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COLLECTORS AND COLLECTIONS AN UNEXPECTED CASE (I)

Marius-Mihai-Ciută²⁰

Keywords: criminal investigation, collector, stolen artefacts, forgeries, counterfeits.

Rezumat: În perioada imediat următoare a evenimentelor din 1989, unii cetățeni români care au beneficiat de câștiguri financiare mai mult sau mai puțin neașteptate, au decis să investească/tezurizeze fonduri considerabile din câștigurile lor în bunuri de patrimoniu cultural, punând bazele unor colecții particulare. Studiul de față dorește să surprindă o parte din mecanismele prin care au fost alcătuite unele din colecțiile de acest gen, de către persoane care nu aveau cunoștințe de specialitate în domeniu, ce au căzut victime traficantilor de antichități, care au pus în vânzare fie artefacte sustrate din situri arheologice fie falsuri, unele de foarte slabă calitate. Fenomenul a fost unul destul de răspândit, deoarece funcționa în conformitate cu mecanismul oricărei piețe: cerere-ofertă, într-o societate în care, dorința de a accede în "straturile înalte" printre altele și prin deținerea unor artefacte cu valoare deosebită, nu era completată de cunoașterea legislației de protejare a patrimoniului cultural și, din nefericire, nici de capacitatea de a distinge piesele autentice de cele contrafăcute.

During the judicial actions, generically known as the *Dacian Gold Files*, the investigators faced, very often, incredibly unusual situations, unexpected, even paradoxical, which accumulated aspects that showed the absurd and the ludicrous, but which, in the last instance, describe, in an inspired way, we can say, details of the structure of the individual and collective mind of those involved in trafficking the cultural assets, stolen from archaeological sites. The herby study wants to bring to the attention of the public interested in the issue of national cultural heritage that has been subject to financially motivated criminal acts (theft, trafficking), in particular the

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problem of “occasional”²¹ collections and collectors which appeared in the Romanian landscape in early 2000’s, a unique case, located in Hunedoara County, atypical at first sight, but symptomatic for that period.

In 2003, on the archeological-school site of the University of Sibiu, situated in *Orăștie-Dealul Pemilor* (Hunedoara County), a somewhat *exotic* character²² appeared, repeatedly. He was the owner of a gas station located at the entrance to the city, on DN 7 from Romos village, immediately under the second terrace of Mureș (the place where the archaeological excavations were carried out). As he was going through a period of significant financial profits, the character decided to invest and to treasure these profits in cultural heritage assets, as he heard of from various sources that do not lose value over the years²³. In order to satisfy this wish, he got in touch with various individuals, part of the underworld of Hunedoara county (especially from Deva and Orăștie city), involved at that time in trafficking such objects, about which he did not know (or may have known, but took the risk!) that are involved in illegal activities of carrying out unauthorized surveys in archaeological sites, digging and stealing archaeological artifacts and their trafficking on the black market of antiques²⁴. Once he purchased several object, the natural need of *quality confirmation* and money worth guarantee arose. This is why, in the year indicated above, relying on the common sense and the specialized knowledge of the archaeologists on the site, located in the immediate vicinity of his business, the man wanted to know their opinion on the recently acquired objects. If at first the archaeologists were willing to give him certain indications regarding the significance and value of the presented goods, perceived exclusively from the perspective of the curiosity and the good

²¹ Or “cardboard collectors”. We will use this phrase designating those persons concerned with the realization of a collection of cultural assets, with which they try to optimize their image within the high-life society, who do not have the minimum training required for such an endeavor.

²² For obvious reasons, we will not indicate in this article the name of that collector. However, it appears in the indictment of the criminal case of the Prosecutor's Office attached to the Alba Iulia Court of Appeal (initially the criminal case 172 / P / 2005, disjunctive in D.P. 151 / P / 2005, and later in D.P. 440 / P / 2008).

