

Targeting of the Cultural and Historical Heritage by Israel's Aggression against the Gaza Strip



Table of Contents

| | |
|--|----|
| Introduction: | 3 |
| Culture as a human right | 3 |
| International legal framework for cultural rights | 4 |
| Legal protection of cultural property in situations of armed conflict | 5 |
| IOF targeting of Palestinian cultural and civilisational heritage | 7 |
| Targeting of religious sites | 7 |
| Targeting of archaeological and historic sites | 8 |
| Targeting of world heritage sites | 9 |
| Conclusion | 12 |
| References | 13 |

Introduction:

The cultural front is generally the target of colonial movements. Culture plays a critical role in undermining or maintaining grassroots activism as a basis to enhance resilience and preserve the memory of peoples. Because it is a key asset that constitutes the Palestinian people's memory, identity and existence, culture is a major front that is targeted by the Israeli occupying forces (IOF).

In recurrent acts of aggression over the past years, the IOF have consistently targeted the cultural sector in the Gaza Strip. In the aftermath of 7 October 2023, Israel's war of aggression against Gaza has jeopardised the Palestinian cultural and historical heritage, as well as the existence of Palestinians at large. Together with the systematic genocide against Palestinians, the IOF are committing programmed cultural genocide (culturicide), which has affected the cultural landscape and Palestinian culture as a whole.

The Palestinian cultural landscape and tangible and intangible cultural heritage have been subject to large-scale attacks, destruction and erasure during the current Israeli aggression against the Gaza Strip. In addition to Palestinians themselves, over the past 250 days, Israel's war machine has targeted civilian objects and historical, archaeological and religious monuments and sites across Gaza. The IOF have destroyed cultural and academic institutions, museums, public spaces, and the entire cultural infrastructure. These landmarks harbour the memory and history of Palestinians, who have worked towards protecting their cultural and religious heritage and maintaining their Arab national identity throughout the years of occupation and oppression. Israel's targeting of the Palestinian cultural and historical identity goes hand in hand with the genocide against the Gaza population. This factsheet provides an initial overview of the damage caused to the most notable archaeological and cultural sites in the Gaza Strip.

Culture as a human right

Cultural rights are premised on protecting and ensuring access to the rights or culture of communities. Cultural rights are human rights that aim at assuring the enjoyment of culture and its components in conditions of equality, human dignity and non-discrimination, including a group's ability to preserve its way of life in its own country. Involving humankind's legacy from the past, cultural heritage is a core component of cultural identity and a major development resource.

Article 1 of the 1972 Convention for the Protection of the World Cultural and Natural Heritage defines cultural heritage as follows:

“monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.”

Article 1 of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention) defines cultural property, irrespective of origin or ownership, as:

“(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in subparagraph (a);

(c) centres containing a large amount of cultural property [...], to be known as “centres containing monuments”.

According to the Preamble to the Convention, “damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world; Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection; [...].”

International legal framework for cultural rights

The occupied Palestinian territory (oPt), including the Gaza Strip, is deemed to be occupied under the applicable rules of International Law. As such, Israel, the occupying Power, is under the obligation to protect historical and cultural heritage in the oPt in accordance with relevant international conventions and instruments.

Under the International Human Rights Law (IHRL), international human rights instruments ensure cultural rights. Most notably, Article 15 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) expressly provides that the “States Parties to the present Covenant recognise the right of everyone [...] to take part in cultural life. While obliging States Parties to respect and protect cultural heritage of all forms in time of war and

peace, the ICESCR prescribes that “steps to be taken by the States Parties to the present Covenant to achieve the full realisation of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

The Convention on the Prevention and Punishment of the Crime of Genocide (1948) and UNESCO Recommendation on International Principles applicable to Archaeological Excavations (New Delhi, 1956) also establish a duty to protect cultural property.

