



Security Council

Distr.: General
31 December 2007

Original: English

Letter dated 19 December 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Bahrain submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as Bahrain's response to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ricardo Alberto **Arias**

Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Note verbale dated 12 November 2007 from the Permanent Representative of Bahrain to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to your letter dated 30 November 2005 (S/AC.40/SUB.CO.A/OC.274), pertaining to the submission of the Kingdom of Bahrain pursuant to Security Council resolution 1373 (2001) concerning counter-terrorism, I have the honour to enclose herewith the response of the relevant authorities of the Kingdom of Bahrain to the series of questions contained therein.

You will also find attached a set of accompanying documents as annexes, composed mainly of national legal instruments related to the issue under consideration.* Please do not hesitate to contact the Mission should you need any further elements of information.

(Signed) Tawfeeq Ahmed **Almansoor**
Ambassador
Permanent Representative

* Annexes are on file with the Secretariat and are available for consultation.

Enclosure

[Original: Arabic]

Response of the Kingdom of Bahrain to questions raised by the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The following is the response of the Kingdom of Bahrain to the questions contained in the letter dated 30 November 2005 (S/AC.40/SUB/CO.A/OC.274) from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism. The response of the Government of the Kingdom of Bahrain to the aforementioned letter was delayed because it was necessary to coordinate among the various Government agencies whose views were needed on different responses in accordance with their areas of competence. The Government of the Kingdom also delayed its response until the enactment of the Law on the protection of society from terrorist acts and legislative amendments to the Decree-Law on the prohibition and combating of money-laundering, which includes provisions criminalizing the financing of terrorism. The two laws together constitute the principal tool with which the Government of the Kingdom will pursue the goals it has set for combating terrorism in accordance with its international obligations.

The Government of the Kingdom of Bahrain reaffirms its keen desire to cooperate with the Committee and has the pleasure of responding to the above-mentioned questions as follows:

1.1 The Committee is aware that Bahrain has before its parliament an anti-terrorism draft law. The Committee would appreciate a copy of the draft and a progress report on its adoption.

A copy of Law No. 58 of 2006 on the protection of society from terrorist acts is annexed hereto. It was promulgated by His Highness the King on 12 August 2006, published in Official Gazette No. 2752 of 16 August 2006, and entered into force on the day following its publication.

1.2 Pursuant to paragraph 1 (b) of resolution 1373 (2001), States should have in place provisions specifically criminalizing the wilful collection of funds by any person and by any means, direct or indirect, with the intention or in the knowledge that they will be used to carry out terrorist acts, even if:

- The only related terrorist act takes place or is intended to take place outside the country;
- No related terrorist act actually occurs or is attempted;
- No transfer of funds from one country to another takes place; or
- The funds are legal in origin.

The Committee notes that Bahrain has drawn up a draft amendment to the Penal Code that would provide for criminalization of the terrorist acts referred to in related international conventions, including the financing of terrorism, as mentioned in paragraph 2.2 on page 6 of its second report and referred to in paragraph 1.7 on page 6 of its third report to the Committee. The

Committee would welcome receiving an outline of those amended provisions of the Penal Code which correspond to the above requirements of the effective criminalization of the financing of terrorism.

I. Regarding the Committee's question about the substantive provisions in national legislation criminalizing the collection of funds for the perpetration of terrorist acts in accordance with paragraph 1 (b) of resolution 1373 (2001), we would like to draw attention to the following:

Law No. 54 of 2006 amending some of the provisions of Decree-Law No. 4 of 2001 on the prohibition and combating of money-laundering, which was promulgated by His Highness the King on 8 August 2006, published in Official Gazette No. 2751 of 9 August 2006, and entered into force on the day following its publication, contains the following provisions:

1. Article 1 of Decree-Law No. 4 of 2001 was amended to add a definition of terrorism, which reads as follows:

(a) Any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperilling their lives or honour, or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States. This is without prejudice to the definition of terrorism contained in the Convention of the Organization of the Islamic Conference on Combating International Terrorism or in relevant laws.

(b) People's struggle, including armed struggle, against foreign occupation, aggression, colonialism, and hegemony, aimed at liberation and self-determination in accordance with the principles of international law shall not be considered a terrorist crime.

It should be noted that the definition of terrorism contained in this law includes criminalization of acts of violence or the threat thereof when they occur inside the State or when they infringe the sovereignty of an independent State. Consequently, the criminalization of terrorist financing by this law is not contingent on the terrorist act's being intended to occur inside the country, but includes criminalization of any terrorist financing even if the criminal act takes place outside the country.

2. The addition of a new paragraph, No. 3.1, to Decree-Law No. 4 of 2001 provides for the criminalization of terrorist financing, as follows:

Anyone collecting, contributing or allocating property, funds or the proceeds thereof for or to an association, group, organization, body or gang that engages in terrorist activity, whether its headquarters is located inside or outside the country, or to any member of such a group, or anyone carrying out any operation on its behalf or providing it with support or funding by any means, in the knowledge that it engages in terrorist activity, shall be sentenced to imprisonment for life or a term of not less than 10 years, and a fine of not less than 100,000 dinars and not more than 500,000 dinars.

The same penalty shall apply to anyone who obtains, directly or indirectly by any means, property or funds of any kind from any such parties for safekeeping or for use on their behalf.

The same penalty shall apply to an attempt to commit one of the crimes referred to in the preceding two paragraphs as to a crime actually committed.

It should be noted that the above-mentioned paragraph criminalizing the financing of terrorism does not differentiate between financing a terrorist organization whose headquarters is inside the country and financing one whose headquarters is outside the country. Moreover, criminalization is not contingent on the terrorist act's actually taking place. The last paragraph applies the same penalty to an "attempt to commit a crime" as to a crime actually committed. Similarly, the financing of terrorism is criminalized regardless of whether the funds concerned are of legal or illegal origin. Criminalization applies to all funds irrespective of the nature of their source.

