

Criminal Investigation of Art Crime in the Republic of Slovenia

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Due to the specific nature of art crime, the investigation of such crime is a lengthy process requiring the cooperation of various institutions, both at national and international levels. The present paper contains an in-depth presentation of art crime investigation in Slovenia, which is supported by one of the first studies examining the investigation of art crime in Slovenia. The review of the literature, legal instruments, available cases and other written sources were examined by applying the content analysis method, which served as a foundation for the development of the basic theoretical premises. The art crime phenomenon was analysed by applying a descriptive method; using statistical data, interviews with representatives of the Police, Financial Administration, Prosecution Service, the Ministry of Culture and a court expert and by conducting a qualitative analysis of prosecutor service's case files, by establishing findings and conclusions, and pairing them with the relevant expert opinions. Findings related to the broader issue of art crime and criminal investigations were formed on the basis of examined literature and expert opinions. Results of the empirical research study show that there are, on average, 100 cases of art crime in Slovenia every year. These mainly include theft of works of art from religious and secular-sacral buildings, the number of which could be reduced through preventive measures and increased awareness-raising regarding the value of such art for the nation's history. Perpetrators of art crime are predominantly men with no previous criminal convictions, who commit such criminal offences simply because an opportunity arises or due to economic motives. The rate of investigated criminal offences amounts to 23.6% and is slightly higher in comparison with data from other countries. Slovene courts deal with a very limited number of art crimes, and when criminal proceedings are initiated, however, final judgements and convictions of art crime perpetrators are extremely rare. Cooperation between experts in the field of art and investigators is well organised, fast and efficient. Findings from the theoretical analysis and empirical research demonstrate that the state-of-play in Slovenia in the field art crime is not alarming. However, it would make sense to re-establish an inter-ministerial working group, which would assist investigators and art experts to investigate and prevent such crime in the future.

Keywords: art, art crime, organised crime, criminal investigation

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1 Introduction

Apart from numerous new types of crime which emerged over the past three decades (cybercrime, money laundering, people smuggling and trafficking in human beings), we have also witnessed the ever-greater expansion of organised crime, which uses and abuses different international links to carry out its activities. Jaschke (2008) and Romero et al. (2009) believe that globalisation is one of the reasons for the increase in organised crime, with a rapid exchange of information, knowledge, people and goods, as well as rising differences between various social groups, contributing to the increase. This is why international cooperation is vital if the police are to provide security and successfully investigate criminal offences.

Art crime has a millennial tradition, however, it became even more interesting for perpetrators in the past decades due to high financial gains and low rates of successful investigations. The differences in the conceptualisation and understanding of art, and the resulting divergences in national legislations, represent the two basic hurdles that investigators have to overcome in their daily work. Another problem also arises from the fact that investigators tend to classify the theft of works of art under property crime, which is why the total number of art crimes remains unknown.

Different types of art crimes have emerged historically. According to O'Keefe (2014), art crime includes theft, forgery, smuggling and illegal exportation of art works. He also believes that it is impossible to determine the extent and scope of art crime, since statistical data are weak because such crime often remains unreported. Proceeds generated by such crime are enormous, while the implications for humanity cannot

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be evaluated or measured in financial terms. Charney (2009) demonstrates the importance and extent of art crime by categorising it as the third most profitable criminal activity, immediately after drug trafficking and arms smuggling. According to his estimates, art crime generates proceeds ranging from 2 to 6 billion US dollars per year, most of which is used to support international organised crime groups. Bonnie Magness-Gardiner, the Director of the FBI Art Theft Programme, estimates that annual losses incurred due to art crime amount to 8 billion US dollars per year (Wylly, 2014).

The trend related to art crime has continued to increase, and major changes are not expected in the future. In the past few years, art crime has become ever more organised and internationalised, which makes the success of investigations even more difficult. Dobovšek (2007) emphasises that art crime also became popular among terrorist organisations, which commit such crimes in cooperation with organised crime groups. Terrorist organisations realised that art crime generates huge financial gains, while the possibility of their detection remains relatively low.

Due to the extent and specificity of art crime, investigation of such crime requires the cooperation of various institutions both at national and international levels. Pivljakovič and Podbregar (2009) explain that specialised criminal police units of individual states are responsible for combatting such crime at the national level, while the Schengen Information System was established to combat organised crime at the European Union level. The Schengen Information System is a complex database enabling law enforcement agencies and judicial authorities to exchange information about wanted persons and property items, which is particularly useful in detecting stolen works of art.

Art crime is specific because of its perpetrators, their motives and specific *modus operandi*, as well as because of its victims. When art crime is committed, there are usually no human victims or fatalities, however, it causes a great deal of damage. Such damage does not entail mere property or pecuniary loss, it encompasses much more than that; the destruction or disappearance of a work of art destroys a piece of our common history which cannot be replaced, as works of art are mostly objects of special cultural importance and have an incomparable role in the preservation of a nation's history.

The investigation of art crime is a lengthy process. It is important to note that during their investigations, art crime investigators come across extremely intelligent perpetrators, who possess specific knowledge and skills in the field of art and are, in cases involving forgeries, usually ahead of investigators, since they are well organised and trained. Unlike perpetrators, investigators do not have a great deal of knowledge

in the field of art, which hinders a rapid and efficient investigation. Perpetrators come from all walks of life and all social backgrounds, and according to data collected by Europol (2005), theft of works of art with the aim of generating profit represents the prevailing type of art crime, predominantly committed by organised crime groups from the area of former Yugoslavia. Due to its geographical position and its history, Slovenia (also as a former Yugoslav republic) represents an important transit country both for the transportation of stolen and looted works of art, as well as for forged works of art. The so-called Balkan route runs across Slovenian territory; the route is directed from Eastern towards Western Europe and is used for the transportation of illicit drugs and stolen and looted works of art, as well as for the transportation and smuggling of migrants.

