

POLICY PAPER


مؤسسة الدراسات الفلسطينية
Institute for Palestine Studies

ISSUE: 031 | 29 Jan. 2024

Destruction of Gaza's Cultural Heritage

*** Hamdan Taha**



Cultural heritage is defined as everything that mankind inherits from its past and includes material and non-material heritage. It is an essential component of cultural identity and a principal avenue to development. Since the start of the current war on Gaza, the Palestinian cultural heritage has been undergoing widespread destruction, assuming the contours of a systematic cultural obliteration which has targeted ancient sites, historic and religious buildings, the cultural scene as a whole, museums, cultural and academic buildings, public buildings and infrastructure works. The present paper offers a brief summary of policies to do with cultural heritage in Palestine, protecting cultural heritage in international humanitarian law, the role of UNESCO and similar organizations, a preliminary assessment of the destruction done to cultural sites, mechanisms for judicial follow-up, future action to be taken to assess the damage, and framing plans and programs for recovery and rebuilding.

*“Since the start of the current war on Gaza,
the Palestinian cultural heritage has been
undergoing widespread destruction”*

The Gaza Strip

The name “Gaza Strip” is a new politico-geographical term which first appeared after the Nakba of 1948. It describes a narrow coastal strip in southern Palestine (**Figure 1, aerial map**), some 365 square kilometers in area, home to about 2.3 million Palestinians most of whom live in straitened economic conditions and undergoing a suffocating siege for the past 17 years, together with about 56 years of continuous occupation since 1967. About 70% of Gaza’s inhabitants are Palestinian refugees driven out of their homes and lands during the genocidal assaults waged by Israel since 1948. Gaza is rich in archeological and historic sites. Archeological surveys done over the last century indicate the existence of some 130 sites (**Figure2, distribution of archeological sites in the Gaza Strip**), in addition to ancient cities and towns within the Strip, which includes the towns of Gaza, Khan Yunis, Dayr al-Balah, Rafah, and Bayt Hanun, together with tens of villages and camps (Ministry of Tourism and Antiquities, Statistics).



Figure 1

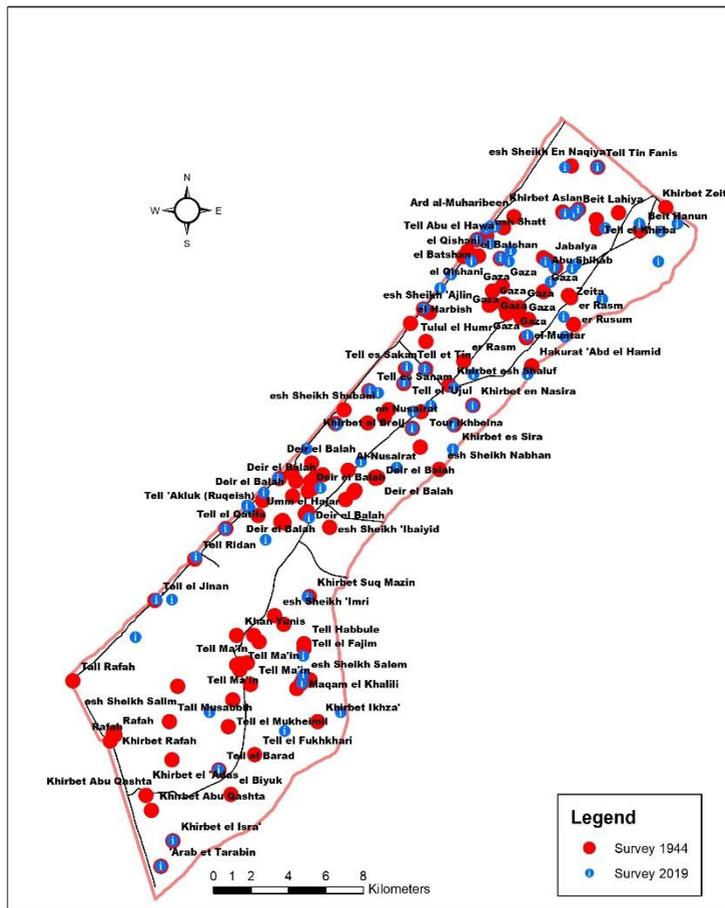


Figure 2

“The name “Gaza Strip” is a new politico-geographical term which first appeared after the Nakba of 1948”

