

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the right to food and 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)

12 August 2024

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the right to food and 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 resolutions 52/7, 49/13 and 51/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the deteriorating conditions of detention of prisoners held in various buildings of the Jau prison, which we find alarming. Such conditions are considered to fall below international standards. They do not appear to comply with the requirements of humane and dignified treatment. As a consequence, they may severely affect prisoners' health status, exacerbating fragility and vulnerability of those who already suffer from health conditions, and may rapidly become life threatening. We call for your urgent attention to the situation with a view to addressing it as a matter of utmost priority.

According to the information received:

On 25 March 2024, a 32-year-old individual reportedly died while being detained¹ in Jau prison, allegedly after having endured years of detention without access to adequate medical care.

Subsequently, since 26 March 2024, prisoners held in buildings 3, 4, 5, 6, 7, 8, 9, and 10 of Jau prison have been protesting against their conditions of detention, calling particularly for the release of those allegedly held for political reasons as well as of those with health conditions in need of medical attention.

In response to the protests, the prison administration allegedly implemented various measures that appear to have a retaliatory intent, including intermittent cuts to electricity, water, and food supplies, restrictions on prisoners' movements to court, clinic, or hospital appointments, and the placement of those asking for medical assistance in building 2, where foreign detainees are held.

Since 28 March 2024, the prison administration allegedly suspended weekly phone calls in various prisons buildings (at least in buildings 3, 5, 7, 8, 9, and 10); prisoners' access to family visits, television and newspapers as well as to

¹ In the present urgent appeal, the terminology "held"/"held in custody"/"detained"/"incarcerated", "detainees"/"detention", "prisoners", or "deprived of liberty" may be used interchangeably to include all situations of deprivation of personal liberty.

personal hygiene items, cleaning supplies, clothes, and other necessities from the prison's canteen.

On 8 May 2024, approximately 500 prisoners reportedly refused lunch because the portions had been reduced and had become too small and inadequate to meet nutritional needs.

On 8 June 2024, the prison administration allegedly did not provide meals to prisoners who had been protesting in building 3.

On 30 June 2024, the prison administration allegedly did not provide dinners to prisoners who had been protesting in building 7.

On 1 July 2024, meals were not provided to prisoners who had been protesting in buildings 3, 5, 6, 7, 8, 9, and 10. On this occasion, prison guards allegedly threw the meals in the trash instead of distributing them. The trash was reportedly not removed, which led to large accumulations of waste, creating unhygienic conditions and subsequent health risks for detainees. In building 9, water supply was reportedly also cut off.

Starting from 10 July 2024, the situation in Jau prison reportedly further deteriorated due to the administration's decision to cut off electricity and water for more than 12 hours a day in the buildings where prisoners had been protesting (at least buildings 3, 5, 6, 7, 8, 9 and 10). As a result, air conditioners stopped working during extremely hot summer days, with temperatures exceeding 50°C. This reportedly affected in particular prisoners suffering from asthma, kidney and/or heart diseases.

Food supply was also significantly reduced. In response, at an unspecified date, prisoners housed in building 10 reportedly initiated a hunger strike. No information is presently available on any development of such strike.

On 15 July 2024, the prison administration decided to cut off drinking water in building 9. As a result, prisoners, including those suffering from health conditions, had to drink unhealthy water from toilets and bathrooms.

Starting from 24 July 2024, all communications between prisoners who have been participating in protests and their families have been interrupted.

Actions taken by families and responses from official oversight bodies

According to reports, the mothers of some prisoners held in Jau prison reached out to official Government oversight bodies, including the National Institution for Human Rights (NIHR), the Prison Detainees Rights Commission, and the Ombudsman Office to try to resolve the situation. They also contacted several members of Parliament.

On 14 July 2024, they met with the NIHR to voice concerns and inquire about electricity, water, and communication outages, and to call for their sons' rights to be respected. The NIHR assured the families that their complaints would be relayed to the relevant authorities and that they would be kept informed of any developments.

On 18 July 2024, the Financial and Economic Affairs Committee of the Bahraini Parliament submitted a complaint to the Minister of Interior regarding electricity and water outages and denial of medical care in buildings 7, 8, 9, and 10 of the prison. Based on the information submitted, the status of this initiative remains unknown.

On the same day, the mothers of some prisoners visited Jau prison to complain about the allegedly retaliatory nature of the measures adopted by the administration. Prison representatives, however, reportedly maintained that all services were available in the prison, accused prisoners of being the cause of the cuts as they were the ones cutting electricity wires, and threatened to call security forces to expel and pursue the mothers through the justice system.

