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Stolen Heritage

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



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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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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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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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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**,¹ 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,

¹ 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 paper² 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**,³ 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**⁴ 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

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**⁵ 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 essay⁶ 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 paper⁷ 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**,⁸ 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

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**⁹ 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.

⁹ M. Mödlinger, A. Kairiss and E. Godfrey, "EAA Community on the Illicit Trade in Cultural Material: Function, Activity and Responsibilities".

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

Edouard Planche

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Abstract Through attacks on cultural heritage and the deliberate looting of archaeological sites on 5 continents, particularly in Eastern Europe, the Middle East, Latin America and South-East Asia, terrorist organisations can take advantage of illicit income deriving from the sales of 'blood' antiquities, leaving behind only the ruins of our shared history. This is the cultural haemorrhage that UNESCO and its partners have been facing for decades and in a more prominent way nowadays.

Keywords UNESCO. Organised Crime. Resolution. Preservation. Heritage.

Summary 1 Destruction of Cultural Heritage, the Context. – 2 The Protection of Cultural Heritage According to Resolution 2199. – 3 Joint Efforts: The Role of UNESCO in the Implementation of the Resolution. – 4 Prospects.

1 Destruction of Cultural Heritage, the Context

For many years, the destruction, looting and illicit trafficking of cultural property have been, and will with no doubt continue to be, important sources of income for organized crime entities and for terrorist groups. This phenomenon is neither recent nor limited to a particular region, on the contrary: no continent is immune from these reprehensible acts, described by former UNESCO Director-General Irina Bokova as "war crimes".

Many believe that the destruction in 2001 of the sixth-century Buddhas in Bamiyan, Afghanistan, marked the start of a new era, where the deliberate destruction of cultural heritage is associated with a political stake and a desire to morally destroy the opponent by attacking his deepest beliefs. This is nothing new.



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During the dissolution of Yugoslavia in the mid-nineties, the world recognized that the bombing of cultural sites was also a military tactic aimed at demoralizing the enemy. The looting committed during the 2003 intervention by the United States in Iraq and the trafficking that followed are still very much in our collective memory. In particular, two-thirds of the Baghdad museum collection has still not been found. In response, the United Nations Security Council (UNSC) adopted a major instrument, Resolution 1483 (2003), to protect Iraqi cultural heritage by retroactively prohibiting trade and in particular placing this prohibition on cultural property. UNSC Resolution 2100 (2013), equally important for the protection of cultural heritage in the event of armed conflict, spurred the creation of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), which provides for the deployment in this country of peacekeeping troops, including peacekeepers trained by UNESCO in the protection of cultural heritage.

This brings us to the recent situation in Syria and Iraq, where the destruction of cultural heritage has been on an unprecedented scale since the Second World War, not to mention the situation in Libya and Yemen. These groups have deliberately targeted monuments and sites in order to destroy the adversary in its most intimate identity and contribute to financing their terrorist activities. This barbarism, as intense as it is massive, leads to the annihilation of the common history of humanity and aims to deprive millions of people of their identity. The Director-General of UNESCO has described these acts as “cultural cleansing”.

UNESCO is the only intergovernmental organisation and United Nations agency with a specific mandate in the protection of cultural heritage and has many years of experience in this field. With strategic partners such as INTERPOL, UNIDROIT, the World Customs Organisation, UNODC, the European Union, and the Council of Europe, UNESCO repeatedly and strongly condemns threats and attacks targeting cultural heritage as a means of combat in the Middle East and elsewhere. The UNSC also brought the international community at UNESCO’s side with the unanimous adoption of Resolution 2199 (February 12, 2015).

2 The Protection of Cultural Heritage According to Resolution 2199

In many ways, Resolution 2199 is revolutionary. As explained above, the UNSC has become a prominent actor involved in the fight against illicit trafficking, which led to the adoption of this resolution. The numerous references to the illicit traffic and the inclusion of a para-

graph dedicated to cultural heritage and the criminal activities related to it were not acquired from the start of negotiations on the text.

In summary, Resolution 2199 is an anti-terrorism resolution that includes, among other things, a ban on the trade in cultural goods. It “condemns the destruction of cultural heritage” (par. 15), “notes with concern” that the income generated by the smuggling of cultural property is used to organise and carry out “terrorist attacks” (par. 16), and “decides” to banning the trade in “illegally removed objects” (par. 17).

The Security Council also mandates UNESCO to support the effective implementation of this resolution. In other words, the Resolution prohibits member states from importing “cultural heritage objects from archaeological sites, museums, libraries, archives and other sites in Syria and Iraq”.

But more precisely, to what cultural goods does it apply and under what circumstances? What is the link between trafficking in cultural property and terrorist activities?

The temporal scope of the Resolution is defined by historical events, respectively the invasion of Kuwait in 1990 and the start of the civil conflict in Syria in 2011. Its material scope is, however, less precise. Par. 16 lists the categories of items subject to the ban; in the same sentence, the UNSC establishes an explicit link between these objects and the financing or support of terrorist activities. Although, a systemic analysis of the Resolution highlights as the main topic the development of terrorism as a whole; also, the preamble clauses insist on the link to terrorism.

Nevertheless, a thorough reading of the text gives rise to doubts in the interpretation since we notice that in par. 17 the UNSC refers to Resolution 1483 (2003), which makes no explicit link to terrorism. It is indeed a matter of interpretation to establish whether this prohibition applies to cultural property in general, or exclusively to those related to terrorism: for example, par. 17 of Resolution 2199 mentions the prohibition of trade in Iraqis cultural property, as decided in par. 7 of Resolution 1483, without a clear link to terrorism. As a matter of fact, Resolution 1483 helps better understanding how Resolution 2199 deals with the prohibition of trade in cultural goods.

Overall, the purpose of this kind of resolutions (in terms of oil exports, trafficking in cultural goods and humanitarian objectives) is to weaken terrorist groups. On the other hand, the provisions relating to cultural heritage also aim to protect it as such, independently of other issues. Above all, by reading Resolution 2199 in connection with Resolution 1483, it is clear that it firmly calls for a strict and widespread ban on the trade in cultural goods from Iraq and Syria.

3 Joint Efforts: The Role of UNESCO in the Implementation of the Resolution

The wider the material scope of the Resolution, the less it is necessary to demonstrate a link between the financing of terrorism and how each object left the country – and the easier it will be to implement the Resolution itself.

In the course of the summer 2015, the member countries had to report on the countermeasures adopted in accordance with par. 29 of Resolution 2199;¹ likewise, UNESCO wrote its own report on the activities carried out during this period. A series of emergency measures applied in Syria and Iraq features among the most important.

Even before the approval of this Resolution, especially since 2014, UNESCO has set the fight against illicit trafficking of cultural property as a priority on the political agenda concerning South-East Europe (SEE) Culture. Actually, since 2006, UNESCO Regional Bureau for Science and Culture in Europe (Venice) has been active in discussing, promoting and supporting regional cooperation on the subject. Outcomes and recommendations drawing from the first meetings called for the enhancement of awareness-raising and capacity-building initiatives at the national and regional levels in SEE countries – with a special focus on the coordination among relevant institutional stakeholders, including police forces, ministries of culture, customs agencies, and judiciary bodies, in line with UNESCO's action in this field.

Alongside these principles, UNESCO, through this Regional Bureau, developed a programme of activities that included a series of workshops,² in cooperation with the Italian Carabinieri – Command for the Protection of Cultural Heritage. They aimed at developing capacities of institutions, staff from police forces, ministries of culture, customs agencies, and judiciary officers of different countries in SEE region, as well as reinforcing the inter-institutional and international cooperation through the implementation of relevant international standards,³ tools and best practices. Such activities and workshops benefited the former Yugoslav Republic of Macedonia (2014); Albania (2015); Bosnia and Herzegovina (2016); Montenegro and Serbia (2017), the Republic of Moldova and Romania (2018).

1 For example, the development of law enforcement and judicial cooperation in preventing and countering all forms of trafficking in cultural property and related offences that may benefit organised criminal groups or terrorists; the active collaboration in investigation, return and restitution; and the implementation of judicial proceedings through appropriate channels and in accordance with domestic, regional and international legal frameworks.

2 UNESCO supports capacity development to protect cultural heritage in the Republic of Moldova and Romania.

3 UNESCO 1970 Convention and 1995 UNIDROIT Convention.

Theft and illicit trade continue to affect many archaeological sites (both land and underwater sites), public and private collections, museums, galleries and places of worship, notwithstanding the ratification of 1970 UNESCO Convention by all the countries from SEE region and the participation of seven of them to the 1995 UNIDROIT Convention.⁴ Today, mobilizing public opinion, educating, sharing information and good practices through regional and international co-operation is still a pressing need.

In 2011, the UNESCO Regional Bureau produced a 15-minute video on sensitisation and awareness-raising on the fight against the illicit traffic of cultural property. Realized in close cooperation with SEE Ministries of Culture and National Commissions, the video is accessible in both English and the nine languages of the Region on YouTube channel.⁵

UNESCO also assists Member States by providing them with technical and operational assistance for the effective implementation of Resolution 2199. Offering an overview of the applied measures, the reports show that Member States are following the broad lines of the recommendations proposed by the United Nations Sanctions Monitoring Team. It is important to remark that, in all of their reports, most member states refer to existing national legislation instead of presenting new measures adopted to actually implement the mandate of Resolution 2199. States should continue considering to apply their counter-terrorism legislation to business concerning cultural property, and revise the national legislation to include the concept of illicit trade in cultural property financing terrorism.

4 Prospects

It is clear that a more coherent monitoring of the potential link between illicit trafficking of cultural heritage and organised crime is necessary. This involves sharing information between all stakeholders: law enforcement; source, transit and destination countries; art market players; and international institutions. The essential strategy, the only one that will guarantee lasting success, is raising awareness among end-buyers to stifle the demand. It is only when all buyers and sellers comply with international guidelines and standards that this unscrupulous trade can be collectively stopped. This approach is more productive than the mere condemnation of terrorist groups for their massacres and the damage caused to cultural heritage.

⁴ Bosnia and Herzegovina, Cyprus, Greece, Montenegro, North Macedonia, Romania and Slovenia.

⁵ *Fighting illicit traffic of cultural property in South-East Europe*. <https://www.unesco.org/archives/multimedia/document-2410>.

The keys to the effective regulation of the art market consist of updated inventories of cultural goods, appropriate due diligence, accurate provenance researches, and the standardisation of import/export certificates. International Conventions, notably that of UNESCO in 1970 and UNIDROIT in 1995, define such essential aspects that are also complemented by the provisions of the 2017 Council of Europe Convention on Offences relating to Cultural Property (“Nicosia Convention”). By decreasing the demand, cultural heritage will also be less exploited as a resource for looters and criminal networks. To go further in terms of legislation, judges and prosecutors should also broaden their scope to include not only heritage regulations, but also anti-terrorism laws and criminal codes.

At the moment, while we are witnessing the implementation of a more global approach, the involvement of more actors and the increase of public awareness, we can discuss how to rationalise the work of UNESCO on this topic. We must strive to create lasting models of protection, before and after conflicts, a better regulation of the art trade and thematic resolutions of the UNSC, in order to consolidate universal standards similar to those that governments have adopted in other important fields, such as the protection of animal and plant species (Washington Convention known as CITES, 2000). Only on this condition, we can fulfil our mandate.

Much work remains to be done and UNESCO will continue to guide the international community in the fight against the destruction of cultural heritage and the preservation of the identity of peoples.

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Abstract The present study focuses on the legal instruments – Regulation and Directives – governing at EU level the export of cultural goods, and the duty to return cultural goods stolen or illegally exported from a member State at EU level, with particular attention to Directive 2014/60/EU. The recent Regulation (EU) 2019/880 on the introduction and the import of cultural goods, will also be investigated. In the last section of the article, the (serious) effects of the Brexit on the struggle against the illicit traffic of cultural goods, in particular from areas of crisis, will be analysed.

Keywords Cultural property. Cultural heritage. Circulation of cultural goods. Internal market. Brexit. Unidroit 1995 Convention. Directive 2014/60/EU. Regulation (EU) 2019/880. Cut-off date. German Cultural Property Act.

Summary 1 Premise. – 2 The Evolution of the EU Legal Instruments. – 2.1 The Circulation of Cultural Goods. The Original EEC Treaty and the Opening of the Internal Market. – 2.2 Regulations (EEC) 1911/92 and (EC) 116/2009. – 2.3 Directive 93/7/EEC. – 2.4 (EU) Directive 2014/60. – 2.5 The New Regulation 2019/880. – 3 Post-Brexit Scenarios.

1 Premise

This article's topic, in itself a tough issue to deal with, has become more and more complicated owing to both the crises—mainly but not merely political – that have characterized Eastern and Southeastern Europe over the last decades, and the foreseeable effects of Brexit with regard to the illicit circulation of cultural heritage. The paper, owing to the limited space and time available to develop the argument, will not deal with the Council of Europe Nicosia Convention,¹ not yet into force. It will rather focus on European Union (EU) legal instruments (§ 2) before reflecting on their capacity to meet current challenges in the field of cultural heritage (§ 3).

2 The Evolution of the EU Legal Instruments

2.1 The Circulation of Cultural Goods. The Original EEC Treaty and the Opening of the Internal Market

In the original European Economic Community (EEC) Treaty, only provisions related to the free circulation of goods (arts 34-6) refer to the cultural heritage. Whereas the first two articles prohibit, inside the common market, quantitative restrictions on goods import and export and all measures having equivalent effects, art. 36 specifies that former provisions leave unprejudiced the “prohibitions on import, export and transit” justified, *inter alia*, “on grounds of [...] the protection of national treasures possessing artistic, historic or archaeological value”.

Art. 36, in other words, is a provision containing a derogation, which has been restrictively interpreted by the Commission and the Court of Justice of the EU (CJEU). It is not the purpose here to delve into this aspect, which will lead with the Maastricht Treaty in 1992 to the creation of cultural policy of the then EEC (for a deeper analysis, Cortese 2011, 2015; Zagato 2011, 2015). The imminent opening of the internal market, envisaged in January 1993, determined in 1992 a difficult problem to solve. If, on the one hand, in other fields of law, it was possible to elaborate legal instruments of approximation of laws – and in some cases of harmonization – which reduced the difference between domestic laws and regulations in force in EU Member States; on the other hand, with regard to the circulation of cultural heritage, the divide between common law and civil law countries was not avoidable. With regard to the former ones, a system of free circulation was in force with the consequence that, after the establishment

¹ Convention on Offences Related to Cultural Property, Nicosia 19/05/2017, CETS n. 221, not yet into force.

of the internal market and the end of border control at national level (within the EEC), cultural goods that were illicitly exported from a 'protectionist' State, such as Italy, would have freely circulated in other Member States' markets, and through this way been exported towards third Countries. The EEC firmly responded to the situation, even though the adopted measures showed their limits quite soon.

2.2 Regulations (EEC) 1911/92 and (EC) 116/2009

The first instrument was Regulation 3911/92, which established a system of community licences for the export of cultural objects outside the customs territory of the EEC.² In other words the Regulation created a control system at the external borders of what was then the EEC. The authorisation measure (licence) was issued (art. 2.1), at the request of the concerned person, by the competent authorities of the member State in whose territory the cultural good was (lawfully and definitively) located on 1 January 2003, or by the authorities of the member State where the good had been (lawfully and definitively) transferred to after that date (art. 2.2). The Annex to the Regulation indicates the categories of cultural objects and the corresponding financial thresholds covered by the instrument. In the case of national legislation which protects the "national treasures of artistic, historical or archaeological value" inside the Country (art. 2.3), the licence can be refused.

The Regulation was amended several times and then replaced by Regulation 116/2009³ which modified to some extent the text of the previous instrument, establishing uniform, effective measure of export control. Regulation 116/2009 provides for three types of licences: the standard licence, valid for a year; the specific open licence, employed for artworks which need to exit the EU for exhibitions, valid for up to five years; the general open licence, mostly employed for exchanges between Museums and other institutions, valid for five years.

2.3 Directive 93/7/EEC

The second instrument was Directive 93/7,⁴ which aimed at the restitution of cultural objects illicitly removed from a Member State and relo-

² Council Regulation (EEC) n. 3911/92 of 9 December 1992 on the export of cultural goods, in OJ L395 of 31/12/1992.

³ Council Regulation (EC) n. 116/2009 of 18 December 2008 on the export of cultural goods, in OJ L. 39 of 10/02/2009.

⁴ Council Directive 93/7/EEC of 15 March 1993 on the return of cultural object unlawfully removed from the territory of a Member State, in OJ L 74 of 27/03/1993.

cated to another State within the EEC. The text is based on a draft, then modified, of the Unidroit Convention. Pursuant to art. 1, in the case of a cultural object illicitly removed from a Member State⁵ and belonging to one of the (14) categories provided for in the Annex, or which forms an integral part of public collections listed in the inventories “of museums, archives and libraries’ conservation collections”, the Member State itself may request its restitution to a judge of the member State where the good currently is. Hence, it is the *lex situs* that regulates jurisdiction. The action must initiate within a specific time frame after the requesting State’s becoming aware of the object’s location and of the current possessor (or holder) identity, and provided that, since then, no more than a given amount of time has elapsed. The judge of the requested member State may establish a fair compensation for the current possessor, provided that the possessor acted with all due diligence.

Therefore, the Directive is looking for an equilibrium between civil law (*possession amounts to title*) and the common law’s principle – (*nemo plus juris transferre potest quam ipse habeat*) according to which the presence of one irregularity in the chain of transfers is enough to invalidate any subsequent legal transaction. The removed cultural object must be returned (principle of common law); in exchange, had the possessor acted with due diligence – which shall be demonstrated, unlike the always presumed good faith – he is entitled to an equitable compensation by the requesting State (art. 9). Such provision appears to be completely extraneous to the common law tradition. The requesting State has the right (arts 10-11) to subsequently appeal against the ones responsible for the illicit export of the cultural object. The action is up to the member State from which the cultural object was removed. Each member State has to appoint one or more central authorities to carry out the tasks provided for in the Directive. The requesting member State, as the action begins, shall submit a document describing the illicitly exported object and declare its cultural relevance; furthermore, it shall issue a declaration by the competent authorities, stating that the object has been unlawfully removed from the national territory.

Directive 93/7 has weaknesses that make it quite unusable. Among these, a few stand out, as the extremely limited time barring period (30 years since the illicit removal of the cultural object from the requesting State) as well as forfeiture (“the return proceedings provided for in this Directive may not be brought more than one year after the requesting Member State became aware of the location of the cultural good and of the identity of its possessor or holder”: art. 7

⁵ The discipline also includes the cultural good exported in violation of Reg. 3911/92, therefore illegally exported from the community territory (after January 1 1993) and successively re-imported in a different member State. The possibility for individual States to apply the discipline taken into account to goods exported before said date still stands.

pt. 1). This may be seen as a victory by the States of Northern Europe, which were not in favour of an effective control on the circulation of cultural objects inside the EC/EU (Magri 2017). Furthermore, it needs to be emphasized the ambiguous nature of art. 9 cpv., according to which “the burden of proof shall be governed by the legislation of the requested Member State”. Given that, in the majority of Member States, it is the civil law system that is enforced, the good faith principle reappears. It follows that even those who possess objects belonging to the requesting State’s public domain or to its essential heritage, could, in hypothesis, be eligible for equal compensation. Therefore, the latter constitutes (Lanciotti 1997, 195) the price to pay in order to obtain the recognition and respect of the inalienability condition by the other member States. Along with the previously cited weaknesses, the disappointing outcome of the administrative cooperation between member States in implementing the Directive should also be added (Quadri 2014).

2.4 (EU) Directive 2014/60

Directive 2014/60⁶ overcomes said weaknesses, drawing inspiration from the provisions of the Unidroit Convention in its final form.⁷ When reflecting on the barrage it faced at the time it had been issued, (Lalive 2009; Prott 2009), we can talk of a ‘comeback’ of the Convention (Zagato, Pinton, Giampieretti 2019, 257). The new Directive aligns with such instrument for what concerns both forfeiture terms (3 years) and due diligence: art. 10 reproduces art. 4 of the Convention *verbatim*, so removing the ambiguities and weaknesses present in Directive 1993/7 (Cornu, Frigo 2015). This Directive is also innovative with regards to the administrative cooperation between States, establishing in detail (art. 5) an accurate consultation’s procedure among Member States’ central authorities.⁸

Moreover, all the instruments analysed up until now provide an Annex presenting a list – more or less broad – of the cultural objects it applies to. Directive 2014/60 goes further on, by abolishing, with the Annex, any limit to its objective area of application. Pursuant to

⁶ Directive 2014/60 of the European Parliament and of the Council of 15 March 2014 on the return of cultural objects unlawfully removed from the territory of a Member State, in OJ L 159 of 28/5/2014.

⁷ Unidroit Convention on Stolen or Illegally Exported Cultural Objects, Rome, 24 June 1995, UNTS 2421, 457, entered into force on 24/07/1998.

⁸ Regulation (EU) 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the internal Market information System, in OJ L 316 of 14 November 2012.

art. 2.1, cultural objects means any object classified or defined by a member State, before or after its unlawful removal from the territory of that member State, among the “national treasures possessing artistic, historic or archaeological value” within the meaning of art. 36 TFEU, in accordance with national legislation or national administrative procedures.

The State may therefore request the restitution of whichever good it classifies as belonging to its “artistic, historic or archaeological national heritage”, insofar as exported illicitly.

2.5 The New Regulation 2019/880

The most recent, and relevant to our purposes, EU instrument to be investigated, is Reg. 2019/880 on the import of cultural objects.⁹ Until 2019 the EU law governed the circulation inside the EU and the export of illicitly removed cultural goods outside the customs borders of the EU, whereas the discipline of imports from outside the EU was left to individual States. Among them only Germany had provided for general import provisions in order to prevent the trafficking of movable cultural property. Regulation 2019/880 ends to such a situation, indicating in the Preamble the reasons guiding the EU institutions. In the light of the acts issued in the previous years on the fight against the financing of terrorism, the Council and the European Parliament adopted common rules on trade with third party States in order to guarantee an efficient protection against illicit trafficking of cultural goods and their loss or destruction. Thus, the Regulation favours the preservation of humanity’s cultural heritage and aims at preventing the financing of terrorism, as well as the laundering of stolen cultural goods through their sale to buyers residing in the EU.

The third recital of the Preamble represents the key of the new instrument. It recognizes that illicit trafficking of cultural goods in many cases “contributes to a forced cultural homogenization or to the forced loss of cultural identity”, whereas the pillage of cultural goods causes, among other effects, the disintegration of cultures. Furthermore, the same recital recognizes that, as long as a profitable trade of illicitly obtained cultural goods will be feasible without any notable risk, illicit excavations and pillage will continue. In particular the Regulation establishes that the introduction inside the EU of cultural goods, belonging to the categories listed in Part A of the Annex, and removed from the territory of the third Country where

⁹ Regulation (EU) 2019/880 of the European Parliament and of the Council. Of 17 April 2019 on the introduction and the import of cultural goods, in OJ L 151 of 07.06.2019.

“they were created or discovered in breach of the laws and regulations of that country”, is prohibited (art. 3.1). As for the categories of cultural goods listed in Part B and C of the Annex (art. 3.2), their import “shall be permitted only upon the provision” of either an import license (issued in accordance with art. 4) or an importer’s statement submitted in accordance with art. 5. Pursuant to art. 3.4, par. 2 shall not be applied in three distinct situations: goods reintroduced in the EU territory;¹⁰ goods imported in the EU territory with the sole purpose of “guaranteeing its custody by a public authority or being under its supervision” – in other words a temporary circumstance, due to emergency situations, with the intent of returning the good later, when the situation will allow it; and finally, cultural goods imported for limited periods of time (exhibitions, exchanges between museums, etc.).

In the other cases, the import of cultural goods listed in Part B of the Annex requires an import license (art. 4). In particular, the license will be necessary for “products from archaeological excavations (either regular or illicit) and both terrestrial or underwater archaeological findings” (comprehensive of statues and liturgical icons, even if stand-alone). The importer’s declaration will be sufficient for the import of cultural goods listed in part C of the Annex, being the goods older than 200 years and with a monetary value of at least 18,000 euros.

Some profiles of the instrument are questionable, or in any case leave space to uncertainties (Biasiotti 2019; Peters 2019). Among these profiles, the fact that with regards to goods in transit neither an import license nor an importer’s declaration are required. Furthermore, the Regulation leaves freedom to the member States in the choice of sanctions, only requiring States to issue (art. 11) “effective, proportional and dissuasive” sanctions. The gradualness foreseen for the application of the Regulation 880 generates perplexities: some measures will not be applied before 2025. Although this can be seen as the poisoned fruit of the harsh debate which took place in the last years with the lobbies of the importers, it is nonetheless true that the instrument’s enforcement mechanism requires gradual application times. Due importance must be attached to the fact that the Reg. 880 requires a high level of administrative cooperation between member States and EU authorities (art. 7) and the creation of a complex system of centralized electronic control (art. 8.1). This electronic system is supposed to become operational within four years since the entry into force of the first of the implementing Acts referred to in art. 8.

The choice of the date – April 24 1972, the day when the UNESCO

10 Regulation (EU) n. 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, in OJ L 269 of 10 October 2013).

Convention of 1970¹¹ got into force – as “cut-off date” (Peters 2019, 105), raised a certain amount of criticism. As a matter of fact, if the Country where the cultural good was created or discovered cannot be reliably discovered, or if the good has been taken out from that country before April 24, 1972, it will be sufficient for the importer to present a declaration confirming that the cultural good had been exported in accordance with the law of the country where it had been located for a period of more than five years “for purposes other than temporary use, transit, export or trans-shipment” (art. 5.2).

Regulation 880/2019 was subject to a harsh debate involving not only lobbies and private groups and persons,¹² but also member States directly. On one side it was anticipated by a pioneering decision taken by the German government at the moment of the 2016 internal legislative reform,¹³ and there was a subsequent pressure from that Government on the other MS in order to persuade them to take position in favour of the Regulation’s enactment. On the other side, there was an open, strong opposition from the British government, even at the eve of Brexit. It is time to draw our attention on the Brexit’s effects on the European and international trade of cultural heritage.

3 Post-Brexit Scenarios

Notwithstanding the decade-long crisis affecting the UE, the latter has adopted legal tools that, once in force – at domestic level when requested –, will be able to address the dramatic situations of illicit traffic of cultural objects coming from conflicts and situations under crisis. Among these legal tools are Directive 2014/60 and the new Regulation 2019/880. Nevertheless and unfortunately, the consequences of Brexit could jeopardize these promising developments.

Since January 2021, when the s.c. transition period ended, the

11 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Paris, 14 November 1970, UNTS 823 p. 231, entered into force on 24 April 1972.

12 See the affirmation P. Marchiset, Legal Adviser to Ilab’ (International League of Antiquarian Booksellers) campaign against the Regulation of the EP and the Council on the import of cultural goods, according to whom “the text remains a major obstacle to trade, a major risk for the security of transactions and an undue limitation to the free diffusion of culture”. The article, “EU regulation on the import of cultural goods adopted”, published on 22 March 2019 and accessible online at <https://ilab.org/articles/eu-regulation-import-cultural-goods-adopted>, is no more available on the web.

13 Gesetz zum Schutz von Kulturgut (Act on the Protection of Cultural Property), Bundesgesetzblatt 2016, reported in Peters 2019, 99. He employs the term *German Cultural Property Act* to distinguish it from the *Canadian Cultural Property Act*, dated 1984.

United Kingdom has reached the status of a third-party State in respect to EU. Many indicators and elements foresaw a hard Brexit, that is an exit with no deal, or at least marked by a common friendly declaration but leaving the causes of dispute unchanged (Zagato 2020). This is the reason why some relief has been felt after an agreement on some key aspect has been reached (Ireland, finance-related issues, fishing, trade, status of citizens, some profiles of intellectual property).

Rather, the positive attitude manifested by EU negotiators regarding the just mentioned aspects should not hide the concerns. The long negotiation ended as the English authorities aimed for: that is without taking any relevant obligations on the issues concerning European residents, and moreover on the freedom of movement – issues that are at the heart of the European Union identity and spirit.

As to the matter at stake, it falls under the most complex problem of post-Brexit customs relations (see Sacerdoti 2018). In the directives dealing with the final negotiation dating February 2020, the EU backed the necessity of addressing, in compliance with EU norms, the issues related to the import and/or restitution of cultural goods, which were illicitly exported, back to their States of origin.¹⁴

Among the instructions/guidelines ordered by the English government to its negotiators, the just said priority was ignored. On the matter, the UK final position is the one about an agreement between the UK and EU that only recognizes the mutual restitution of illicitly transferred cultural good belonging to a named specific List, and holding a given monetary value. As to the restitution to States of origin of cultural goods illicitly exported from those territories, notwithstanding the pressure of pro-Brexit lobbies of art dealers, the United Kingdom will not grant any concession. And what if there is necessity of dealing with goods excluded from the Annex (not yet adopted), through a bilateral agreement? Or what if a British judge has to deal with cultural goods exported from a third State, where they have been created or discovered, “in breach of the laws and regulations” of that State (Reg. 880/2019, 3.1)? Considering the laws which, especially in Middle Eastern Countries, prohibit the exit from the territory of the State of archaeological goods, the UK judges will refer to the traditional international private discipline (for an overall consideration, Bertoli 2017), with consequences which cannot be examined in this article. This might put into risk the delicate cooperation between States against the web of illicit trafficking developed in recent years.

So, in the author opinion, the concern of those who believe that the UK could become the new Eldorado of illicit trafficking are justified

14 Camera dei deputati, Uff. rapporti con l'UE, *La Brexit e i futuri negoziati sul partenariato tra l'UE e il Regno Unito*, 24 giugno 2020.

(Veldpaus and Pendlebury already speculated on the risk of “potentially making the UK a centre for illicit trafficking” in their 2017 Report).

However, there is more. The UK has not taken part in the UNESCO Convention of 2003 on the protection of intangible cultural heritage,¹⁵ nor in the Faro Convention of the Council of Europe.¹⁶ As well as other States of the EU, it is not part of the Unidroit Convention either. Still, since Directive 2014/60 carefully follows the dictate of said Convention, thence, at least on a level of reciprocal relation between European States (therefore not only member States, but also associated States) this has not practical consequences. After Brexit completion, as the UK excluded the possibility of an association agreement with the EU, the ‘core’ of these instruments will cease to exist for that Country.

We just have to reiterate – however this topic will certainly be the object of a thorough investigation in the following months and years – how Brexit constitutes an authentic epistemological break “which involves the notion of cultural heritage itself in the European territory” (Zagato 2020).

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15 Convention for the Safeguarding of the Intangible Cultural Heritage, Paris, 17 October 2003, UNTS 2368 p. 3, in force at an international level on April 20 2006 (Zagato 2008; Scovazzi, Ubertazzi, Zagato 2012).

16 Framework Convention on the Value of Cultural heritage for Society, Faro, 16 October 2005, CETS n. 199, in force at an international level on June 1 2011 (for first considerations see: Pinton 2019).

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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

Faces in Stone. Rock Art in the Duhok Region (Kurdistan Region of Iraq) A Seriously Threatened Cultural Heritage

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Abstract The article discusses the threat posed to the sizeable rock art heritage of the Duhok area (Kurdistan Region of Iraq) by vandalism, the expansion of production activities and extensive construction of infrastructures without prior assessment of the work's archaeological impact, looting, and illegal excavation. All of the sites with rock reliefs dating from the mid-third millennium BCE to the early centuries CE have been seriously damaged – in some cases irretrievably. The lack of awareness regarding the importance of these unique rock art complexes and the requirements for their tutelage by local communities need to become the principal focus of any project for protection and conservation of the Duhok region's heritage. This can happen only in the context of a virtuous collaboration at both legislative and operative levels between local authorities, foreign archaeological expeditions and international institutions active in the cultural heritage protection field.

Keywords Kurdistan Region of Iraq. Rock Art. Vandalism. Uncontrolled intensification of production activities. Looting. Awareness Raising. International Cooperation.

Summary 1 The Iraqi Kurdistan Region: Economic Development and Threats to Cultural Heritage. – 2 The Rock Reliefs in Duhok between Vandalism and Looting. – 2.1 The Gunduk Reliefs. – 2.2 The Khinis Neo-Assyrian Reliefs. – 2.3 The Shiru Maliktha Assyrian Rock Relief. – 2.4 The Faida Rock Art Complex. – 2.5 The Assyrian Reliefs of Maltai. – 2.6 The Mila Mergi Assyrian Rock-Carved Stela. – 2.7 The Gali Zerdak Rock Relief Complex. – 2.8 The Nirok Hellenistic Relief. – 2.9 The Assyrian Aqueduct of Jerwan. – 3 Conclusions: Unresolved Problems and Prospects for Protection and Enhancement.



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1 The Iraqi Kurdistan Region: Economic Development and Threats to Cultural Heritage

The recent stabilisation and full realisation of Kurdistan's regional autonomy after decades of political instability, civil and military conflicts, as well as economic and humanitarian crises, were accompanied by considerable developments in the region's political, economic and social environment of the region and in education, culture and scientific research.

Since 2009, thanks to the political openness towards foreign archaeological expeditions of the General Directorate of Antiquities of the Kurdistan Region of Iraq and its peripheral branches, the plains and piedmont regions of the Iraqi Zagros have seen the birth of numerous archaeological survey and excavation projects aimed at the census and mapping of their immense and widespread monumental and cultural heritage. Iraqi Kurdistan has consequently emerged as a new frontier of Near Eastern archaeology and as a promising laboratory for the development and experimentation of innovative methods, especially in the fields of landscape archaeology and multidisciplinary research. Even more strategic is the fact that the region has also become the arena of new projects for the recording, protection and enhancement of cultural heritage and the monitoring of the risks that threaten it.¹

Archaeologists and cultural heritage professionals – as well as international public opinion – have been profoundly shaken by the dramatic series of devastations of monumental and other cultural heritage sites and museums in the Near East in recent decades, from the damage to Iraq's archaeology caused by the first Gulf war in the nineties, to the more recent iconoclastic destruction due to Islamic terrorist fundamentalism in numerous countries of the MENA area.² The shock wave following these terrible devastations, conveyed through sophisticated mediatic strategies, has focused the attention and action of government and international agencies dedicated to the protection of cultural heritage in military and post-conflict contexts. However, less attention has been given to other – in my opinion no less dangerous – challenges to the integrity of cultural herit-

¹ Kopanias, MacGinnis, Ur 2015; Kopanias, MacGinnis 2016; MacGinnis, Wicke, Greenfield 2016; Orazi 2019; Ur, Lashkri 2019.

