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**Amendments included as of April 2026.**

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**Legislative Decree No. (15) OF 1976  
WITH RESPECT TO ENACTMENT OF THE PENAL CODE**

We, Isa bin Sulman Al Khalifa, Amir of the State of Bahrain,  
Having reviewed the Constitution,  
And Amiri Order No. (4) of 1975,

And upon the submission of the Minister for Justice and Islamic Affairs,  
And with the approval of the Cabinet,

HERBY DECREE THE FOLLOWING LAW:

**Article 1**

The Bahrain Penal Code 1955 and its amendments thereto are hereby repealed. Anything inconsistent with the provisions of this Code heretofore issued shall, to the extent of such inconsistency, be null and void.

**Article 2**

The Ministers, each in his respective capacity, shall implement the provisions of this Code which shall come into force from the date of its publication in the Official Gazette.

**Signed: Isa bin Sulman Al Khalifa  
Amir of the State of Bahrain**

Issued at Rifa'a Palace

On: 19th Rabie Awai 1396 Hijra Corresponding to 20 March 1976

## **PENAL CODE**

### **General Provisions**

#### **PART I**

#### **Application of the Law**

##### **Chapter 1**

##### **Application of the Law in terms of Time**

###### **Article 1**

The law applicable shall be operative at the time of committing the offence. To determine the time thereof reference shall be made to the time of the occurrence of the relevant act, regardless of the time of the realization of its result.

However, if one or more laws have been passed following the commission of the offence and before pronouncing the final judgement, the less onerous of such laws shall be applied against the accused. Furthermore, the more favourable provisions of the law shall apply if exclusion of other provisions is practicable.

If another law is passed after the final judgement so as to provide that the act for which the accused has been convicted is not punishable, the enforcement of the said judgement shall be suspended and thereafter the act shall no longer be a criminal act.

However, if the law mitigates the severity of the penalty, the court passing the final judgement may invoke the provisions of the new law upon an application from the accused or the Public Prosecutor.

###### **Article 2**

If a new law is passed for a limited period incriminating a certain act or omission or providing for a harsher penalty, the expiry of such period shall not be the enforcement thereof upon any offence occurring during such period once criminal proceedings have commenced.

###### **Article 3**

Every new law, even if it is harsher, shall be invoked prior to the effective

date for every continuing and successive offence and common crime during the period of operation of the said law.

If the aforementioned law has been passed to amend provisions with respect to plurality of offences or the recurrence therefore, due regard shall be made to the offences committed and the convictions passed before the enforcement of the said law.

#### **Article 4**

If the law amends the date for implementation, the correct date shall be that which will be less onerous to the accused.

### **Chapter 2 Application of the Law in terms of Place**

#### **Article 5**

This Law shall apply to every offence committed within the jurisdiction of the State of Bahrain. The offence shall be deemed to have been committed within its jurisdiction if the act complained of constitutes it or its results were attributed to the said offence or if the intent could be deduced from it.

In every case, the Law shall apply to every person participating in the crime or if his involvement in the crime occurred when he was abroad whether as a perpetrator or abettor.

#### **Article 6<sup>1</sup>**

The Provisions of this Law shall be applicable to each citizen or foreigner who has committed outside the State of Bahrain an act, which renders him a perpetrator of or accomplice to any of the offences affecting the internal or external state security which are provided for in Chapters one and two of Part one, or to the offence of forging official seals and insignias or forging the currency and banknotes referred to in Articles 257, 262 and 263.

#### **Article 7**

This Law applies to offences committed abroad by civil servants or persons charged with public duties whether in the exercise of their duties

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<sup>1</sup> Amended by Legislative Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

or in their private capacity.

### **Article 8**

Every citizen, whilst abroad, who commits an act that renders him an offender or guilty partner according to this Law shall be punished pursuant to its provisions when he returns to the State of Bahrain if the act is punishable under the law of the country in which he has committed the offence.

The principle of law shall be operative even if the citizen has acquired or lost his nationality after committing the offence.

### **Article 9**

This Law shall apply to every foreigner in Bahrain who may have committed an offence aboard even though such crime is not covered under Articles 6, 7, and 8 of this Law and where application for extradition has so far not been made.

### **Article 10**

Without prejudice to the provisions regarding crimes set forth in Article 6, no criminal proceedings may commence against any person who has already been acquitted by foreign law courts on a criminal charge or has been finally convicted and punished or if the offence has been barred by time.

### **Article 11**

In the event of criminal proceedings being instituted with respect to an offence committed aboard, the judge shall take into consideration in passing a sentence the fact of the accused having undergone punishment, even by way of remand.

### **Article 12**

Due regard shall be given to final judgements passed by foreign criminal courts of law with respect to offences considered as crimes under the terms of this Law and which have been committed aboard as follows:

1. To impose additional punishments so long as they are consistent with the provisions of this Law and to comply with the procedures

regarding rights of rebuttal and compensation and other civil remedies.

2. To impose additional punishments set in this Law or to decree an order of rebuttal and compensation.

3. To apply the provisions of this Law with regard to recurrence, multiplicity of offences and order of conditional discharge.

In order to invoke a judgement passed by a foreign court, its validity shall be ascertained, and it shall be authenticated by the court of competent jurisdiction with regard to the kind of crime in respect of which the judgement has been passed. However, if an action involving a foreign court judgement is brought, its authentication shall be part of the jurisdiction of the court in which the action is taken up for adjudication.

## **PART II**

### **Criminal Responsibility**

#### **Chapter 1**

#### **Crimes**

##### **Article 13**

Crimes are either felonies or misdemeanours.

The nature of the crime shall determine the type of punishment provided for in the Law. Even if the judge substitutes a punishment which has been prescribed for a less serious one on legal grounds or in the exercise of judicial discretion, the nature of the offence may not be altered.

##### **Article 14**

Element of intention must necessarily be present in felonies. A misdemeanour may not be classed as intentional if the law expressly provides, therefore.

#### **Chapter 2**

#### **Plea of Justification**

##### **Article 15**

Nothing is an offence which is done in fulfilment of a duty required by law.

##### **Article 16**

Nothing is an offence which is done in exercise of a right justified by law or custom.

##### **Article 17**

The right of self-defence commences when the following two factors are present:

1. If the person is in imminent danger of a threat to his own person or property or if he reasonably believes in the imminence of such danger.
2. If there is no time to have recourse to the protection of the public authorities.

In the latter event, the imminent danger threatened against the person or property shall be deemed to have been so even in the case of the person or property of third parties.

#### **Article 18**

In the exercise of the right of self-defence, no person may inflict more harm than is necessary for the purpose of defence.

#### **Article 19**

If any authorized officer exceeds the limit in the performance of his duties by causing a threat which entitles one to the right of self-defence, the said threat may not be repelled unless the said officer acted in bad faith or if it was reasonably apprehended that the said threat would endanger one.

#### **Article 20**

Murder in self-defence or in defence of property shall not be justified except in the following cases:

1. An act from which death or serious injury is feared.
2. An act of rape, assault or attack against personal freedom.
3. An act of setting fire, causing damage or theft.
4. An act of breaking into an inhabited house or appurtenances thereof.

#### **Article 21**

Bypassing the extent of a justified act in good faith shall be deemed as an extenuating circumstance.

A judgement for exemption may be passed if the judge finds grounds for such exemption.

### **Chapter 3 Causation**

#### **Article 22**

An offender shall not be punished for an offence unless it is the result of

his behaviour. If a premeditated offence is committed by way of abstaining from doing what the law or mutual agreement stipulates, an offender shall be punished thereof as though the offence has been committed by his own act.

### **Article 23**

Causation shall not cease even if other causes have contributed with the offender's behaviour in bringing about the result, even if such causes are unknown thereto, and whether they are previous, contemporary or subsequent to his behaviour and whether they are dependent or independent therefrom.

However, such causation shall cease if an unfamiliar act, that is sufficient in itself to cause the result, interferes following the act of the offender. In this case, the offender shall be punished for what he has actually committed.

## **Chapter 4 Deliberation and Wrongdoing**

### **Article 24**

A person shall not be liable for an offence unless he has committed it deliberately or by his wrongdoing.

### **Article 25**

An offence shall be deliberate if it is committed by an offender being fully aware of its actual reality and legal elements. Also, an offence shall be deemed deliberate if the offender expects a criminal result of his act, which he has taken the risk of committing.

### **Article 26**

An offence shall not be deliberate if the criminal result occurs by reason of the offender's wrongdoing.

Wrongdoing shall be deemed to have taken place whether an offender has anticipated the result of his action or omission and thought that it was possible to avoid such result or had not expected it, although this was within his ability or duty.

### **Article 27**

Deliberation shall be dismissed if the act constituting the offence takes place as a result of a wrongdoing deemed as one of its legal components or, as a result of a circumstance, the realization of which shall render the act justified.

This shall not be the punishment of an offender for the consequences of his act being non-deliberate or any other offence.

#### **Article 28**

If an offender is unaware of an aggravating circumstance, he shall not be liable therefore unless the law otherwise provides.

He shall take advantage of the grounds of preventing a punishment from being imposed as well as justifications in spite of his ignorance thereof.

#### **Article 29**

Ignorance of the provisions of this Law is no excuse. However, ignorance of a provision set forth under another law shall be admitted so long as it is applicable to a matter deemed as an element of the crime.

#### **Article 30**

For the establishment of deliberation or wrongdoing, no consideration shall be given to the motive or purpose except of remission or increasing the penalty in accordance with provisions of the Law.

### **Chapter 5 Cases of Non-Liability**

#### **Article 31**

A person who has unknowingly or without option committed an act constituting a crime shall not be held liable.

#### **Article 32**

A person who is not more than 15 years of age at the time of committing an act constituting a crime, shall not be held liable. In this case, he shall be subject to the provisions of the Juveniles Law.

#### **Article 33**

If a person is, at the time of committing a crime, lacking in his mental capacity or free will because of an illness, he shall be subject to a mitigating punishment in accordance with the provisions of Articles 71 and 73 or shall be kept in a sanitarium.

#### **Article 34**

A person who is not in control of his mental powers at the time of committing a crime, due to intoxication or being under the effect of narcotic drugs which have been given to him by force or unknowingly, shall not be held liable. However, if a crime is committed with his knowledge and choice, he shall be punished as if he has committed the act

without being intoxicated or drugged.

Should an offender willfully put himself in such a state of being intoxicated or drugged with the intent of committing the aforesaid offence, this shall be a cause for a severer punishment.

#### **Article 35**

No liability shall be proved against any person who has committed an act necessitated by the need to protect himself, others, his property or property of other against an imminent danger, which he has not willfully caused and it was not in his power to prevent by way of other means, provided that the act is proportionate to the danger sought to be protected against.

A person required by law to counter such danger shall not be deemed to be acting in exigency.

### **Chapter 6 Attempting to Commit an Offence**

#### **Article 36**

Attempting to commit an offence is an act by the offender with the intention of causing the commission of such offence, even though it has not been completed. The mere intention to commit an offence or act in preparation thereof or perpetration thereof shall not be deemed as attempting.

#### **Article 37**

Attempting to commit offences shall be punishable by the following penalties, unless the Law otherwise provides:

Life imprisonment, if the sentence for the offence is the death sentence.

Temporary imprisonment, if the sentence for the offence is life imprisonment.

If the offence is punishable by temporary imprisonment, it shall be punishable by imprisonment for a term not exceeding one half of the maximum prescribed or a term of not less than three months' imprisonment.

#### **Article 38**

No punishment shall be inflicted in case of attempting to commit a misdemeanour except in the cases provided for in the Law.

### **Article 39**

No punishment shall be inflicted against any person who elects, of his own free will, not to complete an offence he has already attempted unless his act constitutes another punishable crime.

### **Article 40**

If all the acts designed to commit the offence have been completed without achieving the result thereof, an offender shall be subject to the punishment of the intended offence.

However, in this case the judge may apply provisions applicable to attempting. Meanwhile, such provisions shall apply where the offender has, by his will or intervention, prevented the realization of the intended result.

### **Article 41**

Where the commission of an offence that an offender has intended to commit has been made impossible by the inadequacy of the instrument or, absence of the subject-matter, the provisions applicable to attempting thereof shall apply.

### **Article 42**

A punishable attempted offence shall be subject to sentences involving secondary punishments prescribed for a completed offence, unless the Law otherwise provides.

## **Chapter 7 Complicity**

### **Article 43**

A person who by his own acts fulfills the requirements of an offence shall be deemed an offender.

A person who is obliged to commit an offence but is not the principal offender shall be deemed as an aider.

Persons who, with their joint intent, participate in acts leading to offence or directly resulting in the commission thereof, shall be deemed as offenders.

### **Article 44**

The following shall be deemed as accomplices:

1. Every person who abets the commission of an offence which occurs

as a consequence of such abetting.

2. Every person who agrees with another on the commission of an offence which occurs as a result of such agreement.

3. Every person who knowingly aids the offender in any manner in the commission thereof, making the occurrence thereof possible, due to such aid.

#### **Article 45**

Any person involved in an offence, either as a principal offender or an accomplice, shall be liable for the prescribed punishment unless the Law otherwise provides.

#### **Article 46**

Where the intention of an accomplice or manner of his knowledge of an offence differs from that of another accomplice or manner of his knowledge thereof, each wrongdoer shall be punished according to his intention or manner of his knowledge.

#### **Article 47**

All accomplices shall benefit from extenuating material circumstances even though they are not aware of them. Only the person aware of aggravating circumstances shall be liable thereof.

#### **Article 48**

Personal conditions and circumstances shall not have any effect, except in respect of the persons involved whether they disprove, extenuate or aggravate liability or prevent punishment.

### **PART III Punishment Chapter 1 Original Punishment**

#### **Article 49**

The penalty for a serious crime shall be capital punishment or imprisonment and civil disqualification for a period of at least 3 years and no more than 15 years.

#### **Article 50**

The penalty for a misdemeanour shall be imprisonment, a minimum fine of 5 BD and legal disqualification for no more than 3 years and no less than one year.

### **Article 51**

Every person sentenced to capital punishment shall be executed by a firing- squad. The execution shall not take place without the consent of the Amir.

### **Article 52**

Imprisonment means keeping a convicted person for life or for an adjudged term in a jail intended for this purpose in accordance with the Law.

A term of temporary imprisonment shall not be less than 3 years and shall not be more than 15 years unless the Law otherwise provides.

### **Article 53**

Civil disqualification means depriving a convicted person of all or part of the following rights and benefits:

1. The right to hold a public office or service.
2. The right to be a voter or a candidate for public council.
3. The right to be a voter or a candidate for professional or trade associations.
4. The capacity to be a board member of a joint stock company or a manager thereof.
5. The capacity to be an expert.
6. The capacity to be managing-editor or publisher of a newspaper.
7. The capacity to administer a school or an academic institute.
8. The right to carry national or foreign decorations.

### **Article 54**

Imprisonment means the spending by a convicted person the term of the prison sentence in one of the prisons intended for this purpose in accordance with the Law.

A prison sentence shall not be less than 10 days and shall not be more than 3 years unless the law otherwise provides.

### **Article 55**

Every person sentenced to a punishment involving deprivation of liberty, shall perform the hard labour to which he is assigned in prison, in accordance with the Law and in compliance with his circumstances, and with the intent of reforming and qualifying him for self-adaptation in the

community.

### **Article 56**

A penalty involving payment of a fine means obliging a convicted person to pay the State the amount specified in the judgement.

A minimum fine shall be 1 BD and the maximum thereof shall be 1,000 BD and in case of misdemeanour 500 BD, without prejudice to the limits prescribed by the Law for each offence.

In determining the fine, a judge shall give regard to the financial condition of the convicted person. He shall be empowered to exceed the maximum by no more than double the amount if he deems fit.

### **Article 57**

Where two or more persons have been convicted of one offence, whether as principal offenders or as accomplices, the fine penalties inflicted against each defendant shall be individually pronounced.

## **Chapter 2 Secondary Punishments**

### **Article 58**

A death sentence shall, by the force of Law, have the consequence of invalidating all acts of disposal and management by a convicted person, save for his will.

A guardian shall be appointed to the assets of the convicted person, and the procedures for appointing him and determining his powers shall be followed in the provisions in force regarding guardianship of those under guardianship.

### **Article 59**

A prison sentence shall have the consequence of deprivation of all rights and privileges set forth in Article 53 from the date of such sentence until the final date of inflicting the penalty or lapse thereof for any other reason. Every act of disposal or management shall, if done by a convicted person during the period of his imprisonment, be illegal.

A guardian shall be appointed to oversee his funds, and the procedures for appointing him and determining his powers shall be followed in the provisions in force regarding guardianship of those under guardianship.

### **Article 60**

If a convicted person is a civil servant or an officer entrusted with a public service, his deprivation of the right to employment in the civil service shall

have the consequence of dismissing him from such service.

### **Article 61**

A judge shall, upon passing a judgement of conviction for a felony, order the deprivation of the convicted person from rights or privileges in excess of the stipulations of Article 53, for a period of at least one year and no more than 10 years, commencing from the date of completing the inflicting of the penalty or elapse thereof for any other reason. If the penalty is a jail term, the adjudged deprivation shall be extended by the period to be spent by the convicted person in jail.

### **Article 62**

Upon passing a judgement against a civil servant for imprisonment for an offence involving an offending civil servant, the judgement may provide for his removal from office for a period of at least one year and no more than 3 years.

### **Article 63**

Where the Law provides, in cases of misdemeanours, for the civil disqualification penalty, a judge shall, in the event of conviction, order the deprivation of the

convicted person of any right or privilege set forth under article 53 from the date of the judgement and for a period of no less than one year and no more than 3 years, commencing from the end of executing the penalty or elapse thereof for any other reason, unless otherwise stipulated.

The restrictions contained in the preceding paragraph shall apply to the cases where the Law provides, in cases of misdemeanours, for dismissal punishment.

### **Article 64**

A judge may, if he hands down a judgement for an offence, order the confiscation of items seized in connection with such offence or items used or in the process of being used for the commission of the offence.

A judgement shall be empowered to confiscate the aforesaid items, the manufacture of which possession, ownership or use thereof or dealing therein constitutes an offence, even though it does not belong to the accused, or if no conviction verdict has been passed in respect of the case.

A judge shall order the confiscation of items intended as consideration for

committing an offence.

The above shall be without prejudice to the rights of bona fide third parties.

### **Article 64 bis<sup>2</sup>**

Where any foreigner, whether male or female, is convicted for committing any of the offences set out in this Law, the judge may order to provide in his verdict for deportation thereof from the State of Bahrain indefinitely or for a definite term being no less than three years.

## **Chapter 3 Plurality of Characterizations and Plurality of Offences**

### **Article 65**

If more than one characterization applies to an occurrence, recognition shall be given, after recording the said characterizations in the judgement, to the gravest offence for which only the penalty thereof shall be inflicted.

### **Article 66<sup>3</sup>**

if several crimes are committed for one purpose and they are inextricably linked, they must all be considered as one crime and the penalty prescribed for the most severe of them shall be imposed. The ruling mentioned in the previous paragraph shall not prejudice the implementation of the subsidiary penalties for any of the linked crimes.

### **Article 67<sup>4</sup>**

First: There are a number of penalties that restrict freedom, taking into account the provisions of the third paragraph of this Article.

Second: In case the several penalties vary, they shall be enforced in the following order.

First: Imprisonment.

Second: Detention.

Third: If a person commits multiple crimes before he is sentenced for one of them with a final ruling, the period of the temporary imprisonment or imprisonment and jail time must not exceed twenty years, and the jail time period must not exceeds twelve years, unless the penalty for one of the crimes exceeds it, then it shall be implemented for its term only.

Fourth: Plurality of punishments shall always take place by means of fines.

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<sup>2</sup> Added by Legislative Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

<sup>3</sup> Replaced by Legislative Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

<sup>4</sup> Replaced by Legislative Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

## **Chapter 4**

### **Extenuating Justifications and Circumstances**

#### **Article 68**

Justifications shall either be exempted from punishment or extenuating thereto. No justification shall be admitted except in cases determined by law.

#### **Article 69**

A justification exempting from punishment shall be a judgement inflicting an original or secondary punishment save for confiscation.

#### **Article 69 bis<sup>5</sup>**

Restrictions on the right to expression in this Law or in any other law shall be interpreted within the necessary framework required for a democratic society in accordance with the principles of the National Action Charter and the Constitution, and it is considered an excuse exempting from punishment for exercising the right to freedom of speech in this context.

#### **Article 70**

Subject to the cases set forth in the Law, extenuating justifications shall be deemed to include the minor age of the accused, who shall be more than fifteen but less than eighteen years age, and committing the offence for honourable motives or objectives or as a consequence of serious provocation by the victim who has no legal right so to do.

#### **Article 71**

If there is an extenuating justification for an offence punishable by a death sentence, the penalty shall be reduced to a jail sentence or imprisonment for at least one year. If the penalty for such offence is life or term imprisonment it shall be reduced to the punishment for a misdemeanour unless the law otherwise provides.

