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INTERNATIONAL ASSOCIATION OF DEALERS IN ANCIENT ART

## IADAA NEWSLETTER SEPTEMBER 2020

### ***Who is telling the truth? The controversy over the Pa-di-sena stele at the centre of a court case in Paris just doesn't add up***

Was it looted and smuggled out of Egypt in 2011 or exported legally – or illegally – in 1971?

Unless the US authorities produce indisputable evidence to back their position, a French court ruling on a claim for compensation will surely have to validate presented paperwork and other evidence.

The controversy surrounds not just the Egyptian stele, (pictured right) seized on its way to TEFAF New York in 2019, but also the \$4 million gilded sarcophagus at the Metropolitan Museum in New York, sent back to Egypt last year at the behest of the New York District Attorney's office – both reportedly coming originally from the same source.

They are back in the spotlight after Parisian gallery Cybèle decided to sue the Paris auction house Pierre Bergé, where it bought the stele in 2016, according to a detailed and informative account by Vincent Noce in the Art Newspaper.

The stele was seized in New York in 2019 just before being transported there for display at the TEFAF NY show, where it had also been exhibited in 2018 accompanied by an Art Loss



Register certificate, a French passport and an EU export licence.

The Art Newspaper reported how NY District Attorney Cyrus Vance Junior had announced at the time of the seizure that the stele had been illegally exported from Egypt by an “international antiquities trafficking organisation”, which had been under investigation by Assistant DA Matthew Bogdanos and (later) his antiquities unit since 2013.



The investigation had apparently been carried out in conjunction with French and German law enforcement, so it would be logical for the US authorities to release the information to the French court.

The court case additionally cites Parisian dealer Christophe Kunicki – consultant expert for Bergé and also subject to the legal claim – whose sale of the gilded sarcophagus to the Met came to grief when it too was taken into custody by the DA with the Met’s approval. The DA’s office returned it to Egypt amid much public fanfare last year. <sup>1</sup>

Cybèle, which reportedly waived any claim to the stele after being shown evidence by the DA’s office, accuses Kunicki of knowingly providing false provenance for it.

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<sup>1</sup> See <https://www.metmuseum.org/press/news/2019/metropolitan-museum-of-art-returns-coffin-to-egypt>  
And <https://www.manhattanda.org/manhatta-das-office-returns-ancient-gold-coffin/>

The situation has been made more complex by the intervention of California-based collector Simon Simonian, active as a dealer in Cairo from 1969 to 1984, operating under the government-issued licence number 86, which allowed him to export antiquities legally. According to the Art Newspaper, on July 8 Simonian confirmed by email to the French police that he had officially exported the stele in 1970 under the export licence number 1067. It also reported Simonian’s further claim that he exported the sarcophagus in 1971, also on a genuine licence.

However, this is said to conflict with NY Assistant District Attorney Matthew Bogdanos’s official report, which reportedly states that the Egyptian Department of Heritage denies the existence of such a licence number. Nonetheless Simonian is mentioned as a dealer in the book *The Antiquities Trade in Egypt 1880-1930* by Fredrik Hagen and Kim Ryholt. On page 263, it notes that he sold a Ptolemy III stele to the Cairo Museum in 1980, even giving

the museum reference in the accompanying footnote. It is difficult to understand how he could have done this if he was not operating in a legal manner.

While the Egyptian Heritage department may not have records for the export licence number now, 50 years after the relevant time period, its absence does not mean the licence number 1067 was not legally issued under Simonian's name and licence number at the time.

How easy would it be for even the US customs to find 50-year-old documents like this on request? By its own rules, it is only necessary to keep documents presented for inspection for five years. The same is true in the UK.

ADA Bogdanos goes further, according to the Art Newspaper, stating that "this [the stele] provenance is patently false. Demonstrably false. Criminally false", pointing out that Kunicki provided the same origin for the gilded sarcophagus that he sold to the Met.

To be as adamant as this must surely mean he has incontrovertible proof, not just suspicion based on a lack of paperwork. Or has he?

At least one media report from within Egypt clouds the picture further, as it refers to the Minister of Antiquities, Khaled al-Anani, stating that the gilded sarcophagus left Egypt in 1971, smuggled out using a fraudulent export permit. If it was exported around that time, legally or not, then it is difficult to see how can the DA's office be right about the sarcophagus being looted after 2011? <sup>2</sup>

If the stele came from the same source, as stated in the published provenance, how likely is it that they were exported over 40 years apart?

