



INTERNATIONAL ASSOCIATION OF DEALERS IN ANCIENT ART

## IADAA NEWSLETTER JUNE 2021

### **Public prosecutor confiscated eleven objects in the Antikenmuseum Basel (Translated from German)**

*After the Carabinieri in Turin confiscated an antique Hercules statuette from the Museum of Antiquities, the public prosecutor in Basel also confiscated eleven objects.*

The Museum of Antiquities in Basel has found itself in the centre of an international row after being accused of receiving stolen goods. The dispute, which has been going on behind closed doors for more than two years, first arose in September 2018 after the Italian judicial authorities contacted the Basel public prosecutor's office asking for assistance in the recovery of stolen goods. The Italians had alleged that the items might have come from illicit excavations or might have been illegally smuggled into Switzerland.

The result was that the prosecutor seized 11 items from the Basel Museum. Whatever the evidence (not revealed) to show the validity of the Italians' claim, it was convincing enough to the Basel public prosecutor to act, and the museum's director, Andrea Bignasca, was later summoned to meet the authorities.

Then in December 5, 2018 the Carabinieri seized a further 15 items on temporary loan from the museum while they were on display at the Reggia di Vernara palace in Turin. Quite apart from the unexpected nature of the seizure itself, the Carabinieri's physical handling of the objects without the supervision of expert staff breached the Basel museum's insurance policy, according to Bignasca.

Another object, a bronze statue of Hercules, was seized in Italy by the local Italian judiciary and the Italian judiciary is now reported to have initiated criminal proceedings on the basis of the items being stolen.

Other items, including the centrepiece of the loan exhibition, the million-dollar amphora of the so-called Berlin painter with Athena and Herakles, which Ciba AG presented to the Antikenmuseum Basel for the opening in 1965 has given – is back in Basel following the closure of the show in March 2019.

Initially, Dr Bignasca, who comes from Ticino in Italian-speaking Switzerland, enjoyed a constructive dialogue with the Carabinieri in his attempt to recover the bronze Hercules.



Above: The statue of Herakles from the Basel Museum of Antiquities at the centre of the dispute.

© Antikenmuseum Basel and Sammlung Ludwig / Photo: Andreas F. Voegelin

However, a change of personnel among the Carabinieri led to a worsening of relations, compounded by a breakdown in communications as a result of the COVID pandemic. According to Bignasca, the figure is now stored in a Carabinieri art locker and he no longer knows who to talk to about it.

The stalemate continues, with the added issue of what appears to be a lack of evidence to justify the seizures (*see, also, the Eurojust case in Belgium below*). Now the affair has become public, which can only be damaging for prospective museum loans to Italy. Questions have also been raised about how well those responsible for culture in the presidential department have kept their bosses informed of what has been going on. The Basel Museum collection has had problems in the past, as nearly 1,300 objects had been acquired from gallery Antike Kunst Palladion, once owned by Gianfranco Becchina, later convicted of trading in stolen goods.

Whatever evidence the authorities may have seen either in Basel or Italy, what is not disputed is that The Foundation for the Promotion of the Antique Museum acquired the Hercules statue in 1973, a year after the UNESCO 1970 Convention on illicit cultural goods came into force, but 30 years *before* Switzerland ratified the convention, agreeing to abide by its articles, so seemingly putting it beyond the convention's scope.

As a postscript, [Coins Weekly provides this illuminating analysis of the issue](#), setting it in historical context.

### ***Department of Antiquities announces «Digitising the Museums of Cyprus» Programme***

In-Cyprus: June 1: The Cyprus Department of Antiquities has launched a digitisation programme to record all movable antiquities held in the Cyprus Museum in Lefkosia, as well as pieces on display in other museums within the country.

*Digitising the Museums of Cyprus* is being funded by the European Economic Area Financial Mechanism (EEA) and Norway Grants and is expected to play a significant role in the management and protection of the museum collections.

*Above: How the Cyprus museums digitisation scheme may appear  
(Image courtesy of In-Cyprus)*

### **Egypt's 1st archaeological replica factory seeks to promote culture worldwide**

Global Times: June 1: This is a fascinating photo feature focusing on the creation of replica artefacts within the Egyptian factory for the purpose of export and boosting tourism revenues.



