

Stolen Heritage

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# **Stolen Heritage**

## Multidisciplinary Perspectives on Illicit Trafficking of Cultural Heritage in the EU and the MENA Region

edited by

Arianna Traviglia, Lucio Milano,

Cristina Tonghini, Riccardo Giovanelli

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edited by Arianna Traviglia, Lucio Milano, Cristina Tonghini, Riccardo Giovanelli

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## **Abstract**

It is a well-known fact that organised crime has developed into an international network including very diverse actors – ranging from the simple ‘grave diggers’ to powerful and wealthy white-collar professionals – that adopt illegal practices like money laundering, fraud and forgery. This criminal system, ultimately, damages and disintegrates our cultural identity and, in some cases, fosters political corruption, terrorism or civil unrest through the transnational and illicit trafficking of cultural property. The forms of ‘ownership’ of Cultural Heritage are often indistinct, and – depending on the national legislation of reference – the proprietorship and trade of historical and artistic assets of value may be legitimate or not. Casual collectors and criminals have always taken advantage from these ambiguities and managed to place on the market items obtained by destruction and looting of museums, monuments and archaeological areas. Thus, over the years, even the most renowned museum institutions might have – more or less consciously – displayed, hosted or lent cultural objects of illicit origin. Ransacking, thefts, clandestine exports and disputable transactions are crimes that primarily affect countries that are rich in artistic and archaeological assets, but such activities do not involve just some countries. This is an international border-crossing phenomenon that starts in given countries and expands to many others. Some are briefly passed through while a handful of powerful and rich ones are the actual destination marketplaces. Drawing from the experience of the conference *Stolen Heritage* (Venice, December 2019), held in the framework of the H2020 *NETCHER* (*NETwork and digital platform for Cultural Heritage Enhancing and Rebuilding*) project, this edited volume focuses on illicit trafficking in cultural property addressing the issue from a multidisciplinary perspective and featuring papers authored by international experts and professionals actively involved in cultural heritage protection. The articles included expand on such diverse topics as the European legislation regulating import, export, trade and restitution of cultural objects; ‘conflict antiquities’ and cultural heritage at risk in the Near and Middle East; looting activities and illicit excavations in Italy; the use of technologies to counter looting practices and the publication of unprovenanced items. This collection is meant as a valuable resource to disseminate new results of the research as well as to facilitate a better understanding of the international legislation related to the protection of cultural heritage.

**Keywords** Cultural Heritage. Illicit trafficking. Looting. International Legislation. Preservation.



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# **Table of Contents**

## **Stolen Heritage. A Preface**

Arianna Traviglia, Lucio Milano, Cristina Tonghini,  
Riccardo Giovanelli, Michela De Bernardin 11

## **Attacks against Cultural Heritage and Organized Crime UNESCO's Mobilization and Action**

Edouard Planche 17

## **The EU Contribution against the Illicit Trafficking of Cultural Goods**

Recent Developments  
Lauso Zagato 23

## **Faces in the Stone. Rock Art in the Duhok Region (Iraqi Kurdistan)**

A Severely Threatened Cultural Heritage  
Daniele Morandi Bonacossi 35

## **Palmyrene Funerary Portraits: A 'Conflict Antiquities' Case**

Michela De Bernardin 81

## **The Italian Archaeological Heritage Abroad: Agreements, Debates and Indifference**

Daniela Rizzo, Maurizio Pellegrini 99

## **Organised Crime in Trafficking of Cultural Goods in Turkey**

Samuel Andrew Hardy 115

## **Satellite Technologies for Monitoring Archaeological Sites at Risk**

Deodato Tapete, Francesca Cigna 157

|  |     |
|--|-----|
| <b><i>The Journal of Cultural Heritage Crime: An Editorial Project</i></b>                                 |     |
| Serena Epifani   | 171 |
| <b>EAA Community on the Illicit Trade in Cultural Material<br/>Function, Activity and Responsibilities</b> |     |
| Marianne Moedlinger, Andris Kairiss, Evelyne Godfrey   | 185 |







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# Stolen Heritage. A Preface

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It is a well-known fact that organised crime has developed into an international network including very diverse actors - ranging from the simple "grave diggers" to powerful and wealthy white-collar professionals - that adopt illegal practices like money laundering, fraud and forgery. This criminal system, ultimately, damages and disintegrates our cultural identity and, in some cases, fosters political corruption, terrorism or civil unrest through the transnational and illicit trafficking of cultural property.

The forms of "ownership" of Cultural Heritage are often indistinct, and - depending on the national legislation of reference - the proprietorship and trade of historical and artistic assets of value may be legitimate or not. Casual collectors and criminals have always taken advantage from these ambiguities and managed to place on the market items obtained by destruction and looting of museums, monuments and archaeological areas. Thus, over the years, even the most

renowned museum institutions might have – more or less consciously – displayed, hosted or lent cultural objects of illicit origin.

