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# **Trafficking and Repatriation of Illegally Removed Cultural Objects from the Region of Western and Central Macedonia**

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## Abstract

This dissertation was written as part of the MSc in Art, Law and Art Management at the International Hellenic University.

This dissertation aims at illustrating the route of cultural objects, from their illegal export to their repatriation. Case studies of cultural objects from Western and Central Macedonia which have been repatriated are discussed in this dissertation. The objects presented left the Greek territory because of an illegal excavation or theft or during an armed conflict. In fact, Macedonia is a well-known path for illicit trade of cultural objects as it borders on the Balkans. Monuments such as ancient tombs or Byzantine churches have been looted. The looted objects were transported abroad and they ended up in private collections, in auction houses or in museums. The role of the auction houses, collectors and museums to the antiquities' laundering is analysed through these case studies. The objects mentioned have been spotted by the Greek State or by private individuals while Greece claimed their return. The Greek State uses legal framework both in alternative dispute resolutions and before court in order to achieve their repatriation. In fact, both Greece and the international community as a whole have taken measures of protection in order to combat this situation which has negative consequences for archaeology.

Keywords: "illegal excavation", "restitution", "repatriation", "cultural objects", "trafficking of antiquities"

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## Preface

I hold a first degree in archaeology and currently I am an undergraduate student at the School of Law of Aristotle University of Thessaloniki. As a result, I chose this topic because it, absolutely, combines both archaeological and legal sources. Antiquities trafficking is a very serious and unpleasant phenomenon which has hazardous consequences on archaeology. It has to be combated and the looted cultural objects have to be returned to their place of provenance. This dissertation aims at presenting representative case studies of repatriation of cultural objects from western and central Macedonia. At the same time, the scope of this dissertation is to point out that the return of stolen or illegally exported cultural objects is a complex matter which includes both their archaeological and their legal documentation. In the majority cases the parties settled their dispute out-of-court. However, some cases were settled before court. It is hoped that this dissertation would be a kind of catalogue of repatriated objects –at least for the regions of western and central Macedonia- and bring out all the important information about the antiquities trafficking and legal framework for their protection.

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## Introduction

The aim of this dissertation is to present the trafficking of antiquities and the legal framework of protection throughout Greek case studies of repatriated cultural objects from Western<sup>1</sup> and Central<sup>2</sup> Macedonia. It focuses only on repatriated objects, regardless of the way they left the boundaries of Greece. They can be products from illegal excavation, stolen from museums or looted during armed conflicts.

In the first chapter, the definitions of the basic terms of the dissertation and the basic legal texts are mentioned. In the second chapter, there is a description of the antiquities trafficking. The case of the gold wreath from Getty museum is dealt with as an example in order to illustrate the theoretical approach. In the third chapter, alternative dispute resolutions are analyzed and some case studies which were solved out-of-court follow. After that, the court settlement of disputed cultural objects is mentioned and is divided into two parts, the first one refers to cases which combine both court and out-of-court procedure and the second one refers to cases which were solved before court. In the next chapter the role of archaeologists, citizens and authorities is analyzed. The first repatriation is mentioned, two case studies clarify the importance of citizens' awareness and involvement in repatriation cases and the importance of national and international authorities is pointed out. In the next chapter, the consequences and parameters of the antiquities trafficking are presented. Finally, the conclusions of this research are mentioned.

The dissertation is based on bibliographic research divided into primary sources such as legal texts, “Δελτία Τύπου” of the Greek Ministry of Culture, interviews of experts and

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<sup>1</sup> Regional Units of Kozani, Grevena, Kastoria, Florina belong to Western Macedonia. (Article 3§ 3.c. Law 3852/2010).

<sup>2</sup> Regional Units of Thessaloniki, Imathia, Kilkis, Pella, Pieria, Serres and Chalkidiki belong to Central Macedonia (article 3§ 3.b. Law 3852/2010). The eastern peninsula of Chalkidiki, the Mount Athos belongs to geographical part of Central Macedonia but Mount Athos is self-governing. (Article 105§ 1 Greek Constitution).



communication with Ephorates of antiquities and museums, and secondary sources. There is also an appendix in which interviews of experts in repatriation cases are presented.

## 1. Definitions and Legal Framework

Both Greece and the international community as a whole have taken measures of protection in order to protect cultural objects.

### 1.1. Definitions

Legal texts use different terms in order to name the protected objects. In fact, although terms such as cultural goods, cultural object, cultural property, cultural heritage and national treasure have some differences, they are all used in order to protect more or less the same thing. To be more specific, Article 2 of the archaeological Greek law defines the object of protection. It uses the term “cultural good” and it initially clarifies that cultural goods are integrally connected with human kind. At a first level it divides cultural goods into movables<sup>3</sup> and immovable<sup>4</sup> ones<sup>5</sup>. Regarding the chronological terms, an equal protection is noted regardless of the chronology or the cultural provenance of the object. Indeed, article 20 provides protection for cultural goods dating from the ancient times until today. Of course, as it is obvious, and especially for the newer ones, it sets up some criteria such as the historical value or their rarity and in any case the products of excavations are under protection<sup>6</sup>. Thus the Greek law overcomes an archeocentric or an esthetical point of view<sup>7</sup>.

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<sup>3</sup> Given that this dissertation deals with illegal movements of cultural good, it will be focused only on legal framework of movable objects.

<sup>4</sup> As it is obvious this distinction is not always easy to make. For instance “a part of a sculpture detached from a permanent building is considered movable property after its detachment or whether it continues to qualify as immovable property”. Irini A. Stamatoudi, *Cultural Property Law and Restitution: a commentary to international conventions and European Union Law* (Cheltenham: Edward Elgar Publishing, 2011), 8.

<sup>5</sup> Ελένη Τροβά and Παναγιώτης Σκουρής, *Προστασία αρχαιοτήτων και της πολιτιστικής κληρονομιάς: Ν. 3028/2002* (Αθήνα Θεσσαλονίκη: Εκδόσεις Σάκουλας, 2003), 81.

<sup>6</sup> Νίκος Ρόζος, “Γενική παρουσίαση του Ν.3028/2002 Για την προστασία των αρχαιοτήτων και εν γένει της πολιτισμικής κληρονομιάς,” in *Proceedings of Η πολιτιστική κληρονομιά και το δίκαιο: 3-4 Ιουνίου 2003 Αθήνα*, ed. Ελένη Τροβά (Αθήνα-Θεσσαλονίκη: Εκδόσεις Σάκουλα, 2004), 21.

<sup>7</sup> Δάφνη Βουδούρη, “Ο νέος νόμος 3028/2000 υπό το φως των διεθνών και ευρωπαϊκών κανόνων για την προστασία της πολιτιστικής κληρονομιάς,” in *Proceedings of Η πολιτιστική κληρονομιά και*

The term “cultural good” is wider than “cultural heritage”. The latter one is used in internal activities regarding the cultural heritage. On the contrary, in the cases of illegal transaction the term “cultural good” is preferred. The term “cultural heritage” is closer to the idea of protecting something in order to deliver it to the next generations<sup>8</sup>. The Hague Convention refers to the cultural heritage of humanity as a whole<sup>9</sup>.

On the other hand, “cultural property is not exactly identical to cultural heritage. However, in practice, they are used interchangeably. Cultural property is closer to the western concept of commercial connotations and ownership”<sup>10</sup>. In other words, behind property is the protection of the rights of the possessor<sup>11</sup>. In European Union legislation the terms goods and objects are used. As terms are closer to the term of “cultural property”<sup>12</sup>.

The word “treasure” is connected with something precious or very valuable, that is, treasures are objects which are considered to be essential and basic to a nation’s heritage and history<sup>13</sup>. It was used in the article 36 of the European Union Convention which sets up prohibitions regarding the free movement of cultural objects inside the European Union<sup>14</sup>. Although they use the terms “cultural goods” and “cultural objects” respectively, the notion of national treasure has been partly identified in these two legal texts<sup>15</sup>. To be more specific, the regulation defines as cultural good whatever is considered a national treasure by its State and, at the same time, belongs to one of the categories of the annex<sup>16</sup>. At the same

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το δίκαιο: 3-4 Ιουνίου 2003 Αθήνα, ed. Ελένη Τροβά (Αθήνα-Θεσσαλονίκη: Εκδόσεις Σάκκουλα, 2004), 27-28.

<sup>8</sup> Άννα Χρυσοχοϊδου, *Επιστροφή και Απόδοση Πολιτιστικών Αγαθών* (Αθήνα: Νομική Βιβλιοθήκη, 2019), 7.

<sup>9</sup> Χρυσοχοϊδου, *Επιστροφή και Απόδοση*, 22.

<sup>10</sup> Stamatoudi, *Cultural Property Law and Restitution*, 6.

<sup>11</sup> Stamatoudi, *Cultural Property Law and Restitution*, 6.

<sup>12</sup> Stamatoudi, *Cultural Property Law and Restitution*, 8.

<sup>13</sup> Stamatoudi, *Cultural Property Law and Restitution*, 117.

<sup>14</sup> Αναστασία Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών και ιδιωτικό διεθνές δίκαιο* (Αθήνα-Θεσσαλονίκη: Εκδόσεις Σάκουλας, 2002), 274.

<sup>15</sup> Stamatoudi, *Cultural Property Law and Restitution*, 120.

<sup>16</sup> Δονάτος Παπαγιάννης, “Η έννοια του πολιτιστικού αγαθού στο κοινοτικό δίκαιο,” in *Proceedings of Η πολιτιστική κληρονομιά και το δίκαιο: 3-4 Ιουνίου 2003 Αθήνα*, ed. Ελένη Τροβά (Αθήνα-Θεσσαλονίκη: Εκδόσεις Σάκκουλας, 2004), 622.

time, the directive confirms that indeed member states define, on their own, what the term national treasure includes<sup>17</sup>.

On the other hand, terms such as “return”, “restitution” and “reparation” have some important differences. “Return is the most neutral term of all as it incorporates interests of both the requesting and the requested party”<sup>18</sup>. “This term is widely used in requests for relocation in the area of illegal trade”<sup>19</sup>. Restitution means that “an unlawful act has taken place, which has created an injury that needs to be restored”<sup>20</sup>. Repatriation is a more neutral term, just like the terms “recovery” “retrieval” “recuperation”, “which incorporates pre-return efforts such as the identification of the location and the request of the cultural object through particular processes”<sup>21</sup>.

## 1.2. Legal Framework

Apart from the definitions of the basic terms, measures of protection exist both in national and international texts.

According to article 21<sup>22</sup>, movable monuments dating up to 1453 and all excavation findings –regardless of their chronology- belong to the Greek State in terms of ownership and possession. They are also imprescriptible and extra commercium<sup>23</sup>. Monuments dating between 1453 and 1830 and later movable monuments belong to natural or legal persons as well, however, there are some restrictions regarding that right<sup>24</sup>.

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<sup>17</sup> Μεταξία Ι. Κουσκούνα, “Άρθρο 36 ΣΛΕΕ” in *Συνθήκη ΕΕ & ΣΛΕΕ κατ’ άρθρο ερμηνεία*, ed. Βασίλειος Χριστιανός (Αθήνα: Νομική Βιβλιοθήκη, 2012), 294.

<sup>18</sup> Stamatoudi, *Cultural Property Law and Restitution*, 17.

<sup>19</sup> Stamatoudi, *Cultural Property Law and Restitution*, 18.

<sup>20</sup> Stamatoudi, *Cultural Property Law and Restitution*, 15.

<sup>21</sup> Stamatoudi, *Cultural Property Law and Restitution*, 17.

<sup>22</sup> Article 21§ 1 Law 3028/2002.

<sup>23</sup> Article 966 of Greek Civil Law.

<sup>24</sup> Τροβά and Σκουρή, *Προστασία Αρχαιοτήτων*, 89.

Article 31<sup>25</sup> regards the legal framework of collections. To be more specific, this article promotes the model of a collector who helps towards the protection of cultural heritage. It also sets up restrictions, obligations and rules, and prohibits the acquisition of illegal cultural objects. The next article- article 32- defines the terms and requirements regarding the profession of antique dealer. The law provides strict rules and continual control for antique dealers who cannot obtain cultural objects of dubious origin<sup>26</sup>.

Article 34 refers to the export of cultural goods. It provides a licence for any exported cultural object, otherwise the export is prohibited<sup>27</sup>.

Chapter 9 of the Greek law deals with the criminal law provisions. The acts of theft<sup>28</sup>, embezzlement<sup>29</sup>, receiving and disposing<sup>30</sup> of products of crime are punished. These acts are punished as aggravated crimes and the penalty depends on the value of the monument, the frequency of the illegal act and the origin of the legal object<sup>31</sup>. According to the Greek law any person who accidentally finds or takes possession of a monument dating up to 1453, should declare it without undue delay to the nearest archaeological, police or port authority<sup>32</sup>. As a result the breach of the duty to declare a monument is punished as well<sup>33</sup>. The next articles penalize the acts of illegal transfer of a monument<sup>34</sup>, the illegal trading of monuments<sup>35</sup>, the illegal excavation or other archaeological research<sup>36</sup> and the illegal use of a metal detector<sup>37</sup>. Article 63<sup>38</sup> refers to the illegal export of cultural objects and sets up penalties for the infringers of the European Union Law which regards the transport of

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<sup>25</sup> Article 3 paragraph 1 Law 3028/2002.

<sup>26</sup> Τροβά and Σκουρήs, *Προστασία Αρχαιοτήτων*, 93.

<sup>27</sup> Τροβά and Σκουρήs, *Προστασία Αρχαιοτήτων*, 95.

<sup>28</sup> Article 53 Law 3028/2002.

<sup>29</sup> Article 54 Law 3028/2002.

<sup>30</sup> Article 55 Law 3028/2002.

<sup>31</sup> Τροβά and Σκουρήs, *Προστασία Αρχαιοτήτων*, 102-103.

<sup>32</sup> Article 24 Law 3028/2002.

<sup>33</sup> Article 58 Law 3028/2002.

<sup>34</sup> Article 59 Law 3028/2002.

<sup>35</sup> Article 60 Law 3028/2002.

<sup>36</sup> Article 61 Law 3028/2002.

<sup>37</sup> Article 62 Law 3028/2002.

<sup>38</sup> Article 63 Law 3028/2002.

cultural objects<sup>39</sup>. The next two articles are also related to international or/and European legislation as they refer to the Illegal import or non-return of cultural objects. As a result, the first one regards the international convention of UNESCO 1970 and the second one is connected with the legislation of European Union<sup>40</sup>.

Although a national legal framework protects cultural objects at a national level, it has been combined with international legal texts in order to work at an international level.

The Hague Convention which regards the protection of cultural goods, in the event of an armed conflict<sup>41</sup>, introduces, for first time the term “cultural good”<sup>42</sup>. Although the convention is interested in illegal movement during war periods, it does not provide measures in order to combat this practice. Furthermore, it does not clearly answer questions about the return<sup>43</sup> of cultural objects<sup>44</sup>. According to the Convention, all cultural goods are under protection which comprises the safeguarding<sup>45</sup> of and respect<sup>46</sup> for such property<sup>47</sup>.

The difference between UNESCO 1970 and Hague is that the latter one aims at the preservation of cultural heritage while the first one aims at the preservation of cultural heritage in their states of origin<sup>48</sup>. As a consequence, supporters of cultural internationalism consider the Hague Convention as the first international legal text which

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<sup>39</sup> Τροβά and Σκουρής, *Προστασία Αρχαιοτήτων*, 103.

<sup>40</sup> Τροβά and Σκουρής, *Προστασία Αρχαιοτήτων*, 103.

<sup>41</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 210.

<sup>42</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 211.

<sup>43</sup> However, Protocol A of the Hague Convention answers this topic. In fact, according to Protocol A, cultural good should be returned to their country of origin after the end of hostilities. On the contrary, the very convention does not mention it. It has been supported that this happens because the convention refers only to the time of war. Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 219.

<sup>44</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 218.

<sup>45</sup> Safeguarding includes positive protection measures. Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 215.

<sup>46</sup> Respect means that States should not act in contrast with the convention. Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 215.

<sup>47</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 215.

<sup>48</sup> Χρυσοχοΐδου, *Επιστροφή και Απόδοση*, 24.

sustains their theory<sup>49</sup>. To be more, specific cultural internationalists support that “cultural property is thought to be as components of a common human culture, whatever their places of origin or present location, regardless of property rights or national jurisdiction<sup>50</sup>” as Merryman points out<sup>51</sup>.

The member states of the convention recognise for the first time that they should oppose to the illegal movement of cultural objects because it damages cultural heritage<sup>52</sup>. First of all, article 6 of the Treaty provides the publication of certifications. To be more specific, a certification should be issued by the State for each and any legally exported object and without that certificate the export must be forbidden<sup>53</sup>. Article 7 includes the main regulation for the problem of a stolen object<sup>54</sup>, specifically, article 7 mentions the import of property stolen from a museum or other institution<sup>55</sup>. According to the first paragraph of the article, the state should take all necessary measures in order to inhibit its museums or/and institution to obtain illegally exported cultural objects. Moreover, if a member state understands that one of its museums has acquired a cultural object of that kind, the state officials should inform the country of origin of the cultural object. According to the second paragraph of the same article, states should not acquire stolen objects, on condition that these objects have been catalogued from their state of origin<sup>56</sup>. Only the state from which the cultural object was stolen can claim the return of that cultural object. UNESCO convention refers to states and not to individuals<sup>57</sup>. UNESCO convention -as all

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<sup>49</sup> Χρυσοχοΐδου, *Επιστροφή και Απόδοση*, 22.

<sup>50</sup> On the contrary of that theory there is the theory of cultural nationalism which supports that “cultural property is as part of a national cultural heritage. This gives nations a special interest, implies the attribution of national character to objects, independently of their location or ownership, and legitimizes national export controls and demands for the "repatriation" of cultural property”. John Henry Merryman, “Two Ways of Thinking about Cultural Property,” *The American Journal of International Law* 80, no. 4 (October 1986): 831.

<sup>51</sup> Merryman, “Two Ways of Thinking about Cultural Property,” 831.

<sup>52</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 229.

<sup>53</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 230-231.

<sup>54</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 231.

<sup>55</sup> Stamatoudi, *Cultural Property Law and Restitution*, 35.

<sup>56</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 231-232.

<sup>57</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 232-233.

international conventions- has a binding force among the states which have acceded to it<sup>58</sup>. Furthermore, it provides preliminary measures which have been proved beneficial in cases of auctions and sells of cultural objects<sup>59</sup>.

Unfortunately, UNESCO convention does not enforce the member states to return the illegally removed cultural objects. This obligation includes only stolen objects and does not refer either to illegal excavations or the illegally exported cultural objects<sup>60</sup>. The applicant state should prove the origin of their object<sup>61</sup>. However, apart from the fact that the convention covers only the catalogued objects, it also has some other weakness. First of all, it does not suggest a specific way in order to fight off the illegal movement and, as a result, it becomes inefficient<sup>62</sup>. Initially, although the convention provides penal and administrative penalties, it does not make any reference as to who will enforce these penalties and what type they would have<sup>63</sup>. At the same time, although article 3, which “should be read in conjunction with articles 6, 7, 9<sup>64</sup> and 13<sup>65</sup> regarding illicit exports and import”<sup>66</sup>, has a wider scope compared to the next articles,<sup>67</sup> it increases the detection among the member states. Specifically article 3 defines that the import, export or transfer of ownership of cultural property effected contrary to the provisions adopted under this Convention by the States Parties thereto, shall be illicit. As it is obvious, it allows plenty of internal legislation of state parties<sup>68</sup>.

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<sup>58</sup> Ντόρα Ν. Κόνσολα, *Η διεθνής προστασία της παγκόσμιας πολιτιστικής κληρονομιάς* (Αθήνα: Παπαζήσης, 1995), 68.

<sup>59</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 237.

<sup>60</sup> Χρυσοχοΐδου, *Επιστροφή και Απόδοση*, 29.

<sup>61</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 236.

<sup>62</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 229.

<sup>63</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 236.

<sup>64</sup> Article 9 of UNESCO convention promotes the collaboration among the states in order to combat the illicit traffic. Stamatoudi, *Cultural Property Law and Restitution*, 35.

<sup>65</sup> Article 13 of UNESCO convention suggests that the transfers of ownership likely to promote illicit import and export. Stamatoudi, *Cultural Property Law and Restitution*, 35.

<sup>66</sup> Stamatoudi, *Cultural Property Law and Restitution*, 34.

<sup>67</sup> Stamatoudi, *Cultural Property Law and Restitution*, 34.

<sup>68</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 229-230.



UNIDROIT convention of 1995 covers these weaknesses. The most important difference between the two conventions is that UNESCO Convention is basically founded on a philosophy of government action. It therefore requires cultural objects to have been “designated” by the State requesting return. On the contrary UNIDROIT, being a scheme under private law, does not require that a cultural object be “designated” by the State for it to be covered by the Convention<sup>69</sup>. In fact in article 3, this convention equalizes legal and illegal excavation, and thus, it equalizes illegal excavation with theft<sup>70</sup>.

The second innovation of the convention regards good faith. The 1970 UNESCO Convention states that “the requesting State shall pay just compensation to an innocent purchaser or to a person who has a valid title”. However, It has been recognised that the protection of the bona fide purchaser after a very short period -3 years in France-, or immediately, together with the presumption in favour of bona fides in many legal systems, facilitated the passing of illegally acquired cultural objects into the legal trade<sup>71</sup>. As a result, UNIDROIT states that the possessor of a stolen cultural object should return it even though they thought that it was a legal object<sup>72</sup>. In other words, despite the bona fida, the cultural good should be returned to the place of origin.

