



***The Louvre Has Redoubled Its Efforts to Be Named a Civil Party in the International Antiquities Trafficking Case Against Its Former Director***

Artnet News: September 20: Legal manoeuvres by the Louvre appear to be concerned with avoiding any responsibility for the on-going antiquities trafficking case involving items it acquired on behalf of the Louvre Abu Dhabi under the directorship of Jean-Luc Martinez. According to this report, this is the second time that the Louvre has applied to be cited as a civil party in the case, a move that if successful would place any blame on its former director who is, himself, claiming immunity on the grounds that he was an official working for the museum when he acquired the disputed items.

As *Artnet News* asks: "In its arguments, the museum notably did not place any suspicion of wrongdoing on its former director, instead expressing confidence in his integrity.

Throughout, Martinez's lawyers have also insisted on his innocence and have appealed his indictment to the highest French court.

"So why, then, would the Louvre ask to be named a civil party in the case against Martinez?"

It seems that civil status would allow the museum to gain access to vital papers in the case to help its directors assess where the legal action was heading.

It is also a reputational issue – the longer the case drags on, the worse the damage to the Louvre's standing is likely to be, it believes.

The museum's failure in its application for civil status so far is thought to be the result of more than one factor: the lack of sufficient reputational damage so far, in the eyes of the judge, and the implications for the case against Martinez if granted: "One source close to the case maintains that the judge denied the Louvre's first attempt to be named a civil party because approval would have undermined the charges against Jean-Luc Martinez. This is because his defense has asserted that Martinez was misled by fake provenance documents, while acting in good faith, effectively the same line being upheld by the museum. Naming the Louvre a civil party and victim of fraud, they argued, would contradict the judge's decision to charge Martinez with complicity in connection to the same fake documents."

All of this raises the question once again of what constitutes 'due' diligence? What and how many are the right questions to ask when researching items? How far must provenance researchers go? The courts will look at this next. Any conviction on the basis of due diligence failure might have significant repercussions for the art market.

In all of this, what should be remembered is that although strong belief remains that the disputed items are, indeed, illicit, this has yet to be conclusively established.

***Head of New York's Met museum pledges to return trafficked art***

RFI.fr: September 29: Following an extended and unwelcome period in the spotlight associated with illicit works of art it has acquired, the Metropolitan Museum of New York has developed a new policy of actively seeking out pieces to return to source countries.

"You will see and hear from the Met museum not only about more outcome from our research but actually more restitutions, more returns and more collaborations with those countries," its director Max Hollein said at a media gathering.

"We are escalating our investment in the research on our collections and the transparency on the origins of our objects."

### *Unesco planning virtual museum of stolen cultural artefacts*

The Guardian: October 6: UNESCO has announced what it says will be the first virtual museum of stolen cultural artefacts to raise public awareness of trafficking.

“Developed with the international police organisation [Interpol](#), whose database of cultural objects stolen from museums, collections and archeological sites worldwide lists more than 52,000 artefacts, the \$2.5m (£2.05m) virtual museum should open in 2025.”

### *An app shows how ancient Greek sites looked thousands of years ago. It’s a glimpse of future tech*

ABC News: October 8: Smartphone users touring ancient sites will be able to view what they would have looked like when first built. Supported by the Greek Culture Ministry, the augmented reality app, called Chronos, is already being used at the Acropolis.

### *D.A. Bragg Announces Return of 19 Antiquities to Italy*

Manhattan District Attorney’s Office media release: October 10: Further evidence of the mission creep and cynicism with the Manhattan D.A.’s office comes with the unethical approach of this release.

On the face of it, this is simply another release showing D.A. Alvin Bragg claiming credit for returning looted items to their source country, but a closer read reveals a very different picture.

The opening paragraph includes the following sentence: “The pieces were seized pursuant to several ongoing investigations against major antiquities traffickers, including Giovanni Franco Becchina, Eugene Alexander, Raffaele Monticelli, Jerome Eisenberg and Edoardo Almagià.”

The release then goes on to detail the co-operation between the US and Italian authorities as well as listing examples of the looted items, and a summary of how the traffickers “led highly lucrative criminal enterprises...”.

This all seems clear cut until the end of the release, where a footnote states: “The charges referenced within are merely allegations, and the individuals are presumed innocent unless and until proven guilty. All factual recitations are derived from documents filed in court and statements made on the record in court.”

