**Submission to Study on Intentional Destruction of Cultural Heritage**

**Heritage Destruction in the MENA region**

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# 1. Context

1.1   This submission offers feedback on the request for contributions, using examples from different situations to highlight the impact of cultural heritage destruction, the scope of the problem, and possible solutions in the MENA region, using information from two projects.

1.2   The Endangered Archaeology in the Middle East and North Africa (EAMENA) project is based at the Universities of Oxford and Leicester UK. It aims to document unrecorded archaeological sites across the MENA region using satellite imagery, historical imagery and other sources, assessing threats and damage and for each archaeological site. This information is recorded in an online database and further analysis of the nature of the sites and the levels of threat will help develop solutions for local and national heritage agencies.

1.3   The Heritage Destruction in Iraq and Syria Project is based at Deakin University, Australia, and is working to measure the scale and extent of the destruction following the Iraq War of 2003, the 'Arab Spring' of 2011 and particularly since the rise of Daesh.

# 2. Archaeology as a part of human rights

2.1   Archaeology sits at the intersection of a human-rights based approach to cultural heritage. The OHRC Mandate is "not to protect culture or cultural heritage per se, but rather the conditions allowing all people, without discrimination, to access, participate ain and contribute to cultural life"[1]. Our concern is that this approach may unintentionally overlook the value of the bulk of the archaeological record and its contribution to human communities, as it focuses only on the "varying degrees of access and enjoyment [that] may be recognised"[2].

2.2   As archaeologists, our role is to record all heritage, no matter its scale or importance. When phrased in the terminology of human rights, smaller sites –which form the bulk of the archaeological record – may seem to contribute little. The fact the smaller site are rarely visited, suggesting they offer little to 'enjoyment of cultural heritage', and are frequently in inaccessible places, should not be allowed to diminish their current "value".

We need a broad overview which incorporates a fuller understanding of how the evidence for past human endeavours has been created. Understanding our cultural heritage and our identity is founded on research leading to improved knowledge. Humanity did not only live in locations whose value is being on modern-day tourist routes. Indeed, one of the most remarkable achievements is the evidence, in the most remarkable locations., of past human endeavours.  It is only through gaining a "bigger picture" that we can understand the contribution the individual components make. To understand a city, for example, one must

1 (A/HRC/31/59:9)
2 (A/HRC/17/38:62)

understand the people and places that help to create, feed and trade with the city., Archaeology is the science of understanding the past – and archaeologists often learn more about previous human civilizations and the functions of everyday life from smaller, more remote sites than just from the famous cities or specific, important buildings. Ignoring these sites in the development of a 'literal' human rights focussed approach to cultural heritage will deny populations access to the information about that can be gained about the history of the people that once, and often still do, live there. Scientific advancement offers a significant increase in the level of knowledge, and so enjoyment, available.

2.3    The label 'terrorism' tends to focus attention on high profile actors, obscuring both less visible forms of heritage, and the extent of the problem. An approach to heritage destruction focussed on human rights rather than terrorism is welcomed, as it will address the intricacies and actual extent of the issue.

# 3.  Destruction by Extremist Groups: Extent and Number

3.1    The causes of cultural heritage destruction during conflict can be summarised as:
  i. Military damage  (intentional and unintentional)
  ii. Religiously motivated damage, often enacted in the broader context of political tensions
  iii. Damage to gain attention

3.2    Extensive evidence can be provided if required demonstrating how all parties in the MENA conflicts have failed to fulfil their obligations under national and international law - State and non-State actors, extremist groups, and others. Here we will only highlight particular points of interest.

3.3    Whilst the focus of this report is on extremist damage and conflict damage, we wish to highlight the damage caused by peacetime activities such as urban development and agriculture (see Annex 1).

3.4    Even within conflict, the scale is frequently underestimated. Deakin University have extensively studied all heritage destruction in Iraq between 2003 – 2011, documenting over 800 events. Syria is expected to be far worse: data are now available about many historic buildings (covered under Article 1 of the 1954 Hague Convention), in addition to archaeological sites and religious buildings.

