

DEMOCRATIC REPUBLIC OF EAST TIMOR
Ministry of Defence

DECREE-LAW NO. /2006
OF

Code of Military Discipline

Military discipline is the moral bond that links all levels of military hierarchy. It stems from devotion to duty and consists in strictly and timely complying with military laws and codes. It is achieved by believing in the mission to be accomplished and secured by the prestige arising of its adopted principles of justice, i.e. respect for every individual's rights, strict compliance with duty, knowledge, due process and mutual appreciation.

These are the key principles underlying military discipline, a pre-requirement indispensable for accomplishing the mission assigned to the Armed Forces without which their survival is not assured.

As projections of such principles, the codes ruling the Armed Forces do not crystallize and become immutable. On the contrary they change, in line with the evolution of society.

The Armed Forces are a community within the society from which they stem. Therefore they are naturally influenced, throughout time, by their surrounding social context.

Such influence however cannot exceed certain limits otherwise it could put their balance and intimate cohesion at jeopardy. The military community, a "national institution" according to the synthetic but eloquent wording of the Constitution in force, can only fully accomplish their mission – i.e. defending "national independence, the unity of the State and territorial integrity", if they have the indispensable resources. One of such resources is discipline. Without discipline no Armed Forces can exist.

Pursuant to Article 116, paragraph (d), of the Constitution of the Republic, the Government establishes the following to be enforced as law.

TITLE I
MILITARY DISCIPLINE

CHAPTER ONE
GENERAL PROVISIONS

Article 1
Notion of discipline

Military discipline consists in strictly complying with military laws and codes.

Article 2
Bases for discipline

1. Every serviceman shall govern his conduct by the rules of discipline, comply with all his duties, respect other people's rights, accept the authority of hierarchical superiors and sacrifice individual interests to collective interest.
2. Commanding officers and chiefs, principally and generally all hierarchical superiors, shall be firm with their subordinates but treat them humanely, seeking, to the extent possible, to talk to them and clarify them, the necessary requirement for ensuring discipline. They shall be held responsible for the breaches committed by their subordinates or lower-rank military, whenever such breaches are due to defective acts of command.
3. Hierarchical superiors shall at all times try to be an example to their subordinates, having the duty of caring for their interests, respecting their dignity, helping them with their advice and paying them the attention required, never failing to remember that they are linked by solidarity bonds for accomplishing a common mission.
4. Hierarchical superiors shall provide instruction to lower-rank servicemen under their command, letting them know the legislation in force. They are responsible for the orders they give, which shall comply with the laws and codes in force. Obedience to such orders shall be prompt and thorough. In exceptional cases, in which obedience to an order may give rise to inconvenience or damage, the subordinate, in the presence of his hierarchical superior but not when forming in order, may, after being specifically authorised, respectfully voice the reflections deemed appropriate. If however the hierarchical superior insists on having the previously given orders executed, the subordinate shall promptly obey. He nevertheless has the right to file complaint to the competent authority, pursuant to Article 51 and Article 52 of this Code.
5. Obedience is always owed to the highest in rank and, in the case of equal rank, to the most senior.

Article 3
Notion of breach of discipline

Breach of discipline punishable by this Code is any omission or act contrary to military duty, which is not considered a crime by either specific military legislation or any other.

CHAPTER TWO
MILITARY DUTIES

Article 4
Military duties

1. A serviceman shall govern his conduct by the precepts of virtue and honour, love his motherland and defend it with all his might, sacrificing his life if

necessary, and uphold and compel others to uphold the Constitution in force and all other laws of the Republic, taking a solemn oath to do so according to the appropriate formulae.

2. A serviceman has the special duty to
 - a) Comply with military laws, orders and codes;
 - b) Fully and promptly comply with orders regarding the service;
 - c) Respect his hierarchical superiors, subordinates or servicemen equal or lower in rank, both on and off duty, and be loyal to them, while treating each other with the courtesy of civil society;
 - d) Give the example to his subordinates or other servicemen lower in rank;
 - e) Be prudent and equitable, but firm, in requiring compliance with orders, codes and other decisions, even if any extraordinary resources, not considered punishment, have to be employed, as indispensable to force the servicemen lower in rank to obey as due. In this case he shall forthwith report the fact to their commanding officer or chief;
 - f) Be sensible and energetic in acting against any disobedience, lack of respect or other failures in execution, using all resources made available by the codes to accomplish this;
 - g) Take responsibility for all acts under his initiative, or resulting from his orders;
 - h) Truthfully inform his hierarchical superior on any service matters;
 - i) Devote all his intelligence, zeal and skills to his service;
 - j) Strictly comply with the military security rules and disclose no subject-matter, fact or order that he has to carry out, or has come to his knowledge, as long as such act may result in damage to service or to discipline;
 - k) Ensure his preparedness for service, avoiding any unwise acts that may put his physical fitness or mental aptitude at jeopardy;
 - l) Reward his subordinates for acts, when they deserve such reward, or propose the appropriate reward to his superior hierarchy, if he considers that it exceeds his competence;
 - m) Punish his subordinates, within his remit, for breaches they may incur in, reporting the fact to his superior hierarchy when he finds that the penalty exceeds his competence;
 - n) Fully and promptly comply with any orders given by sentries, watch patrols, guards and other military service ranks, to fulfil instructions issued to them;
 - o) Look out for good sociability, seeking to ensure solidarity and companionship among the military in full respect for the rules of discipline and honour, while keeping correct relationships with other comrades at arms and avoiding brawls, disputes or discussions harmful to the harmony that should exist in any Armed Forces;
 - p) Look out for the interests of military institutions and the National Treasury, while performing his functions, by complying, and enforcing compliance, with the legal provisions that govern them;

