

(Translated from Arabic)

/ 8 / 110 / 2014

Tuesday, 12 August 2014

To the Chef de Cabinet of His Excellency,
the Minister for Foreign Affairs

Sir,

We refer to your letter No. O-HRU-106-2014-8/10/3, dated 13 June 2014, requesting information about Mr. Maher Abbas Ahmad Youssef al-Khabbaz.

We are in a position to inform you that the Office of the Public Prosecutor interviewed Mr. Al-Khabbaz and eight others and charged him with murdering a public official, police officer [REDACTED], using explosive materials, the motive being that the official was carrying out his duty. The offence was committed concomitantly with others, namely: attempted murder (by the accused and others) of police officers who were carrying out their duties during clashes, demonstrations and riots; possession of incendiary devices and of a firearm, without a permit from the Ministry of the Interior, for use in carrying out acts of terrorism; possession of what were effectively explosive materials, without a permit from the Ministry of the Interior, for use in carrying out acts of terrorism; and the use of force and violence against public officials in order to impede them, unlawfully, from carrying out their duties (the accused used force and violence against police officers who were attempting to arrest him).

When faced with these charges at interview, the accused denied them. However, the second accused person (the brother of Mr. Al-Khabbaz) as well as the third and fourth accused persons averred that it was Mr. Al-Khabbaz who had fired the flare gun in the direction of police when they clashed with the protestors and that it was he who had perpetrated a number of other offences mentioned in the list of charges. The ninth accused person (also a brother of Mr. Al-Khabbaz) declared that he had stolen the flare gun from his place of work and given it to his brother Maher Abbas.

In formulating the charges, the Office of the Public Prosecutor based itself on the testimony of police officers who had been present at the time the victim had been hit and who had reported that the flare had lodged in his abdomen then exploded and that flames had been visible from the opening it had made in his body. The Office of the Public Prosecutor also availed itself of certain forensic reports, including the autopsy report which established that the cause of death was the injury caused by the parachute flare that had been fired at the deceased. The flare had exploded inside the victim's abdomen and burned surrounding tissue. Further evidence was provided in the testimony by a security officer who had undertaken the initial inquiry and first received reports indicating that the accused persons were responsible for the murder.

Mr. Al-Khabbaz made no claims about being tortured when he was at the Office of the Public Prosecutor nor did he file any such claim with the special unit that examines claims of torture or of cruel, inhuman or degrading treatment.

The case was referred to the High Criminal Court. The accused was accompanied by defence counsel, and the Court ensured that he enjoyed full legal guarantees, including that of a public trial. On 19 February 2014, the Court sentenced him to death and the other accused persons to varying terms of imprisonment. Counsel for Mr. Al-Khabbaz filed an appeal against the sentence with a superior court, the Supreme Civil Court of Appeal. The

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Court considered the case and decided to defer judgement until its session of 31 August 2014. Any sentence emerging from that court may be appealed before the Court of Cassation, which is the highest court in the land.

Accept, Sir, assurances of our highest consideration.

(Signed) Chef de Cabinet of the Public Prosecutor

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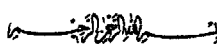
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البعثة الدبلوماسية لملكة البحرين
لدى الأممية المتحدة
جنيف / فيينا

Geneva, 29th August 2014

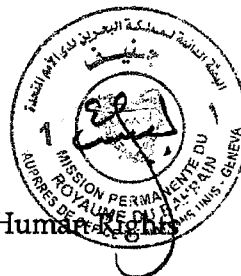
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The Permanent Mission of the Kingdom of Bahrain to United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and would like to refer to the joint urgent appeal, ref. UA BHR 8/2014, dated 8th July 2014, sent by the Chair- Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of Judges and Lawyers ; the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on extrajudicial, summary or arbitrary executions, on the information received regarding the allegations of torture and ill-treatment of **Mr. Maher AlKhabbaz**.

In this regards, the Mission has the honour to enclose herewith the reply of the Public Prosecution Office, The Kingdom of Bahrain to the aforementioned joint urgent appeal in Arabic language.

