

**Palestine's fight against antiquities looting, trafficking, and the
destruction of the country's cultural property: structures, processes and
recent statistics**

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**نضال فلسطين ضد سرقة الآثار، والاتجار غير المشروع بها، وتدمير ممتلكاتها الثقافية: الجهات
ذات العلاقة، وطرق مكافحة، واحصاءات حديثة**

المخلص

تقدم هذه المقالة عرضاً وتحليلاً للجرائم المتعلقة بقطاع التراث الثقافي الفلسطيني والمسجلة لدى شرطة السياحة والآثار الفلسطينية في جميع أنحاء الضفة الغربية خلال السنتين الأخيرتين على التوالي: سنة ما قبل تطبيق قانون الآثار الفلسطيني الجديد وسنة بعده. وتستعرض هذه المقالة تحديات مكافحة سرقة الآثار والاتجار غير المشروع بها في فلسطين؛ وتنوع مصادر التراث الثقافي في الضفة الغربية؛ وأجهزة انفاذ القانون ذات الصلة بالتراث الثقافي، وخاصة شرطة السياحة والآثار؛ وتاريخ، وهيكلية، وموظفي، ومسؤولية هذا الجهاز؛ والبيانات التفصيلية عن الجرائم المتعلقة بممتلكات التراث الثقافي حسب ما وردت في سجلات شرطة السياحة والآثار. ويكمن الهدف الرئيس لهذا البحث في استكشاف تأثير قانون الآثار الذي تم تطبيقه حديثاً على إنهاء أو حتى كبح السلوك الاجرامي تجاه مصادر التراث الثقافي في جميع أنحاء الضفة الغربية.

الكلمات المفتاحية: سرقة الآثار والاتجار بها؛ قانون الآثار الفلسطيني الجديد؛ شرطة السياحة والآثار.

Abstract

This article analyses the cases related to offenses against cultural heritage property registered by the Tourist and Antiquities Police Department (T&APD) throughout the West Bank during two recent, consecutive years. The study period spans the years immediately preceding and following the implementation of the new Palestinian antiquities law. The article presents the challenges of combating antiquities looting and trafficking in Palestine; the diversity of cultural heritage resources in the West Bank; the Palestinian law enforcement agencies relevant to cultural heritage, especially the T&APD; the history, structure, employees, and responsibilities of that

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agency; and detailed data on the offense cases related to cultural heritage property as compiled from their records. The main aim of this present work is to explore the impact of the newly implemented antiquities law on stopping or even curbing criminal behavior related to cultural heritage property throughout the West Bank.

Keywords: Antiquities looting and trafficking, new Palestinian Antiquities Law, Tourist and Antiquities Police Department.

Background

Important archaeological heritage resources worldwide are under serious threat from the looting of antiquities and the resulting destruction of sites (Brodie and Renfrew , 2005). A large number of published scholarly works indicate that over the past two centuries more than 50% of all archaeological resources worldwide have been subjected to destruction and antiquities looting, and almost all the extracted cultural objects have found their way into the illegal art and antiquities market (Proulx , 2013; Fabiani , 2018). To address this serious and growing phenomenon, the international community over the years has introduced a series of treaties, protocols, and international laws (Auwera , 2013). In addition, a large number of individual countries have developed domestic antiquities laws and established specialized agencies to both prevent and fight against antiquities looting and trafficking and other forms of cultural property destruction. These bodies include, among others: in Argentina, the Department of Cultural Heritage Protection of the Federal Police; in Belgium, the Service for Organized Crime, Art and Antiquities, within the Directorate of Crime against Goods (DJB) of the Federal Police; in Bulgaria, the Cultural Historical Valuables, within the Unit for Combating Organized Crime (GDBOP) of the Criminal Police Chief Directorate; in Chile, the National Headquarters of Crimes against the Environment and Cultural Heritage, within the Investigative Police; in Cyprus, the Office for Cultural Property, within the Police Criminal Investigation Office; in Ecuador, the Special Unit Investigating Crimes against Cultural Heritage, within the National Police¹; in Egypt, the Tourism and Antiquities Police within the Ministry of Interior²; in France, the

¹<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/partnerships/specialized-police-forces/>

²<https://www.obs-traffic.museum/tourism-and-antiquities-police>

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Central Office for the Fight against Trafficking of Cultural Property (OCBC), within the Ministry of Culture; in Germany, the Division of Crime against Cultural Goods, within the Federal Criminal Police Office; in Ireland, the Arts and Antiques Unit of the National Bureau of Criminal Investigation, within the National Police Service³; in Israel, the Antiquities Theft Prevention Unit of the Israel Antiquities Authority⁴; in Italy, the Carabinieri Department for the Protection of Cultural Heritage, within the Ministry of Culture; in Lithuania, the Section for Investigation of Cultural and Art Theft, within the Criminal Police Office; in the Netherlands, the Art and Antiques Crime Unit within the National Police; in Spain, the Guardia Civil, within the Ministry of Culture; in the United Kingdom, the Art and Antiques Unit of the Metropolitan Police; and in the United States, the Art Crime Team of the Federal Bureau of Investigation⁵.

