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PRESERVING CULTURAL HERITAGE: THE FORENSIC SHIELD AGAINST DESTRUCTION AND WAR CRIMES

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ABSTRACT / SESSION PROPOSAL:



The deliberate destruction of cultural heritage is a grave infringement that undermines essential human rights and identities. Despite ongoing attempts to confront this issue, creating a comprehensive international policy to protect cultural heritage remains a complex endeavor. Forensic archaeology emerges as a pivotal instrument to counteract intentional cultural destruction by endowing experts with specialized capabilities to combat heritage crime. This encompasses assessing modern threats to a range of cultural assets and delving into crime scenes linked to heritage. Examined through a geopolitical lens, the interrelation between cultural heritage, territory, and conflict becomes evident. Cultural heritage functions as a symbolic anchor, interlacing collective identities with geography, rendering it susceptible during conflicts imbued with historical narratives. Nevertheless, its obliteration impedes post-conflict reconciliation. Recent developments within international criminal tribunals acknowledge the gravity of cultural heritage-based crimes, urging greater accountability for wilful destruction. This recognition has evolved over the past century, characterized by significant milestones post-World War I and II, as well as within contemporary mechanisms of international criminal law. Further enlightenment arises from the role of forensic anthropology in the identification of disaster victims (DVI). This expertise has gained prominence in addressing the destruction of cultural heritage during recent calamities. The insights garnered from these experiences contribute to shaping the progressing responsibilities of forensic anthropologists in supervising DVI processes. Granting paramount importance to the preservation of cultural heritage in conflict zones is a global imperative. Comprehensive policies must encapsulate the inseparable connection between heritage preservation and the protection of human lives and identities. International humanitarian law (IHL) mandates parties engaged in armed conflict to safeguard cultural property. Intentionally targeting or exploiting such property for military purposes is constrained, and parties must abstain from damaging, destroying, or seizing it, while also thwarting theft and vandalism. A 2016 cross-national survey divulges substantial opposition to attacking cultural monuments for military gains, with 72% on a global scale and 84% in conflict zones deeming

such actions wrongful, vividly illustrating public interest in the preservation of cultural heritage. In conclusion, the deliberate annihilation of cultural heritage constitutes an assault on both history and human rights.

INTRODUCTION:

Forensics is a field of study with a long history, various paradigms and theories, and a wide range of methods. It is a young science and theories are still being developed. The most important aspect of forensic science is the gathering of forensic evidence at a crime scene. This is largely a result of the work of well-known forensic scientists like Sir Alec Jeffreys and Francis Galton. The theory of forensic science is based on the concept of individualization and the principle of Locard's exchange principle, which states that when two items come into contact, they leave material on each other that can be used to link the criminal to the scene and the victim to the perpetrator (Locard, 1930). This research aims to explore the potential of forensic methodologies as a shield against destruction and war crimes, with a focus on preserving cultural heritage.

Forensic science can help with understanding cultural heritage objects. The forensic documentation framework provides a systematic way to collect information and ensure that it is traceable. This framework also provides a chain of custody for cultural heritage objects.

Forensic anthropologists specialize in analyzing hard tissues, such as bones. When human mortal remains are found, details concerning the identity, cause of death, and time of death of the deceased are learned from the bones. The shape of the skull and measurements of the face and skull vault can also be used to identify the ancestry of a skeleton. These results are compared with data from populations worldwide to evaluate the individual's relationship to a world group.

However, forensic science can have limitations when applied to cultural heritage. For example, when different kinds of materials need authentication or when "unknown" samples are

analyzed and then matched to "reference" materials or databases.

FORENSIC APPROACHES:

Forensic archaeology involves using various techniques to investigate and document the destruction of cultural heritage sites, which can include the use of high-resolution satellite imagery, aerial image-based documentation, and forensic archaeometry. The uniqueness and irreplaceability of cultural heritage items make it crucial to choose a suitable analytical strategy to preserve these landmarks.

Because artworks are exclusive and are unlikely to be duplicated, non-destructive or minimally invasive integrated approaches must be preferred. This preference is especially valid when the subject of the inquiry includes a variety of components, including metals, glass, earth, stones, glass, and ceramics.¹⁰⁰² According to their specific uses, non-destructive and least-invasive therapies can provide insightful information about the creation process, manufacturing steps, and raw materials used to create the artwork or object under examination. Such strategies are based on physical principles.¹⁰⁰³

FORENSIC ARCHEOLOGY AND ANTHROPOLOGY IN RELATION TO THE EXCAVATION OF UNKNOWN CULTURE:

War crimes have caused significant damage to humanity, not only in terms of immediate consequences but also in the destruction of cultures and traditions. The deliberate destruction of ancient sites, artwork, and libraries undermines cultural diversity, silencing voices from the past and those that could have

¹⁰⁰² Rendle, D.F. X-ray diffraction in forensic science. *Rigaku J.* 2003, 19, 11–22.