While the ICESCR sets an international reference framework for cultural rights, the UNESCO’s declaration on human cultural rights is both an asset and a qualitative addition to human rights in general, and cultural rights in particular. To ensure international protection of cultural property, the State of Palestine acceded to the UNESCO. Admitted as a full member at the General Conference of UNESCO in Paris, 31 October 2011, the State of Palestine has enjoyed all privileges for the protection of cultural and human heritage as well as archaeological and historic sites. The UNESCO World Heritage Committee also included many Palestinian archaeological and historic sites, including the ancient port of Gaza, on its Tentative List of Palestine.

Legal protection of cultural property in situations of armed conflict

Protection of cultural property in situations of armed conflict is a critical issue that Palestinians seek to safeguard against IOF violations and targeting. Guaranteed by International Law and relevant conventions, Palestinians have a rich cultural heritage as well as ancient historic sites and archaeological monuments.

Also known as the International Humanitarian Law (IHL), the law of armed conflict is the major source of international norms for the protection of cultural property in situations of armed conflict. These are prescribed by multilateral treaties and customary international law on armed conflict. Article 27(4) of the 1907 Hague Regulations provides that, in sieges, the occupying forces must take all necessary steps to spare buildings dedicated to religion, art, science, or charitable purposes and historic monuments.

In addition to the 1977 Additional Protocols to the Geneva Conventions of 1949, the 1954 Hague Convention, together with its First Protocol (1954) and Second Protocol (1999), constitute an international legal framework for the protection of cultural property during armed conflict. Pursuant to Article 53 of the Additional Protocol I and Article 16 of the Additional Protocol II to the Geneva Conventions, it is prohibited “to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples.”

Attacks on cultural property are criminalised under the 1954 Hague Convention, which ensures the protection of and respect for cultural property. While Article 3 provides for the safeguarding of cultural property, Article 4 of the Convention prescribes that cultural property must be protected.

According to Article 3 of the Convention, the “High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility, directed against such property.”

“The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party. They shall refrain from any act directed by way of reprisals against cultural property. No High Contracting Party may evade the obligations incumbent upon it under the present Article, in respect of another High Contracting Party, by reason of the fact that the latter has not applied the measures of safeguard referred to in Article 3.”

Article 5 of the Convention provides that “[a]ny High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.” Under Article 56 of the 1954 Hague Regulations, all seizure of, destruction or wilful damage done to institutions dedicated to religion and historic monuments is forbidden.

General and special protection is also secured for cultural property by international legal means. Article 5 of the 1999 Second Protocol to the 1954 Hague Convention provides for the safeguarding of cultural property against the foreseeable effects of an armed conflict. Article 6 of the Protocol prescribes that a waiver on the basis of imperative military necessity may not be invoked to direct an act of hostility against cultural property.

Overall, many international conventions which guarantee cultural rights are applicable to the oPt. These include the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, 2001 Convention on the Protection of the Underwater Cultural Heritage, 2003 Declaration concerning the Intentional Destruction of Cultural Heritage, and 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, in addition to dozens of resolutions made by the UNESCO over the years.

In its war of aggression against the Gaza Strip, the IOF have flagrantly violated the norms of International Law, IHRL, and IHL, including the 1949 Geneva Conventions and their Additional Protocols, 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and 1954 Hague Convention. Since 7 October 2023, the IOF have launched systematic military attacks on historic sites and monuments in an attempt to obliterate and erase Palestinian national identity, sever Palestinians’ historical ties with their land, misappropriate Palestinian cultural and religious heritage, and destroy a critical part of the world’s memory and cultural awareness.

IOF targeting of Palestinian cultural and civilisational heritage

In the war of aggression against the Gaza Strip, the IOF have not only targeted Palestinian lives and property, but also Palestinian tangible and intangible cultural heritage. The impact of damage caused to the latter goes well beyond visible physical destruction. In line with a systematic policy, the IOF have deliberately targeted all signs of Palestinian historical, cultural and religious presence across the Gaza Strip. The IOF have destroyed historic and heritage buildings, including houses, religious sites, mosques, churches, holy shrines, historic venues, cultural and art centres, libraries, museums, and academic institutions, including schools and universities.

