



# **ROYAL HUTT RIVER ARMY**

## **1<sup>ST</sup> NORTH AMERICAN ROYAL GUARDS UNIT HANDBOOK – VOLUME V CODE OF JUSTICE**

**FOR THE PRESERVATION OF DISCIPLINE  
AND MILITARY CONDUCT THROUGH LAW**

# Forward

*This edition of the Royal Hutt River Army 1<sup>st</sup> North American Royal Guards Unit Handbook – Code of Justice contains the guidelines for Military Law.*

*I would like to thank the following officers for their efforts, without which the production of this handbook would not have been possible: Lord Allan Sterling (Retired Commander of the Royal Army), Brigadier General Lady Marion Sterling, DRO; Colonel Ed Rupert, Commanding Officer of the 1<sup>st</sup> North American Royal Guards; Colonel William B. Speir, Jr., Chief of the Royal Artillery of the Royal Hutt River Army and Commander of the Royal Military College of the Royal Hutt River Army; Sir David Burkhart, Earl Marshall of the Principality of Hutt River; Vice-Admiral Sir Robert Hartnett, Commander of the Royal Hutt River Navy; and, Commodore Sir Anthony Ziagos, Deputy Commander of the Royal Hutt River Navy.*

*Let us continue to grow the Army and actively add to the development of our Principality.*

*Prince Leonard, Sovereign  
Principality of Hutt River*



# Royal Hutt River Army

## 1<sup>st</sup> North American Royal Guards Unit Handbook – Volume V Code of Justice

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## Section One - Introduction

“Where there are laws, he who has not broken them need not tremble.”

*Vittorio Alfieri*

“Law is king of all.”

*Henry Alford*

“Law; an ordinance of reason for the common good, made by him who has care of the community.”

*Saint Thomas Aquinas*

“At his best man is the noblest of all animals; separated from law and justice he is the worst.”

*Aristotle*

“A law is valuable not because it is law, but because there is right in it.”

*Henry Ward Beecher*

“There is but one law for all; namely, that law which governs all law,—the law of our Creator, the law of humanity, justice, equity; the law of nature and of nations.”

*Edmund Burke*

“Where law ends, there tyranny begins.”

*1st Earl of Chatham, William Pitt*

“Law is not law, if it violates the principles of eternal justice.”

*Mrs. Lydia Maria Child*

“A state is better governed which has few laws, and those laws strictly observed.”

*Rene Descartes*

“Man became free when he recognized that he was subject to law.”

*William James Durant*

“Our human laws are but the copies, more or less imperfect, of the eternal laws, so far as we can read them.”

*James Anthony Froude*

“It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood.”

*Alexander Hamilton*

“The moment that law is destroyed, liberty is lost, and men, left free to enter upon the domains of each other, destroy each other's rights, and invade the field of each other's liberty.”

*Josiah Gilbert Holland*

“Let every man remember that to violate the law is to trample on the blood of his father, and to tear that charter of his own and his children's liberty.”

*Abraham Lincoln*

“No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it.”

*Theodore Roosevelt*

The Code of Justice of the 1<sup>st</sup> North American Royal Guards of the Royal Hutt River Army (RHRA) is a set of laws, punishments, and procedures designed to help maintain discipline and order throughout the ranks. It is not designed to be excessive or punitive, but it is designed to bring uniformity of expectations and actions to the 1<sup>st</sup> North American Royal Guards in matters concerning the conduct and behaviour of its officers.