#### **Article 72**

If an offence is committed under extenuating circumstances and the judge feels the need for clemency, the penalty shall be reduced. If the prescribed penalty is a death sentence, it may be reduced to life or term imprisonment. Further, if the penalty is life imprisonment, it may be reduced to term imprisonment or a jail sentence for a period of less than six months. Where the penalty is a term imprisonment, the judge shall not inflict the maximum

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<sup>5</sup> Added by Law No. (51) of 2012 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

penalty but may reduce it to imprisonment for no less than 3 months.

### **Article 73**

If a misdemeanour is committed for a certain justification, the penalty shall be reduced as follows:

If the penalty has a minimum, it shall not be complied with by the judge, in determining the punishment.

If the penalty involves imprisonment and payment of a fine, the judge shall impose one of the penalties.

If the penalty is not restricted to a special minimum, the judge may impose a fine in his place.

### **Article 74**

If there is a mitigating circumstance in the misdemeanour, the judge may apply the provisions of the previous article.

## **Chapter 5 Aggravating Circumstances**

### **Article 75**

Taking into account the circumstances in which the Law sets forth special grounds for aggravation, the following are considered aggravating circumstances:

1. Committing the offence for vile motives.
2. Committing the offence by taking advantage of the victim's inability to resist and in circumstances that do not enable others to defend him.
- 3 - Taking brutal methods of committing the offence or mutilating the victim.
4. Committing the offence by a public employee during, because of, or on the occasion of the performance of his job, unless the Law establishes a special punishment in consideration of his status.
5. The involvement of multiple perpetrators or victims. <sup>6</sup>

### **Article 76**

Where an aggravating circumstance exists, the penalty may be imposed as follows:

If the penalty originally prescribed for the offence is a fine of twice its maximum or a term of imprisonment in its place.

If the detention is double the maximum.

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<sup>6</sup> Added by Law No. (38) of 2014 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

If the maximum imprisonment of less than 15 years is such, the temporary imprisonment is life imprisonment.

#### **Article 77**

If aggravating circumstances coincide with excuses or mitigating circumstances in a single offence, their application shall be in the following order: -

aggravating circumstances.

Mitigating excuses.

mitigating conditions.

However, if the contradictory excuses and circumstances vary in effect, the judge has the greatest potential to achieve justice.

#### **Article 78**

The following shall be deemed as recidivists:

First: A person who has been finally convicted of a felony and commits an offence.

Second: A person who has received a final sentence of imprisonment for six months or more and then commits a misdemeanour before the lapse of five years from the date of the end of this punishment or its forfeiture by way of prescription.

Recidivism shall apply in respect of combined offences in terms of deliberation and omission.

Recidivism shall be deemed as committed an offence under aggravating circumstances.

#### **Article 79**

Where a recidivist was previously sentenced to two penalties involving deprivation of liberty for a period of at least one year, or to three penalties involving deprivation of liberty of which one shall be for a period of at least one year or more, the theft, an act of fraud, breach of trust, forgery or concealment of items gained from such crimes, or attempting to commit them, after having been sentenced to the most recent of such penalties for any of the aforesaid misdemeanours, a judge shall inflict imprisonment for a period of no more than five years instead of applying the provisions of the previous Article.

#### **Article 80**

A judge shall apply the provisions of the foregoing Article to a recidivist who was previously sentenced for committing any of the crimes set forth in Article 410, 411 and 412 to two penalties involving deprivation of

liberty, both of which shall be for at least one year, or to three penalties involving deprivation of liberty of which one shall be at least one year or more, then committed, after having been sentenced to the most recent of such penalties, any of the misdemeanours mentioned in the preceding Articles.

## **Chapter 6 Stay of Execution**

### **Article 80**

Upon passing a sentence of a fine or imprisonment for a period of no more than one year, a judge may order a stay of execution if it is established from the accused's conduct, past circumstances of his crime or age that is reason to believe that he will not commit another offence. The judgement shall show the reason for the stay of execution.

A judge shall make a stay of execution inclusive of any secondary punishment, except confiscation.

### **Article 82**

A judge shall, in the event of a stay of execution, oblige the convicted person to pay all or part of the damages to the party affected by the offence within a period to be specified in the judgement.

### **Article 83**

Stay of execution shall be for a period of three years from the date on which the judgement becomes final.

### **Article 84**

A judgement may be passed for revoking a stay of execution in any of the following cases:

First: If the convicted person fails to perform his obligation set forth in Article 82.

Second: If the convicted person commits during the period of probation mentioned in the preceding Article a deliberate offence, he shall be sentenced to a penalty involving deprivation of liberty for more than two months, whether the conviction judgement has been passed during this period or thereafter, provided that the action has been brought during such period.

Third: If it appears during the period of probation the issue of a court order provided for in the foregoing Article but has not been brought to the attention of the court.

A judgement for revocation shall be passed upon an application to be filed by the Public Prosecution with the Court, which has ordered a stay of execution or before which the reason for revocation is established, without prejudice to the degree of litigation.

#### **Article 85**

A judgement for revocation shall have the effect of exempting from the penalty which has been subject to a stay of execution.

#### **Article 86**

If the period of probation expires without the fulfilment of any of the conditions for revocation of a stay of execution, the judgement shall be null and void.

### **Chapter 7 Mental and Psychological Illness**

#### **Article 87**

If the act constituting an offence is committed by a person who is under the effect of a severe state of madness, mental or psychological disorder or impairment rendering him unable to be in full control of his action, a judge shall order that he shall be kept in a sanitarium.

#### **Article 88**

The measure provided for in the foregoing Article shall be taken in accordance with the conditions laid down by law in respect of a person who suffers a severe state of insanity, mental or psychological disorder or impairment in the course of the interrogation or after the handing down of the court judgement.

### **PART IV Amnesty**

#### **Article 89**

Total amnesty shall be decided by law and shall have the effect of discontinuing proceedings or nullifying the conviction judgement passed in respect thereof, but it shall have no effect on penalties previously executed.

A total amnesty shall not affect third parties' rights.

#### **Article 90**

A special amnesty shall be decided by an Amiri Decree providing for extinguishing all or part of the penalty or replacing it with a less severe penalty.

Such amnesty shall not result in extinguishments of secondary penalties or other effects, unless the amnesty decree otherwise provides.

### **Article 91**

Abolishing a penalty by a special amnesty shall be deemed equal to the execution thereof.

## **PART V Provisions Relating to Offences Committed by Methods of Publication**

### **Article 92**

In pursuance of the provisions of this Law, the following shall be deemed as methods of publication:

1. Acts, gestures or movements performed or made on a public road, at a public meeting or in an open place that is accessible or kept under the sight of the public if they are performed or made so that they can be seen by whoever shall be in such places or if they are communicated thereto by any mechanical device.
2. Verbal statements or slogans if uttered or shouted at any of the aforesaid places, or if uttered or shouted so that they may be heard by persons at such places, or if broadcast by a mechanical device so that they shall be heard by persons not involved in the use of such devices.
3. Written materials, drawings, pictures, signs, films, and other means of expression if they are displayed at any of the aforesaid places, or if indiscriminately distributed or sold to a number of people or offered for sale at any place.

### **Article 93**

Without prejudice to criminal liability towards an author or artist, who has prepared a drawing or such other methods of expression, a newspaper's editor-in-chief or editor in charge of a department involved in the publication shall be liable for punishment, unless there is an editor-in-charge regarded as the person responsible for the offences committed by his newspaper. Nevertheless, he shall not be deemed liable, if he has in the course of the preliminary investigation proved that publication has taken place without his knowledge and produced all information documents in his possession to assist in identifying the actual publisher, or to give guidance as to the offender by furnishing all details and papers to prove his liability, or to prove that he has not undertaken publication, otherwise he shall be liable to lose his position in the newspaper or to other serious

damages.

#### **Article 94**

Where the written material, drawing or other methods of expression used in committing the offence have been published abroad and, in all cases, where it is not possible to identify the offender, the importers and printers shall be punished for being offenders. Where this is not feasible, the punishment shall be inflicted on the vendors, distributors and persons involved in displaying the relevant materials, unless it appears from the circumstances of the case that they were not in a position to learn the contents of the written materials, drawing or other methods of expression.

#### **Article 95**

To avoid criminal liability in respect of the offences committed by way of publication, it shall not be accepted from any person the justification that the written materials, drawings or other methods of expression has/have been copied or translated from any printed matter published in the State or abroad, or that they were merely rumours or stories told by third parties.

#### **Article 96**

If a felony or misdemeanour is committed by way of publication, the Public Prosecutor may order the seizure of all written materials, drawings and other methods of expression that have been intended for sale, distribution, display or may have been sold, blocks, tapes, films and similar items. In this case, the Public Prosecutor shall immediately refer the matter to the President of the High Civil Court, or whoever stands in for him in the event of his absence, in order to examine the said decision or promptly cancel it. Also, the person concerned may file an application with Court President seeking a verdict in respect of the case.

Upon passing a conviction verdict in respect of the issue of the case, it shall include an order for confiscation of the items which have been seized or have been subject to a seizer order in pursuance of the previous paragraph.

#### **Article 97**

The court shall be empowered to order publication of a summary or full text of the judgement for conviction for an offence committed by any method of publication in one or more newspapers at the expense of the convicted person.

If the offence has been committed by way of publication in a particular newspaper, the court may order at the request of the Public Prosecutor or

the aggrieved party the publication of the conviction sentence during a period of time to be determined by the judge in the same position of the newspaper wherein earlier publication took place. If the court order has not been executed, the editor-in-chief or person in charge of publication shall be sentenced to a fine not exceeding 100 BD. The newspaper may be suspended in accordance with the following article.

### **Article 98**

If a conviction judgement is handed down in respect of an offence committed by a newspaper, the judge may order the suspension of the newspaper for a period not exceeding six months.

## **PART VI Violations**

### **Article 99<sup>7</sup>**

Any action or omission constituting a violation subject to the penalties provided for in Article (103), in conformity with the Law, royal decree, ministerial decision, or decision taken by the competent municipal authority, shall be considered an infraction.

### **Article 100**

A violator shall not benefit from a more favourable law or resolution enacted after the occurrence of the violation, unless otherwise provided for.

### **Article 101**

Provisions relating to negative permission, causation and cases of non-liability set forth in Part II shall apply to violations.

### **Article 102**

A person shall be liable for the violation whether he has committed it deliberately or by way of omission, unless the deliberate action is expressly required.

### **Article 103**

The penalty for a violation shall be a fine of no less than 1 BD and no more than 5 BD.

### **Article 104**

The provisions of Article 64 shall be applicable to violations for which the law prescribes a confiscation penalty.

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<sup>7</sup> Replaced by Law No. (38) of 2014 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

### **Article 105**

Secondary punishments, which may be inflicted for violations, are:

1. Withdrawing a driving licence for at least one month and no more than 3 months.
2. Confiscation.
3. Closing the premises for at least one week and no more than one month. Upon violating the judgements involving punishments of withdrawing a driving licence or closing the premises, the judge may order extending the period of such secondary punishment to a term not exceeding the term specified in the judgement.

## **PART VII Supplementary Provisions**

### **Article 106**

Under the terms of this Law, a citizen is defined as a person who has a Bahraini nationality. A stateless person shall be considered as a citizen if he is a resident of the territory of the State of Bahrain.

### **Article 107**

In pursuance of the provisions of this Law, a civil servant shall be defined as one of the following:

1. Persons in a position of authority, staff of government ministries, departments and local administrative units.
2. The armed forces personnel and servicemen.
3. Members of Councils and public representative units whether they are elected or nominated.
4. Every person authorized by a public authority to perform a particular task to the extent of the duties entrusted thereto.
- 5- Presidents, members of boards of directors, managers, and all employees in public authorities and institutions and their affiliated units.<sup>8</sup>
- 6- Presidents, members of boards of directors, managers, and all employees in companies and in any other entities, regardless of their nature, provided that these entities are wholly owned by the State or by one of its public entities or institutions or their affiliated units.<sup>9</sup>

There shall be no distinction between any position or employment on a permanent or temporary basis, with or without remuneration, or a

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<sup>8</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>9</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

voluntary or compulsory basis. Termination of employment or service shall not be the enforcement of the provisions of this Law so long as the act has been committed when the capacity was in existence.

#### **Article 108**

An authorized public servant, under the provisions of this Law shall be every person, who is not classified under the categories set forth in the preceding Article - and who performs duties relating to public service upon an authorization given thereto by a civil servant having such authority in pursuance of the applicable laws or regulations in respect of the designated duties.

#### **Article 109**

The enforcement of the provisions of this Law shall not in any way prejudice personal rights established under the provisions of Islamic law (Shariaa).

Also, civil rights of litigants or third parties shall not be prejudiced.

#### **Article 110**

All periods of time referred to in this Law shall be computed according to the Gregorian calendar.

#### **Article 111**

The provisions of this Part shall apply to offences stipulated under the relevant laws unless they contain any ruling to the contrary.

### **SPECIAL SECTION PART I**

#### **Chapter 1**

#### **Offences Affecting External State Security**

#### **Article 112**

Capital punishment shall be inflicted upon any person who deliberately commits an act having the consequence of affecting the country's independence, unity or territorial integrity.

#### **Article 113**

Capital punishment shall be inflicted upon any person who takes up arms against the State of Bahrain. This punishment shall be imposed against any person who joins, in any manner, the armed forces of a country that is in a state of war with the State of Bahrain or an armed force belonging to a group of fighters, not being regular troops.

#### **Article 114**

Capital punishment shall be inflicted upon any person who intervenes for the benefit of the enemy in plotting to undermine the loyalty of the Armed Forces or weaken their spirit or the morale of the people or their steadfastness.

#### **Article 115**

Capital punishment shall be inflicted upon any person who incites troops in wartime to join the service of a foreign country or to facilitate the joining thereof.

The same punishment shall be inflicted upon any person who willfully intervenes in any manner whatsoever in mobilizing troops, men, funds, supplies, equipment or in making such arrangements for the benefit of a country in a state of war with the State of Bahrain or for the benefit of a group of fighters, not being regular troops.

#### **Article 116**

Capital punishment shall be inflicted upon any person who facilitates for the enemy entry into the Territory of the State or surrenders thereto towns, fortifications, installations, locations, ports, warehouses, factories, ships, aircraft, conveyances, weapons, ammunition, military hardware, supplies, foodstuffs or such other facilities intended for defence purposes or used for such purposes; or who serves the enemy by conveying news thereto or by acting as an informer thereof.

#### **Article 117**

Life or term imprisonment shall be inflicted upon any person who willfully assists the enemy by any other means not mentioned in the foregoing Articles.

A prison sentence not exceeding 10 years shall be the penalty for any person who renders a service to the enemy forces, to obtain a benefit or interest, which he has been promised personally or for any person designated for this purpose, either directly or indirectly, and whether such benefit or interest is material or intangible.

#### **Article 118**

A prison sentence not exceeding 10 years shall be the penalty for any person who willfully defaults in wartime in the performance of all or some obligations set forth under the terms of a contract agreement or a contract for transport, supply, undertaking works or public works which he has entered into with the Government or one of the authorities mentioned in Article 107 (1), (5) and (6) to meet the requirements of the Armed Forces

or the vital requirements of civilians.

Term imprisonment shall be the punishment to be inflicted upon any person who commits an act of fraud in wartime in performing any of the contracts referred to in the preceding paragraph. Should the default or fraud be committed with the intent of prejudicing the country's defence or operations of the Armed Forces, capital punishment shall be inflicted.

The foregoing provisions shall be applicable to subcontractors, agents and middlemen if the said default or fraud in performance is attributed to their acts.

#### **Article 119**

Where a violation is committed in carrying out all or some of the obligations referred to in the preceding Article by reason of negligence or omission, the penalty shall be a prison sentence and a fine not exceeding three thousand Bahraini Dinars or either penalty.

#### **Article 120**

Imprisonment for a period not exceeding five years shall be the penalty for any person who provides accommodation, food, clothes or otherwise assists an enemy soldier undertaking reconnaissance duties or assists him to escape whilst being aware of his identity.

The same punishment shall be applicable to any person who facilitates the escape of a prisoner of war or a detained enemy national.

#### **Article 121**

Capital punishment shall be inflicted upon any person who spies for a foreign country or communicates therewith or with any person acting on its behalf to assist it in its military operations or to cause damage to the military operations of the State of Bahrain.

#### **Article 122**

Capital punishment shall be inflicted upon any person who spies for a foreign country or communicates therewith or with any person acting on its behalf to carry out hostile actions against the State of Bahrain.

#### **Article 123**

A punishment of imprisonment for a period of no more than five years shall be inflicted upon the following if an offence is committed in time of peace and a prison sentence shall be inflicted if an offence is committed in wartime:

1. Any person who spies for a foreign country or any person who acts

in its interest or communicates therewith or with him so that he would cause damage to the State's military, political or economic position.

2. Any person who willfully destroys, withholds, embezzles or falsifies papers or documents while being aware that they relate to State security or any other national interest.

If an offence is committed with the intent of damaging the country's military, political or economic position or with the intent of causing damage to a national interest thereof, or if an offence is committed by a person entrusted with a public service, this shall be considered as an aggravating circumstance.

#### **Article 124**

Life imprisonment shall be the penalty for each person instructed to negotiate with a foreign government or an international organization with respect to any Government affairs but willfully undertakes such negotiations against the interest thereof.

#### **Article 125**

Any person who requests or accepts for himself or others any gift, privilege or promise for anything of this kind, even though a third party, from a foreign country or from anyone working In its interest with the intent of committing an act that is damaging to the national interest of the country shall be liable for imprisonment and a fine of no less than BD1,000, provided that such fine shall not be more than what he has requested, accepted or promised. Such punishment shall be life imprisonment and a fine of at least one thousand Bahraini Dinars, not being more than what has been requested, accepted or promised, If an offender is a public servant, or a person entrusted with a public service or if any offence is committed in wartime.

Imprisonment for a period of no less than one year shall be the penalty for every person who gives a gift, makes a promise or offers any of the above with the intent of committing an act that is damaging to the national interest of the country without having his offer accepted.

Should the request, acceptance, promise, offer or mediation take place in writing, an offence shall be deemed to have been committed upon the execution of the written instrument.

#### **Article 126**

Capital punishment shall be inflicted upon any person who surrenders or divulges in any manner and by any means whatsoever to any foreign country or any person working in its interest a defence secret or who manages in any manner to have access to such a secret with the intent of

surrendering or divulging it to a foreign country or to any person working in its interest.

The same punishment shall be inflicted upon any person who destroys for the interest of a foreign country an object that is regarded as a defence secret or renders it unfit for use.

#### **Article 127**

Imprisonment for a period not exceeding 10 years shall be the punishment for every civil servant or an officer entrusted with a public service who divulges a defence secret kept in his custody.

The punishment shall be a prison sentence if the offence is committed in wartime.

#### **Article 128**

A punishment of imprisonment for a period of no less than 6 months and not more than 5 years shall be inflicted upon.

#### **Article 129**

Life or term imprisonment shall be the sentence for every person who willfully destroys, damages or renders defective any weapons, ships, aircraft, equipment, installations, conveyances, public utilities, ammunition, supplies, medicines or such other items intended for defending the country or may be used for this purpose.

The same penalty shall be inflicted upon every person who deliberately causes a defect in the manufacture or repair thereof, and who willfully commits an act rendering them unfit, even temporarily, for the use thereof, for the purpose for which they are intended or making them cause damages.

A death sentence or life imprisonment shall be penalty if the offence is committed in wartime.

#### **Article 130**

Any person who undertakes in wartime either personally or through a third party the export of goods, products or other items from the State of Bahrain to a hostile country or imports anything therefrom, either directly or through another country, shall be liable for imprisonment and a fine not exceeding double the value shall not be confiscated or imported items, provided that such value shall not be less than one thousand Bahraini Dinars. Further, a court judgement shall order the confiscation of the items subject to the offence. However, if such items have not been seized, the offender shall be liable for payment of an additional fine equaling the value of such items.

### **Article 131**

A punishment of imprisonment for a period not exceeding ten years and a fine of no less than one thousand Bahraini Dinars and no more than ten thousand Bahraini Dinars shall be inflicted upon any person who carries on in wartime either personally or through a third party any business activity not mentioned in the preceding Article with the nationals, agents, delegates or representatives of a hostile country irrespective of their place of residence or with an organization or individual resident in the said country. The judgement shall provide for the confiscation of the items subject to the offence. However, if such items have not been seized, the offender shall be liable for payment of an additional fine equaling double the value of such items.

This provision shall not apply to a foreigner who has committed the offence aboard unless he is found later in the territory of the State of Bahrain.

### **Article 132**

A ten-year prison sentence shall be the penalty for any person who undertakes without a Government authorization the mobilization of troops or takes any other hostile action against a foreign country so as to expose the State of Bahrain to the risk of war or severance of diplomatic relations. Where the action results in the occurrence of war or severance of diplomatic relations, this shall be deemed as an aggravating circumstance.

