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**Published on the website on May 2024**

**Legislative Decree No. (34) of 2002 promulgating the Military Penal Law**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution;

Law of Criminal Procedures of 1966, as amended;

The Military Provisions Law of 1968;

The Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971, as amended;

Penal Code promulgated by Legislative Decree No. (15) of 1976, as amended;

Juvenile Law promulgated by Legislative Decree No. (17) of 1976;

The Service of Officers Law in the Bahrain Defence Force promulgated by Legislative Decree No. (16) of 1977, as amended;

The Service of Personnel Law in the Bahrain Defence Force promulgated by Legislative Decree No. (23) of 1979, as amended;

Legislative Decree No. (5) of 1987 regarding the Reserve Force;

Cassation Court Law promulgated by Legislative Decree No. (8) of 1989;

And Legislative Decree No. (9) of 1989 regarding the Bahrain Defence Force, as amended;

And upon the submission of the the Commander-in-Chief of the Bahrain Defence Force;

And after the approval of the Council of Ministers;

**Hereby Decree the following Law**

**Article One**

The accompanying Military Penal Law shall apply to the Bahrain Defence Force.

**Article Two**

The Military Provisions Law shall be repealed, as well as every text that contradicts provisions of attached Law.

**Article Three**

The Prime Minister, Commander-in-Chief of the Bahrain Defence Force, and the Ministers – each within his jurisdiction – shall implement the provisions of this Law, which shall come into force from the first day of the month after three months from the date from its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad Bin Isa Al Khalifa**

**Prime Minister**

**Khalifa bin Salman Al Khalifa**

**Defense Minister**

**Khalifa bin Ahmed Al Khalifa**

**Issued at Riffa Palace:**

**On 18 Rajab 1423 A.H.**

**Corresponding to 25 September 2002**

**Military Penal Law**

**Section One**

**Procedures**

**Introductory Part**

**General Provisions**

**Article (1)**

Provisions relating to procedures and penalties contained in other applicable laws in the Kingdom shall apply to any matter for which no particular text has been provided in this Law, and in a manner that shall not conflict with the provisions of this Law.

**Article (2)**

Attempted crimes set forth in Section Two of the this Law shall be punishable by the penalties prescribed for the original crime.

**Article (3)**

The provisions regarding the expiration of the criminal lawsuit and the dropping of penalty upon the lapse of the period shall not apply to the crimes of rebellion, disobedience, and desertion from military service.

**Article (4)**

Persons subject to the provisions of this Law shall be exempt from judicial fees.

**Part One**

**Military Justice**

**Chapter One**

**Regulation of Military Justice**

**Article (5)**

The Directorate of Military Justice shall be one of the directorates of the General Command of the Bahrain Defence Force. This directorate shall be followed by Military Courts, Military Prosecution, and other technical branches in accordance with the provisions of this Law, as well as the laws and regulations of the Defence Force.

**Article (6)**

The management of the Directorate of Military Justice shall be undertaken by a legally authorised officer, appointed by a Decision of the Commander-in-Chief, and he shall be directly subordinate to him. He shall also serve as his legal advisor, and assisted by an adequate number of officers.

**Article (7)**

The person appointed to the rank of an officer in both the Military Prosecution and Military Courts shall hold a recognised Bachelor’s degree in Law.

**Article (8)**

Members of the Military Justice shall be appointed from among the officers of the Bahrain Defence Force, and their appointment shall be issued by a Decision by the Commander-in-Chief based on the submission of the Deputy Commander-in-Chief and the proposal of the Director of the Military Justice.

**Article (9)**

The Director and members of the Military Justice shall be subject to all the regulations stipulated in the military service laws as well as any regulations or instructions of their own issued by the Commander-in-Chief.

**Article (10)**

The Director and members of the Military Justice shall take the following oath before the Commander-in-Chief and in the presence of the Deputy Commander-in-Chief before commencing their duties:

( I swear by Almighty God to rule with justice, to carry out the duties of my job honourably and faithfully, to maintain its secrets, and to respect the laws and regulations of the Kingdom.)

**Article (11)**

The Director and members of the Military Justice authorised by law shall be considered counterparts of civil judges.

**Chapter Two**

**Jurisdiction of the Military Justice**

**Article (12)**

The following persons shall be subject to the provisions of this Law:

A- Officers and members of the Defence Force.

B- Individuals who are sent on scholarships to study by the Defence Force to any military or civil academic or vocational educational institution or establishment inside or outside the Kingdom of Bahrain.

C- Civilian workers in the Defence Force.

D- Officers and members of the Reserve Force once they are called up for active service and while they are on it, in accordance with the Reserve Force Law.

E- Military personnel of the allied forces and civilians attached to them if they reside in the territory of the Kingdom of Bahrain, unless there are international treaties or conventions stipulating otherwise.

F- Prisoners of war.

**Article (13)**

Any person subject to the provisions of this Law who commits one of the crimes stipulated in the Penal Code or in any other law as a perpetrator or accomplice inside or outside the Kingdom, shall be deemed to have committed a military crime and shall be subject to the jurisdiction of the Military Courts, and shall be punished with the penalty prescribed for them in those laws.

**Article (14)**

Any person subject to the provisions of this Law who commits outside of the Kingdom an act that makes him a perpetrator or an accomplice in a felony or misdemeanour falling within the jurisdiction of the Military Justice, shall be punishable in accordance with its provisions, even if it is not punished with the law of the State in which it occurred.

However, if the act is punishable, this shall not exempt him from a second trial before the Military Courts, however the period of the sentence he has served shall be taken into account.

**Article (15)**

If a person subject to the provisions of this Law commits a crime as a perpetrator or accomplice with one or more persons not subject to its provisions, the Military Justice shall have the right to refer him to the ordinary courts for trial.

