

The logo for Global Legal Group (GLG) features the letters 'GLG' in a bold, sans-serif font. The 'G' and 'L' are white, while the 'G' is orange. The logo is positioned in the top left corner of the cover, which has a teal background with a close-up image of a metal padlock on a chain.

Global Legal Group

The International Comparative Legal Guide to: Business Crime 2011

A practical cross-border insight
into business crime

Published by Global Legal Group with
contributions from:

BCL Burton Copeland

Charlton Chambers

Clifford Chance

Fischer, Tandeau de Marsac, Sur & Associés

Homburger

Ivanya & Partners

Lee & Ko

Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, P.C.

Nishimura & Asahi

Oliva-Ayala Abogados

Rajah & Tann LLP

Schoenherr

Simmons & Simmons

Sjöcrona · Van Stigt

Skadden, Arps, Slate, Meagher & Flom LLP

Stockwoods LLP

Studio Legale Pisano

Tilleke & Gibbins

Vilardi & Advogados Associados

WESSING Rechtsanwälte

Zeenat Al Mansoori & Associates

Bahrain



Amel Al Aseeri



Reem Al Rayes

Zeenat Al Mansoori & Associates

1 General Criminal Law Enforcement

1.1 What authorities can prosecute business crimes, and are there different enforcement authorities at the national and regional levels?

The Public Prosecution is the sole authority which can initiate and conduct criminal court action in the Kingdom of Bahrain. In accordance with provisions of the Criminal Procedure Law No. 46 of 2002 (**Criminal Procedure Law**) and the Judicial Authority Law No. 42 of 2002 (**Judicial Authority Law**) crimes cannot be prosecuted by any other authority except where provided by law.

1.2 If there are more than one set of enforcement agencies, please describe how decisions on which body will investigate and prosecute a matter are made.

While the Public Prosecution has the sole authority to prosecute crimes, the Criminal Procedure Law gives “Judicial Arrest Officers” the authority to investigate crimes and to carry out certain acts in accordance with the law. **Judicial Arrest Officers** include the public prosecutors, the officers of public security, the borders, ports and airport guards, and the customs inspectors.

Judicial Arrest Officers and regulatory and supervisory agencies can initiate an investigation of crimes within their respective area of competence and duty and if appropriate refer the investigation file to the Public Prosecution which may then decide to prosecute the crime(s) in accordance with the Criminal Procedure Law. The Public Prosecution will be under an obligation to carry out its own independent investigation with respect to felonies (serious offences).

Further, where a complaint is made to the police or other enforcement agency by a victim and the agency carries out the investigation, the agency will be under an obligation to refer the investigation file to the Public Prosecution and cannot decide on its own initiative to close or reserve the investigation file for lack of evidence or other reason unless the victim consents.

The Minister of Justice may, in agreement with the competent Minister, issue an order to grant a number of public officers the authority of Judicial Arrest Officers for crimes falling within their respective area of competence and duty. Amongst them are employees in the Ministry of Industry and Commerce (**MOIC**), the Central Bank of Bahrain (**CBB**), Ministry of Labour, the Directorate of Industrial Property, and the Anti-Economic Crime Directorate of the Ministry of Interior General Directorate of Criminal Investigation and officers of other agencies which exercise a regulatory and supervisory role and have the power of investigation and administrative enforcement in accordance with the law.

For example, Ministry of Justice and Islamic Affairs Order No. 46 of 2006 delegates to certain employees of the Directorate of Commercial Registry and the Directorate of Company Affairs at the Ministry of Industry and Commerce the authority of Judicial Arrest Officers with respect to violations of the Commercial Registry Law No. 1 of 1961 as amended (**Commercial Registry Law**) and the Commercial Companies Law No. 21 of 2001 (**Company Law**). This Order is pursuant to the provisions of the Commercial Registry Law and the Company Law.

1.3 Is there any civil or administrative enforcement against business crimes? If so, what agencies enforce the laws civilly and which crimes do they combat?

Yes. Please see above.

