

National Institution for Human Rights (NIHR) rejects the publication of the names and photographs of the accused before a final court's judgment

The NIHR expressed its categorical rejection of what has been published in the official media and some newspapers, including the names and pictures of the defendants in the case known as the (cell). It also stresses the need for the authorities concerned to adhere to the provisions of Constitution of the Kingdom of Bahrain, in particular Article 20, paragraph (c), which stipulates "*An accused person shall be presumed innocent until proved guilty in a legal trial in which the necessary guarantees for the exercise of his right of defense in all the stages of investigation and trial are ensured in accordance with the law*" and paragraph (d) of the same article, which states that: "*No physical or moral injury shall be inflicted on an accused person*". This is in addition to the importance of adhering to the provisions of Article (83) of Decree-by-Law No. (46)-2002 on the Code of Criminal procedure, which stipulates that "*the investigation procedures and the results thereof to considered secrets.*"

The NIHR stresses that it is also a clear violation of the first paragraph of Article 11 of the Universal Declaration of Human Rights, which stipulates that "*Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense*" and the second paragraph of Article 14 of the International Covenant on Civil and Political Rights, which states that "*Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law*".

Accordingly, the NIHR considers that publishing the names and photographs of the accused is also contrary with what to the approach adopted by Committee on the Elimination of Racial Discrimination, which follows up the implementation by States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to which the Kingdom of Bahrain acceded under Decree-by-Law No. (8)-1990. According to the recommendations adopted in

relation to the International Convention on the Elimination of All Forms of Racial Discrimination, the right to the presumption of innocence means that the "powers of the police, judicial authorities and other public authorities must be prevented from expressing their views openly with respect to the guilt of the accused before a court ruling in the case, and must also be prevented from raising suspicion in advance about the persons belonging to specific racial or ethnic group. These authorities are under obligation to ensure that the media is not to publish information which may include a description of certain categories of people."