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LAW No. 67 of 1st November 1970.

The Social protection and for the preventions of certain serious crimes against life, safety and property of individuals.

THE PRESIDENT

OF THE SUPREME REVOLUTIONARY COUNCIL

TAKING NOTE of the approval of the Supreme Revolutionary Council;

HEREBY PROMULGATES

the following Law:

CHAPTER I.

PROHIBITION OF TRIBALISM

First Section Prohibition of Tribalism

Article 1

Prohibition of Association having tribal character

1. Every form of associations which are of a tribal nature or having the purpose to further tribal interests is hereby prohibited.

2. Whoever organizes any association prohibited by the preceding paragraph 1 shall be punished with imprisonment for a term from five to ten years and a fine from Sh. So. 5,000 to Sh. So. 10,000.

3. Whoever participates aids or gives assistance for organizing an association prohibited by the previous paragraph shall be punished with imprisonment from a term of one year to three years and a fine from Sh. So. 500 to Sh. So. 3,000.

Article 2

Prohibition of encouragement of tribalism

1. Whoever by act, words or publications encourages tribalism shall be punished with imprisonment for a term from three to five years and a fine from Sh. So. 1,000 to Sh. So. 5,000.

2. By the term «publication» indicated in the previous paragraph it is intended written or printed material as well as every copy, reproduction or summary of same.

Second Section — Abolition of tribal rights in respect of land and water resources

Article 3

Abolition of tribal rights in respect of land and water resource

1. All land and water resources within the Somali Democratic Republic which do not belong to public bodies or other juridical or physical persons shall be the property of the State.

2. No one may enjoy any exclusive grazing right or any exclusive right over land or waters unless such right is granted in virtue of recognition or concession from the part of the State.

Anyhow, exclusive rights shall be kept in respect of wells or «wars» owned by public bodies or physical and juridical persons, utilized for private or personal purposes.

3. Whoever claims for himself any grazing rights or rights over land claims damages from third physical or juridical parties, basing his pretensions on tribal rights, shall be punished with imprisonment from three to five years and with fine from So. Sh. 1000 to So. Sh. 5000.

Third Section — Abolition of tribal titles and functions

Article 4

Abolition of tribal titles and functions

1. All tribal titles (such as Sultan, Bogor, Garad, Ugas, Maglag, Iman, Islan etc.), and respective prerogatives and privileges are hereby abolished.

2. Such leaders as mentioned in the previous paragraph, may be kept in service as Councillors, who for their unquestionable feeling of patriotism, loyalty, honesty, are to be considered indispensable for preserving peace in the extra rural community.

3. The President of the S.R.C., on the proposal of the Ministry of Interior may provide by own Decree for the reorganization of Districts and Municipal administrations, including the transformation of the present Districts in local Governments with their relative organizations with a view to promoting their political economic and social development within the framework of the State.

4. Persons who exercise the functions of Councillors shall be compared, to all effects, to public officers.

5. Whoever arrogates to himself titles prerogatives or privileges referred to in the paragraphs preceding for his own benefit or the benefit of third parties shall be punished with imprisonment for a term from five to ten years and a fine from So. Sh. 5,000 to So. Sh. 10,000.

Fourth Section — Prohibition of Tribal Contributions

Article 5

Prohibition of tribal contributions

1. Paying, receiving or collecting contributions of a tribal nature is hereby prohibited.

2. Whoever collects or receives contributions prohibited by the preceding paragraph 1 shall be punished with imprisonment for a term from three to five years and a fine from So. Sh. 3,000 to So. Sh. 5,000.

Fifth Section — Compensation for death or physical or moral injury

Article 6

Abolition of Death

1. No one except the person responsible for the death or physical or moral injury shall be liable to pay compensation if any, provided by Law. Where the responsible person is dead, the said compensation shall be required from the heirs within the limits they have benefited by the properties of the deceased.

2. Whoever collects or receives contributions as compensation contrary to the previous paragraph 1 shall be punished with imprisonment for a term from three to five years and a fine from So. Sh. 3,000 to So. Sh. 5,000.

Article 7

Right to compensations

1. Compensations for death, or physical or moral injuries shall belong exclusively to the injured parties or to his parents, consort and children.

2. Whoever other than the above mentioned persons shall receive such compensation or a part thereof shall be punished with imprisonment for a term from one year to three years and a fine from So. Sh. 500 to So. Sh. 3,000.

Article 8

*Execution of pending judgements for the
payment of compensation*

Judgements of competent courts in the Somali Democratic Republic which relate to the payment of compensation for death or physical or moral injury, even if they are final, will become executable only if they are in accordance with the provision of articles 6 and 7 of this Law.

**Sixth Section — Arrangement for the burial of
• destitute deceased persons**

Article 9

Arrangement for the burial of destitute deceased persons

When the death of any person occurs within any town or village, and where he has left no properties and his relatives, cannot provide for the burial, it shall be arranged by the Local Administration within whose territorial limits the death occurs, and the expenses therefor shall be borne by the Local Administration concerned.

CHAPTER II.

**PROHIBITION OF ACTS OF TRIBALISM, NEPOTISM, FAVOURITISM
OR REGIONALISM FROM THE PART OF PUBLIC SERVANTS**

Article 10

*Prohibition of acts of tribalism, nepotism favouritism
and regionalism*

1. The Public Servant holding a public office or in charge of a public service who performs or omits to perform, in carrying out his office duties, any action motivated wholly or in part by tribalism, nepotism, favouritism or regionalism shall be punished, where such acts or omissions do not constitute a more serious offence, with imprisonment for a term from fifteen to twenty-four years and with a fine from So. Sh. 10,000 to So. Sh. 50,000.

