

CRIME AGAINST CULTURAL PROPERTY: FINDING SOLUTIONS

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Abstract

Statistical data confirms that the prevention of and fight against the illegal dealing in cultural objects in Latvia should be paid significant attention. Thefts of icons and paintings as well as the illegal obtainment of archaeological artifacts in unlawful excavations are more characteristic in Latvia than other offenses against cultural objects. Cultural objects are being more frequently illegally obtained in private dwellings, places of worship, cemeteries and ancient burial places.

Despite technical and some organizational improvements in the activities of law enforcement agencies achieved from 2009 to 2011, the level of thefts and illegal obtainment of cultural objects is still high and the amount of recovered objects is very low.

Research data show that the solution is closely related to strengthening of co-operation and information exchange between relevant institutions as well as between controlling and cultural institutions and owners/ holders of cultural objects. Efforts are also needed to raise the knowledge level of personnel in the responsible institutions and owners/ holders of cultural objects, develop international co-operation and improve the legal base. A necessary prerequisite for the successful improvement of the current situation is a public understanding of the importance of cultural heritage.

The relevance of prevention and fight against the illegal turnover of cultural objects¹ in Latvia is confirmed by statistical data on illegally obtained (mostly stolen²) cultural objects, as well as cases of illegal excavations and data on illegal trade of archaeological artifacts on the Internet.

Several measures have been implemented in order to reduce illegal dealing in cultural objects and facilitate the protection of Latvian cultural heritage since 2008. This article contains a short description of the steps taken, the necessity for taking these steps as well as an evaluation of their effectiveness.

Numbers and facts

From 2010 to the end of 2014, 353 thefts of cultural objects were committed in Latvia. 1465 cultural objects were lost as a result of the thefts.³

¹ Hereinafter the term „cultural objects” refers to *cultural objects which, on religious or secular grounds, are of importance for archaeology, prehistory, history, literature, art or science* (see e.g. UNIDROIT Convention on stolen or illegally exported cultural objects (Rome, 24 June 1995))

² Between 2010-2013 there was 96% proportion of thefts in total amount of all cases of illegal obtainment. Some robbery, misappropriation and fraud cases were also registered between 2010 and 2013. Data source - Information Centre of the Ministry of the Interior of the Republic of Latvia

³ Data source - Information Centre of the Ministry of the Interior of the Republic of Latvia

