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Alberta Fabbricotti (ed.), *Intentional Destruction of Cultural Heritage and the Law: A Research Companion*, Routledge, London–New York: 2024, pp. xxv + 451

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On 21 July 356 BCE, an individual of obscure origins, known as Herostratus, deliberately set fire to the sacred Temple of Artemis in Ephesus. As a result, this monumental structure, revered as one of the Seven Wonders of the Ancient World, was reduced to rubble within hours. Upon his arrest and subsequent interrogation, Herostratus openly admitted to the act, disclosing that his primary motivation was the pursuit of notoriety. He was seeking *kleos* – glory – for having destroyed the sacred Temple of Artemis. Herostratus was executed for his sacrilege and his motives were deemed exceptionally disgraceful. Consequently, he was not only sentenced to death, but also prevented from fulfilling his aspiration for eternal glory. To ensure that Herostratus never achieved his professed goal of everlasting fame, he was sentenced to *damnatio memoriae*. His name and memory were condemned to eternal oblivion. It was henceforth forbidden to even mention the name of Herostratus.¹

However, this punishment was not executed with complete effectiveness, as the name of the arsonist remains known today. In contemporary usage, “herostratic” has come to describe individuals who commit heinous crimes in pursuit of notoriety. Particularly in the post-9/11 world, Herostratus has emerged as a prototype for terrorists seeking to shock the global public. While their primary targets are often innocent civilians, some also direct their attacks toward renowned monuments and cultural landmarks. A notable parallel can be drawn between the arson of the Temple of Artemis and the Taliban’s destruction of the Bamiyan Buddhas in Afghanistan

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¹ M. Fraser, *Monumental Fury: The History of Iconoclasm and the Future of Our Past*, Rowman & Littlefield, Lanham: 2022, p. 35; K. Wierczyńska, A. Jakubowski, *Al Mahdi Case: From Punishing to Repairing Cultural Heritage Harm*, in: A.-M. Carstens, E. Varner (eds.), *Intersections in International Cultural Heritage Law*, Oxford University Press, Oxford: 2020, p. 133.

more than two millennia later.² Even more concerning is that, over the past two decades, the world has witnessed further disgraceful acts of destruction targeting cultural property and monuments of international significance, which constitute the shared heritage of humanity. Examples of the destruction and looting of secular and religious heritage sites of historical and artistic significance, resulting in severe damage and irreparable losses, have been provided by the internal conflicts in Mali, Iraq, Syria, and Yemen.³ One of the most egregious violations of international law on the protection of cultural property was the destruction of Palmyra, a UNESCO World Heritage site often referred to as the “Venice of the Sands,” which had a history spanning four millennia.⁴ While the primary motivation behind such actions by non-state armed groups may no longer be the pursuit of fame and notoriety; numerous other reasons – equally senseless, barbaric, and reprehensible – drive these groups to destroy or loot cultural heritage in the territories they control. The use of explosives, artillery shelling, demolition, and desecration of cultural heritage sites can, for instance, serve as components of “cultural cleansing”, deliberately planned and executed by fundamentalist organizations.⁵

However, the intentional targeting and destruction of cultural property are not currently the exclusive purview of non-state armed groups. Conducting its “special military operation”, which was nothing more than an unprovoked invasion, Russia has systematically leveraged cultural heritage as a tool in its military operations against Ukraine, in direct contravention of international law. It simultaneously employs culture as a misleading justification for its aggression while deliberately targeting it as an object of warfare. By instrumentalizing historical and cultural narratives to advance its geopolitical objectives, Russia has engaged in the exploitation of cultural heritage. Central to the Kremlin’s rhetoric are fabricated claims portraying Ukrainians and Russians as a single people and Ukraine as a fictitious state, which serve as key justifications for its full-scale invasion. As a result, Ukrainian cultural heritage, which embodies and preserves the nation’s identity, has become a direct target of these hostilities.⁶

The authors of the book under review, who include experts in not only the legal aspects of protecting and respecting cultural heritage, but also in related legal dis-

² *Ibidem*, pp. 37–38.

