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Submission to study on intentional destruction of cultural heritage

*“The destruction of a work of art of any nation must be regarded as acts of
vandalism against world culture”*

Raphael Lemkin

Introduction

When the term 'genocide' was coined by Raphael Lemkin, he understood it not only in terms of physical destruction of life, the key feature of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, but more broadly as the *“disintegration of the political and social institutions of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups”*.¹

This original understanding of the term underpins global outrage at the intentional acts of destruction of cultural heritage by Daesh in Iraq and Syria: the lives of individuals may compose the body of a people, but their culture represents its soul.

Each destroyed mosque or church, each smashed artifact, each bulldozed archaeological site chips away at what makes us human. The destruction of ancient Mesopotamia, land of the two rivers, is felt the world over for, in the words of Behnam Abu Al-Soof: *“anyone who can read and write or who tills the soil, anyone who cherishes religion, practices law, or studies the stars owes a silent thanks to those who pioneered along the Euphrates.”*

1 Raphael Lemkin: *Axis Rule in Occupied Europe*, p. 79 (Carnegie Endowment for International Peace, 1944)

Part I: Intentional destruction of cultural heritage and its impact on human rights

The fundamental importance of cultural heritage as a tangible expression of the identity of a people is why the right to take part in cultural life, Art. 15 (1)(a) ICESCR and Art. 27 (1) UDHR, imposes a duty on States to respect and protect sites and items of cultural significance, Art. 15 (2) ICESCR. For if no expression of culture remains, what is there for people to participate in?

Conversely, the value of cultural heritage to one people makes it a target for opposing groups with competing ideologies who seek to advance their system of values and beliefs at the cost of all others. In the case of Iraq, traditionally a highly diverse, multi-ethnic country, the destruction of cultural heritage by Daesh serves a dual purpose: to prove its dedication to its own belief system in the eyes of its followers and as a tool to gain the attention of the wider world. The publicity resulting from attacks on cultural heritage sites, most notably Palmyra in Syria and the Mosul region in Iraq, poses a conundrum: the outrage of the world has since time immemorial been necessary to galvanize political response, but at the same time it plays into Daesh's hands by drawing the attention of potential recruits to its cause and generating additional motivation to annihilate the cultural heritage of others.

Connected to the problem of cultural terrorism is the illegal trade in antiquities, an issue that is a source of revenue to terrorist groups and has the same effect as the destruction of antiquities, for once an item is sold on the black market, it is rarely recovered and for all intents and purposes is lost to the world.

Cultural terrorism exemplifies the interdependence of human rights, for it not only negatively impacts the right to take part in cultural life, but it nourishes extremist groups both materially and immaterially, thereby indirectly promoting terrorism and its associated violations of, inter alia, the rights to life (Art. 6 ICCPR), liberty (Art. 9 ICCPR), due process (Art. 14 ICCPR), freedom of religion (Art. 18 ICCPR) and freedom of expression (Art. 19 ICCPR).

Furthermore, the right to freedom of religion, Art. 18 ICCPR, is directly violated in cases where cultural heritage of religious significance is destroyed, e.g. mosques, churches and artifacts of faith. These elements have been especially targeted by Daesh in Iraq and Syria.

Finally, heritage sites, museums and other physical centers of cultural heritage can be a major economic factor, especially in underdeveloped regions where they represent an important source of gainful employment both directly and indirectly via the tourism they attract in more peaceful times, ensuring the right to an adequate standard of living, Art. 11 ICESCR.