The Permanent Mission of the Kingdom of Bahrain avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Mr. Karim Ghezraoui
Officer-in-charge
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ن ع / ٨٠ / 2014م
الثلاثاء 12 أغسطس 2014م

سعادة الفاضل / مدير مكتب معالي وزير الخارجية

المحترم

تحية طيبة، وبعد

إيماء لخطابكم رقم HRU-106-2014-8/10/3 - O المؤرخ 2014/6/13 بخصوص
الإستعلام عن المدعو/ ماهر عباس أحمد يوسف الخباز.

نفيدكم علماً بأن النيابة العامة باشرت التحقيق معه رفقة ثمانية آخرين وأسندت اليه تهم:
قتل موظف عام هو الشرطي/ [REDACTED] مع سبق الإصرار وباستعمال مادة مفرقة
وكان ذلك بسبب تأديته لوظيفته، وقد اقترنت هذه الجناية بجرائم أخرى وهي أنه وآخرين شرعوا
في قتل رجال الشرطة أثناء وبسبب تأديتهم لوظيفتهم بأن عقدوا العزم وبيتوا النية على قتل رجال
الشرطة أثناء المواجهات وأعمال التجمهر والشغب، حيازة وإحراز عبوات حارقة وحيازة
وإحراز سلاح خرطوش بغير ترخيص من وزير الداخلية وكان ذلك تنفيذاً لغرض إرهابي، حيازة
مواد تعتبر في حكم المفرقات بغير ترخيص من وزير الداخلية وكان ذلك تنفيذ لغرض إرهابي
واستعمال القوة والعنف مع موظفين عموميين بنية حملهم بغير حق على الإمتناع عن عمل من
أعمال وظيفتهم بأن استعمل القوة والعنف مع أفراد الشرطة المكلفين بالقبض عليه. و أثناء
مواجهته بتلك التهم في التحقيقات أنكر ما نسب اليه، فيما أقر عليه المتهم الثاني - شقيقه - والثالث
والرابع من أنه هو من أطلق قاذف الإشارة البحرية تجاه الشرطة أثناء تعاملهم مع المخبربين
إضافة لإرتكابه واقترافه لبعض التهم وإقرار المتهم التاسع - شقيقه أيضاً - بأنه سرق القاذف

البحري من مقر عمله وسلمه الى شقيقه ماهر عباس. واعتمدت النيابة في توجيه الاتهامات الى شهادة افراد الشرطة ممن كانوا حاضرين وقت إصابة المجني عليه بالمقذوف واستقراره في أحشائه لحظة انفجاره داخل بطنه وخروج النيران من الفتحة التي خلفتها الإصابة المباشرة، كما اعتمدت أيضاً على التقارير الفنية ومنها تقرير الصفة التشريحية التي ثبت فيها أن سبب الوفاة هي الطلقة - مقذوف إشارة ضوئية ذات المظلات - داخل أحشاء المتوفى وما خلفته من انفجار داخله وحرق للأنسجة المحيطة، ومن الأدلة أيضاً شهادة رجل أمن وصلت اليه المعلومة الأولية كتحريرات من أن المتهمين من قاموا بجريمة القتل، المذكور لم يدعي بالتعذيب امام النيابة العامة وكذا امام الوحدة الخاصة المعنية بالنظر في إدعاءات التعذيب وإساءة المعاملة والمعاملة اللإنسانية الحاطة بالكرامة، وقد أحيلت القضية الى المحكمة الكبرى الحنائية وحضر محام مع المتهم للدفاع عنه وقد وفرت المحكمة كافة الضمانات القانونية المقررة للمتهم ومنها علانية المحاكمة. قضت المحكمة بتاريخ 2014/2/19 حكماً بإعدامه وأحكاماً متفاوتة المدة بالسجن بحق المتهمين الآخرين. قام محامي المتهم المذكور بالطعن في الحكم الصادر إستئنافياً لدى محكمة أعلى وهي محكمة الإستئناف العليا المدنية وبعد تداول القضية بجلساتها قررت المحكمة حجز الدعوى لجلسة 2014/8/31 لإصدار الحكم. علماً بأن الحكم المتوقع صدوره قابل للطعن فيه لدى محكمة التمييز وهي أعلى محكمة للتقاضي.

هذا ما لزم توضيحه، وتفضلوا بقبول وافر التحية والامتنان،،،

مدير مكتب النائب العام