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# WORKING PAPER

## Legal Protection of Cultural Heritage

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# Legal Protection of Cultural Heritage

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**Abstract**

Our world will only be worth living in through globalization. In a time of political, economic and military disruptions and turmoil, we need to focus on cultural heritage. In doing so, we will preserve people's understanding of the commonalities of humanity's cultural roots as well as the specifics of the cultures of individual nations and peoples. However, cultural heritage is also exposed to a variety of threats and dangers. The protection of cultural property is therefore not only a key area of international politics and international co-operation but also requires legal protection.

The working paper provides an overview of this legal protection, which is guaranteed on several levels and by a variety of legal sources. The starting point is the civil law rules on ownership, rights of use and disposal, which are intended to ensure the cultural benefits of the population and to banish tangible cultural assets from the black market. From a German perspective, European, federal and state regulations overlap and complement each other in this respect; in China, there is a special law on cultural heritage in addition to the Civil Code. All in all, there are clear parallels between the Chinese and European legal situation, especially the German one.

In terms of international law, protection is provided by various conventions, which have been supplemented by protocols over time and in some cases overlap. These conventions mainly address not only the protection of cultural property as such, but also armed conflicts and humanitarian aid. Resolutions of the World Security Council are also relevant. It therefore seems worthwhile to assemble this kaleidoscope into a coherent picture.

Any legal protection would remain incomplete without the possibility of criminal sanctions. To this end, substantive standards have been enacted both at national and international criminal law level. However, jurisdiction in such criminal cases is at least as

important as the substantive prohibitions and sanctions. The working paper therefore concludes with corresponding remarks.

**Key words:** UNESCO; World Heritage; Cultural Property; Archaeological Sites; Architectural Monuments; Treasure Trove; Black Market; Armed Conflicts; Natural Disasters; Environmental Damages; Civil Law; International Law; Criminal Law

## A. Introduction

### I. What is Cultural Heritage?

Usually, we tell tangible from intangible cultural heritage. This distinction is debatable from a cultural studies perspective,[1] not only because the production of a tangible object always requires intangible skills. Nevertheless, for the purposes of this study, we must adhere to it and limit ourselves to tangible cultural heritage. This is because the legal protection of tangible cultural property requires completely different institutions than that of intangible cultural heritage.

But even when it comes to the concept of material cultural property, there are different definitions in detail. E.g., on international level, according to the *Convention concerning the protection of the world cultural and natural heritage*,[2] Art. 1, it must be "[…] of outstanding universal value from the point of view of history, art or science." *The Hague Convention for the protection of cultural property in the event of armed conflict*[3] defines it in Art 1: (a) as "movable or immovable property of great importance to the cultural heritage of every people […]." On European level, Art. 2 of the *EU Directive on the return of cultural objects*[4] deals with "an object which is classified or defined […], as being among the national treasures

[1] The different aspects have been scrutinized by Seng, E.-M. (2014, 2020, 2022, 2023, 2024).
[2] Convention Concerning the Protection of the World Cultural and Natural Heritage, UNESCO, 17.11.1972, 1037 UNTS 151 [herein: *Convention concerning the protection of the world cultural and natural heritage*].
[3] Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention, UNESCO, 14.05.1954, 249 UNTS 215 [herein: *The Hague Convention for the protection of cultural property in the event of armed conflict*].
[4] Directive 2014/60/EU of the European Parliament and of the Council of 15.05.2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast) [herein: *EU Directive on the return of cultural objects*].

possessing artistic, historic or archaeological value.“ All in all, we can speak of an outstanding cultural value for single nations or even transnational.

Whereas these Western definitions remain largely vague, cultural property protection in the People's Republic of China is embedded in a broader context. According to Art. 1, it is the objective of the *Law on the Protection of Cultural Properties*[5] “[…] to strengthen the protection of cultural relics, pass on the outstanding historical and cultural heritage of the Chinese nation, promote scientific research, educate people in patriotism and revolutionary traditions, strengthen historical self-awareness and cultural self-confidence, and build socialist spiritual and material civilisation.”