UNIDROIT convention protects both stolen<sup>73</sup> and illegally exported<sup>74</sup> cultural objects and supports their restitution and their return correspondingly<sup>75</sup>. In some cases a stolen cultural object could be illegally exported as well, however, the State of origin should choose one of the two terms in order to set up its claim. Besides, there are some differences between chapter 2 of the convention, which regards the stolen objects and the chapter 3 which is

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<sup>69</sup> UNESCO, “UNESCO and UNIDROIT: a partnership against trafficking in cultural objects,” *Offprint: Uniform law review* 1, no.1 (1996): 62.

<sup>70</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 252.

<sup>71</sup> UNESCO, “UNESCO and UNIDROIT: a partnership against trafficking in cultural objects,” 67.

<sup>72</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 251.

<sup>73</sup> Theft requires deception. To be more specific someone misappropriate something in purpose to keep it permanently. Χρυσοχοΐδου, *Επιστροφή και Απόδοση*, 84.

<sup>74</sup> States take decisions on their own about the export of their cultural goods. Some States prohibit it completely while some other allow it under conditions. Χρυσοχοΐδου, *Επιστροφή και Απόδοση*, 91.

<sup>75</sup> Χρυσοχοΐδου, *Επιστροφή και Απόδοση*, 133.

dedicated to the illegally exported cultural objects. To be more specific, the State which claims the restitution of its stolen cultural objects should prove its right of possession on that specific object. On the contrary, in the case of the illegally exported cultural objects, that obligation is not provided<sup>76</sup>.

Another difference between these two categories is the time limitation. Generally, states have 3 years to set up their claim either for restitution or return. This period begins from the moment of the disclosure of the location of the cultural object and the identity of its possessor<sup>77</sup>. The second time limitation is the 50 years from the day of the stealing or the illegal export<sup>78</sup>. However, only in case of stolen objects there is no time limitation on condition that this object is an integral part of an identified monument or archaeological site, or belonging to a public collection<sup>79</sup>. Last but not least, regarding the time limitations, convention gives the opportunity for a clause of 75 years only for stolen objects as well. In other words, Contracting State may declare that a claim is subject to a time limitation of 75 years or longer period as is provided in its law<sup>80</sup>.

The third difference between the two categories regards the application of the convention. To be more specific, both the country of the illegal export and the country of import should be members of the convention. On the other hand, in case of stolen cultural object, the requester state in which territory the stealing took place could be either member of convention or not<sup>81</sup>.

Despite international conventions, both regulations and directives are necessary as well, because of free movement of goods inside the European Union. Since cultural goods belong to the category of goods, it could be considered that cultural goods could be moved completely freely and without any control. As a consequence, directive organises the return of the cultural objects to their countries of origin and, at the same time, regulation helps

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<sup>76</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 245.

<sup>77</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 255 and 268.

<sup>78</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 255 and 268.

<sup>79</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 255.

<sup>80</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 256.

<sup>81</sup> Χρυσοχοΐδου, *Επιστροφή και Απόδοση*, 134.

members States of the European Union to control the export of their antiquities<sup>82</sup>. The combination of these two legal texts improves upon the protection of cultural objects inside the Union<sup>83</sup>.

Both Regulation (EC) No 3911/1992 and Directive 1993/7/EU have been replaced by Regulation (EC) No 116/2009 and Directive 2014/60/EU in correspond.

The Regulation organises a common export policy from a European Member State to third countries<sup>84</sup>. It categorises the cultural object into 14 categories according to their economic value, their kind and their age<sup>85</sup>. The Regulation stipulates that every object should have an export license which will be valid among the States of the European Union. Those concerned should apply to authorities of the country in which the object is placed<sup>86</sup>.

The Directive, on the other hand, makes a provision for the return of cultural objects unlawfully removed from the territory of a Member State<sup>87</sup>. This legal text defines as unlawful removal, the remove which opposes the internal legislation of the Member State or opposes the Regulation (EC) No 116/2009. Moreover, the directive covers also the cases of objects which were not returned at the end of a period of lawful temporary removal or any breach of another condition governing such temporary removal<sup>88</sup>.

The Directive provides some time limitations. To be more specific, every state has 3 years from the moment it became aware of the location of the cultural object and of the identity of its possessor or holder and 30 years from the moment of illegal movement in order to

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<sup>82</sup> Ειρήνη Α. Σταματούδη, "Ο ρόλος του νομικού στη διεκδίκηση αρχαιοτήτων που έχουν παράνομα ανασκαφεί ή εξαχθεί από την χώρα," in *Proceedings of Η προστασία των πολιτιστικών αγαθών από την παράνομη διακίνηση και η διεκδίκησή τους: 24-25 Σεπτεμβρίου 2008 Νέο Μουσείο Ακρόπολης*, ed. Σμαράγδα Μουτοπούλου, Μάρλεν Μούλιου, Σταυρούλα Καλλιώςδη and Βασίλης Σακελλιάδης (Αθήνα: Υπουργείο Πολιτισμού, 2008), 128.

<sup>83</sup> Παπαγιάννης, "Η έννοια του πολιτιστικού αγαθού," 607-628.

<sup>84</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 279.

<sup>85</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 280.

<sup>86</sup> Γραμματικάκη-Αλεξίου, *Διεθνής διακίνηση πολιτιστικών αγαθών*, 281.

<sup>87</sup> DIRECTIVE 2014/60/EU.

<sup>88</sup> Χρυσοχοΐδου, *Επιστροφή και Απόδοση*, 140.

set up its claim for the return of cultural object. However, regarding objects from public collections the State has the possibility to demand its object throughout a 75-year period<sup>89</sup>.

Last but not least, it has be illustrated that neither of these Conventions is retroactive: They do not bear upon any actions taking place before the ratification by the countries concerned<sup>90</sup>. However, the UNIDROIT convention, in article 10 paragraph 3, underlines that despite the non-retroactive character, it does not legitimize any illegal transaction that took place before the ratification of the convention. Moreover, it illustrates that non the retroactive character of the convention does not obstruct any state to demand the return of its cultural objects on the basis of any other legal text<sup>91</sup>.

Within the framework of protection, non-governmental organisations, such as ICOM, tend to collaborate with UNESCO. In fact, ICOM aims at the development of the museums and the organization of Museology. It also offers its services to the ICPRCP<sup>92, 93</sup>.

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<sup>89</sup> Χρυσοχοΐδου, *Επιστροφή και Απόδοση*, 141.

<sup>90</sup> Colin Renfrew, *Loot, Legitimacy and Ownership: The Ethical Crisis in Archaeology* (Bristol: Classical Press, 2000), 66.

<sup>91</sup> Αναστασία Γραμματικάκη-Αλεξίου, “Καταπολέμηση της παράνομης διακίνησης πολιτιστικών αγαθών η σύμβαση της UNIDROIT.” in *Proceedings of Η πολιτιστική κληρονομιά και το δίκαιο: 3-4 Ιουνίου 2003 Αθήνα*, ed. Ελένη Τροβά, (Θεσσαλονίκη : Εκδόσεις Σάκκουλα, 2004), 255.

<sup>92</sup> “Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation”.

<sup>93</sup> Κόνσολα, *Η διεθνής προστασία*, 32 and 34.

## 2. Antiquities Trafficking

This chapter aims to describe theoretically the antiquities trafficking. After its theoretical approach, the case study of the gold wreath follows in order to illustrate the description.

### 2.1. A theoretical approach

Schematically, the nations are divided into “source nations” such as Mexico, Egypt, Greece and India, which are rich in cultural objects and “market nations” such as France, Germany, Japan, the Scandinavian nations, Switzerland and the United States, in which the demand for cultural objects exceeds their supply. There is also a third category which is called “transit countries”<sup>94</sup>. These countries play a central role to the “laundering” of cultural objects. For instance, Free Port is one of the most famous “transit zones” because each and every individual can rent a storage area there via the Internet. At the same time, the regime of Free Port favours the trafficking of antiquities. To be more specific, although there is a routine control of the documents, goods are imported into the port without a substantial control. In other words, the containers are not inspected<sup>95</sup>.

Generally, Switzerland, plays a central role in the cultural objects market because they can be sold legitimately from Switzerland to the UK or USA. In fact, in the majority of the cases, looted artefacts are found in catalogues or advertisements of auction houses as pieces from a Swiss collection. In that way, the object obtains an apparent legitimacy and even if it is proved that it was stolen, its purchase will be considered as a legal one because it seemed to belong to the “property of a Swiss gentleman”<sup>96</sup>. Regarding these “unprovenanced

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<sup>94</sup> Merryman, “Two Ways of Thinking about Cultural Property,” 832.

<sup>95</sup> Νικόλας Ζηργάνος, “Παγκόσμιο κύκλωμα αρχαιοκαπηλίας και η θέση της Ελλάδας σε αυτό” in *Proceedings of Η προστασία των Πολιτιστικών Αγαθών από την Παράνομη διακίνηση και η Διεκδίκηση τους: 24-25 Σεπτεμβρίου 2008 Νέο Μουσείο Ακρόπολης Αθήνα 2008*, ed. Σμαράγδα Μουτοπούλου, Μάρλεν Μούλιου, Σταυρούλα Καλλιιώδη and Βασίλης Σακελλιιάδης (Αθήνα: Υπουργείο Πολιτισμού, 2008), 117.

<sup>96</sup> Neil Brodie, Andrew J. Doole, and Peter Watson, *Stealing History: the Illicit Trade in Cultural Material* (Cambridge: McDonald Institute, 2000), 33.

antiquities”, it is a common phenomenon that auction houses write down in their catalogues for these artefacts that they come from small private collections or have been discovered in “attics”<sup>97</sup>.

Regarding, the journey of a looted cultural object, initially, some local people<sup>98</sup> carry out illegal excavations<sup>99</sup>. In the next stage, the locals pass the findings to the middlemen who usually live in a central urban city such as Athens, Thessaloniki and who dispatch them to the market abroad such as auction houses in Switzerland and Munich<sup>100</sup>. At the end of that chain, there are the collectors, the art lovers and the museums. Because of their constant demand both the locals and the middlemen continue to be active<sup>101</sup>. In fact, the locals gain the less<sup>102</sup>. In other words, this chain of movements and dispersals through different dealers, middlemen, offshore anonymous companies, and auction houses aims to the loss of the details of an object’s provenance. On top of that, auction houses offer vendor anonymity<sup>103</sup> which is a substantial feature of the antiquities trafficking<sup>104</sup>.

The payment via a bank account is the only evident proof in this process. To be more specific, when the antiquities arrived at Free Port the antiquity dealer deposits to the name

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<sup>97</sup> Broodie, Doole and Watson, *Stealing history*, 26.

<sup>98</sup> In fact, in the majority of the cases, the locals have a metal detector but it does not belong to them. It belongs to the middleman or to a dealer who takes also the findings. Βαγγέλης Σ. Παπακωνσταντίνου, *Εγχειρίδιο Αρχαιοκαπηλίας: Επίσημη και ανεπίσημη* (Αθήνα: Περίπλους, 2003), 123.

<sup>99</sup> Colin Renfrew, Neil Broidie and Jennifer Doole, *Trade in Illicit antiquities: the destruction of the world’s archaeological heritage* (Cambridge: McDonald Institute for Archaeological Research, 2001), 161.

<sup>100</sup> Renfrew, Broidie and Doole, *Trade in Illicit antiquities*, 163.

<sup>101</sup> Παπακωνσταντίνου, *Εγχειρίδιο Αρχαιοκαπηλίας*, 40.

<sup>102</sup> Renfrew, Broidie and Doole, *Trade in Illicit antiquities*, 163.

<sup>103</sup> According to the Council for the Prevention of Art Theft (CoPAT) requirement these records should be kept. These kind of Codes of Due Diligence aims to the control of the thefts in the art market. As it is obvious these record are existed but they are kept secret. Indeed there is no requirement for auction houses to reveal a record of ownership history, or the origin of the object. As a consequence, there is no published information that helps to trace an antiquity back to its original source. In that way a potential buyer could be considered as good-faith buyer, because it is impossible for them to learn the origin of the object. Looted antiquities then obtain a kind of legitimacy when ultimately sold, as “unprovenance” ones, by dealers and auction houses. The illicit in cultural material Broodie, Doole and Watson, *Stealing history*, 29.

<sup>104</sup> Broodie, Doole and Watson, *Stealing history*, 29.

of the Greek middleman a certain amount via a bank. Practically this is the only recorded contact of the two sides which can lead to the provenance of the object. However, in many cases the bank confidential policy is an obstacle to the investigation<sup>105</sup>.

## 2.2. The case of the Gold Wreath

As Jason Felch says, in the case of the gold wreath you can see a single object to make the entire journey all over through the illegal system, because you can see the full story of events<sup>106</sup>. It comes from illegal excavation in Central Macedonia and it was repatriated from Getty Museum to Greece and specifically to the Archaeological Museum of Thessaloniki in 2007<sup>107</sup>.

The Gold myrtle wreath (picture 1), which now has the exhibit number ΜΘ 24000, consists of blossomed floral decoration. Each branch of the wreath consists of many and sequential gold leaves which depict all the parts of a myrtle flower -the calyx, the petals, the sepals and the stamens- in a naturalistic way. Some of the flowers are covered with green and blue enamel<sup>108</sup>. Specifically it consists of “two stems bent to form a circle. The ends of the stems overlap and are bound together with two pieces of gold wire twined repeatedly around them. The tube-ends are furnished with obliquely cut end-plates decorated with relief concentric ovals, giving the impression of growing circles of real plants”.<sup>109</sup> At the front side of the wreath, there are thicker tubes whose “ends are separate and are connected with two pieces of thick square-sectioned gold wire”<sup>110</sup>. Moreover, a double Herculean knot is formed as the two loops of gold wire are attached to each piece of square wire. The two

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<sup>105</sup> Ζηργάνος, “Παγκόσμιο κύκλωμα αρχαιοκαπηλίας,” 118.

<sup>106</sup> Αρχαιογνώμων Φ, “Οι Τυμβωρύχοι των Θεών και της ιστορίας μας” July 10, 2011, video, 56:49, <https://www.youtube.com/watch?v=pxT-qZgBspc>.

<sup>107</sup> Ελισάβετ Ιγνατιάδου and Μπετίνα Τσιγαρίδα, *Χρυσά στεφάνια και διαδήματα / Gold wreaths and diadems* (Θεσσαλονίκη: Έκδοση Αρχαιολογικού Μουσείου Θεσσαλονίκης, 2011), table 7.

<sup>108</sup> Ιγνατιάδου and Τσιγαρίδα, *Gold wreaths and diadems*, table 7.

<sup>109</sup> Bettina Tsigarida, “A New Gold Myrtle Wreath from Central Macedonia in the Collection of the Archaeological Museum of Thessaloniki,” *The Annual of the British School at Athens* 105, (June 2011): 305.

<sup>110</sup> Tsigarida, “A New Gold Myrtle Wreath,” 305.

spirals are from each side of the knot, one above and one below it. Noticing the larger holes on the stems, the initial number of branches might arrive at thirty-three. However, nowadays only twenty-three have survived<sup>111</sup>. The fact that the wreath combines both gold and enamel increases its aesthetic value. At the same time, it is an element that it belonged to a member of the Macedonian aristocracy<sup>112</sup>.



Picture 1: Gold myrtle wreath, dating back to late 4th century BC. (Archaeology and Arts. Accessed January 22, 2020. [https://www.archaiologia.gr/blog/2012/07/02/%ce%b1%cf%81%cf%87%ce%b1%ce%b9%ce%bf%ce%bb%ce%bf%ce%b3%ce%b9%ce%ba%cf%8c-%ce%bc%ce%bf%cf%85%cf%83%ce%b5%ce%af%ce%bf-%ce%b8%ce%b5%cf%83%cf%83%ce%b1%ce%bb%ce%bf%ce%bd%ce%af%ce%ba%ce%b7%cf%82-%ce%b7/.](https://www.archaiologia.gr/blog/2012/07/02/%ce%b1%cf%81%cf%87%ce%b1%ce%b9%ce%bf%ce%bb%ce%bf%ce%b3%ce%b9%ce%ba%cf%8c-%ce%bc%ce%bf%cf%85%cf%83%ce%b5%ce%af%ce%bf-%ce%b8%ce%b5%cf%83%cf%83%ce%b1%ce%bb%ce%bf%ce%bd%ce%af%ce%ba%ce%b7%cf%82-%ce%b7/))

The first appearance of the wreath in illegal market dates back to 1990. To be more specific, Gianfranco Becchina<sup>113</sup> received two photographs of the wreath sent by a Greek smuggler in 1990. However, they did not reach a contract, and as a result, the wreath following the

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<sup>111</sup> The two stems, which had been damaged, were repaired in antiquity and again in modern times before the artefact reached the Archaeological Museum of Thessaloniki. Tsigarida, “A New Gold Myrtle Wreath,” 305-306.

<sup>112</sup> Ιγνατιάδου and Τσιγαρίδα, *Gold wreaths and diadems*, table 7.

<sup>113</sup> Gianfranco Becchina: a Sicilian antiquities dealer whose Swiss gallery was a major source of material for the Getty. Jason Felch and Ralph Frammolino, *Chasing Aphrodite the hunt for looted antiquities at the world's richest museum* (Houghton: HMH, 2011), 57.



German route<sup>114</sup> arrived in Munich in 1992<sup>115</sup>. There, an art exhibition took place in Gallery OHM in 20/2/1992. A Serbian named Kovacevits, and two Greeks named Tsatalis and Kagia, visiting this exhibition, met the painter George Seliachas. They showed him pictures of the wreath and asked him if he knew someone in order to estimate the value of the object. Seliachas recommended them Christophe Leon<sup>116</sup>. Kovacevits, Tsatalis and Kagia returned to Seliachas and they showed him the very object explaining to him that they had not reached an agreement with Leon and in turn, Seliachas recommended that they should meet Marion True<sup>117</sup>.

Although True<sup>118</sup> met two middlemen and saw the wreath in Zurich inside a bank safety deposit box<sup>119</sup>, they did not reach an agreement. She might have meet someone called Dr. Preis who seemed to be the owner of the wreath, however, his real identity remains unknown<sup>120</sup>. However, six months later True changed her mind and proposed<sup>121</sup> the

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<sup>114</sup> Antiquities from north Greece are packed into trucks which carry fruits or vegetables and are transformed through the Former Yugoslavia to Zurich after they have passed from Munich. Αρχαιογνώμων Φ, “Οι Τυμβωρύχοι των Θεών και της ιστορίας μας” July 10, 2011, video, 56:49, <https://www.youtube.com/watch?v=pxT-qZgBspc>.

<sup>115</sup> Ζηργάνος, “Παγκόσμιο κύκλωμα αρχαιοκαπηλίας,” 117.

<sup>116</sup> Leon: a dealer the Getty had done business with him before. Felch and Frammolino, *Chasing Aphrodite*, 121. Leon initially was an archaeologist. Αρχαιογνώμων Φ, “Οι Τυμβωρύχοι των Θεών και της ιστορίας μας” July 10, 2011, video, 56:49, <https://www.youtube.com/watch?v=pxT-qZgBspc>.

<sup>117</sup> Ανδρέας Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων: μουσεία έμποροι τέχνης οίκοι δημοπρασίας ιδιωτικές συλλογές εκδόσεις* (Αθήνα: Άγρα, 2006), 347.

<sup>118</sup> “Marion True was Curator of Antiquities at the J.Paul Getty Museum in Los Angeles from 1986 until 2005.” “Marion True,” Trafficking Culture, accessed January 20, 2020, <https://traffickingculture.org/encyclopedia/case-studies/marion-true/>.

<sup>119</sup> Christophe Leon who had acted as a middleman in this deal, sent letter to True and she respond via fax specifically she wrote “I must say that the happenings in Zurich were certainly bizarre, I do not think that I have ever had and experience quite like that on! Mr. Kovacevic and whoever was impersonating Dr. Preis have done tremendous damage to a great object” She also referred that the Getty was no longer interested in buying the wreath and she closed her letter by writing “I hope that you will find a possible buyer for it, but I am afraid that in our case it is something that is too dangerous for us to be involved with” Felch and Frammolino, *Chasing Aphrodite*, 121.

<sup>120</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 348.

<sup>121</sup> According True’s report (9/6/1993) the wreath was relatively close to Macedonian wreaths and particularly the gold wreaths in Vergina. Moreover, accomplishing her report, she refers to the Macedonian wreath of Derveni. All these are proves that the gold wreath that Getty was interested

acquisition of the wreath to the Getty Museum<sup>122</sup>. The following afternoon, the full board voted unanimously in favour of the purchase of the wreath. According to the official papers of the acquisition, Leon indicated the wreath came from “a private Swiss collection” and he did not fill in the box for “country of origin”<sup>123</sup>. Also, in that paper, Leon gave a description of the wreath including its dimension, its price which was \$1,150,000, and some assurances about its authenticity<sup>124</sup>. The amount was wired to a Swiss bank account in the name of Leon and two Greeks by Getty Museum<sup>125</sup>.

Initially, during the process of acquisition, True turned to Greece and Italy asking to know if the wreath had been stolen from their territory. Greece responded negatively<sup>126</sup> but Italy gave a positive answer<sup>127</sup> saying that they wished to investigate the case further<sup>128</sup>. The Italian investigation not only reveals the Greek origin of the wreath<sup>129</sup> but also put pressure

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in buying was the product from a common Macedonian laboratory. Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 351-352. In the curator’s report, prepared for the proposed acquisitions, under the heading referring to provenance, it was written that “the dealer will provide the standard warranties concerning title, export, and import in accordance with the antiquities acquisition policy of the J. P. Getty Museum.” Leon was listed as the seller, the previous owner as a “Swiss Collector,” and Switzerland was shown as the country of origin. In the warranty it was specifically stated by Leon that “the object was legally exported from its country of origin.” Peter Watson and Cecilia Todescini, *The Medici conspiracy: the illicit journey of looted antiques from Italy's tomb raiders to the world's greatest museums* (New York: Public Affairs, 2007), 312.

