

*(Translated from Arabic)*

### **Information note concerning various defendants**

#### **1. Abbas Jamil Tahir Al-Samia: Identification No. 890800405, age 25**

- Investigations into acts of terrorism indicate that Mr. Al-Samia and others were involved in such acts and that on 3 March 2014, they were responsible for detonating a bomb on Budaiya Highway that killed 3 police officers and injured approximately 20 others. The Office of the Public Prosecutor issued a warrant for their arrest, but when police officers attempted to arrest Mr. Al-Samia on 3 March 2014, he resisted arrest;
- Mr. Al-Samia was questioned by the Prosecutor on 5 March 2014, and charged with the following offences: belonging to an illegal group established with a view to disrupting State institutions and breaching public order, including by means of terrorism; committing premeditated murder and attempting to murder security personnel in pursuit of a terrorist objective; causing an explosion in pursuit of a terrorist objective; participating in a riot; using force and violence against security personnel; and engaging in training in the use of explosives in pursuit of a terrorist objective. He confessed to these charges, but not to the charge of possession and manufacture of explosives in pursuit of a terrorist objective or the charge of use of force and violence against security personnel. The Prosecutor ordered that Mr. Al-Samia be remanded in custody pending further investigation;
- A forensic physician was assigned to examine the defendant. According to the forensic report, there were signs of trauma to the wrists caused by friction against a hard, rough object or objects, compatible with chafing by handcuffs at the time of the incident. There were also signs of trauma to the limbs; while their appearance had altered with the passage of time and the healing process, they were probably caused by impact or by friction against some kind of hard, rough object or objects at the time of the incident. There was nothing to suggest that these injuries had not been caused when the defendant was resisting arrest;
- The case was referred to the Higher Criminal Court and was heard on 19 May 2014 in the presence of the defendant and his lawyer, Mr. [REDACTED]. Speaking before the Court, the defendant denied all the charges against him and claimed that he had been subjected to physical and psychological coercion;
- The case remains pending before the fourth chamber of the Higher Criminal Court, which has adjourned consideration of the matter until 16 September 2014 in order to summon the forensic physician and certain witnesses. In the meantime, the defendant and the other defendants in the case are remanded in custody;
- A special investigation unit has launched an investigation into the defendant's allegations that he was tortured. The investigation is ongoing.

#### **2. Mohamed Rida Ahmad Hassan Al-Farsani: Identification No. 840206828, age 30**

- Mr. Al-Farsani was arrested on 8 July 2013 pursuant to Act No. 58 of 2006 concerning the protection of society from acts of terrorism, which allows law enforcement officers to arrest anyone against whom there is sufficient evidence that they have committed offences stipulated in the Act. Investigations indicated that Mr. Al-Farsani and others had planned to ambush security forces in the Sitrah

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neighbourhood and to attack the local police station with fire extinguishers modified to serve as bombs, and with petrol bombs and iron bars. They had agreed with another group, which had manufactured a home-made bomb, to conceal the bomb at a checkpoint used by security forces and to detonate it when security forces were in the vicinity, in order to kill them. In accordance with this plan, once they had planted the bomb at the agreed place, they gathered and began to create a disturbance, attacking police officers using petrol bombs, iron bars, stones and fire extinguishers modified to serve as bombs. The security forces engaged with them, the demonstrators retreated and then the bomb exploded, killing one police officer and injuring others. The intention of the defendants was to kill police officers in order to disrupt public security, jeopardize national security and to terrorize and endanger the lives of citizens and residents;

- The defendant was questioned by the Prosecutor from 11 July 2013. Although the defendant claimed that his teeth were hurting because he had been beaten by a police officer, when he was examined no visible signs of injury were found. He was charged with committing premeditated murder and attempted murder using explosive materials in pursuit of a terrorist objective; causing an explosion in order to intimidate security personnel in pursuit of a terrorist objective; participating in a riot and possessing incendiary devices (Molotov cocktails). He denied all the charges. The Prosecutor ordered that he be remanded in custody pending further investigation;
- A forensic physician was assigned to examine the defendant. The forensic report concluded that there were no signs of trauma that would indicate that there had been excessive violence, resistance or restraint. The defendant was able to move all his joints normally and without impairment;
- The defendant was referred to the first chamber of the Higher Criminal Court which, on 13 August 2014, convicted him and sentenced him to life imprisonment;
- The defendant lodged an appeal against his sentence, which is due to be heard on 23 October 2014;
- A special investigation unit has launched an investigation (Investigation No. 12/2013/72) into the defendant's allegations that he was tortured. The investigation is ongoing.

