



# Human Rights and the Digital Sphere in Bahrain, 2010-2020



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SALAM FOR DEMOCRACY AND HUMAN RIGHTS



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**Lexicon**

Bahrain National Broadcast Network – BNET

Information Affairs Authority – IAA

Internet Service Provider – ISP

Ministry of Information – MOI

Telecommunications Regulation Authority – TRA

World Health Organization – WHO

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## **Introduction**

The power and influence of the digital sphere is increasingly recognised, and more so than ever in light of the global covid-19 pandemic. This is reflected by the exponential growth in internet users, skyrocketing to over 60% of our global population in June 2020, compared to a mere 0.4% in 1995.<sup>1</sup> The digital sphere has thus become a crucial sector of human life and expression, which, like other societal sectors, makes it subject to rights and regulations. However, this new sector with growing significance, often outpacing legislative development, has been a source of abuse, particularly under authoritarian regimes which control and utilise it for the suppression of rights within and beyond the digital sphere. This report is concerned with the case of Bahrain between 2010 and 2020, and the way its government has breached human rights within and through the digital sphere. In doing so, the report first contextualises Bahrain and its virtual sphere. It then demonstrates governmental breaches of human rights in the Bahraini digital sphere, including the control and suppression of freedom of speech online, various forms of online censorship, and governmental utilisation of digital strategies to further its authoritarian agenda. The ambition of this report is to elucidate the state of human rights in the Bahraini digital sphere, and encourage action to be taken against both violations and restrictions to those ever-increasingly important human rights.

## **Bahrain and Its Digital Sphere - The Context**

Bahrain is a constitutional, hereditary monarchy<sup>2</sup>, in which the king, Hamad Bin Isa Al-Khalifa, possesses ultimate governmental authority, further strengthened by the fact that most

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<sup>1</sup> "Internet Growth Statistics 1995 To 2019 - The Global Village Online" 2021.

<sup>2</sup> state.gov 2019, p.1.

civil and political appointees remain family or friends of the king. In other words, Bahrain ranks 149 out of 167 countries at the Economic Intelligence Unit's Democracy Index in 2019<sup>3</sup>, with an average score of 2.55/10. Along with this, human rights are seriously limited and often violated; this repression accelerating after the 2011 uprisings when pro-democracy demonstrations of thousands of Bahrainis took to the streets to demand socio-political reforms. The government cracked down on protesters, and, in its aftermath, widely infringed upon human rights - not the least within the digital sphere. For instance, in 2019 Freedom House scored Bahrain's Freedom on the Net a mere 29/100<sup>4</sup>, recording the of banning of independent media, suppression of social media activity<sup>5</sup> more specifically with reference to the "arbitrary or unlawful interference with privacy; restrictions on freedom of expression, the press, and the internet, including censorship, site blocking, and criminal libel".<sup>6</sup> These actions are legitimized through the application of a number of vague Bahraini laws. Firstly, the intentionally broad "Terrorist Act" allows the condemnation of organisations, individuals and political parties which openly express disagreement with the government; including non-violent acts that "disrupt public order" and threaten "the Kingdom's safety and security".<sup>7</sup> Furthermore, the Penal Code and 2002 Press and Publication Law both criminalise online activity and forms of speech. Specific examples of human rights breaches legitimised by this legislation, and the government bodies which enforce it, will follow.

## **Digital Rights**

### **3. a) Limits on Digital Access**

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<sup>3</sup> The Economist Intelligence Unit 2019, p.13.

<sup>4</sup> "Bahrain - Freedom On The Net 2020" 2020.

<sup>5</sup> "World Report 2020: Bahrain" 2019; On May 30, 2019, the Bahraini Interior Ministry declared that it will prosecute people who follow "inciting accounts" or share their posts on Twitter. The on-line platform in a June 6 post agreed with activists that such statements "post a significant risk to free expression and journalism."

<sup>6</sup> state.gov 2019, p.1.

<sup>7</sup> "World Report 2020: Bahrain" 2019.