Below is a preliminary inventory of damage based on information provided by some official institutions and researchers while the aggression Gaza continues.

Targeting of religious sites

In addition to historic and heritage buildings throughout the Gaza Strip, religious sites have been systematically targeted by airstrikes and artillery shelling in Gaza, Beit Hanun, Deir al-Balah, Khan Yunis, and Rafah, causing extensive damage to cultural and historical heritage. The IOF have ravaged some 200 historic buildings and archaeological sites, the majority of which were located in the Gaza city. These included mosques, churches, holy shrines, public fountains [known in Arabic as *sabil*, a small kiosk in the Islamic architectural tradition where water is freely dispensed to members of the public], schools, universities, and mansions. Damage was caused to nine historic heritage sites, which formed part of the Gazan memory. Historic mosques were completely or partially destroyed, including the Grand Omari Mosque in the old city of Gaza. As a significant Islamic landmark in Palestine, the mosque was one of the most ancient and largest mosques in Gaza. The library of the mosque was also a key depository of books and manuscripts in Palestine.

Now pulled to the ground, the mosque covered a surface area of 4,100 square metres. It was distinctive of calligraphic inscriptions, which dated back to the Mamluk and Ottoman eras. The minaret was constructed nearly 1,400 years ago.¹

Also targeted was the *Katib Wilaya* Mosque in the Az-Zaitun neighbourhood in the old city of Gaza, the oldest part of which dates to 1334, in the Mamluk period. Destroyed too was the Mosque of As-Sayyid Hashim in the Ad-Daraj neighbourhood in Gaza. It was built in the Ottoman style with a surface area of around 2,400 square metres. It houses a tomb believed to be that of As-Sayyid Hashim ibn Abd Manaf, grandfather of the Prophet Mohammed. The historic Qashqar Mosque was also destroyed.

Likewise, the Church of St Porphyrius in the Az-Zaitun neighbourhood in Gaza suffered severe destruction. The Church is associated with St Porphyrius, bishop of Gaza in the 5th century AD,

¹ Taha, Hamdan. *Destruction of Cultural Heritage in Gaza: A Policy Paper*. Institute for Palestine Studies, <https://www.palestine-studies.org/en/node/1655123>.

and includes the tomb of St Porphyry. On 19 October 2023, the church suffered bombardment, which destroyed its halls and pavements and resulted in the collapse of a building housing church wardens.

Also destroyed was the Mamluk-era Zafardamri Mosque in the Shuja'iyah neighbourhood. Built in 1360 AD, the mosque had a surface area of around 600 square metres. Destruction also affected a large number of religious shrines in Tal al-Muntar and Ash-Shaikh 'Ijlin, as well as the shrine of Al-Khadr in Rafah. Conducted in a systematic and widespread manner, total or partial destruction has been done to about 1,000 mosques.

The Christian Baptist cemetery in the Gaza city was targeted, and partial damage was done to the military World War II Commonwealth soldiers cemetery, in the At-Tuffah neighbourhood. The cemetery of Beit Hanun was destroyed, with extensive portions dug up. Many other cemeteries were also destroyed.

Targeting of archaeological and historic sites

Several archaeological sites have suffered total or partial destruction. Most prominent of these sites is Tal as-Sakan, south of Gaza, which includes monuments dating from the early Bronze Age. Tal al-Ajjul was also targeted, a site that represents Gaza's history during the Middle and Late Bronze Age. The sites of Tal al-Muntar and the shrines of Shaikh Ali al-Muntar and Shaikh Radwan suffered extensive damage.

The St Hilarion Monastery at the archaeological site of Tal Um Amir and near the An-Nuseirat refugee camp, was shelled. The historic Deir al-Balah cemetery on the coast of Deir al-Balah suffered widespread damage. This is a cemetery where anthropoid coffins dating to the 12th century BC, were discovered.