3.5    Study of the intentional destruction of cultural heritage has largely focussed on Syria and Iraq, influenced by Western media. EAMENA, the Antiquities Coalition, and Deakin University have studied 'extremist' attacks using media, satellite imagery, and regional contacts. We offer here preliminary extracts from our analyses, which we are working to refine.

3.6    To date, we have recorded 515 incidents with an apparent religious motivation in eight MENA Countries between March 2011 and April 2016.

| Egypt | 89 |
| Iraq | 221 |
| Lebanon | 4 |
| Libya | 38 |

| Syria | 106 |
|---|---|
| Tunisia | 40 |
| Yemen | 16 |

3.7 These data are preliminary and incompletei: the true number is expected to be much higher.

3.8 Data clearly indicates that attacks are more widely distributed than is commonly assumed or reported.

3.9 Daesh have fabricated events to garner media attention, in at least one case reportedly blackmailing a site guard into giving false reports. So far, few reports have been verified

3.10 There have been few studies about the physical effects of many forms of damage[3]. The limited available evidence suggests looting and development do not always completely destroy sites. We recommend more detailed studies be conducted.

# 4. Destruction: Actor

4.1 Daesh is just one among many different groups who are engaged in heritage destruction. These perpetrators range from lone individuals or small groups who vow to cleanse their local community of the blasphemy of Sufi sites (for example) to highly sophisticated international black market operatives who systematically loot sites driven by financial, rather than ideological, incentives.

4.2 It may seem self-evident Daesh are responsible when an event occurs in areas they control, but increasing numbers of attacks In Egypt, Libya, and Tunisia, for example, are carried out by popular civilian movements ('Salafists'). These cannot be ruled out elsewhere. The question of group membership and responsibility has many legal implications, when it comes to bringing them to justice.

4.3 Reports indicate that Al-Qaeda (and its various branches and affiliates), Jabhat al-Nusra, Jabhat Ansar al-Din, and Jaish Fateh, in addition to numerous civilian militia, have all engaged in religiously motivated heritage destruction. These attacks significantly predate Daesh, even in Syria (Annex 2).

4.4 Governments may also be responsible. In Bahrain, for example, over 550 Shia mosques and religious sites were apparently destroyed by the government during the 2011 uprising[4]. Bahrain's Minister of Justice and Islamic Affairs claimed that only mosques illegally built without permission had been targeted. These 'illegal' mosques nonetheless included the ornate 400-year old Amir Mohammed Braighi mosque[5]

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3 A list of studies is collated in Cunliffe, E. 2013. *Satellites and Site Destruction: An Analysis of Modern Impacts on the Archaeological Resource of the Ancient near East.* Ph.D. Thesis, Durham University;
in his study of Raqqa in the 1980s, Professor Heidemann (pers. comm.) noted that in poorer areas many buildings lacks foundations or basements, and so the archaeological levels were probably protected;
Newson, P. and Young, R. 2015. The Archaeology of Conflict-Damaged Sites: Hosn Niha in the Biqaʾ Valley, Lebanon. *Antiquity* 89 (344)**,** 449-463. is a notable exception.
[4] Stop destroying Bahrain's' mosques", Press TV, July 24, 2011
30 mosques demolished in Bahrain, cleric says, Tehran Times, July 25, 2011,
[5] Discrimination and deprivation of religious freedom in Bahrain. Bahrain Center for Human Rights, 2011.
www.bahrainrights.org/en/node/4295

], as well as several others with registration[6].

# 5. Destruction: Motivation

5.1 A summary of examples of types and examples of religiously motivated damage is contained in Annex 3. We highlight that non-Muslim ethno-religious sites are often attacked in the context of broader political tensions with a seminal example being the attack on Coptic Christians in Minya, Egypt, as retribution for the coup that ousted the Muslim Brotherhood. In one day (14/8/2013), 65 churches and monasteries were attacked[7].

5.2 Evidence suggests that destruction resulting from 1) looting/digging, and then 2) military action, are the largest contributors to violations of cultural rights[8], not religious suppression. At Palmyra, for example, damage was recorded resulting from State military occupation with concurrent looting[9]; from Daesh occupation[10]; and now new damage is occurring from Russian State Forces[11]. Similarly, Syrian State forces have targeted historic sites used as makeshift hospitals linked with protests, such as the 8th century al-Omari Mosque[12].