History of Gaza

Gaza’s ancient Canaanite name was *Gazzato*, a name which also appears in Egyptian texts dating to the fifteenth century BC. It was known as the City of Canaan, was one of the five allied towns in the Torah and is haunted by religious legends such as those of Samson, Goliath and Delilah. The city was also mentioned in Assyrian texts and in Ma`in inscriptions in Yemen. It was connected to the Arabian Peninsula through the incense trade route and became the emporium of the peninsula on the Mediterranean coast since the seventh century BC. With the Yemen the city had close commercial, cultural and marriage ties. Gaza is further mentioned in classical sources describing Alexander the Great’s campaign in the East. Alexander almost lost his life at its walls in 323 BC, at the hands of an Arab rebel, while its governor, Batis, refused to surrender to the Macedonian. In the pre-Islamic period Gazan trade with the Meccan tribe of Quraysh flourished. Thus, the Prophet Muhammad’s grandfather, Hashim ibn `Abd Manaf, died and was buried in Gaza, and the city became known as *Ghazzat Hashim* (The Gaza of Hashim). The city maintained its importance as a seaport and a station on the road between Egypt and Greater Syria throughout the Arab Islamic era (**Figure 3, Gaza painted by David Roberts 1883**). The Khan Yunis fort was built in the Mamluk era and grew to become the second most populous city after Gaza. In Gaza was born the celebrated jurist al-Shafi`i, founder of the Shafi`i school of Islamic jurisprudence. He wrote the following line of verse about his birthplace:

*I long for the land of Gaza,
Even though, after long separation,
I had repressed that longing, but it betrayed me.*



Figure 3

The International Law Framework

According to international law, the occupied Palestinian territories, including Gaza, are considered an occupied land. As an occupying power Israel must comply with the provisions of that law which stipulate its obligation to protect the cultural and natural heritage, and specifically the application of the following conventions: the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; the 1949 Fourth Geneva Convention and its Annexes; the Hague 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and the New Delhi 1956 UNESCO recommendation on International Principles Applicable to Archaeological Excavations. Article 27, paragraph 4, fourth Annex, of The Hague regulations of 1907, specified the duty of armed forces in siege situations to take all measures necessary not to damage places of worship and other buildings that house artistic, scientific or charitable institutions or historical artefacts. Article 56 of the 1954 Hague Convention forbids any damage done to places of worship, charitable institutions and historical sites, while Article 5 of The Hague Convention obligates all parties which occupy any region or subdistrict thereof to offer support to the party whose land was occupied in order to take all necessary measures to protect cultural property. The protocols attached to the Fourth Geneva Convention of 1977, articles 53 of the first protocol, and 16 of the second protocol, forbid the commission of any destructive acts directed against any historical sites, works of art, or places of worship that embody the spiritual heritage of a people. There also exist a number of other international agreements which apply to occupied territories among which is the International Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the 1972

International Convention known as the World Heritage Convention, formally the Convention Concerning the Protection of the World Cultural and Natural Heritage; the 2001 International Convention on the Protection of the Underwater Cultural Heritage; the 2003 International Convention about the Intentional Destruction of Cultural Heritage; the 2003 International Convention for the Safeguarding of the Intangible Cultural Heritage together with tens of resolutions issued by UNESCO (Taha, 2016).

***“As an occupying power Israel must
comply with the provisions of that law
which stipulate its obligation to protect
the cultural and natural heritage”***

The current assault on Gaza constitutes a flagrant violation of international humanitarian law, especially the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. UNESCO had played an effective role in following up on the destruction of cultural heritage in the two wars on Iraq and Syria. It also raised a case with the International Criminal Court in the aftermath on the attack by armed gangs on shrines in Mali in order not to leave these attacks unpunished. A multi-purpose international delegation was entrusted with protecting cultural and historic sites in Mali, in coordination with UNESCO. Irina Bukova, former UNESCO Director General, considered that the consensus achieved regarding Security Council resolution 2347, of March 24, 2017, was an accomplishment for humanity in putting an end to destruction of cultural heritage in wartime (Bakonga 2017). History shall record that UNESCO, which had played a principal role in this major achievement has, under its current leadership, failed in its responsibility to preserve the Palestinian cultural heritage in Gaza. The only measure it adopted was to register the site of Tall Umm ` Amir, dated December 14, 2023, on the UNESCO's list of sites requiring additional protection. This took place at a special meeting to discuss the Convention of Protecting Cultural Property in cases of armed conflict.

“The current assault on Gaza constitutes a flagrant violation of international humanitarian law, especially the 1948 Convention on the Prevention and Punishment of the Crime of Genocide”

That international will has become less vocal in the current assault on Gaza. International reactions to the frightful crimes committed against Gaza’s cultural heritage have been muted and the absence of any effective role by UNESCO was noticeable as regards the destruction of that heritage. Likewise, other European cultural institutions stood on the sideline, an attitude true of the lukewarm statements issued by the World Heritage Council, the ECOMOS, which came near to supporting the assault. This is also true of the joint statement issued by a group of German academics, posted on the Academia Website, which made no mention of the historical background of the conflict and the ongoing destruction of Gaza’s cultural heritage.

The Systematic Destruction of Palestine’s Cultural Heritage

The acts of destruction during this current war are a sequel to similar acts committed by Israel over the past 75 years. These acts included the destruction of more than 600 Palestinian towns and villages and the genocidal cleansing of a million Palestinians who were expelled from their homes and properties (Benvenisti 2002; Kletter 2006; Pappé 2006; Masalha 2013; Abu Sitta 2010; Manna` 2016). Despite the horrors of these crimes, the Palestinians have not yet succeeded in enshrining them in the collective memory of mankind.

