

# THE KINGDOM OF BAHRAIN

## ARTICLE 19's Submission to the UN Universal Periodic Review of the Kingdom of Bahrain

*Thirteenth Session of the Working Group of the Human Rights Council, May-June 2012*

### Summary

1. ARTICLE 19: Global Campaign for Free Expression (ARTICLE 19) is a non-governmental human rights organisation that works globally to promote and protect freedom of expression and information, including by making submissions to the UN on countries' performance in implementing established freedom of expression standards. ARTICLE 19 has observer status with ECOSOC.
2. With this submission, ARTICLE 19 seeks to make a constructive contribution to the preparation process of the UPR for the Kingdom of Bahrain (Bahrain). Given the expertise of ARTICLE 19, this submission focuses on Bahrain's compliance with its international human rights obligations relating to freedom of expression. In particular, it addresses the violation of freedom of expression in forms of **harassment and attacks on journalists, human rights defenders and activists, media control and censorship**, lack of **internet freedom** and violations of the right to **peaceful protest**.

### Harassment and attacks on journalists, human rights defenders and activists

3. ARTICLE 19 is concerned that journalists, human rights defenders and civil society activists in Bahrain continue to be harassed and prosecuted by the Government. Early in 2011, after the protests in Egypt, King Hamad acted to pre-empt and mollify potential unrest in Bahrain by releasing 23 political activists. However, the role played by journalists in publicising Bahrain's own demonstrations provoked a clampdown that has been unprecedented in its severity. The most concerning incidents include the following:
  - Karim Fakhrawi, founder of the country's premier independent daily *Al-Wasat*, died under suspicious circumstances in custody on 12 April, a week after being arrested and detained for "deliberate news fabrication and falsification." While authorities claimed he died from kidney failure, his body showed clear signs of torture;
  - Basema Al-Qassab, journalist and blogger, was interrogated for several hours on 19 May, in relation to a statement made to BBC Arabic. While subsequently released, Al-Qassab was dismissed from her job and later received a summons to appear in court on charges of inciting hatred of the regime;
  - Nazeeha Saeed, the Bahrain correspondent of France 24 and Radio Monte Carlo Doualiya, was summoned for interrogation on suspicion of having links with the Hezbollah TV station Al-Manar and the Iranian TV station Al-Alam. Saeed was physically abused by her interrogators, with one woman taking her shoe and forcing it into her mouth. She was then blindfolded and told to bray like a donkey and walk like an animal, before being beaten and forced to drink urine. Saeed is now suffering physical and psychological after-effects and is receiving care in France;
  - Ali Al-Moussawi, a correspondent of Al-Alam television, was summoned to trial on 12 September on charges of sending incorrect information and misleading pictures about Bahrain. Al-Moussawi has since fled the country, and his name is now on a list of "traitors" on websites related to the regime.
4. Photographers also became a key focus of the clampdown, arrested and detained on equally spurious charges. For example:
  - The house of Sadiq Marzooq, who documented violence during demonstrations, was raided several times in March following a summons issued for his arrest. As with fellow photographers Mojtaba Salmat and Zouhair Aoun Al-Shama, also arrested that month,

Marzooq was charged with “participation and coverage of unauthorised marches and incitement to hatred of the regime through the publication of the pictures on the Internet, and working for foreign channels;”