² For an overall view, see the websites listed here: Antiquities Coalition; APSA; ASOR; EAMENA; Gates of Nineveh; Monuments of Mosul in Danger; RASHID International. For analysis and in-depth critical studies on the devastations of cultural heritage in the MENA countries in recent decades, see, for example, Córdoba 2000; Polk, Schuster 2005; Rothfield 2009; Brusasco 2012, 2013, 2018; Isakhan 2013; 2015; Casana 2015; Danti 2015; Harmanşah 2015; Matthiae 2015; Morandi Bonacossi, Tonghini 2018; Turku 2018; Kamel 2020.

age in the MENA area. In fact, especially in countries experiencing a phase of marked economic development, phenomena such as the swift growth of urban centres, the impetuous development of production enterprises and the unsustainable exploitation of resource must be added to the more traditional threats to cultural heritage, such as vandalism, illegal excavation of archaeological sites, and the clandestine trade in antiquities.

Some of these problems are particularly evident in the Iraqi Kurdistan region, where the years following the fall of the Baathist regime in 2003 saw the frenetic expansion of the sizeable urban centres of Erbil, Sulaymaniyah and Duhok, as well as the expansion of productive enterprises in both urban and rural areas of the autonomous region (Stansfield 2003; Sabr 2014; Jarah et al. 2019). The regional archaeological survey conducted between 2012 and 2018 in the Duhok region by the “Land of Nineveh Archaeological Project” (LoNAP) of the University of Udine [fig. 1] (Morandi Bonacossi, Iamoni 2015; Morandi Bonacossi 2016; 2018a; 2018b) revealed how particularly negative effects on the integrity – and often survival – of archaeological sites may derive from agricultural activities,³ from the growing industrialisation of the territory through the creation of large industrial installations and extensive road infrastructures which were not preceded by assessment of the archaeological impact of their construction, and the uncontrolled exploitation of mineral resources.⁴ The construction in 2014 and the following years of numerous refugee camps located in the foothills in the Duhok region to house hundreds of thousands of evacuees who escaped from the threat posed by Islamic State in the Mosul plain (Munoz, Shanks 2020) has also contributed to the destruction of the archaeological record, again due to the absence of impact evaluations prior to their construction.

3 In particular, deep ploughing, which may completely destroy prehistoric and protohistoric sites of small dimensions, and the exploitation of tells as stores of anthropic deposits, rich in organic components to be used as fertilizers in agriculture. LoNAP has recorded frequent cases in which the deposits excavated from archaeological sites were used in order to produce mudbricks for maintenance work on extant mudbrick structures.

4 Especially the oil industry, which requires not only the construction of mining installations, but also the preliminary actuation of geophysical prospecting that has a destructive impact on archaeological landscapes, and the cement industry, which extracts large quantities of gravel from riverbeds. This last practice is greatly damaging the region's river landscapes, destroying a large part of the linear distributions of archaeological sites lying on its hydrographic grid.

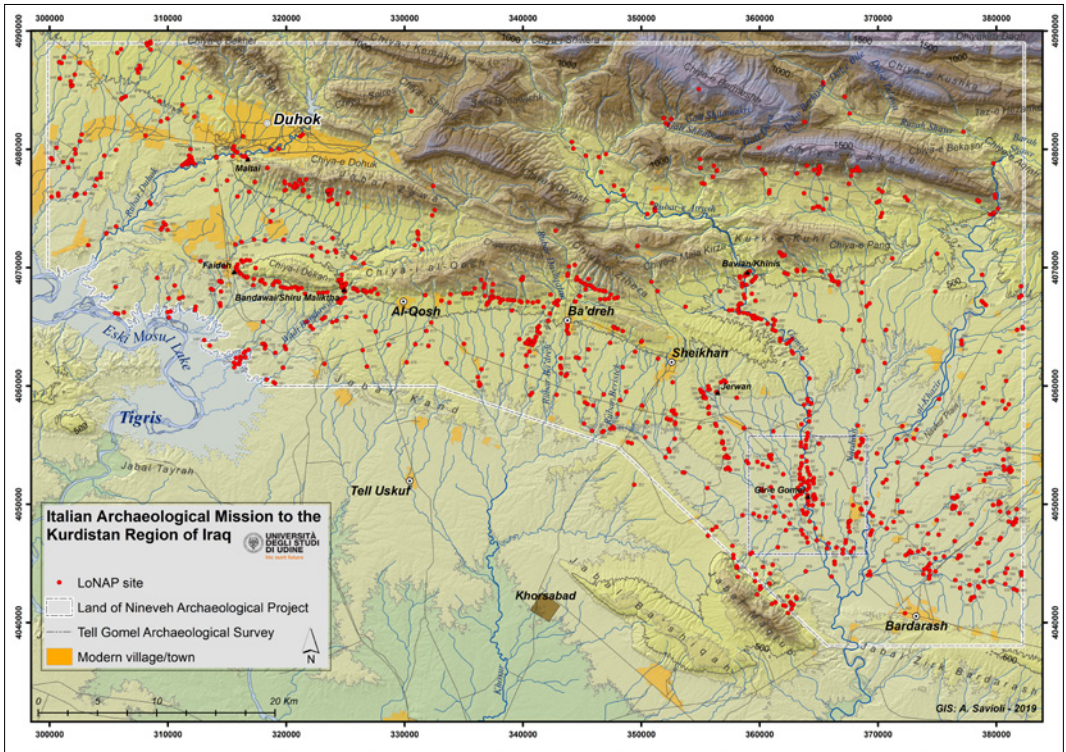


Figure 1 Map of the archaeological sites discovered during the surface survey conducted by LoNAP in the Duhok region (2012-18)

2 The Rock Reliefs in Duhok between Vandalism and Looting

The economic and urban development of Kurdistan has therefore had considerable repercussions on the preservation of many archaeological sites in the region. The impact of vandalism and intentional acts of destruction has of course been far more devastating, and these have not spared the region's most visible monuments, even those located in mountain areas which are difficult to reach, sparsely populated or completely deserted.

This is the case of numerous important examples of rock art in Kurdistan.⁵ The Duhok Governorate contains significant rock reliefs

⁵ For an overview of the rock reliefs known in Iraqi Kurdistan up to the eighties, see Börker-Klähn 1982.

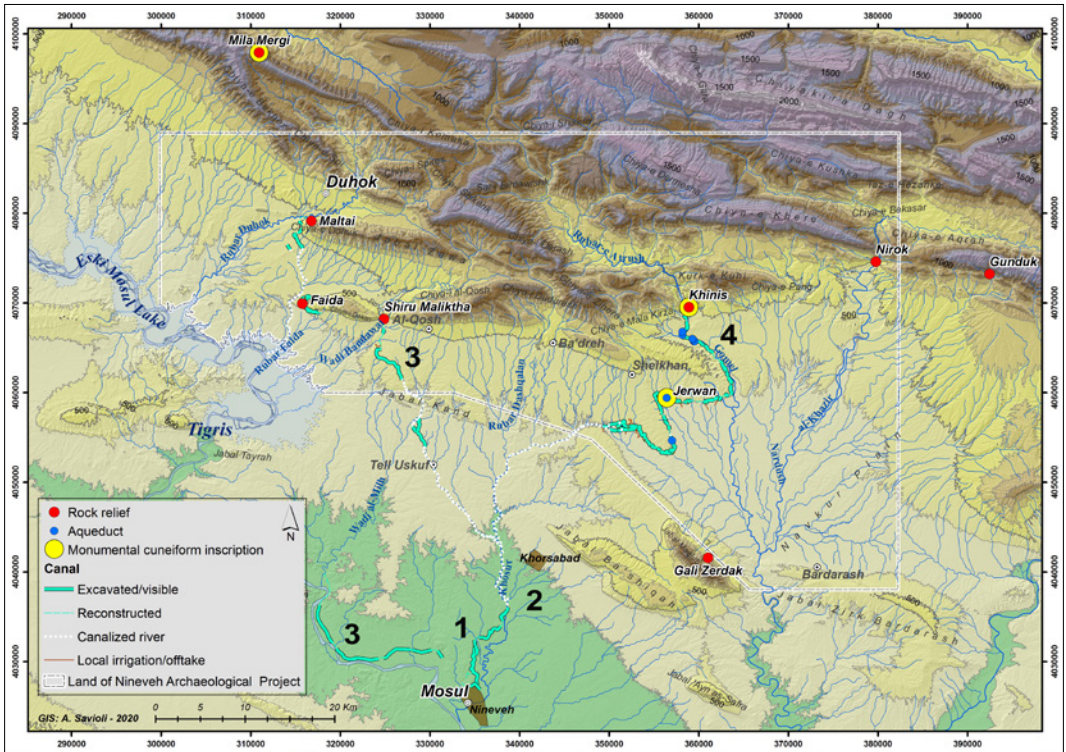


Figure 2 Map of the rock reliefs and monumental sites present in the Duhok Governorate that have suffered acts of vandalism

dating from the third millennium BCE to the early centuries of the first millennium CE. In the area made available to LoNAP, which covers a surface of about 3,000 km², and in its immediate vicinity, there are eight monumental complexes, unique in the rock art landscape of the ancient Near East, located in Gunduk, Khinis, Shiru Maliktha, Faida, Maltai, Mila Mergi, Gali Zerdak and Nirok, along with the Assyrian aqueduct in Jerwan with its monumental celebratory inscriptions of Sennacherib [fig. 2]. In the last few decades and especially in recent years, all of these sites and rock reliefs have been subjected to acts of vandalism and deliberate damage, or even partial, or in some cases total, destruction. Notwithstanding the efforts of the Duhok Directorate, which controls and protects an extensive area containing abundant archaeological remains with reduced personnel

and means,⁶ the phenomenon's dimensions are such that we should worry about the short-to-medium term survival of the exceptionally important rock reliefs in the region.

This article gives an overall picture of the damage inflicted to date and the anthropic dangers that threaten the reliefs' survival. Risks relating to atmospheric agents (erosion caused by wind and rain, solar radiation, rock exposure to cooling and heating cycles, water infiltration from behind the rock faces, on which reliefs are carved, caused by karst phenomena) are not taken into consideration.⁷ Nonetheless, weather-related risks constitute an equally serious risk for the long-term preservation of rock art.

2.1 The Gunduk Reliefs

At the small oasis of Gunduk, about ten kilometres north-west of the small town of Akre, there are three rock reliefs on the entrance and walls of a cave that overlooks the oasis and the village of the same name from the side of a rocky ridge [fig. 2]. The site's exploration history and specialist debate regarding the chronology of the three bas-relief carved panels were recently reviewed and further examined by Julian Reade and Julie Anderson (2013, 78-97), who proposed a convincing dating of the reliefs to around the mid-third millennium BCE (Early Dynastic III period). The three Gunduk panels are of extraordinary importance, since they constitute the most ancient rock reliefs found in Mesopotamia to date (Reade, Anderson 2013, 85) and probably represent scenes concerning religious and mythological themes otherwise undocumented in the rock art of the ancient Near East (see also Koliński 2016, 168-70).

In 1994 or 1996, during the Kurdish civil war years (1994-97), treasure hunters who probably came from nearby Turkey, in the conviction that the panels signalled the presence of treasure hidden behind them in the mountain's interior, caused an explosion that partially destroyed the reliefs (Reade, Anderson 2013, 83; Koliński 2016, 168). More than 50% of Panel 1, which probably represents a royal figure hunting an Alpine ibex, was damaged, while Panel 2, located underneath the former, was completely destroyed by the explosion. In 2013, the Polish archaeological mission of the Upper Greater Zab Archaeological Reconnaissance was able to recover two fragments belonging to Panel 2 which were still lying on the ground nearby. Recently, Rafał Koliński (2016, 168 and fig. 8) interpreted the scene de-

⁶ The Duhok Governorate covers an area of 11,000 km².

⁷ For the reliefs in Khinis and Maltai, these types of natural risk have been extensively analyzed by Finzi Contini 2019.



Figure 3 Drone view of the Khinis rock complex from the north-east. In the foreground, the Sculpted Monolith near the water intake of the “Sennacherib Canal” (SM) and the relief fragment on the small rock face upstream of the water intake (RBR); behind, the “Large Panel” (LP), the “Rider Relief” (RR) and the rock steles 1-12 (photography A. Savioli, October 2018)

picted on the panel as a myth recounting the creation of the human species by the gods Enki, Namma and Nintu. The only panel that fully survived the devastation was the third one, located in a less visible position inside the cave, that represents another religious or mythological scene in which the protagonists are a sitting female deity wearing a horned headgear, an Anzû bird grasping two animals, and figures of domestic and wild animals (Koliński 2016, 169 and fig. 9).

Of the exceptional Gunduk rock reliefs only parts of Panel 1 and Panel 3 remain. The absence of permanent guarding for the protection of these unique testimonies of North Mesopotamia’s Early Dynastic rock art, and the isolated location of the site in the hilly region of the Zagros piedmont, leave the surviving reliefs exposed to the action of atmospheric agents as well as all forms of vandalism and deliberate destruction.



Figure 4a Graffiti on the Khinis Sculpted Monolith (photography I. Finzi Contini)



Figure 4b Graffiti at the base of the "Large Panel" (photography I. Finzi Contini)

2.2 The Khinis Neo-Assyrian Reliefs

The extraordinary rock art complex in Khinis is located at the exit of a narrow gorge between the ridges of Çiya Mala Kirza and Kurk-e Kuhi, where the River Atrush flows into the Navkur floodplain, taking the name of Gomel [fig. 2]. Here, in the Khinis site (Assyrian Khanusa), in around 690 BCE the Assyrian sovereign Sennacherib (704-681 BCE) ordered the building of a 51 km long irrigation waterway fed by the River Gomel. This canal, known as the “Canal of Sennacherib”, was part of a more complex regional hydraulic system that the king built between c. 703 and 688 BCE to transport water from the Zagros foothills to his new capital, Nineveh, and irrigate its surrounding countryside (Jacobsen, Lloyd 1935: 44-9; Reade 1978: 168-70; Bagg 2000: 212-24; Ur 2005: 335-9; Morandi Bonacossi 2018a-c). In the location where the water was diverted from the River Gomel into the canal through a rock weir, before the village of Khanusa, there are the remains of the *bāb nāri* (“the canal gate” [fig. 3]), a large monolith carved in relief which marked the water intake from the side of the river (Bachmann 1927: 1-22; Boehmer 1997; Bär 2006; Reade, Anderson 2013; Fales 2015; Morandi Bonacossi 2018c). On the steep cliff wall of the Khinis gorge which overlooks the start of the canal and its initial course, Sennacherib ordered the carving of a series of monumental rock reliefs in commemoration of his exceptional hydraulic construction: the “Large Panel”, the “Rider Relief” and twelve carved niches representing the king, under the symbols of the twelve principal deities of the Assyrian pantheon. On three of these niches the Bavian inscription was engraved,⁸ in which the king described the construction of the entire water-management system in four phases (Grayson, Novotny 2014, 310-17).

The reliefs, now protected by a fence and a permanent guarding service organised by the Duhok Antiquities Directorate, have been seriously damaged by long-term exposition to atmospheric agents and especially by continuous cycles of cooling and heating of the rock that cause the detachment of fragments from sculptured surfaces (Finzi Contini 2019, 222-32).

Despite the presence of guardians, Khinis has suffered from vandalism – even recently – like the appearance of writing done with oil paint from spray-cans [fig. 4]. Furthermore, in particular during summer weekends, when a lot of families go to Khinis to bathe in the Gomel (or often even to wash their cars in the river, just in front of the Assyrian reliefs), it often occurs that children climb on the bases of the “Large Panel” and “Rider Relief”: by doing this they risk damaging the carved surfaces.

⁸ So-called after the nearby village of Bavian by Sir Austen Henry Layard in the second of his travel accounts about his explorations (1853, 207-16).

In the past, probably during the years of the Kurdish Civil War, some of the twelve niches of Sennacherib were used as targets for firearm practice exercises [fig. 5a]. These exercises have severely damaged some reliefs and certain parts of the three versions of the Bavian cuneiform inscription [fig. 5b]. At the centre of niche no. 4 there is also a deep, circular hole, seemingly a cut made in the rock to discover possible treasures hidden inside it [fig. 5c].

In recent years, the head and anterior part of the body of one of the two *lamassu*⁹ carved on the “Sculpted Monolith”, which signalled the canal’s water intake, have disappeared, either because they were intentionally removed by plunderers or traffickers of archaeological finds, or because they broke off due to natural or anthropic causes and fell into the River Gomel beneath [fig. 6]. The *lamassu* figure was still intact at the time of Gertrude Bell’s visit to Khinis in 1909¹⁰ and the following one of R.M. Boehmer in 1978 (Bär 2006, figs. 27-8, 32). It cannot be excluded that the disappearance of the head and part of the body of the *lamassu* might have been caused by illegal traffickers in artworks who were active in Khinis during the Kurdish Civil War between 1994 and 1997, when the site was left unguarded.

Another potential threat to Khinis’s security comes from the building of an earthen dam on River Atrush 500 m upstream of the site. The increase in the groundwater level determined by the formation of the artificial water basin behind the dam could cause a parallel increase in the saturated portion of the basin; this groundwater might come into contact with the base and central portion of the “Large Panel”, threatening its medium- and long-term survival (Palpacelli 2019, 187-8, figs 13-14).

The unfortunate conclusion is that the entire monumental complex of Khinis is substantially degraded: the vegetation has not been cut back and becomes strongly invasive, hiding most of the big carved monolith near the water intake of Sennacherib’s canal; more generally, there is no provision for clearing away the waste left behind by visitors, which accumulates over time. In recent years, the concrete skeleton of a building planned to be a restaurant, was built without permission a few tens of metres upstream from the “Large Panel” and carved monolith. Although fortunately the building was never completed, its presence is heavily intrusive and it spoils the natural beauty of the location.

In general, the neglected state of the Khinis complex does not encourage the correct perception among the local population of the importance of this rock relief ensemble, which is unique in Iraq and

⁹ Human-headed, winged bulls which protected the entrances to cities, buildings and, in our case, the “canal head” of Sennacherib.

¹⁰ As testified by a picture kept in the Gertrude Bell Archive conserved at the University of Newcastle (<http://gertrudebell.ncl.ac.uk/>).

indeed the entire Near East. Most of all it does not promote a broader awareness of the need not only to protect the site from damage, vandalistic acts and unregulated building activity, but also to keep it in a clean and decent condition in order to favour its fruition by local communities. Consequently, the extraordinary rock art complex in Khinis, although protected by a fence (lacking on the side of the River Gomel) and a permanent guarding service, as well as getting included in 2014 in the World Monuments Watch,¹¹ is not adequately maintained and protected. Furthermore, as Finzi Contini has observed (2019, 231-2), all the reliefs in Khinis require urgent consolidation interventions and conservation treatment. For this purpose, the University of Udine and the CNR (National Research Council) Institute of Technologies Applied to Cultural Heritage¹² prepared an overall conservation project for the Khinis reliefs (Finzi Contini 2019), along with an analysis of the instability conditions of large rocks and their risk of detachment from the rocky hillside where the reliefs are carved (Di Luzio 2019). All of the studies were part of the “Land of Nineveh Project. Training for the enhancement of cultural heritage in northern Kurdistan (Iraq)”, funded by the Italian Agency for Development Cooperation. The project also included the documentation of the Assyrian reliefs of Khinis, Faida and Maltai, as well as the Jerwan aqueduct, using advanced technologies (drones, laser scanners, digital photogrammetry, 3D restitution). A blueprint for an archaeological park was drawn up in order to protect and enhance these monuments and, following the criteria specified by UNESCO, a Nomination Format was outlined, proposing the inscription of the entire Assyrian hydraulic system of the Duhok region and its natural and archaeological landscape in the UNESCO World Heritage Tentative List (Orazi 2019).¹³

2.3 The Shiru Maliktha Assyrian Rock Relief

About 6 km west of the village of Al-Qosh, along the Bandawai canal (which belongs to the third construction phase of the network built by Sennacherib), in a place known by its Syrian name of Shiru Maliktha (“Image of the Queen”), there is an extremely eroded stone relief carved in a deep rectangular niche excavated in the side of the hill [fig. 2] (see Reade 2002; Morandi Bonacossi, Iamoni 2015, 26-9;

¹¹ <https://www.wmf.org/project/khinnis-reliefs>.

¹² Currently Institute of Cultural Heritage Science.

¹³ The results of the conservation project for the rock reliefs in Khinis and Maltai and the Jerwan aqueduct and of enhancement of Sennacherib’s hydraulic system are also presented on the website <https://sennacheribarchaeologicalpark.com/>.

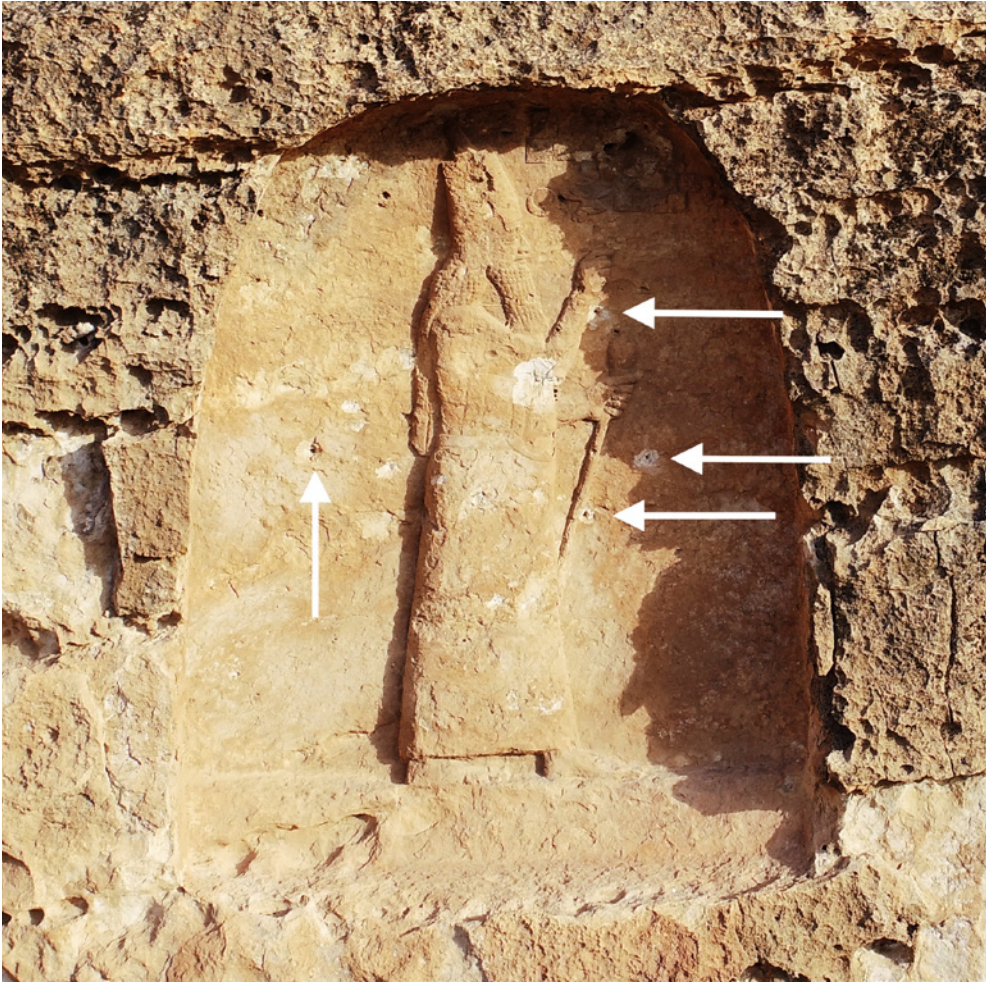


Figure 5a Khinis rock stele no. 9 hit by firearm bullets (photography I. Finzi Contini)





Figure 5b (On the left) One of the three replicas of the Bavian inscription engraved on stele no. 4 damaged by a bullet (photography I. Finzi Contini)

Figure 5c Stele no. 4 and the inscription damaged by the excavation of a large hole (photography I. Finzi Contini)



Figure 6 North elevation of the "Sculpted Monolith" with the figure of Ashur on the right and Sennacherib on the left. To the right of the sovereign's figure, you can see the abraded surface where the head and the front part of the body of one of the two *lamassu* sculpted on the monolith were originally located (photography I. Finzi Contini)

Morandi Bonacossi 2018b). As in the twelve niches in Khinis, the Shiru Maliktha relief represents an Assyrian king – most probably Sennacherib himself – under the astral symbols of the deities of which few traces persist today [fig. 7]. The relief has been heavily eroded and damaged by long exposure to the elements, and is also defaced by blue paint graffiti. The main threats to this important site come from the presence of a leisure centre only a few tens of metres away, which takes advantage of the abundant waters of Wadi Bandawai¹⁴ and offers bathers – which for the most part belong to the Assyrian community of Al-Qosh and the villages in the northern area of the Nineveh plain – a restaurant for their weekend excursions. In 2018, illegal construction work for the expansion of a parking lot, adjacent to the restaurant and not far from the Shiru Maliktha relief, was conducted using mechanical excavators which brought to light numerous rock ashlar probably belonging to the stonework of the Assyrian canal of Bandawai, which thus seems to have been partially destroyed [fig. 8]. The canal's water intake consisted of an underground tunnel more than half a kilometre in length, which opened upstream of Shiru Maliktha, in the narrow gorge of Wadi Bandawai. A few metres to the left of the Assyrian relief, the stream water directed into the tunnel re-emerged at the end of the gorge, in the plain. Most probably at this point the water flowed into an earthen canal which, as in Khinis, had an initial tract built of stone blocks. This canal was built to take the river water to the massive Bandawai canal. The work to enlarge the Shiru Maliktha restaurant's parking lot has most likely destroyed a portion of the stonework of the initial part of the canal.

The situation at Shiru Maliktha is another important example of how the expansion of production activities through construction work can endanger the survival of Iraqi Kurdistan's cultural heritage.

2.4 The Faida Rock Art Complex

In 2019, near the site of Faida, a dozen kilometres south of Duhok, the joint Italian-Kurdish mission of the Duhok Antiquities Directorate and the University of Udine, co-directed by Hasan Ahmed Qasim and the author, has brought to light extraordinary panels carved in stone, along the bank of a canal 8.5 km long [fig. 2]. Three of these reliefs were uncovered for the first time in 1973 by J. Reade (Reade 1973; 1978, 159-63; Boehmer 1997), while the following six were found in 2012 during the LoNAP survey (Morandi Bonacos-

¹⁴ Although the Arab term wadi indicates a seasonal stream, this is in fact a permanent watercourse fed by karst sources.



Figure 7 The relief of Shiru Maliktha and the graffiti covering it (photography R. Orazi)

Figure 8 View of the stone blocks belonging to the masonry of the Assyrian canal of Shiru Maliktha reused in an embankment of the Wadi Bandawai (photography A. Savioli)

si 2016, 146, fig. 14.4).¹⁵ Since 2015, the threats to the survival of the reliefs and the occurrence of damage and episodes of partial destruction have increased to the point that in 2019 there was urgent need for an Kurdish-Italian rescue project dedicated to the excavation, documentation, protection, restoration and enhancement of the panels carved in bas-relief along the Faida canal (Morandi Bonacossi 2020, 8-10). They depict a scene of divine veneration in which, at the extremities, there is the figure of an Assyrian sovereign portrayed in adoration of seven statues representing the main Assyrian deities, who stand on bases carried on the backs of their sacred animals.

The archaeological complex in Faida is surrounded by four factories producing blocks of cement, located only a few tens of metres from the reliefs. These establishments produce thousands of cement blocks that are put to dry on large squares just downslope of the course of the Assyrian canal [fig. 9]. Furthermore, a farm where chickens are raised and a cattle shed partially occupy the canal's course [fig. 10]. In 2015 the personnel of the cement block factory ascertained that during particularly abundant winter and spring rainfalls the surface runoff from the western side of the Çiya Daka hill ridge, at the foot of which the Assyrians built their canal, flooded the squares in which the cement blocks were placed to dry. They therefore decided to empty the canal, removing the fill with a mechanical excavator [fig. 11]. The tract of the Assyrian canal located upstream of the cement factories was hence reactivated to collect the surface runoff from the hillside in order to transport it far away from the cement production area, through a secondary canal that originally branched from the Assyrian canal. This excavation operation of the canal has put to risk the integrity of its course, but luckily caused only limited damage.

The most serious episode of destruction of the canal and the Assyrian reliefs occurred in 2017. The enlargement of a cattle shed located just a few metres from the canal involved demolition of the rocky hillside in which the canal was excavated [fig. 12]. Unfortunately, in that exact spot there was a relief (Panel no. 9). Its upper part, that above the depiction of the sacred animal figures carrying the Assyrian deities' statues on their backs, was completely removed and destroyed by the bulldozer [fig. 13]. Fortunately, the prompt intervention of the Duhok Antiquities Directorate impeded the cattle shed's enlargement, thereby permitting the recovery and documentation of the surviving portion of the relief.

15 The first nine reliefs were found during survey work because the upper part of the carved panels emerged from the ground and the debris filling the canal, a tenth one, entirely covered by the canal fill, was found during the 2019 excavation season.

The following year, the construction of a new aqueduct in Faida by “GIZ Water Projects” cut the Assyrian canal into two. The trench dug to contain the pipe installed to distribute water supplied by the aqueduct to the residents of the village missed one of the panels by only a few metres [fig. 14].¹⁶

Furthermore, in May 2012 an illegal excavation of one of the ten reliefs found so far was noted. Fortunately, this illegal action was stopped by the emergency intervention of the Duhok Antiquities Directorate and of KRG security forces (Asaish). The carved panel only suffered slight damage caused by incautious and non-professional excavation procedures [fig. 15].

The extremely serious risks posed by the development of the village’s productive activities, the necessity of supplying the local inhabitants with services and modern infrastructures – which are however built without preliminary evaluation of their archaeological impact, and the occurrence of illegal excavations and vandalism – as well as the reliefs’ exposure to the damage due to long-term erosion processes – all contribute to making the Faida rock art complex the most severely threatened archaeological cultural heritage in the Duhok region, which has urgent need of a security reinforcement intervention. For this purpose, already in 2019 the “Kurdish-Italian Faida Archaeological Project” started a collaboration looking not only to bring the canal and its reliefs to light, but also – and especially – to document them, protect them by fencing of the site, institute a permanent guarding service, guarantee the stability of their conservation state through the introduction of a monitoring system and conservation project, and lastly to secure their enhancement by creating an archaeological park. Unfortunately, in 2020 the pandemic temporarily interrupted the fieldwork, although the very recent acquisition of an Emergency Relief Grant from the ALIPH Foundation and funding by Gerda Henkel Stiftung will sustain the continuation of the security operations, as soon as the health emergency permits, in order to preserve this unique and extraordinary archaeological site.

2.5 The Assyrian Reliefs of Maltai

Some of the risks that menace the Faida reliefs have also damaged – and still threaten to this day – the four panels in Maltai, on the northern side of Çiya Duhok, overlooking the modern town and the Rubar Duhok, from which the Maltai canal would have branched. There is

¹⁶ The “GIZ Water Project” is a new system of water supply in the Faida district which will guarantee potable water availability to a population of about 200,000 people (<https://www.giz.de/en/worldwide/52838.html>).



Figure 9 Drone view of three of the four concrete block factories built close to the Assyrian canal at Faida. Note the new aqueduct built in 2018 (top right) and the large trench for housing the water pipe that cuts the canal in two (photography A. Savioli)

little doubt that the construction of the latter is at the origin of the reliefs [fig. 2] (Ur 2005, 327-8; Morandi Bonacossi 2018b, 92-3). The four panels depict the same scene of divine veneration – with seven deities standing on the backs of sacred animals – as the Faida panels, to which they were contemporary; all probably date to the reign of Sennacherib or his successor, Esarhaddon (Morandi Bonacossi 2018b, 93-6).¹⁷

Since the Maltai reliefs are located on the side of the large ridge of Çiya Duhok, at about two thirds' way up the hillside, their isolation and the absence of any kind of protection whatsoever has exposed them, especially in recent years, to damage related to vandalism.

¹⁷ For previous studies on the Maltai reliefs, see Thureau-Dangin 1924; Bachmann 1927: 23-7; Boehmer 1975; Reade 1989.



Figure 10 View of the Assyrian canal at Faida entirely filled with earth and debris in the foreground, and the terraces created to house a poultry farm and a cattle shed (photography D. Morandi Bonacossi)

Figure 11 Drone view of the section of the Assyrian canal at Faida emptied in 2015 by the staff of the concrete block factories to be used as a drainage channel for surface runoff (photography A. Savioli)



Figure 12 View of a section of the Faida canal devastated by excavation of the rocky hillside in which the canal was dug. The position of the person in the image indicates the location of buried Panel no. 9, which was partly destroyed by this intervention. The cattle shed is in the background (photography A. Savioli)

Figure 13 Faida Panel no. 9 largely destroyed by the preparation work in the area intended to house an extension of the cattle shed (photography A. Savioli)



Figure 14 View of the huge trench for the installation of the pipeline for the new Faida aqueduct that cuts the Assyrian canal in two. In the background, notice illegally uncovered Panel no. 4 (photography A. Savioli)

Figure 15 Faida Panel no. 4 after excavation by the “Kurdish-Italian Faida Archaeological Project”. The right part of the panel was unearthed by clandestine excavators. On the right side of the illegally excavated relief, note the numerous scratches on the surface caused by the use of unprofessional excavation practices (photography A. Savioli)



Figure 16 Maltai Panel no. 2 with one of the painted Kurdistan flags and graffiti (photography I. Finzi Contini)

Already between 1923 and 1932, Panel no. 3, the third from the east, was vandalised by illegal artwork traffickers. The upper parts of both the third and fourth figures from the left (the goddess Mullissu and the god Sin) were removed (Reade 1989, 322; Finzi Contini 2019, 206, fig. 35). Part of the figure of Mullissu was subsequently recovered by the Iraqi authorities and is currently kept in the Baghdad museum with the inventory number IM 28150.

