

(Civil Aviation)

Baghdad.

Notice to Airmen No. 1 of 1942**PROHIBITED AREAS IN IRAQ.**

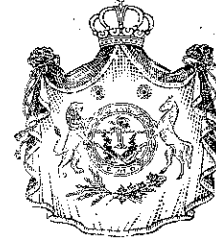
With effect from 15th May 1942, the Island known as Coal Island and situated in midstream of SHATT EL ARAB about 300 metres North of Basra Margil Airport building is declared a prohibited area. All pilots must therefore not fly above the said Island.

Baghdad, 10-5-42.

Notice.

- (1) With effect from 5th June 1942 forenoon a Sub-Post and Telegraph Office has been opened at Salah-al-Deen Summer resort.
- (2) A Telephone Exchange has also been opened for day and night Inland long distance trunk telephone service with effect from the above date.

Director General of Posts and Telegraphs, Iraq.



Published by the Directorate
General of Propaganda.
Ministry of Interior.

Subscription
125 in Baghdad; &
500 in the Provinces
and abroad.

Iraq Government Gazette.

Baghdad, Dated 12th July, 1942.

TABLE OF CONTENTS.

SUBJECT.	No. of Notifica- tion.	Office of Origin.	Page.
Military Penal Code No. 13 of 1940	463	C. M.	341

VI 42

— 47

NOTIFICATIONS, Etc.

By the Council of Ministers

MILITARY PENAL CODE LAW No. (13) OF 1940.

With the approval of the Senate and the Chamber of Deputies, I hereby order the promulgation of the following law:—

PART I.—General Principles.

CHAPTER I.—Introductory.

MILITARY OFFENCE.

Article 1.—(a) The general principles of the Penal Code shall also be applied to military offences and penalties unless otherwise stated in this Law.

(b) The Military Courts shall apply to the penalties prescribed in penal codes to the persons who are subject to this Law when it is proved that they have committed offences not mentioned in this Law.

(c) A military offence is the offence prescribed in Part II hereof.

NON-MILITARY OFFENCES.

Article 2.—The penal codes in force shall be applied to military personnel in respect of non-military offences.

PENAL CODE.

Article 3.—The Penal Code is the Baghdad Penal Code and the amendments thereof, or any other code replacing them.

THE SCOPE OF THE CODE.

Article 4.—The provisions of this Law shall apply to the following persons:—

(a) Officer serving in the Iraqi Army or the Gendarme Force or belonging to any military force formed from time to time by a Royal Decree.

(b) Officer on the Pension List or reserve officers, warrant officers, non-commissioned officers and men who are called to service in the army or the gendarme force, or in any military force formed from time to time by a Royal Decree provided that the application of this Law shall come into force from the date of the issue of orders calling them to service until the date of their leaving the service or return to pension or discharge from the service.

(c) Students of Military Schools, warrant officers, non-commissioned officers and men belonging to the army, gendarme force or any military force formed from time to time by a Royal Decree.

(d) All persons employed in the Iraqi Army, the Gendarme Force or in any military force formed from time to time by a Royal Decree in any occupation during the war, or when the Army or the Gendarme Force or the said military force in a zone where martial law has been declared.

(e) Pensioned or dismissed officers, warrant officers, non-commissioned officers and men who have been discharged, dismissed or demobilized from the army, the gendarme force or any other military force, provided that the offence has been committed during the period of their service in the army, the gendarme or the said military force.

OFFENCES COMMITTED IN FOREIGN COUNTRIES.

Article 5.—Offences committed by military personnel in foreign countries when serving in a military force, or those committed by a military man deputed on an official mission to a foreign country while performing his duties and offences committed by prisoners of war in internment camps shall be considered as if they were committed in Iraq. In such cases these persons may be tried whether they have already been tried and punished for these offences in foreign countries or not.

OFFENCES COMMITTED AGAINST THE PERSONNEL OF THE ALLY.

Article 6.—Offences committed against the Army personnel of the Ally when performing their duties in the common cause shall be considered as if they were on a Iraqi Military person when the allied state has concluded a reciprocatory treaty with the Iraqi Government.

OFFICER AND SOLDIER.

Article 7.—The expressions in the context of this Law shall have the following respective meanings unless otherwise stated in this Law.

(a) *Officer*—Any person having a permanent or temporary military rank and commissioned by a Royal Decree. This shall also apply to imams.

(b) *Warrant Officer*—Any regimental sergeant-major, regimental quarter-master sergeant or warrant officer.

(c) *Non-Commissioned Officer*—Any company sergeant-major, company quarter-master-sergeant, sergeant, corporal or lance corporal.

(d) *Private Soldier*—Any Private soldier or man employed in the Iraqi Army, the Gendarme Force or in any force formed from time to time by a Royal Decree.

(e) *Military Person or Soldier*—Includes Officers, warrant officers, non-commissioned officers and men. The singular usage of the expressions implies the dual and the plural as well.

Article 8.—(a) Mobilization means the call of some or all conscripts in reserve (reservists) to the service in the army on the occasion of foreign aggression or for other military purposes. This also includes active operation.

(b) Mobilization begins from the date of the issue of a written order to the effect of rendering the whole or part of the army in a state of mobilization until the date in an order is issued abolishing such a state.

(c) When aircraft or warships leave the kingdom of Iraq alone during peace they shall be considered in a state of mobilization until they return to their bases.

WHEN FACING THE ENEMY.

Article 9.—All troops, aircraft and warships are considered as facing the enemy from the time they begin to prepare for an encounter.

ARMED REBELS.

Article 10.—The term "enemy" includes also any armed rebels.

ARMED.

Article 11.—For the purpose of this Law, the term "armed" means the state of carrying arms for the requirements of service or the state of assembly in arms under the orders or supervision of a Commander for the commencement of service.

SERVICE.

Article 12.—For the purpose of this Law, the term "service" means the performance of a definite and known military duty by a subordinate person or his execution of an order issued by a Commander.

SUBORDINATE, COMMANDER AND SUPERIOR.

Article 13.—For the purpose of this Law, the terms:—

(1) "Subordinate" means a conscript performing the duties mentioned in Article 12 above.

(2) "Commander" means a person invested with the power to command by virtue of his appointment.

(3) "Superior" includes higher rank and seniority.

IN ASSEMBLY OF PERSONS.

Article 14.—An offence is considered to be committed in Assembly of Persons when it takes place in the presence of, at least, seven military personnel (other than the accused, the complice, the command and the superior) for the purpose of military service.

GUARD, SENTRY AND PATROL.

Article 15.—For the purpose of this Law, the following terms mean:—

(1) "Guard" an armed soldier mounted at any place for preserving order, on guard duty, for disciplinary purpose or for observation in accordance with definite instructions in the time of peace or mobilization.

- (2) "Sentry" Armed soldiers under a commander mounted at any place for the above purposes as prescribed in the time of peace and mobilization.
- (3) "Patrol" A mobile armed soldier performing a duty in a defined area for the above purposes in the time of peace and mobilization.

ARMY AND BODY OF TROOPS.

Article 16.—For the purpose of this Law the term "Army" means Land, Naval and Air Forces; but the term "Body of Troops" any unit commanded by an officer.

CHAPTER II.—General Provisions.

SECTION I.—Definition of Penalties and how they are Executed and Commuted.

PRINCIPAL PENALTIES.

CAPITAL PUNISHMENT.