Part II: The state of cultural heritage in Iraq

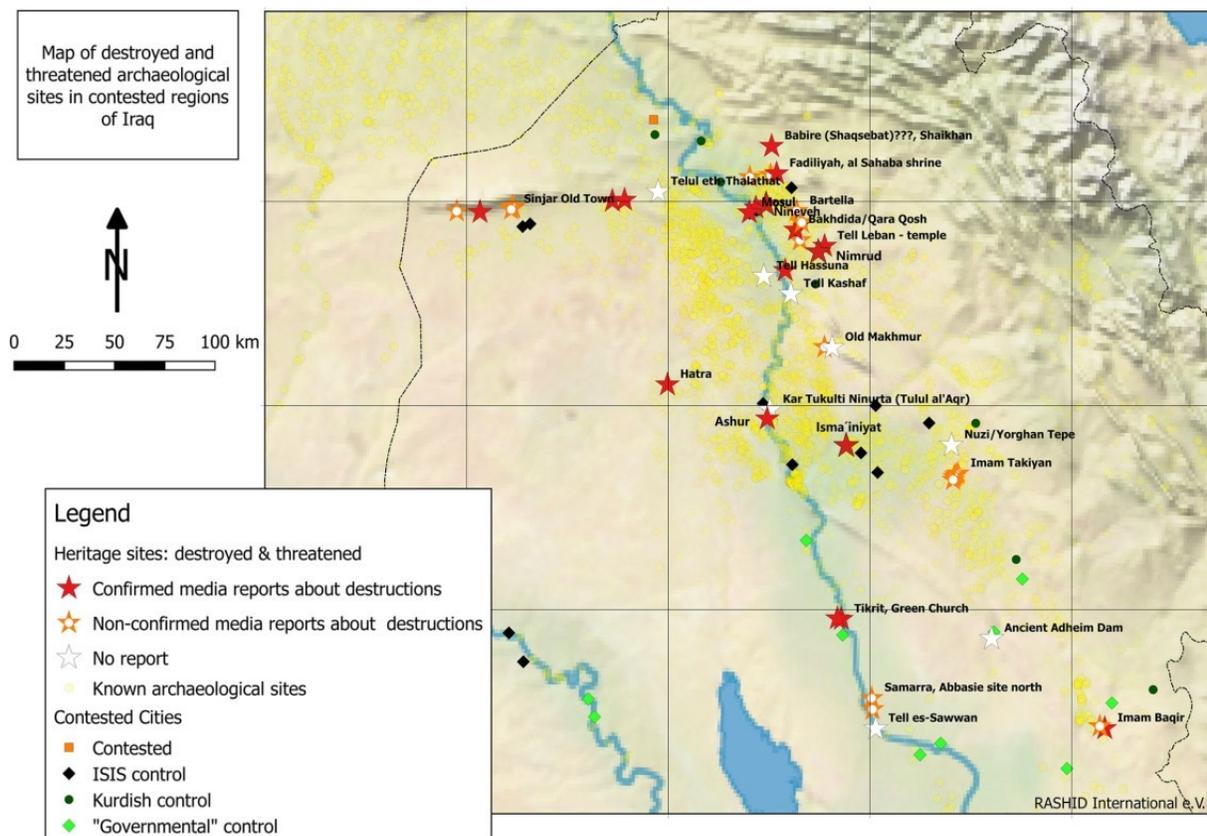


Illustration 1: Map of destroyed and threatened archeological sites in contested regions of Iraq as of June 2016 (Map and legend: RASHID International e.V.)

Overview

The most imminent and serious threats to the cultural heritage of Iraq are in the areas currently or recently occupied by Daesh, in particular the city and region of Mosul, the Sinjar region, Anbar province, northern and eastern Salah ad-Din province and parts of the Divala region. In the south of Iraq and in the Kurdistan region to the north and east, cultural heritage is under threat more from sustained under-investment and economic hardship rather than through systematic destruction and looting.