³ See R. O’Keefe, *The Application of the Second Protocol to Non-International Armed Conflicts*, in: *Protecting Cultural Property: International Conference on the 20th Anniversary of the 1999 Second Protocol of the 1954 Hague Convention, 25–26 April 2019 Geneva, Switzerland – Conference Proceedings*, UNESCO, Paris: 2020, p. 41.

⁴ See S. Casey-Maslen, S. Haines, *Hague Law Interpreted: The Conduct of Hostilities under the Law of Armed Conflict*, Hart Publishing, Oxford-Portland: 2018, p. 124.

⁵ M. Lostal, *International Cultural Heritage Law in Armed Conflict: Case-studies of Syria, Libya, Mali, the Invasion of Iraq, and the Buddhas of Bamiyan*, Cambridge University Press, Cambridge: 2017, p. 2.

⁶ NATO Parliamentary Assembly, Committee on Democracy and Security, *History and Identity under*

ciplines, fully comprehend the gravity of such threats and the tragic consequences of destructive actions targeting cultural property. The composition of the authorial team is, in fact, one of the book's greatest strengths – not merely due to the impressive number of contributors (30 in total), but primarily because it includes scholars from academic circles, legal practitioners, former or current representatives and collaborators of international and national organizations, and institutions dedicated to the promotion and protection of cultural heritage. The volume is edited by Alberta Fabbriotti, an Associate Professor of International Law at the Department of Legal and Economic Studies (Faculty of Law, La Sapienza University in Rome), who has extensive experience in inter-university research projects as well as international academic and educational collaboration. This carefully selected and highly qualified team, under the guidance of an experienced editor, has resulted in a publication of substantial scholarly merit, offering rigorous and well-founded analysis of the issues it addresses.

Engaging with the subject matter of this publication was undoubtedly a challenging endeavor, as the answers to the research questions were neither simple nor self-evident. The authors' primary objective was to present and analyze the remedies available under contemporary international law to prevent and sanction acts of "intentional destruction of cultural heritage of humankind" (IDCHH). Indeed, the book examines the range of legal remedies provided by both customary law and specialized responsibility regimes across various domains of international law to address this unlawful activity. It analyzes UNESCO instruments, UN measures for maintaining international peace, human rights protection mechanisms, investment protection frameworks, and decisions of the International Criminal Court. The study explores legal avenues such as international court appeals, peacekeeping operations, referrals to national criminal legislation, and reparations as potential responses to such violations. A key concept within this legal analysis is the term "intentional destruction of cultural heritage of humankind", which directly references the closely related – and arguably the most comprehensive – definition found in the 2003 UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage.⁷ While this definition serves as a foundational reference, the authors

Attack: Protecting Cultural Heritage in Conflict, Special Report of Special Rapporteur Julie Dzerowicz, 047 CDS 24 E rev.1 fin, Brussels: 2024, p. 6.

⁷ *UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage*, UNESCO, Paris, 17 October 2003, available at: https://international-review.icrc.org/sites/default/files/irrc_854_unesco_eng.pdf (accessed 30 June 2025). According to Art. II-2 of the Declaration, IDCHH means "an act intended to destroy in whole or in part cultural heritage, thus compromising its integrity, in a manner which constitutes a violation of international law or an unjustifiable offence to the principles of humanity and dictates of public conscience, in the latter case in so far as such acts are not already governed by fundamental principles of international law."

do not apply it statically or without critique. Instead, they engage in a dynamic and interpretative analysis, exploring its elements in a nuanced, constructive way. Admittedly, in the technical framework of international law, IDCHH applies to a relatively narrow set of circumstances that constitute prohibited conduct. However, as demonstrated in the book, international law – through its various branches and enforcement mechanisms – recognizes and condemns IDCHH from multiple perspectives. Furthermore, the concept of “Cultural Heritage of Humankind” implies that such destruction affects not only the state or community where the cultural property is located, but also all states, peoples, and human groups worldwide. Therefore, the book explores the international legal remedies available to entities that are not directly harmed by IDCHH but seek to end it and receive reparation.

