

Art. 85

OFFENCES AGAINST ALLIED STATES

The punishment prescribed in articles 190 and the articles following it shall also apply where the offence is committed to the detriment of a state allied or associated with the Somali state for purposes of war.

Art; 86

MILITARY CIRCUMSTANCES

The punishments prescribed for the offence in this Chapter and in the preceding Chapters shall be reduced where, by reason of the nature, type, means, characteristics or circumstances of the act, or by reason of the particular slowness of the injury or danger, the act appears to be of slight importance.

PART-II

OFFENCES AGAINST THE MILITARY SERVICE

CHAPTER-1

OFFENCES IN SERVICE

SECTION:1: VIOLATION OF GENERAL DUTIES CONCERNING
COMMAND.

Art.87

HOSTILE ACTS OF THE COMMANDANT AGAINST A FOREIGN
STATE.

1. The military man who, without the approval of the Government, or apart from the cases of necessity, carries out hostile acts against a foreign state, shall be punished with military imprisonment upto three years;
2. Should the hostile acts be such as to expose the Somali State or its citizens wherever residing or whoever enjoys the protection of the laws of the state to the danger of reprisals or retaliations, the punishment shall be military imprisonment from two to eight years. Where a breach of diplomatic relations results, or where the retaliations or reprisals occur, the punishment shall be military imprisonment from five to ten years;
3. Where the acts are such to expose the Somali state to the danger of war, the military imprisonment for not less than ten years shall be applied;
4. Where, for the purposes of the hostile acts, the war occurs, or fire breaks out, or where devastation, or death of one or more persons resulted, the punishment shall be death by shooting at the chest;
5. The conviction shall entail removal.

Art. 88

EXCESS COMMITTED WITH CULPA

In the cases referred to in the preceding article, where the Commandant exceeds with Culpa the limits of authorization or necessity, the punishment of death shall be substituted by military imprisonment for not less than five years, and the other punishments shall be reduced from one-third to two-thirds, subject to the accessory penalties of the removal.

Art. 89

LOSS OR CAPTURE OF SHIP OR AIRCRAFT

1. The Commandant of a naval force or airforce, who causes the loss or capture of one or more ships or one or more aircrafts working under his commandership, shall be punished with death with cashiering.
2. The same punishment shall apply:
 - a) to the Commandant of an isolated ship or of an isolated aircraft, who causes the loss or capture of the same ship or of the same aircraft.
 - b) to every other military man who causes the loss or capture of the ship or aircraft, on which he travels.
3. Where special circumstances concur, which mitigate the responsibility of the offender, the punishment shall be imprisonment for not less than seven years.

Art. 90

LOSS COMMITTED WITH CULPA OR CAPTURE
COMMITTED WITH CULPA OF SHIP OR AIR-
CRAFT.

1. Where any of the acts referred to in the preceding article is committed through the fault of the commandant of a naval force or of an isolated ship, or through the fault of another military man on board the lost or captured ship, the military imprisonment for not less than ten years shall be imposed;
2. Where in the act ^{at the} special circumstances which mitigate the responsibility of the offender, the punishment shall be military imprisonment up to five years.
3. The same punishments shall apply to the commandant of air-force or of isolated aircraft in manœuvre, or to another military man embarked on board thereon, who, for negligence or for non-observance of laws, regulations, orders or discipline, commits any of the acts referred to in the preceding article.

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Art. 91

COLLISION, STRANDING OR AVERAGE
OF A SHIP OR OF AN AIRCRAFT.

1. The Commandant of a ship, who causes collision, stranding or average to it, or the commandant of an aircraft who causes collision or average to it, shall be punished with imprisonment for not less than eight years, and where by the above mentioned acts is caused the lose of the ship or aircraft, he shall be punished with imprisonment for not less than fifteen years;
2. The same punishments shall apply to any ohter military man who causes the above mentioned danger to the ship or to the aricraft he is embarked.
3. Where in the act concur special circumstances which mitigate the responsibility of the offender, the punishment shall be imprisonment for not less than five years.

Art. 92

COLLISION, OR STRANDING COMMITTED
WITH CULPA, OR AVERAGE COMMITTED WITH
CULPA OF SHIP OR AIRCRAFT.