²³ The collection of objects of archaeological origin, preferably of rare metals and of the highest age, was a sign of good taste, frequently encountered in the environments of people recently enriched by activities within the limits of the law, in a county in which the old state-owned companies that exploited natural resources went bankrupt or struggled to survive. Other constant buyers of such objects, found in the agendas of traffickers, were also members of rich professional categories, par excellence: doctors, architects, lawyers, administrators of companies, politicians. It was enough that a representative member of these guilds to insist on the collection of cultural goods, so that the activity would become an attractive one, generating “good image”, imitated by the other brethren.

²⁴ According to the *Indictment* from criminal file 151 / P / 2015 (also taken from file 400 / P / 2008): *in July 2003, the team Crișan-Sîmu and Corhan Călin, sold them to PN, at the West Oil gas station from Orăștie, 160 antique silver coins, priced at 2000 US dollars.*

natural belief of the scientific researcher²⁵, later, seeing the reluctance with which the owner refuses to specify their provenance, noting that some pieces had specific features of recent removal from archaeological contexts (*in situ*), but also the fact that some pieces appeared to be recent forgeries, they made clear to him that they won't let him take advantage of their good will, since they cannot assess the pieces, as long as their source was hidden from them *on purpose*²⁶.

Since July 2005, during the investigations in the file *The Dacian Gold*, reopened in the same year by the prosecutors of the Prosecutor's Office attached to the Alba Iulia Court of Appeal, a series of descriptions and home searches were started, especially in the city of Deva, but also in other cities of Hunedoara county and Alba county, in which the persons involved in the above-mentioned criminal activities were targeted. It was a moment intensely publicized in local and national mass-media, which caused very strong emotions and reactions, at different levels, given that the phenomenon of archaeological poaching and trafficking with *antiquities* had been going on for many years already within the local society. Not just the Hunedoara society was involved at different levels in this phenomenon. Obviously, the strongest emotional impact struck the people who owned such objects.

That was the moment when the person above mentioned, who has been collecting cultural assets of archaeological origin for more than two years, being an *active and well known player* on this market, noticed the risks he was exposed to when buying objects from the people who were just investigated, charged, detained and even arrested. If initially he preferred to remain unknown, hoping that he would not be affected by the legal proceedings, slowly, but surely, the feeling of reason and guilt took effect, so that, on January 25, 2006, P.N. presented on his own initiative to the Prosecutor's Office of the Alba Iulia Court of Appeal, bringing and indicating to the judicial investigators a lot of objects, justifying that they are goods bought by him, as *a person of good faith*, from various persons. With

²⁵ According to the same **Indictment**: *in order to be convinced that the coins were original, P.N. presented to witness P. S-I, professor at the Faculty of History and Heritage of the Lucian Blaga University in Sibiu, who found that the examined pieces were original, unclean, with the appearance of pieces discovered soon. In the autumn of the same year of May had an attempt to present a statue to the archaeologists, who informed them that they were circumspect about its authenticity.*

²⁶ The **Indictment** also shows that: *whereas the witness P.N. (suspicious, because he had found out that it was possible to buy fake pieces as well) he wanted to recover the money invested, the accused Corhan Calin took back 93 coins with the promise that he would return the money. Later, to his dismay, he led him to his home where he exchanged two silver Dacian necklaces (torques, one with a broken end), stolen by illegal excavations from the archaeological site of Sarmizegetusa Regia.*

undisguised pride, invoking *the large amounts of money* he invested, as well as his situation as a *victim*, the citizen presented a diplomatic briefcase, in which there was a heterogeneous collection of artifacts: statues, coins, jewelry, decorative elements etc. (fig. 1-6).

The investigators wanted to find out the source of the objects batch, therefore quite quickly, their illegal source became a certainty, as *the owner* mentioned that the *sellers* were part of the defendants from the file of looting in the Orăștie Mountains, and also their associates. Given the suspicions about its illicit provenance, the artifact batch was seized by prosecutors, and a series of issues related to its provenance, the identity of the sellers, the location of the sites/points from which they had been stolen had been clarified. Initially, P.N. wished to benefit from protection and a *hidden identity*²⁷, as he feared some eventual unpleasant repercussions following his identification as *informant*²⁸; thus, later, during the criminal investigation, he gave it up.

