

## **Military Penal Law No. (49) of 1956**

**We, Idris I, King of the United Kingdom of Libya,  
have ratified and issued the following law  
passed by the Senate and the House of Representatives**

### **Title (1) General Principles**

#### **Article (1) Definitions**

The following terms mentioned in this law shall have the following meanings ascribed to them:

**Officer:** any member of the Libyan Army who holds a military rank by virtue of a royal decree, and any imam.

**Private:** any person who serves in the Libyan Army or in any force affiliated therewith.

**Soldier:** refers to officers, military academy cadets, non-commissioned officers, and privates.

**Mobilisation:** a summons to compulsory military service for commissioned persons in order to repel an outside attack or suppress a revolution or internal unrest. Land, air, and sea forces shall remain in a constant state of mobilisation from the time of departure until their return to Libyan territory.

**Enemy confrontation:** All military units, fighters and warships shall be considered in a state of enemy confrontation upon preparing to encounter the enemy.

**Enemy:** The term “enemy” encompasses political groups that are treated as belligerent countries even if such groups are not recognized as countries, in addition to armed insurgents.

**Armed person:** Any person who carries a weapon to perform a duty that requires bearing arms.

**Armed gathering:** The gathering of several individuals under the command and supervision of a commander to engage in service while carrying weapons.

**Service:** The process by which a person tasked with service performs a specific military duty or executes a legitimate order issued by a superior who must be obeyed.

**Subordinate:** The person tasked with service.

**Commander:** The person with the authority to give orders by virtue of the powers of his position.

**Higher-ranking member:** A term that encompasses rank and seniority.

**Guard:** Any soldier who is appointed to a location to maintain security and order or conduct surveillance in accordance with the instructions issued by his superiors, whether in time of peace or mobilisation.

Guard duty: The presence of armed soldiers under the authority of a commander for purposes stated in the previous clause, whether in time of peace or mobilisation.

Patrol: Any armed soldier conducting a specific duty on foot in a certain location for the abovementioned purposes, whether in time of peace or mobilisation.

An act shall be considered to be committed in a state of gathering if it involves at least three soldiers gathered for the purpose of military service, with the exception of the perpetrator, the accessory, and the commander or the higher ranked member.

A sentence requiring continued service shall mean the postponement of the sentence to the date fixed by the military tribunal that handed down the conviction sentence.

## **Part (1)** **Preliminary Provisions**

### **Article (2)** **Applicability of Penal Code Provisions**

The provisions of the Penal Code, Book 1, shall be applicable to crimes and penalties set forth by this law unless a text in this law stipulates otherwise. The Penal Code's provisions and other applicable laws in Libya shall apply to soldiers who commit the normal crimes stipulated by such laws.

### **Article (3)** **Persons Subject to the Present Law**

The provisions of this law shall be applicable to the following persons:

1. Officers enlisted in the Libyan Army or in a military force affiliated therewith.
2. Military academy cadets, non-commissioned officers, and privates enlisted in the Libyan Army or in a military force affiliated therewith.
3. Military prisoners, whether Libyans or foreigners.

The provisions of this law shall apply to the abovementioned persons even after their discharge from military service or their imprisonment upon committing a crime.

4. Civilians who aid a soldier in committing a military crime during a state of mobilisation.

### **Article (4)** **Crimes Committed in a Foreign Country**

Soldiers may be prosecuted for military crimes committed in a foreign country during their presence therein for the purpose of an official service or military educational delegation, whether they have been prosecuted in such country or not.

### **Article (5)** **Crimes against Friendly Armies**

Military crimes committed against any soldier of Libya's military allies shall be considered as committed against a Libyan soldier if the country of the victim has concluded a reciprocity agreement with Libya and the said crimes are committed during joint military operations.

## **Article (6)**

### **Non-Extinction of Crimes and Penalties by prescription**

Article (107) of the Penal Code shall not apply to crimes committed by a soldier that are stipulated by this law or fall under the jurisdiction of military tribunals. Article (102) of the Penal Code shall not apply to penalties sentenced in military tribunals.

## **Part (2)**

### **Military Penalties**

There are three types of military penalties:

1. Principal penalties
2. Disciplinary penalties
3. Consequential penalties

## **Chapter (1)**

### **Principal Penalties**

## **Article (8)**

### **Death Penalty**

Execution by shooting shall be inflicted upon soldiers in accordance with the Code of Military Procedure. Such penalty may only be executed with the approval of the king. It may not be executed on any religious holiday observed by the convict or during official holidays.

Non-soldiers shall be referred to the Public Prosecution for the execution of the penalty in accordance with the procedures applicable to non-soldiers.

The military tribunal may replace the death penalty with life imprisonment or temporary imprisonment for a minimum of ten years if it determines that the circumstances of the case require mercy on the accused, provided that the reasons thereof are stated by the court.

## **Article (9)**

### **Imprisonment and Detention**

Imprisonment and detention penalties shall be executed in military prisons in accordance with the regulations thereof. These two penalties may be executed in regular prisons in accordance with the laws in force. If an officer is convicted for a crime punishable by detention for a maximum of three years and the court finds reasons for mercy, it may replace the detention penalty with salary deduction and deprivation of seniority status or transfer to the half-salary list, provided that the reasons for commutation are stated in the sentence.