Among the family of nations, Palestine – a “non-member observer state” of the UN, plus a state member of UNESCO and other specialized UN agencies – has likewise long possessed both antiquities protection laws and an apparatus for their enforcement. The Palestinian Authority assigns responsibility for these functions to The Tourism and Antiquities Police Department (T&APD), a section within the PA's General Directorate of Police.

According to records of both the Palestinian Ministry of Tourism and Antiquities (MoTA) and the Palestinian Judicial Council, the T&APD has been the most active governmental body in combating antiquities looting, trafficking in antiquities, and the destruction of primary cultural heritage resources since the founding of the Palestinian Authority. Both of the above-mentioned sources indicate that approximately 96% of all offense cases of this type ultimately transferred to the courts of the West Bank governorates originated with the T&APD, with the rest coming from other governmental bodies (see below). Due to this central role of the T&APD in combating antiquities looting, the trafficking in antiquities, and other infringements on cultural heritage primary resources, we offer some information on this department's history, structure, responsibilities and personnel before delving into its archive.

³<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/partnerships/specialized-police-forces/>

⁴ <https://www.obs-traffic.museum/antiquities-theft-prevention-unit>

⁵<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/partnerships/specialized-police-forces/>

To replace the Jordanian Temporary Antiquities Law No. 51 of 1966, the Palestinians have recently succeeded in developing their own “Tangible Cultural Heritage Law”, approved by the Palestinian president on 29 April 2018 as Decree-Law No. 11/2018 and coming into force on 3rd June 2018. This newly enacted law is similar in many ways to the Jordanian Temporary Antiquities Law No. 51, but the penalties and fines for criminal offenses are dramatically increased (for further information on the history of antiquities laws pertaining to Palestine, see Al-Houdalieh and Jamal , 2020 , forthcoming).

Combating antiquities looting and trafficking: problems and challenges

The effective combating of antiquities looting and trafficking in antiquities in the Palestinian Territories is hindered by some very real problems and challenges, including, among others:

1. An entrenched, longstanding and flourishing pattern of antiquities looting and illicit trafficking in archaeological materials throughout the Palestinian Territories. Based on our on- and off-site encounters, we believe that antiquities looting in Palestine over the past two centuries has inflicted devastating destruction on nearly every major and minor archaeological site, and resulted in the extraction of a large number of archaeological objects that found their way into the illicit market in Israel and other countries (Al-Houdalieh , 2010). Based on the MoTA and Israeli sources, Fahel estimated the illegally extracted archaeological objects from primary archaeological resources located throughout the Palestinian Territories as follows: During the occupation period (pre-Oslo) “between 1967 and 1994 about 200,000 artifacts [on average] were removed from the occupied Palestinian Territory annually”, with approximately 120,000 on average extracted every year since the establishment of the Palestinian Authority (PA) in 1994 (Fahel , 2010). So, the estimated total number of looted and trafficked archaeological objects from May 1967 to June 2019, according to Fahel, is approximately 8.4 million. In any event, the level of antiquities looting from primary resources is never constant from year to year, but is characterized by fluctuations. In our opinion, any meaningful reduction in looting activities should probably be attributed to the apprehension and conviction of the professional antiquities looters, those having advanced fieldwork experience, whereby the majority of the archaeological sites have been depleted, with little left to extract. The amateur looters then are

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most often targeting these already vandalized sites, searching the pillaged features and spots in hopes of finding any remaining marketable objects. The professionals, on the other hand, are targeting potential, mostly undisturbed sites which have not been intensively looted, due to their secure location near or within the borders of Area A. The MoTA and T&APD, however, attribute any decline in the volume of antiquities looting and trafficking to their general enforcement efforts such as intensified monitoring fieldwork, and pursuing all perpetrators alike and bringing them to justice, without a particular focus on the high-volume “professional” looters. As for the total number of antiquities looters, this is estimated at between 100,000 and 120,000 individuals (a looter defined in this work as a person who participated – alone or as part of a group – in digging an archaeological site or feature one or more times), with the middlemen and antiquities dealers numbering together several hundred. Consider, by contrast, that the total number of workers in governmental institutions involved directly with the on-the-ground combating of antiquities looting and all related activities is only about 130 individuals (mostly employees of MoTA and T&APD). Indeed, we can characterize the combating of illegal activities to extract and market archaeological materials as a vastly *unequal* war between two distinct groups having different goals, motivations, experiences and – obviously – numbers. In short, the Palestinian governmental institutions may have won some battles, but they are losing the war (for further information on antiquities looting and illicit trafficking in Palestine see Kersel . 2007 & 2008; Yahya , 2008; De Cesari , 2008; Al-Houdalieh , 2006 , 2010 , and 2012a & b).

