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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

-v.- :

VERIFIED COMPLAINT FOR  
FORFEITURE

A LATE 12<sup>TH</sup> CENTURY BAYON-STYLE  
SANDSTONE SCULPTURE DEPICTING EIGHT-  
ARMED AVALOKITESHVARA, :

22 Civ. \_\_\_\_ (\_\_\_\_)

A LATE 12<sup>TH</sup> CENTURY BAYON-STYLE  
SANDSTONE SCULPTURE DEPICTING  
BUDDHA UNDER A NAGA, :

AN 11<sup>TH</sup> CENTURY KLEANG-STYLE  
SANDSTONE SCULPTURE DEPICTING  
VISHNU, :

AN 8<sup>TH</sup> CENTURY PRE-ANGKOR PERIOD  
SANDSTONE SCULPTURE DEPICTING  
STANDING BUDDHA, :

A 10<sup>TH</sup> CENTURY PRE RUP-STYLE BRONZE  
SCULPTURE DEPICTING A FEMALE DEITY,  
POSSIBLY LAKSHMI, :

AN ANGKOR WAT-STYLE BRONZE  
SCULPTURE DEPICTING SEATED BUDDHA, :

AN 8<sup>TH</sup> CENTURY CHAM BRONZE SCULPTURE  
DEPICTING DURGA, :

A 10<sup>TH</sup> CENTURY KOH KER-STYLE :

SANDSTONE SCULPTURE OF A YAKSHA, :  
AN 11<sup>TH</sup> CENTURY BAPHUON-STYLE :  
SANDSTONE SCULPTURE DEPICTING FOUR- :  
ARMED AVALOKITESHVARA, :  
: :  
A 14<sup>TH</sup> CENTURY CHIANG SAEN-STYLE :  
BRONZE SCULPTURE DEPICTING SEATED :  
BUDDHA, :  
: :  
A LATE 14<sup>TH</sup> CENTURY AYUTTHAYA-PERIOD :  
BRONZE HEAD OF BUDDHA, :  
: :  
AN 8<sup>TH</sup> CENTURY STANDING BRONZE :  
SCULPTURE DEPICTING AVALOKITESHVARA, :  
: :  
A 10<sup>TH</sup> CENTURY KOH KER-STYLE :  
SANDSTONE SCULPTURE DEPICTING :  
GANESHA, :  
: :  
AN 18<sup>TH</sup> TO EARLY 19<sup>TH</sup> CENTURY :  
MANDALAY-STYLE BRONZE, PAINT AND :  
GILT SCULPTURE DEPICTING SEATED :  
BUDDHA, :  
: :  
A 12<sup>TH</sup> CENTURY BAGAN-STYLE BRONZE :  
SCULPTURE DEPICTING STANDING BUDDHA, :  
: :  
AN 11<sup>TH</sup> CENTURY BAPHUON-STYLE :  
SANDSTONE SCULPTURE DEPICTING :  
VISHNU, :  
: :  
A LATE 12<sup>TH</sup> CENTURY SANDSTONE :  
SCULPTURE DEPICTING GARUDA ASTRIDE A :  
NAGA, :  
: :  
A 7<sup>TH</sup> TO 8<sup>TH</sup> CENTURY BRONZE SCULPTURE :  
DEPICTING AVALOKITESHVARA, :  
: :  
A 12<sup>TH</sup> CENTURY BRONZE SCULPTURE :  
DEPICTING VISHVAKARMAN, :  
: :  
A 12<sup>TH</sup> CENTURY ANGKOR WAT-STYLE PAIR :  
OF BRONZE FINIALS, :  
: :  
A 12<sup>TH</sup> CENTURY BRONZE TRIAD OF :

BUDDHIST SCULPTURES, :

A 9<sup>TH</sup> CENTURY GOLD KOSA HEAD OF SHIVA, :

A 6<sup>TH</sup> CENTURY ANGKOR BOREI-STYLE  
SANDSTONE HEAD OF BUDDHA, :

A 12<sup>TH</sup> CENTURY ANGKOR WAT-STYLE  
BRONZE SCULPTURE DEPICTING STANDING  
SHIVA, :

A 12<sup>TH</sup> CENTURY BAYON-STYLE BRONZE  
SCULPTURE DEPICTING AVALOKITESHVARA, :

A 6<sup>TH</sup> TO 7<sup>TH</sup> CENTURY SANDSTONE  
MUKHALINGA, :

AN 8<sup>TH</sup> CENTURY BRONZE SCULPTURE  
DEPICTING BODHISATTAVA  
AVALOKITESHVARA, :

A PAIR OF 12<sup>TH</sup> CENTURY GOLDEN BOWLS  
ON BRONZE BASES, :