At the right extremity of Panel no. 1 a considerable hollow was dug, which has partially removed the upper part of the king's figure, the goddess Ishtar on the lion and a small part of the god Adad (Finzi Contini 2019, 203 and fig. 9). It is not clear if, as Reade hypothesized (1989, 321), this was an unfinished attempt to create a tomb inside the relief in antiquity, similar to that present in Panel no. 3 and dated to the first-third century CE, or rather a more recent excavation performed with the aim of extracting parts of the figures of the king and Ishtar.

In 2016, two big Kurdistan flags were painted with oil paint under the second and third panels [fig. 16]. Upon request of the Duhok Governor and the Antiquities Directorate, in summer 2016 the conservator of the University of Udine removed the two flags (Finzi Contini 2019, 205-7).

The following year, in May, Panel no. 4 was then subjected to deliberate acts of vandalism and destruction. The king's tiara, at the left extremity of the panel, had contained a nodule of dolomite and calcite, which was extracted, leaving an empty spot in the badly damaged tiara [fig. 17].

In February 2018, Panel no. 1 was damaged by an extreme act of vandalism which, along with those on Panels 2-4, make clear the extreme danger to which the Maltai rock reliefs are constantly exposed to due to their isolated position and the absence of an enclosing fence, as well as permanent guarding service to protect them. A sizeable hole measuring 55 × 56 cm and 36 cm deep dug with a pickaxe or ice axe devastated the lower part of the figure representing the goddess Mullissu, her throne and the head of the underlying lion, and partially destroyed the figure of the god Ashur in front of her [fig. 18] (Finzi Contini 2019, 203-4, figs. 24-8). As in the case of Panel no. 2 in Gunduk, the most probable cause for such destructive actions is a widespread belief in northern Iraq and eastern Turkey that ancient rock reliefs signalled the presence of ancient treasure hidden inside the rock behind them. Some fragments of the broken portion of the relief were recovered by the team of the University of Udine and the Duhok Antiquities Directorate and digitally recomposed [fig. 19]. Future restoration work will probably allow the recomposition of at least a part of the damaged portion of Panel 1.

In conclusion, all the reliefs in Maltai except for relief no. 4, which is located in a slightly more sheltered position about 50 m from Panel 3, are defaced by writing and graffiti in paint and charcoal [fig. 20]. The largest and most defacing graffiti have already been removed

by the University of Udine conservator (Finzi Contini 2019, 205 and figs. 4, 14, 30); further cleaning interventions are programmed as part of a broader project for conservation of the Maltai reliefs which, as mentioned with regard to the Khinis reliefs, has already been drawn up and is ready to be executed.

The overall picture of the preservation state of the Maltai reliefs, and in particular of the vandalism and acts of devastation they have suffered – especially in recent years – is gravely preoccupying. Due to the absence of efficient protection, based on the enclosure of the entire area by the construction of a fence, and the establishment by the competent authorities of a permanent guarding service featuring a remote surveillance system of the site by means of cameras, as that designed by the University of Udine (Orazi 2019, 100, Pl. 5. and 3.8b), it will be impossible to avoid future cases of vandalism, which could irreversibly compromise the conservation – or even the survival – of this extraordinary rock art complex. The Duhok Antiquities Directorate and the University of Udine are currently moving in this direction and attempting to find the necessary funds to protect Maltai's rock reliefs through the construction of a fence and the actuation of a restoration and enhancement project.

2.6 The Mila Mergi Assyrian Rock-Carved Stela

A similar fate to that of Panel 2 in Gunduk and Panel 1 in Maltai was shared by the stela carved by the Assyrian king Tiglath-pileser III (745-727 BCE) in the Mila Mergi site, on a small rock face in the mountains north-west from Duhok [fig. 2]. The Mila Mergi stela, ordered by the Assyrian king in 739 BCE on Mount Ilimeru after the conquest of the land of Ulluba below, was published by J.N. Postgate, who copied it *in loco* in 1972, producing a preliminary copy, although without the possibility of conducting an accurate and complete study of the Akkadian text (Postgate 1973). In 2013, the central portion of the inscription was devastated by pickaxe blows, presumably by treasure seekers which thought they could find ancient treasures hidden inside the rock behind Tiglath-pileser III's panel [fig. 21]. Unfortunately, the devastation of the Akkadian inscription is extensive enough to irremediably compromise the possibility of making a new copy of it, which would have allowed a clearer and better interpretation of the text. The Eastern Habur Archaeological Survey of the University of Tübingen directed by Prof. Peter Pfälzner, which has the inscription in its concession area, promptly recovered numerous fragments of the destroyed part of the Mila Mergi inscription, and is now drawing up a restoration project.

Thus the Mila Mergi stela, although located in a completely isolated position in the uninhabited mountains north of Duhok, has been gravely and irremediably damaged, presumably by treasure seekers.



Figure 17a Lefthand ruler's figure on Maltai Panel no. 4 before damage



Figure 17b After the hole was dug in the sovereign's tiara (photography I. Finzi Contini)



Figure 18 Hole dug in Maltai Panel no. 1 (photography P. Pagnin)



Figure 19 Digital recombination of the recovered fragments of Panel no. 1 (I. Finzi Contini)



Figure 20 Panel no. 1 with the hole dug in 2018 on the left, the large arched niche excavated at an unknown date on the right, and oil paint and charcoal graffiti (photography I. Finzi Contini)

2.7 The Gali Zerdak Rock Relief Complex

At the opening into the Navkur plain of the narrow valley on the north-west side of Jebel Maqloub, called Gali Zerdak in Kurdish, there is the location of an important and little studied group of seven rock reliefs that probably date to between the Hellenistic period and the Parthian era [fig. 2] (Boehmer 1981; 1982; Mathiesen 1992; for a new analysis, Wójcikowski, Morandi Bonacossi, Marciak forthcoming). Three of the reliefs in the complex were completely or partially destroyed by vandals in the period between 1978, date of the last documented visit to the site by an archaeologist, R.M. Boehmer, and 2013, when the LoNAP team went to Gali Zerdak, for the first of a series of explorations of this rock complex located in a marvellous and isolated natural landscape.

The first relief to be vandalised was carved on the portion of rock near the bottom of a deep, curved niche and depicted a baetylus crowned by a Nike [fig. 22]. The relief, which can be attributed to the Parthian age, of which only a few photographs and a sketch by Boehmer (1981, 153-8) remain, was entirely and systemically removed with chisel strokes, to the point that there is now nothing left of it.

The second severely damaged rock relief of the Gali Zerdak complex can be probably dated to the Hellenistic period and might be a commemorative relief of the victory of Gaugamela in 331 BCE, carved by Alexander the Great in a position overlooking the battlefield, located near the site of Gir-e Gomel/Gaugamela, where he defeated the great Persian King Darius III (Wójcikowski, Morandi Bonacossi, Marciak forthcoming). The relief, located at the bottom of a large, deep hollow, depicts a horseman crowned by a Nike [fig. 23]. The body and head of the Winged Victory (except for the wings), the crown and its ribbons, the anterior part of the horse's body and part of the rider's torso were intentionally destroyed. Since the sculptured surfaces of the Nike, the horse's body and part of the horseman's torso were smashed, in the place of the crown the Winged Victory offered to him there is now a deep, circular hole. It seems that here too, as in the cases of Gunduk, Maltai and Mila Mergi, the damage was caused by treasure seekers.

Finally, to the right of the rider there is a rectangular niche which was originally supposed to have contained a relief destroyed prior to Boehmer's 1978 visit, when the site had not yet suffered any significant intentional devastation. It is not clear whether the removal of this relief occurred in ancient or recent times.

The extremely serious destruction of three of the seven rock reliefs in Gali Zerdak is made worse by the fact that the entire complex has not yet been carefully studied, nor indeed adequately documented. The total destruction of the baetylus crowned by a Nike and the partial destruction of the horseman relief therefore once again con-



Figure 21a The Mila Mergi rock stele in 2012 before it was damaged (photography A. Savioli)



Figure 21b After damage in 2013 (photography R. Orazi)



Figure 22 Arched niche with destroyed Parthian relief depicting a baetylus crowned by a Nike (photography G. Garna)



Figure 23 Relief of a rider crowned by a Nike badly damaged by vandalism (photography G. Garna). The blackening of the sculptured surfaces is due to carbon from black smoke accumulated over the centuries due to the use of the large niche on the bottom of which the relief was carved as a shepherd's bivouac



Figure 24 Graffiti on the Jerwan aqueduct (photography A. Savioli)

stitute irremediable losses caused by the extreme difficulty of protecting a widely spread and rich heritage of rock art distributed in a challenging territory, mostly mountainous and in isolated localities.

2.8 The Nirok Hellenistic Relief

In 2015 during survey work conducted by LoNAP a small, poorly preserved Hellenistic relief was found, located in Nirok, on a rock face where the River Al-Khazir exits from the narrow gorge between the Çiya Khere and Çiya Aqrah ridges [fig. 2] (Wójcikowski, Morandi Bonacossi, Marciak forthcoming). The relief, carved on the bottom of an arched niche, depicts three stars inscribed inside circles arranged so as to form a triangle.¹⁸ Originally, the central star was inscribed inside a lunar crescent, while today it has been completely eliminated due to the fact that the niche was used as a target for military firearm drills, a fate which – as already mentioned – was shared by various rock niches in Khinis on which images of Sennacherib were carved under the symbols of the deities of the Assyrian pantheon.

2.9 The Assyrian Aqueduct of Jerwan

Along the Khinis canal, which belongs to the last construction phase of the regional hydraulic system constructed by Sennacherib, there is the stone aqueduct of Jerwan, brought almost completely to light in 1993 by the American expedition of the Oriental Institute of Chicago [fig. 2] (Jacobsen, Lloyd 1935). As is well known, on the more than 400,000 limestone blocks extracted from the Khinis quarry, the Assyrian king ordered four different types of royal, monumental inscriptions to be carved (most recently Fales, Del Fabbro 2014). As demonstrated by LoNAP's research, the aqueduct was not an isolated structure built by Assyrian hydraulic engineers, but was instead part of a more extended network that comprised at least four other aqueducts, constructed along the course of the canal at every point where a reasonably sized wadi crossed its course, threatening its existence with violent seasonal floods (Morandi Bonacossi 2016, 146-7; 2018b, 101).

For the time being, the preservation state of the Jerwan aqueduct does not cause any particular concern, although the presence in its vicinity of a shepherds' camp is a frequent cause of garbage accumulation fairly close to the structure. Moreover, graffiti and writing de-

¹⁸ For a relevant discussion of its iconography and interpretation as a rock monument in commemoration of Alexander's victory in Gaugamela, see Wójcikowski, Morandi Bonacossi, Marciak forthcoming.

face the walls of the aqueduct [fig. 24], while three inscribed blocks have been removed from the site of Jerwan and are now kept in Mr. Qadir Qachakh's private museum in Duhok.

3 Conclusions: Unresolved Problems and Prospects for Protection and Enhancement

The dramatic overview outlined above of the preservation state of numerous extremely important rock art complexes located in the territory of the Duhok Governorate, in northern Iraqi Kurdistan, allows us to formulate some final considerations. All of the sites with rock reliefs dated from the mid-third millennium BCE to the first centuries CE have been seriously, and in some cases irretrievably, damaged by vandalism and the deliberate destruction of portions of the reliefs (Gunduk, Khinis, Faïda, Maltai, Mila Mergi, Gali Zerdak, Nirok) or even of entire monuments (Gunduk and Gali Zerdak). In numerous sites other types of destruction have also been observed, as in the case of Shiru Maliktha, where in 2018 work to enlarge the external area of a restaurant located across from the Assyrian relief have caused the partial exposure and destruction of some courses of stone blocks probably belonging to an Assyrian canal made of stonework, connected to a tunnel that fed water into the canal. All the reliefs have been defaced by graffiti, most often particularly invasive, the removal of which, involving cleaning and restoration operations, still leaves weak but permanent traces on the rock surface of the monuments, due to the high porosity of the limestone characteristic of the Duhok region.

Furthermore, all the regions' rock relief sites are frequented by visitors who show scarce respect for and pay little attention to these unique testimonies of the ancient civilizations that determined the history of this territory. Local communities' lack of awareness regarding the importance of these sites and rock art complexes and the requirements for their tutelage need to become the principal focus of any project for protection and conservation of the Duhok region's heritage, which must involve extensive awareness-raising campaigns aimed especially – but not only – at schools and young people. Safeguarding the extensive rock-art cultural heritage of Duhok and all of Kurdistan requires that local communities know about it, understand it and identify with this unique patrimony and their rich and stratified past.

The situation outlined above highlights an extremely alarming fact: the vast majority of damage to and significant destruction of rock art in the Duhok Governorate is very recent. Damage was less frequent during the Kurdish Civil War years in the 1990s, and much more serious in nature in the most recent past. This last aspect is par-

ticularly disturbing, since it highlights that since around 2000 the establishment of increased stability, safety and lively economic growth in Kurdistan has brought a rapid and intense anthropization and urbanisation of the territory.¹⁹ The pervasive growth of human activity throughout the region, with its innumerable forms and consequences (e.g. the uncontrolled intensification of production and extraction operations) constitutes an extremely serious threat to the survival of rock reliefs (and more in general, all archaeological sites), which cannot be ensured by Kurdistan's Antiquities Directorates alone, since however active and willing they may be, they do not have the means to confront such a complex problem and its variety of implications.

The only option for success would require a virtuous collaboration at both legislative and operative levels, such as that outlined in recent years between the Kurdistan Regional Government, the Iraqi Institute for the Conservation of Antiquities and Heritage in Erbil, the peripheral directorates and international organizations (foreign archaeological missions and international institutions for the protection of cultural heritage which act in this field). This type of cooperation will be able to approach the different aspects of these broad issues by spreading awareness of Kurdistan's cultural heritage and sensitizing local communities, together with the training of local personnel, the application of correct practices and the conduction of specific projects aimed at documenting, protecting, conserving and enhancing the wide range of cultural heritage in this region.²⁰

19 The direct correlation between intensification of occupation and land use on one hand and the spread of episodes of vandalism against the most exposed cultural heritage, such as rock reliefs, on the other is also suggested by the fact that in the substantially uninhabited mountainous region in southern Kurdistan between the Iraqi (Sulaymaniyah Governorate) and Iranian Zagros, there are a dozen late third and early second millennium BCE rock reliefs which have never suffered damage or destruction. These are the rock reliefs of Bitwata, Darband-i Ramakan, Darband-i Gawr and Darband-i Belula/Shaikhan on the Iraqi side of the Zagros and the reliefs of Sarab-e Sey Khan, Bamu, the recently discovered Darvan Duhol 1-2 reliefs and the Sar Pol-e Zahab reliefs on the Iranian side (for a recent overview, see Alibaigi et al. 2020).

20 Although it is not our purpose here to give a complete list, it must be noted that various projects have been conducted and are still ongoing in the territory of the Kurdistan Region of Iraq to protect its cultural heritage. In 2009, the "Iraqi Institute for the Conservation of Antiquities and Heritage" was founded in Erbil, born from a collaboration between the Regional Government of Kurdistan, the Ministry of Tourism in Iraq, the U.S. State Department and other academic and research institutions in the U.S. (<https://www.facebook.com/Iraqiinst/>). There followed a project coordinated by the Erbil Antiquities General Directorate for the creation of an overall archaeological map of Kurdistan based on survey results and ongoing archaeological excavations in the region (Kopanijs, MacGinnis, Ur 2015; Ur, Lashkri 2019), the "Safeguard and Enhancement of Cultural Heritage in Iraqi Kurdistan" project of the La Sapienza University of Rome and the Antiquities Directorates of Erbil, Sulaymaniyah and Duhok, the "Erbil: Historical Commercial Buildings in the Bazaar" project of the Polytechnic of Berlin and the German Archaeological Institute, "The NINO Archaeological Project on the Rania Plain" of the Netherland Institute for the Near East and "The Land of Nineveh Training Project for

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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

Palmyrene Funerary Portraits: A ‘Conflict Antiquities’ Case

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The Journal of Cultural Heritage Crime, Italy

Abstract This paper delves into the issue of ‘conflict antiquities’, that is, the phenomenon of profiting from cultural goods looted in archaeological sites affected by wars or civil conflicts. The present research shows the increased number of Palmyrene funerary portraits of dubious provenance circulating on the antiquities market after the beginning of the so-called ‘Arab Spring’ in 2011. By analysing international war damage reports, the author established a chronology of the key events that have involved the ancient town of Palmyra, likely leading to the flood of portraits recently offered on sale.

Keywords Palmyra. Syria. Looting. Funerary portraits. Conflict antiquities. Art market.

Summary 1 Introduction. – 2 Palmyra Under Siege: War Damages to the Archaeological Site. – 3 The Palmyrene Funerary Portraits and the Market. – 4 Between Looting and Recovery.

1 Introduction

Founded in the second millennium BC near an oasis in the heart of the desert, Palmyra-Tadmor was one of the most prosperous and powerful centres of the Roman province of Syria. Wealthy caravans made it a pivotal intersection between the Mesopotamian and the Mediterranean areas and defined its cultural and artistic features, successfully blending Eastern and Western characters.

This research focuses on the phenomenon of looting in Palmyra and the problematic commercialisation of the funerary relief portraits, artefacts highly representative of its ancient civilisation.

After outlining the sequence of events that in the recent conflict impacted most severely on the Palmyrene area, the study addressed the international art market, trying to map down the portraits’ sales on both tradition-



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al public auctions and e-commerce platforms. The results achieved so far, although not exhaustive, have highlighted significant correlations between the fluctuation in the sales of the portraits and the Syrian conflict, thus raising uncomfortable questions about the dynamics related to archaeological collecting.

The following paragraphs present some preliminary data of the research, still in progress, concerning the period 2011-18. The outcomes are then contrasted with the data of the pre-war years, 2009-10.

2 Palmyra Under Siege: War Damages to the Archaeological Site

March 15th, 2011, marked the beginning of the so-called Syrian 'Arab Spring', which quickly escalated into a civil war and, finally, into a dramatic conflict on several fronts after the massive intervention of the extremist *Daesh*¹ forces. The long years of conflict have scarred the country's cultural heritage on an unprecedented scale: all six sites registered on the *World Heritage List*² have suffered substantial damage and have been included in the *List of World Heritage in Danger*³ since 2013. In addition to the direct risks due to military operations, new collateral factors of danger soon emerged: the intentional destruction carried out by *Daesh* and the rampant looting activities.

Thanks to the news reported by international agencies and collaborative groups advocating for Syrian cultural heritage, it has been possible to draw an accurate chronology of the episodes that threatened the site of Palmyra. The regular reports by the American School of Oriental Research (ASOR) and UNESCO (Project Safeguarding Syrian Cultural Heritage) and the information shared by the Syrian Directorate General of Antiquities and Museums (DGAM) have helped to define the conflict progression. The Association for the Protection of Syrian Archaeology (APSA), founded in 2011, also provided reliable accounts of the damages to the sites and the impact of clandestine excavations. On the other hand, the Facebook page *Le Patrimoine Archéologique Syrien en Danger* (*Patrimoine Syrien*) offered a look at local news thanks to the photos published by Syrian citizens and archaeologists living in Belgium and still in contact with relatives and friends at home.

¹ *Daesh* comes directly from the acronym of the Arabic name used by ISIS to define itself, and it is currently the term favoured by the media to refer to the well-known terrorist group.

² Damascus, Aleppo, Palmyra, Bosra, Crac des Chevaliers, the Saladin Castle, and the complex of eight Byzantine villages in Northern Syria.

³ <https://whc.unesco.org/en/news/1038>.

At the beginning of July 2011, the DGAM formally invited the heads of the cultural heritage sector to strengthen the security protocols protecting sites and museums in the face of the potential criminal infiltration of groups interested in systematic looting and organized theft.⁴ In February 2012, the Syrian Army took direct control of the archaeological area of Palmira,⁵ considered a high-risk target; nevertheless, at the end of the month, evidence of looting began to circulate.⁶ The first official report on damages that occurred throughout the country between 2011 and 2012 confirmed the worsening of archaeological thefts, which at the time had already affected the museums of Homs, Hama, Aleppo and Raqqa.⁷ Worrying news began to filter out about the existence of clandestine activities organized by the Free Syrian Army (FSA) as a form of self-financing for the purchase of weapons in exchange for stolen antiquities. Amman, Jordan, was likely one of the main markets for this smuggling activity.⁸ Between February and September 2013, the permanence of the FSA in Palmyra led to the first serious consequences for the archaeological area, heavily looted in the Valley of the Tombs.⁹

As well known, the situation precipitated in May 2015 with the violent occupation of *Daesh* that aggressively set for the destruction of monuments and artefacts, as well as the systematic clandestine excavation of the necropolises. Despite initial reassurances by the DGAM, cultural losses have been of broad proportions.¹⁰ Even the expulsion of the extremist group in March 2016, after the intervention of a military coalition,¹¹ has exposed the site to heavy repercus-

⁴ Cunliffe 2012, 11.

⁵ Cunliffe 2012, 38 fn. 205.

⁶ *Patrimoine Syrien*, in Cunliffe 2012, 14 fn. 85. The Facebook group *Looted Heritage*, in Cunliffe 2012, 14 fn. 74, suspects the Syrian troops of tacit complicity in the looting activities, *contra* Cunliffe.

⁷ Cunliffe 2012.

⁸ See interviews with smugglers and members of FSA (Baker, Anjar 2012; Luck 2013).

⁹ See *Syrie: les tombes de Palmyre, victimes des pillleurs*, in *Culturebox France TV* (16 March 2014). <https://culturebox.francetvinfo.fr/patrimoine/syrie-les-tombes-de-palmyre-victimes-des-pilleurs-151391>; *Exclusive News*, in *Directorate General of Antiquities and Museum* (old site version). <http://www.dgam.gov.sy/index.php?d=314&id=2547>.

¹⁰ Danti et al. 2015, 19. The photos reporting the conditions of the Museum were made public starting from 28 March 2016: one can see fallen and broken statues and scarred reliefs. The DGAM claims to have transferred 400 statues to a safe place, as well as several objects from the museum collection. Only the heavier artworks and the portraits fixed to the walls would remain in place; however, the damage visible in the photos seems more substantial (DGAM old site version; *Assessing the Damage* 2016; Danti et al. 2016a, 91-105; *Report of the UNESCO* 2016; Robinson, McLelland 2016; Wintour 2016).

¹¹ Danti et al. 2016a, 29-74 (details of the damages provided). See also Cuneo et al. 2016; *Report of the UNESCO* 2016.

sions, as the installation of a Russian army base not far from some known tombs in the Northern necropolis.¹² Re-occupied by *Daesh* in December 2016, Palmyra was finally back under the Syrian government's control in March 2017, thanks to the massive support of the Russian army.¹³ The military presence continued, pervasive and disrupting, for several months after that.

3 The Palmyrene Funerary Portraits and the Market

The funerary relief portraits, in local limestone, are a characteristic product of Palmyrene art between the first and fourth centuries AD. There are essentially two types of artefacts: the busts carved in high relief on the slabs sealing the niches of individual burials, and the relief figures with bust (or head) carved in the round and standing out on the lid of the monumental sarcophagi.¹⁴

These artworks, known since the first explorations of the archaeological site in the eighteenth and nineteenth century, are scattered today in hundreds of collections, both public and private. Among the richest and oldest collections are those of the Ny Carlsberg Glyptotek in Copenhagen, the Archaeological Museum in Istanbul, the Louvre in Paris and the Penn Museum of the University of Pennsylvania in Philadelphia.

Launched in 2012, the *Palmyra Portrait Project* (PPP) of Aarhus University has set as a goal to document all the Palmyrene funerary portraits of which there is notice, developing a database that already reaches the total figure of over 3000 sculptures.¹⁵ Besides museum collections, the PPP has also considered auction houses and Internet websites to try and reach the fullest account possible of the portraits in circulation. Therefore, the data so far published by the PPP constitute a first snapshot of the market's trends connected to these artworks. Further data related to the commercialisation of Palmyrene portraits are provided by the *MANTIS* Project of the Oriental Institute of the University of Chicago, which identified somewhat more than 36 portraits auctioned between 2000 and 2015.¹⁶

This study here presented was conducted on a total of 28 European and American auction houses and ancient art galleries. The Palmyrene portraits offered on sale from 2009 to 2018 (both on tra-

¹² Danti et al. 2016b, 30-48; Danti et al. 2016c, 21-6; Danti et al. 2016d, 20-4.

¹³ Danti et al. 2017.

¹⁴ Bounni, Sadurska 1994.

¹⁵ Kropp, Raja 2016; Raja 2016, 2017; Johnson et al. 2018. For the project, see <http://projects.au.dk/palmyraportrait/>.

¹⁶ *Palmyra Reliefs* 2016; Rose-Greenland et al. 2016, 121 (28 reliefs between 2003 and 2016).

ditional and online auctions) were analysed. Additionally, between November 2017 and December 2018, the author conducted occasional checks of the eBay commercial site.

From a methodological point of view, alongside the aforementioned projects, the guidelines developed by Neil Brodie for similar market surveys concerning Mesopotamian antiquities from Iraq, especially the cylinder seals,¹⁷ were followed.

The preliminary data of the current research, as summarised in Figure 1, expand the results notified by both the PPP and the MANTIS Project. While the PPP counts 23 portraits put up for auction between 2011 and 2015, for the same period, the current survey reports 42.¹⁸ A further account by the PPP,¹⁹ on the other hand, identified 33 items on sale in the broader timespan 2010-16, against the 50 here recorded [fig. 1]. Overall, this research identified 51 Palmyrene funerary portraits that have entered the antiquities market since the Syrian conflict started. However, we must also notice that some pieces have been put up for sale several times: the total number of relevant auctions is then 68. When we see these figures against those released by the MANTIS Project, which provides a glimpse of the Palmyrene portraits' presence on the market before the turmoil, and the direct analysis of the auctions in the years 2009-10 [fig. 1], we must highlight an increase in the sales, starting from 2011.

That is also confirmed after cross-checking the website of Drouot²⁰ that records the sales managed by this famous auction house and its partner galleries in Paris. For the years 2000-10, we count only 4 portraits put on the market, in 7 auctions; the website reports, instead, 12 auctions carried out between 2011 and 2018, for a total of 9 portraits.

Since the outbreak of the Syrian conflict, the market's offer of this kind of items has undoubtedly increased. The military and civil unrest, echoing broadly through the media, has probably worked as a booster of interest in Palmyrene art. Nevertheless, it seems likely that we are not merely facing the auctioning of objects pertaining to old collections, which have now become particularly prestigious and high priced, but the coming to the market of portraits just looted and stolen from Palmyra.

¹⁷ Brodie 2015a, 2015b; Brodie, Manivet 2017. See also Elia 2001; Brusasco 2013, 142-51.

¹⁸ To this figure, we should add 6 other portraits that the author was unable to detect among those already identified by the PPP. They are the following, distributed by auction-house/gallery: no. 1 DGA (2011); no. 1 RAG (2011); no. 2 Cahn (2012); no. 1 ACT (2013); no. 1 GaCh (2013). See Raja 2016, 36-9 fn. 15.

¹⁹ Raja 2017.

²⁰ <https://www.drouotonline.com>.

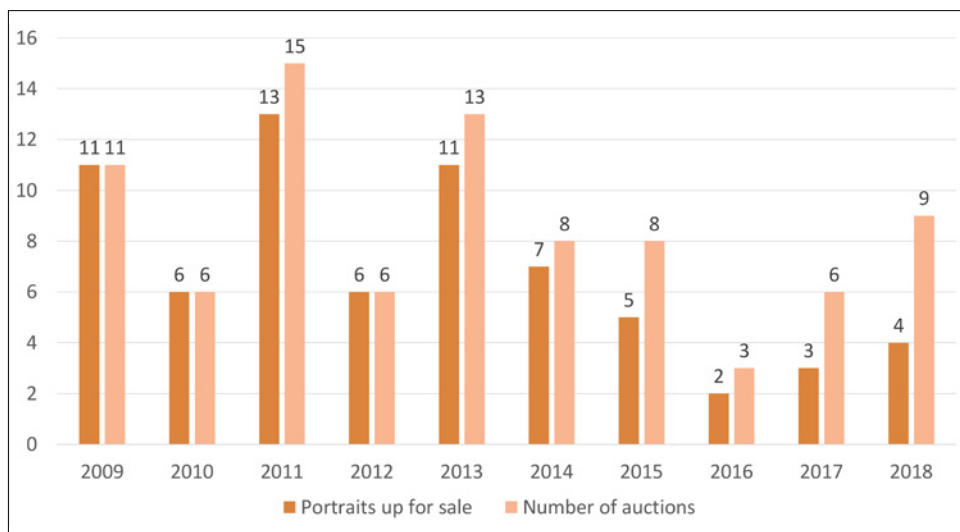


Figure 1 Palmyrene portraits for sale in connection to the auctions carried out between 2009 and 2018
(elaboration by the Author)

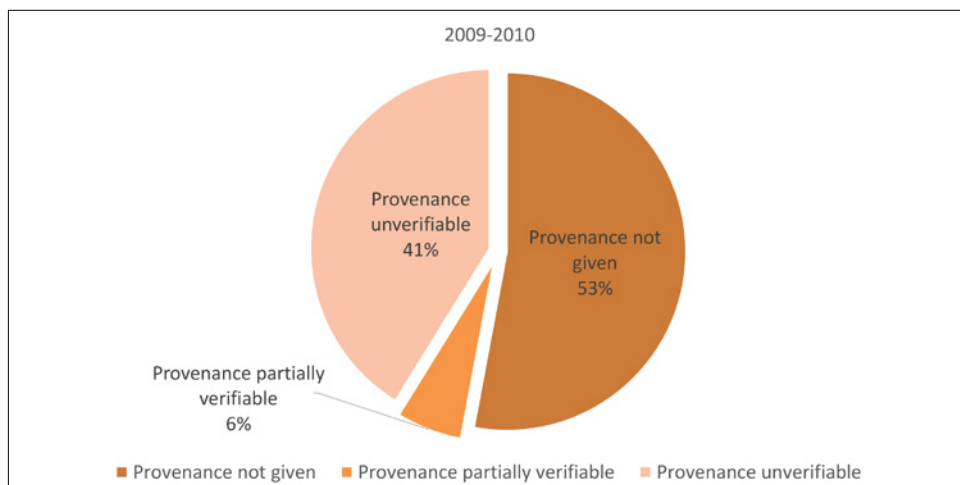


Figure 2 Declared Provenance of the Palmyrene portraits for sale between 2009 and 2010
(elaboration by the Author)

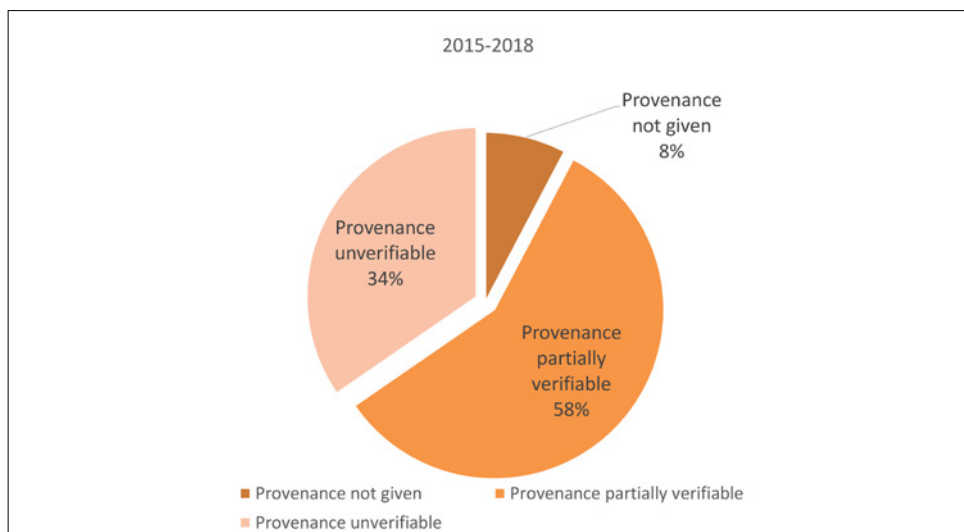


Figure 3 Declared Provenance of the Palmyrene portraits for sale between 2011 and 2014
(elaboration by the Author)

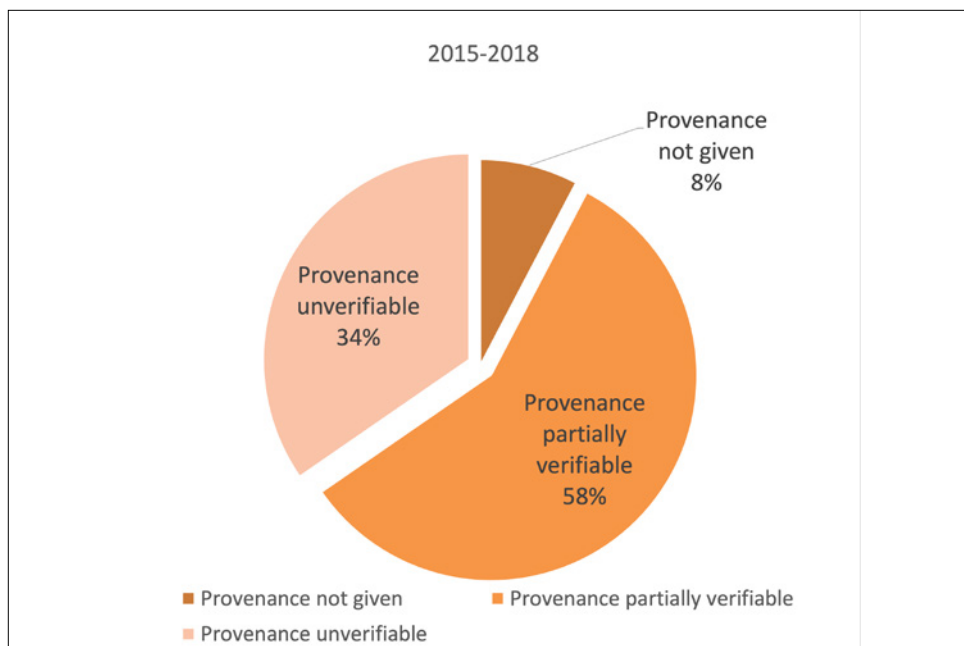


Figure 4 Declared Provenance of the Palmyrene portraits for sale between 2015 and 2018
(elaboration by the Author)

As a matter of fact, the high concentration of sculptures proposed on sale already in the second half and, above all, at the end of 2011 suggests that the market was successfully supplied with new specimens, not available until then.

