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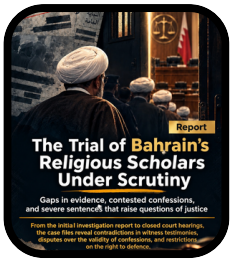

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The Judiciary Indicts the King

Editorial Board

For twenty-seven years, King Hamad bin Isa Al Khalifa has been waiting for this moment: the moment when the judiciary issues a ruling that targets not only individuals by name but, in its political and religious implications, the entire Shia community—its institutions, religious scholars, beliefs, and ties to the religious authorities in the holy cities of Najaf and Qom.

Twenty-seven years of discriminatory policies, sectarian persecution, and systematic exclusion have seen the authorities move gradually from restricting political participation to dismantling religious institutions, and from targeting prominent religious scholars to criminalizing religious practices and jurisprudential opinions.

Today, November 16, 2026, this campaign reaches one of its most dangerous stages, with the conviction of 69 citizens, including His Eminence Ayatollah Sheikh Isa Qassim, who is among 13 prominent religious figures sentenced in absentia. It is a moment that deserves to be recorded in Bahrain's human rights history as the day of Bahrain's Catastrophe.

The life sentences handed down to 64 people and the fifteen-year prison terms imposed on five others are not merely harsh punishments in a controversial criminal case. Among those convicted are 61 religious scholars and eight activists. In political and human rights terms, these sentences amount to a declaration of confrontation with the Shia religious establishment and its independence.

When those convicted include His Eminence Ayatollah Sheikh Isa Ahmed Qassim, one of Bahrain's most prominent religious figures, the message extends beyond Bahrain's borders. It reveals deep hostility toward Islamic religious authorities, institutions, and communities in general, and Shia Muslims in particular.

The message is that the authorities seek to decide which religious authorities citizens may follow, monitor their beliefs, and place their religious ties under security control. They seek to turn differences in jurisprudence and sectarian affiliation into permanent grounds for suspicion and persecution. From now on, even freedom of religious belief is no longer secure.

Yet the greatest irony is that, in convicting the religious scholars, the judiciary has also produced a political and historical indictment of the king's own reign.

These rulings cannot be separated from twenty-seven years of decisions made under his rule.

That record began with the betrayal of false promises of constitutional reform and continued through the suppression of the 2011 protests, the dissolution of the Islamic Scholars Council, Al-Wefaq Society, the Islamic Awareness Society, Amal Society, and Wa'ad Society, the imprisonment of opposition leaders and prominent figures, and the revocation of Ayatollah Sheikh Isa Qassim's citizenship. It extends to the restrictions imposed on religious rituals and institutions and the persecution of religious scholars and preachers.

What we are witnessing today is not an isolated judicial incident, but the culmination of a long process that has turned sectarian identity into a security concern, demands for equality into grounds for political suspicion, and religious independence into an accusation of foreign allegiance.

While the authorities have chosen to present this trial as part of a campaign against terrorism and a defense of the constitutional order, the case files and defense arguments raise fundamental questions about the credibility of the evidence and the legality of the proceedings.

How can the interrogation of fifty out of fifty-six defendants without their lawyers present be justified? How can confessions whose reliability has been challenged be trusted when those who made them have filed complaints alleging torture, coercion, and threats? And what guarantees of justice remain when the defense's access to a case file running to nearly sixteen thousand pages is restricted, hearings are held behind closed doors, and families are barred from attending a trial that will determine the fate of dozens of religious scholars and citizens?

More troubling still, the case goes beyond procedural violations to strike at the heart of religious freedom. Hussaini sermons, religious seminary education, the collection of religious dues, adherence to religious authorities, and scholarly and jurisprudential ties with Najaf and Qom have all become part of the prosecution's case.

Here lies the gravest violation: turning beliefs, jurisprudential opinions, and legitimate religious practices into evidence of criminal wrongdoing, rather than establishing specific criminal acts and clearly defined individual responsibility.

What remains of the freedom of conscience guaranteed by the constitution if a citizen's beliefs themselves are put on trial? And what remains of equal citizenship if sectarian affiliation becomes grounds for targeting religious institutions and scholars?

The rulings issued today expose a stark contradiction.

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Editorial

On one side are constitutional provisions guaranteeing freedom of belief, the presumption of innocence, and the right to a defense. On the other are practices documented in human rights reports and seriously challenged by the defendants' lawyers.

The very constitution invoked to justify these criminal prosecutions is the same constitution that prohibits torture and guarantees freedom of conscience and the rights of the defense. The authorities cannot claim to be protecting the constitutional order while its most basic safeguards remain subject to violations and serious challenges that have not been addressed through independent and effective means.

Political responsibility for this course of events cannot be hidden behind courtroom doors or reduced to a judge's signature on a verdict.

The king, who came to power twenty-seven years ago amid promises of reconciliation and supposed reform, now finds the country facing unprecedented mass convictions targeting dozens of religious scholars and activists.

Between those initial promises and these latest rulings lie mounting questions about responsibility for dismantling institutions, closing political space, and widening the divide between the state and a large segment of its citizens.

When the judiciary is used to lend legitimacy to the consequences of these policies, it does not erase the political responsibility of those who pursued them. Rather, it makes that responsibility all the more evident.

Instead of addressing accumulated grievances and rebuilding national trust, the authorities have chosen to deepen the wounds in the relationship between the state and the Shia community.

In doing so, they are not merely punishing those convicted. They are threatening the principle of equal citizenship and placing the independence of religious life under severe threat.

These rulings may deprive individuals of their freedom, but they cannot erase beliefs, suppress freedom of conscience, or deny society the right to hold the authorities accountable for their policies.

November 16, 2026, is not merely the day 69 citizens were convicted. It is a day of political and moral condemnation of an approach that has perpetuated exclusion and discrimination for twenty-seven years.

It is a day that demands the overturning of these convictions, the release of those arbitrarily detained, independent investigations into allegations of torture and coercion, and an end to prosecutions based on religious belief and affiliation.

Today is Bahrain's Catastrophe—a day when the judiciary was meant to condemn religious scholars, only for its rulings to become a political indictment of the reign that brought the country to this point.

History will not judge these rulings in isolation from the responsibility of the authorities under whose rule they were issued. Nor will justice be measured by the number of life sentences handed down, but by the extent to which human dignity, freedom, and the right to hold one's beliefs without fear or persecution are respected.

And so, the judiciary that convicted the religious scholars today has, before history, convicted the king himself.



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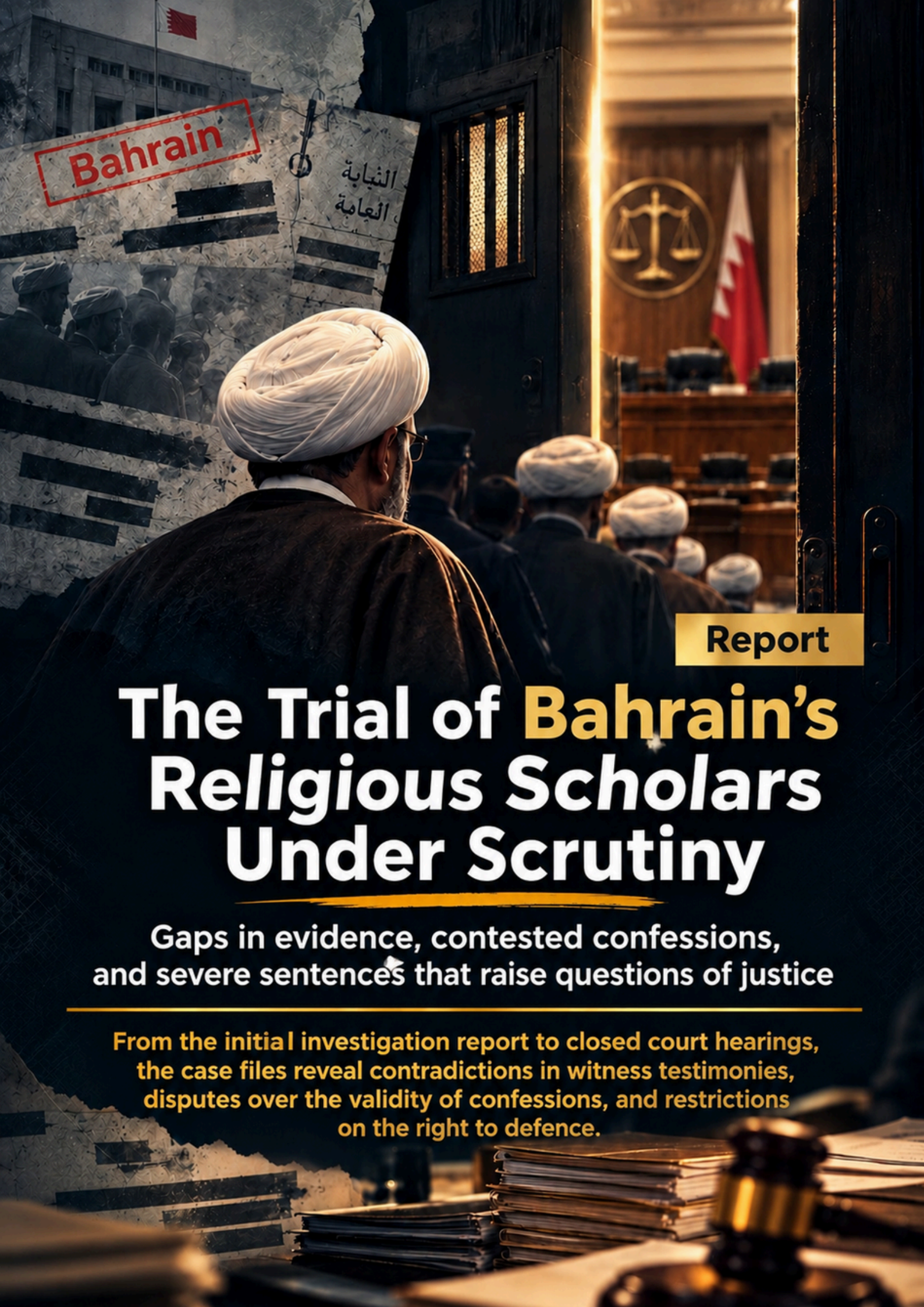

Report

The Trial of Bahrain's Religious Scholars Under Scrutiny

Gaps in evidence, contested confessions, and severe sentences that raise questions of justice

From the initial investigation report to closed court hearings, the case files reveal contradictions in witness testimonies, disputes over the validity of confessions, and restrictions on the right to defence.

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The Trial of Bahrain's Religious Scholars Under Scrutiny: Gaps in Evidence, Disputed Confessions, and Harsh Sentences Raise Questions About Justice

From the initial investigation report to closed-door court hearings, the case files reveal contradictions in witness testimony, challenges to the validity of confessions, and restrictions on the right to a defense.

The harsh sentences handed down in the case against Bahrain's religious scholars on November 16, 2026, have reignited debate over one of the country's most controversial trials. Dozens of religious scholars and individuals involved in religious activities faced charges related to terrorism, membership in a banned group, financing that group, and promoting violence.

While the Bahraini authorities maintain that the case concerns national security and efforts to counter an organization linked to foreign entities, human rights organizations argue that the proceedings leading up to the verdicts were marred by serious violations of fair trial guarantees. They also contend that some of the activities cited in support of the charges fall within the scope of peaceful religious practice.

