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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 (OHCHR), and would like to refer to the joint urgent appeal, **UA BHR6/2018**, dated December 11, 2018, sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of human rights fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on the information received concerning the imposition of the death penalty, including cases where there is an immediate risk of execution, and the conduct of trials in Bahrain.

In this regard, the Mission has the honour to enclose herewith an explanatory note, received from the Government of the Kingdom of Bahrain on 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.

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(Translated from Arabic)

**Permanent Mission of the Kingdom of Bahrain to the United Nations Office at Geneva
Clarificatory Memorandum**

With regard to urgent appeal No. UA BHR 6/2018 from the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment concerning allegations of the imposition of the death penalty on a number of persons, we wish to submit the following clarifications:

A death penalty handed down by the High Criminal Court is open to appeal and is not enforceable. The judgment is not deemed to be final and an appeal may be lodged at various levels of the judicial system. It may not be enforced unless it is upheld by the Court of Cassation and its enforcement is approved by His Majesty the King. The Court of Cassation, which is “the highest court in the Kingdom’s judicial system”, is mandated to review the case in both formal and substantive terms in order to ascertain whether the applicable legal provisions were correctly applied in the judgment handed down by the court of first instance and the court of appeal, in accordance with article 40 of the Court of Cassation Act. A death sentence is deemed to be open to appeal before the Court, in accordance with the rule of law, and the court that handed down the judgment is required to refer the case forthwith to the Technical Bureau of the Court of Cassation, which must prepare a legal opinion on the judgment. The Court of Cassation may choose to overturn the judgment and refer the case back to the competent court for reassessment by a different chamber from that which handed down the initial judgment, if the Court determines that there was an error in the application of the law, the reasoning, or the evidence collection process on which the judgment was based.

The Court of Cassation is required by law to consider the substance of the case and to hand down a judgment itself if a ruling is dismissed for the second time. Accordingly, if the court to which the case was re-referred hands down a death sentence which the Court of Cassation believes should be revoked for any of the aforementioned reasons, then the Court of Cassation shall revoke the sentence, examine the case itself and issue a ruling thereon.

I. The death penalty (justification, enforcement and safeguards)

1. Although Bahraini law provides for the imposition of the death penalty, it is applied solely as a penalty for extremely serious offences, such as premeditated murder as an aggravating circumstance.
2. Article 260 of the Code of Criminal Procedure stipulates that a court may hand down a death sentence only by consensus.
3. With regard to enforcement, the courts actually hand down very few death sentences in Bahrain, as the law permits judges to choose between the death penalty and deprivation of liberty, or to commute the sentence to a lesser punishment.

Safeguards:

- A licensed lawyer is appointed (if the convicted person has no lawyer) to plead on his behalf at various levels of the legal proceedings.
- A death sentence cannot be enforced until the judgment is final and the King has granted his approval (article 328 of the Code of Criminal Procedure).
- Article 70 of the Criminal Code stipulates that the juvenile status of an accused person aged over 15 but under 18 years shall be deemed to constitute a mitigating circumstance.
- Article 71 of the Criminal Code stipulates that: “If a mitigating circumstance is established in a case involving an offence entailing the death penalty, the sentence



shall be reduced to imprisonment for a fixed term or detention for a period of not less than one year. If the offence is punishable with imprisonment for life or for a fixed term, the penalty shall be commuted to that for a misdemeanour, unless otherwise specified by the Criminal Code.”

