Air Force) 1972 is to the Nigerian Air Force.

- a. the Biblical Rule Eleven for the Royal Navy (BR11).
- b. the Court Martial Procedure for the Royal Navy (BR11).
- c. the Court Procedure for British Rule Navy (BR11).

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- d. the Court Martial Procedure for Royal Navy (BR11).
62. Appeal from Summary Trial of a service personnel goes to the Court Martial. TRUE or FALSE? \_\_\_\_\_
63. All offences are court martial offences but not all offences can be tried summarily. TRUE or FALSE? \_\_\_\_\_
64. A General Officer Commanding (GOC) can summarily try a Colonel or its equivalent rank. TRUE or FALSE ? \_\_\_\_\_
65. A person subject to military law can be represented in a court martial by a legal practitioner of his choice. YES or NO  
\_\_\_\_\_
66. The Trial Procedure in a court martial includes all the following except?
- a. Inauguration of the court and arraignment.
  - b. Case for the prosecution and defence.
  - c. Closing addresses, Judge Advocate Sum-up.
  - d. Serving of lunch and refreshments to court members.
  - e. Court deliberation on finding, sentence, and announcement.
67. One of the following statements is true.
- a. Summary trial is quasi judicial.
  - b. Courts sit only on Wednesdays.
  - c. Only Soldiers can be tried summarily.
  - d. A Judge Advocate must have 6 years post call experience.
68. The powers of a Confirming Authority include the following except.

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- a. Withhold confirmation.
- b. Confirm the finding and sentence.
- c. Refer the finding and sentence to a higher Confirming Authority.
- d. Find the Accused guilty of another offence and award a higher punishment.

69. The following are justifications for continued detention of suspects

- a. The seriousness of the allegation or accusation, for example, murder or treason.
- b. The need to establish the identity of the person under arrest.
- c. The need to secure or preserve evidence of or relating to the allegation or accusation.
- d. All of the above.

70. The Armed Forces is equipped and maintained for the purpose of

- a. Defending Nigeria from external aggression.
- b. Maintaining Nigeria's territorial integrity and securing its borders from violation on land, sea or air.
- c. Suppress insurrection and acting in aid of civil authorities.
- d. A and B.
- e. All of the above.

**SECTION B: FILL IN THE BLANK SPACES**

1. The Constitution of the Federal Republic of Nigeria is the.....law of the land. (Supreme/Grund/Low/Better).
2. The law makers in Nigeria are called.....  
(Trouble Shooters/Whistleblowers/Legislators).
3. Courts in Nigeria are the same as.....(Ombudsman/  
Code of Conduct Bureau/Tribunals/Judiciary).
4. The President is also a Judge.....True/False.
5. The Chief Justice of Nigeria is.....
6. A Court that tries military personnel is known  
as:.....
7. The rights of every person in Nigeria are  
called:.....(Fundamental Rights/Common Rights/Basic  
Rights)
8. Law is the same as rules, regulations and  
orders:.....(True/False).
9. Nigeria practices which type of legal  
system:.....(Civil/Common Law).
10. A Service Personnel can institute civil processes against a  
civilian ..... (True/False).

**SECTION C: ESSAY**

1. List 3 persons that are subject to Armed Forces Act.
2. List 3 sources of military law.
3. List the person that can serve as ASA under Section 128 AFA.
4. List persons that the doctrine of compact applies to.
5. List 2 Laws under doctrine of compact.
6. List two types of court martial.
7. List 5 books of reference that can be used in summary trial.
8. List any five offences in the military.
9. List any five court martial punishments for Officers.
10. List any five court martial punishments for Soldiers
11. List 3 contents of a charge.
12. List the particulars of an accused person required in a charge.
13. State one difference between summary of evidence and abstract of evidence.
14. List the types of arrest.
15. List 2 persons that can effect arrest in the NA.