5.3 Some destruction occurs to gain attention. At Palmyra, for example, religious services were reputedly held in the Temple of Baalshamin by Daesh forces shortly after its capture[13] ii, and Daesh commanders swore only statues would be destroyed[14]. Later, "sources claim to have overheard Daesh commanders comment that attacking the ancient monuments 'makes the whole world' talk about them". Analyses[15] have so far failed to fully understand their media strategy, but further work is planned.

# 6. Extremist destruction and human rights

6.1 Using Daesh as an example, the destruction of cultural heritage can be considered as human rights violations on multiple levels. Characterized by practitioners of heritage management as

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6 Tamiz, P. 2014. The Destruction of Places of Worship in Bahrain. [Online]: The Centre for Academic Shi'a Studies. Available: www.shiaresearch.com/Doc/TheDestructionofPlacesofWorshipinBahrain.pdf [Accessed September 2014].

7 Hill, E. 2013. Egypt's Christian under Attack. *Al-Jazeera*, 21 August.

8 Danti, M. D. 2015. Ground-Based Observations of Cultural Heritage Incidents in Syria and Iraq. *Near Eastern Archaeology* 78 (3)**,** 132-141.

9 See: http://unosat.web.cern.ch/unosat/unitar/downloads/chs/Palmyra.pdf

or www.asor-syrianheritage.org/palmyra-heritage-adrift/

10 See: www.asor-syrianheritage.org/special-report-update-on-the-situation-in-palmyra/ or www.asor-syrianheritage.org/4290-2/

11 www.asor-syrianheritage.org/special-report-update-from-palmyra/

12 Human Rights Watch 2012. "They Burned My Heart". War Crimes in Northern Idlib During Peace Plan Negotiations. USA: Human Rights Watch. Available: www.hrw.org/sites/default/files/reports/syria0512WebVersionReduced.pdf [Accessed May 2012].

13 www.opednews.com/articles/Daesh-ISIS-Heritage-Dest-by-Franklin-Lamb-Crimes-Against-Humanity_Syria-150825-460.html

14 www.albawaba.com/loop/here%E2%80%99s-video-announcement-daesh-made-about-preserving-palmyra%E2%80%99s-artifacts-700426

15 www.asor-syrianheritage.org/wp-content/uploads/2015/10/ASOR_CHI_Weekly_Report_55%E2%80%9356r.pdf, Smith, C., Burke, H., de Leiuen, C. and Jackson, G. 2015. The Islamic State's Symbolic War: Da'esh's Socially Mediated Terrorism as a Threat to Cultural Heritage. *Journal of Social Anthropology* [Online], Harmanşah, Ö. 2015. Isis, Heritage, and the Spectacles of Destruction in the Global Media. *Near Eastern Archaeology* 78 (3)**,** 170-177.

"medieval iconoclasm, ignorant backwardness, and anti-western arrogance" [16], it is bound to have an impact on perceptions and memories of heritage of populations impacted by these incidents. In terms of the local impact of these attacks on archaeological sites and built heritage, it aims to destroy the local sense of belonging by destroying the material heritage that makes this collective sense tangible. It also serves to annihilate landscapes on which livelihoods and subsistence of communities depends, directly compromising the rights of individuals to access and enjoy these landscapes[17]. A policy aimed at depriving the access of peoples to their cultural landscapes is a manner in which the basic human right to live and flourish in their own landscapes is denied. However, what is also significant is that the efforts of Daesh in such acts of destruction is aimed are directed not merely towards local populations, but also towards an international audience.

6.2  Using networked media, what has been referred to as' socially-mediated terrorism' has been used to target the impact of these violent acts to the global community[18]. The smashing of artefacts in archaeological museums, iconoclastic breaking and bulldozing of archaeological sites, dynamiting of shrines, tombs, and other holy sites of local communities, and burning of libraries and archives, have been publicized internationally[19]. The visuals of these events are symbolically used to censure any of the forces that aim to stop Daesh, indicating their 'impotence'. These destructive efforts impinge upon the local communities by imposing a radical interpretation of religious ideology, and defy the larger values that are attached to such sites and objects globally. It adds to a discourse and politics of power; the symbols of cultural heritage and their destruction are used to endorse the Daesh's propaganda, which also backs a negation of the basic right of people to connect with their cultural heritage[20].