Alongside the overall number of sales, the most alarming aspect is the thorny question of the portraits' 'provenance' as declared on the catalogues and auctions websites [figs. 2-4]. For the historical collections, the problem of legitimate ownership is almost always overcome because their acquisition is prior to specific regulations on cultural heritage. The situation is quite different for more recent ones, both private and public.

The UNESCO Convention for the *Protection of Cultural Property in the Event of Armed Conflict*, adopted in 1954 in The Hague and ratified by Syria in 1958, is the first international legislative instrument to protect Syrian archaeological assets in case of armed conflicts. The *Syrian Antiquities Law* dates back to 1963²¹ and sanctions the state ownership of Syrian antiquities, both movable and immovable. Article 6²² establishes the possibility of issuing an export license for antiquities in case of exchange with foreign museums or delivery of archaeological material to foreign institutions already provided with a regular excavation license. In 1975, the ratification of the UNESCO Convention on *Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* marked another crucial step in safeguarding Syrian cultural heritage worldwide. In June 2018, Syria also ratified the UNIDROIT Convention for the *Restitution of Stolen or Illegally Exported Cultural Objects* (1995), a tool to implement the 1970 UNESCO Convention favouring, through reliable legal criteria, the process of restitution of goods illicitly brought out of a signatory country. In the meanwhile, in 2015, a pivotal countermeasure against the trafficking of artefacts from Syria – and Iraq – had been added: the UN Security Council *Resolution 2199*, which explicitly bans the trade in antiquities illegally removed from Syrian territory after the start of the conflict. With the 2016 *Emergency Import Restrictions on Cultural Property*, the United States too finally imposed further restrictive measures on importing this class of materials.

In examining the auctions' catalogues and the online documentation accompanying the Palmyrene funerary portraits identified for the years 2011-18, one cannot help but notice a general lack of attention to the said regulations. In 19 out of 68 sale proposals (28%), the antiquities lack any indication of origin that would help determine their legitimate presence on the market. In the remaining 49 cases, par-

²¹ Decree 222/1963 with further amendments.

²² Latest amend.: *law 1/1999*.

tial 'provenance' is displayed: 25 sale descriptions show at least one verifiable (or disputable)²³ circulation date, the other 24 provide completely unverifiable information. However, the quality of 'provenance' shows some improvement starting from 2015, probably due to Resolution 2199 (2015).

The pie charts illustrate this trend well. For the two years 2009-10 [fig. 2], we find a clear 53% of occurrences in which no 'provenance' is reported. With the first four years of conflict, 2011-14 [fig. 3], in addition to the overall increase in Palmyrene portraits offered for sale, we mark a mild interest in recording the ownership's changes. Finally, in the four years 2015-18 [fig. 4], the trend is reversed compared to the pre-conflict situation and, only on two occasions, any attestation of origin is missing. In most cases, however, the 'provenance' indicated remains of a dubious nature or poorly reliable in certifying the lawful property of the objects.

Another parameter to consider is the chronological reference assigned to the declared 'provenance', a detail that helps establish the greater or lesser degree of legitimacy of the sale.²⁴ From an ideal perspective, we would like to rely on documented 'provenance' before the ratification of the UNESCO Convention of 1954 or the Antiquities Law of 1963. The funerary reliefs for which such details are provided are very few; on the contrary, 'provenance' declarations prevail that place the artworks' appearance on the market after the ratification of the UNESCO Convention of 1970. Nonetheless, these very portraits lack the necessary import/export licenses. An even higher percentage, equal to 49% of 2011-18 sales, concerns cases that are difficult to check, without any hint to the ownership's chronology.

Of the 51 portraits considered since the outbreak of the conflict, only one appears to be completely legitimate, most likely being on the market even before the issue of the Syrian decree on Antiquities.²⁵ No information is provided about the other artworks that would positively establish their legitimate exportation before the beginning of the turmoil: they potentially result from recent looting. Some cases are further suspicious because of their association with false or contradictory certificates.

Overall, the market operations relating to this type of material display the following issues:

²³ Cf. Albertson 2016a.

²⁴ Cf. also Brodie 2017.

²⁵ That is lot no. 188 auctioned by *Christie's* on 20 December 2011: it comes from a well-known Parisian collection, the 'Vérité collection', established by Pierre Vérité starting from the '20s. The collector opened his own art gallery in 1934, the *Galerie Carrefour*, which was taken over by his son Claude in 1965 and remained in business until 1996. In 2006, Claude Vérité started to sell out his entire collection at Drouot, concluding 21 November 2017 with a large auction at *Christie's* (Dagen 2017; De Rochebouet 2017).

- the 'provenance' documentation is absent;
- the 'provenance' documentation is partial, unverifiable or contradictory;
- the 'provenance' documentation is forged;²⁶
- the very artworks may be fake.

4 Between Looting and Recovery

The analysis conducted so far has attested the inflow into the international market of several unpublished Palmyrene sculptures since the beginning of the civil war. The phenomenon seems to have been curbed in 2015, perhaps thanks to the public awareness campaign promoted by UNSC Resolution 2199. Unfortunately, although between 2015 and 2017 the number of funerary portraits on sale decreased, 2018 was characterised by a resumption of activities [fig. 1], especially on online platforms associated with small galleries or private sellers – a trend which is keeps progressing.

Contrasting the sales' chart [fig. 1] with the chronology of looting activities and damages suffered by the site, as briefly described above (§ 2) – but thoroughly investigated by the author, the overall picture raises an even greater alarm. The number of objects that have appeared on the market so far, although increased compared to the past, to which we can add the pieces already recovered [fig. 5],²⁷ is, by all means, scanty against the devastation carried out in the archaeological site. Suffice it to say that a single tomb, like that of Artaban in the South-Eastern necropolis, may have provided a booty of dozens of funerary reliefs. The actual extent of local markets, directly managed by criminals with or without explicit affiliation to *Daesh*,²⁸ is another unknown variable in the global accounting of the Palmyrene artworks on the market.

The reports on material damage to the structures of the ancient town are certainly insufficient to establish how much it was stolen and from where. As a consequence, only those portraits grabbed

²⁶ Cf. Albertson 2016a.

²⁷ That is 140 portraits total, recovered between 2011 and 2017 principally by the Syrian DGAM, in addition to those traced by foreign authorities. Since 2018, no official news regarding new recoveries has been released.

²⁸ Quirico 2016 and Brodie, Sabine 2018. Several sources reported the existence of an internal market managed by *Daesh*, especially during the occupation of Raqqa. Here, the funerary reliefs would have been auctioned starting at the incredible figure of 150,000 dollars, against the approximate average price of 15,000 euros attested so far in Western sales (*Palmyra Reliefs* 2016; Hardy 2016; Rose-Greenland et al. 2016, 121; Faucon et al. 2017). If the declared figure were sound, the inflated price could be the effect of the Al-Khums Tax (1/5 = 20%) imposed by *Daesh* on all earnings, including those resulting from the sales of archaeological goods illicitly excavated (cf. Felch 2014; Faucon et al. 2017).

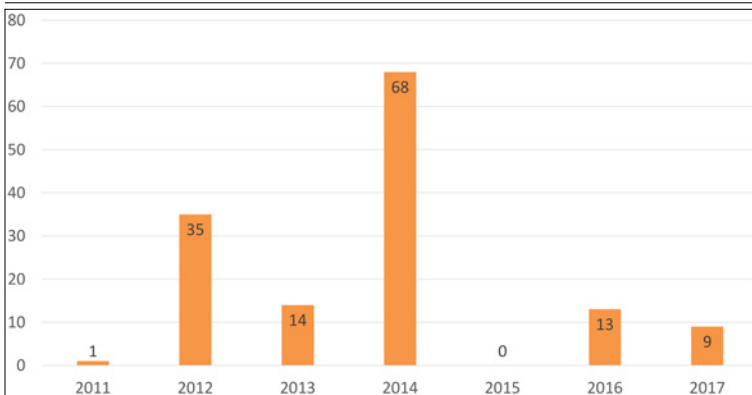


Figure 5 Palmyrene portraits recovered by Syrian DGAM between 2011 and 2017 (elaboration by the author)

from the Palmyra Museum²⁹ or well-known burial complexes can be identified and repatriated safely in the future. However, since bringing such objects to a public auction would be very risky, we could suppose that published and easily recognizable sculptures are likely lost.³⁰ A suspicion arises that commissioned loots, aimed at trusty buyers, have been carried out.

On the contrary, the artworks stolen from yet unexplored tombs cannot be linked to their original context, and will most probably end up resurfacing on the antiquities market with a new documentary 'pedigree'. In 2016, some Palmyrene reliefs were detected and seized by the authorities at the Free Port of Geneva: they were in storage since 2009/2010.³¹ That confirms the traffickers' habit of 'freezing' the pieces of dubious origin until the time comes, and they identify the most appropriate ways to sell without raising suspicions.

The auctions' chronology and that of looting activities in connection to the conflict's unfolding converge in attributing the responsibility for this archaeological dispersion to the very Syrians, at first. On the one hand, the 'rebels' of the FSA saw cultural heritage as an economic resource and were pushed to exploit it as a real bargain-

²⁹ The securing of the Museum's artworks was, apparently, much more approximate than what repeatedly declared by the DGAM (cf. *Report of the UNESCO* 2016). The photos published in the reports show extensive damage to a large number of portraits still in the Museum (see Robinson, McLelland 2016).

³⁰ The finds may also have been offered to buyers directly, through contacts on the dark web or the social networks like Facebook and WhatsApp. Of these transactions, obviously, no trace remains and, unless the pieces are then re-sold in official auctions, it is very difficult for the authorities to identify them. Cf. Cunliffe 2012.

³¹ Albertson 2016b; *Communiqué* 2016.

ing chip to obtain weapons and finance themselves. On the other, to a lesser extent, the exhausted civilian population stole and sold artefacts to procure necessities, or used them as a pass in the attempt to leave the country.³² As a matter of fact, in 2014, the regained control over the Palmyrene area led the DGAM to recover several funerary portraits, often found hidden in the houses of modern Tadmor [fig. 5].

As seen above, with *Daesh* occupation in 2015, occasional looting activities turned into systematic plundering of the Palmyra Museum and the ancient tombs. Much likely, the massive fruit of these clandestine operations, often followed by the intentional destruction of the whole archaeological context, has not yet emerged in the global market, despite possibly having provided some economic advantage to the Islamic State in the core years of the conflict.³³

However, even the presence of the Russian military forces after the repeated liberations of Palmyra proved to be rather risky for the site. In the necropolises area, disturbance and levelling activities for the building of a military base have been documented, and it is not implausible that groups or single soldiers took advantage of the situation to conduct illegal excavations.³⁴ Finally, there are elements to suspect that the Syrian Army itself was complicit in targeted pillaging and thefts of what it was sent to protect.³⁵

The immission of Palmyrene portraits into the international market has followed two main routes so far, via Turkey or Lebanon.³⁶ We must also add Jordan, in transit through Israel, and, more recently, Bulgaria.³⁷ From these countries, through multiple criminal channels, the portraits reached auction houses and antiquities galleries in Europe and the United States to be publicly offered to 'inexperienced' buyers.³⁸

³² Luck 2013. On November 24th, 2015, a group of objects stolen from the Palmyra Museum was intercepted and seized in Eastern Turkey: the traffickers admitted to having received the artefacts from Syrian refugees (*Artifacts stolen* 2015). The impact of this looting dynamic aimed at survival ('coping economy') was brilliantly exposed by Neil Brodie and Işper Sabrine in a recent article that denounces the risk of a continuous haemorrhage of archaeological assets from Syrian sites (Brodie, Sabrine 2018).

³³ Felch 2014; Amineddoleh 2015; Omar et al. 2016; Nacarino 2016; Faucon et al. 2017. The *Daesh* seems to have acted, in all respects, according to the principle "Loot what can be sold, and destroy what cannot" (Amineddoleh 2015, 40).

³⁴ Lamb 2016; *Syrian Troops Looting* 2016.

³⁵ Hardy 2015a; Muhammed 2016; *Syrian Troops Looting* 2016. The UNITAR-UNOSAT report (*Satellite-based Damage Assessment* 2016, 114-23) also attests to possible looting activities and the use of earth-moving heavy machinery during the period of Government control of the Palmyrene area.

³⁶ Baker, Anjar 2012; *Artifacts stolen* 2015; Hardy 2015b; Huby et al. 2015.

³⁷ Luck 2013; Mladenov 2016.

³⁸ Cf. Gill 2015; Shabi 2015.

Since 2000, in an attempt to counter the scourge of clandestine excavation, ICOM has been committed to drawing up specific posters featuring the classes of archaeological goods most subject to looting. In 2013, they published the *Syrian Heritage Red List*,³⁹ a helpful guide in identifying the kinds of objects most at risk. At the same time, INTERPOL and the Carabinieri Command for the Protection of Cultural Heritage have also included in their respective databases some Palmyrene portraits, of which the DGAM had reported the theft.⁴⁰

Despite the new regulations enforced by UNSC Resolution 2199, the above-said lists of sensitive objects, and several awareness-raising initiatives promoted by UNESCO,⁴¹ we cannot yet appreciate a decisive improvement in the 'provenance' information provided by auctions' catalogues or websites. On the contrary, very often, galleries and auction houses merely declare to have consulted the *Art Loss Register*.⁴² That, however, can only result in a sort of 'false negative' when checking the legitimacy of objects from contexts not yet investigated nor published.

Clearly, in our global 'grey-market' economy, the enforced legislation is trivially circumvented by playing on the vagueness of the data provided and on the fact that the buyers are mostly satisfied with few guarantees, not being interested in ascertaining the licit origin of the desired objects.⁴³

³⁹ ICOM *Red List*: <https://icom.museum/en/ressource/emergency-red-list-of-syrian-cultural-objects-at-risk/>.

⁴⁰ 22 busts stolen from the tomb of Artaban (INTERPOL Database, ref. no. 2017/917) were included in a special INTERPOL poster while 3 other fragmentary funerary reliefs were added to the *Database of Stolen Works of Art* (Ref. no. 2013/63961). Cf. also the TPC Database and *Protecting Cultural Heritage* 2016.

⁴¹ *End Trafficking, Save Culture*: video published by UNESCO on 17 May 2017, to raise awareness against illicit trade in Antiquities (<https://www.youtube.com/watch?v=J-WDjZvvyD4>).

⁴² <http://www.artloss.com/>.

⁴³ Cf. also Tsirogiannis 2015.

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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 Giovannelli

The Italian Archaeological Heritage Abroad: Agreements, Debates and Indifference

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Abstract Important American and European museums have returned to Italy a fair number of antiquity masterpieces thanks to the investigations of a very particular pool of 'investigators', consisting of the magistrate Paolo Giorgio Ferri, the police, and a team of archaeologists. The result is important, but can we really declare ourselves satisfied today? There are still too many finds in museums all over the world: in Los Angeles, but also in the museums of Madrid, Paris, Munich, Berlin and even in Japan important works of art, illegally excavated in Italy, are illicitly exhibited and, above all, their history gets definitively lost.

Keywords Giacomo Medici. Gianfranco Becchina. J.Paul Getty. Louvre. Staatliche Museen Berlin. Trapezophoros. Apulian Vases.

Summary 1 The J. Paul Getty Museum. – 2 Doubtful Acquisitions Even in European Museums. – 3 The Case of the Staatliche Museum of Berlin. – 4 The Louvre and Gianfranco Becchina. – 5 "Nostoi": Where Are They Now?



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1 The J. Paul Getty Museum

Those who deal with the problem of illegal traffic of cultural heritage, either for work-related reasons or personal interest, probably remember that, since 2016, the most important American museums have returned a fair number of ancient masterpieces¹ to Italy thanks to the inspections prompted by the first great requisition, which at this point could be called the “mother of all requisitions”, occurred at the Geneva Freeport towards Giacomo Medici.² In 1995, over three thousand archaeological remains, thousands of pictures, as well as Polaroids and negatives, were found in the Italian merchant’s warehouse. The fact allowed a quite peculiar pool of “detectives” – constituted by the investigating magistrate Paolo Giorgio Ferri, the law enforcement and a team of archaeologists of the Ministry of Cultural Heritage and Activities – to find out, in detail, about the world of international illegal trafficking and the necessary proofs to ask museums for the restitution of illegally acquired findings.³

Since this first memorable requisition and the following one in 2001 at Gianfranco Becchina’s storehouses in Basel, where eight thousand remains and an immense documented and photographic archive were found, many others followed, both in Italy and abroad, and the restitution of the findings subtracted to Cultural Heritage proceeded until 2016, when the agreement signed by the Ministry of Culture and the Ny Carlsberg Glyptotek in Copenhagen established the return to Italy of all the princely grave goods of a tomb belonging to the Etruscan necropolis, currently Fara Sabina, which included the extremely famous cart decorated with gold leaves, as well as a considerable number of architectonic, polychrome decorations coming from southern Etruria [figs. 1a-b].⁴

These are most surely relevant victories, in which the magistrate’s activity blended with the equally essential diplomatic one; but, as of today, can we really declare ourselves satisfied?

At the end of 2018, the Supreme Court of Cassation permanently rejected the appeal presented by the J. Paul Getty lawyers in Malibu against the confiscation of the bronze sculpture depicting the *Victorious Youth*, known also as the “Atleta di Fano”, ordered by the G.I.P. of the Court of Pesaro, ending a legal dispute which lasted for decades.⁵ Although, today, the marvellous bronze statue attributed to

1 Godart, De Caro 2007.

2 Watson, Todeschini 2006.

3 Rizzo, Pellegrini 2012.

4 Pellegrini 2017, 70-7.

5 Osser 2019.



Figures 1a-b Exhibition at the Ny Calsberg Museum of materials returned to Italy



Figure 2 Getty frescoes nos. 83.AG.222 and comparison of the archive seized in Basel

Lysippos is still in its place at the American museums, and the actual director of the J.P. Getty Museum, Timothy Potts, has continued to reiterate that the statue was found in international waters and cannot be considered property of the Italian state,⁶ albeit it was being transported by a fishing boat of Italian nationality, after being hidden for a long time on the Italian territory and illegally transported to the US.

Therefore, so far, the bronze statue remains at the Getty Museum; but the statue is in good company, since the findings of Italian origin are indeed numerous, and the museum withholds them despite the laws and, above all, common sense. Already in 2006, during the long diplomatic negotiations with Italy, the Getty Museum refused to restitute the series of findings which were initially part of the 52 requested and, despite the promise of restitution of the goddess of Morgantina and other important masterpieces, the agreement was signed for the return of 35 objects, whereas the remaining 17 stayed in the American museum, although the “proofs” given on the modalities of acquisition, that we can euphemistically define as “unscrupulous”. Many others were added after the 2006 negotiations, as the frescos coming from Pompei and Vesuvian Villas, which the museum directly bought from Gianfranco Becchina and then exhibited in the Getty Villa in Malibu⁷ [fig. 2], a very American reproduction of the Villa of the Papyri in Ercolano, or the funerary altar with the portrait of the deceased married couple, which the inscription attributes to the Caltili family, extremely known in Ostia in the second century CE, or again 20 heads of terracotta votive statues of incredibly refined execution from Taranto, for which Gianfranco Becchina leaves an important note: “found together, excavation, same area”; moreover, one

⁶ Bordin, Giammaria 2018.

⁷ Isman 2020.

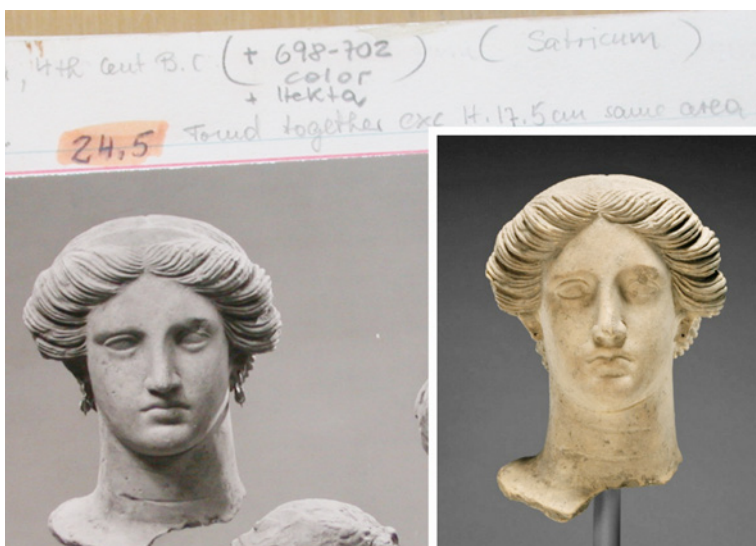


Figure 3 Female head in the archive seized in Basel and head no. 82.AD.93.2 in the Getty Museum

of these is seemingly part of a small, unreleased mystery, since the picture conserved in the archive sequestered from Gianfranco Becchina shows the feminine head enriched by a part of gold earrings, vanished during the trip as they are not present in the Californian Villa anymore [fig. 3].⁸

2 Doubtful Acquisitions Even in European Museums

For the sake of brevity, it is not possible to show here all the objects we have found in the pictures of the sequestered archives, currently under the possession of the J.P. Getty Museum, either exhibited or in their storage; nonetheless, it will be useful to make a quick review of the main museums of the world which have incremented their collections through illegal market, mentioning also what has been done so far to help the return in Italy of a part of our cultural heritage.

During a touristic visit to the Archaeological Museum of Madrid our attention was captured by some findings published in a catalogue being sold in the bookshop, as we recognised a few we had more than once examined in the pictures of the archives sequestered in Swit-

⁸ Ferruzza 2016, 39, no. 9.

zerland. The objects were part of a large collection belonging to José Luis Várez Fisa, acquired by the Spanish museum in 1999, probably in good faith, and exposed for the first time at an exhibition in September 2003.⁹

The examination of the catalogue then revealed that 25 ceramic objects indeed came from the same Italian traffickers and a renowned English merchant, Robin Symes, assiduous regular of the Swiss warehouses of the two Italians. He used to buy findings to then resell them to private collectors. Recently, thousands of fragments of architectural Etruscan decorations¹⁰ have been sequestered from Robin Symes. A detailed relation regarding the Madrid museum's case, delivered to the Ministry under the specific request of the then General Director for Antiquities, was left without a follow, as the Director was then destined to another duty and no one continued the initiated inquiries, although the clamour raised by a vehement article by the journalists Fabio Isman¹¹ which brought to a first, and unfortunately last, attempt at approaching the Spanish museum's direction.

The same fate was shared by another certified case at the Museum of Monaco (Staatliche Antikensammlungen Königsplatz) where, between the exhibited masterpieces, there is a magnificent Attic calyx krater with red figures decorated by the great master Euphronios with a sumptuous symposium:¹² on one side, four young men are drinking amidst music and songs, while on the other side the servants are preparing, using the lamps' light, the wine to be served. The incomplete Krater was acquired in 1966, and in 1988 the Museum acquired more fragments through the illegal market, as the pictures tracked in the Geneva sequestered archive demonstrate. Those pictures, under the possession of the Italian trafficker who stocked up in Cerveteri and Vulci, imply that the most probable origin of the vase corresponds to the Etruscan necropolises which, as it is known, have given back numerous works of Euphronios. In this case, the dubious origin of the krater was brought to the attention of the Antiquities general Director with a relation in which the hypothesis of the vases' feet being in the Museo Nazionale Etrusco in Villa Giulia: a simple verification of the correspondence between vases and fragments would have been enough, but the matter remained fixed, along with one of the Madrid museum.

⁹ Cabrera Bonet 2003.

¹⁰ Agnoli et al. 2019.

¹¹ Isman 2010.

¹² München, Antikensammlung 8935; Beazley 1963, 1619, no. 3.

3 The Case of the Staatliche Museen of Berlin

In Germany, this time at the *Staatliche Museen* of Berlin 21 Apulian vases, some of which are attributed to the Darius Painter, labelled by the museum itself as coming from a funerary context in southern Italy.¹³

The complex of Apulian vases was acquired by the German museum in 1984 from a Swiss family which had been holding them since the first years of 1970; such indication of origin was confirmed by two witnesses, Fiorella Cottier Angeli and Jacques Chamay: the former an Italian citizen residing in Geneva, a restorer, a functionary of the Helvetian custom of Freeport, as well as a collector of orientalis-ing objects in bucchero and terracotta¹⁴ and, most importantly, a col-laborator of both Giacomo Medici and Gianfranco Becchina. The lat-ter, an archaeology and art history academic, long-term director of the Musée d'art et d'histoire of Geneva, was more than once involved in the investigations of the Italian magistrature. Already in 1998, in the archive sequestered from Giacomo Medici, we had found the Po-laroids depicting a marble table's pedestal (*trapezophoros*) with a couple of griffons devouring a deer, photographed inside the trunk of a car or lying on Italian newspapers [fig. 4], and the marble ritu-al basin (*podanipter*) decorated with a refined painted scene of The-tis carrying Achilles' weapons, covered in earthy lime. The fact that the two masterpieces were in Giacomo Medici's hands is testified al-so by a souvenir picture which portrays the trafficker himself stand-ing proudly next to the showcase.¹⁵

Formally the *trapezophoros* and the ritual basin, to which a statue portraying the god Apollo was added, came from Maurice Tempels-man collection, from which the J.P. Getty Museum acquired them. As a matter of fact, the art pieces were stolen from the Italian territory, as it results from a document of the year 1985 which two journalists of the Los Angeles Times were able to obtain from one of their inter-nal sources at the Getty Museum.¹⁶

The document, with a "confidential" memo of the then antiquities curator of the American museum Arthur Houghton, contained some considerations related to a scientific article published shortly before, in which the author indicated the same origin and dating to the three marble masterpieces. Houghton, in support of his thesis consisting in the *trapezophoros*, the ritual basin and the statue of Apollo had differ-ent origins, and most importantly, different datings, textually reported:

¹³ Heilmeyer 1988; Giuliani, 1988.

¹⁴ Camporeale 1991.

¹⁵ Pellegrini 2016, 65-72; *Mitomania* 2019, 17-25.

¹⁶ Felch, Frammolino 2011.



Figure 4 Two polaroids seized in Geneva depicting the *Trapezophoros* in broken and dirty Italian newspapers

I had a chance to discuss the matter with the dealer who had bought all three objects from the excavators. This individual, Giacomo Medici, had sold one (the lekanis) to a second dealer, Robert Hecht, and the griffins and Apollo to a third, Robin Symes. Hecht later sold the lekanis to Symes, who then passed on the three sculptures as a group to Maurice Templesman.¹⁷

Moreover, Houghton affirmed that the Italian trafficker had confirmed not only that the *trapezophoros* and the basin came from the same tomb “not far from Taranto”, but that the context included also “a number of vases by the Darius Painter”.

These important data find their confirmation in the sequestered archive in Geneva: six Polaroids portraying the *trapezophoros* and the ritual basin and indeed 13 Polaroids depicting the fragments of 3 Apulian vases of the 21 exhibited in the Berlin museum [fig. 5], attributed to the Darius painter, have the same number of photographic support (00057703532), demonstrating that the photographic shoots were all taken together, or in a short time span, from the same camera containing a pack of polaroid “300 Instant Film” with 20 pictures.

We can therefore deduct that the Apulian vases currently in the Berlin museum [fig. 6] and the marble findings restituted by the J.P. Getty Museum, now exhibited at the Ascoli Satriano museum, photographed within a brief time by the same camera, come with great

¹⁷ Felch, Frammolino 2011, 66.



Figure 5 Apulian vases in fragments in the Polaroids seized in Geneva

probability from the same Apulian tomb dated to the second half of the fourth century BCE.

It is relevant to remember that the 13 Polaroids with the same series number show another Apulian vase in fragments, which we are still looking for, and a magnificent krater of the Darius Painter decorated with scenes from the Iliad [fig. 7], identified in a publication curated by the Hellas & Roma¹⁸ association, of which Cottier and Chamay were founders, and coming from a Swiss collection, finally reappeared in 2016 at a TEFAF exhibition in New York, under the property of the Phoenix Ancient Art of the Aboutaam brothers, more than once investigated in Rome, Geneve and New York [fig. 8].¹⁹

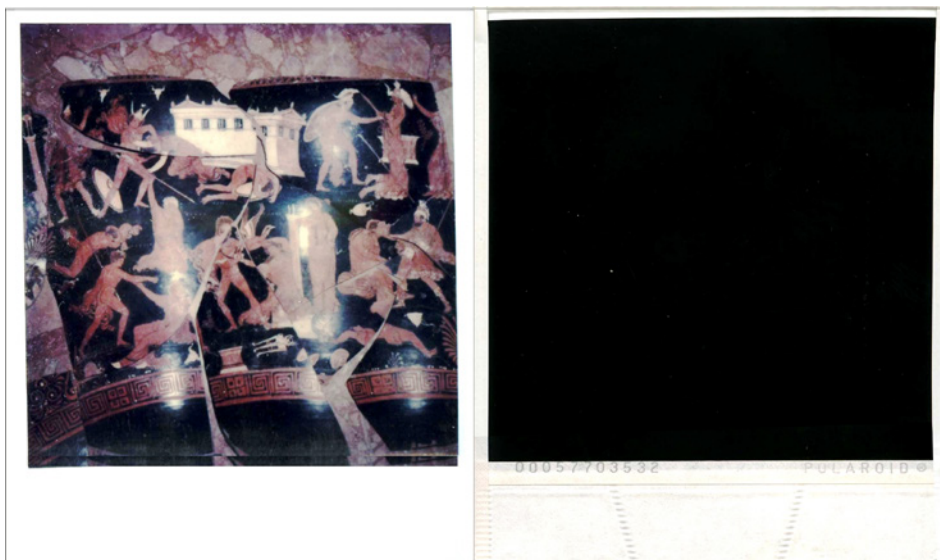
In the same Berlin Museum also an Attic kylix with red figures is kept, attributed to the Proto-Panaitios²⁰ group, extensively incomplete in the pictures sequestered to Giacomo Medici; the kylix was acquired in 1980 in London, a city that probably reconducts it to the merchant Robin Symes.

¹⁸ *Homère chez Calvin* 2000, 160-1, 261.

¹⁹ *Ancient Influences* 2016.

²⁰ Zimmer 1982, 5-15.





ANCIENT INFLUENCES: Phoenix Ancient Art Recreates the Pantheon at TEFAF New York Fall October 22-26, 2016 at the Park Avenue Armory, New York

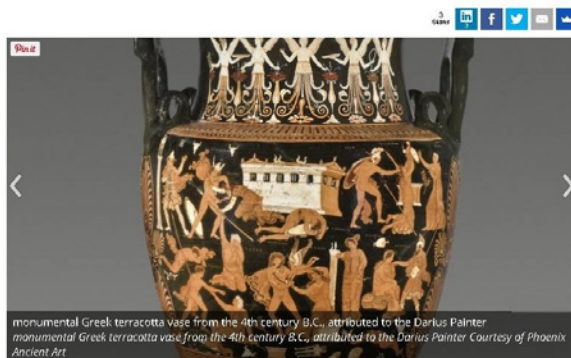


Figure 6 (On the left) Apulian volute krater (fourth century BC). Berlin State Museum, inv. no. 1984-44

Figure 7 Volute krater in the polaroid seized in Geneva

Figure 8 Volute krater in the Tefaf exhibition in New York

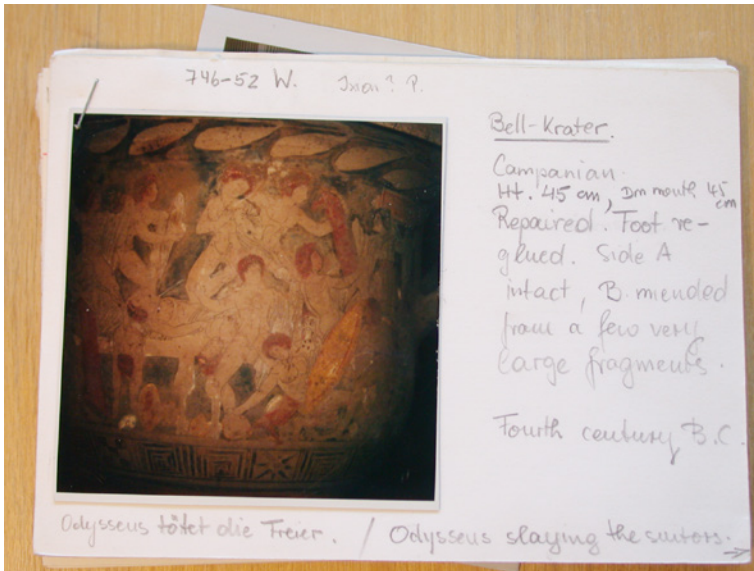


Figure 9 Bell krater by the Ixion Painter in the documents seized in Basel

4 The Louvre and Gianfranco Becchina

The fate of two splendid vases currently exhibited at the Louvre in Paris is although still hanging: the first one is a bell-shaped krater by the Ixion painter [fig. 9], decorated with the scenes of the slaughter of Penelope's suitors, probably coming from Cuma, as the website of the French museum indicates. The vase was acquired in 1985, but no data is given about the owner. The second vase, quite rare in its shape, is an Attic psykter krater painted with black figures, attributable to the Antimenes painter circle, with the main decoration depicting Dionysus, Maenads and Satyrs and, lower, the scene of a warrior's departure and the komasti dance. The French museum acquired it in 1988, but no information is given regarding its origin and the previous owner.