1. Where any of the acts referred to in the preceding article is committed through the fault of the commandant of the ship or of another military man embarked, the military imprisonment upto two years shall be imposed.
2. The same punishment shall apply to the commandant of an aircraft or to another military man embarked, who, for negligence or imprudence or for non-observance of law, regulations, orders or discipline commits any of the acts referred to in the preceding articles.

Art. 93

FACILITATION WITH CULPA

Where the execution of any of the acts referred to in the articles 89, 91 has been rendered possible, or only facilitated with Culpa, by the military man who had the custody or supervison over the things indicated therein, he shall be punished with military imprisonment from one to five years.

Art. 94

FAILURE TO USE MEANS IN ORDER TO LIMIT
THE DAMAGE, IN CASE OF FIRE OR OTHER
ACCIDENTS.

The commandant of a fortress, of amilitary establish- ment, of a ship or aircraft or, in general, of any work or military construction, who, in case of fire, collision, shipwreck or any other accident, does not use all means at his disposal, in order to limit the damage, shall be punished with military imprisonment upto five years.

Art;95

ABANDONMENT OR GIVING UP THE COMMAND
IN CIRCUMSTANCE OF DANGER.

1. The commander who, in any circumstance of danger, without justifiable reason, abandons or gives up the command shall be punished with military imprisonment upto ten years;
2. The punishment shall entail removal.

ART.96

A COMMANDANT WHO VIOLATES HIS DUTY
BY NOT BEING THE LAST TO ABANDON THE SHIP,
THE AIRCRAFT OR THE PLACE, IN CASE OF DANGER.

1. The Commandant who, in case of danger or lose of ship, aircraft or place under his commandership, shall not be the last to abandon the ship, aircraft or place, shall be punished with military imprisonment for not less than one year.
2. Where from the act results the impossibility to rescue the ship, the aircraft or the place, the military imprisonment shall not be less than fifteen years;
3. Where from the act results the death of any of the persons taking on board, or in service, in the place, the punishment shall be death by shooting at the chest;
4. The punishment shall entail removal.

Art.97

FAILURE TO RENDER ASSISTANCE OR PROTECTION
IN CASE OF DANGER.

1. The commandant of a military force who, without justifiable reason, fails to render assistance to another military force, which needs assistance in case of danger, shall be punished with military imprisonment upto three years;
2. Any commandant of one or more military ships, or one or more military airplanes, who, apart from the cases referred to in the preceding paragraph, does not afford assistance or protection to ships or airplanes, though not national ones, who is able to do so, shall be liable to the same punishment;
3. The punishment shall entail removal.

Art.98

USURPATION OF COMMAND

1. The military man who, unduly assumes or holds a command, shall be punished with military imprisonment from two to fifteen years;
2. Where the command ^{is} unduly assumed or held against the orders of commandants, the punishment shall be increased from one-third to half;
3. Where the act is committed on board a ship or aircraft, the punishment shall be increased;
4. Where, in every case, the act had endangered the result of a military operation, the punishment shall be death by shooting in the chest.

Art.99

ARBITRARY MOVEMENT OF MILITARY FORCES

The Commandant who, without special task, authorization, or necessity, orders the movement of military forces, shall be punished with military imprisonment from one to seven years.

Art.100

UNSEASONABLE OR FAILURE TO OPEN A CLOSE PACKAGE.

1. The Commandant of an expedition force who, having package be opened in determined time or place, opens it in different time or place, or does not open it, shall be punished; where from the act results prejudice to the result of the expedition, with military imprisonment for not less than five years;
Where the act is committed with Culpa, there shall be applied the military imprisonment upto three years.

Art.101

FAILURE TO PERFORM A DUTY

The Commandant of a military force who, without a justifiable reason, will not execute the task committed to him, shall be punished with military imprisonment upto three years;
The punishment shall entail removal;
3. Where the task is executed for negligence, the punishment shall be military imprisonment upto one year.

SECTION 1: ABANDONMENT OF PLACE AND VIOLATION OF CONSIGNMENT.

Art.102

ABANDONMENT OF PLACE OR VIOLATION OF CONSIGNMENT BY A MILITARY MAN MOUNTED ON SENTRY, VEDETTE & NIGHT-WATCH

The military man who, being mounted on sentry, vedette or night-watches the place or violates the consignment, shall be punished with military imprisonment upto three years;

The military imprisonment shall be from one to five years, where the act is committed:

- a) in guard-room of aircraft garages or of stores or depots of arms, ammunition or inflammable or explosive matters;
- b) on board a ship or aircraft;
- c) in any circumstance of serious danger.

