

5th book of Islamic Punishment Law [discretionary and preventive punishments] dated May 23, 1996

Chapter 9 – destruction of historical-cultural properties

Article 558 – Any person who impairs, damages or causes total or partial destruction of cultural, historical, or religious buildings, places, sites and complexes included in National List for Cultural Heritage; or their decorations, companions, installations, objects, equipments, scripts, ornaments fitted or not - which independently possess cultural, historical or religious respect and identity – shall be obliged to compensate the sustained losses and sentenced to confinement of one to 10 years.

Article 559 – Any person found guilty of stealing equipments and objects, as well as the materials and pieces of cultural-historical monuments from museums, exhibits, historical and religious places or any other places which are under the protection or control of the state; or trades in such objects or conceals them - knowing that they are stolen - shall be obliged to return them, and condemned to confinement of one to 5 years, if not subject to punishment for theft (as ordained by Islamic religion).

Article 560 – Any person who - without proper permits from the Iranian Cultural Heritage Organization, or by violating the regulations approved and declared by the Organization - conducts operations within the protected areas of the cultural-historical properties so that their foundations become instable; or impairs or damages the monuments and buildings as the result of the operations, shall be condemned to remedy the impairments and compensate the sustained losses, as well as undergoing a confinement of one to 3 years.

Article 561 – Any attempt to take historical-cultural items out of the country, even if it would not be actually exported, shall be considered as illegal export. The violator shall be condemned to restitute the items, imprisoned from one to 3 years, and fined as twice as the value of the items exported.

Note – The Iranian Cultural Heritage Organization shall be in charge of recognizing historical or cultural nature of these items.

Article 562 – Any digging or excavation intended to obtain historical-cultural properties is forbidden. The violator shall be condemned to undergo a confinement of 6 months to 3 years; the discovered objects shall be confiscated in the interest of The Iranian Cultural Heritage Organization and the equipments of the excavation shall be confiscated by the state. In case the excavation is performed in historical places and sites registered in National List for Cultural Heritage or in holy shrines and sacred places, the discovered objects and the equipments of excavation shall be confiscated and the violator shall be subject to the maximum prescribed punishment.

Note 1 – Any of these historical-cultural properties, which have been obtained by chance and not restituted according to the regulations approved by The Iranian Cultural Heritage Organization, shall be confiscated.

Note 2 – Trading in the historical-cultural properties obtained out of illegal excavations is prohibited. The objects shall be confiscated and both dealer and purchaser shall be subject to confinement of 6 months to 3 years. In case such properties are directly or indirectly, under any

title sold to foreign subjects, the violator shall be condemned to the maximum prescribed penalty.

Article 563 – Trespassers on the non-private historical and religious lands, hills and places, included in National List for Cultural Heritage, shall be subject to confinement of 6 months to 2 years, provided that the Iranian Cultural Heritage Organization has already delineated and demarcated the protected area.

Article 564 – Any person who attempts to restore, repair, alter, reconstruct and develop the buildings and the decorations of the places registered in the National List for Cultural Heritage without proper permits from Iranian Cultural Heritage Organization and in conflict with the regulations approved and declared by the Organization, shall be condemned to compensate the sustained losses and undergo a confinement of 6 months to 2 years.

Article 565 – Any person who, in violation of the provisions contained in the National Cultural Properties Conservation Act and under any title transfers the ownership of immovable cultural-historical properties to others, knowing that they are registered in National List for Cultural Heritage, shall be subject to a confinement of 3 months to one year.

Article 566 – Any person who – unbecoming to the respect and character of the monuments - attempts to change the usage of the religious, cultural, or historical buildings, places, and sites, registered in National List for Cultural Heritage, without the permission from Iranian Cultural Heritage Organization shall be condemned to remedy the sustained losses and undergo a confinement of 3 months to one year.

Article 567 – For all the crimes mentioned in this chapter, Iranian Cultural Heritage Organization, along with other state organizations shall be considered as private plaintiff or claimant, according to case.

Article 568 – For all the crimes mentioned in this chapter, if the crime is committed by legal entities, each of the managers or authorities that have given the order shall be liable to the prescribed penalty on the basis of the case.

Note – For all the crimes mentioned in this chapter, the cultural-historical properties shall be confiscated under the supervision of Iranian Cultural Heritage Organization. In all cases, confiscations, restitutions, and compensations regarding properties, objects, and equipments shall be in favor of the Iranian Cultural Heritage Organization.

Article 569 – In all the cases in this chapter, if the property being destroyed is privately owned, and the owner not aware of its registration in the National List for Cultural Heritage, he/she will be exempted from the prescribed penalties of the above cases.