



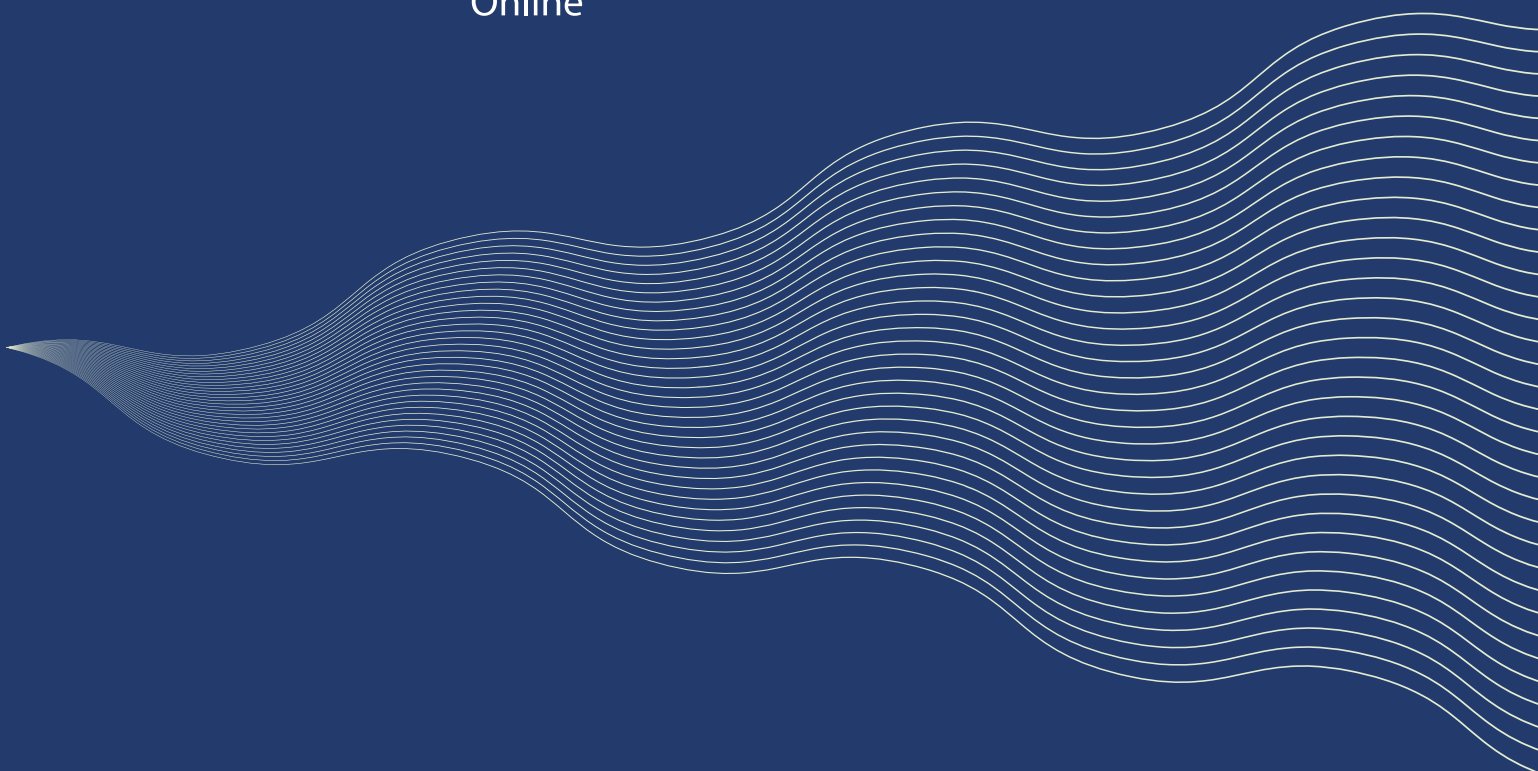
INTERDISCIPLINARY  
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# TANULMÁNYKÖTET CONFERENCE BOOK

XI. INTERDISZCIPLINÁRIS  
DOKTORANDUSZ KONFERENCIA

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# Tartalomjegyzék / Table of contents

