



# General Assembly

Distr.: General  
8 July 2020

English only

---

## Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2020]

---

\* Issued as received, in the language(s) of submission only.

GE.20-09114(E)



\* 2 0 0 9 1 1 4 \*

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



## Systematic Attack on Freedom of Expression in Bahrain

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 44th Session of the United Nations (UN) Human Rights Council (HRC) to raise concerns over the ongoing attacks on freedom of expression in Bahrain. The Bahraini government continues to systematically suppress the right to expression of human rights defenders, political opponents, activists, journalists and civil society organizations. In the following, this presents cases of harassed activists, the suppression of civil society organizations and the independent press simply because they made use of their fundamental human right to free expression.

### The Use of Laws Regulating Civil Society Organizations (CSOs) and Associations, the Freedom of Press and Cyber Activities to Crackdown Free Expression

The Bahraini government uses the Law of Associations and the CSO registration process as a venue to reject, monitor, and/or close human rights organizations or CSOs they determine to be critical of the government. The 1989 Law of Associations places CSOs under significant restrictions enforced by the Ministry of Labor and Social Development (MLSD).

Similar to laws on association, the authorities have introduced restrictive regulations and laws on the discretion and operation of the media. Although the Bahraini constitution technically guarantees freedom of speech and press (only on paper), a network of legislation empowers the authorities to prosecute individuals on a range of offenses related solely to journalism or expression. The 2006 Law of Protecting Society from Terrorist Acts allows the authorities to prosecute individuals as terrorists for speech that can be construed as “threatening the Kingdom’s safety and security or damaging national unity or security of the international community”.<sup>1</sup> In a similar fashion, the 2002 Press and Publication Law, regulating the press, printing and publications, gives the Bahraini government the discretion to prosecute journalists based on 17 categories of offence with associated sentences of up to five years in prison.<sup>2</sup> In 2016, the Minister of Information issued decree 68/2016, which is an extension of the aforementioned Press Law.<sup>3</sup> This decree increases government oversight over all electronic media and allows it to target and prosecute content producers. Thereby, it paved the way for the recent closure of *Al-Wasat*, Bahrain’s last independent media outlet.<sup>4</sup> However, the decree does not detail the criteria that is used to judge and approve applications for this license, potentially giving the authorities wide discretion to prosecute members of the media.<sup>5</sup>

In recent years, the government has also imposed greater restrictions on online free expression with a series of new decrees and the cybercrime law. Due to a ministerial decree No. 1 in 2009, the Information Affairs Authority (IAA) is now empowered to filter websites that violate Articles 19 and 20 of the 2002, Law on Press and Publications, which allow the IAA to block any websites that criticize the royal family or the government, or that publish material that can be judged as “encroaching on religions and jeopardizing public peace”.<sup>6</sup>

---

<sup>1</sup> Law No. 58 of 2006 with Respect to Protection of the Community Against Terrorist Attacks, Kingdom of Bahrain, [http://www.vertic.org/media/National%20Legislation/Bahrain/BH\\_Law\\_No\\_58\\_Protection\\_Community\\_against\\_Terrorist\\_Acts.pdf](http://www.vertic.org/media/National%20Legislation/Bahrain/BH_Law_No_58_Protection_Community_against_Terrorist_Acts.pdf).

<sup>2</sup> Decree-by-law No. 47 of 2002, Regarding Organizing the Press, Printing and Publishing, Kingdom of Bahrain, [http://www.bahrainjournalists.org/References\\_and\\_documents/Law](http://www.bahrainjournalists.org/References_and_documents/Law).

<sup>3</sup> SOURCE.

<sup>4</sup> “Suspension of Newspaper: Further Threats to Freedom of Press in Bahrain,” BCHR, 7 August 2015, <http://www.bahrainrights.org/en/node/7597>.

<sup>5</sup> Ibid.

<sup>6</sup> “Press Law”. Bahraini Journalists Association [http://www.bahrainjournalists.org/References\\_and\\_documents/Law](http://www.bahrainjournalists.org/References_and_documents/Law).

## Harassment of Activists

### Nabeel Rajab

Nabeel Rajab is the president of the Bahrain Center for Human Rights (BCHR), the founding director of the Gulf Centre for Human Rights (GCHR) and the Deputy Secretary General of the International Federation for Human Rights (FIDH). In addition, he is in the advisory boards of both Human Rights Watch (HRW) and Americans for Democracy & Human Rights in Bahrain (ADHRB). Furthermore, he had an active role in the 2011 pro-democracy protests in Bahrain. Since then, he has been targeted, harassed and imprisoned by Bahraini authorities. On 13 June 2016, Rajab was arrested and charged with deliberately announcing “wartime false or malicious news, statements or rumors... to cause damage to military preparations for defending the State of Bahrain”, with “Insulting a neighbouring country” and with “Insulting national institutions”.<sup>7</sup> Nabeel Rajab has been repeatedly targeted by the Bahraini government for his activism, and is currently serving a total of seven years in prison on charges stemming solely from exercising his right to free expression. Americans for Democracy & Human Rights in Bahrain (ADHRB) strongly condemns Bahrain’s continued criminalization of fundamental freedoms, including free speech, and calls on Bahrain to immediately and unconditionally release Nabeel Rajab and all other prisoners of conscience.