When investigating art crime, investigators are faced with a problem, which is typical of this type of crime. As emphasised by Spiel (2000), the perpetrators of art crime are often art connoisseurs, and when forging a work of art, they create a new piece of art, which appears so genuine that it is often impossible to determine whether it is, in fact, an original or not. Due to their lack of knowledge, investigators must cooperate with art experts, who can help them to determine the authenticity of a work of art and to describe the stolen work of art in the event of theft. This was also confirmed by Hufnagel (2015), who believes that police investigators rely mostly on the knowledge and assistance of art experts, particularly when dealing with theft, forgeries and fraud. In addition, the cooperation between various legal institutions at the international level, is also important for the investigation of art crime, since it often involves or is related to a type of international organised crime. Due to the above factors, the investigation of art crime is extremely slow, and investigators must determine the main course of their investigation and, in doing so, consider all characteristics of art crime. Wylly (2014) believes that very few people are aware of the extent of art crime. Reports usually focus on the number of criminal offences and pecuniary losses, but most of them fail to consider cultural losses caused by art crime, which have a much greater impact on society than the purely financial value of works of art. In the future, more attention should be dedicated to raising the awareness of the public regarding this issue and the damage caused by it in order to prevent any further loss of cultural heritage.

The aim of this paper is to examine the issue of art crime and its investigation in the Republic of Slovenia, to show which types of art crimes are most often dealt with by law enforcement authorities, the profile and *modus operandi* of art crime perpetrators, how the investigation of such crime is conducted, and what kind of problems are encountered by the Slovene Police when investigating art crime. A combination

of different research methods was used to examine this issue. The review of scientific articles, literature, legal instruments and available case files was conducted by applying the content analysis method, which served as the foundation for the development of the basic theoretical premises. The analyses of accessible statistical data (Policija, 2016b; Essentialvermeer2.0, 2014) and the comparative analysis of different art crime phenomena in Slovenia and other countries were used to demonstrate the extent of reported art crime and the rate of investigated criminal offences. The art crime phenomena in Slovenia was analysed by applying a descriptive method; by using statistical findings, interviews with representatives of the Police, Financial Administration, Prosecution Service, the Ministry of Culture and a court expert by conducting a qualitative analysis of the prosecutor service's case files; by establishing findings and conclusions, and pairing them with relevant expert opinions. Findings related to the broader issue of art crime and related criminal investigations were formed on the basis of examined literature and expert opinions.

The present paper also defines the term "art" and what may be classified as art, listing art crimes and their characteristics, and focuses on the issue of criminal investigation of art crime in Slovenia. It also contains an overview of the criminal law in the field art crime, an insight into the course of criminal investigation and the results of analysis conducted on the basis of the prosecution service's case files involving art crime, as well as proposals aimed at improving the investigation of such crime. Findings and proposals are summarised in the final chapter.

2 Criminal Investigation of Art Crime

Samardžić (2007) states that data collected by Scotland Yard, Interpol and the FBI in the 1960s show that there were no criminal organisations dealing with art crime at that time. The sharp increase in art trade and trafficking occurred in the 1980s, when organised crime groups started financing their operations, in part, through art crime. Hollington (2014) believes that art theft and trafficking is one of the most under-researched and under-investigated areas, and according to available data (Essentialvermeer2.0, 2014), the share of recovered stolen works of art ranges only between 5 and 10%.

It has to be noted that neither the general public nor government officials are aware of the seriousness of such crime, which is one of the greatest obstacles in the field of art crime (Wylly, 2014). Damage caused by such crime, is both economic and cultural, and moreover, proceeds generated by art crime are used to finance the majority of organised crime groups, including terrorism. Dobovšek (2007) finds that proceeds from the sale of stolen art are used for other illegal activities, such

as prostitution, motor vehicle theft, drug trafficking and others. Perpetrators are also known to exchange stolen, looted or forged works of art for drugs or arms, or present them as gifts for services rendered. Large sums of money, which are quite typical of this type of crime, attracted organised crime groups, which began trading in art due to its high profitability and low detection rates. What is more, art crime became interesting for terrorist organisations, as it enables them to obtain large sums of money and other resources necessary for their operations. According to Charney (2015), there are trustworthy documents, which clearly show that terrorist organisations are financing their operations with looted antiquities. For example, Mohammed Atta of Al-Qaeda tried to sell looted antiquities in 1999 in order to fund the 9/11 attacks. The same conclusion was also reached by Durney (2009), who stressed that on the black market, a stolen work of art is only worth between seven and ten percent of its actual market value, which is why the basic price or value of the work of art becomes even more important. A stolen work of art is rather difficult to sell immediately after the crime was committed. Therefore perpetrators tend to wait a while, sometimes even a year or more, before placing the relevant work of art on the market. In terms of criminal investigations, a fundamental problem occurs when perpetrators decide not to sell famous works of art due to high risks of detection, but use them as a means of payment within or between criminal organisations.

Dobovšek (2007) emphasises that the basic problem, which is typical of art crime stems from the fact that there are important differences between the definitions of art in different countries. For the purposes of this article, we will accept Conklin's (1994: 2) typology of art:

- "Paintings, photographs, prints, drawings, and sculptures;
- Decorative arts;
- Antiquities;
- Ethnographic objects;
- Oriental and Islamic art; and
- Miscellaneous items, including armour, books, coins, and medals".

The fact that this typology is still applicable is also confirmed by Charney (2015), who defines art as any object deemed as being a cultural heritage, the value of which is primarily non-intrinsic, and which is augmented by rarity, authenticity, and cultural history. In Aromaa's (2012) view, the fundamental problem lies in the fact that countries apply differently defined legal qualifications for individual art crimes, such as theft, fraud, smuggling and others. According to Conklin (1994), art crimes are criminally punishable acts that involve works of art. This paper relies on Durney's (2011: 116) definition of art crime as "criminally punishable acts that

involve works of art, entails damage, theft, deceit, or a combination of such activities". Furthermore, he also claims that "within art crime, there is a diverse array of activities, including art thefts and confiscations, art frauds, faked and forged art, iconoclasm and vandalism, and illicit excavation and export of antiquities and other archaeological resources".

