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CULTURAL HERITAGE INITIATIVES

The State of Illicit Trade and Looting of Libyan Antiquities

2011 - 2020

A Report Prepared by the American Society of Overseas Research (ASOR)
In Collaboration with ASOR's Libyan Colleagues and Partners

With Support from the U. S. Embassy to Libya, External Office (LEO)

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Acknowledgements

While Libya has long been a region of interest to ASOR members, our involvement with the pressing issues of protecting Libyan Cultural Heritage began in 2017-18 as part of a cooperative agreement with the U.S. Department of State to document and record the damage and destruction of Libyan cultural heritage. Through these efforts, we became aware of the immense challenges posed by looting and urban encroachment, particularly in the Cyrenaica. We also received frequent reports from the Department of Antiquities and local law enforcement of archaeological materials seized by authorities, apprehended at the borders or simply returned by concerned citizens.

Following the signing of the Memorandum of Understanding between the internationally recognized government in Tripoli and the United States resulting in import restrictions on Libyan antiquities, ASOR embarked on a series of activities to support broader public efforts to protect Libyan cultural heritage. With the support of the U.S. Ambassadors Fund for Cultural Preservation and the Cultural Antiquities Task Force, ASOR has partnered with the Libyan Department of Antiquities (DoA) and Libyan Boy Scouts and Girl Guides to conduct outreach through its Suitcase Museum program as well as directly engage volunteers in cultural protection, helping DoA meet site cleaning and stabilization needs around the country.

Thanks to the support of the U.S. Embassy to Libya External Office (LEO), ASOR embarked on this report to identify current trends in the illicit trade of Libyan antiquities and provide practical recommendations for how local authorities, civil society and international partners can more effectively counter and prevent these crimes.

Dr. Khaled el Haddar, professor of archaeology at the University of Benghazi and Director of the Office of Stolen and Abandoned Antiquities in eastern Libya, drafted an initial version of this report with the assistance of Dr. Heba Abd al Salam, providing vital information about the history of illicit trafficking in Libya, instances of theft of Libyan antiquities from Libyan museums and bank vaults following the 2011 Revolution, and extensive appendices to this report detailing objects which have been stolen over the past decade. Following the stimulating conversation about this topic during ASOR's Virtual Annual Meeting in 2020, this initial draft was subsequently modified and greatly expanded through the contributions of many experts including members of DoA, law enforcement, and the academic community.

Dr. Ahmad Hussein, Director of DoA in Eastern Libya and Dr. Mohammed Shakshouki, Director of DoA in Western Libya both reviewed and strengthened the recommendations of this report.

Idris Qadansh, Director of the Office of Stolen Antiquities in western Libya provided information and perspective to compliment the information supplied by Dr. Khaled el Haddar in the east. Ramadan Shebani and Intisar al Arebi in Tripoli provided vital insight into previous cases and ongoing outreach efforts with Libyan citizens. Fadl abd al Aziz, Ismael Dakhil, Anees Buajayeb, Hani Alabdely and Abdullah Mabrouk of the DoA Offices in Shahat, Benghazi and al Baydah all provided descriptions of incidents of looting, urban encroachment, and voluntary return of antiquities which have occurred over the past decade in the Cyrenaica.

While many members of law enforcement who contributed to this report wish to remain anonymous due to the sensitivity of ongoing investigations, we thank them for helping make this report more accurate and useful. Amoud M. Amoud, Officer of the Tourist Police and Antiquities Protection in Ghat and First Lieutenant Abdulaziz Eid Abd el Wanis, Director of the Tourist Police and Antiquities Protection Office of Apollonia both provided information about previous and current cases of violation of Libya's Antiquities Law. Naima R. Al Kilani, a former judge and first-class lawyer of the Libyan High Court in Tripoli, reported on the current state of public prosecution for violations of Law No. 03 of 1994 protecting Libyan antiquities, interviewing public authorities in Tripoli.

Dr. Mftah Haddad of the University of Tarhuna contributed a series of maps documenting recent urban encroachment in the eastern necropolis of the UNESCO World Heritage site of Cyrene. Morgan Belzic, a researcher at the Ecole Pratique des Hautes Etudes and member of the French Archaeological Mission to Libya, furnished a comprehensive summary of instances of the seizure and sale of distinctive Cyrenaican funerary sculptures on the international art market over the past 20 years. Katie Paul, co-director of the ATHAR project, contributed significant insight into the role of the online marketplace in facilitating the illicit trade.

ASOR relied heavily on the contributions, insights and steady assistance of its representatives in Libya: Talal Bariun, and Dr. Ahmad Emrage. Through their deep involvement in the creation of the English version of this report, Mr. Bariun and Dr. Emrage have been able to provide an Arabic translation to make this work more accessible and useful to colleagues in Libya as well as provide a resource for ASOR members throughout the MENA region. ASOR staff including Marta Ostovich, Will Berkery, Anne-Katrine Glittenberg, and Jared Koller helped refine this work at its final stages. This report was coordinated, compiled and edited by Will Reynolds, Co-Director of ASOR Cultural Heritage Initiatives, and Dr. Andrew G. Vaughn, Executive Director of ASOR.

Introduction—Scope, Methodology, and Outline of Chapters

Encouraged by the U.S. Embassy to Libya External Office (LEO), ASOR embarked on this report in order to provide a record of materials documented as stolen since the outbreak of the Revolution in 2011. The goals are (1) to identify patterns in the illicit excavation and antiquities trade that continue despite the efforts of local authorities, and (2) to identify ways in which additional efforts and resources (by both Libyan authorities and by international partners) might prevent and counter this trade.

An earlier version of this report (completed in July 2020) was written by Dr. Khaled El Haddar, together with the assistance of Dr. Heba Abd El Salam. It was decided during the summer of 2020, that this earlier report should be revised and expanded to include the research and assessments of a wider group of Libyan specialists and researchers from Europe and the United States. ASOR received funding for both the earlier report and for the expanded and broader report from the U.S. Embassy to Libya External Office (LEO).

With this broadened and expanded mission in mind, the current report was written with the recognition that there has been increasing pressure on Libyan archaeological sites and collections following the 2011 Revolution, and that this pressure has placed great stress on the Department of Antiquities and on the Libyan people. That pressure has been compounded by increased attention from an international community of scholars and law enforcement on the role of antiquities trafficking in a broader landscape of transnational crime and terrorist financing. The current report thus aims to be a resource primarily useful to the Department of Antiquities and Libyan law enforcement, but also for international partners who wish to work with Libyans to protect and preserve their heritage and cultural property.

The geographical extent of this trade clearly extends well beyond Libya. Following smuggling routes, it reaches intermediaries in neighboring countries such as Tunisia and Egypt, and eventually connects with international art auction houses and networks of private collectors throughout the Middle East, the Gulf, Europe, and the United States. Nevertheless, this report focuses largely on the initial branches of this network, examining events and actors within Libya which facilitate or inhibit this trade. The report seeks to provide practical improvements to better protect Libyan cultural heritage before it leaves the country.

In the Libyan context, both archaeologists and law enforcement officers have official responsibilities to protect antiquities for the common good. Throughout this report, ASOR has compiled accounts and materials furnished by both archaeologists and members of law enforcement spanning the entirety of the country. ASOR, as an international scholarly association with membership through North Africa, the Middle East, Europe, and North America, has long cultivated membership and a network of practice that includes significantly more archaeologists than members of law enforcement. In recent years, this gulf in practitioners has been effectively bridged by ASOR's ongoing programming to protect Libyan cultural heritage. This has led to continuing dialogue and joint

activity with members of Libyan law enforcement, including the Tourism Police and the General Prosecutors Office. These relationships have enabled ASOR to incorporate vital and specific information, as well as the general outlook of law enforcement, into this report. In many cases, given the sensitivity of ongoing investigations, officers requested anonymity and were only able to provide generalized accounts.

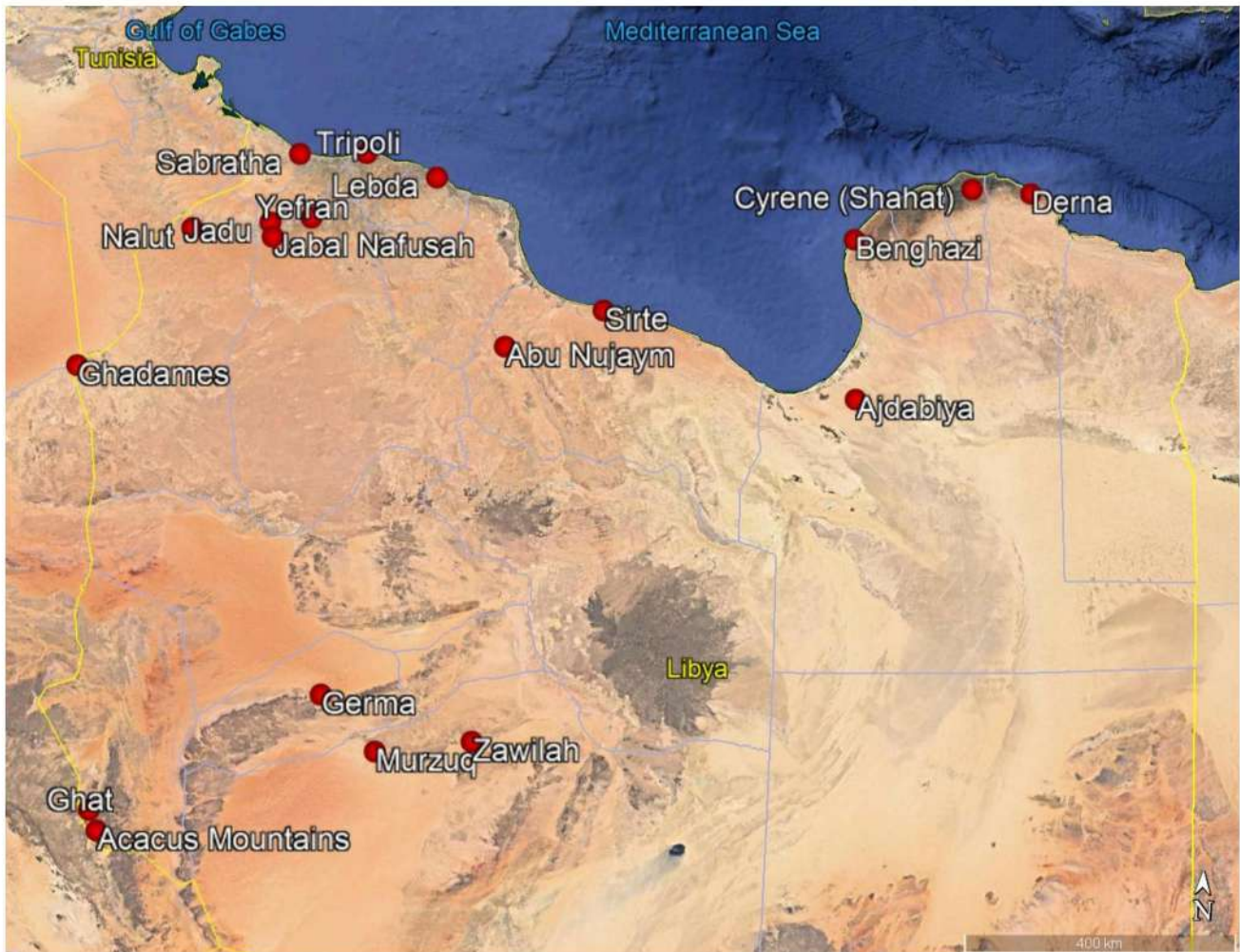
The following is a narrative summary of chapters and outline of this report:

1. Chapter I provides a very brief (4 pages) overview of the history of Libyan cultural heritage. This rich heritage spans from prehistory through the 20th century C.E. Libyan patrimony transcends religious and ethnic boundaries.
2. Chapter II provides the legal background for antiquities laws in Libya prior to the Revolution of 2011. The chapter focuses on laws that may be enforced even before a new constitution is ratified.
3. Chapter III examines economic and social factors that contribute to theft and looting from 2011–2020. While changing the economic factors is likely beyond support activities associated with bilateral agreement between Libya and the U.S., there are effective activities that can counteract misinformation and social factors.
4. Chapter IV examines how the emergence of online markets (especially through social media networks) have facilitated and supported illicit trade, drawing on the recent work of the ATHAR project (see Appendix L). This is another area where counteractive measures are possible and directly related to the MOU Action Plan for the bilateral agreement between Libya and the U.S.
5. Chapter V examines confirmed and suspected thefts that have occurred from 2011–2020. The chapter documents known thefts from four sites. It then examines and provides probable examples of looting that are likely connected to urban encroachment. Finally, it summarizes the exhaustive research of Morgan Belzic (see Appendix K), who has documented all known and plausible instances of sales of Cyrenaican funerary sculptures—a distinctive subset of the antiquities typically looted from Libya.
6. Chapter VI rehearses responses to date of Libyan Governmental Authorities and Civil Society. This chapter makes recommendations for further joint activities that could be carried out to further the MOU Action Plan for the bilateral agreement between Libya and the U.S.
7. Chapter VII presents summary observations and recommendations. This chapter with recommendations serves as our “executive summary” because it draws upon all of the previous chapters to suggest trends and recommendations that might further the MOU Action Plan associated with the bilateral agreement between Libya and the U.S.

Chapters V, and VI, and VII rely on material provided by the Libyan Department of Antiquities (DoA) and local law enforcement. Representatives of both the eastern and western DoA as well as the Tourist Police and General Prosecutors office reviewed and improved the sections describing patterns in the illicit antiquities trade found in Chapter V and the practical recommendations outlined in Chapters VI and VII. Unfortunately, during the siege of

The authoritative version of this report has been developed in English. An Arabic translation of the expanded English report has been prepared to serve as a resource for our partners in Libya to facilitate their ongoing local and regional efforts.

Tripoli in 2019, the archives of the Inspector General of the Judiciary at their office in the Salah ad Din neighborhood were looted and destroyed. Many archival records relevant to previous cases prosecuted under Libyan antiquities law were lost. This destruction of records and data are a setback not only to this current research, but to any effort to better understand the historic application of Libyan law in order to shape future reforms.



Map of Libya highlighting sites mentioned in this document

Chapter I—Historical Context: Overview of Libyan History and Material Culture

Libya is home to an abundance of archaeological and historical sites spanning millennia, civilizations, and a vast expanse of territory. This chapter presents a brief summary, highlighting key historical periods and archaeological sites that produced the antiquities now subject to the pressure of illicit trade.

For over 140,000 years, people have lived in what is now Libya, ranging widely over land that once resembled savannah, and which subsequently become an arid desert over the past 10,000 years. While much remains to be discovered about the lives and habits of the early human hunters/gathers, the profusion of rock art, ancient hearths and stone tools give testimony to their wide distribution. Some of the most important sites associated with this period include Hawa Fteah Cave in the Cyrenaica region, and the rock art sites of the Tadrart Acacus.

Early historical records of Libyan tribes rely primarily on the accounts of their neighbors in the Nile River valley, where scribes of Pharaonic Egypt recorded details of conflicts and trading relationships with tribes to the west in what is now called Libya. Most notable among these were the Meshwesh, a Berber tribe which eventually grew powerful enough to occupy the throne of Egypt during the 22nd and 23rd Dynasties (943-750 B.C.E.). While little material evidence from this time has been discovered in Libya, Pharaonic-era materials are most commonly found in the vicinity of the Jaghbub oasis.

In the middle of the 7th century B.C.E., Greek colonists established settlements in northeastern Libya, including Cyrene (Shahat), Apollonia (Susa), Ptolemais (Tolmeita), Cyrenaica (Marj), Taucheira (Tocra), and Hesperides and Berenice in Benghazi. These sites continue to yield significant archaeological finds, and their associated necropolises (particularly the one in Cyrene) are the most likely source for many of the illicit Libyan antiquities. Looted objects include funerary busts and collections of distinctive Greek pottery, which have been recovered outside of the country. Further details concerning these materials can be found in Chapters IV and V.

During the early 6th century B.C.E., the Phoenicians and the Carthaginians established three settlements in northwestern Libya: Aia or Oea (Tripoli), Leptis (Al Khoms), and Sabratha. By the 1st century B.C.E., the Greek and Phoenician settlements came under Roman control, and they were part of the Byzantine Empire by the 4th century C.E. Most of the standing monuments at sites such as Leptis Magna date to the Roman period. Architectural elements (including carved reliefs, frescoes, mosaics, and decorative statues) have been recovered in large numbers. They are common in the 25 museums and numerous storerooms throughout the country.

Following the Arab Muslim conquest of North Africa in the 7th century C.E., mosques and madrassas were established along the Libyan coast displaying the distinctive patterns of Islamic civilization, while incorporating and reusing architectural elements from previous periods. Typical examples may be found in Burqa, Ajdabiya, Sirte, Tripoli, Benghazi, Derna, and the cities of Jabal Nafusa, Nalut,

Yafran, and Jadu. The role of the trans-Saharan trade became increasingly important during this time, and oasis towns such as Ghadames, Ghat, Murzuq, and Zawilah thrived by providing logistical support and financing for trade routes extending into the Niger River valley. Many of these oasis towns are important repositories of manuscripts documenting aspects of history, science, religion and trade during the Islamic and later periods.

During the Ottoman period (1551–1911), many mosques and madrassas adopted a more exuberant style, with furnishings and architecture that included decorative inscriptions and made space for embellished tombs of prominent figures. Such sites, especially those in the Old City of Tripoli, have been targeted and damaged by extremist groups who disagree with this means of expressing the Muslim faith. Yet, intentional destruction has not been limited to exuberant styles. The more modest shrines associated with Libyan Sufi orders have also been among the most heavily damaged sites since the outbreak of the Libyan Revolution of 2011.

The Italian occupation (1911-1941) resulted in the fundamental rearrangement of the urban plan in cities such as Tripoli and Benghazi, and a number of public monuments from this period still stand. Massive campaigns of excavation and restoration in sites such as Sabratha, Leptis Magna, Ptolemais, Apollonia, and Cyrene exposed much of the material now visible on site or held in Libyan museum collections. During the Italian occupation, there are also instances where Roman remains were restored or reconstructed at the expense of Islamic and Ottoman Period architectural expansions.