2 Organisation of the Courts

2.1 How are the criminal courts in Bahrain structured? Are there specialised criminal courts for particular crimes?

The Judicial Authority Law and the orders of the Supreme Judicial Council structure the court system in Bahrain. In accordance therewith, only criminal courts (the criminal division of the civil courts) are competent to deal with criminal cases. The criminal courts are divided into the following:

The **Court of Cassation** deals with appeals against a final conviction and/or sentence, and only considers if:

1. the conviction and/or sentence was imposed based on a breach of law, or error in the application or interpretation of the law; or
2. the procedure by which the conviction and/or sentence was imposed is invalid.

The **High Court of Appeal** has jurisdiction to deal with appeals against conviction and/or sentences imposed by the High Court.

The **High Court** has jurisdiction to deal with felonies (serious form of criminal offence) or high profile cases and to deal with appeals against conviction and/or sentences imposed by the Lower Court.

The **Lower Court** has jurisdiction to deal with misdemeanours (less serious form of criminal offence).

2.2 Is there a right to a jury in business-crime trials?

No jury system exists in Bahrain and all trials take place without a jury present. The competent court decides on matters of both fact and law.

3 Particular Statutes and Crimes

3.1 Please describe any statutes that are commonly used in Bahrain to prosecute business crimes, including the elements of the crimes and the requisite mental state of the accused:

This question will be answered in general because the same principles apply to most of the crimes listed below.

The constituents of a crime are 2 elements: the material (the prohibited conduct); and the mental element (intent). Intent will not always be required. Bahrain legislation deals with the material element but not with the mental element as the test to determine intent is left to the decision of the court.

The Penal Code No. 15 of 1976 (**Penal Code**) deals with offences against public and private property, stock, money, securities etc. and defines each offence, its constituents, and the maximum and minimum penalties.

However, the legislature deals with certain business and modern crimes in separate statutes providing more detailed provisions in relation thereto. Where a crime is punishable under the Penal Code, any order or administrative and/or criminal penalty imposed by another statute will be imposed without prejudice to any punishment in the Penal Code which is severer.

It is also worth noting that unless a special penalty is imposed by the Law, crimes committed against public property, or by public officers by reason of or in the course of their employment, will be considered an aggravating circumstance by the court.

o Theft, fraud and misrepresentation

The Penal Code Part IX, titled "Offences against Property", the Law of Commerce No. 7 of 1987 (**Law of Commerce**), and the Company Law.

o Accounting fraud

The Penal Code, the Company Law, the Central Bank of Bahrain and Financial Institutions Law No. 64 of 2006 (**CBB Law**), and the Auditors Law No. 25 of 1996 (**Auditors Law**).

o Insider trading and market manipulation

The Bahrain Stock Exchange Law No. 4 of 1987 as amended (**Bahrain Stock Exchange Law**) and the CBB Law and Guidelines on Insiders.

o Embezzlement

The Penal Code, Part II, Chapter II titled "Embezzlement and Damage to Funds" and Part IX, Chapter III, titled "Breach of Trust and Related Offences".

o Bribery of government officials

The Penal Code, Part II, Chapter I, titled "Bribery".

o Criminal anti-competition

The Penal Code and the Law of Commerce, Section III, titled "Unfair Competition".

o Government-contracting fraud

The Penal Code and the Government Tenders and Purchases Law No. 36 of 2002 (**Government Tenders Law**).

o Money-Laundering

The Penal Code and the Anti-Money Laundering Law No. 4 of 2001 as amended (**Anti-Money Laundering Law**).

3.2 Is there liability for inchoate crimes in Bahrain? Can a person be liable for attempting to commit a crime, whether or not the attempted crime is completed?

A person can be liable for attempting to commit a crime whether or not the attempted crime is completed. However a person will not be liable for attempting to commit a misdemeanour (less serious form of offence) except where it is specifically provided for under the Penal Code. It is worth mentioning that there will be no liability on a person who elects of his own free will not to complete the crime attempted, except if such attempt constitutes another punishable crime.

If there is liability, the penalty for the attempted offence will be a reduced sentence of the penalty prescribed for the completed offence in accordance with the Law.

4 Corporate Criminal Liability

4.1 Is there entity liability for criminal offences? If so, under what circumstances will an employee's conduct be imputed to the entity?

The legislature recognises corporate entities as legal persons in their own right. However, the Penal Code does not contain any provisions for corporate criminal liability. More modern statutes such as the CBB Law, the Company Law, and the Anti-Money Laundering Law refer to such liability where appropriate. An employee's criminal conduct may be imputed to the entity in accordance with the relevant law and where the employee acted as representative of the company or for the company's account. The entity will be liable under the Civil Code for damages caused by its employee where the employee performed the unlawful act in the course of his employment.

