

DIREZIONE E REDAZIONE
Presso la Presidenza del Consiglio Rivoluzionario Supremo
Pubblicazione Mensile

PREZZO: Sh. So. 5 per numero — **ABBONAMENTI:** Annuo per la Somalia Sh. So. 100. Estero Sh. So. 300 — L'abbonamento richiesto in tempo stabilito, decorre dal 1° Gennaio e l'abbonato riceverà i numeri arretrati — **INSERZIONI:** per ogni riga o spazio di riga Sh. So. 2 — Le inserzioni si ricevono presso la Direzione Bollettino. L'importo degli abbonamenti e delle inserzioni deve essere versato all'Ufficio Imposte sugli Affari

SOMMARIO

PARTE PRIMA

ATTI LEGISLATIVI ED AMMINISTRATIVI

FIRST PART

ADMINISTRATIVE AND LEGISLATIVE ACTS

LAW No. 37 of 10 September 1972 — *Law on the Somali Territorial Sea and Ports.*

Pag. 244

PARTE SECONDA

DISPOSIZIONI, COMUNICATI AVVISI, VARIE

DISTRETTO DI BAIDOA — *Avviso ad opponendum a favore del Sig. Scerif Nur Mohamed Abdurahman. N. 88.*

» 250

CORRIGENDU — *Republication of the Law n. 35 of 1st April 1973.*

» 250

ERRATA CORRIGE — *alla Legge n. 37 del 2 Giugno 1973, relativa al CODICE CIVILE SOMALO.*

ATTI LEGISLATIVI ED AMMINISTRATIVI
ADMINISTRATIVE AND LEGISLATIVE ACTS

LAW No. 37 of 10 September 1972.

Law on the Somali Territorial Sea and Ports.

THE PRESIDENT
OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN The First Charter of the Revolution;
CONSIDERING The approval of the Councils SRC and Secretaries
of State;

PROMULGATES

the following Law:

DRAFT LAW ON
THE SOMALI TERRITORIAL SEA AND PORTS

Article 1

The Territorial Sea

1. The Somali Territorial Sea includes the portion of the Sea to the extent of 200 nautical miles within the continental and insular coasts, delimited according to the provisions of Articles 2, and 3 of this Law.

2. The Somali Territorial Sea is under the sovereignty of the Somali Democratic Republic. Offences committed within this limits of the territorial sea on board a vessel relating to penal health, and public security shall be governed by Somali Law.

Article 2

Measurement of the Territorial Sea

1. The normal base line for measuring the breadth of the territorial sea is the low water line along, the coast.

2. In localities where the coastline is deeply indented or if there is a frings of islands along the coast in its immediate vicinity, the method of straight baseline joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial Sea is measured.

3. Waters on the landward side of the baseline of the Territorial Sea form part of the internal waters of the State within the meaning of Article 4 below.

Article 3

Territorial Sea for islands and archipelagos

1. Where an island is situated within the 200 mile limit the belt of waters round it will constitute territorial waters. This belt will be 200 miles wide and will be measured from low-water mark following the sinuities of the island.

2. A group of islands forming part of an archipelago shall be considered as a unit and its territorial waters shall be measured from the centre of the archipelago.

Article 4

Internal Waters and Maritime Ports

1. The internal maritime waters include all navigable waters in Somali rivers open for maritime vessels and maritime ports with the areas as delimited by the table annexed herewith.

2. The internal Somali waters are subject to the sovereignty of the Republic according to Somali Laws and the provision of this Law.

Article 5

Fishing and Coastal Navigation

1. Fishing in the territorial Sea and regular transportation of persons and goods between Somali Ports are reserved for vessels flying the Somali Flag, and other authorised vessels.

2. Any infringement of the above provision shall be punished with a fine from 5,000/- to 100,000/- So. Shs. and in case of repetition of the infringement by the vessel or the operator, the punishment may be doubled and the captain shall be liable for offences prescribed by the Somali Penal Laws and the vessel may be confiscated.

3. Any contract of transportation made in violation of paragraph 1 above is void and without effect and the vessel executing or intending to execute the contract shall be subject to a fine equal to 5 times the freight or the fare stipulated or fixed by the usage for similar operation.