Although given the number 1, the footnote is not referred to anywhere in the body of the release – something to be expected under common and accepted practice.

The failure to annotate the body of the release with a reference to the footnote inevitably risks misreporting, especially by those who fail to read to the end of the release. Any competent media adviser would know this.

Needless to say, [some of the resulting media coverage](#) faithfully reports the opening paragraphs, but not the footnote caveat, thereby convicting those mentioned of serious crimes that the D.A.’s office itself states that they are innocent of until proven guilty.



*The Apulian plate.*

[1] The charges referenced within are merely allegations, and the individuals are presumed innocent unless and until proven guilty. All factual recitations are derived from documents filed in court and statements made on the record in court.

*Above: The footnote in the D.A.'s release that was not highlighted from the body of the release, risking the impression that the guilt of those named had been established.*

Just as the caveat has been overlooked here, so future reporting of the issue is bound to quote the unqualified status of those named as traffickers as the story goes viral on the internet.

As with the failure to note conflicting messages on Interpol's website regarding looting and trafficking data, this is how misinformation seeps out into the public sphere and becomes part of the fake news cycle, a point made by IADAA and the ADA in a subsequent email to the Manhattan D.A.'s Press Secretary Doug Cohen (which remains unanswered), asking the department to update the release accordingly.

The release again raises the question of valuations and who is making them for the D.A. Looking at the items listed on this occasion it is impossible to see how the D.A.'s office arrived at the figure of \$19 million. According to expert valuers from the Antiquities Dealers' Association, the South Italian plate shown is worth up to about \$7,000 at auction and only if it were to have a good provenance. Even if you include the price achieved for the 'best' Corinthian helmet at auction, quoting a valuation figure of nearly \$19 million for 19 objects does not add up and is completely irresponsible.

This matters for several reasons:

- What appears to be a gross exaggeration of value feeds into the inaccurate narrative of a huge international illicit trade in artefacts.
- It also boosts the public standing of the antiquities unit, which in turn makes its unquestioned position all the more unassailable at a time when serious questions regarding its activities need to be asked.
- The unit's activities are funded from the public purse, so the public is entitled to accurate reporting and transparency, which it is not getting.
- If the above is an accurate assessment of the situation, it points to unethical behaviour on the part of the D.A.'s office, which would raise a raft of new questions.

As the ADA wrote to *Antiques Trade Gazette* after its coverage of the story: "It's time that the media challenged official bodies, from the Manhattan D.A.'s office to UNESCO, the European Commission, Europol and others, and subject them to the same level of scrutiny that they apply to the market rather than just accepting what



*The trade's challenge to the New York D.A.'s claims led ATG's coverage for the week.*

they put out in statements. Let's have the same transparency and due diligence when it comes to 'facts' that these bodies so readily demand of dealers and auction houses in relation to objects. Questions certainly need to be asked about who provides valuations for antiquities to the authorities."

To its credit, ATG did challenge the D.A.'s office, asking Press Secretary Doug Cohen who was making the valuations and what the criteria were. It elicited the following response: "We have experts assess the objects at the time of each repatriation based on the legal definition of value under the law."

### ***Return of dozens of ancient artifacts from Switzerland to Türkiye just 'a start': Turkish ambassador***

AA.com: October 12: One of several news reports on the subject, this one has additional information of interest. While none of the reports gives details on the circumstances surrounding the seizures of these objects, this one includes the following: "Asked whether Bern knows when these artifacts entered Switzerland, Swiss official Fabienne Baraga told Anadolu that her team 'does not know' when these kinds of artifacts came to Switzerland as the artifacts only come to the Federal Office of Culture after a criminal proceeding is completed."

Were they looted? Did they enter Switzerland illegally? We are not told. However, we are told: "The return of the artifacts occurred under a bilateral agreement signed on Nov. 15 last year that aims to prevent the illicit transfer, import and repatriation of cultural properties."

Such bilateral agreements typically reverse the burden of proof on relevant items as they are imported to a country, rendering them illicit unless the importer can prove that they were legally exported from the country of origin under local laws of the time, whenever that was. As so many of these items have been out of their source countries for generations, this is almost always impossible to prove.

In summary, this leaves the circumstances here unclear.

