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ADJUTANT GENERAL PRESENTATION TO THE PORTFOLIO COMMITTEE ON DEFENCE AND MILITARY VETERANS

18 MAY 2022

Presentation By
Maj Gen (Dr) E.Z. MNISI

Lefapha la Boiphemelo . Umnyango wezokuVikela . Kgoro ya Tshireletso . iSebe lezoKhuselo .
Department of Defence . Muhasho wa Tsiriledzo UmNyango WezokuVikela . Ndzawulo ya swa
Vusireheleri . Lehapha la Tshireletso . Departement van Verdediging . LiTiko leTekuvike

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AIM

To present the office of the Adjutant General's mandate, Capacity, Achievements and Challenges, Cases Received, the Conviction Rate and Consequence Management in the South African National Defence Force to the Portfolio Committee on Defence and Military Veterans

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SCOPE

- ☐ Regulatory Framework
- ☐ Statutory Functions of the Adj Gen
- ☐ DLSD Mandate
- ☐ DLSD Vision
- ☐ DLSD Mission
- ☐ DLSD Lines of Operation
- ☐ Defence Legal Services Division Strategic Direction
Objectives Review FY 2017/18 to 2021/22
- ☐ DLSD New Services
- ☐ DLSD Lines of Operation

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SCOPE (Cont.)

- ☐ The Role Of A Military Lawyer
- ☐ Joint Battle Handling Course for MLPs and Ex MAFADI
- ☐ DLSD Centre of Excellence and Practical Vocational Training (Pupillage)
- ☐ Challenges
- ☐ Verdict
- ☐ Discussion

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REGULATORY FRAMEWORK

The Constitution of the RSA of 1999

Section 200(1): The Defence Force must be structured and managed as a disciplined military force. (The Office of the Adj Gen plays a crucial role in this)

Military Discipline Supplementary Measures Act 16 of 1999

Section 27: Deals with the appointment of the Adj Gen

Section 28(1): Deals with the functions of Adj Gen

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STATUTORY FUNCTIONS OF THE ADJ GEN



❑ **Section 28(1)**: The Adj Gen shall-

(a) be responsible for the overall management, promotion, facilitation and coordination of activities in order to ensure the effective administration of military justice and the

❑ **Military Legal Services**

(b) annually, not later than three months after the end of preceding financial year, submit to the Minister a written report on all his/her functions during that year

❑ These functions are executed through a structure call Military/Defence Legal Services Division

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MANDATE

DLSD renders legal services and legal support to the Ministry of Defence and Military Veterans and the Department of Defence (DOD) at all levels

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VISION

DLSD is the best provider of military legal services and related matters in the world



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MISSION

To provide cutting-edge military legal services to the DOD

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DLSD LINES OF OPERATION

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DLSD LINES OF OPERATION

- ☐ To Administer Military Justice in the SANDF
- ☐ To provide Force Preparation Legal Support to the SANDF
- ☐ To provide Force Employment Legal Support
- ☐ To provide Legal Advice and Litigation Support to the DOD
- ☐ To provide Legal Services Support to DLSD

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DEFENCE LEGAL SERVICES DIVISION STRATEGIC DIRECTION OBJECTIVES FY 2017/18 TO 2021/22

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EXECUTING DLSD MANDATE



In June 2017, the Adj Gen approved and published the Defence Legal Services Division Strategic Direction Document FY 2017/18 TO 2021/22 as a vehicle to execute the Division's mandate



STRATEGIC DIRECTION OBJECTIVES

FY 2017/18 TO 2021/22

Table Legend

- 1 – Unacceptable Performance
- 2 – Performance not fully effective
- 3 – Performance fully effective (100%)
- 4 – Performance significantly above expectations
- 5 – Outstanding Performance



