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The Criminal Organization of the Transnational Trade in Cultural Objects: Two Case Studies

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Increasingly, the international illicit trade in antiquities and other cultural objects is being characterized as an example of transnational organized crime (Bowman 2008; Campbell 2013; Chappell and Polk 2011; Dietzler 2013; Mackenzie 2011; Mackenzie and Davis 2014; Polk 2000). But what does that mean exactly? Problems of definition and evidence mean that it is easy to talk about organized crime in a general sense, but harder to operationalize the concept in such a way as to design and implement more effective countermeasures. Part of the problem is that ‘organized crime’ means different things to different people. Paoli (2014, p. 2) argues for two distinct understandings. The first is that ‘organized crime’ denotes the existence of persistent and often territorial criminal organizations, or gangs, with a command and control hierarchy emanating downwards from a boss or ‘kingpin’ figure. The Italian mafia and the Chinese triads are exemplary. The second understanding is that ‘organized crime’ describes a type of criminal activity, an opportunistic collaboration of several individuals aimed at committing serious crime for monetary gain. Neither one of these understandings is wrong nor are they mutually exclusive of one another.

For the illicit trade in antiquities and other cultural objects, Simon Mackenzie has tried to retain this distinction between control and opportunity while reasoning recursively about organization, first, by asking whether the trade is controlled or significantly penetrated by broad-spectrum criminal gangs, such as the mafia (‘criminals in the market’), or is instead a more iso-

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lated enterprise of specialist criminals (a 'criminal market') (Mackenzie 2011) and, second, by asking how the trade itself is criminally organized, whether through the long-term centralized control and direction of command figures, or more opportunistically through short-term criminal collaborations (Mackenzie and Davis 2014). The trade is conventionally schematized as linking together three markets: source, transit and destination (Polk 2000). Mackenzie (2011, p. 74) believes there is little evidence of mafia-like gangs operating in the destination market, though the situation is not clear for the source and transit markets.¹ Looking at the trade as a whole, Peter Campbell (2013) and Jessica Dietzler (2013) reject the existence of centralized control and favor instead the idea of opportunistic collaborations between loosely connected and interchangeable members of a broad-ranging and flexible criminal network. But the possibility should not be excluded that different sections of the trade might be differently organized. Thus, from their fieldwork in Cambodia, Mackenzie and Davis (2014) and Davis and Mackenzie (2015) conclude that the supply chains of the source market were subject to the long-term and even territorial control of individual figures or gangs, while further up the trading chain in the destination market relations became more flexible and opportunistic.

The problem of describing the criminal organization of the trade is empirical as much as it is conceptual because of the difficulty of obtaining good quality, comprehensive and unbiased information. Most evidence about trading is made available second hand through court documents, media reporting, official press releases and, increasingly, blog commentary. Systematic, firsthand ethnographic research, such as that of Mackenzie and Davis in Cambodia, is rare. Court documents and associated media reports will inevitably influence the perspective of the researcher, as the information they contain clouds around the person or people under investigation, creating a possibly mistaken perception that the suspected offender is a central or controlling figure. These sources also present only a partial view of the trading network as it exists in time and space. A single criminal prosecution or customs recovery may or may not instantiate a more persistent and wider-ranging criminal operation. It is not warranted to derive a general pattern from a single case without substantiating and preferably independent evidence.

Two case studies are presented here with the aim of further characterizing how the illegal trade in antiquities and other cultural objects might function and be criminally organized. Critical attention is paid to the limitations and

¹ The Italian Carabinieri state they have no evidence of involvement by the mafia or their regional equivalents in the Italian source market (Nistri 2011, p. 185).

possible distorting effects of the information at hand, which again is derived from media reporting and commentary on criminal prosecutions and customs seizures. Both case studies concern only a small number of episodes in what must be longer-term and wider-ranging configurations of illegal enterprise. The first case study reports upon the activities of New York-based dealer Subhash Kapoor. Unusually, here, it is possible to reconstruct the full trading histories of some objects from their theft in India to their final acquisition by museums in the US, Australia and Singapore, and so to look at the organization of the trade along its entire reach. The second case study examines the trade of material from two dealers in the free port of Dubai on to the destination markets of London and New York, and thus is partial as it excludes any consideration of the organization of the supply chains from source countries to the transit market of Dubai.