Jewish people have occupied many parts of Libya since at least the 3rd century B.C.E. Faced with anti-Semitic laws imposed by the Fascist Italian regime, and then targeted by acts of violence against their community following World War II, almost all Jews fled the country. By 2003, the Jewish community had dwindled to a single member, who left to live out the rest of her life with extended family in Rome. Nevertheless, synagogues and other remnants of Jewish life are common in Libya, particularly in the Jebel Nafusa. Rare Hebrew manuscripts and Torah scrolls that were abandoned as the community left under duress have recently been recovered in the possession of smugglers of Libyan antiquities. Details concerning these materials can be found below in Chapter IV.

As described earlier in this section, the Amazigh Berber ethnicity in Libya dates back to before even the Roman Period, as they trace their origin to the tribes which occupied the land prior to the arrival of Greek colonists. However, the Amazigh language and identity were actively suppressed during the Gaddafi regime (1969–2011). During this period, the predominantly Amazigh communities of the Jebel Nafusa had less access to state resources, yet they were uncommonly successful at creating local cultural centers which continue to serve as repositories of ethnographic material.

Despite the richness and variety of Libyan cultural heritage, this report focuses largely on Greco-Roman antiquities, since these materials been the most common target of theft and looting and has been most frequently recovered by local and international

authorities. The equally disturbing destruction of many of Libya's Islamic monuments and Sufi shrines has been reported previously by ASOR and also merits continued attention.

Preservation and documentation of all of Libya's varied cultural heritage is critical to combating governmental disinformation and extremism. Whereas authoritarian rulers and regimes tend to highlight one or a few examples of patrimony that support the ruling group, the varied heritage present in Libya demonstrates that cultural identity transcends one ethnic or religious group. The celebration of all of Libya's history will undoubtedly be connected to creating an atmosphere and ethos that celebrates international connections and relations.

Chapter II—Legal Background and Application of Libyan Antiquities Law Prior to 2011

Given the richness of Libyan cultural heritage and the concentration of ancient sites along the coast, it has long been a target of smuggling and looting operations. Such trafficking obviously took place prior to 2011—indeed, it likely stretches back almost 500 years to Ottoman rule. The various colonial powers controlling Libya dealt with looting and exportation of patrimony in different ways, ranging from tacit acceptance to active encouragement. In general, the colonial rulers had legal frameworks that considered antiquities to be licit objects of trade rather than national patrimony worthy of protection.

While it is not possible to provide a comprehensive account of these incidents in this report, the present section provides ample evidence to support one central observation—colonial rule and previous periods of instability and transition also resulted in the theft and looting of Libyan antiquities. In order to understand the Libyan view of illicit trafficking, one cannot start with the Geneva Convention of 1949 or its additional 1977 protocols concerning cultural property. Instead, the trafficking of Libyan antiquities following the 2011 Revolution is commonly understood to be part of a pattern of behavior in which international institutions and individuals have found a way to take Libyan antiquities out of the country regardless of any laws protecting them. Seeking restitution of objects illegally taken long ago may not be the top priority at the moment, but it remains on the agenda of the Libyan Department of Antiquities.

2.1 Ottoman Period (1551 – 1911)

During much of the Ottoman rule of Libya (1551–1911), the trade of antiquities was essentially unregulated. In the mid to late nineteenth century, it was common for visiting diplomats to amass a private collection of antiquities to enjoy upon their return home. During this period of empire building, it was also common for agents of a foreign power to engage in archaeological work. Sir Robert Smith, who previously led a group of Royal Engineers from England to assist in excavations in Turkey, was dispatched to conduct a similar exploratory mission in the Cyrenaica with the assistance of E.A. Porcher in 1860–61. They returned from this expedition with a large quantity of sculptures that was deposited in the British Museum, including the famous Apollo of Cyrene (British Museum, 2020). George Dennis, the British consul in Benghazi from 1865–1868, acted in a similar vein, and exported (or extracted) many valuable artifacts. In fact, it was not until 1869 that the Ottoman power issued its first decree regulating antiquities. This decree provided for the free trade of antiquities within Ottoman territory and a blanket prohibition on the export of such materials. It also allowed for a certain amount of private ownership of antiquities found on private property (Ozel, 2010).

Currently, there are 55 museums outside of Libya (see list Appendix J) that display archeological artifacts that were removed from such sites as Cyrene prior to the Italian occupation in 1911–1912. This Ottoman Period was the time that contributed most to a corpus of “licit” Libyan antiquities held outside of the country. Even though

these artifacts and collections are considered “legal” by international (Western) standards, it is important to recognize that the longstanding practice of Libyan authorities has been to generally advocate for the repatriation of all Libyan antiquities. This advocacy for return includes those antiquities lost to instances of theft which predate Libya’s ratification of the Geneva Convention in 1956. *At a minimum, the writers of this report recommend that western countries recognize and be sensitive to this situation.* Such sensitivity should include an avoidance of using descriptions and photographic images of these items in the Red List and other literature designed to fight illegal trafficking.

2.2 Italian Rule (1911 – 1943)

During the Italian rule of Libya, a new antiquities administration was established with a mission to excavate and protect archaeological sites. Under this new body, the process of trading archaeological artifacts was halted or greatly reduced. After the defeat of Italy during World War II, a series of objects was stolen from Libyan museums (Susa, Al-Marj, and Tolmeita) during and after the war. Dr. Khaled El Haddar of the University of Benghazi reports that some of these artifacts have resurfaced in Europe and the United States. For example, a Pharaonic statue was stolen in 1941 from the Tolmeita Museum. A Pharaonic statue bearing a strong resemblance to the missing statue is currently on display at the Cleveland Museum of Art (Turner et al, 1991).



Left: Pharaonic statue stolen from the Ptolemais Museum in 1941 (Photo: Dr. Khaled el Haddar); Right: Statue of a Man (1991.26) on display at Cleveland Museum of Art (Photo: Cleveland Museum of Art)

2.3 World War II to the Revolution of 2011 (1941 – 2011)

Following Libyan independence, state responsibility for antiquities became clearer. While the Libyan Constitution of 1951 did not include any explicit protections for Libyan cultural heritage, a series of Libyan laws, both prior to and during the Gaddafi-era, have recognized and upheld this right. Law Number 11 on Antiquities, Archaeological Sites, and Museums (1953), and Law Number 02 of 1983 both include provisions for the state, serving as the owner of record for cultural heritage resources older than 100 years, in order to protect Libyan cultural heritage. The state has the responsibility to prevent the illicit trafficking of Libyan antiquities and to impose sanctions on those who violate the terms of these laws. These laws were expanded by Law No. 40 of 1968, enlarging provisions concerning the role of foreign archaeological expeditions. For a narrow period of 15 years (1968–1983), the Law of 1968 entitled foreign archaeological missions the right to remove duplicate pieces (i.e., pieces for which a close analogue was already discovered and submitted to the national collections) from Libya. Under the provision of this law, many Libyan artifacts uncovered by foreign research missions entered the collections of museums worldwide, including the Manchester Museum, the British Museum, the Oxford University Museum, and the University of Chicago Museum. The Law of 1968 only applies to artifacts removed during this 15-year time frame, and the foreign missions concerned kept detailed records of the material that was removed.



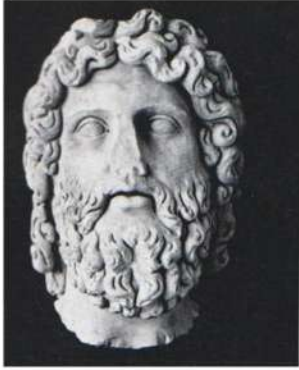
During this period, the prosecution of any violations of the antiquities law was the responsibility of the regular police force, which filed cases before the Partial Criminal Courts that was organized on a regional basis throughout the country. Given that the violation of antiquities law was considered as a misdemeanor, penalties were less severe than those imposed in cases of a felony. Nevertheless, the law was broadly enforced, and an infraction such as grazing cows on an archaeological site would result in both the confiscation of the animals in question, and the imprisonment of the owner—representing considerable social and economic sanctions for that time.

During the first fourteen (14) years of the Gaddafi-era (1969–1983), antiquities law remained unchanged—that is, the Law of 1968 remained in effect. Then, Law No. 20 of 1983 essentially closed the system of “partage” which enabled foreign archaeological missions to take some of their finds back to their home institutions. As a signatory of the 1970 UNESCO Convention, Libya successfully nominated a series of sites to the UNESCO World Heritage List during this period, with Cyrene, Leptis Magna, and Sabratha being added to the list in 1982. The Rock Art of the Tadrart Acacus was included in 1985, and the Old Town of Ghadames joined the list in 1986. These listings increased awareness of Libyan heritage on a global stage.



In the early 1990s, there was a rash of thefts at prominent museums throughout the country, including the museum of the baths of Cyrene, the site museum of Ptolemais, the site museum of Tocharia, and the classical sculpture museum of Sabratha (El Haddar, 2020). While a comprehensive account of these thefts is beyond the scope of focus of the current report, these incidents are notable for three reasons:

1. These thefts occurred over a wide geography, but all within a two-year period, and all sharing similar characteristics.
2. These thefts tended to target portable works of figurative sculpture, and frequently entailed removing the head of a larger work, making it easy to transport.
3. Some of these materials were later recovered in Europe and the United States. Even though they were returned, their sale abroad suggests that a smuggling network capable of connecting to international auction houses had been well established by the 1990s.



Head of the deified Asclepius reported stolen from the Ptolemais Museum on Oct. 10, 1990, height 40cm. (Photo: Khaled el Haddar)



The head of this sculpture of a satyr in the Museum of the Baths in Cyrene was stolen on Feb. 28, 1990. (Photo: Khaled el Haddar)

2.4 Law No. 03 of 1994

The Libyan legislature passed the largest reorganization of antiquities law in living memory with Law No. 03 of 1994. This law provided broad protection for antiquities, museums, historic cities and historic buildings throughout the country. This law remains enforced today. According to its terms, the Libyan Department of Antiquities (DoA) was reorganized from its colonial-era antecedents and became the governmental body responsible for managing and protecting the vast range of Libyan heritage—including all antiquities, archaeological sites, historic buildings, historic cities, manuscripts, and natural historical specimens. Provisions of this law included sentencing guidelines for violations, including a maximum prison sentence of 6 months, and a maximum fine of 20,000 Libyan dinars. Given that a typical judge earned approximately 4,000 Libyan dinars per year when the law came into effect, this was a stiff financial penalty. The financial penalty was considered to be a stronger deterrent than the relatively short time (1/2 year) in jail.

When the Gaddafi regime approved the resumption of tourism in Libya in 1994 under the auspices of the General Authority for Tourism, the country began to reconnect with the world. Tour groups become frequent by 1996, and the Tourist Police and Antiquities Protection Agency was established in 1998 to provide a dedicated mechanism for both the enforcement of antiquities laws as well as the protection of these visitors. Uniting these two very different responsibilities under the same law enforcement body reinforced the Gaddafi-era view that antiquities and historic sites were primarily of interest to foreigners rather than a common public good as specified by Libyan law.

The Tourist Police would typically refer cases to the specialized Public Prosecutors Office for Economic Crimes, and the cases were heard before the Economic Crimes Court (established under Law No. 02 of 1979). Prosecutions of such crimes were not subject to a statute of limitations. According to Talal Bariun, who served as chief judge of this court in 2007–2008, most of the violations of antiquity law heard by the court focused on damage to historic properties within cities like Tripoli. In general, cases decided against the defendant resulted in a modest financial penalty of approximately 500 LD. The penalties were usually well below the maximum allowed by law, provided that the party in violation paid all expenses associated with recuperation of the damaged property.

In the decades prior to the Revolution, the theft or damage of state property was generally penalized less severely than similar offenses involving private property. For example, a driver who lost control of his vehicle and careened towards two lamp posts, one installed by the municipality and the other built on private property, would face different penalties depending on which post was damaged. Damaging the private lamp post would almost certainly result in a higher fine, and likely a longer jail sentence.

Any theft of state property that threatened the liquidity or security of the state was also severely punished. Embezzling small amounts of government money resulted in a minimum of five years in prison. Judge Bariun was involved in a case in which a Special Police Officer was sentenced to five years of jail time for stealing a single bullet, based on the premise that such a theft jeopardized public security. Efforts to discourage potentially detrimental public behavior like drinking alcohol also included harsh sentences of at least one year in prison. In this context, instances of theft or damage of Libyan antiquities seem to have been punished in a way consistent with crimes involving other “non-vital” state assets, whereas drinking alcohol was considered a threat to security and an affront to a nominally Islamic code of law, and thus to be a more serious crime than looting an archaeological site.

Two cases from this period illustrate this point and are worth describing in greater detail:

1. A robbery from the National Museum at the Sarayah al Hamra (in Tripoli) in 2008.
2. The vandalism of rock art sites in the Acacus Mountains in 2009.

These cases represent the last large cultural heritage crimes that were successfully prosecuted under Libyan law. Since 2009 (including since the Revolution), there have been no further cases that have been successfully tried before a court resulting in sanctions imposed on the guilty party. Both of these cases shed light on how the law was applied prior to the Revolution and provide insight as to how existing deterrents might be enforced again as the rule of law regains strength.

Theft of Cupid from the Sarayah al Hamra, 2008

In the first case, a Moroccan citizen residing in Tripoli repeatedly visited the National Museum at the Sarayah al Hamra to plan a theft. On the day of the incident, he hid inside of the museum as it closed. Late at night, he broke the display case containing a statue of Cupid, opened one of the windows in the museum hall, and jumped down into the adjacent corridor. The loud sound of his landing alerted one of the museum guards, who informed the Tourist Police office in the Sarayah. The Tourist Police apprehended the thief in possession of the Cupid. During his interrogation, he confessed that he had intended to descend from the high walls of the Sarayah by ropes and deliver the statue to Libyan accomplices who were waiting for him in the nearby Clock Square.



Statue of Cupid stolen from the Sarayah al Hamra in 2008 (Photo: Ramadan Sheibani)

The Tourism Police referred the case to the Public Prosecutor, which in turn referred the case to the Criminal Court in Tripoli. Rather than filing the case under the provisions of the antiquities Law No. 3 of 1994, the Public Prosecutor filed the case under the provisions of the Libyan Penal Code of 1954 and the economic crimes Law No. 2 of 1979. From a legal standpoint, the statue was considered as being indistinguishable from public funds being stolen from the Central Bank. By structuring the case in this way, the Public Prosecutor ensured that the defendant would face a more severe sentence if the prosecution succeeded. The Criminal Court heard the case and imposed a sentence of five years in prison. Convicted for the crime, the perpetrator served most of his sentence and was released as part of the general amnesty granted to prisoners by Gaddafi during the 2011 Revolution.

Vandalism of Rock Art Sites in the Acacus Mountains, 2009

The second case focuses on damage of archaeological sites rather than theft of antiquities. In 2009, Fathi abu Agela worked as a baggage handler at the Sebha airport. Occasionally, he supplemented his income by serving as a driver for an Italian tour operator working out of a desert camp in Wadi Awiss, a popular entrance to the UNESCO World Heritage site of the Acacus Mountains in southwestern Libya. The drivers typically worked long hours for attractive pay that included tips as well as room and board. Abu Agela had a disagreement with the tour operator and was fired.



Ti-n-Taborak, one of the rock art sites vandalized in 2009 (Photo: Ramadan Sheibani)

According to Amoud M. Amoud, currently an Officer's Assistant with the Tourism Police in Ghat, who served as the assistant investigator of the incident, Abu Agela left the camp. As the tourists returned to the camp at dusk, Abu Agela travelled to a series of rock art sites and defaced each one with spray paint in an act of retribution against the tourism company which was guiding visitors to these prime attractions. The damaged sites included Ti-n-Taborak, Awiss, Ti-n-Seleutin, Tihedine, Ti-n-Ascigh, Ti-n-Lalan, and T-n-Anneuin, rock art panels spread over 40km. Fingerprints of Abu Agela, marked in paint consistent with the paint sprayed on the rock art sites, were identified on the door and steering wheel of the car he used to travel from camp. According to the estimates of the Italian archaeological mission which visited the sites several months after the incident, the damage is irreparable (Di Lernia, 2010).

Following a five-day investigation of the incident and the damage sustained at these sites, the Tourist Police referred the case to the Public Prosecutors office in Ghat. The case was heard by a judge in Ghat, who sentenced Abu Agela to a 4000 dinar fine as well as 4 months and 10 days in prison. He served his sentence at a prison in Obari and was eventually released. The conviction for such a crime precluded Abu Agela from returning to his public sector job as a baggage handler, where he likely earned 200-300 LD a month. While both the fine and the prison sentence were less than the maximum allowable under law, the penalty was substantial and had a lasting effect following Abu Agela's release.

2.5 2011 – 2020 (Present): A Current Framework for Protection

As described previously, a strong legal framework and a record of jurisprudence provides for the protection of Libyan antiquities and archaeological sites. Unfortunately, the steady erosion of rule-of-law following the 2011 Revolution, and political fragmentation since 2014, has meant that in practice, these laws have been difficult to enforce. The Tourist Police was temporarily disbanded from 2011–2013, and the Economic Crimes Court was dissolved entirely. The jurisdiction for prosecuting violations of antiquities law has since defaulted to misdemeanor criminal courts. Like other national law enforcement bodies, the Tourist Police were temporarily disbanded immediately following the Revolution and officially reactivated in 2013.

Over the past seven years of operations (2013–2020), the Tourism Police have officially opened fourteen (14) cases of violation of antiquities law with the Public Prosecutors Office in Tripoli. However, none of these cases have made it to trial. This number almost certainly represents a small fraction of total violations, and even this small fraction is currently not being prosecuted.

The interim constitutional declaration issued on August 3, 2011, did not specifically address any aspect of Libyan cultural heritage, leaving Law No. 03 of 1994 as the *de facto* framework for the protection of these assets. During the process of creating a draft constitution, a community of Libyan lawmakers and archaeologists advised the Constitutional Assembly to enshrine updated language on the role of the state. The draft Constitution of 2016 includes provisional language that:

1. Reaffirms the role of the state as a protector of Libyan heritage.
2. Empowers the state to act as necessary to recover seized antiquities with no statute of limitation on prosecuting crimes involving antiquities.
3. Ensures that private owners of historic resources will be subject to a special law which upholds their rights to the property and allocated financial rewards for expropriating their property in the public interest.

While this draft constitution has not been officially ratified or implemented, it gives some indication of the direction in which the law is developing. There is an increasingly broad mandate to prosecute antiquities crimes, and with more substantive protections for Libyan private property owners. These property owners had previously feared that the presence of archaeological sites would result in the state confiscating their land. Meanwhile, representatives of the DoA have provided the Libyan parliament with recommendations about ways to strengthen existing antiquities law, although political paralysis has prevented any of these recommendations from being formally adopted.

