

## The role of Police in the Protection of Cultural Property

Anita GACH, Kulturgutfahndung im Bundeskriminalamt, Austria

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### Abstract

Police plays an important role in the protection of cultural property. Without police investigations, search and seizures, many restitutions of illegally achieved cultural property would not be possible. Cultural property and crime are linked together very closely.

The Art Crime Unit at the Austrian Criminal Intelligence Service is the central contact point in Austria for everything that has to do with art crime. One of the main tasks is the national and international search for stolen works of art. Since May 2021, everybody can do searches in the international works of art database from Interpol with the mobile app ID-Art. The Criminal Intelligence Service is also representing Interpol Vienna and as such responsible for the international cooperation.

Police deals with the three main threats for cultural property: theft (and fencing), forgeries and the illegal excavation. Art crime mostly can be committed rather easily and illegally obtained objects are sold in the art trade, in auction houses and antique shops, on flea markets and in the Internet. One of the reasons that make art crime so easy is the fact that art can be sold without any documents. There do not exist special rules for the selling of cultural property, no pedigree that provide information about the origin of the object and its former owner is necessary. That is why due diligence for the art trade and duties of documentations should be defined on an international level. It would be essential to install internationally binding laws for the selling of cultural objects (one could start with archaeological objects).

Last year Austrian Police returned dozens of stolen coins to Bulgaria, intended for an auction in Vienna. A special problem are online sales, which are often used to offer illegally obtained objects. The cooperation between experts, scientists and law enforcement is crucial to identify suspicious objects.

Basic tool for Police is the national legislation and its crime law. In many countries, the penal code does not make any difference between cultural property and an e-bike. In addition, many legal obstacles may prevent the restitution of stolen goods to the initial owner, e.g. the statute of limitations. Another obstacle might be the bona fide property. Stolen objects are sold immediately and handed-over to different persons. As soon as an auction house or dealer is involved the buyer acquired property in good faith. This civil law provision often prevents the restitution of stolen cultural property.

The recent international regulations targeted on the protection of cultural property together with terrorism, for instance UN-resolution 2199 (2015) and 2347 (2017). However, we should not forget that

the major part of Police files concern objects that were stolen or illegally excavated (or illegal exported) within the European Union and are not linked to terrorist groups. Therefore, we should strengthen national laws for instance by implementing the Nicosia Convention (2017) of the European Council. A harmonization of crime law regarding cultural property within the European Union would be desirable.



*Fig. 1. Stolen Coin from Bulgaria (© LKA Wien).*



Fig. 2 Stolen Coin from Bulgaria (© LKA Wien).