Ágoston Enikő Anna	
The poetic relationship between inspiration and life in the poetry of Lőrinc Szabó . . . . .	7
Akhadov Shokhjakhon	
Shanghai Cooperation Organization (SCO): its past, present and future . . . . .	18
Al Halabi Suleman	
The Huszt Hoard of the Hungarian National Museum . . . . .	27
Asad Ayoub	
Pricing Strategies in Oligopolistic Market . . . . .	42
Bartók Zoltán	
Animal lunacy, idiocy and cleverness in a Southern-Hungarian animal shelter . . . . .	50
Obodo Basil Nnaemeka	
Evaluation of Nuclear Factor Kappa B (NF- $\kappa$ B) and Liver Function in Hepatitis Patients and Correlation of NF- $\kappa$ B with Liver Enzymes . . . . .	65
Bekir Bytyqi	
Physiomorphology responses of spring oat varieties in Silicon and Sulphur application to alleviate drought stress . . . . .	80
Bogdán Csaba	
Moiré Fringe Segmentation Tool: szoftveralapú prototípus a scolioticus gerinc moirésávja- inak detektálásához . . . . .	88
Bóka Melinda	
Az első világháborút népszerűsítő reklámok – Variációk és változatok a korabeli sajtóban	100
Bottyán László	
Cyber threats during distance learning . . . . .	115
Breszkovics Botond	
The copyright aspects of NFTs . . . . .	126
Burai Andrea	
L3 French teachers' perceptions of the role of L2 English in their teaching practices . . . . .	141
Csonka Liberta	
Az állati fordulat . . . . .	154
Fenyvesi Sándor	
Examination of the cutting temperature-cutting speed relationship of C45 steel . . . . .	161
Forgács Fanni Zsuzsa	
Szilícium és kén állománykezelés hatása az őszi zab genotípusok levélterületére és produk- tivitására eltérő évjáratokban . . . . .	169
Gaál Gabriella	
A város mint emlékezet a kortárs lengyel női irodalomban . . . . .	181
Gál Rita Ilona	
Issues of legal responsibility regarding offences against cultural heritage . . . . .	189
Grozdis Anett Tímea	
Creative concept for maintaining workplace health . . . . .	200
Guth-Orji Ágnes Judit	
Aviation safety aspects of covid-19 infection, Possible utilization of biosensors in fatigue- measurement . . . . .	220
Hamvas Levente Péter	
Doctor Faustus of Marlowe: The Evil at the frontier of hermeneutic and therapeutic reading . . . . .	244
Hanan Alawna	
Feminist Insights from Middle-Eastern Literature: What is Being Inherited? A Feminist Reading of the Palestinian Novelist Sahar Khalifeh's <i>The Inheritance</i> . . . . .	257
Hegedűs Gabriella, Major Enikő	
Interrelationships between cultural capital and private language teaching: results of a quantitative pilot study . . . . .	269

Jafar Baba	
Locating Literary Identity in J. M. Coetzee's <i>Life and Times of Michael K</i> (1983) and <i>Foe</i> (1986) : A Critical Study . . . . .	281
Kalmár Péter	
Comparing the endovascular treatment of tandem occlusions and isolated intracranial occlusions in acute ischemic stroke . . . . .	287
Keczeli Viola	
Attitudes of Hungarian Consumers Towards Sustainable Consumption . . . . .	296
Kiss Dorina	
What do the greatest say? The influence of public figures on the stock market via social media . . . . .	306
Kiss Szandra	
The Role of Women and Their Use in Propaganda for Space Race in the 1960s . . . . .	331
Liu Wenyang	
Deconstruction and Philosophy in Western and Chinese Architecture . . . . .	344
Maior Máté	
A metadiszkurzivitás olvasás etikai vonzatai: a metaleptikus írás sikertelensége és megváltástana J. M. Coetzee <i>Elizabeth Costello</i> című regényében . . . . .	365
Marah Albadawi	
Ottoman Tobacco Pipes in al-Marqab Castle . . . . .	378
Mészáros Ildikó	
MÁSKÉPPMÁS - A numinózus helye az aranyborjú történetében . . . . .	395
Mészáros D. Szimonetta	
Cesare Borgia's Supposed Papal Sword . . . . .	403
Milojev-Ferkó Zsanett	
A felnőtté válás reprezentációja Szabó István korai nagyjátékfilmjeiben ( <i>Álmodozások kora</i> (1964), <i>Apa — egy hit naplója</i> (1966), <i>Szerelmesfilm</i> (1970)) . . . . .	418
Nagy Laura	
The role of bacterial two-component system inhibitors in lipopolysaccharide biosynthesis . . . . .	430
Németh Zoltán	
A mediáció alkotmányos alapjai a Magyar Alaptörvényben . . . . .	436
Ősz-Farkas Ernő	
Egyházzakadások mintázata a kommunizmus <sup>1</sup> idején . . . . .	446
Pacsai Virág	
Az intenzív osztályos ápolók ismerete a centrális vénás katéterrel összefüggő fertőzések megelőzéséről egy megyei kórházban . . . . .	455
Polyákné Kovács Annamária	
Investigation of the properties of polyketone under the influence of glass fiber reinforcement . . . . .	475
Poór Péter	
The Spanish anarchist guerrilla through the example of Francisco Sabaté ('El Quico') . . . . .	483
Raposa Vivien Kitti	
Conflicts Between the Citizens of Pécs and the University Students of the Elizabeth University in the Interwar Period <sup>1</sup> . . . . .	500
Sherif Mehmeti	
Effect of calcium spraying on fruit quality parameters and weight loss during storage of 4 Apple varieties . . . . .	516
Szabó Barbara	
Virtual pandemonium . . . . .	526
Szabó Tibor, Szabó Antal	
Results of the research project focusing on the geospatial analysis and modelling of the settlement structure of Paks (Tolna county, Hungary) from Antiquity to the 20th century . . . . .	534
Szabó Zsolt Mihály	
A nyugdíjfolyósító elektronikus információs rendszerek kiberbiztonsági kihívásai . . . . .	543
Székelyné Vánca Mariann	
A kognitív térérzékelés felmérésének előnyei a középiskolai földrajzoktatásban (A hátrányos helyzet mentális térképei magyar középiskolások körében) . . . . .	555

