

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

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

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

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on freedom of religion or belief; the Independent Expert on minority issues; and the Special Rapporteur on the situation of human rights in Myanmar.

REFERENCE: AL G/SO 214 (56-23) Minorities (2005-4) G/SO 214/62-11
MMR 3/2011

16 September 2011

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Independent Expert on minority issues; and Special Rapporteur on the situation of human rights in Myanmar pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/6, 14/11 and 16/24.

We would like to draw the attention of your Excellency's Government to information we have received regarding **attempts to destroy a 150 year old Muslim cemetery** in the Islamic glebe land, in Meikhtila, in the north of Myanmar.

According to the information received:

On 25 July 2011, at approximately 2:00 a.m., three bulldozers belonging to a private company, owned by Mr. U Khin Shwe, entered the Muslim cemetery in Meikhtila, and began to destroy the gravesites in order for the land to be used for commercial purposes. Despite intervention by members of the local Muslim community, extensive damage was reportedly caused to the graves, tombstones and walls. The cemetery, along with an adjacent mosque, has been situated in Meikhtila for over 150 years, with the land titles reportedly belonging to the religious committee responsible for the premises. Moreover, since 2003, the cemetery remains a heritage site and does not have any new burials in accordance with an administrative order.

It is feared that the cemetery will be sold for commercial and profit purposes. Furthermore, it has been alleged that the private company has the support of two retired army officers, who may use their influence to force relocation of the cemetery.

Serious concern has been expressed that further destruction of the cemetery, a religious heritage site, will be carried out as bulldozers are reportedly situated near the cemetery.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification of the circumstances regarding attempts to destroy the cemetery in Meikhtila.

We would also like to recall the right to freedom of religion or belief, in accordance with articles 18 of the Universal Declaration of Human Rights (UDHR), and of the International Covenant on Civil and Political Rights (ICCPR). The General Assembly, in its resolution 55/254, condemned all acts or threats of violence, destruction, damage or endangerment, directed against religious sites as such and called upon all States “to exert their utmost efforts to ensure that religious sites are fully respected and protected in conformity with international standards and in accordance with their national legislation and to adopt adequate measures aimed at preventing such acts or threats of violence.” Furthermore, the Assembly, in its resolution 65/211, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end “(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes [...] (l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis and to detect signs of intolerance that may lead to discrimination based on religion or belief”.

Cemeteries and religious buildings and places of worship constitute important components of the cultural and religious life of ethnic and religious minority communities and minority identity in a given country. We therefore draw the attention of your Excellency’s Government to international standards relevant to the protection and promotion of the rights of minorities. The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under article 1.1 that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” Article 2.1 states that “Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination. With regard to decisions made relating to the land in question, article 2.3 states that, “Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation”. In addition, article 4.1 of the Declaration establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.”

Moreover, 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. 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 above summary of the incidents accurate?
2. Has a complaint been lodged with regard to the incidents mentioned above?

3. Please provide the details and where available, the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to the attempts to destroy the cemetery in Meikhtila.
4. Please provide details of laws, policies or practices that exist to ensure the rights of the Muslim minority in Myanmar and avenues of complaint available to members of minority communities who consider their rights to have been violated, including their rights to land and property and religious and cultural rights.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

IZSÁK Rita
Independent Expert on minority issues

Tomas Ojea Quintana
Special Rapporteur on the situation of human rights in Myanmar