- Mohamed Al-Sheikh, head of the Bahrain Photographers Society and winner of several international awards, was arrested, detained, and tortured between May and July. Al-Sheikh reported being blindfolded, beaten to immobility, deprived of basic facilities, and told that his family would be harmed unless he signed a pre-written confession. While eventually freed, Al-Sheikh was dismissed from his job and his photographing tools were confiscated. In October 2011, he received new summons to appear on charges related to “filming unlicensed marches and incitement to hatred of the regime by broadcasting fake pictures detrimental to the Kingdom of Bahrain over the Internet and Facebook and foreign agencies.”
5. In the aftermath of the February 2011 protests, the Bahraini Government has been equally ruthless in its clampdown on human rights defenders and activists. These have included:
- Opposition activist Sheik Mohammed al-Miqdad, who was arrested on 01 April and charged on 17 counts, including “inciting and seeking to overthrow the regime.” Al-Miqdad was reportedly tortured at the hands of the king’s son, Nasser bin Hamad. Al-Miqdad, whose speeches explicitly called for peaceful campaigns, was charged on the basis of “confidential sources;”
  - Ayat Alqurmozi, who was arrested for reading critical poetry on 12 June and sentenced to one year imprisonment for participating in illegal protests, disrupting public security, and inciting hatred towards the regime;
  - Twenty one bloggers and activists who were found guilty of plotting to topple the monarchy on 22 June. Among those convicted were the renowned human rights defenders Abdul-Jalil Alsingace and Abdulwahab Hussain Ali, who were sentenced along with nine others to life in prison for purportedly having links to foreign terrorist organisations. Alsingace complained, alongside others, of severe beatings, long standing hours, sleep deprivation, solitary confinement and threats of rape. On 02 October 2011, it was reported that the prison administration was refusing Alsingace and Hussain Ali access to doctors as punishment for earlier hunger strikes. As a result, their health condition has deteriorated significantly.
6. The Bahraini Government has systematically targeted the homes, families and livelihoods of activists in a campaign of harassment against dissenting voices. By accusing activists of treason, the Bahraini Government has prompted death threats and incited violent assaults, forcing several activists into exile. Authorities have become particularly sophisticated at harassing online dissidents. This has involved “troll attacks”, where pro-government bloggers seed violent and sectarian content on social networks and attribute it to peaceful activists, “crowdserving” social media to identify protesters, and “hash-tag bombing” threatening messages on Twitter. Bloggers have also been vilified as traitors and accused of conspiring against the government, with many subsequently receiving death threats. The blogger Mohammed Al-Masqati received a threat from a member of the royal family, Mohammed Al-Khalifa, who told him that he “will make his family search for him.”
7. It is not just active bloggers who have received threats, however: every user of social networks who indicates support for protesters is at risk of harassment. Government institutions, for example, have held their employees accountable for what is written on social networks, and university students have reported being dismissed from university on the basis of their Facebook pages.

### **Media control and censorship**

8. ARTICLE 19 is also concerned by the lack of independent broadcast media in Bahrain. Much of TV and Radio in the country is state-controlled and used by the government to

systematically attack activists and dissidents. Until 2002, Bahrain had only two newspapers, both controlled by the Ministry of Information; only following the establishment of *Alwasat Newspaper* in 2002 (when a former political opposition leader was allowed to start a new “independent” newspaper), other newspapers were created. However, newspapers and journalists who do operate independently of the state are persistently vilified as “traitors”, accused of receiving funds and instructions from foreign powers, and warned of imminent prosecution. Self-censorship is prevalent, since advertisers - whose money is heavily relied on to sustain operations - avoid having their businesses associated with critical reporting.