- Article 72 of the Code stipulates that the penalty shall be reduced if an offence is committed under extenuating circumstances and the judge feels the need for clemency.
- Pursuant to articles 31 to 35 of the Criminal Code, a person shall not be held liable if he committed the offence unknowingly or unwillingly; if a person was mentally impaired or incapable of taking decisions freely at the time of the offence as a result of illness, a commuted sentence shall be imposed or he shall be referred to a treatment facility; if a person was mentally impaired at the time of the offence as a result of having consumed narcotic drugs or alcohol unknowingly or under coercion, he shall not be held liable.
- According to article 66 of the Correctional and Rehabilitation Facility Act, if a woman sentenced to death is pregnant, the sentence shall not be enforced until two years after she has given birth.
- According to article 40 of Legislative Decree No. 1989 promulgating the Act concerning the Court of Cassation (the highest court in the Kingdom’s judicial system), a death sentence is deemed to be open to appeal before the Court, in accordance with the rule of law, and the court that handed down the judgment is required to refer the case forthwith to the Technical Bureau of the Court of Cassation, which must prepare a legal opinion on the judgment. The Court of Cassation may choose to overturn the judgment and refer the case back to the competent court for reassessment, if the Court determines that there was an error in the application of the law, the reasoning, or the evidence collection process on which the judgment was based.

The Court of Cassation is required by law to consider the substance of the case and hand down a judgment itself if a ruling is dismissed for the second time. Accordingly, if the court to which the case was re-referred hands down a death sentence which the Court of Cassation believes should be revoked for any of the aforementioned reasons, then the Court of Cassation shall revoke the sentence, examine the case itself and issue a ruling thereon.

- Articles 89 and 90 of the Criminal Code stipulate that a total amnesty shall be decided by law and shall entail the suspension of the legal proceedings or the revocation of a judgment of conviction. A special amnesty shall be granted by royal decree and shall entail a total or partial waiver of the penalty or its mitigation.
- A death sentence cannot be enforced until the judgment is final and the King has granted his approval (article 328 of the Code of Criminal Procedure).
- The death penalty shall be carried out upon the written request of the Public Prosecutor, once the approval of the King has been granted (article 331 of the Code of Criminal Procedure).
- The death penalty shall be carried out in the presence of the sentence enforcement judge, a member of the Public Prosecution Service, a prison guard, the prison doctor and the prison cleric. The lawyer of the condemned person shall always be allowed to attend if so requested (article 332 (1) of the Code of Criminal Procedure).
- All necessary facilities shall be provided and steps taken in accordance with the religion of the condemned person (article 330 of the Code of Criminal Procedure). A death penalty shall not be carried out on a public holiday related to the religion of the condemned person (article 333 of the Code of Criminal Procedure).
- At the site of execution and in the hearing of those present, the sentence of death shall be read out, including the charge for which the person is to be executed. If the condemned person wishes to make a statement, the sentence enforcement judge shall enter it in the record (article 332 (2) of the Code of Criminal Procedure).

II. Details of the cases:

1. Maher Abbas Ahmed Youssef Kazem al-Khabbaz, case No. 201392377

- **Maher Abbas Ahmed Youssef al-Khabbaz** was arrested on 19 February 2013, based on a warrant from the Public Prosecution Service, for having attacked, together with others, members of the police force, using flare guns and Molotov cocktails. Maher al-Khabbaz used his flare gun to shoot at the police officer [REDACTED]. The shot burned him and exploded inside his body, leading to his death. The Public Prosecution Service interrogated him on 21 February 2013 and ordered his detention pending investigation after he and the other accused were charged with deliberately killing the victim, with the premeditated attempted murder of other police officers, with the possession and procurement of unlicensed incendiary devices and cartridge firearms and with their use for terrorist purposes. The aforementioned accused was charged with resisting the authorities when they implemented the arrest warrant issued by the Public Prosecution Service and with preventing them from performing their duties.
- Maher al-Khabbaz and the others, a total of eight accused persons, were referred to the High Criminal Court. The judges decided by consensus at a hearing on 19 February 2014 to sentence the said person to death and to 5 years' imprisonment on the charge of resisting the authorities, to sentence six accused to life imprisonment, and to sentence one to 5 years' imprisonment and another to 6 years' imprisonment. The last two accused were acquitted of the crimes of murder and attempted murder.
- Maher al-Khabbaz and the others lodged an appeal against the judgment. The Supreme Court of Appeal decided by consensus on 31 August 2014 to reject the appeal filed by Maher al-Khabbaz and to uphold the judgment handed down against him. It decided to commute the sentence of life imprisonment imposed on six accused to a 10-year prison term. The said persons lodged an appeal against that judgment with the Court of Cassation.
- The Court of Cassation decided on 7 December 2015 to overturn the judgment and to return the case to the Court of Appeal for consideration by another chamber.
- The Court of Appeal considered the case again and decided by consensus on 10 May 2017 to reject the appeal filed by Maher al-Khabbaz and two others, and to commute the sentence of life imprisonment imposed on the six other accused to a 10-year prison term.
- The judgment was referred again to the Court of Cassation, which decided on 29 January 2018 to impose the death penalty, and the judgment then became final.