Firstly, the goods were presented to archeology specialists²⁹, on which occasion two major categories emerged in the lot: **authentic pieces** (of certain archaeological origin and likely to belong to the national cultural heritage) and **fake pieces**, gross counterfeits, which they tried to render, without success, ancient artifacts with an iconography already known. Thus, a series of 5 statuettes, 2 round plates (phaleras?), a plate representing a noble Dacian's head and a zoomorphic statuette, all metallic, were obviously detached within the presented batch. The statuettes represented female characters (possibly Greek-Roman Gods?). The round plates, with two holes each, represented characters (female and male³⁰) and a representation of a wolf riding a (?) *phallus*³¹. The "quality" of the patent of the pieces - which,

²⁷ With the name Nedelcu Ioan.

²⁸ The same *Indictment* showed that the *sellers* soon learned of P.N.'s gesture, from a telephone discussion between the two, that P.N. handed over the judicial investigators "*and those stupid things*" ... in other words, the fake pieces.

²⁹ First, the expert archeologist Horia Ioan Ciugudean from the National Museum of the Union of Alba Iulia was invited to rule on the batch of pieces, and then, about 2 hours later, the new officer of cultural heritage was invited, author of the herby study. It was practically verification of the artifacts but also of the skills. An aspect worth remembering is how the prosecutor perceived the situation in which the two archaeologists, without being aware of the fact that they were asked to rule on the same lot, "*used the same expressions, words and terms to describes and characterizes the artifacts, the two versions coinciding in the finest details.*"

³⁰ The characteristics of the referred characters, lead to the conclusion it was an intention to imitate the female character from one of the treasures form Lupu (Alba County)(Aurul 2013, p. 83), and that the male character, imitated the one from the Bucharest-Herastrau Phalera (Aurul 2013, p. 84).

³¹ It is a subject completely unknown to the Dacian iconography, of which the craftsman inspired, but it is possible to be inspired from a frequent theme in Scythian craft, in which wild animals appear in motion, with the mention of a complete lack of phallic representation, meaning it was a personal license of an uninspired manufacturer. Is possible

with all the efforts made by the designer and the patent work, was not all what it should have been - supplemented by the awkwardness of the artistic achievement, having a childlike character, which went so far as to be grotesque³², were the basis of their first evaluation. For a connoisseur of history, whether he is a non-specialist in ancient minor statues, it is difficult to conceive that one could believe that they could have been ancient objects, or even, representations of mythological characters, with aesthetic value, rarities or even one of a kind objects...

Later, these pieces were separated from the group of the authentic ones, treated separately, and for a complete and definitive certainty for the judicial inquiry - especially since at that time it was already fashionable to challenge the authenticity of some artifacts tracked / recovered - they were the subject of a metallographic analysis, that revealed that the alloy used in their manufacture had nothing to do with the one identified in ancient pieces³³. The buyer was somewhat offended when, during the course of the criminal investigation, he was informed that some of his pieces are contemporary forgeries. Even when the results of the metallographic analyzes definitively confirmed the attribute as a *contemporary forgery*, P.N. proved to be dissatisfied, accusing even the judicial authorities of having replaced the pieces handed over to them - *which he spent large sums of money on, because they were presented to him as one of a kind objects - with fakes (?)*. The documents drawn up for the seizing of the pieces and especially the judicial photographs have removed any doubts related to this aspect.

By the *Resolution* of January 27, 2006, from the criminal file 172/P/2005, at the surrender of the complete lot of objects in the custody of the National Union Museum of Alba Iulia, a first expert report by the experts of the institution was imposed. The expert report was going to show the following aspects about the authentic pieces: *what the presented goods represent; whether they are likely to belong to the national cultural heritage; whether they can come from newly discovered archaeological contexts; what*

that he had an catalogue which contain the representation of the roman zoomorphic fibula from Noviodunum-Isaccea from the 2-nd century (Aurul 2013, p. 122),

³² If we were to use images to define the concept of anti-talent, these achievements could be successfully used to illustrate this "trait". They are produced without the slightest idea of harmony, symmetry, balance or aesthetics, and the person who "created" them only proved that he had a history manual at hand, from which he tried to reproduce, in an unfortunate way, some ancient artifacts that seemed to him to be more representative by the pictures. The intention of misleading is obvious, but the way he put it in practice was less than fortunate.