**Article (16)**

As an exception from the provisions of the Juvenile Law, the Military Justice shall have jurisdiction to ruling upon crimes committed by juveniles subject to the provisions of this Law, as well as crimes committed by juveniles in respect of whom its provisions apply if the crime is committed with one or more of those subject to the provisions of this Law.

When a juvenile commits one of the crimes mentioned in the Juvenile Law, the penalties mentioned in it shall apply to him.

The Military Prosecution shall have the jurisdictions stipulated in the Juvenile Law.

**Article (17)**

Without prejudice to the provisions of Article (3) of this Law, the Military Justice shall have jurisdiction to consider the crimes committed by those subject to its provisions, even if they are discharged from service, whenever the crimes at the time of their occurrence fall within its jurisdiction, unless they have lapsed by the lapse of the period.

**Part Two**

**Military Prosecution**

**Chapter One**

**Regulation and Jurisdiction of the Military Prosecution**

**Article (18)**

The Military Prosecution shall be charged with filing and conducting lawsuits within the jurisdiction of the Military Justice before Military Courts, implementing final rulings, and supervising areas of arrest, detention, and military prisons.

**Article (19)**

The Chief of the Military Prosecution shall undertake the work of the Military Prosecution, supervise the application and implementation of the Law, and shall be assisted by a sufficient number of members of the Military Prosecution. He shall have the right to assign them to work in which he is fully or partially competent.

**Article (20)**

The Military Prosecution shall be indivisible and shall carry out the authorities of investigation and accusation, its members shall carry out their work on behalf of its Chief, and any of its members shall replace the other and shall finish the procedures initiated.

**Article (21)**

The Military Prosecution shall exercise, in addition to the jurisdictions entitled to in it in accordance with the provisions of this Law, the functions and powers granted to the Public Prosecution and to the judges assigned to conduct the investigation in implementing the provisions of this Law.

**Article (22)**

The Commander-in-Chief shall have the right to form an internal or joint investigation authority in any case of necessity.

**Article (23)**

The Chief, representatives, and members of the Military Prosecution and all members of the Military Judicial Police in performing their functions, shall be subject to the supervision and control of the Director of the Military Justice.

**Chapter Two**

**Investigation Procedures**

**Article (24)**

The Military Prosecution shall have the right to, when it deems it necessary to summon any accused subject to the provisions of this Law, issue an order to summon him to appear through his unit, or order him to be arrested qnd brought, as the case may be.

**Article (25)**

The Summons shall include the name of the accused, the unit to which he belongs, the charge against him, the date of the order, the time of attendance, the signature of the Military Prosecution member, and the official seal.

**Article (26)**

If the accused does not appear after being summoned, without an acceptable excuse, or if it is feared that he will escape, or if he has no known place of residence, or if the crime is committed red-handed, the Public Prosecution member shall have the right to issue an order to arrest and bring the accused even where the incident is not one that allows putting the accused under provisional detention.

**Article (27)**

The home inspections shall only be carried out by an order of the Military Prosecution, and the inspection procedures shall follow the applicable rules in accordance with the Law.

This shall not prejudice the right of commanders to inspect units and individuals in accordance with military orders, regulations, and instructions.

**Article (28)**

Members of the Military Judicial Police, in felonies and misdemeanours, shall have the right to inspect camps, institutions, barracks, objects, aircraft, ships, military vehicles, or areas occupied by the military for the benefit of the Defence Force, wherever they are located, after notifying the commander of the unit in which the inspection takes place.

The inspection shall be to search for objects related to the crime for which evidence is being collected or investigated.

However, if it appears accidentally during the inspection that there are objects the possession of which shall be considered a crime, or that they are useful in detecting the investigation of another crime, they shall be seized.

**Article (29)**

The disposing of the investigation, pretrial detention, and release of the accused shall be carried out in accordance with the rules provided for in the Law, provided that the Military Prosecution shall comply, when issuing the referral order in felonies and cases in which an officer is accused, to obtaining permission from the Commander-in-Chief of the Defence Force.

**Article (30)**

The investigation procedures and the results thereof shall be considered as secrets. Members of the Military Prosecution, members of the Judicial Police, their expert assistants, and others who contact or attend the investigation due to their job or profession, shall not disclose them, otherwise they shall be subject to the penalties prescribed by Law.

**Part Three**

**Military Judicial Police**

**Article (31)**

The members of the Military Judicial Police shall include:

**A-** The Chief, representatives, and members of the Military Prosecution.

**B-** Officers and non-commissioned officers of the Military Police.

**C-**Officers, non-commissioned officers, and employees of intelligence and military security.

**D-** Officers and non-commissioned officers who are granted this authority by a Decision from the Commander-in-Chief regarding the work they are assigned to.

**E-** Whoever is entitled to this capacity by virtue of other laws or decisions issued implementing them.

Members of the Military Judicial Police shall be assisted in their work by units and arms commanders and non-commissioned officers of the Defence Force concerning their subordinates, or crimes committed in their areas of work.

**Article (32)**

The members of the Military Judicial Police shall have, within the limits of their jurisdiction, all the powers prescribed for those who have the capacity of Judicial Police in accordance with the Law, and they shall exercise their work in accordance with the provisions and procedures stipulated therein, in regard to matters that for which no text is specifically provided in the Military Penal Code. They shall also have the authority – each within their respective jurisdiction – to inspect those entering or exiting military operation areas or areas determined by military decisions, orders, regulations, and instructions.

**Article (33)**

In the case of crimes caught in the act which fall within the jurisdiction of the Military Justice, and in the absence of a member of the Military Judicial Police at the scene of the crime, the person who has the capacity of Judicial Police in the civil judiciary shall undertake the Judicial Police work prescribed by Law.

