

In the name of the people
Presidential Council

Decree Number 9

According to the Council of Representatives decision based on Article 61, First section of the Constitution and according to Article 138, Fifth section (A) of the Constitution, the Presidential Council, during a session held on 10 February 2008, decided to issue the following law:

Number 14 for the year 2008 Internal Security Forces Penal Code

Chapter One Application of the Law

Article 1

First: This law applies to:

- A. Officers and enlisted ranks of the Internal Security Forces who are in service.
- B. Students at the Police College, institutes or schools specialized in training the Internal Security Forces.
- C. Retirees, those who are suspended, dismissed, expelled, discharged from service, and those who have resigned from the Internal Security Forces if they committed a crime while in service.

Second: Defining terms for the purposes of this law:

- A. Officer: Policeman holding a rank of Second Lieutenant or higher.
- B. Enlisted rank: commissioner, non-commissioned officer, or an ordinary Policeman.
- C. Student: anyone recruited as a student at the Police College, or at any other institute or school specializing in the training of the Internal Security Forces.

Chapter Two Types of Penalties

Article 2

Penalties are categorized as:

First: Original penalties: These are the penalties listed in Penal Code number 111 of 1969, which are execution, prison or jail sentences, and fines.

Second: Fines: This penalty is applied according to this law.

Third: Detention.

Fourth: Incidental penalties, which are:

- A. Dismissal
- B. Suspension

Chapter Three Crimes

Part One Crimes of Damage, Sabotage, and Incitement

Article 3

First: The death penalty applies to those who:

- A. Relinquish to or give an improper or hostile party a police station, building, location, or premises; or use means to force or tempt the person in charge of a police station, building, location, or premises to relinquish to give the aforementioned in a manner contradictory to security requirements.
- B. Obtain items or documents, or copies, or any information which should remain undisclosed for national security reasons and then pass this information directly or indirectly to another party with the intention of harming the national interest.
- C. Intentionally destroy, sabotage, or misuse buildings, headquarters, or equipment in a manner contradictory to their intended purposes, or against issued orders and instructions.
- D. Incite someone to take up arms and join an armed gang or assist the gang.

- E. Encourage disobedience and rebellion among members of the Internal Security Forces during disturbances or states of emergency.
- F. Disclose secrets, or reveal plans or instructions to an armed gang.
- G. Intentionally destroy communications or transportation methods, weapons, or ammunition.

Second: During disturbances or states of emergency a prison sentence shall be imposed upon those who:

- A. Release detainees in violation of orders and instructions.
- B. Intentionally fail to secure stocks of food or supplies to Internal Security Forces departments.
- C. Intentionally suspend or delay plans and operations of the Internal Security Forces.

Third: Whoever refrains from reporting the crimes specified in the First and Second sections of this Article to the concerned authorities shall be imprisoned.

Article 4

First: An exemption from punishment shall be given to those who plan to commit one of the crimes listed in Article 3 of this Part who of their own initiative inform the proper authority about the existence of an agreement among criminals and their identities; provided that the reporting is done before the crime takes place and before the investigative authorities learn the identities of the culprits.

Second: Reporting the criminal agreement and the culprits after the investigative authorities have identified the culprits is considered a mitigating legal defence if such reporting facilitated the process of arresting and convicting the culprits.

Part Two Crime of Absence

Article 5

Those who are absent from their department or duty location, or if their vacation exceeds fifteen days, shall be jailed for a period not exceeding six months. If the absence is repeated a jail sentence not exceeding one year shall be imposed.

Article 6

Whoever is absent for more than ten days during disturbances or states of emergency

shall be jailed for at least one year.

Article 7

First: The Senior Disciplinary Commander may punish a Policeman by deducting his salary, for a period not exceeding fifteen days, upon proving that he was absent for no more than fifteen days during ordinary circumstances. If the absence is repeated, the Policeman shall be jailed for a maximum of thirty days.

Second: For the purposes of this law, the term Senior Disciplinary Commander means the Minister of Interior or whoever he authorizes.

Part Three Crimes of Disrespect and Disobedience

Article 8

Anyone who disobeys orders or incites someone to do so shall be imprisoned. It is considered an aggravating circumstance if it is a repeated offense or if the disobedience is committed during disturbances or states of emergency.

Article 9

Those who disobey the instructions of their commanders or the higher ranking commander, or those who verbally oppose the instructions during a force's gathering shall be jailed. It is considered an aggravating circumstance if such disrespect is committed while combating a criminal force, or during disturbances or states of emergency.