Crimes of moral turpitude shall not be subject to the provisions of the previous paragraph.

## **Article (10)**

### **Deprivation of Seniority Status**

Deprivation of seniority status shall be imposed by increasing the minimum period required for the promotion of officers to a higher rank by the amount of time stipulated by the sentence. This penalty may not exceed two years.

**Chapter (2)**  
**Disciplinary Penalties**

**Article (11)**  
**Disciplinary Penalties**

Disciplinary penalties are:

1. Arrest
2. Deprivation of weekly leave
3. Extra services
4. Salary deduction
5. Reprimand

They shall be imposed in accordance with the following provisions.

**Article (12)**  
**Confinement**

There are three types of confinement:

1. Barracks confinement
2. Room confinement
3. Confinement on diminished rations

**Article (13)**  
**Barracks Confinement**

Barracks confinement means keeping the convict in the military barracks or department under the following conditions:

1. The convict shall not be exempted from service in government departments, barracks and parade grounds.
2. He shall not be allowed to leave the barracks.
3. He shall not be allowed to receive visitors unless such visits are for service-related purposes

**Article (14)**  
**Room Confinement**

Room confinement means keeping the convict in a room under the following conditions:

1. Officers shall be placed in solitary confinement while other military personnel shall be placed in collective confinement.
2. The convict shall be deprived of his right to give orders.
3. He shall be deprived of performing all duties.

**Article (15)**  
**Confinement on Diminished Rations**

Confinement on diminished rations consists of placing the convict in a solitary room. He shall be provided with a solid bed and given the bread and water he deserves, and he shall be prohibited from smoking. Such deprivation shall be lifted on the fourth, eighth, and twelfth days of the confinement, and on one out of every three days from the remaining confinement period.

The convict shall be prohibited from performing his official duties. Confinement on diminished rations may be commuted to lighter disciplinary penalties if the convict's health is proven unable to tolerate the penalty.

#### **Article (16)**

##### **Common Confinement Provisions**

1. Barracks or room confinement shall not be imposed for over four weeks, and confinement on diminished rations shall not be imposed for over three weeks.  
The confinement penalty shall not be imposed on military cadets, and the confinement on diminished rations shall not be imposed on officers.
2. If none of the confinement types can be imposed on the accused due to his rank, he shall be sentenced to a lesser applicable penalty.
3. The person sentenced to confinement shall be paid his salary and allowances during his confinement.
4. A guard shall be placed at the door of the confinement room in the case of room or confinement on diminished rations.
5. Privates and privates of excellent service may be assigned hard military labour if they commit any acts that justify it during confinement.
6. If the convict receives a visitor or leaves the arrest location, he shall be punished by detention for one month at most.

#### **Article (17)**

##### **Deprivation of Weekly Leave**

The penalty of weekly leave deprivation shall be executed by forbidding the convict to leave the barracks, or the military academy or department on Fridays for a maximum period of four consecutive weeks. Such penalty may not be imposed on officers.

#### **Article (18)**

##### **Extra Services**

Extra services consist of extra education and extra sentry duty.

#### **Article (19)**

##### **Salary Deduction**

Salary deduction shall be imposed on officers, non-commissioned officers, and privates, provided that it does not exceed one fourth of the monthly salary.

#### **Article (20)**

##### **Reprimand**

Reprimand of officers shall be effected in private. Secret reprimand shall consist of sending a secret letter to the officer informing him of his crime and warning him that his actions are unsatisfactory and must be corrected.

Non-commissioned officers shall be reprimanded before higher ranked officers. Privates shall be reprimanded before more than three members of their unit members.

## **Article (21)**

### **Commutation of Disciplinary Penalties**

Each crime shall be punished by a separate disciplinary penalty. The same crime may not incur more than one disciplinary penalty.

In the event of multiple penalties entailed by multiple crimes, the confinement period may not exceed four weeks.

## **Article (22)**

### **Applicability of Disciplinary Penalties after Discharge**

Disciplinary penalties handed down after discharge from the military may not be implemented. However, discharge may be postponed until after the execution of the disciplinary penalty if the day of discharge coincides with the day of the penalty's execution.

## **Article (23)**

### **Disciplinary Penalties for Officers**

Disciplinary penalties that may be imposed on officers are the following:

1. Secret reprimand
2. Salary deduction
3. Barracks or room arrest

## **Article (24)**

### **Disciplinary Penalties of Non-Commissioned Officers**

Disciplinary penalties that may be imposed on non-commissioned officers are the following:

1. Reprimand
2. Extra education
3. Deprivation of weekly leave
4. Any form of confinement
5. Salary deduction

## **Article (25)**

### **Disciplinary Penalties of Privates**

Disciplinary penalties that may be imposed on privates are the following:

1. Reprimand
2. Extra services
3. Deprivation of weekly leave
4. Any form of arrest
5. Salary deduction

## **Chapter (3)**

### **Consequential Penalties**

## **Article (26)**

### **Consequential Penalties**

Consequential penalties are:

1. Expulsion, removal, and transfer to the half-salary list for officers
2. Expulsion and deprivation of salary for non-commissioned officers and volunteer privates.