He shall take the initiative to write a report signed by him, indicating the details of the incident, the time and place of its occurrence, the data and descriptions of the perpetrator, and the seized objects, as well as all the information he obtained, and he shall inform the competent Military Judicial Officer of what was done in this regard, with handing over the special report and the seized items to complete the investigation.

**Article (34)**

Members of the Military Judicial Police shall record all the measures they take in minutes signed by them, indicating the time of taking the measure, its date, and place of its occurrence.

Upon the completion of the investigation, they shall submit the minutes and seized items, accompanied by a summary of the case, to the commander or the competent Military Prosecution, as the case may be.

**Part Three**

**Military Courts**

**Chapter One**

**Types and Formation**

**Article (35)**

Military Courts shall be:

A- The Supreme Military Court of Appeal.

B- The High Military Court.

C- The Lower Military Court.

D- The Special Military Court.

Each one of them shall have jurisdiction to consider matters brought before it in accordance with the Law.

**Article (36)**

The High Military Court of Appeal shall be composed of three judges presided over by the most senior of them, provided that his rank shall not be less than a Colonel or Lieutenant Colonel, and shall be a representative of the Military Prosecution.

**Article (37)**

The High Military Court shall be composed of three judges presided over by the most senior of them, provided that his rank shall not be less than a Lieutenant Colonel or Major, and shall be a representative of the Military Prosecution.

**Article (38)**

The Lower Military Court shall be composed of a single judge with the rank of Captain. It shall be permissible for the Court to be composed of a judge with the rank of First Lieutenant and a representative of the Military Prosecution.

**Article (39)**

Every Court shall have a clerk who shall record the proceedings of the hearing in minutes under the supervision of its President.

**Article (40)**

No military member shall be subjected to trial before a Court whose president holds a more junior rank than his.

**Article (41)**

If the President of The High Court is of a lower rank than the accused, the Commander-in-Chief shall form a Special Military Court presided over by a senior officer. This provision shall apply to The Supreme Military Court of Appeal or upon re-trial.

**Article (42)**

If The Special Court cannot be formed due to the absence of an officer with a more senior rank than the accused, the Court shall be formed under the presidency of an officer of the same rank.

**Article (43)**

Military judges shall be appointed from among the officers of the Military Justice by a Decision from the Commander-in-Chief. It shall be permissible for them to be appointed from among the Defence Force officers, upon the formation of The Special Courts, if necessary.

**Article (44)**

The formation of Military Courts and the determination of their premises shall be issued by a Decision from the Commander-in-Chief.

**Article (45)**

The provisions on recusal stipulated in the Law shall apply to the President and members of the Military Courts.

**Chapter Two**

**Jurisdictions of Military Courts and Trial Procedures**

**Section One**

**Jurisdictions of Military Courts**

**Article (46)**

The Military Courts shall have the jurisdiction to rule upon lawsuits pertaining to crimes committed by persons subject to the provisions of this Law.

**Article (47)**

The Supreme Military Court of Appeal shall have the following jurisdiction:

A- Ruling upon the appeal against rulings issued by The High Military Courts.

B- Ruling upon conflicts of jurisdiction between Military Courts, with the exception of the crimes of Section Two of this Law.

C- Ruling upon requests for reconsideration of the final rulings issued for penalties in the Articles of felonies and misdemeanours, in the cases stipulated in the Law.

D- Ruling on requests for rehabilitations.

**Article (48)**

The High Military Court shall have the following jurisdiction:

A- Ruling upon felony lawsuits and related crimes, in accordance with the provisions of the Law.

B- Ruling upon the appealed rulings issued by the Lower Military Courts.

C- Ruling upon all lawsuits in which an officer is accused, regardless of the type of crime.

**Article (49)**

The Lower Military Court shall have jurisdiction to rule upon lawsuits of misdemeanour and violations, in accordance with the provisions of the Law.

**Article (50)**

Civil claims shall not be admissible before Military Courts, which shall have the authority to issue restitution and confiscations in accordance with the provisions of the Law.

It shall have the right to issue the attachments if the funds in question are owned by the Bahrain Defence Force.

**Section Two**

**Trial Procedures**

**Article (51)**

The President of the Military Court shall, after registering the lawsuit at the clerks, assign the Military Prosecution, the accused, and the witnesses to attend the trial hearing that he determines.

The summons of the accused and the witnesses affiliated with the Defence Force shall be by virtue of a Summons, which shall be communicated to them at least twenty-four hours before the hearing, or through the units they follow.

The prisoner shall be summoned by the Director of the prison or his representative.

It shall be permissible for witnesses who are not affiliated with the Defence Force to be summoned by virtue of a Summons sent to them directly or through the competent administrative authorities.

**Article (52)**

If the accused does not appear before the Military Court after being legally notified, the Court shall defer the lawsuit, or order either him to be arrested and brought to the next hearing, or to re-notify him with a warning that if he does not attend the aforementioned hearing, the Court shall rule upon the lawsuit.

The Court shall investigate the lawsuit before it, as if the accused were present.

**Article (53)**

The Court hearings shall be public.

However, the Court shall have the right, in consideration of public order and morals or the preservation of military secrets, to order the consideration of all or part of the lawsuit in a closed hearing, prevent certain individuals from attending it, or prevent any news to be published about it.

**Article (54)**

A report shall be drawn up of all what takes place during the trial, and each page thereof shall be signed by the President of the Court. This report shall include the date of the hearing, with mention whether it is public or closed, the names of the judges, the clerk, and the member of the Public Prosecution who assisted in the hearing, the names of the litigants and their attorneys, summary of the testimony of witnesses, the statements of the litigants, also reference shall be made in it to the documents that were recited as well as all measures taken, the requests submitted during the consideration of the lawsuit, the decisions taken in their regard, the rulings rendered, and all other things that took place during the hearing.