Of the four Iraqi sites currently on the UNESCO World Heritage List (Ashur, Hatra, Samarra, Erbil Citadel), the first three are rated by UNESCO as World Heritage in Danger, meaning that there is a substantial and imminent threat to their integrity as sites of major cultural heritage significance. Of the 11 Iraqi sites on the UNESCO World Heritage Tentative List, at least two globally significant sites (the Assyrian capital cities of Nimrud and Nineveh) have been subjected to serious episodes of destruction by Daesh during their occupation of the Mosul region. The internationally important Mosul Museum has suffered severe depredations of its

exhibitions and collections. Additionally, multiple cultural sites of importance to ethnic and religious groups of northern and western Iraq, including churches, shrines, mosques, minarets and tombs have been obliterated or severely damaged by Daesh in their attempt to eradicate the rich cultural and religious diversity that has always characterized this region of the Middle East.

Details of damage inflicted on cultural sites of northern Iraq (and across Syria) are collated in Weekly Reports and Special Reports produced by the American Schools of Oriental Research Cultural Heritage Initiatives (<http://www.asor-syrianheritage.org/>).

Some caution is in order, however. Many reports of destroyed and damaged sites derive from Daesh sources, which often deliberately include false information in order to inflict fear on local populations and stoke tensions between ethnic and religious groups.

Case study: Mosul and Nineveh province – Islamic period heritage

The destruction of cultural heritage in Mosul is being carried out by Daesh in a planned and systematic manner. Just before Daesh assaulted northern Iraq, it published a list of 40 monuments located in Nineveh province on social media and its intent to remove them. The scope of this 'purification' proved to be strikingly extensive.

By the end of May 2016, 41 buildings of historical value in Mosul were verified to have been either ruined or completely razed (see Illustration 2 and Annex). 114 other cases of annihilated Islamic period heritage have been confirmed in Nineveh province alone, but the survey is largely incomplete.

Table 1 shows that religious buildings of all denominations were the primary target of destruction, particularly historical monuments with strong symbolic and inter-religious meaning, most venerated by the local populace. The most heavily targeted structures in Nineveh province appear to be Shi'a places of worship, but in Mosul itself Sunni mosques, madrasas, mausolea and shrines dominate the list of destroyed heritage. Further terrible losses to humanity were the Yazidi shrines in Sinjar, Bahzani, Ba'shiqa and others, a cultural eradication that was part of the genocide committed against this unique indigenous religious minority.