Schreiner, M.; Melcher, M.; Uhler, K. Scanning electron microscopy and energy dispersive analysis: Applications in the field of cultural heritage. *Anal. Bioanal. Chem.* 2007, 387, 737–747.

¹⁰⁰³ Brunetti, B.; Miliani, C.; Rosi, F.; Doherty, B.; Monico, L.; Romani, A.; Sgamellotti, A. Non-invasive Investigations of Paintings by Portable Instrumentation: The MOLAB Experience. *Top. Curr. Chem.* 2016, 374.

shaped our future. The purposeful destruction of cultural property is prohibited by international law, and efforts have been made to hold those who do so accountable as war criminals. A civilization can recover from a conflict by preserving its cultural history, and in some cases, doing so may even be vital for stability, security, and economic recovery. Cultural heritage destruction acts as a wake-up call to acknowledge its enduring significance, face the horrible truth of war crimes, and work toward a future where the lessons of the past continue to guide our present. It is considered a war crime and, on occasion, a crime against humanity when a specific tribe, race, or religion is singled out for extinction. ISIS's occupation of the city in 2015 and 2017 worsened the ruin of the historically significant city of Palmyra during the Syrian Civil War. ISIS is acknowledged to have committed a war crime by destroying Palmyra's historic landmarks, and forensic archaeology was essential to cataloging and protecting the city's remaining cultural riches. The obliteration of these sites in Palmyra serves as a compelling reminder to the global community to give paramount importance to protecting cultural heritage amidst armed conflicts.¹⁰⁰⁴

Forensic Architecture's investigation on "Living Archaeology in Gaza" and the Heritage Forensics project in Armenia are examples of how forensic archaeology is being used to document and investigate the destruction of cultural heritage sites caused by war crimes. In the case of Gaza, the investigation identified Israel's repeated attacks on an important Palestinian archaeological site, while in Armenia, aerospace technology was used to expose the clandestine obliteration of Armenian cultural heritage.¹⁰⁰⁵

The destruction of cultural heritage is related to discrimination against people and groups based on their heritage and can also pose a threat to security and stability. The purposeful

destruction of Ukraine's cultural legacy by Russia was denounced by the European Parliament as a war crime in accordance with the 1954 Hague Convention. To counter this barbaric destruction, the European Parliament urges the Commission and the Member States to include culture and cultural heritage in the EU's humanitarian assistance to Ukraine and to provide targeted support for Ukrainian cultural actors, and local culture.

FORENSIC SCIENCE PARADIGMS: UNVEILING THE TRUTH:

The *USAFFS* defines forensic science as the application of science to criminal and civil law that is enforced by police agencies within the criminal justice system. The two halves of this explanation are that it is a science and that it applies to legal systems. International law forbids crimes against cultural heritage and the International Criminal Court has jurisdiction over war crimes. **Articles 8(2)(b)(ix) and 8(2)(e)(iv)** of the Statute directly protect certain types of cultural property, and the *ICC* seeks to build upon the rich body of practice that was reinvigorated by the *ICTY*. The deliberate eradication of a particular ethnic, racial, or religious group is seen as a war crime and maybe a crime against humanity. Destroying cultural heritage can endanger security and stability and is related to prejudice against individuals and groups based on their ancestry.

Generally, forensic science has been developed outside the legal framework and then used in the legal context. There are some forensic science fields, such as fingerprints, which are not applicable outside the legal framework. In most cases, forensic *DNA* is based on molecular genetics or biology, while forensic toxicology is based on toxicological or chemical science. The base science for forensic anthropology has traditionally been physical anthropology, though the definition is evolving to include all fields of anthropology. For forensic archaeology, this is the base science. Due to the modern

¹⁰⁰⁴ <https://www.theguardian.com/world/2015/sep/02/isis-destruction-of-palmyra-syria-heart-been-ripped-out-of-the-city>

¹⁰⁰⁵ <https://hyperallegic.com/721043/forensic-architecture-finds-israeli-occupation-is-destroying-major-palestinian-archeological-site/>

material culture present in forensic sites, this subdiscipline is arguably the most applicable.

