

Villagers to claim back stolen mummy Buddha

Chinese villagers who want to get back their stolen Buddha statue with in it a mummified body of an 11th-century monk will face the Dutch collector in the court of Amsterdam on Friday afternoon.

After going through documents filed by both parties, Xinhua presents here the key issues on admissibility, procedures and merits that might be discussed at the first public hearing of this case.

CAN CHINESE VILLAGE COMMITTEE STAND AT DUTCH COURT?

Villagers from two villages in China's southeastern province of Fujian had their village committees to file the claim that the mummified body, or "Master Zhang Gong" as called and worshipped during the past centuries, should be returned and placed back in their village temple.

In his answer to the claims, Oscar van Overeem, an Amsterdam-based architect and experienced art collector, argued that a "village committee is not to be referred to as a natural person or legal person" under the Dutch Code of Civil Procedure and "the claimants should be declared inadmissible in their claims."

The villagers then filed additional documents to explain that under the Chinese law, a village committee, as a special legal person, is entitled to attend litigation as a party based on legal provisions or authorizations from villagers. In practice, there are a great number of cases in which villagers' committees are claimants or defendants in lawsuits.

"The judge in the Netherlands has the responsibility to first check whether the parties have legal representation power. It is possible that they do not fully understand the legal personalities of village committees under the Chinese Law. I will give more information about this at the hearing," Dutch lawyer Jan Holthuis, who represents the Chinese villagers in Dutch court proceedings, told Xinhua.

PRESUMPTION OF FRAUD?

The defendant said that with a "swap agreement" reached on Nov. 29, 2015, Van Overeem has exchanged the statue against several Buddhist art objects from the private collection of a third party and committed to the third party to not disclose his identity.

A letter signed by his insurer was submitted as proof. "The Song dynasty mummy is insured by us since the commencing date of the first policy and at the most recent time for a sum of 950,000 euro. However, this object is at the moment no longer insured by us, this in connection with an exchange-swap of the object as reported by you [Van Overeem] to us," it stated.

The villagers ask the court to demand the Dutch collector disclose the "exchange agreement" and the identity of the "third party". For them, the exchange agreement is contrary to common decency and public order and therefore is void.

They also filed emails sent by the Dutch collector, reading "I can 'just' act, discuss and make decisions on behalf of him [the third party]."

"It is a 'presumption of fraud', or an 'action pauliana'. By making the statue away, the defendant causes in our view a presumption of a fraudulent act, namely preventing the enforcement of a claim of the villagers to return Zhang Gong, if the court would so decide," commented Holthuis.

"The defendant also said this third party is fully aware of the situation, which means, this third party can never be in good faith," he added.

IS THIS A CORPSE?

The villagers claim that the intact mummy of the monk Liu Quan is a "corpse" of an identifiable person as defined in the Dutch Burials and Cremations Act. A corpse cannot be subject to ownership according to this Act.

"Master Zhang Gong was famous during his life as a spiritual leader, because of his help to those who needed it and because of his healing powers. Upon his death his body was protected against rotting through herbs and other means. Thereafter the body is protected with a layer of lacquer and covered with a gold layer," said Liu Yushen, a Beijing registered lawyer who provides legal supports to the villagers.

"The likely wish of monk Zhang Gong Liu Quan is that through mummification, he would after his death continue to have a spiritual and healing power on his environment, and he would certainly not have agreed that his body would become the subject of (illegal) art trade," Liu told Xinhua.

"For the villagers who live in a region of the root of Buddhism in China, mummification has a special meaning. It implies that the body of the enlightened Buddhist monk remains part of the human world and can still be defiled after his death through external influences. From generation to generation the statue is worshipped and the day of the death of the monk is up to the present day memorized by ceremonies of piety," he added.

The Dutch collector argues that what was discovered in his statue was not a "corpse" but "human remains" because "most of the organs are absent". He filed several articles reporting on the selling, buying, and auctioning of mummies in the United States, Canada, Britain, etc., to support his opinion that a statue with a mummy inside is a "thing" and therefore object to ownership.

"There is case law that even a body without a head or without arms and legs is a corpse. In this case we have a complete body, and it is not an anonymous body, but a body that we have identified with a name. So I am confident in defending the villagers's claim," said Holthuis.

ARE THERE TWO STATUES?

The Dutch collector states that the Buddha statue that he bought is not the stolen statue from Yangchun village in China.

One of his main arguments is that a collector named Benny Rustenburg has acquired the statue at the end of 1994/the beginning of 1995 in Hong Kong – well before the date of theft claimed by the villagers (Dec. 14, 1995), after which Rustenburg had the statue transported from Hong Kong to Amsterdam in mid-1995.

However, he does not provide concrete and substantial documents to support this narration.

One of the key arguments cited by the villagers comes from an article published in the catalogue of the special exhibition at the Drents Museum in the Netherlands, of which the statue was part.

“C14 dating methods confirmed that the mummy died between 1022 and 1155. During restoration a linen roll was found with two columns of Chinese characters. The name of the holy person is mentioned ‘Liu Quan’. X-rays show an intact skeleton. The cause of death is even attributed to a tooth abscess,” read the article written by a researcher commissioned by the Dutch collector.

