



Bahrain: Nationalizing the media and legitimizing the restriction of social media platforms

A report monitors the application of the basic principles
of freedom of press and freedom of expression in Bahrain

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Introduction

Bahrain lacks the basic principles of freedom of expression in various media forms as well as suffering from a lack of a free press. The authority continues to censor publications and publishing houses, suspend its publications, close media institutions, block websites and cut off internet and communication services. Journalists, media professionals, editors, publishers, and bloggers face a variety of harassment, and torture, within prisons.

Many journalists and writers in Bahrain have faced lengthy prison sentences and the revocation of their citizenship in the absence of an independent judiciary, and a modern law that regulates the media and the press, protects journalists, the independent press, and freedom of expression. The policy of broadcasting incitement and hate speech is still systematic in various official and semi-official organizations, with a complete absence of independent media, press, and a state monopoly on television and radio.

In its latest report, which measures the index of freedom of the press in 180 countries around the world, Reporters Without Borders ranked Bahrain 167th in the world's press freedom rankings, down from last year's rating. Repression also doubled opposition voices in Bahrain and engaged them in fabricated cases such as "participating in subversive demonstrations and supporting terrorism", which exposes them to life imprisonment.

Many journalists have been subjected to ill-treatment, including those who have revoked their nationality, and that since 2016 Bahraini authorities have put more pressure on local journalists working for foreign media, so they have had difficulty replenishing their visas.



Basic Principles of Press Freedom and Information Circulation

The basic principles of freedom of the press in all countries requires legislation regulating the process of media and the press, protecting journalists, freedom of the press, exchange of information, ensuring transparency, allowing an independent and pluralistic media sector, guaranteeing the rule of law, promoting participation in the independent media sectors, and the political will to apply the law to all in an independent and just judiciary.

Article 19 of the Universal Declaration of Human Rights affirms that: “Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference, and to receive, receive, and impart information and ideas by any means, without the restriction of geographical boundaries.”

Resolution 304 adopted by the General Conference of UNESCO at its twenty-sixth session, states that “free, pluralistic and independent press is an essential element of every democratic society.” Freedom of information and freedom of expression are the basic principles of debate and the independent media sector derives its authority from society. The Windhoek Declaration states that freedom of the press can only be achieved by ensuring a free, independent and pluralistic media environment. The Declaration calls for independent, free and pluralistic media around the world, arguing that free press is indispensable to democracy and human rights.

The right to knowledge and access to information is a core component of the package of political and civil rights. The United Nations recognized at an early age that freedom of information is a human



right through the adoption of resolution 1/59, by the General Assembly in 1946 at its first session, which states that “freedom of information is a fundamental human right” and that it is the test of all other freedoms adopted by the UN.

The Office of the Special Rapporteur on Freedom of Opinion and Expression was established by the Office of the United Nations High Commissioner for Human Rights in 1993, whose task it is to clarify the true content of the freedom of opinion and expression provided for in many international instruments. The Special Rapporteur emphasized freedom of information as a fundamental human right, The Office of the United Nations High Commissioner for Human Rights adopted resolution No. 42 of 1998, in which it affirmed that the Special Rapporteur should expand and develop his comments and recommendations on the right to seek, receive and impart information.

In his 1998 report, the Special Rapporteur emphasized that freedom of opinion and expression included freedom of access to information and that the right to seek, receive, and impart information imposes a positive obligation on States, especially when it comes to information in government agencies. In this report, the Special Rapporteur also emphasized several aspects of the right to know and freedom of information. Freedom of the press is a vital step in ensuring the free flow of information, freedom of opinion and expression, and that it is essential for the State to be its guarantor.

The Legal Environment of the Press and Information in Bahrain

Article (23) of the Bahraini Constitution of 2002 states: “Freedom of

opinion and scientific research is guaranteed, and everyone has the right to express his opinion and publish it by word or by writing or otherwise.” Bahraini authorities violate the local constitution and international legislation in the strict control of freedom of expression and information. At the time of writing, there is no contemporary legislation in Bahrain, which regulates the media process in general. There is only a law regulating the press process, Law No. (47) of 2002 on organizing the press, issued by royal decree. This law contains (96) articles, but not including any article authorizing or regulating permits to establish media channels such as television or radio outside the official state apparatus.