Where from the act shall, in any case, result serious danger, the punishment shall be from seven to fifteen years.

Art. 103

SENTINEL, VEDETTE AND NIGHT-WATCH
WHICH FALLS ASLEEP ✓

1. The military man who, being on sentry, vedette or night-watch, in any of the circumstances referred to in the second paragraph of the preceding article, falls asleep, shall be punished with military imprisonment upto one year;
2. Where serious damage results from the act, the punishment shall be military imprisonment upto two years.

Art. 104

ABANDONMENT OF PLACE OR VIOLATION
OF CONSIGNMENT BY A MILITARY MAN
ON GUARD OR ON DUTY.

1. Apart from the cases referred to in the preceding articles, the military man who abandons the place where he is on guard or violates the consignment, shall be punished with military imprisonment upto one year.
2. Where the guilty is the commander of a unit or the military man put at the head of a service or at the head of a place, or where the question is armed service, the punishment shall be increased.

Art. 105

ABANDONMENT OF CONVOY OR SEPARATION
FROM IT COMMITTED WITH
CULPA.

1. The commandant of the escort of a convey, who abandons it, shall be punished with military imprisonment from one to five years;
2. Where he, with Culpa, remains separated from the whole or part of the convey, the punishment shall be military imprisonment upto two years.

Art. 106

VIOLATION OF CONSIGNMENT COMMITTED BY
A MILITARY MAN CHARGED TO GUARD CERTAIN
THINGS.

1. 1/2
1. 1/2
The military man who, being charged to guard a certain thing, conceals, diverts, revages, destroys, suppresses, wastes or causes it to deteriorate, or renders it, wholly or in part, unserviceable, shall be punished for the only act of having violated the consignment, with military imprisonment for not less than two years.
in 1/2

Violation of duty

+30-

deteriorated

art. 107

FAILURE TO PRESENT IN SERVICE

The military man who, without justifiable reason, fails to undertake the service under his commandship, or fails to reach his place in case of alarm, shall be punished with military imprisonment upto six months.

Art. 108

SEPARATION OF A PART OF THE MILITARY FORCE FROM THE COMMAND OR FAILURE TO JOIN IT.

1. In case of expedition or other military operation, the commander of a part of the military forces, who separates himself from his head, or who, being compelled by accident, or, however, by a justifiable reason, by separating himself, quits to join his head in the shortest possible time, shall be punished with military imprisonment upto three years;
2. Where the act is committed with Culpa, the punishment shall be military imprisonment upto one year;
3. Every other military man who, causes any of the acts referred to above shall be liable to the same punishments.

Art. 109

SECTION 3: VIOLATION OF THE DUTIES CONCERNING SPECIAL SERVICES.

observance of received instructions.

1. The officer in charge of a mission, expedition or military operation, who does not comply, without justifiable reasons, with the received instructions, shall be punished, where the act has seriously affected the result of the mission, expedition or operation, with military imprisonment upto three years.
2. The punishment shall entail removal;
3. Where the act is committed with Culpa, the punishment shall be military imprisonment upto six months.

Art. 110

MILITARY CUSTODIAN WHO CAUSES, WITH CULPA, THE ESCAPE OF A PERSON ARRESTED OR DETAINED.

The military man entrusted with the custody, though temporary, of a person arrested or kept in detention for an offence subject to the military jurisdiction, who causes, with Culpa, the escape of the person, shall be punished with military imprisonment upto three years.

punished

Art. 111

DIVULGATION OF SECRET OR RESERVED NEWS

1. Unless the act constitutes a more serious offence, the military man who discloses informations concerning the service or the military discipline in general, known to him by reason or in occasion of his office, or service which ought to remain secret, shall be punished with military imprisonment from six months to three years;
2. Where the informations are not secret, but are reserved, the divulgation of which has been prohibited by the responsible authorities, the military punishment upto two years shall be imposed;
3. Where the act is committed with Culpa, the punishment shall be military imprisonment upto one year.

Art. 112

INTERCEPTION, SUPPRESSION, FAILURE TO DELIVER DISPATCHES, DISCLOSURE OF THE CONTENTS OF COMMUNICATION.