Tan Jie	Explore The Planning Path and Case Practice of Transforming from An Industrial Estate to An Industrial Community in The Context of Urban Renewal - from the Perspective of Eco-Museum . . . . .	572
Tislér Ádám	Political correctness, inclusiveness, tokenism - the emergence of 21st century social processes in modern video games . . . . .	581
Tóth Nikolett	Az újjáépítés női harcosai: A Magyar Nők Demokratikus Szövetségének tevékenysége 1944-1948 között . . . . .	592
Tóthpál Sarolta Krisztina	Dante-motívumok Anna Ahmatova és Nyikolaj Gumiljov poétikájában . . . . .	613
Varga Vivien	Examination of the agility and decision-making strategies of managers in Hungarian SME sector based on their risk-taking and innovational potential . . . . .	625
Vereckei-Poór Bence	Consumers about consumers: what do we think about those who use electric cars? . . . .	635
Virág István Csaba	Évjárat hatása a kukorica hibridek alkalmazkodóképességére . . . . .	644
Wael Alasfar	The Effect of Supply Chain Management on Organizational Performance in Four Seasons Hotel in Syria . . . . .	653
Xiaoyun Li	A Corpus driven Pilot Study of Learner Englishes from Greater China . . . . .	664
Zsenák István	Moving an n-jointed Robot Arm in Plane Without Using a Jacobian Matrix . . . . .	677
Zsidi Bernát	The rehabilitation of the Budapest School at the Hungarian Academy of Sciences (1988 – 1990) . . . . .	685

## **Issues of legal responsibility regarding offences against cultural heritage**

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**Abstract:** My presentation focuses on the responsibility issues of offences related to cultural heritage within the framework of international law. Though numerous conventions pay attention to the importance of the protection and preservation of cultural heritage and cultural properties, there are significant differences between them. Which categories of cultural heritage are safeguarded regarding the convention? In which of these cases are conventions relevant, and what do we understand by cultural crimes? The sanctions and legal responsibility are very different in this field. Nowadays, the main question is whether current legal instruments and platforms are adequate, sufficient and efficient.

*Keywords:* Cultural heritage; Unesco; protection; responsibility

## I. Introduction

The legal framework of the protection of cultural heritage in a broad sense is constituted among others, by numerous international conventions. A part of them regards the protection of cultural properties, while the rest is for safeguarding the cultural heritage.

This paper aims to present the results of my research regarding the responsibility issues of crimes committed against cultural heritage. My purpose was to determine, whether current instruments of the international law are sufficient and efficient to prove the personal responsibility in case of crimes against cultural heritage or cultural property. To get the appropriate result, I used two methods in my research. To present the legal framework of the protection of cultural heritage and cultural property, I had to examine the relation between these terms. The texts of the several international conventions beyond the definitions reflects the importance of protection, including obligations for the member states. This research focuses to the role of two international conventions, those regarding for the protection of cultural property in the event of armed conflict and for the world heritage. Finally, I think that the presentation of the judicial practice has an essential importance in this research, so I examined the cases of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Court, too.

## II. Cultural property or cultural heritage?

Although we cannot find concrete, universally accepted definition neither for cultural property nor to define the term cultural heritage, different international conventions have own wording as a definition. Moreover, in many cases, these conventions have an exhaustive-kind list of what may be considered cultural heritage or property.

In the following table, I would like to show how international conventions accepted within the United Nations Educational, Scientific and Cultural Organization's (UNESCO) framework can be divided into two groups according to their subject.

*Table 1.*

CONVENTION		Cultural Heritage or Cultural Property
Title	Year of signature	
Convention for the Protection of Cultural Property in the Event of Armed Conflict	1954	Cultural Property
Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	1970	
UNIDROIT Convention establishes conditions for claims of restitution/return of stolen or illegally exported cultural objects respectively.	1995	
Convention Concerning the Protection of the World Cultural and Natural Heritage	1972	Cultural Heritage
Convention on the Protection of the Underwater Cultural Heritage	2001	
Convention for the safeguarding of the Intangible cultural heritage	2003	

*Source: Own illustration [2022]*



According to the terminology of these conventions, the term cultural property mainly embraces physical, mainly movable cultural elements like different collections, art objects, antiquities, ancient (or more than one hundred years old) coins, paintings, sculptures, manuscripts, stamps, etc. Cultural heritage, in the terminology of UNESCO conventions written above, can be tangible or intangible. Tangible heritages could be divided into cultural and natural (or mixed) heritage.

