

TRANSLATION



21.06.2004

*RH*

[PROHIBITION AGAINST PUBLICATION OF NAMES]

Advocacy C 0100-75591-00147-03

**TRANSCRIPT OF THE RECORD OF JUDGMENTS**  
**FOR**  
**THE COPENHAGEN CITY COURT, 28<sup>TH</sup> DIVISION**

On 3 June 2004,

in case no. 28.2543/04,

the Prosecution v.

the Defendants

1. Eva Møller-Kristensen,  
civil reg. no. 22 12 34 - ....  
currently the Copenhagen prisons (*Københavns fængsler*)
2. Silke Albrecht,  
civil reg. no. 29 09 70 - ....  
currently the Copenhagen prisons (*Københavns fængsler*)
3. Thomas Møller-Kristensen,  
civil reg. no. 03 10 61 - ....  
currently the Copenhagen prisons (*Københavns fængsler*)
4. Patrick Adrian Peters  
civil reg. no. 24 10 59 - ....  
currently the Copenhagen prisons (*Københavns fængsler*),

the following

**J U D G M E N T**

was delivered:

By a bill of indictment dated 16 April 2004, the Commissioner of the Copenhagen Police has brought charges against Eva Møller-Kristensen, Silke Albrecht, Thomas Møller-Kristensen and Patrick Adrian Peters on the following counts

1.

Eva Møller-Kristensen

**handling stolen goods of a particularly aggravated nature under section 290(2), cf. (1) of the Danish Criminal Code**

by, jointly with Frede Møller-Kristensen during the period from end-1997 to mid-2002, having passed on a total of 44 books, of which Frede Møller-Kristensen had taken possession from the Royal Library, Copenhagen, by theft or embezzlement, to Patrick

Peters with a view to reselling them through international auction houses, although she knew or was substantially certain that the books originated from a criminal offence.

<b>Partial book title and lot no.</b>	<b>Date of sale</b>	<b>The sale yielded, including the auction house fee, stated in USD</b>
281 Astronomiae Instauratae Nürnberg, 1602	12.02.98	5,600.00
140 L'Heptameron des Paris, 1560	16.04.98	3,400.00
156 Nuove Inventioni di Balli, 1604	16.04.98	13,000.00
41 The Elements of Clock, 1766	05.11.98	1,600.00
82 Divers Habillements, 1768	12.11.98	3,200.00
164 Opera nella quale, 1562	19.11.98	1,600.00
173 Die Teurdanks, 1538	19.11.98	3,600.00
165 Musurgia Strassburg,	19.11.98	10,000.00
166 Zwey Bücher Strassburg, 1577	19.11.98	5,400.00
144 Recueil de divers portraits	19.11.98	55,000.00
92 Hierinn sind begriffen, 1603	04.03.99	1,300.00
120 Index Librorumprohibitorum, 1564	15.04.99	3,600.00
35 Navis stultifera, 1506	15.04.99	3,400.00
108 Beschryving van Louisiana, 1688	15.04.99	1,600.00
158 Eine Nachricht wegen der, 1683	15.04.99	300.00
146 Aqui comienca un vocabulario, 1555	15.04.99	160,000.00
83 Les Aventures de Telemaque, 1734	15.04.99	3,600.00
62 Costumes plates, 1678	15.04.99	8,000.00
150 Entwurff von Neu-Niederland, 1672	02.03.00	700.00
6 Orlando Furioso, 1556	13.04.00	1,900.00
60 Diurnale insignis ecclesie, 1506	13.04.00	1,600.00

136	Symbola heroica, 1583	13.04.00	1,700.00
98	Index Librorum prohibitorum, 1565	13.04.00	1,900.00
134	Sensuyt les xxi Epistres, 1515	13.04.00	7,000.00
135	Metamorphoseos librorum XV, 1527	13.04.00	3,000.00
18	Biblishe Figuren des Alten, 1562	13.04.00	7,000.00
26	Le grant voyage de Hierusalem, 1522	13.04.00	18,000.00
180	Tragicomedia de iherosolomitana, 1501	18.05.00	600.00
284	Punicorum libri xvii, 1522	18.05.00	325.00
179	Arte de la Lengua Mexicana, 1645	29.11.01	6,500.00
176	De la Causa, 1584	18.04.02	110,000.00
141	Menasseh ben Israel (the Rembrandt book) 1655	18.04.02	170,000.00
4	Emblematum liber Ausberg, 1531	18.04.02	52,000.00
187	Horologium rotatile astronomicum, 1701	18.04.02	275.00
19	Biblia thet ar, 1703	18.04.02	2,600.00
28	Neuwe Nassauwische Waffenhändlung, 1619	18.04.02	4,000.00
43	Topographie Françoise, 1655	18.04.02	3,000.00
204	Gemeiner loblicher Eydgenosschafft, 1548	18.04.02	4,200.00
155	Les Metamorphoses, 1732	18.04.02	3,000.00
69	Suecia antiqua et hodierna, 1693	18.04.02	4,200.00
220	Collectanea in diversos autores, 1521	25.04.02	650.00
175	Thesaurus latine constructionis, 1509	25.04.02	325.00
	Beschryvinge van verscheyde Landen.	02.03.00	250.00

1a

Patrick Peters

**handling stolen goods of a particularly aggravated nature under section 290(2), cf. (1) of the Danish Criminal Code**

by having received, from Eva Møller-Kristensen and Frede Møller-Kristensen during the period from end-1997 to mid-2002, a total of 44 books, as further described in count 1, of which books Frede Møller-Kristensen had taken possession from the Royal Library, Copenhagen, by theft or embezzlement, with a view to selling them through international auction houses, after which Patrick Peters handed over the books by 4-6 deliveries, either personally or by carrier, to Nadiya Peters, Nottingham, 172 west 79<sup>th</sup> street, New York, from where the books were consigned to Swann's auction house in New York. 44 books were then sold yielding not less than DKK 4.7 million less the auction house fee, which amount was paid to Patrick Peters by cheque, which was sent to Nadiya Peters Nottingham, New York, from where the cheque was forwarded by Nadiya Peters Nottingham to Patrick Peters in Denmark where Patrick Peters handed over the cheque to Eva Møller-Kristensen and Frede Møller-Kristensen and subsequently received a total of approximately DKK 450,000.00 jointly with Nadiya Peters, although Patrick Peters knew or was substantially certain that the books originated from a criminal offence.

2.

