

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

REFERENCE: AL
SAU 7/2015:

14 October 2015

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 28/9 and 22/20.

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 various Mosques and sites of religious, historical and cultural importance in Saudi Arabia**, which have been on-going for years. These sites have allegedly been destroyed in an effort to promote a Wahhabi interpretation of Islam that prohibits visiting holy shrines and tombs.

Saudi Arabia is the home of Islam's two holiest sites, Mecca and Medina. These two cities, as well as other sites in the country, are of crucial importance for Muslims, from Saudi Arabia as well as other countries. They also constitute sites of historical and cultural importance for many people throughout the world.

According to the information received:

Numerous mosques, graves and shrines of religious, historical and cultural importance have been destroyed by the Government, including sites in Jeddah, Medina, Mecca, al-Khobar, Awamiyah, and the site of the battle of Uhud (Jabal Uhud).

Research estimates that more than 90 per cent of Saudi Arabia's historical landmarks and archaeological heritage have already been demolished and that the destructions have increased over the last few years. While many Muslims have been outraged by the destructions, it is alleged that these actions have engendered greater affront to the Shia and Sufi communities, as pilgrimages and visitations to the resting places of the Prophet's companions and early Imams are for them customary religious practices.

Continued destruction of mosques, graves and shrines of religious, historical and cultural importance

Various Mosques have been destroyed over time. In 2002, dynamite was used by the Government to destroy the Mosque and Tomb of Imam Ali al-Uraidhi ibn Ja'far al-Sadiq. In July 2008, the government closed all Shia mosques in the Eastern city of Al-Khobar, and in April 2010, the Minister of Interior announced that they would not be re-opened for security reasons. In 2012, authorities demolished the Ein Imam Hussein Mosque in the Eastern Province and, in November 2014, the Government demolished seven small mosques in Medina where the Prophet Muhammad is said to have worshipped. One of those Mosques, the Mosque of Abu Bakr al-Siddiq was bulldozed to make room for an ATM machine. Since 2014, plans are being discussed to destroy the Mosque al-Nabawi in Medina, in which the Prophet is buried, and to move the grave to an anonymous location on the site of the al-Baqi cemetery.

It is also alleged that the Government is responsible for the destruction of cultural and historical sites connected to the Prophet Muhammad, his family and his early companions. This includes exhuming the body of the Prophet Muhammad's father, Abd Allah, from the Prophet Muhammad's childhood home and relocating it at the al-Baqi cemetery in 1989, and bulldozing and burning the grave of Amina bint Wahb, the Prophet Muhammad's mother. In 2013, authorities used concrete to fill the crevice in Mount Uhud where the Prophet Muhammad went after the Battle of Uhud, and put up a sign to warn visitors that this was a mountain like any other. In 2014, the Government also destroyed the House of Ali ibn Ali Talib, the cousin and son-in-law of the Prophet and the first Shia Iman.

Those destructions seem to be part of a larger scheme which has been put in place since 1925, to prevent visits to graves and shrines of Islamic historical figures. It has entailed the destruction of important cemeteries, such as the al-Mu'alla cemetery in Mecca and the al-Baqi cemetery in Medina. Access to the sites of these cemeteries and the remains of the tombs are restricted and visitors are prohibited by the Commission for the promotion of Virtue and the prevention of Vice to go near the graves or perform prayer.

Destructions of relevant heritage sites for the expansion of the Grand Mosque

Through previous expansion work of the Grand Mosque in Mecca, the Government had already levelled the house of Khadija bint Khuwaylid, the Prophet Muhammad's first wife, and turned it into a library in 1989. In 2011, the Government approved a \$21 million budget plan to modify the Grand Mosque in Mecca, widening the area of the mosque by 400'000 square meters to accommodate the increasing number of visitors.

With this new plan, many further sites of religious, historical and cultural significance are being destroyed. In particular, the house of Khadija bint

Khuwaylid was turned from a library to a row of toilets for visitors to the Grand Mosque. In 2012, the General Presidency of the Affairs of the Two Holy Mosques (GPATHM) demolished the Ottoman and Abbasi columns of Dar al-Aqram, the first place where the Prophet Muhammad taught Islam. This included eliminating the inscribed Arabic calligraphy of the names of the Prophet's companions and the important events of his life. In February 2013, the Government demolished the 17th century portico of the Grand Mosque and the adjacent Ghamama Mosque.

Apart from the Grand Mosque per se, the project also includes adjacent constructions. Many religious, historic and cultural sites have been demolished by the authorities to allow the construction of the Mecca Royal Clock Tower complex. In 2002, the Ottoman Al-Ajyad Castle, built in the 18th century to protect Mecca, was destroyed for this purpose, as was the Ottoman Al-Ecyad Castle, in 2005. Completed in 2012, the Mecca Royal Clock Tower structure stands on numerous significant cultural and historical sites. In 2013, the Saudi government built the Mecca Hilton on top of the Home of Abu Bakr, Islam's first caliph. The burial site and the Prophet Muhammad's former house are now covered with marble in the plaza outside of the Grand Mosque, and the sites of the main battles in Islamic history, Uhud and Bader, which were led by Prophet Mohammad, have been paved for parking lots. In February 2014, the house of Hamza, the Prophet's uncle, was bulldozed to make place for a nearby hotel and the GPATHM announced its plans to demolish the Prophet Muhammad's birthplace in order to build a residence and palace for the imam of the Grand Mosque.