#### **Article (27)**

##### **Expulsion**

Expulsion shall be imposed pursuant to the sentencing of the principal penalty in the following cases:

1. Sentence of death or imprisonment.
2. Conviction for crimes of moral turpitude such as forgery, embezzlement, theft, breach of trust, fraud, false testimony, perjury, and bribery.

Expulsion may be imposed upon a sentence of no less than three years' detention.

#### **Article (28)**

##### **Effects of Expulsion**

The expulsion penalty shall entail the following effects without the need for an explicit text in the sentence:

1. Loss of military rank and forfeiture of the right to employment in the army.
2. Revocation of medals and badges.
3. Revocation of military certificates.
4. Non-acceptance in the army as officer, non-commissioned officer, private or employee.

#### **Article (29)**

##### **Removal**

Removal shall be imposed if the accused is sentenced to detention for a maximum period of one year and in other cases stipulated by law. The penalty of removal may be imposed in the event of a detention sentence of less than one year.

#### **Article (30)**

##### **Effects of Removal**

The penalty of removal shall entail the following effects without the need for an explicit text in the sentence:

1. Forfeiture of military rank.
2. Prohibition of re-enlistment in the army as an officer or personnel.

#### **Article (31)**

##### **Transfer to Half-Salary List**

The officer may be sentenced to be transferred to the half-salary list in addition to any other penalties he may be sentenced to. Such penalty shall entail depriving the officer of official duties, and the duration thereof shall be counted as half service with respect to retirement. The officer shall lose his seniority status for promotion in relation to his colleagues by the length of the half-salary period.

The officer shall be retired if he remains on the half-salary list for over a year.

#### **Article (32)**

##### **Stripping of Military Rank**

The accused may be stripped of his military rank in the event of a detention sentence of one year or less. Such sentence shall entail reducing the rank of the accused to the rank of private and depriving him of all the rights acquired in the military, with the exception of his pension rights, without the need for a statement thereof in the sentence.

#### **Article (33)**

##### **Referral of Cases from Civil to Military Tribunals to Pronounce Consequential Penalties**

If a non-military tribunal sentences a military person to a penalty for a crime that falls under its jurisdiction and the penalty handed down requires or allows the imposition of a consequential penalty in accordance with this law, the court shall refer the case through the Prosecution to the competent military tribunal in order to pronounce the consequential penalty pursuant to the provisions of this law.

#### **Chapter (4)**

##### **Stay of Execution**

#### **Article (34)**

##### **Stay of Execution**

Military tribunals may decide to suspend the execution of a penalty, subject to the provisions of the Penal Code and the following provisions:

1. A stay of execution order for custodial penalties imposed on crimes shall be revoked if the convict commits a military crime for which he is sentenced to imprisonment and detention within five years from the stay of execution, in which case the penalties shall be served consecutively.
2. If the soldier is sentenced to a custodial penalty for a military crime for which he has been sentenced in non-military courts with a non-expired stay of execution, conviction of the military crime shall not entail revocation of the stay of execution. However, the military tribunal may order the execution of both penalties, whether concurrently or consecutively.
3. If a soldier commits a military crime while serving a custodial penalty pronounced by a non-military court, the military tribunal may issue a stay of execution for the penalty pronounced by such tribunal.

#### **Part 3**

##### **Attempt, Complicity, and Recidivism**

#### **Article (35)**

##### **Attempt**

If the principal crime requires or allows for the execution of any consequential penalty stated in this law, such penalty shall or may be executed in case of attempt as well.



## **Article (36)**

### **Complicity**

The commander shall be considered a perpetrator if he issues an order to perform a military duty and such order results in the commission of a crime. The subordinate shall be considered an accomplice in the following cases:

1. If he surpasses the limits of the order given to him.
2. If he knows that the order is intended to result in a military or ordinary crime and carries it out anyway.

## **Article (37)**

The offender shall be deemed a recidivist if he commits a military crime similar to the crime that he previously committed. Crimes that require only disciplinary penalties shall not be deemed a repeat offence. In the event of recidivism, the penalty shall be doubled.

## **Title (2)**

### **Military crimes**

## **Chapter (1)**

### **Crimes against State Security**

## **Article (38)**

### **Treason**

Any person who aims to separate any part of the United Kingdom of Libya or to put Libya or any part thereof under foreign control shall be sentenced to the death penalty.

## **Article (39)**

### **Enlistment in Foreign Service**

Any Libyan soldier who enlists in any way in the enemy's armed forces or remains at the service of such forces after a declaration of hostilities shall be sentenced to the death penalty.

Whoever commits the offense while in enemy territory against his will due to the laws of such territory shall be exempted from punishment.

## **Article (40)**

### **Armament, Equipment, and Destruction of Military Sites**

The death penalty shall be inflicted of anyone who abandons or surrenders to the enemy, or in any way forces or coaxes a chief, commander or official to abandon or surrender to the enemy a site, location, station, garrison, sentry or guard in contradiction to the requirements of military situations or while abstaining or neglecting to use the available defence means at his disposal; or abandons or surrenders military warehouses, industrial facilities, instruments of war of all kinds, or means of transportation to the enemy; or destroys airports, ports, aircrafts, or warships, or makes the same unfit for use; or destroys bridges, dams, railways, or public roads for the benefit of the enemy; or causes or facilitates the enemy's seizing of part of the armed forces or surrenders the same to the enemy due to his negligence in performing his duties.