Several relevant international accords provide a measure of additional protection for Libyan cultural heritage, including the 1970 UNESCO Convention and the UN Convention against Transnational Crime. While Libya has yet to sign the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, it is able to seek the repatriation of objects illicitly taken from the country under the UNESCO 1970 Convention on the Means of Prohibiting and

Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property to which it is a signatory party. Additionally, the 2018 U.S.–Libya Cultural Property Agreement offers protections, imposing American import restrictions on Libyan cultural property and encouraging information exchange and technical cooperation between the two nations to combat illicit trafficking. Finally, members of the DoA and Libyan law enforcement have established formal and informal channels of communication with their international colleagues at INTERPOL, the Italian Carabinieri, the FBI Art Crimes Team, and U.S. Immigration and Customs Enforcement. Given the ongoing civil conflict in Libya, the UNESCO World Heritage Committee placed the five Libyan world heritage sites on the List of World Heritage in Danger during its meeting in Istanbul, Turkey, on July 14, 2016.

2.6 An oversight and management role for the Department of Antiquities

Since the Libyan political crisis of 2014, the Department of Antiquities has been functionally divided between Tripolitania (with a headquarters at the Sarayah al Hamra in downtown Tripoli) and Cyrenaica (with a headquarters in al Bayda). Despite this division, the organization continues to employ hundreds of civil servants stationed in inspectorates around the country. Their wages are distributed from the Central Bank to the headquarters in Tripoli, and then to the branch offices. Like many civil servants, the wages of DoA employees have frequently been delayed following 2011, and the DoA has rarely enjoyed an operating budget beyond payroll. In addition to protecting sites and collections around the country, DoA staff are charged with completing archaeological inspections and issuing permits prior to any new construction and infrastructure project. The DoA thus ensure that archaeological resources are either protected or properly documented and studied prior to construction. Following the Revolution in 2011, unprecedented and unregulated urban expansions have occurred at such a rapid pace, that such expansions have overwhelmed the resources of the DoA. Nevertheless, aware of and dismayed by the deteriorating of Libya's cultural heritage, the DoA and local law enforcement authorities have mounted numerous efforts to protect these resources. These efforts are outlined in Chapter VI of this report.

2.7 Antiquities Trafficking in the Context of Other Illicit Trade

During the prolonged period of instability following the 2011 Revolution, Libyans have persevered through many challenges. As factions continue negotiations for a lasting peace, the problem of illegal antiquities trafficking is likely to be perceived as a minor issue that can be readily disregarded. This position overlooks a real opportunity—local authorities have made significant recent progress in combatting illicit trafficking of antiquities, and encouraging such activity offers a rare glimmer of hope and a highly visible public signal of the progress towards regaining the rule of law.

Undoubtedly, the magnitude of human trafficking and illegal fuel smuggling, estimated at between \$93,000,000–\$244,000,000 and

between \$750,000,000–\$1,000,000,000 per year respectively (Nellmann et. al., 2018), far surpasses the revenues associated with illegal sales of antiquities. These lucrative illegal activities appear to be tightly controlled by militia groups, complicating efforts by local authorities to crack down on the trade and apprehend those responsible (Eaton, 2018). The illicit antiquities trade is global in scope and the Libyan piece of it certainly involves powerful parties, perhaps including some of these same militias. Yet, compared to smuggling fuel and migrants, the market for antiquities appears to be more diffuse, involving many small-time sellers and middlemen, and it remains open to non-militia and non-aligned actors. While Libyan antiquities were recovered in the recaptured house of an Islamic State commander during the Battle of Benghazi (Lewis, 2016), any role that antiquities trafficking may have played as a mechanism for terrorist financing seems to have declined as the Islamic State was uprooted in Benghazi and Derna. Instead, the limited first-hand accounts provided by those apprehended with Libyan antiquities suggest that small scale, opportunistic actors are commonly involved (M Tunisia TV, 2017).

As described in greater detail in Chapter VI of this report, the DoA, the Tourist Police, and the Public Prosecutor have begun to play a more active role in the countering and prevention of the illegal antiquities trade. This appears to be a realm in which Libyan authorities stand to gain public trust and goodwill while gradually reasserting the rule of law. As rule of law gains strength, Libyan authorities are more likely to be able to counteract more lucrative forms of illegal trade involving humans and fuel.

Chapter III— Economic and Social Factors That Contribute to Theft and Looting

This report provides as comprehensive an account as possible of all known cases of theft of Libyan antiquities during a period of marked instability—the decade spanning the beginning of the Revolution on February 17, 2011, through the date of this report (December 2020). In the case of each recorded theft, brief accounts of individual incidents are supplemented by a more extensive set of appendices, including descriptions and documentary photographs of individual objects whenever possible.

The second, likely much larger, category of incidents involves looting of Libyan antiquities during the same period. Given the lack of rule-of-law and the general weakness of local reporting on subjects related to cultural heritage crimes, the incidents of looting included here should be considered only a partial account of the losses sustained. In many cases, the evidence of looting is indirect, a combination of disruption in areas rich in archaeological resources and the recovery of material on the regional and international marketplace that likely originates from Libya.

Prior to a description of individual incidents, it is worth exploring the general social context of these crimes. The depositions of Libyan antiquities thieves, looters and smugglers have rarely been made public, so first-hand accounts detailing the motives and methods of these crimes are scarce. At the same time, there is a common set of circumstances which has enabled these crimes to occur with increasing frequency in the aftermath of the Revolution, and this background is explained in the following pages.

3.1 Collapse of Libyan Economy Makes Theft, Looting, & Trafficking Tempting

Since 2011, the Libyan economy has suffered a major and prolonged contraction as instability has prevented the steady operation of oil fields and ports. Civil servants, who account for approximately 84% of the workforce, have faced delayed wages. Moreover, their access to savings has been constrained by strict withdrawal limits. While the official rate of exchange for the Libyan dinar has remained fairly stable, the parallel market rate (black-market rate) of exchange has generally declined as instability persists in the country.

Economists recognize that such a large variance between the parallel market rate (“street” rate) of exchange and the official rate points to artificial stabilization of the exchange rate by control of capital markets and the prohibition of people accessing capital and savings. The exchange rate has been further artificially impacted by government exchange fees and taxes. Moreover, these artificial pressures have frequently resulted in extraordinary high inflation, further compounding the financial crises.

Against this backdrop of financial pressure, many have sought to monetize public goods for personal benefit during a time when most existing laws cannot be enforced. While some have successfully stolen antiquities from museums and bank vaults, it has become much more common for antiquities to be looted directly from archaeological sites, many of them uncovered through the process

of clearing land for development. The large-scale clearing and subdivision of formerly public lands in order to build new housing and vacation properties has been concentrated in areas previously protected by the state, including along the coast and on the flat plateaus of the Jabal al Akhdar. These regions have been attractive places to build for millennia, and they are therefore densely filled with archaeological sites.

3.2 Social Context Contributing to Theft and Looting

Looting Antiquities Perceived as a Victimless Crime or Semi-Legitimate Form of Protest

Both the Department of Antiquities and the Tourist Police have faced a crisis of legitimacy following the Revolution, as there have been few functional mechanisms to enforce antiquities law as well as a common suspicion that cultural heritage sites and collections around the country are just one more resource that the Gaddafi regime hoarded for its own purposes. Now that the regime is gone, using these antiquities for personal profit seems to be one more way to spurn the legacy of Gaddafi, rather than being perceived as stealing a common resource from other Libyans.

Another dimension of this problem relates to the tight control the Gaddafi regime previously exerted over all urban development. Without loans issued by the state or specific permissions obtained by private parties, building and expansion were impossible. Throughout the Jebal al Akhdar, there was significant pent-up demand given that permission to build had become very difficult to obtain in the decade prior to the Revolution. Many families found themselves living in crowded houses with multiple generations, even if they had the savings and the desire to build. In the years following the Revolution, some have chosen to ignore all laws and permitting procedures. They simply proceeded with projects to clear land and to build according to their needs.

This trend has been accelerated by an element of speculation, since the scenic areas of the Jebal al Akhdar are an attractive destination for domestic vacationers or those seeking temporary respite from the aftermath of the Battle of Benghazi (2014–17). Because even basic rental houses can attract 200 dinars per night, there has been a further incentive to clear land and build. Any archaeological materials standing in the way of this clearing are seen as a nuisance to be removed, or as a potentially lucrative bonus that can be monetized to offset the costs of development.

3.3 Heritage Deployed to Reinforce Dominant Political Narratives at the Expense of the Powerless

Following the establishment of a formal Department of Antiquities in 1913 under the Italian colonial power, the state has played a controlling role in cultural heritage, allowing it to shape and reinforce dominant narratives about what it means to be Libyan and who can fully lay claim to this title. All too often, religious and ethnic

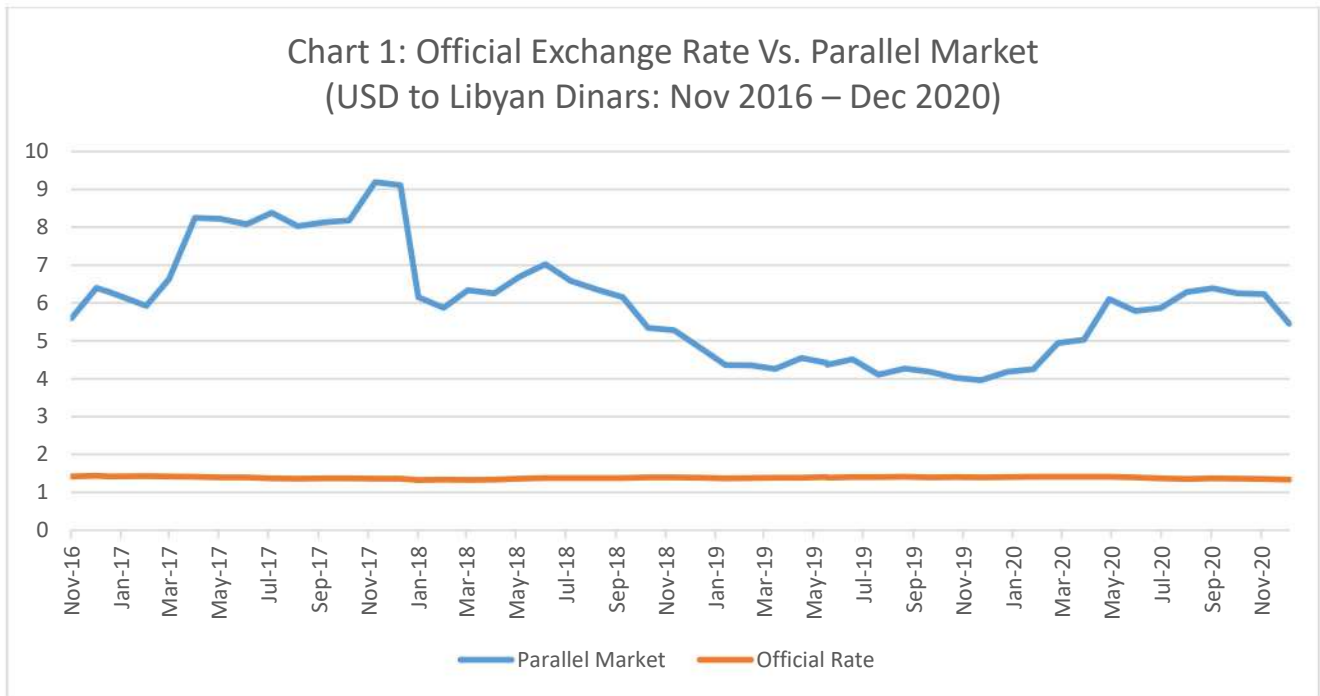


Chart 1: created with data from the Facebook Page “Dollar Euro & Pound Libya Black Market Exchange Rate” (<https://www.facebook.com/Dollar-Euro-Pound-Libya-Black-Market-Exchange-Rate-626595290844926/>). Monthly values were taken from listed entries that were the closest as possible to the 15th of each month. Official rates obtained from <https://www.investing.com/currencies/usd-lyd-historical-data>.

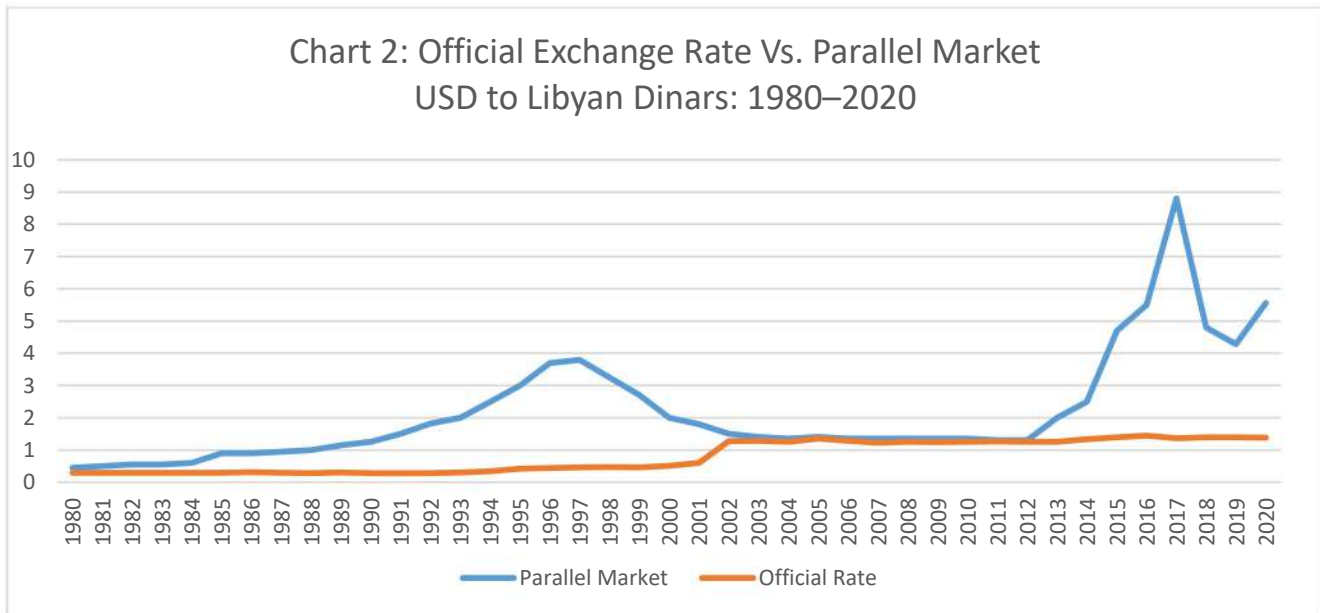


Chart 2: Data for 1980–2018 is courtesy of Dr. Gaballah Hejazi from Faculty of Economics, University of Omar al-Mukhtar at Elbaida. Data for 2019–2020 taken from Facebook page quoted in Chart 1.

groups with less political influence have seen their heritage neglected or intentionally destroyed in this process. Such was the case for the entire native population under Italian colonial rule, as well as the Jewish minority in the post-war period, the Amazigh minority in the Gaddafi-era, and the Sufi minority following the Revolution of 2011. This pattern of abuse has reinforced the view that cultural heritage resources are goods owned by the state and used for its own purposes rather than as public goods protected for the common benefit.

As part of the project to legitimize its claim to this “fourth shore,” Italy invested heavily in the excavation, conservation, study, and protection of ancient Hellenistic and Roman sites. This work represents a fundamental and lasting contribution to our understanding of Libyan history, though it often came at the expense of Arab or Ottoman layers that had accrued on portions of these sites (Furjani, 2020). Libyans, for their part, avoided damaging any archaeological site for fear of being punished by the colonial power. At the end of World War II, the tight relationship between colonial power and these monuments began to backfire. Following Libyan independence, it became increasingly common to associate such cultural heritage with the negative aspects of colonial rule and ignore or neglect these sites.

After the establishment of an independent Libya in 1951, anti-Semitism in Libya continued to grow in strength and members of the Libyan Jewish community found their future in the country increasingly imperiled by a series of laws denying them the right to acquire new property, vote, hold public office, serve in the armed forces, hold a certificate of Libyan nationality, and receive a Libyan passport (Roumani, 2008). Following the Six Day War of 1967 between Israel, Jordan, Syria and Egypt, Jewish owned property was destroyed in both Tripoli and Benghazi, and members of the Jewish community were killed by mob violence despite efforts by the police to protect them. The Libyan government encouraged the remaining Jewish community to emigrate. While many thought they were leaving temporarily and would be able to return or at least settle their affairs later, they soon discovered that they faced regulatory barriers to reentry. In addition to being forced from their homes, the Association of Libyan Jews in Rome estimated that their community was forced to abandon \$350,000,000 - \$400,000,000 of stranded assets in Libya (Roumani, 2008).

During the Gaddafi-era, The Zuwara Speech of April 15, 1973, had a particularly corrosive effect on the relationship between the public and Libya’s diverse cultural heritage. In this speech, Gaddafi declared a Cultural Revolution, intentionally evoking the same phrase previously deployed in China by Mao Zedong. Among the five steps outlined by Gaddafi, three are particularly relevant here: 1) disable all applicable laws, 2) eliminate partisans and enemies of the Revolution, and 3) eliminate all bureaucracy through an administrative revolution (Gaddafi, 1973). These three points, while never fully implemented, created an environment in which laws were enforced capriciously by members of somnolent bureaucratic systems who could never be sure of their own authority. Following this speech, the Amazigh community in Libya was singled out as partisans, and those perceived to resist state power faced life imprisonment or

execution for protesting. Their language and alphabet were forbidden and erased.



Destruction of the Sidi Bu Ghara Shrine in Tripoli, 2017 (Photo: Youssef al Khatali)

Most recently, Islamic sites that do not conform to a Salafist vision of Islam have been targeted in the aftermath of the 2011 Revolution. Salafist militias gained influence throughout the country and intentionally destroyed Sufi shrines and mosques for their perceived deviance from Sunni orthodoxy. Shrines or commemorative spaces associated with the companions of the Prophet Mohammed were destroyed in Zweilah and Dernah. Well known Qaramanli mosques and religious schools in the Old City of Tripoli were desecrated, and Sufi shrines were destroyed around the country. Members of the community who opposed these acts often remained quiet for fear that they themselves would become targets of this violence. Despite these dangers, the staff of the DoA Tripoli had some success in negotiating with these armed groups and removing decorative elements of mosques and tombstones before they were destroyed (Raynolds, 2017).

