

Chapter X — Allegations of Media Harassment

A. Factual Background

1587. This Chapter examines whether any hate speech or incitement to violence was published or broadcast in Bahrain during the events of February and March 2011 by national or international media. It also explores whether media publications or broadcasts led to any unlawful acts in Bahrain during this period. In undertaking this analysis, it is important to differentiate between hate speech or incitement to violence and other forms of expression such as factual coverage, political analysis, insulting statements, inflammatory language and even factual errors, so as not to infringe on the right to freedom of expression.

1588. The Bahraini print media consists of seven daily newspapers: Akhbar Al-Khaleej; Al-Ayam; Al-Bilad; Al-Watan; the Bahrain Tribune; the Gulf Daily News; and Al-Wasat. There are a number of lifestyle and other publications that do not carry political coverage or commentary and therefore are not examined in this Chapter. Of the seven daily papers, only Al-Wasat is classified as an opposition paper. The remaining six can be classified as pro-government and are owned by figures closely associated with the GoB.

1589. Radio and television broadcasts in Bahrain are all State-controlled by the Bahrain Radio and Television Corporation. The Bahrain News Agency is also State-controlled.⁷⁷²

1590. A large number of national and international journalists, reporters and photographers covered the events that occurred in Bahrain in February/March 2011. These media personnel were present at the GCC Roundabout, SMC and numerous other locations where demonstrations took place.

1591. A number of media personnel were arrested and interrogated during the events of February/March 2011. Two journalists died while in the custody of the police or the NSA.⁷⁷³

1592. On 15 March 2011, the offices and printing presses of Al-Wasat newspaper were attacked and vandalised.⁷⁷⁴ The newspaper was temporarily forced to stop publishing and to relocate its offices. The co-founder and board member of Al-Wasat newspaper, Mr Karim Fakhrawy, was detained and died while in custody, approximately one week after he was arrested. After the attack, the newspaper did not publish a Sunday edition and its website was blocked by the GoB. The Information Affairs Authority of Bahrain (IAA)

⁷⁷² Internews, *Study of Media Laws and Policies in the Middle East and Maghreb: Bahrain*, (June 2003) <http://www.internews.org/regions/mena/amr/bahrain.pdf> accessed 10 November 2011.

⁷⁷³ See Chapter VI, Section A: Zakariya Al Asheri and Karim Fakhrawy. See also Chapter VI, Section E.

⁷⁷⁴ Human Rights Watch, *Bahrain: Drop Charges Against Editor of Independent Daily* (11 April 2011), <http://www.hrw.org/news/2011/04/11/bahrain-drop-charges-against-editor-independent-daily> accessed 10 November 2011.

suspended Al-Wasat on 2 April 2011 following a programme that was broadcast on State-controlled Bahrain Television alleging that the paper had published “false news and photographs” in the editions published on 26 and 29 March 2011. Al-Wasat was not permitted to publish an edition on 3 April 2011. The IAA permitted Al-Wasat to resume publishing on 4 April, but this permission for publication was only given after the Editor-in-Chief, Managing Editor and Local News Editor were forced to resign.

1593. Examples of articles and footage that were published or broadcast by the national media during February and March 2011 were provided to the Commission by the GoB and by opposition societies. In addition, the IAA provided sample writings and footage from various international media.⁷⁷⁵

1. Allegations of harassment and defamation of pro-government journalists

1594. The Commission received a number of allegations from journalists stating that they had been harassed and slandered for their pro-government opinions. A number of columnists and reporters working for Akhbar Al-Khaleej, Al-Ayam, Al-Bilad and Al-Watan, some of whom identify themselves as “anti-protester”, reported that they had been defamed, harassed and threatened by people on social media sites. A list of names and photographs of prominent pro-government journalists, entitled the “List of Shame”, was circulated online and posted on social media websites.⁷⁷⁶ The list contained the names of a number of journalists and made accusations that they had been paid off by the GoB and that they were government “cronies”. In addition, at least two journalists alleged that they received telephone calls from unknown persons making death threats. These journalists felt compelled to take security measures to protect themselves and their families, including changing their place of residence.⁷⁷⁷

1595. The Commission conducted a meeting with the head of the Bahrain Journalists’ Association, during which he alleged that the “List of Shame” was an example of defamation and incitement to hatred and violence.⁷⁷⁸ The “List of Shame” allegedly targeted a number of journalists, disclosing their identity as government apologists and using inflammatory and to some extent derogatory or insulting language.

