

# Art Crime

Terrorists, Tomb Raiders, Forgers and Thieves

Edited by

Noah Charney



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*Association for Research into Crimes against Art*

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# Foreword

## **Advances in the study of art crime and the importance of protecting and identifying cultural property**

The title of this book triggers some questions. Normally when the term *art crime* is used, one thinks about thefts of paintings, sculptures and antiques, or new *objets d'art* or, in the worst case, a work of art that is so ugly or repulsive that some consider it an art crime in itself. But looking at the contents of this book, edited by Noah Charney, I found several chapters dealing with terms such as cultural property, collectable objects, antiquities, cultural heritage, art, archives and libraries. Nevertheless, taking into account the roots of the editor of this volume, namely the Association for Research into Crimes against Art (ARCA) and the criminological background of the majority of the contributing authors, I do understand, in this case, the use of art as the adjective to accompany the crime.

Still, I think that the term “cultural property” covers a broader perspective than just art and, at the same time, provides a legal reference that makes it clear that property cannot be damaged, stolen or completely destroyed without legal repercussions. Apart from that, cultural property does not have to be art, per se, and can stand for multiple material and immaterial cultural representations, often directly linked to identities. Of course, this all is food for thought, and we must not forget the international (academic) heritage debate.

Having said this, an important element that all types of art, cultural heritage, cultural properties and cultural resources can suffer from, which consequently then serves as a common denominator, is crime. To combat and prevent crimes related to cultural property, one still has to answer the much-debated question of what one may classify as cultural heritage or property. It should be simple to ascertain here that the scope of how different types of cultural heritage are classified begins and ends with tangible and intangible heritage, but that would be too easy. My aim is rather to reflect and contemplate on what is, in my opinion, a combination of these three types, triggering discussions about overlaps in the nature and identity of art and heritage, as well as the natural and intangible forms of cultural property. If cultural property is adequately identified, it will be easier to find and further develop the appropriate legitimate penal sanctions and legal protection instruments with which to protect it.

At the beginning of 2014, I visited the war-stricken areas of Mali. I traveled with our Blue Shield team, including Joris Kila, Christo Grozev and Siratigui Sogoba, to the town of Timbuktu. The goal was to assess and investigate

damage inflicted on cultural property but, to be more specific, destruction by the Ansar Dine group, a militant jihadist rebel organization that occupied the area. The jihadists were, at the time of the visit, already partly drawn back by French and national Malian troops. We found multiple types of inflicted damages, but I will focus on a form of iconoclasm exercised by the radical jihadists against the local Sufi population. In Timbuktu, we found that the Sufi Sidi Yahya mosque's "sacred door" had been demolished by the militant jihadists, in order to provoke the local population, who believe that the opening of this door would bring bad luck to the city. We also assessed the damage at the Ahmed Baba Institute, where parts of the famous Timbuktu manuscripts were housed. These manuscripts, dating back to the 13th century, consist of African documents ranging from scholarly works to short letters that have been preserved by private households in Timbuktu. The institute's Vice Director Cissé gave us a tour. He showed us the location where the militant jihadists had burned the manuscripts they found: those on display and those being worked on in the restoration studio. Though these incidents classify as forms of iconoclasm, I want to draw attention to the following problem.

In the city's Grande Mosque, several tombs of Sufi saints are embedded in the outside wall of the mosque. These were vandalized by the militant jihadists, some were booby trapped or filled with feces as a means of desecration but, luckily, they did not suffer the same fate as some neighboring Sufi tombs, which were completely demolished. The reason for the iconoclastic outbreak, as given by the radical jihadists, was that, according to Sharia Law, one is not allowed to worship either images of humans or human remains: in this case, the buried holy men of the Sufis, who we call the Sufi saints. Unfortunately, the devastation was not limited to the Sufi cultural properties. The Catholic Church of Timbuktu was completely devastated, and a wooden statue of the Virgin Mary was found lying on the altar, the statue's face totally scratched out – a classic iconoclastic deed, of the sort that has been practiced for millennia. Apart from establishing the return of religious-inspired iconoclasm, after it was already a phenomenon in the early part of the European Middle Ages, another question arises. Taking into account today's understanding that the destruction of cultural property is considered a crime or, in this case, a war crime, of which the perpetrators can be prosecuted and sentenced under national or, if this is not functioning, international criminal law, we have to wonder if human remains are cultural property. For instance, the "plastified" bodies created by German artist and scientist Gunther von Hagens are referred to in the press as "corpse art," but not everyone agrees with that. For instance, a spokeswoman for the British Nuffield Foundation was quoted in *The Observer* as saying, "Human tissue should not be bought and sold or otherwise treated as an object of commerce. Body parts, anatomical specimens or preserved bodies should not be displayed in connection with public entertainment or art" (*The Observer*

17 March 2002). At the same time, we do consider Egyptian mummies on display to be cultural heritage and, in some countries, remains of deceased royals are, in the legal sense, cultural properties owned by their respective governments. Indeed throughout history, human remains were kept and worshipped as relics, and they, too, are considered cultural property. The bodies of my family members, the Habsburgs, are technically considered the cultural property of the Austrian state.