The main news was actually found in the archive sequestered to Gianfranco Becchina, where the photographs and the documents on the two vases and their selling to the Louvre were conserved. From these documents, however, the involvement of a known and extremely rich Swiss collector emerges, George Ortiz, to which the Italian trafficker sent continuous reports containing data most important to them, the net gains of their sellings. The competent magistrature was informed in 2014, but at more than a 5-year time distance, the two vases are still exhibited at the Louvre.



Figure 10 Showcase of the Villa Giulia Museum with 5 of the plates seized in Geneva

The findings stolen from Italy arrived in Japan thanks to the two Italian traffickers, with their place of business in Switzerland. Japan is a country of great complexity for what concerns international relations for the restitution of illegally acquired objects: substantially, Japanese authorities do not respond to the demands made by Italy. Yet, some Japanese museums as the Kurashiki Ninagawa Museum and the Miho Museum in Kyoto have assembled their own Greek and Roman antiquities collection, also thanks to the well-known Italian traffickers that have sold, directly or through other sellers, archaeological findings coming from our country. As a matter of fact, the materials acquired by Giacomo Medici remain at the Miho Museum, in particular, the marble *oscilla* coming from the Vesuvian area, whereas at least 30 findings from Gianfranco Becchina's warehouse converged at the Kurashiki Ninagawa museum, all objects coming from funerary contexts and sacred areas in Apulia and Sicily.²¹ All of the necessary proofs are there, while what seems to be lacking are the will and effort to achieve a positive result.

²¹ Simon 1982.

5 “Nostoi”: Where Are They Now?

It must be said with a certain bitterness that from the now widely renowned masterpieces restituted from the J.P. Getty Museum, the Metropolitan Museum of Art, the University Art Museum of Princeton, from the Museum of Fine Arts in Boston to the findings recently restituted by the Copenhagen museum, only a few of them ended up becoming part of the permanent collections of big Italian museums.

While the archaeological museums of Naples, Taranto, the Etruscan museum of Villa Giulia and few others created specific spaces to welcome in the findings restituted by the US in their itineraries, or even built new museums to host them, as for Ascoli Satriano; other masterpieces, including the same findings sequestered from the two Italian traffickers, the about three thousands of Geneva and the eight thousand in Basel, are kept in storages and only see the light in the case of exhibitions.

Some findings, recovered with great effort from all of those who have worked with the magistrature for years, have suffered the negative effects of the Mibact reform, known as the Franceschini reform, which has separated the museums from the territory. This is the case of a service of 20 Attic plates painted with red figures – all from the same artist – which were part of the complex made of 3,000 findings sequestered at the Geneva Freeport.

In 2000 all the sequestered objects returned to Italy and were deposited at the Etruscan museum of Villa Giulia, where they have been until 2017. As of today, the 20 plates are not together anymore: 5 remained exhibited at the Villa Giulia museum [fig. 10], which was rendered autonomous by the Franceschini reform, other 5 have been in Cerveteri, exposed at an exhibition on illegal trafficking launched in July 2017 and then become permanent, but then they started moving along with travelling exhibitions, first in S. Severa, then at the Centrale Montemartini in Rome with a sixth plate;²² the other 9 are, probably, in a warehouse for archaeological finds in Cerveteri, but at the disposal of the Soprintendenza. And whereas before the reform all the peripheral museums, including the museums and necropolises of Cerveteri and Tarquinia, were dependent on the Soprintendenza per l'Etruria Meridionale, which was located near Villa Giulia. Now, the Soprintendenza does not control museums anymore and these, except for Villa Giulia, have passed under the control of the Museum Centres. Different offices, different directors, different realities and mentalities.

The 20 plates service was offered in sale to the J.P. Getty Museum for an astonishingly high price, but the American museum refused, deeming it “inconvenient” to buy 20 plates of the same artist.

²² Agnoli et al. 2019, nos. 76, 77, 86, 106, 107, 173.

The trafficker himself, in order not to divide the unique complex of the service, refused to sell them separately, renouncing in this way to a certainly bigger gain. It is painful to think that, if the service were bought by the American museum, today the plates would be exhibited all together in the showcase of that museum, adequately enhanced, as they deserve.

Probably, this is the only viable option to keep alive the meaning of all the findings restituted to the Italian state, both through sentences and extrajudicial agreements. It is true that these objects are deprived of their context of belonging and, therefore, they are today's silent testimonies of a past that can only partially be rebuilt. Still, to expose them in museums located in the territories of origin – big or small as they may be –, as an example of the damage brought to our cultural heritage, could be a stimulus to contrast illegal excavations and the consequent illegal circulations. It is just as certain that no result will be achieved in this sense if the masterpieces restituted to Italy continue to be kept in storehouses, only to be used for events, even extraordinary ones, which are although forcefully destined to be forgotten after a while.

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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

Organised Crime in Trafficking of Cultural Goods in Turkey

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Abstract This research assesses who is involved in the trafficking of archaeological objects and fake antiquities from Turkey; how they are involved; and how they operate, both online and offline. It highlights the volume and visibility of indicators of illicit activity by suspects in online forums and social networks like Facebook and Instagram. With automatically-generated data, netnographic data and other open data, this research documents online social organisation of mass disorganised crime. It also documents corruption; transnational crime, organised crime and transnational organised crime; and financing of political violence from repression to terrorism and conflict.

Keywords Antiquities trafficking. Cyprus. Germany. Narcotics trafficking. Organised crime. Organised cultural property crime. Political violence. Turkey. United Kingdom.

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1 Introduction

Although there is evidence of trafficking of art, antiquities and/or forgeries alongside heroin, opium, cocaine, captagon, ecstasy, cannabis, firearms and/or counterfeit currency (cf. Hardy 2019b), it is piecemeal; it has not been subject to comprehensive documentation or sustained analysis. So, some “overall assessment[s] of transnational organized crime” cover trafficking of heroin, opium, cocaine, captagon, ecstasy and cannabis, trafficking of firearms, trafficking of vehicles, smuggling of migrants, trafficking of women and children, counterfeiting of currency and laundering of money, yet not trafficking of art and antiquities (e.g. Özgül 1999). They may even name figures in the trafficking of narcotics, such as Halil Havar, who have collaborated with figures in the trafficking of antiquities as well as narcotics, such as Mustafa Bayram (e.g. Özgül 1999), yet not acknowledge the existence of transnational organised cultural property crime (cf. Hardy 2020c, 225).

Still, there is no doubt about its existence in Turkey (see Akkuş, Efe 2015). Likewise, there is no doubt about its increasing internationalisation (see Hardy 2020c, for more evidence in Turkey and further evidence around the Eastern Mediterranean; see Hardy 2016, for comparable evidence in Eastern Europe). There are also online communities that identify as treasure-hunting cooperatives or otherwise operate as artefact-hunting collaborations, so its variety may be increasing as well. Some social networks may need to be reconceived as organised crime networks or even organised crime groups.

Furthermore, there are online communities with administrators and moderators who advertise the fact that they are violent political extremists [figs. 1-4]. Based on preliminary evidence from social networks, among other places, this intersection between cultural property crime and violent political extremism appears to extend from Turkey into Azerbaijan. For instance, one Turkey-based looter liked “Idealist [Ultrationalist] Thought [Ülkücü Düşünce]” [fig. 5], Turkey’s Nationalist Action Party (MHP) [fig. 6], other Turkish ultranationalist activism [fig. 7] and the “Grey Wolves of Azerbaijan [Azərbaycan Bozqurdları]” [fig. 8], who have fought for Azerbaijan in the war with Armenia over Artsakh/Nagorno-Karabakh (see Armenian Bar Association 2021), as well as communities for “Treasure-Hunters and Buried Treasure-Hunters [Defineciler ve Hazineciler]”, “[Metal] Detector[ists] [Dedektör]” and antiquities dealers (see Hardy 2020b, for numerous other cases).

It is important, then, to understand how criminal organisations have been involved in cultural property crime; how organised cultural property crime has persisted; how Turkey-rooted criminal organisations have operated in countries such as Cyprus; how they have supplied markets through countries such as Germany, Switzerland, the United Kingdom and the United States; how they have been con-



Figure 1 In 2017, TRTH01 displayed some of his weaponry

nected with other criminal activity and political violence in Turkey, Cyprus and Syria; and how their connections may reach as far afield as Mexico. All of these matters have implications for concerns as fundamental as security and the rule of law.

2 Method

This study is grounded in information from open sources, such as official reports, scientific studies, professional media, social media and social networks (cf. Lowenthal 1998). By tracing names and connections as they appear in openly-accessible documents, it outlines a microhistory of cultural property crime in and through Turkey. Using their self-published documents in social media and social networks as well, it reveals interconnections between criminal actors and political actors and identifies potential channels for illicit flows of cultural goods within illicit flows of other commodities such as narcotic substances.

Still, it is important to recognise that, while researchers check on other people's publicly-documented activity, other people check on researchers' publicly-documented activity, whether to exploit or to intimidate. It should also be noted that cultural property crime is naturally dangerous work, in which there are workplace hazards such as toxic gas and collapsing tunnels in unprofessional excavations (Acar 2019) and professional hazards such as murder by competitors (Acar,



Figure 2

In 2019, TRTH01 shared a meme where a man in military camouflage made the sign of the ultranationalist Grey Wolves and declared, "There is only one God [and] his army is Turkish [Allah tektir, ordusu Türk'tür]"

Kaylan 1990). So, policing and investigation of looting and trafficking may be extremely dangerous work, too. For instance, gendarme Cengiz Darbaş (Doğan Haber Ajansı 2015) and police officer Mithat Erdal (Erbil 2017) were killed in the line of duty. Museum archaeologist Merhume Merve Kaçmış was driven to suicide when bullied to cover up for embezzlement by senior colleagues (Emen 2020).

This study does not publish any confidential data. Nonetheless, user-generated content has been anonymised to prevent inappropriate reuse. Users have been assigned an arbitrary code, which follows the publisher's location, activity and order in this text – like TRTH01 for the first-cited treasure-hunter in Turkey. Screenshots have been edited to obscure identifying material and to remove irrelevant material.

3 Protected Criminals and Connected Criminals

As commodity criminals have received "political protection" elsewhere (e.g. Mexico, cf. Pansters 2018, 317; 319; 324; see also Bulgaria, cf. Lazarova, Hristov 2007), some Smugglers of arms and drugs and perpetrators of other crimes have been "protected criminals [Korunan suçlular]" in Turkey (Radikal 2001). Indeed, organised crime has been so dominant, connections between organised criminals and state actors have been so deep, conflict financing through drug trafficking has been so significant in the war between the Turkish Armed Forces (Türk Silahlı Kuvvetleri (TSK)) and the Kurdish



Figure 3

In 2015, TRTH02, who had personalised weaponry, shared a meme that commanded, “rather than making the [Islamist] Rabaa/ Rabbi’ah [sign] and weeping for the Arabs, make the [ultranationalist] Grey Wolf [sign] and fight for the Turkmen [in Syria] [Rabia yapıp araplara ağlayacağınıza, Bozkurt yapıp Türkmeneli için savaşın]”

tan Workers’ Party (Partiya Karkerên Kurdistanê (PKK)) that some organised crime has been characterised as state-organised crime (Bovenkerk, Yeşilgöz 2007, 15).

There are named examples of criminals who have served the state. For instance, Abdullah Çatlı was a notorious organised criminal and perpetrator of state crime; “Green [Yeşil]” Mahmut Yıldırım shifted between work as an intelligence agent for the National Intelligence Organisation (Milli İstihbarat Teşkilatı (MİT)) and Gendarmerie Intelligence and Counter-Terrorism (Jandarma İstihbarat ve Terörle Mücadele (JİTEM)) and work as an assassin; and “Albanian [Arnavut]” Sami Hoştan was a Turkish Mafia member and casino owner. Çatlı told Yıldırım that Hoştan “[did] heroin job[s], but [did them with] in the law [Eroin işi yapıyor ama kanunla yapıyor]”, as he “worked with the highest level of intelligence units [en üst düzey istihbarat birimleriyle çalış[tı]]” (according to Radikal 2001).

Turkish Mafia godfather Abuzer Uğurlu was “convicted of trading drugs for weapons” (Naylor 2004, 99). Uğurlu also worked for MİT “officially [resmi]” between 1974 and 1979 and unofficially (literally, “personally [kişisel]”) for even longer (according to a former director of counter-terrorism for MİT, Mehmet Eymür, cited by Milliyet 2001; see also Gingeras 2014, 227, 229). He also worked for Communist Bulgarian intelligence. Furthermore, he worked with the Communist Bulgarian state trafficking service, Kintex, and Turkish fascist paramilitary/terrorist Grey Wolves (Lee 1997).

Abuzer Uğurlu’s father, Hüseyin Uğurlu (also written as Husein Uğurlu, also known as Kurt Husein and Hamal Husein) was “suspected” of trafficking in drugs and arms between Turkey and Bulgaria as well (according to a letter from American diplomats to Italian judge Ilario Martella in 1983, cited by Lazarova, Hristov 2007). Indeed, “large quantities of sophisticated NATO weaponry... were smuggled from Western Europe to countries in the Middle East during the 1970s and early 1980s”, “often... in exchange for consign-

Figure 4
In 2018, TRTH03, who did not display any weaponry, shared a meme that displayed a bullet, a pen and a memory stick and instructed, “there are different paths of struggle [Mücadelenin farklı yolları vardır]”, while praising “the People of Jihad [Cihad Ehli]”



ments of heroin” from Turkey “through Bulgaria to northern Italy”, through Italian Mafia to elsewhere in Europe and the United States (according to Italian judge Carlo Palermo, cited by Lee 1997).

When the networks of these criminals are traced out, certain family names are recognised. For example, Faruk Telliğaoğlu trafficked arms with Abuzer Uğurlu (according to Mumcu [1981] 1994). Aydın Telliğaoğlu – or Aydın Telli, as the family also use Telli as an international form of their surname – was implicated in the “drug business [uyuşturucu iş[i]]” (according to Radikal 2001) and accused of participation in “provocative operations [provokatif operasyonlar]” (in other words, false flag operations, by Eymür, cited by Milliyet 2001). There were also network connections between Aydın Telli and Abuzer Uğurlu (according to Eymür, cited by Milliyet 2001; the connection may have been heroin smuggler and suspected assassin “Köylü” Abdurrahman Kıpçak, cf. Demir 1998).

Some traffickers of heroin have also been traffickers of antiquities, such as Aydın Dikmen (according to Jansen 2005, 21) and Nevzat Telliğaoğlu (according to Cumhuriyet 2012). Furthermore, certainly under Communism and seemingly into the post-socialist transition, Bulgaria’s “authorities never interfere[d]” in the activities of the antiquities mafia and were “probably well rewarded” for not interfering (according to “gang members”, interviewed by Acar, Kaylan 1990).

Separately yet notably, investigative journalists Özgen Acar and Melik Kaylan (1990) have specifically reported that Turkey maintains “dossiers” on serious cultural property criminals, but rarely acts on the information. By the late eighties, a private company of “retired military officers” was even conducting “aerial surveys of ancient sites” with military aircraft, then selling survey maps to antiquities smugglers (Acar, Kaylan 1990). Meanwhile, some police officers who have disrupted the smuggling business have been demoted and/or transferred out of positions of power (Acar, Kaylan 1988; 1990). This does not demonstrate that anyone under discussion is a protected criminal, but it does demonstrate the complexity and opacity of the situation in Turkey.

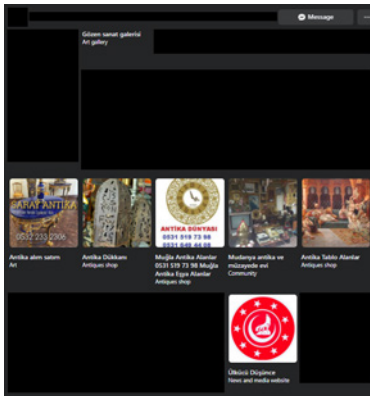


Figure 5 By 2020, TRHT04 had expressed his belief in "Idealist [Ultrationalist] Thought [Ülkücü Düşünce]"

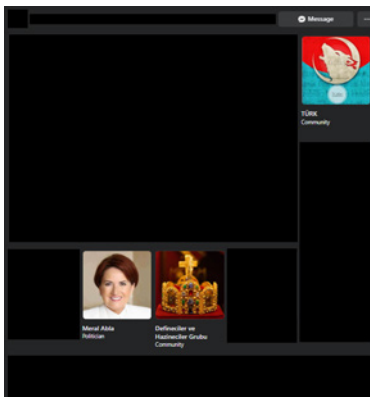


Figure 7 By 2020, TRHT04 had expressed his support for other Turkish ultranationalist activism

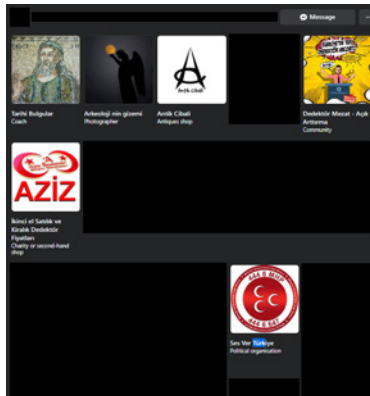


Figure 6 By 2020, TRHT04 had expressed his support for Turkey's Nationalist Action Party (MHP)

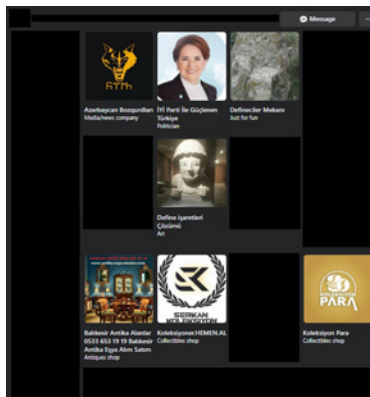


Figure 8 By 2020, TRHT04 had expressed his support for the Turkish ultranationalist "Grey Wolves of Azerbaijan [Azərbaycan Bozqurdları]"

4 The Family Business of Organised Cultural Property Crime

The pioneering work of investigative journalist Özgen Acar is the foundation of any historical or ethnographic understanding of organised cultural property crime that has been rooted in Turkey and Germany and has spanned Europe and North America. It can now be augmented with other journalistic investigations and legal investigations into cases over the past thirty years.

At least in the seventies and eighties, the Turkish Mafia comprised three regional groupings that encompassed 22 family-led, clan-like branches, whose activities encompassed the trafficking of antiquities as well as the trafficking of arms, narcotics, precious metals, minerals and other raw materials, plus fictitious export, false invoicing and black market debt collection, as well as gambling, prostitution and other aspects of entertainment (according to Cumhuriyet 1989b). Among the many families within the clan-like structures, three “controlled” antiquities trafficking (according to unnamed government officials, cited by Doxey 1996). The predominantly Syriac and Kurdish antiquities mafia were predominantly from Mardin, Turkey and in Munich, Germany. They constituted a “cartel”, which formed a “branch of the Turkish Mafia” (Acar, Kaylan 1988).

The son of a politician in Mardin, Mehmet Selim Telliağaoğlu (Hürriyet 2000b), now-retired “Blind” Edip Telliağaoğlu (or Edip Telli) was the “ringleader” (according to Acar, Kaylan 1988) or “kingpin” (according to Mazur 2005). He used violence and intimidation to control the activities of partners and the flows of commodities (according to Acar, Kaylan 1988). For instance, when his “protégé” smuggler Sami Güneri Gülenler (or Sami Gülenler) became a “defector” in partnership with Nihat Kolaşın, an assassin was dispatched to “eliminate” Gülenler – or the rumour of a “hit” was spread to scare Gülenler, who was duly “scared” into obedience (according to Acar, Kaylan 1990).

He was first arrested for antiquities trafficking in 1968 and later became a Munich-based antiquities dealer. His wife, Monika Kaufmann, was involved in dealing as well (according to Acar, Kaylan 1990; Cumhuriyet 1990) and he sometimes operated as Edip Kaufmann or Edip Telli-Kaufmann.

1965

In 1965, the Karun Treasure or Lydian Hoard was looted from tombs in Güre. Then, Edip Telliağaoğlu, Nevzat Telliağaoğlu and Nizamettin Telliağaoğlu smuggled it from Turkey to Germany and Switzerland. Ali Bayırlar, Sökeli Ali, George Zakos (also known as Yorgo Zakos) and Muhammed Yegani (also transliterated as Muhammed Yoganah) were also involved in the trafficking (according to Edip Telli, cited by

Acar 1990a). At that time, Muhammed Yegani's accomplices included Aydın Dikmen (Acar 1990a). Nizamettin Telliağaoğlu also trafficked arms, cigarettes and other illicit commodities, until he was killed in a shoot-out with police in 1969 (Acar 1990a).

1966

In 1966, the Financial Police “conducted a raid on a house that belong[ed] to an individual named Fuat Üzülmöz, who trade[d] antiquities [antıkacılık yapan Fuat Üzülmöz adında bir şahsa ait olan eve baskın yapılmıştır]” (Türker 1966). They found “marble historic artefacts that [were] understood to have come out from underground, on which there was mud that was not even dry [toprak altından çıktığı anlaşılan ve üzerindeki çamurları dahi kurumamış, mermer tarihi eserler]” (Türker 1966). He attributed the antiquities to “a peasant in Antalya [Antalya’daki bir köylü]” (Türker 1966). Üzülmöz was the “top lieutenant” in the antiquities mafia (according to Acar, Kaylan 1990; see also Mazur 2006) and he, too, later became a Munich-based antiquities dealer.

1973

Selim Dere began handling antiquities in the fifties (Celator 1989, 6). Since then, he has repeatedly been linked to illicit antiquities (see Albertson 2020). In 1973, he was arrested for the trafficking of a “Sarcophagus of Hercules” from Perge, Turkey, alongside his cousin, Aziz Dere, and Fuat Üzülmöz’s father, Faraç Üzülmöz (according to Acar, Kaylan 1990; Hardy 2018a). In 1974, Selim Dere was convicted and sentenced to two years’ imprisonment in Turkey (see Albertson 2020).

1983

The mafia’s accomplices were notorious in their own right. Metin Özharat has been characterised as a “famous antiquities smuggler [ünlül antika kaçakçısı]” as well, perhaps “one of the five most important antiquities smugglers [en önemli beş büyük eski eser kaçakçısından biri]” in the country (according to Cumhuriyet 1991). Among other cases, in 1983, Metin Özharat and Nevzat Telli smuggled a garlanded marble sarcophagus to the United States (according to Başlangıç 1992).

Metin Özharat’s cousin, Tekin Özharat, had been involved in antiquities trafficking, too, until he was “murdered [during] the smuggling of a[nother] gold treasure [hoard] [Adıyaman’da bir altın defnesi kaçakçılığında öldürülmüştü]” in 1983 (Cumhuriyet 2012).

1984

In 1984, the Dekadrachm Hoard or Elmalı Hoard of 1,900 coins was looted by treasure-hunting technician İbrahim Sungur, alongside treasure-hunting hotel-owner İbrahim Başbuğ and village leader (muhtar) Ahmet Ali Şentürk, with Sungur's home-made, hand-built metal detector (Acar 2000; Norman 1993). Başbuğ was caught – and was represented in court by the head of the Republican People's Party (CHP), lawyer Deniz Baykal – but he paid a “bribe [rüşvet]” and was released (according to Acar 1988).

With “important [önemli]” assistance from Nihat Kolaşın and Grand Bazaar dealer Metin Özharat (according to Acar 2000), Edip Telliağaoğlu, Fuat Üzülmöz, Nevzat Telliağaoğlu and Fuat Aydınır “smuggled [kaçırıldı]” the Elmalı Hoard from Turkey to Switzerland and the United States (according to Sabah 2002; see also Hürriyet 2000a; 2000b). Fuat Aydınır was “arrested [tutuklanmıştır]” in 1989, while “arrest warrant[s] in absentia [gıyabi tutuklama kararı]” were issued for Edip Telliağaoğlu, Nevzat Telliağaoğlu and Fuat Üzülmöz, “who [had] fled abroad and marketed the treasure to auction companies and private collections in Europe and the USA [yurtdışına kaçan ve defineyi Avrupa ve ABD’nde müzayede firmalarına, özel koleksiyonlara pazarlayan]” (TCKBAMGM n.d.). The suspects exhausted the ten-year statute of limitations. At least in other cases, Fuat Aydınır’s nephew, Sait Aydınır, had occasionally been involved in illicit export, too (according to Acar, Kaylan 1990).

Metin Özharat escaped justice by getting tip-offs from “a mole in security [emniyetteki köstebeği]” to leave Turkey before any arrest and sending “‘bribe’ envoys [‘rüşvet’ elçileri]” to settle any outstanding problems (according to Cumhuriyet 1991). Metin Özharat’s wife, Birsen Özharat, was involved in handling as well (according to Cumhuriyet 1992) – and she was the sister-in-law of İbrahim Başbuğ.

1986

In 1986, (half-)“Blind Edip” Telli was detained in Italy in response to a Red Notice by Interpol on behalf of Turkey (Hürriyet 2000b), yet “somehow escaped [the] clutches [of the Italian police] [Her nasılsa elimizden kaçtı]” (Acar 1988). It is occasionally reported that Telli was “not arrested because he was a German citizen [Alman vatandaşı olduğu için tutuklanmadı]” (e.g. Hürriyet 2000b). However, it has also been suggested that Telli escaped “with the help of the Italian Mafia [İtalyan Mafiasının... yardımıyla]”, Cosa Nostra (according to Acar 2000).

Furthermore, it has been suggested that an arrest warrant was not issued by a prosecutor in Germany, because the prosecutor judged

Edip Telli to be a “respectable... German citizen [saygın... Alman vatandaşı]” (Acar 2000), who had “considerable business and family ties [saygın bir aile ve iş çevresi]” in Germany (according to the Turkish police, as paraphrased by Acar 1988; see also Acar, Kaylan 1988). Seemingly, an arrest warrant was not issued by a prosecutor in Turkey, either. The acquisition of dual Turkish-German citizenship has historically been impeded by the law in Germany and facilitated by the state in Turkey (cf. McFadden 2019) and Edip Telli had managed to acquire it. Yet, his “Turkish citizenship was revoked by a decision of the Council of Ministers in 1989, on the grounds that he ‘had become the national of another state without permission’ [‘izin almaksızın başka devletin uyruğuna girdiği’, gerekçesi ile 1989’da Bakanlar Kurulu kararı ile Türk vatandaşlığından çıkarılmıştı]” (according to Acar 2000). He, then, could not be either extradited or deported from Germany to Turkey. Meanwhile, “inexplicably”, Fuat Üzülmöz and Nevzat Telliğaoğlu were not indicted by a prosecutor in Turkey, even though they were in Turkey (according to Acar, Kaylan 1990).

1988

In 1988, Sait Aydın tried to smuggle a marble statue of Demeter out of Turkey for his uncle Fuat Aydın, but it was intercepted. He “fled to Canada”, but was “convicted in absentia” (according to Acar, Kaylan 1990).

1989

In 1989, 151 antiquities, which included jewellery, coins and ceramics and spanned prehistoric, Greek, Roman, Byzantine and Islamic periods, were seized from Sami Güneri Gülenen’s house, minibuses and warehouse in Istanbul, before they could be delivered to Edip Telliğaoğlu in Munich. Sami Güneri Gülenen, Nefise Bilge Rodop, Hayri Rodop and Hasan Sezmiş were “detained [gözaltına alındığını]” and another eight unnamed suspects were sought (according to Cumhuriyet 1989a).

1990

While journalist Özgen Acar (1990b) was investigating the mafia, he was warned that “it [would be] better if he [did] not write the things that he [was] going to write [yazacaklarını yazmasa iyi olur]” about Metin Özharat. At an auction in New York in 1990, Fuat Üzülmöz informed a journalist who had worked with Acar: “We are going to kill

him" (according to Mazur 2005). More recently, antiquities collector and private investigator Arthur Brand (2006) has also been pressured and "threatened", by unnamed persons, for his investigation of smuggling by the same cartel.

1991

In 1991, another 531 antiquities were smuggled out of Turkey. Duly, from 1994, Edip Telli was the subject of another arrest warrant in absentia. Eventually, he was caught in Switzerland and extradited to Turkey in 2000 (Şardan 2000).

1992

Nihat Kolaşın, who had been arrested as early as 1968 (Acar 1990c), has been characterised as an "antiquities smuggler [Eski eser kaçakçısı]" (by Acar 1998) and as a "famous smuggler [ünlü kaçakçı]" as well (by Acar, Ateşoğulları 2002, 104). In 1992, for instance, thieves stole marble statues from the archaeological storehouse for the ancient city of Stratonikeia in south-western Turkey. They were caught selling the stolen goods to Nihat Kolaşın in Istanbul. Seemingly, soon afterwards, both Nihat Kolaşın and his cousin Ali Kolaşın were "detained [yakalandığı]" (according to Kızık 1992).

1995

In 1995, a villager found the Karkamış Hoard of 3,000 coins. Then, one of his relatives, antiquities dealer Hikmet Gül, "smuggled [kaçıran]" the coins to Germany and marketed them with Fuat Üzülmöz (according to Hürriyet 2006). They were assisted by Selim Dere, who was, by then, a "well-known criminal" (according to Brand 2007; see also Brand 2006) and Antonio "Nino" Savoca, who was a senior member of an Italy-rooted trafficking network as well as a significant figure in the Turkey-rooted trafficking network (see Watson, Todeschini 2007).

2002

Aziz Telliğaoğlu was a notorious "international antiquities smuggler [uluslararası tarihi eser kaçakçısı]", who "[had] been detained many times for antiquities trafficking yet set free every time [Tarihi eser kaçakçılığından bir çok kez gözaltına alınmasına rağmen her defasında serbest kalan]" in Turkey, who had also managed a casino

in Azerbaijan (according to İhlas Haber Ajansı 2002). He was “caught in the act for the first time [ilk kez suçüstü yakalamayı]”, whereupon he “confessed for the first time [ilk kez suçunu itiraf ettiği]”, in 2002, after accomplices had been caught in the process of sending 542 pieces of cultural property on a cargo flight to Switzerland (according to İhlas Haber Ajansı 2002).

2010

In 2010, police seized 1,700 cultural objects from a “gang [çete]” or “international criminal organisation [uluslararası suç organizasyonu]” with at least thirty-five members in a complex organisational structure (Şimşek 2010; see also Bayer 2010; Sabah 2010; T24 2010). The gang had members from or in Turkey, Bulgaria and Germany. It smuggled antiquities from Turkey, sometimes through the United Arab Emirates, to countries such as Germany and the United States. It maintained a digital inventory with photographs and marketed at least some of its goods online (T24 2010).

Aziz Telliağaoğlu, Fuat Üzülmöz and Fuat Aydın were singled out as “famous antiquities traffickers [ünlü tarihi eser kaçakçıları]” (by T24 2010). The gang’s retired boss Edip Telliağaoğlu’s nephew, Aziz Telliağaoğlu, was “the organisation’s leader [Örgütün lideri]”, who organised the smuggling and sale abroad (according to Şimşek 2010). “Big” Fuat Üzülmöz was the “director and manager of Europe [Avrupa sorumlusu ve yöneticisi]”, who “[sold] antiquities from Turkey to auction houses [Türkiye’den gelen tarihi eserleri müzayede evlerine satıyor]” (according to Şimşek 2010). “Little” Fuat Aydın, who has been identified as “the son of a retired army colonel” (by Associated Press 1994, 09D; cf. Acar, Kaylan 1988), was the “number three man [Üç numaralı adam]”, who managed evaluation and purchase-sale in Turkey (according to Şimşek 2010). Other members included “one of the leading members of the [leading] family [ailesinin ileri gelenlerinden biri]”, Hüsnü Telliağaoğlu (according to Şimşek 2010), plus Ediz Telliağaoğlu and Alpay Telliağaoğlu (according to T24 2010).

The other suspects were İhsan Acar, Yücel Akkaya, Atilla Anakök, İbrahim Emre Aydın, Levent Bayır, Marsel Moiz Behmoaram, Ali Çabuk, Zeynel Çimen, Arif Doğangüneş, Mehmet Faruk Erdemir, Sami Güneri Gülenler, Kamer İşsever, Mustafa Karlanık, Mehmet Muhsin Karsu, Nihat Keleş, Zahir Keleş, Bilal Keleş, Murat Kılıç, Ömer Kurhan, Ayhan Külekçi, Mehmet Nevfel Mendi, Sezair Oktay, Harun Yadigar Savman, Hüseyin Taç, Ethem Topçu, Piotr Dmitrievich Vornikov, Murat Yetke, Ercan Yıldız, Bülent Yılmaz and Hüseyin Yılmaz (according to Sabah 2010). Although he was not charged, it was alleged that Atatürk Airport worker Alpaslan Kılıç had assisted in the illegal exportation of goods (according to Şimşek 2010). In the

nineties, Gülenler had claimed to be a ‘patriot’ who had turned from mafia trafficker to government informant (cf. Doxey 1996).

2013

In 2013, a set of 37 suspects, that was identified as an “organised crime network [Organize suç şebeke[si]]”, was suspected of trafficking antiquities and 12 of those “were taken to court [adliye sevk edildi]” (Bizim Yaka Kocaeli 2013). They included “famous antiquities dealer [ünlü antikacı]” (Bizim Yaka Kocaeli 2013) or “antiquities trafficker Fuat Aydın [Tarihi eser kaçakçısı Fuat Aydın]” (as reported by TGRT Haber 2013), plus the partially-anonymised “Aziz T.” and “Ercan Y.” (according to Bizim Yaka Kocaeli 2013).

2018

In 2018, a set of 30 suspects was accused of being an organised crime group (e.g. Aydın 2018). Eight were held on remand, four were put under house arrest, nine were prohibited from leaving the country, six were released pending trial and three evaded capture (Hardy, 2018b).