Grounds for the judgment and response to the defence:

- The court of first instance based its judgment on the conviction of the said person and the other accused, the confessions of some of the accused, the testimony of witnesses and the seized weapons and equipment used in the incident.
- The Court of Appeal did not rely on the statements of the four accused contained in the records of the evidence collected, but on their statements during the investigations of the Public Prosecution Service.
- The court of first instance and the Court of Appeal responded in their judgments to the arguments of the defence that the confessions of the accused should be dismissed since they were obtained under duress. The Court of Appeal noted that the signed forensic medical reports concerning some of the accused stated that they were free from injuries, and that the injuries described in the forensic medical reports consisted of two 1-centimetre abrasions on the lower arm of Maher al-Khabbaz, of an abrasion of between 1 and 2 centimetres in the case of a second convicted person, and of an abrasion in the upper left groin in a third case (all of which, according to the medical reports, were cured in less than 20 days). The Court therefore concluded that nothing in the documentation or the forensic medical reports indicated that the accused had been compelled to confess, and that there was no connection between the injuries and the statements of the accused, either in the records of the evidence collected or in the records of the investigations. The Court therefore had confidence in the statements of

the accused and in the other oral and material evidence on which their conviction was based.

- The Court of Cassation responded to the same pleas by stating that the grounds specified in the contested judgment in response to the objections were permissible in terms of the competent court's authority to assess the evidence, including the statements of the accused during the investigations by the Public Prosecution Service, which were consistent with the depiction of the incident and the other evidence, which all corresponded to the facts.
- The Special Investigation Unit received a complaint on 1 August 2018 from an international organization alleging that the said person had been subjected to torture and ill-treatment to obtain a confession. The Unit therefore launched an investigation into the matter and found that he had been arrested on 20 February 2013, interrogated by the Public Prosecution Service and denied the charges filed against him. He had also been examined by a forensic physician, who had not found any injuries consistent with his claim. The Unit finally archived the documents due to lack of evidence and the fact that the allegation was unsubstantiated and was not supported by any other evidence.

2. Mohamed Ramadan Isa and Husain Ali Moosa:

- The Public Prosecution Services charged Husain Ali Moosa, Mohamed Ramadan Isa and 10 others with: the premeditated murder of police officer [REDACTED] and the attempted murder of a number of police officers by detonating an explosive device; with causing an explosion for terrorist purposes, acquisition and possession of an explosive device and materials for its detonation, and acquisition of Molotov cocktails for terrorist purposes; and with participation in an unlawful gathering in order to perpetrate the crimes of attacking persons, threatening public order and security, and using violence in the context of the gathering.
- The High Criminal Court decided on 29 December 2014 to sentence the complainants to death. It decided to sentence another defendant to life imprisonment, and to sentence the remaining nine defendants to 6 years' imprisonment for some charges and to acquit them of others.
- Husain Ali Moosa and Mohamed Ramadan Isa lodged an appeal against the judgment. The High Court of Appeal considered the case and decided at a hearing on 27 May 2015 to reject the appeal and uphold the judgment. In accordance with the rule of law, which requires that a death sentence be appealed before the Court of Cassation, the case was considered by the Court of Cassation, which decided on 16 November 2015 to uphold the judgment.
- The convicted persons pleaded before the competent court that their confessions should be declared null and void because they were obtained by duress. The courts at both levels rejected their pleas and convicted them on the basis of their confessions. The Court of Cassation also reiterated its final judgment.