At the same time, another problem also arises from the fact that most law enforcement organisations do not record art crime separately from other types of property crime, but tend to keep common records. This leads to incomplete archives and prevents the determination of the exact number of reported art crime. A uniform list containing all types of art crime needs to be devised, so that it could be used by individual police forces when recording such crime and so that the exact number of reported crime could be readily available. The fact that art crime records are kept separately from other criminal offences is important, as it provides a better insight into the extent of art crime, enables an analytical and systemic overview of all investigated cases, provides data for the assessment of damage, and facilitates the planning of police activities in this field and increasing control, where necessary. This is why cooperation between individual law enforcement organisations, both governmental and non-governmental, ought to be improved in order to fill in the current void.

Charney (2009) stresses that criminal investigation of art crime is a lengthy process. It must be noted that investigators in the field of art crime often come across extremely intelligent perpetrators, who possess specific knowledge in the field of art. Perpetrators often decide to "withdraw" a work of art, which was the subject of a criminal offence, from the market for several years; this work of art then reappears far away from its original location. This is one of the reasons why separate long-term databases need to be kept, i.e. to provide information about the works of art, which were the subject of a criminal offence. This is also one of the reasons why it is vital to establish international cooperation between institutions, since this is the only way for the successful criminal investigation of such criminal offences, which, in the vast majority of cases, involve different types of international organised crime. Spiel (2000) points to another problem faced by investigators: art crime perpetrators are art connoisseurs, which often makes it impossible to determine whether the relevant work of art is an original or a forgery. Due to their lack of knowledge in this field, investigators must cooperate with art experts, who can help them in determining the authenticity of a work of art and in describing a work of art in the event of theft. When investigating art crime, cooperation with international organisations is also vital, since art crime perpetrators are members of organised crime groups operating at the global level. Due to the above factors, criminal investigation of art crime is indeed, a lengthy endeavour. Investigators must also determine the

main course of criminal investigations, while considering the characteristics of art crime.

Breznik (2007) stresses that the fact that investigators knowing what the art looks like is of utmost importance in criminal investigations of art crime. Therefore, injured parties should, when reporting the crime, provide a detailed description of the misappropriated work of art. The Interpol General Secretariat issued a special form for the description of the work of art, which is part of the nine CRIGEN/ART forms and represents an important step for the publication of an international alert related to stolen or recovered works of art. Furthermore, it may also serve as the basic document for entering data into the automated search system (Feehan, 2015).

According to Hufnagel (2015), art thefts are mostly reported to claim insurance awards and not to recover the work of art in question, as their owners have very little hope that the police would find the stolen work of art. She also points to the fact that the art world does not always cooperate with the police. It was only recently that some EU member states reported on the strengthened cooperation, which was the result of successful investigations and, therefore, the establishment of mutual trust. In order to illustrate such lack of cooperation, Hufnagel (2015) refers to the Art Loss Register and in 2014, established Art Recovery International. These two agencies help the owners of stolen works of art in locating and recovering their property, but do not report such recoveries to the police, which is why law enforcement authorities have no information that a stolen work of art had been recovered. Consequently, police statistics related to the rate of investigated art crime are different from data kept by these two agencies.

Hufnagel (2015) also emphasises that art crime is not considered equally important by law enforcement authorities in the EU member states. She finds that police in southern EU member states consider art crime much more important than their counterparts in northern Europe. Eighteen EU member states keep national databases containing information about art crime. Sixteen EU member states also established specialised police units for the investigation of such crime. In this respect, Italy is particularly worth mentioning, since it regulated and organised the area of art crime investigations extremely well. However, this is not surprising, as Italy is not only rich in art and cultural heritage, but also deals with large numbers of art crime. According to Durney (2011), Italy organised its data management capabilities, its art crime experts and investigative capacity under the *Comando Carabinieri per la Tutela del Patrimonio Culturale* with over 300 staff. It trained officers at the local level in order to enable them to effectively investigate art crime. The *Carabinieri* also play a major role in annual art crime courses, which are offered to senior law enforcement by CEPOL at the European Police College. Block (2014)

stresses that cooperation between the majority of European states in the field of art crime is very good. Moreover, Interpol has a major role in the criminal investigation of art crime and its prevention. Wylly (2014) emphasises that it is vital for the investigators to be familiar with different types of perpetrators and their motives, which include the following:

– *Financial gain*, which is the most significant motive, particularly in relation to forgeries. Forgers are aware of the fact that a high-quality forgery makes the establishment of authenticity extremely difficult. Financial gain is also one of the main motives of art theft.

– *Investment* into works of art as a form of concealing criminal activity. Criminals present themselves as sophisticated people with a feeling and passion for arts and culture, attempting to conceal their criminal activity through their refined behaviour.

– *Avoidance* of tax and other duties,

– *Financing* other types of crime. According to Mackenzie (2011), a work of art may become a means of payment for a committed criminal offence (stolen works of art are usually used to finance drug trafficking), an object used in blackmail or as payment for other services rendered.

– *Patriotism* – numerous works of art are located far away from their point of origin. Many works of art originating from the Hellenic period and ancient Egypt are kept in British museums, works of Italian masters are exhibited in French galleries, while German works of art are located in Russia and Spain.

– *Political motives* – when works of art become a means of blackmail aimed at releasing political prisoners or terrorists.

Investigators' work is also made difficult because perpetrators are aware that the possibility of being detected when or after committing the criminal offence is negligible. If, however, they are caught and potentially convicted, the criminal sanction would be minimal.

According to Rapley (2016), police methods used to investigate art crime have developed gradually. In the past 40 years, forensic sciences have advanced significantly and now provide investigators with numerous new probative methods and techniques, and they can be particularly helpful when dealing with forgeries and fraud. According to Hufnagel (2013), most investigators do not possess sufficient knowledge to be able to determine the authenticity of a work of art. In her opinion, investigators require sound knowledge about art in general and the functioning of the art market.