2. Allegations of harassment and defamation of anti-government journalists

1596. The Commission also received a number of allegations concerning harassment and defamation of anti-government journalists. These included an

⁷⁷⁵ The Commission conducted meetings with editors-in-chief and representatives of all the above Bahraini newspapers.

⁷⁷⁶ Facebook, *Bahrain’s List of Shame*, <http://ar-ar.facebook.com/BahrainListOfShame> accessed 10 November 2011.

⁷⁷⁷ Statements provided to the Commission.

⁷⁷⁸ Meeting with the Commission, 19 October 2011.

allegation that Al-Arabiya broadcast the names of several journalists and accused them of participating in protests and civil unrest. In addition, a number of Facebook groups threatened journalists who published articles supporting opposition groups or protesters, or criticised the GoB or pro-government groups.⁷⁷⁹ A second “List of Shame” was circulated on the internet. This list included the names of anti-government protesters and other individuals who had been critical of the regime.⁷⁸⁰

1597. There were a number of allegations concerning defamation and incitement by a Twitter group named “Harghum”.⁷⁸¹ The group posted the names and photographs of alleged protesters, and sometimes even posted protesters’ addresses, telephone numbers and current locations. In some cases, a photograph of a protester was posted with a comment asking for the name of the person, and other Twitter users then posted the requested information. Witnesses reported to the Commission that persons who had been named or identified by Harghum would then avoid sleeping at their home address for fear of an attack. Harghum also allegedly advertised a MoI “hotline”, which people could call in order to report on persons engaged in anti-government activity.

1598. One Bahraini journalist received a telephone call on 26 March 2011 from the IAA informing her that she was being terminated from her employment. The journalist was not given an official reason for her dismissal. She later discovered that her name had been included on a list entitled “Ministry traitors”, which had been circulated on social media websites. The IAA also refused to renew the licence of another prominent Bahraini journalist who had been working as a freelance journalist with the Associated Press. This journalist was repeatedly harassed and defamed in national newspapers, on Bahrain Television and on social media websites. The journalist also received death threats in the form of letters delivered to her home.

1599. The Committee to Protect Journalists, an international NGO, reported that several journalists who were critical of the GoB were subjected to a campaign of harassment and intimidation by the authorities in Bahrain:

The Committee to Protect Journalists has documented dozens of cases of journalist detentions in Bahrain; the death in custody of two journalists; lengthy prison terms for critical bloggers; the shutdown of the country's premier independent daily; arbitrary deportations; government-sponsored billboards and advertisements to smear journalists and activists; and a large number of physical assaults against reporters.⁷⁸²

⁷⁷⁹ Saudi-owned television news channel based in Dubai Media City, United Arab Emirates.

⁷⁸⁰ List of traitors in Kingdom of Bahrain, <http://www.b4bh.com/vb/showthread.php?t=159795> accessed 10 November 2011 (*Arabic Text*).

⁷⁸¹ Twitter, <http://twitter.com/#!/7areghum> accessed 11 November 2011.

⁷⁸² Committee to Protect Journalists Press Release, *Call on Bahrain to End Harassment of Critical Journalists* (19 July 2011), <http://cpj.org/2011/07/cpj-calls-on-bahrain-to-end-harassment-of-critical.php> accessed 17 November 2011. This is consistent with a statement submitted to the Commission by Reporters Without Borders UK, October 2011.

1600. The Commission also received a number of reports alleging that journalists were dismissed from national newspapers for attending and reporting on the demonstrations of February/March 2011. Some of the journalists alleged that they were dismissed even though they had been assigned by their employer to attend and report on the events.