A 13<sup>TH</sup> TO 14<sup>TH</sup> CENTURY SUKHOTHAI-STYLE  
GILT BRONZE HEAD OF BUDDHA, :

A 12<sup>TH</sup> CENTURY KHMER BRONZE BOAT  
PROW IN THE FORM OF A GARUDA, :

AN 11<sup>TH</sup> CENTURY CHOLA-STYLE BRONZE  
SCULPTURE DEPICTING CHANDRASEKARA, :

AN 11<sup>TH</sup> CENTURY CHOLA-STYLE BRONZE  
SCULPTURE DEPICTING SHIVA NATARAJA, :

AN 11<sup>TH</sup> CENTURY CHOLA-STYLE BRONZE  
SCULPTURE DEPICTING SHIVAKAMI, and, :

A 7<sup>TH</sup> CENTURY ANGKOR BOREI-STYLE  
BRONZE SCULPTURE DEPICTING STANDING  
BUDDHA, :

Defendants in Rem.

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Plaintiff United States of America, by its attorney Damian Williams, United States Attorney for the Southern District of New York, for its verified complaint, alleges, upon information and belief, as follows:

**I. NATURE OF THE ACTION**

1. This action is brought by the United States of America seeking forfeiture of all right, title and interest in the following antiquities:

a. A Late 12<sup>th</sup> Century Bayon-style sandstone sculpture depicting eight-armed Avalokiteshvara (the “Sculpture-1”), approximately 34 inches long, 14 inches wide, and 58 inches tall. A photograph of Sculpture-1 is attached hereto as Exhibit A.

b. A late 12<sup>th</sup> Century Bayon-style sandstone sculpture depicting Buddha under a Naga (“Sculpture-2”), approximately 18 inches long, 12 inches wide, and 47 inches tall. A photograph of the Sculpture-2 is attached hereto as Exhibit B.

c. An 11<sup>th</sup> Century Kleang-style sandstone sculpture depicting Vishnu (“Sculpture-3”), approximately 93 inches tall. A photograph of Sculpture-3 is attached hereto as Exhibit C.

d. An 8<sup>th</sup> Century Pre-Angkor period sandstone sculpture depicting standing Buddha (“Sculpture-4”), approximately 45 inches tall. A photograph of Sculpture-4 is attached hereto as Exhibit D.

e. A 10<sup>th</sup> Century Pre Rup-style bronze sculpture depicting a female deity, possibly Lakshmi (“Sculpture-5”), approximately 38 inches tall. A photograph of Sculpture-5 is attached hereto as Exhibit E.

f. An Angkor Wat-style bronze sculpture depicting seated Buddha (“Sculpture-6”), approximately 19 inches tall. A photograph of Sculpture-6 is attached hereto as Exhibit F.

g. An 8<sup>th</sup> Century Cham bronze sculpture depicting Durga (“Sculpture-7”), approximately 25 inches tall. A photograph of Sculpture-7 is attached hereto as Exhibit G.

h. A 10<sup>th</sup> Century Koh Ker-style sandstone sculpture of a Yaksha (“Sculpture-8”), approximately 68 inches tall. A photograph of Sculpture-8 is attached hereto as Exhibit H.

i. An 11<sup>th</sup> Century Baphuon-style sandstone sculpture depicting four-armed Avalokiteshvara (“Sculpture-9”), approximately 38 inches tall. A photograph of Sculpture-9 is attached hereto as Exhibit I.

j. A 14<sup>th</sup> Century Chiang Saen-style bronze sculpture depicting seated Buddha (“Sculpture-10”), approximately 27 inches tall. A photograph of Sculpture-10 is attached hereto as Exhibit J.

k. A late 14<sup>th</sup> Century Ayutthaya-period bronze head of Buddha (“Sculpture-11”), approximately 24 inches tall. A photograph of Sculpture-11 is attached hereto as Exhibit K.

l. An 8<sup>th</sup> Century standing bronze sculpture depicting Avalokiteshvara (“Sculpture-12”), approximately 16 inches tall. A photograph of Sculpture-12 is attached hereto as Exhibit L.

m. A 10<sup>th</sup> Century Koh Ker-style sandstone sculpture depicting Ganesha (“Sculpture-13”), approximately 54 inches long, 48 inches wide, and 60 inches tall. A photograph of Sculpture-13 is attached hereto as Exhibit M.

n. An 18<sup>th</sup> to early 19<sup>th</sup> Century Mandalay-style bronze, paint and gilt sculpture depicting seated Buddha (“Sculpture-14”), approximately 51 inches long, 40 inches wide, and 82 inches tall. A photograph of Sculpture-14 is attached hereto as Exhibit N.

