

**Expert Opinion on the Effects of the Israeli Military Rule and Settlement
Expansion on the Cultural Heritage in the City of Hebron**

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I. Introduction

Hebron City is the 2nd largest in the West Bank (after Jerusalem) with a population of around 225,000 inhabitants¹. It is an important economic and urban centre. In 1967, the city of Hebron as part of the West Bank fell under the Israeli occupation until the signature of the Hebron Protocol between the Palestinian Liberation Organization (PLO) and the Israeli Government in 1997. This Protocol, which aimed at redeploying the Israeli Security Forces in the city, divided the city into two entities; one is H1 (80% of the city) and kept under the Palestinian Authorities (PA) Administration and H2 (20% of the city) was left under the security control of the Israeli occupation and the civil administration of the PA.

The Old City of Hebron, as part of H2, has been a target for the Israeli occupation measures since 1967. The continuous imposition of these measures led to evacuate the Town from many of its Palestinian inhabitants and enforced the Israeli presence in its heart. Not exclusive of closures, confiscation of properties, mobility restrictions, fragmentation and human rights violations, the imposed measures have had a negative impact on the socio-economic situation in the Old Town and affected its daily life as a residential area and a commercial hub.

The accumulative targeting of the Old Town of Hebron caused a severe deterioration to the historic environment as well as a deliberate destruction and alteration of cultural heritage assets in addition to a considerable decline in the quality of living conditions. The Old Town has been encountering harsh economic conditions, high level of unemployment, low income and high number of internal migrants to its other new parts. Abandoned buildings in the Old Town were subject to decay due to lack of maintenance and proper use, which endangers the quality of its cultural heritage assets.

In 1996 a presidential decree established the Hebron Rehabilitation Committee (HRC) with the purpose of reviving the Old Town through rehabilitation of its buildings and infrastructure focusing on enhancing accessibility to the Old Town and encouraging its residents to return to their houses and shops. However, the Old Town of Hebron is still under the Israeli occupation's authority, which drastically hindered establishing social facilities while systematically targeting cultural heritage in violation of international rules calling for the protection of cultural heritage during conflict.

The Old Town of Hebron was inscribed in 2017 on the World Heritage List and in the World Heritage List in danger due to the continuous policies of the Israeli Occupation. A decision that was followed by escalating actions against the Palestinian cultural heritage.

This report aims at mapping the Israeli measures in the Old Town of Hebron that directly and indirectly endanger the Palestinian Cultural Heritage and are considered unlawful as per the

¹ Palestinian Central Bureau of Statistics (PCBS).2021. Projected Mid -Year Population for Hebron Governorate by Locality 2017-2026. Ramallah. Palestine.

https://www.pcbs.gov.ps/statisticsIndicatorsTables.aspx?lang=en&table_id=705

International laws, charters and conventions. The report is shedding light on the international laws preserving cultural heritage in the event of armed conflict and pinpoints Israeli violations against them. General analysis is set forth and recommendations are drawn up at the end of this report.

II. Cultural Heritage in the Old Town of Hebron

The city of Hebron located 36 km south of Jerusalem is strategically located along the historic road connecting Jerusalem and Bi'r AsSaba', which was a central route for merchant caravans. The Arabic name of the city is "Khalil al-Rahman", or "Al-Khalil", named after the Prophet Ibrahim, who lived and was buried there with his wife Sarah. Before that, it has been known by several names, the first and oldest of which is Qaryat Arba (the village/city of Arba)², in reference to the four Canaanite tribes that inhabited the area. The city was also known as Ibrahim Mosque, Ibrahim House and Ibrahim Village.³

Hebron is one of the ancient historical cities. Archaeological excavations have shown that it dates back to more than 4500 BC, and that the first human settlement in the city was in Tel Rumeida before moving to the Hebron Valley. The city was continuously inhabited as a human settlement, despite the processes of destruction and displacement that took place throughout time. The city of Hebron extends on both sides of the upper course of the Hebron Valley around the Ibrahim Mosque, which gave it the character of an Islamic city centred around this Great Mosque. The city is rich in water resources such as: springs, wells and ponds and has security features being located behind hills. The mountains surrounding the valley rise between 900-1020 meters above sea level. The topographical nature guided the building style and materials, so buildings were constructed using stone masonry and lime mortar extracted from the surrounding. The mountain stones gave the city a harmonious appearance with its environment. The architectural and urban fabric of the city are known for being cohesive and compact.

The urban structure

The urban structure of the Old Town of Hebron comprises of historic neighbourhoods, residential units, public buildings, souks and other various urban elements, which date back to the Mamluk and Ottoman Periods. The construction and layout of the urban fabric were influenced by a number of factors, among them is the link to Islamic tradition and the expansion pattern which gave it a distinctive appearance, as can be seen today.

The Old Town's layout and plan were evolved and shaped by several factors. These factors include geography, environment and socio-economic conditions such as the ancient professions of the residents of the town. The housing environment appears similar to that of other cities in the Arab World; however, having a closer look, there are unique particularities in the development of its urban fabric.

² Palestine News and info Agency (WAFA). Hebron. https://info.wafa.ps/ar_page.aspx?id=3286 (in Arabic)

³ State of Palestine. 2017. Hebron- Al-Khalil old city- world heritage site management document- Nomination Text. Pp 53. Al-Khalil-Hebron-West Bank. <https://whc.unesco.org/en/list/1565/documents/>

The Old Town's morphology

The Old Town spreads from east to west, starting at the bottom of a valley and ending on its northern slope. Until the end of the Ottoman Period, the Old Town's fabric remained very dense. The Old Town is divided into three areas: the area around Al-Ibrahimi Mosque (which includes 10 neighbourhoods), the area in the south, separated from the latter by the wadi (Qaytoun neighbourhood) and the third, northeast part of the old town (Sheikh Ali Bakka,. The town expanded according to sociocultural, political and economic factors, around the focal point that is Al-Ibrahimi Mosque.



Figure 1 An aerial view of the Old Town of Hebron in 1918 showing the three areas⁴

The spatial organization of the Old Town has been established through hierarchical principles: the street network, the hara (neighbourhood) and the open public spaces. The urban structure mirrors a traditional Islamic City, where clans and ethnic systems played a fundamental role in the development of the urban fabric. The urban development of the Old Town of Hebron, shows spatial and geometric transformation of the urban form, from the mostly irregular and organic growth patterns of the oldest areas, to the increasingly regular, orthogonal, forms of the modern buildings and urban spaces⁵.

The Town's defence system

⁴ BayHStA, picture collection Palestine 963. 1918. https://dfg-viewer.de/show/?tx_dlf%5Bid%5D=https://gda.bayern.de/mets/6efe1fa9-9e52-4b37-b444-98e811114298

⁵ Hebron Rehabilitation Committee. Hebron's Old City Preservation and revitalization master plan. <http://hebronrc.ps/images/stories/MP%20English.pdf> –page 50

During the Mamluk and Ottoman Periods, the town's inhabitants, living at the edge of the desert, had to withstand repeated attacks from nomadic Bedouin tribes. Building a wall around the town was rendered impossible because the town was divided into three areas with a complex topography. This led to the creation of a noteworthy defence mechanism, using houses tightly packed together, "fortification houses," along the outer perimeter of the town, forming a continuous façade, with openings kept to a minimum. Until the end of the 19th century, access to the town was limited to a number of gates, which could be closed at night or during turbulent times such as Bab al-Wakale gate (Bab Khan Ibrahim), still preserved.

The main neighbourhoods of the Old town are: Beni Dar, Al-Muhtasib, Al-Qazzazin, Al-Uqaba, Al-Sawakinah Al-Mashareqah, Al-Fawqa and Al-Tahta, Al-Kurd, Al-Sheikh, Qaitoun and Bab Al-Zawiya⁶.



Figure 2 A view on the dense historic urban fabric and the urban expansion between (1848-1914)⁷

Housing structure and public buildings

Residential buildings are built in an almost identical construction process following specific standards. Construction techniques were guided by cultural and social traditions, climate and availability of local materials. Evidences on social and economic distinctions are mainly be found in the decorative elements, which also distinguished between neighbourhoods without influencing the building's general appearance. Houses were built from pale yellow or pinkish

⁶ Hebron Rehabilitation Committee (HRC). 2011. The Architectural Nature Of The Old City. <http://www.hebronrc.ps/index.php/en/old-city/the-architectural-nature-of-the-old-city>

⁷ <https://www.loc.gov/resource/matpc.06763/>

hues local limestone. The stones are of uneven size and the openings (windows and doors) are generally rectangular and relatively small. The roofs are cross-vaulted and topped with domes, which gives the town's aesthetics a unique and harmonious appearance. The walls' thickness varies between 80 and 120 cm, which allows them to bear the weight of the vaults and provides thermal insulation. They are fitted with niches for storage. Openings such as windows and doors are of lesser importance; however, their lintels and sills are carefully selected for their quality. Small inner courtyards (ahwash) provide access to the houses via staircases. The courtyards are equipped with cisterns into which water from the springs or rainwater is channelled. With the moderate climate of the region, the roof is an important part of the house, used to receive guests and to sleep. Parapets surround the edges of the roofs, punctured by numerous ceramic tubes (terracotta or kizan) that both provide ventilation and allow one to "see without being seen". Buildings from the Ottoman Period are also made of local yellow limestone and the stones are finely hewn. The openings are arched, double windows being typically characteristic of this period. The urban planning from the end of the Ottoman Period is quite different from previous periods. The residential buildings erected outside the dense urban fabric of the Old Town, are lined up on either side of the street. Furthermore, a new type of independent dwelling, generally surrounded by gardens or orchards appeared in the modern neighbourhoods. This new type of dwelling reflects the characteristics of the modern movements with a change in the lifestyle and the birth of new types of commercial activities, that led to the emergence of a new wealthier social class. These houses are built in a symmetrical, compact manner, and contain several floors⁸.

In addition to housing, the Old Town contain many distinctive public buildings, each of which was distinguished by a special architectural style. Religious buildings such as mosques and corners (Zawaya) are distributed in the different neighbourhoods, in addition to the Ibrahimi Mosque. Public baths, agencies, inns, ponds, olive and sesame presses, are facilities and amenities that are still standing until today bearing witness to the historical and economic importance of the Hebron Old Town.

It is also noted that the internal network of roads has been directly affected by the customs, traditions and social norms. These roads are narrow and winding to provide privacy for the residents. They are also designed to ensure transition sequentially from public to private. This road network is interconnected, and it leads to the various lanes on the one hand, and to the Ibrahimi Mosque on the other.

This axis, which forms the centre of the Old Town and its Qasabah, as the main movement artery, is characterized by its mixed-used nature. Commercial, craft and agricultural uses are found in the ground floors, while housing is in the upper levels. The roads on this axis are relatively wide compared to the internal alleys between residential neighbourhoods. Squares and yards are considered an integral part of the street network, and despite their small sizes, they

⁸ State of Palestine. 2017. Hebron- Al-Khalil old city- world heritage site management document- Nomination Text. Pp 29-30. Al-Khalil-Hebron-West Bank. <https://whc.unesco.org/en/list/1565/documents/>

perform an integrated function with the streets, as they host various commercial and social activities. A network of diverse and specialized markets branch out from the main axis, such as Souk Al-Laban (Dairy products), Al-Iskafieh (Shoe repairers), Al-Lahhamin (Butchers), Al-Hosaria (Rugs makers), Al-Zayateen (Oil merchants), Al-Bazaar and Al-Qazzazin (Glass makers).

During the British mandate period, the Old Town further expanded outside the dense urban fabric and the residents continued to construct standalone mansions along the main streets, which started in the late Ottoman period. In the aftermath of the 1967 war, Israel strengthened its presence in the Old Town of Hebron and allowed for placing Israeli settlements in the heart of the Palestine neighbourhoods. As a result of the Israeli occupation expanding settlements and relevant measures, the living conditions and physical environment severely deteriorated by the 1980s. As a result, Palestinian inhabitancy in the area sharply decreased by 1988. The Israeli occupation measures and subsequent breakdown of Palestinian social cohesion led to the widespread decay of many architectural features of the Old Town, between 1967-1994, including vaults, and traditional tiled floors. The Old Town became a daily hotspot in the ongoing conflict, and thus it was placed under curfew for months, pedestrian and vehicular movement were restricted and controlled by military orders. These severe restrictions and the resulting breakdown of social cohesions forced many merchants, residents and workshops to move out of the Old Town. As a result, the structural, social, cultural and economic conditions of the Old Town have deteriorated immensely⁹ bringing prolonged crises to an area that had once been the commercial and cultural heart of Hebron¹⁰.

In 1996, the late Palestinian President Yasser Arafat, issued a Presidential Decree establishing the Hebron Rehabilitation Committee in order to address the deterioration of the historic buildings in the Old Town and to support its residents' return to their houses and shops. Since establishment the Hebron Rehabilitation Committee has been dedicated to preserving, restoring, and cherishing the significant cultural and social history of the Old Town in Hebron.