- q) Take action to instruct himself, in order to well perform his duty obligations and know the military laws and codes, and provide such knowledge to his subordinates;
- r) Present himself on time at any place at the venue where he has been required to be, or which he must go to by virtue of his service obligations;
- s) Ensure a good personal appearance, presenting himself with the equipment and uniform strictly required for each act of service – and also off duty, whenever wearing a uniform;
- t) Keep hygiene habits;
- u) Clean and preserve any uniforms, armament, vehicles, equipment or any other items assigned to him for his duty, or placed under his responsibility, as well as take care of any animal that has been assigned to him for service or treatment purposes;
- v) Pay any debts incurred, strictly honouring his commitments;
- w) Respect civil authorities, addressing the respective agents appropriately;
- x) Serve, as determined, the punishment imposed by the competent hierarchical superior;
- y) Keep the proper firm bearing when in formation;
- z) Accept without hesitation any lodging, uniform, food and wages assigned to him;
- aa) Return his weapons when receiving an order of detention from his hierarchical superior;
- bb) Report to the competent authority, without further ado, the existence of any crime or offence which he finds or comes to his knowledge;
- cc) Try and prevent any flagrant delicto, by any means available, and arrest its perpetrator, in those cases permitted by law;
- dd) Adopt a correct bearing in his relationship with civil society, behaving impeccably with regard to all people, especially those at whose home he is a guest, making no demands contrary to law or military decorum;
- ee) State his name, rank, number, subunit, unit, establishment or ship in which he serves, when such statement is required by someone higher in rank, or by a competent authority;
- ff) Adopt a strict non-partisan behaviour in all circumstances, being forbidden to
 - I. Develop any political activity, or politics-related activity, without prior authorisation,
 - II. Be a member of any political group or association;
- gg) Avoid disturbing the order or disrespecting any rule in force in the place where he is, when outside his unit, even during a license, at home or abroad, causing no injury to the local inhabitants, or abusing of their legitimate rights, beliefs, customs and interests;
- hh) Prevent anyone from illegitimately taking possession of weapons assigned to him, or placed under his responsibility;
- ii) Make no use of any weapon, without an order or a reason of imperative need to repel an aggression against him or his rank of service;

- jj) Take no leave of absence, without the authorisation required, from the place where he is supposed to remain by reason of service or superior order;
- kk) Avoid, on or off duty, acts against public morale, as well as to military valour and decorum;
- ll) Avoid making use of his authority or rank of service, or using the name of a superior officer, to benefit from any profit or advantage, put pressure on, take revenge, or retaliate any official or private act or procedure;
- mm) Use a moderate language, avoid spreading rumours or discussing orders of service, or referring to other servicemen in any manner that constitutes lack of respect;
- nn) Not abuse of the authority vested in his grade or rank of service;
- oo) Avoid using, or allowing the use of, any facilities, armament, vehicles or other equipment for non-service purposes, without the authorisation required;
- pp) Avoid damaging, disabling or in any other way diverting from their legally-established purpose any weapons, uniforms, equipment or any other items that he requires for performing his military service duties, even if he purchased them at his own expenses;
- qq) Avoid resorting to the media, or any other broadcasting resources, for addressing matters of service, responding to assessments of services that he is in charge of, or even addressing issues in which his person may have been put at stake, without prior authorisation to do so. He must report the event to the competent authorities, who have to employ the resources required to demand responsibilities, when applicable;
- rr) Avoid asking or accepting any gifts or loans, money or any other objects, from someone lower in rank;
- ss) Avoid taking part in collective demonstrations contrary to discipline, nor promoting or authorising such demonstrations. Any protests or illegitimate claims regarding cases of discipline or service submitted by several servicemen, individually or collectively, as well as any meetings that have not been authorised by the competent military authority shall be deemed a collective demonstration;
- tt) Avoid being present, in uniform or dressing as a civilian, in discussion tables, taking the floor or developing any activities in public rallies, demonstrations or meetings of political nature, unless he has been duly authorised;
- uu) Avoid accepting any tributes that have not been authorised by his hierarchical superiors;
- vv) Avoid expressing, orally or in writing, or in any other way, ideas contrary to the Constitution in force or to military institutions, which offend the members of institutionally established powers, his hierarchical superiors, his peers and servicemen lower in rank, or in any other way harmful to the proper execution of service or to discipline;
- ww) Not infringe the codes and orders of police authorities and Public Administration;

- xx) Not take into his possession any objects or values that do not belong to him;
- yy) Not take part in any games or public shows, unless he has been duly authorised;
- zz) Avoid taking part in any game, when the law forbids such participation;
- aaa) Avoid interfering with the service of any authority, but providing help to its agents, upon their request;
- bbb) Avoid wearing distinctive dresses, badges or decorations to which he is not entitled, or, though being entitled, not having the authorisation required to wear them;
- ccc) Avoid covering up for offenders, be it military be it civilian, or providing them any illegitimate assistance.

Article 5
Individuals subjected to comply with military duties

The duties listed in Article 4 above must be complied with by

- a) All servicemen in active military service,
- b) All retired servicemen.

TITLE II
DISCIPLINARY COMPETENCE

CHAPTER ONE
GENERAL PRINCIPLES

Article 6
Disciplinary competence

Servicemen performing functions as commanding officers or chiefs are competent to reward or punish his effective subordinates.

Article 7
Functional subordination

Disciplinary competence is determined at the moment in which the act giving rise to reward or punishment takes place and is not altered by subsequent cessation of the functional subordination.

Article 8

Performing functions corresponding to a higher rank

Any serviceman appointed to perform functions as commanding officer, head of function or chief, which organically corresponding to a higher rank, shall have the disciplinary competence inherent to the function performed.

Article 9

Reporting rewards or punishments

1. Any hierarchical superior who has to reward or punish a military subordinate, when such person is performing functions under a different military authority, shall immediately report his decision to such authority.
2. A serviceman who rewards or punishes a subordinate from a different unit or command shall timely report his decision to the respective commanding officer or chief.

Article 10

Power to amend rewards or punishments

1. Commanding officers of a unit and authorities of higher hierarchy have the power to reduce, augment or replace the penalties imposed by their subordinates, when they recognise the convenience of using such power after the enforcement of such penalties.
2. Any serviceman may consider any praise awarded by one of his subordinates to have been awarded by him.

Article 11

In-transit servicemen

Servicemen, when in transit, shall remain bound to their unit or establishment, until they present themselves at the unit or establishment of destination.

Article 12

Compliment or admonition

1. Any serviceman may compliment or admonish his subordinates or hierarchical inferiors for any acts that should not be rewarded or punished under this Code.
2. Irrespective of his grade, however, no serviceman can do this in the presence of his hierarchical superior without previously asking him permission to do so.
3. No serviceman may be admonished in the presence of servicemen lower in rank than the said admonished serviceman, or of civilians who are his subordinates.