## Section Two - Punishable Offences

### 2.1 Conduct Unbecoming an Officer

The character, honesty and integrity of an officer in the 1<sup>st</sup> North American Royal Guards is critical to the RHRA and to the Principality. Each officer is a personal representative of the Sovereign, and as such must maintain behaviours that positively reflect on the Sovereign. Inappropriate behaviours, whether exhibited while representing the Sovereign in uniform, or witnessed by those who know that the officer is commissioned in the RHRA, shall not be tolerated. Officers who exhibit inappropriate behaviours shall be found guilty of Conduct Unbecoming an Officer. These inappropriate behaviours include, but are not limited to, the following:

- Correct Uniform: The idea of uniform is that all RHRA members should look alike. Therefore, apart from unit variations authorized by the Inspector General of the RHRA or the COA, all officers must be in approved uniforms.
- The wearing of Principality of Hutt River or other honours/decorations to which an individual is not entitled (Article 12 of the Defence Force Act 1998).
- Public Intoxication while in uniform or while representing the RHRA or the Principality.
- Showing disrespect to the flag of the Principality while in uniform or while representing the RHRA or the Principality.
- Showing disrespect to the flag of the officer's home country while in uniform or while representing the RHRA or the Principality.
- Making disparaging remarks about the Principality of the Sovereign while in uniform or while representing the RHRA or the Principality.
- Making disparaging remarks about the government of the officer's home country while in uniform or while representing the RHRA or the Principality.
- Committing a crime (other than a minor traffic violation) while in uniform, while representing the RHRA or the Principality, or while witnessed by those who know that the officer is commissioned in the RHRA.
- Dereliction of duty while representing the RHRA or the Principality.
- Working on any endeavour against the wishes of the Sovereign or in a way that will result in interference or harm to the sanctioned initiatives of the Principality.
- Falsifying facts, details, or specifics in a formal report or announcement, or providing testimony known to be false related to an investigation.
- Retaliating against any officer who has made a valid allegation of offence against a fellow officer.

- Hindering in the investigation of any allegation of offence made against an officer of the RHRA.
- Committing any other offence outlined in the Code of Justice.

## **2.2 Wilful Disobedience of a Lawful Order**

There can be no greater threat to the integrity of the 1<sup>st</sup> North American Royal Guards than officers who wilfully disobey a lawful order of a superior officer, the Council of Commanding Officers (CCO) or the Sovereign/Commander-in-Chief. Unlawful orders are never to be obeyed as a matter of conscience, and the officers of the RHRA must rely on their personal integrity and knowledge of military discipline to determine when an order is unlawful. However, any officer disobeying any order, lawful or unlawful, will be required to answer for their actions and must be prepared to defend their decision. Any officer who disobeys an order that is considered to be lawful shall be found guilty of Wilful Disobedience of a Lawful Order.

## **2.3 Crimes Against the State**

Crimes against the State are crimes committed against the Principality and its hereditary, appointed, and elected leaders.

### **2.3.1 Crimes of Theft**

Stealing the property of the Principality, the RHRDF, the RHRA or any of its units shall not be tolerated from any officer. Any officer who steals from the Principality, the RHRDF, the RHRA or any of its units shall be found guilty of a Crime of Theft and shall be punished. Any officer who is aware of another officer stealing, and either fails to report the offence or shares in the profit of the offence, shall also be found guilty of the Crime of Theft and shall be punished.

### **2.3.2 Crimes of Violence**

Committing an act of violence, which includes any unwarranted or unwelcomed physical contact for the purpose of causing a physical injury, against any leader or citizen of the Principality shall not be tolerated from any officer, unless the commission of the act was in self-defence or deemed necessary to protect the victim of the offence from greater harm. Any officer who causes, or attempts to cause, a physical injury against a leader or citizen of the Principality shall be found guilty of a Crime of Violence and shall be punished. Any officer who is aware of another officer committing an act of violence against a leader or citizen of the Principality, and either fails to report the offence or participates in the offence, shall also be found guilty of the Crime of Violence and shall be punished.

### **2.3.3 Crimes against the Sovereign or Royal Family**

The Royal Family is, in a very real sense, the heart and soul of the Principality. There can be no greater offence, short of treason, that an officer can commit than committing

a crime against the Sovereign or any other member of the Royal Family. Crimes against the Sovereign or the members of the Royal Family shall result in the immediate forfeiture of the officer's RHRA commission.