“The acts of destruction during this current war are a sequel to similar acts committed by Israel over the past 75 years”

Since the start of the war on Gaza, Israeli shelling has brought catastrophic destruction in all areas of life (**Figure 4, general view of destruction**) resulting in the death, until the present, of more than 24,761 people and the wounding of more than 65,000 Palestinian civilians, mostly women, the elderly and children. Israel further destroyed infrastructures and vital institutions, caused hospitals to suspend their services, totally demolished entire city quarters, wiped out whole families, brought houses crashing down upon their inhabitants, drove the population to seek refuge in southern Gaza and other regions lacking the bare minimum to sustain life, and brought about a massive humanitarian catastrophe.



Figure 4

Preliminary Estimates of the Damage

Some local Gazan organizations have made preliminary assessments of the damage based on testimonies and reports in the field and by using information from satellites. Included in this also is an internal memo of the Ministry of Tourism and Antiquities which records the destruction of a large number of archaeological sites and historic buildings. The "Heritage for Peace" Thematic Programme and ECOMOS-Palestine undertook assessment of the damage done to about 23 out of 100 sites ("Heritage for Peace" Thematic Programme 2023). It should be noted here that this assessment was based on information obtained with great difficulty amidst constant shelling, which did not permit conducting a thorough and complete assessment of the damage done to sites of cultural heritage. In light of the information obtained, damage has been done to archaeological sites, historic towns, mosques, churches and religious shrines, museums and libraries, manuscript centers, cultural and artistic centers,

universities and academic institutions. The pictures obtained of these archaeological sites and historic buildings in Gaza indicate a systematic destruction of a cultural heritage formed across some five thousand years, but now piles of rubble (The Guardian 2024).

“Damage has been done to archaeological sites, historic towns, mosques, churches and religious shrines, museums and libraries, manuscript centers, cultural and artistic centers, universities and academic institutions”

Archaeological Sites

The targeting by Israel of a large number of archaeological sites began with the start of the war. Most prominent of these sites is Tall al-Sakan to the south of Gaza, where archaeologists have unearthed evidence dating it to the early Bronze Age. Preliminary reports indicate that Tall al-`Ajul was also targeted, a site that represents Gaza’s history during the Middle and Late Bronze Age, while the sites of Tall al-Mintar and the shrines of Shaykh `Ali al-Mintar and Shaykh Ridwan suffered extensive damage.

Targeted also was the al-Balakhyya site (**Figure 5, before and after destruction**) which represents the ancient port of Gaza, the *Anthedon*, during the Greco-Roman period, while shelling caused very grave damage to the Byzantine-era Church in Jabaliya and to its very rich mosaics and figures of humans, animals, plants and scenes from mythology, all exceedingly splendid (**Figure 6, Jabaliya church mosaics**). The historic cemetery in Jabaliya was also destroyed. This is a large cemetery where hundreds of tombs dating to the Roman and Byzantine periods were excavated. The mosaics of `Absan, dating to that same period, had already been destroyed in the war of 2014.



Figure 5

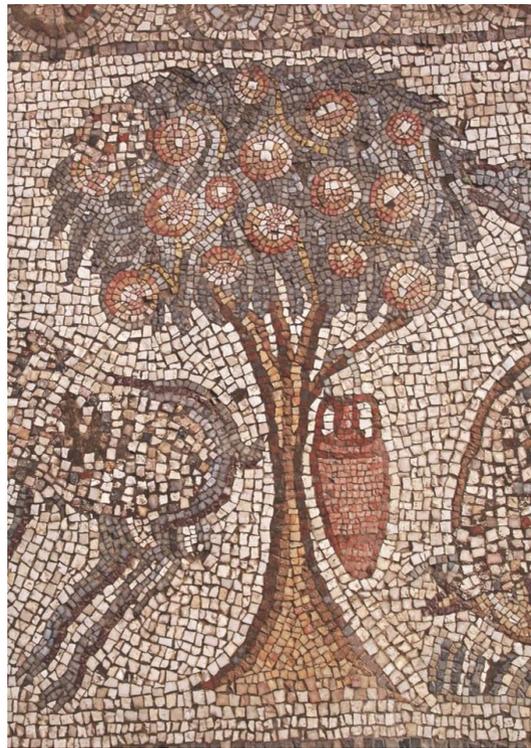


Figure 6

The St Hilarion Monastery at the archaeological site of Tall Umm `Amir (**Figure 7, St Hilarion Monastery**) and near Nusairat camp, was shelled and indications are that the historic Dayr al-Balah cemetery on the coast of Dayr al-Balah suffered widespread damage. This is a cemetery where excavations in the period 1972 to 1982 revealed it to be of exceptional importance where anthropoid coffins dating to the 12th century BC, were discovered.



