

**Law No. (37) of 1974
issuing the Military Penal Code**

In the name of the people,

The Revolutionary Command Council,

Upon review of:

- The Constitutional Declaration;
- The Penal Code and the amending laws thereof;
- Military Penal Law No. (49) of 1956;
- The Code of Military Procedure No. (50) of 1956 and the amending laws thereof;
- The Army Law issued on 20 Muharram 1381 AH corresponding to 3 July 1961 AD, and the amending laws thereof;
- Based on the proposal of the Prime Minister and the Cabinet's approval;

issued the following law:

Article (1)

The provisions of the attached Military Penal Code shall take effect, and the aforementioned Law No. (49) of 1956 shall be repealed. Any contrary provision shall be repealed.

Article (2)

This law shall be published in the Official Gazette and shall enter into force after thirty days from its date of publication.

Revolutionary Command Council

**Major Abdessalam Ahmed Jalloud
Prime Minister**

**Issued on 22 Rabi' al-Thani 1394 AH
Corresponding to 14 May 1974 AD**

Title (1)
General Crimes

Part (1)
General Rules

Article (1)
Definitions

The following terms shall have the indicated meanings ascribed to them:

Soldier: Refers to officers, cadets of military colleges and academies, non-commissioned officers, and privates of the armed People.

Officer: Any soldier of the rank of second lieutenant and above.

Non-commissioned officer (NCO): Any soldier of a rank above private first class and below second lieutenant.

Private: any soldier below the rank of corporal.

State of alert: A state of being under the threat of war.

Mobilisation: Placing the Armed People or part thereof into readiness for an extraordinary situation. It includes:

1. Alert or call-up of the reserve to military service.
2. The period during which military forces, ships, aircraft or the equivalents thereof are deployed outside the Republic.

Active hostilities: Refers to war or any active conflict with an enemy inside or outside the country. Enemies include insurgents and armed gangs. The Armed People shall be considered engaged in hostilities during strategic manoeuvres.

Enemy confrontation: The state following the declaration of war or similar operations.

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

Subordinate: The person tasked with service.

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

Service: The process by which a subordinate performs a specific military duty or executes a legitimate order issued by a commander.

Higher and lower-ranking: Expression that encompasses rank and seniority.

Guard: Any mobile or fixed soldier, armed or unarmed, who is appointed individually or in a group to a certain location in order to maintain security or order, enforce the law, or conduct surveillance in accordance with the instructions issued by his superiors.

Article (2)

Persons Subject to the Present Law

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

1. Soldiers
2. Military prisoners
3. Members of the popular resistance while on-duty

The provisions of this law shall apply to the abovementioned persons even after their discharge from the Armed People or their release from prison after committing a crime.

4. Civilians who help a soldier to commit any of the military crimes stipulated in Title (2), Part (1) of the Military Penal Code or crimes set forth in Book (2), Part (1) of the Penal Code as amended by Law No. (80) of 1975, Law No. (71) of 1972 on the criminalisation of partisanship and the amendments thereof, and the law on the protection of the revolution issued on 11/12/1969.
5. Civilians in the Armed People in time of mobilisation or enemy confrontation.

Article (3)

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 of this law stipulates otherwise. The Penal Code provisions and other applicable laws in the Libyan Arab Republic shall apply to the persons subject to the provisions of this law upon committing any ordinary crime stipulated by such laws.

Article (4)

Crimes Committed Abroad by Persons Subject to the Present Law

Any person subject to the provisions of this law who, outside the Libyan Arab Republic, commits any act considered a crime by this law shall be punished in accordance with the provisions thereof whether he has been prosecuted abroad or not. In the event of conviction, the penalty served by the convicted person for the same crime shall be taken into consideration upon execution.

Article (5)

Crimes against Soldiers of Allied Armies

Military crimes committed against any soldier of the military allies of the Libyan Arab Republic shall be considered as committed against a Libyan soldier if such crimes are committed during joint military operations, on condition of reciprocity.

Article (6)

Military Crimes and Islamic Sharia

The provisions of this law shall not prejudice in any way the implementation of *hudud* penalties when the conditions thereof are met.

