



T'ANG HAYWEN ARCHIVES

Legal Proceedings and Criminal Procedures

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T'ang Haywen was born in Xiamen (Amoy) on 20 December 1927.

He arrived in France on 15 March 1948¹

He died in Paris on 9 September 1991.

He had not made a will and was pronounced deceased without heirs. The auctioning of his estate was thus managed by the French National Administration of Domains (D.N.I.D)².

In 1993, shortly after setting up residence in Asia and considering that the life and work of T'ang constituted a subject matter of the greatest interest, I decided to engage in active research and began to meet with the numerous acquaintances of T'ang Haywen. Song Huai-Kuei (1937-2006), known as *Madame Song*, put me in contact with his closest friends, the Audy-Waldé family: Raymond Audy, his wife Caroline Waldé and their son Fabrice as well as Caroline's sister, Janine Waldé. Fabrice, today the only surviving member of this family, recently declared in a testimonial: "*on the day following my birth, T'ang along with my father was the first to visit my mother in the maternity hospital. Throughout my childhood, whenever he was home from his travels, Haywen would arrive for lunch or dinner at the house two or three times a month.*" In June 1991, following a lunch at home with the Audy-Waldé family, T'ang began to show signs of physical discomfort. Janine Waldé, general practitioner (GP), sent him for a consultation at the hospital, he was then hospitalised in July. Every day the whole family took turns at his bedside until he passed away in September 1991.

In July 1994, Janine Waldé transmitted to me the address of T'ang's brother that she had only recently come across and added that T'ang had written both in Roman script and in Chinese characters on several labels so that she could have clothes sent to his family in China. It was thus thanks to this label³ that I was able to track down the brother of T'ang in China in August 1994. On 22 September 1995, I concluded an agreement with

¹ Source: naturalisation file of T'ang Haywen, obtained from the French administration by Mr. Enrico Navarra during the investigation that he carried out to attempt to prove that I had invented the existence of a brother. This information revealed by the police investigation was communicated to me following the dismissal by the judge of the accusations launched against me by Mr. Navarra.

² The Direction Nationale des Interventions Domaniales (D.N.I.D) is known as "*Les Domaines*". In France when a person dies with no known heirs, "*Les Domaines*", in the majority of cases, organises the sale at auction of the assets of the deceased. The dispersion of the assets of T'ang was carried out over four auctions, from May 1992 to January 1993.

³ See the fax by Raymond Audy relating to this label.

- https://tanghaywenarchives.com/content/6-legal-information/2-legal-proceedings-criminal-procedures/thwa_fax-from-raymond-audy_english.pdf



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him before a notary that enabled him to recover the proceeds of the sale of the estate of T'ang Haywen and that granted me the reproduction rights to the artist's works.

It is the questioning of the existence of this brother by various individuals in 1998 then in 2011 that became the stated grounds for several legal proceedings directed against me and that were in part the basis for two legal proceedings instigated by me.

The first lawsuit against me

In autumn 1995, Mrs. Marcelle Morvan-Mahé, a PhD student in sinology preparing a dissertation on T'ang, establishes contact with the Waldé family. Caroline Waldé informs her of the existence of the brother, discovered through an address found among the files of her sister (Janine Waldé) and advises Mrs. Morvan-Mahé to contact me.

I met with Mrs. Mahé on two occasions. I showed her the notary agreement concluded with the brother of T'ang as well as numerous documents purporting to T'ang and his work and forwarded some images to her. An important theme in our conversations concerned the actual name *T'ang* and particularly the reason for the apostrophe, between the *T* and the *a*, that T'ang had integrated into his name. Mrs. Mahé, being a sinologist, knew about the variants in transcription of Chinese characters into other languages and she approved the reasons that I had identified in the scope of my research⁴. However, at the end of our second meeting, she suggested that I was not qualified, that she was an academic whereas I was a mere art dealer and then asked me directly to deliver all of my documents to her as she intended to prepare a catalogue of his works. I replied that such an action would not be possible as I had myself decided to prepare the *catalogue raisonné* of his work and I suggested however that I could help her edit her dissertation. She refused, using a rather disagreeable tone, and we left things at that.

