

CULTURAL HERITAGE IN POLAND

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The Criminal Threat to Cultural Heritage in Poland – An Analysis of the Events of 2015

Abstract: An analysis of the phenomenon of crimes against cultural heritage may apply various methods for diagnosing the level of actual threats. Arguably, annual studies of examples of crimes involving cultural object(s) allow for the evaluation of tendencies within perpetrators' actions, and may also help to devise methods to counteract future incidents. Many years of research into crimes against cultural heritage facilitate, in a complimentary way, measuring the level of threat caused by such actions and to minimise the risk of their occurrence. This article is a continuation of the annual cycle of articles published by the "Santander Art and Culture Law Review" aimed at a systematic presentation of the phenomenon of criminality against cultural heritage in Poland. It offers a selection of cases that constitute auxiliary material for the diagnosis of the level of threat for cultural objects within the designated period.

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Incidents of various criminal acts against cultural heritage are presented in the form of short informative pieces; these include cases of theft, robbery, or the destruction of valuable cultural property.

Keywords: criminality, cultural heritage, robbery, destruction

Introduction

The annual diagnosis of the level of threat to Poland's cultural heritage aims to draw attention to criminal practices that occur each year, and to present the tendencies and types offences in a wider chronological context. The present article constitutes part of a series devoted to the phenomenon of crimes against cultural heritage in Poland. In the first article, published in 2015,¹ the basic data sources for the scale and specifics of criminality against cultural heritage in Poland were shown along with the assumptions that underlie the system. The current work takes as its basis already available statistical data,² seen as a supplement to case-method studies of the phenomenon of cultural heritage crimes. The article then discusses how it is difficult to estimate the scale and the damage inflicted on culture by criminal acts committed against cultural heritage. As shown in the relevant literature of the topic this is the result of an absence in documentation due to a failure to notice the theft of a cultural object(s) and a lack of rudimentary systems for the monitoring and registration of the loss of just such objects.³

The scale and specifics of criminality directed against cultural heritage in Poland as reflected in the statistics of law enforcement agencies and the Polish Customs Service

One of the main available information sources on criminality in relation to cultural heritage are the statistics produced by the Polish Central Police Command. According to them, the number of all crimes registered in the year 2015 was 833,281. Crimes in which the object of the criminal act was a cultural object (property) was in total 1063 i.e., 232 fewer than had been the case the previous year, when 1295 crimes of this type were registered. From this number 92 acts constituted crimes

¹ See O. Jakubowski, *The Criminal Threat to Cultural Heritage in Poland - Analysis of the Events of 2014*, "Santander Art and Culture Law Review" 2015, Vol. 2(1), pp. 303-310.

² In the author's view there are at present no reliable statistics on criminality against cultural heritage.

³ M. Durney, *Art Theft Statistics: Valuable Tools in Need of Reliable Measures*, "Cultural Heritage & Arts Review" 2010, Autumn/Winter, p. 13.

covered by criminal provisions of the Polish 2003 Act on the Protection and Guardianship of Monuments (APGM)⁴ (in 2014 – 108 crimes).⁵

In order to have a more comprehensive view of the phenomenon, the police data on crimes against cultural heritage need to be supplemented by analysis and Polish Border Guard and Customs Service statistics. The Border Guard has chief responsibility for counteracting the illicit cross-border transfer of cultural property. In the evaluation of experts, the practical experience of this service shows serious problems in controlling transportation beyond the boundaries of the European Union (EU) of cultural objects, which are transferred through the territory of Poland from other EU Member States.⁶ It is advised, among other measures, that these services should perform a proper verification of such objects according to the financial thresholds outlined in the Council Regulation (EC) No. 116/2009 of 18 December 2008 on the export of cultural goods (hereinafter: Regulation No. 116/2009).⁷ Officers within this service often come into contact with cases of the transportation of cultural objects valued at an amount not significantly lower than those envisaged within the thresholds of Regulation No. 116/2009. Listing a lower valuation sum for the object(s) becomes, in the evaluation of Border Guard experts, a practice that has resulted in an inability to confiscate object(s) during their transportation. The effective verification of the amounts listed in the relevant documentation, at the moment a border is crossed, is extremely limited. Generally, in such cases, those involved in the transportation present documents in the form of invoices or purchase agreements, which are often unverified.⁸ Problems connected with practically controlling the transportation of cultural objects are reflected within the statistics of this service. In accordance with these there were in:

