

# Report with assessment and recommendations concerning objects impounded at Martin Schøyen's residence August 24, 2021

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### **I. Introduction and general information**

The Embassy of Iraq has requested assistance from the Norwegian Ministry of Culture and pertinent authorities to secure 107 cuneiform objects<sup>1</sup> and 656<sup>2</sup> incantation bowls suspected of originating from Iraq. The Iraqi embassy asserted that the objects are illicitly obtained and illicitly exported from Iraq, and hence acquired illegally by Martin Schøyen, and are therefore to be returned to Iraq.

At the request of The Norwegian Ministry of Culture, and in collaboration with Økokrim (the National Authority for Investigation and Prosecution of Economic and Environmental Crime), a team from the Museum of Cultural History, UiO (MCH), The National Library (NL) and the Department of Archaeology, Conservation and History, UiO (IAKH) participated in the police operation directed towards Martin Schøyen with the intention of seizing 107 objects listed in the publication *Cuneiform Royal Inscriptions and Related Texts in the Schøyen Collection*. Ed. A.R. George. Cornell University Studies in Assyriology and Sumerology (CUSAS), Vol 17. Manuscripts in the Schøyen Collection, Cuneiform Texts VI. Bethesda, Maryland: CDL Press, 2011 (George 2011). In addition to the cuneiform objects the team was charged with securing any of the 656 incantation bowls suspected of being stored on Schøyen's premises.

During the search, a total of 83 of the requested objects were identified and seized, cf. Police report on search / seizure, dated 27.8.2021 (Lok. Ark. No. 129 / 20-60).

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<sup>1</sup> The Iraqi authorities referred to 107 cuneiform objects and an exhibition at the Kontiki Museum in 2003 and/or 2008. The basis for identifying the 107 cuneiform objects is George 2011. Two of these, MS 2814 and MS 2063 were exhibited at the Kontiki Museum in 2003.

<sup>2</sup> It is commonly held that Martin Schøyen acquired 564 incantation bowls. However, this is the number deposited at University College London. The number Schøyen acquired is 656. According to Schøyen, 654 are presently at his property at Hamstead, London. One was impounded on August 24, 2021. The whereabouts of one is presently unknown.

The objects were secured and packed by staff from the MCH / UiO and the National Library, under the supervision of a curator from the museum. The majority were transported from Schøyen's residence to MCH's facility in the boxes they were stored in by Martin Schøyen but were packaged to ensure safe transportation and as gentle storage as possible while being moved. The largest objects were secured and packed in boxes brought from the museum.

The seizure was transported to the museum's storage facilities (Kabelgata 34, Økern, Oslo) for secure storage and technical assessment. The seizure is today located in the same place.

All items were insect decontaminated before storage, but no further conservation has been done.

The technical review was carried out by the museum's staff at the premises. Økokim inspected the seizure in January 2021.

The objects are listed in the sequence from the Police Report.

### ***Initial issues and aims***

In this report, two descriptive concepts pertaining to artefact context are used:

- *Provenience* refers to the actual find spot and archaeological context of a find. For convenience, in this report a sharp distinction is not drawn between the ancient contexts of the object (where it was produced, used, and deposited) and provenience. Where an object was found determines where it is to be returned.
- *Provenance* encompass the object's history of ownership, including its provenience. This is important in determining if an object was legally exported, traded, and acquired.

Due to its rich archaeology, Iraq has suffered extensive looting and illicit export of archaeological artefacts. Though extending back in time, looting was intensified after the 1880's and was particularly intensive and destructive during the run up to and after the first Gulf War (the late 1980s and after 1990-91). Collectors' markets throughout the affluent world were supplied with looted objects from Iraq. Objects were also looted in other countries, in Schøyen's case potentially Afghanistan, Syria, Turkey and Iran. Objects without substantiated ownership histories (i.e., false or opaque ownership histories), from areas of civil unrest or war, acquired through known or convicted traffickers or their wider networks and/or held by collectors with a history of dealing with the traffickers represent circumstantial evidence of illicit trade. These factors are particularly relevant concerning objects originating in Iraq that turn up on the market and in collections during the 1980-2000s. For example, one of Martin Schøyen's major supplier chains, the Rihani-Martin network, was active in Iraq in 1980s, in Kuwait and Iraq during the Iraqi invasion of Kuwait and the ensuing embargo through the 1990s.

