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A (Re)Turn to Cultural Genocide: Insights from the Network of Concerned Historians' Annual Report

On 1 August 2023, the Network of Concerned Historians (NCH) published its [twenty-ninth annual report](#). Set up in 1995, NCH documents news at the intersection of history and human rights, in particular the censorship of history and the persecution of its producers. Its focus ranges from issues related to the freedom of historical research and teaching to the right to remember. This year's report covered 105 countries.

Among the most noteworthy developments in this year's report was the destruction of cultural heritage in countries and regions that simultaneously saw widespread human rights violations that may have amounted to genocide. These include the Tigray War in Ethiopia (2020–2022), the ongoing civil war in Sudan (2023–), and, the most well-documented example, the Russian war against Ukraine (2022–). The heritage destruction in these three countries, together with that in the Xinjiang region in China that was covered in the 2022 Annual Report, will be discussed below, but first it is worthwhile to briefly look at the roots of a notion that would seemingly cover these intentional types of heritage destruction, but never made it into the 1948 Genocide Convention: that of “Cultural Genocide.”

The term genocide was first coined by the Polish-Jewish lawyer Raphael Lemkin in his 1944 book *Axis Rule in Occupied Europe* to describe the crimes committed against Armenians in the Ottoman Empire during the First World War. Its legal employment originated in a one-time mention in the October 1945 indictment of the Nuremberg Trials. Following the Nuremberg Trials, and under the influence of Lemkin's lobbying efforts, the newly established United Nations published on 11 December 1946 the General Assembly (UNGA) Resolution 96 (1), stating that ‘Genocide is a denial of the right of existence of entire human groups... [and] results in great losses to humanity in the form of cultural and other contributions represented by these human groups.’ The cultural aspect of genocide, argued for by Lemkin as central to its definition, returned in the 1947 UNGA Secretariat's Draft Convention of the Crime of Genocide alongside physical and biological destruction, and became the hotbed of the 1948 third UNGA session of the Sixth Committee.

As Leora Bilsky and Rachel Klagsbrun outline, in their 2018 article “The Return of Cultural Genocide,” during these 1948 debates, advocates and opponents of the inclusion of cultural genocide into the convention stood diametrically opposed to each other. Arguments against its inclusion included reference to the already existing legal protection of culture, language and religion in the soon-to-be-adopted Universal Declaration of Human Rights, as well as a fear among colonial powers that its inclusion ‘would create an international review power’ in their ‘internal matters.’ On the other hand, advocates argued in a manner similar to that of Lemkin, that physical genocide was always accompanied by cultural destruction, and that the destruction of a group's culture amounted to the *de facto* destruction of that group. The delegate of Pakistan went even further and argued that physical and biological elimination were only means to an end; the destruction of another culture.

All its supporters' arguments to the contrary, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide would eventually feature five acts that constituted the crime of genocide: three aimed at a group's physical destruction, and two at its biological destruction. Cultural destruction was written out of the definition.

The last two Annual Reports of the Network of Concerned Historians (2022 and 2023) have documented the large-scale campaign of cultural heritage destruction in four countries: Xinjiang, China; Tigray, Ethiopia; Sudan and Ukraine. For all these cases, some scholars have contended that a genocide is taking place. The remainder of this essay will take a closer look at the destruction of cultural heritage in these four countries.

Cultural heritage destruction in the Xinjiang Uyghur Autonomous Region (XUAR; also known as East Turkestan) has taken different forms. Since 2016, when the Chinese Communist Party began a "rectification" campaign under the pretext of improving the safety in XUAR following the 2009 Ürümqi riots, thousands of mosques have been razed to the ground or turned into restaurants and hotels. Among them were important mosques in Karghalik and Keriya, and nearly seventy percent of all mosques in Kashgar. A report cited by the Uyghur Human Rights Project estimated that a total of 5,000 mosques were destroyed in three months. Since then, numerous other examples reached the media; including the leasing of the Uzbek Mosque in Ghulja to a Han-Chinese businessman who turned it into a hotel in 2019; and the destruction of the Tokul Mosque in Atush in 2020, to make room for a public toilet.

Alongside the destruction of mosques, authorities have destroyed most of the mazars (sacred sites) and closed access to others since 2018. They have further destroyed more than a hundred Uyghur graveyards, including the Sultanim Maziri cemetery in Hotan – named after four commanders of the Kashgar-Kara-Khanid Khanate (840–1212 BCE) – which was turned into a parking garage, and the graveside of Uyghur poet and journalist Lutpulla Mutellip (1922–1945). Finally, authorities have removed a number of statues, including that of Mahmud Kashgari (1005–1102), who compiled the "Grand Turkish Dictionary," and the Uyghur poet and medical scholar Hussayn Khan Akbar Tejelli (1856–early 20th century).

