

Art and cultural assets news - summer: Islamic Republic of Iran v The Barakat Gallery

01 JUNE 2007

CATEGORY:
ARTICLE

On 29 March the English court delivered judgment on two preliminary issues in this case. It concerns 18 ancient artefacts which it was assumed were illegally excavated in the Jiroft region of south-eastern Iran and are held by an antiquities dealer in London. The Judge held (on the first issue) that the relevant laws of Iran, while affording the Iranian state an "immediate right of possession" to them when the items were in Iran, were insufficiently clear to 'vest' original ownership of the items in the Iranian state so as to enable it to bring an action for 'conversion' in the English court. He went on to hold (on the second issue) that even if Iran's laws on the point were crystal clear, the claim was not 'justiciable' in the English courts, since the foreign state was making a claim to 'enforce' its 'public laws'.