In 1997, I learned incidentally from Jean-Paul Desroches, curator of the Guimet museum, that *Editions Findakly* (publishing house) had issued a subscription for the publication of a book entitled "*T'ang Haywen la peinture de l'exil*" (*T'ang Haywen the painter in exile*) and that the author was Lotus Mahé. I contacted the managing director of Findakly, Mrs. Mahot, who was unaware of the existence of a copyright owner (myself) of the works of T'ang and informed me that this book resumed the dissertation of Mrs. Mahé. She transmitted to me a copy of the proposed publication so that I could examine it. I noticed several errors concerning the reproduced works, but above all discovered several shocking and academic fraud details for a book produced by a scholar:

⁴ Mrs. Mahé also explained to me that one of her parents was Vietnamese and alluded to her knowledge of the particularities of pronunciation of Chinese characters in Vietnamese. *Note from T'ang Haywen Archives: The Chinese character 曾 (Zeng) is pronounced in Vietnamese as: tǎng, which T'ang symbolised with the apostrophe.*



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- The book reproduced a letter that a friend of T'ang, Father (priest) Jean Hirigoyen, had sent to me in 1994. Mrs. Mahé had deliberately omitted a paragraph where my name appeared as well as a concluding line comprising the words "dear Sir".
- In addition, she had republished in her text information contained in two catalogues that I had previously published and had referred to documents in my possession without citing her sources and without citing me in the list of acknowledgements⁵.

I realised then that she had edited her doctoral dissertation, awarded with honours, while pretending to be the intended recipient of the letter⁶.

I wrote to the Findakly publishing house to request the rectification of all of these errors thinking that despite everything this book at least had the merit of helping to make T'ang known and I also requested the works copyright payment.

In response Mrs. Mahé, on 23 September 1998, caused a writ of summons for legal proceedings⁷ before the District Court to be served against the brother of T'ang and against myself in which she queried the existence of the brother of T'ang as well as my copyrights ownership.

Our lawyer, Mr. William Bourdon, was present at the judicial hearing armed with files proving the existence of the brother, stipulating the terms of the agreement that I had concluded before a notary with the brother of T'ang and revealing the dishonest character of the affirmation by Mrs. Mahé in which she has declared that she "*did not know of the existence of any heirs of the painter T'ang*" until September 1997. This was formally contradicted by Caroline Waldé who attested that during her interview with Mrs. Mahé she had "*...straight away explained the succession situation of the painter...*" and thus of the existence of the brother.⁸

All of this prompted the lawyer for Mrs. Mahé to request a postponement of the case. Then in view of the continually increasing thickness of my legal dossier, with three further postponements intervening in that

⁵ In the text that I wrote for the retrospective catalogue of T'ang in Monaco in 1996, a typing error had dated from 1952 a letter from T'ang to his parents where he wrote: "I am not able nor do I want to abandon this vocation". Mrs. Mahé had written: "*...Four years after his arrival the decision to become a painter is inescapable*". T'ang had arrived in France in 1948 and in fact had written this letter in 1958. The error repeated and the specifying of *four years* revealed the source (my catalogue) and the deliberate failure to cite me. In 2002, she received the Legion of Honour as a Chevalier: Mrs. Mahé, born Morvan (*Marcelle dite Lotus*), Secretary General of a society of museum friends; 26 years of professional and associative activities - http://www.france-phaleristique.com/lh_promo_31-12-01.htm Since 2010 she has been Secretary General of the Friends of the Centre Pompidou-Metz Museum.

⁶ See the letter from Father Hirigoyen
– https://tanghaywenarchives.com/content/6-legal-information/2-legal-proceedings-criminal-procedures/thwa_letter-from-father-jean_english.pdf

⁷ The judge in chambers is summoned when a dispute requires at least a provisional or immediate solution.
– <http://www.vie-publique.fr/decouverte-institutions/justice/fonctionnement/justice-civile/qu-est-ce-qu-procedure-refere.html>

⁸ In 1998, in a sworn affidavit written as part of the trial, Caroline Waldé made a very precise reference to the content of the conversation she had had with Mrs. Mahé



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year, the judge decided to strike the case from the roll.

At that time, I alone had the right to re-start the legal process within a six-month delay, I chose not to do so believing on the one hand that Mrs. Mahé had understood that she had no case and on the other hand I wanted to avoid further legal costs. However, “*la peinture de l’exil*” publication reposing entirely on the thesis of Mrs. Mahé had lost all credibility and was definitively halted⁹.

The second lawsuit against me

In 2011, Mr. Enrico Navarra, a Parisian gallery owner filed in Paris a criminal complaint against me for fraud, forgery, falsification and reception of stolen goods¹⁰. This complaint related to T’ang Haywen and my supposed invention of a brother and the production of supposed false documents. Mr. Navarra provided the police with elements from an investigation, presented as being particularly thorough, that he had directed against me and mentioned that his legal undertaking was notably based on a “*file*” that was transmitted to him by Mrs. Mahé. Not content with her judicial disappointment Mrs. Mahé had added her support to the sophistries and manoeuvres of Mr. Navarra¹¹.

