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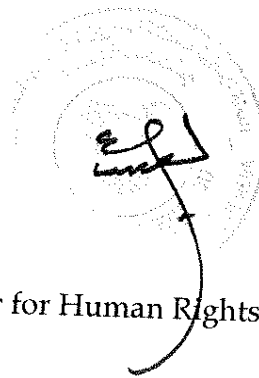
CORRIGENDUM

The Permanent Mission of the Kingdom of Bahrain to United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR), and would like to refer to its note verbale no. 1/5(4)-327 (wg) dated 20 October 2015, containing the reply of the Ministry of Information Affairs of the Kingdom of Bahrain on the AL BHR 4/2015, dated 18 August 2015, sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, regarding the temporary suspension of the independent newspaper Al Wasat and restrictions to freedom of expression and opinion in Bahrain.

In this regards, the Mission has the honour to enclose herewith the updated version of the aforementioned reply.

The Permanent Mission of the Kingdom of Bahrain avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

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Response to inquiry from the Special Rapporteur on Freedom of Opinion and Expression on the Suspension of Al Wasat Newspaper.

Pursuant to the Special Rapporteur's letter of 18 August 2015, regarding the temporary cessation of the circulation of the Al Wasat newspaper on 6 August and lifted on 8 August. The Government of Bahrain would like to take this opportunity to address certain inaccuracies reported to the Special Rapporteur and provide further clarifications to issues contained in the letter. For instance, the letter:

- Characterized the issue as a decision by the regulator to shut down Al Wasat's operations whereas, in reality, the regulatory decision impacted only two editions of Al Wasat, i. e. ~ the 7th and the 8th of August editions.
- Suggested this was an extraordinary event whereas, in reality, the matter involved an ordinary problem, with its own history and context, that had already been swiftly and cordially resolved by mutual agreement of the regulator and the publication to each party's satisfaction -as is evident from the fact that circulation resumed from the 9th of August edition.
- Stated that the impact of this event raised concerns about Bahrain's compliance with international human rights law whereas, in reality, all the concerned parties had, following resolution of the problem, promptly moved on as per normal - as is evident from the fact that no court or other legal proceedings were brought by the publication challenging the regulatory decision.

The facts are set out in the Annexure to this letter and they make clear that the regulatory decision to withhold issuance of the 7th and the 8th of August morning edition was entirely legal and taken solely because of Al Wasat's repeated and long-standing editorial negligence and malpractice consisting of: (i) failing to fact-check; (ii) blurring the distinction between fact, opinion, speculation and gossip; (iii) repeated and pronounced use of unnecessary inflammatory, inciting, and socially divisive language; and (v) failing to exercise restraint and caution where matters of life and death are involved, especially during times of heightened social and regional tensions.

These editorial problems had repeatedly been brought to Al Wasat's attention prior to taking the regulatory decision. Each time Al Wasat had accepted its responsibility. However, the problems persisted, necessitating the regulatory decision. Once taken, the regulator and affected party constructively worked together to resolve the matter swiftly and cordially. This was done in less than 48 hours. Circulation resumed immediately and without restriction. Al Wasat continues to publish whatever it wants to, and takes whatever political ideological line its editors wish to publish. As long as it does so in accordance with the legal and journalistic standards applicable to it, the Government of Bahrain did not and does not interfere in its freedom to publish.

This is done within a wider spectrum of efforts to guarantee the rights of journalists and promote and protect freedom of expression in Bahrain. The 2011 Report of the Bahrain Independent Commission of Inquiry (BICI) recommended reforms to the media sector with special emphasis on social reconciliation. The Government has implemented the media-related BICI recommendations in two main ways.

On 11 October 2012, new laws came into force that strengthen freedom of expression by limiting the grounds for restricting speech. In particular, Articles 168 and 169 of the Penal Code were amended to narrow the restrictions. Further, Bahrain is receiving the assistance of international experts on appropriate levels of legal regulation of freedom of expression. Moreover, the National Institute of Human Rights is actively engaged in making specific recommendations to the Government or highlighting individual cases of concern. Finally, the IAA is actively promoting the training of journalists to develop a mature and responsible press cadre. In that regard Bahrain's regulator signed an agreement to provide professional training for media personnel and journalists in cooperation with The National Audio visual Institute, and The Center for Professional Training for Journalism, in Paris.

A broader media reform plan is being carried out - based exclusively on the principles of pluralism, neutrality, credibility, and rule of law. Senior Experts – former leaders of the French media regulator - were engaged to formulate a media reform plan, which was accepted by the National Commission in charge of Implementing the BICI Recommendations in April 2012 (and published on the internet in full as an annexure to the National Commission's Report). Pursuant to this plan, the High Authority for Media and Communication was established in June 2013 - the first of its kind in the region - to play a role similar to OFCOM in the United Kingdom and the Conseil Supérieur de l' Audiovisuel in France. This Authority is entirely independent of the rest of government. It sets the professional standards for the media and has a specific mandate to implement the principles of pluralism and neutrality in its regulatory function.