# 7.  Best Practice: Judicial remedies and prosecutions (A/HRC/17/38:80l)

7.1  MENA antiquities authorities are understaffed and underfunded: even during peace, they were frequently unable to access sites to prevent illegal building. The demolition of the illegally constructed Zaman Al-Majd Hotel[21] in the protected area in Palmyra stands as rare example of deterrence, although of course any damage to the site would already have been done.

7.2  The Special Rapporteur notes (A/HRC/31/59:58) "there have reportedly not been any national prosecutions on the basis of the 1954 Convention."

We highlight *Hess v Commander of the IDF in the West Bank*[22.] The High Court of Israel (sitting as the High Court of Justice) upheld a commander's decision to demolish a historic structure (revised from the original 22 structures marked for demolition) on the grounds of military necessity, but required an expert in historic building preservation and an archaeologist to be present for demolition.

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16 Harmanşah. 2015.
17 (A/HRC/31/59:15)
18 Smith et al., 2015: 20
19 Harmanşah. 2015.
20 (A/HRC/31/59:6)
21 Darke, D. 2006. *Syria.* Bucks: Bradt Travel Guides Ltd UK.
22 Cited in O'Keefe, R. 2008. Protection of Cultural Property. In: Fleck, D. (ed.) *The Handbook of International Humanitarian Law*. Oxford: Oxford University Press: 453, 922 .4

# 8.  Best Practice: Reconstruction Assistance

7.3  There are significant inequalities in the distribution of aid to damaged sites. The focus is on World Heritage sites, irrespective of the significance to local communities. For example, media attention and aid for reconstruction has focussed on the World Heritage Crak des Chevaliers, but has ignored the nearby shelled 16th century Saraya mosque, which was still in use.

7.4  Nor is international aid evenly distributed at World Heritage level: all of Syria's World Heritage sites are damaged, but aid is directed only to those under government control, despite the fact that many 'new' heritage departments are staffed by former government heritage workers who now find themselves cut off from their former employer, but who are determined to carry out their work, such as at Bosra.

7.5  We highlight the need to also protect and reconstruct heritage in non-state controlled areas, and to ensure a participatory approach to reconstruction.

# 9.  Best Practice: Education and community participation

8.1  Heritage protection is intimately tied in with education. In many MENA countries the educational curricular usually focus on Islamic history, so residents are disconnected from other sites, if they even recognise them as such.  It is notable that at sites where archaeologists worked closely with the local teams, such as the Syrian Tentative World Heritage site Mari, the locals have developed genuine respect for the site. Local people stopped the looting there until large gangs of armed men came from elsewhere[23]. Similarly, no looting occurred at Tell Mozan, and the local people are still repairing the mud brick after each winter.[24] Community participation and education are vital.

# 10. Best Practice: Mapping and records

9.1  We cannot emphasise enough the importance of the Independent Expert's recommendation for the need for cultural heritage mapping processes. (A/HRC/17/38:80e). Without these, heritage cannot be located and protected.

9.2  The Jordanian authorities have an open-access sites and monuments record called MEGA-Jordan[25]. This platform is an invaluable research tool and makes Jordan's heritage globally accessible.

9.3  The EAMENA project has located approximately 94000 sites, in an online database; combining our approach with – for example - the Jordanian data has provided excellent results

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23 This information comes from one of the lead excavators, Dr Rey, and is appears largely borne out by the dates and a brief study of the looting.
24 (Or were in 2013) http://128.97.6.202/urkesh-park/Eye.html
25 www.megajordan.org/

for developing mitigation strategies for the future protection of sites. EAMENA worked with the Jordanian authorities to map the proposed ring road area around Madaba, locating previously unknown sites for survey before the construction of the road could begin.

# 11. Conclusion

This brief overview is by no means comprehensive, but in highlighting some key issues that are often overlooked, we hope it will assist the Special Rapporteur in her assessment.