Art crime investigation is also extremely difficult because these criminal offences are committed by organised crime groups, which are well organised and prepare themselves meticulously before committing the act. Mackenzie (2005) be-

lieves that art thefts are planned better than other thefts and executed by experienced thieves. In the event of large-scale theft from museums, perpetrators are usually members of organised crime groups, while stolen works of art tend to end up in other countries. This is why international police cooperation is vital, while activities carried out by undercover agents and informers, and the exchange of information are crucial for successful investigation. The importance of these elements in practice will be demonstrated later using a practical example.

Dobovšek (2007) stresses that many art crimes remain unreported. When focussing merely on art theft, it is possible to observe that the vast majority of reported thefts involve well-known or famous works of art, while thefts of less valuable, albeit not less significant, works of art remain unreported and, consequently, unrecovered. Occurrences in which world-renowned museums and galleries find forgeries in their collections are also vastly unreported. It is impossible to determine the exact number of such crimes, since none of them wishes to damage their reputation and hence become targets of potential forgers. This opinion is shared by Wylly (2014), who states that most works of art are stolen from residences and galleries, where the provision of security is poorer than in banks, jewellery shops and museums, and Hufnagel (2015), who believes that forgeries are not being reported despite their discovery, because their owners do not want to stain their reputation in the art world. Police authorities are acquainted with such issues, while the public often remains uninformed, as the owners do not want it to find out about their shortcomings. These are the reasons why police statistics represent merely a fraction of the total art crime.

3 Criminal Investigation of Art Crime in the Republic of Slovenia

According to the Slovene Police data (Policija, 2016b), there are 100 art crimes on average occurring every year (Table 1). With respect to the number of art crimes per capita and the size of the country, Slovenia is comparable to some neighbouring states, such as Austria. So far, Slovenia has not experienced an art heist, as known in other countries. However, due to its geographical position, Slovenia is a transit country for works of art and cultural heritage travelling from Eastern Europe and former Yugoslav republics to the Western European markets, and as in other countries, thefts of works of art are most common in Slovenia. Dobovšek (2007) states that the most common types of art crimes include theft of objects from sacral, secular and residential buildings, illicit or unauthorised archaeological excavations and thefts of archaeological finds, illegal export and import of works of art, fraud and illegal trade in copies and forgeries of works of art by renowned Slovene

and foreign artists, which are to be sold as originals. The majority of stolen paintings are from the 20th Century, while impressionist paintings are the most valuable. When it comes to statues, the period of their creation is more difficult to define, as it is often – just like the artist – unknown. Most stolen paintings and statues are of smaller size, which is not surprising, as these are easier to conceal and transport to the client.

Art crime is defined in the Slovene Criminal Code (Kazenski zakonik, 2008):

– Art theft (Larceny – Article 204, Grand Larceny – Article 205, Larceny in the Form of Robbery - Article 207) – it is the most common form of art crime in Slovenia and across the world;

– Art smuggling or illegal export and import of art (Illegal Export and Import of Goods of Special Cultural Significance or Natural Curiosities – Article 218, Misappropriation – Article 208);

– Vandalism and damaging or destroying goods of special cultural significance or natural curiosities (Damaging or Destroying Goods of Special Cultural Significance or Natural Curiosities – Article 219, Damaging Another's Object – Article 220) – intentionally destructive and illegal damage to a work of art;

– Violation of material copyright or art fraud (Violation of Material Copyright – Article 148, Fraud – Article 211, Concealment – Article 217) – forgery and illegal trade in copies or fakes of works of renowned domestic and foreign masters, to be sold as originals.

Penalties prescribed for art crimes are rather low. For theft, the prescribed penalty ranges from 15 days to 3-year imprisonment, while a conditional sentence may also be imposed. Perpetrators may even have their penalties remitted if they return the stolen work of art to the owner and criminal proceedings had not been initiated yet. If perpetrator commits a burglary, the prescribed sentence is up to 5-year imprisonment. A slightly higher sentence would be imposed in the event of robbery, where the Criminal Code (KZ-1, 2008) prescribes one to 10-year imprisonment. The prescribed sentence for art smuggling or illegal export and import of art is up to three years, and if the crime involved a work of art, which is considered of major or extreme cultural significance, the law prescribes a maximum penalty of 5-year imprisonment. Up to 5-year imprisonment will also be imposed for destroying goods of special cultural significance, and if the object of the criminal offence was of major or extreme cultural significance, a penalty of up to 8-years imprisonment may be imposed. Prescribed penalties are even lower in the event of forgery, fraud and concealment. The violation of material copyright carries a penalty of up to 8-year imprisonment, while

up to 3-year imprisonment could be imposed for forgery. If the caused material damage is very high, the penalty may be increased to 8-year imprisonment, while concealment will be punished with a mere 2-years imprisonment.

Art crime is dealt with by the police in the scope of property crime. A Criminal Police Inspector working at the Property Crime Section of the General Crime Division is responsible for investigating art crime at the level of the Criminal Police Directorate within the General Police Directorate. At the level of individual police directorates and police stations, these issues are dealt with by criminal investigators and police officers during their day-to-day tasks. The police initiate a criminal investigation of an art crime on the basis of an (anonymous) report made by individuals (art curators, certified appraisers, etc.), who inform the police that a work of art had been misappropriated or that they had come across a misappropriated or forged work of art. Most art crimes occur in private buildings, galleries, churches and other sacral or secular buildings, and perpetrators are usually not aware of the value of the work of art they had stolen. The majority of works of art stolen in Slovenia are found and recovered within Slovenia after some time, i.e. as soon as traffickers start to believe that the public had already forgotten about the theft. When the police receive a report concerning an art crime, they consult with professional services and experts from different fields of art and culture (the Ministry of Education, Science and Sport, the Ministry of Culture, the Culture and Media Inspectorate, the Institute for the Protection of Cultural Heritage of Slovenia, archaeologists, gallery owners, curators, certified appraisers, etc.), who provide their expert opinions, thus contributing towards successful criminal investigations. A special inter-ministerial working group named VARDED, operated from 2002 to 2011, when it was abolished due to lack of funding. Its purpose was to exchange information and coordinate activities for the prevention of criminal and minor offences related to cultural heritage. The group brought together the Ministry of Culture, the Culture and Media Inspectorate, the Ministry of the Interior, the Police and the Financial Administration. Despite the fact that the working group is no longer operational, the cooperation between the aforementioned services remains adequate.

