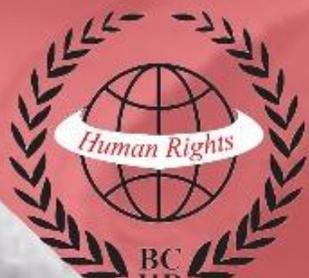


# PRESS IN BAHRAIN: THE USURPATION OF THE WORD

International Day  
to End Impunity  
for Crimes against  
Journalists



Bahrain Center for Human Rights

# **Bahrain: The Usurpation of the Word**

## **Introduction**

Freedom of expression has come to be regarded as one of the most important and fundamental human rights, in which the press freedom is being considered as one of its most important embodiments. The press freedom means to be free from any government interventions, enabling journalists and others who deal with the journalistic field to carry out their tasks without any external interventions, and it means also the right to access to and dissemination of information as well as to allow individuals and groups to circulate without boundaries or frontiers.

Owing to the role played by press freedom in determining the level of democracy guaranteed by governments and enjoyed by peoples, the United Nations General Assembly proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists." The resolution urged Member States to implement specific measures to counter the current culture of impunity. This historic resolution condemns all attacks and violence against journalists and media workers.

This anniversary comes at a time when journalists and the press sector in Bahrain are exposed to the most severe violations of the basic rights of the Bahraini people. These violations broke one of the most important provisions of international agreements which explicitly stated the need to guarantee all human

rights, especially those related to the freedom of opinion and dissemination of information.

This report sheds light on the most prominent violations and laws restricting the right to freedom of expression and opinion.

### **Methodology**

The present report depends on an analytical study to laws and legislations that restrict the press freedom, and the extent of its adequacy with the international treaties and conventions. The report will also present the reality of the press in Bahrain, by documenting cases of journalists' violations and those working in the journalistic field as well.

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## **Bahrain: The Usurpation of the Word**

### **First: Historical Background on the Press Status in Bahrain**

Bahrain was one of the first countries to launch the press and press work which founded the media in the Arabian Gulf, this was with the launch of the Bahrain newspaper in 1939 by its owner, Abdullah Bin Ali Al-Zayed. The Work in the field of journalism began in Bahrain at the end of the 1930s. The “Bahrain Newspaper” was subjected to strict censorship and siege by the authority and with the explicit support of colonialism at that time. After five years from its publication, the newspaper was closed down for political reasons which is duplicating an article demanding the unity of the United Arab Emirates (UAE), which was viewed as incompatible with the policy of the Bahraini government and colonialism as well.

Since its inception, the Bahraini press has addressed colonial schemes on the first hand, and local abusive politics on the other. In other words, the press was fighting on two fronts, against the colonial front, and against the government front concerning its arbitrary policies as well. The press has been close to the peoples’ aspirations in freedom, democracy and independence, for this reason it has faced prevention and abolition. Because of defending the interests of people, journalists and writers have faced repression and violation of the right to freedom of expression.

The conflict between the press and government continued even after the closure of “Bahrain Newspaper” and the publication of other newspapers from the mid-

1940s until the mid-1950s. Newspapers such as “The Voice of Bahrain” 1949 appeared as a political and cultural platform against the arbitrary colonial and governmental policies, and played an important role in national movement in the fifties. Unfortunately, it was oppressively closed by the Authority in 1954 because of its national positions supporting the peoples’ advocate as well as its following newspapers such as Al Qafila (1952-1954), Al Watan(1955), Al Mizan and Al Shoola.

From the mid-1950s until the mid-1960s, Bahrain entered a period of severe repression, this period was just like McCarthyism in US. In which local press was under control, and Arab press, that shed light on colonial violations against Bahraini people, was prevented.