Procedures relating to the complaint of the convicted persons:

The Special Investigation Unit conducted an investigation into the two complaints filed by the General Secretariat for Grievances concerning the above-mentioned persons, who were sentenced to death for murdering a police officer and attempting to murder other police officers by means of a terrorist explosion. It claimed that they had been beaten by the police when they were being charged in connection with the case. The Unit investigated the facts contained in the complaint and then submitted a request for a review of the judgment handed down against them, since it had discovered new documents during the investigation that had not been available during the trial and the delivery of the judgment. The documents were reports by physicians from the Ministry of the Interior concerning Husain Ali Moosa, which had not been submitted to either level of the competent court when the judgment was being handed down, and had not been submitted either to the Court of Cassation.

Notwithstanding the fact that the judgment handed down against the convicted persons was based on a great deal of evidence other than their statements, that Husain Ali Moosa had already been examined by a forensic physician who had not found any injuries to back up his complaint apart from marks on his wrists that were the result of handcuffs, and that Mohamed

Ramadan Isa had not confessed at the outset to the murder and to involvement in the bombing, the Attorney General, having taken note of the Unit's findings regarding reports by physicians from the Ministry of the Interior that had not been submitted previously, and motivated by the requirements of justice, decided to refer the matter to the Minister of Justice so that he could consider the request by the Special Investigation Unit for a review of the judgment, in accordance with his mandate pursuant to the Court of Cassation Act. Once the Ministry of Justice had considered the matter, the Minister of Justice decided to request the President of the Court of Cassation to review the judgment, based on the provisions of the Court of Cassation Act that authorize the Minister of Justice to request a review of final judgments handed down in specific cases.

On 22 October 2018, the Court of Cassation handed down its judgment concerning the request for a review of the death penalty imposed on the aforementioned persons. It decided to accept the request for a review, in formal and substantive terms, and to revoke the judgment of the Court of Appeal and return the case to the Court so that it could be reviewed by a chamber composed of different judges. The High Court of Appeal held its first hearing on the case on 5 December 2018 and the case is still pending.

3. **Sayed Alawi Husain Alawi and Sayed Fadhel Sayed Abbas:**

Background to the case:

The case dates back to 2016, when the security services responsible for combating terrorism receiving information concerning the existence of an 18-member terrorist cell that was planning a major terrorist act. Following investigations, it was found that the cell was funded by terrorist elements residing in Iran and Iraq. Moreover, some of the accused belong to terrorist organizations such as the Araya al-Ashtar and the Saraya al-Mukhtar cells.

The charges filed against them:

- Sayed Fadhel Sayed Abbas was arrested on 29 September 2016 and Sayed Alawi Husain Alawi was arrested on 24 October 2016. They were both arrested pursuant to article 27 of the Act on the Protection of Society from Terrorist Acts, which authorizes law enforcement officers to detain persons against whom there is sufficient evidence that they have committed a terrorist offence for a maximum of 28 days.
- Sayed Fadhel Sayed Abbas was brought before the Public Prosecution Service on 25 October 2016 and was interrogated on the same date. Sayed Alawi Husain Alawi was brought before the Public Prosecution Service and interrogated on 21 November 2017. The Service ordered that they be placed in pretrial detention pending investigation.
- The case was referred to the competent military court.
- The Military Prosecution Service charged the defendants with the following list of offences: incitement, attempted homicide and disturbance of public order with a view to harming the Kingdom by undermining the safety, security and stability of the Kingdom of Bahrain; establishment and participation in the organization, financing and management of a terrorist cell, seeking to recruit individuals they trusted to achieve their goals, and organization of exercises targeting the security forces; the deliberate destruction of a police vehicle with a view to preventing police officers from performing their duties and disrupting their work; and placing fake corpses on Sheikh Khalifa Bin Salman Street with the aim of terrorizing citizens, disrupting traffic and undermining security and public order.

