

Limited Freedom Of Expression In Bahrain: Arrested For Insulting The King



BAHRAIN CENTER FOR HUMAN RIGHTS

Defending and promoting human rights in Bahrain

About Us



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The Bahrain Center for Human Rights (BCHR) is a nonprofit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in November 2004 to close it, the BCHR is still functioning after gaining wide internal and external support for its struggle to promote human rights in Bahrain.

The co-founder and former President of the BCHR is Abdulhadi Al-Khawaja, who is currently serving a life sentence in prison for charges related to freedom of speech. The current President is Nabeel Rajab, who is serving a two year prison sentence for his work as a human rights defender. The Acting President is Maryam Al-Khawaja.

For more information, please visit our website:

www.bahrainrights.org

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1. Introduction

The authorities in Bahrain have been escalating the crackdown on freedom of expression; with most cases seen at court being over vague charges related to freedom of expression, such as inciting hatred against the regime, inciting terrorism, insulting authoritarian entity, amongst other charges. A new charge that has been increasingly used by the authorities to silence critics and political dissents, is “insulting the King”. The BCHR has documented around 30 cases in 2013 alone wherein people were charged, tried or detained for “insulting the King” because of public speeches, online posts or other forms of peaceful expression.

Although restricting laws already exist in the penal code and are in use by the authorities to criminalize freedom of expression, harsher punishments were proposed and recently approved by the Shura council allowing harsher crackdown on freedom of expression for what is arbitrarily interpreted as “insulting the King”. The new law allows for long prison sentences which could reach up to seven years in addition to up to BHD10,000 in fine.

The BCHR is extremely concerned about this escalation by the authorities in targeting freedom of expression and anyone criticizing the government and the head of all powers in Bahrain, the King.

The King of Bahrain is the head of the executive, legislative and judicial authorities. He appoints the government, its members, the judiciary and public prosecutors and he has promulgated the 2002 Constitution, without any public consultation. Therefore, he holds all powers.

2. Freedom Of Expression As Preserved By The Bahraini Constitution

Freedom of expression is guaranteed by the Bahraini constitution, as laid in Article 23. However, the vague conditions allow room for arbitrary interpretation by the authority to further restrict freedom of expression:

“Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.”

However, crackdown on freedom of expression continues to be escalated by the authorities in Bahrain. Dozens have been tried, sentenced and detained over charges related to freedom of expression, including prominent human rights activists, political leaders and many others. The authorities press charges against whoever criticizes the government, its head and bodies, disseminating information and news of violations in the country or even participating in peaceful protests and demonstrations.

3. Government Public Relations Stunt: False Statements About Freedom of Expression

The public relations machine continues to distort the truth by issuing false statements to polish its image. On February 2012, Hamad Al-Khalifa said in an [interview published in SPIEGEL](#), that chanting “Down with the King” is “not a reason to imprison someone.”

“SPIEGEL: *Your Majesty, what would happen if we were to shout: “Down with the King?”*

Hamad: *They do shout it on the streets. As I emphasized in my speech last year, this is not a reason to imprison someone. It’s just a case of manners. But when they shout: “Down with the King and up with Khomeini,” that’s a problem for national unity.*

This was said although, in most of the documented cases, individuals were imprisoned for chanting or writing “Down with Hamad” or expressing the same thought through other peaceful means, such as stepping on a picture of the King.

Furthermore and in relation to the implementation of the recommendations of the Bahrain Independent Commission of Inquiry (BICI), the government of Bahrain announced on 1 December 2013 that it has “reviewed all convictions and commuted or canceled sentences in offence charges related to the freedom of political expression”¹ which was considered as an achievement by the government. This public relations stunt came at a time when at least 6 people were in prison for charges directly related to freedom of speech as they were accused of “insulting the King”.

4. New Law And Harsher Punishments: Seven Years For ‘Insulting The King’

In November and December 2012, six Internet users have received up to six months imprisonment on charges of “insulting the King over twitter”.² Given that the criticism of the King has only increased as the human rights and political situation continue to deteriorate, the court has passed even harsher sentences for the same charges for another six Internet users in May and June 2013.³ Not quite satisfied about the ability to control criticism using the current laws, the government proceeded to introduce harsher punishment for criticizing or “insulting the King” in the penal code itself.

On 18 November 2013, the Shura Council [approved](#) parliament amendments to article (214) of the penal code to increase the punishment of “insulting the King”, which states:

“A prison sentence shall be the penalty for any person who offends the emir of the country [the King], the national flag or emblem”.