Article 17.—The death penalty is to cause the death of the person sentenced as such. This penalty shall be executed by shooting the military person for the committing military offences pursuant to the issue of a Royal Irada, provided that the execution shall not take place during a feast of the sect to which the condemned person belongs or any official holiday. Under any other circumstances, the convict shall be handed over to the civil prison for the execution of the penalty according to law.

COMMUTATION OF DEATH PENALTY.

Article 18.—The Military Court may Commutate the death penalty for rigorous imprisonment for life or temporary rigorous imprisonment for a period not less than ten years, if the circumstances of the case require mercy, provided that the reasons for commutation are mentioned in the judgement.

PENALTIES RESTRICTIVE OF LIBERTY.

Article 19.—Penalties restrictive of liberty are hereby prescribed as rigorous imprisonment, simple imprisonment and detention.

MEANING OF IMPRISONMENT.

- Article 20.*—(1) For the purpose of this Law imprisonment means simple or rigorous imprisonment. The nature of the imprisonment to be applied must be mentioned in the sentence. No sentence with simple imprisonment exceeding one year shall be awarded.
- (2) The penalty of rigorous or simple imprisonment shall be executed according to the provisions of the laws in force.

COMMUTATION OF THE PENALTY OF IMPRISONMENT.

- Article 21.*—(1) In respect of offences punished under this law with imprisonment not exceeding three years, officers may be punished with fine, forfeiture of seniority or placing them on half-pay list in lieu of imprisonment legally prescribed if and when reasons for commutation exist, provided that such reasons are mentioned in the findings of the court.
- (2) The provisions of this article shall not apply to offences of indecent acts.

FORFEITURE OF SENIORITY.

Article 22.—Forfeiture of seniority involves the increase of the minimum period legally prescribed for the promotion of the officer concerned by a period equal to that of the sentence. Such penalty shall not exceed two years.

PENALTIES OF CONFINEMENT.

Article 23.—(1) Penalties of confinement fall under three categories:—

- (i) Confinement to Barracks.
 - (ii) Confinement to room.
 - (iii) Rigorous confinement.
- (a) An officer may be awarded the penalty of confinement to barracks or to room for a period not exceeding four weeks.

- (b) Men non-commissioned officers and warrant officers may be awarded the penalty of confinement to barracks or to room for a period not exceeding four weeks; they may be awarded the penalty of rigorous confinement for a period not exceeding three weeks.

(2) Cadets of the Royal Military College and the Military Secondary School shall not be awarded the penalty of confinement as a disciplinary measure.

HOW THE PENALTY OF CONFINEMENT IS ENFORCED UPON OFFICERS.

Article 24.—(a) When officers are awarded the penalty of confinement to barracks:—

- (i) They shall not be exempted from carrying on their duties in government offices, at barracks or on parade grounds.
 - (ii) They shall not be allowed to go to any place after finishing their work, but they shall remain in their barracks or government offices.
 - (iii) They shall not receive any visitors. Only such visits as are deemed necessary by the exigencies of service are allowed.
- (b) When awarded the penalty of confinement to room:—
- (i) The officer concerned is placed alone in an isolated room.
 - (ii) He is deprived of giving orders.
 - (iii) He is prevented from the performance of all duties.
- (c) An officer who is awarded the penalty of confinement is entitled to all salaries and allowances.

NATURE OF THE CONFINEMENT PENALTY AWARDED TO MEN AND HOW IT IS ENFORCED.

- Article 25.*—(i) N.C.O.'s and men who are awarded the penalty of confinement to room shall spend the period of sentence aggregately in a special room.
- (ii) Men, N.C.O.'s and Warrant Officers who are awarded the penalty of rigorous confinement shall spend the period of confinement singly in the confinement room.
- (iii) Guard is mounted at the door of the room.
- (iv) N.C.O.'s and Warrant Officers awarded the penalty and confinement to room or rigorous confinement shall not be allowed to perform any duties. Corporals and men may be employed in military hard labour.

HOW RIGOROUS CONFINEMENT ENFORCED.

Article 26.—The rigorous confinement is enforced by allowing a hard bedding to the prisoner who shall be allowed the regular ration of only bread and water. He shall not be allowed to smoke, but this restriction shall be removed on the fourth, eighth and the twelfth days, and on one day every three days during the rest of the period of confinement.

COMMUTATION OF THE PENALTY OF RIGOROUS CONFINEMENT.

Article 27.—The penalty of rigorous confinement may be commuted to a lighter disciplinary penalty when it is proved that the convict is unable to endure such penalty on account of the condition of his health.

HOW THE PENALTY OF CONFINEMENT IS AWARDED.

- Article 28.*—(1) Any of the penalties of confinement may be awarded with due consideration to the convicts rank.
- (2) If the rank of the convict does not allow the application of the confinement penalty prescribed by law to him such shall then be commuted to a next applicable one.

Article 29.—The following military subsidiary punishment shall be awarded to military personnel:—

- (1) Dismissal, discharge and placing on half-pay list (in case of officers).
- (2) Dismissal and reduction of rank (in case of warrant officers and N.C.O's).
- (3) Flogging (in case of conscripts and volunteers). Expulsion (in the case of volunteers).
- (4) Resumption of service (in case of men, N.C.O's and W.O's).

CASES IN WHICH DISMISSAL PENALTY IS AWARDED.

Article 30.—(1) Dismissal penalty shall be awarded in the following cases:—

- (a) When a person is sentenced to death or to imprisonment for a period of three or more years.
- (b) When a person is convicted for dishonourable crimes such as forgery, embezzlement, theft, breach of trust, dishonesty, false evidence, perjury or bribe.
- (2) A person may be dismissed from the army when sentenced to imprisonment for a period of less than three years.

CONSEQUENCES OF DISMISSAL PENALTY.

Article 31.—The following measures are automatically taken as consequences of dismissal penalty without being necessarily mentioned in the sentence:—

- (a) Forfeiture of rank, pension and employment rights.
- (b) Recovery of medals and orders.
- (c) Recovery of military school certificates.
- (d) Forfeiture of the right of admission to the army as officer, warrant officer, N.C.O. or official.

CASES IN WHICH DISCHARGE PENALTY IS AWARDED.

Article 32.—Discharge penalty shall be awarded when a person is sentenced with imprisonment for a period exceeding one year.

The penalty of discharge may be awarded in case of a sentence restricting the liberty of the convict for a period less than one year.

CONSEQUENCES OF DISCHARGE PENALTY.

Article 33.—The following measures are automatically taken as consequences of discharge penalty without being necessarily mentioned in the sentence:—

- (a) Forfeiture of military rank and appointment, as well as the right of employment, but retaining pension rights.
- (b) Forfeiture of the right of re-employment as an officer or official in the army.

PLACING ON HALF-PAY LIST.

Article 34.—An officer may be placed on half-pay list in addition to any other penalty subject to the provisions of army officers service law No. 81 of 1937 or to any other law replacing it.

CASES IN WHICH RANK IS REDUCED.

Article 35.—(1) Rank shall be reduced when a person is awarded the penalty of imprisonment for a period exceeding one year.

- (2) Reduction of rank may be awarded when a person is convicted for a period of imprisonment for one year or less.

CONSEQUENCES OF REDUCTION OF RANK.

Article 36.—The penalty of reduction of ranks necessitates the reduction of the rank of person so convicted to the rank of private soldier with the forfeiture of all the rights acquired by him in the Army; but the fact needs not be mentioned in the sentence.

The convict retains his pension rights provided that such rights have not already been forfeited by another sentence.

CASES IN WHICH THE PENALTY OF FLOGGING IS AWARDED.

Article 37.—(1) The penalty of flogging up to fifteen lashes may be awarded in addition to any other penalty awarded under this Law.