The organisation was complex and its communication was coded in ways that hinted at the structure, so treasure-hunters’ code names included “‘employee’ and ‘master’ [‘eleman’ ve ‘usta’]” (according to Toşunoğlu 2019; “usta” can be used to identify the master of a craft, as well as the master in a hierarchy). Reportedly, “it was determined that the leadership of the network had been headed by a smuggler by the name of Fuat Aydın, who had previously managed an antique shop in the Grand Bazaar [Şebekenin liderliğini geçmişte Kapalıçarşı’da antika dükkânı işleten Fuat Aydın isimli kaçakçının başını çektiği belirlendi]” in Istanbul (according to Milliyet 2018). Other critical positions were held by a retired police chief and a retired army colonel.

The “organisation’s leader [örgütün lideri]”, Aydın, was characterised as someone who “[had] played an active role in antiquities trafficking for many years [uzun yıllardan beri tarihi eser kaçakçılığında aktif rol oynadığı]” (Demir 2019). His “accomplices were people who had been acquaintances for a long time [suç ortaklarının uzun zamandan beri tanışıklığı bulunduğu kişiler olduğu]” (Demir 2019). In a 589-page indictment, Public Prosecutor Ahmet Gezin Çam has requested a sentence of 30-57 years’ imprisonment for Aydın, for “establishment of an organisation for the purpose of committing crimes [and] conducting unlicensed excavation with the intention of finding cultural assets [suç işlemek amacıyla örgüt kurmak, kültür varlıkları bulmak amacıyla izinsiz kazı yapmak]” (as quoted by Demir 2019).

2020

After Selim Dere had been released from prison in Turkey, he emigrated to the United States, where he founded first the West Side Jewelry shop then the Fortuna Fine Arts gallery (Albertson 2020). In 2020, Selim Dere's son, gallery owner Erdal Dere, and their "longtime associate", Faisal Khan, were indicted for committing identity theft and wire fraud, specifically for "defraud[ing] actual and potential buyers and brokers in connection with the offer and sale of antiquities, by using and causing to be used false provenance" (United States Attorney's Office, Southern District of New York 2020, Para. 10). They did this by misattributing antiquities to dead collectors. Dere was released on agreement of a bail bond of USD 500,000, which was secured with one of his properties, which was valued at USD 3,000,000 (according to Lee 2020).

5 The Boss of the President's Right-hand Man

5.1 Aydın Dikmen

Aydın Dikmen was perhaps first "arrested [tutuklanmış]" in relation to looting at Çatalhöyük and Hacılar in 1966 (Erbil 2008). When the police raided his home in Konya and seized 296 cultural objects on 18th October 1966, "they also seized 'some forged documents that related to the sale of ancient objects' ['eski eser satışına ilişkin bazı sahte belgeler' de ele geçiyordu]" (Acar 1989a).

Dikmen became notorious for smuggling antiquities and religious works of art such as icons and manuscripts from Turkey and Cyprus. Yet, he also smuggled heroin (Jansen 2005, 21) and forged antiquities and works of art (Acar 1989c; Mazur 2006; 2017; Representation of the Church of Cyprus to the European Union 2017). He trafficked everything from pre-Columbian pottery to fake Picassos (O'Connell-Schizas 2014). He had such strong connections with "senior officers in the Turkish army" that he was jokingly identified as the "official archaeologist [of] the occupying force" in northern Cyprus (van Rijn 1993, 27).

According to a social democratic politician in the governing coalition of the Turkish Cypriot administration, Ferdi Sabit Soyer (1997, 1780), by 1997, Dikmen had been "convicted of these crimes many times in Turkey [Türkiyede bir çok kez bu suçlardan dolayı mahkum edilen]". Contrarily, according to Dikmen's legal representative, Ercan Canımoğlu (2010), he had "not been convicted of antiquities smuggling either abroad or in his [home] country [ne yurtdışında ne ülkesinde Eski Eser Kaçakçılığı suçundan hüküm giymemiştir]". Technically, it may be true that he was never convicted of that specific offence.

For instance, in 1977, unattended suitcases with historic artefacts were found on a bus in Munich and traced to Firuz Aran and Muzaffer Karataş, who had been detained in Yugoslavia on their way from Turkey. Based on information from Interpol, antiquities dealers Atilla Önder and Yaşar Tekin were detained by police in Istanbul; and Önder and Tekin identified Dikmen as the owner of the antiquities. Yet, he (and his wife) “escaped the hands of the police [polisin elinden kaçmışlardır]” (Acar 1989a).

In 1982, when Aydın Dikmen was arrested for antiquities trafficking in northern Cyprus, he was quickly released. Allegedly, his wife, Konstantina Dikmen (also known as Coco Dikmen), had “deposited a large sum of money in the bank account of a judge” (as reported in Ortam, 10 June 1982, paraphrased by American judge James Noland 1989, 1389; see also Acar 1989b).

Bribery was not the only instrument that was used to pervert the course of justice. Also in 1982, when a supposedly secret government report by two Turkish Cypriot archaeologists named Hasan Harman as the perpetrator of the plunder of the Church of Ayios Euphemianos/Themonianos, one “got a death threat [then] his car was burned [olumle tehdit edildikten sonra arabasının yakıldığı]” (Acar 1989b, 1).

Later in the eighties, unidentified perpetrators engaged in “violent reprisal” against people who “assist[ed] Cyprus in recovering some antiquities”, “bomb[ing]” their residences (as observed by the director of the Department of Antiquities under Greek Cypriot administration, Vassos Karageorghis and relayed by Menil Foundation senior consultant Walter Hopps, then paraphrased by American judge James Noland 1989, 1391, when making a decision against collectors who had bought mosaics that had been stolen from the Church of Panayia Kanakaria in Cyprus by Dikmen’s gang).

In 1998, Dikmen’s reformed partner-in-crime, Michel van Rijn, “received death threats from unspecified sources” and refused to testify against him (Watson 1998, 17). Then, due to the statute of limitations, the period for prosecution timed out (Associated Press 2004).

Nonetheless, if nothing else, Dikmen had been convicted of tax evasion while trading antiquities in Germany (according to Musall 1997). Indeed, Aydın Dikmen was not able to get a permit for collecting of antiquities in Turkey, because he had *some* “criminal record for [illegal] trading of antiquities [Eski eser ticaretinden dolayı sabıkası]” (according to Erbil 2008). However, Konstantina Dikmen was able to get a permit, because she did not have a criminal record. So, in 2008, they imported the antiquities that remained in his possession to Turkey in her name, then donated those objects to the Science and Literature Museum at Selçuk University in Konya.

Dikmen’s gang stole, smuggled and trafficked works of art from at least fifty religious heritage sites and other cultural heritage institutions in the occupied territories of Cyprus, which belonged to the Or-

thodox Church of Cyprus, the Syriac Maronite Church and the Armenian Catholic Church. They included wall paintings from the Armenian Church in Nicosia, the Church of Panayia Pergaminiotissa in Akanthou, the Church of Ayios Yeorgios in Kalo Chorio Kapouti, the Church of Christos Antiphonitis near Kalograia, the Church of Ayia Solomoni in Koma tou Yialou, the Church of Ayios Euphemianos/Themonianos in Lysi and the Church of Panayia Apsidiotissa in Synchari; mosaics from the Church of Panayia Kanakaria in Lythrangomi; icons from the Church of Ayios Yeorgios in Kalo Chorio Kapouti, the Monastery of Ayios Chrysostomos in Koutsovendis, the Church of Ayia Paraskevi in Paleosofos, the Church of Archangelos Michail in Trikomo and Kyrenia Castle; icons, human remains and a bible from the Church of Ayios Mamas in Morphou; and a historic sword from Selimiye Mosque (Acar 1989b; Chotzakoglou 2012; O'Connell-Schizas 2014; Representation of the Church of Cyprus to the European Union 2017; Talât, 1989).

5.2 “Tremeşeli” Mehmet Ali İlkman

“International Boss [Uluslararası patron]” Dikmen’s “Local Boss [Yerel patron]” was “Tremeşeli” Mehmet Ali İlkman (according to Acar 1989b; see also Jansen 2005, 23). İlkman had been a paramilitary fighter in the Turkish (Cypriot) Resistance Organisation (Türk Mukavemet Teşkilatı (TMT)) during the intercommunal conflict, a parliamentary deputy in the Turkish Cypriot Assembly of the bicommunal republic, a paramilitary fighter in TMT during the civil war, then an agent of Turkey’s MİT through the civil war, through the international war and into the occupation (as testified by İlkman in an interview, republished by gurcan1 2007). He became a “well-known” antiquities trafficker (according to Yeni Düzen 2008), who was “impossible [olanaksız]” for the police to touch until 1989 (according to Acar 1989b, 13) and remained active towards his death in 2012 (e.g. Kıbrıs 2006; Yeni Düzen 2008).

It is difficult to disentangle the criminal, social and political sources of İlkman’s practical impunity, but it is impossible to deny his impunity. Rauf Denктаş was the leader of TMT when İlkman was “one of TMT’s leading names [TMT’nin önde gelen isimlerinden]” (TAK 2012). Then, Denктаş was the leader of the Turkish Cypriot administration when İlkman was both a MİT agent and Dikmen’s assistant in the “systematic” plunder of cultural property from northern Cyprus (Miller, Kinzer 1998). Indeed, İlkman was identified as Denктаş’s right-hand man (literally “Denктаş’s right arm [Denктаş’ın sağ kolu]”, according to investigative journalist Özgen Acar, cited by Talât 1989, 7865), as well as Dikmen’s local boss (Acar 1989b). Tellingly, Denктаş was also the leader when the already-notorious Dikmen was given citizenship by the Turkish Cypriot administration (KKTCİKÇB 1989, 581).

5.3 The Gang and Its Associates

The gang's "Director [Yönlendirici]" was "Bearded [Sakallı]" or "Antique Dealer [Antikacı]" Ahmet Kadir Dinç, who was released from police custody in return for the release of the wall paintings that had been stolen from the Church of Ayios Yeorgios. Its "Remover [Sökücü]" was Hasan Harman. And its "Lookout [Erkete]" was "Romantic [Romantik]" Mustafa Avcıbaşı, who was a retired police officer who had become a casino manager, who was briefly imprisoned for the theft of the wall paintings from the Church of Ayios Yeorgios (Acar 1989b).

Other notable associates included the Turkish Cypriot mayor of Morphou, İsfendiyar Rifat Açıksöz; a Turkish Cypriot commander in Nicosia, Necat Arifoğlu, who was the enabler/protector of Hasan Harman when he plundered the Armenian Catholic Church; Kemal Köse; Turkish Cypriot press officer Metin Mütin Münir; museum director Mehmet Rasih Savarona; Mücahit Ugraşlı; and multi-commodity smuggler Michel van Rijn (see Acar 1989b; O'Connell-Schizas 2014; Talât 1989; van Rijn 1993).

Yet another notable associate was businessman Asil Nadir, who was an "old friend" (Russell 1993) and "political ally" (Summers 2012) of Turkish Cypriot president Rauf Denktaş. Nadir was accused of interfering to protect Metin Münir from arrest for illegal possession of historic artefacts (Cyprus Mail 1989). Nadir's then-wife, Ayşegül Tecimer, later fled Turkey when she was put on trial for antiquities trafficking (Altın 2012).

6 The Father-in-law of the Godfather of Godfathers

6.1 Trafficking of Heroin in Alignment with the State

Between 1979 and 1997, a businessman and "well-known heroin chemist" who was the leader of the Menglan branch of the Ertoşi tribe, Mustafa Bayram, was arrested for or accused of the smuggling of kilograms of heroin on at least eight occasions and murder at least once (according to Economist 2001; see also Akçura 2001; Anadolu Ajansı 2001a; Anadolu Ajansı 2001b). His collaborators included Halil Havar, who was a "significant" figure in the global trade in illegal narcotics (according to Eşitti, Işık 2018, 700).

In 2001, he was convicted and sentenced to five years' imprisonment (according to Economist 2001). However, having had positions in the Nationalist Democracy Party by the late eighties and in the Motherland Party in the early nineties, between 1996 and 2002, he was also a member of parliament and enjoyed parliamentary immunity (Hürriyet 2004). Once he had lost his immunity, in 2004, Musta-

fa Bayram and one of his sons, Hamit Bayram, were charged with heroin trafficking (according to Anadolu Ajansı 2004; the son's name was seemingly misprinted as Halit Bayram).

When Hamit Bayram was detained for drug smuggling, Mustafa Bayram led an armed assault on Van police station to free him. Yet Mustafa Bayram was detained then released and went into hiding, first near Urumiye in Iran, then in Edremit in Turkey (according to Radikal 2004). In 2005, when Mustafa Bayram was convicted of “establishment of a gang [and] drug dealing [Çete kurmak, uyuşturucu ticareti yapmak]” (among a group of nine), a charge of “armed revolt against the state [devlete karşı silahlı isyan]” was dismissed and his sentence was reduced, first from six to five years' imprisonment due to good behaviour, then from five to two years' imprisonment due to revisions to the Penal Code (CNN Türk 2005). Likewise, in 2007, when Hamit Bayram was convicted of drug trafficking, his sentence was reduced from seven to three years' imprisonment due to good behaviour (CNN Türk 2007).

In 2011, Mustafa Bayram, who had not been arrested before trial, was convicted in absentia and sentenced to 28 years' imprisonment for “establishment and direction of a criminal organisation [suç örgütü kurmak ve yönetmek]” of at least 18 members and for “conspiracy to rig bids [ihaleye fesat karıştırmak]” for public security contracts (Focus Haber 2011). Yet another of Mustafa Bayram's sons, Hişar Bayram, was among those who were acquitted (Aşan 2011). Seemingly, Mustafa Bayram went into hiding again, since, in 2017, he was caught and detained on the basis of a conviction for illegal possession of arms (Doğan Haber Ajansı 2017).

Reportedly, “the failure to arrest Mustafa Bayram, who had somehow not gone to prison [before then]... [was] a result of his relations with the AKP [şu ana kadar bir türlü cezaevine girmeyen Mustafa Bayram'ın yakalanmamasının AKP ile olan ilişkilerinden kaynaklandığı]” (as relayed by Evrensel 2012). Indeed, at least two of Mustafa Bayram's sons, Hecer Bayram and Şeref Bayram, have been politicians in the governing Justice and Development Party (AKP). Hecer Bayram was arrested and removed from his position as Edremit municipality mayor “[for] establishment and direction of a criminal organisation with the intention of profit and [for] armed revolt [Çıkar amaçlı suç örgütü kurmak, yönetmek ve silahlı isyan çıkarmak]” (according to NTVMSNBC 2004). Later, Hecer Bayram and Kemal Bayram were convicted of murdering Mustafa Bayram's nephew, Ahmet Bayram (according to Doğan Haber Ajansı 2008).

6.2 Trafficking of Heroin in Opposition to the State

In the nineties, Mustafa Bayram's son-in-law, "Kurdish drug baron" Cumhuri Yakut, was reportedly the "top heroin exporter" from Turkey to the United Kingdom (according to Economist 2001; see also Eşitti, Işık 2018, 700). His operation sometimes sent shipments of hundreds of kilograms of heroin (according to Anadolu Agency 2013). Other family members include suspected heroin producer Adem Yakut and suspected heroin smuggler Neşet Yakut (according to Vatan 2012), plus suspected heroin smuggler İslam Yakut and suspected heroin dealer Kamuran Yakut (according to Taraf 2008).

Cumhuri Yakut was the "godfather of godfathers [babaların babası]" (as reported by Dünya Bülteni 2013; see also United Press International 2013) or "baron of barons [baronların baronu]" (as reported by Akşam 2013). He was also "linked" to the Kurdistan Workers' Party (PKK) (according to Cihan News Agency 2013). Indeed, in 2008, the United States listed Cumhuri Yakut among "PKK entities and associates" and subjected him to trading sanctions for his "narcotics activity" (according to Hürriyet Daily News 2008). He was eventually arrested in 2013 (Doğan News Agency 2013).

Beyond the PKK, Cumhuri Yakut was "linked" to the "Susurluk gang" (according to Cihan News Agency 2013). That was a deep state network that committed politically-motivated organised crime. It was exposed when a convicted perpetrator of a notorious massacre who had supposedly been hiding from the state since 1978, Abdullah Çatlı, was in a traffic accident in 1996, alongside a police chief, Huseyin Kocadağ, a member of parliament who was also the leader of an anti-PKK militia, Sedat Bucak, and an assassin, Gonca Us. In fact, "among the controversies of Susurluk and the emerging connections, the name of [Yakut's father-in-law] Mustafa Bayram was often on the agenda [Susurluk tartışmaları ve ortaya çıkan ilişkiler içer[i]sinde de Mustafa Bayram'ın ismi sık sık gündeme gelmişti]", yet he "was not touched [dokunulmamıştı]" (according to Evrensel 2004b). Even the lone survivor of the car crash, Sedat Bucak, was only convicted in 2018, whereupon he was given a waived sentence of one year's imprisonment (according to CNN Türk 2018).

There has also been talk of "Van's Susurluk [Van'ın Susurluk'u]" (as reported by Evrensel 2004a), "Susurluk in Van [Van'daki Susurluk]" (as reported by Karaalioğlu 2004) or a "2nd Susurluk [2'nci Susurluk]" (as reported by Vatan 2004), in relation to Mustafa Bayram and Hamit Bayram. There was a "triangle [üçgen]" of tribes, politicians and the state (according to Karaalioğlu 2004). It was a "partnership [ortaklığı]" between Turkish state officials, Kurdish tribal groups and drug smuggling networks (according to Ekşi 2004). In other words, it was a gang in and around the state. In Van, "things [had] been conducted in completely the same way for years [işlerin yıllardır hep aynı yöntemlerle yürütüldüğü]" (according to Karaalioğlu 2004).

6.3 Trafficking of Cultural Goods by a Gang in and Around the State

Amidst all of this activity, in 1999, although he still enjoyed parliamentary immunity, Mustafa Bayram was accused of the attempted trafficking of a looted sculpture of Aphrodite or Venus for USD 1,000,000 (cf. Akçura 2001; Türkiye 1999). During the process, his intermediary, Ahmet Cevat Ağalar conspired with a police commissioner, Kadir Yılmaz, a police officer, Dursun Aygün, and a retired police officer, who was not named and who was in hiding from the police. Those three pretended to raid Ağalar's workplace, then stole the statue. Then, Bayram held Ağalar at gunpoint and forced him to sign a bill of USD 850,000 to cover the lost profit. At this point, the police – who had been monitoring the case since the statue was initially marketed – launched an operation and apprehended the suspects. Ahmet Cevat Ağalar, İhsan Çiftçi, Hasbi Ekinci and İbrahim Yavuz were arrested; Dursun Aygün, police officer Zekeriya Ayhan, Kadir Tuçkun and Kadir Yılmaz were released to await trial (according to Anadolu Ajansı 2001a; Atilla 2001).

In 2001, suspected traffickers of two fake Picassos included Mustafa Bayram's nephew, İhsan Demir, his bodyguard, Haydar Durak, and his driver, İsmail Zorlu, as well as another accomplice, Cumhur Ertekin (Atilla, Aytalar 2001; Morris 2001). Mustafa Bayram was "at the scene" of the sting operation, too, yet "escaped arrest" as he continued to enjoy parliamentary immunity (Morris 2001).

As evidenced by the long and wide-ranging activity of Mustafa Bayram and his associates, sometimes, even the flow of fake art merges with the flow of heroin. Sometimes, the proceeds of art crime benefit organised crime groups, paramilitary groups/terrorist organisations and deep state criminals. And Mustafa Bayram's case is not unique. In 2017, suspected traffickers of fake Picassos in Turkey included a serving police officer and a retired police chief (according to Hürriyet Daily News 2017). The details of their alleged operation have yet to be revealed.

7 Crime War in Mexico, Dirty War in Turkey and Proxy War in Syria

7.1 Intersections of Trafficking of Cultural Goods with Trafficking of Narcotic Substances

For a very long time, it has been reported that, across Latin America, the trade in cultural goods has long "thrived on the inflow of 'narcodollars'" (Lee, 1985, 147). Art and antiquities have been trafficked as well as narcotics, while money from narcotics has been laundered through art and antiquities (Hardy 2019a, 389-92; Har-

dy 2020a, 163-6). In Mexico, Sinaloa Cartel boss “el Chapo” Joaquín Guzmán collected works of art, which included stolen works of art; Beltrán Leyva Cartel boss Héctor Beltrán Leyva dealt art as a cover for his drug operation; and Héctor Beltrán Leyva’s alleged financial accomplice, Germán Goyeneche Ortega, collected pre-Columbian antiquities (that had been made in the Americas before colonisation by Europeans) and other archaeological goods (Hardy 2020a, 165-6).

A similar intersection between trafficking of narcotic substances and trafficking of cultural goods is visible in the activities of violent political organisations in Turkey. It is difficult to determine whether the acts were committed specifically as fundraising for organisations or simply by criminals who were members of organisations – and to disambiguate those two when activists may fund their own participation in movements. Nonetheless, in Turkey, there are indications of trafficking of antiquities by members of movements that span ethnic and political spectrums. These include members of the (Kurdish autonomist) PKK (see Doğan Haber Ajansı 2006 on antiquities trafficking; see also Crabtree 2016, Roth, Sever 2007 and West Sands Advisory 2012 on narcotics trafficking), the (Islamist) Great Eastern Islamic Raiders’ Front (İslami Büyükdoğu Akıncılar Cephesi (İBDA-C); see Dinç 2006 on artefact theft; see also Aydın 2000 and Sabah 1998 on narcotics trafficking) and the (Turkish ultranationalist) Grey Wolves (see Yurttaş 2013 on antiquities trafficking; see also Bovenkerk, Yeşilgöz 2004, Lee 1997 and Nezan 1998 on narcotics trafficking).

7.2 Collaborations in Trafficking of Narcotic Substances Between Organisations that Also Profit from Trafficking of Cultural Goods

For a long time, too, it has been reported that Mexican narcotraffickers such as the Sinaloa Cartel have established partnerships with Turkish narcotraffickers for the trafficking of narcotics, arms and people (for instance, by a professor of law and economics, Edgardo Buscaglia, cited by Diálogo 2011). Recently, a spree of videos that have been recorded by organisations’ members have been archived in social media by outside observers.

In one video, heavily-armed members of the Sinaloa Cartel greeted their Turkish partners-in-crime by playing a Turkish nationalist anthem (see @TurkishBlogger 2020). In another video, not-visibly-armed members of the Grey Wolves saluted the Sinaloa Cartel (see @LPueblo2 2020; see also Opinión 2020). In yet another (two-clip) video, first heavily-armed members of the Sinaloa Cartel saluted the Grey Wolves, then heavily-armed members of the Grey Wolves saluted the Sinaloa Cartel (see @yzbprice 2020). The Grey Wolves appeared

to be members of the Turkish-backed Free Syrian Army (TFSA), also known as the Syrian National Army (SNA), in Syria (according to @ONC3X 2020). In still another video, not-visibly-armed members of the Grey Wolves saluted the Sinaloa Cartel (see @ONC3X 2021b; some featured in the similar video of the previous year, cf. @LPueblo2 2020). In one more video, artillery-backed, heavily-armed members of a Turkmen jihadist faction of the TFSA/SNA in Syria greeted their Mexican partners-in-crime (see @ONC3X 2021a).

So, the Mexico-rooted Sinaloa Cartel and the Turkey-rooted Grey Wolves, both of which handle cultural goods as well as narcotic substances, are known to collaborate in the trafficking of narcotics. Altogether, the evidence from social media confirms not only the connection between participants in the crime war in Mexico and the dirty war in Turkey, but also a connection with participants in the proxy war in Syria. In doing so, this evidence may also shed new light on trafficking of antiquities from Syria to Turkey.

7.3 Conflict Antiquities Trafficking Between Syria and Turkey

Syrian Turkmen Heysem Topalca (who was also known as Ghassam Topalca, Haisam Toubalgeh, Haitam Topalca, Haitham Toubalgeh and Haytham Topalca, as well as Hytham Qassap – Hytham the Butcher) had been a professional smuggler of multiple commodities, from narcotics to industrial machinery (according to Taştekin 2021). Topalca became the leader of the jihadist al-Huwwa Billa Battalion (el Huva Billa Taburu) of the Turkmen Mountain Brigades (Türkmen Dağı Tugayları) in Bayırbucak in Syria and an agent of Turkey's MİT (according to Sendika 2016).

According to the Turkish Gendarmerie's report and a subsequent public prosecutor's indictment in 2014, Topalca trafficked arms from Turkey and delivered them to al-Qaeda and Jabhat al-Nusra in Syria and trafficked antiquities from Syria and sold them to buyers in Turkey (cited by Hardy 2015, 336). Topalca had been indicted for smuggling Islamic State terrorist attackers from Syria into Turkey in 2014 and had been convicted of smuggling components of chemical weapons from Turkey to Syria in 2015, yet continued to operate freely in Turkey until he died in a "suspicious traffic accident" in 2021 (according to Güven 2021). This is an exceptionally concerning case, which echoes "Tremeşeli" Mehmet Ali İlkman's position, activity and impunity in Cyprus.

8 Discussion

8.1 Transnational Organised Crime by Any Definition

As “structured group[s] of three or more persons” who seek to gain material benefit by committing serious crimes and persist in doing so, these Turkey-focused and Cyprus-focused transnational gangs meet the international definition of transnational organised crime groups (see United Nations 2000, Art. 2). Furthermore, among hundreds of definitions of organised crime by law, by law enforcement agencies and by criminologists, dozens of definitions include a willingness to threaten or commit physical violence and the exploitation of corruption to escape policing (see von Lampe 2021).

Bribery of the judiciary and law enforcement agents and other corrupt relationships with law enforcement agents have featured throughout this study. Although the mafia “rarely” actually “resort[ed] to violence, even against informers” (according to self-professed smuggler-turned-informer Sami Güneri Güleler, paraphrased by Doxey 1996), threats and acts of violence against other criminals, private investigators, investigative journalists and cultural heritage workers have featured throughout this study as well. This reaffirms the nature of these organised crime groups.

This study has also documented that these organisations were poly-crime groups. The lynchpin of the gang in and around the Turkish state, Mustafa Bayram, the leader of the Turkish-Cypriot antiquities gang, Aydın Dikmen, a senior member of the Turkish antiquities mafia, Nevzat Telliağaoğlu and a senior member of the Turkish Mafia, Yaşar Musullulu, all handled both cultural goods and narcotic substances personally, as the groups did organisationally.

Other members, such as Dikmen’s accomplice Ahmet Kadir Dinç, switched commodities according to opportunities and risks. Dinç “got into the drug business [then] was convicted when he was caught [uyuşturucu işine giriyor ve... yakalandığında mahkum oluyordu]” in the act of smuggling by Customs and Excise in the United Kingdom (Acar 1989b, 13). It is a recurrent feature of this criminal business.

8.2 Trafficking of Narcotics with Antiquities from Turkey and Money-laundering of Drug Profits with Cultural Assets in the United Kingdom

Nevzat Telliağaoğlu is also known as Nevzat Telli, David Telliağaoğlu and David Telli. For a long time, he was a businessman, who was “generally... engaged in the antiquities trade [genellikle... antika ticareti ile uğraştığı]” in the United Kingdom and later convicted of and “imprisoned [cezaevinde yatmıştır]” for heroin smuggling in Germany

(Berkok 1990; see also Acar, Bessières 2001). At least at one point in the seventies, he was reportedly smuggling two tons of cannabis per month from Lebanon to Europe (Cumhuriyet 2012, 12). This seemingly spanned the early years of the Lebanese civil war, as he was only convicted and imprisoned in Germany in the eighties.

In 1996, “David Telli” was eventually sentenced to imprisonment for 22 years and a fine of around GBP 3,500,000 “for drug smuggling [uyuşturucu kaçakçılığı suçuyla]” in the United Kingdom (Haberler 2007). Later, Edip Telli, Edip Telli’s wife Monika Telli, Nevzat Telli and Fuat Üzülmüş, plus their accomplices, İhsan Acar, “Alaşehirli” Nihat Kolaşın and Metin Özharat were indicted for their involvement in the smuggling of a statue of Dionysus from Turkey to Switzerland (Hürriyet 2003). Ultimately, the statue was valued at around GBP 1,500,000; Nevzat Telli was judged to be its “beneficial owner” and forced to forfeit his asset; and it was returned to Turkey (Haberler 2007).

According to a local newspaper, “much” of Nevzat Telli’s millions of pounds in proceeds from heroin had been invested in “valuable ancient artefacts” (Gibbs 2007). At least sometimes, he appears to have smuggled antiquities “together [with] packets of heroin [birlikte eroin paketler[i]]” (Cumhuriyet 2012).

Intriguingly, in the light of other associations between the Turkish antiquities mafia and the Turkish-Cypriot antiquities gang, “David Telli” distributed his profits between unnamed receivers in Turkey and bank accounts in northern Cyprus, Germany, Switzerland, the United Kingdom and the United States (according to Gibbs 2007). The massive money-laundering enterprise provoked an investigation into Turkish and Turkish Cypriot banks in the United Kingdom, which caused “the closure of the Cyprus Credit Bank” in 2000 (Travis 2013). That bank was owned by Salih Boyacı, who was convicted of financial crime and who is the father-in-law of Serdar Denktaş, who is the son of Rauf Denktaş, who was still the president (Bilge 2004).

8.3 The Pizza Connection(s)

It is well known that there was a “Pizza Connection” between Turkish organised crime and Italian organised crime, in the trafficking of narcotics, from Turkey through Italy to the United States. It is also well known that other commodities were handled in collaboration with other organisations. For instance, in the seventies, Turkish Mafia boss Yaşar Musullulu (or Yaşar Avni Musullulu, also known as “Yellow [Sarı]” Avni Karadurmuş and Atilla Öksüz) worked with Abuzer Uğurlu to smuggle arms from Bulgaria to Turkey for the Communist Bulgarian government’s front company Kintex (as testified by Musullulu, cited by Milliyet 1998).

However, at least two individuals at the Turkish end of the Pizza Connection, Yaşar Musullulu and Turkish Mafia associate Paul Waridel, are also known to have smuggled antiquities as well as heroin from Turkey to Italy (see Blumenthal 1989, 118-20; see also Ceschi 2019, 19-20 – table 1, who documented the existence and involvement of Italian organised crime in organised cultural property crime). Indeed, in 1969, Waridel was “sentenced to 13 months in prison [13 ay hapse mahkûm olmuştul]” for smuggling antiquities from Greece (according to Yalçın 2000).

Furthermore, the Turkey-rooted antiquities network and the Italy-rooted antiquities network were interwoven. Edip Telli, Fuat Üzülmmez, Aydın Dikmen and United States-born, Paris-based antiquities dealer Robert Emmanuel Hecht (also known as Robert Hecht or Bob Hecht) were characterised as “dear friends” (according to Yamaç 2006). Üzülmmez is an honorary “uncle” to Hecht’s daughter (according to Mazur 2005). In the seventies, a Roman marble statue of Vibia Sabina, which had been looted in Turkey, was viewed by later-convicted antiquities dealer Giacomo Medici, yet ultimately passed from Üzülmmez to Hecht to the Museum of Fine Arts in Boston (as documented by Tsirogiannis 2016).

At least with regard to antiquities from Italy, Hecht’s “major supplier” was Gianfranco Becchina (according to the Carabinieri, cited by UNODC 2011). Charges of mafia association through looting and trafficking of antiquities by Becchina have been dismissed, as the testimony of a (deceased) former drug dealer and repentant state informant, Rosario Spatola, had long been judged to be improbable (as noted by Albertson 2017) and the testimony of a former mafia footsoldier and repentant state informant, Vincenzo Calcara, has recently been judged to be “unreliable” (by Italian judge Antonella Consiglio, cited by Albertson 2018). However, at least two other former members and two other former associates from Cosa Nostra have implicated Becchina and at least three members and two associates of Cosa Nostra have been implicated in his associations (see Albertson 2017). Notably, Paul Waridel spent August 1977-August 1979 in prison in Italy with Rosario Spatola and his brother Vincenzo Spatola, through which they became friends and after which they remained friends (according to Yalçın 2000).

8.4 Women’s Participation in Organised Cultural Property Crime

The publicly-accessible sources focused on men. Yet, some explicitly identified women and their activities (if not any potential position in a criminal organisation). Monika Kaufmann, whose husband was Turkish antiquities mafia boss Edip Telli, was involved in dealing (according to Acar, Kaylan 1990; Cumhuriyet 1990). Birsen Özharat, whose husband was Turkish antiquities mafia member Metin Özharat and

whose brother-in-law was Turkish antiquities mafia associate İbrahim Başbuğ, was involved in handling (according to Cumhuriyet 1992). Konstantina Dikmen, whose husband was Turkish-Cypriot antiquities gang boss Aydın Dikmen, was involved in bribery (as reported in Ortam, 10 June 1982, paraphrased by American judge James Noland 1989, 1389; see also Acar 1989b). And Aysegül Tecimer, whose then-husband was Turkish-Cypriot antiquities gang associate Asil Nadir, was involved in trafficking (according to Altın 2012). Seemingly, then, these women played significant roles in criminal activity. Typically, though, they had numerically small, structurally marginal, practically occasional positions in comparison to men and their activities. Still, this information offers a starting point for an interesting line of inquiry into cultural property crime.

8.5 Organised Crime and Political Violence

There was already piecemeal evidence of cultural property crime by the PKK, the Great Eastern Islamic Raiders' Front and the Grey Wolves. Preliminary social network analysis corroborates this. Some online communities of looters and traffickers have organisers [figs. 1-4] and other members [figs. 5-8] who are violent political extremists, from ultranationalists to Islamists. This establishes the need to analyse and monitor this criminal-political activity. It is particularly urgent, due to evidence of the deliberate targeting of the cultural property of minority communities by extremist criminals in dominant society (see also Hardy 2020b; Hardy 2020c, 219). In such cases, the looting or theft and illegal export of minority heritage functions as a material equivalent of the ethno-religious cleansing of community members.