Article 13
Order of imprisonment, detention or restriction to leave

1. Any serviceman may order the imprisonment or the detention of his hierarchical inferiors, whenever their behaviour requires so and discipline demands it.
2. Any serviceman must give order of imprisonment to his hierarchical inferiors in case of flagrant delicto or grave breach of discipline. If the conditions of gravity, occasion and place require so, he must order his detention in any appropriate location and resort to every available means deemed absolutely required for maintaining discipline.
3. When the serviceman who orders the imprisonment, detention or restriction to leave has no competence to punish, he shall report in writing, immediately and by way of the proper channels, to the commanding officer or chief of the unit to which he belongs, who shall address the issue according to justice if the detained serviceman is his subordinate. If not, he shall send the report to the head of the command or unit of the imprisoned or detained serviceman.
4. When a serviceman is informed that a hierarchical inferior, in obvious state of drunkenness, is taking actions against public order, discipline or military dignity, he shall give orders to have him kept in an appropriate place, asking the help, whenever possible, of comrades in arms of equal rank to secure his detention.
5. Any serviceman who receives an order of imprisonment from a hierarchical superior shall be immediately suspended from his service functions, if such suspension does not generate inconvenience, until his hierarchically superior authority takes a decision on the matter.
6. Any serviceman receiving an order of imprisonment, or detention, or restriction to leave shall subsequently present himself at the quarters or ship where he is presented.

Article 14
Inexistence or insufficiency of disciplinary competence

1. Servicemen whom this Code does not grant any disciplinary competence shall report to their hierarchical superiors, in writing, any acts they witnessed, or were officially reported to them, taken by their hierarchical inferiors, which they think deserve to be rewarded or punished.
2. The same procedure shall be adopted by a serviceman who has to reward or punish a subordinate for an act which he considers should receive a reward or punishment in excess of his competence, by reporting the fact in writing to his immediate hierarchical superior.

CHAPTER TWO REWARDS

Article 15 Nature of rewards

In addition to the rewards laid down in the laws and codes in force, the following may also be granted:

- a) Praise
- b) Merit license

Article 16 Praise

1. Praises have the purpose of rewarding facts or behaviours that reveal outstanding valour, professional competence, zeal or civility.
2. Praises may be collective or individual.
3. The higher the rank that gives them, the more important are praises.
4. Praises may be accompanied by merit licenses.

Article 17 Merit license

1. Merit licenses have the purpose of rewarding servicemen for outstanding devotion or remarkable acts in the line of duty.
2. Merit licenses are awarded without loss of pay up to thirty days and shall in no case be discounted from the time of military service. They must be enjoyed within one year, from the date in which they have been awarded.
3. Merit licenses may be interrupted for imperative service necessity by the entities holding the power to award them.

Article 18 Competence of the Chief of Joint Military Staff

The Chief of Joint Military Staff has the power to award praises, in order of command or unit depending on him, the personnel who deserve them, as well as to award merit licenses.

Article 19 Competence of commanding officers or chiefs

Commanding officers or chiefs with disciplinary competence by virtue of this Code have the power to award praises to the individuals under their orders who deserve them, in order of command or unit concerned, as well as to award merit licenses.

CHAPTER THREE DISCIPLINARY PENALTIES

Article 20 Reprimand

Reprimand is a statement made, in private, to the offender whereby he is reprimanded for an act that constitutes breach of military duty.

Article 21 Censure

Censure is a statement identical to the one mentioned above, save that it is made in the following conditions:

- a) Censure to officers and sergeants is made in the presence of other officers and sergeants, respectively, whose grade is higher than or equal to that of the offender, but always more senior, from the command or units to which he belongs or at which he has been presented;
- b) Censure to corporals is made in the presence of corporals and privates of the same grade, with higher seniority. Censure to privates is made during formation of the company, or equivalent, of the command or unit to which they belong or at which they have been presented.

Article 22 Note of censure

In the act of censure, the offender shall be given a note specifying the fact that gave rise to the punishment, indicating the violated duties.

Article 23 Detention or restriction to leave

1. Detention or restriction to leave means that the offender shall permanently remain confined to barracks or on board of his ship for the duration of his penalty. He must attend formation and perform the internal service duties assigned to him during such time.
2. When marching the offender shall serve his penalty at the quarters or place where his force stays longer.
3. In the Navy the penalty may only be interrupted during navigation.

Article 24
Disciplinary arrest

1. Disciplinary arrest means that the offender shall remain confined to a house assigned for this purpose, or to barracks. On board of a ship he shall be give appropriate lodging, or, in its absence, at a place determined by his superior authority.
2. Servicemen, during the time of this penalty, may perform any duties that may be assigned to them, from reveille call to sundown.

Article 25
Disciplinary imprisonment

Disciplinary imprisonment consists in confining the offender to prison, or to a venue suitable for the purpose in any military facility.

Article 26
Compulsory retirement

Compulsory retirement is to retire for disciplinary reasons.

Article 27
Removal from service

Removal from service means to definitively remove a serviceman from his functions, while losing his capacity as serviceman and being deprived of the use of military uniform, badges or insignia, with his retirement pension as determined.

Article 28
Equivalence of disciplinary penalties

Whenever there is a need to compare penalties of different nature, one should deem the following punishments equivalent:

- a) One day of military imprisonment;
- b) Two days of military arrest;
- c) Four days of detention.

Article 29
Penalties applicable to officers, sergeants and corporals/privates

1. Penalties applicable to officers, sergeants and corporals/privates will be the following:
 - a) Reprimand;
 - b) Censure;
 - c) Detention or restriction to leave;
 - d) Disciplinary arrest;

- e) Disciplinary imprisonment;
 - f) Compulsory retirement;
 - g) Removal from service.
2. The penalties of compulsory retirement and removal from service to be imposed on officers, sergeants and corporals/privates may only be applied in the scope of disciplinary procedure after being appraised by the FALINTIL-FDTL Supreme Council of Discipline, or when they result from the appraisal of the professional and moral ability of servicemen who do not have the qualities required for performing their military functions.

Article 30
Limitations on the power to punish

1. The power to punish of the military authorities has the limitations laid down in the respective columns of the table included in Annex I to the present Code, of which it is a full part, pursuant to the provisions laid down in the following articles.
2. The fact that the limitation of the power to punish has been attained while enforcing a penalty does not prevent the punishing authority from applying again to the same individual penalties of the same nature for new faults.

Article 31
Disciplinary competence of the Chief of Joint Military Staff

1. The Chief of Joint Military Staff has the disciplinary competence laid down in column I of the table mentioned in the previous article.
2. The Chief of Joint Military Staff has the exclusive competence of deciding on the enforcement of compulsory retirement and removal from service penalties after hearing the advice of the FALINTIL-FDTL Supreme Council of Discipline, but can dispense such advice in those cases allowed by the present Code.

