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Subject: Art restitution matters
Date: March 26, 2008 at 10:49 AM
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Dear Dr. Bazil,

I understand that you have taken over for Dr. Freund with regard to art restitution matters for the ministry. Please allow me to introduce myself to you.

I read in the Austrian papers that there will be suggested amendments to the art restitution law. As someone with some experience dealing with the law, I would be very glad to offer you any comments or advice to assist you in any way that I can.

As you may know, there are two outstanding matters that are of great interest to me. Both involve prior decisions of the Kunstrückgabebeirat that I, and many others, believe were wrongly decided.

The first is the Felsövényi Waldmüllers. See <http://www.bslaw.com/felsoevanyi>. The decision made by the Beirat in 2001 against returning the paintings was based on the existence of an earlier restitution court decision that the museum was a "good faith purchaser" of the paintings. This rationale was later abandoned by the Beirat in the Mahler-Werfel decision in 2006. Therefore, the Felsövényi case should be reviewed under the same standard as the Mahler-Werfel decision. The proposed clarification of the law, mentioned today in the news, is not really necessary, in my opinion. The decision could be made today to return these two paintings.

The second is the Klimt Amalie Zuckerkandl painting from the collection of Ferdinand Bloch-Bauer. I have attached several legal opinions discussing this case, and I urge you to read them carefully in order to understand the issues better. Especially our Revision, now pending with the OGH, will give you a fair statement of our position. I urge you to read these. All of the documents related to this case are at <http://www.bslaw.com/altmann/Zuckerkandl>. Again this is a case that could and should be resolved by a careful review of the Beirat, following the decision in the Mahler-Werfel case. No revision of the law is required, although clarification that the definition of "um zu entziehen" in the NichtigkeitkeitsG should follow the definition provided in the 3. RückstellungsG (as was the case in the Mahler-Werfel decision) would be helpful. I understand that the IKG has made a proposal to make certain clarifications in Z.2 and I support these changes. But again, the changes should not be necessary for a resolution of this case. All that is required is a more careful review of the matter. The Mahler-Werfel decision provides a precedent also for making this sort of review after an earlier Beirat decision.

I am writing to you also to say that these cases are rather urgent. Dr. Felsoevanyi is almost 94 and Maria Altmann is 92 years old. They really cannot wait much longer to see justice in these cases. If, after reviewing the files, you believe that something should be done, I urge you to do it as quickly as possible.

Thank you very much for your careful consideration of these matters. Ich bitte Ihre Verzeihung dass ich auf englisch schreibe. Ich kann doch deutsch lesen, bin aber zu faul auf deutsch zu schreiben. Bitte schreiben Sie auf deutsch wenn Sie antworten.

Randol Schoenberg



Pitkowit[3].pdf



Dolinar[3].pdf



Revision[2].pdf



Graf[3].pdf

