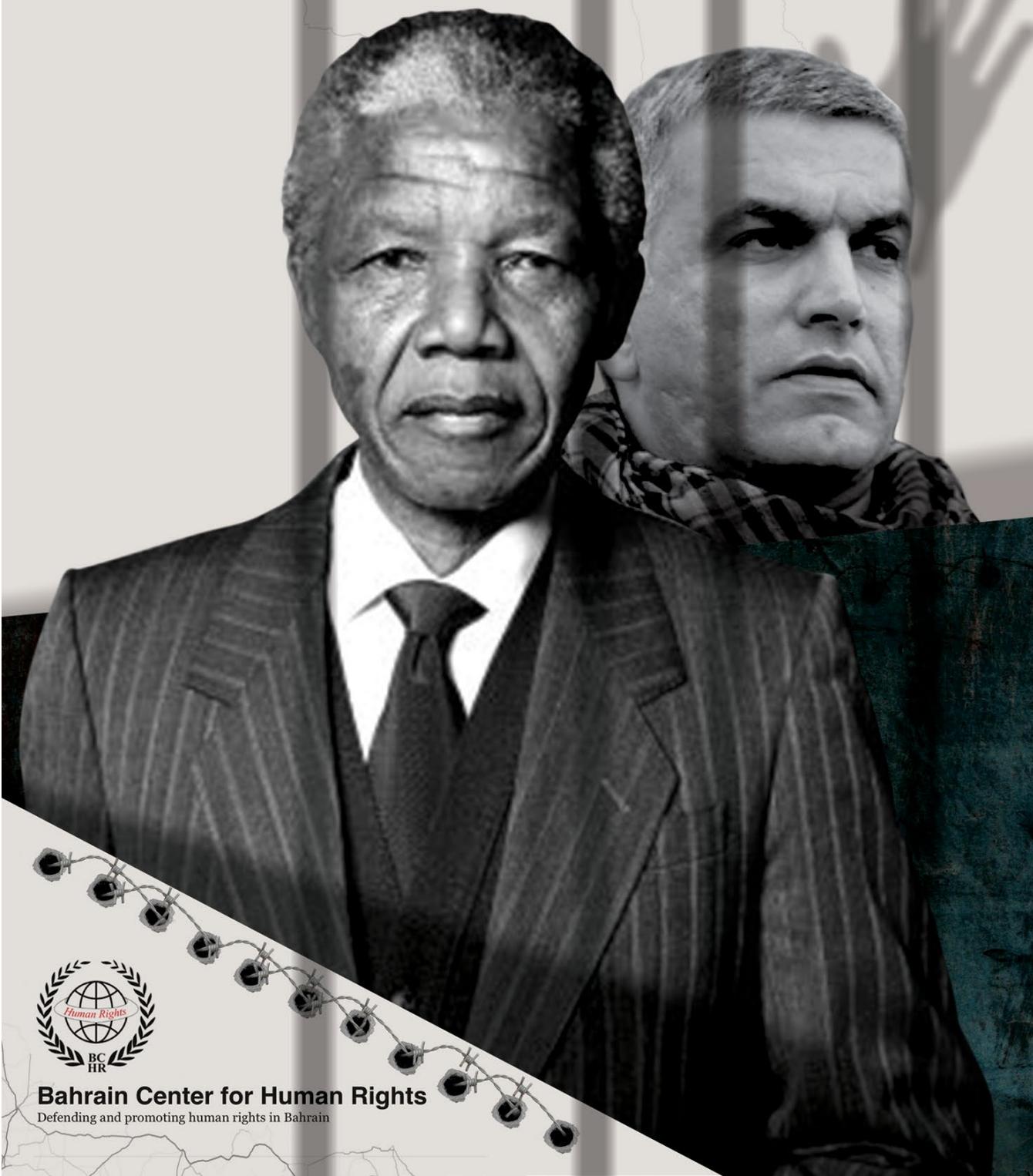


BAHRAINI PRISONS THE CEMETERY OF THE LIVING



Bahrain Center for Human Rights

Defending and promoting human rights in Bahrain

Bahrain Center for Human Rights

 www.bahrainrights.org

 +45538 931 33

 @BahrainRights

 @BahrainRights

 Bahrain Center For Human Rights

july 2018

BAHRAINI PRISONS **THE CEMETERY** **OF THE LIVING**

A report issued by the Bahrain Center for Human Rights on the occasion of Nelson Mandela International Day (July 18) that sheds the light on the conditions of Bahraini prisoners and prisons.



METHODOLOGY OF THE REPORT

The report reviews relevant domestic and international laws and regulations pertaining to the standard rules for the treatment of prisoners, the legal basis for the legal responsibility upon those in charge of prisons and prisoners in Bahrain, as well as some cases about prisoners.