3. Article 1 of Decree-Law No. 4 of 2001 has been amended through the addition of a definition of illegal cross-border transfer of funds, which reads as follows:

Any criminal act committed by any natural or legal person by any means whatsoever, direct or indirect, involving the transfer, in violation of reporting regulations, of funds across international borders without disclosure or for the purpose of money-laundering or the financing of terrorism.

4. A new article, No. 5, has been added to Decree-Law No. 4 of 2001 on reporting regulations, as follows:

The right to bring funds into and take them out of the country is guaranteed to all travellers in accordance with the law. The Minister of Finance may issue a decision setting an upper limit to the amount of funds permitted to be brought into or taken out of the State without disclosure being required. Anything in excess of that upper limit, in the event that a decision setting such a limit has been issued, is subject to disclosure regulations issued by decision of the Minister of Finance on the basis of proposals by the policy committee on the prevention and suppression of money-laundering.

It should be noted that the above-mentioned amendments to Decree-Law No. 4 of 2001 ensure adequate monitoring to prevent the diversion of funds from or to the Kingdom for use in the financing of terrorism, through measures taken by the Central Bank of Bahrain in coordination with the Enforcement Unit of the Ministry of the Interior to prevent the use of money transfers to finance terrorism. All the relevant parties in the Kingdom are committed to implementing all relevant international resolutions on the suppression of terrorist financing.

II. In response to the Committee's request for an outline of those amended provisions of the Penal Code which criminalize the financing of terrorism mentioned in the second report of the Kingdom of Bahrain to the Committee, the following information is provided:

Law No. 54 of 2006 amending some of the provisions of Decree-Law No. 4 of 2001 on the prohibition and combating of money-laundering was enacted to harmonize the legislation in this area. This included the criminalization of terrorist financing along the lines mentioned earlier in the report. (A copy of Decree-Law No. 4 of 2001 on the prohibition and combating of money-laundering, amended by

Law No. 54 of 2006, and the final version of the above-mentioned Decree-Law, are enclosed herewith.)

1.3 Pursuant to paragraph 1 (c) of resolution 1373 (2001), States should adopt measures to freeze without delay the funds of persons who commit, attempt to commit, participate in or facilitate the commission of terrorist acts, whether or not the funds are legal in origin. The Committee notes from the reports submitted by Bahrain that its laws do not ensure full implementation of this provision. What steps does Bahrain propose to take to remedy this situation?

I. Regarding measures to freeze the funds of persons who commit terrorist crimes and who fund terrorism, the following information is provided:

1. Provisions of article 31 of Law No. 58 of 2006 on the protection of society from terrorist acts give the Public Prosecutor the authority to prohibit any person suspected, on the basis of credible evidence, of having committed any of the crimes provided for in the Law from administering his finances, and to take other precautionary measures.

2. Decree-Law No. 4 of 2001 on the prohibition and combating of money-laundering, amended by Law No. 54 of 2006, contains measures relating to the identification, detection, freezing or seizure of funds used to finance terrorist activities, and their confiscation in case of conviction. It also specifies the preventive measures to be used by banks and financial institutions to monitor the circulation of funds to prevent their use for the financing of terrorism.

It should be noted that the above-mentioned Law does not stipulate whether the funds in question must be legal in origin or otherwise. The condition for criminalization is the use of such funds in the commission of terrorist acts.

3. With regard to the prosecution of persons who attempt to commit, participate in or facilitate the commission of terrorist acts, article 44 of Decree-Law No. 15 of 1976 promulgating the Penal Code defines participation as inciting, condoning or assisting in the commission of any crime. Article 45 of said Decree-Law provides for imposition on an accessory of the same penalty that applies to the primary perpetrator unless the law expressly provides otherwise.

It can be seen from the foregoing that the relevant agencies in the Kingdom are committed to applying laws that ensure the implementation of all international obligations regarding the freezing of funds of persons who commit, attempt to commit, participate in or facilitate the commission of terrorist acts.

1.4 The Bahrain Monetary Agency (BMA) Circular of 27 January 2002 requires all licensees to report transactions suspected of links to terrorist activities to the Enforcement Unit and the Bahraini Monetary Agency. The Committee would like to know whether the reporting obligation extends to financial intermediaries such as lawyers, accountants, notaries public and brokers and what penalties, if any, can be imposed for failure to report such transactions.

At the present time the circulars of the Central Bank of Bahrain apply only to licensees. These circulars do not apply to “accountants, lawyers and notaries public”. However, they may apply to certain “intermediaries” if they are also licensed by the Central Bank of Bahrain. This ensures that circulars issued by the Bank cover all banks, financial institutions, insurance companies and intermediaries.

Failure to comply with Circular BC/2002 is considered a violation of regulations and directives and the usual penalties apply (reprimand, loss of credentials, cancellation of licence, and so on, in accordance with the gravity of the infraction).

The Enforcement Unit, the Ministry of the Interior and the Central Bank of Bahrain have developed an automated system for notification of suspicious transactions, including transactions suspected of links to terrorist activities. All financial institutions licensed by the Central Bank of Bahrain have been connected automatically to this system, as has the Ministry of the Interior through the Central Bank of Bahrain.

1.5 The Committee takes note of the on-site inspection conducted at all money-changing establishments over the past 20 months (third report, p. 5) and would appreciate a progress report on those inspections, any violations revealed and the steps taken to remedy them.

At the beginning of every year, the Central Bank of Bahrain prepares an annual field inspection programme that covers all banks, financial institutions, insurance companies and intermediaries. Through these inspections, the extent of compliance with laws and regulations, as well as the institutions' own plans for developing their regulatory systems, are ascertained. Reports prepared by the inspectors have confirmed that all licensees are complying with the relevant laws and regulations, and that these institutions are working to develop and modernize their regulatory systems and train their employees.

