

A CONTEMPORARY PROBLEM OF CRIMINALITY AGAINST THE GOODS OF CULTURE IN POLAND

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The Police statistics registered in 2001 the number of 1,011 crimes, which were connected with thefts of the goods of culture, i.e. the 39 cases more than in the year 2000. Next to the “Interpol” data Poland placed itself on the 5th place in Europe as it refers to the stolen masterpieces.

The most heard-of case of the latest years undoubtedly was the theft of the Claude Monet’s painting “The Beach At Pourville”. The painting, which value was estimated for 4,000,000 dollars [1, p. 6–10] was stolen in 2000 from the National Museum in Poznan.

The scale of this kind criminality is growing up: in 1997 there were performed 1,681 crimes against the goods of culture, wherefrom 1,626 concerned sacral objects, 6 museums, 39 private lodging accommodations, and 10 other objects, e.g. antique shops and schools. In the 1980’s a number of this category’s crimes rarely surpassed 700 items yearly.

In the 1990’s followed an abrupt increase of these crimes and the increase dynamics in the years 1995-1996 exceeded 170 per cent. Undoubtedly, a ground of such an abrupt progress of this kind criminality have got political system’s transformations, which in Poland begun after 1989. Liberalization of passport regulations, intensification of commercial contacts, and – at last – an organized criminality being born became a cause of such an abrupt increase of this phenomenon. Obsolete legal regulations as well as a not prepared prosecutor’s office, the Police as well as custom’s services for such a situation couldn’t and not completely can govern a scale of this phenomenon.

Considering its geographical situation, Poland was and possibly always will be a transit country between the Eastern and Western Europe. This specific geographical location many times in history, unfortunately, decided about robberies of the Polish cultural heritage. In the middle of the 17th century, in the times of the Polish-Swedish wars floated off to the other side of the Baltic Sea the collections of old weapon, wares of silver and gold, antique sculptures, which had been collected by Ladislas the Fourth as well as a rich books’ collection of Nicholas Copernicus from Frombork. Majority of these relics have added splendour to many Swedish museums’ collections until today. In the period of the Second World War Poland was robbed by the German occupant, too [2, p. 6–7].

A long period of the partitioning of Poland as well as numerous wars contributed to a systematic robbing of the Polish cultural heritage. These unfavourable circumstances made that in this effect gatherings and collections of Polish museums can’t equalize themselves with the European top. Since several years on difficult talks on revindication of relics, which have been robbed by Germans and Russians from Polish collections. A problem of a mass

and often unpunished robbing of the cultural heritage face to face lead military activities is a still actual problem to which the evidence has been a not recent robbery of the Baghdad National Museum's collections.

A quest of revindication of the robbed culture's relics formulates but a separate problem [3]. Returning to a contemporary set of problems that are connected with with criminality, which is turned against the culture's goods then to the most often performed crimes belong: thefts of masterpieces, their smuggling as well as forging. Undoubtedly, the most numerous category forms a burglary. An answer to the question why there is such a big amount of thefts seems to be simple. That's just a decisive majority of objects, which have been recognized as the goods of culture find themselves at: museums, private collections as well as sacral objects. Alas, a state of protection of all these objects as late as in the middle of the 1990's was wretched what was encouraging the thieves. Decidedly the worst protected objects are the sacral ones from big churches to small parochial chapels. In 1996 for 1,760 crimes the number of 1,745 just referred to these objects. Sacramental vessels as well as equipment are the most frequently stolen items from churches. A peculiar fashion, promoted by orders from the Western Europe, became thefts of Gothic figures, which – especially in the Western Poland – still ornament church interiors. In 1997 detectability of crimes against the culture's goods equalled to 50 per cent but, alas, recoverability of the stolen objects was only of 20 per cent [4, p. 14–15].

Very often the thefts' victims were stroke as private collectors, especially the Cracow ones. Unfortunately, a full number of thefts from private collections because many of this type burglaries is not reported to the Police. Another problem, which is connected with thefts from private collections is a fact that the objects robbed from house collections the most often don't possess a photographic documentation what much far makes more difficult the searching and a later identification.