- (2) The penalty of flogging of not more than fifteen lashes may be awarded to a convict in lieu of imprisonment penalty as prescribed by law when the period of imprisonment does not exceed one year.

DEFINITION OF FLOGGING.

Article 38.—Flogging is whipping the convict with a lash on buttocks publicly.

RESUMPTION OF SERVICE.

Article 39.—(1) Resumption of service means that the period of military service spent prior to the date on which the offence was committed shall not be taken into account; this, together with the reduction of all ranks acquired in the army.

- (2) The person thus convicted shall be transferred from one stage to another after the lapse of a period equivalent to that forfeited on account of this penalty with effect from the date on which the convict's class is transferred to that stage.
- (3) Sentence of resumption of service does not entitle the extension of the military service.

SENTENCE OF RECOVERY OR COMPENSATION.

Article 40.—Sentences of recovery and compensation shall be passed according to the laws in force.

EFFECT OF SENTENCES PASSED BY CIVIL LAW-COURTS.

Article 41.—(1) When a soldier is convicted by a civil court by awarding him a penalty necessitates or allows the application of subsidiary penalties herein prescribed the accused shall be brought before a military court for convicting him according to law.

- (2) The court must hear the defence of the accused before the finding is issued.

SECTION II—Common Provisions.

IN CASE OF ATTEMPT.

Article 42.—If the principal offence necessitates or allows the award of any subsidiary penalties prescribed in this law it must or may be also awarded in the case of attempt.

IN CASE OF COMPLICITY.

Article 43.—(1) If the order issued for the execution of military duties is considered a crime the commander shall be held responsible for the offence.

- (2) A subordinate is considered as accomplice in crime in the following cases:—
 - (a) If he infringes upon the order issued to him.
 - (b) If he realizes that the order received by him entails the commitment of a military or civil offence.

RECIDIVISM.

Article 44.—A criminal is considered as recidivist if he commits a military offence of the nature of a prior military offence committed by him. It is provided in this case that both the prior and the new adjudications have been passed by a military court. Disciplinary offences shall not be considered a basis for recidivism.

EXECUTION SENTENCE AND STAY THEREOF.

Article 45.—In cases of stay of execution of sentences, military courts may make their decisions subject to the following provisions:—

- (a) If a penalty of the restriction of liberty for the commission of a military offence is awarded to a soldier against whom a previous sentence had been passed, but the execution thereof stayed, by civil courts, the military court may then order the execution of the two sentences concurrently or consecutively.

- (b) The two sentences shall be executed consecutively when another military offence is committed by a soldier who has already been awarded a penalty of the restriction of liberty for the commission of a military offence but the execution of the sentence upon him is stayed.
- (c) A military court may stay the execution of a sentence passed for the commission of a military offence against a soldier who has already been convicted by a civil court.
- (d) Sentences passed by military courts shall not prevent the stay of the execution thereof by civil courts.

PART II.—Military Offences.

CHAPTER I.—Offences and Penalties.

SECTION I.—Offences Against the Safety of State.

HIGH TREASON.

Article 46.—Whoever attempts to detach a part from the Administration of the Iraqi Government or tries to place Iraq or a part of her under the control of a foreign state shall be condemned to death.

'IRAQIS IN FOREIGN EMPLOYMENT.

Article 47.—A penalty of imprisonment not exceeding fifteen years shall be awarded to:—

- (a) Any Iraqi national who, after the declaration of war, either continues to serve the hostile state in whose employment he has been before the declaration of war, or enters anew the service of the hostile government.
- (b) Any person who—after being deprived of, or losing the Iraqi nationality in any way—carries arms against the Iraqi Government.

SURRENDER OF MILITARY POSTS AND AMMUNITION AND SABOTAGE OF MEANS OF TRANSPORT AND COMMUNICATION.

Article 48.—Death shall be the penalty of any person who: abandons or surrenders to the enemy any station, place, post, garrison, guards or sentries; or, by whatever means, forces or induces a governor, commander or any other person to do so against the requirements of military situations; or surrenders or causes the surrender of military munition factories, arsenals, ordnance stores, signal apparatus and means of transport; or burns or destroys military aerodromes or aircraft, or deliberately renders them unserviceable; or with the intention of doing harm to Iraq and helping the enemy destroys bridges, dams, bunds, railways and public roads; or causes or facilitates the capture of a portion of the military forces by the enemy.

ASSISTING THE ENEMY OR HARMING THE ARMY DURING MOBILIZATION.

Article 49.—Any person who, with a view to assist the enemy or harm the army or any of the forces of the Allied Governments, commits any of the following offences during mobilization shall be punished with death:

- (a) Inducement of an Iraqi capable of carrying arms or a person belonging to an allied force to go to the enemy's side.
- (b) Dissemination of the spirit of insubordination and rebellion among the Iraqi fighting forces or among those of any allied state.
- (c) Disclosure of passwords, special signs or cautions, or secret instructions relating to guards, sentries or posts.
- (d) Misrepresentation of information or instructions relating to service, or negligence of the proper execution, when in face of the enemy.
- (e) Guidance of the enemy to Iraqi or Allied forces, or willful guidance of such forces on a wrong road.
- (f) Conspiring of panic in any Iraqi force; or inducement of such a force to carry out a wrong operation or action by the issue of a military signal or by any other means; or encouragement of desertion; or impediment of the collection of scattered troops.
- (g) Partial or entire negligence of duties; or spontaneous alteration of an order.

- (h) Direct or indirect getting in touch with persons belonging to hostile forces or residing in a hostile country with the intent of divulging in writing, verbally or by any other means of communication military secrets pertaining to the conduct of war.
- (i) Spread or distribution of enemy publications or announcements among the troops.
- (j) Negligence of furnishing the troops for whose supply he is responsible with the necessary provisions.
- (k) Release of prisoners of war or causing their release.
- (l) Disclosure of the code of signals used in war, or the summary thereof, to the enemy.
- (m) Damage done to, or destruction of, warlike instruments belonging to aircraft or warships or the engines and equipment thereof; or loss or reduction of their warlike capacity, or causing such a loss or reduction.

FRAUDULENT DISPOSITION OF MILITARY STORES DURING WAR.

Article 50.—Whoever resorts to deception or fraudulent tricks in the delivery of military stores in war time shall be liable to imprisonment for a period not exceeding fifteen years.

WITHHOLDING OF INFORMATION.

Article 51.—Whoever fails to give information relating to offences mentioned in this or withholds information from competent authority shall be liable to a punishment of rigorous imprisonment for a period not exceeding fifteen years.

EXEMPTION OF ACCESSORY GIVING INFORMATION.

Article 52.—An accessory shall be exempted from punishment if, before the attempt, he informs his superior as to the contemplated crimes mentioned in this section so that the commission of the crime may be prevented.

BREACH OF PAROLE BY A PRISONER OF WAR.

- Article 53.*—(1) The penalty of death shall be awarded to any prisoner of war who is released on parole breaches his parole and fights against the Iraqi forces; and to any foreigner employed in the Iraqi Army who co-operates with the enemy against the Iraqi Army.
- (2) A penalty of imprisonment for a period not exceeding five years shall be awarded to any Iraqi prisoner of war who is released by the enemy on his promise that he shall not use arms against that enemy.

SECTION II.—Endangering the Army During Mobilization.

EXTENSION OF MOBILIZATION PERIOD.

Article 54.—Whoever willfully extends the period of mobilization, remises in the performance of his military duties with a view to facilitate the enemy's actions, carries out certain actions which disadvantageous to the army or to the forces of the Allied Government, shall be awarded the penalty of imprisonment for a period not exceeding fifteen years.

