

Overview about cultural property crimes in the Internet

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The Internet plays an important role in the context of art crimes. This will be shown by presenting case-studies that occupied the Austrian Police in the last years concentrating on the most important art crimes theft, fraud and the illegal excavation.

The great popularity of online auctions in the Internet is frequently abused to offer stolen, forged, illegally excavated or illegally exported cultural goods. Even if many of the so-called art objects cannot be classified as high ranking works of art you will find also interesting offers (e. g. religious sculptures, archaeological objects) after having just browsed the auctions for several minutes.

As far as terminology is concerned there will not be made a difference between the term “cultural property” in the meaning of classified objects or high ranking works of art and other works of art or art objects of inferior artistic or monetary value. When talking about Internet sales primarily online auctions are meant.

Sales via the Internet, mostly within online-platforms, have become a common tool in daily life for the majority of the public. As nearly all types of objects can be achieved, also the selling of cultural objects meanwhile plays an important role. It is amazing that objects, in particular cultural objects and art, are sold without a preceding examination of the original object.

Even the famous Saliera (saltcellar by Benvenuto Cellini) which had been stolen out of the Fine Art Museum in Vienna in May 2003 was offered for sale shortly after the theft in an online auction in the Internet.

Art Theft

The most important art crime is theft. Interpol¹ statistics prove that every year there are stolen some 45.000 works of art worldwide. Usually stolen art is sold immediately after theft in the art trade or on flea-markets. The Internet and its online auctions have become a welcome tool to sell stolen art.

In December 2006 a painting of the 19th century showing a popular scene of Weissenkirchen in Wachau (Fig. 1), Austria, had been offered for auction at eBay Austria. The painting had been stolen one month before out of a villa in Upper Austria together with four other paintings, candlesticks, a mirror, etc. of a total value of more than 20.000 Euro.

The seller turned out to be an art dealer from Vienna, who had bought the stolen painting at a flea-market in Graz. The following investigations of the Landeskriminalamt Oberösterreich (Regional Criminal Intelligence Service Upper Austria) that included four Austrian provinces (Bundesländer) led to the seizure of 44 art objects and the clarification of eight breaking and enterings in Austria.



Fig. 1 – Teisenhoferhof in Weissenkirchen Wachau

The investigation and immediate examination of the offer of the mentioned flea-market was successful and it turned out that further stolen objects, especially paintings and sculptures, reappeared. The 64 years old retiree, who offered the stolen objects at flea markets, had been accused of receiving stolen goods but also of having committed breaking and entering himself.

This is a classical case where stolen objects are sold on a flea-market immediately after theft. Afterwards the trader, who commits the crime of receiving stolen good by buying stolen objects, used the new technology to resell the received objects.

In July 2006 an antique intercommunication system (duplex system) had been offered in an online auction for sale (Fig. 2). In Vienna many houses of the Jugendstil period exist and contain original doorplates, lamps or stained windows for instance. As these objects are wanted in the art market these objects are stolen very often and easily.

This stolen precursor of a duplex system worth some 5.800 Euro had been stolen from a magnificent Otto Wagner building in Vienna. After an information of the Federal Office for the Protection of Monuments this object had been seized by officers of the Landeskriminalamt Burgenland (a Regional Criminal Intelligence Service Burgenland) and returned to the victim.



Fig. 2 – Early intercommunication system

The sellers turned out to be two unemployed Austrian who offered more than 4.000 objects for sale at eBay. They used 16 different accounts for their profession and sold plates of enamel, glass, books, paintings and sculptures.

Being asked where they got the stolen object from, the answer was, as usual, that they bought it on a flea-market.

Fraud

Another type of art crime concerns fraud in the meaning of art fakes. This type of crime, selling fakes at online auctions, seems to be one of the most frequent crimes in connection with the Internet.

Fraud of works of art mainly concerns modern and contemporary art. The estimated number of unknown cases might be high because a lot of victims do not admit having been victim of a fraud or simply are not interested in knowing this fact.

Most fakes are not made sophisticatedly but serve just one purpose: earn money quickly without any risks. The easier fakes can be produced (what depends on the artists technique and style) the bigger the probability that fakes will appear in the art trade. Our recent cases show that mostly fakes concern drawings and water colours, of locally well known artists (Alfons Walde, Wilhelm Prachensky, Bertold Löffler) but also of international artists like Edgar Degas, Roy Lichtenstein, Gustav Klimt.

