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LAW No.55 of 2002 For The Antiquities & Heritage of Iraq

CHAPTER 1 - OBJECTIVES AND MEANS

Article 1- The LAW aims to fulfill the following:

1. Preserving the Antiquity and Heritage in the Republic of Iraq for being substantial aspect of the (National Wealth).
2. Demonstrating the Antiquities and Heritage to the people of Iraq and the International community so as to expose the notable role of the Iraqi Civilization and its contribution in the Civilization of Humanity.

Article 2- To achieve the objectives of this LAW the (Antiquity Authorities) shall depend on the following:

1. Locating the Antiquity, Heritage and Historical Sites.
2. Undertaking Archaeological excavations all over the country by implementing the latest scientific & technical methods.
3. Restoration of the Antiquity, Heritage (Monuments and Artifacts) as well as the Historical Sites to prevent any Deterioration or Corrosion on their structure.
4. To enable the citizens and visitors taking a look on the Antiquity and Heritage artifacts, it will be essential to hold contemporary museums.
5. Making samples of some important Antiquity and Heritage artifacts, producing photocopies, slides and films for broadcast, sale and exchange.
6. Preparation of a program of studies, research, conferences and symposiums, that shall contribute to the presentation of the Iraqi Antiquity and Heritage.

7. Working on exhibiting the mentioned Antiquity and Heritage artifacts in temporary exhibitions abroad.
8. Qualifying Archeologists and Heritage specialists throughout the world by involving them in training courses, fellowships and scholarships prepared for this purpose.
9. Forming national surveying teams for both Antiquity and Heritage, to start a comprehensive survey project covering the whole country.

Article 3-

1. Disposition of the Antiquities or the Heritage property is restricted, except for the items prescribed in this LAW.
2. The owner of a land where an immovable Antiquity in which, shall not have the rights to dispose, dig, vandalize or change the features on or under the soil of which.

Article 4 – The Terms used in this LAW are as follows:

1. The Ministry: The Ministry of Tourism & Antiquities
2. The Minister: The Minister of Tourism & Antiquities.
3. The Antiquity Authority: The State Board of Antiquity and Heritage.
4. Chairman of the Archaeological Authority: Chairman of the State Board of Antiquity and Heritage.
5. The Participation Authority: The Authority empowered to run and restore the Heritage buildings in the Ministry of Interior, the Ministry of Awqaf and Religious Affairs (now cancelled and replaced with the Shite and Sooni Waqf) and Amanat Baghdad (Municipality of Baghdad).
6. The Artistic Committee: The committee that comprises of specialists in the following fields of knowledge; Archaeology, Heritage, Arts and Law.

Note: A waqf (*plural awqāf*) refers to a religious endowment in [Islam](#), that typically involves a building or plot of land used for [Muslim](#) religious or charitable purposes. It is conceptually similar to the [common law trust](#).

7. Antiquity: The movable and immovable property which has been built, made, carved, produced, written or painted by man, those age of which is not less than 200 years, as well as the man and animal skeletons besides the plants remains.
8. The Heritage Material: The movable and immovable property, less than 200 years of age, possessing a historical, national, religious and artistic value.
9. The Historical Site: A place where a notable historical event took place, therein, regardless its age.
10. Archaeological Excavation: The actions of digging or sensing and sounding those devoted to uncover the movable or immovable property in or under the surface of soil or in the bottom of Rivers, Lakes, Marshes and the Regional water surfaces.

CHAPTER 2

Article 5

1. The Antiquity Authority shall be entitled to hold its own registrations, to register the Archaeological Monuments (Buildings and Sites), besides inserting the data, documents and the attachment rights related to the neighboring real estate and publishing it in the official Gazette to secure permanent protection and restoration.
2. If a monument has already been registered, while the attachment rights of the neighboring real estate were not determined, this shall be done in accordance with the LAW.
3. The attachment rights should include determination of a prohibited zone (no man's land) around the archaeological areas besides securing roads and pathways to reach them.
4. The Stylistic Character of the modern buildings adjacent to the Archaeological sites should also be determined, the new or renewed buildings, their heights, frontispiece and colors so they will be harmonious to the neighboring antiquity buildings, in coordination with the Antiquity Authority and the Participation Authority.