1. The military man who, unduly opens, suppresses, counterfeits or does not deliver a written order or any other dispatch whatever, which he has been charged to carry, or who discloses the contents of telegraphic, radiotelegraphic, telephonic communications and the like, known to him by reason of his office or service, shall be punished with military imprisonment upto five years.
2. Any military man to whom is entrusted the telegraphic, radiotelegraphic, telephonic communication service and the like, who suppresses, transcribes unfaithfully or however counterfeits an order or a dispatch concerning the service shall be liable to the same punishment.
3. Any military man, who omits, with Culpa, to keep in custody, to deliver or to transmit to the addressee, to whom it was addressed, the order or other despatch, or the communication, shall be punished with imprisonment upto one year.

Art. 113

INTERCEPTION OR REMOVAL OF CORRESPONDANCE, COMMITTED BY MILITARY MAN EMPLOYED IN THE POSTAL, TELEGRAPH OR TELEPHONE MILITARY SERVICE.

1. Any military man employed in the military postal, telegraph or telephone service who, in such capacity, ascertains the contents of a closed correspondence or other closed envelope or parcel, or cancels or diverts, for the purpose of ascertaining its contents or enabling another to ascertain its contents, the closed or open correspondence, or other closed envelope or parcel, wholly or in part, destroys or suppresses the same, shall be

punished, where the act is not deemed to be an offence by another provision of law, with military imprisonment from six months to three years.

2. Where the offender, without good cause, discloses, wholly or in part, the contents of the correspondence or of a closed envelope or parcel, he shall be punished, where the act does not constitute graver offence, with military imprisonment from six months to five years;

3. The preceding provisions shall be imposed against the military man entrusted with the delivery of the correspondence, who commits any of the acts mentioned above, nevertheless, the punishment shall be reduced;

4. For the purposes of the provisions of the present section, the term "correspondence" includes letters, telegram or telephone.

Art. 114

DISCLOSURE OF THE CONTENTS OF CORRESPONDENCE OR COMMUNICATION BY A MILITARY MAN EMPLOYED IN THE MILITARY POSTAL, TELEPHONE SERVICE.

Any military man employed in the postal, telegraph or telephone services, who has, in such capacity, knowledge of the contents of open correspondence, or of a telegraphic communication or of a telephonic conversation, and discloses the same, without good cause, to persons who are not the addressess, or to a person other than those between whom the communication or the conversation took place, shall be punished with military imprisonment from six months to three years.

Art. 115

AGGRAVATING CIRCUMSTANCES

Where from any of the acts referred to in the preceding three articles results harm to the military service, the punishment shall be increased.

Art. 116

FAILURE TO EXECUTE MILITARY SUPPLY

1. Any military man who, being bound, for reasons of office or service, to provide provisions or supply of food or other things necessary to any of the military services, who fails to execute the same, shall be punished with military imprisonment from one to five years;

2. Where the act is committed with Culpa, the punishment shall be military imprisonment upto one year.

Art. 117

UNLAWFUL REQUISITION

1. Any military man who carries out unauthorized requisition shall be punished with military imprisonment upto three years;
2. Where violence has been used, the military imprisonment, from one to five years, shall be applied.

Art. 118

ABUSE IN THE REQUISITION

1. Any military man entrusted with the requisition of things or works, who refuses to give receipt of the work done, or in any way abuses the power conferred upon him by the laws or regulations, shall be punished, where the act does not constitute a graver offence, with military imprisonment upto three years;
2. Where the abuse has been committed with violence, the punishment shall be military imprisonment upto ten years;
3. Where the question is military lodging, any military man who compels the one entrusted with the lodging to give him more than his due or to tolerate that he takes possession of it, or, however, benefits by it, shall be punished, for that only, with military imprisonment upto three years;

Art. 119

ABUSE IN THE TRANSPORT OF GOODS OR PASSENGERS.

Any military man who arbitrarily transports or allows that goods and passengers be transported on military vehicles, ships or aircraft, shall be punished with military imprisonment upto two years.

Art. 120

ABUSE IN THE WORK OF THE WORKSHOPS OR OTHER MILITARY LABORATORIES

Any military man employed in the workshops or in other military laboratories who, against the provisions of the regulations, or against the orders of the superiors or heads, works or causes to work for his own account or for the account of others, shall be punished with military imprisonment upto two years.