According to the published provenance at the Met, the sarcophagus was part of the Tawadros collection, as was, according to Bergé's catalogue, the stele. In fact, Tawadros was a dealer, using licence number 86, which passed to Simonian when the latter bought the business and its entire stock in the late 1960s. Simonian subsequently exported many objects from this collection to Europe.

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<sup>2</sup> See <https://www.shorouknews.com/news/view.aspx?cdate=16022019&id=9946ab96-f40d-48b7-9324-591303441817>

Is there independent evidence of the 1971 export of the stele, for example through scholars who might have studied it soon after? Could an old photograph of the unrestored stele, said to have appeared in an e-mail in 2015, actually be evidence of it being in Europe decades before the 2011 uprising in Egypt? And how about the official German translation of the Arab export licence provided by the German embassy in Cairo in 1977 referred to in the provenance at the Met? Could independent scientific (forensic) analysis of this document confirm its authenticity or otherwise? We don't even know if such tests have been carried out.

All these questions need to be answered before we judge those involved.

If the DA's office has made a mistake over the stele whilst acknowledging that it has the same provenance as the sarcophagus, has it returned the sarcophagus itself to Egypt in error? If so, who should be held responsible for the Met's ensuing \$4 million loss and other damages?

If the French court requests the documents from the USA, will the DA's office release them? And if so, will their release to the court result in their contents being made public and demonstrating, as unequivocally as ADA Bogdanos states, that the provenance given was "...patently false. Demonstrably false. Criminally false"?

A lot of people have a great deal riding on the outcome.

**Art Newspaper link:** <https://bit.ly/2F9Ufyf>

### ***The World Customs Organisation's Illicit Trade Report 2019 reinforces the view that Cultural Heritage crime is miniscule compared to other risk categories***

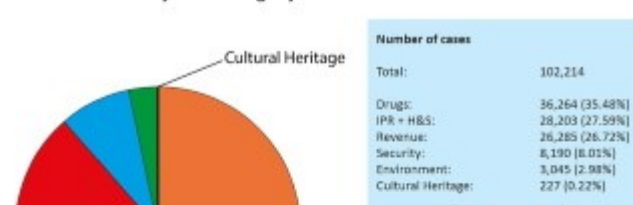
Whichever way you look at it, cultural heritage crime – the trafficking of cultural property across national borders – is a tiny proportion of criminal activity when compared to other risk categories, from drugs and counterfeit goods to alcohol and tobacco smuggling.

That is the clear picture painted by the latest [World Customs Organisation Illicit Trade Report](#), which assesses cultural heritage accounts for just 0.2% of cases investigated during 2019 and just 0.2% of seizures. It's a picture that is consistent with the 2017 and 2018 reports, the first two to provide detailed analysis and statistics on the sector.

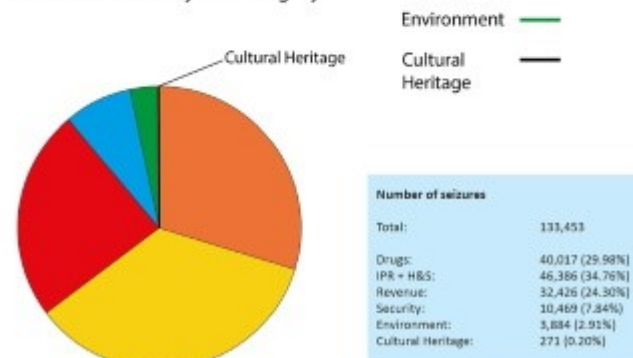
Delayed reporting means that figures are adjusted over the following 12 months – but not by much. And while statistical analysis focuses only on reports made via the Customs Enforcement Network, the report also includes anecdotal evidence and case studies of other cases reported via national police authorities. Even so, these do not show a dramatic difference in the overall picture.

IADAA has published an [at-a-glance version](#) of the data from the 200-plus page report, while [Artnet News](#) have published an article on its findings.

Share of cases by risk category



Share of seizures by risk category





### ***Dismay as antiquities department give go ahead for hotel on ancient site***

Cyprus Mail: September 3: What is described as a “shock decision” to allow the construction of a hotel on an ancient coastal site in Cyprus where important remains were recently discovered has led to a backlash.

“This is the sort of move that makes people think that it may be time to change the constitution to protect the antiquities,” head of the Green party Charalampous Theopemptou told the Cyprus Mail.

