

Casualties of War: The Looting of the Iraq Museum

By Matthew Bogdanos

What happened during the looting of the Iraq Museum in April 2003 as American and Coalition forces were invading Baghdad? Will we ever know precisely what was stolen and who stole it? Will all the items ever be returned or has some already entered the global trade in antiquities? An eyewitness account by the man who set out in the middle of a war zone to recover the treasures of the Iraq Museum.

I could a tale unfold whose lightest word would harrow up thy soul. *Hamlet 1.5.15*

On 5 April 2003, coalition forces thundered into the heart of Baghdad, sending Saddam Hussein's regime into flight less than a week later. The fighting created a power vacuum and a state of lawlessness in which looting was rampant. Among the many targets of the looters was the Iraq Museum, home to one of the finest collections of antiquities in the world. Its ransacking became the first disaster of the Iraq war as the media bombarded a horrified world with claims that "[i]t took only 48 hours for the museum to be destroyed, with at least 170,000 artifacts carried away by looters"¹ and that "[e]verything that could be carried out has disappeared from the museum."² The world was unanimous in its outrage, and the race for hyperbole was joined. "You'd have to go back centuries, to the Mongol invasion of Baghdad in 1258, to find looting on this scale"³ and "[t]he pillaging of the Baghdad Museum is a tragedy that has no parallel in world history; it is as if the Uffizi, the Louvre, or all the museums of Washington D.C. had been wiped out in one fell swoop"⁴ were among the most extreme. Such sensationalism aside, there was ample reason for gloom, because the little that was known was shocking. Indeed, the list of missing objects read like a "who's who" of Near Eastern archaeology and included the Sacred Vase of Warka [ca. 3200 B.C.], the Mask of Warka [ca. 3100 B.C.], the Golden Harp of Ur [ca. 2600-2500 B.C.], the Bassetki Statue [2250 B.C.], the Lioness Attacking a Nubian ivory [8th century B.C.], and the twin copper Ninhursag Bulls [ca. 2475 B.C.]. Also unaccounted for was the Treasure of Nimrud, a spectacular collection of more than 1,000 pieces of gold jewelry and precious stones from the eighth and ninth centuries B.C. that had been

discovered between 1988 and 1990 by Iraqi archaeologist Muzahim Hussein Mahmud during his excavation of four royal tombs, and is considered by many to be one of the greatest archaeological finds of the last century. The treasure—the exact count of which we were never able to determine with certainty—was seen in public only briefly in 1989 and then was moved by the Hussein regime, ostensibly for safekeeping and allegedly to the Central Bank of Iraq. Whether it was still in the bank vaults in April 2003 was anybody's guess.

INITIAL REACTION to the LOOTING

In the wake of the looting, the world was understandably vocal in its condemnation of the United States and the United Kingdom for failing to protect the museum. The president of the International Council on Monuments and Sites even claimed that the United States was guilty of committing “a crime against humanity” for failing to protect the museum.⁵ Dozens of countries expressed their concerns about the failure of the U.S. government to prevent this catastrophe. United Nations Secretary General Kofi Annan issued a statement “deploring the catastrophic losses,”⁶ and the United Nations Educational, Scientific and Cultural Organization (UNESCO) convened an emergency meeting of 30 experts from 14 countries, with its director general, Koichiro Matsuura, calling on American authorities “to take immediate measures of protection and surveillance of Iraqi archaeological sites and cultural institutions.”⁷ In addition, the International Criminal Police Organization (Interpol) organized an extraordinary session consisting of 18 countries and nine international organizations and resolved to establish an “Interpol Task Force for the Tracking of Iraqi Stolen Cultural Property.” Although more than 75 experts and government officials, including U.S. Attorney General John Ashcroft, attended the conference, no one directly involved in the investigation was invited. As a result, Interpol's member nations began developing law-enforcement strategies and recommendations on how to deal with this cultural disaster based on second-hand reporting—not knowing that by the opening of the conference we had already determined that there had been not one but three thefts at the museum by three distinct groups.

Unfortunately, there it ended for many governments, organizations, and media outlets.⁸ Aside from reporting that a horrendous crime had been perpetrated in a state of anarchy,

publicly lamenting the unconscionable losses, and racing to find new hyperbolic comparisons to describe the tragedy, few organizations or governments took direct and immediate action to recover any stolen antiquities, and even fewer either attempted to look deeper into that dark episode or tried to tell the larger, even more complex and disturbing story of how this catastrophe fit into a larger scheme of global criminality.

What really happened at the Iraq Museum? Was the looting the work of random opportunists or professional thieves? Was it an inside job? How much of the theft dated to April 2003 and how much had taken place years, or perhaps even decades, earlier? What was the role of U.S. forces? Did they stand idly by as the patrimony of Iraq and indeed of the world was sacked? There were many questions and no clear answers. Tasked with leading the U.S. investigation into the looting, I was charged with finding whatever answers did exist. In what follows I will set out the details of that investigation in order to record what happened, highlight the challenges currently facing investigators throughout the world, expose the prevalence of the smuggling trade, and raise public pressure on the art and law-enforcement communities to stop the illegal trade of Iraqi antiquities.

TAKING the MISSION

As the chaotic events were unfolding in Baghdad, the U.S. government's first fully operational multi-agency task force ever deployed by a combatant commander during active combat operations was conducting counterterrorist operations in southern Iraq. Formed as a result of 11 September and immediately tested in Afghanistan in the winter of 2001, the task force was led by the military, primarily special forces, but it also included highly trained investigators, agents, and specialists from a dozen different federal law-enforcement agencies, including the Central Intelligence Agency, Immigration and Customs Enforcement (formerly U.S. Customs Service), Federal Bureau of Investigation, Diplomatic Security Service, Drug Enforcement Administration, Defense Threat Reduction Agency, and the Departments of Energy and Treasury. I joined this task force in the winter of 2001 in Afghanistan, was appointed its deputy director in the summer of 2002, and entered Iraq as the head of that task force in March 2003.

We were operating in Basra in mid April 2003 when we learned of the looting of the Iraq Museum from a member of the embedded press. I immediately requested permission from

General Tommy Franks, the commander of U.S. Central Command, to conduct the investigation. For the work ahead, I selected 13 people from among the members of the larger task force and created a smaller team that included four military personnel and nine agents from U.S. Immigration and Customs Enforcement (ICE), an agency with internationally acknowledged expertise in investigating smuggling operations. Each member was carefully chosen for his investigative skill and ability to function in a combat environment.

Some of the initial media reports had indicated possible U.S. military involvement in the looting itself. Because these were allegations we would not ignore, I notified my commanding general that we intended to conduct a thorough investigation. That was exactly what he wanted, and the only guidance I ever received was his charge to determine what happened and to recover the antiquities. Given those marching orders and my love of archaeology (and suddenly wishing I had studied a lot harder at Columbia), I chose to lead the team myself, leaving my operations officer in command of the counterterrorism-related missions in Basra and Umm Qasr.

ARRIVAL and METHODOLOGY

Arriving in Baghdad 36 hours later, we established a perimeter inside the museum compound. Occupying 45,000 square meters (more than 11 acres), the museum compound—a complex of a dozen interconnecting and overlapping buildings and courtyards—lies on the main road midway between the nearby central train station to the west and the market and financial districts across al-Ahrar Bridge to the east.

The scene that greeted us was not promising: there were Iraqi army uniforms and weapons scattered about the compound, and above the center door to the museum was a large handwritten sign in Arabic that read, “Death to all Americans and Zionist pigs.” Two days later, we inspected a fire burning in one of the interior courtyards and found the partially burned remains of hundreds of Ba’ath Party personnel cards and files. Because I was determined to establish a working relationship with the museum staff, however, my first decision upon entering the museum was to ignore the sign (and later the burning)—for the present at least—and introduce myself to the senior members of the museum so that I could ask their permission to conduct the investigation and solicit their active cooperation in what

I resolved would be a collaborative effort.

When I introduced myself to Drs. Jaber Khaleel Ibrahim, Nawala al-Mutwalli, and Donny George Youkhanna, I explained that we were there to investigate what had happened and, to the extent possible, recover what had been taken. Dr. Jaber, an archaeologist who specializes in the pre-Islamic Hatrene period, held an appointed position as chair of the State Board of Antiquities and Heritage and, as such, was the senior official for all museums and archaeological sites in Iraq. Dr. Nawala, a world-renowned expert in cuneiform who had been with the Iraq Museum since 1977, had only recently been promoted to director of the museum from her position as head of the Department of Cuneiform Studies. Dr. George, with the museum since 1976, had served as director of documentation at the State Board of Antiquities and Heritage and assistant director general of antiquities before becoming the museum's director for research and studies. All three spoke English with varying degrees of proficiency, ranging from fluent (Dr. George) to conversant (Dr. Nawala) to marginal (Dr. Jaber). Although I do not speak Arabic, language was never a problem. I informed them that politics, ethnicity, and religion were irrelevant to our investigation. While they were initially guarded, they were always hospitable, quickly becoming both collegial and forthcoming. Dr. Jaber even invited us to live at the museum. We accepted that arrangement, because it enabled us not only to provide additional security for the museum but also to be available at all hours to pursue any investigative leads. I was to call the museum my home for much of the next five months.

