



Access Now & Red Line for Gulf Joint Submission to the United Nations Human Rights Council on the Universal Periodic Review 41st Session Fourth Cycle for Bahrain

31 March 2022

About Access Now

Access Now is an international organisation that works to defend and extend the digital rights of users at risk around the world. Through representation worldwide, Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the continued openness of the internet and the protection of fundamental rights. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, legal interventions and convenings such as RightsCon, we fight for human rights in the digital age. As an ECOSOC accredited organisation, Access Now routinely engages with the United Nations in support of our mission to extend and defend human rights in the digital age.¹

About Red Line for Gulf

Red Line for Gulf (RL4G) is an Independent, non-profit center, focusing on freedom of opinion and expression, press freedom, digital rights and cyber security for journalists in the GCC countries including Bahrain, KSA, Qatar, Kuwait, Oman, and the UAE. It was established by a group of journalists and human rights defenders following the political unrest during the Arab Spring. RL4G collaborates with international NGOs to document violations of freedom of expression as well as to expose the use of surveillance technologies in the Gulf region. Recently, the center published two reports documenting and verifying the use of Pegasus spyware in Bahrain hacking more than a dozen journalists and human rights activists.

Follow-up from Bahrain's third cycle

1. The Universal Periodic Review (UPR) is an important U.N. mechanism aimed at addressing human rights issues across the globe. Access Now and Red Line for Gulf welcome this opportunity to contribute to Bahrain's fourth review cycle. This submission examines the state of digital rights in Bahrain including the right to freedom of expression and freedom of press; the safety of journalists and human rights defenders; and the right to privacy.

¹ Access Now, <https://www.accessnow.org/>, 2021.

2. During the third UPR cycle, Bahrain received 175 recommendations, supporting 139 and noting 36.² Bahrain received 4 recommendations concerning freedom of press, 12 recommendations on freedom of expression, 4 recommendations regarding political prisoners, and 11 recommendations on the safety of journalists and human rights defenders.³
3. Since the last UPR review in 2017, the human rights situation in Bahrain has worsened significantly, despite Bahrain occupying a seat on the Human Rights Council since 2018. During this reporting period, the Bahraini authorities have dissolved the biggest three opposition political parties in the country, closed down the last independent media outlet in the country, and intensified its crackdown on activists, civil society, human rights defenders, lawyers, and internet users. Many of Bahrain's prominent human rights defenders remain imprisoned under deteriorating health conditions, while the government continues to hold a tight grip over the internet and online civic spaces stifling freedom of expression—online and offline.

Bahrain's international, regional, and domestic human rights obligations

4. Bahrain has signed and ratified a number of regional and international human rights conventions including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture (CAT), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the Arab Charter on Human Rights.
5. Bahrain's Constitution contains several provisions which affirm the right to freedom of expression and opinion, the right to privacy, and press freedom:
 - a. Article 19 guarantees personal freedom under the law, and further stipulates that "a person cannot be arrested, detained, imprisoned or searched, or his place of residence specified or his freedom of residence or movement restricted, except under the provisions of the law and under judicial supervision."⁴
 - b. Article 22 enshrines freedom of conscience as absolute; "the state guarantees the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the

² UPR Info, *2RP: Responses to Recommendations & Voluntary Pledges, Bahrain*, available online: https://www.upr-info.org/sites/default/files/document/bahrain/session_27_-_may_2017/response_to_recommendations_bahrain_2017.pdf, 2017.

