



Genocide & Cultural Heritage

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Perpetrators of genocide emphasise their role as a “purifying force”, and seek to erase all traces of the targeted group from both landscape and memory. Unsurprisingly, therefore, when genocide is committed so too have those responsible taken aim at the cultural heritage of the group under attack.

In the 1940s, genocide and its links with cultural heritage shifted dramatically as legal scholars and diplomats thrashed out a definition of the crime. For Raphael Lemkin – the Polish-Jewish legal scholar who became interested in the concept of group extermination while studying the assault on Armenians by the Ottoman Turks and who first coined the term ‘genocide’ in 1943 in the context of the Holocaust – acts directed at destroying the cultural contributions of the targeted groups were intrinsic to the crime. Lemkin argued that genocide aimed to destroy the physical *and* cultural elements of targeted groups. For this reason, genocide could not be reduced to the biological destruction of the group (for example through mass murder or forced sterilisation) because it resulted in ‘the specific losses of civilization in the form of the cultural contributions which can only be made by groups of people united through national, racial or cultural characteristics.’

During negotiation of the [1948 Convention for the Prevention and Punishment of the Crime of Genocide](#) the cultural characteristics which defined a group, and made them a target of genocidal policies, were abandoned –to Lemkin’s great chagrin– as delegates focused on the physical and biological aspects of the crime to the exclusion of its cultural and social elements. The final draft of the Convention defined genocide as the commission of a prohibited act with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. Prohibited acts include: killing, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about a protected group’s physical destruction in whole or in part, imposing measures intended to prevent births within the group, and forcibly transferring children of a protected group to another group. The only element of the cultural component that remained in final text was the reference to the removal of children from the group.

Since then, the view that genocide pivots upon the physical and biological, but not the cultural, destruction of the group has been reaffirmed in international criminal jurisprudence. In February 2007, the International Court of Justice (ICJ), in its Judgment in the case of [Bosnia and Herzegovina v. Serbia and Montenegro](#) held that “the destruction of historical, cultural and religious heritage...does not fall within the categories of acts of genocide set out in...the Convention.” However, the ICJ, in the same Judgment, affirmed the International Criminal Tribunal for the former Yugoslavia’s 2004 determination in [Prosecutor v. Krstić](#), that “where there is physical or biological destruction, there are often simultaneous attacks on cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group”. More recently, the UN Commission of Inquiry on Syria, in its [June 2016 report](#), analysed the destruction of Yazidi temples and shrines in Sinjar, northern Iraq, as evidence of ISIS’ genocidal intent.

While the notion of cultural genocide, backed by Lemkin, did not survive the political negotiations surrounding the drafting of the Convention, the crime of genocide remains intimately connected with cultural heritage. As evidence of intent, documenting deliberate attacks on cultural property –itself a war crime – is essential to prosecutions of genocide. Furthermore, deliberate attacks on cultural property of national, ethnic, racial, or religious groups remain a harbinger of pre-genocidal societies. “Burning books is not the same as burning bodies,” observed Lemkin in 1948, “but when one intervenes ... against mass destruction of churches and books, one arrives just in time to prevent the burning of bodies.”

