

Translated from Arabic

Bahrain
Ministry of Foreign Affairs
Legal Affairs Section
Office of International Law and Disputes

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Comments of the Government of Bahrain on General Assembly resolution 77/98 on criminal accountability of United Nations officials and experts on mission

With reference to General Assembly resolution 77/98 on criminal accountability of United Nations officials and experts on mission, in particular paragraph 31, in which the Assembly requests the Secretary-General to report to the General Assembly at its seventy-eighth session on the implementation of the present resolution, in particular with respect to paragraphs 10, 12, 13, 15, 18, 20 and 30 above, as well as any practical problems in its implementation, on the basis of information received from Governments and the Secretariat.

1. Bahrain submits its comments on legislative measures relating to the criminal jurisdiction of the courts of Bahrain taken in accordance with Decree-Law No. 15 (1975), as amended. Articles 5 to 9 thereof specify the territorial jurisdiction of the courts of Bahrain, as follows:

Article 5

The provisions of this Law shall apply to all offences committed in the State of Bahrain. An offence shall be deemed to have been committed within its jurisdiction if one of the constituent acts thereof takes place therein or if the effects thereof are realized or intended to be realized therein. In all cases, the Law shall apply to any person who participated in the offence, even if such participation took place abroad and regardless of whether said person was a perpetrator or an accomplice.

Article 6

The provisions of this Law shall apply to any citizen or foreigner who commits an act outside the State of Bahrain that renders said person a perpetrator or accomplice to a felony affecting the external or internal security of the State, as set out in chapters 1 and 2 of part 1 of section 2, or the felonies of forging public seals and signs or counterfeiting currency and banknotes, as stipulated in in articles 257, 262 and 263.

Article 7

This Law shall apply to crimes committed abroad by employees of the State or public servants in the course of or as a result of the performance of their duties.

Article 8

Any citizen who, while abroad, commits an act that renders such citizen a perpetrator or accomplice to an offence under this Law shall be punished in accordance with its provisions if present in the State of Bahrain and if the act is punishable under the law of the country in which it occurred. This provision shall apply even if a citizen acquires or loses citizenship after the commission of the offence.”

2. The Government of Bahrain notes that Decree-Law No. 44 (2017) on international crimes was issued recently.