While Bahrain has the second highest internet penetration in the Middle East, standing at 98.6% at the end of 2018<sup>8</sup>, the rise of internet usage correlates with increased attempts from the government to curtail the use of and access to the digital sphere. This is largely maintained through and facilitated by internet access being controlled and partially owned by the Bahraini state. As of 2011, internet accessibility was made more difficult through subscription prices being held high, restricted speeds and downloading limits as well as an absence of support for applications such as video and file sharing.<sup>9</sup> According to Freedom House's 2011 Freedom of the Net Report on Bahrain, this was "due to the fact that most internet-service providers (ISPs) are dependent on leased access to the network of Batelco, the dominant, partly state-owned telecommunications firm".<sup>10</sup> In the years since, prices have become more affordable, but since the launch of the Bahrain National Broadband Network (BNET) in 2019<sup>11</sup>, the government remains in sole control over the national fiber-optic broadband network. This affords it the ability to exert control, even completely shutting down, the entire country's broadband network - as seen most recently in Belarus<sup>12</sup> and Ethiopia<sup>13</sup> earlier this year. This is reflected by CATO's Human Freedom Index, which ranked Bahraini state control over the Internet at 2.5/10 in 2017, with 10 being the freest.<sup>14</sup>

### **3.b) Limits to Digital Freedom of Expression**

#### **3. b) 1. Restrictions on Media Platforms**

On top of the state's monopoly on broadband networks, the Bahraini government also dominates media platforms. According to Human Rights Watch, authorities have now banned all independent media, and nationalising the rest. Indeed, the Bahraini authorities shut

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<sup>8</sup> "Bahrain - Freedom On The Net 2020" 2020.

<sup>9</sup> Freedom House 2011 p.2.

<sup>10</sup> Freedom House 2011 p.2.

<sup>11</sup> "Bahrain - Freedom On The Net 2020" 2020.

<sup>12</sup> Kuryshko 2020.

<sup>13</sup> Netblocks.org 2020.

<sup>14</sup> Vásquez and Porčnik 2021.

down Al-Wasat, the country's last independent newspaper, in June 2017.<sup>15</sup> Similarly, foreign media and journalists are rarely granted access to Bahrain, for any form of reporting.<sup>16</sup> Bahrain's government monopoly on all media sectors reduces non-partisan news reporting, restrains the right to association, and thus the opportunity for government accountability, which only perpetuates the country's authoritarianism and potential human rights breaches far beyond the digital sphere.

### **3. b) 2. Limits and Censorship of Online Content**

The state-monopoly on media platforms is a form of censorship in itself. Article 24 of the Bahraini constitution states that "freedom of the press, printing and publishing is guaranteed under the rules and conditions laid down by law".<sup>17</sup> However, the Bahraini government's online censorship, extending parallel restrictions on formal media, has censored websites, social media and blogs en masse. Freedom House reports that the Bahraini Ministry of Information (MOI) made "its first official attempt to block websites containing content that was critical of the government"<sup>18</sup>, using the Telecommunications Regulation Authority (TRA). This followed the implementation of the 2002 Press Law, which allowed censorship of online media under the pretext that it helped protect intellectual property. In 2011, over 1,000 websites containing information critical of Bahraini authorities were blocked; a number which is expected to have significantly increased since then - though accurate recent figures are difficult to come by. The year prior, 2010, the Information Affairs Authority (IAA) replaced the MOI. This new government authority blocked the website of the political society, Al-Wefaq, over rumours of a plan to start an audio-visual service. The IAA also banned audio and video reports on Al-Wasat, prior to its forced closure in 2017.<sup>19</sup> This goes

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<sup>15</sup> Human Rights Watch 2017.

<sup>16</sup> "World Report 2020: Bahrain" 2019.

<sup>17</sup> "Constitution Of The Kingdom Of Bahrain" 2002.

<sup>18</sup> Freedom House 2011 p.1.

<sup>19</sup> Freedom House 2011 p.3.

to show the impact of the Bahraini governmental control over its digital sphere in light of an authoritarian agenda.

