

## R E P O R T

# Exhibition “Missing Works of Art” and Panel Discussion on Combating Illegal Trafficking of Art in Bosnia and Herzegovina

TUZLA, 30 NOVEMBER 2023

The Center Against Trafficking in Works of Art (CPKU), with the support of the OSCE Mission to Bosnia and Herzegovina, organized the exhibition titled “**Missing Works of Art**” at the International Portrait Gallery in Tuzla on 30 November 2023. The exhibition had previously been presented to the public in 2016 at the National Art Gallery of Bosnia and Herzegovina, and in 2021 at the Parliamentary Assembly of Bosnia and Herzegovina. The exhibition displays empty frames with reproductions of artworks that are missing from public and private collections over the last four decades. Information about these works of art, as well as other lost artworks in Bosnia and Herzegovina, is available in the CPKU’s database of lost works of art [/www.cpkul.org/](http://www.cpkul.org/). The information panels, constituting the integral part of the exhibition also feature information on international conventions for the protection of cultural heritage ratified by Bosnia and Herzegovina, parliamentary questions by Member of Parliament Mr. Saša Magazinović, issues of security and border management with a special focus on trafficking works of art and cultural goods, the destruction of archaeological sites and the illegal trade of artifacts, including a statement from the Commission for the Preservation of National Monuments of Bosnia



and Herzegovina, the use of metal detectors to loot archaeological sites, the seizure and restitution of movable cultural goods, as well as the content of the ICOM Red List of Southeast European Cultural Objects at Risk.

Following the exhibition opening, which attracted numerous visitors and media, a Panel Discussion titled “Combating Illegal Trafficking of Art in Bosnia and Herzegovina” took place. This event was also organized on the occasion of the International Day Against Illicit Trafficking of Cultural Property, declared by UNESCO to commemorate the signing of the 1970 Paris Convention, and celebrated on 14 November as the first international legal instrument for the protection of cultural property. The event was organized in partnership with OSCE Mission to Bosnia and Herzegovina and the International Republican Institute (IRI), as well as Tuzla Culture Center.



During the opening ceremony of the exhibition, Mr. Dženan Jusufović, the president of the Center Against Trafficking in Works of Art, Mr. Szabolcs Tuncsik, Senior Police Advisor of the OSCE Mission to Bosnia and Herzegovina, and Ms Almedina Karić, Program Manager of the International Republican Institute (IRI), addressed the participants.

Mr. Szabolcs Tuncsik expressed his “*sincere gratitude to the partners and co-organizers, the Center Against Trafficking in Works of Art and the International Republican Institute - IRI, for their devoted efforts to make today’s event happen. Art, in all its forms, has the power to transcend boundaries, spark dialogue, and unite people from diverse walks of life. Moreover, a collection of artworks is an important cultural property that represent an integral part of the cultural and historical heritage of a society, being the collective illustration of memory, beliefs, and practices of a community. We are witnessing an alarming surge in the illegal trade of art, where societies are being robbed of their cultural treasures. May the impressions you take from here today contribute to a safer future for the world of art and the culture of Bosnia and Herzegovina.*”



The second part of the day was dedicated to a Panel Discussion on the topic: “Combating Illegal Trafficking of Art in Bosnia and Herzegovina”. The discussion was moderated by Mr Admir Arnautović, Spokesperson of the Tuzla Canton Prosecutor’s Office with the participation of 40 representatives from 29 of the most important institutions in Bosnia and Herzegovina with a professional interest and engagement in the fight against the illegal trafficking of art. This confirmed the importance of the cultural identity, as well as the protection of cultural goods and works of art from private and public collections as well as archaeological sites targeted by organized crime, both in Bosnia and Herzegovina and in and outside of Europe.



Mr. Siniša Šešum, Director of UNESCO in Bosnia and Herzegovina, addressed the participants via video conference, emphasizing the need for co-operation between museums and reminding on the importance of the Center Against Trafficking in Works of Art in Bosnia and Herzegovina. Subsequently, Mr. Szabolcs Tuncsik - Senior Police Advisor of the OSCE Mission to Bosnia and Herzegovina, thanked the Center Against Trafficking in Works of Art for the invitation to participate and praised their commitment for all the activities carried out thus far. Ms. Sanja Fitzgerald, Program Officer of the OSCE Mission to Bosnia and Herzegovina, gave an overview of the excellent co-operation with the Center Against Trafficking in Works of Art. She reminded the participants of several important joint projects carried out by the OSCE Mission to Bosnia and