Figure 7

Historic and Religious Buildings

Historic and religious sites were systematically targeted by aerial strikes or shelling, causing massive damage to the cultural heritage of Gaza, Bayt Hanun, Dayr al-Balah, Khan Yunis and Rafah, and included historical buildings, mosques, schools, mansions, shrines and public fountains. Among the most celebrated historic and religious buildings targeted in Gaza was the 'Umari Mosque (**Figure 8, 'Umari Mosque before and after destruction**), in the Daraj quarter, which was totally destroyed. It is one of the largest mosques in the city, dates back to the Ayyubid period and with an area measuring about 4100 sq meters. The oldest part of it was built in a basilica form similar to the cathedral of John the Baptist and dates to the 12th century AD. It is thought that the mosque was built on the site of the temple of the god Marna in the Roman period and of the Byzantine Church of Eudoxia and is noted for its Mamluk and Ottoman inscriptions.



Figure 8

“Historic and religious sites were systematically targeted by aerial strikes or shelling, causing massive damage to the cultural heritage of Gaza”

Likewise, the Church of St Porphyrius (**Figure 9, Church of St Porphyrius**) in the Zaytun quarter in Gaza suffered severe destruction. The Church is associated with St Porphyrius, bishop of Gaza in the 5th century AD, and was rebuilt in the 12th century AD. The Church includes the tomb of St Porphyry. This church suffered bombardment on October 19, 2023, which destroyed its halls and pavements, the collapse of a building housing church wardens, the death of a large number of people who had sought refuge there, and with whole families wiped out.



Figure 9

Gaza’s historic mosques suffered partial or total destruction. The most notable of these is the *Katib Wilaya* Mosque in the Zaytun quarter in the old city of Gaza, the oldest part of which dates to the year 1334, in the Mamluk period. The western portions of the mosque date to the Ottoman period. These were built by Ahmad Bey, the *Katib Wilaya* (Chief Secretary of the province), in 1586 AD and its minaret stands next the bell tower of the Church of St Porphyrius. Destroyed too was the Mosque of al-Sayyid Hashim (**Figure 10, Mosque of al-Sayyid Hashim**), one of the prettiest old mosques in the Daraj quarter in Gaza. It was built

in the Ottoman style with a surface area of around 2400 sq meters. It has an open courtyard (*sahn*) surrounded by porticos. Beneath the western portico is a tomb believed to be that of al-Sayyid Hashim ibn `Abd Manaf, grandfather of the Prophet Muhammad. Destroyed too was the historic Qashqar Mosque as well as the `Umari Mosque in Jabaliya which was built in the Mamluk period. Also destroyed was the Mamluk-era Zafardamri Mosque in the Shuja`iyya quarter, built by Shihab al-Din Ahmad Azfir ibn al-Zafadamri in 1360 AD, with a surface area of around 600 sq. meters, while the Mamluk-era Mahkama Mosque in al-Shuja`iyya had been destroyed in 2014.



Figure 10

Destroyed also was a large number of religious shrines in Tall al-Mintar and Al-Shaykh `Ijlin, including the shrine (*maqam*) to al-Khidr in Rafah, which encompasses the tomb of St Hilarion. These shrines are just some examples of what was destroyed. The Ottoman-era shrine of the Prophet Yusuf to the east of Jabaliya was destroyed in the 2014 assault Gaza.

Historic buildings include public buildings such as schools, mansions, private residences and public baths. This current war is unlike its predecessors in that it has been systematically targeting the historic centers of Gaza, Bayt Hanun and Khan Yunis. Notable in this regard was *Qasr al-Basha* (**Figure 11, Qasr al-Basha**) in the Daraj quarter, which is a large palace with two floors and dates to the Mamulk era. Its decorations include the *rank*, or heraldic emblem, of Sultan al-Zahir Baybars. It was the residence of the governors of Gaza in the Mamluk and Ottoman periods. The palace was named after the Ridwan family who owned it at the beginning of the Ottoman era. Napoleon Bonaparte stayed for three nights at that Palace during his campaign against Syria in 1799, and the Ministry of Tourism and Antiquities had restored the palace and refurbished it as a museum.



Figure 11

***“ This current war is unlike its predecessors
in that it has been systematically targeting
the historic centers of Gaza, Bayt Hanun
and Khan Yunis ”***

Also completely destroyed was al-Kamiliyya Madrasa in the Zaytun quarter, named after the Ayyubid Sultan al-Kamil who built it in 1237 AD. It has two floors and a surface area of 537 sq meters and with a central courtyard. This Madrasa was used for teaching and to house poor students and travelers, and so used for many centuries until 1930. It was the last Madrasa standing in the city.

