

Brussels, 22 April 2021



HM Sheikh Hamad bin Isa Al Khalifa  
Office of HM the King  
P.O. Box 555  
Rifa's Palace  
Kingdom of Bahrain

Your Majesty,

As Members of the European Parliament (MEPs), we are writing to express our deepest concern over the deepening social and political unrest that continues to unfold in your country on account of your government's management of the current outbreak of COVID-19 in prisons, notably Jau Prison.

While we welcome the 8 April 2021 [announcement](#) by Bahrain's Public Prosecutor that the authorities intend to release 73 detainees, we remain concerned that long standing poor conditions at this and other facilities, as well as a lack of transparency in regards to the health of prisoners have exacerbated an already febrile socio-political environment.

Human rights organizations, including Salam for Democracy and Human Rights [have published detailed reports](#), assiduously documenting the spread of COVID-19 in prisons and its impact. Summary information related to families and activists, from scores of families held in various wards and buildings at Jau Prison, indicate that both prison conditions and their administration fall woefully short of international standards. The government appears to have neglected the principle that prisoners' rights are human rights; that prisoners are, indeed, a part of wider society, and fully capable of contracting and spreading diseases.

In this regard MEPs urge the Government of Bahrain to adopt an urgent public health approach that is informed by international human rights standards instead of a renewed, punitive approach against scores of individuals whom the courts convicted following unfair trials or who may be prisoners of conscience.

In the absence of government transparency, MEPs have been alarmed to learn that:

- As of 14 April 2021, at least 94 prisoners have been confirmed as having been infected with COVID-19;<sup>1</sup>
- Since September 2020, hand sanitizer and masks have not been distributed in prisons, and that other sanitary or cleansing products, such as soaps and detergents and towels, have only been available at the 'canteen', either at considerable expense for some. These too, are reported to have been inaccessible, in some cases, for months;<sup>2</sup>
- The government has failed to reduce gross overcrowding at Jau Prison, highlighted since 2013;<sup>3</sup>
- Poor ventilation systems, which facilitate the spread of COVID-19, in the absence of administrative intervention, remain unrepaired;
- Punitive water cuts that reduce levels of sanitation have been used;
- Continued expressed and undue limitations on access to fresh, open air for prisoners appears to remain in place;
- Denial of acute medical care, in contrast to an apparent policy promoting mass sedation via the distribution of narcotics and opioids, in an attempt to medicalize the prison population out of COVID-19 appears in place;
- An intentionally slowed release of prisoners, in contravention of numerous international calls in this regard have been applied, as well as;
- An absence of a vaccination policy regarding prisoners remains in place.

We have been alarmed to learn of the following, emblematic case examples:

- **Mohammad Abdul'Hassan Habib** - As related by one of his family members during an online seminar, he was able to contact his family on 31 March and inform them of his fever, which he had endured for a number of days at that stage.<sup>4</sup> On 4 April, fellow cellmates were able to reach his brother and inform him that the prison's medical staff had repeatedly refused to admit him for observation or treatment over a period of nine days, despite loss of consciousness and hallucinations, but that their repeated insistence and a hunger strike, along with aiding him to reach a police control point in the prison (after nine days) finally managed to engage prison authorities to admit him for medical treatment and deal with his diabetes and low-blood pressure, neither condition of which was checked over nine days, despite his ill health. As of 9 April, he had been taken to a

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<sup>1</sup> On 23 March 2021, the General Directorate of Reformation and Rehabilitation acknowledged three cases of infection; by 13 April, credible information related to Salam for Democracy and Human Rights, Bahrain Forum for Human Rights, by family members inside Bahrain totaled 94.

<sup>2</sup> This and the information that immediately follows it is taken from the speaker for Amnesty International, during the seminar: Bahrain - the impact of the COVID-19 outbreak in prison, 9 April 2021, at <https://youtu.be/3hm-YI8ikhM>, accessed 15 April 2021. He noted that Sayed Nizar al-Wadaei, now released, was not able to access the canteen for some 45 days, or a month and a half, and had contracted COVID-19 prior to his scheduled release on or around 9 April 2021.

<sup>3</sup> According to Amnesty International, or AI (see above), in 2013, Bahrain's Ombudsman is reported to have declared that Jau Prison's capacity is 1201 but that 1608 were held there at the time. AI acknowledged that new buildings had been constructed since then but that the carceral character of Bahrain's justice system had not and that it could be expected that incarceration rates had, in fact, increased since 2013. The Researcher also noted that many 'average' cells with a capacity of eight individuals, measuring 3 by 4.5m<sup>2</sup>, in which the toilet occupied 1/5 of the floor space, often held 12. In contrast, the lower density of international standards set out by the International Committee of the Red Cross / Red Crescent Societies hold that there should be 3.4m<sup>2</sup> per prisoner. In sum: Jau Prison is overcrowded under Bahrain's lower density standards and significantly overcrowded under higher, international standards.