Herzegovina in collaboration with the CPKU: the publication of the Manual on the Import and Export of Works of Art in Bosnia and Herzegovina for border police and customs officers , social media campaign and video broadcasting on trafficking in cultural property, raising awareness and capacity building training courses for border and custom officials as well as judges and prosecutors in collaboration with the Center for Education and Professional Training of Judges and Prosecutors of Republic of Srpska and the Centre for Education and Professional Training of Judges and Prosecutors of Federation of Bosnia and Herzegovina. She also highlighted the co-operation with the Agency for Education and Professional Training in Mostar - AEPTM, the collaboration with the State Investigation and Protection Agency - SIPA, on the activation of the “Krimolovac” telephone line activated for reports related to suspicions of thefts, destruction, and sale of cultural goods, as well as collaboration with the Border Police, the Indirect Taxation Administration, the Interpol Office in Bosnia and Herzegovina, etc.

Ms Almedina Karić, Program Manager at the International Republican Institute (IRI), emphasized the need for intersectoral co-operation and a systematic solution to the problems of disappearance, theft, and destruction of cultural identity, highlighting ongoing support for the activities of the Center Against Trafficking in Works of Art.

Mr Mirzah Fočo, Executive officer of the Commission for the Preservation of National Monuments of Bosnia and Herzegovina, emphasized the importance of inventorying cultural heritage, as well as the need to protect not only works of art but also archaeological sites. He expressed gratitude for the initiative and activities undertaken by the CPKU, recognized in Bosnia and Herzegovina and beyond as an organization actively involved in the protection of cultural goods and the fight against trafficking.

President of the CPKU Mr. Dženan Jusufović presented the work and activities of the Centre referring to the most important achievements and projects. He stated that the CPKU is recognized by national and international partners as the main contact point in the fight against the trafficking of cultural goods in Bosnia and Herzegovina. He also highlighted the importance of combating organized crime related to the trade of cultural goods that funds criminal and terrorist organizations, thus directly threatening the security. The illegal trade of cultural goods involves the theft, destruction, or illegal transfer of cultural properties such as monumental, archaeological, anthropological, artistic, and documentary works of art or their parts. The Metropolitan Police's Organized Crime Group in the UK and INTERPOL estimate that profits from the illegal sale of antiquities range between \$300 million to \$6 billion a year. According to available data, ISIS generated between \$150 to \$200 million per year from the theft and trafficking of antiquities. The participants were also informed that UNESCO and the United Nations Office on Drugs and Crime (UNODC) launched a campaign titled “Protect Your Heritage”, calling for the illegal trade of cultural goods to be recognized as a global security issue during a meeting held in November 2023, in Mexico City.

The United Nations Convention against Transnational Organized Crime (UNTOC) states that this crime is linked to the financing of terrorism, organized crime, illicit trafficking of drugs and firearms, money laundering, and corruption. The president of the CPKU emphasized the importance of creating a “Unified Database of Missing Works of Art” at the level of Bosnia and Herzegovina, adopting a legislative framework governing the inventory of artistic funds, harmonizing legislation in the field of museology at different administrative levels, and forming a “Specialized Police Unit in Works of Art “ in accordance with United Nations General Assembly Resolution 73/130 of December 2018. This Resolution calls on all member states, with the assistance of INTERPOL, to establish “Specialized Police Units in Works of Art”, while also emphasizing the importance of the existence and connection of a “Unified Database on Missing Works of Art” with INTERPOL's databases.

Upon its establishment in 2014, the CPKU defined four primary target groups which would be focus of its advocacy and engagement: 1. Police, Border Police, Customs 2. Judges and Prosecutors 3. Ministries of Culture, cultural institutions, non-governmental sector, private collectors and public 4. Legislative and executive authority; and highlighted the importance of continuing current activities through specialized training sessions and raising public awareness on this issue. He also stressed the importance of the existence of the CPKU's Database of Missing Works of Art, which is public and accessible to all which currently displays 188 missing artworks based on filed search requests. In conclusion, he thanked the partners, collaborators, panelists, and the OSCE Mission to Bosnia and Herzegovina as a strategic partner of the CPKU. This was also an opportunity



to announce a series of activities that the Center against Art Trafficking plans to carry out during 2024 with its national and international partners, as part of the celebration of its 10th anniversary.