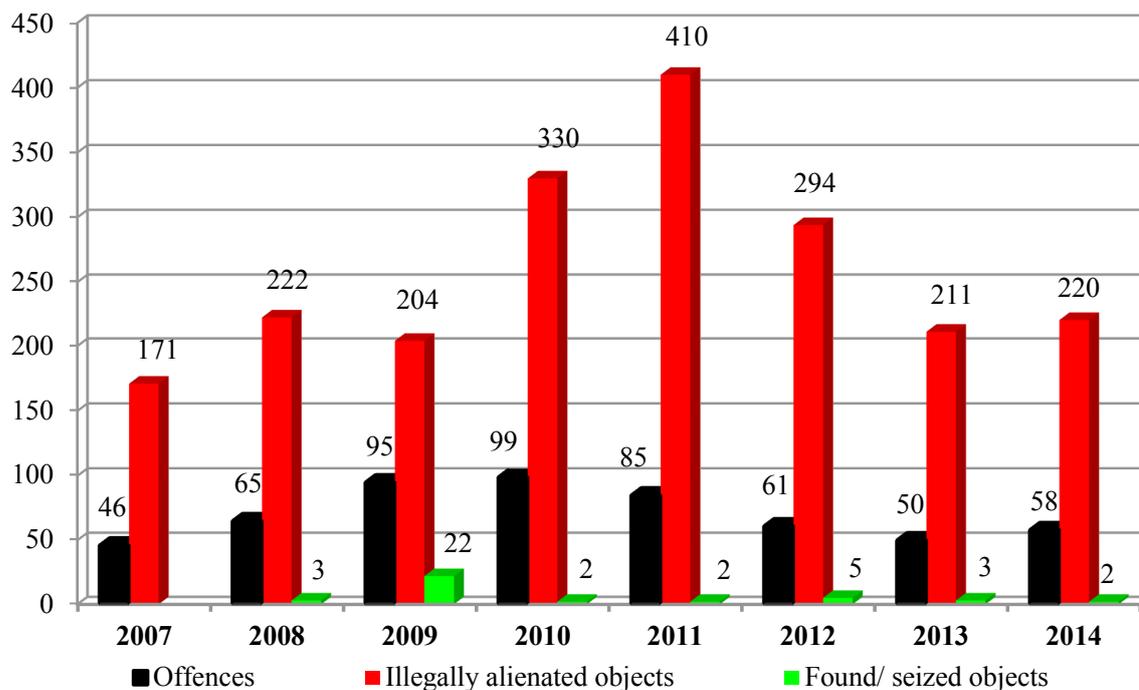


Fig. 1. Illegally obtained cultural objects in Latvia (data source - Information Centre of the Ministry of the Interior of the Republic of Latvia)

It should be noted that the introduction of better quality control between 2010 and 2011 on data collected for illegally alienated cultural objects coupled with improvements in technical functionality and data content of Latvia's national information system on stolen property (the subsystem "Stolen Property" of the Integrated Interior Information System) resulted in processing of more qualitative statistical data.

Nevertheless, the quality of statistical information has not yet reached such a level that it would be possible to draw unambiguous conclusions regarding tendencies in cultural objects' illegal obtainment, e.g. there were some cases of data (regarding illegal obtainment or recovery) non-registration or very late registration in the information system. Taking into account some registration imperfections and the amount of latent crime, it may be assumed that the number of offenses against cultural property as well as the number of lost and stolen cultural objects in official statistical information is underestimated.

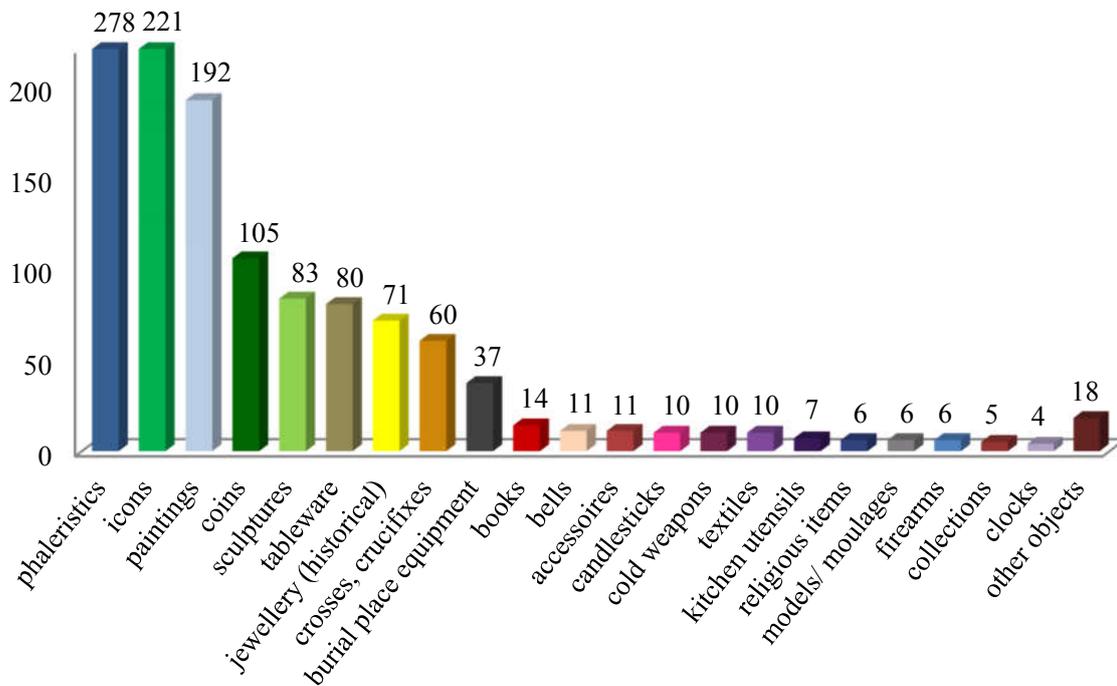


Fig. 2. Types of illegally obtained cultural objects in Latvia, 2010-2013 (data source - Information Centre of the Ministry of the Interior of the Republic of Latvia)

Between 2010 and 2012, the statistical information was skewed by theft of significant amount of historical jewellery and phaleristics, which were stolen in just a few cases, e.g. in 2010 - 58 objects of historical jewellery were stolen, in 2011 – 200 objects of phaleristics, in 2012 – 61 object of phaleristics.