Article 10

First: A Policeman who insults or assaults a watchman, guard, or someone on patrol, or fails to follow their orders, shall be jailed.

Second: For the purposes of this law, unless otherwise stated, the term Policeman means a member of the Internal Security Forces including officers, enlisted ranks, or students at one of the Internal Security Forces colleges, institutes, or schools.

Article 11

Anyone who does not render the proper protocols towards his commander or a higher ranking Policeman shall be detained.

Part Four
Crimes of Insulting the Commander

Article 12

Anyone who insults his commander, or who disobeys an order relating to his duties shall be jailed for a minimum of one year. For a repeated offence or if the disobedience occurred during disturbances or states of emergency, a two year minimum jail sentence shall be imposed.

Article 13

If the kind of disobedience stated in Article 12 above causes severe damage to public property or is life threatening a three year minimum jail sentence shall be imposed.

Article 14

First: Anyone who assaults those of higher rank, seniority, or position, or causes them a disability prison shall be imprisoned for a period not exceeding fifteen years.

Second: If the assault stated in the First section above leads to death a death sentence shall be imposed.

Third: Anyone who attempts to assault someone who is higher in rank, seniority, or position shall be jailed for a minimum of three years.

Part Five
Crimes that Breach the Job's Honour

Article 15

A jail sentence not exceeding six months applies to any one who:

First: is found drunk while on duty.

Second: while wearing the uniform, enters a place which violates the job's honour.

Third: knowingly accompanies people of ill repute.

Article 16

Whoever marries a woman of ill repute or houses one while knowing about her reputation shall be jailed and dismissed.

Article 17

First: Any Policeman who sodomises another male or female Policeman or has carnal knowledge with a female enlisted rank or a female officer shall be imprisoned for a period not exceeding fifteen years. The same punishment applies to the person who was sodomized or was the partner in the carnal knowledge if such act was consensual.

Second: A mediator who facilitates any of the acts listed in the First section above shall be imprisoned.

Third: Anyone who attempts to commit any of the crimes listed in the First and Second sections above will be charged with the crime of attempt as provided for in the Penal Code.

Part Six Crimes of Self-Inflicted Harm

Article 18

A jail sentence not exceeding one year applies to:

First: anyone who pretends to be sick or causes himself to be sick or disabled in order to escape duty obligations.

Second: anyone who intentionally disables one of his body parts, asks someone to inflict the disability, or disables a body part of someone else, or who intentionally inflicts bodily harm upon himself or someone else with the intention of becoming disqualified from service.

Article 19

Anyone who intentionally delays his recovery or prolongs his sickness, ailment, or disability in order to avoid performing his duties shall be jailed for a period not exceeding six months.

Article 20

A jail sentence of at least one year shall be imposed if the crimes stated in Articles 18 and 19 above are committed during disturbances or states of emergency.

Article 21

Anyone who attempts, or incites someone to commit suicide shall be jailed for a period not exceeding six months.

Part Seven
Crimes of Misusing Job Authority

Article 22

A higher ranking Policeman shall receive a jail sentence in one of following situations:

First: If he asks his subordinates to do work, or if he personally benefits from them, in a manner that is not job related.

Second: If he orders his subordinates to commit a crime. He shall be considered the principal actor if the crime is committed or attempted.

Third: For the purposes of this law, the term subordinate means one who is lower in rank, seniority, or position.

Article 23

A higher ranking Policeman shall be jailed for a period not exceeding one year in the following situations:

First: If he ignores a subordinate's complaint or threatens to withdraw the complaint.

Second: If he intentionally imposes a disciplinary penalty that is outside the scope of his legal authority.

Article 24

Those who curse, insult, or mistreat their subordinates contrary to the service rules shall be jailed for a period not exceeding three months. The jail sentence is increased to a period not exceeding six months if the abovementioned acts are based on an imputation of a particular incident.

Article 25

Those who assault, inflict bodily harm, or harm the health of subordinates, provided that the acts are unjust and with intention to inflict suffering, shall be jailed for a period not exceeding two years.

Article 26

First: It shall not be considered a crime if a higher ranking Policeman criticizes or politely reprimands a subordinate in matters related to the service.

Second: For the purposes of this law, the term higher ranking Policeman means one who is higher in rank, seniority, or position.

Part Eight Breach of Duty Crimes

Article 27

Anyone who manipulates or disposes of property held in trust or crime exhibits or causes their deterioration, loss or partial or full damage, replaces their parts or assists in doing one of the above, shall be imprisoned.

