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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

* Issued as received, in the language(s) of submission only.



Bahrain: The United States Department of Justice blocking of the LuaLua TV website and its effect on the freedom of press

The United States Department of Justice said in a statement, on Tuesday, June 22, 2021, that it had, based on court orders, confiscated 33 websites used by the Iranian Islamic Radio and Television Union, including the website of the Bahraini LuaLua Satellite Channel, the first independent satellite channel in Bahrain, which started broadcasting in June 2011 from the British capital, London.

The recent action of the US Department of Justice to confiscate 33 media websites from members of the Islamic Radio and Television Union, including the Bahraini LuaLua Satellite Channel, is a flagrant, dangerous and grave infringement on press freedoms and the right to circulate information.

In addition, these measures will help expand the environment that is hostile towards honest and independent media, especially in countries that relentlessly suppress freedom of press, as is the case in Bahrain.

The United States of America ratified the International Covenant on Civil and Political Rights (ICCPR) in 1992, making it binding on the US. The treaty protects freedom of expression (Article 19), and includes freedom of expression that is featured in the United States constitutional law. It also protects freedom of association (Article 22) and the right to privacy (Article 17). Freedom of expression in the ICCPR also includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers.”¹

It is of particular importance that the Human Rights Committee warned in General Comment No. 34 of the dangers of government overreach in the name of national security, noting that states parties must ensure that national security provisions are not used as an excuse “to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information.”²

Noting the contradictory behavior of the US that violates freedom of press, we refer here to what was stated in the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, at the forty-seventh session of the Human Rights Council³ in paragraphs 24, 39 and 40:

Disinformation has been used in several countries in highly visible ways to undermine the right to free and fair elections.⁴ As an example, racially targeted disinformation campaigns were used to suppress votes from communities of colour in the three most recent major elections in the United States of America.⁵ During the 2020 presidential election, then President Donald Trump and his surrogates repeatedly sought to erode confidence in the postal voting system and made baseless claims about election fraud on social media.⁶ The detrimental impact of politically motivated disinformation has been felt on democratic institutions in many other countries too, chilling free speech, reducing the level of trust in the public sphere as a space for democratic deliberation, amplifying anti-democratic narratives, driving polarization and promoting authoritarian and populist agendas.⁷

¹ International Covenant on Civil and Political Rights. Adopted on December 16, 1966. G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Ratified by the United States on June 8, 1992. Article 19.

² UN Human Rights Committee (HRC), General comment no. 34, Article 19, Freedoms of opinion and expression, UN Doc. CCPR/C/GC/34 (2011), paragraphs 22 and 30.

³ <https://undocs.org/en/A/HRC/47/25>

⁴ Submissions from the Center for Democracy and Technology and PEN America.

⁵ Young Mie Kim, “Voter suppression has gone digital”, Brennan Center for Justice, 20 November 2018.

⁶ Submission from the International Center for Not-for-Profit Law.

⁷ See, e.g., submissions from the Association for Progressive Communications and Global Partners Digital.

Freedom of expression may be restricted only in accordance with article 19 (3) of the International Covenant on Civil and Political Rights, which requires all restrictions to be provided by law and to be necessary for the legitimate aim of respecting the rights and reputations of others and for protecting national security, public order or public health or morals. In the light of the fundamental importance of this right to the enjoyment of all other human rights, the restrictions must be exceptional and narrowly construed.

The principle of legality requires the scope, meaning and effect of the law to be sufficiently clear, precise and public. Vague laws that confer excessive discretion can lead to arbitrary decision-making and are incompatible with article 19 (3) of the Covenant. Any limitation of disinformation must establish a close and concrete connection to the protection of one of the legitimate aims stated in article 19 (3)".

Meanwhile, freedom of press has reached extremely dangerous levels in Bahrain, and violations have affected journalists, including victims of extrajudicial killings, arbitrary arrests, torture, arbitrary dismissals, and unfair trials. In addition, "the authorities monopolize the television, radio and written media, and the Bahraini Al-Wasat newspaper was closed; it was the only independent newspaper, which took back the general atmosphere of the press to the year 1999. Moreover, the licenses of foreign agencies' correspondents were withdrawn, they were arrested and fines were imposed on them over the charge of "working without a license."⁸ The official media continued to incite against dissidents because of their exercise of freedom of expression, and this was reflected in the performance of the official media in dealing with the electoral issue also in 2018.⁹

It is worth noting that 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. The head of the authority is directly appointed by the King with the rank of a minister. Bahrain News Agency is the body that monitors and releases local and international news.

Bahrain Forum for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

⁸ <http://www.bahrainpa.org/?p=720>

⁹ <https://bfhr.org/article.php?id=997&cid=1>