2. The fragmentation of the Palestinian Territories into four major parts. Under the Oslo Accords of 1993 and 1995 – and later the political separation between the West Bank and the Gaza Strip in 2007 approximately one year after the Palestinian legislative elections – the Palestinian Territories were divided into four distinct parts (a division still in place), each having a different configuration of political, administrative and security sovereignty. The Gaza Strip is under the control of the Hamas movement. Area A (18.2% of the West Bank and 3.8% of historic Palestine) is – *theoretically* – under full Palestinian civil and security control, i.e. the legitimate government of the Palestinian Authority based in Ramallah. Area B (21.8% of the West Bank and 4.5% of historic Palestine) is under Palestinian civil control but Israeli security control (thus, Palestinian policing authority there is problematic, at best). Finally,

Area C (60% of the West Bank and 12.5% of historic Palestine) is under full Israeli civil and security control. On the ground, there is no partnership, no collaboration or coordination, and no sharing of data among the three above-mentioned parties (Hamas, the P.A. and Israel) toward protecting, safeguarding, researching or developing the archaeological resources of this tiny land that is, for the most part, archaeologically, geographically, and historically homogeneous. The chaotic conditions impacting the archaeological resources in Israeli-controlled Area C (again, containing 60% of the archaeological resources of the West Bank) are exacerbated by the unilateral fieldwork projects conducted under the supervision of Israeli military authorities (the Staff Officer for Archaeology of the Civil Administration of Judea and Samaria), without any kind of coordination with the Palestinians. Needless to say, employees of MoTA are prohibited from accessing – let alone managing or controlling – these resources on their own (Al-Houdalieh , 2009 , 2010 & 2017).

3. The remarkable and problematic fragmentation among the many *Palestinian* players charged with protecting the country's cultural heritage. First, the Palestinian archaeology practitioners are divided into three main groups according to their affiliation: governmental bodies (mainly the MoTA), academic institutions, and several NGOs. Within this mix, the work of Palestinian archaeologists today is often characterized by a lack of cooperation and collaboration, disunity, and inconsistencies or conflicts stemming from self-interest (Al-Houdalieh , 2013). Sayej attributed the non-cooperation among Palestinian archaeologists to the fact that they often consider each other as competitors over issues of role, power and funding (Sayej , 2014). Furthermore, there are five different Palestinian governmental entities trying to conduct operations to combat antiquities looting and illicit trafficking in material culture, albeit unequally: the MoTA, T&APD, General Intelligence, Military Intelligence, and Preventive Security Forces. While the MoTA and the T&APD largely cooperate and collaborate with each other toward combating antiquities looting, the other named institutions in the security/intelligence arena all work independently and without adequate collaboration with their sister law enforcement entity, the T&APD. Besides the above-named Palestinian organizations, the Israeli authorities do occasionally combat antiquities

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looting and the illicit trafficking in antiquities in Area C, but, again, without any meaningful collaboration with their Palestinian counterparts.

The case study area

The case study area is the West Bank, which is considered a landlocked territory, bordered by Jordan to the east and by the Green Line, “the internationally recognized border between the Palestinian Territories and Israel”, separating it from Israel on the north, west, and south – with all borders tightly controlled by Israel). The West Bank, including East Jerusalem, has a land area of 5,968 square kilometers (Al-Houdalieh , 2006 and Yahya , 2008). As of 2017 the West Bank has an estimated population of 2,881,687 Palestinians (Palestinian Central Bureau of Statistics , 2018) and approximately 622,670 Israeli settlers (The Israeli Information Center for Human Rights in the Occupied Territories–B'Tselem , 2019), the latter living in 250 illegal settlements and outposts, including East Jerusalem (United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories , 2018).

Historic Palestine was under British control (military administration, followed by a League of Nations Mandate) from 1917 to 1948. Then in the aftermath of the 1948 Arab-Israeli War the Israelis occupied the northern, western and southern parts of the country, and from 1948 to 1967 the West Bank was subject to Jordanian control while the Gaza Strip was governed by Egypt. In 1967, the Israelis occupied the West Bank (plus Gaza and the Golan Heights) during the Six-Day War, later granting the West Bank limited autonomy (within the Areas A-B-C protocol) with the establishment of the Palestinian Authority per the Oslo agreements (1994). In April 2001 the Israeli military forces reoccupied all of the West Bank, and finally, a political separation occurred in 2007 between the West Bank and the Gaza Strip (Al-Houdalieh , 2010). This uninterrupted political instability of historic Palestine for over a century has seriously affected the land and its indigenous people, and caused irreplaceable losses to their primary cultural heritage resources.

Based on its size of only 5,968 square kilometers, the West Bank is considered one of the richest territories in the world in terms of its archaeological and historical heritage, with a total of some 12,000 archaeological sites and features, with about 700 historic villages and approximately 50,000 traditional buildings (Table 1). The cultural heritage of the West Bank encompasses several different kinds of features, such as

major and minor archaeological sites, sacred places, natural and artificial caves, ancient rock-cut tombs and cemeteries, ancient roads, olive and wine presses, and traditional buildings, among others. The cultural heritage resources of this territory date from the lower Paleolithic down to the Late Ottoman period (Al-Houdalieh , 2010). From a political perspective, we must say that the exclusion of the Gaza Strip from this present study in no way presumes the legitimacy of the political partition that happened in the summer of 2007. The exclusion is due instead to the difficulty of obtaining the necessary information from the Tourist and Antiquities Police Department of Gaza.