SURRENDER OF FORTIFIED MILITARY LOCALITIES.

Article 55.—The penalty of death shall be awarded to:—

- (a) Any commander of a fortified post who surrenders his post to the enemy before the exhaustion of all the available means of defence or neglects to use all such means.
- (b) Any commander of troops in the field who negotiate with the enemy for the conclusion of an agreement stipulating the surrender of his military forces with their arms without the proper performance of his duties.
- (c) Any commander who causes the surrender of a land, sea or an air force under his command, or the surrender of the crew thereof by neglecting the proper performance of his duties.

SECTION III.—Absence and Desertion.

DESERTION DURING MOBILIZATION.

- Article 56.*—(1) Every soldier liable to military service who, on mobilization fails to report within the prescribed period, or after joining deserts the army, shall be awarded the penalty of imprisonment for a period not exceeding ten years.
- (2) Defaulters shall be sent to their respective units in order to complete the period of military service required from them provided that the execution of this sentence shall take place after their completion of the service.
- (3) The penalty of death may be awarded to those whose period of remaining behind or desertion during mobilization without reasonable excuse exceeds three months.

ABSENCE.

- Article 57.*—Whoever absents himself without legitimate excuse from his unit or station of duty, or is over due from his leave by more than ten days in peace time, he shall be liable to imprisonment for a period not exceeding one year; but if he is overdue from leave during mobilization by more than three days, he shall be liable to imprisonment for a period not exceeding three years and shall resume his military service.

DESERTION TO FOREIGN COUNTRIES.

- Article 58.*—A penalty of imprisonment for a period not exceeding five years, together with the resumption of military service, shall be awarded to every person who:—

- (a) Absents himself without reasonable excuse for a period not exceeding three days and it is proved that he has left the Iraq frontier without permission.
- (b) Being a released prisoner of war, willfully or carelessly fails to report to the nearest military station or command immediately after his release.
- (c) Having quitted an aircraft or a sea vessel beyond the frontiers of Iraq, willfully or carelessly fails to report to the nearest Iraqi Consulate or the nearest allied authority.

DESERTION TO THE ENEMY OR FROM A BESEIGED STATION.

- Article 59.*—(1) The penalty of death shall be awarded to every person who deserts to the enemy.
- (2) The penalty of imprisonment for a period not exceeding fifteen years shall be awarded to the person who deserts to an unhostile side, or in the face of the enemy or from a besieged station.

DESERTION CONSPIRACY.

- Article 60.*—(1) If more than two persons agree together to desert to a foreign country, each of them shall be awarded a penalty of imprisonment for a period not exceeding five years together with the resumption of service. Instigators or facilitators of such desertion shall be awarded the penalty of imprisonment for a period not exceeding ten years. During mobilization, instigators shall be punished with death. In the case of the other deserters the penalty awarded to them shall be doubled.
- (2) In the case of such desertion occurring within the boundaries of the kingdom of Iraq, a penalty of imprisonment for a period not exceeding two years, together with the resumption of service, shall be awarded. Instigators or facilitators shall be punished with imprisonment for a period not exceeding five years.
- (3) During mobilization, the penalty of death shall be awarded to instigators or facilitators; but the penalty awarded to the other deserters shall be doubled.

DEGRADATION OF RANK BY W.O.'s AND N.C.O.'s.

- Article 61.*—In addition to the penalties awarded under this Law, the penalty of degradation shall be awarded to every warrant officer or non-commissioned officer who deserts.

POSTPONEMENT OF THE PENALTY AWARDED TO DESERTERS.

- Article 62.*—The penalty of imprisonment awarded under the provisions of the above articles of this section to deserting or absent soldiers may be postponed till after the completion of the military service required from them.

COMMUTATION OF THE PENALTY OF A PENITENT DESERTER.

- Article 63.*—The penalty of death awarded to a deserter who surrenders himself penitently may be commuted to that of rigorous imprisonment for a period not exceeds fifteen years.

FAILURE TO REPORT AN ATTEMPT TO DESERT.

- Article 64.*—Any person who is aware of an attempt to desert fails to inform the commander concerned in order to prevent it in time shall, if the desertion takes place, be liable to imprisonment for a period not exceeding six months but if the offence is committed during mobilization, the penalty awarded shall be that of imprisonment for a period not exceeding two years.

ACCESSORY IN DESERTION.

- Article 65.*—(a) Every person who instigates or helps a soldier to desert shall be liable to imprisonment for a period not exceeding five years.
- (b) A penalty of imprisonment for a period not exceeding one year shall be awarded to every person who fails to report absentees, deserters or unregistered defaulters, or, knowing the fact employs such persons in official or private duties.
- (c) During mobilization, such penalties shall be doubled.

ISSUE OF FALSE CERTIFICATES SHOWING COMPLETION OF SERVICE.

- Article 66.*—Every person who during mobilization issues false certificates showing completion of service shall be awarded the penalty of imprisonment for a period not exceeding five years. When the offence is repeated the penalty may be that of death.

PENALTY AWARDED TO A CONVICT ESCAPING FROM DISCIPLINARY CONFINEMENT.

- Article 67.*—If a convict who has been awarded the penalty of disciplinary confinement leaves the detention room in compromise with the guard or by taking advantage of the guard's inadvertence or absence, he shall be punished by adding half of the remaining period of his detention to the original period of imprisonment, provided that the period so added shall not be less than one month.

LEAVING THE DETENTION QUARTERS.

- Article 68.*—If the officers who are awarded the penalty of confinement to barracks or confinement to room leave the place of their detention or accept visitors, they shall be punished with imprisonment for a period not exceeding one month.

ABSENCE FROM DUTY WITHOUT PERMISSION.

- Article 69.*—The penalty of imprisonment for a period not exceeding one month shall be awarded to any person who absents himself from duty without permission; fails to attend the parade ground or the place of assembly assigned by the commander, or leaves such place without permission; unnecessarily falls out of the line; or, being in a camp or garrison or at any other place, is found outside the prescribed limits or at any other place forbidden by district or garrison orders or by any other authority without a permission or pass from his commander.

SECTION IV.—Malingering or Injuring oneself in order to Evade Military Service.

MALINGERING OR INJURING ONESELF.

- Article 70.*—(1) A penalty of imprisonment for a period not exceeding five years shall be awarded to any soldier who:—
- (a) Malingers or causes any disease or infirmity to himself;

(b) Directly or indirectly mutilates any organ of his own or another soldier's body or injures himself, with the intent thereby to render himself or another person unfit for military service.

(2) The accused shall be liable to death penalty if the offence committed in the face of the enemy.

DELAY OF CURE.

Article 71.—Any soldier who causes the delay of his cure, or commits such acts as to aggravate the seriousness of his illness, disease or infirmity with the intent thereby to evade military duties of any nature, shall be liable to imprisonment for a period not exceeding one year.

FRAUDULANT ACTION IN ORDER TO EVADE MILITARY SERVICE.

Article 72.—The penalty of imprisonment not exceeding five years shall be awarded to every person who:—

- (1) In an fraudulent way entirely or partly evades military service.
- (2) With full knowledge of the case, acts fraudulently on behalf of other person for the same purpose mentioned in para (1) above.

ATTEMPTED SUICIDE.

Article 73.—Every person who attempts suicide shall be liable to imprisonment for a period not exceeding six months.

SECTION V.—Offences Against Military Discipline.

OFFENCE OF DISRESPECT TOWARDS COMMANDERS OR SUPERIORS.