Part (2)
Military Penalties

Chapter (1)
Types of Military Penalties

Article (7)
Types of Military Penalties

There are four types of military penalties:

1. Principal penalties, which are imposed by military tribunals and include:
 - a. Death penalty
 - b. Life imprisonment
 - c. Imprisonment
 - d. Detention
 - e. Deprivation of seniority
2. Consequential penalties, which are imposed by military tribunals pursuant to the principal penalty sentence and include:
 - a. Expulsion
 - b. Removal
 - c. Transfer to half-salary list
 - d. Stripping of rank
3. Disciplinary penalties, which are only imposed by chief judicial officers in accordance with their powers stipulated by the attached table and include:
 - a. Demotion
 - b. Arrest
 - c. Salary deduction
 - d. Deprivation of weekly leave
 - e. Extra services
 - f. Reprimand

Chapter (2)
Principal Penalties

Article (8)
Death Penalty

Any soldier sentenced to the death penalty shall be executed by shooting in accordance with the Code of Military Procedure.

Non-military personnel sentenced to such penalty shall be referred to the Public Prosecution for the execution of the penalty in accordance with the common law.

Article (9)

Commutation of Detention Penalty

If the circumstances of the crime require mercy, the military tribunal may replace the detention penalty imposed on officers with 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 effected by delaying the date of promotion of the officer for the duration stipulated by the sentence.

Such sentence may not result in the convicted person being overlooked for promotion to a higher rank more than twice.

Chapter (3)

Consequential Penalties

Article (11)

Consequential Penalties of Officers

Consequential penalties imposed on officers are expulsion, removal, and transfer to the half-salary list.

Article (12)

Consequential Penalties of NCOs and Privates

Consequential penalties imposed on NCOs and privates are expulsion and stripping of rank.

Article (13)

Expulsion

Expulsion shall be imposed in the following cases unless stipulated otherwise by law:

1. Sentence of death, life imprisonment, or imprisonment.
2. Conviction for crimes of moral turpitude.
3. Expulsion may be imposed when a sentence of no less than three years' detention is handed down.

Article (14)

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
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 (15)

Removal

Removal shall be imposed if the officer is sentenced to detention for a minimum 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 (16)

Effects of Removal

The penalty of removal shall entail forfeiture of military rank without the need for an explicit text in the sentence.

Article (17)

Transfer to Half-Salary list

The officer may be sentenced to transfer to the half-salary list in addition to any other penalty he may be sentenced to. Such penalty shall entail depriving the officer of his 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 a year.

Article (18)

Stripping of Military Rank

NCOs and privates shall be stripped of their military rank if they are sentenced to detention of a minimum of one year. Such sentence shall entail reducing the rank of the convicted soldier to the rank of private and depriving him of all the rights acquired in the Armed People, with the exception of his pension rights, without the need for an explicit text in the sentence.

Stripping of rank may also be imposed if the soldier is sentenced to detention of less than one year.

Article (19)

Referral from Civil Courts to Pronounce Consequential Penalties

If a non-military tribunal sentences a soldier to a penalty for a crime that falls under its jurisdiction and the penalty handed down is similar to a principal penalty stipulated by this law or is imposed for a crime of moral turpitude, the Public Prosecution shall refer the case to the military justice system for submission to the competent military tribunal in order to pronounce the consequential penalty pursuant to the provisions of this law.

Chapter (4)

Disciplinary Penalties

Article (20)

Disciplinary Penalties of Officers

Disciplinary penalties that may be imposed on officers are:

1. Barracks or room confinement
2. Salary deduction
3. Reprimand

Article (21)

Disciplinary Penalties of NCOs and Privates

All types of disciplinary penalties may be imposed on NCOs and privates.

Article (22)

Demotion

1. NCOs shall be demoted to the next lower rank.
2. Privates first class shall be demoted to the rank of private.

Article (23)

Confinement

There are three types of confinement:

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

Article (24)

Barracks Confinement

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

1. The convict shall be not be exempted from military service in the barracks or camp.
2. He shall not be allowed to leave the barracks or the camp.
3. He shall not be allowed to receive visitors unless such visits are for service-related purposes.