**3. Mohamed Badr Jasim Al-Shaikh: Identification No. 790604574, age 35**

- Mr. Al-Shaikh was arrested on 2 February 2014 at Bahrain International Airport pursuant to Act No. 58 of 2006 concerning the protection of society from acts of terrorism, which allows law enforcement officers to arrest anyone against whom there is sufficient evidence that they have committed offences stipulated in the Act. Investigations indicated that Mr. Al-Shaikh and others had established an organization to carry out their illegal designs, calling on people not to recognize the Constitution or the legitimacy of all the authorities of the State with a view to changing the ruling regime in Bahrain. To this end, they disseminated propaganda inciting others to disrupt the functioning of State institutions, to use force against security personnel, to damage the national economy, to spread chaos and instability, to disrupt public order and to endanger and terrorize citizens and residents;
- The defendant was questioned by the Prosecutor on 6 February 2014 and charged with belonging to an illegal group, the purpose of which was to encourage others to break the law; preventing State institutions from exercising their functions; undermining the personal freedoms of citizens; jeopardizing national unity, and using terrorism as a means of accomplishing these aims. The defendant confessed to

the charges against him and the Prosecutor ordered that he be remanded in custody pending further investigation. He was subsequently released on 7 April 2014;

- A forensic physician was assigned to examine the defendant. The forensic report indicated that there were signs of recent trauma to the wrists compatible with friction caused by handcuffs. The matter remains under investigation;
- A special investigation unit has launched an investigation into the defendant's allegations that he was tortured. The investigation is ongoing.

**4. [REDACTED] (minor): ID No. [REDACTED], age 13:  
(Accused in two cases)**

**Case 1**

- He was arrested on 16 January 2014 while participating in a gathering in the Al Dair neighbourhood during which police officers were attacked by people throwing stones and light bulbs. On the same day he was delivered to the custody of his guardian who pledged to bring him to the Office of the Public Prosecutor;
- His interrogation before the Office of the Public Prosecutor took place on 21 January 2014. He was examined but no visible signs of injury were found on his body. He was charged with participating in a riot, a charge which he denied. The juvenile court judge ordered that he be held in a juvenile detention centre;
- His case was referred before the juvenile court and registered under No. [REDACTED]. On 4 February 2014 the court decided to deliver the accused to the custody of his guardian and adjourned its examination of the case.

**Case 2**

- He was arrested on 2 March 2014 while he and others were attacking police officers. They laid an ambush by setting fire to a suitcase and piles of rubbish then took to flight in order to lure the officers into a certain place, and when the officers followed them there they were attacked with Molotov cocktails;
- His interrogation before the Office of the Public Prosecutor took place on 3 March 2014 in the presence of his lawyer, [REDACTED]. He was examined but no visible signs of injury were found on his body. He was charged with igniting a fire thereby endangering life and property, participating in a riot and possessing incendiary devices (Molotov cocktails) with the intention of using them to endanger life and property. He denied all the charges. The juvenile court judge ordered that he be held in a juvenile detention centre pending further investigation;
- His case was referred before the juvenile court and registered under No. [REDACTED]. On 28 April 2014, the court decided to join the first case to the second pursuant to the law which does not allow more than one measure to be taken against juveniles if they commit further offences during the course of judicial proceedings. At its sitting of 26 May 2014 in the presence of the accused, the court ruled that the juvenile [REDACTED] should be committed to a juvenile detention centre for the charges against him in cases No. [REDACTED] and No. [REDACTED]. It also ordered that the social services should file reports on the accused every six months from the date of issue of the definitive judgement;
- The convicted party lodged an appeal against the sentence and his case is due to be heard on 12 October 2014.