o. A 12<sup>th</sup> Century Bagan-style bronze sculpture depicting standing Buddha (“Sculpture-15”), approximately 20 inches tall. A photograph of Sculpture-15 is attached hereto as Exhibit O.

p. An 11<sup>th</sup> Century Baphuon-style sandstone sculpture depicting Vishnu (“Sculpture-16”), approximately 63 inches tall. A photograph of Sculpture-16 is attached hereto as Exhibit P.

q. A late 12<sup>th</sup> Century sandstone sculpture depicting Garuda astride a Naga (“Sculpture-17”), approximately 57 inches long, 12 inches wide, and 72 inches tall. A photograph of Sculpture-17 is attached hereto as Exhibit Q.

r. A 7<sup>th</sup> to 8<sup>th</sup> Century bronze sculpture depicting Avalokiteshvara (“Sculpture-18”), approximately 20 inches in height. A photograph of Sculpture-18 is attached hereto as Exhibit R.

s. A 12<sup>th</sup> Century bronze sculpture depicting Vishvakarman (“Sculpture-19”), approximately 14 inches tall. A photograph of Sculpture-19 is attached hereto as Exhibit S.

t. A 12<sup>th</sup> Century Angkor Wat-style pair of bronze finials (“Sculpture-20”), approximately 18 inches tall. A photograph of Sculpture-20 is attached hereto as Exhibit T.

u. A 12<sup>th</sup> Century bronze triad of Buddhist sculptures (“Sculpture-21”), approximately 16 inches long, 4 inches wide, and 26 inches tall. A photograph of Sculpture-21 is attached hereto as Exhibit U.

v. A 9<sup>th</sup> Century gold Kosa head of Shiva (“Sculpture-22”), approximately 6 inches tall. A photograph of Sculpture-22 is attached hereto as Exhibit V.

w. A 6<sup>th</sup> Century Angkor Borei-style sandstone head of Buddha (“Sculpture-23”), approximately 9 inches tall. A photograph of Sculpture-23 is attached hereto as Exhibit W.

x. A 12<sup>th</sup> Century Angkor Wat-style bronze sculpture depicting Standing Shiva (“Sculpture-24”), approximately 17 inches tall. A photograph of Sculpture-24 is attached hereto as Exhibit X.

y. A 12<sup>th</sup> Century Bayon-style bronze sculpture depicting Avalokiteshvara (“Sculpture-25”), approximately 12 inches tall. A photograph of Sculpture-25 is attached hereto as Exhibit Y.

z. A 6<sup>th</sup> to 7<sup>th</sup> Century sandstone Mukhalinga (“Sculpture-26”), approximately 8 inches long, 11 inches wide, and 29 inches tall. A photograph of Sculpture-26 is attached hereto as Exhibit Z.

aa. An 8<sup>th</sup> Century bronze sculpture depicting Bodhisattava Avalokiteshvara (“Sculpture-27”), approximately 20 inches tall. A photograph of Sculpture-27 is attached hereto as Exhibit AA.

bb. A pair of 12<sup>th</sup> Century golden bowls on bronze bases (“Sculpture-28”), approximately 7 inches tall by 6.5 inches in diameter; and approximately 8 inches tall and 5 inches in diameter. A photograph of Sculpture-28 is attached hereto as Exhibit BB.

cc. A 13<sup>th</sup> to 14<sup>th</sup> Century Sukhothai-style gilt bronze head of Buddha (“Sculpture-29”), approximately 8 inches tall. A photograph of Sculpture-29 is attached hereto as Exhibit CC.

dd. A 12<sup>th</sup> Century Khmer bronze boat prow in the form of a Garuda head (“Sculpture-30”). A photograph of Sculpture-30 is attached hereto as Exhibit DD.

ee. An 11<sup>th</sup> Century Chola-style bronze sculpture depicting Chandrasekara (“Sculpture-31”), approximately 34 inches tall. A photograph of Sculpture-31 is attached hereto as Exhibit EE.

ff. An 11<sup>th</sup> Century Chola-style bronze sculpture depicting Shiva Nataraja (“Sculpture-32”), approximately 34 inches long, 7 inches wide, and 39 inches tall. A photograph of Sculpture-32 is attached hereto as Exhibit FF.

gg. An 11<sup>th</sup> Century Chola-style bronze sculpture depicting Shiva Kami (“Sculpture-33”), approximately 25 inches tall. A photograph of Sculpture-33 is attached hereto as Exhibit GG.

hh. A 7<sup>th</sup> Century Angkor Borei-style bronze sculpture depicting standing Buddha (“Sculpture-34”), approximately 21 inches tall. A photograph of Sculpture-34 is attached hereto as Exhibit HH.