In October 2014, a report from the Ministry of Islamic Affairs and Endowments stated that a total of 95 properties and 126 mosques will be destroyed before the Grand Mosque renovations are complete. In January 2015, this estimate has been revised by the Minister of Finance, identifying up to 10'000 properties for demolition.

In many of the sites, after destruction of the original structures, signs were posted to trivialize their historical and religious significance, expressing for example doubts that the Prophet has lived or preached there, and recalling that it is forbidden to use this place for specific prayers.

Religious reasons are offered to justify the destruction of graves and shrines and the restriction of access to sites linked to historically significant religious figures. Members of the Permanent Committee for Scholarly Research and Ifta (alifat) have issued 38 fatwas relating to the presence of graves or shrines in, or under, mosques. They claim that destroying the sites and removing the graves, as well as restricting access to sites linked to religious figures, will prevent idolatry and allow Muslims to concentrate on their faith. Some of these fatwas claim that this is an obligation for Muslim rulers.

This argument, rooted in a Wahhabist interpretation of Islam, is not shared by all Muslims. Particularly for Shia Muslims, visiting shrines and other holy sites associated with family members and descendants of Prophet Muhammad is an essential part of their religious practices, so their physical destruction could constitute a violation of their freedom of religion. More broadly, the destruction of religious sites has impacted the exercise of Hajj and contributed to an environment of mistrust and tension throughout the region between those who adhere to Wahhabist teachings and those who do not.

While we do not wish to prejudge the accuracy of these allegations, we are expressing concerns at what appears to be a policy of systematic destruction of religious, historical and cultural sites in Saudi Arabia, preventing people, in particular Shia and Sufis, from exercising their right to maintain and visit places of worship, and to enjoy and access cultural heritage, in violation of their human rights to freedom of religion and belief and to participate in cultural life.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore 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 sites of religious, historical and cultural significance cited above, and their compatibility with the human rights standards mentioned in the Annex.
3. Please indicate whether and how concerned people and communities have been consulted about the plans entailing the described destructions.
4. Please provide information on measures taken to ensure respect for the rights of all Muslims, including Shia and Sufis, to exercise their freedom of religion and belief, including their right to maintain and access places of worship, as well as their right to access and enjoy cultural heritage.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations, to protect places of cultural and religious significance that may be threatened and to prevent re-occurrence of these violations. In the event that the investigations support or suggest the allegations to be correct, we urge 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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Annex
Reference to international human rights law

In connection with the above concerns, we wish to refer your Excellency's Government to articles 18 and 27 of the Universal Declaration of Human Rights (UDHR), as well the 2003 UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage.

We would like to draw your Excellency's Government attention to the Human Rights Council resolution 6/37, paragraph 9 (e), and General Assembly resolution 63/181, paragraph 9 (i) 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." We would like to appeal to your Excellency's Government to ensure the right to freedom of thought, conscience and religion in accordance with article 18 of the UDHR. We would also like to recall that the General Assembly, in its resolution 63/181, recalling the language of Human Rights Council's resolution 6/37, urges "(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief [...]".

We would also like to recall the principles set forth in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief (A/RES/36/55), which provides that the right to freedom of religion or belief includes freedom to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes. The commitment to protect freedom of religion or belief of all people and to take necessary measures to ensure the effective enjoyment and protection of this right "with a view to promoting the equality of all peoples and respect for all faiths" was reiterated by your Excellency's Government in its 2013 Universal Periodic Review (A/HRC/25/5/Add.1, §10).

We would also like to stress that in accordance with article 27 of the UDHR, everyone has the right freely to participate in the cultural life of the community, and draw your attention to the report of the Special Rapporteur in the field of cultural rights relating to the right of access to and enjoyment of cultural heritage (A/HRC/17/38). As cultural heritage represents values linked with the cultural identity of individuals and communities, access and enjoyment of cultural heritage also imply "contributing to the identification, interpretation and development of cultural heritage, as well as to the design and implementation of preservation/safeguard policies and programmes" and should therefore include consultations with all concerned communities before deciding on the destruction of sites of cultural or religious significance (para.58 and 79). The Special Rapporteur 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)). 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 a and b). This obligation was also inscribed in the 2003 UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage, stressing the responsibility of States not to intentionally destroy their own heritage, “whether or not it is inscribed on a list maintained by UNESCO or another international organization” (Section VI).

Cultural and religious sites are also critical resources for safeguarding, questioning and transmitting historical knowledge and narratives of the past. The Special Rapporteur in the field of cultural rights warns against the fact that “dominant homogenizing narrative blanches out diversity, ignoring the cultural heritage of everyone outside the group in power, simultaneously depriving the majority of the opportunity to understand the complexity of their country.” (A/68/296, para.31).