8.6 The Rule of Lawlessness

Finally, manifestly, undermining of the rule of law has not been limited to the corrupting influence and violent intimidation of commodity criminals. "Tremeşeli" Mehmet Ali İlkman in Cyprus, Mustafa Bayram in Turkey and Heysem Topalca in Turkey and Turkey-backed paramilitary-controlled territory within Syria all enjoyed some form of politically-secured impunity. Inevitably, the impunity of those actors conferred impunity on their suppliers and buyers, to enable those systems of crime and violence to function.

Inevitably, too, states that offer security to some violent political actors also commit extrajudicial killings of others. Former MİT director Eymür testified in court that both Mustafa Bayram and Nevzat Telli had been on "the state's death list... the list of Kurdish business-

men who were to be killed [Devletin ölüm listesi.... Öldürülecek Kürt işadamları listesini]" for "being connected with PKK narcotics.... being businessmen who helped the PKK [PKK uyuşturucu bağlantılı.... PKK'ye yardım eden işadamları olduğunu]" (Uludağ 2015).

Notably, ultimately, they were not assassinated. And Turkey is notorious for politicised policing and disinformation, so their targeting does not confirm their guilt. In Bayram's case, his targeting appears to reaffirm other evidence of his activities. In Telli's case, the PKK is known to finance its activities through the racketeering extortion of a "revolutionary tax" or "voluntary contribution" from "businessmen" and "drug traffickers" from Turkey in the United Kingdom, Germany and elsewhere in Europe (Roth, Sever 2007, 910). So, his targeting is plausible and does raise questions about the potential flow of profits from illicit antiquities to the PKK.

The public histories of criminal organisations provide further evidence of intersections between cultural property crime and political violence. The second-in-command of the Turkish-Cypriot antiquities gang, "Tremeşeli" Mehmet Ali İlkman, was variously a politician in the Turkish Cypriot assembly, a fighter for a Turkish Cypriot paramilitary organisation and an agent for a Turkish intelligence organisation, who was the right-hand man of the Turkish Cypriot president. The lynchpin of the gang in and around the Turkish state, Mustafa Bayram, was a political actor and paramilitary financier as well as a violent criminal. This everyday reality must be recognised, monitored and combatted. That is a necessity for the maintenance of security and the rule of law everywhere from source to market. However, it will remain a practical impossibility, as long as states themselves undermine the rule of law.

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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

Satellite Technologies for Monitoring Archaeological Sites at Risk

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Abstract Satellite technologies are increasingly used to track looting in remote and inaccessible archaeological sites and assess damage to heritage. Evidence gathered in our study proves a growing user uptake of these technologies, beyond the specialist remote sensing community, but also that a more synergistic use of optical and radar data is required. The advantages of such an approach to satellite monitoring are demonstrated on Apamea, Syria. Current limitations and future perspectives are outlined, as an entry point to a comprehensive review published by the authors in the referenced journal article, that the readers are encouraged to refer to for a more in-depth and specialist discussion.

Keywords Looting. Archaeological remote sensing. Satellites. Change detection. Feature extraction. Pattern recognition. Google Earth. Synthetic Aperture Radar. Sentinel-2. COSMO-SkyMed.

Summary 1 Introduction. – 2 State of the Art and User Uptake. – 3 Synergy Between Optical and Radar Satellite Technologies. – 4 Multi-temporal and Multi-sensor Monitoring at Apamea, Syria. – 5 Limitations and Future Perspectives.



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1 Introduction

‘Looting’, defined as illegal excavations through digging holes on a site of archaeological or historic significance – usually in areas yet unexcavated by archaeologists – is an anthropogenic phenomenon that can be triggered and driven by various economic, social, cultural, and political factors (e.g. Al-Quntar 2013). Especially in poor regions, looting may be on a small scale, mainly for subsistence (e.g. Hamdani 2008). Large-scale excavation by means of digging tools and machinery is a planned activity, run by well-organized groups (Marrone 2018). Such systematic looting by means of earth-moving machinery can spread in a short time across a whole archaeological site, cause irreversible damage to the pristine archaeological stratification and context, and distinctively pock-mark the landscape. Data collected from space can provide a mean to capture this effect, although some limitations may apply depending on the visibility of the looting features, i.e. if they are located in areas obscured to the satellite line-of-sight, are covered by accumulated sediment, within structures and buildings, or dug as tunnels and holes along slopes.

When no visibility issues are present, satellites are helpful in documenting looting owing to the peculiar features that it leaves on the ground. These are common across different geographic locations. Looting pits distinctively differ from other types of archaeological features, and their excavation completely modifies the surface morphology of the affected landscape. Hand-dug pits are frequently scattered or clustered in small groups, characterized by shallow depth, and surrounded by mounds of debris that is sifted and then accumulated aside. Machine-assisted looting generally manifests in the form of regular, highly concentrated and extended series of looting holes, and sometimes includes excavation trenches a few meters deep.

While in the past archaeologists and heritage conservators documented looting features during their field inspections, through airborne surveys (e.g. Stone 2008) and more recently via drones (e.g. Kersel, Hill 2015), since the early 2000s there has been an increased and more systematic use of satellite images, mostly sourced from commercial providers (e.g. DigitalGlobe) or freely accessible platforms (e.g. Google Earth; Contreras 2010). The satellite-based assessment allows archaeologists to successfully overcome limitations of site inaccessibility and substantiate incident reports collected from broadcast and social media, or written based on ground observations. In this regard, there is a consensus within the research community about the advantageous properties offered by satellite imagery (e.g. Bewley et al. 2015; Danti, Branting, Penacho 2017; Rayne et al. 2017; Tapete, Cigna 2018).

Undoubtedly, some events accelerated the use of satellite imagery for detecting looting, such as the Syrian conflict during which remote

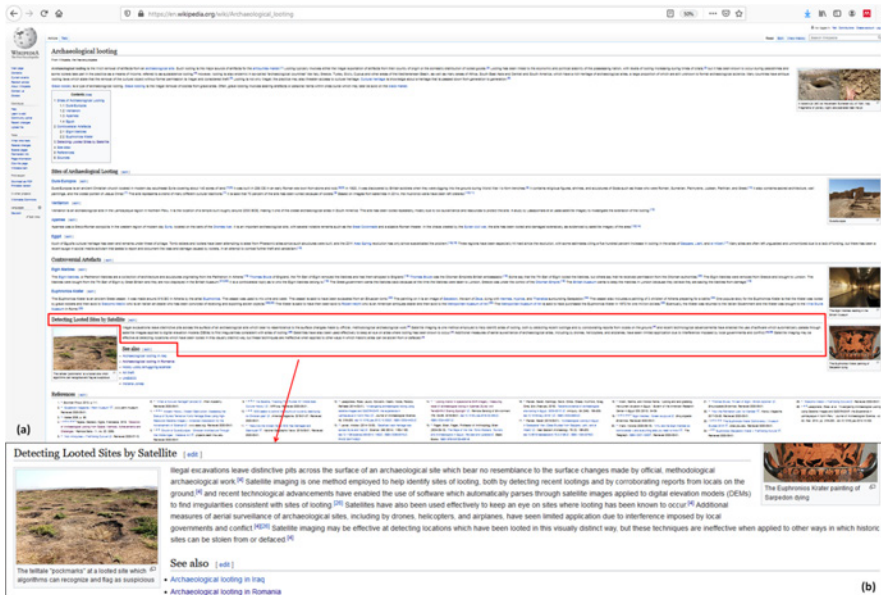


Figure 1 (a) Wikipedia, “Archaeological looting” webpage and (b) the section dedicated to the use of satellites for detection of looted sites (last edited on 22 November 2020).
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sensing data have come of age for archaeological purposes (Brodie, Sabrina 2018). The impact of satellite imagery on heritage management and protection practice was remarkably positive, and international organizations, practitioners and heritage bodies nowadays regard satellite-based assessment as a source of objective information allowing a conservative estimate of the condition on site.

If satellite remote sensing is now among the research methods usually employed to identify looting, it also appears to be so in the perception of the general (non-expert) public, that has been overflowed by broadcast and social media information on how satellites (particularly, optical images) contributed to assess damage in areas of warfare. A clear example was the media attention that Palmyra gathered when the first satellite image showing the destruction of the Temple of Bel was released (BBC 2015). Interestingly, not only “archaeological looting” has become an entry in the Wikipedia free encyclopaedia [fig. 1a], but also within its description a paragraph is dedicated to “Detecting Looting Sites by Satellite” [fig. 1b].

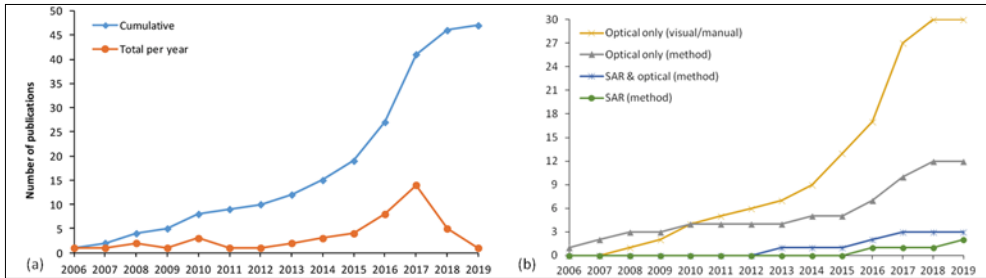


Figure 2 (a) Peer-reviewed publications indexed in Scopus as of mid-2019 where satellite images were used to detect looting at specific archaeological sites and/or image processing methods aimed to detect looting were presented; and (b) their distribution based on the type of images (either optical or synthetic aperture radar, SAR) and the mapping approach (visual/manual, or assisted by an image processing-based method). Modified from Tapete and Cigna (2019b) under the Creative Commons Attribution License

2 State of the Art and User Uptake

Strong evidence of the advancements in this field of research and practice, as well as of how users have increasingly become acquainted with satellite technologies, is retrieved through a bibliographic review of the peer-reviewed publications that were indexed in Scopus during the last 15 years (as of mid-2019) and focused on either the use of satellite imagery for looting assessment at specific archaeological sites, or the development of image processing techniques to detect, monitor and quantify looting. The total of 47 papers published since 2006 [fig. 2a] was the outcome of a steady increase until 2013, with 1 to 3 papers per year. However, no immediate correlation was found between the number of papers and key historical events that happened during 2006-18, i.e. the Arab Spring and the start of the Syrian civil war (conventionally beginning on 15 March 2011), in conjunction of which a significant number of incidents of looting were recorded across the Middle East and North Africa region. In this regard, Casana (2015) analysed the frequency of looting in Syria, by distinguishing pre-war (likely encompassing several decades of activity before 2011) from post-war looting (taking place in 2012-15). He found an increase in looting frequency by nearly an order of magnitude in Syrian heritage sites, although war-related looting was similar in proportion to the record of pre-war looting. Whereas, Parcak et al. (2016) evidenced a statistically significant upward trend in site damage and indicated a greater looting frequency in Egypt following the recession in 2008-09, but prior to the Arab Spring.

In light of the evidence brought by these studies, further insights are gathered if the publications produced by remote sensing researchers and archaeologists are analysed. A clear ramp up of the curve started in 2013 [fig. 2a], with 37 publications published since then, and a peak of 14 papers in 2017.

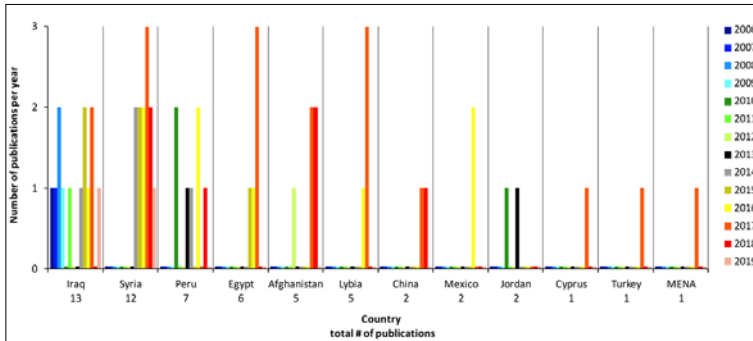


Figure 3 Geographic and temporal distribution of documented looting in the peer-reviewed publications reported in Figure 2. Publication database updated as of mid-2019. Reproduced after Tapete and Cigna (2019b) under the Creative Commons Attribution License

Looking at the geographic distribution where the authors of these papers found evidence of looting using satellite images, Iraq and Syria appear to be the most studied countries with 13 and 12 papers, respectively, followed by Peru (7), Egypt (6), Libya (5) and Afghanistan (5) [fig. 3]. These numbers do not provide a ranking of countries most affected by looting. Instead, they indicate which countries were the focus of the literature over the last 5 years.

Papers investigating looting in Iraq and Peru were published more regularly in 2006-19 [fig. 3], while Syria, Afghanistan, Egypt and Libya were covered more unevenly. The constant attention that scholars paid on investigating Peruvian incidents of looting from space demonstrates that looting is a phenomenon that often happens in ordinary times, regardless of political instability that may create favourable conditions for looting to spread. The logistical difficulties of accessing remote regions and managing cultural heritage across vast territories, make satellite remote sensing ideal to produce damage and looting maps as well as incident reports (Tapete, Cigna 2019b).

Accounting for the “spatial focus” and “spatial scale of analysis” at which these studies were conducted, of the 23 publications with a region-specific focus, 7 present inventories of looting incidents covering large landscapes. These papers mostly relied on visualization platforms (Google Earth and Bing Maps) or very high resolution (VHR) satellite imagery. The latter were often sourced through partnerships with government agencies or private foundations (e.g. Hammer et al. 2018). Although studies with site-specific spatial focus still predominate, papers presenting systematic region-specific exercises of looting recording have increased since 2016. This shows how the scope and methodologies of this field of archaeological remote sensing are gradually changing (Cf. Casana, Laugier 2017).

Scholars and practitioners have made efforts to develop methodologies to support the following typical steps of space-based assess-

ment of looting: (1) detection of incidents through the identification of surface features caused by looters; (2) mapping of the detected features to derive spatial information on their distribution and extent; (3) counting of features to quantify the damage extent and/or estimate the rate of looting; (4) if the analysis is repeated in time, multi-temporal monitoring of looting is achieved.

These methodologies essentially differ in how the detection is made, how looting features are mapped, and the scale at which the analysis is conducted. The first major distinction is whether the features are detected and identified visually by the operator, or with the aid of image processing. The literature review highlights that since 2006 visual methods were predominant and mainly applied to VHR optical images [fig. 2b], likely due to the more intuitive identification of looting features in the visible bands, as well as the large volumes of freely accessible data through online visualization platforms (e.g. Google Earth). Since they require image interpretation, these methodologies are frequently questioned for their subjectivity, time-consumption and lack of repeatability and replication (although practitioners are well conscious of the drawbacks and error sources, and implement measures to manage subjectivity, skills gap, lack of standardization and uncertainty; Rayne et al. 2017).

Methods of image processing for looting detection are increasingly being developed [fig. 2b], also in more recent years (e.g. Rayne et al. 2020). This evidence suggests a growing user uptake of these technologies, beyond the expert image analysts. The fact that several papers are co-authored by remote sensing experts and archaeologists suggests that multidisciplinary team working is beneficial to favour such user uptake. A critical review of the image processing-based methods is extensively discussed by Tapete and Cigna (2019b).

3 Synergy Between Optical and Radar Satellite Technologies

Optical and Synthetic Aperture Radar (SAR) data mutually complement each other to detect, document and monitor looting. However, this synergy has not been yet fully exploited by scholars.

So far, most publications used optical images (42 out of 47 papers), in some cases by processing them to extract looting features, in others through visual inspection and manual digitization of looting features. 41 papers used VHR optical data, chiefly sourced from commercial providers, and only 1 paper used Sentinel-2 images at 10 m spatial resolution to assess the spread of looting at site scale (Tapete, Cigna 2018). More recently, an experiment with Landsat 7 ETM+ imagery has been carried out by Agapiou (2020).

Very limited is the exploitation of SAR data (2 and 3 of the analyzed publications used SAR as the sole data source and in combina-

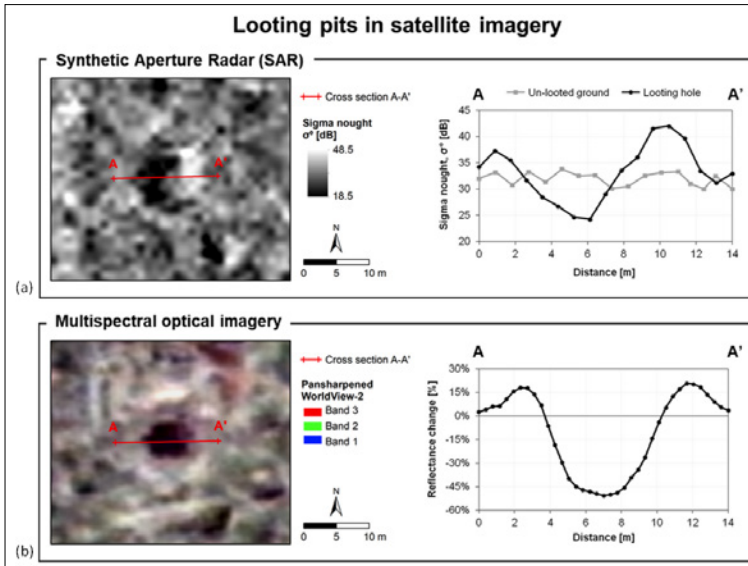


Figure 4 Appearance of looting pit in VHR (a) SAR and (b) multispectral images, and associated normalized radar backscatter sigma nought (σ^0) and reflectance change spectral profiles. (a) COSMO-SkyMed® Products ©ASI – Italian Space Agency – 2018-19. All Rights Reserved. (b) WorldView-2 product © 2018 DigitalGlobe, Inc. Distributed by e-GEOS S.p.A. Modified from Tapete and Cigna (2019b) under the Creative Commons Attribution License

tion with optical images, respectively). Main reasons for this are as follows. SAR acquisition modes that can offer the adequate spatial and temporal resolution were released relatively recently (e.g. Tapete et al. 2016). In other cases, even if SAR imagery was available for a long time via dedicated announcements of opportunities by the space agencies (e.g. Italian Space Agency, German Aerospace Center, European Space Agency), only remote sensing experts exploited these data, while most of the heritage community was not aware of their usefulness for looting assessment (Tapete, Cigna 2019a). This is the case of the Spotlight mode data provided since 2007 by the TerraSAR-X mission (i.e. HR Spotlight at 1 m resolution, and Spotlight at 2 m) and the COSMO-SkyMed constellation (i.e. Enhanced Spotlight at 1 m). Another aspect that should not be forgotten is that there is still an important skills gap in SAR data handling across the broader archaeological (remote sensing) community. This limitation contributes to the common misperception that SAR does not have adequate resolution for archaeological applications, is difficult to process and interpret, and therefore is not useful (Tapete, Cigna 2017).

Figure 4 provides an example of a looting hole as imaged by the COSMO-SkyMed SAR constellation in Enhanced Spotlight mode with 1 m ground resolution and 41° incidence angle, and a commercial WorldView-2 image pansharpened with Gram-Schmidt algorithm

(R: Band 3 - red; G: Band 2 - green; B: Band 1 - blue). In the SAR image, the looting pit can be recognized thanks to the geometric distortions that are caused by its morphology and its illumination by the active satellite sensor. Compared to un-looted ground, the radar backscattering profile of the looting hole is characterized by an evident drop due to the radar shadow component of the looting mark, followed by a pronounced increase due to layover [fig. 4a]. In the spectral profile of the same looting pit extracted from the WorldView-2 image [fig. 4b], a marked decrease of surface reflectance is found across the extent of the pit compared to the un-looted ground nearby.

4 Multi-temporal and Multi-sensor Monitoring at Apamea, Syria

Formerly included in the Tentative List of UNESCO in 1999 owing to the richness of its monuments and the high archaeological potential, the site of Apamea has been looted since the start of the Syrian civil war, with the first shocking evidence of damage provided through DigitalGlobe VHR imagery (Casana, Panahipour 2014; Lawler 2014), accessible through Google Earth.

Figure 5 shows the multi-temporal and multi-sensor satellite monitoring that has been carried out since 2013 to track the spread of looting across Apamea in 2011-20, according to the synergistic approach described above. The following looting detection methods have been implemented and combined: visual identification of looting features and manual mapping (Tapete et al. 2016), SAR texture extraction, supervised classification, SAR amplitude change detection, dynamic mapping of looting (Tapete et al. 2016; Tapete, Cigna 2019a, 2019b), surface reflectance change detection, spectral signatures and indices (Tapete, Cigna 2018, 2019b).

Based on Google Earth we could infer that, as of April 2012, 0.93 km² (i.e. ~38%) of the archaeological site was looted. Looting devastated ~75% of the excavated sectors plus ~12% of the unexcavated areas. IKONOS satellite data acquired in September 2012 showed that looting holes increasingly started to appear in the private-owned land west of the modern road, from a few clusters covering 0.015 km² in September 2012 to 0.105 km² in March 2014 [fig. 6].

In agreement with the above estimates, the TerraSAR-X Staring Spotlight data acquired in October 2014 with an unprecedented azimuth resolution of 0.24 m showed that ~45% of the site was looted. Since then, owing to a regular sampling of one image every two months, new looting marks could be observed north of the main Roman *decumani* in 2014-15, and looting rates could be estimated in the order of 780 new looting marks/month in April-June 2015 (Tapete et al. 2016).

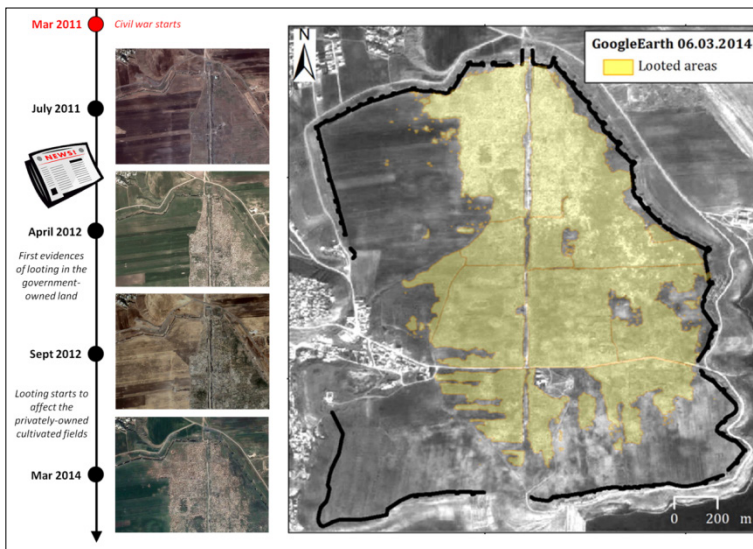
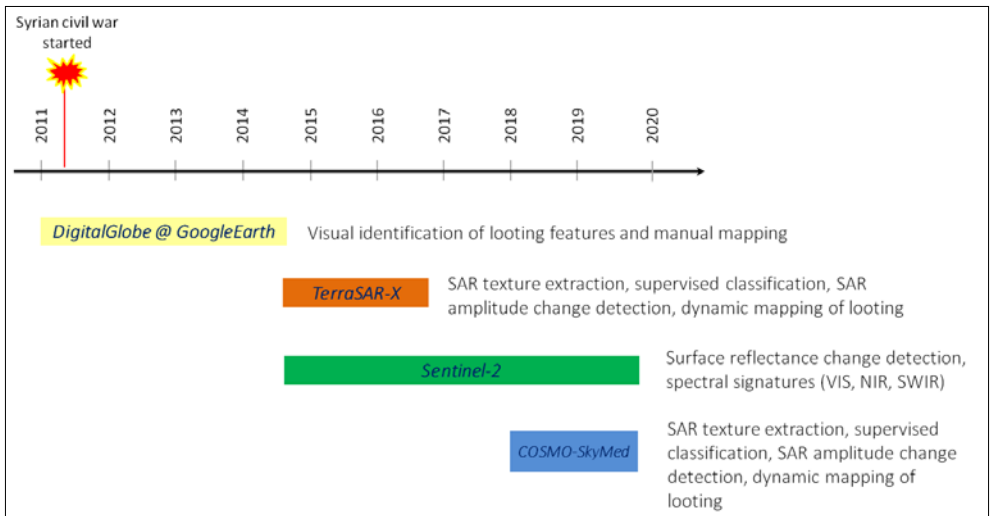


Figure 5 Multi-temporal and multi-sensor satellite monitoring of looting at Apamea (Syria), with indication of the timeline, satellite data and looting detection methods

Figure 6 Multi-temporal monitoring of looting in Apamea in 2011-14 based on Google Earth imagery, through visual identification of looting features and manual mapping. Modified from Tapete et al. (2016) under a Creative Commons license

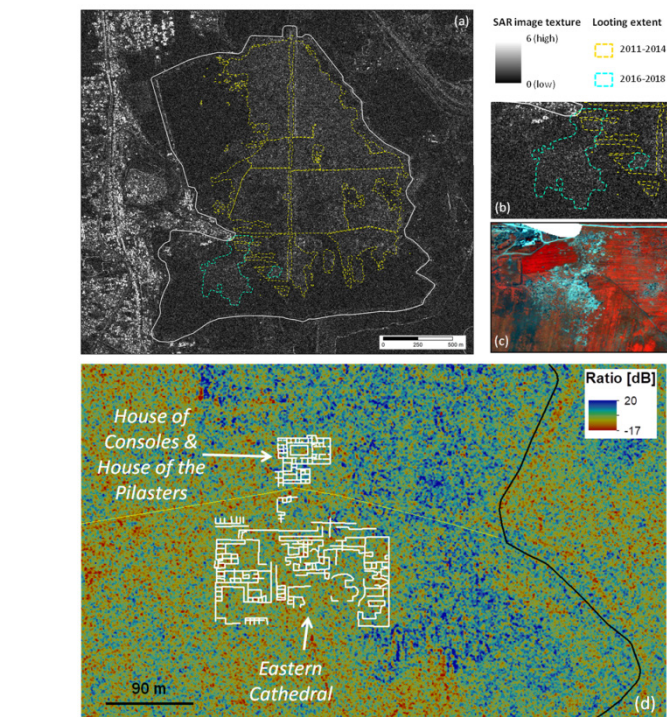
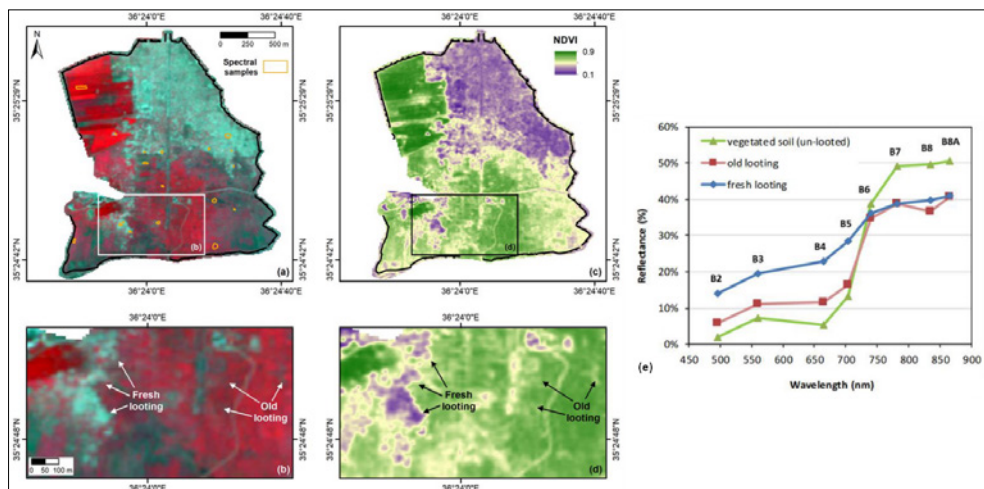


Figure 7 Archaeological looting at Apamea captured with 10 m Sentinel-2 image collected on 21 April 2017 and displayed as: (a,b) false-colored infrared (R: Band 8 – NIR; G: Band 4 – red; B: Band 3 – green) and (c,d) Normalized Difference Vegetation Index (NDVI). (e) Spectral profiles of surface reflectance in VIS and NIR bands. Contains modified Copernicus Sentinel-2 data 2017. Modified from Tapete and Cigna (2019b) under the Creative Commons Attribution License

Figure 8 (a) Texture map of Apamea from a COSMO-SkyMed Spotlight image acquired on 16 July 2018, with indication of areas looted in 2011-14 and 2016-18. The zoomed view in (b) shows a looting cluster south-east of the Roman theatre and (c) the matching false-coloured WorldView-2 product acquired on 03 April 2017 (© 2018 DigitalGlobe, Inc. Distributed by e-GEOS S.p.A.). (d) SAR amplitude change detection map from COSMO-SkyMed scenes acquired in July 2018 and March 2019 shows new looting close to the Houses of Consoles and of Pilasters and the Eastern Cathedral (COSMO-SkyMed® Products ©ASI – Italian Space Agency – 2018-19. All Rights Reserved)

By screening the cloud-free archive of Sentinel-2 from August 2015 to December 2017 to search for any textural and/or surface reflectance changes within the site walls, new looting was clearly detected since February 2016 south-east of the theatre, west of the *Cardo Maximus* and the *Agora*, and in the eastern portion of the archaeological site, along the second main *Decumanus*. Further episodes of looting were also found in 2017. The observed remarkable increase in surface reflectance is compatible with new looting holes being dug and the associated brighter terrain being exposed by the excavations (Tapete, Cigna 2018).

In vegetated sites, this process can be captured and spatially mapped very well through false colour composites [figs. 7a-b] and spectral indices such the Normalized Difference Vegetation Index (NDVI) [figs. 7c-d]. The latter allows the identification of looting as a “non-green negative mask”, wherein some of the older looting clusters appear more faint than the most recent incidents, as also highlighted by the spectral profiles in the visible (VIS) to Near-Infrared (NIR) bands [fig. 7e].

By comparing the previous results with the SAR texture map from a COSMO-SkyMed Spotlight image acquired on 16 July 2018 [fig. 8a], it was found that new looting occurred south-east of the Roman theatre [fig. 8b]. The looting cluster started to appear in April 2016 and further expanded until April-May 2017, reaching the extent that was recorded by COSMO-SkyMed. The delineation based on SAR texture is as precise as the looting cluster footprint extracted based on the false-coloured infrared WorldView-2 image at 30 cm spatial resolution [fig. 8c]. Furthermore, the SAR change detection map confirmed that new and repeated looting occurred in 2018-19 along the second main *Decumanus* [fig. 8d].

5 Limitations and Future Perspectives

An obvious limitation common to all satellite-based looting assessment methods is the lack of visibility of the looting features. Looting in obscured areas, covered by accumulated sediment, within structures and buildings, or dug as tunnels and holes along slopes, are unlikely to be visible in satellite images. So, not all forms of looting can be recognized using satellite data. Moreover, confusing looting with natural features has been repeatedly reported in the literature as a common cause of misidentification.

Satellite-based assessment of looting has to be carried out in a critical way. Regardless whether such assessment is made by visual identification and manual mapping or through the aid of image processing-based methods, it does nevertheless require, upstream, parameter settings informed by operator’s expert knowledge of loot-

ing features (and, more generally, of local archaeological specifics) and, downstream, a certain amount of interpretation to use the outputs from the image processing.

Spatial and temporal resolutions of satellite data are critical factors to achieve accurate and granular quantification of damage. However, the spectrum of observation solutions currently provided by past and ongoing satellite missions can be effectively exploited if a multi-temporal and multi-sensor synergistic approach is implemented.

While further efforts are encouraged to widen the user community and their uptake of these technologies, particularly in developing countries and those most affected by looting, there is no doubt that in future more has to be done on several aspects (Tapete, Cigna 2019b). First, by testing the value of automation and machine learning to speed up the detection and mapping steps, while ensuring at least the same level of accuracy. Second, by promoting the sharing of techniques and methods through better networking and collaboration between the different groups working on image processing chain development for space-based looting assessment, in an effort to move towards the definition of protocols and best practices.

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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 Giovannelli

The Journal of Cultural Heritage Crime: An Editorial Project

Serena Epifani

The Journal of Cultural Heritage Crime, Italy

Abstract Until 2018, Italy lacked a magazine specifically dedicated to crimes against Cultural Heritage: *The Journal of Cultural Heritage Crime (JCHC)* has proposed to fill this gap. The Journal combines a content-oriented web platform and a social media strategy (Facebook, Twitter, Instagram, and LinkedIn). The project primarily aims to spread accurate information and raise public awareness, thus contributing to tackling crimes against Cultural Heritage. It actively promotes cultural events (as a sponsor, patron, organiser or media partner) and fosters network-building with professionals and institutions (such as INTERPOL and the Carabinieri). Each week, the *JCHC* website features articles, flash news, books reviews, a press review (national and international), and a cultural events calendar; on the other hand, a customised communication strategy has been developed for each social media account. The engagement data and the different kinds of interaction show that the project can indeed be an effective tool in countering crimes against Cultural Heritage.

Keywords Online journalism. Art-crime. Information. Cross-media. Social media.

Summary 1 The Journalistic Background. – 2 The Editorial Project *The Journal of Cultural Heritage Crime*. – 3 The *JCHC* Website. – 4 The Social Media Accounts of *JCHC*.

1 The Journalistic Background

The last 20 years have witnessed an exponential growth of journalistic websites, and the possibility of browsing them on a daily basis has become a custom.¹ The attested typologies are several, as those belonging to editors, or

¹ Bolzoni 2015, 23 ff.; Bellasio 2018, 164 ff.