- 2013 – 4 preparatory proceedings / 0 suspects;
- 2014 – 2 preparatory proceedings / 0 suspects;
- 2015 – 0 preparatory proceedings / 0 suspects.⁹

⁴ Ustawa z dnia 23 lipca 2003 r. o ochronie zabytków i opiece nad zabytkami [Act on the Protection and Guardianship of Monuments] (consolidated version), Dz. U. 2014, issue 1446, as amended.

⁵ K. Czaplicka, *Skala zagrożenia przestępczością przeciwko dobrom kultury w Polsce w 2015 roku. Efektywność działań Policji* [materials assembled for publication and used with the author's permission].

⁶ See W. Krupiński, *Nowe zjawiska w przemyśle zabytków w ocenie Straży Granicznej*, in: M. Trzcziński, O. Jakubowski (ed.), *Przestępczość przeciwko dziedzictwu kulturowemu. Diagnoza, zapobieganie, zwalczanie*, Katedra Kryminalistyki Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego, Wrocław 2016, pp. 20-21.

⁷ Codified version, OJ L 39, 10.02.2009, p. 1.

⁸ W. Krupiński, op. cit., p. 21.

⁹ Data obtained from a representative of the Border Guard Chief Command – e-mail 9.06.2016.

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Equally, the statistical data on the Customs Services' operations show the various problems connected with the control of the exportation of cultural objects.¹⁰ In accordance with these:

- 1) In 2013, 33 checks were conducted, of which 31 referred to the exportation of antique objects, while 2 were accounted for with respect to the transportation of objects into the country (smuggling). In 3 cases the rules of the APGM were violated (illegal export). In 3 cases forged copies of artworks, 5 paintings by famous Polish artists (Stanisław Żukowski, Juliusz Kossak, Józef Pankiewicz and Maksymilian Gierymski) were confiscated. Amongst the objects illegally exported, and that underwent verification, the majority were paintings; though in addition there were coins, military memorabilia (in particular hand weapons) and items of furniture. Usually the cases of illegal export involved objects found in postal packages that were directed to the United States of America (USA), Russia and Ukraine, thus aimed to avoid passage through the territory of the European Union.
- 2) In 2014, 30 checks on antique objects were carried out. The majority of these were paintings. The next group were military memorabilia in particular hand weapons, musical instruments and antique items of everyday use. Interestingly, USA, Russia, Ukraine, Norway, Canada, South Korea, and China constituted the prospective destinations for these objects. Among the above-mentioned cases, three forged paintings (by famous Polish artists: Stanisław Ignacy Witkiewicz (Witkacy), Władysław Bakaliowicz and Wojciech Kossak) were also found.
- 3) In 2015, 30 checks were carried out of which 22 concerned the illegal export of antique objects, while 8 involved the illicit transportation of objects (smuggling). No violation of the rules of the APGM (illegal export) was registered. In 6 cases forgeries were seized (16 paintings by Polish artists Juliusz Kossak, Tadeusz Makowski, Alfred Wierusz-Kowalski, Alfons Karpiński). Among the object to undergo verification the majority

¹⁰ Data obtained from a representative of the Ministry of Finance – e-mail dated on 6 June 2016: “The statistical data for the years 2013-2015 takes into consideration not only actions connected with the seizing of a cultural object as a result of its illegal transportation abroad but all operations undertaken by the customs authorities in relation to objects transported with the aim of checking if the transported object requires permission in accordance with the APGM. Customs officers seize objects in cases whereby: there is an illegal transport of objects (the transporting of a cultural object without permission); the illegal bringing in of objects (smuggling); verification is conducted in cases where there is a shortfall in or absence of documentation confirming an artefact does not require permission (evaluation, quotation, invoice, etc.); verifications conducted in cases of doubts on the part of the customs authorities as to the validity of presented documents; conducting ascertainment or confirmation that the age or value of an object exceeds the thresholds envisaged in the APGM; the lowering of valuations for objects brought in; the confiscation of forgeries, fakes and counterfeits. The statistics do not take into account activities whereby the authorities merely granted the transportation abroad of objects, the granting of permission or cases where documentation did not raise doubts as to validity or legality that the object did not require the issuing of permission.”

comprised paintings, icons, coins and books. On the whole the matter concerned objects discovered in postal packages addressed to the USA, Russia and Ukraine.