Bearing in mind that objects of phaleristics were illegally obtained as a result of just a few offenses (278 objects illegally obtained in 7 cases), then thefts of icons and paintings are the most characteristic offenses committed in Latvia, e.g. 97 offenses were committed involving icons between 2010 and 2014 (19 to 26 cases per year) and 90⁴ offenses were committed involving paintings (8 to 28 cases per year).⁵

Available statistical information allows for the assumption that the number of offenses against more valuable cultural objects in Latvia is quite stable, e.g. there were 19 offenses involving icons in 2010, 20 in 2011, 25 in 2012, 17 in 2013 and 16 in 2014.⁶

Latvian crime statistics do not contain data on the illegal obtainment of archaeological artifacts. Despite a significant amount of illegal excavations (especially in the ancient burial places),⁷ it is not precisely known which archaeological artifacts have been illegally obtained

⁴ In two cases (2014) it was not precisely known if the objects were stolen as the result of offenses or lost in other circumstances

⁵ Data source - Information Centre of the Ministry of the Interior of the Republic of Latvia

⁶ Data source - Information Centre of the Ministry of the Interior of the Republic of Latvia

⁷ According to data provided by State Inspection for Heritage Protection every year about 20-25 criminal proceedings are started regarding the looting of archaeological sites; 115 illegal excavation cases in the vicinity of archaeological monuments were registered between November 2010 and March 2015 (even in just one case damage could be done to many objects, e.g. more than 600 ancient burial places were looted just in 6 cases between the beginning and middle of March 2015) and the estimated financial loss to archaeological heritage (due to illegal excavations) just in January-September 2015 was 3,4 million EUR. See also «*Melnie arheologi*» *kļūst aizvien bezkaunīgāki* ("Black archaeologists" are becoming more and more

and no archaeological artifacts have been seized during their transport out of the country. Institutions controlling the turnover of cultural objects⁸ in most cases receive information regarding the illegal turnover of protected Latvian archaeological artifacts⁹ from Internet trading websites (e.g. eBay.com). Publicly available information regarding the Internet trade in antiquities must lead to the assumption that volume of illegal trade of protected Latvian archaeological artifacts on the Internet is large.¹⁰

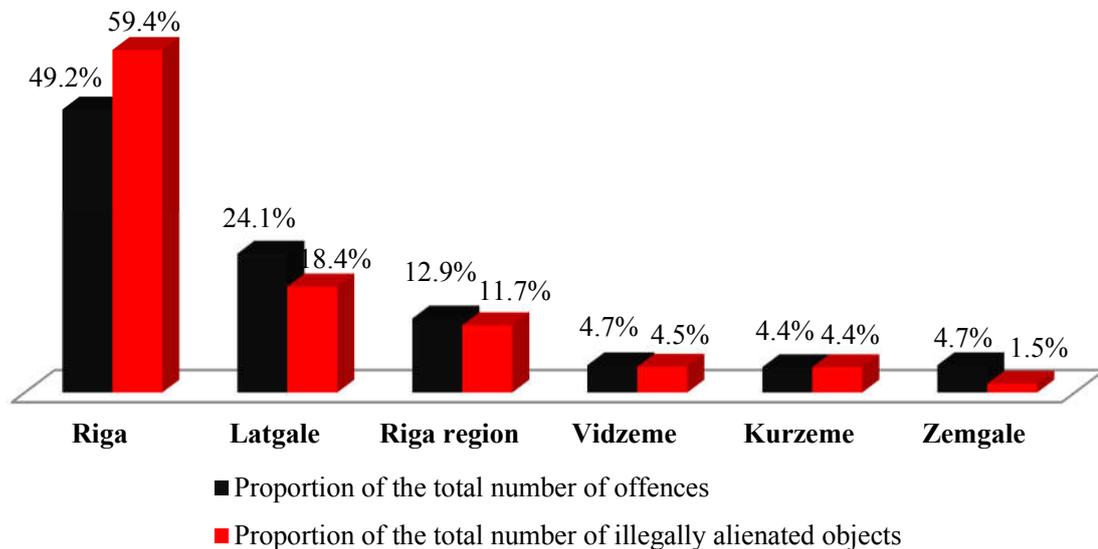


Fig. 3. Offences against cultural property in Latvian regions, 2010-2013
(data source - Information Centre of the Ministry of the Interior of the Republic of Latvia)

There is not necessarily a direct correlation between the share of particular region in the total number of offences involving cultural objects and the share of the same region in the total number of illegally obtained objects. Depending on the type of cultural object, greater number of cultural objects could have been illegally obtained as the result of a lesser number of offences (this is characteristic, e.g. in thefts of small objects belonging to collections such as coins and phaleristics).