1.6 Is the role of the Enforcement Unit within the Ministry of the Interior limited to investigating suspicious transactions related to money-laundering, or does it also extend to those suspected of being linked to the financing of terrorism?

1. Article 4.4 of Law No. 54 of 2006 amending some of the provisions of Decree-Law No. 4 of 2001 on the prohibition and combating of money-laundering assigns additional functions to the anti-money-laundering Enforcement Unit that include the following:

(a) It receives notifications of terrorist financing, illegal cross-border fund transfers and related crimes;

(b) It takes investigative measures, collects evidence and implements measures related to international cooperation and enforcement of decisions, orders and rulings issued by the competent courts. It also coordinates with the relevant parties regarding reports from institutions about known operations and other measures related to the financing of terrorism and illegal cross-border fund transfers.

2. The Minister of the Interior issued Ministerial Decision No. 8 of 2007 amending some of the provisions of Ministerial Decision No. 102 of 2001 appointing the Enforcement Unit charged with implementing the provisions of Decree-Law No. 4 of 2001, and augmenting its responsibility in the area of money-laundering with additional responsibilities in the area of combating terrorist financing. The Minister of the Interior also issued Ministerial Decision No. 9 of 2007 amending some of the provisions of Ministerial Decision No. 18 of 2002 defining the responsibilities of the Enforcement Unit with respect to the implementation of the Decree-Law on the prohibition and combating of money-

laundering. This gave the Enforcement Unit additional responsibilities in the area of combating terrorist financing. The Enforcement Unit is currently involved in implementing international resolutions calling for the investigation of funds linked to the financing of terrorism and the adoption of measures to freeze or seize such funds in accordance with national laws.

It can be seen from the foregoing that the role of the Enforcement Unit of the Ministry of the Interior is not limited to investigating suspicious transactions related to money-laundering but extends to those suspected of being linked to the financing of terrorism. (Copies of the Ministerial Decisions and amendments are annexed hereto.)

3. In addition, the Law amended the functions of the policy committee on the prevention and suppression of money-laundering provided for in sections 4.1 to 4.3 of Decree-Law No. 4 of 2001 by adding new responsibilities in the areas of formulating policy on combating terrorist financing and implementing the provisions of relevant international agreements. The Chairman of the policy committee on the prevention and suppression of money-laundering and terrorist financing has issued a decision establishing two subcommittees:

- (a) A legal committee; and
- (b) A committee to follow up United Nations Security Council resolutions.

The two subcommittees were established pursuant to the recommendations of the Financial Action Task Force (FATF).

1.7 Pursuant to paragraph 1 (a) of resolution 1373 (2001), States should require financial institutions and other intermediaries to identify their clients and to report suspicious transactions to the authorities. Please provide the Committee with the number of STRs received by the Enforcement Unit, with particular regard to those received from the institutions mentioned on page 6 of the third report:

- Financial institutions;
- Money-changing establishments;
- Financial and foreign-sector brokers;
- Investment counsellors/consultants;
- Investment consultants/brokers;
- Insurance companies;
- Insurance brokers, actuaries, adjusters and consultants; and
- The Bahrain Stock Exchange.

Please also indicate the number of suspicious transaction reports (STRs) analysed and disseminated, as well as the number of STRs which have resulted in investigations, prosecutions or convictions.

In 2005 the Central Bank of Bahrain received a number of STRs similar to those received by the Enforcement Unit. The following table shows these STRs broken down by the type of licence issued by the Central Bank of Bahrain:

Commercial banks	117
Investment banks	5
Offshore banks	2
Money-changing establishments	116
Total	240

The following statistics relate to suspicious transactions reported by the Enforcement Unit during 2004 and 2005:

<i>Year</i>	<i>Number of STRs</i>	<i>Type</i>	<i>Prosecutions</i>	<i>Cases filed</i>	<i>Under investigation</i>	<i>Blocked accounts</i>
2004			10	34	55	5
	54	Cash				
	66	Wire transaction				
	1	Terrorism				
2005			—	—	—	7
	111	Cash				
	126	Wire transaction				
	3	Terrorism				
Total	261		10	34	55	12

1.8 What sanctions are envisaged for money remittance services, including informal systems that operate without a licence?

If the Central Bank of Bahrain discovers that a person licensed by the bank is failing to comply with the regulations for remittances abroad, it takes legal measures against that person in accordance with article 161 of Law No. 64 of 2006 on the Central Bank of Bahrain and financial institutions.

1.9 The Committee takes note of the functions of the Enforcement Unit as outlined in article 4 (4) of Decree-Law No. 4 of 2001, which appears to perform the traditional function of a financial intelligence unit (FIU), and of the Bahrain Monetary Agency (BMA). How do these bodies coordinate their procedural work in order to prevent money-laundering and the financing of terrorism and to avoid lengthy procedures resulting in duplication and overlapping of mandates?

STRs are filed by licensees with both the Central Bank of Bahrain and the Enforcement Unit, which takes investigative measures in coordination and consultation with the Bank. The Bank also provides any assistance requested by the Enforcement Unit, as authorized by law, by providing all documents needed by the Enforcement Unit for the full investigation of suspicious transactions.

The above two authorities coordinate through daily telephone contacts, correspondence, and so on. There are frequent meetings to coordinate measures and tasks.

1.10 How do the aforementioned Enforcement Unit and BMA coordinate their efforts in freezing funds suspected of being linked to terrorist financing, pursuant to paragraph 1 (c) of resolution 1373 (2001), without delays which might allow the reported transaction to be completed and the transaction to escape law enforcement measures?

The Enforcement Unit and the Central Bank of Bahrain act in coordination. If it is feared that suspicious funds might be used to finance terrorism, the Enforcement Unit may, under the authority vested in it under Law No. 54 of 2006 (annexed hereto), order temporary seizure of those funds for a three-day period, during which the matter must be referred to the Office of the Public Prosecutor. This ensures that measures to freeze such funds are taken quickly and without delay.