Data on crimes against cultural heritage held on the National Register of Stolen or Illegally Exported Cultural Objects

It is the author's opinion that an important supplement to the Police, Border Guard and Customs Office data is the information derived from the National Register of Stolen or Illegally Exported Cultural Objects.¹¹ This data base, the functioning of which is regulated by Article 23 APGM, is coordinated by the National Institute for Museums and Public Collections under the authorisation of the Minister of Culture and National Heritage. This is a universally accessible electronic repository run on the basis of statutory deputation and which contains information on losses of cultural objects resulting from criminal acts.¹² While it is often perceived only as an instrument to search for items lost as the result of crime one cannot bypass the register's function as an instrument containing quantitative data. This data can allow one to conduct important analyses on theft or the illegal transport (abroad) of monuments and objects. As a result of the information derived from the register, one is able to both follow the geography of crime as well as evaluate the types of artefacts and monuments that most often fall foul of criminals. However, in order to utilise the data contained within the National Register of Stolen or Illegally Exported Cultural Objects correctly it is essential to know the specifics of the procedures and regulations on the inclusion of information in this register. A part of the information on stolen monuments (objects) – in the case of their rapid recovery – are assumed not to be reported by the relevant authorities. Another reason for a failure to register an object is the lack of relevant documentation enabling its identification and a lack of knowledge on the obligation to report to the register a missing item. In recent years the register has undergone modernisation allowing one to look for information in various ways. Tables 1-5 present the register's data for 2015, taking into consideration different variables.¹³ Some of the data may show a different figure for the same events, this is because the organs entrusted to report theft in certain cases duplicate the act of registration.

¹¹ Krajowy wykaz zabytków skradzionych lub wywiezionych za granicę niezgodnie z prawem [National Register of Stolen or Illegally Exported Cultural Objects], <https://skradzionezabytki.pl/i/#/> [accessed: 15.12.2016].

¹² See P. Ogrodzki, *Krajowy wykaz zabytków skradzionych lub wywiezionych za granicę niezgodnie z prawem*, in: K. Zeidler (ed.), *Leksykon prawa ochrony zabytków, 100 podstawowych pojęć*, C.H. Beck, Warszawa 2010, pp. 148-151.

¹³ The author would like to thank Ms. Maria Romanowska-Zadrożna, from the National Institute for Museums and Public Collection, for her help in processing the data presented in the tables.

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Table 1. Data division in relation to reporting party

Type of crime	Reporting party					Total	
	Conservation office	Police	Owner	Other	Border Guards or customs administration	Reports	Object
Theft	4	6	0	0	-	10	10
Theft with break-in	7	13	6	0	-	30	20
Mugging	0	0	0	0	-	0	0
Labour (unlawful) appropriation	0	0	0	0	-	0	0
Property appropriation	0	0	0	0	-	0	0
Disappearance	0	4	4	0		8	4
Illegal export	-	-	-	-	0	0	0
Attempted illegal exportation	-	-	-	-	0	0	0
Total	11	23	10	0	0	38	34

Source: Based on data from the National Register of Stolen or Illegally Exported Cultural Objects, <https://skradzioneszabytki.pl/i/#/> [accessed: 15.05.2016].

Table 2. Data division in relation to holder/owner

Type of crime	Holder/owner					Total
	Library	Denominational union	Museum	Private individual	Other	
Theft	0	4	1	4	1	10
Theft with break-in	0	8	0	12	0	20
Mugging	0	0	0	0	0	0
Labour (unlawful) appropriation	0	0	0	0	0	0
Property appropriation	0	0	0	0	0	0
Disappearance	0	0	4	0	0	4
Total	0	12	5	16	1	34

Source: Based on data from the National Register of Stolen or Illegally Exported Cultural Objects, <https://skradzioneszabytki.pl/i/#/> [accessed: 15.05.2016].

