

**THE CONDUCT OF PRE-TRIAL IN MILITARY LAW  
– PRACTICE AND PROCEDURE**

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The students confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

## ACKNOWLEDGMENT

*“ ....across the sea, we see victory  
across the mountain we search for glory  
we will die only for the emperor  
we shall never look back .....”*

Lt Gen Tomoyuki Yamashita  
Malaya, 1943

Praise to Allah S.W.T. and Prophet Mohammad S.A.W.

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To Norashikin Fauzi, a soldier's wife who followed the drum...

To Lt Kol D.Z., ...."we made it Sir"

This paper was the effort of:

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## ABSTRACT

The military law can be considered as a unique set of laws applicable during peace and war. (Unlike the civil laws, military law is administered by its own judicial officials which the power is honoured to those who hold the Royal Commission and as such is regarded as a qualification to administer the law which eliminates the existence of a permanent judiciary body like the one in the civil law system). The Armed Forces came into existence with a strong and precise discipline among its members and this system required a set of different laws.

Any breach of discipline is dealt with internally and punishment is very much different as compared to the civil law. In contrast, except for the Court Martial, the exercise of military trial is alien to the normal citizens. There are however a set of rules and regulations which govern the procedural aspect side of this exercise but since it is dealt with internally, the tendency of these rules to be violated is very high. The violation, if it occurs will be dealt with internally as well. The pre-trial should be conducted as fair as the procedure in the Court Martial though the former is a much simpler procedure.

Perhaps the pre-trial is an efficient practice to maintain disciplines among members of the armed forces. But how far this procedure and practice is conducted fairly is unknown and the purpose of this paper is to try to unveil the procedural aspects of pre-trial which have been conducted in the armed forces; to highlight the defects (if any) and to provide solutions to the defects, if possible.

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