### **Article 133**

A punishment of imprisonment for a period not exceeding 10 years shall be inflicted upon any person who deliberately announces in wartime false or malicious news, statements or rumours or mounts adverse publicity campaigns, so as to cause damage to military preparations for defending the State of Bahrain or military operations of the Armed Forces, to cause people to panic or to weaken the nation's perseverance.

Imprisonment shall be the penalty if the offence is committed as a consequence of spying for a foreign country.

Life imprisonment shall be the penalty if the offence is committed as a consequence of spying for a foreign country.

### **Article 134**

A punishment of imprisonment for at least 3 months and a fine of at least BD100, or either penalty, shall be inflicted upon every citizen who

deliberately releases abroad false or malicious news, statements or rumours about domestic conditions in the State, so as to undermine financial confidence in the State or adversely affect its prestige or position, or exercises in any manner whatsoever activities that are harmful to the national interests.

The punishment shall be imprisonment for a period not exceeding 10 years if an offence is committed in wartime.

### **Article 134 bis<sup>10</sup> (repealed)**

### **Article 135**

A punishment of imprisonment for a period not exceeding one year and a fine not exceeding BD100, or either penalty, shall be inflicted upon:

1. any person who flies over areas of the State's territory contrary to a prohibition ordered by the competent authority.
2. any person who takes pictures, drawing or maps of locations or places contrary to a prohibition ordered by the competent authority.
3. any person who enters a fortification, defence installation, camp or camping site of the armed forces, warship, commercial vessel, aircraft, military vehicles, premises or place or factory where work is undertaken in the interest of defending country and where admission of the public is not permitted.
4. any person who resides or stays in locations and places where residence or presence is prohibited by the military authorities.

If the offence is committed in wartime or using any method of deceit, fraud, misrepresentation or assuming a false identity, nationality, occupation or capacity, the punishment shall be imprisonment for a period of at least one year and no more than five years and a fine of are present, the punishment shall be imprisonment for a period of no more than 10 years.

Attempting to commit these offences shall render an offender liable for the prescribed penalties.

### **Article 136**

A punishment of imprisonment for a period of at least 3 months and a fine of at least BD100, or either penalty, shall be inflicted upon any person who publishes, releases or delivers to a foreign country or to a person acting on

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<sup>10</sup> Repealed By Law No. (51) of 2012 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

its behalf in any manner and by any means whatsoever any news, items, correspondence, documents, maps, drawings, pictures or such other items belonging to government departments or one of the authorities mentioned in Article (107), provided that the publication or release of such items shall be restricted by the competent authority.

### **Article 137**

The following shall be punished as an accomplice to the offences set out in this Chapter:

1. Any person who, being aware of the offender's intentions, provides any help, means of living, accommodation, shelter or place for meetings or similar kinds of assistance. Also, any person who carries messages thereto, facilitates the search for the subject of the offence, keeps him in hiding, provides him with transport or conveys information thereto.
2. Any person who conceals items used or intended for use in committing the offence or arising therefrom while being aware thereof.
3. Any person who destroys, misappropriates, conceals or deliberately causes alterations to a document that would facilitate the discovery of the offence and proof thereof or punishing its perpetrators. The provisions of this Article shall not apply to the offender's spouse, immediate members of the family and in-laws.

The Court may grant an exception from the punishment to the offender's relatives and relations by marriage up to the fourth degree of relationship, unless they have been punished in accordance with other provisions of the Law.

### **Article 138**

A punishment of imprisonment for a period not exceeding 5 years shall be inflicted upon any person who incites others to commit any of the offences set out in Articles from 112 to 126 and Article 129, if such incitement does not have any effect.

### **Article 139**

A punishment of life or term imprisonment shall be inflicted upon any person who is a party to an agreement with the intent of committing any of the felonies set forth in any of the Articles referred to in the previous Article or using such felony as a means of realizing a planned objective. Life imprisonment shall be the penalty for any person who incites the conclusion of an agreement or the planning thereof. However, if the purpose of such agreement is to commit a certain offence or use it as a means of realizing a specific objective, the penalty for which is less severe than that provided for in the above provisions, a severer penalty than that

provided for such offence shall not be inflicted.

A prison sentence shall be the penalty for any person who calls upon another to get involved in such an agreement, but his call has not been accepted.

An exemption from the penalties provided for in the above three paragraphs shall be granted to an offender who reports to the judicial or administrative authorities the existence of the agreement and the parties thereto before attempting to commit any of the felonies thereunder agreed upon.

#### **Article 140**

Imprisonment for a period of no more than one year and a fine of no more than one hundred Bahraini Dinars, or either penalty, shall be inflicted upon any person who facilitates with his own negligence or omission the commission of any of the offences set forth in Article 138.

In such offences are committed in wartime or by public servant or an officer entrusted with a public service, the court judgement shall provide for no more than double the prescribed maximum of the aforesaid penalty.

#### **Article 141**

A punishment of imprisonment and a fine, or either penalty, shall be inflicted upon any person who is aware of committing a felony provided for in this Chapter but fails to report it to the authorities.

The maximum of the judgement shall be doubled if the offence is committed in wartime.

The provisions of this Article shall not apply to the offender's spouse, immediate relations or in-laws. The court may grant an exemption from punishment to his relatives and relations by marriage up to the fourth degree unless they are punished under other provisions of the Law.

#### **Article 142**

A death sentence may be passed for the felonies set forth in this Chapter if the offender had the intention of assisting the enemy or adversely affecting the military operations of the armed forces and if such act contributes to realizing the aforesaid purpose.

#### **Article 143**

Apart from the prescribed penalties, the judge may order the payment of a fine not exceeding BD10,000 for the felonies provided for in this Chapter except for the stipulations of Articles 125, 130 and 131.

### **Articles 144**

If there are several accomplices to an offence provided for in this Chapter, and if any of them takes steps to report the commission of the offence to the judicial or administrative authorities before the start of the investigation, this shall be regarded as a mitigating circumstance and may be exempted from the punishment if the judge deems such action appropriate.

The provisions of the preceding Paragraph shall be applicable to the offender who enables the authorities in the course of investigations to arrest the other perpetrators.

### **Article 145**

The following shall be considered defence secrets:

1. Military, political, economic and industrial information the knowledge of which is restricted by their very nature to the persons having an official capacity and who should maintain their confidentiality as required in the interest of defending the State.
2. Correspondence, instruments, documents, drawings, plans, designs and such other items the revelation of which may lead to divulging the information referred to in the preceding Paragraph but the interest of State defence requires such information to remain confidential to persons not responsible for the safekeeping or use thereof.
3. News and information related to the armed forces, formations, movements, military hardware, supplies, personnel and such other information affecting military affairs and plans unless a written permission has been issued by the Commander-in-Chief of the State's Defence Force or any person deputizing for him authorising the publication or broadcast thereof.
4. News and information relating to measures and arrangements taken for discovering the offences set forth in this Chapter and apprehending the offenders, and also news and information concerning the investigation and trial should the investigation authority or competent court restrict the release thereof.

### **Article 146**

For the enforcement of the provisions of this Chapter:

1. a person shall be deemed a public servant or entrusted with a public service even though he has not obtained the documents, papers or secrets in the course of performing his duties or service or by reason thereof, and the same shall apply to any person who has lost such capacity prior to committing the offence whether he has acquired the papers, documents or

secrets during the continuance or after the loss of such capacity.

2. the case of severing diplomatic relations shall be deemed equal to a state of war.

3. Wartime shall be deemed to continue from the time when the threat of war occurs until the actual eruption of war.

4. there shall be deemed as states the political organisations, which have not been recognized by Bahrain as states but are being threatened as groups of fighters.

## **Chapter 2**

### **Offences Affecting Internal State Security**

#### **Article 147**

The death sentence shall be the penalty for anyone perpetrating an attempt on the life or freedom of the Amir. The death sentence or life imprisonment shall be the penalty for any person perpetrating an attack against the Amir without threatening his life.

The same penalties shall be enforced if the attack is committed against the Crown Prince.

#### **Article 148<sup>11</sup>**

Any person who attempts with the use of force to change or alter the Constitution of the State, its Emiri system, its system of government or to take over the rule of the country shall be punished by life imprisonment. If the offence takes place as a consequence of collaboration with a foreign country or with anyone working in its interest, or if the offence is perpetrated by an armed gang, capital punishment shall be inflicted upon any person who has conspired, collaborated with or formed the gang. The said punishment shall be inflicted on the head of such gang or upon any person leading its activities.

#### **Article 149<sup>12</sup>**

Any person, who attempts with the use of force to occupy any public building used for any Government department or for any of the authorities referred to in the first, fifth and sixth paragraphs of Article 107 shall be liable for life imprisonment.

Where the offence is committed as a result of collaboration or communications with any foreign country or anyone working for its interest, or if it is committed by an armed gang, capital punishment shall

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<sup>11</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

<sup>12</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976..

be imposed upon any such person who has collaborated or communicated with the said foreign country or has formed the gang, assumed leadership thereof or undertaken any leading role in its activities.

#### **Article 150**

Life imprisonment shall be the punishment for any person who commands a battalion of the army, warship, warplane, military post, port or town without any authority from the Government or without a legitimate cause. The same punishment shall be inflicted against a person who continues to act in this manner in spite of being issued with an order from the government in a military command whatsoever and every chief of a military force retained by him after the issue of the government order for disbanding thereof.

#### **Article 151**

A prison sentence shall be the penalty for any person having authority to give orders to the armed forces or police personnel if he asks or instructs the latter to oppose government orders if such action is intended for an illegal purpose.

If the offence has the consequence of obstructing the execution of government orders, the penalty shall be a death sentence or life imprisonment. For troop commanders or leaders who obeyed his orders, the punishment shall be a prison sentence.

#### **Article 152**

A death sentence shall be the penalty for any person who forms a gang that has attacked a group of the local population or resists the public authority's men with the use of arms in order to prevent the enforcement of the law. The same punishment shall be enforceable upon the ringleader of such gang or whoever is in charge thereof.

For any person who joins the said gang but has not participated in the formation thereof without assuming a leading position, the punishment shall be life or term imprisonment.

#### **Article 153**

A death sentence shall be the penalty for any person who acts as a ringleader of an armed gang, assumes a leading position therein, instigates it or organizes its activities with the intention of expropriating or seizing land or property owned by the Government or a group of people or resists the military force instructed to chase the perpetrators of such offences.

Other members of the gang will be punished by prison sentences.

#### **Article 154**

Life or term imprisonment shall be the penalty for any person who knowingly supplies the gang referred to in the preceding Article or procures therefor arms, supplies or equipment assisting it in the realization of its objectives, or sends supplies thereto, raises funds therefor or gets involved in criminal contacts in any manner whatsoever with the ringleaders or chiefs of the said gang. Such punishment shall also be inflicted on any person providing accommodation, shelter or a meeting place for them while knowing their identities and aims.

### **Article 155**

A prison sentence shall be the penalty for any person who deliberately causes damage to public buildings or property or intended for the use of government departments or one of the agencies referred to in Paragraphs 1, 5 and 6 of Article 107. A penalty of imprisonment for a period of no more than 5 years shall be inflicted if crime has the consequence of obstructing the activities of a public utility or activities that are of benefit to the public or if it results in threatening human life, health or public security.

Such penalty shall be life or term imprisonment if the crime takes place at a time of civil strife, dissent or if it is designed to cause panic amongst the people or to bring about a state of anarchy.

If the crime results in the death of a person, the penalty shall be a prison sentence in the first instance, life imprisonment in the second instance and a death sentence in the third instance.

The provisions of this Article shall apply to the destruction or causing damages to installations, mobile health facilities, materials or items kept therein or damaging any part thereof or rendering them unfit for use.

In all cases an offender shall be ordered to pay the value of the destroyed item(s).

### **Article 156<sup>13</sup>**

Any person who incites others to commit any of the offences set out in Articles 147 to 153 and Paragraph three of Article 155 shall be liable for imprisonment if such incitement does not result in any subsequent effects.

### **Article 157<sup>14</sup>**

Whoever participates in an agreement for the purpose of committing one of the crimes stipulated in Articles 147 to 155 or uses it as a means to achieve its intended purpose shall be punished with life imprisonment or

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<sup>13</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

<sup>14</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

temporary imprisonment. Whoever instigated the agreement or had an interest in managing its movement shall be punished with life imprisonment. If the purpose of the agreement is to commit a specific crime or use it as a mean to achieve the intended purpose and its punishment is lighter than what was stipulated in the previous two paragraphs, then a harsher punishment than the punishment prescribed for that crime shall not be imposed.

Anyone who invites another to an agreement of this kind and his invitation is not accepted shall be punished with imprisonment for a period not exceeding five years. However, if the purpose of the agreement is to commit a specific crime or use it as a means to achieve its intended purpose and the penalty for it is lighter than imprisonment, a more severe penalty than the penalty prescribed for that crime shall not be imposed.

Whoever among the perpetrators takes the initiative to inform the judicial or administrative authorities of the establishment of the agreement and of those who contributed to it before beginning to commit any of the crimes agreed upon shall be exempted from the penalties stipulated in the first three paragraphs.

#### **Article 158**

A punishment of imprisonment and a fine or either, shall be the penalty for any person who gains knowledge of the commission of any of the felonies set forth in the previous articles but fails to report them to the public authorities.

The provisions of this Article shall not apply to an offender's spouse or close relatives or other relations.

The Court may exempt from the punishment his relatives or in-laws up to the fourth degree unless they are penalized under other provisions in the law.

#### **Article 159<sup>15</sup>**

Imprisonment for life or for a limited term shall be the punishment for any person who forms, establishes, organizes or operates any society, organization or branch thereof having as its objects the overthrow or changing of the country's Statute, social or economic system or advocates such action if it is believed that the use of force, intimidation or such other illegal methods are called for.

The same punishment shall be imposed upon persons promoting membership of such organization.

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<sup>15</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

The imprisonment punishment shall be imposed upon persons promoting membership of such organization in any manner.

**Article 160<sup>16</sup>**

Imprisonment for a period not exceeding ten years shall be imposed on any person who favours or advocates in any manner whatsoever, the overthrow or change of the country's Statute, social or economic system with the use of force, intimidation or such other illegal methods.

**Article 161<sup>17</sup>**

A punishment of imprisonment or a fine shall be imposed upon any person who possesses either by himself or through others any publication or leaflet containing material propagating or promoting any of the things set out in the preceding Article without a lawful cause. The same punishment shall be enforced upon any person who holds any device used for printing, recording or circulation intended, though for a limited period of time, for printing, recording or broadcasting appeals, songs or publicity belonging to any sect, society, association or organization seeking to achieve any of the purposes referred to in the preceding Article.

**Article 162**

A prison sentence or a fine shall be the penalty for any person who has received or obtained in any manner either personally or through others, funds or benefits of any or kind whatsoever from a person or organization outside the State with the aim of promoting the matters referred to in Article 160.

**Article 163**

A punishment of imprisonment for a period not exceeding six months or a fine not exceeding BD50 shall be inflicted upon any person who establishes, sets up, organizes or runs in the state of Bahrain without a licence issued by the Government international societies, organizations or institutions of any kind whatsoever or branches.

The maximum penalty shall be doubled if the licence has been obtained on the basis of false details.

Any person who joins the aforesaid societies, organizations, and institutions, shall be liable for imprisonment for a period of no more than three months or a fine not exceeding thirty Bahraini Dinars. The same penalty shall apply to any citizen residing in the State of Bahrain for joining or participating in any manner without a Government licence in any of the aforesaid organizations, which are based outside the country.

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<sup>16</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

<sup>17</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

### **Article 164**

In the cases set forth in Articles 159 and 163, the Court shall order the dissolution of the aforesaid societies, organizations and institutions and the closure of their premises.

It may order the closure of the premises where the offences provided for in Articles 160 and 161 took place.

In all the cases mentioned in the preceding two Paragraphs, the Court shall order the confiscation of the monies and properties in the meeting places of the members of the societies, organizations, institutions or branches. It shall also resolve to confiscate all the funds constituting a part of the property of the convicted person, if such funds are intended for spending on the aforesaid societies, organizations, institutions or branches.

### **Article 165<sup>18</sup>**

A prison sentence shall be passed against any person who expressly incites others to develop hatred or hostility towards the system of government.

### **Article 166<sup>19</sup>**

Imprisonment for life shall be imposed on army person who resorts to violence, intimidation or any other illegal method to force the Emir of the country or the Prime Minister to perform or to abstain from performing any act that lawfully falls within his competence.

### **Article 167<sup>20</sup>**

Imprisonment shall be the punishment for any person who resorts to violence, intimidation or any other illegal method to force any of the Ministers or his deputy to perform or to abstain from performing any act that lawfully falls within his competence.

### **Article 168<sup>21</sup>**

Imprisonment for a period of no more than two years and a fine not exceeding two hundred dinars or either penalty shall be imposed on any person who deliberately disseminates false reports, statements or malicious rumours, or produces any publicity seeking to damage the public security, terrorize the population or cause damage to the public interest.

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<sup>18</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

<sup>19</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

<sup>20</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

<sup>21</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

The said punishment shall be inflicted upon any person who holds either personally or through others any publication or leaflet containing any of the things set out in the preceding paragraph without a lawful excuse, and any person who possesses any device intended for printing, recording or broadcasting and uses it though for a limited period of time, for printing, recording or broadcasting, any of the above.

#### **Article 169**

A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, shall be inflicted upon any person who publishes by any method of publication untrue reports, falsified or forged documents or falsely attributed to other persons should they undermine the public peace or cause damage to the country's supreme interest or to the State's creditworthiness.

If such publication results in undermining public peace or causing damage to the country's supreme interest or to the State's creditworthiness, the punishment shall be a prison sentence.

#### **Article 170**

A prison sentence shall be the penalty for any person who directly instigates others by one of the methods of publication to commit a murder, theft, a destructive act or to set a fire, if such instigation has no effect.

#### **Article 171<sup>22</sup>**

Imprisonment shall be the punishment for any person who overtly incites any of the armed forces or Public Security personnel to desist from being obedient or to abstain from performing their military obligations.

#### **Article 172**

A punishment of imprisonment for a period of no more than two years and a fine not exceeding two hundred Bahraini Dinars or either penalty, shall be inflicted upon any person who incites others by any method of publication to hate or show contempt for a certain faction, if such incitement undermines the public peace.

#### **Article 173**

The punishments provided for in the preceding Article shall be inflicted upon any person who incites others by any method of publication not to comply with the applicable laws or to do any act that constitutes a crime.

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<sup>22</sup> Replaced by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

#### **Article 174**

A punishment of imprisonment for a period of no more than two years and a fine not exceeding two hundred Bahraini Dinars or either penalty, shall be inflicted upon any person who

produces or possesses, with the intent of trading, distribution, posting or display, any pictures designed to cause offence to the country's reputation whether by a presentation that is contrary to the truth, by giving an improper description, presenting unbecoming aspects or by any other method.

The same penalty shall be inflicted upon any person who imports, exports, copies deliberately either personally or through others any of the above for the aforesaid purpose, or any person who advertises such material, display them for sale, trading therein even in a secretive manner, and any person who provides such items directly or indirectly even free of charge and in any way whatsoever. The same penalty shall be inflicted upon whoever distributes or delivers such material for distribution by any means.

In case of recurrence of the offence, the punishment shall be both imprisonment and payment of fine without prejudice to the provisions of Article 76.

#### **Article 175**

A judge may hand down judgement for a death sentence for any felony provided for in this Chapter if it is committed at time of war with the intent of assisting the enemy or causing damage to military operations of the armed forces should such felony be conducive to the realization of the said purpose.

#### **Article 176**

No judgement shall be handed down providing for a punishment against any person who has a member of gangs, groups or organization provided for in this Chapter without assuming the leadership thereof and has dissociated himself there from upon the first directions given thereto by the civil or military authorities or after directions if he was not arrested except at a distance from a meeting place and without resistance. In both cases, he shall only be punished for the crimes he has personally committed.

#### **Article 177**

If there are several participants in one of the crimes provided for in this Chapter and if one of them reports the occurrence of the crime to the judicial or administrative authorities before the commencement of the

preliminary investigations, this shall be deemed as a mitigating circumstance. He may be exempted from the punishment, if the judge finds any justification, therefore.

The provision of the foregoing paragraph shall apply against an offender who enables the authorities, in the course of the investigation, to arrest the other perpetrators of the crime.

### **Chapter 3 Demonstrations and Riots**

#### **Article 178**

Every person who takes part in a demonstration in a public place where at least five persons are assembled with the aim of committing crimes or acts intended

to prepare or facilitate the commission of such crimes or aimed at undermining public security, even though for the realization of a legitimate objective, shall be liable for imprisonment for a period of no more than two years and fine not exceeding two hundred Bahraini Dinars, or either penalty.

#### **Article 179**

If one demonstrator or several demonstrators attempt to use violence for the realization of the purpose for which they have assembled, their action shall be deemed as a riot. The penalty for each person who knowingly takes part in such riot shall be prison sentence and a fine not exceeding five hundred Bahraini Dinars, or either penalty.