## **Article (41)**

### **Aiding the Enemy in Time of Mobilisation**

Whoever commits any of the following crimes during mobilisation with the intention of aiding the enemy or harming the army shall be sentenced to death:

1. Incite any Libyans capable of using weapons to fight alongside the enemy, instigate desertion of military service, or obstruct the gathering of privates.
2. Instigate rebellion, disobedience, or panic among Libyan forces.
3. Distort news or orders pertaining to service, or neglect to execute them in the appropriate manner.
4. Disclose the country's defence secrets, passcodes, secret signals, and secret operations and recommendations, or contact or act as a medium to contact the forces or persons working for the enemy in order to disclose the same.
5. Lead or direct the enemy to Libyan forces, mislead such forces, or cause them to make wrong moves or acts by sending misleading military signals.
6. Fail to provide supplies to the units assigned thereto.
7. Release prisoners of war or cause their escape.
8. If the commander proposes a deal to the enemy that requires surrendering the units under his command and the weapons thereof, without fulfilling the requirements of his duties.

## **Article (42)**

### **Deceit in Receipt of Military Weapons and Ammunition**

1. Any person who is tasked with delivering military weapons, equipment and ammunition in time of war, and receives the same while aware they are defective or unfit for their intended use shall be sentenced to death.
2. If the crime is committed in time of peace, the perpetrator shall be punished by detention from five to fifteen years.

## **Article (43)**

### **Failure to Report the Aforementioned Crimes**

Whoever learns about the commission or attempted commission of any crime mentioned in the previous articles and fails to report the same to the competent authority shall be punished by imprisonment for a maximum period of fifteen years.

## **Article (44)**

### **Prisoner's Breach of Promise**

Any war prisoner who is released based on a promise he makes and breaches such promise and fights the Libyan army shall be sentenced to death.

Any Libyan taken prisoner by the enemy and released upon promising not to take up arms against such enemy and refrains to do so based on this promise shall be punished by imprisonment for a maximum period of five years.

## **Article (45)**

### **Foreigners Enlisted in the Army**

Any foreigner enlisted in the Libyan Army who conspires with the enemy against this Army shall be sentenced to death. Foreigners enlisted in the Libyan Army shall be subject to the provisions of this chapter.

## **Article (46)**

### **Destruction of Military Maps and Documents**

Any person who destroys, tears, or loses military books, registers, maps, plans, or documents, or causes the destruction or tearing of the same shall be punished by imprisonment for a maximum period of ten years. The said crime shall not be punishable if it is committed out of fear of such documents or others falling into the hands of the enemy and if they could not be preserved and could possibly benefit the enemy.

## **Article (47)**

### **Prolongation of Mobilisation Period and Failure of Military Duty**

Any person who intentionally causes the prolongation of mobilisation, fails military duties in order to facilitate the enemy's operations, or commits any acts that causes harm to the Army other than those stated in the previous articles shall be punished by imprisonment for a maximum period of fifteen years.

## **Article (48)**

### **Exoneration of the Accomplice in the Event of Reporting the Offence**

The accomplice shall be exempted from penalty if he reports the intention to commit any crime stated in this chapter before its commission to the competent authority, or if he enables the apprehension of offenders or their accomplices in the same crime or other crimes similar in type or seriousness.

## **Chapter (2)**

### **Absence and Desertion**

## **Article (49)**

### **Failure to Report for Mobilisation**

Any person who is required to report for military service and fails to report for mobilisation at the designated time and location shall be punished by imprisonment for a maximum period of five years with continuous service. The person so sentenced shall return to his unit to complete the required period in military service and serve the penalty upon completion of service.

If the period of failure to report exceeds three months without acceptable excuse, the concerned person may be sentenced to the death penalty.

## **Article (50)**

### **Absence inside Libya**

Whoever is absent from his unit or place of duty or exceeds the duration of his leave in time of peace for more than fifteen days without legal justification shall be punished by detention for a maximum period of one year. Any such absence that occurs in time of mobilisation and exceeds

five days shall be punished by imprisonment for a maximum of three years and a sentence to continue service.

#### **Article (51)**

##### **Unauthorised Absence**

Whoever is absent from duty without authorisation, fails to appear at the parade ground or designated staging area, leaves such place without due authorisation, leaves class without cause, or is found outside his designated bounds or in a prohibited place shall be punished by detention not exceeding one month.

#### **Article (52)**

##### **Absence Abroad**

Whoever commits any of the following acts in time of mobilisation shall be punished by imprisonment not exceeding five years while continuing service:

1. Absence for ten days or more outside the borders.
2. Failure of any released Libyan prisoner to return to the nearest military site or unit.
3. Failure of any soldier who abandons a military aircraft or warship to return to the nearest Libyan consulate or nearest authority of an allied country.

#### **Article (53)**

##### **Desertion to Enemy Side or Upon Confrontation**

1. Whoever deserts and takes sides with the enemy shall be punished by death.
2. Whoever deserts upon confrontation with the enemy or from a surrounded location without joining the enemy side shall be punished by imprisonment for a maximum of fifteen years.