*Above: The photographs are taken by Chinese news agency Xinhua.net (New China news agency)*

### **Hobby Lobby Is Suing a Classics Professor for Allegedly Selling the Company Antiquities He Stole From Oxford University**

Artnet News: June 3: Hobby Lobby has revealed it is suing the Oxford University classics professor who sold them ancient religious artefacts for their Museum of the Bible, in Washington, D.C., that turned out to be stolen.

Doctor Dirk Obbink, who said he mistakenly sold items to Hobby Lobby from the university collection, was arrested in March 2020, but, according to the Hobby Lobby \$7 million complaint, retained his job as a lecturer in papyrology and Greek literature in the university's classics until February 2021.

Hobby Lobby also say that despite acknowledging the error, Obbink has only repaid them \$10,000 of the \$760,000 he took from them in payment for 32 items that later turned out to have come from the university's Sackler Library.

### **SANA: Ankara-backed militants transfer Syria's cultural heritage, antiques to Turkey**

Press TV: June 3: This report claims that illicit excavations have been taking place near Aleppo to extract Syrian artefacts and export them to Turkey – and all under the direct supervision of Turkish intelligence forces.

"The Ankara-backed militants, equipped with modern excavation equipment, had begun digging and bulldozing a number of sites on the outskirts of the Nabi Huri castle in Afrin in search of antiquities and artifacts," according to the Syria's official SANA news agency.

"The report said that such plunder of the Syrian cultural heritage is part of a plot by the "Turkish occupier" to empty the area of its cultural identity after displacing its original inhabitants."

### **Acropolis makeover stirs Greek antiquity row**

France 24: June 5: Culture and social equality have come into conflict at the Acropolis as the Greek government's attempts to make the historic site more accessible during restoration has come under fire.

At the heart of the row are new concrete paths created to help people with disabilities gain access to the site more readily. Critics say they have been hastily built without consideration for the historic importance of the site.

Accusations of a lack of consultation, together with health remaining health and safety concerns, continue to dog the project.

### **Suspects arrested after destroying antiquities in illegal excavation**

Jerusalem Post: June 7: This article provides a snapshot of what the authorities in Israel are doing to protect sites and prevent looting.

In this instance, residents of local villages equipped with manual digging tools were caught destroying parts of a site at Khirbat al-Jahush, as well as looking for items of value.

They were arrested as part of the joint initiative between Israel's Antiquities Authority, Border Police and Nature and Parks Authority inspectors, as well as volunteers.

### **NCBA: Dealers, Tell Congress to Support Changes to AML Act of 2020**

CoinNews.net: June 14: This article is a clarion call for coin dealers to object to aspects of the proposed anti-money laundering regulation changes in the United States.

"Several components of the new law that are still to be finalized will directly impact the numismatic and bullion industry," it explains. These include:

- Raising the minimum threshold for reporting "Currency in excess of \$10,000 received in a trade or business," (Form 8300) from \$10,000 to a higher amount.
- Raising the threshold for needing an Anti-Money Laundering program in place from \$50,000 (both buying \$50,000 and selling \$50,000 of "Cover Goods" during a year) to a higher amount.
- Clarifying the reporting requirements for and minimizing the impact of the Corporate Transparency Act on your business. This is the most complex component of the new AML Act.
- Finally, ancient coins dealers should be concerned about the definition of an "antiquity" and what reporting thresholds should apply. The Global Heritage Alliance, a group that advocates for stakeholders in the antiquities industry, is taking the lead on the Antiquities component of the new AML Act of 2020.

NCBA has stepped in to help by creating sample letters for people to work from in order to put their case.

### **Ancient archaeological collection returned to Italy from Belgium with help of Eurojust**

Eurojust press release: June 21: On the face of it, this appears to be a major victory for the Carabinieri and EU law enforcement as they send a collection of almost 800 Apulian archaeological artefacts allegedly valued at €11 million to Italy, which claims that they are illicit.

**However, dig deeper and all is not what it appears.**

At the heart of this case is a stele, which has been part of this collection for over thirty years. It had some missing features that matched fragments on display in a museum in Puglia. The assumed implication? *"The stele must have been exported illegally"*: "The missing part enabled authorities to make a link to the artefact displayed during the expositions and led to the Belgian collector," Eurojust explains. However this is no evidence of illicit export.