The study's goal is to raise awareness of the application of forensic science to safeguard cultural heritage, especially in light of evolving legal frameworks and the prosecution of war crimes. The paragraph focuses on the importance of forensic archaeology in the investigation of crimes committed against cultural property and its particular emphasis on modern material remains discovered at forensic sites. Forensic archaeology has been employed in war crimes investigations, as evidenced by the finding of mass graves in Bosnia and Herzegovina. Forensic anthropologists and archaeologists were able to find evidence of war crimes committed during the Bosnian War by using excavation and recovery techniques. In addition, fingerprint analysis has been used in archaeology to identify potters who created vessels, which can help determine site timelines. For example, Dr. William F. Bade used fingerprint analysis to understand artifact deposits at the Tell en-Nasbeh site in Palestine in the 1930s. The victims have been identified as a unified paradigm of forensic science by Inman (2000). This paradigm outlines five stages, which are:

- The transfer of material to the scene of the crime;
- Identification of the material;
- Classifying or individualizing the material;
- Associating or using the material to connect a victim, witness, or perpetrator to the scene; and
- Reconstructing the scene or comprehending the sequence of prior events (Inman and Rudin 2000: 76).

PRESERVING THE PAST: FORENSIC ARCHAEOLOGY'S BATTLE AGAINST CULTURAL HERITAGE DESTRUCTION IN INDIA AND BEYOND:

In 1992, a mob destroyed the 16th-century Babri mosque in India, which was considered a symbol of India's religious and cultural diversity.

As the mosque was constructed on the site of a temple that Muslim authorities had destroyed and hard-line Hindus had been clamoring for the Babri mosque to be razed for years, the episode entailed the purposeful destruction of cultural heritage. Documenting the destruction and locating the perpetrators required forensic archaeology. The excavation of the scene aided in locating the crime's proof and identifying its perpetrators. The incident highlights the need for strict laws and security measures to protect historical monuments.¹⁰⁰⁶

Forensic archaeology assumes a pivotal role in meticulously documenting and effectively mitigating the widespread and poignant destruction of cultural heritage, a tragically recurrent consequence of armed conflicts that, regrettably, has not spared India. Throughout its historical annals, India has borne witness to an extensive litany of harrowing instances wherein its cherished cultural heritage has succumbed to the relentless ravages of warfare, inter-state conflicts, and brazen acts of vandalism. One indelible episode etched into the annals of history is the cataclysmic obliteration of the Bamiyan Buddhas in 2001, located within the proximate confines of Afghanistan, a neighboring nation inextricably entwined with India through shared historical and cultural bonds. These towering statues, masterfully hewn into the rugged cliffs of the Bamiyan Valley, stood as enduring symbols of Buddhism's profound legacy, deeply interwoven within the intricate fabric of South Asian history. The deliberate and heart-wrenching act of their annihilation by the Taliban not only irrevocably erased an invaluable facet of Afghanistan's cultural heritage but also sent shockwaves resounding throughout the broader South Asian expanse, profoundly impacting India's cultural interconnectedness and historical comprehension.

Moreover, within the territorial bounds of India itself, the specter of cultural heritage

¹⁰⁰⁶ <https://www.lowyinstitute.org/the-interpreter/babri-masjid-india-s-flashpoint>

despoliation looms large, particularly during confrontations with neighboring nations. The Kargil War in 1999, a bitterly contested conflict that embroiled India and Pakistan, cast a somber shadow, resulting in grievous harm inflicted upon ancient temples and archaeological sites nestled within the Kargil region of the erstwhile princely state of Jammu and Kashmir. This regrettable episode served as a stark and poignant reminder of the fragile vulnerability of cultural heritage, left defenseless amidst the tumultuous crucible of armed conflict.

In these dire circumstances, forensic archaeology emerges as an indispensable beacon of hope, offering a methodical and meticulous approach to documenting these lamentable incidents, discerning the precise magnitude of damage inflicted, and, perhaps most crucially, contributing substantively to the Herculean task of preservation and restoration that inevitably ensues.

JUDICIAL GUARDIANS OF HERITAGE:

The preservation of cultural heritage is not merely a matter of national pride and identity; it stands as a global imperative. Acknowledging this imperative, the international judiciary has come to recognize the pivotal role played by forensic archaeology in safeguarding cultural heritage and addressing the devastating specter of destruction and war crimes that incessantly threaten it. This recognition has been underscored by a series of notable incidents that have poignantly illustrated the necessity for robust international legal mechanisms to comprehensively address these challenges.

One such occurrence that sent shockwaves across the world in 2015 was ISIS fighters planned and heinous destruction of the historic city of Palmyra in Syria. This UNESCO World Heritage Site celebrated for its remarkably preserved Roman architecture, fell victim to calculated acts of vandalism, including the targeted demolition of temples, statues, and invaluable archaeological treasures. The

international community, including esteemed bodies like the United Nations and various international courts, unequivocally condemned these wanton acts as nothing less than war crimes. These condemnations served as a resounding testament to the fundamental importance of safeguarding cultural heritage, even amid the chaos of armed conflicts. In a parallel vein, the International Criminal Court (ICC) has emerged as a significant champion for the preservation of cultural heritage in the pursuit of justice. This became unequivocally evident in 2016 when the ICC handed down its first-ever conviction related to the destruction of cultural heritage. In the case of Ahmad al-Faqi al-Mahdi¹⁰⁰⁷, found guilty of war crimes for his involvement in the desecration of cultural and religious sites in Timbuktu, Mali, a powerful precedent was established. The message resonated loud and clear: Those who intentionally lay waste to cultural heritage can and will face international prosecution. A sturdy legal framework, typified by agreements like the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, supports these advancements. This framework provides essential guidelines for the preservation of cultural heritage during times of war.

