



## **AL BAQEE ORGANIZATION**

### **SUBMISSION TO THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW 2018 3<sup>RD</sup> CYCLE**

#### **SAUDI ARABIA**

The Al Baqee Organization (Al Baqee) established in the year 2009 in the State of Illinois, USA, is a non-governmental organization committed to raising awareness of atrocities and attacks on Muslims and Islamic heritage sites. The organization strives to preserve existing heritage sites and restore destroyed ones, by coordinating with cultural, religious, educational and historical societies around the world.

Al Baqee submits this report to the United Nations Office of the High Commission for Human Rights for consideration during the 2018 Universal Periodic Review (Third Cycle) regarding the Kingdom of Saudi Arabia. This submission highlights the destruction of Islamic heritage and sacred sites by the Kingdom of Saudi Arabia and the systematic abuse of Muslim pilgrims wishing to visit those sites. Al Baqee calls on the Kingdom of Saudi Arabia to reform its current domestic law and policy in order to comply with its international legal obligations to preserve religious and cultural heritage sites and to respect the rights of religious minorities who wish to visit and perform religious service at those sites.

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## Background

1. Systematic persecution of religious minorities by the Kingdom of Saudi Arabia (KSA, “Saudi Arabia” or “the Kingdom”) is a fact that is well-documented by credible sources.<sup>1</sup> This submission focuses on an often overlooked aspect of religious intolerance which infringes on the human rights of individuals not only in Saudi Arabia, but around the world. Saudi Arabia’s past, current, and planned destruction of cemeteries, shrines, and other historic sites threatens to eradicate Islamic heritage sites of significance to millions of Muslims around the world. In addition, the Kingdom denies Muslim pilgrims who visit Mecca and Medina the opportunity to visit these sites, and systematically abuses pilgrims who attempt to pay respects there.
2. Saudi Arabia is the home to Islam’s most important cities, Mecca and Medina. These two cities, along with a number of other holy sites around the country, are of crucial importance not only to Muslims but many people across the globe for their historical, cultural and religious significance.
3. The Kingdom of Saudi Arabia is a monarchy and its legal system is based on the government’s interpretation of Sharia law. Sunni Islam is the official religion and the government privileges its own interpretation of “Wahhabism” over all other interpretations. There is no legal recognition or protection of freedom of religion by the government. To the contrary, KSA has displayed a pattern of systematic prejudice and discrimination against religious minorities, including Shia Muslims,<sup>2</sup> who represent approximately ten to fifteen percent of the population.<sup>3</sup> The government restricts most forms of public and private religious expression inconsistent with its particular interpretation of Wahhabi Islam<sup>4</sup>.
4. In an effort to promote a Wahhabi interpretation of Islam that promotes intolerance and prohibits visiting holy shrines and tombs, KSA has destroyed many sites of religious significance to many Muslims. 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 a greater affront to the Shia, Barelvi (Sunni) and Sufi communities, as pilgrimages and visitations to the resting places of the Prophet’s companions and early Imams are for them customary religious

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<sup>1</sup> See, e.g., International Religious Freedom 2017 Annual Report, United States Commission on International Freedom, April 2017 (hereinafter “IRF 2017 Annual Report”), available at <http://www.uscifr.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>, p. 77- 83; see also generally, Saudi Arabia 2016 International Religious Freedom Report, United States Department of State, 2016 (hereinafter “SA 2016 IRF Report”), available at <https://www.state.gov/documents/organization/269156.pdf>.

<sup>2</sup> IRF 2017 Annual Report at p. 77

<sup>3</sup> SA 2016 IRF Report at pg. 3

<sup>4</sup> IRF 2017 Annual Report at p. 77.

practices.<sup>5</sup> Such destruction of heritage sites by the Kingdom is similar to the tactics of various terrorist organizations condemned by the United Nations.<sup>6</sup> The Director-General of UNESCO, Irina Bokova, has stated that cultural heritage sites are symbols of unity: “Violent extremists know this, and that is why they seek to destroy it.”<sup>7</sup>

5. This systematic destruction of cultural heritage and denial of religious freedoms violates fundamental norms of international human rights law. Accordingly, Saudi Arabia must reform its domestic law and policy to restore and preserve historical landmarks and religious sites of significance to Shia and other Muslim minorities. In addition, Saudi Arabia must ensure the rights of all Muslims to visit these sites without fear of verbal and physical abuse.