Article (25)

Room Confinement

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

1. Officers shall be placed in solitary confinement whereas other soldiers 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 (26)

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 with meals composed only of bread and water, 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. Penalties of diminished rations may be commuted to lighter disciplinary penalties if the convict's health is proven unable to tolerate the penalty.

Article (27)

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 cadets of military colleges and academies.
2. The person sentenced to confinement shall be paid his salary and allowances during his confinement.
3. A guard shall be placed at the entrance of the confinement room in the case of room or confinement on diminished rations.
4. Soldiers may be assigned hard military labour if they commit any acts that justify it during confinement.

Article (28)

Salary Deduction

Salary deduction shall not exceed one-fourth of the monthly salary.

Article (29)

Deprivation of Weekly Leave

The penalty of weekly leave deprivation shall consist of forbidding the convict to leave the barracks, camps, or military colleges or academies in the second half of Thursdays and on Fridays for a maximum period of four consecutive weeks.

Article (30)

Extra Services

Extra services consist of extra education and extra sentry duty.

The extra education penalty shall consist of forcing the convicted person to apply a practical military lesson. Extra sentry duty shall be executed by tasking the convicted with full guard details or additional sentry duty.

Extra education shall not exceed two hours per day. Extra sentry or guard duty shall not exceed twice a week.

Article (31)

Reprimand

Officers shall be reprimanded in private. Reprimand shall be effected through a secret letter sent to the officer informing him of the type of his transgression and demanding reformed conduct. Non-commissioned officers shall be reprimanded before higher-ranking officers. Privates shall be reprimanded before more than three members of their unit.

Article (32)

Multiple 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 confinement penalties entailed by multiple crimes, the confinement period may not exceed four weeks.

Article (33)

Execution of Disciplinary Penalties after End of Service

Disciplinary penalties handed down after the end of service in the Armed People may not be implemented. However, the end of service may be postponed until after the execution of the disciplinary penalty.

Part (3)

General Provisions on Military Crimes

Article (34)

Consequential Penalties for Attempt

In the event of an attempted crime, consequential penalties shall be executed in the manner and the limits stipulated by this law for committed crimes.

Article (35)

Exercise of Rights or Performance of Duties

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 accessory 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.
3. If he confirms that the commander intends to commit through such order an act against the 1 September Revolution and does not resist the commander.

Article (36)

Justifying Causes

1. The higher-ranking soldier shall not be punished if he commits against a lower-ranking soldier any act punishable by law in order to avert an attack on himself or to force a lower-ranking soldier to obey orders in cases of absolute necessity or danger, even if such act results in the death of the lower-ranking soldier on the condition that the act is commensurate with the necessity or danger.
2. The use of weapons for the purpose of returning deserters to zones of active hostilities or to military units tasked with combat missions, stopping pillaging or vandalism, or executing service duties shall not be punishable, if such cannot be achieved without the use of weapons.
3. Sentinels, guards, and military police officers shall be considered of a higher rank during the exercise of their duties with regard to the provisions of the two previous clauses.
4. The higher-ranking member shall not be punished if he criticises or rebukes lower-ranking soldiers regarding service-related mistakes.

Article (37)

Recidivism

The accused shall be deemed a recidivist if he commits a military crime similar to the crime of which he was convicted with a final judgment. Crimes that require only disciplinary penalties shall not be deemed a repeat offence. In the event of recidivism, the penalty shall be doubled. Crimes shall be deemed similar if they share the basic characteristics, be it the nature of the crime's components or the motives thereof, even if such crimes do not violate one particular law.

Article (38)

Discipline Crimes

Discipline crimes are:

1. Disciplinary crimes stipulated by Article (120) of this law.
2. Crimes stipulated by this law for which the maximum penalty does not exceed six months.

Chapter (4)

Non-Extinction of Crimes and Penalties by Prescription and Stay of Execution

Article (39)

Non-Extinction of Crimes by Prescription

Provisions on the extinction of crimes by prescription shall not apply to crimes committed by a soldier that are stipulated by this law or fall under the jurisdiction of military tribunals.

Article (40)

Non-Extinction of Penalties by Prescription

Provisions on the extinction of penalties by prescription shall not apply to penalties handed down by military tribunals. The provisions on rehabilitation with regard to sentences delivered by military tribunals shall be governed by the Code of Procedure of the Armed People.