#### **Article (54)**

##### **Conspiracy to Desert**

If two or more people conspire to desert to a foreign country, they shall each be punished by imprisonment for five years at most while continuing service. Instigators and persons responsible for the desertion shall be punished by imprisonment for a maximum of ten years. If such offense is committed in time of mobilisation, instigators and responsible persons shall be punished by the death penalty, whereas the penalty of others shall be doubled.

#### **Article (55)**

##### **Failure to Report Desertion**

Any person who knows about a plan to desert before its occurrence and abstains from reporting the same to prevent it shall be punished by detention not exceeding six months if the desertion actually occurs.

The same penalty shall be imposed on any person who fails to report absentees, deserters, or other unregistered members, or employs the same in official or private duties while aware of their status.

The penalty shall double if the offence is committed in time of mobilisation.

## **Article (56)**

### **Escaping Confinement**

Any person sentenced to a disciplinary penalty who escapes from the detention centre in conspiracy with the guard or by taking advantage of his inattention or absence shall be punished by increasing the duration of his confinement by half the remaining period provided that the doubled period is not less than a month.

## **Article (57)**

### **Submission of Forged Documents**

Whoever submits in time of mobilisation a forged document of his completion of service shall be punished by imprisonment not exceeding five years. Recidivists may be sentenced to the death penalty.

## **Article (58)**

### **Stripping the Deserter of Military Rank**

Any NCO deserter shall be stripped of his rank in addition to the penalties stipulated by this law.

## **Article (59)**

### **Reprieve**

Custodial penalties may be reprieved in accordance with the previous articles of this chapter until completion of required military service.

## **Article (60)**

### **Penalty Mitigation of Repentant Deserter**

If a deserter repents and surrenders during mobilisation, the death penalty shall be replaced by imprisonment for a maximum period of fifteen years.

## **Chapter (3)**

### **Malingering and Deceitful Evasion of Service**

## **Article (61)**

### **Malingering and Delaying Recovery**

Any soldier who malingers or delays himself by any act that increases his illness or disability in order to evade military duty shall be punished by detention not exceeding one year.

## **Article (62)**

### **Self-Harm**

Any person who commits any of the following offences upon confronting the enemy shall be punished by imprisonment for a maximum of five years and the death penalty:

1. Cause self-inflicted illness or disability
2. Incapacitate or allow another person to incapacitate any organ of his body or the body of another soldier, or inflict on himself or others serious harm that makes him or others unfit for military service.

### **Article (63)**

#### **Deceitful Evasion of Military Service**

Any person who resorts to deceit in any way to evade or help others to evade military service or part thereof shall be punished by imprisonment for a maximum period of five years.

### **Article (64)**

#### **Attempted Suicide**

Any person who attempts suicide for the purpose of evading military service shall be punished by detention for a maximum of six months.

### **Chapter (4)**

#### **Crimes against the Military System**

### **Article (65)**

#### **Disrespect for Commanders or Higher Ranks**

Any person who fails to show due respect to his commander or higher ranks during the performance of his official duty, and any person who objects whether verbally or by gesture to the reprimand addressed to him by the commander in accordance with this law shall be punished by confinement.

### **Article (66)**

#### **Insulting the Commander**

1. Any person who insults his commander or a higher-ranked individual shall be punished by detention for a maximum of two years and for a maximum of three years if such insult is committed during the performance of official duties.
2. The insult of attributing an act to the commander or a higher-ranked individual which, if true, would result in contempt or legal sanction of such commander or member, shall be punished by imprisonment for a maximum of seven years.
3. Insults committed in any public manner shall be punished by imprisonment for a maximum of ten years.

### **Article (67)**

#### **Disobedience**

Any person who intentionally disobeys or neglects to obey orders related to official duties shall be arrested and punished by detention for a maximum of six months.

In case of recidivism, the penalty shall be detention for a maximum of two years if the accused persists in his disobedient behaviour, and imprisonment for a maximum of five years if the offence is committed during mobilisation, muster or upon the command “to arms” or if the accused is armed.

The penalty shall be imprisonment for a maximum of ten years if the offence is committed upon confrontation with the enemy.

## **Article (68)**

### **Damages Arising from Disobedience**

If disobedience results in damages to funds, threat to self, or security disruption, or disrupts the army's preparation for war or the completion of training, the penalty shall be imprisonment for a maximum of fifteen years. The penalty shall be death or life imprisonment if such results are incurred during confrontation with the enemy.

## **Article (69)**

### **Obstructing Commander's Performance of Duties**

Any person who prevents or tries to prevent his commander or a higher-ranked individual by force or threats from executing an order related to his official duties shall be punished by imprisonment not exceeding ten years. The same penalty shall apply if the offence is committed against the personnel assigned to guard the commander or the higher-ranked individual or the personnel trained for this purpose.

## **Article (70)**

### **Assault on Higher-Ranked Personnel**

Any person who assaults a higher-ranked individual shall be punished by imprisonment for a maximum of ten years. The penalty shall be imprisonment for a maximum of fifteen years if the assault occurs during the officer's performance of duties or musters, by use of arms or an instrument that causes death, or during mobilisation outside official service.

Attacking an officer in service during mobilisation shall be punished by the death penalty.