This programmed destruction has further included the almost total demolition of Dar al-Saqqqa in the Shuja`iyya quarter (**Figure 12, Dar al-Saqqqa**) which was built in 1661 by Ahmad al-Saqqqa, a prominent Gaza merchant. The mansion has two floors and a total surface area of about 700 sq meters. The al-Saqqqa family had recently restored it and refurbished it as a cultural center. Targeted too was the Tarazi House, a distinguished Ottoman era structure while extensive damage was done to the `Alami House and the adjoining arcade in the Daraj quarter, one of the city's ancient gates, and situated near the `Umari Mosque and the Basha Palace. Destroyed too was the Ottoman-era Hammam al-Samra (**Figure 13, Hammam al-Samra**) which had recently been restored, as well as the Ottoman-era Rifa`iyya public fountain, built by Bahram ibn Mustafa Pasha in 1568 AD.



Figure 12



Figure 13

The Baptist or Ma`madani Hospital in the Zaytun quarter, built in 1882 AD, and comprised of 13 buildings, suffered extensive shelling on the evening of Tuesday October 17, 2023, resulting in a massacre of some 471 civilians who were being treated there along with their families.

***“The Baptist or Ma`madani Hospital
in the Zaytun quarter, built in 1882 AD,
and comprised of 13 buildings,
suffered extensive shelling”***

World Heritage Sites

There are three archaeological sites registered on the preliminary list of cultural sites in Palestine in the Gaza Strip (Taha 2009). These are the the Balakhiyya or *Anthedon*, the Tall Umm `Amir or Monastery of St Hilarion as cultural sites and the *Wadi Gazza* (Gaza Creek) as a natural heritage site.

Al-Balakhiyya (Anthedon)

This site lies on the coast to the northwest of Gaza city and was the ancient port of Gaza in the Greco-Roman period. The Islamic sources call it *Tida*, and it is one kilometer distant from ancient Maiuma. Joint Palestinian and French excavations have revealed traces of Neo-Assyrian, Babylonian, Persian, Hellenistic Roman, Byzantine and early Islamic remains. That site also revealed the city walls in addition to city quarters housing craftsmen and the city’s population, some of which are decorated with frescoes. In that site were also revealed floor mosaics, storage areas and fortified structures. The site was listed on the Palestinian preliminary list of world heritage based above criteria 2 and 4, prior to its inclusion on the list of world heritage. This site has been shelled extensively.

Tall Umm `Amir (Monastery of St Hilarion)

The Monastery of St Hilarion was revealed to occupy the site of Tall Umm `Amir, near the Nusayrat camp, and is known as historic *Tabatha*, a site which appears on the Madaba map. The site was excavated by the Palestinian Department of Antiquities in conjunction with a French archaeological mission and excavations revealed the remains of a large monastery dating to the Byzantine and early Islamic periods. The monastery consists of two churches, a baptismal and reception area, in addition to other facilities like wells, a Hammam and housing for pilgrims. On floor mosaics were found Greek inscriptions that mention St Hilarion who was born in Gaza in 291 AD and died in Cyprus in 371 AD. St Hilarion was the founder of Palestinian monasticism and his biography was written by St Jerome. His fame spread throughout the eastern Mediterranean and his saint's day is celebrated in Cyprus on October 21st each year. The site was included on a preliminary list of World Heritage in 2005 as a cultural site, according to criteria 2, 3, and 6, prior to including it officially on the World Heritage list. Reports indicate that a site close by has been demolished.

Wadi Gazza (Gaza Creek)

The Gaza creek issues from the hills of al-Naqab and the heights south of al-Khalil /Hebron, and runs from the armistice line east of Gaza to the coast where it flows into the sea. Where it enters, Gaza it is 7 km long. This creek is considered one of the most important precipitation regions on the eastern basin of the Mediterranean Sea and is rich in its geographical and biological diversity. The creek is also a station for migrating birds. Due to its natural importance, it was included in the national list of cultural and natural sites of exceeding world value. The site was thus placed on the preliminary list as a natural site which includes threatened or rare species according to criterion 10. Since the start of Israel's assault on Gaza this site has been a locus of Israeli military operations and this despite its environmental value and as an important station for migrating birds and its biological diversity.

Museums and Archaeological Storage Centers

A large number of museums and collections of antiquities were systematically destroyed. Among about 12 museums, the most notable is the Museum of Qasr al-Basha, dating to the Mamluk period, which was restored and refurbished as an archaeological museum. In it were exhibited most of the important excavations carried out in the Gaza Strip over the past two decades. Tens of thousands of archeological objects have been buried under the rubble. Destroyed too was the Dayr al-Balah Museum, which preserved a collection of archeological and heritage items, and the Qarrara Museum (**Figure 14, Qarrara Museum**), which housed a varied collection of ancient objects dating to various historical eras. Private collections were also destroyed such as the Jawdat al-Khudari collection in Gaza as well as the `Aqqad

collection. The same may be said of many private collections of antique objects in light of the indiscriminate and widespread campaign of bombardment rained upon Gaza.



Figure 14

Storehouses belonging to the Gaza Department of Antiquities and housing tens of thousands of archeological objects were broken into (**Figure 15, breaking into archeological storehouses in Gaza**). These stores include Palestinian and international archeological excavations still under study and estimated at tens of thousands of figurines, earthenware, glass and metal utensils and coins. Breaking into museums and stores is a clear violation of the 1954 Hague Convention for the Protection of Cultural Property during Armed Conflicts.