The greater amount of illegally obtained cultural objects could relate to a larger concentration in the region of those cultural objects, criminals pay more attention to (e.g. due to the concentration of Russian Orthodox believers and Old-believers in the Latgale region,

shameless) <http://www.lsm.lv/lv/raksts/latvija/zinas/melnie-arheologi-kljust-aizvien-bezkauniigaki.a84076/>, *Senkapu apgānīšana Latgalē kļuvusi nekontrolējama (Profanation of ancient burial places in Latgale became uncontrolled)*. <http://www.lsm.lv/lv/raksts/latvija/zinas/senkapu-apganisana-latgale-kluvusi-nekontrolejama.a120230/>, *Mantraču postījumiem vērstoties plašumā, mudina rēcējus sodīt bargāk (As damage done by illegal diggers becomes larger, diggers should be punished in more severe ways)* <http://www.lsm.lv/lv/raksts/zinju-analize/zinas/mantracu-postijumiem-versoties-plasuma-mudina-racejus-sodit-bargak.a145047/> [viewed September 20, 2015]

⁸ Institutions more or less engaged in control of turnover of cultural objects (e.g. prevention and fight against offenses involving cultural objects and/or the identification of illegal dealing in cultural objects), e.g. the State Police, State Inspection for Heritage Protection, units of State Revenue Service etc.

⁹ According to Article 7 of the „Law On Protection of Cultural Monuments” „... Antiquities found in archaeological sites in the ground, above the ground or in water (dated until 17th century included) shall belong to the State, and they shall be stored by public museums. ...”

¹⁰ e.g. in September 2014 there were about 30 traders openly (illegally) selling protected Latvian archaeological artifacts on eBay.com

there are more places of worship possessing icons and there is a greater probability that inhabitants will possess icons at home. Thus, this could be the main reason that about 75% of icons thefts have occurred in this region). Another correlation probably has to do with the amount of property crime in the particular region – in Latvia cultural objects are not always being stolen from private dwellings as the result of specific oriented thefts towards cultural property; they are often stolen together with other types of property.

In Latvia between 2010 and 2013 more than 52% of offenses against cultural property were committed and cultural objects were stolen (more than 63%) from private dwellings, i.e. flats and private houses. Offenses against cultural property and cultural objects thefts committed in places of worship¹¹ and cemeteries ranked second and third. Offenses were often committed also in locations not directly related to cultural objects (e.g. shops, cafes, hospitals, offices, hotels etc.).

It is worth mentioning that few offenses are committed in places related to the storage/exhibition of cultural objects (e.g. art galleries, exhibitions, museums, art storage facilities, art studios etc.). This is probably because such places have better protection against unauthorized entry and risks of theft (alarm systems, video surveillance, security personnel etc.).