On 23 July 2024, around 40 relatives of the detainees of Jau prison met with the Ombudsman Office, highlighting the poor conditions of their relatives. They were reportedly assured that a technical issue with the electricity would have been resolved and that power would have been restored on the same day, which they allege did not happen. On the question of communications between prisoners and their families, the Ombudsman Office said that calls would be resumed soon, which is also alleged not to have happened, with cutoffs having persisted since March.

The following day, on 24 July 2024, the families returned to the Ombudsman Office where they were informed that there had been a technical glitch causing electricity outages, which was going to be resolved shortly. The families suggested operating a generator to restore services. By the end of the meeting, electricity had been restored. The Ombudsman Office told the families that they could return for another meeting if the situation would not improve.

When families contacted their sons in prison, they found that electricity had not been restored. According to reports, a delegation from the Ombudsman Office had visited the prison earlier during the day. As a result, electricity and air conditioners, which had been off for days, were temporarily restored. The delegation recorded the restoration of electricity and air conditioning. However, 15 minutes after the Ombudsman Office's delegation left the prison, the electricity and air conditioners were allegedly shut off again.

Following the meeting with the Ombudsman Office, the families subsequently met with the NIHR on the same day. Once there, they were allegedly told that the prisoners' protests had not been peaceful and that this was an issue for the NIHR.

On 25 July 2024, the families again met with the Ombudsman Office. They were told that electricity, water, and air conditioning were available and that, in any event, the Ombudsman Office was merely an oversight body and could not enforce any action directly with the prison administration.

On 28 July 2024, the families staged a sit-in outside the Ombudsman Office's building, requesting information on their sons' conditions and the restoration of official communications with them. They also filed a complaint about the poor prison conditions of detention and the alleged deliberate cutting off of

electricity and water in several prison buildings. After the sit-in, the families met with NIHR to seek further clarification on their sons' conditions.

On 29 July 2024, a leaked video from the prison, allegedly recorded during the night of 28 July 2024, was reportedly shared on social media. The footage showed Jau prison in complete darkness, due to the lack of electricity, and a prisoner explaining that there were no lights or air conditioning, complaining of the extreme heat in the cells.

To date, the situation in Jau prison is alleged to continue to deteriorate. There are fears that the extremely precarious conditions of detention of prisoners held in different prison's buildings may allegedly pose an imminent risk of danger to their life, particularly to those in need of medical assistance; and that, in the present circumstances, physical or mental health may have been or may be seriously and irreversibly harmed, including concerns for risk of death.

Individual cases

In addition to the concerns expressed in relation to all prisoners held in the conditions of detention alleged above, attention is drawn to the following specific individuals:

Building 10

- Ali Mohamed Jaafar Mohamed Baqer AlShowaikh, national ID number 910205639, date of birth 11 February 1991;
- Mohamed Jameel Abdulnabi Mansor AlToblani, national ID number 920104339, date of birth 12 January 1992;
- Salman Abdulla Maki Abdulla Maki, national ID number 831206217, date of birth 16 December 1983;
- Mohamed Abdulla Maki Abdulla Maki, national ID number 871108348, date of birth 15 November 1987;
- Sayed Osama Ali Husain Abbas Husain, national ID number 001004816, date of birth 11 October 2000;
- Mahmood Saeed Ahmed Isa Abdulla, national ID number 971110794, date of birth 24 November 1997;
- Ali Abdulla Ali Abdul Aziz, national ID number 960203494, date of birth 14 February 1996;

Building 9

- Ali Radhi Hasan Salman, national ID number 890606820, date of birth 20 June 1989;
- Mohamed Ali Mohsen Abdulla Baddaw, national ID number 970906528, date of birth 14 September 1997;

- Mohamed Abduljalil Mahdi Jasim Abdulla, national ID number 880903201, date of birth 11 September 1988;

Building 8

- Mohsen Ali Mohsen Abdulla Baddaw, national ID number 910809984, date of birth 24 August 1991;
- Rajaie Ali Mohsen Abdulla Baddaw, national ID number 930510097, date of birth 8 November 1993;
- Mohamed Abdulameer Jabbar Jaafar Al Meshaimea, national ID number 960200290, date of birth 2 February 1996;
- Abdulla Habib Abdulla Mohamed Swar, national ID number 940805979, date of birth 18 August 1994;
- Ebrahim Yusuf Ali Ebrahim AlSamahiji, national ID number 760905150, date of birth 26 September 1976;

Building 7

- Mohamed Ali Redha Hasan Abdulla Hubail, national ID number 980901405, date of birth 5 September 1998;
- Jasim Ahmed Habib Ebrahim Husian Dharab, national ID number 971007152, date of birth 22 October 1997;

Building 5

- Husain Ali Hasan Radhi, national ID number 961108002, date of birth 22 November 1996.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are alarmed at the level of disregard for the right of each detainee to be held in humane conditions and with full respect for their dignity. We are particularly concerned that the conditions described in this letter may pose serious and increasingly imminent threats to prisoners' life and health, thus placing them - particularly those suffering from health conditions and in need of adequate medical care - at risk of extremely dangerous, irreversible harm, and even fatal consequences.

