PLUNDERING THE GREEK ARCHEOLOGICAL PATRIMONY – A CASE OF CULTURAL PROPERTIES BETWEEN SWITZERLAND, ITALY AND GREECE

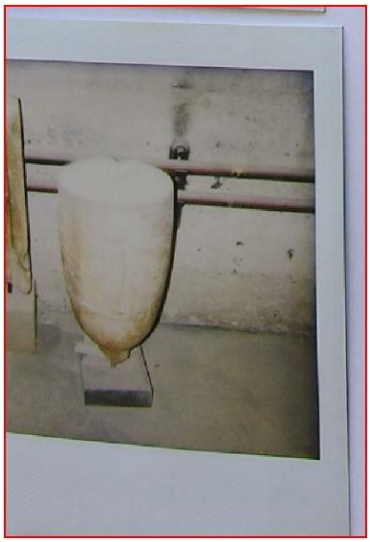
by Dario Jucker[1]

Comparing the images taken at the 2017 Frieze Fair in London with archival photographs by Gianfranco Becchina, in the availability of the Greek forensic archaeologist Dr. Christos Tsirogiannis, there is no doubt: the vases are the same.

"*It is the same lekythos without a doubt: the same shape with the same missing parts, the same marks of damage on the surface, the same scene in relief, and the same inscriptions, which is also transcribed by the middleman on one of the Polaroid images*," Tsirogiannis said.

A view of the two vases on Jean David Cahn's AG stand at Art Frieze – 2017, Photograph: Dr. Christos Tsirogiannis

Photo Becchina Archive - https://illicitantiquities.net



Polaroid Becchina Archive - https://illicitantiquities.net

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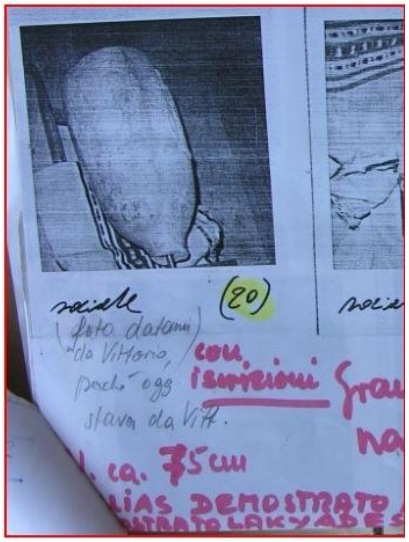

Photocopy Becchina Archive - https://illicitantiquities.net

These are a *Lekythos*, an Attic funerary vase dating back to the 4th century BC, and a *Loutrophoros*, an ancient vase probably used for carrying water, same age and provenance.

Gianfranco Becchina is one of the most notorious art dealers who has been active in looting Italy's archaeological heritage and then reselling it abroad. He operated mainly in Switzerland, where he had an art gallery.

He built an immense fortune through illicit trafficking in cultural property, with the involvement of some Mafia bosses as well. He was also well connected with international collecting, being acquainted with George Oritz, one of the most important collectors of classical art, with whom he appears as co-owner of precisely one of the two vases we are discussing.

Initially, as Becchina was known to have mainly stolen archaeological artifacts from Italy, the Basel Public Prosecutor decided to hand these goods over to Italy, following a request for judicial assistance.

The two Attic vases were in fact included in a significant 2015 seizure by the Carabinieri, Nucleo Tutela Patrimonio Culturale, against more than 5,000 pieces from a Becchina storage facility at the Basel Free Port.

According to the international assistance on criminal matters, if the request does not appear to be openly inadmissible or inappropriate (e.g. fishing expeditions), the Italian judicial authorities, after having started an investigation and having located the elements of proof in Switzerland, can ask for the collaboration of the Swiss Public Prosecutor, requesting that precautionary measures are adopted.

Becchina has been sentenced of several crimes in Italy and in Switzerland linked with the illicit trafficking of cultural properties: theft, embezzlement, handling stolen goods and laundering.

By means of Law March 9, 2022, the Title VIII-bis of the Italian Criminal Code entitled “Crimes against cultural properties” has been adopted, some specific offences for cultural properties have been introduced and some others have been relocated from the Code of Cultural Heritage to the Criminal Code.

A new aggravating circumstances system has been introduced. This improvement has been an important step forward for preventing and punishing the trafficking of cultural properties.

Just to consider the crime of theft of cultural properties, while an imprisonment from 6 months to 3 years is provided for the ordinary theft, the new crime concerning cultural heritage is punished with an imprisonment from 2 to 6 years (or from 4 to 10 years in case of aggravating circumstances).

Particular attention has been devoted to the offences against cultural properties committed through conspiracy or a criminal organization (with an increase from 1/3 to half of the base penalty) and a key provision of the reform is the crime of self-laundering of cultural properties.

A crime of self-laundering is committed by anyone who transfers the proceeds of a crime into a financial activity and conceals the identification of their criminal origin. The crime of self-laundering provides a penalty of imprisonment from 3 to 10 years and a fine from 6,000 to 30,000 euros.

Therefore, would Becchina been prosecuted today, he would have probably been sentenced with a more severe Italian regime.

Coming back to our case, following the seizure in Switzerland, the vases were consigned to Italy together with several thousand cultural properties.

But the Italian authorities noticed that the provenance of the two vases was not Italian and decided to restitute the properties to Switzerland.

The Swiss authorities, through the Federal Office of Culture, could not determine with certainty the provenance of the cultural properties.

The Basel Public Prosecutor decided to introduce them on the market to try to recover some of the debts that Becchina had towards the Confederation and gave mandate to the Swiss art dealer Jean David Cahn.

Was the art dealer obliged to research the origin of the cultural properties?

In a negative case, was he required not to introduce them in the market?

Art. 16 , al. 1 of the LTBC, setting forth the due diligence criteria of the professionals, provides that the cultural property may only be transferred if the person making the transfer can assume in the circumstances that it:

a. has not been stolen, lost against the owner's will or unlawfully excavated;

b. has not been unlawfully imported.

If the art dealer had learnt that the vases came from Mr. Becchina, it is hard to sustain that he would have presumed that the cultural properties had a lawful provenance.

In fact, only after being challenged by the Greek authorities, the art dealer did admit the link of the two vases to the notorious trafficker, while he claimed that the vases had been cleared by the Italian authorities and by the Art Loss Register.

It's interesting also to note that a bilateral agreement for the restitution of cultural heritage has been stipulated between Switzerland and Greece on May 15, 2007.

Although the bilateral agreement does not apply to cultural heritage already on the Swiss territory before 2007 (and the *Lekythos* and the *Loutrophoros* were already in Basel at least from the 1980s), stone objects from prehistory to 1,500 AD are included in the Annex.

After having located the vases at the Frieze Art Fair, the Greek authorities requested the legal assistance and obtained a further seizure in 2017.

Evidence was also provided that at least one of the vases was looted in Athens and delivered to Becchina in the 1970s.

Thanks to out-of-court negotiations, the restitution to Greece of the two vases, now on display at the Kerameikos Museum in Athens, was later achieved.

The two vases as exhibited by Kerameikos Museum in Athens – 2024; iPhone Photo: Dario Jucker