STRATEGIC DIRECTION OBJECTIVES

FY 2017/18 TO 2021/22



Ser Nr	Strategic Objective	Rating Scale *Mark with an "X"					Remarks
		1	2	3	4	5	
	a	b	c	d	e	f	g
1	To ensure the finalisation of the Military Disciplinary Bill 2011			3			
2	To reduce the salary bill to 88% in the Medium Term, and 76% in the Long Term			3			
3	To enforce planning, budgeting and monitoring tradition at all levels				4		
4	To improve service delivery				4		
5	To rebrand the DLSD				4		
6	To lower trust and credibility deficits				4		
7	To professionalise the service			3			
8	To build empowered, reasonably trained and competent military professionals				4		
9	To restructure the division in order to align it to the current needs of the DOD		2				
10	To establish a performance monitoring section and special attention will be paid to the admin of Justice				4		



STRATEGIC DIRECTION OBJECTIVES

FY 2017/18 TO 2021/22



Ser Nr	Strategic Objective	Rating Scale *Mark with an "X"					Remarks
		1	2	3	4	5	
		b	c	d	e	f	
	a	b	c	d	e	f	g
11	To establish and maintain a research and development capability within DLSD			3			
12	To draw up and maintain a leadership strategy that will address, inter alia, the type of MLP for the future, their recruitment, development, utilisation, promotion, separation etc				4		
13	To investigate the possibility of acquiring a DLSD building that will house offices, military courts, the School of Military Justice etc				4		
14	To empower lawyers from the previously disadvantaged communities when briefing counsels			3			
15	To establish a small in house litigation section to appear in court on behalf of the DOD			3			



STRATEGIC DIRECTION OBJECTIVES

FY 2017/18 TO 2021/22



Ser Nr	Strategic Objective	Rating Scale					Remarks
		*Mark with an “X”					
		1	2	3	4	5	
	a	b	c	d	e	f	g
16	To create a capability to deal with highly classified cases in military courts.		2				
17	To build specialist legal support capabilities. i. Maritime Ops LSC. ii. <u>Airborne Ops LSC.</u> iii. Air and Space Ops LSC. iv. Cyber Warfare LSC. v. <u>SANDF Operations Legal Services Doctrine.</u> vi. <u>Joint Battle Handling Course for MLPs.</u> vii. <u>DLSD’s own military exercise, Ex MAFADI.</u>				4		
18	To ensure all MLPs remain current with developments within the profession			3			



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DLSD TRAINING STATS FY 2017 TO 2022

S/NO	DESCRIPTION	2017	2018	2019	2020	2021	2022	TOTALS
	a	b	c	d	e	F	g	h
1	MILL LAW TRAINING TO MLPs AND SANDF LINE OFFICERS INCLUDING OPS LEGAL TRAINING FROM LEGSATOs	181	194	100	136	23	17	651
2	TRAIL ADVOCACY TRAINING FOR MLPs AND SAJEI TRAINING FOR MIL JUDGES	16	20	16	0	7	6	65
3	ADVANCE LOAC TRAINING FOR MLPs AND SANDF LINE OFFICERS	21	39	18	0	0	0	78
4	INTERPRETERS COURSES FOR DLSD COURT INTERPRETERS	29	24	62	33	34	17	199
5	LEGISLATIVE DRAFTING COURSES FOR MLPs	10	10	0	0	0	0	20
6	DLSD JBHC FOR MLPs	0	22	21 (+ 1 LDF OFFICER)	0	22	0	66
7	DLSD EXERCISE MAFADI FOR MLPs AND OTHER SUPPORT STAFF OF OTHER DIVISIONS	18	29	22	32	108	0	209
8	DLSD LEADERSHIP	0	0	0	90	0	0	90
9	DEVELOPMENTAL COURSES FOR MLPs WITHIN ALL ARMS OF SERVICES	10	8	7	16	7	9	57
10	GENERAL COURSES(SKILLS DEV,ECMS,PARACHUTE TRG, LAW SEMINARS,CONTINUED PROF DEVELOPMENT (CPD))	54	89	144	74	55	70	486
	TOTALS PER YEAR	339	435	391	381	256	119	1919