Mr. Navarra also incited the *Direction Nationale d’Intervention Domaniale* (D.N.I.D) to institute criminal proceedings against me. In fact, the D.N.I.D had paid to the brother of T’ang the financial inheritance resulting

⁹ Since 1996, Mrs. Mahé had been Vice-President of the Friends of the Cernuschi Museum.

¹⁰ Prior to this case in 2010 Mr. Navarra had instituted in New York another suit, against Marlborough Gallery of which I was the Asia director in 2003. The suit related to the painter Chu Teh-Chun. Chu and a supposed “*tortuous interference*” by Marlborough in a contract concluded previously between Chu and Navarra. This complaint was thrown out. In 2012 he was back again, and this time he included me in the suit. See the decision by Judge Kimba M. Wood of 5 April 2017, rejecting the complaint by Mr. Navarra:

https://tanghaywenarchives.com/content/6-legal-information/2-legal-proceedings-criminal-procedures/thwa_summary-judgement_judge-kimba-wood_english.pdf

For Marlborough Gallery due to absence of proof and for me, for absence of proof and also prescription of purported facts. In fact, Mr. Navarra lied during the *discovery process* about the date of his “*realisation*” of my supposed responsibility. He appealed this decision on May 5th, 2017 and by an incredible turn of events, three months later on August 4th, he withdrew his appeal concerning me but maintained his appeal against Marlborough Gallery. See decision: https://tanghaywenarchives.com/content/6-legal-information/2-legal-proceedings-criminal-procedures/thwa_decision-from-court-of-appeals-for-the-second-circuit.pdf

Mr. Navarra in his numerous threatening letters demanded information and explained that he became interested in T’ang from 2010 and was surprised to “*come across me*” involved with the works of this artist, all the time affirming that the two cases – Chu and T’ang – were absolutely distinct. Nevertheless, from 2010 he would launch a judiciary and media offensive, both directly and indirectly, and concerning Chu Teh-Chun, Zao Wou-Ki and T’ang Haywen; the three painters that I had exhibited or that I had studied.

¹¹ In fact, he affirmed in his declarations and in written form that I had opposed his intention to write a book on T’ang. This affirmation was factually false as he had approached the A.D.A.G.P, at the end of March 2011, to request the authorisation. I, as copyrights holder, gave my permission with the usual conditions even though he had just published in *Blast Magazine March 2011* a defamatory article about me. He did not reply to my communication but attempted another manoeuvre then finally announced in May 2011 that he intended to demand reparation for damages that he had suffered for the year. I did not reply to these provocations or to his attempts at intimidation. He wanted the legal suit.



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from the sale at auction of assets following the death of T'ang¹². Mr. Navarra therefore accused me of having a hand in fraudulently misappropriating assets that should have gone to the French state¹³.

At the same time Mr. Navarra also instigated a civil suit for the same motives. Consequently, two criminal judges, one for the D.N.I.D and one for Mr. Navarra, as well as another judge for the civil suit by Mr. Navarra were assigned to this case, obliging me to defend myself on several fronts simultaneously.

After a three-year investigation and my transmission to the police of all of the pertinent documents in my possession¹⁴, the judge in charge of the complaint of Mr. Navarra dismissed the case. Mr. Navarra later launched an appeal, without success and tried other irregular manoeuvres in an attempt to reactivate the case.

I finally met the judge in charge of the D.N.I.D. complaint, who told me clearly that this case was going to be dismissed¹⁵ and commented on Mr. Navarra's manoeuvres, stating that he had tried "by all means to know what was happening in this case and to activate it permanently". In particular, he had, although his complaint had finally been rejected, made a completely irregular attempt to associate himself with the D.N.I.D.'s complaint¹⁶.

The six years of various legal suits allowed it to be established that T'ang Haywen did indeed have a brother, that I had tracked down in China and that I was legally and indisputably the lawful copyrights holder of reproductions of his works¹⁷.

¹² I should point out here that the amount resulting from auctions was normally subject to inheritance tax, an inheritance tax being applied in most Western countries, but that in this case D.N.I.D had applied a rate higher than that normally applied for a brother. About my intervention D.N.I.D returned the sum unduly perceived.

¹³ According to his various declarations, the misappropriation of which had accused me amounted to first a few million and later rose to the sum of 60 million euros.

