



## IADAA NEWSLETTER DECEMBER 2021

### **What is happening with the District Attorney's office in New York?**

The New York District Attorney's office has barely been out of the headlines this month, first because of the Steinhardt case (see below) and secondly because of a rash of profiles of Assistant DA Matthew Bogdanos and the Antiquities Unit.

Whatever the arguments over the Steinhardt case, perhaps the most astonishing revelation from the court papers was that New York County law treats circumstantial evidence and direct evidence equally. This goes a long way to explaining how the DA's office was able to prosecute the case without having direct evidence of crimes associated with its seizures from Steinhardt. The DA's official line is that his office has decided not to prosecute Steinhardt because that would mean holding onto the 180 items it wished to send back to countries of origin without inconveniencing them through a long delay and also wanted to protect the identity of informants and witnesses.

The Steinhardt operation is DA Cyrus Vance Junior's swansong, and the mass of media coverage includes a number of admiring profiles of Bogdanos, which appear to be aimed at helping him consolidate his position with the incoming DA, Alvin Bragg.

However, what puts Bogdanos at risk is that Vance has spent nearly all of the DA's \$751 million reserves on criminal justice programs, leaving Bragg with just \$31 million to play with. Apparently there has been minimal oversight of Vance's spending.

One of the key criticisms of Vance is that a lot of the money went on jetting around the world for conferences. Vance spent nearly \$3,000 of forfeiture cash to put himself up at the five-star Hotel d'Aubusson in Paris and \$250,000 on meals and trips to places like LA and Singapore.

A recent article in The Atlantic revealed that in 2017 Vance had secured \$2.2 million from a money-laundering settlement to cover five years funding of salaries for the Antiquities Unit. That runs out next year.

If Bogdanos can show how his operation contributes to the bottom line via forfeitures rather than just draining resources, he may become a priority. If he is seen as a drain on resources, he could be in trouble.

While many have lauded Bogdanos and his campaigning Antiquities Unit, others have been less happy, and a particularly stinging attack in the *New York Sun* explains why. Titled What was Cy Vance doing while murders were soaring on his watch? it takes the DA and his office to task over its priorities for law enforcement. The article notes that the number of murders in Manhattan has risen from 80 to 88 so far year on year from 2020, and murders have nearly tripled since 2018. Instead of addressing this, the article notes that the DA has been "obsessing over the former president's old tax returns — and playing amateur archaeologist in the arcane world of classical antiquities".

It continues: "The reason that Mr Vance is the 'first ever' Manhattan DA to establish an 'antiquities trafficking unit' is that his predecessors probably figured that taxpayer dollars were better spent on keeping New Yorkers safe from violent crime."

What makes this worse, according to the article, is the nature of the countries who are benefiting from Vance's largesse at the expense of law and order in Manhattan.

"If the chemical weapons-using regime in Syria, the Iranian client state in Lebanon, the Hashemite King of Jordan, or the friendlier governments in Israel, Italy, or Egypt want to

chase antiques being held by the Metropolitan Museum of Art, or in the hands of private American collectors — well, good luck to them...

“Mr Vance also said the [Steinhardt] agreement would ‘avoid over-burdening resource-scarce nations who would be called upon to provide witnesses in any grand jury or trial’. It’s awfully considerate of Mr. Vance to worry about ‘over-burdening’ countries like Syria, Lebanon, Turkey, or Bulgaria.

“What, though, about the burden on New York taxpayers and others here whose city is struggling amid the fear and economic damage wrought by violent crime?”

The article also notes that the returned items will not necessarily fare better in their countries of origin.

“A civil suit by Turkey in the 1980s had prompted the Met eventually to part with 55 objects. Such a civil suit is a far more sensible approach to such matters than a criminal investigation that diverts resources away from violent crime. What has Turkey done with the objects?

“Turns out that they’d been languishing in a museum in Usak, in Western Turkey, according to an editorial issued in the Sun in 2006. The museum had attracted a scant 769 visitors over five years — about as many as enter the Met every half hour in non-pandemic times.”

