

Gurlitt Legacy: Pending Certificate of Inheritance Proceedings Cause Delays

At its last meeting, the Board of Trustees of the Kunstmuseum Bern categorically resolved that it will establish a “Gurlitt” research body and defined its tasks and structure. However, this decision can only first be implemented when the pending application of Cornelius Gurlitt’s cousin for a certificate of inheritance has been probated in Munich. The Board of Trustees regrets this delay, in particular because it will impede the settlement of restitution cases that have already been clarified and endorsed by the Kunstmuseum Bern, but the circumstances are beyond its control.

At its last meeting, the Board of Trustees of the Kunstmuseum Bern explicitly resolved that it will establish a “Gurlitt” research body. The tasks of the research body will involve the speedy and systematic investigation of the Gurlitt Collection in its entirety as well as individual works of art, not least in the interests of the victims of the National Socialist system and their rightful heirs. This will all be done in close cooperation with the “Schwabing-art-trove task force,” which is financed by the Federal Republic of Germany and the Free State of Bavaria. The research body will present its findings and results to the task force for appraisal. As far as the classification of the works of art under investigation is concerned, the research body has absolutely no decision-making authority; the task force alone has the power to do this, as has been the case until now.

We have been able to win Prof. Dr. Oskar Bätschmann as supervisor of the research body. This internationally renowned art historian is to be assisted by three research associates who have yet to be determined. The research body will initially start off as a project organization reporting directly to the Board of Trustees of the Kunstmuseum Bern. It has not been ruled out that the research body may become independent at an organizational level. According to current planning, it will be in operation for a period of up to 6 years. Funding for the first 12 months has been guaranteed.

The decision of the Munich probate court on the petition for a certificate of inheritance that was filed by the testator’s cousin—contesting the validity of Cornelius Gurlitt’s will—could take some time, depending on the rival client. The result is that the Kunstmuseum Bern still has no right of disposal over the legacy (which also includes the material relevant to the research work). For this reason, the Board of Trustees must postpone the implementation of its decisions until such a time as the Munich probate court has made its decision on the petition for a certificate of inheritance. The Board of Trustees deeply regrets that the Kunstmuseum Bern, under the present circumstances, is not in a situation to do its part in a speedy investigation of the Gurlitt Collection, which would be in the best interests of all parties involved. Greatly concerned, the board has likewise pointed out that even processing the restitution cases of the Matisse, Liebermann, and Spitzweg, which have already been clarified and endorsed by the Kunstmuseum Bern as such, will be impeded as long as the dispute about the inheritance is ongoing.

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