### ***The Palace Museum digitizes over 900,000 items from its collection: museum director***

Global Times, China: October 17: The first news story in what is expected to be an ongoing campaign by museums to show that they are ahead of the game in protecting and promoting their collections by digitizing them following the British Museum scandal. The number of objects digitized here constitutes around half of the museum's holdings.

### ***Established New York Dealer Revealed as Antiquities Trafficker in Ongoing U.S. Probe to Identify and Return Stolen Cultural Artifacts***

Artnet News: October 17: A very detailed account relating to the Manhattan D.A.'s \$19 million repatriation announcement (see above), this article focuses on the activities of long-standing New York antiquities dealer Michael Ward.

Setting out a history of allegations against Mr Ward, whose business Ward & Co is reported as being "temporarily closed", it concludes: "Last month, Ward was charged with criminal facilitation in the fourth degree, a misdemeanor, according to papers filed in New York State Supreme Court. The District Attorney determined that all 40 of the objects listed in the charges were stolen from their respective countries of origin."

Court papers also cite the testimony is Homeland Security agent Robert Fromkin, whose analysis of bank records describes Mr Ward aiding collector Eugene Alexander – described as an antiquities trafficker – in criminal activity.

"As part of Alexander's money-laundering scheme Ward received more than 100 antiquities from Alexander between 2015 and 2019, according to the papers. At least 80 of those were looted antiquities that Alexander shipped to Ward's New York gallery."

According to *Artnet News*, “Ward affirmed that he will plead guilty in open court to the charge “with a promised sentence of a conditional discharge for a period of one year...the conditions of which are that he will surrender additional antiquities, if any, that he or [the District Attorney] identifies in his possession that were sold, consigned, or previously possessed by Eugene Alexander.

“Ward will also assist Italy and Germany in their investigation and prosecution of Alexander, according to the court papers. In return, the District Attorney will not pursue any additional charges against Ward. He is also immune from prosecution in Italy.”

### **British Museum thefts were ‘inside job’, says George Osborne**

The Guardian: October 18: This report summarises the testimony given by British Museum chairman George Osborne to the UK Parliamentary Committee reviewing the thefts scandal. Key points to emerge from his and new director Sir Mark Jones’s testimony include policy review at the museum.

“Osborne said there were “lots of lessons to be learned” as a result, and that the thefts had prompted changes, including updating the museum’s whistleblowing code and policy on thefts, as well as tightening up security.”

Mr Osborne revealed that some of the stolen items had been recovered and that the museum now planned to organise an exhibition of them at a later date.

Sir Mark said that improved security meant that “a theft of this kind can never happen again”. Those steps include a new policy of not allowing people to visit the string room on their own.

He concluded: “It is my belief that the single most important response to the thefts is to increase access, because the better a collection is known – and the more it is used – the sooner any absences are noticed. So that’s why, rather than locking the collection away, we want to make it the most enjoyed, used and seen in the world.”

However, the museum has not extended this policy to the stolen objects that remain missing. As IADAA adviser [Ivan Macquisten](#) told NTD TV on the same day, the failure to publicise the actual items stolen via the museum’s appeal page – or at least through confidential briefings to the trade associations who had offered to help – effectively blighted any similar material legitimately on the market.

### **The French Art Market Heaves a Sigh of Relief as Lobbying Efforts Look to Beat Back a Proposed Tax Hike**

Artnet News: October 18: A win for common sense, and a hat tip to French art market campaigners, for persuading the government to reverse a very damaging policy. Although it has yet to be confirmed by the French parliament, plans to scrap the 5.5% VAT rate on art and replace it with the standard 20% in one move now seem likely to be withdrawn.

The threat had arisen from an E.U. wide rule just at the moment that the French art market – the largest within the E.U. – was beginning to capitalise on Brexit.

Higher art prices “would have put the brakes on a dynamic French art market, which is experiencing a renaissance after having lagged far behind the U.S. and the U.K. for decades,” Guillaume Piens, director of the regional Art Paris fair, told *Artnet News*.

What now looks like successful lobbying was led by France’s Professional Committee of Art Galleries (CPGA), with support from local dealers. Crucial to their argument was a report from leading art market analyst Dr Clare McAndrew, whose company, Arts Economics, calculated that raising the tax rate in the way proposed would lead to losses of \$320 million to \$620 million in tax receipts.