The work of investigators is also made difficult by the owners of the works of art, when they do not have photographs and records of their works of art, which is why investigators cannot know what the work of art looks like or what it looked like before it was damaged or destroyed. Very often, inadequate security is one of the reasons for the committed art crimes. Therefore, owners must become aware of the importance of security and protection measures, appropriate recording and photographic documentation of the works of art, as these contribute greatly both to the prevention and to the successful investigation of such crime.

Table 1 shows the number of reported art crimes in Slovenia between 2005 and 2015, and the share of investigated art crimes during the same period. It is clear that the theft of works of art is the most frequent criminal offence. The share

of investigated criminal offences amounts to 21%, which is relatively high in comparison with data from other countries, where the share of recovered works of art ranges from merely 5 to 10% (Essentialvermeer2.0, 2014).

Table 1: The number of art crimes and the share of investigated art crimes in Slovenia from 2005 to 2015 (Source: Policija, 2016b).

Crime		Year											Total
		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	
Larceny	Number	60	57	35	67	33	29	51	39	29	31	24	455
	% of investigated crime	18.3%	29.8%	22.9%	11.9%	18.2%	31.0%	11.8%	23.1%	6.9%	12.9%	16.7%	18.5%
Grand Larceny	Number	52	38	42	44	35	28	35	31	36	77	23	441
	% of investigated crime	9.6%	18.4%	4.8%	18.2%	51.4%	7.1%	14.3%	9.7%	11.1%	67.5%	x*	24.0%
Larceny in the form of Robbery	Number			1									1
	% of investigated crime			100%									100%
Misappropriation	Number			1	5	1	2	2	2			2	15
	% of investigated crime			100%	80%	100%	100%	x*	50%			100%	73.33%
Fraud	Number	1		2		1	1		1	3	1	1	11
	% of investigated crime	100%		100%		100%	100%		100%	100%	100%	100%	100%
Concealment	Number	3			4	1	3	1	1	1		3	17
	% of investigated crime	100%			100%	100%	100%	100%	100%	100%		100%	100%
Damaging or destroying Goods of Special Cultural Significance or Natural Curiosities	Number	1	2	2	1	1	4	5	3	6	6	7	38
	% of investigated crime	100%	x*	50%	x*	100%	25%	60%	x*	16.7%	x*	28.6%	26.3%
Damaging Another's Object	Number	9	17	11	24	20	14	7	16	14	15	10	157
	% of investigated crime	22.2%	41.2%	x*	16.7%	25.0%	7.1%	42.9%	6.3%	21.4%	13.3%	x*	17.8%
Total		126	114	94	145	92	81	101	93	89	130	70	1.135
Total share of investigated crime		18.6%	27.2%	15.8%	19.3%	35.9%	23.5%	17.8%	17.2%	15.7%	45.4%	17.1%	23.6%

*The share of investigated art crimes is unknown

A more in-depth review of the data presented in Table 1 shows that individual cases of forgery are also detected every year, but the police do not hold any information as to which works of art tend to be forged most often and who the forgers are. One of the more valuable forgeries was discovered a few years ago, when forged paintings by Zoran Mušič, a Slovene painter, were being sold. Subsequently, another few examples of forged works by the same master appeared on the market. The Police did not record any other notable cases between 2005 and 2015. So far, only forgeries of paintings and certificates of authenticity accompanying paintings appeared in Slovenia. The police did not detect any forgeries involving statues or other objects of cultural heritage (Policija, 2016b). The Slovene Police published a publicly accessible database on its website (Policija, 2016a), which contains data related to stolen works of art. When conducting their investigations, the Police utilise Interpol's database and regularly inform Interpol about new cases of art crimes.

Rituper Rodež (2011) emphasised that most people invest their savings in valuable works of art, mainly due to the drop in stock prices, financial problems of banks and stock exchanges, instability of the price of gold, and similar reasons. They perceive works of art as investments, which will pay off in the future, and at the same time, are a source of joy and delectation due to their uniqueness. This is why the financial crisis did not affect the art market, as is confirmed by stable prices of works of art and the record-breaking sales figures they reach when auctioned or sold.

The most important cases of art crime in Slovenia were the thefts of Slovene impressionist masters, with paintings by Ivan Grohar the most frequently targeted by thieves. In 2007, perpetrators exploited the period of extreme floods to steal six of his early works from the house of his birth in the village of Spodnja Sorica. The loss incurred by the theft of three Grohar's paintings from the Škofja Loka Museum in 2011 was evaluated at 200,000 €. Some paintings (Ozmec, 2012) were recovered by the Police during a house search conducted at the home of the perpetrator of one of the largest bank vault heists in Slovenian history. These had been damaged before their recovery, and investigators believe that they were used as a means of payment in a drug trafficking transaction. This case also demonstrates the links between art crime and organised crime.

According to Jana Mlakar, the Director of the Škofja Loka Museum (Ukradli tri slike Ivana Groharja. Jana Mlakar: "To niso slike za v dnevno sobo", 2011), these are not paintings that one would hang up in one's living room, but gallery pieces or works of art desired only by true collectors. Since Grohar's paintings do not reach as high a value as they do in Slovenia, where, according to Ozmec (2012), they are sold for up to

300,000 €, it is possible to conclude that they mainly end up in the hands of Slovene collectors.

When investigating the thefts of statues and other works of art constructed of non-ferrous metals, the Police find that perpetrators usually steal these purely for the value of the raw material and not for their artistic value. When stolen, statues are cut up and sold or melted down. The problem with such crime is that it is extremely difficult to protect statues, which are located outdoors (usually in public parks), from being misappropriated. In the past few years, the most prominent thefts include the theft of bronze statues in the Gorenjska region in 2008, the theft of the "Talec" (Hostage) bronze statue from the Gramozna jama in Ljubljana (a gravel pit used by Fascists to execute hostages) in 2011 and the theft of the bronze bust of Ivan Cankar (a famous Slovene writer) from the Rožnik park in Ljubljana in 2013 (Policija, 2016b).