Attempts to persuade the Antiquities department to move the hotel to another site failed.

“We are burying our history for the sake of ‘development’,” said politician Andreas Evlavis.

<https://bit.ly/2Faj1y1>

### ***Did British Museum buy most of its three million objects?***

Modern Ghana: September 4: This is an extraordinary broadside against the British Museum and, in particular, its director Dr Hartwig Fischer.

Exploring the post-colonial, anti-imperialist debate further in the context of the Black Lives Matter movement, it accuses Fischer of “resorting to old tricks” and demands that he “tell the truth” about the Rosetta Stone, adding: “The British taking the Rosetta Stone from the French was like a big-time thief stealing from a small-time robber.”

Going into great depth over the Benin bronzes debate, the article also name checks the V&A and Wallace Collection before criticising the British Museum over its stance on the Parthenon Marbles.

It continues: “If the British Museum wants to discard its reputation as a citadel of looted and stolen artefacts of others, it should stop trying to advance baseless arguments and justifications for its illegitimate and unjustifiable detention of artefacts of others. It should stop telling African peoples who want to recover their looted treasures that the museum treats seriously its obligations as a universal museum.”

For museums who considered themselves in a separate category from the antiquities trade when it came to the attitudes of restitution campaigners, the article is a salutary reminder that they too are under the spotlight, as it states: “The blood antiquities which Fischer and others display for the aesthetic contemplation of visitors represent an extremely high price in terms of lives of the deprived peoples. Can Fischer and co understand all this?”

<https://bit.ly/326tqUm>

### ***Love of antique collecting pushes people in Idlib to preserve Syrian heritage***

Enab Baladi.net: September 6: This fascinating article brings together several strands in the debate over the trade and preservation of antiquities, so it is especially interesting that the focus is the Syrian domestic market.

Reporting on social media groups interested in antiquities, it states: “Through the groups, the antique collectors share images of their artifacts and information about them. They also exchange art pieces and ask for help searching for missing items of rare antique sets. They also offer lost distinctive pieces found by chance, after Syrians’ property and belongings were gone due to bombing and displacement.”

This sounds perilously close to the sort of Facebook activity that anti-looting campaigners so strongly disapprove of.

Another oriental antique shop owner, Abdullah al-Abdullah, tells the reporter that “the antiques are subject to supply and demand, which decreased in the Syrian market, within the absence of a clear evaluation of the antiques’ prices and value.

“Al-Abdullah gave an example of a sword worth 10,000 USD, which could be sold outside Syria by one million USD.”

<https://bit.ly/35e3kko>

### ***Sudan floods threaten ancient archaeological site, experts say***

Al Jazeera: September 8: An ancient archaeological site in Sudan is threatened by rising Nile floodwaters. This has never happened to the site before, which includes the ruins of Al-Bajrawiya, once a royal city of the two-millennia-old Meroitic empire.

Teams have set up sandbag walls and are pumping out water to prevent damage.

<https://bit.ly/33mPsBM>

### ***Will US Congress finally pass anti-money laundering legislation?***

Art Newspaper: September 8: The bipartisan report into money laundering threats in the USA published in July may have added pressure to introduce new laws to regulate the art market, but according to this article, more work on the subject is needed first.

As the Art Newspaper notes, anti-money laundering legislation would not have prevented the sanctioned Russian oligarchs Arkady and Boris Rotenberg from illegally spending over \$14 million on art in the US.

“The real issue outlined in the Senate’s study is not money laundering per se but evasion of sanctions,” explains Peter Tompa, a noted collector, director of the Global Heritage Alliance and of counsel at Bailey & Ehrenberg.

The article also quotes Deborah Lehr of the Antiquities Coalition, who says the push to legislate may be needed because of bad actors exploiting the art market. Particular targeting of the antiquities trade has raised concerns about how

realistic and appropriate proposed measures would be as they interrupted business.

Nicholas O'Donnell, an attorney at Sullivan & Worcester, points out that it is not the art market professionals who are the criminals here, but the buyers. And he echoed the antiquities trade concerns about the burden the proposals might put on small business.

<https://bit.ly/2ZBWWzF>

### ***Egypt's Court of Cassation upholds three-year jail terms for antiquities smugglers***

Ahram Online: September 13: Demonstrating that its strict policies to prevent looting and smuggling are having an impact, the Egyptian Court of Cassation has upheld three-year jail terms and 50,000 Egyptian Pound fines given to two people who tried to smuggle antiquities to Spain in 2009.