#### **Article 180**

If one of the public authority officers finds that five persons or more have demonstrated with the intent of causing a riot, he may in such capacity order them to disperse. Thereafter, he shall be empowered to take the necessary measure for dispersing those who have not complied with the order by arresting them and may use force within reasonable limits against any person resisting the said order. He may not use firearms except in extreme necessity or when someone's life is threatened.

Persons still demonstrating after the issue of the order to disperse while being aware of such order, shall be liable for imprisonment and a fine not exceeding three hundred Bahraini Dinars, or either penalty.

#### **Article 181**

Every person who prevents or obstructs the issue of the order to disperse referred to in the preceding Article shall be liable for imprisonment for a

period not exceeding five years. The prevention of the issue of the order to disperse or obstruct it with the use of force shall not be the taking measures set forth in the first paragraph of the preceding Article.

### **Article 182**

Every person who knowingly continues to demonstrate after the prevention of the order to disperse or obstructs it with the use of force shall be liable for imprisonment or a fine not exceeding B0500 or both penalties.

### **Article 183**

Any demonstrator who commits a violent act having the consequence of demolishing or damaging a property, ship, aircraft, building equipment, mechanical plant, power station, broadcasting equipment, oil wells, oil pipelines, water mains, cable or telephone lines so that such properties are rendered totally unfit for use for the purpose for which they are intended, shall be liable for imprisonment.

If such violence results in a demonstration shall be punished by a prison sentence for a period not exceeding seven years.

### **Article 184**

Any demonstrator who prevents or obstructs with the use of force the departure of a ship or aircraft, or loading or unloading thereof, or the boarding of passengers thereon or disembarkation therefrom, or who uses force for boarding a ship or aircraft with the aim of achieving this end, shall be liable for imprisonment and a fine not exceeding three hundred Bahraini Dinars.

Persons who take part in a demonstration shall be liable for imprisonment for a period not exceeding two years and fine not exceeding three hundred Bahraini Dinars.

### **Article 185<sup>23</sup>**

The offenders of the crimes stipulated below shall be tried before a court whose composition and procedures shall be determined by Emiri Decree, which is:

a - Offences stipulated in Articles 112 to 184 and 277 to 281 of the Penal Code.

b - The offences stipulated in Articles 220, 221, 333, 336 to 340 of the Penal Code, if the assault occurs against one of the persons mentioned in Article 107 of the Penal Code or those of the same rank, during or because of the performance of his work.

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<sup>23</sup> Replaced by Decree No. (10) of 1996 regarding amending certain Provisions of the Penal code promulgated by Legislative Decree No. (15) of 1976.

c - Crimes stipulated in Article (18) of Legislative Decree No (16) of 1976 regarding Explosives, Arms and Ammunition.

d - Offences related to the offences referred to in the previous paragraphs.

## **PART II**

### **Crimes Prejudicing Duties of a Public Office**

#### **Chapter 1 Bribery**

##### **Article 186**

Any employee or person entrusted with public service who directly or indirectly requests or accepts, for themselves or others, a gift or bribe of any kind, or promises to do so, in order to perform or refrain from performing their duties, shall be punished with imprisonment for a period of not less than five years.<sup>24</sup>

If the act or omission to do such act actually takes place, the punishment shall be imprisonment for a period of no more than ten years.

##### **Article 187**

The provision of the preceding Article shall apply even if the civil servant or officer entrusted with a public service has the intention not to do the act or to omit to do such act.

##### **Article 188<sup>25</sup>**

Any employee or person entrusted with public service who directly or indirectly requests or accepts, for themselves or others, a gift or bribe of any kind after completing the work or refraining from it in the course of their duties shall be punished with imprisonment.

If the performance of the work or the refrainment therefrom is a right, the punishment shall be imprisonment for a period of not less than one year.

##### **Article 189<sup>26</sup>**

Any public employee or person entrusted with public service who directly or indirectly requests or accepts, for themselves or others, a gift or bribe of any kind, or promises to do so, for performing or refraining from performing an act that is not within the scope of their duties but they claimed or believed it to be so, shall be punished with imprisonment.

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<sup>24</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>25</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>26</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

**Article 190<sup>27</sup>**

Anyone who offers to a public servant or a person entrusted with public service - without the offer being accepted - a gift or bribe of any kind, or promises to do so, in order to perform or refrain from performing their duties in violation of their official duties, shall be punished with imprisonment for a period of not less than one year.

If the performance of the work or the refrainment therefrom is a right, the punishment shall be imprisonment for a period not exceeding one year.

**Article 190 bis<sup>28</sup>**

Anyone who offers or grants, directly or indirectly, a gift or bribe of any kind to a public servant or a person entrusted with public service in a foreign country, accepts such a gift or bribe, or promises to do so, in order to obtain a commercial transaction, retain it, or gain any other advantage within the scope of directly conducting international business in return for the public servant or person entrusted with public service performing or refraining from performing an act in the course of their duties, shall be punished with imprisonment for a period of not less than one year.

**Article 191<sup>29</sup>**

In all cases stated in the preceding provisions, the offender shall be sentenced to a fine equal to the amount requested, accepted, promised, or offered, provided that it shall not be less than five hundred dinars.

**Article 192**

Apart from the penalties set forth in the foregoing Articles, a judgement shall be passed for confiscating the gift accepted by or offered to a public servant or an officer entrusted with public service.

**Article 193**

If a partner reports the offence to the judicial or administrative authorities or admits it before reference of the case to the Court, this shall be considered as mitigating circumstance.

A judge may exempt him from punishment if such a course of action is justified.

**Chapter 2**

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<sup>27</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>28</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>29</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

## **Embezzlement and Damage to Funds**

### **Article 194**

Any public employee or person entrusted with public service who embezzles money or documents found in his possession due to his job shall be punished by imprisonment for a period of not less than seven years.<sup>30</sup> Life imprisonment shall be the punishment if an offender is a collection officer, his representative, deposit trustee or cashier and has been delivered the funds in such capacity.

### **Article 195<sup>31</sup>**

Any public employee or person entrusted with public service who misuses his position and wrongfully seizes money belonging to the state or any of the authorities mentioned in Article (107) or facilitates this for others shall be punished by imprisonment for a period of not less than ten years.

### **Article 196**

If the act set forth in the two preceding Articles is committed without being accompanied by the intent to appropriate, the punishment shall be prison sentence and a fine, or either penalty.

### **Article 197<sup>32</sup>**

Any public employee or person entrusted with public service who is involved in collecting fees, fines, revenues, taxes, or similar duties and knowingly requests or takes what is not rightfully due to him or exceeds the amount due shall be punished by imprisonment.

### **Article 198<sup>33</sup>**

Any public employee or person entrusted with public service who exploits workers engaged in work for the state or any of the authorities mentioned in Article (107), or unjustifiably withholds all or some of their wages, shall be punished by imprisonment.

### **Article 199<sup>34</sup>**

Any public employee or person entrusted with public service who is

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<sup>30</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>31</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>32</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>33</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>34</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

responsible for safeguarding the interests of the state or any of the authorities mentioned in Article (107) and intentionally harms these interests in a deal, transaction, or case to gain profit for himself or others shall be punished by imprisonment for a period of not less than five years.

#### **Article 200**

A punishment of imprisonment or a fine, or either penalty, shall be inflicted upon every civil servant or officer entrusted with a public service who has, as a result of his own failure, caused serious damage to some property for which he is responsible for safekeeping as part of the duties of his office.

#### **Article 201<sup>35</sup>**

In addition to the penalties prescribed for the crimes mentioned in this Chapter, the offender shall be sentenced to restitution and a fine equal to the value of the money subject to the crime or acquired from it, provided that it shall not be less than five hundred dinars.

### **Chapter 3 Exploitation of Office or Influence**

#### **Article 202**

The penalties laid down for briber, as the case may be, shall be inflicted upon every civil servant or officer entrusted with a public service who has asked or has accepted for his own benefit or that of others any gift or privilege of any kind or has been promised any such gift for using a genuine or alleged influence for obtaining or attempting to secure from any public authority or any of departments mentioned in Article 107 any business, orders, judgements, decisions, decorations, obligations, licence, or supply agreement, contract, office, service or privilege of any kind whatsoever.

#### **Article 203**

A prison sentence for a period of no more than 20 years shall be the penalty for every civil servant who commits a breach of duty in response to an order of favouritism.

#### **Article 204**

A punishment of imprisonment and a fine, or either, shall be the penalty for every civil servant or officer entrusted with a public service who has intervened for his own account or for the account of a transaction for any

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<sup>35</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

of the authorities or agencies mentioned in Article 107 so long as they are related to his official duties.

#### **Article 205**

Every civil servant who exploits the authority of his office to purchase a property or chattels against the will of the owner, or illegally seizes or enjoys such properties or forces the owner thereof to sell such items to another person or enables him to enjoy the said properties, shall be liable for imprisonment for no more than two years and restoring the usurped property or the value thereof if it is not available in kind.

#### **Article 206**

A punishment of imprisonment for no more than six months or a fine not exceeding BD50 shall be the penalty for every civil servant who, relying upon his position, takes from a member of the public any item or thing without consideration or for a very low price.

### **Chapter 4 Abuse of Office or Power**

#### **Article 207**

A prison sentence shall be the penalty for every civil servant or officer entrusted with a public service who knowingly inspects a person, his residence or premises against his will or in cases other than those provided for or stipulated in the Law.

#### **Article 208<sup>36</sup>**

Any public servant or person entrusted with a public service who deliberately inflicts severe pain or suffering, whether physical or moral, on a person in his custody or under his control for the purpose of obtaining from him or another person information or a confession, or punishing him or another person for an act he has committed or is suspected of having committed, or to intimidate or coerce him or another person, or for any reason based on discrimination of any kind, shall be punished with imprisonment.

Any public servant or person entrusted with a public service who threatens a person in his custody or under his control with any of the acts indicated in the first paragraph of this Article, or if these acts were committed by another party at his instigation or with his consent or acceptance, shall be punished with imprisonment.

The penalty shall be life imprisonment when torture leads to the death of

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<sup>36</sup> Replaced by Law No. (52) of 2012 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

the victim.

This Article does not apply to cases of pain or suffering arising out of, resulting from, or inherent in legal procedures or penalties.

The statute of limitations does not apply to the crimes of torture stipulated in this Article.

#### **Article 209**

A prison sentence shall be the penalty for every civil servant who has inflicted or has ordered to inflict upon a convicted person a harsher penalty than that adopted in accordance with the Law or a penalty to which he has not been sentenced.

#### **Article 210**

A prison sentence for a period of no less than one year and no more than 5 years shall be the penalty for every civil servant who is involved in administering or guarding a prison if he accepts to detain a person in prison without an order from the competent authority or if he detains him after the period specified in the said order or if he refrains from carrying out the order to release him.

#### **Article 211**

A prison sentence shall be the penalty for every civil servant who abuses his office in obstructing or delaying the enforcement of the provision of the laws, regulations, decrees or orders enacted by the Government or any judgement or verdict passed by the law court or relevant public authority or in delay in the collection of funds or fees.

#### **Article 212**

A prison sentence shall be the penalty for every civil servant who willfully refrains from executing a court judgement or verdict as mentioned in the preceding Article after 8 days from serving notice upon him through a process server, should the execution of the judgement be subject to the civil servant's authority.

#### **Article 213**

A prison sentence or a fine shall be the penalty for every civil servant who has concealed a letter delivered to the post office or has damaged or opened it or has facilitated this act of another person.

This provision shall apply to telecommunication messages.

### **PART III**

### **Crimes against Public Authorities**

## **Chapter I**

### **Offences against Constitutional Institutions**

#### **Article 214<sup>37</sup>**

Whoever publicly insults the King of the Kingdom of Bahrain or his flag or national emblem shall be punished by imprisonment of not less than one year and not more than seven years and a penalty of not less than one thousand dinars and not more than ten thousand dinars, and it is considered an aggravating circumstance if the crime takes place in the presence of the King.

#### **Article 215**

A punishment of imprisonment for a period of no more than two years or a fine of no more than BD200 shall be inflicted upon any person who offends in a public a foreign country or on international organisation based in the State of Bahrain or its president or representative. The same penalty shall apply to a person who offends such organisation's flag or official emblem.

Legal action in respect of such crime shall not be brought except upon the written request of the Justice Minister.

#### **Article 216**

A person shall be liable for the imprisonment or payment of a fine if he offends by any method of expression the National Assembly, or other constitutional institutions, the army, law courts, authorities or government agencies.

#### **Article 217**

A punishment of imprisonment or a fine shall be inflicted upon any person who releases by way of publication details of the deliberations at closed meetings of the National Assembly or who dishonestly and in bad faith publishes the deliberations of public meetings of the said Assembly.

#### **Article 218**

A punishment of imprisonment for a period not exceeding six months and a fine of no more than BD50, or either penalty, shall be inflicted upon any person who in any manner reports to an administrative authority or an officer entrusted with a public service the occurrence of a disaster, accident or danger while being aware that such happening has not taken place.

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<sup>37</sup> Replaced by Law No. (1) of 2014 amending Article (214) of the Penal Code promulgated by Legislative Decree No. (15) of 1976

## **Chapter 2**

### **Assaulting Civil Servants**

#### **Article 219**

A prison sentence shall be the penalty for any person who asks or has accepted for himself or for others a gift or privilege of any kind or a promise to be given any of the above by alleging that such thing is a bribery for a civil servant that he has the intention of retaining or for the use of an actual or alleged influence to obtain, or to attempt to obtain from any public authority or from any of the agencies mentioned in Article 107 any business, order, judgements, obligation, licence, supply agreement, contract, office, service or benefit of any kind.

#### **Article 220**

A prison sentence for a period not exceeding five years shall be penalty for every person who uses force, violence or threat against a civil servant or officer entrusted with a public service with a view to unjustifiably forcing him to carry out or to refrain from carrying out one of the duties of his office without revealing his intention. Should an offender declare his intention, he shall be liable for imprisonment for a period not exceeding 10 years.

The punishment shall be a prison sentence in both cases if the crime is committed with premeditation or by more than one person or by a person carrying a weapon.

#### **Article 221**

Imprisonment shall be the penalty for any person who commits any of the acts provided for in the first paragraph of Article 339 against a civil servant or an officer entrusted with public service during or by reason of carrying out his duties or offering his services.

The penalty shall be imprisonment for a period not exceeding two years or a fine of no more than BD200 if the assault committed is not of the aforesaid magnitude.

The penalty shall be imprisonment for a period of no less than one year if the assault is committed against a judge.

In any of the crimes set forth in the preceding paragraphs is committed with premeditation or by more than one person or by a person carrying a weapon, this shall be considered as an aggravating circumstance.

The penalty shall be imprisonment if the assault results in the death of a member of the Public Security Forces or a member of the Bahrain Defence Forces, the National Guard, or the National Security Agencies. The penalty shall be imprisonment for a period of not less than seven years if the assault results in permanent disability without intent to cause it. The penalty shall be imprisonment for a period of at least ten years if he wilfully causes permanent disability. The penalty shall be life imprisonment if the assault leads to death without intent to kill.<sup>38</sup>

#### **Article (221) bis<sup>39</sup>**

Anyone who publicly incites to commit any of the offences set forth in articles (221, 333, 357 and 358) against a member of the Public Security Forces or a military member of the Bahrain Defence Force, the National Guard or the National Security Agency and the incitement had no effect, shall be punished by imprisonment.

#### **Article 222**

A punishment of imprisonment for a period not exceeding 6 months and a fine not exceeding BD50 shall be inflicted upon any person who offends with the use of signs, saying, writing or by any other method a civil servant or officer entrusted with public service during or by reason of carrying out the duties of his office or service.

The punishment shall be imprisonment for no less than 3 months or a fine of at least BD50 if the offence takes place during the convening of a court sitting and is intended against the panel of judges or against the members of the said panel.

### **Chapter 3 Assuming Offices or Tiles**

#### **Article 223**

A punishment of imprisonment or fine shall be inflicted upon any person who intervenes in a public office or service or performs one of the acts or requirements thereof without being empowered or entrusted to do the same but having the intent of realizing an illegitimate purpose or obtaining for himself or for another person or privilege of any kind.

#### **Article 224**

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<sup>38</sup> Added by Law No. (33) of 2012 amending Article (221) of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>39</sup> Added by Law No. (12) OF 2013 adding a new Article (221 bis) to the Penal Code promulgated by Legislative Decree No. (15) of 1976.

A punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD100 shall be inflicted upon any person who publicly and illegally wears a uniform or an attire exclusively restricted by law to a certain group of people or who carries a badge or sign of a position or employment or falsely assumes a military rank.

This provision shall also apply if the said uniform or other attire belongs to a foreign country.

#### **Article 225**

The Court may in the instances set for the in the preceding two Articles order the publication of the judgement or a summary thereof using the appropriate method and at the expense of the convicted person.

### **Chapter 4 Mishandling Seals or Maintained or Retained Items**

#### **Article 226**

A punishment of imprisonment for a period of no more than one year and a fine of no more than BD1000, or either penalty, shall be inflicted upon any person who destroys or causes damage to one of the seals placed in premises, documents or other items by an order of the judicial or administrative authorities or forestalls the intended purpose from the placing of the said seals.

The punishment shall be a prison sentence for a period of not more than 5 years if the offender is the security guard.

Should the offender resort to violence against other persons, this shall be regarded as an aggravating circumstance.

#### **Article 227**

A punishment of imprisonment shall be inflicted upon any person who illegally destroys or takes for himself papers or documents belonging to the State or to any of the authorities set forth in Article 107, or legal procedures documents if they are kept in the place intended for the safekeeping thereof or have been delivered to the person having custody thereof.

The penalty shall be imprisonment for a period of no more than 10 years if the offender is the person responsible for the preservation of such items.

If any offender commits acts of violence against persons, this shall be

regarded as an aggravating circumstance.

### **Article 228**

If the acts mentioned in the foregoing Article are committed against items subject to judicial or administrative attachment, even though the said acts are committed by the owner thereof, an offender shall be liable for imprisonment.

If an offender commits acts of violence against persons, this shall be regarded as an aggravating circumstance.

### **Article 229**

A punishment of imprisonment for a period of no more than 6 months or a fine of no more than BD50 shall be inflicted against the security guard or person in charge of safekeeping whose negligence results in the commission of one of the crimes set forth in the preceding Articles.

## **PART IV**

### **Offences Prejudicing the Pursuit of Justice**

#### **Chapter I**

#### **Prejudicing the Pursuit of Proceedings**

### **Article 230**

A punishment of imprisonment or a fine shall be inflicted upon any civil officer assigned with investigating or detecting crimes for having neglected or delayed the reporting of a crime that has come to his knowledge.

A punishment for a fine shall be inflicted upon any civil officer who is not assigned with investigating or detecting crimes for having neglected or delayed reporting to the concerned authority any crime that has come to his knowledge during or by reason of the performance of his duties. All the above shall take place unless the filing of legal action is conditional upon the lodging of a complaint or if the offender is the spouse of the civil officer or one of his close relatives, in-laws, brothers, sisters or ranking as a relative by way of marriage.

### **Article 231<sup>40</sup>**

Shall be punished with imprisonment and a fine, or with one of these two penalties, anyone who, while practicing a medical or health profession,

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<sup>40</sup> Replaced by Law No. (18) of 2022 Amending Article (231) of the Penal Code promulgated by Legislative.

examines a deceased person or provides assistance to a seriously injured person displaying signs indicating that their death or injury resulted from a crime or misdemeanour, or if other circumstances arise that give rise to suspicion regarding its cause, and fails to report it to the authorities.

### **Article 232<sup>41</sup>**

Any person who deliberately inflicts severe pain or suffering, whether physical or moral, on a person in his custody or under his control for the purpose of obtaining from him or another person information or a confession, or punishing him or another person for an act he has committed or is suspected of having committed, or to intimidate or coerce him or another person, or for any reason based on discrimination of any kind, shall be punished with imprisonment.

Any person who threatens another person in his custody or under his control with any of the acts indicated in the first paragraph of this Article, or if these acts were committed by another party at his instigation or with his consent or acceptance, shall be punished with imprisonment.

The penalty shall be life imprisonment when torture leads to the death of the victim.

The statute of limitations does not apply to the crimes of torture stipulated in this Article.

### **Article 233**

A punishment of imprisonment for a period not exceeding 6 months and a fine not exceeding BD50, or either penalty, shall be inflicted upon any person who reports to the judicial or administrative authorities a crime that he knows has not been committed or deliberately provides incorrect information in respect thereof before the authority in charge of summary arrest or in the course of the preliminary inquiry.

### **Article 233 bis<sup>42</sup> (repealed)**

### **Article 234**

A punishment of imprisonment and a fine, or either penalty shall be inflicted upon any person who falsely reports, with the intent of causing harm, to the judicial or administrative authorities a matter against another person involving the inflicting of a criminal punishment against him or rendering him administratively liable even though no proceedings shall be

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<sup>41</sup> Replaced by Law No. (52) of 2012 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>42</sup> Repealed by Law No. (15) of 2016 repealing Article (233 bis) of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

instituted as a result of such action.