After further dwelling on the Steinhardt case and Vance’s admission that any trial would take “years” — why if the evidence is so damning? — it concludes: “The ideology undergirding the investigation — with Vance’s talk of ‘the rights of peoples to their own sacred treasures’ — leads to the great museums of New York and London being emptied. What about the rights of peoples not to be gunned down on a Manhattan street corner?”

This is not an isolated view. With Bragg taking up office on what amounts to a shoestring after Vance blew over 95% of the DA’s reserves, how likely is he to continue indulging Bogdanos and the Antiquities Unit in the way it has been up till now?

### **New York collector given lifetime ban after four-year antiquities investigation**

Antiques Trade Gazette: December 13: Of the numerous articles reporting on the Michael Steinhardt case, this one highlights arguably the most significant aspects regarding what the investigation actually found.

As noted above, on page 7 of the Statement of Facts submitted by the New York District Attorney’s Office in the case, it states: “To prove a suspected crime, all investigations and prosecutions — whether for antiquities trafficking or murder — may also rely on circumstantial evidence. Indeed, New York State criminal law draws no distinction between the weight or importance of direct versus circumstantial evidence in proving a crime.”

It is this enhanced status, granted to circumstantial evidence, that appears to have played such an important part in a case where direct evidence of wrongdoing has been so lacking. According to the Statement of Fact, the investigation determined that since 1987 Steinhardt had acquired more than 1,000 antiquities, valued at more than \$200 million, going on to sell some of them. “Of these acquisitions, this Office developed compelling evidence that 180 were stolen from their country of origin. As will be discussed separately, none of these 180 antiquities had any specific provenance that could be verified by this office. For the remainder of Steinhardt’s acquisitions — of which only 7.3% had any specific provenance that could be verified by this Office — this criminal investigation did not uncover sufficient evidence to warrant seizure.”

So compelling, but still only circumstantial.

The document goes on to explain that grand jury secrecy precludes the disclosure of the full scope of the investigation, partially to protect the identity of witnesses and informants. However, it qualifies this by immediately stating that summary results were being released

in the interests of justice and transparency on the orders of the New York County Supreme Court and because of the significant public interest in the case. The problem is that the result is anything but transparent. As *ATG* reports: "While some objects matched items that appear broken and encrusted with dirt in photos taken shortly after they were found, much of the evidence surrounding the 180 items is circumstantial."

It appears that much of the suspicion and criticism is based on the fact that some of these pieces at one time passed through the hands of discredited dealers such as Robin Symes, Giacomo Medici and Gianfranco Becchina.

The Statement of Facts sets out a range of eight other criteria taken into consideration to create a picture of circumstantial evidence that led to the DA's office concluding that the 180 items were illicit. These ranged from the presence of dirt on objects to the clear identification of find spots, which is rarely possible.

The document was also dismissive of what it listed as 'opaque provenance' issued by dealers and auction houses, calling it 'vapid' and 'a facile attempt to avoid arousing the suspicion of law enforcement authorities and others', while ignoring valid reasons for not passing on full provenance until a sale is complete. This constitutes no more than the DA's prejudice against the art market; he can't possibly have known what the motivating factors were, nor has he taken into account the valid reasons for their behaviour, such as compliance to other laws and contractual obligations.

Evidence in the Steinhardt case may be extensive, detailed and even compelling in parts, but it remains almost exclusively circumstantial. This did not prevent the DA's office from upgrading its findings in its official media statement, which left no doubt about the quality of its investigation in the public's mind: "The seized pieces were looted and illegally smuggled out of 11 countries, trafficked by 12 criminal smuggling networks, and lacked verifiable provenance prior to appearing on the international art market, according to the Statement of Facts summarizing the investigation," the office said.

Steinhardt has defended himself saying that dealers selling to him made specific representations as to provenance and title, and he reserved the right to seek recompense from them if they were false. Note: IF.

He reached an agreement with the DA's office that he will be banned from possessing antiquities for life and will not face prosecution. It also notes Steinhardt's claim that 'he did not commit any crimes related to his acquisition, possession, or sale of any antiquities'.