3.4 Past Educational Curricula Contribute to Lack of Appreciation for Diverse Heritage

On March 2, 1977, Gaddafi established the “authority of the people,” outlining four additional points to guide the country, two of which are relevant here. The first changed the name of Libya to the Socialist People’s Libyan Arab Jamahiriya, prompting a review of all Libyan history textbooks and curricula to make them consistent with this new vision of national identity. The third point of Gaddafi’s speech declared, “Direct popular power is the basis of the political system...Power is in the hands of the people, and there is no authority over others. The people exercise their power through popular congresses, popular committees, trade unions, unions, professional associations, and the General People’s Congress” (Gaddafi, 1977). This further eroded the power of the Antiquities Authority, and it closed avenues for cooperation between different

branches of government including the DoA and the Ministry of Education.

While most Libyans live within a short distance of a historic building or archaeological site, their exposure to these places and their knowledge of them has always depended heavily on the public educational system. During the Gaddafi-era, the curriculum gradually recast Libyan history as monolithically Arab, and excluded any mention of the British Mandate period or the Libyan monarchy that Gaddafi helped depose in 1969. Occasionally, public displays such as the burning of foreign language textbooks in Tripoli's Green Square in 1986, reinforced the message that the regime was the sole arbiter of knowledge.

This topic of educational reform extends beyond the scope of this report, but it is worth providing a few specific examples from history textbooks published between 1998 and 2016, demonstrating the long-lasting effects of Gaddafi's revisionist version of Libyan history. Even textbooks published after the Revolution continue to publish the same fallacies, describing the Hellenistic and Roman history of Libya in a contemporary, politically charged framework of anti-imperialism. In 1998, the Popular Committee for Education and Higher Research published a history textbook for fifth graders intended as a general introduction to the subject. Its index reads like an invented history of the Arabs, glossing over distinct historical periods and empires, and blurring the boundaries of language and ethnicity to project a falsified vision of an Arab identity that was all-encompassing. Ancient Egyptians, North African Berbers, Phoenicians, Akkadians, and Sumerians were all reduced to ancient Arabs. In Libya in particular, the text describes the defeat of the Libyan Arabs at the hand of the Greek colonists (Popular Committee, 1998), establishing a recurrent pattern of Libyan Arab opposition to colonial threats, a message reinforced by the book. There is no mention of the historical Arab conquest of North Africa in the seventh century, or discussion of distinct historical tribes in Libya such as the Meshwesh or Garamantes, which had been extensively studied and documented by scholars of the region, including members of Libyan universities and the DoA. Instead, history was compressed into a tidy vision in which timeless Arab peoples of North Africa, the Nile Valley, the Levant, and the Arabian Peninsula were in a state of constant and inevitable conflict with outside groups including the Greeks, the Romans, the Persians and the Vandals.

As a point of comparison, it is worth considering a similar history textbook published after the 2011 Revolution. This text for seventh graders published by the Ministry of Education in 2014 was intended as an introduction to Libyan history and the ancient world. In this textbook, one finds a more factually accurate account of Libyan history, including the mention of prominent local civilizations like the Garamantians. Arab identity is no longer given a fabricated role in the history of Libya or the region (Ministry of Education, 2014). Nevertheless, the autochthonous tribes, described in the text as "local Libyans" are portrayed in conflict with both the Greek and Roman powers rather than, as the archaeological and historical evidence suggests, fundamental contributors to the growth of ethnically diverse ancient cities that flourished along Libya's coast.



While there are promising signs of educational reform following the Revolution, the central message broadcasted by the Libyan public educational system remains the same—many of the archaeological sites and collections throughout the country are the vestiges of foreign occupation and are not fully “Libyan.” This message, internalized by generations of Libyan youth, makes it easier to justify flouting the law to damage or sell such material for personal profit.

In this context, the education and stewardship programs sponsored by ASOR and the U.S. State Department through the Ambassador's Fund for Cultural Preservation, and the State Department's Cultural Antiquities Task Force, play a critical role in correcting governmental disinformation originating in the Gadhafi regime. By working with our Libyan partners and civil society groups, these educational awareness programs counter generations of misinformation that more recently have been pressed into service of extremist groups and non-Libyan state actors.

Chapter IV— Emerging Online Markets Facilitate and Support Illicit Trade

4.1 Online Marketplace Helps Sellers Find Willing Buyers

Given the prohibition on the sale and trafficking of antiquities, there is no legal, public marketplace for this material in Libya. Whoever acquired these goods (whether by chance or through illegal excavation) and wanted to sell them, had to deal with clandestine merchants or smugglers. This type of sale was restricted before 2011, and it was not widespread prior to the Revolution. Even as smuggling of various kinds increased after the Revolution, it was initially more difficult for sellers to find buyers.

As internet connectivity increased, Libyans rapidly adopted social media, and a popular online market for the sale of Libyan antiquities emerged. While suspicious material is frequently posted on regional e-commerce sites such as OpenSooq (ly.opensooq.com), Facebook is the most prominent platform for the online sale of antiquities. Some Libyans offer antiquities for sale on their personal pages. Prominent group pages like the Open Benghazi Market page (سوق بنغازي المفتوح) or the Sell Anything Used for Free Benghazi page (بيع كل شي مستعمل ببلاش بنغازي) have significant memberships (131,000 and 515,000 members respectively). Thousands of new posts are added every day. Facebook is the dominant social media platform in Libya, accounting for over 66% of the country's social media usage in 2020 (StatCounter, 2020). The number of unique Libyan Facebook users in March 2020 was roughly 5.4 million, over 79% of the country's population (NapoleonCat, 2020).

Unfortunately, there is currently no law or legal deterrent to prohibit this type of online activity. In fact, while Libyan authorities recognize this as a problem, they do not have the capacity to monitor potentially illicit activity on these platforms, let alone conduct investigations and build cases for prosecution. Draft legislation to prevent cybercrime has been presented to the House of Representatives. This legislation contains a clause regarding the criminalization of the sale of antiquities through the Internet, but this legislation has yet to be ratified.

The growing online marketplace for illicit antiquities is common not only in Libya, but also in other locations suffering from or adjacent to armed conflict. A recent case study by the Antiquities Trafficking and Heritage Anthropology Research (ATHAR) Project, which documents trafficking of antiquities across four Facebook Groups, found that 80% (1,302) of posts offering artifacts for sale were listed in countries either in conflict or bordering conflict zones (Al Azm and Paul, 2019). In cases where armed groups are involved with this traffic, the content provides evidence of war crimes under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. While Facebook's Community Standards on Regulated Goods policy bans the trade of historical artifacts on the platform (Facebook, 2020), content that violates these standards is generally erased. In the case of war crimes, these data are valuable evidence. In 2017, the International Criminal Court used video uploaded directly to Facebook as evidence in a war crimes case against Mahmoud al-Werfalli, former head of the Special Forces unit of the Libyan National Army (Irving, 2017). The Facebook

evidence was considered a “game changer” in the case (Cluskey, 2017).

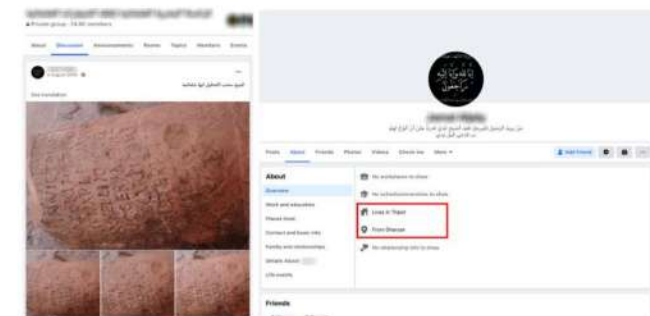
4.2 Nature of the Material Posted

Coins are by far the most common form of antiquity posted on these social media sites. Given that there is no licit marketplace for coins older than 100 years in Libya, much of this material could be considered a violation of local antiquities law. This profusion of small artifacts which are both easy to transport and monetize is consistent with trends observed elsewhere in Syria and Iraq (Brodie, 2016; Al Azm and Paul, 2019).



Example of coins posted for sale on OpenSooq, item number 135270122

While most of this material requires direct negotiation with the seller in order to agree on a price, some sellers will post the price that they hope to receive. The item below, which appears to be a large bronze Roman coin offered by a seller who claims to be located in Bani Walid, has been assigned a price of 400 Libyan Dinars (approximately \$66 at current black-market rates of exchange). Should this sale be realized, it would constitute about half a month's worth of wages for a typical public employee, giving some sense for the incentives of making small sales.



Inscribed column fragment posted for sale (Photo: ATHAR Project)

In addition to small finds, larger sculptures and fragments of inscriptions are occasionally posted. On August 4, 2018 a user posted a portion of an inscribed column for sale in a Facebook antiquities trafficking group. The user's public profile information indicated that he lived in Tripoli, Libya.



Coin posted on OpenSooq, item number 134137504

More valuable finds may be posted by the same user across multiple Facebook Groups. In one example, a user listed as located in Derna, Libya, posted a Roman marble statue for sale across three Facebook trafficking groups over the course of two weeks. The Derna-based user authored his first post on October 24, 2020, in a Facebook antiquities trafficking group with roughly 13,000 members. His post included no text, only a photo of a statue. This is often a signal to other users that the pictured item is for sale. Facebook data shows that the user had joined the group just one day before he posted the Greco-Roman statue. On October 25, 2020, the same user in Derna posted the same statue along with several other pieces in another Facebook antiquities trafficking group. The user's post explicitly stated that the artifacts are "for sale" and available in Libya. Facebook data shows that the user joined the 5,200-member Facebook Group the same day that he posted the materials for sale. On November 3, 2020, the same user in Derna posted the same statue on a third Facebook antiquities trafficking group, this one with roughly 18,000 members. His post explicitly states that the statue is "for sale." By posting the valuable item across multiple Facebook trafficking groups, the user was able to offer this illegal statue to tens of thousands of potential buyers and intermediaries.

In one exceptional case, members of the DoA successfully identified items offered for sale on Facebook as stolen rather than looted. In March 2018, a seller posted items that had been stolen from the storage of the DoA of Benghazi. During the Battle of Benghazi (2014–



The same statue offered by the same individual across multiple Groups (Photo: ATHAR Project)

2017), these items were sheltered in a warehouse in the Souq al Hout neighborhood, an area that saw heavy bombardment. When the DoA regained access in 2017, they quickly transferred these goods under urgent and difficult circumstances; however, some material went missing. The items that were put up for sale included a small terracotta figurine in the distinctive Tangara style, dating to the early 2nd century B.C.E. It is distinguishable by traces of recent restoration around the neckline. The collection also included a small terracotta statue depicting a young woman, playing a guitar and dancing, as well as the head of a marble statue of a man with a long, thick beard and almond-shaped eyes. While the online posting was recognized by the DoA, there was no practical channel to seize the material prior to or after sale. Likewise, there was not a mechanism to intervene and prevent the sale.



Stolen material from the Benghazi storeroom posted for sale on Facebook (Photo: Dr. Khaled el Haddar)

4.3 Nature of Individuals Posting Illicit Antiquities Online

While the identity of an individual on Facebook is difficult to verify, and usernames can be spoofed or falsified, there are aggregate trends that enable some identification of those who post illicit antiquities, and how they do so. The details of individual users, particularly of those on sites like OpenSooq where users are only required to create brief profiles consisting of a login name, are often

obscure. Despite these uncertainties, it appears that women and men of all ages regularly post on OpenSooq and general Facebook forums offering to buy and sell used goods. Yet, those who post about illicit antiquities appear to be a distinct subset sharing two key characteristics:

- 1) They all appear to be males; and
- 2) They appear to be between their teens and mid-40's.

Most of these posts are generated by individuals with no discernible ties to a wider network or armed groups, supporting the notion that much of the looting and illicit trade within Libya is conducted by individuals or small groups working opportunistically to monetize large volumes of modest finds like coins, ceramic vessels, and small funerary busts. However, in some cases, it is clear that individuals associated with armed forces or militia groups have been involved with looting or illicit trafficking. On October 23, 2019, one such post was made by a Facebook user who claimed to work at the 32nd Reinforced Brigade, an elite military unit of Gaddafi loyalists formerly under the command of Gaddafi's son Khamis. This person's profile picture featured a man posing with weapons. The post, requesting the analysis of a Roman oil lamp, was made to a Facebook Group with over 196,000 members that is administered in Tunis.

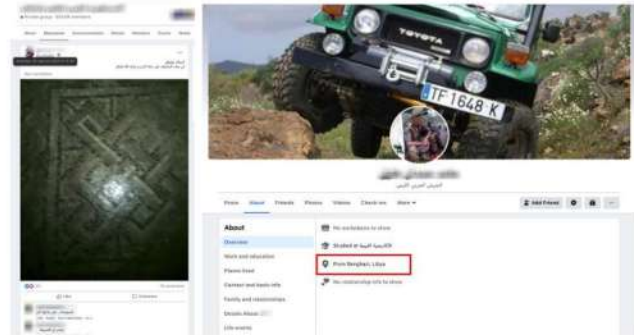


Post requesting analysis of Roman oil lamp made by individual claiming to work for the 32nd Reinforced Brigade (Photo: ATHAR Project)

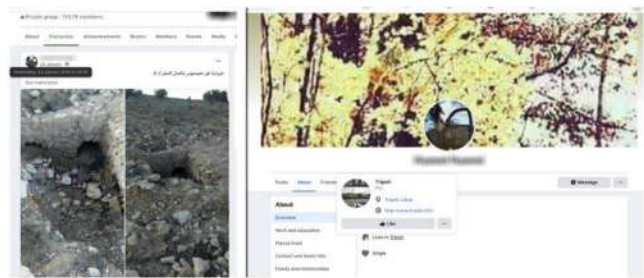
On January 25, 2020, another user posted a photo of an in situ mosaic in a Facebook antiquities trafficking group with over 453,000 members. The post sought inquiries about whether the discovery was a sign of treasure. The first replies from a user tell the post author that the mosaic itself is a treasure, and that he should be careful not to break it. The public profile information of the post author lists his location as Benghazi, Libya. His profile photo shows him in military uniform, and his profile “likes” indicate support for Haftar’s forces. These data might suggest that the post author is a member of the Libyan National Army.

Libyan users’ Facebook activity in antiquities trafficking groups is varied. Many users post explicit offers that make clear the item is “for sale.” In other cases, artifacts will be posted with a request to analyze material or with no text at all. These types of posts serve as signals to users that an item is available for sale without enabling any Facebook algorithms that might track words related to sale (Al Azm and Paul, 2019).

Posts with looters showing freshly unearthed mosaics or active illicit excavations are also common occurrences. Users seem to post this content for two reasons: 1) they often seek assistance from other Facebook Group members on how best to continue their efforts; and 2) the excavation photos demonstrate to other users that they will soon have genuine artifacts for sale.

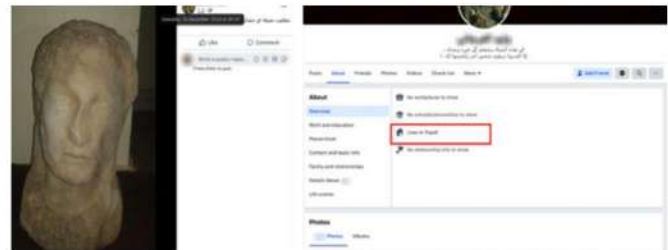


Post requesting information about a mosaic discovered during illicit digging (left) and post author's profile and location in Benghazi, Libya (right) (Photos: ATHAR Project)



Post of a site which has been partially uncovered through illicit excavation (left) and post author's profile mentioning that he lives in Tripoli, Libya (Photos: ATHAR Project)

Regardless of Facebook’s updated policy against posting antiquities for sale, these posts continue. Such posts dwarf the current capacity of local authorities and international partners to monitor and record these instances, let alone intervene. As recently as December 19, 2020, a user in a Facebook Group posted what appears to be a large bust of a male figure carved in marble. This particular offer was posted as a reply to another author’s post in the group. The user who posted the statue head lists his public profile location as Tripoli, Libya.



A recent post offering a marble head for sale (Photo: ATHAR Project)

Chapter V— Documented Thefts from Libyan Collections, 2011–2020

There have been several documented instances of theft from museums and bank vaults following the 2011 Revolution. These cases have been referred to the Public Prosecutors Office in Tripoli and remain open investigations. To date, none of these investigations have resulted in the arrest of a suspect or a successful prosecution in court. Due to the sensitive nature of these inquiries, the full details of these cases are not publicly available, though general descriptions are provided here. When available, the basic documentation associated with the missing artifacts, including a description and photograph, are included in the appendices of this report. Too often, there is scant documentation associated with the missing artifacts, making it very difficult to positively identify them should they resurface again in the future.

Most of these crimes occurred in the tumultuous months following the beginning of the Revolution in February 2011, and few of them were extensively documented. All of the material described remains missing. Nevertheless, according to Libyan law, there is no statute of limitations for such crime. Prosecution remains possible, though leads have become cold, and Libyan law enforcement continues to grapple with many other pressing problems. It is important to note that since 2016, there have been no additional reports of theft from collections, despite the prolonged instability and violence associated with the Battle of Benghazi and the Siege of Tripoli.

5.1 Four Incidents

National Commercial Bank of Benghazi

The most extensive theft in the post-revolutionary period involved antiquities stored at the National Commercial Bank, located on Omar Al-Mokhtar Street in downtown Benghazi. An extensive selection of materials, largely small finds of uncommon value, were deposited by the Libyan Department of Antiquities in 1961 and in 2007 in the bank. In May 2011, Libyan authorities discovered that the materials were missing. Given that other valuable materials remained in the vaults, it appears to have been a case of targeted theft.

The collections had been stored in two padlocked World War II military chests and a safe. On May 25, 2011, these three storage vessels were removed from the vault without proper authorization and transferred to another nearby bank building. One of the chests arrived, whereas the other chest and the safe went missing during the transfer along with all of their contents (Bailey, 2011).