1601. One journalist at Al-Watan newspaper was investigated by the newspaper's human resources department and asked whether she had attended protests at the GCC Roundabout. On 9 April 2011, her supervisors forced her to resign. She was not given any reason for her dismissal. A former colleague later informed her that she had been dismissed because a member of parliament had complained to her editor about the content of news articles that she had been posting on her personal Facebook page.

1602. A journalist who was reporting for the German News Agency and European Press Photo Agency was arrested while taking photographs of a protest on 11 March 2011. He was interrogated and released after one hour. He was detained again on 22 May 2011 and taken to a police station for two hours, during which time he was repeatedly beaten. He was also threatened and harassed on Twitter and was described as an Iranian agent.

1603. A journalist reporting for France 24 and Monte Carlo Radio was asked to appear at a police station for interrogation on 22 May 2011. This journalist was accused of participating in protests and calling for the downfall of the regime, charges which she denied. She claimed that interrogators insulted and defamed her, and questioned her about journalistic reports she had written for international media outlets. She alleged that she was repeatedly kicked and beaten with a rubber hose by a number of police officers. In addition, she alleged that she was electrocuted on her arm, had urine poured on her face, had a shoe forced into her mouth and her head plunged into a toilet to simulate drowning. At the end of the interrogation, she was forced to sign a document that she was not permitted to read. The journalist later filed a report of the incident with the MoI. On 24 May, she was examined by physicians from Médecins Sans Frontières in Bahrain, following which she travelled to Paris for medical treatment.⁷⁸³

3. Allegations that the State-controlled media was biased and incited hatred and violence

1604. Al Wefaq made a number of allegations against State-controlled and pro-government media outlets concerning bias, incitement to violence against opposition supporters and derogatory or inflammatory language.⁷⁸⁴ Al Wefaq alleged that State-controlled media outlets produced biased reports concerning

⁷⁸³ The complainant provided a report by Médecins Sans Frontières to the Commission during an interview with a Commission investigator on 14 August 2011. In a section entitled "Impressions" in that report, it states: "This examination is consistent with multiple blunt trauma with both narrow (whip or stick) and with broad (fist or boot) objects within the last 48 hours."

⁷⁸⁴ Meetings between Al Wefaq and the Commission on 21, 29 and 31 October 2011.

the protests in February/March.⁷⁸⁵ According to Al Wefaq, Bahrain Television presented an inaccurate and one-sided version of the events at the University of Bahrain on 13 March 2011. In particular, Bahrain Television made allegations that it was the Shia students who attacked Sunni students, whereas, according to Al Wefaq, it was actually the pro-government supporters who attacked protesting students without the interference of university security.⁷⁸⁶ Al Wefaq also alleged that Al Wasal Television falsely stated that Mr Hassan Buhumead was not shot by security forces, despite the fact that the GoB admitted that he was shot by security forces.⁷⁸⁷

1605. Al Wefaq also alleged that State-controlled media portrayed the protests as a sectarian movement and portrayed protesters as wanting to import the Iranian revolution.⁷⁸⁸ Al Wefaq alleged that Bahrain Television aired a television programme called “Al Rased”, which incited violence and hatred against protesters and the broader Shia community.⁷⁸⁹ The programme had several episodes during which the events of February/March 2011 were discussed. Furthermore, the programme named protesters from various groups such as journalists, athletes and medical staff at SMC.⁷⁹⁰ During the course of these programmes, photographs were shown of protesters, who were described as traitors linked to Iran, and a liability to Bahraini society. The Commission has been informed that some persons mentioned in the Al Rased programme were arrested shortly afterwards.⁷⁹¹ The Commission also viewed a second video, which showed protesters throwing Molotov cocktails and a narrator stating that such actions were supported by “their” beliefs and that the audience should “act accordingly”. The video also showed a “Shia scholar’s” text, which stated that one of “us” is better than 100,000 of “them”.⁷⁹²

1606. Al Wefaq further alleged that the State-controlled media broadcasted material that incited hatred towards Al Wefaq.⁷⁹³ The Commission was shown a video of an Al Wasal television programme in which a member of

⁷⁸⁵ Al Wefaq, *Harassment by Media Channels of Persons Taking Part in Protests and Demonstrations* (10 November 2011); Al Wefaq, *Report on the Events Surrounding the University of Bahrain* (date unknown) [on file with the Commission].

