

**Law No. (5) of 1978**  
**amending some provisions of military laws**

**The general secretariat of the General People's Congress:**

In implementation of the decrees and recommendations of people's congresses in their ordinary meetings in 1398 AH, corresponding to March 1978 AD;

And upon review of:

- The decrees and recommendations of the General People's Congress in its meetings between 14 and 17 Muharram 1396 AH, corresponding to 5 to 18 January 1978 AD;
- Law No. (37) of 1974 issuing the Military Penal Code;
- Law No. (39) of 1974 issuing the Military Code of Procedure;
- Law No. (40) of 1974 on service in the Armed Forces;
- Law No. (42) of 1974 on general military training;
- Law No. (43) of 1974 on the retirement of military personnel;
- Law No. (35) of 1977 on the reorganization of Armed Forces;
- And based on the proposal of the General Commander of the Armed Forces.

**issued the following law:**

**Article (1)**

Two articles numbered (6) *bis* and (49) *bis* shall be added to the aforementioned Law No. (40) of 1974 as follows:

**Article (6) *bis***

- a. Policemen, customs guards, and municipal guards may be appointed in the Armed Forces, provided that the appointed member is granted a military rank similar to his previous rank.
- b. The seniority of members appointed in accordance with the preceding paragraph shall be settled as per a decree issued by the General Commander.
- c. Officers appointed in accordance with the first paragraph shall be considered working officers if they fulfil one of the following conditions:
  1. Graduation from a military academy.
  2. Graduation from a military institute equivalent to a military academy.
  3. Graduation from any other faculty.

The status of officers who do not meet the any of the previous conditions shall be settled by considering them honorary officers.

**Article (49) *bis***

Military personnel may be granted an incentive bonus equivalent to the annual bonus prescribed for this purpose in accordance with the rules established by a decree from the General Commander.

They may also be granted an incentive bonus of a maximum of two months' salary in each fiscal year if they perform excellent services.

The incentive bonus shall be granted by virtue of a decision from the General Commander or whoever he appoints.

#### **Article (2)**

The texts of Articles (25), (52), (78), (81), (82), (83), and (84) of the aforementioned Law No. 40 of 1974 shall be replaced as follows:

#### **Article (25): (Suspension of Promotion of Soldiers Referred to Investigation of Prosecution)**

Soldiers referred to investigation or military prosecution may not be promoted. Their ranks shall be reserved if the promotion is by seniority until their situation is settled. If the investigation or prosecution establishes the absence of any grounds to proceed with the action, exonerates the soldier, or merely imposes a disciplinary punishment, such soldier shall be promoted to the reserved rank if he meets other promotion requirements. His seniority and the related salary shall be counted from the date when such promotion would have taken place if the investigation or prosecution were not undertaken against him.

#### **Article (81): (Reinstatement Conditions)**

Reinstatement is the return to military service after discharge therefrom, provided that the previous service of the soldier who wishes to return was terminated due to transfer to a civilian function, resignation, or termination of contract and that these reasons are not related to the security of the revolution.

Reinstatement shall be effected by virtue of a decree from the Commander-in-Chief for officers and from the General Commander or whomever he may delegate for all other personnel.

#### **Article (82): Call-Up**

If necessary, any former soldier may be called up and assigned to return to military service, provided that his previous service was terminated either by retirement, transfer to a civilian function, resignation, or termination of the contract and that those reasons are not related to the security of the revolution.

The call-up shall be by virtue of a decree from the Commander-in-Chief for officers and from the General Commander or whomever he may delegate for all other personnel.

#### **Article (83): (Reappointing the Reinstated or Called-Up Soldier)**

The reinstated or called-up soldier shall be appointed in his previous rank and seniority. All or part of his time off may be considered time of service in the Armed Forces. He may be also given one or more promotions, provided he does not take precedence soldiers who were his peers before he left the service.

In all cases, reinstatement or call-up of personnel shall not entail payment of any financial obligations for the past period.

### **Article (84): (Military Decorations, Insignia, and Medals)**

The institution and conferral of military decorations and insignia, as well as the acceptance and wearing of foreign decorations and insignia shall be regulated by a decision of the Commander-in-Chief based on the proposal of the General Commander.

The institution and conferral of military medals, as well as the acceptance and wearing of foreign military medals shall be effected by a decision of the General Commander.

### **Article (3)**

The status of personnel annexed to the Armed Forces shall be settled, in implementation of the decisions of the General People's Congress (GPC) in accordance with the following rules:

- a. If the person annexed to the Armed Forces is an employee or a worker in their secretariats or departments, in public institutions or bodies, or in public sector companies, his function or position shall be retained for him throughout his annexation period for the duration of annexation, and this period, in all respects, shall be considered as if he had spent it in his function or his work position.

Employees and workers of parties referred to who are annexed to the Armed Forces shall be entitled to the salaries, wages, and all other financial benefits prescribed for them in their original work. If the basic salary or remuneration the element annexed receives is lower than the one received by military personnel in the same rank, he shall be granted a bonus equal to the difference between the two salaries.

- b. If the annexed personnel are not among the categories referred to in the previous paragraph, they shall be entitled to receive all the salaries and financial benefits prescribed for personnel of their ranks in the Armed Forces.
- c. The provisions of Section (6) of the Military Personnel Retirement Law shall apply to annexed personnel. Annexed personnel shall be subject to all military regulations and systems in force during their annexation period. A decree from the Commander-in-Chief shall be issued to set allowances granted to them and the rules of paying them.

### **Article (4)**

The Commander-in-Chief shall have the following competences, according to the law:

1. Form new forces and determine their responsibilities, organization, and subordination.
2. Appoint officers, promote them, and terminate their service.
3. Refer to the half-salary list.
4. Grant seniority for excellent service.
5. Grant pensions and special or additional bonuses as per the terms and conditions set forth in the Military Personnel Retirement Law.
6. Halt the referral of military personnel to retirement and extend the service of officers after they reach the age set for retirement.
7. Determine the duration of nominal service which shall be included in actual service, in accordance with the provisions of the Military Personnel Retirement Law.
8. Pardon and commute sentences ruled by military courts, ratify death sentences issued by these courts and authorize their execution.
9. Temporarily halt trial proceedings before any military tribunal.

10. Issue and amend military laws.

#### **Article (5)**

The Commander-in-Chief may delegate to the General Commander some of his powers set forth in all laws.

#### **Article (6)**

- a. The amended texts of Article (81), (82), and (83) of the Law of Service in the Armed Forces shall apply to all cases of reinstatement and call-up, including cases that took place before the issuance of this law.
- b. The provision of Article (58), Paragraph (2) of the Law of Service in the Armed Forces shall not apply to working military personnel that already married to foreigners before the issuance of this law.

#### **Article (7)**

Any article contrary to the provisions of this law shall be repealed.

#### **Article (8)**

This law shall be published in the Official Gazette and shall enter into force from its date of issuance.

**The general secretariat of the General People's Congress**

**Issued on 23 Jumada al-Akhera 1398 AH**

**Corresponding to 30 May 1978 AD**