Fakes of works of art always existed but due to the new technology unknown possibilities of spreading them developed.

A person in Vienna offered worthless drawings of well-known artists like Gustav Klimt, Marc Chagall, Edgar Degas, at an online auction and accompanied the offered fakes with convincing stories. The prices for the drawings have not been very high and for every realistic thinking person it should have been clear that it is impossible to buy an original Klimt or Degas drawing (Fig. 3) for some hundred Euros. But the story of grandma having known many artists by herself in her circle seemed to convince sceptics. And there is still the hope that the seller does not have a clue of the real market prices.



Fig. 3 – Fake Degas

Despite of the moderate prices the profit for the seller of the Klimt fakes was considerable: at least 20.000 Euro in two months!

The problem that Police and Justice often face is the proof that a work of art is a fake. It often happens that even still living artists are not sure if they have created a work or not.

Another example concerns a young couple in Vienna who sold dozens of fakes at online auctions in the Internet, using the nickname Sarah. A gallery specialized on one of the offered artists informed Police that Sarah is offering a fake. The fake has been seized before auction and Sarah, when asked by Police, regretted having offered a fake that she had bought at a flea-market. In addition the prize for the watercolour was just some hundred euros and she never had been in contact with Police or Justice.

Sarah turned out to be a 26 year old woman who together with her boy-friend produced fakes to finance their lives including the drugs they consumed. After realizing that the selling of fakes went on, a house search was organised and successful: the specialised officers of the Vienna Police just arrived when the production of fakes was on-going and sheets with signatures spread on the floor and colours were still wet.

The modus-operandi of the couple was the following: on the basis of a sketch-book containing pencil drawings (the sketch-book might date from the fifties of the 20th century, Fig. 5) they cut out the pencil sketches and coloured and signed them using famous names as Alfons Walde, Marie Egner, Oskar Laske, Wilhelm Prachensky (Fig. 4) and many more.



Fig. 4 – Fake Prachensky



Fig. 5 – Fakes

In the online auction those small “master-pieces” were sold for some hundred euros. By analyzing all the auctions of Sarah it turned out that the couple earned some 64.000 Euro in 2007 exclusively by offering fakes in online auctions!

The buyers of such fakes are in good faith or do not want to know what they bought. On the other hand there has to be stated that many buyers are motivated by avarice as they try to earn money by reselling the objects in an official auction house. That is where many fakes reappear and investigations are starting. Additionally these investigations often develop an international dimension because it turns out that there are buyers in many different countries. Also in the mentioned case: The fakes are spread to more than 200 persons not only in Austria but in many other countries who bought in auctions from Sarah. A German citizen bought two water colours and tried to resell them to an Austrian auction house. There the fakes were identified. In this context sometimes it is hard to call the buyers victims as they should know that quality has its price, no matter whether buying a car or works of art.

A third example for fakes in online auctions shows that many of these cases are international cases with many countries all over the world involved. Another aspect that is worth mentioning is the fact that only a minority of buyers acquire art objects in the Internet for private use. Most of the buyers try to make business with the object that has been bought at an online auction.

An Austrian has tried to sell 26 prints by Andy Warhol and Roy Lichtenstein to several well-known auction-houses in Germany (Fig. 6). The reason why the sheets have been offered not only to one but many auction-houses was the hope to achieve a better price. When offering the sheets to auction-houses the seller never had been asked about the provenance of the prints! Several auction houses took legal actions against the Austrian.



Fig. 6 – Fake Lichtenstein

Prices for original Lichtenstein prints are between 5.000 and 80.000 Euro.²

The prints have been checked in the auction houses and identified as fakes: they turned out to be ink jet prints. The Austrian, in this case buyer and seller or victim and offender, has bought all the Warhol and Lichtenstein prints at online-auctions. He bought the prints from sellers in Ireland and the United States. The seller from Ireland offered fakes in more than 400 auctions and used four different names and accounts and earned more than 140.000 Euro. The relevant Austrian prosecutor has dismissed the case and no further investigations in Austria may be carried on.