Article (41)

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 military crimes shall be revoked if during the stay of execution period the convict commits a military crime for which he is sentenced to imprisonment or detention.
2. If a person subject to the provisions of this law is sentenced to a custodial penalty for a military crime, the stay of execution of the penalty handed down by non-military courts shall not be revoked unless the military tribunal orders otherwise.
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.

Title (2)
Military Crimes

Part (1)
Crimes against the State

Article (42)
Treason

Any person who aims to separate any part of the Libyan Arab Republic or to put the Republic or any part thereof under foreign control shall be sentenced to the death penalty.

Article (43)
Enlistment in Foreign Service

Any 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 (44)
Surrender or Destruction of Military Sites and Equipment

The death penalty shall be inflicted on anyone who abandons or surrenders to the enemy, or in any way forces or coaxes a chief, commander or official to abandon or surrender a site, location, station, garrison, 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 the Armed People's warehouses, industrial facilities, instruments of war of all kinds, or means of transportation to the enemy; or destroys airports, ports, aircrafts, or warships and equivalents thereof, 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 People or surrenders the same to the enemy due to his negligence in performing his duties.

Article (45)
Aiding the Enemy or Harming the Armed Forces

Whoever commits any of the following crimes with the intention of aiding the enemy or harming the Armed Forces shall be sentenced to death:

1. Incite any Libyans capable of using weapons to fight alongside the enemy.
2. Instigate desertion of military service, or obstruct the gathering of soldiers in time of mobilisation or upon confrontation with the enemy.
3. Instigate rebellion, disobedience, or panic among the Armed People.
4. Instigate discontent or work to disintegrate the Armed People.
5. Distort news or orders pertaining to service, or neglect to execute them in the appropriate manner in time of mobilisation or upon confrontation with the enemy.

6. Disclose the country's defence secrets, passcodes, secret signals, and secret operations and recommendations, or contact or act as an intermediary to contact the forces or persons working for the enemy in order to disclose the same.
7. Lead or direct the enemy to the Armed People, mislead the forces of the Armed People, or cause them to make wrong moves or acts by sending misleading military signals.
8. Fail to provide supplies to the units assigned thereto in time of mobilisation or upon confrontation with the enemy.
9. Release prisoners of war or cause their escape.

Article (46)

Deceit in Receipt of Military Weapons and Ammunition

Any person who is tasked with receiving military weapons, equipment and ammunition, and receives the same while aware they are defective or unfit for their intended use shall be sentenced to imprisonment for a minimum of five years.

If such crime is committed in time of mobilisation or upon confrontation with the enemy, it shall be punishable by the death penalty.

Article (47)

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.

Article (48)

Exploitation of the Armed Forces

Whoever takes advantage in any way of the Armed Forces or of his affiliation therewith for political, economic, or social purposes, whether for himself or for others, shall be sentenced to death.

Article (49)

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 imprisonment.

Such crime shall be punishable by the death penalty if it results in damage to the Armed Forces.

Article (50)

Prolongation of Mobilisation Period or Failure of Military Duty

1. Any person who intentionally causes the prolongation of mobilisation or fails military duties in order to facilitate the enemy's operations shall be punished by the death penalty.
2. Any person who commits any acts that cause harm to the Armed Forces other than those stated in the previous articles shall be punished by imprisonment.

Article (51)

Destruction of Military Documents

Any person who destroys, tears, or loses military books, registers, maps, archives, 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 they could not be preserved.

Article (52)

Foreigners in the Armed Forces

Any foreigner enlisted in the Armed Forces who conspires with the enemy against such Forces shall be sentenced to death. Foreigners enlisted in the Armed Forces shall be subject to the provisions of this Part.

Article (53)

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 Part 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.

Part (2)

Crimes of Captivity and Treatment of the Wounded and Dead

Article (54)

Prisoner's Breach of Promise

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

Article (55)

Killing or Harming Wounded Persons

Whoever harms or kills a wounded person for the purpose of pillaging his belongings shall be punished by the death penalty.

Article (56)

Abandoning Wounded Persons

Whoever abandons, kills, or harms a wounded person in his custody shall be punished by death.

Article (57)

Abstaining of Libyan Prisoner from Combat

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 minimum of five years.