We agreed that our primary goal had to be the return of the stolen antiquities to the Iraqi people, not the criminal prosecution of the offenders. Because we arrived at the museum only 36 hours after receiving the mission, and also because our superiors trusted us to make the correct decisions, we were given extraordinarily wide latitude in determining what to do and how best to do it. We designed our methodology toward recovery, breaking it down into four components: (1) identifying what was missing; (2) sending photographs of the missing items to the international law-enforcement and art communities to assist in intercepting the stolen objects in transit; (3) reaching out to religious and community leaders to promote an amnesty program for anyone returning antiquities; and (4) conducting raids based on information developed about stolen artifacts. Each task had its own challenges.

WHAT was MISSING and WHEN?

First, we had to identify what was missing, a daunting task given the sheer size of the museum's collection and its manual, incomplete record-keeping system. Initially conducting a cursory walk-through of the museum and its grounds on our first day to assess the damage, we then undertook a painstakingly methodical room-by-room inspection that took several weeks, starting with the administrative offices and restoration rooms, and then moving on to the public galleries and, finally, the storage rooms. One of the first things we noticed was that the destruction in the administrative area was wanton and absolute: every one of the 120 administrative offices had been ransacked and every piece of furniture destroyed. It was precisely the same level of destruction we had seen in the dozens of presidential palaces throughout the country and, therefore, was not surprising. What was surprising, however, was the relative lack of damage done to the public galleries. Although mob mentality is difficult to understand and impossible to predict, it seemed as if the looters gave full expression to their anger against a brutal regime in the administration offices and, sadly, the adjacent restoration rooms. But once they crossed the long hallway to the public galleries, it seemed as if their anger abated and they showed astonishing restraint and respect.

Of the 451 display cases in the galleries, for example, only 28 were damaged. All of the display cases, except the two that held the Bassetki Statue and the skeletal remains of a Neanderthal man, had been emptied by the staff before the looting, but this fact alone cannot fully explain the remarkable difference in the levels of violence seen in the offices and galleries. After all, the office furniture was more valuable intact, yet as many items in the offices were destroyed as were stolen. There was a much more complex dynamic at play here than the facile explanation that the cases were empty. It was as if the majesty of the galleries had worked a cathartic spell on many of the looters. Altogether, however, 25 pieces or exhibits had been damaged in the galleries and nearby restoration rooms, including 8 clay pots, 4 statues (including a 104-cm high terracotta lion from Tell Harmal dating from the Old Babylonian period ca. 1800 B.C.), 3 sarcophagi, 3 ivory reliefs, 2 Sumerian rosettes, and what remained of the Golden Harp of Ur.

Further complicating matters, the museum's storage rooms contained not only catalogued items but also not-yet-catalogued pieces from various excavations throughout

the country. But it was the systematic removal of items to multiple locations over the last several decades that transformed the otherwise merely difficult task of compiling the inventory of stolen objects into one of Herculean proportions.

Early in the investigation, for example, we learned that weeks before the war, the staff had moved 179 boxes containing 8,366 artifacts—all of the jewelry and ivories from the display cases in the public galleries—to the “secret place,” a storage area used by the staff since 1990. Its location was known only to five museum officials, who had sworn on the Koran not to divulge its location until a new government in Iraq was established and U.S. forces left the country. Even after I learned the identity of all five officials, I told them that I would ask to see the location only after they trusted me enough to reveal it. After weeks of building trust, we were finally given access to that secret area on 4 June 2003 and confirmed the presence of all 179 boxes and their contents.

Our primary charge was to determine precisely what was missing from the museum as of 16 April 2003, when U.S. forces secured the museum, and to recover as many of the missing items as possible. The conditions we faced simply did not permit the kind of work required to investigate any systematic removal or looting that had taken place over the last several decades. In other words, we were able to determine what was missing but not when it was first missing. The legitimate question of precisely how many missing antiquities were actually stolen before the war required a judicial and governmental apparatus that simply did not exist at that time. Nor were we able to obtain independent verification from museum visitors as to what they had seen in the museum just before the arrival of coalition forces in April 2003. Nonetheless, over the course of the investigation, we did make four findings of relevance to this issue.

First, there were clearly differing levels of cooperation among the museum staff. Some, but most especially Drs. Jaber, Nawala, George, and Ahmed Kamel, were, in our opinion, particularly cooperative. Other staff members were decidedly uncooperative, and their statements were frequently proven false. Most of the staff fell somewhere in between.

Second, there was significant discord among the staff. For example, there were often inconsistencies about when an item had last been seen. Some were easily explained (e.g., one version relied on hearsay, while another did not), and some were not (e.g., two witnesses swore that each—and each alone—had been present when an item or group of

items were removed). Without access to more witnesses, more museum documentation, and the government officials whose names appeared on various orders to remove certain antiquities, we were forced to leave many of these discrepancies unresolved. Staff members also leveled accusations against one another. Some of the accusations were accurate; some were false. Some of the accusers sincerely believed that their allegations were true; others were influenced by past grievances, political differences, or the desire for another person's job.

Third, we did find evidence that the staff had removed many items from the museum at the direction of the Hussein government, but very little evidence from either governmental or museum officials as to why. This is not surprising: in a dictatorship, the government does not ordinarily explain its actions, and the people do not ordinarily disobey or ask for an explanation.

Fourth, although there was evidence that some members of the museum staff had removed items for private gain and that the thieves had to have had the director's master keys to gain access to several areas from which antiquities were stolen, we never uncovered direct and corroborated evidence implicating any of the three most senior museum officials in the theft of any of the antiquities. Ultimately, the three related questions of how much had been stolen before the war, how much of the wartime looting was used to cover up that earlier systematic looting, and who from the museum was complicit requires significant additional investigation.

NEEDLESS CONTROVERSY over the NUMBERS

Over two years later, it is still not known with certainty what is and is not missing. That process will likely take years. What was certain within the first few hours of our first inspection of the museum on 21 April 2003, however, was that the originally reported number of 170,000 had to be wrong. Although we did not conduct an inventory during that initial inspection, it was patently obvious that there were simply not enough empty cases, shelves, or pedestals in the entire museum to support anything remotely resembling the claim of 170,000 stolen objects. From where, then, did the number come? In the first known reported use of the number 170,000, Nabhal Amin, identified as the museum's deputy director, was quoted by Reuters, BBC, *Daily Telegraph* (London), Voice of

America, and others on 12 April 2003 as saying that “[t]hey have looted or destroyed 170,000 items of antiquity” from the museum.⁹ As we later learned, Amin (true name “Nedhal”) was not even a museum employee (though she had been years earlier), let alone the deputy director. Of course, whether she knew that her number was false when she reported it was not relevant to the investigation. What was relevant, because it adversely impacted our investigation on a daily basis, was that once the number 170,000 entered the public consciousness, it was adopted as a rallying cry by archaeologists, journalists, and governmental officials around the world.

Even after it was clear (and universally accepted) that the initial reports of 170,000 stolen pieces were incorrect, the original reporting continued to engender time-consuming controversy. Rather than focusing on what was missing and on how to assist international law-enforcement authorities in getting the missing pieces back, many in the art and archaeological communities began devising tortuously elaborate and factually inaccurate explanations for those original reports. The main culprit was the media’s misunderstanding: “news reports have suggested that perhaps the first reporters on the scene, confronted with an empty museum, inquired about the total number of registered objects and reported that figure as a loss.”¹⁰ In fact, the museum had approximately 500,000 registered objects designated by one of five different numbering systems.

This controversy over numbers does highlight one of the most significant difficulties we faced from the first day. Everyone, but most especially the press, wanted numbers: How much is missing? How much has been returned? No matter how many times we pointed out that numbers could not and should not be the sole determinant used to assess the extent of either the damage done or the recovery achieved, no matter how often we argued that numbers could not possibly tell the whole story, and no matter how vigorously we stressed that the loss of a single piece of mankind’s shared history is a tragedy, it often fell on deaf ears. We repeatedly maintained that it is impossible to quantify the loss of the Sacred Vase of Warka; it would be counted as one item, as would each single bead, pin, pot sherd, or piece of ivory, shell, or clay. The loss of the Vase of Warka, however, was clearly an order of magnitude greater than that of a pot sherd. Thus, we argued, nothing could be more misleading than to use numbers as the only measure. Nonetheless, the media, officials, and others were relentless in their thirst for numbers. There were even Web sites that kept a

running tally (usually inaccurate) of numbers.