## **Second: Bahraini Laws and Legislations Restricting Press Freedom**

Bahrain has issued a number of laws deemed as restrictions on the press and those working in this field. Among these laws and decrees:

### **Decree-Law No. 47/2002**

Article 67 and 68 of the Decree states that “If the charge against the journalist is proven, the Committee shall hand down a resolution to punish him/her with any of the following penalties: reprimand, warning, banning from practicing the profession for a period of not more than one month, and banning from practicing the profession for a period of not more than 6 months”. Punishments included in this law starts from reprimand up to imprisonment, with minimum term of imprisonment of 6 months in the following cases: “To be subjected to the official religion of the State in its elements by abuse or criticism, to criticize the King or to be held responsible for any act of the Government, inciting to commit crimes of

murder, looting, burning or crimes against the security of the State, inciting to overthrow or change the ruling regime, even if this incitement does not result in any consequences". It is notable that the law used the term "criticism" and did not use libel and slander. Thus, if you talk about the religion of the state or the king without glorification, you will be imprisoned. Instead of setting boundaries to the objections against the regime, the law rejected all its forms. Arbitrary sanctions affect not only journalists but also with the means they work for, according to Article 75: "If the editor-in-chief or the editor responsible for a publication offense committed through the newspaper is sentenced, the court may rule to disrupt the newspaper".

On the other hand, while the law showed the freedom of journalists to receive and publish news, but actually the law restricted this freedom by its provisions, specifically Article 31, resulting in a theoretical image for this freedom instead of making it under an actual practice. This law punishes who transfer from other media outlet even when mentioning it to the source.

The current law is not much appreciated by Bahraini journalists and has been widely criticized by international human rights organizations since it is considered to be a freedom-restricting one to their rights to access to information and show it to the public.

This law was followed by a draft legislation from 23 February 2009 but has not been adopted yet.

**Third: International treaties and conventions which guarantee the rights and freedom of the press and journalists' work**

### **1. The Universal Declaration of Human Rights (Article 19).**

The Universal Declaration of Human Rights, through article 19, explicitly guarantees "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". Thereby ensuring the right of journalists to express their views and transmit them through the media and other means.

### **2. The 1966 International Covenant on Civil and Political Rights (Article 19)**

The International Covenant on Civil and Political Rights includes the right to receive and impart information and ideas to others, but article 19, paragraph 3 gave the State the jurisdiction to regulate it by law, and set conditions for this regulation as follows: "to respect the rights or reputations of others" or " national security, public order, public health or morals". International laws emphasize the freedom of expression and the freedom to transmit ideas in written or printed form, in the form of art, or by any other means chosen by the author of the idea.

### **3. UNESCO Declaration (2/1978)**

UNESCO Declaration considered the exercise of "freedom of information" as "an integral part of human rights and fundamental freedoms". The first paragraph of Article II, entitled "Public access to information through the diversity of sources and media adapted to it, allowing each individual to verify the facts and to form an opinion objectively in the events". This declaration not only guaranteed the freedom of journalists, but also the right of peoples to access to information through journalists, and urged media professionals to communicate objective

information without bias. For this purpose, the Declaration stated that "journalists must enjoy the freedom of information and have the widest possible access to information. Similarly, it is important that the mass media be responsive to concerns of peoples and individuals, thus promoting the participation of the public in the elaboration of information." According to the same article, and based on the principle of support for peace and international understanding, on the promotion of human rights and condemnation against racism, "the media, in every part of the world and in the role entrusted to it, should contribute to the promotion of human rights."

#### **4. Security Council resolution 1738**

Condemns intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict, and calls upon all parties to put an end to such practices; It also, inter alia, affirmed that it would address the issue of the protection of journalists in armed conflict strictly under the item entitled "Protection of civilians in armed conflict".

#### **5. Arab Charter for Human Rights (Article 32)**

- 1- This Charter guarantees the right to information, freedom of opinion and expression as well as the right to seek, receive and impart information and ideas through any media, and regardless of frontiers.
- 2- These right and freedoms are practiced within the framework of the basic pillars of society and can be restricted by law for respect of rights or reputations of others and for protection of public order, public health or morals.