5. [REDACTED]: ID No. [REDACTED], age 18

- He was arrested on 5 April 2014 while participating with others in a gathering during which security forces were attacked with Molotov cocktails and stones. When questioned he denied having participated, according to the police record. He was admitted to the Security Forces Hospital suffering from high blood pressure;
- His interrogation by the Office of the Public Prosecutor took place in hospital when he denied all the charges against him and stated that he had been anaesthetised in the hospital due to the fact that he was suffering from high blood pressure. He was examined but no signs of injury were found on his body and he himself stated that he was uninjured. The Office of the Public Prosecutor ordered that he be detained pending further investigation;
- His case was referred to the Third Lower Criminal Court where he appeared accompanied by his lawyer, [REDACTED]. He made no allegations of having suffered any mistreatment and, on 25 June 2014, was sentenced to a term of two months' non-suspended imprisonment.

6. [REDACTED]: ID No. [REDACTED], age 16

- He was arrested on 24 April 2014 while participating with others in a gathering during which tyres were set ablaze and security forces were attacked with Molotov cocktails and stones;
- His was interrogated by the Office of the Public Prosecutor in the presence of his lawyer, [REDACTED], and denied the charges against him stating that his confession as contained in the evidence record had been extracted by beatings administered by the police. He was examined but no signs of injury were found on his body. When asked whether he was suffering from any non-visible injuries, he stated that he had an injury on his left thigh and that he was suffering from head pains following the beating administered by the police. The Office of the Public Prosecutor ordered he be held in detention and that a forensic physician be assigned to examine his claim that he had been tortured;
- A copy of the documents was made and sent to the special unit for investigating incidents of torture;
- The Office of the Public Prosecutor ordered that he be sent for trial before the Fourth Higher Criminal Court on charges of causing a fire which endangered life and property, participating in a riot and possessing incendiary devices. The case was heard by the Court in the presence of the accused and his lawyer and adjourned until 25 September 2014 in order to summon witnesses for the prosecution.

7. **Mohamed Ramadan Issa Ali Husain: ID No. 821100696, age 31, profession: first sergeant at the Ministry of the Interior**

- He was arrested on 18 February 2014 for having participated with others in planting a home-made bomb which was then detonated as a police patrol was passing leading to the death of one officer. According to the police record, he denied the charge of causing an explosion but confessed to participating in a riot;
- The defendant was questioned by the Prosecutor and denied the charges against him. He was examined but no signs of injury were found on his body. The Office of the Public Prosecutor ordered that he be held in pretrial detention and that a forensic physician be assigned to examine him;
- The Office of the Public Prosecutor ordered that he and others be sent for trial before the Higher Criminal Court on charges of deliberate aggravated murder, attempted

murder, causing an explosion in order to accomplish an act of terrorism, possessing explosive material without a permit, using explosives, participating in a riot and possessing incendiary devices. When the accused appeared in court accompanied by his lawyer, [REDACTED], he claimed that he had been subjected to physical and mental coercion. The case is still pending and has been adjourned to 24 September 2014 in order to summon the forensic physician.

**8. [REDACTED], age 40**

- This accused was arrested on 3 May 2013 following investigations which pointed to his involvement with others in creating the February 14 Coalition and in exchanging intelligence with a foreign entity;
- His interrogation before the Office of the Public Prosecutor took place on 2 May 2014 and the following charges were laid against him: participating with others to establish an organization which had the aim of subverting the Constitution and the law and preventing the institutions of State from carrying out their duties, and exchanging intelligence in order to carry out acts of aggression against the Kingdom of Bahrain. He confessed to the first charge but denied the second. The Office of the Public Prosecutor ordered that he be detained pending further investigation and that a forensic physician be assigned to examine him;
- On 2 July 2013 the accused [REDACTED] and others were referred before the Higher Court which, on 29 September 2013 delivered its verdict without the accused being in attendance, sentencing him to 15 years' imprisonment and ordering the confiscation of impounded articles;
- The accused appealed against his sentence before the Court of Appeal which, on 29 May 2014, ruled to accept the appeal in its form but to reject it on its merits, upholding the original sentence;
- A special investigation unit has launched an investigation into the defendant's allegations that he was tortured. The investigation is ongoing.

