

Illicit trafficking of cultural property

MUSEUM OF ART AND HISTORY, GENEVA

PRESS RELEASE

Heritage in danger

Genève, 14 March 2017 – **For the next few months, the Museum of Art and History is exhibiting nine archaeological objects of great historical significance for their countries of origin (Yemen, Syria and Libya), which have been subject to illicit trafficking in cultural property and were seized by the Public Prosecutor's Office of the Republic and Canton of Geneva.**

The breakout of war is unfortunately synonymous with many victims, both military and civilian. In such circumstances, it might seem improper to be concerned about the conservation of historical heritage. And yet, if most countries in the world devote substantial resources to heritage enhancement, even in a climate of economic instability, it is because awareness of the cultural, social and economic role of museums and monuments is accepted at the societal level.

There are no people without a past. All social cohesion is based on shared inheritance. Heritage preservation must therefore be taken into account even during phases of offensive combat in order to prepare for a return to peace and reconciliation. Geneva set the tone for this in 1939. At the height of the civil war in Spain, the Museum of Art and History hosted the "Masterpieces of the Prado Exhibition", thereby meeting the requirements of the Figueras Agreement that the artworks should "remain the common property of the Spanish nation", shielded from conflict and the risk of irreparable damage.

Each emerging conflict brings its litany of atrocities and irreversible harm to a people's heritage. Syria comes to mind, but have we forgotten Afghanistan? What about the fate of museums in Angola? There are many examples of museums and monuments caught up in the turmoil of civil or cross-border wars that it has not been possible to save.

Not far from the arms dealers who gather at the borders of countries caught up in chaos, certain art dealers keep watch. They check their customer databases and ensure they have the internal accomplices needed to plunder the carefully identified sites and museums when the time comes.

This procedure is only too well known. Yet, in recent years, reactions to this ongoing scandal have become increasingly vocal. Professionals are working together to identify objects that might come from this kind of trafficking, cooperating with Interpol and national police forces. Customs officers are also doing top quality work and the law is playing its part. Close coordination between all these stakeholders is key to success. Media interest ensures regular dissemination of the work accomplished to safeguard memory, thus raising public awareness of this plundering of history.

The increased scale and incidence of civil wars in the Middle East, the cradle of Western civilization, has resulted in irreparable damage to the heritage of many countries. Nobody can forget the powerful images of the destruction of sites and museums in Syria or Yemen. Beyond the symbolic significance of such destruction, it is above all a lucrative business, supplying the European and North American markets. The archaeological objects presented to the press at the Museum of Art and History on 14 March 2017, which will go on public display for several months, are a case in point.

These items of outstanding historical and cultural value from Syria, Yemen and Libya were seized by the Customs Inspectorate Geneva-Routes (Federal Customs Administration) and confiscated by the Public Prosecutor's Office of the Canton and Republic of Geneva. These artworks have been temporarily deposited at the Museum of Art and History for exhibition and study purposes.

The educational aspect of this presentation - which we hope will act as a deterrent - is part of the museum world's larger struggle for the preservation of historic memory, which remains its primary mission.

As the international situation evolves, and claims for repatriation are received from source countries, it will be the responsibility of the competent authorities to organize the return of the property in due course.

1. The legal framework

Cultural property acquisitions and transactions in Switzerland have been subject to specific regulations since the *Federal Act on the International Transfer of Cultural Property* (CPTA) came into force on 1 June 2005. The CPTA implements the UNESCO Convention of 1970 into Swiss law and regulates the import of cultural property into Switzerland, its transit and export, and its repatriation from Switzerland, as well as measures against illicit transfer. With this act, the Federal Government wishes to make a contribution to the maintenance of the cultural heritage of mankind and prevent theft, looting, and illicit import and export of cultural property.

Art dealers and customers are subject to the principle of "spontaneous declaration" and have "special duties of diligence". Anyone transferring cultural property to Switzerland must ensure that the property was not stolen, or otherwise lost contrary to the will of the owner, or illegally imported. A detailed description of any items that qualify as cultural property must be declared to customs. The author of the declaration is responsible for its accuracy.

The CPTA states that the storage of cultural property in Swiss Free Ports is considered as an import and therefore has to fulfil the same customs declaration requirements. In addition, the customs legislation also provides for the obligation to maintain records on the cultural property held in storage. The Federal Customs Administration carries out regular inventory controls.

2. The Case

On 22 November 2016, after a lengthy investigation involving numerous stakeholders, the Public Prosecutor's Office of Geneva seized nine archaeological objects that had been stored in the Geneva Free Ports between 2009 and 2010.

