

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:
- imprisonment not less than five years shall be imposed where a heavy damage results from the act;
 - 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.

- 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.
- 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

CHAPTER II

REVOLT, MUTINY AND MILITARY SEDITION

Art. 158

REVOLT

1. The punishment of military imprisonment from three to fifteen years shall be imposed upon all military men who, being assembled in four or more:
 - a) while they are in armed service, refuse, omit or delay to obey the order given by their superiors;
 - b) arbitrarily take up arms and refuse, omit or delay to obey the order of their superiors to lay down the arms
 - c) abandoning to excess or for acts of violence, refuse, omit or delay to obey the order, to disperse or re-enter into the order, given by their superior;
2. The person who promoted, organized or conducted the revolt shall be punished with military imprisonment for not less than fifteen years;
3. The punishment shall entail removal.

Art. 159

M U T I N Y

1. Apart from the cases referred to in the preceding article, the punishment of military imprisonment from six months to three years shall be imposed upon the military men who, being assembled in four or more:
 - a) refuse, omit or delay to obey an order of their superior;
 - b) persist in presenting, orally or written, an application, statement or claim;
2. The person who promoted, organized or conducted the mutiny shall be punished with military imprisonment from one to five years;
3. Where the act is of a special serious nature for the number of the guilty or for the reasons that caused it, or where it is committed in circumstances of danger on board a ship or aircraft, the aforesaid punishments shall be increased from half to two-thirds;
4. The punishment shall entail removal;
5. Where the guilty complies with the first order, the military imprisonment up to six months shall be imposed, except the one who promoted, organized or conducted the mutiny; in such a case, the punishment shall be military imprisonment up to one year.

Art. 160

PROVOCATION OF THE SUPERIOR

Where any of the offences referred to in the two preceding articles is committed in a state of anger caused by an unjust act of the superior, consisting in a violence or another graver offence against the inferior, and soon after it, the punishment prescribed therein shall be reduced from onethird to half.

Omission to report

Art. 161

FAILURE TO REPORT TO THE SUPERIORS

1. Any military man who, though not present in any of the acts referred to in articles, 158 & 159, omits to give notice to the superiors about it as soon as he knows them, shall be punished with military imprisonment up to one year;
2. Where the guilty is an officer, the military imprisonment shall be from one year to two years.

Art. 162

AGREEMENT FOR THE PURPOSE OF COMMITTING REVOLT OR MUTINY.

Where four or more military men come to an agreement in order to commit any of the offences of revolt or mutiny referred to in the preceding articles, those who have participated in the agreement shall be punished, where the offence is not committed, with the punishment prescribed for the same offence, reduced from one-third to half.

Art. 163

CONSPIRACY FOR ENDANGERING THE SECURITY OF THE POST OR THE AUTHORITY OF THE COMMANDANT.

Where more military men come to an agreement in order to commit an offence for the purpose of bringing into danger the security of the ship or airplane, fort or post, or of preventing the Commandant to exercise his powers, each of them, for that only, shall be punished with military imprisonment not less than two years.

Art. 164

APPLICATION, STATEMENT OR COLLECTIVE COMPLAINT BY PREVIOUS AGREEMENT.

1. Where ten or more military men, jointly or separately, but by previous agreement, present a same application or a same statement or complaint, each of them shall be punished with military imprisonment up to one year;
2. Where the application, statement or complaint is presented by four or more military men through public manifestation, the punishment shall be military imprisonment from six months to three years.

Art. 165

CASES NOT PUNISHABLE

In the cases referred to in the preceding three articles, the following can not be punished:

- a) those who withdraw from the agreement before the act is committed for which the agreement is made, before the arrest or the trial;
- b) those who prevent anyhow the execution of the offence for which the agreement...

Art. 166

SEDITIONOUS ACTIVITY

Any military man who performs an activity directed to stir up in other military men the feeling of dissatisfaction, for being in service to arms or for the performance of special services, shall be punished with military imprisonment up to two years.

Art. 167

SEDITIONOUS MANIFESTATIONS AND CRIES

Any military man who publicly carries out seditious manifestations and shrieks, shall be punished, where the act does not constitute a more serious offence, with military imprisonment up to one year.

Art. 168

COLLECT OF SIGNATURES FOR COMPLAINT OR PROTEST MEETING OF MILITARY MEN.

1. Any military man who collects signatures for a collective complaint or protest in things of military service or pertinent to the discipline or who signs it shall be punished with military imprisonment up to six months.

2. The same punishment shall apply to any military man who, for dealing with things pertinent to the military service or to the discipline, arbitrarily promotes a meeting for military men, or who participates in it.