Also targeted was Al-Balakhia (*Anthedon*), which was the ancient port of Gaza in the Greco-Roman period. Shelling caused very grave damage to the Byzantine-era Church in Jabalya and to its very rich mosaics and figures of humans, animals, and plants. The historic cemetery in Jabalya was also destroyed. This is a large cemetery where hundreds of tombs dating to the Roman and Byzantine periods were excavated.

Targeted historic buildings included public buildings such as schools, mansions, private residences and public baths. The IOF aggression systematically targeted the historic centres of Gaza, Beit Hanun and Khan Yunis. Notable in this regard was *Qasr al-Basha* (Basha Palace) in the Ad-Daraj neighbourhood. Dating back to the Mamluk era, the palace was restored and refurbished as a museum by the Ministry of Tourism and Antiquities. The Barquq Castle in Khan Yunis and Tal Rafah were also destroyed.

Also completely destroyed was *Madrasat al-Kamiliya* (Al-Kamiliya School) in the Az-Zaitun neighbourhood.

This programmed destruction has further included the almost total demolition of Dar al-Saqqa in the Shuja'iyah neighbourhood which was built in 1661 by Ahmad al-Saqqa, a prominent Gaza merchant. With a total surface area of about 700 square meters, the mansion was restored and

refurbished as a cultural forum. Targeted too was the Tarazi House, a distinguished Ottoman-era structure. Extensive damage was done to the 'Alami House and the adjoining arcade in the Ad-Daraj neighbourhood, one of the city's ancient gates. Destroyed too was the Ottoman-era *Hammam as-Samra* (public bath) as well as the Ottoman-era Rifa'iyya public fountain. Partial destruction affected more than 146 heritage houses too.

The Baptist or Ma'madani Hospital in the Az-Zaitun neighbourhood, built in 1882 AD, suffered extensive shelling and destruction on the evening of 17 October 2023.

Targeting of world heritage sites

These are archaeological sites included in the tentative list of cultural sites in Palestine in the Gaza Strip. They include the Balakhiyya or *Anthedon* and Tal Um Amir or Monastery of St Hilarion as cultural sites, and the *Wadi Gazza* (Gaza Creek) as a natural heritage site.

Located northwest of the Gaza city, the Al-Balakhiyya (*Anthedon*) site was the ancient port of Gaza in the Greco-Roman period. Constructed in 800 BC, the site was listed on the Palestinian tentative list of world heritage sites. It was shelled extensively. Tal Um Amir (Monastery of St Hilarion) near the An-Nuseirat refugee camp was also shelled. Dating back to the Byzantine and early Islamic periods, the monastery consists of two churches and other facilities, like wells, a bathhouse and housing for pilgrims. On floor mosaics were found Greek inscriptions that mention St Hilarion who was the founder of Palestinian monasticism.

Since the start of Israel's assault on Gaza, the *Wadi Gazza* (Gaza Creek) has been a locus of Israeli military operations and this despite the fact that it is an important station for migrating birds and biological diversity.

Across the Gaza Strip, the IOF have targeted the main landmarks, which constitute its collective identity. These included historic buildings, mosques, churches, the Garden and Monument of the Unknown Soldier, the Public Library Building, the Municipal Park, the Rashad Shawwa Cultural Centre, the Gold Bazaar, the Al-Katiba Garden, , the *Is'ad at-Tufula* (Happy Childhood) building, the Central Archives building, the Manuscript Restoration Centre, and universities, in addition to tourist enterprises, hotels, and service and commercial infrastructures.

In pursuit of compromise Palestinian traditions, rituals and heritage, the IOF have eliminated any remaining memories of Al-Majdal, a Palestinian area depopulated in 1948. Of note, 80 percent of the Gaza population are refugees who were displaced from their home villages in Jaffa as far south as Gaza.