### **2.3.4 Treason**

Aiding the enemies of the Principality to bring about the end of the sovereignty of the Principality, or aiding anyone in the attempt to overthrow the lawful government of the Principality or the Sovereign, shall be considered Treason. This is the highest offence an officer can commit, and any officer found guilty of treason shall immediately forfeit their RHRA commission.

## **2.4 Crimes Against a Fellow Officer**

Crimes committed against a fellow officer cannot be tolerated, unless the offence was in self-defence or deemed necessary to prevent greater harm from befalling the victim of the offence.

### **2.4.1 Making False Accusations or Providing False Statements**

Making an accusation or providing statements known to be false against a fellow officer, for the purpose of causing harm to the fellow officer's reputation or service, is a crime against a fellow officer. An officer who knowingly makes a false accusation against a fellow officer, or provides false statements regarding a fellow officer during the course of an investigation, shall be guilty of Making False Accusation or Providing False Statements and shall be punished.

### **2.4.2 Crimes of Theft**

Stealing the personal property of a fellow officer shall not be tolerated from any officer. Any officer who steals the personal property of a fellow officer shall be found guilty of a Crime of Theft and shall be punished. Any officer who is aware of another officer stealing, and either fails to report the offence or shares in the profit of the offence, shall also be found guilty of the Crime of Theft and shall be punished.

### **2.4.3 Crimes of Violence**

Committing an act of violence, which includes any unwarranted or unwelcomed physical contact for the purpose of causing a physical injury, against a fellow officer shall not be tolerated from any officer, unless the commission of the act was in self-defence or deemed necessary to protect the victim of the offence from greater harm. Any officer who causes, or attempts to cause, a physical injury against a fellow officer shall be found guilty of a Crime of Violence and shall be punished. Any officer who is aware of another officer committing an act of violence against a fellow officer, and either fails to report the offence or participates in the offence, shall also be found guilty of the Crime of Violence and shall be punished.

#### **2.4.4 Other Crimes**

Other crimes committed against fellow officers, including retaliation against an officer for making an allegation of offence or giving statements regarding an allegation of offence, shall not be tolerated and shall be punished.

## **Section Three - Forms of Punishment**

Punishments within the 1<sup>st</sup> North American Royal Guards may take the form of a simple reprimand/demerit, the denial of a promotion, loss of rank, suspension from active duty, or forfeiture of RHRA commission.

### **3.1 Demerits and Disciplinary Action**

A demerit point may be applied to an offence committed by an officer. It would take the form of a written reprimand and notification that a point shall be attached to the officer's Defence Force record. Once the point is awarded, it can only be neutralized by a written notification of the demerit's expiration attached to the officer's Defence Force record, by the receipt of a unit citation, or by receipt one of the Principality of Hutt River orders awarded to individuals for good conduct, distinguished conduct, or bravery. No officer with a current demerit point would be eligible for promotion.

### **3.2 Deny Promotion**

Depending on the seriousness of the offence, an officer may be denied promotion, either temporarily or permanently.

#### **3.2.1 Delay Next Promotion**

If the offence is minor, the officer's next promotion may simply be delayed for a specific period of time (typically in year increments).

#### **3.2.2 Deny Any Promotion**

If the offence is more serious, calling into question the officer's capability to take on the greater responsibilities that go with higher rank, the officer may be permanently denied promotion, locking in the officer's current rank for the remainder of their service in the RHRA.

### **3.3 Loss of Rank**

Depending on the seriousness of the offence, an officer may be reduced in rank, either temporarily or permanently.

#### **3.3.1 Temporary Loss of Rank and Responsibilities**

If the offence is serious, but the officer shows a willingness and capacity to make restitution and commit no more offences, the officer may be temporarily reduced in rank one or two grades (depending on the nature of the offence). The officer would become eligible for promotion once superior officers see the demonstrated reformation required to allow the officer to move past their offence. An officer who has been

reduced in rank shall only have the responsibilities tied to their new rank, not to their previous rank.

