

**Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.**

REFERENCE: AL  
BHR 9/2014:

11 July 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur in the field of cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to Human Rights Council resolutions 19/6, 25/2, and 24/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged destruction of the monument called the "Pearl Roundabout" and related imagery, and continued public access prohibition to the site**, considered by Bahraini citizens as the symbol of their demands for freedom and democracy. In the light of the allegations below, we respectfully recommend your Excellency's Government to respect and protect the rights to freedom of expression and peaceful assembly of people calling for reforms in the country, to demilitarize and allow access to the site of the destroyed monument, and to open spaces to the expression of a variety of narratives regarding the past.

The Pearl Roundabout monument was a 300-foot monument with six swords representing the six Gulf Cooperation Council (GCC) countries holding a pearl at the top, which was erected in tribute to the GCC Summit held in Bahrain in 1982. After the reported violent crackdown of peaceful protests held at the site in February 2011 that left hundreds of people injured and at least six killed, the Pearl Roundabout became the symbol of the pro-democratic movement, known as the Pearl of the Martyrs. These reported events were the object of a communication letter sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (see case no. BHR 1/2011, reference A/HRC/18/51).

According to the information received:

On 18 March 2011, Government security forces destroyed the Pearl Roundabout monument. On that same date, the 500 fils coins engraved with the image of the Pearl Roundabout monument were taken out of circulation, postcards featuring its image were removed from tourist shops and in the open-air market places, and pictures of it were removed from official Government websites.

Since that date, graffiti featuring the destroyed monument reportedly appear on a regular basis on walls of towns and villages throughout the country, before being immediately erased under layers of paint. Furthermore, it is reported that security forces have been interfering with peaceful protests, by confiscating or destroying replicas of the Pearl Roundabout monument created by protesters and displayed in the public space.

It is also alleged that security forces used photos of the destroyed Pearl Roundabout monument to break the spirit of people detained for their role in peaceful protests.

At the time of writing this communication, the roundabout became a crossroad junction, which now bears a new name, in a reported effort to erase all memory of the Pearl Roundabout monument. Moreover, the public access to the site remains reportedly completely locked and guarded by the army with signs prohibiting people to take pictures.

While we do not wish to prejudge the accuracy of these allegations, we are expressing concerns at what appears to be a policy of removing from public space and public memory the symbol of the pro-democratic movement of Bahrain, and therefore, of preventing the expression of narratives deviating from official discourses regarding the events of February and March 2011. We are further concerned about continued restrictions imposed on the rights of everyone to freedom of expression and peaceful assembly, as reported by civil society groups in the past few years and as acknowledged through various communications sent to the Government by both the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association (see in particular the last report on observations on communication sent and replies received from 1 March 2013 to 28 February 2014 by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/26/29/Add.1, paras. 36-49).

**International human rights standards relevant to the situation described above are provided in the Annex to this communication.** They include in particular articles 19 and 21 of the International Covenant on Civil and Political rights, accessed by Bahrain on 20 September 2006, and article 15 of the International Covenant on Economic, Social and Cultural Rights, accessed on 27 September 2007.

We would appreciate a response about the initial steps taken by your Excellency's Government to safeguard the rights of all persons to freedom of expression and peaceful

assembly in compliance with the aforementioned international standards, and to open spaces to the expression of a variety of narratives regarding the past.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comments you may have on the above-mentioned allegations.
2. Please explain the reasons for the destruction of the Pearl Roundabout monument and related imagery, and their compatibility with the standards mentioned in the annex.
3. Please provide full details of the reasons why the access to the new crossroad junction, where the Pearl Roundabout monument used to be located, is completely locked and guarded by the army.
4. Please provide information on measures taken to ensure that people in Bahrain, including dissenting voices, can carry out their peaceful and legitimate activities, without fear of reprisals, judicial harassment or other restrictions. What are the spaces opened for people to articulate diverging narratives over the past?

We would appreciate a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Farida Shaheed  
Special Rapporteur in the field of cultural rights

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

**Annex**  
**Reference to international human rights law and standards**

In connection with the above concerns, we wish to refer your Excellency's Government to articles 19 and 21 of the International Covenant on Civil and Political rights, accessed by Bahrain on 20 September 2006, and article 15 of the International Covenant on Economic, Social and Cultural Rights, accessed on 27 September 2007.

1. Moreover, we would like to refer to the thematic report A/HRC/20/27 of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which stresses that "only *certain* restrictions may be applied, which clearly means that freedom is to be considered the rule and its restriction the exception" (paragraph 16) and holds as best practice "laws governing freedom of assembly [that] both avoid blanket time and location prohibitions, and provide for the possibility of other less intrusive restrictions" (paragraph 39).

2. In her report A/HRC/17/38, the Special Rapporteur in the field of cultural rights addressed the right of access to and enjoyment of cultural heritage on the basis of article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights. She recommended that States recognize and value the diversity of cultural heritages present in their territories and under their jurisdiction, and acknowledge, respect and protect the possible diverging interpretations that may arise over cultural heritage. The choices of individuals and communities to feel associated (or not) with specific elements of cultural heritages should be respected and protected. The Special Rapporteur also stressed the duty of States not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned communities (A/HRC/17/38, para. 80 (a) and (b)).

3. We also draw the attention of your Excellency's Government to the reports of the Special Rapporteur in the field of cultural rights on the issue of historical and memorial narratives in divided societies, relating to a) history textbooks (A/68/296) and b) memorials and museums (A/HRC/25/49). In both reports, the Special Rapporteur stressed the importance of a setting out the conditions to ensure a multi-perspective approach in history teaching and memorialization processes. She recommended that history teaching and memorial practices foster critical thought, analytic learning and debate, and open spaces to a variety of narratives regarding the past.