Protecting witnesses and informants, as well as speeding up the return of items to countries of origin, may have been the official reason for not proceeding with a prosecution of Steinhardt, but could it also be that despite the wealth of circumstantial evidence and the weight New York State law imbues it with, the lack of direct evidence might have resulted in acquittal? Having seized the items and run a very extensively publicised operation, where would that have left the DA's office, especially bearing in mind the likely associated costs in the context of such depleted financial reserves?

Of further concern is the treatment of Russian dealer/collector Svyatoslav Konkin, who has been named and shamed in the DA's Statement of Facts and media release over two gold items he sold Steinhardt.

The Statement of Facts notes the following on page 118: "Konkin initially stated that he had purchased the Gold Bowl in 2011 and that it was of Tajik origin. He later admitted, however, that he knew the Gold Bowl would be stopped by customs officials if declared any antiquity as Iranian or Iraqi." Konkin has told IADAA that he has admitted no such thing.

It also states: "Although Konkin claimed in a letter to Steinhardt that the Gold Bowl "has clear history which goes back at least up to 1970 and earlier, no verifiable provenance prior to Konkin's 2019 arrival into the United States has ever been identified."

The DA's media release claims that the bowl was looted from Iraq during its occupation by ISIS, the implication being that this funded terrorism.

Konkin says none of this is true and describes the DA's claims as "fantasy". He is now exploring next steps over this. If what he says is shown to be accurate, where does that leave the DA's court submission?

Meanwhile, anti-trade campaigner Christos Tsirogiannis, who claimed credit for involvement in the Steinhardt case, told a [Greek publication](#) that the US authorities would soon announce more cases "of the same magnitude". He also complained that countries who had benefited as a result of the restitutions had not been in touch to express their gratitude to him.

"As usual, everyone wants to take a piece of credit from my work that they don't deserve," he tells *Greek Reporter*.

The article reveals that he is especially unhappy with Greece.

"He is particularly bitter about his home country of Greece — which not only has never thanked him for identifying stolen antiquities, but has also accused him that by publishing his work he is obstructing the repatriation of antiquities to Greece. 'Of course, for all these years, I have done exactly the opposite,' he says."

### **Gang arrested for excavating Ancient Egyptian tomb, attempting to smuggle sarcophagus**

Egypt Today: December 2: The Egyptian authorities have arrested eight people for illegally excavating an Ancient Egyptian tomb in Heliopolis and attempting to sell a sarcophagus.

### **Return or restitution of cultural property to the countries of origin**

UN General Assembly agenda item 10 of the Seventy-sixth session: November 30:

Much has been made of the inclusion in this document of a proposal by Greece for countries of origin to reclaim cultural property in light of the dispute with the UK over the Parthenon Marbles. UN backing for the measure is being celebrated in Greece and other countries.

The document includes numerous other recommendations attempting to upgrade oversight of the international art market without any consultation with market stakeholders. One effectively attempts to impose the UNIDROIT Convention of countries despite its impracticalities and the fact that very few countries have signed up to it. Another "urges all Member States to take appropriate measures to ensure that all actors involved in the trade of cultural property, including but not limited to auction houses, art dealers, art collectors, museum professionals and managers of online marketplaces, are required to provide verifiable documentation of provenance as well as export certificates, as applicable, related to any cultural property imported, exported or offered for sale, including through the Internet."

It also lauds UNESCO for its work across various strategic issues, calls for member states to set up dedicated task forces to tackle cultural property crime, as well as to fund other initiatives.

Perhaps most disgracefully, instead of taking UNESCO to task for its fraudulent ongoing campaign against the art market, titled *The Real Price of Art*, the UN uses paragraph 5 to further commend it.

This extensive and unrealistic wish list appears to be both an attempt at a grand power grab for UNESCO and complementary law enforcement bodies, while also piling proposed restriction upon proposed restriction on the art market.

**Prominent Egyptian businessman charged with smuggling antiquities**

The National News: December 12: The ongoing case involving Haasan Rateb and 20 others has now led to charges against the prominent businessman, who was arrested in June. The charges involved his alleged involvement in funding a looting and smuggling operation.

**Medieval pendant is millionth archaeological find by British public**

The Guardian: December 14: A copper alloy medieval harness pendant discovered in Lincolnshire is officially the one millionth item recorded by the Portable Antiquities Scheme, which aims to protect the UK's heritage with the help of the public. Nearly 50,000 pieces were recovered in 2020 alone.