### **3.3.2 Permanent Loss of Rank and Responsibilities**

If the offence is very serious, calling into question the officer's capability to perform the responsibilities associated with their current rank, the officer may be permanently reduced in rank any number of grades (depending on the nature of the offence), locking in the officer's reduced rank for the remainder of their service in the RHRA.

## **3.4 Suspension**

If the offence is serious enough to warrant the reconsideration of the officer's future in the RHRA, the officer may be suspended from service for a specified period of time necessary to determine if the officer can reform and return to service. During the suspension, the officer is relieved of all rank, responsibilities, and privileges associated with service in the RHRA. The officer's punishment will be reviewed on a regular basis to see if reinstatement to active service is warranted. Reinstatement from suspension may be coupled with denial of promotion or loss of rank, depending on the specific situation and at the discretion of the superior officer. Any crime committed against a fellow officer shall carry this punishment.

## **3.5 Forfeiture of Commission**

If the offence is heinous in nature, demonstrating the officer's unsuitability to remain an officer of the RHRA, the officer's commission may be permanently forfeited and the officer removed from service without the possibility of being reinstated or recommissioned. This is a punishment of last resort, and is reserved for those situations where the officer's offence shows an absence of the requisite character required by all RHRA officers, and where the possibility of reformation is deemed to be absent. Any crime committed against the State shall carry this punishment.

## **Section Four - Procedures**

This section outlines the procedures to be followed for making an allegation, investigating an allegation, and for rendering justice, either informally or formally.

### **4.1 Procedures for Making Allegations**

Any officer who witnesses or has personal knowledge of another officer acting in a way that is contrary to the standards and ideals of the RHRA must report this information to proper authority. Any officer who fails to make such a report will be considered to be equally guilty and will be subject to the same punishment as if they had acted with the other officer who committed the initial offence.

#### **4.1.1 Notifying Proper Authority**

The seriousness of the offence determines who the proper authority is in a given situation. Generally speaking, the officer should initially notify their immediate superior officer of any offence for which they have personal knowledge. If the offence was committed by the immediate superior officer, the next higher officer in the chain of command should be notified.

The chain of command for notification of an offence is as follows:

1. Immediate superior officer
2. Unit Commanding Officer
3. Commander of the Royal Army
4. Council of Commanding Officers
5. Commander-in-Chief/Sovereign

The officer making the allegation may also notify the Office of the Judge Advocate directly, particularly if the officer is unclear about the procedures for investigating allegations and rendering justice.

Making an allegation and notifying proper authority about an offence may initially be verbal, but should be formalized in written form and signed by the officer making the allegation before a formal investigation can be conducted.

#### **4.1.2 Evidence Requirements**

Evidence of guilt or innocence is critical when attempting to uncover the truth behind any allegation of offence. Situations where it is the word of one officer against the word of another officer are difficult to validate. Evidence is not required to make an allegation, but should be considered helpful in the process of rendering justice as a result of the allegation.

Evidence may include, but not be limited to, the following types:

1. Corroborative statements by other persons, regardless of whether they are fellow officers or not, who have personal knowledge of the facts specified in the allegation.
2. Physical evidence that exists as the result of the offence or demonstrates who committed the offence.
3. Tangible evidence, including photographs of the offence being carried out, or audio/video recordings of the offence or statements made by the participants in the offence that can be used to validate the allegation.
4. Other such evidence that may be available concerning the allegations.

### **4.1.3 Warning Against False Accusations**

The integrity, honesty, and ethics of each 1<sup>st</sup> North American Royal Guards officer must be above reproach at all times. At no time shall any officer make an accusation that is known to be false about a fellow officer, and at no time shall any officer provide a statement during the investigation of an accusation that is known to be false about a fellow officer. Making a false accusation, or providing a statement known to be false, about a an officer of the RHRA is a Crime Against a Fellow Officer and will be punished.