<https://bit.ly/3ivCMYG>

### ***Gold-hunting diggers destroy Sudan's priceless past***

Art Daily: September 9: Gold hunters have used giant diggers to destroy the ancient site of Jabal Maragha in the deserts of Sudan.

The country's director of antiquities said that the looters had dug extensively because the site was filled with pyrite rock which would have made their metal detectors go off. "So they thought there was gold," he said.

Even though archaeologists and police who visited the site caught the looters in the act and arrested them, they were later released. One archaeologist speculated that this was because of the influence of the diggers' employer. "Sudan's archaeologists warn that this was not a unique case, but part of a systematic looting of ancient sites," the article advises.

Exactly what the authorities are doing about this widespread looting is not clear.

<https://bit.ly/33p5iMl>

### ***"Preposterous" US-Turkey Deal Could Lead to Pillage of Cultural Heritage***

Greek Reporter: September 16: Setting aside the obvious longstanding tensions between Greece and Turkey over issues such as Cyprus, this article highlights the potential clash of interests in discrepancies between contemporary national borders and those of earlier civilisations.

Dr Elizabeth Prodromou, a visiting Associate Professor of Conflict Resolution at the Fletcher School, a graduate school for international affairs at Tufts University in Boston, is reported as dismissing the new US/Turkey Memorandum of Understanding as "preposterous, even outrageous". The MoU is aimed at restricting imports [to the US] in a bid to protect Turkey's cultural

patrimony under Article 9 of the 1970 UNESCO Convention, but Dr Prodromou and other unnamed experts believe that this is a smokescreen for Turkey to “destroy, appropriate and expropriate” any artefacts for Hellenic cultures that once flourished in what is now modern Turkey.

Similar arguments have been put forward regarding Libya’s claim, under an MoU with the US, on cultural property belonging to Jews who were purged from the country.

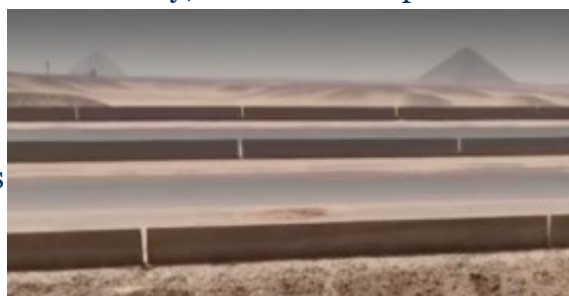
In this case, Cyprus is at the heart of the matter, with Dr Prodromou referring to “the cultural pillaging and looting which took place in occupied northern Cyprus after the Turkish invasion of 1974”.

<https://bit.ly/3mL2cLo>

### ***Conservationists flabbergasted by new road over Egypt pyramids plateau***

Brisbane Times: September 16: “Egypt is building two highways across the pyramids plateau outside Cairo, reviving and expanding a project that was suspended in the 1990s after an international outcry,” this article reports.

They are part of a wider infrastructure for a new capital city to ease pressure on Cairo and appear to be eight lanes wide each. The southern route will pass between three pyramids, while the northern route will pass 2.5 kilometres south of the Great Pyramids. “Critics



say they could cause irrevocable damage to one of the world’s most important heritage sites.

Authorities say they will be built with care and improve transport links, connecting new urban developments and bypassing central Cairo’s congestion.” Mostafa al-Waziri, secretary-general of Egypt’s Supreme Council of Antiquities, publicly supports the construction of the roads, even though some Egyptologists and conservationists say the highways will disrupt the integrity of the pyramids plateau, pave over unexplored archaeological sites, generate pollution that could corrode monuments, produce litter and expose closed areas packed with hidden archaeological treasures to looting.

<https://bit.ly/2RWobRq>

### ***Two Manhattan antiquities dealers arrested on charges of fraud***

The Art Newspaper: September 23: At the centre of this case are allegations that the owner of Fortuna Fine Arts Ltd, Erdal Dere, and his business partner, Faisal Khan, faked the provenance of artefacts they sold, thereby swindling buyers, over a five-year period starting in 2015.

They reportedly “fabricated false provenance documents by listing deceased



collectors as the long-time owners of objects” they had never owned.

They face two counts of wire fraud each, which carry a maximum prison term of 20 years. Dere also faces a two-year prison sentence for one count of aggravated identity theft.