Unfortunately, even museums or scientific institutions are victimized by burglaries and thefts. The process of installation of a professional anti-burglary equipment has covered big institutions though – as it's seen in the example of a theft at the National Museum in Poznan – the Polish museums aren't suitably prepared yet. In 2002 from the collections of the Wroclaw "Ossolineum" the graphics of Napoleon Orda. A system of installation of a professional protection began *post factum*. Equally perturbing was a theft of eight 18th century portraits, which had decorated a Baroque style Aula Leopoldina of the University of Wroclaw. A value of each of them was estimated for about 12,000 euro. The Aula hadn't any alarm protections. Perpetrators reached the first floor of the building on a lightning arrester. Until now the police succeeded to regain 2 of 8 stolen paintings as well as to ascertain that the most probably a theft was performed on order of a private collector from Germany [5, p. 16].

Table 1. Places of the most common robberies of art's goods

Years	2001	2000
Private lodgings	280	298
Sacral objects	147	120
Museums and galleries	31	33

The real plague of the passing years became archaeological stations' devastations.

Those places located in the open ground sometimes not guarded at all regularly robbed by the organised. Robbers groups have not only the time to groups aimed in professionals metals detectors and, more important, well informed. The most often robbed are prehistoric burial grounds.

Their chronology is different from the Age of Bronze to the Middle Ages. Thieves steal a grave equipment, predominantly vessels, jewellery as well as weapons. Recently, in the Lower Silesia cases of illegally carried out works, connected with the exhumation of German soldiers from the times of the Second World War were noticed. A thefts' subject is becoming

military equipment of different kind, which was excavated in the vicinity of bodies. For that reason that a market for this category of relics isn't huge a decidedly majority of thefts at archaeological stations is being made on order from abroad (the most frequently from Germany and Austria). A true uneasiness awakes a fact of placing on many, legally functioning, www-pages the indications where to search archaeological relics and to whom sell them. Archaeological stations come under the protection of law, which has been entrusted to a voivodship conservator of relics. These are then subordinated to the voivods (governors). Unfortunately the real issues aren't interesting. The conservator's offices in whole Poland have to little middles to secure archaeological stations and an alarmed prosecutor's office and the Police is rarely able to detain perpetrators, collect evidence, and deliver an exact accusation. A decidedly majority of thefts of the culture's goods is an aftermath of a foreign order. And here appears the second represented category of crimes, which is connected with smuggling the antique objects to abroad.

Table 2. The most often stolen art's goods in Poland

Years	2001	2000	1999
Paintings and icons	399	341	427
Sculptures	162	128	95
Clocks	16	21	14
Numismatic collections	1	2	6
Chandeliers	5	88	42
Glass cups	-	4	7
Sacramental vessels	-	-	93

The quests of exportation of culture's goods abroad, likewise the other quests that refer to their protection regulates the Law from Feb. 15, 1962 "On Culture's Goods' Protection".

Art. 2 of the Law is stating that: "A culture's good in the meaning of the Law is every movable or immovable object, antique or contemporary that has meaning for the cultural heritage seeing its historical, scientific, or artistic value".

Art. 41, relating to the quest of exportation of culture's goods abroad says that only the General Conservator of Relics having stated that a lack of a given object won't cause a detriment for national culture's possessions may let its exportation abroad. The Law has foreseen a slightly discussing temporal cease. To the exportation prohibition undergo: handicraft and artistic industry works made before May 9, 1945 (Art. 42, Item 3, 4). To the exportation attempt undergo diverse relics: their artistic value is deliberative.

Polish customs' officers having no professional preparation in history of art often have a problem to identify an antique object and especially to settle temporal cease towards an object, which artistic advantages are evidently low. Comparatively less frequent are masterpieces' counterfeits. There has been never a regarding school of painting forgers. In the 1970's appeared a problem of icons' forgeries. The fact that Poland was forming a transit corridor between the East and the West caused that besides icons' smuggling the attempts of their local counterfeiting were undertaken. If it refers to easel painting then in Poland there never has been a strong centre of forgery. The attempts to counterfeit Polish painters from turn of the 19th and 20th century have been registered (e.g. of the Kossaks, Styka, Chelmoński, Witkacy) but the cases to counterfeit world painting in Poland are rare. With the quest of easel painting counterfeits are though connected the problems to establish a given collection or an individual picture appears a counterfeit, which was counterfeited years ago. These cases are disclosed especially by museum institutions, which bought imprudently or were offered a counterfeit. Several years ago, a far-famed was the case of "the Porczyńskis Collection".

Decidedly more often the only attribution of pictures is counterfeited. Quests of identification of originality of signatures Prof. Dr. T. Widła has effectively undertaken for years [6, p. 510–513].