That said, there shall be no retaliation tolerated against any officer who makes a valid allegation against a fellow officer.

## **4.2 Procedures for Investigating Allegations**

Once an allegation has been made against an officer of the 1<sup>st</sup> North American Royal Guards, it must be investigated impartially and with the intent of uncovering the truth of the situation, not with the intent of determining guilt or innocence.

Allegations are forwarded to the Unit Commander and the Office of the Judge Advocate, who consult and appoint an officer to conduct the investigation and make recommendations regarding the allegations. Neither the accuser nor the accused may be appointed in conduct an investigation.

All officers of the 1<sup>st</sup> North American Royal Guards must provide full cooperation to any investigation of an allegation of offence. Hindering an investigation is a crime and will be punished.

### **4.2.1 Reviewing The Allegation and Evidence**

The investigating officer shall familiarize himself/herself with the allegation and any supporting evidence. If clarifications are required, the investigating officer shall contact the officer making the allegation to obtain the additional or clarifying information.

### **4.2.2 Notifying the Accused**

Once the investigating officer has obtained the information necessary to understand the allegation, the officer(s) accused of the offence shall be formally notified that an

investigation is taking place and the facts of the allegation shall be provided. The name of the officer(s) making the allegation will be withheld from the officer(s) accused of the offence and is not to be disclosed while the investigation is taking place. The notification to the officer(s) accused of the offence shall be made directly to the officer(s) accused of the offence, and copied to the officer's immediate superior officer, and the Unit Commander.

### **4.2.3 Interviewing Accusers, Accused, and Witnesses**

The investigating officer will interview the officer(s) making the allegation to ensure that all facts related to the allegation have been identified and documented.

The investigating officer will interview the officer(s) being accused of offence in the allegation

Witnesses and other persons who have personal knowledge of the situation will be interviewed to corroborate the information provided by the accuser and the accused.

### **4.2.4 Establishing Mitigating Factors**

The investigating officer must determine if mitigating factors exist related to the allegation of offence. An officer acting in self-defence or in the defence of other persons or property may have been justified in committing the offence specified in the allegation. All potential mitigating factors must be examined to determine if any apply to the allegation of offence.

### **4.2.5 Preparing Documentation**

Once all allegations and evidence has been reviewed and the interviews have been conducted, the investigating officer shall thoroughly document the facts related to the offence specified in the allegation and the results of the investigation. The purpose of this documentation is to help the Unit Commander and the Office of the Judge Advocate determine what steps are necessary to render justice in the matter.

### **4.2.6 Recommendation of Investigating Authority**

The investigating officer shall include, at the end of the documentation, a recommendation for the disposition of the matter along with a statement justifying that recommendation.

Recommendations for disposition (reason and sub-reason) include:

1. No Further Action Necessary.
  - a. Accuser Has Withdrawn Allegation.
  - b. Accused Has Made Restitution Acceptable By The Accuser.
  - c. Insufficient Evidence To Substantiate Allegation.
  - d. Sufficient mitigating factors present to justify the Allegation.
2. Allegation Substantiated - Informal Disciplinary Hearing Recommended (for minor offences when the preponderance of the evidence suggests that the allegation of offence is accurate).

- a. Matter Should Be Referred To Immediate Superior Officer or Unit Commander To Conduct Informal Hearing (accused does not admit guilt).
  - b. Matter Should Be Referred To Immediate Superior Officer or Unit Commander For Punishment (accused does admit guilt).
3. Allegation Substantiated - Formal Disciplinary Hearing Recommended (for major offences when the preponderance of the evidence suggests that the allegation of offence is accurate).
    - a. Matter Should Be Referred to Convening Authority To Conduct Formal Hearing (accused does not admit guilt).
    - b. Matter Should Be Referred to Convening Authority To Determine Punishment (accused does admit guilt).
  4. Allegation Unsubstantiated - Allegation of Making False Accusation Warranted (accuser believed to have made a false accusation).
  5. Allegation of Providing False Statements Warranted (witness believed to have provide false statements during the investigation).