INTERNATIONAL LAW ENFORCEMENT

The second component to the investigation consisted of quickly disseminating photographs of the missing items to law-enforcement officials throughout the world. The key was to get those photographs out to border officials before the items reached their destination. But this, too, proved problematic. In some cases, photographs had never been taken of the item. In other cases, the photographs affixed to the registration cards (often the museum's only photograph of that item) had been destroyed during the looting. Even when photographs did exist, they were often of poor quality. Nonetheless, we did our best to disseminate photographs internationally, and when we did not have access to a photograph of the actual artifact, we used the photograph of a similar item, often scanning photographs from published works or textbooks.

Our concern was that customs and border officials throughout the world might not easily recognize certain types of antiquities as contraband (i.e., items prohibited by law, such as narcotics or weapons). But under commonly accepted legal standards, an item must be either contraband or immediately apparent as evidence of criminal activity in order to justify detention and seizure. Thus, we also began to educate law-enforcement authorities in the identification and recognition of antiquities. To do this, we traveled to Qatar, Kuwait, Jordan, France, the United Kingdom, and the United States to provide detailed briefings on the status and findings of the investigation to Interpol, Scotland Yard, Jordanian customs officials, Kuwaiti customs officials, Italian carabinieri, the U.S. State Department, agents of the FBI, and several U.S. Attorney's Offices.

the AMNESTY PROGRAM

Within the first two days after our arrival, we instituted an amnesty policy that we publicized as the "no questions asked" program. Toward this end, we met with local imams and community leaders who communicated this policy to the Iraqi public. We also advertised the program in local newspapers and on radio stations. Because we recognized that we were operating in an ancient guest culture, we chose to walk the streets without helmets, moving from marketplace to marketplace and building trust with the residents of Baghdad. Many afternoons found us in neighborhood café, drinking more tea than I

thought possible, playing backgammon, and building relationships that might bear fruit. In one café in particular, a known hangout for smugglers of all stripes, we developed a friendship with an Iraqi. Because he was a former professional boxer, I told him that I had boxed for the New York City Police Department. One afternoon, to allow my partner, Steve Mocsary, to meet unnoticed with an informant in the back of that café, I began playfully sparring in the front of the café with the Iraqi boxer, a heavyweight who was as smooth as he was big. If I close my eyes, I can still feel that right hand of his, but we got the information we needed.

Each return under the enormously successful amnesty program depended on the real courage of individual Iraqis, for many of whom authority under the Ba'athist regime meant death squads, gang rapes, and mass graves. Ignoring this reality was not an option if we wanted to succeed, and we used our understanding of it to shape a culturally appropriate amnesty program and an effective investigative methodology. Given their frame of reference, therefore, the first challenge was convincing Iraqis that we were different—thus no helmets and plenty of tea.

In the beginning the response was tentative. Although every one of the Iraqis we met was appreciative of the efforts of the United States and hospitable to us personally, they were also extremely cautious. Their oft-repeated question was “Will you stay this time?” The overriding belief of this history-conscious society was that history would repeat itself: that the United States would leave and the former regime would respond with a vengeance, once again massacring entire segments of society. Ba'ath Party spies were everywhere, we were told. The situation was eerily reminiscent of what we had experienced in Afghanistan in the winter of 2001–2002, when newly freed Tajiks, Uzbeks, and Hazaras warned us of Taliban spies taking notes and lying in wait until we left. As in Afghanistan, we were determined to prove the doubters wrong.

We also struggled with the Iraqi perception of the connection of the museum to the former regime and, in particular, to the Ba'ath Party. This perception reached crisis level when, on 9 May 2003, approximately 100 former employees staged a riot on the museum grounds. The demonstrators carried signs calling for the removal of all senior staff on the grounds that they were Ba'ath Party members, while other signs in English and Arabic called such officials, particularly Dr. Jaber, “dictators.” After pushing my way into the

crowd and locating the apparent leader, I persuaded him to walk into the museum library so we could discuss his grievances. After we spoke for about an hour in the library, with Dr. George joining us at the end, he agreed to leave the compound without any further demonstrations, but only after I agreed to forward to the Coalition Provisional Authority (CPA) his petition, signed by more than 130 of the 185 known staff members of the museum or State Board of Antiquities and Heritage (SBAH), and to read his poetry. He kept his word, and so did I. He returned the next day with his poems and without incident.

RECOVERIES UNDER the AMNESTY PROGRAM

Owing to our patience, but mostly to the strong sense of history and culture of the average Iraqi, the amnesty program resulted in the return of approximately 1,935 antiquities between our arrival in April and the end of December 2003, after which we were no longer able to maintain any presence at the museum. Thus, although I know from the museum staff that antiquities continued to be returned via the amnesty program after that date (albeit at a slower rate), any artifacts that were returned through the amnesty program after the end of December 2003 are not reflected in this total.

As for those who returned the artifacts, there were as many different methods as there were individuals. Some would approach us on the street and ask what would happen to their “friend” if he returned an antiquity. Some would suggest that they might know someone who might know someone who might have an artifact. Some would ask if there was a reward for any returned property. Some would drop a bag near the museum. Some would approach empty-handed, needing extra persuasion; some would come with the artifacts in hand. The locations also varied. Sometimes they turned in the objects to the nearest mosque. Sometimes they came to the museum. Sometimes we met them at a remote street corner. Sometimes they turned in antiquities to random U.S. soldiers whom they approached while the soldiers were directing traffic at intersections or manning military checkpoints somewhere in the city. Occasionally, we even found items in previously inspected rooms in the museum itself—loudly chastising each other in front of as many staff as possible for having “missed” those items during the previous inspection, but just as loudly noting that we would not be able to reinspect those rooms for another few days or so. Invariably, more items were subsequently “found” in those rooms and the same scene

was repeated. And so it began. No matter the question we were asked, the answer was always the same: “Why don’t we talk about it over a cup of tea?” Some, albeit the minority, had taken the items for safekeeping, intending to return them as soon as it was safe to do so. Far more had stolen the artifacts, but then had a change of heart when they realized they were stealing not from the regime but from themselves. Many simply grew worried they would be caught. Mothers turned in items stolen by their sons; sons turned in items stolen by their friends; employees turned in items stolen by their bosses.

One of the first returns was a small Hassuna-style pot with the characteristic reddish linear design from the sixth millennium B.C. It came back in a garbage bag. The Sacred Vase of Warka was returned in the trunk of a car along with 95 other artifacts on 12 June 2003 after two weeks of negotiations deftly handled by Sergeant Piñeiro and U.S. Army Captain John Durkin (a New York City Police Department captain recalled to active duty).

When the Vase of Warka was returned on 12 June 2003, it was in 14 pieces, broken mostly along the upper register of the vase. It was immediately examined by Dr. Ahmed Kamel, the museum’s acting director in Dr. Nawala’s temporary absence, who knew that the vase had been “broken in ancient times but was mended again with copper wire.”¹¹ He determined that all of the breaks were along ancient fractures, that all of the pieces were recovered, and that the vase was in exactly the same condition as when it was excavated. His assessment was at first reported accurately by the media: “[T]he vase is in no worse shape than when it was discovered by German archaeologists in 1940.”¹² This finding was then confirmed by both Dr. Nawala and Dr. George. Two days later, a delegation from the British Museum that happened to be in Baghdad inspected the vase and concluded that the “Warka vase . . . has been restored in the past and in particular the foot and the base of the bowl are heavily restored. The lower portion of the vase below the register of naked ‘priests’ are intact apart from some damage to the restored plaster of Paris foot and bowl. The upper portion of the vase has broken along old break lines into ca. ten pieces.”¹³ Despite these unambiguous and unanimous findings, the *Boston Globe* and others later reported that the vase was returned in pieces without mentioning that there was no new damage: “Looters discovered the delicately engraved 4-foot-tall vase, and tipped over its support stand, shattering into 14 pieces a priceless treasure that had survived intact for five millennia.”¹⁴ Of course, this was not just misleading; it was false: the vase had not

“survived intact for five millennia.” Even respected authorities failed to mention that only the restored parts had been damaged: “[s]tolen objects . . . included the now famous Warka vase, which had been cemented in place. Last week it was returned in pieces.”¹⁵

Despite such obstacles, the amnesty program was so well publicized that, while home on leave in Manhattan in late summer 2003, I was contacted by an individual who had learned of the investigation on the news and had a “package” for me. We arranged a meeting in a crowded coffee shop in the middle of the day in midtown Manhattan. He handed me a small brown-paper envelope without incident, and as a result a 4,000-year-old Akkadian piece is now back in the Iraq Museum where it belongs.