Ransacking, thefts, clandestine exports and disputable transactions are crimes that primarily affect countries that are rich in artistic and archaeological assets, but such activities do not involve just some countries. This is an international border-crossing phenomenon that starts in given countries and expands to many others. Some are briefly passed through while a handful of powerful and rich ones are the actual destination marketplaces.

Drawing from the experience of the conference *Stolen Heritage* (Venice, December 2019), held in the framework of the H2020 NETCHER (NETwork and digital platform for Cultural Heritage Enhancing and Rebuilding) project, this edited volume focuses on illicit trafficking in cultural property addressing the issue from a multidisciplinary perspective and featuring papers authored by international experts and professionals actively involved in Cultural Heritage protection.

The book analyses the phenomenon from different angles and stresses the key role of an open communication about such crimes. It aims to share updated information, raise awareness and spur an ethical debate among both the public and the professionals about the pressing matter of the illicit trade in cultural property.

The articles included expand on such diverse topics as the European legislation regulating import, export, trade and restitution of cultural objects; “conflict antiquities” and cultural heritage at risk in the Near and Middle East; looting activities and illicit excavations in Italy; the use of technologies to counter looting practices and the publication of unprovenanced items. This collection is meant as a valuable resource to disseminate new results of the research as well as to facilitate a better understanding of the international legislation related to the protection of Cultural Heritage.

The first two papers deal with the legal aspects related to the market of cultural property, including the principal rules concerning import and export activities.

To open the discussion, **E. Planche**,<sup>1</sup> representative of the UNESCO Regional Bureau for Science and Culture in Europe, analyses how organised criminal networks profit from countries scarred by warfare. His contribution presents the legislative corpus implemented by to fight the illicit trade in conflict antiquities, focusing especially on the UNSC Resolution 2199 (2015), which prohibits member states from importing cultural heritage objects from archaeological sites, museums, libraries, archives and other sites in Syria and Iraq. By mandate,

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<sup>1</sup> E. Planche, “Attacks against Cultural Heritage and Organised Crime: UNESCO’s Mobilization and Action”.

UNESCO supports the implementation of Resolution 2199, as well as UNESCO Convention 1970 and the UNIDROIT Convention (1995), and it helps building capacity of its member states, in particular, by organising training activities for law enforcement agents.

Moving further into the domain of legislative frameworks, **L. Zagato's** paper<sup>2</sup> delves into the Regulations and Directives issued by the EU to contrast the illicit trafficking in cultural objects. With the opening of the internal market of the European Economic Community in the nineties, Regulation EEC 3911/92, later replaced by Regulation EC 116/2009, established a set of rules for the circulation of cultural goods, both inside and from the EEC. Directive 93/7, instead, was the first to deal with the restitution of cultural property illicitly exported out of a member state and has been lately superseded by Directive 2014/60. Finally, the author focuses on the new Regulation 2019/880 addressing the issue of importing cultural goods from outside the EU, which had been neglected by the previous normative.

The following papers are about specific cases of looting, vandalism, and illicit trafficking of archaeological items, spanning from the Middle East to Italy.

The *Duhok* region, in Iraqi Kurdistan, is at the centre of the article by **D. Morandi Bonacossi**,<sup>3</sup> which describes the frequent episodes of vandalism affecting the rich cultural heritage of that region. The author underlines the increasing number of acts perpetrated against the Assyrian and Neo-Assyrian rock reliefs since 2000, as a consequence and in relation to the increased urbanisation of the area. The damages to these sculpted panels vary from common graffiti to demolition attempts, in the false hope of finding treasures hidden behind or nearby them. This situation calls for the direct involvement of the centralised Government to ensure both the full control and protection of the region and effective initiatives of awareness raising among the local communities.

Adding another perspective to the issue of cultural heritage preservation and protection in the Near and Middle East, **M. De Bernardin**<sup>4</sup> discusses in her paper the massive looting in the archaeological site of Palmyra (Syria) in connection with the prolonged presence of the extremist Islamic group of Daesh and the reiterated military occupation of the area. The Palmyrene funerary portraits, brutally removed from their original seats (sarcophagi or tomb niches), have been strongly affected by the illicit activities at the site in the last ten years. Looted for profit, they most probably have taken their

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2 L. Zagato, "The EU Contribution against the Illicit Trafficking of Cultural Goods: Recent Developments".

3 D. Morandi Bonacossi, "Faces in the Stone. Rock Art in the Duhok Region (Iraqi Kurdistan). A Severely Threatened Cultural Heritage".