A review of the final defense submission presented by some of the accused religious scholars residing abroad, alongside human rights reports and published testimonies, raises questions that go far beyond procedural details.

These questions concern the very foundations of the case: How was the information that led to the arrests gathered? Were the confessions attributed to the defendants made voluntarily? Were defense lawyers given a meaningful opportunity to examine the evidence? And how did the prosecution move from establishing religious activities or social and financial ties to alleging crimes that require proof of specific acts and distinct criminal intent?

A Single Investigation Report at the Start of a Case Spanning Years

One of the central points of contention dates back to the evening of May 8, 2026, when the initial investigation report was opened at 9 p.m. Approximately ninety minutes later, the Public Prosecution recorded its satisfaction with the reliability of the investigation.

The report did not concern a recent incident or a single suspect. Instead, it presented a broad account of alleged activities spanning several years and involving dozens of individuals, as well as organizational, financial, and religious ties within Bahrain and abroad.

The significance of this timeline lies in the question of what evidence was available for independent verification when the initial measures were taken.

The officer responsible for the investigation, Abdulaziz Al-Doseri, stated that gathering the information had taken a considerable amount of time and that he had relied on multiple confidential sources. However, at that stage, he did not present the Public Prosecution with any identifiable independent supporting documents beyond the investigation report itself.

The ninety-minute interval does not mean that the entire investigation was conducted within that period. The witness stated that the investigative work had begun months before the report was prepared. Rather, the concern is whether the facts and conclusions contained in the report could have been adequately reviewed before measures affecting the liberty of a large number of individuals were taken.

The Investigating Officer: Two Accounts of Who Gathered the Information

Another contradiction emerged when the investigating officer's statements to the Public Prosecution were compared with his testimony before the court.

Initially, he stated that he had assigned a team of officers and personnel to gather information and conduct investigations under his supervision. Before the court, however, he maintained that he alone had conducted the investigation.

This discrepancy goes beyond a minor difference in wording because it concerns how the information



entered the case file.
If other individuals were involved in gathering it, it becomes necessary to establish what each person knew, how they obtained that information, and whether the principal witness independently verified it. If, on the other hand, he carried out the investigation alone, his earlier statements about assigning a team to the task require an explanation.
The issue becomes more complex given the witness's statement that he relied on more than ninety confidential sources.
Protecting the identities of confidential sources does not remove the need to explain how their information was verified. Nor does it eliminate the need to distinguish between genuinely independent sources and individuals repeating information that originated from a single source.
In a case of this gravity, the reported number of sources alone is not sufficient to establish that the information came through independent channels or that the conclusions drawn from it were accurate.

Days in Detention Before Statements Were Recorded

The timelines presented in the defense submission reveal a pattern that warrants scrutiny regarding the period between the defendants' arrests and the start of their recorded questioning.
Of the fifty cases for which a timeline could be established, questioning of 29 defendants began more than 72 hours after their arrest. Meanwhile, in 41 of those fifty cases, the defendants were brought before the Public Prosecution within twelve hours of the completion of their questioning records.
These figures raise a fundamental question: What happened during the period before the defendants' statements were recorded? Why did this stage last several days for some defendants, while the proceedings moved rapidly once the records were completed?
This delay identifies a period during which defendants say they were subjected to pressure, exhaustion, and ill-treatment.
Detention records, transfer logs, and records of entry and exit are therefore directly relevant to verifying their accounts. Whenever the validity of a confession is disputed, it is essential to reconstruct the circumstances in which it was obtained rather than relying solely on the presence of a signature at the end of a statement.

Fifty Interrogations Without Lawyers Present

One of the most significant objections raised in the case files is that fifty of the fifty-six defendants were interrogated without their lawyers present. This occurred despite formal requests submitted in advance for lawyers to be notified of interrogation dates and allowed to attend.
This dispute is not simply about the absence of lawyers as a procedural formality. It concerns the defendants' ability to review the statements attributed to them before signing.
Several religious scholars stated that their actual interrogation sessions were considerably shorter than the lengthy written records subsequently presented to them. They also said they were unable to read every page or verify that the records accurately reflected what they had said.
The timelines also show that 47 of the 56 interrogations began between 10 p.m. and 7 a.m., including 24 that began after midnight. In light of complaints of exhaustion and coercion, the timing of interrogations, the length of the written records, and the presence or absence of lawyers are interconnected issues that cannot be examined in isolation.

Two Interrogations Starting at the Same Minute

The defense submission highlights two striking incidents concerning the accuracy of the times recorded in the interrogation reports.
On May 15, two separate interrogations were recorded as having begun before the same prosecutor at 1:15 a.m. A similar discrepancy occurred on June 4, when two interrogations were recorded as starting at 10:25 p.m. before the same prosecutor and court clerk.
These incidents raise questions about whether the recorded times accurately reflect when each defendant's interrogation began or whether they were entered in some other way that requires explanation.

Torture Complaints and the Search for Evidence That Could Establish the Truth

The defendants' objections were not limited to how the interrogation records were prepared. Several filed complaints alleging threats, coercion, and ill-treatment. Defense lawyers requested access to the original investigation files relating to these complaints, including statements from the complainants, witnesses, and officials involved in the interrogations.

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The court ordered the inclusion of files related to these allegations. However, the materials made available did not include the complete investigative records on which the findings concerning the complaints were based. Instead, they consisted of statements or summaries issued by the relevant authorities.
The surveillance footage from inside and around the Public Prosecution building were also requested. Such footage could potentially help verify the duration of interrogations, the movement of individuals, and the circumstances of their presence at the building.
The Public Prosecution stated that surveillance recordings were retained for one month. Defense lawyers, however, called for checks to determine whether backup copies existed or whether the footage could be recovered from the system operator.
A joint statement published by international and regional human rights organizations in November included detailed testimonies describing threats and pressure that detainees said they had experienced. The organizations called for independent and effective investigations and urged that no reliance be placed on confessions found to have been obtained through torture or ill-treatment.
The seriousness of this issue lies in the risk that the unavailability of surveillance footage or original records could effectively bring efforts to investigate alleged abuses to an end. This is particularly concerning when the authority responsible for preserving the evidence is itself an official body facing questions about the conditions of detention.

Sixteen Thousand Pages and a Disputed Right to a Defense

One of the shortcomings that emerged throughout the trial concerned defense lawyers' access to the case files. The case file ran to nearly sixteen thousand pages, including approximately ten thousand pages of financial attachments added at a late stage.
Defense lawyers continued to object to not receiving complete copies of the documents, despite being allowed to inspect them under specific arrangements. The difference between being permitted to inspect a vast case file and possessing a copy that can be studied, compared, and analyzed is not a mere administrative detail. Examining thousands of banking transactions, recordings, and documents requires time, technical expertise, and the ability to return repeatedly to the original materials.
Moreover, the fact that lawyers presented their defense based on the documents available to them did not mean they had withdrawn their requests for complete copies. Nor did it mean they accepted that the time and facilities provided were sufficient.

Closed-Door Hearings and Remote Testimony

The decision to hold hearings behind closed doors and the restrictions on family attendance prompted further objections. The case has attracted considerable public interest and involves well-known religious figures.
As a general rule, criminal trials should be held in public. Closed proceedings should not become the norm without specific justification that can be subject to review.
Detained defendants also participated through video links, while the court heard testimony from key witnesses remotely, despite requests for them to appear in person.
The objections focused on how these arrangements affected the defendants' ability to consult their lawyers, follow the examination of evidence, and effectively challenge witness testimony.

Conflicting Accounts of the Formation of an Alleged Organization

One of the most significant weaknesses in the case concerns the central charge of establishing or joining a banned group.
The authorities' allegations presented differing accounts of the organization in question. One account traced its origins to the establishment of the Islamic Scholars Council in 2004. Another claimed that the council continued operating after its dissolution in 2014. A third suggested that a new group was formed following the dissolution, while a fourth linked its reorganization to events between 2018 and 2019.
These discrepancies are not merely about dates. They also affect the identification of the alleged organization, the circumstances of its establishment, who joined it, and when those individuals became aware of its objectives.
If the allegation concerns the continuation of an existing institution, it differs from an accusation of establishing a new organization. Likewise, if the alleged organization was formed in 2018 or 2019, membership in it cannot be attributed to individuals in earlier years solely on the basis of past relationships or religious activities.

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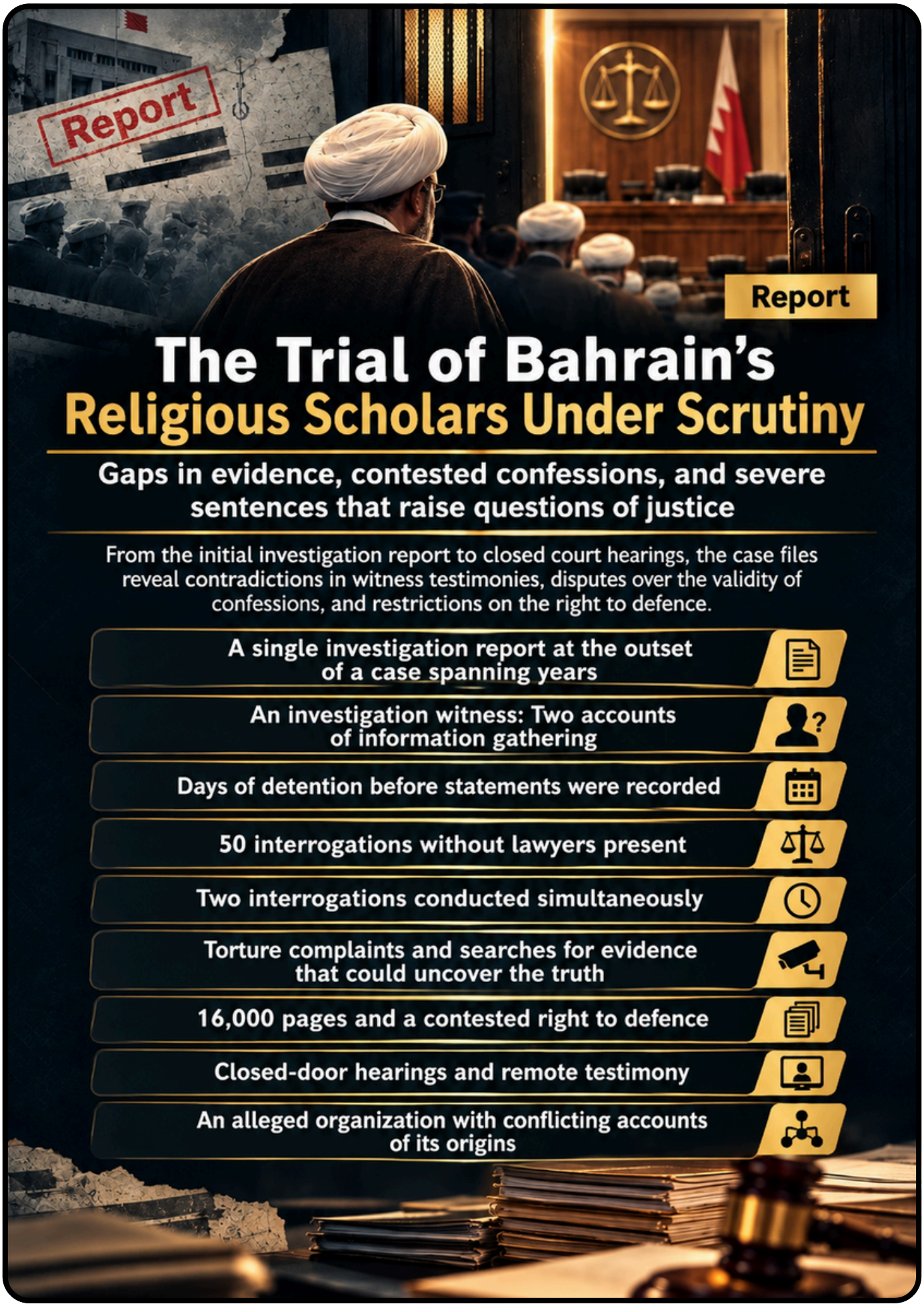



Report

The Trial of Bahrain's Religious Scholars

Through the Lens of Three Defense Submissions

Contradictory Investigations, Disputed Confessions, and Charges Lacking Conclusive Evidence



Three legal and human rights defense submissions reveal serious flaws in the case against dozens of religious scholars in Bahrain. They raise questions about the legality of the arrests, the reliability of confessions, and the evidence used by the authorities to support the charges.