Article 6 –

1. The Antiquity Authority shall be entitled to take over (taking a private property for public use) which possess antiquities in accordance with the Possession Law No. 12 of 1981, regardless of the value of the extent Antiquities in the real state in the case of evaluating the reparation for possession.
2. The Antiquity Authority shall be entitled to evacuate (individuals and property) from the Antiquity and Heritage areas and their forbidden zone, when this might represent a threatening upon the presence of the Antiquity or Heritage area.

Article 7 – All the Antiquity and Historical Sites including those owned by individuals or public property should be registered in the name of the ministry of finance, allocated for the purposes and possession of the State Board of Antiquity and Heritage.

Article 8 – In coordination with the State Directorates, the Antiquity Authority is obliged to prepare a comprehensive survey for the whole Archaic and Heritage sites in Iraq, documenting them on the maps, the survey documents shall be provided with standard scales, inserting them within the basic designation of which as well as referring to their usages whether they were merely lands or Antiquity buildings. The Real Estate Registration Office, Municipality of Baghdad or any other Municipalities concerned, shall be notified.

Article 9 –

1. In case of confiscating, allocating or clearing a real estate within the limits of the basic designation of a city or out of it, the state directorates and the (Socialist Sector) shall be committed to avoid constituting or using the Antiquity (Sites, Buildings); it will also be necessary to determine their prohibited zone in coordinating with the Antiquity Authority.
2. After possessing the written permission from the Antiquity Authority, the concerned authorities shall be committed to rent or sell (Farming Lands) those possess antiquities in or under their soil, after being reformed.
3. The concerned authorities shall be committed to conserve the Antiquity, Heritage and Historical Sites when the mentioned authorities are about to making state

industrial, agricultural or residential projects and other projects like: city and the village planning, beautification, expansion, irrigation canals and the road paving. The written permission from the Antiquity Authority shall be acquired before or at changing the plans of these projects.

4. In case of an inconsistency of a specific and important project within the (Growth Plan) with an antiquity Site, the Antiquity Authority shall be committed to undertake Excavations, therein, which shall be financed by the (Executive Authority), putting a dead line that must be adequate from the scientific and project time schedule point of view. The total cost of the excavations shall be listed in the project's budget before the initiation of digging.

5. The building license, shall not be granted in the antiquity locations or adjacent to which with about one kilometer, except for the cases when a permission is to be granted by the Antiquity Authority within a time not exceeding 30 days from the date of handing in a license application .

6. The Antiquity Authority is entitled to coordinate with Amanat Baghdad or any other concerned municipality for granting a license that concerns an erected monument inside the limits of Baghdad or the Governorates (Provinces).

Article 10 – Mosques, Masjids, Holy Shrines, Monasteries, Convents, Tombs, Takaya, Churches, Inns and other ancient buildings , owned or constituted in Waqf, in the occupation of persons de facto or de jure whether they own or run such buildings, to be used for the purpose for which they have been built, taking into consideration development and expansion works in accordance with the contemporary demands.

Article 11 –

1. The Antiquity Authority shall be, periodically, responsible for monitoring the utilities mentioned in Article 10, allowing the owner or occupier to carryout any necessary preservation works, subject to the supervision of the Antiquity Authority.

2. Should the owner or appropriator of the monuments mentioned above in Article 10 of this LAW, proved to be incapable of doing the necessary restoration, it shall be charged to the Antiquity Authority, provided that the expenses shall be charged to the owner, supervisor or from the income resources fulfilled from the monument in accordance with the law No.56 of 1977 concerning the state's debts.

3. Should the owner or occupier proved to be incapable of affording the required restoration demands (costs), he shall be effaced of this unless there were specific income resources of the monument.

4. No person shall, without a permission from the Antiquity Authority, render any immovable antiquity those mentioned in the article 10 or dispose of any of its constructional material, utilize such antiquity, moving it (totally or partially), on the contrary, the Antiquity Authority shall be entitled to restore the building into the original state, the owner in this case shall afford the total costs of the procedures, he shall also be submitted to the penalties listed in this LAW or compensating the owner, occupier, just in case.

Article 12 — Any person who discovers or ever discovered an immovable antiquity, shall, within 24 hours, be committed to inform the nearest official authority, which in turn, shall immediately notify the Antiquity Authority.

