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**Decree No. (12) of 1991 approving the Mutual Assistance in Relating Drug Trafficking Agreement**

We, Isa bin Salman Al Khalifa, Emir of the State of Bahrain.

Having reviewed the Constitution;

The Agreement between the Government of the State of Bahrain and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Mutual Assistance in Relating Drug Trafficking, signed on 2 Dhu al-Hijjah 1410 A.H., corresponding to 24 June 1990;

And upon the submission of the Minister of Interior,

And after the approval of the Council of Ministers,

**Hereby Decree the following Law:**

**Article One**

The Agreement between the Government of the State of Bahrain and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Mutual Assistance in Relating Drug Trafficking, signed in London on 2 Dhu al-Hijjah 1410 A.H., corresponding to 24 June 1990, attached to this Law, has been approved.

**Article Two**

The Minister of Interior shall implement this Law, and it shall come into force from the date of its public in the Official Gazette.

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa**

Issued at Riffa Palace

On 17 Dhu Al-Hijjah 1411 A.H.

Corresponding to 29 June 1991

**Agreement between the Government of the State of Bahrain and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Mutual Assistance in Relating Drug Trafficking**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Bahrain,  Desiring to intensify their collaboration in the fight against drug trafficking;

Have agreed as follows:

**Article (1)**

**Scope of Application**

1- The Parties shall, in accordance with this Agreement, grant to each other assistance in investigations and proceedings in respect of drug trafficking including the tracing, restraining and confiscation of the proceeds and instruments of drug trafficking.

2- This Agreement shall be without prejudice to other obligations between the Parties pursuant to other treaties or arrangements or otherwise, and shall not prevent the Parties or their law enforcement agencies from providing assistance to each other pursuant to other treaties or arrangements.

**Article (2)**

**Definitions**

In applying the provisions of this Agreement, the following words and phrases shall have the meanings indicated next to each of them unless the context of the text indicates otherwise:

a) confiscation: means any measure resulting in the deprivation of property.

b) the restraint of property: means any measure for the prevention of dealing in or transfer or disposal of property.

c) instruments of drug trafficking: means any property which is or is intended to be used in connection with drug trafficking.

d) proceedings are instituted:

1- in the State of Bahrain: when a bill of indictment is lodged in court against any person for a drug trafficking offence.

2- in the United Kingdom: when an information has been laid before a justice of the peace, or when a person is charged with an offence or when a bill of indictment is preferred, or when a petition warrant is granted.

e) proceeds: means any property that is derived or realised, directly or indirectly, by any person from drug trafficking, or the value of any such property.

f) property: includes money and all kinds of moveable or immoveable and tangible.

g) drug trafficking: means any drug trafficking activity referred to in:

1- Article 3 -1 of the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances opened for signature at Vienna on 20 December 1988.

1. 2- any international agreement binding upon both Parties, when such activity is treated as an offence pursuant to that agreement.

h) Calendar: The Gregorian calendar is used to implement this Agreement.

**Article (3)**

**Central Authorities**

1. Requests for assistance under this Agreement shall be made through the central authorities of the Parties.

2. In the United Kingdom the central authority is the Home Office. In the State of Bahrain the central authority is the Ministry of Interior.

**Article (4)**

**Execution of Requests**

1- The Requested Party shall take whatever steps it deems to be necessary to give effect to requests received from the Requesting Party.

2- A request for assistance may be refused in whole or in part:

a - if execution of the request would not be permitted under the law of the Requested Party.

b- if the Requested Party is of the opinion that the request, if granted, would be likely to prejudice its sovereignty, security, national interest or other essential interests.

3- The Requested Party may refuse a request or delay its execution if provision of the assistance sought could prejudice any other investigation or proceedings, prejudice the safety of any person or impose a disproportionate burden on the resources of that Party.

4- Before refusing to grant a request for assistance the Requested Party shall consider whether assistance may be granted subject to such conditions as it deems necessary.

5- The party from whom assistance is requested may request the provision of additional information from the requester in the event that the information provided is insufficient.

6-The rights of bona fide third parties shall be respected.

7- The Requested Party shall inform the Requesting Party of the outcome of the request.

8- The Requesting Party shall promptly inform the Requested Party of any circumstances, including any other enforcement action, which may affect the request or its execution or which may make it inappropriate to proceed with giving effect to it.

**Article (5)**

**Information and Evidence**

1. Either Party may make requests for information and evidence for the purpose of an investigation or proceedings within its territory.

2. Assistance which may be given under this Article includes but is not limited to:

a. providing information and written material or copies thereof

b. obtaining evidence in the form of witness or other statements, documents, records or other evidential material.

c. Searching for and seizing relevant materials, providing information regarding the location and circumstances of the seizure, and seizing the materials until they are delivered.