Eva Møller-Kristensen

**handling stolen goods of a particularly aggravated nature under section 290(2), cf. (1) of the Danish Criminal Code**

by, jointly with Frede Møller-Kristensen, during the period from early 1998 to mid-July 2002, having passed on a total of 39 books, as further described below, of which books Frede Møller-Kristensen had taken possession from the Royal Library, Copenhagen, by theft or embezzlement, to Thomas Møller-Kristensen and Silke Albrecht with a view to reselling them through international auction houses, although she knew or was substantially certain that the books originated from a criminal offence:

<b>Partial book title and lot no. at the sale</b>	<b>Date of sale</b>	<b>The sale yielded, excluding the auction house fee, stated in GBP</b>
33 1 Theatrum Galliae et Helvitia	20.05.98	6,000.00
34 1 Theatrum hispania Urbes	20.05.98	9,000.00

53 1 Tewrdannckh, 1519	03.06.98	7,000.00
183 1 Piranesi Vedute de Roma	03.06.98	22,000.00
188 1 Plad de Ville de St. Petersbourg	03.06.98	7,500.00
96 1 View og Scotland	09.10.98	500.00
37 1 Misice Artve Micrologus	23.11.98	5,000.00
39 1 Tewrdannck, 1519	23.11.98	5,000.00
65 1 Reken	23.11.98	9,500.00
119 1 Theatrum Magne Brittannia	23.11.98	17,000.00
123 1 La Gerusalemme Liverata	23.11.98	50,000.00
132 1 Gioseffo Zarlino	23.11.98	1,800.00
30 1 Freidanck	23.11.98	2,000.00
74 1 Book of one hundred views	02.06.99	11,000.00
83 4 volumes in a series	02.06.99	3,800.00
94 1 Faernius Fabulae	07.06.00	3,800.00
106 1 Aerarium aureum poetarum	07.06.00	1,000.00
133 1 More Utopia	07.06.00	140,000.00
134 1 Mumellius	07.06.00	3,000.00
140 1 Hrabanus Magentis	07.06.00	1,300.00
146A 1 Ariosto	07.06.00	3,000.00
6 1 Rawley, Misc. Works	22.09.00	220.00
50 1 John Milton	22.09.00	4,600.00
61 1 Silnius Italicus 1523	22.09.00	700.00
67 1 Kronica, Etterlin	29.11.00	7,000.00
146B 1 Sebastiani	09.07.02	2,200.00
149 1 Bacon, De Sapientia Venterum	09.07.02	420.00
156 1 Brant, Narreshiff	09.07.02	3,800.00
233 1 Chippendale	09.07.02	4,500.00
307 1 Wood, Choir Gaure	09.07.02	1,100.00
107 1 Aldus Gramatticae	11.07.02	15,000.00
124 1 Rabelais Gargantua	11.07.02	80,000.00
132 1 Wyclif Dialogorum	11.07.02	9,000.00

**Books not sold and books returned:**

104 1 Libanius 1504	estimate made by Christie's, stated in GBP	2,600.00
---------------------	--	----------

114 1 Libro de la bataile	estimate made by Christie's, stated in GBP	3,000.00
165 1 Cornelis van Eyck	estimate made by Christie's, stated in GBP	1,800.00
66 1 Rotenstein, English Portrait	estimate made by Christie's, stated in GBP	190.00
1 Cremonensis Fabulæ Centrum		
1 Der Uhrmacher, 1798		

2a

Silke Albrecht and Thomas Møller-Kristensen

**handling stolen goods of a particularly aggravated nature under section 290(2), cf. (1) of the Danish Criminal Code**

by, jointly and according to prior agreement, during the period from early 1998 to mid-July 2002, having received from Frede Møller-Kristensen and Eva Møller-Kristensen a total of 39 books, as further described in count 2, of which books Frede Møller-Kristensen had taken possession from the Royal Library, Copenhagen, by theft or embezzlement, with a view to selling them through international auction houses, after which Silke Albrecht and Thomas Møller-Kristensen handed over the books by 4-6 deliveries, either personally or by carrier, to Theresia Albrecht, An der Seage 8, Lindenberg, Germany, from where the books were sent to Christie's in London by carrier. 33 books were then sold and 6 books, 4 of which were returned to Theresia Albrecht, remained unsold, as set out below. The sale yielded not less than DKK 4.5 million less the auction house fee, and this amount was paid into a bank account in Germany designated by Silke Albrecht and was subsequently, after Silke Albrecht and Thomas Møller-Kristensen having deducted 10% of the proceeds, transferred to Frede and Eva Møller-Kristensen's bank account with Midtbank, Denmark, although Silke Albrecht and Thomas Møller-Kristensen knew or were substantially certain that the books originated from a criminal offence.

3.

Eva Møller-Kristensen

**handling stolen goods of a particularly aggravated nature under section 290(2), cf. (1) of the Danish Criminal Code**

by, prior to 5 December 2001, jointly with Frede Møller-Kristensen, having passed on 15-20 copper engravings, of which Frede Møller-Kristensen had taken possession from the Royal Library, Copenhagen, by theft or embezzlement, to Patrick Peters with a view to selling them through international auction houses, although she knew or was substantially certain that the copper engravings originated from a criminal offence.

3a.

Patrick Peters

**handling stolen goods of a particularly aggravated nature under section 290(2), cf. (1) of the Danish Criminal Code**

by having received from Frede Møller-Kristensen and Eva Møller-Kristensen, prior to 5 December 2001, 15-20 copper engravings, of which Frede Møller-Kristensen had taken possession from the Royal Library, Copenhagen, by theft or embezzlement, with a view to selling them through international auction houses, after which the copper engravings were consigned to Christie's auction house via Nadiya Peters Nottingham, 172, West 79<sup>th</sup> Street, New York, and then sold through Christie's in Hong Kong for 185,462 Hong Kong dollar. Such amount was paid to Patrick Peters by cheque, which was sent to Nadiya Peters Nottingham, New York, from where the cheque was forwarded to Patrick Peters in Denmark and handed over to Frede Møller-Kristensen and Eva Møller-Kristensen by Patrick Peters, although he knew or was substantially certain that the copper engravings originated from a criminal offence.

4.

Eva Møller-Kristensen

Thomas Møller-Kristensen

**handling stolen goods of a particularly aggravated nature under section 290(2), cf. (1) of the Danish Criminal Code**

by having found 772 books in March/April 2003 upon the death of Frede Møller-Kristensen on 21 February 2003, at the address Aurikelvej 20, Mørdrup, Espergærde, Denmark, when clearing the house, of which books Frede Møller-Kristensen had taken possession from the Royal Library, Copenhagen, by theft or embezzlement, at an estimated value of DKK 90 million, after which they jointly placed the books in cupboards in the basement of the house where the books were stored unlawfully until 5 November 2003, although they knew or were substantially certain that the books originated from a criminal offence.

5.



Eva Møller-Kristensen

**handling stolen goods of a particularly aggravated nature under section 290(2), cf. (1) of the Danish Criminal Code**

by having, in the spring of 2003, passed on 21 books, as further described below, of which Frede Møller-Kristensen had taken possession from the Royal Library, Copenhagen, by theft or embezzlement, to Silke Albrecht and Thomas Møller-Kristensen with a view to selling them through international auction houses, although she knew or was substantially certain that the 21 books originated from a criminal offence.

- 1) Propalladia de Bartholome de Torres Naharro, 1517
  - 2) Schimpff unnd Ernst, 1535/1544
  - 3) Der Psalter deutsch/Martinius Luther, 1525
  - 4) Hipopronia, 1599
  - 5) De duplici copia rerum ac verborum, 1516
  - 6) Auslegung der Zehen gepot, 1528
  - 7) Jani Damiani Senensis ad Leonem X, 1515
  - 8) De inventoribus rerum in ditio 1528
  - 9) Sensuit le preux chevalier Artibus de Bretagne, 1501/10
  - 10) Il Decamerone, 1757
  - 11) Plutarch/ Erasmus Roterodamus, 1521
  - 12) Fable nouvelles Dediees au Roy,
  - 13) Epistolae obscurorum virorum ad venerabilem, 1516
  - 14) Grammatographia Parisiis, 1529
  - 15) Lamaniere de bien traduire, 1542
  - 16) Archimedes Opera, 1675
- 
- a) Dec Actes Des Vrais Successeurs, etc.
  - b) Erotema Ta Dialectices Continentia Fere, etc.
  - c) Biblicae Historiae, etc.
  - d) Apophthegmata Symbolica Per Moralia, etc.
  - e) Swensska Messan, 1557

6.

