



# U.S. Immigration and Customs Enforcement

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STATEMENT

OF

RAYMOND VILLANUEVA  
ASSISTANT DIRECTOR  
INTERNATIONAL OPERATIONS  
HOMELAND SECURITY INVESTIGATIONS

REGARDING A HEARING ENTITLED

“THE EXPLOITATION OF CULTURAL PROPERTY: EXAMINING ILLEGAL ACTIVITY  
IN THE ANTIQUITIES AND ART TRADE”

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON FINANCIAL SERVICES  
SUBCOMMITTEE ON TERRORISM AND ILLICIT FINANCE

Friday, June 23, 2017  
10:00 a.m.  
2128 Rayburn House Office Building

Chairman Pearce, Ranking Member Perlmutter, and distinguished Members:

Thank you for the opportunity to appear before you today to discuss the efforts of U.S. Immigration and Customs Enforcement (ICE) to protect cultural property, religious items, art, and antiquities, and to mitigate their illicit trafficking both into and outside of the United States.

### ***Cultural Property, Art and Antiquities Program***

As the largest investigative agency within the U.S. Department of Homeland Security (DHS), ICE investigates a wide range of domestic and international activities arising from the illegal movement of people, goods, and money with a nexus to the borders of the United States. Federal customs laws regarding smuggling, trafficking, and border search authority provide ICE Homeland Security Investigations (HSI) with the authority and responsibility to take a lead role in investigating crimes involving the import, export, and distribution of stolen or looted cultural property; HSI also works with the Department of Justice to prosecute the individuals and organizations responsible for these crimes.

To conduct its complex investigations, ICE may collaborate with tribal, federal, state and local law enforcement; private institutions; intergovernmental organizations; and foreign governments. ICE works directly with cultural property practitioners to support these collaborative investigations.

ICE established the Cultural Property, Art and Antiquities (CPAA) program with a three-part mission: to conduct training on the preservation, protection, and investigation of cultural heritage and property; to coordinate and support investigations involving the illicit trafficking of cultural property from countries around the world; and to facilitate the repatriation of illicit cultural items seized as a result of HSI investigations to the objects' and artifacts' lawful and rightful owners.

### ***Education and Training***

With funding provided by the U.S. Department of State (DOS) and support from the Smithsonian Institution, ICE continues to train law enforcement officers on the handling, investigation, and seizure of items that are another nation's cultural property.

Since 2007, approximately 400 ICE special agents, U.S. Customs and Border Protection (CBP) officers, prosecutors, and representatives of foreign law enforcement have been trained by subject-matter experts in the fields of cultural property law, targeting, intelligence, archeology, and museum conservation. Our goal is to train as many law enforcement officers as possible in order to broaden the base of expertise in cultural property investigations. Today, ICE is working more closely than ever with CBP to ensure the efforts of our agents and officers are integrated throughout the lifecycle of a case.

In the last two years, the CPAA program has also participated in conferences and workshops in Canada, France, Greece, Italy, Saudi Arabia, Tajikistan, and Tunisia, and the program is working with several federal government and international agencies to develop additional training and capacity-building workshops for future delivery.

In these workshops, we raise awareness of the threats facing cultural property, especially in conflict zones. Unfortunately, these threats are not new, and criminals have, for many years, taken advantage of civil unrest to loot and pillage artifacts and objects that make up a culture's history.

Education extends beyond the classroom. In January 2017, CBP, a key partner in stopping the trafficking of art and antiquities, issued its first-ever Cultural Property Alert regarding the looting of an ancient Iraqi tablet, located in terrorist-held territory and at high-risk of being trafficked by terrorist or criminal organizations. The alert was issued to CBP targeting offices, to provide awareness and enhance their capability to prevent the illicit importation of cultural objects from Iraq. Furthermore, CBP continues to create detailed alerts and informational documents to build awareness among its field personnel regarding the illicit import and export of cultural property.

Education is not limited to law enforcement personnel directly involved in investigations and prosecutions. ICE continues to educate brokers and potential purchasers of cultural property on the importance of provenance (history of ownership) through its website, personal outreach,

and participation in cultural property symposia, and encourages individuals to report any encounters with individuals seeking to sell illicit artifacts to the HSI Tip Line.

### ***Investigations***

Investigations into cultural property trafficking can result from a variety of leads, including: a routine border search or interdiction by CBP; foreign-country notification of an auction house or online sale; the CPAA program; ICE Attachés; or a line of inquiry during various investigations generated by ICE special agents.

The CPAA program plays a supporting role in cultural property investigations by identifying subject-matter experts to authenticate items that may have cultural and religious significance, by coordinating leads with other offices, and by acting as a liaison to INTERPOL and other law enforcement agencies. The program supports ICE's more than 6,000 special agents in more than 200 domestic offices throughout the United States. We also have a robust international presence through our network of Attachés at 67 U.S. embassies and consulates, where agents work closely with partners—such as Rome's *Carabinieri Tutela del Patrimonio Culturale*, the Italian force responsible for combatting art and antiquities crimes—and for apprehending thieves, looters, and traffickers.

While any ICE special agent may work a cultural property case at some point in his or her career, HSI New York has a team of special agents that works exclusively on cultural property cases. HSI Los Angeles has also recently established its own specialized team whose focus will include cultural property investigations.