Ms Aida Vežić, President of the Balkan Museum Network (BMN), presented the Aurora project, funded by the European Commission, whose main objective is to increase efficiency in the rapid recognition of stolen works of art and cultural goods. She emphasized that this is a transnational problem that must be resolved by strengthening preventive activities, while expressing clear support for the activities carried out by the CPKU.

Ms Alma Leka, President of the ICOM Bosnia and Herzegovina, thanked the CPKU for the invitation and all that the CPKU has done so far in terms of protecting cultural goods and combating the trafficking of works of art in Bosnia and Herzegovina, while announcing a joint collaboration through various project implementations. She then presented in more detail the content of the Red List of Southeast European Cultural Objects at Risk, with a historical overview of ICOM's activities, from its founding in 1946 to the present.

Mr Vedran Alidžanović, Prosecutor in the Section for Corruption, Economic Crime, and Tax Evasion of the Prosecutor's Office of the Tuzla Canton, analyzed the classifications of crimes in the current legislation and their practical application in the conduct of investigations. He confirmed that the four penal codes – national, entity-level, and the Brčko District – provide a solid foundation in criminal law, but that it is necessary to introduce penal defense through conventional law. In conclusion, he proposed to enhance awareness of the importance of combating the illegal trade of works of art, praising the existing training projects for holders of judicial functions carried out by the CPKU in collaboration with the Center for Education and Professional Training of Judges and Prosecutors of Republic of Srpska and the Center for Education and Professional Training of Judges and Prosecutors of Federation of Bosnia and Herzegovina, with the support of the OSCE Mission to Bosnia and Herzegovina. He concluded by emphasizing the need to continue the training for law enforcement personnel.

Mr Damir Jahić, a police officer from the State Investigation and Protection Agency - SIPA, proposed initiating the creation of a national contact point as a specialized unit in works of art. He also highlighted the difficulties concerning the storage of seized works of art.

Mr Rešad Fejzić, an investigator from the Federal Police, emphasized the need for increased information exchange and highlighted the importance of the existence of the database on missing works of art created by the Center Against Trafficking of Art. Mr Eldar Jahić, an inspector from the Border Police of Bosnia and Herzegovina, suggested to include the works of art and cultural goods in the existing Interpol database, which is already operational for detecting people, vehicles, and documents.

Mr Dejan Pupiće, an instructor for specialized training at the Agency for Education and Professional Training in Mostar - AEPTM, highlighted that the training of police bodies is a key element in increasing awareness of the importance of protecting cultural goods and works of art and emphasized the need to improve the penal aspect in this area. He also mentioned the activities of the Agency he represents, such as two regional training sessions with the support of the CPKU and the OSCE Mission to Bosnia and Herzegovina.



Mr Dragan Mioković, the president of the Committee for Security of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, pointed out the lack of political will to intervene in the protection of cultural heritage and the fight against the trafficking of cultural goods. He expressed his openness to co-operation in resolving this issue, inviting representatives of the CPKU to a meeting to discuss future projects in this field.



During the Panel discussion, the activities undertaken on the restitution of the work of art “Magdalena” by the artist Đoko Mazalić were also discussed. This work of art, part of the private collection of the Mulabdić family, was declared a National Monument of Bosnia and Herzegovina by the Commission for the Preservation of National Monuments on 5 February 2014. A disappearance report for this work of art was filed in 2006. The painting was located in Serbia and is on Interpol’s list of wanted works of art. According to information available to the CPKU, the “Magdalena” painting was handed over to the Service for Combating Organized Crime – SBPOK in Belgrade at the end of December 2022. A case was opened at the Special Prosecutor’s Office for Organized Crime of the Republic of Serbia, and the painting is currently in a museum in Serbia for authentication. Although Bosnia and Herzegovina has all the necessary documents proving its ownership, the work of art has not yet been returned to the country of its origin. The only support for the CPKU and the Mulabdić family regarding this work of art came from MP Mr. Saša Magazinović, who is actively engaged in resolving this issue and in the restitution of the “Magdalena” painting to Bosnia and Herzegovina. The Panel once again drew attention to this case, calling for the engagement and involvement of national authorities for the restitution of the “Magdalena” painting to its country of origin and its rightful owners, the Mulabdić family.

At the end of the Panel discussion, it was emphasized that the conclusions and recommendations formulated here would serve as guidelines for the future work of state authorities in Bosnia and Herzegovina concerning the fight against the trafficking of cultural goods and the protection of cultural heritage in Bosnia and Herzegovina.