Subhash Kapoor

In October 2011, the Asian art dealer Subhash Kapoor was arrested in Germany and in July 2012 extradited to India (Selvaraj 2012a), where, in May 2016, he was still awaiting trial on charges relating to trafficking cultural objects. He denies all charges (Burke 2015). Kapoor was proprietor of the sales gallery Art of the Past, in New York City. He had established his business in the 1970s and dealt in cultural objects from a range of South and Southeast Asian countries, including India, Pakistan, Afghanistan, Bangladesh, Indonesia, Cambodia and Thailand. He had trading contacts in Hong Kong, London and Dubai. He claimed to have sold objects to museums around the world, including New York's Metropolitan Museum of Art, the Smithsonian's Arthur M. Sackler Gallery, the Los Angeles County Museum of Art, Boston's Museum of Fine Arts, the Asian Art Museum of San Francisco, Chicago's Art Institute, the Virginia Museum of Fine Arts, Richmond, the Guimet Museum in Paris, the Museum of Asian Art in Berlin, the National Gallery of Australia in Canberra, the Royal Ontario Museum in Toronto, and the Asian Civilisations Museum in Singapore (Artfix 2011).

The case against Kapoor in India hinges upon the theft of eleventh- to twelfth-century Chola period bronze idols from temples in the towns of Suthamalli and Sripuranthan in the Indian state of Tamil Nadu. In their report (Tamil Nadu n.d.), Tamil Nadu police allege that in September 2005, Kapoor visited the port city of Chennai for a meeting with one Sanjivi Asokan. Kapoor arranged with Asokan for the theft and transport to New York of idols from the Sivan temple in Sripuranthan and the Varadharaja Perumal temple

in Suthamalli. Tamil Nadu police go on to claim that, through the mediation of local art dealer Siva Kumar, Asokan hired two thieves for the Sripuranthan thefts. They broke into the Sripuranthan temple three times, removing three idols in January 2006, three more in May 2006 and a final two later in 2006. For the latter theft, the gang was increased in size to about four or five members to cope with the removal of a large, heavy Shiva Nataraja. After each theft, Asokan mixed stolen idols in with modern reproductions, obtaining export documentation for 'artistic handicrafts'. The material was shipped from Chennai by Ever Star International (owned by Packia Kumar) directly to Kapoor's New York handling company Nimbus Import Export. The Sripuranthan temple was used only periodically for religious observance, and the theft was not discovered until August 2008. The police report that there were further meetings between Kapoor and Asokan. Kapoor is believed to have visited Chennai four times from 2005 onwards (Selvaraj 2012b). After these meetings, with the help of a local art dealer named Marisamy, Asokan assembled a gang of four thieves to burgle the Suthamalli temple. Over two days, in February 2008, the gang allegedly stole perhaps 18 or 20 idols from the temple. Marisamy sold ten idols to Asokan and retained possession of the remainder, subsequently selling them to an unnamed 'foreigner'. Again, Asokan arranged for the stolen pieces to be commingled with replicas and exported as 'handicrafts'. They were shipped first from Chennai to Union Link International Movers in Hong Kong, and then via London to Kapoor in New York (Selvaraj 2012b, c). The Suthamalli theft was not discovered until April 2008. Asokan, Packia Kumar, Marisamy, Siva Kumar and some of the thieves were arrested by Tamil Nadu police in 2009, and charged with theft-related offences (Tamil Nadu n.d.).

The French Institute of Pondicherry maintains a photographic archive of Chola period temple idols, which includes images of all eight pieces stolen from Sripuranthan and eight of the pieces stolen from Suthamalli. From these images, it was possible for journalists, private individuals and law enforcement agencies to identify several idols that had been acquired by museums, and now to reconstruct their illicit biographies from theft to collection. By May 2016, the following idols had been recovered from the Sivan temple in Sripuranthan:

Shiva as Lord of the Dance (Nataraja) (Crennan 2016; Felch 2013). This is the large Shiva Nataraja stolen in the final theft from the Sripuranthan temple in 2006. Kapoor sold it to the National Gallery of Australia (NGA) in February 2008 for US\$5 million. He provided three false documents of provenance. The first was a receipt dated 14 May 1970, recording its pur-

chase in India by Abdulla Mehgoub, who subsequently emigrated to the US. The second was a letter from Raj Mehgoub (then wife of Abdulla) dated 15 January 2003 confirming that the Nataraja had been in her husband's possession and that he had purchased it in India before 1971. The third was a receipt dated 18 October 2004, confirming Kapoor's purchase of the piece from Raj Mehgoub. The Nataraja was returned to India in September 2014.

Manickavasagar (ICE 2015c; Mashberg and Bearak 2015). Kapoor sold the Manickavasagar to a New York private collector in March 2006 for US\$650,000. He provided a false letter of provenance, backdated to 5 May 2005 and signed by a Singapore-based associate of Kapoor, claiming the piece had been out of India for more than 30 years. On 1 July 2015, the collector voluntarily surrendered the piece to US Immigration and Customs Enforcement (ICE).

Uma Parameshvari (Felch 2014b; Kumar 2014; Shetty 2015). Kapoor sold the Uma Parameshvari to Singapore's Asian Civilisations Museum in 2007 for US\$650,000. In October 2015, the museum agreed to return the piece to India.