³³ The metallographic analysis, ordered by the Resolution of May 2006, was carried out at the Laboratory of metallographic analysis of the Mechanical Factory in Cugir. For comparison, a sample was taken from the head of the Artemis statue.

*is the circulation value of these objects?*³⁴. The first evaluation was carried out by experts from the museum in Alba Iulia³⁵, who concluded that the analyzed pieces (67 coins, 2 torques, 3 fibulae, 1 medallion (phalera), 1 miniature figurine head, 1 fragment of situla, 1 box handle, 4 rings, 1 bell fragment and 3 appliques), *are artifacts of a certain archaeological origin, which belong to the national cultural heritage*³⁶ (fig. 9-18).

On February 8, 2006, shortly after handing over the lot, the chance was that the investigators came in possession of some operative information, based on which a house search was carried out, at the domicile of Rusu Silviu, from the town of Merișor, Bănița commune, Hunedoara county. The "workshop" where these objects were made was identified. Inside, they found clay molds and plaster casts of statuettes and platelets (fallers), bought by the man *in good faith and a lot of money*. The investigators had at that time the certainty that P.N. was the victim of antique dealers. The typological and stylistic features of the models ceased from Rusu Silviu, showed that they were made by the same person (fig. 7-8). During the searches, molds, patterns, crucibles, metal plates etc. were discovered, proving that he practically performed, the entire chain of operation: from modeling in clay, casting the model from gypsum (plaster) and then casting the bronze in the molded form. A series of chisels and other tools found there showed that the process of decoration and retouching was done in the same workshop, for the *finished products*. All the ceased objects were deposited in the custody of the Museum of Alba Iulia, and by *the Resolution* of February 9, 2006, all the objects were subject of an expertise, in order to establish *if there was any connection between the objects delivered by P.N. and the tools seized from Rusu Silviu*. The result was, that there was an obvious connection between it. Moreover, the latter acknowledged his "creations", when presented to him during a judicial procedure for objects display, thus he denied having anything to do with their marketing. Most likely, those who offered for sale the objects, made by the "craftsman" from Bănița, were the same poachers of the archaeological sites, transformed in "dealers"

From the moment the pieces were handed over, on January 25, 2006, until the completion of the criminal prosecution, P.N. was a witness. In the

³⁴ Extras of *Rezoluția PCAI* of 27. 01. 2006,

³⁵ Dr. Viorica Suciu was designated to establish the identification and primary evaluation of the coins, and Dr. Vasile Moga was designated for the artifacts.

³⁶ The part of the collection composed of authentic pieces, will be the subject of a separate study, which is in progress.

Indictment of 05.08.2008 of the criminal file 151/P/2005, the prosecutors proposed not starting the criminal prosecution of P.N. Thus, because the goods he bought were the product of committing crimes (including fraud), the criminal prosecution was dissolved for the facts related to the way of discovery and trafficking of the original artifacts (in the criminal file 440/P/2008), and because the authentic goods, *bought in good faith*, however, were stolen from sites belonging to the Romanian State, according to the law, there was civil action that continued, about establishing the property, as the State claimed the rightful ownership over them. File 440/P/2008 was sent to court in 2010, and since then it is in the trial phase. On April 23, 2010, in the civil case, on trial at the Hunedoara Court (no. 5750/97/2008), the *Expertise Report* signed by the expert Dr. Ernest Oberländer-Târnoveanu was submitted, regarding exclusively the assets that may belong to the national cultural heritage. The result was an evaluation of a prejudice of 30.606 euro, claimed by the State of Romania through the Ministry Of Culture. Several objects delivered by P.N. proved to have an exceptional heritage value, as, for instance, the two silver torques³⁷. The head of feminine statue (Artemis), the *situlae* fragment, the appliques, fibulae, silver phalara as well as antique coins (Greeek & Roman) proved to be extremely valuable³⁸.

