

ANNEXURE C
COMPARISON BETWEEN CIVILIAN AND MILITARY LAW (SECURITY OFFENCES)
FOR CHILDREN

#	Description	Civilian law ⁱ		Military law	
1	Age of majority	18 yrs		16-18 yrs ⁱⁱ	
2	Prohibition against night-time interrogation.	Yes ⁱⁱⁱ		No	
3	Legal right to have a parent present during interrogation.	Yes ^{iv}		No	
4	Maximum period of detention before being brought before a judge.	12-13 yrs	12 hrs ^v	12-13 yrs	24 hrs ^{vi}
		14-17 yrs	24 hrs ^{vii}	14-15 yrs	48 hrs ^{viii}
				16-17 yrs	96 hrs ^{ix}
5	Maximum period of detention without access to a lawyer	48 hrs ^x		96 hrs ^{xi}	
6	Maximum period of detention prior to indictment.	10 days ^{xii}		15 days ^{xiii}	
7	Maximum period of detention between indictment and conclusion of trial.	6 months		12 months	

ⁱ Youth (Trial, Punishment and Modes of Treatment) Law (1971)

ⁱⁱ In September 2011, Military Order 1676 came into effect requiring that all children below the age of 18 be tried before a military juvenile judge. However, provisions relating to arrest, detention, interrogation and sentencing for adults still apply to youths aged 16 and 17.

ⁱⁱⁱ Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9J.

^{iv} Youth (Trial, Punishment and Modes of Treatment) Law (1971) – Section 9H. A parent is allowed to be present at all times in circumstances where the child has not been formally arrested, but may not intervene in the interrogation process. Exceptions include: Parents do not present themselves within a reasonable time; waiting for a parent would harm the investigation, the child, or a third party; parents cannot be located after a reasonable attempt; and a parent can be removed from the interrogation if he/she threatens the child or disrupts the interrogation. Reasons why a parent is not present must be documented in writing by an authorized officer.

^v This time period can be extended by 12 hours for urgent investigation needs.

^{vi} This time period can be extended by 24 hours for urgent investigation needs.

^{vii} This time period can be extended by 12 hours for urgent investigation needs.

^{viii} This time period can be extended by 48 hours for urgent investigation needs.

^{ix} This time period can be extended by 96 hours for urgent investigation needs.

^x Criminal Procedures (Powers of Enforcement-Arrests) Law (1996) – Section 34 (criminal offences). In the case of security offences, the time period is 21 days - Section 35.

^{xi} Military Order 1651 – Article 56(e) (criminal offences). In the case of security offences, the time period is 60 days - Articles 58 and 59.

^{xii} This period can be extended by 10 days up to a maximum of 20 days by a judge. This period can be further extended up to a maximum of 40 days by the Attorney General. This period can be further extended by 45 days at a time by the Supreme Court.

^{xiii} This period can be extended by 10 days up to a maximum of 40 days by a military judge. The Military Appeals Court can further extend this period by 90 days at a time.