Article 13—

1. Any occupier of a land containing immovable Antiquity or Heritage sites, shall be committed to allow the Official Antiquity Authority to enter these sites or monuments at all appropriate times, with the aim of examining it, drawing maps, undertaking soundings or excavations, restoration and conservation works with their tools, machines and devices those shall be used in proceeding the mentioned works, proved a damage sustained on the land therein, the Antiquity Authority shall be committed to paying the owner an appropriate compensation, whether by a setting or as a judicial decision.

2. The presence of the Antiquity Authority prescribed in the item 1 above, shall not be considered a kind of (land dominating, laying hands on) or confiscation.

3. The owner of a land, appropriator, any person in charge of public property or Waqf land, shall not have the right to acquire any rental, after being prohibited by the Antiquity Authority abusing the antiquity.

Article 14—

1. Throughout procedures like, setting the attachment rights or evacuation from the antiquity areas, the prejudiced shall be compensated in accordance with the rules of this LAW.

2. A committee shall be formed in the aim of compensations for the listed details in item 1 of this article, presided by a representative of the Antiquity Authority with members representing the concerned municipalities in Amanat Baghdad or the administrative departments in the governorates (provinces), the real estate registration office, the state's real estate office and from the directorate of real estate taxation, in the administrative limits of which the real estate lies, accordingly, within a time not exceeding 90 days from the date of indicating the attachment rights or evacuation, contrary to this, the Antiquity Authority resolution concerning the evacuation or the attachment rights, shall be considered cancelled.

Article 15 – The following actions are forbidden:

1. Contravenes on the Antiquity, Heritage and Historical sites including the mounds and the plain landscape those scattered artifacts on the surface of its soil, which has not been published in the official Gazette, in a manner, the normal person might possess a knowledge about so.
2. Actions like: cultivation, erecting residential or other kinds of buildings, construction upon the Antiquity, Heritage sites and their prohibited zone, or rendering their features.
3. Using the Antiquity sites as a rubbish or debris collecting places or erecting buildings, cemeteries and quarries therein.
4. Uprooting trees and plants, removing any utilities from the Antiquity sites or carrying out any acts those may render the features of an Antiquity site .
5. Erecting an eco-pollution industrial facilities, those probable to affect the (general health), less than 3km, from the Antiquity sites and the Heritage building, at each side.
6. Removing any Antiquity or Heritage monument, disposing with its construction material in a manner, that might cause any damage or render.

CHAPTER 3 — MOVABLE ANTIQUITY & CONSTRUCTION MATERIAL

Article 16 – The Antiquity Authority shall hold the following:

1. A Registration of the movable antiquity those were, by chance, discovered and reported to the Antiquity Authority.
2. A Registration of the Antiquity and Heritage artifacts, which exists in the places prescribed in Article 10 of this LAW, providing the possessor with a legal document that confirm the ownership of an antiquity which should periodically, be monitored.

Article 17 –

1. It is prohibited to possess any movable antiquity by any person, whether de facto or de jure.
2. Any movable antiquity found in the possession of person, shall be delivered to the Antiquity Authority within 30 days after this LAW come into force.
3. Make an exception of the rules prescribed in item 1 of this article, for the following:
 - A. The movable antiquity, existed in the places prescribed in Article 10 of this LAW.
 - B. The Manuscripts and the Antiquity Coins, registered in the Antiquity Authority, those possession is allowed.
4. The owner or possessor of the Antiquity prescribed in item 2 of this article, shall be committed to the following:
 - A. Registration of the Antiquity, in the Antiquity Authority, within 180 days from the date of the execution of this LAW or from the date of possession.
 - B. Preserving the antiquity and, in written, instructing the Antiquity Authority of all the possible circumstances, those may expose the antiquity to a loss or damage.
 - C. Obtaining the Antiquity Authority's permission, to transfer the ownership or possession to the (Iraqi citizen) resident in Iraq, who shall commit to the Antiquity Authority, keeping the very commitments those were due to the former owner.

D. For an official receipt, deliver any antiquity to the Antiquity Authority, in the aim of, study and photography and return to the owner, the Antiquity Authority in such case, shall pay the whole expenses.

5. The Antiquity Authority shall be entitled to determine the negligent, when the antiquity prescribed in item 3 above were lost, damaged or disused, shall be proved that it was due to the possession party, the Antiquity Authority shall confiscate the antiquity.