¹⁴ Indeed, I provided the policeman in charge of the investigation, with numerous documents which had been given to me in particular by the brother of T'ang and suggested to him to submit them to a thorough scientific analysis. So I entrusted him with dozens of letters and postcards sent by T'ang to his brother and of course the labels handed over by T'ang to the Audy family (see note #3 above). These documents were entrusted by this policeman to a technician of technical and scientific police who unequivocally concluded that their writing was that of T'ang. Many of these letters begin with "My dear brother" or "dear brother" and are sometimes signed by "your brother".

See examples of documents

- https://www.tanghaywenarchives.com/content/6-legal-information/2-lawsuits/thwa_postcard-to-brother-from-barcelona_1958_english.pdf & https://www.tanghaywenarchives.com/content/6-legal-information/2-lawsuits/thwa_postcard-to-brother-in-pekín_1958_english.pdf

¹⁵ See Mrs. Marine Fontange's Non-Place Order 18 April 2017:

https://tanghaywenarchives.com/content/6-legal-information/2-legal-proceedings-criminal-procedures/thwa_order-of-dismissal_marine-fontange_english.pdf

In the criminal case file to which I finally had access, I discovered, to my great surprise, how much Mr. Navarra had found a favourable response among the investigators to whom I had nevertheless given irrefutable evidence of the existence of T'ang's brother. Mrs. Caillard asked me the reasons for this aggressiveness. The only answer I could give was the use of justice by Mr. Navarra as part of his business strategy.

¹⁶ For a better understanding: Mr. Navarra, having lost all recourse to make his complaint to the judge in charge of it succeed, tried, by changing his grounds, **which is illegal**, to join that of the D.N.I.D, initially caused by his intervention.

¹⁷ I am registered at the A.D.A.G.P since 1997.



But Mr. Navarra could not accept this and tried to have the ruling overturned before the Court of Cassation. In a judgment of 28 February 2018, the Court of Cassation put an end to Mr Navarra's manipulations by definitively rejecting all appeals and writing that: "the information was complete and that there were insufficient charges against anyone for having committed the offences charged or any other offence"¹⁸

Counterfeit T'ang paintings

Context: In the context of necessary activities in the preparation of the *catalogue raisonné* of the works of a painter one essential task is the dating of works which enables the evolution and chronological progression of his oeuvre to be traced. Sometimes artists document their production or date their works; maintaining more or less complete archives that allow a cataloguer to place or re-position works in different epochs or periods of the artist's career.

T'ang documented very little from his exhibitions, but from 1993 I was able to bring together documents and archives scattered among his friends and also began identifying his works. By cross-referencing various elements, I was able to establish a line of the evolution of his signature over forty years that allowed me to begin dating his works. However, I noticed that some signatures could not be inserted into this line of evolution. These signatures were all similar, clumsy and hesitant and every time were mechanically placed at the same spot on each painting. More troubling again, and in that I also had a fairly clear view of the evolution of his favoured supports and of the formats of the pictures by T'ang, these signatures appeared on paintings very probably painted at intervals of 15 or 20 years apart.

All of this suggested the rather fictional character of these signatures, but without the competence of a writing expert I could affirm nothing and continued with my work of promotion of the painter's oeuvre while continuing to document the paintings offered on the market, in private sales, in auctions or those held by private collectors.

I noticed a lot of paintings turning up at auctions, often ink works displaying apocryphal signatures and it was only towards the end of the 2000s, when the market for T'ang began to improve that the question of apocryphal signatures escalated. In fact, I began to see a lot of large diptychs popping up at certain French and Asiatic auctioneers, all furbished with very doubtful signatures for which the composition in my estimation could not be attributed to T'ang. Almost every time, the given provenance was "*sales from the T'ang studio*" following his death, and often with an error in the dating¹⁹. Increasingly these paintings were in

¹⁸ See Cassation Arrêt Légifrance: "*M. Enrico X..., La société Galerie Enrico X..., parties civiles...*". This action by Mr. Navarra was not undertaken in an adversarial context but was only directed against the ruling of the judge rejecting his complaint. I had therefore not been informed of Mr. Navarra's appeal to the Court of Cassation. – https://tanghaywenarchives.com/content/6-legal-information/2-legal-proceedings-criminal-procedures/thwa_journal-des-arts_2017-may_english.pdf

¹⁹ The doubtful paintings often had this same provenance with the date 1991. T'ang passed away in September 1991 and the first auction took place in May 1992. This often repeated error may have been intentional.



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colour, as the works in colour obtained more significant prices²⁰.