⁷⁸⁶ This claim is contested by the University of Bahrain. See Chapter VII, Section D on Dismissals of Students and Suspensions of Scholarships.

⁷⁸⁷ YouTube, <http://www.youtube.com/watch?v=HzNY8uYfaqM> accessed 10 November 2011.

⁷⁸⁸ Al Wefaq, *Harassment by Media Channels of Persons Taking Part in Protests and Demonstrations* (10 November 2011); Al Wefaq, *The Targeting of Athletes when Exercising their Rights of Freedom of Expression, Opinion and Peaceful Assembly* (9 November 2011).

⁷⁸⁹ YouTube, <http://www.youtube.com/watch?v=HXd6UQ5MAds> accessed 10 November 2011.

⁷⁹⁰ Several allegations were made by former medical staff at SMC concerning media harassment. Complainants specifically mentioned the show Al Rased and stated that it had degraded and defamed them, particularly by mentioning their names and giving a biased picture of events at the hospital.

⁷⁹¹ For example, an athlete was mentioned in the show on 4 April 2011 and arrested on 5 April 2011.

⁷⁹² YouTube, <http://www.youtube.com/watch?v=x3sdFp7Hh4M&feature=related> accessed 14 November 2011.

⁷⁹³ Al Wefaq, *Harassment by Media Channels of Persons Taking Part in Protests and Demonstrations* (10 November 2011).

the Gathering of National Unity made a presentation alleging false media coverage by the opposition media outlets. The title of the television programme was “Al Wefaq using the media to spread their lies”.⁷⁹⁴ In addition, the Commission was shown a number of video clips in which Al Wasal Television depicted the leader of Al Wefaq, Mr Sheikh Ali Salman, and Mr Hassan Mushaima as devils.⁷⁹⁵

4. Allegations of anti-government reporting that was false or biased

1607. The GoB made a number of allegations against Al-Wasat newspaper published fabricated material and false reports of the events of February/March.⁷⁹⁶ In April 2011, the Editor-in-Chief and two other editors were charged with producing fabricated news. The GoB alleged that these charges were promulgated after the discovery of “compelling evidence of press law violations including forgery and falsification.”⁷⁹⁷ The GoB also alleged that the editors had malicious intentions and that they sought to incite Al-Wasat readers, thereby violating article 168 of the Bahrain Penal Code and Decree No. 47 of 2002 regulating the Press and Publications. The court found them guilty of the charges and the Editor-in-Chief was forced to resign.⁷⁹⁸

1608. In the Al Rased programme, which was broadcast on 2 April 2011, it was alleged that Al-Wasat deliberately targeted the security and stability of Bahrain by disseminating false news. The paper was accused of republishing stories from old Arabic newspapers and then falsely claiming that these events took place in Bahrain.⁷⁹⁹

1609. The Editor-in-Chief of Al-Wasat, referred to above, publicly acknowledged that the six newspaper articles, which had been identified by authorities as “false”, were misleading, but he claimed that he did not knowingly publish any false information. The Editor-in-Chief alleged that in response to the allegations, he had opened an internal investigation into the source of the false information and found that all six items had been sent as emails from different addresses, but that the emails originated from a single

⁷⁹⁴ YouTube, <http://www.youtube.com/watch?v=t2Gr6n35WRw> accessed 14 November 2011.

⁷⁹⁵ YouTube, <http://www.youtube.com/watch?v=AZPnXZmZikU> accessed 14 November 2011.

⁷⁹⁶ The GoB alleges that Al Wefaq published articles in 2009 and 2010 which state that “the majority of naturalised people are barbarians, ignorant, naive, and they are from the *mutaradia* and *natiha* [alluding to Islamic terminology of forbidden animal meat] – and they are of Sunni or Salafi origin.” The GoB also points out that opposition activists often refer to foreigner security forces as “foreign mercenaries” and as those behind the crackdown on the protesters. The GoB ties these sentiments to the attacks on expatriates.