**Article (55)**

The control and direction of the hearing shall be vested to its President. To this end, he shall have the right to send out of the Court room in which the hearing is being held, anyone who disturbs the order of the hearing. If he does not submit, the Court shall have the right to immediately rule that he shall be detained for twenty-four hours, or fined.

If the disruption was committed by a military personnel, the Court shall have the right to impose on him disciplinary penalties.

Until the end of the hearing, the Court shall have the right to revoke the ruling it issued.

**Article (56)**

The Court, in its ruling, shall have the right to change the legal description of the incident attributed to the accused, and it shall also have the right to amend the charge adding the aggravating circumstances according what the investigation or the oral pleadings may reveal, even if they are not mentioned in the referral order.

It shall have the right to fix every material error and correct every inadvertence in the accusation statement contained in the referral order or the Summons. The Court shall alert the accused to this change, and grant him a deadline to prepare his defence of the new description or amendment, if he so requests.

**Article (57)**

The representative of the Military Prosecution shall submit to the Court a true copy of the criminal record certificate of the accused or his service forms for guidance when ruling.

**Article (58)**

If the person accused of a felony does not have an attorney for his defence, the President of the Military Court shall assign an attorney for him from among the officers of the Military Justice for his defence, or assign him a civil attorney in accordance with the provisions of the Law.

**Part Three**

**The Ruling**

**Article (59)**

The judge shall issue the ruling according to the beliefs he has formed in complete freedom. However, it shall not be permissible for him to base his ruling on any evidence that was not presented during the hearing, and any statement which is established to have been made by an accused persons or witnesses under coercion or threats, shall be disregarded and not relied upon.

**Article (60)**

The President shall begin to take votes on the ruling starting with the newest members, the rulings shall be pronounced by a majority vote.

**Article (61)**

The death sentence shall only be pronounced by unanimously.

**Article (62)**

The ruling shall be issued in a public hearing, even if the trial is closed. It shall be signed by the President and members of the Court before it is pronounced, and shall be recorded in the minutes of the hearing.

The Court shall have the right to order taking all necessary measures to prevent the accused from leaving the court room before pronouncing the sentence, or to ensure his presence in the hearing to which the ruling is deferred, even if this necessitates ordering his detention if the incident allows for provisional detention.

**Article (63)**

The ruling shall include the reasons on which it was based, a statement of the incident, the circumstances in which it occurred, the response to every substantial request, or a substantive plea, and it shall refer to the text of the Law under which it was ruled.

**Chapter Four**

**Investigation and Trial Procedures in War Service**

**Article (64)**

A person shall be considered to be in war service in the case where the military unit or force to which he belongs is in military operations.

A military unit or force shall be deemed to be in war service, inside or outside of the Kingdom, if it is present in the areas of military operations, clashing with the enemy, is about to clash, or in other cases specified by an order of the Commander-in-Chief .

Disobedient and armed gangs shall be considered as enemy.

**Article (65)**

The Military Prosecution shall, during the military service, exercise its jurisdiction in the manner specified in the Law.

**Article (66)**

If the Military Prosecution is not present during the military service, the commanders shall exercise its jurisdictions and shall have all its powers.

The commander shall have the right to, during military service, assign one of his subordinate officers the functions of the Military Prosecution within the limits of his area of jurisdiction.

**Article (67)**

The commander, during military service, shall have the authority to order the provisional detention and release of the accused, and he shall notify his High Command of the orders of provisional detention and release issued to officers.

In all cases, the Commander-in-Chief shall be notified of this.

**Article (68)**

Commanders shall have the right to dispose of investigations falling within their jurisdiction by maintaining, imposing a disciplinary penalty, or referring to Field Courts or Military Courts.

It shall be permissible, when necessary, to refer the accused directly to the Field Court without an investigation based on a memorandum from the competent commander, and after taking his statements.

**Article (69)**

During military service, Field Courts shall be formed by order of the Commander-in-Chief or whoever he authorises. In case of necessity, they shall be formed by the commander of the Force, and their jurisdiction shall be limited to considering the crimes stipulated in Section Two of this Law.

The Field Courts shall apply the rules and procedures stipulated in this Law, and they shall have the right to not abide by them, if necessary. In all cases, the right of the accused to defend himself shall be guaranteed in accordance with the Law.

The death sentence shall be unanimous.

**Article (70)**

The President and members of the Field Court, who are not members of the Military Justice, shall take the oath stipulated in Article (10) of this Law before the start of the trial, this shall be done in the presence of the accused and shall be recorded in the trial procedures.

**Chapter Five**

**Validity of Rulings and Ways of Appeal**

**Article (71)**

The ruling issued by the Military Courts of acquittal or conviction shall have the force of res judicata after the ordinary methods of appeal have been exhausted or has been ratified as prescribed.

**Article (72)**

Rulings issued by Military Courts shall be subject to appeal, with the exception of rulings issued for crimes of Section Two of this Law.

**Article (73)**

The ruling issued for death penalty for the crimes stipulated in the Penal Code or in other penal laws shall be considered contested by the force of law before The Supreme Military Court of Appeal, and the Chief of the Military Prosecution or his representative shall present the case before this Court within sixty days from the date of the issuance of the ruling, accompanied by a memorandum of his opinion, and this shall result in the suspension of the execution of the ruling.

**Article (74)**

It shall be permissible to request a review of the final rulings issued of the penalty in matters of felony and misdemeanour before The High Military Court of Appeal in the cases stipulated in the Cassation Court Law.

**Article (75)**

If the incident includes several crimes of the ones stipulated in Section Two of this Law and of the crimes stipulated in other laws and these crimes are indivisibly linked, the cases of appeal or ratification shall be determined according to the description of the most severe crime.