### **3. b) 3. Control of Social Media**

In Bahrain, YouTube and social-media sites like Facebook and Twitter are available. However, individual pages on those platforms are often blocked when in disagreement with state authorities.<sup>20</sup> The Human Rights Watch reporting that “Bahrain widened its suppression of online and social media activity”<sup>21</sup> in 2019. More specifically, the Bahraini Interior Ministry took to Twitter to declare that those who follow “inciting accounts” or share their posts on Twitter will be “held legally accounted”<sup>22</sup>, i.e prosecuted.

However, the prosecution of Bahrainis based on their social media usage far predates the Interior Ministry’s explicit statement in 2019. In fact, as in Saudi-Arabia<sup>23</sup>, tweets have been used as evidence during the imprisonment and interrogation of online activists and journalists. This was the case for Nabeel Rajab, who received a five year jail sentence over his Twitter posts concerned with the torture of prisoners in Bahrain in 2018.<sup>24</sup> This followed a separate sentence in 2015 made on similar charges, resulting in a six month prison sentence. Rajab was released from prison in June 2020, granted an ‘alternative sentence’, following international and domestic pressures demanding his release.<sup>25</sup>

This is not an isolated event. In 2019, lawyer and human rights activist Adullah Hashim was summoned by prosecutors over tweets that “question the state and its ability to maintain

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<sup>20</sup> Freedom House 2011 p.3.

<sup>21</sup> "World Report 2020: Bahrain" 2019.

<sup>22</sup> “Ministry of Interior” (@ moi\_Bahrain on Twitter) May 2019.

<sup>23</sup> Golesorkhi 2015.

<sup>24</sup> BBC.co.uk 2018.

<sup>25</sup> BBC.co.uk 2020.



security and protect the public”.<sup>26</sup> The prosecution translated into an eight month prison sentence, subject to an unsuccessful appeal, up until the latest reports in September 2020.<sup>27</sup> Furthermore, both human rights defenders Sayed Yousif Al-Muhafdah and Hussein Al-Satri have been forced to flee the country on allegations of running “fake Twitter accounts with the aim of inciting sedition and threatening public order in the country”.<sup>28</sup> Al-Muhafdah refutes these claims, and describes this as yet another of the government’s targeted attacks on human rights activists: “This is a totally false accusation. I consider the Ministry of Interior’s statement to be a threat and believe that I am being targeted and punished merely for my human rights activism”.<sup>29</sup> The prosecutorial consequences of social media usage may also be exemplified by the, at least, “47 students were dismissed from Bahrain Polytechnic for ‘participating in unlicensed gatherings and marches’. This was ‘based on evidence mostly obtained from social media pages like Facebook’”.<sup>30</sup> As put by Ahmed Alwadaei, the director of the Bahrain Institute for Rights and Democracy, “Bahraini authorities should stop using vague penal code provisions to punish people solely for exercising their right to free expression”.<sup>31</sup>

### **3. b) 4. Social Media Trolling - An Alternative Form of Censorship**

The increase of social media usage in Bahrain correlates with a higher frequency and intensity of cyberbullying, also described as “trolling” - common across Arabic twitter. According to Marc Owen Jones, such trolls exist in the thousands, are usually anonymous accounts, have very few followers, and typically use avatars symbolising support for the Bahraini regime. One such troll goes by the handle “Hareghum”, and has grown notorious in

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<sup>26</sup> AP News 2019.

<sup>27</sup>“Bahrain: Lawyers Prosecuted On Speech Charges” 2020.

<sup>28</sup> Gulf Centre for Human Rights (GCHR) 2019.

<sup>29</sup> Gulf Centre for Human Rights (GCHR) 2019.

<sup>30</sup> Jones 2013 p.82.

<sup>31</sup>“Bahrain: Lawyers Prosecuted On Speech Charges” 2020.

