



National Report on the State of the Judiciary
in the Kingdom of Bahrain

Workshop

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The Judiciary in the Kingdom of Bahrain

Introduction:

Since 7 March 1999, the date when King Hamad Bin Issa Al Khalifa assumed power, the Kingdom of Bahrain has been going through a transitional phase that was declared by the President of the State after the country had gone through a difficult experience since the beginning of the nineties, which led to the suspension of representative life as well the suspension of the 1973 constitution. This drove the country to a general political, economic and social crisis. Since assuming power, the President of the State promised to embark on a series of reforms on various fronts, particularly on the administrative front.

There is no doubt that these reforms did, in fact, deal with the judicial system. Most of the laws concerning the judiciary are new laws that superseded older ones, enacted by the new King upon his assuming power in the country. This is an indication that the judicial system of the Kingdom of Bahrain has been subjected to many changes in recent times.

SECTION ONE: ORGANIZATION OF THE JUDICIARY

Article 105 of the Constitution of the Kingdom of Bahrain states the following:

“The law shall establish the courts of all levels and types, and shall set forth their functions and jurisdiction”.

The judicial branch, pursuant to its establishing law, is entrusted with the courts as enumerated by said law in Articles 6 and 13 thereof. Article 6 deals with the civil courts; while Article 13 deals with the Shari’a courts.

I. Civil Courts

The civil courts consist of: the Lower Court, Higher Civil Court, High Civil Court of Appeals, and Court of Cassation.

1. Lower Court

The Lower Court has jurisdiction to decide civil, commercial and labor matters, and disputes regarding personal status issues for non-Muslims, as well as crimes that are not otherwise excluded by special provision. The Lower Court is composed of a single judge. The Lower Court judge, pursuant to a decision by the Supreme Judicial Council, may be assigned to hear special types of criminal, civil, commercial or labor cases, or issues related to sentence execution.

Lower courts may be established in the provinces by decision from the Minister of Justice upon approval from the Supreme Judicial Council.

2. Higher Civil Court

The Higher civil court has jurisdiction to decide matters brought to it in accordance with the law in civil and commercial matters, in addition to administrative disputes that arise between individuals and government, public establishments or institutions, as well as disputes regarding personal status issues for non-Muslims, and finally, crimes that are not otherwise excluded by special provision.

3. High Civil Court of Appeals

The High Civil Court of Appeals reviews appeals brought against rulings issued in civil, commercial and non-Muslim personal status cases, and criminal cases.

The High Civil Court of Appeals is composed of a president and a sufficient number of deputies and judges. A panel of three judges issues its rulings. Its location is in the capital city of Al-Manama.

After this review of the civil courts, we will now describe the Shari'a judiciary in the Kingdom of Bahrain. However, we would like to make one observation with regard to the civil courts, which is that the law establishing the judicial branch has included criminal cases within the jurisdiction of the civil courts.

II. Shari'a Courts

In accordance with Article 13 of the Judicial Branch Law, the Shari'a courts shall consist of the Lower Shari'a Court, Higher Shari'a Court and High Shari'a Court of Appeals. All of the aforementioned courts shall be composed of two circuits: a Sunni Shari'a circuit, and a Jaafari Shari'a circuit.

In general, the Shari'a courts have jurisdiction to decide all disputes regarding personal status issues for Muslims, excluding disputes concerning the rules of inheritance and the liquidation thereof. Such matter is within the jurisdiction of the specifically competent civil court. Jurisdiction falls to either the Sunni or Jaafari circuit based on the denomination of the plaintiff at the time the action is initiated. With respect to matters that arise out of marriage contracts, jurisdiction in such cases falls to the circuit of the denomination under whose stipulations the contract was concluded. If there is no certified marriage contract, or if the marriage contract was certified outside the Kingdom of Bahrain, and not

endorsed by either of the two circuits, then the circuit of the husband's denomination when the marriage contract was concluded shall have jurisdiction.