This material had not been well documented, so there is only an estimate of the missing antiquities: a total of some 9,800 objects from diverse sites, including the Temple of Artemis in Cyrene and the Hellenistic Palace of the Columns in Ptolemais. Much of the material had been excavated prior to WWII, and included 364 gold coins, 2,433 silver coins, and 4,484 bronze coins as well as ancient jewelry like gold earrings and works of sculpture, including embossings and heads of small figurines (Ensoli, 2013). Most of the coins dated from the Greek, Roman, and Byzantine periods. There



Fatimid dinars stolen as part of the Benghazi Treasure (Photo: Dr. Khaled el Haddar)

also were some Islamic coins. Initial reports that the treasure was smuggled out of Libya through Egypt (Allsop, 2011) remain unconfirmed. There has been no substantive progress on this investigation since it was opened. Where available, the descriptions and photographs of this material are included in Appendix A below.

Museum of Susa

The small museum located near the site of Apollonia in the eastern town of Susa also suffered a break-in and theft in May 2011 during the early phase of the Revolution. Five distinctive red-on-black Attic jars were stolen from the museum. These pieces date to the Hellenistic period, and were discovered as grave goods associated with the tombs of the ancient city which were excavated in the 1990's. Fortunately, these pieces were well documented prior to the theft. Photographs and more extensive descriptions of this material can be found in Appendix B of this report.



Attic Red-on-black vessels stolen from the Susa Museum in May 2011 (Photo: Dr. Khaled el Haddar)

Misrata Museum

In October 2011, the Misurata Museum was robbed. The objects stolen from Display Rooms 1+2 included several collections of coins as well as a Roman period piece of Terra Sigillata pottery. Longer descriptions and photographs are not available for this material,

though a brief summary is included in the table below. This lack of documentation makes it much less likely that this material can be recovered in the future should it ever surface on the local or international art market.

Bani Walid Museum

The Bani Walid Museum has suffered multiple thefts, making it the most frequently targeted location anywhere in the country. During the 2011 war between pro-Gaddafi and revolutionary forces, units of the Gaddafi military used the Bani Walid Museum as a base. Portions of the museum displays and walls were destroyed, and portions of the collection were damaged (Musso 2017: 127). In addition, 315 objects were stolen from the museum before the liberation in October 2011. Many of these objects were ceramic, including a large collection of Roman period oil lamps.

In a separate incident on July 20, 2013, the head of a Minerva sculpture was cut off and removed from the museum grounds. Finally, in 2016, three funerary urns and an amphora were stolen along with an additional corpus of material including pottery, lamps, glass vessels, and coins. In this incident, a total of 149 additional objects were stolen. Basic descriptions and photographs of objects are included in Appendix C.

5.3 Ample Evidence of Looting Due to Urban Encroachment at Archaeological Sites

In addition to the cases of documented theft, there is ample evidence that antiquities are being looted directly from archaeological sites. Since the Revolution, urban encroachment in archaeologically sensitive areas has expanded rapidly, archaeological material of unknown provenance is regularly confiscated by Libyan authorities, and diagnostic Libyan antiquities have been identified on the international art market. This section focuses primarily on the urban encroachment and looting in the eastern Jebel al Akhdar, which appears to be the origin of much of the looted material confiscated over the past decade. Further details about the response of local authorities are included in the next chapter (Chapter VI).

Over the past five years, DoA staff have participated in a series of international training initiatives such as EAMENA (Rayne et. al, 2017) and Training in Action programs (Leone et. al. 2020) to improve



Stone urns stolen from the Bani Walid Museum in 2016 (Photo: Dr. Khaled el Haddar)

local capacity to document archaeological sites at risk through a combination of remote sensing and field survey. They have also participated in a series of law enforcement workshops convened by UNESCO and the American Archaeological Mission at Oberlin College. While the DoA has yet to conduct an in-depth study of the methods of looters, as has occurred elsewhere in the MENA region (Kersel, 2006, 2007), broadly speaking, there appears to be a combination of threats from those who are systematically looting tombs (DoA, 2020), and from those who discover tombs accidentally in the context of clearing land and building.

Thanks to the recent joint training and documentation projects, there is also a growing understanding of the specific geographies in which sites face the greatest pressure from looting. Nowhere is this more pronounced than in the Jebel al Akhdar region of Cyrenaica, where unregulated construction and urban encroachment on archaeological sites has led to the discovery and subsequent erasure of ancient tombs. Landowners using heavy machinery to clear lots for subdivision occasionally discover such tombs by accident and empty their contents. Local authorities who have attempted to stop these illegal developments have occasionally encountered threats from armed assailants, who have prevented them from conducting further investigations. The landowners seem to condone or to be directly involved with the looting activity. Again, given that many of the new buildings are used as rental properties which regularly fetch 200 Libyan Dinars/night from visitors, there is a strong financial incentive to continue building even if tombs containing artefacts are not discovered in the process.

N	DATE OF THEFT	LOOTED FROM	DESCRIPTION
1	2011	Misurata Museum	16 Numidian and Carthaginian bronze coins looted from display room number (1).
2	2011	Misurata Museum	41 silver coins with different sizes. Looted from display room number (2).
3	2011	Misurata Museum	19 Oxidized silver coins looted from the display room number (2).
4	2011	Misurata Museum	A plate of Terra Sigilata pottery looted from the display room number (2).



Looted tombs near the UNESCO World Heritage site of Cyrene (Photos: Dr. Khaled al Haddar)



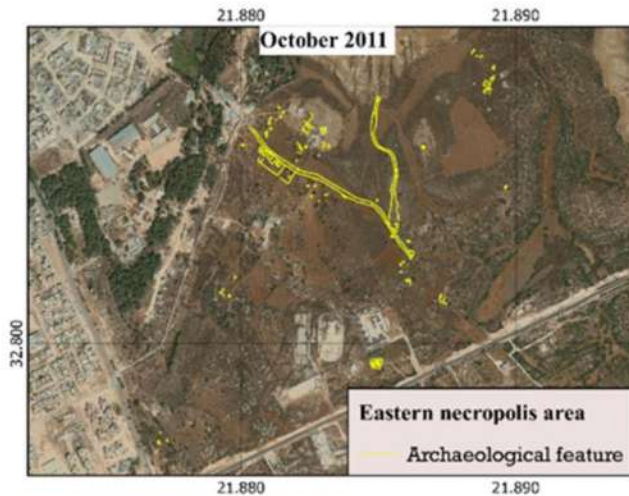
Looted tombs near the UNESCO World Heritage site of Cyrene in 2019 (Photos: Mohammed Saeed al Saleh)

The looting of individual tombs has been exacerbated by rapid urban encroachment and speculative development. While urban development has been common and unregulated across Libya in the years following the 2011 Revolution, two broad regions have seen builders destroy archaeological sites in particularly large numbers: (1) coastal Tripolitania, particularly in areas adjacent to Silin and Tajoura, and (2) the Jebal al Akhdar region of Cyrenaica, particularly in areas adjacent to Cyrene. The coastal Roman villas and bath houses that have been disturbed or destroyed in Tripolitania seem to be a less common source of illicit antiquities. This report focuses on the disturbance of the necropolises associated with Cyrene, and the clearing of the early Greek settlement of Artemis/Masa. Both are likely sources for the illicit antiquities that have been seized by Libyan authorities in recent years.

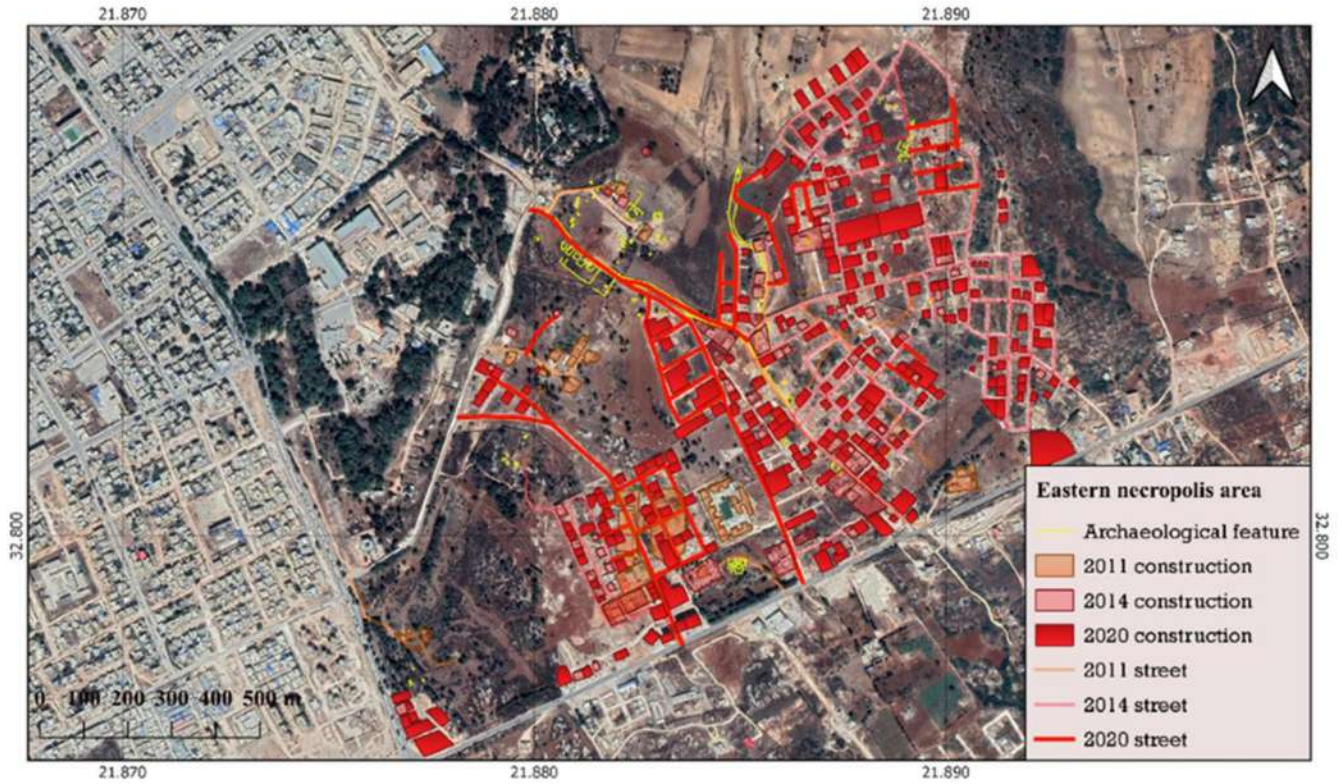
Focusing on the Eastern Necropolis of Cyrene, it is clear that tombs and other archaeological features (below in yellow) have now been partially erased over the past decade.



Map highlighting areas of urban encroachment adjacent to the UNESCO World Heritage site of Cyrene and the contemporary town of Shahat. (Map: Dr. Mftah Haddad)



Chronological maps of urban encroachment in the eastern necropolis of Cyrene, 2011-2020 (Maps: Dr. Mftah Haddad)



Composite map showing the overlay of recent construction (reds) which have partially erased previously recorded tombs and archaeological features (yellow) in the eastern necropolis of Cyrene (Maps: Dr. Mftah Hadad).

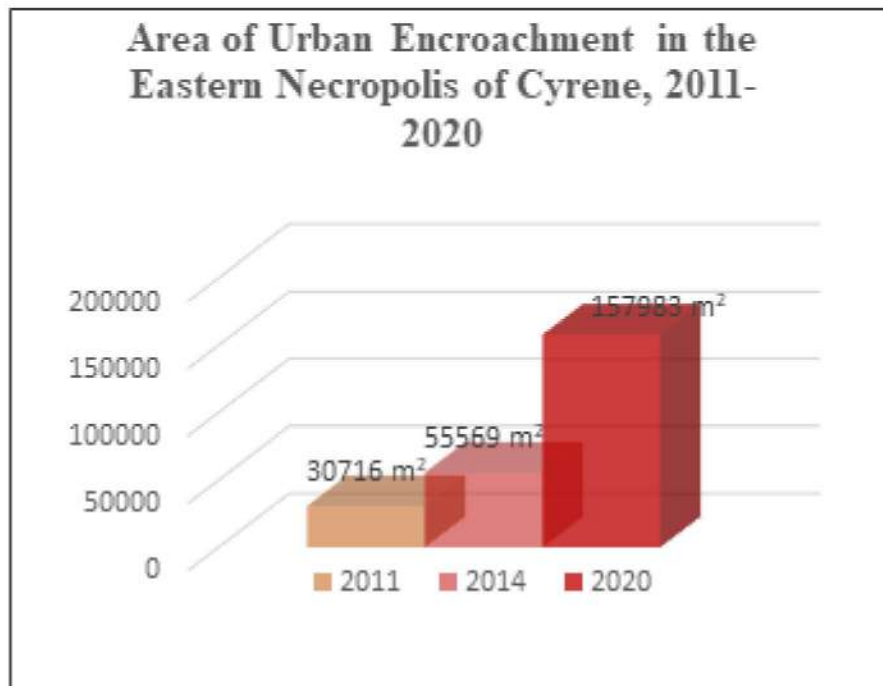
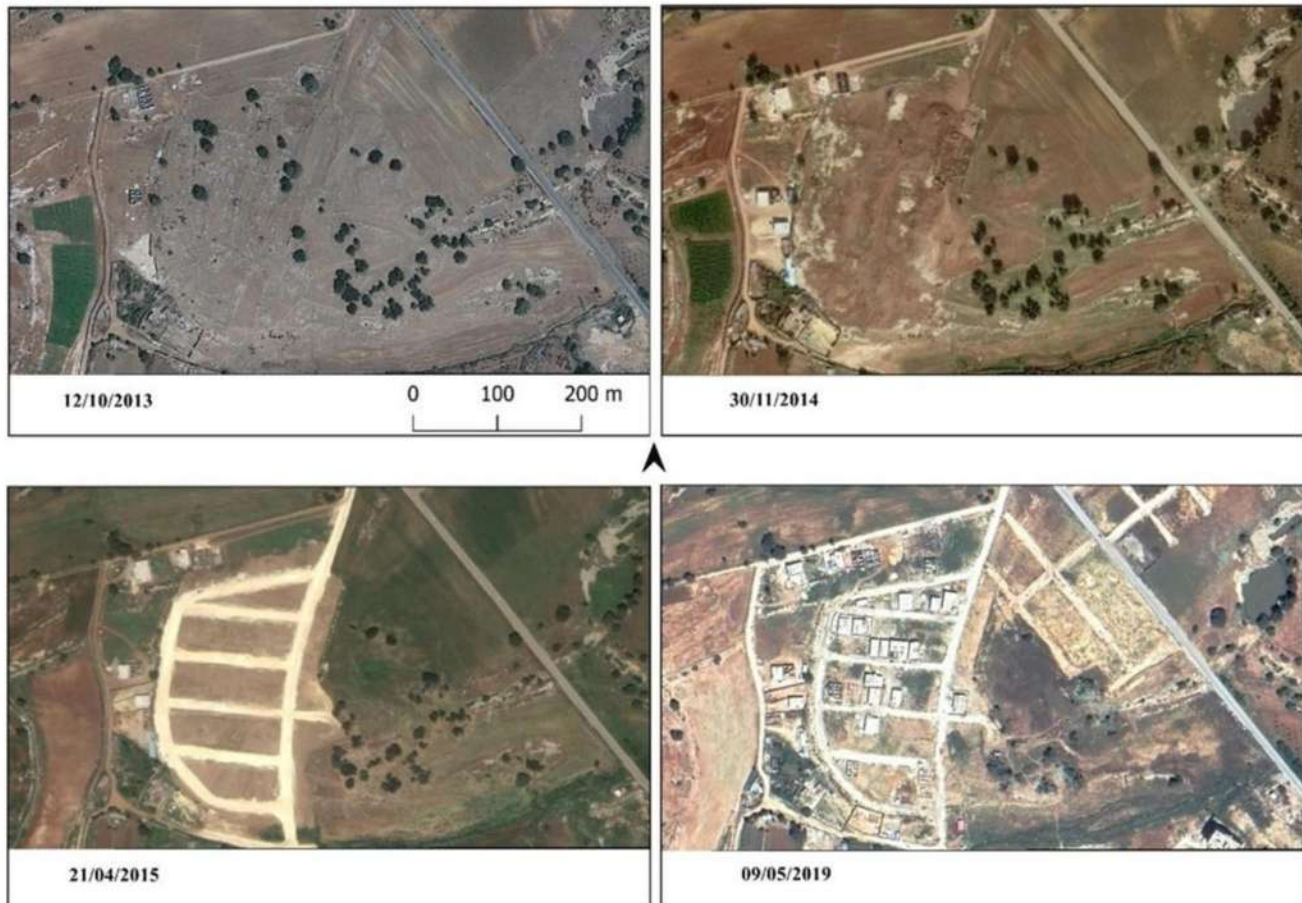


Chart demonstrating the distinct increase in urban encroachment during the period between 2014-2020 (Chart: Dr. Mftah Hadad)



The ancient Greek settlement of Masa/Artemis was entirely cleared for new homes (Maps: Dr. Mftah Hadad)

Much of this development has occurred since 2014, when the Libyan economic and political crises undermined the rule of law. See above for financial factors, including exchange rate and very high inflation. Individuals around Shahat opted to proceed with building without seeking the requisite permits from the municipality and the DoA, betting that there would be no mechanism for punishing violators. Given that this necropolis was outside of the fenced area of protection of the archaeological site of Cyrene, it was perceived to be fair game for development.

The case of the nearby ancient Greek settlement of Masa/Artemis is starker. Following the Libyan political crisis of 2014, the site was destroyed entirely. Every archaeological feature was cleared to make way for a subdivision of new homes in one of the most egregious violations of Libyan antiquities law since the Revolution. As will be explained in greater detail in the next chapter (Chapter VI), both the DoA and local law enforcement filed complaints as soon as the destruction was apparent, but this response was insufficient to stop the ongoing destruction of the archaeological site and construction of new homes.