“Not even mentioning the obvious similarities in posture and physique between the Buddha bought by Van Overeem and the Buddha on the few old pictures kept by the villagers, just the fact that ‘Liu Quan’, the name of the monk, and ‘Pu Zhao Tang’, the name of the village temple, as well as other Chinese characters, are written on the linen roll, is already decisive reference that this statue is the same statue as the one stolen from the village,” said Liu Yushen.

GOOD FAITH OR NOT?

The villagers believe that the acquisition of the statue by Van Overeem was not in good faith.

“At the time of this acquisition, Hong Kong was a known place for trading of stolen Chinese art. Being a specialized trader and collector of Asian art, he should have asked for documented provenance of the statue and export documentation evidencing that the statue was not illegally exported from China,” they stated in the claims.

And, he “knew, or should have known, given the price he paid for the statue, that the statue was a valuable Buddhist relic”.

The Dutch collector challenged the claim by stating that he is an architect, not a specialized trader and collector of Asian art; he bought the statue in Amsterdam, not in Hong Kong or the mainland of China; and in the period concerned, in Hong Kong no import and export restrictions applied.

He added that under the Dutch Civil Code, he is presumed to be in good faith

and the claimants have to prove that this is not the case. “Whoever is possessor in good faith, stays possessor in good faith, even though he at a later moment in time is informed that he is not the beneficiary.”

“Many specialized art collectors have other jobs. Mr. Van Overeem could be both architect and specialized art dealer and collector at the same time. These two identities are not contradictory,” commented Huo Zhengxin, vice-director of the School of International Law at the China University of Political Sciences and Law.

“Several documents filed by himself refer to him as being ‘an active’ or ‘experienced’ collector. For an active and experienced collector, a higher standard for duty of diligent investigations must apply. We have good reasons to believe that Mr. Van Overeem was not in good faith,” he added.

The first hearing will last one hour. “Most likely, following the hearing, the court will issue a procedural order asking for a new exchange of statements to challenge. This would be the next step of the case,” said the Dutch lawyer who represents the Chinese villagers.

Ministry set to toughen guns ahead of CPC national congress



Public Security Minister Guo Shengkun speaks at a symposium which gathered police chief from across the country. [Photo/Gov.cn]

China will stage a campaign against manufacture and sale of guns in the lead-up to the 19th Communist Party of China (CPC) National Congress, Public Security Minister Guo Shengkun said Tuesday.

Speaking at a symposium which gathered police chief from across the country, Guo said campaigns on management of explosives and hazardous items, improved courier and logistics security as well as fire safety of high-rise buildings will also be staged.

Together, these campaigns will serve to “safeguard stability and security and promote harmony,” and help build a safe and stable social environment for a successful Party congress, Guo said.

The 19th CPC National Congress, a major event in the political life of the Party and the state, will be held in Beijing in the second half of 2017.

Possession of guns by private individuals is illegal in China. The country has long maintained high pressure on gun crime and has asked the public to turn in illegal guns and explosives and report anything suspicious to the police.

Beijing raid seizes thousands of suspected ivory products

Beijing police Wednesday seized 3,185 pieces of suspected ivory.

The products – weighing 48.3 kg combined – were on display at seven stalls in the Guanxin Market in Chaoyang District. Ten people have been held for questioning.

Police said their investigation had been going on for some time before Wednesday’s raid. The items have all been sent to labs to confirm whether they are made of ivory.

Chinese craftsmen have a long history of carving elephant tusks into elaborate artworks, which are often very expensive.

The government plans a full ban on commercial processing and sale of ivory and products by the end of this year.

Police said the illegal ivory trade has been dropping in recent years. Last year, the amount of smuggled ivory tracked down by the authorities fell as much as 80 percent from previous peak years.

30,538 investigated for duty crimes in 1st half of 2017

A total of 30,538 Chinese officials were investigated for work-related crimes in the first half of 2017, according to a seminar for chief procurators on Wednesday.

The number came from 29 provinces, with Beijing, Shanxi and Zhejiang, the pilot provinces and regions for the reform of the monitoring system excluded, marking a 19.6-percent year-on-year increase from last year.

Of the total, 1,505 of the investigated were on county level, while another 224 were on bureau level for committing duty crimes including bribery and misconduct.

Up to 1,650 officials among those investigated were related to duty crimes in poverty alleviation work, up 81.7 percent on a yearly basis, as a result of the stronger hand against the crimes in poverty relief over the past six months.

Also, 495 were investigated and punished for work-related crimes that led to accidents with serious consequences.

Killer pedophile arrested in central China

A man has been arrested in central China's Hunan province for alleged rape and murder of children and teenagers, said local police.

Yao Changfeng, the suspect, was caught on Saturday while attempting to rape an 11-year-old girl by a road in Yuanling county.

By comparing him with images in the database, police found Yao was wanted for allegedly killing two children in December 2011, and a 15-year-old girl in February 2013.

After investigation, police learned that between 2013 and 2017, Yao raped ten others, three of whom were minors.

Yao also confessed to 42 thefts involving more than 17,000 yuan (about 2,500 U.S. dollars).

To avoid the police, he allegedly travelled by bike and lived in caves, under bridges or tents in the wilderness.

The Enshi Tujia and Miao Autonomous Prefecture of the adjacent Hubei province issued a notice in February, offering 200,000 yuan for information which may lead to Yao's arrest.