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Bahrain's Religious Scholars on Trial Through the Lens of Three Defense Submissions: Contradictory Investigations, Disputed Confessions, and Charges Lacking Conclusive Evidence

From investigation reports and interrogation rooms to allegations of organizational membership and terrorism, three legal and human rights defense submissions reveal serious flaws in the case brought against dozens of religious scholars in Bahrain. They raise troubling questions about the legality of the arrests, the reliability of confessions, and the evidence used by the authorities to criminalize established religious, educational, and social activities.

In one of the most extensive campaigns targeting Bahrain's Shia religious establishment, the authorities arrested more than forty religious scholars and brought dozens of defendants to trial. Their defenders view the case as a serious escalation of restrictions on religious freedoms and an attempt to give judicial legitimacy to the targeting of the independent religious establishment.

The gravity of the case extends beyond the scale of the arrests and the nature of the charges. It also lies in allegations of torture and coercion, the absence of lawyers during most interrogations, and contradictions in the investigation reports. The concerns also extend to the use of legitimate religious activities to support allegations of involvement in a banned organization, foreign ties, terrorist financing, and incitement to violence.

Three defense submissions presented by religious scholars arbitrarily sentenced to life imprisonment in absentia—Sheikh Jassim Al-Mutawa, Sayed Abbas Shubbar, and Sheikh Mohammed Mansi—have subjected the trial to extensive legal and human rights scrutiny. The submissions examine the origins and circumstances of the charges, the interrogations and confessions, and the evidence and alleged acts attributed to the scholars.

All three submissions characterize the case as a politically motivated prosecution with religious and sectarian dimensions. They maintain that the shortcomings revealed in the case files warrant accountability for those responsible for the violations, redress for the religious scholars, and their release.

First: Security Investigations Raise Doubts About the Foundations of the Case

In the first defense submission, Sheikh Jassim Al-Mutawa examined the initial stages of the security authorities' account of the case. He identified a series of problems affecting the very basis on which the arrest and search warrants were issued.

According to the case documents cited by Al-Mutawa, the initial investigation report prepared by officer Abdulaziz Al-Doseri was opened at 9 p.m. on May 8, 2026. Just ninety minutes later, the records indicated that a member of the Public Prosecution had reviewed the report and expressed satisfaction with the reliability of the investigation.

Al-Mutawa questioned whether this period was sufficient to examine an investigation involving dozens of individuals, incidents spanning several years, financial and religious relationships, and communications within Bahrain and abroad. This concern was particularly significant because, according to the submission, the investigating officer acknowledged that he had presented the prosecution with nothing beyond the report itself.

The objections were not limited to the timing of the procedures. They also concerned the nature of the information sources.

The investigating officer claimed to have relied on more than ninety confidential sources. However, according to the submission, it remained unclear whether their information was independent or whether any physical evidence corroborated the allegations against the defendants.

The submission also identified a contradiction in the officer's statements about who conducted the investigation. Before the Public Prosecution, he stated that he had assigned a group of officers and personnel to gather information. Before the court, however, he claimed to have conducted the investigation alone.

Al-Mutawa argued that this was not a minor procedural inconsistency. Rather, it affected the credibility of the information, how it was gathered and verified, and the process by which accounts from confidential sources became the basis for extensive criminal proceedings.

He also warned of the possibility that information from previous investigations had been recycled into subsequent investigation reports. This could give a single piece of information the appearance of multiple sources of evidence without it having undergone independent verification.

Violations Extending to the Scholars' Homes and Families

The submission also highlighted the direct consequences of the arrest and search operations, raising concerns about respect for the defendants' rights and the privacy of their homes.

According to Al-Mutawa, the seizure operations included property belonging to members of the scholars' families, including computers and tablets owned by the wives and children of some defendants. The direct connection between these devices and the alleged crimes had not been adequately established.

He stressed that family relationships do not give security agencies the right to violate the privacy of

individuals who have not been accused of any crime. The legality of each measure must be assessed according to its necessity and its connection to a specific alleged criminal act.
The submission concluded by calling for an examination of the original investigation records, independent investigations into violations committed during arrests and searches, and accountability for those responsible. It argued that potential flaws at the outset of the case cannot simply be overlooked on the basis of evidence gathered after the contested measures were carried out.

Second: Confessions Obtained During Late-Night Interrogations Without Lawyers

The second defense submission, presented by Sayed Abbas Shubbar, one of the defendants in the case, turned its attention to what took place inside the interrogation rooms.
It presented figures and testimonies that raise serious questions about the reliability of statements presented by the prosecution as confessions.
One of the most significant findings highlighted in the submission was that fifty of the fifty-six defendants were interrogated without their lawyers present, despite formal requests submitted in advance for legal representation during questioning.
Shubbar noted that Article 134 of Bahrain's Code of Criminal Procedure requires the defendant's lawyer, if one has been appointed, to be invited to attend interrogations in felony cases. He argued that preventing lawyers from attending constituted a fundamental breach of procedural safeguards.
A review of the interrogation records revealed that 47 of the 56 interrogations began between 10 p.m. and 7 a.m., including 24 that began between midnight and the early morning hours.
These figures are particularly significant in light of statements by religious scholars who reported being subjected to exhaustion, psychological pressure, and deprivation of rest before questioning. Such conditions raise serious concerns about their ability to give statements voluntarily and review the records attributed to them.

Timeline Discrepancies and Lengthy Interrogation Records

Among the most notable incidents highlighted in the submission were two separate interrogations recorded as having begun before the same prosecutor at exactly the same minute on May 15, 2026. A similar incident occurred on June 4.
Shubbar argued that these discrepancies warranted an examination of the original records and the electronic data showing when the interrogation reports were created and modified. He maintained that they should not simply be dismissed as clerical errors with no bearing on the integrity of the proceedings.
More seriously, Shubbar cited statements by religious scholars who told the court that their interrogations consisted of only a few questions over brief periods, sometimes lasting approximately fifteen minutes. Yet they were subsequently asked to sign interrogation records running to 25 or 30 pages.
Several defendants also reported being beaten, slapped, insulted, and threatened. These allegations included threats of citizenship revocation, deportation, and harm to family members. Some defendants also said they were pressured into signing statements or were not allowed to read the records before signing.
Despite complaints being submitted to official bodies, including the Special Investigation Unit and Judicial Inspection, the defense raised objections over the failure to provide complete investigation files relating to those complaints.
Shubbar called for an independent investigation into allegations of torture and coercion. He also requested an examination of security recordings and records tracking the defendants' movements inside Public Prosecution buildings. In addition, he called for an electronic and technical review of the interrogation records to establish the circumstances in which they were prepared.
He warned that using disputed statements as evidence against other defendants further compounded the seriousness of the alleged violations. It risked turning contested confessions into a network of mutually reinforcing evidence, even though the reliability of the original statements had not been established.

Third: Where Is the Crime, and Where Is the Evidence?

In the third defense submission, Sheikh Mohammed Mansi examined the substance of the charges. Moving beyond procedural objections, he questioned the evidence used by the prosecution to link the religious scholars to an alleged organization, terrorism, and foreign connections.
Mansi argued that the most troubling aspect of the case was the attempt to turn established religious, educational, and financial activities into criminal offenses without presenting specific evidence that each defendant had committed a particular crime.
He highlighted contradictions concerning the origins of the alleged organization. The accounts varied between the establishment of the Islamic Scholars Council in 2004, its dissolution in 2014, and claims that a new organization had been formed or an existing one reorganized in 2018 or 2019.

Mansi argued that these conflicting accounts raised a fundamental question about the identity of the organization the scholars were accused of establishing or joining. He also pointed to the absence of specific evidence establishing each defendant's membership and knowledge of the alleged organization's criminal objectives.
He further rejected the use of scholarly and religious ties with religious authorities and institutions in Najaf and Qom as evidence of espionage or acting under foreign instructions. He stressed the need to establish the existence of specific orders, their source and content, and how they were carried out.

From Religious Dues to Terrorism Financing Charges

Turning to the financial allegations, Mansi criticized the conflation of collecting khums and other religious dues, which are established religious practices, with financing prohibited terrorist activities.
He noted that bank transfers do not, in themselves, establish that a crime has been committed. Such a conclusion requires identifying the source of the funds, their movement, the ultimate beneficiary, and the purpose for which they were used.
Mansi also presented the defense's objections to the possibility that certain sums had been counted more than once as they moved between accounts belonging to the same individual. He argued that inflating financial figures cannot substitute for proving criminal intent.