**Article (76)**

Without prejudice to the provisions stipulated in this Law, final rulings issued by Military Courts shall not be subject to appeal by way of cassation.

**Article (77)**

A Military Appeals Office shall be established by a Decision of the Commander-in-Chief, presided over by a military judge, who shall receive the appeals submitted by the concerned parties in the rulings issued against them, and refer them to the competent court in accordance with the provisions of the Law. He shall also receive the grievances submitted to him regarding the military rulings issued for the crimes stipulated in Section Two of this Law, and shall submit them to the Director of the Military Justice accompanied by with his opinion thereon.

**Article (78)**

The grievance submitted before the ratification of the ruling shall be submitted directly to the Commander-in-Chief or whoever he authorises to rule upon it.

**Article (79)**

It shall be permissible to file a grievance against the ratified rulings, if it is based on the same reasons that require a appeal by way of cassation or reconsideration, in accordance with the cases stipulated in the Cassation Court Law. The grievance shall be submitted, along with the opinion of the Director of the Military Justice, to the Commander-in-Chief, who shall have the right to use any of the powers legally to which he is entitled in ratifying the rulings.

**Article (80)**

The Director of the Military Justice shall have the right to, on his own initiative or upon a request from the concerned parties, submit to the Commander-in-Chief a reasoned memorandum requesting the rectification of the ruling issued by The Supreme Military Court of Appeal or by The High Military Court in its appeal capacity, in matters of felony and misdemeanour in case of violation of the Law, error in its implementation or interpretation, or the nullity of the procedures that affected the ruling.

In this case, the Commander-in-Chief shall form another Military Court with a new authority to rule upon the case.

**Chapter Six**

**Ratification and Implementation of Rulings**

**Article (81)**

Rulings issued by Military Courts in the crimes stipulated in Section Two of this Law shall not be considered final except after being ratified by the Commander-in-Chief or whoever he authorises. Other military rulings shall be considered effective after exhausting the methods of appeal stipulated in this Law.

**Article (82)**

The Director of Military Justice shall submit the recommendations related to the rulings of the Military Courts subject to ratification to the Commander-in-Chief or whoever he authorises, and he shall, for this purpose, have the right to do the following: -

**A-** Repealing the penalties imposed, replacing them with a lesser penalty, or mitigating them.

**B-**Suspending the implementation of all or part of the penalties.

**C-**Cancelling the ruling while dismissing the lawsuit or ordering a re-trial before another Military Court, in which case the Decision shall be reasoned.

**Article (83)**

If the ruling of acquittal is issued after a re-trial, it shall be ratified in all cases. If the ruling is a conviction, the Commander-in-Chief shall have the right to cancel the penalty or replace it with a lesser penalty, mitigate it, or suspend its implementation.

**Article (84)**

The following rulings shall not be implemented unless ratified by the King:

**A-**Rulings issued for death sentence.

**B-**Rulings issued for dismissal, termination of service, or demotion of rank for officers.

**Article (85)**

The implementation of the death sentence shall be by shooting.

**Article (86)**

Liberty-depriving penalties shall be carried out in military prisons, and if they are accompanied by dismissal or termination of service, it shall be permissible for them to be implemented in civil prisons.

**Article (87)**

The duration of provisional detention shall be calculated from the duration of the liberty-depriving penalty.

**Article (88)**

The financial penalties imposed shall be implemented in the ways stipulated in the Law.

**Article (89)**

The Commander-in-Chief shall have the right, in the case of military service, general mobilisation, or martial rulings, to order the suspension of the implementation of any ruling issued by the Military Courts.

He shall have the right to cancel the order at any time, in which case the penalty or the remainder thereof shall be implemented.

**Section Two**

**Crimes and Penalties**

**Part One**

**General Provisions**

**Article (90)**

Crimes shall be divided into three types: Felonies - Misdemeanours - Violations.

The type of crime shall be determined by the type of penalty prescribed for it in the Law.

**Article (91)**

Penalties imposed by Military Courts shall be as follows:

**A - Original penalties:**

1. Death.

2. Life imprisonment.

3. Temporary imprisonment.

4. Imprisonment.

5. Fine.

**B - Consequential penalties:**

1. Dismissal from the military service.

2. Termination.

3. Demotion of rank or grade to one or more lower ranks or grades.

4. Denial of seniority in rank or delay of promotion.

5. Denial of any medal or insignia.

C - All ancillary and supplementary penalties prescribed in accordance with the Law.

**Article (92)**

If the officer is sentenced to a liberty-depriving penalty, the sentence shall be accompanied by the demotion of his rank to a Soldier and the termination of his service, and if the penalty is for a crime involving a breach of honour or trust, the sentence shall be accompanied by dismissal from service.

**Article (93)**

If the individual is sentenced to a liberty-depriving penalty for a period exceeding six months, the sentence shall be accompanied by the termination of his service, and if the penalty is for a crime involving a breach of honour or trust, the sentence shall be accompanied by dismissal from service.

**Article (94)**

In the scope of application of the provisions of Section Two of this Law, the Military Court shall have the right to rule upon the prescribed penalty or any lower penalty.

**Part Two**

**Enemy-Related Crimes**

**Article (95)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with death penalty:

A- Leaving, delivering, in a disgraceful manner, a point, place, location, or centre to the enemy.

B- Disposing of his weapons, ammunition, duties, or equipment in a disgraceful manner before the enemy.

C- Facilitating the entry of the enemy into the territory of the Kingdom, or any territories of the Kingdom under which there is sovereignty or authority, or delivering cities, forts, installations, sites, ports, warehouses, factories, ships, aircraft, means of transportation, weapons, ammunition, military equipment, supplies, food, medicines, or other things prepared for the defence or used in that, without exhausting all means of defence that he has, or without doing all that is required by duty and honour.