The amendment states that whoever publicly offends or insults the King of Bahrain, the flag or national emblem shall be punished with imprisonment of a period not less than a year or more than seven years and a fine between BHD1,000 to BHD10,000. The punishment shall be harsher if it occurred in the presence of the King. It is not specified within the language of the law what constitutes as an offence, and by leaving it vague it allows space to criminalize any form

1 <http://bna.bh/portal/en/news/590878>

2 <http://www.bahrainrights.org/en/node/5507>

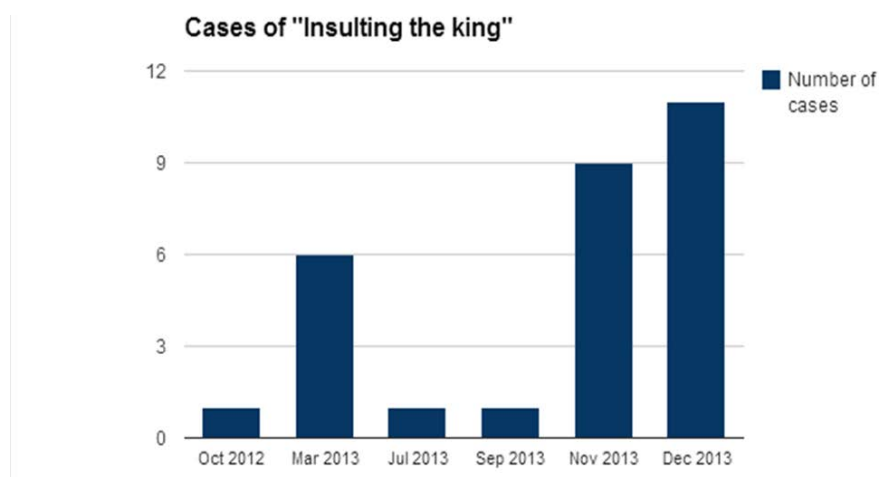
3 <http://www.bahrainrights.org/en/node/6122>

of criticism of the King. The amendment, which already has been approved by the government, will be now ratified by the King.

While discussing the amendments, the parliament affirmed that the punishment should be harsh and would be the punishment of imprisonment “and” fine not “or” fine for the severity of the crime. One of the Shura council members stated, in regards to this law, that the King is the head and the main representative of the State, therefore there should be tough punishments, especially that the means have varied via social media networks.⁴

5. Thirty Individuals Prosecuted For “Insulting The King”

The BCHR has documented 30 cases in which citizens were prosecuted, tried or sentenced over the charge of “insulting the King”. At least nine were sentenced to one year’s imprisonment, more than ten are awaiting trial and at least one is currently on trial. Some of these cases, the defendants are not even directly responsible for the actions that they are being prosecuted for. The total years of imprisonment handed down for the charge is more than eight years to date.



On 24 December 2013, just after the end of the religious processions in Sanabis, the heads and board members of the religious centers “matams” in the area were summoned for interrogation at the Exhibition Center Police Station. The reason behind these summons was that photos of the King of Bahrain were glued on the streets where the religious processions pass. The head of

4 <http://www.alwasatnews.com/4090/news/read/829720/1.html>

Sanabis matam, **Jafar Alshamrookh**, the deputy head of the “Ben Khamees” matam, **Habeeb Abbas**, as well as the heads of the religious processions of these matams: **Abdulshaheed Althoor**, **Hussain Abdulla** and **Ali AlKadad**, were all detained overnight and were presented to the public prosecution on 26 December 2013, which orderd to keep them in detention for seven days pending investigation.⁵

This was despite the fact that they have no control over the use of the streets or whatever photos or writings are painted over it. Furthermore, they were charged with “illegal gathering”. The public prosecutor has ordered their detention for 7 days pending investigation. Other board members of the matams were summoned for further interrogations on 25 Dec 2013 at the Exhibition Center Police Station. Subsequently, **Hasan Ahmed**, **Isa Alasfoor** and **Jafar Alhoori**, board members of Sanabis matams were detained, then presented to the public prosecution on 26 December 2013, which ordered to keep them in detention for 7 days pending investigation.

The glued photos of Hamad Al-Khalifa on the ground is one of the recent ideas to express protest against dictatorship. On 16 Nov 2013 Aali witnessed religious processions where the photo of the King was glued on ground with people walking on it. Due to the fact that the authorities cannot punish the hundreds, or at times, thousands of people who intentionally or unintentionally step on the Kings pictures, a smaller group of people are arbitrarily targeted to send a message. On 17 Nov 2013, mass house raids were conducted in Aali and 7 young men were arrested from their homes. They were accused of “insulting the King” and “illegal gathering” and they were kept in detention until 20 Dec 2013 when they were released.