Article 18 –

1. From the owner, the Antiquity Authority shall be allowed to purchase any registered Manuscript or Coin, with a reward that shall be determined by the (Artistic Committee), after the setting of both parties.

2. With the exception of possessing a written permission of the Antiquity Authority, the seller shall be committed not to publish the Manuscript.

Article 19 –

1. Whoever discovers a movable or immovable antiquity or have been acknowledged about that, shall be committed to inform the nearest official authority or any (public organization) within 24 hours from the date of discovery or acknowledgment.

2. The official Authority or the (public organization), shall immediately notify the Antiquity Authority, accordingly.

3. The Antiquity Authority, shall be allowed to pay the discoverer or informer, a suitable reward provided that, in the case of gold, silver or precious stones, the reward which has been determined by the (Artistic Committee) shall not be less than the intrinsic value of the artifact, regardless of its antiquity, workmanship and historical value.

Article 20 –

1. Whoever, in accordance with the LAW, enters [imports] a movable or heritage artifact, shall post a license to the custom authority.

2. In details, the customs authority shall inform the Antiquity Authority, concerning the movable or heritage artifact, within 24 hours from the date of presenting the license.

3. Whoever, enters [imports] a movable or heritage artifact, shall be committed to register the artifacts to the Antiquity Authority, within 30 days, according to the provisions (B, C, D) of item 4 of article 17 of this LAW.

4. The authority, shall confiscate the movable or heritage artifact that entered Iraq, should proved, it has illegally taken over from the origin, it shall also be restored to the original country, taken reciprocity, into consideration.

Article 21 –

1. The Antiquity Authority is entitled to take the movable or heritage artifact, abroad, for the purposes of, scientific studies, restoration or to hold temporary exhibitions, the minister concerned shall be the only person authorized to issue such procedures.

2. The council of ministers may pass a resolution to exchange a certain antiquities in the possession of the Antiquity Authority, by other antiquities possessed by Arabic and foreign museums, institutions, universities and any other scientific institutions, in the aim of, fulfilling a scientific or historical aid and to enrich the Iraqi museums.

3. The Antiquity Authority shall be entitled to exhibit the movable and the heritage artifacts in its possession, to the public, museums and the galleries, inside Iraq.

Article 22 –

1. It is forbidden to:

A. Counterfeit or imitate antiquities.

B. Make moulds or models of certain types of antiquities.

C. Damage or deform an antiquity or heritage artifact, through out, writing or making incisions on which or rendering its features.

2. The Antiquity Authority or any permitted person, shall be entitled to make moulds or models, those prescribed in item B of this article, which shall be determined in accordance with specific conditions, in the aim of, preventing counterfeit or cheating.

3. It is not allowed to, dedicate or sell any antiquity or heritage artifact or taking them out of Iraq, on the contrary, of the rules prescribed in this LAW.

CHAPTER 4 — THE IMMOVABLE HERITAGE PROPERTY

Article 23 –

1. The Antiquity Authority shall be committed to document the heritage buildings and areas, in the purpose of, accomplishing its scientific criteria and to execute the duties complied upon which.

2. The participant authority shall make a registration which includes information of the Heritage buildings and the residential districts, those possess specific heritage or historical importance or for their architectural or Arab – Islamic heritage significance, in accordance with the point of view, of the Antiquity Authority.

3. The participant authority shall declare that the buildings, areas and the residential districts those were prescribed in item 2 of this article are: a preservation zone, it shall be committed to prepare maps and issuing decisions to protect it, for being an architectural heritage, determining how it shall be used and its prohibited zones and the attachment rights imposed on the neighboring estates, within 90 days from the date of declaration in the official Gazette .

4. The Antiquity Authority shall notify the concerned real estate registration office to mark it with non – disposal sign on the documented heritage buildings, issuing decision of protection or not, within 90 days from the date of fixing the sign.

Article 24 –

1. The participant authority shall be entitled to possess the Heritage buildings, according to the rules prescribed in the ownership Law.

2. In case of a hazardous situation, which may threaten the lives and the Heritage buildings, the participant authority, in accordance with the rules it issues, shall evacuate persons and property from the historical and Heritage buildings and its prohibited zones.

Article 25 –

For the purposes of, restoration and reconstruction of the rented heritage buildings, after a warning warrant, the participant authority shall evacuate the Heritage building in a period not exceeding 90 days from the date of warning.