What came next sounds dramatic: *“At his premises, the investigators found the main part of the tombstone and were able to match this to the parts displayed in the Italian museum. During the investigations, a further vast collection of illegally excavated artefacts and pieces of pottery was found, dating to between 600 and 300 B.C..”*

Establishing judicial co-operation between the Belgian and Italian authorities led to the entire collection later being shipped to Italy.

However, despite the claims, questions remain over what really happened.

A separate source has told IADAA that far from being shown to be illicit, the collection – which they valued at about a tenth of the quoted €11m figure – was shipped to Italy “for further research”, with claims that it was illicit and seized, coming only after the shipment had taken place and without any evidence being provided to support the claim.

As CNN reported, “the stele was listed in the catalogue for an exhibition held at the Rath Museum in Geneva, Switzerland, from November 1993 to February 1994, and an exhibition at the Mona-Bismarck Foundation Museum in Paris, France, from March 1 to April 30 1994.”

Article 7 of the European Union’s Regulation 93/7, which applied at the time, stipulated that Italy would have one year to file a claim for its return from the moment the whereabouts of the cultural property as well as the identity of the owner were known. It did not do so. Even under the updated Regulation 2014/60, which extended the claim period by three years, the current Italian claim is at least 25 years too late. No evidence to support its claim to the wider collection has been made public.

It is also odd that the authorities state that an investigation helped them identify the collector when the above-mentioned stele, as well as many other objects from the collection, had been published and exhibited prior to January 1<sup>st</sup> 1993 – the “watershed year” of the above mentioned EU Regulation – unusually, with the collector’s name published alongside them as the owner.

Regardless of the stele itself, questions remain over other items in the collection, notably the numerous black figure Attic vases, whose origins are particularly difficult to establish, making it highly unlikely that any evidence exists to show that they were exported illegally from Italy after January 1<sup>st</sup> 1993, as the EU requires for cultural objects to be returned.

Meanwhile the Art Newspaper’s coverage sheds some more light on what appears to have happened. According to its report, “782 items were identified in the collection that could be considered Italian national heritage, and as such had been exported illegally”.

“Could be considered”? And “as such”?

What this appears to reveal is that the collection – the owner is not a dealer despite the headline – has been deemed illicit because of its quality and importance, and not on the grounds of illicit export.

Did the Art Newspaper correspondent ask the authorities what actual evidence they had that the collection was illicit? If so, what was it?

Unless the Carabinieri, Eurojust and other law enforcement are in possession of evidence that the items in this collection were exported against the law after January 1<sup>st</sup> 1993, the seizure would appear to have been made on no more than supposition. If so, a legitimate collector has been deprived of his valuable lifelong collection as a result of what would seem to be no more than nationalism and cultural piracy.

At the very least it would seem reasonable for the authorities to publish their evidence in such a significant case.

Another question arises as to whether the authorities have acted unlawfully. According to Eurojust, they relied on a European Investigation Order, under the European Directive 2014/41, that governs measures used to gather evidence in a criminal case.



Despite the fact that the authorities had already photographed and examined the collection in Belgium more than two years before – thereby providing all the raw materials required for research – the Italians insisted on transporting the entire collection to Italy “for further study”.

The collector launched five consecutive court cases over two years to prevent the collection’s export to Italy, but the Belgian court gave in, permitting even pieces published before 1993, and so out of jurisdiction under the law, to be transported to Italy “for further study” only.

On top of that, the authorities would appear to have breached the terms of Article 19 of the Directive 2014/41, which sets out obligations over protecting confidentiality in such cases (and is codified in Art. 9 of the Belgian law):

**“Article 19 Confidentiality**

1. *Each Member State shall take the necessary measures to ensure that in the execution of an EIO the issuing authority and the executing authority take due account of the confidentiality of the investigation.”*

Both Eurojust and the Italian authorities published numerous details as well as illustrations of the collection in press releases. How this meets their obligations under the confidentiality clause is unfathomable.