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ADMINISTRATION OF MILITARY JUSTICE

FY 2018/19 - FY 2021/22: CASES

S/N	Fin Year	Opening Balance	Cases Received	Total Finalised	Closing Balance
	a	b	c	d	e
1	2018/19	1703	2032	2485	1250
2	2019/20	1250	1980	2058	1172
3	2020/21	1172	1321	1196	1297
4	2021/22	1297	1420	1335	1382

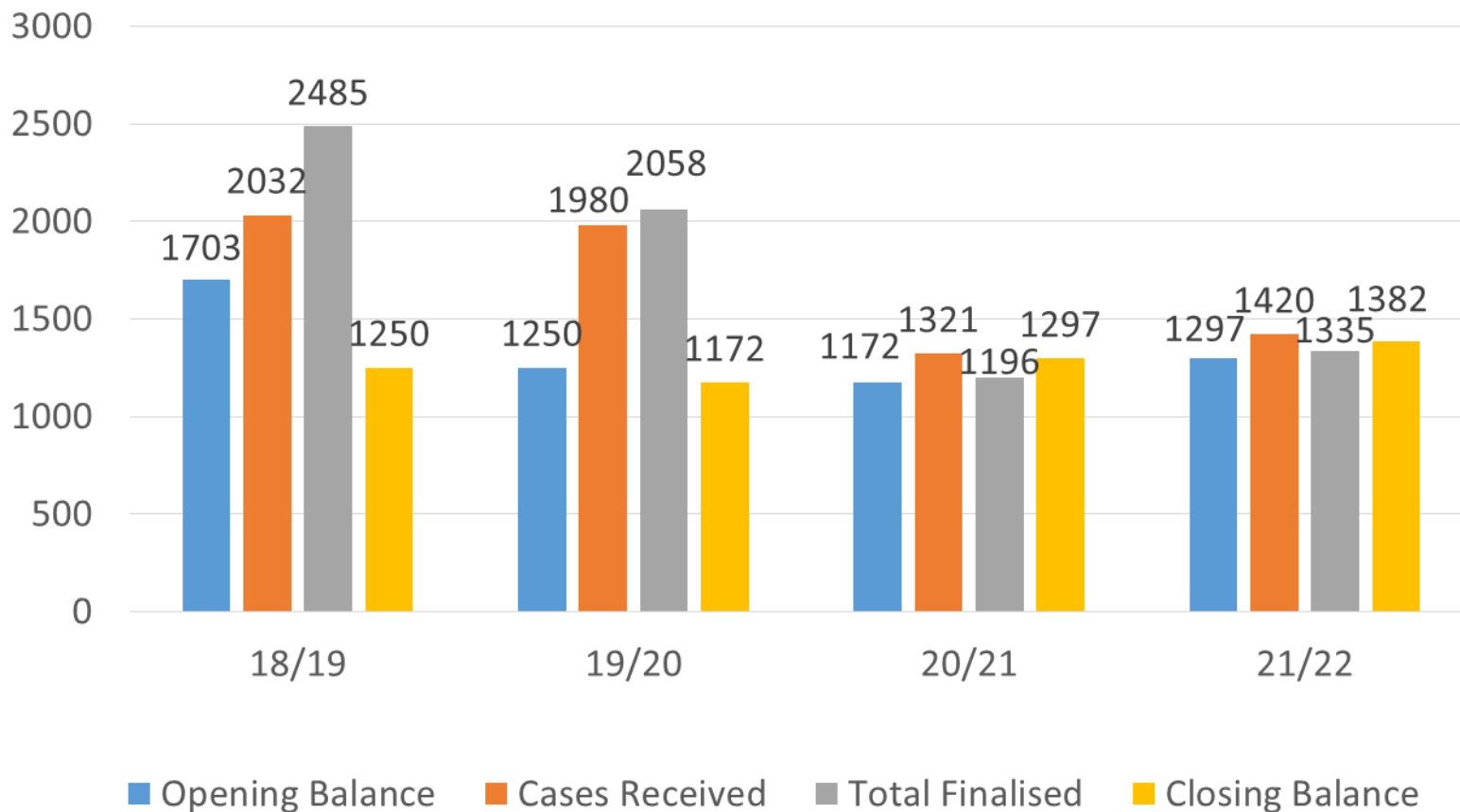


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ADMINISTRATION OF MILITARY JUSTICE