In 2009-2010 having already established regular contacts with the most reputable and important auctioneers and having begun to draw up certificates for those works that I estimated to be authentic, I contacted a Parisian auctioneer who was proposing some watercolours for auction that were probably authentic, but that were furbished with a monogram that to me appeared absurd²¹. I informed the auctioneer of my doubts. He then withdrew them from the sale. I learned a little later that a dealer in the Hotel Drouot quartier of Paris complained about my intervention to the auctioneer. His identity was revealed to me, it was Mr. Jean-Robert Pellotier²².

Around 2012-2013, the frequency of doubtful paintings appearing on the market increased significantly. I received requests for expert assessment or opinion for lots containing incomplete triptychs, watercolours furbished with suspect monograms, forged diptychs proposed by Chinese dealers buying in Paris or directly in Hong Kong or China²³. But my frequent interventions on behalf of various art market actors upset this trade and all of these skirmishes culminated in Belgium where the notoriously laxest regulations relating to the art market, had made numerous underhand manipulations possible²⁴.

First lawsuit filed by me

On May 6, 2015 I learned from Rita Wong, author of Sanyu's catalogue raisonné (Chang Yu 常玉, 1901-1966) that she had received the announcement of the auction, on the following 28 May, of several dozen paintings of T'ang by THE BRUSALE in Brussels, Belgium. It was not a joke and the auctioneer was not Belgian. It was a Parisian dealer taking advantage of the Belgian legislation. The sale was to be operated online and the great majority of paintings proposed, presented - at the very least - problems concerning their signatures. I contacted this dealer by telephone to notify him as I had for other market actors but he replied in a very singular manner that he had "*carried out an investigation on me*" and aggressively stated that "*I had*

²⁰ They often appear at French auctioneers where certain dealers or Asiatic auctioneers purchase them, and then propose them for auction again in Asia a few months later. My intervention therefore may have led to a "*market under the market*".

²¹ They were furbished with a monogram *T.H.* that was supposed to correspond to T'ang Haywen, which would be very odd for a Chinese artist whose first name, Hai-Wen, even though spelt by the artist himself as Haywen, corresponds to two distinct characters: *Sea-Literature*. The *H* could not account for the two characters of the first name. For example, Mr. DUPOND Jean-François, would not sign with the initials *D.J.* In addition, the trace of these initials reveals an unsteady hand with no control of the brush.

²² See dealers' stamp about the fourth dealer. – <https://tanghaywenarchives.com/the-archives/scholarship/dealer-s-stamp>

²³ In addition to the incomplete works, the authentic works furbished with apocryphal signatures appeared almost as a lesser evil compared to what was going on, i.e., the invention of a whole part of the artist's work, a theft of identity, at a time when I was myself accused of having created a fake identity.

²⁴ "*In Belgium, the regulations are – in theory – a lot more simple. There is no legal form in Belgium establishing an obligation comparable to that of French auctioneers. It is therefore possible to hold an auctioneer's hammer without being qualified, in the French sense, as an auction commissioner (auctioneer). Access to the profession is open and it is not necessary for example to be an art historian as most people might naively imagine.*" Extract from *Qui a le droit d'être commissaire-priseur? (Who can be an auctioneer?)* by Alexandre Pintiaux, Solicitor in Brussels, *LE SOIR* newspaper, printed 20 October 2016. – <http://www.lesoir.be/1347551/article/culture/marche-l-art/2016-10-20/qui-droit-d-etre-commissaire-priseur>



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prohibited the sale of paintings that were not in my possession"²⁵. Further conversation was impossible. So in consideration of the importance of the damage done to the *oeuvre* of T'ang, I referred the case to Mr. Cornu, a lawyer at the bar, Brussels.

After many procedural vicissitudes that I cannot yet report on, the procedure not having been completed, it has reached the point where the judge in charge of the case, and at my request, had the IRPA of Brussels - Royal Institute for Artistic Heritage - carry out analyses on paintings seized in the premises of Brusale. One of the analyses ordered by the judge was to date the paper of these paintings using Carbon 14. At the date of publication of this update, this dating was carried out by IRPA, which also had to analyse the pigments in various places in the paintings.

At this point so as not to have any bearing on the secret nature of the court process and to restrict comments only to the publicly known elements of the case, I refer the reader to consult the article published in the *Journal des Arts* of 12 May 2017²⁶.

This article exposes notably:

- That a Mr. Pellotier sold paintings to Parisian dealers.
- That the paintings were dated using the Carbon 14 dating technique and that in this way we learned that the fibres constituting their paper support were harvested between 18 and 20 years after the death of T'ang.
- That these Parisian dealers filed a criminal complaint.
- That the paintings sold in Paris and those proposed by THE BRU SALE are similar in all points and have every appearance of coming from the same source. i.e., Mr. Jean-Robert Pellotier²⁷.