4.2 Is there personal liability for managers, officers, and directors if the entity becomes liable for a crime?

Company crimes in general cannot be committed without the involvement of natural persons to carry out the unlawful act. Therefore, managers, directors, and employees may be personally accountable even if the company is found liable for the crime(s). The nature and extent of liability of natural persons where the entity becomes liable will depend on their involvement. For example, the Anti-Money Laundering Law maintains personal liability of natural person(s) involved in the offence irrespective of their relation or position in the entity. The Law prescribes independent and separate penalties for each.

5 Statutes of Limitations

5.1 How are enforcement-limitations periods calculated, and when does a limitations period begin running?

The enforcement-limitation period is 10 years for felonies, 3 years for misdemeanors and 1 year for less serious violations, and is calculated from the date on which the crime is committed. The limitation period for certain offences committed by public officials is calculated from the date their term in office is terminated. The limitations period will stop running on commencement of investigation, including formal investigation, or charges or criminal trial and a new limitations period is calculated from the start date thereof.

Note that different limitations periods apply to civil claims arising from the criminal act in accordance with the Civil Code.

5.2 Can crimes occurring outside the limitations period be prosecuted if they are part of a pattern or practice, or ongoing conspiracy?

Crimes occurring outside the limitations period can be prosecuted if they are part of an ongoing conspiracy or part of a pattern in accordance with the Criminal Procedure Law.

5.3 Can the limitations period be tolled? If so, how?

The limitations period cannot be discontinued or tolled for any reason.

6 Initiation of Investigations

6.1 How are investigations initiated? Are there any rules or guidelines governing the government's initiation of any investigation? If so, please describe them.

Parties may notify or submit a complaint to the Public Prosecution or to agencies other than the Public Prosecution (for example, the police, the MOIC, the CBB etc.) who may initiate a preliminary investigation. Where the victim or person having a right insists on prosecution, the agency which initiated the investigation is under an obligation to commit the case to the Public Prosecution and the Public Prosecution will decide whether to commit the case to trial or reserve the file.

The Public Prosecution initiates investigations and prosecutes crimes in accordance with the Judicial Authority Law and the Criminal Procedure Law. Investigations may also be initiated by Judicial Arrest Officers within their area of competence or other agencies exercising a regulatory and supervisory role in accordance with the Law.

7 Procedures for Gathering Information from a Company

7.1 What powers does the government have generally to gather information when investigating business crimes?

At the initial stage the Public Prosecution and Judicial Arrest Officers have the power to enter and search public places (to which people had ready access at the time of the search), to interview witnesses, to request the assistance of a doctor or other expert, and to interview the suspect about the suspect's alleged involvement in the offence(s).

The Criminal Procedure Law grants the Public Prosecution and Judicial Arrest Officers (by warrant) additional statutory powers of entry, search, seizure and retention powers in respect of certain specific offences during the investigation stage in accordance with the Law.

Document Gathering:

7.2 Under what circumstances can the government demand that a company under investigation produce documents to the government, and under what circumstances can the government raid a company under investigation and seize documents?

Judicial Arrest Officers have the power to inspect, enter, search and seize documents of companies for the purpose of investigating

regulatory and legal breaches. For example Part 9 of the CBB Law titled "Investigations and Administrative Proceedings" grants such powers of entry, search and seizure to its Judicial Arrest Officers for offences within their departments of expertise and the licensee cannot prevent access to the Officers.

7.3 Are there any protections against production or seizure that the company can assert for any types of documents? For example, does Bahrain recognise any privileges protecting documents prepared by attorneys or communications with attorneys? Do Bahrain's labour laws protect personal documents of employees, even if located in company files?

Yes, the Penal Code prohibits production or seizure of communications or documents prepared by attorneys or expert consultants. Any evidence relied on by the Public Prosecution in relation thereto will be invalid and excluded by the court.

7.4 Under what circumstances can the government demand that a company employee produce documents to the government, or raid the home or office of an employee and seize documents?