The Ibrahimi Mosque:

The Ibrahimi Mosque is said to host in a Cave the remains of the prophet Abraham and several of his descendants: his wife Sara, their sons Isaac and Jacob and their wives Rebecca and Leah, as well as Jacob's son Joseph. The holiness of the site was confirmed as early as the Herodian Period, when a monumental enclosure was built around the sacred Cave where the prophets and their wives are buried. During the Byzantine Period, a church was probably built inside the enclosure, however, contradictory sources and disparity of the information make it impossible to ascertain the existence of a religious building during that time. During the Umayyad Period, around 750 AD, a mosque was built inside the enclosure; the cenotaphs were placed in their

⁹ Abu Hilal, Ashraf. 2009. The changing architectural style realized in the Palestinian domestic vernacular architecture during the end of 19th / beginning of 20th centuries- case study from Hebron. Phd thesis. Middle East Technical University. <https://etd.lib.metu.edu.tr/upload/3/12610355/index.pdf>

¹⁰ <http://www.hebronrc.ps/index.php/en/about-hrc/mission-and-objectives>

present position and a cupola used to cover Abraham's tomb. In 1099, the crusaders conquered the Town and converted the mosque into a church called the Castle of Saint Abraham. In 1187, Saladin reconquered the area, and converted the site back into a mosque, which became known as the Haram al-Khalil. As early as the Mamluk Period, Hebron/Al-Khalil became a pilgrimage site and an important Sufi centre. The most outstanding renovations and transformations of the mosque took place during that time. The main works included the construction of the al-Jawaliyeh Mosque in 1329; marble lining of the mosque's walls between 1332 and 1333; placement of the cenotaphs directly above the supposed location of the tombs between 1293 and 1340; opening of two entrances in the sacred enclosure in the late 14th century; construction of the minarets and the crenulated wall on top of the enclosure. However, the medieval church's structure was preserved, rendering unique the architecture of the religious Islamic building. During the Ottoman Period, the monument was well maintained, with modifications kept to a minimum¹¹.

III. Inscription the Old City and The Ibrahimi Mosque on the World Heritage List of UNESCO

Due to the significant value of the Old Town of Hebron and the Ibrahimi Mosque, on 7 July 2017, the World Heritage Committee in its 41st session in Krakov, Poland decided to inscribe Hebron/Al-Khalil Old Town, as a site of Outstanding Universal Value, on the World Heritage List and spontaneously on the World Heritage List in Danger.

Inscription of sites on the World Heritage List is governed by the UNESCO 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (also called the World Heritage Convention), which is one of the most prominent and recognized legal instruments in the protection of natural and cultural heritage sites worldwide. At the heart of the World Heritage Convention is the Outstanding Universal Value which inscribed sites must possess and therefore prove to be exceptional and must be protected for mankind as a whole.

The nomination dossier submitted by the State of Palestine to UNESCO was processed on an emergency basis based on article 161 of the operational guidelines for the 1972 convention, which states that:

“The normal timetable and definition of completeness for the submission and processing of nominations will not apply in the case of properties which would be in Danger, as a result of having suffered damage or facing serious and specific dangers from natural events or human activities, which would constitute an emergency situation for which an immediate decision by the Committee is necessary to ensure their safeguarding, and which, according to the report of the relevant Advisory Bodies, may unquestionably justify Outstanding Universal Value)”.

¹¹ State of Palestine. 2017. Hebron- Al-Khalil old city- world heritage site management document- Nomination Text. Pp 39. Al-Khalil-Hebron-West Bank. <https://whc.unesco.org/en/list/1565/documents/>

The inscription of the Old Town of Hebron on the World Heritage List was objected mainly by Israel including in the evaluation period, when the Israeli Authorities denied access to the ICOMOS¹² mission entrusted to evaluate the site nominated by Palestine. After inscription, the World Heritage Committee in its Decision concerning the Hebron Old Town:

- “Acknowledged that in its evaluation report of the nomination, ICOMOS (the advisory body of UNESCO) states that “the necessary permissions were not forthcoming for travel and access to the Hebron H2 zone, which is under Israel military control, and within which lies the nominated property” and that “in view of the lack of a Field Visit, ICOMOS has not been able to fully evaluate whether the property unquestionably justifies some criteria, conditions of authenticity and integrity and management requirements nor whether recent incidents have drastically increased the level of threats to a degree that the situation may be considered an emergency for which an immediate action by the World Heritage Committee is needed”.
- Acknowledged the threats that face cultural heritage in the Hebron Old Town, therefore it considered that the nominated property unquestionably justifies criteria (ii), (iv) and (vi) of the operational guidelines as well as conditions of integrity and authenticity. However, **a statement of Outstanding Universal Value (OUV) was not adopted**, which created a situation of vacuum when it comes to the assessment of the impact of any type of violation against the property based on its OUV.

The World Heritage Committee depended on the following Justification for Inscription Criteria¹³:

Cultural Criterion (ii)

The old town represents an outstanding example of a community built around the interchange of human values. Despite the fact that both residents and visitors to the town came from a myriad of different faiths, ethnicities, and backgrounds, they drew inspiration from the same traditions and values, especially those of the Prophet Ibrahim/ Abraham who is considered the paradigm of hospitality and generosity, the prophet’s spirit of generosity is infused into the culture of Hebron/Al-Khalil. An example is the Al-Takiya Al-Ibrahimiyyah. Al-Ibrahimi Mosque/The Tomb of Patriarchs has been since its creation a source of great inspiration to surrounding communities and their social, religious and spiritual values. The importance of this sacred place can be seen in the structure of the town. The main roads of the town connect every neighbourhood in Hebron/Al- Khalil to the Haram. The architecture of this remarkable ensemble shows a sedimentation of different cultural influences and styles.

¹² International Council on Monuments and Sites (ICOMOS), one of UNESCO’s formal advisory bodies in the framework of the World heritage Convention and responsible for the evaluation of all nominations of cultural properties made to the World Heritage List.

¹³ State of Palestine. 2017. Hebron- Al-Khalil old city- world heritage site management document- Nomination Text. Al-Khalil-Hebron-West Bank. <https://whc.unesco.org/en/list/1565/documents/>

Cultural Criterion (iv)

Hebron/Al Khalil Old Town bears witness to a flourishing town of the Middle East, that experienced its “Golden age” between the 12th and the 15th century. The existing urban structure dates back to the Mamluk period, with a second-story system introduced during the Ottoman period.

The urban and architectural characteristics of Hebron/Al-Khalil’s Old Town were influenced by many elements, producing a unique urban fabric and architectural, mainly the presence of Al-Ibahimi Mosque as one of the most important religious landmarks in the world it is also is one of the main elements influenced Hebron/Al-Khalil Old Town’s urban structure.

Hebron/Al-Khalil Old Town is located on the Hebron/Al-Khalil Valley which was one of the factors of Hebron/Al-Khalil Old Town growth, due to the availability of water and cultivable land. The valley created new opportunities for inhabitants of work and life which played a crucial role in development and growth. The existence of water sources was also important for building an elaborate water system with aqueducts, big cisterns (birkehs) and fountains in the Old town. As a non-walled town at the edge of the desert, Hebron/ Al-Khalil had an elaborate defence system. The continuity of the buildings on the outer edges of the town made it difficult to access the town. A system of hidden nooks and alleyways played also a protective role against foreign intrusion. This system can still be clearly seen from within the old town by examining the road system and the urban structure which are perfectly preserved until today.

The residential parts of the Old Town were built in a hosh system, which represents a unique typology different from the common residential typologies found in other Arab and Islamic cities. Hebron/al Khalil Old town is a unique example of an urban structure that has remarkable preserved the historical urban fabric as well as the morphology and residential typologies dating back to the Mamluk period, thus contributing to the visual and structural integrity of the cityscape.

Cultural Criterion (vi)

Thousands of years ago, Hebron/Al-Khalil was a town that prophets visited, lived in, and were buried in. Beliefs, traditions and ideas have been the foundation of the lifestyle in this town for many centuries. These enduring values have been carried from one generation to the next. Al-Ibrahimi Mosque/The Tomb of Patriarchs has come to symbolize these very important values, thus perpetuating the importance of Hebron/Al-Khalil for mankind.

Following the inscription on the World Heritage List in Danger, the State Party to the convention (Palestine), submits for the World Heritage a set of documents including:

- The Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR), and
- Related corrective measures and a timeframe for their implementation

As per the operational guidelines for the implementation of the World Heritage Convention, regular review of the state of conservation of properties on the List of World Heritage in Danger is maintained.

According to paragraph 190. The Committee shall review annually the state of conservation of properties on the List of World Heritage in Danger. This review shall include such monitoring procedures and expert missions as might be determined necessary by the Committee.

Palestine has submitted state of conservation reports to UNESCO in 2018,2019,2020,2021 and 2022, elaborate on the difficult situation and various risks that the site is facing, however, there was not decision to deploy experts' missions to the Old Town of Hebron to monitor the situation on the ground¹⁴.

According to paragraph 191. On the basis of these regular reviews, the Committee shall decide, in consultation with the State Party concerned, whether:

a) additional measures are required to conserve the property;

b) to delete the property from the List of World Heritage in Danger if the property is no longer under threat;

c) to consider the deletion of the property from both the List of World Heritage in Danger and the World Heritage List if the property has deteriorated to the extent that it has lost those characteristics which determined its inscription on the World Heritage List, in accordance with the procedure set out in paragraphs 192-198.

Israel's reaction:

Israel was angered following the inscription of the Old Town of Hebron as a World Heritage Site located in Palestine and endangered by Israel. This inscription on the List deals with the site including the Ibrahimi Mosque as a property of the State of Palestine,¹⁵ Israel reacted by saying the decision's wording ignored Jews' historic links to the city, and the Israeli ambassador to UNESCO left the session in protest¹⁶.

Following this event, the previous Israeli Minister of Justice decided to strengthen the Israeli presence in Hebron Old Town specifically in the area surrounding the Ibrahimi Mosque by putting into effect a decision signed in 2017 with officials from the Israeli Security Forces, to establish a municipal services directorate for settlers in Hebron, that will officially administer the settlements in the city. The directorate acts as a de facto municipality providing full services and

¹⁴ <https://whc.unesco.org/en/list/1565/documents/>

¹⁵ Palestine National council. 2017. Israel gives Hebron settlers Municipal powers, in what critics say is an entrenchment of apartheid. <https://www.palestinepnc.org/en/news/item/53-israel-gives-hebron-settlers-municipal-powers-in-what-critics-say-is-an-entrenchment-of-apartheid>

¹⁶ Deutsche Welle (DW). 2017. UNESCO puts Hebron on its world heritage in danger list. <https://www.dw.com/en/unesco-puts-hebron-on-its-world-heritage-in-danger-list/a-39601093#:~:text=Israel%20reacted%20by%20saying%20the,called%20the%20decision%20%22delusional.%22>

receiving a budget from the Israeli Interior Ministry¹⁷. This is a direct breach of the 1997 Hebron Protocol signed by the Palestinian Authority (PA) and Israeli Government. According to the Protocol, civil issues, such as infrastructure, construction and traffic arrangements in the settler's section of H2 was to be under PA's civil control.¹⁸

The PLO Secretary – General Saeb Erekat, at that time, expressed anger over increased Israeli settlement activity, saying that “This is a new Israeli violation of its obligation under international law and UN resolutions particularly UNSC 2334, which reiterated the international community's rejection and condemnation of these illegal actions.”¹⁹

IV. The Israeli violations against cultural heritage in the Old Town of Hebron

The violations committed by the Israeli occupation authorities against cultural heritage in the Old Town of Hebron are part of an overall policy that operated relentlessly to defragment the urban geography and social cohesion of the city. The objective of this policy is to appropriate spaces and assets to establish and sustain the Israeli settlement project. Since its occupation of the city in 1967, Israel progressively implemented measures to isolate the Old Town's urban space combining statutory and physical measures using security pretexts. The act of fragmentation targeted areas surrounding the major 6 settlement spots that are scattered along the strip that connects the Ibrahimi Mosque on one side with Tell Rumeida passing through a-Shuhada Street and on the other with Kiryat Arba settlement.

The established Israeli settlements in the heart of the Old Town of Hebron produced disruptive and physically damaging architectural additions that are not coherent with the unique character of the historic urban fabric of the Old Town. Five of the six Israeli settlements exist now in the Old Town and one in its vicinity as appears in (Figure 1) below. The settlements are:

1. Beit Hadassah settlement (AdDaboya), established on 26/4/1979
2. Beit Romano settlement (Osama IBin Munqith School), established on 28/10/1982.
3. Abraham Avinu settlement (Hisbah), established in 1983
4. Gutnic restaurant and shop, established in 1968
5. Beit Hashalom (Al-Rajbi Building), established in 2014

¹⁷<https://www.al-monitor.com/originals/2021/12/israel-settlement-expansion-risks-escalation-hebron>

¹⁸ Palestine National council. 2017. Israel gives Hebron settlers Municipal powers, in what critics say is An entrenchment of apartheid. <https://www.palestinepnc.org/en/news/item/53-israel-gives-hebron-settlers-municipal-powers-in-what-critics-say-is-an-entrenchment-of-apartheid>

¹⁹ Palestine National council. 2017. Israel gives Hebron settlers Municipal powers, in what critics say is An entrenchment of apartheid. <https://www.palestinepnc.org/en/news/item/53-israel-gives-hebron-settlers-municipal-powers-in-what-critics-say-is-an-entrenchment-of-apartheid>