It would appear therefore to be of some importance in establishing the truth to be able to date the paintings proposed in Brussels THE BRU SALE auction using the Carbon 14 dating technique.

It should also be noted that the production dates of these paintings mentioned on several occasions by THE BRUSALE are in the "1980s".

²⁵ I recognized the accusation of "*monopolization*" or "*parasitization*" of the market that Mr. Navarra had used about me in his letters and procedures, in New York or Paris concerning Chu Teh-Chun or T'ang Haywen. In May 2015 and since September 2011 I was still accused, especially in France, of having invented a brother of T'ang Haywen and having embezzled an inheritance of several thousand works to be returned to the French state. Press articles based on Mr. Navarra's statements and for which I had never been contacted appeared in BLAST Magazine in March 2011 and BEAUX ARTS Magazine in November 2012, then Mr. Navarra renewed his charges in a civil suit brought against me in July 2013. Therefore, it seemed almost natural that a person proposing such a suspicious group of paintings at auction under strange conditions should make an argument such as "*you are being sued and I don't want or can't take your opinion into account*". But the immediate use of my "*monopolization*" argument seemed too precise and too recurrent not to be tele-guided. I had already certified dozens of works for auctioneers and collectors and my most recent auction of a T'ang work was held in 2004 in New York.

²⁶ *Journal des Arts*

– https://tanghaywenarchives.com/content/6-legal-information/2-legal-proceedings-criminal-procedures/thwa_journal-des-arts_2017-may_english.pdf

²⁷ All these are proven and documented facts



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These elements were transmitted to the French police charged with the investigation in the Parisian lawsuit and to the Belgian judge²⁸. The lawsuit is ongoing.

Second lawsuit filed by me

In June 2016, Mr. Arnaud Cornette de St Cyr, an auctioneer in Paris, proposed the sale of three diptychs, two in colour and one in ink, presented as works by T'ang Haywen and accompanied by certificates from a "Comité T'ang Haywen" (*The T'ang Haywen Committee*).

I contacted the Cornette de St Cyr auction house and gave my opinion concerning the apparently apocryphal character of the signatures featuring on these works. The Cornette office forwarded to my Paris lawyer, Ms. Léa Forestier, a copy of the certificates produced by this committee.

These certificates comprise no dates for the works, do not mention whether or not the paintings were signed and even comprise a spelling error on the artist's name written as "tang" with no apostrophe. In addition, they were signed by an unidentified individual with no contact information²⁹.

Mr. Cornette stated that he would make an announcement at the sale concerning the probable apocryphal nature of the signatures featuring on these paintings but did not add this information to his website and after

²⁸ The amount of Carbon 14 (C14) present in a living organism at the time of its death or for a plant when it is harvested enables the date of death or harvesting to be determined. Following atomic atmospheric tests an increase in the level of 14 present in the atmosphere and in all living organisms on earth was noted by scientists. The end of the tests in the mid-60s also marked the end of the increase of these Carbon 14 levels and defined the existence of a rising and falling curve (a Bell curve) of C14 level in the atmosphere. A sampled material, always shows two dates: one corresponds to the date on the rising part of the curve until the peak. The other corresponds to the date on the descending part of the curve from the peak. So two possible dates are provided by this type of analysis; a "rising" date and a "descending" date. In the case in point and in relation to the dating of samples from the 14 suspicious paintings sold to Parisian dealers, the dates were: Rising date between 1955 and 1957, Descending date between 2008 and 2011.

In addition, samples from four other works from a source beyond dispute, admitted by THE BRU SALE during the expertise debate, were also analysed. Their dates were: Rising date between 1958 and 1959, Descending date between 1986 and 1989. T'ang was born in 1927 and died in 1991.

<https://tanghaywenarchives.com/the-archives/scholarship/carbon-14-dating-method>

The argument that consists in suggesting that the disputed paintings could have been painted between 1955 and 1957 does not stand up to the analysis of numerous documentary elements clearly demonstrating the impossibility that T'ang could have produced during the 1950s non-representational paintings, in diptych form and on Arches paper. In fact, numerous articles, documents and witness accounts describe the development of T'ang from non-representational experimentation from the 1950s, then in the 1960s his liberation from outside influences and his abandon of the representation of reality and then, at the end of the 1960s, his choice of a characteristic format, that of the diptych that characterises his oeuvre. Then finally during the 1980s his choice of a new support, the Arches paper, a paper based on cotton fibres. The paintings in question are all of an abstract nature, in diptych format and on Arches paper.

It is impossible that they could have been produced in the 1950s. A note detailing and analyzing the numerous documentary evidence was transmitted to the Belgian judge in May 2017. It will be posted on this site at the end of the procedure.