<sup>122</sup> Watson and Todescini, *The Medici conspiracy*, 311.

<sup>123</sup> Felch and Frammolino, *Chasing Aphrodite*, 122.

<sup>124</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 351.

<sup>125</sup> The only hint of its origins came in this clinical assessment “Virtually all surviving examples of such wreaths come from tombs” Felch and Frammolino, *Chasing Aphrodite*, 122.

<sup>126</sup> Specifically although the Greek Ministry of Culture responded that it disagreed with the museum’s decision to acquire it was unable for it to prove the illegal excavation and provide details to support its claim. Of course for the Greek archaeological community, it was obvious that such a wreath was a product from an illegal excavation. Watson and Todescini, *The Medici conspiracy*, 311.

<sup>127</sup> True wrote to the Italian authorities that she had recently visited Thessaloniki and she had studied about those kind of wreaths. In fact, she supported that there is a difference between the Macedonian wreaths and the wreath which comes from Tarentina of Italy regarding their decorative details. Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 351.

<sup>128</sup> “Although the funerary wreath was obviously a recent find, neither country could provide any hard evidence about where or when it had been looted and she proceeded with the acquisition”. Felch and Frammolino, *Chasing Aphrodite*, 122.

<sup>129</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 349.

on True in order to give them some information. In fact, she gave them the name of Dr Preis and two Munich telephone numbers.

The Italian police gave these clues to the German one. After an investigation, the German police responded that during the sales and purchase agreement Getty museum had two Munich telephone numbers and Victor Preis seemed to be the seller. However, they could not find any evidence about that person. On the contrary, regarding the telephone numbers, the first one belonged to Jun Manfred Delitz<sup>130</sup>, who was a lawyer, and the latter one to Canal, a woman who co-lived with Seliachas. As a consequence, Seliachas was interrogated by the German police and confessed to his guilt<sup>131</sup>. The German Police sent a file of documents to the Greek INTERPOL which showed that the Greek looters had illegally exported a gold wreath out of Greece into Germany and had met True and Leon after a Seliachas's recommendation. The file also includes the affidavit<sup>132</sup> of Seliachas<sup>133</sup>. The Department of International Relationships of INTERPOL sent a letter to the Ministry of Culture of Greece in order to demand the return of the wreath before the court. However,

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<sup>130</sup>Jun Manfred Delitz collaborated that period with Marzischewski Martin who lived in Munich and had business with Seliachas. Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 311.

<sup>131</sup>Seliachas would get a fee if the wreath was sold at a high price. Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 349.

<sup>132</sup> Seliachas supports in his affidavit: "They enquired about my connections in artistic circles. They told me they had something for sale and were looking for someone who might be interested. There, on the spot, they showed me photographs of what they wanted to sell. Then, on another day, again in the gallery, they brought me the object itself, concealed in one of those boxes they give you to carry away cakes at a pastry shop. The kind that are tied up with ribbon. They took the object out of the box and unraveled the paper it was wrapped in. And there was the most beautiful thing I had ever seen in my life. It was a Macedonian wreath made of solid gold. I was so impressed, so shocked I could hardly breath. They asked if I could suggest someone who might buy the wreath. The first name that came into my head was Christoph Leon. I had never met him, but I had heard about him and I knew he was in the antiquities business. Later, I found out that they did indeed go to see Leon in Basel but the meeting, I understand, was not a success. Apparently, Leon was willing to buy the wreath but the amount he offered—200,000 marks, according to Tzallas—was much too low. Celia continued: So they came back to me in Munich and asked me a second time if I knew anyone else who might be interested. I thought about it and answered that for such a beautiful and important antiquity it was probable that the Getty Museum in Los Angeles might be interested. Again, I found out later that they contacted Marion True". Watson and Todescini, *The Medici conspiracy*, 310-311.

<sup>133</sup> Watson and Todescini, *The Medici conspiracy*, 312.

the Greek Ministry of Culture responded that it had come to contact with Getty museum and it preferred an out-of-court solution<sup>134</sup>.

The Greek Art Squad asked collaboration from the Ministry of Culture regarding the investigation for the gold wreath but the Ministry refused, writing in a confidential memorandum that it was trying to settle the dispute with Getty through diplomacy. Unfortunately, these diplomatic moves were stood down after a few years, however, similar moves have taken place every now and again unsuccessfully<sup>135</sup>.

In 2005, a Greek police officer gave copies of documents related to the gold wreath case also including Seliacha's affidavit to the journalist, Nikos Zirganos who used these documents and published the case in the Epsilon magazine. At the same time, a special police prosecutor named Diotis having read this article decided to investigate the case. Diotis realised that this Greek case was paralleled to an Italian one<sup>136</sup>, and as a result, he and Gligoris met with the Italian prosecutor Paolo Ferri in Rome in 2006. There they exchanged information and clues about True and other people who were involved<sup>137</sup> and they decided to collaborate<sup>138</sup>. The Greek side decided to change its policy and to open a criminal investigation both of the museum and its curator<sup>139</sup>. As a consequence, Marion True<sup>140</sup>, Christoph Leon, the two Greek looters, now named as Georgios Tsatalis and Georgios Kagias, and the Serb middleman, Kovasevic, were brought charges in November

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<sup>134</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 349.

<sup>135</sup> Watson and Todescini, *The Medici conspiracy*, 312.

<sup>136</sup> In May 2002 the Carabinieri in collaboration with Swiss Police, after they had investigated the archives of an Italian antiquities dealer Giacomo Medici, they started to investigate the Swiss stockroom of Gianfranco Becchina recovering his documents and photographs of looted objects. Neil Brodie, "Action houses and the antiquities trade," in *Proceeding of 3rd International Conference of Experts on the Return of Cultural Property: Athens – Ancient Olympia, 23–27 October 2013*, ed. Σουζάνα Χούλια-Καπελώνη (Athens: Archeological Receipts Fund, 2014), 72.

<sup>137</sup> Felch and Frammolino, *Chasing Aphrodite*, 31.

<sup>138</sup> Watson and Todescini, *The Medici conspiracy*, 313.

<sup>139</sup> Felch and Frammolino, *Chasing Aphrodite*, 279.

<sup>140</sup> Marion True arrived in Athens to meet with prosecutor Apostolos Zavitsianos. She had been summoned to testify concerning the gold wreath. She asked for a postponement, which she received, and finally testified when she pleaded "not guilty". Watson and Todescini, *The Medici conspiracy*, 320.

2006 regarding the case of the gold wreath<sup>141</sup>. At the same time, Greece insisting on an out-of-court settlement, tried to adopt a more academic<sup>142</sup> approach to their negotiations<sup>143</sup>. In other words, apart from the legal documentation, there is also the archaeological one. The latter one aims at proving that all gold myrtle wreaths coming from central Macedonian have some common characteristics regarding the structure, style and technique because they share the same regional tradition.

Regarding the similarities, the wreath ΜΘ 24000 comes from the same workshop as the gold wreath from Stavroupolis (second quarter of the 4th century BC). It also bears similarities with a fragmentary gold wreath from a looted cist-grave at Phoinikas in Thessaloniki<sup>144</sup>.

At the same time, the Greek State negotiated the return of three other antiquities from Getty<sup>145</sup>. As a result, the Getty agreed to return a 5th century BC marble relief from Thassos, a grave stele from Boeotia dating back to 400 BC. But Brand asked for more evidence regarding the wreath and the kore<sup>146</sup>.

In December 2006 Getty Museum agreed to return the wreath and the Kore because the Greek side had given strong proofs regarding the provenance<sup>147</sup>, that is, Polaroids of the wreath found in Gianfranco Becchina's archive, Seliachas' photographs<sup>148</sup> and a photograph

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<sup>141</sup> Watson and Todescini, *The Medici conspiracy*, 321.

<sup>142</sup> "When the two sides met in May instead of hammering Getty officials with suspicion and innuendo the director of the National Archaeological Museum spoke to them about the significance of art in ancient Greece. Another senior cultural official detailed the history and craftsmanship of ancient funeral wreaths, down to the minutely coiled twigs and shimmering gold leaves. The winding of the thread on the Getty's wreath, he noted, was workshops in Macedonia". Felch and Frammolino, *Chasing Aphrodite*, 291.

<sup>143</sup> Felch and Frammolino, *Chasing Aphrodite*, 291.

<sup>144</sup> Tsigarida, "A New Gold Myrtle Wreath," 313.

<sup>145</sup> The Greek Ministry of Culture demanded the return of the gold Macedonian wreath, the marble statue of a Kore, a 5th century BC marble relief from Thassos and a grave stele from Boeotia dating back to 400 BC. ΔΤ 29 March 2007 ΥΠΠΟΑ Αθήνα.

<sup>146</sup> Felch and Frammolino, *Chasing Aphrodite*, 291.

<sup>147</sup> ΔΤ 29 March 2007 ΥΠΠΟΑ Αθήνα.

<sup>148</sup> Watson and Todescini, *The Medici conspiracy*, 321.

which was included in a file sent from Thessaloniki to Becchina<sup>149</sup>. As a consequence both Kore and wreath were repatriated to Greece on 26<sup>th</sup> March 2007<sup>150</sup>. The wreath is exhibited nowadays in the Archaeological Museum of Thessaloniki. Regarding the legal part of the case, in November 2007 the Greek Court rejected the complaints about Marion True because the breach had become time-barred<sup>151</sup>.

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<sup>149</sup> Αρχαιογνώμων Φ, “Οι Τυμβωρύχοι των Θεών και της ιστορίας μας” July 10, 2011, video, 56:49, <https://www.youtube.com/watch?v=pxT-qZgBspc>.

<sup>150</sup> Watson and Todescini, *The Medici conspiracy*, 321.

<sup>151</sup> Αρχαιογνώμων Φ, “Οι Τυμβωρύχοι των Θεών και της ιστορίας μας” July 10, 2011, video, 56:49, <https://www.youtube.com/watch?v=pxT-qZgBspc>.

### 3. Alternative Dispute Resolutions

This chapter aims at presenting the advantages of alternative dispute resolution. Case studies that are solved out of court follow.

#### 3.1. The advantages of Alternative Dispute Resolutions

As it is obvious the dispute with the Getty Museum in the case of the gold wreath was settled with the method of negotiation. In fact, the majority of the cases regarding cultural objects are settled out-of-court.

Court decision is uncertain and inflexible because each and every “cultural property case” follow its own different ethical and public policy. As a result, “alternative dispute resolutions” take into consideration not only legal but also other factors such social, ethical and scientific facts. The different legal traditions of the countries involved, the high cost of the court process<sup>152</sup>, short-term time limitations of the legislation are some of the drawbacks of the judicial process. Moreover, although court decision is binding, states cannot apply it easily because it opposes their internal law. At the same time, judicial process is too risky because of matters of jurisdiction and applicable law. In other words, a lot of questions arise regarding which national court the claimant should resort to and which law would be applicable in the case: the law of the request state or the law of the state where the object is situated. Furthermore, the court demands powerful evidence, which are not easy to be found in the majority of the cases. Last but not least, is the fact that the court is based on no retroactive law and as a result it is not always the most appropriate solution<sup>153</sup>. On the contrary, ADR as a flexible process could combine both parties’ interests and it might lead them to a future cultural co-operation such as exchange

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<sup>152</sup> Irini A. Stamatoudi, “Alternative dispute resolution and insights on cases of Greek cultural property: the J.P. Getty case, the Leon Levy and Shelby White case, and the Parthenon Marbles case,” *International Journal of Cultural Property* 24, no. 4 (November 2016): 435.

<sup>153</sup> Stamatoudi, “Alternative Dispute Resolution,” 437.

loans or common exhibitions of cultural objects<sup>154</sup>. In addition, ADR does not damage the image of the other party. Indeed, both UNESCO 1970 and UNIDROIT 1995 promote the ADR<sup>155</sup>.

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<sup>154</sup> Stamatoudi, "Alternative Dispute Resolution," 438.

<sup>155</sup> "Article 17(5) of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO Convention) provides that "at the request of at least two States Parties to this Convention which are engaged in a dispute over its implementation, UNESCO may extend its good offices to reach a settlement between them."<sup>13</sup> According to Article 8(2) of the 1995 Convention on Stolen or Illegally Exported Cultural Objects, parties to a dispute under Part II or Part III of the convention "may agree to submit the dispute to any court or other competent authority or to arbitration." Stamatoudi, "Alternative Dispute Resolution," 438.



Negotiation<sup>156</sup> , Inquiry or inquiry commission or fact finding commission<sup>157</sup>, Mediation<sup>158</sup>, good offices<sup>159</sup>, Arbitration<sup>160</sup>and Conciliation<sup>161</sup> are some of out-of-court solutions which

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<sup>156</sup> Negotiation: It could be bipartite or multipartite. Members participate in this process straightway, and as a result they can control it fully. In fact, the process does not follow a specific type. On the contrary, it is particularly flexible. In other words, states have the possibility to decide for the type of process, to influence the results, to set up new claims or to withdraw. The agreement could be binding if the members want so. Κώστας Χατζηκωνσταντίνου, Μιλτιάδης Σαρηγιαννίδης and Χαράλαμπος Ελ. Αποστολίδης, *Θεμελιώδεις Έννοιες στο Διεθνές Δημόσιο Δίκαιο* (Αθήνα-Θεσσαλονίκη: Σάκκουλας, 2014), 526.

<sup>157</sup> Inquiry or inquiry commission or fact finding commission: the Court or the Tribunal could order the investigation on the spot. The inquiry commission which could consist of one or three members, as a third impartial body investigates the real facts of the case. Χατζηκωνσταντίνου, Σαρηγιαννίδης and Αποστολίδης, *Διεθνές Δημόσιο Δίκαιο*, 574-575.

<sup>158</sup> Mediation: Although members desire to find a solution, they do not want to damage their image and as a result they agree to use a third impartial member as mediator which could be a third State, or a team of states or a highly acclaimed person. Mediator transfers arguments and opinions from the one the state to the other, tries to change erroneous stereotypes, gives new ideas regarding the cases and in the end proposes an indicative solution which is not binding for the members. On the other hand, although good offices are very similar with mediation they have some differences. To be more specific, the third party is involved less in the case of good offices compared to mediation and at the same time they could offer their good offices spontaneously Χατζηκωνσταντίνου, Σαρηγιαννίδης and Αποστολίδης, *Διεθνές Δημόσιο Δίκαιο*, 579.

<sup>159</sup> On the other hand, although good offices are very similar to mediation they have some differences. To be more specific, the third party is involved less in the case of good offices compared to mediation and at the same time they could offer their good offices spontaneously Χατζηκωνσταντίνου, Σαρηγιαννίδης and Αποστολίδης, *Διεθνές Δημόσιο Δίκαιο*, 581-582.

<sup>160</sup> Arbitration: The most important advantage is that the very members take decisions both about the typical part of the process and the matters of substance. In other words, members can decide about the number of the arbitrators –which could be from three to five-, the timetable of the process, the object of the case, the applicable law. This means that arbitration as a process is faster compared to court. The decision of the arbitrator is binding, final and irrevocable among states. Χατζηκωνσταντίνου, Σαρηγιαννίδης and Αποστολίδης, *Διεθνές Δημόσιο Δίκαιο*, 591.

<sup>161</sup> Conciliation is a combination of inquiry conciliation and mediation because it demands both investigation of real facts and approach of both sides. At the end of the process there is the a final recommendation which is not binding for the members Χατζηκωνσταντίνου, Σαρηγιαννίδης and Αποστολίδης, *Διεθνές Δημόσιο Δίκαιο*, 585.

could lead to solutions such as the return of the cultural object under conditions<sup>162</sup>, cultural collaboration<sup>163</sup>, borrowing<sup>164</sup>, donation.

### 3.2. The krater of the Shelby White Collection

The bronze calyx krater (picture 2) returns from the private collection of Shelby White to Greece in 2008. The krater which dates back to 340–320 BC and originates from Pieria, might have been found during an illegal excavation in a royal tomb<sup>165</sup>. Regarding the krater's description, the lip of the vessel has an astragal decoration and Ionic kymation. The cast base was made separately and it is decorated with an embossed Lesbian kymation. The body of the vessel is decorated with a horizontal added branch of vine leaves by silver sheets. From the 37 silver sheets only nine have fully survived and some traces from the rest. Two cast handles have been added to the shoulder of the vessel. Below them there are two female busts. Probably, they symbolise the menads. The krater stands on an hypocraterion which consists of two parts. Particularly, it “consists of a leg in the form of a column on a disk base supported on a speared plinth. The cylindrical top of the leg ends in an egg-and-dart moulding”<sup>166</sup>. The lid is also bronze and has a salver-shaped shape. Kraters were used in order to mix water and wine<sup>167</sup>.

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<sup>162</sup> Return under conditions: The cultural object returns to the country of origin under some considerations. Κωνσταντζα Κυριαζή, “Πολιτιστικά Αγαθά και εναλλακτικοί τρόποι επίλυσης Διαφορών,” in *Proceeding of Προστασία και επιστροφή των πολιτιστικών αγαθών: Αθήνα, 10 Δεκεμβρίου 2010*, ed. Ηλία Κρίσπη (Αθήνα- Θεσσαλονίκη: Σάκουλας, 2011), 179.

<sup>163</sup> Cultural collaboration: The return of a cultural object to its place of origin could be a part of a wider contract which would aim to the collaboration of the members regarding cultural matters. Κυριαζή, “Εναλλακτικοί τρόποι επίλυσης Διαφορών,” 180.

<sup>164</sup> Borrowing: Although long-term borrowing is not a permanent and a completely satisfying solution, it could be considered as a typical acknowledgement of the importance of the object both for international community and for the applicant country. Κυριαζή, “Εναλλακτικοί τρόποι επίλυσης Διαφορών,” 181-182.

<sup>165</sup> Stamatoudi, “Alternative Dispute Resolution,” 446.

<sup>166</sup> Maria Gavrili, *Repatriated masterpieces: Nostoi: New Acropolis Museum, 24-9 to 31-12-2008* (Athens: Ministry of Culture, 2008), 208.

<sup>167</sup> Maria Gavrili, *Repatriated masterpieces*, 208.



Picture 2: Brozen calyx krater with stand (hypokraterion) and lid, dating back to 340 BC (Gavrili, Maria. *Repatriated masterpieces: Nostoi: New Acropolis Museum*, 24-9 to 31-12-2008. Athens: Ministry of Culture, 2008.)

The first stage in order to sustain a return claim is the identification of the cultural object. Specifically, the cultural object could be identified either on a data base dedicated to the illegally exported cultural objects or randomly through the pages of an auction house catalogue. Regarding the krater, this is identified by Nikos Zirganos in 2007 on the Internet when the object was exhibited in the exhibition “History Contained: An ancient Greek Bronze and ceramic vessels” by McClung. At the same time, it was published in the catalogue of the exhibition “Greek Bronze vessel”<sup>168</sup>. As it is obvious the krater seemed to belong at a private collection of Shelby White and Leon Levy. The Greek side decided to

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<sup>168</sup> Ελένη Μπάνου, “Από το όραμα στην πράξη: Η περίπτωση επαναπατρισμού αρχαιοτήτων από τη συλλογή της Shelby White,” in *Proceedings of Η προστασία των Πολιτιστικών Αγαθών από την Παράνομη διακίνηση και η Διεκδίκηση τους: 24-25 Σεπτεμβρίου 2008 Νέο Μουσείο Ακρόπολης Αθήνα 2008*, ed. Σμαράγδα Μουτοπούλου, Μάρλεν Μούλιου, Σταυρούλα Καλλιώδη and Βασίλης Σακελλιάδης (Αθήνα: Υπουργείο Πολιτισμού, 2008), 146.

follow an out-of-court route by negotiating<sup>169</sup>. As a result, the Greek Ministry of Culture communicated with Shelby White and asked her the return of both the krater and another antiquity, a grave stele<sup>170</sup>. The team of people who handled the case of J.P. Getty antiquities, was also the same in this case<sup>171</sup>. In the early 2008 the two sides defined their legal consultant<sup>172</sup>. Irimi Stamatoudi, as a lawyer, represented the Greeks during the negotiation meetings which took place both in Athens and New York. Although an agreement was difficult to reach, finally, a bipartite contract was signed on 10 July 2008, which provided for the return of the two antiquities to Greece<sup>173</sup>. According to the contract the Greek Ministry of Culture recognized that Shelby White obtained these cultural objects in good faith and as a result the Greek side did not make any court claims against Ms White either at administrative or criminal level. According to the contract the antiquities would be delivered in Greek territory and particularly in the Greek Consulate of New York<sup>174</sup>. In fact, the antiquities<sup>175</sup> were returned to Greece on 1 August 2008<sup>176</sup>.

The part of the contract that referred to the good faith of Shelby White was a very important part. To be more specific, an individual collector would not wish to be involved or to be related to an illegal or a not absolutely clear case. At the same time, according to UNIDROIT convention if the owner has obtained the cultural object in good faith, they could demand compensation from the demand party. In this case, Greece should give a certain compensation to Shelby White. However, both Greece and the collector did not accept this. Besides, Shelby White was famous and prestigious collector to all important museums and cultural institutions. Moreover, in some cases she made benefactions to those institutions.