Deliberate destruction of the premises of cultural institutions and centres, public libraries, print shops, publishing houses, theatres and museums

The cultural landscape has been fully affected by the war, disrupting and completely halting cultural activities of all forms. This has adversely impacted cultural actors and practitioners. Cultural activity used to provide a main source of income for many players in cultural life, who have been unable to provide for themselves and their families. Many have been forced to look for *per diem* work to secure their basic needs.

As of mid-April 2024, at least 43 cultural heritage sites were damaged. According to data validated by the UNESCO, affected cultural landmarks included 24 buildings of historical or artistic significance, three archaeological sites, three archaeological objects, and two depositories of movable cultural property.

- According to the Palestinian Ministry of Culture (MoC), 32 cultural institutions, centres and theatres were totally or partially destroyed as a result of Israel's war of aggression against the Gaza Strip. These include the Basma Society for Culture and Arts on the Ash-Shurouq Tower, Shababeek for Contemporary Art of the General Union of Cultural Centres, and six cultural centres.
- The IOF deliberately destroyed public spaces, demolished monuments and works of art, and damaged art murals in public spaces and along the beach of Gaza city. In this vein, the MoC monitored the destruction of 27 murals.
- In the context of targeting Palestinian intangible cultural heritage, the IOF killed custodians of cultural heritage in danger and destroyed the last workshops of some traditional crafts. Over the first four months of the aggression, the IOF killed 44 writers, artists and cultural activists, as well as at least 105 scientists, academicians, university instructors, writers, researchers, and historians.²
- According to the MoC data published on the occasion of the World Heritage Day, destruction of cultural institutions affected 12 museums, 2,100 historical garments and embroidered pieces in museums or in personal collections, nine public libraries, and eight publishing houses and print shops.³
- Dating back to the Mamluk period and renovated as a museum, the *Qasr al-Basha* was destroyed. Exhibiting the majority of important archaeological finds in Gaza, the museum housed tens of thousands of antiquities, which were buried under the rubble. The Deir al-Balah Museum, which included a collection of archaeological and heritage items, was also targeted. Also damaged was the Al-Qarara Museum, which featured a variety of archaeological objects from multiple historical periods.
- Belonging to interested individuals, private museum collections were destroyed as a result of indiscriminate bombardment. These included the private collections of Jawdat Al-Khudari and Al-Aqqad. In addition to the Rashad Shawwa Cultural Centre, the National Museum at the Isra' University, south of Gaza city, was destroyed, including at least 3,000 rare antiquities.

² Palestinian Information Centre, <https://palinfo.com/news/2024/05/16/889883/> (in Arabic).

³ MoC, *The Fourth Preliminary Report on the Cultural Sector's Damages: The War on the Gaza Strip October 7, 2023-February 11, 2024*, <https://drive.google.com/file/d/13Ig3uc1vWFzWZqQeRjzTeutNPt-dGt50/view>.