### **Relevant International Legal Obligations**

6. Saudi Arabia is a member of the United Nations and is therefore bound by the Charter of the United Nations. Article 55 states that “the United Nations shall promote: [...] c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.” By virtue of its membership, Saudi Arabia shall be committed to uphold universal human rights standards, including those set forth in the Universal Declaration of Human Rights (UDHR), which are recognized as norms of customary international law.<sup>8</sup>
7. The International Covenant on Civil and Political Rights (ICCPR) elaborates upon the human rights standards set forth in the UDHR. The terms of the ICCPR provide guidance as to the content of the fundamental rights that Saudi Arabia is obligated to respect.<sup>9</sup> Both the UDHR and the ICCPR promote rights that have a universally binding character. Articles 18 of both the UDHR and the ICCPR guarantee the right to freedom of thought, conscience and religion. Saudi Arabia is also a member of the Human Rights Council. In this capacity, Saudi Arabia “shall uphold the highest standards in the promotion and protection of human rights”.<sup>10</sup>

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<sup>5</sup> Communication regarding the destruction of sites of religious, historical, and cultural importance in Saudi Arabia, AL SAU 7/2015, United Nations Office of the High Commissioner for Human Rights, 14 October 2015, available at [https://spdb.ohchr.org/hrdb/31st/public - AL Saudi Arabia 14.10.15 \(7.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public - AL Saudi Arabia 14.10.15 (7.2015).pdf), pg. 3.

<sup>6</sup> See UN Security Council Resolution 2347 (2017) condemning the unlawful destruction of cultural heritage, religious sites and artefacts, and the smuggling of cultural property by terrorist groups during armed conflict, affirming that such attacks might constitute a war crime and must be brought to justice. Available at <https://www.un.org/press/en/2017/sc12764.doc.htm> .

<sup>7</sup> *Id.*

<sup>8</sup> Saudi Arabia 1997 Report, International Human Rights Standards, Human Rights Watch, 1997, available at <https://www.hrw.org/reports/1997/saudi/Saudi-07.htm>.

<sup>9</sup> *Id.*

<sup>10</sup> United Nations General Assembly Resolution 60/251, A/RES/60/251, 3 Apr. 2006, available at [http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf), para. 9.

## **Destruction of Cultural Heritage**

8. Since 1925, the government of Saudi Arabia has systematically demolished numerous mosques, graves, shrines, and sites of religious, historical and cultural importance in the country, including sites in Jeddah, Medina, Mecca, al-Khobar, Awamiyah, and the site of the battle of Uhud (Jabal Uhud). Those destructions are part of an effort by the government to prevent visits to graves and shrines of Islamic historical figures, a practice deemed incompatible with the current Wahhabi interpretation of Islam. Religious edicts (“fatwahs”) have been issued by government-endorsed clerics who claim that destroying these landmarks is necessary to prevent what they have labeled as “idolatry”.<sup>11</sup> Extremist followers of Wahhabi beliefs have issued similar fatwahs to destroy buildings, terrorize populations and kill so-called “non-believers”.
9. This long standing policy and practice of systematic destruction of religious, historical and cultural sites in Saudi Arabia prevents people from exercising their right to maintain and visit places of worship, and to enjoy and access cultural heritage. For example, the house of the Prophet’s first wife, Khadijah, has made way for public toilets. A Hilton hotel now stands on the site of the house of Islam’s first caliph, Abu Bakr.<sup>12</sup>
10. Recently, the pace and scope of destruction has increased exponentially. In the last decade dozens of heritage sites in Mecca have been bulldozed to accommodate the growth of skyscrapers that tower over the Masjid al-Haram and are filled with a myriad of shopping malls and five-star residences.<sup>13</sup> For example, in 2014, the house of Hamza (the Prophet Muhammad’s uncle) was flattened to make way for a luxury hotel.<sup>14</sup>
11. Beyond the preservation and safeguard of an object or a manifestation in itself, there is the need to take into account the rights of individuals and groups in relation to such object or manifestation.<sup>15</sup> As a member of the United Nations and the Human Rights Council, Saudi Arabia must respect the rights protected by the UDHR and the ICCPR, including the freedom of thought, conscience and religion. By intentionally destroying those sites and preventing people from visiting them, Saudi Arabia is imposing on every non-Wahabi individual

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<sup>11</sup> Communication regarding the destruction of sites of religious, historical, and cultural importance in Saudi Arabia, AL SAU 7/2015, United Nations Office of the High Commissioner for Human Rights, 14 Oct. 2015, available at [https://spdb.ohchr.org/hrdb/31st/public\\_-\\_AL\\_Saudi\\_Arabia\\_14.10.15\\_\(7.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Saudi_Arabia_14.10.15_(7.2015).pdf), pg. 3.

<sup>12</sup> Carla Power, *Saudi Arabia Bulldozes Over its Heritage*, TIME, Nov. 11, 2014, available at <http://time.com/3584585/saudi-arabia-bulldozes-over-its-heritage/>

<sup>13</sup> Jerome Taylor, *The Photos Saudi Arabia doesn’t want seen -- and Proof Islam’s Most Holy Relics are Being Demolished in Mecca*, INDEPENDENT, Mar. 15, 2013, available at (<http://www.independent.co.uk/news/world/middle-east/the-photos-saudi-arabia-doesnt-want-seen-and-proof-islams-most-holy-relics-are-being-demolished-in-8536968.html>)

<sup>14</sup> Power, *supra* n. 12

<sup>15</sup> Report of the Special Rapporteur in the Field of Cultural Rights, A/71/317, 9 Aug. 2016, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/254/44/PDF/N1625444.pdf?OpenElement>, para. 53.

a particular view of Islam, thereby violating the freedom to choose one's own religious beliefs.