There is no independent judiciary that meets the legal guarantees of freedom of the press and the prosecution of perpetrators of crimes against journalists because judges are appointed by the king on the basis of allegiance and have been used to issue severe sentences and long sentences of imprisonment against journalists and opinion writers. The judiciary didn’t investigate about the hate speech addressed by the official media, which was documented by the Bahraini Independent Inquiry Committee (BICI) in 2011.

Bahrain signed a transnational security agreement on 13 November 2012 in Riyadh and was known as the Security Agreement between the Gulf Cooperation Council (GCC) countries, which did not pass the legislative power! Human rights organizations said that the provisions of this security agreement are of concern as they can be used by the Member States to suppress freedom of expression and undermine human rights. There is an article in this agreement that criminalizes the criticism of the six Gulf states. This agreement has been activated against many journalists.

For example, in February 2013, Al-Wasat editor in chief Mansour Al-



Jamri, who was dissolved by the authorities in 2017, was barred from entering the UAE at Dubai International Airport. Reporter Reem Khalifa, who worked for the same newspaper, was also banned. Officials at the airport did not explain the reasons for the ban. In January 2014, the Sultanate of Oman handed over the Bahraini artist Sadiq al-Shaabani to the Bahraini authorities. According to the testimonies, Sadiq was tortured, electrocuted and sexually harassed during interrogation and sentenced to five years in prison.

Media Sector

The Information Affairs Authority is the official body that controls the Bahrain Broadcasting and Television Authority and the state-owned Bahrain News Agency, which is responsible for organizing and supervising the press and publications. Bahrain News Agency is the body that monitors and releases local and international news.

The multiplicity of independent media is essential to ensuring transparency, strengthening the role of oversight and accountability of various authorities and contributing constructively to positive criticism processes against corruption and tyranny, and an indicator of the existence of good governance. In Bahrain, there is no independent and multi-media sector. The government monopolizes all media sectors and imposes its authority on all media materials without exception.

For example, Al Wefaq National Islamic Society, dissolved by the authorities in 2016, had applied to the head of the Information Authority in 2012 for a license to launch a satellite channel, but the government body ignored the request and did not respond. The Bahraini authorities granted a license to Al Arab satellite channel



owned by Saudi Prince Al Waleed Bin Talal. The channel was closed, and the license was withdrawn a few hours after it was broadcast in February 2015 because the channel hosted one of the opposition parties in Bahrain. The Bahraini press justified the closure decision not to abide by the channel operators prevailing norms in the Gulf and not to prejudice what negatively affects the unity of the Gulf States.

The director of the channel was then the Saudi media Jamal Khashoggi, who was killed inside his consulate in Istanbul in October 2018. On May 18, 2010, Bahraini authorities decided to freeze the work of Al Jazeera's Bahrain office just one day after the channel broadcast a program on poverty in Bahrain.

On June 4, 2017, the Bahraini authorities closed the country's only independent newspaper, Al-Wasat. The decision to close the newspaper was not only contrary to the international laws of press freedom, but it was also an arbitrary decision from the authorities and without even referring the matter to the judiciary! The Bahraini Information Affairs Authority suspended the publication of the newspaper on the grounds that it published information that could cause sedition in society or harm Bahrain's relations with other countries.

The Bahrain News Agency said in a statement that the newspaper published an article on June 4, 2017, on the rural uprising in the region of Al Hoceima in northern Morocco, where he said that the demonstrators had legitimate demands. This decision is not based on any powers of the Authority and is contrary to Article (28) of the Bahraini Press Law No. 47 of 2002, which states that "a court shall issue an order to stop or close any newspaper." The decision also contravenes international laws on freedom of expression. Dozens of journalists working for the newspaper found themselves unemployed and dismissed them from the rest of the staff three weeks after the authorities stopped issuing them.



Political Will

Bahrain's King Hamad bin Isa al-Khalifa promised in 1999 a package of reforms, including the release of public freedoms and freedom of expression. This promise was enshrined in Article 23 of the Bahraini Constitution of 2002, which stipulates that "Freedom of speech and freedom to carry out scientific research shall be guaranteed. Every person shall have the right to express and propagate his opinion in words or by writing or by any other means". During that period, the freedom of the Bahraini press was allowed at a good level, but other aspects of the media, such as television and radio, were preserved by the authority.