The Criminal Procedure Law grants the Public Prosecution and Judicial Arrest Officers (by warrant) the power to enter and to search houses, offices, places and persons in the case of felonies and misdemeanours punishable by imprisonment for a period exceeding 3 months. The search must only be for purposes of investigating crimes of which they have been accused and must conform to the requirements of the Law.

7.5 Under what circumstances can the government demand that a third person produce documents to the government, or raid the home or office of a third person and seize documents?

Under the Criminal Procedure Law, the general rule is that the Public Prosecution cannot demand documents from, or search the home or office of, a third person other than the accused.

To do so, the Public Prosecution must apply to the Lower Court for a warrant in accordance with the Criminal Procedure Law. The Court will issue such a warrant if it is satisfied that the Public Prosecution has reasonable grounds to suspect that such third person is in possession of evidence that relates to the crime(s).

Questioning of Individuals:

7.6 Under what circumstances can the government demand that an employee, officer, or director of a company under investigation submit to questioning? In what forum can the questioning take place?

The Public Prosecution has the sole authority to question an employee, officer or director as a suspect to gather information. The questioning takes place in the Public Prosecution or in any police station or arrest office and must comply with the requirements of the Criminal Procedure Law. If the employee, officer or director is questioned only for the purpose of gathering evidence, then such employee, officer or director may be questioned by the Public Prosecution or other Judicial Arrest Officers in any other forum including the company's office or the Judicial Arrest Officer's office.

7.7 Under what circumstances can the government demand that a third person submit to questioning? In what forum can the questioning take place?

The Criminal Procedure Law gives the Judicial Arrest Officers and the Public Prosecution the right to demand a third party submit to questioning if they reasonably believe that the third person may assist the investigation.

If the witness refuses to be interviewed, the Public Prosecution may proceed to the Lower Criminal Court and the judge will sentence the person to imprisonment of a maximum of 3 months or to pay a fine if he continues to refuse to be a prosecution witness. Any third persons related to the suspect by blood or marriage (up to the second degree) are competent but cannot be compelled to submit to questioning.

The witness may refuse to sign the witness statement in the circumstances set out in the Criminal Procedure Law.

7.8 What protections can a person being questioned by the government assert? Is there a right to refuse to answer the government's questions? Is there a right to be represented by an attorney during questioning?

The Criminal Procedure Law provides guidance as to the procedure that needs to be followed by the Public Prosecution in interviews.

In general, the Public Prosecution may not question the person under investigation without cautioning him and giving him the right to request the attendance of his legal attorney. Exceptions may be made under urgent circumstances and in accordance with the Law. In all circumstances, the Public Prosecutor may not use oppression to obtain answers or elicit a statement.

The suspect is not compelled to answer all questions in the interview and has the right to refuse to answer any. It is worth mentioning here that the statutes do not deal with failure or refusal to answer questions during the investigation stage as do the laws of some other jurisdictions. The courts may draw adverse inference from that silence at trial if the suspect raises facts as part of his defence which he could have mentioned during the interview. However, the courts cannot use silence as any admission of guilt (see under Burden of Proof).

8 Initiation of Prosecutions / Deferred Prosecution / Civil Dispositions

8.1 How are criminal cases initiated?

If the Public Prosecution considers that it has sufficient evidence to charge the suspect, it will decide on the appropriate charge(s) (the Public Prosecution must carry out an investigation for felonies but can choose not to do so for misdemeanours) and the Attorney General would file the case in front of the competent court in accordance with the law. The court would then issue a summons requiring the defendant to appear before the court on a particular date to answer the charge(s).

8.2 Are there any rules or guidelines governing the government's decision to charge an entity or individual with a crime? If so, please describe them.

Pursuant to the Judicial Authority Law, the Public Prosecution is a sect of the Judiciary and is effectively the custodian of the criminal case and its acts are monitored by the judiciary.

The Public Prosecution has the authority to evaluate the evidence and to determine if the evidence is sufficient or insufficient to charge the defendant or reserve the case file. The Law requires the Public Prosecution to notify the victim (if any) and the accused if it makes the decision to reserve the case file and gives the person claiming a civil right the right to object to the decision in front of the competent court within 10 days from the date they are notified.

8.3 Can a defendant and the government agree to resolve a criminal investigation through pretrial diversion or an agreement to defer prosecution? If so, please describe any rules or guidelines governing whether pretrial diversion or deferred prosecution are available to dispose of criminal investigations.