9. Unsurprisingly, therefore, the primary source of information on human rights violations in Bahrain is the international media. The majority of households have access to satellite stations, and *Al-Jazeera* and *Al-Arabiya* remain the main outlets of news for most Bahrainis. However, those who work for foreign media are subject to constant interference and harassment. Two correspondents from Agence France Presse and Deutsche Presse Agentur were suspended in January 2010 after reporting on a legal case, and the government imposed restrictions on *Al-Jazeera* in August 2010 (its local bureau was later temporarily shut down in May 2011).
10. The Bahraini authorities have become increasingly adept at restricting television broadcasts from abroad, and on 17 July 2011 *LuaLua TV*, a London-based Bahraini current affairs TV station which relocated out of Bahrain after being repeatedly denied permission to broadcast, had its satellite jammed only four hours after the channel was launched. The station broadcasts in Arabic and is aimed at members of the opposition inside Bahrain, via the satellite service Hotbird. To circumvent this jamming, *LuaLua TV* partnered up with the online streaming service, Livestation, in August 2011; however, after only two weeks, the website that carried their live stream was also blocked within Bahrain.
11. Representatives from the Information Ministry continue to actively monitor and block stories on sensitive matters, especially those “fostering sectarianism” and criticising the royal family. In August 2010, the newspaper *Al-Wasat* reported that the Information Minister had suspended its online audio reports after the website featured interviews with alleged victims of prison abuse. Later in the same month, the public prosecutor issued a gag order banning journalists from reporting on the detention of opposition activists. Breaches of the order would be punishable by up to one year in prison. Such gag-orders were used frequently throughout 2010 and 2011.
12. At times, this government interference has been more overt. The columnist Ali Saleh was indefinitely suspended from the *Albilad* newspaper in November 2009 after publishing articles on democratic reform. In April 2011 meanwhile, Bahraini authorities suspended *Al-Jarida* newspaper and only allowing copies to be re-issued after its Chief Editor and Director resigned. Likewise, the Bahrain Online Forum was closed in August 2011 because it was deemed to have incited hatred and violence.

### **Internet freedom**

13. Internet freedom in Bahrain remains of concern, both in terms of legislation and practice. Soon after taking office, Bahrain’s Minister of Culture and Information, Mai Al-Khalifa, issued Resolution No.1 of 2009 pursuant to the 2002 Telecommunications Law. This obligated all telecommunications companies and ISPs to procure and install website blocking software, thereby giving the Ministry full control over the blocking of websites. Within her first five months as Minister of Culture and Information, Al-Khalifa ordered 300 websites to be blocked.
14. Much censorship is freely permitted under the 2002 Telecommunications Law. This requires all websites to register with the Ministry of Information, heavily regulates religious and political content, and requires service providers to monitor and record all phone and internet

activities. Much censorship of politically sensitive material also takes place under the pretext of protecting citizens from offensive material such as pornography.

15. Censorship of websites and blogs has become increasingly prolific in Bahrain since the February 2011 protests. Internet access is widely available and hundreds of blogs and forums are currently active. The Bahraini Government has, however, been targeting internet users since the first user was arrested in 1997 for sending information to an exiled opposition group. Since 2002, meanwhile, the Ministry of Information has been actively blocking websites with content critical of the government. While Bahraini law technically allows individuals to appeal a block within 15 days, no such case has as yet been adjudicated. The group Reporters without Borders has estimated that in 2011 the total number of blocked websites has totalled over 1,000. These include:
  - The websites of NGOs, such as the Bahrain Centre for Human Rights and the Arab Network of Human Rights Information, and blogs that cover human rights issues, such as Abduljalil Asingace's 'Alfaseela';
  - Personal pages on social media sites, including Facebook and Twitter. In January 2010, for example, authorities blocked access to a Twitter page called "Free Bahrain", which posted links and news on the human rights situation in Bahrain. The same woman's personal channel on YouTube was also blocked. As part of the crackdown in advance of the November 2011 elections, meanwhile, the Facebook page of opposition activist Abdul Wahb Hussain was blocked;
  - Google Earth, Google Video, and Google Maps, which were blocked by government decree in 2006.
16. Due to the risk of blocking many web administrators now self-censor online forums, removing prohibited comments and banning users who post contentious material. This self-censorship is aggravated by Bahrain's defamation laws, which subject web administrators to the same liability as print journalists and holds them responsible for all content posted on their sites.
17. However, the blocking of websites is not the only tactic used by the Government to obstruct freedom of expression on the internet. Shortly after the protests began in February 2011, the authorities slowed down internet speed to obstruct video uploads and prevent activists from broadcasting what was happening. It also blocked bambuser.com, which allows members to exchange videos taken by mobile phones, and pages from YouTube containing videos of the demonstrations.