"Al-Wasat" daily newspaper and "Al-Ahed" weekly were issued in 2003 (the last one was suspended in 2012) and "Al-Mithaq" daily newspaper in 2004 (was suspended in 2010), and "Al-Watan" daily newspaper in 2005. "Al-Waqaat" daily newspaper started its work in 2006 (stopped in 2010), the weekly "Al-Nabaa" was launched in 2008 and "Al-Bilad" daily newspaper in 2008. In addition to these newspapers, "Akhbar Al Khaleej" was launched on February 1, 1976 (and owns the English language daily newspaper "Gulf Daily News" publication) and "Al Ayam" daily newspaper, which was launched on March 7, 1989 (and owns the English language daily publication "Bahrain Tribune").

Of all these newspapers, the only independent publication is "Al Wasat" which was dissolved in 2017. The promises have been continuing since 2000 to the present a modern law that regulates the media and the press and protects journalists. But the opposite happened when the authorities issued dozens of laws restricting public freedoms and violating international treaties and charters.

For example, the King approved a law that would aggravate the



penalty of insulting the King, Law No (1) of 2014, amending article 214 of the Bahraini Penal Code, which states: "A penalty of not less than one year and not exceeding seven years and a fine of not less than 1,000 dinars and does not exceed ten thousand dinars from insulting in one of the public ways the King of the Kingdom of Bahrain, or flag, or national emblem, and is a circumstance aggravated if the crime occurred in the presence of the king". In addition to article 165, which stipulates that "Shall be punished by imprisonment who inciting, in one of the public methods, of hatred or contempt of government." Article 216 states: "Anyone who has publicly insulted the National Council or other statutory bodies or the army shall be punished by imprisonment or fine. Courts, authorities or public interests ", and these broad texts have already been used against many activists and journalists.

BICI report found that the Government had used some articles of the Penal Code to punish the opposition and deter their political positions. In June 2017, the authorities took measures to punish anyone who expressed his opinion other than the political position of Bahrain, the UAE and Saudi Arabia on the one hand and Qatar on the other. It was in a statement by the Ministry of Interior in Bahrain: "In terms of the sovereign rights of the Kingdom of Bahrain, the sympathy or favoritism of the Government of the State of Qatar or the opposition of the Government of the Kingdom of Bahrain through social media, whether by means of advertisements, shares or any other means of speech or writing, Punishable by penalties of up to five years imprisonment and a fine". These measures were carried out against a number of citizens, including Wahid al-Dosari and Hassan al-Arabi.



Absence of Legal, Ethical and Professional Standards

In the absence of an independent judiciary and a lack of separation of powers, the judiciary has become a continuation of the wishes of the government. Scores of journalists, media professionals and bloggers have been charged with expressing their views and many have been sentenced to long prison terms. The authority has also enacted many laws that violate international legitimacy and human rights principles and have been applied to journalists, jurists, and bloggers who criticize state policies or shed light on the tyranny and abuse of power or corruption.

Most official media, such as Bahrain Radio and Television, the Bahrain News Agency and pro-government newspapers, which are closely associated with the ruling family, follow a systematic policy of spreading hateful rhetoric, incitement, and discrimination among citizens. At a time when the authority is working on narrowing public freedoms, it is also directing organized campaigns against a class and a key component of society and against a sect, broadcasting hate speech and defaming dissidents by falsifying facts and spreading lies. For example, in 2011, the state-run “Al-Rasid” television program conducted unprofessional television interviews and television journalists acted as investigation officers by charging the program guests! The program was broadcast live and contacted a number of athletes and accused them to abuse the symbols of government, which was followed by arrest directly.

In addition, the Authority allowed the broadcasting of a television channel under the name of “Al Ittihad” and published only one program by the pro-government journalist, Saeed Al-Hamad. The program was based on the broadcast of insulting, insulting and inflammatory language against opponents of the rule of politicians, jurists, media, and all activists, with a speech full of insulting, obscene and vulgar words and pictures of religious symbols of the Shiite sect.



The program also organized campaigns to incite violence against opposition supporters, jurists, and journalists.