#### **Fourth: Violations against the press and journalists**

Despite the praise given to the press as a "Human Rights Corner and a mirror of our emerging democracy," the Government of Bahrain maintained a repressive approach against anyone who defied its official vision. Journalists who covered opposition protests were harassed, arrested, expelled from the country and dismissed from their work. Violations against journalists in Bahrain can be classified as follows:

##### **1. Closing down newspapers and blocking websites**

The Bahraini authorities continued practicing suppression of the media by issuing a decision to "suspend the publication and circulation of Al newspaper" on June 4, 2017. According to Bahrain News Agency, the decision was due to: "violating the law and repeating the publication and broadcast of what divides the community and affects the relations between the Kingdom of Bahrain and other countries". This came after the publication of an opinion paper on "rural mobility" in Morocco. The newspaper's electronic version was suspended for several days in November of the same year after it was accused of "spreading dissent in society and damaging national unity." The newspaper was also suspended for two days in August 2015 on similar charges.

Human Rights Watch said that Alwasat newspaper was the only independent newspaper in Bahrain and one of the few independent news sites in the entire Gulf region.

According to news reports and interviews conducted by the Committee to Protect Journalists, the Bahraini authorities have expelled the editor of the newspaper 'Alwasat' Ali Al-Sharifi and the newspaper's writer Rahim Al-Kaabi, (the two are

Iraqis). The newspaper's writer, Mariam Al-Shorouki, stated to the Committee that as far as she knows, the government has not provided an explanation for the decision.

The authority continued practicing suppression of expression by blocking websites, sneaking into social media sites, and persecuting its national who criticize formal officials. The Government is currently examining restrictions on the communication services over the internet. Bahraini journalist Ali Abd al-Imam, who was convicted on charges of anti-state, was forced to flee into exile after hiding for two years from the Bahraini authorities. The Government of Bahrain has indirectly implemented blocking policies for all ISPs in the country through orders from the Information Affair Authority (IAA) and the Ministry of Interior. Within the new unified system, the government would directly control the filtering process, allowing government employees to block each content they deem undesirable.

## **2. Dismissal from work**

After suspending the publication of Alwasat, all its employees were dismissed by which causing 160 employees in disruption of their livelihoods. At the beginning of the events which started in 2011, more than 100 journalists and technicians were separated and only four of them had been returned to their work.

## **3. Arbitrary Arrest**

According to the Committee to Protect Journalists (CPJ), Bahrain is one of the 10 worst countries in terms of jailing journalists in 2017. The Committee noted in its annual report of 13 December 2017 that Bahrain had detained 6 journalists while doing their job in covering the events.

The Committee for Supporting Journalists in Bahrain called on the international community and human rights organizations to take the necessary measures to put an end to these violations against the media and press freedom in Bahrain, follow up the Human Rights Council's recommendations on press freedom, and to exert pressure on the Government of Bahrain to deter it from continuing to violate freedom of opinion and expression, as well as media and press rights.

The government detained at least three bloggers and photographers on the eve of the major protests that began on 14 August 2011. Moreover, the government has been arresting nearly 20 journalists and bloggers since 2011.

“Reporters Without Borders” said that Bahrain has joined the black list of press freedom, registering a decline in 2017 in freedom of the press.

Its annual report stated that the map of freedom of the press has never reached such high levels, which means that freedom of the press has never been as endangered as it is today.

World Press Freedom Index 2018 issued by Reporters Without Borders (RSF) showed a two-fold decline in freedom of press in Bahrain, ranking 166th this year in the index of freedom of the press, down from 164 last year within the black list.

It should be noted that all those who had been prosecuted in Bahrain have been subjected to illegal trials by the Bahraini judiciary.

#### **4. Revoking nationality**

Bahrain has withdrawn the nationality of seven journalists and social media activists since a wave of anti-government protests seven years ago (from 2011