Thomas Møller-Kristensen

Silke Albrecht

**handling stolen goods of a particularly aggravated nature under section 290(2) cf. (1) of the Danish Criminal Code**

by, jointly and according to prior agreement, in the spring of 2003, having received 21 books from Eva Møller-Kristensen, as further described in count 5, of which books Frede Møller-Kristensen had taken possession from the Royal Library, Copenhagen, by theft or embezzlement, with a view to selling them through international auction houses. 16 of the books, referred to as 1-16, were in the summer of 2003 passed on by Silke Albrecht and Thomas Møller-Kristensen to Theresia Albrecht, An der Seage 8, Lindenberg, Germany, and subsequently sent to Christie's in London by carrier, after which Silke Albrecht received an estimate from Christie's in London in the amount of GBP 103,550, and the remaining 5 books, referred to as a-e, at an unspecified value were stored at Silke Albrecht and Thomas Møller-Kristensen's address Ellekildehavevej 19, Ålsgårde, Denmark, with a view to selling them at a later date through international auction houses, although they knew or were substantially certain that the books originated from a criminal offence.

Counsel for the Prosecution has claimed that all the defendants be sentenced to imprisonment.

Counsel for the Prosecution has further made a claim for confiscation as set out below pursuant to the provisions stated below:

**1) Re. Eva Møller-Kristensen:**

The property situated at Aurikelvej 20, Mørdrup, DK-3060 Espergærde, Denmark, title no. 6 OG Mørdrup By, pursuant to sections 75(1) and 76a(1) of the Danish Criminal Code.

**2) Re. Thomas Møller-Kristensen and Silke Albrecht:**

The property at Ellekildehavevej 19, Boderne, DK-3140 Ålsgårde, Denmark, title no. 1 ca Stenstrup Overdrev, Hellebæk, pursuant to sections 75(1) and 76a(1) of the Danish Criminal Code.

**3) Re. Patrick Peters**

The property at Hornebyvej 11 A, DK-3100 Hornbæk, Denmark, title no. 1 HZ Horneby By, Hornbæk, pursuant to sections 75(1) and 76a(1) of the Danish Criminal Code.

- 4) The deposits in the bank accounts and custody accounts listed below, including interest accrued as at today, pursuant to section 75(1) of the Danish Criminal Code, in the alternative section 76a(1) thereof.

**Re. Eva Møller-Kristensen (Midtbank)**

Danish bonds in own custody accounts, no. 7630 091980, DKK 1,650,000 nominal value.  
Account no. 7630 1031100 private account, credit balance DKK 79,181.69 as at 31.12.03.  
Account no. 7630 4618101 private savings, credit balance DKK 266,976.89 as at 31.12.03  
Account no. 7630 8311059 annuity pension - private scheme, credit balance DKK 34,236.79 as at 31.12.03.  
Account no. 7630 8807288 index-linked account, credit balance DKK 200,077.70 as at 31.12.03.  
Account no. 1551 7130201, credit balance DKK 26,063 as at 31.12.03.

**Re. Silke Albrecht (Den Danske Bank)**

Account no. 3163610892, private, credit balance DKK 11,860.95 as at 31.12.03.

**Re. Silke Albrecht and Thomas Møller-Kristensen (joint accounts, Den Danske Bank)**

Account no. 3163690683, private, credit balance DKK 260,726.48 as at 31.12.03  
Account no. 3163753820, budget account, credit balance DKK 13,979.29 as at 31.12.03.

**Re. Thomas Møller-Kristensen (Den Danske Bank)**

Account no. 3163688662, deposit account, credit balance DKK 96,212.68 as at 31.12.03.  
Account no. 4790080335, private, credit balance DKK 11,019.25 as at 31.12.03.

**Re. Eva Møller-Kristensen**

DKK 34,000 in cash, item no. 1, pursuant to section 75(1) of the Danish Criminal Code, in the alternative section 76a(1) thereof, 38 copper prints, item no. 14, pursuant to section 75(2)(i) of the Danish Criminal Code, in the alternative section 76a(1) thereof, 4 scrolls of copper engravings, item no. 16, pursuant to section 75(2)(i) of the Danish Criminal Code, in the alternative section 76a(1) thereof, a telescope including ancillary equipment, item no. 26 T and 27 T, pursuant to section 76a(1) of the Danish Criminal Code, Eva Møller-Kristensen's diaries from 1994 through 2003, item no. 11, pursuant to section 75(2)(i) of the Danish Criminal Code, a 19<sup>th</sup>-century pencil case, item no. 1, pursuant to

section 75(2)(i) of the Danish Criminal Code, in the alternative section 76a(1) thereof, about 52 kilogrammes of stamps, item no. 9, pursuant to section 76a(1) of the Danish Criminal Code, 2 Chinese Scrolls, item no. 23, in a report dated 5 November 2003, pursuant to section 76a(1) of the Danish Criminal Code.

Pursuant to section 23(1), cf. section 22(vi), cf. section 32(1) and (2)(ii)-(iv), cf. (3), cf. section 49(1) of the Danish Aliens Act, Counsel for the Prosecution has also made a claim for the defendant Silke Albrecht to be expelled from Denmark with an entry prohibition, and pursuant to section 22(vi), cf. section 32(1) and (2)(ii)-(iv), cf. (3), cf. section 49(1) of the Danish Aliens Act, Counsel for the Prosecution has made a claim for Patrick Adrian Peters to be expelled from Denmark with an entry prohibition.

The defendants have all pleaded not guilty and have primarily claimed dismissal of the case on the grounds of limitation, in the alternative dismissal of the claims.

Testimonies have been given by the defendants as well as the witnesses Margareth Ford, Jacob Leth, Claus Ferdinand, Peter Dalegaard, Detective Sergeant, Torben Hansen, Detective Sergeant, Jesper Düring Jørgensen, Leif Jacobsen and Susanne Budde. The testimonies have been recorded in the court records.

None of the defendants has any previous convictions.

**Background:**

In September 2003, the Royal Library was contacted by Christie's auction house with an inquiry as to whether the Library was missing some books. 16 books with call numbers, which might, according to Christie's, be call numbers of the Royal Library, had been consigned to Christie's. As books had disappeared from the Royal Library, two employees, Jesper Düring Jørgensen, Chief Security Adviser, and Susanne Budde, Departmental Librarian, went to Christie's. On the basis of special characteristics of the books, they believed that they were able to ascertain that the books all originated from the Royal Library. The Library then reported the matter to the police on 10 September 2003. It was established that the books had been consigned to Christie's by Silke Albrecht, who had also previously consigned 39 books, 33 of which had been sold for around DKK 4.5 million, which had been transferred to a bank account in Germany. By means of the contract made between Christie's and Silke Albrecht, Silke Albrecht's c/o address with her mother in Germany was found, and subsequently Silke Albrecht was located. It was

further discovered that Silke Albrecht's late father-in-law was Frede Møller-Kristensen, who had been employed with the Royal Library during the period from 1967 through 2000.