In practice, the expression of cultural property involves institutions that safeguard properties, too. Museums are an example of them.<sup>1</sup>

The Convention for the Protection of Cultural Property in the Event of Armed Conflict has a detailed definition of cultural property. According to the text of the convention, a wide range of cultural elements could be seen as cultural property, whether movable or immovable. Among others, the term cultural property involves monuments of architecture or history; groups of buildings; archaeological sites; works of art; or manuscripts.<sup>2</sup>

### III. Historical development of the protection of cultural heritage

People have always been interested in the maintenance and preservation of buildings that have already been built. It has three reasons. Firstly, the materials that constitute the buildings were costly. The second reason is technical since ancient buildings needed stupendous labour (and cost) to demolish and to use them again. Finally, those monuments had a spiritual atmosphere or played an important role in the local communities.<sup>3</sup>

The first legal documents concerning the protection of buildings were related to popes. For example, the bull called "Cum aliam nostram Urbem" of Pius II has been issued to safeguard antique monuments within the borders of the Papal State. Despite their effort, by the end of the 15<sup>th</sup> century, the demolition of ancient buildings had become more common.<sup>4</sup>

At the same time, as a result of demolition processes, numerous antiquities and works of art have been released. The 17<sup>th</sup> century was very special. It was the heyday of collecting these treasures and memories of art and the beginning of the interest in archaeological excavations. After this time, in more and more states, the systematization of historical or art heritages has been started.<sup>5</sup>

Hague Conventions, accepted in 1907, can be thought of as the first intersection of heritage protection and international law. Article 27 of the Hague Convention IV determines, that in cases of sieges and bombardments "all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes."<sup>6</sup> What is more, article 28 in assaulted places prohibits pillage, too.<sup>7</sup> Article 5 of the Hague Conventions IX regards the responsibility of commanders. "In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded

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<sup>1</sup> Casini, Lorenzo: "Italian Hours": The globalization of cultural property law. In: International Journal of Constitutional Law. 2011. Vol. 9. no. 2. p. 371.

<sup>2</sup> Convention for the Protection of Cultural Property in the Event of Armed Conflict. Article 1(a).

<sup>3</sup> Szabó, Annamária Eszter: A kulturális örökség joga. Bíbor Kiadó, Miskolc. 2013. p. 27.

<sup>4</sup> Blake, Janet: International Cultural Heritage Law. Oxford University Press. Oxford. 2015. p. 2.

<sup>5</sup> Szabó, Annamária Eszter: A kulturális örökség joga. Bíbor Kiadó, Miskolc, 2013. pp 29-36.

<sup>6</sup> Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. Article 27.

<sup>7</sup> Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. Article 28.

are collected, on the understanding that they are not used at the same time for military purposes.”<sup>8</sup>

Although these conventions were pioneers in the development process of international law regarding the protection of cultural heritage, they had the power not enough to provide protection effectively. The destructions of the world wars have pointed out that comprehensive and sufficiently efficacious protection is needed. In the decades that followed, many international conventions were born concerning cultural properties and cultural heritage.

## **IV. Conventions related the protection of cultural properties and cultural heritage**

### IV. 1. Hague Convention (1954)

Convention for the Protection of Cultural Property in the Event of Armed Conflict, accepted in 1954, emphasizes the commitments made by the member states to protect cultural properties. Article 3 obliges member states to make rules already in peacetime to avoid the negative impacts of an armed conflict on cultural properties.<sup>9</sup> Article 4(1) expresses the prohibition of using cultural properties and their environment for purposes that might lead to their destruction or damage during armed conflicts.<sup>10</sup> Article 4(2) introduces an exception. Imperative military necessity means that obligation, written in Article 4(1), “may be waived only in cases where military necessity imperatively requires such a waiver.”<sup>11</sup>

### IV. 2. World Heritage Convention (1972)

Regarding cultural heritage, the Convention Concerning the Protection of the World Cultural and Natural Heritage (also known as the World Heritage Convention, WHC) was accepted in 1972. It was born to protect and preserve the natural and cultural heritage, the so-called world heritage sites (WHS), defined in the first two articles of the convention.

World Heritage Sites are the most precious collection of heritage. To be declared world heritage is need to meet at least one of the ten criteria<sup>12</sup> determined by the World Heritage Committee. Since having an outstanding universal value has crucial importance regarding World Heritage Sites, World Heritage Convention obliges member states not to take any deliberate measures which might cause any damage to them.<sup>13</sup>

Protection within the framework of the WHC means a supportive and cooperative system which promotes state parties in the identification and preservation of cultural and natural heritage. World Heritage List (WHL) consists of the World Heritage Sites.<sup>14</sup> Currently, the LIST consists of 1154 properties, natural, cultural and mixed ones, as well. 52 of the 1154 properties are inscribed on the List of World Heritage in Danger, which incorporates World Heritage Sites in special needs.<sup>15</sup> These Sites need urgent and efficient support due to being threatened by danger, which may cause the loss of their outstanding universal value or the destruction of these sites.