³ *Id.*

⁴ Constitute, *Bahrain's Constitution of 2002 with Amendments through 2017*, available online: https://www.constituteproject.org/constitution/Bahrain_2017.pdf?lang=en

country.”⁵

- c. According to Article 23 of Bahrain’s Constitution, freedom of expression is guaranteed, “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.”⁶
- d. Article 24 guarantees freedom of the press, including printing and publishing, under the rules and conditions stipulated by law.
- e. Article 26 states that all written, telephonic, and electronic communications “shall not be censored or their confidentiality be breached except in exigencies specified by law and in accordance with procedures and under guarantees prescribed by the law.”⁷

Freedom of expression and freedom of press

- 6. Since the COVID-19 pandemic, Bahrain has heightened its control and restrictions of freedom of expression and opinion online, and as a result, many internet users were detained, interrogated, or imprisoned. In March 2020, Bahrain’s Office of Public Prosecution threatened that it will act against “anyone who publishes or participates in the circulation of false news and biased rumors,” providing that the extraordinary circumstances of the pandemic demand citizens’ “support for the agencies and institutions of the state.”⁸ A few days later, the Ministry of Interior’s Cyber Crime Directorate announced the assignment of 16 employees to monitor and search social media accounts for “false news” and “rumors” which are punishable crimes under Article 186 of the Penal Code.⁹
- 7. Between March and April 2020, the Ministry of Interior (MoI) referred 41 cases to the Public Prosecution for spreading rumors related to COVID-19.¹⁰ According to Freedom House, at least 58 people were arrested, detained, or prosecuted for their online

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Amnesty International, *Silenced and Misinformed: Freedom of Expression in Danger During Covid-19*, available online: <https://www.amnesty.ch/de/themen/coronavirus/dok/2021/zensur-und-falschinformationen-verschaerfen-die-gesundheitskrise/silenced-and-misinformed-freedom-of-expression-in-danger-during-covid-19.pdf>, 19 Oct 2021.

⁹ Bahrain News Agency, *Cybercrime: recent 65 reports referred to prosecution, related to incitement and spreading false news*, available online: <https://www.bna.bh.aspx?cms=q8FmFJgiscL2fwlzON1%2BDnNyCVi5GQD5i%2FFfl%2FmKk4%3D>, 20 March 2020.

¹⁰ Bahrain Press Association, *March and April 2020: 41 reports were referred to the Public Prosecution Office to spread rumors about “Corona”*, available online: <https://bahrainpa.org/?p=1599>, 30 April 2020.

activities between June 2020 and May 2021.¹¹ In one case, an Omani woman, who is married to a Bahraini citizen, was arrested and deported after she served a 6 month prison sentence for a WhatsApp comment on the death of Bahrain's Prime Minister Sheikh Khalifa bin Salman al-Khalifa who died in November 2020.¹²

8. In July 2020, the director general of the General Directorate of Anti-Corruption & Economic & Electronic Security (GDACEES), a unit in the MoI which oversees combating cybercrimes among other duties, said in a media interview that the dissemination of "malicious lies, rumors and spreading false news to raise anxiety and panic among citizens and residents, disturb public security, and cast doubt on the state's ability to confront the crisis" has been the most prominent cybercrimes reported since the outbreak of the pandemic.¹³ According to the Public Prosecution's annual report of 2020, there were 680 criminal cases of "misuse of social media," 357 of which were using WhatsApp followed by Instagram and Snapchat.¹⁴ In 2021, the Public Prosecution investigated 537 of 1137 cases of "misuse of social media."¹⁵
9. The Bahraini authorities routinely use a number of repressive and overly-broad laws that severely restrict the right to freedom of expression and opinion and criminalize online speech and activities in Bahrain. These include: the Cybercrime Law of 2014, the Anti-Terror Law of 2006, the Press and Publications Law of 2002, and several other provisions under the Penal Code. Article 70 of the Press and Publications Law, for instance, criminalizes the publication of content that criticizes the king or the head of any Arab, Islamic or any other state that enjoys diplomatic relations with Bahrain. It also punishes the publication of "false news" or content "disrespecting or humiliating for any legislative council or courts or any regulatory bodies."¹⁶ Article 75 of the Telecommunications Law of 2002 penalizes the use of telecommunications equipment or network to send messages that are "false, misleading, offensive to public policy or morals."¹⁷
10. Under Decree 68/2016, which regulates electronic press, newspapers must obtain a one-year license in order to publish and disseminate content on their websites and social

¹¹ Freedom House, *Freedom on the Net 2021: Bahrain*, available online: <https://freedomhouse.org/country/bahrain/freedom-net/2021>, 2021.

