

Mandates of the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Ref.: AL ISR 24/2024

(Please use this reference in your reply)

3 January 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 55/5 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged destruction and damage to numerous cultural assets of Palestinians since October 2023, including historical and religious heritage sites, cultural institutions such as museums, cultural centres and venues, educational institutions and libraries, as well as attacks and reprisals against Palestinian artists, cultural workers and cultural rights defenders, which amount to critical and irreversibly destruction of the cultural life of the Palestinian people. Further, the widespread destruction of Palestinian cultural assets contributes to erasing expressions of the Palestinian identity and collective memory, which are considered indicative of a broader genocidal intent.**

Concerns over allegations of human rights violations in the occupied Palestinian territories have been the subject of previous communications from the Special Rapporteurs, including, but not limited to, the destruction of Muslim and Christian sites of worship (AL ISR 14/2024), and arrests and detention of artists, most recently in UA ISR 9/2023. We regret that the Government has not responded to these specific communications.

According to the information received:

Multiple cultural assets and resources have been destroyed and damaged in Gaza by military attacks conducted by Israel, and numerous culture makers, artists and cultural rights defenders have been killed, attacked and intimidated since the military assault on Gaza following 7 October 2023, with disastrous impact on cultural life of Palestinians and their abilities to access, participate in and contribute to it, both in the present and in the future.

Destruction of heritage and historical assets

Heritage sites of historical, cultural and religious significances have been significantly impacted by Israel's military attacks. As of 5 December 2024, damages had been identified and assessed by UNESCO through satellite imagery on more than half of the sites they examined since 7 October 2023. These include 10 religious sites, 48 buildings of historical and/or artistic interest, 3 depositories of movable cultural property, 6 monuments, 1 museum

and 7 archaeological sites.¹

In addition to the sites monitored by UNESCO, different sources have monitored and reported destruction or damage of other important historical and cultural areas and landmarks across Gaza, including the Al-Zaytoun, Al-Daraj and Al-Shuja'iya historical neighbourhoods. These host Gaza's most precious antiques and historical landmarks, including old mosques such as the Omari and the Ahmed bin Othman Mosques, graveyards and temples; the old city of Gaza, including marketplaces, hammams, residential and commercial buildings, and religious landmarks; the old city of Khan Younis, including the Al Qarara Museum, which houses 3,000 artefacts dating back to the Canaanites, the Bronze Age civilization that lived in Gaza and across much of the Levant in the second century BC; the Byzantine Church of Jabalia, dating from 444, the Sayed Al Hashim Mosque, dating back to the 12th century, and the Holy Family Church from 1974; and 3 additional museums, the Gaza National Museum, the Deira heritage museum and hotel and the Rafah Museum.

These destructions represent irremediable losses both for the Palestinian people and for the whole world.

On 8 October 2023, the Gaza Municipality building of Omar Al-Mukhtar Street (architectural monument of local importance) were targeted by Israeli airstrikes and are reportedly destroyed to more than 50%. This area, just like the Al-Zawiya and the Al-Qaysaria markets later targeted by the attacks and destroyed, were historical sites still used as centres of living heritage, where Gazans preserved memories and created societal bonds through everyday interactions and cultural events.

The El-Pasha Palace, the museum of Gaza, was intentionally destroyed by Israeli tanks while displaced Gazans were taking shelter in its walls.

The archaeological site of Blakhiyya, Gaza's ancient seaport, the Anthedon harbour, dated 800 BC, and the *Mukheitim*, a 5th century Byzantine Church with Greek mosaic floor and inscriptions, have both been largely damaged by Israeli military activities, as was

Whether deliberate or not, destruction of cultural property also implies important attacks against those using these sites and referring to them. The multi-layered acts of destruction undermine Palestinian heritage, identity and legitimate existence, with profound symbolic and psychological implications not only for those in Gaza, but for all Palestinian across the world. As a result of the irreversible destruction of historical buildings and old cities, it is reported that Palestinians today and all future generations are denied traditional cultural practices, historic architecture and a connection to the land of their ancestors.

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www.unesco.org/en/gaza/assessment?hub=102070

Destruction of or damage to centres and institutions of cultural life

It is also reported that cultural venues that served as a hub for Palestinians to meet, experience and practise their culture and express their identities, and spaces for cultural and artistic production such as theatre, film or music, as well as educational institutions and libraries, have been widely destroyed.

