



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

FACTSHEET

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# DESTRUCTION OF CEMETERIES

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### USCIRF's Mission

*To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.*

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### Introduction

Cemeteries offer vital links between the living and the dead for religious community members. Cemeteries, as holy sites, are governed by religious laws and customs that dictate the location of, appearance of, and activities and behaviors allowed in the burial grounds. Additionally, country and international laws aim to protect such sites. Despite these standards, cemeteries around the world catering to a variety of religious groups are targets for defilement, which includes vandalism such as spray paint, theft, or smashed headstones. In other cases, whole graveyards are exhumed or razed in preplanned operations. These types of offenses are illustrative of the myriad of ways in which societal discrimination impacts religious minorities, even in death.

Cemeteries coming under attack has been a common occurrence in recent history. During the Holocaust, the Nazi regime destroyed numerous Jewish cemeteries and used the headstones for [construction projects](#). Similar cases occurred in several areas of the Eastern Bloc during the Cold War, such as [Poland](#), the former [Czechoslovakia](#), [Belarus](#), and [Lithuania](#), where synagogues and graveyards fell into disrepair and were pillaged for building materials. The Yugoslav Wars of the 1990s saw systematic destruction of religious and cultural sites, leading the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY) [to rule](#) that the targeted erasure of such sites can “amount to crimes against humanity.” Cemeteries were both a physical and rhetorical flashpoint for ethnic mobilization. After the outbreak of war, Serb and Croat militias [eradicated](#) graveyards of the Bosnian Muslim people. During Croatia’s war of independence, the Yugoslav People’s Army [desecrated](#) several important cemeteries in Dubrovnik and Osijek. To this day cemeteries remain a lightning rod for nationalist sentiment in the region; the Serbian government, for example, [continues](#) to highlight the desecration of Serb graveyards in the now independent Republic of Kosovo.

This factsheet outlines international human rights law that defines the obligations of governments to protect the cultural heritage of religious communities’ cemeteries. Additionally, the factsheet describes specific examples of cemetery neglect, vandalism, desecration, and destruction at the hands of non-state actors and state-sponsored entities from 2018 to the present.

## International Standards

Cemeteries, like [places of worship](#) and other holy sites, are an essential element of the manifestation of the right to freedom of religion or belief. [Article 18 of the International Covenant on Civil and Political Rights \(ICCPR\)](#) enshrines the right to manifest religion or belief in a community with others. Religious communities typically have religious rites and practices for the disposal of the deceased in their own cemeteries that are protected under Article 18. The [International Religious Freedom Act, as amended \(IRFA\)](#), specifically notes that the desecration of cemeteries is a violation of the freedom of religion or belief.

In protecting the rights of all persons and religious communities to dispose of the deceased in their own cemeteries, governments have the [obligation](#) to respect cemeteries and protect them from desecration or destruction. [The Convention for the Protection of Cultural Property in the Event of Armed Conflict](#) was drafted in recognition of the vital importance of the preservation of sacred places. The objective of this Convention is to afford cemeteries and other places of religious or cultural significance protected status during armed conflict. An [intentional attack](#) on a cemetery or other places of religious significance may be considered a war crime.

Cemeteries are sacred sites that are of great spiritual, cultural, and historical significance to many religious and ethnic groups, as outlined in IRFA. Because cemeteries take on spiritual significance for those who bury their loved ones there, the destruction of such sites is typically devastating. Often, cemeteries are destroyed as part of a wider campaign to restrict religious practice. Although states may need to demolish cemeteries for non-discriminatory purposes, states must ensure the protection of religious and cultural heritage whenever possible, including during conflict. Cemeteries should never be targeted for demolition because of their religious significance. IRFA states that such attacks constitute an assault on the fundamental right to freedom of religion and are especially egregious when sponsored or tolerated by the local or national governments in the countries in which such offenses occur.