The reference to “law” in the book’s title appears to be a broad thematic framing; however, it actually pertains to international law, or at least that is the predominant area of law. This does not alter the fact that the scope of the reviewed publication is extensive, as reflected in its detailed structure, which is divided into parts, sections, and chapters. The substantive justification for such a complex structure lies in both the complexity of the subject matter and the diverse approaches and processes through which each relevant area of international law responds to IDCHH by establishing remedies and countermeasures. There is also another, more pragmatic (though entirely understandable) reason for this structure: the chapters comprising the work are largely the proceedings of the conference “The Intentional Destruction of the Cultural Heritage of Humankind: What Are the Remedies Under International Law?” – held at the University La Sapienza in Rome in December 2021. Multi-author works, which are the result of academic conferences and serve as a distinct summary of the discussions held during them, are necessarily multi-faceted and diverse. However, there is always a core that unites seemingly disparate topics, a binding element that connects the chapters into a cohesive whole. In this book, this core is undoubtedly its focus on specific remedies to IDCHH, within the framework of often disparate fields of international law, which vary in terms of content, enforcement mechanisms, and even underlying principles. Concentrating on the remedies for IDCHH provided by international law rather than simply offering an analytical review of international instruments that outline the prohibition against it is also a distinguishing feature of this publication in comparison to other works in this research area. It should therefore be emphasized that, although in recent years there has been an increasing number of monographs dedicated to cultural heritage, including aspects related to its intentional destruction,⁸ the volume under

⁸ Among recently published works, particular mention should be made of J.A. González Zarandona, E. Cunliffe, M. Saldin (eds.), *The Routledge Handbook of Heritage Destruction*, Routledge, London: 2024. However, this publication differs in nature from the monograph being reviewed, as its underlying assumptions and objectives are distinct: it offers a comprehensive analysis of the destruction of art and heritage by

review aims to offer a novel perspective on the current state of the art in the debate surrounding IDCHH.

As the editor of the publication notes, from a methodological perspective, the issues addressed in the volume can be divided, firstly, according to two legal regimes governing responsibility for IDCHH – State responsibility (Parts 1 and 2) and individual criminal responsibility (Part 4). Importantly, these two regimes are not mutually exclusive, as a single case may involve both state and individual responsibility.⁹ Furthermore, there are numerous areas of overlap between the two, particularly in relation to IDCHH, especially when states are required to criminalize IDCHH within their domestic legal systems. Part 3 reflects this hybrid nature, as both states and individuals can be responsible for committing IDCHH. Secondly, all chapters of the volume are organized by the scope of the legal systems under consideration, starting with universal systems (e.g. the UN) and moving on to more specialized ones. The discussion focuses on remedies for IDCHH within the UN and UNESCO frameworks, the jurisprudence of the International Criminal Court (ICC), and specialized regimes such as human rights protection and ad hoc international criminal courts. This comparative analysis highlights a range of intersecting and complementary solutions for addressing IDCHH.

The introductory chapter by Alberta Fabbriotti exists somewhat outside the main structure of the book. It clarifies the objectives and premises of the book, outlines its content and methodological foundations, and, most importantly, establishes the conceptual framework and core definitions (such as “intentional destruction” or “remedy”) which underpin all the discussion and analysis. Additionally, it precisely defines the content and scope of IDCHH. This chapter is of crucial importance for understanding the inherently complex content of the book. It serves as an essential starting point for readers, providing clarity on the book’s subject matter and guiding the interpretation of these key “remedies” within the context of the international law regimes. Structurally, this chapter integrates the various parts of the volume, transforming them into a coherent and logical legal discourse. Together with the final chapter (also authored by Fabbriotti), it forms a conceptual paradigm that unifies the multifaceted discussions and reflections around a common central issue.

synthesizing theoretical and legal frameworks with diverse conceptual perspectives and a broad scope of case studies. It also examines the underlying factors driving heritage destruction and critically assesses its various manifestations across different contexts and circumstances.

⁹ See Art. 25.4 of the Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3: “No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under international law.” See also Art. 38 of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (adopted 26 March 1999, entered into force 9 March 2004) 2253 UNTS 172: “No provision in this Protocol relating to individual criminal responsibility shall affect the responsibility of States under international law, including the duty to provide reparation.”

