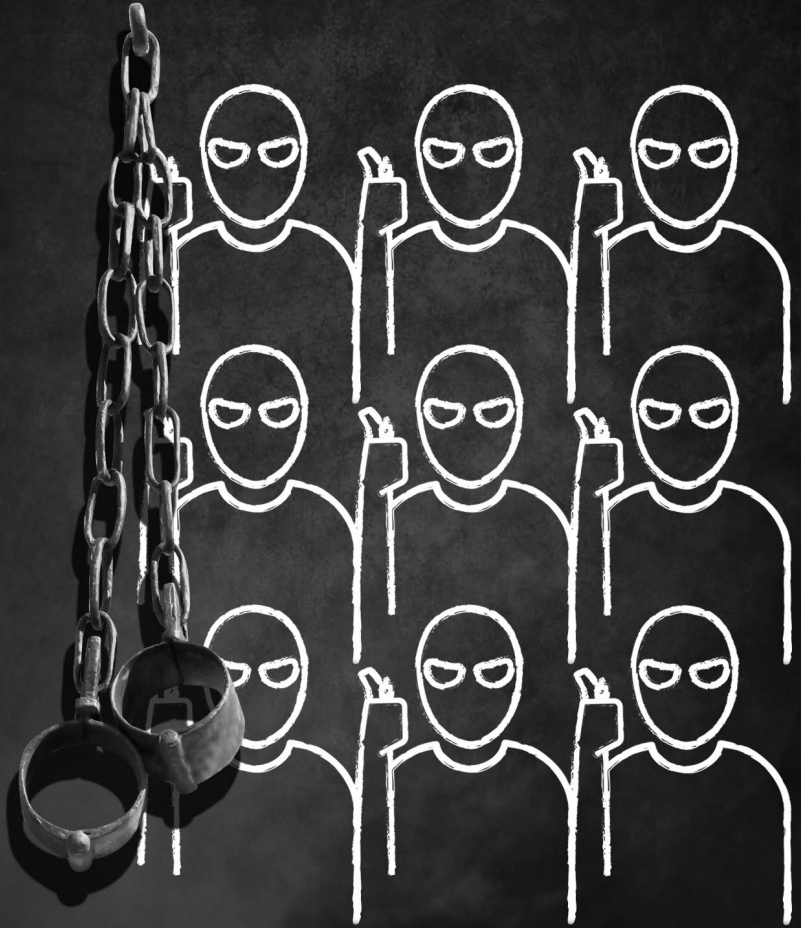


# *The* ANTI-TERRORISM *Law*



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# *The* **ANTI-TERRORISM** *Law*

**A legal review of Law No. 58 of 2006 on the Protection of Society against Terrorist Acts (the Anti-Terrorism Law), which the Government of Bahrain uses to prosecute dissidents, protesters and political activists.**

## *Historical* **BACKGROUND**

**Bahrain issued Law No. 58 of 2006 on The Protection of Society against Terrorist Acts while it was witnessing some political disputes regarding constitutional amendments and some laws issued by the government, which were considered by political and human rights figures restrictive to political action. Despite popular and political parties' disapproval of passing this law, the government took advantage of the opposition's boycott of the 2002 elections, and because of the pro-government majority in the Council, the elected House of Representatives and the appointed Shura Council approved the new bill on July 16 and July 22, 2006, respectively. It was then presented to the King of Bahrain Hamad bin Isa for final ratification.**

This came after the government presented the law to the House of Representatives for urgent consideration before other topics listed in the agenda of the House of Representatives. The King of Bahrain met with the Presidents of the House of Representatives and the

Shura Council and the heads of blocs and committees in both councils, and the King emphasized in that meeting the importance of issuing that law.

On the other hand, the UN Committee against Torture and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism expressed concerns that the Bill will jeopardize the peaceful exercise of human rights. In addition, Amnesty International strongly urged the King to launch a comprehensive review of the Bill and amend it so that it becomes in line with the standards of the international human rights law.<sup>1</sup>

Among the political and human rights reactions toward the law, Bahraini lawyer Hassan Ismail said at an event for political societies before the adoption of the law, "The draft Anti-Terrorism Law, in its current form and in most of its texts, undermines the relative democracy achieved by the reform project and affects the defendant's freedoms and rights that are ensured by the Constitution, and contradicts them on the pretext of countering terrorism. The law also includes texts that contradict the International Covenant on Civil and Political Rights, and contains a broad definition of terrorism that oversteps the provisions of the regional and international conventions and agreements, including the Arab agreement and the international

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<sup>1</sup>. Bahrain: Counter-terrorism bill threatens human rights, statement by Amnesty International 7/27/2006

agreement, which Bahrain has joined. Moreover, the law includes harsh penalties and swift and decisive procedures, and gives the public prosecution more extensive powers at the expense of the authority of the judge. The law clearly limits the defendant's legal and judicial guarantees, and can reduce the margin of legitimacy in which political societies function."<sup>2</sup>

The promulgation of the Law on The Protection of Society against Terrorist Acts, also known as the Terrorism Law in Bahrain, was somehow a revival of the State Security Law, which was used primarily for political purposes and allowed the security services for almost 25 years to detain citizens for years without trial and caused a number of serious violations against citizens. It was repealed in 2001 due to the popular and political demands, in preparation for political reform. Therefore, the adoption of a law such as the Anti-Terrorism Law allowed the same old practices and violations to reoccur, since the security services and the judicial system used the Anti-Terrorism Law to punish many protesters and political activists as well as some media activists. The implementation of this law has caused many violations against those who are detained under this law, especially since 2011, which witnessed widespread protests in Bahrain.

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**2.** Bahrain: Counter-terrorism bill threatens human rights, statement by Amnesty International 7/27/2006

Moreover, the law was amended twice. The first amendment was under Decree Law No. 20 of 2013, as part of the government's policy of targeting the opposition by describing the protests as acts of terrorism. The second amendment was under Decree Law No. 68 of 2014 to tighten the stranglehold on the popular movement and protests and to make penalties and procedures harsher (which will be explained later on). The Terror Crime Prosecution was established due to the crisis witnessed by Bahrain since 2011, and was formed by Royal Decree No. 64 of 2014. The appointments came from one sect only, and members of the Military Prosecution were appointed in the Public Prosecution, which sends a clear political message, making it a non-independent prosecution, completely submissive to the authorities and constrained by government orders.

Since 2011 until the issuance of this report, the Bahraini courts issued several judicial rulings that have political and human rights backgrounds, in trials that lacked the simplest guarantees and standards of fair trials. Many of these were under the Law on The Protection of Society against Terrorist Acts, which is used by the government as a tool of political persecution.

## *Broad Definition* **OF TERRORISM**

### **Article 1 of the Anti-Terrorism Law defines terrorism as follows:**

"Terrorism means the use of force or threatening to use it or any other unlawful means constituting a crime legally punishable by law resorted to by a perpetrator for the execution of an individual or collective criminal plan with the aim of disrupting public order or threatening the Kingdom's safety and security or damaging national unity or security of the international community if this would result in harming persons terrorizing and intimidating them and endangering their lives, freedoms or security or causing damage to the environment, public health, national economy or public utilities, facilities or properties or seizing them and obstructing the performance of their business activities, preventing or obstructing the government authorities, places of workshop or academic institutions from carrying out their activities."



The Bahraini Anti-Terrorism Law and its definitions show that it introduces multiple concepts and definitions of terrorism that are not sufficiently accurate, according to the principles of criminal law and the rules of commonly known penal laws. The function of penal laws is supposed to be to protect prevailing social relations without prejudice to other individual's rights, especially since penal laws are closely linked to other branches of laws, in particular laws governing the exercise of rights and freedoms, including political and civil rights.

Penal laws are also related to civil laws that protect the right to property and punish those who trespass, as well as laws about personal status that protect the rights of spouses and families and punish those who infringe on those rights. It is also related to the constitutional, administrative and commercial laws as well as the rules of public morality and other laws that govern the practice of rights and freedoms and protect society from illegal practices including those done by government services.

It is therefore possible to say that the Bahraini Anti-Terrorism Law undermines the principle of legality "which requires that criminal law be formulated sufficiently clearly and precisely to allow individuals to know what constitutes a crime" and risks criminalizing the peaceful exercise of the freedoms of expression, assembly and association.<sup>3</sup>

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**3.** Bahrain: Counter-terrorism bill threatens human rights, a statement by Amnesty International, 7/27/2006

Many of the provisions of the law are broad and have several interpretations that can be used in a way that limits the exercise of many rights and liberties guaranteed by the law. Many of the penalties are based on principles that do not specify the criminal act that can constitute a criminal offense according to criminal jurisprudence. For example, Article 1 of the Anti-Terrorism Law stipulates, among other things, that "threatening national unity" is one of the terrorist crimes penalized under the Bill, which makes the government use this expression to punish anyone who criticizes it or opposes its policy, or criticizes the discrimination in government services. In addition, there are other practices related to expression of opinion that are considered a threat to national unity, which led to the prosecution of many activists by using this law.

Punitive laws - including the Anti-Terrorism Law - give the government the right to punishment, "which is one of the government's most dangerous rights in the face of individuals. It is a right imposed by the life in society and required by the need to preserve this society and protect it from harmful acts or behaviors that threaten its existence and its systems, called crimes. The government combats these crimes by practicing that right."<sup>4</sup> However, this does not mean exploiting the law in a way that limits the exercise of political and civil rights by individuals, which is done by the Bahraini

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<sup>4</sup>. Ali Hussein Al-Khalaf, Sultan Abdul Qader Al-Shawi. General Principles in Penal Law, Legal Library, Baghdad.

government through exploiting the Anti-Terrorism Law as well as other laws unequally to prosecute activists and protesters since 2011.