<https://bit.ly/33Uzq2q>

### ***Ancient sculpture put up for auction in UK to be returned to Iraq***

The Guardian: September 27: The British Museum has played a central role in arranging the return of what has been dubbed a “high-rarity” Sumerian artefact to Iraq.

Thought to have been looted at some time between the early 1990s and 2003, the relief had been offered online for auction by TimeLine Auctions in 2019 when the museum spotted it and tipped off the Metropolitan Police who then seized it.

“We’re used to coming across tablets, pots, metalwork, seals and figurines on the art market or in seizures that have been trafficked. But it’s really exceptional to see something of this quality,” said Dr St John Simpson, the British Museum’s senior curator.

No known publication or listing of the relief exists.

<https://bit.ly/36f965M>

### ***Ce fut un choc terrible. Je ressentais une douleur comparable à celle que l’on ressent lorsqu’on perd un être cher***

Paris Match Belgium: September 28: At first, this article focuses on the destruction of archaeological exhibits in the Mosul museum under Daesh before moving on to the subject of looting and trafficking.

Among the anecdotes and descriptions, the article makes a number of claims that it fails to substantiate.

The first is that Brussels is a nerve centre for a transnational network of contraband antiquities. This is contradicted by both the latest World Customs Organisation’s latest illicit trade report (see elsewhere in this newsletter) and the RAND Corporation report that the article later quotes.

The second is that cultural property looted from museums and archaeological sites in Iraq and Syria was “heavily trafficked”. The fact is that no one knows the extent to which this has taken place, especially as so little material has since turned up, a fact echoed by New York Assistant District Attorney Matthew Bogdanos, who oversaw the rescue of the Baghdad Museum as a Colonel in the US Marine Reserve Corps.

The article does refer to nearly 100 artefacts seized by Daesh for smuggling and a Europol list of 94 stolen objects, including the splendid relief of a lion from Nimrud.

It goes on to refer to a vast international traffic in looted antiquities, but again

fails to provide any evidence of this despite saying that Paris Match Belgium has “extensively” documented this and can show how resale networks are branching out to the heart of Europe from the Middle East. Surely, if it has the evidence, that should be published without delay.

This all leads up to what the article is really about: the view that regulation is too lax, especially in Belgium, and that the proposed EU anti-money laundering legislation should tighten compliance like never before.

The RAND Corporation report, which this article quotes, states the following:

- “Our research points to a market that looks smaller and is less organized.”
- “Our analysis suggests that it is unlikely that large volumes of looted antiquities are being sold through observable channels in Europe or the Americas”.
- Lack of reliable evidence leads to wild speculation over the illicit market. It means that policy and argument “has been dominated by speculation and hypotheses” that have “generated some widely accepted theories of how the illicit antiquities market operates”.
- “We believe that, going forward, scholars arguing that the illicit market is larger than we suggest here will need to more clearly articulate the means through which these goods are sold.” The Paris Match article fails to do this.

The Paris Match article also fails to acknowledge the already onerous set of laws introduced to regulate the market, not least the recent import licensing regulations due to be enforced in full within five years. Nor does it recognise any of the efforts already made by trade bodies over recent years. Instead, it is dismissive about the market, making the entirely unsubstantiated claim that “the small world of antiques does not care about the rules”.

The problem with this approach is that while the article has some serious points to make, its own unmeasured and cavalier approach to facts and the truth undermines its credibility.

<https://bit.ly/30ev4lG>

### ***Questions raised in Malta over Prince George's shark tooth gift from David Attenborough***

The Guardian: September 28: A useful story with strong parallels to issues within the antiquities community. Sir David Attenborough, arguably the most respected, loved and influential figure in British public life, presented Prince George, third in line to the throne and son of conservationist campaigner Prince William, with a fossilised shark's tooth he found in Malta in the 1960s.

The Maltese government has now backed down from demanding the tooth's return – a huge diplomatic embarrassment for both Sir David and Prince William – but it highlights how historically legitimate exports can be challenged

under subsequent laws.

“Fossils fall under the definition of cultural heritage as a ‘movable or immovable object of geological importance’ and, in line with the provisions of the Cultural Heritage Act 2002, their removal or excavation is now expressly forbidden,” the article notes.

As subscribers to this newsletter will know, the trade is constantly being challenged over items exported from source countries. Often these challenges are made under laws that were only adopted after these items left the relevant country legitimately, sometimes decades or longer after.

<https://bit.ly/3jfl96S>

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