Figure 15

“A large number of museums and collections of antiquities were systematically destroyed”

Destruction of Mosques and Cemeteries

In addition to the historic mosques mentioned above, a systematic campaign of destruction targeted mosques in Gaza in a manner unprecedented in modern history. A report from the Ministry of Awqaf (pious endowments) dated January 22, 2024, cites the total or partial destruction of about 1000 mosques from a total of 1200 mosques. Nor were cemeteries spared either. The Christian Baptist cemetery in Gaza city was targeted, and extensive damage was done to the military World War II Commonwealth soldiers cemetery, in the Tuffah quarter. The cemetery of Bayt Hanun was destroyed (**Figure 16, the Bayt Hanun cemetery**), extensive portions of which were dug up. Present space does not allow the mention of other cemeteries.



Figure 16

Targeting the City’s Landmarks

A report issued by the Gaza Municipality pointed to the fact that the occupation regime was targeting the city’s main landmarks which constitute its collective identity. These include historic buildings, mosques, churches, the Garden and Monument of the Unknown Soldier, the Rashad al-Shawwa Center (**Figure 17, the Rashad al-Shawwa Center**), the Al-Katiba Garden, the Public Library Building (**Figure 18, the Gaza Municipal Library**), the *Is`ad al-Tufula* (Happy Childhood) building, the Municipal Promenade, the Central Archives

Building, the Manuscript Restoration Center (**Figure 19, the Manuscript Center**), and the universities (**Figure 20, the Faculty of Law, before and after destruction**), in addition to hotels, tourist resorts, and services and commercial infrastructures such as roads, water treatment stations and wells.



Figure 17



Figure 18



Figure 19

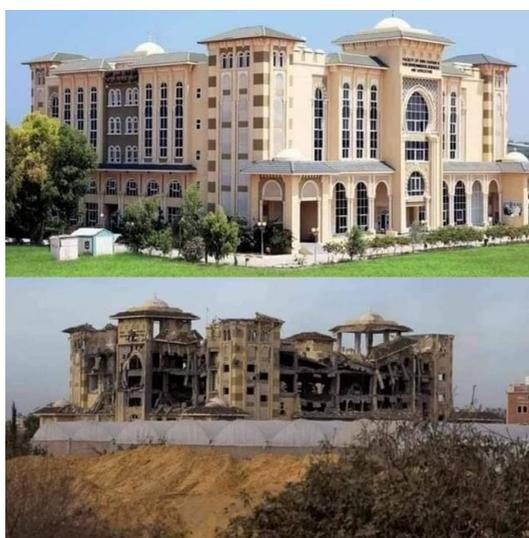


Figure 20

The International Genocide Convention

The 1948 Convention for the Prevention and Punishment of Genocide defines genocide as “any of the following five acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group” such as killing members of that group, causing grievous bodily or moral harm to members of that group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures

intended to prevent births within the group, and forcibly transferring children of the group to another group. Article 3 specifies the following as punishable acts:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

That Convention was signed in the wake of the horrors of World War II. The Polish intellectual Rafael Lemkin (Lemkin 1944) who coined the term “cultural genocide” argued that cultural genocide was no less grievous than the destruction of a human group. Although this definition was adopted by the UN General Assembly in 1946, states with an imperialist history of decimating native populations such as Australia, the USA, the UK, France, and Canada resorted, in the 1948 Convention, to diluting the text to apply to any deliberate act committed with the intention of destroying the language, religion and culture of a human group. The Canadian sociologist Andrew Woolford, from the University of Manitoba, emphasized the part which has to do with the destruction of the collective identity of native populations and theft of their lands to enable settlers to dominate them (Culture Genocide 2019).

Raz Segal, a Jewish American expert on the Holocaust at Stockton University in the US, described the current war in Gaza, on the sixth day of the war, as typical of genocidal wars intentionally aimed at the destruction of a human group. That intention was clearly expressed in numerous statements made by Israeli political and military leaders and is directly connected with military operations such as shelling, destruction of infrastructure, a very tight siege, forcible eviction, and causing famine then “justifying violence by a shameful exploitation of the anniversary of the Holocaust” (Segal, 2023). The purpose was to disengage the conflict from its political context as a struggle against occupation, to compare Palestinian victims to the Nazis and the terrorist DAISH group, and to revive the imperialist discourse of civilization fighting barbarism. This last, according to Franz Fanon (Fanon 1963) was a favorite imperialist discourse and always preceded waging a criminal war. The targeting of historic centers, archaeological sites, cultural institutions and museums is yet another indicator of a deliberate scheme to destroy the collective identity of a human group, as defined in that Convention. John Hocking, a member of The International Criminal Tribunal for the former Yugoslavia, described the destruction of cultural heritage as tantamount to cultural genocide and stated that wherever there is cultural destruction genocide must be suspected.