Finally, jurisdiction in matters of inheritance, gifts, bequests and endowment, is based on the denomination of the testator, grantor, devisor or creator of the endowment. Following is a detailed explanation of the jurisdiction and configuration of each of these courts.

1. Lower Shari'a Court

The Lower Shari'a court is divided into two circuits, the Sunni and Jaafari circuits, and hears the following matters:

- A. Alimony for wives and child support for minors (of all kinds), and alimonies among relatives, and requests to increase, decrease or dismiss them.
- B. The right to have custody or guardianship of a child, and move the child to another country.
- C. Proof of inheritance, legacies, wills and gifts, and registration of legal declarations of inheritance (as ordained by the Shari'a).
- D. Registration of all types of Shari'a deeds and declarations, and notarization of written documents regarding personal status, as well as [religious] endowment deeds and any amendments thereto, without prejudice to the provisions of the Notarization Law.

2. Higher Shari'a Court

It is similar to all other Shari'a courts. The Higher Shari'a Court is divided into two circuits: the Sunni and Jaafari circuits. It has complete jurisdiction over all Shari'a matters that the law excluded from the jurisdiction of the Lower Shari'a Court, i.e. it has jurisdiction to issue first-instance judgments in all cases involving personal status which do not fall within the jurisdiction of the Lower Shari'a Court. In addition, the Higher Shari'a Court also has appellate authority with regard to rulings issued by Lower Shari'a Courts. It issues final rulings with respect to the appealed rulings brought before it and originally issued by the Lower Shari'a Courts. Said rulings are appealed before the circuit of the denomination in which the appealed ruling was issued, irrespective of the denomination of the parties to the case. Each of the two circuits of the Higher Shari'a Court is composed of a president, deputy and a sufficient number of judges. The sentencing panel is composed of three judges.

3. High Shari'a Court of Appeals

The High Shari'a Court of Appeals is divided into two circuits, the Sunni and Jaafari circuits, and each of the two circuits is composed of a president, deputy and a sufficient number of judges.

The High Shari'a Court of appeals has jurisdiction to decide all first-instance rulings being appealed before it, which were issued by the Higher Shari'a Court; whereas rulings issued by the Sunni circuit of the Higher Shari'a Court are appealed before the Sunni circuit of the High Shari'a Court of Appeals, and rulings issued by the Jaafari circuit of the Higher Shari'a Court are appealed before the Jaafari circuit of the High Shari'a Court of Appeals, irrespective of the denomination of the appellant or appellee.

The sentencing panel of the High Shari'a Court of Appeals is composed of three judges.

Whereas the structure of the trial and appellate courts, at both the civil and Shari'a levels, are governed by the Judicial Branch Law, the establishment and structure of the Court of Cassation are governed by the provisions of the Decree Law No. 8 of 1989, known as the Cassation Court Law.

It was necessary to examine the structure of the Shari'a judiciary prior to discussing the Court of Cassation in view of the fact that it sometimes assumes the role of a court that decides disputes that arise between civil and Shari'a courts, as well as those between the two circuits of the Shari'a courts, as will be shown below.

III. The Court of Cassation

The Court of Cassation is composed of a Chief Justice, Deputy Chief Justice and three other justices who are appointed to, and removed from, their positions by decree. As part of the Court, there is a consultative office headed by one of its justices and composed of a sufficient number of judges at the level of at least higher court judges who are delegated to this office by the Minister of Justice. The consultative office of the Court of Cassation gives its opinion on cases that fall within the jurisdiction of the Court and performs such research as it is tasked to do by the Chief Justice. Moreover, it extracts and gathers all the legal principles established by the Court through its rulings and arranges them systematically.

The Court of Cassation decides all appeals brought before it against final rulings (which decide disputes and end litigation) issued by the High Civil Court of

Appeals and the Higher Civil Court, in its capacity as an appellate body in civil, commercial, non-Muslim personal status and criminal matters. Moreover, appeals may also be brought before it against rulings issued prior to the disposition of a dispute, if the consequences thereof would have precluded the movement of the case.