The first part of the book, dedicated to actions against IDCHH within the UN system, begins with Section 1, which focuses on the achievements and shortcomings of UNESCO. This section seeks to identify the mechanisms available to the organization for addressing and mitigating IDCHH attacks, while consistently considering its fundamental structure and constrained capacity to impose coercive measures in order to ensure compliance with its regulations. Patrizia Vigni explores the possibility of applying the 2001 Draft Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) to establish state responsibility arising from IDCHH, due to the absence of other international norms specifically regulating the issue. In particular, the UNESCO conventions on cultural heritage do not explicitly prohibit intentional destruction, making it crucial to define existing obligations regarding IDCHH in order to establish state responsibility. This, in turn, enables ARSIWA to be applied and the responsible party identified. The author concludes that innovative procedural rules are needed to address serious breaches like IDCHH, as the UN Security Council's efforts under Chapter VII have been largely ineffective. Given the rising occurrence of IDCHH, urgent regulatory measures are required to prevent further violations.

The next chapter in this section, authored by Lorenzo De Poli and Alberta Fabbriotti, focuses on the effectiveness of sanctioning war crimes regulated under the 1954 Hague Convention and its Second Protocol, as examined through the lens of national legislation. The authors begin with the assumption that the Hague Convention has struggled with effectiveness, as conflicts in the former Yugoslavia and Syria, for example, have shown that many states fail to enforce their obligations. Then they analyze Art. 28 of the Convention, highlighting its weaknesses, and examine its implementation in national law. The Second Protocol, which expands the Convention by listing offenses against cultural property, is then discussed; finally, the domestic legislation of selected states is reviewed. Particular attention is paid to Italy's legislation – the authors argue that the case of Italy demonstrates that the implementation of the Second Protocol has resulted in significant advancements, both in enhancing the effectiveness of protection and in improving the national penal system.

The subsequent chapter in this section presents a highly detailed and critical analysis of the 2003 UNESCO Declaration, conducted by Federico Lenzerini and Angela Federico. Indeed, the chapter highlights both the strengths and weaknesses of the Declaration, with appropriate references to its subsequent practical application, not only within the UN. The critical reflections regarding the document's shortcomings and its rather marginal significance in practice are particularly valuable. Notably, one of the chapter's authors, Lenzerini, was a member of the Italian

delegation during the Declaration's negotiations. His insights, therefore, are based on personal experience and long-term observations.¹⁰

Section 1 concludes with two chapters on a similar topic, both addressing the practical dimension of UNESCO's cooperation with member states in deploying national task forces to areas affected by IDCHH incidents. Specifically, they examine the 2016 Italian/UNESCO Unite4Heritage Task Force initiative, which has garnered interest due to its innovative approach. Costanza Rizzetto analyzes the operational framework, mandate, and past experiences of the aforementioned Italian task force, with a particular focus on its effectiveness, and concludes that this unit appears to face certain limitations in effectively ensuring the protection of cultural heritage. The chapter by Jessica Wiseman and Raghavi Viswanath addresses certain changes from 2022 concerning the functioning of such task forces and analyzes the implications of these changes. As a result, the authors propose that the "activated taskforce" should not be viewed as an isolated initiative, but rather as a significant milestone in a proactive, coordinated effort within UNESCO, supported by key member states (particularly Italy). This initiative aims to enhance regulatory authority and position the organization as a central international law player.

Section 2 of the first part addresses actions taken within the UN system, which, in the context of remedies for IDCHH, may appear less evident than the activities of UNESCO. However, the three chapters in this section demonstrate that this is a mistaken impression. When analyzing the United Nations Security Council (UNSC) resolutions that reference IDCHH, Kristin Hausler operates on the premise that IDCHH not only constitutes a violation of international humanitarian law or international human rights law, but also poses a threat to peace and security. This notion was, in fact, affirmed in Resolution 2347 (2017), in which the UNSC made clear that the destruction of cultural heritage was, in itself, a threat to international peace and security and that its protection was a security and humanitarian imperative.¹¹ The author examined not only the aforementioned resolution, but also earlier UNSC resolutions related to cultural heritage in order to determine whether they impose obligations on states (as well as other entities) to respect and protect cultural heritage. This analysis enabled the author to identify several critical gaps arising from both the member states' approaches toward heritage destruction and the inherent limitations of the Security Council.