Ganeshha (Felch 2014a; Kumar 2013c; Mullen 2014). Kapoor sold the Ganeshha to the Toledo Museum of Art in May 2006 for US\$245,000. He provided a false provenance, claiming that Selina Mohamed (Kapoor's then girlfriend) had inherited the piece from her mother Rajpati Singh who had in turn purchased it in India in 1971 and exported it. In October 2014, the museum agreed to return the piece to India.

The Indian investigation of Kapoor revealed something of the financial structure of the trade. The gang of thieves that committed the final theft of the Nataraja and one other piece from the Sripurathan temple, numbering perhaps four people, were reportedly paid together ₹300,000 (US\$6696) to be split between them—US\$1674 each. The Nataraja alone was sold by Kapoor for US\$5 million, a price increase of nearly 800 percent. For his part in the Sripurathan thefts, Asokan received ₹11,637,694 (US\$257,077) in addition to a previously paid advance. Kapoor and Asokan would both have needed to cover their 'operating expenses', including for Kapoor his New York business establishment, but the sums involved do demonstrate once again the large differentials between the prices secured by looters and thieves and those achieved on the international market that are such a common feature of the trade (Brodie 1998).

In the US, ICE had been alerted to the activities of Kapoor in 2007 when the Indian consulate notified them of the arrival of several crates of stolen

Indian objects described as ‘Marble Garden Table Sets’ (ICE 2012a). The shipment, weighing 1400 kg, was dispatched from Jawaharlal Nehru by the shipping company Palae Knit Exports, arriving at New York on 10 February 2007 (St. Hilaire 2012d; Lakshman 2012). Following Kapoor’s arrest in Germany, ICE set in motion Operation Hidden Idol to investigate his activities and recover stolen material. Starting in January 2012, ICE Homeland Security Investigation (HSI) agents launched a series of raids on Kapoor’s gallery and associated storage facilities in New York City, seizing business records and material stock. Kapoor’s manager of Art of the Past, Aaron Freedman, was arrested and in December 2013 pled guilty to charges of criminal possession (ICE 2013; Mashberg 2015). Kapoor’s sister Sushma Sareen and his girlfriend Selina Mohamed were also arrested and charged. Mohamed pled guilty in December 2013 to a misdemeanor charge of conspiracy and was conditionally discharged (St. Hilaire 2015). Sareen pled guilty in November 2014 to obstructing justice (Mashberg 2015). By April 2015, ICE had recovered 2622 objects with a total appraised value of US\$107.6 million (Mashberg 2015). The material included objects from many South and Southeast Asian countries, but the overwhelming majority were from India and the Afghanistan/Pakistan area. Included in their number were a Thani Amman (Kumar 2013a) and a Sivagami Amman (Kumar 2013b) from the Sripuranthan temple theft, and a Sivagami Amman (Kumar 2013a) and an Astra Devar (Kumar 2013a) from the Suthamalli temple theft (ICE 2012b).

The continuing investigation of Kapoor also precipitated returns from museums of material sourced to Kapoor but not related to the Sripuranthan and Suthamalli temple thefts (Angeleti 2015). By May 2016, they included:

Ball State University’s Owsley Museum, Indiana (Felch 2015; ICE 2015d).

Purchased a Chola period Festival Bronze of Shiva and Parvati from Kapoor in April 2005 for US\$100,000. Kapoor had acquired it in 2004, but produced as provenance a letter written and signed by Leo S. Figiel dated 13 April 2005 claiming to have purchased the object from a European collection in 1969. In November 2015, the museum surrendered the object to ICE for return to India.

Linden Museum, Stuttgart (Nair 2015). Purchased a tenth-century limestone statue of Durga from Kapoor in 2000 for US\$250,000. It is thought to have been stolen from a temple in Kashmir sometime during the 1990s. The museum returned it to India in October 2015.

Honolulu Museum of Art (Griffith 2015). Acquired seven objects from Kapoor between 1991 and 2003, including a second-century BC terracotta rattle

donated in 2003. In April 2015, the museum surrendered all material to ICE for return to India.

Peabody Essex Museum, Massachusetts (Gay 2015). Purchased a nineteenth-century Tanjore portrait from Kapoor in 2006. In April 2015, the museum surrendered the object to ICE for return to India.

Toledo Museum of Art, Ohio (TMA 2015). Besides the Sripuranthan Ganesha, between 2001 and 2010, the museum purchased eight objects from Kapoor. In 2015, it agreed to return four of them to India. Additionally, between 2006 and 2007 Kapoor donated 54 small ceramic objects and Freedman donated 64 works on paper. The museum also agreed to return all these materials to India.

Art Gallery of New South Wales (Crennan 2016, p. 22; Taylor 2013; Narayanan 2016). Acquired six objects from Kapoor between 1994 and 2004, including a Chola period stone statue of Ardhanarishvara purchased in 2004 for US\$300,000. The provenance provided was that it had been purchased in India by Abdulla and Raj Mehgoub in 1971 from Uttam Singh, exported from India the same year and sold to Kapoor in 2003. Tamil Nadu police believe it was stolen from Virudhageeswarar Temple in Vriddhachalam in 2002 by a gang affiliated to an art dealer named Deenadayalan and exported illegally from Mumbai by an unnamed trader for delivery to Kapoor. The museum returned the object to India in 2014.