### II. The Threats of Cultural Property

It may come as a surprise to non-lawyers, but the most significant threat to cultural property comes from the black market, which is flourishing at both the national and international levels. Although only movable cultural property is traded on this market, it also endangers immovable cultural heritage sites. This is because the goods traded on the black market are obtained through illegal excavations, plunder and looting from these sites. Therefore, we must first address the Civil Law situation (B.). Next, we will turn our attention to disastrous situations, such as those that arise in form of natural catastrophes and long-term environmental influences (C.). Another main section of the paper deals with the threat to cultural property posed by and during armed conflicts (D.). We will conclude with references to the flanking protection provided by Criminal Law (E.).

#### B. Legal Protection by Civil Law

In civil law, two issues are paramount: Ownership and Market Ban. In general, these issues are regulated in national civil codes, i.e. the *Mín Fǎ Diǎn*[6] and the BGB[7]. However,

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[5] Law of the People's Republic of China on the Protection of Cultural Properties (中华人民共和国文物保护法) of 19.11.1982 as amended on 08.11.2024, CLI.1. 5234299, in force since 01.03.2025, and Implementing Regulations (中华人民共和国文物保护法实施条例) of 18.05.2003 as amended on 07.10.2017, CLI.2.304116 [herein *Law on the Protection of Cultural Properties*].

[6] Civil Code of the People’s Republic of China (Adopted at the Third Session of the Thirteenth National People’s Congress on May 28, 2020), CLI.1.342411 [herein: *Mín Fǎ Diǎn*].

[7] Bürgerliches Gesetzbuch - German Civil Code in the version promulgated on 2 January 2002 (Federal Law Gazette [Bundesgesetzblatt] I page 42, 2909; 2003 I page 738), last

cultural property protection is guaranteed by special laws that derogate from the general rules. Although these laws are primarily administrative in nature, they also contain a civil law basis. In the People's Republic of China (I.), Artt. 253 and 319 *Mín Fǎ Diǎn* in conjunction with the *Law on the Protection of Cultural Property* are relevant. In short, this leads to a special legal status for movable and immovable cultural property that derogates from general Property Law. The legal situation in Germany (II.) is determined by various layers, European law, Federal Law and State Law. Nevertheless, the legal situation in Germany is largely like that in China. In addition to the national regulations, both European (III.) and international rules (IV.) have been promulgated.

## I. Chinese Civil Law

### 1. Property of Cultural Heritage

Art. 253 *Mín Fǎ Diǎn* declares: "The cultural relics that are provided by law to be owned by the State are owned by the State." This means, it "belongs […] to the whole people" (Art. 246 *Mín Fǎ Diǎn*). This also applies when movable cultural monuments are found as treasures. This is because Article 319 *Mín Fǎ Diǎn* also refers to the corresponding special legal status.[8]

Said special law providing details of the ownership of cultural heritage is the *Law on the Protection of Cultural Properties.* The cultural assets are listed in Art. 2 and subdivided in Art. 3. The main distinction required by civil law is between immovable and movable cultural monuments. In addition, a distinction is made between sites for the protection of immovable cultural monuments and unrated immovable cultural monuments, as well as between three grades of movable cultural monuments.

However, in China there is also cultural property that is collectively owned and property that is privately owned, see in particular Art. 7 and Artt. 66-76 *Law on the Protection of Cultural Properties*. This is because the State Council, which exercises the powers of the owner on behalf of the people, and the authorities subordinate to it for the protection of cultural property may release individual cultural monuments from state ownership. One example[9] is

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amended by Article 1 of the Act of 10 August 2021 (Federal Law Gazette I p. 3515) [herein: *BGB*].

[8] Where a drifting thing is found or a thing buried underground or hidden is discovered, the provisions relating to the finding of lost things shall be applied mutatis mutandis, unless otherwise provided by law.

