

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL ISR 13/2022  
(Please use this reference in your reply)

1 July 2022

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 42/22, 42/16, 43/36 and 49/10, and Commission on Human Rights resolution 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government to information we have received concerning the alleged arbitrary detention and ill-treatment of **Ahmad Manasra**.

According to the information received:

On 12 October 2015, Ahmad Manasra, a 13-year-old Palestinian boy, and his 15-year-old cousin, Hassan Manasra, both from Beit Hanina, allegedly attacked two Israelis in the Pisgat Ze'ev settlement. Hassan allegedly stabbed a 20-year-old male security guard and a 13-year-old boy on a bicycle with a knife, and Ahmad was seen accompanying Hassan at the time of these attacks. Hassan was shot and killed, reportedly by police while advancing with a knife in his hand. Ahmad was hit by a car while fleeing the scene and suffered serious injuries, including a skull fracture and internal bleeding in the brain. A video shot by a passer-by showed Ahmad lying on the street, bleeding from his head and with his legs twisted behind him, and a crowd surrounding him shouting verbal abuses at him, "Die, son of a bitch", in Hebrew, before the ambulance arrived.

Ahmad was subsequently treated at the Hadassah hospital. Video footage showed that he was handcuffed to his hospital bed and unable to eat. He was reportedly interrogated while under medical anaesthesia and without the presence of his parents or legal representative. During his detention, Ahmad was reportedly interrogated in a very harsh manner on several occasions. One video that was widely circulated on social media showed the interrogator brutally yelling and shouting at him and Ahmad pleading and screaming desperately while hitting his own head with his hands: "I do not remember, by God Almighty, I do not remember. Get a doctor, let him open my head and see how I do not remember." It was clear from the footage that he was emotionally distressed and did not understand the line of questioning nor his

predicament.

On 30 October 2015, Ahmad, still 13 years old at the time, was indicted by Israel's Jerusalem District Court sitting as a juvenile court on charges of attempted murder as an accomplice, although he did not commit the stabbing and forensic evidence reportedly found no blood on his knife. At the time, Israeli civil law prohibited custodial sentences imposed on children under 14 years old. Although he was only 13 years old at the time of the alleged crime, Ahmad was convicted on 10 May 2016 and sentenced on 7 November 2016 to 12-year imprisonment, after he had turned 14 years old. Meanwhile, the Counter-Terrorism Law was enacted on 23 June 2016 and came into force on 1 November 2016.

Ahmad's lawyer has consistently condemned the severity of his sentence and the ill-treatment which his young client has undergone. His original sentence was met with public outcry and widely condemned as unusually harsh and cruel, particularly given his age and the lack of incontrovertible proof that he participated in the commission of the crime. Ahmad's Palestinian origin is believed to be a determinate factor in the severity of his sentence and his ill-treatment. In November 2015, shortly after Ahmad was indicted, the Israeli Knesset introduced the "Youth Bill", which would authorize Israeli authorities to imprison minors over the age of 12 if they are convicted of serious crimes, such as murder, attempted murder or manslaughter. The Youth Bill was adopted on 2 August 2016.

In August 2017, the Supreme Court reduced Ahmad's sentence to nine and a half years, taking into account his young age and need for rehabilitation. Ahmad has served his sentence in several prisons in Israel. For the first two years, he was held in Megiddo prison, before being transferred to Damon prison. Once he turned 18 years old, he was sent to Hadarim prison, where security prisoners are often held. He was subsequently transferred to Naqab prison, where he was allegedly placed in solitary confinement for almost three months. During this period, he reportedly started experiencing hallucinations, which were further exacerbated by sedatives given to him at a medical clinic within Al-Ramla prison. He was further transferred to Nafha prison and then to Ramon prison, where he was allegedly held in solitary confinement for several periods. Since 21 November 2021 to date, Ahmad has been held in solitary confinement. Prison authorities are reportedly considering whether to extend the period of solitary confinement for an additional six months.

Ahmad's mental health has been rapidly deteriorating since his arrest, likely due to the brain injury he sustained at the scene of the alleged stabbing and the abuse he has received after his arrest. While he was hospitalized a few times at the Ramla Prison Hospital, he was not given an appropriate treatment. He was allowed to be examined by an independent physician for the first time in December 2021, who diagnosed him with schizophrenia. He has expressed thoughts of suicide, and his legal team and family are gravely concerned about his wellbeing.