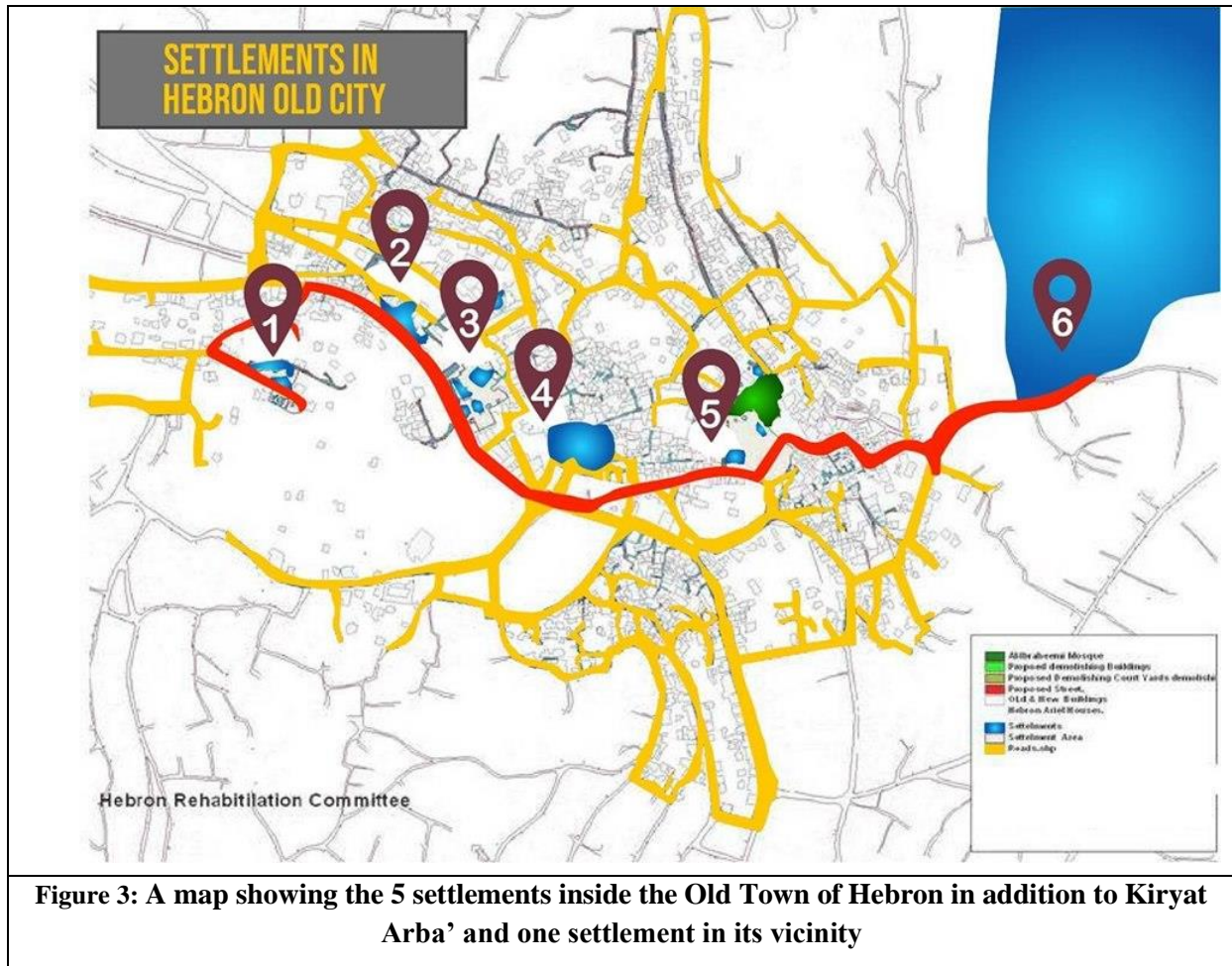
6. And Tell Rumeida settlement in the vicinity of the Old Town.

Part of the Israeli settlements located in the Old Town are established inside and around historic and traditional buildings in the dense urban fabric, a situation which has created a constant tension and oppression of the rights and security of the Palestinian residents in light of the severe security measures applied in settlement areas. The expanding settlement spots grossly affected the area access, free movement and historically strong connectivity that distinguished the Old Town's neighbourhoods and turned the once vibrant historic centre into a ghost town.

The establishment of these settlements is unlawful by both treaty and customary international law. According to Article 49 of the Fourth Geneva Convention: "*The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.*" This customary international law source directly prohibits the "*individual or mass forcible transfers, as well as deportations of protected persons from occupied territory*",²⁰.

Despite their illegality, the impact these settlements have had on the outstanding cultural heritage of the Old Town of Hebron is devastating. The sophisticated circulation system has been entirely altered to serve the security of the Israeli settlers, which deprived the Old Town its historic spaces and distinctive attributes.

²⁰ Amnesty International. 2019. Chapter 3: Israeli settlements and international law. <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law/#:~:text=Article%2049%20of%20the%20Fourth,protected%20persons%20from%20occupied%20territory%E2%80%9D>.



The Ibrahimi Mosque Massacre

Israel maintained strict military presence in the heart of Hebron to protect the gradually expanding Israeli settlements in the Old Town until 1994, when an Israeli extremist settler committed a massacre against Muslim worshipers inside the Ibrahimi Mosque killing 29 Palestinians and injured more than hundred²¹. This event was a turning point in the Israeli policy to support settlements, despite the large resources incurred to protect hundreds of settlers living inside a Palestinian community. Israel imposed curfew on the Palestinian people and movement was largely restricted. This was a hectic time in the history of the city that was aggravated by an order to impose additional control on the Palestinian residents. An Israeli commission of inquiry chaired by the President of the Israel Supreme Court, Meir Shamgar concluded the need to

²¹ Al Jazeera Media Network.2014. Remembering the Ibrahimi Mosque massacre. <https://www.aljazeera.com/gallery/2014/2/24/remembering-the-ibrahimi-mosque-massacre>.

empower the existing segregation system and further systematize the fragmentation policy by dividing the Ibrahimi Mosque between Muslims and Jews with a separate access for each²².

The Hebron Protocol 1997

In 1995 Israel and the Palestine Liberation Organization (PLO) signed an interim agreement which excluded Hebron from the process of withdrawal of Israeli forces from Palestinian cities in the West Bank. However, in 1997, both parties signed the Protocol concerning the redeployment in Hebron, an agreement that divided Hebron into two areas: H1 comprising around 80 percent of the city and came under the full control of the Palestinian Authority, while H2, comprising around 20 percent and including the Old City and the most affected areas – remained under the control of Israel occupation forces. The Palestinian Authority has control over civil affairs in both H1 and H2 except in the colonies, and Israel controls the security affairs in H2. As an outcome of this protocol, the closed a-Shuhada a- Street was reopened for vehicles for a year, though shops in the street remained closed. The short calm period was disturbed when the second intifada erupted and escalated in 2000, the deterioration of the security conditions emphasized a separation policy applied to the entire area of colonies with high restrictions on Palestinian movement in the city and close of a-Shuhada Street for vehicles and pedestrians²³.

The Hebron protocol brought intensified segregation to Hebron because of the presence of the Israeli settlements. The Protocol intended to be a managerial interim agreement for the implementation of the redeployment of Israeli forces based on the PLO's and Israel's commitment to maintain a fully normal life for the residents and the unity of Hebron, has become an instrument used by Israel not only to practice but also to legitimize the human rights violations and crimes on the ground. It has been used to justify entrenching and expanding the forcible transfer of Palestinians and the Israeli colonization enterprise in Hebron. The severe Israeli administrative, legal and physical restrictions imposed in Hebron's Old City, alongside legal and socio-economic privileges provided to the colonies and colonizers by Israeli authorities, exacerbate the coercive environment leaving Palestinians with no choice but to leave.²⁴

In the case of Hebron's Old Town, the main resource Israel has denied Palestinians is the Old Town itself - its rich history, culture and collective memory. Just as Israel illegally appropriates Palestinian water, it has established colonies to usurp this heritage from the Palestinian residents, slowly transforming and Judaizing parts of it, and making other areas derelict. This deterioration

²²Commission of inquiry- massacre at the tomb of the patriarchs in hebron-26-jun-94. 1994. <https://www.mfa.gov.il/mfa/aboutisrael/state/law/pages/commission%20of%20inquiry-%20massacre%20at%20the%20tomb%20of%20the.aspx>

²³ BADIL (Resource Center for Palestinian Residency and Refugee Rights). 2017. New Hebron military order takes another step towards Annexation. <https://www.badil.org/press-releases/854.html>.

²⁴ Alazza, Nidal (ed.). 2016. Forced Population transfer: The Case of the Old City of Hebron- BADIL Resource Center for Palestinian Residency & Refugee Rights.

has had a considerable impact on the Palestinians, who are prevented from utilizing, benefiting from and enjoying the Old Town, which forms an important part of Palestinian and Islamic heritage and identity. Not only is it one of the holiest cities according to Islam and Judaism, it is also a very well-preserved medieval city with beautiful and traditional architecture.²⁵

In light of the of the overview of legal instruments and international rules concerning the protection of cultural property in the context of armed conflict, this section traces the Israeli measures and actions which directly or indirectly cause harm or violate the cultural property in the occupied Old Town of Hebron.

1. Spatial fragmentation and control

Following the outbreak of the second Intifada in 2000, the separation and fragmentation of the Old Town continued with additional strict measures. Physical measures deployed on the ground such as checkpoints, earth mounds and other obstacles restricted movement and access of Palestinians to large areas. Furthermore, military orders were issued to close more Palestinian shops in addition to the shops and businesses closed by their owners due settlers' violence and the severe restrictions on movement. This policy caused a real "urbicide," or the killing of the city, whereby urbanity becomes the strategic object of violence²⁶. The most affected area is the southern periphery of the Old Town, which was one of the most vibrant and lively areas thanks to the concentration of public services such as the wholesale market and the main bus station. This area was best served by a-Shuhada Street as a transportation artery, which took shape and functioned as a main access to the Old Town from three geographic directions; west, south and east.

The most visible example of the fragmentation and control imposed by Israel on the geography of the Old Town is a-Shuhada Street or 'The Street of Martyrs'. It was initially closed by the Israeli Security Forces to protect the Israeli settlers in the Old Town in the aftermath of the Ibrahimi Mosque's Massacre. The closure of the Street had a huge impact on the movement in the Old Town due to the important function of the Street as a main thoroughfare linking the Ibrahimi Mosque with the rest of the City. According to the Hebron Protocol of 1997 the Israeli Security Forces agreed to entirely reopen the street to Palestinians' pedestrians and vehicular traffic. A year after the signing the Hebron Protocol, the street was reopened however many shops remained closed even after the street was reopened. Israel opened and closed the Street in subsequent years until access was cut off indefinitely in 2000 with the eruption of the second Intifada. Entrances to homes on the street were then sealed off, forcing residents to forge entrances on roofs, windows or neighbours' homes. Many of the previous inhabitants of a-Shuhada Street have moved away, and those that remain must have special numbers on their National Identity Cards in order to pass through the checkpoints that restrict access to

²⁵ Alazza, Nidal (ed.). 2016. Forced Population transfer: The Case of the Old City of Hebron- BADIL Resource Center for Palestinian Residency & Refugee Rights.

²⁶ De Cesari, Chiara. 2010. Hebron, or Heritage as Technology of Life. *Jerusalem Quarterly* 41 (pp.6-28)

surrounding streets, friends and family are unable to visit without such numbers. A-Shuhada Street is now referred to as ‘Apartheid Street,’ and sites previously crucial to the urban fabric of Hebron located on the road, such as the Vegetable and Gold Markets have now been rendered entirely desolate. Settlers have also taken advantage of the lack of access by Palestinians to occupy several Palestinian owned properties²⁷.

All of this rendered life in the Old Town and in particular the areas near the Israeli settlement spots, unbearable and pushed large segment of the population to move outside the Old Town to start new life relatively far from the daily tension and oppression.

This forced eviction was not a simple change of address, it was accompanied by a huge loss of connection with the roots, which the Old Town’s spaces, monuments and alleys were representing especially the practices, expressions and memories of the community that were not properly transmitted to the future generations.

2. Violations against the Ibrahimi Mosque

As mentioned above, following the 1994 settler massacre of Palestinians, the Israeli Authorities unilaterally divided the space of the Ibrahimi Mosque between Muslims and Jews. This marked the beginning of an ongoing era of increased violations against this sacred, spiritual, religious and valuable place for Muslims.

The Israeli authorities designed an array of measures to control the inside, outside and around the Ibrahimi Mosque. The implementation of the division was accompanied by the increased number of Israeli soldiers and border guards’ personnel. Different kinds of barriers and surveillant cameras were installed at the entrances, walls and interior of the Ibrahimi Mosque. On 24 July 2016, the Israeli authorities constructed a fortified checkpoint with electronic inspection devices and surveillance cameras at the entrance to the Ibrahimi Mosque, which allowed them to completely control whoever is accessing the Mosque, mainly Muslim prayer, who were denied the right of worship hundreds of times since then. Furthermore, the Israeli authorities are preventing the call for prayers in a systematic manner along the year time. On the other hand, the Israeli settlers are granted free access to the part under the full control of the Israeli authorities. These settlers have altered the unique space of the Mosque using incompatible and harmful interventions to the historic site and hold loud parties inside the mosque and in its courtyards, including drinking alcohol, dancing, and other acts that undermine and endanger the value of the mosque.

The following lists the violation and damage caused by the Israeli measures:

- The erection of military barriers and checkpoints in and around the Ibrahimi Mosque. 12 checkpoints/outposts and two police and border guards’ stations surround the site. These

²⁷ Hebron Rehabilitation committee (HRC). Old city of Hebron-current political situation. <http://www.hebronrc.ps/index.php/en/old-city/political-situation>

barriers, outposts and stations are sieging the site and are banning Palestinian worshippers and visitors' free access to the holy place (Figure 2).



Figure 4: An image showing one of the military barriers and checkpoints in and around the Ibrahimi Mosque

- Installing huge gates at the entrances to the Ibrahimi Mosque to ensure the control and division of the space. The installed gates and barriers transform the historic landscape of the Ibrahimi Mosque and hide parts of the facades which were historically uncovered and are part of visual aesthetic image of the mosque (Figure 3).