There are good reasons to classify human remains as cultural property (including religious heritage), a combination of material, intangible and natural heritage. The intangible element is, for instance, the memory aspect that we also find in phenomena like traumascapes, narratives and *lieux de memoires*, either material, immaterial or a combination of both. Last but not least, and as said by French historian Pierre Nora, it is all about the link between memory and identity; therefore remembrance days, symbols, persons and even songs can trigger memories of a specific historical event. Consequently, symbolic places of memory are important components of national and local identity, or cultural distinctiveness. It would be very useful if all of these aspects could be topics of multidisciplinary research and debate, for instance between art-historians, legal experts, sociologists and anthropologists.

Apart from the terrible devastation of cultural property in, for instance, Syria, which takes place on a daily basis, there is a (global) safety risk connected with cultural property protection or cultural property destruction. Examples are the fact that fighting factions loot cultural objects to sell on the international markets; profits are used to buy weapons and ammunition, thus prolonging a conflict. In addition, and to illustrate the topicality of the subject, as I am writing this foreword, I heard on the news that the Turkish government is considering taking action in the Syrian conflict, in order to protect an important tomb located in Syria. In the same news broadcast, and according to the *Art Newspaper*, it is reported that Scythian gold and other rare artifacts from the Crimea, on loan to an Amsterdam museum, are in legal limbo after Russia's annexation of the Crimea.

These are reasons for multidisciplinary research on cultural property crimes, of which this book is a fine and important example. One way to begin is the creation of a university chair dealing with cultural property in the event of conflict and occupation. There are many requests from students all over the world that need supervision on this issue. I hope academia feels responsible enough to endow such a chair on shorter notice. Academic books like this one go a long way to promote the study of this relatively new multidisciplinary field, and I am proud to be a part of it.

*Karl von Habsburg-Lothringen, LL.M., MBA, MLE*

# Preface

Terrorists alternately sell looted antiquities for millions, and bulldoze entire ancient cities. A Cambodian statue is put up for auction, then withdrawn when its missing feet are found back at the temple from which it was looted, still attached to a plinth. Tomb raiders plunder Etruscan treasure troves in Italy and all the best material seems to be funneled to major museums through only three notorious dealers, who hold a miniature oligopoly cornering the illicit antiquities market. Thieves steal paintings from Ireland and are chased to Antwerp, in a heist of cinematic proportions, while a crafty detective, teaming up with a reformed gangster and bare-knuckle boxing champion, pursues. An art forger, once caught, launches a career of wealth and celebrity, raising the question of whether he wasn't better off found-out than when he was getting away with his crime.

These are just a few of the stories told and analyzed in this volume of essays on the understudied, yet endlessly fascinating world of art crime. Divided into four parts (Forgers, Terrorists, Tomb Raiders and Thieves), representing looks at fakes and forgeries; terrorism, policing and investigation; the illicit trade in looted antiquities; and law, war and policy as related to art, the collection features the leading scholars and professionals in what is a very small field – indeed, you could count on two hands the true experts *not* included in this volume, which truly represents a who's-who of the study of art crime. The authors are intentionally drawn from a variety of backgrounds, not all of them academic. You will find the former head of Scotland Yard's Arts Unit and a retired undercover detective writing alongside decorated professors, world-renowned lawyers and former Ministers of Culture. This diversity demonstrates the strength in unity against crimes that take advantage of, or worse, damage and destroy, cultural heritage. The voices of professionals who learn critical information in the field are as precious as the theoretical analyses of professors in their university offices, and we all have a common goal: protecting cultural heritage and impeding the progress of organized crime and terrorist groups, both of which benefit from traffic in stolen art and looted antiquities. We have allowed the authors to write in a voice most comfortable to them, which sacrifices some of the normal unity of style that is traditional to academic books like this one, in favor of providing a platform for more writers of various backgrounds. Some essays are conversational, others highly analytical, but all are clear, well-written and present not only interesting stories and analyses, but also concrete suggestions for future improvement, which is often lacking from academic texts that offer problems without solutions.