RECOVERIES from RAIDS and SEIZURES

The fourth and final component to the investigation involved classic law-enforcement techniques such as investigative raids and random car-stops at checkpoints throughout Iraq, as well as increased vigilance at international borders. Raids on targeted locations resulted in the recovery inside Iraq of 2,027 artifacts between our arrival in April and the end of December 2003. As with pieces returned under the amnesty program, I am aware, from contacts within the museum and from military and law-enforcement officials, of seizures within Iraq after this period, but not with enough specificity and clarity to provide details or numbers. Nor—as is addressed farther on—does this total (2,027) include the seizures made outside Iraq.

Most notable among the recoveries inside Iraq were those made by the U.S. Army’s 812th Military Police Company. Not part of the original task force, they were led by U.S. Army Captain Vance Kuhner (a recalled Queens County, New York, Assistant District Attorney) and U.S. Army Sergeant Emmanuel Gonzalez (a recalled New York City Police officer) and achieved remarkable successes. On 23 September 2003, they conducted a predawn raid on a farmhouse in al-Rabbia, north of Baghdad, locating the breathtaking Mask of Warka buried under approximately 45 cm of dirt in the backyard. Six weeks later, on 3 November 2003, they conducted another predawn raid, this time based on a tip about a smuggling ring that was operating in southeast Baghdad, recovering a cache of small arms and the Nimrud brazier, the only known example of a wheeled wooden firebox. Clad in bronze, it had been used to warm the throne room of King Shalmaneser III (ruled 858–824 B.C.). Using information acquired during that seizure, they raided a warehouse in Baghdad

later that same day, recovering 76 pieces that had been stolen from the museum's basement, including 32 cylinder seals and the extraordinary Bassetki Statue—the latter submerged in a cesspool behind the warehouse and covered in grease by patient smugglers willing to await a more favorable smuggling environment.

One of the largest single seizures, however, was made by Iraqi National Congress forces on 26 April 2003, when they stopped a truck at a checkpoint near al-Kut in southern Iraq. Apparently intending to cross into Iran, the smugglers escaped, but the security forces were able to confiscate a single steel footlocker containing 465 artifacts. Consisting mostly of small cuneiform tablets, amulets, pendants, and some cylinder seals, all of the objects had been stolen from the Iraq Museum—though all of the cuneiform tablets were from a collection of fakes that the museum had kept in its storage rooms. The following day, Dr. Ahmed Chalabi, at the time leader of the Iraqi National Congress, notified me of the seizure and, after inspecting the artifacts, we took possession and returned all of the items to the museum.

None of these recoveries would have been possible without the overwhelming support and trust of the Iraqi people. It was a trust we all worked hard to develop, largely by taking the time and effort to trust them first. It was a trust the Iraqis slowly but warmly returned.

CHRONOLOGY of EVENTS at the MUSEUM

As we faced the challenges of tracking the stolen antiquities, we needed to piece together the other element of our investigation: the truth about what happened at the museum as Baghdad fell and what role, if any, U.S. forces played during that period. This issue, like the timing of the thefts and the number of antiquities stolen, has generated significant controversy. Although some questions remain, many of the facts are not in dispute.

The staff's original plan had been to stay in the museum throughout the battle, but they had to leave on the morning of 8 April, when they realized the museum was going to become a battlefield. The compound itself occupied a militarily significant position: it lay across the street from the elite Special Republican Guard compound and commanded the approach to the strategically important al-Ahrar Bridge across the Tigris approximately 900 m away. No doubt recognizing this, but in contravention of international law, Hussein's forces had invested significant time and effort in preparing sandbagged fighting positions and other military fortifications within the museum compound. After the last of the staff

left the museum, Drs. Jaber and George (along with a driver and an archaeologist who lived in a building near the rear of the museum compound) courageously stayed until the last moment, approximately 11:00 a.m., when armed Iraqi soldiers started to take up those previously prepared positions in the museum compound. Ensuring all of the doors to the museum and the storage rooms were locked, they left through the back door to the museum and locked it behind them. They then crossed the Tigris over the nearby bridge into eastern Baghdad, with the intention of returning later the same day. When they tried to return at approximately 3:00 p.m., however, they were unable to cross the bridge because of the heavy fighting.

On that Tuesday, 8 April, the nearest U.S. forces had started the day more than 1,500 m northwest of the museum and began receiving heavy mortar fire as they drew near the museum. On the following day, a tank company from the Third Infantry Division's Task Force 1-64, the only U.S. unit in that part of Baghdad, moved to an intersection about 500 m west of the museum with orders to keep that intersection open as a lifeline to support U.S. forces engaged in combat in the northern part of the city. That tank company immediately began taking fire from the compound and from three of its four buildings—the main building (galleries and storage rooms), the Children's Museum, and the library— as well as from a building to the rear of the compound that had previously been used as a police station. The tank company commander, U.S. Army Captain Jason Conroy, estimated that there were approximately 100–150 enemy fighters carrying rocket-propelled grenades (RPGs) or AK-47s and firing on U.S. forces from in and around those four buildings. Some were dressed in Special Republican Guard uniforms and some in civilian clothes. This is consistent with the accounts of neighborhood residents, who noted that “the Americans had come under attack from inside the museum grounds and that fighting in the area was heavy.”¹⁶ Indeed, the fighting was so heavy that for the next two days (9–10 April) U.S. soldiers never left the inside of their tanks. On the morning of 11 April, Captain Conroy's tank company destroyed an Iraqi army truck and a Bronevaya Maschina Piekhota (BMP), a Russian-built armored fighting vehicle, at the intersection directly southeast of the museum compound.

During our initial inspection of the museum immediately after our arrival, we discovered a sniper position in one of the second-floor storage rooms: a window slit broken open from

the inside, with boxes moved against the wall to place the opening at a shooter's height. Immediately next to this window, one of only two that offered a clear field of fire onto the street to the western side of the museum, were RPG parts, an ammunition box, an AK-47 magazine, a grenade pouch, and an inoperable grenade.

Nor was this an isolated instance. We found more than 15 Iraqi army uniforms randomly thrown about the museum grounds. We also found a box of fragmentation grenades in the front of the administrative building immediately next to one of two firing positions that had been dug in the front of the museum compound and another grenade inside one of those positions. There were two identical firing positions in the rear of the museum, each of which could hold four shooters in a prone firing position. According to several witnesses, they were used by Iraqi forces to fire on U.S. forces during the battle. There were also expended RPGs scattered throughout the museum compound and boxes of live (not yet fired) RPGs on the roofs of the library and Children's Museum.

Indeed, on 10 April, RPGs had been fired at U.S. forces from the Children's Museum. An M1A1 Abrams tank gunner returned fire with a single round: no additional RPGs were reported to have been fired from that location and a later forensic examination disclosed a blood trail near the point of impact. Iraqi forces had also built a fortified wall along the western side of the compound, enabling fighters to move unseen between the prepared fighting positions in the rear and the front of the museum. The building in the rear of the museum had even been prepared as a command post complete with a cache of weapons and tactically prepared military situation maps tracking the battle.

The entire museum compound had been turned into a well-constructed military stronghold in clear violation of international law. Under the law of armed conflict, cultural property is protected against any act of hostility. Such protections are afforded under the Geneva Convention of 1949 and its two protocols of 1977 (specifically Articles 38, 53, and 85 of Protocol I and Article 16 of Protocol II), as well as under the Hague Convention of 1954 and its two protocols of 1954 and 1999. The same provisions, however, absolutely prohibit the military use of otherwise protected cultural sites, specifying that such sites lose their protections when so used.

Some staff members returned on the afternoon of 12 April and, vastly outnumbered by the remaining looters, nonetheless bravely chased them off the museum grounds. But it was

too late. Whatever thefts occurred did so in the 96 hours that began when Drs. Jaber and George left on the afternoon of 8 April and ended with the staff's return on the afternoon of 12 April. This is not meant to suggest that none of the thefts took place before then; rather, it is simply to point out that these 96 hours were the only time the museum was not guarded by either museum staff or U.S. forces. At approximately 10:00 a.m. on 16 April, four days after the staff had returned and the looting had ended, U.S. forces—specifically a tank platoon led by U.S. Army 2nd Lieutenant Erik Balascik and Sergeant First Class David Richards from C Company, Task Force 1-64—entered the compound for the first time. We began our investigation on 21 April.