# Annex 1

EAMENA estimate that approximately 22% of the sites we have surveyed in the MENA region have been affected by agricultureiii[iii]. In some rural areas of Syria, examined before the conflict began, more than 75% of studied sites were at least partly farmed in 2010. In the same area, orchards had been planted on more than a quarter of sites. In the Jazirah, the 'breadbasket' of Syria, for example, cultivation was recorded on more than 90% of sites. At best they are eroding at an increasing rate, but many are also being removed with bulldozers. Other sites are built over at an astonishing rate, or destroyed for roads. Many are not yet known about or recorded.

These problems do not only affect small, relatively unknown sites. In the 2011 ICOMOS nomination file for the World Heritage Site the Ancient Villages of Northern Syria, "*ICOMOS notes that disorganised growth of small settlements could rapidly have a negative impact on the property's landscape and conservation. It has been announced that a housing development project by a large property company within the boundary of Park No 3, not far from the major archaeological site of Sinkhar, was stopped at the last moment*." Illegal building was also a problem at the Syrian World Heritage sites Palmyra and Bosra before 2011, and is an increasing problem during the conflict[26]. With the weakening post-revolution security situation, Cyrene in Libya, and numerous sites in Egypt, for example the dynastic capital Sais, or parts of the World Heritage pyramid fields are all experiencing devastating illegal building[27]. It is likely that agriculture has also expanded onto protected sites.

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26 Darke, D. 2006. *Syria.* Bucks: Bradt Travel Guides Ltd UK.; DGAM
27 All visible on Google Earth

# Annex 2



Figure 1: 2012 image of an unidentified man in Homs after the looting of a church, shared via Facebook.

# Annex 3

**General Background**

Since the 'Arab Spring' of 2011, the people of the Middle East have witnessed sharp escalations in ethno-religious persecution, violent sectarianism and religious fundamentalism, as well as a devastating period of heritage destruction. The toppling of several deeply entrenched regimes, the ongoing civil strife and the cataclysmic political crises engulfing the region have created a security and ideological vacuum. Relatively peaceful and secular societies have suddenly found themselves in the grip of local, national and transnational terrorist organisations, sectarian militias, and politico-religious movements espousing narrow and hostile ideologies. The worst iterations include militant jihadist groups such as the 'Islamic State in Iraq and Syria' (Daesh) which has seized large swathes of territory, imposed their strict and austere vision and perpetrated mass humanitarian tragedies. These dramatic events have also proved fatal for many of the region's invaluable heritage sites. It is difficult to overstate the extent, speed and variety of heritage destruction (HD) occurring across the modern Middle East (ME). Targeted sites range from ancient Mesopotamian and Egyptian city-states through to Greek, Roman and Byzantine sites, from classical Islamic sites to those that enshrine the history and beliefs of the region's rich diversity, as well as secular state institutions such as museums, art galleries and libraries.

**Non-Muslim Ethno-Religious Minorities**

One key type of site being attacked are those which belong to non-Muslim ethno-religious minorities. Although there are too many examples to recount here, these attacks have included the widespread looting, desecration and destruction of – for example - Christian sites in Iraq, Syria and Egypt as well as several Jewish sites in Tunisia. Such sites are often attacked in the context of broader political tensions with a seminal example being the attack on Coptic Christians in Minya (Egypt) as retribution for the coup that ousted the Muslim Brotherhood. In one day – the 14th August 2013 – "65 churches and monasteries, 22 buildings associated with Christian ministries, and more than 100 Christian shops and houses had come under attack… [and] five Christians had been killed" (Hill, 2013). Other such instances of HD appear to occur in conjunction with horrific genocidal campaigns such as the razing of several Yezidi shrines after Daesh had slaughtered, enslaved or forced into exile thousands of Yezidis in Sinjar (Iraq, Aug 2014).