During the performance of an audit at the Royal Library in the 1970s, 3200 books were reported missing. The Royal Library believes that 1591 books found in Frede and Eva Møller-Kristensen's home constitute part of the missing books. 772 of the books were stored in cupboards in the basement. In addition to the 33 books which had been sold at Christie's in London, it turned out that 44 books had been sold at Swann in New York. Further, a number of copper engravings had been sold at Christie's in Hong Kong. 4 books originating from the Royal Library were kept by Silke Albrecht's mother in Germany, 5 books from the Royal Library were kept by Silke Albrecht and Thomas Møller-Kristensen. In addition, there were the 16 books consigned to Christie's in London, but not yet sold.

#### **Comments from the Court sitting with lay judges:**

##### **About the Books**

The 1591 books stored in Frede and Eva Møller-Kristensen's home, the 16 books at Christie's, the 5 books kept by Silke Albrecht and Thomas Møller-Kristensen as well as the 4 books kept by Silke Albrecht's mother have all been examined and valuated by experts at the Royal Library, and the Library has informed the Court that the books originate from the Library, and that they have been unlawfully removed from the Library as they could not lawfully be borrowed for use outside the Library. Since Frede Møller-Kristensen was employed at the Library during the years when the books presumably disappeared, and the books were kept in his home, the Court finds reason to take into account that Frede Møller-Kristensen removed them. Since Frede Møller-Kristensen did not return the books to the Royal Library when he retired, such removal did not only amount to unlawful borrowing, but to unlawful taking possession of the books by theft or embezzlement.

As regards the 33 books sold at Christie's and the 44 books sold at Swann, the Royal Library has reviewed its records of missing books and has established that all the books are missing from the Royal Library. On the basis of lists from Christie's and Swann with the auction houses' data about the books combined with source information about the books, the Royal Library has stated that all books originate from the Royal Library and

have disappeared from the Library. In court, Jacob Leth has testified that Werner Jacobsen, archaeologist and ethnologist, sold around 100 specialist and reference books to Moesgaard Museum at a price of DKK 20,000 at the beginning of 1992. This testimony is supported by the testimony of Claus Ferdinand, who has confirmed that he bought the books for the museum. Jacob Leth has additionally stated that Werner Jacobsen did not have a collection of antique books, and that no books had been sold to Frede Møller-Kristensen. Hence, it cannot be presumed that Frede Møller-Kristensen bought a collection of antique books at a price of DKK 20,000 from Werner Jacobsen or his estate 20-25 years ago, as testified by the defendants. Eva Møller-Kristensen has testified that Frede Møller-Kristensen did not buy other book collections. This is supported by the fact that no antique books were found in Frede and Eva Møller-Kristensen's home apart from the books which the Royal Library has stated originate from the Library. Accordingly, the Court finds reason to rule out the possibility that the 33 antique books sold at Christie's and the 44 antique books sold at Swann can originate from an antique book collection bought by Frede Møller-Kristensen. The Court thus finds reason to take into account that the books sold are likewise books of which Frede Møller-Kristensen has unlawfully taken possession at the Royal Library by theft or embezzlement.

#### **About the issue of limitation**

Counsel for the Defence have submitted that Frede Møller-Kristensen presumably did not remove any books from the Royal Library later than in 1975 when an audit was performed and special security measures were introduced. The latest time of limitation of criminal liability for Frede Møller-Kristensen was therefore in 1985. Since the principal count (the theft) is barred by limitation after 10 years, the issue is if a person who receives or has the disposal of the effects (the receiver of stolen goods) after the limitation period can incur criminal liability, or if the count is barred by limitation at the same time as the principal crime. Referring to the comments in the Council for the Criminal Code's (*Straffelovsrådet*) report on limitation in criminal law etc., report no. 433 of 1966 combined with Tore Strömberg "*Åtalspreskription*", pp. 210-211, Counsel for the Defence has submitted that the handling of stolen goods should not reasonably have consequences in terms of criminal law when the theft is barred by limitation, since the fact that Frede Møller-Kristensen could not have been punished today, had he still been alive, but the defendants could be punished, would be offensive, and that limitation should therefore run from the date when the books arrived in the home.

Counsel for the Prosecution has submitted that the limitation should run from the date when the defendants became aware that the books were stolen, and they nevertheless chose to sell them.

The Court notes that it appears from the Council for the Criminal Code's report on limitation in criminal law, etc., report no. 433 of 1966, p. 21, that *"The Council is of the opinion that in respect of "forholdelseshæleri" (i.e. the type of handling stolen goods consisting in keeping the stolen goods from the lawful owner) as well as "fordølgelseshæleri" (i.e. the type of handling stolen goods consisting in concealment so that another party will profit from the stolen goods), it must be deemed to be most correct that limitation runs from receipt of the goods..... Relative to the rules applicable to limitation in theft, it would thus be unreasonable if limitation in the case of handling stolen goods runs from any date later than the date of receipt of the goods. In the relatively rare cases of handling stolen goods, where the receiver did not know when receiving the goods that the goods originated from an offence against property, but became aware of it at a later date, limitation can only run from such latter date"*.

The Court accordingly finds that the limitation period should be calculated from the date on which the defendants became aware that the books originated from theft.

Particularly as regards Eva Møller-Kristensen, it should be noted that she has denied any knowledge of the thefts when they were committed. Nor does any evidence to that effect exist, and as Eva Møller-Kristensen does not refer to the books in her diary until 1997, the Court takes into account that she did not have any knowledge of the books originating from the Royal Library until 1997, at the earliest. Accordingly, the counts are not barred by limitation in her case.

As regards the other defendants, it should also, on the basis of their testimonies, be taken into account that none of them were aware or were able to become aware that the books originated from the Royal Library until 1997, at the earliest. Accordingly, the counts are not barred by limitation for any of those defendants, cf. section 97 of the Danish Criminal Code.

#### **Regarding counts 1, 2, 3 and 5.**

The defendant has testified that 1997 was the first time she learned that her husband, Frede Møller-Kristensen, wanted to sell some of his books. They subsequently contacted

the defendant's friend, Grethe Lis Tulgyesy, who lives in Canada, with a view to possibly having her assist them in selling the books through Sotheby's Toronto office. Her friend was then given photocopies of the title pages of the "Rembrandt book", the "Tycho Brahe book" and a French book on dancing with a view to obtaining an estimate for such books. It appears from count 1 – Exhibit 55, a letter dated 12 July 1997 from Grethe Lis Tulgyesy to the defendant: *"So today I have decided to write this letter which I have thought about for some time. I am afraid that I have to inform you that I do not want to be your "intermediary" after all. I would have very much liked to help you, but the more I work with it, the more I realise how complicated and risky it is, and that I have become involved in something which I do not have enough knowledge of"*.