The penalty shall be life imprisonment if the assault results in a physical disability of the victim and it shall be death penalty if the assault results in death.

## **Article (71)**

### **Mitigation of Penalty in Case of Provocation**

The penalty shall be reduced by half and the death penalty shall be replaced by life or temporary imprisonment if the offence stipulated in the previous article results from the provocation of the accused due to an act committed by the victim that contravenes military regulations or laws or due to the victim exceeding the limits of his legal powers.

## **Article (72)**

### **Conspiracy to Commit Assault or Disobedience**

If two or more persons conspire to disobey, resist or attack their superiors or to commit any other act that causes chaos and corruption in the Army, they shall be each punished by imprisonment for a maximum of five years.

Whoever knows about such conspiracy and does not report it prior to the commission of the offence shall be punished by imprisonment for a maximum of three years if the offence is actually committed.

The accomplice shall not be punished if he reveals the conspiracy before the offence is committed, knowledge thereof is obtained, or the offenders are apprehended.

### **Article (73)**

#### **Military Insubordination**

Military insubordination is the public assembly, recalcitrance or disturbance of two or more soldiers declaring disobedience of their superiors' orders or attempting to resist or attack them. Insubordination shall be punished by imprisonment for a maximum of ten years.

This offence shall be punished by imprisonment for a maximum of fifteen years if it occurs in time of mobilisation, and by death penalty if it occurs upon confrontation with the enemy.

Whoever instigates or directs the insubordination shall be punished by imprisonment for a maximum of fifteen years and by death penalty if the offence occurs in time of mobilisation, and by death if it occurs upon confrontation with the enemy.

Whoever rebels against orders to suppress the insubordination, insists on disobeying the same or misuses the military signal with the intention of facilitating the insubordination through his rebellion or misuse shall be considered an instigator.

### **Article (74)**

#### **Commutation of Repentant Insubordinate's Penalty**

If any insubordinate or higher-ranked individual mentioned in the previous article repents prior to committing an act that influences the situation, the penalty shall be reduced to imprisonment for a maximum of five years if he is the instigator or planner of the insubordination and to imprisonment of a maximum of two years if he belongs to the rest.

### **Article (75)**

#### **Lying**

Whoever lies to his commander in matters related to his duties shall be punished by imprisonment for a maximum of three months. The same penalty shall apply to any person who files a false complaint despite his knowledge of its inaccuracy or who violates the applicable complaint procedures.

### **Article (76)**

#### **Illegitimate Muster**

Any person who musters a group of soldiers for the purpose of filing a complaint or discussing or deliberating a matter pertaining to the Army or to military regulations or formations without the proper capacity to do so shall be punished by imprisonment for a maximum of three years.

### **Article (77)**

#### **Humiliation, Disobedience or Resistance of Guards**

Any person who humiliates a guard, sentinel or patrol, prevents the same from performing their duties, or disobeys or attacks the same shall be considered to have committed such acts against a higher-ranked individual and shall be punished by the relevant penalties.



## **Article (78)**

### **Awareness of Rank**

For the execution of the penalties stipulated in this chapter, the lower ranking member must be aware of the rank of his senior or shall have cause for awareness thereof, otherwise the penalties stipulated by the Penal Code shall apply whenever appropriate.

## **Chapter (5)**

### **Exceeding the Limits of Competences**

## **Article (79)**

### **Issuance of Orders Not Related to Service**

Any person who misuses his powers by giving orders to a lower ranking member, instructing him to commit acts that are not related to the job or asking him for a gift, loan or any other benefit shall be punished by imprisonment for a maximum of two years.

The commander shall be punished by imprisonment for a maximum of five years if he requests the commission of a crime and he shall be considered a perpetrator if the crime is committed.

## **Article (80)**

### **Use of Privates in Private Services**

Any person who uses a private in private services against the Army's rules and regulations in force shall be punished by imprisonment for a maximum of six months.

## **Article (81)**

### **Unentitled Imposition of Disciplinary Penalties**

Any person who intentionally imposes a disciplinary penalty without being entitled to or exceeds the limits of his competences shall be punished by detention for a maximum of two months.

## **Article (82)**

### **Influencing Military Tribunals**

Any person who misuses his powers to influence military tribunals shall be punished by imprisonment for a maximum of five years.

## **Article (83)**

### **Transfer of Soldiers out of Designated Unit**

Any person who transfers a soldier to other than his designated unit, department or site without acceptable justification shall be punished by detention for a maximum of six months. If such offence is committed in time of mobilisation, it shall be punished by imprisonment for a maximum of three years.

## **Article (84)**

### **Disregard of Complaint**

Any person who disregards the complaint of a lower-ranked member or threatens him to withdraw such complaint shall be punished by detention for a maximum of six months.

## **Article (85)**

### **Non-Cooperation with Civil Authorities**

Any person who refuses to assist in the legal apprehension of a person accused of a crime that falls under the jurisdiction of ordinary courts, or neglects or abstains from providing help when requested by competent authorities shall be punished by detention.

## **Article (86)**

### **Abuse of Power in Other Cases**

Any person who abuses his power in other than the cases stipulated by previous articles shall be punished by detention.

