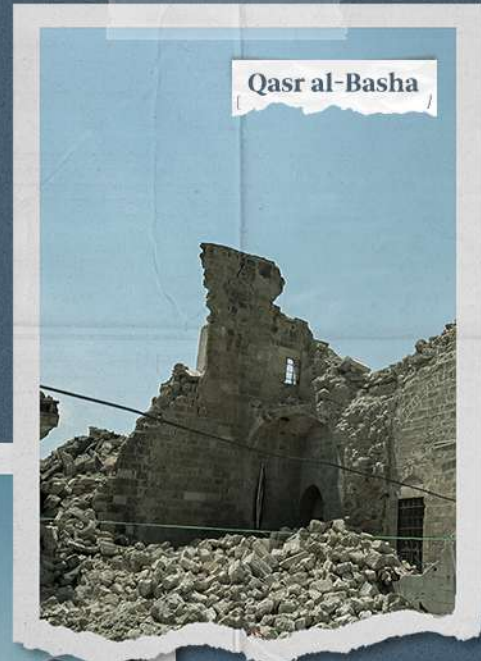
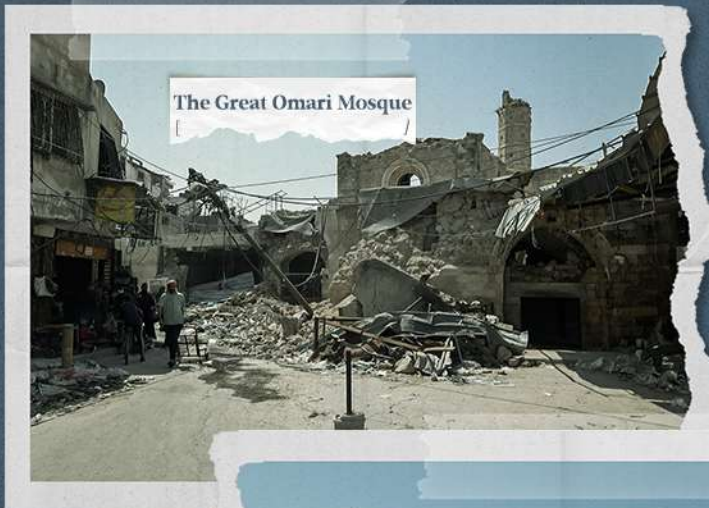




Cultural Genocide



A report on Israel's Intentional Destruction of Palestinian Cultural
Property during the Israeli War 2023-2024

June 2024

Table of Contents

Introduction	(3)
i. Intentional Destruction of the Palestinian Cultural and Historical Heritage.	(6)
1. Archaeological properties.....	(8)
_ Anthedon Harbour.....	(8)
_ Qasr al-Basha.....	(10)
_ Hammam al-Sammara.....	(12)
_ Byzantine Church.....	(15)
2. Ancient Places of Worship.....	(17)
The Great Omari Mosque.....	(18)
The Greek Orthodox Church of Saint Porphyrius.....	(21)
3. Cultural and historic monuments	(23)
_ Rashad Al Shawa Cultural Center.....	(24)
ii Suspicions of theft and loss of archaeological collectables.....	(26)
iii Destruction of cultural property from the international law perspective.	(29)
Conclusion and recommendations.....	(32)

Introduction



Israel's strategic targeting of cultural and historical sites forms part of a state policy, enabling Israel to further its settler colonial project and constituting a core method of continuous ethnic cleansing against the Palestinian people since 1948. The current intentional and systematic destruction of cultural and historical property in the Gaza Strip emerges within this context, with the sole objective to erase the identity and historical heritage of the Palestinian people, who are the indigenous inhabitants on this land, plausibly amounting to a cultural genocide.

During Israel's genocidal campaign against the Gaza Strip ongoing since 07 October 2023, the Israeli military has spared no human or stone, furthering what it started in 1948 when over 600 Palestinian cities and villages were wiped out, and nearly a million Palestinians were ethnically cleanse to build settlements. Today after 75 years, the Nakba is relived again as Israel forcibly displaced around 2 million Palestinians from their houses that was extensively destroyed. Moreover, the Israeli occupying Forces (IOF) left no stone unturned to destroy the cultural property and heritage sites in the Gaza Strip, reminiscent of reminiscent

of what it previously did in the cities and villages of historic Palestine and is still doing in the West Bank and occupied Jerusalem. This may amount to a cultural genocide aimed at erasing the tangible heritage that inherently connects the indigenous people (Palestinians) to their homeland and deliberately and systematically obliterating their history and heritage

The report provides an overview of Israel's major violations and acts of hostility directed against the historic monuments and cultural property amid the ongoing war on the Gaza Strip. According to official statistics, IOF have intentionally destroyed around 206 archaeological and historic sites, including historic mosques and churches, public markets and neighborhoods, some dated to over a thousand year. Additionally, universities, libraries, museums, theaters, murals, castles, manuscripts, and cultural institutions have been demolished. This destruction constitutes a grave violation of international law and reveals Israel's failure to fulfil its duties and responsibilities to preserve and safeguard cultural heritage in the occupied Palestinian territory (oPt).

Amid the ongoing war and lack of a final and comprehensive assessment of the damage inflicted to the archaeological and cultural sites, the report elaborates on the damage documented reported after Israel withdrew from several areas in the Gaza Strip. The report draws on Israel's intent to commit cultural genocide expressly evidenced by the destruction of Gaza's prominent archaeological and cultural sites, such as the Great Omari Mosque, the Church of Saint Porphyrius, the Anthedon Harbor, Qasr Al-Basha, the Byzantine Church of Jabalia, and Rashad Shawa Cultural Center, one of Gaza City's most important cultural landmarks.

