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Published on the website on May 2024

**Legislative Decree No. (53) of 2012 amending certain 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;

Public Security Forces Law promulgated by Legislative Decree No. (3) of 1982, as amended;

And the Criminal Procedures Law promulgated by Legislative Decree No.(46) of 2002, as amended by Law No.(41) of 2005;

Decree No. (27) of 2012 regarding an independent office for the Secretary General of Grievances at the Ministry of Interior;

And the Decree No. (28) of 2012 regarding an independent office for the Inspector General and the Office of Professional Standards in the National Security Agency;

And upon the submission of the Prime Minister,

And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Article One**

The provisions of Articles (115), (214) and (234) of the Criminal Procedures Law promulgated by Legislative Decree No.(46) of 2002 shall be replaced with the following texts:

**Article (115)**

The member of the Public Prosecution shall notify the witnesses he decides to hear, and they shall be summoned to appear by a member of the public authority, provided that the summons indicates that they were summoned as witnesses and the incident to be testified about, and he may hear the testimony of any witness who appears on his own, and in this case this shall be recorded in the record.

**Article (214)**

The session must be public, and the court may nevertheless take into account public order, maintain morals, or for reasons of protection of the victims or witnesses, or whoever gives information in the lawsuit; To order that all or some of the case be heard in a closed session, or to prevent certain groups from attending it.

**Article (234)**

With regard to witnesses, the provisions of Articles (88), (116/2), and (117) through (122), (127) and (127 bis) of this law shall apply.

**Article Two**

A new Article No. (81) bis, and a third paragraph, shall be added to Article (82) of the Criminal Procedures Law promulgated by Legislative Decree No. (46) of 2002, and new Articles No. (127 bis), (223 bis), and (223 bis (A)) shall be added to this law. (a) the following texts:

**Article (81) bis**

The Public Prosecution shall exercise its jurisdiction over allegations relating to torture, inhuman or degrading treatment, or death related thereto, whenever they are made against an accused, witness, or expert during the stage of inference, investigation, or the course of the lawsuit before the court. In other than those cases, the Public Prosecution shall exercise its jurisdiction with regard to the Public Security Forces based on what is referred to it by the Ombudsman or the Inspector General, as the case may be.

**Article (82) third paragraph:**

However, the Public Prosecution may record all the facts and proceedings of the investigation, audio and video, including the interrogation of the accused and the testimony of witnesses. If a witness is unable to attend or if there are circumstances that require his protection due to considerations it deems appropriate, it may resort to the use of modern technology to hear and record his testimony.

**Article (127 bis):**

The Public Prosecution may, based on the request of the victims, witnesses, or those who provide information in the lawsuit, and for acceptable considerations related to their safety and the persons closely related to them, order that the necessary measures be taken to protect them from risks that may threaten them because of or on the occasion of giving testimony or information, and in this it may order with the consent of the victims, witnesses, or persons to be protected, all or some of the following measures shall be taken until the danger has passed:

1) Change of residence.

2) Change of identity.

3) 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.

In the event that any of the measures set forth in the preceding paragraph are taken, a summary of the content of the testimony or information shall be recorded in the investigation without a declaration of its true source until the circumstances that necessitated taking such measures are removed, or the lawsuit is referred to the competent court and permission is issued to disclose the identity of the source.

**Article (223 bis):**

Without prejudice to the provisions of Articles (220), (221), (222), and (223) of this law, the court may resort to hearing witnesses and those who have information in the lawsuit to the use of modern audio-visual technology, whether that is by ethereal transmission to it during Convening the hearing or presenting a recording of the testimony, according to the following considerations, as the court may assess:

1) The presence of the witness outside the country and it is impossible or difficult for him to attend, or there is fear that he may be late, which will result in delaying the progress of the lawsuit and the decision thereon.

2) A moral impediment to the witness from appearing in person at the hearing due to the psychological or social harm that may result from that, due to the nature of the crime or the existing relationship between the witness and the accused.

3) The expectation or fear that the witness will be harmed, or the realization of circumstances that necessitate his protection.

4) Existence of the excuses referred to in Article (231) of this law.

**Article (223 bis (A)):**

In the case of ethereal transmission or recording of the testimony, the testimony must be given in the presence of the judges or members of the Public Prosecution assigned by the court and in places suitable for investigation, and a record must prepared of the procedures he took based on the assignment of the court, in which he records the circumstances and place of giving the testimony and a summary of its content, and it shall be certified after the witness's signature, the record and the registration of the testimony are deposited in the lawsuit file.

And if the testimony is given from abroad, then the way of deputation is followed in order to coordinate with the judicial authority in the country in which the witness is present to assign whoever it deems appropriate to supervise the broadcast of the testimony in the specified session, in the presence of whomever the court assigns among the judges or members of the Public Prosecution, if it deems so.

**Article Three**

The expression “hearing witnesses and procedures for their protection” shall be replaced by the expression “hearing witnesses” in the title of Section Five of Part Two of Book Two of the Criminal Procedure Code promulgated by Legislative Decree No. (46) of 2002, and the phrase “investigating evidence and procedures for hearing witnesses and protecting them” with the phrase “Witnesses and other evidence" in the title of Chapter Six of Part Two of Book Three of the same law.

**Article Four**

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,**

**Prime Minister**

**Khalifa bin Salman Al Khalifa**

Issued at Riffa Palace:

On: 23 Dhu al-Qi'dah 1433 A.H.

Corresponding to: 9 October 2012