Article (58)

Misappropriation of the Funds of Dead or Wounded Persons

Whoever misappropriates the money or belongings of the dead or wounded in battlefields while on foot, during transportation, or during their presence in hospitals, shall be punished by imprisonment. The same penalty shall apply to the misappropriation of the funds of a prisoner placed in the custody of the accused.

Part (3)

Crimes against the Military System

Chapter 1

Crimes against Commanders or Higher Ranks

Article (59)

Disrespect for Commanders or Higher Ranks

Any person who fails to show due respect to his commander or higher ranks, 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 detention for a maximum of six months.

Article (60)

Insulting the Commander

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

Article (61)

Disobedience

1. Any person who intentionally disobeys or neglects to obey orders related to official duties shall be punished by detention for a maximum of six months. Such act shall be punishable by detention if the disobedience is committed against the commander.
2. In the event of recidivism, the penalty shall be detention for a minimum of six months.
3. The penalty shall be detention for a minimum of two years if the accused persists in his disobedient behaviour.
4. If the offence is committed during mobilisation, muster or upon the command “to arms” or if the accused is armed, it shall be punishable by imprisonment for a maximum of five years.
5. If the offence is committed upon confrontation with the enemy, it shall be punishable by imprisonment for a minimum of seven years.

Article (62)

Obstructing the Commander's Performance of Duties

Any person who prevents or tries to prevent his commander or a higher-ranking individual by force or threats from executing an order related to his official duties shall be punished by imprisonment for a minimum of seven years. The same penalty shall apply if the offence is committed against the personnel assigned to guard the commander or the higher-ranking individual or the personnel trained for this purpose.

Article (63)

Damages Arising from Disobedience or from Obstructing the Commander's Performance of Duties

If disobedience or the obstruction of the commander's performance of duties results in serious damage to funds, threat to self, or security disruption, or disrupts the preparation for war of the Armed People or part thereof or the completion of training, the penalty shall be imprisonment.

If such results are incurred during mobilisation, the penalty shall be life imprisonment, and it shall be death if they are incurred upon confrontation with the enemy.

Article (64)

Assault on Higher-Ranking Personnel

1. Any person who assaults a higher-ranking individual shall be punished by imprisonment for a maximum of ten years.
2. The penalty shall be imprisonment for a minimum of seven years if the assault occurs during the higher-ranking individual's performance of duties, during musters, by use of arms or a deadly instrument, or during mobilisation.
3. If the assault occurs upon confrontation with the enemy, it shall be punishable by imprisonment for a minimum of ten years.
4. If the assault results in a physical disability of the victim, it shall be punishable by life imprisonment. If it results in death, it shall be punishable by the death penalty.

Article (65)

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 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 (66)

Conspiracy to Commit Assault or Disobedience

1. If two or more persons conspire to disobey, resist or attack their superiors or to commit any other act that causes chaos and disintegration in the Armed People, they shall be each punished by imprisonment for a minimum of five years.
2. 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 five years if the offence is actually committed.

3. 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 (67)

Military Insubordination

1. 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.
2. This offence shall be punished by imprisonment if it occurs in time of mobilisation, and by death penalty if it occurs upon confrontation with the enemy.
3. Whoever instigates the insubordination shall be punished by imprisonment. An instigator is any person who rebels against the orders given to him to suppress the insubordination, insists on disobeying the same, or misuses the military signal with the intention of facilitating the insubordination through such rebellion, insistence, or misuse.
4. The penalty shall be increased by one-fourth for higher-ranking insubordinates and for any person who directs the insubordination, regardless of his rank.

Article (68)

Commutation of Repentant Insubordinate's Penalty

If any insubordinate mentioned in the previous article repents prior to committing an act that affects the commander or higher ranks, 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 (69)

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 Armed People or to military regulations without the proper capacity to do so shall be punished by imprisonment for a maximum of five years.

Article (70)

Humiliation, Disobedience or Resistance of Guards

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

Article (71)

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 (2)

Exceeding the Limits of Competences and Misuse of Power

Article (72)

Influencing Military Tribunals

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

Article (73)

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 detention.