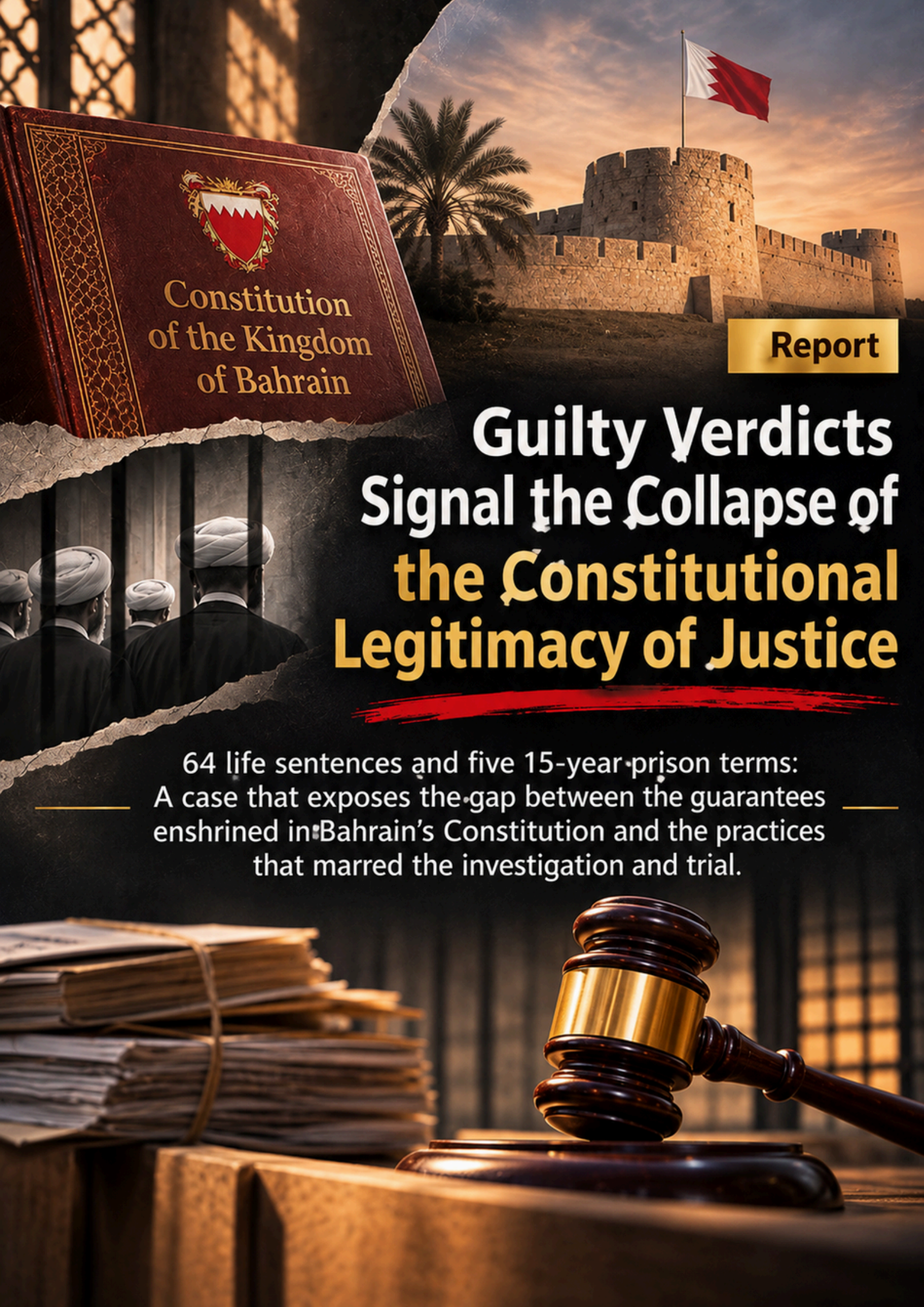
451 Sermons and Speeches Examined Against Incitement Allegations

On the issue of religious preaching, Mansi examined the case of Sheikh Hani Al-Banna, who was accused of exploiting religious platforms and social media to incite others and influence young people.

According to the submission, the defense presented a technical analysis covering 451 published recordings and other materials, totaling approximately 231 hours and containing around 1.18 million words.
The analysis concluded that, within the materials examined, there were no identified calls for violence inside Bahrain or instructions to recruit young people into prohibited activities. Most of the materials instead addressed religious, jurisprudential, ethical, and social topics.
The defense also objected to the use of criminal complaint reference numbers as evidence of incitement. It argued that the mere existence of a complaint does not establish a connection to a specific sermon or religious scholar.
Mansi stressed that criminal responsibility is individual and that no religious scholar should be convicted solely because of their religious affiliation, ties to another scholar, or involvement in lawful activities. He warned that conflating such activities with alleged crimes places religious belief itself under suspicion.

A Case That Goes Beyond the Fate of the Detainees

Taken together, the three defense submissions reveal a pattern of objections. These begin with the sources of the investigation reports and the legality of the arrests, extend to the circumstances in which confessions were obtained, and culminate in challenges to the ability of the evidence presented to establish the crimes attributed to the religious scholars.
Although they address different aspects of the case, all three submissions agree that its implications extend beyond the defendants themselves. They concern freedom of belief, religious education, and the independence of the religious establishment, as well as fair trial guarantees and society's right to hold security and judicial institutions accountable.
The three scholars also share the same demands: the dismissal of the charges, the immediate release of the religious scholars, independent investigations into complaints of torture and coercion, and accountability for those responsible for any proven violations against the detainees and their families.



Report

Guilty Verdicts Signal the Collapse of the Constitutional Legitimacy of Justice

64 life sentences and five 15-year prison terms: A case that exposes the gap between the guarantees enshrined in Bahrain's Constitution and the practices that marred the investigation and trial.

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ISSUE NO. 3 – NOVEMBER 2026

Guilty Verdicts Signal the Collapse of the Constitutional Legitimacy of Justice

64 life sentences and five fifteen-year prison terms: A case that exposes the contradiction between the guarantees enshrined in Bahrain's Constitution and the practices that marred the investigation and trial.

November 16, 2026, was no ordinary day in Bahrain's judicial and human rights history. On that day, the High Criminal Court sentenced 64 people to life imprisonment and five others to fifteen years in prison. The case primarily targeted Shia religious scholars and individuals involved in religious activities. The court also imposed fines and ordered the confiscation of more than eight million Bahraini dinars.

These rulings raise questions not only about the fate of those convicted but also about the constitutional principles on which the legitimacy of the state and its institutions is supposed to rest.

The exceptional gravity of this case lies not only in the severity of the punishments but also in the circumstances surrounding the trial. The defendants' lawyers raised documented objections concerning the voluntariness of confessions, the presence of legal counsel, access to evidence, public hearings, and the questioning of prosecution witnesses. International and regional human rights organizations had previously expressed serious concerns about these issues, calling for independent investigations and effective fair trial guarantees.

Examining the case from the perspective of constitutional law and human rights raises a question that goes beyond the validity of any particular criminal judgment:

What value does a constitution retain when its fundamental guarantees are called into question in a case that could result in lifelong imprisonment, yet serious objections concerning those guarantees fail to prevent convictions from being handed down?

The Constitution Is Not a Justification for Punishment but a Limit on the Power to Punish

Article 20 of Bahrain's Constitution establishes that punishment is individual and that an accused person is presumed innocent until proven guilty in a lawful trial that provides the necessary guarantees for exercising the right to a defense at every stage of investigation and trial. It also requires that every person accused of a felony have a lawyer and guarantees the right of access to the courts.

Article 19 prohibits physical and psychological torture and treatment that degrades human dignity.

It also declares invalid any statement or confession proven to have been obtained through torture, threats, or prohibited inducements.

These provisions are not ceremonial declarations to be invoked on official occasions. They are legal restrictions governing how the state exercises its powers of accusation, investigation, and prosecution.

The law does not grant the authorities an unrestricted right to punish. Rather, it permits punishment only through established procedures designed to protect individuals against arbitrary treatment, error, and abuse of power.

Constitutional legitimacy does not arise merely from the existence of a court. It depends on respect for the safeguards that make a trial a means of establishing the truth, rather than simply a process for endorsing the prosecution's allegations.



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Fifty Defendants Without Their Lawyers: Where Was the Right to a Defense?

The available information indicates that fifty of the fifty-six detained defendants were interrogated without their lawyers present. This occurred despite formal requests submitted in advance for lawyers to be notified of interrogation dates and permitted to attend.

This is not a mere procedural formality that can be dismissed on the grounds that lawyers subsequently attended court hearings. The right to a defense begins during the investigation, when the defendant's statements are recorded and the facts that will later be used against them are established.

If a lawyer is absent when statements are recorded, reviewed, and signed, their subsequent presence does not automatically restore the safeguards that should have been available during the initial stage.

The seriousness of this issue is heightened by statements from defendants who said that their actual interrogation sessions were brief, while the records attributed to them contained dozens of pages of questions and answers.

This raises a fundamental contradiction: How can the right to a defense be said to have been respected when the defense documents indicate that the overwhelming majority of defendants were interrogated without their lawyers present?

Official declarations that rights are guaranteed are not sufficient to establish that those rights were respected in practice. Compliance with a constitutional safeguard must be verified. It is not merely a description that an investigating authority can assign to its own procedures.

Disputed Confessions: Were the Circumstances in Which They Were Obtained Examined?

The reliability of confessions is among the most serious issues in the case. Several defendants maintained that they had been subjected to pressure, threats, and ill-treatment. They also denied making some of the statements attributed to them in the interrogation records. Defense lawyers requested surveillance footage and the original complaint files to verify these accounts.

The defense submission presents timelines that warrant further examination. In 29 of the 50 cases for which comparable data were available, questioning began more than 72 hours after arrest. In addition, 47 of the 56 interrogations conducted by the Public Prosecution began between 10 p.m. and 7 a.m.

The objections were not limited to the timing of interrogations. The defense identified instances in which two separate interrogations were recorded as having begun at exactly the same minute before the same prosecutor. It also noted striking similarities between statements attributed to different defendants. In a sample of 34 cases, a comparison between the initial questioning records and the defendants' first answers before the Public Prosecution revealed an average similarity of 85.4%. A separate examination found that the substance of 266 out of 336 questions had already appeared in earlier interrogation records.

These indicators do not, on their own, establish that torture or falsification occurred. However, they warrant a thorough investigation. Such objections should be examined through recordings, official records, and independent evidence, rather than relying solely on the presence of a signature on an interrogation report.

When life sentences are handed down while serious questions remain unresolved about whether statements were made voluntarily and accurately attributed to the defendants, the case becomes a direct test of the effectiveness of Article 19 of the Constitution.

Sixteen Thousand Pages and an Unequal Right to a Defense

The case file amounted to approximately sixteen thousand pages, including nearly ten thousand pages of financial attachments added at a late stage.

Despite the size and complexity of the file, defense lawyers maintained that they had not received complete copies of the documents needed to study and compare the evidence and obtain the necessary expert analysis. They argued that merely allowing access to the documents under restrictive conditions did not necessarily meet the requirements of an effective defense.

This issue is directly linked to the principle of equality of arms between the prosecution and the defense. The Public Prosecution possesses the case files and can revisit and analyze them. Defendants, meanwhile, need the same practical means to examine the evidence presented against them.

Tracing the source of a financial transfer, verifying the authenticity of a digital file, or comparing statements made by several defendants requires more than a brief examination of documents in a vast case file.

The right of access to evidence loses much of its practical value if it does not allow the defense to examine that evidence thoroughly and retain the materials needed for review. When such restrictions arise in a trial that ends in life imprisonment, the issue is no longer one of administrative arrangements. It concerns the very substance of constitutional justice.