Article 32
Disciplinary competence of other entities

The disciplinary competence of entities not specified in the articles of this Code is laid down in tables attached to this Code.

Article 33
Disciplinary competence of commanding officers of naval forces outside national harbours

1. The commander-in-chief of a naval force or a single ship outside the national harbours may suspend an officer from his current service functions and

- commission, in cases of breach of discipline requiring a penalty that exceeds his competence, and order him to report to the Navy Chief of Staff, together with a detailed report on the facts that caused such action to be taken.
2. When the offender is a ship commander, the procedure mentioned above shall always be adopted whenever the penalty is higher than reprimand.

Article 34
Time for serving the penalty

Disciplinary penalties shall be served, whenever possible, after their enforcement.

Article 35
Penalties applied to recruits

1. Disciplinary arrest or disciplinary imprisonment penalties applied to recruits or other military trainees shall be served as from the day following the end of their instruction of training, save if they can serve them before that date without putting at jeopardy the said training or instruction.
2. The penalty shall be immediately served, however, if the best interest of discipline requires so.

Article 36
Time counting

For the purpose of penalty time counting, a month shall always have thirty days and a day twenty-four hours, counted as from the day in which the penalty begins to be served. It should none the less end always at the hour in which the guard is relieved, on the last day of the penalty.

Article 37
Hospitalisation time

The time for staying at the hospital or unit infirmary for sickness reasons is counted for the purpose of serving disciplinary penalties, save in case of simulation.

Article 38
Presentation of punished servicemen

Having finished serving his penalty time, the serviceman shall present himself to whom he has the duty to present himself, according to the regulatory prescriptions.

CHAPTER FOUR PENALTY EFFECTS

Article 39 Effects of disciplinary imprisonment

1. The penalty of disciplinary imprisonment, when applied to an officer, sergeant or corporal/private, shall have the following consequences:
 - a) Transfer from the command or unit he belongs to after serving the penalty;
 - b) Prohibition to return to the previous situation before a term of at least two years after the punishment;
 - c) The penalty time served shall not be counted as effective service, though keeping the right to the respective remuneration.

Article 40 Effects of disciplinary arrest

1. The penalty of disciplinary imprisonment, when applied to an officer, sergeant or corporal/private, shall have the following consequences:
 - d) Transfer from the command or unit he belongs to after serving the penalty;
 - e) Prohibition to return to the previous situation before a term of one year after the punishment;
 - f) One day of effective service shall be discounted from each two days of disciplinary arrest, though keeping the right to the respective remuneration.

Article 41 Effects of the detention or restriction to leave penalty

The penalty of detention or restriction to leave shall have the following consequences:

- a) For any serviceman, the loss of one day in the counting of effective time of service for each four days of such punishment, although keeping the right to the respective remuneration;
- b) For officers and sergeants, the possible transfer from the command or unit to which he belongs after serving the penalty, at the request of the offender or by proposal of the commanding officer or chief.

Article 42 Effects of penalties produced, irrespective of them being served

When it is not possible to enforce the disciplinary penalties and make them be served, all their effects shall be produced as if they had been really served.

**CHAPTER FIVE
BEHAVIOUR RATING**

**Article 43
Officer rating**

1. Officers shall be rated as having exemplary behaviour when, after ten years of effective service provided, they have no registered punishment and a clean criminal record.
2. Whenever behaviour is a factor considered in the assessment of an officer, the entity concerned in such assessment shall use the data included in the license plate papers.
3. Whenever an officer has suffered disciplinary penalties accumulating twenty days of disciplinary arrest or more, the commands and units shall set up an individual file and send it to the Chief of the Joint Military Staff, for disciplinary appraisal of such officer for the purpose of enforcing Articles 26 and 27 of this Code.

**Article 44
Sergeant rating**

1. Sergeants shall be rated as having exemplary behaviour when, after eight years of effective service provided, they have no registered punishment and a clean criminal record.
2. Paragraphs 2 and 3 of the previous article shall apply, with the necessary adaptations.

**Article 45
Corporal/private rating**

1. Corporals and privates shall be rated as having exemplary behaviour when, after respectively six and four years of effective service provided, they have no registered punishment and a clean criminal record.
2. Paragraphs 2 and 3 of Article 44 shall apply, with the necessary adaptations.

**TITLE III
ON PROCEDURE IN DISCIPLINARY MATTERS**

**CHAPTER ONE
RULES FOR APPRAISING BREACHES OF DISCIPLINE AND
ENFORCING DISCIPLINARY PENALTIES**

Article 46
Reporting a breach of discipline

Any person reporting a breach of discipline should firstly seek clarification on the circumstances of such breach beforehand, hearing the offender whenever appropriate and possible.

Article 47
Rules to comply with when appraising a breach of discipline

1. When enforcing penalties, one shall take into account the nature of the service, the rank and grade of the offender, the results that disturbed discipline and, in general, all circumstances in which discipline was breached.
2. The penalties of compulsory retirement and removal from service correspond to the facts and behaviours that are objectively more serious and more harmful to discipline. Their practice and persistence show that the serviceman cannot adapt to service, the same applying to cases of professional or moral disability, or practices and conducts deemed incompatible with performing the functions or military decorum, after the advice of the Supreme Council of Discipline in those cases in which such advice is required pursuant to this Code.

Article 48
Aggravating circumstances of disciplinary responsibility

Breaches of discipline will always be considered more serious:

- a) In time of war;
- b) When perpetrated in a foreign country;
- c) When perpetrated on the occasion of rebellion, insubordination or in service of maintaining public order;
- d) When perpetrated in act of service, in reason of service or in the presence of other servicemen, particularly when these are hierarchical inferiors of the offender;
- e) When they are collective;
- f) When perpetrated while serving a disciplinary penalty;
- g) When harming the prestige of armed institutions, as well as the honour, pride or military decorum;
- h) When causing damage to order or to service;
- i) When they are reiterated;
- j) The highest the rank or the seniority of the offender.

Article 49
Mitigating circumstances of disciplinary responsibility

Mitigating circumstances of disciplinary responsibility shall be considered when the offender:

- a) Performed heroic deeds;
- b) Provided relevant services;
- c) Suffered provocation, consisting of assault or serious offence against to his honour or that of his spouse, ancestors, descent, brothers, uncles, nephews and kindred relatives in the same degree. Furthermore the breach of discipline occurred following the provocation;
- d) Spontaneously confesses and such confession contributes to ascertain the truth;
- e) Has an exemplary behaviour;
- f) Free-willingly gives himself up.