In accordance with a specific mechanism provided for in Decree Law No. 8 of 1989 (Articles 43 *et seq.* of Decree by Law No. 8), the Court of Cassation has jurisdiction to re-open final criminal sentences issued by the High Civil Court of Appeals or the Higher Civil Court in its capacity as an appellate body in criminal and misdemeanor matters with respect to everything having to do with punishment.

Furthermore, the Court of Cassation alone has jurisdiction to assign the relevant court in the event of a negative or positive conflict of jurisdiction between the civil and Shari'a courts, as well as any negative or positive conflict of jurisdiction between the two circuits of the Shari'a courts.

In addition, the Court of Cassation also has jurisdiction to decide any disputes regarding the execution of two conflicting rulings issued in the same case, where one was issued by one of the circuits of the Shari'a courts, and the other by the other circuit.

Finally, litigants have the right to appeal before the Court of Cassation against any final ruling issued by any court, and decided the dispute in a manner inconsistent with another ruling previously issued between the litigants themselves and had the force of *res adjudicata*.

The Court of Cassation issues its rulings by a majority opinion of not less than three justices. If there is no majority, and there are more than two opinions, the lesser number team or the team that includes the newest justices, must join with either one of the two opinions issued by the higher number team, after taking the opinions a second time.

Rulings issued by the Court of Cassation are non-reviewable and non-appealable. It is the highest judicial authority for all the courts of the Kingdom, whether civil or Shari'a.

IV. Special Courts

The Constitution allowed for the existence of military courts. It also provides for the establishment of a constitutional court.

1. Military Courts

Article 105 of the Constitution of the Kingdom of Bahrain addresses military courts, and limits their jurisdiction to military crimes committed by personnel of the defense, national guard and general security forces. Its jurisdiction extends to others in the event martial law is declared, but only within the limits determined by law. The Constitution does not give any other details about military courts. Furthermore, we have not received any literature, information or elucidation in regard thereto, and thus we are not able to add to what is shown above in this regard.

2. The Constitutional Court

Article 106 of the Constitution sets forth the establishment of the Constitutional Court, which is composed of a Chief Justice and six members appointed by Royal Decree for a period determined by law. Said Article specifies that the jurisdiction of the Constitutional Court shall be to review the constitutionality of laws.

The Constitution leaves to the laws the matter of determining the rules that guarantee the irremovability of the Court's members and the procedures to be followed before it. Moreover, it leaves to the laws the matter of determining who else besides those appointed thereby shall have the authority to review the Constitutional Court.

The Constitution specifies who shall have the right to challenge the constitutionality of laws and regulations before the Court. Among those are the Government, Consultative Council and the Council of Representatives. The Constitution gives direct force and effect to any ruling issued by the Constitutional Court declaring the unconstitutionality of any provision or regulation.

Finally, the Constitution grants the King the right to refer draft legislation to the Court before they are enacted to determine their consistency with the Constitution, provided that the decision of the Court in this regard is binding on all the State's authorities and everyone.

We cannot add anything more about the Constitutional Court than what is shown above due to the lack of information and literature in this regard.

After this review of the special courts, we will now address the issue of the Financial Audit Bureau, to see whether or not it constitutes a financial judicial authority in the true sense of the word.

V. Financial Judiciary

The “Financial Audit Bureau”, which was established by Decree Law No. 16 of 1/1/2002, is an independent agency that is an independent corporate person affiliated with the King. This agency performs the function of financial control over the funds of the State and the administrative apparatus thereof, including ministries, public departments and administrations, the Consultative Council, the Council of Representatives, municipal councils, provinces, and all public organizations and institutions and any person or entity that is a public corporate person.