PUBLIC GALLERIES

Thefts

During the investigation, we discovered that there had been not one but three separate thefts from the museum, by three separate groups, in the four days between 8 and 12 April. I will first address the public galleries. Although in the last decade many artifacts had been moved to other locations by museum staff and governmental officials, redoubling their efforts in the months leading up to the war, larger statues, steles, and friezes had been left on the gallery floor, covered with foam padding or surrounded by sandbags. Of the pieces that had been left in the galleries and nearby restoration rooms, 40 were stolen, with the thieves appearing to have been organized and selective in their choice of artifacts, stealing the more valuable items and bypassing copies and less valuable pieces.

Many in the media and in the art and archaeological communities have stressed other indicia, such as the presence of glasscutters, as evidence of a “professional” job. As trained investigators, however, we drew a completely different conclusion: the old and rusted glasscutters were almost certainly used by a random looter. They had absolutely no utility in a museum that, without security alarms or guards, required neither stealth nor silence. Indeed, the individual who brought them to the museum came to the same conclusion and never used them. All 28 of the damaged display cases were smashed; none was cut.

Recoveries

Of the 40 objects stolen from the public galleries and restoration rooms, 15 have been recovered, including five of the finest pieces the museum possessed: the Sacred Vase of

Warka, the Mask of Warka, the Bassetki Statue, one of the two Ninhursag Bulls, and a ninth-century B.C. Assyrian ivory headboard from Nimrud. These recoveries highlight the complexity of the investigation. The amnesty program netted two pieces (the bull was returned as a walk-in, and the vase after some negotiation), while seizures accounted for the other three—two inside Iraq (the Warka mask and the Bassetki Statue) and one outside Iraq by Jordanian customs (the ivory headboard). Because the recovery of any major piece stolen from the public galleries is, by the very nature of these pieces, easier to track, these numbers are accurate as of January 2005, when Dr. George, Dr. Hameed, and I reviewed the status of the items that had been in the public galleries.

Many priceless pieces remain missing. Two of the most prominent are a headless inscribed limestone statue from Lagash, ca. 2450 B.C., and the ca. eighth-century B.C. Lioness Attacking a Nubian ivory from Nimrud. Also missing are a total of nine Sumerian, Akkadian, and Babylonian cuneiform bricks, a Babylonian boundary stone, and five heads from Hatra. These last comprise a copper head of winged victory, a stone head of a female deity (cut off by the thieves), and marble heads of Apollo, Poseidon, and Eros.

the ABOVEGROUND STORAGE ROOMS

Thefts

The second theft was from the museum's aboveground storage rooms. Of three such storage rooms, two were looted, but none of their exterior steel doors showed any signs of forced entry. Although many have speculated how the doors to the storage rooms came to be opened for or by the looters, the possible explanations are logical and limited. Either the storage rooms were left open by the staff or the first (unauthorized) person who entered the storage room had the keys. What evidence there is, although purely testamentary, is clear. According to Drs. Jaber and George, they locked the doors and then were the last to leave the museum as Iraqi forces entered the compound. According to Dr. Nawala and others, the keys to the storage rooms bore no markings indicating which of the hundreds of locks in the museum they fitted. The evidence strongly suggests, therefore, that the first unauthorized person to enter the aboveground storage rooms either had the keys and personally knew the museum well (or was with someone who knew it well) or at least knew where the keys were hidden and which keys fitted which storage-room doors. Because access to the museum and

especially its storage rooms was carefully controlled and strictly limited, the key holder had to have been either a returning staff member or someone (Iraqi army or civilian) to whom a staff member had given the necessary information. In either event, the unforced entry into the storage rooms of this museum required the kind of knowledge and access only a staff member possessed.

As of the end of December 2003, the museum staff had determined that approximately 3,138 excavated objects (e.g., jars, vessels, pottery sherds) were stolen from these rooms. Objects on the shelves in these rooms are arranged by site, year, and field number, not by IM (Iraq Museum) or A (Arabic) number, and must be hand-checked against excavation catalogues. Although the shelved pieces from older excavations largely have been counted, in the aisles were many dozens of boxes containing pieces from more recent excavations that had been received by the staff before the war, but had not yet received their final designation (i.e., IM or no additional number) and, hence, had not been entered into the museum's index card system. Those boxes continue to be inventoried; but the museum's copy of the inventory lists for some of the boxes is missing, presumably as a result of the looting. Nor had there been any master list prepared that indicated which site's finds were in which boxes, how many boxes each site comprised, or even how many total boxes were in the aisles. Such boxes, therefore, cannot be inventoried until their contents are re-created from the excavation catalogues of each archaeological site. Any current attempt to provide a final number of pieces stolen from these rooms, therefore, is impossible.

That the numbers will change as each shelf and box in each aisle in each room is completed does not mean that such numbers are either "wildly optimistic [or] pure guesswork."¹⁷ On the contrary, they are what they always have been: precise numbers accurate as of a particular date and based on the museum's staff's hand counting, shelf by shelf, aisle by aisle, room by room, those items still present and comparing those objects with the excavation catalogues for the particular site represented by that shelf and then writing out in long-hand a list of the missing items by designation. I am informed by Zainab Bahrani that the process of conducting a complete inventory of what is missing from those storage rooms is likely to take many years. By the time this report is published, therefore, the number of missing items from this area may well have substantially increased.

The pattern of looting in these storage rooms was indiscriminate and random: entire shelves and sections were untouched, while others appear to have had their contents swept into bags. For example, an entire shelf of fakes was emptied, while an adjacent shelf containing pieces of infinitely greater value was untouched. Some boxes in the aisles had been completely emptied of their contents, while others were missing only handfuls. In many cases, artifacts taken from one shelf, where gathered dust revealed the sweep of an arm, had been dropped several rows away, where another arm sweep indicated that the thief had found a shelf he liked better and, after emptying the first bag, had filled it from the new shelf. As a further indication of the unorganized dynamic at play here, virtually all of the items returned under the amnesty program have come from these storage areas.

It was in these randomly looted storage rooms that we discovered evidence of the sniper position referred to earlier. During the battle, U.S. forces fired a single round at the sniper that penetrated the wall and (as our later examination determined) missed him by about 45 cm. The sniper appears to have immediately abandoned his position, as evidenced by the trail of Iraqi army uniform parts strewn across the floor and stairwell in a manner tracing his flight. The sniper's hasty flight offers a possible explanation for the fact that the storage rooms bore no signs of forced entry: in his haste he left the door open. But it does not explain how he (or they—snipers generally operate in two-man teams: the sniper and his spotter) got into the storage room in the first place.

Recoveries

As of the end of December 2003, approximately 3,037 pieces stolen from these storage rooms had been recovered—approximately 1,924 via the amnesty program and 1,113 from seizures. I am aware, from contacts within the museum and from law-enforcement officials throughout the world, of recoveries (both through amnesty and seizures) of additional excavation-site objects after the end of December 2003, but not with enough specificity to provide details or numbers here. Thus, the number of recoveries from these storage rooms, like the number of items missing from these rooms, is artificially low.

the BASEMENT

Thefts

The evidence strongly suggests that the third theft, that of a basement-level storage room,

was an inside job—one in which thieves attempted to steal the most easily transportable items, stored in the most remote corner of the most remote room in the basement of the museum. The locked front door of the L-shaped suite of four storage rooms was intact, and its rear door could be accessed only through a remote, narrow, and hidden stairwell. As a further protection, the staff had bricked up the back entrance, completely sealing those four rooms. It was to no avail. As we crept down that dark hidden stairwell on 2 May 2003, we saw that the metal rear door was wide open and—as we had come to expect by then—that it showed no signs of forced entry. Worse still, the bricked rear doorway had been broken and entered. Special Agent George “Bud” Rogers and I climbed through the narrow breach in the top of the wall and discovered that a theft had occurred. Three of the four rooms in this storage area were untouched, and we all began to breathe a sigh of relief—until we reached a single corner in the fourth room, where the chaos was shocking: 103 fishing-tackle-sized plastic boxes, originally containing thousands of cylinder seals, beads, amulets, and pieces of jewelry, were randomly thrown in all directions and what remained of their contents scattered everywhere. Amid the devastation, hundreds of surrounding larger, but empty, boxes had been untouched. It was immediately clear that these thieves knew what they were looking for and where to look.

To our knowledge, this was the first room in the museum whose evidentiary value had not been compromised by looters, staff, or journalists before our arrival. Accordingly, we immediately decided to reseal the room and return with the equipment and personnel necessary to conduct a full crime-scene examination. I immediately requested, among other things, a fingerprint team from the U.S. Army’s Criminal Investigation Command (CID). Once the crime-scene examination team was assembled (no small feat in a combat zone), we reentered the storage room on 12 May and began a methodical forensic investigation that included processing all surfaces in the room for fingerprints. CID eventually recovered several sets of readable fingerprints from the doors of the cabinets themselves. Those prints were hand carried by ICE agents to the FBI lab in Quantico, Virginia, for comparison against all U.S. databases of known criminals, federal employees, and U.S. military personnel. There were no matches with any known U.S. database, but the fingerprints remain on file for future use.