PRESERVING HISTORY AMIDST RUIN: LEGAL PRECEDENTS AND FORENSIC ARCHAEOLOGY TECHNIQUES IN THE DEFENSE OF CULTURAL HERITAGE:

"The Prosecutor v. Strugar" represents a legal episode originating from the Kosovo War of 1999, centering on the targeted shelling of Dubrovnik, an esteemed UNESCO World Heritage Site nestled within Croatia. Admiral Miodrag Jokić faced grave charges encompassing the breach of international laws and established customs of war, coupled with the perpetration of crimes against humanity. This case serves as a poignant illustration of the legal repercussions meted out for the intentional destruction of cultural heritage in the crucible of armed

¹⁰⁰⁷<https://en.unesco.org/courier/2017-october-december/ahmad-al-faqi-al-mahdi-i-plead-guilty>

conflicts, accentuating the pivotal and urgent necessity of shielding our cultural treasures through the aegis of international legal mechanisms.

The case of ***Prosecutor v. Ahmad Al Faqi Al Mahdi*** involved the intentional destruction of cultural heritage sites in Timbuktu, Mali, between 2012 and 2013, which constituted war crimes under the ICC's Rome Statute. Forensic archaeologists played a pivotal role in the case by meticulously documenting damage to cultural heritage sites, conducting extensive assessments, and examining artifacts and debris resulting from the destruction. They testified at the trial as experts, and the evidence they provided was crucial in proving the defendant's complicity in the intentional destruction of cultural property. The case set a significant precedent for holding individuals accountable for war crimes targeting cultural heritage, emphasizing its protection even amidst armed conflicts.

The case of ***Prosecutor v. Ante Gotovina et al.*** involved the intentional destruction of cultural heritage sites in Croatia during Operation Storm, which constituted war crimes under the ICC's Rome Statute. The ICTY established jurisdiction to prosecute crimes against tangible cultural heritage as a violation of the laws and customs of war under its statute. According to the ICTY, systematic crimes against cultural heritage can be considered crimes against humanity. The destruction of cultural heritage is also illegal under international customary law. Forensic archaeology played a pivotal role in documenting the destruction and identifying those responsible. The case set a significant precedent for holding individuals accountable for war crimes targeting cultural heritage, emphasizing its protection even amidst armed conflicts. The role of forensic archaeology is crucial in documenting the destruction and identifying those responsible, and their testimony is instrumental in establishing the

accused's involvement in the deliberate destruction of cultural heritage.¹⁰⁰⁸

The intentional destruction of cultural heritage during the Bosnian War was systematic and targeted, rather than random or unintentional collateral damage. The cultural monuments and sacred sites were targeted for destruction given their significance to the Bosnian Muslim or Bosnian Croat people in the region. The evidence presented in the case of Prosecutor v. Radovan Karadžić¹⁰⁰⁹ included examples of the destruction of cultural heritage sites, forensic archaeology reports documenting the damage to cultural heritage sites, expert testimony from forensic archaeologists regarding the destruction and identification of those responsible, and documentation of the significance of the cultural heritage sites to the Bosnian Muslim or Bosnian Croat people in the region.

UNCOVERING THE TRUTH: THE CRUCIAL ROLE OF FORENSIC INVESTIGATIONS IN WAR CRIMES:

By forecasting the burden of proof against specific persons in domestic and international tribunals, forensic investigations can assist in proving war crimes. War crimes can be investigated using forensic methods for identifying people and crime scene regulations. In wartime situations, forensic physicians can also aid in elucidating the causes of death and violence.

A crime scene may contain various items, substances, chemicals, tissue traces, or impressions that forensic experts study. In addition to items like paint, explosives, poisons, hair, skin, and fingerprints, they can also test blood or drug samples.

Forensic pathologists may face risks during forensic investigations. Unfriendly conditions may prevent a nation from providing security.

