

## Archaeological Objects stolen from Romania and “discovered” on the Internet

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The process of creating awareness with regard to the liability for the national cultural heritage and to the concerns regarding the protection of cultural goods recorded a long and difficult development. As social progress went forward, this idea started to be perceived in the history of culture by means of the writings of certain cultural personalities, in regulatory acts and case law, determining the occurrence of the first measures for the protection of the cultural heritage.

In Romania, the factual situation in the field of the protection of the national cultural heritage recorded after 1989, a strongly ascending trend of criminality closely connected to the international evolutions of this phenomenon. Before 1989 Romania has had a very strict legislation for the protection of cultural heritage (considered “a matter of national security”). Following December 1989, immediately after the change of the political system, the new government abrogated the most important laws of protecting the cultural heritage. In consequence, between 1990 and 2000 Romania had some weak laws about protection of cultural heritage. As result, an “army” of poachers attacked the archaeological sites with metal detectors (most preferred are the classical period settlements – the Dacian fortresses area, the Roman cities and fortresses), developing a complex system of crime against the archaeological heritage, with connections in media and political life. Many archaeological sites were destroyed and important archaeological objects (coins, jewelry, artefacts, tools, weapons, cultic items etc.) were illegally exported, via Serbia or Hungary, to the E.U. and U.S.A.

In 2001 the Service for the Protection of the National Cultural Heritage (N.C.H.) (as a special Service within the Criminal Investigation Department) inside the General Inspectorate of the Romanian Police was organized. The establishment of the Service, according to the provisions of Article 83 of Law No. 182/2000, subsequently allowed the employment of specialists (graduates of higher education institutions in the following fields: art history, ancient history and archaeology, museography, theology – sector of church cultural heritage) within local police structures with duties with regard to the prevention and fight against crimes against the regime of the national cultural heritage. After 3 years of development, in 2005, all 42 districts of the country had experts (archaeologists, art historians, historians etc.) inside the Criminal Investigations Services. Beginning with this year (2005) the Supreme Council of Defense of the Country (C.S.A.T.) was involved in the protection of N.C.H. After 4 years of investigations, in 2006, the first important archaeological item (a Dacian golden spiral) was recovered (in course of a penal process) by the Romanian judiciary structures (at present 11 spirals are recovered and other 2 are on the way to come back home) ... but this is just the beginning. An examination of the statistical information provided by specialized structures within the Romanian Police revealed that the most frequently perpetrated crimes against the national cultural heritage are:

- **theft of works of art**
- **archaeological and religious goods**
- **destruction of movable and immovable cultural goods**
- performance by unauthorized natural persons of **detection or digging works in archaeological sites**
- performance of **illegal export operations** of classified movable cultural goods

In this way, only in the period 2001–2005 a total of 1595 crimes were perpetrated, represented by theft of works of art and of religious objects, destruction of movable and immovable cultural goods.

During the same period, 3,016 movable cultural goods were placed under a general prosecution; 2,436 goods were recovered. Most cultural goods were taken from: private residences (private collections) – 917 (paintings, icons, statues, etc.); religious houses – 618; museums – 248; archaeological sites – 15. For example, the perpetrators, organized in groups, used motor vehicles to go to various localities in the country, where they committed burglary in several churches and cemeteries, and took a large number of religious goods (bells, icons, chalices, statues, etc.) which they sold on the black market in the country and abroad.<sup>1</sup>

420 stolen cultural goods are currently placed under an international prosecution: 62 paintings, 47 icons, 12 statues, 109 books, 8 golden Dacian bracelets, etc. On the web page of the Romanian Police were posted the photographs of another 233 prosecuted cultural goods.<sup>2</sup>

Archaeological poaching on the sites classified as historical monuments, some of which being on the UNESCO list of monuments of the world's cultural heritage, is a frequent crime in Romania. Such deeds were perpetrated by specialized groups; organized in criminal associations, endowed with state-of-the-art detection equipment, sport utility vehicles, radio communications equipment, watchdogs and even guns. The members of such groups sell the archeological objects stolen by them from sites to certain collectors and “investors” from the country, often public persons, to whom they resort, requesting protection against judicial bodies, through press campaigns, counseling and public interventions, criminal denunciations against magistrates, etc. Such groups are also in contact with international networks of Romanian, Serbian, German, Italian, etc. traffickers, who illegally take out of Romania the cultural goods stolen from the sites and place them on the black market, through illegal transactions, to certain collectors from EU states or from the USA.