[9] See further B.I.2.

the prescribed procedure for treasure troves, Art. 46: The finder must immediately notify the local cultural relics administration, which must inspect the site of the find within 24 hours and issue a statement on how to proceed within seven days.

Even if cultural property is collectively (Artt. 260 pp *Mín Fă Diăn*) or privately owned (Art. 266 pp *Mín Fă Diăn*), the owners must comply with the provisions of state laws and regulations for the protection of cultural monuments (Art. 7 *Law on the Protection of Cultural Property*). This includes obligations to maintain (Art. 32 *Law on the Protection of Cultural Property*), reconstruct if necessary (Art. 33 *Law on the Protection of Cultural Property*) and grant access to the population (Art. 37 *Law on the Protection of Cultural Property*). In legal terms, this is a public law charge[10] attached to the property.

**2. Market Regulations**

Disposal of immovable cultural monuments owned by the state is prohibited, with very limited exceptions (Art. 35 *Law on the Protection of Cultural Property*). Non-state immovable cultural monuments may not be transferred or pledged to foreigners or foreign and international organisations (Art. 36 *Law on the Protection of Cultural Property*).

For listed movable cultural relics, Art. 68 *Law on the Protection of Cultural Property* stipulates a ban from the market. However, this only applies absolutely to mural paintings, sculptures and architectural elements, valuable non-state collections and relics registered as stolen or lost. Exceptions may even be granted for relics in possession of the state (Art. 68 sec. 1 *Law on the Protection of Cultural Property*). Furthermore, citizens and organisations may inherit, donate, purchase and barter cultural relics (Art. 67 *Law on the Protection of Cultural Property*). Licensed sales outlets and auction houses exist for trade, ensuring compliance with the rules on the protection of cultural property (Artt. 70 pp *Law on the Protection of Cultural Property*).

**II. German Civil Law**

Unfortunately, the civil law situation in Germany is somewhat confusing due to the federal structure of the constitution.

**1. Appropriation of Cultural Property by the Government**

[10] Öffentlich-rechtliche Last.

Similar to China, the general rules on treasure trove (§ 984 *BGB*)[11] are derogated from by special legal status. However, this is not found in federal law, but in state law since existing "[…] regalia[12] remain unaffected" by federal civil law (Art. 73 *EGBGB*[13]). Due to the states' responsibility for culture, this also includes the regulations on ownership of cultural property. The federal states have essentially enacted the same laws.[14] Furthermore, the Federal Constitutional Court has defined a generally applicable scope for cultural property regulations for the federal government and the states. The scope is to ensure preservation, but also to enable scientific research and access for the benefit of the public.[15] Therefore, we will focus here on the state law[16] of North Rhine-Westphalia as an example.

Due to the land law regime of the Federal Republic of Germany, which is primarily based on private ownership, cultural assets are not generally owned by the state. Rather, special legal acts are required to establish state ownership. For immovable cultural heritage sites, the appropriation of real estate by the State can be done either by exercising a right of pre-emption (Art. 31 *DSchG NRW*) or by expropriation against compensation (Art. 33 *DSchG NRW*).[17] The right of pre-emption is not very helpful, because it presupposes that the property is to be sold, and even then, it does not apply in all cases.[18]

Movable relics and artefacts immediately become property of the state if they are discovered in course of research organised by public authorities or in protected excavation areas. Otherwise, only assets of outstanding scientific or cultural value will be public property. In order to verify this, the possessor must surrender the items to the authorities.[19] If they are