The Case Raised Before the International Court of Justice

The efforts exerted to end the war having failed, and despite the UN General Assembly Resolution and the US vetoing of any UN Security Council Resolution to stop the war, the Republic of South Africa submitted a case to the ICJ against Israel, holding that it had committed genocide in Gaza. The ICJ is considered the highest judicial authority of the UN. The South African case of 84 pages, and supported by a large number of other states, is based upon the 1948 Genocide Convention, genocide being the most heinous crime in international law. Over the course of two days, January 11 and 12, 2024, South Africa presented its case. That case urgently demands, on the performative level, that a decision is issued to stop acts of genocide, and that decision is in turn based upon objective evidence, whether with respect to intention or to the five acts classified as constituting genocide. Many international law experts hold that the crimes committed by Israel in Palestine are a normal consequence of the immunity granted to Israel by the west over the past 75 years of the Israeli Palestinian conflict.

“Many international law experts hold that the crimes committed by Israel in Palestine are a normal consequence of the immunity granted to Israel by the west over the past 75 years of the Israeli Palestinian conflict”

In conclusion, efforts must be intensified to stop the war and bring in more humanitarian aid. Whatever the verdict of the ICJ may be, it will not restore the lives of the victims nor the heritage to what it was before. But enforcing justice and punishing the criminals will stop the continued commission of these crimes against humanity and prevent their future recurrence. This call is addressed to all institutions concerned with cultural heritage, both local and international, and urges them to act forcefully to estimate the damage done and the rebuilding process. The Palestinian heritage does not belong solely to Palestine but is inseparable from world heritage, and its destruction is a loss to the whole of humanity.

Sources

Source of map and photos: Palestinian Ministry of Tourism and Antiquities

English Sources:

- Abu Sitta, Salman. *Atlas of Palestine (1917-1966)*. Palestine Land Society, 2010.
- Benvenisti, M. *Sacred Landscape: The Buried History of the Holy Land since 1948*. Berkeley and L.A.: University of California Press, 2002.
- “Cultural Genocide”, Facing History & Ourselves Canada, 16/10/2019:
<https://www.facinghistory.org/en-ca/resource-library/cultural-genocide>
- “Destruction of the Palestinian cultural heritage of Gaza – in pictures”. *The Guardian*, 11 January 2024:
<https://www.theguardian.com/world/gallery/2024/jan/11/palestinian-cultural-heritage-gaza-destruction-in-pictures>
- Fanon, Frantz. *The Wretched of the Earth*. New York: Grove Press, 1963.
- Georgia M. Andreou, M. Fradley, L. Blue & C. Breen. “Establishing a baseline for the study of maritime cultural heritage in the Gaza strip”. *Palestine Exploration Quarterly* (2022):
<https://doi.org/10.1080/00310328.2022.2037923>
- Kletter, Raz. *Just past? The Making of Israeli Archaeology*. London: Equinox, 2006.
- Lemkin, Rafael. *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. Washington D.C.: Carnegie Endowment for International Peace, Division of International Law, 1944.
- Masalha, Nur. *The Zionist Bible: Biblical Precedent, Colonialism and the Erasure of Memory*. London: Routledge, 2013.
- MoTA. “First phase of the Rapid damage assessment of cultural heritage sites in Gaza”. 15 August 2014. (Unpublished Report)
- Pappé, Ilan. *The Ethnic Cleansing of Palestine*. Oxford: Oneworld, 2006.
- Sadeq, M. “The Historical Monuments of Gaza Strip”. *Mediterraneum*, vol. 2 (2002), edited by Fabio Maniscalco, Massa editore, pp. 243-259.
- Segal, Raz. “‘A Textbook Case of Genocide’: Israeli Holocaust Scholar Raz Segal Decries Israel’s Assault on Gaza”. *Democracy Now*, October 16, 2023.
- South Africa=South Africa v.s Israel case 192:
<https://www.icj-cij.org/index.php/node/203395>
- Taha, Hamdan. “Gaza at the Crossroads of Civilizations”. *This Week in Palestine*, Issue no. 232 (2017), pp. 76-81.