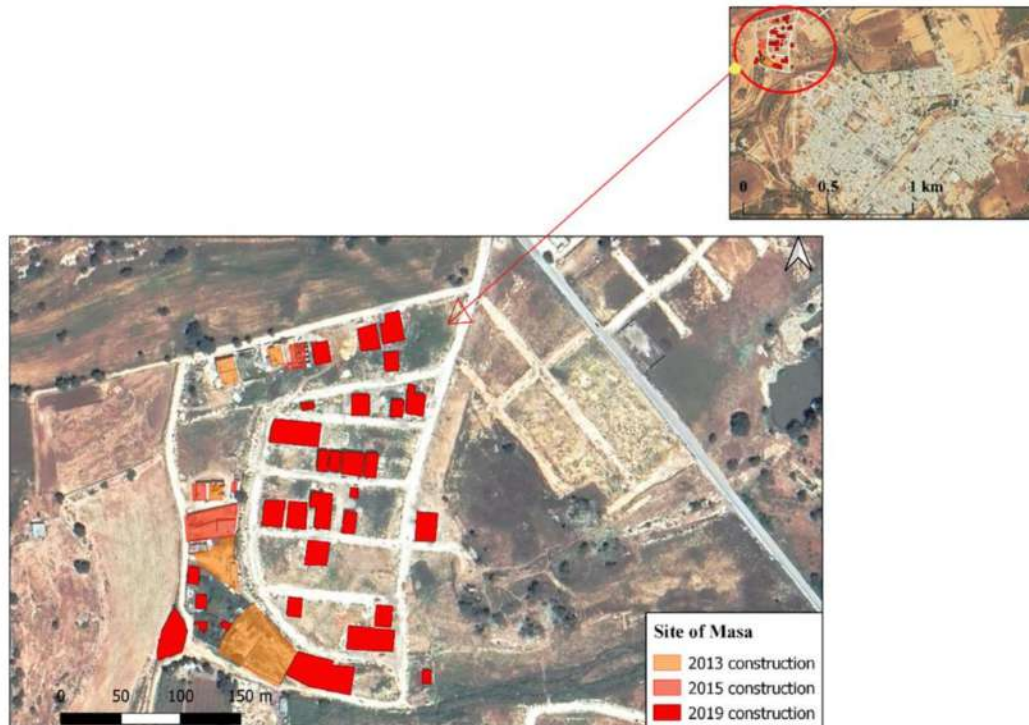
In the case of Masa, it appears that the developers intentionally placed their subdivision on top of archaeological sites, despite the fact that clearing this land came with increased costs and the risk of

future prosecution. They seemed to hope for unanticipated discoveries during their unauthorized excavation to help offset the costs of the project during a time of increasing economic pressure.

The DoA and local law enforcement currently lack the resources to adequately and independently monitor, record, and ultimately respond to and prevent these violations. At the same time, the DoA teams trained in remote sensing and cultural heritage crime documentation in recent years are well positioned to continue to collaborate with international partners and proceed with the documentation of these crimes, which will be increasingly possible to prosecute as the rule of law grows in strength.

5.3 International Seizure of Libyan Antiquities

Much of this report focuses on dimensions of illicit antiquities trafficking within Libya itself, under the assumption that such crimes are most effectively prosecuted closest to the source. However, the past decade has produced considerable evidence for the ways in which recently looted Libyan antiquities have travelled widely through the world and been introduced into the global art market through multiple channels. This section begins with an account of incidents in neighboring Egypt and Tunisia, a frequent



The development at Masa/Artemis continued despite complaints filed by DoA and local law enforcement (Maps: Dr. Mftah Haddad)

arrival point for illicit Libyan antiquities, and locations where we have direct testimony from individuals involved with the illicit trade. We continue with a description of the global scope of the trafficking in illicit trade of Libyan antiquities, with a special focus on the trade of two categories of Cyrenaican funerary sculptures: (1) sculptures of funerary divinities, and (2) funerary portraits. In contrast to almost all of the illicit antiquities seized in Libya in recent years, these sculptures are remarkable in that they were uniquely produced in the ancient Cyrenaica. Through the combination of their distinctive style, their fabric, and traces of the iron-oxide rich soil of the Jebel al Akhdar region, one can conclude beyond a reasonable doubt that these sculptures originated in Libya regardless of where in the world they might be seized or offered for sale. The global market for these funerary sculptures has been extensively documented by Morgan Belzic, a researcher at the Ecole Pratique des Hautes Etudes in Paris (Belzic, 2017), and this report (see below, p. 68ff) includes his latest research updating our understanding of this facet of the illicit trade (see also Appendix K).

Seizures in Neighboring Egypt and Tunisia

Archaeological material looted in Libya can be difficult to trace. Many objects were produced by members of ancient civilizations which once extended well beyond the current borders of Libya. For example, a Roman oil lamp produced by a workshop in Leptis Magna, in what is now Libya, might be very similar in appearance and fabric to a similar oil lamp produced in Roman Carthage, in what is now Tunisia. Yet, despite the occasional challenges of assigning definite

provenance, there is ample evidence of illicit Libyan antiquities crossing borders to satisfy an international market.

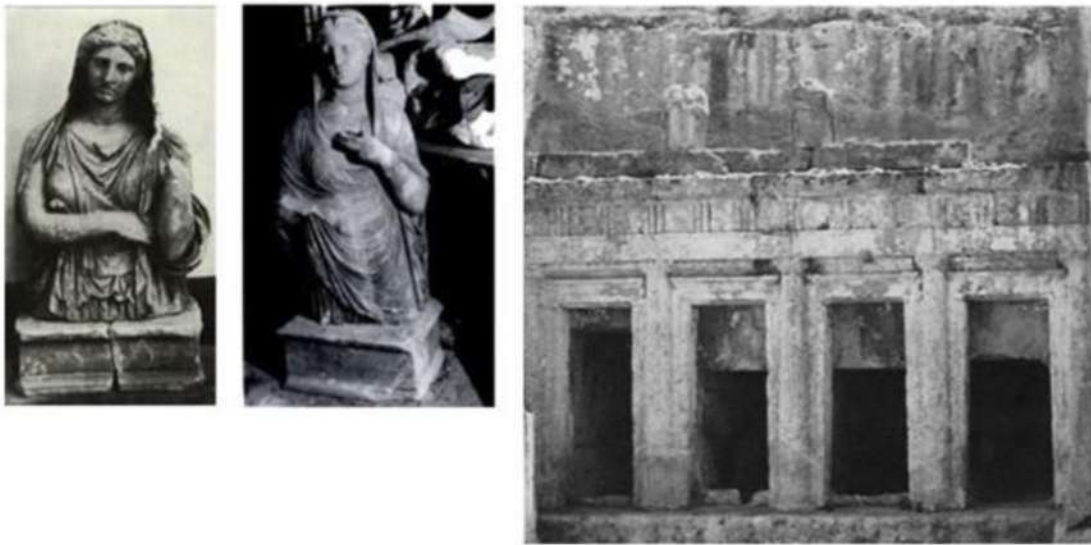
Given the vast extent of its land and sea borders, there are many potential routes by which illicit antiquities might leave the country. Since 2011, it is clear that Egypt and Tunisia have played an outsized role, often serving as initial destinations for this material. As Libyans have faced increasing travel restrictions in recent years due to deteriorating security, the borders with Egypt and Tunisia have remained largely open and it has been relatively easy to connect by land, air, and sea. The Egyptian border has been described in various accounts as the primary border from which illegally excavated Libyan antiquities are transported (Kane, 2015; Menozzi, 2017). Given that much of the illicit excavation appears to occur in Cyrenaica, adjacent to the Egyptian border, this is hardly surprising.

At the same time, Egyptian and Tunisian authorities have been generally more successful than their Libyan counterparts in seizing suspicious materials, prosecuting antiquities crimes, and publicizing prominent cases. While antiquities trafficking is clearly a problem in all three countries, and all three countries have faced a period of instability over the past decade, Libyan authorities have lagged in their ability to prosecute and publicize antiquities crimes.

In Egypt, it has been reported that armed gangs play a role in this illicit trafficking and are capable of moving and disguising large volumes of materials, making it a more difficult target for law enforcement (Alkhadry, 2013). Authorities frequently intercept illicit antiquities, and when they do, they publish this information widely to provide an additional deterrent. The recent high-profile prosecution of Raouf Ghali, the brother of former Egyptian Finance



Typical Cyrenaican Funerary Divinities on display in the museums of Shahat and Susa (Photos: Morgan Belzic)



Manner in which these sculptures were originally displayed in relation to the tombs of the Cyrenaica (Photos: Morgan Belzic)



Examples of funerary portraits of Cyrenaica: different types and their manner of exposition in the niches of rock cut tombs (Photos : Morgan Belzic)

Minister, Youssef Ghali, also serves as a landmark case with regional implications. For his role in trafficking antiquities from Alexandria, Egypt to Italy, an Egyptian court sentenced him to 30 years in jail in addition to a fine of approximately \$380,000 (AFP, 2020).

In Tunisia, individuals involved in high profile cases of antiquities crimes have been prosecuted as well, including M. Mohamed Beji Ben Mami, the former mayor of Tunis and former director of the national heritage authority (the INP), as well as the son-in-law of the former President Ben Ali, Sakhr el Materi—although the sanctions against him have been less severe (5 years of prison). The

archaeologists of the INP (the National Heritage Institute) estimate that 5–10 new illegal excavations are started every day in Tunisia, and that they lack the resources necessary to prevent the illicit trafficking of their own antiquities let alone prevent the smuggling of antiquities from Libya (Badreddine, 2013).

What follows is a description of several of the most prominent cases for which there is the strongest evidence that some or all of the illicit antiquities originated in Libya. Libyan individuals were the ones who obtained these materials through illegal excavations, and they facilitated their transport into neighboring Egypt or Tunisia. In other cases, Tunisians travelled to Libya, obtained illicit antiquities from Libyan dealers, and returned to Tunisia with the intention of selling them. Perhaps unsurprisingly due to their relative geography, material looted in Libya's eastern Cyrenaica has been seized in Egypt and material like Hebrew manuscripts originating in Libya's western Nafusa Mountains has been seized in neighboring Tunisia.

Port of Damietta, Egypt

In November of 2015, a transport container of toilet paper scheduled bound for Bangkok, Thailand from Damietta, Egypt was found to contain four wooden boxes concealing more than a thousand archaeological objects. Among these objects were seven Cyrenaican funerary sculptures. The nature of the crime appears similar to a previous incident in 2011 in Port Said and suggests the involvement of a smuggling ring based in Dubai. Many of the recovered objects have since been displayed at the Egyptian Museum in Cairo from October – December 2020. The investigation of the crime continues, but one suspect has already been sentenced to 10 years in prison for his involvement in the case. The suspect remains at large (Belzic, 2020).

Al-Salloum Border Crossing, Egypt

According to the Egyptian newspaper, Al Watan, on May 13, 2017, a 30-year-old Libyan citizen from Benghazi, Elmasmaery, entered Egypt through the land crossing at the Al-Salloum border (Barakat, 2017). On May 25, 2017, Elmasmaery was arrested for smuggling Libyan antiquities to Egypt for sale following an ambush by an officer from the Egyptian Tourism and Antiquities Investigation Unit. The defendant was prosecuted by Egypt's Prosecutor-General (Barakat, 2017).

The collection consisted mostly of ceramic pieces consistent with Hellenistic grave goods: 10 lamps of different shapes and sizes, 10

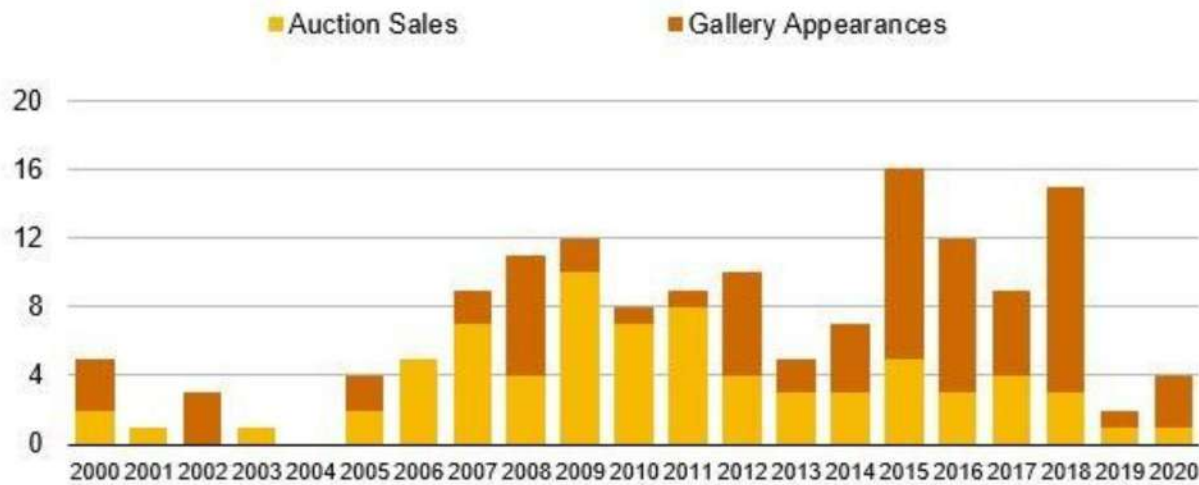
amphorae with different shapes and sizes, 10 pots (3 of which have lids), a small fragrance bottle made of alabaster, a set of pottery, and a small piece of limestone that is part of a mural. The pieces are consistent with the funerary goods found in the Greek tombs in one of the ancient cities in east Libya, dating to between the 5th and the late 3rd century B.C.E.



Cyrenaican funerary sculptures seized in Damietta, Egypt (Photos: Morgan Belzic)



Libyan antiquities seized at the Al Salloum border (Photo; Dr. Khaled el Hadar)



Global Sales and gallery appearances of Cyrenaican Funerary Sculptures, 2000–2020 (Chart: Morgan Belzic)

Zaghouan, Tunisia

In November of 2017, a group of individuals were arrested by Tunisian police while in possession of a miscellaneous group of antiquities, some of which appear to be forgeries. According to one of the suspects arrested, he had travelled to Libya to buy Hebrew manuscripts. He purchased one manuscript for 5,000 Libyan Dinars (approximately 1,000 USD) from a seller in Zintan, Libya. While making the transaction and travelling back to Tunisia, he noted that it was relatively easy to find and purchase antiquities because there did not seem to be any authority in control in Libya (M Tunisia, 2017). This is consistent with other accounts from scholars and law enforcement in Tunis. According to Habib Kazdaghli at Tunisia's Manouba University, large quantities of Jewish artifacts are smuggled from Libya into Tunisia, and from there onto Europe (Mouelhi-Makni, 2020).



Suspect arrested in Zaghouan explains how easy it was to purchase Hebrew manuscripts in Libya

Tatouine, Tunisia

In January 2020, a patrol of the Tunisian National Guard arrested a suspect near the Libyan border in possession of a leather-bound Hebrew manuscript inlaid with precious stones. The binding of the manuscript was also decorated with a Star of David and a Menorah. According to Tunisian authorities, the arrest of this suspect also led to a network of six individuals counterfeiting Tunisian currency (Kapitalis, 2020).

5.4 Global Market for Cyrenaican Funerary Sculptures

Through Morgan Belzic's systematic documentation and cataloguing of more than 200 Cyrenaican funerary sculptures that have appeared on the international art market over the past twenty years, several important trends become apparent. First, and most relevant to our current study, the majority of these distinctive sculptures have appeared on the international art market following the 2011 Revolution. There was a noticeable increase in the number of these sculptures offered for sale in 2015–2018, entirely consistent with the increase in urban encroachment and looting observed in the Cyrenaica during the same period. Out of all of the sculptures which have been offered for sale since 2011, none of them had been previously documented, suggesting that all of them were discovered through looting or excavations associated with urban development. Following recent high-profile incidents of seizure and repatriation, there are cautious signs that this traffic has been more subdued in 2019–20.

This trade is global in scope. While much of this material may pass through neighboring countries like Egypt, it often surfaces for the first time on the international market in countries much further from the source in Libya. Over the past twenty years, the four most common places where Cyrenaican funerary sculptures have surfaced are the United States, France, Israel and the UK, but they

Countries Where Cyrenaican Funerary Sculptures Have First Appeared for Sale, 2000-2020

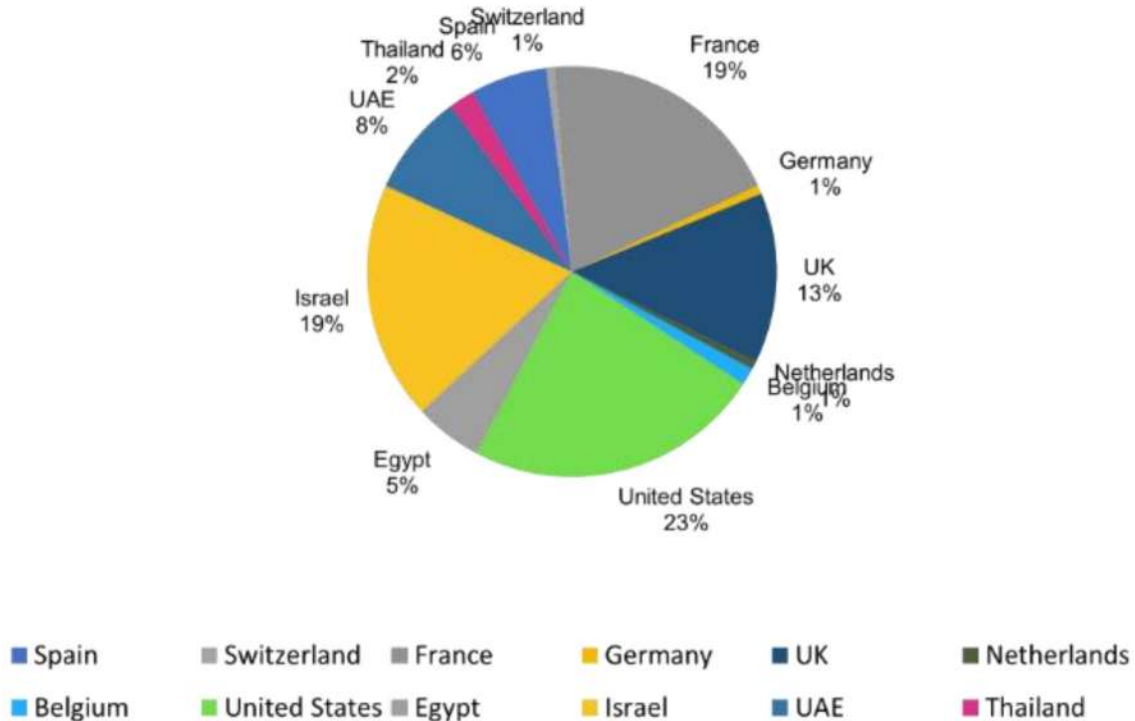


Image: Morgan Belzic

have also appeared as far away as Thailand. The details of the chain of transmission connecting rural Libya to the global capitals of the art market are generally obscure, but, in broad outlines, this trade seems to follow patterns consistent with those observed elsewhere. Libyan intermediaries manage to connect with criminal organizations or legitimate import/export businesses to transfer the material out of the country. Experts, conservators, and dealers manage to provide a vague but seemingly plausible provenance for the material before it is offered for sale through physical or online auction houses to collectors and museums.

