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# **THE ADOPTION OF ENGLISH-LANGUAGE LANGUAGE PROCEEDINGS BEFORE BAHRAINI COURTS**

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# LEGISLATIVE FOUNDATION AND OVERVIEW



## Article 4 (Judicial Authority Law)

Amended by Legislative Decree No. 27 of 2021; introduced the possibility for parties to agree in writing to conduct court proceedings in a language other than Arabic.



## Ministerial Empowerment

Empowered the Minister of Justice, subject to Supreme Judicial Council approval, to determine court languages and regulate their scope and conditions.



## Resolution No. 28 of 2023

Issued on 6 March 2023; published on 9 March 2023 and entered into force the following day. Replaced Ministerial Resolution No. 117 of 2021.

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**THE DRIVING FORCES BEHIND BAHRAIN'S  
BAHRAIN'S ADOPTION OF ENGLISH  
PROCEEDINGS**






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## REDUCING THE BURDEN & COST OF TRANSLATION



English proceedings eliminate unnecessary translation costs and delays

-  **Eliminates** the need for costly certified translations of all commercial documents
  -  **Reduces delays** caused by lengthy translation processes
  -  **Minimizes risk** of translation errors or discrepancies that may affect legal outcomes
  -  **Lowers overall litigation costs** for international parties and businesses
  -  **Streamlines proceedings** and enhances efficiency of dispute resolution
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# GLOBALIZATION & STRATEGIC POSITION



## Strategic Location

Bahrain occupies a strategic location at the heart of the Gulf region, serving as a gateway between regional and international markets. This positioning facilitates cross-border commercial activity and trade.



## Regional Hub

As a long-standing regional hub for trade and financial services, Bahrain attracts multinational enterprises. This status reinforces its attractiveness as a destination for foreign direct investment (FDI).



## English as Standard

International business transactions are increasingly conducted and documented in English. English-language proceedings reduce the need for costly translations and enhance efficiency in resolving disputes.

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# PRO-ARBITRATION LEGAL ENVIRONMENT



## Leading Arbitration Hub

Bahrain has established itself as one of the region's leading arbitration-friendly jurisdictions, fostering a climate of legal certainty for international commercial entities.



## Law No. 9 of 2015

Based on the UNCITRAL Model Law, this legislation aligns the Kingdom's legal framework with international standards, ensuring compatibility with global dispute resolution practices.



## Judicial Support

Bahraini courts consistently demonstrate support for arbitration and the finality of arbitral awards.

**92.37%**

**REJECTION RATE OF ANNULMENT APPLICATIONS  
(2018–2024)**

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# ALIGNMENT WITH INTERNATIONAL LAW



## INTERNATIONAL INSTRUMENTS I

### CISG

United Nations Convention on Contracts for the International Sale of Goods, providing a modern, uniform regime for international sales.

### UNCITRAL Model Law

International Commercial Arbitration standards that align Bahrain's legal framework with global best practices.



## INTERNATIONAL INSTRUMENTS II

### Cross-Border Insolvency

Adoption of UNCITRAL standards to facilitate effective cooperation in international insolvency proceedings.

### Secured Transactions Law (Law No. 3 of 2026)

Bahrain's Secured Transactions Law, based on international best practices, modernizes the framework for security interests in movable assets and enhances access to credit.



## GLOBAL HARMONIZATION

Bahrain's participation in the international legal community, including its representation at the Permanent Court of Arbitration, reflects its commitment to harmonization with global commercial standards.

This alignment ensures that Bahrain remains a predictable and reliable jurisdiction for international business.

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# DIGITAL TRANSFORMATION

*A fully digital and paperless court system enhancing accessibility and transparency.*



## ELECTRONIC FILING

Bahrain's judiciary has transitioned to a comprehensive electronic filing system, allowing legal practitioners to submit claims, evidence, and motions through a secure digital portal.



## CASE MANAGEMENT

The digital case management system provides real-time tracking of proceedings, automated scheduling, and instant access to judicial orders, ensuring transparency for all parties.



## REMOTE HEARINGS

Equipped with advanced video conferencing technology, Bahraini courts conduct remote hearings that align with global digital standards, facilitating international participation.

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 English-language proceedings are a natural extension of this broader modernization agenda.

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# AVAILABILITY OF QUALIFIED BAHRAINI JUDGES



## Human Capital

Bahrain possesses a growing cadre of judges and legal professionals with strong English-language proficiency. This linguistic capability is a cornerstone of the modern judicial system.



## Professional Standard

This expertise supports the effective implementation of English-language proceedings and ensures high-quality judicial outcomes that meet international commercial expectations.



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# INFRASTRUCTURE FOR ENGLISH LITIGATION

Bahraini infrastructure enables litigation in the English language through comprehensive resources:



## Published Book with Arbitration Principles

Extensive legal resources are available in English for legal practitioners, ensuring that the foundational principles of arbitration in Bahrain are accessible to international parties.



## Translated Judicial Code of Conduct

The translation of the Judicial Code of Conduct ensures transparency and aligns the judiciary's ethical standards with international expectations, fostering trust among foreign litigants.