Table 3. Data division in relation to crime location

Type of crime	Crime location								Total
	Tenement	Roadside shrine	Church	Flat	House	Museum	Private residence	Unspecified	
Theft	2	2	1	1	1	1	1		10
Theft with break-in	0	0	8	6	4	0	0	2	20
Mugging	0	0	0	0	0	0	0		0
Labour (unlawful) appropriation	0	0	0	0	0	0	0		0
Property appropriation	0	0	0	0	0	0	0		0
Disappearance	0	0	0	0	0	4	0		4
Total	9	2	6	2	3	5	1		34

Source: Based on data from the National Register of Stolen or Illegally Exported Cultural Objects, <https://skradzioneszabytki.pl/i/#/> [accessed: 15.05.2016].

Table 4. Data division in relation to object

Object	Type of crime						Total
	Theft	Theft with break-in	Mugging	Labour (unlawful) appropriation	Property appropriation	Disappearance	
Gates	2	0	0	0	0	0	2
Weapon – military equipment	1	0	0	0	0	0	1
Goblet	0	2	0	0	0	0	2
Cross	0	2	0	0	0	0	2
Medal	0	0	0	0	0	2	2
Bowl	0	1	0	0	0	0	1
Picture	2	11	0	0	0	0	13
Decoration (badge)	0	0	0	0	0	1	1
Pistol	0	0	0	0	0	1	1
Plaque	0	3	0	0	0	0	3
Drawing	0	1	0	0	0	0	1
Sculpture	3	0	0	0	0	0	3
Candlestick	1	0	0	0	0	0	1
Fan	1	0	0	0	0	0	1
Total	10	20	0	0	0	4	34

Source: Based on data from the National Register of Stolen or Illegally Exported Cultural Objects, <https://skradzioneszabytki.pl/i/#/> [accessed: 15.05.2016].

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Table 5. Objects recovered in 2015

Type of crime	Date of loss/disappearance						Total
	1993	1994	2002	2003	2014	2015	
Theft	0	0	0	0	0	0	0
Theft with break-in	1	1	0	0	1	1	4
Mugging	0	0	0	0	0	0	0
Labour (unlawful) appropriation	0	0	0	0	0	0	0
Property appropriation	0	0	0	0	0	0	0
Disappearance	0	0	2	1	1	1	5
Illegal export	0	0	0	0	0	0	0
Attempted illegal export	0	0	0	0	0	0	0
Lack of data	0	0		0	0	0	1
Total	1	1	2	1	2	2	9

Source: Based on data from the National Register of Stolen or Illegally Exported Cultural Objects, <https://skradziona.zabytki.pl/i/#/> [accessed: 15.05.2016].

Selected crimes against cultural heritage committed in Poland in 2015

As shown by national statistics, hundreds of crimes directed against cultural heritage occur every year within the territory of Poland. Therefore, for a comprehensive presentation of this phenomenon it is necessary to make a proper selection of cases. The breakdown below is a selection of exemplary cases, for the year 2015. The sequence of events relating to crimes against cultural heritage in Poland are organised chronologically.

January

In Olsztyn, the relics of St. Victor were stolen along with an archive (a bishop's letter of 1903) from the Church of the Most Sacred Heart of Jesus. The perpetrator also stole the collection box. In order to reach the top altar, cloths were removed from the altar and the stone slab, under which the relics were hidden, was raised. The thief emptied out the relics of the Saint thinking, as he later confessed, that the bag contained treasures. In 2016 a nineteen-year-old offender was convicted of the crime and awarded a suspended sentence of one year and two months.

February

1. A break-in occurred in Rzeszów at the parish church of St. Wojciech and Stanislaus. The perpetrators stole items of religious significance – goblets and collection plates: burying the objects in a heap of rubble. However, the thieves failed to completely hide the loot: one goblet in a car was found by police and consequently the three perpetrators were arrested.
2. In Bytom vandals damaged Theodor Kaldie's historic sculpture of a sleeping lion.
3. The public prosecutor brought charges against the director of the Dojlida Brewery for demolishing its historic living quarters. The property was situated on the grounds of the brewery and the destruction took place in 2007. In June 2016 the court ruled that the perpetrator had acted unintentionally and consequently the legal proceedings were discontinued.