The accumulating evidence of Kapoor's activities also gave grounds for HSI agents to seize several objects intended for sale during the 10–19 March 2016 Asia Week in New York (Mashberg 2016c). On 11 March, they seized lots 61 and 62 of the scheduled Christie's New York 15 March sale of 'The Lahiri Collection: Indian and Himalayan Art, Ancient and Modern', belonging to Avijit and Bratati Lahiri (ICE 2016):

Lot 61. Tenth-century sandstone stele of Rishabhanata, from Rajasthan or Madhya Pradesh, India (Felch 2016b). The provenance supplied in the Christie's catalogue was 'Acquired in London by 1999'. In 2006, the stele had been offered for sale on consignment by Brendan Lynch and Oliver Forge in London, but had failed to sell. A photograph of the stele found in Kapoor's possession appears to show it soon after having been stolen. It is believed that Kapoor received it from Indian trader Ranjeet Kanwat, nicknamed Shantoo.

Lot 62. Eighth-century sandstone relief of Revanta and his Entourage (Felch 2016b). The provenance supplied in the Christie's catalogue was 'Acquired from Spink & Son, Ltd., London by 1999'. A photograph found in

Kapoor's possession appears to show part of the relief, comprising only the left and central part of the object as depicted in the Christie's catalogue, soon after looting. Again, Kapoor is believed to have acquired the piece from Kanwat in the 1990s.

Other Asia Week seizures included a second-century Gandharan Bodhisattva head, probably from Pakistan, as it was entering New York destined for an 'East Coast auction house' (ICE 2016; Mashberg 2016a); an eighth-century marble statue of Shiva and Parvati, probably from Afghanistan, on display in New York from the Milan-based Leonardo Vigorelli (Mashberg 2016b); and objects and business records from the Nancy Wiener Gallery in Manhattan, including a first-century sandstone Kushan relief, an eighth-century limestone sculpture of Shiva and Parvati and a tenth-century bronze Buddha from Thailand or Cambodia (Felch 2016a; Mashberg 2016d).² Although these seizures were all made as part of Operation Hidden Idol, the part played by Kapoor in their previous trading histories has not been made public.

The Dubai Network

The second network to be considered is termed here the Dubai network, as it is centered on two trading companies based in Dubai, United Arab Emirates (UAE). This network has been channeling material from countries throughout the Middle East-North Africa region to dealers in the US and UK. The companies concerned are the Nafertiti Eastern Sculptures Trading, owned by Ayman Ramadan, and the Hassan Fazeli Trading Company, owned by Hassan Fazeli. Both companies have dispatched material seized by customs in the US and UK, and material supplied by Ramadan was central to the criminal prosecution and conviction of two dealers in the US.

This investigation in the US of the two dealers Mousa 'Morris' Khouli and Salem Alshdaifat provides a first point of entry into this network. Khouli, the proprietor of New York-based Windsor Antiquities, pled guilty in April 2012 to charges of smuggling Egyptian cultural property into the US and making false customs declarations (USA 2012). He was sentenced to 6 months home confinement, 1 year probation and up to 200 hours of community service (St. Hilaire 2012e). Alshdaifat, a Canadian and Jordanian citizen based in

²Weiner herself was arrested in December 2016 on charges relating to antiquities trafficking (Mashberg 2016e). The arrest complaint alleged that some of her stock objects had been acquired from Kapoor, though it was clear that Kapoor was not her only source.

Michigan since 2009 and proprietor of Holyland Numismatics, pled guilty to the misdemeanor of aiding Khouli and was fined US\$1000 (St. Hilaire 2012f). These convictions concluded an investigation by ICE (code-named Operation Mummy's Curse) into Egyptian artifacts imported illegally into the US between October 2008 and November 2009. Khouli obtained the objects with the assistance of Alshdaifat from Ramadan in Dubai to sell to Joseph A. Lewis II, a Virginia-based collector of Egyptian antiquities. Lewis claimed to have approached Khouli in 2009, following the recommendations of friends and fellow collectors (Bowes 2014). Lewis believed Khouli to be 'legitimate' and denied any knowledge of Alshdaifat or Ramadan. He stated that Khouli had assured him the antiquities were from his (Khouli's) father's collection, assembled during the 1960s in Israel and had not been obtained illegally (St. Hilaire 2012a). Charges were also brought against Lewis for conspiracy and buying stolen property, but in January 2013, the prosecution was suspended for a period of time subject to his good behavior (St. Hilaire 2013a).