The report establishes links between IOF's targeting of the cultural and historical identity and other crimes against civilians. While the latter collects the lives of defenseless civilians by bombing homes over their heads, the former simultaneously attempts to destroy their historical heritage and erase their past. This constitutes a grave violation of international humanitarian law and international human rights law, particularly the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the 1949 Fourth Geneva Convention, and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, along with its First and Second Protocols. Furthermore, it is a gross violation of the Rome Statute of the International Criminal Court (ICC) and thereby amounts to a crime against humanity. The report also raises suspicions of Israel's theft of artifacts from Qasr Al-Basha Museum and the Gaza Archaeological Storage.

The report offers recommendations, urging the international community to take immediate and serious action to stop Israel's genocide in the Gaza Strip and calling upon Israel, the occupying power, to cease targeting cultural properties. The report also urges the Palestinian Authority (PA) to submit urgent requests to The United Nations Educational, Scientific and Cultural Organization (UNESCO) to take further measures to preserve the Palestinian cultural heritage and to grant provisional enhanced protection to Palestinian cultural objects in the Gaza Strip. The report calls on UNESCO and the Special Rapporteur in the field of cultural rights to document and expose the Israeli crimes against the cultural rights of the Palestinian people and to pressure the Israeli authorities to stop their crimes against the Palestinian cultural heritage, forming the backbone of the Palestinian people's right to self-determination.

i. Intentional Destruction of the Palestinian Cultural and Historical Heritage.

The Israel's ongoing genocidal campaign against the Gaza Strip has inflicted unprecedented destruction to residential neighborhoods and civilian infrastructure in general. As of the time of writing, Israel's devastating campaign has killed 37,000 Palestinians and injured around 88,000 others, mostly women, children, and elderlies. In addition, the infrastructure, vital and service facilities have been devastated, forcing over 2 million Palestinians to flee their homes to areas devoid of the most basic necessities of life, creating a major humanitarian catastrophe.

The Israeli authorities have specifically and deliberately targeted Palestinian cultural properties during their relentless offensive on the Gaza Strip. as a result, historical and cultural sites have been completely or partially destroyed, including historic mosques, ancient historic churches, public markets, and neighborhoods, all dating back to a thousand year, in addition to the destruction of universities, libraries, museums, theaters, murals, castles, historical manuscripts, and cultural institutions.

Based on preliminary documentation of numerous targeted and destroyed sites, IOF have deliberately bombed and levelled some of the most significant historic sites, including the Byzantine Church of Jabalia, the Church of Saint Porphyrius, the Great Omari Mosque, Sheikh Shaaban Mosque, Zofor Domri Mosque, al-Saqqa Historic House, Tell Monastery, Gaza War Cemetery, the Monastery of Saint Hilarion, Tell Es-Sakan, Tell 86 (al-Qarara), Mazen Market, Khalil Al-Rahman Shrine, Tell Rafah, Sayed al-Hashim Mosque, Qasr Al-Basha, Al-Khader Shrine (Maqam), the Deir Al-Balah Museum, Al-Fukhari heritage site, Nabi Yusuf shrine, and the Barquq Castle in Khan Younis.

UNESCO has conducted a preliminary damage assessment for cultural properties through remote monitoring based on satellite imagery. UNESCO has verified damage to 41 cultural sites distributed across the Gaza Strip's governorates: 38 sites in Gaza City, one in North Gaza, , one in Deir Al-Balah, and one in Rafah. These sites include 229 historical sites, 10 religious sites, 3 monuments, 2 Storage facility of movable cultural objects, a museum, and 3 archaeological sites.¹

Heritage for Peace preliminary findings show that cultural heritage in the Gaza Strip has been subjected to direct and indirect damage to over 100 historical sites in Gaza since 07 October 2023. The study highlighted the extensive destruction of Gaza's heritage since the onset of the war, aiming to raise international awareness about this cultural and heritage disaster.²

The Israeli violations and practices against Palestinians in the ongoing war on the Gaza Strip, including the deliberate destruction of Palestinian heritage and historical sites, necessitate an urgent international intervention to protect what remains and to punish the perpetrators according to the Rome Statute of the International Criminal Court (ICC). All the facts on the ground provide a sufficient evidence that IOF have committed the four crimes under ICC's jurisdiction: crimes of genocide, crimes against humanity, war crimes that are identified in detail in the Rome Statute of 1998, and crimes of aggression defined at the Kampala Conference in Uganda in 2010.

A systematic targeting of historical buildings and ancient places of worship has been reported as they have been subjected to artillery shelling, air bombardment and -razing during the Israeli ground invasion into the Gaza Strip governorates. This included three sites classified as World Heritage Sites and listed on the preliminary

1. UNESCO, Gaza Strip: Damage assessment, 10 April 2024: <https://www.unesco.org/en/gaza/assessment>

2. Palestine Heritage for Peace, Report on the Impact of the Recent War in 2023 on the Cultural Heritage in Gaza Strip: Palestina heritage reports - Heritage for Peace

list of cultural sites in Palestine: Anthedon Harbor, Ancient Saint Hilarion Monastery, and Wadi Gaza, which is considered a natural heritage site.

Due to the ongoing Israeli war, a comprehensive and final damage assessment of the archaeological and cultural sites cannot be conducted. Therefore, this report highlights the key documented damages following the withdrawal of IOF from several areas in the Gaza Strip. It has revealed the destruction of the following:

1. Archaeological properties

During the first days of the Israeli military war, IOF targeted several historic sites, most notably Tel Al-Ajjul, which represents the history of Gaza City dated back to the Middle and Late Bronze Age, and the site of Tel Es-Sakan, dated back to the Early Bronze Age in addition to the archaeological properties at Tel Al-Muntar and the shrines of Sheikh Ali and Sheikh Radwan which have been subjected to unprecedented destruction. The destruction extended to museums and archaeological collections, including 12 museums, most notably the Qasr Al-Basha Museum, Deir Al-Balah Museum, and Al-Qarara Museum. Private archaeological collections were also deliberately destroyed, including those of Mr. Joudat Al-Khudari and the Al-Aqqad collection. Meanwhile, most significant archaeological sites that were completely or partially destroyed were:

Anthedon Harbour

Ancient site located on the seashore northwest of Gaza City in Palestine. UNESCO has classified it on the primary list of archaeological sites in the Gaza Strip, along with