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16. List 4 types of investigation in the NA.
17. What do you understand by the following:
  - a. Prosecutor.
  - b. Defendant.
  - c. Waiting member
  - d. Judge Advocate.
18. State one difference between a Court martial and High court.
19. List 4 categories of persons protected under the Geneva Conventions.
20. List 3 purposes of rules of engagement.
21. Differentiate between disobedience to particular orders and disobedience to standing orders.
22. When does the Finding and Sentence of a Court Martial take effect.
23. Which court is the appellate court for court martial decisions.
24. What is the court expected to do where an accused pleads guilty in a capital offence.
25. Explain what you understand by mens rea and actus reus.
26. List 3 rights of an accused person in a court martial.
27. Where an accused person has no lawyer to represent him, what will the Convening authority do?



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28. What is the required period of time within which an accused person will file a petition against findings or award of summary trial?

29. What is the required period of time within which an accused person will file a petition against findings or award of court martial?

30. Section 131 of the Armed Forces Act provides that only ASA can convene a Court Martial. List 3 appropriate superior authorities that can convene a General Court Martial.

31. Lt Col Jamba, CO 911 Bn directed his Tea Girl to bring his food to his house. On her way to his house, she passed by Maj Bantu and told him "how far now". She got to Lt Col Jamba's house and served him his food. After eating his food, Lt Col Jamba told his tea girl that he likes her. List the offence(s) committed and who committed them.

32. List 3 duties of a Judge Advocate.

33. What are the contents of a statement of offence in a charge

34. Col Kawa (N/1145) is an accused to be tried by a court-martial. His course mate Brig Gen Yaz (N/1134) is the president. Col Dan and Col Prince are members of the court while Col Takama is the waiting member. Capt Dashiki of the DLS (A) is the Judge Advocate while Lt Tosco is the Liaison Officer.

- a. What type of court-martial is this?
- b. Assuming Col Kawa's offence is Fraternization, can he be tried by the court?
- c. Assuming the Liaison officer is a 2Lt, is the court properly constituted?
- d. What is the required number of years for an officer of the DLS (A) to be appointed as a Judge Advocate?

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- e. Is the CM properly constituted in view of the fact that the President is the accused's course mate?
- 35. Who is the Confirming Authority for soldiers?
- 36. What is the composition of a Special Court Martial?
- 37. State the full citation of the Armed Forces Act.
- 38. Can a CO of Bn convey a Court Martial?
- 39. Who is the Confirming Authority for Officers in the NA?
- 40. What is the effect of sentencing an officer to a term of imprisonment?
- 41. Briefly differentiate between AWOL and Desertion.
- 42. What is the equivalent of bail in the military justice system?
- 43. List 2 functions of the Armed Forces of Nigeria under the constitution.
- 44. List 5 civil offences provided for in the Armed Forces Act.
- 45. List 2 members of the Armed Forces Council.

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### **ANSWERS**

- |     |       |     |       |
|-----|-------|-----|-------|
| 1.  | D     | 33. | B     |
| 2.  | C     | 34. | C     |
| 3.  | B     | 35. | B     |
| 4.  | C     | 36. | B     |
| 5.  | A     | 37. | C     |
| 6.  | False | 38. | B     |
| 7.  | A     | 39. | C     |
| 8.  | D     | 40. | D     |
| 9.  | B     | 41. | B     |
| 10. | D     | 42. | A     |
| 11. | A     | 43. | A     |
| 12. | A     | 44. | E     |
| 13. | D     | 45. | A     |
| 14. | B     | 46. | B     |
| 15. | B     | 47. | C     |
| 16. | A     | 48. | B     |
| 17. | D     | 49. | B     |
| 18. | B     | 50. | B     |
| 19. | A     | 51. | A     |
| 20. | B     | 52. | B     |
| 21. | A     | 53. | C     |
| 22. | B     | 54. | B     |
| 23. | C     | 55. | D     |
| 24. | A     | 56. | C     |
| 25. | B     | 57. | B     |
| 26. | C     | 58. | E     |
| 27. | A     | 59. | FALSE |
| 28. | B     | 60. | C     |
| 29. | A     | 61. | D     |
| 30. | TRUE  | 62. | FALSE |
| 31. | C     | 63. | TRUE  |
| 32. | D     | 64. | TRUE  |
|     |       | 65. | YES   |
|     |       | 66. | D     |

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- 67. A
- 68. D
- 69. D
- 70. E

**SECTION B: FILL IN THE BLANK SPACES**

1. SUPREME.
2. LEGISLATORS.
3. JUDICIARY.
4. TRUE.
5. JUSTICE OLUKAYODE ARIWOOLA.
6. COURT MARTIAL.
7. FUNDAMENTAL RIGHTS.
8. TRUE.
9. COMMON LAW.
10. TRUE.