Name of Governorate	Population	No. of historic Villages	No. of archaeological sites	No. of archaeological features	No. of traditional buildings
Hebron	711,223	156	357	1,859	10,322
Bethlehem	217,400	71	136	1,228	2,581
Ramallah	328,861	80	347	1,788	7,618
Jericho	50,002	16	76	451	520
Jerusalem	435,483	51	181	1,386	7,022
Nablus	388,321	73	266	1,015	9,734
Tubas	60,927	23	130	359	548
Salfit	75,444	23	86	662	1,639
Tulkarm	186,760	42	100	385	3,237
Qalqilya	112,400	35	53	418	1,321
Jenin	314,866	96	212	537	5,201
Totals	2,881,687	666	1,944	10,088	49,743

Table 1: West Bank population, by governorate, as of 2017 (Palestinian Central Bureau of Statistics , 2018 : 10); the number of historic villages and archaeological sites and features as of the 1930s (Yahya , 2008); and the number of traditional buildings as of 1995-2003 (Riwaq , 2006 : 37-40).

Research methodology and stages

The first author has been involved with archaeological and cultural heritage primary resources since 1982, when he first started studying archaeology. He later conducted several different research projects on antiquities looting and looters, destruction of archaeological primary resources, and illicit trafficking in material culture, among others. The

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second author has been engaged in policing the archaeological resources and combating illicit activities related to cultural heritage ever since the establishment of the Palestinian Authority in 1994. This relatively long personal contact with the local phenomenon of destroying such primary resources – either in order to extract valuable items of material culture to sell on the illicit antiquities market for personal benefit, or simply to create spaces for new development – has allowed the two authors to constantly monitor the destruction of the cultural landscape throughout the West Bank, and has led them to conduct this current research.

The methodology implemented in this research study includes several components and draws upon various resources, such as: the archive of the T&APD; interviews with several representative antiquities looters, middlemen, and antiquities dealers; and a review of the existing literature. The methodology was realized through the following successive stages: (1) In July 2019, the two authors received an electronic copy of the preceding two years' records of the T&APD (note: the second author serves as the director of this department), deleting all cases related to tourists and tourism in order to develop a database specific to crimes related to this study. Then, we classified the cases into several categories (see below). The main aim of presenting the database categories is to identify any changes in the level of antiquities looting and related illegal activities as well as the destruction of traditional buildings or parts of archaeological sites, especially before versus after the enactment of the new antiquities law. (2) In July-September 2019 the first author interviewed 39 individuals involved in antiquities looting and trafficking, in the hope of testing anecdotally the data distilled from the archives of the T&APD and the High Judicial Council. The second author (director of the T&APD) was not involved in the interviews, to minimize the subjects' possible fear of prosecution. (3) In October and November 2019, the first author reviewed some of the published literature, both international and local, focused on antiquities looting and illicit trafficking in antiquities.

The Tourist and Antiquities Police Department (T&APD): establishment, structure, employees and responsibilities

This department was first established in Bethlehem in 1995 by a presidential decree issued by Yasser Arafat, then president of the Palestinian Authority, as part of the General Police Directorate; its original core staff numbered 25 persons. A few years later, 11 departmental branches were established

throughout the West Bank, and the headquarter was moved to Ramallah. It now consists of the following functional sections, each providing distinct services in support of cultural heritage and tourist policing efforts: the directorate; sources and information; tourist security; antiquities and cultural heritage security; organization and management; studies and development research; public relations, awareness and guidance; administrative and financial affairs; environmental police; and finally, legal counsel. The total number of employees in this department has grown gradually to reach presently 129 persons, distributed unevenly among the headquarter in Ramallah and 11 regional (governorate) branches throughout the West Bank (Table 2). The employees are mostly male (there are seven female employees in total) and all between 22 and 58 years of age inclusive (Table 3). The vast majority of them have more than 10 years of experience in policing. The educational level of the employees is relatively good: 50 have completed elementary or secondary school; 9 have graduated from college-level history and archaeology programs; 58 have graduated from various other humanities studies such as linguistics, law, or social science; 9 have graduated from business and economic programs; 2 have graduated in the fields of nursing or medical laboratory science; and 1 has graduated from an information technology program. The percentage breakdown of department employees according to their highest earned degrees is as follows: elementary or secondary school – 38.8%; professional diploma – 9.3%; B.A. – 45.7%; M.A. – 4.7%; and PhD – 0.77% (one PhD holder). Besides their academic achievements, the majority of the department’s employees have taken part in several workshops and intensive programs focused on some of the following: aspects of the cultural heritage sector, firearms, fitness, young leaders, the environment, linguistics, management skills development, communication and crisis resolution, diplomatic relations and political science, information technology, and the safeguarding and protection of historic and archaeological sites and features in the event of natural disasters.

Governorate	Total No.
Hebron	11
Bethlehem	23
Ramallah (regional and headquarter staff combined)	33
Jericho	8

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Jerusalem	5
Nablus	9
Tubas	7
Salfit	4
Tulkarm	9
Qalqilya	7
Jenin	13
	129

Table 2: T&APD employee distribution according to governorate.

Age bracket	Number of individuals
20-29	41
30-39	39
40-49	44
50-60	5
Total	129

Table 3: T&APD employee age distribution.

The responsibilities of the department are varied, including: (1) Combat antiquities looting, the illicit trafficking in heritage and archaeological materials, and smuggling of all kinds of material culture throughout the West Bank. (2) Prevent the destruction of historical and archaeological sites and features, including the traditional buildings located in the historic cores of cities and villages. (2) Maintain the safety and security of tourist groups while they are on their tours. (3) Raise awareness among the Palestinian general public about the importance and value of archaeological and other types of heritage resources for their national identity, for their economic well-being, and for the scientific value these resources hold for all human beings. (4) Provide necessary facilities for official delegations during their visits to archaeological sites and cultural heritage events. (5) Implement periodic visits to the hotels, restaurants and other facilities related to tourism. (6) Prepare reports and statistics related to tourism activities and submit them to relevant authorities. (7) Maintain partnership with INTERPOL in fighting international crime, especially cultural heritage crime.