During the course of the detention, Ahmad's lawyer applied to the Special Prison Committee to have his case reviewed for early release by the Special Probation Committee. Meanwhile, on 25 December 2018, the Israeli Knesset

amended section 40A of the 2016 Counter-Terrorism Law to exclude prisoners convicted of an offence of murder, aggravated murder or attempted murder that constitutes an act of terror, from being released on parole after serving two-thirds of their sentence.

On 7 February 2022, the Special Prison Committee rejected the application on the basis that Ahmad was not eligible for early release, based on amended section 40A of the Counter-Terrorism Law. Ahmad's lawyer appealed the decision, challenging the "terrorism" designation of his case. On 13 April 2022, the Beer Sheeva District Court held that the Special Probation Committee should provide Ahmad's lawyer with the opportunity to pronounce their arguments against the classification of the crime he was convicted of. On 19 June 2022, the Special Prison Committee held a hearing and ruled that the act committed by Ahmad constitutes an act of terrorism pursuant to section 40A2 of the Counter-Terrorism Law and thus he is ineligible for early release.

Meanwhile, on 13 June 2022, the Israeli Prisons Authority referred Ahmad to Al Ramleh Prison Hospital, after his mental health further deteriorated. According to Ahmad's lawyer, the prison doctor issued an order for Ahmad's forced hospitalization to the prison hospital for a period of 10 days. The lawyer expressed deep concerns regarding his young client's psychological and physical health, after he visited him at Al Ramleh Prison Hospital on 16 June and he observed visible injuries on Ahmad's body.

Ahmad's lawyer has immediately filed an urgent request to the Special Prison Committee for early release of Ahmad, based on section 7 of the Conditional Release from Imprisonment Law 2001, which regulates parole for medical reasons. The Special Prison Committee reportedly rejected the request on 28 June 2022, thereby disregarding his mental health conditions.

We wish to express our grave concerns at the allegations of arbitrary detention as well as prolonged solitary confinement and ill-treatment of Ahmad Manasra while in detention, which may amount to torture, in violation of the absolute prohibition against torture under international human rights law. Profound concern is also expressed over the condition of his mental health, in light of reports that he suffers from schizophrenia and his psychological wellbeing is rapidly declining.

This is all the most concerning considering the young age of Ahmad at the time of arrest and detention and the harshness of the treatment he has received. This, in our assessment, is in stark contrast with basic rights all children should be granted. We express serious concerns at *prima facie* violations of Ahmad's rights to a fair trial and international human rights standards on child justice systems. First, the confession allegedly obtained from Ahmad Manasra appeared to have been extracted under circumstances that do not conform to the international human rights standards: under physical duress and medical anaesthesia, and without the presence of his parent, guardian, or legal representative. Article 40, paragraph 2 of the Convention of the Rights of the Child (CRC) guarantees the rights of children to a fair trial, and the Committee on the Rights of the Child has made clear that "[c]oercion leading a child to a confession or self-incriminatory testimony is impermissible", underlining that "[t]he risk of false confession is increased by the child's age and development, lack of understanding, and fear of unknown consequences, including a suggested possibility

of imprisonment, as well as by the length and circumstances of the questioning”.<sup>1</sup> The Committee further stressed that a child should be supported by a parent, legal guardian or other appropriate adult during questioning.<sup>2</sup> These minimum procedural safeguards are also stipulated under the United Nations Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

We also note with concern that Ahmad was sentenced to imprisonment after he had turned 14, although he was only 13 at the time of the alleged commission of the offence. We note with deep concern that under the principle of non-retroactivity, enshrined in Article 15(1) of the ICCPR, Ahmad should not have been sentenced to imprisonment, as the law at the time did not permit imprisonment of minors under the age of 14. Nor should he have been charged under the 2016 Counter-Terrorism law (or any subsequent amendment) for an offence committed before its entry into force and for which he had already received a sentence. In addition, this was despite a positive report of the youth probation services on the minor and his rehabilitation, as well as the positive assessment of the family’s role in his rehabilitation. Also, the closed residence committee report was very positive and made recommendations for keeping Ahmad in the closed residence with rehabilitation and education services provided to him until he reaches the age of 18, with a suspended sentence. In addition, a psychologist testified in favour of the minor.

