

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

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(Please use this reference in your reply)

13 July 2022

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pursuant to Human Rights Council resolution 42/16.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning allegations of infections by tuberculosis in the Jau prison, in the city of Manama, reportedly since May 2022, from which specific reported cases have been brought to my attention.

According to the information received:

Since 30 May 2022 there have been at least two cases of tuberculosis reported in the Jau prison, in the city of Manama.

One of the cases relates to Mr. **Hassan Abdullah Habib** a 27-year-old activist who reportedly suffers from anaemia, whose health condition allegedly deteriorated on 9 May 2022 and who was then transferred by the prison authorities to the Al Salmaniya medical complex for treatment. After undergoing medical tests, he was reportedly diagnosed with tuberculosis on 30 May 2022. The doctor allegedly indicated to the family that tuberculosis was not in an active stage, but that it could become active at any time, which would require him to receive special medical attention.

On 30 May 2022, his family asked his medical file to the hospital, but their request was allegedly rejected by the latter. After his return to the Jau prison on 31 May 2022, Mr. Habib has reportedly been transferred to the prison clinic where the doctor informed him that his medical condition was dangerous and that he would raise this issue with the prison authorities.

On 5 June 2022, following a request made by the family to suspend Mr. Habib sentence based on article 344 of Bahrain Criminal Procedures Code, which provides the possibility of postponing the sentence on health grounds, the Court Directorate at the Ministry of Justice issued a decision to refer Mr. Habib to the forensics doctor who could recommend suspending his sentence, based on medical grounds. However, according to the information received, as of 5 June 2022, Mr. Habib remained detained in the Jau prison.

According to the information received, on 10 June 2022, Mr. Habib's health condition deteriorated, and he was allegedly transferred by prison authorities to the Al Salmaniya hospital. Mr. Habib was able to call his parents on 14 June 2022 to inform them about his health condition. However, at the time of the call, he was allegedly not yet referred to the forensic doctor. On 27 June 2022, the Court Directorate issued a reminder to the prison authorities to transfer Mr. Habib to the forensics doctor. Reports indicate that Mr. Habib started suffering from tuberculosis symptoms by the end of March 2022 and he had asked the prison authorities to take him to the hospital to undergo medical tests. However, his request was reportedly rejected.

Another case relates to Mr. **Mortada Mohammed Abdul Reda Jaafar Mohammed**, an activist who serves a ten-year sentence. On 24 May 2022, he was transferred by prison authorities to the Al Salmaniya medical complex for medical testing and was reportedly diagnosed with tuberculosis. As a result of his health condition, on 2 June 2022, his lawyer submitted a request to the Court Directorate at the Ministry of Justice requesting to suspend the sentence based on article 344 of the Criminal Procedures Code, in order for him to receive appropriate treatment which could last for a period of two years. However, according to the information received, as of 2 June 2022, no decision was issued concerning the possible suspension of his sentence. Mr. Mohammed's family requested a copy of the medical file from the Al Salmaniya medical complex, which was allegedly rejected by the hospital. On 8 June 2022, since Mr. Mohammed's body was reportedly not responding to the medication provided, the doctor in charge of his case, at the Al Salmaniya medical complex would have decided to conduct a surgery, which was scheduled to take place on 13 June 2022. However, on the same day of the surgery, the doctor allegedly decided to postpone it due to an urgent matter. According to the information received, on 4 July 2022, Mr. Mohammed had the surgery.

An additional possible case relates to Mr. **Ali Hussain Ahmad Issa Barakat** who has allegedly experienced symptoms of tuberculosis early June 2022 and who was reportedly denied access to medical care by the prison authorities.

On 4 June 2022, in a media statement issued by the Ministry of Health,¹ the latter indicated that one inmate was tested positive to tuberculosis and was isolated, stressing that his health condition was stable and that the Ministry was conducting precautionary checks on other inmates to assess their situation. According to the information received, on 8 June 2022, prison authorities provided medicines to treat pulmonary tuberculosis to some prisoners, who were reportedly required to take it for 6 months, without being informed about their health status. A day after, the authorities reportedly informed prisoners

¹ <https://www.moh.gov.bh/News/Details/5319>

who were possibly in contact with the suspected cases about their health condition.

According to the information received, as of 9 June 2022 **nine new cases** of pulmonary tuberculosis in the Jau Prison were recorded.

On 11 June 2022 the Ministry of Health confirmed that one case of tuberculosis was transferred to the Al Salmaniya medical complex for treatment and was in a stable condition.

We would like to urge your Excellency's Government to take all the necessary measures to guarantee the right of Mr. Hassan Abdullah Habib, Mr. Mortada Mohammed Abdul Reda Jaafar Mohammed and Mr. Ali Hussain Ahmad Issa Barakat, as well as the other possible infected detainees to receive adequate access to health services and health care.

In this regard, we would like to remind your Excellency's Government of article 12, coupled with article 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Bahrain acceded on 27 September 2007, which enshrines the right of everyone, including people prisoners and detainees, to the enjoyment of the highest attainable standard of physical and mental health. This includes an obligation on the part of all States parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination. Accordingly, States have the obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health preventive, curative and palliative services (Committee on Economic, Social and Cultural Rights (Committee), General Comment No. 14, para. 34). In relation to the measures to prevent the spread of the disease, the Committee indicates that "The creation of conditions which would assure to all medical service and medical attention in the event of sickness" (art. 12.2 (d)), both physical and mental, includes the provision of equal and timely access to basic preventive, curative, rehabilitative health services and health education and the provision of essential drugs. (General Comment No 14, Para. 17).

In this connection, I would like to refer your Excellency's Government to the General Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which "Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation" (Basic Principles for the Treatment of Prisoners, principle 9).

Furthermore, the UN Standard Minimum Rules for the Treatment of Prisoners ("Mandela Rules") adopted unanimously by the UN General Assembly (A/RES/70/175) establish that "[s]ick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers" (Standard Minimum Rules for the Treatment of

Prisoners. Rule 22(2)). In this vein, prisoners are entitled to the same standards of health care that are available in the community, free of charge and without discrimination (rule 24.1) and prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals (rule 27.1).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

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

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the details, and where available on the number of confirmed cases of tuberculosis, as well as on the measures taken to limit the spread of tuberculosis in the prison and ensure the detainees and prison staff with their full enjoyment of their right to the highest attainable standard of health, which includes adequate access to medical services and health care.
3. Please provide information on the health condition of Mr. **Habib**, Mr. **Mohammed** and Mr. **Barakat**, as well as the status of implementation of the decision regarding the referral of Mr. **Habib** to the forensics doctor and the status of the request submitted by Mr. **Mohammed**.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

I would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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