Tell Umm Amer and Wadi Gaza. Anthedon Harbour dates back to 800 BC and was built by the Canaanites, the first inhabitants of Palestine. The Harbour is considered one of the most important landmarks in Gaza and the Middle East, as it was the only commercial harbour during the Greek and Roman periods that connected Palestine with the rest of the ancient world. The harbor is mentioned in Islamic literature with the names of “Tida” and lies one kilometer away from the ancient harbour of Maiumas.³

The Anthedon Harbour is the first site to be excavated, containing Tunisian pottery jars from North Africa dating back to the Roman era where there is also a villa from the Hellenistic period, dating back to 350 BC. Palestinian-French excavations of the harbor have revealed evidence from several civilizations, including the Neo-Assyrian, Babylonian, Persian, Greek, Roman, Byzantine, and early Islamic periods. The excavations have uncovered the city's walls, as well as artisan quarters and dwellings, some adorned with frescoes, while Mosaic floors, warehouses and fortified structures are found in the area.

In November 2023, Israeli warplanes directly targeted the Anthedon Harbour, significantly damaging it. Also, during the Israeli invasion of western Gaza City, the Harbour was subjected to bulldozing, but the extent of damage has not been yet revealed.⁴ This constitutes a breach of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, taken place on 14 May 1954.

3) Palestine Heritage for Peace, Report on the Impact of the Recent War in 2023 on the Cultural Heritage in Gaza Strip: Palestina heritage reports - Heritage for Peace

4) Ibid

Qasr al-Basha

Qasr al-Basha, located in the Al-Daraj neighborhood in eastern Gaza City, is considered one of Gaza's most important historic buildings. Built during the reign of Mamluk Sultan Al-Zahir Baybars, the palace also reflects Ottoman architecture and is known as "Qasr Al-Basha" or the Radwan Dynasty Palace. It served as the hereditary seat of the Sanjak of Gaza (one of the Sanjaks of the Damascus Eyalet in the Ottoman Empire) and the Levant. At the beginning of the 20th century, the palace changed from a governance center to be used as a police station and prison, and later to an educational institution. In 2010, it was converted into a museum and underwent significant renovation in 2015, returning it to its original state. The museum showcased artifacts from various historical periods, including the Greek, Roman, Byzantine, and Islamic eras.

The museum houses hundreds of archaeological artifacts discovered during excavations at various sites. It has exhibited most of the significant archaeological finds from the Gaza Strip over the past two decades, including tens of thousands of artifacts that were lost or buried under the building's rubble. Among these were pottery jars containing Greek silver coins bearing images of Alexander the Great and owls, discovered at the archaeological site of Tel Rafah (Tal Zaarib). The museum also housed a rare and ancient manuscript of the Holy Quran, written in Ottoman script and cylindrical in shape. Additionally, the museum contained the Psalms of David written in ancient Aramaic, and some women's jewelry made of beads and ivory, dating back to the Roman period.⁵

5) Information PCHR's researcher obtained from Miss Nariman Khalla, Head of Qasr al-Basha Palace, during a phone call on 06 May 2024

The museum attracted local and international delegations as it was visited by school and university students, international organizations and foreign delegations. The most recent addition to the museum was a Roman tomb discovered in western Karama area in the northern Gaza Strip.



According to PCHR's follow-up, Israeli warplanes targeted Qasr al-Basha Museum in early December 2023 and completely destroyed it. Also, Israeli bulldozers levelled it during IOF's incursion into Al-Daraj neighborhood in central Gaza; as a result, the museum was totally destroyed and its artifacts and antiquities were lost. The deliberate destruction of the historic Qasr al-Basha Museum by IOF aimed to erase history and memory, as the museum contained thousands of artifacts, whose fate remains unknown as of the date of this report—whether they were stolen, lost, or destroyed

IOF bear full responsibility for the preservation and development of these artifacts under international law, particularly the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

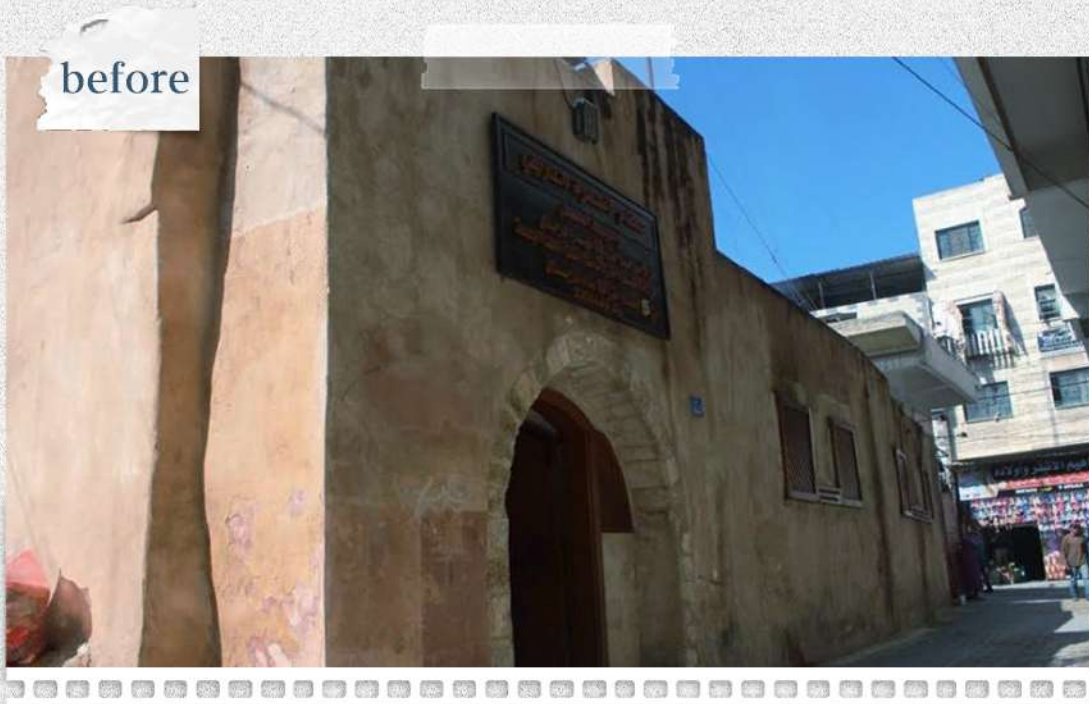
Hammam al-Sammara

Hammam a-Sammara dates back to 1300 AD, and its name derives from the Samaritan community that owned it before selling it and moving to their headquarters on Mount Gerizim in the city of Nablus. It was the only remaining bathhouse in the Gaza Strip and the second oldest building after the Great Omari Mosque. The 500-sqm bathhouse was considered both a tourist and therapeutic destination before it was destroyed.