[11] § 984 BGB Treasure Trove: If a thing that has lain hidden for so long that the owner no longer can be established (treasure) is discovered and is taken into possession as a result of the discovery, then one half of the ownership is acquired by the discoverer, and the other half by the owner of the thing in which the treasure was hidden.
[12] Property, rights and privileges reserved for the sovereignty of the state, see further Odenthal (2005), p.439 ss.; Henssler (2023) § 984 BGB margin numbers 15-17.
[13] Introductory Act to the Civil Code in the version promulgated on 21 September 1994, Federal Law Gazette [Bundesgesetzblatt] I p. 2494, last amended by Article 15 of the Act of 23.10.2024 (Federal Law Gazette I Nr. 323) [herein: *EGBGB*].
[14] Schermaier (2024), § 984 BGB margin numbers 34-36.
[15] BVerfGE 78, 205 ff.
[16] Monument Protection Act North Rhine-Westphalia of 13.04.2022, GV. NRW. S. 662 [herein: *DSchG NRW*].
[17] Odenthal (2005), p. 441 ss.
[18] See further VG Magdeburg Urteil vom 29.4.2024 – 4 A 265/22 MD, NZI 2024, 767: No protection against the sale of a cultural heritage site by a bankruptcy administrator.
[19] Odenthal (2005), p. 442.

declared state property, he receives a reward, unless he has obtained the property unlawfully (Art. 18 *DSchG NRW*). If the assets are not considered to be of outstanding value, they will be private property.

Like in China, the owner of cultural assets is subject to special obligations.[20] These vary depending on whether the assets in question are architectural monuments (Artt. 7 pp *DSchG NRW*), gardens (Artt. 12, 13 *DSchG NRW*), archaeological monuments (Artt. 14 pp *DSchG NRW*) or movable cultural relics (Artt. 19 pp *DSchG NRW*).

### 2. Ban from the Market

In Germany is no regulated market for cultural property. Rather, there is a ban on placing on the market by the federal Cultural Property Protection Act (Art. 40 *KGSG*).[21] The ban takes effect if cultural property has been lost, unlawfully excavated or unlawfully imported. Consequently, all legal transactions including export (Art. 21 *KGSG*) and import (Art. 28 *KGSG*) are null and void. Furthermore, acquisition of cultural property in good faith is excluded. Rather, anyone who has placed cultural property on the market in violation of the ban shall be obliged to compensate the acquirer for the damage and the expenses related to the acquisition and the preservation of the cultural property, unless he or she proves not to be responsible for the violation.[22]

## III. Ban from the European Market

There is also a typical European problem: The European Union (EU) has a common market, but independent member states. Therefore, the *EU Directive on the return of cultural objects* was needed, if cultural objects of one member state have been removed unlawfully from his territory to another member state. The Directive orders the return of the cultural object. This directive was implemented by all member states of the EU, in Germany by the *KGSG*.

## IV. Ban from the International Market

The *Convention on Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property*[23] serves to prevent the illegal export of cultural property through monitoring

[20] Odenthal (2005), p. 444 ss.
[21] Act on the Protection of Cultural Property (Cultural Property Protection Act – KGSG) of 31 July 2016 (Federal Law Gazette [BGBl.] Part I p. 1914) [herein: *KGSG*].
[22] See further Schneider (2022), p. 200 ss.
[23] Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, UNESCO, 14.11.1970, 823 UNTS 231 [herein:

and prohibition. Repressively, it provides the basis for the repatriation of objects that have nevertheless been exported. In Art. 2 the States Parties recognize that international cooperation constitutes one of the most efficient means of protecting each country's cultural property against all the dangers resulting from the international black market.

To this end, the import, export or transfer of ownership of cultural property effected contrary to the provisions adopted under the Convention by the States Parties thereto, shall be illicit (Art. 3 *Convention on Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property*). Further, to ensure the protection of their cultural property against illicit import, export and transfer of ownership, the States Parties undertake, as appropriate for each country, to set up within their territories one or more national services for the protection of the cultural heritage, with a qualified staff sufficient in number for the effective carrying out of the protection (Art. 5 *Convention on Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property*).

These flanking measures include the creation of laws and regulations to protect cultural heritage and the creation and updating of a list of important public and private cultural assets whose export would significantly impoverish the national cultural heritage.