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<sup>169</sup> Μπάνου, “Από το όραμα στην πράξη,” 147.

<sup>170</sup> The grave stele depicts two men and particularly a warrior and a younger one and dates up to the early 5<sup>th</sup> century BC (410–400 BC). Port Rafti, an area in south Greece, is its place of origin. Stamatoudi, “Alternative Dispute Resolution,” 445.

<sup>171</sup> Stamatoudi, “Alternative Dispute Resolution,” 446.

<sup>172</sup> Μπάνου, “Από το όραμα στην πράξη,” 148.

<sup>173</sup> Stamatoudi, “Alternative Dispute Resolution,” 446.

<sup>174</sup> Μπάνου, “Από το όραμα στην πράξη,” 147.

<sup>175</sup> Upon its return to Greece, the stele was reunited with its other half and is currently exhibited at the Vravra Museum. Stamatoudi, “Alternative Dispute Resolution,” 445.

<sup>176</sup> Stamatoudi, “Alternative Dispute Resolution,” 446.

As a result, she had to consider her reputation. The previous successful repatriation of the Greek and Italian antiquities was very helpful for the Greek side claims. Indeed, all the cases regarded institutions of USA and took place worldwide attracting a lot of publicity. Under such climate, it would seem awkward for a prestigious institution or collector to navigate in the opposite direction<sup>177</sup>.

One of the basic arguments of the Greek side, based on archaeological facts, was that there was an identical krater which came from the necropolis Sevasti Pierias. According to the archaeologist who found the krater, the similarities between the two kraters led to the consequence that the krater of the White's collection was manufactured in 4<sup>th</sup> century BC<sup>178</sup> from a Macedonian workshop and in fact from the region of Pieria. Both vessels have similar characteristics such as the kymation with the element of egg and darts. The only difference is that the Krater of Shelby White's collection has an added silver ribbon<sup>179</sup>. Another similar element is the added silver branch of vineyard in the body of the vessels which has been noted only on the Krater from Derveni. Indeed, the branch might have been fixed in the same matrix<sup>180</sup>. During the second half of 4th century, big bronze krates -such as these of the Shelby White's collection the krater from Derveni and Sevasti- were used as funerary urn vessels in aristocratic graves. The krater of the Shelby White's collection, the two krates of Derveni, the bronze and the two silver oinochoe from the tomb of Philip II come from the same workshop<sup>181</sup>.

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<sup>177</sup> Stamatoudi, "Alternative Dispute Resolution," 446-147.

<sup>178</sup> Mantios Bessios who excavated the site of Sevasti Pierias in 1986, Aggeliki Kottaridi and Rosa Proskynimatopoulou documented in their report the provenance of krater. "Εμφύλιος πόλεμος για έναν κρατήρα," *Αρχαιολογία και Τέχνες*, accessed January 2, 2020, <https://www.archaiologia.gr/blog/2010/07/15/εμφύλιος-πόλεμος-για-έναν-κρατήρα-2/>.

<sup>179</sup> Μπάνου, "Από το όραμα στην πράξη," 147.

<sup>180</sup> "Εμφύλιος πόλεμος για έναν κρατήρα," *Αρχαιολογία και Τέχνες*, accessed January 2, 2020, <https://www.archaiologia.gr/blog/2010/07/15/εμφύλιος-πόλεμος-για-έναν-κρατήρα-2/>.

<sup>181</sup> Gavrili, *Repatriated masterpieces*, 208.

Using this legislation and the archaeological facts, after the contract, the two objects were, initially, exhibited in the National Archaeological Museum and after a certain period they returned and are now exhibited in the place of their origin<sup>182</sup>.

### 3.3. Cases of repatriated manuscripts from Mount Athos

Four manuscripts of Mount Athos were returned to Greece thanks to an out-of-court process.

#### 3.3.1. The codex “Ludwig II 4”

The codex “Ludwig II 4” (picture 3) was repatriated in 2014<sup>183</sup> thanks to a previous agreement between Getty museum and Greece<sup>184</sup>



Picture 3: Byzantine New Testament Manuscript, dating back to 1133 AD (Byzantine Museum of Thessaloniki. Accessed January 22, 2020. [https://www.byzantinemuseum.gr/en/museum\\_news/events/?nid=1880.](https://www.byzantinemuseum.gr/en/museum_news/events/?nid=1880))

<sup>182</sup> ΔΤ 3 September 2008 ΥΠΠΟΑ Athens.

<sup>183</sup> ΔΤ 10 September 2014 ΥΠΠΟΑ Athens.

<sup>184</sup> Getty museum and Greece state signed an “agreement creating framework for cultural cooperation” “Press Release,” J. Paul Getty Trust, accessed January 9, 2020, <http://news.getty.edu/j-paul-getty-trust-and-hellenic-republic-ministry-culture-sign-agreement-creating-framework-for-cultural-cooperation.htm>.

The manuscript of New Testament or the codex Ludwig II 4 belonged to the library of Dionysius Monastery. Although it was lost during the spring of 1960, the fact was not made known to the competent Ephorates of Antiquities. It was obtained from J. Paul Getty Museum in 1983. It was exhibited there and it was studied. It was known to the public as the New Testament Ludwig II 4<sup>185</sup>.

Until the Getty's acquisition, it was impossible to reveal the place of the manuscript as it was part of two inaccessible private collections. However, Getty acquired it in 1983 as a part of the Ludwig collection and as a consequence it was made available to a wider audience<sup>186</sup>. After research from the Hellenic Ministry of Culture, it was found that the New Testament had been illegally exported from the Monastery of Dionysiou. Moreover, there was a monastery record dating back to 1960 which confirms the provenance of the object because it stated that the manuscript was illegally removed from the monastery. However, the Getty emphasised that this record was not known or available for it and the object was not uploaded to any database regarding stolen cultural goods<sup>187</sup>.

Getty also underlined that the Greek State could have knowledge regarding the acquisition of the item because Getty had uploaded over 20 publications and its images on its website since 1998. Furthermore, 14 exhibitions took place in Getty Museum in which this item was exhibited while the Metropolitan Museum of Art borrowed it from Getty in 1997 for its exhibition<sup>188</sup> "The Glory of Byzantium". Under the bilateral agreement "Framework for Cultural Cooperation" signed between Getty and Greece in 2011,<sup>189</sup> Getty Museum

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<sup>185</sup> "Βυζαντινό χειρόγραφο της Μονής Διονυσίου," *Αρχαιολογία και Τέχνες*, accessed January 9, 2020, <https://www.archaiologia.gr/blog/agenta/βυζαντινό-χειρόγραφο-της-μονής-διονυ/>.

<sup>186</sup> Robert S. Nelson, "The Theoktistos and Associates in Twelfth-Century Constantinople: An Illustrated New Testament of A.D. 1133," *J. Paul Getty Museum Journal* 15, (January 1987): 54.

<sup>187</sup> "The J. Paul Getty Museum Announces the Return of a Byzantine Illuminated New Testament to Greece," J. Paul Getty Museum, accessed January 9, 2020, <http://news.getty.edu/byzantine-manu-to-greece.htm>.

<sup>188</sup> The co-operation between the Hellenic Ministry of Culture and the J.P. Getty Museum has led to a number of projects such as the exhibition at the J.P. Getty Museum on "Heaven and Earth: Art of Byzantium from Greek Collections". At the same time a lot of loans have taken place, specifically, from Greece for an exhibition at the J. P. Getty Museum on "Egypt-Greece-Rome: Cultures in Context". Stamatoudi, "Alternative Dispute Resolution," 23, footnote 40.

<sup>189</sup> ΔΤ 22 September 2011 ΥΠΠΟ Athens.

returned the manuscript to Greece<sup>190</sup>. Intimately, the manuscript was exhibited in the Byzantine Museum of Athens, however, after the exhibition it returned to the Holy Monastery of Dionysiou<sup>191</sup>.

The manuscript was identified when it was exhibited in an exhibition of Getty Museum “Heaven and Earth: Byzantine Illumination at the Cultural Crossroads alongside several loans from Greece” which took place on 22<sup>nd</sup> June<sup>192</sup>.

Regarding its description, it is a parchment codex, a New Testament dating back to 1133 AD. The name of the writer is Theoktistos. The copy and the illustration of the codex was completed in Konstantinoupoli during an era that manuscript production was flourishing. These kinds of manuscripts were designed for members of the imperial family of Komninos or big monasteries of Konstantinoupoli. Twelve decorated canon tables, six decorative chapter titles and four full-page miniature with Gospel writers’ portraits. There was also a fifth full-page miniature which depicts the Twelve Apostles’ busts, however, this page had been removed from the manuscript and it was found in the Kanellopolos’ collection<sup>193</sup>. The manuscript was published by Spyridon Lampro in the “Gatalogue of the Greek Manuscripts on Mount Athos”. It comes from a workshop in Constantinoupoli<sup>194</sup>.

### *3.3.2. The repatriation of a sheet of Byzantine Manuscript*

The second case of Mount Athos regards a sheet of Byzantine Manuscript. It comes from the Meghistis Lavras Monastery and it dates back to the 11<sup>th</sup> century. It was handed to the Greek Embassy of London by the Archdiocese of Thyateira & Great Britain. Dr. Victoria

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<sup>190</sup> Stamatoudi, “Alternative Dispute Resolution,” 8.

<sup>191</sup> “Βυζαντινό χειρόγραφο της Μονής Διονυσίου,” *Αρχαιολογία και Τέχνες*, accessed January 9, 2020, <https://www.archaiologia.gr/blog/agenta/βυζαντινό-χειρόγραφο-της-μονής-διονυ/>.

<sup>192</sup> “The J. Paul Getty Museum Announces the Return of a Byzantine Illuminated New Testament to Greece,” J. Paul Getty Museum, accessed January 9, 2020, <http://news.getty.edu/byzantine-manu-to-greece.htm>.

<sup>193</sup> “Βυζαντινό χειρόγραφο της Μονής Διονυσίου,” *Αρχαιολογία και Τέχνες*, accessed January 9, 2020, <https://www.archaiologia.gr/blog/agenta/βυζαντινό-χειρόγραφο-της-μονής-διονυ/>.

<sup>194</sup> ΔΤ 3 Σεπτεμβρίου 2008 ΥΠΠΟΑ Athens.



Solomonidou helped to the successful outcome of the case which includes not only the manuscript but also other cultural objects<sup>195</sup>. The first stage for these cultural good was the Byzantine and Cristian museum and after that they returned to the Ephorates of their place of provenance<sup>196</sup>.

### 3.3.3. *The “Slavobulgariki history” of Paisios*

The manuscript “Slavobulgariki history” (picture 4) was stolen from the Zograf Monastery during the 1980 decade. In 1991, the director of the ephorate of “Zograf”, Petar Mitanofov supported that the manuscript was in Bulgaria. In 1996, an unknown man left the manuscript, wrapped in a newspaper in the National Historical Museum of Sofia. According to the experts opinion this manuscript was the original of the “Slavobulgariki history”. The president of Bulgaria, Petar Stogianov decided to return the manuscript to Greece on 13 January 1998. The manuscript dates back to 1762. It consisted of 61 paper pages, however, some pages are missing. The binding of the book is simple by black cardboard with reddish leather on the spine. However, the notes which are around the main text were lost because of the binding. The script is uncial and unpretentious, the ink is black<sup>197</sup>. Regarding the content of the manuscript, it is divided into three parts: the first on Bulgarian kingdom, the second on the Slavian teachers and the third one on Bulgarian saints<sup>198</sup>.

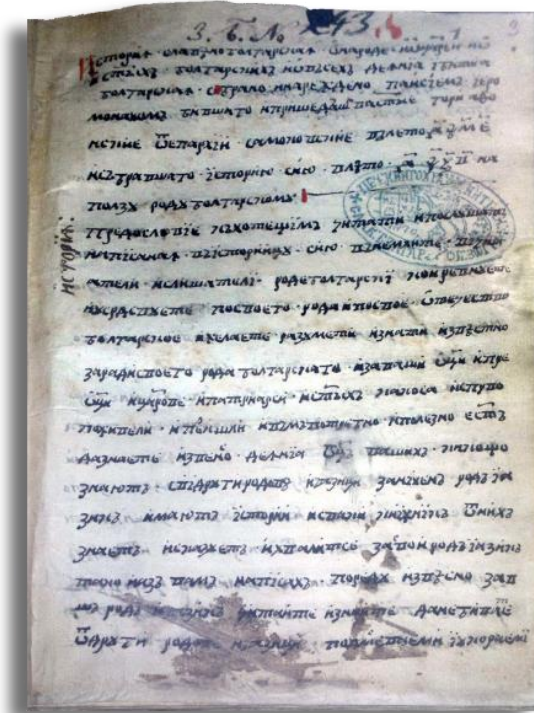
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<sup>195</sup> Apart from the sheet, a marble byzantine piece of 11<sup>th</sup> century, which had been stolen from the church, Metamorfofi of Sotira of the region of Nomitsi in Messinia. ΔΤ 1 Ιουνίου 2012 ΥΠΠΟΑ Athens.

<sup>196</sup> ΔΤ 1 Ιουνίου 2012 ΥΠΠΟΑ Athens.

<sup>197</sup> Ελένη Ε. Οικονόμου, “Παΐσιου Χιλανδαρινού Σλαβοβουλγαρική Ιστορία” (PhD diss., Αριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης, 1999), 36.

<sup>198</sup> “Άγιος Παΐσιος Χιλανδαρινός και Σλαβοβουλγαρική ιστορία,” Βήμα Ορθοδοξίας, accessed January 9, 2020, <https://www.vimaorthodoxias.gr/theologikos-logos-diafora/άγιος-παΐσιος-χιλανδαρινός-και-σλαβ/>.



Picture 4: Slavonoulgariki history of Paisios, dating back to 1762 AD. (Η εφημερίδα των Συντακτών Ελλάδος. Accessed January 22, 2020. <http://agoritikesmnimes.blogspot.com/2012/02/797.htm>.)

### 3.3.4. The Menologium of September

The fourth manuscript (picture 5) was stolen from the monastery in the 1960s. The university acquired it in 2011 from an antiquarian bookseller. The majority of the information regarding the manuscript was published after Duce’s acquisition. However, one of its previous owners was the Norwegian collector Martin Schoyen. Moreover, another known stage of its history is its selling by Sotheby’s in 1988. Greek officials approached Duke with evidence that the manuscript had previously been stolen from Mount Athos, in the 1960s. Duke officials supported that they acted in good faith<sup>199</sup>. Both the Greek embassy in Washington and the Greek Ministry of Culture collaborated with the American authorities in order to identify the manuscript. When the administration of Duke University learned that the manuscript was sought from the Greek authorities as a stolen one, it agreed to

<sup>199</sup> “Duke Libraries Returns Byzantine Manuscript to Original Home in Greece: The 11th Century document belongs to a monastery in Greece,” Duke Today, accessed January 9, 2020, <https://today.duke.edu/2015/01/greekmanuscript>.

hand in the manuscript to the American authorities. On the same day, the American authorities hand in the Byzantine relic to the Greek embassy in Washington<sup>200</sup>.

The Byzantine manuscript dating back to 1050 is known as “Menologium of September”<sup>201</sup> and, as it is obvious, its topic regards the lives of the saints who are celebrated during September<sup>202</sup>. The writer is Symeon the Metafrastis (the Translator). It consisted of 266 parchment pages and each page consisted of two columns of 28 lines. The script is minuscule in Perlschrift, a highly standardized calligraphic. Regarding its decoration, “it consists of 26 large illuminated headpieces at the beginning of each text, in various styles of foliage, ropework, geometric designs and flowers in gold and colours with elaborate interlaced ornamental gold initials in all. Pi-shaped illuminated headpiece at the beginning of the volume, with rectangular gilded headbands at the beginning of each text. Titles are in gold ink and illuminated initial “C” at the beginning of the volume. Three-lined gilded initial at the beginning of each text; new paragraphs marked with two-line gilded initial. Some headbands contain what appears to be an unfinished illumination; others were

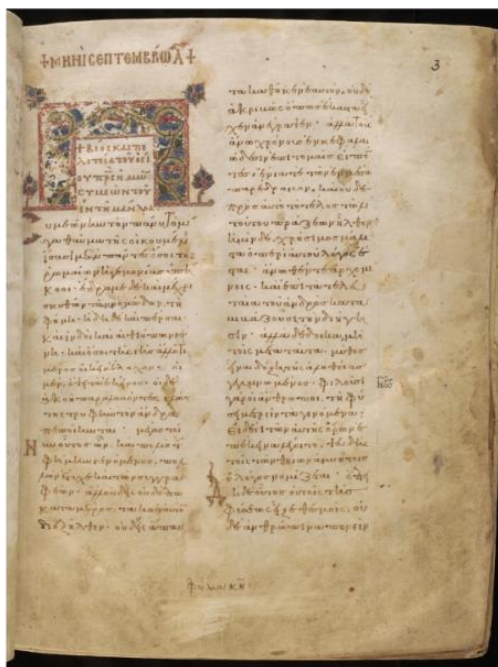
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<sup>200</sup> “Στα χέρια των ελληνικών Αρχών βυζαντινό χειρόγραφο ανεκτίμητης αξίας,” *Αρχαιολογία και Τέχνες*, accessed January 9, 2020, <https://www.archaiologia.gr/blog/2015/01/19/%cf%83%cf%84%ce%b1-%cf%87%ce%ad%cf%81%ce%b9%ce%b1-%cf%84%cf%89%ce%bd-%ce%b5%ce%bb%ce%bb%ce%b7%ce%bd%ce%b9%ce%ba%cf%8e%ce%bd-%ce%b1%cf%81%cf%87%cf%8e%ce%bd-%ce%b2%cf%85%ce%b6%ce%b1%ce%bd%cf%84%ce%b9/>.

<sup>201</sup> Called a menologion, the manuscript is a hand-written series of biographies of saints celebrated by the Greek Orthodox Church in September. (It is believed to be the first volume of a larger set; September is the first month of the year under the Greek Orthodox calendar.) “Duke Libraries Returns Byzantine Manuscript to Original Home in Greece: The 11th Century document belongs to a monastery in Greece,” *Duke Today*, accessed January 9, 2020, <https://today.duke.edu/2015/01/greekmanuscript>.

<sup>202</sup> “Στα χέρια των ελληνικών Αρχών βυζαντινό χειρόγραφο ανεκτίμητης αξίας,” *Αρχαιολογία και Τέχνες*, accessed January 9, 2020, <https://www.archaiologia.gr/blog/2015/01/19/%cf%83%cf%84%ce%b1-%cf%87%ce%ad%cf%81%ce%b9%ce%b1-%cf%84%cf%89%ce%bd-%ce%b5%ce%bb%ce%bb%ce%b7%ce%bd%ce%b9%ce%ba%cf%8e%ce%bd-%ce%b1%cf%81%cf%87%cf%8e%ce%bd-%ce%b2%cf%85%ce%b6%ce%b1%ce%bd%cf%84%ce%b9/>.

ornamented at a later date, probably in the late-Byzantine period. Around 750 initials set out in margins in gold<sup>203</sup>”.



Picture 5: Menologion for September, dating back to 1050 AD. (Duce Universities Libraries. Accessed January 22, 2020. <https://repository.duke.edu/dc/earlymss/emsgk01038>.)

### 3.4. Cases of repatriated manuscripts from Eikosifoinissa

The Monastery of Panagia Eikosifoinissa was looted in 1917 during an armed conflict<sup>204</sup>.

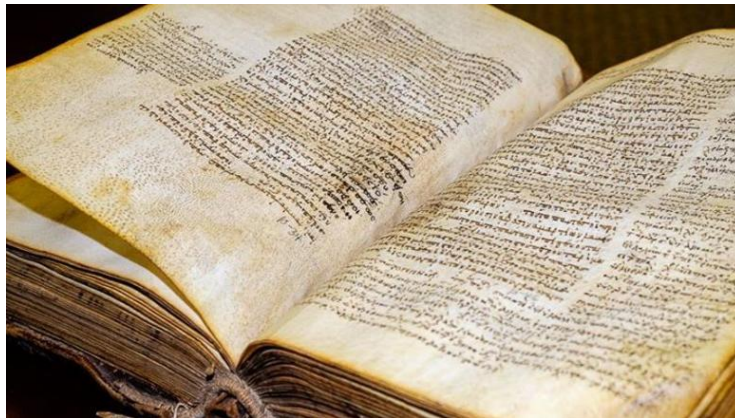
<sup>203</sup> “Menologion for September,” Duke University Libraries, accessed January 9, 2020, <https://repository.duke.edu/dc/earlymss/emsgk01038>.

<sup>204</sup> Βασίλης Άτσαλος, *Τα χειρόγραφα της Ιεράς Μονής Κοσίνιτσας (ή Εικοσιφοινίσσης) του Παγγαίου* (Δράμα: Δήμος Δράμας, 1990), 23.

### 3.4.1. The “Codex 1424”

The manuscript is known to scholars as “Codex 1424” (picture 6), and it is one of the many relic manuscripts that were looted in 1917 from the Monastery of Panagia Eikosifoinissa which was on the Pagaion Mountain during First War World<sup>205</sup>.

The parchment manuscript dates back to 9<sup>th</sup> or 10<sup>th</sup> century. It is also known as “New Testament written by Sabbas the Humble and Unworthy monk”. It consists of 337 or 339 pages. The pages which refer to its provenance are missing, perhaps they have been removed on purpose. It also has some notes which were created centuries after its writing<sup>206</sup>.