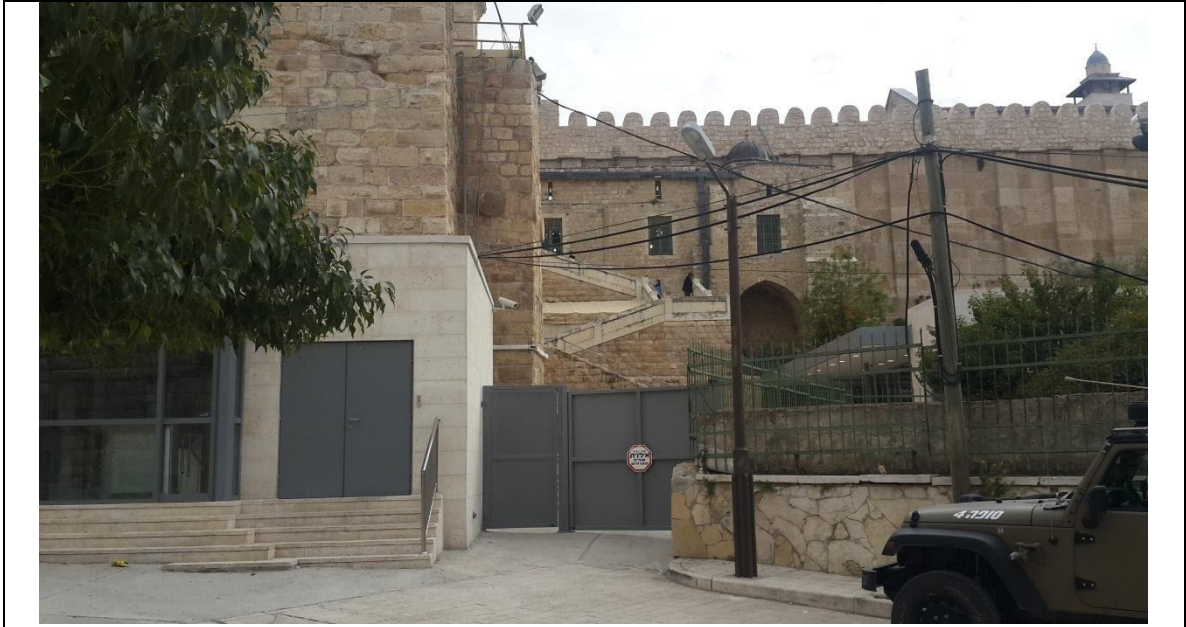


Figure 5: An image showing one of the gates at the entrances to the Ibrahimi Mosque

- Covering the historical open courtyard inside the enclosure, which is an important character of the site as it allows for ventilation and proper access of sunlight to the spaces surrounding it. The Israeli authorities did not take into account the function of this courtyard and covered it with an aesthetically poor shelter. This shelter would cause negative impact on the microclimate of the rooms surrounding the courtyard as it allows for the exacerbation of humidity inside the Mosque besides the visual distortion of the view inside the Mosque (Figure 4).



Figure 6: A picture showing the shelter covering of the courtyard of the Ibrahimi Mosque

- Israeli settlers praying at the eastern façade of the Mosque light candles inside the historic stones of the enclosure that date back to the Herodian period 2000 years ago. These stones resisted all kinds of climate conditions for this long period of time, however, the Israeli

occupation is not exerting its authority on the settlers to stop this direct damage to a historic monument (Figure 5).



Figure 7: : Historic stones at the eastern façade of the Mosque are damaged due to the misuse of the Israeli settlers lighting candles while praying

- The unilateral division of the Ibrahimi Mosque between Muslims and Jews opened the door for the Israeli settlers to change several features in the Mosque that have been there for centuries.
- The practices of the Israeli settlers, especially the organizations of parties and playing loud music deprived the Ibrahimi Mosque its calm atmosphere and replaced it with annoying environment especially during Jewish holidays (Figure 6).





Figure 8: Israeli settlers organize parties in the Mosque

- As well as fixing written religious texts on the walls is part of the unilateral decisions that are imposed by force on a religious site located in an occupied land (Figure 7).





Figure 9: Installing pieces of stones with inscriptions at the doors of the Mosque's rooms

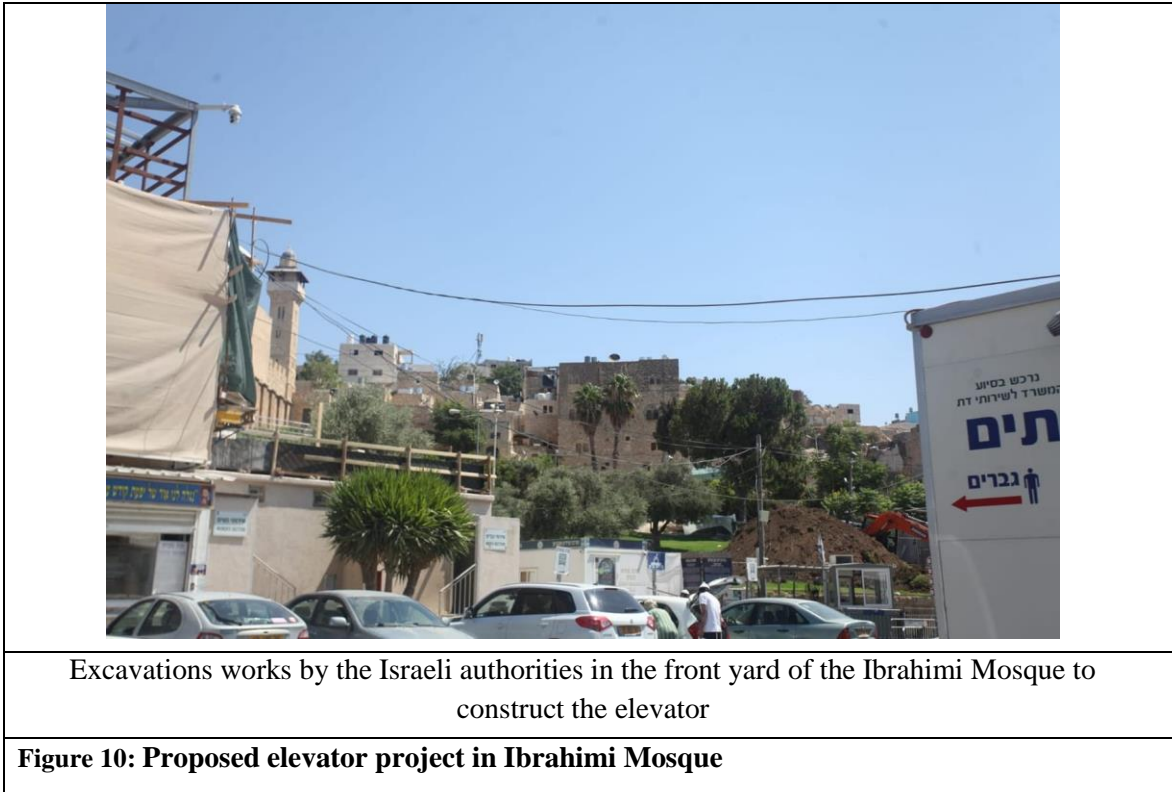
- On 12 May 2020, the Israeli authorities issued an order to expropriate part of the Ibrahimi mosque front yard in order to construct a passageway and an elevator claiming to allow settlers with disabilities to access to the mosque as they claimed. (Figure 8).



A 3d simulation for the elevator that the Israeli Authorities decided to construct at the entrance of the Ibrahimi Mosque.



Excavations works by the Israeli authorities in the front yard of the Ibrahimi Mosque to construct the elevator



The construction of the passageway and the elevator is the most prominent action by the Israeli authorities following the inscription of the Old Town of Hebron including the Ibrahimi Mosque on the World Heritage List and World Heritage List in Danger in 2017. Although Israel objected this inscription, however, being a state party to the 1972 World Heritage Convention, Israel is obliged to refrain from damaging any site on the List according to Article 6 paragraph 3 of the 1972 convention²⁸.

Furthermore, the Hebron Protocol stipulates the transfer of civil powers and responsibilities to the Palestinian side in H2 area including the Old Town except for “Jewish properties” as per article 10²⁹. In addition, Israel recognized the responsibility of the Hebron Municipality over planning, zoning and building in the City of Hebron including in the Old Town. The Hebron protocol states that “the two parties are equally committed to preserve and protect the historic character of the city in a way which does not harm or change that character in any part of the city”. When any construction is to be planned in the vicinity of sites mentioned in article 11.2.1

²⁸ The World Heritage Convention 1972. The General Conference of UNESCO adopted on 16 November 1972 in Paris- (17th session). <https://whc.unesco.org/en/convention/>

²⁹ Protocol Concerning the Redeployment in Hebron. 1997. <https://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Protocol%20Concerning%20the%20Redeployment%20in%20Hebron.aspx>

of the Hebron Protocol including the Ibrahimi Mosque³⁰ it has to be coordinated through the DCL based on the request of Israel. In this context, Israel has recognized the importance of the site for Palestinians and agreed that the site ought to be managed by the Palestinian Awqaf Ministry.

Israel moving ahead with the plan constitutes an annulment of the agreement that stipulates the Palestinians are responsible for the site. Seizing the responsibility of the site from Hebron municipality and the Palestinian Awqaf Ministry would result in the further loss of Palestinian access to the site and enable the settlers to demand additional changes in the Ibrahimi Mosque³¹, which might further jeopardise the Outstanding Universal Value of the Site.

The Palestinian Ministry of Awqaf and Religious Affairs³², warned of the gradual and consistent Israeli efforts to completely seize the Ibrahimi Mosque in the city of Hebron. The Deputy Minister stated that, "The Israeli policy in the Ibrahimi Mosque is provocative, with ambitions and malicious intentions, through which Israel is trying to completely take over the holy site, step by step, after it seized the majority of it." He added that "the Israeli attempts to seize the powers of the Awqaf continues at a large and rapid pace," calling on the international community and UNESCO to put their decisions into effect, given the grave and urgent nature of what is happening in the Ibrahimi Mosque and surrounding area.

Moreover, the Palestinian Ministry of Awqaf and Religious Affairs denounced the occupation forces for placing a lock on the Yusufiya door in the Ibrahimi Mosque.

In January 2022. Sheikh Hatem Al-Bakri, Minister of Awqaf and Religious Affairs, denounced the Israeli occupation authorities' installation of six "mobile bathrooms" in the outer courtyards of the usurped section of the Ibrahimi Mosque³³.

3. Undermining local Cultural Heritage Organization's work in the Old Town

The Hebron Rehabilitation Committee (HRC) was established by a presidential decree issued by the late President Yasser Arafat in August 1996, with the aim of preserving the Old Town of Hebron and its cultural heritage and to confront the Israeli settlement scheme that targets the Old Town. The HRC worked on restoring buildings, re-inhabiting abandoned ones, rehabilitating infrastructure, preserving cultural heritage and the unity of the urban fabric as well as improving the living conditions of the residents by providing various social services.

³⁰Protocol Concerning the Redeployment in Hebron. 1997. <https://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Protocol%20Concerning%20the%20Redeployment%20in%20Hebron.aspx>

³¹ Emek Shaveh. 2020. Humanitarianism Hebron Style. <https://emekshaveh.org/en/humanitarianism-hebron-style/>

³² Al Jazeera Media Network. 24.02.2020. A new Project strengthens Israeli control of the Ibrahimi Mosque. <https://www.aljazeera.net/news/politics/2020/2/24>. in arabic

³³ Palestine News Network (PNN). 2022. The Ministry of Awqaf condemns the occupation's installation of "mobile bathrooms" in the courtyards of the Ibrahimi Mosque. <http://pnn.ps/news/626400-Jan-2022>. (in Arabic)

Based on the above, the responsibility for the rehabilitation of the Old Town's buildings rests with the Hebron Rehabilitation Committee (HRC), which has achieved a set of goals. Since its establishment, the HRC contributed to preserve the Old Town's authenticity, Arabic and Islamic identity, and it managed to stop the settlement encroachment on the neighbourhoods of the Old Town and preserving the buildings of the Old Town and the Ibrahimi Mosque. In the Old Town, HRC works to improve the living conditions and to support tourism, stem the migration of its residents and encourage supporting the reintegration of the previously displaced population.

Despite the important role of the HRC in preserving Palestinian and human heritage, the Israeli authorities, systematically, prevent Palestinian cultural heritage preservation interventions carried out by HRC experts. The HRC states that in 1996, the Israeli authorities issued military orders to ban access to pre-identified areas, where conservation and restoration would not be allowed. This action put at risk of continuous deterioration and ultimate collapse and destruction distinctive landmarks such as (Khan Al-Khalil, Al-Khan Agency, Barakat Al-Sultan, etc.). These military orders and prevention of access and restoration also applies to large parts of a-Shuhada Street, AsSahla Street, Al-Kayyal Land, the old Hisbah (whole sale market) area and many others. These orders are not only still in effect, but the target areas have been enlarged.

The areas demarcated in red as per the maps below in (Figure 9) are building around old Hisbah area and they are in poor physical conditions and they are part of the World Heritage Property fabric. Continuing this policy would adversely impact a physical attribute of the world Heritage property and its Outstanding Universal Value.

A military order was issued in **1997** to ban the restoration and living in nearly 22 buildings in the Old Town of Hebron. The Israeli occupation forces and police prevented workers from the Hebron Rehabilitation Committee to continue their work in renovating the house Majed Jaber - Jaber Neighborhood , located in the east of the Abraham's Mosque on Monday morning 11/6/2012. These orders came at odds with the Israeli State of Occupation obligations under Hebron Protocol of 1997³⁴.

