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## LAW, CRIMINOLOGY & CRIMINAL JUSTICE | REVIEW ARTICLE

# Transit: An analysis of networked criminal groups and criminal opportunities at transit ports

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**Abstract:** Like the path of many contraband commodities, trafficked cultural objects cross countless legal borders and intersect with the legitimate market world at a number of critical transit junctures, which supports the concept of a single “grey” market. These transit settings, where different elements of trafficking networks must converge, are sites of vulnerability for criminals and opportunity for law enforcement intervention. For this discussion, the case study of Subhash Kapoor’s trafficking network will be used as a frame of reference throughout the essay to support the idea that a port, as an interface in the global supply chain, is a critical site for analysis and understanding of international trafficking in cultural objects. What follows is a discussion of conceptualisations of organised crime in late modernity, a spatial analysis of the global cultural heritage trade, and an overview of the securitisation and role of sea ports in trade.

**Subjects:** Transnationalism; Security Studies - Pol & Intl Relns; Criminology and Criminal Justice; International Trade (incl. trade agreements & tariffs); Museum and Heritage Studies; Culture; Archaeology; Politics of Archaeology; Heritage

**Keywords:** trafficking networks; cultural property crime; smuggling; international trade; transnational criminology; transit; cultural property trade; organised crime; illicit antiquities

### 1. Introduction

Throughout the sequence of events that make up antiquity trafficking networks, there is neglected opportunity on the part of law enforcement to intervene within the complex realm of transit security. Like the path of many contraband commodities, trafficked cultural objects cross countless legal borders and intersect with the legal world at a number of critical transit junctures: customs, law enforcement, tariffs/taxes, licensing and certification, shipping and inspection, border control, purchase and sales records, audits, government accounting, and the courts. These processes provide a better understanding of the supply-demand nexus of networked criminal groups and how much

### ABOUT THE AUTHOR

Ryan Casey recently completed her Master of Science in Transnational Crime, Justice and Security at the University of Glasgow. Her research concerned security, compliance, and interagency cooperation at European transit ports. She currently works in Queens, New York for a criminal justice non-profit organization that helps to divert offenders with behavioral health issues from the criminal justice system and into alternative treatment programs.

### PUBLIC INTEREST STATEMENT

The smuggling of antiquities by organized crime groups is a global concern that has consequences for international trade. This article explores how modern organized crime functions and how a group of Indian antiquity smugglers were caught by law enforcement agencies from multiple countries that worked together to collect evidence. Focusing on sea ports, where these smuggled antiquities are packaged and moved, reveals a great deal of information about how organized crime operates and how law enforcement can combat it in the future.

contact they maintain with the legal hurdles of regulated trade and trade security. For this analysis, the recently on trial and well-known trafficking network associated with Subhash Kapoor will be used as a case study throughout to discuss the larger concerns of: (1) conceptualizing organized crime in late modern times; (2) a spatial analysis of the global antiquity trade; (3) an overview of trade ports and heightened security measures; (4) regulatory responses at ports; and, (5) implications for the future of transnational antiquities trafficking.

## 2. Case study

Subhash Chandra Kapoor is the former owner of “Art of the Past,” an art and antiquities gallery in New York and also Nimbus Import Export, Inc., a shipping company located at the same address (St. Hilaire, 2012). He has been involved in many cases of idol smuggling in India, especially from temples in Tamil Nadu, and is currently awaiting trial in several national jurisdictions (Felch, 2015; Selvaraj, 2012). In a criminal confession to the Indian magistrate in 2012, he described his career trajectory from the time he worked in his father’s antique shop in Delhi, to when he moved to New York and opened his own gallery in 1987; he later created the Nimbus Import Export company in 2003 with his brother and daughter for trading purposes (Felch, 2012, 2015). In order to supply his gallery, he travelled to Indonesia, Thailand, Cambodia, Vietnam, Hong Kong, Pakistan, Sri Lanka, and India for contacts (*ibid.*). Kapoor established connections with a group of “business contacts, commission agents and dealers” (Idol Wing-CID, 2009) through a friend based in Chennai, Arcelia Gallery owner Sanjivi Asokan. However, these contacts were a gang of local temple thieves to whom he promised lucrative profits. Kapoor himself visited the Arulmigu Sundareswarar and Varadaraja Perumal temples in Tamil Nadu with the thieves and selected which Chola-period bronze idols he wished for them to take (Felch, 2015). From New York, he then wired them several hundred thousand dollars to break into the temples, steal the idols, transport the objects to Asokan’s gallery in Chennai, have them restored, gather false documentation, and then smuggle via shipment to the United States (Felch, 2015; Selvaraj, 2012). In order to obtain false documentation, Asokan brought the idols (mixed in with modern versions as a disguise) to the Office of the Handicraft and presented them to the development commissioner of the Ministry of Textiles, Shastri Bhavan, for an official Handicraft certificate which states the idols were Artistic Handicraft Products (Idol Wing-CID, 2009). Asokan then presented an export license with the false certification to his agent Pakia Kumar, where it was loaded onto a shipment in Chennai through an export company called Ever Star International Services.