¹² *Id.*

¹³ Al-Ayam, *Director of the Anti-Corruption Department and Economic and Electronic Security for Al-Ayyam: Rise in cybercrime and ransomware piracy*, available online: <https://www.alayam.com/alayam/first/865841/News.html>, 26 July 2020.

¹⁴ Public Prosecution, *Annual Report of 2020*, available online: <https://www.ppb.gov.bh/arabic/news.aspx>, 2020.

¹⁵ Albilad Press, *WhatsApp tops cases of abuse of social media in 2021*, available online: <https://albiladpress.com/news/2022/4850/bahrain/742076.html>, 23 January 2022.

¹⁶ Bahraini Journalists Association, *Decree-by-Law No.: (47) for the year 2002 Regarding organizing the press, printing and publishing*, available online: https://www.bahrainijournalists.org/en/References_and_documents/Law, 2002.

¹⁷ Telecommunications Regulatory Authority, *Legislative Decree No. 48 of 2002 Promulgating the Telecommunications Law*, available online: https://www.mtt.gov.bh/sites/default/files/telecommunications_law.pdf, 2009.

media accounts. Media outlets must also provide the authorities with a list of their social media accounts, website addresses, as well as the names of page admins as part of the license application. Furthermore, the law prohibits media houses from live streaming video or posting videos over 2 minutes online. It further stipulates that electronic media must reflect the same content as their printed counterparts, thus, limiting their multimedia online content.¹⁸

11. All independent Bahraini media outlets have now been banned from operating in the country. On June 4, 2017, the authorities ordered the immediate and indefinite shut down of the only independent newspaper, Al-Wasat, and suspended its print and online publication for “violation of the law and repeatedly publishing information that sows division in society and affects Bahrain’s relations with other states.”¹⁹ Mansoor al-Jamri, Al-Wasat’s editor-in-chief, stated that the suspension came after the newspaper had published a story on protests in northern Morocco’s El Hoceima.²⁰
12. In May 2017, Bahraini authorities blocked several websites as well, including the Qatari media outlets Al-Jazeera, Al-Sharq, and Al-Raya, after Bahrain had cut its diplomatic ties with Qatar.²¹ Other blocked websites include the Egyptian civil society organization, the Arab Network for Human Rights Information (ANHRI); the Bahrain Center for Human Rights (BCHR); and the London-based newspaper Al-Quds Al-Araby. In January 2021, the authorities unblocked some Qatari websites, such as Al-Sharq and Al-Raya, in hopes to restore its relations with Qatar. At the time of writing this report, the remainder of websites are still blocked in Bahrain.
13. Government decisions to block websites are non-transparent and are issued and executed without a court order. Website administrators are also not notified when their websites are blocked. Bahrain’s Ministry of Information Affairs, for instance, can order blocking websites that violate articles 19 and 20 of the Press Rules and Regulations, which prohibit material judged as “instigating hatred of the political regime, encroaching on the state’s official religion, breaching ethics, encroaching on religions and jeopardizing public peace or raising issues whose publication is prohibited by the

¹⁸ Ministry of Information Affairs, *Legislative Decree No. 68 of 2016 regulating the use of electronic media by newspapers*, available online:

<https://www.legalaffairs.gov.bh/HTM/RINF6816.htm>, 2016.

¹⁹ Al Jazeera, *Al-Wasat: Newspaper shut down by Bahrain fires staff*, available online: <https://www.aljazeera.com/news/2017/6/25/al-wasat-newspaper-shut-down-by-bahrain-fires-staff>, 25 June 2017.

²⁰ Deutsche Welle, *Bahrain shuts down independent newspaper amid opposition crackdown*, available online: <https://www.dw.com/en/bahrain-shuts-down-independent-newspaper-amid-opposition-crackdown/a-39113313>, 4 June 2017.