Institutions must be created or further developed to ensure the preservation and presentation of cultural assets (museums, libraries, archives, laboratories, workshops, etc.). There must be supervision of archaeological excavations and the preservation of outstanding cultural assets ‘in situ’. In addition, areas reserved for future archaeological research must be designated and protected.

**C. Protection regardless of conflict situations**

Of course, everybody in China knows about cultural world heritage as here are no less than 60 respective sites. It is also well known that the State Party in which the World Heritage Site is located must ensure its protection and conservation. Failure to do so could result in the World Heritage Label being withdrawn. The legal basis for this is to be found in the *Convention concerning the protection of the world cultural and natural heritage.*

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*Convention on Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property*].

However, it is probably less well known that according to the same Convention, a State Party may request assistance from the other States Parties if its World Heritage property is threatened or endangered: In Art. 6 of the *Convention concerning the protection of the world cultural and natural heritage*, the States Parties recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate. Therefore, the States Parties undertake, in accordance with the provisions of the Convention, to give their help in the identification, protection, conservation and presentation of the cultural and natural heritage […] if the States on whose territory it is situated so request. According to Art. 19, any State Party may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory.

Under international law, this obligation is limited in accordance with Art. 20 only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the [tentative] lists […]. But of course, this does not keep anyone from assisting another state out of courtesy, even without formal legal proceedings. For example, former Chancellor Angela Merkel spontaneously ordered German oak trees to be cut down when the famous Notre Dame Cathedral in Paris burst into flames. The timber has been donated to the French for reconstruction of the church.

Art. 6, 19 and 20 of the *Convention concerning the protection of the world cultural and natural heritage* apply regardless of conflict situations. Since there are more specific regulations for armed conflicts,[24] they are practically only relevant in the case of accidents and natural disasters.[25] Although damage caused by environmental influences is also covered by the Convention, it is almost impossible to prove causation in such cases, as they involve long-term causes.[26] For Europe, where countries share close borders, the European Council has therefore placed particular emphasis on protecting architectural heritage from environmental influences, Art. 7 of its *Convention for the Protection of the Architectural Heritage of Europe*.

[24] See below, D.
[25] Schorlemer (1996), p. 225.
[26] Schorlemer (1996), p. 234 ss.

## D. Protection in armed conflicts

### I. Historical Development

The first approaches to the protection of cultural property were already evident in the (western) customary international law of the 18th century. [27] Later, the Hague Convention on the Laws and Customs of Land Warfare (of 29 July 1899 with amendments of 18. October 1907) codified the rules. Today, the *The Hague Convention for the protection of cultural property in the event of armed conflict* is applicable. The PRC joined this Convention on January 5, 2000.

### II. The Hague Convention for the protection of cultural property in the event of armed conflicts

According to Art. 3 of *The Hague Convention for the protection of cultural property in the event of armed conflicts*, the High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.

After Art. 4, the High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility, directed against such property. They […] 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. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party. They shall refrain from any act directed by way of reprisals against cultural property.

Under Art. 5, 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. Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national

[27] Hammer (1996), p. 52 pp.

authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation.

To ensure the guarantees of Art. 3 – 5, during an armed conflict, cultural property under special protection shall be marked with the distinctive emblem [of cultural heritage], and shall be open to international control as provided for in the Regulations for the execution of the Convention, Art. 10.

Two protocols to the Convention round off the protection of cultural property. The (first) protocol (from 1954) to *The Hague Convention for the protection of cultural property in the event of armed conflict* regulates the repatriation of cultural property that has been transferred to another contracting state during an armed conflict.

The Second Protocol to *The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* (The Hague, 26 March 1999) governs armed conflicts not of an international character under Art. 22:

"This Protocol shall apply in the event of an armed conflict not of an international character, occurring within the territory of one of the Parties. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature."