2. Whoever induces or tries to induce third parties to commit a fact constituting an offence according to the preceding paragraph (1) shall be punished with the penalties foreseen by the previous paragraph.

3. In conformity with and for all effects provided in this article:

- a) For «Favouritism» it is intended the manifestation of particular favours or partiality.
- b) For «Nepotism» it is intended every kind of favouritism shown for reasons of consanguinity or marriage.
- c) For «Regionalism» it is intended the solidarity based on the belonging to the same region or district.
- d) For the term «Tribalism» it is intended the solidarity based on the belonging to the same ethnical group.

CHAPTER III.

CERTAIN SERIOUS CRIMES AGAINST THE LIFE, SAFETY

AND PROPERTY OF INDIVIDUALS

First Section — Certain serious crimes against the life and safety of individuals

Article 11

Murder

Whoever intentionally causes the death of another person shall, subject to the relevant provisions of the Penal Code, be punished with death.

Article 12

Attempted murder

1. (a) Whoever with intent to commit murder causes serious hurts to others shall be subject to the relevant provisions of the Penal Code.
- (b) A hurt shall be deemed to be serious:
 - (i) where the act results in an illness which endangers the life of the person injured, or in an illness or incapacity which prevents him from attending to his ordinary occupation for a period exceeding forty days;
 - (ii) where the act produces a permanent weakening of a sense or organ;

- (iii) where the person injured is a pregnant woman and the act results in a premature birth.
- 2. (a) Whoever with intent to commit murder causes very serious hurts to others shall be subject to the relevant provisions of the Penal Code.
- (b) A hurt shall be deemed to be very serious where the act causes:
 - (i) an illness certainly or probably incurable;
 - (ii) the loss of a faculty;
 - (iii) the loss of a limb or a mutilation which renders a limb useless or the loss of an organ or the capacity to procreate, or a permanent impediment to speak.
 - (iv) a deformity or a permanent disfigurement of the face;
 - (v) the abortion of the person injured.

Second Section — Abduction of a married woman or an unmarried woman in respect of whom «yarad» has been paid

Article 13

Abduction of a married or an unmarried woman in respect of whom «yarad» has been paid

Whoever abducts a married or an unmarried woman in respect of whom «yarad» has been paid to her parents shall be punished with imprisonment for a term from ten to twenty years.

Third Section— Marriage of a married woman or in respect of whom «yarad» has been paid

Article 14

Marriage of a married woman or of a woman in respect of whom «yarad» has been paid

Where a married woman or a woman in respect of whom the yarad has been paid to her parents, marries another person, she shall be punished with imprisonment for a term from ten to twenty years.

Fourth Section — Certain serious crimes against property

Article 15

Cattle stealing

Whoever, for the purpose of deriving a profit for himself or for others, takes possession of an animal of another, by stealing it from its owner, shall be punished with imprisonment for a term from three to five years and with a fine from So. Sh. 500 to 5,000.

Article 16

Stealing of animals by violence

1. Whoever, for the purpose of deriving a wrongful gain for himself or for others, by means of violence against the person or threats, takes possession of an animal of another by stealing it from the owner, shall be punished with imprisonment for a term from five to ten years and with a fine from So. Sh. 5,000 to So. Sh. 20,000.

2. Whoever, uses violence or threats immediately after the stealing in order to assure to himself or to others the possession of the thing stolen or to procure to himself or to others the impunity is liable to the same punishment.

3. Where:

(a) the violence or threat are committed by force of arms or by a person disguised, or by more than one person but not more than five persons.

(b) the violence consists in rendering any one in a state of incapacity for understanding and willing.

(c) the animals stolen are not more than ten in number.

The culprits shall be punished with the imprisonment from fifteen to twenty years and with a fine from So. Sh. 10,000 to 50,000.

4. Where:

(a) the violence or threats are committed by force of more than five persons acting together;

(b) the animals stolen are more than ten in number; the punishment shall be death.

Fifth Section — Prohibition of acts of retaliation or revenge

Article 17

Prohibition of retaliation and revenge

Whoever, following the commitment of, or the attempt to commit, a crime referred to in this Chapter:

- a) commits an act of retaliation or revenge and where the act constitutes an offence he shall be punished with death;
- b) attempts to commit any act of retaliation or revenge and where the act constitutes an offence, he shall be punished:
 - (i) with imprisonment from fifteen to twenty-four years, where the law prescribes the punishment of death in respect of the crime;
 - (ii) in all other cases, with the punishment prescribed in respect of such crime reduced by one-third to two-thirds.

Sixth Section — Special Rules of Procedure

Article 18

Trial in absence

1. Persons accused of crimes under this law may be tried in absence.

Article 19

Non existence of terms

Crimes not provided in this law are not subject to prescription.

**Seventh Section — Money awards for persons
apprehending offenders**

Article 20

Money awards for persons apprehending offenders

A money award of the value equivalent of twenty camels may be given to anyone who apprehends and hands over to the authorities concerned any person who is accused of any of the crimes under this chapter and is avoiding the law procedures.

CHAPTER IV.

FINAL PROVISIONS

Article 21

Repeal

Any law or provision or customary law (HERR) contrary to, or inconsistent with, this Law is hereby repealed.

Article 22

Entry into force

1. This Law shall be included in the Official Compilation of Laws of the Somali Democratic Republic and shall be published in the Official Bulletin.
2. This Law shall come into force immediately.
3. All persons shall be obliged to observe it, and cause others to observe it, as a Law of the Somali Democratic Republic.

Mogadishu, 1st November, 1970.

Major General Mohamed Siad Barre
PRESIDENT
of the Supreme Revolutionary Council