The shipment first travelled to Hong Kong and then London before Nimbus Imports Exports received it in New York (Felch, 2015). Kapoor then created a false provenance for the idols by claiming they were from the family collection of Selina Mohammed, his romantic partner at the time; he admitted in confession he had also used the name of a fake private collector in the past (*ibid.*). However, after a property-dispute case in Singapore between Kapoor and another former romantic partner, Paramaspry Punusamy, she contacted the Idol Wing team of the Tamil Nadu police (who were already investigating Kapoor) and gave them the whereabouts of Kapoor’s recent movements and an updated photograph of him for law enforcement to use to identify him more easily (Selvaraj, 2012). In October 2011, Kapoor was arrested in Germany after Interpol issued a warrant for his arrest and extradited to India on charges of trafficking stolen art (Felch, 2015; Selvaraj, 2012). After the criminal trial in India, the Manhattan D.A. office plans to extradite Kapoor to the US for more charges following the successful convictions of his associates: gallery manager Aaron Freeman, girlfriend Selina Mohamed, and sister Sushma Sareen (Felch, 2015). Given the name Operation Hidden Idol, the US-led investigation into Kapoor has successfully seized many looted antiquities associated with his criminal network, and although considered proceeds of crime, the idols are in the process of repatriation back to Tamil Nadu. This case study is not necessarily an exception to the norm, but it is unusual for a trafficking network to be so thoroughly investigated and adjudicated from the identification of the thieves all the way to intervening in the auction houses that have attempted to sell the idols on the market. The evidence gathered surrounding the methods Kapoor used to trade and move the objects and the attention given to transit ports in the investigation all together, is perhaps indicative of why the case was so successfully conducted and prosecuted.

### 3. Discourse on organized crime

The definition of “organized crime” is a politicized and debatable discourse - especially its acknowledgement in international cultural property trade research (*inter alia*: Alder & Polk, 2002, 2005; Chappell & Polk, 2011; Mackenzie, 2005, 2009, 2011; Proulx, 2010; Tjihuis, 2006). Similar in principle to many other international or national definitions of organized crime, the UK National Criminal Intelligence Service (2001 cited in Mackenzie, 2002) defines it as: “two or more persons jointly engaged in continuing serious criminal activities for substantial profit or gain, whether based in the UK or elsewhere”. For those who buy into the stereotyped idea of grouped professional criminals who use violent and corrupt tactics in the pursuit of illegal profit, the NCIS definition may seem broad. However, organized crime groups are becoming more entrepreneurial and trafficking a number of different commodities for profit as they morph into “multi-component” networks; they are increasingly fluid and adaptable compared to static, out-dated notions of organized crime (Mackenzie, 2002). The networks being established overseas in various consumer markets are constantly evolving in accordance with the ebbs and flows of late modern capitalism; the present state of things characterized by neoliberal global economies, reflexivity, and information technology (Giddens, 1991).