²¹ Committee to Protect Journalists, *Saudi Arabia, UAE, Bahrain block Qatari news websites*, available online: <https://cpj.org/2017/05/saudi-arabia-uae-bahrain-block-qatari-news-websites/>, 25 May 2017.

provisions of this law.”²²

14. According to Freedom House, the Bahraini authorities regularly send updated lists of blocked websites to Internet Service Providers (ISPs), which are instructed to “prohibit any means that allow access to sites blocked” otherwise they face the threat of having their operation licenses revoked by the Telecommunications Regulatory Authority (TRA).²³
15. Furthermore, the government of Bahrain has employed a number of intimidation tactics, including interrogations and arrests of internet users, in order to force them to remove any content deemed critical of the government. On January 30, 2020, Bahraini historian Jassim Al-Abbas was summoned for interrogation and taken into custody for 7 days pending investigation by the Public Prosecution for “publishing false information about a historical incident.” Al-Abbas was forced to delete his instagram post and his history blog, “Sanawat Al-Jareesh,” was shut.²⁴
16. During this reporting period, Bahraini authorities have propagated a dangerous rhetoric, through public statements and social media posts, against “misuse of social media,” “disseminating false news,” and “sowing discord” online while threatening legal action against internet users who post or share such content. On May 20, 2019, King Hamad bin Isa Al Khalifa warned in a speech against the “misuse of social media,” and stated that he “directed in this regard the competent security services to put a strict end to this.”²⁵ On the same day, GDACEES announced that it is taking legal actions against a number of social media accounts which “provoke strife, threaten national peace and social fabric, and destabilize security and stability in the Kingdom of Bahrain.”²⁶ It also warned citizens from sharing or disseminating content from these pages, or they will be legally prosecuted. The Ministry statement specifically named two exiled Bahraini activists: Sayed Yusuf al-Muhafdha, a human rights defender who fled the country in 2013 and

²² Bahraini Journalists Association, *Decree-by-Law No.: (47) for the year 2002 Regarding organizing the press, printing and publishing*, available online: https://www.bahrainijournalists.org/en/References_and_documents/Law, 2002.

²³ Freedom House, *Freedom on the Net 2021: Bahrain*, available online: <https://freedomhouse.org/country/bahrain/freedom-net/2021>, 2021.

²⁴ Bahrain Mirror, *Historian Jassim Al-Abbas's Crime: Documenting "Non-Official" History*, available online: <http://bahrainmirror.com/en/news/57098.html>, 7 February 2020.

²⁵ Bahrain News Agency, *HM King lauds citizens' participation in development, defending national security*, available online: <https://www.bna.bh/en/Royalpraiseofcitizensparticipationindevelopmentdefendingnationalsecurity.aspx?cms=q8FmFJgiscL2fwlzON1%2BDpjSGoSYHdEzMyYjWz8Nwo%3D>, 20 May 2019.

²⁶ Police Media Center, *Anti-Cybercrime: A network of websites offensive to Bahraini social security are run from Iran, Qatar, Iraq and European countries, by persons sentenced to court rulings who have fled abroad*, available online: <https://www.policemc.gov.bh/news/ministry/92021>, 20 May 2019.

currently lives in exile in Germany, and Hasan Al Sitri who is exiled in Australia.²⁷