Article 74.—(1) Every person who fails to show due respect to his commander or any other superior officer while on official duty shall be liable to confinement. The same penalty shall be awarded to every person who does not receive the commander's official rebuke with due respect or objects to such rebuke.

(2) The confinement penalty shall be that of rigorous confinement in case of soldiers; or it shall be that of imprisonment for a period not exceeding three months when the offences mentioned in paragraph (1) above are committed while the soldier is armed, or in front of an assembled body of troops, or if the accused persists in his objection.

FALSE STATEMENT.

Article 75.—Every person who makes false statement to his commander in matters relating to his duties shall be punished with confinement or imprisonment for a period not exceeding three months.

IMPUTATION OR IRREGULAR CLAIM.

Article 76.—Whoever knowingly makes a false claim or submits his claim in an irregular manner shall be punished with imprisonment for a period not exceeding three months.

INSULTING A COMMANDER.

Article 77.—(1) Whoever offers an indignity to his commander shall be punished with imprisonment for a period not exceeding two years. If the indignity is offered during the performance of official duties, the penalty awarded shall be that of imprisonment for a period not exceeding three years.

(2) The penalty shall be imprisonment for a period not exceeding seven years if the indignity is offered by the mention of a particularly incident.

(3) A penalty of imprisonment for a period not less than ten years if the indignity is offered by the distribution of a circular, painting, picture or by any other means of publication.

DISOBEDIENCE.

Article 78.—Whoever purposely or carelessly disobeys an order relating to his duties by the improper execution of that order, or by altering or trespassing on it, shall be punished with confinement. If the offence is repeated the penalty shall be that of imprisonment for a period not exceeding six months.

PERSISTENT DISOBEDIENCE.

79.—(1) Whoever decidedly refuses to execute an order relating to his duties or disobeys that order in word or action, or persists in his disobedience in spite of the repeated order issued to him, shall be punished with imprisonment for a period not exceeding two years.

(2) If the offences mentioned in paragraph (1) alone are committed during mobilization the penalty shall be that of imprisonment for a period not exceeding five years. The penalty of imprisonment may be raised to ten years if the offence is committed when encountering the enemy.

DISOBEDIENCE DURING ASSEMBLY.

Article 80.—A penalty of imprisonment for a period not exceeding five years shall be awarded to the person who, with the intent of partial or total avoidance of the performance of duty, commits the offence mentioned in the previous article during the assembly of troops, or when the order "Take up Arms" is given or if he is armed. If the offence is committed while encountering the enemy, the penalty shall be that of imprisonment for a period not exceeding fifteen years.

DAMAGES RESULTING FROM DISOBEDIENCE.

Article 81.—If disobedience causes a great loss of property, endangers life or public peace, or interrupts the preparation of the Army for war or the completion of its training, shall be punished with imprisonment for a period not exceeding fifteen years. If such an offence is committed while encountering the enemy, the penalty shall be that of death or imprisonment for life.

PENALTY FOR RESISTENCE.

Article 82.—(1) Whoever, by the use of force or by threat prevents his commander or superior from the execution of an order relating to his duties, or attempted such an act shall be awarded the penalty of imprisonment for a period not exceeding ten years.

(2) This penalty also shall be awarded if the offence of such resistence is committed against soldiers entrusted with the escort of the commander or against those who are detailed for this purpose.

ASSAULTING A COMMANDER OR SUPERIOR.

Article 83.—(1) Whoever assaults or attempts to assault a superior officer shall be punished with imprisonment for a period not exceeding ten years.

(2) If the assault is committed while the superior officer is performing his duty or during assembly, or if the offences is committed with the use of arms or any deadly instrument, the penalty shall then be that of imprisonment for a period not exceeding fifteen years.

(3) If the offence is committed during mobilization but not while on duty the penalty awarded shall be that of imprisonment for a period not exceeding fifteen years. But if the offence is committed during mobilization while the superior officer is performing his duty the penalty awarded shall be that of death.

(4) If the assault causes an infirmity in the body of the superior the accused shall be punished with imprisonment for life. But if the assault caused the superior's death the penalty shall be that of death.

COMMUTATION OF SENTENCE IN CASE OF PROVOCATION.

Article 84.—If the offence mentioned in the previous articles of this section is provoked by the superiors dealing with his subordinate in a manner contrary to military rules and regulations, or by the superior's disregard of the limits of his authority, the penalty shall then be commuted by half the prescribed period of imprisonment. The penalty of death shall be commuted to temporary imprisonment or to imprisonment for life.

(2) The superior in such cases shall be punished according to articles 106 and 107 hereof.

INSTIGATION TO REBELLION.

- Article 85.*—(1) Whoever instigates a group of more than two military persons to disobey, resist or assault a superior shall if the execution of the offence has not been commenced but the offence is merely that of design or attempt, be liable to imprisonment for a period not exceeding ten years.
- (2) If a serious damage to military services result from such instigation, the instigator shall be liable to imprisonment for a period not exceeding fifteen years.
- (3) The person who commits the offence of instigation to rebellion during mobilization shall be awarded the penalty of death.

CONSPIRACY.

Article 86.—Whoever brings together military personnel for the purpose of submitting complaints, commenting or discussing matters relating to military establishments and formations without being duly authorized or having the right to do so shall be punished with imprisonment for a period not exceeding three years.

SHUNNING THE SERVICE.

- Article 87.*—(1) Whoever instigates others by word of mouth to shun military service shall be punished with imprisonment not exceeding three years.
- (2) If such instigation takes place during mobilization by means of letters, pictures, drawing or any other means of publications, the penalty awarded shall then be imprisonment for a period not exceeding five years.

PENALTY AWARDED FOR SEDITION.

Article 88.—When any group of two or more military persons agree together to commit a seditious act, i.e., to disobey, resist or assault a commander, each of those persons shall be punished with imprisonment for a period not exceeding five years.

PENALTY AWARDED FOR WITHHOLDING INFORMATION REGARDING SEDITION.

Article 89.—Whoever is in any way informed of the existence of sedition, but fails to report the fact in ample time to suppress the sedition and prevent its occurrence, shall, if the offence is carried out, be punished with imprisonment for a period not exceeding three years.

UNLIABILITY OF ACCESSORY TO SEDITION.

Article 90.—If a person, who is a party to sedition, furnishes the authorities concerned with the necessary information about the seditious act prior to the commission of the offence, or before any other person, he shall not be liable to punishment.

PENALTY FOR MILITARY INSURRECTION.

Article 91.—When two or more military persons come together in public or meet in a rioting or disturbing condition with the attempt of disobeying the orders, resisting or actively assaulting him collectively, each member of the group shall be punished with imprisonment for a period not exceeding ten years. During mobilization the penalty shall be that of imprisonment for a period not exceeding fifteen years. The instigator of such insurrection shall be awarded the penalty of imprisonment for a period of 15 years, he shall be sentenced to death if he commits the offence during mobilization.

INSURRECTION WHILE ENCOUNTERING THE ENEMY.

Article 92.—The death penalty shall be awarded to every person who takes part in a military insurrection while encountering the enemy.

COMMUTATION OF PENALTY AWARDED TO REPENTANT.

Article 93.—An accessory to sedition or military insurrection who repents before committing any act affecting the commander or superior shall be punished with imprisonment for a period not exceeding five years in the case of his being one of the instigators or designers. Otherwise, he shall be awarded the penalty of imprisonment for a period not exceeding two years.

PERSONS CONSIDERED AS INSTIGATORS.