In the same context, when the Law on the Protection of Society against Terrorist Acts was issued, the Special Rapporteur on the promotion and protection of human rights while countering terrorism said on July 25, 2006, "the Bill defines terrorism without reference to a specific intention to cause death or serious injury. For example, Article 6 of the Bill makes it a crime to provide accommodation or subsistence to persons who are later convicted of terrorist crimes, without a requirement that the individuals providing accommodation or subsistence to such persons themselves intended to cause death or serious injury or to further terrorist ends."<sup>5</sup>

These fears have been realized in reality in Bahrain. Since 2011, many have been prosecuted under the Anti-Terrorism Law, because they provided accommodation or subsistence to persons who were wanted over the security incidents and protests in Bahrain.

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**5.** Bahrain: Counter-terrorism bill threatens human rights, a statement by Amnesty International, 7/27/2006

*A definition that is inconsistent with the*  
**INTERNATIONAL DEFINITION  
OF TERRORISM**

With no agreed definition of the concept of terrorism at the United Nations, international agreements, including the International Convention for the Suppression of Terrorist Bombings, to which Bahrain has acceded under Law No. 9 of 2004, identified specific acts as terrorist crimes. The convention does not define terrorism, but specifies in its second article the cases in which a person is considered a perpetrator of a terrorist offense, and those cases are very different from the definition of terrorism in the Bahraini Terrorism Law, the Law on The Protection of Society against Terrorist Acts. The international convention defines a terrorist as follows:

- 1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility:**

a. With the intent to cause death or serious bodily injury; or

b. With the intent to cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss.

**2. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1.**

**3. Any person also commits an offence if that person:**

a. Participates as an accomplice in an offence as set forth in paragraph 1 or 2; or

b. Organizes or directs others to commit an offence as set forth in paragraph 1 or 2; or

c. In any other way contributes to the commission of one or more offences as set forth in paragraph 1 or 2 by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

These are the cases that constitute terrorism in the International Convention for the Suppression of Terrorist Bombings, which, when read, are found to be very different from the definition stated in the Bahraini Anti-Terrorism Law. According to the Bahraini Anti-Terrorism Law, "terrorism means the use of force or threatening to use it" whatever its motives or purposes were, to achieve many and different objectives. This definition is inconsistent with the International Convention for the Suppression of Terrorist Bombings, which considers a person an offender "if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device..." in order to achieve specific and clear objectives.

The Bahraini concept of terrorism, contrary to the international concept, does not define the concept of force or violence and does not include clear criteria for determining the degree of violence and force. The Bahraini concept of terrorism includes the threat to use violence, by which individuals who have not committed acts of violence can be accused of doing so because they are affiliated with political organizations that may also be accused of using violence. Their affiliation may be interpreted as a threat to commit an act, which happened to many of those who have been prosecuted under the Anti-Terrorism Law because of

their political activity. In fact, many were prosecuted in cases of political backgrounds, and were accused by the Bahraini government of supporting or joining terrorist groups, even though there was no physical evidence to substantiate these accusations, and no evidence that may prove their direct association with terrorist acts.

*Unrealistic justifications for*  
**THE PROMULGATION OF THE LAW**

When the Government of Bahrain issued a bill on combating terrorism, it called it the “**Law on The Protection of Society against Terrorist Acts.**” It stated in the preamble of the bill that one of the reasons that made the government call for presenting the bill is that the Penal Code issued by Decree No. 15 of 1976 is devoid of any text that explicitly criminalizes terrorist acts. However, by referring to the Penal Code, we find that it included most of the acts considered crimes by the anti-terrorism bill. The bill only tightened the penalties and stipulated that the crime be implemented for a terrorist purpose.

If we compare the crimes stipulated in Article 2 of the Law on the Protection of Society against Terrorist Acts with the crimes stipulated in the Penal Code, the abovementioned will be proved. Article 2 stipulates that “the penalties provided for in Article 3 of this Law shall be applicable to any of the following crimes if they are deliberately committed for the implementation of a terrorist purpose:



1. Assault against persons' lives, safety or freedoms.
2. Imitating common seals and marks or forging currencies, promoting forged currencies or forging checks or any other means of payment.
3. Sabotage, destruction or setting fires.
4. Theft or stealing monies.
5. Manufacture, import, possession, transport or using conventional and non-conventional weapons, explosives or ammunition in branch of the provisions of the Penal Code and the Law with respect to Explosives, Weapons and Ammunition.
6. Trespass against information technologies automated processing systems.
7. Forging official or legal documents or the use thereof.
8. Money laundering crimes.
9. Concealing items acquired from a terrorist crime.
10. Crimes related to religions."

**Article 3 of the Law on the Protection of Society against Terrorist Acts stipulates that "the crimes provided for in Article (2) of this Law shall be punishable by the following penalties instead of the penalties prescribed in other laws unless this Law provides for another penalty:**

- 1. Death or life sentence if the penalty prescribed for the crime is a life sentence.**
- 2. Life sentence or temporary imprisonment if the crime prescribed for the crime is a temporary imprisonment.**
- 3. Imprisonment for a period of no less than 15 years if the crime prescribed for the crime is imprisonment for a period of no less than 10 years.**
- 4. Maximum limit of the penalty prescribed for the crime if such penalty is imprisonment for a period of no less than 10 years.**
- 5. The maximum limit of the penalty prescribed for the crime shall be doubled if the penalty is imprisonment."**

Thus, by comparing the crimes and penalties stated in the Anti-Terrorism law with those stated in the Bahraini Penal Code, we can say that the previously mentioned crimes such as the assault against persons' lives, safety or freedoms are equivalent to the intentional crimes set forth in Part 8, Chapter 1 of the Penal Code which is concerned with crimes affecting human lives and physical well-being, namely intentional murder. The penalty for this crime is life or term imprisonment, and the penalty for intentional premeditated murder is the death sentence, under Article 333.

The crimes of assault against persons' freedom are also set forth in the Penal Code in chapter 3 of Part 8, from Article 357 until Article 363. Imitating common seals and marks or forging currencies or promoting forged currencies are equivalent to the crimes in Article 257 and the following articles of the Chapter on Imitating Official Seals and Marks and Article 262 and the following articles of the Chapter on Forging Currency Notes in the Penal Code. In addition, forging official or legal documents or the use thereof is equivalent to Article 270 and the following articles of the Chapter on Forging Written Instruments in the Penal Code.

Therefore, the reason given by the Bahraini government for issuing this law does not exist especially since the Penal Code includes most of the acts considered crimes by the Anti-Terrorism Law. The bill only tightened the penalties and stipulated that the crime be implemented for a terrorist purpose.

Security Council resolution 1373, which calls upon all UN member states to adopt broad measures to combat terrorist acts, cannot be considered an excuse for enacting an anti-terrorism legislation such as the bill on the Protection of Society against Terrorist Acts. In order to prove Bahrain's commitment to combating terrorism, it is sufficient to let the Security Council committee examine the Bahraini Penal Code, the Code of Criminal Procedure and the Decree Law on the Prevention and Prohibition of the Laundering of

Money. All of that, in addition to acceding to the Arab and the international anti-terrorism conventions, are enough to ensure that Bahrain implemented the said resolution.

If the Government of Bahrain considers the Security Council resolution a reason for enacting anti-terrorism legislation, it must remember the provisions of international resolutions and agreements relating to human rights, which were ignored by the Law on The Protection of Society against Terrorist Acts. The most prominent of those resolutions are the resolutions of the United Nations Commission on Human Rights about promoting and protecting human rights. Those resolutions emphasize that all counter-terrorism measures must fully comply with international law, including international human rights standards, and that combating terrorism should not be used as an excuse to ignore these obligations or to sacrifice rights and freedoms in the name of eliminating terrorism.

The law alone and the harsh penalties it stipulates will not fight terrorism, because violence in its various forms has its roots and social and political causes, the most prominent of which are the aggravation of the phenomena of underdevelopment, corruption and unemployment, and the derogation or absence of democracy and public freedoms. Therefore, to combat and eliminate terrorism, if it exists in Bahrain – which requires further consideration – Bahrain does not

need new legislation for fighting it, but a solution for corruption and unemployment. Bahrain also needs to boost the democratic transition in the country, to become a real transition, in which public freedoms are strengthened, and the procedural and legislative elements of this transition are realized, namely recognizing political pluralism under a progressive and democratic law for parties, and developing an electoral system which ensures that the parties of political and social community can actively participate in the elections and represent their voters in the legislative authority, and promoting the existence and independence of constitutional institutions, including mechanisms of supervision and accountability.<sup>6</sup>

It appears that the real purpose of issuing this law is for using it as a tool of repression and political persecution by the Bahraini government against the political opposition and its activities. This law has caused a number of human rights violations, especially after the protests witnessed by Bahrain in 2011. The procedures and measures taken by the government using several laws, the most important of which is the Anti-Terrorism Law, lead to the spread of torture in places of detention and the increase in the number of enforced disappearances. Those arrested under the Anti-Terrorism Law are detained for weeks without

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**6.** Hassan Ali Ismail. Working paper entitled "The Anti-Terrorism Bill under the Reform Project Undermines Relative Rights and Freedoms", Seminar of the Progressive Democratic Tribune, May 30, 2005.

being brought before the Public Prosecution or judicial bodies, and they are not allowed to hire a lawyer during the investigation, which lasts for months in many cases. The use of the Anti-Terrorism Law by the government also caused imposing restrictions on the work of political associations and civil society institutions, restricting freedom of opinion and expression, and cracking down on rallies and protests, which are described as terrorism.

*The law restricts*  
**FREEDOM OF ASSOCIATION**

**Article 6 of the Law on the Protection of Society against Terrorist Acts states a number of acts punishable by law, although some of these acts are considered human rights such as establishing associations and assemblies, some of which aim at change and reform, or social bodies and human rights organizations that practice their work in peaceful and legal manners. Some of those associations may be subject to punishment and prosecution because of their opposition to registration in the light of the constitutional amendments or the Associations Law, to which many political actors objected, considering it restrictive to the exercise of rights and freedoms.**

Protesters, activists and members of various political and civil associations have been prosecuted using this article on charges of joining a group or association “intended to call for disrupting the provisions of the Constitution or the laws or preventing a state institution or a public authority from carrying out its work.”