Article 26 –

When erecting general projects, the State offices and the (Socialist Sector), shall commit to preserve the Heritage and Historical buildings , in coordination with the Antiquity Authority.

Article 27 –

The owner of the Heritage building which is covered with conservation and documentation, shall possess the following privileges:

1. Possessing a donation or prepayment, which shall be paid by participant authority in accordance with certain rules, for the purposes of the preservation of the Heritage building.
2. Discharge from the real estate taxation.
3. Renting the Heritage building, except from the rules of the rent Law No. 87 of the year 1979.

Article 28 –

1. It is not allowed:
 - A. Contravene on the buildings or heritage districts those were declared in the official Gazette, tearing them down or rendering the professions practiced in

the shops, markets and the heritage streets or and cancellation of their major functions that granted them the character (HERITAGE).

- B. Cancellation the character HERITAGE of an erected heritage structure, upon the property of the others, by evacuation, and in the case of disagreement between the owner and the hiring individuals, and in the aim of preserving the structure as well as preventing its demolition, the state board of taxation shall evaluate the rental.
- C. No person shall, without a permission granted by the Antiquity Authority and a license from the participant authority that shall secure homogeneity with the architectural specifications and the general standards of the conservation area, the documented and preserved buildings; pull down, reconstruct or change the use of such building in a wrong manner. The permission license shall be decided within 30 days from the date of presenting the application.

2. Any contravener (violator) of the rules prescribed in the clause C of the item 1 of this article, shall be obliged by the participant authority, to deal with the violation, in accordance with the proper methods and time schedule imposed by the participant authority, on the contrary to this, he shall afford the expenses.

3. As a result of the consequences of the attachment rights on someone's land, prescribed in the item 3 of the article 23 of this LAW, or due to the evacuation from the heritage property in accordance with the item 2 of the article 24 of this LAW, the participant authority shall compensate the prejudiced, within 90 days from the date of indicating the attachment rights or evacuation, on the contrary to that, the participant authority decision concerning the attachment rights or evacuation, shall be considered withdrawn.

There is no Article 29 under this LAW.

CHAPTER 5 — EXCAVATION FOR ANTIQUITIES

Only the Antiquity Authority is authorized to undertake Excavation for Antiquity in Iraq, it is entitled, herewith, to grant permissions to the scientific committees, scientists and the Iraqi, Arabic and foreign institutions, after the indication, of their archaeological capacity, scientific and financial sufficiency.

Article 30 –

1. It is allowed to carry out excavation in the lands owned by the state or persons, whether, de facto or de jure, in which lies antiquity remains.
2. The parties and persons prescribed in article 29 of this LAW, are committed to restore the excavated areas into their original pre excavation situation, paying compensation for the reparation of damages sustained on the land after the conclusion of the excavation, the compensation shall be evaluated by the Antiquity Authority.
3. The Antiquity Authority shall determine the time schedule of the excavation, in the land not of a public property, only the minister shall be entitled to extend the schedule.

Article 31 –

1. Excavation shall be carried out scientifically under the supervision of a committee, which shall be formed by the minister or any authorized party, accordingly.
2. The director or the chief of the expedition, shall be a well known archaeologist with previous experience in archaeological excavation.
3. An architect specializing in ancient architecture.
4. An assistant competent in drawing and photography.
5. When needed, an epigraphist of ancient languages and scripts.

Article 32 – The holder of the permit of excavation, those do not belong to the Antiquity Authority, shall comply with the following conditions:

1. The application permits shall be made to the Antiquity Authority, setting forth:
 - A. Particulars of the applicant, his previous experience and financial capacity.
 - B. Affiliation and authorization of a well known scientific institution that deals with excavation and archaeological research.
 - C. Number of the workers, therewith, their scientific qualification in excavation.

2. Additionally:

- A. Preparing a map to explain the boundaries of the area, showing details of the site intended to excavate, therein
- B. A report containing the general program (scheme) of the work to be followed for the next 5 years.

3. The minister's approval for the excavations, according to the study and recommendation made by the Antiquity Authority.

4. The applicant shall be jointed with the Antiquity Authority, by a contract, in the aim of determination the rights and commitments of both parties.

Article 33 – The Antiquity Authority shall be entitled to inspect the excavations undertaking and the uncovered artifacts, in any time it sees proper.