**SECTION C: ESSAY**

1.
  - a. Service personnel
  - b. Women
  - c. Reservists
  - d. Civilian
  - e. Cadets
  - f. Boys
2. The sources of military law include:
  - a. Nigerian legislation.
  - b. English law which consists of:
    - (1) Received English law.
    - (2) English law made under before 1 October 1960 and extending to Nigeria.
  - c. Customary law.

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- d. Judicial precedents.
- 3.
  - a. Commanding Officer.
  - b. Any Officer of the rank of Brigadier or above or corresponding rank.
  - c. Person directed to so act.
- 4.
  - a. Service personnel
  - b. Women
  - c. Reservists
  - d. Civilian
  - e. Cadets
  - f. Boys.
- 5.
  - a. Armed Forces Act
  - b. Constitution
  - c. Fire Arms Act
  - d. Geneva Convention.
- 6.
  - a. General Court Martial.
  - b. Special Court Martial.
- 7. Armed Forces Act, Rules of Procedure, Holy Quran, Holy Bible, Constitution, Manual of Military Law
- 8. The following are some of the offences in the military:
  - a. Desertion.
  - b. Failure to perform military duties.
  - c. Disobedience to particular orders.
  - d. Disobedience to standing orders.
  - e. Conduct to the prejudice of service discipline.
  - f. Absence without leave.

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- g. Insubordinate behavior.
  - h. Mutiny.
  - i. Assisting or concealing desertion.
  - j. Obstruction of provost officers.
9. Court Martial punishment for officers include:
- a. Death.
  - b. Imprisonment.
  - c. Dismissal with disgrace and dishonor.
  - d. Dismissal from the Armed Forces.
  - e. Reduction in rank.
  - f. Forfeiture of seniority in rank.
  - g. A fine of a sum not exceeding the equivalent of 3 months' pay.
  - h. Severe reprimand or reprimand.
  - I. Admonition.
10. Court Martial punishment for soldiers include:
- a. Death.
  - b. Imprisonment.
  - c. Dismissal with ignominy from the Armed Forces.
  - d. In the case of a warrant or petty officer, dismissal from the Armed Forces.
  - e. In the case of a warrant or petty officer or non-commissioned officer, severe reprimand or reprimand.
  - f. a fine of a sum not exceeding the equivalent of 3 months' pay.
- 11.
- a. statement of offence
  - b. particulars of offence
  - c. signature
  - d. particulars of the accused
  - e. Date

## RESTRICTED

12. Name, Rank, Service Number, Unit.
13.
  - a. A summary of evidence shall be taken in the presence of the accused whereas an abstract of evidence does not require the presence of the accused.
  - b. A summary of evidence requires that an oath must be administered to each witness before he gives his evidence whereas an abstract of evidence does not require oath.
  - c. The accused shall be informed that a summary of evidence is to be taken on the allegations leveled against him.
14. Types of arrest include:
  - a. Close arrest.
  - b. Open arrest.
15. The following can arrest a service personnel where such person contravenes military law:
  - a. An officer.
  - b. Soldier.
  - c. Provost Officers.
16.
  - a. Personal investigation;
  - b. Board of inquiry;
  - c. Regimental inquiry;
  - d. MP investigation;
  - e. Int investigation.
17.
  - a. A Prosecutor is a lawyer representing the State and responsible for carrying out trial of offender(s) before a court of competent jurisdiction.