2. Sculpture-1 through Sculpture-34 are the “Defendants in Rem.”

3. As set forth in greater detail below, an American collector (the “Collector”) purchased the Defendants in Rem from Asian antiquities dealer Douglas Latchford



(“Latchford”). At all times relevant to this Complaint, the Collector resided in the United States, including in New York and Florida.

4. The Collector has voluntarily relinquished possession of the Defendants in Rem<sup>1</sup> to the United States of America in order for them to be repatriated to their respective countries of origin, and has waived all claims of right, title and interest in the Defendants in rem.

5. All the Defendants in Rem, except for Sculpture-30, are currently located in the custody of the Department of Homeland Security.

6. The Defendants in Rem are subject to forfeiture pursuant to 19 U.S.C. § 1595a(c) because there is probable cause to believe that the Defendants in Rem are stolen property introduced into the United States contrary to law; 18 U.S.C. § 542 because there is probable cause to believe that the Defendants in Rem are merchandise which has been imported into the United States by means of false statements; 18 U.S.C. § 545 because there is probable cause to believe that the Defendants in Rem are merchandise which has knowingly been brought into the United States contrary to law; and pursuant to 18 U.S.C. § 981(a)(1)(C) because there is probable cause to believe that the Defendants in Rem are property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 2314.

## **II. JURISDICTION AND VENUE**

7. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.

8. Venue is proper pursuant to 28 U.S.C. § 1355(b)(1).

## **III. FACTUAL BACKGROUND**

### **The Antiquities Dealer Douglas Latchford**

9. In October 2019, a grand jury in this District returned a sealed felony

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<sup>1</sup> Sculpture-30 is currently missing, and its whereabouts are unknown.

indictment charging Douglas Latchford, a/k/a “Pakpong Kriangsak,” with wire fraud conspiracy and other crimes related to a many-year scheme to sell looted Cambodian antiquities on the international art market, primarily by creating false provenance documents and falsifying invoices and shipping documents, including misrepresenting the country of origin of artworks. *See United States v. Latchford*, 19 Cr. 748 (AT) (the “Indictment”). As set forth in the Indictment, Latchford was a prominent collector and dealer in Southeast Asian art and antiquities. In September 2020, the Indictment was dismissed due to the death of Latchford.

10. As set forth in the Indictment, in order to conceal that Latchford’s antiquities were the product of looting, unauthorized excavation, and smuggling, and to encourage sales and increase the value of his merchandise, Latchford created and caused others to create false provenance for the antiquities he was selling. In the context of art and antiquities, provenance refers to records and other evidence documenting the origin and history of ownership of an object. For example, in order to facilitate the sale and international transportation of Khmer and Cambodian antiquities and to conceal that the antiquities were looted, Latchford provided letters of provenance purported to have been drafted by a particular art collector (the “False Collector”) to museums and private collectors interested in purchasing antiquities from Latchford. The letters purporting to be from the False Collector typically falsely claimed that the False Collector acquired the pieces in Vietnam or Hong Kong in the 1960s. The False Collector died in or about 2001. Thereafter, Latchford continued to provide signed provenance letters to prospective purchasers that were purportedly from the False Collector.

11. As set forth in the Indictment, Latchford supplied false information to United States Customs and Border Protection (“CBP”) regarding the antiquities he imported into the United States for resale. In particular, Latchford supplied false information regarding the

nature of shipments to shipping companies and customs brokers, who then made misrepresentations in customs forms supplied to CBP. In particular, Latchford misstated the category, age, country of origin, and/or value of the Cambodian antiquities. Latchford misrepresented the country of origin and the age of the goods in particular in order to conceal that they were looted antiquities, and to avoid the embargo on the importation into the United States of Khmer antiquities exported from Cambodia after 1999. Frequently, Latchford listed the “country of origin” as “Great Britain” or “Laos,” rather than Cambodia, and often described the objects as “figures” from the 17th or 18th century.

12. As set forth in the Indictment, Latchford was closely associated with a particular scholar of Khmer art (the “Scholar”). Over the years, the Scholar assisted Latchford on many occasions by verifying or vouching for the proffered provenance of Khmer antiquities that Latchford was trying to sell.

**Douglas Latchford Sold the Defendants in Rem to the Collector**

13. Between in or about 2003 and in or about 2007, Latchford sold the Defendants in Rem to the Collector as part of Latchford’s scheme to sell looted antiquities on the international art market. In order to effect the purchase of the Defendants in Rem, the Collector transferred funds to Latchford’s bank account in New York, New York. The Defendants in Rem originate from countries in Southeast Asia, primarily Cambodia, but also including India, Myanmar, and Thailand. As set forth below, there is probable cause to believe the Defendants in Rem were removed illegally from their country of origin; imported into the United States based on false statements to CBP; or both.