Both Bahrain's official television and its media channels broadcast lies and incited a group of society against another group. For example, misinformation was broadcast on the events of the University of Bahrain on March 13, 2011, and the claim that Shiite students attacked Sunni students. The official media also reported that doctors and nurses from the Shiite community at Salmaniya Hospital had refused to treat the Sunni patients.

The official media continued to portray Shiite citizens as non-patriots, cheaters, agents, and loyalists abroad. Bahrain Television produced video footage of masked security personnel carrying Molotov cocktails as Shiites in the Al-Rasid program on April 2, 2011.

Recently, during the parliamentary and municipal elections of 2018, according to a monitoring report by the Bahrain Forum for Human Rights that was published on the news website "Bahrain Mirror" (banned in Bahrain), local newspapers published hate speech against election opponents, and 281 hate propaganda materials were monitored. A total of 713 other media items have been monitored to incite hatred against Shia citizens, in conjunction with a religious period, Ashura.

During 2018, 7602 news articles and information material contained hate speech.



Safety of Journalists

The authorities targeted journalists who were not loyal to royal family, in many ways including refusing to grant them accreditation to work for international news agencies, or independent foreign media such as the Associated Press (AFP). One of these cases refused to renew the license of journalist Naziha Saeed to work as a correspondent for France 24 and Radio Monte Carlo. The authorities accuse the journalists who violate their directives of fabricated charges, try them and put them in prison. The provoking of nationality used as a weapon against journalists is also in contravention of international laws prohibiting the deprivation of nationality of stateless persons.

The King used his powers under paragraph (c) of Article 10 of the Nationality Law, which stipulates that “the ruler may order the overthrow of the Bahraini nationality if it causes harm to the security of the state”. This law has been used in a disturbing manner, the text of the “harm to the security of the state” is wide and can be used by the king against his critics, including journalists. Based on this, and on other legal texts, Bahraini nationality been stripped of journalists and reporters, such as the photographer Ahmad Al-Moussawi, who was detained in 2014 and sentenced to ten years against the backdrop of anti-government demonstrations. The reporter Mahmood al-Jazeerai -was working for Al- Wasat newspaper - dissolved by the authorities - was sentenced on 30 October 2017 to 15 years imprisonment with the revocation of his nationality. The blogger Ali al-Maraj was sentenced on October 30, 2017 to life imprisonment with revocation of his nationality, and blogger Ali Abdul Emam (founder of Bahrain Online news website and he currently residing as a political refugee in Britain), and Ali al-Dairi (founder and editor , he is residing as a political refugee in Canada). The reporter and journalist Abbas Busfwan, is currently residing as a political refugee in Britain, and blogger Hussein Yusuf is exiled in Lebanon, their nationality were revoked by a royal decree on



31 January 2015. In 2011, photographer Ahmed Ismail was shot dead in extrajudicial killing while covering a demonstration in Salambad area. Journalist Naziha Saeed, a correspondent of France 24 and Radio Monte Carlo, was tortured during her arrest in 2011. The Public Prosecution summoned the Bahraini artist and producer Qahtan Al-Qahtani on 8 December, 2018, for re-sending a message on the social media containing criticism of the re-appointment of the Minister of Information Affairs Ali bin Mohammed al-Rumaihi as part of a new ministerial reshuffle in Bahrain. He been charged of “Insulting a regulatory body and the abuse of telecommunications devices”. He was requested to discharge of his mobile phone and detained under custody for one week for further investigation, but he was released on December 10, 2018. In March 2018, the Court of Appeal upheld a one-year prison sentence against the activist Jalila al-Sayed Amin and a fine of BD 1,000 for “running an account on a social media that criticizing the government.”