We recall that persons deprived of liberty must always be treated in a humane manner and with respect for their inherent dignity. They shall always have access, *inter alia*, to effective legal representation and adequate medical care; prompt judicial review of their initial and continuing deprivation of liberty; remedies for any violations; and have the possibility to communicate with a lawyer of choice, their relatives and to be visited by independent human rights monitoring bodies. Furthermore, safeguards shall be in place to ensure that prisoners can make requests or complaints safely. They must not be exposed to any risk of retaliation, intimidation or other negative consequences as a result of having submitted a request or complaint.

We stress that inadequate conditions of detention and standards of treatment may constitute violations of the prohibition of torture and/or other cruel, inhuman or degrading treatment or punishment. When such conditions are seriously inadequate, as it is alleged in the present case, they may further present an immediate or longer-term danger to life.

Accordingly, we warn against the risk that the reported allegations, if established, could amount to violations of the right to life, protected by article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Bahrain in 2006; the right to be free from torture or other cruel, inhuman or degrading treatment or punishment, including the requirement of humane treatment in detention, protected, *inter alia*, by article 5 of the UDHR, articles 7 and 10 of the ICCPR, and articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to in 1998; as well as of the right to the enjoyment of the highest attainable standard of physical and mental health, recognised in article 12 of the International Covenant on Economic, Social and Cultural Rights, acceded to in 2007. The CESCR interprets the right to health as “an inclusive with extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food [and] nutrition” among others (CESCR, general comment No. 14, para. 11).

We recall that article 25 of the Universal Declaration of Human Rights recognizes the right of everyone to a standard of living adequate for the health and well-being of themselves and of their family, including food. Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Bahrain in 2007, recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. In interpreting this provision, the Committee on Economic Social and Cultural Rights (CESCR) stressed in its general comment No. 12 that a violation of the right to food occurs when the state fails to provide the “minimum essential level required to be free from hunger”.

General comment No. 15 of the CESCR holds that States must give special attention to ensure that prisoners and detainees are provided with sufficient and safe water for their daily individual requirements.

The UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) apply to all detainees, regardless of the charges against them, in particular rules 18, 22, 42 and 43, concerning the provision of safe drinking water, food of adequate nutritional value for health and strength, and sanitation to detainees. Rule 22 states that every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served and that drinking water shall be available to every prisoner whenever they need it.

We remind your Excellency’s Government of your heightened duty of care to implement the human rights of all those persons in your custody.

We wish to stress that the obligation to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result

in loss of life even if such threats and situations do not result in loss of life.

Likewise, we wish to emphasize that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is absolute and non-derogable. No circumstances, no matter how exceptional they may be, can ever justify torture or ill-treatment nor any form of impunity for such acts (article 4(2) of the ICCPR; article 2(2) and (3) of the CAT).

In light of the above, we respectfully call on Your Excellency's Government to urgently re-establish humane and dignified conditions of detention for all prisoners held in Jau prison, ensuring, without delay, that prisoners have access to adequate food and nutrition; adequate hygiene and sanitation; adequate ventilation and air conditioning as well as showers and clean drinking water, particularly taking into account the present context of soaring temperatures; adequate medical care including, if necessary, treatment in civil hospitals outside prison; and appropriate accommodation.² We stress that time is of the essence.

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 to safeguard the rights of the prisoners held in Jau prison in compliance with international instruments.

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 any comment you may have on the above-mentioned allegations.
2. Please provide detailed and updated information on the current conditions of detention in Jau prison and please assess them against international human rights law and standards, in particular the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including the requirement of humane and dignified treatment in detention. Please also explain how they are compatible with the protection of the right to life, health and well-being, and food including timely access to adequate medical care and adequate food.
3. Should such conditions not be in alignment, please explain the steps that have been taken or are envisaged to be undertaken to remedy and improve them, and the timeframe for doing so. Within this context, please explain whether there has been any investigation into such allegations, as required by international law, and please provide the results of it, including in terms of accountability of persons responsible of any established violation.
4. Please provide detailed and updated information on the specific conditions of detention of the individuals mentioned above; their

² See A/HRC/55/52: <https://documents.un.org/doc/undoc/gen/g24/011/85/pdf/g2401185.pdf?token=39DRpCel2KvrIZBPqg&fe=true>

current health status and any measure taken or envisaged to be adopted to protect their life, ensure humane conditions and preserve their health and well-being, including timely access to adequate medical care and adequate food, as appropriate.

While awaiting a reply, we 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 responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We 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 our highest consideration.

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Michael Fakhri
Special Rapporteur on the right to food

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