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https://www.icty.org/x/cases/gotovina/acjug/en/121116_judgement.pdf
https://www.icty.org/x/cases/gotovina/custom6/en/110802_gotovina.pdf

¹⁰⁰⁹ https://www.icty.org/x/cases/karadzic/tjug/en/160324_judgement.pdf

In the case of “*Prosecutor v. Charles Taylor (SCSL)*”¹⁰¹⁰ the intentional destruction of cultural heritage during armed conflict has led to an urgent reassessment of how cultural property could be protected in times of conflict. The destruction of cultural heritage during the Bosnian War and the Sierra Leone Civil War led to a more definitive recognition in international humanitarian law that the destruction of a people's cultural heritage is an aspect of genocide. Heritage forensics, a praxis that uses the techniques of cultural aerospace to document, detect, and deter attacks on the fragile remains of the human past, provides critical evidentiary material built on trusting relationships with local partners, deep engagement with scholarship in regional languages, and the research sensibility of public archaeology. The Charles Taylor trial at the Special Court for Sierra Leone (SCSL) and the: “*Prosecutor v. Radovan Karadžić*” case exemplify the pivotal role played by forensic archaeology in documenting the destruction of cultural heritage sites and identifying those responsible.

RUSSIA'S AGGRESSION AGAINST UKRAINE: A STRUGGLE TO PRESERVE SOVEREIGN IDENTITY AND CULTURE:

In early 2014, Ukraine's fate became crucial to the dynamics of European security. Ukraine's borders have changed significantly during the previous 1,100 years, producing a strong desire for territorial stability among Ukrainians. However, Ukraine's precise geographic location is still debatable, its unique but disputed language is still up for argument, and Russia continues to deny that Ukraine is an independent country. The issue of whose roots have greater credibility is still one that warrants extensive scholarly analysis and has geopolitical significance.¹⁰¹¹ The destruction of cultural heritage during the Bosnian War and the Sierra Leone Civil War led to an urgent

reassessment of how cultural property could be protected in times of conflict and led to a more definitive recognition in international humanitarian law that the destruction of a people's cultural heritage is an aspect of genocide. Heritage forensics, a praxis that uses the techniques of cultural aerospace to document, detect, and deter attacks on the fragile remains of the human past, provides critical evidentiary material built on trusting relationships with local partners, deep engagement with scholarship in regional languages, and the research sensibility of public archaeology.

“Russia's war against Ukraine is an attempt to erase the identity and culture of a sovereign nation, including through strategic and targeted acts of destruction of cultural heritage sites”, said Sabine Verheyen MEP, Chair of the European Parliament's Culture and Education Committee.¹⁰¹²

“Russia has waged war against Ukraine also on the cultural front – attempting to delete all heritage of Ukraine's history and tradition,” Sabine Verheyen (EPP, DE), chair of the Culture and Education committee of the European Parliament said, preceding the vote. She invoked all sectors, from public to private, as well as civil society, to work together to find new instruments to help rebuild the country. “We must help Ukrainians rebuild their cultural heritage. We must provide them with our support – that is the task of a European Union that is built on values”, she concluded.¹⁰¹³

According to Lazare Eloundou Assomo, director of UNESCO's World Heritage Centre, the damage to historic sites is having terrible consequences on the country's cultural identity. The Cameroonian architect is the first African to head the Centre and the former director for culture and emergencies at the UN agency.¹⁰¹⁴ Ukraine is home to seven UNESCO World

¹⁰¹⁰ <https://casebook.icrc.org/case-study/sierra-leone-special-court-ruling-immunity-taylor>

¹⁰¹¹ <https://archaeology.stanford.edu/events/heritage-forensics-satellites-and-specters-contested-caucasus>

¹⁰¹² <https://www.eppgroup.eu/newsroom/news/destruction-of-cultural-heritage-is-a-war-crime>

¹⁰¹³ <https://cultureactioneurope.org/news/european-parliament-calls-for-further-support-for-the-ukrainian-culture/>

¹⁰¹⁴ <https://genevasolutions.news/peace-humanitarian/unesco-deliberate-destruction-of-ukraine-s-cultural-heritage-could-be-considered-a-war-crime>

Heritage Sites, and since the Russians launched their invasion, at least 39 landmarks across the country have been damaged, looted, or reduced to ruins, according to the On March 23, the Transatlantic Dialogue Center reported that the Russian military destroyed Mariupol's Arkhip Kuindzhi Art Museum in Kyiv, Ukraine, home to over 2,000 exhibits and valuable works by Ukrainian artists. The fate of the artwork is currently uncertain.