**This would not be the first time the Italians have breached the EIO rules.**

As Professor Karl Raimund reported in a detailed study in April 2020 on a similar case, Berlin’s highest and oldest German court, the Berlin Chamber of Appeal, denied assistance to the Italian authorities over a 2018 claim to return three ceramic Apulian vessels offered at auction by a collector. Such a refusal to co-operate is highly unusual, but as the court ruling made clear, “there are legitimate reasons to assume that the execution of the request would be incompatible with (European) public policy” because it considered the Italian claim to be unlawful, condemning what it called “a wrongful request... which harbours the risk of substantial violations of fundamental rights”.

As Raimund concluded: “This is a very serious accusation that Berlin’s highest and oldest German court raises against Italian judicial authorities: if the conclusions of the KG Berlin are correct, then the action of the Italian authorities in this case potentially fulfils the criminal offense of Abuso d'ufficio des Art. 323 Codice penale (Italian penal code), which carries a penalty of one to four years imprisonment.”

Due process must be protected: if evidence is presented showing that any object in the Belgian collection was exported illegally from Italy after January 1<sup>st</sup> 1993, then it has been rightly returned – but only if statutes of limitation have not breached, and it would appear that they have been here. If no evidence exists of any wrongdoing then significant reparations need to be made and a public investigation launched into how such a miscarriage of justice can not only take place but be promoted by the authorities in such a misleading way.



*The Italian Carabinieri, taking possession of items in the collection, say this is the largest ever return of plundered artefacts from the Puglia region. Image courtesy of the Carabinieri Nucleo Tutela Patrimonio Culturale*

#### **Uzbek jihadis destroy antiquities in Idlib Museum**

Al-Monitor: June 21: Evidence that terrorist-inspired destruction of vulnerable places linked to cultural heritage persists. In this instance, Uzbek jihadis affiliated with Hayat Tahrir al-Sham, which controls the north-western province of Idlib, are reported as having destroyed antiquities in the Idlib Museum on June 11.

“A video circulated on social media that showed debris scattered in one of the museum halls that were stormed by the jihadis at night. It appears that the video was filmed by one of the jihadis, who was speaking the language of Uzbekistan, Al-Monitor reports.

#### **624 New Archaeological Sites Added To Saudi National Heritage**

Bol News: June 21: The Heritage Commission has added 624 new archaeological sites to the National Antiquities Register in the first quarter of 2021.

“The National Antiquities Register has been conventional for the conservation and management of Saudi archaeological and historical sites,” the article reports.

#### **Egypt recovers 114 ancient artefacts smuggled into France**

Ahram Online: June 23: Egypt’s Prosecutor-General Hamda El-Sawy has taken possession of 114 Egyptian artefacts said to have been smuggled into France.

Some of them are pictured here in an official photo.

The items, handed over during a ceremony at the Egyptian Embassy in Paris, were said to have been heading for auction, but no details have been given of the circumstances surrounding their seizure.



### **Egyptian prosecution orders detention of former MP, 17 others for trafficking antiquities**

Ahram Online: June 25: Former Egyptian MP Alaa Hassanin has been arrested for involvement in the looting and smuggling of antiquities along with a gang of 17 others. The order to prosecute him came after police raided a warehouse in Cairo and found over 200 artefacts.

Also named by [Egypt Today](#) as being part of the conspiracy is Egyptian businessman Hass Rateb.

“The prosecution’s investigations, according to the statement, uncovered operations of funding worth millions of Egyptian pounds secured by Rateb for the Hassanin, his son and his gang members to dig for antiquities,” states the report.

“Hassanin’s confessions confirmed that Rateb paid millions of Egyptian pounds in search for antiquities, the statement read.”

A judge ordered the detention of Hassanin and three others for 15 days pending investigation.

### **Foreign nations devote \$50 million for archaeological sites damaged by ISIS**

Rudaw: June 27: A number of countries including Italy, the United States, France and the United Arab Emirates (UAE) have together pledged \$50 million for helping to preserve the Iraqi archaeological sites destroyed by ISIS in Nineveh, Diyala and Anbar provinces.

### **Desperate Iranians turn to graverobbing as economy collapses**

Arab News: June 28: A worrying report about how the lack of protective measures combined with poverty and a collapsing economy are leading to increased looting of vulnerable heritage sites within Iran by local people.

“The UN’s body for world heritage sites, UNESCO, ranks Iran seventh in the world in heritage possession — but the country, facing perennial economic decline, is now plagued by looting and site destruction, according to the UK-based Heritage Management Organization,” states the report.