The punishment shall be a prison sentence and a fine if the calumniated crime is a felony.

The punishment shall be a prison sentence if the calumnation has the consequence of passing a judgement for inflicting a punishment for a felony.

If the punishment resulting from the calumnation is a death sentence and has actually been executed, the calumniator shall also be liable for a death sentence.

### **Article 235**

A punishment of imprisonment or a fine shall be inflicted upon a witness who, after taking the oath before a criminal court, gives false testimonies or withholds all or some of the information of which he is aware regarding the facts of the case concerning which his testimony is being made.

If the testimony has the consequence of passing a judgement against an accused person involved in a felony by inflicting a severer punishment, the witness' punishment shall be that laid down for such felony.

The penalty shall be a prison sentence for a period not exceeding two years and a fine not exceeding BD200, if the witness commits the offence before a non-criminal court.

Apart from the punishments stipulated for misdemeanour as provided for in this Article, a judge may pass a judgement, regarding the issue of the case in respect of which he has given his testimony, this shall be regarded as a mitigating circumstance. A judge may exempt him from the punishment if he deems this appropriate.

Where a witness withdraws his statement and admits the truth before the passing of a judgement regarding the issue of the case in respect of which he has given his testimony, this shall be regarded as a mitigating circumstance. A judge may exempt him from the punishment if he deems this appropriate.

### **Article 236**

The provisions of the preceding Article shall apply to any person instructed by the court to work as expert or translator and deliberately commits an act of misrepresentation.

### **Article 237**

A punishment of imprisonment for a period not exceeding 5 years shall be inflicted upon a doctor or a midwife who asks for or accepts for himself/herself or for others a gift or privilege of any kind or a promise of any of the above in consideration of giving a false testimony in respect of pregnancy, child birth, illness, disability or death or if he/she gives such testimony in this connection as a result of a pleading, recommendation or act of favouritism.

In such case, the provisions of the second and fifth paragraphs of Article 235 shall apply.

#### **Article 238**

A punishment of imprisonment for a period not exceeding one year and a fine not exceeding BD100 shall be inflicted upon any person who uses coercion, threat or offering a gift, privilege of any kind whatsoever or a promise of any of the above to force another not to give a testimony or to give a false testimony without revealing his intention.

#### **Article 239**

A punishment of imprisonment for a period not exceeding two years or a fine not exceeding BD200 shall be inflicted upon any person who is obliged to take the oath, or his oath has been tendered back in respect of a civil matter but has given a false oath.

However, an exemption from the punishment shall be granted to a person who admits the truth after giving a false oath but before pronouncing the judgement in respect of the case for which a judgement has been passed.

#### **Article 240**

A punishment of imprisonment for a period not exceeding 6 months or a fine not exceeding BD50 shall be inflicted upon any person who conceals, destroys or seizes a document or any other item after having been produced for a criminal, civil or disciplinary legal action.

This provision shall apply even though the said document or item has been left in possession of the person who produced it pending the presentation thereof.

#### **Article 241**

A prison sentence shall be the penalty for any person who alters with the intent of misleading the law courts the state of persons, places or things connected with the crime.

#### **Article 242**

A punishment of imprisonment for a period of no more than one year or a fine of no more than BD100 shall be inflicted upon any person who hides the corpse of a person who has died as a result of an accident or buries it without reporting the incident to the concerned authorities and before conducting an investigation or inquiry in respect thereof.

#### **Article 243**

A punishment of imprisonment or a fine shall be inflicted upon any person who mediates with a judge in favour of one of the litigants or to the detriment thereof.

#### **Article 244**

A punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD100 shall be the penalty who prejudices by way of publication the status of a judge, his prestige or authority with respect to any legal action.

#### **Article 245**

A punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD100 shall be inflicted upon any person who releases by way of publication matters that have the effect of influencing those persons in charge of adjudging a law-suit that is being examined by a judiciary authority or persons undertaking the investigation thereof or acting as experts, or influencing witnesses who may be summoned to give their testimony in respect of the law- suit in question or the inquiry or matters which may prevent a person from giving information to the concerned authorities, or influencing the public opinion in favour of a party to the case or for or against the said inquiry.

#### **Article 246**

A punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD100 shall be inflicted upon any person who publishes the following by any method of publication:

1. News reports concerning an on-going inquiry regarding a crime or one of the documents of such inquiry or if the investigating authority has decided to conduct without the presence of the litigants or if it has banned the release of any details relating thereto in order to maintain public order or morals or to discover the truth.
2. Court deliberations.
3. News reports concerning investigations, or procedures regarding lawsuits of kinship, matrimony, custody, divorce, or alimony and adultery.
4. Proceedings in criminal or civil law cases that the courts have

resolved to hear behind closed doors or banned any publication in respect thereof.

5. Publication of names or photographs of defendants before a judgement is passed in the lawsuit and without obtaining permission from the Public Prosecution or Competent Court, as the case may be. The same punishment shall be applicable to any person who co-operates with foreign media by supplying them with names or photographs of such accused persons.<sup>43</sup>

6. Publication of names or photographs of victims in rape and sexual assault crimes.

### **Article 247**

A punishment set forth in the preceding Article shall be inflicted upon any person who releases any method of publication details of what has taken place at investigation or proceeding relevant to libel and slander crimes and breach of confidentiality lawsuits.

There shall be no punishment for merely publishing the issue of the complaint or the court judgement. However, in respect of cases where evidence is not admissible for proving the matter in dispute, the release of complaint or publication of a court judgement shall be punishable in accordance with the first paragraph of this Article unless the publication of such judgement or complaint has taken place upon the request of the complainant or with his permission.

### **Article 248**

The foregoing penalties shall be inflicted upon any person who dishonestly and in bad faith publishes by any method of publication the deliberations taking place at public hearings.

### **Article 249**

A punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD100 shall be inflicted upon any person who launches a public subscription or who advertises it by any method of publication with a view to compensating for adjudged fines, legal costs or damages for a crime. The same penalty shall also be inflicted upon any person who advertises by any such method the payment by himself or by another all or part of the compensation hereinabove referred to or his intention so to do.

## **Chapter 2**

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<sup>43</sup> Replaced by Law No. (65) of 2006 Amending Article (246) of the Penal Code Issued by Decree-Law No. (15) of 1976.

## **Prejudicing the Enforceability of Court Verdicts**

### **Article 250**

A punishment for a period not exceeding 2 years or a fine not exceeding BD200 shall be inflicted upon any person who escapes after having been legally arrested.

Such punishment shall be a prison sentence if the crime is committed by two or more persons with the use of threat or violence against persons or property.

Further, the penalty shall be a prison sentence not exceeding five years if the threat or violence takes place with the use of firearms.

### **Article 251**

Any person who assists a convicted person to escape shall be liable for the following judgements:

If the convicted person has escaped is subject to capital punishment the penalty shall be imprisonment for period not exceeding 10 years.

If the convicted person has been sentenced to life or term imprisonment, the penalty shall be imprisonment for a period not exceeding 7 years.

If other cases, the punishment shall be a prison sentence.

If the crime has been committed by two or more persons with the use of threat or violence against persons or property, or if it is committed with the use of weapons or threatening to use them this shall be regarded as aggravating circumstance.

### **Article 252**

A punishment of imprisonment or a fine shall be inflicted upon any person who helps in escape of any accused person arrested upon the orders of the legally concerned authority or if it has issued an order to this effect.

The punishment shall be a prison sentence for a period not exceeding 5 years if the fugitive is accused with a serious crime the penalty of which is a death sentence.

If the commission of the crime is accompanied by one of the circumstances provided for in the last paragraph of the preceding Article, this shall be regarded as an aggravating circumstance.

### **Article 253**

A punishment of imprisonment or a fine shall be inflicted upon a person who has been instructed to arrest a person or to guard him after his arrest but has caused the escape of such person by reason of his error.

### **Article 254**

A prison sentence shall be the penalty for any person who supplies an arrested person with weapon or equipment to enable him to escape.

### **Article 255**

Any person who either personally or through another provides shelter for a defendant accused in a serious crime or a felony that is punishable by imprisonment or against whom an arrest warrant has been issued, or a death sentence or a penalty involving deprivation of liberty has been passed, and being aware thereof, shall be liable for the following punishments:

If he provides shelter for a person subject to a death sentence, the punishment shall be imprisonment for a period not exceeding 7 years.

If the accused is liable for life or term imprisonment or accused of a felony the punishment of which is a death sentence, the penalty shall be imprisonment for a period not exceeding 5 years.

In other cases, the punishment shall be imprisonment or a fine but it shall not be permitted that the punishment would exceed the prescribed maximum penalty for the actual crime.

The provisions of this Article shall not apply to the spouse of the person given shelter, his close relatives, in-laws, brothers, sisters and relations by marriage.

### **Article 256**

Any person who gains knowledge of the occurrence of a felony or misdemeanour or has reason to believe that it has taken place and assists the perpetrators thereof to escape from the judicial authority by concealing an evidence of the crime or by furnishing information relating thereto while knowing that such information is incorrect or has reason to believe that it is incorrect or gives assistance in any other manner, shall be liable for the following punishments:

If the person who has escaped from the legal authorities is accused of a

serious crime punishable with a death sentence, the punishment shall be imprisonment. In other cases, the punishment shall be a prison sentence or fine.

Meanwhile, it shall not be permitted that the punishment would exceed the prescribed maximum penalty for the actual crime.

The exemption provision contained in the last paragraph of the preceding Article shall apply.

## **PART V**

### **Crimes Undermining Confidence of the Public**

#### **Chapter I**

#### **Imitating Official Seals & Marks**

##### **Article 257**

A person who imitates or forges the official seal of the State or the seal or signature of the Amir or any of the authorities mentioned in Article 107 or seal, signature, or initials of one of the State officers or gold or silver hallmarks or any other hallmarks, shall be liable for imprisonment. The same punishment shall be liable for imprisonment. The same punishment shall be applicable to any person who uses to bring into the country any of the above items while knowing that it is a forgery or imitation.

##### **Article 258**

If the official seals, hallmarks or marks in respect of which any of the offences set forth in the preceding Article belong to a corporate person other than the above, the penalty shall be a prison sentence.

##### **Article 259**

A punishment of imprisonment shall be inflicted upon any person who unjustifiably uses the official seal of the State or the seal or signature of the Amir, or any of the Government marks or emblems or those of its departments, agencies or authorities set forth in Article 107 hereof or the seal of one of the State officials, while this offence has the effect of prejudicing a public or private interest.

##### **Article 260**

A punishment of no more than one year and a fine not exceeding BD100 shall be inflicted upon any person who imitates, or forges number plates or other signs issued by the administrative authorities in pursuance of the transport, traffic or professional laws, byelaws and regulations.

The same punishment shall apply to any person who uses any of the above while being aware that it is an imitation or forgery, and also to any person who uses a genuine plate or sign but has no right to use it.

### **Article 261**

A punishment or imprisonment for a period not exceeding 6 months or a fine not exceeding BD100 shall be inflicted upon any person who produces, carries, on the road for sale, distributes or displays for sale any publications or forms whatever may be the method of preparing them if they are similar in the external appearance thereof to the national postal marks or stamps or the, marks of the International Postal Union so as to facilitate the acceptance thereof in place of the genuine papers.

The intentional postage vouchers shall be treated as the aforesaid stamps and marks.

### **Article 261 bis**

If multiple contributors are involved in one of the crimes stipulated in this Chapter, and one of the perpetrators notifies the judicial or administrative authorities of it before using seals, signatures, stamps, imprints, public marks, metal plates, counterfeit or forged postage stamps, and before commencing the preliminary investigation, this shall be considered a mitigating excuse, and the judge may exempt them from the punishment if judge deems it appropriate.

The provision of the preceding paragraph shall apply to the perpetrator who enables the authorities, during the investigation, to apprehend the other perpetrators of the crime.<sup>44</sup>

## **Chapter 2 Forging Currency Notes**

### **Article 262**

A punishment of imprisonment and a fine shall be inflicted upon any person who imitates, forges or counterfeits in any manner whatsoever any currency notes or coins that are lawfully used in the State of Bahrain or in any other state with the intent of promoting or using it.

Reducing a part of the metal of a coin or painting it with a different colour rendering it similar to another coin of a higher value, shall be deemed as forgery of the said coin.

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<sup>44</sup> Added by Law No. (11) of 2021 adding a New Article (261 bis) to the Penal Code promulgated by Legislative Decree No.(15)of 1976.

### **Article 263**

The punishment mentioned in the preceding Article shall be enforced against any person who brings into the country, either personally or through others, or takes out of the country any imitated or counterfeit currency notes as mentioned in the preceding Article. The same punishment shall be inflicted upon any person who distributes or possesses such notes with the intent of distributing or dealing with them.

### **Article 264**

If the offences provided for in the two preceding Articles will have the consequence of a reduction in the rate of exchange or undermining the status of credit in the domestic or overseas markets, the penalty shall be life or term imprisonment.

### **Article 265**

A punishment of imprisonment for a period not exceeding 6 months or a fine not exceeding BD100 shall be inflicted upon any person who makes, sells, displays, transports, or possesses with the intention of selling or distributing for cultural, scientific, industrial or commercial purposes any coins or currency notes similar to the lawful currency of the country if such similarity brings the public into wrongdoing. A punishment of imprisonment for a period not exceeding 3 months or a fine not exceeding BD50 shall be inflicted upon any person who prints, publishes or uses for the aforesaid purposes pictures representing a face or part of a face of the currency note in circulation in the State in the case mentioned in the preceding Paragraph.

However, such printing, publication or use for the aforesaid purposes may be allowed with permission from the minister concerned and subject to the conditions which he may prescribe. For the enforcement of the provisions of the above two paragraphs, the foreign banking instruments permitted to be issued according to the law shall be treated as currency notes.

### **Article 266**

A punishment of imprisonment for a period not exceeding 6 months or a fine not exceeding BD100 shall be inflicted upon any person who brings into circulation coins or currency notes that are no longer in circulation thereof or knowingly brings them into country.

### **Article 267**

A prison sentence for a period not exceeding 3 months or a fine not exceeding BD50 shall be inflicted upon any person who accepts in good

faith an intimated forged or counterfeit coin or currency note which he used while being aware of the defect thereof.

The same penalty shall be applicable upon any person who refuses to accept a lawful national currency having the legally defined value.

#### **Article 268**

A punishment of imprisonment for period not exceeding 5 years shall be inflicted upon any person who manufactures equipment, tools or items or such other things intended for imitating, forging or counterfeiting the lawful currency, whether coins or notes, or obtains them with the intent of using them for these purposes.

A prison sentence shall be inflicted upon any person who knowingly keeps such equipment, tools or items in his possession.

#### **Article 269**

If there are several accomplices to any of the offences set forth in this Chapter and if one of the offenders reports it to the judicial or administrative authorities prior to the use of the imitated, forged or counterfeit currency before the commencement of the preliminary inquiry, this shall be regarded as a mitigating circumstance.

He may be exempted from the judgement if the judge deems it appropriate.

The provision of the preceding Article shall also be applicable to the offender who enables the authorities in the course of the investigation to arrest the other perpetrators of the offence.

### **Chapter 3 Forging Written Instruments**

#### **Article 270**

Forging a document means altering the truth thereof by any of the following methods so that such alteration results in causing damage but with the intention of using it as a genuine document.

Following are methods of forgery:

1. Any amendment by way of addition, deletion or otherwise in the writing of the instrument, figures, pictures or signs contained therein.
2. Putting any forged signature or false seal or altering any true signature, seal or thumb impression and also the misuse of a signature, seal or thumb impression.

3. Obtaining by surprise attack or fraud the signature, seal or signature of a person who is unaware of the true contents of the instrument.
4. Producing a counterfeit document or imitating it.
5. Completing a signed document, sealed or stamped in blank without authority from the actual signatory or holder of the seal or the person making the thumb impression.
6. Falsely assuming the identity of another person or altering such identity in an instrument intended to be executed.
7. Misrepresenting the truth in an instrument once it has been made with regard to the subject matter thereof.

#### **Article 271**

Forging an official instrument shall be punishable by imprisonment for a period not exceeding 10 years.

Forging a private instrument shall be punishable by imprisonment. Provided always that the Law does not otherwise provide.

#### **Article 272**

An official instrument is a document which requires the involvement of a public officer, in his official capacity, for the execution or intervening in the making thereof in any manner whatsoever or by formalizing it.

Apart from the above, any instrument shall be deemed as a private instrument.

#### **Article 273**

A prison sentence for a period not exceeding 5 years shall be the penalty for any medical practitioner or midwife who accepts for himself/herself or others a gift or a privilege of any kind whatsoever or a promise to be given any of the above things in consideration of issuing a false certificate or statement concerning pregnancy, child birth, illness, disability, death or such other matters relating to his/her practice while being aware of this fact.

The same punishment shall be inflicted if the act is done as a result of a pleading, recommendation or meditation.

#### **Article 274**

A prison sentence for a period not exceeding two years or a fine not exceeding BD200 shall be inflicted upon any person who gives a declaration in procedures relating to investigating death inheritance or will before the relevant authority by making false statements about the facts

required to be established while being aware of the truth thereof or while being aware that they are untrue, should the official deed be drawn up on the basis of such statements.

#### **Article 275**

A punishment of imprisonment for a period not exceeding two years or a fine not exceeding BD200 shall be inflicted upon any person who assumes a false name or makes untrue statement concerning his residential address in a preliminary or final inquiry.

#### **Article 276**

The punishment prescribed for forgery shall be inflicted upon any person who uses a forged instrument while being aware that it is false. The same punishments shall be inflicted upon any person who uses a genuine document made in the name of another person or unlawfully makes use thereof.

### **PART VI**

## **Offences of Danger to the Public**

### **Chapter I**

## **Fires and Explosives**

#### **Article 277**

A prison sentence of no more than 10 years shall be inflicted upon any person who sets fire that may expose people's lives or movable or immovable property to danger, even though he may be the owner thereof.

Setting fire to a public building or a public amenity, an inhabited building or one that is intended for occupation, or a public transport vehicle, ammunition, weapons, explosives, fuel, mines pipelines or oil wells shall be considered as an aggravating circumstance.

The penalty shall be a prison sentence if the fire results in permanent disability. The penalty shall be a death sentence or life imprisonment if the fire causes the death of a person.

#### **Article 277 bis 1<sup>45</sup>**

Imprisonment for a period not exceeding five years and a fine not exceeding 500 dinars shall be imposed on anyone who possesses or obtains combustible or explosive containers with the intent to use them to

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<sup>45</sup> Added by Law No. (24) of 2019 Amending Certain Provisions of the Penal Code Issued by Decree-Law No. (15) of 1976.

endanger the lives of people or public or private property.

#### **Article 277 bis 2<sup>46</sup>**

Imprisonment for a term not exceeding eight years shall be imposed on anyone who distributes or uses incendiary or explosive devices with the intent to cause harm.

If the use results in permanent disability, the penalty shall be imprisonment for a term of not less than ten years or life imprisonment. If the use results in the death of a person, the penalty shall be life imprisonment or death.

#### **Article 278**

A punishment of imprisonment and a fine, or either penalty, shall be inflicted upon any person who causes by his own fault the eruption of a fire in a movable or immovable property not belonging thereto.

#### **Article 279**

The death penalty shall be inflicted upon any person who uses explosives in committing the crime provided for in Article 148 or commits an act of arson against buildings or establishments intended for the use of the public or designed as government departments or against one of the agencies mentioned in Article 107 or intended for public meetings or such other buildings or places normally frequented by members of the public.

#### **Article 280**

A prison sentence shall be the penalty for every person who willfully uses or exempts to use explosives in a manner that is likely to expose human lives to danger. Should an explosion cause the death of a person, the penalty shall be life imprisonment.

#### **Article 281**

A punishment of imprisonment for period not exceeding 10 years shall be inflicted upon any person who willfully uses or attempts to use explosive in a manner that is likely to expose others' property to danger.

#### **Article 281 bis<sup>47</sup>**

The perpetrator who commits a crime provided for in this chapter shall be sentenced to pay the value of what has been destroyed as a result of fire or the use of explosives, unless the object belongs to him.

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<sup>46</sup> Added by Law No. (24) of 2019 Amending Certain Provisions of the Penal Code Issued by Decree-Law No. (15) of 1976.

<sup>47</sup> Added by Decree No. (21) of 1999 amending some Provisions of the Penal code Promulgated by Legislative Decree No. (15) of 1976.

## **Chapter 2**

### **Disaster and Attacks Against Conveyances**

#### **Article 282**

Life imprisonment shall be the penalty for any person who deliberately causes a disaster to a ship, aircraft or any other means of public transport.

#### **Article 283**

Life or term imprisonment shall be the penalty for any person who exposes human lives or safety of the public to danger by placing materials, germs or other things in a water well or tank or anything that is intended for public use, that may cause death or serious damages to public health.

#### **Article 284**

A prison sentence shall be the penalty for any person who deliberately endangers any land, air or marine vehicle or craft or obstructs the operation thereof in any manner whatsoever.