## RESTRICTED

- b. Defendant is an individual, company, or institution sued or accused in a court of law.
  - c. A Judge Advocate is an officer of the Directorate of Legal Services (Army) with minimum of 2 – 3 years post call and appointed by a convening authority as judge advocate.
  - d. Waiting member is an officer holding presidential commission, who has been in service not less than 6 years, not below the rank of Captain, appointed by a convening authority as waiting member and does not take part in voting during deliberation on finding and sentencing of an accused person.
- 18.
- a. A court martial is a military court while high court is a civilian court.
  - b. A court martial is trial by jury while high court is trial by a sole judge
- 19.
- a. The wounded
  - b. Prisoners of War
  - c. The Shipwrecked or wounded at sea
  - d. Women and Children
  - e. The Clergymen
  - f. Medical aid workers
- 20.
- a. Political
  - b. Legal
  - c. Military
21. Disobedience to standing orders are orders of a continuing nature while Disobedience to particular orders isn't.
22. On date of pronouncement.

RESTRICTED

23. Court of Appeal.
24. The court shall enter a plea of not guilty.
25. Mens Rea means guilty mind while Actus reus means action.
26.
  - a. right to objection of members of the court
  - b. right to object to the content of the charge
  - c. right to call witnesses in his defence
  - d. right to counsel of his choice
27. The convening authority will provide a defence counsel
28. Within one month after the finding and award.
29. Within 3 months after the sentence by a court martial and before the sentence is confirmed.
30. The following are the appropriate superior authorities that can convene a General Court Martial:
  - a. The President;
  - b. The Chief of Defence Staff;
  - c. The Service Chiefs;
  - d. A General Officer Commanding or corresponding command; or
  - e. A Brigade Commander or corresponding command.
31.
  - a. Insubordinate Behavior/Conduct Prejudice of Service Discipline was committed by the Tea Girl.

RESTRICTED

- b. The offence of Fraternization/ Conduct Prejudice of Service Discipline was committed by Lt Col Jamba.
- 32. The duties of judge advocate include the following:
  - a. Advise the Court on law.
  - b. Sum up the evidence after closing address.
  - c. Advise the Court on findings.
  - d. To ensure that the accused does not suffer any disadvantage.
  - e. To prepare a proper record of proceedings.
- 33.
  - a. Section of the law
  - b. the offence
- 34.
  - a. A special court martial.
  - b. Yes.
  - c. Yes.
  - d. The required number of years for an officer of the DLS (A) to be appointed as a Judge Advocate is 3 years post call to the Bar.
  - e. Yes the CM is properly constituted because the president is Brigadier General and senior to the Accused.
- 35. The Chief of Army Staff
- 36. A special court martial consist of a president and not less than 2 members, a waiting member, a liaison officer and a judge advocate
- 37. The full citation is the Armed Forces, Act Cap A20, Laws of the Federation of Nigeria 2004.
- 38. Yes, a CO of a Bn can convene a court martial.

## RESTRICTED

- 39. The confirming authority for officers is the Army Council.
- 40. Dismissal
- 41. AWOL is an absence without official permission with the intention of coming back while Desertion is an absence without permission and with no intention to come back
- 42. Open arrest
- 43. The constitutional responsibilities of NA are as follow:
  - a. Defending Nigeria from external aggression.
  - b. Maintaining its territorial integrity and securing its borders from violation on land, sea or air.
  - c. Suppressing insurrection and acting in aid to civil authorities to restore order when called upon to do so by the president, but subject to such conditions as may be prescribed by an Act of the National Assembly.
  - d. Performing such order functions as may be prescribed by an Act of the National Assembly.
- 44.
  - a. Assault.
  - b. Manslaughter.
  - c. Murder.
  - d. Robbery.
  - e. Extortion.
  - f. Burglary.
  - g. House-breaking.
  - h. Arson.
  - i. Forgery.
  - j. Cheating.

RESTRICTED

45. The composition of the Armed Forces Council is as follow:
- a. The President who shall be the Chairman.
    - b. The Minister of Defence.
    - c. The Chief of Defence Staff.
    - d. The Chief of Army Staff.
    - e. The Chief of Naval Staff.
    - f. The Chief of Air Staff.
    - g. The Permanent Secretary of the Ministry of Defence who shall be the Secretary to the Council.