## Translated Laws to English

Key commercial and civil laws have been officially translated into English. This accessibility allows non-Arabic speakers to directly engage with the legal framework governing their disputes.



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# ARTICLE 1 – DEFAULT ENGLISH RULE



## DEFAULT LANGUAGE RULE

English is the language of proceedings before the Bahrain Chamber for Dispute Resolution (BCDR) when the contract language is English. This agreement is the basis for conducting proceedings in English.



## APPLICABLE DISPUTE CATEGORIES

- Disputes between licensed financial institutions.
- Disputes between a licensed financial institution and a licensed commercial company.
- Disputes between licensed commercial companies arising from their commercial relationship.
- Disputes related to international trade involving financial institutions and/or companies.



## OPT-OUT & DISCREPANCIES

- If the contract is in multiple languages, English does not automatically prevail unless expressly stated.
- Parties may jointly agree in writing to opt out of English before the

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## ARTICLE 2 – ARBITRATION-RELATED COURT PROCEEDINGS

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English is the language of the proceedings when the language of arbitration is English.”



**Appointment or Challenge of an arbitrator**

CONTRACT > BHD 500,000



**Interim or provisional measures**

CLAIM > BHD 500,000



**Enforcement of an arbitral award**

AWARD > BHD 500,000



**Setting aside (annulment) of an arbitral award**

AWARD > BHD 500,000

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## ARTICLE 3 – PARTY AGREEMENT TO USE ENGLISH



### OPT-IN CRITERIA

**Agreement Basis:** Parties may agree in writing to conduct proceedings in English if the claim document or contract is drafted in a language other than Arabic.

**Express Choice:** The choice of English must be expressly stated in the contract, correspondence, or a separate agreement.

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### CLAIM THRESHOLD

> BHD 500,000



### ELIGIBLE CATEGORIES I

- Disputes involving at least one foreign company.
- Disputes relating to shares, bonds, and other securities.
- Disputes relating to commercial papers.
- Trademarks, commercial agencies, and IP rights.



### ELIGIBLE CATEGORIES II

- Arbitration or mediation in commercial contracts.
  - Maritime, air transport, and carriage contracts.
  - Disputes relating to construction contracts.
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# ARTICLE 4 – TRANSLATION REQUIREMENTS



## DOCUMENT TRANSLATION

### Certified Standard

Parties must provide a certified translation of all documents submitted to the court if they are drafted in a language other than English. This ensures accuracy and legal validity in proceedings.

### Scope of Submission

This requirement applies comprehensively to all evidentiary materials, contracts, and correspondence presented as part of the legal proceedings.



## INTERPRETER SERVICES

### Oral Testimony

The court shall hear parties or witnesses who do not speak English through a qualified interpreter, ensuring that language barriers do not impede the right to a fair hearing.

### Formal Oath

The interpreter must take an oath or make a formal declaration confirming that the interpretation provided will be accurate, impartial, and truthful throughout the proceedings.

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## ARTICLE 5 – SCOPE OF APPLICATION



**The provisions of Articles 1–4 apply comprehensively to all related related legal actions.**

- Interventions by third parties in a case.
  - Joinder of parties to a case.
  - Applications and requests related to the subject matter of the original claim.
  - Counterclaims filed within the proceedings.
  - Other claims connected to the original action.
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## ARTICLE 6 – LANGUAGE OF APPEAL PROCEEDINGS



**"Where a judgment or court order is issued in English, any appeal shall be conducted in English."**

**↑ ALL LEVELS OF APPEAL**

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**🔍 ALL LEVELS OF REVIEW**

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## COURT OF CASSATION – FIFTH ENGLISH JUDGMENT

*Judgment issued on 11 May 2026 affirming key principles of international commercial arbitration*



- ✓ **Upheld the finality and validity of an arbitral award** and dismissed an action seeking its annulment.
- ✓ **Foreign law invoked before national courts is treated as a matter of fact**, and the party relying upon it bears the burden of proving its content and applicable provisions.
- ✓ **Reaffirmed the separate legal personality** of a company from that of its shareholders.
- ✓ **Judicial review in annulment proceedings is limited** to determining whether statutory grounds exist; it does not extend to reconsidering the merits or reassessing evidence.

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# CONCLUSION



## LEGAL FRAMEWORK

Bahrain has established a comprehensive legislative foundation — from Article 4 of the Judicial Authority Law to Ministerial Resolution No. 28 of 2023 — providing a clear and structured framework for English-language proceedings.



## INSTITUTIONAL READINESS

With qualified English-proficient judges, a fully digital court system, translated laws and codes, and published arbitration resources, Bahrain possesses the institutional infrastructure to support English litigation effectively.



## STRATEGIC IMPACT

The adoption of English-language proceedings reinforces Bahrain's position as a leading international dispute resolution hub, attracting foreign investment and aligning with global commercial standards.

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*Bahrain is uniquely positioned to serve as a bridge between regional and international legal communities.*

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# THANK YOU

QUESTIONS?

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