Art. 169

UNLAWFUL ISSUE OF CERTIFICATIONS OR STATEMENTS

Where more military men issue unlawfully certifications or statements concerning military things or persons, each of them shall be punished with military imprisonment up to six months.

CHAPTER-III
INSUBORDINATION

Art. 170

INSUBORDINATION WITH FORCE

1. Any military man who uses force against a superior shall be sentenced to death with cashiering, where the force consists in murder, though attempted or preterintentional; ما له غير محكمة الموت

2. Where the force against the superior consists in a serious or very serious hurt, the punishment shall be death with cashiering, where the superior is an officer, and imprisonment from seven to fifteen years, where the superior is not an officer;

3. Apart from the cases referred to in the preceding paragraphs, any military man who uses force against a superior shall be punished with military imprisonment not less than five years, where the superior is an officer, and with the same punishment from twelve years, where the superior is not an officer.

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Art. 171

AGGRAVATING CIRCUMSTANCES

For the offence referred to in the preceding article, where the offended superior is the commandant of a unit or is a military man in charge of a service or head of a post, the punishment can be increased.

Art. 172

MITIGATORY CIRCUMSTANCE, CAUSES NOT RELATING TO THE SERVICE OR TO THE MILITARY DISCIPLINE

1. Where any of the acts referred to in article 170 is committed for causes not relating to the service or to the military discipline, not in the presence of military men assembled for service, or is committed by a military man who is not in service or on board a military ship or a military airplane, the punishment of death with cashiering shall be substituted for the imprisonment from twenty four to thirty years, and the other punishment shall be reduced from one-third to half.

2. The provisions of the preceding paragraph shall not apply in case of murder which, in conformity with the penal code, is punishable with death.

Art. 173

INSUBORDINATION WITH THREATS OR ABUSE

1. Any military man who threatens a superior, in his presence, or offends the honour, prestige or reputation of a superior, in his presence, shall be punished with military imprisonment from three to seven years, where the superior is an officer, and from one to five years, where the superior is not an officer; (assaults)
2. The same punishments shall apply to any military man who commits the act through telegraphic or telephonic communication, or with writing or drawing, directed to the superior.

Art. 174

AGGRAVATING CIRCUMSTANCES

1. The punishments prescribed in the preceding article shall be increased:

- a) where the threat is used in order to compel the superior to perform an act contrary to his duties, or to carry out or omit an act of his office or service, or in order to influence in any manner the superior;
- b) where the offended superior is the commandant of the unit or the military man entrusted with a service or the head of a post;
- c) where any of the circumstances referred to in the first paragraph of the article 266 of the penal code concurs, the military imprisonment from five to twenty years shall be imposed, where the offended superior is an officer, and from three to fifteen years, where the superior is not an officer.

2. Where any of the circumstances referred to in the second paragraph of the article 266 concurs, the military imprisonment from five to twenty years shall be imposed where the offended superior is an officer, and from three to fifteen years, where the superior is not an officer.

Art. 175

THREAT OR ABUSE IN THE ABSENCE OF THE SUPERIORS

In the cases referred to in the two preceding articles, where the act is committed in the absence of the offended superior but in the presence of more military men, the guilty shall be punished with military imprisonment from six months to three years, where the superior is an officer, and with the same punishment up to six months, where the superior is not an officer.

Art. 176

MITIGATORY CIRCUMSTANCE: CAUSES NOT RELATING TO THE SERVICE OR TO THE MILITARY DISCIPLINE

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In the cases referred to in the three preceding articles, where the act is committed for causes not relating to the service or to the military discipline, not in the presence of more military ~~acting together~~ for service and by a military man who is not in service or not on board a military ship or a military airplane, the punishment shall be reduced.

Art. 177

FUNCTIONS EXERCISED BY THE SUPERIOR

~~where~~ The provisions of the preceding articles shall apply, ~~whatever~~ the condition of the offended superior may be, and even when the act is committed in consequence of political, administrative or legal functions exercised by the superior.

Art. 178

PROVOCATION OF THE SUPERIOR

Where any of the offences referred to in the preceding articles is committed in the state of anger caused by an unjust act of the superior or soon after it, or soon after the inferior came to know it, the punishment of death with cashiering shall be substituted for imprisonment not less than twenty years, and the other punishments shall be reduced from one-third to half.

CHAPTER-IV

ABUSE OF POWER

Art. 179

VIOLENCE AGAINST AN INFERIOR

*inferior offenders
by superior*

1. Any military man who uses force against an inferior shall be punished with military imprisonment from six months to five years;

2. Where the force consists in murder, although attempted or preterintentional, in a serious or very serious hurt, the corresponding punishments prescribed in the penal code shall apply. Nevertheless, imprisonment shall be increased.