12. Article 27 of the UDHR guarantees the right to freely participate in the cultural life of the community. "The right of access to and enjoyment of cultural heritage includes the right of individuals and collectivities to, inter alia, know, understand, enter, visit, make use of, maintain, exchange elements of and develop cultural heritage".<sup>16</sup> This right extends not only to those who view particular cemeteries or shrines as religiously significant, but also to those who appreciate the cultural, historical, archeological, or anthropological significance of these landmarks – whether Muslim or not. Thus, Saudi Arabia's systematic destruction of heritage sites not only curtails the ability of individuals to freely exercise their religion, but also infringes upon the cultural rights of millions of Muslims and non-Muslims around the world.

### **Discrimination Against non-Wahhabi Pilgrims**

13. Saudi Arabia's long-established pattern of discrimination against religious minorities violates the above-mentioned international norms of freedom of religion in many ways. Of particular concern to Al Baaqee organization is the systemic harassment and abuse of pilgrims visiting Saudi Arabia for Hajj or other Islamic worship such as visiting gravesites at Baaqee cemetery. Al Baaqee has received numerous reports of such abuse, and recently conducted interviews with the victims to document their experiences. Summaries of these interviews are annexed hereto as Incident Report #s 1-13.
14. Saudi religious police aggressively police sites of significance to Shia Muslims, in order to prevent them from performing rituals of commemorating special holidays and making visits to graves.<sup>17</sup> Individuals who attempt to put their hands on the graves of important religious personalities when praying (which is important to some Muslims, including Shias) are prevented from doing so. Pilgrims on Hajj who attempt to visit Baaqee cemetery are prevented from visiting graves and are not allowed to recite supplications there. Visitors are often prevented from entering the Baaqee cemetery<sup>18</sup>. Women are entirely prohibited from entering most religious sites.<sup>19</sup>
15. Non-Wahhabi pilgrims and women are routinely subject to verbal and physical abuse by Saudi police if they attempt to perform religious rites at certain sites. Individuals reported being insulted<sup>20</sup>, threatened<sup>21</sup>, pushed<sup>22</sup>,

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<sup>16</sup> *Id.* at para. 14.

<sup>17</sup> *Denied Dignity: Systematic Discrimination and Hostility toward Saudi Shia Citizens*, Human Rights Watch, Sept. 3, 2009, available at <https://www.hrw.org/report/2009/09/03/denied-dignity/systematic-discrimination-and-hostility-toward-saudi-shia-citizens>.

<sup>18</sup> See, e.g., Incident Report # 8, annexed hereto.

<sup>19</sup> See Incident Report #s 6, 11, and 12, annexed hereto.

<sup>20</sup> See Incident Report #s 1, 2, 3, 4, 8, 10, 12, and 13, annexed hereto.

detained<sup>23</sup> and even beaten<sup>24</sup> by police while visiting Baqee cemetery and other sites.

16. Several individuals reported that they were criticized and mocked because they were Shia.<sup>25</sup> Signs posted by the government outside of holy sites poke fun at Shia teachings and encourage violence against them and other non-Wahhabi “infidels”.
17. The Kingdom often boasts that it hosts over 7 million Muslims annually to perform the major and minor pilgrimages. But Mecca and Medina are not vacation destinations or tourist attractions -- they are religiously-mandated pilgrimages for all Muslims around the world. Muslims are required to make the trip even if they disagree with the Saudi government-mandated interpretation of Islam. Therefore, Saudi Arabia’s religious intolerance not only affects religious minorities within the State (which the Kingdom denies exist), but all Muslims worldwide - the majority of whom live outside of Saudi Arabia.

### **III. Recommendations**

- a. The Kingdom should take urgent action to ensure that all Muslim pilgrims are permitted to visit and pray at Islamic holy sites in Saudi Arabia, and remove all barriers to worship by non-Wahhabi Muslims.
  - b. The Kingdom should prevent the destruction of all Islamic historical, cultural and heritage sites in Saudi Arabia.
  - c. The Kingdom should repair the Baqee cemetery (damaged and vandalized by the Kingdom in 1925) and restore it to its prior condition.
- **END**

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<sup>21</sup> See Incident Report #s 1, 2, 4, 5, 8, 10, 12, and 13, annexed hereto.

<sup>22</sup> See Incident Report #s 1, 2, 4, 8, 10, and 13, annexed hereto.

<sup>23</sup> See Incident Report #s 4, 5, 9, and 13, annexed hereto.

<sup>24</sup> See Incident Report # 3, 4, 9, and 10, annexed hereto.

<sup>25</sup> See Incident Report #s 3, 4, 8, 10, 12 and 13, annexed hereto.