The objectives of a major interest for poachers are the sites of Dacian citadels and of Roman camps from the area of the Orăştie Mountains, located in Hunedoara and Alba counties, and also those from Olt, Teleorman, Tulcea, Constanța counties (Greek citadels), Caraș-Severin, Timiș, Bihor, Bistrița-Năsăud and Sălaj.

Such sites have frequently been the target of raids of “teams” of poachers who made unauthorized detection and diggings within the area of archaeological sites, from where they stole thousands of objects. Robbers are particularly interested in monetary treasures, jewelry, funeral artefacts, guns and military equipment (swords, helmets, shields, clasps, etc.). After their action the archaeological context is destroyed and specialists often find on the plundered site various pieces of ceramics or common

metals thrown away or vandalized (vessels, rush lights, domestic tools, etc.). The information regarding the locations of archaeological sites rich in artefacts may often be found on legally operating Internet sites and also in special books published by the researchers that managed certain archaeological sites. Upon searching the domiciles and the sport utility vehicles of the network members numerous documentary materials were found, consisting in maps, monographs, specialty volumes acquired from bookshops or even dedicated by specialists, together with state-of-the-art detecting equipment and archaeological objects.

The international traffic in artefacts was significantly facilitated by the representatives of central and local authorities that were contacted by the emissaries of international specialized networks. Such emissaries were pinpointed in Romania immediately after 1990, having an obvious interest in creating liaisons in the underground world as well as in the world of business people and public figures.

Traffickers felt encouraged by the corruptibility of certain public servants from within the structures with duties in the field of the protection of national cultural heritage: specialists within museums and within deconcentrated services of the Ministry of Culture and Religious Affairs, policemen, customs inspectors, etc. Under these circumstances and in a short time the interest of the networks of traffickers went to the valuable pieces deposited in Romanian museums and in the treasuries of the banks from Romania in search of solutions to appropriate and capitalize them.

The above-mentioned organization measures were followed by the gradual initiation of several national inquiries, by the specialization of magistrates in the same field, by creating the databases and investigative inter-force cores, by the development of judicial cooperation with similar structures from other European states, representing the main stages in the launch of nationwide judicial operations. Such actions resulted in a reduction of the archaeological poaching phenomenon by means of the dismemberment of the main networks of poachers and traffickers in goods belonging to the national cultural heritage, of the investigation and referral to judgment of the main groups that carry out these criminal activities, location and recovery of important archaeological treasures belonging to Romania's cultural heritage.

Judicial bodies must simultaneously take firm actions of prevention and response in order to inhibit new criminal manifestations. Such actions must be coherent and elaborate in accordance with the Strategy for the protection and promotion of the national cultural heritage, grounded on the premise according to which cultural heritage is a major factor for sustainable growth, social cohesion and inclusion.

Examining by comparison the actual, de facto, situation of archaeological poaching in Romania, we find a worrisome development highlighted by the investigative action of judicial bodies. In this way, in addition to the existence of well structured specialized criminal networks, supported by "investors" capable to finance the procurement of state-of-the-art equipment for metal detection, it was found that, even more than that, certain museum employees were recruited as members of the "association of treasure hunters", an organization for which they render specialty services, while from certain museum institutions, cultural goods are stolen upon order<sup>3</sup>. The scourge extended nationwide, persons with more and more sophisticated detectors keep looking. The code of "omerta", the silence law, has

replaced not only the cultural heritage protection laws, but also common sense laws ... let alone the Roman city from Partoş or the ancient gold centre from Roşia Montană where poachers keep looking for monuments, pieces and coins together with various local guides? We feel the obligation to draw attention to these facts<sup>4</sup>.

The direction followed by ancient objects from the place of illegal digging to the art market has three stages: taking artefacts from their area of origin, their illegal taking out from their country of origin and their legal introduction in a country with an art market.

Artefact capitalization is made in the countries with art markets, most often by art dealers with very small business offices, sometimes even by a single man or by amateur traders, and more seldom by a tender house. The main commercial centres where valuable archaeological pieces surface "spontaneously" are: Basel, Zürich, Geneva, Munich, London and Paris in Europe, and New York in USA.