Targeting historic monuments and cultural heritage sites is a war crime under international law, according to The Hague Convention of 1954. But that all seems to be part of Russia's plan, some cultural authorities say. "They just want to erase from the map Ukraine – our heritage, our history, our identity, and Ukraine as an independent state," said Iryna Podolyak, Ukraine's former vice minister of culture, who said Russia's military seems to be targeting cultural heritage sites in addition to houses, hospitals, and schools.¹⁰¹⁵

The deliberate destruction of Ukrainian cultural heritage sites by Russia is a targeted attack on Ukrainian history, culture, and identity.¹⁰¹⁶

The destruction of cultural heritage objects attacked in Ukraine contravenes the Hague Convention, since they were not used for military purposes and their destruction is a deliberate attempt to obliterate Ukrainian history and culture.¹⁰¹⁷ Russia continues an aggressive campaign that aims to erase Ukraine's cultural heritage by removing artifacts, demolishing grave sites, and shuttering churches.¹⁰¹⁸ The destruction of cultural heritage sites is part of a deliberate Russian strategy to undermine Ukrainian cultural identity and its claims to nationhood.¹⁰¹⁹ The Europa nostra Council deplores and

condemns the ongoing deliberate destruction of cultural property of national, European, and universal importance in Ukraine.¹⁰²⁰ Forensic archaeology can play a crucial role in documenting and investigating the destruction of cultural heritage sites in Ukraine. The investigations will one day provide an accounting of Russia's devastating war crimes.¹⁰²¹ The Virginia Museum of Natural History's Cultural Heritage Monitoring Laboratory has been tracking over 26,000 cultural sites across Ukraine.¹⁰²² If cultural heritage destruction is included in international efforts to hold Russia accountable, it will send a powerful message that cultural targeting will not be tolerated by law-abiding states and the international community.

CULTURAL GENOCIDE: UKRAINE'S BATTLE TO PRESERVE HERITAGE AMIDST RUSSIA'S DEVASTATION:

Ukraine boasts a diverse and opulent cultural heritage, encompassing archaeological treasures, museums, and architectural marvels. With over 6,000 archaeological sites and more than 200 museums, many of which have earned the prestigious UNESCO World Heritage status, Ukraine's cultural legacy is undeniably profound. However, the tranquility of these cultural treasures was disrupted in 2014, because of Russia's annexation of Crimea and the ensuing turmoil in Donbas. Since then, a distressing narrative has emerged, one marked by the reported desecration and destruction of numerous cultural heritage sites in these regions.

The continuous degradation of Ukraine's cultural heritage by Russia commenced in 2014 and has been unrelenting. Crimea has borne witness to a litany of destruction and desecration, including the obliteration of the Tauric Chersonesos Archaeological Site, acts of vandalism against the Chufut-Kale fortress, and

¹⁰¹⁵<https://www.nbcnews.com/news/world/russia-intentionally-targeting-ukrainian-landmarks-rcna21604>

¹⁰¹⁶<https://www.smithsonianmag.com/smithsonian-institution/ukrainians-defend-their-cultural-heritage-russian-destruction-180981661/>

¹⁰¹⁷<https://www.sciencespo.fr/cei/fr/content/dossiersducei/destruction-ukrainian-cultural-heritage-during-russia-s-full-scale-invasion-2022>

¹⁰¹⁸<https://ge.usembassy.gov/russia-as-barbaric-treatment-of-ukrainian-cultural-sites/>

¹⁰¹⁹<https://www.justsecurity.org/81212/how-can-we-protect-cultural-heritage-in-ukraine-five-key-steps-for-the-intl-community/>

¹⁰²⁰<https://www.europanostra.org/europa-nostra-strongly-condemns-deliberate-destruction-of-cultural-heritage-in-ukraine/>

¹⁰²¹<https://www.smithsonianmag.com/smithsonian-institution/ukrainians-defend-their-cultural-heritage-russian-destruction-180981661/>

¹⁰²²<https://www.justsecurity.org/81212/how-can-we-protect-cultural-heritage-in-ukraine-five-key-steps-for-the-intl-community/>

the malicious burning of the Tavrida National V. Vernadsky University library. In Donbas, equally distressing reports abound, detailing the wanton damage to numerous cultural sites, such as the Mariupol Museum of Regional Studies, the Donetsk Regional Museum of Local Lore, and the Donetsk Regional Art Museum.

Crucially, the destruction of Ukraine's cultural heritage sites at the hands of Russia constitutes a grave violation of international law. The sacrosanct 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the revered 1972 World Heritage Convention explicitly forbid the deliberate destruction or harm inflicted upon these cultural treasures. These conventions place upon their signatories the solemn duty to shield cultural heritage sites from such harm. The international community has vociferously decried Russia's relentless assault on Ukraine's cultural heritage, culminating in the unanimous adoption of Resolution 2347 by the United Nations Security Council in 2017. This resolution unequivocally condemned the destruction of cultural sites in Ukraine and fervently championed the protection of cultural property. The European Court of Human Rights, through several judgements, has also denounced Russia's role in the desolation of cultural heritage sites in Ukraine.