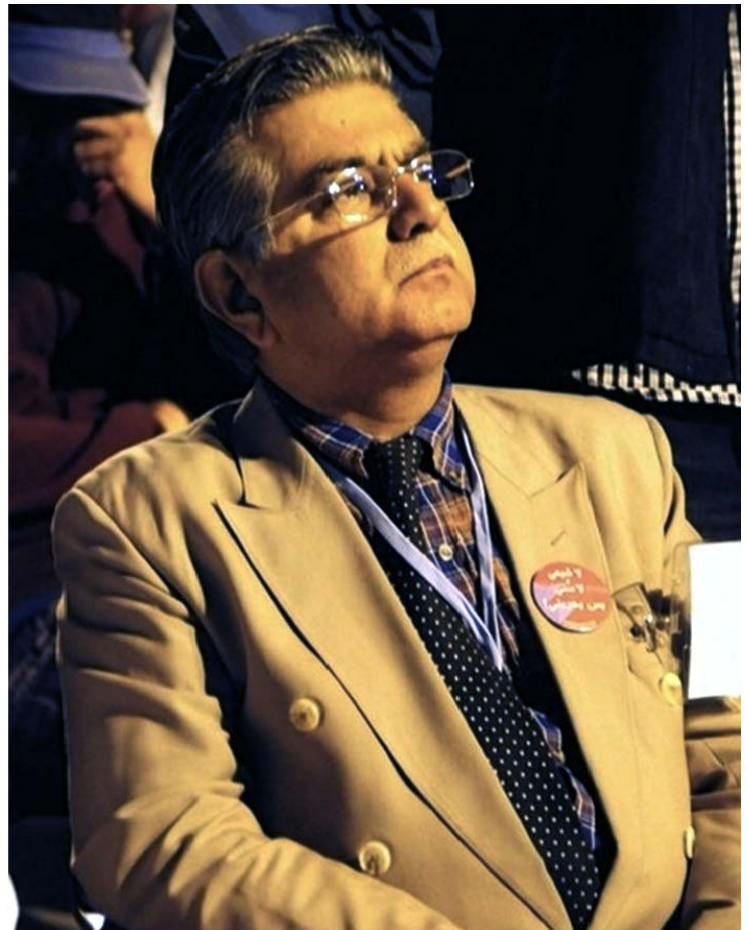


5 http://manamavoice.com/news-news_read-17144-0.html?utm_source=twitterfeed&utm_medium=twitter



On 15 December 2013, the public prosecution ordered the detention of three men, **Hussain Nusaif**, **Abdulla AlMusjen** and **Mohamed Mahdi**, for 7 days on charges of “insulting the King” and “inciting hatred against the regime”. The three men were the signatories on the notification submitted to the authorities for holding an opposition rally on 13 Dec 2013, in accordance to the Bahraini law. The march was held peacefully and there is no clear reason behind the arrest of the three men apart from the exercise of freedom of expression by the thousands who participated in the rally. After the end of the 7 days, they were released.

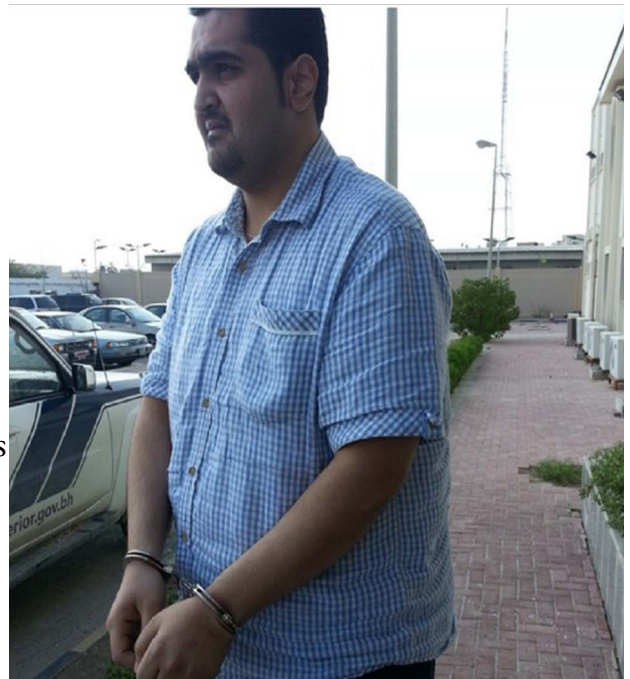
On 11 Dec 2013, a Bahraini criminal court sentenced **Dr Saeed AlSamaheji**, pictured right, an ophthalmologist, to one year in prison for “insulting the King” due to a [speech he gave](#) during the funeral of a protester on 18 September 2013. He was summoned on 18 September to the Criminal Investigation Directorate, where he went on the next day, 19 September 2013.