State authorities and international bodies have passed legislation, resolutions, and conventions to counter the trade and the destruction it in its wake. The following laws, resolutions and conventions are referred to by Iraq's authorities as particularly relevant for objects looted in, smuggled from Iraq, and traded in other countries:

- British occupation military Communiqué number 2, dated 22 March 1917
- Iraqi Antiquities Law of 1924
- Iraqi Antiquities Law of 1936
- Security Council resolutions 661 dated 6 August 1990, reaffirmed 2003.
- UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.

The Norwegian ratification of the 1970 UNESCO convention in 2007 is pertinent to dealings in Norway with objects from Iraq.

Iraqi authorities refer to these laws and conventions and maintain that it is the responsibility of the collector to provide documentation of legal export from Iraq. Objects that are not documented to have been exported and acquired in accordance with Iraqi legislation, international conventions and Security Council resolutions are property of and are to be returned to the Iraqi government.

The illicit nature of the antiquities trade from looter to collector/academic study creates difficulties in positively proving looting and smuggling histories. Objects are removed clandestinely, and the involved parties obfuscate origin and ownership histories. To assess the probability of whether an object is legally/illegally acquired and exported from Iraq and legally/illegally acquired in other countries, it is important to ascertain:

- Is the object acquired in agreement with national legislation and international conventions?
- Is the object legally exported from Iraq and legally imported to other countries?
- It follows from the above questions that the owners and dealers must either
  - provide authentic documents including export permits,
  - or document (e.g., with authenticated ownership titles, sales receipts, collection documentation) that the artefacts were acquired and removed from before relevant legislation and/or international agreements were in place.

In the case of Martin Schøyen these issues are acute, for despite his opaque statements to the contrary, neither Schøyen or his collaborators have provided comprehensive, accurate and publicly accessible statements about or documentation of where objects come from, how and when they were removed from Iraq (and other countries) or their ownership history. In an e-mail September 2021, Sunneva Sætevik of the Norwegian Ministry of Culture explicitly requested Schøyen to supply such documented information. Schøyen has chosen not to respond. The ensuing issues for the “Schøyen collection”, both those objects impounded in 2021 and numerous other artefacts now in Schøyen’s possession, are therefore:

- What was the original archaeological or museum context for the objects?
- When and how were the objects removed from their depositional context?
- If originating from Iraq, when and how were the objects removed from Iraq? Similar questions are concerned with objects removed from other countries (e.g., Turkey, Syria, Iran, and Afghanistan).
- What ownership history can be inferred?
- When did Martin Schøyen acquire the artefacts?
- Can Martin Schøyen provide authentic documentation of ownership histories and export permits?

- Alternatively, is there circumstantial evidence of illicit acquisitions (ref. District Attorney of New York's *Statement of Facts* of December 3, 2021 concerning the *Reinhardt case*): e.g. involvement of known and convicted traffickers, find spot without provenance information, civil unrest and war in conjunction with appearance chronology, confirmed and specific looting, and false or opaque provenance.
- The Norwegian Police recovered only 86 of the 107 cuneiform artefacts and 1 of the 656 incantation bowls on August 24, 2021. The issue arises as to where the remaining artefacts are now.

### ***General aspects concerning sources and credibility***

The demand for objects has created an industry of looting, fakes, and smuggling. It is in the nature of the trade in archaeological objects that positively documenting the questions above is difficult. A robust default position is that objects that turn up on the market and in collections without documented provenance and *genuine* export documents are looted, smuggled, and illegally traded or are forgeries. Collectors and dealers generally refuse to cooperate in determining or actively attempt to obfuscate provenance. However, to trade objects (or harvest the prestige collectors frequently seek) and gain appreciation on investments it is often necessary for dealers and collectors to supply some information to a range of actors, if discreetly or opaquely. Likewise, researchers frequently have to provide fragments of information to substantiate interpretative claims or the authenticity of their research materials. Distinguishing misinformation from valid facts is complicated. Opaque, generic, and often conflicting statements – like Schøyen's *Statement of provenance* in the front matter of numerous publications and his website – are primarily attempts at disarming public and government suspicion. Specific and valid acquisition facts, though fragmentary and dispersed, may be “mined” from information packaged in scholarship, private correspondence, and collector records. Otherwise, data concerning traders, collectors, and objects, and the first modern appearance of objects can provide indications of provenance.