## Examples of Desecration of Religious Cemeteries

### Algeria

Algeria's [penal code](#) criminalizes destruction or degradation of a grave or burial site with punishments ranging from three months to three years in prison, as well as fines, depending on the level of destruction or degradation inflicted. However, Algeria—where Islam is the state religion—has a history of [persecuting religious minorities](#), including non-Muslims and Muslim minorities who do not practice Islam in accordance with the country's Sunni interpretation. The country also has a track record of tolerating impunity for crimes committed against these groups.

In this context, both Christian and Muslim minority graves have faced incidents of violence in recent years. In 2018, a group of young people [desecrated more than 30 Christian graves](#) at the La Reunion War Cemetery in Oued Ghir, a town near the northern city of Bejaia. The perpetrators smashed the tombstones and ransacked the graves. The attack came after another Christian cemetery in Ain M'lila, near Constantine, was vandalized a few weeks earlier. [Authorities stated](#) they believed Islamic extremists were responsible for the vandalism but no news of those responsible had been released by year's end.

In Algeria in 2019, unidentified vandals [knocked over the headstone](#) of Muslim minority and human rights advocate Kamel Eddine Fekhar's grave. Fekhar, a Mozabite Ibadi Muslim, died in custody for crimes related to [publicly criticizing](#) the Algerian government's treatment of religious and ethnic minorities.

### Azerbaijan

Article 245 of Azerbaijan's Criminal Code [deals with](#) "offensive actions" or the desecration of graves, and punishes such acts inflicted against a grave or body with either correctional labor for up to two years or imprisonment for as many as five years. Although Azerbaijan formally criminalizes and allows for the punishment of these acts, the Azerbaijani government itself is [known](#) to have engaged in the mass destruction of thousands of [khachkars](#)—intricately carved Armenian cross-stones—and tombstones in the autonomous Azerbaijani exclave of Nakhchivan in the early 2000s, which President Ilham Aliyev vehemently denied despite [video](#) and other evidence. In 2008, authorities in Baku [leveled](#) yet another cemetery—that was primarily Christian and Armenian, but also held the graves of other religious and ethnic minorities—for the construction of a road.

More recent concerns regarding cemeteries and tombstones have centered around those located within Nagorno-Karabakh and other territories that were—up until recently—outside of official Azerbaijani control as a result of the protracted and as of yet *unresolved* conflict among Azerbaijan, Armenia, and de facto authorities in Nagorno-Karabakh. Over the years, Azerbaijani officials have raised concerns about the vandalization and destruction of Muslim and Azerbaijani graves and other sites under the control of de facto Armenian authorities in those areas. While the exact circumstances under which some of those cemeteries were *damaged* remains unclear, the Azerbaijani government *reported* that Armenian military forces intentionally fired on one cemetery during recent fighting last year. According to Human Rights Watch, that strike *killed* four people and injured four others who were participating in a funeral ceremony at the time.

Since the agreement of Azerbaijan and Armenia to a ceasefire brokered by Russia in early November 2020, local and international observers have raised concerns about the protection of cemeteries and other religious and cultural sites that they now fear risk destruction by Azerbaijani forces or non-state actors. Both the U.S. Commission on International Religious Freedom's (USCIRF) *2021 Annual Report* chapter on Azerbaijan and a recent *Country Update* cited *documentation* of the apparent recent vandalization of an Armenian church's cemetery in Hadrut. Since that time, other evidence has emerged showing Azerbaijani soldiers *tearing down* a *khachkar* in Hadrut and the likely *demolition* of another Armenian cemetery in Shusha.

### *Egypt*

Although the desecration of burial sites for Egypt's religious minority communities is a relatively rare phenomenon, reports occasionally emerge of such incidents. However, these incidents typically represent societal discrimination rather than state policy. For example, in 2020, a video widely circulated on Facebook showed a group of villagers in the New Valley governorate exhuming the body of a Coptic boy who had recently died, accompanied by the wails of the deceased's mother. According to local reports, neighbors had objected to the boy's burial in a predominantly Muslim cemetery despite the lack of a specifically Christian cemetery in the vicinity, and a group of them took it upon themselves to dig up his grave. It is unclear where the boy's remains were taken, and the video has since been removed from Facebook.