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<sup>8</sup> Hague Convention (IX) concerning Bombardment by Naval Forces in Time of War. Article 5.

<sup>9</sup> Convention for the Protection of Cultural Property in the Event of Armed Conflict. Article 3.

<sup>10</sup> Convention for the Protection of Cultural Property in the Event of Armed Conflict. Article 4(1)

<sup>11</sup> Convention for the Protection of Cultural Property in the Event of Armed Conflict. Article 4(2)

<sup>12</sup> UNESCO: The Criteria of Selection. <https://whc.unesco.org/en/criteria/> [accessed: 2022.11.15]

<sup>13</sup> Convention Concerning the Protection of the World Cultural and Natural Heritage. Article 6(3)

<sup>14</sup> Convention Concerning the Protection of the World Cultural and Natural Heritage. Article 11.

<sup>15</sup> World Heritage List: <https://whc.unesco.org/en/list/> [accessed: 2022.11.20]

Danger, among others, can derive from an armed conflict, fast urbanistic or tourism development, flood, volcanic eruption, or extinction of the local fauna or flora.<sup>16</sup>

So, as we can see, cultural heritage can be seen from numerous point of view. World Heritage Sites have global importance, in some cases with transboundary existence, too.<sup>17</sup> WHS represents the cultural or natural heritage of nations they are the proudest of to have.

The selection criteria guarantees that properties of the World Heritage List are one-by-one have something unique, outstanding and universal as a feature.<sup>18</sup>

#### IV. 3. Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (1999)

The Second Protocol serves as a supplementation of the Convention of 1954.<sup>19</sup> Concerning offences against cultural heritage, the protocol achieved steps forward in three fields.

A more detailed definition of the imperative military necessity has been determined.<sup>20</sup> Regarding sanctions, the acts meant to be offences committed against cultural property have been listed in detail.<sup>21</sup> The third significant result was the detailing of the use of the protocol and the convention in case of armed conflicts not of an international character. Regarding sanctions, the acts meant to be offences committed against cultural property were listed in detail.<sup>22</sup>

#### IV. 4. UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage (2003)

Although the declaration of 2003 is not a convention, it can be considered proof or an element of customary international law.<sup>23</sup> Involves the intentional destruction of cultural heritage and natural heritage sites, too. In the sense of the declaration, intentional destruction is an act of destruction, which of whole or in part cultural heritage in a way that violates international law or is considered to be an offence against humanity. The statement emphasizes the importance of protection both in times of peace and in armed conflict. The seventh point of the declaration regards the individual responsibility, urging states “to establish jurisdiction over, and provide effective criminal sanctions against, those persons who commit, or order to be committed, acts of intentional destruction of cultural heritage of great importance for humanity, whether or not it is inscribed on a list maintained by UNESCO or another international organization.”<sup>24</sup>

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<sup>16</sup> Convention Concerning the Protection of the World Cultural and Natural Heritage. Article 11(4).

<sup>17</sup> 43 WHS of 1154 are transboundary properties.

<sup>18</sup> These features might regard the following: human creativity, the interchange of human values, cultural tradition, human-built heritage, examples of a traditional human settlement, events or living traditions – in conjunction with other criteria, exceptional natural beauty, stages of the history of the Earth, evolution process of ecosystems or natural habitats with scientific or conservational importance.

UNESCO: The Criteria of Selection. <https://whc.unesco.org/en/criteria/> [accessed: 2022.11.15]

<sup>19</sup> Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. Article 2.

<sup>20</sup> Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. Article 6.

<sup>21</sup> Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. Article 15.

<sup>22</sup> Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. Article 22.

<sup>23</sup> Gerstenblith, Patty: The Destruction of Cultural Heritage: A Crime against Property or a Crime against People. John Marshall Review of Intellectual Property Law. 2016. Vol. 15. p. 383.

<sup>24</sup> UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage. VII. [https://international-review.icrc.org/sites/default/files/irrc\\_854\\_unesco\\_eng.pdf](https://international-review.icrc.org/sites/default/files/irrc_854_unesco_eng.pdf) [accessed: 2022.11.15]

## V. ICTY and ICC – forums of the jurisdictions in cases of war crimes related to cultural heritage sites

### V. 1. International Criminal Tribunal for the former Yugoslavia (ICTY)

The ad-hoc tribunal of the United Nations was established to investigate whether international crimes had been committed within the territory of the Socialist Federal Republic of Yugoslavia, after 1<sup>st</sup> of January in 1991.<sup>25</sup> Article 3 of the Statute points out the power of the ICTY to prosecute persons for violations of the laws or customs of war. Article 3 (d) regards crimes against cultural heritage: “seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science”.