The Israeli civil administration of the Israeli occupation prevented restoration workers in one of the projects of Hebron Rehabilitation Committee from carrying out their work in restoration of historic buildings located east of Abraham's Mosque in the Old City of Hebron on Sunday afternoon, 7/10/2012³⁵. Moreover halted work on the reconstruction project supervised by Hebron Rehabilitation Committee implemented by the company, "Rose for Public Contractions" and that in Sinokrot Family building, east of Abraham's Mosque on Wednesday afternoon, 23/1/2013³⁶. A patrol of the Israeli occupation army prevented a technical worker of Hebron

³⁴ Hebron Rehabilitation Committee (HRC). Israeli violations in the old city of Hebron. <http://www.hebronrc.ps/index.php/en/israeli-violations-in-the-old-city?start=130>

³⁵ Hebron Rehabilitation Committee (HRC). October 2012. Israeli violations in the old city of Hebron. <http://www.hebronrc.ps/index.php/en/israeli-violations-in-the-old-city/1111-1111>

³⁶ Hebron Rehabilitation Committee (HRC). January 2013. Israeli violations in the old city of Hebron. <http://www.hebronrc.ps/index.php/en/israeli-violations-in-the-old-city/1238-1238>

Rehabilitation Committee from working in the maintenance of the electric power network in Raed Abu Rumeileh shop in the market of the Old City of Hebron on Sunday afternoon, 27/1/2013.³⁷

On the 11th of April 2018, a number of Civil Administration Officers and Israeli Soldiers stopped the renovation work in a building which HRC has been working to rehabilitate in the market of the Old City. The building in question is owned by the Abu Asaab family. The officers and soldiers prevented workers from completing the renovation work in the aforementioned building and moreover asked workers to take out all materials used in the renovation work without supplying any justification for these demands.

Moreover, the Israeli civil administration not only stopping restoration but also demolished buildings as the military order No. 02/61/C issued in 2002 required the demolition of historical buildings in the old town of Hebron City to construct a street linking Kiryat Arba settlement with the Ibrahimi Mosque³⁸.

The General Director of HRC, Mr. Emad Hamdan, said that this is not the first time that Israeli soldiers stopped and prevented the completion of many renovation works of HRC's projects. He mentioned that prevention acts of construction and renovation in the old town and its environs under false pretenses aim to stop the movement of construction and maintenance of architectural and cultural heritage surrounding Abraham's Mosque and near settlements. That is to facilitate domination of the land, settlement expansion and the seizure historical legacy and thus aims to thwart the revival of the Old City, displace it of its inhabitant and Judaize the area in its entirety³⁹.

(Figure 10) documents some of the hundreds of cases when the Israeli authorities prevent by force the teams of the HRC from continuing the restoration works in historic buildings in the Old Town. These policies and actions by Israeli authorities aim to hinder the conservation of the cultural heritage or improvement to the basic human rights or adequate living conditions for residents.

The settlers, under the protection of Israeli forces, also have a long history of obstructing the restoration work carried out by the Hebron Rehabilitation Committee. Many projects have been attacked by settlers, whether by stealing or sabotaging materials needed for restoration work, or by attacking workers and technicians carrying out the repair work. The most recent was the assault on workers while they were working on maintaining the roofs of the shops adjacent to the old bus station near the Al-Qazzazin Mosque.

³⁷ Hebron Rehabilitation Committee (HRC). January 2013. Israeli violations in the old city of Hebron. <http://www.hebronrc.ps/index.php/en/israeli-violations-in-the-old-city/1240-1240>

³⁸ Hebron Rehabilitation Committee (HRC). 2014. Hebron's Old City Preservation and revitalization master plan. <http://hebronrc.ps/images/stories/MP%20English.pdf>

³⁹ Hebron Rehabilitation Committee (HRC). April 2018. Israeli violations in the old city of Hebron. <http://www.hebronrc.ps/index.php/en/israeli-violations-in-the-old-city?start=130>

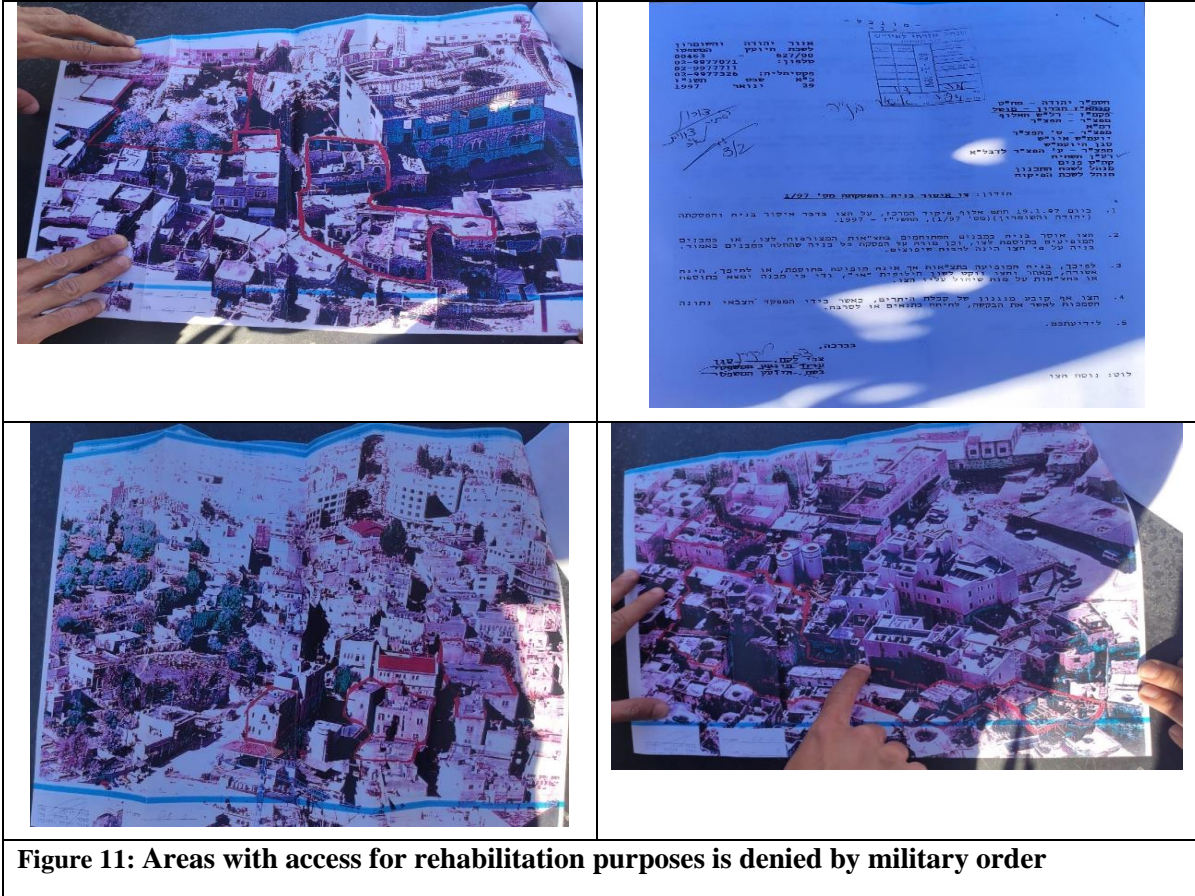


Figure 11: Areas with access for rehabilitation purposes is denied by military order





Figure 12: Stopping HRC team during restoration works

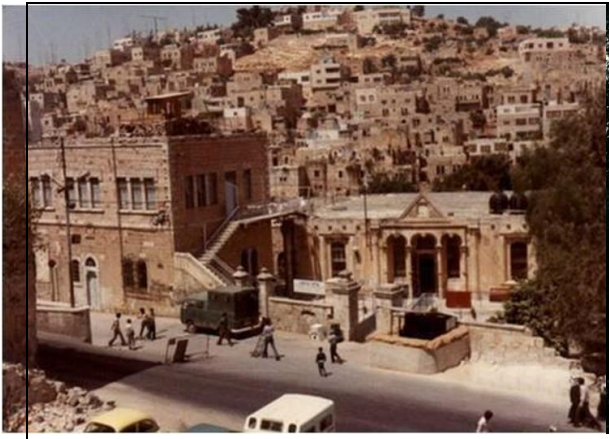


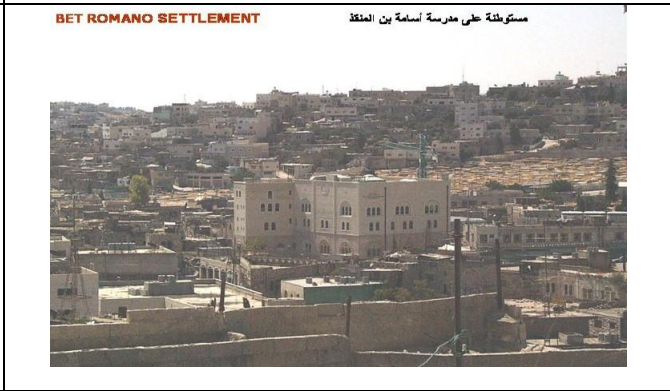
HRC General Director Emad Hamdan said that leaving the houses abandoned and neglected for a long period without rehabilitation or maintenance, will inevitably lead to damage building elements and weaken their interconnectedness, making them vulnerable to collapse. The best way to preserve the vitality and sustainability of these historical buildings is to rehabilitate and populate them, whether by rehabilitating them with the population them again either for residential or for other means. This is what the occupation authorities have been opposing for two decades.

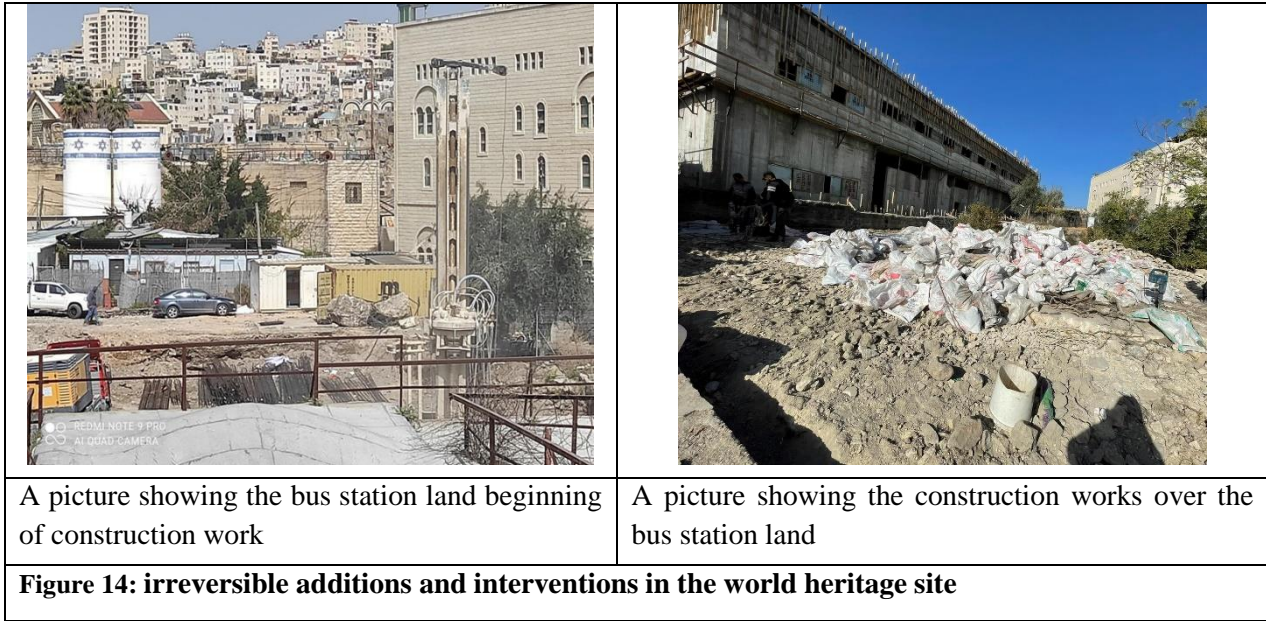
The ordinary situation of the rehabilitation work executed by the HRC in the Old City doesn't require coordination with the Israeli Civil Administration (ICA). Coordination is not carried out between the HRC and ICA of the occupation directly. It is done through official roads through the Palestinian civil liaison, where a request is submitted by the HRC for the Palestinian General Authority for Civil affairs, which in turn does the necessary work, and in the event that the ICA responds to the request, the HRC is informed, which proceeds to implement the works under the supervision of the Palestinian National Authority, Palestinian Civil Liaison.

4. Irreversible interventions / Incompatible additions

The historic fabric of the Old Town, which dates back to the Mamluk and Ottoman era, is characterized by its homogenous components and human scale structures. However, the Israeli authorities are erecting huge structures compared to the historic ones, which distorts the visual character of the historic fabric. The Israeli settlers are illegally adding physically damaging and obstructive building construction in the Old Town as they strive for more expansion without paying attention to the irreversible damage caused to a World Heritage Property (see Figure 11, 12). The Israeli settlers' constructions in the Old Town are not compatible in scale or proportion with the surrounding context, block historic viewpoints and change the silhouette of the target

areas (See Figure 13). Furthermore, the materials used in construction are odd in colour and in texture and can be easily identified as illegal settlement constructs.