The Public Prosecution cannot agree with the defendant to resolve a criminal investigation through pre-trial diversion or defer prosecution and, in general, the Public Prosecution has no authority to make arrangements with the defendant except for specific types of offences and to the extent permitted by the law.

8.4 In addition to or instead of any criminal disposition to an investigation, can a defendant be subject to any civil penalties or remedies? If so, please describe the circumstances under which civil penalties or remedies are appropriate.

The Penal Code prescribes for additional civil penalties (such as removing the right to public office, the right to vote or to run for elected office, the right to be a manager or director of a company etc.) and civil remedies (such as return monies or profits gained from the criminal act). Further, pursuant to the Civil Code No. 19 of 2001 (**Civil Code**), there will be an obligation to pay compensation where an unlawful act causes damages. The victim and/or persons claiming civil rights will have the right to put forth the civil rights claim to the competent criminal court and take a part in the criminal action and/or file separate civil action for compensation.

9 Burden of Proof

9.1 For each element of the business crimes identified above, which party has the burden of proof? Which party has the burden of proof with respect to any affirmative defences?

In accordance with Bahrain's constitution and Penal Code there will be a presumption of innocence unless guilt is proven. Therefore, the Public Prosecution will have the burden of proof of the elements of any of the business crimes above. The burden of proof will be on the defendant where the defendant was "caught in the act" or with respect to any affirmative defences. If the Public Prosecution does not prove the elements of the charge(s) with which the defendant is charged, the court shall pass a judgment for acquittal of the accused from such charge(s).

9.2 What is the standard of proof that the party with the burden must satisfy?

The Public Prosecution bears the legal burden of proving beyond a reasonable doubt that the defendant is guilty of the offence with which he is charged. A defendant who raises a specific defence must place some evidence of this before the court and will need to satisfy a lower standard of proof on a balance of probabilities. The prosecution must then disprove the defence and satisfy the court that the defence is not true.

9.3 In a criminal trial, who is the arbiter of fact? Who determines whether the party has satisfied its burden of proof?

The court alone will decide whether the standard of proof has been satisfied.

10 Conspiracy / Aiding and Abetting

10.1 Can a person who conspires with or assists another to commit a crime be liable? If so, what is the nature of the liability and what are the elements of the offence?

A person who conspires with another to commit a crime or who assists another will be liable unless the law provides otherwise. If the involvement or intent of one conspirer or aid/abettor offender differs from another person participating in the crime, then each will be penalised in accordance therewith. Whether a co-defendant is deemed to have participated in the offence will be determined in accordance with the law.

11 Common Defences

11.1 Is it a defence to a criminal charge that the defendant did not have the requisite intent to commit the crime? If so, who has the burden of proof with respect to intent?

That the defendant did not have the requisite intent is a defence to felonies and certain misdemeanour charges, unless excluded by law. The Public Prosecution has the burden of proving the constituents of the criminal offence: the criminal conduct and the mental element (intention). Bahrain's Penal Code provides that an offence "...shall be deliberate if it is committed by an offender being aware of its factual reality and legal elements. An offence shall also be deliberate if the offender expects a criminal result of his act and attempted the act taking the risk of bringing about the criminal result".

11.2 Is it a defence to a criminal charge that the defendant was ignorant of the law i.e. that he did not know that his conduct was unlawful? If so, what are the elements of this defence, and who has the burden of proof with respect to the defendant's knowledge of the law?

Pursuant to the Penal Code, ignorance of the law is not a defence to a criminal charge.

12 Voluntary Disclosure Obligations

12.1 If a person becomes aware that a crime has been committed, must the person report the crime to the government? Can the person be liable for failing to report the crime to the government?

The Criminal Procedure Law obligates every person who is aware that a crime is committed to report the crime to the Public Prosecution or to a Judicial Arrest Office unless the crime can only be prosecuted subject to an oral or written complaint is filed by the victim or other party having the right to file such complaint.

In addition, every civil servant, or officer entrusted with a public service, who becomes aware, during or by reason of the performance of his duties, of the occurrence of a crime must report it to the Public Prosecution or the nearest Judicial Arrest Officer in

accordance with the Law.

There is an obligation to report certain types of crimes under specific statutes. For example, under MOIC orders and the Anti-Money Laundering Law, failure to report any suspicious information to the Enforcement Unit shall be deemed as an offence related to money laundering and shall be punishable in accordance with the Law.