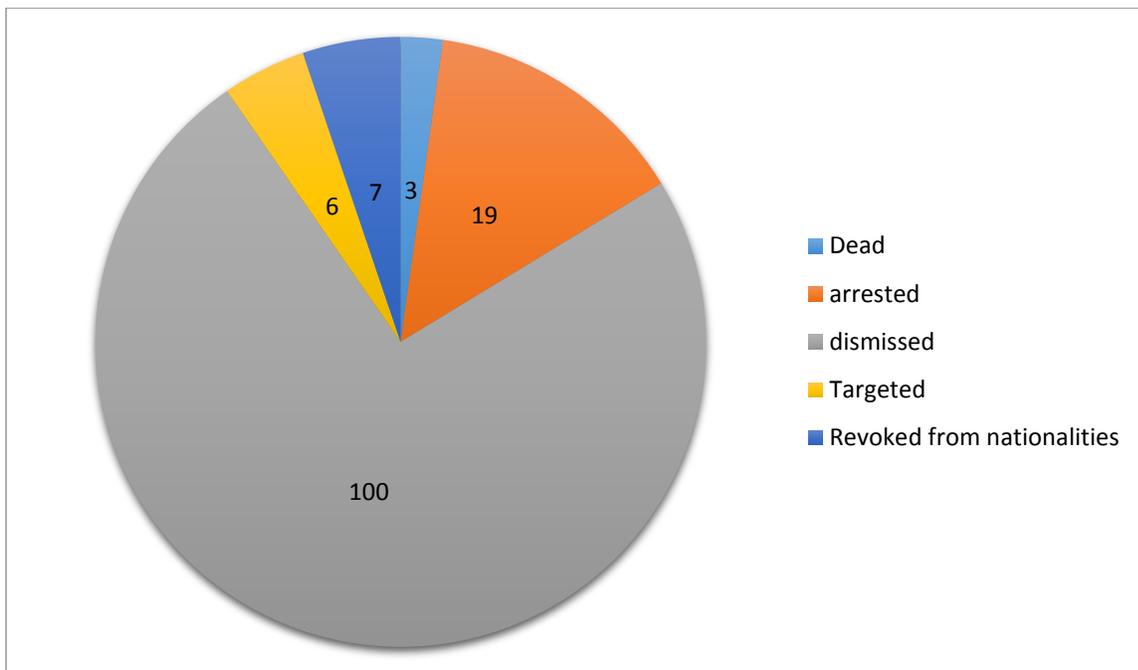
to 2018), after being charged under Article 10 of the Nationality Law supporting terrorism. The Bahraini authorities used this type of punishment to put pressure on the media to follow the government's line.

## **5. Prevention from traveling**

On February 8 2012, the Bahraini authorities refused to grant visas to a number of foreign journalists wishing to cover the anniversary of the February 14 Revolution, including: Los Angeles Times, The New York Times, BBC, Wall Street Journal, Christian Science Monitor, Agence France–Presse and Al Jazeera channel. Authorities also refused to grant New York Times reporter Nicholas Christoff a visa. On January 24, the writer and critic Dr. Ali Al–Diri was banned from entering Egypt and was deported to Lebanon, the thing that the Bahraini Press Association considered to be targeting to Bahraini media abroad via black lists sent by the Bahraini authorities to some Arab governments. On February 8, the French Press Agency reported that the Bahraini authorities banned last year its local correspondent Mohammed Fadel, a Bahraini national, from working, as part of a series measures taken by the authorities against foreign press correspondents. On February 12, the Bahraini authorities banned the political officer of Just Foreign Policy organization as well as the activist Robert Nyman from entering Bahrain. On the eve of the first anniversary of protests to demand democratic reforms in Bahrain, the Bahraini authorities deported two US activists, Huwaida Araf and Radika who belong, "Witness to Bahrain" team.

## Fifth: Statistics

The Monitoring Team at the Bahrain Center for Human Rights has worked to monitor and document all violations against media workers since the beginning of the popular protests in 2011, which can be illustrated in the following diagram:



1. As shown in the previous chart, the security authorities killed 3 media workers: Abdul Karim Fakhrawi, the photographer Ahmad Ahmad Ismail and the blogger Zakaria al-Ashiri. The authorities have also arrested several journalists, amounting, according the monitoring team, to 19 journalists, including the President of the Bahrain Center for Human Rights, Nabil Rajab, who was arrested because of the use of social networking “Twitter”. Many journalists have been dismissed from their jobs and the number of journalists being dismissed was over 100, only 4 of them returned to their work.