²⁹ See article *Journal des Arts*

– https://tanghaywenarchives.com/content/6-legal-information/2-legal-proceedings-criminal-procedures/thwa_journal-des-arts_2017-may_english.pdf



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the sale did not reply to my request for confirmation that written notice had been provided³⁰.

Faced with Mr. Cornette's uncooperative attitude³¹ and noting that counterfeiters now purported to certify their counterfeit goods, I decided to file a complaint. Ms. Forestier filed a complaint for forgery and the prosecutor entrusted the investigation to a Parisian Police Commandant specialising in counterfeits in August 2016³².

A single painting was sold by Mr. Cornette and the "*certificate*" was apparently given to the buyer as the painting popped up again shortly after and this time at auction at Sotheby's Hong Kong in October 2017 accompanied by the certificate. This time however, it was presented as having been issued by me³³, Sotheby's withdrew the painting from auction.

The *Comité T'ang Haywen* which produces these "*certificates*", lists as president Mr. Jean-Robert Pellotier and as secretary Mr. Thierry Lamarre, who acted as intermediary in the sale of counterfeit works to two Parisian dealers and who have also filed a lawsuit in Paris.

Third lawsuit filed by me

Against Mr. Enrico Navarra and his gallery for Slanderous Denunciation.

In July 2013, Mr. Enrico Navarra had filed a complaint against me for organized gang-related fraud, forgery in writing, use of forgeries and concealment in an organized gang.

In October 2013, I had filed a complaint against him for slanderous denunciation.

On 15 June 2017, after many legal episodes, my lawyer William Bourdon addressed a direct citation before the Paris Tribunal de Grande Instance for slanderous denunciation to Mr. Enrico Navarra.

This quote was based on certain elements of the systematic campaign of defamation undertaken against me by Mr. Enrico Navarra assisted by people in charge of his gallery and among others:

- A testimony from Mr. Gilles Bonneville, former Cultural Counsellor at the Consulate General of

³⁰ An amendment made in the room at the time of sale must be recorded in the minutes of the sale, according to the usual practice.

³¹ Arnaud Cornette de St Cyr told me on the phone that I should "*get along*" with the "*T'ang Haywen Committee*", and that he had to "*look after the interests of his sellers*". One may wonder what Mr. Cornette thinks of the interests of his buyers...

³² This police officer has since retired but following a reorganization of the Police Services, the investigation, which now includes the various cases of counterfeit works by T'ang Haywen, has been transferred to another service. The investigation is ongoing.

³³ It was absurd given that I had filed a complaint for counterfeit in August 2017 relating to three paintings, including this one and their certificates produced by the *Comité T'ang Haywen*.



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France in Hong Kong and concerning an intervention with him in 2011, from Mr. Sébastien Moreu, officer of the Navarra Gallery. Equipped with a file Mr. Sébastien Moreu wanted to prove my “fraud” concerning an edition of ceramics of Chu Teh-Chun. Mr. Enrico Navarra had initiated a trial in New York in 2010 against Malborough Gallery and myself on this subject.

- Defamatory articles published in BLAST magazine and Beaux Arts magazine in Spring 2011 and November 2012 respectively. These articles with catchy headlines simply repeated Mr. Navarra's arguments in their entirety without any discussion or verification. This may have been related to the fact that Mr. Fabrice Bousteau, Editorial Director of Beaux-Arts Magazine, had for several years worked closely with Mr. Navarra on the publication of several books.

- In 2013, two curators from the M+ Museum in Hong Kong wished to acquire for their museum a collection of works by T'ang Haywen. A file concerning Mr. Navarra's questioning of my ownership of the rights to T'ang Haywen's work and the ownership of the works was forwarded to the members of the acquisition committee. The M+ decided to postpone this acquisition.

- In 2015, I lodged a complaint for forgery in Brussels against Mr. Didier Sacareau, a Parisian merchant who had settled in Belgium as an auctioneer. In return, Mr. Sacareau lodged a complaint against me in which he repeated Mr. Navarra's accusations word for word in his complaint against me in France. Mr. Navarra had therefore illegally infringed the secrecy of the French procedure by communicating the elements of a procedure in progress, and with the intention to apply further pressure on me.

The court set the timetable for the proceedings and the limit for the delivery of the conclusions of Mr. Navarra's lawyer on 15 May 2019 as well as the hearing on 5 September 2019.

From mid-June 2019, without any news of these conclusions, Mr. William Bourdon contacted Mr. Navarra's lawyer several times, who after several reminders informed him that he had no news from his client and that he was no longer Mr. Navarra's lawyer.

