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**Law No. (7) of 2020 amending some provisions of Criminal Procedures Law promulgated by Legislative Decree No. (46) of 2002**

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

Having reviewed the Constitution;

Penal Code promulgated by Legislative Decree No. (15) of 1976, as amended;

Criminal Procedures Law promulgated by Legislative Decree No. (46) of 2002, as amended;

And the Electronic Communications and Transactions Law promulgated by the Legislative Decree No. (54) of 2018;

And after consulting the Supreme Judicial Council,

The Shura Council and the Council of Representatives have approved the following law, which we have ratified and enacted:

**Article One**

Texts of Articles (82) the third paragraph, (127) bis the first paragraph, (159), (273), (274), (277) the first paragraph, and (327) the first paragraph of the Criminal Procedures Law promulgated by Legislative Decree No. (46) of 2002 shall be replaced with the following texts:

**"Article (82) third paragraph:**

However, the Public Prosecution may record all investigation procedures and events, audio and video, and if a witness or a suspect is unable to attend, it may resort to the use of technical means and ethereal transmission to hear his statements or interrogate him remotely, and view these procedures for the exigencies of the investigation, taking into account the guarantees stipulated in the law.

**Article (127) bis the first paragraph:**

The Public Prosecution may, on its own initiative, or at the request of the victims, witnesses or those who provide information in the lawsuit, and for acceptable considerations related to their safety or the safety of persons closely related to them, order taking the necessary measures to protect them from risks that may threaten them because of or on the occasion of giving testimony or information. In this regard, it may impose the ways and means it deems appropriate to implement all or some of the following measures until the danger has passed, in coordination with the protected persons, and in accordance with the decisions and instructions issued by the Public Prosecutor in coordination with the concerned authorities:

A- Change of residence.

B- Change of identity.

C- Prohibiting the disclosure of any information related to the identity and whereabouts of the persons to be protected, and their place of residence, or placing restrictions on the circulation of some of this information.

D- Appointing a guard over the person or place of residence.

**Article (159)**

When necessary, if there is evidence of the seriousness of the accusation and a fear of the offender fleeing in a felony or a misdemeanour charge, the Public Prosecutor may order a travel ban against the offender.  and the announcement is issued in the absence of the person against whom the ban is ordered.

The attorney general, or the competent court when considering the renewal of precautionary detention, may release an offender in a felony or misdemeanours punishable by imprisonment and that the interest of the investigation requires a travel ban by issuing an order to prevent him from travelling.

The offender may file a grievance against the prohibition order before the High Criminal Court in session in the counselling room. If his grievance is rejected, he may file a new grievance every month that lapses from the date the grievance was rejected.

And all of this if the lawsuit is not referred to the court competent to hear it, so the order to prevent or ban travel becomes within its jurisdiction.

**Article (273)**

The Public Prosecution, in misdemeanours for which the law does not require a sentence of imprisonment or a fine of a minimum of two thousand dinars, if it deems that the crime, according to its circumstances, is sufficient for a fine that does not exceed two thousand dinars; in addition to the supplementary and joint penalties, what should be refunded and the expenses, to request from the judge of the lower court, which within its competence is to hear the lawsuit, shall impose the penalty on the offender by an order issued on the request based on the records of collecting of inferences or other evidence of proof without conducting an investigation or hearing a pleading.

**Article (274)**

No judgment is passed in the criminal order other than a fine that does not exceed two thousand dinars, supplementary and joint penalties, what must be refunded and expenses.  A judgment may be acquitted, the civil lawsuit dismissed or the execution of the sentence suspended.

**Article (277) First Paragraph:**

The Public Prosecution and the rest of the litigants may object to the criminal order. This shall be done by a report in the Court Clerks' Department within seven days of handing down the order to the public prosecutor, and from the date of its announcement to the other parties. As a result of this report, the matter is dropped and considered as if it did not exist.

**Article (327) First Paragraph:**

The court may, when passing a sentence of imprisonment or detention for a period of one month or more in absentia, order, based on the request of the Public Prosecution, the arrest and detention of the offender.”

**Article Two**

The title of Part One of Book Six (Procedures to be Followed in Case of Loss of Papers, Judgments and Calculation of Periods) of the Criminal Procedures Law promulgated by Legislative Decree No.(46) of 2002, shall be replaced with the following title:

"Procedures to be followed in the case of loss of papers, judgments, calculation of periods and the use of electronic means."

**Article Three**

A fourth paragraph is added to Article (18), a third paragraph to Article (218) and a fourth paragraph to Article (227) of the Criminal Procedures Law promulgated by Legislative Decree No.(46) of 2002, with the following texts:

**Article (18) fourth paragraph:**

Similarly, for the two crimes provided for in articles (424) and (425) of the Penal Code, this time limit only begins to run from the date on which private-sector worker status ceases, or from the date on which the victim becomes aware of the incident, unless the investigation begins before then.

**Article (218) third paragraph:**

Nonetheless, the court may, in the cases that it deems necessary to consider the lawsuit without the presence of the offender, to use the means of audio-visual technology and remote etheric transmission in conducting the procedures for examining the lawsuit with the offender, and hearing, watching, recording and presenting the proceedings of the session to him in the presence of his attorney in the cases where the law requires that and in the presence of a member of the Public Prosecution.

**Article (227) fourth paragraph:**

In all cases, it may decide whom it deems necessary to hear his testimony, and if it decides that it is not necessary to hear any witness, it should mention the reason in its ruling.