### **Right to peaceful protest**

18. ARTICLE 19 notes that the right to protest is implicit in guarantees of the right to freedom of expression and the right to freedom of assembly and also association. We are therefore concerned at the systematic persecution of peaceful protesters, with more than 800 protesters arrested in 2011 alone. On 17 February 2011, government forces brutally dispersed thousands of protesters, killing at least three and injuring hundreds more. As part of a declaration of emergency, King Hamad announced the establishment of a special military court in March, which has since convicted more than 125 people on fabricated charges including:
  - Fadhila Mubarak Ahmed, the first protester to be arrested and sentenced under Bahrain's national security laws in May 2011. Her charges included undermining public order and participating in a rally with intent to commit crime;
  - Faisal Hyat, a sports journalist who participated in a march for press freedom, who was charged with participating in illegal gatherings and inciting hatred of the regime. Hyat was sexually harassed, forcibly shaven and beaten with cables on his back, between his legs and on his writing hand;
  - Muhammad Al Tajer, who was charged in June with inciting hatred against the regime and encouraging attacks on policemen. Al Tajer's computers were seized, his bank account

was frozen, and his wife lost her job. He was released in August after undertaking not to engage in any activity “against the country;”

- Ashwaq Almagabi, a 17-year-old girl, who was sentenced in September alongside 45 women and girls to 6 months in prison for participating in an “illegal gathering”. Almagabi suffers from severe sickle cell disease, and despite her condition deteriorating due to prison condition and ill-treatment, she was rearrested in November 2011 from her hospital bed;
  - Ali Jaffar Abdul Hussain, a 14-year-old boy, who was hospitalised after being subjected to torture and sexual molestation following his arrest on 17 November. Hussain was forced to “confess” to stealing a camera and told that he would be raped and killed if he said anything different in court. Hussain’s arrest was part of a mass dawn raid of 14 young men who had participated in protests;
  - Thirteen medics who treated people injured during protests were sentenced to 15 years in prison for crimes against the state, including promoting efforts to bring down the government. Dozens of other medical professionals have been detained and ordered to stop their work in private clinics.
19. In the run-up to the parliamentary elections in September 2011, riot police, anticipating potential unrest, surrounded areas to physically prevent protests passing through and erected an iron fence near the “Pearl Roundabout”.
20. The Bahraini Government has also employed more inconspicuous tactics to deter and restrict peaceful protest. It has been reported that approximately 2500 Bahrainis lost their jobs within weeks of the first protests, for example, because of their participation in anti-Government protests. Those attending protests in the UK have had intense pressure applied on them, with government-funded scholarships being stripped from them and parents being threatened. It has even been reported that students at Bahrain Polytechnic were expelled for “liking” pages supporting protests on Facebook.
21. Bahraini authorities have frequently resorted to intimidation in order to suppress any sign of dissension. On 14 November 2011, a school bus with 40 girls was taken to a police station after some of the girls started chanting “down with Hamad” while driving home from school. The girls were detained for a few hours and only released after their parents signed a pledge to bring the girls back to the police station if summoned at any time.

### **Recommendations**

22. In light of the above problems, ARTICLE 19 calls on the Human Rights Council to urge the Bahraini Government to:
- Immediately release all individuals detained or imprisoned for spurious speech-related offences, including those arrested for exercising their right to peaceful protest;
  - Conduct independent, prompt and effective investigation into all incidents of violence and harassment of journalists, human rights defenders and activists, bring perpetrators to justice and remedy those who have been subject to human rights abuses;
  - Permit NGOs and human rights groups to operate in Bahrain without interference and end government sanctioned harassment of journalists, bloggers, and human rights defenders;
  - Adopt comprehensive reform to allow media to operate freely and independently without any interference;
  - Refrain from blocking foreign media sources, including foreign-based signal intrusion;
  - Remove requirements to install website blocking software, and refrain from interfering with internet freedom.