

STORY BY DEENA WAISBERG

Art theft is a prevalent criminal enterprise. Billions of dollars are lost annually, and thousands of pieces, including masterpieces by major artists such as Rembrandt, Picasso and Munch, have been stolen. The culprits range from professional thieves to drug dealers to individuals simply obsessed with the paintings they pinch. And while many of the purloined pieces are never recovered, Canadian lawyer Bonnie Czegledi is on the case.

The art of the steal

Bonnie Czegledi, leading international art and cultural

heritage lawyer, is always in motion. Sweeping into her office located in the tony Yorkville area of Toronto on a sunny morning, she immediately answers an urgent call and e-mail from an arbitration team (of which she is a part) regarding the Beaverbrook art dispute concerning the title of paintings residing at the Beaverbrook Art Gallery in Fredericton. She had been retained on the side of the Beaverbrook Foundation in the U.K. by a law firm that represents it to find expert witnesses on art loans and title of paintings.

There is no gearing up slowly with a coffee; Czegledi has already been up for a few hours. She pops over to her assistant's desk to check the schedule of a conference she is attending on portable antiquities, then considers invitations for future speaking engagements on art crime at conferences in London and Singapore.

Decked out in a flowing black-and-white dress with a diaphanous shawl, high heels and a jet-black beaded necklace that complements her long, raven-coloured hair, Czegledi looks more like an artist or a curator than a typical lawyer. To be accurate, she's actually an artist *and* a lawyer. Czegledi's colourful abstract paintings are displayed on the terracotta, white and bright-blue walls of the reception area and hallway in her office, which doubles as a gallery space. But she also displays other artists' works here, and

this morning, she finds a few minutes to start arrangements for an upcoming exhibition in her gallery, before heading out to attend the Beaverbrook arbitration at First Canadian Place.

When the arbitration breaks for lunch, she takes a leading restitution lawyer to the University Avenue courthouse to hear the evidence of an art thief/forgger-turned-undercover-informer in a case regarding a lawyer who purchased stolen art. Then it's back to the arbitration. Later in the afternoon, she heads back to her office to meet with the curator of a private collection to discuss why it's necessary to get one's own reports on authentication, condition and provenance (the history of ownership of an object) when considering purchasing an auction piece. Later, she calls an authenticity expert to find out whether a painting that a Canadian gallery wants to purchase is authentic, and finishes the day by arranging a meeting with a new client who is setting up an online art business and needs Czegledi to write up warranty of sale documents. Though it's an exhausting schedule, her enthusiasm and energy for her work never flag. She approaches it less like a job and more like a mission, using her zeal as fuel to fight the growing and complex problem of art theft in Canada and abroad.

Czegledi explains that art theft has become increasingly widespread over the last 10 years. At the same time, the price for art has skyrocketed; indicative, indeed, is Andy Warhol's *Green Car Crash* (*Green Burning Car 1*), which sold at Christie's in New York this



Some of the valuable paintings stolen by the Germans in Italy during the Second World War.

past May for \$71.7-million (U.S.). The worldwide black market for art and cultural property rakes in up to \$6-billion (U.S.) annually, according to the FBI. “It’s the largest illicit trade in the world after the drug trade,” says Czeglédi.

Many people are familiar with famous art robberies, such as the one that took place at Oslo’s Munch Museum in 2004, when two masked gunmen walked into the museum in broad daylight, threatened the unarmed guards, ordered visitors to lie on the floor and ripped Edvard Munch’s *The Scream* and *Madonna* right from the wall. Also well known is the heist (the largest in U.S. history) that took place at the Isabella Stewart Gardner Museum in Boston in 1990. Two men impersonating police officers entered the museum claiming to be responding to a disturbance on the grounds, then handcuffed the security guards to the railings and made off with three Rembrandts, a Vermeer, a Manet and five Degas works, with a total estimated value of \$300-million (U.S.).

But Canadians are often not as aware that thefts occur in this country as well. In 2005, for instance, eight sculptures and paintings worth \$60,000 were stolen from the Douglas Udell Gallery in Vancouver. And in 2006, thieves took 30 paintings and wall works, 10 sculptures and 30 pieces of jewellery valued at approximately \$20,000 from the opening-season exhibition at BLINK Gallery in Ottawa—even the labels for the pieces went missing. The gallery was robbed during the night; the only thing left the next day, when

an artist entered the exhibit to retrieve one of her pieces and discovered the theft, were empty glass cases.