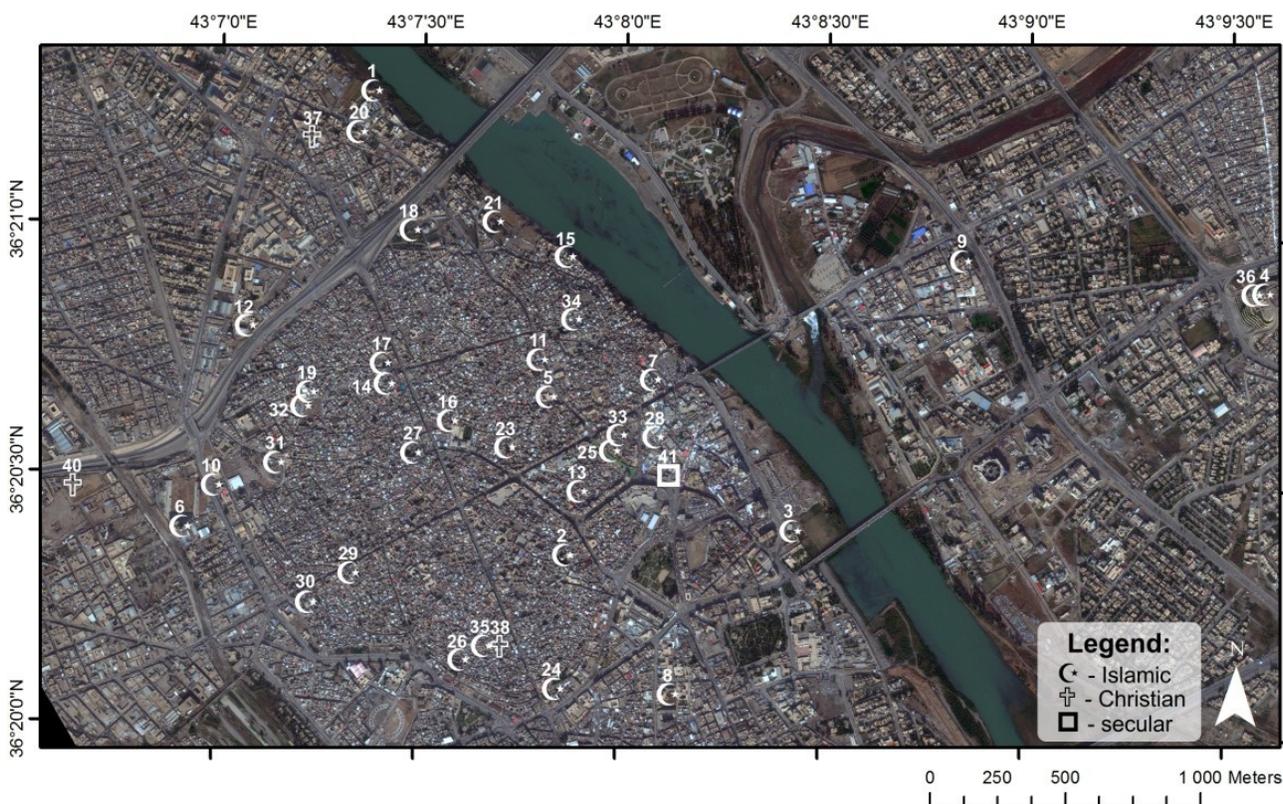


Illustration 2: Satellite image of Mosul from November 2013 with heritage sites destroyed as of August 2015, marked by religious denomination, full list in Annex (Satellite image: WorldView-2© DigitalGlobe, Inc., distributed by European Space Imaging GmbH/ARCDATA PRAHA, s.r.o.; Legend: RASHID International e.V.)

	Mosul	Nineveh province	Total
Sunni	35	6	41
Shi'a	1	73	74
Yazidi	0	26	26
Christian	3	6	9
Secular	1	2	3
Cemeteries	1	1	2
Total	41	114	155

Table 1: Number of heritage sites destroyed in Mosul and Nineveh province, by religious denomination

Within the city of Mosul, the devastation of cultural heritage occurred in five main waves:

1. July 2014
2. September 2nd 2014
3. late December 2014
4. January 2015
5. March 2015

Each demolition has been executed by a group of Daesh militants headed by a 'shaykh' whose identity was often known to the local populace. Due to these circumstances, the assaults on cultural property were not anonymous acts perpetrated by shadowy figures, but crimes that are attributable to individuals with the possibility of criminal prosecution in the future. Some assaults provoked brave resistance from inhabitants of Mosul, who, in exceptional cases, prevented destruction (e.g. in the case of the minaret al-Hadba). According to witnesses, all mosques and churches were thoroughly searched prior to demolition and all valuables were transferred to unknown locations.

The ruination of Islamic period architecture in Mosul has fatal and irreversible consequences both for world cultural heritage and for Mosul's urban integrity. Nearly all of the architectural landmarks that formed a unique panorama of the city have been removed (e.g. the Mosque of the Prophet Yunus in Nineveh, the Shrine of Imam Yahya ibn al-Qasim, the Mosque of the Prophet Seth and the Mosque al-Khidr). In this desolation, nearly the entire collection of mosques and shrines erected during the reign of Badr al-Din Lu'lu' (d. AD 1259), representing the 'Mosul School' of medieval architecture, have been erased from the city. This school represented a synthesis of Christian and Shi'ite architectural forms, unique in the Islamic world and little researched by scholars. Several important examples of the peculiar group of Early Ottoman mosques (16th-18th century AD) disappeared as well. The city, previously one of the most attractive historical centers of the Near East, has lost many of the elements that created its authenticity. The systematic removal of cemeteries and places of worship, venerated for generations, is used as an effective means of humiliation and cultural disintegration in the ongoing ideological struggle with local communities and the wider world.