2. There is still a list of targeted attacks on many journalists, either through the non-renewal of their licenses, as was the case with journalist Naziha Said, or being deported after making security cases against them, as was the case with the activist Ibrahim Karimi.

3. The Bahraini government has taken dropping citizenship as a weapon against those who go against its policy and opinion. Journalists and bloggers have not been spared, in which 7 have been deprived from their nationalities, foremost among them were the bloggers Ali Abdul-Imam and the human rights activist Ahmad Moussawi.

#### [Journalists and media professionals killed by the authorities since 2011:](#)

Abd Al-Karim Fakhrawi, publisher.

Ahmad Ismail, photographer.

Zakaria Al-Ashiri, blogger.

#### [Detained journalists and bloggers:](#)

Khalil Al-Madhoun, activist.

Sayed Ali Sayed Falah Al-Dirazi, activist.

Ali Al-Miiraaj, activist.

Nabil Rajab, Human rights defender, imprisoned for a Tweet.

Sayed Ahmad Al-Moussawi, photographer.

Ahmad Hmaidan, photographer.

Mahmoud Al-Jaziri, journalist.

Hasan Kambar, photographer.

Jaafar Marhoun, photographer.

Ahmad Zein Al-Deen.

Mostapha Rabii, photographer.

Husam Srour, photographer.

Yaser Al-Muwali, activist.

Hasan Gharib, photographer.

Mohammad Al-shorouq, TV-presenter.

Abd Al-Aziz Al-Shumari, activist.

Abd Al-Aziz Al-Shawish, activist.

Zafer Al-Ziani, activist.

Ahmad Al-Binkhalil, activist.

#### Dismissed journalists:

The list is long, none of the 100 journalists and technicians who were dismissed in 2011 returned to work except 3 or 4 of them.

#### Targeted journalists:

The list is long, including foreign channel correspondents and foreign agencies whose licenses have not been renewed such as: Reem Khalifa, Mohammed Al

Sheikh, Hassan Jamali, Amer Mohammed and Nazihah Saeed, as well as the activist Ibrahim Karimi, who was deported from the country.

[Journalists and writers whose nationality has been withdrawn:](#)

Hussein Yousif

Ali Abd Al-Imam

Abbas Bou-Safwan

Sayed Ahmad Al Moussawi

Ali Al Miiraj

Mahmoud Al Jaziri

Dr. Ali Al-Diri

[Targeted newspapers:](#)

Alwasat, closed in June 2017.

**Conclusion:**

Over the past decades, the Bahraini press has been struggling for freedom of expression. The country had possessed the greatest freedom compared to the rest of the Gulf countries, but it used to put great restrictions on media workers. However, these restrictions were amplified after the events of 2011, when the government dealt with journalists with the most severe forms of repression where they found themselves likely to be killed, arrested or withdrawn of citizenship.

World Press Freedom Index 2018 issued by Reporters Without Borders (RSF) showed a two-fold decline in freedom of press in Bahrain, ranking 166th this year in the index of freedom of the press, down from 164 last year within the black list.

The repression of the Government of Bahrain stems from the law organizing the work of the press in Bahrain (Decree-Law No. 47 of 2002), which includes provisions governing detention or dismissal in a manner that does not take into account any of the international laws and the Universal Declaration of Human Rights and breaks Article 19 from the International Covenant on Civil and Political Rights.

## **Recommendations**

- The immediate and unconditional release of all media professionals and detainees of opinion and conscience who have been detained for expressing their views.
- Commitment of the Government of Bahrain to grant journalists protection as well as civilians in conflict situations, strengthen national laws, reform justice system, and call on journalists to adhere to the Code of Ethics.
- Abolition of laws that do not match the International Covenant on Civil and Political Rights in the Bahraini Penal Code and Decree-Law No. 47 of 2002, which limits freedom of expression and freedom of the press.
- Allowing Alwasat newspaper to return to work without conditions or restrictions that do not meet Article 19 of the International Covenant on Civil and Political Rights.

- Unblocking international news agencies and satellite channels, and allowing them to visit the country, cover events and open offices without imposing conditions and restrictions that limit the possibility of conducting media work freely.

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