As a result of the proceedings of the ICTY, two commanders were found guilty of offences against cultural heritage. Pavle Strugar and Miodrag Jokić were both commanders in several military operations attacking the Dubrovnik region, including the Old City of Dubrovnik,<sup>26</sup> which has already been on the World Heritage List since 1979.<sup>27</sup>

### V. 2. International Criminal Court – ICC

International Criminal Court has the power to investigation among others in war crimes committed after 1<sup>st</sup> of July 2002.<sup>28</sup> Concerning crimes against cultural heritage, the following definition of violations of the laws and customs is applicable both in international armed conflict (Article 8.(2)(b)(ix.)) and in armed conflicts not of an international character (Article 8.(2)(e)(iv.)). “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;”<sup>29</sup>

The connection between personal responsibility in offence against cultural heritage and the Statute is linked by the two limiting factors, also determined in the text. It means that the attack is based on an intention. Furthermore, military objectives are allowed to be target during armed conflicts.<sup>30</sup>

### V. 3. Al Mahdi case

Until nowadays, the ICC in only one case has found a person guilty of war crimes regarding crime against cultural heritage. Details of the Al Mahdi case are presented in the subsection below.

Timbuktu has inscribed on the World Heritage List in 1988.<sup>31</sup>

<sup>25</sup> Hoffmann, Tamás: Nemzetközi büntetőjog. In: Kardos, Gábor – Lattmann, Tamás (eds.): Nemzetközi jog. Budapest, 2014. p. 374.

<sup>26</sup> Pavle Strugar case: “DUBROVNIK” (IT-01-42). [https://www.icty.org/x/cases/strugar/cis/en/cis\\_strugar\\_en.pdf](https://www.icty.org/x/cases/strugar/cis/en/cis_strugar_en.pdf) [accessed: 2022.11.23]

Miodrag Jokić case: “DUBROVNIK” (IT-01-42/1) [https://www.icty.org/x/cases/miodrag\\_jokic/cis/en/cis\\_jokic\\_en.pdf](https://www.icty.org/x/cases/miodrag_jokic/cis/en/cis_jokic_en.pdf) [accessed: 2022.11.23]

<sup>27</sup> Old City of Dubrovnik. <https://whc.unesco.org/en/list/95> [accessed: 2022.11.20]

<sup>28</sup> Hoffmann, Tamás: Nemzetközi büntetőjog. In: Kardos, Gábor – Lattmann, Tamás (eds.): Nemzetközi jog. Budapest, 2014. p. 377.

<sup>29</sup> Rome Statute of the International Criminal Court. Article 8.(2)(b)(ix.) and Article 8.(2)(e)(iv.).

<sup>30</sup> Gerstenblith, Patty: The Destruction of Cultural Heritage: A Crime against Property or a Crime against People. John Marshall Review of Intellectual Property Law. 2016. Vol. 15. p. 346.

<sup>31</sup> UNESCO: <https://whc.unesco.org/en/list/119> [2022. 11. 24]

In 2012 the site was inscribed on the List of World Heritage in Danger, for the second time. The northern regions contain 2 of the 4 World Heritage Sites. In 2012 armed conflicts and uprising-related difficulties threatened the heritage sites. Ansar Dine, an armed Islamic group, damaged several parts of the Timbuktu World Heritage Site, tombs, and cultural institutes, among others, the biggest centre for manuscripts of West Africa, too. Mali asked for help from UNESCO.<sup>32</sup> 15 of the 16 mausoleums belonging to the World Heritage Sites have been destroyed, and 3 mosques have been damaged by the year 2015.<sup>33</sup>

Ahmad Al Faqi Al Mahdi was an alleged member of the Ansar Dine. He joined the group in April 2012. The International Criminal Court (ICC) charged him with intentionally directing attacks against 10 religious and historical feature buildings. The only confirmed charge was war crime.

Al Mahdi attacked protected objects under Article 8(2)(e)(iv) of the Statute of the ICC. To prove the crime charged, ICC had to prove five facts. These can be read in figure 1.