The security authorities in Bahrain have committed crimes of torture and extrajudicial killings against journalists. At the same time, the judiciary has not done justice to the families of the victims who were killed by torture, as was the case with the blogger Zakaria al-Ashiri on April 2, 2011. al-Ashiri who was arrested and charged with spreading false news and incitement to hate the regime as well as for calling for the overthrowing the regime. On April 9, seven days after his arrest, the authorities reported that al-Ashiri died while being held in custody in mysterious circumstances. The authorities claimed that he died of complications of sickle cell anemia, but CPJ reported that the diagnosis was denied by family members. Human rights activist Mohammed Sultan, who was held with al-Ashiri in the same cell, said he was witness to torture of al-Ashiri. Later pictures appeared of the body of al-Ashiri, who was found to have serious wounds in different parts of his body. The Bahrain Independent Commission of Inquiry investigated



the deaths and allegations of torture and human rights violations and issued its report on November 23, 2011. In the report, the case of al-Ashiri is under the paragraph 24, was under the category of death due to torture. The Commission confirmed the fact that al-Ashiri was tortured and died while being held in the Dry Dock prison. Human rights activist Mohammed Sultan testified in the court and identified police officers who tortured al-Ashiri to death, but the court acquitted the criminals.

On 5 April 2011, when he was going to the police station to file a complaint about the police attempt to raid his home, Abdul Karim Fakhrawi, publisher and co-founder of Al-Wasat newspaper, accused of deliberately fabricating the news against the state. He was held for one week in custody before his death due to severe torture. Fakhrawi was among many victims who lost their lives because of torture and while in police custody. The police later claimed that Fakhrawi died of renal failure, but the pictures, which later leaked during his funeral, revealed bruises and pointed to the brutality of his torture.

The investigation conducted by the Bahrain Independent Commission of Inquiry, according to paragraph 1634 of the report, concluded that a large number of journalists were accused of participating in unauthorized gatherings when covering the events. The authorities arrested journalists and, in some cases, mistreated them during the arrest.

Block Online Sites and Disconnect Service

Bahrain leads the countries that block hundreds of websites that violate its guidelines, including those of political associations and human rights



organizations. Among these sites is the website of most of the Bahraini human rights organizations, including the website of the Bahrain Center for Human Rights, which was dissolved by the authorities in November 2004. The Media Affairs Authority blocked the website of Al Wefaq National Islamic Society, the largest political part in Bahrain on September 3, 2010. The Authority later ruled that the website contradicts the laws and regulations in Bahrain but did not mention the alleged violations.

On August 16, 2010, the Authority prevented the issuance of audiovisual reports on Al-Wasat newspaper website. The decision to ban audiovisual reports came after the newspaper published audio reports of people in Bahrain's prisons who said they had been tortured and ill-treated. In June 2016, the social media application "Telegram" was blocked and by mid-2017 the ban was lifted.

The Media Affairs Authority, which was formed by royal decree in 2010, is the regulator of the media, including the internet and the blocking of websites. The blocking is done by service providers managed by the Telecommunications Regulatory Authority (TRA) – a government body responsible for internet service providers – through a royal decree. Also, several times the internet service was cut off from the Duraz area during the period where the area was sieged from June 2016 until May 2017. The internet service was cut from the region during an open sit-in held in front of the house of the spiritual leader of the Shiite community in Bahrain, Ayatollah Isa Qasim, after the Bahraini authorities decided to revoke his nationality. In practice, the service was monitored to be cut off on a daily basis from 7:00 pm to 1:00 am and the rest of the day slowed down the speed of the internet. The internet and communication services were cut off in February-March of 2011 during the security attack on the Pearl Roundabout where thousands of citizens were gathered to demand political and human rights reforms.



Restrict Freedom of Expression in Social media and Targeting Activists

Bahraini authorities use tweets in which activists express their views on social media as evidence of interrogation and imprisonment in trials that lack of due process of justice. This is what happened with the prominent human rights activist Nabeel Rajab, who is the head of the Bahrain Center for Human Rights, where he was sentenced to a total of seven years in prison for criticism posted on the social media platform, Twitter, as he wrote his testimony about Police officers at the central prison of Jaw beat inmates in the underage section, in addition to other tweets criticizing the war led by the Saudi alliance in Yemen.

The columnist in Akhbar Al-Khaleej newspaper Ibrahim al-Sheikh wrote an article entitled “media disinformation and military upsets”. Subsequently, the Foreign Affairs, Defense and National Security Committee of the Parliament issued an inflammatory statement against him, and he was accused of challenging the Bahrain Defense Force during the war. He was arrested on April 14, 2019, before being released by the Public Prosecution on April 18, 2019.

Many bloggers and activists were tortured and faced ill-treatment by the security services and were tried for expressing their views through social media. They were accused of “insulting the king, undermining the prestige of the state, insulting a foreign country, or spreading false rumors.”

