

XI. BAHRAIN²⁹

SUMMARY OF LEGISLATION OF BAHRAIN RELATED TO TERRORISM

The measures taken by Bahrain to prevent the commission of terrorist acts, eliminate the supply of weapons to terrorists and deny safe haven to them and prevent their movement across borders, come under the Penal Code promulgated by Decree Law No. 15/1976. Although it contains no explicit references to terrorist acts, there are many provisions in its chapter VI that relate to offences that constitute a public danger, including crimes of arson, crimes relating to explosives, infamous crimes and crimes involving interference with communications. All the offences enumerated in chapter VI may thus be included under numerous terrorist crimes, given that they endanger people's lives and property or cause extreme fear.

Many of the criminal acts enumerated in chapter I of the section on specific crimes, which is on offences against the internal and external security of the State, fall into the category of terrorist crimes. The Code provides that whoever knowingly gives or provides to an armed group weapons, equipment or vehicles that it may use to achieve its objectives, or who sends it supplies or collects funds for it, or who enters into criminal communications in any manner whatever with the leader or leaders of such a group, or who, knowing its purpose and character, provides it with accommodation or premises in which its members may take refuge or meet together shall be sentenced to life imprisonment or to imprisonment for a term.

The Code, as promulgated by Decree Law No. 15/1976, reveals the following provisions:

Article 6

The provisions of this Code shall apply to any national or alien who commits outside the State of Bahrain any act that makes him a perpetrator or accessory to an offence prejudicial to the external or internal security of the State, as specified in part II, chapter 1, sections 1 and 2, or the offence of forging State seals and emblems or counterfeiting currency and monetary instruments, as specified in articles 257, 262 and 263.

²⁹ Transmitted to the Secretariat by that Government on 13 December 2001 (S/2001/1210, enclosure) and on 19 February 2003 (S/2003/268, enclosure). Information was also provided in respect of Decree Law No. 4/2001 concerning the prohibition and suppression of money-laundering.

Article 45

Whosoever is involved as a perpetrator of or accessory to the offence shall be subject to the corresponding penalty, unless otherwise specified by the Code.

Article 129

Whosoever deliberately destroys, wrecks or ruins weapons, ships, aircraft, equipment, installations, devices, utilities, munitions, provisions, medicines or other items intended for defence of the State or used for that purpose shall be subject to rigorous imprisonment for life or for a term.

The same penalties shall apply to whomsoever deliberately sabotages their production or repair or acts in such a way as to render them, albeit temporarily, unfit for their intended use or otherwise harmful. The death penalty or rigorous imprisonment for life shall apply if the offence is committed in time of war.

Article 137

A person shall be prosecuted as an accessory to the offences specified in this section if:

1. He was aware of the offender's intentions and provided him with aid, means of subsistence, accommodation, shelter, a meeting-place or other assistance; he bore his messages, helped him to find the object of the offence, concealed him, transported him or provided him with information;
2. He knowingly concealed items used or designed to be used in, or derived from, commission of the offence;
3. He deliberately destroyed, misappropriated, concealed or altered a document revealing the offence, providing evidence of it or facilitating prosecution of its perpetrators.

This article shall not apply to the spouse, progenitors or offspring of the offender.

The court is empowered to excuse relatives of the offender, including relatives by marriage, up to the fourth degree of separation, unless they are prosecuted under another article of this Code.

Article 148

Whosoever conspires forcibly to overturn or alter the Constitution of the State, the rule of the Amir or the form of government, or to usurp such rule shall be subject to rigorous imprisonment for life or for a term.

Where the offence is committed by an armed band, whosoever formed, headed or occupied any leading position in the band shall be subject to the death penalty.

Article 149

Whosoever conspires forcibly to occupy a public building or the premises of Government agencies or any of the authorities mentioned in article 107, paragraphs 1, 5 and 6 shall be subject to rigorous imprisonment for life or for a term. Where the offence is committed by an armed band, whosoever formed, headed or occupied any leading position in the band shall be subject to the death penalty.

Article 150

Whosoever takes control of a division or section of the army, a warship, warplane, military position, port or city without Government authorization or other legitimate reason shall be subject to rigorous imprisonment for life.

Article 152

Whosoever forms a band which attacks a group of people, puts up armed resistance to police officers to prevent law enforcement, heads such a band or occupies any leading position therein shall be subject to the death penalty.

Whosoever joins such a band without participating in its formation or occupying any leading position therein shall be subject to rigorous imprisonment for life or for a term.