An extensive table of the Cyrenaican sculptures that have been sold over the past twenty years on the international art market is included in the appendices of this report (Belzic, 2020). Belzic's report together with lists is found in Appendix K below. When sales prices are known, it is possible to glimpse the scale of the market for this material. Small, unrefined funerary portraits might fetch \$2,000–\$5,000 whereas large and exceptional renditions of the funerary goddesses might bring a price ranging anywhere from \$100,000 to over \$1,000,000. The total value of all sculptures documented in Belzic's inventory might exceed \$35,000,000, and certainly these sculptures which have been recorded are only a fraction of the total

volume of similar sculptures which are likely circulating in the illicit marketplace (Belzic, 2020). Nevertheless, it is worth examining several recent cases in which these sculptures were seized by international authorities prior to their sale. Such actions are an encouraging sign and act as a real deterrent in the marketplace.

Barcelona, Spain

A collection of 10 Libyan funerary statues were on sale at the J. Bagot Arqueologica Gallery and the Galeria F. Cervera in Barcelona. The Patrimonio Historico branch of the Spanish Comisaria General de Policia Judicial raided the gallery and prevented the sales on the grounds that such illicit trafficking may contribute to the financing of terrorist groups including Daesh (Lamarca and Parga, 2018). Bagot was linked to Hussam Zurqieh in Dubai, who Bagot seems to have dispatched on one or a series of trips to North Africa to prospect for illicit antiquities to sell. As these objects made their way to his gallery in Spain, Bagot requested false paperwork to trick customs authorities. A trial in this case is scheduled for 2021 (Belzic, 2020).

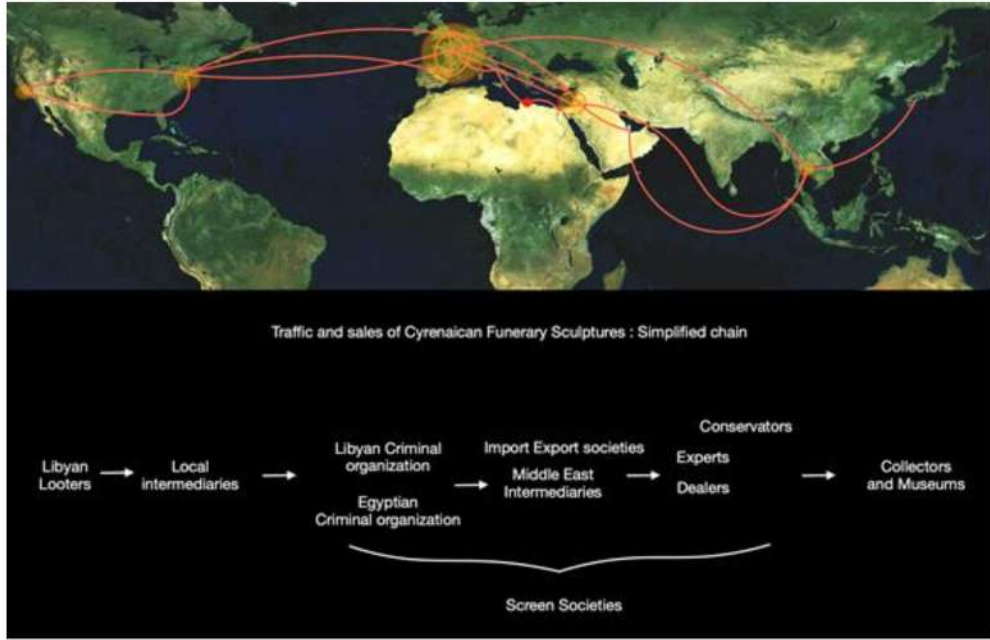


Image: Morgan Belzic



Cyrenaican funerary sculptures on display at the Bagot gallery in Barcelona (Photos: Morgan Belzic)

Chapter VI— Response of Libyan Governmental Authorities and Civil Society

Despite chronic shortages in operating budgets and persisting instability, Libyan authorities have made progress in countering and preventing the illicit trafficking of antiquities following the 2011 Revolution. These successes fall into three broad categories:

1. Efforts of Libyan law enforcement agencies to seize antiquities before they leave Libya and to hold those responsible for these thefts accountable.
2. Efforts of the DoA to provide additional protection for sites and collections.
3. Contributions by civil society institutions and ordinary citizens who have assisted local authorities and voluntarily returned recently discovered artifacts.

6.1 Recent Cases of Law Enforcement

As discussed in Chapter I (Historical Context and Legal Framework), prior to the Revolution, Libyan antiquities law was successfully applied to sanction and imprison those responsible for destroying archaeological sites or stealing antiquities. Unfortunately, law enforcement has been irregular since 2011, and yet there have been a number of pertinent cases where local authorities successfully implemented antiquities law to some degree through a mixture of civilian and military authorities. In many instances, these cases have been settled or resolved prior to reaching the courts for two primary reasons:

1. The courts themselves have been operating on an irregular basis, and the primary vehicle for dealing with antiquities violations during the Gaddafi-era, the Economic Crimes Court, has been dissolved.
2. Local authorities regularly contend with strong social pressure to reach settlements outside of official channels.

Nevertheless, in spite of these two types of challenges, antiquities laws seem to be enforced in increasing measure, suggesting that the momentum of the cases described here can be sustained and increased. What follows is a chronological account of the most relevant cases in which antiquities laws have been enforced to some degree.

August 2011

During the early stage of the 2011 Revolution, the acting security forces in Al-Bayda arrested a group of individuals who had looted a collection of artifacts from tombs surrounding the UNESCO World Heritage site of Cyrene. The recovered collection included 48 perfume bottles, a large amount of Greek and Byzantine coins, five glass jugs, 17 Roman lamps, and two Attic amphorae with black glaze dated to the 4th century B.C.E. The courts were inactive during this period and no official sanctions were imposed on those responsible, although the DoA recovered the artifacts in question.



Acting security forces and members of DoA Shahat review the recovered finds in 2011 (Photo: Dr. Khaled el Haddar)

March 24, 2013

A gang was arrested for stealing the heads of two statues of the god Serapis near the UNESCO World Heritage site of Sabratha. No official sanctions were imposed on those responsible, although the DoA recovered the artifacts in question.



Heads of Serapis recovered in Sabratha (Photo: Dr. Khaled el Haddar)

April 27, 2014

Abdullah al-Mabrouk al Barasi, Director of the DoA office in al-Bayda, received a report that the archaeological site of Masa was being cleared as part of a development project. He approached the landowners responsible for this illegal clearing directly and asked them to desist. He also filed a complaint with the police in Masa. After six months, it was evident that the construction project continued, and al Barasi filed an additional complaint with the regional Directorate of Security. The Directorate of Security referred the case to the District Prosecutors Office in Masa. The Public Prosecutor investigated, registered the incident as a misdemeanor according to Law No. 3 of 1994, and referred the case

to Masa District Court. Because the Masa Court was inactive, nothing further happened. In 2018, the Regional Director of Antiquities in Shahat filed a third complaint about the same case. The third complaint was filed with the Judicial Inspection Authority, which has the power to review judicial procedure and refer cases to alternate courts if the presiding court is unable to try a case.

May 2016

The Internal Security Agency arrested two people who had sold three gold coins from the Roman era to a gold dealer in the gold market in Al-Abyar city, south of Benghazi. The two people were arrested after this gold merchant notified authorities. The two people were referred to the judiciary, and they were sentenced to imprisonment. The Department of Antiquities recovered the gold coins from the Public Prosecution office in Al-Abyar.

March 27, 2019

The Derna Operations Room of the Libyan National Army arrested two individuals in the city of Derna for the possession of antiquities. The collection included two Roman funerary statues as well as a collection of ancient coins. The armed forces summoned representatives of the Criminal Investigation Department and the DoA, who were able to confirm the authenticity of the seized material. The material was returned to the care of the Shahat office of the DoA. The case was referred to the judiciary.



The two funerary busts recovered in Derna (Photo: Dr. Khaled el Haddar)

November 11, 2019

In Tocra, a regular police officer in Tocra seized 11 pieces of Greek pottery, dating to the 4th century B.C.E. From the condition of the seized items, it seems likely that as they were found inside one of the individual graves in the vicinity of Tocra. This material was returned to the local DoA.

November 22, 2019

Elements of the Libyan National Army in Benghazi arrested a criminal group, which consisted of three Libyans, in possession of a collection of antique items. The three individuals were caught and forced to turn over the items to the DoA. The looted material included a collection of antique coins, various pottery vessels (including a complete amphora), and three small Roman funerary statues. No

official sanctions were imposed on those responsible, although the DoA recovered the artifacts in question.



Material returned to the DoA Tocra office (Photo: Dr. Khaled el Haddar)

February 2, 2020

The Criminal Investigation Department in Benghazi arrested a group of men digging inside of a house in the Al-Sabri neighborhood, seizing 12 pieces of Hellenistic funerary goods associated with the cemetery of the Greek settlement in the area. A team from the DoA visited the site and took possession of the recovered artifacts. The site was then closed to the public. The perpetrators were imprisoned, and the case is still before the courts (as of December 29, 2020).



Funerary goods recovered in Benghazi and the shaft leading to the tomb (Photo: DoA Libya)

February 13, 2020

The Benghazi Agency for Combating Negative Acts arrested a group in possession of a collection of antiquities including funerary busts, small vessels, and coins consistent with material found in Roman graves. These artifacts were returned to the care of the DoA. The

Military Prosecution tried the case and sentenced the individuals to prison.



Artifacts recovered in Benghazi (Photo: Dr. Ahmad Emrage)



Material recovered in Shahat (Photo: DoA Libya)

November 11, 2020

The Criminal Investigation Department in Shahat arrested an individual in possession of a group of artifacts. The case was referred to the public prosecutor, and the perpetrator was imprisoned. The

artifacts were returned to the care of the DoA, Shahat office. The case is still awaiting consideration by the court.

Summary—These incidents shed light on several important trends:

1. Most of the material seized in Libya in recent years seems to originate from Hellenistic or Roman graves, which have been looted during this period of instability.
2. The artifacts consist primarily of small funerary busts, ceramic vessels (mostly undecorated), and coins.
3. None of these materials have been confirmed to be part of museum collections recorded as stolen (see appendices of this report).
4. Over the past several years, these incidents have been increasing, indicating both the ongoing pressure of urban encroachment and looting on sites as well as the increasingly effective collaboration between Libyan law enforcement and the DoA to enforce the antiquities law.

6.2 Protective Measures of the Department of Antiquities

The DoA has made several key decisions to protect antiquities during this period of instability following the Revolution. It has increased protection for museums and collections nationwide, created dedicated units to focus on monitoring and combatting illicit trafficking, made substantive progress on the documentation and inventory of collections, strengthened cooperation with local law enforcement, and established regular channels of communication with international partners also concerned by the illicit trafficking of Libyan antiquities.

Museums were closed to the public during the initial phase of the Revolution, followed by a partial reopening in 2012. Following the escalation of violence in 2014, all museums were closed once more and have remained shuttered since that time. At the National Museum in the Sarayah al Hamra, exhibition displays were partially dismantled, and individual objects were moved underground or to other secure storage locations. Some objects that were too large to move have been protected in place with masonry walls built around them.

Another notable success involves the protection of the storerooms of the DoA Benghazi office. Located in Souq al Hout, these collections were inaccessible for three years during the heavy fighting of the Battle of Benghazi. When a team from the DoA was finally able to regain access to this storage location on June 26, 2017, they discovered that the collections were intact. In coordination with the Libyan National Army, the team was able to relocate the entirety of the collection, including associated documents, books, and equipment to an alternate storage location.



Members of DoA work to relocate collections to alternate safe storage (Photos: Dr. Khaled al Haddar)

In 2010, the DoA established a dedicated office to recover stolen and smuggled antiquities. While this work paused temporarily for a period in the aftermath of the Revolution, this office had been reconstituted by 2016 under the General Administration of Protection. Its functions and duties have grown, especially given the recent spike in looted Libyan artifacts. Domestically, this office coordinates investigations concerning theft and looting with Libyan law enforcement and the Public Prosecutor, maintaining a database of stolen antiquities with the hope that these objects can be recovered in the future. It also assists in educating local authorities on the nature of illicit antiquities trafficking. Participating local authorities include the Tourist Police and customs and border police, who took part in a series of workshops organized by Oberlin College and funded by the U.S. Department of State. Highlights of these efforts are periodically chronicled through the office's "Blog of Stolen and Displaced Archeological Artifacts in the Libyan Department of Antiquities."¹

Internationally, this office maintains communication with Interpol (through its office in Libya), UNESCO, and foreign archaeological missions to ensure that objects which have been documented as stolen are registered in the Interpol database. This office also coordinates with other international authorities and partners to facilitate the return of suspicious material with a likely Libyan provenance when it surfaces abroad. While its capacity to monitor the online marketplace is limited, the office has coordinated with international partners to successfully stop the sale of artifacts of a likely Libyan provenance at an auction house in Israel.

Finally, even while museums around the country have been closed, the DoA has actively engaged in education efforts about Libyan cultural heritage, with a particular focus on children. Perhaps one of the most important programs to raise awareness was the opening of an interactive exhibit for "Little Archaeologists" at the National Museum of the Sarayah al Hamra in Tripoli. It is a museum dedicated to children and allows them to explore the history of their country and their past through a mix of fun, interactive, and educational tools as a means of enhancing awareness surrounding Libyan cultural heritage. In conjunction with school fieldtrips, thousands of children have visited this museum over the years. The DoA has also partnered

with ASOR in its ongoing Suitcase Museum program. This educational outreach initiative is currently active in 16 cities across Libya thanks to the support of the U.S. Libya External Office, the Ambassadors Fund for Cultural Preservation (AFCP), and the Cultural Antiquities Task Force (CATF). This direct engagement with citizens has sustained and expanded the community of support around Libyan museums and cultural heritage, and the education and steward activities have led to many voluntary returns of antiquities.



Members of DoA work to relocate collections to alternate safe storage (Photos: Dr. Khaled al Haddar)

6.3 Voluntary Returns



Al Thani attends the opening of the exhibition in Shahat (Photo: DoA Libya)

One of the most promising trends in recent years has been the artifact returns made by members of the public. In the Cyrenaica region, these returns were so numerous the DoA was able to create an exhibition exclusively featuring returned artifacts in July 2018 (Al Anwan, 2018). Contributions were made by the regional offices of Benghazi, Tobra, Shahat and Tobruk. The DoA rewarded these returns with certificates of appreciation and modest financial compensation when funds were available. This exhibition drew tremendous public interest, and the opening ceremony was

¹ <https://libyanantiquitiesstolen.blogspot.com>

attended by Abdullah al-Thani, the Prime Minister of the House of Representatives.



Ali al Mabrouk was commended for returning fossilized wood to DoA (Photo: Intisar al Arebi)

What follows is a chronological description of some of the most notable instances of voluntary return from around the country and then a discussion of the emerging trends:

January 2, 2014

A citizen (Sayed Bou Halfaya) returned 111 artifacts to the Benghazi office. The collection included many ceramic vessels as well as some funerary sculptures. According to Bou Halfaya, he had purchased this material from other Libyans offering antiquities for sale in order to protect them and to prevent them from being smuggled out of the country.

July 19, 2017

After delivering a lecture to raise awareness about protecting Libyan cultural heritage at a forum for youth development, one of the children in attendance, Ali Saeed al Mabrouk, recognized that two large pieces of fossilized wood had been uncovered during maintenance work at his school. Since he had learned that natural historical specimens older than 100 years are protected by antiquities law, he delivered these finds to the Tripoli office of the DoA. This is a strong example of how direct outreach to citizens can inspire even young people to take direct action to protect heritage.

August 20, 2017

A citizen hoping to sell a group of antiquities approached Ms. Intisar al Arebi at the DoA Tripoli office, seeking her professional advice. Al Arebi managed to convince this individual to return the finds, including a pair of Roman-era oil lamps and fragments of a large amphora. These finds were accepted by the DoA Tripoli, and the individual was granted amnesty from prosecution.

This incident, reported on Al Arebi's personal Facebook page, inspired another individual to return a larger collection of oil lamps and small ceramic vessels, indicating that spreading the word about such civil acts can provide enough positive publicity to inspire others to follow suit even if the DoA is unable to offer financial incentives.

October 28, 2020

Qasi Saleh al Qasi, a resident of Tolmeitha, returned the torso of a funerary sculpture to the DoA office located on the ancient site of Ptolemais. The piece was recorded as returned and accessioned into the collections of the Ptolemais museum. This torso is a fragment of similar funerary statues which have been seized on the international art market in recent years.

November 3, 2020

Abd al Setar Saleh Yousef returned a fragment of a marble inscription in ancient Greek which he had discovered near the western church at the site of Ptolemais in eastern Libya. In addition to returning the piece, he volunteered to help with the preliminary cleaning and conservation of the piece before it was accessioned into the storeroom of the Ptolemais museum.

Summary—several observations may be made from these incidents:

1. All of the material which has been returned by citizens appears to have been discovered accidentally during construction projects or looting operations.
2. To date, none of this material has included artifacts which have been reported as stolen from Libyan museums or the National Commercial Bank (see appendices of this report).
3. The artifacts are a mixture of small finds and larger sculptural fragments, and they are similar to material seized by Libyan authorities described previously in this report.