The thieves had the keys (previously well hidden elsewhere in the museum) to 30

nondescript storage cabinets lining that particular corner of the room. Those cabinets contained a portion of the world's finest collection of cylinder seals and tens of thousands of unparalleled Greek, Roman, Hellenistic, Arabic, and Islamic gold and silver coins. After a methodical search in a fully lit basement that took hours, Special Agent Kevin Power—whose skill was matched by his unfailing good humor—eventually found the keys under the scattered debris. Once most of the forensic examination was completed, we finally inspected the cabinets, with Dr. Nawala and I apprehensively opening each one together. To our extreme joy, we discovered that none had been entered.

Piecing together what happened, we came to the conclusion that the thieves had lost the keys to the cabinets after dropping them in one of the plastic boxes on the floor. Because there was no electricity in the museum at the time of the looting, they had decided to burn the foam padding for light. After unsuccessfully searching for the keys, throwing boxes and their contents in every direction, all the while breathing in the noxious fumes of the burning padding in the unventilated basement, the thieves eventually left without opening any of the cabinets. The catastrophic loss of the priceless collection inside the cabinets had been averted.

The contents of the plastic boxes on the floor and some of the items on the nearby shelves, however, were stolen. We interviewed every single person in the museum who had access to, or knew anything about, this room: all of the senior staff and those most familiar with the room, including Drs. Nawala and George, as well as the eight employees who cared for these storage rooms and another 15 who knew of the room's existence. None knew or could offer any insights into what happened, but all breathed a sigh of relief because, as Dr. Nawala told me through her tears, the cylinder seals and coins in the cabinets were the pride of the museum. This is not to suggest that the cylinder seals that were stolen were not priceless—they were. Nor am I suggesting that their loss was not catastrophic—it was. But it could have been much worse.

As soon as we discovered the loss, Dr. Nawala's staff conducted an inventory of what was missing from the plastic boxes and the nearby shelves and concluded that 4,795 cylinder seals and 5,542 pins, glass bottles, beads, amulets, and other pieces of jewelry were stolen from the basement. Over a year later, Dr. Lamia al-Gailani supervised another inventory, concluding that actually 5,144 cylinder seals had been stolen. Although I was

not present for this later inventory (as I had been for the first), I know Dr. Lamia and her careful attention to detail, and we discussed her methodology. Accordingly, I accept her new total. In April 2003, the museum's collection of cylinder seals had grown to well over 15,000. Thus, approximately one-third of the museum's cylinder seals were stolen in a single moment.

Recoveries

Approximately 2,307 of the 10,686 antiquities that had been stolen from the basement have been recovered: 1 through the amnesty program, 911 from inside Iraq, and 1,395 from seizures outside Iraq. This highlights the critical importance of both nonconsensual seizures and international cooperation in recovering Iraq's stolen antiquities, particularly the smaller, more trafficable objects. Because most of these seizures are the subject of open investigations, I cannot provide many details without compromising those investigations. Though I can paint an overall picture. Any recoveries made inside Iraq after the end of December 2003 or internationally after January 2005, however, whether through the amnesty program or from seizures, are not included in this total (2,307).

Of the 911 items stolen from the basement that were recovered inside Iraq, 820 were returned by the Iraqi Italian Institute of Archaeological Sciences in November 2003. The product of months of investigative work by Italian authorities, most of the cache had been clandestinely purchased— good results, but a bad precedent and certainly not one any of us wished to publicize. The one piece recovered pursuant to the amnesty program occurred in the late summer of 2003, when, as mentioned earlier, I was handed an Akkadian antiquity in a crowded midtown Manhattan coffee shop. The remaining 1,395 recoveries of items stolen from the basement all occurred outside Iraq. Of those, approximately 695 have been seized in the United States and the United Kingdom, and approximately 700 have been seized in Iraq's border nations of Jordan, Syria, Kuwait, and Saudi Arabia. These neighboring countries report having recovered a total of approximately 1,866 Iraqi antiquities altogether, but Dr. George, who has had the opportunity to view these seizures, either in person (in Jordan) or through photographs (from Syria, Kuwait, and Saudi Arabia), believes that approximately 700 of the total were stolen from the museum basement. Because all of the international seizures are still in the custody of the seizing countries, these totals should be used with caution until each of the seized objects has been

thoroughly examined.

I offer a final thought on the basement storage rooms. It is simply inconceivable that this area had been found, breached, and entered, or that the nondescript keys had been located by anyone who did not have an intimate insider's knowledge of the museum and that particular corner of the basement. Attempts to explain away that the thieves in the basement had the keys by rationalizing "that people tend to keep keys where they are convenient" are as unavailing here as they were for the aboveground storage rooms. Even if the thieves had simply happened upon the unmarked keys to the cabinets, there would have been no way of knowing which of the hundreds of locks in the museum those keys fitted. But the thieves did not just happen on the keys. They were given the keys or told the hiding place in advance. The hiding place was too good and, more tellingly, the area around it was undisturbed. It strains credulity to the breaking point to suggest anything other than intentional action concerning the keys to the aboveground storage rooms or to the basement cabinets.

TREASURE of NIMRUD

Recovery

One focus of our investigation was to ascertain the fate of the Treasure of Nimrud, believed to have been moved to a vault in Saddam Hussein's Central Bank shortly before the first Gulf War in 1991. We began our search with a letter acknowledging receipt of the treasure by a bank official on 12 August 1990—dated 10 days after Saddam Hussein had invaded Kuwait. It may be argued that moving the treasure to the Central Bank in 1990 was a reasonable precaution given the likelihood of an international armed response to Hussein's invasion of a sovereign country—particularly after he promised to turn Kuwait City into "a graveyard." But the fact that the treasure had not been returned to the museum or publicly seen again in the intervening 13 years strongly suggests additional motives as well. We also learned that no one on the museum staff knew with certainty whether the treasure was still in the bank. The staff knew what we knew: that Saddam Hussein's sons, Uday and Qusay, had emptied much of the contents of the bank vaults and fled shortly before the battle for Baghdad began. No member of the staff had seen the treasure for years. They hoped it was there, but since they did not have the "right" under that regime to inspect the vaults to verify its presence, they could not be certain.

Our next step, therefore, was to interview those who had actually moved the treasure to the bank. After much investigation we found two individuals, only one of whom worked at the museum. Each claimed to have moved the treasure to a different building. As it turned out, they were both right. According to the museum staff member, 21 boxes had been transferred from the museum to the Central Bank's old building: 16 contained the collection of Iraq's royal family, 4 contained the contents of the royal tombs of Ur, and one contained the Treasure of Nimrud. Our non-museum informant, however, told us that the five boxes containing the Nimrud and Ur artifacts had been later moved to the Central Bank's new building. On 26 May 2003, we entered the vault in the old building into which the boxes had first been placed and found the 16 boxes containing approximately 6,744 pieces of jewelry, pottery, and gold from the collection of the Royal Family, but, as we had feared, the five boxes containing the treasure and the burial goods from the royal tombs of Ur were gone.

At that point, we needed to find a bank employee who could verify into which of a dozen vaults in the two buildings of the Central Bank the treasure had been placed most recently. We took out ads in local radio and newspapers and eventually found someone who said that the boxes had been moved to the Central Bank's new building, but we were unable to access those vaults because the new building's basement had been flooded before our team's arrival in Baghdad. We had, therefore, to devise a way to drain the water.

At that time in Baghdad, there was no other organization to turn to for assistance. The governing body, the CPA, was still in the process of moving into its headquarters and struggling with the significant issues of water, food, electricity, and lawlessness. Also, the CPA did not have any assigned law-enforcement agents; it had neither the equipment nor the resources necessary to assist the investigation. In the beginning, at least, we were on our own. Just when the situation looked most bleak, however, fortune smiled on us in the form of a determined film crew from the National Geographic Channel led by Jason Williams, an indefatigable British anthropologist and filmmaker. As a result of a fair amount of negotiation and with my permission, Williams hired some local labor, and after three weeks of pumping we were able to gain access. It is far from clear that the permission was mine to give, but I knew no other way to determine quickly whether the treasure was still in the vaults or whether we needed to investigate its disappearance. In the latter event, time would have been of the essence.

When the basements were finally pumped dry, the scene was gruesome. In one of the basements, one of the state-of-the-art vault doors had been damaged by an RPG that had been fired at point-blank range in the narrow hallway. On the floor in front of the vault lay an expended RPG and what remained of the shooter. Nonetheless, with the water drained, we were able to enter the basement with our informant and identify the vault that contained the treasure.