It turned out that the names and addresses of the seller given to the online platform were false. Investigations in Ireland revealed that neither the persons nor the addresses of the seller in Ireland existed. Also the telephone numbers were partly false. The only existing information is a bank account that link to the United Kingdom.

Illegal excavation

The third crime beside theft and fraud that can be considered frequently together with Internet sales is the illegal excavation (Fig. 7). Thousands of archaeological objects which are protected by special laws are offered for sale every day at online auctions. Thousands of uncleaned coins, fibulas and statuettes are offered and not only experts know that these objects result from illegal searches with metal-detectors.



Fig. 7 – Illegal Excavations

The online platform eBay recently started a project for the protection of archaeological cultural good in Switzerland, Germany and Austria. Since 1st of July 2008 it is forbidden to offer archaeological findings without the proof of the legal possession. Since then the offers of suspicious archaeological objects have reduced dramatically.

Problems of the Internet sales

Internet sales are abused for different kinds of art crimes, theft, fraud and the illegal excavation are the most frequent ones. It is used for illegal activities in various modes because it facilitates selling illegal art in many ways. Some of the main reasons to offer stolen or falsified cultural good at an online auction in the Internet are:

Offer objects worldwide

The possibility to offer objects worldwide without being directly asked by someone about the provenance simplifies illegal art activities. Thieves try to sell the stolen good as quickly as possible. The online auction is a perfect platform because with minimal effort a maximum of buyers can be reached. A buyer in a foreign country is of great advantage for the thief or forger: the farther away the better and the less the chance that anyone recognizes the stolen good.

Nicknames

Another important aspect is the possibility to offer goods (almost) anonymously. The buyer does not necessarily get to know the name of the seller. In most of the cases the goods are handed out directly or sent by mail, both options can be done without declaring ones data. Registering at an online platform does not imply the obligation to present a proof of identity. Cases where the seller has not given his right name and address to the Internet platform are already known.

Some sellers do not offer the objects themselves but use sales agents to mask their offers. Making business with a sales agent means that the seller himself never gets known.

Offer visible for a short period

The offer is visible for just a short period in the Internet and then vanishes again. The traceability of a suspicious object after the end of an auction is impossible.

Millions of offers

An offer of a stolen object or fake in the Internet can be perfectly hidden between millions of other offers. On the other hand Internet sales give the possibility to identify stolen goods contrary to the sale on flea-markets for instance.

In the frame of the Organised Crime Prevention Programme (PPGC) in the Netherlands the art and antiquities trade including the Internet sales have been analyzed. For two one-week periods the researchers scanned the art and antiques categories on the websites of 4 Internet platforms (eBay Netherlands, Marktplaats, Speurders and 2ehands) on a daily basis. The offers, the names and addresses of the companies and individuals on the sites, etc. have been noted. This gave an overall picture of the number of sellers, the number of objects for sale and the number of companies and individuals offering the same objects for sale under different names/company names. Within one week more than 200.000 offers had been placed on the four websites in the Netherlands in the categories art and antiques! Some dealers place the same object on different sites to improve the chance to sell it. Anyway, 200.000 art objects in one week seems to be a rather high number!³

No control

Police is not able to control all the offers at online auctions. Because of the short period and masses of offers neither museums or art experts nor officers for the Protection of Monuments have the possibility

to check the offer before an auction which is possible when there exists a fixed date for auction and an auction catalogue. Also no control is effectuated as far as quality is concerned.

Low prices

The prices for single art objects often are very low. Investigations prove again and again that offenders deal with hundreds and thousands of items and that the total amount of their income is enormous. The dimension of the cases must not be underestimated because of the supposed low value of one work of art. In addition, the selling of fakes causes damage to the work of an artist and his reputation. Low prices for an object in the Internet should make skeptical. No matter if cultural property or other objects are concerned: why should someone sell an object for a lower price? Low prices for art in the Internet should be handled with kid gloves and potential buyers should be made more aware of the fact that many objects in the art trade might be illegal.

Legal vacuum

Legislation and the legal practice are still virgin soil in many ways as far as Internet sales are concerned. Does the law of ones country also apply to a legal problem together with Internet? Are Internet auctions treated like “normal” auctions? Can there be obtained a stolen good at an online auction in good faith? The internationality of many cases also does not contribute to make things easier.