Article 28

Anyone who lies to his commander about duty related matters, files a complaint which he knows to be false or violates the proper procedure in filing a complaint shall be jailed.

Article 29

Anyone who gives his higher ranking Policeman untrue official documents, statements, information, information or reports related to the service or the job shall be jailed. The same punishment applies to those who facilitate the aforementioned acts.

Article 30

A checkpoint, guard post or office commander, or guard who abandons his post or performs activities that violate orders and which could result in damage, shall be jailed for a period not exceeding one year. If the abovementioned acts are committed during disturbances or states of emergency the punishment shall be imprisonment.

Article 31

A Policeman who overlooks a crime he could have prevented, or was in charge of preventing shall be jailed for a period not exceeding one year. The punishment is increased to a prison sentence if the crime was a felony.

Article 32

Those who are recruited through Internal Security Forces offices and have hidden information dealing with their personal conduct or previous recruitments through the Internal Security Forces or any other government apparatus, shall be jailed for a period not exceeding one year.

Article 33

Anyone covered under this law who holds an additional paying job without proper authorization shall be jailed for a period not exceeding one year.

Article 34

A higher ranking Policeman who neglects to supervise subordinates, does not report crimes committed by them, or fails to undertake the proper legal proceedings against them, shall be jailed for a period not exceeding one year.

Article 35

First: Anyone who misappropriates, steals, sells, buys, gambles with, pawns, hides, illegitimately possesses, or illegally disposes of material or equipments belonging to the service shall be imprisoned for a period not exceeding seven years. The punishment is increased to life imprisonment prison if such acts are committed during disturbances or states of emergency.

Second: The perpetrator in Article 35 First section above must pay for the material or equipment based on the market price at the time he committed the crime. The money goes to the concerned party who in turn spends it according to the law. The convicted person must provide a bond to ensure payment.

Article 36

First: Anyone who, in violation of contractual terms, receives, or causes someone to receive, food, clothes, equipment, buildings, or anything else which belongs to the Internal Security Forces shall be imprisoned for a period not exceeding fifteen years. The punishment is increased to life in prison if the items received are weapons or ammunition.

Second: If the recipient (from the section above) happens to gain or intentionally gains a personal benefit for himself or someone else a prison sentence of at least ten years applies.

Part Nine Crimes Committed against Government's Stock and Equipment

Article 37

First: Anyone who negligently loses, damages, or misuses equipment or material belonging to the Internal Security Forces shall be jailed for a period not exceeding one year. The jail sentence is increased to no more than three years if the above actions were done intentionally.

Second: The perpetrator in Article 37 First section above must pay damages based on market price at the time he committed the crime. The money or the damaged material goes to the concerned party who disposes of them according to the law. The convicted person must provide a bond to ensure payment.

Article 38

First: The Minister of Interior may hold the negligent Policeman liable for a certain amount of damages based on a recommendation made by an investigative council formed to determine the Policeman's liability and damages.

Second: The Minister of Interior may arrange for the negligent Policeman to pay damages in installments based on his own estimate or what would be appropriate in the circumstances. However, the Policeman must provide a bond to ensure payment.

Part Ten Fines

Article 39

First: The Internal Security Forces' Court may replace a jail sentence which does not exceed three years with a fine, in cases where the crime is punishable under this law with a jail sentence not exceeding three years. However, there must be reasons requiring such a replacement, and the Court must justify its decision.

Second: The rule in the First section of this article does not apply to crimes which breach the job's honour.

Third: For the purposes of this law, the term fine means the money amount of the judgment which the convict is required to pay to the national treasury. Before determining the amount, the Court must take into consideration the convict's social and financial situation, what he benefited or expected to benefit from the crime, the circumstances under which the crime was committed, and the victim's status.

Article 40

First: If a fine is imposed on a Policeman, the amount of the fine will be deducted from his salary, provided that it does not exceed one fifth of it. If the Policeman does not pay the fine, the Court will order a one day jail for every five hundred dinars he owes, provided that the jail term does not exceed two years in any case. Additionally, the jail term is decreased by one day for every five hundred dinars paid.

Second: The amount of the fine, provided for in this law, should be ten thousand dinars minimum and one hundred and fifty thousand dinars maximum, unless the law states otherwise.

Chapter Four Incidental Penalties

Article 41

First: A Policeman shall be dismissed in any of the following situations:

- A. If he is sentenced to death or prison by a court of competent jurisdiction.
- B. If he is convicted of committing sodomy or carnal knowledge.
- C. If he is convicted of a terrorism crime or a crime which threatens national security.