Article 94.—The following persons shall be liable to the penalty awarded for the commission of the offence insurrection or sedition:—

- (a) A person who, by word of mouth, disobeys the orders of his superior or persists in active disobedience.
- (b) A person who facilitates insurrection by misusing any military signal or giving any other signal.
- (c) A person who hold the highest rank or is the senior member among the instigators.

INSULTING A GUARD, SENTRY OR PATROL.

Article 95.—Every person who insults a guard, sentry or patrol, or refuses to obey their orders, or resists or assaults them, the offence shall be regarded as committed the offence against a commander, and he shall be punished with the penalty awarded for the latter offence.

IDENTIFICATION OF THE SUPERIOR'S RANK IS NECESSARY.

Article 96.—In awarding a penalty to a subordinate for the offences committed against a superior, it is provided that the subordinate recognizes the rank and seniority of the superior concerned, or there is something enabling him to identify the superior. Otherwise he shall be liable to ordinary penalties.

SECTION VI.—Misuse of Official Position.

ISSUE OF ORDERS IRRELEVANT TO SERVICE TO SUBORDINATE.

Article 97.—Every superior who abuses his official influence by ordering or asking a subordinate to commit acts absolutely irrelevant, or demands a present or loan from a subordinate, shall be liable to imprisonment for a period not exceeding two years.

ORDERING A SUBORDINATE TO COMMIT AN OFFENCE.

- Article 98.*—(1) Every person who, by using the influence of his position, appointment or rank, orders his subordinate to commit an offence, shall be liable to imprisonment for a period not exceeding five years.
- (2) The commander shall be considered as a principal in the commission of the offence if the offence is committed or attempted.

PENALTY FOR NEGLIGENCE OF COMPLAINT.

Article 99.—Every person who neglects the complaint of his subordinate or threatened the person who submitted it with intent of him to withdraw the case, shall be liable to imprisonment for a period not exceeding six months.

MISUSE OF DISCIPLINARY PENALTIES.

Article 100.—Every person who willfully awards an unjustifiable disciplinary penalty, or misuses his legitimate authority, shall be liable to imprisonment for a period not exceeding two years.

PREVAIL UPON MILITARY COURTS.

Article 101.—Every person who misuses his official influence so as to prevail on military courts shall be liable to imprisonment for a period not exceeding five years.

TRANSFER OF A CONSCRIPT TO ANOTHER UNIT.

Article 102.—A penalty of imprisonment for a period not exceeding six months shall be awarded to every person who unreasonably transfers a conscript to a unit other than the one assigned to him, or to an establishment or post other than the one to which he belongs. If the offence is committed during mobilization the penalty shall be that of imprisonment for a period not exceeding three years.

ILLEGITIMATE EMPLOYMENT OF SOLDIERS.

Article 103.—Every person who, contrary to the rules and regulations of the Army, employs a soldier in private services shall be liable to imprisonment for a period not exceeding six months.

455
REFUSAL TO HAND OVER TO THE CIVIL AUTHORITIES
DETAINED PERSONS ACCUSED OF COMMITTING
CIVIL OFFENCES.

Article 104.—Every person who neglects or refuses to assist in the legitimate arrest of a person charged with the commission of an offence punishable by a civil court when he is asked to do so by a competent authority shall be punished with imprisonment for a period not exceeding three years.

MISUSE OF OFFICIAL POSITION IN OTHER CASES.

Article 105.—Every one who misuses his official influence in cases other than those mentioned above shall be punished with imprisonment for a period not exceeding one year.

MALTREATMENT OF SUBORDINATES.

Article 106.—Whoever, contrary to the existing laws and regulations, reviles, insults or maltreats a subordinate shall be punished with imprisonment for a period not exceeding three months. If the commission of such offences involves the imputation of one specific fact, the penalty shall be that of imprisonment for a period not exceeding three years.

ASSAULT AGAINST SUBORDINATES.

Article 107.—Whoever, unnecessarily or with the intent of torture, assaults a subordinate, injures his body, commits an act which impairs his health or doubles his work; or allows other persons to do harm to that subordinate, shall be punished with imprisonment for a period not exceeding two years.

WHAT ACTS ARE PERMISSIBLE TO SUPERIORS.

Article 108.—(1) Any action not causing death committed by a superior for the purpose of protecting himself from the active aggression of a subordinate or for forcing a subordinate to obey orders in absolute necessity or in dangerous circumstances, shall not be considered an offence.

(2) The use of arms for legitimate defence, or for bringing back deserters in the area of active operations or for stopping looting and destruction while no other effective means is available, shall not be considered an offence.

(3) The action of a superior shall not be considered an offence when he ensures or draws the attention of his subordinate to faults or mistakes committed by that subordinate, provided that such faults or mistakes are related to service.

POSITION OF SENTRIES, GUARD AND PATROLS.

Article 109.—(1) A sentry, guard or patrol shall be awarded the penalty of a commander when committing the offences mentioned in this section.

(2) For the purpose of the provisions of the previous article, a sentry, guard or patrol shall be considered as superior while on duty.

DAMAGING MILITARY DOCUMENTS AND MAPS.

Article 110.—(1) Every person who dishonestly destroys, tears or burns military books, records, maps, manuscripts, vouchers and documents, or causes such acts, shall be punished with imprisonment for a period not exceeding ten years.

(2) If such acts are committed to prevent the fall of the said documents in the hands of the enemy who may be benefitted from when it is impossible to keep them in safe custody, they shall not be considered an offence.

SECTION VII.—Offences Committed Against Property or Person during Mobilization.

STRAGGLING IN SEARCH OF BOOTY AND FAILURE TO DELIVER SAME.

Article 111.—(1) A penalty of imprisonment for a period not exceeding three years to every person who leaves the body of military troops to which he belongs in search of booties, or retains for himself properties of such booties of his own accord.

456
(2) The same penalty shall be awarded to every person who is required to deliver the booties legitimately obtained by him but refuses to hand them over with the intent of retaining them for his own use.

PENALTY OF LOOTING.

Article 112.—(1) Every person who, taking the advantage of war panic or misusing military prestige, takes possession of other persons' property without any justification, or seizes such property by force, collects money or goods without being duly authorized to do so, or misuses his official position in making military requisitions for his own benefit, shall be considered looter and shall be punished with imprisonment for a period not exceeding five years.

(2) Any requisitioning of supplies, medical stores, clothes or means of transport shall not be considered as looting if the requisition is made on payment in cash or by credit in cases of emergency when such requisition is limited to what is then necessary and provided that such material cannot be procured by any other means.

DAMAGING PROPERTY.

Article 113.—(a) Every person who, while unnecessitated by war, damages or destroys movable or immovable property, cuts down trees, destroy agricultural crop or orders to commit such acts, shall be punished with imprisonment for a period not exceeding three years.

(b) The person who suffers the loss may, in the above cases, sue the person who has directly committed the offence or the commander who ordered the commission of such offence in civil courts for compensation. The court shall order the accused according to the chain of command to pay compensation for the damage that has been occasioned by them.

DAMAGING PROPERTY BY FORCE.

Article 114.—(1) If the acts mentioned in the two previous articles are committed by force the accused shall be punished with imprisonment for a period not exceeding ten years.

(2) If the use of force causes infirmity in the body of the person against whom the offence is committed, the penalty shall then be that of imprisonment for a period not exceeding fifteen years.

(3) If the use of force causes death, death shall be the penalty awarded to the accused.

(4) If many persons take part in looting the organizer, the instigator and the ring-leader of the looting shall be condemned to death, while the other accused shall be awarded the penalty of imprisonment for a period not exceeding ten years.