⁷⁹⁷ Human Rights Watch, *Bahrain: Drop Charges Against Editor of Independent Daily* (11 April 2011), <http://www.hrw.org/news/2011/04/11/bahrain-drop-charges-against-editor-independent-daily> accessed 5 November 2011.

⁷⁹⁸ Human Rights Watch, *Bahrain: Drop Charges Against Editor of Independent Daily* (11 April 2011), <http://www.hrw.org/news/2011/04/11/bahrain-drop-charges-against-editor-independent-daily> accessed 5 November 2011.

⁷⁹⁹ *Al-Wasat: Critical Time to Print False News*, Bahrain Views (29 June 2011), <http://www.bahrainviews.com/?p=26> accessed 19 November 2011.

external IP address based in a neighbouring country. It appeared that the emails were also sent to other newspapers in Bahrain, but there were small mistakes in the email addresses, which meant that Al-Wasat was the only recipient.⁸⁰⁰ The Editor-in-Chief told the Financial Times that the allegations against Al-Wasat were part of a “sustained campaign”.

1610. The IAA submitted a file to the Commission concerning the involvement of the international media in the events of February/March 2011 in Bahrain. The IAA alleged that there was “incitement practised by some foreign media against Bahrain”.⁸⁰¹ The IAA also stated that the international media made factual errors when reporting on the events of February/March 2011 and that they were biased against the GoB.⁸⁰² The Bahrain News Agency also submitted a file entitled, “Examples of factual errors published/broadcast by media in covering the events in Bahrain”.⁸⁰³

5. Allegations of mistreatment of foreign journalists

1611. The Commission also received allegations of mistreatment of foreigners working for national media outlets. On 3 April 2011, an Iraqi citizen working for Al-Wasat newspaper was asked to attend a meeting with the Deputy Assistant for the IAA. He stated that when he arrived for the meeting he was arrested and taken to a police station where he was interrogated. He alleged that he was physically beaten and threatened during the interrogation, and that he was then deported from Bahrain along with his family that same night. He also alleged that a travel ban was circulated to other Arab countries, as he was subsequently refused entry into Jordan and Oman. The MoI provided a statement to the Commission that the Iraqi journalist was a security risk to Bahrain.

1612. The Bahrain Press Association condemned the arrests and detention of journalists in connection with the events of February/March in Bahrain.⁸⁰⁴ The Bahrain Press Association alleged that the arrests formed part of an organised crackdown led by the GoB against Bahraini journalists,

⁸⁰⁰ Human Rights Watch, *Bahrain: Drop Charges Against Editor of Independent Daily* (11 April 2011), <http://www.hrw.org/news/2011/04/11/bahrain-drop-charges-against-editor-independent-daily> accessed 19 November 2011.

⁸⁰¹ The meeting took place on 19 October 2011 at the headquarters of the Bahrain Information Authority Agency. The material submitted included documents, CDs and DVDs.

⁸⁰² The file contained transcripts from Aldar Kuwaiti newspaper, Al-Jazeera television station, the Lebanese AlSafir newspaper, the German broadcaster Deutsche Welle, the Iranian Arabic language television station Al-A’alam, Alquds Alarabi newspaper, the Lebanese television station Al-Manar, the American radio station Radio Sawa, Reuters news agency, the American television station Al-Hurra, the Lebanese Al-Akhbar newspaper, the CNN website and the BBC website.

⁸⁰³ The meeting took place on 19 October 2011 at the headquarters of the Bahrain News Agency. The material submitted included documents, CDs and DVDs. The file contained transcripts from Reuters news agency, Al-Quds Alarabi newspaper, the BBC, Elaph website, the Kuwaiti newspapers Al-Jarida, Al-Dar, Al-Rai, Al-Qabas, the Lebanese Al-Akhbar, the Egyptian Al-Shorouq, Radio Monte Carlo, CNN, Al-Jazeera.net, Al-Hurra television station and Dutch Radio.