Thrill of auction stronger than common sense

Buyers at online auctions are convinced to buy a special offer and the thrill of an auction seems sometimes to be stronger than the common sense. Generally spoken one has to consider that quality has its price, no matter if art is acquired in the traditional art trade or at an Internet auction. As Internet auctions are mostly performed from ones PC at home many customers of the Internet seem to act rather blue-eyed and forget basic rules of caution.

The thrill to take part in an auction is called auction fever. Auction fever is one of the most frequently discussed issues concerning online auctions and it has been proved that the thrill of competing against other bidders increases the willingness of a bidder to pay more in an auction than he would have paid in a posted-price setting.⁴

Conclusion

Everybody, including online-platforms and buyers as well as sellers, should be interested in Internet platforms without dubious offers: this can only be achieved by the cooperation of all involved platforms, art experts and law enforcement agencies. It is impossible that police monitors all the offers of works of art in the Internet, even if one just concentrates on the national offers. Concerning fakes the cooperation of art experts is required who are the only ones to recognize a fake.

To make Internet business safer a seal of quality for the e-commerce⁵ has been created which concentrates on the standard of legal and technical criteria but excludes the quality of the offered objects.

First steps to fight against this international problem have been taken last year by UNESCO, Interpol and ICOM and the publication of “Basic Actions”⁶. Interpol has carried out a survey in 56 member states which showed that the illicit trade in cultural good is a growing problem.

Main goals of the “Basic actions” are the rising of awareness of the problem of Internet sales and to convince Internet platforms to take more responsibility and to cooperate with law enforcement. Internet sales platforms are encouraged to post a disclaimer on the cultural objects sales pages where buyers are advised to check the provenance of an object.

One of the recommendations of the 7th Symposium on the theft of and illicit traffic in works of art which took place at the Interpol headquarters in Lyon in June 2008⁷ was the invitation to spread as widely as possible the joint letter on basic actions and to conclude agreements with auction platforms in order to reduce illegal sales and to monitor this type of trade as effectively as possible.

The self-control of Internet platforms regarding the sale of cultural property was already part of the recommendations of the 5th Meeting of the Interpol Expert Group on Stolen Cultural Property of March 2008⁸.

The United Nations Office on Drugs and Crime include the Internet sales of cultural property in its Resolution 2008/23 “Protection against trafficking in cultural property” that has been adopted by the Economic and Social Council on 24 July 2008⁹. In operative paragraph 5 combating the illegal trafficking in cultural property, including trafficking committed through the use of the Internet is mentioned. Paragraph 7 refers to measures to prevent the transfer of illicitly acquired cultural property, in particular through auctions in the Internet.

The Internet sales will require further actions and activities and the earlier they start the better for the future!

¹ <http://www.interpol.int/Public/WorkOfArt/Default.asp> *Not available anymore.*

² Kobel Stefan: Teure Poster. Gefälschte Druckgrafiken von Roy Lichtenstein aufgetaucht. Artikel vom 2. Juni 2008 auf www.artnet.de/magazine/news/kobel/kobel06-02-08.asp *Not available anymore.*

³ Bielemann B., van der Stoep R., Naayer H.: Pure art. Preventive criminal analysis of the dutch art and antiques trade. Groningen-Rotterdam 2007

⁴ Ockenfels Axel, Reiley David H., Sadrieh Abdolkarim: Online auctions. Cambridge, Mass. 2006, S. 23

⁵ Askovic Branko, Toth Stefan: Rechtliche Probleme und vertrauensschaffende Institutionen bei Internet-Auktionen. Dipl. Arb. Wien 2007, S. 57

⁶ <http://portal.unesco.org/culture/fr/files/21559/11836509429MesuresTraficIlliciteEn.pdf/MesuresTraficIlliciteEn.pdf> *Not available anymore.*

⁷ <http://www.interpol.int/Public/WorkOfArt/Conferences/Default.asp> *Not available anymore.*

⁸ <http://www.interpol.int/Public/WorkOfArt/Conferences/Default.asp> *Not available anymore.*

⁹ <http://www.un.org/ecosoc/docs/2008/Resolution%202008-23.pdf> *Not available anymore.*