In this regard, we would like to recall that States hold a fundamental duty to always take measures in the best interest of the child, and to respect, protect and fulfil the right to life, and the right to be free of inhumane and ill-treatment and all forms of physical and mental violence. In all cases involving children, deprivation of liberty should be used “only as a measure of last resort and for the shortest appropriate period of time”, in conformity with the best interest of the child, and States are called upon to explore non-custodial measures as much as possible.<sup>3</sup> We also express concern over the low minimum age of criminal responsibility in Israel and reiterate the recommendation of the Committee on the Rights of the Child to increase it to at least 14 years of age, taking into account development of maturity and capacity for abstract reasoning in young children below 14 years.<sup>4</sup> Furthermore, we highlight that, according to international law, States must treat children, including children associated with designated terrorist groups, primarily as victims when devising responses, including counter-terrorism responses.<sup>5</sup> All feasible measures to ensure the protection and care of children affected by armed conflict, and all appropriate measures to promote the physical and psychological recovery and social reintegration of child victims of armed conflict, must be taken.<sup>6</sup>

We also draw the attention of your Excellency’s Government to article 76 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, which provides that “[p]rotected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein”. The fact that Ahmad has been imprisoned in Israel for the whole time appears *prima facie* incompatible with this provision. The same provision underlines that special treatment

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<sup>1</sup> CRC/C/GC/24, para. 59

<sup>2</sup> CRC/C/GC/24, para. 60.

<sup>3</sup> See CRC/C/GC/24, para. 85.

<sup>4</sup> CRC/C/GC/24, para. 22

See United Nations Office on Drugs and Crime (UNODC), Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System (Vienna, 2017), chap. 2.

<sup>6</sup> UNCRC articles 38-39.

should be afforded to minors. International human rights law spells out that it is a fundamental right of every child deprived of liberty to maintain contact with his or her family, and to facilitate family visits, “the child should be placed in a facility as close as possible to his or her family’s place of residence”. We express deep concerns that Ahmad has not been afforded regular and adequate family contact, particularly given his young age and his mental health conditions which warrant family support.

Furthermore, we are extremely alarmed by the alleged use of solitary confinement against Ahmad. It has been widely recognized that prolonged solitary confinement of the detained or imprisoned person may amount to acts of torture, or cruel, inhuman or degrading treatment or punishment, in violation of international human rights law and standards. In particular, the imposition of solitary confinement of any duration on juveniles is regarded as cruel, inhuman or degrading treatment and violates simultaneously article 7 of the International Covenant on Civil and Political Rights (ICCPR) and articles 2 and 16 of the Convention against Torture. Paragraph 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty specifically provides that “[a]ll disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including ... solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned”.<sup>7</sup> Indeed, United Nations treaty bodies have consistently condemned the subjection of juvenile offenders, children or minors to solitary confinement. Research has shown that solitary confinement can create and/or exacerbate mental health conditions, which has regrettably occurred in Ahmad’s case.

We also express concern over the allegation that Ahmad has not been provided with adequate health care and counselling. Every child has the right to be examined by a physician or a health practitioner upon admission to the detention or correctional facility and is to receive adequate physical and mental health care throughout his or her stay in the facility. On the basis of the above alleged facts, it appears that Ahmad has not had access to adequate physical and mental health care and health care services, and to the contrary, he has been placed in conditions detrimental to his physical and mental health and integrity. The recent forced hospitalization and treatment of Ahmad was undertaken, according to his lawyer, without any consultation with him or his family.

We are also concerned about the designation of Mr. Ahmad's alleged conduct as “terrorist”, the unclear and opaque nature of the judicial proceedings that stemmed from that designation, and the rejection of his application for early release on that basis. Reiterating our concerns raised in the communication ISR 6/2022 of 5 May 2022, to which we have not yet received the Government’s reply, regarding the current legal and regulatory designation framework and the vague and overbroad definition of “terrorist act”, we remind your Excellency's Government that any qualification of acts as terrorist must meet the international law requirements of legality, necessity, proportionality and non-discrimination, including when establishing sentencing terms.