Article 6

Innocent Passage Through the Territorial Sea

Subject to the provisions of the Law merchant ships of all nationalities are allowed to the right of innocent passage through the Territorial Sea within the limits laid down by this Law and the general principles of the international Law of the Sea.

Article 7

Meaning of Innocent Passage

1. Passage means navigation through the Territorial Sea for the purpose of either traversing that sea without entering internal waters or of proceeding to internal waters or of making for the high Sea from internal waters.

2. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or by distress, but not for loading or unloading goods for passengers.

Article 8

Limits of Innocent Passage

Passage is innocent so long as it is not prejudicial to peace, good order, health or security of the Republic. Such passage shall take place in conformity with the provisions of this Law, and with the general rules and principles of international Law.

Article 9

Prohibited Passage

1. Passage in the Territorial Sea and internal waters is not allowed to vessels having the nationality of States not recognised by the Somali Democratic Republic.

2. In case of violation of the above paragraph the Somali authorities may take any measures necessary to ensure its.

Article 10

Warships

1. Foreign Warships are not allowed to passage through the Territorial Sea unless they are authorised by the Somali Government.

Article 11

Respect of Somali Laws in Territorial Sea

1. All Ships exercising the right of innocent passage shall comply with Somali Laws and regulations.
2. Each vessel while passing through the Territorial Sea shall hoist its national flag and comply with the orders made according Somali Laws — by the competent Authorities.
3. In case of infringement of any of the two above paragraphs the vessel shall be punished with a fine from 1,000/ to 100,000/- So. Shs. unless the fact or the omission constitutes a more grave crime.

Article 12

Entering to Internal Waters

1. All Ships proceeding to internal waters or ports shall comply with the provisions set by the maritime Code for this purpose.
2. Subject to the limitation laid down by Article 5 of this Law all mercant ships except those mentioned by Article 9 paragraph 1 above are granted the rights to enter in Somali Ports for any commercial operation, especially to load, unload, unload cargoes, embark or disembark passengers.

Article 13

Defence Zones

The Somali competent Authorities may take the necessary measures to suspend temporarily innocent passage of all foreign ships, in specified areas of the territorial sea, if this becomes necessary for the protection of the security of the State.

Article 14

Charges for Services Rendered

Charges levied on Ships in internal waters are also levied upon foreign Ships passing through the Territorial sea for services rendered or measures taken regarding the vessels for their security and the implementation of rules of the police of the navigation.

Article 15

Criminal Jurisdiction on Foreign Ships

1. The criminal jurisdiction of the Republic shall be exercised on board foreign ships passing through the Territorial sea or anchoring in

the ports with respect to the arrest of any person or conduct any investigation in connection with any crime committed on board the ship during its passage. Criminal jurisdiction is confirmed to the following cases:

- (a) if the consequences of the crime extend to the Territory of the Republic;
- (b) if the crime is of a kind to disturb the peace of the country or the order of the Territorial Sea or the Port;
- (c) if the assistance of the local authorities has been requested by the captain of the Ship or by the Consul of the country whose flag the Ship flies;
- (d) if it is necessary for the suspension of illicit traffic in narcotic drugs.

2. The Authorities may take any step authorised by the Somali Laws and regulations for the purpose of any arrest or investigation on board a foreign ship while it is passing through the Territorial Sea after leaving the internal waters or the port.

3. In the cases provided for in paragraph 1 and 2 of this Article the Authorities shall, if the captain so requests, advise the consular Authority of the Flag State before taking any steps, and shall facilitate contact between such Authorities and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. Local Authorities shall not take any steps on board a ship passing through the Territorial Sea to arrest any person or conduct any investigation in connection with any crime committed before the ship enters into the Territorial Sea and it is only passing through the Territorial Sea without entering internal waters.

Article 16

Civil Jurisdiction On Foreign Ships

The authorities may not levy execution against, or arrest, the ship for the purpose of any civil proceedings, save only:

- (a) in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the Territorial Sea or internal waters;
- (b) in the cases provided for by the maritime Code.

Article 17

Government Ships

1. The rules provided for in the preceding Article shall apply also to foreign Government ships operated for commercial purposes.

2. The above rules do not affect the immunities which Government ships operated for non commercial purposes enjoy.

Article 18

Arrest Vessels by the Authorities

In case where a punishment is prescribed for infringement committed by a foreign vessel the Somali Authorities may arrest the vessel until the said punishment is fulfilled or a sufficient security for this purpose is furnished.