Article 34 –

1. The Antiquity Authority shall suspend the excavation, if the holder of the permit contravenes the conditions laid down in the permit, warning the excavating party of the necessity to eliminate the contravention, within a proper time determined by the Antiquity Authority.

2. If the holder of the excavation permit did not remove the contravention or it was significant and or the holder's situation required that, the minister shall be entitled to cancel his approval.

Article 35 –

1. All antiquities discovered within the course of the excavation and the information obtained from which, including photographs, maps and plans are state property, shall not be allowed, except of a written permission by the Antiquity Authority, to dispose with or publication inside or outside Iraq.

2. For his efforts, the Antiquity Authority, shall grant the following for the permit's holder:

- A. Moulds, photographs, maps and the plans of the discovered antiquities.

- B. In the purpose of analyses and studies, pottery fragments, organic materials and soil samples, provided that the holder of a permit shall be committed to deliver the results of the studies and research to the Antiquity Authority, within a year from the date of receiving the samples.
- C. Under the direct supervision of the Antiquity Authority, the materials prescribed in the item B of this article, shall obtain an export permit without having to pay any export fee or Customs duty.

Article 36 – Except of the approval of the Antiquity Authority, from media and commerce point of view, it is not allowed to invest any photographs or films of any antiquity sites or heritage property.

Article 37 – The Antiquity Authority shall be entitled to restore the Iraqi stolen antiquities from abroad, in accordance with international provisions, by any legal ways or diplomatic paths.

CHAPTER 6 — PENALTIES

Article 38 – Whoever possesses a movable antiquity and did not report it to the Antiquity Authority, shall be punishable with imprisonment not exceeding 10 years or compensation two times the value of the evaluated artifact, within 30 days from the date of this LAW come into force.

Article 39 – Whoever possesses a manuscript, coin or a registered heritage antiquity, resulted in their loss or damage (totally or partially), whether due to a disuse or evil will, shall be punishable with imprisonment for a period not exceeding 10 years and paying a compensation, two times the evaluated value of the antiquity.

Article 40 –

1. Whoever stole an artifact or heritage antiquity in the possession of the Antiquity Authority, in the state of not restoring it, shall be punishable with imprisonment for a period not less than 7 year and not exceeding 15 years and paying a compensation 6 times the evaluated value of the artifact or the heritage antiquity, or, if the committed was in charge of running, keeping or guarding the stolen artifact or the heritage antiquity, shall be punishable with life imprisonment, when the robbery shall sustain by force or threatening by two persons or more those carry any weapons (concealed or apparent), shall be punishable with execution.

2. The participant of committing the crime laid down in the provision 1 of this article, shall be considered as a guilty of an offence.

Article 41 –

1. Whoever exported or intended to export, deliberately, an antiquity, from Iraq, shall be punishable with execution.

2. Whoever deliberately exported a heritage antiquity from Iraq, shall be punishable with imprisonment for a period not exceeding 3 years or a fine not exceeding 100,000 I.D. (Iraqi Dinars).

Article 42 – Whoever excavates for , or attempts to discover antiquities ,without obtaining a written permission by the Antiquity Authority, resulted in damaging the site or its prohibited zones and or the antiquity in or under its soil, shall be punishable with imprisonment for a period not exceeding 10 years and a compensation two times the evaluated value of the damages sustained, with the confiscation of the antiquities extracted and the digging instruments, he shall be punishable with imprisonment for a period not exceeding 15 years, if the guilty of an offence was a member of staff of the Antiquity Authority.

Article 43 –

1. Whoever dug, built, planted or inhabited in a declared antiquity site, or removed, rendered, damaged, deformed, demolished an antiquity or heritage monument, attempted to dispose with its construction materials or used it in a harmful manner which may result in tearing it down or altering the original features of which, shall be punishable with imprisonment for a period not exceeding 10 years, a compensation two times the evaluated value of the damage and removing the contravene on his charge.

2. Any employee or a representative of the party concerned with sustaining the deliberate damage upon the antiquity sites or the heritage districts or dwellings, shall be punishable with the penalty laid down in the provision 1 of this article.

Article 44 – Whoever traffics in antiquity, shall be punishable with imprisonment for a period not exceeding 10 years and a fine not exceeding 1,000,000 I.D., when the guilty of an offence is a staff member of the Antiquity Authority, he shall be punishable with the imprisonment and a fine not exceeding 2,000,000 I.D., and the antiquity in his possession shall be liable to be confiscated.