SECTION IV: VIOLATION OF SPECIAL DUTIES CONCERNING MILITARY QUALITY.

Art. 121

MANIFESTATIONS OF COWARDICE

Any military man who, in case of storm, shipwreck, fire or other circumstances of serious danger, carries out acts which could cause fear or provoke confusion, shall be punished, where the fear or the confusion is produced and the act is such to bring into danger the security of a military place, with military imprisonment from one to five years.

The punishment shall entail removal;

Art. 122

FAILURE TO PREVENT MILITARY OFFENCES

1. Subject, in any other case, to the provisions of the second paragraph of the article 20 of the Penal Code, any military man who, for fear of danger or other inexcusable reason, does not use all possible means in order to prevent the execution of any of the offences against the fidelity or the military defence, or for fear of revolt or mutiny, which will be committed in his presence, shall be punished:

- a) with imprisonment not less than ten years, where the punishment of death with cashiering or imprisonment for life is established for the offence;
- b) in the other cases, with the punishment prescribed for the offence, reduced from half to two thirds.

2. Where the guilty is the higher in rank, or, ranks being equal, the superior in command or the senior, the punishment prescribed for the offence shall be applied. However, the judge can reduce the punishment.

3. For the purpose of the provisions of the preceding paragraphs, for the determination of the punishment prescribed for the offence referred to therein, one shall have no regard to that which the law has prescribed for the heads, promoters or organizers of the offence or for anyone who has supervised over its execution.

SECTION V: DRUNKENNESS IN SERVICE

Art. 123

DEFINITION OF THE OFFENCE AND AGGRAVATING CIRCUMSTANCES.
DRUNKNESS

1. Any military man who, on active service or after having been warned for active service, is caught in a state of drunkenness committed voluntarily or with Culpa, such to exclude or lessen his capacity to perform his duty, shall be punished with military imprisonment up to two years.

2. Where the act is committed by the commander of the Unit or by a military man put at the head of a service or by the head of post, the punishment shall be military imprisonment up to three years;

3. The same provision shall be applied where the capacity to perform the service is excluded or lessened by the action of stupefying substances.

CHAPTER-II

OFFENCES AGAINST MILITARY Men in service

Art. 124

FORCED DELIVERY

1. Any military man who, anyhow forces a delivery, shall be punished with military imprisonment from six months to two years;
2. Where the act is committed in any of the circumstances referred to in the second paragraph of the article 102, the punishment shall be military imprisonment from two to seven years;
3. Where the act is committed with arms, or by three or more persons acting together, or where serious damage results from it, the punishment shall be increased.

Art. 125

RESISTANCE, THREAT OR INSULT TO A SENTRY, VEDETTÉ OR NIGHT-WATCH

1. Any military man who does not obey the orders given by a sentry, vedette, or night-watch, in the execution of a received consignment, shall be punished with military imprisonment up to one year;
2. Any military man who, threatens or insults a sentry, vedette or night-watch shall be punished with military imprisonment from one to three years.

Art. 126

VIOLENCE TO SENTRY, VEDETTÉ OR NIGHT-WATCH

1. Any military man who, uses violence against a sentry, vedette or night-watch, shall be punished with military imprisonment from one to five years;
2. Where the violence is committed with arms, or by more persons acting together, the military imprisonment from three to seven years shall be imposed.

Art. 127

RESISTANCE TO THE ARMED FORCES

1. Any military man who uses violence or threat in order to set himself against the military armed force, while this fulfills its own duties, shall be punished with military imprisonment from six months to five years;

2. Where the violence or threat is committed with arms or by more persons acting together, the punishment shall be increased;
3. Where the violence or threat is committed by more than five persons acting together, through the use of arms, even by only one of them, or by more than ten persons, though without the use of arms, the punishment shall be military imprisonment from three to seven years.

Art. 128

AGGRAVATING CIRCUMSTANCES.

In the cases referred to in the articles 126 & 127, where the violence consists in murder, though attempted or preter-intentional, or in serious or very serious hurt, the corresponding punishment prescribed by the Penal Code shall be imposed. Nevertheless, the temporary detentive punishment shall be increased.

Art. 129

CAUSING IMPEDIMENTS TO CARRIERS OF
MILITARY ORDERS.