Article 19

Any provision contrary to this Law or inconsistent with it is hereby abrogated.

Article 20

Entry into Force of this Law

This Law shall come into force on the thirtieth day of its publication.

Mogadishu, 10 September 1972.

THE PRESIDENT

of the Supreme Revolutionary Council

Major Gen. Mohamed Siad Barre

DISPOSIZIONI, COMUNICATI AVVISI, VARIE

DISTRETTO DI BAIDOA

AVVISO AD OPPONENDUM

Si rende noto che è stato affisso all'albo Municipale e quella Distrettuale e rimarrà esposto per la durata di giorni 30 (trenta) un avviso ad opponendum riguardante la concessione di un appezzamento di terreno demaniale, sita in zana Berdale, per il Sig. Sherif Nur Mohamed Abdurahman, dove confina come appresso:

A Nord con Via di P. R., a Est con il Sig. Ibrahim Muddey, a Sud con Via di P. R., ed a Owest con Via di P. R.

Gli interessati possono prendere visione della planimetria che è depositata presso l'Ufficio dell'USAD di Baidoa.

Baidoa, li 15 Maggio 1972.

(88) L'Ufficiale di Sviluppo e Affari Distrettuali
Jaalle Cap. Mohamed Salah H. Ahmed

C O R R I G E N D U M

For technical reasons, the text of Law No. 35 of 1st April 1973, published in the Official Bulletin No. 4-Bis of 10th April 1973 on the establishment of Revolutionary Youth Centres is hereby republished as follows, and be considered as the original text.

LAW n. 35 of 21 April 1973.

Establishment of Revolutionary Youth Centres.

THE PRESIDENT

OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the First and Second Charter of the Revolution;
HAVING SEEN Law No. 13 of 8th March 1970 concerning Juvenile Courts and reformatories;

CONSIDERING it necessary to establish special centres for the training and orientation of young Revolutionaries in consonance with the principles of the First and Second Charters of the Revolution;

TAKING NOTE of the approval of the Supreme Revolutionary Council;

HEREBY PROMULGATES

the following Law:

Chapter I.

Article 1

Establishment of Revolutionary Youth Centres

There shall be established in all Regions of the Republic, institutions known as «Revolutionary Youth Centres» hereinafter referred to as the Centres, to promote the physical and mental training and provide political orientation to growing Revolutionary Youth on the basis of the principles of the First and Second Charters of the Revolution.

Article 2

Administration and Supervision

The Centres shall operate under the administration of the Custodial Corps, subject to the supervision and guidance of the Ministry of Interior.

Article 3

Afgoi Centre and Regional Centres

1. The Youth Centre established at Km. 22 in the Afgoi District shall be the main institution for the training and orientation of Revolutionary Youth.

2. Regional Centres may be established, as and when required by decree of the Secretary of State for interior on the proposal of the Commandant of the Custodial Corps.

Chapter II.

ORGANISATION

Article 4

Organs

Each Centre shall function under the Authority of the following organs:

- i) The Director for the Centre;

- ii) The Regional Supervisory Council;
- iii) The Central Supervisory Council;

Article 5
The Director

1. Each Centre shall be directly administered by the Regional Commandant of the Custodial Corps or any other competent Officer of the Custodial Corps appointed by the Commandant and such officer shall be designated as Director of the Centre.

2. The Director shall be responsible for the over all administration of the Centre subject to such directives as may be issued by the Central Supervisory Council from time to time. In particular the Director shall be responsible for the administrative affairs of the Centre, education, morals and discipline of the Revolutionary Youth.

Article 6
Regional Supervisory Council

1. Regional Supervisory Councils for Revolutionary Youth Centres shall be established in the Regions and shall be composed of the following:

- i) Chairman Regional Revolutionary Council — Chairman
- ii) Chairman District Revolutionary Council — V. Chairman
- iii) Divisional or Group Commandant of Police — Member
- iv) Regional or Group Commandant of Custodial — Secretary
- v) Regional Education Officer — Member
- vi) Regional Medical Officer — Member
- vii) Two representatives to be nominated by the District Revolutionary Council from the local community one of whom shall be a female — Member.

2. Regional Supervisory Councils shall subject to the directions of the Central Supervisory Council exercise, administrative supervision over the Regional Centres. They shall have over all authority over the administration of centres including admission and expulsion of the Revolutionary Youth.

