

Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on extreme poverty and human rights

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur in the field of cultural rights; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 28/9, 31/9, and 26/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged demolition of the historic neighbourhood of Al-Masora in the town of Awamia, Eastern Province of the Kingdom of Saudi Arabia**, which has been announced on 31 December 2016.

According to the information received:

On 31 December 2016, Mr. [REDACTED], General Director of the Department of Public Relations and Media of the Secretariat of the Eastern Province, announced that the Eastern Province government had begun the process of demolishing the historic Al-Masora neighbourhood in the town of Awamia. These demolitions are reportedly part of a larger development plan for Awamia, including also other nearby neighbourhoods, aiming to transform the area from a residential neighbourhood to a commercial and service zone. It is alleged that this decision was taken without any form of public consultation and that the final project has not yet been confirmed.

The Al-Masora neighbourhood is one of the oldest in Awamia, a town mainly inhabited by Shia Muslims. It is composed of around 400 houses, dating back more than four hundred years. Al-Masora's architecture is characterized by narrow roads, buildings made of clay, historic houses built from sea stone, and palm trees planted in geometric patterns. The walled neighbourhood includes mosques, farmers markets, places of worship for Shia "Hussainiyat", businesses and farms and is home to approximately 2,000 to 3,000 persons, including children and elders.

Although not listed in the national inventory of cultural heritage, the Al-Masora neighbourhood is considered a historic model of great interest for researchers in the fields of heritage and archaeology; the design of some of the older buildings reflect the region's heritage and the entire neighbourhood was historically part of

the regional trade activities that were centred around Qatif for centuries. Considering the unique nature of the neighbourhood, it is alleged that this demolition would contravene the domestic Law on monuments, museums and architectural heritage (November 2014), which prohibits in article VI trespassing, distorting, removing, damaging or defacing archaeological or urban heritage sites by writing, painting, inscription, posting flyers, setting fire or altering or obliterating their features.

The authorities consider that some of the old houses represent a safety concern for the residents and that the infrastructure is very old. However, it is alleged that no option that would maintain the unique character of the area, such as restoration of the most significant concerned buildings or a sanitation plan, have been proposed as alternative to demolition of the entire neighbourhood and displacement of its population. National heritage experts have opposed this decision, affirming that the authorities of the eastern province do not have the legitimate authority to demolish Al-Masora neighbourhood and any site containing heritage buildings.

It is reported that no formal notice of eviction was issued, nor any specific plans for alternative housing and resettlement of its residents. However, residents were allegedly expected to leave the neighbourhood by 11 February 2017 to allow demolition works to begin. If implemented, the plan will remove people from the areas where they live and work, resulting in potential loss of livelihood and difficulty to secure housing. No replacement land and houses have allegedly been offered as alternatives nor has support been provided to concerned residents in taking relocation measures.

A committee, composed of representatives from the municipality, the province, the Ministry of Finance and an expert advisor, has reportedly offered compensation to the people whose houses will be demolished. In a number of cases, however, the official valuation was between two and three times lower than the amount needed by the concerned people to either purchase or build alternative housing of similar standing in the same city. Accepting this level of compensation would result in a drastically reduced standard of living for these persons, and rendering them vulnerable to homelessness and/or inadequate housing. In other cases, the valuation seemed almost too high for properties of similar standards, raising questions about the criteria considered for the valuation. Considering that the development plan does not include the construction of residential buildings, it is also alleged that the demolition would increase the already existing housing crisis and lead to further rise in housing and land prices.

In the absence of suitable alternatives, a large number of the residents have refused to evacuate their homes and leave their neighbourhood. Some organized sit-ins to express their rejection of the government's actions and their desire to stay. On 25 January 2017, authorities reportedly cut the electricity to the neighbourhood without prior notice, which resulted in loss of electric heating in

all buildings, and has impacted the living conditions of all residents, the health of some elderly and children living in the neighbourhood, as well as curtailing business activities. In several parts of the neighbourhood, testimonies from residents report that these cuts also concerned the water supply, depriving them of drinking water. These services have not been re-established since, and residents have resorted to the use of generators to supply their homes. All local civil society initiatives to provide material and logistical assistance to the people of Al-Masora in dealing with the consequences of the power-cut, in particular the cold of the winter months, were reportedly banned by the authorities and forced to halt.