The affair began in April 2013, with a routine check by the Federal Customs Administration at the Free Ports. As the records for the nine archaeological artefacts examined were incomplete and did not meet the criteria set out in the *Federal Act on the International Transfer of Cultural Property*, the Federal Customs Administration suspected that they might be of illegal provenance. In January 2015, it contacted the Specialized Body for the International Transfer of Cultural Property at the Federal Office of Culture, which appointed an external expert. The latter confirmed the authenticity of the works and their major cultural importance for their countries of origin.

On the basis of the position taken by the Federal Office for Culture, the case was reported by Customs to the Public Prosecutor's Office of Geneva at the end of February 2016. The latter initiated criminal proceedings in March 2016 and sequestered the artefacts. The evidence gathered during the inquiry led the Public Prosecutor's Office to conclude that the sequestered property had been looted. It ordered their confiscation at the end of November 2016.

While waiting to be returned to their countries of origin, the nine confiscated archaeological objects have been temporarily entrusted to the Museum of Art and History by the Public Prosecutor's Office of Geneva in order to ensure their conservation and to present them to the public.

3. Presentation of the nine pieces seized by the Public Prosecutor's Office of Geneva

Libya: the seeds of illicit trafficking before the chaos

Out of the nine pieces confiscated, this is the only one that is thought in all likelihood to originate from Cyrenaica, in Libya. This female head has a certain significance in that it is emblematic of the Hellenization of the country and more generally of Northern Africa. Yet, as its archaeological context is unknown, it is impossible to correctly identify it or determine its function, as is so often the case with illicitly traded antiquities. More local trafficking aimed at tourists is suspected in this instance, as the piece was imported in 2009, before the fall of the Gaddafi regime in 2011 and the resulting civil and political instability encouraged the spread of clandestine excavations for the purposes of larger-scale trafficking.

1. Female Head (Aphrodite?)

Probably Libya, Cyrenaica

Late Hellenistic Period, 1st century BC – early 1st century AD

Marble with reddish patina

Tilting her head slightly to one side, this woman has an idealized, and rather inexpressive, young face. Her chin is quite heavy, and her hair is arranged in a fairly typical manner. The wavy, lightly puffed out strands at the front are divided by a central parting and frame the face, being then pulled back to form a chignon at the nape of the neck. The back of the head is little worked.

This female head is entirely covered with a reddish patina, characteristic of marble that has remained for a long time in a quartz environment, which is indicative of its place of origin. Cyrenaica is indeed one of the few places around the Mediterranean where *terra rossa* (red soil) and marble of this quality are both found. The patina covering the breakage at the neck, as well as that on the nose and chin, tells us that the head has not recently been separated from the body of the statue.

Taken out of its archaeological context, this piece is difficult to interpret. Does it represent a female divinity? Aphrodite, perhaps, given the popularity of this goddess in Cyrenaica? The lack of an attribute makes a definitive answer impossible. What was its function? Was it a votive offering or an ornamental or commemorative statue? As funerary portraits are veiled, or bear the suggestion of a veil through a piece of fabric touching the face, this particular purpose can be ruled out.

Yemen: endemic trafficking resulting from a forgotten conflict

The five objects seized, of great importance for our understanding of the pre-Islamic periods, are exceptional for their rarity and excellent state of preservation. We know very little about the discovery circumstances of most Yemeni works, which, in an unstable political climate, leads to increased international traffic in antiquities. Looting is driven by attractive black market prices, against which the Yemen Antiquities Service, founded in 1962, can offer little resistance, unable to propose competitive buy-back prices.

2. Circular table top decorated on the side with 3 bulls' heads, diamonds and egg-and-dart

Yemen

3rd century BC - 1st century AD?

Alabaster

This circular table top is an exceptional piece, even unique, due to its excellent state of conservation. It has a slightly concave, smooth upper surface. The decorated edge is embellished with three heads of a horned beast, probably a bull, each set in a square recess. These figures, placed at equidistant points, are connected by two decorative bands featuring diamonds and egg-and-dart. The underneath of the table top, which is less worked, has three quadrangular cavities behind the bull's heads, into which the table legs were probably inserted.

Fragments of circular tables have been found at Tamna', in the Ḥayd ibn 'Aqīl necropolis (Qataban). They are thought to be offering or libation tables, intended to be used during funerary rites.

The bull, along with the ibex, is one of the animals that appears most frequently in the iconographic repertory of southern pre-Islamic Arabia. The animal heads on this table are distinctive for their mixed

iconography: the horns are ridged like those of the ibex, but the broad muzzle with incised contours is that of a bull. A similar example was found at Tamna' (Hayd ibn 'Aqīl, Qataban). Given the presence of a bunch of leaves placed between the horns, this is probably a domestic animal, therefore a bull.