17. The MoI Cyber Crime Directorate frequently warns internet users in Bahrain against sharing, posting, or promoting specific content on social media. For instance, on October 2, 2021, the Cyber Crime Directorate of GDACEES called on social media users in Bahrain to “avoid incitement messages” that “promote sedition and chaos and risk social fabric and civil peace” from outside of Bahrain. On June 1, 2020, GDACEES repeated the warning that internet users will be legally liable for re-sharing or commenting in support of social media posts that “incite and stir up social discord,” while affirming “responsible freedom of expression.”²⁸
18. On May 21, 2019, the MoI warned in a tweet, that legal proceedings are underway against UK-based Bahraini journalist Adel Marzooq for “encouraging sedition” among Bahraini society from outside of Bahrain, as well as against anyone “who promotes [his] malicious messages.”²⁹ Marzooq was accused of committing a cybercrime for analyzing politics in the Gulf region on Twitter.³⁰ Similarly, the MoI tweeted on January 3, 2020 that “social media accounts that aim to promote sedition, and work against civil peace, social fabric and security disturbance in Bahrain are managed from abroad,” and should be avoided.³¹
19. On 30 May, 2019, the MoI Twitter account issued a warning, in Arabic and English, that “those who follow inciting accounts that promote sedition and circulate their posts will be held legally accountable.”³² The following day, Bahraini citizens and residents received text messages from the Cyber Crime Directorate telling recipients to “be warned” that “following biased [social media] accounts that stir up social discord could subject you to legal liability.”³³ In response to Access Now’s statement on the authorities’ intimidation campaign, Twitter’s Public Policy tweeted: “We agree with civil society that recent

²⁷ *Id.*

²⁸ Police Media Center, *Combating Electronic Crimes: Confronting sedition-inducing accounts, whether from outside or inside Bahrain*, available online: <https://www.policemc.gov.bh/news/ministry/92447>, 3 June 2019.

²⁹ See tweet from the Ministry of Interior (@moi_bahrain):

https://twitter.com/moi_bahrain/status/1130802153663213568?s=20&t=ftBMVQ6qNONc91QIXR2dGQ

³⁰ See tweet from journalist Adel Marzooq (@adelmarzooq):

<https://twitter.com/adelmarzooq/status/1131370394672390151?s=20&t=ftBMVQ6qNONc91QIXR2dGQ>

³¹ See tweet from the Ministry of Interior (@moi_bahrain):

https://twitter.com/moi_bahrain/status/1213135247119966214?s=20&t=ftBMVQ6qNONc91QIXR2dGQ

³² Access Now, *Bahrain: Arbitrary measures taken and legal accountability for those who “incite sedition” via Twitter*, available online:

<https://www.accessnow.org/%d8%a7%d9%84%d8%a8%d8%ad%d8%b1%d9%8a%d9%86-%d8%a7%d8%aa%d8%ae%d8%a7%d8%b0-%d8%a5%d8%ac%d8%b1%d8%a7%d8%a1%d8%a7%d8%aa-%d8%aa%d8%b9%d8%b3%d9%81%d9%8a%d9%91%d8%a9-%d9%88%d8%a7%d9%84%d9%85%d8%b3%d8%a7/>, 3 June 2019.

See tweet from the Ministry of Interior (@moi_bahrain):

https://twitter.com/moi_bahrain/status/1134858582208462851?s=20&t=zRbQTMtFBwdTWydOjJAsA. See also a screenshot of SMS

messages sent by the Cyber Crime Directorate:

https://twitter.com/SAIDYOUSIF/status/1134438140716953600?s=20&t=no_pdeGWx2NPRozNg1BZxA, and

³³ *Id.*

government statements in #Bahrain about critical online posts will, if implemented, pose a significant risk to free expression and journalism.”³⁴ The social-media company added a note in the same thread explaining to users how they could privately follow accounts without being subject to outside monitoring.

20. This campaign was followed with a legislative amendment that introduced a greater punishment for political dissent. On May 22, 2019, a member of the Council of Representatives’ Committee on Foreign Affairs, Defense, & National Security announced that they have introduced a new draft bill in line with the new directions to “harshen the punishment for publishing crimes on social media, especially defamation, insults, spreading rumors, and harming people, individuals, bodies, entities, and various state institutions.”³⁵ Subsequently, on the same day, the King approved an amendment to Article 11 of Anti-Terror Law of 2006, which punishes with up to five years in prison “anyone who, through any medium, propagates praises, glorifies, justifies, acclamates, or encourages actions comprising terrorist activity,” as well as “anyone who possesses or acquires any means of printing, recording, or publicity, of any sort, used or prepared to be used, even temporarily, to print, record, or broadcast any of these actions.”³⁶