Article 50
Uniqueness of the penalties

1. No more than one disciplinary penalty may be enforced for the same breach of discipline.
2. Disciplinary procedure is independent of criminal proceedings, as regards the breaches of discipline that are not qualified as crimes.

CHAPTER TWO
COMPLAINT

Article 51
Complaint

Any serviceman has the right to file complaint against his hierarchical superior, when he performs an act that causes damage to the rights of his hierarchical inferior, as laid down in the laws and codes.

Article 52
Terms in which the complaint should be filed and respective deadline

1. Complaints shall be independent of any authorisation and the plaintiff should inform in advance the person against whom his complaint is filed. The complaint shall be unique, addressed in respectful terms and within a forty-eight hour deadline, in writing or orally. It shall be addressed to the military chief whom the complaint is filed against, via the competent channels.
2. In the absence of his hierarchical superior, the information of the plaintiff, as referred to in number 1 above, shall be given in writing and sent via the competent channels within the abovementioned deadline, to the secretariat of the unit to which belongs the serviceman against whom the complaint is filed.
3. Complaints against a commanding officer or chief shall be addressed to the authority immediately higher in rank.
4. Appeal of the decision can be made to the authority immediately above the authority who decided on first instance, within five days.

**CHAPTER THREE
ON PROCEDURE**

**SECTION ONE
DISCIPLINARY PROCESS**

**SUBSECTION ONE
GENERAL PROVISIONS**

**Article 53
Immediate compulsory nature**

Disciplinary process is compulsory and shall be immediately lodged, by decision of a commanding officer or chief, when facts are reported to him that may involve the disciplinary responsibility of their subordinates.

**Article 54
Public nature**

Disciplinary action shall be exercised irrespective of any participation, complaint or denunciation. It shall not either depend upon the way in which facts were reported to the commanding officers or chiefs.

**Article 55
Competence**

1. Competence to lodge a disciplinary process, or have it lodged, coincides with disciplinary competence.
2. After being lodged and until a decision is made, the disciplinary process may be claimed by any hierarchical superior of the commanding officer or chief who was competent until then.

**Article 56
Speed and simplicity**

Disciplinary process, based on principles of speed and simplicity, is summary, does not depend upon any special formalities and does without anything that is useless, impertinent or dilatory.

**Article 57
Confidentiality**

1. Disciplinary process is confidential.
2. No items of a disciplinary process may be divulged.

Article 58
Process forms

1. Disciplinary process is made in writing and record shall be kept of every diligence, order and petition.
2. When in campaign, or in extraordinary situations or being the forces outside quarters of bases, the commanding officers or chiefs may waive the written form and directly take charge of all investigative diligences.
3. Likewise commanding officers and chiefs may proceed when the breaches of discipline are not serious and do not give rise, in the process, to penalties equal to or higher than disciplinary arrest.

Article 59
Writing

1. Disciplinary process is recorded in writing, preferably typed. Printed sheets may be used, of a model approved by order of the Chief of Joint Military Staff.
2. Blank spaces shall be barred with a line.
3. The records shall have no interlined, rubbed or amended words, save if such corrections are safeguarded in the end.
4. Each item of the procedure shall be rubricated on all sheets by the people who sign it in the end.

SUBSECTION TWO
INVESTIGATION

Article 60
Investigator

1. The investigator of a disciplinary procedure is, as a rule, the commanding officer or chief who decided to lodge it.
2. If and when he deems it necessary or appropriate, in case there is a written procedure, he may appoint for this purpose an officer who is his subordinate.
3. If the defendant, or the person who reported the breach of discipline, is an officer, then the appointed officer shall be his hierarchical superior, preferably in rank.
4. To appoint the investigating officer, the commanding officer or chief may use a service schedule, save in those cases requiring the appointment of a precise officer, given the rank of the defendant or the person who reported the breach of discipline, the particular features of the case or the knowledge required by the process investigation.
5. The investigating officer, after his appointment, may only be replaced if such replacement is justified by a superior interest.

Article 61
Subordination of the investigating officer

The investigator appointed by virtue of number 2 of the previous article, while performing his functions, shall remain directly subordinated to the commanding officer or chief who appointed him and will propose him all process measures that do not fall within his competence.

Article 62
Fact finding

1. The investigator shall undertake all diligences deemed necessary to find out the truth, clarify the facts and establish the culpability of the defendant.
2. The investigator, while performing his functions, may travel to the locations deemed of interest to the process, as well as exchange correspondence with any authorities and request the appointment of experts to undertake the diligences deemed necessary.
3. When deemed appropriate, he may also request any diligence, by way of official letter, to the military authority located closer to the place where such diligence must be undertaken.
4. Witnesses shall be placed under oath and, if there is a written process, they shall sign their testimony, when they can. Declarants will not be placed under oath, but shall sign their statements, when they can.

Article 63
Preservation of evidence

The investigator shall take the actions required to prevent any change of things that constitute evidence of the breach of discipline and which may be of interest to the case.

Article 64
Defendant's hearing

1. The defendant shall always be heard on the facts that constitute his accusation, whichever the form of the process.
2. During the hearing, the defendant shall be appropriately informed of all facts of which he is accused and he will be given the right to defend himself. He may state or request whatever he deems appropriate for such defence.
3. For the effects laid down in the previous number, save in those cases in which there is not a written process, the investigator shall hand an indictment to the defendant and establish a deadline for presenting his defence in writing and indicating any means of proof.
4. The investigator shall reject any request that is clearly useless, or proves to be harmful, to establish the truth.

Article 65
Force of proof of a breach reported by an officer

1. If a breach of discipline is reported by an officer against a hierarchical inferior in connection with acts he witnessed, such report is considered true and there is no need to present witnesses.
2. The presumption referred to in the previous number can be rejected, if proven otherwise.

Article 66
Term

1. The investigation of a written disciplinary process shall be completed within thirty days, counted as from the date in which it was lodged.
2. When the process cannot be completed within the established term due to exceptional circumstances, the investigator, upon the end of such term, shall present its record to the commanding officer or chief who appointed him, together with an advice justifying the delay, and the said commanding officer or chief may extend such delay for only two consecutive periods not longer than thirty days.

Article 67
Completion and report

As soon as the investigation of the process has been completed, an investigating officer having been appointed for such purpose, the said officer shall immediately draft a term of completion and present the records to the commanding officer or chief who appointed him, together with his report expounding his opinion on the investigated acts and his advice on the unlawfulness of the same acts and the level of guilt of the defendant.

