

**THE LEGAL POWERS OF THE MILITARY  
POLICE IN THE ENFORCEMENT  
OF MILITARY LAW -  
ITS LIMITATIONS**

**BY**

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## FOREWARD

Little is know about the legal powers of the Military Police in the enforcement of military law. Consequently, it is felt that the Military Police should to a certain extent be fairly accommodative to any plausible criticism by virtue of this extenuating circumstances. However, they must not be excessively tolerance or obsessed by it, for this is a compromise which must be observed suspiciously lest the Military Police be labelled as the Gestapo.

Initially, I supposed that this paper should serve as an informative piece to anyone who wishes to know about the legal powers of the Military Police in the enforcement of Military law, but later, I found it more tantalizing and relevant to the current need of the corps if I were to examine the inadequacies and lacunas in the law that have so far caused confusion, uncertainty and constant fear of acting ultra-vires amongst my brother officers and policemen in the performance of their official duties.

## ACKNOWLEDGEMENT

First of all, I thank God, who by His mercy gave me the strength and health to complete this paper.

Since this project paper is an optional subject, I have decided to take this opportunity to exercise my legal knowledge and relate my service experience at the expense of unexpected pressures and hardships.

With humility, I must admit that there are<sup>a</sup> lot of shortcomings due to it being my first experience in writing a project paper. Nevertheless, I believe that this could be a guidance or reference for the newly commissioned officers of the Corps of Military Police.

Since most part of the research in this paper are touching on criminal law and criminal procedures, it is particularly incumbent upon me to thank my supervisor, Mr. Valentine Manuel who is also my lecturer in criminal law and the law of evidence, for the invaluable assistance, advice and encouragement. To him, I owe a debt which I cannot fully express simply by my thanks and acknowledgement, though of course, the shortcomings remain entirely my responsibility.

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## CHAPTER I - INTRODUCTION

### A BRIEF HISTORY OF THE PROVOST (MILITARY POLICE)

"The Provost must have a horse allowed him and some soldiers to attend him, and all the rest commanded to obey him, or else the service will suffer; for he is but one man and must correct many, and therefore he cannot be beloved. And he must be riding from one garrison to another to see that the soldiers do not outrage nor scathe the country."<sup>(1)</sup>

Traditionally, the Military Police or commonly referred to as the Provost, originated in the Armies of early European Kingdoms in the days of the Norman conquest of England. The Provost were personnel specially selected 'to arrest and keep in custody' military personnel found to be breaking the law.

In order to execute their tasks, they had special powers conferred on them by the King in order to enforce and maintain discipline in the ranks while the Army campaigned actively in the field.

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1. Articles of War - Charles I (1629)