Picture 6: Codex 1412, dating back to 9th to 10th century AD. The Times of Change. (Accessed January 22, 2020. <https://www.thetoc.gr/politismos/article/kwdikas-1424-to-buzantino-keimilio-epestrepse-se-monastiri-tis-panagias>.)

According to Hatch, after the war, the New Testament was transported to South Europe. It was bought from the European Dr. Franklin Gruber, and as a result, it was transported to Maywood of Illinois. After his death the ownership of the manuscript was received by the

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<sup>205</sup> “Σπάνιο χειρόγραφο του 9ου αιώνα επιστρέφει στην Ελλάδα,” *Αρχαιολογία και Τέχνες*, accessed January 9, 2020, <https://www.archaiologia.gr/blog/2016/11/25/%cf%83%cf%80%ce%ac%ce%bd%ce%b9%ce%bf-%cf%87%ce%b5%ce%b9%cf%81%cf%8c%ce%b3%cf%81%ce%b1%cf%86%ce%bf-%cf%84%ce%bf%cf%85-9%ce%bf%cf%85-%ce%b1%ce%b9%cf%8e%ce%bd%ce%b1-%ce%b5%cf%80%ce%b9%cf%83%cf%84%cf%81/>.

<sup>206</sup> Άτσαλος, *Τα χειρόγραφα της ιεράς μονή της Κοσινίτσας*, 58-59.

Theological Seminary of the Evangelical Lutheran Church in Maywood<sup>207</sup>. However, Maas recognised this manuscript on the catalogue of 1920/1921 which clarified the place that the manuscript was bought, specifically, the transaction took place in Frankfurt from the Baer auction house during the decade of 1920<sup>208</sup>.

After the Lutheran School of Chicago had studied the manuscript, they decided to return it to the Greek Orthodox Church<sup>209</sup>. In fact, on 15<sup>th</sup> November 2016, the Archbishop of America handed it during an official ceremony in Chicago on 15/11/2016. After a week it was transported to Greece both by the Archbishop and the president of Lutheran School, James Nieman. After a certain period the manuscript was transported to the library of the Monastery of Panagia Eikosifoinissa<sup>210</sup>.

#### 3.4.2. *The Six-month compendium*

The second manuscript from Eikosifoinissa is a six-month compendium (picture 7). Its first appearance was spotted out in the Sam Fogg auction house in London. Initially the auction house tried, unsuccessfully, to sell the manuscript. In fact, the employees of the Sam Fogg had written a detailed and extensive description which consisted of eight and half pages. As it is obvious, the auction house held the manuscript for a certain period but it is unclear when and how Hartung & Hartung obtained it. In any case, this transaction might have taken

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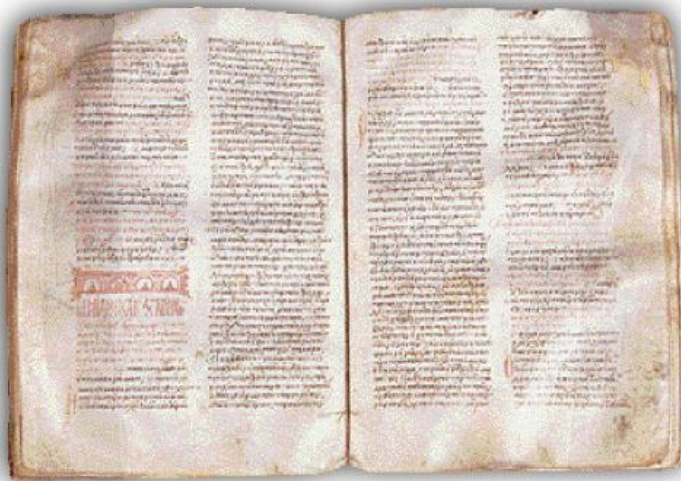
<sup>207</sup> Specifically, Levi Franklin Gruber become president of Lutheran Theological School of Chicago, which was the predecessor form of Lutheran Theological School. Gruber bequeath the manuscript codex to his widow and later the Lutheran School inherited all of his book. “Σπάνιο χειρόγραφο του 9ου αιώνα επιστρέφει στην Ελλάδα,” *Αρχαιολογία και Τέχνες*, accessed January 9, 2020, <https://www.archaiologia.gr/blog/2016/11/25/%cf%83%cf%80%ce%ac%ce%bd%ce%b9%ce%bf-%cf%87%ce%b5%ce%b9%cf%81%cf%8c%ce%b3%cf%81%ce%b1%cf%86%ce%bf-%cf%84%ce%bf%cf%85-9%ce%bf%cf%85-%ce%b1%ce%b9%cf%8e%ce%bd%ce%b1-%ce%b5%cf%80%ce%b9%cf%83%cf%84%cf%81/>.

<sup>208</sup> Άτσαλος, *Τα χειρόγραφα της ιεράς μονή της Κοσινίτσας*, 122.

<sup>209</sup> Άτσαλος, *Τα χειρόγραφα της ιεράς μονή της Κοσινίτσας*, 59.

<sup>210</sup> “Σπάνιο χειρόγραφο του 9ου αιώνα επιστρέφει στην Ελλάδα,” *Αρχαιολογία και Τέχνες*, accessed January 9, 2020, <https://www.archaiologia.gr/blog/2016/11/25/%cf%83%cf%80%ce%ac%ce%bd%ce%b9%ce%bf-%cf%87%ce%b5%ce%b9%cf%81%cf%8c%ce%b3%cf%81%ce%b1%cf%86%ce%bf-%cf%84%ce%bf%cf%85-9%ce%bf%cf%85-%ce%b1%ce%b9%cf%8e%ce%bd%ce%b1-%ce%b5%cf%80%ce%b9%cf%83%cf%84%cf%81/>.

place sometime between 1993-2001. Indeed, it was sold by Hartung & Hartung between 6 and 7 November 2000. The scholars conclude that the manuscript had followed an early route on its way to Europe through antiquarian bookshops. In fact, scholars show their support to that, thanks to evidence such as the above information, the real facts, and mainly, the research that the scholars carried out with the method of autopsy. At the same time, the manuscript was unknown until the end of 20<sup>th</sup> century because Ehrhard<sup>211</sup> did not know it, and as a result he did not mention it at all. Besides, it did not have the elements of a manuscript that Vl. Sis mentioned in his unpublished catalogue of manuscripts of Eicosifoinissa<sup>212</sup>.



Picture 7: Six-month compendium, dating back to 11th to 12th century AD. (To Βήμα. Accessed January 22, 2020. <https://www.tovima.gr/2008/11/24/culture/ta-elgineia-tis-makedonias/>.)

Although it was unknown, its provenance was identified thanks to the historical notes regarding the owners which are found both inside the manuscript and inside the wooden

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<sup>211</sup> Ehrhard examined the library of the Scientific Academy in Sofia and particularly the manuscripts that were coming from the Monastery of Eikosifinissa. Άτσαλος, *Τα χειρόγραφα της ιεράς μονής της Κοσινίτσας*, 24.

<sup>212</sup> Βασίλης Κατσαρός and Βασίλης Άτσαλος, “Ένα άγνωστο χειρόγραφο από την Κοσίνιτσα στο μουσείο Βυζαντινού Πολιτισμού Θεσσαλονίκης,” in *Proceedings of ΣΤ΄ Διεθνούς Συμποσίου Ελληνικής Παλαιογραφίας*, ed. Βασίλης Άτσαλος and Νίκη Ι. Τσιρώνη (Αθήνα: Ελληνική Εταιρεία Βιβλιοδεσίας, 2008), 708.

cover<sup>213</sup>. As a consequence, it was bought by the Greek Ministry of Culture on 28 April 2002<sup>214</sup> from Hartung & Hartung. It was placed to the manuscript collection of the Byzantine and Christian Museum of Thessaloniki<sup>215</sup>.

The manuscript which now has the exhibit number “MBΠ 23” is parchment and consists of 206 pages. The writing material is a high parchment, which is thinner both to the first and to the last quires and harder and thicker to the internal ones. The leather of the book is worked assiduously<sup>216</sup>. Regarding the content, the “MBΠ 23” is a six-month compendium and it is particularly dedicated to the months from September to February<sup>217</sup>. The name of the writer, Efraim, has survived<sup>218</sup>. According to both auction houses, the manuscript dates back to 11<sup>th</sup>-12<sup>th</sup> century and particularly around 1080-1100 AD. On the contrary, according to Katsaros<sup>219</sup> and Atsalos, this chronology is too early and it is based only on the morphology of writing which reminds of the 12<sup>th</sup> century writing style. However, it has some newer elements which lead to the conclusion that the manuscript dates back to the end of 13<sup>th</sup> or the early of 14<sup>th</sup> century<sup>220</sup>. Each page consists of two columns of writing and has 42 to 43 lines. The script of the texts is minuscule and black while the titles are red and uncial script. Efraim has written, on his own, all the manuscript. However, the black ink had faded and as a result, it is noted that the black and the red letters, the first letters and the decoration were refreshed<sup>221</sup>.

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<sup>213</sup> Κατσαρός and Άτσαλος, “Ένα άγνωστο χειρόγραφο,” 711.

<sup>214</sup> ΔΤ 26 April 2002 ΥΠΠΟΑ Athens.

<sup>215</sup> Βασίλης Άτσαλος, “Έφραΐμ χειρόγραφο,” *Μουσείου Βυζαντινού πολιτισμού* 9, (2002): 98.

<sup>216</sup> Κατσαρός and Άτσαλος, “Ένα άγνωστο χειρόγραφο,” 709.

<sup>217</sup> Κατσαρός and Άτσαλος, “Ένα άγνωστο χειρόγραφο,” 715.

<sup>218</sup> Κατσαρός and Άτσαλος, “Ένα άγνωστο χειρόγραφο,” 713.

<sup>219</sup> See appendix “Interview with Dr. Katsaros” for more information on the case of the six-month compendium.

<sup>220</sup> Κατσαρός and Άτσαλος, “Ένα άγνωστο χειρόγραφο,” 713-715.

<sup>221</sup> Κατσαρός and Άτσαλος, “Ένα άγνωστο χειρόγραφο,” 710.



### 3.4.3. The Gospel

In 1987, Sotheby's auctioned a Gospel which was stolen in 1917 from the Monastery of Eikosifinissa. Lawyers were appointed by the Greek State and the Legal Council and they address to the competent court to take preliminary measures. As a consequence, the auction was postponed. The auction house was sure that the Greek State would not step back from the case and as a result Sotheby's decided to settle the case out of court. The hand-in of the Gospel took place inside the president's office<sup>222</sup>.

### 3.5. The marble male head

The case of the six-month compendium is not the only one that is solved with the acquisition of the cultural object by the Greek State. A marble male head (picture 8) had been stolen from the Museum of Thessaloniki<sup>223</sup>. The route that it followed is unknown but it was found in Christie's. In fact, it was bought by the Ministry of Culture during the auction at Christie's and it was returned to the Museum in 1996. Today it is placed in the Archaeological Museum of Thessaloniki and particularly in the 3<sup>rd</sup> showroom "worship" with the exhibit number 22117.

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<sup>222</sup> Βικτωρία Γ. Σολομωνίδου, "Η συνεργασία της Υπηρεσίας του Υπουργείου Πολιτισμού με τις διπλωματικές αρχές στη διεκδίκηση αρχαιοτήτων. Η περίπτωση του Ηνωμένου Βασιλείου" in *Proceedings of Η προστασία των Πολιτιστικών Αγαθών από την Παράνομη διακίνηση και η Διεκδίκηση τους: 24-25 Σεπτεμβρίου 2008 Νέο Μουσείο Ακρόπολης Αθήνα 2008*, ed. Σμαράγδα Μουτοπούλου, Μάρλεν Μούλιου, Σταυρούλα Καλλιώδη and Βασίλης Σακελλιάδης (Αθήνα: Υπουργείο Πολιτισμού, 2008), 133-134.

<sup>223</sup> Πολυξένη Αδάμ-Βελένη, *Αρχαιοκαπηλία Τέλος / Trafficking Of Antiquities: Stop It* (Θεσσαλονίκη: Αρχαιολογικό Μουσείο Θεσσαλονίκης, 2012), 36.



Picture 8: Marble male head, dating back to the middle of 2nd century AD. (Archaeological Museum of Thessaloniki. Accessed January 22, 2020.<https://www.amth.gr/exhibitions/temporary/antigrafontas-sto-parelthon-istories-antigrafis-kai-empneysis>.)

It is a young man's marble head that dates back to 2<sup>nd</sup> century<sup>224</sup> and it is in the type of Alexander the Great. It is made from fine white marble and it is saved up to the middle of its neck. Its size is slightly bigger than natural. He has almond eyes and succulent lips<sup>225</sup>. He is a beardless man with long hair and wet look which symbolises the desire for new discoveries and conquests. The ideal portrait of Alexander the Great spread in the Hellenistic World<sup>226</sup> and it worked as a model especially for those who wanted to be considered as Alexander's potential successors<sup>227</sup>. In other words, the head has some idealistic characteristics which remind of Alexander's portrait<sup>228</sup>. Perhaps Apollo was the

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<sup>224</sup> Museum's catalogue, *Μόνιμη έκθεση*, Archaeological Museum, Thessaloniki, Greece.

<sup>225</sup> Πολυξένη Αδάμ-Βελένη, "Μαρμάρινη κεφαλή στον τύπο του Μεγάλου Αλεξάνδρου," in *Θεοί και Ήρωες των Αρχαίων Ελλήνων*, ed. Νικολέττα Σαραγά, Γιάννης Θεοχάρης, Αγνή Μητροπούλου (Αθήνα: Υπουργείο Πολιτισμού και Αθλητισμού, 2017), 182.

<sup>226</sup> Especial in Thessaloniki, Veria, Dion and Philippi.

<sup>227</sup> Object label, *Μόνιμη έκθεση*, Archaeological Museum, Thessaloniki, Greece.

<sup>228</sup> Museum's catalogue, *Μόνιμη έκθεση*, Archaeological Museum, Thessaloniki, Greece.

iconistic archetype for those portraits. Because of the wide spread of that type, this portrait cannot be identified or related to with any known Alexander's portrait<sup>229</sup>.

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<sup>229</sup> Αδάμ-Βελένη, "Μαρμάρινη κεφαλή στον τύπο του Μεγάλου Αλεξάνδρου," 182-183.

## 4. Settlement before Court

The Advantages of court settlement are presented in this chapter. Moreover, some case studies that combine court and out of court proceedings follow. Finally, some cases that were solved before the court are analysed.

### 4.1. The advantages of court settlement

When members decide to solve their dispute before a national court they cannot have the opportunity to choose the jurisdiction, the judges or the applicable law. However, judicial route is advisable when the claim is based on crystal clear evidence and has a strong legal base or the dispute is between private parties and there is no an influencer state in order to promote an out-of-court settlement<sup>230</sup>. Moreover, the judicial process could prove beneficial because it gives the opportunity for preliminary measures, thanks to these measures, parties can “freeze a situation”<sup>231</sup>. This means that “there may be a prohibition of transfer or sale of the cultural object until a final judgment is delivered by the competent court”<sup>232</sup>. As it is obvious, going to courts could press the other party in order to ask for an out-of-court settlement. Moreover, trying to find a strong proof in order to support its repatriation claim, the applicant state can resolve other relevant cases. In addition, the court’s decision is binding, final and irreversible and there are sanctions if a party does not comply<sup>233</sup> with it<sup>234</sup>. In any case, even though parties have resorted to the courts, and the trial is in progress, they still have the possibility to follow another mode of dispute resolution out-of-court<sup>235</sup>.

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<sup>230</sup> Stamatoudi, “Alternative Dispute Resolution,” 434.

<sup>231</sup> Stamatoudi, “Alternative Dispute Resolution,” 435.

<sup>232</sup> Stamatoudi, “Alternative Dispute Resolution,” 452, footnote 5.

<sup>233</sup> Stamatoudi, “Alternative Dispute Resolution,” 435.

<sup>234</sup> Donation: Although the return of the cultural object, which is the aim, is the final result of this process, this alternative solution implying that the donor is the legal owner of the cultural good, which is something unwilling for the other side. Κυριαζή, “Εναλλακτικοί τρόποι επίλυσης Διαφορών,” 183.

<sup>235</sup> Stamatoudi, “Alternative Dispute Resolution,” 435.

## 4.2. Combination of court and out of court proceedings

Regarding the combination of court and out-of-court processes, an already mentioned example is the case of the Gospel from Eikosifoinissa in which the parties settled their differences before the court decision.

### 4.2.1 *The silver denarius of Brutus*

The case of the silver denarius of Brutus (picture 9) is another clarifying example. A representative from the customs service at the airport of Stansted contacted the Greek embassy in London and reported that two Greeks had been arrested with an amount of €18,000. In fact, the two individuals supported that they had this amount because they had sold a coin to an antique studio in London. However, the authorities of the airport considered the transaction suspicious and they asked the permission of the competent court in order to confiscate the money. The court agreed to their request. Moreover, the court took preliminary measures by prohibiting the selling of the coin for three months in order to investigate the case. At the same time, the Directorate of Museums and Educational Programs, the Department of Archaeological Museums, the Collections and Antique Shops and the Department of Persecution for Antiquity were informed about the case. The Greek Ministry of culture composed, immediately, a well-documented file in order to sustain its claim for the repatriation of the coin. The legal arguments of the Greek side were based on the Directive 93/7<sup>236</sup> of the European Union and on the UNESCO convention<sup>237</sup>. The antiquarian insisted that he had a legal title of the coin because its sellers had supported that they had it in their ownership legally for many years in Germany. The Greek side insisted firmly on in their claims. Although the case was going to be discussed in the High Court in June of 2006, the other party required the coin to be returned to

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<sup>236</sup> Indeed, it was the first time for Brittan that the Direction 93/7 would be applied and as a result both the British Ministry of Culture and the customs authorities did not know the proper process.

<sup>237</sup> Σολομωνίδου, “Η συνεργασία της Υπηρεσίας του ΥΠΠΟ με τις διπλωματικές αρχές στη διεκδίκηση αρχαιοτήτων,” 138.

Greece<sup>238</sup>. A very strong argument from the Greek side was the one of the two Greek sellers involved in a case of confiscation of the antiquities in Thessaloniki<sup>239</sup>.



Picture 9: Silver Denarius of Brutus, dating back to 42 BC. (Archaeology and Arts. Accessed January 22, 2020. [https://www.archaiologia.gr/blog/2011/11/15/%CE%BD%CF%8C%CE%BC%CE%B9%CF%83%CE%B C%CE%B1-546-250-%CE%B4%CE%BF%CE%BB%CE%B1%CF%81%CE%AF%CF%89%CE%BD/.](https://www.archaiologia.gr/blog/2011/11/15/%CE%BD%CF%8C%CE%BC%CE%B9%CF%83%CE%B C%CE%B1-546-250-%CE%B4%CE%BF%CE%BB%CE%B1%CF%81%CE%AF%CF%89%CE%BD/))

The exhibition of the coin coincided with the opening of the renovated Numismatic Museum of Athens<sup>240</sup>. It is a very rare type of coinage which was circulated after the Civil War and it is one of the few coins of its kind<sup>241</sup>. It dates back to the summer of 43 B.C. when Brutus became an emperor after the final battle in Philippi in October of 42 B.C. 58 coins of its kind are known until now, the majority of which come from private collections. Indeed,

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<sup>238</sup> Σολομωνίδου, “Η συνεργασία της Υπηρεσίας του ΥΠΠΟ με τις διπλωματικές αρχές στη διεκδίκηση αρχαιοτήτων,” 138-139.

<sup>239</sup> Σμαράγδα Μπουτοπούλου, “Δέσμη μέτρων και ενεργειών της διεύθυνσης μουσείων, εκθέσεων και εκπαιδευτικών προγραμμάτων για την προστασία των πολιτιστικών αγαθών από την παράνομη διακίνηση διαπιστώσεις- επισημάνσεις,” in *Proceedings of Η προστασία των Πολιτιστικών Αγαθών από την Παράνομη διακίνηση και η Διεκδίκηση τους: 24-25 Σεπτεμβρίου 2008 Νέο Μουσείο Ακρόπολης Αθήνα 2008*, ed. Σμαράγδα Μουτοπούλου, Μάρλεν Μούλιου, Σταυρούλα Καλλιώδη and Βασίλης Σακελλιιάδης (Αθήνα: Υπουργείο Πολιτισμού, 2008), 62.

<sup>240</sup> Κατερίνα Τσεκούρα, “Αρχαιολογικά Νέα: ειδήσεις, εκθέσεις, συνέδρια, διαλέξεις, βιβλία,” *Αρχαιολογία και Τέχνες* 100, (Σεπτέμβριος 2006): 139.

<sup>241</sup> David R. Sear, *The History and Coinage of the Roman Emperors 49-27 BC* (London: Spink & Son Ltd, 1998), 128.

only two<sup>242</sup> of them were found in an excavation and in fact, in a closed destruction layer<sup>243</sup>. Regarding this one it is a silver denarius and on its obverse side there is Brutus' head and the legend L PLAET CEST BRVT IMP<sup>244</sup>. On the reverse there is the pileus between two daggers. Below them there the legend EID MAR<sup>245</sup> Gold aureus. The coin came from the coinage of a military mint travelling with Brutus and Cassius in western Asia Minor or northern Greece, late summer to autumn 42 BC<sup>246</sup>.

### 4.3. Court Settlement

Although the alternative dispute resolution seems to be more popular, conventions can be useful in court as well<sup>247</sup>. In fact, contrary to the previous chapters, there are three case studies that were settled before the court.