	
<p>Before: AdDaboya: used as health centre</p>	<p>After: Beit Hadassah settlement</p>
	
<p>Before: Ibn Monqith school</p>	<p>After: Beit Romano settlement</p>
<p>Figure13 : irreversible additions and interventions to important historic building in the old town</p>	



5. Illegal archaeological excavations

The most prominent example of illegal archaeological excavations is Tell Rumeida archaeological site or (Ancient Hebron). Under the pretence of a “salvage excavation” label, Israeli occupation forces and coordinating settlers conduct large scale and illegal digs in the historic site⁴⁰.

⁴⁰ Rjoob, A.A., 2010. Contested Management of Archaeological sites in the Hebron District. *Present Pasts*, 2(1), p.None. DOI: <http://doi.org/10.5334/pp.24>.

Previous excavations in the site revealed significant archaeological remains. However, the digs committed with the permission of the Israeli authorities put at risks archaeological remains found in the site that bear no value for the diggers. The risk of destroying historical evidences or falsifying and sabotaging others findings is part of the reason why archaeological excavations are not allowed in the event of armed conflict.

Despite that new settler constructions are outlawed, as per local and international laws, in 1984, radical Israeli settlers seized part of the site to build a new settlement on top of the archaeological remains. In 1998, the Israeli Prime minister promised settlers that the building of permanent houses would be allowed on the site, and in 2001 the Israeli government approved and financed the construction of ten apartments. Then in 2002, the Israeli Civil Administration approved a master plan to build another 15 apartments⁴¹. The damage caused to the archaeological remains due to the illegal excavations or the construction of the archaeological site is irreversible.

The Jewish community in Hebron celebrated the opening of a new archaeological park and biblical pathway in the biblical city's Tel Rumeida neighbourhood in October 2018. The establishment of the archaeological park as a tourist attraction in Tel Rumeida is intended to bring thousands of visitors deeper into the Palestinian area of Hebron, and to turn additional parts of Hebron into an Israelis-only area. Making it as a tourist site it will attract the visit of thousands of Jewish visitors to the site (which, as stated, "reveals a piece of Jewish history") strengthens their connection to the place and is an educational tool for the settlers to influence the public's positions in support of continued Israeli control of Hebron, while Palestinians live under Israeli military rule without full rights. The creation of a "biblical pathway" cut the Palestinian neighbourhood⁴² in half to provide a panoramic view of both the ancient city of Hebron and the Ibrahimi Mosque.

6. Deliberate demolishing of cultural heritage assets and settlement's expansion

In several documented cases, the Israeli authorities deliberately demolished historic buildings in the Old Town of Hebron to serve settlement plans including laying out new roads in the heart of the historic urban fabric to connect the settlements outposts together and with the Ibrahimi Mosque.

In 2002, the Israeli authorities bulldozed historic buildings and houses in Jaber neighbourhood to construct a road for settlers (see Figure 14). These houses are private ownership of Palestinians and they are significant components of the cohesive fabric of the Old Town. Besides the

⁴¹ B'Tselem. 2007. Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron. Jerusalem

⁴² The Jerusalem Post. 2018. From Bronze Age to First Temple: Archaeological site set to open in Hebron. <https://www.jpost.com/israel-news/from-bronze-age-to-first-temple-archaeological-site-set-to-open-in-hebron-569506>

destruction of valuable cultural assets, the act of demolishing wiped out memories of the Palestinian inhabitants connected to these houses and their surrounding spaces.

In addition, in 2021, the Israeli authorities demolished historic houses in Hosh Ashareef and Hosh Qafisheh, in the heart of the World Heritage Property. Israeli settlers raided the sites with bulldozers (see Figure 15).



Figure 16: Israeli bulldozers demolishing historic houses in Haret Jaber



Figure 17: Israeli bulldozers are removing the remains of Hosh Qafisheh and Asharif in the Old Town

7. Movement restriction in the Old Town and denying access to houses

The Israeli authorities deny Palestinian residents in a-Shuhada street access to their homes using their main entrance if directly overlook the street. The Israeli Security Forces control a-Shuhada Street using 6 main checkpoints⁴³ and 19 restriction tools such as fortified checkpoints and movement obstacles (military tower/concrete panels/cement cubes/blocks, barbed wire, metal grille, mesh fence, iron gate, gate (scissors), electronic gate)⁴⁴. Residents are not allowed to walk or drive through the Street, therefore, to access their homes, they are obliged to use alternative entrances through windows or using ladders to climb on the facades and enter their homes (Figure 16).

Moreover, closing the entrances to many houses and forcing residents to find new entrances, which led to a distortion of the nature of the architectural structure of houses and neighbourhoods, such as Beit Sami Zahida (Abu Heikal House) and Beit Owaidah on a-Shuhada Street. Moreover, closing windows closed in stones for “military purposes” and this is reflected in making houses environmentally poor and visually polluted (Figure 18).

In addition to blocking access to Palestinian homes, Israeli authorities also closed the entrances to the neighbourhoods and force the residents to find new indirect routes. This is seen in many areas including the Bani Dar neighbourhood, Tel Rumeida, Al-Ain Al-Jadida, Al-Salaymeh neighbourhood and the vicinity of the Ibrahim Mosque (See Figure 17).



Figure 18: The Israeli authorities close main gates of houses overlooking a-Shuhada street

⁴³ OCHA oPT. occupied Palestine Territory. <https://x-maps.maps.arcgis.com/apps/View/index.html?appid=d4385754a4dc48f1a2781df0c999950f&extent=32.6809,30.6899,37.2951,32.8381>

⁴⁴ United Nations Office for the Coordination of Humanitarian Affairs (OCHA). West Bank thematic Maps. <https://www.ochaopt.org/atlas2019/wbthematic.html>



Figure 19: The Israeli authorities close the main entrance to Tel Rumeida and Al-Ain Al-Jadida



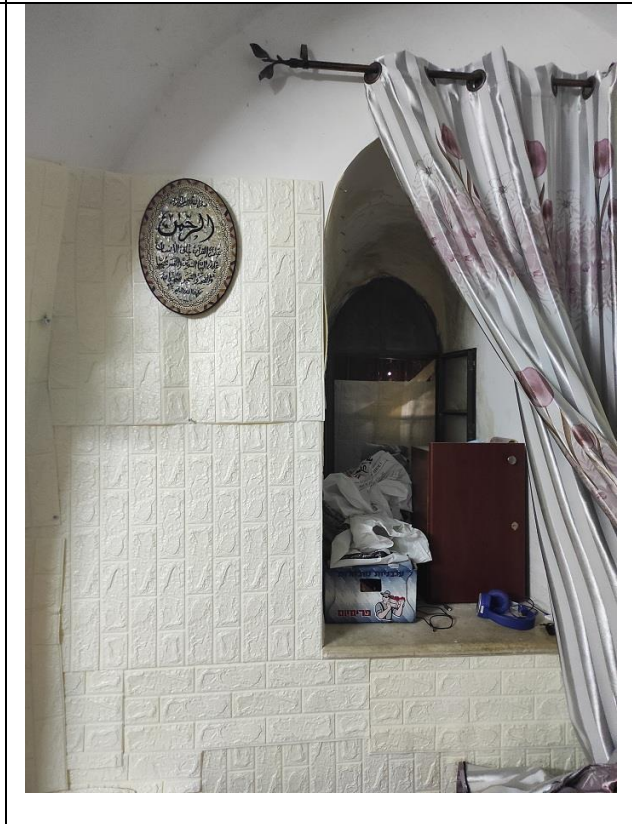
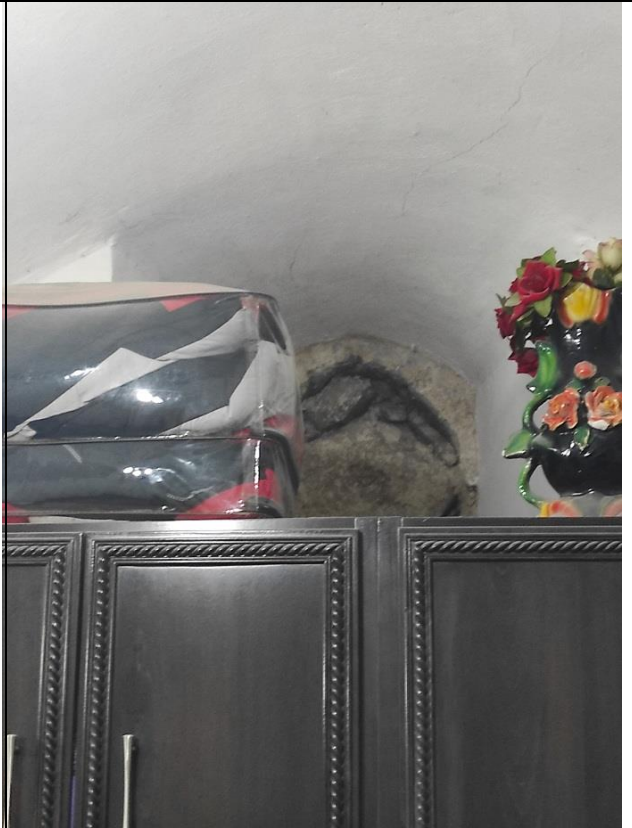


Figure 20: The Israeli authorities close doors and windows for many houses for military purposes

8. Confiscation of land and buildings

In addition, the Israeli settlers are breaking into closed Palestinian shops through rear facades and illegally utilizing the spaces without permission from the rightful owners (Figure 19).



Figure 21: Israeli settlers are using the closed offices of Al Ja’bari gas station and shops in the gold market

9. Antiquities looting and illicit trafficking

Archaeological sites and historical buildings are regularly broken into by Israeli settlers under the guide and protection of the Israeli Security Forces. During these regularly occurring break-ins, architectural elements have been stolen and vandalized. This specifically occurred in Birket AsSultan Staircase, the Zaatari Family House, and Jaber neighbourhood, east of the Ibrahimi Mosque (Figure 20).



An Israeli Settler sstealing historic stones from the stairs of Birket AsSultan



Israeli soldier is helping a settler to steal stones from historical building

Figure 22: Antiquities looting in the old city of Hebron

10. Changing the names of streets, neighbourhoods and heritage monuments

Furthermore, the installation of several information signs and streets names in Hebrew in the Old Town is an attempt to remove and change historic names and narratives, and further remove the Palestinian identity (Figure 21).



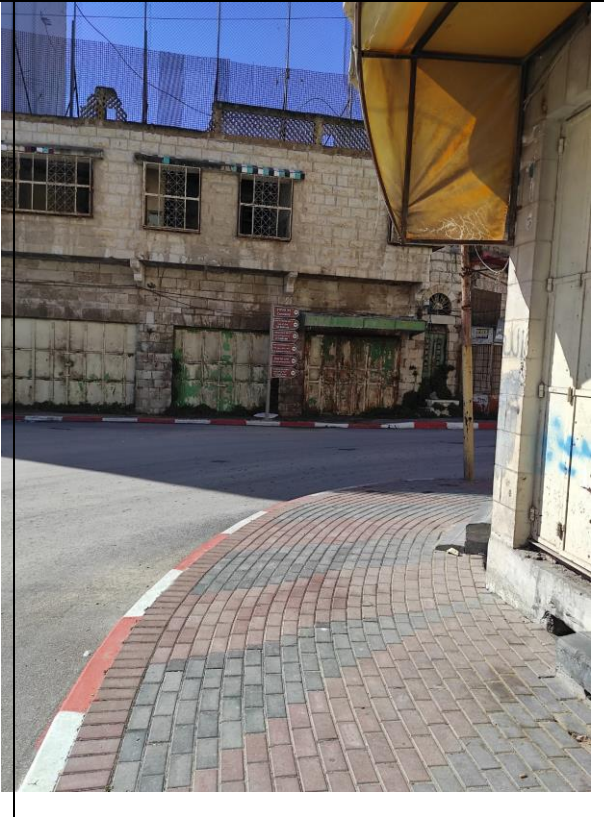
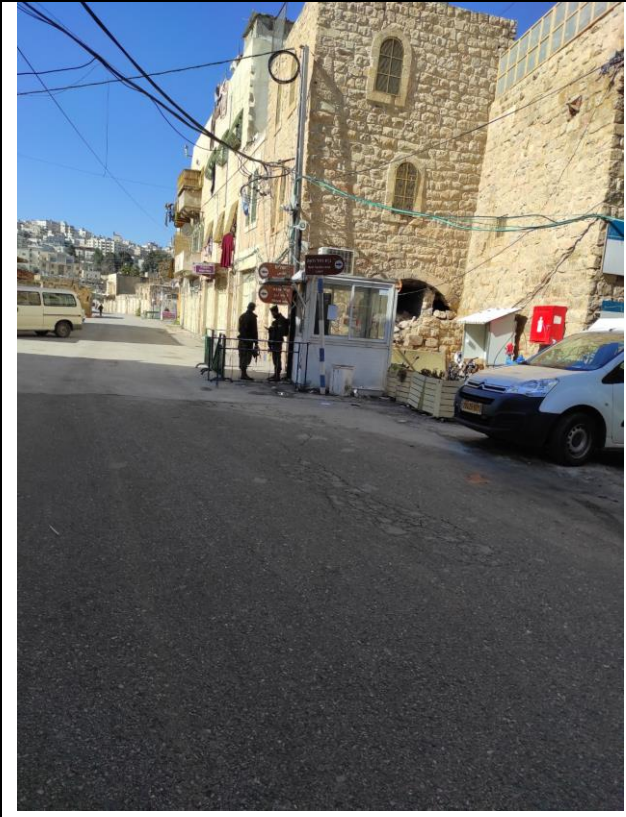




Figure 23: Removing Palestinian identity and historical names from streets and areas

11. Living heritage in danger

Cultural heritage does not end at monuments and collections of objects, it includes traditions or living expressions inherited from ancestors and passed on to descendants, such as oral traditions, performing arts, social practices, rituals, festive events, traditional knowledge and practices or the knowledge and skills to produce traditional crafts⁴⁵.

The UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage works with member states, groups and individuals of the bearers of heritage to a) safeguard the intangible cultural heritage; (b) ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned; (c) raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;

There are many threats to the living heritage of a group or a community. Among these threats are the negative attitudes including conflict, which is a discord between or within communities, recent or **ongoing armed conflicts** affecting practice or transmission of traditional practices and expressions. Another threat is theatrification or the practice of intangible heritage outside its usual context possible leading to reduction of repertoire, diminishing participation and loss of significance⁴⁶.

In the case of the Old Town of Hebron, both threats above encountered the living heritage of the community. The Israeli occupation pushed the original residents of the Old Town of Hebron outside its rich cultural context. Hebron Old Town was known for many cultural practices and traditions practiced by the people living there. It is the cradle of many traditional handicrafts, which original knowhow was transferred through the successive generations. The making of glass, pottery and ceramics making in addition to leather dying were developed in the context of

⁴⁵ UNESCO. What is intangible heritage?. <https://ich.unesco.org/en/what-is-intangible-heritage-00003>

⁴⁶ UNESCO. Living heritage and threats. <https://ich.unesco.org/dive/threat/>

the Old Town, in addition to the traditional cuisine and the processing of food derived from the agricultural environment.

Furthermore, the traditions related to cultural landmarks such as those related to the Ibrahimi Mosque, the Tikiya, AsSultan pool and public baths.

The displacement of the Old Town residents and the close of their shops and businesses was a stark disconnection in the continuity of living heritage transmission. Further, the inability of the new generations to connect with the Old Town due to security conditions puts the living heritage of Hebron at high risk.

V. The international rules on the protection of cultural heritage in armed conflict including belligerent occupation, applicable

1. The law of armed conflict (LOAC)⁴⁷

The main source of the international rules on the protection of cultural property in armed conflict is the law of armed conflict (LOAC), also known as international humanitarian law (IHL). The pertinent rules of LOAC are found in several multilateral treaties and in customary international law.

- Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Hague Convention 1954)⁴⁸ and its two protocols⁴⁹.

The centrepiece of the relevant treaty-law is the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict ('1954 Hague Convention') and the Regulations for the Execution of the Convention, concluded in 1954. The 1954 Hague Convention is supplemented by two optional protocols, one concluded in 1954 and known as the First Protocol, the other a Second Protocol concluded in 1999. Together these three treaties provide a detailed international legal framework for the protection of cultural property during armed conflict, including belligerent occupation. Aspects of this framework are elaborated on in non-binding fashion by the Guidelines for the Implementation of the 1999 Second Protocol, as endorsed and amended by the Meeting of the Parties to that Protocol.

The 1954 Hague Convention establishes a two-tiered regime of protection. The majority of its provisions serve to protect all objects, buildings and sites qualifying as 'cultural property' under article 1, while a handful of provisions apply only to a select category of cultural property under so-called 'special protection'. For its part, and with the ultimate aim of replacing special protection with a more comprehensive system of protection, the 1999 Second Protocol provides for a select tier of cultural property under 'enhanced protection', a level of protection

⁴⁷ O'Keefe, Roge, Camille Péron, Tofiq Musayev, Gianluca Ferrari. 2016. Protection of cultural property- military manual. UNESCO

⁴⁸ the Hague Convention: Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954. The Hague, 14 May 1954

⁴⁹ the Hague Convention: First Protocol, The Hague, 14 May 1954 - Second Protocol, The Hague, 26 March 1999

supplementary to that provided by the Convention and Second Protocol to all cultural property within the meaning of article 1 of the Convention.

In the event of a non-international armed conflict occurring in the territory of a High Contracting Party, each party to the conflict shall be bound to apply, as, a minimum, the provisions which relate to respect for cultural property

The parties to the conflict shall endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. This also applies if one party has signed the Second Protocol and the other has not. The second Protocol makes the whole convention applicable

The State of Palestine ratified the 1954 Hague Convention and its two protocols on 22 March 2012. While Israel ratified the convention and only its first protocol on 03 October 1957.

- Customary international law of armed conflict

Even where a state is not party to one or other treaty regulating the protection of cultural property in armed conflict, it remains bound by obligations imposed by the customary international law of armed conflict—that is, by what might loosely be called ‘unwritten’ rules of international law, developed over time through the maintenance among states of a general practice accepted as law. As it relates to cultural property, the content of this customary international law of armed conflict mirrors to a large extent the rules embodied in treaty form in the 1954 Hague Convention and its two Protocols.

2. International criminal law (ICL)⁵⁰

A significant source of rules of international law for the protection of cultural property in armed conflict is international criminal law (ICL), the part of international law that deals with the criminal responsibility of individuals and the rights and obligations of states in relation to it.

(a) War crimes

The most relevant body of rules of ICL in the present context is the law of war crimes. A war crime is a violation of LOAC that gives rise to the criminal responsibility of the perpetrator under international law, whether customary or treaty based. Perpetrators of war crimes may find themselves prosecuted before a national criminal court, military or civilian, and whether in their own state or in another. Various LOAC treaties oblige states parties to prosecute criminal violations of their substantive provisions, including on extraterritorial bases. Alternatively, perpetrators of war crimes may find themselves prosecuted before an international criminal court or tribunal.

⁵⁰ O’Keefe, Roge, Camille Péron, Tofig Musayev, Gianluca Ferrari. 2016. Protection of cultural property- military manual. UNESCO

Both the destruction or damage and the misappropriation of cultural property during either international armed conflict (IAC), including belligerent occupation, or non-international armed conflict (NIAC) can amount to a war crime, and many perpetrators have been convicted of such crimes by both national and international criminal courts and tribunals, including by the International Military Tribunal at Nuremberg, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Court (ICC)⁵¹.

Under article 28 of the 1954 Hague Convention, states parties are obliged ‘to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the Convention’. More precisely, chapter 4 (‘Criminal responsibility and jurisdiction’) of the 1999 Second Protocol to the 1954 Hague Convention specifies a range of war crimes, referred to as ‘serious violations’ of the Protocol, **involving violations of the Second Protocol and of the Convention itself**. It also imposes on states parties a detailed array of obligations, including of prosecution on extraordinary jurisdictional bases, in respect of persons suspected of criminal responsibility for serious violations of the Protocol. In addition, and without prejudice to article 28 of the Convention, article 21 of the Second Protocol obliges states parties to adopt ‘such legislative, administrative or disciplinary measures as may be necessary to suppress’ any intentional use of cultural property in violation of the Convention or Second Protocol and any intentional illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the Convention or Protocol.

Criminal responsibility for war crimes extends under international law not just to those who physically commit the crime but also to those who in some way intentionally participate in it, whether by ordering it, aiding, abetting or otherwise assisting in it, or contributing to a common plan to commit it. Additionally, military commanders who fail, intentionally or just negligently, to take all necessary and reasonable measures within their power to prevent or repress such acts or to submit them to the competent authorities for the purpose of investigation and prosecution can be held criminally responsible for the war crimes of their subordinates.

(b) Crimes against humanity

The intentional destruction of cultural property on discriminatory grounds can also constitute the crime against humanity of persecution when it is committed as part of a widespread or systematic attack against a civilian population, and both the Nuremberg Tribunal and the ICTY convicted perpetrators on this count⁵². As with war crimes, criminal responsibility under international law for crimes against humanity encompasses not just physical perpetrators but also those who intentionally participate in the crimes some other way and to military commanders who intentionally or negligently fail to take all necessary and reasonable measures within their

⁵¹ [United Nations- International Residual Mechanism for Criminal Tribunals](https://www.icty.org/en/cases). Cases.: <https://www.icty.org/en/cases>

⁵² O’Keefe, Roge, Camille Péron, Tofig Musayev, Gianluca Ferrari. 2016. Protection of cultural property- military manual. UNESCO – Appendix IV- Criminal cases on the protection of cultural property in armed conflict. Page 89-91

power to prevent or repress such crimes or to submit them to the competent authorities for the purpose of investigation and prosecution.

3. International human rights law (IHRL)

A number of guarantees under international human rights law (IHRL) are relevant to the protection of cultural property in armed conflict. The most applicable is article 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights 1966, which guarantees to everyone the right to take part in cultural life. This right is taken to impose on states parties to the Covenant an obligation to ‘respect and protect cultural heritage in all its forms, in times of war or peace’, in the words of General Comment No 21 of the Committee on Economic, Social and Cultural Rights.

As General Comment No 21 indicates, IHRL does not cease to apply in armed conflict. At the same time, the jurisprudence of the International Court of Justice suggests that whether a state has complied during armed conflict with its IHRL obligations in relation to cultural property is to be assessed by reference to the standards provided by the relevant rules of LOAC.

In practice, when it comes specifically to the protection of cultural property in armed conflict, military forces need not concern themselves independently with the obligations imposed by IHRL, since compliance with the relevant rules of LOAC guarantees compliance with the corresponding rules of IHRL. By the same token, however, a violation of the relevant LOAC can constitute in addition a violation of IHRL.

4. Rome Statute of the International Criminal Court⁵³

Part 2 of the Rome Statute of the International Criminal Court, titled Jurisdiction, Admissibility And Applicable Law, and in article 8 titled War Crimes states:

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.
2. For the purpose of this Statute, "war crimes" means:
 - (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, **historic monuments**, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

5. The World Heritage Convention⁵⁴

The 1972 Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention), adopted under the auspices of UNESCO. Article 4 of the World Heritage Convention obliges states parties to protect any cultural sites on their territory covered

⁵³ <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

⁵⁴ The World Heritage Convention 1972. The General Conference of UNESCO adopted on 16 November 1972 in Paris- (17th session). <https://whc.unesco.org/en/convention/>

by the Convention, while article 6(3) obliges the parties not to take any deliberate measures that might damage, directly or indirectly, any protected cultural sites situated on the territory of another state party.

The World Heritage Convention does not cease to apply in armed conflict. However, by analogy with the relationship between IHRL and LOAC, whether a state party to the World Heritage Convention has complied with its obligation to protect cultural sites on its territory covered by the Convention or with its obligation not to take deliberate measures that might damage protected sites on another party's territory is to be assessed in the light of the relevant rules of LOAC.

In practice, as with IHRL, when it comes to the protection of cultural property in armed conflict military forces do not independently deal with the obligations imposed by the World Heritage Convention due to the fact that compliance with the relevant rules of LOAC guarantees compliance with the World Heritage Convention and a breach of LOAC can amount further to a breach of the World Heritage Convention. Moreover, when sentencing persons convicted of war crimes involving the destruction or damage of cultural property, both the ICTY and the ICC have considered a site being listed on the World Heritage List as adding to the gravity of the offence.

It is worth noting that the World Heritage Convention can in fact assist military forces to comply with the rules of LOAC. The inclusion of a cultural site on the World Heritage List or on a 'tentative list' submitted to the World Heritage Committee, in accordance with article 11(1) of the Convention, by a state party and, when it comes to forces in the field, the presence on or near a cultural site of the World Heritage Emblem⁵⁵ are in practice conclusive indicators that the site is of sufficient importance to the cultural heritage of the state concerned to be considered 'cultural property' for the purposes of the 1954 Hague Convention and other relevant rules of LOAC. These lists are readily accessible online⁵⁶.

It is also worthy to highlight that article 11 of the Convention states that the inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.

The State of Palestine ratified the Convention on 8 December 2011, while Israel accepted it on 6 October 1999.

⁵⁵ UNESCO. World Heritage emblem. <https://whc.unesco.org/en/emblem/>

⁵⁶ UNESCO. World Heritage List. <https://whc.unesco.org/en/list/>

6. 1970 UNESCO Convention⁵⁷

A key component in the international legal fight against the illicit traffic in cultural objects is the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970, adopted under the aegis again of UNESCO. The Convention is indirectly relevant to military forces involved in armed conflict, including belligerent occupation, in two ways, both of which should serve as disincentives to unlawful conduct. First, article 8 of the Convention increases the likelihood of prosecution of personnel who, in the course or at the close of active service, smuggle cultural objects out of a country or smuggle certain cultural objects into another. Article 8 requires states parties to impose penalties or administrative sanctions on any person responsible for the unlawful export of cultural property from their territory or for the unlawful import into their territory of documented cultural property stolen from a museum, public monument or similar.

Secondly, the obligations shouldered by states parties under articles 7 and 13 increase the likelihood that any cultural objects trafficked by military forces on active service are seized and repatriated. Pursuant to article 7(b)(ii), states parties must, at the request of the state party of origin, take appropriate steps to recover and return cultural property stolen from a museum, public monument or the like and imported after the entry into force of the Convention; and, pursuant to article 13(c), states parties must, consistent with their national law, admit actions for recovery of any stolen cultural property brought by or on behalf of its rightful owners. In accordance with article 13(b), states parties must ensure that their heritage services cooperate in facilitating the restitution to its rightful owner of illicitly exported cultural property. In this latter regard, article 11 requires states parties to regard as illicit for the purposes of the Convention the export of cultural property under compulsion arising directly or indirectly from belligerent occupation.

The State of Palestine ratified the convention on 22 March 2012. Israel is not a State Party to this convention.

VI. The Israeli Violations from the lens of International Laws on the protection of cultural heritage

This section presents an overview of the situation of cultural heritage in the Old Town of Hebron and the Israeli violations of the international rules on the protection of cultural property in armed conflict including belligerent occupation.