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Prosecution Witnesses and Closed-Door Hearings

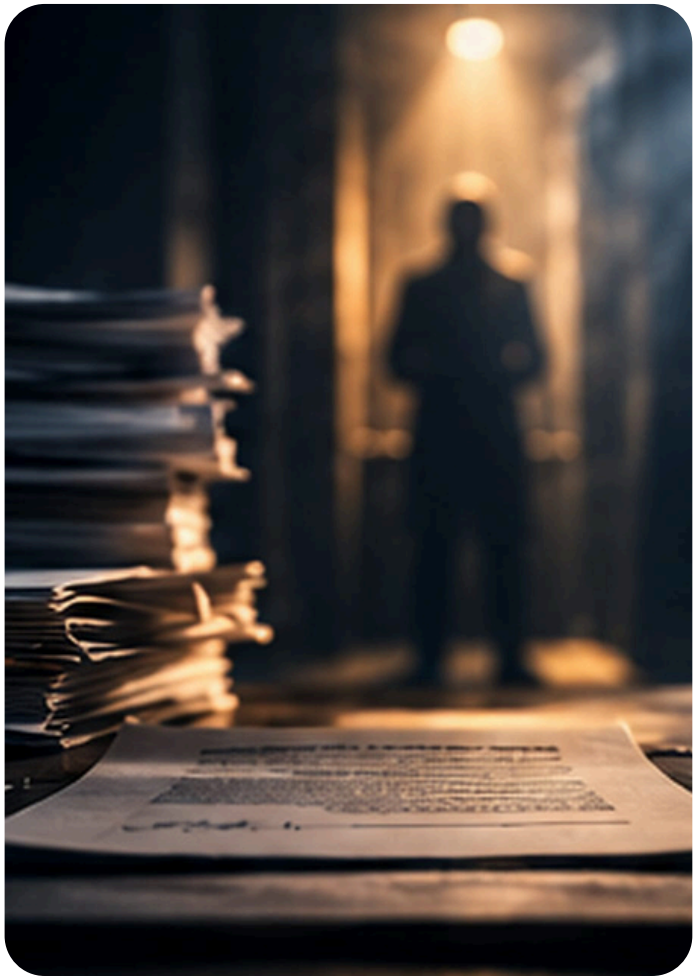
The court recorded objections concerning closed-door hearings, the remote participation of detained defendants, and the examination of prosecution witnesses by video link. The defense also objected to restrictions on pursuing certain lines of questioning that it considered essential.
Article 105 of Bahrain's Constitution establishes that court hearings should, as a general rule, be held in public, with closed proceedings permitted only in cases specified by law.
This does not mean that every closed hearing is automatically invalid. However, it does mean that the reasons for restricting public access and the scope of those restrictions must be justified and subject to review. This is particularly important in cases involving fundamental rights and attracting significant public attention.
Regarding the principal investigating officer, the defense submitted 349 questions, of which 194 were permitted. In 72 answers, the witness stated that he did not remember, did not know, or could not provide a specific answer. Another twenty answers referred back to previous statements or interrogation records.

Criminalizing Religious Activities: Undermining the Substance of Constitutional Rights

The implications of this case extend beyond fair trial guarantees to religious freedoms themselves.
Article 22 of the Constitution guarantees freedom of conscience, the inviolability of places of worship, and freedom to practice religious rites and hold religious gatherings. Article 23 also guarantees freedom of opinion and expression within constitutional and legal limits.
The prosecution's account included activities related to religious sermons, seminary education, the collection of religious dues, and communication with religious authorities outside Bahrain. It linked these activities to an alleged organizational and political project.
The payment or transfer of khums does not, by itself, constitute terrorist financing. A sermon does not become incitement merely because it addresses public affairs. Nor does studying religion abroad amount to espionage simply because the education takes place outside the country.
Article 31 of the Constitution further establishes that the regulation of rights and freedoms must not undermine the essence of those rights and freedoms.
This principle is fundamental.
Applying criminal laws in a way that effectively subjects legitimate religious practices to constant suspicion may undermine the substance of religious freedom, even when the constitutional provisions protecting it remain formally in force.

A Constitution the Scholars Are Accused of Undermining, While Its Own Safeguards Are Called into Question

The case presents a striking political and legal paradox. The Public Prosecution accused those convicted of seeking to undermine constitutional provisions and change the system of government.

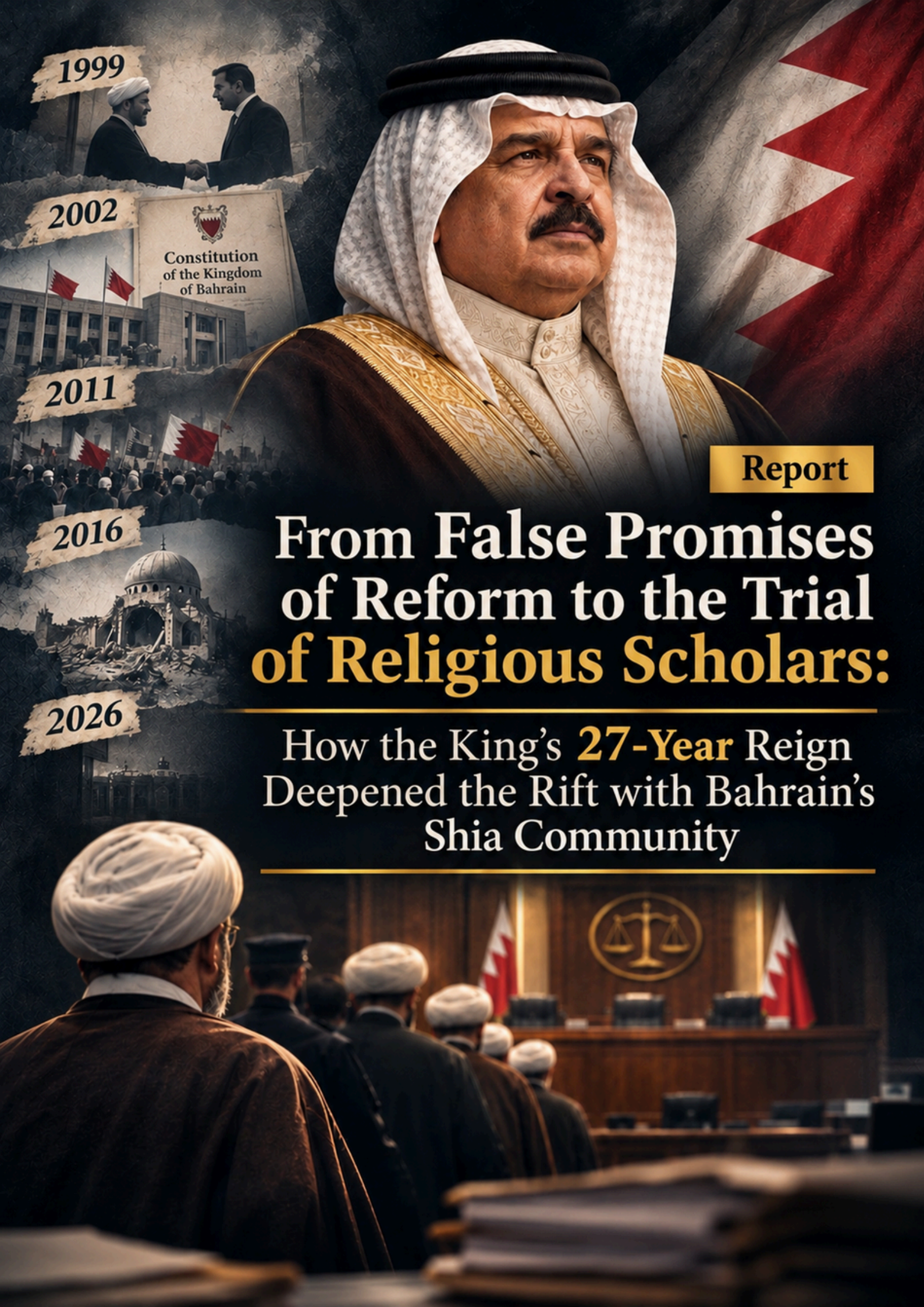


Yet the objections raised by the defense and human rights organizations rely on the very same constitution to demand protection against coercion, the presence of lawyers, access to evidence, public hearings, and freedom of belief.
If protecting the constitution is the justification invoked for imposing the harshest penalties, then respecting its provisions throughout the trial must be the first requirement of that protection.
The constitutional order cannot be effectively protected if constitutional safeguards are treated as secondary considerations that may be set aside whenever serious security charges are brought.

Today's Verdicts: The End of Constitutional Legitimacy in Human Rights Terms?

The verdicts issued on November 16 do not mean that Bahrain's Constitution has been legally abolished or that state institutions have ceased to exist. Such consequences do not follow merely from the issuance of a criminal judgment.
The issue is different, however, when discussing constitutional legitimacy in its political and human rights dimensions. This concerns the extent to which the exercise of state power respects the constitutional limits established to protect citizens.
When a trial of this gravity ends with dozens of people sentenced to life imprisonment, without a convincing and effective response to objections concerning the voluntariness of confessions, the presence of defense lawyers, and the ability to challenge evidence, the crisis extends beyond a judgment that can be appealed. It raises broader questions about public confidence in the constitutional system's ability to protect fundamental rights.
From this perspective, a critical human rights assessment sees the guilty verdicts as signaling the collapse of constitutional legitimacy in its practical application to this case.
What has ended here is the legitimacy of the constitution as an effective safeguard for individuals, not its existence as a written document. Citizens do not need a constitution that lists their rights only to leave their protection to the discretion of the very authorities bringing charges against them. They need a constitution that guarantees respect for those rights when their freedom, future, and family life are at stake.





Report

From False Promises of Reform to the Trial of Religious Scholars:

How the King's 27-Year Reign Deepened the Rift with Bahrain's Shia Community

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From False Promises of Reform to the Trial of Religious Scholars: How the King's 27-Year Reign Deepened the Rift with Bahrain's Shia Community

In 2001, Bahraini religious scholars and opposition figures returned from exile after the new emir, Hamad bin Isa Al Khalifa, opened the door to reconciliation and promised to end the legacy of the security state. This was before he unilaterally introduced a constitution without a negotiated agreement.

Twenty-five years later, dozens of Shia religious scholars find themselves before a criminal court, facing serious security charges amid human rights complaints alleging torture, coercion, and restrictions on the right to a defense.

Between these two moments lie twenty-seven years of rule during which relations between the state and large segments of the Shia community shifted from hopes of political participation to a profound crisis of trust. That crisis is no longer confined to parliamentary representation or public freedoms. It has extended to religious institutions, religious authorities, and religious practices.

The question raised by this history is not whether Bahrain has experienced political and security crises. It certainly has. The question is: How did demands for equality and political participation, over successive periods, become a security issue in which sectarian identity and religious ties were incorporated into a narrative of threat?

The Initial Promise: Reconciliation Undermined by the Constitution

When Hamad bin Isa assumed power in March 1999, he inherited a political crisis that had been unfolding for decades. However, the situation entered a new phase with the abolition of the State Security Court, the release of detainees, and the return of opposition figures from exile, including Shia religious scholars.

The 2002 Constitution, which the king promulgated without reaching a constitutional agreement with the opposition, redistributed powers in a way that granted the appointed Shura Council legislative authority equal to that of the elected Council of Representatives. As a result, the elected chamber could neither legislate independently nor exercise effective political oversight over the government.

At its core, the dispute was not sectarian. Various national political groups participated in demands for genuine constitutional reform. Its impact, however, was particularly significant for the Shia community, which formed a major part of the opposition calling for an elected parliament with meaningful powers.

The rift began with a fundamental question of political citizenship: Do citizens have the right to participate in decision-making, or are they merely permitted to vote within limits set by the authorities?

Al-Wefaq Society sought to work within the political institutions, entering parliament in 2006 and subsequently winning 18 of the 40 seats in 2010. Yet this electoral presence did not translate into a genuine partnership in political decision-making.

Here lay the central dilemma of the king's reign: the authorities opened the doors to participation while keeping the levers of real power beyond the reach of elected institutions.

2011: When a Political Crisis Became a Deep Social Divide

The February 2011 protests marked the most significant rupture. Bahrainis from different backgrounds took to the streets demanding reform, accountability, and equality. The authorities, however, treated the protests as a threat to national security and the political system.