## **Article (87)**

### **Mistreatment of Lower Ranks**

Any person who insults, humiliates, or mistreats lower-ranked personnel against military rules and regulations shall be punished by detention for a maximum of three months. The penalty shall be detention if the aforementioned acts are corroborated by a specific incident.

## **Article (88)**

### **Assault on Lower Ranks**

Any person who assaults or harms a lower-ranked member, commits any act that can damage his health, doubles his service without cause, or allows others to harm or attack him as mentioned shall be punished by detention for a maximum of two years.

## **Article (89)**

### **Justifying Causes**

1. The higher-ranking member shall not be punished if a lower-ranking member commits against him any act punishable by law in order to prevent an attack on himself or to force a lower-ranking member to obey orders in cases of absolute necessity or danger, even if such act results in the death of the lower-ranking member, on the condition that the act is commensurate with the necessity or danger.
2. The use of weapons for the purpose of retrieving deserters to active zones or stopping pillaging or vandalism shall not be punishable if such cannot be achieved without the use of weapons.
3. The higher-ranked member shall not be punished if he criticises or rebukes lower-ranked personnel regarding service-related mistakes.
4. Sentinels, guards, and patrol members shall be considered of a higher rank during the exercise of their duties with regard to the provisions of this article.

## **Chapter (6)**

### **Financial Crimes in Time of Mobilisation**

## **Article (90)**

### **Loot**

Whoever leaves his unit to seek or seize loot for himself shall be punished by detention. The same penalty shall apply to any person tasked with delivering legally acquired loot who refrains from doing so with the intention of appropriating the same for himself.

## **Article (91)**

### **Pillaging**

Whoever takes advantage of war panic, abuses his power to seize the funds of others or collect money or funds without authorisation, or exceeds the limits of military duties to benefit himself or others shall be considered a pillager and shall be punished by imprisonment for a maximum of five years.

Seizure of provisions, ammunition, tools, medical supplies, clothes, or means of transportation in return for a price or for an urgent military necessity commensurate with the state of necessity at the time shall not be considered pillaging if the same cannot be acquired otherwise.

## **Article (92)**

### **Vandalism**

Whoever destroys or vandalises movable or immovable assets without military necessity, cuts down trees, or destroys or orders the destruction of agricultural crops shall be punished by detention.

## **Article (93)**

### **Aggravating Circumstances**

1. If the acts stated in the two previous articles are committed with use of force, the perpetrator shall be punished by imprisonment for a maximum of ten years. The penalty shall be imprisonment for a maximum of fifteen years if the use of force causes a physical disability to the victim, and the death penalty if the use of force leads to death.
2. If several people commit the pillaging, the planner, instigator, and leader thereof shall be punished by the death penalty. The others shall be punished by imprisonment for a maximum of ten years.
3. The penalty shall be imprisonment for a maximum of fifteen years if the act of vandalism, destruction, or pillaging is committed against the health facilities of the Red Crescent, Red Cross or their affiliates, provided that such affiliates are used or intended for use in the service of such facilities.

## **Article (94)**

### **Misappropriation of the Funds of Prisoners, Wounded, and Dead**

1. Whoever misappropriates the money or items of the dead and wounded in battlefields while on foot, during transportation, or during their presence in hospitals, shall be punished by imprisonment for a maximum of fifteen years. The same penalty shall apply to the misappropriation of the funds of a prisoner placed in the custody of the accused.
2. Whoever harms or injures a wounded person for the purpose of pillaging his belongings shall be punished by the death penalty.
3. Whoever abandons or harms a wounded person in his custody shall be punished by imprisonment for a maximum of five years.

## **Chapter (7)**

### **Other Financial Crimes**

## **Article (95)**

### **Loss or Destruction of Military Material**

Whoever loses without acceptable justification, destroys, intentionally abandons, or uses for personal profit any of the items placed at his disposal for purposes of military service shall be punished by detention and shall guarantee the financial value thereof.

## **Article (96)**

### **Theft, Dissipation, Sale, and Pawning of Military Material**

1. Whoever embezzles, steals, sells, pawns, or dissipates military properties and material, with the exception of weapons and equipment, and any money and valuables placed in his custody due to his duty, and whoever purchases, pawns or knowingly conceals the same shall be punished by imprisonment for a maximum of seven years. The penalty shall increase to ten years in time of mobilisation.
2. If the committed act pertains to equipment or weapons, it shall be punished by imprisonment for a maximum of ten years, and for a maximum of fifteen years if it is committed in time of mobilisation.
3. The soldier shall be sentenced to restoration of the property if it is in his possession. The value thereof shall be reimbursed if it has been expended.

## **Article (97)**

### **Abuse**

1. Whoever colludes with another to set a low rental price for a house or shop at the disposal of military authorities and leases such house or shop for a low price shall be punished by detention.
2. Whoever takes advantage of his position and achieves personal gain from the purchase or sale of military supplies, goods, or ammunition.

## **Chapter (8)**

### **Violation of Public Service Affairs**

## **Article (98)**

### **False Reporting**

Whoever prepares or submits a report, statement, or other official documents related to service or the position while aware of their falsehood shall be punished by detention.

Whoever transfers the same to a higher-ranked member while aware of their falsehood shall incur the same penalty.