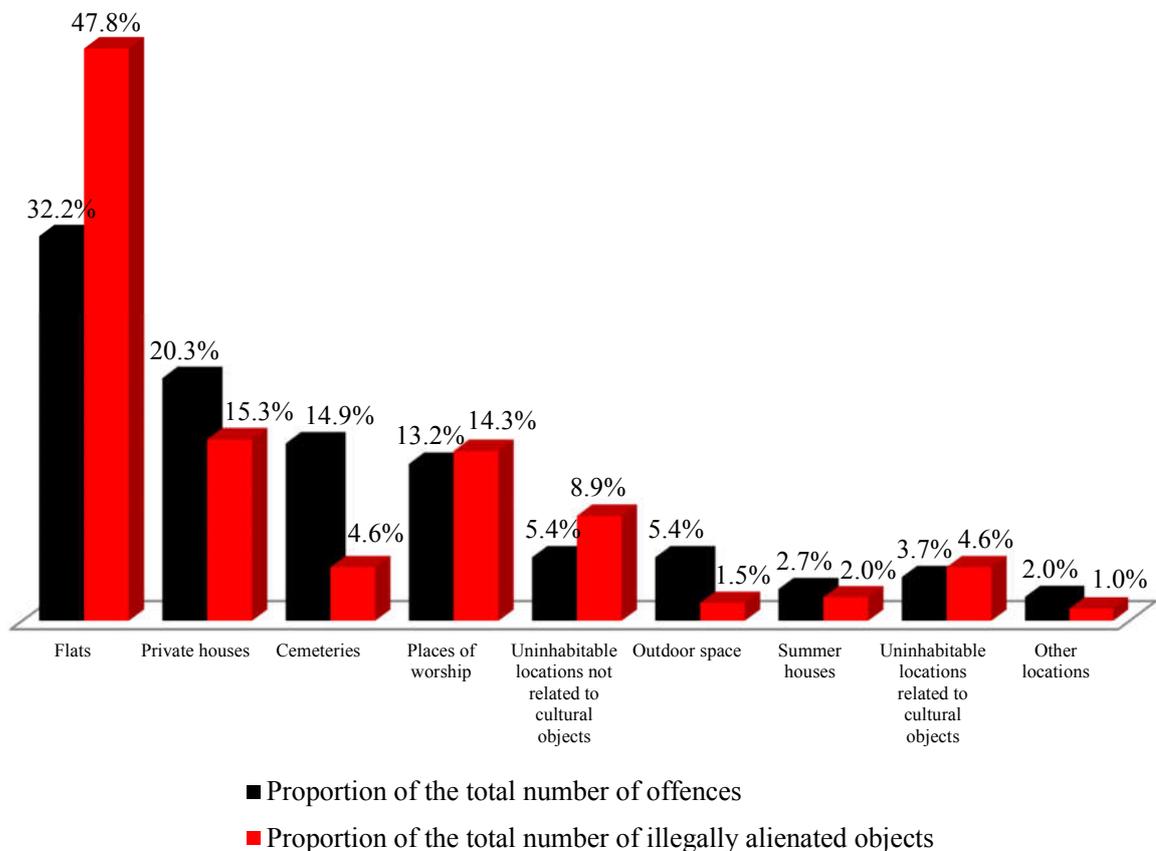


Fig. 4. Locations of offenses against cultural property in Latvia, 2010-2013 (data source - Information Centre of the Ministry of the Interior of the Republic of Latvia)

¹¹ Statistical data show that illegal obtainment of cultural objects in places of worship in 2014 has significantly decreased

Preliminary findings

It is obvious that the illegal obtainment and dealing in cultural objects has always existed (e.g. looting of tombs in Ancient Egypt etc.) and, most likely, will continue to occur in the future. Another question concerns the scale of illegal obtainment and trading in a particular territory during a specific period of time and what can be done in order to reduce the extent of the problem as much as possible.

Any focused study of the aspects of the illegal obtainment of cultural objects was not carried out in the Latvian law enforcement sector until 2008. Therefore any significant problem solving attempts were not undertaken and solutions were not proposed because the problem was not clearly identified or defined. It must be taken into account, that law enforcement agencies in any country or region are usually very sensitive to public opinion and invest significant resources in prevention and in combating of those offenses that society considers more dangerous and serious. This is probably the reason for creation of special law enforcement units (or at least introduction of particular positions) for the protection of cultural heritage in Italy, France and other countries. There is no special law enforcement unit for the protection of cultural heritage in Latvia. A statement sometimes used that „*it seems that they have many valuable cultural objects, that's why it is necessary to protect these objects in a more intensive way*” does not stand up to scrutiny – if the amount of valuable cultural objects in a country is relatively small (or smaller than in some other countries), then these objects should be given even more protection (otherwise they may be all lost). It should be mentioned that the number of Latvian cultural objects of significant value is not so small - e.g. as of the end of 2014 there were 8765 cultural monuments of state and local importance registered, including 1553 movable monuments.¹² Moreover, one should bear in mind that there are much more cultural objects that possess similar cultural value but do not have the status of cultural monuments.

