

[Translation]

Explanatory note on the draft amendment to clause (b) of Article 105 of the Constitution of the Kingdom of Bahrain

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The draft amendment constituted changing the text of clause (b) of Article 105 of the Kingdom of Bahrain's constitution into the following:

“The law regulates the military judiciary and shows its competencies with regards to Bahrain Defence Force, the National Guard and the Public Security Forces”.

The military justice system of the Bahrain Defence Forces, the National Guard and the Public Security Forces is considered to be the main pillar of Bahrain's judicial system, where it specializes in following up with the judiciary and legal affairs for its security forces' members and their affiliates, especially when it comes to criminal cases. Creating these systems is not only limited to following up on these cases, but aims instead to essentially protect the privacy of the military system, and the privacy of the information it contains, given that it's the armour and shield of the Kingdom of Bahrain.

In light of the crises that the Arab States of the Gulf and the Arab World are going through, such as the spread of terrorism in the region, which pose a great threat to the national security of Gulf Cooperation Council (GCC) countries, and such as the occurrence of multiple regional conflicts that necessitate especial security measures be taken, especially since Bahrain Defence Forces are fulfilling their national and regional obligation to safeguard the security of the GCC states by taking part in many combat missions and military operations that require the deployment of the Armed Forces in and outside of the Kingdom of Bahrain.

It is essential for the military judicial system within the Constitution of Bahrain to be updated in order to achieve the goals and objectives referred to by replacing the text of clause (b) of article 105 with a new paragraph that extends the mandate of the military justice system to include crimes that are defined by the law, in order to achieve and maintain the integrity, prestige and interests of all security forces in the kingdom, and especially the Bahrain Defence Forces, entrusted with defending and protecting the country and securing its independence, sovereignty, and security, considering also that the nature of offenses committed against the security apparatus make the military justice system flexible and speedy in investigating and sentencing. This guarantees the security, safety, and stability of the kingdom.

(Allah Grant Success)