The false pieces, subjected to a metallographic expertise, were returned to P.N. in December 2010, as they were not assets likely to belong to the national cultural heritage. He filed a criminal complaint regarding the *fraud*, for which he could have been compensated by the ones who sold him contemporary objects as antique ones. Although it cannot claim to be considered goods likely to belong to the cultural heritage, not even handicraft products with an aesthetic value, we think that it would be necessary to insist a little on the pieces that have been proven to be contemporary, knowingly sold.

In Romania, in the absence of a market for antiques, there were not, at least not recently, famous cases of counterfeiters of cultural goods, at least for

³⁷ One of them, the complete one, was presented in the Catalog of the MNIR exhibition: *Gold and antique silver of Romania*, of Bucharest, 2013 (Aurul 2013, p. 393). The rods of its extremities, with a quadrilateral section and with the decoration in the form of circles with a point in the middle, drawn downwards towards the end, where the bar widens with a relatively spherical projection, which suggests the prominent muzzle of an animal, having two circles pointed on these extremities. The second one had two broken ends, more precisely the unstitched rods, with a quadrilateral section and with the outline decorated in the form of a running spiral, which narrows towards the end in the form of a vertical flattening, marked with two points on each side, suggesting a whole animal head. If one of the rods can be glued, having the entire body preserved, the second, shorter, lacks a limb.

³⁸ Oberländer-Târnoveanu 2010.

the ancient artifacts. For example, in Bulgaria from 2000-2010 the acquaintances of *Sofia I and Sofia II*, made coins of the highest quality, difficult to differentiate from the original ones, which invaded the markets. In Europe, a few cases are known of the famous counterfeiters, but the attention has fallen mainly on the works of art (paintings, sculptures, etc.), much better sold on the market. There was a problem in establishing the authenticity of some new artifacts. The experts were facing difficulties, as it was expected, one of the recent cases in establishing the authenticity of the Dacian spiral gold bracelets being still fresh on the subject³⁹. On the same occasion, there was a rumor circulating that the artifacts were forged by a jeweler from Călan, (who, obviously died shortly after the criminal prosecution began) without any convincing arguments. The idea of using the gold resulting from melting of Koson coins had a real *boomerang effect*, seriously shaking the arguments of the opposite group. Another case of a so-called forged artifact was the sculpture of a young man's head, made in marble from Bucova, taken from a collector in Alba Iulia in 2006. One of the local dealers stated that it was his creation, obviously with the purpose to protect the collector, who was a public person.

There is recent information about the idea that coins from the collections of several national museums, were allegedly replaced with forgeries. This makes it hard to believe that inside persons are not involved. Until specific evaluations shall be conducted, regarding the numismatic collections, we hope the rumors will not be confirmed. Another phenomenon, that cannot be contested, is the reduced number (at least!) of the numismatic experts from the public institutions, with very good knowledge, who can prove to be at the same level of preparation as the numismatic experts of European or American auction houses. Sooner or later, a confrontation between them shall appear, inside the Romanian Courts, and, the perspective is not fortunate, from this point of view.

Epilogue

What is the lesson learned from all of the above? A market base Law, even for the black antiques market (!) is that if there is no *claim*, there is no *offer*! There were situations when, due to greed- one of the seven major original sins- "the collectors" were facing situations when they asked for

³⁹ I still find followers of the ideas of two great representatives of Romanian archeology of the 20th Century, as were Alexandru Vulpe and Constantin Preda, who publicly expressed, during the criminal prosecution (!), a series of deductive statements, which put the question mark on the authenticity of the artifacts recently recovered at that time.

much more than the dealer could supply. The dealers depended on the poachers from the field (excepting the cases when they were the same person). Sometimes “*there was no merchandise*”. In such situations, someone had the great idea- it proved to be good, as it was very useful, on many occasions- to offer forgeries, counting on the fact that the rich collector has a great financial situation, and has no knowledge in identification of authentic items. The greed and competition, fed by ignorance and incompetence, started a phenomenon that gave a taste of their own medicine to the “cardboard collectors”. Our collector suffered from multiple prejudices: he lost his collection (according to his statement, he grew very attached to his collection), he lost the money he invested and he strongly believed that he was deceived and justice was not served. He did not have the chance to recover any of the prejudices, as his health was severely affected by this episode. However, he did a noble gesture: he made possible the recovery of great value property, which, otherwise, might have reached international collectors or at auction houses that did not care about the *uncertain* origin of the objects. The repeated sale would have made them legal, meaning through *artifact laundering*, a particular form of money laundering⁴⁰.