Facts that form the basis for discussion:

- The Old Town of Hebron is part of the Occupied Palestinian Territory as recognized by the United Nations resolutions. Israel is the Occupying power.

⁵⁷ Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970. The General Conference of UNESCO, from 12 October to 14 November 1970 in Paris- (16th session). http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html .

- The Oslo Accords of 1995 is a bilateral Israeli-Palestinian agreement, which organized the relationship between the two parties. A specific agreement was further negotiated and signed between the two parties on Hebron called the Hebron Protocol in 1997.
- Palestine has been treated by the United Nations since 2011 as a non-member observer State, which entitled Palestine to join UN Agencies, programmes and treaties. Consequently, Palestine became a full member of UNESCO and ratified its 6 cultural conventions.
- The ratification of the 1972 UNESCO convention by the State of Palestine allowed for inscribing Palestinian nominated sites on the World Heritage List. The site of Hebron/Al-Khalil Old Town was inscribed on the World Heritage List and the World Heritage List in Danger in 2017.
- The Israeli measures conducted in the Hebron Old Town and the Ibrahimi Mosque in support of the Israeli settlement project constitute an unquestionable violation of the basic international provisions on the protection and conservation of cultural heritage in a context of armed conflict.
- On technical terms, the Israeli measures jeopardise intrinsic heritage values including the Outstanding Universal Value of a heritage site for humanity. Violating this value puts the property at risk of losing its unique attributes and hence lose its internationally recognized value and status.
- Endangered world heritage entails the support of the international community to overcome threats and risks. A modality of support is specified in the 1972 World Heritage Convention.

In light of the above listed facts, the Israeli violations of the international rules on the protection of cultural property in the case of the Old Town of Hebron can be summarised as follows:

Spatial fragmentation and control of urban spaces in the Old Town:

1. The fragmentation of urban spaces resulted from the Israeli military control have had a devastating impact on the once-vibrant social and cultural life of the Old Town of Hebron. Thousands of Palestinian residents were obliged to leave their homes and businesses due to the harsh living environment. Cultural activities in general have been halted and cultural practices were limited to seasonal occasions and subject to stable security situation. As elaborated by the International Court of Justice (ICJ) in its 2004 Advisory Opinion on the Legal Consequences Arising from the Construction of the Wall in the Occupied Palestinian Territory, Israel is under a clear obligation to respect and protect the rights of the Palestinian population in the OPT, in accordance with its obligations as an Occupying Power under international humanitarian law. The ICJ held that “Israel is bound by the provisions of the International Covenant on Economic, Social

and Cultural Rights⁵⁸”. In this regard, the Israeli measures against the holistic cultural scene in the Old Town of Hebron is a violation of the international human rights law (IHRL) as per article 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights 1966, which guarantees to everyone the right to take part in cultural life.

2. The restriction of movement and the alteration of the Old Town’s system of urban circulation contradict the provisions of the 1972 World Heritage Convention, which calls for protecting, conserving and managing heritage for humanity and transmitting it for future generation. Facilitated access to visitors, tourists and specialized professionals is among the first requirements for cherishment and appreciation on one hand and for the effective conservation, management and promotion of the World Heritage on the other.

Violations against the Ibrahimi Mosque:

1. Violations against the Ibrahimi Mosque are multi-layered and systematic. First, imposing checkpoints, gates and movement restrictions as well as constructing the elevator and other additional structures, Israel is violating article 4 of the 1954 Hague Convention, which states that The High Contracting Parties undertake to respect cultural property in their own territory and in the territory of other signatories. Accordingly, Israel should refrain from any act of hostility, directed against the cultural property. In addition, Israel is breaching the provisions of the 1972 World Heritage Convention especially article 6(3) of the convention, which states that “Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage”. Israel, the occupying power, is not showing respect to the status of World Heritage and continues to prevent smooth access to the Ibrahimi Mosque from all directions and obstructs restoration works. Second, the damage caused to the historic stones of the Ibrahimi Mosque’s eastern Façade as a result of lighting candles by the Jewish prayers without being prevented by the authorities holds Israel, the occupying power, responsible for damaging part of a physical attribute that contributes to the Outstanding Universal Value of a World Heritage Site.

Undermining local Cultural Heritage Organization’s work in the old city

1. This act is a grave violation of the 1954 convention article 5(1) which states that: Any 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. In case of cultural heritage damaged by military operations (or in this case caused by military orders), it is the responsibility of the Occupying power to take the necessary measures to support the

⁵⁸ Al-Haq. 2011. International Covenant on Economic, Social and Cultural Rights (ICESCR)- Parallel Report: To the Committee on Economic, Social and Cultural Rights on the Occasion of the Consideration of the Third Periodic Report of Israel. 47th Session 14 November – 2 December 2011. Ramallah-West Bank. https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/ISR/INT_CESCR_NGO_ISR_47_9141_E.pdf

competent national authorities in the preservation as per article 5(2) of the 1954 convention.

Irreversible interventions / Incompatible additions

1. The huge new constructions around the settlements inside the boundary of the World Heritage property are alien additions that are not paying the minimal attention required for the preservation of the Outstanding Universal Value and the physical attributes of the property especially its visual integrity.
2. According to Article 6 paragraph 3. Of the 1972 convention states that “Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention”. Based on this paragraph, all the measures that disparage the World Heritage Property, should be hold responsible vis-a-vis the international community.
3. In a normal context, conservation projects, architectural additions and urban projects must go through specific channels of approval according to the operational guidelines for the implementation of the World Heritage Convention. As indicated in paragraph 172 of the operational guidelines.

Deliberate demolishing of cultural heritage assets and settlement’s expansion

1. Both the destruction or damage and the misappropriation of cultural property during either international armed conflict (IAC), including belligerent occupation, or non-international armed conflict (NIAC) can amount to a war crime⁵⁹. The deliberate demolishing of historic buildings in Haret Jaber to open a road between Qiryat Arba settlement and the Ibrahimi Mosque as well as the deliberate destruction of Hosh Qafisheh and Asharif in the heart of the Old Town can amount to a war crime. Precedents are recorded by the International Criminal Tribunal for the former Yugoslavia in 2004 and the International Criminal Court (ICC) for Mali in 2016.
2. The Outstanding Universal Value (OUV) of the World Heritage property in the Old Town of Hebron is derived from the values of the Ibrahimi Mosque and the Mamluk historic urban fabric. The deliberate destruction of parts of this fabric or the extensive alteration of its components would jeopardise the values inherent in this fabric and would negatively impact its OUV.

Movement restriction in the Old Town, denying access to houses and confiscation of land and buildings

1. In addition to violating human rights laws, these measures are contributing to the killing of the city as they lead to force displacement. The bearers of heritage are not connected to

⁵⁹ O’Keefe, Roge, Camille Péron, Tofig Musayev, Gianluca Ferrari. 2016. Protection of cultural property- military manual. UNESCO. Page 5

places of memory and therefore are not able to practice their heritage as it was inherited from previous generations.

Illegal archaeological excavations, Antiquities looting and illicit trafficking:

1. Looting of archaeological objects in the Old Town of Hebron by Israeli settlers protected by the Israeli military forces is a violation of the 1954 article 4(3), which states that “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”. The occupying power must prevent the illicit export of cultural property from occupied territory and must return illicitly exported property to the competent authorities of the occupied territory as per article 1 and 2 of the first protocol of the 1954 Convention.
2. Articles 7 and 13 of 1970 conventions increase the likelihood that any cultural objects trafficked by military forces on active service are seized and repatriated. Article 8 of the Convention increases the likelihood of prosecution of personnel who, in the course or at the close of active service, smuggle cultural objects out of a country or smuggle certain cultural objects into another. The three articles apply on the documented cases of Israeli soldiers dismantling historic tiles, however Israel is not a state party to the 1970 convention

Changing the names of streets, neighbourhoods and heritage monuments

1. Changing the historic names of streets, neighbourhoods and heritage monument has a serious impact on the identity of the places and the community living in. Israel, the occupying power is bringing about changes in the Old Town of Hebron, unlike the will of its residents and replaces historic names with newly created ones by force. The new names are written in Hebrew and are reflected on international mapping platforms such as google maps. Since the Palestinian residents in Hebron cannot influence these platforms, they are watching a real-time wiping out of memory of places they own and used to live in without having the possibility to transmit their lived heritage to their new generations.

VII. Recommendations

Israel’s violations against Palestinian cultural heritage are part of its overall controlling policies perpetrated against the Palestinian people. Israel systematically attempts to obliterate cultural heritage evidence that support Palestinian history and identity despite that such practices are banned by international legal instruments ratified by Israel. The Old Town of Hebron is an example of a site where Israel is causing irreversible damage to cultural heritage and

social cohesion. Therefore, this report recommends the following:

For Palestinian national and civil society institutions:

- The two major international legal instruments that are fully applicable to protect and conserve cultural heritage in the context of the Old Town of Hebron are the 1954 Hague Convention and its two protocols and the 1972 World Heritage Convention. To make use of the provisions of these legal instruments, an advanced technical and legal database should be maintained for documentation relevant to the status of Hebron Old Town cultural heritage including any threats or violations there against. This database will inform reports regularly submitted by the State of Palestine for UNESCO as part of the statutory processes of the ratified conventions. In the framework of the World Heritage Convention, threats posed on the Outstanding Universal Value need to be technically justified by specific expertise, especially those certified by ICCROM and ICOMOS (the UNESCO advisory bodies).
- The 1954 Hague Conventions and its two protocols offer additional layers of protection in the event of armed conflict. These are called special protection and enhanced protection. Palestine can examine listing historic monuments in the Old Town of Hebron under these categories. An emblem would be added to these buildings to make them visible for military forces not to target⁶⁰.
- As a signatory of the World Heritage Convention, Israel undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage situated on the territory of other States Parties to this Convention. International commitments of Israel to cultural heritage should be emphasized for Israeli courts investigating relevant cases brought by Palestinian people.
- The Israeli Government has prioritized protection and expansion of illegal settlements at the detriment of a Palestinian World Heritage Site. Therefore, an extensive media campaign is needed with comparison between actions taken against perpetrators of crimes against cultural heritage worldwide and those in Israel.
- Prepare a comparison report between the way Israel is treating its World Heritage properties and those located in the Occupied Territory (Palestine).
- Prepare extensive and regular reporting to the international community organizations especially international specialized organizations on cultural heritage on the Israeli violations against cultural heritage in Hebron's Old Town. This would accelerate international conservation community support to protection of the threatened heritage. Proper technical reports and media campaigns have the ability to communicate the stark

⁶⁰ Enhanced protection is a mechanism established by the 1999 Second Protocol to 1954 Hague Convention for the Protection of cultural Property in the Event of Armed Conflict. It aims to ensure full and effective protection of specifically designated cultural property during international or non-international armed conflicts. Cultural property under enhanced protection benefits from high level immunity which requires the parties to a conflict to refrain from making such property the object of attack or from any use of the property or its immediate surroundings to support military action. In case where individuals do not respect the enhanced protection granted to a cultural property, criminal sanctions have been laid down by the 1999 Second Protocol

violations of Israel against the cultural heritage in Hebron Old Town, now considered heritage for humanity.

For Israel:

- Israel is called to abide by the International Laws protecting cultural heritage in the event of armed conflict, especially the 1954 Hague conventions and its two protocols.
- Israel is called to allow monitoring missions from international organizations mandated to protect cultural heritage (Including but not limited to UNESCO, ICOMOS, ICCROM and BlueShield) to access the Old Town of Hebron and to visit the closed area and the archaeological sites including Tel Rumeida and the Ibrahimi Mosque.
- Israeli is called to stop its unlawful destruction of Palestinian historic buildings in the Old Town of Hebron and stop altering their historic attributes and cease digging in historical areas. This is a stark violation of the World Heritage Convention, the 1954 and 1970 UNESCO conventions.
- Israel is called to allow Palestinian residents of the Old Town to access their blocked properties in the Old Town of Hebron especially in a-Shuhada Street. Denying access is a violation of the international human rights law.
- Israel is called to allow Palestinian professionals to access cultural heritage properties in the Old Town of Hebron for restoration and adapted reuse. Denying restoration works is a deliberate attempt to destroy deteriorated cultural heritage, which is a violation of the Law of Armed Conflict.

For the international community:

- UNESCO is called upon to use its statutory instruments to protect Palestinian cultural heritage threatened as a result of the Israeli Occupation and illegal settlements based on Article 33(1) of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and article article 6(3) of the World Heritage Convention. UNESCO is further requested to expand and accelerate support the conservation of Hebron Old City sites;
- The Prosecutor of the International Criminal Court is called to take into account Israel's practices attacks and violations against the cultural heritage in the Old Town of Hebron including properties, sites and archaeological objects; and to consider attacks on cultural property in the Old Town of Hebron as a violation of the Law of Armed Conflict and amounting to war crimes as per the Rome Statute and with reference to the perpetrators convicted of such crimes by both national and international criminal courts and tribunals, including by the International Military Tribunal at Nuremberg, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Court (ICC)

- The UN Special Rapporteur in the Field of Cultural Rights is called to take action in support the Palestinian residents of Hebron to practice their cultural heritage, protect their cultural identity and conserve the cultural property for future generations.
- International civil society is called to support Palestinian institutions in technical documentation and reporting of Israeli violations against Palestinian cultural heritage and identity in the Old Town of Hebron. Further, civil society is requested to support the awareness and campaigns aimed at halting such violations.
- Member States are called on to expand support and action to protect the Old Town of Hebron, a UNESCO World Heritage Site in Danger, through accelerated aid for conservation and political action with an aim to decrease threats