Art. 180

THREAT OR INSULT AGAINST AN INFERIOR

Any military man who threatens an inferior, in his presence, or offends the honour or dignity of an inferior, in his presence, shall be punished with military imprisonment up to six months;

The same punishment shall apply to any military man who commits the act through telegraphic or telephonic communication, or with writing or drawings, directed to the inferior;

The military imprisonment up to three years shall apply where the threat is serious, or where it is committed in any of the manners referred to in the article 266 of the penal code.

Art. 181

MITIGATORY CIRCUMSTANCE; CAUSES
NOT RELATING TO THE SERVICE OR
TO THE MILITARY DISCIPLINE.

In the cases referred to in para 1 of article 179 as well as in article 180, where the force, the threat or the insult is committed for causes not relating to the service or to the military discipline, the imprisonment shall be reduced from one-third to half.

Art. 182

PROVOCATION

Where any of the acts referred to in the preceding articles is committed in the state of anger caused by the unlawful act of the inferior, and immediately after the same, or immediately after it has come to the knowledge of the superior, the punishment of death shall be replaced by imprisonment not less than twenty years; imprisonment for life shall be replaced by imprisonment not less than fifteen years; and the other punishments shall be reduced from half to two-thirds.

CHAPTER-V

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GENERAL PROVISIONS RELATING TO THE 3RD AND 4TH CHAPTERS

Art. 183

ACTS OF INSUBORDINATION AND ABUSE OF POWER FOR REASONS OF HONOUR.

Where any of the acts referred to in the third and fourth Chapter, is committed for reasons of honour, in the circumstances referred to in the article 443 of the penal code, the provisions of the aforesaid code shall apply, being the punishment ~~of imprisonment~~ ~~to be replaced by punishment of military imprisonment~~

CHAPTER-VI

INSTIGATION TO COMMIT DELINQUENCE

Art. 184

INSTIGATION TO COMMIT MILITARY OFFENCES

Unless otherwise is provided by law, any military man who instigates one or more military men to commit a military offence, shall be punished, where the instigation is not accepted or where the instigation is accepted but the offence is not committed, with military imprisonment up to five years. Nevertheless, the punishment shall always apply in a measure less than half of the punishment prescribed for the offence to which the instigation refers.

Where the guilty is the superior of the instigated, the conviction shall entail removal.

Art. 185

INSTIGATION OF MILITARY MEN TO DISOBEY THE LAWS

Any military man who commits any of the acts of instigation or apology referred to in the article 209 of the penal code, against military men, shall be liable to the punishments prescribed therein, increased from one-sixth to one-third. The conviction, when does not cause cashiering shall entail removal.

PART-IV
SPECIAL OFFENCES AGAINST MILITARY ADMINISTRATION,
PUBLIC FAITH, PERSONS AND AGAINST PATRIMONY.

CHAPTER-1

PECULATION AND MILITARY MISAPPROPRIATION

Art. 186

MILITARY PECULATION

Any soldier entrusted with administrative functions or command, who being, by reason of his office or service, in possession of money or other movable property belonging to the military administration, appropriates it or converts it to his own use or to the use of another, shall be punished with imprisonment from two to ten years.

Art. 187

MISAPPROPRIATION TO THE PREJUDICE OF SOLDIERS

Any soldier entrusted with administrative functions or command, who appropriates, or, in any manner, diverts to his own use or to the use of another money or other movable thing, belonging to another soldier which he is by reason of his office or service in possession, shall be punished with imprisonment from two to eight years.

Art. 188

PECULATION AND MISAPPROPRIATION OF POSTMAN

Any military postman, who commits the act of misappropriation referred to in the two preceding articles, or who, in any manner, appropriates or diverts to his own use or to the use of another, to the prejudice of the military administration or soldier, values or things which he is in possession by reason of his service, shall be punished with the punishment prescribed in the aforesaid articles, reduced from one-third to half.

Art/189

MILITARY PECULATION BY TAKING ADVANTAGE OF THE ERROR OF ANOTHER PERSON

Any soldier entrusted with administrative duties of command, who, in the exercise of his duties, taking advantage of another person's error, wrongfully receives or retains, for himself or for a third party, money or any other movable thing, belonging to another military or to the military administration, shall be punished with military imprisonment from two months to three years.

Art. 190

ACCESSORY PENALTIES

The conviction for any of ^{the} offences referred to in the preceding articles, where cashiering does not follow, shall entail removal.