SUBSECTION THREE
DECISION

Article 68
Decision

1. If he finds that the process investigation has been completed, the commanding officer or chief shall make his decision public, within a maximum 30-day delay, by way of a founded ruling in writing.
2. If the process has followed the written form, this ruling shall be written on the record or attached to it, immediately after the investigation's closing term.

Article 69
Decision contents

1. The ruling mentioned in the previous article should state whether (i) the process is filed due to failure to establish the defendant's culpability, the innocence of the defendant, or extinction of the disciplinary process, or (ii) the responsibility of the defendant has been proven and the punishment to be enforced, or (iii) if the unlawful act has the nature of a crime.
2. If the ruling is punitive, it shall clearly describe in detail the facts committed and make reference to the military duties infringed as a result of such facts.

Article 70
Notification of the decision

The ruling with the decision on the disciplinary process, irrespective of its form, shall be fully notified to the defendant and published on a service order.

SECTION TWO
ENQUIRY PROCESS

Article 71
Notion

Whenever there is a vague rumour or circumstantial evidence of breach of discipline that are not sufficient or serious, or its perpetrators unknown, the chiefs may make the enquiries deemed necessary, or have them made.

Article 72
Decision

1. As soon as the circumstantial evidence of breach of discipline is confirmed and its possible perpetrator identified, the enquiry shall be closed, and the enquiring officer shall present a conclusive report to the commanding officer or chief who appointed him.
2. Enquiries may continue, as a disciplinary process.
3. If the circumstantial evidence of breach is not confirmed, or its perpetrator is unknown, and it is not necessary to continue the enquiries, the process shall be filed by decision of the chief who decided to lodge it.

SECTION THREE
INVESTIGATION AND AUDIT PROCESS

Article 73
Investigation

Investigation is aimed at enquiring certain irregular facts attributed to a service or an employee, which have an impact on the performance or prestige of the function.

Article 74
Audit

Audit consists in performing a general enquiry targeted at the functioning of a service under suspicion of irregularities.

Article 75
Competence

Competence for carrying out investigations and audits belongs to the Chief of Joint Military Staff and will lie with who he delegates such competence.

Article 76
Rules of procedure

The processes of investigation and audit shall be governed by the provisions contained in the following articles and, as applicable, by the general provisions and those governing the investigation of written disciplinary process.

Article 77
Making the audit public

1. In the framework of the audit process the auditing officer, as deemed appropriate, may make it public on one or more nation-wide newspapers or by means of edict, so that any person with a reason to complain against the regular functioning of the audited services may do so within the established term.
2. Edicts shall be published by the competent administrative authorities, upon request.

Article 78
Term

The deadline for organising the investigation and audit processes shall be indicated in the ruling that ordered them. It may however be extended whenever advisable by the concrete circumstances.

Article 79
Decision

Once the process has been completed and the report of the investigator or auditor drafted, both shall be immediately presented to the entity that ordered them.

Article 80
Petition for investigation

1. Any serviceman who is performing or has performed functions as commanding officer or chief may request an investigation of his acts of service, as long as such acts have not been the object of any process of disciplinary or criminal nature.
2. The petition for this purpose does not have to be founded and shall be addressed to the Chief of Joint Military Staff.
3. The ruling rejecting the said petition shall be founded and notified to the petitioner in full.
4. In case of investigation, a copy or summary of its conclusions shall be delivered to the petitioner, save if opposed by *raison d'état*, which shall be made known to the petitioner.

SECTION FOUR
PREVENTATIVE MEASURES

Article 81
Specification

Defendants in a disciplinary process may be the object of the following preventative measures, during the investigation of such process:

- a) Transfer from their command, unit or service;
- b) Suspension from functions, losing all inherent benefits, but keeping their wages.

Article 82
Grounds and limitations

1. Grounds for preventative transfer shall exist in those cases in which the presence of the defendant in the area where facts are being investigated may harm the investigating diligences or be incompatible with military decorum, discipline or proper order of service.
2. Grounds for suspension from functions only exist when, although deemed inappropriate to transfer the defendant, he should not continue to perform the functions in which he allegedly originated the facts that are the object of the process, as this may harm the investigating diligences or be incompatible with military decorum or the proper order of service.

Article 83
Nature

Preventative measures have a precarious nature and therefore they should cease to exist as soon as the grounds that justified taking them no longer exist. At all times, however, some of them may be replaced by others, as required by the process.

Article 84
Competence

1. Decision to take preventative measures lies with the commanding officer or chief who ordered the process, upon founded proposal submitted by the investigating officer, if there is one.
2. If the defendant who has been the object of the preventative measure is an officer, this competence lies with the Chief of the Joint Military Staff.
3. In case of emergency the investigating officer may decide the immediate transfer or suspension of the defendant, though he must report the fact and its justification to the competent commanding officer or chief, who shall confirm it or reject it.
4. Preventative measures shall cease to exist by decision of the entity who decided to take them.

Article 85
Relevance of the decision

Preventative measures taken during the investigation of a disciplinary process shall be taken into account in the final decision, as follows:

- a) If a decision is made to file the case, the serviceman who has been the object of such measures shall be reinstated in all his previous rights and functions and receive compensation for the allowances he ceased to receive. If the measure consisted in having him transferred, the said measure shall be converted into transfer for reasons of service and the serviceman may, by way of separate petition, choose from requesting his return to his previous post, continue in the present one or be placed in a third post;
- b) If a decision is made to sentence him, then the effects of the adopted measures shall remain, if other measures are not deemed timely and appropriate.

SECTION FIVE
CLAIM

Article 86
Grounds

1. A serviceman receiving disciplinary punishment may claim in the following cases:
 - a) When he considers that he did not commit the fault;
 - b) When disciplinary competence not allowed by this Code has been used;

- c) When the claimant considers that the fact ascribed to him is not punishable by this Code;
 - d) When the wording of the breach of discipline does not correspond to the fact.
2. No claim can be made under arms, or during the execution of any service.

Article 87
Terms and deadline

1. Claims shall be individual and filed in writing, via the competent channels, to the commanding officer or chief who decided the penalty, within fifteen days counted from the date of notification of the claimant.
2. The commanding officer or chief shall appraise the claims addressed to him, making enquiries about their grounds or having them made, in case there has not been a written procedure. In case there has been such process, the said enquiries will only be necessary if the claim focuses on new matter.
3. Enquiries referred to in the previous number adopt the form of written procedure.
4. The claim and the process concern the enquiries shall be attached to the disciplinary process, in the case foreseen in part n° 2 of this article.