Article 45 – Whoever, without a permission of the Antiquity Authority, traffics in a counterfeited or imitated antiquity, shall be punishable with imprisonment for a period not exceeding 3 years and a fine not exceeding 100,000 I.D., he shall only be punishable with imprisonment when the guilty of an offence is a staff member of the Antiquity Authority, the instruments and materials used in committing this crime shall be liable to be confiscated.

Article 46 – Whoever contravenes on the heritage buildings, shops and districts, declared in the official Gazette, by demolishing or changing the purposes for which they have been built, shall be punishable with imprisonment for a period not exceeding 7 years, and at his charge he shall be committed to restore the building into the original pre contravention situation.

Article 47 –

1. Any owner or appropriator of the buildings prescribed in the article 10 of this LAW, who, without a written permission of the Antiquity Authority, totally or partially, demolishes, moves, reconstructs, renews or alters the buildings listed, shall be punishable with imprisonment, and at his charge he shall be committed to restore the building into the original situation.

2. Whoever contravenes the provisions of the articles 12 , 15, 19-A , 20-A/C , 22-A/C , 36, listed in this LAW, shall be punishable with imprisonment for a period not exceeding 2 years and a fine not exceeding 100,000 I.D. (Iraqi Dinar).

Article 48 –

1. A. The Antiquity Authority shall be entitled to award whoever shall report of any illegal possession of antiquity or heritage material and helps laying hands on which.

B. The chairman of the Antiquity Authority , shall be the only party to make a decision in the legal suits resulted by the offences prescribed in the articles 12, 15, 19/A, 20/A.C, 22/A.C and 36 of this LAW.

C. In order to practice the authorities prescribed in clause B of item 1 of this article, the chairman of the Antiquity Authority shall enjoy the powers granted to a delict judge.

D. The decisions or the judgments issued by the chairman of the Antiquity Authority, in his capacity of a delict judge, shall be liable to appeal within 15 days from the date of the acknowledgment with the judgment or decision and

or to be considered instructed before a permanent appeal committee presided by at least a second grade judge, who shall be named by the minister of justice, and two members those shall be named by the minister of Tourism and Antiquity, the decisions of the committee shall be absolute .

2. For the purposes of this LAW, the inspectors of antiquities shall enjoy the powers granted to investigators.

3. Guards and attendants of the antiquity authority shall have the same powers as those granted to policeman in respect to this LAW.

4. The official reports submitted by the Antiquity Authority as to whether the antiquity sites and the heritage buildings or the antiquity and heritage artifacts, a fake or not, shall be considered as legal documents before the courts.

Article 49 – The artistic committee shall be responsible for the following:

1. Determine whether the antiquity or heritage property [is] a fake or not.

2. Making an evaluation (a reward) of the materials prescribed in item 1 of this article, according to the market prices, which shall not be less than the intrinsic value if they were made of gold, silver or precious stone.

3. Evaluating a compensation for the reparation for the damage sustained on the antiquity (monument) or any antiquity and heritage artifact.

4. Decide the sum of a reward to whoever discovers or reports any antiquity.

Article 50 – The minister shall issue a rule of procedure to determine the following:

1. Fees for:

A. Entering the museums, antiquity areas and the historical or heritage buildings.

B. Guides, as a companion, in the antiquity areas and to the historical or heritage buildings.

C. Photography and filming, in the antiquity areas or in the historical or heritage buildings.

D. Land's detection (investigation).

2. The prices of materials prescribed in item 2 of article 22 of this LAW.

3. Emoluments for those working in investigations or detection.

Article 51 –

1. The following laws shall be considered cancelled: Law No. 40 of 1926, concerning the prevention of antiquity smuggling, antiquity Law No. 59 of 1936, Law No. 73 of 1937, concerning the antiquity export fee.

2. Regulation of the museum's attendance No. 35 of 1946 shall be valid, until the issuance of a regulation that shall take the place or cancel the mentioned above regulation.

Article 52 – The minister shall be entitled to issue any instructions to facilitate the execution of this LAW.

Article 53 – This LAW shall come into force from the date of its publication in the official Gazette.

Made at Baghdad , this 28th day of Sha'aban, 1423, and the 3rd day of November, 2002 .