The destruction of Hammam al-Samra eradicated the last trace of the Samaritan community in Gaza, and thereby erasing the Samaritan culture and history in the Gaza Strip. There was a time when the Samaritans did not have a high priest, as the high priest had to be a Levite. Consequently, they went to Gaza, brought a ten-year-old boy to Mount Gerizim in Nablus,

6) PCHR's researcher obtained this information during a phone call with Hosni Al-Samari, the priest of the Samaritan sect in Mount Gerizim, on 03 May 2024

and appointed him as the high priest of the community despite his young age. This reflects the ancient history of the community there, a fact known to every Samaritan.⁶



6) PCHR's researcher obtained this information during a phone call with Hosni Al-Samari, the priest of the Samaritan sect in Mount Gerizim, on 03 May 2024

During the 4-century Ottoman empire, the ownership of Hammam al-Samra transferred to Oweis Pasha, the governor of Damascus. He renovated and repaired it. Subsequently, it was inherited by his daughter, Amina Hanem, the mother of youngest Ahmad Pasha. Eventually, the bathhouse came under the ownership of the Ridwan family, who ruled Gaza during the Ottoman era. Around 1900, the Wazir family leased the bathhouse and eventually acquired it in the early 1950s. The family owned Hammam Al-Samra until it was destroyed in December 2023.

Salim Abdullah Salim Al-Wazir (72 years old), the owner of the bathhouse and now displaced to Rafah due to the ongoing Israeli aggression on Gaza, reported to PCHR's researcher the following: "The bathhouse is located in the oldest area of Gaza City, surrounded by several archaeological sites such as the Great Omari Mosque, Qasr al-Basha, Khan al-Zeit, which used to house a hotel, a café, a restaurant, and a stable for horses, and the Qaisariyya market. I acquired 'Hammam al-Samra' in the 1950s, after decades of leasing it. The bathhouse is of an archaeological, cultural, historical, and architectural significance. Historical caravans from various regions of the world would come to the area for its commercial importance, particularly the khan and its surrounding, and for relaxation, they would visit 'Hammam al-Samra.' This tradition was followed by the Bedouins of Sinai and Beersheba since before the Nakba of Palestine. Doctors also used to send their patients to the bathhouse, believing in its benefits for stimulating blood circulation and improving the efficiency of the body's arteries. Israeli warplanes completely destroyed the bathhouse in a direct strike on 25 December 2023. I had hoped to conclude

my life while still managing Hammam al-Samra, especially since every corner of it holds many personal memories. I have been frequenting it with my father since I was born. The bathhouse also holds the memories of many visitors over more than 900 years. I was part of the bathhouse, and it was part of me, so I have lost a significant part of my body and soul.”

Byzantine Church

The Byzantine Church in Jabalia is one of the most important churches in the Levant, located west of Salah al-Din Street. It dates back to 444 AD, during the reign of the Byzantine Emperor Theodosius II (408-450 AD). The church continued to exist during the Islamic conquest of Palestine in 637 AD until the Abbasid Islamic era, the era of the Caliph (Abu Jaafar al-Mansur). Therefore, the church has lived through 24 Byzantine emperors and 14 Muslim caliphs, demonstrating the religious tolerance Christians enjoyed under Muslim rule in Palestine. The church contains 16 ancient Greek texts, and this number cannot be found in any church in the Levant.⁷

The church's decoration contained a large number of geometric and floral decorations, figure paintings, rural scenes, cooking utensils, domestic animals and predatory animals from Palestine and abroad. The church is built on the cathedral system, and there are three porticoes, the widest of which is the middle portico. It also contained a worship area (Chapel) on the northern side, typical of church architecture in Palestine, and covered an area of 500 square meters. In 2010, the Ministry of Tourism and Antiquities installed a canopy to protect the mosaic floors from erosion.

⁷ Ministry of Tourism and Antiquities on the Byzantine Church: <https://www.facebook.com/MotaPalestine/posts/pfbid0ttxrYbNxxGmRkDepMtBBYDY5ZQgo8iKuSW2o2ntaE8XL54Z3WytWGPd3RsU9W83W1>

According to the PCHR's follow-up, the area surrounding the church sustained significant damage due to indiscriminate Israeli bombardment on the area, and the church's walls sustained destruction that would potentially jeopardize the archaeological site. Palestinian archaeologist Fadel Al-'Otol expressed his concerns to PCHR's researcher about the church's exposure to erosion, which could lead to its eventual disappearance, following the direct bombing of its outer walls.

The destruction inflicted on the church by the Israeli war machinery constitutes a grave violation of Israel's international obligations under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its protocols, particularly Article 6 of the 1999 Second Protocol to the Convention, which emphasizes the respect for cultural property and the inadmissibility of invoking imperative military necessity to justify abandoning the obligation to protect cultural property.

