

Palmyra is the site of war crimes as well as world heritage

Access should be given first to those who can identify the perpetrators, writes Michel Duclos

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12 HOURS AGO by: Michel Duclos

Minutes after news broke that the Unesco world heritage site of Palmyra had [been liberated](#) from the Islamic extremists of Isis, phones began ringing at Unesco with offers to rebuild the ancient ruins.

Some German archaeologists would like to see the Temple of Bel reconstructed. A French team would prefer to undertake new excavations. In London, an Anglo-American initiative will demonstrate the potential of digital technologies in reconstruction by using 3D printing processes to replicate the Arch of Triumph, destroyed by Isis; it will [stand in Trafalgar Square](#) before travelling to New York.

In Poland and Japan, too, archaeologists with a longstanding interest in Palmyra are eager to get involved.

Only a well-thought-out international effort can do the job, but before the world considers implementing any of these exciting schemes, it must also be remembered that Palmyra is now a crime scene. Access should be given first to those who can identify the perpetrators of the appalling acts of vandalism and, we hope, bring them to justice.

A group of jurists, diplomats, archaeologists and other stakeholders recently convened at All Souls College, Oxford, for a candid conversation about the origins of, and solutions to, the unprecedented plundering and destruction of cultural heritage sites. We were reminded that, while media attention is focused on Palmyra, other sites across north Africa and the Middle East are being destroyed on a near-industrial scale. Satellite imagery reveals moonscapes where meticulously excavated archaeological sites once stood. The markets are awash in illicitly trafficked artefacts.

This is all the more tragic when one realises that there are legal tools for prevention and remedy. In February 2015 the UN Security Council passed Resolution 2199, condemning the destruction of cultural heritage and prescribing legally binding measures to counter illicit trafficking of antiquities and cultural objects from Syria and Iraq.

More robust still, the Rome Statute of 1998, which established the International Criminal Court, allows for the destruction of cultural heritage to be prosecuted as a war crime. Last autumn the ICC prosecutor issued an [arrest warrant against Ahmad al-Faqi al-Mahdi](#) for his role in the 2011 destruction of medieval shrines, a 15th century mosque and mausoleums in Timbuktu, Mali. This surely provides a precedent for Palmyra, where Isis' videos of its acts of destruction would provide the court with exactly the evidence it needs to identify and prosecute perpetrators.

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In the case of Palmyra, the evidence may be abundant and readily available, the scene of the crime now accessible and the need to protect evidence obvious; but Syria is not a signatory to the Rome Statute. This means the ICC cannot initiate an investigation unless Syria itself requests it or the Security Council refers the case to the court.

Neither scenario is likely if it involves placing the entire country within ICC jurisdiction. Five years of civil war in Syria have led to many crimes more heinous than the damage to Palmyra. Neither [Bashar al-Assad](#) nor Russia, as his key ally, would

agree to an open-ended investigation of these crimes, since the president would inevitably be indicted.

But a referral limited specifically to Palmyra — allowing investigation of both crimes against humanity and crimes against cultural heritage, but only at that particular place and time — must surely be possible, and could create the right context for international co-operation. Palmyra could serve as a test case and potentially a model for other damaged sites.

The security council should take up this suggestion as a matter of urgency, and spell out that the destruction of world heritage sites is a crime which can never be tolerated or left unpunished.

The writer, a former French ambassador to Syria, is director-general of the Paris-based Académie Diplomatique Internationale