On 30 August 2019, three working days before the hearing, Mr. William Bourdon received conclusions from a new lawyer of Mr. Navarra, of the Toulon Bar, a city in southern France. These conclusions reiterated the original statement of Mr. Navarra who had accused me of inventing a brother of T'ang Haywen but also stated that the reason why I had not been judged was the prescription. That is to say, according to him, I had escaped punishment thanks to the number of years spent between the offences of which I was, according to him, the author and their revelation. This was an additional lie by Mr. Navarra since, after the dismissal of his complaint in Paris in 2017, Mr. Navarra had appealed to the Supreme Court and this court, in a judgment of 28 February 2018, had written that: *“the information was complete and that there were not sufficient charges against anyone for committing the alleged offences or any other offence”*

At the hearing on 5 September 2019, Mr. Navarra's lawyer acted in accordance with the spirit of his conclusions and caused several incidents. Mr. Vincent Brengarth, an associate at the Bourdon law firm, made a brilliant demonstration, the difficulty of which consisted in the fact that French law provides that



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denunciation is slanderous if proof can be provided that the denunciator is acting in bad faith, at the very moment he makes his denunciation. That is to say that the “denouncer” knows that what he asserts is false, at the moment he denounces.

On 3 October 2019, Mr. Enrico Navarra was found guilty of slanderous denunciation and sentenced to a fine of EUR 5,000 for moral prejudice and EUR 2,500 for legal costs.

He appealed against the decision and did not pay the sums to which he was condemned.

Temporary conclusion:

Mr. Jean-Robert Pellotier did indeed acquire works by T'ang at auctions following the death of T'ang Haywen, but the signatures that appear on the works he acquired are most often apocryphal. He exhausted this stock of works long before the artist's price improved.

It now appears that he began to produce new ones or to have them produced by using for their marketing the unverifiable source of the auction receipts for sales following T'ang's death³⁴.

But a provenance must be verifiable, especially if it is an auction.

As the provenance given by Mr. Jean-Robert Pellotier was impossible to verify, the dubious paintings began to be refused more and more often by the auctioneers. The middlemen automatically found themselves directed to me³⁵. The market was in the process of being cleaned up. But to get around this difficulty which prevented him from selling many fake Mr. Jean-Robert Pellotier created the T'ang Haywen Committee which proposed to issue certificates intended to answer or render inoperative all questions on their origin³⁶.

It should be noted that at the time of the creation of the T'ang Haywen Committee Messrs. Jean-Robert Pellotier, Lamarre, Sacareau and others involved in their distribution network could still argue that I was being sued for inventing a brother. Today, after the rejection by the courts of all these accusations, it no longer works and the number of auctioneers and experts following my advice is constantly increasing.

During these various proceedings it therefore appeared that Mr. Jean-Robert Pellotier sometimes sold important lots of paintings, which he presented as original works by T'ang Haywen coming from the sales of T'ang Haywen's studio. He mentioned, during the Belgian proceedings, that he had sold an important lot to

³⁴ See Dealer's stamp – <https://tanghaywenarchives.com/the-archives/scholarship/dealer-s-stamp>

³⁵ For example, in October 2016 I was contacted by a Parisian intermediary - Mr. Jacques Navarro, you can't make that up - who offered 50 large diptychs in colour that had been offered to him for 1.2 million euros. He was the third intermediary, unaware of the problem, of a chain of intermediaries who had to go back to the same people. All the paintings, all false, were “*stored in Luxembourg by a buyer who had acquired two hundred works directly from T'ang Haywen*”. Mr. Jean-Robert Pellotier has used and is using the screens of several Luxembourg companies.

³⁶ The article in the Journal des Arts describes these certificates.
– https://tanghaywenarchives.com/content/6-legal-information/2-legal-proceedings-criminal-procedures/thwa_journal-des-arts_2017-may_english.pdf



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Mr Navarra, who himself in his numerous writings in the form of an indictment against me had mentioned an investment of “several hundred thousand euros” which had therefore been made through Mr Jean-Robert Pellotier. The opinion of T’ang Haywen Archives on this subject would be to carefully analyze the paintings in this group using various methods; in other words, to submit them to our expertise...

Our opinion, six months after the conviction of Mr. Navarra for slanderous denunciation, has not changed and we are still prepared, under the usual conditions of our expertise, to examine the paintings acquired by Mr. Navarra from Mr. Pellotier and to give our objective opinion as to their authenticity.

The T’ang Haywen Archives website exists to provide an objective and professional source of information for interested persons.