In the first half of 2016, several cases of forged works of art appeared in Slovenia. Due to the global economic crisis, some major companies went bankrupt (Malovrh, 2016). During the bankruptcy proceedings, official receivers found that company owners obtained enormous loans from banks, which were collateralised by valuable works of art. When they had to pay off their creditors by using the bankruptcy estate, they found that works of art, which served as collateral for their loans, were in fact, forgeries. Errors were made by the banks because they failed to send certified appraisers, not only to appraise these works of art, but also to verify their authenticity. In the case of the Trbovlje STTIM company alone, such works of art were valued at 2.75 million € (Malovrh, 2016). These will only now be sent for an expert evaluation in order to determine whether the relevant paintings and statues of world-renowned artists (Meštrović, Laurencin, Boucher, Bierstadt) are genuine.

The same happened in the Riemer and the Nova Ljubljanska banka case. Years ago, Franc Riemer, one of the (then) richest Slovene entrepreneurs, pledged a few works of art for a loan of 7.5 million € (Perčič, 2016). In this case, the bank received an official certificate issued by an appraiser, which turned out to be erroneous. The relevant works of art are, in fact, forgeries and prosecutors are still deciding as to what charges they will file and against whom. Even though most of the works of art misappropriated and forged in Slovenia remains in Slovenia, the successful fight against art crime requires close international cooperation. The Slovene Police cooperate with other police forces from European countries and with international institutions, such as Europol in Interpol. One of the major art heists in Europe, which recently took place in Switzerland, illustrates the importance of such cooperation. The theft of the works of art from the EG Bührle Foundation represents one of the largest operations in Europe

and the most recent example of organised crime and its involvement in art crime. Four paintings of renowned masters, i.e. *Poppies near Vétheuil* by Claude Monet, *Blossoming Chestnut Branches* by Vincent van Gogh, *Count Lepic and His Daughters* by Edgar Degas and, the most valuable, *The Boy in the Red Vest* by Paul Cezanne, were stolen from a collection in Zürich in 2008. The total value of these masterpieces amounted to more than EUR 112 million (Marković-Subota, 2009). According to witnesses, the perpetrators carried out the theft in a mere three minutes. Monet's and van Gogh's paintings, valued at 44 million €, were recovered a week after the theft (Belaj, 2010). The rapid execution of the robbery and the swift neutralisation of the staff and visitors show that the heist was meticulously planned. Following a two-year extensive investigation, the Serbian Police, in cooperation with police forces from other countries, learned that Cezanne's painting was allegedly located in Belgrade. In a carefully planned operation over a few months, which led to the recovery of Cezanne's painting, the police arrested four members of the Pink Panther organised crime group on April 12, 2012.

Apart from illegal trade in works of art, the members of the group were also involved in the theft and smuggling of stolen vehicles, arms trafficking and money laundering. The investigators working in the agency responsible for the fight against organised crime in Serbia managed to establish contacts with the organised crime group through a police informer (Marković-Subota, 2012). The Slovene Police also participated in the successful investigation of the case. It is very likely that the police informer was a Slovene police officer, since the Serbian police usually find it very difficult to introduce one of their informers into the Serbian underground, as the organised crime group members know most of them by now. The Police rely on informers, i.e. people, who are frequently members of organised crime groups or are otherwise present in the criminal "environment", to provide them with crucial information necessary to investigate art crime (Wittman, 2010). Therefore, it is vital to strengthen police operations in the field, particularly regarding gathering operational data and information, as well as to establish and extend the network of informers in order to guarantee successful investigations art crime. This will enable the police to obtain data, which are then processed by analysts and transformed into information contributing to the success of police investigations. Saltmarsh (2001) stresses the importance of establishing a system for exchanging information between various institutions, increasing the cooperation between the police and the media, and to inform the public about the threats and implications caused by art crime to society.

Charney, Denton and Kleberg (2012) state that the available data makes it possible to conclude that art crime repre-

sents the third most frequent and widespread method used by terrorist organisations to accumulate financial resources. The reason why art crime is now used to finance terrorism lies in high financial gains and relatively low rate of investigation. It is true that such criminal offences do not yet represent a grave threat to society in comparison to other parts of the world, however, recent trends show that this might change rapidly. The Prevention of Money Laundering and Terrorist Financing Act has an important role in preventing such a development, since its provisions help investigators to fight against the concealment of the source of money or other proceeds of crime.

3.1 Analysis of Art Crime in the Republic of Slovenia

A detailed analysis of the prosecution service's case files was conducted in order to gain an insight into art crime. The authors decided to analyse these files because they contain data from the very detection of a criminal offence to the final court judgement, thus providing a comprehensive picture of the pre-trial and criminal proceedings. A total of 20 files related to art crimes, which occurred between 2005 and 2011, were analysed, and this was the first research study dealing with art crime in Slovenia. From the research perspective and concerning legislation, this study represents a significant contribution to the criminal investigation of art crime. Such studies are rather rare in other countries, as well. The results of this empirical research study show there are on average, 100 cases of art crime per year in Slovenia. Thefts of works of art from religious and secular-sacral buildings are the predominant type of crime, which could be prevented by adopting preventive measures and raising public awareness of the value of the works of art for the nation's history.

Analyses of past burglaries and thefts show that both public and private premises, in which the works of art are kept, may be accessed rather easily and were not secured at the time when the criminal offences occurred. Cases of theft were very rarely observed where:

- the premises were equipped with alarm systems,
- security services were present, and
- buildings were secured and protected through technical and/or physical security measures.