Judgment:

The High Military Court of Appeal held a session on 21 February 2018, at which it decided to uphold the preliminary military judgment handed down on 25 December 2017. The High Military Court of Appeal dismissed the appeal lodged by the Military Prosecution Service against [REDACTED]

[REDACTED], since the judgment of conviction had been handed down in absentia and they still had the right to file an appeal. The High Military Court of Appeal also unanimously dismissed the appeals lodged by **Fadel Sayed Abbas Hasan Radhi, Sayed Alawi Husain Alawi Husain and Mohamed Abdulhasan Ahmed al-Mutaghawi** and upheld the judgment to impose the death penalty for the charge of attempted murder and incitement thereto, and to

impose a 15-year prison term for the remaining charges. It also upheld the judgment to deprive all the convicted persons of their citizenship.

Safeguards provided to the accused during the judicial proceedings:

The Military High Court is committed to guaranteeing safeguards for the accused during all stages of the judicial proceedings. In particular, it is fully committed to complying with the Code of Criminal Procedure (2002) applied in the civil courts at all stages of the proceedings, including the issuing of arrest warrants, inspections, investigations, and compilation of the records of the investigation and confessions (to ensure that no accused person is subjected to pressure or coercion). The hearings were held in public and were attended by a number of human rights organizations, the media and the families of the accused, who were allowed to meet with them at the end of each hearing. There are filmed records of the visits and meetings. Each defendant was permitted to appoint a defence counsel, and lawyers were assigned to those who were unable to appoint one. They were entitled to plead before the court, to refute the charges and to present any arguments they saw fit.

It should be noted that trials in military courts, just like those in civil courts, are held at three levels. The Military High Court handed down its judgment against the accused on 25 December 2017, and the judgment on appeal was handed down on 21 February 2018. The accused are entitled to lodge an appeal against the judgment with the Military Court of Cassation. A death sentence is subject to appeal before the Court of Cassation by force of law even if the convicted person fails to lodge an appeal.

We reassert that all members of the military judiciary are independent and subject to no authority other than the law. They are appointed by a royal order issued by His Majesty the King and not by the Commander-in-Chief.

A team from the National Human Rights Institution attended all sessions of the Military High Court as the court of first instance in Terrorism Case No. 1 of 2017 in order to monitor fair trial guarantees, in accordance with the norms enshrined in the International Covenant on Civil and Political Rights and other international and regional human rights instruments and declarations, and the guarantees set forth in the Constitution of the Kingdom of Bahrain, the Judiciary Act, the Code of Criminal Procedure and other relevant national legislation applicable to both military and civil courts. The sessions were attended by representatives of human rights institutions and associations, media representatives and relatives of the accused.

Procedures relating to the complaint of the persons concerned:

- On 15 January 2017, the Special Investigation Unit received a complaint concerning the unlawful arrest of Sayed Fadhel Sayed Abbas. It discovered, on looking into the matter, that he was involved in a criminal case, and that he had been arrested on 29 September 2016 pursuant to an arrest warrant based on evidence that he had committed terrorist offences. He had been interrogated by the Public Prosecution Service and had not claimed to have been subjected to torture or ill-treatment. The Unit decided to archive the complaint inasmuch as the proceedings had been conducted in accordance with the law.
- On 4 December 2016, the Special Investigation Unit received a complaint from the sister of Sayed Alawi, in which she stated that her brother had been arrested without an arrest warrant. It discovered, on looking into the matter, that he was involved in a criminal case, and that he had been arrested on 24 October 2016 pursuant to an arrest warrant based on reliable evidence that he had committed terrorist offences. He had been interrogated by the Public Prosecution Service and had denied the charges. He had not claimed to have been subjected to torture or ill-treatment. The Unit decided to archive the complaint inasmuch as the proceedings had been conducted in accordance with the law.