⁸⁰⁴ The Bahrain Press Association is based in London.

photographers, bloggers and other media professionals. The crackdown materialised in the form of dismissals from employment, censorship, arrests and mistreatment.⁸⁰⁵ However, the Chairman of the Bahrain Journalists' Association made a statement in which he asserted that no complaints were received from any journalists.⁸⁰⁶

6. General allegations about censorship and media freedom in Bahrain

1613. Finally, the Commission received a number of complaints from journalists about the level of media freedom in Bahrain. These journalists alleged that the media in Bahrain is heavily censored by the GoB and does not represent the views or outlook of the vast majority of Bahrainis. It was alleged that in some cases, simply expressing a point of view or factual information that differs from or contradicts the GoB's position could result in the suspension or termination of employment at a media organisation. Journalists reported that during the events of February/March 2011, there was particularly extensive censorship of media outlets.⁸⁰⁷

1614. Several journalists alleged that in addition to self-censorship, their editors frequently edited their articles and reports in order to reflect the GoB's position. It is alleged that there is an unspoken policy governing what journalists can and cannot write in newspapers. Journalists stated that during the events in Bahrain in February/March 2011, they often received direct instructions from editors on how to frame stories about protesters and opposition figures. One prominent cartoonist informed the Commission that the editor of a leading Arabic-daily newspaper in Bahrain prevented the publication of a cartoon depicting a man holding a Bahraini flag. Some journalists reported that censorship during February and March 2011 was so extensive that many journalists were forced to defame their own religious sect and religious leaders in order to keep their jobs.

B. Applicable Law

1. International Law

1615. Article 19(2) of the International Covenant on Civil and Political Rights 1966 (ICCPR) provides that "[e]veryone shall have the right to

⁸⁰⁵ *Jaffar Alawy states: I Have a Dream... for Clarification Only!*, Bahrain Mirror (8 November 2011), <http://bahrainmirror.no-ip.org/article.php?id=2248&cid=73> accessed 12 November 2011 (*Arabic Text*).

⁸⁰⁶ *Limited Access for Foreign Journalists in Bahrain*, International Media Support (21 February 2011), <http://www.i-m-s.dk/article/limited-access-foreign-journalists-bahrain> accessed 10 November 2011.

⁸⁰⁷ These allegations were presented by journalists from Al-Wasat as well as State-controlled media.

freedom of expression” and that “this right shall include freedom to seek, receive and impart information and ideas of all kinds.”⁸⁰⁸

1616. Article 20(2) of the ICCPR provides that “[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

1617. Article 19(3) of the ICCPR provides that restrictions may be imposed on the exercise of freedom of expression, but any such restrictions must be provided by law and must be necessary for “respect of the rights or reputations of others” or for “the protection of national security or of public order (*ordre public*), or of public health or morals.”⁸⁰⁹ In addition, restrictions on the freedom of expression must conform to the strict tests of necessity and proportionality.

1618. The Human Rights Committee has emphasised that for the purposes Article 19(3),

a norm, to be characterized as a “law”, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution. Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.⁸¹⁰

1619. The Committee has also observed that “restrictive measures must conform to the principle of proportionality; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected.”⁸¹¹ Thus, “when a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualised fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.”⁸¹²

⁸⁰⁸ See also article 32 of the Arab Charter on Human Rights 2004, which guarantees the right to information and to freedom of opinion and expression.

⁸⁰⁹ Similarly, article 32(2) of the Arab Charter provides that these rights and freedoms “shall be exercised in conformity with the fundamental values of society and shall be subject only to such limitations as are required to ensure respect for the rights or reputation of others or the protection of national security, public order and public health or morals.”

⁸¹⁰ Human Rights Committee, *General Comment No. 34: Article 19 Freedoms of Opinion and Expression* (2011) para 25.

⁸¹¹ Human Rights Committee, *General Comment No. 34: Article 19 Freedoms of Opinion and Expression* (2011) para 34.

⁸¹² Human Rights Committee, *General Comment No. 34: Article 19 Freedoms of Opinion and Expression* (2011) para 34. For other relevant statements by the Human Rights Committee in regard to article 19(3) of the ICCPR, see Chapter VI, Section E.