FY 2018/19 - FY 2021/22: CASES





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ADMINISTRATION OF MILITARY JUSTICE CONVICTION RATE

S/N	Fin Year	Guilty Pleas	Not -Guilty Pleas	Total Average
	a	b	c	d
1	2018/19	74.5%	2032	74.2485
2	2019/20	100%	36%	74.5%
3	2021/22	100%	32%	72%

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DEFENCE LEGAL SERVICES DIVISION BUDGET ALLOCATION HISTORY



S/N	FY	TOTAL BUDGET	HR BUDGET		OPERATING BUDGET	
			ALLOCATION	RATIO %	ALLOCATION	RATIO %
	a	b	c	d	e	f
1	2017/18	255,846,301	230,651,760	90%	25,194,541	10%
2	2018/19	261,663,892	234,368,887	90%	27,295,005	10%
3	2019/20	295,625,613	265,434,217	90%	30,191,396	10%
4	2020/21	276,090,126	256,426,872	93%	19,663,254	7%
5	2021/22	290,754,785	263,815,723	91%	26,939,062	9%
6	2022/23	292,740,421	263,271,260	90%	29,469,161	10%

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PERFORMANCE VERDICT FY 2017/18 TO FY 2021/22



Verdict

- ☐ **3.6**: Which is between Performance fully effective and Performance significantly above expectation
- ☐ Inevitability of DLSD: **Positive**



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DLSD NEW SERVICES/OUTPUTS AND/OR SERVICES/OUTPUTS SCALED UP

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DLSD NEW SERVICES/OUTPUTS AND/OR SERVICES/OUTPUTS SCALED UP



Ser Nr	Service/Output	Effect on Operations	Financial Implications of each New Service/Output
	a	b	c
1	Legal Support was provided to Ministerial Task Team on sexual exploitation and abuse (SEA), sexual harassment etc	Establishment of Sexual Offences Centre at the Ministerial Level	Not Funded
2	Establish innovative Paternity and Maintenance mechanism for children born of deployed members of the SANDF deployed outside the country	The RSA was highly commended by the UN for establishing such mechanism.	Not Funded
3	Applied to the Legal Practice Council for the accreditation Practical Vocational Training Pupillage	School of Military Justice has been accredited to provide PVT	Not Funded
4	Establishment of Virtual Military Court Capability.	Consistent generation of outputs	Not Funded



DLSD NEW SERVICES/OUTPUTS AND/OR SERVICES/OUTPUTS SCALED UP(Cont.)



Ser Nr	Service/Output	Effect on Operations	Financial Implications of each New Service/Output
	a	b	c
5	Activation and operationalisation of Electronic Case Management System	75%-80% of all active cases are captured	Not Funded
6	Facilitation by the DLSD of specialised legal training at different levels in various military and external institutions	Improved confidence of leaders wrt legal aspects and application thereof	Not Funded
7	The creation of Rapid Reaction Legal Support Capability	To support Rapid Reaction Capability of the SANDF in terms of Special Forces, Airborne, Air & Sea Landed and Anti-terror Operations	Not Funded
8	Military Leadership Module	Improved Leadership Skills of leaders.	Not Funded



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THE ROLE OF A MILITARY LAWYER IN THE SOUTH AFRICAN NATIONAL DEFENCE FORCE

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ROLE OF A MILITARY LAWYER

Definition: Military Lawyer

- ❑ Military lawyers are those few individuals who have done various military courses, possess legal qualifications, and are trained in law especially the military justice system and laws which govern military operations. A military lawyer must be the master of the environment he or she works on:
 - At National Strategic Level of War: Military lawyers, among others, must understand the political objectives for which the country's militaries may be utilised for and the processes that must be followed to authorize the deployment of the country's military forces

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ROLE OF A MILITARY LAWYER (Cont.)