**9. Elyas Faisal Makki Ibrahim Al Mula: ID No. 910209138, age 32**

- This accused was arrested on 11 May 2012 for participating with others in attacking security forces with incendiary devices, causing injuries to a number of police officers;
- His interrogation before the Office of the Public Prosecutor took place on 12 May 2012 and the following charges were laid against him: attacking and attempting to murder public officials, causing fires, possessing incendiary devices (Molotov cocktails) and participating in a riot. He confessed to some of these offences and denied others. The Office of the Public Prosecutor ordered that he be detained pending further investigation;
- The Office of the Public Prosecutor ordered that he be referred to the Higher Criminal Court where he appeared in the company of his lawyer, [REDACTED]. On 5 May 2013, the Court found him guilty and sentenced him to 15 years' imprisonment;
- He lodged an appeal and, on 18 November 2013 the Court of Appeal ruled to uphold the original sentence.

**10. Husain Abdel Jalil Abdullah Al Singace: ID No. 820904406, age, 32**

- He was arrested on 25 March 2011, while the state of "national safety" was in force, on the strength of evidence emerging from investigations that he had participated

with others in a public gathering in order to commit offences, breach public order, use force and violence against security personnel and beat police officers;

- His interrogation before the Office of the Military Prosecutor took place on 12 April 2011 and the following charges were laid against him: using force and violence against the police in order unjustly to prevent them from carrying out their duty and to accomplish a terrorist act, and participating with others in a public gathering of more than five people with the aim of breaching public order. He confessed to all these charges and the Office of the Military Prosecutor ordered that he be detained pending further investigation;
- He was referred to the “National Safety” Court where he appeared in the company of his lawyer, [REDACTED]. The Court assigned a forensic physician to look into his allegations that he had been mistreated at the time of his arrest. The case was heard over several sessions until, on 6 October 2011, the Court found the defendant guilty and sentenced him to 7 years’ imprisonment;
- The defendant lodged an appeal against his sentence on 16 October 2011. On 23 January 2013 the Court of Appeal rejected the appeal and upheld the sentence;
- The defendant lodged an appeal with the Court of Cassation which ruled to accept the appeal in its form but to reject it on its merits;
- A special investigation unit has opened an enquiry, under No. 12/2014/3, into allegations made by the accused. The investigation is still under way.

11. [REDACTED]

- The Office of the Public Prosecutor is not undertaking any investigations against this person.

12. **Sayed Mahmood Fadhel**

- There is no defendant of that name. Please supply more complete information in order to identify the person.

**General comments:**

1. In investigating these matters against the aforesaid persons, the Office of the Public Prosecutor followed the Code of Criminal Procedure which requires it to substantiate the truth of the charges, to associate the offence with the accused, to obtain oral evidence by taking the statements of witnesses and to interrogate the accused, confronting them with the evidence against them and testing their defence to the full. At the same time, it ensured that the accused had access to legal assistance and ascertained what arguments they and their counsel could plead in defence.

2. In light of the evidence against the accused, the cases were referred for trial. That evidence included, depending on the case, witness and victim statements, crime scene reports and tests carried out on traces left at the scene, which linked the accused to the offences for which they are charged. It also included the statements made by the accused themselves during interrogation by the Office of the Public Prosecutor, which confirmed that they had participated in the offences.

3. During their trials before the lower courts and the Court of Appeal the accused were afforded all legal guarantees and consideration was given to the submissions and arguments made in their defence. In the end, though, the courts were convinced that the charges had been substantiated and delivered a guilty verdict.

4. In delivering guilty verdicts, criminal tribunals rely on evidence gathered through due legal procedure and not upon evidence which is shown to have been obtained using

invalid procedures. In this they act pursuant to article 253 of the Code of Criminal Procedure which states that judges shall deliver judgement in respect of a case according to their own conviction and in complete freedom. However, they shall not base their judgement upon any evidence that has not been brought before them at trial. Every statement proven to have been given by an accused or a witness under coercion or threat of coercion shall be ignored.

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