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**International Conference**

**THE NICOSIA CONVENTION: A CRIMINAL  
JUSTICE RESPONSE TO OFFENCES RELATING TO  
CULTURAL PROPERTY**

**National Library,  
15 - 16 June  
Riga, Latvia**

**SESSION III - GOOD PRACTICES AND EXCHANGE OF EXPERIENCES**

## **Forensic work in legal proceedings on archaeological looting**

### **Mr. Maurizio PELLEGRINI & Dr. Daniela RIZZO**

Good morning. We would like to thank the organisers of this conference for inviting us and all the Latvian authorities for welcoming us.

Paolo Giorgio Ferri was the magistrate of the Court of Rome who, in 1997, began a tough fight against the illicit trafficking of cultural heritage, continuing it steadily until 2020, when he prematurely left us.

In the mid-1990s, General Roberto Conforti, started one of the most prosperous periods for Italy in the field of combating the illicit trafficking, making our country one of the most active nations in this field. We have had the honour of working with these two great personalities and today, in examining the main points of the Nicosia Convention, we will retrace, very briefly, the long work carried out and why they were unknowingly the forerunners of the principles of the 2017 Convention.

The first very important objective that the Convention has set itself is to “prevent and combat the illicit traffic...”, issues that are particularly felt in a country subject to clandestine excavations and the serious damages that result. The worst period experienced by our country was between the 1960s and the 1990s, 30 years during which thousands of archaeological finds were plundered from our sites and illegally transferred abroad.

A first breakthrough occurred in 1995 with a seizure at the Free Port of Geneva at the warehouses of an Italian trafficker. About 3,000 objects and a huge archive were traced, and the subsequent investigations revealed the real extent of the phenomenon, highlighting for the first time the pyramid of illicit trafficking.

In 2001, in Basel, about 8,000 objects and a huge archive were seized. In these archives all the illicit activity was traced from 1960 to 2000, and this had led to intertwining the economic ties with the best-known traffickers from all over the world, including grave robbers, transporters, restorers, brokers, university professors, customs employees and museum directors. These important archives form the starting point for the recovery of goods illegally exported and all the major investigations deriving involved important museums and broke, in part, the chain of the trafficking. Foreign museums stopped their purchases on the illicit market and

began to equip themselves with tools suitable for ascertaining the origin of the finds and for a long period clandestine excavations in Italy were drastically reduced.

The first thing Paolo Ferri did was to create a staff of experts, made up of detectives and archaeologists, always the same people so that valuable experience was gradually accumulated and it was always possible to weave together facts, names, places and dates. In those years, Generale Conforti began to organize annual international conferences which were attended by magistrates, police forces and experts from all over the world, not only to take stock of the situation of each foreign country, but also to create bonds of collaboration, for exchanging information and ideas to fight illicit trafficking. Thanks to the friendly relations created, it was easier to follow the various proceedings and to bring to fruition the numerous international legal requests. In 2006, thanks to a seizure made in Greece, Paolo Ferri started a close collaboration with the Greek judiciary, police and one archaeologist, Christos Tsirogiannis, who joined the staff and continues to work today. International collaboration of this kind features in the objectives of the Nicosia Convention.

Innovative for us is **article n. 4**, which obliges the States to identify **illicit excavation** as a crime, provided for in **article n. 3**, in violation of the laws of the country where it is carried out. The identification of clandestine excavation as a crime was one of the most difficult obstacles to overcome, especially in those States where this crime doesn't exist. In the Geneva seizure, hundreds of objects were dirty, in fragments, wrapped in Italian newspapers and in fruit boxes on which it was written "Cerveteri fruit and vegetables" (Cerveteri is where the Euphronios Crater comes from). We spent five years trying to convince the Swiss authorities that clandestine excavation in Italy was equivalent to theft.

Another crime we would like to focus on, is the one described in **article n. 8**. The forms adopted for **placing cultural goods on the international market** are many and very articulated. As we were able to discover, the trafficker, with the collaboration of two employees of Sotheby's in London, sent objects to be sold in this historic auction house, and then bought them back aiming to make the possession legitimate and fix the price.

Other way of laundering the illicitly sourced artefacts that arrive at major museums through private collections is to display them in major exhibitions held in the same museums in order to legitimise them.

Almost all museums have come across the complexity of **article n. 9**, except the so-called source ones, such as Italy and Greece. Museums are **buying from the market to enrich their collections**. Some examples of documented forgeries we discovered in the seizure in Basel. The famous kouros purchased by the Getty in 1985 which

aroused so much controversy because it was considered a fake; the statue was sent to the museum with some documents to guarantee its authenticity and provenance; the origin resulted from a wealthy Swiss family as early as 1930 confirmed by two letters signed by a German scholar, Ernst Langlotz and an antiquities dealer, Hermann Rosenberg. In 1986, however, the curator of the Getty Museum stated that the documentation was counterfeit, sparking an endless controversy.

In the trafficker's archive we found two blank sheets of paper with the letterhead used in Rosenberg's letter. The paper was blank with his signature at the bottom, ready to enter the appropriate text and date to exonerate the crime.

In the illicit market it was not difficult to **forge documents (article n. 9)**: as demonstrated by the sales document written on letterhead "Fritz Burki and son" that we show in our presentation. Burki was the trusted restorer and a "frontman" of Robert Hecht, the greatest international dealer who sold the Euphronios krater. This sales receipt was written in Burki's letterhead paper and signed on Burki's behalf by Hecht, as emerged during the trial when the receipt was compared with other Hecht's writings confirming his authorship.

The Nicosia Convention provides in **articles n. 5 and 6**, dedicated to **illegal importation and illegal exportation** respectively, for serious crimes with which Italy has often been confronted. The trafficker from Geneva, definitively sentenced to 8 years and €10 million for damages, always used the same person employed at the Free Port to get the materials in and out; that expert was a restorer who worked for both the traffickers, herself the owner of a large collection of Etruscan-Italic items and co-founder of an important association that created archaeological exhibitions and publications.

Closely connected to articles n. 5 and 6 is the crime of **acquisition**, stated in **article n. 7**. Recently, for example, the New York District Attorney's Office made a large seizure against a well-known billionaire collector who owned, in his immense house, thousands of archaeological finds purchased for the most part on the illicit market. Some of them belonged to traffickers already prosecuted by Ferri: 180 exhibits were seized and, for the first time, the collector was formally warned not to purchase further antiquities.

Finally, we cannot omit mentioning the most serious crime, the **destruction**, which the Convention places in **article n. 10**. Professor Ricardo Elia of Boston University had estimated that at least 10 Apulian tombs are destroyed to place a single prestigious object on the market.

Disconcerting images, in the Geneva archive, document a clandestine excavation carried out in one villa of the Vesuvian area, where the grave robbers identified 3 wall

frescoes of a room, brutally cut-off in panels for easier transport. The frescoes returned to Pompei, but the villa has not yet been identified, certainly destroyed, a symbol of the very serious damage caused to cultural heritage by looting. Another striking damage to a unique archaeological masterpiece, coming from Puglia and returned by the Getty, is evident in the polaroids found, in which you can see the precious polychrome marble sculpture broken into three parts to facilitate transport in the trunk of a car.

The Nicosia Convention should be signed and ratified by all States, building a partnership, direct, rapid and without bureaucratic and parochial obstacles.

Such partnerships allow a state to contact a museum or an archaeologist of another nation for a request whenever its cultural heritage is in danger. If we don't unite in this fight and don't lay a virtual safety net over the world's cultural heritage, illicit trafficking will move to where the laws are softer and the state is isolated.