

PRESS RELEASE

THE HEIRS KOENIGS ARE VERY DISSAPOINTED WITH THE DECISION OF THE MINISTER TO CONDUCT NO FURTHER INVESTIGATION IN THE CASE OF THE F. KOENIGS COLLECTION.

Amsterdam, Tuesday 10 December, 2013

The very valuable art collection was gathered during the beginning of the last century by Franz Koenigs a prominent banker and art collector.

The heirs are neither able to accept the advice nor the decision based on that advice. Procedure and content wise the decision making shows insurmountable deficiencies. It seems that the Restitution committee is so convinced of her own ruling that she does not need further research. How is it possible that the Restitution committee already knows what the outcome of further research will be?

Procedure

The new facts relevant to this case, presented by the heirs, are also acknowledged by the Restitution Committee. However the advice and decision-making was done without hearing and without a concept-fact-report. According to the requirements of accuracy and the complexity of the case this should have been taken into consideration.

Content

The advice does not consider crucial arguments.. Other arguments are set aside unmotivated. Most misguided is the fact that the Restitution committee did not want to consider the legitimacy of the transaction which caused Franz Koenigs to lose his collection. Adjudication of this transaction would, according to the Restitution committee, not be in their mandate and assignment.

The heirs appeal to the article 1200 of The former Civil Code of the Netherlands, this would have protected Koenigs exactly from this dispossession of his collection. The article offers protection in the situation described in the article (the same Koenigs stood in himself) the assumed presence of discourteous duress. At the same time the Restitution committee advises that there is no sign of duress leading to involuntary loss. The Restitution committee ignores/denies on one hand the presence of duress leading to involuntary loss while on the other hand based on inadequate judgment does not take a mandatory provision of law into consideration leaving the inadequate impression of the circumstances as point of departure and therefore the cause of Koenigs to lose his collection should be nullified.

Court

The heirs summoned the Minister to be heard and for a draft concept report. The court denied the request of 12 November 2013. Though the chairman of the Restitution committee (former president of the High Court) acknowledge in court that the request of the heirs was premature, however after the verdict was given he nonetheless, within the hour send his advice to the minister.

The heirs then requested the minister to retain her decision based on two grounds a. till the verdict issued on 12 November was irrevocable and b. to wait for the outcome of the valuation and inventory of the F. Koenigs Collection at the Museum Boijmans van Beuningen. An application request for a provisional experts report is issued at the Court in Rotterdam (art.202 of the Civil Procedure Code of the Netherlands).

- a. The appeal has been made manifest on 9 December 2013 and was received by the minister of Ministry of Education, Culture and Science (Netherlands).
- b. The Court's hearing of the plea for the application letter for a provisional experts report will take place on 11 March 2014 at the Court in Rotterdam.

Conclusion

We can't but otherwise conclude that the advice and the decision based on that advice is defective. The Restitution committee has from the outset been attributed to a particular outcome.

Assigning a decision on the application of the heirs due to the interests which are involved, are therefore excluded in advance.

The heirs will continue the initiated civil proceedings in the confident that the civil court, will judge the case without bias

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