One thing that all of the authors have in common (as do just about all of the experts whose work is not included in this volume) is a connection with ARCA. ARCA was founded as a non-profit research group in 2007, after the success of a conference held at the University of Cambridge, where I was a student at the time. The conference was apparently the first to bring together police and academics from around the world to discuss art crime. It was covered in *The New York Times Magazine*,<sup>1</sup> and praised as having essentially established a new field of study. I established ARCA with the encouragement of those who attended the conference (many of whom served as the initial trustees), and this book is, in many ways, the fruit of that conference.

At ARCA's core, it is a research group which promotes the academic study of art crime in a variety of ways. We run an annual conference on this subject, held every June in Italy, at which we give out annual awards for those who have distinguished themselves in this field, many of whom are contributors to this volume.<sup>2</sup> We run what is the first (and to date the only) interdisciplinary academic program on art crime in our annual, summer-long Postgraduate Certificate Program in Art Crime and Cultural Heritage Protection. While students of all ages (our youngest has been 21, our oldest in their mid-60s) and from around the world gather in the beautiful Umbrian hill town of Amelia (about an hour outside of Rome) for ten summer weeks, we bring together experts to teach intensive, 25-hour-long courses in their specialty fields.<sup>3</sup> The former head of Scotland Yard's Arts Squad teaches a course in art policing and investigation, while storied professors teach courses in criminology, art and organized crime, art law and so on. This book represents our academic program in miniature, and is likewise a follow-up to ARCA's first book, *Art & Crime: Exploring the Dark Side of the Art World* (Praeger, 2009), similarly a collection of essays. This was followed by *The Thefts of the Mona Lisa: On Stealing the World's Most Famous Painting* (ARCA Press, 2011), a book-length essay on the many crimes involving or related to Leonardo's masterpiece. Like those books, any royalties from this one go directly to supporting ARCA's activities. No authors, nor I as the editor, receive any compensation, so your purchase is in support of a good cause.

In addition to books, conferences and an academic program, ARCA also publishes, twice-yearly, a peer-reviewed academic journal, *The Journal of Art Crime*. Now in its fifth year, this remains the only academic journal dedicated to this subject, and this book is something of a celebration of it. Around half of the chapters here began as articles in the journal, so this book is a sort of best-off from the journal's first years, though each article has been updated by its author. The remaining chapters were specifically written for this book, and are published here for the first time. If you are a student or enthusiast of this subject, we encourage you to subscribe to *The Journal of Art Crime*,

consider attending one of our conferences, or even our academic program. Information may be found at [www.artcrimeresearch.org](http://www.artcrimeresearch.org).

Before the book begins, it is useful to define a few terms. Some are confused by the interchangeable usage of fake and forgery. Technically there is a difference: a forgery is a new work, made from scratch, in fraudulent imitation of something else, whereas a fake is an existing work that is altered in some way so that it appears to be something else. But in practice, people tend to use these terms interchangeably, so the technical definitions are somewhat pedantic. Looted antiquities are distinct from “art theft” or “stolen art” in that looting involves the illicit removal of objects that remained buried in the earth (or sometimes the sea), and therefore have never existed before, for modern humans, which means that they will never appear on a listing of stolen works of art, because the last time they were seen was perhaps thousands of years ago. Stolen art, or art theft, tends to refer to stolen art or antiquities taken from extant collections, either public or private, but are known and accounted for, and therefore their loss can be reported. The term “organized crime” is often assumed to mean large international mafias, and it certainly can refer to such groups, but criminologically, it has a much broader definition: any group of three or more individuals working together in criminal enterprises for collective, long-term goals.

No one truly knowledgeable about art crime doubts that terrorist groups are involved in looted antiquities and that most art crime, since the Second World War, has involved organized crime at some level. Therefore, whether or not you are an art lover, it is objectively important to protect art and curb art crime, if you wish to impede the activities of organized criminals and terrorists. In 2005, it was announced at the annual Interpol Stolen Works of Art conference that intelligence efforts since 9/11 had demonstrated the links between stolen art/looted antiquities, terrorist funding and organized crime. It was even suggested that art crime was the third-highest-grossing annual criminal trade worldwide, behind only the drug and arms trades (all of which is discussed in several chapters here). This is the answer to the question that may arise, why should we care? Or, rather, is art crime *really* that serious? The simple answer is yes. This has been underlined in the weeks prior to my writing this introduction, specifically with international organizations confirming that ISIS has made millions selling looted antiquities, when it wasn’t destroying them.

Thank you for your interest in art crime. We hope that the impressive essays in this book will be informative and inspire you to explore the field, and ARCA’s activities, further.

**Noah Charney**  
*ARCA Founder & President*