REPORT CONTENT

8 | Introduction

9 | Firstly:

The Rights Framework and the Legal Framework for Prisons and Prisoners:

- **A: The Legal Framework:** Bahraini
- **The Legal Framework:** Bahraini and International:

13 | Secondly:

The Entities Responsible for Prisons and Prisoners in Bahrain

14 | Thirdly:

The Conditions of Prisons and Prisoners in Bahrain

18 | Sources

INTRODUCTION

Since the Universal Declaration of Human Rights is the main source of international norms in the treatment of prisoners, and since the Standard Minimum Rules for the Treatment of Prisoners is the detailed source for the application of the rules in the treatment of prisoners, and since the basic principles of the treatment of prisoners are a guiding source for Member States of the United Nations to harmonize their legislation with these principles, and since the decision of the General Assembly of the United Nations (A/RES/70175/) to adopt the Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules.

We, the Bahrain Center for Human Rights, publish this report concerning the prison conditions in Bahrain on the occasion of Nelson Mandela International Day, in which we shed the light once more on the conditions of prisoners and prisons in Bahrain that are crowded with political prisoners and jurists.

FIRSTLY: THE RIGHTS FRAMEWORK AND THE LEGAL FRAMEWORK FOR PRISONS AND PRISONERS

Law No. 18 of 2014 was promulgated on July 3 2014, establishing the correctional and rehabilitation institution act which organizes the state of prisons and the treatment of prisoners. This law canceled the Bahraini prisons law of 1964. Law No. 18 of 2014 also stated in the third article that the Minister of the Interior must issue in 6 months the implementing regulation to apply this law. The regulation, however, was issued on 16 August 2015, more than a year later.

A: THE LEGAL FRAMEWORK: BAHRAINI

In order to organize prisons and the treatment of prisoners, the Constitution of the Kingdom of Bahrain, 2002, stipulates in article 19, item (c): No detention or imprisonment shall be permitted in places other than those designated in the prison laws covered by health and social care and subject to the supervision of the judiciary. In this constitutional text, the constitutional legislator stipulated that the state of prisons should be

covered by health and social care and should be subject to the control of the judiciary. The Code of Criminal Procedure of 2002 states in article 63: The President of the Civil High Court of Appeal, the President of the Grand Civil Court, the judges of the enforcement of punishment and the members of the Public Prosecution shall at any time inspect the prisons to ensure there aren't any unlawfully imprisoned people. They shall have access to the records and arrest warrants in prisons, take photographs of them, contact prisoners and listen to all their complaints, and the prison officials and staff should provide them with any assistance in obtaining the information they request. In this text, the legislator has regulated the issue of judicial inspection enshrined in the abovementioned constitutional text on a permanent basis.

On July 3 2014, the correctional and rehabilitation institution act was promulgated to regulate the state of prisons and the treatment of prisoners. On August 16 2015, the implementing regulation of this law was issued.

B: THE LEGAL FRAMEWORK: BAHRAINI AND INTERNATIONAL:

Bahraini: On September 2nd 2013, Decree No.61 of 2013 was issued on establishing and defining the terms of reference of the Prisoners and Detainees Rights Commission. This decree empowered the Commission to work on monitoring and inspecting prisons and to ensure that the treatment of prisoners and detainees is decent.

International: The International Bill and the international treaties and conventions are based on fundamental principles for the preservation of human dignity and rights at any stage of life, whether outside or inside a prison, and on the fact that the dignity of human beings should always come first and no one should be subjected to degrading treatment. The International Bill is binding on all Member States of the United Nations.

In addition, there is a number of international conventions concerning the treatment of prisoners and detainees and prison conditions which have developed the basic principles and the standard rules for the treatment of prisoners and detainees, including the Standard Minimum Rules for the Treatment of Prisoners 1995

(Nelson Mandela Rules), the Basic Principles for the Treatment of Prisoners 1990 and the Standard Minimum Rules for the Administration of Juvenile Criminal Justice 1985.

The Nelson Mandela Rules provide 122 minimum rules for the treatment of prisoners, which include all aspects of a dignified life, including personal hygiene, decent conditions, health and social care, education and communication with the outside world, security and safety of prisoners and provision of adequate and healthy nutrition for all prisoners.

SECONDLY: THE ENTITIES RESPONSIBLE FOR PRISONS AND PRISONERS IN BAHRAIN

The Constitution of the Kingdom of Bahrain, 2002, places in Article 19 the judicial responsibility on the judicial authority which is the authority that supervises prisons in the basic form and monitors their status continuously. This is also stipulated in the Criminal Procedure Code of Bahrain in Article 63, and judges and prosecutors must inspect prisons and ensure their conditions are proper. In addition, the Decree No. 61 of 2013 has given the prisoners and detainees commission the authority to monitor prisons and the conditions of prisoners and detainees, which reflects tortious legal liability upon them should there be deficiencies in the performance of the tasks stipulated by the decree.

