

*Translated from Arabic*

## **Information note on international terrorism**

### **I. Overview of Bahraini laws on countering terrorism and the financing thereof**

#### *Act No. 58 (2006) on protecting society from acts of terrorism*

One of the most significant measures that Bahrain has taken to counter terrorism is the promulgation of Act No. 58 (2006) on protecting society from acts of terrorism. That Act defines and criminalizes terrorism, details the crimes that are considered acts of terrorism and sets out the legal elements that constitute those crimes. The Act is transnational in scope, in order to better counter terrorism. Accordingly, the Act covers any criminal activity that constitutes a threat to the security of the international community and establishes penalties that are commensurate with the seriousness of the crime.

The law criminalizes the following acts:

Damaging the environment; attacking, disrupting, destroying or hijacking public air, marine and land transport; detaining passengers and carrying out any hostile action against transport facilities and institutions; detonating explosives of any kind; training in the use of weapons and explosives for the purpose committing any offence set out in the Act; promoting terrorism and encouraging the commission of acts of terrorism; funding and supporting [terrorist] organizations; joining or cooperating with any organization or group abroad that trains to commit acts of terrorism or uses terrorism as a means of achieving its goals, if its actions are not directed against Bahrain; seeking to contact or communicate with groups abroad for the purpose of carrying out hostile acts; whether against Bahrain or the interests of any foreign country in Bahrain; forcing persons to join those groups or using any means whatsoever to prevent them from leaving those groups; attacking automated data processing systems, if such an act is committed for a terrorist purpose; attacking law enforcement personnel or resisting them or threatening them as they perform their duties; failing to report to the authorities any information about a terrorist crime that has occurred or is being planned; hiding, stealing or destroying objects, money, weapons or machinery that have been used or were to be used to commit an act of terrorism; and enabling a person who has been arrested for an offence stipulated in the Act to escape.

Moreover, under the Act, any legal person in the name of or on behalf of which an act of terrorism is committed shall be criminally liable therefor and fined, prohibited from engaging in its activities and shut down.

#### *Decree-Law No. 4 (2001) on suppressing and countering money-laundering and the financing of terrorism*

Bahrain promulgated Decree-Law No. 4 (2001) on suppressing and countering money-laundering and the financing of terrorism. The aim of that law is to prevent persons from benefitting from criminal proceeds by laundering or transferring them, attempting to conceal or obscure the source thereof or actually concealing or obscuring the source thereof. The law and its 2006 amendments are based on the Financial Action Task Force on Money Laundering 40 + 9 Recommendations.

One of the distinguishing aspects of the Bahraini law on suppressing and countering money-laundering is that it treats the predicate offence as a source of criminal proceeds, in accordance with the international list. Those offences include acts of terrorism, the financing of terrorism, and explosives, weapons and ammunition offences. Under the law, predicate offences include any criminal activity, whether in Bahrain or abroad, that constitutes a punishable offence as well as offences contained in international conventions and related protocols to which Bahrain is a party when they are also offences under Bahraini law.

The scope of the offences has been expanded to include the acquisition, transfer or possession of funds in the knowledge or belief that they are the proceeds of an offence under the law. In addition, the law establishes the responsibility of legal persons and sets out money-laundering related offences, including failure to report an offence of which one has knowledge, refraining from implementing and obstructing the implementation of judicial and administrative decisions, and disclosing information related to arrest and investigation procedures.

The law, in its third article, addresses the financing of terrorism, whether as an organized, collective activity or as an individual activity, by criminalizing the collection, giving or allocation of funds and assets, or the proceeds thereof, to a group, organization, gang or individual engaged in terrorist activity, whether in or outside the country.

Under the law on suppressing and countering money-laundering, the implementing unit and competent authorities of the State are allowed to exchange information of a general nature with their counterparts in foreign countries in relation to money-laundering and the financing of terrorism. The implementing unit is obliged to implement requests from foreign States for special information regarding suspicious transactions or natural or legal persons involved in such transactions. Otherwise, it must inform the requesting State as to why it was unable to respond to or why it delayed implementation of the State's request

Offenders can be extradited and surrendered for money-laundering offences in accordance with the provisions of the applicable laws and the international conventions ratified by the State and in keeping with the principle of reciprocal treatment.

Moreover, Bahrain has enacted financial and commercial laws to control domestic and external financial transactions, including commercial laws relating to the Central Bank, commercial companies and the stock market. On the other hand, a series of ministerial decisions have been issued to implement the provisions of the law related to monitoring transfers of funds and to report suspicious transactions.

## **II. International terrorism**

Several terrorist crimes have been committed in Bahrain, and it was proven that those crimes were committed at the behest and for the benefit of foreign terrorist groups and organizations sponsored by a foreign State. For example, in 2018 and 2019, a total of 10 cases were recorded of the establishment of terrorist groups of which the members were trained by the Iranian Revolutionary Guard, Hizbullah of Iraq and Hizbullah of Lebanon in the use of weapons and to manufacture explosives for use in terrorism. Moreover, those groups received support and funding from them. The accused in those cases were convicted and sentenced to terms ranging from three years to life imprisonment.

In 2015 and 2016, two cases were recorded in which the defendants were accused of promoting the ideology and agenda of the Islamic State in Iraq and the Levant group and calling for persons to join it in order to commit acts of terrorism in the country. The accused in those cases were sentenced to terms ranging from 10 years to life imprisonment.

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