One way to analyse the relationship between international antiquities trafficking and organized crime is the “criminals in the market” approach: to view organized crime as a group of opportunistic professional criminals infiltrating the cultural objects market (Mackenzie, 2011, p. 69). This approach is grounded in the many rumours and questionable reports of antiquities being used as laundering placeholders for drug money or funds for other international illicit activities, which is linked to larger systemic issues of local political and bureaucratic corruption, militias in conflict states, and mafia/organized crime groups (*ibid.*). However, in addition to its unfounded conception, applying it to the Kapoor case is too extreme. Though he participates in criminal activities, Kapoor is also a legitimate seller of antiquities who happens to use his shop to also sell looted and stolen objects. The other people involved in the trafficking network were hired and paid on a contractual basis - not because of bonded, social loyalties that would often be associated with traditional understandings of mafias. Paoli (2002, p. 55) and Finckenauer (2005) are actually of the opinion that the term “organized crime” is too “ethnically loaded” and distracts from the reality of how organized crime manifests and operates in modern times. Furthermore, this perspective of understanding it as “criminals in the market” is difficult to prove, as finding definitive links between different stages of a transnational criminal network is an almost-impossible endeavor. A more understanding approach from this angle is to consider the sector vulnerability of a market, which measures how vulnerable a market is to organized criminal activities compared to others and how to reduce the attractiveness of the market to organized crime (Albanese, 2008; Beken, 2004; Mackenzie, 2011). However, this model conceptualizes organized crime as a homogenous phenomena; or arguably, like a contagion. The very definition and manifestations of organized crime are far too complex and misunderstood to be assessed so uniformly, as though it is something a susceptible market can be inoculated against. The manifestations of organized criminal activity in late modern consumer markets is much more characteristically dispersed and looks more anatomically like a series of nodes connected by lines than a pyramid of power (Mackenzie & Davis, 2014). Therefore, the “criminals in the market” perspective needs to be developed further for it to be helpful in understanding the complexities of organized crime.

Another approach is an inversion of the former: viewing the “market as criminal”: the international market in antiquities as inherently illicit or criminal in nature (Mackenzie, 2011, p. 69). The structural organization of the market could then be perceived as consisting of: thieves/looters, smugglers, shady dealers, sellers, and buyers of illicit commodities (Mackenzie, 2011; Polk, 2000). This perspective of the market is linked to the “spectrum of enterprise” approach to defining organized crime proposed by Smith (1980) and applied to cultural property trafficking by Mackenzie (2011) which identifies global trade as always more or less licit or illicit. Arguably, the spectral theory of criminal networks is a mediated solution to the debate surrounding the nature of organized crime. It accounts for the complexity of activities a criminal network may be involved in and the blurred lines of crime. However, most of the literature on the spectral theory of enterprise is supported either in abstract social theory or within a narrow and clustered range of geographical sites, which is often a flaw in

research from a Global North perspective (Dietzler, 2013; Fraser, 2013, p. 251; see: Edwards & Gill, 2002, 2003; Mackenzie, 2011; Mackenzie & Davis, 2014; Smith, 1980). Zhang and Chin (2003, p. 485) describe organized crime as consisting of enterprising agents with no identifiable allegiances, structures, or set of norms; in a sense, they can be perceived as “structurally deficient” which corroborates the implied imagery of a network. Rather than being exclusively deviant, certain international criminal markets such as the antiquities market, are dominated by small, entrepreneurial groups of traders who do not identify with a larger organized criminal affiliation, and who connect with each other through sporadic operations necessary to the business (Mackenzie & Davis, 2014; Zhang & Chin, 2003). This understanding of criminal groups being networked better explains the relations between the individuals in Subhash Kapoor’s trafficking network. The connections between the thieves and Kapoor was business-like and impersonal; furthermore, the Idol Wing-CID report (2009) provided evidence that both Asokan and the thieves were independently in the business of stealing idols for others as well, not just employees of Kapoor.