1.11 The Committee notes that the Social Associations and Clubs Law regulates non-profit organizations. Could Bahrain please outline the main provisions of this law and, in particular, those requiring such organizations to register? The Committee would also appreciate information on the number of cases in which these regulations have been violated and the penalties, if any, which were imposed.

1. Decree-Law No. 21 of 1989 promulgating the Law on Social and Cultural Associations and Clubs, Private Institutions and Sports Organizations, together with the decisions of the Ministry of Social Development in implementation thereof, regulate the activities of functioning domestic and foreign associations, charitable funds, and foreign clubs, entered in the Register of Associations of the Ministry of Social Development. Chapter I of the Law contains a number of articles regulating the procedure and conditions for the registration of associations.

(A copy of the Law is annexed hereto.)

2. No offences relating to registration have been detected. Some voluntary organizations run by members of the foreign community, however, have been found engaging in social and leisure activities that fell within the stated purposes of associations. They were therefore advised of the requirement to comply with the regulations and laws and refrain from engaging in activities falling within the purposes of foreign associations and clubs, unless officially licensed to do so.

3. Some associations and committees were also found to be operating without having been officially registered with the Ministry. They were advised to cease their activities and the necessary legal measures in their regard were taken by the Ministry. During the course of the coordination and monitoring undertaken with the Central Bank of Bahrain, no financial offences involving the country's inward and outward remittances have been detected.

1.12 The Committee notes that the Arab Convention for the Suppression of Terrorism, to which Bahrain is party, allows Bahrain to exchange relevant information on terrorist activities with other States parties thereto (third report, p. 7). Are there similar mechanisms that allow Bahrain to provide early warning to States that are not parties to the Arab Convention? If so, please provide examples of such cooperation.

Any information relating to terrorist activities that is available to the competent authorities in the Kingdom may, in the context of reciprocity, be notified to any other State that is not party to the Arab Convention for the Suppression of Terrorism, if it so requests and if the reasons for doing so are objectively justified on each occasion, without prejudice to obligations arising with respect to a third State from which such information may have been obtained.

1.13 Articles 137 and 154 of Bahrain's Penal Code prohibit, inter alia, providing shelter to offenders. How is the process of granting asylum and refugee status regulated in order to prevent the perpetrators of terrorist offences from gaining entry to the country? What procedures are in place to deal with asylum-seekers suspected of having committed terrorist acts? Does Bahrain maintain computerized immigration records and, if so, is information on asylum-seekers included in these records? Which other agencies and/or departments have access to this information?

1. In reply to the Committee's question about preventing the perpetrators of terrorist offences from gaining entry to the country, the Aliens (Immigration and Residence) Act of 1965 provides as follows:

(a) No alien may enter or leave the territory of Bahrain unless authorized by an immigration officer and unless in possession of a passport and an entry visa to Bahrain;

(b) Under article 5-2 (c), no immigration officer may grant entry to an alien who has been convicted in Bahrain or elsewhere of an offence that makes his entry to the territory of Bahrain undesirable;

(c) Article 6 of the Act provides that the Director of Immigration may order that an alien be denied entry to the territory of Bahrain if, on the basis of information or advice received through diplomatic channels or from any other official source, he deems such alien to be an undesirable immigrant.

Perpetrators of terrorist offences, whether committed inside the Kingdom or elsewhere, are unequivocally regarded as being in the category of persons whose entry to the Kingdom is prohibited by law. No entry visas are issued to anyone in that category.

2. In reply to the Committee's question about whether Bahrain maintains computerized immigration records and also about the relevant agencies, the General Directorate of Nationality, Passports and Residence has on record all information pertaining to applicants for entry visas to the Kingdom and each application is considered in every security aspect before a visa is issued. The National Security Agency also examines entry-visa applications and keeps the information on file. All such procedures and information are computerized by both authorities.

1.14 The Committee notes that, under Bahrain's Code of Criminal Procedure, extradition is not permitted if the offence is of a political nature except in certain situations described therein. However, paragraph 3 (g) of resolution 1373 (2001) calls upon States to ensure that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists. The Committee would appreciate an outline of the aforementioned situations and of the offences established in domestic law, and particularly in article 415 of the Code, which correspond to those established in the

international counter-terrorism instruments to which Bahrain is a party. What steps does Bahrain intend to take in order to ensure that terrorist crimes are excluded from the political offence exception?

1. Under the national legislation of the Kingdom of Bahrain, there is nothing to prohibit the extradition of terrorists or to preclude extradition for a terrorist offence of a political nature. As previously explained, the provisions of all relevant international counter-terrorism conventions ratified by the Kingdom pursuant to law are regarded as internal legislation.

2. It is worth mentioning that the Constitution prohibits the extradition of nationals, who are tried before the national courts. Non-nationals, however, are extradited in accordance with the international, regional and bilateral agreements ratified by the Kingdom and the principle of reciprocity, pursuant to the provisions of section I, chapter II, articles 412 to 425, of the Code of Criminal Procedure.