While this agency in some Arab countries acts as a judicial authority, it nevertheless does not possess any such characteristics in the Kingdom of Bahrain. It is subordinate to the King who appoints all its members, including its president and deputies, bearing in mind that not one of them is a judge. In addition, the Bureau does not issue any decisions of a judicial nature; but they are rather of an administrative nature. This agency is not part of the judicial branch of government, but rather the executive branch represented by the King. It is directly a subject thereof. This leads us to the conclusion that the Financial Audit Bureau in the Kingdom of Bahrain does not constitute a financial judiciary, and the Kingdom of Bahrain lacks a financial judiciary or an agency of a judicial nature that performs the functions of financial control over the State’s monies and the institutions and organizations thereof.

VI. The Public Prosecution

The public prosecution is a natural branch of the judicial branch of government. It represents the people and is responsible for moving and prosecuting criminal cases, as well as being an investigating and indicting authority with respect to all crimes.

The public prosecution is composed of an attorney general, first solicitor general, solicitor general, chief public prosecutors, deputy public prosecutors and assistant public prosecutors. Judicial police officers are part of the public prosecution authority with respect to their job functions.

Members of the public prosecution answer to their superiors according to rank up to the Attorney General, then the Minister of Justice who is responsible for supervising and monitoring the office of the public prosecution and its members.

VII. Conclusion

After this review of the different types, levels and jurisdiction of all the courts, we can get a broad perspective of the judicial system of the Kingdom of Bahrain.

The judicial system of the Kingdom of Bahrain is founded on the principle of independence of the judiciary from the other two branches of government, the legislative and executive, and on the independence of judges in performing their functions. This system can be described as a dual system, as it comprises civil courts on the one hand, and Shari'a courts on the other hand. However, it lacks an independent administrative judiciary, as the jurisdiction to decide administrative matters falls to the civil courts. We did not find in any of the legal texts regarding the judiciary anything that provides for the principle of equality for all litigants before the judiciary, despite the fact that the Constitution guarantees everyone the right to due process. Moreover, the judicial system is characterized by its multi-tiered litigation process, from first instance [trial] courts (the Lower Court and the Higher Court) to appeals courts and finally to the Court of Cassation, as well as a multiplicity of judges beginning with the court of first instance, specifically the Higher court, whether in civil or Shari'a matters (three judges for the Higher court, three judges for the court of appeals and at least three judges for the Court of Cassation). In addition to the foregoing, the Judicial Branch Law set forth the principle of open and public trial hearings, except in cases where the courts decide otherwise in consideration of public order or morals.

Lastly, while all courts are associated with the Supreme Judicial Council, which oversees the courts and regulates the workflow thereat, the Attorney General, despite the fact that the public prosecution is a natural extension of the judiciary, is part of the executive branch though his affiliation with, and subordination to, the Minister of Justice. If that is not enough, the public prosecution itself, as will be shown in our review of the structure of the Ministry of Justice, is an actual department of the Ministry of Justice and not simply an affiliated entity. The judicial system has a judicial inspection agency that is affiliated with the Chief Justice of the Court of Cassation.

After this examination of the judicial system, we will now review the administration of justice, which consists of the Ministry of Justice on the one hand, and the Supreme Judicial Council on the other hand.

SECTION TWO: ADMINISTRATION OF JUSTICE

1. The Ministry of Justice

The Ministry of Justice was re-organized pursuant to Decree No. 41 of 30/6/2003, after it was one ministry along with the Ministry of Islamic Affairs, called the “Ministry of Justice and Islamic Affairs”.

A. The Structure of the Ministry of Justice

The Ministry of Justice is headed and directed by the Minister of Justice, who manages its affairs and ensures the good conduct of work thereat. The Ministry is divided into five departments as follows:

- (i) The office of the public prosecution, which is answerable to the Minister of Justice and is composed of the following:
 - Members of the Office of Public Prosecution
 - Department of Criminal Procedure
- (ii) An agency to coordinate with the Supreme Judicial Council, answerable to the Minister of Justice.
- (iii) An agency responsible for court affairs and notarization, under the supervision of the Assistant Deputy Minister for Court Affairs and Notarization, and answerable to the Deputy Minister. It includes:
 - Department of Courts
 - Department of Implementation
 - Office of Notarization
- (iv) An agency for administrative and financial affairs, supervised by the Assistant Deputy Minister for Financial and Administrative Affairs, and is answerable to the Deputy Minister. It includes:
 - Department of Minors’ Funds
 - Department of Investment and Property