### ***Sources to the Schøyen collection***

For decades, Martin Schøyen has maintained that his collecting practices are legal and that he can document this. However, when asked by journalists, researchers, collaborating partners and government authorities, he has refused to provide documented, comprehensive information. In the present case of material from Iraq, Schøyen has publicly stated through his lawyers that he looks forward to collaborating. As noted above, he has not responded to requests for information from the Ministry of Culture and as of November 2021 and he has declined a police interview after the August 24, 2021 police operation.

Ideally, Martin Schøyen and his assistants (e.g., Jens Braarvig and Andrew George) should have provided, voluntarily and proactively, information through multiple decades. As they have chosen not to do so, the origins and ownership history of artefacts discussed in this report draws on sources that are produced by Schøyen or people involved with his collection, a few well-substantiated specific general studies, reports, legal documents and some informants:

- *Accessible sections of Martin Schøyen's printed catalogue from 1999*, pp. 1-41, 97-98, 138-149.
- *Sections of Martin Schøyen's online webpage that is based on the catalogue managed by the National Library until 2007*. In 2004 and later occasions until 2007,

Martin Schøyen removed and changed provenience and provenance statements concerning objects listed in these platforms. The entries have been reconstructed partially in a bachelor thesis by Daniel Harrouz (supervised by Professor Justnes, University of Agder) and searches through *Wayback*. Only some objects are found here.

- The *Schøyen Collection's (MSS) present website* presents a small selection of artefacts and has been altered through time. The entries that can be compared with older versions indirectly demonstrate what Schøyen deemed necessary to remove (mostly provenance data), how he perceives academic publications and conceivably some information attained from his suppliers.
- The *Cuneiform Digital Library Initiative (CDLI)* is a "joint project of the University of California, Los Angeles, the University of Oxford, and the Max Planck Institute for the History of Science, Berlin". "The Schøyen Collection joined the CDLI project by invitation" in 2006 (<https://www.schoyencollection.com/news/127-advanced-imaging-for-tablets-in-cdli-collection>). CDLI aims to provide a database over all known cuneiform texts. CDLI has 4421 cuneiform entries assigned to the Schøyen collection. Compared to the MSS-webpage, CDLI provides a more complete inventory, frequently with accurate object descriptions and photographs. Compared to Schøyen's private catalogue, it is searchable and has more up-to-date and accurate publication references.
- *Martin Schøyen's private catalogue* was supplied by Schøyen on a request from the police on August 24, 2021. The catalogue contains 5617 main entries with numerous sub-entries. The catalogue contains more information about provenance for the artefacts in the collection than any publicly accessible source. The most important information in the catalogue is whom Schøyen bought artefacts from, when the artefacts turned up at dealers and when Schøyen bought them. Other provenance information comes across as more generic, euphemistic or potentially fictitious. The latter is possibly the result of dealers or Schøyen's attempt to create acceptable provenances.
- The "*Inquiry into the provenance of 654 Aramaic incantation bowls delivered into the possession of UCL by. Or on the instruction of, Mr Martin Schøyen*" established by the Provost of UCL on February 14, 2005 and authored by Freeman, MacDonald & Renfrew (Freeman et al 2005). The report was suppressed through an out-of-court agreement between Schøyen and University College, London (UCL), but since made available through Wikileaks. Apart from information concerning the incantation bowls, the report is instructive concerning smuggler/dealers like Ghassan Rihani, Chris Martin, Quaritch, Katie Williams etc.
- *Publications of materials* found in the Schøyen Collection by Schøyen-affiliated researchers referred to in the text and listed at the end of this report. The most important are the volumes in *Cornell University Studies in Assyriology and Sumerology (CUSAS)*, and particularly the articles in CUSAS vol. 11 edited by George in 2011: *Cuneiform Royal Inscriptions and related texts in the Schøyen collection*.
- *Various reports, legal documents, correspondence, exhibition catalogues, interviews, and scholarly articles*. See listed references.
- *Informants* who monitor illicit trade and collecting have provided background information: Neil Brodie (dealers and collectors, published sources, Richard Elis' police report concerning Rihani), Samuel Hardy (auction houses), Årstein Justnes