March

1. At the border crossing in Bezledy (border between Poland and Russian Kaliningrad Oblast) officers of the Polish Customs Service detained a Russian citizen who was smuggling two valuable icons into Poland: one from the turn of the eighteenth century, the New Testament Holy Trinity, and the other from the second half of the nineteenth century, the Christ Pantocrator.
2. After a period of 14 years the case of Aleksander Broda, the Conservator General, came to an end. The High Court overturned the petition of the Katowice public prosecutor for the verdict of acquittal; this included acquittal from charges of corruption connected to funding that was awarded for the renovation of a historic granary (in the view of the investigators this was "a useless pile of boards"). In 2001 the Conservator General in his rank of Deputy Minister for Culture was detained by the police and taken away, handcuffed, from his office. As a result of the public prosecutor's accusations he spent over a year under arrest. At present the granary is housed at Olsztyn near Częstochowa. It was awarded the Minister of Culture's prize for the best monument reconstruction. In October 2015 the civil court awarded the former conservator 1 million PLN in compensation.

April

1. Police from the Provincial Police Command in Szczecin seized several dozen valuable archaeological objects of Ukrainian origin that had been for sale on the internet. The objects were returned to Ukraine.

2. In Tarnów there was an arson attack on a historic mid-nineteenth-century mill. The four-storey building was uninhabited and not in working use. The mill had previously been the target of arson.
3. In Nowy Wiśnicz damage was caused to a seventeenth-century crucifix in the process of trying to steal it from the façade of the Wiśnicz Regional Museum. Under the cover of darkness the perpetrators attempted to prise the antique cross from the wall. The tail end of the robbery was thwarted by the alarm, but the valuable sculpture was seriously damaged.
4. The public prosecutor brought charges of wilful damage to a TY 2-1176 steam engine and tender registered as historic artefacts. The locomotive had been produced at the H. Cegielski Works in Poznan. Its private owner damaged the vehicle to procure scrap metal. Here it follows to note that the sale by Polish State Railways (PKP) of many valuable and historic objects (including some registered as such) to private companies, including scrap dealers, is a serious problem. Theoretically the purchaser is informed on buying the item of its historic importance, though this is not always enough to protect it from destruction.

May

1. Two paintings were stolen in Łódź: a self-portrait by Teodor Axentowicz with his wife and the work of an unknown artist showing a fisherman with a pipe. The perpetrators, posing as employees of the municipal authority, took advantage of the owner's (an elderly lady) inattention; upon being let in by her they removed the works and disappeared.
2. In Nowy Sącz 5 paintings by Bolesław Barbacki were stolen from a private flat.
3. In Warsaw robbery and vandalism took place at the cemetery in the Stare Powązki district. The historic grave of the painter Władysław Podkowiński had an over 100 year-old metal foliage (constituting an adornment to the grave) stolen from it.
4. In Rokietnica an attempt was made to steal the votive offerings. The perpetrator, who at about 1 p.m. was trying to force open the display cabinet, alarmed the sexton with the noise he was making and the sexton locked the thief in the church until the police arrived.
5. A charge against an employee of the Wrocław University Library was taken to court in Wrocław. The employee in question had for around 16 years stolen valuable books from the library's collections. As a curator entrusted with cataloguing book collections he had access to non-catalogued old prints of valuable books from the pre-Second-World-War libraries of Lower Silesia. These items were sold at antique fairs or in antiquarian bookshops. A part of the stolen books were deemed to be of especial cultur-

al significance by the public prosecutor's office. Amongst the books that were to become loot were valuable publications from the Tsarist Academy in Saint Petersburg dating from the eighteenth and nineteenth century.