For example, on March 27, 2018, the Court of Appeal confirmed the sentence against journalist photographer Sayed Ahmed al-Moussawi to 10 years’ imprisonment and the revocation of his nationality. On May 15, 2019, the authorities arrested lawyer Abdullah Hashim by a



decision of the Public Prosecution after receiving a communication from the Cyber Crimes Department that Hashim used his account On Twitter in the dissemination of false news unfounded and was arrested for a week pending investigation. He was released on May 22, 2019. Hashim said in a twitter posted that his mobile was confiscated as a tool of crime in the case of conviction, which means that the lawsuit exists and this release does not mean the end of the case.

The General Directorate for Combating Corruption and Economic and Cyber Security is responsible for violations against users of social media. It was established in 2011 by Royal Decree and belongs to the Ministry of the Interior. In many cases, activists or journalists were called by the Public Administration for Combating Corruption and Economic and Cyber Security for Tweet posts on the social media platform. They were interrogated in a building belonging to the National Security Agency and not in police stations or the Ministry of the Interior premises.

Recently, a number of activists and journalists have been targeted and charged with malicious charges. On May 20, 2019, the Cyber Crimes Unit at the Ministry of Interior issued an official statement accusing the prominent human rights activist Sayed Yousef al-Muhafdha, Deputy Chairman of Salam for Democracy and Human Rights organization, and a political refugee in Germany, as well as activist Hasan Abdel Nabi al-Satri, a political refugee in Australia that they run accounts on the social media platforms with a goal to “provoke sedition” and the attempt to “threaten the civil peace and social fabric and destabilize security and stability in Bahrain”. It claims that the accounts are managed from Iran, Qatar, Iraq, France, and Germany, as well as Australia. The Ministry of Interior claimed that there were cyber cells inside Bahrain that provided the al-Muhafdha and al-Satri with the information. In addition, the Cyber Crimes Unit on May 21, 2019, accused the journalist and editor-in-chief of the Gulf House for Studies



and Publishing, Adel Marzouq of cybercrime through his account on Twitter that it aims to “instigate a spirit of strife among the components of Bahraini society”. The Ministry stated that it was taking legal action against all those people listed above. In this period, statements were issued by senior officials in the state, such as a statement by the King and another by the Prime Minister on May 20, 2019 to deal firmly with the accounts on social media platforms that provoke sedition, according to their claim.

On May 22, 2019, the King approved the tightening of the penalty in Article 11 of the Protection of Society Act against Terrorist Acts of 2006. The amendment stipulates that “any person who promoted, glorified, magnified, justified or favored terrorism within or outside Bahrain shall be punished by imprisonment for a term not exceeding five years and a fine of not less than two thousand dinars and not more than five thousand dinars. The new amendment also includes “criminalizing the transfer, distribution, and storage of all liberated resources that support, sympathize or justify acts of terrorism inside and outside Bahrain”. The Ministry of Interior, through its Twitter account, posted the following: “The Department of Combating Cybercrime: Follow up inflammatory and seditious accounts and re-broadcast what you publish, expose you to legal accountability, immediately shut down is a national duty”. On the same day, the Ministry of Interior sent text messages on the phones of all citizens and residents with the same content. This act is a direct threat and intimidation to every resident of Bahraini territory that he is subject to arrest and imprisonment for five years simply for following up on an account considered by the Bahraini authorities to be a “seditious” account.



Recommendations

This report recommends Bahraini authorities:

- The basic principles of freedom of expression and the safety of journalists must be respected
- Ensure that local legislation complies with international conventions for the exchange of information, freedom of opinion and expression, and the basic principles of press freedom
- Recognizes the importance of issuing a modern law for the media that guarantees journalists and media professionals their safety
- Allow the independent media to issue newspapers or leaflets and raise the hand of the state from media broadcasting services, including television and radio
- Recognizes the need to stop the use of the official and semi-official media to broadcast hate speech and incitement against groups of society, opposition groups, human rights activists and journalists
- Stops restrictions on internet services and the punishing of its users simply for their criticism of power
- The abolition of articles in the Penal Code that restrict freedom of expression
- Releases all journalists and media personnel.





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