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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 May 2019]

* Issued as received, in the language(s) of submission only.



Bahraini judiciary - A means of revenge in the hands of the authorities

Since the peaceful revolution began in Bahrain in 2011 to demand the stolen civil and political rights, the authorities have rushed to start a crackdown and revenge that was the most severe in the Gulf region. And did not hesitate to ask for help from Saudi Arabia to participate directly in the killing, detention, Arrest and torture of Bahraini youth, hiding behind the provisions of the security agreement.

In May 2017, the King of Bahrain issued Law No. (12) of 2017 amending certain provisions of the Military Justice law promulgated by Legislative Decree No. 34 of 2002, which allows civilians to be tried before military courts in violation of international law, it permits issuance the death penalty from 61 articles and items, in Based on the provisions of the Military Penal Code, the Terrorism Act and the Penal Code. And so on, the judicial system has thus been transformed to the most important means of abuse Opponents. The sentences became irrational, and in a frequency which denotes of authorities floundering in the desire to exterminate the opposition. This modification was transformed into what Amnesty International called "a catastrophe for the future of fair trials and justice."

Knowing that All the provisions that the military judiciary in Bahrain can be issue may also be issued by the civil judiciary, except, the resorting to the use of military justice to try civilians is a recognition of the militarization of the state. It cannot according to human rights conventions; the military court system cannot be used to try civilians except in exceptional cases.

Moreover, there is no independent national judicial council in Bahrain, and the negative impact of this absence is clear on the judicial system, and the lack of independence of the judiciary. where, the judges are appointed directly by the king, and from the nominations which is provided by the Ministry of Justice headed by another member of the ruling family. With this mechanism the judicial professional processes become a Subject to political pressure that serves the personal interests of the ruling family.

The price of this judicial shift has been paid by hundreds of citizens for exercising their legitimate right to express opinion and peaceful assembly, believing of them, that the policy of criticism and opposition to practices that violate human rights can destroy civil and political society. This faith has become an unforgivable disbelief because the perspective of its ruling authority, that it is direct threat to its political existence and interests at all levels. it did not hesitate its sought to harness the legislative, judicial and executive institutions, to yield with what's in line to its existential future in politics. Judgments have become in Bahrain Issued randomly, In the absence of an independent judiciary, which led to unfair trials, where even the children couldn't have survived, which based on confessions extracted under torture to justify life sentences, executions, abolition of nationality and many other sentences, which is done without any legal representation, and sometimes without knowing the nature of the charge until it reaches by them to change the judicial rulings after they were issued, and the best evidence of the sentences issued against Sheikh Ali Salman life after his acquittal without Confirmed and clear evidence, to confirm that the courts are disorder of the judiciary between the justice and the politics, to choose the mockery of justice to Gain satisfaction of the ruling authorities in support it to silence the voice of the people.

In spite of that Bahrain ratified the International Covenant on Civil and Political Rights (ICCPR) in 2006, except it publicly violates its articles, under the policy of impunity and political cover supported by the British government for silence its practices, so the international community and those responsible of human rights became in a site of viewer only, and the support of Prisoners of conscience does not exceed the issuance of statements of condemnation and denunciation.

The International Council Supporting Fair Trial and Human Rights condemns the practices of the Bahraini authorities in its violation of international standards and human rights principles, and affirms that the right to a fair trial is one of the most important fundamental rights of human beings, for what it contains of standards aimed at protecting the rights of individuals from the moment of arrest and detention until trial to the end Phases of appeal

and veto, this right is primarily about the equality of persons before the judiciary where in that their cases are heard in an independent and impartial judicial body without injustice, The principle which is enshrined in article 10 of the Universal Declaration of Human Rights

“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him”.

Therefore, any ruling issued by the courts of Bahrain on the basis of politically motivated charges is invalid because it was conducted in an unfair trial and does not meet the basic criteria, Because the Bahraini judiciary itself has lost its independence and has become one of the tools of the government in suppressing its people.

We also hope pressing on the authorities in Bahrain, by making radical legal amendments under the supervision of UN bodies to force it to comply with the principles of international law in the trial, especially the Penal Code, which has become a tool of the state hands to prosecute individuals to exercise their right to express opinion, formation association and peaceful assembly. as well as The amendment of all legal articles which deprives the citizen from his right to appear in front of a court fair and prevents injustice from him, even if it was the source of it the ruling authorities themselves. We emphasize the need to drop the sentences issued against all prisoners of conscience in Bahraini prisons, and to release them immediately because of the lack of the credibility and the representation of the principles of international law in the trial.

And it must have guaranteed neutral investigations into all cases of unlawful killings, torture, and other abuses by the security services, and genuine Prosecutions initiated by those responsible for criminal violations, regardless of rank or position to equalize all before the judiciary, all to be this is within to justice within open criminal trials before Civil society organizations to avoid any political cover protects officials.

We also emphasize the necessity to amend the Nationality Law to exempt the king from dropping and returning the citizenship of people according to his personal interests. The judiciary has to be the one who will decide on this matter in accordance with Fixed established laws and legislations, because the process of naturalization in Bahrain has expanded in dimensions and became dependent on a dangerous demographic shift that replaces the indigenous people of the Shiite sect with other people from countries Neighboring communities which are belonging to the Sunni community, and granting them powers which the indigenous peoples have been mainly of deprived from, the most important is the parliamentary representation of the opposition.

These Random judgments which is unfair sentences in the overthrow of the citizenship which also put Bahrain in the face of a social predicament, namely, "statelessness" and thus deprivation of civil and political rights of learning, travel, medical treatment, work and many other rights just because they are from the opposition class, In addition to family disintegration resulting from the revocation of citizenship from one of the parents Or both to be children are also victims of these provisions.

The importance of the independence of the judicial system comes especially, after it has been used as a tool of oppression by the government against the opposition, as the most important means to avoid a social tragedy of social disintegration, and the absence for the opposition and unilateral control of all political and social decisions and thus become the king is the source of authority and not the people.

We also emphasize the need for Bahrain to join the UN General Assembly resolution issued 18 December 2007, which call to moratorium on executions as a step by the UN Member States towards the abolition of the death penalty. Which it can make it avoid arbitrary executions which are issued randomly with the aim of intimidation and curbing opposition activity and thus depriving the right to life without any reasonable legal justification.

In the absence of the complete credibility and transparency of the judicial authorities in Bahrain after it has become in the hands of the ruling family, we call on the independent bodies of the United Nations and the Special Rapporteur on the independence of the judiciary and lawyers to directly supervise the re-establishment the Independence of the judicial system in Bahrain, to avoid a tragedy waiting for hundreds of those awaiting their sentences in Bahraini prisons.