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Van Gogh's "View of Les Saintes-Maries-de-la-Mer" remains in the Oskar Reinhart Collection "Am Römerholz" in Winterthur

Bern, 23.02.2012 - The United States Court of Appeals for the Second Circuit affirmed the dismissal of a complaint filed by the heir of Margarethe Mauthner against the Swiss Confederation for the recovery of possession of a drawing by van Gogh. The decision is final.

Margarethe Mauthner's heir filed a complaint before the *United States District Court, Southern District of New York*. It was officially served on the Swiss Confederation on February 15, 2010. The plaintiff sued to recover the pen and ink drawing by Vincent van Gogh of "View of Les Saintes-Maries-de-la-Mer" which is part of the federal government owned Oskar Reinhart collection "Am Römerholz" in Winterthur. The collector Oskar Reinhart donated the collection as well as the Villa am Römerholz to the Swiss Confederation in 1958.

The Federal Council subsequently rejected the claim by the plaintiff in New York after a careful review of the facts of the case and the law and in due consideration of the principles of transparency, legality and adequacy.

An enquiry by the Contact Bureau on Looted Art and the Oskar Reinhart Collection "Am Römerholz" of the Federal Office of Culture determined that Oskar Reinhart acquired the pencil and ink drawing in 1933 as part of a longstanding business relationship from the Jewish collector Margarethe Mauthner at standard market conditions and acquired valid title of ownership to it. It was established that the drawing is not considered looted art in terms of the "Washington Conference Principles on Nazi-Confiscated art" (1998). The enquiry further determined that U.S. Courts lacked jurisdiction to decide the case.

In its March 11, 2011 decision, the *United States District Court, Southern District of New York* as the court of first instance dismissed the complaint against the Swiss Confederation. The Court based its decision on a lack of subject matter jurisdiction. The plaintiff filed an appeal before the *United States Court of Appeals for the Second Circuit* which affirmed the judgment of the district court in favor of the Swiss Confederation. The decision is final.

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