**Article 6** of the Law on the Protection of Society against Terrorist Acts stipulates that "Life imprisonment shall be the penalty for everyone who forms, establishes, organizes or operates, contrary to the provisions of the law, a society, association, organization, group, gang or a branch of any of the above or undertakes the leadership or command thereof for the purpose of calling for obstructing the enforcement of the provisions of the Constitution or the laws or preventing any of the government organizations or public authorities from carrying out their activities or infringes upon the citizen's personal freedom or other freedoms or public rights secured by the Constitution and the law or undermines national unity if terrorism is one of the methods used in the realization or implementation of the purposes called for by the society, association, organization, group or gang or any of their branches. Imprisonment for a period of no less than 10 year shall be inflicted upon any person who supplies them with weapons, ammunition, explosives, supplies, machinery or information or provides them with premises, accommodation or facilities to cover up, shelter or boarding facilities or conceals or damages items, properties or weapons that may have been used or intended for use in their activities or produced therefrom while being aware of what they call for and their methods in the realization or implementation thereof."



In addition, when reading this article, it is clear that it does not sufficiently identify the elements of the terrorist organization or group. Instead, it points out that any organization that opposes the Bahraini constitution is a terrorist entity, and vaguely defines the terrorist organization as that which aims at "preventing any of the government organizations or public authorities from carrying out their activities," or that "undermines national unity."

These vague and broad expressions of the law – in particular this article thereof – contributed to imposing restrictions on political opposition activities and on human rights defenders, and also contributed to the lack of adequate guarantees, especially in politically motivated trials.

**Article 6**, with its broad description of terrorism, allows for political and human rights action, which opposes government policy, to be subject to targeting by the government. Terrorism, according to Article 1 and 6, aims at "obstructing the enforcement of the provisions of the Constitution or the laws" and "disrupting public order, threatening the Kingdom's safety and security, or damaging national unity or security of the international community." However, this definition is actually intended for the actions and activities of the political opposition, in addition to their freedom of expression and assembly and protest and association. According to that definition, if the political parties

organized a gathering, a protest or a march to demand the amendment of the Constitution or a law or a certain list, it will be interpreted as a use of violence aiming at obstructing the enforcement of the provisions of the Constitution or the laws or the lists, disrupting public order, threatening the Kingdom's safety and security, or damaging national unity.

**Furthermore, Article 7, 9, 10 and 23** of the law come in the same context in which political action and activists of different affiliations can be targeted. All articles and provisions included in the Anti-Terrorism Law that are related to association, organization, committee or institution contain broad and general terms, such as "by any means, obstructing the enforcement of the provisions of the Constitution or the laws, damaging national unity, being aware of the terrorist purposes of the association, provocative propaganda, promoting sedition, social peace, disturbance of security, public order, serious behavior and neglect, and others."

These concepts have been used because they can be interpreted in many ways against political associations and the exercise of the political activities thereof. In previous years, the Bahraini government closed down the Islamic Action Society - Amal, Al-Wefaq National Islamic Society, and the National Democratic Action Society - Wa'ad, as well as other parties and associations under various pretexts including supporting terrorism. The information and many

cases indicate that the government continues to use this policy in prosecuting activists belonging to such associations and targeting them using the Law on The Protection of Society against Terrorist Acts.

*The Law restricts freedom*  
**OF OPINION AND EXPRESSION**

**Article 11** of the Law on the Protection of Society against Terrorist Acts stipulates, "A prison sentence and a fine of no less than BD 2,000 and no more than BD 5,000 shall be the penalty for each one who promotes any activities that constitute a crime for implementing a terrorist objective. A penalty of imprisonment for a period not exceeding 5 years shall be inflicted upon everyone who holds or possesses personally or through another person a document or publication containing the aforesaid promotion where it is intended to be distributed and also upon everyone who holds or possesses any means of printing, recording or publicizing regardless of the type thereof whether used or intended for use even on a temporary basis for printing, recording or broadcast of such promotion."

**Article 11** criminalizes the "promotion" of terrorist acts, even by possessing documents containing such promotional material. In view of the broad definition of terrorist acts in the draft law, this provision restricts the freedom of expression guaranteed

by international law, which in turn guarantees the freedom to seek, receive and impart information of all kinds. This clearly contradicts Article 19 of the International Covenant on Civil and Political Rights, which states that "Everyone shall have the right to hold opinions without interference" and that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

This legal text contained in Article 11 of the Anti-Terrorism Law has been used to arrest and prosecute many activists, journalists, photographers and human rights defendants on charges of possessing materials, documents, statements or letters supporting terrorism, according to the claims of the security authorities, even if these materials are of a political nature belonging to groups and organizations that are classified by Bahrain as terrorist groups or supporters of terrorism.

*In Bahrain:*  
**PROTESTS ARE A TERRORIST ACTIVITY**

Despite the human rights and political demands for an impartial investigation into some of the events described by the Bahraini government as terrorist incidents, the Bahraini judiciary ignores those demands and tries the defendants in many cases under the Anti-Terrorism Law, although the charges, such as arson and violence during protests, cannot be linked to terrorism.

In many cases, the law is adapted so that defendants are tried according to the Anti-Terrorism Law, and not according to the Bahraini Penal Code or the Bahraini Law on Public Gatherings. For example, Article 178 of the Bahraini Penal Code states that **“Every person who takes part in a demonstration in a public place where at least five persons are assembled with the aim of committing crimes or acts intended to prepare or facilitate the commission of such crimes or aimed at undermining public security, even though for the realization of a legitimate objective, shall be liable for imprisonment for a period of no more than two years and a fine not exceeding BD 200, or either penalty.”**

Article 179 of the same law stipulates that **“If one demonstrator or several demonstrators attempt to use violence for the realization of the purpose for which they have assembled, their action shall be deemed as a riot. The penalty for each person who knowingly takes part in such riot shall be a prison sentence and a fine not exceeding BD 500, or either penalty.”**<sup>7</sup>

Despite the human rights criticisms of the articles restricting the exercise of rights and freedoms, including the aforementioned articles, the Bahraini courts ignore these articles of the Penal Code – although they are directly related to many cases related to gatherings and protests. Instead, they use the Anti-Terrorism Law in many cases, even though the charges are not consistent with the law. The Law is adapted and interpreted in a broad way using terms such as **“the intention, purpose or pretext of terrorism.”** Thus, protesting is turned into a terrorist act, in order to issue harsh sentences against the protesters and those who support or approve the protests.

As the protests escalated in Bahrain, the trials, which coincided with the events of 2011, began to try the majority of the protesters, classifying their charges as misdemeanors. They were dealt with in accordance with the Law on Gatherings and the Bahraini Penal Code. The charges included unlicensed marches, burning tires, closing down streets, possession and

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<sup>7</sup> Bahrain Penal Code promulgated by Decree Law No. 15 of 1976

use of Molotov cocktails, etc. In general, this type of charges constituted the largest percentage of cases against protesters in Bahrain. However, due to the huge amount of this type of cases in the courts of misdemeanors, the number of lower courts increased from six courts before the 2011 events to ten courts at the end of 2011.

Since 2012, the Bahraini government have used a media, political and diplomatic campaign, which includes several aspects, to call all forms of protest in Bahrain, including the protests associated with political opposition and peaceful protesters, acts of **"terrorism"**, even though opposition political societies emphasize their peaceful approach in calling for reform and change.

There is a lot of evidence that affirms that the executive authority and its government organs interfere in the judicial process, making the courts issue numerous sentences against many activists, politicians, dissidents, human rights activists, journalists and participants and supporters of anti-government protests in Bahrain.

This comes in conjunction with the vagueness of the definition of terrorism and the definition of terrorist crimes according to the law. Thus, this gives those who use the law the right to classify any crimes as terrorist crimes even if they fall within the freedom of opinion and expression, which is precisely what the Bahraini government did intentionally.



The Bahraini government took a series of actions and positions, which directly reflected on the cases and the rulings issued by the Bahraini courts since 2012 until the issuance of this report. The Bahraini courts issued a number of sentences against participants in the protests calling for democracy in Bahrain, using the Law on The Protection of Society against Terrorist Acts, on the pretext of committing violence during demonstrations or calling for violence. However, the majority of the sentences issued before 2012 were under the Law on Gatherings and the Bahraini Penal Code. Despite international and domestic criticism against those two laws, the Bahraini courts escalated the situation and started using the Anti-Terrorism Law instead of protecting the exercise of rights and freedoms.

Among the government measures taken to describe the majority of the dissenting political, human rights and media activities as terrorism, the Ministry of Interior issued a legal clarification on Law No. 58 of 2006 on The Protection of Society against Terrorist Acts<sup>8</sup>, on Monday, July 22, 2013. Although the judiciary is the competent authority to examine and interpret laws, the Ministry of Interior issued this statement to interpret the law and requested the Bahraini judiciary to use it to punish dissidents and protesters.

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8. The Bahraini Al-Wasat Newspaper, issue 3971 <http://www.alwasatnews.com/news/794970.html>

The statement contained broad legal interpretations, in light of which many acts could be described as acts of terrorism even though they did not include acts that might harm society or be classified as terrorist acts, including misdemeanors and certain crimes that may conflict with freedom of opinion and expression. This affirms the Bahraini government's intention to punish all political and popular activities and to restrict the exercise of political and civil rights and freedoms.

Following this statement, any action that opposes or criticizes the government policy was classified as **"disruption of public order"** that could jeopardize the Kingdom of Bahrain and harm national unity. Those actions include marches and rallies that Bahrain's security authorities refuse to allow even if a notification was submitted.

In case some of the protesters try to exercise the right to assemble, it will be considered as **"causing damage to the environment, public health, national economy or public utilities, facilities or properties or seizing them and obstructing the performance of their business activities, preventing or obstructing the government authorities, places of worship or academic institutions from carrying out their activities."** This is an unequal application of the law since fundamental principles relating to the exercise of rights and freedoms are violated.