*Artnet News* reported: “Either the lower, 5.5 percent on the price of imported artworks, primary sales, and secondary sales; or maintain the 20 percent tax on profit margins for secondary sales, but extend it onto imported works, and primary sales as well. The latter

would effectively do away with any “cultural exception,” or special, 5.5 percent tax on art, which the country currently enjoys.”

*Cleveland Museum of Art sues to keep \$20M statue seized by New York authorities*

Ideas Stream: October 19: For the time being, at least, this case has brought a stop to the relentless programme of seizures and returns by Manhattan D.A. Alvin Bragg and his antiquities unit under Assistant District Attorney Matthew Bogdanos.

The Cleveland Museum of Art has launched a suit against the D.A.’s office over its seizure of a headless bronze statue, reportedly valued at \$20 million, which the museum acquired in 1986. The seizure followed claims from Turkey that the statue had been looted and trafficked out of the country. However, according to a 2012 *Los Angeles Times* report, the museum had responded to vague claims on the matter from Turkey some years ago, and Turkey had not pursued the matter further.

The museum also argues that the statue of Marcus Aurelius that Turkey is seeking is not the one in question here.

Whatever other arguments apply in the case, lawyers for the museum will doubtless have assessed the ruling against Turkey’s claim for the Guennol Stargazer in the New York courts. Among other comments in 2021, U.S. District Judge Alison Nathan noted that Turkey had known of the piece for years and had had ample opportunity to make a claim but had failed to do so in a timely manner. As the museum’s lawsuit notes, the statue “...has been on public display and heavily studied by national and international scholars, resulting in the publication of many scholarly articles drawing different conclusions about the Statue’s origins”.

If the museum can establish Turkey’s similar failure to pursue a claim after its initial enquiries well over a decade ago, the courts may follow the example of the earlier judgment, barring it by laches – a judgement upheld at appeal.

As art market lawyer Martin Wilson observed after the Stargazer case in September 2021: “It is sometimes assumed that, because of the complex ethical, political and historical issues which surround them, cultural restitution claims are not subject to the same evidential requirements and rules of justice which apply to other claims or at least that these rules should be applied less rigidly. This ruling illustrates that this will not be the approach where the parties bring their dispute before the US Courts. It confirms that in common with any ordinary civil ownership dispute, a party claiming restitution must, if it hopes to prevail in a US court of law, be able to satisfy the evidential burden of proving the facts necessary to establish ownership in accordance with the requirements of the law.”



*The disputed statue at the centre of the Cleveland Museum of Art court case.*

The Cleveland Museum of Art's [court papers](#) highlight the controversial approach of the New York District Attorney's office in seizing objects and returning them to source countries: "For more than ten years, the New York County (Manhattan) District Attorney has conducted numerous investigations of antiquities allegedly stolen from foreign nations, returning many of them to those nations. Proof that these items are "stolen" typically is established using the laws of such nations ("patrimony laws"), which, among other things, declare that items of a certain age or type belong to the nation. If a covered object is then illegally exported after the effective date of the patrimony law, the argument is made that it is stolen property.

"Unlike typical criminal investigations, the New York District Attorney's primary purpose appears to be to return antiquities to their countries of origin or modern discovery, assuming the office can verify the appropriate country."

The court papers also note that when such returns are made, the media report the returns as involving "looted antiquities". As IADAA has long argued, this creates a misleading picture of a highly successful anti-crime initiative, even when little or no evidence exists of any crime being committed.

### [Spanish police say they have confiscated ancient gold jewelry worth millions taken from Ukraine](#)

ABC News: October 23: Spanish police are said to have recovered 11 pieces of ancient gold jewellery dating from the eight and fourth centuries BC looted from Ukraine and said to be worth \$64 million... except as further reports claimed, the pieces may be fake.

"A police statement said five people who were attempting to sell the pieces in [Spain](#) have been arrested in recent weeks. Those arrested included two Ukrainians, one of them an Orthodox Church priest, and three Spaniards," ABC News reports.

On October 24, The [New York Times](#) reported that two experts in Greco-Scythian artefacts believed the seized artefacts to be modern copies: "Leonid Babenko, an archaeologist at the M.F. Sumtsov Kharkiv Historical Museum in Kharkiv, Ukraine, said in an email that the items were "clumsy fakes" and had most likely been created for private collectors."

Mr Babenko added that "In terms of style and subject matter, this is an inept imitation of well-known products".