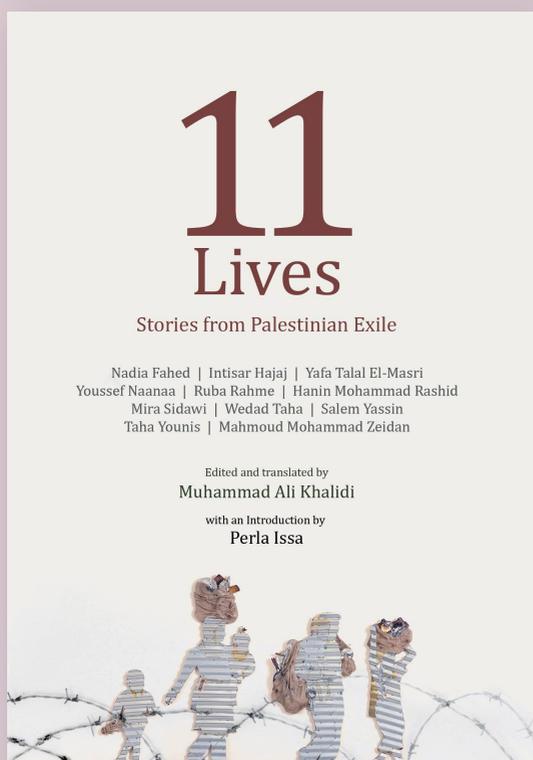
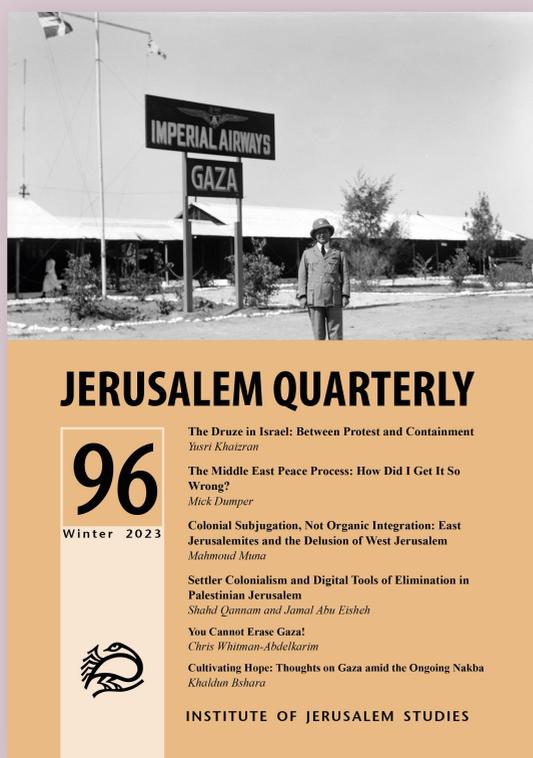
Arabic Sources:

- باكونغا، فيانكان كاترين. "قرار تاريخي لحماية التراث الثقافي"، "اليونسكو" (2017):
<https://www.unesco.org/ar/articles/qrar-tarkhy-lhmayt-altrath-althqafy-0>
آخر تحديث، حزيران/يونيو 2023.
- طه، حمدان (تحرير). "قائمة مواقع التراث الثقافي والطبيعي ذات القيمة العالمية المتميزة في فلسطين" (فلسطين: وزارة السياحة والآثار، دار الناشر، الطبعة الثانية، 2009).
- _____ . "إدارة الآثار تحت الاحتلال في فلسطين"، مجلة "تحولات مشرقية"، العدد رقم 9، كانون الثاني/يناير 2016، ص 15-47.
- العارف، عارف. "تاريخ غزة" (القدس: مكتبة بيت المقدس، 1943).
- قاعدة بيانات التراث الثقافي، وزارة السياحة والآثار.
- "مساجد وكنائس ومقابر.. الحرب تدمير مواقع غزة الأثرية"، "الحرّة – واشنطن"، 5 كانون الأول/ديسمبر 2023:
<http://tinyurl.com/jnv9tnxp>
- مناع، عادل. "نكبة وبقاء: حكاية فلسطينيين ظلوا في حيفا والجليل (1948-1956)" (بيروت: مؤسسة الدراسات الفلسطينية، 2016).
- وزارة السياحة والآثار. "الأضرار الناجمة عن القصف الإسرائيلي الذي أصاب المواقع الأثرية في قطاع غزة". تقرير (2014).
- وزارة السياحة والآثار. "تقرير حول الأضرار التي لحقت بمواقع التراث الثقافي في قطاع غزة نتيجة العدوان الإسرائيلي" (2023).

Latest Issues from The Institute for Palestine Studies

www.palestine-studies.org/en/Books

www.palestine-studies.org/en/journals



* Author's Bio

Hamdan Taha, is an independent researcher, he previously worked as Director General of the Palestinian Department of Modern Antiquities (1995-2004), Assistant Undersecretary for the Antiquities and Cultural Heritage Sector (2004-2012), and Undersecretary of the Ministry of Tourism and Antiquities until the end of 2014. He currently supervises the Palestinian History and Heritage Project.

From his Articles:

[The First School in Palestine: Letter of Complaint from a Canaanite Teacher to the Prince of the City of Shikmu \(Tell Balata\)](#)

Institute for Palestine Studies

Founded in Beirut in 1963, is an independent nonprofit Arab research and publication center, which is not affiliated to any political organization or government.

The opinions expressed in its publications do not necessarily reflect those of the Institute.



Institute for Palestine Studies, Anis Nsouli st. - Verdun, Beirut - Lebanon

+961 1-80-49-59

www.palestine-studies.org (AR-EN-FR)

@ipsbeirut@palestine-studies.org