Hartwig Fischer, the director of the British Museum, said treasure findings would benefit museum collections across England, Wales and Northern Ireland, and the PAS system was 'admired and emulated' in other countries.

"The portable antiquities scheme is an essential part of the British Museum's national activity, reaching out to people across the country to record their archaeological finds so that these can add to our knowledge of the past," he said.

**Strong law needed on illicit trafficking of cultural property**

The Week (India): December 16: This article demonstrates how UNESCO is using its bogus campaign claiming that illicit trade in cultural property is worth \$10 billion a year to build influence and capacity for its policies.

In a two-day capacity building workshop that garnered publicity because of the bogus headline statistic, prominence was given to yet another falsehood: that trade in illicit cultural property is "the third largest international criminal activity, and is surpassed only by drugs and arms trafficking".

If, as UNESCO persistently claims when challenged over this false data, the figures don't matter, then why keep using them to push your case?

**Archaeologists stunned as 'remarkable' hoard of Roman-era treasures seized by police**

The Express: December 16: Antiquities and coins found in a car boot during a check on a suspicious vehicle in Jerusalem are probably artefacts seized by Jewish rebels during the



Second Uprising against the Romans in 132 AD.

Included were two 2,000-year-old bronze censors, a bronze jig for serving wine, an ornate tripod stone bowl and a hoard of coins.

***Left: Some of the recovered items were made from bronze (Image: Yoli Schwartz, Israel Antiquities Authority).***

### **Senior gang smuggled Italian antiquities on train trips**

The Times: December 18: Italian police have recovered more than 2,000 items dating from the 6th to 2nd century BC from a smuggling gang who had dug up most of them in southern Italy around Taranto. Unusually, the gang is led by a 79-year-old retired teacher who used pensioners to smuggle pieces across European borders by train. The gang leader was arrested after taking items to Delft for restoration in a laboratory.

### **European Commission clamps down further on ivory trade**

Art Newspaper: December 17: "The European Commission has upgraded its ivory trade restrictions as part of a proposal for a new EU Directive against environmental crime. The new rules will come into effect on 19 January, 2022."

As this article notes, the upgrade is likely to have a significant impact on the art and antiques market.

While provisions have been made for the movement of family heirlooms, the exchange of cultural goods between reputable institutions and for the purpose of enforcement, scientific of educational study, imports and re-exports will be severely restricted.

This, in spite of the EU admitting that the antiques trade is unlikely to encourage illicit trade and poaching ivory, as the official announcement admits.

### **Egypt deports UAE ambassador for smuggling antiques**

Middle East Monitor: December 18: Egypt has deported United Arab Emirates (UAE) Ambassador Hamad Saeed Al-Shamsi over his involvement in smuggling Egyptian antiques. No further details have been published as yet.

### **Cultural property trafficking: How looters in the Balkans share tips on social media**

Yahoo News: December 20: Criminologist Sam Hardy has identified over 8,500 criminals active in the Balkans via studies of social networks including Facebook and Instagram, as well as market platforms eBay and Etsy.

Hardy reports that these criminals are conspiring to acquire equipment and identify vulnerable archaeological sites for looting within the Balkans.

### **Stunning 'Good Shepherd' ring that depicts a young Jesus holding a sheep is found on two shipwrecks that sank in Israel's ancient port of Caesarea**

Mail Online: December 22: The Israelis have salvaged rare antiquities from two shipwrecks dating back 1,700 and 600 years, including a ring showing an early depiction of Jesus as the Good Shepherd. They were found in the ancient port of Caesarea.

"Helena Sokolov, a curator at the IAA's coin department who researched the Good Shepherd ring, told AFP: 'This was a period when Christianity was just in its beginning, but definitely growing and developing, especially in mixed cities like Caesarea,' the *Mail* reports.

"She also implied that because the ring is small, it likely belonged to a woman."

Alongside the Roman-era finds, IAA divers also discovered in a second wreck nearby a trove of around 560 Mamluk-era coins dating from the fourteenth century.