SECTION SIX
HIERARCHICAL APPEAL

Article 88
Notion and grounds

1. When the claim is not considered admissible, in full or in part, the claimant has the right to appeal to the commanding officer or immediate chief of the authority who punished him, within fifteen days counted from the day in which he was notified of the rejection decision.
2. The grounds for the claim may not be enlarged in the appeal.

Article 89
Decisions that may not be hierarchically appealed

Decisions made by the Chief of Joint Military Staff may not be the object of hierarchical appeal in disciplinary matters.

Article 90
Filing a hierarchical appeal

The appealed authority upon reception of the appeal shall send it within the maximum delay of five days to its commanding officer or immediate chief, together with the entire process and a report expounding the reasons for rejecting the claim.

Article 91
Judging a hierarchical appeal

1. The commanding officer or chief who received the appeal, upon being deemed competent to judge it, shall make new enquiries if he considers them necessary.
2. The enquirer shall be an officer with higher rank or seniority than the appealed entity.
3. Enquiries foreseen in this article shall adopt the form of written procedure.
4. In these enquiries the appealant and the appealed entity shall be always heard.
5. Upon completion of the enquiries, the enquiring officer shall draft the respective concluding record and submit it to the authority that appointed him, together with a detailed report expounding the enquired facts, his advice on the said facts and the grounds of the appeal.

Article 92
Lack of competence

If the commanding officer or chief to whom the appeal is addressed considers that he is not competent to judge it, he shall forward it to the competent authority.

Article 93
Decision

1. The decision made by the commanding officer or chief who judges the appeal should be registered on the process, by way of founded registered ruling, and it may revoke, amend or keep the appealed decision, in full or in part.
2. The decision made in the terms referred to in the previous number is final and shall be issued within the maximum delay of sixty days, counted from the date in which the appeal was submitted to the appealed entity.

CHAPTER FOUR
APPEAL TO REVIEW

Article 94
Grounds

1. Military discipline processes should be reviewed whenever such review is requested, in case circumstances of means of proof crop up that may demonstrate the innocence or lesser culpability of the punished serviceman and he could not use them in the disciplinary process.
2. The mere allegation of unlawfulness, in terms of form or substance, of any part of the process does not constitute grounds for review.
3. The review may not be requested more than once, on the same fact grounds.

Article 95
Term

The serviceman shall have a one-year term for filing an appeal to review, counted from the date in which he was given the possibility of resorting to the circumstances or means of proof alleged as grounds for review.

Article 96
Disability or death

1. The review may be requested by the descent, ancestors, spouse, brothers or heirs of the punished serviceman, in case he died or is disabled.
2. If the appealant dies or becomes disabled after filing the appeal, the said appeal should be carried forward officiously.

Article 97
Requirements

1. The petition to file the appeal to review should be addressed to the Chief of Joint Military Staff.
2. The petitioner, in the initial petition, should
 - a) Identify the process to be reviewed;
 - b) Clearly mention the circumstances or means of proof which constitute the grounds for his appeal and the dates in which he was given the possibility to resort to them;
 - c) Attach the papers or request a delay for attaching those that cannot be immediately annexed;
 - d) Request that diligences be made, which he considers useful to prove his allegations;
 - e) Attach a certificate of his criminal record.

Article 98
Final decision

1. Within the maximum delay of ninety days, the Chief of the Joint Military Staff shall accept or reject the petition to review;
2. In the first case, the Chief of the Joint Military Staff may state the innocence of the defendant or simply his lesser culpability.

Article 99
Lesser culpability

1. When the Chief of the Joint Military Staff chooses to state the lesser culpability of the defendant, he should necessarily point out the measure and wording of the penalty he finds appropriate for such lesser culpability.

2. After ratification, the new penalty replaces, for all effects, the penalty imposed in the reviewed process and is considered served, as long as the previous penalty is already extinguished.

Article 100 **Effects**

1. If the review is accepted, it shall produce the following effects:
 - a) The registration of previous penalty shall be cancelled in the individual file of the serviceman and the new penalty shall be registered, in the case of lesser culpability;
 - b) The defendant shall be reinstated in service or in retirement, depending on whether he has been compulsorily retired or removed from service, in the rank that the rehabilitated serviceman would have normally attained – or be promoted to such rank, in the case of servicemen who have not lost this status or subsequently recovered it. All this in the terms and conditions previously defined, or to be defined, by ruling of the Chief of the Joint Military Staff;
 - c) All the time during which the rehabilitated serviceman remained compulsorily removed from service shall be counted for all effects, including the payment of the respective retirement pensions;
 - d) The rehabilitated serviceman shall pay to the competent entity or body the amount of the parts corresponding to the period in which he was removed from service.
2. All situations created by the assignment of third-parties to the posts made vacant as a consequence of the punishment imposed in the reviewed process shall be respected, but the seniority of the rehabilitated serviceman may never be harmed.
3. The serviceman shall not benefit from reinstatement if he was sentenced to a higher penalty subsequent to his removal from service, or if, having received a sentence in rem iudicatam, but before serving the respective penalty, it is proved that the serviceman committed other crimes prior to being sentenced.

CHAPTER FIVE **PRESCRIPTION, PUBLICATION, REGISTRATION AND CANCELLATION OF** **REWARDS AND PENALTIES**

Article 101 **Prescription**

1. A disciplinary process shall prescribe within five years, counted from the date in which the breach of discipline was committed.
2. Prescription of a disciplinary process shall be interrupted by any act of investigation.

Article 102
Publication of rewards and penalties

Rewards and disciplinary penalties decided by any military authority shall be published at the order of the command of unit, except for reprimand and censure penalties.

Article 103
Wording of rewards and penalties and mode of registration

1. While drafting a reward or a penalty, reference shall be made to the fact or facts that gave rise to it. In case of a penalty, reference shall be made to the number of order that the infringed military duty has in Article 4, number 2, of this Code. When the said breach of discipline is covered by the duties established in paragraphs a) and pp) of such Article, reference shall be made to the infringed legal precept.
2. Rewards and penalties shall be transcribed into the competent registers in the precise terms in which they have been published. Reference shall always be made to the authority which awarded the reward, or decided the penalty.
3. The following shall be registered on the respective records:
 - a) All rewards in which the serviceman in question is referred to by his name;
 - b) All penalties imposed by sentences in rem iudicatam;
 - c) All disciplinary penalties.
4. Penalties enforced against servicemen until the pledge of allegiance day shall only be registered on the respective records and produced effects for the future in the case of the following penalties:
 - a) Disciplinary imprisonment;
 - b) Disciplinary arrest;
 - c) Detention or restriction to leave, when in excess of 10 days in a single occurrence;
 - d) Detention or restriction to leave, when the serviceman previously received any of the penalties mentioned in paragraphs a), b) and c) above.