Between 1990-2005, encouraged by the lack of reaction of authorities, many people considered a good idea to secure their financial earnings by investing in cultural objects, heritage objects, therefore creating an increased *claim* of such objects. The poachers took the role of the *claim* in this matter. The easiest sources were the archaeological sites, unsupervised, with material deposits that were not part of a previous inventory (data base, inventory, photography, publication, etc.), which could prove the theft.⁴¹ They ignored the fact that there are other methods and means by which an artifact, recently extracted from the soil, can be identified as being stolen, with all the *laundering* efforts, both literally and figuratively, deposited by those involved in this traffic. The equation of this chain is synthesized inspired by a recent analysis by the experts in the cultural heritage field in Northern area: (*different thieves, one financial motivation!*) However, we cannot help but wonder, with the risk of appearing malicious, how many collections of this kind, held by rich people and vanities inversely proportional to their level of knowledge of the domain, do not contain fake pieces, *generously* offered by

⁴⁰ Lazăr 2008; Lazăr 2009; Duțu et alii 2018; Deppert-Lippitz 2009.

⁴¹ As I mentioned above, the source of public collections, museums, which have proved to be, as appropriate, another source quite easy for thieves should not be overlooked.

dealer service experts, self-taught experts, *white-collar* fraudsters, existing in most large cities or overlapping archaeological sites?

We also focus on an aspect frequently observed in the case of antique markets, namely on the so-called *gray market*. It is named the grey market because it is perceived as being between the black, obviously illegal and the white, legal market. The cultural assets, likely to belong to the cultural heritage, stolen from their original contexts, represent *new entries*, previously unknown to the experts, not taken into account in previous records or inventories. The interfaces through which they are sold are the gray market, illustrated in the table in figure 19. *The private collections*, designed in the turbulent years after 1989, not mentioned in the records of the public institutions (impossible due to their illegality), represent, today, *the intermediaries*, or *the vehicles*, between the black and the white markets.

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Fig. 1. Bronze statuettes and round plates, seized by prosecutors



Fig. 2. Coins, rings, bell fragment and appliques seized by prosecutors



Fig. 3. Silver and bronze coins (67), seized by prosecutors.



Fig. 4. Bronze statuettes and fragmentary statuettes, seized by prosecutors.



Fig. 5. Bronze statuettes with female representations seized by prosecutors



Fig. 6. Plate representing a noble Dacian's head (1), feminine statuette (2), round plates (phalerae) with "antique" characters (3-4)



Fig. 6. Zoomorphic statuette (phalliphormic).



a

b



Fig. 7. The "workshop" of the counterfeiter with molds and plaster casts seized at the domiciliary search



Fig. 8. The molds and patterns exposed at the Alba Iulia Museum



Fig. 9. Two dacian silver necklaces (*torques*), with zoomorphic extremities (II-I a. Chr century)



Fig. 10. Silver *phalera*, with vegetal and geometric ornaments (roman - I p. Chr century)



Fig. 11. Bronze fragmentary statuett, head of Artemis (hellenistical tradition, III-II a. Chr)



Fig. 12. Bronze *situla* fragment, head of aquatic bird (swan) (I p. Chr. century)



Fig. 13. Bronze fibula, with polychrome vegetal ornaments (II p. Chr. century).