The trader from the countries with an art market does not usually take the risk to take part in the illegal export from the country of origin. In the cases in which he takes this risk, as he has his personal contacts and a good knowledge of the mentality, language of the respective country, the discovery of the first deed in which he is involved will rapidly entail the closing of his trading activity.

Analyzing the issue related to "antiques laundering" in order to create an appearance of legality, we find similarities with the judicial practice created in the field of combating money laundering. In this way, the specialty literature regarding the combating of money laundering revealed that any crime-related activity may be described by means of three specific items<sup>5</sup>.

Stolen cultural goods leave tracks, starting with the holes dug in the archaeological site, Internet messages and the images through which the respective goods are offered for sale, the detectors and documents that indicate the poachers' concerns, other pieces (the "orphans") of the treasure left on them or in the country, contracted by consignment or invoices, the amounts transferred into the accounts of participants in traffic, the procurement of valuable goods (luxury motor vehicles, houses, detection equipment, etc.). A modus operandi similar to that used by the launderers of dirty money is represented by the procurement by traffickers of car washes that will continue to allow them to preserve a legality appearance of the dirty money produced through the illegal capitalization of the pieces that form the object of traffic.

Investigations conducted in the virtual space highlighted the circumstance that a large number of heritage goods are sold on eBay, genuine art objects, archaeological artefacts, and their reproductions. The frequently used sale method is tender, the seller having the possibility to conceal the e-Bay identity of the tenderers who, under the circumstances, do not know who their trading partners are. Another sale method is that in which the seller who presents his artefact sets a fixed price, a method which is known on the eBay domain under the name "buy it now for this price" ("buy it now"). Payments are made by the means indicated by the seller, either through the pay pal system, of money electronic transfer from the buyer's account into the seller's account, which may be either controlled, or through the money order system, which allows the money collection from any bank, similarly to a cheque payable to bearer.

Fast electronic trades offer the possibility to circulate a huge volume of archaeological objects within such tenders and to obtain significant amounts of money, resulting from the sale of such goods. Note must be made of the fact that low and undervalued prices of archaeological items traded do not attract attention, and individual sales do not exceed the legal rating so as to be reported as liable to constitute money laundering operations. Site administrators waive any responsibility regarding the creditworthiness of the trades concluded. eBay system users are personally liable for all the aspects related to the accurate description of the object, its dispatch to the buyer, without any obligation whatsoever to inform any authority in connection with the provenience or ownership right over the sold good, and the respective artefact may belong to the seller or to any other person.

The criminal prosecution practice in the environment of trades with goods resulting from archaeological poaching revealed as the sellers' cautious operation method the indication as artefacts' origin location of huge areas belonging to the same culture, avoiding locating their origin on the site of provenience.

The appearance of e-trade provided an evolved modus operandi to the networks of traffickers that trade cultural goods whose provenience cannot be demonstrated through legal documents. Given that the internet sites provide them with the possibility to perform operations without giving any details to their customers with regard to the origin of goods, this type of rapid trades, with a very low degree of control by site administrators, grants to the involved persons an increased degree of security regarding the preservation of their anonymity<sup>6</sup>.

On the next pages, we will present some cases of rare archaeological artefacts, with the incontestable Romanian provenience, “discovered” on the e-bay or on the web pages of some Auction Houses from Europe, who are now wanted by the Romanian judiciary authorities. Some of them, which were presented as stolen at the Congress of Vienna in November 2008, have already been recovered by the Romanian state. This is a happy situation, when the objects are back on their “nest”, in the National Museums of History from Romania, but not always it happened like this.

1. In 2006 on the E-bay market in Germany appeared a beautiful article described as Golden anthropomorphic idol, source: “Transilvanian bazin”, offered at an under evaluate price: 5.000 Euro, in the condition of the rare presence of this kind of artefact (fig. 1). We are in the face of a prehistoric “En violon idol”, realized in Gold (native, title around 20–22 Carats), dated around 4200–4000 cal B.C., belonging to the Copper age (Kupferzeit, more precisely to Bodrogkeresztur Kulture). Similarities with this piece are in the case of the famous “Treasure of Moigrad” (in the Northwest of Romania); only one similar piece exists in Romania, namely in the National Museum of History Cluj-Napoca. The artefact is a masterpiece of art, because it is a testimony of the beginnings of the gold manufacture in Europe. The object is still missing.