4 M. De Bernardin, "Palmyrene Funerary Portraits: A "Conflict Antiquities" Case".

way to the illicit market, and some of them may have already been offered – unprovenanced – online or on traditional auctions.

The article written by archaeologists **D. Rizzo** and **M. Pellegrini**<sup>5</sup> moves away from the “conflict antiquities” trade to reach the heart of the Western art market presenting a series of important cases of illicit export – and subsequent sale – of archaeological items looted from Italy. Examples of successful restitutions are discussed together with others of opposite sign, with objects of dubious origin on display ending up in various European, American and Japanese museums. The paper closes with an interesting, yet bittersweet reflection on the fact that many items, although recovered after restitution or seizure, still lay in warehouses or that some lots are still scattered among different museums like, for instance, a well-known set of 20 attic red-figure dishes.

**S. Hardy**'s essay<sup>6</sup> brings the reader to Turkey highlighting the existence of well-structured and organised criminal groups trading archaeological goods through the United Arab Emirates to “buyer countries”, especially Germany and the United States. These organisations have been exploiting social networks to carry on their deeds, sometimes identifying themselves as “treasure-hunting cooperatives”. The author underlines the connection between such criminal organised groups and State actors, while producing evidence of the existence of a specific branch of Turkish Mafia dedicated to antiquities looting and trafficking.

**D. Tapete** and **F. Cigna**'s paper<sup>7</sup> focuses on Earth observation technologies applied to looting tracking and heritage damages assessing. This contribution offers a state-of-the-art of the research in the field and exemplifies the synergies between optical and radar data through the case study of Apamea, in Syria. Although a multi-temporal and multi-sensor monitoring approach has already proven quite useful in identifying looting activities, there is the need to further test the automation and machine-learning process and speed it up while ensuring data accuracy. The authors, finally, point out the importance of promoting stronger networking and a collaborative attitude between different groups of experts.

On a similar note, **S. Epifani**,<sup>8</sup> in her article, underlines the relevance of sharing research results, not only among specialists but also with the public. The issue of spreading accurate information and

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**5** D. Rizzo, M. Pellegrini, “The Italian Archaeological Heritage Abroad: Agreements, Debates and Indifference”.

**6** S. Hardy, “Organised Crime in Trafficking of Cultural Goods in Turkey”.

**7** D. Tapete, F. Cigna, “Satellite Technologies for Monitoring Archaeological Sites at Risk”.

**8** S. Epifani, “*The Journal of Cultural Heritage Crime: An Editorial Project*”.

communicating correctly about cultural heritage is at the core of the *Journal of Cultural Heritage Crime's* activity, of which Epifani acts as Director. Turning the spotlight on the crimes against our heritage is pivotal to raise public awareness, but at the same time it is fundamental to avoid both trivialisation and sensationalism. That is especially true when exploiting the potentiality of online channels, like Social Media Networks, too often prone to broadcast fake or sloppy news. The *Journal*, therefore, stands out as an interactive platform that aims to reach out to people, make them aware of the many threats to Cultural Heritage, and actively involve them in its protection.

As the last contribution to the volume, **M. Mödlinger**<sup>9</sup> and her colleagues, A. Kairiss and E. Godfrey present the EAA Community on the Illicit Trade in Cultural Material, a network of professionals actively involved in the fight against illicit trafficking in archaeological and cultural goods, launched in 2015 as a follow up of a first group established as early as 1994. Besides raising public awareness and discouraging the commercialisation of archaeological material, the *Community* aims to develop a specific “code of conduct” for archaeologists and heritage specialists. In fact, these experts’ work potentially plays a crucial role in certifying or condemning sale operations involving cultural goods. The Community strongly advises against the publication of archaeological objects suspected to have been illicitly traded or of unclear provenance, unless the publication is used to underline the problematic background of such material.

Altogether, the papers included in this collection call attention to the general lack of coordination between both research/operational fields and source/market countries in the implementation of a variety of legal and operational instruments and approaches to counter illicit trafficking in cultural property. Overall, the authors highlight the need for harmonisation between legal regulations, investigative practice and technological implementation. Each for own area of expertise urges a global vision that takes into account the whole chain of crime and fosters awareness-raising initiatives.

In conclusion, the Editors hope that this volume can offer insights into the complex phenomenon of illicit trafficking and serve as a starting point to achieve a better understanding of the circumstances that generate it and the challenges ahead, while advocating for a strongly interdisciplinary and cross-cutting approach, which is the only one that can produce long term results.

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<sup>9</sup> M. Mödlinger, A. Kairiss and E. Godfrey, “EAA Community on the Illicit Trade in Cultural Material: Function, Activity and Responsibilities”.