#### 4.3.1. *The silver Octodrachm of Mosses*

The first one also concerns a coin. A Greek ancient silver Octodrachm (picture 10) was identified by the Direction of Documentation and Protection for Cultural Goods on the website of the auction house "Nummismatica Art Classica NAC AG"<sup>248</sup>. It dates back to the

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<sup>242</sup> They belong to a treasure of the city which consists of 125 silver denarius. The majority of these come from a Roman mint. The fact that there are coins of 43 to 42 BC is a save "terminus postquem" which helps archaeologists to understand the time of hoarding. Of course they examined the context –other movable findings related to that one- as well in order to date the treasure. Πολυξένη Αδάμ-Βελένη, "Νομισματικοί θησαυροί από τις Πέτρες Φλώρινας" in *Proceedings of Οβολός 4, Το νόμισμα στο Μακεδονικό χώρο νομισματοκοπεία, κυκλοφορίας, εικονογραφία βυζαντινοί και νεότεροι χρόνοι, Β' Επιστημονικής Συνάντησης, 1998*, ed. Πολυξένη Αδάμ-Βελένη (Θεσσαλονίκη: University Studio Press, 2000) 139.

<sup>243</sup> Σολομωνίδου, "Η συνεργασία της Υπηρεσίας του ΥΠΠΟ με τις διπλωματικές αρχές στη διεκδίκηση αρχαιοτήτων," 138.

<sup>244</sup> L. Plaetorius Cestianus, the moneyer who minted the coin, Brutus Imperator.

<sup>245</sup> Eidibus Martiis, the Ides of March.

<sup>246</sup> Sear, *The history and coinage of the roman imperators*, 127.

<sup>247</sup> See appendix "Interview with Dr.Stamatoudi".

<sup>248</sup> "Επαναπατρισμός σημαντικού αρχαίου ελληνικού νομίσματος, που υπήρξε προϊόν λαθρανασκαφής," Υπουργείο Πολιτισμού και Αθλητισμού, accessed January 16, 2020, <https://www.culture.gr/el/Information/SitePages/view.aspx?nID=1188>

end of the 6<sup>th</sup> to early 5<sup>th</sup> century BC and relates to the kind of the Bisaltae<sup>249</sup> Mosses<sup>250</sup>. A male figure which wears petasos, holds spears and stands behind a horse, is depicted on the obverse side of the coin and on the reverse there is an inscription which reads ΜΟΣΣΕΩ[Σ], surrounding quadripartite square<sup>251</sup>. On the web-page of the auction house there is an extensive description of the coin<sup>252</sup>.

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<sup>249</sup> The ancient city Bisaltae is situated the west side of river Strymonas near to the modern town Nigrita in the prefecture of Serres.

<sup>250</sup> Both Herodotus and Titus Libius mentioned the silver metals of the mountain Disoro which became a source for coinage of silver coins which depict a male figure with petasos and two spears behind a horse. Κυριάκος Παπακυριάκου, *Ιστορία του νομού Σερρών από αρχαιοτάτων χρόνων μέχρι της απελευθέρωσης του 1912-1913* (Θεσσαλονίκη : Χρωμοτύπ Α.Ε, 2013), 65.

<sup>251</sup> “Επαναπατρισμός σημαντικού αρχαίου ελληνικού νομίσματος, που υπήρξε προϊόν λαθρανασκαφής,” Υπουργείο Πολιτισμού και Αθλητισμού, accessed January 16, 2020, <https://www.culture.gr/el/Information/SitePages/view.aspx?nID=1188>.

<sup>252</sup> “Greek coins, Kings of the Bisaltae, Mosses circa 480, Octodrachm ca. 480, AR 29.32 g. Male figure, wearing causia and carrying two spears, standing r. behind a horse r. Rev. MOS - SEW surrounding quadripartite square; all within incuse square. Apparently unique and unpublished. An issue of tremendous importance and fascination in the finest style of the period. Struck on a full flan with a light tone and some minor area of porosity on reverse, otherwise extremely fine Like much of the Archaic coinage from the Thraco-Macedonian region, this discovery piece of the ruler Mosses raises as many questions as it answers. Until now the coinage of this ruler seems to have been limited to drachms or octobols with a similar design, though somewhat less refined. This octadrachm significantly adds to the dimension of this monarch’s coinage, which may originally have been more substantial than the scant surviving pieces suggest. Attributions for the coinage of Mosses have been quite varied, ranging from a dynast or a king of Macedon, of Thrace, of the Thraco-Macedonian tribe the Bisaltae, and of Paeonia. The dating has been proposed in an equally broad fashion, with estimates ranging from as early as c.500 to as late as c.450 B.C. – roughly the period of the Macedonian King Alexander I (498-454 B.C.). Though Mosses’ drachms are often generic in appearance due to the style of engraving, the artistry on this octadrachm is exceptional, and should lead us to a date comfortably around 480 B.C. It also points to Macedon as a probable origin, whether Mosses was a king of the Bisaltae or predecessor/contemporary of Alexander I. It is possible, even likely, that Mosses was a chieftain who maintained his independence through acts of loyalty to Alexander I, but there seems little ground for identifying him as a king of Paeonia, as suggested by Raymond in her 1953 study *Macedonian Regal Coinage to 413 B.C.* This is made even more clear with this octadrachm, the absence of which Raymond considered evidence against Mosses being a king of the Bisaltae. Both this attractive type of Mosses and octadrachms produced in the name of the Bisaltae must have been inspired by the contemporary octadrachms of Alexander I. The type likely also was the basis for coinages of Potidaea, the Getae, Sparadocus and Perdicas II, all of which present a variant to the Alexander I type, yet keep the same general composition”. “Greek coins, Kings of the Bisaltae, Mosses, Octodrachm,” icollector.com, accessed January 16, 2020, <https://www.icollector.com/item.aspx?i=8604239>.





Picture 10: Silver Octodrachm of Mosses, dating back to 6th to 5th century. (Archaeology and Arts. Accessed January 22, 2020. [https://www.archaiologia.gr/blog/2015/09/03/%CF%83%CE%B7%CE%BC%CE%B1%CE%BD%CF%84%CE%B9%CE%BA%CF%8C-%CE%B1%CF%81%CF%87%CE%B1%CE%AF%CE%BF-%CE%B5%CE%BB%CE%BB%CE%B7%CE%BD%CE%B9%CE%BA%CF%8C-%CE%BD%CF%8C%CE%BC%CE%B9%CF%83%CE%BC%CE%B1-%CE%B5%CF%80/.](https://www.archaiologia.gr/blog/2015/09/03/%CF%83%CE%B7%CE%BC%CE%B1%CE%BD%CF%84%CE%B9%CE%BA%CF%8C-%CE%B1%CF%81%CF%87%CE%B1%CE%AF%CE%BF-%CE%B5%CE%BB%CE%BB%CE%B7%CE%BD%CE%B9%CE%BA%CF%8C-%CE%BD%CF%8C%CE%BC%CE%B9%CF%83%CE%BC%CE%B1-%CE%B5%CF%80/))

The Greek embassy in Bern was informed by the Greek State which immediately engaged the lawyer, Mr Bissias, for the case. Indeed, a whole team of experts went to Zurich in order to check and document the coin. The two sides decided to settle the case before court. As a result, the Swiss Federal Criminal Tribunal definitively satisfied the claim of Greek state. To be more specific, the coin was confiscated and was repatriated to Greece unreservedly and unconditionally. The Tribunal recognised its Greek provenance and confirmed that it was a product of crime because it came from an illegal excavation and it was exported illegally. At the same time, this case was examined by the Three-Member Court of Appeal at an internal level in Thessaloniki. The owners of the coin, after negotiations with the Greek side, agreed to hand its ownership to the Greek state. This case which lasted six years had a positive result and the coin returned to Greece in September<sup>253</sup>.

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<sup>253</sup> “Επαναπατρισμός σημαντικού αρχαίου ελληνικού νομίσματος, που υπήρξε προϊόν λαθρανασκαφής,” Υπουργείο Πολιτισμού και Αθλητισμού, accessed January 16, 2020, <https://www.culture.gr/el/Information/SitePages/view.aspx?nID=1188>.

#### *4.3.2. The icon of the Deposition of Christ*

The second case regards an icon. To be more specific, the monastery of Saint John the Baptist in Serres was looted in 1978. The traces of the icon of the Deposition of Christ (picture 11) were lost after its theft<sup>254</sup>. The first appearance of the icon was noted two years later. Although it had been retouched by the looters in order to be sold easier, Professor Robin Cormack spotted it in a suitcase of a studio in London in 1980. Cormack understood immediately that it was a stolen object and proposed that it should be returned to Greece. Unfortunately, this did not happen. However, in the decade of the 1990 the British Museum called him in order to evaluate the same icon. The British Museum decided not to acquire the icon after Cormack's advice. In 2002, a Greek collector from London, represented by a Greek art dealer, proposed the selling of the icon to the Benakis Museum for £ 500,000. A Byzantine expert studied and identified the icon and after that both the Greek authorities and the Interpol were informed. The High Court decided that the illegally imported icon should be returned to Greece<sup>255</sup>. Indeed the opposed site failed to provide of proof the legal ownership to the High Court in London. As result, the icon returned to Serres<sup>256</sup>. Regarding the archaeological documentation of the object the Greek State based its argument on the relevant publication of P. Miljkovi – Pepek<sup>257</sup>.

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<sup>254</sup> "After 30 years, Greece welcomes back stolen icon," The Guardian, accessed January 15, 2020, <https://www.theguardian.com/artanddesign/2008/nov/20/greece-art-byzantine-icon-heritag>.

<sup>255</sup> "After 30 years, Greece welcomes back stolen icon," The Guardian, accessed January 15, 2020, <https://www.theguardian.com/artanddesign/2008/nov/20/greece-art-byzantine-icon-heritag>.

<sup>256</sup> "After 30 years, Greece welcomes back stolen icon," The Guardian, accessed January 15, 2020, <https://www.theguardian.com/artanddesign/2008/nov/20/greece-art-byzantine-icon-heritag>.

<sup>257</sup> "Επαναπατρισμός βυζαντινής εικόνας της Αποκαθήλωσης," Ecclesia, accessed January 15, 2020, [http://www.ecclesia.gr/greek/dioceses/Serron/dt\\_20112008.html](http://www.ecclesia.gr/greek/dioceses/Serron/dt_20112008.html).



Picture 11: The icon of the deposition of Christ, dating back to 14th century AD. (Miljkovi Peppek, Petar. "Une icone bilaterale au Monastere Saint-Jean Prodrome, dans les environs de Serres." *Cahiers Archeologiques* 16, no. 7 (1966): 178-183.)

In fact according to this article, the bilateral icon of the Deposition of Christ which belonged to the Monastery of Saint-John the Baptist was examined, among other monuments of Serres, in 1959<sup>258</sup>. Believed to have been painted by a master iconographer in the 14<sup>th</sup> a gift by the emperor Andronikos Palaeologos to the monastery of Timios Prodromos in Serres<sup>259</sup>, it depicts six main figures and two busts of angels with their fitments. At the centre of the icon there is big cross in the upper part of which there is an inscription which reads "Ὁ Βασιλεὺς τῆς δόξης". The base of the cross is on a rock. A cave is depicted at the base of the rock, the skull of Adam is depicted inside that. Regarding the central figure, the body of Christ turns on the left side. He wears a light-green loincloth. Josef Arimathie and Virgin

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<sup>258</sup> Petar Miljkovi – Peppek, "Une icone bilaterale au Monastere Saint-Jean Prodrome, dans les environs de Serres," *Cahiers Archeologiques* 16, no. 7 (1966): 177.

<sup>259</sup> "After 30 years, Greece welcomes back stolen icon," *The Guardian*, accessed January 15, 2020, <https://www.theguardian.com/artanddesign/2008/nov/20/greece-art-byzantine-icon-heritag>.

Mary hold the body of Jesus. An inscription near the head of the Virgin reads “MHP ΘV”. She wears a red-purple maphorion and she pushes her cheek to the Jesus’ cheek. The combination of this touch and the expression of Her look reveals Her deep pain. Joseph wears a light-blue chiton and a yellowish himation. He also looks at the Jesus painfully. Saint John the Theologian is on the right at a second level and wears a green-brown himation. Nicodemus stands on the Jesus’ feet and he wears a light chiton and a blue himation. A woman stands on the left side of the icon and she wears a purple maphorion. She seems to wipe her tears. A decorated wall is in the backround of the icon<sup>260</sup>.

#### *4.3.3. The icons from the church of Saint Nikolaos of Velvento*

The case of the icons from church Saint Nikolaos of Velvento is another case of stolen icons which were repatriated thanks to a court decision.

Saint John the Baptist (picture 12) dating towards the end of 16<sup>th</sup> century with dimensions 57x92cm is a despotic icon from the temple of the church of Saint Nikolaos of Velvento. There is an inscription which reads “Ο ΑΓΙΟΣ ΙΩΑΝΝΗΣ Ο ΠΡΟΔΡΟΜΟΣ”. The saint is depicted frontally, by its half, winged like an angel. Saint John the Baptist blesses with his right hand and he holds a cross staff bearing an open scroll which reads “ΙΔΕ Ο ΑΜΝΟΣ ΤΟΥ ΘΕΟΥ Ο ΑΙΡΩΝ ΤΗΝ ΑΜΑΡΤΙΑΝ ΤΟΥ ΚΟΣΜΟΥ”. He wears melote because he is a hermit and a himation because he is a prophet. His clothing is depicted in greenish and olive tones. Ioannis the Baptist looks in an austere way, his face and his hands are directed in a linear way. The dark underpainting-proplasmos- and the schematically depicted lighten surface ascribe sacredness. The folding is severe and geometrical. The background is decorated with floral plasterwork decoration in shades of golden, red and light blue. The same pattern is noted also on the nimbus and it is the main decorative element of the temple. Because of

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<sup>260</sup> Miljkovi – Peppek, “Une icone bilaterale,” 179-180.

its inscription the temple dates up to 1591. As a consequence, both the icons and the temple were made at the same workshop in the same period, that is, at the end of 16<sup>th</sup> century<sup>261</sup>.



Picture 12: St. John the Baptist, dating back to 16th century (Gavrili, Maria. *Repatriated masterpieces: Nostoi: New Acropolis Museum, 24-9 to 31-12-2008*. Athens: Ministry of Culture, 2008.)

The second one is the “Abraham’s Hospitality” (picture 13) dating back to 16<sup>th</sup> century with dimensions 57x93cm is a despotic icon from the temple of Saint Nikolaos of Velvento as well. It has an inscription “Η ΑΓΙΑ ΤΡΙΑΣ”. On the first level three angels sit around a semicircular table. They sit on decorated thrones without a backrest and they step on a footstool. Abraham and Sarah are depicted on the second level and at a smaller scale. Behind them there are tall and asymmetric buildings. There are stylistic similarities<sup>262</sup>

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<sup>261</sup> Gavrili, *Repatriated masterpieces*, 210.

<sup>262</sup> At the same time, there is an icon with the same theme, “Abraam’s Hospitality”, in the church of Saint Dimitrios of Gratsianis which has technical similarities and common elements with the icon of Saint Nikolaos of Velventos. Μυρτάλη Αχειμάστου - Ποταμιάνου, *Εικόνες του Βυζαντινού Μουσείου Αθηνών* (Αθήνα : Ταμείο Αρχαιολογικών Πόρων και Απαλλοτριώσεων Διεύθυνση Δημοσιευμάτων, 1998), 134.

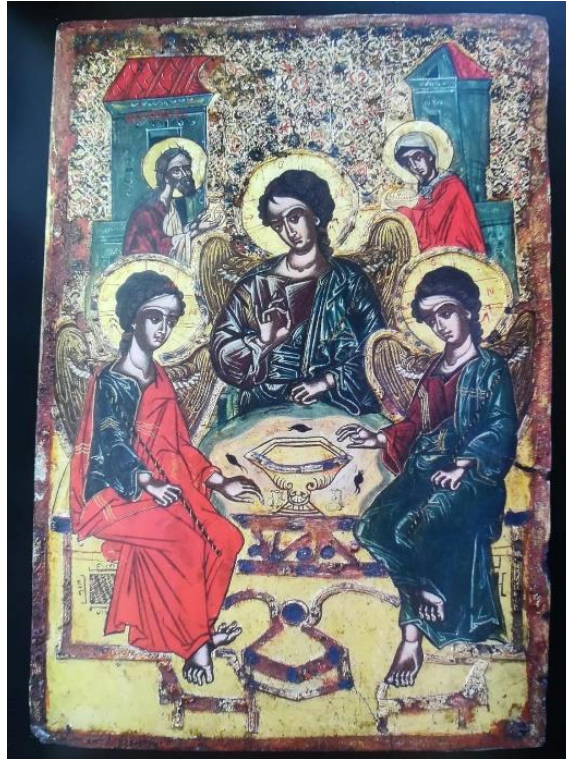
between this icon and the icon of John the Baptist, another despotic icon which comes from the temple of Saint Athanasios. To be more specific, the severe creation with light surfaces and the deep shades, the linearity, the way that the wrinkles and the anatomical details are depicted, the limited colour scale in tones of green, red and gold along with the similar way that the background is depicted lead to the conclusion that both pictures come from the same 16<sup>th</sup> century south Macedonian workshop. This workshop is affected by the non-classical trends of painting, a familiar phenomenon for north Greece at that age<sup>263</sup>. Both stolen icons are typical examples of sixteenth-century post-Byzantine painting in West Macedonia, works by the icon painter Nikolaos<sup>264</sup>, and decorated the wood-carved altar screen of the Church of Saint Nicholas in Velvento in Kozani<sup>265</sup>.

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<sup>263</sup> Gavriili, *Repatriated masterpieces*, 211.

<sup>264</sup> Although Painter Nikolaos is unknown origin, his name is known thanks to an inscription of the church. Αντώνιος Ν. Ζανδέ, *Μελετήματα για το Βελβεντό* (Βελβεντό: Μορφωτικός Όμιλος Βελβεντού, 2010), 14.

<sup>265</sup> "UNSER KULTURELLES ERBE IN GEFAHR/ ΕΠΙΘΕΣΕΙΣ ΣΤΗΝ ΠΟΛΙΤΙΣΤΙΚΗ ΚΛΗΡΟΝΟΜΙΑ/ ASSAULTS AGAINST CULTURAL HERITAGE," The Badisches Landesmuseum, accessed January 5, 2020, <https://www.landesmuseum.de/museum/forschung-projekte/stolen-past-lost-future>.



Picture 13: *The hospitality of Abraham, dating back to 16th century (Gavrili, Maria. Repatriated masterpieces: Nostoi: New Acropolis Museum, 24-9 to 31-12-2008. Athens: Ministry of Culture, 2008.)*

They were stolen together with twelve other icons of the altar screen in 1980<sup>266</sup>. In fact, all the despotic icons and a part of the icons of the Apostolicon had been stolen, in total it was twenty two icons which disappeared<sup>267</sup>.

They were later found by Greek archaeologists in the possession of a Swiss collector. The court ruled in favour of the Greek request for their repossession and the icons were repatriated in 2000<sup>268</sup>. The icons were transported to the laboratories of the 17<sup>th</sup> Ephorate

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<sup>266</sup> After the theft, both the rest icons and other church's relics are recorded. Αικατερίνη Λοβέρδου-Τσιγαρίδα, "Εικόνες από το Βελβεντό Κοζάνης, Πρακτικά Συνεδρίου," in *Proceedings of Βελβεντό, χθες, σήμερα, αύριο: ανάδειξη, ανάπτυξη της περιοχής ως πολιτισμικού και τουριστικού πόλου*, ed. Δήμος Βελβεντού (Θεσσαλονίκη: Δήμος Βελβεντού, 1994), 130.

<sup>267</sup> Ευθύμιος Ν. Τσιγαρίδας and Κάτια Λοβέρδου-Τσιγαρίδα, "Αρχαιολογικές έρευνες στο Βελβεντό Κοζάνης," *Μακεδονικά* 22, 1 (1982): 309.

<sup>268</sup> "UNSER KULTURELLES ERBE IN GEFAHR/ ΕΠΙΘΕΣΕΙΣ ΣΤΗΝ ΠΟΛΙΤΙΣΤΙΚΗ ΚΛΗΡΟΝΟΜΙΑ/ ASSAULTS AGAINST CULTURAL HERITAGE," The Badisches Landesmuseum, accessed January 5, 2020, <https://www.landmuseum.de/museum/forschung-projekte/stolen-past-lost-future>.

of Byzantine Antiquities in Kozani in 2009. After their conservation, they were placed in the Church of Saint Nikolaos of Velventos<sup>269</sup>.

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<sup>269</sup> Αρετή Χονδρογιάννη-Μετόκη, e-mail message to Ephorate of Antiquities of Kozani, October 21, 2018.



## 5. The role of archaeologists, citizens and authorities

This chapter aims at proving that archaeologists<sup>270</sup> and citizens should be aware and have an active role in the repatriation cases. At the same time, it aims at clarifying why authorities collaboration is necessary.

### 5.1. A case before the conventions

Although conventions have undoubtedly contributed to the protection and repatriation of many antiquities, the chronologically first case study of a Greek antiquity repatriation took place before the signing of these conventions. Indeed, the first case regards an antiquity from Thessaloniki which was repatriated in 1947.