## **Article (99)**

### **Neglect**

Any guard or commander of a military station, platoon, or unit tasked with a special mission, who causes intentionally or by neglect his inability to carry out a task, or who abandons his guard post or commits any act contravening his given instructions potentially resulting in damage shall be punished by arrest or detention for a maximum of two years.

If such offence is committed in time of mobilisation, it shall be punished by imprisonment for a maximum of fifteen years, and by the death penalty if committed during confrontation with the enemy.

#### **Article (100)**

##### **Causing the Siege of War Equipment**

Whoever exposes a military ship, aircraft, weapons, equipment, or mission to siege or danger as a result of negligence in his duties shall be punished by arrest or detention.

#### **Article (101)**

##### **Delaying Military Prosecution**

Whoever obstructs the mission of military courts without acceptable justification shall be punished by detention for a maximum of six months.

#### **Article (102)**

##### **Disregard of Crimes**

Any guard or commander of a military station, platoon, or unit tasked with a special mission, who disregards a crime despite his ability to prevent it or who is tasked with preventing it and fails to do so shall incur the punishment of the principal perpetrator.

#### **Article (103)**

##### **Falsifying Supplies and Returning Corrupt Supplies**

Whoever falsifies or substitutes military supplies and ammunition or causes such acts, or plants falsified or substituted supplies or ammunition or causes the falsification or substitution thereof despite his knowledge of their condition shall be punished by detention unless the act is a crime of higher seriousness.

Whoever distributes or causes the distribution of rations of corrupt supplies while aware of their corruption shall be punished by detention for a maximum of two years.

#### **Article (104)**

##### **Receipt of Items Contrary to Conditions**

Whoever receives or causes receipt of food, clothes, installations, or other military items or buildings contrary to agreed conditions shall be punished by detention. The penalty shall double if the delivered items pertain to weapons, equipment, other war material, or animals.

The penalty shall be imprisonment for a maximum of fifteen years if the perpetrator achieves or intends to achieve profit for himself or others.

#### **Article (105)**

##### **Volunteering After Expulsion or Removal**

Whoever volunteers in the Army after his removal or expulsion therefrom and conceals such expulsion or removal from the recruiting authority shall be punished by detention.

### **Chapter (9)**

#### **Other Acts against the Military System**

## **Article (106)**

### **Disregarding Acts of Lower-Ranked Personnel**

Whoever neglects or is careless in the supervision of lower-ranked personnel or fails to report their offences to competent authorities or to take legal action in their regard shall be punished by detention for a maximum of six months.

## **Article (107)**

### **Unauthorised Marriage**

Whoever is required by military laws or orders to acquire a marriage authorisation from the competent authority and marries without such authorisation shall be punished by detention for a maximum of one year.

## **Article (108)**

### **Interference in Political Affairs**

Whoever holds or participates in political meetings, belongs to a political body, participates in demonstrations, strikes, or electoral campaigns, writes political articles in his real name or under a pseudonym, gives political speeches, or instigates others to commit any such acts shall be punished by detention for a maximum of five years.

## **Article (109)**

### **Affiliation with Charities**

Whoever joins a charity without permission shall be punished by detention not exceeding one month.

## **Article (110)**

### **Acts of Moral Turpitude**

Whoever commits any of the following acts shall be punished by detention for a maximum of six months:

1. Use of any form of drugs or alcohol while inside the barracks, on duty, or in military uniform.
2. Enter prostitution or gambling establishments in military uniform, or other places considered offensive to military honour.
3. Accompany in military uniform persons of ill repute and bad ethics.

## **Article (111)**

### **Gambling**

Any soldier who takes part in gambling shall be punished by detention for a maximum of six months.

## **Article (112)**

### **Marriage to a Prostitute**

1. Whoever marries a prostitute while aware of her status and does not divorce her despite warning shall be punished by detention for not more than one month and by removal from the Army.
2. Whoever keeps and does not divorce a woman he knows is a prostitute.

### **Article (113)**

#### **Cohabitation with a Prostitute**

Whoever cohabits with a prostitute and does not leave her despite warning shall be punished by detention for a maximum of six months.

### **Article (114)**

#### **Sodomy**

Whoever commits any of the following acts shall be punished by detention for a maximum of three years and expulsion from the Army:

1. Practice sodomy with a soldier, even if such act is committed with mutual consent.
2. Acts as procurer for such an act,

### **Article (115)**

#### **Crimes Entailing Forfeiture of Cadet Rights**

Military academy cadets who commit, whether as perpetrators or accomplices, any crime of moral turpitude such as forgery, breach of trust, swindling, fraud, perjury, false testimony, or sodomy shall forfeit their rights as cadets and shall be prohibited entry into any military academy.

### **Article (116)**

#### **Disciplinary Crimes**

Whoever commits any act, carelessness, or negligence that disrupts military order shall be punished by a disciplinary penalty if no specific penalty is stipulated by this law.

### **Article (117)**

#### **Entry into Force**

The Minister of Defence shall implement this law and it shall enter into force from its date of publication in the Official Gazette.

**King Idris -- Libya**

**Issued in Dar Al-Salam Palace on 18 Safar 1376 AH**

**Corresponding to 23 September 1956 AD**

**By order of the King**

**Khalil al-Qalal  
Acting Prime Minister**

**Ali Jaouda  
Minister of Defense**