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Press Release

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Recommendation of the Advisory Commission on the return of cultural property seized as a result of Nazi persecution

Dr Hans Otto Bräutigam newly appointed to the Commission

The Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property published a new recommendation in Berlin on 17 November 2011.

At their meeting at the Representation of Saxony-Anhalt, the Commission, chaired by Professor Dr Jutta Limbach, recommended that the paintings "Gutshof in Dangast" (Farm in Dangast) (1910) and "Selbstbildnis" (Self Portrait) (1920) by Karl Schmidt-Rottluff should be returned to Roberto Graetz.

The recommendation is based on the following facts:

Robert Graetz (1878 - 1945) was a textile manufacturer from Berlin. His art collection also included the two works by Schmidt-Rottluff. As a Jew, Robert Graetz was persecuted by the Nazis and in 1939 and 1940 lost almost his entire fortune. His company ("Glass and Graetz") had been in liquidation since 1938 and was deleted from the commercial register on 18 April 1940. Two years later, on 18 April 1942, Robert Graetz was deported and killed. It has been confirmed, but not securely proven that the paintings were in the possession of Robert Graetz at least until 1938. In 1953 the two works of art appeared at the Mathiesen Gallery in Berlin and were purchased in the same year by the state of Berlin at the astonishingly low price of 1,500 DM ("Gutshof in Dangast") and 2,000 DM ("Selbstbildnis"). Today the two paintings are worth Euro 2,500,000 ("Gutshof in Dangast") and Euro 520,000 ("Selbstbildnis"). They were part of the Berlin Gallery of the 20th Century and today are a loan by the state of Berlin to the Neue Nationalgalerie. Despite comprehensive research it has not been possible to establish the whereabouts of the works between September 1933 or December 1938 and 1953.

The grandson and sole heir of Robert Graetz, Roberto Graetz, claimed the restitution of these paintings, since there were no substantiated indications disproving the loss of property as a result of Nazi persecution. Whether the paintings were sold by Robert Graetz under economic duress between December 1938 and his arrest in April 1942, whether they were seized, stolen while in storage or remained in Robert Graetz' house which was sold under duress, was of no importance, according to the grandson.

The state of Berlin refused to return the paintings, arguing that it was possible that the property was lost for other reasons than Nazi persecution. For this reason, it was necessary to provide a sufficient explanation for the time and the type of loss of property and that it was lost as a result of Nazi persecution, Berlin argued. If the paintings had been sold, for example, it should be possible to verify the payment of an appropriate price and the free availability thereof.

The parties were unable to reach an agreement and hence decided to submit the case to the Advisory Commission for a recommendation.

According to the Advisory Commission, the historical context, the persecution of Robert Graetz and the lack of any evidence proving the contrary give rise to the assumption that the two paintings were lost as a result of Nazi persecution and hence should be returned.

At the meeting Professor Dr Jutta Limbach welcomed Dr Hans Otto Bräutigam as a new member of the Commission. Dr Bräutigam is the successor of Professor Dr Patzig, who was a member of the Advisory Commission from 2003 to 2010.

The task of the Advisory Commission is to mediate in case of disputes between the parties presently in possession of cultural goods and their former owners or the heirs of the latter, if both parties so desire. The Commission can issue an ethically grounded recommendation for resolving the dispute. Former Federal President Dr Richard von Weizsäcker, former President of the German Bundestag Professor Dr Rita Süßmuth, former President of the Federal Constitutional Court Professor Dr Jutta Limbach, legal scholar Dr Hans Otto Bräutigam, legal philosopher Professor Dr Dietmar von der Pfordten, historian Professor Dr Reinhard Rürup, art historian Professor Dr Wolf Tegethoff and philosopher Professor Dr Ursula Wolff have agreed to serve as honorary members of the Commission.

The Coordination Office for Lost Cultural Assets (www.lostart.de) in Magdeburg is the office of the Advisory Commission and point of contact for those submitting claims.

Contact: Koordinierungsstelle Magdeburg, Turmschanzenstraße 32, 39114 Magdeburg, Dr. Michael Franz, Tel.: 0391 / 567 3891, Fax: 0391 / 567 3899, E-Mail: michael.franz@mk.sachsen-anhalt.de