The true character of the artifacts being imported into the US was disguised by false declarations on labels and customs documentation regarding origin and value. The material was returned to Egypt in April 2015 (ICE 2015a). It comprised:

A *Greco-Roman period sarcophagus*, which arrived at New York's John F. Kennedy (JFK) Airport in November 2008, was recovered from the Lewis residence in July 2011. The associated customs documentation described it as 'painted wooden panels' with a declared value of US\$3400 and the UAE listed as country of origin. Lewis purchased the coffin in 2009 for US\$32,500 (USA 2011; St. Hilaire 2011a, 2012c).

An assemblage of *Egyptian funerary boats and limestone figurines*, which arrived through international mail in May 2009, labeled as 'antiques' (St. Hilaire 2011c). They were recovered from the Lewis residence in July 2011 (USA 2011; St. Hilaire 2011a, 2012c).

A set of *three nesting sarcophagi*, dating to the Saite period, which had been broken into pieces for transport and import into the US. The inner coffin was shipped in pieces through international mail and arrived during April–May 2009. It was recovered from Khouli's residence in September 2009. Part of the outer lid was sent by air freight and arrived at JFK Airport in May 2009. The middle coffin and part of the outer lid were sent by sea cargo, arriving at Newark in September 2009 and seized there in November 2009. ICE claims they were shipped by Amal Star Antiques (owned by Noor Sham). The pieces were included in the shipment mixed in with wooden furniture, described as 'artistic handmade furniture', with a

declared value for the total shipment of US\$13,700 and India listed as country of origin (USA 2011; St Hilaire 2011a, b, 2012c; Mueller 2016).

Khouli had been under investigation in the US since 2003 (St. Hilaire 2011b). Between 2006 and 2011, he imported 20 shipments of cultural objects from Dubai, including material from Iraq, Egypt, Yemen and possibly Iran. Out of those 20 shipments, 15 listed the UAE as country of origin. One shipment not from the UAE comprised four FedEx packages which arrived from the UK in May 2003, containing glass artifacts from Iraq dated from 300 BC to AD 800. The associated documentation described the material as 'English glass bottles circa 1860 AD' and listed the country of origin as England. In February 2008, Khouli received 89 stone relief heads from Yemen and sent them by air cargo to JFK Airport from a Dubai company named Palace Arts. Two different invoices were produced, one describing the material as decorative stone-carved heads made in India with a declared value of US\$75 each. The second invoice also described them as decorative stone-carved heads, but listed the country of origin as Yemen with a declared value of US\$145 each. Khouli attempted to sell one of the heads for US\$700, and it is believed he did sell one in September 2008 for US\$2000. During the six-month period, from December 2007 through to May 2008, Khouli sent US\$527,620 abroad, while during the same period the total declared value of his imported material was only US\$32,360, leading investigators to suspect he had been receiving undeclared imports. The Iraqi material including the glass artifacts was returned to Iraq in March 2015 (ICE 2015b). The Egyptian material was returned to Egypt in April 2015 (ICE 2015a).

During the investigation, conducted as part of Operation Mummy's Curse, HSI agents searched the home of Alshdaifat and in March 2010 accessed his e-mail account, where they discovered he had used e-mail to communicate with potential buyers and sellers of stolen ancient coins (St. Hilaire 2011c). They claim, for example, that in January 2009, Alshdaifat offered for sale over e-mail a hoard of Roman coins found in Egypt but located in Dubai with Ramadan and that the e-mails also showed him offering coins from Libya and Jordan. In December 2010, US customs stopped Alshdaifat at Detroit Metropolitan Airport on his way home from Jordan, seizing the Byzantine coins he was carrying because of inconsistent paperwork. An invoice supplied by Ramadan declared the coins to be from Syria.

Alshdaifat also figured in another US customs case. In August 2010, US customs stopped a package containing five ancient Egyptian artifacts entering Newark International Airport that had been sent through FedEx from Dubai by Fazeli. The material was seized because of false statements made at import

(Scott 2013). Although the objects were accurately described as Ancient Egyptian, the country of manufacture was stated on the FedEx label as Turkey and on the associated documentation as 'multi' (St. Hilaire 2013b). Alshdaifat had paid US\$17,500 for the material, which had an appraised value of US\$57,000. He produced documentation from Fazeli claiming that he (Fazeli) had bought the material in 2008 from a Turkish private collection (St. Hilaire 2013b). US customs alleged that Fazeli had admitted to using Turkey as a country of origin because he had Turkish papers (Scott 2013). The artifacts in question were an Amarna Period sunken limestone relief of offering bearers; a Late Period fragment block statue made of gray schist; a New Kingdom limestone relief displaying the arms of offering bearers; a New Kingdom limestone relief depicting a man; and a Middle Kingdom funerary boat (St. Hilaire 2013b).

