

Decree No. 28 of 2012 regarding the ombudsman office and Professional Standards office in NSA

We, Hamad bin Eissa Al Khalifa, King of the Kingdom of Bahrain, after having reviewed the constitution, and Decree No. 14 of 2002 regarding establishment of the National Security Agency and its amendments, and the report of the Bahrain Independent Investigation Committee, especially its recommendation No. 1718 and 1722, and on the basis of the subject submitted by the Prime Minister,

We have enacted as follows:

Article (1)

An independent office of ombudsman is established in the National Security Agency, competent to receive and examine complaints related to ill-treatment by the NSA staff and their violation of the international treaties and laws ratified by the Kingdom of Bahrain, and to conduct inquiries in those complaints when such violations are committed while they are on duty or due to performance of their duty or the NSA has a role in it.

Article (2)

The ombudsman is appointed by a Decree in the rank of Undersecretary of the Ministry, as nominated by the Head of the National Security Agency and recommended by the Prime Minister, for the period of five years, to be renewed further.

By virtue of his experience and personal abilities, he should be distinguished with neutrality and impartiality.

Article (3)

The ombudsman will exercise his powers and duties fully independent of any power or supervision by the National Security Agency in connection with the complaint submitted to him and the related decisions. He will have:

- 1) Safe access to persons and information necessary to examine complaints effectively and precisely.

Ministries, officials and those concerned must provide him with what he asks for in terms of statements, information and documents related to the subject of the complaint.

- 2) To take necessary measures to guarantee security and safety of complainants and their guardians and other persons related to the subject of the complaint.

Article (4)

The ombudsman must:

- 1) Preserve confidentiality and security of the information at NSA.
- 2) Provide the complainants and those complained against with a statement containing enough information about the measures taken to examine the complaints and the results thus concluded unless these statements and information are secret.
- 3) Submit half yearly report about the ombudsman office performance to HNSA.

The HNSA should, within 15 days from the date of receipt of the above report, forward it to the Prime Minister to act as he deems fit.

Place necessary instructions for the ombudsman office work system including receipt of complaints, their registration, and timetable to discuss the complaint, guarantees for the safety, security and privacy of complainants, their guardians and other persons related to the subject of the complainants.

Article (5)

The ombudsman shall be dismissed according to a decree if he breaches his duty, on the basis of recommendations by the HNSA and approval of the Prime Minister.

Article (6)

The ombudsman will be assisted by sufficient numbers of competent staff in performance of his duties and tasks.

Article (7)

The ombudsman shall have two separate security offices as under:

- 1) An office in the NSA HQs for keeping files, papers and information concerning the complainants securely and away from the NSA information and papers.

This office shall be the only place where the ombudsman will conduct inquiries about the NSA staff and examine information related to subject of the complainant.

- 2) An office in the Ministry of Justice, Islamic and Endowment Affairs for receiving complaints and calls and the related information, for keeping papers, records and any other confidential information necessary to make sure of the safety and security of those concerned with the complaints.

Act (8)

In consideration of powers and authorities of the Public Prosecution according to the related valid laws in Kingdom of Bahrain, the Ombudsman must coordinate with the Public Prosecutor's office for implementation of this decree's provisions in a manner not to contradict with the valid laws.

Act (9)

A separate clause in the National Security Agency budget shall be allocated for the Ombudsman office enough to cover all expenses for the office management. Only the Ombudsman has the authority to handle financial allocations earmarked for the said office.

Act (10)

The Premier shall issue an order to set up an office for Professional Standard within the National Security Agency, which will be competent to:

1. Prepare a code of conduct to organize the work of the National Security Agency members, and the Premier shall issue a decree in that connection. The code of conduct should include the principles of human rights which are implemented in Bahrain and internationally and related to the National Security Agency.

2. Prepare and implement regular professional training programmes for National Security Agency members.
3. Receive and examine internal complaints in the National Security Agency and turn over the study results to the concerned authorities to take suitable action in that regard.

Act (11)

Every provision contradicting this decree shall be repealed.

Act (12)

The Premier, ministers and Head of National Security Agency will have to execute the Royal Decree which will be valid from the day following its publication in the official gazette.

King of Kingdom of Bahrain
Hamad Bin Isa Al Khalifa

Deputy Premier
Mohammad Bin Mubarak Al Khalifa

Issued in Riffa palace
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