Any military man who, by violence or deceit, stops or keeps military men or other persons, shippings, aircraft or, in general, vehicles, sent with orders or dispatches reflecting the military service, or cancels or otherwise impedes its transmission, shall be punished with military imprisonment from two to seven years.

Art. 130

THREATS AGAINST AN INFERIOR IN ORDER
TO COMPEL HIM TO COMMIT AN ACT CON-
TRARY TO HIS DUTIES.

The superior who threatens the inferior in order to compel him to commit an act contrary to his own duties, or to carry out or omit an act concerning his own office or service, shall be punished with military imprisonment from six months to five years.

Art. 131

CHAPTER III

OFFENCES OF ABSENCE FROM SERVICE.

SECTION 1: ILLICIT ABSENCE

1. Any military man who, being in service to arms, absents himself without leave and remains absent for a day, shall be punished with military imprisonment up to six months;
2. Any military man who, being lawfully absent, does not return, without good reason, in the following day of the absence, shall be liable to the same punishment;
3. The provisions of this articles shall not be applied, where the act constitutes the offence of desertion.

SECTION: DESERTION

Art. 132

DEFINITION OF THE OFFENCE; PENAL SANCTIONS

There shall be considered having committed the offence of desertion and be punished with military imprisonment from six months to two years: 6/2

- ✓ a) any military man who, being in service to arms, quits without leave and remains absent for five consecutive days;
- ✓ b) any military man who, being in service to arms and being lawfully absent, does not return, without good reason, in the five days following the day of absence. X

Art. 133

CASES OF IMMEDIATE DESERTION

1. It is considered immediately deserter:
 - 10 a) any military man destined to an expedition corp or operation, or belonging to the crew of a military ship or of a military aircraft, who, without leave, shall be absent at the moment of departure of the corp, ship or aircraft;
 - b) any military man who escapes while he is serving the military imprisonment;
 - c) any military man who escapes while he is in a state of preventive detention in a military prison, or wherever, for an offence subject to the military jurisdiction;
 - Q ✓ d) any militarymen who, without leave, serves on board a foreign ship or a foreign aircraft, or in the armed forces of an alien state;
 - e) any military man who abandons the military service making himself replaced by others.

2. The deserter shall be punished with military imprisonment from one to three years in the cases referred to in the letters (a), (b), (c); from two to five years in the case referred to in the letter (d); from five to seven years in the case referred to in the letter (e);

3. In the cases referred to in the letters (b) & (c), the provisions of the article 305 of the penal CODE shall be applied.

Art. 134

AGGRAVATING CIRCUMSTANCES. TRAVEL TO ABROAD BY PREVIOUS AGREEMENTS.

1. In the cases referred to in the preceding articles, where the military man, in order to evade the duty of military service, goes abroad, the punishment shall be increased;
2. The punishment prescribed in the foregoing articles shall be increased from one-third to half, where the desertion is committed by three or more military men according to previous agreement.

In the case referred to in the preceding paragraph, the increase shall always be half for heads, promoters or organizers.

SECTION: III FAILURE TO ANSWER A CALL

Art. 135

DEFINITION OF THE OFFENCE; PENAL SANCTIONS

Any military man who, being called to arms in order to accomplish a period of service, will not present himself, without good reason, in the five days following the fixed day, shall be punished with military imprisonment from six months to two years;

Any military man on leave who, being called to arms, will not present himself, without good reason, in the three days following the fixed day, shall be liable to the same punishments;

Where the call to arms is done for only the purpose of instruction, the military man who will not present himself, without good reason, in the eight days following the fixed day, shall be punished with military imprisonment up to six months.

Art. 136

AGGRAVATING CIRCUMSTANCES, TRAVEL
ABROAD.

In the cases referred to in the first two paragraphs of the preceding article, where the military man, in order to evade the duty of military service, goes abroad, the punishment shall be increased.

Art. 137

MILITARY MAN CALLED TO ARMS MAKING
HIMSELF REPLACED BY OTHERS.

Any military man who, being called in service to arms, in any of the cases mentioned in the article, 135, shall not present himself, making others present themselves in his stead, shall be considered immediately having not answered the call and shall be imposed upon him the punishments respectively prescribed in the same article, being increased from one-third to half.

SECTION IV: GENERAL PROVISIONS RELATING TO
THE FIRST AND SECOND SECTIONS

Art. 138

AGGRAVATING CIRCUMSTANCE AND MITIGATORY
CIRCUMSTANCE IN RELATION TO THE PERIOD OF
ABSENCE.