That was not the first time material from Fazeli had been stopped entering the US. In August 2008, ICE had seized a limestone head of Assyrian King Sargon II from a Lamassu, or winged bull, guarding the palace of Sargon II in Iraq. It had been shipped to New York from Dubai by Fazeli (ICE 2015a). Fazeli was accused of falsely declaring the value of head as US\$6500 when its appraised value was US\$1.2 million, and of listing Turkey as the country of origin. (St. Hilaire 2013c). He was also accused on 'at least two prior occasions' of incorrectly listing Turkey as the county of origin for Egyptian antiquities (St. Hilaire 2013c), one of which was probably the one described in the preceding paragraph. The head was returned to Iraq in March 2015. The ICE press release announcing the return stated the seizure was part of an investigation (code-named Operation Lost Treasure) that had

[...] identified a broad transnational criminal organization dealing in illicit cultural property. Some of the network's shipments were directly linked to major museums, galleries and art houses in New York. The investigation has resulted in one arrest, multiple seizures of antiquities ranging from Libya, Egypt, and Afghanistan, and the return of many of artifacts. A repatriation ceremony with Afghanistan was held two years ago and future repatriations are anticipated. (ICE 2015a)

A further statement talked of an 'organization out of Dubai' selling artifacts stolen from 'Iraq, Egypt, Libya, Turkey and elsewhere in the region', and also 'dealing in artifacts stolen from museums in western Europe' (Bruer and Rosen 2016). Nothing more was revealed about the material seized, the identities of any traders involved or whether Fazeli was the central focus of Operation Lost Treasure. ICE did claim that Fazeli was 'selling looted Iraqi antiquities to dealers all around the world' (Northam 2015).

Through 2012 and 2013, HM Revenue and Customs conducted an investigation into material arriving into the UK from Fazeli (HMRC 2015). The investigation seems to have started with the seizure in March 2012 of a kudurru (boundary stone) suspected of having been taken illegally from Iraq. Customs documents declared a value of US\$330 with Turkey listed as country of origin. The stone's appraised value was in the range £100,000 to £200,000 (US\$150,000–300,000). In June 2013, customs officers searched the premises of Connoisseur International Fine Art, a specialist shipping company with storage facilities at London's Heathrow Airport. They seized seven packages dispatched by Fazeli, together with a Libyan statue, also sent by Fazeli. Five of the packages contained genuine objects, while the contents of the remaining two packages were judged to be fake. A full description of the material in the packages has not been made public.

The Libyan statue had been imported in December 2011. The associated customs documentation described the statue as a 'marble stone piece for home decoration', with a declared value of US\$110,000 and Turkey listed as country of origin. Expert opinion identified the statue as dating to the fourth or fifth century BC from a tomb in the necropolis of the ancient Greek colony of Cyrene in present-day Libya and appraised its true market value as £1.5–2 million (US\$2.25–3 million). Fazeli claimed the statue had been in his family collection since 1977. The statue seems to have been received in London by Jordanian national Riad Issa Mohamad al Qassas, who then passed it on, perhaps as a commission arrangement, to London-based dealer Farhan Yaghi. Yaghi denied any knowledge of Fazeli. The statue was forfeited in September 2015 for return to Libya.

Discussion

Turning first to Kapoor. If the allegations made about him are true, he was in business in New York for more than 30 years and was seemingly located at the center of a large trafficking operation that gathered cultural objects from South and Southeast Asia for sale to the world. At first glance, Kapoor looks to have operated from that position as a 'kingpin' figure, organizing and controlling over the long term an international network of thieves and smugglers. The hierarchy this would imply seems clearly evident in the planning and execution of the Tamil Nadu temple thefts, and reaffirmed by the apportionment of the proceeds. But centrality need not imply control. Looking more closely at the police allegations, there are several aspects of the case that call the interpretation of centralized control into question. In the first place, noth-

ing has been revealed about Kapoor's prior relationship with Asokan. Were the reported temple thefts the latest crimes of a long-running series, or were they instead the outcome of an unprecedented collaboration? Similarly, nothing has been revealed of Asokan's career before the temple thefts, or of any earlier criminal collaborations not involving Kapoor. All that is known from police allegations is that Kapoor met with Asokan on several occasions during 2005 and 2006 and that Asokan then arranged with local art dealers to identify and hire suitable thieves. Asokan seems to have trusted or relied upon the art dealers to perform this task, presumably because of their (and not Asokan's) knowledge of the local criminal community. Asokan himself appears not to have been involved at that level, though did arrange for the transport of the stolen material out of India.