The Ministry of the Interior's previous statement, which threatened to use the Anti-Terrorism Law, coincided with some actions and procedures, including, for example, the Interior Minister's meeting with the Speaker of the House of Representatives, in which they discussed the change of what they called laws that may need to be reviewed. This represented interference by the executive authority in the work of the legislative authority. This meeting, together with other events, resulted in holding a session by the National Assembly.

Afterwards, the Anti-Terrorism Law of Bahrain was amended for the first time, which was previously mentioned. In an unprecedented event, the National Assembly held a special session with its two chambers, the appointed Consultative Council and the elected Council of Representatives, at the request of the Executive Authority on July 28, 2013. This emergency session resulted in issuing 22 recommendations, most of which can be described as a concession of powers in issuing and amending laws by the Legislative Authority to the Executive Authority. The recommendations asked the King and the Executive Authority to amend laws and issue decrees, notably decree laws to counter terrorism, take urgent measures to protect national security and stability, strip the citizenship of those who are involved in terrorist crimes and those who instigate terrorism, inflict severe punishments on all kinds of violence and terror crimes, dry up **"all sources of terrorism"**, ban sit-ins and rallies in the

capital Manama, and take all necessary measures to impose civil security and peace. The session also called for taking legal actions against some political societies that encourage acts of violence and terrorism, in reference to some opposition political societies<sup>9</sup>

At the same time, the Bahraini Prime Minister, Khalifa bin Salman Al Khalifa, conducted a series of visits and meetings with pro-government official and civil figures in August 2013 in order to label dissidents and protesters as terrorists. Meanwhile, a media campaign was also launched to incite the public opinion against them, and to justify the severe penalties issued by the Bahraini courts in response to the recommendations of the National Council.

The second amendment to the Anti-Terrorism Law was promulgated by Law No. 68 of 2014, as the Bahraini authorities took advantage of the exceptional power granted to them for exercising the role of the Legislative Authority while the latter stopped exercising its role during the 2014 elections for its reformation. On November 26, 2014, the authorities issued amendments to Law No. 58 of 2006 on The Protection of Society against Terrorist Acts, under Decree Law No. 68 of 2014. This decree was issued shortly before the Legislative Authority resumed its role in its new formation. On December 14, 2014, the

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9. Recommendations of the emergency session, <http://bhmirror.myftp.biz/news/10446.html>

first session of the House of Representatives was held, and the above-mentioned decree law was passed, even though it includes many human rights violations of international standards.

With the previously mentioned sequence of events, which aimed at tightening sentences against all forms of protests and political opposition, the Bahraini judiciary and the various laws, particularly the Law on The Protection of Society against Terrorist Acts, were used to punish the political movement in Bahrain. Consequently, many politicians, human rights activists and journalists have been prosecuted.<sup>10</sup>

With reference to some principles that regulate the work of the judiciary, the legal description of the crime and the legal adaptation of the crime, it is noted that all of this is not found in the work of the Bahraini judiciary, especially regarding the application of the Anti-Terrorism Law. For example, and the constitutional principle **“there shall be no crime and no punishment except under a law”**, prohibits a judge from creating crimes and punishments from his own and limits his job to the application of the legal text specified by the legislator for the incident before him.

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**10.** For more information and cases, see the 2016 Annual Report: “The Map of Persecution: Undermining Civil Society” issued by the Bahrain Forum for Human Rights (BFHR) in April 2017, and “The Right to an Independent Judiciary” report, issued by the BFHR in March 2017.

This constitutional principle is directly linked to another constitutional principle, namely the principle of separation of powers. Each authority has a specific function. The legislative authority is responsible for drafting laws, the executive authority is responsible for enforcing the laws, and the judicial authority is responsible for implementing the laws established by the legislative authority. This shows the importance of the principle of separation of powers and the principle of the independence of the judiciary.

Many facts and evidence confirm that the executive authority in Bahrain interferes in the work of the judicial authority even with regard to adapting the law. The judge should adapt the law specified by the legislator for the incident under consideration and determine the appropriate text for the penalty. However, the judiciary in Bahrain adapts the Law on the Protection of Society against Terrorist Acts for crimes that do not include acts and incidents that can be described as terrorist crimes, which may be punishable under the Anti-Terrorism Law. There is no legal description of the crime, and the legal adaptation of the crime is not compatible with the legal text, especially since the Law on the Protection of Society against Terrorist Acts identifies the terrorist acts that can be criminalized accurately in a broad way, which was previously explained.

We also note that terms such as intention, objective, aim, excuse, purpose and others are used against the

accused who participate in anti-government protests, in order to turn the protest into a terrorist crime, and as a result harshen the sentences issued against the protesters to deter the protest movement in Bahrain.

Many of the cases of those who have been prosecuted are directly linked to the ongoing protests in some parts of Bahrain because of the continuous political crisis demanding democratic reform. If the involvement of some protesters and demonstrators in violence because of the clash with the security forces is proven, this clash or violence should not be adapted into an attempted murder or a terrorist act, especially if these protests had certain demands, which applies to the vast majority of protests.

If the basic guarantees of fair trials were available, and the aforementioned cases were tried under the Penal Code, in light of the principle of the legal adaptation of the crime, considering them offenses or crimes that do not amount to terrorist crimes – although the vast majority of cases cannot be described as crimes because they are linked to the political and human rights movement in Bahrain – they should be classified as practices directly related to the freedom of assembly and of opinion.

*The Law*  
**HELPS VIOLATIONS TO CONTINUE**

**The Law on the Protection of Society against Terrorist Acts grants the Public Prosecutor, in particular the Terror Crimes Prosecution, excessive authority, which increases the risk of torture, ill-treatment, arbitrary arrests, enforced disappearances, and other violations, especially with the amendments to the law.**

For example, article 27 of the Law allows for prolonged detention without referring to a judge before pressing charges. The article only requires referring to the Attorney General to arrest any person detained for more than five days if the detention authority wishes to extend the detention period, which could be extended to 10 days, and even to six months according to the latest amendments. Note that the Attorney-General is not a judicial authority and lacks the independence necessary for being a reference that is able to judge if the arbitrary arrest is legal, therefore, he should not be granted such powers.



In addition, article 28 of the Law allows the security services to request an elongation of the period of detention over charges under article 27 based on secret evidence that the accused has no right to access or challenge. Moreover, members of the judicial police, including members of the public security and national security, can search a person other than the accused and his home without a judicial order, or arrest and detain the accused for 28 days if sufficient evidence is available without the permission of the judge. This means violating and restricting the personal freedom of the person, which constitutes a violation of article 19 (b) of the Constitution, which states, **“A person cannot be arrested, detained, imprisoned or searched, or his place of residence specified or his freedom of residence or movement restricted, except under the provisions of the law and under judicial supervision.”** In addition, there are other examples that confirm that the provisions of the Anti-Terrorism Law infringes on the freedom of the person and the rights of the accused. It should be noted that the 2014 amendment to the Law, which included amending article 27 of the Law<sup>11</sup>, granted

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**11.** Article 27 of Law No. 58 of 2006 on the Protection of Society against Terrorist Acts after amendment stipulates, “If sufficient evidence is available for indictment of a person of committing one of the crimes provided for in this law, the judicial arrest officer shall be empowered to detain the accused for a period not exceeding twenty-eight days. The judicial arrest officer shall hear the statements of the arrested accused and shall refer him to the terrorist crimes prosecution upon the expiry of the period referred to in the preceding Paragraph. The Public Prosecution should interrogate him within 3 days from the date of his reference thereto and then shall order his detention in custody or his release.”

the law enforcement officers the power to arrest persons suspected of committing a crime provided for in the Law without obtaining prior authorization from the Public Prosecution or any judicial body, and detaining them for up to 28 days before bringing them before the competent prosecution. The amendment does not even stipulate that the accused should be brought before the competent prosecution as soon as possible, without waiting for the exhaustion of 28 days, which makes this procedure contrary to article 9 of the International Covenant on Civil and Political Rights.

According to the General Comment No. 8 of the Human Rights Committee, State parties to the treaty must ensure that their legislation guarantee that any person arrested or detained in a criminal case is promptly brought before a judge or an officer authorized to perform judicial functions, and that the legislation should not allow any delay that exceeds a few days.

In addition, amendment to article 26 of the Law gives the Public Prosecution the power to send a person accused of a crime provided for in this law to pre-trial detention for six months<sup>12</sup> without being tried. This

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**12.** Article 26 of Law No. 58 of 2006 on the Protection of Society against Terrorist Acts after amendment stipulates, "A prosecution called «terrorist crimes prosecution» shall be established and the members thereof shall be appointed upon proposal of the prosecutor, which shall be competent with investigating the crimes stipulated herein. Such prosecution shall be empowered to issue an order of rendering in custody by the Attorney General or whoever acts for him for a period or for successive periods not exceeding six months in total."

also contravenes the same article that emphasizes that pre-trial detention should be an exception and as short as possible, since the detention of persons awaiting trial should not be the general rule.

A special prosecution was established in accordance with the amendment of Article 26 of the Law to look into and investigate the crimes provided for in this law and deal with them. This prosecution is distinguished by a mechanism different from the mechanism used in the legislation in force for the appointment of members of the Public Prosecution, which states that they must be appointed based on the proposal of the Supreme Judicial Council. The amendment stipulates that the appointment of the members of this prosecution is not related to the Supreme Judicial Council.