June

1. Two British citizens, aged 17 and 18, were detained at the State Museum at Auschwitz-Birkenau in Brzezinka for stealing Holocaust objects from the terrain of the museum. These were parts of a set of hair clippers, teaspoons, buttons and two glasses. The perpetrators were charged with stealing property of especial importance to Poland's cultural heritage.
2. In Zasieki a sandstone sculpture of a sitting man was stolen. It had adorned the span of a damaged bridge – Lange Brücke (built in the years 1921-1923 according to a design by the architect Rudolf Oskar Albert Kühn), which had joined, until 1945, the two parts of the town of Forst (in Germany) and the settlement of Zasieki (in Poland). The theft took place in unknown circumstances.
3. In Krakow the theft of objects belonging to the collections of the Cracow Photographic Association (KTF) came to light. The crime was discovered when, at an antique trade fair and at Krakow scrap yards, the police came across materials in the form of photographs, photo albums, cameras, printing plates, photographic plates, books on the subject all stamped with the logo of the Cracow association, the KTF Museum of the History of Photography, or with the specific cataloguing marks of the KTF. In the course of the police investigation several packages of property weighing hundreds of kilos were safeguarded. A part of the materials may still be in the possession of collectors and antiquarians.
4. In Sulechówek the nineteenth-century mausoleum of the von Schlieffen family was desecrated. The objects lost were tin coffins; the thieves discarded the human remains. It is quite probable that the personal effects of those buried were also stolen.
5. In Ustroń in Lower Silesia there came to light the theft and destruction of a historic air tower from the 1920s. Being over 23 metres tall, this cast-iron construction was toppled and cut up. In 2016 the police caught the 33-year-old perpetrator. It is possible that further arrests will follow.

July

1. In Czarnca, the ancestral village of Hetman Stefan Czarniecki (1599-1665), one of the most important Polish statesman and military commanders, the Church of St. Florian was broken into. The perpetrators took-off with liturgical items – two crosses and two goblets. The silver cross from the first

half of the seventeenth century had been a wedding offering to Hetman Czarniecki and his wife Zofia.

2. From a monastery in Kracow a nineteenth-century gold-plated crucifix, which had been entered into the register of historic objects, was stolen. The thief, who turned out to be a 47-year-old man earlier convicted for theft in religious premises, had managed to get to the altar and from there stole the artefact.

August

1. During a temporary exhibition at the Archaeological Museum in Biskupin an exhibit loaned by the National Archaeological Museum in Warsaw, a flint arrowhead, was stolen.
2. In Wąwolnica an attempt was made to steal the early fifteenth-century figure of the Virgin Mary with Child. The break-in happened on Sunday night/Monday morning. The perpetrators managed to enter the chapel through a window. They disabled a part of the alarm system rendering it inactive, however the thieves were unable to bypass the individual safeguard system for the work of art, which was in the form of a metal curtain. Instead, the perpetrators took-off with the collection monies.

September

1. A break-in at the St. Józef Robotnik Chapel in Rybokarty. The perpetrators entered the chapel through the vestry and stole a painting depicting Christ being crucified, painted in oils on board.
2. In Poznan a burglary was discovered in a tenement building near the Old Market Square, in a building belonging to the National Museum in Poznan. The burglars made off with 46 sixteenth-century wooden coffers that were adorned with numerous decorations that constituted valuable architectural significance.
3. In Kalwaria Zebrzydowska three paintings were stolen from a private flat. These were scenes with saints. The thief broke down the locked door to the room with the pictures and stole them.
4. In Częstochowa there was a robbery at the Match Museum. A 20-year-old took out two metal elements, a metre in length and weighing about 30 kg. Thanks to the quick reaction of the Civic Guard the stolen materials were returned.
5. Police from Warmia-Masuria Province, in conjunction with officers from the Provinces of Podlasie, Mazovia and Western Pomerania, detained a dozen or so individuals who during the course of looking for militaria came across a prehistoric or early medieval cemetery, one hitherto un-

- known to academics. They were charged with possessing illegal firearms and the appropriation of objects of especial cultural significance.
6. In Klimontów an early twentieth-century manor house, listed in the National Register of Protected Monuments, burnt down. All circumstantial evidence points to arson.
 7. In Krakow there was a break-in at one of the modern art galleries. Losses are estimated at PLN 500,000. Several dozen sculptures, pictures, works of graphic art and drawings were taken. From October 2014 the gallery had been closed, information the burglar used to his/her advantage to break-in and systematically steal the items. Only when information that one of the objects was being exhibited at another gallery did the owner discover the thefts. The offers of sale for the items advertised on the internet enabled police experts in cybercrime to catch the perpetrator.
 8. Near Wodzisław a damaged archaeological site was discovered. The perpetrators dug up graves and damaged skeletons. From the Bronze Age to the Middle Ages it had been a multi-cultural settlement and burial site. More than likely the destroyed graves were from the thirteenth century.