We are issuing this appeal in order to safeguard the rights of Ahmad Manasra from irreparable harm and without prejudicing any eventual legal determination.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which

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<sup>7</sup> General Assembly resolution 45/113.

cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information regarding the legal and factual bases for the arrest and detention of Ahmad Manasra, including the “terrorism” designation in this case.
3. Please provide details of evidence used to determine Ahmad’s conviction.
4. Please explain reasons for the delay in the original hearings that allowed Ahmad, who was 13 years old at the time of the alleged commission of the crime, to be sentenced to imprisonment.
5. Please provide information on how Ahmad’s right to a fair trial has been respected, taking into account his age and the desirability of promoting his rehabilitation, in compliance with the Convention on the Rights of the Child.
6. Please explain grounds on which Ahmad has been placed in solitary confinement for extended periods of time.
7. Please explain grounds on which Ahmad has been detained outside of the occupied Palestinian territory.
8. Please provide information on Ahmad’s current health condition and any steps that have been taken in order to ensure that he has adequate access to medical care and medical services.

We appeal to your Excellency’s Government to consider immediately releasing Ahmad, in light of the circumstances of his conduct, the time he has already served his sentence, and his critical mental condition.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) after 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We would like to inform your Excellency’s Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and to the regular procedure.

We may publicly express our concerns in the near future in this case as, in our view, the information at hand is sufficiently reliable, indicates a matter warranting prompt attention, and raises serious human rights concerns which we believe the wider public should be informed of. Any public expression of concern on our part will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please note that a copy of this letter is being transmitted to the State of Palestine for their information.

Please accept, Excellency, the assurances of my highest consideration.

Mumba Malila  
Vice-Chair of the Working Group on Arbitrary Detention

Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Francesca Albanese  
Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

E. Tendayi Achiume  
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Fionnuala Ní Aoláin  
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we respectfully draw your Excellency's Government's attention to the relevant provisions enshrined in the Universal Declaration of Human Rights (UDHR), the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), all of which have been ratified by Israel on 3 October 1991.

In relation to Ahmad's case, we would like to recall article 14 of the ICCPR, which guarantees the right to a fair trial, as well as article 40, paragraph 2 of the CRC, which specifically guarantees this right to children accused of having infringed the penal law. Article 40 of the CRC provides that such children are to "be treated in a manner consistent with the promotion of the child's sense of dignity and worth" and should be guaranteed of fair trial standards, including the rights "to be presumed innocent until proven guilty according to law" and "not to be compelled to give testimony or to confess guilt". The Committee on the Rights of the Child also underlined that a child should be supported by a parent, legal guardian or other appropriate adult during questioning.<sup>8</sup>

We also recall article 9 of the ICCPR, which guarantees the right to liberty and security of person, and article 37 of the CRC specifically stresses that "[t]he arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time". We wish to bring the attention of your Excellency's Government to article 9(4) of the Covenant whereby anyone deprived of liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of the detention.<sup>9</sup>

Article 10 of the ICCPR furthermore guarantees all persons deprived of their liberty "be treated with humanity and with respect for the inherent dignity of the human person". In accordance with article 37 (c) of the CRC, this right applies to children and must be respected "in a manner which takes into account the needs of persons of his or her age". In this regard, prolonged solitary confinement of the detained or imprisoned person is *prima facie* incompatible with this right and may amount to torture, or cruel, inhuman or degrading treatment or punishment, in violation of an absolute and non-derogable prohibition of torture or to cruel, inhuman or degrading treatment or punishment, as stipulated in article 5 of the UDHR, articles 2 and 16 of the CAT and article 7 of the ICCPR. UN human rights treaty bodies have consistently expressed concerns over the use of solitary confinement by Israeli authorities, particularly against children. In its Concluding Observations on Israel, the Committee Against Torture expressed grave concerns about the application of solitary confinement and separation to minors and recommended Israel to "put an immediate end and prohibit the use of solitary confinement and equivalent measures for juveniles and persons with intellectual or psychosocial disabilities".<sup>10</sup> Similarly, the Human

<sup>8</sup> CRC/C/GC/24, para. 60.