The text of article 26 did not point out this mechanism, which guarantees that the members are selected in a manner that ensures their independence and impartiality. This violates paragraph 1 of article 14 of the International Covenant on Civil and Political Rights, which obliges States acceding to the Covenant to include in their legislation that everyone charged with a criminal charge has a right to a fair hearing. According to the Guidelines on the Role of Prosecutors adopted by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, prosecutors play a crucial role in the administration of

justice, and rules concerning the performance of their important responsibilities should contribute to fair criminal justice. According to the report of the Special Rapporteur on the independence of judges and lawyers submitted to the Human Rights Council on its 20th session – in which the safeguards necessary to ensure an independent, autonomous, objective and impartial functioning of prosecution services are highlighted – **“The roles of judges and prosecutors are distinct, but complementary, and their proper performance is necessary to guarantee a fair, impartial and effective administration of justice.”**

According to the safeguards the Special Rapporteur stated in this report, admission to the Public Prosecution should be done based on objective criteria by conducting a public competition; **“public competitive selection process (an examination) is an objective way to ensure the appointment of qualified candidates to the profession. Both selection and promotion processes should be transparent in order to avoid undue influence, favoritism or nepotism.”**<sup>13</sup>

It is clear that the amendment to Article 26 of the Law, which removed the prosecution that deals with the crimes provided for in this law from the structure of the Public Prosecution, lacks the abovementioned guarantees. In fact, the practical application clarifies the purpose of this amendment, especially since it was

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**13.** Report of the Special Rapporteur on the independence of judges and lawyers submitted to the Human Rights Council on its 20th session, 2012.

issued on an expedited basis. The amendment was issued on November 26, 2014, and entered into force on December 5, 2014. On December 8, 2014, the Royal Order was issued to appoint the Chief of the Terror Crimes Prosecution and its members, i.e., within days of the entry of these amendments into force.

Also, some of those who were appointed in the Terror Crime Prosecution were not members of the public prosecution in the first place, which raises the question of how were they chosen in only these few days? Moreover, what is the purpose of choosing them to take over this task? These questions are asked regardless of any transparent and objective mechanism for the selection of the members of this prosecution. In addition, there were allegations at the time that one of the members was involved in torture after his promotion. In September 2013, a formal complaint No. 123 of 2013 was submitted to the Public Prosecution by one of the accused of terrorist crimes. What is even more concerning is that the Royal Order appointing members of the special prosecution decided to assign a person with the rank of attorney general as the head of this prosecution, which means that the decision to detain any accused for a period of 6 months is issued by this same prosecution, without referring the accused to another party.

As for the amendment to article 28 of the Law, all information provided by security sources with respect

to crimes provided for in this Law<sup>14</sup> are made absolutely secret. This contravenes the first paragraph of article 14 of the International Covenant on Civil and Political Rights, which obliges States acceding to the Covenant to include in their legislation that everyone charged with a criminal charge has a right to a fair hearing. It also contravenes section (b) of paragraph 3 of the same article, which emphasizes that the defendant should have the facilities for the preparation of his defense. According to the General Comment No. 13 of the Human Rights Committee, these facilities include enabling the accused to have access to the documents and other evidence that allow him to prepare his case, and that achieve the principle of equal opportunities for the defense.

These amendments legalize arbitrary detention, since the detention that violates the rule of promptness provided for in article 9, paragraph 3 of the International Covenant on Civil and Political Rights, constitutes an arbitrary detention, and it remains arbitrary even if it occurred in accordance with the Bahraini law.

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**14.** Article 28 of Law No. 58 of 2006 on the Protection of Society against Terrorist Acts after amendment stipulates, "Information submitted by the security sources regarding the crimes provided for in this Law shall remain confidential with the Terrorist Crimes Prosecution. Such information shall not be disclosed nor shall the names of their providers be divulged without prejudice to the provisions of Article (61) of the Criminal Procedure Law."

All of this took place even though the Bahrain Independent Commission of Inquiry (BICI), also known as the Bassiouni Commission, stated in the recommendations related to confronting the widespread torture phenomenon in detention centers, that the Bahraini authorities should not resort to arresting people without an immediate access to the lawyer or the outside world for more than two or three days; and the arrest shall be subject to effective monitoring by an independent authority. Paragraph 1251 of the BICI report states: **"The State should never again resort to detention without prompt access to lawyers, and without access to the outside world for more than two or three days. In any event, all detention should be subject to effective monitoring by an independent body."**

However, the Bahraini authorities went in the opposite direction of these recommendations, which raises concerns about the purpose of this amendment. The BICI report has decided categorically that Bahrain has had a bad record in torture for decades.

in addition, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Mendez, expressed concerns at the 21st meeting of the 68th session of the Third Committee of the United Nations General Assembly, held on October 22, 2013. He confirmed that he was still receiving reports about arrests done by the Bahraini authorities,

cases of ill-treatment by the Bahraini authorities, and confessions allegedly taken under torture.

Serious concerns are also growing over the insistence of the authorities since 2012 on repeatedly refusing to enable the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to carry out his visit, on which the authorities have previously announced their approval. However, they have not enabled him to do so actually, because they have not set a date for the visit, on the pretext that they will choose an appropriate time for it. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment continues to insist on carrying out the visit and calls upon the Bahraini authorities to enable him to do so. Postponement without setting a date for the visit is actually considered a cancellation.

It is noteworthy that most of the accused in cases related to the application of this law emphasize their allegations of torture and ill-treatment especially in the early days of their detention, and the local press publishes such allegations. These allegations raise concerns, especially with the amendment that increases the duration of imprisonment, whether the case was within the jurisdiction of the law enforcement authorities or the Terror Crimes Prosecution. This creates an opportunity for torture, especially in the absence of guarantees to ensure that the accused is



connected to the outside world and in the absence of serious guarantees to ensure that the accused receives legal advice and is defended at the interrogation stage. Therefore, the fears of subjecting the accused to torture are serious and should be taken into consideration.

The Working Group on Enforced or Involuntary Disappearances confirmed in its report, which was submitted to the Human Rights Council on its 27th session in 2014, that the Bahraini authorities use short-term enforced disappearances against detainees.

In this regard, it should be noted that the previously-mentioned amendment to article 27 of the Anti-Terrorism Law provides the necessary conditions for practicing secret detention of individuals according to the concept of secret detention set forth in the joint study on global practices in relation to secret detention in the context of countering terrorism, submitted to the Human Rights Council on its 13th session in 2010. The study was carried out by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism and the Working Group on Arbitrary Detention. They study stated that if the official authorities deprived a person of his liberty and of any contact with the outside world (incommunicado detention) and refused to provide information on the fate or whereabouts of that person to his parents, independent lawyers or non-governmental organizations, including the

cases in which the person is allowed to contact his family to tell them that he is safe without disclosing his whereabouts or the nature of his detention, it is considered secret detention. This secret detention is contrary to international human rights standards since it is an arbitrary detention that violates the individual's right to liberty, or leads to arbitrary detention and is a form of enforced disappearance.<sup>15</sup>

In light of the above, it can be confirmed that extending the period of detention to six months before conducting a judicial review of the detention is a violation of the right to liberty and of the safety of the person. It also puts the detainee at a significant risk of being subjected to a variety of violations, including torture and ill-treatment.

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**15.** Joint study on global practices in relation to secret detention in the context of countering terrorism, submitted to the Human Rights Council on its 13th session in 2010.

*The Law takes away*  
**THE AUTHORITY OF THE JUDICIARY**

Legal, human rights and political bodies criticize the broad powers enjoyed by the Public Prosecution and its subordinates, such as the law enforcement officers, and they call for reducing these powers, particularly regarding pre-trial detention, inspection and monitoring of communications, deeming them as incompatible with international law and human rights standards. However, the Anti-Terrorism Law expanded these powers in the articles that were previously mentioned with amendments, which give the Public Prosecution an exception from the provisions stipulated in the Code of Criminal Procedure in the investigation of the crimes stipulated in the Anti-Terrorism Law, as well as the competencies established for it in the Code of Criminal Procedure. This results in several consequences, including:<sup>16</sup>

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**16.** Hassan Ali Ismail. Working paper entitled "The Anti-Terrorism Bill under the Reform Project Undermines Relative Rights and Freedoms", Seminar of the Progressive Democratic Tribune, May 30, 2005.

- When the prosecution investigates the crimes set forth, it does not need the permission of the Lower Court judge - as required by article 92 of the Code of Criminal Procedure - to search a person other than the accused or a house that does not belong to him unless it appears that there are strong indications that he is in possession of things related to the crime. This procedure violates many principles relating to the human rights enshrined in the international and national law.
- Contrary to Article 93 of the Code of Criminal Procedure, the Law on the Protection of Society against Terrorist Acts authorizes the Public Prosecution to seize in post offices all letters, mail, newspapers, publications and parcels and in telegraph offices all telegrams and to censor telecommunications conversations and correspondence or order the recording of conversations that occurred in a special place, by obtaining an order from the Attorney General or his representative and without obtaining the permission of the Lower Court judge. Article 32 of the Bill also allows the registration of what is happening in public places. All of this comes without any guarantees stated in the Bill, which contradicts Article 26 of the Constitution that stipulates, "The freedom of postal, telegraphic, telephonic and electronic communication is safeguarded and its confidentiality is guaranteed. Communications shall not be censored or their confidentiality breached except in exigencies specified by law and in accordance with procedures and under guarantees

prescribed by law." The Anti-Terrorism Law does not establish any guarantees to ensure the provisions of article 26 of the Constitution.

- Under this law, the Public Prosecution does not need to request from the Judge of the Lower Criminal Court to extend the period of pre-trial detention for more than seven days as required by Article 147 of the Code of Criminal Procedure. Contrary to Article 148 of the Code of Criminal Procedure, the Public Prosecution can, without an order by the Judge of the Lower Court or High Criminal Court, which is held in the Consultation Room, extend the pre-trial detention, by the order of the Attorney General or his representative, for a period or consecutive periods of time, which do not exceed ninety days in total; this total period was later extended to six months according to the amendments to the law.
- While the Code of Criminal Procedure allows the judicial arrest officer to arrest the accused in the cases set forth in articles 55 and 56 of this law, including in flagrante delicto, article 57 requires him to hear immediately the statements of the accused following his arrest. If the accused fails to provide evidence for his acquittal, the arrest officer shall send him to the Public Prosecution within 48 hours. The Public Prosecution shall question him within 24 hours, then shall send him to pre-trial detention or release him. However, Article 30 of the Anti-Terrorism law allows the judicial arrest officer, if there is sufficient evidence to accuse a person of any

offense set forth in the Anti-Terrorism Law or if he was caught in flagrante delicto, to arrest the accused for a period not exceeding 14 days, and the arrest officer may file a request to the Public Prosecution to get authorization to extend the period of arrest. In this case, for the protection of the community security, the Public Prosecution can authorize the arrest officer to extend the detention for a period not exceeding another fourteen days. After this period, the judicial arrest officer may send the accused to the Public Prosecution after hearing his statements. The Public Prosecution shall question him within three days then send him to pre-trial detention or release him. According to the Anti -terrorism Law and its amendments, the period of pre-trial detention may extend for six months without judicial observation as mentioned above.