The Barquq Castle

Barquq Castle was built in the 5th century AD, during the reign of Sultan Al-Zahir Barquq, one of the Mamluk sultans. Sultan Barquq assigned Prince Yunus bin Abdullah Al-Nurzi to oversee its construction on a 16-dunum area. The castle was intended as a rest stop for traders and travelers and a postal station. Prince Yunus Al-Dawadar constructed a tall, fortified castle with high towers and strong walls, naming it Barquq Castle. The castle included a khan for traders, leading to a flourishing and populated city becoming known as Khan Yunus named after its builder, Prince Yunus. The castle remained resilient throughout the years, serving as a landmark

for Khan Yunus and a rest stop for traders and travelers between countries.⁸

According to the PCHR's follow-up, as part of their ongoing crimes against the Palestinian cultural properties, IOF targeted Barquq Castle during their invasion of Khan Yunus. When IOF withdrew in mid-April 2024, significant damage to Barquq Castle was evident, with parts of it destroyed.

Mohammad Abu Lahya (29), a resident of Khan Yunus, reported to PCHR's researcher: "I was able to return to Khan Yunis after IOF withdrew from the City. When I went to my home in central Khan Yunis, I was shocked by the devastation—as if an earthquake had struck and wiped out the area. The destruction inside the city is massive, and Barquq Castle sustained severe damage due to indiscriminate shelling and the ground invasion of the city. We had beautiful memories in front of and around the castle. Khan Yunis was full of life, and Barquq Castle guarded its wakefulness and sleep, adorning its celebrations and occasions."

2. Ancient Places of Worship

IOF have targeted Islamic and Christian places of worship across the Gaza Strip though they must be immune from attacks as they constitute the spiritual heritage of the Palestinian people. These attacks violate international laws, especially Article (27), paragraph 4 (Annex IV) of the Hague Regulations of 1907, which obliges the occupying forces in cases of siege to take all necessary steps to spare buildings dedicated to religion, art, science, charitable purposes, and historic monuments. Moreover,

the 1977 Additional Protocols to the Fourth Geneva Convention, particularly Article 53 of AP I and Article 16 of AP II, prohibit the any acts of hostility directed against historical monuments, works of art or places of worship that constitute the cultural or spiritual heritage of peoples. The following is the most significant ancient places of worship destroyed by IOF during this war:

The Great Omari Mosque

The Great Omari Mosque was one of the most prominent historical and religious buildings in Gaza City. It was the oldest and largest mosque in Gaza city, as it was built in the Ayyubid period and reflected the Mamluk and Ottoman architectural style. Also, it was named "al-Omari", in honor of Omar ibn al-Khattab. The Great Omari Mosque was built on an area of about 4,100 square meters, and its oldest part was built in the basilica style of the Cathedral of St. John the Baptist around the 12th century AD. It is believed to stand on the site of an ancient Philistine temple, the site was used by the Byzantines to erect a church in the 5th century. Additionally, it was the third-largest mosque in Palestine after Al-Aqsa Mosque in Jerusalem and Ahmed Pasha Al-Jazzar Mosque in Acre.

According to PCHR's follow-up, IOF's warplanes bombed the Great 'Omari Mosque on 19 November 2023, partially destroying it and causing damage to its minaret that was built 1,400 years ago. The mosque was bombed again by IOF's warplanes on 08 December 2023, extensively destroying parts of it.

before



after



Photo of severe destruction caused to the mihrab (prayer niche) and minbar (pulpit) of the Great 'Omari Mosque after being bombed in November 2023.

The destruction of al-'Omari mosque constitutes an Israeli violation of international treaties and conventions, especially Article 53 of AP I to the Geneva Conventions of 1977, which stipulates the protection of cultural objects and places of worship and prohibits the commission of any hostile acts directed against historical monuments, works of art or places of worship that constitute the cultural or spiritual heritage of peoples without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international treaties.

Tareq Mahmoud Haniyeh (60), the 'Omari Mosque tour guide and resident of al-Daraj neighborhood in eastern Gaza City, said to PCHR's researcher: "I have been working for 18 years as a tour guide inside the Omari Mosque in Gaza City, and I daily received delegations visiting the historical landmarks in the mosque. The delegations included school and university students and foreign delegations from abroad. When IOF withdrew from the vicinity of the mosque, I went to there and saw piles of stones and rubble scattered everywhere. The massive destruction of the mosque fills your heart with sadness, sorrow, and anger. I burst into tears when I entered the mosque and then left with a heavy heart. IOF's warplanes destroyed the mosque. All mosques are great, but the 'Omari Mosque was more than just a mosque; it was a long history of knowledge, civilization and faith. It was the greatest, oldest, most breathtaking mosque in Gaza. We had a lot of memories and gatherings there and spent nights inside performing prayers, especially in Ramadan, as a large number of worshipers were flocking to the mosque in order to mark the Night of Power (Laylat al-Qadr). We also attended prophetic praise sessions and Dhikr circles in the mosque, and with the destruction of the 'Omari Mosque, we have been deprived of performing religious rituals."

Moreover, tens of ancient mosques, which were built hundreds of years ago, were destroyed by the Israeli bombardment. Among those mosques that sustained partial or total damage were al- Sayed Hashim Mosque, Sheikh Abdullah al-Aybaki Mosque, Ibn Uthman Mosque, Othman bin Qashqar Mosque, Al-Dhafar Al-Damri Mosque, and 'Omari Mosque in Jabalia .⁹

The Greek Orthodox Church of Saint Porphyrius

It is the world's third oldest church and one of the oldest Christian historical landmarks in Gaza that dates to AD407. It is in al-Daraj neighborhood in central Gaza City, built on an area of 216 square meters, and named after Saint Porphyrius. The walls of the church are 1.8 meters thick and there are photos decorating the church walls and ceiling, which are drawings of the most significant Christian figures in history, such as the photo of Saint Helena and the Emperor Constantine .

Religious rituals and prayers are performed in the Greek Orthodox Church. Every year, on 10 March, special events are held in the church, where Palestinian Christians commemorate the passing of Saint Porphyrius. The church interior walls and hymns tell the story of Saint Porphyrius, who fought the non-religious beliefs in Gaza and spread Christianity until he died there, and his grave is still in Gaza. The Saint Porphyrius church is internally divided into two parts: the first is the tribune, which can accommodate about 500 worshipers, while the second part is the “Holy of Holies”, which a place for the altar (Bible) and designated for the priest to perform religious rituals.

