



**Fact Sheet for Hearing of 23 October 2011**

**Q. Who are the defendants in this case?**

A. They are: Ali Alekri; Ali Hassan Al-Sadadi; Nader Mohammad Hassan Diwani; Ahmad Abdulaziz Omran Hassan; Mahmoud Ahmad Abdulwahab Abbas; Ibrahim Abdallah Ibrahim; Rula Jassem Mohammad; Abdulkhaleq Hussain Al-Uraibi; Ghassan Ahmad Ali Dhaif; Bassem Ahmad Ali Dhaif; Al-Sayyed Marhoun Majed Al-Widai; Nada Saeed Abdulnabi Dhaif; Hassan Mohammad Saeed; Fatima Salman Hassan Haji; Diya Ibrahim Jaafar; Najah Khalil Ibrahim Hassan; Mohammad Faeq Ali Shahab; Saeed Mazaher Habib Al-Samaheji; Qassim Mohammad Mohammad Omran; Zahra Mahdi Al-Samak.

*They are all personnel who have worked at the Salmaniya Medical Complex.*

**Q. Who are the judges?**

A. This case has been transferred to the standing panel of three judges that hears appeals from criminal trials in Bahrain's court system. As such, each of the judges on the panel has extensive experience and expertise in Bahraini criminal law.

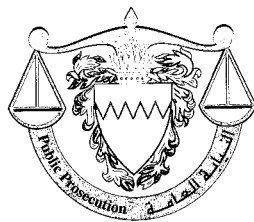
**Q. Is the Prosecution seeking the defendants' detention?**

A. No. The prosecution will not be requesting imprisonment for any defendant while their retrial is pending.

**Q. Are the charges that the defendants are facing in this court the same as those they faced in the National Safety courts?**

A. No. The Prosecution in this case has focussed on the most serious crimes, exercising his discretion to do so in the interests of justice. To this end, the Prosecution has dropped certain charges, including the charges under Articles 165, 168 and 173 of the Code. Even though they are crimes, they occurred in the midst of more serious criminal conduct.

*The dropping of these charges will affect only those defendants that are charged with these crimes. Not all the defendants are accused of the same crimes. Rather, each defendant's charges reflect the evidence that the Prosecution has against him or her.*



**Q. What impact will the prior proceedings in the National Safety Court have on the hearing today?**

A. *None. This is a retrial and, as such, all parties have the right to present any relevant evidence and the court is not bound to follow any steps that were taken or conclusions that were reached in the National Safety Court. The defendants will benefit fully from the presumption of innocence in the same way as any defendant would under Bahraini law.*

**Q. Are all the defendants' cases being heard together in one session?**

A. *Under Bahraini law, where multiple defendants are parties to a single criminal action, their cases can be heard together. It is common practice in Bahrain and in international courts to have more than one defendant involved in a single hearing, and the role of the judges is to ensure that this does not prejudice the right of the defendants to a fair trial.*

*The case will be heard in stages. Today's hearing will only cover preliminary matters. The case in total is likely to be heard over successive hearings, until the court is satisfied that all the evidence and legal arguments have been considered in full.*

**Q. Is it normal practice for one lawyer to represent more than one defendant? Could this give rise to conflicts?**

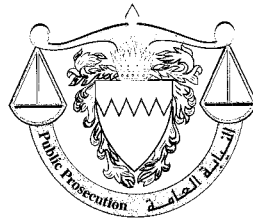
A. *The defendants are at liberty to appoint their own counsel, and some have chosen to appoint the same counsel in their defence. This is permitted under Bahraini law providing there is no conflict. Where the court feels that the appointment of a single defence attorney for more than one defendant could lead to a conflict then it will raise the issue during proceedings and it will be for the defendant to decide whether to waive this potential conflict or appoint alternative counsel.*

**• Q. Will the prosecution be using any confessions as part of its case?**

A. *No. The prosecution will not be relying on any confession evidence.*

**Q. What sort of evidence will the prosecution be using?**

A. *The evidence of the Prosecution will consist of videos, written evidence, material evidence and witness testimony.*



**Q. Will the defendants be permitted to adduce evidence not adduced in the National Safety Courts?**

A. Yes. Both the defendants and the prosecution will be allowed to bring all evidence they wish to these proceedings as long as it is relevant.

**Q. Will the defendants be allowed to give oral testimony?**

A. Defendants have the right to give evidence, though their legal counsel is there to protect them from prejudicing themselves inadvertently. If the defendant's lawyer agrees that his client may testify, and the judge believes this can clarify matters, then the Public Prosecution will not raise any objection to the defendant testifying orally.

**Q. What is the legal position of the two defendants being tried in absentia?**

A. If defendants are found to be innocent in absentia then, under Bahraini law, they are considered fully exonerated. Where a verdict other than innocence is returned, the absent defendants will have recourse to a retrial if they later appear before the court.

**Q. If any defendant is convicted, how will their sentence be calculated?**

A. The maximum sentence that can be received depends on the charges against each defendant and on the verdict in respect of each charge. Under article 66 of the Penal Code, where an individual is convicted of more than one linked charge, the sentence will reflect only the charge which carries the most severe penalty, and will not reflect all possible penalties cumulatively. If, therefore, a defendant is convicted of one charge carrying ten years' imprisonment, and a second charge carrying five years' imprisonment, the maximum sentence would be ten years and not fifteen years.

**Q. Are the press and public allowed to attend future hearings?**

A. Yes. As with many jurisdictions internationally, trials in Bahrain are only closed to the press or public under exceptional circumstances provided by law. It is therefore expected that future hearings will, like this hearing, be open to all.