Therefore, the global cultural property marketplace should be understood of as a “grey” market rather than mutually exclusive legitimate and illegitimate markets (Bowman, 2008; Mackenzie, 2011; Polk, 2000). Similarly, Nordstrom (2007, p. xviii) refers to it as “il/legality”—or the intersection of legality and illegality. The reality of the antiquities trade is that the flow of objects—which can become licit or illicit by a variety of means—are intermixed and, therefore, the unified market they all enter is considered “grey-tinted”; oftentimes, dealers may condemn the trade of looted artefacts in public, but practice complacency or even participation in private (Mackenzie, 2011, pp. 72–73). In the academic discourse of corporate crime, this can be understood as “creative compliance”: where the letter of the law is enforced without the spirit of the law (McBarnet, 2006, p. 1091). It can afford antiquities traders the protection of claiming the law has been followed, in instances of illicit activity, without actually enforcing what the law set out to accomplish. This sort of behavior only contributes to the larger problem of unreported criminal activities (dark figure of crime) and the immeasurable scale of global trafficking in cultural property. Although international figures are often inaccurate or sensationalized, the global profits of the illicit economy represent a significant part of the world’s economic system and politics (Dietzler, 2013; Nordstrom, 2007). However, no official data or statistics exist to assess the impact of laundered currency on a nation’s financial stability, global security, nor the extent of organized crime activity in antiquities trafficking (Nordstrom, 2007). Dietzler (2013) suggestion of redirecting researchers from the question of whether organized crime—particularly out-dated notions of it—is involved in the trade of illicit antiquities, towards the study of dynamics of organized and criminal trafficking could prove a more meaningful endeavor.

#### 4. Spatial understanding of the trade

Networked criminal enterprises and trafficking networks are a consequence of neoliberal capitalism – characterized by the privatization of markets - and the proliferation of “grey” economies, which exist in the international sphere, beyond most enforceable jurisdictions (Nordstrom, 2007). Governments often allow minor business “irregularities” for the sake of maintaining national profits and accommodate “creative compliance” to law in global markets (McBarnet, 2006; Nordstrom, 2007). Countries that rely on the transnational flow of commodities construct: duty-free zones, economic processing zones, free trade zones, non-bank dollar licenses, and trade deals (which reduce taxes for national social services) in order to attract more trade (Nordstrom, 2007, p. 86). However, criminal networks also benefit from these zones through unregulated trade, illicit profits, undeclared trade goods, smuggling, money laundering, and other innovative ways of profit-making (*ibid.*). The expansion of the global trade in commodities is rooted in the context of economic and political transformations as consequence of a global consumer-society and conditions made easier by countries dependent on such consumption (Eski, 2011; Nordstrom, 2007).

When conceptualizing a theoretical model to represent the trade of cultural property, it is important to reflect the realities of global capitalism and range of activities that comprise the trade. In Scheper-Hughes (2004, p. 36) study of the international trade in human organs, she adamantly defended the use of an older “core-periphery” model of global capitalism which emphasized

mercantilism. Her model was three-pronged and consisted of: donor, transfer, and recipient nations. Similarly, most criminological literature on the trafficking of cultural property reflects a three-pronged division of events: source, transit, and market nations (*inter alia*: Alder & Polk, 2002; Bowman, 2008; Mackenzie, 2009, 2011; Polk, 2014). Scheper-Hughes (2004) defended her use of the outdated model as a political stance against the direction the discourse was headed and the growing trend of using abstract terminology that she felt was a distraction from the content and quality of her research. However, the same sort of model is continuously used in antiquities trafficking literature without such stated motives. The three-prong model for understanding the division of activities and locations in antiquities trafficking delineates basic information, but it simplifies many complex events and processes which could arguably be better understood through a different lens.

