

## **Royal Decree to establish independent office for Secretary General of Grievances**

Manama, Feb 28 (BNA) - His Majesty King Hamad bin Isa Al Khalifa issued Royal Decree (27) of 2012 to establish an independent office for Secretary General of Grievances at the Ministry of Interior.

Upon reviewing the Constitution, Royal Decree (3) of 1982 with regard to Public Security Forces' system and its amendments, Royal Decree (69) of 2004 with regard to reorganizing the Ministry of Interior and its amendments, the report issued by Bahrain Independent Commission of Inquiry especially recommendations no.1717 and 1722 and the presentation of Deputy Prime Minister;

### **Article I**

The following words and phrases, wherever used in this decree, shall have the meaning as ascribed to them, unless where used the context thereof shall clearly indicate otherwise:

1. Written or oral complaint submitted by a person:
  - a) Claiming being exposed to a vicious act of any kind by any of the public security forces during or due to handling their duties
  - b) Claiming that s/he was negatively impact by the act referred to in item (a)
  - c) Claiming that s/he witnessed this act personally
  - d) Being an attorney of the person exposed to this act

The complaints shall not include the decisions, directives, guidelines and instructions issued by the Minister of Interior or Chief of Public Security, as the case might be

2. Vicious act: To act, initiate an act, refuse to act or continue an act on part of public security forces or any of their personnel breaching the provisions of this decree.
3. Public security personnel: All personnel of public security forces wherever the site of their work.
4. Responsibility of chiefs: Holders of leading or supervisory posts in the public security are responsible for the acts of their personnel, not issuing orders to them to stop the vicious act, not investigating the issue or not punishing them for this act whether having any knowledge or not.
5. Review means to check whether the complaint requires examination or not.
6. Examination means to investigate the complaint and collect and evaluate related evidence.

## **Article II**

An Independent office for Secretary General of Grievances shall be established at the Ministry of Interior and composed of:

1. Secretary General of Grievances and his deputy shall be appointed according to a decree issued upon the recommendations of the Ministry of Interior and the approval of the Prime Minister for five renewable years. They shall be known for their independence, objectivity and integrity.
2. A sufficient number of qualified employees shall be appointed to handle the work of the office upon a decree issued by the Secretary General of Grievances as per the terms and conditions stipulated upon the Ministry of Interior's consent.

Secretary General of Grievances may ask Chief of Public Security for sending a number of personnel affiliated to the public security forces to help him accomplish his mission.

## **Article III**

Secretary General of Grievances shall exercise his authorities and duties with full independence in consideration of the submitted complaints and the related decrees as per the following:

1. Exercising guiding, supervisory and control authorities over Internal Affairs Office at the Ministry of Interior including distribution of work related to the complaints.
2. Assessing necessary expenses of the office established for Secretary General of Grievances
3. Offering recommendations and advice with regard to the work of Internal Affairs Office to achieve the goals referred to in Article VI including the recommendations related to collecting evidence and keeping them.
4. Proposing the appropriate disciplinary penalty applicable to the personnel of public security forces by the competent authority.

## **Article IV**

An independent office for internal affairs shall be established in the Ministry of Interior and its work shall be organized according to a decree issued by the Minister of Interior to tackle the following responsibilities:

Receiving and examining the complaints submitted to any authority against public security personnel as per their responsibilities stipulated herein including their planning, order, agreement, incitement or assistance to commit any criminal or immoral act or refrain from taking any action required by law and also against the chiefs held responsible for committing these violations.

1. Keeping the evidence or the results of the examination with regard to any criminal or immoral act committed by any of the public security personnel.

#### **Article V**

Secretary General of Grievances, his deputy or any of the employees working at his office or Internal Affairs Office may not participate in any work related to himself, his wife and children, any of his relatives, in-laws, anyone having fourth degree of relationship, anyone in his care or anyone sharing him a personal interest.

In case this happens to the Secretary General of Grievances or his deputy, the Minister of Interior shall issue a decree to appoint a replacement, at the request of the Secretary General of Grievances, to check the complaints. However, the replacement shall have the same qualifications required for the appointment of the Secretary General of Grievances.

If the employee working at the office established for the Secretary General of Grievances or Internal Affairs office has any personal interest with regard to any complaint, s/he shall be replaced with another employee from the same office.

#### **Article VI**

Minister of Interior shall issue, according to the recommendations of the Secretary General of Grievances, the necessary decrees for coordinating work process between the office established for the Secretary General of Grievances and Internal Affairs Office with regard to exercising the authorities stipulated hereby provided that the work system of each office achieves the following goals:

1. Efficiency, effectiveness and ability to ensure accountability.
2. Independence and impartiality in a way ensuring the absence of any kind of bias towards any of the parties.
3. Comprehensive and transparent control.
4. Making use of necessary expertise.
5. Get the job done as quickly as required to achieve justice.
6. Protect the privacy and safety of the concerned parties.
7. Inspiring confidence, reassurance and credibility among the public.