A prison sentence not exceeding 10 years shall be inflicted upon any person who obstructs in any manner a telecommunications medium intended for the use of the public.

#### **Article 285**

If the act provided for in the preceding Article results in the death of a person, the perpetrator shall be liable for life imprisonment or a death sentence.

#### **Article 286**

A prison sentence shall be the penalty for any person who endangers the safety of any means of private transport in any manner whatsoever. The punishment shall be a prison sentence if this act causes the death of a person.

#### **Article 287**

If the perpetrator seizes the opportunity of the presence of insurrection or civil strife for committing any of the crimes provided for in this Chapter and in the preceding Chapter, or if he commits his crime with the use of violence or threat, this shall be deemed as an aggravating circumstance.

#### **Article 288**

A prison sentence and a fine, or either penalty shall be inflicted upon any person who causes by his own fault the commission of any of the crimes set forth in this Chapter.

### **Article 289**

A punishment of imprisonment for a period of no more than 6 months and fine of no more than BD50, or either penalty, shall be inflicted upon any person who transports or attempts to transport explosives or inflammable materials using any medium of land, sea or air transport, letter and postal parcels in violation of the relevant rules and regulations.

### **Article 290**

A punishment of imprisonment for a period not exceeding 6 months or a fine not exceeding BD50 shall be inflicted upon any person who deliberately causes inconvenience to others by misusing telecommunications appliances.

### **Article 291**

A punishment of imprisonment for a period not exceeding one year shall be the penalty for any person who causes in any manner the breakdown of an appliance, equipment or such other items used for first aid purposes, fire-fighting, rescuing drowning persons or avoiding such accidents.

## **Chapter 3 Obstructing the Pursuit of Business**

### **Article 292<sup>48</sup>**

Anyone who commits fraud in the execution of a contract for contracting, transfer, supply, commitment, or public works associated with the State or any of the authorities mentioned in Article (107), resulting in substantial damage, shall be punished by imprisonment.

### **Article 293**

If three civil servants leave their employment, even acting as though they have resigned, or if they deliberately refuse to perform any of the duties of their offices either in agreement between themselves or seeking to achieve a common objective, each shall be liable for a prison sentence for a term not exceeding one year.

The punishment shall be a prison sentence if the relinquishment of duty or refusal to carry out such duty is likely to endanger public health or security or may cause disturbance or dissension or delay a certain public interest or if the perpetrator is an instigator.

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<sup>48</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

#### **Article 294**

A punishment of imprisonment for a period not exceeding 6 months or a fine of no more than BD50 shall be inflicted upon every civil servant who relinquishes his office or refuses to discharge any of his official duties with the intent of obstructing the pursuit of business or causes any disruption to the pursuit thereof.

If the relinquishment of duty or refusal to carry out such duty is likely to endanger public health or security or may cause disturbance or dissension or delays a certain public interest or if the perpetrator is an instigator, this shall be regarded as an aggravating circumstance.

#### **Article 295**

The punishment stipulated under the first paragraph of the preceding Article shall be inflicted upon any person who instigates a civil servant or several civil servants by any method whatsoever to relinquish his (their) duty, if the instigation does not have any result.

The same punishment shall be inflicted upon any person who approves of any of the crimes provided for in the first paragraph of this Article or of the first paragraph of Article 293.

#### **Article 296**

A prison sentence shall be the penalty for any person who assaults or attempts to assault civil servants while performing their duties with the use of force or threat or the illegal methods set forth in Article 302.

#### **Article 297**

The provision of Articles 293, 294 and 295 shall apply to persons entrusted with public services and to every person who undertakes duties relating to public services or meeting public requirements, even though he is not a civil servant or entrusted with public service.

#### **Article 298**

Contractors or operators of a public amenity or persons undertaking any of the duties referred to in the preceding Article shall be prohibited from discontinuing their activities in a manner that may obstruct the offering or regularity of the public service. Such persons, instigators and approving persons, as the case may be, shall be subject to the penalties provided for in the preceding Articles.

#### **Article 299**

Life imprisonment shall be the penalty for any person who commits an act

of sabotage by any manner whatsoever with the intent of causing the collapse of the national economy against a factory, or one of its appurtenances or facilities, raw material stores, products, or consumer goods store and such other movable or immovable properties.

### **Article 300**

A prison sentence shall be the penalty for any person who participates in an agreement, the purpose of which is committing the crime provided for in the foregoing Article.

Life imprisonment shall be the penalty for any person who instigates the conclusion of such agreement or is involved in implementing it.

An exemption from the punishment shall be granted to any of the perpetrators who report the existence of the agreement and the accomplices in the agreed attempted crime to the judicial or administrative authorities.

### **Article 301<sup>49</sup>**

Anyone who intentionally destroys production tools, raw materials, or industrial products, resulting in significant damage to production or a noticeable shortage of consumer goods, shall be punished by imprisonment.

### **Article 302<sup>50</sup>**

Anyone who uses force, threat, or illegal means to attack or attempt to attack the rights of others in their work or their right to use or refrain from using any person shall be punished by imprisonment.

The provision of this Article shall also apply if the aforesaid methods are used with the spouse of the person in question or with his children.

The following acts shall be deemed as illegal methods:

1. Following the person in question wherever he goes in a continuous manner or adopting a threatening position against him near his residence or in the vicinity of any other place where he lives or works.
2. Preventing him from carrying out the duties of his employment by concealing his tools, clothes or any other items he uses or by any other method.

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<sup>49</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>50</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

The aforesaid penalties shall apply to any person who incites others in any manner to commit one of the crimes set forth in this Article.

#### **Article 302 bis<sup>51</sup>**

Without prejudice to the provisions of Article (198), anyone who uses forced labour in any type of work or unjustifiably withholds all or part of their salary shall be punished by a term of imprisonment, a fine, or either of the two penalties.

#### **Article 303**

Anyone who disrupts, through violence, threat, or fraud, the freedom of bidding or tendering related to any of the entities mentioned in Article (107), sabotages their seriousness, or engages in any way to exclude those interested in the bidding or tendering, shall be punished by imprisonment or a fine of not less than one thousand dinars and not exceeding five thousand dinars.<sup>52</sup>

Additionally, the offender shall be obligated to compensate that entity for the losses resulting from his mentioned actions.

### **Chapter 4 Refusal to Rescue**

#### **Article 304**

A prison sentence for a period not exceeding 3 months or a fine not exceeding BD50 shall be the penalty for any person who refuses or abstains from offering assistance required by an officer when there is occurrence of drowning, a fire or another disaster.

#### **Article 305**

The punishment provided for in the preceding Article shall be inflicted upon any person who refuses or abstains without a justifiable cause from rescuing anyone in distress or a victim involved in a crime.

### **Chapter 5 Having Intoxicating Drinks**

#### **Article 306<sup>53</sup>**

The penalty for anyone found drunk in a public place or a place open to

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<sup>51</sup> Added by Decree No. (6) of 1993 adding a New Article (302) bis to the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>52</sup> Replaced by Law No. (3) of 2018 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976

<sup>53</sup> Replaced by Decree No. (7) of 1985 amending some provisions of the Penal Code of 1976.

the public shall be a fine not exceeding fifty dinars.

The same penalty shall be imposed on anyone who is drunk and disturbs the comfort of others.

In the event of a repeated offence, the penalty shall be imprisonment for a term not exceeding one month and a fine not exceeding one hundred dinars, or one of these two penalties.

#### **Article 307**

If it is proved that the recidivist referred to in the preceding Article is addicted to intoxicating drinks, a judge shall pass judgement ordering the referral thereof to a sanitarium instead of inflicting the aforesaid punishment.

### **Chapter 6 Gambling**

#### **Article 308**

Every person who gambles in a public place shall be liable for imprisonment for a period not exceeding 3 months or a fine not exceeding BD100. Should he repeat this offence within one year from the date of passing a final court judgement against him, he shall be liable for imprisonment for a period not exceeding one year or a fine not exceeding BD500. Every person who operates public premises used for gambling or participates in any capacity in organising or for supervising gambling activities or preparing the facilities thereof, shall be liable for imprisonment for a period not exceeding one year or a fine not exceeding BD500. Every game, the winning or the loss of which is dependent upon luck rather than upon factors which may be controlled, shall be considered as a game of gambling.

### **PART VII**

## **Offences Affecting Religion and the Family**

### **Chapter 1**

#### **Article 309**

A punishment for a period not exceeding one year or a fine not exceeding BD100 shall be inflicted upon any person who commits an offence by any methods of expression against one of the recognized religious sects or ridicules the rituals thereof.

#### **Article 310**

The punishment provided for in the preceding Article shall be inflicted:

1. Upon any person who prints or publishes a holy book for members of a recognized religious sect should he deliberately alter the text thereof in a manner aiming at changing the meanings thereof or ridiculing its teachings and principles.
2. Upon any person who commits in public an insult against a symbol or a person being glorified or considered sacred to members of a particular sect.
3. Upon any person who imitates in public a religious ritual or ceremony with the intention of ridiculing it.

#### **Article 310 bis<sup>54</sup>**

A penalty of imprisonment and a fine, or either penalty, shall be inflicted upon anyone who engages as an occupation or a means of making gains in any activities of witchcraft, sorcery or fortune telling. Such activities include engaging in activities, making utterances or using methods intended to give the victim the impression that he has the power to tell one's fortune, to inform about what he has at heart, or achieving a need, desire, benefit or expected harm in violation of established scientific and Sharia' a principles.

#### **Article 311**

A punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD100 shall be inflicted upon:

1. Any person who deliberately causes disturbance to the holding of religious rituals by a recognized sect or to a religious ceremony or meeting or obstructing such events or preventing the holding thereof with the use of force or threat.
2. Any person who destroys, damages or desecrates a place of worship for a recognized sect or a symbol or other things having a religious inviolability.

#### **Article 312**

A prison sentence for a period of no more than 2 years or a fine not exceeding BD100 shall be inflicted upon any person who violates or dishonours the inviolability of graves or deliberately demolishes, damages or mars the appearance of the said graves.

#### **Article 313**

A prison sentence for a period not exceeding two years or a fine not exceeding BD200 shall be inflicted upon any person who violates the

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<sup>54</sup> Added by Law No. (24) of 2010 With Respect to Adding Article No. (310) BIS To The Penal Code Promulgated by Legislative Decree No. (15) of 1976.

invulnerability of a corpse or remains of a dead human body.

The act committed against a corpse or part of a corpse shall be dealt with in the same way before as after the burial.

#### **Article 314**

A prison sentence for a period not exceeding 6 month or a fine not exceeding BD50 shall be the penalty for any person who proceeds for a scientific or educational purpose, without obtaining the consent of the concerned person, with taking a corpse or a part thereof or conducts an autopsy thereupon or uses it in any other manner for this purpose.

#### **Article 315**

A punishment of imprisonment for period not exceeding one year or a fine not exceeding BD100 shall be inflicted upon any person who deliberately causes disturbance to funerals or memorial services or obstructs them with the use of violence or threats.

### **Chapter 2 Offences against Family**

#### **Article 316**

A spouse who commits adultery shall be liable for imprisonment for a period not exceeding two years.

It is presumed that the existence of matrimony is known to the perpetrator proves inability to have the knowledge thereof.

A spouse in the provision of this Article is defined as any person who fulfils this capacity at the time the crime is committed even if such capacity ceases to exist thereafter.

#### **Article 317**

A prison sentence shall be the penalty for a person who kidnaps a newly born child, keeps it in hiding or replaces it with another or falsely changes its kinship to persons other than its parents.

The punishment shall be a prison sentence for a period of no less than one year if the purpose of the crime or the consequence thereof is to eliminate or misrepresent the facts relating to the child's personal status or to register untrue personal details in official records.

#### **Article 318**

A prison sentence or a fine shall be the penalty for any person who, after being requested, abstains from giving a child he is looking after to the person who has obtained a judgement for the guardianship or custodianship thereof.

This provision shall apply if the guardian of the child is one of the parents or grandparents.

#### **Article 318 bis<sup>55</sup>**

Any person who, without excuse, refuses to allow a person entitled to a visit in detention to visit him shall be liable to a term of imprisonment or a fine.

#### **Article 319**

The penalty provided for in the preceding Article shall be inflicted if any of the parents or grandparents kidnaps a child either personally or through others, even without any act of fraud or coercion against the person who has obtained a judgement for guardianship or custodianship.

#### **Article 320**

Shall be punished with imprisonment for a period not less than three months, or a fine not less than one hundred Bahraini dinars, or either of these two penalties, whoever exposes to danger a child who has not reached the age of seven or a person unable to protect themselves due to their health or mental condition, or incites another person to do so.

The penalty shall be imprisonment for a period not less than one year if the crime is committed in a deserted place<sup>56</sup>.

If the said crime results in the death of the victim or sustaining permanent disability without being the deliberate action of the perpetrator, the punishment to be inflicted shall be that prescribed for physical assault leading to death or permanent disability as the case may be.

If the crime is committed by one of the victim's close relatives, one of his guardians or someone acting as a custodian thereof, this shall be regarded as an aggravating circumstance.

#### **Article 321**

A prison sentence for a period not exceeding 6 months or a fine of no more

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<sup>55</sup> Added by Law No. (22) of 2022 Adding a New Article (318 bis) to the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>56</sup> Replaced by Law No. (10) of 2015 amending the Article (320) of the Penal Law promulgated by Legislative Decree No. (15) of 1976.

than BD50 shall be the penalty for any woman who commits an abortion without the advice and assistance of a medical practitioner.

#### **Article 322**

A prison sentence for a period not exceeding 10 years shall be the penalty for any person who procures the abortion of a woman without her consent.

The punishment shall be a prison sentence if the procurement of abortion results in the death of the victim.

#### **Article 323**

Attempted abortion is not punishable.

### **Chapter 3 Immorality and Prostitution**

#### **Article 324**

1. Every person who entices a male or a female to commit acts of immorality or prostitution or assists in such acts in any manner whatsoever shall be liable for a prison sentence.
2. If the victim is less than 18 years of age, the punishment shall be a prison sentence for a term not exceeding 5 years.

#### **Article 325<sup>57</sup>**

- 1- Anyone who induces a male or female to commit debauchery or prostitution through coercion, threats or deception shall be punished by imprisonment for a period of not less than five years and not exceeding seven years.
- 2- If the victim is less than eighteen years of age, the penalty shall be imprisonment for a term of not less than seven years and not more than ten years.

#### **Article 326**

A prison sentence for no more than 5 years shall be the penalty for:

1. Every person, whether a male or a female, who totally or partly relies in his livelihood on what he earns from engaging in prostitution or immorality.
2. Every person who totally or partly relies in his livelihood on what others earn from engaging in prostitution or immorality through his influence or authority thereupon or by encouraging them to indulge in prostitution or immorality, whether this is achieved by obtaining his funds

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<sup>57</sup> Replaced by Law No. (3) of 2019 amending Article (325) of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

with his consent and without consideration or by obtaining such funds as a tribute in consideration of providing protection or in consideration of not causing any harm thereto.

3. Every person who protects another who is engaged in immorality or prostitution in consideration of a benefit of whatever kind.

#### **Article 327**

If the perpetrator in the aforesaid 3 Articles is a spouse of the victim or his/her in-laws or one of the persons undertaking the bringing up or looking after him/her, or is a person having authority thereupon, the punishment in its minimum and maximum shall be doubled so that it shall not exceed 15 years.

#### **Article 328**

1. Every person who establishes or runs premises for purposes of immorality or prostitution or assists in any manner in the establishment or running thereof, shall be liable for a prison sentence of no less than 2 years and no more than 5 years.

2. A court judgement shall be passed for the closure of the premises and confiscation of whatever may be found therein such as properties and furniture without prejudice to the rights of bona fide third parties.

3. For the purpose of this Article, premises used for acts of immorality or prostitution are such premises that are normally used for indulgence of other persons in acts of prostitution or immorality.

#### **Article 329**

1. Every person who solicits another in a public place to do acts of immorality or prostitution shall be liable for imprisonment for a period not exceeding two years.

2. Every notice containing an invitation implying a temptation to indulge in immorality or prostitution or attracting attention thereto, shall be considered as soliciting.

#### **Article 330**

Upon detecting the occurrence, the police shall take the following measures:

1. Refer the perpetrator of acts of immorality or prostitution to a medical practitioner for an examination. Should it be established that he/she is suffering from a venereal disease, the competent court shall order the reference thereof to a medical institution until he/she recovers.

2. Place an attachment over the furniture and properties in the premises operated for purposes of immorality or prostitution, close the said premises and place the seals thereon.

Neither the said premises subject to an order of closure and placing the seals thereon nor the furniture and properties maintained therein shall be surrendered unless a judgement is passed by the court of competent jurisdiction to this effect or for the acquittal of the accused.

**Article 331<sup>58</sup>**  
**(Repealed.)**

**Article 332**

The penalties set forth in this Chapter shall not prejudice the enforcement of more severe penalties laid down under this Law or any other law.

**PART VIII**  
**Crimes Committed Against Persons**

**Chapter 1**  
**Affecting Human Lives and Physical Well-being**

**Article 333**

Any person who willfully murders another person shall be liable for life or term imprisonment.

The punishment shall be the death sentence if murder takes place in cold blood, deliberately or accompanied by or related to another crime, or if it is committed against one of the perpetrator's close relatives or a public servant or an officer entrusted with a public service during, by reason or because of his discharge of his duties or services or if a poisonous or explosive material is used.

**Article 334**

A prison sentence shall be the penalty for any person who surprises his/her spouse in the act of committing the crime of adultery and murders her/him and his/her partner or commits an assault against them resulting in death or disability.

This provision shall apply to a person who surprises one of his close

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<sup>58</sup> Repealed by Decree No. (9) of 1982 amending some provisions of the Penal Code of 1976.

relatives, in-laws' brothers or sisters in the acts of committing adultery.

The exercise of the right of self-defence shall not be exercised against the person who avails himself of this excuse.

#### **Article 335**

A prison sentence for a period not exceeding 5 years shall be inflicted against any person who instigates or assists another person in any manner to commit suicide if suicide takes place as a consequence thereof.

If the victim is not yet 18 years of age or lacking in mental power or the power to decide for himself, this shall be regarded as an aggravating circumstance.

An offender shall be liable for the penalty inflicted in the case of deliberate or attempted murder, as the case maybe, if the person who has committed suicide is lacking in mental power or the power to decide for himself.

#### **Article 336**

A prison sentence for a period not exceeding 7 years shall be the penalty for any person who commits a physical assault against another in any manner, even though without having the intent of the victim.

If one of the conditions set forth in the second paragraph of Article 333 is available, this shall be regarded as an aggravating circumstance.

Without prejudice to the provision of the last paragraph of Article 34, if the perpetrator is under the influence of alcohol or drugs, this shall be considered as an aggravating circumstance.

#### **Article 337**

A prison sentence for a term not exceeding 7 years shall be the penalty for any person who causes a permanent disability to another person.

Should one of the conditions set forth in the second paragraph Article 333 be available, this shall be regarded as an aggravating circumstance. A permanent disability shall be deemed in existence if an injury causes the cutting or dismembering of a limb or amputation of a part thereof, loss or deficiency of its use or cessation of the total or partial functions of one of the senses on a permanent basis.

Every physical deformity that is not likely to be removed shall be deemed as a disability.

### **Article 338**

A prison sentence for a period not exceeding 5 years shall be the penalty for any person who in any manner commits a physical assault against another and such assault results in a permanent disability that he did not intend to cause.

The punishment shall be imprisonment for a period not exceeding 10 years if one of the conditions set forth in the second paragraph of Article 333 is fulfilled or if the perpetrator was under the influence of alcohol or drugs, without prejudice to the provision of the last paragraph of Article 34.

### **Article 339**

A prison sentence or a fine shall be the penalty for any person who commits a physical assault against another person, so that such assault causes his illness or disability preventing him from attending to his personal business for a period of more than 20 days.

The punishment shall be a prison sentence for a period not exceeding one year or a fine not exceeding BDI00 if the result of the assault does not reach the magnitude indicated in the preceding Article.

If the assault results in a miscarriage in the case of a pregnant woman, this shall be regarded as aggravating circumstance.

### **Article 340**

If the assault provided for in the preceding four Articles is committed with the use of a firearm, stick or other instrument by one or more of a gang consisting of no less than 5 person who have agreed to commit an assault and cause grievous harm, the penalty shall be imprisonment or a fine for each of the said persons.

The above shall be without prejudice to severer penalty or another punishment provided for in the Law deserved by any person who participates in committing an assault.

### **Article 341**

If the crimes provided for in the preceding Articles are committed during wartime against the injured, even if they are enemies, this shall be considered as an aggravating circumstance.

### **Article 342<sup>59</sup>**

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<sup>59</sup>Replaced by Decree Law No. (31) of 2025 Amending Certain Provisions of the Penal Code Issued by Decree-Law No. (15) of 1976.

Whoever, through negligence, causes the death of a person shall be punished by imprisonment or by a fine.