<sup>4</sup> The family member of Mohammad Abdul'Hassan Habib, speaking at the seminar: Bahrain - the impact of the COVID-19 outbreak in prison, 9 April 2021, at <https://youtu.be/3hm-YI8ikhM>, accessed 15 April 2021.

hospital but the information relating to his brother came from another prisoner rather than an official.

- **Saoud al-'Amiri** - Reportedly sentenced to ten years' imprisonment, he is said to have attempted to take his own life on at least four occasions, in connection with - and in protest to - poor prison conditions. A human rights activist reported on 14 April 2021 that officials had tied him to a bed for a period of two days as a punitive measure. He was kept there for so long that, unable to go to the toilet. Such treatment amounts to cruel, inhuman and degrading punishment and is banned under customary international law, let alone the treaties to which Bahrain is bound.

MEPs are aggrieved over the avoidable death in custody on 6 April 2021, of political prisoner **Abbas MalAllah**, whose death the authorities have attributed to natural causes arising from chronic diseases leading to a heart attack. Abbas MalAllah was 49 years old and had three children. The authorities detained him during the martial law period in March 2011, after an official shot him at close range with a pepper-spray shotgun or an armament with a similar impact. An official of the Government of Bahrain tortured him in pre-trial detention so that when he was tried, he was unable to walk. At one stage, military personnel removed him from court, as he was unable to walk. In 2011, 2015 and later still, the authorities prevented him from obtaining medical treatment.

Abbas MalAllah's family had alerted authorities to his long-term poor health, yet the authorities singularly failed to place him under their own, much vaunted *Alternative Punishment* regime, featuring early releases for prisoners, from which he could well have benefited. Detained 17 May 2011, and later sentenced to 15 years, six months' imprisonment, his trial is believed to have been unfair.

Reports indicate that other prisoners alerted guards to Abbas MalAllah's worsening health but that a prison guard responded that they did not have orders to move him from his cell. The authorities failed to provide him with urgent medical care, an ambulance reportedly taking over 90 minutes to arrive at Jau Prison. Reports indicate that his family learned of his death via news broadcast, having received no notification from prison officials. Protests at the government's negligent treatment erupted during his 7 April funeral at Nuwaidrat, about ten kilometres south of Bahrain's capital, Manama.

The failure of the Government of Bahrain to address, with any transparency, widespread public concern over scores of families' inability to obtain information from loved ones has prompted around - if not more than - 100 community, grassroots demonstrations, calling for the release of loved ones, many of whom have faced unfair arrests in previous years, have now taken place, including today in [al-Jubeilat](#), Jed'ali, Koura, Sanabis, Toubli and other locations. Families of prisoners have called for further demonstrations.

MEPs echo and call on the Government of Bahrain to heed the call made by the Office of the High Commissioner for Human Rights for the Middle East and North Africa to conduct an impartial and independent investigation into the death of Abbas MalAllah. The United Nations Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and the United Nations Special Rapporteur on the right to physical and mental health, are the only two bodies capable of conducting such an independent and impartial investigation.

MEPs also remind the Bahraini authorities of the 25 March 2020 appeal by the United Nations' High Commissioner for Human Rights, [Michelle Bachelet](#), who expressed her grave concern about the overcrowding of prisons across the world and expressly for the release of the largest possible number of prisoners as a decisive measure to curb and limit the spread of the COVID-19 virus. We renew that appeal, noting that even if the people of Bahrain are unable to hold political leaders to account for their actions - or inaction - the international community is increasingly doing so. We also remind the government of Bahrain of the recommendations made by MEPs in the [European Parliament resolution of 11 March 2021 on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders](#).

We therefore urge you to:

- Release all prisoners of conscience or those convicted following unfair trials in previous years (such as non-military personnel tried by military court) where there is no realistic prospect of retrial;
- Release as many prisoners as can safely be managed in order to ensure public safety, drawing on pardons, alternative punishment provisions, as well as other provisions for early release on account of time already served and all cases in which there is a health concern;
- Conduct an independent investigation into every case of death in custody, including Abbas MalAllah;
- Use this watershed moment to re-evaluate and re-set the government's adherence to international human rights standards, as set out in United Nations' human rights treaty bodies' reports, and those of independent human rights advocacy groups, and
- Fully implement the recommendations of the Bahrain Independent Commission of Inquiry ([BICI](#))

As Members of the European Parliament, we remain committed to the protection, promotion, and fulfilment of all human rights in Bahrain.

Sincerely,

Dietmar Köster, S&D  
Karen Melchior, Renew  
Andrea Cozzolini, S&D  
Özlem Alev Demirel, The Left  
Fabio Massimo Castaldo, NI  
Ernest Urtasun, Greens/EFA  
Bernard Guetta, Renew  
Hannes Heide, S&D  
Isabel Santos, S&D  
Javier Nart, Renew  
Nikolaj Villumsen, The Left  
Fulvio Martusciello, EPP

CC:

H.E. Ambassador of the Kingdom of Bahrain to the EU  
Dr. Bahia Jawad Al Jishi