Work methodology of the department's employees

The department's branches throughout the West Bank operate 24 hours a day, 7 days a week. The work is divided into three daily shifts, 8 hours each, with the two main shifts covering the period from 8:00 a.m. to 12 midnight. The employees work 40 hours a week, but in case of a hot pursuit, extra staff may be called in to join any operation as needed, even if they are off-duty or on holiday leave.

The department collects information about actions related to antiquities looting and looters, illicit trafficking in antiquities, smuggling of archaeological objects and other cultural heritage materials, and the destruction of historic and archaeological sites and features. This information comes in from several different sources, such as: the Ministry of Tourism and Antiquities; temporary commissioners (e.g., individuals living in the vicinity of archaeological sites or shepherds who travel daily across a wide area with their livestock); the owners of land parcels located within archaeological sites; from the municipalities and village local councils; and through the tracking of social media, among others.

The intervention process of the department's officers can be summarized as follows: (1) In the office: Once the department's officers obtain information related to their area of responsibility, they immediately start verifying its quality, reliability and accuracy. If the officers verify the credibility of the information and identify it as a hot case requiring a direct and immediate intervention, they first inform the provincial police director, police central operations, the correlation unit (in case of possible interventions in Areas B and C), and the Ministry of Tourism and Antiquities. When investigating and entering houses, commercial buildings, stores and vehicles, etc., they must obtain an inspection order from the public prosecutor. Finally, they would organize a special task force (including an employee of the MoTA) and provide it with the necessary personnel and transportation support. However, if the officers considered the initial information insufficient or associated with a cold issue, they seek to collect additional information on the case in order to apprehend the suspects at an appropriate opportunity. (2) In the field: Seeing as every case involves a unique set of conditions, risks, etc., the special task forces plan their responses according to the specific circumstances of each one. In attempting to apprehend antiquities looters, for instance, the task force tries to surprise the looters in the act, by its physical appearance at the scene of

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the crime while loudly identifying themselves as law enforcement officers. They then take all necessary measures to ensure control of the suspects, such as gathering them in one spot, collecting their IDs, and in some circumstances handcuffing them. All suspects would be thoroughly searched for weapons and any possible small archaeological objects in their personal possession. Then, if any work equipment or archaeological objects are present at the scene, these are collected in the presence of the suspects. Each individual suspect is then asked various questions related to the case. Thereafter, the special task force documents all physical evidence present at the scene, including the suspects themselves, holes, trenches, work equipment and archaeological objects, using a standard written sheet (incident record) and photographic documentation. Once the crime scene has been fully documented, any items of evidence will be collected and packaged in plastic bags, envelopes, or cardboard cartons, with special handling given to any archaeological evidence that is fragile or could be easily lost. Throughout the documentation process, each individual item is assigned a unique number that corresponds to the incident record. The formal incident record includes the geographical location, date, time of arrival at the scene, and the personal data of each suspect, including: name, address, ID number, birth date, occupation, and place of employment. Included are the type and details of the accusation, any recommendations for further investigation, and the signature of the team supervisor. Finally, the task force informs the arrestees why they are under arrest, and police vehicles transfer the suspects and all physical evidence to the department.

(3) In the office (following the intervention): The police officers start the interrogation of the suspects to gather all facts related to this particular case and to any other similar offenses committed by the same individuals. This interrogation phase can be of short duration or extended for several hours, depending on the scope of the case and the suspects' level of cooperation. At the final stage of this phase, the police officers compile a detailed report of the case that will be signed by both the police officer and the suspects. Based on the results of the field observations, on the interrogation of the suspects carried out by the police officers, and on the evaluation and field report of the MoTA employee, some or all of the suspects might be released after signing a written pledge to refrain from further illegal activity; such suspects face no further legal action, but forfeit the seized tools, materials, etc. Otherwise the arrestees would be transferred, together with the incident record, interrogation report and the seized materials, to the Investigation

Department of the Police Directorate (IDoPD). (4) In court: The police officer who signed the incident record and the interrogation report, together with the MoTA employee who joined the task force in its field investigation, should both attend the court hearing sessions in order to give their testimonies and answer the judge's questions.

Presentation of data compiled from the archive of the Tourist and Antiquities Police Department

As mentioned in the introduction, the Palestinian governmental body most active in combating criminal infringements on cultural heritage property is the T&APD, therefore we focus our study on its archive, which includes the vast majority of the registered criminal cases involving cultural heritage in the entire West Bank. For the sake of clarity, it should be said that not all cases registered by T&APD find their way to prosecution in the courts, since a large number of them were closed at the stage of T&APD intervention, with the rest transferred to IDoPD. All of these transferred cases were also subject to additional investigation, and at the conclusion of the investigation into each one, a further decision was made whether to close the case at the police directorate stage or transfer it to the public prosecutor.

