



NAVIGATING THE ICC'S NEBULOUS JURISPRUDENCE ON CULTURAL HERITAGE AND ITS LATEST DEVELOPMENTS IN THE AL HASSAN AND YEKATOM AND NGAÏSSONA CASES. WINNING A BATTLE, LOSING THE WAR?

The long-awaited decision on the *Al Hassan* case, rendered by the ICC Trial Chamber X on June 26, 2024, was expected to be a test case to clarify the acceptance of a possible jurisprudential evolution of the Court on problematic points related to crimes against cultural heritage. Unfortunately, the decision remained silent on these issues, which had already emerged in the *Al Mahdi* case first, in *Bosco Ntaganda*, and, most recently, in *Yekatom and Ngaïssona* in July 2025. The Court appears to be adopting an increasingly restrictive approach, which seems to be at odds with the 2016 pilot case and the Policy on Cultural Heritage adopted by the Office of the Prosecutor in 2021. The continued tension toward creative openings would thus seem to undermine the Court's effectiveness in deciding cases of crimes against cultural heritage. This paper investigates how, in this author's view, the recent jurisprudence of the ICC departs from earlier creative approaches, favoring a restrictive interpretation - or a jurisprudential silence - that avoids providing clear guidance on crimes against cultural heritage. It further explores the implications of this shift for future cases, particularly in light of the widespread destruction of cultural heritage caused by ongoing conflicts.