

Our Cultural Heritage is not a Luxury Good

by Michael Curtis

It is welcome news when perpetrators of real evil are brought to justice. The civilized world will delight in the fact that in the last month two Islamist terrorists, one repentant, the other defiant, have been prosecuted and convicted for their infamous deeds in courts, one in The Hague and the other in Britain.

The avowed, now repentant, terrorist, Ahmad al-Mahdi, made history on August 22, 2016 for a number of reasons. He was the first jihadist to appear before an international court. He was the first defendant to plead guilty at the International Criminal Court at The Hague, and will be sentenced to a prison term of between nine to 11 years.

In an event that is momentous for history, Mahdi was the first person to be tried on a “war crimes” charge, the main charge, for attacking historic and cultural monuments. At the Nuremberg war crimes trials no charge of cultural destruction had been brought against the Nazis on trial. However, after World War II and in recognition that preservation of culture is important, international understandings were reached.

The 1954 Convention for Protection of Cultural Property was concerned to protect the culture heritage of countries in the event of armed conflict. The World Heritage Convention in 1972 called for the preservation of cultural properties and the protection of the national heritage.

Mahdi, like all jihadidts, took no heed of these international agreements, though he later apologized to his country and to the world for destroying religious monuments in the historic city of Timbuktu in Mali, a city of 333 saints founded in the

11th century by Tuareg tribes and which was honored as a world historic site by UNESCO in 1988.

Mahdi, a 40 year old former civil servant in the Department of Education in Mali, was responsible as head of Ansar Dine, a Tuareg terrorist unit linked to al-Qaeda, for directing and participating in destroying tombs that were the embodiment of Mali history. Timbuktu was once an important cultural center, the home of a great civilization with a university that had 25,000 students and important libraries with precious 12-16th century manuscripts.

In 2012, rebels of the Tuareg tribe, allied with al-Qaeda in the Islamic Maghreb, and armed with weapons looted from Libya, had attacked the city of Timbuktu. In the area of the city they captured, they imposed sharia law, banned music, forced women to wear burquas, forbade girls to go to school, and attacked shrines and monuments of Sufi society. They ruled until the French-led troops liberated the city in 2013.

When Mahdi and his extremist companions committed their acts in 2012 he declared he was in charge of fighting superstitions. In 2016 he admitted he had acted in the name of the extremists of al-Qaeda and Ansar Dine. Mahdi admitted responsibility for destroying nine mausoleums and a door of a mosque dating to the 15th to 16th centuries that had been closed for hundreds of years. The destruction was termed by UNESCO Director-General Irene Bokova "a genocidal project." She offered wise words, "Our cultural heritage is not a luxury good, we must protect it from desecration and ravages."

All of the destroyed artifacts had great religious and cultural importance, and embodied the common heritage of the people. Mahdi expressed deep regret and asked for forgiveness. In a message, that should be heard by all potential as well as actual jihadists, Mahdi said, "We need to speak justice even to ourselves. We have to be truthful, even if it burns our own hands."

This case brings up an interesting problem. While the destruction of precious cultural artifacts is offensive, is it a "war crime?" Can the Allied destruction during World War II of Monte Cassino, or the Caravaggio paintings in the museum in Berlin be considered war crimes? Today, atrocities of this kind committed since the formulation of cultural international rules might be so regarded. Among them would be the Balkan warlord attacks on Dubrovnik, the famous bridge at Mostar, the national library at Sarajevo in the 1990s. The civilized world has been horrified by the destruction by the Taliban of the Bamiyan Buddhas in Afghanistan in 2001, and by the ISIS barbarity against the Assyrian statues in Nineveh, and the Roman ruins in Palmyra. The case is strong. Cultural destruction should now be treated as a war crime.

The other person receiving retribution by being convicted is Anjem Choudary, a 49 year old Muslim social and political activist. He had not been brought to justice for 20 years since he was, apparently, part of an MI5 investigation. Perhaps there was some valid reason for this, but his record of Islamist activism shows him the very model of a modern jihadist. He was linked to at least 500 British Muslims who had left Britain to fight for ISIS. He had praised the terrorists of 9/11 in the US, and 7/7 in Britain.

Choudary believes that his Muslim faith should dominate "the whole world." He has been linked to at least 15 terror plots since 2000, to attacks in London and other places and to the murder of a British soldier. He delivered a series of talks on You Tube encouraging support for the terrorist group, an-Muhajiroun (ALM) Though he has stated he does not accept British law, however, in London on July 26, 2016 he was convicted of inciting support for ISIS.

By now everyone should be aware of the evil of Islamist terrorism, but some seem hesitant to accept reality. In August 2016 the judges of the British Special Immigration Appeals Commission deliberated on the case of six Algerian terrorists

linked to Osama bin Laden and al-Qaeda who were living in Britain. Citing the Human Rights Act, the Commission allowed them the right to live in Britain on the irrelevant basis that it was "not inconceivable they would be subjected to ill treatment " if deported to Algeria.

It is not dismaying news that British Theresa May is planning to double British efforts to defeat terrorism, especially since she believes an attack on Britain is highly likely. It is even more important for her to institute a ban on Islamist preachers spreading their evil message in mosques, universities, and community groups.