Our analysis of the quantitative information on registered cases by the T&APD focuses on two discreet periods spanning two full consecutive years: the one year *preceding* the new Palestinian antiquities law and then the first year of enforcement *under* the new law. By choosing this time-frame for our study extending over the two years (1st June 2017 to 31st May 2019), we hoped to gain comparative data that might shed light upon any actual impact the newly enacted law has had on the level of criminal behavior related to cultural heritage property. The study and analysis of these data can be summarized as follows:

1. Number of seized items over the two years

The materials seized from the antiquities looters, middlemen and traffickers were numerous and diverse, including traditional excavation tools; printed reference material such as catalogues, articles and monographs; and many different types of material culture. The non-material culture items (not the subject of this study) numbered in the hundreds, of which approximately three-fourths consist of traditional digging tools and equipment. The total number of the seized material culture items over the two-year period, however, numbers exactly 36,330 objects. Of these, about 52% were seized

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during the first year of the new antiquities law (2018-19), and 48% during the year immediately before it went into force (2017-18).

2. Number of seized items, by governorate, over the two years

The number of seized material culture items by governorate are laid out below. Jenin is considered the most active of the West Bank governorates in seizing material culture in the last two years, accounting for about 29% of the total, followed by Nablus at 20%, and then by Hebron and Tubas at 14.7% and 14.9% respectively. The governorates with lesser numbers of seized material culture items are: Tulkarm at 0.4% of the total, Qalqilya at 0.6%, Jerusalem at 1.2%, and Salfit 1.6%. It is worth mentioning that not all of the material culture objects seized in any given governorate were necessarily originally looted from archaeological sites and features located within that district. In fact, many artifacts are routinely transferred from one governorate into another during the marketing process, plus there are some antiquities looters who live within one governorate and excavate in another one. Actually, the significant difference between the West Bank governorates in terms of number of seized material culture items over the two years of the study can be viewed in relation to both the number of assigned officers and also the number of archaeological sites and features (see Tables 1 and 2). For example, Nablus, Jenin and Tubas registered on average 859, 847 and 797 seized items respectively for every enforcement officer, the three highest ratios among the governorates; Tulkarm, Qalqilya and Ramallah averaged 16, 32 and 72 seized items respectively per officer, the three lowest ratios; while the other five governorates registered between 118 and 516 seized items per officer.

3. Number of accused persons, by governorate, over the two years

The accused were individuals (acting alone or as members of groups) either caught in the act of, or summoned on suspicion of, conducting illegal activity in the field of cultural heritage. The total number of accused during the two-year study period is exactly 1,220 persons; of these, the Jenin governorate alone accounts for 33.6% of the total. Analysis of the data on the number of accused for each year of the study period indicates the following two points: (a) The number of accused in the first year the enforcement of the new antiquities law (612) remained relatively constant compared with the number in the preceding year, the year immediately prior to the new law (608). (b) Comparing the total numbers of the accused by governorates over the two years of the study, the only sharp drop was registered in Tubas (from 110 persons to 37 persons), while the other

governorates either witnessed a slight decline (Hebron), remained constant (Nablus), or increased in varying proportions (all other governorates).

4. Number of accusations, by type of offense, for the first year under the new law (1st June 2018 to 31st May 2019)

The T&APD classifies its registered cases into three categories according to the type of offense: illegal excavation, possession and trafficking, and destruction and disfigurement. The department defines illegal excavation as an act carried out by one or more persons with the intent of searching for archaeological objects, regardless of whether or not the person(s) actually found any archaeological objects in connection with the excavation activity. As for the second category, the linking of possession with illegal trafficking derives from the conviction of the department's officers that all material culture items in the hands of individuals were, first, obtained through illegal excavations, and will eventually find their way onto the antiquities market (via licensed/legal dealers or otherwise, i.e. the "black market"). The third category, destruction and disfigurement, includes several types of unlawful acts spelled out in the antiquities law, such as: restoration or demolition of a historic building without consulting with the MoTA; removing and reusing ancient stones obtained from archaeological sites for the building of agricultural terraces or other structures (or for any other purpose); and any type of urban development activities on archaeological sites without a permit from the relevant authority.

The total number of cultural material offense cases during the first year of the new antiquities law (1st June 2018 to 31st May 2019) was exactly 580, of which 247 related to illegal excavation, 213 to possession and trafficking in antiquities, and 120 to destruction and disfigurement. Of the total, 222 cases (approximately 38%) were registered in Jenin governorate alone, while the number of registered cases in the other governorates ranged between 6 and 70 (Table 4). As mentioned above, all arrests and summons cases were subject to further investigation by the officers of T&APD. Then at the conclusion of each investigation, the director of the department in the governorate where the case was registered would reach a decision whether to close the case at the departmental stage or transfer it (the report and the accused) to the IDoPD. Our analysis of the 580 registered initial accusation cases shows that 350 of them (60.3%) were closed at the T&APD by the signing of a pledge, with no further action taken against the accused (except confiscation of materials and tools); the remaining 230 cases (39.7%) were

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transferred to the IDoPD. Of these cases transferred to the Police Directorates – based on the archive of the High Juridical Council – a mere 98 were sent on to the Public Prosecutor. Thus the data reveal that, of the cases received by the Police Directorate from the T&APD, 42.6% were later sent on to the Public Prosecutor. This means that no more than 16.9% of the original, registered offense cases ever made it to the Prosecutor's desk.