1. The perpetrator directed an attack.
2. The object of the attack was one or more buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals or places where the sick and wounded are collected, which were not military objectives.
3. The perpetrator intended such building or buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals or places where the sick and wounded are collected, which were not military objectives, to be the object of the attack.
4. The conduct took place in the context of and was associated with an armed conflict not of an international character.
5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.<sup>21</sup>

*Figure 1. Source: ICC [2022]<sup>34</sup>*

Al Mahdi admitted his guilt.<sup>35</sup> He was convicted of the war crime, under the following articles of the Statute:

- Article 8(2)(e)(iv): he attacked protected objects
- Articles 25(3)(a): he was a co-perpetrator.<sup>36</sup>(Individual criminal responsibility)<sup>37</sup>

<sup>32</sup> UNESCO: Timbuktu. <https://whc.unesco.org/en/soc/261> [accessed: 2022. 11. 24]

<sup>33</sup> UNESCO: <https://whc.unesco.org/en/soc/3218> [2022. 11. 24]

<sup>34</sup> The Prosecutor v. Ahmad Al Faqi Al Mahdi: ICC-01/12-01/15. 13. p. 8. [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016\\_07244.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016_07244.PDF) [accessed: 2022. 11. 24]

<sup>35</sup> The Prosecutor v. Ahmad Al Faqi Al Mahdi: ICC-01/12-01/15. 11. p. 7. [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016\\_07244.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016_07244.PDF) [accessed: 2022. 11. 24]

<sup>36</sup> The Prosecutor v. Ahmad Al Faqi Al Mahdi: ICC-01/12-01/15. p. 49. [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016\\_07244.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016_07244.PDF) [accessed: 2022. 11. 24] p. 49.

<sup>37</sup> Rome Statute 25 3. (a): In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person: (a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible.

He was sentenced 9 years of imprisonment.<sup>38</sup>

#### V. 4. Responsibility

The role of the principle of individual criminal responsibility for crimes against cultural heritage in armed conflicts increased after the bombardment of the heritage site of Dubrovnik. An attack against and the destruction of cultural heritage may be considered a war crime, which may lead to the determination of the individual criminal responsibility of the perpetrator or perpetrators.<sup>39</sup> The Second Protocol to the Hague Convention not only provides the most detailed system for safeguarding cultural heritage but lists those violations and crimes, as well, that make the perpetrators countable for their crimes during prosecution.<sup>40</sup>

The Article 15 of the Second Protocol determines the next five serious violations:

- „(a) making cultural property under enhanced protection the object of attack;  
(b) using cultural property under enhanced protection or its immediate surroundings in support of military action;  
(c) extensive destruction or appropriation of cultural property protected under the Convention and this Protocol;  
(d) making cultural property protected under the Convention and this Protocol the object of attack;  
(e) theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.”<sup>41</sup>

Responsibility, as can be read above, is a very complex task to prove. Summarizing the factors needed, individual responsibility in crime against cultural heritage is based on the following ones:

- the attack and the violation happened in an armed conflict of an or not of an international character.
- personal participation in the crime against cultural heritage;
- intention to destroy cultural heritage;
- making highly protected cultural property to be object of an attack;
- the attack aims to the destruction objectives protected in the Statute of the ICC, or in the Hague Convention (1954) and the Protocol;
- the use of cultural property protected or its nearby territory to support a military action;
- the acts of theft, pillage or misappropriation of cultural property protected by the Hague Convention (1954), or any vandalism against them.

Currently, these kinds of violations with the conditions above belong to the category of war crimes.

The consequences of the case of Al-Mahdi show that the system of the international criminal jurisdiction is ready and owes adequate instruments for the protection of cultural heritage and support it.<sup>42</sup>

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<sup>38</sup> The Prosecutor v. Ahmad Al Faqi Al Mahdi: ICC-01/12-01/15. [accessed: 2022. 11. 24] p. 49.

<sup>39</sup> Wierczynska, Karolina - Jakubowski, Andrzej: Individual Responsibility for Deliberate Destruction of Cultural Heritage: Contextualizing the ICC Judgment in the Al-Mahdi Case. Chinese Journal of International Law. 2017. Vol. 16. p. 701.

<sup>40</sup> Wierczynska, Karolina - Jakubowski, Andrzej: Individual Responsibility for Deliberate Destruction of Cultural Heritage: Contextualizing the ICC Judgment in the Al-Mahdi Case. Chinese Journal of International Law. 2017. Vol. 16. p. 700.

<sup>41</sup> Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. Article 15.

<sup>42</sup> Wierczynska, Karolina - Jakubowski, Andrzej: Individual Responsibility for Deliberate Destruction of Cultural Heritage: Contextualizing the ICC Judgment in the Al-Mahdi Case. Chinese Journal of International Law. 2017. Vol. 16. p. 712.

The detailed determination of crimes against cultural heritage contributes to the better understanding of the importance of protection, therefore increasing “cultural awareness” it may lead and promote a more effective defense of cultural heritage and cultural property. During an armed conflict, the recognition of the fact of the crime of violence may cause discouragement to destroy these kinds of (protected) objectives.

## VI. Conclusions

The research pointed out that the purpose to protect and safeguard the cultural property and cultural heritage of humanity dates to ancient times. Nations and people had their own but common reasons to defend buildings and different kinds of cultural elements. From the middle of the twentieth century, after the World War II, significant developments have been made in the international law. International conventions play a dual role in this process. They determine new or different kinds of cultural heritage (or cultural property) and express different levels of protection for them and obligations for the state parties. However not all of the conventions regarding cultural heritage and properties have power enough to be a reference for personal responsibility of crimes against them, but all of them is important to determine the fact, that the attacked element whether cultural heritage or property.