2. National Law

1620. The Constitution of Bahrain affirms the right to freedom of expression. Article 23 provides:

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.

1621. Article 24 of the Constitution provides:

With due regard for the provisions of the preceding Article, the freedom of the press, printing and publishing is guaranteed under the rules and conditions laid down by law.

1622. Article 165 of the Bahrain Penal Code provides for a punishment of imprisonment for “any person who incites with the use of one of the publication methods to develop hatred of the ruling regime or show contempt towards it”.

1623. Article 168 of the Bahrain Penal Code provides:

A punishment of imprisonment for a period of no more than 2 years and a fine not exceeding BD200, or either penalty, shall be imposed upon any person who wilfully broadcasts any false or malicious news reports, statements or rumours or spreads adverse publicity, if such conduct results in disturbing public security, terrorizing people or causing damage to public interest.

The same penalty shall be imposed upon any person who possesses, either personally or through others, any documents or publications containing anything provided for in the preceding paragraph, if they are intended for distribution or reading by others, and upon any person who possesses any publishing, recording or promotion device intended, even on a temporary basis, for the printing, recording or broadcast of any of the above.

1624. Article 169 of the Bahrain Penal Code provides:

A punishment of imprisonment for a period of no more than two years and a fine not exceeding BD200, or either penalty, shall be imposed upon any person who publishes by any method of publication untrue reports, falsified or forged documents or falsely attributed to other person should they undermine the public peace or cause damage to the country's supreme interest or to the State's creditworthiness.

If such publication results in undermining public peace or causing damage to the country's supreme interest or to the State's creditworthiness, the punishment shall be a prison sentence

1625. Article 1 of Decree Law No. 47 of 2002 on regulation of the Press, Printing and Publishing provides:

Everyone has the right to express his opinion and publish his opinion verbally, in writing or otherwise, in accordance with the terms and conditions set forth in this law, all without prejudice to the Islamic Faith, unity of the people and without leading to division or a sectarian.⁸¹³

1626. Article 37 of Decree Law No. 47 of 2002 provides:

When publishing, a journalist should abide by the principles and the values enshrined in the Constitution and the provisions of this law, and shall take into account all the requirements of honour, integrity, honesty, ethics and traditions of the profession in order to preserve society's ideals and values and do not violate any of the citizens' rights or infringe upon their freedoms.

1627. Article 38 provides:

A journalist should refrain from aligning with calls to racism or involving denigration of religions or to call for their hatred, or challenging the faith of others, or promoting discrimination, or scorning the opinion of a group within society.

1628. Article 42 provides:

Newspapers are prohibited from publishing articles embodying substance which is not consistent with the values of society, foundations, principles, customs of society or the objectives of journalism. A complete separation shall be made between editorial and advertisement materials.

C. Findings and Conclusions

1629. The Commission viewed a selection of material from national television, radio and print media. Much of this material contained derogatory language and inflammatory coverage of events, and some may have been defamatory. However, the Commission did not find any evidence of media coverage that constituted hate speech or incitement to violence.

1630. The Commission finds, based on the evidence provided by Al Wefaq, that Bahrain Television and Al-Wasat misused media outlets and engaged in behaviour that may have been defamatory. The files presented by Al Wefaq contained a selection of media coverage, which included defamatory, derogatory and inflammatory language. However, the material submitted by Al Wefaq did not constitute sufficient evidence to justify a finding that incitement to violence was published or broadcast against Al Wefaq or other opposition political parties.

⁸¹³ See Bahrain Department of Legal Affairs, <http://www.legalaffairs.gov.bh/viewhtm.aspx?ID=L4702> accessed 10 November 2011 (*Arabic Text, translation by the Commission*).

1631. No evidence was presented to the Commission to support allegations by State-controlled media outlets that Al-Wasat newspaper engaged in incitement to violence. Furthermore, the Commission cannot conclude that there was any intention of malice in Al-Wasat's publication of false and misleading news, as discussed earlier in this Chapter.