CHAPTER-II

OFFENCES OF FORGERY

Art. 191

FORGERY IN LEAVE LETTERS, AND IN ROUTES

BEAUX

1. Any soldier, who makes, wholly or in part, a false leave letter, or a false route or permission or go-out authorization or entrance authorization or free circulation in a military establishment, or a document for the entrance in a military nursing place or getting out of it, or alters any of the said genuine letters, authorizations or documents, shall be punished with military imprisonment up to one year.

2. The same punishment shall apply to any soldier, who makes use of any of the genuine letters, authorizations or documents referred to in the preceding paragraph, counterfeited or altered or regularly issued to another soldier and not altered.

Art. 192

USURPATION OF DECORATIONS AND MILITARY BADGES.

Any soldier who wrongfully wears, in public, military decorations or distinctive marks of rank, duty, speciality or military patents, shall be punished with military imprisonment up to six months.

CHAPTER-III

OFFENCES AGAINST PERSONS

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Art. 193

ASSAULT

Any soldier, who strikes another soldier, and no physical or mental illness results therefrom, shall be punished with military imprisonment up to six months.

The aforesaid provision shall not apply when the law prescribes the act to be a constitutive element or an aggravating circumstance of another offence.

Art. 194

HURT

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1. Any soldier, who causes hurt to another soldier, from which physical or mental illness results, shall be punished, where the act does not constitute a more serious offence, with military imprisonment from three months to three years.

ART. 195

serious or more serious hurt

1. Where the hurt, committed by a soldier to the prejudice of another soldier, is serious, the punishment shall be imprisonment from two to seven years.

2. Where the hurt is more serious, the punishment shall be imprisonment from five to twelve years.

Art. 196

MITIGATORY CIRCUMSTANCES

Where any of the acts referred to in the preceding three articles is committed for reasons of honour, in the circumstance referred to in article 443 of the penal code, the provisions of the said code shall apply, replacing the punishment of imprisonment by punishment of military imprisonment.

Art. 197

INSULT

1. Any soldier who offends the honour or dignity of another soldier in his presence, shall be punished, where the act does not constitute a more serious offence, with military imprisonment up to one year.

2. Any soldier who commits the act by telegraphic or telephic communication, or by writing or drawing to the injured person shall be liable to the same punishment.

3. The punishment shall be military imprisonment up to two years, in the cases referred to in para 2 of article 451 of the penal code.

Insult to
Other Rank

Art. 198

DEFAMATION

1. Any military man who, apart from the cases referred to in the preceding article, by communicating with more than one person, injures the reputation of another soldier, shall be punished, where the act does not constitute a more serious offence with military imprisonment up to one year.

2. The punishment shall be increased up to double, where any of the circumstances referred to in letters (b), (c), and (d) of para 2 of article 451 of the penal code is present.

Art. 199

RETORT, PROVOCATION

1. In the cases referred to in the article 197, where the offences are reciprocal, the judge can declare not punishable one or both of the offenders.
2. Any soldier, who commits any of the acts referred to in article 197 & 198 in a state of anger caused by an unlawful act of another person, and immediately after the same, shall be liable to punishment.-

Art. 200

T H R E A T S

1. Any military man who threatens another soldier with unlawful harm, shall be punished, where the act does not constitute a more serious offence, with military imprisonment up to two months.
2. Punishment shall be military imprisonment up to six months where the threat is serious;
3. Where the threat is made in any of the ways referred to in the article 266 of the penal code, the punishment shall be military imprisonment up to one year.

CHAPTER-IV
OFFENCES AGAINST PROPERTY

Art. 201

MILITARY THEFT

1. Any military man who, in a military theft, for the purpose of deriving wrongful gain for himself or for another military man, takes possession of any movable property of another person, by depriving him of the possession thereof, shall be punished with military imprisonment from two months to two years;
2. Where the act is committed to the prejudice of the military administration, the punishment shall be military imprisonment from one to five years.
3. The conviction shall entail removal;
4. For the purposes of military penal law, the term "military place" includes the barracks, ships, airplances, military establishments and any other place, in which military men live, though temporarily, for reason of service.

Art. 202

AGGRAVATING CIRCUMSTANCES

1. The punishment shall be imprisonment from one to five years in the case referred to in para 1 of the preceding article, and from two to seven years, in the case referred to in para 2 of the same article:
 - a) where the offender employs violence against objects or avails himself of any fraudulent means.

- b) where the offender carries upon his person arms or narcotics, even without making use of them;
- c) where the act is committed by sleight of hand, or by snatching any thing from the hand or person of another;
- d) where the act is committed by three or more persons or even by a single person who is disguised.