4. Husain Ebrahim Husain Marzooq:

- He and others were charged with: homicide and attempted homicide for terrorist purposes; seeking to communicate with persons working for the benefit of a foreign State with a view to undermining the country's political status and national interests; membership of a terrorist group; provision of training and acquisition of expertise in the manufacture of explosives and the use of weapons for terrorist purposes; and

possession of explosives and weapons for terrorist purposes. They had participated in the triggering of an explosion in the Eker area on 1 July 2016, which had claimed the lives of a woman and three children in a car near the Nuwaidrat roundabout, and had caused damage to private property.

- On 19 June 2017, the High Criminal Court decided unanimously to sentence him to death and revoke his citizenship, and to require him and the other convicted persons to cover the cost of the damages. The above-mentioned convicted person lodged an appeal. The High Court of Appeal decided on 22 November 2017 to dismiss the appeal and uphold the judgment. Husain Ebrahim lodged an appeal against that judgment with the Court of Cassation, which decided on 26 February 2018 to dismiss his appeal.
- On 13 October 2016, the Special Investigation Unit received a complaint from the lawyer of the accused, in which she claimed that her client had been tortured by the police. The Unit commenced its investigation by requesting the complainant to provide details of the complaint. As an examination by a forensic physician failed to reveal any injuries consistent with his allegation, the Unit questioned the members of the Public Security Forces who had arrested him. They denied the allegation. The Unit decided to archive the documents on account of the lack of evidence to substantiate his claims and the absence of any other evidence.

5. Ali Mohamed Ali Mohamed al-Arab and Ahmed Isa Ahmed al-Malali:

- They were charged with membership of a terrorist group and with having been trained to use explosives and weapons for the commission of terrorist offences, in light of evidence that the two above-mentioned persons and others had established a group of which 12 members were based abroad. The leaders and members of the group had planned a number of terrorist crimes after being supplied with weapons and explosives smuggled from abroad, and having been trained in camps run by the Iranian Revolutionary Guards. They had launched an attack on the Reform and Rehabilitation Centre in Jau Prison, enabling a number of persons convicted of terrorist crimes to escape. The attack had resulted in the death of a policeman and had caused injuries to others. They had stolen firearms on 1 January 2017 in order to implement their plans and undertake a terrorist attack that targeted a police patrol with gunshots that injured a police officer in the Bani Jamra area on 14 January 2017. They had assassinated a police officer in Bilad al-Qadeem district on 28 January 2017 in front of his farm. They had attempted to flee from the country together with those who had escaped from the prison, and had resisted police officers by opening fire on them in the Kingdom's territorial waters, as a result of which three members of the organization were killed on 9 February 2017. In addition, machine guns and explosive devices had been seized from a ship on the seashore in the Nabih Saleh area, and explosive devices, weapons and ammunition had been seized from a warehouse in the Sitra area on 1 December 2016.
- A number of the accused were arrested in accordance with the provisions of the Act on the Protection of Society from Terrorist Acts. Their homes and places used as warehouses were searched, leading to the seizure of large quantities of explosives, detonators and grenades, a number of automatic machineguns (Kalashnikovs), pistols, ammunition, as well as a number of vehicles and boats used for smuggling and to commit terrorist crimes.
- On 31 January 2018, the High Criminal Court decided unanimously in their presence to impose the death penalty on both of the accused and to revoke their citizenship, to acquit 11 of the accused, and to sentence the remaining accused to deprivation of liberty. The two persons mentioned above lodged an appeal against the judgment and the Court dismissed the appeal at a hearing on 28 January 2019. The death penalty is to be reviewed by the Court of Cassation, as required by law.

Procedures relation to their complaint:

- **Ali Mohamed Ali Mohamed al-Arab**

On 1 April 2018, the Special Investigation Unit of the General Secretariat for Grievances received documents in which the complainant claimed that he had been beaten to extract a confession while in the Reform and Rehabilitation Centre. The Unit commenced its investigation by requesting the complainant to provide details of the complaint. As an

examination by a forensic physician failed to reveal any injuries consistent with his allegation, the Unit questioned the members of the Public Security Forces who had interacted with the complainant, and they denied the allegation. The Unit decided to archive the documents on account of the lack of evidence to substantiate his claim.