- As many artists were displaced, Gaza has lost significant cultural assets with concerns that these artists might not be able to return. The loss is double given that recovery of the cultural sector will be debilitated after the war ends.
- Fine arts incurred a heavy loss as artist studios, either at home or in other locations, were demolished. In addition to personal artifacts, art works, including sculptures, paintings and musical instruments that belonged institutions, universities, and centres have been lost. A large number of art and heritage collections as well as archaeological finds were also pillaged by the IOF.
- Bookshops, museums, artist studios, print shops, cultural institutions, and many cultural and heritage symbols have been directly and intentionally targeted to destroy and erase the Gaza history.⁴
- When targeted, heritage craft workshops at the Atfaluna Society for Deaf Children were destroyed. By training and employing persons with hearing and speech impairments, the society preserved traditional crafts and provided a source of income to this vulnerable group. As they have lost their safe places, persons with hearing disability are at risk of bombardment because they are hard of hearing. It is also difficult for them to find an alternative source of income since no employers provide job opportunities to disabled persons.
- The last person in entire Palestine who preserved the *Majdalawi* fabric [a fabric made using a weaving technique that was practiced and thriving in Al-Majdal] was displaced. The man inherited this craft from his ancestors, who had been displaced from Al-Majdal. Although the MoC sought to include it on the UNESCO List of World Heritage in Danger, the *Majdalawi* fabric is now on the brink of extinction.
- By targeting fishers and destroying the historic Gaza port, the IOF threaten to erase the collective memory of the pre-1948 Palestinian coast. This memory was closely associated with craftswomen who made fishing nets, a craft inherited from depopulated coastal villages.
- Bombardment and displacement have affected Bedouin communities, putting at risk the Bedouin culture and history across Palestine in general, and in Gaza in particular.
- Environmental heritage has been destroyed as well. The *Wadi Gazza* (Gaza Creek), the only nature reserve with rich biodiversity and environmental heritage, has been directly targeted. The area has turned into a displacement site. Bodies of martyrs and animals have piled up, destroying the ecosystem of this site, which serves as a station for migrating birds in Gaza.⁵
- According to human rights organisations based in Gaza, the IOF have reportedly seized and robbed thousands of rare archaeological objects during military operations and systematic targeting of historic and archaeological sites as well as museums across Gaza. This may amount to war crimes under the Rome Statute of the International Criminal Court.

⁴ Ibid.

⁵ Palestinian Environment Quality Authority, “The Aggression against Gaza Destroys the Components of Biodiversity in the Gaza Strip”. Palestinian News and Information Agency (Wafa), <https://www.wafa.ps/Pages/Details/89146> (in Arabic)

Conclusion

The IOF have deliberately targeted cultural and human heritage and destroyed historic buildings and archaeological sites, including mosques, churches, cultural institutions and centres, public libraries, theatres, publishing houses, print shops, museums, public spaces, and art murals throughout the Gaza Strip. This demonstrates Israel's systematic policy of targeting all signs of Palestinian historical, cultural and religious presence in Gaza. In the context of the Israeli aggression, intentional destruction is tailored to suppress the Palestinian identity and historical heritage of the Palestinian people.

Due to the ongoing military operations across the Gaza Strip, the exact number of affected cultural and civilisational sites in Gaza may be much more than what has been reported so far.

Overall, the IOF practices constitute crimes against cultural and human heritage as well as theft of Palestinian antiquities and heritage in full view of the whole world.

The right to culture is a fundamental human right, which is safeguarded by International Law and international treaties. However, while the aggression against Gaza persists, this right is a luxury that loses its relevance to spilling Palestinian blood.

The IOF have deliberately targeted cultural, historic, and heritage property in the Gaza Strip. Against this backdrop, the Independent Commission for Human Rights (ICHR) calls upon the international community to open a serious and impartial investigation into the Israeli crimes, including against cultural and human heritage. The international community must exert urgent and serious pressure on Israel to take responsibility for its actions, oblige it to uphold the principles of International Law and IHL, and immediately and fully stop its aggression and violations against Palestinians and Palestinian cultural and civilisational heritage to salvage whatever is left to be saved. The ICHR calls upon:

- International organisations legally charged with the protection of archaeological sites to hold Israel accountable for destroying the Palestinian cultural memory. These actors have a historic responsibility for saving human history and heritage from destruction, theft, and seizure of museum collections and artifacts by the occupying Power.
- The UNESCO to play its role and establish an international commission of inquiry on the IOF abuses of Palestinian cultural heritage in Gaza as part of the common heritage of humankind. Thousands of stolen archaeological items, museum collections and heritage sites should be restored. The conditions of historical and archaeological sites will be monitored to hold Israel to account for grave violations and targeting of historical and cultural property in Gaza.
- The International Court of Justice to integrate the IOF encroachments on the Palestinian cultural and historical heritage into the genocide case before it. The Court should consider these violations as culturicide and a war crime that aims at destroying Palestinians and erasing their cultural and historical heritage.

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