Governorate	Illegal excavation	Possession and illegal trafficking	Destruction and disfigurement	Total
Hebron	15	19	22	56
Bethlehem	11	10	6	27
Ramallah	10	16	12	38
Jericho	2	13	00	15
Jerusalem	1	3	2	6
Nablus	20	13	37	70
Tubas	16	11	10	37
Salfit	34	11	4	49
Tulkarm	16	00	9	25
Qalqilya	20	3	12	35
Jenin	102	114	6	222
Total	247	213	120	580

Table 4: Distribution of accusation (registered) cases by governorates during the first year the new antiquities law was in force.

5. Number of seized items, by governorate, in the first year of enforcement under the new antiquities law

The total number of seized archaeological items was exactly 18,973, of which more than half were seized in just two governorates, Jenin and Hebron. The vast majority of these seized items were coins (17,561 = 92.5%), whereas the rest (7.5%) include ceramic vessels and objects of various types; stone objects and sculptures; glass vessels; and scarabs (Table 5). Approximately 95% of the seized pottery vessels were small- to medium-sized, such as: oil lamps, bowls, jugs, juglets, bilbil, pyxis (cylindrical boxes), pilgrim flasks, cooking pots, and small jars; the other 5% of the pottery consisted of larger items such as jars and coffins. Exactly 72 items of the seized coins were made of gold, 307 of silver, while the vast majority were made of copper and bronze. The reading and examination of all the seized archaeological objects by experts of the MoTA produced the following two main findings: (1) Among the seized objects, a total of 2,262

(12%) turned out to be faked or forged items, consisting entirely of pottery and coins. (2) The dates of the authentic archaeological objects ranged from Pre-pottery Neolithic A through the Ayyubid period, however the preponderance of objects were from the classical periods (Hellenistic, Roman, and Byzantine).

In addition to the archaeological objects shown in Table 5, the officers of T&APD seized 53 metal detectors; a few hundred traditional excavation tools; a few dozen catalogues, articles or other pieces of printed reference material; and 10 boxes full of human skeletal remains, mainly skulls. The skulls, at the time of the seizures, were either complete or fragmentary, and each single box contained the skulls of from two up to seven individuals. The investigative interviews with the perpetrators indicated that they planned to sell the skulls in the domestic market of the drug industry.

Governorate	Pottery	Coins	Stone	Glass	Scarabs	Total
Hebron	160	3,137	159	5	5	3,466
Bethlehem	15	526	00	00	00	541
Ramallah	105	2,255	2	00	00	2,362
Jericho	18	900	11	00	00	929
Jerusalem	20	414	17	00	00	451
Nablus	362	2,355	52	00	1	2,770
Tubas	59	1,017	22	3	00	1101
Salfit	23	550	4	24	4	605
Tulkarm	00	10	4	00	00	14
Qalqilya	16	107	5	00	00	128
Jenin	255	6,290	61	00	00	6,606
Total	1033	17,561	337	32	10	18,973

Table 5: Distribution of the types of seized materials, by governorate, from 1st June 2018 to 31st May 2019.

6. Ages of the accused, by governorate, in the first year of enforcement under the new antiquities law

Several studies on antiquities looting and looters indicate that there is a relationship between age and this category of crime, starting in adolescence or early adulthood, peaking in middle age, and then declining with age (Al-Houdalieh , 2012a ; Al-Houdalieh , 2012b). Ulmer and Steffensmeier state: “age is one of the strongest factors associated with criminal behavior”, and

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attributes this pattern to two main components, a biological basis coupled with socio-economic influences (Ulmer and Steffensmeier , 2014 : 377-390). The individuals who were arrested or summoned by T&APD and had criminal charges registered against them ranged greatly in age, beginning with underage youth up to and including elders (Table 6), and they were exclusively males. The total number of accused or suspected persons was 612, of which 36% were residents of the Jenin governorate alone. Furthermore, 20 persons of the total number were Palestinians holding Jerusalem residency (issued by the Israeli authorities), while the rest (592) were Palestinians holding West Bank “green” ID cards (issued by the Palestinian Authority). Among the accused, there were 9 Palestinian soldiers, 4 students enrolled in history and archaeology programs at local universities, and 3 “sheikhs” who are said to contact *jinn* (spirits) in order to identify the exact location of hidden treasures; the balance were schoolteachers, farmers, shepherds, and general laborers, among others. In addition, there were 4 individuals who had once been sentenced to several years in prison by Israeli military courts for joining PLO factions and later, after release, participated in the illegal digging in search of valuable archaeological objects. The data of this archive indicates that the greatest number of people committing cultural heritage crimes are those between 30 and 49 years of age, and those who are underage (minors) and the elderly less numerous. As to the *type* of charges, most of the accusations raised against the minors were for illicit excavation, while those against elders were for illicit trafficking in antiquities.

Governorate	Age Brackets						Total
	19 and below	20-29	30-39	40-49	50-59	60 and above	
Hebron	00	16	15	20	10	10	71
Bethlehem	00	5	10	11	2	2	30
Ramallah	2	6	13	18	4	1	44
Jericho	00	6	5	2	2	00	15
Jerusalem	00	00	2	1	1	00	4
Nablus	2	27	14	12	17	00	72
Tubas	00	12	10	9	4	2	37
Salfit	00	11	26	10	10	1	58
Tulkarm	00	5	6	7	3	1	22

Qalqilya	00	5	12	16	4	1	38
Jenin	12	40	90	45	29	5	221
Total	16	133	203	151	86	23	612

Table 6: Distribution of the accused, by governorate and age range, from 1st June 2018 to 31st May 2019.