In the case referred to in the second and third sections:-

- a) where the period of the absence exceeds six months the punishment shall be increased from one-third to half;
- b) where the period of the absence does not exceed fifteen days, the punishment may be reduced from one-third to half.

Art. 139

PERSON WHO SUBSTITUTES THE MILITARY MAN WHO DESERTS OR FAILS TO ANSWER THE CALL.

In the cases referred to in the letter (e) of the article 133 as well as in the article 137, he who takes the place of the military man who deserted or did not answer the call shall be punished with the punishments prescribed therein. However, the punishment can be reduced.

Art. 140

REMOVAL

The conviction for any of the offence referred to in the second and third section, except that referred to in the last article 135, shall entail removal.

CHAPTER IV

MUTILATION AND SIMULATION OF INFIRMITY

art. 141

PROCURING INFIRMITY FOR THE PURPOSE OF EVADING PERMANENTLY THE DUTY OF MILITARY SERVICE.

1. The military man who, in order to evade permanently the duty of military service, prescribed in the law or willingly undertaken, mutilates himself or seizes infirmity or imperfections, or, in any other way, makes himself permanently unable to perform the same service, shall be punished with imprisonment from six to fifteen years;

2. In the case of attempted crime, the provisions of article 138 shall apply, substituting the imprisonment for military imprisonment.

Art. 142

PROCURING INFIRMITY FOR THE PURPOSE OF
EVADING TEMPORARILY THE DUTY OF MILITARY
SERVICE.

1. The military man who, in order to evade temporarily the duty of military service, prescribed by the law or willingly undertaken, mutilates himself, secures infirmity or imperfections, or, in any other way, makes himself temporarily unable to perform the same service, shall be punished with military imprisonment up to five years;

2. The same punishment shall be imposed upon any military man who, in order to evade a special service of a corp, arm or branch or, however, to lessen his unconditional fitness to military service, mutilates himself or secures infirmity or imperfections, or, in any other way, makes himself unable to perform a special service of a corp, arms, or branch, or lessens his unconditional fitness to military service or makes himself temporarily unable to perform the same service.

3. Where from the acts referred to in the preceding paragraphs results permanent unfitness for military service, the punishment shall be imprisonment from five to ten years.

Art. 143

U.S. Army Service

SIMULATION OF INFIRMITY.

The military man who simulates infirmity or imperfection, in a way such to lead into error his superiors or other military authorities, shall be punished with military imprisonment up to three years, where the simulation is committed with a view to evade the duty of military service, prescribed in the law or willingly undertaken; and with military imprisonment up to one year, where the simulation is committed in order to evade a special service of a corp, arm, or branch.

Art. 144

ACTS COMMITTED BY MEMBERS OF A
MILITARY SERVICE OR DURING THE
STATE OF LEAVE.

The provisions of the preceding articles shall apply also:

- a) to members of a military service
- b) to military men on unlimited leave, for the acts committed during the state of leave, where the same military men are called out on permanent service and from the moment established for their prestation.

Art. 145

PROCURING INABILITY AND SIMULATING INFIRMITY FOR THE PURPOSE OF EVADING THE PERFORMANCE OF ANY OF THE DUTIES CONCERNING THE MILITARY SERVICE.

Apart from the cases referred to in the preceding articles, any military man who, in order to evade the performance of any of the duties concerning the military service, in every case makes himself unable to carry out the said duties, or simulates an infirmity or an imperfection, shall be punished with military imprisonment up to six months;

Where from the act results inability to military service, the provisions of the article 142 shall apply.

Art. 146

AGGRAVATING CIRCUMSTANCES FOR THE PARTICIPANTS IN THE OFFENCE.

1. In the case of more persons participate in any of the offences referred to in this Chapter, the punishment shall be increased for those who have committed the act for the purpose of pecuniary gain;

2. The public officer, physician, surgeon or any other person exercising a medical profession, who participate in any of the offence referred to in the preceding articles, shall be liable to the punishments prescribed therein, being increased from one-third to half;

3. The increase shall be half where the guilty is an officer.

Art. 147

MILITARY ACCESSORY PENALTIES.

In the cases referred to in the preceding articles, the conviction, where cashiering does not result, shall entail removal.