14. Over the years, Latchford lied to and withheld information from the Collector about the Defendants in Rem in order to conceal that the pieces were stolen, and

supplied the Collector with false provenance documents and false information about the origin of certain of the Defendants in Rem. After Latchford sold the Defendants in Rem, many of them were then illegally imported into the United States based on false statements supplied by Latchford to CBP and others. The following are examples of how Latchford concealed that the Defendants in Rem were in fact the products of illegal looting activities, and made misrepresentations during their importation into the United States:

Sculpture-1 and Sculpture-2

a. In or about October 2003, Latchford sold Sculpture-1, an eight-armed Avalokiteshvara, and Sculpture-2, a Naga Buddha, to the Collector. As part of the sale, Latchford provided the Collector with a letter from the False Collector dated 1986, stating that the False Collector had acquired Sculpture-1 in Vietnam between 1964 and 1966. At the time that the Collector purchased Sculpture-1, it was on loan with an American museum in Denver (the “Denver Museum”) where the Scholar worked as a volunteer research consultant. Latchford had also told the Denver Museum that the piece was acquired from the False Collector.

b. However, in communications before and after the sale of Sculpture-1 and Sculpture-2, Latchford strongly implied that Latchford himself had acquired Sculpture-1 and Sculpture-2 at the time of their excavation from Cambodia. In or about May 2003, prior to the Collector’s purchase of Sculpture-1, Latchford told a decorator (the “Decorator”), in part, that “[w]hen excavated [Sculpture-1] was broken at the neck, the ankles and at the elbows, but the pieces fitted exactly.” In or about 2007, Latchford told the Decorator that “When excavated [Sculpture-2] was broken in half (see photos) taken at the restorers where it was repaired.” Latchford attached photographs of Sculpture-2 with a visible crack across its mid-section. Breaks and damage to antiquities is often a sign that an antiquity was looted,

because local looting networks would frequently break antiquities in the process of excavation and transportation.

c. In or about 2007, the Collector requested that Latchford provide him with “a map of the area where each piece was found.” At first, Latchford avoided directly answering the Collector, stating, in part, “Regarding the find spots of your pieces, this is difficult to determine, as in most cases they would have been unearthed by perhaps a farmer, who would have the passed it on to a middle man in Cambodia, so could have changed hands perhaps two or three times before I got it.” Thereafter, Latchford provided the Collector with a list of places where certain of the Defendants in Rem were found, indicating that Latchford did in fact have knowledge of where the antiquities were excavated. Sculpture-1 and Sculpture-2, according to Latchford, were removed from the vicinity of Bantaey Chmmar in Northwest Cambodia.

d. Later, in or about 2011, an employee of the Collector’s emailed Latchford asking for information about restoration work that was done to Sculpture-1. Latchford responded that Sculpture-1 “when excavated was found broken in parts.”

Sculpture-6

e. By way of further example, in or about April 2006, Latchford sold Sculpture-6, a seated bronze Buddha, to the Collector. Before Latchford sold Sculpture-6 to the Collector, he advertised Sculpture-6 to a Manhattan-based dealer of Southeast Asian art (the “Dealer”). Latchford’s emails to the Dealer reveal that Sculpture-6 was recently excavated from Cambodia. On or about August 12, 2005, Latchford emailed the Dealer photographs of Sculpture-6, visibly covered in earth. Latchford told the Dealer that the photographs showed Sculpture-6 “before cleaning” by a restorer, and “[w]hen it was found they took off most of the mud, or as it was, a sandy soil, it was found near Sra Srang, the lake in front of Banteay Kedi,

right in the Angkor [Wat] Complex.”

f. On or about April 1, 2006, Latchford wrote to an assistant of the Collector’s that he was preparing to ship Sculpture-6 and others of the Defendants-in-Rem from London to the United States. Latchford made two shipments to the Collector from London to the United States in April and May 2006. The CBP records show that the declared country of origin of the goods in the shipments was “United Kingdom,” and “Thailand,” when the shipments in fact contained antiquities recovered from Cambodia, including Khmer stone and bronze antiquities subject to the Cultural Property Implementation Act embargo (the “CPIA Embargo”), described in greater detail below at paragraph 18.

Sculpture-13

g. In or about April 2006, Latchford sold Sculpture-13, a monumental-size Koh Ker-style sandstone Ganesha, to the Collector. The evidence indicates that Sculpture-13 was looted from the archeological site of Koh Ker, a capital of the ancient Khmer Empire from 928 to 944 A.D. Based on photographic evidence, Sculpture-13 appears to be the near-twin of a monumental Ganesha sculpture photographed in 1939 in situ in Koh Ker, Cambodia—only small details and structural differences between the two are visible. Latchford and the Scholar agreed that the Ganesha was from Koh Ker, although they denied that it was the same statute as the one pictured in 1939. In or about 2004, the Scholar prepared a presentation for the Collector on the sculptures that Latchford was offering for sale. Regarding Sculpture-13, the Scholar wrote, “[S]uch a sculpture will never be available again, and is fabulous. There is nothing like it outside of Cambodia, and the famous published one has disappeared. Whether it was blown up by the Khmer Rouge is unclear, but it certainly wasn’t in situ when Douglas and I visited Koh Ker a couple of years ago.” In or about 2007, Latchford told the Collector that

Sculpture-13 was from the vicinity of a temple in the Koh Ker complex.