8. Avoiding the mistakes previously reported in this regard and amending the policies of public security accordingly to avoid them in the future as well.

#### **Article VII**

The Secretary General of Grievances or his deputy shall be exempted from office in case he fails to perform his duties as per an official decree upon the recommendations of the Minister of Interior and the consent of the Prime Minister.

#### **Article VIII**

The Internal Affairs Office shall investigate the submitted complaints, according to the provisions of the aforementioned decree. It then determines whether it is competent to consider the complaints or it will refer them to the competent authority inside the Ministry of Interior or the office established for Secretary General of Grievances, according to the stated cases and regulations of the aforementioned decree.

#### **Article IX**

The Internal Affairs Office shall be competent to investigate the complaints about claiming that any member of the Public Security Forces (PSF) committed a vicious act that justifies taking disciplinary procedures against this member. In this case, the Internal Affairs Office shall not be entitled to refer the complaint to the office established for Secretary General of Grievances unless the Grievances Secretary General demands this, but on condition that the vicious act has a negative impact on the trust of the public in the Public Security Forces.

#### **Article X**

By taking into account Article 6 of the aforementioned decree, the office established for Secretary General of Grievances and the Internal Affairs Office shall abide by the following when any of them investigates the submitted complaints:

1. Informing the competent entity inside the Ministry of Interior to take disciplinary procedures against any member of the Public Security Forces (PSF) when necessary.
2. Informing the Public Prosecution to take criminal procedures against any of the PSF members when necessary, according to the clarified provisions of Article 14 of the aforementioned decree.
3. Notifying both the complainant and the person complained against as soon as possible about the taken steps to investigate the submitted complaint as well as the results via a statement that contains sufficient and complete information about these steps.

### **Article XI**

The Internal Affairs Office shall deliver any complaint as soon as possible to the office established for Secretary General of Grievances in any of the following cases:

1. When the complaint includes an incident of death, physical abuse or severe ill-treatment during or after dealing with a PSF member.
2. When any vicious act by any of the PSF members leads to a negative impact on the trust of the public in the Public Security Forces (PSF).
3. When the Grievances Secretary General demands this.

Cases (1) and (2) include the complaints submitted against the Ministry of Interior or any member of the Public Security Forces (PSF).

### **Article XII**

The office established for the Secretary General of Grievances shall be competent to review the submitted complaints, according to the provisions of the aforementioned decree. Besides considering the issues referred to it by the Internal Affairs Office, the office established for Secretary General of Grievances shall also be competent to investigate the most serious complaints, according to what the Grievances Secretary General decides in this regard, even if it is rendered a kind of interference in the competence of the Internal Affairs Office.

### **Article XIII**

Without prejudice to the provisions of the applicable laws in the Kingdom of Bahrain, the Secretary General of Grievances, the employees in his office and the Internal Affairs Office shall have the necessary powers to investigate the submitted complaints, according to the provisions of the aforementioned decree and its decisions as follows:

1. The possibility to seek places, information, data and documents, including what is saved on computers.
2. Seeking information or evidence from any person.

The relevant ministries and officials shall facilitate the mission of the employees of the office established for Secretary General of Grievances and the Internal Affairs Office by providing them with whatever they request of data, information or documents that are related to the subject of the complaint.

### **Article XIV**

The office established for Secretary General of Grievances and the Internal Affairs Office shall, without delay, inform the Public Prosecution about any complaint that is found, according to the provisions of the aforementioned decree, to constitute a criminal offense and, thus, falls within the competence of the Public Prosecution. The notification shall be provided with all the information and documents that were collected on the complaint.

In case the Public Prosecution dismisses the complaint referred to it, this does not prevent the office established for Secretary General of Grievances or the Internal Affairs Office from practicing their competencies, according to the provisions of the aforementioned decree.

### **Article XV**

The Secretary General of Grievances shall submit an annual report to the Ministry of Interior on the work of the office established for Secretary General of Grievances, and this report shall be published, without prejudice to the provisions of the applicable laws in the Kingdom of Bahrain.

The Secretary General of Grievances may also submit a report to the Minister of Interior regarding one complaint or more, of the ones that were investigated, in addition to remarks and findings related to the complaint.

#### **Article XVI**

A separate section in the budget of the Ministry of Interior shall be allocated for the office established for Secretary General of Grievances, and it shall be sufficient to cover the expenses of the herein mentioned office. In such case, the Grievances Secretary General will only have the authority to use the allocated funds.

#### **Article XVII**

The Minister of Interior shall issue the required decisions to implement the provisions of the aforementioned decree.

#### **Article XVIII**

The Prime Minister and all ministers shall implement the aforementioned decree and work accordingly starting from the day it is published in the official newspaper.