13 Cooperation Provisions / Leniency

13.1 If a person voluntarily discloses criminal conduct to the government or cooperates in a government criminal investigation of the person, can the person request leniency from the government? If so, what rules or guidelines govern the government's ability to offer leniency in exchange for voluntary disclosures or cooperation?

Leniency in exchange for voluntary disclosures or cooperation are not dealt with under Bahraini law. However, the Penal Code prescribes maximum and minimum (the "starting point" sentence) penalties which the courts will decide depending on the facts and circumstances surrounding each case.

Where appropriate, the defence attorney will persuade the court to impose the most lenient sentence which the court could give for the offence by emphasising any mitigating factors that are present. Such factors include, but are not limited to, the following:

- disassociation with any aggravating factors;
- a clean record with no previous convictions;
- commitment to moral and/or religious values;
- circumstances having had an effect on the defendant's judgment or actions;
- the defendant's young age and health (mental illness or long-term illness);
- the defendant's family circumstances;
- respected social or occupational position within the community;
- cooperation with the Judicial Arrest Officers (the police, the Public Prosecution), or any other authorities; and
- any other personal factors deemed to be relevant.

The application and extent of leniency by the court will be determined at the discretion of the court within the range of penalties prescribed in the Penal Code.

13.2 Describe the extent of cooperation, including the steps that an entity would take, that is generally required of entities seeking leniency in Bahrain, and describe the favourable treatment generally received.

Please see above.

14 Plea Bargaining

14.1 Can a defendant voluntarily decline to contest criminal charges in exchange for a conviction on reduced charges, or in exchange for an agreed upon sentence?

Plea bargaining is not dealt with under Bahraini law. However, the courts may give the defendant 'credit' for entering an early guilty plea to the offence (as a mitigating factor) and the defence attorney should (if appropriate) ask for leniency taking into account the defendant's cooperation at the first opportunity and his/her true remorse.

14.2 Please describe any rules or guidelines governing the government's ability to plea bargain with a defendant. Must any aspects of the plea bargain be approved by the court?

Please see above.

15 Elements of a Corporate Sentence

15.1 After the court determines that a defendant is guilty of a crime, are there any rules or guidelines governing the court's imposition of sentence on the defendant? Please describe the sentencing process.

The rule is that there is no crime or punishment except by statute. Therefore if the court finds a defendant guilty of a crime, it will be limited to the sentencing fixed in the Penal Code. The sentencing for every offence is subject to statutory minimum and a maximum and the court determines the appropriate type of sentence (if more than one type may be imposed) and the severity of the sentence. The Penal Code gives the court the power to impose a suspended sentence if custodial sentence is less than 1 year and if particular circumstances exist which justify the suspension of the sentence. The courts of first instance and the courts of appeal must have also have regard to statutory aggravating and mitigating factors.

15.2 Before imposing a sentence on a corporation, must the court determine whether the sentence satisfies any elements? If so, please describe those elements.

As discussed above, the existing Penal Code does not deal with sentencing corporations. The court tends to impose from the available types of sentence the type which is enforceable on a corporate person (such as imposition of a fine). The question of corporate liability is a complex and controversial area outside the scope of this guide.

16 Appeals

16.1 Is a guilty or a non-guilty verdict appealable by either the defendant or the government?

Either the defendant or the Public Prosecution may appeal a conviction of the court of first instance and the rules which govern appeals by either party are in the Criminal Procedure Law.

16.2 Is a criminal sentence following a guilty verdict appealable? If so, which party may appeal?

Either the defendant or the Public Prosecution may appeal a sentence imposed by the court of first instance and the rules which govern appeals by either party are in the Criminal Procedure Law.

16.3 What is the appellate court's standard of review?

As stated above, either the defendant or the Public Prosecution may appeal a conviction and/or sentence of the court of first instance on the basis that the court of first instance made errors of fact and/or law. The court of appeal should carry out a full rehearing of the issues and take an independent view based on the evidence rather than simply reviewing the conviction and/or sentence passed by the court of first instance. Generally, new witnesses may be called, and new or different points of law and/or evidence may be relied on in the appeal.