In a rare example of positive developments regarding the state of Jewish cemeteries in the Middle East and North Africa (MENA) region, the Egyptian government has in recent years approved the preservation of several key Jewish cultural heritage sites throughout the country, including the *Bassatine Cemetery* in Cairo. Work *concluded* in September 2020 on this U.S.-funded project to repair, document, and map the burial site—the second-oldest surviving Jewish cemetery in the world, dating back to the ninth century C.E. The burial site had long fallen into serious disrepair, partly due to the rapid decline of Egypt's Jewish population in the 20th century, carelessly-implemented infrastructure projects—such as a highway that crudely divided the site in 1989—and other forms of neglect. Other Jewish cemeteries have yet to receive similar preservation efforts, but simultaneous projects have focused on historic synagogues and other Jewish cultural heritages sites, such as the recent renovation and *reopening* of the Eliyahu Hanavi Synagogue in Alexandria.

### *Pakistan*

There are reportedly four million Ahmadis that live in Pakistan's predominately Muslim population of 220 million people. In 1974, a constitutional amendment was introduced declaring Ahmadis as non-Muslims, and in 1984 a legal ordinance—Ordinance XX—was put into effect making it a criminal offense for Ahmadis to refer to themselves as Muslims. Pakistan's Penal Code *prohibits* Ahmadi Muslims from declaring their faith publicly; propagating their version of Islamic beliefs; engraving, printing, or obtaining material related to their faith; making citations from the Quran or hadith; and using the Kalmah or the Muslim creed on personal lettering, including on gravestones and houses of worship.

The number of gravestone desecrations in Pakistan has sharply increased due to extremist political parties' use of anti-Ahmadi and blasphemy laws as a rallying point. The state has often failed to protect religious minorities, particularly Ahmadis, and is often complicit in the destruction of their tombstones that carry the Muslim creed. In 2020 alone, 164 Ahmadi gravestones were desecrated and 48 documented so far in 2021. These statistics include cases where Ahmadis' bodies were exhumed after burial and disposed of in an unknown manner. Relatives of the deceased reported to USCIRF that they found the gravestones of their family members desecrated or replaced by a tombstone of a non-Ahmadi. To date, reportedly there have been 42 cases of Ahmadi bodies exhumed after burial.

## South Africa

South Africa's criminal law is highly decentralized, making it difficult to generalize about laws on the protection of cemeteries. However, the [National Heritage Resources Act](#) (1999) tasks the federal government with protecting graves and burial grounds of cultural significance. Still, both Muslim and Jewish cemeteries in South Africa have faced attacks and degradation in recent years.

In October 2019, vandals desecrated graves in the [Mowbray Muslim Cemetery](#) in Cape Town, South Africa. The perpetrators removed 80 headstones and rearranged them; some reports claim they were rearranged into the [shape of a cross](#) while others report they were rearranged into ["cult symbols."](#) In [June 2020](#), unknown individuals vandalized three Western Cape Jewish cemeteries. A Jewish group in Strand filed a police complaint after four Jewish gravestones were damaged. In August, vandals knocked over and damaged more than 30 headstones at a Jewish cemetery in Oudtshoorn, east of Cape Town.

## Turkey

The Turkish Criminal Code's Article 153 [punishes](#) "damaging places of worship and cemeteries," and includes penalties such as imprisonment between one and four years for demolishing, destroying, or breaking such sites. Moreover, Part (3) of that article increases the penalty by one third in cases in which the offense is "carried out with the intent to insult a segment of society related to their religious beliefs." Despite this deterrent, however, such acts of vandalization, destruction, and demolition of cemeteries, graveyards, and headstones in the country are not infrequent occurrences, and this is particularly true of sites that belong to or serve various religious and ethnic minority communities in Turkey.