In the next chapter, Laura Pineschi argues that integrating cultural heritage protection into the mandate of peacekeeping operations (PKOs) appears justified,

¹⁰ See also F. Lenzerini, *The UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage: One Step Forward and Two Steps Back*, 13 *Italian Yearbook of International Law* 131 (2003).

¹¹ See UN Security Council Resolution 2347 (2017), 24 March 2017, S/RES/2347 (2017) Preamble. A more detailed discussion of this resolution can be found in A. Jakubowski, *Resolution 2347: Mainstreaming the Protection of Cultural Heritage at the Global Level*, 48 *Questions of International Law Zoom-in* 21 (2018).

given their well-documented “flexibility” and the operational methods developed over the years. The lack of a stringent legal framework has enabled the UN to utilize a mechanism that can be readily adapted to the specific demands of various crises across different regions. However, as the author rightly observes, it is questionable to assign additional responsibility to missions that are already overburdened, understaffed, under-resourced, and entrusted with functions and powers that often prove difficult to reconcile with the structural limitations of a UN PKO. Thus, if PKOs are to be utilized for the protection of cultural heritage, they must be supported by a clearly defined mandate, a realistic capacity for implementation, adequate resources (including properly equipped UN forces), a tailored strategy, and specific operational mechanisms.

In the final chapter of Section 2, Erkan Akdogan focuses on the UNSC’s so-called targeted sanctions against individuals as an effective remedy to IDCHH. Considering the UNSC’s past experience with the application of targeted sanction mechanisms, equipped, among other things, with sanctions committees and obligations for states to cooperate with them, it seems that this method of combating IDCHH perpetrators has a high potential for success.¹² Therefore, the author analyzed the functioning of these mechanisms in practice, paying particular attention to specific examples of sanctions monitored by the Mali Sanctions Committee (established pursuant to Resolution 2374 of 2017), which allowed him to highlight several conceptual, structural, and institutional advantages and drawbacks and to formulate interesting and, to some extent, critical conclusions.

Part 2 of the book examines the remedies to IDCHH that emerge from the application of international human rights standards. In this context, IDCHH is recognized as a violation of individual rights and values associated with the right to participate in cultural life. The central idea of this part is to present IDCHH as a violation of the rights of individuals and ethno-cultural communities, which necessitated the clarification and analysis of complex legal issues. It is therefore appropriate that this section opens with a chapter by Federico Lenzerini on the character of the rights infringed by IDCHH. In particular, the author reflects on whether the rights violated as a result of IDCHH are individual, collective, or group-based in nature. Interestingly, the author approaches the solution to this issue from the perspectives of five different entities whose rights are affected by IDCHH: the international community as a whole; the peoples of regional organizations; states and national peoples; ethnic, racial, minority, linguistic, or religious communities or groups; and individuals. The author does so in order to systematically discuss – for each of these entities – the reasons why they are affected by IDCHH, the main

¹² For a more comprehensive discussion on UN targeted sanctions, see e.g. F. Giumelli, *Understanding United Nations Targeted Sanctions: An Empirical Analysis*, 91(6) *International Affairs* 1351 (2015).

implications arising from it, and the ways through which they can obtain reparations for the wrongs they suffer.

Considering cultural heritage to be a category of human rights, Leila A. Aminedoleh and Claudia S. Quiñones Vilá seek to determine the legal protection mechanisms available for cultural heritage within this framework. They assume a particular intersection between international and national (or supranational) mechanisms for the protection of cultural heritage and its associated rights, which is essential not only for the development of targeted legal frameworks, but also for their effective enforcement. To achieve this objective, the authors conduct a detailed analysis of both relevant international legal instruments and national regulations, enriching their discussion with carefully selected (including contemporary) examples of destruction tied to looting and claims for restitution. Confirming that cultural heritage has already attained a privileged status and is widely regarded within the human rights framework, the authors emphasize the necessity of properly utilizing existing tools to more effectively address the current challenges.