3. Statuette of a standing man with inscription

Yemen, Qataban kingdom, funerary context

Qataban period, 2nd century BC

Alabaster

This statuette depicts a highly stylized, standing male figure. Though many such representations are known, some of which are also complete, this intact copy is particularly remarkable. The closely-fitting tunic descends to the man's knees, revealing his plump contours. The facial features include large almond-shaped eyes, and pupils and eyebrows which were formerly inlaid. The top and back of the head are more roughly worked. The man's elbows are tucked in close to his body with his forearms stretched out in front; his right hand is held open, while his left fist is tightly gripped. His short legs and bare feet, set slightly apart, stand on an inscribed base.

This statuette comes from a necropolis, possibly that of the capital of the Qataban kingdom. It is of a type frequently found in the statuary of this realm, that of the praying figure, with the position of the hands indicating a gesture of intercession before the god.

This type of statuette served as a votive or funerary offering. The rather crude flattening of the head, which is very common, might correspond to the attachment of a separate headdress, perhaps in stucco.

The inscription, in Old South Arabian script and in the Qatabanic language, reveals the name and genealogy of the figure: "Tabba'karib son of Agl^{um}". Though the name Tabba'karib is common, that of Agl^{um} is very rare, as it is found in only one other inscription. The form of the writing suggests that it dates from the 2nd century BC.

4/5. Two funerary stelae with masks and inscriptions

Yemen, Al Jawf Region

Qataban period, 4th-1st century BC for n°4; 1st century BC for n°5

Oolitic limestone carved in high relief, enhanced with red coating and marble eyes

These two stelae belong to the very rare category of funerary stelae in high relief from the Al Jawf region. They were used to mark graves. As none of them were discovered during scientific excavations, their exact arrangement is not known.

The upper sections of the two rectangular slabs are decorated with a frontal portrait of a man's head in high relief above an inscription. The top two-thirds of these pieces are covered with a red coating. As the lower third is not similarly coated, it can be surmised that it was pushed into the ground or inserted into a base.

The faces, in the form of masks, have well-defined features: a head with a flat top, almond-shaped, inlaid eyes (with marble in these two cases), prominent eyebrows, an elongated nose that is triangular in section, a lipless mouth simplified as a carved line, protruding ears and a chinstrap beard.

The inscriptions, in Old South Arabian script and in the Qatabanic language, give the name of the deceased:

Stela N° 4: "Tamath". This name is previously unknown and there is no other clue to suggest a more precise date for this object.

Stela N°5: "Garm". Though this name is known, it is quite rare (four other examples exist) and specific to the Al Jawf region of Yemen. The particular shape of the letter *r* makes it possible to date this object to the 1st century BC.

6. Inscribed stela bearing the second part of a royal decree

Yemen, Qataban Kingdom, Maryamat^{um}, today Hajar al-ʿĀdī in the Wādī Ḥarīb, between Maʿrib and Bayḥān, palatial context

50 BC - 25 AD

Coloured limestone

This large stela with 25 lines inscribed in Qatabanic is unprecedented. It comes from clandestine excavations carried out in the ancient city of Maryamat^{um}. The meticulously written text has been badly damaged: only the last part of a long royal decree is preserved. Several words on this stela were previously unknown; they are found for the very first time in this inscription.

The stela is inscribed with the words of a Qatabanic king named Shahr. This could either be Shahr Hilāl Yuhan'im, who ruled around 50-25 BC, or Shahr Yagill Yuhargib (son of Hawfa'amm Yuhan'im, son of Shahr Hilāl Yuhan'im), in power during the first quarter of the 1st century AD.

The text indicates the original location of the stela: it was affixed "on the facade of the palace of the same Yashrah'amm and Ḥuḏayr^{um} in the city of Maryamat^{um}". These two men belonged to the Abrān clan, known from three other texts. The precise nature of the royal decree ruling in favour of this clan is not very clear, as it was explained in the first part of the text. The subject of the dispute appears to have been property situated in a valley named Wusr. Any attempt to challenge the decision was to incur the very high penalty of 1000 pieces of silver, which suggests that the case was controversial.

Syria: looting predating the civil war

The very rich iconography of the three pieces confiscated and the quality of the workmanship are typical of the finest known Palmyrian examples. What's more, the two funerary reliefs with portraits, originally from sarcophagi imitating *klinai* (beds or couches), belong to an under-represented class of objects. We can therefore only deplore our lack of knowledge as to the archaeological context of these three items, and are reduced to formulating hypotheses on the monuments from which they came and their exact position there. As these items arrived in Geneva in 2009, they are proof of the existence of

trafficking in archaeological artefacts in Syria even before the instability created by the civil war (which began in 2011) facilitated more wholesale looting and mass destruction.