The police visited and investigated the crime scene in every case of theft. In the majority of cases, perpetrators were unknown and were subsequently apprehended on the basis of activities undertaken by investigators, who gathered information from victims and persons who reported the crime. During investigations, the police cooperated, where necessary, with art experts from the Slovene National Gallery and/or with Interpol.

Financial gain is the predominant motive for such crimes. Perpetrators are normally men without previous convictions, who committed these crimes simply because an opportunity arose; they did not plan such a criminal offence, but decided to commit them for economic reasons. There were also a few cases where perpetrators were better organised and used sophisticated techniques, and this was particularly evident in the event of forgery.

Slovene courts deal with a small share of all art crimes, and when these are subject to criminal proceedings, final convictions for art crimes are relatively rare despite the fact that the cooperation between experts in the field of art and investigators is sound, fast and efficient. Slovene courts are not imposing harsh penalties for punishing the perpetrators, since they mainly base their decisions on the minimum prescribed penalty, which is further individualised by considering all circumstances surrounding the case and the perpetrator's personal circumstances.

In terms of theft, the most frequently stolen works of art are those of Slovene impressionist masters, particularly paintings by Ivan Grohar, which commanded the highest price on the black market. Soon after the theft, perpetrators realise that it is rather difficult to sell these works of art and often sell them at a low price. It is also possible to observe that the stolen works of art were usually not protected by technical security measures and that perpetrators do not possess much knowledge about art in general; they steal less valuable paintings, while those most valuable are left behind, and often damage the paintings during the act, etc.

Successful completion of a criminal investigation requires a specific approach both to data analysis, data collection (review of prosecution service's files), and to the triangulation of these methods. Individual cases were analysed from the initial report of a criminal offence to the final conviction in court. This helps investigators in their endeavours, since they can gain a broader overview of the problem and to recognise the pitfalls of detection, investigation and prosecution of art crime. In order to improve investigation and prevention activities in the field of art crime, it is vital to gain an insight into the current state-of-play in this sphere.

The analysis of the prosecution service's case files was conducted by using an evaluation list, which was devised on the basis of a prior theoretical discussion and literature review. Guided semi-structured interviews were also carried out with representatives of the prosecution service, the Police, the Financial Administration and the Ministry of culture, and a court expert. These interviews served as a basis of verifying the findings and conclusions drawn from the literature review and case file analysis. This meant that all important factors were en-

compassed in the evaluation list. Based on analysis, technical work and prevention, it is possible to expect a decrease in the number of art crimes in the future; when these do occur, however, the rate of investigation is expected to be much higher.

The police are also active in the field of prevention. Collectors or individuals owning works of art are advised to compile records and describe their works of art by using a form issued by the International Council of Museums (ICOM, 2016) and available from their website (<http://slovenia.icom.museum/>). Owners are also advised to take adequate and accurate photographs of their works of art. In case of theft or any other art crime, the completed form will provide the police with appropriate data about individual works of art. In addition, the police also published a brochure entitled *Art and Crime* containing practical advice, which is available both in printed version and online (Policija, 2016c). The police website also contains a form for describing a work of art, which is based on the aforementioned ICOMs (2016) form. The police also advise museums and galleries on establishing adequate security measures to protect their works of art. The most efficient method refers to a combination of mechanical security measures (fence surrounding the building, window bars, etc.) and technical security measures (alarm systems, video-cameras, sensors, etc.), while museums may also rely on physical security measures.

4 Conclusion

Due to the specific nature of art crime, criminal investigation of such crime is lengthy and complex. However, it is not much different from the investigation of theft in the scope of other property crimes. Differences appear in the investigation of forgeries, even though the evolution of police methods and techniques, and the developments in the field of forensic science, facilitated police investigations (Rapley, 2016). Such procedures are lengthy and expensive; at the same time, perpetrators react quickly and adapt their operations to the findings of investigators by developing varied and more modern techniques in order to keep one step ahead of investigators. In times of war, the looting of archaeological sites and museums, the intentional damage and smuggling of the works of art, represent a huge problem. Unsupervised and unauthorised archaeological excavations usually take place during armed conflicts, which leads to an increase in the number of smuggled or intentionally damaged works of art originating from war zones. Despite the Convention on the Protection of Cultural Property in the Event of Armed Conflicts, it is practically impossible to control such excavations in war zones. In most cases, the provisions of the aforementioned Convention are not respected. When conducting art crime investigations, authorities also encounter difficulties because they do not know

what the works of art look like, which is why it is even more important to establish international cooperation and cooperation between art experts, who are familiar with the characteristics and specific features of individual art periods and styles.

Art crime is a comprehensive issue that needs to be tackled accordingly. That does not entail merely repressive measures, but also preventive activities and awareness-raising campaigns aimed at informing the public about the pitfalls of acquiring and possessing works of art. It is important to note that art crime will continue to be appealing, as it provides high financial gains and low possibilities of detection. Therefore, continuous cooperation and coordination between different agencies at national and international levels is crucial. In the past, such close cooperation has been fruitful, since it led to the recovery of stolen works of art and to the apprehension of organised crime group members and members of terrorist groups.

Since the number of art crimes in Slovenia is rather limited, there are no experts in this field working in the Police. Breznik (2007) claims that on average, only one police officer per station is dealing with such crime, which represents an obstacle in terms of information exchange. This is undoubtedly insufficient, as every police station should have at least a few police officers, who would be adequately trained to investigate such cases. International cooperation between the Police and organisations dealing with art crime, as well as other international institutions, is considered to be of high quality.

The specific research model, which guarantees the representativeness of the sample, brought about new findings, which are interesting for the planning of future activities in the field of art crime investigation. The analysis of the prosecution service's case files shows that the perpetrators of art crimes and mostly men without previous convictions, who commit such criminal offences because an opportunity arose and for economic reasons. Theft, particularly from churches and other sacral and secular buildings, represents the predominant criminal offence. The majority of stolen paintings are those by Slovene impressionist masters, particularly by Ivan Grohar, which reach the highest price on the black market. The Slovene Police cooperates closely with police forces from other European countries, Europol and Interpol, while the inter-ministerial cooperation between the Police, the Financial Administration and the Ministry of Culture is also good. In comparison with data from other countries, the rate of investigated criminal offences is relatively high. Slovene courts deal with a very limited number of all art crimes, and when criminal proceedings are initiated, however, final judgements and convictions of art crime perpetrators are extremely rare. When art crimes are investigated, the cooperation between experts in the field of art and investigators is

well organised, fast and efficient, which was confirmed by all respondents during their interviews.