The Court understands Grethe Lis Tulgyesy to mean that she found the transaction of selling the books in Canada strange, and that she was afraid that there was something wrong with it. If, at any point in time earlier than that, the defendant did not suspect that there might be something wrong with the books, the Court finds that she must have begun to have such suspicion in connection with the high estimate of the first books and Grethe Lis Tulgyesy's letter, at the latest. Combined with the fact that the defendant must have been aware that a large number of books had disappeared from the Royal Library in the 1970s, and that, as testified by Jacob Leth, Frede Møller-Kristensen could not have bought an antique book collection 20-25 years ago from Werner Jacobsen at the price of DKK 20,000, as stated by the defendant, and that this must have been clear to her given the size of the amount and the financial situation of the family, the Court finds that the defendant must have known or must have been substantially certain that Frede Møller-Kristensen did not possess the books lawfully.

This is further supported by the fact that from 1997 onwards, the defendant kept a diary which includes comments on the individual transactions relating to the books, including where and when they are sent to be valuated and sold, information on estimates and sales amounts as well as the settlement thereof. Such very detailed information suggests that the defendant was not, as testified, uninterested in the books and the sale of them, but that on the contrary she has herself, at first together with Frede Møller-Kristensen and later at his death, contributed to and was in charge of selling the books.

The fact that at her husband's death, the defendant finds a large number of books from the Royal Library hidden in the home behind other books on the bookshelves, and that she packs 772 of such books in boxes, which are carried down to the basement and placed in cupboards, instead of immediately or within reasonable time contacting the Royal Library



about the find, and that she does not contact Christie's about the books which had then been consigned with a view to examining if they might belong to the Royal Library also suggest that the defendant knew all along that there were stolen books in the home, and that such books were being sold.

On the basis of the detailed records in the defendant's diaries from 1997 through 2002, including information about the agreement with Patrick Peters and his sister, the delivery of copies of the book title pages as well as estimates and sales, etc. and the subsequent settlement and payment of proceeds to Patrick Peters and his sister, which are supported by the testimonies given by Patrick Peters and the defendant, the Court is satisfied that, jointly with Frede Møller-Kristensen and with a view to reselling them, the defendant has taken part in the passing on of the 44 books and 15-20 copper engravings belonging to the Royal Library, of which Frede Møller-Kristensen had taken possession from the Library, to Patrick Peters, for which reason she is found guilty of **counts 1 and 3**.

On the basis of the detailed records in the diaries from 1998 through 2003, including information about the agreement with Silke Albrecht, the subsequent deliveries of copies of the book title pages as well as the estimates and sales, etc. and the subsequent settlement and payment of proceeds to Silke Albrecht and Thomas Møller-Kristensen, which are supported by their testimonies and the defendant's own testimony, the Court is further satisfied that, jointly with Frede Møller-Kristensen and with a view to reselling them, she has passed on 39 books, and after his death she has passed on 21 books belonging to the Royal Library, of which Frede Møller-Kristensen had taken possession from the Library, to Silke Albrecht and Thomas Møller-Kristensen. Accordingly, the defendant is also found guilty of **counts 2 and 5**.

### **Regarding counts 1a and 3a**

The defendant has testified that, like Grethe Lis Tulgyesy, he was informed in 1997 that Frede Møller-Kristensen wanted to sell some books, and that he was asked to assist through his sister, Nadiya Peters, in New York, since Frede Møller-Kristensen could not himself be in charge of the sale on account of his employment with the Royal Library. The defendant was then given photocopies of the title pages of a number of books, after which he contacted Swann in New York and obtained estimates of the books. The Court finds that the fact that it must have been clear to Patrick Peters then that very valuable books were at issue combined with the fact that Frede Møller-Kristensen could not himself be in charge of the sale were circumstances so unusual that they must have

caused Patrick Peters to consider if there might be something wrong with the books. The Court has attached importance to the fact that Grethe Lis Tulgyesy had such considerations based on the same information and declined to sell books for Frede Møller-Kristensen. Combined with the fact that Patrick Peters and his sister received proceeds of 10% or around DKK 400,000 for delivering photocopies and books to 13 book auctions, where the sales yielded around DKK 4.7 million to Frede Møller-Kristensen, the Court finds that Patrick Peters must have known or must have been substantially certain that the books could not be in Frede Møller-Kristensen's lawful possession. The Court further finds this to be supported by Nadiya Peters pointing out to the defendant that she was surprised that they could get so much money for their assistance, and that they each received an extra bonus of DKK 10,000 on top of their commission and that according to Eva Møller-Kristensen they were each promised a further DKK 200,000, as supported by the record in her diary of 20 April 2002, count I, Exhibit 82-6 "*Pat arrived at 11:00 a.m. He received two times DKK 10,000 for himself and Nadiya. F called him later and promised them DKK 200,000 each*". In addition to the proceeds and the bonus, the defendant has further from Eva Møller-Kristensen received a gift of DKK 20,000, referred to as an "Easter egg", with a covering letter saying that she could keep her mouth shut, and that she knew he could keep his mouth shut.

On the basis of the statements from Swann in New York and Christie's in Hong Kong combined with the defendant's and Eva Møller-Kristensen's testimonies and notes in the diaries, the Court is satisfied that Patrick Peters has sold a total of 44 books at Swann and 15-20 copper engravings at Christie's in Hong Kong, and that the proceeds amount to around DKK 4.7 million and 185,462 Hong Kong Dollar which Patrick Peters settled with Frede Møller-Kristensen and Eva Møller-Kristensen, after which he received around DKK 400,000 to share with his sister. The defendant is accordingly found guilty as charged.

#### **Regarding counts 2a and 6.**

It appears from Eva Møller-Kristensen's entry of 24 July 1997 in her diary, count I, Exhibit 82-1 that, "*Th came for great dinner.... He is now in love with a German girl... Is willing to talk "business" with Pat. After casual objections it ended in chaos*" and on 9 August 1997 "*F spoke to Th about sale through Pat*", and on 10 August 1997 "*Th has spoken to Pat – he is willing*". Accordingly, the Court finds reason to take into account that in the autumn of 1997, Thomas Møller-Kristensen arranged the contact and the agreement with Patrick Peters to sell books in New York, just as he was aware that at the

same time in October 1997, a few months after Thomas Møller-Kristensen had met Silke Albrecht, Frede Møller-Kristensen made an agreement with her to sell books via Germany. It appears from Eva Møller-Kristensen's entry in her diary from 9 October 2003, count I, Exhibit 82-1, as follows "*Met Th at Elsinore station with copies for Silke*". The fact that the father's books were not to be sold in Denmark combined with the fact that an agreement is made for other persons to assist the family in selling via New York as well as Germany, are deemed to be transactions so exceptional that the Court finds that as early as that time, Thomas Møller-Kristensen must have been at least substantially certain that something could be wrong with the books. This is supported by the fact that, in connection with the subsequent sales of 33 books, he and Silke Albrecht received DKK 450,000 in proceeds corresponding to 10% of the DKK 4.5 million, which the sales yielded. The size of these amounts in a family with an otherwise normal financial situation must necessarily have given rise to considerations. Further, he and Silke Albrecht received large amounts from his parents in the period in question, including DKK 600,000 to purchase a house, just as the parents paid for a new kitchen and bathroom in the house. Adding to this the fact that Thomas Møller-Kristensen participated in clearing the house in April/May 2003 upon Frede Møller-Kristensen's death, and that a large number of books from the Royal Library were found on that occasion, and he participated in packing some of the books without ensuring that the Royal Library was contacted, and that he also omitted to stop the sale of the books which had already been consigned to Christie's in London, the Court is satisfied that Thomas Møller-Kristensen knew or was substantially certain that the books in question originated from theft.