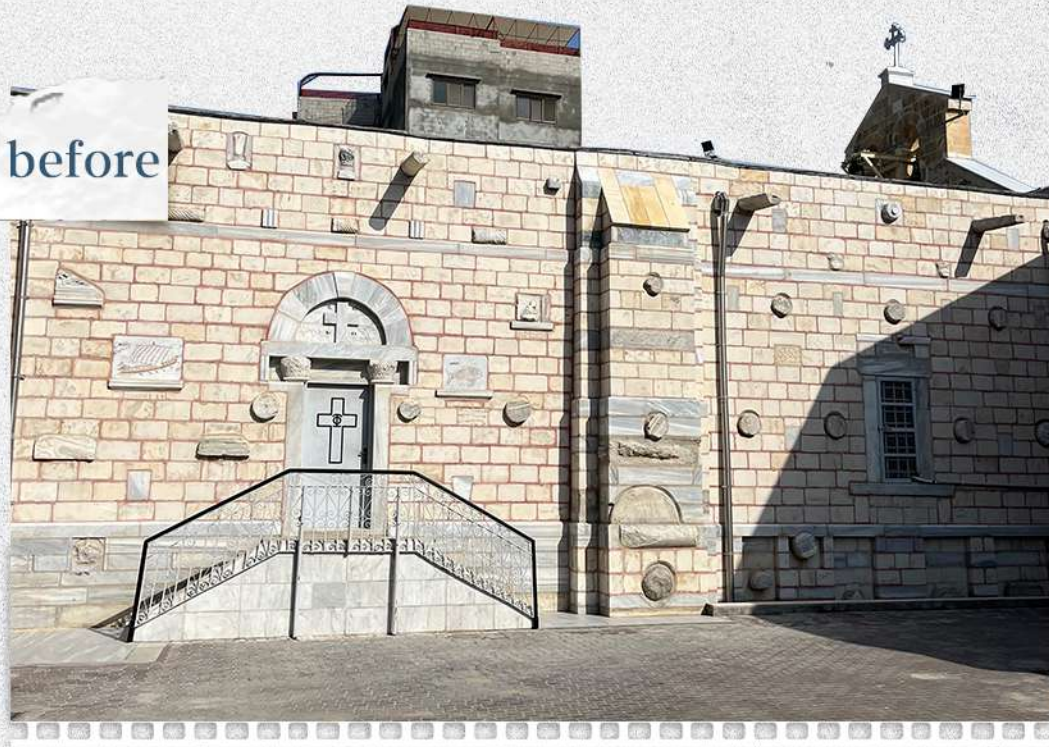
9) Heritage for Peace, Report on the Impact of the Recent War in 2023 on the Cultural Heritage in Gaza Strip, link: <https://www.heritageforpeace.org/wp-content/uploads/2023/11/Report-of-the-effects-of-the-last-war-of-2023-on-the-cultural-heritage-in-Gaza-Strip-Palestine-english.pdf>

According to PCHR's follow-up, on 19 October 2023, Israeli warplanes targeted the church that sheltered hundreds of displaced civilians, including Muslims and Christians, causing severe damage to one of its four buildings, which was the administrative building of the Churchwardens Council. As a result, the ceiling of the Council building collapsed, leaving dozens of people trapped under the concrete slabs. As a result, at least 18 persons, including children, were killed, in a serious violation of Article 16 of AP II to the Geneva Conventions that confirms the protection of cultural objects and places of worship and prohibits the commission of any hostile acts directed against historical monuments, works of art or places of worship that constitute the cultural or spiritual heritage of peoples, and using them in support of military effort without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954.

Also, Israeli war machine has not spared Christian monuments from destruction and vandalism, as on 30 October 2023, Israeli warplanes bombed the Orthodox Cultural Center, the Rosary Sisters' School yard in Tal al-Hawa neighborhood, and the Young Men's Christian Association (YMCA). On 16 December 2023, the Holy Family Church was besieged, and its shelter for children with disabilities was bombed¹¹.

10) Information obtained by the Center's researcher in an interview with Kamel Ayyad, Director of Public Relations at the Orthodox Church in Gaza, on 12 February 2024.

11) Ibid.



3. Cultural and historic monuments

IOF targeted iconic landmarks across the cities and old cities of the Gaza Strip that underpin its collective identity with its historical buildings, mosques, churches, gardens, and memorials.

This is particularly crystalized in Gaza City, where they destroyed cultural centers, Gaza Municipal Library, historic Gaza Municipal Park, and the Manuscript Restoration Center, in addition to causing severe damage to the Universities neighborhood and its surrounding infrastructure, and public service facilities there.

Rashad Al Shawa Cultural Center

It was one of the most important and largest cultural centers in Palestine, where many cultural events were held. It housed Diana Tamari Sabbagh Library, which was one of the most important landmarks and libraries in Gaza City and established by Hasib Sabbagh in memory of his late wife. The 3-story building was designed by Syrian architect Sa'ad Mohaffel with a triangular roof. The center had large halls to host religious and cultural events, the Diana Tamari Sabbagh Library, and a theater. In 1992, Rashad Al Shawa center was nominated for the Aga Khan Award for Architecture.

Also, many important events in the history of the Palestinian cause were held in the center, including hosting the National and Legislative Councils sessions and visits by presidents of many states such as the former US President Bill Clinton in 1998 during the late President Yasser Arafat's reign, in addition to many other international figures.

