



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Information received from Bahrain on follow-up to the
concluding observations on its initial report***

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* The present document is being issued without formal editing.



Response to the recommendations and concluding observations of the Human Rights Committee on the initial report of Bahrain

I. Introduction

1. The Kingdom of Bahrain acceded to the International Covenant on Civil and Political Rights in 2006, pursuant to Act No. 56 of 2006, and submitted its initial report on 2 March 2017, in accordance with article 40 of the Covenant.
2. The Committee considered the initial report of Bahrain (CCPR/C/BHR/1) at its 3492nd and 3493rd meetings (see CCPR/C/SR.3492 and 3493), held on 3 and 4 July 2018. At its 3516th meeting, held on 19 July 2018, it adopted its concluding observations.
3. The following is the response of the Kingdom of Bahrain to paragraph 66 of the concluding observations, contained in document CCPR/C/BHR/CO/1, regarding the request for information on the implementation of the recommendations made by the Committee in paragraphs 13 (military courts), 31 (death penalty) and 53 (freedom of expression).

II. Follow-up information

A. Follow-up information relating to paragraph 13 of the concluding observations

Military courts

4. The constitutional amendments in question were made in the context of State efforts to combat terrorist operations and increasing threats. These amendments allow for the expansion of the jurisdiction of military courts without resorting to martial law and the suspension of the Constitution, as provided for in article 105 of the Constitution. This expanded jurisdiction extends to the trials of illegal militia groups and to persons accused of committing acts of armed violence against the State.
5. As a result of this constitutional amendment, the Code of Military Justice has been amended to introduce an exception whereby the Public Prosecutor may, with the approval of the military courts, refer to them any of the offences contained in the Act on the Protection of Society from Acts of Terrorism or any of the offences against the internal or external security of the State contained in chapters I and II of title I of the special section of the Criminal Code and related offences (article 17 ter). This article provides only for the consideration of these offences, as it is procedural rather than substantive in the sense that it is applied after a crime has taken place according to the relevant articles of the Act on the Protection of Society from Acts of Terrorism and the Criminal Code. It should be noted that the basic jurisdiction for these offences remains with the ordinary courts, unless the Public Prosecutor exceptionally decides to refer them to the military courts. It is stressed that the military courts in Bahrain hold public hearings and have an appeals court and a court of cassation. All military judges have legal training and they work specifically as military judges. The same safeguards are applied in military tribunals as are applied in civilian courts. Under the National Human Rights Institution Act, the Institution is allowed to attend court hearings.

B. Follow-up information relating to paragraph 31 of the concluding observations

Death penalty

6. The death penalty is not prohibited per se under international law, although there are various wide-ranging restrictions and conditions on its use. It should be pointed out that the practice of Bahrain in this regard is in line with the Safeguards guaranteeing protection of the rights of those facing the death penalty contained in the annex to resolution 1984/50 of the

United Nations Economic and Social Council of 25 May 1984. The following principles apply:

- The death penalty may be imposed only for the most serious crimes against society.
- The accused must have a lawyer; if they cannot hire their own lawyer, the State must appoint one for them.
- All death sentences provide for the basic guarantees of a fair trial and are subject to mandatory appeal before the courts of appeal and cassation. The imposition of the death penalty requires a unanimous decision of the judges. The death penalty is carried out only with the approval of the King, who has the power to waive and commute the death penalty in certain cases. In addition, the final death sentence may be returned to the Court of Cassation for review, which results in a stay of execution until the final judgment is issued.
- The law stipulates that the death penalty cannot be applied to pregnant women or juveniles.
- The court must abide by a series of controls and restrictions when hearing cases that may be punishable by death both before and after the ruling. For example, in death penalty cases, the accused's confession cannot be taken into account; the court must complete the investigation, hear the testimony of prosecution witnesses and conduct other trial proceedings, and the sentence must be handed down unanimously by all members of the court. In the event that the death sentence is handed down, the sentence is deemed to be open to appeal before the courts of appeal and cassation, in accordance with the rule of law. The Court of Cassation may overturn the sentence and return the case to the trial court for a new hearing by a different chamber. Other strict safeguards and procedures have also been established by lawmakers for death penalty cases.
- The death penalty is rarely carried out in Bahrain. It is carried out for very serious crimes and this is not contrary to international human rights law, particularly article 6 of the International Covenant on Civil and Political Rights.
- In the event that other States, especially those in the region, agree to take a position to review or abolish the death penalty, Bahrain will seriously consider dealing with this matter.

C. Follow-up information relating to paragraph 53 of the concluding observations

Freedom of expression

7. The relevant authorities in Bahrain, including the judicial authorities, do not take any legal measures to investigate or institute proceedings against natural or legal persons for engaging in political, rights-related or social activities. As criminal liability is determined in accordance with the law, nobody is charged unless there is clear evidence that he or she has committed an offence defined by law. The Kingdom of Bahrain therefore affirms that political activity and the public exercise of freedom of expression are not criminalized by law. National legislation, laws and redress mechanisms are sufficient to prevent the violation of these rights. All national guidelines aim to advance human rights in the country and to promote the exercise of these rights through the national channels regulating them.

8. In this connection, attention is drawn to the amendments to the Regulation of the Press, Printing and Publishing Act currently before the Legislative Council, approved by the Council of Ministers, headed by the Crown Prince and Prime Minister, at a meeting on 5 April 2021. The most prominent of these amendments are the emphasis on the fact that journalists should not be imprisoned in publishing cases, the addition of a chapter on electronic media and the regulation of websites and accounts of media organizations, and the inclusion of new definitions to keep pace with the development of the media, all of which are important points that show the developments and changes in the future press law. These are

positive indicators that reflects the Government's interest in freedom of opinion and expression.
