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Decree No.13 for 2012

On the regulation of the National Fund for Compensation of Incidents-Affected Victims

We, Hamad Bin Isa Al Khalifa, King of the Kingdom of Bahrain, having reviewed the constitution, decree law No. (30) for 2011 with respect to establishment of a National Fund for Compensation of Incidents-Affected Victims, the report of the Bahrain Independent Commission of Inquiry especially articles (j, k) of recommendation No. (1722) included in the commission's report, and upon submission of the Minister of Human Rights and Social Developments and with the approval of the Council of Ministers,

Hereby decree the following:

Article(1)

In applying the provisions of this Decree, the words and expressions shall have the meanings shown opposite them unless deemed otherwise by context thereof.

Law: The Decree-by-Law No. (30) for the year 2011 creating the National Fund for Compensation to Incidents-Affected Victims.

Ministry: The Ministry of Human Rights.

The Minister: The Minister of Human Rights.

The Fund: The National Fund for Compensation to Incidents-Affected Victims created by law.

The Committee: The Fund's management committee.

Article (2)

A committee to be known as the "management committee of the National Fund for Compensation to Incidents-Affected Victims" shall be created to assume the fund's management, to deal with the applications submitted to it and to defray compensations to victims in compliance with the provisions of the law.

Article (3)

The committee comprises five members two of whom should be magistrates to be appointed upon a resolution of the Supreme Judiciary Council upon a request from the Minister and three members who should be well-known for their independence, subjectivity, efficacy and integrity, provided that two of them should be appointed from civil society organizations and one member from the government who shall be named upon a resolution of the Minister. The committee members shall assume their duties in their personal capacity and on voluntary basis.

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Members of the committee shall elect one of them as Chairman of the committee and another as Vice Chairman to replace the chairman in his absence or if anything prevents the chairman from carrying out his duties.

The chairman shall assume coordinative responsibility for the committee's business. The tenure of membership shall be four years renewable for only term.

A member of the committee may not partake in considering any applications for compensation in which she/he, her/his spouse or children or any of her/his relatives or in-laws up-to the fourth degree or who are her/his own dependents, or under her/his guardianship have any personal interest.

Article (4)

A member of the committee could be replaced if she/he violates any of her/his duties, or becomes incapable of carrying out his duties because of ailment, or whenever a final judicial verdict has been issued against her/him in any crime, all of that, in the same instrument and manner stipulated in the first paragraph of article (3) of this Decree. The tenure of a successor shall be complementary to that of her/his predecessor.

Article (5)

The committee shall setup a regulatory code which organizes its own work provided that it includes the timing for considering applications for compensation and how to report its decisions. The committee shall have its own sufficient assisting administrative staff members to be deputized by the Minister.

Article (6)

The committee may seek assistance from any qualified expert it deems appropriate to help the committee in its duties.

Article (7)

An application for compensation shall be submitted to the committee in writing from any victim or affected person as stipulated in article (3) of the Law or her/his legal attorney, accompanied with an official copy of a final court verdict issued from a competent court convicting those involved in the act which resulted in the damage, provided that an application shall include the following:-

- a- Name, address and capacity of the applicant.
- b- Description of material, moral or physical damages sustained by applicant.
- c- Amount and form of required compensation.

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Article (8)

Applications for compensation may be submitted to the committee either separately or collectively. The committee shall consider multiple applications in one batch whenever they shared the same subject.

The committee may decide on a collective compensation whenever a claim is related to a group of persons.

Article (9)

The committee may demand applicants to provide additional written or oral information or to submit documents and may hear witnesses' testimony.

Article (10)

The committee shall decide whether an applicant is deemed as one of the categories specified in article (3) of the Law or not. The committee shall take into account the following factors regarding nature and amount of compensation, whichever may be appropriate:

- a- The nature of crime sustained by a victim.
- b- The amount of material, moral or physical damage sustained by a victim.
- c- The amount of lost income and material loss sustained by a victim.
- d- The necessary costs in order to obtain legal assistance, venire experts, medication and medical services, psychiatric and sociological rehabilitation.
- e- Any compensation which had earlier been granted to the victim; and,
- f- The number of victims whenever they are numerous.

Article (11)

The committee may decide on any means for compensation such as refunding or financial compensation, rehabilitation, pleasantries, ensure non-recurrence, according to exigencies, whichever may be appropriate.

Article (12)

The committee may, in order to evaluate the compensation, resort to the relevant legal rules and seek courts' opinion in this respect.

Article (13)

The committee shall pass its resolutions unanimously, and whenever this becomes impossible, by majority. The committee's meetings may not be held in public in order to protect victims and witnesses and to respect confidentiality of information, unless the committee has decided otherwise. The committee shall decide on applications for compensation within a reasonable duration.

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Article (14)

The committee shall be bound to submit an annual report on its business to the Ministry. The Ministry shall post an abstract of the committee's annual report on its website whilst observant to respecting confidentiality of information pertaining to the victims included in the report.

Article (15)

The Minister of Human Rights and Social Development shall implement this Decree enforceable as from the day following its publication on the Official Gazette.

Hamad Bin Isa Al Khalifa

King of the Kingdom of Bahrain

Prime Minister

Khalifa Bin Salman Al Khalifa

Minister of Human Rights and Social Development

Dr.Fatima al-Balooshi

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