#### **4.2.7 Submitting Documentation**

The investigating officer shall submit the documentation related to the allegation of offence only to the Unit Commander and the Office of the Judge Advocate. The investigating officer shall not share the documentation or disclose its contents to any other person.

#### **4.2.8 Review of Investigation Documentation**

No one else may see the documentation until it has been reviewed by the Unit Commander and the Office of the Judge Advocate, and then only the Commander of the Royal Army, the Commander-in-Chief/Sovereign, the accuser(s) and the accused may see the documentation.

### **4.3 Procedures for Rendering Justice**

Regardless of the findings of the investigating officer, any officer accused of an offence may request a formal hearing. This right shall not be violated, although the accused may be temporarily relieved of duty until the outcome of the hearing is determined.

#### **4.3.1 Informal Hearings**

Informal hearings are typically conducted by the Immediate Superior Officer or Unit Commander and are for minor offences. Informal Hearings typically do not have officers appointed to serve as defence and prosecuting counsel, and typically do not have officers appointed to serve on a Panel as a jury of peers. The hearings are usually presided over by the Immediate Superior Officer or Unit Commander.

#### **4.3.1.1 Format for Informal Hearings**

1. The findings and recommendations of the investigating officer are read as the opening statement by the presiding officer.
2. The accused makes an opening statement.
3. The presiding officer questions the accuser and witnesses, and reviews the evidence related to the allegation.
4. The presiding officer questions the accused and witnesses, and reviews the evidence related to the defence. The accused must consent to be questioned and must answer all questions of the presiding officer.
5. The accused is allowed to make a final statement.
6. The presiding officer renders a decision. If the finding is against the accused, the presiding officer determines the appropriate punishment and informs the accused of the decision.
7. The presiding officer documents the proceedings and outcomes, and provides this documentation to the Reviewing Authority.
8. The accused, if found guilty of the offence, may choose to appeal the decision of the presiding officer to higher authority.

#### **4.3.2 Formal Hearings**

Formal hearings are presided over by a Presiding Officer/Judge and are for serious offences. Formal Hearings have officers appointed to serve as defence and prosecuting counsel, and have officers appointed to serve on a Panel as a jury of peers.

If a Panel is unable to reach a decision regarding the allegation, the convening authority may also choose to dismiss the allegation against the accused, or it may appoint another Panel and conduct a new hearing. The convening authority may conduct no more than two hearings for the same allegation.

##### **4.3.2.1 Format for Formal Hearings**

1. The findings and recommendations of the investigating officer are read as part of the opening statement by the prosecuting counsel.
2. The defence counsel makes an opening statement.
3. The prosecuting counsel questions the accuser and witnesses for the prosecution, and reviews the evidence related to the allegation. The defence counsel is allowed to question the accuser and witnesses for the prosecution, and discuss the evidence related to the allegation.
4. The defence counsel questions the accused and witnesses for the defence, and reviews the evidence related to the defence. The prosecuting counsel is allowed to question the accused and witnesses for the defence, and discuss the evidence related to the defence. The accused must consent to be questioned and must answer all questions of the defence counsel and prosecuting counsel.

5. The defence counsel is allowed to make a final statement.
6. The prosecuting counsel is allowed to make a final statement.
7. The Panel meets in private and renders a decision. If the finding is against the accused, the Panel determines the appropriate punishment.
8. The decision of the Panel and any associated punishments are provided, in writing, to the presiding officer.
9. The presiding officer reads the decision of the Panel to the accused. If the decision is against the accused, the presiding officer reads the punishment to the accused.
10. The clerk documents the proceedings and outcomes, and provides this documentation to the presiding officer for review. The clerk makes any changes necessary, based on the presiding officer's review, and provides this documentation to the Reviewing Authority.
11. The accused, if found guilty of the offence, may choose to appeal the decision of the Panel to higher authority.