D- Delivering or disclosing to the enemy, or to anyone who works for it – in any form and in any way and by any means – a Defence secret or reaching in any way to obtain one of these secrets, with the intention of handing it over or disclosing it to the enemy or to anyone who works for it, harming the defence of the Kingdom, the Defence Force, or damaging – for the benefit of the enemy – something that is considered a Defence secret, or making it unfit to be benefited from.

E- Supplying the enemy with weapons, ammunition, or supplies, or handing over any person under his command or helping him to achieve his objectives.

F- Writes or communicates to the enemy news or data about treason, or communicates with it himself or through others in any way.

G- Offering the enemy to surrender or ceasefire or raising its flag, or accepting the ceasefire offered to him, out of treason or cowardice, or without having legal authority to do so, or without an explicit order.

H- Broadcasting, publishing, or repeating during military service – by any means – news, data, or rumours with the intention of causing panic, terror, or failure among the forces, and such news, data, or rumours would have led to the achievement of that purpose.

I- Deliberately not carry out the operations duty assigned to him, prepare for it, implement it, complete it, secure it.

J- Obstructing or seeking to obstruct the victory, progress, movement, or securing of the forces or any section thereof.

K- Harming the military operations or intending to harm them by any act or conduct that would achieve that purpose.

I- Misbehaving or inducing others to misbehave in a manner that displays cowardice.

**Article (96)**

Any person subject to the provisions of this Law who commits one of the crimes referred to in the previous Article unintentionally, through negligence, lack of precaution, dereliction of duty, or making it easy to commit due to his mistake, dereliction, negligence, or lack of precaution, shall be punished with life imprisonment.

**Article (97)**

Any person subject to the provisions of this Law who has knowledge of one of the crimes stipulated in this Part and fails to report it immediately, shall be punished with temporary imprisonment.

**Article (98)**

Any enemy who enters in disguise a war site, military centre, military institution, military workshop, camp, or any of the location affiliated with the Defence Force, shall be punished with death.

**Part Three**

**Crimes of Captivity and Mistreatment of the Wounded**

**Article (99)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with death penalty:

A- Was taken captive for not taking the necessary precautions due to his violation of orders or for deliberately neglecting his duties.

B- Falling into the hands of the enemy and regaining his freedom under the condition that he will not carry a weapon against him afterwards.

C- Falling into captivity and being given the choice to return back home but refused, or being able to return but chose not to.

D- After being captured, he voluntarily joined the enemy armed forces, or voluntarily carried out any act in the service or assistance of the enemy, or disclosed to the enemy information affecting the security and safety of the Defence Force or the allied forces.

E- Extending his protection – by himself or through others – to a captive or any of the enemy’s detained nationals, hiding him, or facilitating his escape, and did not hand him over to the competent authorities.

**Article (100)**

Any enemy prisoner who is captured again or arrested and has broken the covenant by carrying arms against the Kingdom of Bahrain, shall be punished with death.

**Article (101)**

Anyone who, in the military operations area, commits the theft of a deceased, wounded, or sick soldier, even from the enemy’s side, shall be punished with life imprisonment.

**Article (102)**

Whoever inflicts an act of violence on a wounded or sick soldier who is unable to defend himself shall be punished with life imprisonment.

**Part Four**

**Crimes of Rebellion and Disobedience**

**Article (103)**

Any person subject to the provisions of this Law who commits one of the following crimes, shall be punished with death penalty:

A- Causes a rebellion in the Defence Force or any force of an allied State, conspires with any other person(s) to cause such a rebellion, or attempts to persuade any person in the Defence Force to join any rebellion or sedition.

B- Joined or witnessed an rebellion in a unit of the Defence Force or any force of an allied State, and did not make an effort to suppress it.

C- Becomes aware of the existence of a rebellion or of an intention to carry out a rebellion in the Defence Force or in any force of an allied State and does not immediately report to his supreme commander or to any officer acting on his behalf.

**Article (104)**

Any person subject to the provisions of this Law who disobeys while carrying his weapon during military service within a group of persons who meet and refuse to obey the orders of their superiors, shall be punished with death.

The penalty shall be life imprisonment if the crime is committed in a state other than war service.

**Article (105)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with death penalty:

A- Performs an act that aims at overthrowing the ruling regime, deviating from the obedience of the King of the Kingdom of Bahrain, altering the economic or social systems of the Kingdom, or opposing the public policy pursued by the Kingdom in the internal or external affairs, or agreeing with others to do so.

B- Promote or favour – in any way – among the Defence Force one of the acts referred to in the preceding paragraph, or fail to report such promotion or favour.

**Part Five**

**Crimes Against Service and Guard Duties**

**Article (106)**

Any person subject to the provisions of this Law who commits one of the following crimes during war service, shall be punished with death penalty:

A- Sleeping while performing a duty of service, surveillance, or guarding.

B- Leaving his guard, post, patrol, or position without having received orders to do so from his superior officer.

C- Leaving the point he is assigned to patrol before he duly receives his replacement.

D- Disclosing, by treason, the password, passcode, response signal, or code to a person who has no right to have knowledge of them.

The punishment shall be life imprisonment if one of these crimes is committed in a state other than war service.

**Article (107)**

Any person subject to the provisions of this Law found intoxicated while in war service, shall be punished with life imprisonment.

The punishment shall be imprisonment if the crime is committed in a state other than war service.

**Part Six**

**Crimes of Looting and Destruction**

**Article (108)**

Any person subject to the provisions of this Law who damages, defects, or impairs weapons, ships, aircraft, missions, means of transportation, public utilities, ammunition, supplies, medicines, or other property of the Defence Force, or poorly manufactures or repairs them, or performs an act that would render them unfit – even temporarily – for use in what they are prepared for, or that results an accident, during war service, shall be punished with death penalty.