Although many attacks on cemeteries in Turkey appear to be the work of non-state actors, the Turkish government has also been implicated in the destruction of religious minority burial sites. Moreover, Turkish authorities often fail to catch or prosecute non-state actors responsible for these crimes, contributing to a sense that attacks targeting religious minorities may be committed with impunity. In March 2021, the Chamber of Architects Ankara Branch [raised the alarm](#) about construction plans for a state-owned bank in a historical downtown quarter of Ankara, asserting the project would be carried out on top of an Armenian and Catholic cemetery. According to media reports, excavations by the official Housing Development Administration of Turkey (TOKİ) [unearthed](#) human bones that same month,

after which Peoples' Democratic Party (HDP) Member of Parliament Garo Paylan [submitted](#) a parliamentary inquiry to ask why the government had not halted construction over the cemetery. Similarly, local authorities in the southern province of Hatay sought to [rezone](#) a Greek Orthodox cemetery for use as a public "green space" in a move that another opposition politician suggested was "contrary to principle that the Christian community was 'seen as equal citizens.'" Ultimately, the local Greek Orthodox foundation to whom the cemetery belonged managed to [overturn](#) that decision in court. In 2019, local authorities reportedly [completed](#) construction of a recreational park and wedding hall on top of Assyrian and Armenian graves.

In recent years, USCIRF has documented numerous other cemeteries vandalized or destroyed across Turkey, including in USCIRF's [2021](#) and [2020](#) Annual Report chapters on the country, which respectively covered incidents and conditions in 2020 and 2019. In 2020, unknown assailants [ruined](#) the 300-year-old Hesên Beg Yazidi cemetery in Nusaybin, Mardin, breaking headstones, marble inscriptions, and other symbols—including images of Melek Taus, the Peacock Angel revered by Yazidis. That same year, gravestones in a Christian cemetery in Ankara and a Catholic cemetery in Trabzon were also [damaged](#) or completely [destroyed](#). More recently in January 2021, and for the [second time](#), unknown individuals [stole](#) the gate of a Jewish cemetery in Çorlu municipality, northwestern Turkey.

## Jewish Cemeteries

Jewish cemeteries are frequent targets for vandalism and desecration. Perpetrators often spray paint cemetery property with anti-Jewish rhetoric or imagery including Nazi slogans, swastikas, slurs, or [threats](#) against Jewish communities; smash or topple [matzevot](#) (headstones); or loot property, such as the cemetery [gate](#) in Turkey.

USCIRF is aware of numerous of incidents at Jewish cemeteries over the past few years. In 2018, a [Jewish cemetery](#) in Eritrea's capital city, Asmara, was reportedly vandalized. Photos depicted graves being defaced and smashed. Nearly [80 graves](#) were defaced with swastikas at a cemetery in eastern France in 2019, two months after [40 graves](#) suffered similar treatment nearby, and days before nationwide marches against a rise in antisemitism. A Swedish leader of the neo-Nazi organization Nordic Resistance Movement allegedly [ordered](#) the vandalism of more than 80 [matzevot](#) in a Danish cemetery. Last year, there was a spate of attacks on cemeteries in Poland in [September](#) and Greece in the [fall](#) and [winter](#).



So far in 2021, assailants continue to target Jewish cemeteries. At least 10 *matzevot* were toppled in Northern Ireland, and some in Romania and Ukraine as well. In one particularly grotesque incident, children's dolls covered in fake blood and accompanied by flyers promoting the antisemitic blood libel were left at a cemetery in Denmark during the Passover holiday. Some imperiled Jewish cemeteries now have defenders and caretakers. In response to the increased occurrences of vandalism in east France, a group of 20 non-Jewish volunteers known as "Guardians of Memory" patrol roughly 70 Jewish cemeteries in the rural areas of Alsace, where few Jews live today. The Guardians scrub graves defaced with spray paint and patrol the cemeteries nearby where they live. Additionally, the European Jewish Cemeteries Initiative protects and preserves burial sites across Central and Eastern Europe by clearing neglected plots of overgrown vegetation and constructing perimeter walls with locking gates.

## Conclusion

Article 18 of ICCPR states "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

Desecration of cemeteries represents a serious affront to the religious communities who utilize these spaces for remembrance and ritual purposes. Governments have an obligation to protect such sacred spaces and to diligently investigate and prosecute any instance of vandalism, desecration, or destruction of a religious burial ground, thereby respecting freedom of religion and belief for all.

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.