The safety of journalists and human rights defenders

21. Since the last UPR review cycle, the Bahraini authorities have continued to arrest, prosecute, and harass human rights defenders, journalists, opposition leaders, and lawyers for their peaceful activism, political dissent, or social media activity. Thirteen prominent Bahraini dissidents and human rights defenders have been serving lengthy prison terms since their arrest in 2011 for their roles in pro-democracy demonstrations. They include: Abdulhadi al-Khawaja, founder of the Bahrain Center for Human Rights; Abduljalil al-Singace, a leader in the unrecognized opposition group Al Haq; and Shaikh Ali Salman, leader of Bahrain’s largest but now forcibly dissolved opposition political society Al-Wifaq. The 3 of them are serving life terms.
22. On March 17, 2020, Bahrain released 1,486 prisoners due to the increased health risk posed by COVID-19, but the releases excluded opposition leaders, activists, journalists,

³⁴ See Twitter’s statement here: <https://twitter.com/Policy/status/1136653785005285376?s=20&t=D2nsvdQd6HG45RZhXboAWg>

³⁵ Bahrain News Agency, *Representative Al-Sisi: A study of a draft law to toughen the penalty for misuse of social media*, available online: <https://www.bna.bh/Draftlawonheighteningpenaltyforsocialmediamisuse.aspx?cms=q8FmFJgiscL2fwlzON1%2bDsSi9LlqignUvMwugQMO%2fEc%3d>, 22 May 2019.

³⁶ CYRILLA, *Law No. 8 of 2019 Amending Article 11 of Legislative Decree No. 58 Promulgating the Protection of the Community Against Terrorist Acts*, available online: <https://cyrilla.org/en/entity/5idlwjvnu>, 2019.

and human rights defenders,³⁷ including:

- a. Ali Salman, the General Secretary of Bahrain's biggest opposition party. Salman was sentenced to life in prison on November 4, 2018 over charges of spying for Qatar.³⁸ The charge was based on a call Salman received from the former prime minister of Qatar in March 2011 during Bahrain's uprising which was made from the royal court in the presence of the king. Later in 2014, an edited version of the call was presented in court by the Public Prosecution.
 - b. Dr Abduljalil Al-Singace, a respected Bahraini academic, blogger, and human rights defender. Al-Singace is serving a life sentence for his peaceful role in Bahrain's 2011 uprising. Al-Singace, who turned 60 in January 2022, was heavily tortured, threatened with rape, and held in solitary confinement. On July 8, 2021, he went on a hunger strike to protest the confiscation of a political book he has been writing in prison.
23. Civil society activists, human rights activists, and other public figures continue to face judicial harassment and prosecution for their online activity under the cybercrime legislation. In 2020, two prominent lawyers, Abdullah Al-Shamlawi and Abdullah Hashim, were prosecuted for their social media posts. On June 30, 2020, Al-Shamlawi was charged with "inciting hatred of a religious sect" and "misusing a telecommunications appliance," and was sentenced to 8 months in prison for two tweets from September 2019.³⁹ In one tweet, Al-Shamlawi expressed a personal opinion on fasting, which he later deleted and apologized. In the second tweet, he commented on a tweet published by the pro-government Al-Ayam newspaper in 2018 which the newspaper also deleted.⁴⁰ On September 14, 2020, Bahrain's Third High Criminal Court dropped the two charges and suspended his prison sentence.⁴¹ On March 22, 2021, Bahrain's Disciplinary Board of Lawyers decided to prohibit Al-Shamlawi from practicing his profession and revoked his legal license for one year for publishing his personal views on Twitter.⁴²

³⁷ Human Rights Watch, *Bahrain's prison release positive but insufficient: many prominent political prisoners still detained*, available online:

<https://www.hrw.org/news/2020/03/23/bahraains-prison-release-positive-insufficient>, 23 March 2019.