3. Concerning the steps which the Kingdom of Bahrain intends to take in order to ensure that terrorist crimes are excluded from the political offence exception, in accordance with paragraph 3 (g) of Security Council resolution 1373 (2001), which provides that States must ensure that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists, the following should be noted:

(a) The Bahraini Penal Code, promulgated by Decree-Law No. 15 of 1976, does not differentiate between political and other offences. Nor does it specifically characterize political offences. It does, however, punish certain offences that are identified as political offences in criminal jurisprudence, prescribed as such under the criminal laws of other States and covered by the outcomes of international conferences, such as offences prejudicial to external State security, provided for in chapter I, part I, of the section of the Bahraini Penal Code dealing with specific crimes, or to internal State security, dealt with in part II of the same chapter;

(b) Article 1 of Law No. 58 of 2006 on the protection of society from terrorist acts defines terrorism and also a terrorist offence, as follows:

- Terrorism: The use or threat of use of force or any other unlawful means constituting an offence punishable by law to which the offender resorts in furtherance of a criminal agenda, whether individual or collective, with the aim of disrupting public order, endangering the safety and security of the Kingdom or damaging national unity or the security of the international community, if so doing is liable to harm, terrorize or intimidate individuals or jeopardize their lives, freedoms or security, damage the environment, public health or the national economy, cause harm to or the seizure of public amenities, facilities or property or impair their functioning, or prevent or obstruct public authorities, houses of worship or institutes of learning from carrying out their activities;
- Terrorist offence: A crime provided for in the Penal Code or in any other law where the purpose of committing such crime is a terrorist one.

It should be noted that, in accordance with the definition of terrorism adopted by the Bahraini legislator, the purposes of terrorism are to disrupt public order, endanger the safety and security of the Kingdom or damage national unity or the security of the international community. Such purposes coincide with those relating

to the political offences defined by criminal jurisprudence and set forth in chapter I, parts I and II, of the section of the Penal Code dealing with specific crimes, as already mentioned.

The definition of a terrorist offence contained in Law No. 58 of 2006 on the protection of society against terrorist acts explicitly stipulates that the crimes provided for in the Penal Code or in any other law are regarded as terrorist offences if they have a terrorist purpose, thus including the offences set forth in chapter I, parts I and II, of the section of the Penal Code dealing with specific crimes.

In addition to the above, this definition is consistent with the definitions of terrorism set forth in the international conventions to which Bahrain is a party, including the Arab Convention for the Suppression of Terrorism, ratified pursuant to Decree-Law No. 15 of 1998, article 2 of which covers terrorist offences that are not regarded as political offences, even if committed for political motives.

Furthermore, article 4 of the Agreement on the Extradition of Criminals among the countries of the League of Arab States, to which Bahrain acceded pursuant to Amiri Decree No. 21 of 1973, provides that extradition is mandatory for terrorist offences, even if they are regarded as political offences. The text of the article is as follows:

There shall be no extradition for political offences. It shall be at the discretion of the requested State to determine whether an offence is political. Extradition shall be mandatory, however, for the following offences:

1. Attacks on kings or heads of State or their spouses, ascendants or descendants;
2. Attacks on crown princes;
3. Premeditated murder;
4. Terrorist offences.

It should be noted that this Agreement, while prescribing the principle of no extradition for political offences, regards the offences provided for in the above four paragraphs — including terrorist offences — as ordinary offences that do not give rise to the same legal protection as for political offences or to the protection provided for political offenders. This Agreement consequently removes terrorist offences from the scope of the political offence, irrespective of the motive for their perpetration and the capacity of their perpetrator.

On the basis of the provisions already cited from the Law on the protection of society from terrorist acts and the international commitments of the Kingdom, terrorist offences are not regarded as political offences. Consequently, they may not be invoked as political offences in order to avoid extradition proceedings.

1.15 How does Bahrain ensure the authenticity of its national passports and prevent the forgery of identification documents? What agency is responsible for the issuance of travel and identification documentation?

1. The General Directorate of Nationality, Passports and Residence (at the Ministry of the Interior) issues special and ordinary Bahraini passports, which conform to the specifications contained in the fourth edition of Document 9303 (1999) of the International Civil Aviation Organization (ICAO). Diplomatic

passports are issued by the Ministry of Foreign Affairs in accordance with the law and have the same specifications as special and ordinary passports.

The General Directorate takes every precaution to ascertain that the information provided on passport applications forms is genuine by requesting proof of all such information, including nationality. All information is checked before the passport is issued, in addition to which each passport is marked with a non-repeatable serial number.

2. Concerning the issuance of identification documents, article 2 of Decree-Law No. 9 of 1984 on the Central Population Register provided for the establishment of a system (the Central Population Register) by the Central Statistics Organization for recording demographic data pertaining to all Bahrainis and non-Bahrainis legally resident in Bahrain. The system contains accurate demographic data on those residents and each individual registered via that system has a card with an identity number. All authorities are required by law to record the identity number in personal transactions, records and files. That number cannot be replicated, reissued or given to another person. It should be pointed out that the identity card conforms with all of the security and technical specifications designed to prevent forgery. Hi-tech equipment is on hand to detect any such forgeries.

3. A new identity card (smart card) has recently been introduced pursuant to the Identity Card Act No. 46 of 2006. It is a plastic card with an electronic chip containing fingerprints, photograph, signature and other personal information. Also printed on the surface of the card is such vital information as name, identity number, nationality and place and date of birth, as well as a photograph of the card holder. The card additionally has a number of specific features that, whether visible or stored in the chip, are complicated to reproduce or duplicate. It is also laminated, making it difficult to change the photograph or amend any of the printed information.

(Enclosed is a replica of the identity card showing the security features that make its forgery difficult.)

1.16 The Committee welcomes the information that Bahrain is now a party to 11 international conventions and protocols on the prevention and suppression of terrorism and would like to know what steps Bahrain is taking to become a party to the remaining international counter-terrorism convention.

Bahrain has acceded to 11 of the 13 international counter-terrorism conventions, in accordance with the table annexed hereto. The remaining two conventions are being examined by the competent authorities (table annexed hereto).

1.17 Under article 37 of Bahrain's Constitution, treaties have the force of law as from the moment of their ratification. However, the Committee notes that some articles of the international counter-terrorism instruments to which Bahrain is a party are not self-executing and cannot be implemented by the courts, the judiciary and law enforcement officials without the adoption of national legislation and regulations. Could Bahrain explain to the Committee how the non-self-executing provisions of these instruments are being implemented by its national authorities? Please also inform the Committee of the offences under domestic law which correspond to those established in the

international counter-terrorism instruments to which Bahrain is a party and the corresponding penalties.