### **4.3.3 Rights to Representation**

The accused, as well as the State, will be represented by officers in good standing and outstanding character. These officers will be appointed by the Convening Authority, but the accused has the right to select their own defence council from among the officers of the 1<sup>st</sup> North American Royal Guards.

#### **4.3.3.1 Defence Counsel**

One officer shall be appointed to assist the accused in preparing and delivering their defence. Other officers may also be appointed to assist and shall report to the primary Defence Counsel until the outcome of the hearing is determined.

The conversations between defence counsel and the accused are privileged and shall never be disclosed to any person without the expressed written authorization of the accused, the Commander of the Royal Army, or the Commander-in-Chief/Sovereign.

#### **4.3.3.2 Prosecuting Counsel**

One officer shall be appointed to assist the State in preparing and delivering the prosecution of the accused. Other officers may also be appointed to assist and shall report to the primary Prosecuting Counsel until the outcome of the hearing is determined. The investigating officer shall be part of the Prosecution's team.

### **4.3.4 The Convening Authority**

The Convening Authority in a hearing is the highest level of officer who will be responsible for reviewing the results of the hearing and approving the punishments recommended by the Panel. In most cases, this will be the Unit Commander of the 1<sup>st</sup> North American Royal Guards.

In rare cases, the Convening Authority may be the Commander of the Royal Army, the Council of Commanding Officers, or the Commander-in-Chief/Sovereign. This would

occur when potential conflicts of interest, or the appearance of a conflict of interest, could result if the Unit Commander served as the Convening Authority.

#### **4.3.5 The Panel**

The Panel is a jury of peers selected to hear the evidence and testimony of the participants in the hearing and determine whether the allegations have been proven to beyond a reasonable doubt. The Panel is comprised of officers of the Royal Hutt River Defence Forces (Army and Navy) of outstanding character who must base their decisions on the weight of the evidence and not based on personal bias or predisposition towards a specific outcome.

The Panel will decide two things: 1) if the accused is guilty or not guilty of the accusations, and if guilty, 2) what the punishment for the offence should be.

There should be no more than 7 and no less than 3 officers serving on a Panel. The typical number should be 5.

#### **4.3.6 The Presiding Officer**

The Presiding Officer serves as the Judge in the hearing and shall be responsible for conducting the hearing's proceedings. The presiding officer, who cannot be the convening authority, should have a working knowledge of military law and in conducting military hearings.

A clerk will be appointed to assist the Presiding Officer by taking notes during the proceedings and producing the official transcript of the hearing. Whilst not a verbatim transcription of everything stated during the hearing by all parties, the transcript must be as detailed as possible for review by higher authority.

#### **4.3.7 The Reviewing Authority**

The Reviewing Authority for all military hearings is the Office of the Judge Advocate, who is responsible for ensuring that the rules of military law have been followed and that no mistakes were made during the hearing that could have changed the outcome of the hearing.

Depending on the severity of the offence, the Commander of the Royal Army, the Council of Commanding Officers and/or the Commander-in-Chief/Sovereign may also serve as the Reviewing Authority.

#### **4.3.8 The Appeals Process**

The accused has the right to request that any guilty verdict and/or associated punishment be reviewed by higher authority and either reduced or overturned.

The first level of appeal is to the Unit Commander and the Office of the Judge Advocate.

The second level of appeal is to the Commander of the Royal Army.

The third level of appeal is to the Council of Commanding Officers.

The fourth level of appeal is to the Commander-in-Chief/Sovereign.

Any of the higher appellate authorities may decline to hear the appeal. If this occurs, the accused may appeal to the next higher appellate authority or withdraw their appeal. The findings of the highest appellate authority to review the hearing verdict and/or punishment are binding.