The penalty shall be life imprisonment if the crime is committed in a state other than war service.

**Article (109)**

If the crime stipulated in the previous Article is committed negligently during war service, the penalty shall be imprisonment for a period not exceeding five years.

The penalty shall be imprisonment in a state other than war service.

**Article (110)**

Any person subject to the provisions of this Law who commits one of the following crimes during war service, shall be punished with death penalty:

A- Intentionally destroys property or renders it unusable without an order from his superior officer.

B- Forcibly storms any house or place with the intention of looting.

The penalty shall be life imprisonment if the crime is committed in a state other than war service.

**Article (111)**

Any person subject to the provisions of this Law who misuses his weapons, materiel, missions, tools, clothes, supplies, military documents, or any other items disbursed to him for his own use or entrusted to him for military purposes, shall be punished with imprisonment.

The penalty shall be imprisonment for a period not exceeding six months and a fine not exceeding one-hundred Dinars or one of these two penalties, if the crime is committed out of negligence.

**Part Seven**

**Crimes of Theft and Embezzlement**

**Article (112)**

Any person subject to the provisions of this Law who commits one of the following crimes, shall be punished with temporary imprisonment:

A- Steals, sells, mortgages, exchanges, or conceals in bad faith any papers, materials, funds, or items belonging to the Defence Force or other allied forces.

B- Steals property or items belonging to others, or agreed on owning or possessing them, knowing that they are stolen or embezzled.

C- Embezzles money or items belonging to the Defence Force or other allied forces, or uses them for his personal benefit and has the authority to seize them.

**Article (113)**

Theft of Defence Force weapons or ammunition shall be punishable by life imprisonment.

**Article (114)**

Whoever conceals, mortgages, transports, purchases, or otherwise acquires objects, equipment, ammunition, weapons, or any other property of the Defence Force knowing that it is stolen, shall be punished with the penalty prescribed for the original crime.

**Part Eight**

**Crimes of Assault against Commanders and Superiors**

**Article (115)**

Any person subject to the provisions of this Law who assaults his superior officer during war service, commits violence against him, or uses threatening, disobedient, or insulting words towards him, shall be punished with life imprisonment.

The penalty shall be imprisonment if it is committed in a state other than war service.

**Article (116)**

Any person subject to the provisions of this Law who insults the flag, disparaging the Defence Force, undermines its dignity, reputation, or the morale of its members, or anything that weakens the spirit of the order, obedience to the superiors, or the respect due to them, shall be punished with life imprisonm\ent.

**Part Nine**

**Crimes of Misuse of Authority**

**Article (117)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with temporary imprisonment:

A- Forcibly compelling any person to carry or transport an object or provide supplies without permission to do so.

B- Imposing any consideration on the sale of supplies or goods brought to any camp, point, or barracks, if he holds any authority therein, or on the sale of equipment and supplies brought for the use of the Defence Force, or receives any consideration or demands any interest related to any supplies or provisions/livelihoods, or he has any benefit from such sale in any way.

**Article (118)**

Any person subject to the provisions of this Law who, during war service, assaults and beats, humiliates, or mistreats, in any way, a person of the same or lower rank than him, inside military premises, or during or because of performing his job duties, shall be punished with temporary imprisonment.

The penalty shall be imprisonment if it is committed in a state other than war service.

**Article (119)**

Any person subject to the provisions of this Law who misuses the authority of his position to request money from one of his subordinates, a benefit, or service without a right, shall be punished with imprisonment.

**Article (120)**

Any person subject to the provisions of this Law who misuses the authority entitled to him or uses it to obstruct the implementation of laws or regulations, shall be punished with imprisonment.

**Part Ten**

**Crimes of Violating Military Orders and Instructions**

**Article (121)**

Any person subject to the provisions of this Law who contravenes, while in war service, any lawful order in writing, orally, or otherwise issued to him by his superior officer while carrying out his duties or inciting others to do so, shall be punished with life imprisonment.

The punishment shall be imprisonment if he commits this crime in a state other than war service.

**Article (122)**

Any person subject to the provisions of this Law who neglects the obedience of military orders or instructions, commits one of the prohibitions contained in the laws, regulations, and instructions of the Defence Force, or refrains from performing any duty imposed on him by these laws, regulations, or instructions, shall be punished with imprisonment.

**Part Eleven**

**Crimes Related to Military Service**

**Chapter One**

**Crimes of Desertion and Absence**

**Article (123)**

Any person subject to the provisions of this Law who commits, during war service, one of the following crimes, shall be punished with life imprisonment:

A- Deserts or attempts to desert from service in the Defence Force.

B- Convinces other members of the Defence Force to desert or seeks, plans, or tries to persuade them to do so, or helps them to do so.

C- Becomes aware of the desertion of any member of the Defence Force, or of his intention to desert, does not immediately inform his superior officer or did not take all means in his power to arrest the deserter or whoever intends to desert.

The penalty shall be imprisonment if he commits the crime in a state other than war service.

**Article (124)**

If the crime of desertion is committed by agreement between two or more soldiers during war service, the penalty shall be death.

The penalty shall be life imprisonment if the crime is committed in a state other than war service.

**Article (125)**

Any person subject to the provisions of this Law who commits, during war service, the crime of desertion from the Defence Force using a military means of transport, shall be punished with death.

The penalty shall be life imprisonment if the crime is committed in a state other than war service.

**Article (126)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with life imprisonment:

A- Absence without leave or without an acceptable excuse.

B- Fails to appear at the assembly location or to the meeting place designated to him by his superior officer, leaves any similar place without permission before being replaced by others, or leaves his unit without there being a reasonable reason to do so.