- Military Strategic Level of War: Military lawyers must not only understand the mandate of the country's military forces but must also provide legal support during force development, force preparation, force employment and force support
- Operational Level of War: At this level the role of the military lawyer is to provide Combat Service Support to the Operational level commander
- The Tactical Level of War : Here the role of the military lawyer is to provide Combat Service Support to the tactical level commander in attaining military objectives which are set by the next higher headquarters

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**JOINT BATTLE HANDLING COURSE
FOR
MILITARY LAW PRACTITIONERS(MLPs)
AND
EX MAFADI**

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JOINT BATTLE HANDLING COURSE



Target Group

- ❑ This course is presented to all Regular and Reserve Force MLPs from the rank group of a Private to Lieutenant Colonel. This course is part of the development courses of all MLPs within the Department of Defence.

Overall Objectives

- ❑ On completion of this course the MLP will be able to:
 - Master all the theoretical battle handling aspects of each Service, Mustering/Corps and be able to apply this during the planning process at the lower tactical levels

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JOINT BATTLE HANDLING COURSE (Cont.)

- have basic knowledge of the Problem Solving (PS) model and other Services unique tactical level Courses
- the course prepares the MPLs for the Command and Staff line for Service unique tactical level courses and
- enhances the MLPs practical leadership skills

Ex MAFADI

- ❑ EXERCISE MAFADI is the official Field Exercise of the Battle Handling Course for Military Law Practitioners

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JOINT BATTLE HANDLING COURSE (Cont.)

- ❑ EXERCISE MAFADI is the official Field Exercise of the Battle Handling Course for Military Law Practitioners
- ❑ It is also Combat Readiness Exercise for the Defence Legal Service Division (DLSD) in order to prepare MLPs to support internal and external operations in terms of the **Legal Support Doctrine**

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DLSD CENTRE OF EXCELLENCE AND PRACTICAL VOCATIONAL TRAINING (PUPILLAGE)

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CENTRE OF EXCELLENCE (COE)

- ❑ MOD&MV. Raised concerns over the state of litigation and contract drafting, vetting and management in the DoD
- ❑ In response, DLSD Command Cadre decided to create necessary internal capabilities to support these Ministerial priorities
- ❑ On completion of the necessary DLSD staff tests and investigations, DLSD proceeded to align internal strategic intent through the establishment of DLSD CoE to support MOD&MV priorities

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CENTRE OF EXCELLENCE (COE)

CoE would be an entity that would provide leadership, best practices, research, support and/or training members and officials of the DoD in the following focus areas:

- ☐ Military Law (to all Officers)
- ☐ Trial Advocacy (to MLPs)
- ☐ Law of Armed Conflict (LOAC) for both (MLPs and Commanders)
- ☐ Administrative Law (Commanders)

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COE (Cont.)

- ☐ Contract drafting, vetting and management (incl DOD civilians).
- ☐ Vocational Training for Advocates (MLPs).
- ☐ Specialized training for MLPs on-
 - fraud and Corruption;
 - sexual offences; and
 - judgment writing skills
- ☐ Continuous training of Commanders on Military Disciplinary Hearings

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COE (Cont.)



- ☐ Research and Development (R&D)
- ☐ Joint Battle Handle Course for Junior MLPs

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PRACTICAL VOCATIONAL TRAINING (PUPILLAGE)



- ☐ DLSD has identified a need to create a **Small Internal Litigation Capacity** in the DoD
- ☐ In 2020/2021 LPC **accredited DLSD** to present Practical Vocational Training (Pupillage) to SANDF members for the period of (3) years
- ☐ If funded the Pilot PVT course will commence in September 2022 or latest January 2023

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PRACTICAL VOCATIONAL TRAINING (Cont.)