On the basis of the notes in the diaries and the testimonies given by the defendant and Silke Albrecht, the Court is satisfied that during the period from early 1998 through July 2002, the defendant and Silke Albrecht delivered photocopies of the title pages of 39 books to Christie's in Zürich/Stuttgart to obtain estimates, after which Silke Albrecht, and in some cases both of them, transported the books to Germany and handed them over Silke Albrecht's mother, who then had the books sent by carrier to Christie's in London, where they were sold together for around DKK 4.5 million, which was paid into Silke Albrecht's account in Germany and later delivered to Frede Møller-Kristensen. They also received 21 books to sell in the spring of 2003 in a similar way. Accordingly, Thomas Møller-Kristensen is found guilty as charged.

In respect of Silke Albrecht, the Court is satisfied that shortly after getting to know Thomas Møller-Kristensen and immediately after being introduced to her "in-laws", she

agreed to contact Christie's in Zürich with a view to selling books, and an agreement was made between her and Christie's for her to deliver photocopies of the book title pages to Christie's Stuttgart office. Estimates were then obtained for the books, and she subsequently handed over the books to her mother in Konstanz, after which they were sent to London by carrier and sold. After the sale, the proceeds were paid into her account in Germany, and she subsequently settled the amount with Frede Møller-Kristensen. The Court finds that the unusual approach with the sale through Christie's in London but via valuation, etc. in Germany combined with her then very short acquaintance with the family must have given rise to considerations for her. Adding to this the fact that she and Thomas Møller-Kristensen have received 10% of the proceeds for the sales or a total of DKK 450,000, and that they have further received the large amounts of money specified above regarding Thomas Møller-Kristensen, the Court finds that Silke Albrecht must have known or must have been substantially certain that there was something wrong with the books. This is supported by the fact that Frede Møller-Kristensen had ordered her, if inquired, to say that she owned the books, just as she was to pay the proceeds to Frede Møller-Kristensen in small portions of less than DKK 60,000 each. This is further supported by the fact that she has testified that, in the summer of 2003, she was told that there were books from the Royal Library in the home, and she still did not contact Christie's with a view to stopping the sale of the books which had been delivered to be sold. Eva Møller-Kristensen's records in her diaries from 5 June 2003 read "*Long talk on the phone with Silke about "rare<sup>1</sup> books" + estimates of 5 books from Christie's*", which shows that, at that time, they talked about the books found from the Royal Library as well as the estimates of the books already consigned without Silke Albrecht reacting to it.

On the basis of the notes in the diaries and the testimonies from the defendant and Eva Møller-Kristensen, the Court is satisfied that during the period from early 1998 through July 2002, the defendant, along with Thomas Møller-Kristensen, was in charge of delivering photocopies of the title pages of 39 books to Christie's in Zürich/Stuttgart in order to obtain estimates, after which she, and in some cases both of them, transported the books to Germany and handed them over to her mother, who subsequently had the books sent to Christie's in London by carrier, where they were sold together for around DKK 4.5 million, which was paid into the defendant's account in Germany and later delivered to Frede Møller-Kristensen and Eva Møller-Kristensen. They also received 21 books to sell in the spring of 2003 in a similar way. Accordingly, Silke Albrecht is found guilty as charged.

---

<sup>1</sup> [Translator's comments:] "rare" means nice in Danish, but the word may have been used ambiguously.

#### **Regarding count 4**

According to Eva Møller-Kristensen's own testimony, the Court takes into account that in April/May 2003 in connection with clearing the house following her husband's death, she found a number of books, which she could see belonged to the Royal Library from the stamps etc. It appears from her entries in her diary around that time, count I of the case, Exhibit 82-5 regarding 4 April 2003 "Found more "rare books", 7 April 2003 "We found many more "rare books" and copper engravings", 18 May 2003 "'Rare books" everywhere", 30 May 2003 "6 boxes of "rare books", 31 May 2003 "Lene came... she filled 2 boxes (now 8) with "rare books"", 3 June 2003 "Lene came... she moved all the boxes with "rare books" to ....room and filled 2 last boxes – now 10". On the basis of the search combined with the investigation of the Royal Library, the Court finds reason to take into account that 772 books belonging to the Royal Library were thus packed into boxes and later moved to the basement where they were placed in cupboards. By doing so, Eva Møller-Kristensen acted in such way in relation to the books, which she knew originated from the Royal Library and had unlawfully been removed by Frede Møller-Kristensen, that she is guilty as charged.

As regards Thomas Møller-Kristensen, he has testified that he only assisted in packing 5 small boxes. This is supported by the defendant Eva Møller-Kristensen's entries in her diary. By his assistance in hiding and storing the books, which he knew belonged to the Royal Library and had been unlawfully removed by Frede Møller-Kristensen, Thomas Møller-Kristensen is found guilty as charged, but only in respect of 6 boxes of books at an unknown value.

#### **Regarding the claims for expulsion**

In its statement dated 13 May 2004, the Danish Immigration Service made the following observations in respect of Silke Albrecht:

"Silke Albrecht has thus stayed lawfully in Denmark with a view to permanent residency for approximately five years and six months.

#### **Statutory authority for expulsion**

Considering the duration of the period of residency, the Danish Immigration Service believes that the conditions for a possible expulsion should be found in section 23(1), cf. section 22(vi), of the Danish Aliens Act.

Section 23(i) of the Danish Aliens Act provides that an alien who has stayed lawfully in Denmark for more than the last three years may be expelled on the grounds listed in section 22.

Section 22(vi) of the Danish Aliens Act provides that an alien who has stayed lawfully in Denmark for more than the last seven years, and an alien issued with a residence permit under section 7 or section 8 may be expelled if the alien, pursuant to, amongst others, the provisions of section 290(2) of the Danish Criminal Code, receives an unsuspended sentence of imprisonment or other criminal sanction involving or allowing deprivation of liberty in respect of an offence that would have resulted in a punishment of this nature.

The Danish Immigration Service notes that a sentence pursuant to section 290(1) alone of the Danish Criminal Code does not provide authority to expel Silke Albrecht pursuant to the Danish Aliens Act.

#### **Matters relating to section 26 of the Danish Aliens Act**

In considering whether the matters listed in section 26(1) of the Danish Aliens Act can be deemed to make a decision on expulsion particularly burdensome for Silke Albrecht, the Danish Immigration Service notes the following:

#### **Re. section 26(1)(i) and (ii)**

Silke Albrecht, who is 33 years today, entered Denmark on 26 May 1998 at the age of 27. Thus, she has stayed in Denmark for a total of six years.

Silke Albrecht has stated in connection with the case that she worked from August 1998 as a visiting teacher at the high school of Greve (*Greve Gymnasium*), teaching German, English and French.