Material returned by Bou Halfaya (Photo: Dr. Khaled el Haddar)



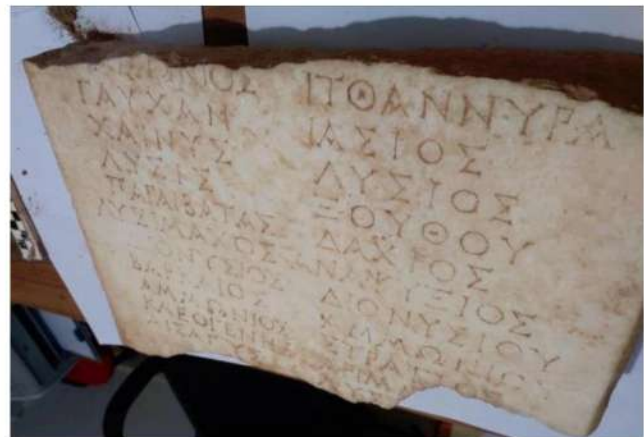
Material returned to DoA Tripoli following initial Facebook post (Photo: Intisar al Arebi)



Funerary sculpture returned to Tolmeitha (Photo: DoA Benghazi)



Material returned to DoA Tripoli following initial Facebook post (Photo: Intisar al Arebi)



Return of inscription fragment to Tolmeitha (Photo: DoA Benghazi)



Return of inscription fragment to Tolmeitha (Photo: DoA Benghazi)

Awareness initiatives and direct outreach to citizens posting about antiquities can convince some people to return this material to the DoA for study and safekeeping. It also reinforces the value of shared heritage that belongs to all Libyans. Even if the DoA is generally unable to offer the financial rewards stipulated by Libyan law, there are means to motivate others to undertake such actions. Public praise for these citizens through social media encourages others to return objects in their possession and is one way for the DoA to celebrate these good deeds at a relatively low cost. These efforts should continue and be expanded, ideally encouraging citizens to report discoveries when they are made so that DoA staff can conduct an archaeological assessment of the objects in situ.

6.4 The Role of Civil Society

Civil society institutions have played an increasingly important role in protecting Libyan cultural heritage. Well-established organizations such as the Libyan Boy Scouts and Girl Guides and the Libyan Red Crescent have partnered with ASOR and the DoA to sustain outreach initiatives and contribute to site cleaning and stabilization. Several new civil society groups with a mandate for heritage

protection have also been created since the 2011 Revolution, and these groups have played an active role in expanding community engagement in heritage protection. While the environment of individual and corporate philanthropy remains relatively weak in Libya, individuals are able to donate time and services to advance the mission of these fledgling organizations.

There is no comprehensive national list or umbrella organization for these groups, but among the most active are the Libyan Association for Antiquities and Heritage based in Benghazi, the Society of Friends of Antiquities also in Benghazi, the Balagrae Environment, Antiquities, and Tourism Association in Al Bayda, the Association for the Protection of Libyan Antiquities in Tripoli, the Committee for the Protection of the Old City of Derna, the Society of Friends of the Environment and Heritage in Nalut, the Ghadames Association for Heritage and Manuscripts, the Dissir Organization in Yefren, and the Association of the Memory of the City in Houn.

ASOR has previously partnered with both the Ghadames Association for Heritage and Manuscripts and the Dissir Organization in Yefren to advance heritage documentation and outreach activities. These partnerships are also attracting financial support from non-governmental granting agencies outside Libya. ASOR partnered with the Ghadames Association to receive funding from the Whiting Foundation to photographically digitize ancient manuscripts, and ASOR facilitated a further collaboration between the Hill Manuscript and Museum Library (HMML) and the Ghadames Association to ensure that the digital records were made available and searchable using the highest metadata and digital preservation standards. Similarly, ASOR secured funding from the ALIPH Foundation to work with the Dissir Organization and other civil authority groups in Libya to develop online video resources to share the message that ancient heritage is valuable and should be protected and preserved. These videos will be shared on ASORtv (ASOR's YouTube channel).

There is also notable progress on the part of a semi-governmental organization, the World Heritage Union of Five Libyan Municipalities (WHU5LM), which was founded in 2017, and consists of local government representatives from the five municipalities closest to the five UNESCO World Heritage sites: Sabratha, Ghadames, Ghat, al Khoms, and Shahat. When UNESCO placed all five Libyan sites on the World Heritage List in Danger, this organization has provided a platform for local authorities and civil society to increase coordination for the protection of these sites and work to improve conditions to the point that UNESCO will remove them from the List in Danger. It has hosted workshops in Shahat, Tripoli, Sabratha, Ghadames, and Leptis Magna in order to advance this goal.

While none of these organizations focus exclusively on preventing and countering the illicit trafficking of antiquities, all of these existing organizations and networks are well-positioned to contribute to efforts which require greater awareness and volunteer engagement in protecting antiquities.

Chapter VII— Conclusions, Executive Summary, and Recommendations

Libyans currently face daily hardships due to persistent instability, and the absence of a unified government that serves the interests of all of the people. In this context, it is reasonable to ask why local authorities with limited resources should focus on the illicit trafficking of antiquities when there are more pressing issues. It is also reasonable to ask if anything concrete can be done before a unified government and a new constitution are in place. Throughout this report, however, definite patterns emerge which suggest that the illicit trade is a pathology that can be understood, disrupted, and prevented. Some of patterns identified in the previous chapters are discouraging, suggesting that unchecked urban encroachment and looting, particularly in Eastern Libya, have contributed to an increase in the illicit trade over the past five years. Yet, other patterns are more favorable, indicating that measures taken by the DoA to protect museum collections have been effective, or that local law enforcement is making progress in reasserting the rule of law to protect archaeological sites and prevent illicit trafficking with the help of concerned citizens.

The present chapter (VII.A) distills the most relevant trends described at greater length in previous chapters, and then presents a series of practical recommendations (VII.B) that have been developed in close collaboration with and the support of Dr. Ahmad Hussein, Director of the Libyan Department of Antiquities in the East and Dr. Mohammed Shakshouki, Director of the Libyan Department of Antiquities in the West (Chapter VII.B). These observations and recommendations also have been developed and supported by representatives of local law enforcement, and they include concrete steps to further counter and prevent the illicit trade.

VII.A Patterns in Illicit Trade

1. Documented Museum Thefts Have Slowed in Recent Years

- a. Most of the documented instances of theft at museums and bank vaults occurred within the first year of the 2011 Revolution.
- b. Since that time, documented thefts of museum and storeroom collections have been relatively rare, with the most recent of such thefts recorded at the Museum of Bani Walid in 2016.
- c. The decision of the DoA to keep museums closed to the public has likely mitigated some of this risk, as has the installation and upgrading of security systems at these sites.
- d. While official investigations have been opened in all of these cases, the trail on these thefts has gone cold. Nevertheless, given that there is no statute of limitations on prosecuting antiquities crimes in Libya, these investigations continue.
- e. To date, none of the Libyan antiquities seized by local or international authorities match the description of the missing objects. The limited documentation that exists for these stolen objects is provided in the appendices of this report with the

hope that these objects will eventually resurface, be positively identified, and returned to Libya.

2. Looting and Urban Encroachment Remain Major Problems

- a. The Libyan antiquities that have surfaced on local and international markets in recent years appear to have originated entirely from looting, as well as accidental discoveries made in the context of urban development in archaeologically rich areas. They do not appear to be from thefts from museums and storerooms.
- b. While accounts from looters themselves are scarce, three lines of evidence inform our understanding of looting patterns: 1) the documentation of the disturbance and erasure of known archaeological sites, 2) the regular seizure of archaeological material by Libyan authorities, and 3) the regular voluntary return of archaeological material by Libyan citizens. All of this evidence illustrates a steady pressure on archaeological sites which has generally dwarfed the ability of local law enforcement and the DoA to respond.
- c. Would-be looters are clearly aware that ancient tombs are likely to be found in certain areas, and they are aware that tombs likely contain items of value.
- d. Urban encroachment is particularly clear in the Jebel al Akhdar region of eastern Libya, where unregulated growth and speculative development have damaged archaeological sites like the necropolises of the UNESCO World Heritage site of Cyrene and the ancient settlement of Masa.

3. Illicit Trafficking Has Steadily Increased Since the 2011 Revolution

- a. There has been a discernible increase in the destruction of archaeological sites through urban encroachment and instances of looting nationwide, a trend which accelerated following the Libyan political crisis of 2014.
- b. To date, we have not found a discernible uptick in looting or illicit trafficking related to the COVID-19 pandemic as has been reported in neighboring Egypt. Additional study of satellite imagery may assist in investigating this trend.

4. Eastern Libya is Currently a Hot Spot for the Illicit Antiquities Trade

- a. During the initial phase of the Revolution, thefts were recorded across the country at museums in Bani Walid, Misrata, Benghazi, and Susa.
- b. Most of the recent seizures, cases of voluntary returns, and reports of looting have originated in the Cyrenaica.

5. *Most of the Stolen and Looted Antiquities are Small and Non-Diagnostic—Making them Easier to Monetize for Modest Sums*

- a. Much of the material stolen from museums, as well as the Benghazi treasure, lacked adequate documentation. What documentation remains is included in the appendices of this report. Without such documentation, the hope for the eventual identification and return of this material is significantly reduced.
- b. The stolen materials were predominantly small items that were relatively easy to transport and relatively easy to confuse with other similar items—including items from other countries. These are contrasted with large, distinctive pieces of sculpture that could be more easily identified.
- c. Burial looting predominates—On the basis of the material seized by authorities, material posted on online marketplaces, and material returned voluntarily, the majority of looted items are consistent with burials dating to the Hellenistic and Roman periods. These items include ceramic vessels, oil lamps, small funerary busts, metal implements, metal ornaments, and coins.
- d. Most of the material is non-diagnostic (i.e., it is difficult to say with a high degree of probability that it comes from Libya rather than another country in the MENA regions). Therefore, it is particularly important to intervene before such material leaves Libya. Should it leave the country, it becomes easy for sellers to plausibly claim that these artifacts originated elsewhere and were discovered prior to 1970.
- e. Dozens of high-value Cyrenaican funerary sculptures have clearly been looted in Libya, transported internationally, and offered for sale on the international art market.
- f. While Cyrenaican funerary sculptures are not the most commonly looted items, they are unique to Libya, making their eventual return more likely.

6. *Most Looters and Sellers Appear to be Opportunistic Young Men*

- a. Due to the lack of successfully prosecuted cases, this background of individual looters or sellers is difficult to confirm. However, the online profiles and aggregate evidence from law enforcement and apprehensions point to this conclusion.
- b. The online profiles combined with the aggregate evidence from those apprehended in Libya and Tunisia, point to males between 15–45.
- c. The majority of individuals seem to work alone or in small groups. They appear to be acting opportunistically and independently, seeking to monetize their finds in a casual, relatively open manner.
- d. In two recorded cases, individuals associated with looting have apparent connections to armed groups. Evidence for such ties

should be closely monitored since militia groups have managed to successfully corner and control other aspects of Libya's illicit economy, including oil and human smuggling.

- e. Some Libyan sellers, especially those with higher value goods, are managing to connect to more sophisticated networks of dealers capable of moving an individual piece across several international borders. This is evident with the recent attempted sales of distinctive Cyrenaican funerary busts in Europe, the United States, and Israel.
- f. At present, family and tribal affiliations appear to shape the market of illicit antiquities more than any armed group or non-state actor. It is through the channels of family and tribe that pressure is exerted on local authorities to pause or stop the legal process and to reach an informal settlement in instances where antiquities laws have been violated.

7. *Rule of Law Remains Weak, but Enforcement of Antiquities Laws Is Gaining Ground*

- a. Prior to the 2011 Revolution, Libyan antiquities law had been successfully applied to punish those who destroyed archaeological sites, damaged historic structures, or stole antiquities through both fines and prison sentences.
- b. Following the Revolution, the rule of law has been weak across Libya. Members of the DoA and law enforcement have faced strong challenges to gradually reassert and again enforce antiquities laws. During this chaotic period, violations have gone unrecorded, uninvestigated, and unpunished.
- c. While solid estimates for the scale and value of the illicit antiquities market in Libya are scarce, the magnitude of the trade appears to be significantly less than that of human trafficking and oil trafficking.
- d. Experience from other countries (especially Syria, Iraq, and Yemen) leads us to conclude that organized crime and militia groups would utilize the sale of antiquities if political instability combined with public apathy for heritage persists.
- e. While the Public Prosecutor in Tripoli has only recorded fourteen (14) official investigations of antiquities law violation since 2011, other cases have been partially prosecuted and resulted in the seizure and return of the illicit antiquities in question.
- f. Family and tribal alliances have pressured members of law enforcement to pursue informal settlements rather than formal legal hearings before the courts.
- g. Investigations are ongoing and have garnered support from the collaboration of multiple Libyan authorities, representatives of civil society, and international partners.
- h. Authorities in Eastern Libya have had some recent successes in seizing illicit antiquities.

8. *Members of the Public Are Willing to Assist in Antiquities Protection*

- a. Despite a legacy of disinvestment and disinformation under the Gaddafi period, there are many Libyan advocates willing to work to protect cultural heritage.
- b. Since the 2011 Revolution, long-standing civil society organizations, including the Libyan Boy Scouts and Girl Guides as well as the Red Crescent, have contributed to cultural awareness programs in partnership with ASOR.
- c. New organizations have also been created around the country with a specific mandate for cultural heritage protection, and many of these organizations have an established track record of partnering with the DoA and ASOR.
- d. Individual citizens around the country have been voluntarily returning antiquities to local authorities and this trend can be strengthened through further outreach.

VII.B Recommendations to Counter and Prevent Illicit Trafficking of Libyan Antiquities

The proposals suggested in previous chapters and outlined in some detail here fall into three broad categories:

1. *Encouragement of the application of existing laws of protection.*
2. *Improvement and expansion of coordination activities between Libyan archaeologists and law enforcement.*
3. *Continuation and expansion of education and stewardship activities and programs that connect Libyan citizens to their heritage and actively encourage their role as protectors.*

As a means of conclusion for this report, the section below presents recommendations that are divided into Short Term (12–18 months) and Medium Term (12–48 months) activities and initiatives. We should stress again that these recommendations have been developed in close collaboration with and the support of Dr. Ahmad Hussein, Director of the Libyan Department of Antiquities in the East and Dr. Mohammed Shakshouki, Director of the Libyan Department of Antiquities in the West. We have also consulted closely with law enforcement officials, many of whom requested not to be named in deference to the sensitivity of ongoing investigations.

1. *Encouragement of the Application of Existing Laws of Protection*

A. Short Term (2021–2022)

- i. Identify the most promising cases of violations of Libyan antiquities law. Prioritize these most promising cases for prosecution. See examples from Chapter I for prior successful prosecutions. Focus on a couple successes in the short term.
- ii. Publicize instances of successful prosecution for violation of Libyan antiquities laws through short articles, videos, and regular engagement with Libyan media outlets.
- iii. Create training workshops for judges and other governmental employees to make them aware of the successful prosecutions since 2011.
- iv. Support the DoA in its effort to monitor and document instances of urban encroachment and looting through additional access to relevant satellite imagery.
- v. Facilitate and support the efforts of the DoA to share their documentation with law enforcement and judicial bodies.

B. Medium Term (2021–2024)

- i. Continue to build and populate a national inventory of Libyan antiquities in museums and storerooms across the country with adequate descriptions, metadata, and photographic documentation. Include polymer “fingerprinting” on non-organic materials.
- ii. Convene representatives of the DoA, law enforcement, and academic institutions to review existing Libyan antiquities laws

as well as existing proposals for legal reform. Prepare a unified proposal for legal reform ready for deliberation and ratification when a regular legislative process resumes.

2. *Improvement and expansion of coordinated activities between Libyan archaeologists and law enforcement*

A. Short Term (2021–2022)

- i. Revise and update the lists of most-looted items that the ASOR team has developed. Distribute widely these lists (written in language easily accessible to local law enforcement).
- ii. Create a one-page (front and back) handout of the most commonly looted and trafficked list. This one-page handout should be designed to accompany the most-looted list described in 2.A.I.
- iii. Continue joint training opportunities involving Libyan law enforcement and the DoA archaeologists, focused on the documentation of cultural heritage crimes.
- iv. Organize joint training opportunities between the General Prosecutors Office, law enforcement, and the DoA. Focus on the preparation of case materials necessary for a successful prosecution given the current legal and legislative landscape.
- v. Organize joint training opportunities between judges and members of the DoA, examining previous cases in which Libyan antiquities law was fully applied to protect cultural resources as well as recent cases in which the law was partially applied.
- vi. Organize joint training opportunities between the DoA and the Libyan Ministry of Foreign Affairs to examine recent cases of repatriated antiquities and explore ways in which this process can be improved.
- vii. Support the DoA, law enforcement, and volunteers in their efforts to monitor, record, and build databases of instances of recorded theft as well as instances of suspicious material (possibly looted or stolen artifacts) presented for sale online.

B. Medium Term (2021–2024)

- i. Create formal liaison roles within the DoA and the Tourist Police, where members of each institution have opportunities for exchange assignments in the other agency for a rotating period of duty.
- ii. Explore opportunities for better regional communication and coordination with peers from regional antiquities authorities and law enforcement bodies with a specific emphasis on Tunisia and Egypt.
- iii. Provide assistance to both institutions to support joint patrols in priority areas, such as regions with known urban encroachment and looting.

3. Continuation and expansion of education and stewardship activities and programs that connect Libyan citizens to their heritage and actively encourage their role as protectors.

A. Short Term

- i. Expand outreach activities with the involvement of Libyan law enforcement, the DoA, and local civil society organizations such as the Boy Scouts and Girl Guides, Red Crescent, etc.
- ii. Assist the DoA in establishing a framework for more regular collaboration with Libyan NGOs and citizen volunteers.
- iii. Encourage opportunities for volunteer participation in the maintenance and protection of cultural sites under the supervision and responsibility of the DoA.
- iv. Through short articles and videos, as well as with regular contact with Libyan media outlets, vigorously publicize instances of citizens protecting sites or returning antiquities to members of law enforcement/DoA. Even when financial rewards are not possible, provide public recognition to these individuals and encourage them through low-cost incentives.
- v. Work with civil authorities to create a collaboration body that might be called something like the “Friends of Libyan Heritage.” Such a collective body should be considered neutral and not identified with only one civil authority body.
- vi. Through small incentives, create a lasting network of citizens who have taken action to protect Libyan heritage (whether through volunteer work, protecting sites, or returning antiquities) and continue to prioritize engagement with this group through additional activities such as those previously organized by the DoA, the Boy Scouts and Girl Guides, and ASOR.
- vii. Prioritize outreach to children through the production and distribution of materials such as short animation clips and coloring books to be shown and distributed during visits to cultural sites as well as through ASOR’s Suitcase Museum network.

B. Medium Term (2021–2024)

- i. Create primary and secondary school textbooks and history curriculum that adequately describe the richness and diversity of Libyan cultural heritage through the direct collaboration of the DoA and the Libyan Ministry of Education
- ii. Create more formal channels for volunteers to assist the DoA and local law enforcement to contribute to cultural protection work.

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