Felson (2006) argues the emphasis of organized crime research (though it could be expanded to include a majority of transnational crimes) should be on: (1) specific and tangible events; (2) their sequences; and, (3) their settings. Meaning, the criminal acts and their connections to one another should be the organizing principle rather than the actors. He also identifies that one of the biggest distractions in scholarly understandings of organized crime is the “understating of the diversity of criminal cooperation” (2006, p. 6). While it has been demonstrated that the network approach to understanding organized crime creates a helpful visual and more flexible interpretation, it still does not explain the flows of influence, capital, and power throughout the network (*ibid.*). The structure of criminal groups in modern times is characteristically fluid; though recognition of the social capital of a network is helpful (see: Lo, 2010), it does not provide a solution for intervention. Therefore, the spatial theory proposed by Felson (2006) offers a more insightful analysis of transnational crimes by viewing the entire phenomenon as a sequence of events. The settings where the events occur, and where unstable networks find a degree of stability, are known as “offender convergence settings” (Felson, 2006, p. 9). These settings, where different elements or network members of the criminal sequence must converge or transition, are sites of vulnerability for a criminal network to law enforcement intervention or engagement. For criminal networks involved in the trafficking of cultural property, these convergence settings can include: settings for transactions such as local marketplaces or private properties, and settings for transfers such as transit ports. Or for the case of Subhash Kapoor, they would include: Asokan’s gallery, the shipping port in Chennai, the transit stops in Hong Kong and London, the receiver port in New York, transfer to warehouse, and delivery to Kapoor’s gallery. For the case study of Kapoor, there are many convergences that occur during transit and especially at sea ports. Therefore, it is vital to understand the role transit ports play in the trade of global commodities, and especially how cultural objects pass through port sites.

### 5. The role of commercial sea ports in transit

For those who participate in international trading, economic globalization only further diminishes the sovereignty of countries and their potential to control trade dynamics in and out of their jurisdiction (Nordstrom, 2007, p. 115). For those who operate in the spaces of transit ports, “movement is primary, borders are secondary. Laws, some might argue, are tertiary” (*ibid.*). Commercial sea ports facilitate the uninterrupted flow of commodities and services between national jurisdictions and across large expanses of unregulated water. It is important to understand that transit is not just the time or distance between two points, but a universe of processes and meanings (Nordstrom, 2007). This is why the three-prong understanding of transnational cultural property trafficking does not suffice; transit is not an action or place, but a sum of many complex processes. The routes used for transport are vital to the flow of commodities—both licit and illicit. Therefore, an important consideration for solutions to intervening in the trafficking of illegal antiquities is how objects are imported and exported at these transit ports. The unregulated nature of ports leaves them vulnerable to being utilized by criminal networks for shipping and advancing their criminal opportunities (Nordstrom, 2007). In the Kapoor case, transit ports were vital to the trafficking scheme of idols from India to the United States. Asokan, the middleman dealer in Chennai, knew how to acquire fake documentation which he knew would not be closely inspected by the Indian Ministry of Textiles or shipping company in Chennai (Idol Wing-CID, 2009). Furthermore, the lay-overs in large ports such as Hong Kong and

London ensured the least likelihood of inspection due to heavy traffic (see: Eski, 2011) while also accumulating provenance for the objects along the way.

Twenty-foot equivalent units (TEUs, aka containers) are the classic 20 × 8 × 8 foot metal containers which make up the majority of modern shipping (Nordstrom, 2007). Average container ships carry around 1,700 containers although sturdier ones can carry up to 3,000, 6,000, or even 8,000 containers (*ibid.*). They are ideal for smuggling because not every container is checked; the inspection of containers is an intensive (and expensive) operation and they are impossible to enter without going through the motions of a bureaucratic process which leads to days of work if every single box were to be checked (Eski, 2011; Flynn, 2004). In the current economic climate, somewhere between 80 and 90% of world trade is conducted by the international shipping industry (Eski, 2011; Frittelli, 2005; Nordstrom, 2007). Around 50,000 ships are registered in 150 countries worldwide and manned by a diverse and international staff (Nordstrom, 2007, p. 115). Even the most technological-savvy ports can inspect a maximum of only 5% of goods passing through customs, with about 1% stopped for random inspection (*ibid.*). Usual suspicious activities caught by customs include: underdeclaring the value of goods; wrongly declaring what the goods are; incorrect paperwork; and, improper practices such as smuggling. Before the current 9/11 “securityscape” (Eski, 2011), US Customs prioritized the prevention of smuggling and misevaluation at ports (Peterson, 2014a). Now, however, imports are analysed by Customs as security risks and their technologies to inspect and examine incoming shipments are more efficient and advanced: flight data is digitally recorded by Automated Manifest Systems; courier services transmit mandatory Importer Security Filing details before departure; first-time importers are frequently inspected because of their lack of established record of shipping into the US; and certain commodities and countries of origin are flagged for inspection (Peterson, 2014a). For the Kapoor case, this could arguably be a reason for intentionally passing the idols through Hong Kong and London; as major ports who conduct frequent trade business with the US, it would raise less alarms than a shipment received from India.