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 (74)

Use of Privates for Personal Services

Any person who uses a private for personal services against the rules and regulations in force in the Armed Forces shall be punished by detention for a maximum of six months.

Article (75)

Unentitled Imposition of Disciplinary Penalties

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

Article (76)

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 detention for a minimum of one year, and by detention for a minimum of two years if committed upon confrontation with the enemy.

Article (77)

Disregard of Complaint

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

Article (78)

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 (79)

Abuse of Power or Military Uniform in Other Cases

Without prejudice to the provisions of previous articles, any person who abuses his power or military uniform in other than the cases stipulated by previous articles shall be punished by detention.

Article (80)

Mistreatment of Lower Ranks

Any person who insults, humiliates, or mistreats lower-ranking personnel against military rules and regulations shall be punished by detention for a maximum of six months. The penalty shall be detention if the aforementioned acts are corroborated by a specific incident which, if true, would result in contempt or legal sanction thereof.

Article (81)

Assault on Lower Ranks

Any person who assaults or harms a lower-ranking member, commits any act that can damage his health, doubles his service without cause, or allows others to harm or attack him shall be punished by detention.

Chapter (3)

Other Acts against the Military System

Article (82)

Disregarding Acts of Lower-Ranks

Whoever neglects or is careless in the supervision of lower-ranking personnel and 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 one month.

Article (83)

Unauthorised Marriage or Marriage to a Foreigner

1. Whoever marries without the authorisation of the competent authority in the Armed People shall be punished by detention for a maximum of one year.
2. Without prejudice to any penalty stipulated by other laws, whoever marries a foreigner in time of peace shall be punished by detention for a maximum of two years. Such offence shall be punishable by detention if marriage is concluded in time of mobilisation, and by detention for a minimum of one year if concluded in time of confrontation with the enemy.

Article (84)

Interference in Political Affairs

Whoever holds or participates in political meetings, joins 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 (85)

Affiliation with Charities

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

Chapter (4)

Crimes Related to Military Service

Chapter (1)

Desertion and Absence

Article (86)

Desertion to Enemy Side or Upon Confrontation

1. Whoever deserts and takes sides with the enemy shall be punished by death. If such person repents and surrenders, the death penalty may be replaced by imprisonment.
2. Whoever deserts upon confrontation with the enemy or from a surrounded location without joining the enemy side shall be punished by imprisonment.

Article (87)

Conspiracy to Desert to a Foreign Country

If two or more people desert to a foreign country, they shall each be punished by imprisonment for a maximum of five years 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 or upon confrontation with the enemy, instigators and responsible persons shall be punished by the death penalty, whereas the penalty of others shall be doubled.

Article (88)

Desertion

1. Whoever is absent from his unit or place of duty for more than fifteen days, or exceeds the duration of his leave for more than the said period without legal justification shall be punished by detention.
2. The penalty shall be imprisonment for a maximum of five years while continuing service in the following cases:
 - a. If such absence or desertion occurs in time of mobilisation and lasts over five days without legal justification.
 - b. If a Libyan prisoner is released and does not return to the nearest military site or unit.
 - c. If a soldier abandons a military aircraft or warship or equivalents thereof and does not return to the nearest Libyan Arab consulate or nearest authority of a country allied with the Libyan Arab Republic.

Article (89)

Unauthorised Absence

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

Article (90)

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 imprisonment if the desertion actually occurs.

The same penalty shall be imposed on any person who fails to report deserters or their employment in official or private duties while aware thereof. The penalty shall double if the offence is committed in time of mobilisation or upon confrontation with the enemy.

Article (91)

Stripping the Deserter of Military Rank

Any deserter of the rank of officer or private shall be stripped of his rank pursuant to the judgment convicting him of desertion.

Article (92)

Reprieve

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

Chapter (2)

Malingering and Deceitful Evasion of Service

Article (93)

Deceitful Evasion of Military Service

Any person who submits forged documents or 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 of five years with continuous service. Such penalty shall be doubled with continuous service if the crime occurs upon confrontation with the enemy.

Article (94)

Self-Harm and Deceitful Evasion of Military Service

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 for the purpose of evading military service.
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 (95)

Malingering and Delaying Recovery

Any soldier who malingers, delays his recovery, or commits any act that increases his illness or disability and results in the interruption of his military service shall be punished by detention not exceeding six months.