B. The Authority of the Ministry of Justice

The legal provisions governing the organization of the Ministry of Justice do not set forth the authorities of the ministry; however, its functions are clearly apparent from its structure. It oversees the office of public prosecution and coordinates with the Supreme Judicial Council for the purpose of organizing and monitoring the courts and judges. What is noteworthy here is that the judicial inspection agency is not associated with the Ministry of Justice, but rather with the Chief Justice of the Court of Cassation as a way to ensure its independence and protection from the domination of the executive branch represented by the Ministry of Justice, thereby preserving the independence of the courts and judges.

The Ministry oversees the courts through its agency for court affairs and notarization. This is in addition to its oversight of the notarization processes (real estate and others) through the notarization office. It also supervises the monies of minors through its agency for the affairs of minors' funds.

A special agency manages the financial and administrative affairs of the Ministry, as well as its information systems.

Finally, the Minister of Justice enforces the rulings issued by the disciplinary council against judges, which are either admonition or removal. He also implements the decisions of the Supreme Judicial Council that are referred to him.

C. The Relation Between the Ministry of Justice and the Judicial Body

The relation between the Ministry of Justice and the judicial body is restricted to oversight of the workflow and organization of the courts. Therefore, the Ministry appears as an executive tool at the service of the judiciary as a public establishment.

It is noteworthy that the department of judicial inspection, which is established pursuant to the Judicial Branch Law and is the one that oversees the work of the judges, is itself an adjunct department of the Chief Justice of the Court of Cassation. Its activities and the procedures to be followed before it are determined by a decision issued by the Supreme Judicial Council, and it has nothing to do with the Ministry of Justice in terms of structure or the work it does, or even its authority. In that is a protection of the judiciary and judges against interference from the Ministry of Justice into their affairs and the domination of the executive branch.

Furthermore, the admonition of judges shall be the jurisdiction of a disciplinary council that is formed pursuant to a decision by the Supreme Judicial Council. In turn, it is not associated with the Ministry of Justice in any way whatsoever.

As for the office of public prosecution, despite the fact that the Constitution defined it as a natural extension of the judiciary, it is nevertheless a department of the Ministry of Justice and subordinate thereto. All of its members answer to the Minister of Justice. The established principle in the Constitution and laws, which advocates the independence of the judiciary and judges, is not absolute, but rather is flagrantly contradicted by the provisions concerning the public prosecution.

2. The Supreme Judicial Council

The Supreme Judicial Council was established pursuant to the Judicial Branch Law (Article 69).

A. Structure

The Supreme Judicial Council is presided over by the King. The Council includes the Chief Justice of the Court of Cassation, Attorney General, President of the High Civil Court of Appeals, two most senior deputies of the High Civil Court of Appeals, President of the High Shari'a Sunni Court of Appeals, President of the High Shari'a Jaafari Court of Appeals, and President of the Higher Civil Court.

B. Jurisdiction

The Supreme Judicial Council performs the following functions:

- Ensuring a good work conduct in the courts and their supporting agencies, and taking all necessary measures in that regard.
- Providing recommendations with regard to the appointment and promotion of judges and members of the public prosecution and everything relative thereto.
- Offering opinion on draft laws that concern the judiciary and public prosecution.

This is in addition to the functions with which it is entrusted pursuant to the Judicial Branch Law, such as forming the disciplinary council and the judicial inspection office, and determining the functions of each and their codes of procedure, as well as the admonition of judges.

The Council has a secretariat-general answerable to the president of the council. The quorum for the Council's meetings is five members, and decisions issued by it shall be by a majority vote of the attendees, provided that the President's vote is the deciding vote in case of a tie.