The first and cursory exam conducted by US Customs is: a VACIS exam or Non-Intrusive Inspection (NII) - similar to a basic X-ray scan where the container is run through an X-ray machine at the sea-port terminal and the pictures are reviewed to determine if the container needs to be opened and inspected or even taken to a Customs Exam Sites (CES) to be stripped (Peterson, 2014b). For U.S. Customs and Border Patrol, turn-around time for basic NIIs is 2–3 days and they charge \$150–\$350 to the importer per container for this service (the price escalates if further inspection is needed) (*ibid.*). However, exams and inspections like this US VACIS exam is time-consuming and creates bad relations with client-businesses. In an interview with a harbourmaster, Nordstrom (2007, p. 119) noted the man confessed that there is a political-economic pressure to allow containers through the ports without inspection, in order to avoid gridlock and trouble with the businesses that use their service. For these reasons, transnational smuggling organizations utilize commercial maritime routes in order to “blend in”, whether or not the commodity needs to be laundered like cultural property does (Eski, 2011; McNicholas, 2008). Ports are ideal hubs of smuggling operations, such as that of Kapoor’s, because of the ease in inserting illicit goods through their channels (Eski, 2011, p. 418; Kostakos & Antonopoulos, 2010; McNicholas, 2008; Zaitch, 2002).

## 6. Regulatory response at transit ports

In an interview with an anonymous international businessman under the alias “Richard”, Nordstrom (2007, p. 64) recorded: “I even smuggle things out of customs myself. I’ll put in for a shipment, and about the time it’s to arrive, I call daily to find out its whereabouts, if it has docked. I have my ‘friends’ at the port—people who have made a little extra for helping me in the past. They let me know when it’s in and where it is; and when I arrive at the port, they let me in and turn their heads while I get what I need. I even put important packages under my seat and drive out the port gates like that. Smuggle, you might call it. And I wave to all my friends from other businesses who are doing the same.”

Maritime realms, commercial seaports in particular, play a vital role in the global economy and are an important site of international security and regulation. While international laws regarding trade imports and exports, such as the 1970 UNESCO Convention or 1974 IMO-SOLAS Convention (and its ISPS amendment), provide basic regulative standards, the enforcement of these conventions is nevertheless grounded in national authority (Eski, 2011; Wenning et al., 2007). The networks of global trade are often considered to be too fluid to be governed by individual countries, which leads to neglected regulation of “grey market” economics that fall outside the jurisdiction of state intervention (Nordstrom, 2007). Ironically, in a system that contradicts itself, international conventions and systems of regulation are only meant to be necessary when national laws are insufficient (Mackenzie, 2015, p. 151). However, if the national level of uncontrolled trading practices were to be addressed, it would have to balance the emphasis on supply and demand control, rather than just focusing on one side as law enforcement tends to do unsuccessfully (*ibid.*). Therefore, within the larger sequence of events that make up the global trade in cultural property, the nexus of supply-demand is a critical point in the sequence for intervention and regulation. Some scholars argue a system such as the diamond Kimberley Process should be introduced to the antiquities market, which would actually target transit control (Mackenzie, 2015, p. 152). The Kimberley Process enforces a standardized system of certification that ascertains the identities of importers and exporters and the values of shipments, which in theory, would make trade more transparent (*ibid.*). However, when a participating state is a transit state for any shipment, the shipment must remain unopened and not tampered with, even if deemed suspicious (Mackenzie, 2015, p. 152; Murphy, 2012). This aspect, as well as the so-called “positives” of the Process do not enforce any rules or laws smugglers in antiquities have not already demonstrably manipulated or abused. In fact, the rules of the Kimberley Process about regulating inspections by transit countries only makes the heightened security of global trade a more bureaucratic process.