3. Evidence or material provided under this Article shall be retained by the Requesting Party unless otherwise agreed.

**Article (6)**

**Restraint**

1. In accordance with the provisions of this Article, a Party may request the restraint of property in order to ensure that it is available for the purposes of enforcement of a confiscation order which has been or may be made.

2. A request made under this Article shall include:

a- information establishing that proceedings have been or are to be instituted as a result of which a confiscation order has been or may be made.

b- where applicable, a statement of when proceedings are to be instituted.

c- (1) A summary of the facts of the case, including a description of the crime, the time and place of its commission, the relevant legal texts, the grounds on which the suspicion is based, and a copy of the seizure order.

(2) where a confiscation order has been made, a copy of that order.

d- to the extent possible, a description of the property in respect of which restraint is sought or which is believed to be available for restraint, and its connection with the person against whom the proceedings have been or are to be instituted.

e- where appropriate, a statement of the amount which it is desired to restrain and the grounds on which this amount is estimated.

3. The party requesting assistance must notify the party from whom assistance is requested of the time it will take to refer the case to the court and issue a final ruling therein, and provide him with information about the stage the case has reached.

4. The Requested Party may impose a condition limiting the duration of the restraint.

**Article (7)**

**Enforcement of Confiscation Orders**

1. This Article applies to an order, made by a court of the Requesting Party, for the purpose of confiscating the proceeds or instruments of drug trafficking.

2. A request for assistance in enforcing such an order shall be accompanied by a copy of the order, certified by an officer of the court which made the order or by the central authority, and shall contain information indicating:

a- that neither the order nor any conviction to which it relates is subject to appeal.

b- that the order is in force in the territory of the Requesting Party.

c- where appropriate, property available for enforcement or the property in respect of which assistance is sought, stating the relationship between that property and the person against whom the order has been made.

d- where appropriate, and where known, the interests in the property of any person other than the person against whom the order has been made.

e- where appropriate, the amount which it is desired to realise as a result of such assistance.

3. Where the law of the Requested Party does not permit effect to be given to a request in full, the Requested Party shall give effect to it insofar as it is able to do so.

4. If a request under this Article relates to an amount of money, that amount shall be converted into the currency of the Requested Party in accordance with its domestic law and procedures.

5. Property confiscated by the Requested Party in the enforcement of an order to which this Article applies shall remain with that Party, unless otherwise agreed upon between the Parties.

**Article (8)**

**Costs**

The ordinary costs of executing a request shall be borne by the Requested Party, unless otherwise agreed by the Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the Parties shall consult to determine the terms and conditions under which the request will be executed as well as the manner in which the costs shall be borne.

**Article (9)**

**Language**

Except where otherwise agreed between the Parties in a particular case, requests in accordance with this Agreement and supporting documents shall be drawn up in the language of the Requesting Party and shall be accompanied by a translation into the language of the Requested Party.

**Article (10)**

**Authentication**

Unless otherwise required under domestic law, and without prejudice to Article 7(2) of this Agreement, documents certified by either central authority shall not require further certification, authentication or legalisation for the purposes of this Agreement.

**Article (11)**

**Territorial Application**

This Agreement shall apply:

a- in respect of requests from the State of Bahrain:

1- to England and Wales and Scotland.

2- upon notification by the United Kingdom to the State of Bahrain through the diplomatic channel, to Northern Ireland, the Channel Islands and the Isle of Man.

3- to any territory for the international relations of which the United Kingdom is responsible and to which this Agreement shall have been extended by agreement between the Parties, subject to either Party being able to terminate such extension by giving six months' written notice to the other through the diplomatic channel.

b- in respect of requests from the United Kingdom, to the State of Bahrain.

**Article (12)**

**Final Provisions**

1- Each of the Parties shall notify the other Party as soon as possible in writing through the diplomatic channel of the completion of its respective requirements for the entry into force of this Agreement. The Agreement shall enter into force on the first day of the month following the expiration of 30 days after the date of the later of these notifications.

2-The Agreement shall apply to a request made pursuant to it whether or not the drug trafficking to which the request relates occurred prior to the Agreement entering into force.

3- It may be terminated by either Party by giving notice to the other Party through the diplomatic channel and shall continue to apply to any request received before the date of termination.

4- The Agreement shall cease to be effective six months after the date of receipt of notice of termination.

**Article (13)**

This Agreement was drawn up in two original copies in Arabic and English, each of which has the same legal authority, and was signed by the representatives of the two governments authorized in this regard on the 2nd of Dhu al-Hijjah of 1410 A.H., corresponding to June 24, 1990.

**For the Government of the State of Bahrain**

**For the Government of the United Kingdom of Great Britain and Northern Ireland**