After this review of the state of affairs of the judicial system in the Kingdom of Bahrain, and a description of the administration of justice, we will try to depict a general picture of the state of the judiciary in the Kingdom prior to returning to the reform plans that are in place with respect to the judiciary in particular, and to the administration in general.

SECTION THREE: THE STATUS OF JUDGES

The Judicial Branch Law sets forth the qualifications that judges and members of the public prosecution must have. Judges are appointed by Royal Decrees upon the recommendation of the Supreme Judicial Council.

In order to uphold the principle of independence of the judiciary and judges, the law does not allow the bestowing of medals on judges and members of the public institution during their terms of service. In addition, the law prohibits judges and members of the public prosecution from taking on any other work, e.g. any commercial activity or any activity that is inconsistent with the dignity of the judicial profession and its independence. A judge is not even allowed to be an arbitrator, even if unpaid, until and unless he receives prior approval from the Supreme Judicial Council. Furthermore, judges are prohibited from engaging in any political activity and expressing any opinion on political matters. They are also prohibited from running as candidates in general elections.

The judiciary enjoys specific immunities, as set forth in the Judicial Branch Law. They are irremovable except by a Royal Order issued on the basis of a disciplinary action brought before the disciplinary council at the request of the Supreme Judicial Council. This must be preceded by an investigation conducted by a judge who is delegated specifically for this purpose by the President of the Supreme Judicial Council.

It can be said that the principle of independence of the judiciary and judges, as provided for in the Constitution of the Kingdom of Bahrain, is preserved in the laws by several means, most important of which are the following:

- 1- Irremovability of judges.
- 2- Independence of the Supreme Judicial Council and absence of any domination by the executive branch over the Council.

- 3- Independence of the judicial inspection office from the executive branch, and its affiliation with the Chief Justice of the Court of Cassation.
- 4- Independence of the disciplinary council and its affiliation with the Supreme Judicial Council.

It is worth mentioning here that the Minister of Justice is not a member of the Supreme Judicial Council, but rather the executive tool therefor. He implements the decisions of the Council at its request.

However, the principle of independence of the judiciary and judges was not endowed with an attribute of absolutism by the positive laws of the Kingdom; but remained merely ink on paper with regard to the public prosecution, which, in spite of the provision in the Judicial Branch Law that it is a natural extension of the judiciary, is still a department of the Ministry of Justice and remains subject thereto. In addition, its members are answerable to the Minister of Justice, which allows the administration or the executive branch to interfere in judicial matters in anything having to do with the jurisdiction of the public prosecution.

In terms of the more important issue with respect to the judiciary and the judicial structure in the Kingdom of Bahrain, it is the absence of a specialized institute for judicial sciences that educates judges and judicial assistants. This becomes apparent when reviewing the necessary prerequisites of anyone assuming a judicial position. Article 22 of the Judicial Branch Law sets forth the following conditions for a judicial candidate:

- A. That he is a Bahraini national...
- B. That he is fully competent.
- C. That he received a License or Bachelor's degree in law from a recognized university, or a license in Islamic Shari'a that qualifies him to assume a position in the Shari'a judiciary.
- D. That he is of commendable character and good repute.
- E. That he was never convicted criminally or disciplinarily for reasons of breach of honor and trust.
- F. That he has worked in the legal field or Shari'a sciences for terms no less than ...

The absence of a judicial institute for training of judges and judicial assistants will necessarily have an adverse effect on the quality of service guaranteed by the judicial system.

On the other hand, we have neither received any information about the mechanization [computerization] of the judiciary or the courts, nor about the work tools for judges and the availability of legal references to them.

SECTION FOUR: REFORM PLANS

The promises made by the King of Bahrain, Hamad Bin Issa Al Khalifa, upon his assuming power in 1999, to implement a series of general reforms of the administration in general for the purpose of improving the standard of living and confronting administrative corruption on the one hand, and dealing with the economic and standard-of-living problems on the other hand, did not have any reverberation on the judicial front as far as we know. The reforms were limited to the justice administration, as a new decree was issued with respect to the organization of the Ministry of Justice. However, we have not received any information about the modernization or development of the judicial bodies, especially with regard to their mechanization.