According to PCHR's follow-up, in December 2023, IOF completely destroyed Rashad al-Shawa center during their invasion into western Gaza City. By the destruction of ancient Rashad Shawa Center, Palestinians in the Gaza Strip have been deprived of exercising their cultural rights as stipulated in international conventions

and treaties, especially the Covenant on Economic, Social and Cultural Rights. Moreover, article (5) of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict emphasizes the safeguarding of cultural property against the foreseeable effects of an armed conflict, while article (6) ensures respect for cultural property while a waiver on the basis of imperative military necessity may only be invoked to direct an act of hostility against cultural property.

before



after



*Rashad al-Shawa Cultural Center after
being destroyed in December 2023.*

Palestinian journalist Hisham Abu 'Asaker said to PCHR's researcher: "Rashad al-Shawa Center was an urban destination in Gaza City and built by Gazan funds in an attempt to end the cultural and civilizational isolation that Gazans had endured amid the Israeli occupation. I had a lot of memories in this beautiful place, where it was my first time to attend and enjoy a concert for the Egyptian Band "Iskenderlla" back in 2012 during the Palestine Festival of Literature; during which, I met Ahdaf Soueif and Amin Haddad. Since then, I have not missed any musical performances, poetry or other events in the center. I cannot forget the pleasure of reading books in Tamara Sabbagh Library on the second floor that contained tens of thousands of books. This place that is deeply rooted in my mind has become ashes. Whenever I look at this picture, I wish I would die; would not the death of memory eventually lead to the death of person?"

ii. Suspicions of theft and loss of archaeological collectables

The indiscriminate Israeli airstrikes on the Gaza Strip and targeting of the Palestinian cultural property have sparked concerns of the loss and theft of the Palestinian archaeological collectables. These concerns increased following IOF's ground invasion into extensive areas of the Gaza Strip and their presence near archaeological and historical sites, especially when they stormed the Gaza artifacts warehouse, which is considered a Palestinian museum containing thousands of antiques and collectibles and preserving most of the antiquities that were dug out during archaeological excavations in Gaza.¹³

12) Gaza artifacts warehouse rented by the French archaeological excavation mission, in an agreement with the late President Yasser Arafat and French President Jacques Chirac, to preserve the archaeological and historical collectibles that are uncovered during excavations, restore and maintain them in proper scientific methods. The warehouse contains artifacts dating back to time periods ranging from before 3,000 years BC, to the 7th and 8th centuries AD, to the beginning of the early Islamic era. These artifacts are important because they reflect the history of Palestine, such as pottery jars dating back to the Byzantine era, whose scientific name is (Gaza Jar), in addition to coins.

13) Wafa News Agency, statement, Ministry of "Tourism and Antiquities" condemns IOF's storming of the Gaza Artifacts Warehouse.

According to PCHR's follow-up, the Gaza artifacts warehouse in central Gaza City sustained damage due to a nearby Israeli bombardment, and extent of damage caused to archaeological collectibles is still unknown. In January 2024, IOF stormed the Gaza artifacts warehouse during their ground invasion into Gaza City and brought an archaeologist to examine the antiquities.

On 21 January, Eli Askozido, the director of the Israel Antiquities Authority, published on his Instagram account a video showing a team headed by his deputy while examining the artifacts warehouse in Gaza City. A few hours later, Askozido deleted the video and explained in a caption that he asked the IOF to leave the artifacts undisturbed at the site. Raiding museums and warehouses constitutes a clear violation of the 1954 Hague Convention for the Protection of Cultural Property in the event of armed conflict, and a serious violation of the Fourth Geneva Convention of 1949 and additional protocols.

Israel's precedents in this regard arouse doubts about looting the warehouse's antiques. Thus, the international community and international organizations, particularly the UNESCO, shall fulfill their duties and preserve the Palestinian cultural property. According to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, in which Israel is a state member, the transfer of antiquities from the occupied territories is prohibited and considered plunder of cultural property, and constitutes a violation of international human rights laws, as detailed in the Convention on Civil, Political, Economic and Social Rights.

“No one has the right to inspect the antiquities in the warehouse, because they belong to the Palestinian people. They are real artifacts, that were discovered during excavations, documented, sorted, and cleaned. Everything in the warehouse

conforms to archaeological standards. During excavations at Deir al-Balah cemetery (in the 1970s), coffins and artifacts were stolen, and they are still in Israel and written on which, found in Deir al-Balah. Also, IOF's destruction of several archaeological sites in Gaza, especially the Pasha's Palace Museum that contained many artifacts, raises further doubts that Israel has looted the contents of the warehouse¹⁴"

In an interview with Agence France-Presse, Jean-Baptiste Humbert from the French Biblical and Archaeological School in Jerusalem said: "Our best finds were displayed in the Pasha's Palace Museum, but we know little of their fate. "Did someone remove the objects before blowing the building up?". He added: "My colleagues were able to return to the site, but the soldiers opened boxes. We don't know if they took anything."

Najla Abu Nahla, Director of the al Qarara Cultural Museum¹⁵ in eastern Khan Yunis, also said to PCHR researcher:

"After the IOF's withdrawal from Khan Yunis in April 2024, we have seen the massive destruction that struck the city. We went to the museum, where we were surprised that it sustained severe damage due to the Israeli indiscriminate bombing. The archaeological collections in the museum were damaged and we managed to save many of them, but we were unable to count or inspect them or even know if some pieces were missing because IOF are still stationed in eastern Khan Yunis."

14) Information obtained by PCHR's researcher in an interview with Mr. Fadel al-Otol, Director of the Gaza Artifacts Warehouse.

15) Al Qarara Cultural Museum, which was founded in 2016, contains about 5,000 artifacts obtained by farmers while working in agricultural lands in eastern of Khan Yunis. These pieces contain pottery, glass, marble, antique statues, columns and capitals, and other valuable historical artifacts.

iii. Destruction of cultural property from the international law perspective

International law importantly outlines the cultural identity and heritage of peoples, considering it a message from the past and a path to the future of coming generations to pursue their society's development, promote their cultural rights and respect and preserve human dignity. Having heritage in one's homeland renders people emotionally connected to their homeland as heritage is not a matter of stones, but rather represents stories and identity that are passed on to the next generations.

As part of Historic Palestine, which IOF try to obliterate along with the identity of its population through their colonial activities starting from the most important Palestinian landmarks in occupied Jerusalem and not ending with the Gaza Strip which houses about (130) archaeological sites according to archaeological surveys done over the past century., Israel has explicitly and deliberately destroyed the Palestinian cultural property, whether during previous military aggressions or in the Israeli war ongoing on Gaza since October 2023. This constitutes a serious violation of international law and shows Israel's non-compliance with its obligations and responsibilities to preserve and protect cultural heritage in the occupied territories.