(5) A penalty of imprisonment for a period not exceeding ten years shall be awarded to every person who takes part in the looting mentioned in the previous paragraph of this article but he does not take any active part during the commission of the crime.

AGGRESSION AGAINST THE PROPERTY OF PRISONERS, THE WOUNDED OR THE DEAD.

Article 115.—(a) Every person who, with the intent of appropriation to himself or unjustifiably, takes money or other things from the killed in the field of battle, or from the wounded while on the march or in hospital or during movements, or takes the property of the prisoner whom he is ordered to guard, shall be punished to imprisonment for a period not exceeding fifteen years.

(b) The same penalty shall be awarded to every person who destroys the medical establishments belonging to the Red Crescent or the Red Cross Societies or loots them or instigates others to commit such offences.

(c) Every person who abandons a wounded person whom he is ordered to take to his place of destination or injures him, shall be punished with imprisonment for a period not exceeding five years.

- (d) Death shall be the penalty awarded to the person who harms or injures once more a wounded person for the purpose of looting the property which is in the possess of that wounded person.

SECTION VIII.—Other Offences Committed Against Property.

Article 116.—Whoever unreasonably loses, destroys or purposely abandons for his own personal benefit a military article shall be punished with imprisonment for a period not exceeding three years and shall pay the cost of that article.

MATERIALS STOLEN, SOLD OR MORTGAGED.

Article 117.—(1) Whoever embezzles, steals, sells or gives in pawn supplies or military articles (other than arms and ammunition) or whatever money or valuable articles entrusted to him in official capacity; similarly if he knowingly buys, takes in pawn or hides such materials; shall be punished with imprisonment for a period not exceeding seven years. During mobilization the penalty shall be increased to a period not exceeding ten years.

(2) If the offence is committed in respect of arms or ammunition the penalty shall be that of imprisonment for a period not exceeding ten years. During mobilization, the penalty shall be that of imprisonment for a period not exceeding fifteen years.

(3) The property shall, if still in the possession of the accused soldier, be recovered from him. Otherwise the cost of the same shall be recovered from him.

EXTRA CANTEEN RENTAGE AND PROFITING FROM SELLING SUPPLIES.

Article 118.—Every person who:—

- (1) Agrees to assign a low rent for a house or a canteen rented to the seller; or
- (2) Adds a certain amount to a fixed price assigned for selling supplies or goods required for a garrison, a camp, a post, a barrack or a station within his jurisdiction or under his command; or receives any gift for or profit from the deal; or makes such addition or receives such gift or obtains such benefit in respect of the sale or purchase of supplies or stores used by the army; shall be punished with imprisonment for a period not exceeding three years.

SECTION IX.—Dereliction of Duty.

PREPARATION OF FALSE REPORT OR STATEMENT.

Article 119.—Whoever prepares or submits a false report or a false statement or other false official documents relating to service or to official duties; and, whoever mediates to submit such paper to his superior in spite of his knowledge of their falsity; shall be punished with imprisonment for a period not exceeding three years.

NEGLIGENCE.

Article 120.—(1) Every commander of a post, detachment or military body of troops charged with a special duty, as well as every person on guard duty, who willfully or due to his neglect renders himself unfit for the performance of his duty, leaves his post or behaves contrary to the instructions issued to him whereby it is probable that some damage may result from his action, shall be punished with confinement or with imprisonment for a period not exceeding two years.

(2) If the offence mentioned in the previous paragraph is committed during mobilization, the penalty shall be that of imprisonment for a period not exceeding five years. The penalty shall be that of death if the said offence is committed while encountering the enemy.

CAUSING BLOCKADE OF AMMUNITION AND WAR MATERIALS.

Article 121.—Every person who causes the containing of a ship, an aeroplane, arms, ammunition or war materials owing to his slackness in the performance of his duty or work shall be punished with confinement or imprisonment for a period not exceeding three years.

CAUSING DELAY IN MILITARY COURTS.

Article 122.—Every person who, without reasonable excuse, causes, military courts to postpone the performance of their works or duties shall be punished with imprisonment for a period not exceeding six months.

NEGLECT OFFENCES.

Article 123.—Whoever is a commander of a post, detachment or a military body of troops charged with a special duty, as well as every guard, who allows an offence to be committed while he is able, or it is his duty, to prevent it, shall be punished as if he were the principal in the commission of the offence.

ADULTERATION OF SUPPLIES.

Article 124.—Every person who adulterates, changes, causes the adulteration or change of military supplies and stores; also whoever issues adulterated or changed supplies knowingly; shall be punished with imprisonment for a period not exceeding three years.

ISSUE OF CORRUPT SUPPLIES.

Article 125.—Whoever distributes rations of corrupt supplies or caused their distribution shall be punished with imprisonment for a period not exceeding two years.

ACCEPTANCE OF MATERIALS NOT SATISFYING THE TERMS OF CONTRACT.

Article 126.—(1) Every person who receives or causes the receipt of foods, clothes, equipment or other military material, or military buildings contrary to the terms of the agreement or contract or the sample submitted, shall be punished with imprisonment for a period not exceeding three years. The penalty may be doubled if the delivery is relating to arms, ammunition, animals or other war materials.

(2) If the accused derives any benefit from the commission of the offence or if he commits the offence with the intent of obtaining any benefit for himself or others, the penalty shall then be that of imprisonment for a period not exceeding fifteen years.

CONCEALMENT OF FACTS RELATING TO VOLUNTARY ENLISTMENT AND OF CAUSES PREVENT SUCH ENLISTMENT.

Article 127.—A penalty of imprisonment for a period not exceeding one year shall be awarded to every person who enlists in the army without informing the authority of his previous enlistment as a volunteer or that he had served in the Army before, or if he volunteers without satisfying the necessary conditions for such enlistment owing to his withholding information about the causes which prevent his re-admission to the army.

FRAUDULENT ENLISTMENT.

Article 128.—A penalty of imprisonment for a period not exceeding three years shall be awarded to every person who, having been discharged or expelled from the army, defrauds the recruiting authorities by withholding the facts of his discharge or dismissal and reenlists.

SECTION X.—Other Offences of Military Disorder.

OVERLOOKING THE FAULTS OF SUBORDINATES.

Article 129.—Every superior who is careless or slack in watching his subordinate, or fails to report the offences of that subordinate or willfully does not take any legal measure against his subordinate in matters relating to such offences, and awarded the penalty of confinement or imprisonment for a period not exceeding six months.

MARRIAGE WITHOUT PERMISSION.

Article 130.—If any person concludes a legal marriage contract with the consent of the military authority from whom he is legally require a permission to that effect shall be awarded the penalty of imprisonment for a period not exceeding one year.

MEDDLING WITH POLITICS.

Article 131.—Every person who attends a political gathering, or joins a political organization as a member, or takes part in a political meeting or political election, or instigates others to do so, or published political articles, or delivered political speeches, shall be punished with imprisonment for a period not exceeding five years.

JOINING CHARITY SOCIETIES.

Article 132.—Every person who joins a Charity Society without permission shall be punished with imprisonment for a period not exceeding one month.

SECTION XI.—Offences Committed Against Military Honour.

CONDUCT TO THE PREJUDICE OF MILITARY HONOUR.

Article 133.—A penalty of imprisonment for a period not exceeding six months shall be awarded to every person who:—

- (1) is found in an evident state of intoxication;
- (2) with his military uniform on, enters a brothels, gambling places or any other places to the prejudice of military dignity.
- (3) knowing and with his military uniform on, accompanies notorious persons of bad reputation.