Pupillage Return On Investment

☐ Legal Fees

- Contingency Liability of DoD is **R1,657 577 246,1**
- Legal fees last three financial years is **R 64 776 995**
excludes MVA, labour matters ,debt collection etc

☐ Benefit to the DoD

- Legal fees in long term will be **reduced by 60%**

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ADJUTANT GENERAL CHALLENGES

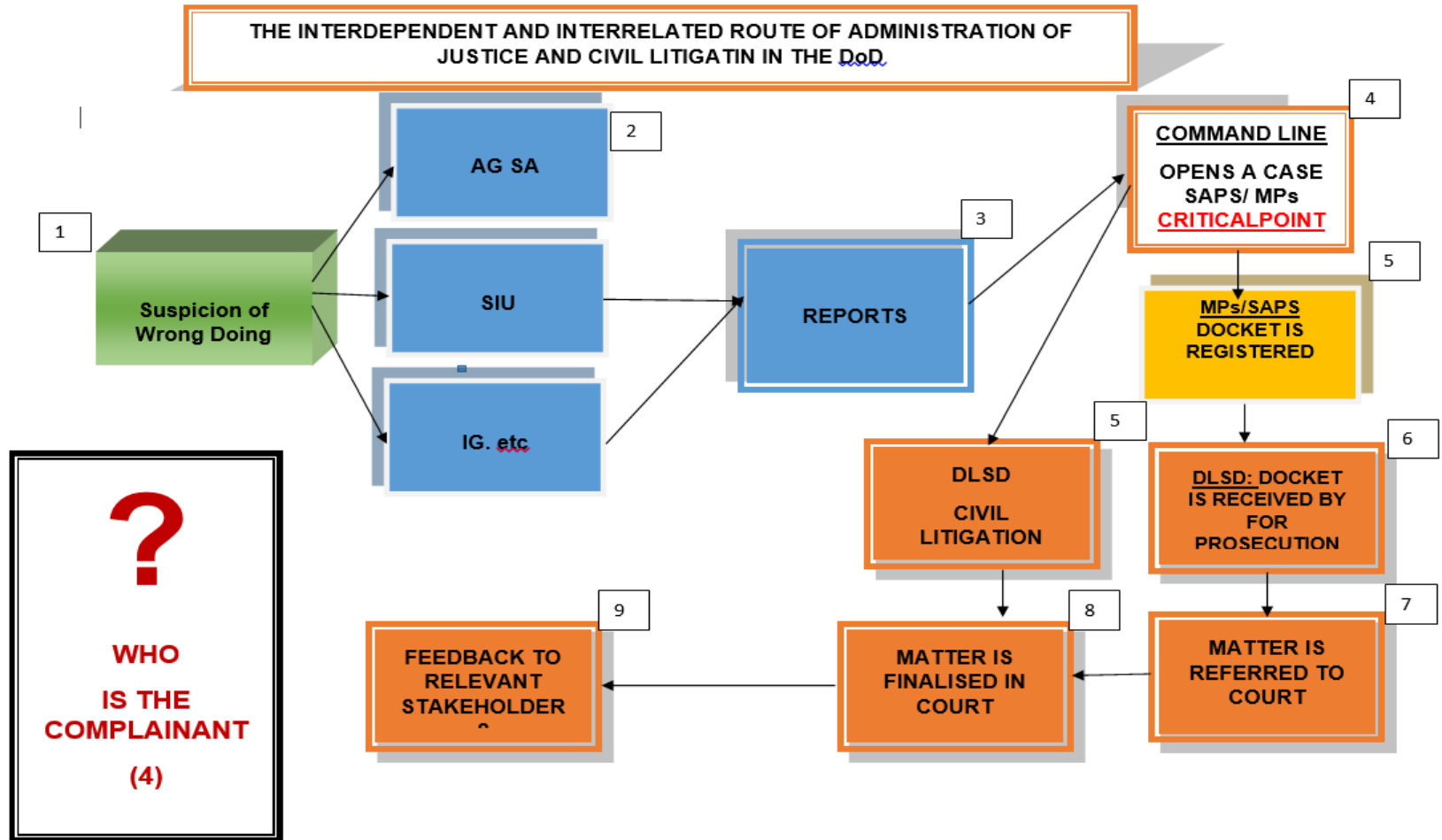
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CONSEQUENCE MANAGEMENT