Fig. 1

2. In 2001 in Deva (Hunedoara county), known as the headquarter of crime against N. C. H., a floppy-disk circulated on the black market with images of objects offered by persons belonging to the circle of "close friends". Among these images there were 2 swords and 1 axe, all made of bronze and belonging to the Iron Age (Hallstatt, a period around 1500–1300 B.C., fig. 2). All pieces are typical for the Transylvanian region. In 2004 the two swords (rapiers) appeared on the web site of an Auction House in Switzerland (connected with Serbian collectors). Location: "Transylvania region", prices: 500–1000 Euro. The objects are still missing.



Fig. 2

3. In September 1999 on the web page of Cristie`s Auction house, New York, a beautiful golden spiral with zoomorphic extremities (wolves) was put on sale (fig. 3). The generic location („the north Balkan region“) and the under evaluate price of 40.000 \$ demonstrate that this object was stolen from an archaeological site. It was the first one which appeared on the market. The similarities with other recovered items and other evidences revealed during the judiciary investigations attest the Transylvanian provenance, most certain in the Orăştie Mountains where the capital of the Dacian Kingdom was built (1<sup>st</sup> cent. B.C. – 1<sup>st</sup> cent. A.D.). The object is now wanted by the Romanian authorities, being in course to be recovered.



Fig. 3

4. In 2002 in Deva (Hunedoara county) a floppy-disk circulated on the black market with images of items offered by persons belonging to the circle of "close friends". 2 iron shields, with oxide stratum, and zoomorphic elements (fig. 4a. b). On 28 April 2008 on the web page of Freeman and Sears Auction House (<http://www.freemanandsear.com>, *Not available anymore*) at the position M0219B the same object was put on sale as:

Thraco-Dacian iron shield facing, possibly royal, 2nd cent. BC – 1st A.D. Striding bull in tondo. Circular form, flattened at edges, 42 cm in diameter, carefully beaten from a large sheet of iron approximately 3 mm thick. The outer, flat section is pierced by 12 holes for attachment to a backing, probably of layered wood similar to modern plywood. The inner, convex section is decorated with cabled border surrounding a motif of overlapping floral petals and laurel leaves. The tondo depicts a horned and bearded bull striding to left, surrounded by flowering vines. The oxidization on the front of the shield has been carefully cleaned, revealing the original dark gray iron surface on the raised regions and leaving areas of reddish-brown in the recesses,

nicely setting off the detail. The back is essentially uncleaned, with mineralized deposits adhering to the thickly oxidized metal. A roughly rectangular section of 5 cm by 2 cm is missing from the rim at 7 o'clock, and the rim is bent upward slightly in places. Otherwise, the piece is intact and in surprisingly good condition for an ancient iron object of such size ...

The prize of sale: 45,000 USD.

The same piece appeared on the web page <http://www.hermann-historica.com/>

Because one similar article was offered by one of the poachers to the museum of Cluj-Napoca, the objects belong to the same typological series and most likely to the same discovery (hoard), from the Orăştie Mountains.



Fig. 4 a



Fig. 4b

5. Three Dacian short swords, weapons named sica, appeared in 2008 on the web page <http://www.hermann-historica.com/>. The typological characteristics resulted in the conclusion that they belong to the Transilvanian area. The first one:

Lot Nr.200, Dakisches Krummmesser:

2./1. Jhd. v.Chr. Eisen mit Brandpatina und größtenteils erhaltener Oberfläche. Kräftige Rückenklinge mit einseitiger Kehlung und graviertem Wellenband bzw. Pferd auf der Gegenseite. Rechteckige Angel mit erhaltenen Griffnieten, Knauf und zwei bronzeverzierten Zwingen. Dazu der originale, rückseitig offene Scheidenschuh mit dreifacher Bronzefärbung. Länge 35,5 cm. Condition: II-III. Limit: 700 EURO ...