The case of Subhash Kapoor happens to be a story of successful regulatory intervention in collaboration with US and Indian agencies in investigating a transnational trafficking network. The Port of Newark (New York/New Jersey) is a site of commercial transit in the United States that hosts US Customs officers, some of which have specialized knowledge in cultural property (Kohn, 2015). In 2007, the Indian Consulate contacted Homeland Security Investigations’ (HSI) cultural property division via Interpol with the name of a suspicious import export company linked to Subhash Kapoor expected to receive a shipment containing seven crates claimed as garden sets, but which actually contained stolen Indian cultural property (Kohn, 2015; St. Hilaire, 2012). The smuggled cultural property was shipped in a container through Newark with a declaration claiming to be: “1 stone garden table set and 2 white table sets.” The declaration was clearly inaccurate based on the visible size of the shipment package (Kohn, 2015). In a documentary directed by Kohn (2015), a retired Customs officer admits there are certain preferred code words smugglers use which can be used to identify suspect packages such as “handicraft.” Past bills of lading for shipments from Ever Star International Service to Nimbus Import Export, Inc. show shipments being received since 2006 with declarations such as: “brass handicraft items”; “Indian handmade artistic articles”; “brass Indian handmade artistic articles”; “Indian handmade artistic handicraft articles”; and “Indian artistic handicraft” (St. Hilaire, 2012). After the interception of this shipment by US Customs, HSI and Customs cooperated with one another to form a database of archives on Kapoor’s trade activities: official faxes; flight information such as air carriers, container ships, sites of unloading, and transfers; detailed container status reports such as times of freight arrival to port, VACIS exams, release times from NII exam, transit to warehouses, and availability for pick-up; shipment catalogues; shipping groups; manifest information such as declaration of type of goods; sales records including signatures; export licenses; and the names of businesses such as courier services used (Kohn, 2015). The database collected by HSI serves as a way to understand patterns of behavior and identify weak points in the smuggling process. It also demonstrates that transit, as the least studied aspect of cultural property trafficking, is a valuable site for intervention because the paperwork involved in trade is a potential vulnerability for traffickers and source of intelligence and evidence for law enforcement. The day the US issued a warrant for Kapoor’s arrest was the same day they entered his storage unit at SOFIA storage centre in New York, where Kapoor housed 2,600 antiquities, all of which were seized by the authorities

(Felch, 2015). In addition to Kapoor, the Idol Wing of the Tamil Nadu Police Department details the arrest of Asokan and export agent Packia Kumar who ran Ever Star International Services and who allegedly exported illicit commodities disguised in shipments with newly crafted statues (Idol Wing-CID, 2009). Then on 26 July 2012, ICE issued a press release of the seizure of: a 1,600 lb Buddha head; a life-size stone figure weighing 500 lbs.; 3 Chola period bronze sculptures (Uma Parvati, Sivagami Amman, Murugan); a sandstone statue (Kubera); a grey schist statue (Herkules-Vajrapani); and, a sculpture (Shakyamuni Buddham).

## 7. Future implications

Examining the transit smuggling methods surrounding the Kapoor case can aid law enforcement in the United States and India in their on-going investigations targeting Kapoor and his list of clients. Furthermore, it can also help policy makers, lawyers, Customs, and criminologists create better systems to detect, uncover, and prosecute future crimes related to the trafficking of cultural heritage (St. Hilaire, 2012). The purpose of this analysis was to unravel confusing terminology surround the global trade in cultural objects, create a more flexible conceptual framework, and focus attention on ports which are an overlooked aspect of commodity smuggling. From the in-depth analysis of sea ports and their relationship to the larger sequence of trafficking events, maritime ports can be better appreciated as complex intersections of insecurity and security (Chalk, 2008; Eski, 2011, p. 415). Furthermore, the role of Customs and port security in the Kapoor case reveals how vulnerable the setting is within the larger activities of criminal networks. Therefore, it is urged that more attention from international and national regulatory response agencies be focused upon transit ports as a site for intervention or disruption of smuggling. A comforting idea for the present, at least, is that federal agents are combing through Kapoor's communication and file archives to build a picture of his global supply network (Felch, 2015) which will give further insight into the reaches of globalized crime networks.

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