Ultimately, we and the CPA independently located the manager of the bank. We wanted to recover the Treasure of Nimrud; the CPA wanted the currency in the vault so that they could start paying Iraqis to return to work. On 1 June 2003, the manager opened the vault identified by our informant— which was not in the building the museum staff had told us contained the boxes. Because Dr. Nawala was concerned about water damage and the condition of the vault, the boxes were left unopened in situ to dry. Finally, on 5 June 2003, all five boxes were opened. The first four contained extraordinary riches: hundreds of superb pieces of gold and jewelry, primarily from the royal tombs of Ur. The first of those four boxes also contained the original golden bull's head from the Golden Harp of Ur. The fifth box, a metal footlocker-sized box weighing hundreds of pounds, the one that everyone hoped contained the treasure, was saved for last and moved to a dry vault in the adjacent old building. At 1:43 p.m., local time, on Thursday, 5 June 2003, the seal on the box was broken. In a scene from a Hollywood movie, the top of the metal box was slowly opened, revealing the entire treasure: breathtakingly exquisite pieces of finely wrought gold crowns, bracelets, necklaces, armbands, rings, and anklets, some weighing several pounds each. Though we did not have documented numbers for comparison, it appears that the box contained the entire treasure.

the SMUGGLING TRADE

Several obstacles face any investigation of antiquities trafficking. First, smugglers draw few distinctions: whether the cargo is drugs, weapons, or antiquities, they are paid for their ability to evade the law. Indeed, during the first leg of the journey out of Iraq, antiquities and weapons often travel together. Those wealthy Madison Avenue and Bond Street dealers and collectors who believe they are engaged in benign criminal activity, then, are actually often financing weapons smuggling. Even apart from the realities of smuggling, their behavior is indefensible. Each time an antiquity is stolen (and bought), the world is deprived of yet

another glimpse into our past, closing the door just a little bit more each time. Soon, all will be dark. Nor is the illicit smuggling of Iraqi antiquities solely a phenomenon of the 2003 war. In 1997, McGuire Gibson noted, “In one Bond Street shop, I was shown a bag of more than a hundred cylinder seals and received an apology because these were the poorer quality ones; I was told that the best items had been sold to Japanese and Taiwanese collectors a day or two before.”

Second, many in the mainstream art community are complicit. Because neither private collectors nor acquisitive museum curators and directors are usually able or willing to contact art thieves directly, the middleman art dealer is crucial, often making the sale before the theft. Moreover, before any collector or museum pays for a stolen antiquity, the object must first be authenticated as genuine, at a price, by an expert curator, dealer, or scholar. The price is not always money. We have been told that sometimes it is access to an item that no one else has seen or critically examined before and that sometimes it is the ability to publish that attracts scholars to this sordid business. The allure, apparently, is overwhelming for some. After an artifact is authenticated, however, and before it can be displayed or resold, it must acquire provenance, either through publication by a respected authority or through forged documentation. This, too, is a well-entrenched practice: “[I]n several of the shops I visited, some [illicit] items (and most usually cuneiform tablets) were accompanied by written authentications, including dating and translation or at least indications of content, signed by well-known British colleagues.”¹⁸

Finally, many countries have less interest in stopping the illegal trade than might be indicated by their public protestations, particularly because “open” borders are profitable borders. Some countries generate sizeable customs and excise fees from shipping and are not eager to impose any increase in inspection rates that might reduce such revenue. Moreover, the sheer volume of tonnage that passes through certain international ports and free-trade zones makes anything approaching a complete inspection impossible. Even the improved technology placed at such ports and borders as a result of September 11 does not solve the problem: devices that detect weapons and explosives do not detect alabaster, lapis lazuli, and carnelian.

the FUTURE

The search for Iraq's antiquities has crossed international borders. As discussed previously, approximately 695 artifacts from the museum have been seized in the United States and United Kingdom, and approximately 700 have been seized by Jordanian, Syrian, Kuwaiti, and Saudi border officials.

In light of recent legislative developments, more seizures, forfeitures, and ultimately convictions should be in the offing. While the first international attempt to prevent the importation of cultural property stolen or illegally exported from source nations, UNESCO's 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, was a step in the right direction, it has often proven largely ineffective. The enforcing mechanism for the convention's protections in the United States is the 1983 Convention on Cultural Property Implementation Act (CPIA), which notably places the initial burden of proving the lawful possession of the artifacts on the possessor and provides for the implementation of import restrictions either through bilateral agreements or through emergency actions in crisis situations. Under this latter provision, the U.S. Congress passed the Emergency Protection for Iraqi Cultural Antiquities Act of 2004 on 19 November 2004, and President George W. Bush signed it into law on 7 December. This law allows the president to impose import restrictions under the CPIA without need for a formal request from Iraq or review by the president's Cultural Property Advisory Committee. It thereby continues a restriction on the importation of Iraqi artifacts that has been in effect since August 1990. It also permits the seizure of all undocumented cultural material being imported into the United States and expands the list of materials that may be protected.

Also available to any investigation are the Archaeological Resources Protection Act of 1979, allowing for the forfeiture of any archaeological resources illegally possessed within the U.S., and the Convention on Stolen or Illegally Exported Cultural Objects, drawn up by the International Institute for the Unification of Private Law (UNIDROIT) and adopted in 1995, requiring that anyone in possession of a stolen antiquity—an individual or an institution—return it. It is important to note here that although it is axiomatic under U.S. jurisprudence that no one (not even a good-faith purchaser) can acquire good title to stolen property, civil-code countries, particularly in Europe, favor good faith purchasers over true owners, making recovery problematic. It must also be noted that under centuries-old

constitutional doctrines of ex post facto and due process, no newly enacted substantive law may be applied retroactively. Thus international conventions and their implementing legislation are effective in their respective countries only after the date on which they are signed into law in those countries. Any future investigation into the thefts at the Iraq Museum and of antiquities in general must aggressively use all of these laws, treaties, and conventions.

Ultimately, we must develop a comprehensive global strategy that joins all the elements of international power to combat the illicit antiquities trade in four meaningful and complementary ways. First, the strategy must include an aggressive campaign to increase public awareness of the importance of cultural property, improve recognition of the magnitude of the current crisis, and create a climate of universal condemnation of trafficking in unprovenanced antiquities. Second, there should be a single code of conduct embracing a single set of standards acceptable to and binding on archaeologists, museums, collectors, and dealers to include, among other things, the level of provenance required to trade in antiquities. Third, there must be a greater level of cooperation not only between different law-enforcement agencies but also between law-enforcement on the one hand and the art and archaeological communities on the other. The latter are needed to act as law enforcement's eyes and ears, as on-call experts for authenticating and identifying intercepted shipments, and for providing crucial in-court expert testimony. The art and archaeological communities should also request the appropriate law-enforcement personnel (depending on country and focus) to provide detailed, factual briefings at every single conference in the future that purports to address art or antiquities smuggling. The call for up-to-date investigative facts should become as standard as the call for papers.

Finally, several countries—the United States and Japan, to name two—have pledged millions of dollars to upgrade the museum, improve conservation capabilities, and enhance training of the museum staff. Not a single country, international organization, or private foundation anywhere in the world, however, has pledged any additional funding whatsoever dedicated solely to conducting investigations to recover stolen Iraqi antiquities. Not one. A fact that should be intuitively obvious, but appears to be lost on governmental officials, international organizations such as UNESCO, universities, museums, private foundations, and the media is that a stolen item cannot be restored until it has been

recovered. Interpol barely has the funding to assign two overtasked officers to its Iraqi antiquities tracking task force—and they are responsible for other countries as well. Interpol in the United States has the funding for a single overworked officer, and she covers all stolen art and antiquities from every country anywhere in the world. Scotland Yard has four overextended personnel covering the entire world; the FBI has eight. That these organizations have accomplished what they have so far speaks volumes for their dedication and talent. They cannot be expected to continue to operate effectively at such staffing and funding levels. Every country should be pressured to increase its funding for specialized and expanded art and antiquities task forces, Interpol's member nations should fund a robust staff dedicated to Iraqi antiquities, and private foundations desirous of helping should fund resources such as vehicles, computers, communications assets, and quarterly international conferences, seminars, and training for such specialized squads.

CONCLUSION

There is advantage in the wisdom won from pain.

Aeschylus, The Eumenides

The return of these antiquities to the Iraqi people has been a team effort in the broadest possible sense. Military units, like Captain Kuhner's team, and law-enforcement personnel from Interpol, Scotland Yard, the Italian carabinieri, and U.S. and Jordanian customs have worked to track down antiquities from Baghdad to Amman to London to New York. I must also commend the staff of the British Museum and archaeologists Selma al-Radi, Lamia al-Galaini, Zainab Bahrani, Elizabeth Stone, Henry Wright, McGuire Gibson, and John Russell. They invaluablely assisted the recovery efforts at a time when bullets were flying. The archaeological community should be proud of their courage and commitment.