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In March, forces from Gulf Cooperation Council countries entered Bahrain, a State of National Safety was declared, and Pearl Roundabout was forcibly cleared. The monument that had become a symbol of the protests was subsequently demolished.
What happened was not merely a passing confrontation. The Bahrain Independent Commission of Inquiry (BICI), established by the king himself, documented 35 deaths linked to the events between February 14 and April 15, 2011.
More seriously, the commission found a systematic pattern of physical and psychological ill-treatment by security agencies, which in many cases amounted to torture. It also received 559 complaints of ill-treatment during detention. All but nine of the complainants were Shia.
The targeting extended beyond individuals to religious sites. The commission investigated the demolition of thirty Shia religious structures and concluded that the authorities had failed to comply with legal requirements concerning notification and opportunities to challenge the demolitions. This was the case even where the government had raised issues concerning permits or the alleged use of the sites for security-related purposes.
For the affected families, the crisis was no longer simply about the government and parliament. It had come to concern the safety of their children, the sanctity of places of worship, and their right to feel secure in their own country.
The BICI report offered an opportunity for official acknowledgment of the violations and the beginning of fundamental reform. However, continuing human rights complaints in subsequent years led many victims to view the report as a document that recorded their suffering rather than one whose recommendations had brought meaningful redress.

From Closing Political Space to Restricting Religious Authority

After 2011, the confrontation became more firmly entrenched in law and state institutions.
In January 2014, a court ordered the dissolution of the Islamic Scholars Council, the highest religious body of Bahrain's Shia community. In July 2016, Al-Wefaq Society, the largest opposition political society and one that had participated in parliamentary politics, was dissolved. The crackdown was not limited to the Shia opposition. The National Democratic Action Society was also dissolved in 2017.(Wa'ad)
However, the measures targeting the Shia religious establishment had particular implications. The authorities increasingly treated independent religious and social institutions as matters for security regulation and legal prosecution.

On June 20, 2016, His Eminence Ayatollah Sheikh Isa Ahmed Qassim, the leader of Bahrain's Shia community, was stripped of his citizenship. He was subsequently tried in a case involving khums funds. The decision triggered protests and a sit-in in the Diraz area.
On May 23, 2017, a security operation to disperse the sit-in left five people dead and resulted in 286 arrests, according to the U.S. report on international religious freedom.
The significance of these measures extended beyond Ayatollah Qassim himself. When a religious scholar of his standing can be stripped of his citizenship, and the collection of khums becomes grounds for criminal prosecution, concerns arise among segments of the Shia community that go beyond an individual case. They extend to the security of religious practice itself.
This deepened the perception that relations with the state were no longer defined solely by political disagreement. They also concerned the authorities' ability to interfere with the independence of the Shia religious establishment.

Legislation That Turned Exclusion from a Crisis Response into an Established Rule

In April 2017, the king ratified a constitutional amendment expanding the circumstances under which civilians could be tried before military courts. Amnesty International warned that the move risked reopening the door to trials lacking fundamental safeguards, following the harsh experience of the National Safety Courts in 2011.
The political and civil isolation laws introduced in 2018 then barred members of dissolved political societies and other groups from standing for election or serving on the boards of civil society organizations.
According to a 2022 Human Rights Watch report, civil society organizations estimated that between 6,000 and 11,000 citizens were affected by these restrictions. No comprehensive official government figures had been published.
This marked a fundamental shift. The consequences were no longer limited to a criminal conviction or a period of detention. They extended to citizens' political and social futures.
Previous membership in a political society that had operated legally could now become grounds for exclusion from public participation.
The state was therefore no longer simply confronting the opposition during periods of protest. It had restructured public life in ways that restricted the ability of its political opponents to return to political activity.

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These measures affected opposition figures from different sectarian and ideological backgrounds. However, they particularly deepened the sense among large segments of the Shia community that the doors to participation opened at the beginning of the king's reign had now been closed.

From Political Suspicion to Religious Suspicion

Bahrain's crisis extends beyond arrests and trials to the everyday relationship between citizens and state institutions.
Over the years, international human rights organizations have documented discrimination against Shia citizens in certain areas of employment and institutional representation, particularly within the security services. They have also reported restrictions on religious activities and the prosecution of religious scholars and preachers.
In 2023, Human Rights Watch raised concerns about security restrictions on access to Friday prayers in Diraz, following the brief detention of prominent religious scholar Sheikh Mohammed Sanqour.
However, the danger revealed by these developments lies in turning political differences into sectarian classifications. When Shia opposition movements are repeatedly portrayed as loyal to foreign powers, citizens are placed under pressure to prove their patriotism to a degree not demanded of others, simply because of their religious affiliation or choice of religious authority.
This form of division extends beyond the law itself. It undermines the sense of equal citizenship.

The 2026 Trial: Has the Entire Religious Establishment Come Under Suspicion?

In May 2026, the authorities launched a wave of arrests targeting dozens of Shia religious scholars and preachers. The arrests were followed by trials involving interconnected security cases.
The authorities accused the defendants of links to an organization associated with Iran's Islamic Revolutionary Guard Corps and of engaging in organizational and financial activities that threatened state security.
The authorities maintain that their measures target criminal acts rather than religious beliefs and that the trials are conducted in accordance with legal safeguards. These claims must be assessed against the evidence and the procedures followed, rather than accepted or rejected simply because they come from an official body.
Human rights reports, however, have raised serious concerns about the inclusion of Wilayat al-Faqih (Guardianship of the Islamic Jurist), khums, religious authorities, seminaries, and religious activities in the prosecution's case.
The Bahrain Forum for Human Rights has also documented accounts of restrictions on communication with lawyers, defendants appearing through video links, allegations of torture and coercion, and irregularities in interrogation records and prosecution witness testimony.
These allegations require independent examination of the evidence and recordings. They should neither be treated as conclusively established judicial facts nor dismissed without investigation.
On November 8, the announcement of the verdicts was postponed until November 22, 2026. The Forum also reported that the defendants' families and human rights observers were prevented from attending the hearing.
The convictions of 69 citizens were subsequently handed down on November 16.

Conclusion: 27 Years of Rule—The Rift Was a Choice, Not a Coincidence

Twenty-seven years after King Hamad bin Isa Al Khalifa assumed power, it is difficult to view the widening rift between the authorities and large segments of Bahrain's Shia community as the result of temporary crises or political misunderstandings.
The sequence began with the reversal of promises of constitutional reform and continued through the suppression of the 2011 protests, the dissolution of political and religious institutions, the revocation of citizenship, and the introduction of political exclusion laws. It has now culminated in the mass trial of religious scholars.
Taken together, these developments reveal a succession of decisions made during the king's reign that progressively restricted political participation and religious independence.
As these events demonstrate, the rift did not emerge spontaneously. It was the result of successive political choices.
At every stage, the authorities could have chosen dialogue over exclusion, partnership over monopolization, and equal citizenship over a security-driven approach.
Instead, the decisions that became entrenched throughout the king's reign pushed relations with the Shia community into deeper crisis. The confrontation eventually extended beyond political societies and parliament to religious scholars, religious authorities, and religious practices.

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Bahrain's Largest Politically Motivated Mass Trial of Religious Scholars: 64 Sentenced to Life Imprisonment and 5 to 15 Years — Retaliatory Verdicts Against 69 Citizens Mark a Dangerous Escalation Targeting the Shia Community

The Bahrain Forum for Human Rights condemns unjust verdicts against 69 defendants, including 61 Shia religious scholars and eight activists, describing them as an extension of a politically motivated trial that was fundamentally invalid from the outset.

The Bahrain Forum for Human Rights (BFHR) condemns the unjust verdicts issued by Bahrain's High Criminal Court on Monday, November 16, 2026, against 69 defendants, including 61 Shia religious scholars and eight activists. The court sentenced 64 defendants to life imprisonment and five others to 15 years in prison, including sentences handed down in absentia. Among those sentenced is His Eminence Ayatollah Sheikh Isa Ahmed Qassim, the leader of Bahrain's Shia community. BFHR considers today's verdicts a devastating blow to religious freedoms and political rights in Bahrain's modern history.

The Forum views these verdicts as a dangerous escalation in the authorities' policy of settling political scores with the Shia religious establishment under the guise of judicial proceedings. The sentencing hearing took place amid heightened security measures. Sources who spoke to BFHR reported that security forces had sealed off all entrances to the courthouse. The scholars' families and relatives were prevented from attending the hearing, while others were allowed to enter. The scholars themselves were not allowed to appear in court in person and instead attended the hearing remotely via video link. These measures continued the restrictions on public access to the proceedings and the rights of the defense.

The sudden decision to move the sentencing date forward from November 22 to November 16, 2026, with lawyers notified only by telephone, further highlights the political manipulation of this case. The decision coincided with regional military escalation and renewed security tensions. The Forum considers this a reflection of the authorities' exploitation of these circumstances to expedite the verdicts and settle political scores at home.

BFHR's position that the trial is invalid is not based solely on political objections. Rather, it rests on a record of violations throughout the arrests, investigations, and trial proceedings. These include accounts of physical and psychological torture; cruel, inhuman, and degrading treatment; threats of violence against detainees and their families; and statements and signatures obtained under duress. Other violations include denying some defendants access to lawyers during questioning, restricting defense lawyers' access to case files and evidence, requiring defendants to participate in hearings via video link, and preventing families and human rights organizations from attending court hearings. These are not minor procedural irregularities.

They are serious violations that undermine the foundations of justice and turn the trial into a tool of political persecution and retaliation.

The detained religious scholars include teachers of advanced Bahth al-Kharij classes at Islamic seminaries, Friday and congregational prayer leaders, and seminary teachers and directors. They also include preachers, members of the Islamic Scholars Council — the highest religious body of Bahrain's Shia community — and representatives of senior religious authorities based in the holy cities of Najaf and Qom.

According to the Forum's documentation, 50 of the 56 defendants were questioned without their lawyers present, despite prior requests for their lawyers to attend. BFHR also documented interrogations conducted at night and records showing identical interrogation times for different defendants questioned by the same investigator. Several scholars denied making statements attributed to them and filed complaints alleging coercion and ill-treatment. More seriously, defense lawyers were denied complete copies of the case file. Their requests for original materials relating to complaints of abuse were also not properly fulfilled. How can courts impose sentences that deprive people of their liberty for the rest of their lives when serious questions remain about the reliability of confessions, the circumstances in which they were obtained, and the defendants' right to challenge the evidence against them?

The problems extend beyond procedural violations to the very basis of the charges. Conflicting accounts placed the establishment of the alleged organization in 2004, 2014, 2018, and 2019. The testimony of the intelligence officer was inconsistent regarding how information had been collected. He was also unable to provide detailed answers to a large proportion of the questions put to him, while the defense was prevented from completing its questioning on key aspects of the alleged events. At the same time, ordinary religious activities were used to build a case involving allegations of terrorism and foreign ties. These activities included teaching Islamic jurisprudence, delivering sermons, collecting religious dues, and communicating with senior religious authorities.

A joint statement published by Human Rights Watch and other international human rights organizations on November 10, 2026, reinforced findings previously documented by BFHR. Among the most disturbing accounts was the testimony of Sayed Musa Jawad Al-Wadai.