Sculpture-14 and Sculpture-15

h. Latchford sold Sculpture-14, a seated Buddha, and Sculpture-15, a standing Buddha, to the Collector in or about 2006. Both Sculpture-14 and Sculpture-15 were looted from Myanmar. In or about August 2006, Latchford told the Decorator that Sculpture-14 is “from Mandalay, and during heavy rains, a Chedi [stupa] collapsed, and there it was sitting in the middle. It took some time to move due to its size, but it is a wonder and really beautiful object, hope [the Collector’s] happy with it. . . .” Also in or about August 2006, Latchford told the Collector that Latchford obtained Sculpture-15 from a private collection in “Northern Thailand,” but that it came from a site in Pagan, Burma (also referred to as Bagan, a UNESCO heritage site in Myanmar). Later, Latchford wrote in an email that Sculpture-15 has “soil in the hair etc.” and would need to be shipped to London to Latchford’s restorer before shipment to the Collector in the United States.

i. CBP records show that Latchford sent two shipments to the Collector in July and October 2006, after sale of Sculpture-14 and Sculpture-15. Those records reflect that Latchford misrepresented the country of origin of the goods as “United Kingdom.”

Sculpture-24

j. In or about April 2007, Latchford sold Sculpture-24, a bronze Angkor Wat-style Shiva, to the Collector. At the time of the sale, Latchford did not supply the Collector with specific provenance for Sculpture-24. Before Latchford sold Sculpture-24, Latchford advertised Sculpture-24 to the Dealer. On or about February 26, 2006, Latchford emailed the Dealer about a “NEW FIND” “across the border,” a 12th century Khmer Siva “fresh out of the ground, and needs to be cleaned,” that “was found near the hill of Bakheng in Angkor

Thom[,]" Cambodia. The email was labeled "PRIVATE AND CONFIDENTIAL F Y E ONLY," and attached a photograph of Sculpture-24. Latchford later emailed the Dealer again to say that Latchford had succeeded in acquiring Sculpture-24 from a seller in Cambodia.

Sculpture-30

k. In or about July 2007, Latchford sold the Collector Sculpture-30, a bronze Khmer boat prow shaped like Garuda. In or about May 2004, before Latchford sold Sculpture-30 to the Collector, Latchford sent an email to the Decorator with subject "New Find." Latchford sent the Decorator photographs of a section of Sculpture-30, depicting it encrusted with dirt. Latchford told the Decorator that he was in the process of trying to acquire Sculpture-30, and "As the Garuda was cast in one piece, and is not broken, and was found near the great lake at Siem Reap, the Tonle Sap, we assume it was the prow of a boat used by a King at that time." In or about July 2007, Latchford sent the Collector photographs of Sculpture-30 after cleaning and restoration in London in order to convince the Collector to purchase it. The Collector asked Latchford whether Sculpture-30 was just found, and if so, whether it was considered a "national treasure." Latchford responded that "it was found sometime ago, and would not be considered a national treasure," and assured the Collector that "it is clean, no problem, you have my assurance."

l. In or about August 2007, Latchford shipped Sculpture-30 from the United Kingdom to the Collector in the United States by falsely listing the country of origin of Sculpture-30 as "Laos." Sculpture-30 is a bronze Khmer antiquity from Cambodia subject to the CPIA Embargo, described in paragraph 18, below.

Sculpture-31 through Sculpture-34

m. In or about October 2007, Latchford sold Sculpture-31 through



Sculpture-34 to the Collector. Before Latchford sold Sculpture-34, a bronze standing Buddha, to the Collector, Latchford advertised Sculpture-34 to the Dealer. On or about April 23, 2007, Latchford sent the Dealer an email attaching a photograph of Sculpture-34 covered in what appears to be dirt. Latchford wrote, “Hold on to your hat, just been offered this 56 cm Angkor Borei Buddha, just excavated, which looks fantastic. It’s still across the border, but WOW.”

n. In or about October 2007, after the Collector purchased Sculpture-31 to Sculpture-34, Latchford emailed the Collector that the items were “with the shipper in London” and would be shipped that week. CBP records reflect that in October 2007, Latchford shipped the Collector one shipment of goods with the country of origin misrepresented as “Thailand.” In fact, the shipment contained stolen Indian and Cambodian antiquities, including Sculpture-34, which is a stone Khmer antiquity subject to the CPIA Embargo, described in paragraph 18, below.