Database testing

In order to test whether or not the database from the T&APD’s archive reflects the realities of what is actually happening on the ground, we interviewed 39 individuals known to be involved (now or previously) in antiquities looting and trafficking. The informants were living in 10 different governorates of the West Bank, they were all males between 50 and 63 years of age, and all have more than 30 years’ experience in antiquities looting and/or trafficking. The informants were asked one main question, and different sets of sub-questions. The main question was: “According to your own personal experience in antiquities looting and/or trafficking in antiquities, do you believe that the number of arrests and summons cases for antiquities looting and trafficking, which you may have been exposed to or heard about throughout the West Bank, reflects the actual frequency and volume of what is happening on the ground?” The specific follow-up sub-questions varied, depending on the information provided by each respondent. (For further detailed information on the informants' educational levels, the place and manner of the interviews, and the information provided, see Al-Houdalieh and Jamal , 2020 , forthcoming). Below, we present short summaries of three representative interviews:

Antiquities dealer

“I believe that the proportion of detention compared to the estimated total number of commercial transactions in archaeological materials carried out throughout the last four decades does not exceed 0.001 (one per thousand)”.

Middleman

“I believe that the arrest percentage of middlemen is nothing compared to the estimated total number of trafficking transactions in antiquities implemented on the ground”.

Antiquities looter

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“I believe that we [the antiquities looters] are in a valley and the Israeli and Palestinian official bodies are in another valley, and there is a big distance between the two valleys”.

Conclusion

Antiquities looting in the Palestinian Territories, as in many other countries, is a longstanding problem, however the present-day looting and plundering of archaeological resources are greater in scale than any carried out in the past, with impacts that often prove beyond repair. These looting activities have disfigured or destroyed a significant portion of the vital heritage of the country and have resulted in the extraction of more than 8 million archaeological objects, separating them forever from their original cultural contexts and smuggling them beyond the country's borders.

Our analysis of data derived from the archives of the T&APD, plus the information provided by our interviewees, suggest the following three points, findings that we feel reflect, at least in part, the realities of what is happening on the ground: (1) The total number of seized archaeological objects over the past two years (the study period) is 36,330 items, of which about 52% were seized in the first year under the new antiquities law. (2) The total number of accused persons over the two years is 1,220 persons, of which 612 (about 50%) were accused in the first year that the new law was in force. Accordingly, we can say that the new antiquities law has had no obvious, measurable impact on combating antiquities looting and trafficking, and toward protecting the cultural heritage property. (3) Comparing the above data, compiled from the archives of the T&APD, with the first-hand information provided to us by antiquities looters, middlemen and dealers, indicates an extremely high level of dissonance between these official statistics and the self-reported estimations of the interviewees. Therefore, we can conclude that the official statistics on cultural heritage criminology (registered arrests and summons cases) in no way reflect the actual volume and distribution of antiquities looting, trafficking in antiquities, and the destruction of archaeological sites and features and historic buildings. In other words, this official data-set grossly under-represents the true volume, frequency, distribution, and gravity of criminal behavior carried out against cultural heritage property.

Actually, the failure of the new 2018 antiquities law to make a fundamental impact on reducing the scale and volume of antiquities looting and trafficking is attributable to two glaring facts: the Public Prosecutors throughout the West Bank are still basing the offense cases related to cultural heritage property on the provisions of the old antiquities law, nor have any of the courts' judges implemented the provisions of the new law in their ruling process. This is the case even though one entire year's worth of offense cases which we studied took place *after* the effective date of the new law (for more details on the rulings of offense cases related to cultural heritage property that took place before and after the new Palestinian antiquities law, see Al-Houdalieh and Jamal , 2020 , forthcoming) . In this atmosphere, we believe that until the provisions of this law are fully unimplemented there will be no significant decrease in the scale and volume of infringements against the country's cultural property. As we see it, the courts can be an effective mechanism in battling the destruction of our cultural heritage resources from antiquities looting and a flourishing, illegal antiquities market – but our courts will be negligent in this task *unless* they send credible signals to all would-be perpetrators that the full sanctions under the new law will indeed be brought to bear against them.

The single year of enforcement under the new Palestinian antiquities law, which we tracked in detail, may or may not be sufficient to judge the law's true, potential impact on advancing the protection of the land's cultural heritage resources. Nevertheless, the destruction of Palestine's cultural property through antiquities looting and trafficking – according to both the archives of T&APD and anecdotal evidence from the field – is still fully active and has shown no decline compared with the first year before the law in question took effect. Of course, we will probably have to wait several more years to properly measure the new law's actual impact, but through this research project we wish to urge all institutions and individuals dealing with cultural heritage protection, and with the related laws and mechanisms of enforcement, to bring real pressure to bear on both the Public Prosecution and the judges to fully implement the provisions of the newly-enacted law. This, indeed, is the least we should reasonably expect in order to stop, or at least curtail, the destruction of the country's cultural heritage property.

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