

US prosecutors focus on antiquities

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CATEGORY:

ARTICLE

CLIENT TYPES:

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LUXURY ASSETS



On December 15, 2017, the District Attorney for New York County, New York, formed a new unit within the District Attorney's Office that will focus on stolen antiquities. The new unit is referred to as the Antiquities Trafficking Unit ("ATU"). When announcing the formation of the new unit, the District Attorney ("DA"), Cyrus R. Vance, Jr., explained: "My office's newly formed Antiquities Trafficking Unit is committed to stopping the trade of stolen antiquities from historic sites around the world." The ATU is headed by Assistant District Attorney ("ADA") Matthew Bogdanos. As a US Marine in 2003, he led an investigation into the looting of the National Museum in Iraq.

The creation of the new unit furthers an already active effort by the Manhattan DA to seize antiquities and return them to their countries of origin. The announcement of the formation of the new unit coincided with the Manhattan DA's announcing the return of three statues said to have been looted from Temple of Eshmun in Lebanon during its civil war. The District Attorney's office also seized an ancient limestone bas-relief at the European Fine Art Fair at the Park Avenue Armory while the public was viewing the exhibits last October. ADA Bogdanos was also involved in a seizure from the Metropolitan Museum of Art last September of an ancient bull head that was on loan there.

One art news reporter pointed out that "[m]ost existing units dedicated to tracking and policing the trade in ill-gotten artifacts operate at the national rather than municipal levels." But, as that reporter further explained, "given that Manhattan is home to an incredibly large share of the world's sellers and buyers of antiquities, Bogdanos and his team will undoubtedly have plenty of work to keep them busy." Hyperallergic.com, December 21, 2017. The new unit will work with the US Department of Homeland Security ("DHS"). Already they are working together. DHS agents recently submitted affidavits to support a Manhattan DA warrants for antiquities seizures.

Relying on those affidavits, on January 5, 2018, investigators with the ATU raided the home and office of billionaire Michael H. Steinhardt and seized several ancient works that prosecutors claimed were looted from Greece and Italy. Also on January 5, 2018, investigators from the Manhattan DA's office seized six artifacts from New York antiquities dealers Phoenix Ancient Art.

Quoted in *The New York Times*, DA Cyrus Vance recently cautioned collectors, stating: "The art world must acknowledge that stolen antiquities are not simply collectible commercial property, but evidence of cultural crimes committed around the world. . . . These important historical relics must be treated with caution and care, and galleries, auction houses, museums, and individual collectors must be willing to conduct proper due diligence to ensure that an item has not been unlawfully acquired." Along those same lines, ADA Bogdanos submitted an affirmation in a recent case asserting that the collectors/owners of the antiquity at issue should have been aware of red flags in that item's provenance and undertaken a further inquiry that would have led the owners/collectors to believe the item was looted or stolen. He stated: "Here, the absence of the required inquiry, not only subjects the [owners/collectors] to potential prosecution for criminal possession of stolen property, but also defeats any claim that they were good-faith purchasers."

The antiquities world can expect to hear more from the ATU in the future.

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