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**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**Mandates of the Special Rapporteur in the field of cultural rights and the Special Rapporteur on freedom of religion or belief**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

Téléfax: (41-22)-917 90 06  
Télégrammes: UNATIONS, GENEVE  
Téléc: 41 29 62  
Téléphone: (41-22)-917 9359  
Internet www.ohchr.org  
E-mail: urgent-action@ohchr.org

Address:  
Palais des Nations  
CH-1211 GENEVE 10

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights and Special Rapporteur on freedom of religion or belief pursuant to Human Rights Council resolutions 19/6 and 14/11.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **the destruction of cultural and religious sites inscribed on the UNESCO World Heritage List, as well as the ban on music by Ansar Dine group in the cities of Timbuktu, Gao and Kidal in Mali.**

According to the information received:

On 1 July 2012, the armed members of Ansar Dine reportedly attacked a cemetery located in the south of Timbuktu in the suburb of the eponymous Djingareyber mosque built from mud in 1327 and destroyed the tombs of Sidi Mahmoud, Sidi Moctar and Alpha Moya. Allegedly the members of Ansar Dine group were carrying chisels and hoes and smashed the tombs while local people were watching and could not interfere as those vandalizing the buildings were armed.

Reportedly on the following day, Sunday, 2 July 2012, they attacked Cheikh el-Kebir's mausoleum. The destruction at the Djingareyber cemetery ended in the late afternoon, with four tombs totally destroyed. The attackers also destroyed earthenware jars and other art crafts around the tombs. It is also reported that the western gate of Sidi Yahia mosque was destroyed.

Ansar Dine spokesman, **Mr. B.**, allegedly claimed that the group was acting in the name of God and would destroy every mausoleum in the city without exception. It was reported that the Islamist rebels who have the control of Timbuktu along with the rest of northern Mali three months ago consider the shrines to be idolatrous and have wrecked seven tombs in just two days.

Apart from three old great mosques, the World Heritage site in Timbuktu recognized by UNESCO comprises 16 cemeteries and mausolea, essential elements in a religious system as, according to popular belief; they constitute a rampart that shields the city from all misfortune.

We have also received information according to which the Ansar Dine group issued a ban on music in Timbuktu, Gao and Kidal as soon as they took control of these areas, in April 2012.

Concerns are expressed for the violation of the rights of Timbuktu residents to freedom of religion or belief, as well as their cultural rights, in particular through the destruction of the religious sites belonging to the local community, and the banning of music.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification on the information drawn to our attention and share our concerns in relation to present circumstances in light of the applicable international human rights norms and standards.

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with article 18 of the Universal Declaration on Human Rights (UDHR) and article 18 of the International Covenant on Civil and Political Rights (ICCPR) that your Excellency's Government accessed on 16 July 1974.

We would also like to draw your attention to the Human Rights Council resolution 6/37, paragraph 9 (e) which urges States, "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction. In the cases where non-State actors interfere with the right to "have or adopt a religion or belief of [one's] choice", the requirements of article 18 of the Covenant and other relevant international instruments also entail a positive obligation for the State to protect persons from such interference.

We would further like to draw your attention to resolution 64/164 of the General Assembly regarding religious intolerance which urged "States to take all necessary and appropriate action, in conformity with international human rights standards, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world."

We would also like to stress that in accordance with article 27 of the UDHR and article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which your Excellency's Government also accessed on 16 July 1974, everyone has the right to take part in cultural life. As stated by the Special Rapporteur in

the field of cultural rights, this includes for all “the right of access to and enjoyment of cultural heritage”; furthermore, States have the duty “to take measures to preserve/safeguard cultural heritage from destruction or damage by third parties” (A/HRC/17/38, in particular paras. 78 and 80 b).

In addition, we would like to appeal to your Excellency's Government to ensure the freedom indispensable for creative activity and the right to freedom of expression, including in the form of art, which are guaranteed respectively under article 15 of ICESCR and article 19 of ICCPR.

In this connection, we would like to kindly request your Excellency's Government to take all necessary measures to protect the religious places of important cultural heritage value in Timbuktu and to ensure the freedom of the local population to hear and play music.

Moreover, it is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of cases accurate?
2. Have complaints been lodged with regard to the incidents mentioned above?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please indicate which measures your Government has implemented to protect the religious places in the city, and whether this includes measures to combat the possible illicit trafficking of cultural property coming from the Northern region of Mali.
5. Please indicate which measures your Government has implemented to protect the freedom of the local population to hear and play music.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately included in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the

alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Farida Shaheed  
Special Rapporteur in the field of cultural rights

Heiner Bielefeldt  
Special Rapporteur on freedom of religion or belief