In 2022, a consortium of fourteen media organizations published the "Xinjiang Police Files." The records provided evidence for a policy targeting almost any expression of Uyghur identity, culture and Islamic faith. Through a policy known as "becoming family" government officials were reportedly sent to stay in Uyghur homes to control bans on cultural practices. All of this came on top of a region-wide system of "re-education centers," which one official document from the "Files" described as built to 'break their lineage, break their roots, break their connections, and break their origins.'

Whereas cultural heritage destruction in China has been part of a Sinicization campaign that includes similar policies in regions like Tibet and Inner Mongolia, heritage destruction in Ethiopia has taken place in the context of a civil war.

On 4 November 2020, a coalition of forces led by the Ethiopian National Defense Force (ENDF) attacked the Tigray region, following an attack by the Tigray Special Forces on a command headquarter in Mekelle the previous day. The war lasted until 3 November 2022 when representatives of both parties signed a peace deal in Pretoria. An April 2022 report by Human Rights Watch and Amnesty International found evidence that there had been a campaign of ethnic cleansing targeting Tigrayan civilians in Western Tigray, carried out by

Amhara and interim Western Tigray authorities, sometimes backed by Eritrean forces and ‘at times with the acquiescence and possible participation of Ethiopian federal forces.’ Furthermore, interim and Amhara authorities, again with possible participation of Ethiopian federal forces, committed war crimes and crimes against humanity, including rape and sexual slavery, enforced disappearance, murder and torture. Although the report did not find evidence for genocide, it did not exclude the possibility and called for further independent investigations.

In the context of these widespread human rights violations, the Ethiopian and Eritrean military were responsible for the destruction of cultural heritage throughout the Tigray region. This included the damaging and destruction of at least forty, and allegedly hundreds of, churches and monasteries, including the Church of Our Lady Mary of Zion in Axum (originally built in the fourth century) and the monastery of Abunā Abraham in Wuqro. These forces also shelled the seventh century al-Nejashi mosque in Negash, damaged its historic tombs and stole ancient manuscripts and relics. Destruction was not limited to religious buildings. The library of the church and monastery of Maryam Yerefada was allegedly destroyed, as was the Tigray Martyr’s Memorial Museum in Mekelle. Ethiopian troops also toppled the statue of Qeshi Gebru (1962–1982) a woman who fought the Derg regime (1974–1991) in the 1980s, in Humera.

The conflict was further accompanied by the massive looting of historical artifacts, including from the Wugro Archaeological Museum, the Axum Archaeological Museum, and the Yohannes IV Palace Museum. In February 2022, postdoctoral research at the University of Hamburg Hagos Abrha Abay found that online sales of Ethiopian artifacts had surged since November 2020. Professor of history at the University of Toronto Michael Gervers described the destruction of Tigray’s cultural heritage as a campaign of “cultural cleansing.”

Like in Ethiopia, cultural heritage destruction in Sudan has taken place in the context of an ongoing civil war between the Sudanese Armed Forces (SAF) led by General Abdel Fattah al-Burhan – who had led a military coup in October 2021 suspending a fragile process towards democracy that had started with the dethronement of long-time dictator and International Criminal Court suspect Omar al-Bashir in April 2019 – and the paramilitary Rapid Support Forces (RSF), responsible for mass crimes against humanity during the War in Darfur (2003–2020), led by General Mohamed Hamdan Dagalo (a.k.a. Hemedti).

Barely two months into the conflict, in June 2023, the International Council on Archives (ICA) expressed its concern over the risks the war posed to archives, including those of the Institute of the Industrial Research Institute, which held rare collections of research materials and report on Sudan, to the National Museum, the National Record Office and the National Library. ICA’s concerns followed the looting and setting ablaze of the Muhammad Omar Bashir Center for Sudanese Studies at Omdurman Ahlia University, Omdurman in May 2023. In the same month, RSF fighters had entered the bioarcheology lab of the National Museum in Khartoum and opened storage containers with mummies and other remains. The museum’s collection of more than 100,000 items, including mummies dating back to 2,500 BCE, was at risk according to the museum’s director Ghalia Gharelnabi – who had herself been forced to flee the country after her house was hit by an artillery strike.