Granted, the Canadian artworks may not be as high-profile as *The Scream*, but they still leave behind a trail of emptiness and loss. “These are not mass-produced works. You invest time into them and when they disappear, you don’t know who has them,” explains Karina Kraenzle, an artist in the BLINK collective who lost pieces in the robbery. Doug Udell, owner of the Douglas Udell Gallery (located in Edmonton, Calgary and Vancouver), estimates the robbery cost his Vancouver gallery an additional \$10,000 (on top of the loss of the art) for the upgraded security system, insurance deductible and time working with the insurance company factored in.

While some stolen art is recovered—*The Scream* and *Madonna* were recovered by police two years after the heist—overall statistics are discouraging. Only five to 10 per cent of stolen art is recovered, according to the FBI. To this day, the paintings taken from the Isabella Stewart Gardner Museum remain missing, with empty frames hanging in their place. The pieces stolen from BLINK Gallery and the Douglas Udell Gallery still haven’t been found.

What’s more, recovered artwork is sometimes damaged. The paintings stolen from the Whitworth Art Gallery in England in 2003 were found the next day, crammed into a tube behind a public toilet; they had suffered water damage, and one of the

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Bonnie Czegledi in her Toronto office, surrounded by her paintings.

paintings, Van Gogh’s *The Fortification of Paris with Houses*, had a tear in the fabric, which the gallery had to repair.

Unfortunately, and unlike the U.S., which has a team of 12 special FBI agents responsible for addressing art and cultural property crime, Canada does not have any dedicated resources. So Czegledi makes it a priority to help art institutions and police solve art crimes. When a landscape painting by J.W. Beatty, a contemporary of the Group of Seven, was stolen from an office at the Ontario College of Art & Design this past January, the college e-mailed Czegledi. The first thing she advised them to do was to register the theft in the Art Loss Register (a database containing 170,000 to 180,000 pieces of stolen art that police and individuals can search worldwide), and notify Interpol and Canada Customs.

In addition to assisting local authorities, Czegledi advises the FBI and Interpol on how cultural treaties work on a practical level, providing a clearer understanding of what actions can be taken. For example, if an artwork leaves a country illegally and is discovered in Canada, the country to which the piece belongs can make a request to have that art restituted so long as the following conditions are met: both countries are signatories of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the theft took place after 1977; and the art was illegally exported. So France could make a request of Canada to have a stolen paint-

ing returned, but Holland, Germany or Brussels could not, because those countries haven’t signed the treaty.

The path to dealing with the complexities of cultural treaties all started with a childhood interest in art. Even as a youngster, Czegledi loved to draw. Yet she felt a crushing pressure to do well in math, sciences and technical subjects; drawing was not encouraged. “By age nine, I hid my drawings,” she says, “and kept quiet about my art, even with my friends.” She chose a more practical career path, attending Osgoode Hall Law School in Toronto, and after graduation she started working as a general counsel at a law firm. But she was unwilling to let go of art, and started negotiating contract agreements between artists and galleries pro bono. In 2000, she decided to focus entirely on art and cultural heritage law, even though people told her she couldn’t make a career of it. She also continued to paint, although even as an adult she encountered much resistance to her passion. “As I learned to ignore that negativity, my art flourished.”

Sitting at her boardroom table surrounded by at least 20 more of her paintings, Czegledi is keen to discuss her efforts to educate the public. In addition to jetting off to conferences abroad, she periodically gives lectures on art crime at the Royal Ontario Museum and at her gallery in Toronto. Audience members, including collectors, gallery owners and art advisers, are always eager to know who the thieves are, what motivates them and where the art goes.

Some thieves specialize in art theft and are motivated by the desire to possess cultural treasures. “[They] want something rare and exotic and feel entitled to have it,” Czegledi says. One of the most famous is Stéphane Breitwieser, a former waiter from France who claimed to be obsessed with art and confessed to pilfering 239 pieces from museums throughout Europe, including paintings, tapestries, ivories, bronzes and books, worth up to \$1-billion (U.S.). He stored them in his mother’s house, and after he was arrested in 2001, his mother destroyed several of the paintings and tossed other pieces in the Rhone-Rhine canal. (Police later dredged the canal and recovered many works.) Other “specialists” have hidden their treasures in vaults and even under beds for years.

Other thieves, part of organized crime, don’t restrict their stealing to art, but include it in their repertoire to raise funds for other crimes or to sweeten a drug deal, Czegledi explains. Indeed, after three armed and masked men grabbed two Renoirs and a Rembrandt from Sweden’s National Museum in Stockholm in 2000, one of the paintings, Renoir’s *Conversation with the Gardener*, was later found during a drug raid. And as for antiquity thefts, grave robbers are often poor people of the area who dig up cultural patrimony to sell to dealers because employment is hard to come by.