Talking about counterfeits there's no way not to mention on documents. In the 1970's a very far-famed occurred a case of Frederick Chopin's letters to Delfina Potocka. Their originality was established thrice. The Workshop of Criminalistics of the Warsaw University performed a disputed expertise by ascertaining the letters' originality, which – seeing very intimate contents – could occur a true sensation. Eventually, the Section for Examination of Documents of the Chair of Criminalistics of the Civic Militia Headquarters established over any doubt that the letters had been counterfeited by a photo-montage technique.

Reassuring, that is to be stated the true problem, which is connected with criminality against culture's goods is a theft as well as smuggling. One should register with regret a lack of a decisive and effective co-operation between the Police and a customs' service. Through the years this category of crimes has been neglected seeing its low social harmfulness. Nothing but these conditions decided that the number of this category crimes performed in Poland and their detectability originated a true abyss. A detectability rate in 1998 was of 30.9 per cent, in 1999 – 24.1 per cent, and in 2000 – 27.6. Valued of stolen masterpieces in Poland in 2001 you may estimate for several millions zlotys. The data is terrifying. The police data moreover let to establish that a decisive majority of thefts was a result of an exact order.

It is also sure that if at the beginning of 1990's these thefts were carried out prevailingly amateurs, actually the organized criminality is involved into thefts of masterpieces. Next to the "Interpol" data 45 thousand masterpieces are stolen a year. An illegal trade with stolen masterpieces besides drugs' and "living goods" trade belong to the most profitable forms of criminality [7, p. 35–41].

With a great engagement the Centre for Protection of Public Collections in Warsaw deals with preventive activities, trainings, and above all protection of objects, which are engendered by burglaries and thefts of culture's goods. This institution closely co-operates with the "Interpol" leading registers of already stolen masterpieces. Actualities are to be found on the Internet page www.icons.pl

In 2000 originated the "Thesaurus" Protection Programme of the culture's goods, which head task became education of the Police and customs' services as well as creating conditions for an effective co-operation of both institutions (www.thesaurus.cjg.pl). Also a project of a new law on relics, which shall have been enter in force in 2004. Only energetic activities may prevent criminality against culture's goods, which is developing in a horrifying pace. Into these activities the Chair of Criminalistics of the Wroclaw University has got engaged, leading specialized occupations for the Police and customs' services.



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Šiuolaikinė nusikaltimų kultūros vertybėms tyrimo problema Lenkijoje

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SANTRAUKA

Policijos duomenimis, 2001 metais buvo užfiksuota 1011 nusikaltimų, susijusių su kultūros vertybėmis. Tai 39 nusikaltimais daugiau negu 2000 metais. Interpolo duomenimis, Lenkija yra 5 vietoje Europoje pagal meno kūrinių vagysčių skaičių.

Tokių nusikaltimų skaičius nuolat didėja. Dešimtame dešimtmetyje buvo nustatytas staigus šios rūšies nusikaltimų padaugėjimas, o jo dinamika 1995–1996 metais peržengė 170 proc. ribą.

Minėtos rūšies nusikalstamumo didėjimo priežastis, be abejo, yra santvarkos pokyčiai, kurie prasidėjo Lenkijoje jau 1989 metais. Valstybės sienų kirtimo tvarkos liberalizavimas, verslo kontaktų padaugėjimas bei organizuoto nusikalstamumo Lenkijoje formavimasis tapo šio reiškinio progresavimo priežastimis.

Pasenę teisiniai potvarkiai bei šiai situacijai nepakankamai pasirengusios tokios institucijos kaip prokuratūra, policija bei muitinės tarnybos nebuvo ir dar iki šiol nėra pajėgios susidoroti su šiuo reiškiniu. Pagrindinė problema yra kultūros vertybių vagystės bei kontrabanda. Daugelį metų šiai nusikaltimų kategorijai buvo skiriama nepakankamai dėmesio dėl tokių nusikaltimų nedidelės žalos visuomenei. Būtent šios aplinkybės lėmė, kad tarp Lenkijoje įvykdomų šios rūšies nusikaltimų ir jų atskleidimo atsirado didelė praraja.

Taip pat galima konstatuoti ryžtingo ir efektyvaus bendradarbiavimo tarp policijos ir muitinės tarnybos šioje srityje trūkumą.

