Causation of Criminal Adjudications in Bahrain Law

A Comparative Study

A Thesis submitted in Partial Fulfillment of the Requirements for degree Ph.D

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Summary Study

Whereas the commitment of causation of criminal rule is deemed as means to be persuaded, a manner to be satisfied, therefore it has been established as an essential matter to the judge to proceed their duty of accurate investigation and scrutiny to reach the truth they shall thereafter declare through their judgment, the only way by which they may be away from the suspicion of domineeringness, since it was considered as their own justification towards what they present to litigants and public, by which they avoid any doubts may be brought to minds, and to satisfy all parties towards their justice,(1) which is a right to public opinion whenever it was established in the judgments ruled in its name or litigants, to guarantee their right of defense, where they sense the justice therein, they satisfy, but where they sense any defect or unfairness, they may challenge the same before the higher judicial level, in addition to be a means of court of causation to realize its surveillance upon justness extent of such criminal rule in fact and law.

Causation basis has been widely established on a solid ground in current legal regimes, and has been a fundamental basis of the justice, and asal guarantee to the public interest; therefore most of constitutions and laws have there for stipulated. Furthermore, international agreements are bound by causation which has been a legal and reasonable act connected to the basics of justice and public interest, Therefore it’s a commitment on judges either stipulated for in constitutions and laws or not. Therefore, in this study, we precede the following:

First: studying the principles of judgments causation and its functions in our procedural legalisations and subsequently in other procedural legalisations, then to state the stipulation of our procedural legalisations concerning judgments causation and what court of causation in Kingdom of Bahrain had recourse for in the judgments causation in comparison with comparative jurisdictions and legalisations, in particular Legalisation and jurisdiction of Egypt.

Second: what should be stated in the criminal judgment of legal rules required to meet its veracity and the justness of its grounds through stating the legal rules established to by court of causation according to the rules due to be stated in the criminal judgment, either pursuant to causation establishment on the criminal judgment and veracity condition thereof & the evidences assignable, and the judgment’s non containment of causation defects such as summarization, ambiguity and conflict.

Third: litigants, in their challenges, depend, to defect the causation, on gaps they detect in the causation of the judgment, the point on which importance of this research is based through such academic work, to state the causation controls shall be followed by the judge in its judgment, noting that contravening such controls may allow litigants to challenge such judgment through available ways.

Fourth: demonstrating the impact consequent to the contravention of causation rules as demurrer, deficiency, prejudice to the right of defense, and vaine in reasoning.

This humble study intends to limit the causation problem, since it was noticed the increase of challenges number raised to the court of causation due to causation defects which have been most popular basis of such challenges, along with the fact that the court of appeal most likely refer in its adjudication to the grounds of the judgment challenged there before, in addition to the large number of cases filled up court papers.

(1) Challenge 1929/2/21 Legal rules # number 170 – P178