### Abdulhadi Al-Khawaja

Abdulhadi Al-Khawaja is an imprisoned human rights defender, the founder and former president of the BCHR, and a founding director of the GCHR. Furthermore, he is one of the Bahrain 13, which were sentenced to lengthy prison terms solely for exercising their right to freedom of expression in the aftermath of the 2011 movement. On 9 April 2011, Al-Khawaja was violently arrested and charged in connection with his human rights activities. He was convicted of “organizing and managing a terrorist organization” and “attempt to overthrow the Government by force and in liaison with a terrorist organization working for a foreign country”.<sup>8</sup> On 22 June 2011, Mr. Alkhawaja was sentenced to life imprisonment by the National Safety Court. In prison, he has been placed in solitary confinement, further denied any access to legal counsel and to see his family and subjected to torture, which resulted in a broken jaw.<sup>9</sup> Yet, he is denied access to medical treatment for the torture he incurred, and the Bahraini government continuously refuses to accept a UN Universal Periodic Review (UPR) recommendation set out to release Al-Khawaja or to transfer him to the Danish authorities for medical treatment.<sup>10</sup>

### Crackdown on Independent Press

In August 2015, the IAA temporarily suspended *Al-Wasat* reportedly due to the fact that the newspaper had failed to refer to Bahraini military casualties in Yemen as “martyrs”.<sup>11</sup> Although the column primarily criticized social media campaigns directed at opposition members, the IAA accused the author of spreading false or misleading information.<sup>12</sup> The authorities used similar grounds to suspend the Al-Arab TV network in February 2015, only

<sup>7</sup> Bahrain Institute for Rights and Democracy (BIRD), 31 December 2018, BAHRAIN: Unfair Conviction of Human Rights Defender Nabeel Rajab Upheld, <http://birdbh.org/2018/12/bahrain-unfair-conviction-of-leading-rights-defender-nabeel-rajab-upheld/>.

<sup>8</sup> Ibid.

<sup>9</sup> Bahrain Institute for Rights and Democracy (BIRD), 05 April 2018, BAHRAIN: NGOs Call for Release of Human Rights Defender Abdulhadi Al-Khawaja on 7<sup>th</sup> Anniversary of His Arrest, <http://birdbh.org/2018/04/bahrain-ngos-call-for-release-of-human-rights-defender-abdulhadi-al-khawaja-on-7th-anniversary-of-his-arrest/>.

<sup>10</sup> Americans for Democracy and Human Rights in Bahrain (ADHRB), Bahrain Institute for Rights and Democracy (BIRD), Bahrain Center for Human Rights (BCHR). (2017). Bahrain’s Third Cycle UPR: A Record of Repression.

<sup>11</sup> “Suspension of Newspaper: Further Threats to Freedom of Press in Bahrain,” BCHR, 7 August 2015, <http://www.bahrainrights.org/en/node/7597>.

<sup>12</sup> *Report of the Bahrain Independent Commission of Inquiry*, Bahrain Independent Commission of Inquiry, 10 December 2011, <http://www.bici.org.bh/>.

two hours after it began broadcasting and following an interview with Khalil al-Marzooq, the Deputy Secretary-General of Al-Wefaq political society.<sup>13</sup> In 2013, the authorities blocked 70 websites allegedly associated with “internationally recognized” terror organizations, including sites and forums connected to dissolved opposition groups. Husain Hubail, a freelance photojournalist detained by the authorities in July 2013, received a sentence of five years in prison in April 2014 on cybercrime charges that include the use of social media networks to “incite hatred of the regime”.<sup>14</sup> It is estimated that Bahraini authorities block more than a 1,000 websites. These include websites for human rights organizations, political societies, personal blogs, online forums, newspapers, and websites that broadcast Shia religious events within the country.

## Conclusion and Recommendations

In recent years, the Bahraini government has not taken substantial steps towards allowing for freedom of expression, relaxing censorship and allowing the opposition access to the media. On the contrary, since the 2011 pro-democracy movement the government has taken legislative steps to strengthen existing laws censoring free speech and create new restrictions on various forms of media. These legislative measures facilitate the targeting of dissident thus the broad and systematic repression of freedom of expression. For this reason, ADHRB calls on the Bahraini government to:

- Repeal or substantially amend legislation, decrees, or other regulations that permit expansive restrictions on free expression and free press, such as Article 169 of the Penal Code, the 2002 Press and Publications Law, the Law of Protecting Society from Terrorist Acts, the cybercrime law, the Charter of Press Ethics, and Ministerial Decision 68/2016.
- Limit the censorship power of the IAA and other media oversight bodies.
- Release all wrongfully imprisoned journalists, photographers, human rights defenders, and social media activists.
- End arbitrary arrest and torture of journalists and activists and investigate and hold accountable all security personnel implicated in any such violations.
- Cease mass online filtering and reinstate arbitrarily blocked websites.

---

<sup>13</sup> *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain*, Vol. II, ADHRB, BCHR, and BIRD, 13 September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>.

<sup>14</sup> *Ibid.*