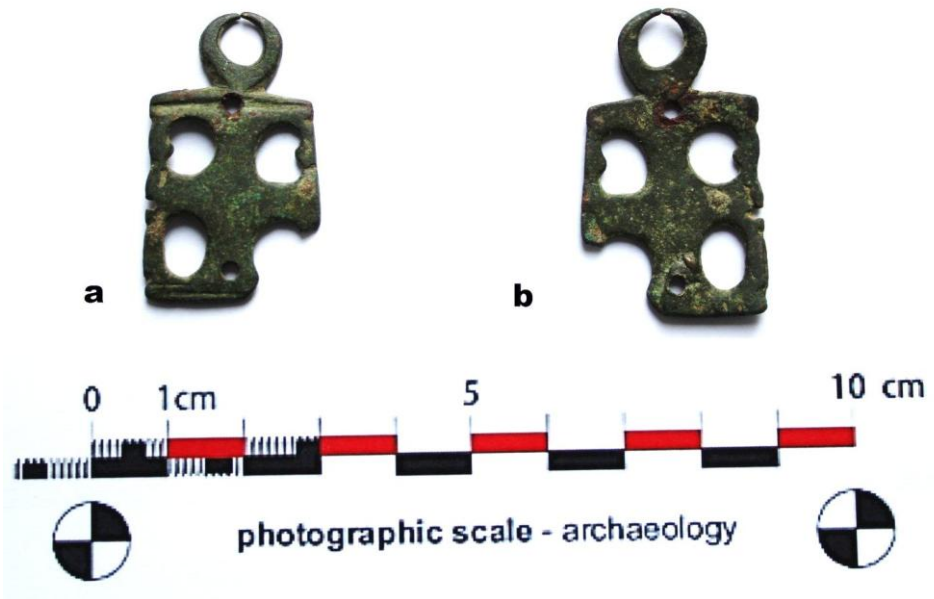


Fig. 14. Bronze belt applique (II-III p. Chr. century)



Fig. 15. Bronze applique (fibula?) with vegetal ornaments (III p. Chr. century)



Fig. 16. Silver belt applique with gold, vegetal stylized ornaments (X-XI century)



Fig. 17. Zoomorphic bronze fibula (peacock), with ornaments (II p. Chr. century)



Fig. 18. Medieval bronze and copper rings (XII-XV century)

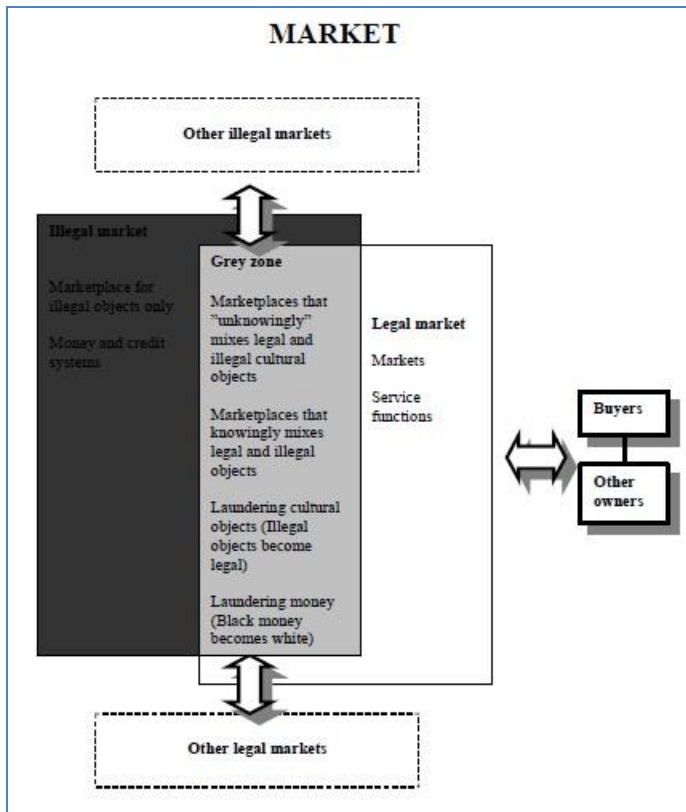


Fig. 19. The structure of antiques market and the relation with money laundering (after Cultural Heritage Crime 2006, p. 24)