On top of all this, reports indicated that fighting between the SAF and RSF threatened the historical site of Merowe, housing the archaeological heritage of the former capital of the Kingdom of Kush, Meroë. In Darfur, one of the hardest hit regions of the conflict, where

United Nations experts have documented the widespread use of sexual violence by RSF soldiers of which at least some ‘appear[ed] to be ethnically and racially motivated,’ at least four museums were damaged, including the museum of Nyala, which contained historical artifacts and tools reflecting the diverse civilizations that flourished in the region. In July, the Heritage for Peace NGO reported that at least 28 cultural and archaeological sites had been damaged since the start of the conflict.

In China, Ethiopia and Sudan, the destruction of cultural heritage is inflicted by State or non-State forces from within the country. Ukraine is the exception to this. Since the invasion by Russian forces on 24 February 2022, at least 284 cultural sites were damaged or destroyed according to UNESCO, with the Ukrainian Ministry of Culture claiming damage to 553 cultural sites as of January 2023. Among them were churches, cathedrals and synagogues. In Kharkiv, the seventeenth century Dormition Cathedral was damaged, as was the St. Michael’s Cathedral in Mariupol. In Volnovakha, the Temple of the Orthodox Church, built as a memorial for Ukrainian soldiers who had died fighting pro-Russian militants in the Donbass region in 2014 was damaged. Also in Kharkiv, a yeshiva (institute for Jewish religious education), which also functioned as a synagogue was damaged.

Russian forces further damaged and destroyed universities, libraries and archives. In the Chernihiv region, Russian military burned the archives of the Security Service of Ukraine (SBU) in March 2022. In the same month, Russian missiles damaged the Rare Book Library, housing 60,000 books and manuscripts, of the V.N. Karazin Kharkiv National University. From June 2022 onward, and particularly between 30 October and 4 November, Russian soldiers looted almost all of the eighteenth and nineteenth-century records, including regional maps, pre-war newspapers, and almost anything related to the pre-revolutionary period from the Kherson Regional Archives. Already in February 2022, Russian forces had looted the Ivankiv museum near Kyiv that housed Ukrainian folk art, including by Maria Oksentiyivna Prymachenko (1907–1997). In April, Russian troops stole paintings, religious relics and other items from the Museum of Local Lore and History, the Museum of Folk Life, and the Kuindzhi Art Museum, all in Mariupol. In October, pro-Russian officials also removed the bones of Commander Grigory Potemkin (1739–1791) as well as his statue from the St. Catherine’s Cathedral in Kherson and moved it deeper into Russian-occupied territories.

A December 2022 report by PEN America argued that attacks on cultural heritage constituted a central aspect of Russia’s campaign of aggression. A recent article by Denyz Azarov et al. has gone further, arguing that taken together with the prohibition of the Ukrainian language in the occupied territories (including occupied Crimea) the removal and destruction of books related to Ukrainian history, literature and language, and the intimidation and killing of writers, artists and cultural workers, the destruction of cultural heritage ‘attests to the existence of genocidal intent.’

In June 2021, the International Criminal Court (ICC) published its Policy on Cultural Heritage. In it, it states that ‘while attacks on cultural heritage do not *per se* constitute underlying acts of genocide... the targeting of a group’s cultural heritage may constitute evidence of the perpetrator’s intent to destroy that group.’ Already in its 2001 ruling, the International Criminal Tribunal on Yugoslavia (ICTY) in *Prosecutor v. Radislav Krstić*, had stated that ‘where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols... which may legitimately be considered as evidence of an intent to physically destroy the group.’

Both the ICTY and the ICC ruling point out the intimate connection between genocide and cultural heritage destruction, and have outlined how the latter can be used – in egregious cases – as supporting evidence for a perpetrator’s genocidal *intent*. This has reopened the old debate among legal scholars whether “cultural genocide” should be explicitly legally codified. As Edward C. Luck has recently pointed out, in his 2018 article “Cultural Genocide and the Protection of Cultural Heritage,” for Lemkin genocide could only be understood as comprising ‘synchronized attacks on different aspects of life.’ In the field of culture, Lemkin listed, among other things, attacks on education and the use of one’s language, and the destruction of cultural institutions like archives, museums, libraries and national monuments. The recent Annual Reports of the Network of Concerned Historians provide ample evidence of such cultural attacks, and might help consider a (re)turn to the prohibition of cultural genocide in international criminal law.

Histories At Risk