

# Contemporary Perspectives on the Detection, Investigation and Prosecution of Art Crime

**CPS studiedag: Kunst en criminaliteit? Van het Lam Gods geslagen!**

**OMG! Van Eyck was stolen**

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- Background
- Detecting Art Crime
- Policing of Art Crime
- EU Situation
- International Measures
- Prosecutions
- Challenges
- Conclusions

# Outline

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- Different Crimes, Different Measures?
  - Art theft:
    - museum, galleries, collections, archives, private homes, etc.;
  - Fraud/forgery:
    - Copying existing work of art;
    - Creating a new work of art in the style of a known artist and claiming authenticity;
    - Creating a new work of art in the style of a known artist and letting experts determine authenticity knowing that it is not from this artist; etc.;
- Vandalism, Iconoclasm;
- Cultural Heritage Trafficking;
- Money Laundering;
- Tax Offences;
- Cybercrime.

## **Background**

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- Theft:
  - Many thefts go unnoticed or are only discovered a long time after the crime was committed;
  - Thefts are reported, but not treated as ‘art’ theft;
  - Thefts are not reported to police as no trust in capacity, expertise, etc. to solve crime.
- Fraud/Forgeries:
  - Even when Forgery discovered often not reported (loss of value, shame, etc.);
  - Experts can assist police to detect and investigate, but also facilitate crime.
- Cultural Heritage Trafficking:
  - Police/customs rely on experts to detect and investigate;
  - Few experts on art crime within police forces;
  - Cooperation necessary with Ministries/Government and academics.

# Detecting Art Crime

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- Fraud/Forgeries:

- Even when Forgery discovered often not reported (loss of value, shame, etc.); Examples:

- Beltracchi Case (2010)
- The 'Flora' (Bode Museum, 1909)
- 'Hitler Diaries' (1983)

- Experts can contribute to commit crime;  
Example:

- Werner Spies (Beltracchi Case)

- Police relies on experts to investigate theft/fraud/forgeries;  
Example:

- Hong Kong Harbour (2012)

- Financial, not criminal damage:

- 1735 Hogarth Act (William Hogarth  
'A Harlot's Progress' Copper Prints)



# Policing Art Crime









<http://www.spiegel.de/fotostrecke/fotostrecke-68168-3.html>



Horst Haug from the State Office of Criminal Investigation in Baden-Württemberg displays a fake Giacometti sculpture in 2009.



- Art Theft:
  - Art theft mostly reported for insurance purposes; low chances of recovery; private policing opportunities; Examples:
    - Green Vault, Dresden (2019)
    - Isabella Stewart Gardner Museum Theft (1990)
  - Art world does not cooperate with police, only recently reports of increased cooperation due to successful investigations and established trust in some EU member states.
  - Art Loss Register and since 2014 Art Recovery International recover works of art, but do not always report their findings to police.
- Art has become a commodity, hence more financial than cultural concern re loss.

## **Policing Art Crime**

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**Green Vault, Dresden State Art Collections. Theft of 27 November 2019.  
Breast Star of the Polish White Eagle Order. Made in Geneva/ Vienna between  
1746 and 1749 of diamonds, rubies, gold, and silver.**

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- Priority of policing art crime differs significantly between EU member states;
- Not all member states have special art crime units or databases;
- Low priority: Denmark, Finland, Norway, Sweden, the Netherlands and Belgium;
- Medium priority: Germany, Austria, Switzerland, UK, Ireland;
- High priority: France, Cyprus, Greece, Spain, Italy.

## **EU Situation**

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- Since 1963 Interpol Art Crime Unit;
- Interpol Stolen Works of Art Databases;
- Interpol partnerships with UNESCO and International Council of Museums (ICOM);
- PSYCHE Project (EU funded) 2012:
- Increase the contents of the Stolen Works of Art database;
- Facilitate queries.
  - Enables direct data insertion by member countries and adds image recognition software to simplify the checking process.
  - Helps and encourage countries to participate in the Interpol system that so far have only supplied small amounts of data (few entries into the system), and that have no national database.
  - Enables easier access and participation in the database through formatted message system for submission of information on stolen works of art directly from a country's National Central Bureau to the General Secretariat.
  - Development of interface between different national databases.

## **International Measures**

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- Beltracchi: 6 Years;
- ‘Count’ of Waldstein (alias Lothar Senke): 9 Years;
- Han van Meegeren (1947): 1 Year;
- Lothar Malskat (1953): 18 Months;
- Shaun Greenhalgh (2007): 4 Years and 8 Months.

## **Art Fraud Prosecutions**

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- Statute of Limitations;
- Good Faith Purchase;
- Cases complex;
- No specialised prosecutors in most countries;
- Cooperation between government/ministry, prosecution, police, experts and at times private investigators challenging;
- Restitution complex and often independent of criminal case.

## **Stolen and Looted Art - Prosecutions**

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- Art Crime difficult to detect as **closed market and silent victims**;
- **Little police resources/expertise** and limited forensic capacity;
- If prosecuted, **low sentences** and most of the police work was in vain;
- Art crime undoubtedly an **international problem** and faces challenges at the national as well as international levels;
- Not the financial loss, but the impact on artists, market and international relations should be considered;
- Successful investigations and prosecutions in the field of high value;
- Special units, prosecutors and databases needed;
- Experts, governments, prosecutors and police could be the perfect symbiosis, but there are not yet established **cooperative structures**.

# Conclusion

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