German soldiers found a female ancient statue (picture 14) during construction of a bunker in the Court square in 1944. Initially, they handed it<sup>271</sup> to the archaeological authorities<sup>272</sup> and specifically to the archaeologist Styliano Pelekanidis. However, despite the antiquities curator's objections, the German soldiers removed the statue from Rotunda<sup>273</sup> and they took it back again in order to send it to Vienna<sup>274</sup>. According to the archive records, Pelekanidis tried to identify the statue and repatriate it by claiming the Greek State Law<sup>275</sup>. The commander of Thessaloniki MarKull responded that the statue was to the bunker of Kommandatur in order to be protected from air raids. However, according to the records

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<sup>270</sup> see appendix "interview with Dr.Tsirogiannis" for information on the role of archaeologists

<sup>271</sup> In fact, the Germans posted a photograph of the statue on newspapers a few days after its finding in order to promote their respect for the ancient Greek culture. They also combine the post with this text in which they highlighted that the German Military of 3<sup>rd</sup> Reich helped the conquered countries to preserve their cultural goods while English people and Americans tended to steal them. Ελευθερία Ακριβοπούλου, "Στα ίχνη ενός αγάλματος: από τη φωτογραφία στο αντικείμενο... Πλατεία Δικαστηρίων 1944 – Αρχαιολογικό Μουσείο Θεσσαλονίκης 2015," *Σύγχρονα Θέματα* 132-133, no 2 (January- June 2016): 92.

<sup>272</sup> Χαράλαμπος Μακαρόνας, "Χρονικά αρχαιολογικά: ανασκαφαί, έρευναι και τυχαία ευρήματα εν Μακεδονία και Θράκη κατά τα έτη 1940 - 1950," *Μακεδονικά* 2, (1953): 593.

<sup>273</sup> Ακριβοπούλου, "Στα ίχνη ενός αγάλματος," 92.

<sup>274</sup> Μακαρόνας, "Χρονικά αρχαιολογικά," 593.

<sup>275</sup> Ακριβοπούλου, "Στα ίχνη ενός αγάλματος," 92.

of national archives from USA, the statue was transported to Heeresmuseum of Vienna and it was exhibited there in the military exhibition “Kampfraum Sudost” which lasted from June to August of 1944. After that exhibition, “Herackiotissa” was handled to the museum of Linz, subsequently, it was sent to Hitler’s residence to Berchtesgaden and after that to Gables’ one in Grundlsee<sup>276</sup>. After the end of the Second War World, “Heracliotissa” was found in a salt mine of Bad Aussee in Salzburg<sup>277</sup>. Immediately the repatriation process of the looted antiquities began. In fact, collecting points were created in order to organise that process. As a consequence, “Heracliotissa”, packed with other artworks, arrived at the Central Collecting Point in Munich on 12/7/1945. At that stage, all looted artworks took a certain import number and they were documented. To be more specific, there was an analytical documentation of their situation, preservation and their movements. Finally, every object was photographed<sup>278</sup>. The statue was repatriated to Greece on 2/11/1949<sup>279</sup> and it was placed in the Archaeological Museum of Thessaloniki<sup>280</sup>. It was found in the Roman Forum. In fact, Odeon was revealed in the same place later on. The head had been broken and weld. The female figure appeared in the type of Small Herakliotissas, almost loyally with some small differences<sup>281</sup>. According to some characteristics of its hair, it follows a specific stylistic type which is known from a private portrait of Capitolium and its repetition. Both this similarity and the stratigraphy of the region leads to the conclusion that the statue dates back to the Sevirus’ Age. Pelekanidis, who studied the statue, believed that it is an honour statue, which comes from a local workshop and dating back between 310-340 AC<sup>282</sup>.

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<sup>276</sup> Ακριβοπούλου, “Στα ίχνη ενός αγάλματος,” 92.

<sup>277</sup> Μακαρόνας, “Χρονικά αρχαιολογικά”, 593.

<sup>278</sup> These and other photographs of the statue were used in a recent exhibition of Archaeological Museum of Thessaloniki “Αρχαιοκαπηλία Τέλος / Trafficking Of Antiquities: Stop It” in order to show the history of this object Ακριβοπούλου, “Στα ίχνη ενός αγάλματος,” 97.

<sup>279</sup> Ακριβοπούλου, “Στα ίχνη ενός αγάλματος,” 96.

<sup>280</sup> Μακαρόνας, “Χρονικά αρχαιολογικά,” 594.

<sup>281</sup> Θεοδοσία Στεφανίδου- Τιβερίου, “305: Γυναικείοι εικονιστικό άγαλμα,” in *Κατάλογος γλυπτών του Αρχαιολογικού Μουσείου Θεσσαλονίκης II*, ed. Γιώργος Δεσπίνης, Θεοδοσία Στεφανίδου-Τιβερίου and Εμμανουήλ Βουτυράς (Θεσσαλονίκη: Μορφωτικό Ίδρυμα Εθνικής Τραπέζης, 1997), 213-215.

<sup>282</sup> Μακαρόνας, “Χρονικά αρχαιολογικά,” 594.



Picture 14: Female Statue, dating back to 310-340 AD (Στεφανίδου- Τιβερίου, Θεοδοσία. “305. Γυναικείοι εικονιστικό άγαλμα.” In Κατάλογος γλυπτών του Αρχαιολογικού Μουσείου Θεσσαλονίκης II, edited by Γιώργος Δεσπίνης, Θεοδοσία Στεφανίδου- Τιβερίου and Εμμανουήλ Βουτυράς, 213-215. Θεσσαλονίκη: Μορφωτικό Ίδρυμα Εθνικής Τραπέζης, 1997. )

This case proves that true cooperation between parties, persistence demands and active involvement of the academic community and, especially of archaeologists can lead to successful outcomes.

## 5.2. Citizens' Awareness

The legal texts combine the vested interest and the legitimate interest of the rightful holders of the administrative procedure. Rightful holders are considered the state, the owners of the monuments –in the cases of individual owners for example private collectors-, the scientific community and the audience. In fact, although the audience do not have a vested interest, it does have a legitimate one. Besides, according to the Greek law individuals who find a cultural object accidentally, should hand it in to the Greek State for a

fee<sup>283</sup>. There are also some economic motivations in the law in order to motivate the citizens to be involved actively. For instance, in the cases of donation of movable cultural objects to public museums, the whole amount of value of the object is deducted<sup>284</sup>.

### 5.2.1. *The icon of Saint Prokopios*

The icon of Saint Prokopios (picture 15) was returned to Greece thanks to a donation. It was situated in the temple of the homonymous church until 1968<sup>285</sup>. The saint is depicted frontally<sup>286</sup>, by its half, he wears military habiliments, holds a shield with his left hand and covers his body and a sword with his right. Because of warm colours and depicted details, the icon dates back to the end of 14<sup>th</sup> century. Probably, it comes from a workshop in Thessaloniki<sup>287</sup>. It was stolen between 1967-1974<sup>288</sup>. Although, it followed an uncertain and unknown route after its theft, it was published on some catalogues of artwork for sale. It was probably in Netherlands<sup>289</sup>. Indeed, in 1980 the icon was published in the catalogue “Icons and East Christian Works of Art” which was edited and published by Michel van Rijn. Thanasis Papazotos identified this icon on the catalogue after the removal of the over-paintings<sup>290</sup>.

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<sup>283</sup> Χαράλαμπος Χρυσανθάκης, “Η προστασία της πολιτιστικής κληρονομιάς μέσω της διοικητικής διαδικασίας” in *Proceedings of Η πολιτιστική κληρονομιά και το δίκαιο: 3-4 Ιουνίου 2003 Αθήνα*, ed. Ελένη Τροβά (Αθήνα-Θεσσαλονίκη : Εκδόσεις Σάκκουλα, 2004), 70-73.

<sup>284</sup> Θεόδωρος Φορτσάκης “Κίνητρα στους ιδιώτες για διατήρηση και προστασία της κινητής και ακίνητης πολιτιστικής περιουσίας Φορολογικό καθεστώς της πολιτιστικής κληρονομιάς” in *Proceedings of Η πολιτιστική κληρονομιά και το δίκαιο: 3-4 Ιουνίου 2003 Αθήνα*, ed. Ελένη Τροβά (Αθήνα-Θεσσαλονίκη: Εκδόσεις Σάκκουλα, 2004), 323.

<sup>285</sup> Θανάσης Παπαζώτος, *Βυζαντινές εικόνες της Βέροιας* (Αθήνα: Ακρίτα, 1997), 55.

<sup>286</sup> “Επαναπατριsmός 10 μεταβυζαντινών αρχαιοτήτων: Παρουσίαση των αρχαιοτήτων που επαναπατρίστηκαν από την Ολλανδία,” *Αρχαιολογία και Τέχνες*, accessed January 5, 2020, <https://www.archaiologia.gr/blog/2011/12/14/επαναπατριsmός-10-μεταβυζαντινών-αρχα/>.

<sup>287</sup> Παπαζώτος, *Βυζαντινές εικόνες*, 55.

<sup>288</sup> “Εκτέθηκε για ένα μήνα στο Βυζαντινό και Χριστιανικό Μουσείο μια σημαντική βυζαντινή εικόνα,” Βυζαντινό & Χριστιανικό Μουσείο, accessed January 4, 2020, <http://www.byzantinemuseum.gr/el/?nid=1432>.

<sup>289</sup> Παπαζώτος, *Βυζαντινές εικόνες*, 55.

<sup>290</sup> “Επαναπατριsmός 10 μεταβυζαντινών αρχαιοτήτων: Παρουσίαση των αρχαιοτήτων που επαναπατρίστηκαν από την Ολλανδία,” *Αρχαιολογία και Τέχνες*, accessed January 5, 2020, <https://www.archaiologia.gr/blog/2011/12/14/επαναπατριsmός-10-μεταβυζαντινών-αρχα/>.



Picture 15: St. Procopios, dating back to 14th century AD. (Παπαζώτος, Θανάσης. *Βυζαντινές εικόνες της Βέροιας*. Αθήνα: Ακρίτα, 1997.)

In 1988, the collector Athanasios Martinos bought the icon of Saint Prokopios as a part of a bigger collection, however, its real provenance was not known to him<sup>291</sup>. The Ministry of culture identified and documented the provenance of the icon. Once the collector Martinos learned about the provenance of the icon, he decided to donate it to the Greek State. In fact, on 30<sup>th</sup> November 2011 the Byzantine Icon of Saint Prokopios returned to Greece<sup>292</sup>. The icon was repatriated from London<sup>293</sup> and it was exhibited for one month in the Byzantine and Christian Museum. After a certain period, it was returned to Veroia and it is

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<sup>291</sup> “Κλεμμένη εικόνα του Αγ. Προκοπίου επέστρεψε στην Βέροια,” Ρομφαία, accessed January 5, 2020, <http://archive.romfea.gr/ieres-mitropoleis/13118-klemmeni-eikona-tou-agiou-prokopiou-stin-veroia>.

<sup>292</sup> ΔΤ 13 December 2011 ΥΠΠΟΑ Athens.

<sup>293</sup> The donor thankful for the reception ceremony of the icon at Byzantine Museum of Veroia (6/7/2012) emphasized that he felt obliged to return the icon for the moment he learned its provenance. “Κλεμμένη εικόνα του Αγ. Προκοπίου επέστρεψε στην Βέροια,” Ρομφαία, accessed January 5, 2020, <http://archive.romfea.gr/ieres-mitropoleis/13118-klemmeni-eikona-tou-agiou-prokopiou-stin-veroia>.

exhibited in the Byzantine Museum as a permanent exhibit<sup>294</sup>. However, the icon returns to the church of Saint Prokopios for one day during the year. The donor, Mr Martinos, set up this term according to which the icon should be transported to Saint Prokopios' church on his name day celebration<sup>295</sup>. In fact, generally, in the cases of donation, the donor has the right to set up a reasonable term<sup>296</sup>.

#### 5.2.2. The case of the black glaze kylix

Recently, a German citizen handed a whole black glaze kylix (picture 16), dating back to the Hellenistic Age, between 2<sup>nd</sup> and 1<sup>st</sup> century BC, to the Greek Embassy of Berlin voluntarily. According to his information, the Kylix was found accidentally during the construction of a bunker by Wehrmacht. Possibly, it comes from the region of Achialos of Thessaloniki. He also added that the kylix had been given to his grand father, who served to the German Navy and he had contributed to the extended recess in order to save the antiquities. The kylix was returned from Germany on 6<sup>th</sup> September 2018. It is handed to the National Archaeological Museum after the necessary actions of the Department for Identification and Protection of Cultural Goods<sup>297</sup>.

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<sup>294</sup> “Εκτέθηκε για ένα μήνα στο Βυζαντινό και Χριστιανικό Μουσείο μια σημαντική βυζαντινή εικόνα,” Βυζαντινό & Χριστιανικό Μουσείο, accessed January 4, 2020, <http://www.byzantinemuseum.gr/el/?nid=1432>.

<sup>295</sup> At the same time Martinos donate a duplicate of the icon in order to be placed to temple of the church. “Κλεμμένη εικόνα του Αγ. Προκοπίου επέστρεψε στην Βέροια,” Ρομφαία, accessed January 5, 2020, <http://archive.romfea.gr/ieres-mitropoleis/13118-klemmeni-eikona-tou-agiou-prokopiou-stin-veroia>.

<sup>296</sup> Article 281 of Greek Civil Law.

<sup>297</sup> “Επαναπατρισμός Κύλικας από Τη Γερμανία,” Υπουργείο Πολιτισμού Και Αθλητισμού, accessed January 6, 2020, <https://www.culture.gr/el/Information/SitePages/view.aspx?nid=2203>.



Picture 16: Black glaze kylix, dating back to the Hellenistic Age 2nd to 1st century BC (Greek Ministry of Culture and Sports. Accessed January 22, 2020. [https://www.culture.gr/el/Information/SitePages/view.aspx?nID=2203#prettyPhoto/0/.](https://www.culture.gr/el/Information/SitePages/view.aspx?nID=2203#prettyPhoto/0/))

### 5.3. Collaboration of Authorities

The help of the Greek and the foreign authorities plays a central role to the identification of stolen and illegally exported cultural objects both in cases of private collectors and museums. At the same time, the collaboration of Ephorates of Antiquities and museums is crucial<sup>298</sup>.

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<sup>298</sup> Μαρλέν Μούλιου, “Χειρισμός υποθέσεων επαναπατρισμού πολιτιστικών αγαθών,” in *Proceedings of Η προστασία των πολιτιστικών αγαθών από την παράνομη διακίνηση και η διεκδίκησή τους: 24-25 Σεπτεμβρίου 2008 Νέο Μουσείο Ακρόπολης*, ed. Σμαράγδα Μουτοπούλου, Μάρλεν Μούλιου, Σταυρούλα Καλλιώδη and Βασίλης Σακελλιάδης (Αθήνα: Υπουργείο Πολιτισμού, 2008), 183.

Collaboration appeared both in cases of theft<sup>299</sup> and Illegal excavations<sup>300</sup>, and in cases of identification and claim<sup>301</sup> of a cultural object<sup>302</sup>.

### 5.3.1. *The icons from the church of Saint Athanasios*

For instance in the case of the stolen icons from the church of Saint Athanasios different national and international authorities collaborated. Particularly, “Saint George”, portable icon, 18<sup>th</sup> century, dimensions 0.89X0.57.2 m. and “Saint Dimitrios”, portable icon, 18<sup>th</sup> century (1793), dimensions 0,57.5X0,89 m. had been stolen from the church of Saint Athanasios of the community Samarina which is in the region of Grevena. The theft took place between 15.09.2009 and 26.11.2009. The icons were identified in the online catalogue of antiquities dealer H.W.C Dullaert who works in Amsterdam. The icons have been confiscated from Netherland police on 13.04.2011. Collaboration was vital for the identification and the repatriation of the icons. Indeed, according to the Greek Ministry, they cooperated, for that case, the Directorate of Documentation and Protection of Cultural

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<sup>299</sup> Dependent Special Regional Services and Dependent Regional Services of Greek Ministry of Culture sue against unknown and compose a file. The file is sent to the Department of archaeologies which sent sheets to the Grigen Art and to the Greek department of INTERPOL. The second department of illicit trade in antiquities Security Directorate, the customs authorities of the Greek Hellenic Ministry of Finance, Development and Tourism, Direction security and policing Hellenic Coast Guard, the Department of Supervision of Private Archaeological Collections and Antique Shops are informed, the authorities of European Union states which apply the Direction of 93/7, UNESCO, ICOM and Central Archaeological Cunsil are informed. Βασίλης Σακελλιάδης, “Χειρισμός υποθέσεων κλοπών, λαθρανασκαφών και παράνομης διακίνησης αγαθών,” in *Proceedings of H προστασία των πολιτιστικών αγαθών από την παράνομη διακίνηση και η διεκδίκησή τους: 24-25 Σεπτεμβρίου 2008 Νέο Μουσείο Ακρόπολης*, ed. Σμαράγδα Μουτοπούλου, Μάρλεν Μούλιου, Σταυρούλα Καλλιώδη and Βασίλης Σακελλιάδης (Αθήνα: Υπουργείο Πολιτισμού, 2008), 176.

<sup>300</sup> Dependent Special Regional Services and Dependent Regional Services of Greek Ministry of Culture carry out autopsy research and inform the local police of the looted region. Sue against unknown is submitted and the fact is noted on Data base in order to be founded later. Σακελλιάδης, “Χειρισμός υποθέσεων,” 176-177.

<sup>301</sup> To department of illicit trade in antiquities Security Directorate inform the prosecuting attorney of first instance courts and the Direction of Museum, Exhibiton and Educational Programmes about the history of the identification. The General Directorate of Antiquities and Cultural Heritage inform the diplomatic authorities. The Ephorates of Antiquities correspond in order to found the provenance of the artefact. The archaeologist who represent carry out an autopsy and a three member archaeological committee composes a document about the provenance of the artefact. The Greek state decide about its representative lawyer. Μαρλέν Μούλιου, “Χειρισμός υποθέσεων επαναπατρισμού πολιτιστικών αγαθών,” 181.

<sup>302</sup> Μούλιου, “Χειρισμός υποθέσεων επαναπατρισμού πολιτιστικών αγαθών,” 183.



Goods Heritage, the Ephoria of Byzantine Antiquities, the Department of International Organization of INTERPOL, the Greek police, diplomatic authorities of both Greece and the Netherlands, the Director of the consular office in the Hague, Dimitrios Sparos, and the regional governor of Epirus, Alexadros Kaxrimanis. Both the icons were temporarily transported to the Byzantine and Christian Museum and after a certain period they were returned to the Antiquities Ephorates<sup>303</sup>.

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<sup>303</sup> ΔΤ 13 December 2011 ΥΠΠΟΑ Athens.

## 6. The consequences of Antiquities Trafficking

Regarding the consequences of trafficking of antiquities, there are many factors that should be examined. Illegal excavation have had irreparable consequences for archaeological research. Secondly, regardless of the fact that an object comes from an illegal excavation or it is stolen or it is taken violently during an armed conflict, the illicit trade of antiquities plays a central role to the economy and money laundering. And of course, the behaviour of museum raises ethical questions.

At archaeological level, illegal excavation can damage both the very object and the site as a whole. In fact, the real provenance of an artefact can give information about its ancient owners, history and function. At the same time, archaeologists cannot have a full and real image of the looted site. Indeed, when a site loses its movable objects, it loses its local culture, life and history<sup>304</sup>. Archaeologists use the appropriate equipment and the well-trained workers. They write down every element of the excavation from the soil composition to the findings' coordinates and they have to publish their work in order to be available to the scientific community. It has to be noted that even the scientific excavation is a kind of destruction, in the sense that it is an irreversible process<sup>305</sup>. On the contrary, in the cases of illegal excavations, there are no rules. Looters dig under pressure with inappropriate equipment such as picks or pickaxes—in the best case<sup>306</sup>. They tend to be interested only in the object with high monetary value on the art market<sup>307</sup> such as the gems of ancient tombs or other valuable artefacts<sup>308</sup>. As a result, they can destroy every little

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<sup>304</sup> Malcom Bell III "Dealing with Looted Antiquities: Existing Collections and the Market," in *The Acquisition and Exhibition of Classical Antiquities, professional legal and ethical perspectives*, ed. Robin F. Rhodes (Notre Dame, Indiana: University of Notre Dame Press, 2007), 33.

<sup>305</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 479.

<sup>306</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 479-480.

<sup>307</sup> Patrick J. O'Keef, *Trade in antiquities: reducing destruction and theft* (Paris-London: UNESCO, 1997), 14-15.

<sup>308</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 479-480.

detail of the context in their hasty digging<sup>309</sup>, such as the stonework of chiselled constructions. Usually, they dig during night with a penlight. Bones are poked, stratigraphy and burned layers which are one of the most important elements for archaeologists, are also lost<sup>310</sup>. In other words, all evidence of ancient human activity in the smuggled side and its specific stratigraphy could be irretrievably lost<sup>311</sup>, the context of the cultural object could be destroyed and the valuable historical, social and cultural information will remain unknown<sup>312</sup>. Speaking with numbers, what comes from the looters dig is around five to ten percent of what the archaeologist would find<sup>313</sup> because an object in combination with its context can reveal much more than an object in isolation<sup>314</sup>. Pitter Watson underlines that the term illegal excavation is used in a wrong way. It is not an excavation but a violent act very similar to vandalism<sup>315</sup>.

At economic level, there is a whole market behind that phenomenon. The same object might pass through many transactions and circulate on the art market for years. During these moves, its value usually increases<sup>316</sup>. At the same time, there is a close relationship between trafficking of antiquities and the market for illegal drugs. In fact, drug smuggling and money laundering are related to antiquities smuggling because the “drug profits pay for the antiquities, which are sent for auction so as to obtain a good pedigree for the cash”<sup>317</sup>.

Finally, trafficking of antiquities raises ethical questions. When a museum acquires an unprovenanced object it means that it scorns the intermediary history of that object in public. In other words, it does not care if that object is a product of crime and it legitimates

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<sup>309</sup> O’Keef, *Trade in antiquities*, 14-15.