1632. The Commission accepts that Al-Wasat newspaper was attacked. The Commission received photographic and documentary evidence from the Editor-in-Chief of Al-Wasat indicating that an act of vandalism was committed against the newspaper's premises. The Commission does not have evidence to find, however, that this was the result of any incitement to violence by the GoB or any other persons.

1633. The Commission finds that the GoB exercised censorship over local media outlets and that this intensified in response to the events of February/March 2011. The Commission received no evidence that media outlets had received instructions or directives from the GoB either during or after these events. The Commission received several complaints from journalists alleging that they were forced to portray the events in a certain light in order to retain their employment. The Commission considers these allegations to be credible.

1634. A large number of journalists were accused of participating in unlicensed gatherings when they were actually reporting on the events. During February and March 2011, the authorities attempted to restrict the freedom of expression and opinion of Bahraini journalists, photographers, bloggers and media personnel. This crackdown led to dismissals from employment, censorship of articles, arrests and detention of journalists, and in some cases mistreatment in custody.⁸¹⁴ This conclusion is supported by the fact that numerous journalists were arrested and by the statements presented by those journalists to the Commission.

1635. The Commission finds that there was a tendency in the Bahraini media to defame protesters, both during and after the events of February/March 2011. This finding is based on a review of a section of media, in particular news programmes and newspapers. For example, Bahrain Television's programme Al Rased publicised pictures and names of protesters, and spoke about these individuals in a derogatory manner. Furthermore, Al Arabiya used defamatory and derogatory language in naming persons critical of the regime.

1636. The Commission is aware of the impact that the use of social media websites, such as Facebook and Twitter, has had on some major social and political events in the contemporary world. Their influence has been acknowledged in the recent unrest in the Middle East and in the United Kingdom. The sharing of information may be liberating, but exaggeration and even misinformation disseminated through social media may inflame

⁸¹⁴ *Jaffar Alawy states: I Have a Dream... for Clarification Only!*, Bahrain Mirror (8 November 2011), <http://bahrainmirror.no-ip.org/article.php?id=2248&cid=73> accessed 12 November 2011.

reactions to events and even provoke violence. The Commission examined some of the “tweets” that were “re-tweeted” repeatedly and which appear to have been influential in Bahrain. The Commission found numerous examples of exaggeration and misinformation, some highly inflammatory, that were disseminated through social media. The Commission also identified numerous examples of defamation, harassment and, in some cases, incitement through social media websites.

1637. The Harghum Twitter account targeted anti-government protesters and even disclosed their whereabouts and personal details. Harghum openly harassed, threatened and defamed certain individuals, and in some cases placed them in immediate danger. The Commission considers such harassment to be a violation of a person’s right to privacy while also amounting to hate speech and incitement to violence.

1638. A number of pro- and anti-government journalists were targeted through social media. In particular, the Commission finds that accusations accompanying the “List of Shame”, which targeted pro-government journalists and which were circulated online, could be considered defamatory. However, no evidence was submitted to the Commission that the “List of Shame” contained language that incited violence or language that could be specifically linked to any attacks perpetrated on journalists named in the list.

1639. The GoB uses firewalls to block certain social media and other websites. However, the GoB has not permanently shut down Twitter feeds such as Harghum even though they produced material that international law requires to be prohibited and which is in fact prohibited under Bahrain law.⁸¹⁵

1640. It is clear that the media in Bahrain is biased towards the GoB. Six of the seven daily newspapers are pro-government and the broadcasting service is State-controlled. The continuing failure to provide opposition groups with an adequate voice in the national media risks further polarising the political and ethnic divide in Bahrain. The lack of access to mainstream media creates frustration within opposition groups and results in these groups resorting to other media such as social media. This can have a destabilising effect because social media outlets are both untraceable and unaccountable, characteristics which present problems when such media is used to promulgate hate speech and incitement to violence.

D. Recommendations

1641. The Commission recommends that the GoB consider relaxing censorship and allowing the opposition greater access to television broadcasts, radio broadcasts and print media.

⁸¹⁵ ICCPR, art 20(2).