While famous stolen artworks can’t be sold on the legitimate market, lesser-known pieces are sometimes laundered through patchy dealers and smaller auction houses that aren’t always diligent about ensuring that pieces have provenance. Sadly, Canada is at risk for art laundering as none of our country’s auction houses currently contract with the Art Loss Register.

“It’s easier than trying to launder money,” Czegledi says, referring to the Canadian Bankers Association’s anti-money-laundering policy, which requires Canadian banks to report electronic funds transfers of \$10,000 or more into or out of Canada to the Financial Transactions Reports Analysis Centre of Canada.

Some works are shipped offshore, disappearing into real estate. Udell suspects that the sculptures and paintings stolen from his Vancouver gallery were used as a turnkey decorating solution for a condo offshore. “The thieves selected carefully. They didn’t just take the first thing they saw or the most expensive items,” he says. Katie Dugdale, operations manager at the Art Loss Register, confirms: “Pieces stolen in one market will often turn up in another.”

Looted antiquities are a whole other problem. In 2003, during the occupation of Iraq, thousands of historical artifacts were taken from archaeological sites and the Iraq National Museum. Up to 10,000 artifacts, including cuneiform tablets and cylinder seals, are still missing. The problem is that collectors create a demand for which a supply is needed.

Interestingly, Detective Peter Karpow, who worked on the case of the five David Le Marchand ivories that were stolen from the Art Gallery of Ontario in 2004—the largest Canadian heist in recent years—believes that part of the reason the ivories were recovered is that the thieves were unable to find a buyer for them. “These were professional thieves, bandits, and they didn’t have a buyer,” says Det. Karpow. To help prevent resale, Toronto police alerted Interpol, border crossings, customs and the art world in general to get the word

out so that legitimate collectors wouldn’t buy them. The sculptures, with an estimated value of \$1.5-million, were returned to police by a lawyer (acting on behalf of his clients) a short time later.

Czegledi doesn’t share tales of missing artwork for curiosity’s sake; she wants her audience to know how to avoid buying illicit art. She advises them to work with a reputable dealer, search the Art Loss Register (it costs only \$45 [U.S.] per search), and seek professional advice for gaps in provenance. “If a piece doesn’t have provenance, then assume it’s stolen,” Czegledi says.

Indeed, private collectors around the world are hiring Czegledi with increasing frequency to do due diligence on art they want to purchase to make sure it isn’t stolen, because, as Czegledi says, “No one wants to have stolen cultural heritage hanging in their dining room.” Still, provenance is a thorny issue, especially as it wasn’t really a concern before the 1970s, and many pieces in museums and galleries around the world don’t have complete provenance.

A related concern is that individuals are now inheriting collections that include art looted by the Nazis. Europe was drained of much of its art in 1941, and about 100,000 paintings are still missing. Some of these are surfacing in estates. Czegledi often works with clients to find the rightful owner and negotiate a solution that is agreeable to both parties.

Though she highlights the issues involved for individual collectors, galleries and museums must also be careful of looted art from the Nazi era. On its website, the National Gallery of Canada in Ottawa has posted the 105 European and American paintings and sculptures in its collection from the Nazi era for which provenance is incomplete.

Edouard Vuillard’s *Le Salon de Madame Aron* was found to have been looted by the Nazis from the Lindon family in Paris. “It was offered twice, January and February 2001, to the survivor of the theft, who declined it as not having been in his family’s possession. After his death, the family sensibly reopened discussions, and the NGC returned the painting after having established the number of heirs,” says Dr. Graham Larkin, curator of European and American art at the National Gallery of Canada.

For Czegledi, a passion for art definitely keeps her devoted to the cause. But perhaps another reason that she is so keenly touched by cultural loss is that her ancestors, the Székely tribe from an eastern part of Hungary called Erdély, were targeted for genocide in the 1920s. Her grandparents escaped and immigrated to Saskatchewan, but the destruction of their cultural heritage in the ethnic cleansing hit them hard. Her paternal grandfather was a maker of stringed instruments, and her maternal grandmother was an opera singer and designer of haute couture. “It’s not something we ever discussed in our family, but I think I sensed my grandmother’s loss,” Czegledi says.

Czegledi, ever the advocate, ever the educator, is eager to put the issue of such loss in context. “Art theft isn’t simply about pretty objects,” she says, as if pulling the lingering thoughts out of the air. “Art has a historical, scientific, emotional and educational value, and its loss results in incalculable damage. When art is stolen, we lose our history, and without history, we don’t know our own origins.” ●

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