Among these are the Gaza City Cultural Center; the Holst Center, in the Gaza Municipality; the Qattan Child Center; the Edward Said Music Education Institute; the Shababeek Visual Arts Center; the Hakawi Theatre, a small independent theatre group in Gaza; Bassma for Theatre Production; the Jamal and the Jouj Galleries; the YMCA Cultural Center; the Al Assriya Cultural Center in Jabalia; the Theatre Days Organization; the Red Crescent Theatre in Tel Alhawa; the Mashareq Organization; the Al Nour Public Library; the Gaza Municipality Library; the Central Archives of Gaza City; the Samir Mansour's community bookshop; and Al-Israa University, including a museum housing around 3,000 objects of art, archaeological artefacts, specimens, materials and instruments. It has been reported that the museum was looted by the Israeli forces before destroying it.

The contemporary art centre of Shababeek, the Rashad Asshawa cultural centre and the Al-Mathaf archaeological repository of movable heritage, were all reported intentionally targeted and either fully destroyed or seriously damaged by Israeli attacks.

Because of the alleged destruction of these cultural spaces, traditions and cultural practices such as folk music, weaving and embroidery, have been reported to have been significantly affected. The reported destruction of cultural education sites has reportedly impacted the ability to maintain an educational system which incorporates arts and culture, both now and for future generations.

The destruction of religious sites, such as mosques and churches, including those of importance for minority groups, carry another dimension, which is to threatens the multicultural nature of Palestinian history.

Attacks against Palestinians cultural makers and cultural rights defenders

Attacks on cultural assets have also taken a toll on the existence and quality of cultural and religious life. Artists, worshipers and religious and cultural workers are impeded in their ability to contribute to cultural expressions, handicrafts, rituals and other forms of living heritage that are critical to Gazans to sustain their histories and cultural identities.

Reportedly, Palestinians with Israeli nationality and non-Palestinian cultural actors in Israel have been stripped of their international awards and recognition due to their identity, or for making comments in defence of the rights of Palestinians. Others have reportedly been harassed, injured or detained due to their comments on the Israeli attacks.

More than 100 important Palestinian cultural personalities have lost their lives since October 2023. This includes poets, writers, academics, teachers and artists, including performers of traditional art forms, comedians and musicians, as well as historians. Their disappearance leaves a vacuum in the cultural life of Palestinians, and impedes their ability to maintain and further develop it for the future generations.

Without wishing to prejudice the accuracy of the information received, we express great concern towards the destruction of Palestinian's historical, cultural and religious significant sites and assets, and the resulting devastating impact on their ability to exercise their cultural rights, and to maintain, express and share their history, memory and identity. These destructions are irreversible and prevent the population of Gaza, in the present and the future, from exercising their human rights to enjoy and access cultural heritage, to develop and express their identity, to maintain and transmit their history and to fully take part in cultural life. These attacks furthermore severely threaten the cultural diversity of the population of the occupied Palestinian territory, risking long-lasting effects that undermine peaceful coexistence and recovery.

We are particularly concerned about the allegations of limitations on the freedom of expression and the right to life of cultural stakeholders, including artists and prominent figures. If confirmed, the reported allegations above would indicate a trend of systematic attacks against multiple expressions of Palestinian culture, or at a minimum, of gross disregard for the principles of international humanitarian law protecting civilians, as well as educational, religious and cultural assets, from being targeted by military operations, which may amount to intent of annihilating, in part or in full, the existence of the Palestinian people.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain the circumstances around the destruction of and damage to all sites of historical, religious and cultural significance for Palestinians and how such destructions and damage were compatible with the human rights and international humanitarian law standards and obligations of Israel as mentioned in the annex.
3. Please provide detailed information, and where available the results, of investigation, judicial or other inquiries carried out to clarify all credible allegations of destruction and looting of historical and cultural sites and artifacts in occupied Palestinian territories as a result of the military

attacks. In the case of looted objects, please provide information concerning the whereabouts and condition of these objects.

4. Please explain what measures have been taken by the Israeli Government and military since 7 October 2023 and pending the total and unconditional withdrawal of the occupation regime from the entire occupied Palestinian territory, in line with ICJ Advisory Opinion of 19 July 2024, to comply with their obligations under the 1954 Hague Convention and its two Protocols to protect cultural property and to avoid and minimize damage to or destruction of historical, religious and cultural heritage assets in Gaza.
5. Please indicate what steps were taken by Israel in the past, and what steps are being taken pending its total and unconditional withdrawal from the occupied Palestinian territory, to protect cultural heritage and the right of all to take part in cultural life, in accordance with international obligations. What actions are being taken to protect the integrity of cultural life, as well as access to and participation in cultural and religious spaces and practices for all?
6. Please provide information on the circumstances surrounding the civilian deaths of cultural and artistic figures; please indicate what measures have been taken to differentiate between military and civilian targets, and to avoid the killing of Palestinian civilians.
7. Please provide information regarding what steps are being taken by Israel to protect the freedom of expression and right to life of cultural workers and artists, and what steps have and are being taken to investigate alleged violations of their rights, pending its total and unconditional withdrawal from the occupied Palestinian territory.
8. Please explain how Your Excellency's Government intends to ensure that cultural rights, the right to self-determination and the identities of Palestinians, in their diversity, are fully respected and protected in the occupied territory, pending its total and unconditional withdrawal.
9. Please provide an update on measures taken or envisaged by your government to comply with the binding Provisional Measures imposed by the International Court of Justice on 26 January 2024 and most recently reaffirmed on 24 May 2024, including the obligations:
 - a. To immediately halt its military offensive and any other action in that could inflict on Palestinians in Gaza conditions of life that could bring about its destruction in whole or in part.
 - b. To take effective measures to ensure the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission, or other investigative body mandated by competent organs of the United Nations to investigate allegations of genocide.