The provisions set forth by the King since his assumption of power, albeit recent, have not introduced any noticeable development to the judicial system and its agencies in the Kingdom, but rather were content with introducing some modifications to the system already in place without any intention to develop it.

Finally, it is noteworthy to point out that there is a plan sponsored by the French Republic for judicial co-operation with the University of Bahrain and the Ministry of Justice, bearing in mind that the amount of funds allocated thereto is insignificant. Despite the fact that it is still pending implementation, it has yet to achieve any tangible practical results on the judicial system development front in the Kingdom of Bahrain.

Remarks:

This report was prepared on the basis of the information that we were able to obtain from our correspondents or sources published in various media.

Therefore, we apologize if there is any incomplete or inaccurate information. We would hope that the reader can provide us with any piece of information that may complete or correct the content of this report or any part thereof.

Annex No. 1

Legal Texts Concerned with the Judiciary

Title of Legal Text	Type of Text	Text No.	Date
Constitution of the Kingdom of Bahrain	Constitution	17	14/2/2002
Law establishing the Judicial Branch	Law	42	20/10/2002
Law establishing the Court of Cassation	Law	8	20/4/1989
Organization of the Ministry of Justice	Decree	41	30/6/2003
Organization of the Ministry of Islamic Affairs	Decree	7	12/1/2003
Withdrawal of jurisdiction from the Special Court to Review Crimes that Breach External and Internal State Security	Decree	4	1/1/2001
Judicial Fees	Decree Law	3	9/3/1972
Amendment of the Law establishing Judicial Fees	Decision	1	26/2/2000
Amendment of Judicial Fees	Decision	14	13/7/1994
Amendment of Judicial Fees	Decision	26	3/11/1988
Amendment of Judicial Fees	Decree Law	10	23/6/1988
Amendment of the Schedules of Fees Annexed to Decree Law No. 3 of 1973 Regarding Judicial Fees	Decree Law	9	1/1/1983
Regarding the Cadre of Judges	Law	4	9/3/1975
Amendment to the Cadre of Judges	Decree Law	18	6/7/1977
The Administrative Organization of the State	Decree	1	19/1/1970
Financial Audit Bureau	Decree Law	16	1/1/2002

The Kingdom of Bahrain is governed by a new constitution promulgated by King Hamad Bin Issa Al Khalifa on 14/2/2002.

The Constitution set forth the principle of separation of the three branches of government: the legislative, executive and judicial branches (Article 32). The Constitution dealt with the matter of the judicial branch in the fourth chapter thereof, which consists of three articles concerning the honor of the judiciary, integrity and impartiality of judges, and the independence of the judiciary and judges (Article 104). In terms of the structure of the court system, i.e., the different levels, types, functions and jurisdiction of the courts, the Constitution left that to the law (Article 105). However, the aforementioned articles provided for the establishment of military courts and the supreme judicial council, and determined their jurisdiction. Moreover, they set forth the principle of open and public trials (Article 105). Finally, the Constitution allowed for the establishment of the constitutional court, specifying its configuration, role and jurisdiction. Furthermore, it determined the entities that could challenge the constitutionality of laws before this court and the force of its rulings (Article 106).

In terms of court structure, it is provided for in Law No. 42 enacted on 20/10/2002, concerning the judicial branch. This law sets forth the organization of all courts in the Kingdom, with the exception of the Court of Cassation, for which a law had been enacted on 20/4/1989, known as the Cassation Court Law No. 8/1989.

In addition to these basic provisions, Decree No. 41 of 2003 was issued on 30/6/2003, which set forth a new organizational structure for the Ministry of Justice. This is after it was separated from the Ministry of Islamic Affairs, for which another organizational decree was issued bearing the number 7 dated 12/1/2003.