Part III: Best practices for preserving cultural heritage

Coordination

Addressing the cultural heritage problems of Iraq requires a concerted, international engagement by all interested parties, in full collaboration with official Iraq and Kurdistan region government bodies such as the State Board for Antiquities and Heritage (SBAH), the Ministry of Culture, Tourism and Antiquities, and the Ministry of Education. The core mission of RASHID International is to coordinate and deliver international expertise and resources to Iraq in close cooperation with relevant government bodies and local stakeholders. This will avoid duplication of effort and resources as well as provide maximum flexibility and responsiveness in addressing urgent, medium- and long-term cultural heritage issues. Through regular discussion with Iraqi colleagues we intend to articulate, formulate and carry out a systematic program of professional assistance and to provide a pool of expert advice, coupled with a major fund-raising capacity, in order to aid Iraq in its time of cultural heritage crisis. RASHID International, a neutral actor with the sole interest of preserving the cultural heritage of Iraq, stands ready to work with any and all State parties, UN agencies and civil society organizations sharing the same goal. We invite all interested parties to contact us with a view to future cooperation.

Site guards

For protection of sites of archaeological, historical and heritage value, until 2003 the government of Iraq, through the SBAH and its regional Antiquities Directorates, employed a nationwide cadre of salaried site guards whose duty was to protect sites under their stewardship. This system, which had been quite effective, collapsed following the 2003 invasion of Iraq and was only partially restored in subsequent years. In the Kurdistan region there has been more success in sustaining a network of government-employed site guards, but current economic adversity there and across all Iraq has once more brought this system under threat and is likely to lead to renewed episodes of illicit looting of archaeological sites for financial gain (as happened during the terrible episode of international sanctions on Iraq through the 1990s). As of now (June 2016), payment of salaries is halted for all Directorates in the Kurdistan region and site monitoring, protection and restoration work is virtually non-existent. In the regions of Peshdar, Sharazoor and Divala looting has noticeably increased as a consequence of the economic crisis. Financial and capacity support for beleaguered Antiquities Directorates across all of Iraq would perhaps be the single most effective, and simplest, means of preventing further waves of destruction and damage to the cultural heritage of Iraq, at least in those areas under government control.

Education

In the long term, there is a desperate need across Iraq for improved levels of education regarding the nation's cultural heritage. At all levels of schooling there is a severe shortage of appropriate texts in Arabic and Kurdish with which to support education of children and students in the value, diversity, and global significance of Iraq's cultural heritage and its connection to the quality of human life. Such heritage and human rights education needs to be carried out in collaboration with all interested parties, including government, religious groups and education professionals in Iraq. In higher education, the global university sector needs to demonstrate a serious commitment to supporting and engaging with Iraqi colleagues through the hard times, having been all too willing to accept Iraqi government scholarships in more prosperous times. There is a major opportunity here for civil society organizations, to articulate and carry out practical schemes of assistance and engagement, such as the twinning of Iraqi universities and departments (e.g. Archaeology, History) with European, North American and other leading partners, for example through the UNESCO UNITWIN program.

Heritage protection during and immediately following the planned liberation of Mosul

With regards to the planned liberation of Mosul, a rescue and protection plan for the city's remaining archaeological and cultural heritage is urgently needed. Such a plan should be the result of cooperation between the State Board of Antiquities and Heritage, specialists in the architecture of Mosul and commanders of coalition ground and air forces. Around 30 sites of outstanding value are still identifiable within the city. Even though heritage protection during a military operation is a daunting task, the advance identification of culturally significant structures and areas in the city and expert advice during the liberation could greatly reduce unnecessary damage to the city's heritage.