³⁸ BBC, *Bahrain opposition leader sentenced to life in prison*, available online: <https://www.bbc.com/news/world-middle-east-46088430>, 4 November 2018.

³⁹ Bahrain Institute for Rights and Democracy, *Bahrain: Lawyers Prosecuted on Speech Charges*, available online: <https://birdbh.org/2020/09/bahrain-lawyers-prosecuted-on-speech-charges/>, 9 September 2020.

⁴⁰ Lawyers for Lawyers, *Abdullah Al-Shamlawi prohibited from practicing law for one year*, available online: <https://lawyersforlawyers.org/en/abdullah-al-shamlawi-prohibited-from-practicing-law-for-one-year/>, 31 March 2021.

⁴¹ Gulf Center for Human Rights, *Bahrain: GCHR declares solidarity with human rights lawyer Abdullah Al-Shamlawi, sentenced to prison for tweets*, available online: <https://www.gc4hr.org/news/view/2422>, 15 September 2020.

⁴² Bahrain Institute for Rights and Democracy, *Leading Bahraini Lawyer Stripped of Legal License Over Tweets*, available online: <https://birdbh.org/2021/03/leading-bahraini-lawyer-stripped-of-legal-licence-over-tweets/>, 22 March 2021.

The right to privacy

12. Bahrain routinely surveils human rights activists, dissidents, and members of the political opposition inside and outside the country, using spyware and digital surveillance technologies. Since 2010, Bahrain has purchased spyware from FinFisher, Hacking Team, and NSO Group.⁴³
13. According to the recent Pegasus Project revelations, Bahrain is a confirmed client of NSO Group and an avid user of its malicious spyware, Pegasus.⁴⁴ In February 2022, Red Line 4 Gulf found, with technical support from Amnesty International and Citizen Lab, that the devices of 3 Bahraini activists were targeted with Pegasus between June and September 2021.⁴⁵ As publicly reported, the targets are: Mohamed al-Tajer, a human rights lawyer who has represented the families of two victims who died due to torture by Bahraini security forces in 2011; Dr. Sharifa Swar, a mental health counselor who has published allegations on her Instagram account that the Ministry of Health is complicit in drug trafficking, and was subsequently prosecuted and imprisoned before she fled to the UK and sought asylum; and a well-known broadcast journalist who wishes to remain anonymous.⁴⁶
14. In January 2022, Access Now and Front Line Defenders revealed the hacking of prominent woman human rights defender, Ebtisam Al- Saegh, whose iPhone was hacked at least eight times between August and November 2019 with NSO Group's Pegasus spyware.⁴⁷ Bahraini authorities have previously harassed Al-Saegh. On March 20, 2017, authorities detained her for seven hours at Bahrain International Airport upon her return from the 34th session of the U.N. Human Rights Council. They thoroughly searched her, interrogated her for five hours, and confiscated her passport and mobile device. She was accused by the interrogator of delivering false statements about Bahraini human rights violations while in Geneva. On May 26, 2017, Bahrain's National Security Agency summoned her to Muharraq police station. Interrogators subjected her to verbal abuse, physically beat and sexually assaulted her, and threatened her with rape if she did not halt her human rights activism. They released her at

⁴³ The Citizen Lab, *From Pearl to Pegasus: Bahraini Government Hacks Activists with NSO Group Zero-Click iPhone Exploits*, available online:

<https://citizenlab.ca/2021/08/bahrain-hacks-activists-with-nso-group-zero-click-iphone-exploits/>, 24 August 2021.

⁴⁴ Amnesty International, *Massive data leak reveals Israeli NSO Group's spyware used to target activists, journalists, and political leaders globally*, available online: <https://www.amnesty.org/en/latest/news/2021/07/the-pegasus-project/>, 19 July 2021.