Bahrain for “disclosing information about traitors in Bahrain”.<sup>32</sup> Jones asserts “there is a belief that many of these accounts are created by the security forces or PR companies to bully activists and give the illusion of widespread support for the government”.<sup>33</sup> Indeed, such bullying seems to have been successful, as a number of people interviewed in Jones’ study expressed they were less likely to tweet anything against the regime after a cyberbullying incident. He explains that this process works as an alternative form of censorship, as it forces activists out of the public, internet domain, for fear of their own wellbeing or that of those close to them.<sup>34</sup>

In light of the trolling carried out by Hareghum, the Commission issued a statement in 2012 affirming that the account “produced material that international law requires to be prohibited and which is in fact prohibited under Bahrain law”.<sup>35</sup> Yet nothing was actually done about the account. To this day, this fostering of fear online, along with the lack of accountability and the subsequent panopticon effect online has led to “most [Bahrainis using] pseudonyms on Twitter, online forums, and comment sections, for fear of being targeted by the authorities”.<sup>36</sup>

Such breaches of human rights in the digital sphere happen beyond Bahrain, and do not exclusively occur in non-democratic regimes. In China the so-called “50 cent Army” is a secretive online operation which posts hundreds of thousands of social media posts yearly, either deflecting from critiques of the government or defending the government's narrative.<sup>37</sup> However, similar trolling has reportedly been carried out on Farsi Twitter against Iranian activists and users critical of the US’s approach to Iran, by accounts funded by the US State Department Global Engagement Center in the Bureau of Global Public Affairs.<sup>38</sup> Bahrain is

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<sup>32</sup> Jones 2013 p.79.

<sup>33</sup> Jones 2013 p.78.

<sup>34</sup> Jones - 2013.

<sup>35</sup> Jones 2013 p.80.

<sup>36</sup> "Bahrain - Freedom On The Net 2020" 2020.

<sup>37</sup> King, Pan and Roberts 2017.

<sup>38</sup> Sepehri Far 2019.

among a growing number of authoritarian regimes that have concluded, following the Arab Spring, that policing opinion in cyberspace and opinion in public are now one in the same.

### **3. c) Infringements on Digital Privacy**

#### **3. c) 1. Online Surveillance**

Beyond censorship and persecution for online expressions of dissent, the Bahraini government reportedly utilises the digital sphere to surveil citizens and thus expand its control in coercive and secretive ways. As argued by Jones, surveillance “is an asymmetric process that affords power to the observer but not the observed, and is therefore a process by which the surveiller asserts his domination over the surveilled”.<sup>39</sup>

Freedom House reported in 2020 that since 2009 the TRA has ordered all telecommunications companies to record customers’ phone calls, emails, and website visits for a period of up to three years. Along with this, extensive acquisition of spyware has been made by the Bahraini government in the last 10 years, particularly to be used against dissidents.<sup>40</sup> On October 2018, for instance, it was unveiled that “Bahrain had purchased espionage and intelligence-gathering software from private companies, including a system from the Israeli company, Verint, used for collecting information from social networks, and that Bahraini intelligence officers were trained in these systems’ use”.<sup>41</sup> Also in 2018, a separate report alleged that Bahrain was using the Israeli spyware Pegasus, which infiltrates people’s phones through an exploit link, and subsequently grants “the operator access to information including passwords, contacts, text messages, and live voice calls from messaging apps, as well as the ability to open the camera and microphone”.<sup>42</sup> Freedom House

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<sup>39</sup> Jones 2013 p.75

<sup>40</sup> "Bahrain - Freedom On The Net 2020" 2020.

<sup>41</sup> "Bahrain - Freedom On The Net 2020" 2020.

<sup>42</sup> "Bahrain - Freedom On The Net 2020" 2020.

also informs of a report that the Bahraini government would have purchased almost \$500,000 worth of British surveillance equipment between 2015 and 2017.<sup>43</sup>

### **3. c) 2.COVID-19 and Online Tracking**

Surveillance has a new meaning in light of the COVID-19 pandemic, as an increasingly large portion of countries worldwide are utilising the digital sphere to help curve the spread of the virus. This has led to the normalisation of tracking systems that may infringe on the privacy of citizens. Bahrain has made the news in 2020 for its particularly quick implementation of health strategies, receiving praise from the World Health Organisation (WHO).<sup>44</sup> While it is understandable that the WHO's first priority is containing the virus, authoritarian regimes such as China, Singapore and Saudi Arabia experienced early success managing their populations.