The penalty shall be imprisonment for a term of not less than two years and not more than five years and a fine of not less than two thousand dinars and not exceeding six thousand dinars, or either of these two penalties, if the crime occurred as a result of the offender's breach of the duties imposed upon him by virtue of his office, profession, or trade, or if he was under the influence of intoxication or narcotic substances at the time of the incident, or if he then failed to assist the victim or to seek assistance for him despite being able to do so.

The penalty shall be imprisonment for a term of not less than two years and not more than seven years and a fine of not less than three thousand dinars and not exceeding ten thousand dinars, or either of these two penalties, if the act resulted in the death of more than one person. If another circumstance from those mentioned in the preceding paragraph is present, the penalty shall be imprisoned for a term of not less than three years and not more than ten years.

The High Criminal Court shall have jurisdiction to hear the crimes stipulated in this Article, and its judgments may be appealed before the High Criminal Court of Appeal.

### **Article 343<sup>60</sup>**

Whoever, through negligence, causes harm to the bodily integrity of another person shall be punished by imprisonment for a term not exceeding one year or by a fine not exceeding two hundred dinars.

The penalty shall be imprisonment for a term of not less than one year and a fine of not less than one thousand dinars and not exceeding five thousand dinars, or either of these two penalties, if the offense results in a permanent disability, or if it occurred as a result of the offender's breach of the duties imposed upon him by virtue of his office, profession, or trade, or if he was under the influence of intoxication or narcotic substances at the time of the incident, or if he then failed to assist the victim or to seek assistance for him despite being able to do so.

The penalty shall be imprisonment for a term of not less than two years and not more than five years and a fine of not less than two thousand dinars and not exceeding eight thousand dinars, or either of these two penalties, if the offense results in harm to the bodily integrity of more than one person. If any other circumstance set forth in the preceding paragraph is present, the penalty shall be imprisonment for a term of not less than two years and not more than seven years.

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<sup>60</sup> Replaced by Decree Law No. (31) of 2025 Amending Certain Provisions of the Penal Code Issued by Decree-Law No. (15) of 1976.

## **Chapter 2**

### **Rape and Sexual Assault**

#### **Article 344<sup>61</sup>**

Anyone who has sexual intercourse with a female without her consent shall be punished with life imprisonment. The penalty shall be death or life imprisonment if the victim has not reached the age of sixteen. Consent shall be presumed to be absent if the victim has not reached the age of fourteen.

#### **Article 345<sup>62</sup>**

The penalty for anyone who has intercourse with a woman who has reached the age of fourteen but has not reached the age of sixteen with her consent shall be a term of imprisonment not exceeding twenty years. The penalty shall be a term of imprisonment not exceeding a period of ten years for having intercourse with a woman who is sixteen years of age and who has not attained the age of twenty-one years with her consent.

#### **Article 346<sup>63</sup>**

The penalty for anyone who assaults a person without their consent shall be a term of imprisonment not exceeding ten years.

The penalty shall be imprisonment if the victim is under sixteen years of age.

It is assumed that the victim does not consent when under the age of fourteen.

#### **Article 347<sup>64</sup>**

The penalty for any offence against the honour of a person who has attained the age of fourteen years but has not attained the age of twenty-one years with the person's consent shall be a term of imprisonment.

#### **Article 348**

The following shall be aggravating circumstances in the crimes provided for in the preceding Articles of this Chapter:

1. If the perpetrator is one of the victim's close relatives or those responsible for bringing him/her up, guardianship or having authority over him, or one of his servants or working with one of the aforesaid persons.
2. If the perpetrator is one of the public servants or officers entrusted

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<sup>61</sup> Replaced by Decree No. (7) of 1985 amending some provisions of the Penal Code of 1976.

<sup>62</sup> Replaced by Decree No. (7) of 1985 amending some provisions of the Penal Code of 1976.

<sup>63</sup> Replaced by Decree No. (7) of 1985 amending some provisions of the Penal Code of 1976.

<sup>64</sup> Replaced by Decree No. (7) of 1985 amending some provisions of the Penal Code of 1976.

with public service, clergymen, medical practitioners or their assistants and has abused his office, position or trust in him.

3. If the crime is jointly committed by two persons or more who cooperated in overpowering the victim or took turns in committing the same act against the victim.

4. If the victim sustains a venereal disease as a result of committing the crime.

5. If the victim becomes pregnant or suffers loss of virginity by reason of the crime.

### **Article 349<sup>65</sup>**

The penalty shall be death if the offences stipulated in Article 344 result in the death of the victim. The penalty shall be death or life imprisonment if the crimes stipulated in Articles 345 and 346 of this Law result in the death of the victim.

### **Article 350**

A prison sentence for a period not exceeding one year or fine not exceeding BDI00 shall be the penalty for any person who commits an indecent act in public.

Any person who commits an act of indecency with a female shall be liable for the same punishment, even though such act is not committed in public.

### **Article 351**

A prison sentence of no more than 3 months or a fine not exceeding BD20 shall be the penalty for any person who commits an indecent act, by words or deeds, in a public road or in a place frequented by others.

If the said act is committed by telephone, the same punishment shall be applicable.

### **Article 352**

The perpetrator shall be presumed to be aware of the victim's real age in the crimes set forth in the preceding Article, unless he proves that he was not able to know the actual age of the victim.

### **Article 353<sup>66</sup> (Repealed)**

### **Article 354<sup>67</sup>**

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<sup>65</sup> Replaced by Legislative Decree No. (1) of 1986 Amending Certain Provisions of the Penal Code of 1976.

<sup>66</sup> Repealed by Law No. (7) of 2023 Repealing Article (353) of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>67</sup> Replaced by Law No. (25) of 2025 Amending Certain Provisions of the Penal Code Issued by

Whoever is found in a public road or a frequented place inciting passersby to commit acts of debauchery by gestures, words, or by any other means shall be punished by imprisonment for a term of not less than three months and not more than six months and by a fine of not less than one hundred dinars and not exceeding one thousand dinars, or by either of these two penalties.

#### **Article 355**

A punishment of imprisonment for a term not exceeding 2 years and a fine not exceeding BD200, or either penalty, shall be inflicted upon any person who prints, imports, exports, owns, possesses, carries or displays with the intent of exploiting, distributing or showing any publications, drawings, pictures, films, symbols or such other items if they violate public morals.

The same penalty shall be applicable to any person who promotes any of the aforesaid items or assists in obtaining them.

#### **Article 356**

The penalties provided for in the preceding Article shall be inflicted upon any person who makes a public utterance, screams loudly or delivers a speech that is opposed to public morals or induces others to commit acts of immorality or publishes advertisement or messages to this effect, whatever may be the wording thereof.

### **Chapter Three Violation of Liberty**

#### **Article 357**

A prison sentence shall be the penalty for any person who arrests another, detains him or deprives him in any illegal manner of his freedom:

Imprisonment shall be the penalty in any of the following cases:

1. If the act is committed by falsely assuming an official capacity or alleging to be undertaking or entrusted with a public service or if the offender gives himself a false description.
2. If the act is accompanied by the use of force or threat to commit murder, bodily harm or acts of physical or mental torture.
3. If the act is committed by two or more persons or by one person carrying a weapon.

4. If the period of arrest, detention or deprivation of liberty is more than one month.
5. If the purpose of the act is to make pecuniary gains, revenge, raping the victim or committing a sexual assault.
6. If the act is committed against a public servant during, by reason of or as a result of discharging his duties.

#### **Article 358**

A prison sentence for a period of no more than 10 years shall be the penalty for anyone who kidnaps a person either personally or through others.

The punishment shall be imprisonment if the victim is female.

If the kidnapping takes place by an act of deceit or if any of the conditions set forth in the preceding Article is fulfilled, this shall be regarded as an aggravating circumstance.

#### **Article 359**

If the crime provided for in the preceding two Articles results in the death of the victim, the punishment shall be a death sentence for life imprisonment.

#### **Article 360**

A perpetrator shall be exempted from punishment for the crimes provided for in the preceding Articles of this Chapter if he proceeds of his own initiative to advise the authorities before the discovery thereof of the place where the kidnapped person is kept and informs them about the other perpetrators, should such behaviour leads to rescuing the kidnapped person and apprehending the perpetrators.

#### **Article 361**

A prison sentence for a period of no more than 6 months or a fine of no more than BD50 shall be the penalty for any person who enters an inhabited place, a place intended for dwelling or one of the appurtenances thereof, premises intended for the safekeeping of funds or a property against the will of the person concerned and in other than the cases provided for in the Law. The same penalty shall also be applicable to a person who remains in such place against the will of the person having the right to expel him, or if he is found hiding away from the sight of those having such rights. The penalty shall be imprisonment for no more than 2

years if the crime is committed at night or with the use of violence against persons or property or with the use of a weapon or by two persons or more, or by assuming the identity of a public servant or alleging to be undertaking or entrusted with a public service or generally to be acting under a false capacity.

If the intent of entry or staying is to prevent possession with the use of force or committing a crime, this shall be considered as an aggravating circumstance.

### **Article 362**

A punishment of imprisonment for a period of no more than 6 months or a fine not exceeding BD50 shall be inflicted upon any person who threatens another with the use of a weapon.

If the threat takes place by firing a firearm, this shall be regarded as aggravating circumstance.

### **Article 363**

A prison sentence for a period of no more than one year or a fine of no more than BD100 shall be the penalty for any person who threatens another with committing a crime, if such threat is made in writing or verbally through another person.

The punishment shall be a prison sentence, if the offender threatens with committing a felony against a human life, property or with divulging or alleging matters affecting honour.

If the threat, by any means, is accompanied by a request or assignment with an order, including dissuading the person or influencing his testimony or his statements in a lawsuit pending before the investigating authority or the court, this circumstance shall be considered an aggravation of the offence charged.<sup>68</sup>

## **Chapter Four Libel, Slander and Divulging Secrets**

### **Article 364**

A punishment of imprisonment for term of no more than 2 years or fine of no more than BD200 shall be inflicted upon any person who by any method of publication accuses another of having committed a certain occurrence rendering him liable for penalty or subject to contempt.

The punishment shall be imprisonment and a fine, or either penalty, if the

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<sup>68</sup> Replaced by Law No. (25) of 2014 amending Article (363) of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

libel is committed against a public servant during or because of or by reason of discharging his duties, or if such libel affects one's honour or puts families into disrepute or if it is understood to be intended for attaining an illegal purpose.

If the libel takes place by way of publishing any newspaper or publication, this shall be considered as aggravating circumstance.

### **Article 365**

A punishment of imprisonment for a period of no more than 2 years and a fine of no more than BD100, or either penalty, shall be inflicted against any person who slanders another by any method of publication so as to affect his honour or integrity without making a specific accusation against him.

The penalty shall be imprisonment for a period of no more than two years and a fine of no more than BD100, or either penalty if the act of slander is committed against a public servant during, by reason of or on the grounds of discharging

his duties, or if such slander affects one's honour or puts families into disrepute or if it is understood to be intended for attaining an illegal purpose.

If the slander takes place by way of publishing in any newspaper or publication, this shall be considered as aggravating circumstance.

### **Article 366**

A prison sentence for a period not exceeding 6 months or a fine not exceeding BD50 shall be inflicted if the libel or slander is committed through the telephone or without provocation against the victim and the presence of a third party.

The penalty shall be a fine not exceeding BD50 if the libel or slander is committed without provocation against the victim and in the presence of a third party.

If a libel or slander is committed in the cases mentioned in the above two paragraphs against a public servant during, by reason of or on the account of discharging his duties, or if such libel or slander affects one's honour or puts families into disrepute or if it is understood to be intended for attaining an illegal purpose, this shall be regarded as an aggravating circumstance.

### **Article 367**

There shall be no crime if a perpetrator proves the truth of the accusation where such accusation is made against a public servant or an officer entrusted with a public service and where the occurrence is connected with the relevant office or service.

In such case, slander may also be proved if it is made by the perpetrator and is related to the libel occurrence.

No proof shall be entertained if the incident took place more than 10 years ago or if the crime has lapsed one of the legal grounds or if the judgement passed in respect thereof has lapsed.

### **Article 368**

There is no crime where the litigants' verbal or written defence before the law courts or investigation authorities includes libel or slander to the extent of the right of defence.

### **Article 369**

There is no crime in reporting in good faith to the judicial or administrative authorities a matter rendering the doer thereof legally liable.

### **Article 370<sup>69</sup>**

A prison sentence and a fine of not less than 500 dinars and not exceeding 1,000 dinars, or either penalty, shall be inflicted upon any person who violates the sanctity of individuals' private or family life by committing any of the following acts without legal authorization or without the consent of the victim:

1. Eavesdropping on or secretly observing a private place by any means.
2. Taking or transmitting a photograph or film of a person in a private place.
3. Recording or transmitting a private conversation that occurred in a public or private place.
4. Preparing or transmitting a conversation, photograph, or film of a person in an indecent situation, whenever such material is fabricated.
5. Transmitting news or comments relating to the private or family life of individuals if such transmission is offensive to them, even if the information is true.

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<sup>69</sup> Replaced by Law No. (25) of 2025 Amending Certain Provisions of the Penal Code Issued by Decree-Law No. (15) of 1976.

6. Taking or transmitting photographs or films of accident victims.

If the acts referred to in clauses 1, 2, and 3 above are committed during a meeting in the presence of the concerned parties, their consent shall be presumed.

A prison sentence and a fine of not less than 1,000 dinars and not exceeding 3,000 dinars shall be inflicted if the acts mentioned in the first paragraph are accompanied by any of the following:

1. Public dissemination by any means.
2. Matters affecting honor or reputation.

If both circumstances occur together, the penalty shall be imprisonment for a period not exceeding five years and a fine of not less than 3,000 dinars and not exceeding 5,000 dinars.

No lawsuit may be filed or preliminary investigation may be initiated in respect of the offenses stipulated in this article except upon a complaint filed by the victim, their legal representative, guardian, or one of their heirs-as the case may be-. If the interests of the victim conflict with those of the guardian, or if no guardian exists, the investigating authority shall act in their place.

Upon conviction, the judge may order the confiscation of the means used to commit the offense, without prejudice to the property rights of third parties acting in good faith.

### **Article 371**

A punishment of imprisonment for a period not exceeding one year or a fine not exceeding BD100 shall be inflicted on a person who divulges a secret entrusted thereto in his official capacity trade, profession or art in conditions other than those prescribed by the law or uses it for his personal benefit or for the benefit of another person, unless the person concerned with the secret allows the divulgence or use thereof.

The punishment shall be imprisonment for a period not exceeding 5 years if the perpetrator is a public servant or an officer entrusted with public service to whom the secret has been confided during, because or by reason of performing his duties or service.

### **Article 372<sup>70</sup>**

A prison sentence and a fine of not less than 500 dinars and not exceeding 1,000 dinars, or either penalty, shall be imposed on anyone who opens a letter or telegram without the consent of the intended recipient, or who eavesdrops on a telephone conversation.

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<sup>70</sup> Replaced by Law No. (25) of 2025 Amending Certain Provisions of the Penal Code Issued by Decree-Law No. (15) of 1976.

A prison sentence and a fine of not less than 2,000 dinars and not exceeding 5,000 dinars, or either penalty, shall be imposed on anyone who discloses a letter, telegram, or telephone conversation to anyone other than the intended recipient without permission, if such disclosure is likely to cause harm.

## **Part IX Offences Against Property**

### **Chapter One Theft and Similar Offences**

#### **Article 373**

Theft is committed by dishonest appropriation of movable property belonging to another with the intent of permanently depriving the other thereof.

#### **Article 374**

Theft shall be punishable by life imprisonment where the following combined circumstances occur:

1. If committed at night.
2. If committed by two or more persons.
3. If one of the offenders is carrying a weapon.
4. If committed at residential premises, or at premises intended for residential purposes or annexes thereof where entry is gained by trespassing, break-in or use of original or duplicate keys against the will of their owner, or by assuming a false identity or by alleging to be a public servant or by such other illegal means.
5. If committed with the use of force or under the threat of using a weapon.

#### **Article 375**

Theft committed on a public road or on any land, sea or air conveyance shall be punishable by life or term imprisonment in any of the following cases:

1. If the theft is committed by persons or more of whom one is carrying a weapon.
2. If the theft is committed by two or more persons with the use of force.
3. If the theft is committed at night by a person carrying a weapon, with the use of force or threatening to use a weapon.

### **Article 376**

Theft shall be punishable by imprisonment if committed with the use of force or under the threat of using a weapon whether with the intention of obtaining the property, keeping it or departing therewith.

The penalty shall be life or term imprisonment if the use of force causes injuries.

Where the use of force results in the death of a person the punishment shall be the death penalty or life imprisonment.

### **Article 377**

Theft committed at night by two or more persons of whom one carries a weapon shall be punishable by a prison sentence.

### **Article 378**

Theft committed involving army weapons or ammunition shall be punishable by a prison sentence.

The penalty shall be life imprisonment if the offence is committed with the use of force, under the threat of using a weapon or if any of the aggravating circumstances provided for in Article 380 are fulfilled.

### **Article 379**

A person shall be liable for imprisonment for a term not exceeding ten years if he commits a theft affecting equipment or facilities used or intended for use in telecommunications installed by the government or their installations which are licensed for the benefit of the public unless a more severe penalty is provided for.

### **Article 380**

A prison sentence for a term of no less than 3 months shall be passed if a theft is committed:

1. At a place intended for worship, at residential premises, or at premises intended for residential purposes or annexes thereof.
2. On board any conveyance, at a terminal, seaport or airport.
3. At night.
4. By trespass, break-in, or with the use of original or duplicate keys against the will of the owner.
5. By a person carrying a weapon.

6. By a person who has assumed a false identity or alleged that he is undertaking or assigned to a public service.
  7. By two persons or more.
  8. By one of the workers at the place where he is employed or with the purpose of inflicting damage against his employer.
  9. Against injured persons during wartime even if they are enemies.
  10. Involving property belonging to one of the authorities set forth in Article 107 of this Law.
  11. Involving cattle, a riding animal, a beast of burden or a working animal.
  12. on a mobile phone, laptop, tablet, or any electronic, magnetic, optical, or electrochemical device, or any device that combines communication and computing technologies, or any other device capable of receiving, transmitting, processing, storing, and retrieving data at high speed.
- if more than one of the previous circumstances came together, the penalty shall be doubled.

The minimum penalty prescribed in the two preceding paragraphs shall be imprisonment for a period of not less than one year if the devices or tools referred to in paragraph (12) of this article are stolen with the intent to obtain the information, data, or images contained therein.<sup>71</sup>

### **Article 381**

A theft, which does not involve any of the circumstances set forth in the above Articles, shall be punishable by a term not exceeding two years.

### **Article 382**

Attempted theft shall be punishable by half the penalty laid down for a complete offence.

### **Article 383**

An accessory to theft or attempted theft shall be liable for the offences committed by other accessories even if they are not the same as those he has intended to commit, so long as such offences are a probable result of his participation.

### **Article 384**

Every person who incites another who is less than 18 years of age commits theft, even though the latter has not committed the act to which he was incited, shall be sentenced to imprisonment for a term not exceeding two years.

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<sup>71</sup> Added by Law No. (3) of 2025 Amending Certain Provisions of the Penal Code Issued by Decree-Law No. (15) of 1976.

The penalty shall be imprisonment for a term of no less than 3 months if the offender has used in collaboration with the inciter violent means or threats or if the latter is one of the members of the offenders family or if he is responsible for the offender's up-bringing or care.

The punishment shall be double the minimum and maximum penalty laid down in the foregoing two paragraphs and a fine not exceeding BD1,000 if the incitement involves more than two persons even though at different times.

The defendant is presumed to have prior knowledge of the victim's age unless he proves that he was not in a position to establish the actual age of the said victim.

#### **Article 385**

Every person who uses a motor vehicle, motorcycle or other conveyance without the consent of the owner or authorised user thereof, shall be liable for imprisonment for a term not exceeding one year and a fine not exceeding BD100, or either penalty.

#### **Article 386**

Every person who eats or drinks at premises intended for this purpose, even though he is a resident thereat, or occupies one room or more at a hotel or similar premises, or hires a vehicle intended for rental, in spite of his knowledge that he will not be able to pay the charges or unjustifiably refuses to pay the charges due in respect thereof, shall be liable to a sentence of imprisonment for a term not exceeding six months or a fine not exceeding BD50, or either penalty.

#### **Article 387**

Every person who duplicates keys or other devises or produces an appliance designed for use in committing a crime, shall be liable for a prison sentence for a term not exceeding two years.

The punishment shall be a prison sentence if the offender is engaged in the profession of making such devices.

#### **Article 388**

Where an offender seizes the opportunity of civil commotion, rebellion, fire or any other disaster for committing any of the offences set forth in the preceding Articles, this shall be deemed as an aggravating circumstance.

### **Article 389**

Any person who acquires, with the use of force or threat, a document, a signature thereon, an amendment thereof causes cancellation, or destruction thereof shall be liable for a prison sentence unless a more severe penalty is provided for.

