



Statement of the National Institution for Human Rights on the property owned by the Government of the Kingdom of Bahrain it occupies

Commenting on the judgment issued by the Civil Court of Final Appeal (circuit four) to accept the appeal in form and reject the substance, obliging the appellant to pay the expenses plus BD30 as attorney's fees and returning to the appealed verdict of the High Civil Court (circuit six), to oblige the National Institution for Human Rights to pay an amount of (BD45,500) and vacate the premises used as its headquarters and forcing it to pay the fees, expenses and (BD20) as attorneys' fees.

The detailed course of the lawsuit filed against the National Institution for Human Rights on the property it occupies can be stated as follows:

1-The National Institution for Human Rights rented from the lessor being the owner, as conceded in the lease contract, signed between the parties, of the Real Estate No. 2771, Road 4366, Al-Seef 428 which starts from June 1 2011 and expires in May 31, 2015.

2-However, because of the failure of the original owner of the property to pay off some of his debts, the judicial authorities ruled the foreclosure of some of his owned estates, including the litigious real estate, and offer it for sale in a public auction.

3-Due to the desire of the National Institution to own the property, it entered in the auction, and in the sales session held in March 20, 2013 in the enforcement court (second), it outbid the litigious property and paid the full amount.



4-Noting that while the moment of docking auction on the National Institution on the property, the institution and the court came to know that the landlord was not the owner of the property as stated in the lease contract and the affirmation he gave, rather he was a tenant who subleased the property to the National Institution.

5-By virtue of the judgment of the enforcement court (second) in the April 14, 2013 to sell the litigious real estate, the court then requested the Survey and Land Registration Bureau to take the necessary measures to transfer property to the Government of the Kingdom of Bahrain for the use of the National Institution for Human Rights.

6-Pursuant to the procedures followed in this regard, the property was registered for the Kingdom of Bahrain's Government to be used by the National Institution for Human Rights, by the property document holding preamble number (13441/2013) dated November 24, 2013 to give effect to the rule of the enforcement court mentioned above, and thus the building being used by the institution became the exclusive property of the Government of the Kingdom of Bahrain, hence the institution stopped paying the monthly rent under the lease due to the change in its legal status from a lessee to an owner.

7-The National Institution notes that returning to all audit reports related to its financial accounts, there was no sign to prove the existence of any arrears in its financial assets for the period when it rented the property until the transfer of ownership to it, where the institution stopped paying monthly rent on the day its



legal status was changed from a lessee to the owner of the property according to the property document.

8-The tenant filed a lawsuit before the Civil Court (Sixth Circuit) requesting the National Institute to vacate the building it occupies, and to pay a sum of BD45,000,500 as the equivalent of unpaid monthly rent for the months of April to October 2013, and forcing fees and expenses In return for attorneys' fees.

9-The aforesaid Court heard the case and the National Institution plead ineligibility of the plaintiff in the requests made by his capacity as a tenant of the property and not the original owner, in addition to that, since the issuance of the judicial verdict of the enforcement court for the foreclosure in favor of the National Institution, It became the owner of this building resulting on registering the property for the Government of the Kingdom of Bahrain to be used by the National Institution for Human Rights.

10-But the Court ruled on January 29, 2014 to compel the national institution to pay the plaintiff the amount of BD45,500, to evacuate the property it occupies, and pay the fees and expenses and BD20 in return of attorneys' fees.

11-The National Institution within the permitted legal time limit appealed the judgment of the High Civil Court (Sixth Circuit) before the Civil Supreme Court of Appeal (Fourth Circuit) sticking to its requests set forth previously.

12- The aforementioned court of appeal looked into the appeal concluding its judiciary, according to the texts of their decision dated February 23, 2015, to accept the appeal in form and reject the substance and support of the appealed



judgment, and compel the appellant with expenses and BD30 as attorneys' fees. Until to date, the Institute did not get the grounds for the judgment.

13-As the National Institution for Human Rights, that was established under Law No. (26) for the year 2014, is one of the public bodies in the state it is due to the Ministry of Justice, Islamic Affairs and Endowments body in charge of state issues to appeal to the Court of Cassation, in the judgment of the Court of Appeal referred to above.

14- So, it can neither be conceivable nor logical that the National Institution be asked to vacate the property, for failing to pay monthly rent, since its legal status stands as owner (previously lessee) as per the official document issued by the Survey and Land Registration Bureau, it is a question of the legality problem of the interpretation of the lease, which would be judged by the Court of Cassation and modify legal centers plaintiffs.

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