GAMBLING.

Article 134.—Every soldier who gambles shall, in the first instance, be punished with imprisonment for a period not exceeding one month. If the offence is repeated the penalty shall be that of imprisonment for a period not exceeding six months.

MARRIAGE TO IMMORAL WOMAN.

Article 135.—The penalty of dismissal from the army shall be awarded to every person who:—

- (1) Knowingly marries a deproved woman.
- (2) Keeps or refuses to divorce a woman whom he knows to be immoral.

LIVING WITH A PROSTITUTE.

Article 136.—Every person, who lives with a prostitute in the same house and refuses to desert her in spite of his receiving warning to this effect shall be punished with imprisonment for a period not exceeding six months.

PENALTY FOR VOLUNTARY SODOMY.

Article 137.—(1) Every person who commits the act of sodomy on a military person with his own consent shall be punished with dismissal from the army or with punishment for a period not exceeding three years whether the act is completed or attempted.

- (2) The passive sodomist shall be awarded the same penalty which in the case of officers, shall not be commuted.
- (3) Every person who acts as a mediator in the commission of the offence or, having knowledge of the fact, fails to report the case to his commander.

OFFENCES LEADING TO FORFEITURE OF CADETSHIP RIGHTS.

Article 138.—Every person who commits the acts of sodomy or allows the commission of such act; and every person who commits an act to the prejudice of military honour such as forgery, breach of trust, fraudulence, deceit, false, perjury or false evidence, shall be sentenced with the forfeiture of all the rights that have been acquired by him in his capacity as cadet and shall be deprived of the right of admission to the military schools as well as to the Reserve Officers and the Non-Commissioned Officers School.

DISCIPLINARY OFFENCE.

Article 139.—A disciplinary penalty shall be awarded to every person who is convicted of the commission of an act, neglect or failure to the prejudice of military discipline for which a penalty is not prescribed by this law.

CHAPTER I.—Disciplinary Penalties.

The extent to which Disciplinary Penalties are Applicable.

DISCIPLINARY PENALTY AWARDED TO OFFICERS.

Article 140.—The following are the disciplinary penalties which may be awarded to officers:—

- (i) Public or secret rebuke.
- (ii) Deduction of pay provided that the amount deducted shall not exceed one-fourth of the officers monthly salary.
- (iii) Confinement to barracks or room for a period not exceeding four weeks.

DISCIPLINARY PENALTIES AWARDED TO WARRANT OFFICERS AND N.C.O'S.

Article 141.—The following are the disciplinary penalties which may be awarded to W.O's and N.C.O's:—

- (i) Rebuke.
- (ii) Extra duties.
- (iii) Forfeiture of week-end holidays for a period not exceeding four weeks.
- (iv) Confinement to barracks or rooms, or rigorous confinement for a period not exceeding four weeks.

DISCIPLINARY PENALTIES AWARDED TO MEN.

Article 142.—The following are the disciplinary penalties which may be awarded to men:—

- (i) Rebuke.
- (ii) Extra duties.
- (iii) Forfeiture of week-end holidays for a period not exceeding four weeks.
- (iv) Confinement to barracks or rooms, or rigorous confinement for a period not exceeding four weeks.
- (v) Flogging.

COMBINATION OF DISCIPLINARY PENALTIES.

Article 143.—(1) Only one penalty shall be awarded to the same penalty.

- (2) A separate disciplinary penalty shall be awarded for each definite disciplinary offence.
- (3) Notwithstanding the number of offences the period of confinement shall not exceed four weeks.

EXECUTION OF DISCIPLINARY PENALTIES AFTER DEMOBILIZATION.

Article 144.—A disciplinary penalty shall be enforced upon a convict after his discharge from the army. But if the convict is discharged while the penalty is being enforced on him, his discharge may be postponed until he completes the period of his confinement.

CHAPTER II.—Nature of Disciplinary Penalties.

REBUKE.

Article 145.—(1) The penalty of rebuke awarded to officer is of two categories, i.e., public rebuke and secret rebuke. A secret rebuke is carried out by sending a secret letter to the Officer concerned in which he is informed of the nature of offence and that his actions are unsatisfactory. Whereby he is warned to correct himself. Public rebuke is published in the Army Orders.

- (2) The penalty of rebuke awarded to Warrant Officers and Non-Commissioned Officers is carried out by announcing it before their seniors by one rank. Men are rebuked before more than three persons of their units.

Article 146.—Extra duties consist of extra drill and extra guard or sentry duties.

FORFEITURE OF WEEK-END HOLIDAYS.

Article 147.—The penalty of forfeiture of the week-end holidays consists of preventing the convict from leaving the barracks, schools or military establishments on Fridays as usual for a period not exceeding four weeks.

MISCELLANEOUS.

APPLICATION OF THIS LAW TO PREVIOUS CASES.

- Article 148.*—(1) The penalties prescribed in this law shall be applicable to offences committed before its coming into force. But if the penalty previously prescribed is milder, then the milder penalty shall be awarded.
- (2) The penalties herein prescribed shall not be applicable to acts committed before the publication of this Law when no penalty has been awarded for them.

ABOLITION OF THE PROCLAMATION.

Article 149.—The provisions of the Iraq Army Proclamation of 1921 and the amendments thereof in respect of penalties and offences are hereby abolished.

Article 150.—This Law shall come into force one month after its publication in the Government Gazette.

Article 151.—The Minister of Defence is charged with the execution of this Law.

Made at Baghdad this 30th day of Muharram, 1359 and the 9th day of March, 1940.

ABDUL ILAH.

NURI AS SA'ID,
Prime Minister.

TAHA AL HASHIMI,
Minister of Defence

(Published in the *Waqayi' al 'Iraqiya* No. 1782 of 21-3-40).

WEEKLY EDITION

Subscription:

1/125 in Baghdad; &
1/500 in the Provinces
and abroad



Published by the Directorate
General of Propaganda,
Ministry of Interior

Iraq Government Gazette.

Baghdad, Dated 19th July, 1942.

TABLE OF CONTENTS.

SUBJECT.	No. of Notification.	Office of Origin	Page
Law No. 32 of 1941 Being the Second Amendment to the Military Pension Law No. 32 of 1937	464	C. M.	463
Ordinance No. 60 of 1941. Being a supplement to Ordinance of Martial Law Administration No. 18 of 1935	465	"	463
Ordinance No. 63 of 1941, Being a supplement to Army Officers Service Law No. 31 of 1937	466	"	464
Law No. 12 of 1942 Amending Army Reserve Service Law No. 58 of 1938	467	"	465
Law College Regulation No. 45 of 1941	468	"	466
The Military Secondary School Regulation No. 49 of 1941	469	"	473
Second Amendment Regulation No. 53 of 1941 to the Regulation Prohibiting the Importation of Materials Injurious to Health No. 49 of 1937	470	"	478
Seventh Amendment Regulation No. 59 of 1941 to Regulation for Prohibiting the Export of certain goods and products No. 88 of 1939	471	"	478
Imports Regulation No. 65 of 1941 issued under Ordinance No. 58 of 1937	472	"	479
Regulation No. 26 of 1942 Amending Military Secondary School Regulation No. 49 of 1941	473	"	480
Regulation No. 46 of 1942 Supplemental to Regulation No. 30 of 1935	474	"	480
Statement of Provisional Figures showing Collections under Chpts. I and II during the month of June 1942	99	M. F.	481
Statement of Abstract of Receipts and Expenditure of the State for the month of March 1942	100	"	482