CHAPTER - V
DESTRUCTION, ALIENATION, PURCHASE OR RETAINER OF MILITARY THINGS.

Art. 148

DESTRUCTION OR ALIENATION OF MILITARY ARMAMENT.

Any military man who diverts, destroys, suppresses, disperses, spoils or renders unserviceable, wholly or in part, or in any way alienates the arms, armament, war ammunitions, materials or other things, which, according to the provisions of the regulations, are entrusted to him by the military administration as constituting his armament, shall be punished with military imprisonment up to four years.

Arms or ammunitions or other things

Art. 149

DESTRUCTION OR ALIENATION OF CLOTHES OR MILITARY EQUIPMENT

Any military man who diverts, destroys, suppresses, disperses, renders unserviceable or anyhow alienates things which, according to the provisions of the regulations, are entrusted to him by the military administration as constituting his clothes or military equipment, shall be punished with military imprisonment up to six months.

Art. 150.

PURCHASE OR RETAINER OF MILITARY THINGS

Whoever purchases or for whatever reason holds clothes or military equipment or other things destined to military use, without being able to evidence that such things are lawfully not belonging to the military service, shall be liable to the punishment respectively prescribed in the preceding articles. *6 months*

CHAPTER VI

DESTRUCTION OR DAMAGE OF WORKS, BUILDINGS OR MILITARY MOVABLE THINGS

Art. 151

DESTRUCTION OR SABOTAGE OF MILITARY WORKS

1. Any military man who, apart from the cases referred to in articles 89 & 92, destroys or renders unserviceable, wholly or in part, even temporarily, ships, airplanes, trains, roads, installations, depôts or other military works, or works destined to the service of the armed forces of the State, shall be punished with imprisonment for not less than eight years;
2. Punishment of death with cashiering shall be imposed where the act has seriously affected the preparation or the efficiency of the State for war;
3. Military imprisonment up to five years shall be imposed where the act is committed with Culpa.

Art. 152

DAMAGE TO MILITARY BUILDINGS

Apart from the cases referred to in the first and second paragraphs of the preceding article, any military man who, however, damages military buildings, shall be punished with military imprisonment up to five years.

Art. 153

DESTRUCTION OR DETERIORATION OF MILITARY MOVABLE THINGS

1. Any military man who, apart from the cases referred to in the articles 148, 149, destroys, disperses, spoils or renders, wholly or in part, unserviceable, things, arms, ammunition or any other movable thing belonging to the military administration, shall be punished with military imprisonment from six months to four years;

2. Where the act is committed on board a military ship or on board a military airplane, the military imprisonment shall be from two to five years, and can extend up to fifteen years, where from the act results the lose of the ship or airplane, or where either of them is no more fit for the service it was destined to.

Art. 154

ACTS COMMITTED WITH CULPA

Where any of the acts referred to in the articles 152 and 153 is committed with Culpa, the punishment of military imprisonment up to six months shall be imposed.-

Art. 155

AGGRAVATING CIRCUMSTANCE AND
MITIGATORY CIRCUMSTANCE IN RE-
LATION TO THE AMOUNT OF DAMAGE.

- In the cases referred to in the articles 152 & 153:
- a) imprisonment not less than five years shall be imposed where a heavy damage results from the act;
 - b) the punishment shall be reduced where, for the special slightness of the damage, the act results of slight entity.

Art. 156

KILLING OR INJURING ANIMALS
DESTINED TO THE SERVICE OF
THE ARMED FORCES OF THE STATE.

Any military man who, without necessity, kills or renders unserviceable or in every case impairs the value of an animal destined to the service of the armed forces of the state, shall be punished with military imprisonment from six months to four years.

~~CHAPTER-III~~ X

OFFENCES AGAINST THE MILITARY DISCIPLINE

CHAPTER -1

DISOBEDIENCE

Art. 157

DEFINITION OF THE OFFENCE AND AGGRAVATING
CIRCUMSTANCE.

1. Any military man who refuses, omits, or delays to obey an order concerning the service or discipline, given by a superior, shall be punished with military imprisonment up to one year.
2. Where the act is committed during the service, or on board a ship or airplane, the military imprisonment shall be from six months to one year; and can extend up to five years, where the act is committed in the occasion of fire, epidemic or in other circumstance of serious danger.

X