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blogs and platforms. This phenomenon did not occur without repercussions, as it has happened and still happens in the lively debate among press professionals that discuss, for instance, about the fate of traditional journalism.² *Citizen-journalism*³ first, and secondly the advent of social networks have further changed the modalities of news diffusion, highlighting the issue of source verification and, more generally, the deontology of the journalist: professionals of information are bound to take these aspects into high consideration. Thus, next to printed-paper supporters, the advocates of the digital revolution are now emerging, persuaded that newsstand journals are soon to disappear and get replaced by websites, and that a new way of practicing journalism should be conceived, notwithstanding the premises from which the journalistic profession took its start and using those technological tools which are now irreplaceable in the daily life of citizens.⁴

In the annual report on information consumption in Italy, the Regulatory Authority for Communications (AGCOM) points out how access to news by the public is increasingly redirecting to the Internet and towards the resources the web offers to its users.⁵ The recent AGCOM survey describes the users' access to information through a cross-media approach, therefore through a combination of media. The report states that "in an all-round vision of the phenomenon it is possible to assert an increase in importance of a *mass medium* such as the Internet, which plays an essential role in this context". Hence the Internet is affirming its position in news retrieval as a major source. In fact, if television is assessed as the most widely used vehicle of information, the Internet is proving itself to be a growing force in the field [fig. 1].

Generally, most of the population accesses means of communication to keep informed; 80% of citizens use them on a daily basis, as they are the primary source for news [fig. 2]. Based on the data released by AGCOM, Italians are availed of information online through "algorithmic"⁶ sources. This occurs especially on social networks and web browsers, the favourite gateways for those users who are leaving behind printed newspapers, which is undoubtedly less affordable, to access information through digital tools. It is estimated that these users are represented by 54.5% of the population [fig. 3]. Data analysis highlights the users' favour towards web browsers and so-

² Puliafito 2017, 24-31.

³ Bolzoni 2015, 56 ff.; Partipilo 2018, 47.

⁴ Puliafito 2017, 35-8.

⁵ AGCOM 2018, 1-4.

⁶ AGCOM 2018, 51.

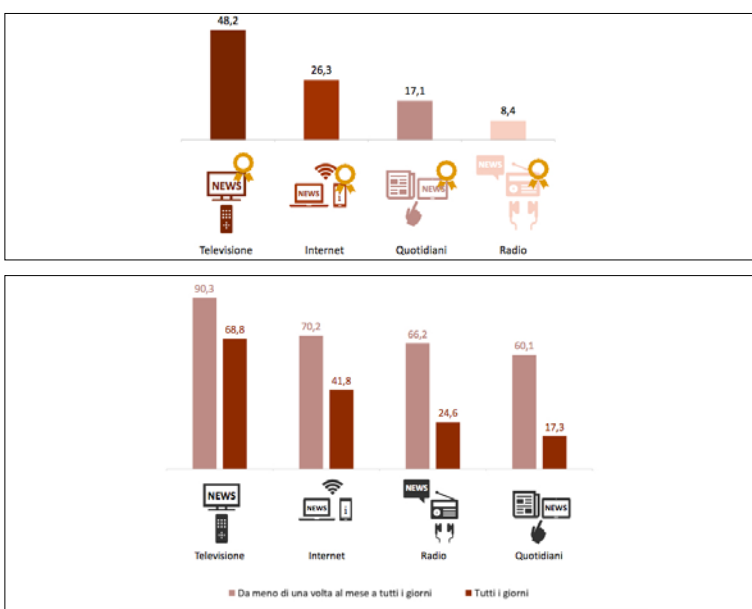


Figure 1 Main sources of information for Italians (2017; % population). Source: AGCOM 2018, 6

Figure 2 Different media as a source of information (2017; % population). Source: AGCOM 2018, 14

cial networks. These tools are placed respectively third and fourth in the list of information sources considered most reliable, fully replacing other mass media.

An interesting data in the report is the one concerning the “media diet”⁷ of underage people, who “only” access information via social networks. Furthermore, around a quarter of underage people does not feel necessary to get informed, or it does so exclusively through most well-known social platforms.

Thus, thanks to the diffusion of new digital technologies, access to the web is now considered a mass phenomenon. Although, if the pluralism of information must be guaranteed, both in regard to the information offer and information demand, it is necessary to supervise and hinder the negative episodes that find in the web a rather fertile ground.

Specialized professionals of the field have been entrusted, since forever, to pledge on a deontological basis a proper dissemination of news. Accurate information, however, is obstructed by the spread of pathological phenomena as fake news, that has become a synonym of misinformation and has spared no field. Nowadays, the Eng-

⁷ Leckner - Severson 2018.

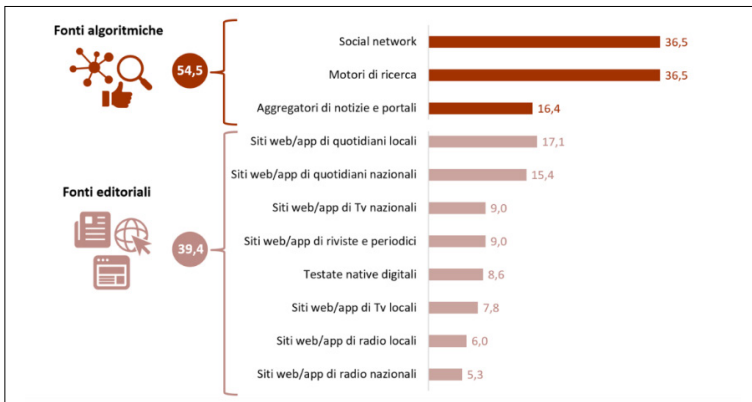


Figure 3 Access to information through algorithmic and editorial sources (2017; % population). Source: AGCOM

lish term ‘fake news’ seems to describe a novelty where, as a matter of fact, the phenomenon has been the same for a long time.⁸ If anything changed it is the speed by which fake news is spread thanks to the advent of the web, with the extremely damaging consequences that we are getting to recognise. To contrast such cultural decline, journalists have to face the arduous task of guaranteeing correct information. This is the reason why the proliferation of self-managed blogs and online information spaces requires specific attention and proactive monitoring. This is especially useful to instil trust and awareness in readers and take a distance from any form of improvisation.

2 The Editorial Project *The Journal of Cultural Heritage Crime*

The Journal of Cultural Heritage Crime (JCHC), launched in September 2018 after a ‘trial’ year, takes its proper place in this context as an online editorial project. *JCHC* is the first website in Italy [fig. 4] to be conceived as a portal of in-depth research regarding the protection of cultural heritage, with a specific attention to actions against illicit trafficking in artworks, as well as the recovery and restitution of illicitly removed cultural objects. A special focus is also dedicated to the measures to contrast the black market of archaeological artefacts and works of art. Furthermore, the recovery and restitution of these stolen or looted items is of major importance.

⁸ AGCOM 2018, 57; Puliafito 2017, 87-90.

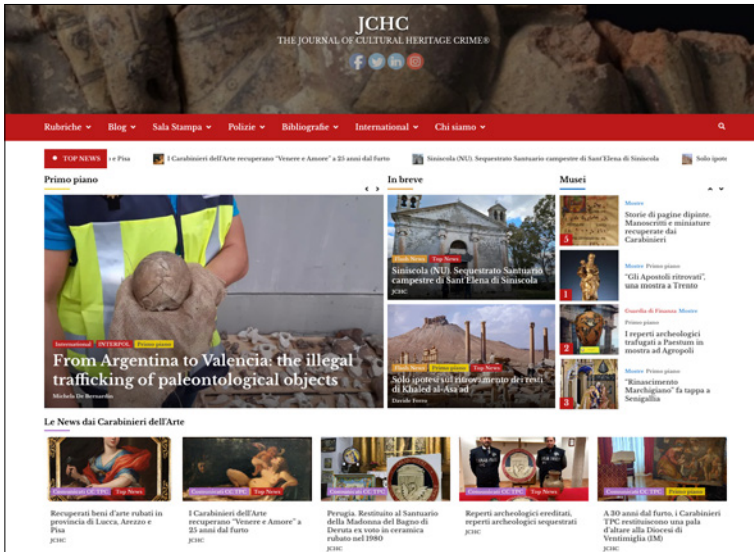


Figure 4 Homepage of *The Journal of Cultural Heritage Crime* website

The Editorial Staff of the *Journal* is composed of archaeologists, art historians, curators, palaeographers, archivists, art-security experts and jurists, all of which are active in the field of cultural heritage protection. Academics and experts from various backgrounds contribute to the project by providing readers with detailed and technical updates on the topics.

The Journal of Cultural Heritage Crime combines the articles featured on the website to a communication social media strategy.

The general lack of attention of the Italian non-specialised press towards this kind of offences and criminal activities, which only rarely take up the front page, urged the launch of this new editorial project. News involving our cultural heritage is almost always perceived as of secondary relevance, and when it hits the headlines, facts are too often misleadingly presented or partially recounted.⁹ A typical

⁹ See the multiple titles inopportunately dedicated to Pompei (for instance, *Pompei, gli ultimi scavi svelano il mistero: "Fu fondata dagli Etruschi"* [Pompei, the Latest Excavations Unveil the Mystery: "It was founded by Etruscans"] <http://www.rainews.it/dl/rainews/articoli/Pompei-ultimi-scavi-svelano-il-mistero-Fu-fondata-dagli-Etruschi-a8bcc2f6-3ecd-410d-ad80-f5dd04380d04.html>; *A Pompei il mistero della piccola Mummia* [The Mystery of the Little Mummy in Pompei] <http://www.arte.it/notizie/mondo/scoperta-in-francia-una-piccola-pompei-13299>; *Antica Norba: la piccola Pompei dei Monti Lepini* [The Ancient Norba: the Small Pompei of Monti Lepini] https://www.ilmessaggero.it/viaggi/weekend_italiano/norba_resti_monti_lepini-5531070.html), or those that suggest findings of treasures.

sensationalism, along with a widely inaccurate use of terminology, prevails on contents, which end up at times to be quite unreliable. The formerly cited approach is studied to feed click bait dynamics, and it consequently affects the quality of information.¹⁰

Moreover, it is discouraging to see, both on printed and online generalist newspapers, topics regarding cultural heritage featured under the show business column or, more generally, in the culture section. It is the so-called 'third page', usually to browse to catch new ideas on how to spend one's free time.

The purpose of the project is to reserve this type of news the dignity of the front page, and make up for the unexplainable silence around the crimes committed against cultural heritage by specialised magazines. By focusing on historic and artistic subjects or new, thrilling archaeological findings, also these magazines and journals fail to contribute to deepening the reader's knowledge on such relevant topics.

The Journal of Cultural Heritage Crime is set up as a public service providing information, in order to support those who are daily involved in the protection and valorisation of our cultural heritage. Its greatest ambition is to interact with and engage the general public, with the aim of raising awareness even in those who are not working in the cultural heritage sector jobs. To reach this goal, the great potential of *social media* must not be underestimated. If the press job is to provide information, *social media's* task is to communicate in an efficient way, without devaluing the news content.

Other international projects¹¹ are active in protection of cultural heritage, the *Journal* is the first to specifically focus on the Italian heritage addressing the national public. Nonetheless, the platform has recently integrated new content in English, French and Spanish, with the clear intent to host facts and opinions about heritage protection from an international background to promote the public's active engagement.¹² It tries to contrast crimes against cultural heritage by raising awareness in the public opinion with meticulous and updated information. New technologies and a cross-medial approach allow the *Journal* to spread its original content through a variety of digital means. The website hosting the editorial project is a remarkable archive where topics are broken down into different categories and sections. Videos, images and links to other relevant websites have a dedicated space too, thus enriching the scope of the information provided and adjusting it to the individual readers' needs.

¹⁰ Puliafito 2017, 276; D'Eredità-Falcone 2018, 191-5.

¹¹ For instance, ARCA (<http://art-crime.blogspot.com>), *Trafficking Culture* (<https://traffickingculture.org>), and the EAA Committee on the Illicit Trade of Cultural Material (<https://heritage-lost-eaa.com>).

¹² Jenkins-Ford-Green 2013.

Facebook, Twitter, Instagram, LinkedIn and Telegram are cornerstone elements to efficiently reach out to a broader public.¹³ The communication strategy employed on *social networks* guarantees, along with the main activities offered by the portal, the widespread diffusion of the news. The possibilities offered by digital technologies cannot be underestimated as they play a crucial role in how the users achieve the information. Customers of social platforms are led to the portal through the posts published on the *Journal's* accounts, drawing from the variety of contents proposed by the editorial staff. Thus, besides the direct search on web browsers, also social media accounts represent a frequent link to the *Journal* portal. Another important aspect is the *re-posting* activity of content curated by institutional pages involved in cultural heritage protection. To conclude, on the social media accounts of the *Journal*, comments and reports on risk and damage situations for monuments and works of art are always welcome and encouraged.

3 The JCHC Website

With respect to the past, an intelligent exploitation of new technologies allows a more immediate access to information; setting up a website seemed the most appropriate solution to launch news in real time. *The Journal of Cultural Heritage Crime's* homepage is the most dynamic section of the platform. Conceived and programmed as the showcase of the *Journal*, it offers a synthesis of diverse, daily updated contents. The features [fig. 5] of the *Journal* correspond to the various chapters into which we can break down the wider topic of crime against cultural heritage: theft, plagiarism and forgery, damages, raids, abandonment, international trafficking in cultural heritage, seizures, recovery and restitution of stolen and looted artefacts.

Newly published articles are highlighted in the “Primo Piano” section. They show in the upper portion of the page, on the left, following the very ‘architectural’ principles of communication preach: whoever lands on the *JCHC* homepage will visualise this area first, always highlighted.¹⁴

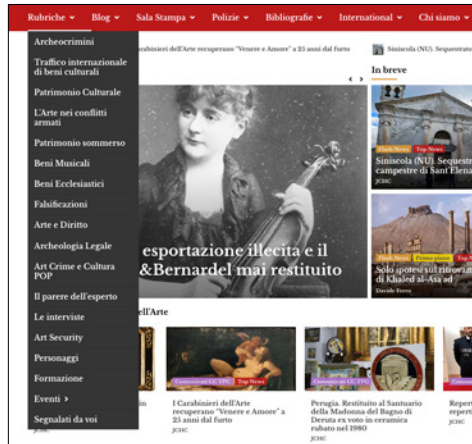
The feature “Interviews” represents an opportunity of productive exchange between the editorial staff and specialists and leading actors of the cultural heritage field, which is always enlightening to understand at best the dynamics regulating the illicit activities against it.

The *Journal* never neglects to inform readers on events, exhibitions, workshops, conferences or specific seminars about the protection of cultural heritage. Just as well as, in the “Education” feature, the *Journal* suggests educational proposals by universities and pres-

¹³ Mandarano 2019, 73 ff.; Santoro 2018, 211 ff.

¹⁴ On functional planning of websites see Badaloni 2016.

Figure 5
 Sections of *The Journal of Cultural Heritage Crime* website



tigious institutes, which aim at keeping the interested public updated on such evolving topics.

Bestsellers, movies and television shows are also often based on facts related to cultural heritage crimes which are of interest to the Journal: especially artwork thefts, the world surrounding collectors and auctions, the international traffic of cultural heritage, the preservation of heritage in conflict areas. These topics have a great storytelling appeal. The portal, then, also provides reviews and dedicated articles to inform on new publications editorial publication or interesting movies and documentaries.

The “Sala Stampa” (Newsroom) [fig. 6] highlights the weekly online press-review that includes in-topic articles published by national and international newspapers, as well as related blogs. The *Journal*’s platform works as news aggregator too. The collection of press agencies, in a dedicated section, has its own relevance, along with the news, grouped according to the topics.

A strong point in the project is the attention dedicated to the activity performed by the enforcement agencies [fig. 7], especially the Comando Carabinieri per la Tutela del Patrimonio Culturale, to which the portal reserves special sections. One of the formerly mentioned sections gathers all official reports by TPC regarding the operations of the Comando, with special attention to Territorial Units. The work of Polizia di Stato, DIA, Guardia di Finanza is highlighted too. Although they do not have a specific section for cultural heritage protection, during their investigations, these institutions come regularly across violations involving cultural heritage during investigations. These occurrences are punctually referred to readers. Special sections are also dedicated to international law enforcement agencies: INTERPOL, with its *Works of Art Unit*, and both the Spanish Guar-

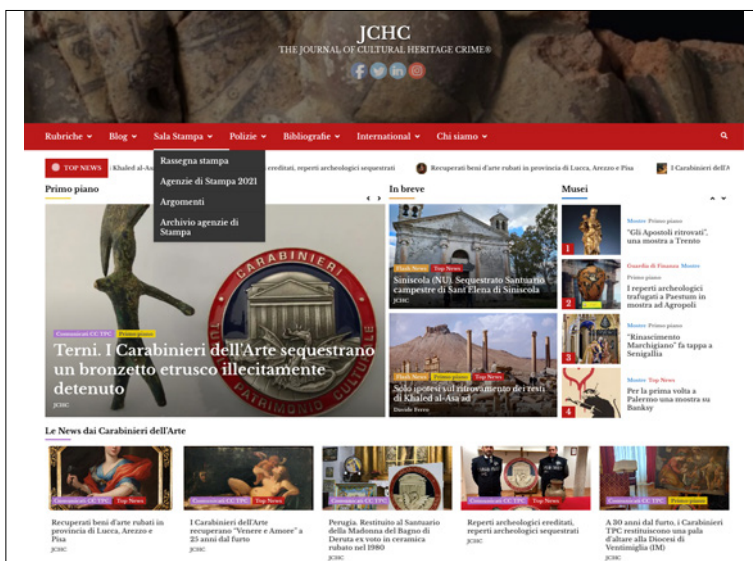


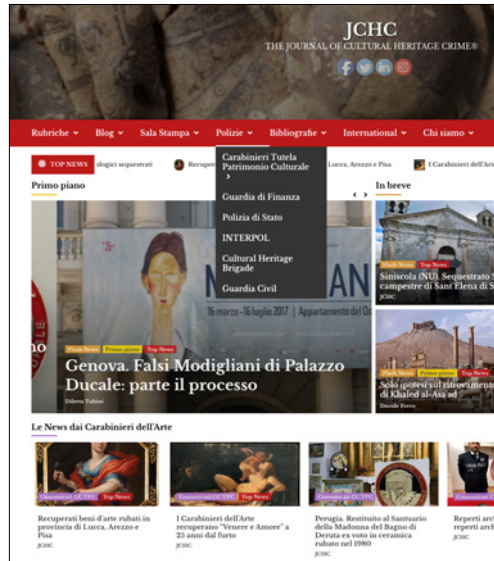
Figure 6 “Sala Stampa” (Newsroom) of *The Journal of Cultural Heritage Crime*

dia Civil and the *Cultural Heritage Brigade*, which, by contacting the *Journal's* editorial staff, expressed the will to report their activities in Spain to the international public.

At the moment, as formerly mentioned, the language employed by the *Journal* is mostly Italian. The conscious choice of Italian was due to the necessity of encouraging Italian people's involvement and interest towards a neglected heritage, which is not perceived as a symbol of cultural identity, especially by the youngest, who are often responsible for acts of vandalism.

The wish of the project's founders is to facilitate the creation of a network of heritage professionals, and to contribute to keeping them connected to the non-specialised public in order to disseminate accurate information. The target consists in sharing news by collaborating more and more tightly with Italian and foreign academics. For this purpose, our portal opened a new section, titled “International”. Articles in languages other than Italian will be collected here, expanding the range of topics dealt with by the magazine. *JCHC* has also developed strategic partnerships with two museums and a foundation: the Museo Archeologico Lanciani in Guidonia-Montecelio, the Museo dell'Arte in Ostaggio (MAIO) in Cassina de' Pecchi, near Milan, and the Fondazione Enzo Hruby. All the dedicated, customised pages can be quickly reached through the homepage. This networking activity is significant, as it allows the organisation and sponsorship of events and informative conferences.

Figure 7
 Sections dedicated to Law
 Enforcement Agencies
 on *The Journal of Cultural
 Heritage Crime* website



4 The Social Media Accounts of JCHC

As it is certain that a high number of users keep informed through social platforms regulated by algorithms, it is plausible to think that most people entrust randomness in their retrieval of information. These alarming data, which lead the observers of the phenomenon to compare old and new media, highlight how traditionally intended press cannot be replaced by new means of communication. Anyone who wishes to properly get informed cannot exclusively rely on Facebook or Twitter. In fact, a difference exists between the old, experienced way of working in journalism and the new, forward-moving method. It should be emphasised how the relational sphere is the main innovation that characterises the most recently introduced media. As a matter of fact, social media create new communicative relationships: while some are destroyed, others are promoted, and pre-existing ones are remodelled. To build a meaningful relationship in a journalistic sense it is fundamental to establish a real contact with the readers¹⁵ by informing them and respecting the profession's rules without ever losing sight of the deontology: telling the facts in a correct and exhaustive way.

In a relational dimension permeated by credibility, on any occasion in which a trust-based relationship is formed between those who supply information and those who make use of it, the requirements to

¹⁵ Chieffi 2018, 306 ff.

satisfy the readers with quality information that emphasise substantial contents, and allow them to distinguish between actual facts and opinions,¹⁶ are met. On the basis of the gained trust, it will consequently be crucial to avoid the scoops and the 'at all costs' engagement of the readers by using sensationalism, that goes to the detriment of journalistic accuracy. It is always necessary to mediate between an engaging tone and the truthfulness of facts, in order for the result to not become a *clickbait*,¹⁷ a useful expedient to attract the reader's attention, while unfit to create the formerly described trust-based relationship.

The social media accounts of the *JCHC* Project follow the illustrated deontology. The type of social media that proved to be most effective for the *Journal's* purposes is Facebook, which counts 10,000 followers in fast and constant growth, and is the most followed page among those dealing with the same topics. The numbers attest to the efficacy of this specific communication means for the project's targets: indeed, the 'impressions' and 'interactions' show encouraging results. By 'impressions' we mean the amount of time our *posts* (statuses, images, links and others) have appeared on someone's screen, while 'interactions' refer to the number of times single readers have actively reacted to our posts, by leaving a comment, expressing appreciation, sharing our contents or simply by *clicking* on it. Followers of the *Journal* on Facebook are mostly Italian, but other countries have a representation too, albeit lower. The number of followers on Twitter surpasses 1,000. Data from this last platform show an interesting number of views (205,500 of single *tweets* in the last six months of 2020), of which 40% is from Italy while the rest from other countries. Interesting data on the type of connected users come from Instagram and LinkedIn as well. Instagram counts a total of 678 followers, almost all of them Italian. LinkedIn is the only social platform of the *Journal* that directly addresses the international community by using English for the posts. In this way the number of followers reached 1,300, with a remarkable feedback from beyond the Alps.

Overall, and considering the recent online of the *Journal*, data on engagement and followers' interaction proved how the project could actually be an effective instrument to contrast crimes against cultural heritage. The informed reader is a conscious citizen that knows how to fully appreciate the value of historical and artistic heritage, intended as cultural identity. Is it possible to educate the public to a culture of legality? In our opinion, the answer is absolutely affirmative: it can be done by following different paths: the first and most important one is education at all levels. Without a doubt, that can also be achieved through several different means: information, with

¹⁶ On the topic see Gamaleri 2014.

¹⁷ See, for instance, Ron, Hassan, Yousuf 2017.

accurate facts, and communication, with a captivating storytelling of our historical and artistic heritage. Thus, *The Journal of Cultural Heritage Crime* must not be seen merely as an archive of information or a showcase of exciting news, but as an interactive, cross-media platform that intends to reach out to people, make them aware of the numerous threats our shared cultural heritage faces, and actively involve them in its protection.

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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 Giovannelli

EAA Community on the Illicit Trade in Cultural Material Function, Activity and Responsibilities

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Abstract The Community on the Illicit Trade in Cultural Material of the European Association of Archaeologists is briefly described, focussing on its history, principles and aims, as well as activities. The community's position concerning stewardship and commercialisation of cultural heritage material is laid out and its online strategy for raising awareness presented.

Keywords Illicit trade. European Association of Archaeologists. Looting. Protection of archaeological heritage.

Summary 1 History. – 2 Principles and Aims. – 2.1 Stewardship. – 2.2 Commercialisation. – 2.3 Aims. – 3 Activities.

1 History

The Community on the Illicit Trade in Cultural Material (hereafter, the Community) was founded in 1994. It was established as a Working Party on the Illicit Trade in Archaeological and Cultural Material in 1998. The Commu-



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nity met at the annual meetings of the European Association of Archaeologists (EAA) in Bournemouth (1999), Lisbon (2000), Thessaloniki (2002), and Lyon (2004). As a result, a new EAA statement on illicit trade in archaeological material was formulated in 2000 and included in the association's statutes (Art. 2, 3):

The aims of the Association shall be: [...] To work for the elimination of any form of illegal detection and collection and the damage it causes to the archaeological heritage. (EAA 1994)

In 2015, at the Annual Meeting of the European Association of Archaeologists (EAA) in Glasgow, the Community was re-founded as the Committee on the Illicit Trade in Cultural Material (renamed as Community in 2019). The current Chair of the Community is Marianne Mödlinger (Genoa), and its vice-chair is Andris Kairiss (Riga). Regular meetings are held at the Annual Meetings of the EAA, where the Community also regularly organises sessions. Participation in the Community is open to all EAA members, who can follow the Community's activity via the EAA website (www.e-a-a.org). The Community is active online through its own website (<https://heritage-lost-eaa.com>) and on Twitter (@EAAHeritageLost).

2 Principles and Aims

The principles and aims of the Community are set out below (see also Mödlinger et al. 2016).

2.1 Stewardship

The archaeological record of each land is unique and irreplaceable. It is therefore the duty and responsibility of every archaeologist to protect and contribute to the long-term preservation of world archaeological heritage. This includes a duty to prevent, report, and raise public and especially institutional awareness, of activities such as the damage or destruction of cultural heritage, and the illegal trade in cultural heritage.

We endeavour to protect material culture and its context as the basis of the social memory of past people and societies, and not on the basis of a selectively constructed record. We have ethical responsibilities to the materials we study, the people with whom we work, and to the people living today in the places where we study those materials. We act with political awareness, not only to protect the cultural heritage for the future, but also with responsibility for the present.

Archaeologists have a responsibility to question political decisions which result in human suffering and loss of cultural heritage.

2.2 Commercialisation

Europe is a leading region in the global trade in archaeological and ethnographic objects. This trade results in the destruction of archaeological sites and the loss of material culture and contextual information, all of which is essential for understanding our past. Consequently, archaeologists should:

- raise public awareness of the social, economic, and wellbeing consequences of damage to and destruction of cultural heritage, and the resulting loss of information;
- report any illegal activity, or trade in potentially illegally-acquired material culture;
- be certain of the provenance of any cultural material studied, and only undertake work following engagement with all legal stakeholders;
- never act as an expert or advisor for auction houses, antiquarians, or private collectors if the object, assemblage, or collection concerned will not be accessible to the public for research;
- actively discourage commercialisation of archaeological material. The publication of archaeological objects suspected to have been illicitly traded, or of doubtful provenance, should only be for the purpose of underscoring the problematic background of the material.

2.3 Aims

The EAA Community on the Illicit Trade in Cultural Material aims to:

- publicise and seek to prevent looting and illegal excavations;
- as an initial target, limit selling of cultural heritage to those objects that have a certificate of legal and ethical origin (e.g. as in the UNIDROIT convention (1995) (UNIDROIT 1995), or the *Kulturgüterrückgabegesetz*, Germany (1999 and 2007; *Kulturgüterrückgabegesetz* 2007), noting recently strengthened provisions);
- develop strategies for a common European legal basis for the protection of archaeological sites and material culture;
- develop a code of conduct for archaeologists (e.g. finds specialists, scientists, and conservators who carry out study and analysis of cultural material);
- develop European standards for the protection of cultural heritage and archaeological finds;

- establish partnerships with specialists, organisations, and agencies working on similar issues (e.g. UNESCO, the Italian Carabinieri, the London Metropolitan Police Art and Antiques Unit in England);
- raise public and institutional awareness of the impact of the destruction of cultural heritage and its consequences.

We aim to discourage looting and illegal excavations by a variety of far-reaching strategies, including organising activities and raising public awareness of the negative consequences of illegal excavations, such as loss of cultural value, common history, identity, and tourism potential. We aim to raise public awareness of the value of archaeological finds, and their context for everyone; for example, by providing information for schools, exhibitions, and brochures, and collecting and publishing information in a public database and web map. We do this through strategic use of the press and social media.

“High end” collectors deserve a special focus; we hope to raise ethical issues, making it more difficult to justify collecting practices in light of the impact they have on archaeological sites, and the loss of contextual information. Significant attention will also be drawn to effective regulation of recreational artefact hunting and collection-driven exploitation of the archaeological record (Godfrey 2020).

Moreover, we co-operate with local and international police authorities, government agencies, and specialists (e.g. UNESCO, Interpol, Italian Carabinieri, and others). This will also raise the profile of “heritage crime”, and result in partnerships with government authorities (including advising export licensing authorities, customs and border control, and others). Consequently, we support a call for more co-ordinated sharing of information across Europe, from intelligence on sales and crime trends through to more co-ordinated data sharing (i.e. compatible software to enable cross-comparisons and transnational research between national and international databases). Examples of such databases can be found in Israel and Egypt (see below).

The Community moreover aims to provide a holistic overview and publish regular reports on the current situation with regard to heritage crime in EAA membership countries. Over time we will ask individual EAA members to contribute to our studies with information about their country. An additional goal is the creation of country-specific brochures, both for archaeologists and the general public, summarising the current legal status, and the negative effects for all of us of unauthorised excavations, artefact hunting (such as Kairiss 2020 for Latvia; Kairiss, Olevska 2020), theft from museum collections, and the trade in archaeological material from areas where armed conflicts are taking place in various parts of the world.

We aim to limit trafficking of cultural heritage by supporting the establishment of an international database in order to register finds

with photos and an identifier number, and a certificate of origin as noted in, for example, the Directive 2014/60/EU (Directive 2014/60) and the *Berliner Erklärung* (1988; see Thorn 2005, Anhang 2, 407-8) The Israeli High Court recently announced that all antiquities dealers will have to allocate every artefact an identification number and picture, which will be stored on an electronic database. We encourage more museums and heritage professionals worldwide to join the International Council of Museums (ICOM), to engage in the process of reformulating the definition of museums for the twenty-first century, and to adhere to the ICOM codes of ethics, especially articles 2, 7, and 8 (ICOM 2005).

We urge all our colleagues to use communication channels, from social media and encounters with the press, to guided tours for schools, to spread information about their ethical standpoint as archaeologists, and why it is important to protect our cultural heritage.

3 Activities

Since being re-founded in 2015, the Community organised several sessions at the annual meetings of the EAA:

- *Protecting Archaeological Heritage in the Globalisation Era: Trends, Challenges, Solutions*. Kiel, 2021.
- *Expanding Horizons: Decolonisation, Contested Ownership of Archaeological Material*, and the 1970 UNESCO Convention on Cultural Property (roundtable discussion with planned briefing paper output). Kiel, 2021.
- *Modern Networks and Past Narratives: "Treasure Hunting", the Art Market, Scientific Analysis, and Co-operation for Protection of Archaeological Heritage*. Budapest, 2020, online.
- *Illegal Obtaining and Trade of Archaeological Artefacts: Status Quo and Counteraction*. Bern, 2019.
- *Cultural Property: From Looting and Illegal Trade to Restitution*. Barcelona, 2018.
- *Archaeology on Sale: How to Prevent Official Selling of Illegally Excavated Objects*. Maastricht, 2017.
- *Illicit Trafficking of Cultural Heritage: Different Strategies to Fight It*. Vilnius, 2016.
- *Sell-out of Our Past: Different Strategies of How to Deal with Illicit Trafficking of European Cultural Heritage*. Glasgow, 2015.

Beyond these, members of the Community also participated actively to other conferences relevant to the topic:

- NETCHER Experts Webinar Art Market Workshop. *Routes for International Cooperation*. November 2020.

- NETCHER Educational Webinar *Education & Illicit Trafficking of Cultural Goods*. October 2020.
- International scientific conference *Kultūras Krustpunkti 2020* [Cultural Crossroads 2020]. Riga, Latvian Academy of Culture, November 2020, online.
- International scientific conference *Scientific Problems of Engineering Economics of Construction and Real Estate Management, Regional and Territorial Development* (ICEREE2020). Riga, Riga Technical University, October 2020, online.
- NETCHER conference *Stolen Heritage*, December 2019.
- NETCHER project international seminar. Barcelona, October 2019.
- *Act for Heritage! Conference of the Council of Europe Convention on Offences relating to Cultural Property*. Nicosia, October 2019.
- NETCHER project international seminar. Frankfurt, May 2019.

Together with the EAA Board, the Community also participated in the Election Benchmarks 2019-24 for the then upcoming elections of the European Parliament, where we evaluated the position of different political parties of several European countries on the protection of cultural heritage (notably, responses from about half of the larger political groups in the European Parliament as well as several parties from Germany, Austria, Spain, Latvia, and nations of the United Kingdom).

Similarly, the community together with the EAA Board put forward a letter in October 2020 to Commissioner Ylva Johansson on adopting a comprehensive strategy to intensify efforts to prevent and combat heritage crimes.

An important step and still work in progress is the formulation of a Code of Ethics for the evaluation and scientific analysis of archaeological materials. This code will be binding for EAA members and tackles issues such as how expert evaluation and scientific analysis can have the effect of raising the financial value of the objects, hence contributing to the market.

Online, the Community is active both via its website (<https://heritage-lost-eaa.com>) and Twitter account (@EAAHeritageLost). Via Twitter, current news on the topic, dealing with various aspects of trafficking and protection of cultural heritage objects are shared. The website presents additional information about the work of the Community, and its aims and activities. The website is regularly viewed by about 2,500 visitors per year.

Members of the Community also observe and track the online trade in potentially looted archaeological objects and how such items enter the market. It is often found to be the case that archaeological objects, when indeed authentic, are presented for sale with a false provenance (Mödlinger, Tsirogiannis 2020).

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In the last decade, we have witnessed the alarming growth of international criminal networks involved in the illicit trade of cultural goods. Ransacking, thefts, clandestine exports and disputable transactions do not affect only the countries rich in artistic and archaeological assets: these are border-crossing crimes that while starting off in given countries, often expand to many others.

This volume featuring papers authored by international experts engaged in Cultural Heritage protection, focuses on illicit trafficking of cultural property addressing the issue from a multidisciplinary perspective.

This collection of papers is a valuable resource to raise awareness, disseminate the results of current research, and facilitate a better understanding of this phenomenon.



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