Thus, the temple thefts might be viewed as an opportunistic collaboration, albeit one instigated by Kapoor. Seen from that perspective, the planning meetings held in Chennai between Kapoor and Asokan comprised a conspiracy to commission the theft in Tamil Nadu of material that Kapoor would be able to market internationally (though it remains to be proven in court). Kapoor's relationship with Kanwat, as revealed by the 2016 New York Asia Week raids, might have been similar to the one with Asokan and also short term and opportunistic. It is not possible to tell. There is not enough information. Nor can the criminal organization of the supply chain be determined from the evidence presently available. Although the police reporting is not clear, it appears that the art dealer Marisamy, commissioned by Asokan for the Suthamalli theft, handed only ten of the stolen idols over to Asokan, while retaining possession of the remainder for sale to an unnamed 'foreigner'. This division would be unexpected if Kapoor really was controlling the trafficking operation down to its lowest level. In fact, the 'art dealers', Marisamy, Siva Kumar and also Deenadayalan, emerge from the reporting as important organizing figures in their own right, responsible for planning and executing the temple thefts. Deenadayalan was arrested in June 2016 (Felch 2016c). He is known to have supplied Kapoor with at least one and probably more objects. The full extent of his trading activities remain to be elucidated, though he does not seem to have been working under the direction of Kapoor. It might be no coincidence that after his arrest, Tamil Nadu police described Deenadayalan as a 'kingpin' (Narayanan 2016).

Kapoor might not have been a controlling organizer, but he was clearly a Janus figure as described by Mackenzie and Davis (2014, p. 2), looking backwards toward source and aware of the illicit nature of the material he was buying and the criminality of the people he was buying from, while at the same time facing forwards and interacting with the unwary customers of the

destination market. He might be characterized as a broker, positioned between the illicit source market and the licit destination market, possessing the necessary cultural competencies and expert knowledge of legal and financial systems in the countries involved that enabled him to arrange and manage transnational transactions (Bouchard and Morselli 2014, pp. 297–298; Tjihuis 2011, pp. 89–90). But his activities were not confined to brokerage, as he was actively involved in planning the temple thefts. He is better considered as a criminal entrepreneur (Dean et al. 2010, pp. 6–8), developing a wide-ranging network of contacts, extending upwards into the ‘licit’ destination market of collectors and museums and downwards at least as far as the edges of the illicit source market, as personified by figures such as Asokan, Kanwat and Deenadayalan. He was then able to exploit this network for identifying or creating opportunities and mobilizing the financial, material and human resources to exploit and profit from them. The idea of a criminal entrepreneur is a useful one, as it suggests a stronger personal commitment to maintaining an operational network with more stability and continuity of purpose than would be likely through outright opportunistic collaborations, while at the same time eschewing any idea of centralized and top-down control.

Turning now to the Dubai case study. Three things distinguish it from the Kapoor one. First, the information is assembled from the reporting of different and diverse customs and criminal offences, involving several distinct individuals. There is no central focus on a single person as there was in the Kapoor study. Thus, if there is no immediate suggestion of a central, controlling ‘king-pin’ figure, it might be because the available information is fragmented and does not aggregate around a single person, as it does with Kapoor. Second, and provisionally, the monetary values of the trafficked objects seem to be an order of magnitude lower, with prices and appraisals in the range of tens of thousands of dollars, in contrast to the range of hundreds of thousands of dollars seen with the Kapoor material. (The Libyan statue, with its appraised value of US\$2.25–3 million, does urge some caution, that the apparent value difference might be an artifact of reporting and not an accurate reflection of reality.) Finally, there is the visible extent of the trading chain. Whereas for Kapoor it is possible to reconstruct the illicit biographies of some objects, as they traveled from temple to museum through the agency of several traders, that is not the case for Dubai. The organization of procurement in the source markets that supplied Fazeli and Ramadan remains opaque,³ and much of the

³ In the early 1980s, the looting and trade inside Syria is believed to have been orchestrated by Rifaat al-Assad (uncle of Bashar al-Assad) (Brodie 2015, p. 325). Similarly, during the 1990s, the looting and trade in southern Iraq is thought to have been organized and controlled by Arshad Yashin, Saddam Hussein’s brother-in-law, until Hussein put a stop to it (Brodie 2011, pp. 16–17).

material discussed was stopped at customs before infiltrating the destination market.

Nevertheless, and with those caveats in mind, it is possible to draw some conclusions. The first, as already hinted, is that no single person stands out as a persistent, controlling 'kingpin' figure. But equally, the evidence does not particularly support the commission of discrete, opportunistic crimes. The relations between the Dubai dealers and their counterparts in the US and UK look more like straightforward commercial ones, with 'retail' traders (Alshdaifat/Khouli and al Qassas/Yaghi) looking to 'wholesale' suppliers (Ramadan and Fazeli) for material to meet customer demand. Thus, Khouli's import of Egyptian material seems to have been prompted by Lewis' enquiry to Khouli asking about the availability of such material. Did Ramadan then arrange for the theft and transport of suitable material out of Egypt, or did he offer what he had already in stock? From the available information, it is not possible to decide one way or another.