The provisions of paragraphs 2 and 3 of Article 376 shall apply to this offence.

### **Article 390**

A person who forces another with the use of threat, to give up money or items other than those specified in the preceding Article shall be liable to a prison sentence and a fine.

Where the threat involves divulging information or making allegations involving honour, this shall be deemed as an aggravating circumstance.

The penalty for the attempted offence shall be the same as the punishment for the complete crime.

## **CHAPTER TWO FRAUD**

### **Article 391<sup>72</sup>**

Shall be punished with imprisonment and a fine not exceeding five thousand dinars, whoever managed to seize movable property or a document, or who forges, cancels, destroys, or modifies such document, by using fraudulent means, by assuming a false name or false capacity, or by dealing with real estate or movable property that he does not own and has no right to dispose of.

If the crime involves money or a document that is a property of the State or one of the entities mentioned in Article (107), it shall be considered an aggravating circumstance.

Attempts to commit the crimes shall be punished with imprisonment not exceeding one year and a fine not exceeding two thousand dinars

### **Article 391 bis<sup>73</sup>**

1) Any individual who collects or receives funds from others for the

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<sup>72</sup> Replaced by Law No. (2) of 2015 amending certain provisions of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>73</sup> Added by Law No. (48) of 2014 adding a new article (391 ) bis to the Penal Law promulgated by the Legislative Decree No. (15)of 1976.

purpose of investing, managing or operating it without having obtained a license from the Central Bank of Bahrain or other competent administrative authority to carry out the activities for which the funds was collected or received, shall be punished by imprisonment and a fine not less than one hundred thousand dinars and not exceeding twice the amount he collected or received or the amount due therefrom or by either of these two penalties. The offender shall be sentenced to the restitution of the funds collected or received to the owner thereof and to the confiscation of the proceeds of the crime. The court may also order the publication of a summary of the judgement of conviction or the pronouncement thereof in one or more local newspapers, at the expense of the convicted person.

2) Any person acting as an attorney, intermediary or a delegate, or in any other capacity whatsoever, who collects or receives funds from a third party on behalf of a party not authorized to carry on the activities for which the funds were collected or received shall be punished by imprisonment and fine not exceeding fifty thousand dinars, or by one of these two penalties.

3) Attempted crimes set forth in Clauses (1 and 2) of this Article shall be punishable by half of the penalty prescribed for the entire offence.

4) The criminal lawsuit shall elapse if the offender referred to in Clauses (1 and 2) of this Article proceeds to the restitution of the funds collected, received or the amount due therefrom to their owners during the investigation. The court may exempt the offender from punishment if the same effect is reached at the trial phase. If restitution is made by the offender of the funds collected, received or the amount due therefrom to their owners after the sentence has been passed, the execution judge may order the suspension of the execution of the sentence passed upon the request of the convicted person or his attorney. The request shall be submitted to the competent execution judge within three days of its submission.

5) Any person who invites the public to make an announcement by any means to collect or receive funds for the purpose of investment, management or operation without obtaining a license therefor from the authorities provided for in Clause (1) of this Article shall be punished by imprisonment and a fine not exceeding one hundred thousand dinars or by either of these two penalties.

### **Article 392**

A prison sentence shall be the penalty for any person, who avails himself of the opportunity of the need of a minor, distressed person, or person subject to a court judgement for continued custodianship or guardianship thereupon, or exploits such person's affections or lack of experience so as

to cause damage to his interest or that of a third party in respect of a property or of an instrument or to the revocation or amendment of such instrument.

If the offence is committed by his custodian, guardian, caretaker or a person having authority thereupon, this shall be regarded as an aggravating circumstance.

### **Article 393<sup>74</sup>**

A penalty of imprisonment or a fine, or both penalties, shall be inflicted upon anyone who gives mala fide a cheque without having sufficient and disposable credit, who recovers after giving all or some of the consideration so that the balance shall not cover the balance remaining of the amount thereof, who orders the drawee not to cash it or who deliberately make or sign it in a manner preventing the cashing thereof.

The same penalty shall be inflicted upon anyone who endorses in favour of a third party or delivers thereto a cheque while being aware that he does not have a consideration covering the amount thereof or that it cannot be cashed.

The same penalty shall be imposed on anyone who forces a third party to give him endorses in his favour or deliver a check to him while being aware that he does not have a consideration covering the amount thereof or that it cannot be cashed.

If the offender's act mentioned in the preceding Paragraph is intended for the repayment of a usurious loan or for the settlement of an illegal debt, this shall be deemed as an aggravating circumstance.

The victim or his private attorney and his heirs or their private attorney for the crimes stipulated in this Article may request from the Public Prosecution or the court, as the case may be, and in whatever case the lawsuit is, to establish reconciliation with the accused. The conciliation entails the termination of the criminal lawsuit if the lawsuit is before the court, or the order that there are no grounds for filing the lawsuit if the matter is under investigation by the Public Prosecution. If the offender has paid the value of the check after the final judgement has been rendered against him, the execution judge may, at the request of the convicted person or his representative, order a stay of execution of the pronounced sentence. The application shall be submitted to the competent enforcement

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<sup>74</sup> Replaced by Law No. (16) of 2010 Amending Article (393) of the Penal Code Issued by Decree-Law No. (15) of 1976.

judge within three days of the date of submission.<sup>75</sup>

#### **Article 394**

A punishment of imprisonment and a fine, or either punishment, shall be inflicted on the drawee whose name is indicated on the cheque, if he willfully declares the presence of an amount less than the balance maintained and payable in the account of the drawer.

### **CHAPTER THREE Breach of Trust and Related Offences**

#### **Article 395**

A prison sentence shall be inflicted upon any person who embezzles, uses or squanders monies, instruments or other movable properties in a manner that is detrimental to the owners thereof should such funds or properties have been delivered thereto in trust, on lease, mortgage or free for use or subject to an agency arrangement.

For the purpose of this provision, there shall be treated as an agent every partner participating in a common property, a person who is intrusive upon the funds of the actual owner thereof and any person who has delivered an object for use for a specific matter for the benefit of its owner or others.

The lapse of criminal proceedings in respect of this case shall not come into effect except from the date of the victim's knowledge of the occurrence and the perpetrator thereof unless the interrogation with respect thereto has already started.

#### **Article 396**

Any person who, with intent to own, appropriates lost property or property that came into his possession by mistake or as a result of force majeure shall be punished by imprisonment for a term not exceeding two years or by a fine not exceeding two hundred dinars.

Imprisonment for a period not exceeding two years or a fine not exceeding 500 dinars, or either penalty, shall be imposed if the object of the crime is a mobile phone, laptop, tablet, or any electronic, magnetic, optical, or electrochemical device, or any device that combines communication and computing technologies, or any other device capable of receiving, transmitting, processing, storing, and retrieving data at high speed.<sup>76</sup>

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<sup>75</sup> Replaced by Law No. (41) of 2014 amending the last paragraph of Article (393) of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

<sup>76</sup> Replaced by Law No. (3) of 2025 Amending Certain Provisions of the Penal Code Issued by Decree

Imprisonment for a period not exceeding two years and a fine not exceeding 500 dinars, or either penalty, shall be imposed if the devices or tools referred to in the preceding paragraph are taken with the intent to obtain the information, data, or images contained therein.<sup>77</sup>

#### **Article 397**

The punishment provided for in the preceding Article shall be inflicted upon any person who embezzles or attempts to embezzle personal chattels that may have been mortgaged as security for a debt owed by himself or by another.

### **CHAPTER FOUR**

#### **Concealing Objects Gained from a Crime**

#### **Article 398**

Any person, who knowingly conceals objects gained from a crime by having participated in committing it, shall be liable for the crime from which he knows that the said objects were acquired.

If the offender is not aware that the objects have been gained from a crime but have been gained through a circumstance that leads one to believe the illegality of the source thereof, the penalty shall be imprisonment for a term not exceeding 6 months and a fine not exceeding BD50, or either penalty.

#### **Article 399**

If the offender referred to in the preceding Article informs the judicial or administrative authorities of the names of the perpetrators of the crime from which the objects have been gained before the start of the preliminary investigation, this shall be regarded as an extenuating circumstance.

The offender may be exempted from the punishment if the judge deems it relevant.

The provisions of the preceding Paragraph shall be applicable to an offender who enables the authorities after starting to investigate the crime from which the objects were gained, to arrest the perpetrators thereof.

#### **Article 400**

Proceedings shall not be instituted nor the procedures of the preliminary

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Law No. (15) of 1976.

<sup>77</sup> Replaced by Law No. (3) of 2025 Amending Certain Provisions of the Penal Code Issued by Decree Law No. (15) of 1976.

investigation of the crimes provided for in this Chapter and the preceding Chapters of this Part shall be taken if damages have been caused to the offender's spouse, close relatives or in-laws except upon a complaint from the victim.

A criminal lawsuit shall lapse upon the waiver by the victim of his/her complaint before the handing down of a final judgement.

Meanwhile, the victim shall have the right to stop the enforcement of the judgement at any time.

## **CHAPTER FIVE USURY AND BANKRUPTCY**

### **Article 401**

A prison sentence for term not exceeding one year and a fine not exceeding BDI00 shall be the penalty for any person who lends another person money in any manner at an implicit or explicit interest in excess of the maximum rate of interest that may be legally agreed upon.

If the offender seizes the opportunity of the victim's need, weakness or fancies, this shall be deemed as an aggravating circumstance.

### **Article 402**

Every trader who has been subject to a final judgement for the adjudication of his bankruptcy shall be deemed as a fraudulent bankrupt in the following events and shall be liable for imprisonment for a term not exceeding 5 years:

First: If he conceals, destroys or alters his books.

Second: If he embezzles or conceals part of his funds to the detriment of his creditors.

Third: If he admits false debts or renders himself indebted in connection therewith by making entries in his books, balance sheet, such other documents or in his verbal declaration or by abstaining from providing papers or explanations while being aware of such abstention.

### **Article 403**

Every trader who has been subject to a final judgement for adjudication of his bankruptcy and has, because of his serious default, caused losses to his creditors shall be deemed as bankrupt by defaulting in any of the following

events and shall be liable for imprisonment for a period not exceeding 2 years:

First: If his personal or domestic expenses are of an extravagant nature.

Second: If he spends substantial sums of money on gambling or in fraudulent or speculative activities.

Third: If he purchases goods for sale below the price thereof, borrows funds, issues financial instruments or uses such other methods as may involve severe losses but seeking to obtain funds with a view to delaying the adjudication of his bankruptcy.

Fourth: If he attempts, after ceasing to make payment, to satisfy debts owed to one creditor the detriment of all the creditors.

#### **Article 404**

Every trader who has been subject to a final judgement for adjudication of his bankruptcy may be deemed bankrupt by default in any of the following events and shall be liable for imprisonment for a period of no more than one year and a fine of no more than BD100:

First: If he enters into a contract in favour of a third party and without consideration offering substantial undertakings compared with his financial position at the time of giving such undertakings.

Second: If he does not maintain commercial books or if his books are incomplete or not properly maintained so as to reflect the truth of his liabilities or entitlements or if he does not make the required stock-taking according to the Commercial Law.

Third: If he does not comply with the regulations governing the Commercial Registry.

Fourth: If he fails to present a statement for ceasing to make payment on the date specified for this purpose in the Commercial Law, if he fails to submit the balance sheet or if there is proof as to the incorrectness of the details furnished by him after ceasing to make payment in accordance with the said Law.

Fifth: If he fails to personally appear before the Bankruptcy Judge or to provide the details and information requested by the said judge or if such details are found to be incorrect.

Sixth: If he allows, after ceasing to make payment, a special privilege to one of his creditors with the intent of gaining his agreement to a settlement.

Seventh: If he was declared bankrupt yet again before fulfilling the undertakings arising from a previous settlement.

#### **Article 405**

If a commercial company is declared bankrupt, the members of its Board of Directors and managers shall be liable for the penalties prescribed for fraudulent bankruptcy if it is established that they have committed one of the acts provided for in Article 402, or if they assist in the Company's cessation to make payment by making a false announcement concerning the subscribed or paid-up capital, by publishing an incorrect balance sheet, by distributing false dividends or by taking by way of deceit for their account what is in excess of what they are entitled to under the company's Memorandum of Association.

The following shall be considered as managers:

1. Sleeping partners in simple commanded partnership, if they have been accustomed to intervene in their business activities.
2. Control committee members and the auditors.

#### **Article 406**

The persons mentioned in the preceding Article shall be liable for the penalty stipulated under Article 403 in case of fulfilling any of the following events:

First: If they do in the name of the Company or on its account any of the acts set forth in Article 403 and 404, as the case may be.

Second: If they willfully neglect the publication of the Company's Memorandum of Association in the manner laid down by the law.

Third: If they commit acts in contravention of the Company's Articles of Association or if they ratify and confirm such acts.

#### **Article 407**

Without prejudice to a severer penalty stipulated by the Law the following persons shall be liable for imprisonment and a fine, or either penalty:

First: Any person who embezzles or withholds all or part of the bankrupt's funds, even though he/she is his/her spouse, close relatives or in-laws.

Second: Any non-creditor who fraudulently intervenes in proceedings of a settlement with creditors or submits or proves by way of deception in bankruptcy proceedings false debts alleged to be owned in his name or in the name of others.

Third: A creditor who fraudulently increases the value of debts owed thereto or lays down conditions against the bankrupt or others so as to give himself certain privileges in consideration of giving his vote, or who enters into a special agreement for his own benefit and to the detriment of the remaining opponents.

#### **Article 408**

A judge shall be empowered to order the publication by an appropriate method of conviction passed on in any of the crimes set forth in this Chapter. Such publication shall take place against the convicted party.

### **CHAPTER SIX Destruction and Changing Boundaries**

#### **Article 409**

A prison sentence for a period not exceeding one year and a fine BD100, or either penalty, shall be inflicted upon any person who demolishes or destroys movable or immovable properties, renders them unfit for use or causes their breakdown in any manner whatsoever.

The punishment shall be a prison sentence if the crime causes the disruption of public utility or the activities of an agency offering public services or has the consequence of threatening human lives or people's security or health.

The penalty shall be a prison sentence for a period not exceeding five years, if the crime is committed by a gang consisting of at least 5 persons.

The court shall order the offender to pay the value of the item damaged.<sup>78</sup>

#### **Article 410**

A punishment of imprisonment and a fine shall be inflicted upon:

First: Any person who cuts, uproots or destroys a tree or a nursery plant or peels it off in a manner that may cause its death.

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<sup>78</sup> Added by Decree No. (21) of 1999 amending some Provisions of the Penal code Promulgated by Legislative Decree No. (15) of 1976.

Second: Any person who destroys an existing cultivation, plant or a field where seeds are sown or cultivates therein a harmful plant.

Third: Any person who destroys by any manner an agricultural machine or farming equipment or renders it unfit for use. The punishment shall be imprisonment for a period not exceeding 5 years if the crime is committed by 5 persons or more or by two persons one of whom is carrying a weapon.

### **Article 411**

The penalties set forth in the preceding Article shall be inflicted upon:

First: Any person who deliberately and unjustifiably kills a riding or carrying animal or a head of cattle or causes serious injury thereto.

Second: Any person who destroys or poisons fish available in a source of water or a pool.

### **Article 412**

Attempting to commit any of the misdemeanours set forth in the preceding two Articles shall be punishable by half the penalties stipulated for a complete crime.

### **Article 413**

A prison sentence not exceeding one year and a fine not exceeding BD100 shall be the penalty for any person who destroys, moves or eliminates any benchmark or signs intended for delineating areas, surfacing of plots of land, defining boundaries or separating properties and the operators thereof.

The penalty shall be a prison sentence if the crime is committed with the intention of usurping any of the aforesaid plots of land.

A prison sentence for at least six months shall be the penalty if the subject of the crime is one of the benchmarks placed by a government department for delineating properties.

### **Article 414**

If one of the crimes set forth in the preceding Articles is committed at night or with the use of violence against persons, or if the offender carries a weapon, or if the offender seizes the opportunity of the occurrence of civil

disturbance, dissension or a disaster for committing the crime, this shall be deemed as an aggravating circumstance.

The punishment shall be a death or life sentence if the crime results in the death of a person.

### **Article 415**

A prison sentence for a term not exceeding one year or a fine not exceeding BD100 shall be inflicted upon any person who deliberately and unjustifiably kills or poisons some bees or domestic animals other than those mentioned in Article 411 or causes serious injury thereto.

### **Article 416**

A punishment of imprisonment for a term not exceeding 3 months or a fine not exceeding BD20 shall be inflicted upon any person who tortures or causes severe physical pain to a pet or a domestic animal, maltreats it or refrains from taking care thereof.

## **Chapter Seven<sup>79</sup>**

### **Bribery and Embezzlement in the Private Sector**

#### **Article 417**

In the application of the provisions of this Chapter, a worker means any natural person who works for remuneration of any kind for an employer and under his management and supervision.

Anyone who performs work or service in any capacity without being subject to the management and supervision of the person to whom the work or service is performed shall be deemed subject to the provisions of this Chapter.

A private legal person means any group of persons or funds recognized by law as such.

A member of the Board of Directors or the Board of Trustees of a private legal person (President, Vice-President and members) shall also mean whatever the name or form of the Board.

#### **Article 418**

Any worker, member of the board of directors or board of trustees of a

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<sup>79</sup> Added by Law No. (1) of 2013 amending certain Provisions of the Penal Law Promulgated by Legislative Decree No. (15).

private legal person who requests or accepts, directly or indirectly, for himself or for others, a gift or advantage of any kind or a promise of something like that, to perform or refrain from performing an act in breach of his work or position duties, or to the detriment of the interests of the employer or the private legal person, shall be punished by imprisonment for a term not exceeding ten years.

The provision of the preceding paragraph shall apply even if the worker, member of the Board of Directors or Board of Trustees intends not to perform the work or not to refrain from doing it.

#### **Article 419**

Any worker, member of the Board of Directors or Board of Trustees of a private legal person who requests or accepts, directly or indirectly, for himself or for others, a gift or advantage of any kind after the completion or abstention of the work assigned to him, in breach of his work or position duties or to the detriment of the interests of the employer or private legal person, shall be punished by imprisonment for a term not exceeding ten years.

#### **Article 420**

Any worker, member of the Board of Directors or Board of Trustees of a private legal person who requests or accepts, directly or indirectly, for himself or for others, a gift or advantage of any kind or a promise of any of the same, to perform work or to refrain from an act that does not fall within the duties of his work or position, but who claims or believes it wrongly, to the detriment of the interests of the employer or the private legal person, shall be punished by imprisonment for a term not exceeding ten years.

#### **Article 421**

Whoever offers a worker, a member of the Board of Directors or the Board of Trustees of a private legal person, without accepting his offer, a gift or advantage of any kind or a promise of something like that for the performance of work or for abstention from work in breach of his work or position duties or to harm the interests of the employer or private legal person, shall be punished by imprisonment.

#### **Article 422**

Without prejudice to the provisions of Article (421) of this Law, the briber shall be punished by imprisonment for a period not exceeding ten years.

“A Briber” shall be deemed to be any person who, gives, offers, or promises to a worker, member of the Board of Directors or the Board of Trustees of a private legal person, directly or indirectly, a gift or advantage

of any kind to perform or refrain from performing an act in breach of his work or position duties, or to the detriment of the interests of the employer or private legal person, even if this is after the completion or abstention of the work.

#### **Article 423**

In addition to the penalties set forth in Articles (418) to (422), the confiscation of the gift accepted by the worker, a member of the Board of Directors or the Board of Trustees of a private legal person or offered to him shall be adjudicated.

#### **Article 424<sup>80</sup>**

Any worker, member of the Board of Directors or Board of Trustees of a private legal person who embezzles money, bonds or papers of financial, commercial or moral value found in his possession by reason of his work or position shall be punished by imprisonment for a term not exceeding ten years, and the offender shall be sentenced to return the embezzled thing.

If the offender is one of the collection officers or his delegates or trustees of deposits or money changers and the money, bonds, securities, commercial matters or other securities are handed over to him in this capacity, this is considered an aggravating circumstance.

#### **Article 425<sup>81</sup>**

Any worker, member of the Board of Directors or Board of Trustees of a private legal person who is entrusted with maintaining an interest of one of the entities mentioned in Article (417) of this Law in a transaction, operation or case and deliberately harms this interest in order to obtain a profit for himself or for others shall be punished by imprisonment for a term not exceeding ten years.

#### **Article 426**

In addition to the penalties prescribed for the crimes provided for in this Chapter, the offender may be sentenced to a fine of not less than five hundred dinars and not more than ten thousand dinars.

#### **Article 427**

If the offender of one of the crimes provided for in this Chapter takes the initiative to inform the judicial or administrative authorities of the crime before it is discovered, this shall be considered a mitigating excuse.

The judge may exempt him from punishment if he deems it appropriate.

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<sup>80</sup> Replaced by Law No. (5) of 2019 amending Article (424) of the Penal Code promulgated by Legislative Decree No. (15) of 1976.