The subjective dimension of considerations regarding remedies to IDCHH is addressed by Ann Marie Thake, who seeks to answer the question of who qualifies as a “victim” of IDCHH and what rights they have to submit a claim. The author refers to the reparations order of the ICC in the *Al Mahdi* case,¹³ in which the Court identified four distinct victims: individuals, the community directly affected by the destruction, the State of Mali, and the international community. She then proceeds to examine whether the four categories of victims identified by the ICC, particularly the international community, qualify as entities entitled to seek redress under human rights law, given that the deliberate destruction of cultural heritage is recognized as a violation of human rights. The study examines three regional human rights systems (the European, Inter-American, and African systems), and while it encompasses all types of victims identified by the ICC, its primary objective is to determine whether the international community can collectively meet the admissibility criteria applied by these regional courts.

In the final chapter of Part 2, Leonard Hammer examines forms of redress and avenues for enforcing the judgments of human rights courts. He primarily focuses on regional systems of human rights protection, arguing that regional forms of redress for the protection of indigenous peoples’ cultural heritage largely stem from the frameworks of protection granted to indigenous peoples and their rights, particularly within the Inter-American and African systems. His observations and conclusions are rather ambivalent: on the one hand, regional systems provide redress for indigenous peoples and the possibility of criminal action against those

¹³ See ICC, *Prosecutor v. Ahmad Al Faqi Al Mahdi* ICC-01/12–01/15–236, Reparations Order, 17 August 2017.

responsible for destroying cultural heritage during conflicts; on the other hand, the overall system of protection and redress for cultural heritage protection remains state-centric and limited, and peacetime protection methods are ineffective, without effective enforcement mechanisms, and dependent on bureaucratic processes. The author is convinced, however, that the use of international processes and the involvement of various actors in cultural heritage protection can strengthen the methods of norm enforcement.

Part 3 of the volume examines the emerging intersection between IDCHH and international investment law (IIL), a field traditionally focused on economic interests. However, given the evolving legal consequences of investor activities that may contribute to IDCHH, this area presents significant potential for further development. The authors of the four chapters comprising Part 3 explore this still uncharted research area, with each chapter presenting a slightly different approach to the subject. Ludovica Chiussi Curzi and Niccolò Lanzoni underscore that cultural heritage may be impacted by economic activities in various ways, including through illicit trade, anthropogenic disasters, unregulated urbanization, resource extraction, and land appropriation. It is therefore essential to define the interaction between IIL and cultural heritage law, examining the obligations of states in both areas and assessing the extent to which obligations may also be imposed on investors. The chapter also references relevant practice by providing examples of cultural issues in investment disputes. In doing so, the authors seek to address the questions of whether, and to what extent, investors' obligations are emerging or should begin to emerge under IIL, as well as the potential role of "cultural heritage due diligence" in accelerating this process.

In the following chapter, Valentina Vadi examines various forms of iconoclasm, with particular emphasis on "economic iconoclasm," which refers to the destruction of cultural heritage sites to promote economic development. She then explores how IIL can prevent, respond to, and mitigate the effects of the IDCHH. By doing so, the author seeks to bridge an existing gap in the legal literature and contribute to the ongoing debate by mapping the complex and multifaceted response of IIL to the deliberate destruction of cultural heritage, as well as analyzing the role that IIL – particularly arbitration – can play in protecting it. In conclusion, the author asserts that, despite the extraordinary resilience of cultural heritage, there is a pressing need to develop a holistic approach toward protecting it, one that considers both cultural preservation and economic development.

In the chapter authored by Victor Stoica, the primary issue under analysis is compensation for alleged IDCHH in the context of decisions rendered by investment arbitration tribunals. The author rightly observes that in certain cases involving cultural heritage, the calculation of compensation warrants special attention due

to the global significance of sites listed on internationally protected registers, such as the World Heritage List. The chapter begins with a discussion of compensation in public international law litigation and investment arbitration, as well as its links to restitution in kind. These theoretical considerations are supplemented with carefully selected examples of remedies before investment tribunals in cases concerning cultural heritage. This approach enables the author to subsequently focus on the impact that the intersection and interaction of public and private interests exert on the application of compensation mechanisms in investment disputes involving cultural heritage.