1. We previously indicated in the reply to question 2.1 (paragraph 2) in the second of the three reports submitted by the Kingdom of Bahrain to the Counter-Terrorism Committee the offences covered under national legislation, which include all of the offences mentioned in those instruments, and the prescribed penalties.

2. Our reply to question 1.3 of this report refers to Law No. 54 of 2006 amending provisions of Decree-Law No. 4 of 2001 on the prohibition and combating of money-laundering, which criminalizes the financing of terrorism and encompasses all necessary measures for the suppression of terrorist financing, in conformity with the International Convention on the Suppression of Terrorist Financing.

3. Law No. 58 of 2006 on the protection of society from terrorist acts criminalizes all of the offences provided for under the international instruments relating to terrorism.

As for the request to inform the Committee of the offences under domestic law which correspond to those established in the international counter-terrorism instruments to which Bahrain is a party, Law No. 58 of 2006 on the protection of society from terrorist acts is annexed hereto, together with Law No. 54 of 2006 amending provisions of Decree-Law No. 4 of 2001 on the prohibition and combating of money-laundering, both of which affirm the Kingdom's endeavour to perform its obligations under the international counter-terrorism instruments to which it has acceded.

2. Implementation of resolution 1624 (2005)

Paragraph 1

2.1 What measures does Bahrain have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Article 17 of the Law on the protection of society from terrorist acts provides that: "Any person who incites another to commit an offence for a terrorist purpose, even if his action has no effect, shall be punished with a term of imprisonment of not longer than five years."

Article 11, paragraph 1, of the same Law also provides that any person who promotes activities constituting an offence for a terrorist purpose shall be punished with imprisonment and a fine of not less than 2,000 dinars and not more than 5,000 dinars.

Measures taken by the Ministry of the Interior in the context of combating terrorism and incitement to terrorism are as follows:

1. The Kingdom of Bahrain participated in the International Counter-terrorism Conference, held in Riyadh from 5 to 8 February 2005, where it submitted a three-part recommendation:

(a) Each State should establish a national counter-terrorism centre (Bahrain having already established a joint counter-terrorism centre as part of the reorganization of the Ministry of the Interior);

(b) A joint regional counter-terrorism centre should be established by the States of the Gulf Cooperation Council (GCC) and linked with the GCC Secretariat;

(c) A GCC police office similar to the European Police Office (EUROPOL) should be established to coordinate on cross-border organized crime with a view to capacity-building in linking crime and terrorism. Bahrain has begun preparing to serve as the headquarters of a GCC regional centre or police office in the event that their establishment is agreed.

2. An action plan has been prepared for dealing with potential terrorist incidents. The plan sets out the responsibilities and duties of all branches and sections of the Ministry of the Interior and of the support offices in the Kingdom's other security departments.

3. Joint coordination on counter-terrorism measures, including joint exercises and other activities, is ongoing with friendly sister States.

4. Guidelines and directives have been issued and circulated by the competent authorities to all schools and hotels in the Kingdom instructing them on how to deal with any bomb threats to their premises.

5. An open day for university presidents and headteachers in the Kingdom was organized at the Royal Police Academy on 12 April 2005, during the course of which the Ministry's new organizational structure was outlined, together with its counter-terrorism efforts, and the counter-terrorism instructions issued to schools and universities were explained.

6. On the basis of the proposal submitted by the Kingdom of Bahrain at the Riyadh Conference, the leaders of the GCC States decided, at a consultative meeting held in Riyadh on the establishment of a regional counter-terrorism centre, that such a centre should be headquartered in the Kingdom of Bahrain and that it should support and cooperate with national counter-terrorism centres, both existing and future, established in member States. The centre's main functions are as follows:

(a) To provide, on a regular basis, terrorist-related reports, information and intelligence to participating States;

(b) To provide, on a scheduled basis, information on suspicious transboundary movements;

(c) To exchange the latest information on terrorist techniques;

(d) To exchange the latest information on counter-terrorism measures, equipment and techniques;

(e) To exchange counter-terrorism expertise, equipment and techniques on a regular periodic basis;

(f) To carry out joint training in the field of terrorism and counter-terrorism, including national and regional exercises in such areas as crisis management;

(g) To prepare joint emergency plans designed to prevent and combat terrorism;

(h) To assist in standardizing laws, legislation and measures relating to counter-terrorism in the GCC States;

(i) To exchange communications on security matters and coordinate with and among national security centres and agencies;

(j) To develop and strengthen regional and national measures aimed at preventing weapons of mass destruction from falling into the hands of terrorists;

(k) To develop and strengthen measures for monitoring and securing borders and land, sea and air ports of entry in order to prevent infiltration and the smuggling of weapons, equipment and explosives;

(l) To develop and strengthen measures for the protection of public figures, vital facilities and transport, both public and private;

(m) To develop and strengthen security information activities and coordinate such activities with member States in order to identify and uncover targets by terrorist groups and organizations and foil their plans.

7. Bahrain's joint counter-terrorism centre was established within the organizational structure of the Ministry of the Interior for the purpose of gathering and analysing terrorism-related intelligence information in the effort to prevent terrorist attacks in the Kingdom of Bahrain and build the Ministry's capacities in the following areas:

(a) Monitoring of the internal security situation;

(b) Pre-emptive action to forestall terrorism;

(c) Identification of levels of threat and coordination of operations in response to changes in those levels;

(d) Provision of advice and guidance, in addition to cooperation with internal and external security agencies on rapid response to terrorist incidents.

8. Issued in conjunction with secondary plans, the counter-terrorism plan No. 1/2005 for the Ministry of the Interior sets out the procedures to be followed by the branches and sections of the Ministry before and after the occurrence of any terrorist incident.