According to crimes documented during the previous period, Israel during its ongoing military aggressions on the Gaza Strip has violated in particular the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention 1948), the 1949 Fourth Geneva Convention and its additional protocols, the 1954 Hague Convention for the Protection of Cultural Property in the event of armed conflict, UNESCO's Recommendation on International

Principles applicable to Archaeological Excavations in New Delhi 1956, and 1972 Convention concerning the Protection of the World Cultural and Natural Heritage, which calls on all parties to preserve the cultural heritage and considered it of great importance to all humanity in a way that refrains any Member State occupying the territory of another from carrying out archaeological excavations in the occupied territory.

From the first moments of the Israeli war on Gaza, Israeli leaders invoked the colonial narrative by describing the victim as brutal in a prelude to committing horrific war crimes in plain sight, as the deliberate destruction of archaeological sites, historical and cultural centers, and museums explicitly indicates Israel's premeditated intention to destroy the cultural identity of a human group, according to the Genocide Convention. The statements of Israeli political and military leaders have been translated to actions, including bombing, destruction of infrastructure, tight siege, forced displacement and use of starvation, in addition to intentionally destroying educational and cultural institutions and historical monuments, emphasizing the plausibility of genocide in Gaza.

The Israeli violations outlined in this report are reminiscent to many crimes that UNESCO has given great importance when the latter filed many lawsuits before the International Criminal Court (ICC) to hold the perpetrators of such crimes accountable in Iraq, Syria, and Mali. The UNESCO's efforts succeeded when the United Nations Security Council unanimously adopted a resolution relating to the protection of cultural heritage in March 2017.¹⁶

16) This was an unprecedented victory to stop the destruction of cultural heritage in times of war. The UNESCO must strive with redoubled efforts to protect the Palestinian heritage in the Gaza Strip, and not fail to do so as UNECSO only sufficed with provisionally inscribing Tal Umm Amer site on 14 December 2023 on the international list of cultural property under enhanced provisional protection.

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Israeli attacks on Palestinian cultural property violate the Fourth Geneva Convention of 1949, and its two Additional Protocols of 1977, which stress the protection of individuals and cultural property of peoples in the event of armed conflict. Also, the Israeli attacks violate the Hague Convention for the Protection of Cultural Property in the event of armed conflict, which Israel has signed, and its 1954 first protocol and 1999 second protocol.

Article (3) of the Hague Convention of 1954 stipulates the protection of cultural property, and Article (4) affirms respect for cultural property, while Article (5) obligates Any High Contracting Party in occupation of the whole or part of the territory of one of the other High Contracting Parties to support as far as possible the competent national authorities of the occupied country in safeguarding and preserving its cultural property, should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation. This is not currently applied by Israel in the Gaza Strip.

To enhance international protection of cultural property, the Rome Statute of the International Criminal Court has included it in its definition of war crimes in Article (8), paragraph (9): “Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives.”

Conclusion and recommendations

The destruction of archaeological monuments and cultural property is a strategy and policy pursued by the Israeli authorities to obliterate the Palestinian cultural and historical identity and promote its colonial projects, which is a grave violation of international humanitarian law, especially the Fourth Geneva Convention of 1949, and the Hague Convention of 1954 for the Protection of Cultural Property in the event of armed conflict and its first and second protocols.

According to what has been documented so far, IOF has committed war crimes against humanity by violating the international instruments and conventions, most notably the Rome Statute of the ICC and it may fall under individual criminal responsibility, including serious crimes committed against cultural heritage. Thus, the destruction of cultural property with the discriminatory intent against a local community with its own culture is condemned as a crime against humanity and an intentional destruction of cultural and religious property and symbols and can be considered evidence of the intentional destruction of a group as stated in the Genocide Convention.

Moreover, the ICJ decisions, which adopted what it called provisional measures that call on Israel to stop the genocide against the Palestinians in the Gaza Strip, are considered a step that should be completed by issuing a decision to stop all Israeli military actions and hold the perpetrators of war crimes accountable in order to break the chain of impunity lasted for 75 years after the unjust immunity granted by the international system and its institutions to Israel as a state above international law. Israel has never been held accountable despite all the unprecedented crimes that have happened and are still happening in the Gaza Strip.

In light of the above, PCHR:

- Calls on the international community to take serious and immediate action to stop the Israeli genocide in the Gaza Strip, and compel Israel, as the occupying power, to stop targeting civilians and civilian objects, including cultural objects, as a retaliatory and punitive method to exert political pressure.
- Demands that the UN Security Council take a bold decision and stand for humanity by referring Israel's violations to the International Criminal Court (ICC) Prosecutor office, as this step is crucial to achieving justice for the Palestinian victims, and back it with a binding resolution in accordance with Chapter VII of the United Nations Charter to stop the war immediately to contain Israel and take effective measures to ensure accountability for the war crimes, genocide and crimes against humanity committed by IOF in the occupied Palestinian territory (oPt).

- Calls on the International Court of Justice to include Israel's violations materialized in the deliberate destruction of historical and archaeological objects, in the case currently submitted to ICJ, considering these attacks as war crimes, human rights violations and a genocide aimed at inflicting a whole or partial destruction to the Palestinians by obliterating their historical heritage, and this can be classified under the cultural genocide against them.
- Calls upon the Palestinian Authority to submit urgent requests to UNESCO so the latter would take further measures to preserve the Palestinian cultural heritage and to grant enhanced provisional protection to Palestinian cultural objects in the Gaza Strip for its great cultural importance to all the peoples of all the world and must enjoy international protection.
- Calls on the UNESCO and the United Nations Special Rapporteur in the field of cultural rights, Alexandra Xantaki, to document and expose the Israeli crimes committed against the cultural rights of the Palestinian people, and to exert pressure on Israel to stop their crimes against the Palestinian cultural heritage the forms the backbone of the Palestinian people's right to self-determination.