Our immediate mission was to investigate the theft and begin the process of restoring Iraq's heritage for future generations. This phase of the investigation is complete, but because precise inventories will take years to complete, any attempt to fix the number of stolen items must be viewed with caution. On the basis of what we knew as of January 2005, however, the most precise accounting is that 40 pieces were stolen from the galleries, 10,686 pieces from the basement (these first two numbers may, but will probably not,

change), and at least 3,138 pieces from the aboveground storage rooms (this number will eventually go up by as much as 1,000–2,000 as excavation-site catalogues are checked and inventories completed). Thus, the evidence indicates that 13,864 pieces were originally stolen from the museum, but the evidence also indicates that the final number of missing items is likely to top 15,000.

Justice is also about process, and our other goal was to cut through the unproductive rhetoric and uncover the truth about what happened at the museum. I hope we have accomplished this. The missing artifacts belong to the Iraqi people; but in a very real sense they also represent the shared history of all mankind. So much remains to be done, but after two years, I am humbled to have been in the presence of so many talented and dedicated professionals, and to the extent we have taken even the smallest first step in the recovery of these treasures, I am extraordinarily honored to have served.

Endnotes

1. “Pillagers Strip Iraq Museum of Its Treasure,” *New York Times*, 13 April 2003.
2. “Museum Treasures Now War Booty,” Associated Press, 12 April 2003.
3. From Eleanor Robson, Oxford professor and a council member of the British School of Archaeology in Iraq, in “Experts’ Pleas to Pentagon Didn’t Save Museum” (*New York Times*, 16 April 2003), repeating Saddam Hussein’s earlier comparison of “the United States under President Bush to the Mongol Hordes.”
4. From Piotr Michalowski, “The Ransacking of the Baghdad Museum Is a Disgrace,” History News Network, 14 April 2003.
5. Michael Petzet, as reported in “Worldwide Move to Stop Sale of Loot,” Inter Press Service News Agency, 15 April 2003.
6. “Annan Deplores Loss of Iraqi Cultural Heritage,” *Daily Times* (Pakistan), 15 April 2003.
7. “First Experts’ Meeting on the Iraqi Cultural Heritage,” Final Report 1st Experts’ Meeting, UNESCO 2003.
8. UNESCO did continue to organize or participate in meetings. In the first three months alone, meetings were held on 17 April 2003 in Paris, 29 April 2003 in London, 5–6 May

2003 in Lyons, 23 June 2003 in Vienna, and 7 July 2003 in London, although no one with firsthand knowledge of the investigation as ever asked to attend any of these meetings or to brief the attendees on the facts.

9. "Plunder of past in new Iraq," Reuters, 12 April 2003; "Looters Ransack Baghdad Museum," BBC News, 12 April 2003; "Baghdad Looting Continues," Voice of America News, 12 April 2003; and "Looters Strip Iraqi National Museum of Its Antiquities," *Daily Telegraph* (London), 13 April 2003.
10. "We're Still Missing the Looting Picture," *Washington Post*, 15 June 2003.
11. Basmachi 1975–1976, 124.
12. *USA Today*, 17 June 2003.
13. Report: Conservation Needs in Iraq Museum, Baghdad, British Museum, 2003.
14. *Boston Globe*, 24 September 2003.
15. Robson, "Iraq's Museums: What Really Happened," *The Guardian* (Manchester), 18 June 2003.
16. "Inside Iraq's National Museum," *Wall Street Journal*, 17 July 2003.
17. "We're Still Missing the Looting Picture," *Washington Post*, 15 June 2003. Such statements, however concerned the speaker, were unfair and untrue.
18. Gibson, M., "The Loss of Archaeological Context and the Illegal Trade in Mesopotamian Antiquities." *Culture without Context: The Newsletter of the Illicit Antiquities Research Centre* 1 (1997). www.mcdonald.cam.ac.uk/IARC/cwoc/issue1/LossContext.htm (accessed 20 February 2004).

Matthew Bogdanos has been an assistant district attorney in Manhattan since 1988. A colonel in the Marine Reserves, he holds a law degree and a master's degree in Classical Studies from Columbia University, and a master's degree in Strategic Studies from the Army War College. Recalled to active duty on September 11, 2001, he received a Bronze Star for counterterrorist operations in Afghanistan and served two tours in Iraq. He received a 2005 National Humanities Medal from President Bush for his work recovering

*Iraq's treasures, and has returned to the D.A.'s Office to establish New York's first art and antiquities task force. Bogdanos will be the keynote speaker at the AAM Annual Meeting in Boston on April 28. Royalties from the sale of his book, *Thieves of Baghdad*, are being donated to the Iraq Museum.*

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[SIDEBAR]

The question the author is asked most frequently refers to the responsibility of the U.S. military to protect the Iraq Museum during the invasion of Iraq. From his book *Thieves of Baghdad* :

On April 9, a tank company from Task Force I-64, the only U.S. unit in that part of Baghdad, took fire from the Children's Museum, the main building, the library, and the building to the rear of the museum that had previously been used as a police station. The tank company commander on the scene, U.S. Army captain Jason Conroy, estimated that approximately 100 to 150 enemy fighters were within the museum compound firing on U.S. forces. Some of these fighters were dressed in Special Republican Guard uniforms and some in civilian clothes. They were carrying RPGs or AK-47s.

Later, many neighborhood residents told Roger Atwood, who was writing for the Wall Street Journal, that "the Americans had come under attack from inside the museum grounds and that fighting in the area was heavy." [. . .]

The bottom line here is that any suggestion that U.S. forces could have done more than they did to secure the museum before the twelfth [of April 2003] is based on wishful thinking rather than on any rational appreciation of military tactics, the reality of the conflict on the ground, the law of war, or the laws of physics. "If I'd raced up from south Baghdad to the museum, I'd have had a lot of dead soldiers outside the museum," the tank commander for this sector, Lieutenant Colonel Eric Schwartz, told the BBC. "It wasn't the museum anymore—it was a fighting position."

The blame for the looting must lie squarely on the looters. But the blame for creating chaos at the museum from the eighth through the evening of the eleventh, that allowed the looting to occur must lie with the Iraqi Army. It was they who chose to take up fighting positions within the museum, they who chose to fire on the American tanks, and they who kept American forces from investigating the reports they had received of looting “in the area of the museum.” But after the eleventh, the blame does shift to the U.S.

The U.S. Army showed up to secure the compound at ten A.M. on the morning of the sixteenth. This force consisted of our future roommates from C Company. If critics want to question U.S. reaction, the delay between the twelfth to the sixteenth is fair game. I will go one step further: this delay was inexcusable. Although nothing was taken during this period, that does not make the indictment any less valid—because our forces had no way of knowing that looters wouldn’t come back. You can thank the museum staff for guarding the compound for those four days and not the U.S. military.

This leaves us with the more pointed question—the one that is never asked: Before the battle, why was no unit assigned the specific mission of moving in to protect the museum the moment Baghdad was secure?

There are two basic kinds of orders in the military. The first is the standard type that directs a unit to achieve a specific objective at a specific time. “At 0800 tomorrow, you will seize the beachhead and advance to the cliff wall.” Then there are the kinds of orders that warn a unit that they will be expected to achieve a specific objective at a time yet to be determined. This is a get-ready order, telling that unit to be prepared to execute that mission. Such be-prepared-to orders enable the commander on the ground to conduct proper reconnaissance, develop a tactical plan, and identify personnel and resources needed for the mission when it is ordered.

No such be-prepared-to-execute order was issued for the museum, and therefore no unit was either assigned or prepared to be assigned to secure it until the tank platoon showed up on the morning of the sixteenth. Why wasn’t such an order issued? Why was there such a delay in responding to repeated requests for assistance on April 12 and 13? The answer is the same for both questions—and it is neither complicated nor entirely satisfactory.

Ultimately, the same “catastrophic success” on the battlefield that outstripped the ability of the Iraqi forces to react also outstripped the ability of coalition planners to anticipate security

needs once Baghdad fell. In the case of the museum, this was exacerbated by a lack of a sense of urgency on the part of military planners, grounded in a failure to recognize the extent to which Iraqis identified the museum with the former regime. Thus, despite the prior warnings, planners simply did not believe that the museum—unlike the presidential palaces and governmental buildings that were more overt manifestations of the regime—would be looted. As I said, not entirely satisfactory. But not sinister or callous either—just human error.

Thieves of Baghdad by Matthew Bogdanos with William Patrick, New York and London: Bloomsbury Publishing, 2005. 320 pp, hardcover. \$25.95.