9. A guide to planning the evacuation of premises and facilities vulnerable to terrorist attack has been prepared in order to assist public and private institutions in drawing up their own plans for evacuation.

10. A plan for the evacuation of major public figures has been prepared, setting out the procedures to be followed by the Ministry of the Interior for evacuating such figures from any international seminar, conference or meeting that is subjected to terrorist acts or activities.

11. A study on the Kingdom's preparedness for disasters or crises resulting from terrorist or other activities was produced by a specialist team from the British Emergency Planning College. The study recommended an organizational and training programme for the Kingdom and the Prime Minister took the decision to form a national emergency and crisis management committee and to implement the recommendations contained in the study.

12. A study on counter-terrorism measures for the security of Bahrain International Airport and the King Fahd Causeway has been prepared by Britain's Bramshill College.

13. Bahrain participated in a meeting of a committee of State representatives on counter-terrorism in the GCC States, held in the United Arab Emirates on 3 and 4 April 2006. The meeting recommended that GCC States should exchange training programmes, field visits and joint exercises.

14. The Kingdom of Bahrain was involved in establishing the Middle East and North Africa Financial Action Task Force (MENAFATF) to combat money-laundering and terrorist financing, the headquarters of which it also hosts. The MENAFATF objectives include those of adopting and implementing the FATF Recommendations, implementing United Nations instruments and Security Council resolutions on the subject, strengthening cooperation among States, exchanging expertise and taking effective measures to combat money-laundering and the financing of terrorism.

It is worth mentioning that the competent authorities in Bahrain are currently considering the introduction of fingerprinting technology for use at all ports of entry and airports and by internal agencies. Tenders for installation of the system have been submitted and are now being examined.

2.2 What measures does Bahrain take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

The Aliens (Immigration and Residence) Act of 1965 comprises legal provisions guaranteeing the denial of safe haven to any person suspected of inciting a terrorist act, as follows:

(a) Article 5-2, paragraph (c), provides that no immigration officer shall grant entry to an alien who has been convicted in Bahrain or elsewhere of an offence that makes his entry to the territory of Bahrain undesirable;

(b) Article 6 of the Act provides that the Director of Immigration may order that an alien be denied entry to the territory of Bahrain if, on the basis of information or advice received through diplomatic channels or from other official sources, he deems such alien to be an undesirable immigrant. Perpetrators of terrorist offences, whether committed in Bahrain or elsewhere, are unequivocally regarded as being in the category of persons who are denied entry to the Kingdom by law. No entry visas are granted to anyone in that category.

It should be noted that the General Directorate of Nationality, Passports and Residence has on record all of the information pertaining to applicants for entry visas to the Kingdom. Each application is considered in every security aspect before a visa is issued. The National Security Agency also examines entry-visa applications and keeps the information on file. All such procedures and information are computerized by both of these authorities.

2. Law No. 58 of 2006 on the protection of society against terrorist acts contains provisions guaranteeing the denial of safe haven to any person accused of inciting the perpetration of terrorist acts, as follows:

(a) Article 6, paragraph 2, of the Law criminalizes the organization of any location, home or premises for the purpose of concealing, harbouring or providing means of livelihood to any association, body, organization, group, gang or branch of

the same that is established, founded, organized or run in breach of the law with a view to advocating the commission of a terrorist act or acts;

(b) Article 9 of the same Law also criminalizes the use of any agency, organization, association, institution or private body established in accordance with the law in advocating the commission of any of the offences covered by that Law;

(c) Article 18, paragraph 1, of the Law provides that: "Any person who has knowledge of an offence committed for a terrorist purpose or of any conspiracy, scheme or deed aimed at the perpetration of such an offence and who fails to so notify the public authorities shall be punished with imprisonment and a fine." As previously mentioned, incitement to commit a terrorist crime is a criminal offence under articles 11 and 17 of the Law on the protection of society from terrorist acts and the provisions of this article consequently apply to it.

Paragraph 2

2.3 How does Bahrain cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

1. Bahrain has acceded to various regional and international conventions that provide for, inter alia, cooperation to strengthen border security among their parties. Such conventions include the Arab Convention for the Suppression of Terrorism, the Convention of the Organization of the Islamic Conference on Combating International Terrorism and the GCC Anti-terrorism Agreement. It has also concluded bilateral security agreements with a view to strengthening border security and thus prevent the entry of persons involved in terrorist activities, and to exchanging information on fraudulent travel documents. Such bilateral agreements have been concluded with Turkey, Yemen, the Islamic Republic of Iran and the Arab Republic of Egypt.

2. The competent authorities in Bahrain are stepping up measures to tighten control of all ports of entry by land (King Fahd Causeway), air and sea and to provide them with fully modern equipment for detecting forged documents, arms and explosives.

3. It is worth noting that the performance of security and customs personnel responsible for securing ports of entry is continually improving through constant support from specialists trained in detecting the latest forgery methods used by terrorist elements, as well as through the supply of those ports with all available information on such elements, including photographs, where possible.

4. The operational mechanisms of the international organizations of which Bahrain is an active member (the International Police Organization (INTERPOL), the Council of Arab Ministers of the Interior, the Organization of the Islamic Conference, the GCC and so on) are used to circulate and exchange among member States information available on the activities and elements of terrorist organizations, thereby promoting stronger security control of borders with other States.

Paragraph 3

2.4 What international efforts is Bahrain participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures?

The Ministry of Justice and Islamic Affairs has worked unstintingly to establish activities aimed at rejuvenating the language of the Islamic message and strengthening the principle of openness to others, as follows:

1. It was involved in organizing the Conference on Muslim-Christian Dialogue, held from 28 to 30 October 2003 under the patronage of His Majesty the King, which brought together a distinguished gathering of scholars and thinkers who produced various recommendations, in particular for the establishment of a permanent secretariat for the Conference on Muslim-Christian Dialogue. Participants gave their support for the Kingdom of Bahrain to host the permanent headquarters of the secretariat.