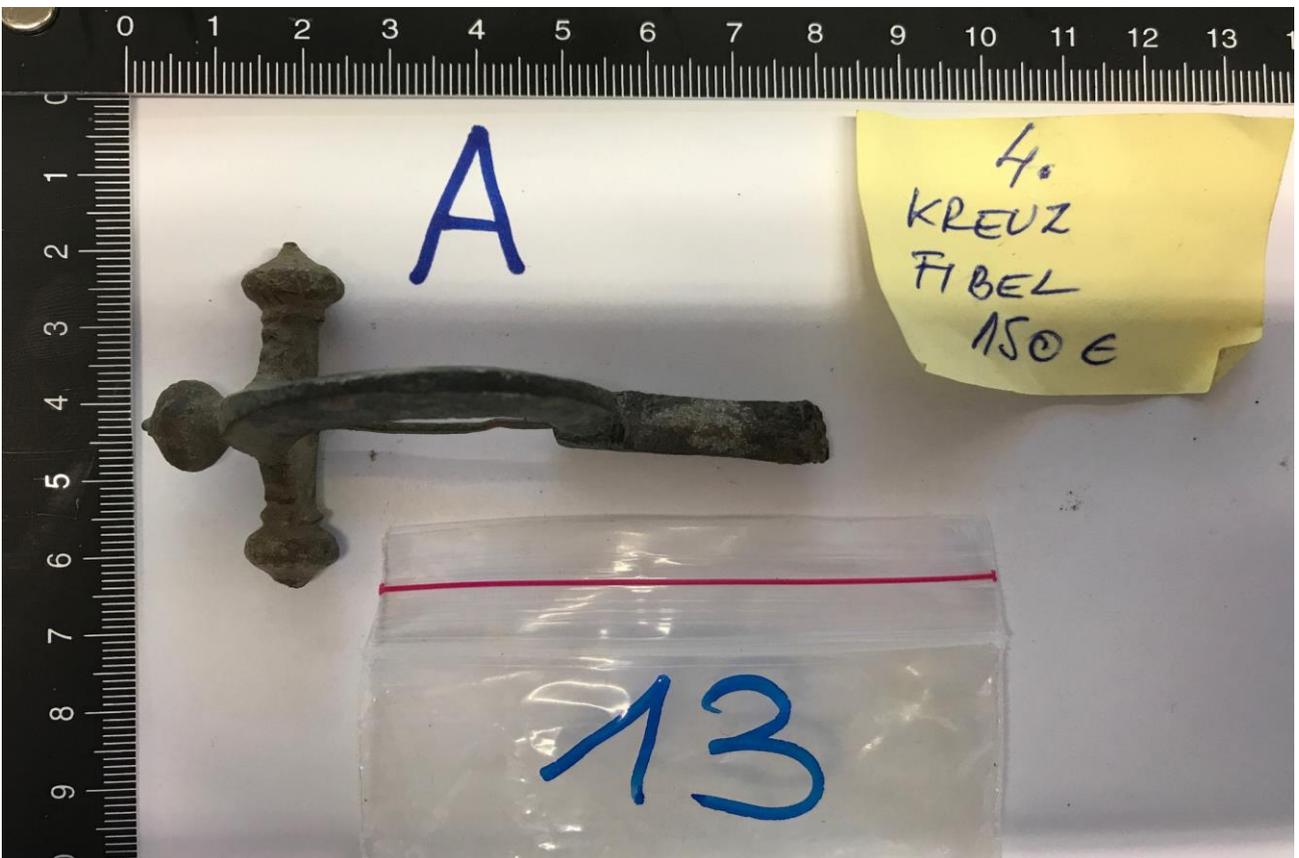


Fig. 3 Seized object from online sale (© LKA Oberösterreich).

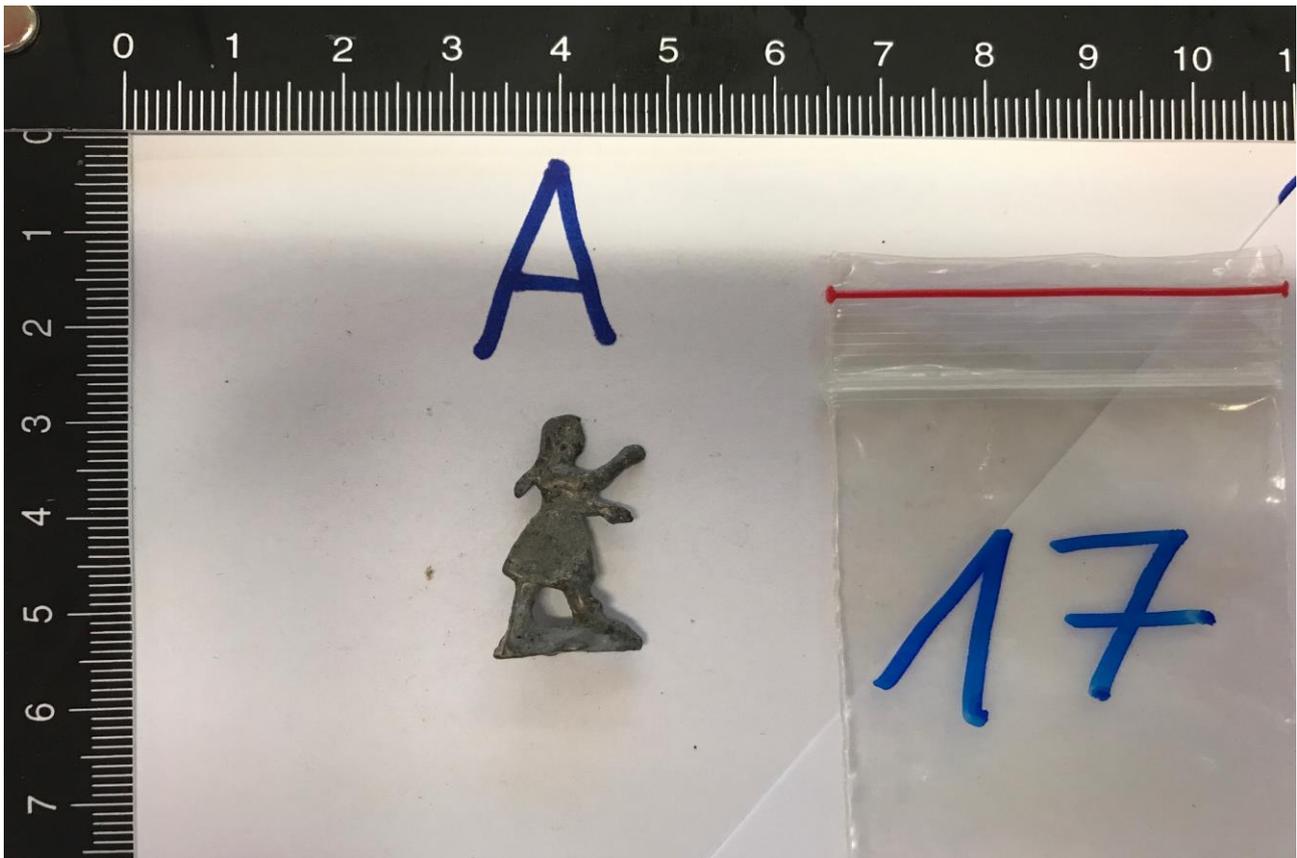


Fig. 4 Seized object from online sale (© LKA Oberösterreich).

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