The central element of the media reform plan is the creation of a unified and updated media law to govern all aspects of the Bahraini media landscape. The project was begun in 2012. A draft passed through several stages of government review, where it is being considered.

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Annexure

- On 17 February 2015, *Al Wasat* published a two-page long-form article titled "From Slavery to the Corridors: Grand Doll Neighbourhoods – On the Bed of Strangers: History of Prostitution in Bahrain". In this piece, the author listed certain neighbourhoods that he claimed had been historically involved in prostitution and other illegal activity in Bahrain. The residents of particular neighbourhoods complained to the regulatory body that this article violated provisions of Bahraini law, was false, dishonoured their families, and insulted their ethical stances. These were strongly felt reactions amongst the residents and the complaints included reference to the author's prior targeting of the communities belonging to the neighbourhoods in question.
- On 22 February 2015, the Information Affairs Authority (IAA), the regulator, pursuant to Article 84 of the 2002 Press Law, wrote to *Al Wasat* conveying that the 17 February article contained factual inaccuracies and was divisive and indicated that *Al Wasat* editors needed to ensure accuracy and discourage inflaming the community. *Al Wasat* accepted the warning and did not bring legal proceedings to challenge it. No further action was taken.
- On 1 August 2015, *Al Wasat* published an op ed titled "And nevertheless they will approve of you ...". In this piece, a frequent contributor to *Al Wasat* took aim at the Bahraini Council of Representatives. Given this author's historical writings, his target was obvious to anybody familiar with the Bahraini media debate. In his article he claimed that the Council of Representatives is backing armed groups outside Bahrain – specifically, Mujahedeen-e-Khalq in Iran, "*We have also denounced the support of the Bahraini Council of Representatives to Mujahedeen-e-Khalq, the Iranian organization pursuing armed action in Iran*". He also claimed that Bahrain is interfering in the Iraqi affairs through Daesh "*and we have also refused the Bahraini interference in Iraqi affairs through «Daesh» groups and Bahraini fighters and suicide bombers who are sent there to shed the blood of Iraqis*".
- The House of Representatives complained to the IAA and required it to take measures on the grounds that this piece violated provisions of Bahraini law, included false information, was insulting, and inflamed passions.
- On 3 August 2015, pursuant to Article 84 of the 2002 Press Law, the IAA wrote to *Al Wasat* conveying that the 1 August article contained false information and requiring the editors to ensure accuracy and refrain from sloppy innuendo-filled insults intended to inflame passions. Once again, *Al Wasat* accepted the warning and did not bring legal proceedings to challenge it. No further action was taken.
- On 6 August 2015, a suicide bomber in the Kingdom of Saudi Arabia killed 15 people in the south-western city of Abha on the border with Yemen – a number of whom were active service military. Furthermore, this was the third suicide bombing at a mosque in Saudi Arabia during 2015. Further, during the prior

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week, Bahrain saw the first detonation of an IED using C4 explosive, which claimed the lives of 2 policemen and injured six others in life threatening ways. It was a time of considerable tension.

- On 6 August 2015, *Al Wasat* published a news piece on the Abha mosque bombing in which it used certain phrases that in the Arabic language tend to inflame rather than condole. It caused grave distress both in Bahrain, as well as in other GCC countries, especially Saudi Arabia. Acting under its legal and regulators powers, including Articles 19, 84 and 85 of the 2002 Press Law, the IAA wrote to *Al Wasat* requiring it to cease publishing the next editions of the morning edition of the newspaper because of its repeat violations of various provisions of Bahraini law; its repeatedly publishing unfounded speculation, unsourced information, gossip, accusation, rumour and worse that shared the common theme of being socially divisive; and its unthinkingly hostile editorial policy, not based on reason or argument but rather borne purely out of passion, towards the governments of Bahrain's closest allies on the side of whom the country was currently waging war and the allied forces of which had recently suffered military fatalities.
- On 7 August 2015, the Minister responsible for the IAA met with the Chairman of the Board of Directors of *Al Wasat* to discuss the IAA decision.
- On 8 August 2015, the Editor-in-Chief of *Al Wasat* wrote to the IAA committing to upholding editorial standards to prevent the publication of false information and unnecessarily inflammatory and divisive hit pieces.
- On 8 August 2015, the IAA decided that *Al Wasat* could continue issuing and circulating all its editions effective immediately.
- Since then, *Al Wasat* has published its editions without any restriction whatsoever and continues to received Government advertising revenues at constant levels.