Both the Kapoor and the Dubai case studies illuminate the importance of brokerage, both for moving material between jurisdictions by hiding its true nature from the prying eyes of customs agents and for fooling the principled or self-concerned due diligence of collectors and museums. Brokerage appears more as a partnership or process than as the enterprise of an individual person. Although Kapoor has been identified here as a possible broker, he was working in concert with Asokan. Asokan was responsible for disguising material to facilitate its movement through Indian and US customs, while Kapoor performed the task of convincing customers of the material's legitimacy. Working together, they allegedly transported the stolen temple idols from the overtly illicit source market in India to the seemingly licit destination market of the US. Similar partnerships were at work in the Dubai case study. Ramadan, Alshdaifat and Khouli finessed the movement of stolen Egyptian material from Dubai into the hands of Lewis. There are also glimpses in the Dubai study of more complex brokering arrangements. The roles of Alshdaifat interceding between Ramadan and Khouli, and of al Qassas interceding between Fazeli and Yaghi appear similar, in that they seemed to be acting as destination agents or representatives for transit market traders. Given that Yaghi denied any knowledge of Fazeli, perhaps the function of 'agents' in such transactions is to introduce another confounding dissociation between illicit source markets and licit destination markets, another layer of deniability. It would offer some insulation for the destination market dealers themselves, protecting them from demonstrable knowledge of any customs violations or other illegal acts associated with import. On the other hand, Alshdaifat's defense lawyers argued that Alshdaifat had acted only as a 'middleman' who

had not actively participated in the import of stolen material (St. Hilaire 2012b). So it is possible to hypothesize a prophylactic arrangement whereby an ‘agent’ does not handle stolen or illegally traded material and a ‘receiver’ has no knowledge of the material’s illegal origin.

A final reflection is in order on the schematic ordering that has been used here of the source, transit and destination markets that constitute the trade. Transit markets have been viewed as essential for the laundering process, constituting ‘portals’ through which objects can acquire customs or other types of export documentation which seemingly legitimizes their trade and subsequent sale on the destination market (Polk 2000, pp. 84–86). Objects pass from being ‘illicit’ to ‘licit’. This is one function of the brokerage described in the previous paragraph. These transit portals are situated in jurisdictions outside the source market, often in a free port, such as Dubai or Hong Kong. Such ‘laundering’ practices include Fazeli incorrectly describing Turkey as the country of origin for Egyptian material and Asokan disguising the stolen idols as handicrafts. In view of this object ‘laundering’, it is often argued that it is not useful or even possible to distinguish between a ‘licit’ and an ‘illicit’ trade because stolen or illegally traded objects can be disguised in such a way as to enter into what would otherwise be considered legitimate commerce (Polk 2000, p. 83; Brodie and Doole 2001, p. 2). Criminologists have introduced the idea of the ‘gray market’ to describe this mixing of licit (white) with illicit (black) material (Bowman 2008, pp. 226–228; Mackenzie 2011, pp. 71–72). These characterizations of object laundering and the gray market draw upon property law, with the legality or otherwise of an object dependent upon the validity of the erstwhile owner’s claim to good title. Yet the seizures and recoveries discussed in these case studies show quite definitively that the appearance of legality is not an assurance of good title. Material that is stolen at source might still be open to recovery from a destination country, depending upon the laws of the country in question.

A different approach to distinguishing between licit and illicit is possible, drawing upon the criminal law concept of *mens rea*, and it is the approach that has been used in this discussion. By the procurement or preparation of false provenance documents, Kapoor and Khouli were also actively engaged in separating a ‘licit’ market of ‘innocent’ consumers from an ‘illicit’ market of criminals, thereby acting as an interface between the two markets (Tijhuis 2006, pp. 36–55). In this sense, the real laundering that occurs during transit is that of cognizance—eliminating demonstrable knowledge of wrongdoing. Kapoor was enabling customers—honestly or not—to claim and demonstrate belief in the legitimacy of their purchase. A fraudulent account of good provenance offered them at worst plausible deniability of wrongdoing and at best

an honest if naïve belief of legitimate purchase. It would be enough to protect a customer from criminal prosecution. No prosecutions have been made against acquirers of Kapoor-sourced objects. The criminal case against Lewis failed because of the absence of demonstrable criminal knowledge (Bowes 2014). Thus, the destination market can be termed ‘licit’ in the sense that traders (such as the large auction houses) and consumers (including wealthy collectors and major museums) are largely immune from any threat of criminal prosecution or charge of unlawful activity.

Edgar Tjihuis (2006) contends that interfaces between licit and illicit markets are the fundamental articulations of transnational illicit trading networks and that a better understanding of their nature is crucial for the formulation of more effective countermeasures. It is no surprise then that the discussion of the case studies presented here is largely about interfaces—about brokerage, laundering and entrepreneurship—across jurisdictions and between markets. It goes to support Tjihuis’ contention of the importance of interfaces, and thus his attendant observation that interfaces are in general under-researched and poorly understood should be a matter of some concern (Tjihuis 2006, pp. 2–3).

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