"Caspar Meyer, an archaeologist who has [written a book on Greco-Scythian art](#) and is a professor of ancient Greece and Eurasia at the Bard Graduate Center in New York City, said in an interview that the items seized are imitations, and that he was unsure of how the Spanish authorities had arrived at their valuation in euros."

### [Western Plunders Of Antiquities? Challenging The New Chinese Uproar](#)

World Crunch: October 23: One of the very few articles to explore the complex history behind the acquisition of artefacts in colonial times and the equally complex arguments that surround modern day claims to them, it shows how uninformed opinion often trumps logic and justice.

Although focusing on Chinese history, the arguments apply equally to MENA antiquities.



*Fake or fortune? One of the gold pieces seized by Spanish police.*

One point it makes is the important role of the cultural tourist in the 18th and 19th centuries, as they bought up legally and preserved treasures that were not valued by source countries at the time, thereby saving them for posterity.

“We can certainly use the familiar mainstream critique that these explorers, scholars, and missionaries took advantage of a weak and impoverished China. However, it is undeniable that at the time, cultural relics had greater value in Europe and the United States than in China.”

It goes on to note how the Cultural Revolution in China, combined with its selling off artefacts to acquire foreign currency played an equally vital role.

“With China’s economy growing substantially, can it now ask for the return of the cultural relics without compensation? What if a foreigner uses their own professional knowledge to discover a relic?”

The article also highlights little understood contradictions relating to China’s accession to the 1970 UNESCO Convention: “...the Convention is not retroactive and has a 75-year statute of limitations. So China’s choice to accede to it also means that it has given up on the recovery of artifacts lost from the Yuanmingyuan and the Cangjingkong prior to 1923.”

In conclusion, this article criticises what it sees as the dead hand of nationalism: “The Enlightenment attacked feudal dictatorship and privilege and promoted democracy and equality, but it also gave birth to the institution of the museum with all its flaws. However, a section of the museum’s critics who influence the court of public opinion appear to be preoccupied more with venting their ire than with any true appreciation of the lost artifacts. In the process, common sense and rationality are pushed to the margins.”

### **State Department Ignores Cultural Property Committee**

Numismatic News: October 24: “Did the U.S. Department of State recently overstep its bounds by entering into a new Memorandum of Understanding with Yemen without the requisite vetting by the Cultural Property Advisory Committee or waiting for public comments?” So begins this fascinating appraisal of the latest bilateral agreement by Cultural Property lawyer and collector Peter Tompa, whose more detailed article, under the heading *Why Is Our Government Recognizing the Rights of Authoritarian Governments to Cultural Heritage of Displaced Religious and Ethnic Minorities?* appears in Cultural Property News. “Whenever there are hearings regarding the introduction or renewal of a MoU, CPAC vets the request while there is a period in which public comments can be made,” *Numismatic News* explains. “One of the problems with coins is that since they may have originated from an ancient empire, how do you assign them as the property of a modern country with different boundaries, cultures, and political agendas?”

Tompa, a former co-chair of the American Bar Association’s Art and Cultural Heritage Law Committee and current board member of the Committee for Cultural Policy, says that, contrary to the Cultural Property Implementation Act, the State Department bypassed the consultative stage in entering into its MoU with Yemen.

This is important because under the terms of the MoU, displaced Jews from Yemen will find their cultural heritage implicitly included in the country’s claims against their will.

As often discussed, these bilateral agreements have proved a useful tool for the United States in reinforcing its geopolitical influence, but at what cost? In this case, for example, it means the disenfranchising of rights of an oppressed minority. In many other cases, such agreements introduce or reinforce national claims of oppressive and undemocratic regimes at the expense of the US private citizen.

As this article concludes: “Neither Yemen nor Cambodia is crucial to world or ancient coin collectors in the United States, but the blatant ignoring of the requisite vetting by CPAC or



the opportunity for public comment as required by the CCPI is dangerous and could become a problem when reviewing renewals and expansion of other MoU in the future.” Tompa brings the sort of perspective that seems lacking in current US international diplomacy in introducing to his *Cultural Property News* article via his Linked In account: “The US State Department’s rush to enter into Cultural Property MOUs with authoritarian governments have taken priority over protecting the cultural heritage of not only Uyghurs and Tibetans but the MENA region’s displaced Jewish population. If anything, the recent destruction of one of the few remaining synagogues in Tunisia by a rampaging mob should raise red flags about any such cultural property MOUs with MENA dictatorships.”