Article 153

Whosoever assumes control of an armed band, occupies any leading position therein or otherwise manages its movements or actions for the purpose of seizing or usurping land or property owned by the Government or a group of people, or resists the military force responsible for pursuit of the perpetrators, shall be subject to the death penalty.

Other members of such a band shall be subject to rigorous imprisonment.

Article 154

Whosoever knowingly gives or provides to a band as described in the article above weapons, equipment or machines used to achieve its objective, or sends it supplies, collects funds for it, enters into criminal communications in any manner whatever with the chiefs or administrators of such bands, or, knowing its purpose and character, provides them with accommodation or premises where they take refuge or meet together shall be subject to rigorous imprisonment for life or for a term.

Article 277

Whosoever causes a fire endangering the life of individuals or their property, whether movable or immovable, even if that property is his own, shall be subject to rigorous imprisonment for a term not exceeding ten years.

Causing a fire in a public building, premises used for public purposes, a residential complex or one intended for such use, on a means of public transport, or in munitions, weapons, explosives, fuel, mines, pipes or oil wells, shall be considered as aggravating circumstances.

The penalty shall be rigorous imprisonment if the fire leads to permanent disablement; if it leads to a human fatality, the penalty shall be death or rigorous imprisonment for life.

Article 278

Whosoever negligently sets fire to the movable or immovable property of another shall be subject to imprisonment and a fine, or to one of these two penalties.

Article 279

Whosoever uses explosives to commit an offence as specified in article 148 or to sabotage buildings or installations of public utility or intended for the use of Government agencies or one of the authorities mentioned in article 107, or for public meetings, or other buildings or premises designed to be frequented by the public, shall be subject to the death penalty.

Article 280

Whosoever knowingly uses or conspires to use explosives in such a way as to endanger human lives shall be subject to rigorous imprisonment.

If the explosion causes a human fatality, the penalty shall be rigorous imprisonment for life.

Article 281

Whosoever knowingly uses or conspires to use explosives in such a way as to endanger the property of another shall be subject to rigorous imprisonment for a term not exceeding ten years.

If the explosion causes serious damage to property, the penalty shall be rigorous imprisonment.

Article 282

Whosoever knowingly causes a serious accident on board a ship, aircraft or any other means of public transport shall be subject to rigorous imprisonment for life.

Article 283

Whosoever knowingly endangers the life or safety of individuals by placing materials, germs or other items which may cause death or serious damage to public health in a well, reservoir or other facility designed for public use shall be subject to rigorous imprisonment for life or for a term.

Article 284

Whosoever knowingly endangers a means of public land, air or sea transport or in any way impedes its functioning shall be subject to rigorous imprisonment.

Whosoever in any way impedes a means of public cable or wireless communication shall be subject to rigorous imprisonment for a term not exceeding ten years.

Article 285

Where the action specified in the preceding articles results in a human fatality, the offender shall be subject to the death penalty or rigorous imprisonment for life.

Article 286

Whosoever in any way knowingly endangers a means of private transport shall be subject to imprisonment and, where the result is a human fatality, the penalty shall be rigorous imprisonment.

Article 287

Where an offender, for the purpose of committing an offence specified in this or the preceding section, takes advantage of turmoil or strife, or uses force

or the threat of force to commit his offence, this shall be an aggravating circumstance.

Article 288

Whosoever negligently causes the perpetration of any offence specified in this section shall be subject to imprisonment and a fine, or to one of these two penalties.

Article 289

Whosoever transports or conspires to transport explosives or flammable materials in a means of land, sea or air transport or to mail them in letters or parcels in violation of the pertinent rules and regulations shall be subject to imprisonment for a term not exceeding six months and a fine not exceeding 50 dinars, or to one of these two penalties.

Article 290

Whosoever knowingly disturbs another by misuse of cable and wireless communications equipment shall be subject to imprisonment for a term not exceeding six months and a fine not exceeding 50 dinars.

Article 291

Whosoever in any way damages a device, instrument or other piece of equipment designed for use by the ambulance, fire or water rescue services, or by any other emergency service, shall be subject to imprisonment for a term not exceeding one year.

It should be noted that article 6 of part II of the section on general provisions, concerning the application of the Code *ratione loci*, states that its provisions shall apply to any national or alien who commits outside the State of Bahrain any act that makes him a perpetrator of or accessory to a felony prejudicial to the external or internal security of the State such as those stipulated in parts I and II of chapter I of the section on specific crimes. In this way Bahrain criminalizes terrorist acts, and they constitute a crime against the external or internal security of the State whether the offence is committed in Bahrain or elsewhere, whether by a national or an alien and whether the person concerned is a primary perpetrator or an accessory to the crime.