- The cited article is contrary to what is set forth in the criminal jurisprudence that the arrest is a measure aimed at depriving a person of his freedom. Therefore, the period should not exceed 24 hours. This period distinguishes between arrest and pre-trial detention, as the latter lasts longer in comparison to arrest. In the Bill and according the said article, the period of arrest is up to 28 days rather than 24 hours, and this long period of arrest has no justification but to give the security apparatus an opportunity to subject the accused to torture and cruel treatment. If this torture was not physical, it will be moral and may drive the accused to make false confessions regarding himself and the

others about committing any crime set forth in the Anti-Terrorism Law, which may expose him or others to death sentence in some cases.

- In addition, the Anti-Terrorism Law ignores the criminalization of torture and the punishment of the members of the security apparatus that commit torture and the right of the accused to compensation for the material and moral damages that he suffers because of the arrest or pre-trial detention, after he is acquitted or the court decided that there are no grounds for filing the case.
- Even though the Anti-Terrorism Law does not authorize administrative detention, the increasing arrests, pre-trial detention and unjustified search, which were previously mentioned, are violation of freedom and personal security. They have provided a fertile ground for the security apparatus to use the texts of the Anti-Terrorism Law against opponents of government policy, and led to many violations against citizens who were targeted on political grounds.

## *Conclusions and* **RECOMMENDATIONS**

**Based on the above, the following results can be presented:**

- The Law on the Protection of Society against Terrorist Acts and its amendments reinstate the era of the State Security Law and decide to re-apply the National Safety Decree, which resulted in serious violations in 2011. In addition, they indicate an undeclared state of emergency in Bahrain whenever it is wanted, under the pretext of maintaining public security. Moreover, the Anti-Terrorism Law does not provide any safeguards against the extensive human rights violations that accompanied that era. In fact, the authorities acknowledge the occurrence of the violations since the King of Bahrain admitted it in the report of the Bahrain Independent Commission of Inquiry (BICI). Not to mention, an official statement had said that the protection of human rights should not preclude the achievement of security, which is considered more important than human rights. This indicates that maintaining security and stability conflicts with the protection of rights and freedoms,



which is contrary to universal concepts, which stipulate that the protection of rights and freedoms is what ensures security and stability.

- Bahrain's security authorities have used the law disproportionately, according to the report of the BICI and the report of Human Rights Watch, "No Justice in Bahrain." The reports concluded that the law is not applied equally, but selectively, in order to punish and deter the peaceful opposition. The Bahraini authorities have not responded to these conclusions in such reports. Rather, this disproportionate application of the law has continued and escalated with the continued use of the Anti-Terrorism Law and its amendments in order to repress political action and the exercise of public freedoms.
- Concerns are raised by the fact that pre-trial detention is actually a punishment for political dissidents, and the disproportionate application of the law confirms this. While an accused is sent to pre-trial detention solely for a tweet on Twitter, others, who are accused of more serious, obvious and aggravated offenses, are not sent to pre-trial detention. More proof of the above is that the accused is often kept in detention for the maximum period, without realistic justification, and during this period, the public prosecution does not conduct any serious investigations; the accused faces a procedure that is closer to a penalty.
- International and domestic reports, including reports issued by the Bahrain Forum for Human

Rights, emphasize the absence of fair trials standards and guarantees, both before and during the trial. These reports have identified clear failures in the realization of many principles, standards and safeguards such as the right of the accused to defend himself, or ensuring the most basic rights of the accused. In addition, all investigations into acts that are adapted as terrorist acts pass through the same stages. First, the accused is isolated from the outside world and subjected to enforced disappearance for a relatively long period. Then, during that period after the accused is arrested, he is allowed a single phone call to tell his family "I'm ok," without being allowed to disclose his place or the charges against him. Finally, the accused is not allowed to hire a lawyer or have access to appropriate legal advice. In many cases, the lawyers are unable to meet with the accused before the first hearing of the trial. This happens particularly because the amendments to the law stipulate that the period of detention may be extended for six months by the order of the Attorney-General or his representative, without resolving the legal argument held before the court that the accused must have a lawyer to defend him from the process of gathering evidence, through the interrogation and finally the trial. Therefore, the practical practice of the law and its amendments permits isolating the accused from the outside world for up to six months, as the lawyers cannot be present during the interrogation process. However, the BICI report states that isolating the accused from the outside world is a form of torture.

- **Although the BICI report clearly states in the recommendation in paragraph 1253 that the burden of proving torture should be on the State, the authorities ignore this recommendation. In fact, the practice indicates growing allegations of torture by defendants in cases classified as terrorist. This occurs while there are no effective measures to prevent torture, the policy of impunity continues, and security members who violate human rights are protected.**

In light of the above, the Bahrain Forum for Human Rights recommends the abolition of Law No. 58 of 2006 on the Protection of Society against Terrorist Acts. It also recommends the abolition of judicial verdicts against citizens who have been prosecuted in the light of this law, and emphasizes the need to investigate the allegations of torture and abuses and hold those involved in them accountable.

*The*  
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*Appendix 1*

**LAW NO. 58 OF 2006**

**WITH RESPECT TO PROTECTION**

**OF THE SOCIETY AGAINST TERRORIST ACTS**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain,

Having reviewed the Constitution,

And Law No. 3 of 1975 with respect to Public health, as amended,

And the Penal Code promulgated by Legislative Decree No. 15 of 1976, as amended,

And Legislative Decree No. 16 of 1976 with respect to Explosives, Weapons and Ammunition, amended by Legislative Decree No. 6 of 1996,

And Legislative Decree No. 21 of 1996 with respect to the Environment, which is amended by Legislative Decree No. 8 of 1997,

And Legislative Decree No. 15 of 1998 with respect to Ratifying the Arab Agreement for Combating Terrorism,

And Legislative Decree No. 4 of 2001 with respect to Prohibition and Combating Money Laundering,

And Legislative Decree no. 26 of 2002 with respect to Approving the Accession to the Treaty of

the Islamic Conference Organisation's Convention for Combating International Terrorism,

And the Judicial Authority Law promulgated by Legislative Decree No. 42 of 2002,

And Law No. 9 of 2004 with respect to Accession by the Kingdom of Bahrain to the International Convention for Suppression of Terrorist Attacks by Bombs,

And Law no. 43 of 2005 with respect to the Ratification of the GCC Agreement for Combating Terrorism,

**The Shura Council and Council of Representatives approved the following Law which we ratified and enacted:**

**Article 1:**

In the application of the provision of this Law, the following words shall have the meanings assigned against each:

**"Terrorism"** means the use of force or threatening to use it or any other unlawful means constituting a crime legally punishable by law resorted to by a perpetrator for the execution of an individual or collective criminal plan with the aim of disrupting public order or threatening the Kingdom's safety and security or

damaging national unity or security of the international community if this would result in harming persons terrorizing and intimidating them and endangering their lives, freedoms or security or causing damage to the environment, public health, national economy or public utilities, facilities or properties or seizing them and obstructing the performance of their business activities, preventing or obstructing the government authorities, places of workshop or academic institutions from carrying out their activities.

**“Terrorist Crimes”** mean the crimes provided for in the Penal Code or any other law if the purpose of committing them is a terrorist one.

**“Public Properties”** mean properties and movables owned by the government, public institutions or public corporate entities where they are intended for benefit of the public.

**“Public Utilities”** mean the projects established by the Government or whose management is supervised thereby and the services and activities provided with the intent to achieve any of the purpose of public benefit.

**“Property”** means all the items of value regardless of the type, description or nature thereof whether they are movable or immovable, **tangible or intangible and include but are not limited to the following:**



- a. National and foreign currencies, bills of exchange, securities, negotiable or payable instruments or endorsed for the bearer.
- b. Currency notes, deposits and accounts with banks and other financial institutions.
- c. Works of art, jewellery, precious metals and other property.
- d. Real estate, funds and rights related thereto whether they are personal or in-kind.

**Article 2:**

The penalties provided for in Article of this Law shall be applicable to any of the following crimes if they are deliberately committed for the implementation of a terrorist purpose:

1. Assault against persons' lives, safety or freedoms.
2. Imitating common seals and marks or forging currencies, promoting forged currencies or forging checks or any other payment vehicle.
3. Sabotage, destruction or setting fires.
4. Theft or stealing monies.
5. Manufacture, import, possession, transport or using conventional and non-conventional weapons, explosives or ammunition in branch of the provisions

of the Penal Code and the Law with respect to Explosives, Weapons and Ammunition.

6. Trespass against information technologies automated processing systems.
7. Forging official or legal documents or the use thereof.
8. Money laundering crimes.
9. Concealing items acquired from a terrorist crime.
10. Crimes related to religions.

**Article 3:**

The crimes provided for in Article (2) of this Law shall be punishable by the following penalties instead of the penalties prescribed in other laws unless this Law provides for another penalty:

1. Death or life sentence if the penalty prescribed for the crime is a life sentence.
2. Life sentence or temporary imprisonment if the crime prescribed for the crime is a temporary imprisonment.
3. Imprisonment for a period of no less than 15 years if the crime prescribed for the crime is imprisonment for a period of no less than 10 years.

4. Maximum limit of the penalty prescribed for the crime if such penalty is imprisonment for a period of no less than 10 years.

5. The maximum limit of the penalty prescribed for the crime shall be doubled if the penalty is imprisonment.

**Article 4:**

Life imprisonment or imprisonment for a period of no less than 10 years shall be inflicted upon everyone who enters into the country or puts in the ground or water or spreads in the air a material intended to endanger the life and health of man, animal or natural environment if this is for the implementation of a terrorist purpose.