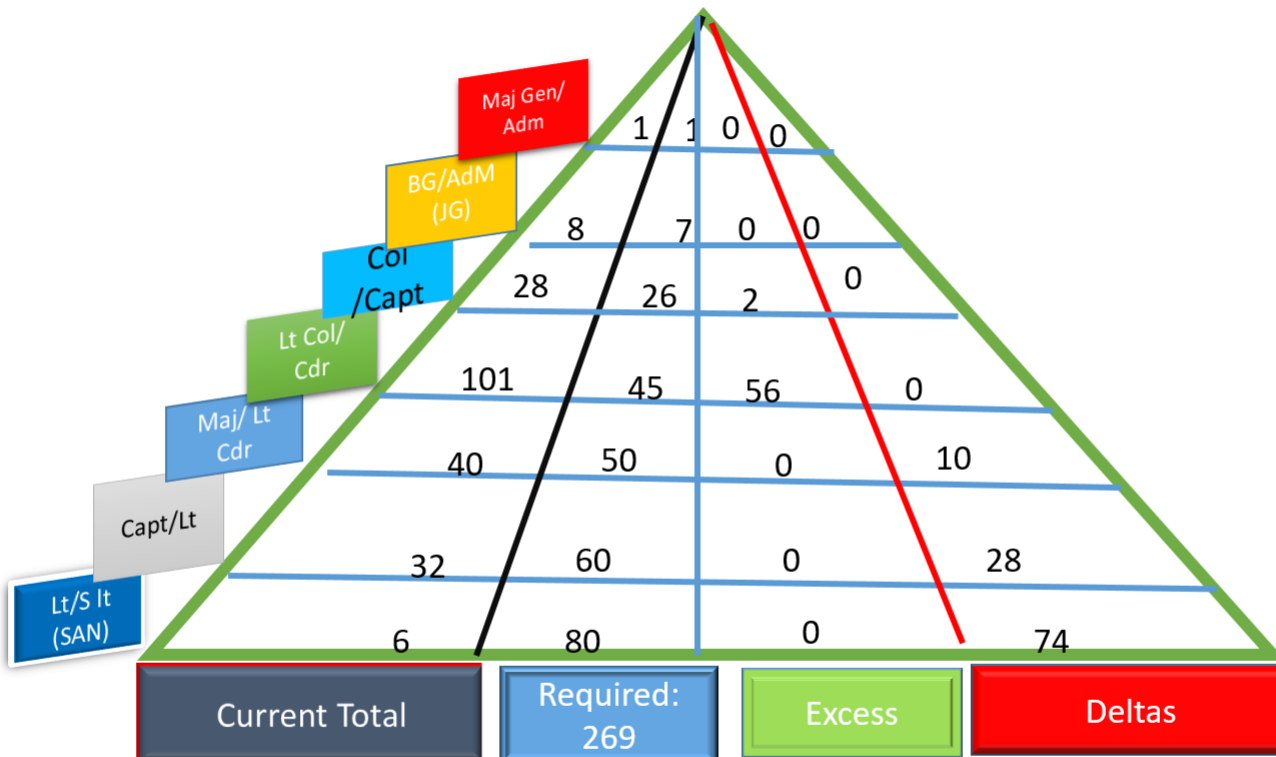


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DLSD STRUCTURE





PERFORMANCE VERDICT FY 2017/18 TO FY 2021/22



VERDICT

- ☐ **3.6**: Which is between Performance fully effective and Performance significantly above expectation
- ☐ Inevitability of DLSD: Positive



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DISCUSSION

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