Fig. 5

6. The second one:

Lot Nr. 201, Dakisches Krummmesser:

1. Jhd. v. - 1. Jhd. n.Chr. Typisch gekrümmte Rückenklinge mit beidseitig mehrfacher Kehlung. Griffzwinge und Knaufkappe mit feinem Kerbdekor. Angel mit drei vollständig erhaltenen Griffnieten mit blütenförmig geschnittenen Köpfen. Dabei zugehöriges eisernes Ortblech mit scheibenförmigem Knauf. Gereinigter Bodenfund. Länge 48 cm. Condition: III Limit: 400 EURO,



Fig. 6

7. The third one:

Lot Nr. 202, Dakisches Krummmesser:

2./1. Jhd. v.Chr. Eisen mit Brandpatina. Gekrümmte (verbogene) Rückenklinge mit einseitiger Kehlung und dreifacher Augenmarke. Gelochte Angel mit eiserner Knaufkappe und Griffzwinge. Zugehöriger eiserner Ortbeschlag. Gereinigter und konservierter Bodenfund in guter Erhaltung. Länge 29,3 cm. Condition: II-III Limit: 300 EURO



Fig. 7

8. In 2001 in Deva (Hunedoara County) on the black market circulates a floppy-disk with images of pieces offered by persons belonging to the circle of "close friends". It is about a golden necklace and two earrings (fig. 8a). According to the results of the investigations the objects were stolen from the Dacian fortress from Capalna (Alba County, 1<sup>st</sup> cent. B.C. – 1<sup>st</sup> cent. A.D.). In the journal of the dealer who was involved in the traffic the following notes were written: "necklace and earrings - 15.000 Euro, after 3 months "20.000 Euro" and once again 2 months later "30.000 Euro". According to the evidences the items were put on e-bay in Germany for a short period in 2007. The artefacts are recovered now (fig. 8b)!



Fig. 8a



Fig. 8b

The last 20 years represent for Romania the period with the most systematic and efficient process of spoiling and trafficking archaeological artefacts. All the identified objects as "Lost" are posted on the web page of the Romanian Police. The real dimensions of the phenomenon are unknown, the hundreds pieces represent only "the peak of the Iceberg"; probably they are thousands ...

Of course, in this situation not the number is important but the significance of objects.

Facts which caused this situation:

- Ignorance of involved institutions (especially from 1990 to 2000), and the law interest to developing a strict evidence and protection of the cultural heritage;
- The lack of communication between the structures involved in the protection of N.C.H.;
- The strong hidden networks of organized crime involved in the illegal traffic with N.C.H. (with the capacity to develop violence, competition, to penetrate media and to pay the best lawyers on the penal process) - there is involved a lot of money;
- The high needs of private collectors and the auction houses;
- The "complicate" applicability legislation of N.C.H.

**In conclusion** please note that the realization of an efficient system for the protection of the national heritage under the circumstances of European and Euro-Atlantic integration also represents a national contribution to the preservation, conservation, and valorization of Europe's common heritage. The national cultural heritage has an essential part in the strengthening of the national security, granted by the objective of coagulating national identity with the regional specific, and by that of substantiating the values of democratic citizenship in a world of cultural, ethnical and religious diversity.

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<sup>1</sup> See Alba Iulia Court of Appeal, Criminal Division, Decision No. 343/A/2003 issued in File No. 5006/2003 (not published); Timiș Tribunal, Criminal Division, Criminal Sentence No. 176/2001 issued in File No. 6247/2000 (not published).

<sup>2</sup> See [www.politiaromana.ro/obiecte/obiecte.aspx](http://www.politiaromana.ro/obiecte/obiecte.aspx).

<sup>3</sup> Prosecutor's Office attached to the Alba Iulia Court of Appeal, File No. 151/P/2006 (not published).

<sup>4</sup> V. Moga, Origini, "Bălgrad" Publishing house, Alba Iulia, 2002, p. 80; in the same sense M.-M. Ciuta, Where are our citizens? The potential of the cultural heritage of the city of Alba Iulia, between reality and perspectives, in The Discobole No. 97–99/2006, p. 193.

<sup>5</sup> See Aug. Lazăr, Ancheta antifraudă în mediul afacerilor, "Lumina Lex" Publishing House, Bucharest, 2004, p. 21.

<sup>6</sup> In specialty studies international traffic in cultural goods is quoted as one of the primary sources for dirty money, used inclusively in financing international terrorist activities. Since the mentioned type of criminal activity is not sufficiently known and studied, this source being apparently "cleaner" than the traffic in guns, drugs or persons, well known criminal manifestations, which are carefully supervised by law enforcement bodies, terrorist networks started to express their interest in this field with a particular financial potential. See G. Matei, Em. Stancu, Electronic trade with archaeological artifacts, a potential financing source for certain terrorist activities, in: "The contribution of the criminalist science in the investigation of terrorist acts and other events with serious consequences", Romanian Criminalists' Association, Bucharest, 2006, p. 61.