

PRESS RELEASE

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Date 13 February 2015

Page 1 of 3

Subject Looted artefacts: judgment on freedom of expression

CMS secures victory in dispute about comments on looted artefacts

Hamburg – On 13 February 2015, Freiburg Regional Court delivered a judgment in a dispute between a Freiburg-based dealer in antiquities and an archaeologist at the Roman-Germanic Central Museum in Mainz, Dr Michael Müller-Karpe. The court lifted an injunction banning the archaeologist from making critical comments regarding alleged looted artefacts from countries engaged in civil war.

The dispute centred on comments made by the archaeologist in the ARD television documentary "Looted Heritage", broadcast on 20 October 2014. The programme dealt with the global trade in looted antiquities and the risk that items of unclear provenance have been acquired illegally in the country of origin. This risk is considered to be particularly high in countries torn by civil war, such as present-day Iraq and Syria. Freiburg Regional Court had initially prohibited the archaeologist from making statements along these lines and from suggesting that looted objects may be tainted with blood.

The archaeologist contested the ruling, and the court has now reversed the decision and lifted the ban. In the appeal proceedings the archaeologist, represented by CMS partner Michael Fricke, argued that the incriminating statements did not refer directly to the firm that had brought the action. Furthermore, the remarks were to be seen as permissible expressions of opinion. The Regional Court appears to have accepted this line of reasoning. The written grounds for the judgment are not yet available; the decision is not yet legally binding.

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