**Symbolic Sectarianism**

Another dimension of heritage destruction across the contemporary MENA involves attacks on sites than enshrine the varying sects within Islam. One key example is the fact that across much of North Africa (especially in Egypt, Libya and Tunisia) hundreds of shrines – many of which belong to the mystic Sufi sect of Islam while others merely commemorate the life of a saint - are being attacked and destroyed by Islamist fundamentalists of various shades. For example in Tunisia around 40 shrines have been attacked – including the Sidi Bou El-Beiji shrine in Tunis which is part of the archaeological site of Carthage and therefore on the WHL (Tunisia, Jan 2013). In Libya, the situation has been even worse with hundreds of Sufi shrines and monuments to various saints being attacked – in many cases they are bring bulldozed in broad daylight and under protection of armed militants. One such example is the severe damage done at the 14th century shrine of Sidi Ahmad Zarruq in Misrata (Libya, Aug 2012).

On a much larger scale, Shia heritage sites have been attacked not only because of their symbolic value, but also to provoke the various Shia actors of the region with the aim of direct confrontation. For example, the attacks on the Seyyida Zainab shrine in Damascus (Syria, Mar 2013 and Jan 2016) and the Al-Askariyya mosque in Samarra (Iraq, Jul 2014) triggered furious responses from Shia actors across the region.

**Pre-Islamic Polytheistic Sites**

Another category of sites currently under attack include pre-Islamic Polytheistic sites which are attacked because of the iconoclasm of religious fundamentalism There appears to be many such examples, including the destruction of a rare 6th century Byzantine mosaic near Raqqa (Syria, Jan 2014) for its provocative portrayal of the human form by Jabhat Al-Nusra. More recent examples are found in the slick propaganda films released by Daesh in which they document the destruction of priceless statues, objects and standing structures at the Mosul Museum (Iraq, Feb 2015) and at the UNESCO World Heritage sites of Hatra (Iraq, Apr 2015) and Palmyra (Syria, May-Oct 2015). But attacks on museums celebrating the pre-Islamic past are not limited to Iraq and Syria. For example, at the Malawi National Museum of Upper Egypt in August 2013 looters shot dead a museum employee and then raided the site, smashing cabinets and display cases, stealing around 1089 objects including coins, jewels and statues from ancient Egypt (around half were later recovered) – as well as burning several mummies and breaking sculptures too heavy to cart away.

# Annex 4: Notes

i[i] For example, according to Mamoun Abdulkarimi[i], at least 50 mausoleums have been destroyed in Daesh-controlled Syria. Of the listed 106 incidents, Daesh are responsible for perhaps 53: only 28 of these relate to mosques, shrines and cemeteries, leaving at least 22 events unaccounted for. In addition, an informal studyi[i] via Google Earth of graveyards in Libya indicates that numerous (possibly hundreds of) local shrines have been destroyed, and countless others vandalised: unfortunately we do not yet have reliable figures for this.

ii[ii] "According to locals, and to the surprise of some, Daesh (ISIS) loyalist religious purists have since last May been observed using the pagan temple Baalshamin to pray at Fajr (morning) prayers including the day they murdered archaeologist Khaled al-Ass'ad earlier this month. But even their own place of worship needed to be blow-up on orders of a ranking local IS sheik. And so it was. … Daesh apologists have repeatedly advised this observer that theirs is a carefully thought-out, quite legitimate religion based ideology that they claim includes cultural and religious purity. Some freely admit that in order to control and convert nonbelievers, their swelling ranks of religious purists plan to control culture, the essential context on which civil society is built. This, they insist is absolutely required in order to achieve domination.  And if necessary, the death cult claims it is ready to pursue complete annihilation, as they allegedly increase their use of mustard gas and seek WMD's, in partial preparation for entering some sort of a presumed afterlife."

*Lamb, F. 2015. Daesh (ISIS) Heritage Destruction in Syria is a War Crime and Crime against Humanity. The UN must consider R2P to stop it now.  Opednews. 25 August 2015. Available at: http://www.opednews.com/articles/Daesh-ISIS-Heritage-Dest-by-Franklin-Lamb-Crimes-Against-Humanity_Syria-150825-460.html [Accessed 26 August 2015]*

iii[iii] EAMENA's methodology records sites and potential sites on satellite imagery, and records an Overall Archaeological Certainty, indicating how likely it is that the identified feature is a site. To date, we have assessed over 17000 sites, of which 3,482 sites have Definite or High Certainty that they are archaeological in nature.  Of these, 755 have been classified as having experienced agricultural or pastoral damage of some type.