16.4 If the appellate court upholds the appeal, what powers does it have to remedy any injustice by the trial court?

The court of appeal has the power to reverse or vary the decision of the court of first instance as it thinks appropriate. If the appellant is the Public Prosecution, the court of appeal does not have the power to reverse the acquittal of a defendant or to impose a more severe sentence except by unanimous decision of the judges. If the defendant is the appellant, the court of appeal only has the power to uphold the decision of the court of first instance or vary it in favour of the appellant.



Amel Al Aseeri

Zeenat Al Mansoori & Associates
Office 62, Floor 05, Al Matrook Building
Road 1705, Diplomatic Area, Manama
Kingdom of Bahrain

Tel: +973 17 532 012
Fax: +973 17 536 255
Email: amel@zeenatalmansoori.com
URL: www.zeenatalmansoori.com

Amel qualified at Zeenat Al Mansoori & Associates in 2007 and is Senior Associate. Amel specialises in commercial law, banking and finance, intellectual property, and company law. She has advised financial institutions, companies and senior managers on various legal and regulatory issues, including criminal investigation and civil and/or criminal proceedings. Amel represents companies and financial institutions involved in various enforcement investigations. She has experience in litigation involving credit card fraud and is currently involved in navigating several clients through a "high-profile" investigation involving allegations of banking crimes. She obtained a Bachelor of Laws from the University of Newcastle Upon Tyne (UK) and obtained a Graduate Diploma in Legal Practice from the College of Law (UK).



Reem Al Rayes

Zeenat Al Mansoori & Associates
Office 62, Floor 05, Al Matrook Building
Road 1705, Diplomatic Area, Manama
Kingdom of Bahrain

Tel: +973 17 532 012
Fax: +973 17 536 255
Email: reem@zeenatalmansoori.com
URL: www.zeenatalmansoori.com

Reem Al Rayes joined Zeenat Al Mansoori & Associates in 2009 and has quickly become recognised by clients as an asset to the firm. Reem worked in the firm's different practice areas and is building her experience in litigation and in the employment, corporate, and insurance sectors. She assists the firm in carrying out legal research and has developed a particular interest in business crimes.

Reem obtained her Bachelor of Laws from the London School of Economics (UK) and has recently been presented with an honorary award from Bahrain's Minister of Justice and Islamic Affairs for her achievement in the course organised by the Judicial & Legal Studies Institute for new lawyers.



المحاماة والإستشارات القانونية والتحكيم
Attorneys, Legal Consultants & Arbitrators

Zeenat Al Mansoori & Associates is a leading full-service law firm in the Kingdom of Bahrain and is one of only a few local firms with expertise on regulatory and white collar defences. The firm's managing partner Zeenat Al Mansoori has established the practice in 1989 with a relentless focus on the quality and value of client service. The firm's longstanding clients include multinational corporations, executives, and high net-worth individuals in the banking, corporate, and insurance sectors.

The firm provides an effective response to its clients by thoroughly understanding the nature of and extent of the regulatory and legal issues involved and maintaining good relationships with the regulators, prosecutors and the key personalities in the Kingdom of Bahrain. The firm has considerable experience in counselling and representing companies and individuals against different areas of business crime. Amongst others, these involve civil and criminal fraud, government contracts, criminal investigation of senior company officers, and internal and regulatory investigations. The firm has a strong litigation team experienced in front of all the courts of law in the Kingdom of Bahrain. This is underpinned by the firm's impressive track record of favourable verdicts in complex litigation of all kinds.

Other titles in the ICLG series include:

- Cartels & Leniency
- Class & Group Actions
- Commodities and Trade Law
- Competition Litigation
- Corporate Recovery & Insolvency
- Corporate Governance
- Corporate Tax
- Dominance
- Employment Law
- Enforcement of Competition Law
- Environment Law
- Gas Regulation
- International Arbitration
- Litigation & Dispute Resolution
- Merger Control
- Mergers & Acquisitions
- Patents
- PFI / PPP Projects
- Pharmaceutical Advertising
- Product Liability
- Public Procurement
- Real Estate
- Securitisation
- Telecommunication Laws and Regulations

To order a copy of a publication, please contact:

Global Legal Group
59 Tanner Street
London SE1 3PL
United Kingdom
Tel: +44 20 7367 0720
Fax: +44 20 7407 5255
Email: sales@glgroup.co.uk