15. After 2007, the Collector declined to purchase additional pieces from Latchford, although Latchford continued to advertise pieces to the Collector. Around 2012, in part due to the filing of a federal forfeiture action against a Khmer antiquity originally sold by Latchford, news reports began to surface tying Latchford to the alleged sale of stolen antiquities. On or about May 22, 2014, the Collector wrote to Latchford requesting further assurances that the pieces he purchased from Latchford were legally acquired: “Is there any way whatsoever that I can verify the items that I bought through you are legitimate and taken before laws were passed that does not allow them?” Latchford forwarded the Collector’s email to an associate, writing: “There is no proof of provenance other than what I told [the Collector] and at that time he was satisfied. That I had them before 1999, some go back to the 1970s, and in the past, nobody asked for letters of provenance. . . . I think [the Collector] . . . should just sit tight and say nothing to

anybody, cause at the moment everybody's running around but it will die down.”

16. In or about 2021, an agent of the Department of Homeland Security, Homeland Security Investigations contacted a recordkeeper working for the Collector regarding the Defendants in Rem. The Collector promptly cooperated with the Government's inquiries and allowed the Government to inspect the Defendants in Rem. After the Collector learned more about the history of Latchford and the Defendants in Rem, including the evidence that the Defendants in Rem were illegally looted and/or illegally imported into the United States, the Collector voluntarily relinquished possession of the Defendants in Rem so that they can be repatriated to their countries of origin.

#### **IV. THE UNESCO CONVENTION AND THE CULTURAL PROPERTY IMPLEMENTATION ACT**

17. The United Nations Educational, Scientific, and Cultural Organization (“UNESCO”) 1970 Convention on the Means of Prohibiting and Preventing Illicit Import, Export, and Transport of Ownership of Cultural Property (the “1970 UNESCO Convention”) was drafted to combat the illegal trade in cultural property. The United States, Cambodia, India, Myanmar, and Thailand are all parties to the 1970 UNESCO Convention. The 1970 UNESCO Convention requires states to take measures to prevent the illegal import or export of cultural property, and to take appropriate steps to recover and return cultural property at the request of the country of origin. The promulgation of the 1970 Convention has broadly informed the circumstances in which museums, institutional actors, and many collectors will acquire art and antiquities: most museums in the United States, for example, will not acquire cultural patrimony removed from its country of origin after 1970 unless its provenance is fully documented, and its removal is with the express approval of and in conformance with the laws of the country of origin.

18. In the United States, the Cultural Property Implementation Act (“CPIA”), 19 U.S.C. § 2601, *et seq.*, implemented the 1970 UNESCO Convention. In or about December 1999, pursuant to the 1970 UNESCO Convention, Cambodia submitted a request to the United States to impose restrictions on the importation of Khmer cultural objects into the United States. That year, pursuant to the CPIA, the United States declared an emergency embargo on the importation of stone Khmer antiquities into the United States where such antiquities had been exported from Cambodia after the date of the embargo (the “CPIA Embargo”). In or about 2003, the United States and Cambodia entered into a formal Memorandum of Understanding, expanding the 1999 emergency import restrictions to include bronze Khmer antiquities.

#### V. CAMBODIA’S OWNERSHIP LAWS

19. State ownership of Cambodian antiquities has been established in various laws dating back to the French colonial era. In 1863, a treaty between France and the Kingdom of Cambodia established Cambodia as a protectorate of France. In 1884, the concept of private property was introduced through a convention imposed by the French administration. Also in 1884, a ruling by the French Governor responsible for Cambodia granted the state all territory formerly held by the crown. While this 1884 ruling made select lands “alienable,” the “public domain” remained “inalienable,” including those “structures [...] assigned to a public service.”

20. Subsequently, a 1900 decree established a baseline level of protection for art and archaeology in French Indochina, including Cambodia, and explicitly recognized that such items, including statues, that “exist on or in the soil” of immovable properties that were part of the “national domain,” were similarly part of the national domain.

21. The 1900 decree also established a system of classifying certain moveable and immovable property, whose conservation was in the public interest from a historical or

artistic perspective. Under the decree, once thus categorized, these moveables and immoveables received additional protections which, among other things, prohibited their unauthorized alteration, movement, sale, export, destruction, and even restoration. Furthermore, such property was “inalienable” and “imprescriptible,” under penalty of any sale’s nullification. Subsequent legislation in 1913 and a decree issued in 1924 reaffirmed the protections set forth in the 1900 decree.