Sabine Verheyen MEP, Chair of the European Parliament's Culture and Education Committee, highlights Russia's aggression in Ukraine as an insidious attempt to erase the nation's identity and culture. She calls for collective efforts from public, private, and civil sectors to reconstruct Ukraine's cultural heritage. Verheyen emphasizes the moral duty of the European Union, rooted in shared values, to provide steadfast support for this restoration.

Remarkably, the targeted assault on historic monuments and cultural heritage sites, as stipulated by the 1954 Hague Convention, constitutes a flagrant war crime under international law. Nevertheless, cultural authorities argue that this malevolent

campaign aligns with Russia's overarching agenda, which seeks to efface Ukraine from the global map, erasing its heritage, history, identity, and sovereign independence. Iryna Podolyak, Ukraine's former vice minister of culture, highlights that Russia's military seems to be systematically targeting cultural heritage sites, in addition to its indiscriminate attacks on residences, medical facilities, and educational institutions.¹⁰²³

The deliberate annihilation of Ukraine's cultural heritage sites by Russia stands as an unequivocal and meticulously orchestrated attack on the annals of Ukrainian history, culture, and identity. The obliteration of these cultural heritage objects flagrantly contradicts the principles enshrined in the Hague Convention, for these sites were never repurposed for military objectives. Their annihilation serves as a calculated endeavor to expunge the tapestry of Ukrainian history and culture.

The ongoing destruction of cultural heritage sites in Ukraine by Russia is a violation of international law and has been recognized as a war crime and cultural genocide by the International Criminal Court (ICC).¹⁰²⁴ The ICC has jurisdiction over crimes against or affecting cultural heritage and has published a Policy on Cultural Heritage to protect cultural heritage in times of war and conflict.¹⁰²⁵ The destruction of cultural heritage objects attacked in Ukraine contravenes the Hague Convention, since they were not used for military purposes and their destruction is a deliberate attempt to obliterate Ukrainian history and culture.¹⁰²⁶ The destruction of cultural heritage sites is part of a deliberate Russian strategy to undermine Ukrainian cultural identity and its claims to nationhood. Forensic archaeology can play a crucial role in

¹⁰²³ <https://www.smithsonianmag.com/smithsonian-institution/ukrainians-defend-their-cultural-heritage-russian-destruction-180981661/>

¹⁰²⁴ <https://www.theguardian.com/world/2022/apr/24/crimes-against-history-mapping-the-destruction-of-ukraines-culture>

¹⁰²⁵ <https://www.icc-cpi.int/sites/default/files/itemsDocuments/20210614-otp-policy-cultural-heritage-eng.pdf>

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[https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733120/IP_OI_STU\(2023\)733120_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733120/IP_OI_STU(2023)733120_EN.pdf) <https://ukraine.ua/visit/world-heritage-sites-in-ukraine/>

documenting and investigating the destruction of cultural heritage sites in Ukraine.¹⁰²⁷ The Virginia Museum of Natural History's Cultural Heritage Monitoring Laboratory has been tracking over 26,000 cultural sites across Ukraine.¹⁰²⁸ The United States' Department of State's Ukraine Cultural Heritage Response Initiative will invest \$7 million to support Ukrainian efforts to protect its cultural heritage.¹⁰²⁹ The destruction of cultural heritage sites is a targeted attack on Ukrainian history, culture, and identity, and it is necessary to take action to protect and preserve these sites.

The ongoing legal proceedings between Ukraine and Russia at the International Court of Justice (ICJ) represent a critical step towards addressing the grave violations of international law stemming from Russia's invasion of Ukraine. Ukraine's assertion that Russia is falsely invoking the Genocide Convention as a pretext for its actions underscores the significance of this case. The ICJ's issuance of provisional measures, ordering Russia to suspend its military operations and refrain from actions that could exacerbate the situation, demonstrates a commitment to preserving international legal principles in the face of conflict. While the enforceability of these measures remains challenging, the very fact that the ICJ's judgments reaffirm the importance of international law during times of crisis is of substantial value. The support of numerous states and entities, including the European Union, in favor of Ukraine's position further highlights the global concern over the misuse of the Genocide Convention. As the case unfolds, it underscores the pivotal role international legal mechanisms play in upholding the rule of law and seeking accountability for violations, even in complex geopolitical contexts.

This systematic obliteration not only flagrantly violates established international legal norms but also strikes at the very core of our global pledge to cherish and protect our common historical legacy. The repercussions of these reprehensible acts are immeasurable, as they systematically erode the intricate cultural fabric that defines Ukraine's identity, challenging its rightful assertion of nationhood.

Yet, amidst this disheartening panorama, a glimmer of optimism persists. Forensic archaeology emerges as a formidable instrument, wielding the power to meticulously document and investigate these abhorrent transgressions, ultimately paving the path towards accountability. Commendable efforts, such as the Virginia Museum of Natural History's Cultural Heritage Monitoring Laboratory's tireless work in tracking Ukraine's cultural sites, serve as poignant reminders of the pressing need to safeguard Ukraine's rich cultural heritage.