This success comes at the cost of restricting freedoms to an extent which liberal democracies would deem too high. For instance, the Bahraini 'Information and eGovernment Authority' launched the 'BeAware Bahrain' phone application in order to track and identify covid-19 cases. Soon after the launch of the application, the Authority also released an electronic wristband to keep track of active cases. Affected wearers of the bracelet "must be connected to the app at all times via Bluetooth, with GPS enabled to track movement, ensuring that they do not leave their location".<sup>45</sup> Furthermore, an alert is sent to a Ministry of Health monitoring station if the wristband-wearer moves more than 15 meter away from their phone.

In the context of a global pandemic, the line is blurred between tracking software serving a governmental duty of care for its citizens by reducing the spread and what may be deemed to be too large an infringement on privacy. However, it remains undeniable that the implementation of these tracking systems are dangerous as the blurred line in and of itself facilitates the Bahraini government's ability to hide behind noble motives. This, while

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<sup>43</sup> "Bahrain - Freedom On The Net 2020" 2020.

<sup>44</sup> Reichert 2020.

<sup>45</sup> McArthur 2020.

simultaneously normalising and spreading tracking systems which run a significant risk of predating the pandemic to be used as a mass surveillance tool, in line with the Bahraini authorities' track-record to this day. Indeed, an Amnesty International investigation highlights the risk of the Bahraini tracing app as it puts "the privacy and security of hundreds of thousands of people at risk (...) [through] highly invasive surveillance tools which go far beyond what is justified in efforts to tackle COVID-19".<sup>46</sup>

#### **4. Where Does This Leave Us?**

To this day, little attention is paid to human rights in the digital sphere, despite the ever-growing risks and occurrence of human rights breaches therein. Especially in light of the covid-19 pandemic, the question of intentionality makes the oversight of human rights breaches increasingly difficult to see, or easy to miss. Additionally, the novelty of the digital sphere, coupled with the speed of digital development makes it difficult for legislative processes to keep up. The elevation of this issue is not aided by a political landscape increasingly dominated by gerontocracies. In the case of Bahrain, it is not only the lack of legislation specific to the digital sphere, but also the application of deliberately vague legislation, applicable to all forms of censorship and abuse, including the digital sphere. These combine to make the Bahraini government's human rights abuses online pervasive and difficult to redress. Furthermore, as has been made clear throughout this report, the lack of accountability and attention paid to the breaches of digital human rights in Bahrain may be due to alternative business and diplomatic interests of international actors, which trump human rights interests. This is especially true in the digital sphere, where they are potentially easier to overlook.

Cyber protection laws are currently being developed, notably in the EU, since the introduction of the Cyberprotection Act in 2005<sup>47</sup> followed by General Data Protection

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<sup>46</sup> Amnesty International 2020.

<sup>47</sup> European Commission 2020.

Regulation eleven years later.<sup>48</sup> However, they remain inadequate, and fail to include the breadth and extent of human rights breaches carried out online. In combination with the fact that information online will increasingly define our information and knowledge more generally, it is crucial that emphasis is placed on enshrining the digital sphere in human rights legislation internationally, and that the Bahraini government is held accountable for any breaches of digital rights.

## **5. Conclusion**

This report has elucidated some of the ways the Bahraini government breaches human rights in the digital sphere, by means of online censorship, surveillance and attacks on freedom of expression. In our contemporary reality increasingly merging into the digital sphere, it is more crucial than ever for our presence online to be attributed the same rights and protections as we should get in our lives offline. There is every reason to believe that our digital existence will continue to gain importance, and come to shape more aspects of our lives. In the context of Bahrain, it is of the utmost urgency to ensure the halt of the weaponization of the digital sphere; which only becomes more dangerous, intrusive and harder to undo the longer it is left unchecked. This report thus calls for the digital sphere to be included imminently in discussions of human rights, and be regarded with the same level of seriousness as any other sphere of human rights violations.

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<sup>48</sup> GDPR 2021.

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