**Article 5:**

Life imprisonment shall be the penalty of every person who deliberately causes a disaster in any of the methods of public air, sea or land transport or causes damage or destruction thereof or causes failure of their equipment, threatens their safety or that of their passengers, damages, harms or causes the breakdown of the air or sea navigation facilities or utilities, land transport or telecommunication facilities or undermines their safety or that of their passengers for the implementation of a terrorist purpose.

The same penalty shall be applicable to everyone who kidnaps for the implementation of a terrorist purpose any of the transportation facilities provided for in the preceding paragraph or takes their passengers or crew as hostages or resists with the use of force or violence the public authorities in the course of performing their duties for recovery of the facility or hostages from his control.

The penalty shall be imprisonment if the subject of the crime provided for in the aforesaid two paragraphs is a private transportation facility.

**Article 6:**

Life imprisonment shall be the penalty for everyone who forms, establishes, organizes or operates, contrary to the provisions of the law, a society, association, organization, group, gang or a branch of any of the above or undertakes the leadership or command thereof for the purpose of calling for obstructing the enforcement of the provisions of the Constitution or the laws or preventing any of the government organizations or public authorities from carrying out their activities or infringes upon the citizen's personal freedom or other freedoms or public rights secured by the Constitution, the law or undermines national unity if terrorism is one of the methods used in the realization or implementation of the purposes called for by the society, association, organization, group or gang or any of their branches.

Imprisonment for a period of no less than 10 year shall be inflicted upon any person who supplies them with weapons, ammunition, explosives, supplies, machinery or information or provides them with premises, accommodation or facilities to cover up, shelter or boarding facilities or conceals or damages items, properties or weapons that may have been used or intended for use in their activities or produced therefrom while being aware of what they call for and their methods in the realization or implementation thereof.

A prison sentence for a period of no less than 5 years shall be inflicted upon anyone who joins any such societies, associations, organizations, groups or any of their branches or participates in their activities in any manner while being aware of their terrorist objectives.

**Article 7:**

Life imprisonment or imprisonment for a period of no less than 5 years shall be inflicted upon every person who forces a person to join any of the societies or organizations provided for in Article 6 of this Law or prevents him from withdrawing therefrom.

**Article 8:**

Life imprisonment or imprisonment for a period of no less than 7 years shall be inflicted upon every person who trains one person or more on the use of weapons and explosives or such other items with the intent of using them in committing any of the crimes provided for in this Law.

Imprisonment for a period of no less than 5 years shall be inflicted upon every person who is trained on the use of weapons, explosives or such other training with the intent of committing any of the crimes provided for in the preceding Paragraph.

**Article 9:**

A prison sentence shall be the penalty for each one who runs an organization, society, institution or association established according to the law and exploits his management thereof to advocate the commission of any of the crimes provided for in this Law.

**Article 10:**

A prison sentence shall be the penalty for everyone who causes an explosion with the aim of terrorizing innocent people whatever may be the type or form of such explosion.

**Article 11:**

A prison sentence and a fine of no less than BD2,000 and no more than BD5,000 shall be the penalty for each one who promotes any activities that constitute a crime for implementing a terrorist objective.

A penalty of imprisonment for a period not exceeding 5 years shall be inflicted upon everyone who holds or possesses personally or through another person a document or publication containing the aforesaid promotion where it is intended to be distributed and also upon everyone who holds or possesses any means of printing, recording or publicizing regardless of the type thereof whether used or intended for use even on a temporary basis for printing, recording or broadcast of such promotion.

**Article 12:**

A prison sentence shall be the penalty to be inflicted upon everyone who solicits any society, association, organization, group or gang that carries on a terrorist activity where it is based outside the country or communicates therewith or with any person who acts to serve the interest of any such groups to commit either personally or through others terrorist activities against the Kingdom of Bahrain or undertakes any terrorist activity against the interests of a foreign country inside the Kingdom or against the country's

properties, resources, organizations or facilities abroad or its delegations, missions, diplomatic representatives or citizens during their stay out of the country.

The penalty shall be life imprisonment if the crime subject to solicitation or communication is committed. A penalty of imprisonment for a period of no less than 5 years and a fine of no less than BD3,000 and no more than the amount requested, accepted or promised shall be inflicted upon everyone who request or accepts for himself or another any gift, benefit or promise of any of the above or through any of the aforesaid organizations or anyone who acts in the interest thereof to commit any of the acts referred to in the first Paragraph. The penalty shall be doubled if the offender is a civil servant or person charged with a public service.

A penalty of imprisonment for a period of no less than 5 years and a fine of no less than BD2,000 and no more than the amount given, promised, accepted or offered shall be inflicted upon everyone who gives, promises, accepts or offers any of the above with the intent of committing any of the acts referred to in the first Paragraph without accepting his offer.

**Article 13:**

Imprisonment for a period of no more than 5 years shall be inflicted upon every citizen who cooperates or joins any society, association, organization, gang or group that is based outside the country and uses terrorism or



training upon it as a method for achieving its objectives where its activities are directed against the Kingdom of Bahrain.

The penalty shall be imprisonment for a period of no less than 5 years if he receives military or intelligence training or any other training or participates in terrorist operations.

**Article 14:**

Imprisonment shall be the penalty for everyone who conceals, embezzles or damages items, property, weapons or machinery used or intended for use in any of the crimes provided for in this Law or committed as a result thereof while being aware of that.

**Article 15:**

A prison sentence for a period of no less than one year and no more than 5 years shall be the penalty for each one who commits an assault against the officers in charge of enforcing the provisions of this Law or resists him by force, violence or threat in the course of carrying out his job duties or by reason thereof.

The penalty shall be imprisonment for a period of no less than 5 years if the assault or resistance results in permanent disability or if the offender carries a weapon or kidnaps or takes hostage any of the officers

in charge of enforcing the provisions of this Law, his spouse, in-laws, offsprings or a relative up to the first degree of relationship.

**Article 16:**

A prison sentence shall be inflicted upon everyone who helps by any method a person arrested in connection with any of the crimes provided for in this Law to escape while being aware thereof.

**Article 17:**

A prison sentence for a period not exceeding 5 years shall be inflicted upon everyone who incites another to commit a crime for the implementation of a terrorist objective even though his acts shall be of no effect.

**Article 18:**

A penalty of imprisonment or a fine shall be inflicted upon everyone who is aware of the commission of a crime for a terrorist purpose, conspiracy, plot or acts aimed at committing such crime without reporting it to the public authorities when he becomes aware thereof.

The provision of this Article shall not be applicable to the spouse of any person involved in such crime, conspiracy, plot or acts nor to his blood relatives and

offsprings. The Court may grant an exemption from the penalty to his relatives and in-laws to the fourth degree of relationship unless they are punished pursuant to another provision of the Law.

**Article 19:**

A penalty shall be the death sentence or life imprisonment if the offender's act in any of the crimes provided for in this Law results in the death of one person or more.

**Article 21:**

Without prejudice to the liability of a natural person according to the provisions of this Law, a corporate person shall be punished by payment of a fine of no less than BD50,000 and no more than BD100,000 if it commits any crime for the implementation of a terrorist purpose in its name or for its account where this is the result of agreement or knowledge of Board members or proprietor of the business or its owner.

In case of a judgement of conviction, the Court shall order the deprivation of the corporate person from participation in public projects or closing the premises in which the crime has been committed, its dissolution and closing all its offices temporarily or permanently.

**Article 22:**

In addition to the judgement for the prescribed penalty, it shall be permitted in the events provided for in this Law to adopt one or more of the following measures:

1. Prohibiting residence in a particular place or specific area.
2. Obliging to have residence in a particular place.
3. Prohibiting visits to certain places or premises.

In all cases, the period of the said measure shall not be more than 3 years.

Anyone who violates the conditions of the adjudged measure shall be liable for imprisonment for a period not exceeding 3 months.

**Article 23:**

An exemption from the penalties prescribed for the crimes referred to in this Law shall be granted to each of the offenders who reports to the public authorities prior to committing the crime. The court may reduce the penalty if the report is given upon completion of the crime and prior to the start of the investigation. This shall be possible if the offender enables in the investigation the public authorities to arrest the other perpetrators of the crime or the perpetrator of another crime similar in type and seriousness.

**Article 24:**

A judgement shall be handed down for the seizure of the properties, weapons, tools, machinery and documents apprehended that have been used or intended for use in any of the crimes to which the provisions of this Law apply or which arise therefrom while complying with the rights of nonbona fide persons.

**Article 25:**

The provisions with respect to the lapse of a criminal case and forfeiture of the penalty with the lapse of time stipulated in the Criminal Procedure Law or any other law shall not be applicable to the crimes set forth in this Law.

**Article 26:**

In investigating the crimes provided for in this Law, the Public Prosecution shall in addition to the powers vested therein be empowered to issue an order of rendering in custody by the Attorney General or whoever acts for him for a period or for successive periods not exceeding sixty days in total.

**Article 27:**

If sufficient evidence is available for indictment of a person of committing one of the crimes provided

for in this Law, the judicial arrest officer shall be empowered to detain the accused for a period not exceeding five days. Where necessary he shall be empowered to request the Public Prosecution for permission to extend the detention period. In such case, the Public Prosecution shall be empowered to extend the detention period and its action shall be substantiated and shall be necessitated by the investigation requirements and may grant permission for continuation of the detention of the accused for a period not exceeding a further 10 days.

The judicial arrest officer shall hear the statements of the arrested accused and shall refer him to the Public Prosecution upon the expiry of the period referred to in the preceding Paragraph.

The Public Prosecution shall interrogate him within 3 days from the date of his reference thereto and then shall order his detention in custody or his release.

**Article 28:**

Information submitted by the security sources for obtaining an extension of the detention period provided for in the first Paragraph of Article 27 of this Law shall remain confidential with the Public Prosecution. Such information shall not be disclosed nor shall the names of their providers be divulged without prejudice to the provisions of Article 61 of the Criminal Procedure Law.

**Article 29:**

The Attorney General or whoever acts for him shall be empowered to order the seizure of mail of all kinds, publications, parcels and telegrams, the surveillance of communications by all methods and recording of everything that takes place in public or private premises where this is useful for uncovering the truth in crimes to which the provisions of this Law applies.