As we contemplate the way forward, it becomes abundantly clear that international endeavors aimed at holding Russia accountable must place cultural heritage destruction at the forefront. This strategic emphasis sends a resounding message, resolute in its assertion that the deliberate targeting of cultural treasures will find no refuge within the realm of law-abiding nations and the broader international community. In doing so, we reaffirm our unwavering commitment to the preservation of the priceless treasures that constitute our shared historical tapestry.

LITERATURE REVIEW:

The literature review section provides an overview of key concepts and previous studies related to cultural heritage preservation, forensic methodologies, destruction during conflicts, and international conventions for cultural property protection. It examines scholarly works, reports, and case studies that shed light on the challenges faced in safeguarding cultural heritage and the role of forensic techniques in mitigating these

¹⁰²⁷ <https://www.unesco.org/en/articles/ukraine-over-150-cultural-sites-partially-or-totally-destroyed>
<https://www.csce.gov/international-impact/events/russian-war-crimes-ukraine>

¹⁰²⁸ <https://global.si.edu/projects/remotely-monitoring-ukraine%E2%80%99s-cultural-heritage-conflict-observatory>

¹⁰²⁹ <https://www.state.gov/u-s-department-of-state-announces-7-million-for-ukraine-cultural-heritage-response-initiative/>

challenges. The review also explores the synergies between interdisciplinary fields such as archaeology, forensic science, criminology, international law, and cultural studies in addressing cultural heritage preservation.

METHODOLOGY:

In this study, we're using a qualitative approach, and we'll be using three key research techniques: documentary analysis, case study analysis, and

comparison analysis.

A detailed investigation of the current literature, reports, databases, and legal frameworks that are pertinent to the preservation of cultural heritage and the forensic techniques applied in this context will be part of the documentary analysis process.

In the case study analysis, we'll go into specific instances of cultural heritage degradation and how forensic approaches have been used to address these circumstances.

Finally, in our comparative analysis, we will examine and contrast various international accords and measures that have been put in place to protect cultural heritage during times of conflict.

FINDINGS AND DISCUSSION:

The findings and discussion section presents the synthesized results of the literature review, documentary analysis, case study analysis, and comparative analysis. The section identifies the challenges faced by cultural heritage in times of conflict, including intentional targeting, technological advancements in weaponry, and the illicit trade of cultural artifacts. It explores how forensic methodologies, such as aerial surveys, satellite imaging, 3D modeling, and material analysis, can aid in documenting and preserving cultural heritage. The section also discusses the effectiveness of international conventions and collaborative efforts in protecting cultural resources and prosecuting those responsible for war crimes against cultural heritage.

CONCLUSION AND RECOMMENDATIONS:

In the final section, the research concludes by summarizing the key findings and contributions to the field of cultural heritage preservation. It provides recommendations for policymakers, international organizations, and stakeholders involved in cultural heritage preservation efforts, emphasizing the importance of interdisciplinary collaboration, public awareness, enforcement of laws, and technological advancements in safeguarding cultural heritage during conflicts. The research highlights the need for further research, capacity-building, and the integration of forensic methodologies into cultural heritage preservation strategies.

The notion of private criminal liability for the perpetration of multilateral offenses first came to light over a century ago. Addressing this, criminal international law has been vital for pinpointing and rendering accountable those predominantly accountable for the desecration of rich cultural possessions. This legislative journey has been critical in ensuring the creation of a distinct field for global cultural heritage law, along with the continuing evolution of the law. The international penal procedure has relentlessly emphasized that the negative impact resultant from legacy destruction exceeds minimal physical loss, from the momentous Nuremberg prosecutions to the contemporary International Criminal Court (ICC). Instead, it has an assortment of detrimental impacts having a major adverse impact upon both the individual and collective religious and psychological well-being of individuals and their communities. The tenuous correlation between heritage destruction and crimes in opposition to humanity has been accentuated by an array of revolutionary scenarios. Notwithstanding the simple fact that states have consistently opposed the idea of "cultural genocide," the demise of cultural artifacts has been utilized as testimony to genocidal intent. The prosecution of cultural damage before international criminal tribunals has drawn attention to the universal values that disintegrate when heritage appears as a target. This is perhaps most relevant. The dignity and

identity of people who are most immediately impacted by heritage degradation are gravely insulted by its annihilation. Additionally, it is a stain on the fundamental foundation of our shared humanity.

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The research acknowledges the contributions of individuals, organizations, and institutions that have supported the study. The references section provides a comprehensive list of sources cited throughout the research, adhering to the designated citation style.