This Panel discussion facilitated the active involvement of representatives from the following institutions: the Commission for the Preservation of National Monuments of Bosnia and Herzegovina, UNESCO in Bosnia and Herzegovina, the OSCE Mission to Bosnia and Herzegovina, the Center against Trafficking in Works of Art - CPKU, the International Republican Institute – IRI, the International Council of Museums – ICOM of Bosnia and Herzegovina, the Committee for Security of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, the Republican Institute for the Protection of Cultural, Historical, and Natural Heritage of Republika Srpska, the Institute for the Protection of Cultural and Historical Heritage of the Herzegovina-Neretva Canton, the Tuzla Cantonal Prosecutor’s Office, the Border Police of Bosnia and Herzegovina, the Service for Foreigners’ Affairs, the State Investigation and Protection Agency – SIPA, the Indirect Taxation Administration – UIO, the Ministry of Internal Affairs of Republika Srpska, the Ministry of Internal Affairs of Federation of Bosnia and Herzegovina, and the Ministries of Internal Affairs of Cantons of Sarajevo, Western Herzegovina, and Tuzla, the Agency for Education and Professional Training in Mostar



– AEPTM, the National Gallery of Art of Bosnia and Herzegovina, the Museum of Eastern Bosnia, the Tuzla Culture Center, the Tuzla Canton Archives, the “Derviš Sušić” National and University Library of Tuzla, the Balkan Museum Network – BMN, representatives of the academic community, the non-governmental sector, the media, etc.



## Conclusions and Recommendations

1. To establish a national registry of missing works of art, compliant with international standards.
2. To establish the Commission for Restitution of Cultural Goods looted from Bosnia and Herzegovina, in accordance with international conventions.
3. Adoption and implementation of a legislative framework governing the inventory of artistic and cultural heritage, as a key component of administrative bodies in public establishments, and maintaining a professional inventory and control of collections – regular inventory being an essential tool for protecting artistic heritage held by institutions in combating the illegal trade of works of art.
4. Implementation of co-ordination and strengthening of information exchange among actors engaged in combating the illegal trade of cultural goods in Bosnia and Herzegovina with countries in the region, member and non-member states of the European Union, and global information networks on endangered cultural goods and works of art, which are subject to illegal trade and smuggling, with the mediation of CPKU and the OSCE Mission to Bosnia and Herzegovina.

5. Organization of specialized training sessions for members of the police forces, holders of judicial functions, museum staff, galleries, archives, libraries, institutes for the protection of cultural goods, ministries of culture, in collaboration with CPKU and the OSCE Mission to Bosnia and Herzegovina.
6. Creation of a specialized police unit in works of art, as one of the conditions for the success and effectiveness of enforcement measures (dismantling of criminal networks) and increasing the level of information exchange between different authority level investigative bodies, in relation to existing criminal complaints regarding stolen works of art.
7. Strengthening of investigations based on criminal complaints received from museums, galleries, private collectors, painters, private studios, associations, etc., in order to find the perpetrators and return stolen works of art and cultural goods to their rightful owners.
8. Harmonization of legislation in the field of museology at different administrative levels (cantons, Brčko District, entities, state level) in terms of unifying the categorization of works of art and cultural goods.
9. Harmonization of criminal legislation in Bosnia and Herzegovina to facilitate the investigations and prosecution of offenders related to theft and illegal trade of cultural goods.
10. Recommendation to competent ministries to obtain an overview of the state of cultural institutions possessing collections of works of art and cultural goods, in terms of inventory, physical and technical protection of items, staff competencies, through the provision of regular reports.
11. Launch of an initiative for the adoption of regulations on the use of metal detectors, based on the model of the “Heritage Code” (Code du patrimoine) of the Republic of France, Article L542-1, which states: “No one may use equipment capable of detecting metal objects for the purpose of searches for monuments and objects of interest to prehistory, history, art, or archaeology, without having first obtained administrative authorization based on the applicant’s qualifications as well as the nature and methods of the research.”
12. Launch of an initiative with competent ministries to complete the list of judicial experts in the field of evaluation and determination of the authenticity and origin of works of art and cultural goods.
13. Raising civil society awareness through specific action programs (brochures, exhibitions, conferences, workshops, collaboration with the media...) to affirm the importance of preserving the cultural, historical, and artistic heritage of Bosnia and Herzegovina.