The results pointed out, that current legal instruments of international law are adequate to establish the criminal responsibility. At the same time, the jurisdiction of the ICC is not universal. This is an aggravating circumstance, because it might be avoided.

Cases of the ICTY and ICTY were both related to world heritage sites. When the conception of world heritage was still an idea, WHL should have been the collection of about 100 properties.<sup>43</sup> Nowadays, we have more than 1100 and 52 of them are in danger due to several reasons. This is a huge responsibility for member states, because the World Heritage Committee can withdraw the world heritage status of the property if the outstanding universal value no longer exists in the case of the given site. Until today, it happened three times but not due to armed conflict. But apart from this fact, any attack or act of violence can cause irreversible and definitive destruction in these sites and properties.

In my opinion, the prevention of destruction and the commitment to avoiding armed conflicts are the most urgent task for humanity. Adequate development of international law can contribute to more effective protection by the proper system of rules and can play a significant role in the mitigation of offences against cultural heritage and property.

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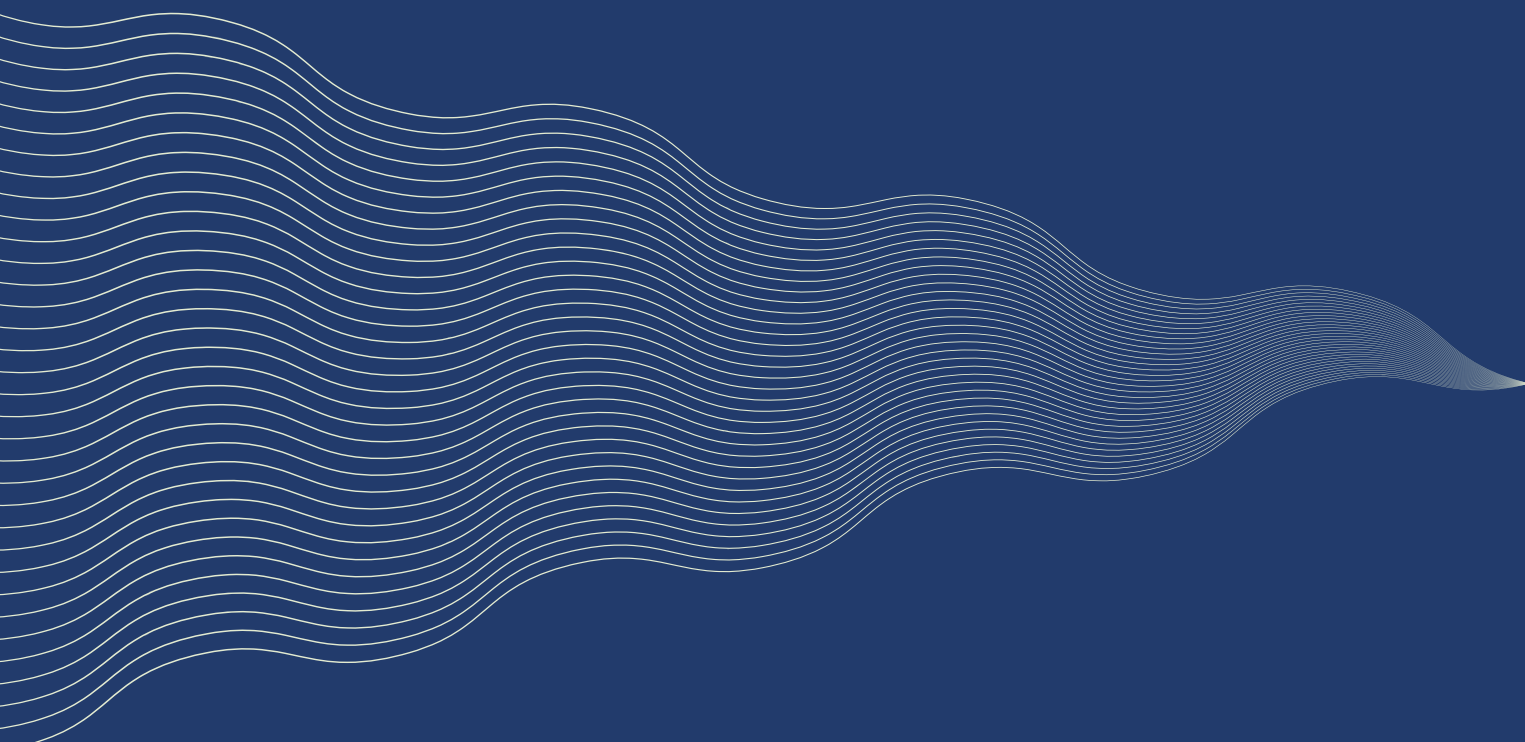
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