One of the shortcomings that were identified by the research relates to the fact that art crimes, particularly the theft of works of art, were not categorised separately, but included under other property crimes. Furthermore, prosecution services classify case files according to the name and surname of the perpetrator and the injured party, which made it difficult to identify individual files involving art crimes.

The present paper presents one of the first studies providing an insight into the issues surrounding the criminal investigation of art crime in the Republic of Slovenia. Art crime represents a comprehensive problem, which ought to be dealt not only by applying repressive measures, but also by adopting preventive measures and informing the public about potential pitfalls related to the works of art. The Police have been active in the field of prevention for many years. Česnik (2006) pointed out that they carry out different forms of preventive activities with the view of preventing criminal offences. One of the prevention activities refers to the switching or original works of art with copies and providing security advice to individual institutions in order to strengthen their self-protective capacity. They also advise owners to keep records and photographs of their works of art and to consult with certified appraisers before making the purchase if they have doubts about the authenticity of the work of art.

Recent methods, which began to be applied in practice only a few years ago, involve the forensic property marking and the protection of premises with security smoke. These are supposed to deter potential perpetrators, since forensically marked items discourage the perpetrators from committing the offence, while security smoke systems affect the visibility in a room and prevent the perpetrators from committing a criminal offence. There is a lot of room for improvement in terms of preventive measures and their application, which should promote the adoption of adequate measures and taking a structured approach towards responding to and resolving these issues.

After conducting the analyses, the authors of this paper concur with the opinion expressed by Hufnagel (2015), who states that art crimes are difficult to detect if the injured party decides not to report them. Police officers have little knowledge in the field of art, while forensic investigations are limited and expensive. Even if cases criminally prosecuted, the sentences imposed by courts are very low, and many perpetrators are never convicted. In Slovenia, the inter-ministerial cooperation in the field of art crime investigation is good, even though literature review shows that this is often not the

case. It has also been confirmed by Hufnagel (2015) that specialised investigators in most countries are fighting a lonely battle both with criminals and with red tape. Hufnagel (2015) believes that the cooperation between experts and investigators could be characterised by complete symbiosis, however, the lack of an adequate structure of such cooperation prevents this from happening.

The majority of art crime fall into the category of international crime, however, individual databases are not interconnected, and there is no close cooperation between specialised police units. As Wylly (2014) wisely states, very few people are aware of the importance of art crime – part of our cultural heritage disappears with every stolen work of art. This is why further research is needed to identify effective measures that could lead to successful investigation and prevention, thus contributing to the fight against the loss of cultural heritage.

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Kriminalistično preiskovanje kaznivih dejanj zoper umetnine v Republiki Sloveniji

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Preiskovanje kaznivih dejanj zoper umetnine je zaradi specifičnosti tovrstne kriminalitete dolgotrajen proces in zahteva sodelovanje različnih institucij tako na nacionalni kot mednarodni ravni. V prispevku je predstavljena problematika preiskovanja kaznivih dejanj zoper umetnine v Sloveniji, podprta z eno izmed prvih slovenskih študij s področja preiskovanja kaznivih dejanj zoper umetnine. Z metodo analize vsebine pisnih virov smo opravili pregled literature, zakonodaje, dostopnih primerov kaznivih dejanj zoper umetnine in drugih pisnih virov, na podlagi katerih smo oblikovali teoretična izhodišča. Pojav kaznivih dejanj zoper umetnine v Sloveniji smo analizirali z deskriptivno metodo; statistični podatki, intervjuji s predstavniki policije, finančne uprave, tožilstva, Ministrstva za kulturo in sodnim izvedencem ter kvalitativno analizo tožilskih spisov. Ugotovitve in zaključke analiz smo primerjali z mnenji strokovnjakov. Na podlagi proučenih virov in mnenj strokovnjakov smo prišli do ugotovitev o širši problematiki preiskovanja kaznivih dejanj zoper umetnine. Rezultati empirične raziskave kažejo, da se v Sloveniji v povprečju zgodi 100 primerov kaznivih dejanj zoper umetnine na leto. Prevladujejo tatvine umetnin iz cerkvenih in profano sakralnih objektov, ki bi jih lahko zmanjšali s preventivnimi ukrepi in večjim osveščanjem o vrednosti, ki jo imajo umetnine za zgodovino naroda. Kot storilci kaznivih dejanj zoper umetnine prevladujejo moški, ki predhodno niso bili kaznovani in ki storijo tovrstna kazniva dejanja priložnostno ali iz ekonomskih motivov. Preiskavnost kaznivih dejanj zoper umetnine v Sloveniji znaša 23,6 % in je v primerjavi s podatki iz drugih držav nekoliko višja. Slovenska sodišča obravnavajo zelo majhen delež storjenih kaznivih dejanj zoper umetnine. Nadalje so pravnomočne sodbe s področja kaznivih dejanj zoper umetnine, če pride do obravnave na sodišču, redke. Sodelovanje med strokovnjaki s področja umetnosti in preiskovalci je dobro organizirano, hitro in učinkovito. Na podlagi ugotovitev teoretičnega preučevanja in empiričnega raziskovanja trdimo, da stanje na področju kriminalitete zoper umetnine v Sloveniji trenutno ni skrb vzbujajoče. Vsekakor pa bi bilo smotno, da se zopet ustanovi medresorska skupina, ki bi preiskovalcem in umetnostnim strokovnjakom pomagala pri preiskovanju in preprečevanju tovrstne kriminalitete.

Ključne besede: umetnina, kaznivo dejanje zoper umetnine, organizirana kriminaliteta, kriminalistično preiskovanje.

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