<sup>310</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 479-480.

<sup>311</sup> Malcom Bell III, “Dealing with Looted Antiquities,” 36-37.

<sup>312</sup> Malcom Bell III, “Dealing with Looted Antiquities,” 37.

<sup>313</sup> O’Keef, *Trade in antiquities*, 14-15.

<sup>314</sup> Broodie, Doole and Watson, *Stealing history*, 10.

<sup>315</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 480.

<sup>316</sup> Broodie, Doole and Watson, *Stealing history*, 14.

<sup>317</sup> Broodie, Doole and Watson, *Stealing history*, 16.

the smugglers, thieves or the people who took advantage of an armed conflict and looted the place. It also bears up the private collectors to acquire that kind of antiquity<sup>318</sup>.

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<sup>318</sup> Αποστολίδης, *Αρχαιοκαπηλία και εμπόριο αρχαιοτήτων*, 489.

## Conclusions

In conclusion, it has been obvious that every single detail about the provenance of an object is important for archaeology. Especially the site in which something is found, its provenance, can offer vital information<sup>319</sup>. For instance, the calyx krater from the excavation of Sevasti was found in a tomb. Moreover, illyrian type iron perone existed inside the krater. Thanks to that perone, archaeologists drew the conclusion that inside the krater there was a fabric which wrapped the dead's burned bones<sup>320</sup>. Therefore, the parafernalía or context of the object found is extremely significant because it offers valuable information about the history of the object. On the contrary, in the case of the krater of the Shelby White collection, archaeologists could provide only a stylistic description of the object. Consequently, when the same object is displayed in a museum it cannot act as a carrier of a story, but rather only be admired aesthetically. Antiquities from the soil should always be recovered by archaeologists during an excavation<sup>321</sup>.

At the same time, the label "unprovenanced" in museum catalogues could be considered as a synonym of stolen, looted or illegally excavated objects. In fact, studying the correspondence of Marion True, it is obvious that museums or part of their personnel knows the provenance of a cultural object. Furthermore, as it was mentioned before, they tend to be indifferent about how this object reached their museum. In fact, museums, auction houses, galleries and private collections do not investigate the real provenance of an antiquity and accept its owner's story. For instance, an art dealer admitted that if someone told him that they had inherited an antiquity from their grandparents they would believe them<sup>322</sup>. As a result, it can be assumed that there are not two kinds of markets one

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<sup>319</sup> Broodie, Doole and Watson, *Stealing history*, 11.

<sup>320</sup> Ματθαίος Μπέσιος, "Ανασκαφές στη Βόρεια Πιερία," *Το Αρχαιολογικό Έργο στη Μακεδονία και στη Θράκη* 6, no.1 (1992): 211-212.

<sup>321</sup> Malcom Bell III, "Dealing with Looted Antiquities," 31.

<sup>322</sup> NEKTRON444, "το Κύκλωμα -ντοκιμαντέρ στα άδυτα των αρχαιοκαπήλων" September 14, 2013, video, 1:22:46, <https://www.youtube.com/watch?v=XKtsvLMagCw>.

“illegal” or “black” and a second one “clear”<sup>323</sup>. Legal framework and organizations such as ICOM have helped in order for the policy of museums to be changed.

“The Hellenic National Committee of ICOM was founded in 1983”<sup>324</sup>. Greek museums follow the principles of ICOM. As a result, they comply with a specific code of ethics. To be more specific, Museums should be 100% sure that a cultural object is not an illegally exported object, it had been acquired legally and it has lawful documents. Especially, they have to check all these parameters before the acquisition or the purchase of an object either it comes from a donor or a loan. This also applies to cases of exchange or inheritance. In other words, they have to know the history of the object from the day that it was found or was created<sup>325</sup>. Indeed, the Archaeological Museum of Thessaloniki, which is one of eight public museums in the country, has applied these principles and it enriches its collection only with objects coming from donations, products of confiscation or purchase or any other lawful way<sup>326</sup>. Unfortunately, not all museums around the world have adopted ICOM principles.

The citizens’ attitude should change as well. Studying the cases of donation and voluntary delivery, it can be assumed that the citizens’ awareness and active involvement could prove crucial in the battle for repatriation of cultural objects. In fact, both the Greek Ministry of Culture and the museums could promote citizens’ awareness. Museums as a vital parts of the society should educate and inform audiences<sup>327</sup> For instance, the travelling exhibitions “Trafficking of Antiquities: Stop it”<sup>328</sup> and “Repatriated Masterpieces: Nostoi”<sup>329</sup>, which

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<sup>323</sup> Världskulturmuseerna, “Dr. Christos Tsirogiannis on illicit trafficking of cultural heritage” May 5, 2017, video, 50:17, [https://www.youtube.com/watch?v=uG\\_vZwy73CU](https://www.youtube.com/watch?v=uG_vZwy73CU).

<sup>324</sup> “Hellenic National Committee,” network.icom.museum, accessed January 30, 2020, <http://network.icom.museum/icom-greece/pliories/to-elliniko-tmima/>.

<sup>325</sup> ICOM Code of Ethics for Museums, article 2.3.

<sup>326</sup> Θεμισ, Βελένη, *Θέματα Πολιτιστικής Διαχείρισης* (Θεσσαλονίκη: Εκδόσεις Βάνιας, 2018), 156.

<sup>327</sup> Βελένη, *Θέματα Πολιτιστικής Διαχείρισης*, 26.

<sup>328</sup> It was organised by the Archaeological Museum of Thessaloniki in collaboration with Greek Ministry of Culture and particularly the department of documentation and Protection of Cultural Objects in 2012. “«Αρχαιοκαπηλία τέλος» Αρχαιολογικό Μουσείο Θεσσαλονίκης,” *Αρχαιολογία και Τέχνες*, accessed January 24, 2020, <https://www.archaiologia.gr/blog/2012/03/30/%C2%AB%CE%B1%CF%81%CF%87%CE%B1%CE%B9%CE%BF%CE%BA%CE%B1%CF%80%CE%B7%CE%BB%CE%AF%CE%B1-%CF%84%CE%AD%CE%BB%CE%BF%CF%82%CE%BB/>.

<sup>329</sup> It was organised in 2008 and it includes cultural objects both from Greece and Italy.

consisted of repatriated objects, illustrated not only the consequences of illegal excavations but also the importance of repatriation of antiquities

Regarding the settlement of that kind of dispute, another conclusion is that the majority of the cases mentioned were solved out of court. In other words, from the seventeen cases of repatriation the fifteen were solved out of court, which is almost 90% of the cases. For instance, the method of negotiation is used in the cases of the gold wreath and the krater of Selby White's collection. A previously signed agreement between Getty Museum and the Greek State is used in the case of the manuscript "Ludwig II 4". Despite the benefits of alternative dispute resolutions, the court was successfully chosen in three cases of repatriation.

In all cases the restitution, either before or out of court, the claim of the Greek State was based both on archaeological and legal documents. As a result, interdisciplinarity plays a central role in that process. At the same time, collaboration of national and international authorities is also important. Last but not least, public awareness should start from the very young ages through schools and universities. For instance, courses could be added at academic level and workshops might be added in schools. Moreover, seminars and exhibitions could be vital for the education of broader audiences.

To conclude, fight against trafficking of antiquities requires interdisciplinary teams of experts, collaboration and joint efforts involving all interesting parties. Academic community as a whole, citizens, national and international authorities, in general the totality of the museum and art world, should understand and undertake their responsibility to protect and respect cultural heritage in order to deliver it to the next generations.

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## Appendix

### Interview with Dr. Stamatoudi<sup>330</sup>

1. You were involved both in the case of the Krater, from Sevasti in the area of Pieria, which was spotted within the Shelby White collection, and the case of the Macedonian gold wreath which was repatriated to the Getty Museum. Consequently, in the first case you had to deal with a museum while in the second case you had to face a private collector. Is there a difference between the ways of approach including the actual strategy of the legal claim?

There are no prescriptions in such cases. Depending on the situation you spot the strengths and weaknesses of the other side (including your own decision) and you proceed with your own commensurate planning. However, generally speaking, a cultural agent, such as a museum, is - in my opinion - more than just obliged to investigate the origin of an object and, in every case, they must ask a State about the provenance of an object. There are certain requirements and rules when it comes to the acquisition of an object from museums and, as a result, there is an increased degree of responsibility which, in its turn, is based on Ethical Rules for the Museums, international conventions, EU laws and national law.

2. Both cases were resolved through an out-of-court resolution. What, in your opinion, are the benefits of an out-of-court option such as the negotiation that was achieved in the case of the gold wreath? On the other hand, would the creation of a precedent be important in such cases?

In most cases involving the return of antiquities, the record of a certain antiquity that left its country illegally is not complete. It is reasonable, therefore, for an object that has been

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<sup>330</sup> The written interview was translated from Greek into English, 18/11/2019.

smuggled out of a country not leave any traces as to where it was found, how it was found and the way it was exported. This remains a well sealed secret. So the choice that you just mentioned between resorting to a court and that of an out-of- court resolution does not exist because in many cases there is not enough evidence in order to press charges in order to lead the way to the court. If the record is complete, then a court is an obviously preferable choice (having of course, in the first place, considered any delays and legal expenses which are both very important factors).

3. In the case of the gold wreath, along with the negotiations there was the trial, in progress, versus Marion Trou. Was there any influence of this in relation to the negotiations procedure?

It has always been the case that the exercise of a criminal prosecution may put pressure on and, in fact, help negotiations. I think that, including this case, the trial did play its own role, especially when it comes to a verdict of conviction when the museum, for its own ethical reasons, prefers to differentiate its position. It is not accidental that, in the same period, the Getty Museum – for the first time – adopted rules of ethics which were compatible with international conventions around the field for the protection of cultural heritage.

4. In a case of a cultural good claim, which balances between international conventions (UNIDROIT 1970, UNESCO 1995) and EU Law (Directive 7/1993 and Regulation 3911/92), what is most beneficial to be implemented for the best legal support? For example, the claim for the bronze calyx krater was based upon the EU 93/7 Directive. Do they function and are used in a complimentary and cumulative way, or the use of one covers and/or excludes the other ones? Does this apply to both out-of-court and before court resolutions?

To a large extent, the EU law responds to international conventions, not fully, though. In addition, it does not contradict them. It is a good idea to use as many legal bases in order

to support a claim as possible. The legislation is used in both out-of-court and before court resolutions.

5. Apart from the legislation, what other evidence could be considered as “weapons” within the legal quiver of a lawyer towards the support in a repatriation case? For instance, does a strong archeological proof of a certain item play an important role?

It is taken as granted that the archaeological documentation is necessary because it supports the provenance of the object – where it was found, when, by whom, if it comes from Greece, if there are any counterparts somewhere else and so on. Law on its own is not enough. Ethics also play an important role.

6. In the case of the gold wreath there were many various different interdisciplinary parties involved, such as archaeologists, lawyers, journalists, the police as well as public prosecutors. Is it necessary to have an interdisciplinary group in order to claim and repatriate a specific cultural item? From which scientific fields should such a group be comprised?

Usually, there is a need from different scientific areas and this depends on the situation. In other words, if we are dealing with a criminal offence, we most probably need public prosecutors and criminal jurists. If there is not sufficient evidence we need the police in order to investigate the case and possibly journalists who are experts on investigative reportage. We certainly need archaeologists and so on.

7. At a presentation of yours, you have mentioned that usually a legal expert should undertake a case right from the start: that is from the moment of the spotting of an antiquity up to the point of its claim. This is because the file has to be evaluated, the moves have to be coordinated, the correspondence has to be drawn up in such a way so as to avoid statements or disclosures which can be irreversible and could possibly be

at the expense of a successful outcome of the case. As to the file, which details could be considered as sufficient?

A file is sufficient only if it contains evidence which prove the provenance of an object, its export from a country, the transactions chain, the illegal nature of the act as well as the parties involved. It is very to have all this information.

8. Finally, could you very briefly describe the actual series of procedures to be followed from a legal point of view in these two cases (the gold wreath and the krater of Pieria)?

There is no such a thing as a series of procedures. There are crucial actions – which almost always have to be done at the same time – in order to have an object back to its country of origin.

### Interview with Dr. Tsirogiannis<sup>331</sup>

1. You have spotted out and identified antiquities in museums, such as in the case of gold wreath, in private collections, such as the Shelby White and Leon Levy's private collection, in auction houses and galleries, such as in the case of the Roman sarcophagus which you had spotted out in Royal-Athena Galleries. Is there a difference between the ways of approach? Is, for instance, the identification and the discovery of an object in a private collection compared to a museum or a gallery more difficult?

The identification of the Greek Macedonian wreath, as well as the two antiquities at the Shelby White/Leon Levy collection, were NOT identified by me. It was the Getty museum that initially notified the Greek and Italian authorities on its intention to acquire the piece, while the pieces in the White/Levi collection were identified by the late Professor Georgios Despinis (the upper part of the funerary stela) and, if I remember well, the field archaeologist Manthos Besios (the bronze Macedonian funerary krater). I have made, indeed, other identifications (more than 1,100 so far) in museums, private collections, auction houses and dealers' galleries (including the part of the Roman sarcophagus at the Royal-Athena Galleries). There is a considerable difference in identifying illicit antiquities in museums, galleries or auction houses, compared to a private collection; it is more difficult for an illicit antiquity to be identified in a private collection, as it has to be first exhibited publicly or be published (by the market, an academic, etc.) in order to be identified by its created public record. In all the other sectors, the objects are being published in printed and/or digital form, which makes their identification easier compared to the objects that are part of a private collection. In the case of the two antiquities from the White/Levy

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<sup>331</sup> Written interview, 4/12/2019

collection, their identification was made possible because most of the collection was exhibited, for the first time, in 1990 at the Metropolitan Museum of Art in New York and a relevant catalogue was published by the museum.

2. How important is the role of an archaeologist in handling such cases? How the an archaeologist contributes to the better documentation of objects that have been revealed and to the verification of their authenticity?

The role of an archaeologist is always vital in such cases, provided that has the relevant experience, expertise and passion required to actively fight the illicit antiquities trade and contribute to repatriations for various countries. Part of it is the verification of the authenticity of an object in question, but the main contribution of an archaeologist is the identification of the object, the discovery of the relevant proofs needed for its successful claim and the reconstruction of the full and true provenance of the object, which will lead to additionally prove its illicit origin.

3. At the same time, apart from archaeologist, in a case like this of the gold wreath, how important an interdisciplinary team is?

The interdisciplinary nature of a team that works for a claimant country or an individual is also extremely important, as various expertise contribute differently to verify the illicit origin of an object and help the claim and repatriation process. In the case of the gold wreath and the other three antiquities that we repatriated from the Getty museum on behalf of Greece, the team was comprised by a Public prosecutor (the already internationally known Ioannis Diotis), the then head of the Greek



Police Art Squad (the late Giorgos Gligoris), the Journalist Mr. Nikolas Zirganos (who provided crucial information and advice), two lawyers of the Greek Ministry of Culture (Mr. Kosta Kyriopoulos and Mrs. Eirini Stamatoudi) and myself, as an archaeologist. That team had a 100% success with every case it worked on, because its members tackled each case from various angles deriving from the expertise of each member.

4. In cases like that of Becchina in which you try to find information and reveal antiquities through Polaroid photographs and archives, how difficult is it to distinguish between an authentic from a non-authentic one? How do you handle cases of non-authentic antiquities? Do you continue to carry out the investigation regardless of that?

The vast majority of the images contained in the confiscated archives have been created by amateur photographers who are members of the market (looters, middlemen, dealers); therefore, the identification of an illicit antiquity can be quite difficult sometimes. However, almost all the antiquities that have been previously published as part of a museum or private collection or in the possession of a gallery or an auction house, usually have already undergone a process of verification of their authenticity by expert academics and relevant scientific tests. I never had so far a case in which the object I identified proved to have been a fake, so I have not yet have an answer on this question; but, hypothetically speaking, if I have one in the future, I would definitely treated in exactly the same way I am researching every object, as I would be greatly interested for the new knowledge, in several sectors, that it may provide.

5. After the identification based on Polaroid, in a second stage the identification and the connection of an object with a certain country or with a certain provenance follow. Could you describe these two processes?

There are cases in which the identification takes place with other kind of images (regular-print, professional, etc.), apart of a Polaroid (or without a Polaroid). In some cases the archives themselves provide extra information about the country from which the identified antiquity has been looted and smuggled from. In other cases, all the known antiquities of the same kind have been excavated from a certain country only and, usually, from a certain area of that country, which also makes its repatriation possible. However, there are also cases of identified antiquities for which we lack further information about their country of origin, in which case it is the job and responsibility of the informed state authorities to further research for the discovery of the needed proofs. This process may take years, while some cases may never be successfully concluded, depending on the degree of competency of the relevant state authorities.

6. Does this process change when the object is already known like in the case of the gold wreath, the acquisition of which was made known by Marion True in 1993?

No, the process should always be the same, in order not to miss anything vital about the case.

7. When a country aims at repatriating its cultural object, it has to document that the object has been illegally exported or stolen from its territory. Both archaeological evidence such as the similarities between the gold wreath from Getty and other Macedonian wreaths, and archives investigation contribute to this documentation. Could you mention clues that come from the Becchinas' archives investigation or the

investigation of correspondence of museums which, unswervingly, prove the Macedonian provenance of the wreath.

Apart from the depiction of the gold wreath in a single image from the Becchina archive, the same archive includes the most vital proof that the wreath came from Greece: the envelope that contained the image, with an address from Thessaloniki and official Greek postal stamps with the dates in which the envelope was sent from Greece and arrived to Becchina's Gallery in Basel, Switzerland. The correspondence between the Getty museum and the dealer who finally sold the wreath (Leon), as well as the similarity of the wreath to others known to have come from the same region and workshop, were just some of the additional information collected during the research, in order the full and true provenance of the wreath to be reconstructed, as it should happen in all the cases.

8. In your opinion, does the direct recording of objects which are discovered in an excavation field play a certain role to deterrence the smuggling or to facilitate the identification in the cases of theft?

Absolutely. There have been cases of antiquities that have been stolen after their excavation by certified archaeologists; these have been identified from the images taken by the archaeologists, after the objects' discovery and before their theft. Therefore, it is vital to record photographically and fully publish, as soon as possible, any object is legally excavated.

9. Finally, could you briefly describe the stages of the procedures needed to follow in the case of the gold wreath?

First, the known records were collected, in order to understand where we stood, as the case had started 13 years earlier, but it was at a halt. Then, a few key-figures were interviewed, more evidence were collected, the final proof was discovered (image and envelope), contact with the museum was re-established, publicity was generated to inform the public and add additional press to the museum, negotiations took place and finally, all four claimed antiquities (among which was also the wreath) were successfully repatriated. It is worth noting that, as a result of our successful work for the Greek state, our team was dismantled (its permanent members were transferred in different sectors, while I was left jobless) and none of us ever worked on a case representing the Greek state. Of course, as a Greek and an archaeologist, I continue to send, always for free, any case of an antiquity I identify as illicitly coming from Greece (e.g., the sarcophagus piece mentioned above, among other cases), while the Greek Ministry of Culture -when an antiquity is repatriated- deliberately omit my work and my name, presenting the case as a result of its authorities work.

## Interview with Dr. Katsaros<sup>332</sup>

1. How important is the interdisciplinary nature of a group whose purpose is to repatriate a cultural good? For example, in the case of the Eikosifinissa manuscript, from which scientific field did the members of that group come from?

Scientific cooperation is a good thing: to include one specialist in order to evaluate the object is usually the norm. Sometimes the choice of the person to evaluate an object may result in a fiasco, as was the case with the Archimedes codex when we were internationally ridiculed.

2. Did you have the opportunity to visit, for an on the spot inspection, the auction house which held the manuscript? Which evidence did you use so that you could support its provenance from the Monastery of Eikosifinissa?

No, I did not have the chance. We were simply notified about the auction from a fellow professor in Munich and we immediately informed the competent employees at the Ministry of Culture. I have to point out that only this Ministry in cooperation with the Ministry of Foreign Affairs may undertake such cases; any other kind of initiative may destroy the final outcome of the repatriation of the antiquities as was, sometimes, the case on behalf of some nationally quasi-sensitive volunteers, as if the rest of us were nationally insensitive when it comes to our cultural heritage.

3. In an article of yours you have mentioned that this specific manuscript had remained unknown until the end of the 20<sup>th</sup> century. How has this affected its actual discovery and its identification procedure?

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<sup>332</sup> The written interview was translated from Greek into English, 5/12/2019

The discovery of a manuscript is a matter of knowledge, information and access to materials. Without them every object (in our case the manuscript) will remain undetected for a long time. We must know that the primary purpose for the claim is for someone to provide every manuscript or object with an identity or passport otherwise it will remain unknown like person who travels abroad without a passport.

4. A manuscript, because of its nature, (its agent, its size, etc) may easily and illegally be circulated in transactions; that is, its traces of its first origin can be lost a lot easier than a cultural good?

Certainly a manuscript can do that as it is a portable object. However, there are various means so that their traces do not become lost, today, and this is through the technology available to science.

5. Finally, could you briefly describe the stages of the procedures needed to follow in the case of the Six-month Compendium?

The stages are as follows:

1. Access to the study through on-spot observation or after its acquisition, photographing and careful paleographic study of the manuscript.
2. General approach of its content and spotting of other manuscripts with similar content.
3. Transcription of the text and analytical study of its contents.
4. Collection of the relevant bibliography and its first composition.
5. Final systematic check-up of the data and publication.