He reported being threatened with the rape of his daughter, subjected to electric shocks, beaten, stripped of his clothes, and threatened with deportation from Bahrain along with his family. Despite the seriousness of these allegations, the Special Investigation Unit closed his complaint, citing insufficient evidence. It had failed to obtain surveillance camera footage on the grounds that it had been automatically deleted. The dismissal of torture complaints, the failure to secure evidence, and the continuation of the trial based on interrogation records whose reliability has been challenged reveal a system that protects those responsible for abuses. These practices also demonstrate how investigative bodies, the Public Prosecution, and the judiciary are being used to serve the political authorities rather than uphold justice.

The case is made even more serious by the trial in absentia of prominent religious figures, including His Eminence Ayatollah Sheikh Isa Ahmed Qassim. These proceedings have been marked by secrecy and a lack of transparency regarding the defendants' legal representation, their ability to present statements, and their right to challenge the evidence. This secrecy comes alongside reports that defendants were forced to sign statements they were not allowed to read. There are also reports that identical passages appeared in confessions attributed to different individuals. What kind of justice can be delivered through a trial whose details are concealed and in which the rights of the defense are restricted? These practices reflect a politicized judicial process that has lacked the basic safeguards of justice from the outset.

More seriously, the case goes beyond the prosecution of religious scholars to target the religious identity of Bahrain's Shia community, along with its institutions and religious authorities. Sermons, religious writings, religious education, rituals, funds associated with religious obligations, and ties with senior religious authorities have all been used as grounds for criminal charges. This approach amounts to criminalizing peaceful religious practices and conflating sectarian identity with political loyalty. It also represents an attempt to place the religious and social lives of Shia citizens under security control.

In light of the above, BFHR reiterates its firm rejection of this politically motivated and malicious prosecution and condemns all verdicts issued in the case. The Forum views them as part of an ongoing policy of persecution and exclusion and considers them a flagrant violation of the safeguards guaranteed by Bahrain's Constitution. These include Article 19, which prohibits torture and coercion and renders confessions obtained through such means invalid, and Article 20, which guarantees the presumption of innocence and the rights of the defense.

The verdicts also violate Article 14 of the International Covenant on Civil and Political Rights, which sets out the guarantees of a fair trial.

BFHR holds the Bahraini authorities, including their security and judicial institutions, politically and legally responsible for these violations and for the continued targeting of religious scholars. The Forum also holds them responsible for the serious consequences of these practices for social peace and national stability.

Accordingly, the Bahrain Forum for Human Rights calls for:

1. The immediate overturning of all convictions in this case and the dropping of all related politically motivated charges. BFHR also demands the immediate and unconditional release of all religious scholars and citizens arbitrarily detained for peacefully exercising their religious rights or expressing their political and intellectual views. It further calls for an end to the prosecution of religious figures being tried in absentia. These measures must ensure that the case is brought to a close and is no longer used as a means of continued punishment and persecution.
2. Holding the Bahraini authorities fully accountable, both politically and legally, for the violations committed against religious scholars and detainees. Those responsible for torture, coercion, threats, assaults, ill-treatment, and the concealment of evidence must be brought to justice. Accountability must not be limited to those who directly carried out the abuses. It must also extend to anyone who ordered, participated in, or facilitated these violations, or obstructed investigations into them, in accordance with their legal responsibility.
3. Urgent and effective action by the international community, particularly the United Nations Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, to address the documented violations. The Forum calls for the activation of available international accountability mechanisms and for international pressure to overturn the verdicts and end arbitrary prosecutions.
4. Urgent intervention by the United Nations Special Procedures and international and regional human rights organizations, particularly the UN Special Rapporteurs on torture, the independence of judges and lawyers, and freedom of religion or belief. BFHR calls on them to monitor the case and investigate violations associated with the investigation and trial. This should include examining the rights of defendants tried in absentia, safeguards for the defense, and restrictions on public access to court hearings.
5. Immediate protection for all religious scholars and detainees in prison, ensuring that they are not subjected to assaults or retaliatory measures, particularly those who disclosed torture and coercion before the court.

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The Forum calls for security agencies and prison authorities to be held directly responsible for their physical and psychological safety. Detainees must also be allowed to communicate with their families and lawyers and receive necessary medical care without arbitrary restrictions.

6. An end to impunity and the establishment of an independent international accountability mechanism to examine violations committed against religious scholars and Shia citizens. This mechanism should investigate torture, coercion, threats, and collective punishment, and identify individual and institutional responsibility. It must also ensure victims' rights to redress, compensation, and reparations. Violations involving the Public Prosecution and judicial authorities must be subject to effective, independent oversight.

7. An end to policies of religious and sectarian discrimination and targeting, including security interference in the affairs of religious institutions, Hussaini mourning halls (ma'atim), religious endowments (awqaf), and Hussaini rituals. BFHR also calls for guarantees that religious scholars and citizens can freely engage in religious activities and peacefully express their beliefs and views.

Bahrain Forum for Human Rights
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Former Shura Council Member of Al-Wefaq National Islamic Society

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Bahrain's Religious Scholars on Trial: When the Safeguards of Justice Fail, Convictions Lose Their Legitimacy

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Monitoring and Documentation Officer, Bahrain Forum for Human Rights

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When Religious Belief Is Put on Trial, the State Creates a Rift with Its Citizens

Yusuf Rabie – Former Shura Council Member of Al-Wefaq National Islamic Society

The harsh sentences handed down today against several prominent religious scholars in Bahrain, ranging from life imprisonment to fifteen-year prison terms, are not merely another judicial event. Nor can their significance be reduced to the number of people convicted or the years they face behind bars.

We are witnessing a dangerous turning point in the relationship between the authorities and Shia citizens. As the nature of the charges and the activities cited in support of them reveal, the case goes beyond the prosecution of specific criminal acts. It extends to the scrutiny of religious beliefs and sectarian practices protected by the constitution and the law.

The question that must be asked before discussing these sentences is this: Does a ruler, however extensive his powers, have the right to put a citizen on trial for their religious beliefs? Can he dictate which religious authority they follow, which jurisprudential opinions they hold, or how they practice their religious rituals?

The constitutional answer is clear: No.

Article 22 of Bahrain's Constitution declares that freedom of conscience is absolute. It also guarantees the inviolability of places of worship and the freedom to practice religious rites and hold religious gatherings.

This is not a merely symbolic provision. It is a fundamental safeguard that protects citizens from state interference in their private religious lives.

Religious belief is not a license that the state may grant or revoke at will. Nor is it a privilege conditional on the authorities' political approval of the individual. It is an inherent right that exists independently of state authority and places limits on its power.

When belief in Wilayat al-Faqih (Guardianship of the Islamic Jurist), adherence to a religious authority outside Bahrain, the teaching of religious seminary subjects, or the payment of religious dues becomes part of a prosecution case involving terrorism and foreign allegiance, a profound constitutional problem arises.

These practices are inherently religious. They cannot legitimately be treated as criminal conduct without evidence of a separate, clearly defined criminal act.

Jurisprudential opinions and lawful religious practices cannot, in themselves, constitute such an offense.

Differences in religious authorities and jurisprudential views do not diminish citizens' rights or entitle the state to judge their national loyalty according to their beliefs.

Shia citizens should not have to prove their innocence of their own religious beliefs to enjoy the rights of citizenship.

This is where the real danger of putting religious scholars on trial lies. The message conveyed to society may not be that those who commit crimes will be held accountable. Instead, it may suggest that the very practice of one's religious identity can become grounds for suspicion and prosecution.

Few things pose a greater threat to the relationship between a state and its citizens. The law loses its protective function when religious belief itself becomes an indication of criminal wrongdoing.

No one can reasonably claim that protecting religious belief means granting immunity from criminal accountability. If any individual commits a criminal offense, the prosecution must establish it through independent and lawfully obtained evidence. It must also identify the individual's specific actions, intent, and personal responsibility.

The fundamental objection to this trial arises when sermons, religious lessons, religious relationships, and funds such as khums are grouped together under a broad security accusation and then used to establish collective criminal responsibility.

The seriousness of these sentences is compounded by the objections raised in the defense submissions. These concern the absence of lawyers during most interrogations, challenges to the reliability of confessions, difficulties in obtaining complete copies of the case files, and contradictions in prosecution witness testimony.

Article 20 of the Constitution does more than establish the presumption of innocence. It also requires a lawful trial that guarantees the right to a defense at every stage of the proceedings.

A guilty verdict does not automatically make every preceding procedure lawful. Nor does it turn every allegation into an established historical or political fact.

Justice is not simply the outcome reached by a court. It also depends on the process through which that outcome is reached and the extent to which human rights, freedom, and dignity are respected.

Yet the issue today has moved beyond the courtroom to the broader question of the relationship between the state and its citizens.

Bahraini society has endured years of deep political and human rights crises. The priority should have been to address the causes of political division, rebuild trust, and strengthen equal citizenship.

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Instead, imposing such severe sentences on so many religious scholars and figures, foremost among them His Eminence Ayatollah Sheikh Isa Qassim, sends precisely the opposite message. It deepens the perception that an entire religious and social institution has been placed in confrontation with the authorities. This is the most dangerous political implication of these sentences: they push the relationship between the authorities and a large segment of Shia citizens toward a profound rift, rather than opening a path toward reconciliation and stability.

It is not fair to demand that Shia citizens abandon their religious identity or renounce their religious authorities to prove their national loyalty. Loyalty to Bahrain does not conflict with sectarian affiliation, nor should either depend on abandoning the other. Genuine citizenship embraces and protects differences rather than treating them as threats to be eliminated.

It is also mistaken to believe that harsh sentences can resolve deeply rooted religious or political disagreements. Prisons may punish individuals, but they cannot erase convictions. Court rulings may bring legal proceedings to an end, but they cannot put to rest questions of rights, legitimacy, and trust.

If the authorities seek to protect the constitution, their first duty is to protect the rights it guarantees. A constitution that guarantees freedom of conscience is meaningless if citizens can be prosecuted for the content of their religious beliefs. Likewise, the principle of equality loses its meaning when citizens feel that their sectarian affiliation places them under constant suspicion.

I believe this trial is fundamentally invalid from a human rights and constitutional perspective insofar as it conflates religious belief with criminal conduct. I also believe that today's sentences represent an extremely dangerous escalation in the relationship between the authorities and Bahrain's Shia community.

The authorities do not own people's beliefs or grant them the right to believe. Nor can a court ruling deprive them of their right to remain equal citizens while holding firmly to their religious identity.

For this reason, these sentences must be reviewed and immediately overturned, justice must be ensured for those convicted, and the independence of legitimate religious activities must be protected. These are not merely demands concerning religious scholars. They are a national necessity if what remains of the trust between the state and its citizens is to be preserved.

Religious belief is not a crime. Citizenship is not a privilege granted by a ruler. And a constitution that fails to protect people in their religious beliefs fails to fulfill its most fundamental purpose.

What happened today is not the end of the case against the religious scholars.

Rather, it marks the beginning of a larger and more troubling question: What kind of relationship do the authorities want with Bahrain's Shia citizens—one based on partnership and equal citizenship, or one defined by suspicion, confrontation, and a profound rift?