**Article Four**

New articles with numbers (21) bis, (21) bis (a), (21) bis (b), (226) bis, (280) bis and (411) bis, will be added to the Criminal Procedures Law promulgated by Legislative Decree No.(46) of 2002, with the following texts:

**"Article (21) bis:**

It is permissible, in respect of which there is no special provision for in the law, to reconcile with the offender in the violations, as well as in the misdemeanours that are punishable by a fine or, possibly, imprisonment for a maximum limit of six months, and the offender who requests reconciliation shall pay a sum equivalent to one third of the maximum limit of the fine determined for the crime, or the minimum determined for it, whichever is greater, if this was done before the Public Prosecution before notifying him of the summon to appear before the court, and if his request was before the court even before a final judgment is decided upon, he should pay an amount equivalent to two-thirds of the maximum fine determined for the crime or the minimum determined for it, whichever is greater.

**Article (21) bis (a):**

For the victim or his special representative, and his heirs or their special representative jointly in the misdemeanours stipulated in Articles (290), (305), (314), (319), (339 first and second paragraphs), (342 first and second paragraphs), (343 first and second paragraphs), (351), (361 first paragraph), (362 first paragraphs), (363 first paragraph), (370), (372), (381), (385), (386), (390), (391), (395), (397), (409 first paragraph) , (410), (411), (413), (415) of the Penal Code, to request the Public Prosecution or the court according to the status of the lawsuit, to prove his reconciliation with the offender for the act committed against him.

**Article (21) bis (b):**

The conciliation provided for in the previous article takes place according to an acknowledgement of responsibility recorded in a written conciliation record signed by its parties before the competent security authority, the Public Prosecution, the competent court or the penalty execution judge, as the case may be. In the first case, the record is approved by the Public Prosecution.

The conciliation or reconciliation stipulated in the two preceding articles entails the termination of the criminal lawsuit in the crime subject of the conciliation or reconciliation and the other crimes associated with it in an indivisible connection with all its legal descriptions and conditions if the penalty determined for it is lighter than the penalty for the crime subject of the conciliation or reconciliation, and there is no effect of renouncing the conciliation or reconciliation upon the expiry of the criminal lawsuit.

Conciliation or reconciliation shall not have any effect on the civil rights.

If the victims are multiplied, reconciliation does not produce an effect unless it is issued by all of them.  If there are more than one offender, it should include all of them.

It is permissible to conciliate or reconcile after the issuance of the final judgment in accordance with the conditions established when it is conducted in the trial stage, in addition to the convicted payment of the value of the fees and expenses of the lawsuit, and it is acknowledged before the execution judge, and in this case he issues an order to cease the execution of the sentence decided, and the provisions stipulated in the law regarding the suspension of the execution of penalty apply.

**Article (226) bis:**

In the event of a full confession of guilt in misdemeanours, the offender may express his desire before the Public Prosecution or the court, as the case may be, to hold a speedy trial.

The Public Prosecution may schedule a hearing session for this lawsuit within three days.

In the event that the court accepts hearing the lawsuit in accordance with the urgent procedures, the penalty determined for the crime shall be reduced to no more than half of its maximum limit, and if the penalty has a special minimum limit, the penalty shall be reduced to half of its limits, and the judgment shall be issued in the same session.

The court may decide to hear the lawsuit in accordance with the normal procedures if the offender or one of the offenders, if plural, changes his will, makes a full confession or if he or his representative fails without excuse to attend the session before closing the pleadings, or if it deems on its own initiative that the lawsuit is not valid for adjudication through urgent procedures.

**Article (280) bis**

A Public Prosecution member with at least a rank of Prosecutor may issue the criminal order in misdemeanours that are legally punishable by imprisonment for a period not exceeding one year or a fine of a minimum that exceeds one thousand dinars, and the order is issued for a fine that does not exceed one thousand dinars, in addition to the supplementary penalties, insurance, what must be refunded, and the expenses. The issuance of the order from him shall be obligatory in the cases of violations.

The general attorney or the competent chief prosecutor may, within ten days from the date of issuance of the criminal order, order its amendment or cancellation and proceed or dispose of the lawsuit in the usual ways, and the order may not be announced to the litigants before the expiration of this period.

The provisions determined for the order issued by the minor court judge shall apply to this matter, except for Article (274) of this law.

**Article (411) bis:**

Electronic means may be used to initiate and prove all the procedures stipulated in this law, whether at the stage of inferences, investigation or trial, including the issuance of orders, decisions, judgments, signatures, declarations, seizures, documents and papers presented therein, and dealing with them between the parties remotely, and recording, broadcasting and transmitting their course and facts through audio, visual, electronical and ethereal means.

In all these cases, the rules relating to appointments, consideration of detention renewal, announcement, attendance, and publicity stipulated in this law are considered to be fulfilled using these means.

The place through which it is decided to initiate these procedures using remote electronic means is considered part of the place where they are initiated, and the provisions stipulated in the law apply to it.

These means may be used in preparing copies of criminal lawsuits in the form of electronic records that replace their written copies and have the same authenticity and the provisions legally established in their regard.”

**Article Five**

The Prime Minister and the ministers - each within his jurisdiction- shall implement this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa,**

Issued at Riffa Palace:

On: 8 Shaaban 1441 A.H.

Corresponding to: 1 April 2020