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Press Release

German Advisory Commission recommends the return of two Old Master paintings to the heirs of Dr. Max James Emden - Groundbreaking decision for the return of “Fluchtgut”

The German “Advisory Commission” under the chairmanship of the former President of the federal Constitutional Court, Prof. Dr. Hans-Jürgen Papier recommended the return of two paintings by the Italian Old Master Bernardo Bellotto (Canaletto) in the possession of the German federal government to the heirs of their former owner, Max James Emden (1874-1940), in March. Today, the reasoning for the groundbreaking decision on “Fluchtgut” has been made public.

According to the Commission, “the targeted destruction of the economic livelihood by the ‘Third Reich’, as a means of National Socialist racial policy (and precursor to the so-called ‘final solution’), was thus also put into practice in the case of Max Emden. (...) Consequently, it is also out of the question that the sale of the said three paintings by Bernardo Bellotto in the early summer of 1938 to Karl Haberstock was not made of his own free will, but as a direct consequence of the resulting economic hardship (“persecution-related loss of property”).”

Twenty years after the enactment of the ‘Washington Principles’ on Holocaust era assets and following tireless efforts by groups and individuals, including the World Jewish Congress and its President, Ambassador Ronald Lauder, to bring justice to the victims’ families in looted art matters, this decision by the German panel means nothing less than full recognition of the suffering. The long evil arm of Nazi terror stretched far beyond borders in the spoliation and looting of art from Jewish Holocaust victims.

The lawyers for the Emden family, Markus Stötzel and Mel Urbach said in a joint statement: “This gives clear recognition to victims fleeing Nazi terror, who were forced to sell their art, their belongings, to survive. All these items have to be returned, no matter if the victims sold their art in Switzerland, England or elsewhere. Any sale by a victim on the run from Nazi terror, is now recognized by Germany as a forced sale and is considered looted art.”

According to Stötzel and Urbach, the Bellotto paintings were sold below market value to the art dealer Karl Haberstock, who bought them in 1938 as the agent for Adolf Hitler. In 1949, the paintings were transferred to the fiduciary administration of Western Germany via the Munich Collecting Point (CCP) and have been the property of the federal government since the 1960s, together with more than 2,000 other works of art from the CCP's remaining stock.

The recommendation has been made after the federal Ministry of Finance in 2017 finally declared its willingness to submit the case to the Looted Art-Commission, following a decade of refusal.

The painting 'Karlskirche in Vienna' is on loan from the federal government to the Museum Kunstpalast in Düsseldorf and the prominent view of 'Der Zwingergraben in Dresden' is in the Military History Museum in Dresden. From the early 1960s, this painting had been housed in 'Villa Hammerschmidt' in Bonn, the former headquarters of the German federal presidents. The former Federal President Horst Köhler, as early as 2005, took it off the wall and returned the painting to the federal government, after its eventful history had become public.

Similarly, the City of Hamburg is in possession of the grounds of the Hamburg Polo Club and the "Loki Schmidt Garden", all Emden properties, that were "arayanized" during Nazi terror.

For further information please contact:

Law Office of M. Urbach LLC
1 International Blvd #400
Mahwah, NJ 07495, USA
Telefon: +1 646 706-3329
E-Mail: melurbach@me.com

Rechtsanwalt Markus H. Stötzel
Uferstrasse 11
35037 Marburg
Telefon: +49 (0)6421 794-560
E-Mail: rastoetzel@aol.com