***Shown here: A gold ring with its gemstone showing an image of young Jesus holding a lamb on his back, a scene known as the 'Good Shepherd' in Christianity, is one of***



***several stunning artifacts found off the coast of Israel. Image courtesy of Dafna Gazit, The Israeli Antiquities Authority***

***How did the US become a major hub for stolen ancient artefacts?***

Al Jazeera: December 23: A fairly confused introduction to the issue of illicit trade in cultural goods, this feature is little more than an unchallenged advert for the Athar Project and the Antiquities Coalition. It starts by conflating the ongoing debate over colonialism and the restitution of museum artefacts with issues around the modern-day conflicts in Syria and Iraq. The interviewer, Steve Clemons, also makes no distinction between legal art market activity and illicit trade.

The conversation with Amr-Al-Azm assumes that terrorists like ISIS are being mass-funded by looted antiquities, a long-standing claim for which evidence has yet to be found. Meanwhile the programme gives the impression that such items are being traded on a regular basis in the art market when even arch-critic of the art market Matthew Bogdanos says that none of it has yet appeared on the market or is ever likely to.

All this makes for an exciting broadcast feature, but Clemons, while talking about his great interest in this subject, shows little real understanding and spends most of the time simply feeding his interviewees their lines. He later signs off by claiming that antiquities trafficking is a multi-billion dollar industry, a well-known piece of fake news. At no point does he challenge what they have to say or distinguish clearly between real problem areas and propaganda. It appears that the programme may have been prompted by the Steinhardt case (see above), which is used to show how big a problem this is in the US – and so a great prompt for additional legislation. With little to no media filtering of the Steinhardt evidence and claims through the fact-checking process, it remains a gift to anti-trade campaigners.

Highly noticeable is that when Deborah Lehr starts to drill down to the details of how trafficking works, she switches to examples involving Asian art and the Khmer Rouge, a problem now decades old and nothing to do with MENA antiquities.

Astonishingly, Azm claims that any item in a museum that does not originate from that country has "technically been looted". This takes no account at all of purchases, partage agreements and gifts, yet the interviewer does not challenge him over this.

Most significant is Lehr's publicising of Egypt's MoU with the US, explaining how it is now impossible to import certain items of cultural property to the US. What Clemons does not grasp is that this agreement is unconstitutional as it undermines the property rights of US citizens.

Only the Hobby Lobby, which really did buy illicit antiquities in bulk, avoids real criticism from Lehr, who paints it simply as an over-enthusiastic victim of crooked dealers. Why let it off the leash while targeting others for whom no evidence of wrongdoing exists?

***Will Brexit turn the UK into a hub for the trade in looted antiquities***

Marketplace: December 28: Here, well-known anti-trade campaigners latch on to the paper written by UK lawyer Fionnuala Rogers for the Antiquities Coalition to argue that the UK will become a hotbed of illicit trade after the British government revoked the EU import licensing regulations.

There are extensive reasons why Rogers' arguments and assumptions don't stand up to scrutiny, which in themselves undermine the subsequent claims made here.

One assumption made by the additional critics here is that illicit trade is already flourishing in the UK, when no evidence exists to show this.

Rogers' chief argument – echoed by her supporters here – is that a legal loophole resulting from the continuing debate over the Northern Ireland (UK) border with the Irish Republic (EU) will allow smugglers to bring in illicit goods to the UK for dispersal via that route.

However, she fails to take account of the fact that Northern Ireland has no significant trade in cultural goods from outside the EU (items to which the EU's import law applies) and so any uptick in imports of this sort of material would be a red flag to customs anyway. Dr Neil Brodie is quoted as saying that Britain has blind spot to illicit trade in cultural property, but this is hardly the case. He, himself, advised parliament on the terms of the Cultural Property [Armed Conflicts] Act, which passed into law in 2017, augmenting the Dealing in Cultural Objects [Offences] Act 2003, anti-money laundering legislation targeting the art market brought in in 2020, UN sanctions concerning Syria and Iraq, as well as dozens of other laws that already apply. The UK government also pioneered research and debate in this sphere as long ago as 1999, when it set up the parliamentary select committee to investigate illicit trade in cultural property before following this up by establishing the Illicit trade in Antiquities Panel (ITAP) to develop policy.