Experience drawn from other war zones indicates that much of the damage to cultural heritage is caused immediately after hostilities cease. One example is the damage wrought by the placement of a US military base within the ruins of ancient Babylon in 2003. The swift assessment, recording and expert treatment of damaged buildings, as well as careful examination and removal of rubble and explosives (UXO and mines) is decisive for the future of heritage structures and will preserve invaluable information. The UN should prepare an observer mission of specialists with a view to participating in documentation, cleaning and preservation work immediately following the military operation.

List of Iraqi Cultural Objects at Risk

To assist in tracing and preventing trafficking in illicitly excavated and traded artifacts of cultural heritage, the International Council of Museums (ICOM) maintains an Emergency Red List of Iraqi Cultural Objects at Risk (<http://icom.museum/resources/red-lists-database/red-list/iraq-2015/>), with illustrated exemplars of the types of portable heritage likely to be illegally traded from Iraq.

Annex: List of Mosul heritage sites destroyed by Daesh from June 2014 to May 2016

1. Shrine of al-Imam Yahya ibn al-Qasim (I04)

Founder: Badr al-Din Lu'lu' (d. 1259)

Period: Atabeg

Date of construction: 637/1239-40; originally adjacent to Madrasa al-Badriyya

Location: W bank of the Tigris, on the northern edge of the old town

State: ruined

2. Shrine of al-Imam 'Awn al-Din (known as Ibn al-Hasan) (I05)

Founder: Badr al-Din Lu'lu' (d. 1259)

Period: Atabeg

Date of construction: 646/1248-49

Location: Mahallat al-Imam 'Awn al-Din

State: partly ruined

3. Mosque of al-Khidr (alternatively al-Jami' al-Ahmar, al-Jami' al-Mujahidi) (I06)

Founder: Mujahid al-Din Qaymaz

Period: Atabeg

Date of construction: 575/1179-80

Location: W bank of the Tigris, on the southern edge of the old town

State: razed

4. Mosque of al-Nabi Yunus (I07)

Founder: the alleged tomb of the Prophet Yunus founded by Jalal al-Din Ibrahim al-Khatni during his reconstruction of the site as jami' in 767/1365

Period: the site has a long history since the Assyrian period

Location: E Mosul, Tell al-Tawba, Niniveh

State: razed

5. Mosque of al-Nabi Jirjis (I08)

Founder: the modest shrine of al-Nabi Jirjis was reconstructed as a congregational mosque (jami') by Timur Lenk (d. 1405).

Period: Timurid

Date of construction: the first mention of the Shrine of al-Nabi Jirjis is in the year 571/1175-76; the congregational mosque constructed after the arrival of Timur to the town in 796/1393-94

Location: W Mosul, Mahallat Bab al-Nabi

State: razed

6. Mosque and tomb of Qadib al-Ban al-Mawsili (I10)

Founder: originally a house of Qadib al-Ban where he was buried in 573/1177-78; the site reconstructed in 1123/1711 by Ahmad ibn Salih, and again in 1358/1958

Period: Ottoman (with Atabeg origin)

Location. W Mosul, Bab Sinjar

State: ruined

7. Mosque of Hamu al-Qadu (I11)

Founder: al-Hajj 'Abdallah Chalabi ibn Muhammad ibn 'Abd al-Qadir

Period: Ottoman

Date of construction: 1298/1880-81; the mosque includes an earlier tomb of 'Ala' al-Din ibn 'Abd al-Qadir al-Kaylani

Location: W Mosul, Bab al-Tob

State: ruined

8. Mosque of al-Nabi Shith (I12)

Founder: Ahmad Basha ibn Sulayman Basha al-Jalili

Period: Ottoman

Date of construction: 1231/1815-16

Location: W Mosul, al-Nabi Shith Street

State: razed

9. Mosque and Husayniyya in the al-Faysaliyya Neighbourhood (Rawdat al-Wadi?) (I14)

Period: Modern?