10. Please provide an update on measures taken or envisaged by your Government to comply with the Advisory Opinion of the International Court of Justice issued on 19 July 2024, including the obligations to:
 - a. Repeal legislation and measures creating or maintaining the unlawful situation.
 - b. Provide full reparation for the damage caused by its internationally wrongful acts and restitution of land and other immovable property and all assets and cultural property seized since the start of its occupation in 1967, or compensation in lieu thereof.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Francesca Albanese
Special Rapporteur on the situation of human rights in the Palestinian territory
occupied since 1967

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the following provisions of international human rights law, international humanitarian law, and international criminal law.

The Human Rights Council notes in resolution 9/9 that both international human rights law and international humanitarian law apply to situations of armed conflict and provide complementary and mutually reinforcing protection. All human rights require protection equally and the protection provided by human rights law continues in armed conflicts. Effective measures to guarantee and monitor the realization of human rights should be taken with respect to civilian populations in situations of armed conflict and effective protection against violations of their human rights should be provided, in accordance with international human rights law and applicable international humanitarian law. International human rights are subject only to derogations taken in accordance with international human rights law.

With regard to the protection of the right to life, safety, and security, article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the State of Israel on 3 October 1991, protect the inherent right to life of all human beings.

General comment No. 36 of the Human Rights Committee states that the right to life is the supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation (CCPR/C/GC/36). The Committee holds that the right to life has crucial importance both for individuals and for society as a whole; it is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights. The Human Rights Committee notes that "States parties must respect the right to life. This entails the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life. States parties must also ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State. The obligation to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life" (CCPR/C/GC/36, para. 7). The Human Rights Committee notes that "an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences"; and that "investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates (CCPR/C/GC/36, para. 27).

We further recall that customary international humanitarian law prohibits indiscriminate attacks (which includes attacks which may be expected to cause incidental loss of civilian life due to the indiscriminate nature of the methods and means employed); and acts or threats of violence, especially where this spreads terror among the civilian population, as reflected in articles 51, 52 and 54 of additional protocol I to the Four Geneva Conventions.

Article 20.2 of the ICCPR states that “[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

Article 18(3) of the ICCPR states that the “[f]reedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public order, safety, health, or morals and the fundamental rights of others”.

Article 21 and 22 of the ICCPR protect the right of everyone to exercise their rights to freedom of peaceful assembly and of association without discrimination on the basis of religion or belief. This includes the right to organize and participate in peaceful assemblies for the purpose of manifesting or expressing one’s religion or beliefs and the right to form and conduct activities through religious associations.

Article 27 of the ICCPR states that, “[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, [...] to profess and practice their own religion.”

The compatibility of any restrictions must align with the fundamental principles of legality, precaution, necessity, non-discrimination, proportionality, and accountability. In general comment 22 (CCPR/C/21/Rev.1/Add.4), the Human Rights Committee noted that paragraph 3 of article 18 is to be strictly interpreted: limitations are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the ICCPR, such as national security. The Human Rights Committee further noted that “[t]he fact that a religion is recognized as a State religion or that it is established as official traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including article 18 and 27, nor in any discrimination against adherents to other religions or non-believers.”

The respect of pluralism and diversity of religious practices encompasses the positive obligation of enabling worshippers to access religious sites and peacefully engage in religious ceremonies without discrimination.

We also wish to refer your Excellency’s Government to article 27 of the Universal Declaration of Human Rights (UDHR) and article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the State of Israel on 3 October 1991, which protect the right of everyone to take part in cultural life.

General comment 21 of the Committee on Economic, Social and Cultural Rights noted that States have the obligation to respect and protect cultural heritage in all its forms, in times of war and peace. Cultural heritage must be preserved, developed, enriched and transmitted to future generations as a record of human experience and aspirations, in order to encourage creativity in all its diversity and to inspire a genuine dialogue between cultures. Such obligations include the care, preservation and restoration of historical sites, monuments, works of art and literary works, among others (E/C.12/GC/21, para. 50).