We live in the age of information technology. An integral part of this age is the different information systems deployed in different fields to set the complex contemporary world in order in a manner which, we in many cases see, but usually do not pay attention to. Information systems are, of course, being used also in the law enforcement field, e.g. for the registration of criminal offenses and related data. Information systems possess an important feature – they never forget anything. Therefore, carrying out statistical data analysis regarding offenses against cultural objects was just a question of time as all the data was there. It seems quite natural that the analyses was conducted by representatives of a rather technical (non-investigative) institution – the Information Centre of the Ministry of the Interior, because this institution maintained a national information system for stolen property and actively conducted

¹² Data source - State Inspection for Heritage Protection <http://www.mantojums.lv/?cat=579&lang=lv> [viewed July 21, 2015]

analytical work for technical and content improvement of different criminal registration information systems.

The results of the analysis were quite unpleasant. Lack of qualitative data entered regarding the illegal obtainment of cultural objects was to blame. The scarcity of qualitative input data inevitably negatively influenced the quality of statistical information (e.g. in many cases it was not possible to determine whether a stolen object was a cultural object or not). Nevertheless, available statistics indicated increasing tendencies of crime against cultural objects and negligible per cent of recovered cultural objects (later statistics showed that from year 2000 to May 2011, 2418 cultural objects were illegally obtained and just 24 objects recovered, i.e. less than 1 per cent). Even if a cultural object is found or seized its identification in most cases would not be possible due to the lack of descriptions and photos of stolen cultural objects in the national information system for stolen property (usually cultural objects cannot be identified by conventional features such as make, model, serial number etc. for they, with some rare exemptions, are unique).

Further discussion with representatives of law enforcement agencies and owners/holders of cultural objects (e.g. representatives of religious organizations) helped to reveal the following facts:

- State police representatives stated that:
 - owners/ holders of cultural objects often do not provide identification data (descriptions and photos) regarding illegally alienated cultural objects, thus it is not possible to know which objects are to be declared stolen and how to identify them,
 - owners/holders of cultural objects often provide information regarding offenses committed too late, thus the investigation activities and recovery of stolen cultural objects are significantly hindered;
- owners/ holders of cultural objects stated that:
 - law enforcement agencies (mostly – the State police) often do not want and do not have necessary abilities to investigate offenses against cultural objects,
 - owners/ holders of cultural objects are not sufficiently informed about the necessity of having/ making descriptions and photos of cultural objects,
 - there is lack of practical information concerning making descriptions and photos of cultural objects,
 - organizations often lack people able to (e.g. because of the venerable age, lack of the necessary knowledge etc.) make descriptions and take photos of cultural objects (at the same time it is quite risky to entrust doing this work to unknown or little known individual due to possibility of dishonesty).

Thus a closed circle came into existence: *no cultural object has sufficient identification data – it is not known which cultural object should be looked for exactly – even if the object is found/seized it cannot be identified and therefore returned to its owner/ holder (cannot identify the object – cannot identify also owner/ holder of the object).*

Technical solutions

Taking into account the established facts and conducting the in-depth analysis of the situation, the following issues were recognized:

- lack of identification data (descriptions and photos) regarding illegally alienated as well as found/ seized cultural objects;
- non-existence of methodological information for creating descriptions and photos of different types of cultural objects;
- lack of appropriate tools for creating descriptions and photo images of different types of cultural objects;
- imperfections of a technical nature regarding data processing of stolen/lost/found/seized cultural objects;
- insufficient information flow of national data concerning missing cultural objects to the Interpol database „*Stolen Works of Art*” (for the purpose of an international search);
- absence of opportunities for merchants (e.g. antiquity stores) and other concerned persons in obtaining data regarding the actual status of cultural objects (e.g. lost/ stolen);
- lack of opportunities for owners/ holders of cultural objects and others concerned to get information regarding the recovery of a cultural object which has been declared missing (if due to one or another reason law enforcement agencies were unable to identify and return the object to its owner/ holder).