Location: E Mosul, al-Faysaliyya

State: razed

10. Tomb of Ibn al-Athir (Qabr al-Bint), d. 640/1242-43 (I15)

Builder: recorded inscription witnessing the reconstruction of the tomb in 1306/1888-89 by 'Abdallad ibn Hamu al-Qadu; the building covering the tomb was removed in 1938 during the construction of the Ibn al-Athir Street

Location: W Mosul, Ibn al-Athir Street

State: razed

11. Masjid of al-Imam Ibrahim (I16)

Founder: al-Shaykh Ibrahim al-Mahrani al-Jarahi (12th century)

Period: Atabeg

Date of construction: the tomb of founder's wife, Husna Khatun, was built in 498/1104-5; reconstructed as a shrine of Ibrahim ibn Ja'far ibn Muhammad ibn Zayn al-'Abidin ibn al-Husayn ibn 'Ali by Badr al-Din Lu'lu' in the 13th century

Location: W Mosul, Ra's al-Kur

State: ruined

12. Mosque and tomb of al-Shaykh Fathi (building 1 and building 2) (I18)

Period: the entombed person lived in the 8th century; the construction above the grave probably originating in the Zengid period; Ottoman and the 20th-century rebuildings

Location: W Mosul, Mahallat al-Shaykh Fathi

State: two buildings of the complex razed, one still standing

13. Mosque of Abu al-'Ala (I19)

Founder: Abu al-'Ala' Ahmad ibn al-Hamza

Period: Ottoman?

Location: W Mosul, Mahallat Abu al-'Ala
State: ruined

14. Mosque and shrine of al-Nabi Daniyal (I21)

Founder: Ma'ruf ibn Ibrahim al-Sulayman (mosque); Inja Bayraqdar Muhammad Pasha (shrine)
Period: Ottoman (19th century)
Location: W Mosul, Mahallat al-Ahmadiyya
State: ruined

15. Tomb of Shaykh al-Shatt (I22)

Founder: originally a sufi lodge (takiyya) built by Muhammad Efendi al-Afghani (called Shaykh al-Shatt) in the courtyard of the mosque bearing the same name
Period: Ottoman (19th century)
Location: W bank of the Tigris, al-Shahwan
State: ruined

16. Shrine of 'Ali al-Asghar (Ibn al-Hanafiyya) (I28)

Founder: Badr al-Din Lu'lu' (d. 1259)
Period: Atabeg; reconstruction of an earlier Seljuq building (Madrasa of Nizam al-Mulk, 11th century)
Location: W Mosul, NW of the al-Nuri Mosque
State: ruined

17. Mosque (and shrine) of al-Sultan Uways with cemetery (I29)

Founder: al-Hajj Jum'a al-Hadithi
Period: Ottoman
Date of construction: 1095/1683-84; the shrine of the Sufi mystic Uways al-Qarni originating probably in the 13th century AD
Location: W Mosul, Mahallat Bab al-Masjid
State: ruined

18. Shrine of al-Imam 'Abd al-Rahman (I34)

Founder: Badr al-Din Lu'lu' (d. 1259)
Period: Atabeg; originally Madrasa al-'Izziyya of 'Izz al-Din Mas'ud ibn Qutbuddin Mawdud (d. 1193)
Location: W Mosul, al-Tawalib
State: ruined

19. Mosque and shrine of al-Imam al-Bahir (I35)

Founder: Badr al-Din Lu'lu' (d. 1259)
Period: Atabeg (shrine); Ottoman (mosque)
Location: W Mosul, Mahallat al-Imam al-Bahir
State: ruined

20. Mosque and tomb of al-Imam Muhsin (I37)

Founder: Badr al-Din Lu'lu' (d. 1259)
Period: Atabeg; originally Madrasa al-Nuriyya of Nur al-Din Arslan Shah ibn 'Izz al-Din Mas'ud (d. 1210)
Location: W bank of the Tigris, Mahallat al-Shifa'