Article (96)

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 (3)

Violation of Service Affairs

Article (97)

Falsification and Distribution of Damaged Supplies

Whoever falsifies or substitutes military supplies or material or causes such acts, distributes or knowingly causes the distribution of falsified or substituted supplies or material shall be punished by imprisonment unless the act is a crime of higher seriousness.

Article (98)

Receipt of Items Contrary to Conditions

1. Whoever receives or causes receipt of supplies, clothes, installations, buildings, or other military items contrary to agreed conditions shall be punished by imprisonment for a maximum of five years. The penalty shall double if the delivery pertains to weapons, equipment, or military means of transportation.
2. The penalty shall be imprisonment if the offender achieves or intends to achieve profit for himself or others.

Article (99)

Volunteering After Expulsion or Removal

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

Article (100)

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-ranking member while aware of their falsehood shall incur the same penalty.

Article (101)

Impersonation of Military Ranks

Whoever wears the uniform or insignia of a military rank other than his without being entitled to shall be punished by detention. The penalty shall double if he intends to achieve profit for himself or for others or to cause harm to others.

Article (102)

Delaying Military Trials

Whoever prevents military tribunals from performing their duties without acceptable justification shall be punished by detention for a maximum of one year.

Article (103)

Lying

Whoever provides a false military number or lies to his commander in matters related to his duties shall be punished by detention for a maximum of three months. The same penalty shall apply to any person who knowingly files a false complaint or who violates the applicable complaint procedures.

Article (104)

Neglect

1. Any person who neglects or impedes his duties, and any guard who abandons his guard post or commits any act contravening instructions shall be punished by detention for a maximum of six months.
2. Any 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 shall be punished by detention.
3. In any case, if the crime results in damage, it shall be punishable by life imprisonment, and by the death penalty if committed in time of mobilisation or during confrontation with the enemy.

Article (105)

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 (106)

Violation of Confinement Regulations

If a person sentenced to confinement escapes, leaves, or receives a visitor in his confinement location, he shall be punished by detention for a maximum of three months.

Chapter (6)

Financial Crimes

Article (107)

Pillaging

Any person who commits any of the following crimes in time of mobilisation shall be considered a looter and punished by imprisonment:

1. Takes advantage of war panic or misuses his power to seize the funds of others or collect money or funds without being entitled to.
2. Exceeds the limits of military duties to benefit himself or others.

If any such crime is committed upon confronting the enemy, it shall be punishable by imprisonment for a maximum of five years.

Article (108)

Vandalism

Any person who, in time of mobilisation and without military necessity, destroys or vandalises movable or immovable assets, cuts down trees, or destroys or orders the destruction of agricultural crops shall be punished by detention for a minimum of six months. If the crime is committed upon confrontation with the enemy, it shall be punishable by detention for a minimum of one year.

Article (109)

Aggravating Circumstances

1. If the acts stated in the two previous articles are committed with use of force, the minimum penalty shall double.
2. The penalty shall be imprisonment for a minimum of ten 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.
3. 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 life imprisonment.

Article (110)

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.

Article (111)

Theft, Dissipation, Sale, and Pawning of Military Material

1. Whoever embezzles, steals, sells, pawns, dissipates, purchases, hypothecates, or conceals military properties and material shall be punished by imprisonment for a maximum of seven years. If any such crime is committed in time of mobilisation or upon confrontation with the enemy, it shall be punishable by imprisonment for a maximum of ten years.
2. If the act pertains to weapons, equipment, or any money and valuables placed in the custody of the accused due to his duty, it shall be punished by imprisonment for a minimum of five years, and by imprisonment for a minimum of ten years if it is committed in time of mobilisation.

3. The offender 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 (112)

Loss or Destruction of Military Material

1. Whoever destroys, intentionally abandons, neglects, loses without acceptable justification, or uses for personal profit any item or mission intended for military purposes shall be punished by detention and shall guarantee the financial value thereof. The penalty shall be detention for a maximum of six months in addition financial indemnification if the value of such items does not exceed five hundred LYD.
2. Whoever causes by his fault the destruction or loss of any item or mission intended for military purposes shall guarantee the financial value thereof without prejudice to any penalty stipulated by this law or by any other law.