We would also like to recall the report of the first Special Rapporteur in the field of cultural rights relating to the right of access to and enjoyment of cultural heritage. As cultural heritage represents values linked with the cultural identity of individuals and groups, access and enjoyment of cultural heritage also imply that States acknowledge, respect and protect the diversity of cultural heritages. States have a duty not to destroy, damage or alter cultural heritage, and to take measures to preserve/safeguard cultural heritage from destruction or damage by third parties (A/HRC/17/38, in particular paras. 78 and 80 a) and b).

To effectively prevent and stop intentional destruction of cultural heritage as a violation of human rights law, the second Special Rapporteur recommended that States respect and protect tangible and intangible cultural heritage, both nationally and transnationally. She also recommended that parties to armed conflicts as well as international and national criminal courts interpret narrowly any military necessity exception to the ban on targeting cultural property, taking into consideration the impact on cultural rights; and should subject to close scrutiny all military decisions resulting in the destruction of or damage to cultural heritage, while acknowledging that public accountability for those decisions is essential (A/71/317, para. 78 a) and j)).

Furthermore, we would like to draw your attention to the principles enshrined in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which Israel acceded to, and which are considered customary international law. In accordance with article 4 of the Convention, States parties must respect cultural property situated within their own territory as well as within the territory of other States 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 (paragraph 1). States shall also refrain from any act directed by way of reprisals against cultural property (paragraph 4). These provisions are also reflected in article 53 of additional protocol I to the Four Geneva Conventions.

Furthermore, the Statute of the International Criminal Court stresses that intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes or historic monuments is a war crime in both international and non-international armed conflicts, “provided they are not military objectives” (ICC Statute, article 8(2)(b)(ix) and (e)(iv) (cited in Vol. II, Ch. 12, para. 19).

In 2017, the UN Security Council adopted resolution 2347, which for the first time made the protection of cultural heritage a security imperative and affirmed that directing unlawful attacks against sites and buildings dedicated to religion, education, art, science or charitable purposes, or historic monuments may constitute, under certain circumstances and pursuant to international law a war crime and that perpetrators of such attacks must be brought to justice (para. 4). The Security Council emphasized that the unlawful destruction of cultural heritage, and the looting and smuggling of cultural property in the event of armed conflicts, and the attempt to deny historical roots and cultural diversity in this context can fuel and exacerbate conflict and hamper post-conflict national reconciliation, thereby undermining the security, stability, governance, social, economic and cultural development of affected States (preamble, para. 5).

The obligation to preserve and safeguard cultural heritage was also inscribed in the 2003 UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage, stressing the responsibility of States not to intentionally destroy heritage, “whether or not it is inscribed on a list maintained by UNESCO or another international organization” (section VI). The UNESCO Declaration also stresses the responsibility of States to take all appropriate measures to protect cultural heritage in conformity with the principles and objectives of, inter alia, the 1972 Convention for the Protection of the World Cultural and Natural Heritage, which Israel acceded on 6 October 1999, and the 1976 Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (section IV).

While Israel remains the unlawful occupying power, it is bound by the obligations set out in the Fourth Geneva Convention of 1949 on the protection of the civilian population during armed conflicts, additional protocol I of 1977 to the Convention, and customary international humanitarian law throughout the occupied Palestinian territory.

Customary international humanitarian law prohibits the destruction or wilful damage of historic monuments or places of worship, or the use of such objects in support of the military effort, as also reflected in article 53 of additional protocol I to the Four Geneva Conventions.

Parties to a conflict must adhere to the rules on the conduct of hostilities, including the principles of distinction, proportionality and precautions. Indiscriminate attacks are prohibited under IHL and parties to conflicts must at all times distinguish between civilian and combatants. Direct attacks against civilians are prohibited. Parties to conflicts must further do everything feasible to verify that targets are military objectives and take all precautions to avoid and minimize incidental loss of life as well destruction of civilian objectives.

On 19 July 2024, the International Court of Justice issued an [Advisory Opinion](#) on the “Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem”. The International Court of Justice declared Israel's presence in the Occupied Palestinian Territory (OPT) unlawful under both *jus ad bellum* and *jus in bello* perspectives, also recognizing violations of racial segregation and apartheid prohibitions. The Court affirmed, inter alia: “The sustained abuse by Israel of its position as an occupying

Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful"; that "this illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967"; and that "this is the territorial unit across which Israel has imposed policies and practices to fragment and frustrate the ability of the Palestinian people to exercise its right to self-determination, and over large swathes of which it has extended Israeli sovereignty in violation of international law".