3. The Competence and powers of the Regional Supervisory Councils shall be laid down in the Regulations.

Article 7

The Central Supervisory Council

1. The Central Supervisory Council, shall be the main deliberative organ responsible for laying down a general policy for the organisation and functioning of the Revolutionary Youth Centres, with powers of supervision and control over their administrative machinery.

2. The Council shall be composed of the following members:

- | | |
|--|-------------|
| i) Secretary of State for Interior | — Chairman |
| ii) Vice-Commandant of National Army | — Member |
| iii) Secretary of State for Education | — Member |
| iv) Secretary of State for Health | — Member |
| v) Secretary of State for Finance | — Member |
| vi) Commandant of National Police | — Member |
| vii) Commandant of Custodial Corps | — Member |
| viii) Representative of the Department of Community Development and Social Welfare | — Secretary |
| ix) The Community representatives nominated by the Ministry of Interior | — Members. |

Chapter III.

A D M I S S I O N

Article 8

Eligibility of admission

1. Boys and Girls not older than 16 years shall be eligible for admission into Centres.

2. To be admitted into the Centre, an applicant should be:

- (a) a Somali Citizen;
- (b) medically fit;
- (c) an orphan, a foundling or abandoned child without parental care or a minor from a desperately poor family.

Article 9

Submission of application

1. Applications for admission shall be addressed to the competent supervisory Council. Applications shall be accompanied by a certificate submitted by or on behalf of the minor containing his personal history and background. Such certificates shall be endorsed by Police Authorities, after verification of its contents.

2. A minor described as an orphan or abandoned referred to under Article 8 (2) above shall only be admitted after the ascertainment by a public Officer his conditions of life and general situation.

3. The Regional Supervisory Councils concerned, after ascertaining all the facts furnished the applicants may adopt such decisions as it considers proper.

Chapter IV.

TRAINING AND EDUCATION

Article 10

Trainin and discipline

1. On admission, minors shall be subject to strict discipline and shall receive intensive training geared to the transformation of their character and mental attitude. They shall be imbued a sense of responsibility, personal dignity, sincerity and the fundamental principles of Socialism as enshrined in the Second Charter of the Revolution.

2. Rules of discipline and moral instruction as well as the educational programmes designed for the centres shall be laid down by decree of the Secretary of State for Interior on the proposal of the Commandant of the Custodial Corps having heard the Central Supervisory Council.

Article 11

Disciplinary measures against trainees

1. Disciplinary measures against the inmates of the Centres, shall be imposed by the Director of the Centre concerned provided that no minor shall be suspended or expelled without the prior approval of the competent Supervisory Council.

2. The nature of the disciplinary infringements envisaged under provisions shall be laid down in the Regulation.

Chapter V.

PERSONNEL AND ORGANISATION OF THE CENTRE

Article 12

Appointment of personnel

1. The instructors and teachers engaged in the Centre shall be selected from among qualified employees of the State. The administrative staff shall be drawn from the Civil or Military service, while the services of teachers and instructors shall be provided by the Ministry of Education.

2. In case of urgent necessity, the required personnel may be appointed for the Centres through public competition as provided by law. Such appointments shall be effected by decree of the President of the Supreme Revolutionary Council on the proposal of the Secretary of State for Interior having heard the advice of the Central Supervisory Council.

Article 13

Organisation

1. The Centres shall be properly organised and effectively supervised in order to ensure human comfort, happiness and to provide such basic facilities including medical care as are required by the inmates during the period of their training in the Centre.

2. The organisation and planning of the Centres shall be set out in the Regulations.

Chapter VI.

FINAL PROVISIONS

Article 14

The rules of the Centre

1. The Secretary may on the proposal of the Commandant of the Custodial Corps by decree issue Regulations for the proper implementation of this Law.

2. The internal rules of the Centre as well as other necessary directives to be issued under this law shall be effected by decree of the Secretary on the proposal of the Commandant of the Custodial Corps having heard the Central Supervisory Council.

Article 15

Entry into force

This law shall come into force immediately and shall be published in the Official Bulletin.

Mogadishu, 21 April 1973.

Jaalle Major Gen. Mohamed Siad Barre

PRESIDENT

of the Supreme Revolutionary Council