Second: Anyone sentenced to jail for a period not exceeding three years by a court of competent jurisdiction may be dismissed from service.

Article 42

First: Anyone sentenced to jail for a period of not less than one year and not exceeding three years by a court of competent jurisdiction shall be suspended from service.

Second: Anyone sentenced to jail for a period not exceeding one year by an Internal Security Forces court may be suspended from service.

Article 43

If a Policeman is sentenced to a freedom-restricting penalty by a civilian criminal court which permits an incidental penalty judgment, the Policeman shall be referred to the Internal Security Forces Court of competent jurisdiction to hear his defence and statements in order to impose the incidental penalty provided for in this law.

Article 44

First: If a Policeman is sentenced to be dismissed, the following applies:

- A. He loses his rank and is removed permanently from all Internal Security Forces jobs.
- B. He will not be rehired in any of the Internal Security Forces apparatuses.

Second: If a Policeman is punished by suspension from service, he loses his rank and is suspended from the Internal Security Forces apparatus for one year.

Article 45

Based on a substantiated reason and an investigative committee's recommendation, the Minister of Interior may dismiss an enlisted rank if his behavior causes harm to the interests of the party he works for or if he commits an act which would cause harm to

public welfare if he stays in service. The dismissal does not preclude any additional legal proceedings that may be taken against him.

Chapter Five Disciplinary Violations and Penalties

Article 46

A Policeman who commits violations which breach his duty, shall be punished with the disciplinary penalties, provided for in this law.

Article 47

The disciplinary penalties which may be imposed upon an officer are:

First: Reprimand: can be either confidential or public.

- A. Confidential reprimand: This is done by sending a confidential memorandum to the officer informing him of the violation he committed and ordering him to remedy it.
- B. Public reprimand: This reprimand is circulated in writing among the enlisted ranks within his office.

Second: Salary deduction: the monthly salary is cut by an amount equivalent to no more than ten days' pay.

Third: Room detention: The officer is detained in a designated room, for a period not exceeding thirty days, where he is prohibited from performing his official duties but not his training duties.

Fourth: Office detention: The officer is prohibited from leaving his office for a period not exceeding thirty days, where he is required to perform his official duty throughout the detention period.

Article 48

Disciplinary penalties which may be imposed upon the enlisted ranks are:

First: Reprimand: The enlisted rank is notified in writing of the violation he committed and is ordered to remedy it. The written reprimand is circulated among the enlisted ranks in the office.

Second: Salary deduction: the monthly salary is cut by an amount equivalent to no more than ten days' pay.

Third: Additional training: The enlisted rank, while dressed in uniform, receives ten hours' maximum military training of no more than two hours' duration per session.

Fourth: Additional duties: The enlisted rank repeats his daily duty for a period not exceeding seven days.

Fifth: Room or office detention: This is carried out pursuant to the Third and Fourth sections of Article 46 (*sic*) above.¹

Article 49

Anyone who is punished by detention and leaves his detention place for no legitimate excuse shall be jailed for a period not exceeding three months.

Article 50

Anyone covered under this law who violates his duties shall be punished with one of the disciplinary punishments provided for in this law.

Article 51

There can be no more than one disciplinary penalty, as stipulated under this law, for each violation.

Chapter Six Final Provisions

Article 52

Provisions of Penal Code Number 111 of 1969 and Juvenile Law Number 76 of 1983 apply to matters which are not provided for in this law.

Article 53

Law number 184 of 1970 and the Annex to the Military Penal Code Number 13 of 1940 are repealed.

Article 54

This law comes into force thirty days after publishing it in the Official Gazette.

¹ Translator's note: This appears to be a reference to Article 47, not 46.

Justifying Reasons

The Policeman's obligation to maintain security and stability, prevent crime, investigate, and arrest the perpetrator are fundamental to keeping public order, restoring security and ensuring the protection of citizens through the Policeman's performance of his duties and tasks. Therefore, it is essential for those responsible these duties to perform them with integrity, honesty and impartiality by applying and enforcing the laws. If he misapplies or obstructs the implementation of the law, abuses his authority or neglects to perform his duty he will be subject to punishment. For this reason, the provisions of the Penal Code of the Internal Security Forces are in accordance with the goals of this noble duty and the applicable penal laws, and they ensure that the punishment fits the crime committed. Therefore, to ensure that the Policeman is disciplined, obedient to higher ranking Policemen and respectful of his subordinates, and to achieve all of the aforementioned goals, this law has been enacted.