Where there is a concurrence of two or more of the circumstances referred to in the preceding paragraph, or where one of the said circumstances exists along with one of those referred to in article 39 of the penal code, or in article 39 of this code, punishments shall be from two to eight years in the case referred to in para 1 of the preceding article, and from three to ten years, in the case referred to in para 2 of the same article.

The conviction, where cashiering does not result therefrom, shall entail removal.

Art.203

THEFT TO THE PREJUDICE OF THE SUPERIOR
IN WHOSE PERSONAL SERVICE THE OFFENDER
IS EMPLOYED; OR IN THE HOUSE OF THE SAID
SUPERIOR.

Any soldier employed in the personal service of a superior, in whatever place, takes possession of any movable property of another, by depriving him of the possession thereof, for the purpose of deriving wrongful gain for himself or for others, shall be punished with imprisonment from two to seven years.

The provisions of the preceding paragraph shall apply even where the act is committed, in the house of the superior, to the prejudice of person or persons co-habiting with the superior.

Where concurs any of the circumstances referred to in para 1 of the preceding article, the punishment shall be imprisonment from three to ten years.

Where there is concurrence of two or more of the circumstances referred to in para 1 of the preceding article, or where any of the said circumstance exists along with one of those referred to in article 39 of the penal code or in article 39 of this code, the punishment shall be imprisonment from four to twelve years.

The conviction, where cashiering does not result therefrom, shall entail removal.

Art.204

THEFT OF USE OR ON THINGS OF SLIGHT
VALUE. THEFT OF CLOTHES OR EQUIPMENT.

The military imprisonment up to six months shall apply: where the offender has acted for the sole object of making temporary use of the movable property taken, and the property has been returned immediately after such use; where the act is committed on movable property of slight value, with the purpose of meeting a serious and urgent need.

Use of things

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- c) where the act is committed upon clothes or military equipment for the sole object of making up for the deficiencies of ones own kit;
2. These provisions shall not apply, where there is a concurrence of any of the circumstances specified in letters (a), (b) and (c) of para 1 of article 202.

Art.205

CHEATING

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- 1. Any military man who, by deceit or subterfuge, leads another military man into error and obtains for himself or another a wrongful gain to the detriment of another military man, shall be punished with military imprisonment from six months to three years;
- 2. The punishment shall be military imprisonment from one to five years:
 - a) where the act is committed to the detriment of the military administration or under the pretext of ~~securing~~ exemption for anyone from military service;
 - b) where the act is committed by inducing in the party injured the fear of an imaginary danger or an erroneous belief of having to comply with an order of the authorities.
- 3. The conviction shall entail removal.

cheating

Art.206

MISAPPROPRIATION

- 1. Any military man who, in order to secure for himself or another a wrongful gain, appropriates money or any movable property belonging to another military man of which he comes into possession, under any title, whatsoever, shall be punished with military imprisonment up to three years;
 - 2. Where the act is committed in respect of properties held by way of necessary deposit or belonging to the military administration, the punishment shall be increased.
 - 3. Where the act is committed upon clothes or military equipment, for the sole object of making up for the deficiencies of ones kit, the punishment shall be military imprisonment up to six months.
- In the cases specified in para 1 and 2, the conviction shall entail removal.

Misappropriation

Art.207

MISAPPROPRIATION OF ARTICLES LOST OR OBTAINED THROUGH ERROR OR CHANCE

Imprisonment up to six months shall be imposed upon:

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~~218~~
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- a) any military man who, in a military place, having found money or any thing lost by other military men, appropriates it or does not hand it over to the superior within twentyfour hours;
- b) any military man who appropriates things belonging to other military men or to the military administration, of which he has come into possession through the mistake of another or by chance.

2. Where the offender was knowing the owner of the thing which he appropriated, the punishment shall be military imprisonment up to two years.

Art. 208

R E C E I V I N G

- 1. Any military man, other than in the cases of participating in the offence, for the purpose of securing for himself or for another a wrongful gain, purchases, receives or conceals money or property, in respect of which a military offence has been committed, or, in any manner, takes part in causing them to be purchased, received or concealed, shall be punished with military imprisonment up to two years.
- 2. Where the military offence is committed in respect of money or property, which causes a punishment of imprisonment superior at the maximum of five years or another more serious punishment, the imprisonment up to six years shall be imposed.
- 3. The provisions of this article shall apply where the offence, in respect of the money or property, was committed by a person not punishable or chargeable.
- 4. The conviction, where cashiering does not result therefrom, shall entail removal.

John A. Sullivan

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