⁴⁵ Amnesty International, *Bahrain: Devices of three activists hacked with Pegasus spyware*, available online: <https://www.amnesty.org/en/latest/news/2022/02/bahrain-devices-of-three-activists-hacked-with-pegasus-spyware/>, 18 February 2022.

⁴⁶ The Citizen Lab, *PEARL 2 PEGASUS: Bahraini Activists Hacked with Pegasus Just Days after a Report Confirming Other Victims*, available online: <https://citizenlab.ca/2022/02/bahraini-activists-hacked-with-pegasus/>, 18 February 2022.

⁴⁷ Access Now, *Unsafe anywhere: women human rights defenders speak out about Pegasus attacks*, available online: <https://www.accessnow.org/women-human-rights-defenders-pegasus-attacks-bahrain-jordan/>, 17 January 2022.

approximately 11:00 pm and she was immediately taken to a hospital.⁴⁸

15. The use of targeted digital surveillance tools such as NSO Group's Pegasus spyware violates the right to privacy, and the rights to freedom of expression, association, and peaceful assembly. The impact of targeted surveillance on women is particularly grievous, given that political, societal, and gender power asymmetries often grant authorities opportunities to weaponize the information they extract through defamation, blackmail, and doxxing. This can include the publishing of private and intimate photos and conversations online. As Al-Saegh testified, her hacking has eroded her personal freedoms; "personal freedoms are over for me, they no longer exist. I am not safe at home, on the street, or anywhere."⁴⁹
16. In August 2021, Citizen Lab and Red Line for Gulf identified 9 Bahraini activists whose iPhones were successfully hacked with NSO Group's Pegasus spyware between June 2020 and February 2021. The hacked activists included 3 members of Waad political society, 3 members of the Bahrain Center for Human Rights, 2 exiled Bahraini dissidents, and 1 member of Al Wefaq political society.⁵⁰ The Bahraini authorities forcibly banned Waad and seized its assets amidst a wave of repression in early 2017.

Recommendations

24. We urge that freedom of expression and opinion, press freedom, and the right to privacy are prioritized in the upcoming UPR review cycle. We, therefore, recommend that Bahrain:
 - a. *Adhere to international human rights standards, and uphold its commitments to promote and protect the right to freedom of expression and opinion, allowing people to access the internet freely and without fear of surveillance or censorship;*
 - b. *Commit to ending the practice of arbitrary detention, judicial harassment, and prosecutions of human rights defenders, opposition leaders, political dissidents, journalists, lawyers, and bloggers for exercising their right to freedom of expression and opinion, online and offline;*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ The Citizen Lab, *From Pearl to Pegasus: Bahraini Government Hacks Activists with NSO Group Zero-Click iPhone Exploits*, available online:

<https://citizenlab.ca/2021/08/bahrain-hacks-activists-with-nso-group-zero-click-iphone-exploits/>, 24 August 2021.

- c. *Release all political prisoners held for peacefully exercising their legitimate rights to freedom of expression and association;*
 - d. *Cease the use of the Cybercrime Law and the Penal Code to prosecute internet users as well as the state's practice of social media monitoring, intimidation, and online threats to censor and suppress the right to freedom of expression and opinion;*
 - e. *Cease all surveillance operations and hacking of Bahraini activists and human rights defenders, inside and outside of the country, and initiative a prompt, impartial, independent investigation into the recent cases of surveillance targeting Bahraini citizens using Pegasus spyware;*
 - f. *Sever any ties, financial and otherwise, with hacking and surveillance tech companies, and stop the purchase and use of spyware and malware;*
 - g. *Cooperate with U.N. and international investigative bodies, and accept previously issued requests from the U.N. Special Procedures for country visits, including the U.N. Special Rapporteurs on freedom of opinion and expression, freedom of peaceful assembly and association, and torture.*
25. The UPR is an important U.N. process aimed to address human rights issues worldwide. It is a rare mechanism through which citizens around the world get to work with the government to improve human rights and hold them accountable to international law. For more information, please contact: un@accessnow.org and infor@rl4g.org.