According to her, she subsequently had a number of different jobs in Denmark, interrupted only by maternity leave during the period from August 2001 through August 2002. At present, she is employed at a school, *Tingbakkeskolen*, in Græsted, where she works as a teacher and teaches in Danish.

She is fluent in spoken and written Danish.

#### **Re. section 26(1)(iii) and (iv)**

Silke Albrecht is married to a Danish citizen with whom she has a two-year old son.

The son is also a Danish citizen.

**Re. section 26(1)(v)**

There is no information in the case about Silke Albrecht's ties with Germany, including the frequency of her visits to her country of origin since entering Denmark, her family relations in her country of origin, and whether she completed any education in her country of origin.

**Re. section 26(1)(vi)**

Concerning, in particular, the question of whether there is a risk that, in cases other than those set out in section 7(1) and (2) (matters providing grounds for asylum), Silke Albrecht will suffer harm in the country in which she may be expected to take up residence following expulsion, the Danish Immigration Service notes that based on the information available in the case the Danish Immigration Service does not find there is a risk that she will be subjected to particularly burdensome penalties on her return to Germany, or that Silke Albrecht would risk being sentenced in Germany for the same offence for which she might be sentenced in Denmark.”

**The Court's comments:**

In considering the claim for expulsion, the Court weighed, on the one hand, the circumstances indicating expulsion, including, in particular, the gravity of the offence, and, on the other hand, the defendant's ties with Denmark. Silke Albrecht entered Denmark in 1997, and she has taken supplementary courses in Denmark qualifying her to a Danish Master of Arts, with the effect that she is now permanently employed at a school. She is married to Thomas Møller Kristensen, and together they have a two-year old child. She has no ties with Germany except that her mother lives there. Against this background the Court finds that the defendant's ties with Denmark are so strong that she should not be expelled.

Accordingly, the Court dismisses the claim that Silke Albrecht be expelled.

In its statement dated 13 May 2004, the Danish Immigration Service made the following observations in respect of Patrick Adrian Peters:

“The person in question has thus stayed lawfully in Denmark for approximately 17 years and 10 months.

Considering the duration of the period of residency, the Danish Immigration Service believes that the conditions for a possible expulsion should be found in **section 22(vi)** of the Danish Aliens Act.

**Section 22(vi)** of the Danish Aliens Act provides that an alien who has stayed lawfully in Denmark for more than the last seven years, and an alien issued with a residence permit under section 7 or section 8 of the Danish Aliens Act may be expelled if the alien, pursuant to, amongst others, the provisions of **section 290(2)** of the Danish Criminal Code, receives an unsuspended sentence of imprisonment or other criminal sanction involving or allowing deprivation of liberty in respect of an offence that would have resulted in a punishment of this nature.

In considering whether the matters listed in **section 26(1)** of the Danish Aliens Act can be deemed to make a decision on expulsion particularly burdensome for Patrick Adrian Peters, the Danish Immigration Service notes the following:

**Re. section 26(1)(i)**

Patrick Adrian Peters has stated in connection with the case that he has stayed continuously in Denmark for the past 18 years.

He has also stated that about 10 years ago he graduated as a technical assistant in Denmark, and he is employed in this profession.

He has finally stated that he is currently employed with CAD Kompagniet, with which he has worked for the past six years according to the information available.

**Re. section 26(1)(ii)**

Patrick Adrian Peters is 44 years old today and, according to the information available, he does not suffer from any serious diseases. According to the information available, he suffers from asthma, but is otherwise fit and healthy.

**Re. section 26(1)(iii) and (iv)**

Patrick Adrian Peters has stated in connection with the case that he has two Danish under-age children in Denmark, of nine and 12 years, respectively, over whom he has shared custody. According to the information available, he sees the children daily, and they stay with him every second weekend on a regular basis.



Apart from that, the person in question lives alone, according to the information available.

**Re. section 26(1)(v)**

Patrick Adrian Peters has stated in connection with the case that both his parents are dead, but that he has a sister who still lives in Ireland - and a sister who lives in New York.

He has also stated that he has no ties with Ireland.

**Re. section 26(1)(vi)**

Concerning, in particular, the question of whether there is a risk that, in cases other than those set out in section 7(1) and (2) (matters providing grounds for asylum), Patrick Adrian Peters will suffer harm in the country in which he may be expected to take up residence following expulsion, the Danish Immigration Service notes that based on the information available in the case the Danish Immigration Service does not find there is a risk that the person in question will be subjected to particularly burdensome penalties on his return to Ireland, or that Patrick Adrian Peters would risk being sentenced in Ireland for the same offence for which he might be sentenced in Denmark.”

**The Court's comments:**

In considering the claim for expulsion, the Court weighed, on the one hand, the circumstances indicating expulsion, including, in particular, the gravity of the offence, and, on the other hand, the defendant's ties with Denmark. The defendant entered Denmark 18 years ago. He has completed education in Denmark, and he has a permanent job. He has two under-age children of nine and 12 with his former spouse, and they have shared custody. The defendant has no special ties with Ireland. Against this background the Court finds that the defendant's ties with Denmark are so strong that he should not be expelled.

Accordingly, the Court dismisses Counsel for the Prosecution's claim that Patrick Adrian Peters be expelled.

**Regarding the claims for confiscation**

In considering the claim for confiscation pursuant to section 76a of the Danish Criminal Code, the Court has had consideration to the fact that the defendants have been found

guilty of several offences under section 290(2), cf. (1), of the Danish Criminal Code, which might entail a significant gain. On this basis, the provision provides for confiscation of the defendants' assets, if the Court so finds.

Re. 1)

According to the information available, Frede and Eva Møller-Kristensen have paid off debt in the property at Aurikelvej 20, Mørdrup, DK-3060 Espergærde, Denmark, title no. 6 og Mørdrup By, in an amount of DKK 700-800,000 originating from the proceeds received from the books. Accordingly, the Court finds that the property should be confiscated pursuant to the provisions invoked.

Re. 2)

According to the information available, Silke Albrecht and Thomas Møller-Kristensen bought the property at Ellekildehavevej 19, Boderne, DK-3140 Ålgårde, Denmark, title no. 1 ca Stenstrup Overdrev, Hellebæk, in 1998, making a down payment of DKK 600,000, which they received from Frede Møller-Kristensen. Furthermore, they subsequently received DKK 110-120,000 for a new kitchen, and Frede Møller-Kristensen also paid for a new bathroom. As the money received from Frede Møller-Kristensen originates from the sales of the books, the Court finds that the property should be confiscated pursuant to the provisions invoked.

Re. 3)

Patrick Peters bought the property at Hornebyvej 11A, DK-3100 Hornbæk, Denmark, title no. 1HZ Horneby By, Hornbæk, before 1997. No debt in the property seems to have been paid off since then. On this basis, there are no indications that the property has been bought with means that have not been lawfully acquired, and accordingly the Court finds that the property should not be confiscated.

Re. 4)

The defendants have not objected to the confiscation of these accounts. As, according to the information available, the amounts deposited in the accounts have increased during the years from 1997 onwards, and the bond portfolio was acquired during the same period, and as none of the deposits exceeds the gains in question from the criminal offences, the Court finds grounds for confiscation, cf. section 75(1) of the Danish Criminal Code.