- **Ahmed Isa Ahmed al-Malali**

On 29 March 2017, the Special Investigation Unit received a complaint from the above-mentioned person in which he claimed to have been tortured by the police. The Unit commenced its investigation by requesting the complainant to provide details of the incident. As an examination by a forensic physician failed to reveal any injuries consistent with his allegation, the Unit questioned the members of the Public Security Forces who had interacted with the complainant, and they denied the allegation. The Unit decided to archive the documents on account of the lack of evidence to substantiate his allegation.

6. Husain Abdulla Khalil Ebrahim:

He was charged with organizing and managing a terrorist group to conduct terrorist operations against police officers and to target places of critical importance in the country, with the wilful and premeditated murder of a police officer, and with the manufacture, possession and use of explosives and combustible materials. On 31 December 2015, the High Criminal Court decided unanimously to sentence him to death and to revoke his citizenship.

He lodged an appeal against the judgment and the Appeal Court decided on 22 December 2016 to dismiss the appeal and uphold the judgment. The judgment was referred to the Court of Cassation as required by law. It decided on 15 May 2017 to overturn the judgment and return the case to the High Criminal Court, which handed down a death penalty on 31 January 2019. The said person lodged an appeal against the judgment, and no date has yet been set for a hearing before the Appeal Court.

7. Salman Isa Ali Salman:

- He was charged with establishing, in partnership with others, a terrorist organization to target and kill law enforcement officers by means of explosives and by planting bombs in parking places used by law enforcement personnel after monitoring their movements. On 4 July 2014, the accused, together with others, planted an improvised explosive device in a Ministry of the Interior parking place for armoured vehicles with a view to targeting and deliberately killing police officers. The parking place was on Aker Street near the University of Applied Sciences. When the armoured vehicle arrived, the accused detonated the device in response to a signal from one of the accused, causing the death of a police officer and damage to property.
- On 29 April 2015, the High Criminal Court decided unanimously to sentence him to death and to revoke his citizenship. The Appeal Court decided to dismiss his appeal and uphold the judgment. The case was then referred to the Court of Cassation as required by law. It decided on 7 November 2016 to overturn the judgment and return the case for review to the Court that had handed down the judgment. The Court of Appeal reconsidered the case and decided to dismiss the appeal and to uphold the judgment. The case was referred once again to the Court of Cassation, as required by law in death penalty cases, and the Court decided on 4 June 2018 to uphold the judgment.

8. Sayed Ahmed Fuad Abbas Isa al-Abbar and Husain Ali Mahdi Jasim:

- They were charged with membership of a terrorist group and with using Molotov cocktails, together with others, to set fire to a military patrol in order to kill police officers. The two accused were members of a terrorist organization. On the date of the incident, the members travelled, together with one of the accused, to a farm in the Karbabad area to fetch petrol. The two accused purchased the materials required for the crime and produced a Molotov cocktail. The founder of the terrorist group then assigned roles to the members. The two accused, together with another member, went to the scene of the incident to monitor the situation, to provide instructions and to equip them with the materials required to carry out the plan. They lay in wait in the passage that was being monitored and remained in contact through a conference call. They observed the route followed by the patrol until it arrived at their hiding place.

After heading out, the first of them poured oil at the patrol and the second threw Molotov cocktails until the whole patrol caught fire, injuring two police officers and killing a third.

- On 6 June 2017, the High Criminal Court decided unanimously to sentence them to death and to revoke their citizenship. The judgment was upheld by the Appeal Court on 27 February 2018 and it was also upheld by the Court of Cassation on 21 May 2018.

Procedures relating to their complaint:

- **Sayed Ahmed Fuad Abbas al-Abbar**

On 6 December 2016, the Special Investigation Unit of the General Secretariat for Grievances received documents concerning the said person's complaint. The Unit commenced its investigation by requesting the complainant to provide details of the complaint and by questioning his mother, who had submitted the complaint to the General Secretariat for Grievances. It took note of the report of the forensic physician, who failed to find any injuries consistent with his allegation. The Unit completed its investigation by questioning the members of the Public Security Forces who had interacted with the complainant, and they denied the allegation. The Unit decided to archive the documents on account of the lack of evidence to substantiate his claim.