<sup>9</sup> See also the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), in particular principle 18 and guideline 18.

<sup>10</sup> CAT/C/ISR/CO/5, 3 June 2016, para. 24.



Rights Committee recommended Israel to “...consider abolishing the use of solitary confinement against children and developing alternative measures where necessary”.<sup>11</sup> Furthermore, as mentioned above, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty strictly prohibits “...closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned”

In addition, customary international humanitarian law prohibits arbitrary deprivation of liberty and in the case of occupied territory, a protected person may be interned or placed in assigned residence only if “imperative reasons of security” exist.<sup>12</sup> Furthermore, article 76 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War specifically prohibits detention of protected persons outside the occupied territory. It provides that “[p]rotected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein.”

We bring your Excellency’s Government attention to the “principal of legal certainty” under international law (ICCPR Article 15(1); ECHR Article 7(1)) which requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. This principle recognizes that ill-defined and/or overly broad laws are open to arbitrary application and abuse. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has highlighted the dangers of overly broad definitions of terrorism in domestic law that fall short of international treaty obligations (A/73/361, para.34). The report also underscores that the use of counter-terrorism law to quell legitimate activities are protected by international law is inconsistent with the State’s treaty obligations

We wish to highlight provisions guaranteeing equality before the law. The International Convention on the Elimination of Racial Discrimination (ICERD), which Israel ratified on 03 Jan 1979, guarantees equality before the law. Article 5 of ICERD sets out that States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law. Such provisions of ICERD should be read in conjunction with article 14 of the ICCPR, which explicates the right to equality before the courts and tribunals.

We refer your Excellency’s Government to the relevant provisions of Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180 require that any measures taken to combat terrorism and violent extremism comply with States’ obligations under international law, in particular international human rights law, refugee law and international humanitarian law. Counter-terrorism measures must conform to fundamental assumptions of legality, proportionality, necessity and non-discrimination. Wholesale adoption of security and counter-terrorism regulations

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<sup>11</sup> CCPR/C/ISR/CO/5, 30 March 2022, para. 31.

<sup>12</sup> International Committee of the Red Cross, Customary International Humanitarian Law, “Rule 99. Deprivation of Liberty”, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule99](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule99)

without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities and civil society.

Having regard to Ahmad's health condition, we would also like to bring to the attention of your Excellency's Government article 12, coupled with article 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Israel on 3 October 1991, which enshrines the right of everyone, including people prisoners and detainees, to the enjoyment of the highest attainable standard of physical and mental health. In its General Comment No. 14, the Committee on Economic, Social and Cultural Rights reiterates that "States are obliged to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative and palliative health services." In particular, it states that States should refrain from "limiting access to health services as a punitive measure, for instance, during armed conflicts in violation of international humanitarian law" (para. 34). Additionally, we would like to refer to the Mandela Rules, adopted unanimously by the UN General Assembly (A/RES/70/175), which recognize the responsibility of States to provide health care for prisoners, free of charge without discrimination (Rule 24), paying special attention to those with special healthcare needs or with health issues that hamper their rehabilitation (Rule 25) and indicate that prisoners requiring specialized treatment shall be transferred to specialized institutions or to civil hospitals (Rule 27). We wish to also remind Rule 46 that stresses that health-care personnel shall "pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff" and that "[h]ealth-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons".

Moreover, we wish to refer to the report of the former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in which he makes reference to the fact that "[a]ctual and *de facto* deprivation of liberty has adverse effects on mental health, which may amount to violations of the right to health" and that "[s]olitary confinement and protracted or indefinite detainment [...] negatively influence mental health and well-being".<sup>13</sup> It also indicates that "[d]eprivation of liberty and confinement, when they are used as widespread forms of addressing various social, and often non-criminal issues, create an environment that is detrimental to the enjoyment of the right to physical and mental health".<sup>14</sup> In this regard, the Special Rapporteur urges States to "[f]ully abide by, and implement, the Nelson Mandela Rules, in particular as regards the provision of health care in prisons"<sup>15</sup>

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<sup>13</sup> Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/38/36, para. 46.

<sup>14</sup> *Ibid.* para. 95.

<sup>15</sup> *Ibid.* para. 98 (a).