7/8. Two funerary reliefs each with a portrait depicted beneath a *klinè*

Syria, Palmyra

First half of the 2nd century AD

Limestone carved in high relief

It is impossible to reconstruct with any certainty the archaeological context of these reliefs, ripped from their funerary monument, but these pieces are remarkable for the quality of their execution and belong to an under-represented type of sculpted panel. They probably originate from a *hypogeum* (a subterranean collective burial chamber), a context conducive to such a fine state of preservation. Placed in the main room of the tomb, reserved for its founder, these reliefs undoubtedly come from sarcophagi imitating *klinai* ("beds" or "couches"), arranged like a *triclinium*, as in a formal dining room.

The "banquet" style of representation of these sarcophagi is well-documented as being found in Palmyra from the late 1st century AD onwards. Such items typically feature the head of a clan, surrounded by his relatives, reclining on a *klinè* with a drinking vessel in his hand (main scene, here lost). Under the couch, recognizable here by its thick mattress and turned legs (one visible on each relief), are portraits of other members of the family. Here, the bust of each figure is accompanied by a feline head with a ring in its jaws, representing a sarcophagus handle.

The two fragments exhibited are not contiguous; their stylistic similarities suggest that they come from the same burial chamber, probably from the same *exedra* (semi-circular recess), but their differences (notably the treatment of the pleats on the mattress and the feline's mane) imply that they could be from two different but contemporary monuments.

7. *Klinè* with male portrait and inscription

The bedhead is decorated with a *fulcrum* (bedpost) bearing a lion's head, a bust portrait in a medallion and a rosette. The bedframe has been sculpted to resemble those in carved wood, while the mattress has a decorative braid with a laurel leaf design. The man is dressed in the Greek fashion, with a tunic and a draped cloak; his right arm rests against his chest and in his left hand he holds a *volumen* (written scroll) or a *schedula* (leaf of paper), possibly a passport for the hereafter or a symbol of the wisdom acquired during his life?

An inscription in Aramaic above the figure gives his genealogy: "Image of Taïmê son of Ma'naï [or Ma'nû]. The inscription continued perhaps on the left with the traditional wording "alas" (indicating that this is a deceased person, whose loss is regretted) or with the name of the grandfather.

8. *Klinè* with female portrait

The lower end of the bed is represented here, with its turned leg and its thick mattress decorated with two braids with plant motifs (laurel leaves and rosettes). The woman wears Greek style clothing: a tunic and a cloak fastened on her left shoulder by a trapezoid-shaped, zoomorphic *fibula* (brooch); two long strands of wavy hair reach down to her chest; she wears earrings in the form of bunches of grapes, a headband decorated with plant and geometric designs, and her headdress comprises a turban and a veil. Her right hand is raised in benediction, while in her left hand she holds a spindle and a distaff, alluding to her domestic duties.

Dating of reliefs 7 and 8: The eyes underlined by a projecting rim and with concentric circles for the irises and pupils (originally painted black), as well as the various iconographic elements already mentioned (clothing, hairstyle, jewellery and objects), are known from the 1st century AD and generally never later than the mid-2nd century. The type of decoration on the woman's headband, only known from the 2nd century onwards, makes it possible to suggest the more precise date of the first half of the 2nd century.

9. Head of a priest wearing a *modius*, or cylindrical headdress

Syria, Palmyra

2nd - 3rd century AD

White limestone carved in high relief

The neck and back of the head show signs of violent removal, while the breakages on the nose and the centre of the headdress suggest a fall, probably when this sculpted element was taken from the monument to which it belonged. In the absence of a known archaeological context, we are reduced to formulating hypotheses as to the monument from which this head originated and the place it occupied there. This high relief piece, which resembles sculpture in the round, could have come from the main scene of a banquet. It might equally have adorned a sarcophagus base or the closure plate of a sepulchral niche. The good state of conservation of the piece might indicate that it originates from a *hypogeum* (underground burial chamber).

It is the cylindrical headdress (*modius*) that the man wears on his head that tells us that this is a portrait of a priest. The headpiece is simple, decorated with just two vertical incisions. The priest's face is calm and expressionless; he appears to gaze into the distance. A wrinkle carved on his forehead indicates his advanced age, as do the nasolabial folds. A section of his garment is still visible on his right shoulder.

As priests were always represented as beardless, even at times when men commonly wore beards, this lack of facial hair is not a criterion which allows us to refine the dating of this fragment in the absence of any other attribute. Only the use of a hard and very white limestone, resembling marble, might suggest a date later than the 1st century AD, and even rather the second half of the 2nd or 3rd centuries...

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Practical Information

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