Over the last days of January 2017, residents of the Al-Masora neighbourhood were required to sign a disclaimer form, stating that the local authorities would not be held responsible for any damage occurring due to the demolition of houses in case where residents would not comply with the deadline to completely evacuate their homes by 11 February 2017. The disclaimer also warned that those who did not comply would face regulatory and legal repercussions.

On 28 January 2017, a group of residents of Al-Masora neighbourhood sent a letter to the Saudi King requesting reconsideration of the valuation of their homes and the circumstances of each case and ensure that suitable alternatives are provided. The letter also explained the negative effects of the proposed demolition, particularly on increasing levels of poverty. At the time of writing this communication, the residents had still not received any answer to this letter.

On 1 February 2017, government bulldozers began to demolish houses close to Al-Masora. Although further demolitions have not been reported since, this has heightened residents' fears that the government is moving ahead with its demolition plans. This is reinforced by the publishing, on 8 February 2017, of an open bid for the "Project of demolition and removal of Al-Masora neighbourhood in Awamiya in the governorate of Qatif", to be awarded to the winning contractor on 9 March 2017. No information has been provided concerning the result of this procedure.

We express serious concern that the planned demolition and forced eviction, if followed through, threatens the historical and cultural heritage of the Al-Masora neighbourhood, and will result in homelessness of between 2,000 and 3,000 people evicted from their residence, without prior consultation, adequate housing or resettlement options, or adequate compensation packages. As the destruction of cultural heritage cannot be undone, additional concern is expressed over the project's short-term and long-term consequences for the residents of the area, the town of Awamia and the whole region, including with respect to the rights to an adequate standard of living and to enjoy and access cultural heritage in accordance with the international human rights standards relating to the rights to participate in cultural life.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to urgently take all necessary steps to secure the right to an adequate standard of living, including the right to housing as defined in article 25 of the Universal Declaration of Human Rights (UDHR) and article 27 of the Convention on the Rights of the Child, ratified by the Kingdom of Saudi Arabia 26 January 1996, and the right to take part in cultural life as defined in article 27 of the UDHR, which includes the right to access and enjoy cultural heritage.

In accordance with article 27 of the UDHR, everyone has "the right freely to participate in the cultural life of the community". The right of access to and enjoyment of cultural heritage also forms part of international human rights law, finding its legal basis, *inter alia* in this right. Cultural heritage is a fundamental resource for the enjoyment of other human rights, in particular, the rights to freedom of expression, freedom of thought, conscience and religion, as well as the economic rights of the many people who earn a living through tourism related to such heritage, and the right to development (A/71/371, para. 14). Hence, the destruction of cultural heritage has a deleterious impact on a range of human rights. In Resolution 33/20 (2016), the Human Rights Council stressed in particular that "the destruction of or damage to cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights."

We draw your Excellency's Government's attention to the reports of successive Special Rapporteurs in the field of cultural rights relating to the right of access to and enjoyment of cultural heritage (A/HRC/17/38) and to the intentional destruction of cultural heritage (A/71/317). As cultural heritage represents values linked with the cultural identity of individuals and groups, access to and enjoyment of cultural heritage also include "contributing to the identification, interpretation and development of cultural heritage, as well as to the design and implementation of preservation/safeguard policies and programmes". Hence, consultation with all concerned is essential before deciding on the destruction of sites of cultural or religious significance (A/HRC/17/38, para. 58 and 79; A/71/317, paras. 13 and 58). The mandate holders in the field of cultural rights have 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 choices of individuals and groups to feel associated (or not) with specific elements of cultural heritages. The current Special Rapporteur in the field of cultural rights has emphasized that given the largely irreversible nature of the destruction of cultural heritage, which is a *prima facie* violation of cultural rights, effective efforts must be made to prevent and stop it. (A/71/317, para. 5).