Re. 5)

As far as the cash amounts are concerned, the Court finds they originate from the sale of books, and, accordingly, they are confiscated pursuant to section 75(1) of the Danish Criminal Code.

Re. 6-12)

Eva Møller-Kristensen has not objected to the claim for confiscation, and as the Court has not otherwise been satisfied that the effects have been acquired with lawful means, they are confiscated, cf. section 76a(1). As regards the diaries, they are confiscated pursuant to section 75(2)(i).

**Determination of sentences:**

The defendant Eva Møller-Kristensen has been detained since 5 November 2003, including in solitary confinement during the period from 5 November 2003 through 25 November 2003.

Pursuant to section 290(2), cf. (1), of the Danish Criminal Code, the defendant **Eva Møller-Kristensen** is sentenced to three years' imprisonment.

The defendant Silke Albrecht has been detained since 5 November 2003, including in solitary confinement during the period from 5 November 2003 through 25 November 2003.

Pursuant to section 290(2), cf. (1), of the Danish Criminal Code, the defendant **Silke Albrecht** is sentenced to imprisonment for one year and six months.

However, the Court finds it unnecessary that the entire sentence be executed and accordingly withholds execution of one year of the sentence pursuant to section 56(2), cf. section 58, of the Danish Criminal Code, on the terms and conditions determined below.

The Court dismisses the claim for expulsion of Silke Albrecht.

The defendant Thomas Møller-Kristensen has been detained since 5 November 2003, including in solitary confinement during the period from 5 November 2003 through 25 November 2003.

Pursuant to section 290(2), cf. (1), of the Danish Criminal Code, the defendant **Thomas Møller-Kristensen** is sentenced to two years' imprisonment.

The defendant Patrick Adrian Peters has been detained since 6 November 2003, including in solitary confinement during the period from 7 November 2003 through 25 November 2003.

Pursuant to section 290(2), cf. (1), of the Danish Criminal Code, the defendant **Patrick Adrian Peters** is sentenced to imprisonment for one year and six months.

However, the Court finds it unnecessary that the entire sentence be executed and accordingly withholds execution of one year of the sentence pursuant to section 56(2), cf. section 58, of the Danish Criminal Code, on the terms and conditions determined below.

The Court dismisses the claim for expulsion of Patrick Adrian Peters.

The claim for damages has been referred to civil action.

THE JUDGMENT OF THE COURT IS THAT:

The defendant **Eva Møller-Kristensen** is sentenced to a term of imprisonment of three years.

The defendant **Eva Møller-Kristensen** is ordered to pay the costs.

The defendant **Silke Albrecht** is sentenced to a term of imprisonment of one year and six months.

The Court withholds execution of one year of the sentence, which will lapse on the condition

that the defendant does not commit a further violation of the law during a period of one year.

The Court dismisses the claim for expulsion.

The defendant **Silke Albrecht** is ordered to pay the costs, including DKK 120,000 plus VAT in fees to the appointed counsel, Ulrik Rasmussen, together with out-of-pocket expenses in the amount of DKK 357.60.

The defendant **Thomas Møller-Kristensen** is sentenced to a term of imprisonment of two years.

The defendant **Thomas Møller-Kristensen** is ordered to pay the costs, including DKK 164,000 plus VAT in fees to the appointed counsel, Gunnar Homann.

The defendant **Patrick Adrian Peters** is sentenced to a term of imprisonment of one year and six months.

The Court withholds execution of one year of the sentence, which will lapse on the condition

that the defendant does not commit a further violation of the law during a period of one year.

The Court dismisses the claim for expulsion of the defendant **Patrick Adrian Peters**.

The defendant **Patrick Adrian Peters** is ordered to pay the costs, including DKK 130,000 plus VAT in fees to the appointed counsel, Hanne Reumert.

The property at Aurikelvej 20, Mørdrup, DK-3060 Espergærde, Denmark, title no. 6 OG Mørdrup By, shall be confiscated from the defendant **Eva Møller-Kristensen**. a(1).

The property at Ellekildhavevej 19, Boderne, DK-3140 Ålsgårde, Denmark, title no. 1 ca Stenstrup Overdrev, Hellebæk, shall be confiscated from the defendants **Thomas Møller-Kristensen and Silke Albrecht**.

The Court dismisses the claim for confiscation from the defendant **Patrick Peters** of the property at Hornebyvej 11A, DK-3100 Hornbæk, Denmark, title no. 1HZ Horneby By, Hornbæk.

The following bank accounts and custody accounts with Midtbank, including interest accrued as at today, shall be confiscated from the defendant **Eva Møller-Kristensen**:

Danish bonds in own custody accounts, no. 7630 091980, DKK 1,650,000 nominal value. Account no. 7630 1031100 private account, credit balance DKK 79,181.69 as at 31.12.03. Account no. 7630 4618101 private savings, credit balance DKK 266,976.89 as at 31.12.03. Account no. 7630 8311059 annuity pension - private scheme, credit balance DKK 34,236.79 as at 31.12.03. Account no. 7630 8807288 index-linked account, credit balance DKK 200,077.70 as at 31.12.03. Account no. 1551 7130201, credit balance DKK 26,063 as at 31.12.03.

Account no. 3163610892, private, with Danske Bank, credit balance DKK 11,860.95 as at 31.12.03 shall be confiscated from the defendant **Silke Albrecht**.

Joint account with Den Danske Bank no. 3163690683, private, credit balance DKK 260,726.48 as at 31.12.03 and joint account no. 3163753820, budget account, credit balance DKK 13,979.29 as at 31.12.03 shall be confiscated from the defendants **Silke Albrecht and Thomas Møller-Kristensen**.

Account no. 3163688662, deposit account with Danske Bank, credit balance DKK 96,212.68 as at 31.12.03 and account no. 4790080335, private, with Danske Bank, credit balance DKK 11,019.25 as at 31.12.03 shall be confiscated from the defendant **Thomas Møller-Kristensen**.

The following shall be confiscated from **Eva Møller-Kristensen**:

DKK 34,000 in cash, item no. 1, 38 copper prints, item no. 14, 4 scrolls of copper engravings, item no. 16, a telescope including ancillary equipment, item no. 26 T and 27 T, Eva Møller-Kristensen's diaries from 1994 through 2003, item no. 11, a 19<sup>th</sup>-century pencil case, item no. 1, about 52 kilogrammes of stamps, item no. 9, 2 Chinese Scrolls, item no. 23.

Pia Petersen

I certify this to be a true transcript  
COURT REGISTRY OF THE COPENHAGEN CITY COURT, 3 June 2004  
On behalf of the Court Registry

[signature]  
Pia Thomsen

I, the undersigned Rikke Hartmann Ditlevsen, authorised translator, hereby certify the preceding text to be a true and faithful translation of the attached transcript of the record of judgments in the Danish language produced to me this 21<sup>st</sup> day of June 2004.

Witness my hand and official seal



21.06.2004  
RD

Rikke Hartmann Ditlevsen

CERTIFICATE OF LEGALISATION

This document has been signed by Rikke Hartmann Ditlevsen  
acting in the capacity of Official Translator

and bears the seal of Rikke Hartmann Ditlevsen

Signed by J. Vamskjeller  
3/16/04  
British Vice-Consul Copenhagen