October

1. Criminal proceedings were commenced for the theft of the paintings: *The Goose Herder* by Roman Kochanowski and *Cattle grazing* by an unknown artist, as well as the sculpture of a knight on a marble base. The objects were stolen from the Polish President's Office. The picture *The Goose Herder* was found at an auction house in Warsaw.
2. The regional public prosecutor in Rybnik brought to court an indictment over the offer of sale for the painting *Girl in headscarf*. The painting was most likely a forged copy of the painting by Leon Wyczółkowski. An attempt was made to sell the picture for PLN 70,000. An attempt was also made to establish the work's provenance. The perpetrator had been repeatedly prosecuted for property fraud.

November

1. In Koszalin the Sanctuary of the Blessed Virgin Mary at Górka Chełmska was robbed and damaged. The thieves stole silver and gold votive offerings and mementoes of historic value.
2. At the Kodeń Basilica a break-in took place. The perpetrators made it into the armoury situated on the sanctuary's Way of the Cross and stole a cross-bow, two sabres and 6 daggers. When parts of the objects were found in one of the pawnbrokers in Biała Podlaska, the police were able to identify two perpetrators: two men aged 25 and 19. While the second of the two

was being detained the man's father attacked the police by pouring petrol over the police and attempting to set them alight.

December

Stolen from the Church of the Sacred Heart Sisters on Garncarska Street in Krakow was a painting representing St. Jude Thaddaeus. The perpetrator turned out to be a 34-year-old resident of the city, previously sentenced for similar crimes. She had sold the painting to one of Krakow's antique shops, where it was found.

Final remarks

In analysing the criminality of events in 2015 directed against cultural heritage in Poland it is worth drawing attention to certain trends that emerged in the given year, in particular:

- 1) The threat to sacral objects, monuments and sites – temples were attacked by criminals with the aim of obtaining both votive offerings as well as liturgical equipment. Relatively less frequent than was the case in previous years was the theft of paintings and sculptures.
- 2) The destruction of historic objects and monuments – the conscious destruction of historic objects and monuments is still a serious problem. Perpetrators are not even deterred by the inclusion of these objects in the National Register of Protected Monuments. The profit that can be made from such acts greatly outweighs the "inconvenience" associated with any possible punishment. One is even tempted to go as far as to say that in the case of destroying cultural heritage in Poland preventative measures are at present ineffective.

More broadly, it can be summarised that various types of crimes against cultural heritage take place within Poland: thefts in museums, churches, private collections, forgery of works of art, the smuggling of objects, and the destruction of archaeological sites. Looking at concrete incidents a question should be asked as to the effectiveness of countering such a phenomenon. The year 2015 was also significant with regard to legislative changes in Poland, which limited the phenomenon of criminality against cultural heritage. A new legal institution was introduced to the act on the Protection and Guardianship of Monuments: the National Register of Missing Cultural Objects. This operates independently of the currently operational National Register of Stolen or Illegally Exported Cultural Objects.¹⁴ From the day an entry is made into this new national register the title to the registered item cannot be effectively transferred. Accordingly, certain amendments were intro-

¹⁴ Ustawa z dnia 20 lutego 2015 r. o rzeczach znalezionych [The Finds Act], Dz. U. 2015, issue 397.

duced to the Polish Civil Code¹⁵ establishing that cultural objects that appear in the above-mentioned register are not subject to positive prescription and may not be effectively purchased from an unauthorised party.

In March 2015 10 years had passed since the agreement of the Conservator General of Monuments and the Police Commander-in-Chief on cooperation in the prevention and combating of crimes against historic monuments and objects.¹⁶ As it now more than a decade after this event it is a good time to rethink the methods in force in Poland to protect cultural heritage against criminal acts.

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¹⁵ Consolidated version available at <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19640160093> [accessed: 29.12.2016].

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