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Reference: C.N.261.2011.TREATIES-5 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

BAHRAIN: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 28 April 2011.

Original: English

“28 April 2011

Excellency,

By Royal Decree No. 18 of 2011, and in accordance with Article 36 (b) of the Constitution, the Kingdom of Bahrain declared a State of National Safety on 15 March 2011, for a period of three months.

In the preceding days and weeks, protestors had occupied key locations in the Kingdom (including its main hospital) and, encouraged and supported by certain external countries and groups, had sought to undermine the country's economic and social life. Further, violent and sometimes deadly attacks were reported against both citizens and expatriates as the protestors sought to create a climate of fear in the country, to undermine its security, and to usurp the legitimate authority of the state.

Throughout, the Government pursued a policy of restraint, and sought a genuine and good faith dialogue with all parties to resolve all issues. Only when it became clear that there was no willingness to engage in dialogue on the part of protestors was the State of National Safety declared, in order to address and overcome the threat to the security, economy and society of Bahrain and its people. In the face of an escalating campaign of disruption, violence and intimidation, the Government was left with no option but to act.

Accordingly, I hereby inform you that with effect from the declaration of the State of National Safety, and for the reasons set out above, the Kingdom of Bahrain has invoked its right under Article 4 of the International Covenant on Civil and Political Rights, 1996, to take measures derogating from certain provisions of the said Covenant. These measures are set out in the enclosed Announcements from the Bahrain Defence Force General Command under the State of National Safety, and derogations are accordingly made from Articles 9, 12, 13, 17, 19, 21, and 22 of the Covenant.

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In enacting and implementing the above measures, the Kingdom of Bahrain wishes to give the assurance that the derogation from the said Articles is strictly to the extent required by exigencies of the situation, and that the Government will at all times seek to the fullest extent possible to abide by the spirit and intent of the Covenant.

Enclosed are copies of the relevant provisions of the Constitution of the Kingdom of Bahrain, Royal Decree No. 18 of 2011, and the Orders of the BDF Council referred to above.

I confirm that the Kingdom of Bahrain will notify you of the date on which such derogation has been terminated, and that any further measures requiring additional derogation from the provisions of the Covenant will also be notified to you.

(Signed) Tawfeeq Ahmed Almansoor
Permanent Representative”

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(Courtesy translation) (Original: Arabic)

Royal Decree No. (18) for the year 2011 to declare a State of National Safety

We, Hamad Bin Issa Al-Khalifa King of the Kingdom of Bahrain.

After perusal of article (36/b) of the Constitution;

In light of events in the Kingdom of Bahrain, and to ensure the safety of the homeland and its citizens, and to contain the situation and protect public and private property;

Upon the decision of the Supreme Defence Council;

After Cabinet approval;

Have decreed the following:

Article 1

Declare a State of National Safety throughout the Kingdom of Bahrain as of the date of this Decree for a period of three months.

Article 2

The Commander-in-Chief of the Bahrain Defence Force is authorized to take necessary measures and procedures to maintain the integrity of the Kingdom and its citizens.

Article 3

The commands issued by the authority in charge of implementing the provisions of this Decree are to be executed by the Bahrain Defence Force, Public Security Forces, National Guard and any other force if necessary.

Each public employee shall provide any requested assistance within his/her competence.

Article 4

Entrusted to the authority in charge is the full implementation of the provisions of this Decree through necessary measures and procedures in order to maintain the integrity of the country aimed at ensuring public safety of individuals with full respect for their rights and to quickly secure control of the scene of any situation.

The authority exercises its powers through written orders, and my delegate certain powers to whom it deems necessary under specified conditions and constraints.

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Article 5

The authority responsible for implementing the provisions of this Decree, shall take all or some of the following measures:

1. Evacuate some areas or isolate them, to maintain security and public order and citizen's safety.
2. Regulate public meetings and banned gatherings if feared they are deemed a threat to public order or national security.
3. Regulate transport and traffic on roads and curfews in certain areas and times or travel abroad whenever these are for the benefit of the citizens.
4. Controls access to or exit from certain areas for a temporary duration whenever it is in the public's interest.
5. Organize opening and closing times for shops and public places as required for public interest.
6. Search persons and places upon suspicion of breach of the provisions of this Decree or the decisions or orders issued by the authority responsible for its implementation.
7. If an alien is deemed a threat to public security and safety of citizens, he/she may be deported or prohibited from entering the Kingdom.
8. If there are signs that an association or club or individuals operating in such a way that disturbs public order, or individuals found to be working for a foreign State, or those who spread dissension among citizens to evoke sedition and rebellion in the Kingdom, their activity might be suspended.
9. If it appears that some of the printed, audio or visual media or informational networks would prejudice national security or undermine constitutional, social and economic systems in the Kingdom, it may be seized and have its publication or broadcast terminated.
10. Regulate means of transport by land, sea and air which can be utilized temporarily, providing fair compensation to those affected.
11. Arrest of suspects and persons dangerous to the safety of citizens.
12. Forfeiture of the Bahraini nationality from those whose their presence is deemed to be a risk to national security and public order and to expel them from the country or hold them in detention.

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Article 6

Without prejudice to any heavier penalty provided in the Penal Code or any other law, the violation of the orders of the authority in charge of implementing the provisions of this Decree, is punishable by imprisonment and fine or either.

Article 7

The Courts established under this Decree shall review the crimes that led to the declaration of a State of National Safety and the crimes committed contrary to orders and decisions issued by the authority in charge of the implementation of safety procedures of national and related crimes, as well as any other crimes that the authority decides to transmit to it. The military prosecutor will be in charge of the investigation and proceedings before these courts.

Article 8

The Primary Court of the National Safety will consist of three judges appointed by a decision of the authority in charge of the implementation of national safety procedures.

Article 9

The Appeals Court of the National Safety will consist of three judges appointed by a decision of the authority in charge of the implementation of national safety procedures.

Article 10

Investigation procedures, the gathering evidence, prosecution before the courts of national safety, method of the trial procedures, methods of informing, and where and how the court provisions are implemented, shall follow the provisions stipulated by the Criminal Procedure Act No. (46) for the year 2002 and other laws, without prejudice to the provisions of this Decree.

Article 11

The final judgment issued by the Courts of National Safety can not be challenged.

Article 12

The Authority in charge of the implementation of national safety measures may save the claims prior to submission to the courts, it may also order the provisional release of accused persons arrested prior to referring them to trial.

Article 13

When a decree lifting the state of national safety is issued, the national safety courts shall maintain its jurisdiction over cases brought before the promulgation of said decree and in accordance with the established procedures.

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Ordinary courts will then be utilized to hear any cases that were not raised before the courts of the National Safety prior to lifting the state of national safety, and will follow established procedures.

Article 14

Decides to confiscate funds and the means by which crimes were committed as well as the crime or gains received from committing these crimes. The authority in charge of implementing the provisions of this Decree may return the confiscated items or part thereof.

Article 15

Any legislation or provision inconsistent with the provision of this Decree and orders issued pursuant thereto, does not apply during the period of validity of the state of national safety.

Article 16

The Prime Minister, Commander in Chief of Bahrain Defence Force, Chief of National Guard and respective ministers shall implement the provisions of this Decree from the date of its issuance.

King of the Kingdom of Bahrain
Hamad bin Isa Al Khalifa

Prime Minister
Khalifa bin Salman al Khalifa

Issued at Riffa Palace
10th Rabea Alawal 1432 H
15th March 2011

23 May 2011

A handwritten signature in black ink, appearing to be 'JGW', is written over the date.

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