**III. Further strengthening of cultural property protection**

Three important amendments to the protection of cultural property can be found in a rather hidden place, namely in the *Additional Protocol to the Geneva Conventions* of 12 August 1949 relating to the *Protection of Victims of International Armed Conflicts* (Protocol I) of 8 June 1977.

According to Art. 38, it is prohibited to misuse the distinctive emblem of the red cross, the red crescent or the red lion with the red sun or any other emblem, sign or signal provided for in the Conventions or in this Protocol. It is also prohibited to deliberately misuse in armed conflict any other internationally recognized distinctive emblem, insignia or signal conferring protection, including the parliamentary flag and the emblem for the protection of cultural property.

Art. 53 prohibits hostile acts against historical monuments, works of art or places of worship forming part of the cultural or spiritual heritage of peoples, to use such objects in support of military operations, or make such objects the object of reprisals.

Under Art. 85 the provisions of the Conventions relating to the punishment of violations and grave breaches shall also apply to the punishment of violations and grave breaches of the Protocol. Moreover, in addition to the grave breaches referred to […] in the Conventions, the following acts shall be considered grave breaches of this Protocol when committed intentionally and in violation of the Conventions or the Protocol: Attacks causing widespread destruction directed against clearly identified historical monuments, works of art or places of worship forming part of the cultural or spiritual heritage of peoples and to which special protection has been accorded by special agreement, for example within a competent international organization, when […] the historical monuments, works of art and places of worship concerned are not situated in the immediate vicinity of military objectives [...].[28]

Against this background, it is only consistent that the United Nations Security Council has condemned the destruction and smuggling of cultural property by ISIL, the Al-Nusra Front and all other organizations associated with Al-Qaeda in two resolutions.[29]

### E. International Criminal Law

Criminal law ensures the protection afforded by civil law and administrative law through its strict sanctions. In this respect, we must distinguish two aspects.

#### I. Criminal Law under the Second Protocol to the *The Hague Convention for the protection of cultural property in the event of armed conflict*

The protection of cultural property through international criminal law has become increasingly important.[30] Of particular note is the Second Protocol to *The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* (The Hague, 26 March 1999), because it covers Criminal responsibility and jurisdiction in Chapter 4.

[28] This is important for Criminal Prosecution, see below E.
[29] Resolutions 2199 (2015) and 2347 (2017).
[30] Pabst (2008), p. 312 ss.

After Art. 15, any person commits an offence within the meaning of the Protocol if that person intentionally and in violation of the Convention or the Protocol commits any of the following acts:

- making cultural property under enhanced protection the object of attack;

- using cultural property under enhanced protection or its immediate surroundings in support of military action;

- extensive destruction or appropriation of cultural property protected under the Convention and this Protocol;

- making cultural property protected under the Convention and this Protocol the object of attack;

- Theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.

To this end, each Party of the Protocol shall adopt such measures to establish as criminal offences under its domestic law the offences set forth in this Article and to make such offences punishable by appropriate penalties. When doing so, Parties shall comply with general principles of law and international law, including the rules extending individual criminal responsibility to persons other than those who directly commit the act. This includes according to Art. 16 Jurisdiction, namely, to take the necessary legislative measures to establish its jurisdiction over offences set forth in Article 15.

In criminal law doctrine, we characterise this as vicarious administration of criminal justice. E.g., under Art. 6 of the German Criminal Code (StGB), regardless of which law is applicable at the place where [crimes] are committed, German criminal law […] applies to the following offences committed abroad: […] offences which, based on an international agreement which is binding on the Federal Republic of Germany, are to be prosecuted even though they are committed abroad.

**II. Jurisdiction of the International Criminal Court (ICC)**

Aside of the national jurisdiction, under Art. 8 of the Rome Statute (17. July 1998),[31] there is also jurisdiction of the International Criminal Court for War Crimes:

[31] The VRC did not join the ICC Statue, the FRG did.

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. For the purpose of this Statute, "war crimes" means grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

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;

Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

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; […].

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