22. In or about 1925, the classification of French Indochina’s objects and sites as historical monuments and objects began in earnest. First, a May 6, 1925 decree reaffirmed that ownership of statues found on property belonging, *inter alia*, to the Cambodian state, now referred to as the “colonial” rather than “national” domain, was retained by the state. Subsequently, a July 1925 decree, among other things, reiterated the earlier protections regarding classification and expanded upon them. The July 1925 decree also criminalized violations of the law related to historical monuments and objects.

23. On May 6, 1947, with independence on the horizon for Cambodia, the King of Cambodia signed a new constitution. In addition to laying the groundwork for the modern Cambodian state, this charter provided that existing laws “not inconsistent” with its terms “shall remain in force,” until replaced by new ones or otherwise repealed. In a 1950 convention, France transferred the power to protect, classify, and conserve historic monuments to the Royal Government of Cambodia. Cambodia formally declared and was granted independence in 1953.

24. In September 1972, Cambodia became only the seventh state to ratify the 1970 UNESCO Convention, even though by then the government controlled little more than the Phnom Penh and Angkor regions. Just a few months earlier, Cambodia had also imposed a new

constitution, which established the short-lived Khmer Republic. Like its 1947 predecessor, this document contained a provision that preserved the previous government's institutions, until a new framework could be implemented.

25. Since the end of the civil war, the Cambodian government has sought the return of artifacts looted from its temples and archeological sites during or after the civil war.

26. In 1996, Cambodia enacted the Law on the Protection of Cultural Heritage. The 1996 Law was enacted with the purpose of protecting Cambodian national cultural heritage and cultural property against, among other things, excavation, alienation, and exportation. It defines "cultural property" as "any work produced by human agency and any natural phenomenon of a scientific, artistic or religious nature which bears witness to a certain age in the development of civilization . . . and whose protection is in the public interest." 1996 Law, Art. 4. In particular, the 1996 Law prohibits excavation or exportation of cultural property without prior authorization of the state, *see id.*, Art. 40, 51, and declares that "[m]oveable cultural property found by chance is public property." *Id.*, Art. 39.

## **VI. CLAIMS FOR FORFEITURE**

27. Incorporated herein are the allegations contained in paragraphs 1 through 26 of the verified complaint.

28. 18 U.S.C. § 542 provides in pertinent part that "[w]hoever enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, . . . or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement," shall be subject to criminal penalties.

29. 18 U.S.C. § 545 provides in pertinent part that “[w]hoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law,” shall be subject to criminal penalties. 18 U.S.C. § 545 further provides in pertinent part that “[m]erchandise introduced into the United States in violation of this section . . . shall be forfeited to the United States.”

30. 18 U.S.C. § 2314 provides in pertinent part that “[w]hoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud,” shall be subject to criminal penalties.

31. 19 U.S.C. § 1595a(c) provides in pertinent part:

Merchandise which is introduced or attempted to be introduced into the United States contrary to law shall be treated as follows: (1) The merchandise shall be seized and forfeited if it – (A) is stolen, smuggled, or clandestinely imported or introduced. . . .

32. Pursuant to 18 U.S.C. § 981(a)(1)(C), “any property, real or personal, which constitutes or is derived from proceeds traceable,” to a violation of 18 U.S.C. § 2314 is subject to forfeiture to the United States.

33. The Defendants in Rem are subject to forfeiture pursuant to 18 U.S.C. §§ 542, 545, 2314, and 19 U.S.C. § 1595a(c) because there is probable cause to believe that the Defendants in Rem are stolen property and/or property introduced into the United States through misrepresentations contrary to law.


34. The Defendants in Rem are further subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because there is probable cause to believe that the Defendants in Rem are

property, real or personal, which constitutes or is derived from a violation of 18 U.S.C. § 2314.

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Defendants in rem and that all persons having an interest in the Defendants in rem be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the Defendants in rem to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York  
January 11, 2022


DAMIAN WILLIAMS  
United States Attorney for  
the Southern District of New York  
Attorney for the Plaintiff  
United States of America

By:   
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**VERIFICATION**

STATE OF NEW YORK )  
COUNTY OF NEW YORK :  
SOUTHERN DISTRICT OF NEW YORK )

JOHN PAUL LABBAT, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury that he is a Special Agent with the Department of Homeland Security, Homeland Security Investigations; that he has read the foregoing Verified Complaint and knows the contents thereof; that the same is true to the best of his knowledge, information and belief; and that the sources of his information and the grounds of his belief are his personal involvement in the investigation, and conversations with and documents prepared by law enforcement officers and others.

  
\_\_\_\_\_  
JOHN PAUL LABBAT  
Special Agent  
Homeland Security Investigations

Executed on this  
11 th day of January 2022