- **Husain Ali Mahdi Jasim Mohamed**

On 9 June 2016, the Special Investigation Unit received a complaint from the said person's lawyer, in which she claimed that her client had been tortured by the police. The Unit commenced its investigation by requesting the complainant – on two occasions – to provide details of the incident. When he was examined by the forensic physician and – on the latter's recommendation – by a nasal consultant, no injuries consistent with his allegation were found. The Unit completed its investigation by questioning the members of the Public Security Forces who had interacted with the complainant, and they denied the allegation. The Unit decided to archive the documents on account of the lack of evidence to substantiate his claim.

9. Moosa Abdulla Moosa Jaafar:

- He and others were charged with membership of a terrorist group and with committing premeditated homicide and attempted homicide as members of the group. They were also charged with causing explosions for terrorist purposes. They detonated explosive devices in the vicinity of law enforcement patrols stationed on a public thoroughfare, claiming the life of one law enforcement officer and injuring four. The explosion also injured three civilian passers-by, including a 2-month-old infant, and damaged two security patrol vehicles and three civilian vehicles.
- On 1 February 2018, the High Court decided unanimously to sentence him to death, and the judgment was upheld by the Court of Appeal on 25 December 2018. No date has yet been fixed for a hearing before the Court of Cassation.

10. Zuhair Ibrahim Jasim Abdullah:

- He was charged with membership of a terrorist group and with planting a bomb, together with another member of the group, on a public highway. They had displayed the intention and determination to kill a police officer by monitoring the passage of police vehicles along the street. When a police patrol arrived, they detonated the explosive device, killing one police officer, injuring others, and causing damage to public and private property.
- On 29 November 2018, the High Court decided unanimously to sentence him to death. He lodged an appeal against the judgment and a hearing has been scheduled for 25 March 2019.
- On 1 April 2018, the Special Investigation Unit received documents from the General Secretariat for Grievances concerning a complaint by the said person. The Unit commenced its investigation by requesting the complainant to provide details concerning his allegation that he had been tortured by the police to extort a confession. As an examination by a forensic physician failed to reveal any injuries consistent with his allegation, the Unit completed its investigation by questioning a member of the

Public Security Forces who had interrogated the complainant, according to the records. As he denied the allegation, the Unit decided to archive the documents on account of the lack of evidence to substantiate the complainant's claim.

11. Mohammad Radhi Abdulla Hassan:

He was charged with the establishment of a terrorist group, with the participation together with others in the premeditated murder of a police officer and the attempted murder of others, using an explosive device, with causing damage to property, and with the unlicensed possession of firearms. On 29 March 2017, the High Court unanimously decided to sentence him to death, to revoke his citizenship, and to require him and the other accused to provide compensation for the damages resulting from the crime. He lodged an appeal against the judgment and the Court dismissed the appeal and upheld the judgment. The judgment was then referred, as required by law, to the Court of Cassation, which has not yet issued a ruling.

12. Husain Abdulla Marhoon Rashed, Ahmed Mohamed Ali Mahdi Ebrahim Zainuddin, Husain Ali Ahmed Dawood and Mohamed Qasim Mohamed Hasan:

The four above-mentioned accused were charged with the premeditated homicide of a police officer and the attempted homicide of others, using an explosive device, for terrorist purposes. They were also charged with causing an explosion and endangering a public transport vehicle, and the first-mentioned accused was charged with possession of a firearm and ammunition. On 12 November 2018, the High Criminal Court decided unanimously to sentence all the accused to death and to revoke their citizenship. It also decided to sentence Husain Marhoon to life imprisonment for the possession of ammunition, and to sentence Husain Dawood and Ahmed Mahdi Zainuddin to life imprisonment for their involvement in the crime.