A final chapter in this part, written by Edward Guntrip, illustrates a study case – the Juukan Gorge caves. In May 2020, the mining company Rio Tinto – in adherence to domestic legislation – destroyed indigenous cultural heritage associated with the Juukan Gorge caves in Western Australia, as part of its iron ore mining activities. As the author observed, given the legal permissibility of Rio Tinto's actions, Australia's domestic legal framework does not offer any remedies for the loss of this cultural heritage. Assuming that international law protects sites of cultural significance to humanity by prohibiting IDCHH, the author uses the Juukan Gorge caves as a case study to examine the remedies available under international law when this prohibition is violated by a corporation – ultimately reaching valuable, yet somewhat unsettling conclusions.

Part 4 of the book examines the international responsibility of individuals and explores the field of international criminal law (ICL), an area that has seen significant developments in relation to IDCHH and the legal remedies available for it. The first two chapters of this part provide a general framework for understanding IDCHH as a crime. Francesca Sironi De Gregorio analyzes IDCHH as a war crime, understandably limiting the scope of her research to the criminalization of IDCHH under ICL during armed conflict (both international and non-international), thereby drawing on the definition of cultural property as established in the 1954 Hague Convention. To this end, the author reconstructs the legal framework governing IDCHH in times of armed conflict, taking into account both customary law norms that criminalize such acts in wartime and the most relevant provisions of international humanitarian law. The chapter also examines the case law of international criminal tribunals on this matter, aiming to highlight the similarities and differences in the approaches adopted by various institutions and to identify potential directions for further development in the field. In turn, Kerstin von der Decken and Pablo Gavira Díaz examine IDCHH as a crime against humanity, arguing that the scope of Art. 7(1)(h) of the ICC Statute may allow for prosecuting IDCHH as a crime against humanity in the form of persecution. By analyzing both the statutes and case law of international criminal tribunals (starting from the Nuremberg

Tribunal), the authors conclude that IDCHH could be classified as a crime against humanity, but only if it is committed as part of a severe, repressive policy directed against a certain civilian population. Such a policy must be designed to degrade the victims to such an extent that their fundamental freedoms are systematically denied, with the discriminatory intent of the perpetrator serving as the driving force behind this criminal plan or program. Consequently, it appears evident that only within the context of a persecution campaign could IDCHH be considered a crime against humanity.

The next three chapters of Part 4 present an interesting comparison, as they center on the ICC's *Al Mahdi* case,¹⁴ although the components of this case are assessed from different perspectives in these chapters. In the first of them, authored by Elisa Ruozzi, there is a return to a previously discussed issue: treating the international community as a "victim" of IDCHH and as entitled to compensation. However, this time the issue is viewed from the perspective of ICL. To this end, the author analyzes the role played by the international community in the reparations for the crime committed by Al Mahdi, with particular attention to whether and to what extent the attribution of the status of heritage of humankind to the destroyed property is reflected in the provisions on compensation for victims. Noelle Higgins addresses the rationales for protecting cultural heritage within the international legal system, with the backdrop of the *Al Mahdi* case and the arguments put forth by Ansar Dine in defense of their attacks on cultural sites. According to the author, while the ICC's analysis of the impact of the destruction of cultural property is important, it lacks many elements regarding Al Mahdi's motivations or justifications. This is a significant shortcoming, as understanding the rationale for the destruction of cultural property and how it is treated across various cultures and religions enables better legislative efforts for its protection. Lastly, Alice Lopes Fabris also returns to the issue of the international community as a victim of IDCHH, emphasizing that the collective interest may serve as a rationale for protecting cultural heritage. Drawing on the ICC's *Al Mahdi* case, the author examines the possible foundations for recognizing the international community as a victim of an international crime against cultural heritage. She first briefly discusses the concept of a victim in international law, then analyzes the legal basis of the ICC's ruling, particularly the determination of the harm suffered by the international community. Furthermore, she explores other situations in which, according to the ICC's reasoning, the international community could potentially be recognized as a victim.

The next chapter of Part 4, authored by Karolina Wierczyńska and Andrzej Jakubowski, presents a highly detailed and critical analysis of the Policy on Cultural

¹⁴ See ICC, *Prosecutor v. Ahmad Al Faqi Al Mahdi*, ICC-01/12-01/15, Judgment, 27 September 2016.