Attracting European Union’s funding, international project „Improvement of record keeping on stolen and lost cultural values to promote the prevention of/ fight against smuggling” was undertaken from 2009 to 2011. The project was under the management of the Information Centre of the Ministry of the Interior with the consultative support of many Latvian and foreign institutions and organizations. The following activities were implemented in the framework of the project:

- created a methodology for the standardized description and photos of cultural objects (developed by the expert/ specialist group representing Latvian law enforcement and cultural institutions). The methodology was initially written in Latvian, and then

completely translated into English and partly into Russian. Cultural objects were divided into groups and, if necessary, subgroups (e.g. group „Weapons” and two subgroups - „Firearms” and „Cold weapons” or group „Furniture”) and a corresponding methodology was created for the description and photos of objects contained in each group/ subgroup. It should be noted that methodology is mostly intended for non-specialists (professional collectors, museums and other similar institutions and organizations usually have professionally created descriptions and photos of their cultural objects). The created methodology differed from those methodologies used by professionals due to less detail and stronger emphases on the identification of the object. It differed from the well-known „Object-ID” methodology¹³ with the accentuation of characteristic features of different types of cultural objects, and the more precise determination of parameters to be described („Object-ID” methodology is more general). The created methodology also did not require the processing of sensitive information (e.g. when describing the object it was not required to indicate its location, personal data regarding the individual inputting the description, who was often the object’s owner/holder, and contact information, as this data could be used for planning and committing an offense if obtained by dishonest individuals);

- a national information system for the registration of stolen/ recovered property improved technically and substantively. The system was adapted for processing cultural objects’ data (e.g. before the improvement it was possible to enter corresponding data into the system just as a free (non-structured) text, thus sufficiently hindering data processing and search process);
- Public electronic services introduced (available online, free of charge, in Latvian, English and Russian):
 - The „Creation of description of cultural objects” provides possibilities for standardized descriptions and attaching images of cultural objects. The e-service is available at www.ic.iem.gov.lv/ko (an offline version is also available). In the process of work with the e-service (both online and offline versions, i.e. installing the software on one’s own computer), the owner/ holder of the cultural object (user of the e-service) is saving data (e.g. an object’s identification data) in his/ her own computer or data carrier only. Nevertheless, data on the value and location of the object as well as any kind of personal data (e.g. owner’s/holder’s data) are not processed due to possible use of these data for

¹³ *Legal and Practical Measures Against Illicit Trafficking in Cultural Property*. UNESCO Handbook, 2006. pp. 17-25 Available at: <http://www.unesco.kz/new/en/culture/news/2040/> [viewed July 23, 2015]

planning and committing of offense if it was obtained by dishonest individuals. The non-processing of the data also has to do with some owners/holders' concerns regarding the possible use of this data (despite all the data are being saved just in the owners/holders' own computer or information carrier and physically cannot be given to any institution or person without the owners'/holder's consent and assistance) by state institutions, e.g. in relation to taxation or material welfare evaluation issues),

- The „Detection of status of cultural object” provides possibilities for detecting whether a cultural object is stolen/lost, it is not missing anymore or is found/seized. The e-service collects data from the national information system for the registration of stolen/ recovered property on condition that there is a person directing criminal proceedings and the owners/holders' consent to the data publication and there is at least one image of the cultural object. The e-service is available at www.ic.iem.gov.lv/ko_status;
- developed information exchange on missing cultural objects with Interpol „Stolen Works of Art” database (e.g. before 2011 data on just 5 wanted Latvian cultural objects was given to Interpol).

Thus, thanks to introduction of technical and methodological innovations, possibilities for optimal information flow were ensured, facilitating the prevention of and combating offenses against cultural objects.

Notwithstanding introduction of corresponding technical solutions, from June 2011 to the beginning of 2013 just few enhancements were identified:

- more qualitative statistics,
- better information exchange with Interpol „Stolen Works of Art” database (recovery of several cultural objects was facilitated thanks to co-operation with Interpol),
- small improvement in data quality (more/ better descriptions and photos of cultural objects).

In spite of introduction of technical solutions the percentage of recovered cultural objects remained very low. It should be mentioned that in 2012 significant harm was done to Latvian religious heritage – 23 places of worship were looted and a considerable number of icons stolen in the Latgale region alone.¹⁴

¹⁴ *Nozagto kultūrvēsturisko vērtību atgriešana likumīgajiem īpašniekiem (Stolen cultural-historical values are being given back to their legitimate owners)*. State Police. Available at: <http://www.vp.gov.lv/?id=500&aid=51> [viewed July 23, 2015]

Finding solutions

In order to study and determine the factors influencing the effectiveness of preventing and combating offenses against cultural objects, the Centre for Scientific Research of the Latvian Academy of Culture in autumn 2013 began a research project „Improvement of solutions for reducing illegal turnover of cultural objects in Latvia”. The Project is supported by the State Culture Capital Foundation and the State Inspection for Heritage Protection.