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Bahrain's Religious Scholars on Trial: When the Safeguards of Justice Fail, Convictions Lose Their Legitimacy

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The problem with the harsh sentences handed down against religious scholars in Bahrain is not merely that they include life imprisonment and fifteen-year prison terms. The real danger lies in the judicial process that preceded them and the fundamental objections raised concerning the most basic guarantees of a fair trial.
Regardless of the seriousness of the charges, the state cannot derive the legitimacy of punishment simply from its authority to issue judgments. That legitimacy must rest on strict compliance with the law and the constitution, and respect for the rights of defendants from the moment of arrest until the verdict is issued.
A fair trial is not simply a matter of having a judge, a lawyer, and a defendant present in a courtroom. It requires a comprehensive set of safeguards, beginning with the presumption of innocence. These include the voluntariness of statements made during investigations, effective access to legal counsel, full access to evidence, and the right to question prosecution witnesses.
Ultimately, a fair trial requires a judgment based on lawfully obtained evidence that has been examined and challenged in court.
Any fundamental breach of these guarantees cannot be remedied merely by issuing a guilty verdict.
The first serious concern about the legitimacy of this trial is the violation of the right to a defense from the investigation stage. Available information shows that fifty of the fifty-six defendants were interrogated without their lawyers present, despite formal requests submitted in advance for legal counsel to attend.
This was not a minor administrative irregularity. It directly affected the right guaranteed by Article 20 of Bahrain's Constitution, which requires the necessary safeguards for the defense to be provided throughout the investigation and trial.
It is not sufficient to argue that lawyers attended subsequent court hearings. Their later presence cannot restore a right denied to defendants when their statements were recorded. Nor does it automatically remedy the consequences that their absence may have had for the integrity of the interrogations.
An even more serious concern involves the reliability of confessions attributed to the defendants. Several filed complaints alleging coercion and ill-treatment and denied having made certain statements recorded in the interrogation reports of their own free will.
These complaints were accompanied by objective indicators warranting investigation. Of the 56 interrogations, 47 began during late-night or early-morning hours. Records also showed identical start times for interrogations of different defendants conducted by the same investigator, along with striking similarities between statements attributed to multiple defendants.
In a sample of 34 cases, the average similarity between the initial questioning records and subsequent answers before the Public Prosecution reached approximately 85.4%.
The human rights principle here is clear: the existence of a written confession is not enough. It must be established that the statement was made voluntarily, that it accurately reflects what the defendant actually said, and that the procedures were free from unlawful pressure.
The defense's request for surveillance footage and the original investigation files relating to complaints of ill-treatment was therefore directly relevant to the substance of the case. It was not an attempt to obstruct the trial.
A third major concern relates to equality between the prosecution and the defense. The case file contained approximately sixteen thousand pages, including nearly ten thousand pages of financial attachments. Yet defense lawyers maintained that they had not been provided with complete copies of the documents.
How can a lawyer properly examine thousands of documents, financial transfers, and digital records, compare them, and seek expert analysis without the practical means necessary to study them?
Limited access to documents does not necessarily amount to a meaningful opportunity to prepare a defense. A trial in which the prosecution has full possession of the evidence while the defense faces substantial restrictions on examining it raises a fundamental concern about the principle of equality of arms.
The fourth concern involves the right to challenge prosecution witnesses and test their credibility. During the questioning of the principal investigating officer, the defense submitted 349 questions, of which 194 were permitted. In 72 answers, the witness stated that he did not remember, did not know, or could not provide a specific answer. Another twenty answers referred back to previous interrogation records.
The defense also raised contradictions concerning how the investigation was conducted and the sources of the

Article

information on which it relied.
These concerns were compounded by closed-door hearings and the remote examination of witnesses, despite objections from the defense. Public hearings are a constitutional principle, while closed proceedings are an exception requiring legal justification.
The right to question witnesses is not fulfilled merely by allowing the defense to ask some questions. It requires a genuine opportunity to examine the material facts on which a conviction may depend.
Another equally important issue is the distinction between religious belief and criminal conduct. Part of the prosecution's case relied on religious sermons, religious education, the collection of religious dues, and communication with religious authorities.
These practices do not become criminal offenses merely because they are associated with particular religious or jurisprudential beliefs. Instead, the prosecution must independently establish the prohibited act, the necessary criminal intent, and the connection between them for each defendant.

This is a case whose implications extend beyond the fate of those convicted to public confidence in justice itself. If the safeguards of the defense can be weakened in the trial of religious scholars today, the legal protection of any citizen may be at risk tomorrow.
Ultimately, the legitimacy of a judicial judgment is not measured by the number of years of imprisonment it imposes, but by the integrity of the process that leads to it.
If fundamental defense rights were violated and the evidence supporting the convictions was not subjected to fair examination, the judgments lack a legitimate foundation, regardless of the severity of the sentences.
Justice does not arise from a conviction. Rather, only a lawful conviction can arise from justice.
All these rulings are arbitrary and unjust. They must be overturned, and all detained religious scholars and activists must be released immediately.





An Examination of the Defense Submissions in the Case Against Bahrain's Religious Scholars

From Procedural Objections to Challenges to the Evidence

According to the report, the three defense submissions reveal a pattern of objections, beginning with the legality of the investigative procedures, extending to the circumstances in which confessions were obtained, and culminating in challenges to the sufficiency of the evidence used to establish the crimes attributed to the religious scholars.

1. Objections to Investigative Procedures

- Objections to the failure to provide complete investigation files relating to the complaints submitted.
- Calls for an independent investigation into allegations of torture and coercion.
- Requests to examine security footage and records of defendants' movements inside Public Prosecution buildings.
- Calls for an electronic and forensic review of interrogation records to verify the circumstances in which they were prepared.
- Warnings against using disputed statements as evidence against other defendants.

Contradictory Timelines for the Alleged Organization

2018–2019	2014	2004
Alleged establishment of a new organization or reorganization of an existing one.	Dissolution of the Council.	Establishment of the Islamic Scholars Council.

2. Where Is the Crime, and Where Is the Evidence?

- Rejection of the criminalization of established religious, educational, and financial activities without specific evidence of criminal conduct.
- Questions concerning conflicting accounts of when the alleged organization was established.
- Lack of specific evidence establishing each defendant's membership and knowledge of its alleged criminal objectives.
- Rejection of treating religious ties with Najaf and Qom as evidence of foreign allegiance without proof of specific instructions, their source, and how they were carried out.

3. From Religious Dues to Financing Charges

1.18 million words | **231 hours** | **451 published materials**

- Criticism of conflating the collection of khums and other religious dues with financing prohibited activities.
- Bank transfers alone do not establish that a crime has been committed.
- The need to identify the source of funds, their movement, the beneficiary, and the purpose for which they were used.
- Objections to potentially counting the same funds more than once when transferred between accounts belonging to the same individual.
- Inflating financial figures does not substitute for proving criminal intent.

4. 451 Published Materials Examined Against Incitement Allegations

- According to the technical analysis submitted by the defense, no calls for violence inside Bahrain or instructions to recruit young people into prohibited activities were identified in the materials examined.
- Most of the materials addressed religious, jurisprudential, ethical, and social topics.
- The mere existence of a criminal complaint does not establish a connection to a specific sermon or religious scholar.

5. Conclusions and Demands

Key Demands

- Dismissal of the charges.
- Release of the religious scholars.
- Independent investigations into complaints of torture and coercion.
- Accountability for those responsible for any proven violations against the detainees and their families.

What Is at Stake Beyond the Case?

- Freedom of belief.
- Religious education.
- Independence of the religious establishment.
- Fair trial guarantees.
- Society's right to hold security and judicial institutions accountable.

> *"The three defense submissions agree that conflating legitimate religious activities with alleged crimes broadens the scope of suspicion and affects fundamental rights beyond the defendants themselves."*

Guilty Verdicts Signal the Collapse of the Constitutional Legitimacy of Justice

A Constitutional and Human Rights Analysis of the Case Against Bahrain's Religious Scholars

Bahrain's High Criminal Court sentenced 64 people to life imprisonment and five others to 15 years in prison. The court also imposed fines and ordered the confiscation of more than eight million Bahraini dinars.

November 16, 2026

The case raises a fundamental question: What value do constitutional safeguards retain when sentences of this severity are handed down despite documented objections concerning the voluntariness of confessions, the presence of lawyers, access to evidence, public hearings, and the questioning of prosecution witnesses?

349 / 194
Questions on the Case
349 submitted by the defense to the principal investigating officer; 194 permitted

More than 8 Million
Bahraini Dinars
Confiscations and Fines

5
15-Year Prison Sentences

64
Life Sentences

1. Relevant Constitutional Safeguards

Article 19
Prohibition of torture and invalidity of confessions obtained through coercion.

Article 20
Presumption of innocence, the right to a defense, and mandatory legal representation in felony cases.

Article 105
Public court hearings as the general rule.

Article 22
Freedom of conscience, religious rites, and religious gatherings.

Article 23
Freedom of opinion and expression.

Article 31
Laws regulating rights and freedoms must not undermine their essence.

The Constitution is not a justification for punishment, but a limit on the state's power to prosecute, investigate, and punish.

Examination of the Principal Investigating Officer



2. Where Did the Trial Fall Short?

- Challenges to the voluntariness of confessions and allegations of coercion.
- Complaints about the absence of lawyers during most interrogations.
- Failure to provide full and effective access to evidence and case files.
- Closed-door hearings and the remote participation of some defendants.
- Remote testimony from prosecution witnesses.
- Restrictions on the defense's ability to pursue essential questions.

3. From Constitutional Safeguards to Justice in Practice

- Access to evidence is not meaningful if the defense can only inspect a vast case file without sufficient opportunity to examine and review its contents.
- Verifying financial transfers and digital records requires adequate time and appropriate resources.
- Restrictions that prevent thorough examination of evidence may undermine constitutional justice.

> "Constitutional legitimacy does not arise merely from the existence of a court. It depends on respect for the safeguards that make a trial a means of establishing the truth."

4. Criminalizing Religious Activities?

Articles 22, 23, and 31 at the heart of the dispute

- The prosecution linked religious sermons, seminary education, and the collection of religious dues to allegations of organizational activity and terrorist financing.
- The transfer of khums funds does not, by itself, constitute terrorist financing.
- A sermon does not become incitement merely because it addresses public affairs.
- Religious studies abroad do not constitute espionage simply because they take place outside Bahrain.
- Subjecting legitimate religious practices to criminal suspicion risks undermining the essence of constitutionally protected religious freedom.

5. The Constitutional Paradox

The Prosecution's Allegation
Seeking to undermine constitutional provisions and change the system of government.

The Defense and Human Rights Organizations' Argument
Invoking those same constitutional provisions to demand protection against coercion, access to lawyers and evidence, public hearings, and freedom of belief.

If protecting the constitution is invoked to justify punishment, respect for constitutional safeguards throughout the trial must be the first requirement of that protection.

6. Human Rights Conclusions

What the Verdicts Reveal:

- The crisis does not end with a criminal verdict subject to appeal.
- Confidence in the constitutional system's ability to protect rights has been called into question.
- Constitutional legitimacy is measured by the practical implementation of guarantees, not by texts alone.

> "A citizen does not need a constitution that lists their rights only to leave them suspended, but a constitution that enforces respect for those rights when their freedom, future, and family's life are at stake."