On his way, he was informed by his family that security forces were at his door with an arrest warrant. Following the interrogation at the CID, he was transferred to the public prosecution where he was further interrogated before he was released. He has denied all charges and his defense at the court was that he is practicing his right to freedom of expression which is granted by Bahrain’s constitution. He was released on a bail of 200 BHD.

The BCHR has examined a copy of the speech delivered by Dr. Al-Samaheji which was the reason for the case against him, and found that he was in fact exercising his right to peaceful expression of opinion about the responsibility of the King in the crimes against the people of Bahrain.

On 8 Dec 2013, new charges were brought against the detained human rights defender, **Hussain Jawad**, pictured right, the Chairman of the European-Bahraini Organization for Human Rights (EBOHR). He was interrogated in absence of his lawyer and was accused with “insulting the King” and his detention was renewed for another 30 days. He was arrested on 24 Nov 2013 while filing a complaint of defamation against a local newspaper and GONGO organizations and was charged at that time with “inciting hatred of the regime” on the background of a speech he gave in Manama earlier in November 2013. He is currently detained at the Dry Docks detention center. (More details on <http://www.bahrainrights.org/en/node/6625>)



Children in Bahrain have not been excluded from the attacks on freedom of expression. **Ali Al-Shofa**, a 17-year-old student, was arrested when his house was raided at dawn on 12 March 2013. He was interrogated in absence of a lawyer and was detained for two months pending investigation for “insulting the King” over the , Twitter.⁶ He was then released on BHD100 bail pending trial. On 25 June he was sentenced to 1 year in prison. His next appeal court session is due on 30 December 2013.



Mahdi Sahwan, pictured left, a 43 year old religious performer, chants leader and activist, was summoned to Budaiya police station and was arrested on 7 July 2013. His arrest came after his participation in a peaceful opposition rally, where he gave a speech and led the chants. He was charged with “insulting the King”. He was given seven days detention, which was then extended to an additional 45 days. On 30 September 2013, he was sentenced to one year’s imprisonment for “insulting the King” and three months for “calling for an illegal gathering”. On 5 Dec 2013, his sentence was reduced to 6 months by a court of appeal.⁷ He is currently serving this sentence.⁸

6 <http://www.bahrainrights.org/en/node/6198>

7 <http://www.alwasatnews.com/4108/news/read/835339/1.html>

8 <http://www.bahrainrights.org/en/node/6442>

Human rights activist, **Zainab Al-Khawaja**, who is currently detained, has previously served two months prison sentence between Aug-Oct 2012 for “ripping a photo of the King”. On Oct 2012 she was also charged again with “insulting the King” by tearing up a photo of the King and was ordered to detention before her testimony was even taken.⁹ She was fined by a court on this charge though she is still in detention on other charges.¹⁰



At least 11 online users have been sentenced to imprisonment over Tweets that refer to the King using terms such as “dictator” or “the fallen”. Five of them have been detained since March 2013 and currently serving 1 year imprisonment each. One of these users, Ammar Makki, has been reportedly subjected to ill-treatment and threatened with torture to force confessions.¹¹

5. Conclusion

Freedom of expression is a right recognized by international human rights conventions and covenants, including the Universal Declaration for Human Rights which states in Article 19 that:

everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In addition, the international human rights law in the international covenant on civil and political rights, to which Bahrain is signatory, states in article 19 that:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

9 <http://www.bahrainrights.org/en/node/5450>

10 https://docs.google.com/document/d/1JkGo_Uhldvfs3SQbb0TTilzGSxtemKvTmqtwBRB0o_c/edit?usp=drive_web

11 <https://bahrainwatch.org/ipsy/viewreport.php>

Criticizing the government, its bodies and even the head of state is considered freedom of expression and no one should be prosecuted or detained for exercising their right.

The Bahrain Center for Human Rights strongly condemns the actions taken by the authorities in Bahrain to silence any critics and ban free expression by introducing new vague laws, that contradict with international law, and harsh sentences of long imprisonment sentences and high fines.

The BCHR also expresses grave concern in regards to the silence of the international community which could result in further crackdown on freedom of expression, especially when criticizing the head of state, by the authorities in Bahrain.

6. Recommendations

1. Release all those detained on charges of “insulting the king” as these charges should not be considered criminal offenses and contravene Bahrain’s obligation to uphold the rights to freedom of expression and peaceful assembly;
2. Drop all charges related to freedom of expression in cases that are currently ongoing in court.
3. Repeal laws that criminalize the peaceful exercise of the right to freedom of expression, in line with Bahrain’s obligations under Article 19 of the International Covenant on Civil and Political Rights.