Preventing cultural property in jeopardy from pillage from entering the U.S. market reduces the incentive to destroy cultural heritage sites through illicit excavation targeting marketable objects, or through removal of architectural sculpture or murals to be sold as art. The Department of Homeland Security (DHS) enforces the cultural property import restrictions agreed to in bilateral agreements the United States has concluded with 16 countries (Belize, Bolivia, Bulgaria, Cambodia, China, Colombia, Cyprus, Egypt, El Salvador, Greece, Guatemala, Honduras, Italy, Mali, Nicaragua, and Peru). These bilateral agreements protect cultural

property by restricting U.S. import of certain categories of archeological and/or ethnological material. In times of conflict, a foreign government may not be in a position to request a bilateral agreement under the Convention on Cultural Property Implementation Act (CPIA) of 1983. In two such instances – the conflicts in Iraq and Syria – Congress passed special laws authorizing imposition of emergency import restrictions on their respective cultural property.

However, even with import restrictions in place, a single cultural property investigation can result in complex cases involving multiple domestic and international ICE offices, as well as other law enforcement agencies, and can last for years. For example, one of ICE’s largest, ongoing cultural property investigations, Hidden Idols, began in 2007 and has resulted in the seizure of more than \$150 million in artifacts. In Fiscal Year (FY) 2016, ICE worked 238 domestic and 79 international cultural property investigations.

The criminal networks and individuals that trade in illicitly obtained antiquities, and cultural, and religious items, tend to also trade in other illicit commodities such as drugs and illegal weapons. We see this tendency manifest in cases in which ICE investigations of smuggled drugs end up revealing cultural items that are also part of the criminals’ cache of illegal items.

### ***Cultural Repatriation***

Naturally, our cultural property investigations often result in the physical seizure of cultural property, which must be repatriated to its lawful owners through a legal forfeiture process. After this process is completed, the CPAA program oversees these cultural repatriations, which can be a simple exchange, or a grand ceremony that commemorates the items’ return held at the country’s embassy in Washington, D.C. or even within the country itself. These ceremonies highlight the investigations and the stories behind the objects themselves that were smuggled or stolen, as well as the women and men who brought the criminals to justice.

Whatever the venue, returning a piece of a country’s history and heritage to its people is a celebration, and an event in which ICE is particularly proud to participate.

ICE has returned a wide variety of items, including paintings, pottery, sculptures, fossils, and sarcophagi. In FY 2016 alone, we repatriated a first-edition of Charles Darwin's book, *Origin of the Species*, to Canada; terra cotta figures, jade implements, and a 115-million-year-old microraptor fossil to China; a dinosaur skull to Mongolia; imperial decrees to Russia; and several million dollars in statuary and sculptures of cultural and historical significance to the Prime Minister of India during his official visit to the United States. In FY 2017, ICE has repatriated property to the Dominican Republic, Egypt, Italy, and Peru, and ICE has several other repatriations planned before the end of the year. Since 2007, we have returned more than 8,000 items to more than 30 countries.

### ***Trafficking of Cultural Property and Funding of Transnational Criminal Organizations***

Illicit trade in antiquities likely predates the illegal trade in drugs and weapons, two of the major revenue streams for transnational criminal organizations. This trade is part of a global pattern that includes looting and destruction of archeological sites, smuggling of cultural property, and the sale of illicit antiquities that often benefits international terrorist and transnational criminal organizations. To further understand this issue, ICE developed an Illicit Pathways Attack Strategy (IPAS): a coordinated approach with other federal partners to identify this illegal activity and combat transnational organized crime.

In September 2015, ICE Office of Intelligence (Intel) completed an analysis of geographic nodes that have been exploited for trafficking in cultural property, artifacts and antiquities. This analysis was conducted with subject matter experts from DOS's Cultural Heritage Center, ICE, and CBP who focus on mitigating the illicit trade of cultural heritage and transnational organized crime. IPAS supports larger efforts to dismantle smuggling and trafficking routes by: attacking criminal networks within and beyond our borders; prioritizing networks and pathways that pose the greatest threats; participating in and facilitating robust interagency engagement; and pursuing a coordinated, regional approach that leverages foreign partners.

ICE's findings support the assessment that cultural property and antiquities trafficking is likely to remain attractive to transnational criminal organizations due to international demand for

cultural property, its profitability, and lower relative risk to other illicit goods, such as narcotics. Selling cultural property is seen by the perpetrators as one more way to fund their criminal activities, or one more way to launder the profits they have made from other illegal efforts. Further, the transnational nature of illicit cultural property movement is likely beyond any one law enforcement agency's capacity to detect and deter, since some cultural property can be somewhat easily obtained and transported. Certain countries, such as Iraq, Syria, Afghanistan, and Egypt are source countries that are of greatest concern to ICE, due to the advent of the Islamic State in Iraq and Syria (ISIS).

Follow-on analysis performed by ICE Intel has characterized ISIS's role as institutionalizing efforts to profit from the looting and trafficking of cultural property in Iraq and Syria. The findings, which were based in part on documents recovered from the May 2015 Abu Sayyaf raid in Syria, identified ISIS as having established systematic procedures to extort illegal excavation operations to generate revenue.

ICE Intel conducted an analysis of trends in cultural property and antiquities trafficking observed between FY 2015 and FY 2016. Reporting identified Middle Eastern countries—including Iraq, Syria, Egypt, and Turkey—as countries of origin in slightly more than ten percent of CPAA program investigations opened during that time frame. A body of reporting identified several of these countries as source and transit countries of illicit cultural property and antiquities looted and trafficked by terrorist groups, such as ISIS, to finance their activities.

However, while there is clearly a connection between terrorism and cultural property trafficking, the connection between an individual piece of cultural property and terrorists is rarely clear. The nature of trafficking and limits to the data available—such as long delays before illicit items enter the market and ambiguous sourcing of illicit goods—complicate any attempt to directly link individual artifacts to specific terrorist groups.

### ***Conclusion***

Thank you again for the opportunity to testify and for your continued support of ICE and its law enforcement mission. ICE remains committed to working with this committee and

to continuing our strong relationship to help prevent and combat the trafficking of cultural property, regardless of the source.

I would be pleased to answer any questions.