Heritage, published by the Office of the Prosecutor (OTP) of the ICC in June 2021.¹⁵ It explores the nature and objectives of policy documents drafted by the OTP, examines the content and purpose of the cultural heritage policy in relation to the Rome Statute, and assesses its broader role within the international criminal justice system. Furthermore, the chapter scrutinizes the key elements of the policy, evaluating its potential practical impact on global efforts to prevent and prosecute cultural heritage crimes. Lastly, it situates the OTP Heritage Policy within the broader framework of multilevel governance of cultural heritage and its overarching objectives. This chapter serves as a good example of the need to approach such initiatives of international institutions with a degree of critical scrutiny – acknowledging their innovativeness and significance for the issue at hand while remaining vigilant to potential shortcomings and deficiencies.

The final chapter of Part 4, written by Chiara Venturini and Sophia Schiavon, examines the obligation of states to criminalize IDCHH within their domestic legal frameworks, highlighting the necessity and complementarity of this measure in relation to the recognition of IDCHH as a crime under international law. This obligation is analyzed through the example of the Council of Europe Convention on Offences relating to Cultural Property of 2017 (Nicosia Convention).¹⁶ The chapter explores the Nicosia Convention to assess its future and effective implementation in international practice, as well as its prospects within the current international system for the protection of cultural heritage. Additionally, Italy is examined as an example of a state that has ratified and is actively implementing the Convention's provisions. In the authors' assessment, Italy's timely and proper enforcement of the Convention's obligations to criminalize the prohibited acts demonstrates that, through widespread ratification of this instrument, there is a genuine prospect of establishing a harmonized system for combating crimes against cultural heritage.

The final chapter, authored by Alberta Fabbriotti, can hardly be described as a mere conclusion, as it goes beyond the customary "observations and findings." Rather, it serves as a comprehensive assessment of the objectives and research questions set forth at the outset – evaluating the extent to which they have been addressed and answered and identifying those that remain within the realm of legal uncertainty or require further in-depth study. Undoubtedly, the book under review constitutes a comprehensive and analytically structured study, presenting significant research findings on the issue at hand, particularly with regard to assessing the actual effec-

¹⁵ *Policy on Cultural Heritage*, International Criminal Court, The Office of the Prosecutor, Hague: 2021, available at: <http://www.icc-cpi.int/sites/default/files/itemsDocuments/20210614-otp-policy-cultural-heritage-eng.pdf> (accessed 30 June 2025). It is worth mentioning that this document was shaped during public consultations in part through contributions from the authors of the book under review.

¹⁶ Council of Europe Convention on Offences relating to Cultural Property (adopted 3 May 2017) ETS No. 221.

tiveness of the international legal prohibition of IDCHH. However, questions arise as to whether the norms concerning IDCHH possess a customary character and whether the obligations arising from them are *erga omnes*. Furthermore, the volume highlights the shortcomings of legal systems that fail to provide effective means of protection against IDCHH. The editor and authors are thus fully aware of their research achievements and successes, as well as certain gaps and the incompleteness of the subject matter (which, in effect, leaves little room for critique by the reviewer). As with the introduction (Chapter 1), reading the final chapter is essential in order to fully grasp the rationale and outcome of the research on remedies to IDCHH, as described and analyzed in the various sections of the book.

When considering the potential reader, it should be noted that this publication has a relatively high “entry threshold,” meaning that it requires at least basic knowledge of international law – if not its specific branches – to navigate the presented subject matter with ease. While individual authors clarify many issues (as far as the limited scope of their chapters allows) and supplement their analyses with extensive references to the relevant literature in footnotes, having such prior knowledge is undeniably beneficial from the outset. On the other hand, the book’s subtitle includes the term “research companion,” which inherently implies its primary target audience. Nevertheless, this target group is broad and diverse, and the book can successfully serve as a key reference point in the field for scholars, students, and practitioners alike. It would also be highly beneficial for policymakers and decision-makers to engage with this work, as their role is crucial in ensuring that no contemporary “Herostratus” is ever forgotten – not to perpetuate the memory of their disgraceful and reprehensible acts, but rather to guarantee that punishment for such acts remains inevitable and to uphold the effectiveness of all remedies available under international law to redress and penalize IDCHH.