Article (113)

Abuse

Whoever takes advantage of his position or service in the Armed Forces and achieves a gain for himself or for others from the purchase, sale, or lease of supplies, goods, ammunition, or buildings, whether military or placed at the disposal of the Armed Forces, shall be punished by detention.

Chapter (6)

Crimes against Military Honour

Article (114)

Sodomy

Imprisonment for a maximum of five years shall be the punishment of:

1. Any person who molests or sodomises a soldier or attempts any such act, even if it is committed with mutual consent, and the sodomised soldier shall receive the same penalty.
2. Any procurer for such an act.

Article (115)

Consumption of Alcohol and Entry into Dubious Places

1. Any soldier who uses any form of alcohol shall be punished by imprisonment for a maximum of four years. The penalty shall double if such act is committed inside the camps, barracks, on duty, or in military uniform.
2. Any soldier who enters bars, prostitution or gambling establishments or any other place considered offensive to military honour, as well as any person who accompanies persons of ill repute and bad ethics shall be punished by detention for a maximum of six months.

Article (116)

Gambling

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

Article (117)

Cohabitation with a Prostitute

Whoever cohabits with a prostitute shall be punished by detention for a maximum of one year. The penalty shall double if such person does not leave her despite warning. In addition thereto, officers shall be removed from the Armed Forces and other ranks shall be expelled.

Article (118)

Marriage to a Woman of Ill Repute

Whoever commits any of the following acts shall be punished by detention for a maximum of one month in addition to removal from the Armed People for officers and expulsion for other soldiers:

1. Marries a woman of ill repute while aware of her status and does not divorce her despite warning.
2. Keeps and does not divorce a woman he knows to be a woman of ill repute despite warning.

Article (119)

Crimes Entailing Forfeiture of the Right to Study in Military Colleges and Academies

Cadets of military academies and colleges cadets who commit, whether as perpetrators or accomplices, any crime stipulated by this chapter or any crime of moral turpitude shall forfeit their rights as cadets and shall be prohibited entry into any military college or academy.

Chapter (7)

Disciplinary Crimes

Article (120)

Disciplinary Crimes

Whoever commits any act, carelessness, or negligence that disrupts or prejudices discipline or military order shall be punished by a disciplinary penalty if no specific penalty is stipulated by this law. The execution of such penalty shall fall under the jurisdiction of chief judicial officers.

Table of Powers

	Reprimand	Extra services Extra education by hours Extra guard duty by number of times	Deprivation of weekly leave
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	All ranks	Privates	NCO	NCOs and Privates
Platoon Commander – First/Second Lieutenant	Applicable	4	3	1
Company Commander or Captain	Applicable	6	4	2
Battalion Commander, Lieutenant Colonel or Major	Applicable	10	6	3
Brigade Commander or Colonel	Applicable	12	8	4
Brigadier General and above	Applicable	20	12	5

- The Chief of the General Staff shall have the power to impose a financial indemnification of five hundred dinars (LYD 500).
- The Brigade Commander or Colonel shall have the power to impose a detention penalty of ninety days on NCOs and privates if they commit the crime stipulated by Article (88.1) in the event that the duration of desertion does not exceed thirty days, or if they commit the crime stipulated by Article (89).

Chief Judicial Officers

Salary deduction by days			Confinement by days			Demotion by one rank	Detention by days		Indemnification by LYD
Privates	NCOs	Officers	Privates	NCOs	Officers	NCOs and Privates First Class (PFC)	Privates	NCOs	All ranks

5	3	2	6	2	1	-	3	2	-
7	5	3	7	5	3	PFC	5	3	50
10	8	4	10	8	4	Sergeant and below	10	5	100
15	10	6	15	10	6	Company Staff Sergeant and below	20	10	200
21	15	10	21	14	10	Unit Staff Sergeant and below	30	15	300

1. Officers of the rank of Colonel or Brigadier General may only be punished by a commander of the rank of Major General. Officers of the rank of Major General and above shall be punished by the Chief of Staff.
2. The Presidency of the General Staff shall issue a definition of any units that are not included in this Table in addition to their equivalence with included units.