State: ruined

21. Shrine and cemetery of 'Isa Dadah (I44)

Period: Zengid; originally a ribat built by Sayf al-Din Ghazi (d. 1149)

Location: W bank of the Tigris, al-Shahwan

State: ruined

22. Mosque of 'Ajil al-Yawar (I47)

Period: Modern

Date of construction: 1362/1943

Location: W Mosul, al-Tayaran

State: ruined

23. Hammam al-Saray Mosque, tomb of al-Shaykh Yunus, and Shrine of al-Sitt Nafisa (I50)

Period: the mosque originating in the Mongol period (reconstructed in the 17th century by al-Shaykh Yunus); the shrine originating in the Atabeg period.

Location: W Mosul, Mahallat Zuqaq al-Hisn

State: ruined

24. unknown structure (I51? and/or I48?)

Location: W Mosul, Bab al-Jadid, opposite the Mosque al-Umariyya

State: razed

25. Mosque of al-'Abbas (I54)

Founder: al-Hajj 'Abd al-Baqi ibn al-Hajj 'Abdallah al-Shibkhun

Date of construction: 1346/1927 (on the place of the shrine originating before 405/1014-15)

Location: W Mosul, al-Najafi St.

State: ruined

26. Shrine of al-Imam Zayd ibn 'Ali (I55)

Period: Atabeg origin?

Location: W Mosul, Bab al-Bayd

State: ruined

27. Mosque/Shrine of Shah Zanan (called Umm al-Tis'a) and adjacent cemetery (I57)

Founder: ascribed to Badr al-Din Lu'lu' (d. 1259)

Period: Atabeg

Location: Mahallat Hammam al-Manqusha

State: cemetery ruined, the mosque probably too (not clearly visible in the satellite image)

28. Madrasa of the 'Abdal Mosque (I58)

Founder: al-Shaykh 'Abdal ibn Mustafa al-Shafi'i

Period: Ottoman

Date of construction: 1080/1669-70

Location: Suq Bab al-Saray

State: razed

29. Shrine of al-Imamayn Hamid wa Mahmud? (adjacent to Mosque of al-Mahmudin/al-Hamidin) (I68)

Period: unknown; Ottoman period reconstruction

Location: W Mosul, Mahallat al-Mahmudin

State: razed

30. Shrine of al-Imam 'Ali al-Hadi (I36)

Founder: Badr al-Din Lu'lu' (d. 1259)?

Period: Atabeg

State: ruined

31. Unknown religious structure (I61)

State: ruined

32. Unknown religious structure (I62)

State: ruined

33. Unknown religious structure (I63)

State: razed

34. Unknown religious structure (I64)

State: ruined

35. Mosque al-Bayt al-Tikriti (I 30)

Period: Atabeg, founded in the 13th century

Location: SW Mosul, Bab al-Bayd

State: ruined

36. Tomb of Shaykh Rashid Lolan (I67)

Period: 1964 AD

Location: E Mosul, Tell al-Tawba, Niniveh, beside Nabi Yunus

State: ruined

37. al-Tahra Syriac Ortodox Church (al-Tahra al-Fawqaniyya) (C14)

Period: Founded in the 7th century on the place of an older monastery, reconstructed in 1743 AD and in the 20th century

Location: W Mosul, al-Shifa'

State: ruined

38. Mar Hudeni (Ahudemme) (C09)

Period: Founded in the 10th century AD, reconstructed in 1970

Location: SW Mosul, Bab al-Bayd

State: ruined

39. Mar Kurkis (St. George) Monastery (C23)

Period: Late 17th century, the church restored 1931

Location: NE periphery of Mosul, Hayy al-Arabi

State: W facade of the church as well as the adjacent cemetery have been destroyed

40. English War Cemetery (C27)

Period: since 1915

Location: Bab Sinjar Suburb

State: ruined

41. Al-Sanaye School or Al-Hadba Police Centre

Period: Ottoman

Location: Suq Bab al-Saray

State: razed