During the development of the project’s application it was assumed¹⁵ that the basic reasons for the comparatively high risks of thefts and low recovery results of illegally obtained cultural objects are the following:

- owners/ holders of cultural objects are largely unaware of the necessity and resources for creating and providing cultural objects’ identification data. There is a lack of knowledge regarding cultural objects’ protection issues, activities to be performed in particular situations (e.g. upon noting the theft of a cultural object) and co-operation options with the responsible institutions,
- insufficient co-operation between cultural and law enforcement institutions, deficiency of knowledge of employees/ officers of controlling institutions regarding activities of the different institutions concerned and information exchange options in particular situations (e.g. in the event of theft, illegal excavations on archaeological sites, illegal movement of cultural object out of Latvia), as well as insufficient co-operation (e.g. mutual information exchange) with owners/ holders of cultural objects.

Although the research project is still ongoing, the initial assumption has already been confirmed and other important issues to be solved have been identified:

- to raise the level of knowledge of personnel of controlling institutions¹⁶ regarding:
 - turnover of cultural objects (incl. channels of illegally obtained cultural objects’ trade and transportation),
 - identification of cultural objects (e.g. characteristic types of archaeological artifacts, difference between real artifacts and copies, basic characteristics and particularities of icons),
 - legal acts regulating the turnover of cultural objects and the cultural heritage field,
 - international co-operation issues;

¹⁵ Without taking into account global social-economic factors also affecting scale and intensity of cultural objects’ illegal turnover

¹⁶ In most cases the issue does not apply to representatives of State Inspection for Heritage Protection

- to make amendments in several legal acts in order to prevent offenders gaining advantage from loopholes in the law;
- to strengthen information exchange between law enforcement and cultural institutions, e.g. in the field of identification and value estimation of cultural objects;
- to reduce the trade of illegally obtained archaeological artifacts on the Internet, e.g. by developing and strengthening co-operation with Internet trade portals and foreign law enforcement agencies.

In order to facilitate solutions of the aforementioned issues in the framework of the project, a description of the current situation, evaluation of legal acts and documents, recommendations on possible additional and alternative solutions are being developed. Handbooks for owners/ holders of cultural objects and the personnel of controlling institutions are being created. In March and April 2014 as well as in October 2015 with the support of State Inspection for Heritage Protection, Daugavpils Regional and Art Museum, Ventspils museum and the National History Museum of Latvia, several practical training sessions of personnel of the relevant institutions were organized in Daugavpils (Eastern Latvia), Ventspils (Western Latvia) and Riga. Participants were trained in the identification of archaeological artifacts, taught about the basic characteristics of icons, informed about legal issues as well as about current and perspective solutions in the field of preventing and combating the illegal dealing in cultural objects.

However, it must be taken into account that solving all the aforementioned issues will not be possible or effective if preventing and combating of illegal dealing in cultural objects is not identified and considered a priority (not only on the part of controlling institutions but also from the point of view of society).

Looking into the future, the most important issues to resolve concern:

- facilitating a greater public understanding of the importance of cultural heritage;
- raising the level of awareness in the society regarding the protection issues of cultural objects,
- facilitating coordination between the activities of the controlling institutions,
- improving legal regulation,
- facilitating participation of NGOs, other corresponding organizations and persons in the protection of cultural objects,
- scientific study of cases involving cultural objects' illegal obtainment,
- reduction in illegal obtainment and trade of archaeological artifacts,
- personnel training for those in responsible institutions.

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«Melnie arheologi» kļūst aizvien bezkaunīgāki (“Black archaeologists” are becoming more and more shameless)

<http://www.lsm.lv/lv/raksts/latvija/zinas/melnie-arheologi-kljust-aizvien-bezkauniigaki.a84076/>

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Mantraču postījumiem vēršoties plašumā, mudina racējus sodīt bargāk (As damage done by illegal diggers becomes larger, diggers should be punished in more severe way)

<http://www.lsm.lv/lv/raksts/zinju-analize/zinas/mantracu-postijumiem-versoties-plasuma-mudina-racejus-sodit-bargak.a145047/>

State Inspection's for Heritage Protection data regarding cultural monuments of state and local importance <http://www.mantojums.lv/?cat=579&lang=lv>