Article 104
Cancellation of penalties (causes and effects)

1. Disciplinary penalties shall be cancelled, pursuant to the following articles, for acts of valour, for effects of good behaviour, for amnesty and as a result of accepted claim or appeal.
2. Penalties shall produce no effect as from the moment of their cancellation, except in those cases expressly safeguarded by law.
3. Effects produced by penalties shall last until their cancellation, save when such cancellation results from accepted claim or appeal.

Article 105
Cancellation for good behaviour

1. Disciplinary imprisonment penalties shall be cancelled then years after their enforcement, if during such lapse of time the serviceman never received a disciplinary penalty or was sentenced for any crime.
2. All penalties not higher than disciplinary arrest shall be cancelled five years after their enforcement, if during such lapse of time the serviceman never received a disciplinary penalty or was sentenced for any crime.
3. All penalties of censure and reprimand shall be cancelled one year after their enforcement, if during such lapse of time the serviceman never received a disciplinary penalty or was sentenced for any crime.
4. Penalties referred to in the previous numbers shall be cancelled for all effects when the serviceman against who they were enforced is decorated for relevant acts or services in combat, heroic deeds, valour acts or deeds either in war or in time of peace.

Article 106
Registering a penalty cancellation

1. In any of the cases mentioned in Articles 104 and 105 a counter-note is registered on the respective record cancelling the punishment and giving the reason for cancellation. The same procedure shall apply when the penalty is amended by virtue of a claim or appeal.
2. In any notes extracted from the records, no reference shall be made to cancelled punishments or the counter-notes that cancelled them.

Article 107
Suspension of term

Terms mentioned in Article 104 shall be suspended for a serviceman who has ceased active service, until the legal age of retirement from military service. Counting shall be resumed in case the serviceman returns to active service.

Article 108
Pardon

Pardons shall not cancel penalty notes.

TITLE IV
TEMPORARY AND FINAL PROVISIONS

Article 109
Effect of illegitimate absence

Servicemen incurring in illegitimate absence shall be discounted the time of such absence from the time of active service, as well as the corresponding remuneration, in addition to the disciplinary penalty enforced on them.

Article 110
Service situation of a serviceman with pending disciplinary process

1. A serviceman with a pending disciplinary process should remain in active service until a decision is made and the penalty served, save if he has retired or has definitively ceased all service duties due to physical disability.
2. Any serviceman with a pending disciplinary process at the date of his term of service may be granted a registered thirty-day leave to conclude and prompt the respective process.

Article 111
Dissemination of the key precepts of this Code

In addition to making this Code public to all servicemen during training periods, Title I of this Code should be appropriately on display in all quarters of companies or less servicemen, as well as on board.

Article 112
Temporary provisions governing civilian staff

Civilian staff at the service of the Armed Forces shall be subject to the Civil Service Statute approved by Law no. 8/2004, of the 16 June 2004, subsidiary to the duties defined in Article 4 of this Code and other military law, in their applicable parts, if no specific statute is published meanwhile.

Approved by the Council of Ministers on the 27 September 2006.

The Prime Minister
(Signature)
José Ramos-Horta

The Defence Minister
(Signature)
José Ramos-Horta

Enacted on the 30 October 2006
To be published.
The President of the Republic
(Signature)
Kay Rala Xanana Gusmão

ANNEX I

Table mentioned in Article 30 of the Code of Military Discipline

Penalty	Disciplinary Competence				
	I	II	III	IV	V
<i>For officers:</i>					
Reprimand	(a)	(a)	(a)	(a)	(a)
Censure	(a)	(a)	(a)	(a)	(a)
Detention	Up to ten days	Up to five days	Up to four days	Up to three days	-
Disciplinary arrest	Up to ten days	Up to five days	-	-	-
Disciplinary imprisonment	Up to thirty days	-	-	-	-
Non-effective	From two to six months	-	-	-	-
<i>For sergeants:</i>					
Reprimand	(a)	(a)	(a)	(a)	(a)
Censure	(a)	(a)	(a)	(a)	(a)
Detention	Up to twenty days	Up to fifteen days	Up to fifteen days	Up to ten days	Up to five days
Disciplinary arrest	Up to twenty days	Up to ten days	Up to ten days	Up to five days	-
Disciplinary imprisonment	Up to forty days	Up to five days	-	-	-
<i>For corporals/privates:</i>					
Reprimand	(a)	(a)	(a)	(a)	(a)
Censure	(a)	(a)	(a)	(a)	(a)
Detention	Up to forty days	Up to thirty days	Up to thirty days	Up to twenty days	Up to ten days
Disciplinary arrest	Up to thirty days	Up to fifteen days	Up to fifteen days	Up to ten days	-
Disciplinary imprisonment	Up to sixty days	Up to twenty days	-	-	-

(a) Reprimand and censure are given in the terms of Articles 20 and 21 of this Code

Legend:

Column I	Chief of the Joint Military Staff
Column II	Colonels
Column III	Lieutenant Colonels
Column IV	Majors and Captain Lieutenants
Column V	Captains and First Lieutenants

ANNEX II

Competence of the Chief of the Joint Military Staff, for the effects of Article 17 of this Code

Entity	Merit licenses, in days
Chief of the Joint Military Staff	30

ANNEX III

Disciplinary competence of the entities not specified in the articles of this Code (regarding Article 32 of the Code of Military Discipline)

1. While performing the functions established in Article 6, organically intrinsic to the indicated ranks, the disciplinary competence is:

Rank	Column of the table	Merit licenses, in days (Article 17)
Colonels	II	10
Lieutenant Colonels	III	10
Majors and Captain Lieutenants	IV	5
Captains and First Lieutenants	V	-

2. The Navy Chief of Staff has the disciplinary competence of the immediately higher rank.
3. In battalions, companies and units, or equivalent independent or stand-alone detachments, the respective commanding officers or their substitutes have the competence of the immediately higher rank.
4. Commanding officers or chiefs of subunits, detachments or other independent or stand-alone bodies with a rank lower than captain have the competence equivalent to the rank of captain.
5. Inspecting Bodies have the competence intrinsic to their rank while performing their functions.