Absence without leave shall be considered desertion if its duration exceeds twenty-one days without an acceptable excuse.

**Chapter Two**

**Crimes of Feigning Illness and Mutilation**

**Article (127)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with life imprisonment:

A- Feigns illness, pretends to be disabled, or deliberately chooses to be sick or disabled.

B- Impairs the function of an organ of his own body, deliberately harms himself, or impairs the function of an organ of another person’s body who is a member of the Defence Force, whether by request or not, with the intention of rendering him unfit for service, or causes harm to an organ of another person’s body using another person with the intention of rendering himself unfit for service.

C- Commits conduct or disobeys an order while in hospital or in other places intended for hospitalisation, with the intention of aggravating the illness or disability, or delaying recovery.

**Article (128)**

Any person subject to the provisions of this Law who attempts to commit suicide shall be punished with imprisonment.

**Part Three**

**Crimes of Fraudulent Entry into Service**

**Article (129)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with life imprisonment:

A- Entry into service in the Defence Force with false data or incorrect information proven in the enlistment paper.

B- Is involved in enlisting a person in the Defence Force, in violation of military laws, with knowledge that such person shall be deemed committing a crime by enlisting in the military service.

C- Intentionally violates any law or regulation relating to enlistment into the Defence Force.

**Part Twelve**

**Crimes Impeding the Course of Justice**

**Article (130)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with imprisoned:

A- Is officially notified of a memorandum or Summons to appear and testify before the Military Courts or Civil Courts, but fails to appear without an acceptable excuse.

B- Refuses, as a witness, to take the oath before the Court despite being legally mandated to do so.

C- Refusing to submit any documents in his possession or at his disposal, requested by the Military Court.

D- As a witness before the Military Court, he refuses to answer a question, even though his answer to the Court is legally required.

**Article (131)**

Whoever commits an act that insults the Military Court Bench, any one of its members, or one of its employees in a manner that violates the respect due to it, influences one of its members or one of its witnesses, because of a pending lawsuit before it, shall be punished with imprisonment. The Court shall have the right to file a lawsuit immediately against the accused and rule upon it after hearing the statements of the Military Prosecution and the defence of the accused. The ruling shall be effective even with the occurrence of his appeal.

If the crime is a felony or misdemeanour of false testimony, the Military Court shall order the arrest of the accused and refer him to the Military Prosecution for investigation and action.

**Part Thirteen**

**Crimes of Infringing the Requirements of the Military System**

**Article (132)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with life imprisonment:

A- Participates in any conference, party, association, organisation, syndicate, or group as a political member, or accepted membership in any of them, or works to publish or distribute books or flyers to support them.

B- Engages in a political act by participating in protests, disturbances, or political meetings against the Kingdom.

C- Gathers military personnel with the intention of submitting a complaint, expressing an opinion, or discussing criticism of the actions of the Defence Force, the Kingdom, or an allied State.

D- Discloses official information or clarifications on military matters to persons who are not authorised to have knowledge of them, or publishes official documents in newspapers or other media outlets, in cases other than those authorised by Law.

E- Publishes in newspapers or other media, an article or information related to military or political matters without the approval of the competent authorities.

**Article (133)**

Any person subject to the provisions of this Law who commits one of the following crimes shall be punished with life imprisonment:

A- Enrolled during service or after its completion within five years to the service of a foreign State without the approval of the competent authorities in the Defence Force.

B- Acquires the citizenship of a foreign State during, or after service within five years, without approval of the competent authorities in the Defence Force.

**Article (134)**

Any person subject to the provisions of this Law who unlawfully publicly assumes a Bahraini or foreign military rank, medal, or insignia, wears a military uniform, or sells or uses it in a manner other than that to which it is assigned, shall be punished with imprisonment.

**Article (135)**

Any person subject to the provisions of this Law who submits a false statement relating to the extension of his leave to any official authority, shall be punished with imprisonment for a period not exceeding one year.

**Article (136)**

Any person subject to the provisions of this Law who commits disgraceful behaviour involving a violation of the dignity of his job or of military customs, or behaves outrageously or abnormally outside the scope of his job, or causes an act, behaviour, disturbance, or negligence that may harm good order and military control, shall be punished with imprisonment.

In order to file a lawsuit against the perpetrator of this crime, it shall be required that the act committed by him shall not constitute a component of a crime stipulated in the Law.

**Part Fourteen**

**Disciplinary Violations and Penalties**

**Article (137)**

The Commander-in-Chief shall have the right to decide to prosecute and subject any person subject to the provisions of this Law to disciplinary action when he violates military discipline and control, or disobeys orders and general instructions or his absence without an acceptable excuse, and he shall impose one or more of the following penalties:

A- Imprisonment for a period not exceeding three months.

B- Detention for a period not exceeding three months.

C- Termination of service.

D- Demotion of rank or grade to one or more lower ranks or grades.

E- Denial of seniority in rank of no more than one year.

F- Delaying promotion for a period not exceeding one year.

G- Salary deduction for a period not exceeding three months.

H- Assignment of additional duties for a period not exceeding one month.

I- Reprimand.

J- Warning.

**Article (138)**

The Commander-in-Chief shall have the right to establish a Disciplinary Military Council empowered to conduct trials for the violations mentioned in the preceding Article and impose one or more of the specified penalties. The Commander-in-Chief shall also have the right to delegate this authority to any commander or officer.

**Article (139)**

The disciplinary penalties that the Disciplinary Military Council, commanders, and officers are entitled to, shall be determined in the Decision issued by the Commander-in-Chief for the establishment of the Disciplinary Military Council or for the appointment of commanders or officers.

**Article (140)**

The Commander-in-Chief shall have the authority to overturn, mitigate, or order a re-trial for rulings issued by the Disciplinary Military Council or by any commander or officer.