The legal responsibility is placed upon the Ministry of the Interior as the executing agency of the correctional and rehabilitation institution act, which regulates the rules of treatment of prisoners and prison conditions.

THIRDLY: THE CONDITIONS OF PRISONS AND PRISONERS IN BAHRAIN

The Bahrain Center for Human Rights has worked on monitoring the situation of prisoners and prisons in Bahrain. And whereas the correctional and rehabilitation institution, which oversees Jaw Central Prison and Hawd Al Jaf prison, refuses to disclose the number of detainees and prisoners of human rights and humanitarian organizations,

We also found that the reports issued by the Prisoners and Detainees Rights Commission in Bahrain were insufficient and unreliable (as described by Human Rights Watch) in terms of their contradictions with what we have documented from the families of the prisoners. We provide some clear examples on the poor treatment of prisoners and poor prison conditions.

DENIAL OF TREATMENT AND LACK OF HEALTH CARE (AS THE LEADING VIOLATIONS):

ELIAS FAISAL AL-MULLA (27 YEARS OLD): Political detainee at Jaw Central Prison since May 11 2012, sentenced to 15 years, diagnosed with colon cancer in August 2015. The administration at Jaw Central Prison refuses to dispense medication for his condition. His treatment is not available in Bahraini hospitals and the government refuses to allow his family to treat him at their own expense abroad.

FAWZIAMASHALLAH(57YEARSOLD): Political detainee in Isa Town Detention Center for women, suffers from heart disease and diabetes, was arrested on December 19 2017, still awaiting trial. The prison administration refuses to dispense proper medication for her condition or to allow her to receive proper treatment.

NABIL RAJAB (54 YEARS): Detained (Sentenced to seven years in two separate cases) for criticizing the domestic and foreign rights situation on Twitter, was arrested on June 13 2016, suffers from acute back pain. The administration at Jaw Central Prison refuses to dispense proper medication for his condition. His family is also prevented from bringing a medical bed suitable for his condition to prevent complications and the administration denies him the proper treatment for back pain.

THE BAHRAIN CENTER FOR HUMAN RIGHTS HAS ALSO MONITORED THE TYPES OF VIOLATIONS AGAINST PRISONERS IN BAHRAINI PRISONS THAT VIOLATE THE NELSON MANDELA RULES IN THE FOLLOWING PATTERNS:

- **Denial of treatment and lack of medical care.**
- **Non-respect of the personal privacy of prisoners.**
- **Denial of the right to education.**
- **Continuing restrictions on family visits: time, confidentiality and humiliating inspection.**
- **Overcrowding in solitary confinement.**
- **Lack of healthy food and beverages.**
- **Depriving prisoners of enough movement and exercise.**
- **Insufficient care for cleanliness within prisons.**
- **Insufficient ventilation and sunlight.**
- **Spread of infectious diseases among prisoners which are not safely screened.**

We therefore recommend that the Government of Bahrain allow local and international human rights organizations to conduct their work independently and allow the special rapporteurs and working teams affiliated with the Human Rights Council to visit Bahrain's prisons.

SOURCES

- <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=71237#.Wz29itUzblU> قانون مؤسسة الإصلاح والتأهيل
- <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=73349#.Wz293dUzblU> اللائحة التنفيذية لقانون مؤسسة الإصلاح والتأهيل
- <http://www.un.org/ar/events/mandeladay/rules.shtml> القواعد النموذجية الدنيا لمعاملة السجناء

- <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N1539/443//PDF/N1544339.pdf?OpenElement> قرار الجمعية العامة للأمم المتحدة باعتماد القواعد النموذجية الدنيا لمعاملة السجناء بتسميتها قواعد نيلسون مانديلا.
- <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR084/559//IMG/NR055984.pdf?OpenElement> المبادئ الأمامية الأساسية لمعاملة السجناء
- <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=30522#.Wz860tUzblU> مرسوم رقم 61 لسنة 2013 بإنشاء وتحديد اختصاصات مفوضية حقوق السجناء والمحتجزين البحرينية.
- <http://www.legalaffairs.gov.bh/102.aspx?cms=iQRpheuphYtJ6pyXUGiNqq6h9qKLgVAb> دستور مملكة البحرين لعام 2002
- <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=5651#.Wz84W9UzblU> قانون الإجراءات الجنائية البحرينية.

Bahrain Center for Human Rights

 www.bahrainrights.org

 +45538 931 33

 @BahrainRights

 @BahrainRights

 Bahrain Center For Human Rights

july 2018