2. The Ministry organized a conference to further mutual understanding among the Islamic schools of thought, held from 20 to 22 September 2003 under the patronage of His Majesty the King. The meeting exemplified the tremendous efforts by all scholars of the community of Islam (*ummah*), representing the various schools of thought, to unite its members and eliminate the causes of disunion and contention among them.

3. The first scientific seminar of the community and of orators and preachers of Islam was held from 29 April to 4 May 2006, with rejuvenation of the Islamic message and the search for a middle ground as its theme. Also organized to take place on 19 and 20 June 2007 was a conference of orators and callers to Islam on the theme of the Islamic message and the security of the community. Attended by leading scholars and thinkers from the Islamic world, the conference devoted its attention to advancing the concept of that message, with a particular view to the present circumstances in which its revival and development is very much needed. The Ministry also joined in celebrating the 100-year anniversary of the opening of the first church in the Kingdom, thereby confirming the fact of Islam's openness to other religions.

2.5 What steps is Bahrain taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

1. As part of the Government of Bahrain's efforts to instil in younger generations the principle of citizenship and the tenets of Islam, the Ministry of Justice and Islamic Affairs has assumed the task of organizing lectures and seminars in schools of all levels, as well as arranging for guest speakers, whether prominent religious figures from the Islamic world, scholars of Islamic law or preachers attached to the Ministry, to address those attending places of worship, such as mosques, and funeral ceremonies throughout the Kingdom. The Ahmad Al-Fatih Islamic Centre also works to strengthen Islamic culture and inculcate the concept of the middle ground, in combination with the elements essential to national unity. In addition, the Ministry produces special radio and television programmes aimed at disseminating Islamic culture through an Islamic approach that is typically moderate and

accommodating. Ministry experts are also involved in writing articles and columns on key domestic and international issues and events, the intention being to explain their features and subsequently cover them in further depth.

2. The Ministry of Education has adopted various measures primarily aimed at combating extremism and incitement to terrorism, entailing the preparation of a document on the philosophy of education in the Kingdom of Bahrain, which is based on the following principles:

- (a) Providing guidance on identity awareness in order to eliminate all forms of extremism;
- (b) Fostering national loyalty above all allegiances and strengthening awareness of belonging to the human race;
- (c) Establishing a set of forward-looking values for inclusion in Bahrain's future education syllabus so that it more effectively builds the desired attitudes and reduces scope for any hidden agenda, thus preventing infiltration of the ideology of non-peace and non-coexistence;
- (d) Reviewing current school books and teaching materials in order to remove all suggestions that might fuel a tendency towards violence and non-acceptance of others;
- (e) Encouraging a rational and practical view of the world;
- (f) Bringing into play the role of the social mentor in monitoring and studying student cases and taking remedial measures;
- (g) Sending students abroad to attend training conferences on, for instance, humanitarian issues and involving them in educational programmes organized by foreign embassies, the effective result being to sharpen their minds, accustom them to mature dialogue and eliminate intellectual, psychological and social violence in favour of promoting peace;
- (h) Running an intensive and well-planned series of seminars for curriculum developers, curriculum specialists and teachers to raise their awareness of the challenges facing the curriculum sector, particularly in the security, civilian and social realms.

Measures still under way are as follows:

- (a) To form a future vision of the architecture of the education curriculum in the Kingdom of Bahrain that identifies challenges, revamps the terms of reference, shapes the features ultimately desired and defines the general objectives of the different stages of school and also capabilities;
- (b) To develop quality standards for the future generation of school books to ensure that they are free from patterns, models, values or trends involving any form of violence or discrimination.

Paragraph 4

2.6 What is Bahrain doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

All measures taken to implement the above-mentioned paragraphs comply with all safeguards under international human rights law and international law.

3. Assistance and Guidance

3.1 The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolutions. The Committee's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance.

3.2 Furthermore, in light of the specific areas related to Bahrain's implementation of resolution 1373 (2001) outlined in Section 1 of this letter, and based on Bahrain's reports to the Committee and on the other relevant information available, the Committee, with assistance from the CTED experts, has conducted a preliminary analysis of Bahrain's technical assistance needs in order to identify priority areas in which the Committee believes Bahrain may benefit from receiving technical assistance. With the agreement of and in cooperation with your Government, the aim is to identify the best possible way for Bahrain to benefit from technical assistance in order to strengthen its implementation of the provisions of this resolution.

The analysis identified, on a preliminary basis, the following potential areas of assistance needs, with the understanding that further assessments may be necessary. The points below represent selected areas, referred to in the resolution, where assistance might be particularly useful:

- Legislation specifically criminalizing the provision or collection of funds with the intention that they should be used for the commission of terrorist acts, regardless of where the act is intended to take place and whether it is attempted or completed;**
- Freezing of funds intended to finance acts of terrorism, particularly funds of legal origin;**
- Implementing the international counter-terrorism conventions to which Bahrain is already a party, including the International Convention for the Suppression of the Financing of Terrorism (1999);**
- Since Bahrain is a regional hub for finance and banking, training in investigation techniques for combating the financing of terrorism, and**
- Training in investigation techniques for combating money-laundering;**
- Training of the Enforcement Unit Staff.**

The Kingdom of Bahrain welcomes all manner of assistance provided in any area. There is already coordination and cooperation between the Kingdom and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime on various aspects of assistance.

On this subject, Bahrain looks forward to receiving further information on the system for obtaining the technical assistance which the Committee is able to offer, in particular details of the funding, duration and providers of such assistance. The competent authorities of the Kingdom can then examine the possibility of submitting specific proposals for obtaining such assistance.