In all cases, the seizure, surveillance or recording order shall be substantiated and for a period not exceeding sixty days. Such period shall not be extended except by an order of the High Court.

**Article 30:**

The Public Prosecution shall order proceeding with access or obtaining any data or information related to the accounts, deposits, trusts or safe deposit boxes with banks or other financial institutions or the transactions related thereto if this is deemed necessary for revealing the truth in any of the crimes provided for in this Law. For taking such actions, a prior permission shall be obtained from the High Court judge.

**Article 31:**

The Public Prosecutor shall where necessary and if there is evidence of the seriousness of an indictment in any of

the crimes provided for in the Law order a travel ban upon the accused in the course of the investigation or to order temporarily for prohibiting him from disposing or managing his properties or such other precautionary actions.

It is permitted that the prohibition order against disposal or management shall apply to the properties of the accused's spouse and his minor children if it is proved that such properties have devolved upon them from the accused with the aim of obstructing the execution of the prohibition order.

The prohibition order against management shall include the appointment of a manager of the properties held in custody and the Public Prosecutor shall in all cases refer the prohibition order to the High Criminal Court within a maximum of 7 days from the date of its issue to seek a judgement for prohibition against disposal or management otherwise the action shall be deemed null and void.

**Article 32:**

The Ministers, each in his respective capacity, shall implement this Law which shall come into effect on the day following the date of its publication in the Official Gazette.

**Signed: Hamad bin Isa Al Khalifa,**

**King of the Kingdom of Bahrain**

**Issued at Rifa'a Palace**

**On: 18th Rajab, 1427 Hijra,**

**Corresponding to 12th August 2006**



*Appendix* **2**

**DECREE LAW NO. 20 OF 2013  
ON AMENDMENT OF SOME PROVISIONS OF LAW NO. 58 OF 2006  
ON PROTECTION OF THE SOCIETY AGAINST TERRORIST ACTS**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain,

Having reviewed the Constitution,

And the Bahraini Citizenship Act of 1963, as amended,

And the Penal Code promulgated by Legislative Decree No. 15 of 1976, as amended,

And Law No. 58 of 2006 on Protection of the Society against Terrorist Acts,

And upon the submission of the Prime Minister

And with the approval of the Council of Ministers,

**WE HEREBY ENACT THE FOLLOWING LAW:**

**- ARTICLE 1 -**

Articles 10, 17 and 30 of Law No. 58 of 2006 on the Protection of Society against Terrorist Acts shall be replaced **by the following texts:**

**Article 10:**

A prison sentence for a period of no less than ten years shall be the penalty for everyone who causes or initiates an explosion, or attempts to do so with the intention of carrying out a terrorist purpose whatever may be the type or form of such explosion.

The penalty shall be execution or life imprisonment if the explosion resulted in the death or injury of a person.

Imprisonment shall be the punishment of whoever puts or carries in public or private places for the same reason prototypes or models that look like or resemble explosives or firecrackers.

**Article 17:**

A prison sentence shall be the penalty for everyone who incites another to commit a crime for the implementation of a terrorist purpose even if his acts were of no effect.

**Article 30:**

The Public Prosecution may directly order to view or obtain any data or information relating to accounts, deposits, safes or treasuries with banks or other financial institutions or relevant transactions, if this was required to reveal the truth of the crimes provided for in this Law.

**- ARTICLE 2 -**

Insert the word (funds) after the word (machinery) and before the words (or information) contained in the second paragraph of Article 6 of Law No. 58 of 2006 on the Protection of the Society against Terrorist Acts.

**A new article, 24 bis, shall be added to this law, and read as follows:**

**Article 24, bis:**

In addition to the prescribed penalty, the nationality of the person convicted of the crimes stipulated in articles 5 to 9, 12 and 17 of this law shall be revoked.

The decision to revoke citizenship shall not be implemented until after the approval of the King.

**- ARTICLE 3 -**

The Prime Minister and the Ministers, each in his respective capacity, shall implement this Law, which shall come into effect on the day of its issuance, and it shall be published in the Official Gazette.

**Signed: Hamad bin Isa Al Khalifa,  
King of the Kingdom of Bahrain**

**PRIME MINISTER**

**KHALIFA BIN SALMAN AL KHALIFA**

**Issued at Rifa'a Palace**

**On: 22th Ramadan, 1434 Hijra,**

**Corresponding to 31th July 2013**

*Appendix* **3**

**DECREE LAW NO. 68 OF 2014**

**ON AMENDMENT OF SOME PROVISIONS OF LAW NO. 58 OF 2006  
ON PROTECTION OF THE SOCIETY AGAINST TERRORIST ACTS**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain,

Having reviewed the Constitution,

And the Judicial Authority Law promulgated by Legislative Decree No. 42 of 2002,

And the Code of Criminal Procedure promulgated by Legislative Decree No. 46 of 2002, as amended,

And Law No. 58 of 2006 on Protection of the Society against Terrorist Acts, amended by Legislative Decree No. 20 of 2013

And upon the submission of the Prime Minister

And with the approval of the Council of Ministers,

**WE HEREBY ENACT THE FOLLOWING LAW:**

**- ARTICLE 1 -**

Articles 8, 15, 26, 27 and 28 of Law No. 58 of 2006 on the Protection of Society against Terrorist Acts shall be replaced **by the following texts:**

**Article 8:**

Life imprisonment or imprisonment for a period of no less than 7 years shall be inflicted upon every person who trains one person or more on the manufacture or use of weapons and explosives or such other works that facilitate or prepare for the use thereof with the intent of using them in committing any of the crimes provided for in this Law.

Imprisonment for a period of no less than 5 years shall be inflicted upon every person who is trained on the manufacture or use of weapons, explosives or such other training on works that facilitate or prepare for the use thereof intent of committing any of the crimes provided for in the preceding Paragraph.

The same penalty provided for in the preceding paragraph shall be inflicted upon every person commits collective violence acts or combat operations abroad not addressed to the Kingdom or participates in the same in any way.

**Article 15:**

A prison sentence shall be the penalty for each one who commits an assault against the officers in charge of enforcing the provisions of this Law or resists them by force, violence or threat in the course of carrying out his job duties or by reason thereof.

The penalty shall be imprisonment for a period of no less than 7 years if the assault or resistance results in permanent disability without intention to cause the same or if the offender carries a weapon or kidnaps or takes hostage any of the officers in charge of enforcing the provisions of this Law, his spouse, in-laws, offsprings or a relative up to the fourth degree of relationship.

The penalty shall be imprisonment for a period of no less than 10 years if the assault results in permanent disability intentionally. The penalty shall be life imprisonment, if the assault results in death without intention to kill him.

**Article 26:**

A prosecution called **"terrorist crimes prosecution"** shall be established and the members thereof shall be appointed upon proposal of the prosecutor, which shall be competent with investigating the crimes stipulated herein. Such prosecution shall be empowered to issue an order of rending in custody by the Attorney General

or whoever acts for him for a period or for successive periods not exceeding six months in total.

**Article 27:**

If sufficient evidence is available for indictment of a person of committing one of the crimes provided for in this law, the judicial arrest officer shall be empowered to detain the accused for a period not exceeding twenty-eight days.

The judicial arrest officer shall hear the statements of the arrested accused and shall refer him to the terrorist crimes prosecution upon the expiry of the period referred to in the preceding Paragraph. The terrorist crimes prosecution should interrogate him within 3 days from the date of his reference thereto and then shall order his detention in custody or his release.

**Article 28:**

Information submitted by the security sources regarding the crimes provided for in this Law shall remain confidential with the Terrorist Crimes Prosecution. Such information shall not be disclosed nor shall the names of their providers be divulged without prejudice to the provisions of Article 61 of the Criminal Procedure Law.

**- ARTICLE 2 -**

The phrase **“Terrorist Crimes Prosecution”** shall be replaced with the phrase **“Public Prosecution”** wherever mentioned in Law No. 58 of 2006 on Protection of Society from Terrorist Acts.

**- ARTICLE 3 -**

Two new articles, 2 bis and 27 bis, shall be added to Law No. 58 of 2006 on the Protection of Society against Terrorist Acts; **they read as follows:**

**Article 2, bis:**

Provisions hereof shall be applicable to each citizen or foreigner committed an act outside Kingdom of Bahrain, which causes him to be actor or participant in one of the crimes provided for herein.

**Article 27, bis:**

If a terrorist crime is committed or if there are sufficient evidence on possibility of commission thereof, the judicial arrest officer shall be entitled to take – within the spatial scope of the crime and for purpose of arresting the committers thereof or to prevent the occurrence thereof – any of the following procedures:

- 1. Inspecting the persons, who have satisfied sufficient evidences to be accused, and inspecting their luggage.**



2. Stopping and inspecting the public and private vehicles.
3. Banning the movement of means of transportation and traffic and pedestrians.
4. Disconnecting the communications and correspondences in the crime spatial scope and the locations, where the anti-terrorism measures are being undertaken for period that does not exceed twelve hours and such period may be extended by resolution of the terrorist crimes prosecution for period that does not exceed twenty-four hours.
5. Preventing any persons that there are strong evidences against him that he has participated in a terrorist act from access to specific areas or location at specific time and days by virtue of an order to be issued by Head of Public Security for a period not exceeding fifteen days. This order may be complained before the competent court and the complaint shall be decided within three days as of date of submittal thereof.

**- ARTICLE 4 -**

The Prime Minister and the Ministers, each in his respective capacity, shall implement this Law, which shall come into effect on the day following the date of its publication in the Official Gazette.








**Signed: Hamad bin Isa Al Khalifa,  
King of the Kingdom of Bahrain**

**PRIME MINISTER  
KHALIFA BIN SALMAN AL KHALIFA**

**Issued at Rifa'a Palace  
On: 4th Safar, 1427 Hijra,  
Corresponding to 26th November 2014**

## **(BFHR) Bahrain Forum For Human Rights**

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