The former Special Rapporteur in the field of cultural rights 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)). In accordance with article IV of the 1972 Convention for the Protection of the World Cultural and Natural Heritage; acceded to by your Excellency's Government on 7 August 1978, State parties have an international legal obligation to protect and conserve cultural heritage for its transmission to future generations. Furthermore, the 2003 UNESCO

Declaration concerning the Intentional Destruction of Cultural Heritage stresses that "States should take all appropriate measures to prevent, avoid, stop and suppress acts of intentional destruction of cultural heritage, wherever such heritage is located." It also underscores the responsibility of States to take all appropriate measures to protect cultural heritage in conformity with the principles and objectives of, inter alia, the 1972 Convention for the Protection of the World Cultural and Natural Heritage, the 1968 Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works, the 1972 Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage and the 1976 Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (Section IV). Moreover, the 2003 Declaration makes clear that States bear responsibility for the intentional destruction of cultural heritage [...] "whether or not it is inscribed on a list maintained by UNESCO or another international organization" (Section VI).

We further recall general comments No. 4, 7 and 20 of the Committee on Economic Social and Cultural Rights, which stress the need to provide adequate legal protection from forced eviction, as well as to guarantee due process, alternative accommodation, and access to an effective remedy of those that may be affected by eviction orders. Demolitions and destruction of property are strictly forbidden under international human rights law and standards. According to these general comments, the Kingdom of Saudi Arabia must have further explored all feasible alternatives to forced eviction in consultation with the thousands of affected persons. Moreover, demolitions must never lead to homelessness of the evicted persons by ensuring there is provision of adequate alternative housing facilities, resettlement and compensation for lost property.

In this context, we also call your attention to the reports of the Special Rapporteur on adequate housing on several central issues for the situation at hand, including 1) on the obligations of subnational and local governments in the implementation of the right to adequate housing (A/HRC/28/62), which are not to be ignored; 2) on homelessness and the right to adequate housing (A/HRC/31/54); and 3) on the intimate link between the right to life and the right to adequate housing (A/71/310). We also call your attention to two instruments developed by my predecessors in the mandate: the Guiding Principles on security of tenure for the urban poor (A/HRC/25/54), in particular principle 3 (Prioritizing in situ solutions); and to the Basic Principles and Guidelines on Development-based Evictions and Displacement (Annex A/HRC/4/18).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org, www.unesco.org or can be provided upon request.

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 appreciate a response about the steps taken by your Excellency's Government to safeguard the rights of all persons to an adequate standard of living and housing and to the enjoyment of and access to cultural heritage in compliance with the international human rights standards mentioned, and 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 planned demolition of the neighbourhood of Al-Masora that threatens sites of historical, architectural and cultural significance and cultural heritage, and that will result in the forced eviction of thousands of people, including children and older persons

3. Please explain how the decisions taken comply with the Saudi Law on monuments, museums and architectural heritage of November 2014 and the human rights and international standards mentioned above mandating the preservation of cultural heritage.

4. Please indicate whether and how concerned people have been consulted about the plans entailing the described demolitions and evictions and any assistance that has been offered to ensure adequate alternative places for them to live; also please indicate whether adequate compensation for the loss of home and property has been put in place for all residents and provide information concerning all measures taken to ensure that there will be no homelessness of residents as a consequence of the demolitions.

5. Please indicate what resettlement programs have been considered, should the involuntary resettlements occur, whether these have been developed in conjunction with those affected, and how they will protect concerned people from increased vulnerability.

6. Please indicate what procedures you have in place to ensure adequate notice is provided prior to any forced removals and the availability of legal aid to assist residents and business owners should they wish to challenge the decisions.

7. Please indicate what administrative or judicial mechanisms are in place, both at national and municipal levels, to ensure access to remedies and accountability of various actors so that individuals and groups can claim their right to adequate housing.

As a member of the Human Rights Council, we call on your Excellency's Government to "uphold the highest standards in the promotion and protection of human rights".¹ While awaiting a reply, we urge that all necessary interim measures be taken urgently to respect and protect the human rights of the residents of Al-Masora neighborhood in compliance with your Excellency's Government's obligations under international human rights law and standards. In the event that the investigations support or suggest the allegations to be correct, we urge you to ensure that accountability of any person responsible for the alleged violations is guaranteed.

¹ General Assembly Resolution A/RES/60/251, para. 9.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

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.

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