

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Nancy Wiener (F 34),

Defendant.

FELONY

ADA Matthew Bogdanos
(212) 335-9323

Special Agent Brenton Easter, Shield 3014 of the Department of Homeland Security Investigations, states as follows:

The defendant is charged with:

- 1 PL 165.54 Criminal Possession of Stolen Property in the First Degree
(defendant #1: 1 count)
- 2 PL 165.52 Criminal Possession of Stolen Property in the Second Degree
(defendant #1: 1 count)
- 3 PL 105.10(1) Conspiracy in the Fourth Degree
(defendant #1: 1 count)

At the times and places described below in the County and State of New York, the defendant knowingly possessed stolen property with a value in excess of one million dollars with intent to benefit a person other than an owner of the property and to impede recovery by an owner thereof; the defendant knowingly possessed stolen property with a value in excess of 50,000 dollars with intent to benefit a person than an owner of the property and to impede recovery by an owner thereof; the defendant, with intent that conduct constituting a class B or C felony be performed, agreed with one or more persons to engage in and cause the performance of such conduct.

The factual basis for these charges are as follows:

Deponent, a Special Agent with DHS-HSI, states that since approximately 2007, he has been assigned to a squad responsible for investigating, among other things, money laundering, smuggling of contraband, art fraud, and the interstate sale and transportation of stolen cultural property. As a Special Agent, Deponent has led or joined teams of agents and officers in the execution of judicially-authorized search and arrest warrants seeking the arrest of individuals and recovery of property and evidence in connection with illegal importations and exportations, and with the interstate and foreign transportation and sale of stolen goods.

Deponent states that, based on participation in this and other investigations, he is familiar



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with the facts and circumstances of this investigation through the following: personal participation; discussions with agents in DHS-HSI and other foreign and domestic law enforcement agencies; interviews of witnesses, including cooperating witnesses that he has worked with on this and other cases; and records and reports relating to, or generated from, this investigation. No attempt has been made to set forth the complete details of this investigation that include tens of thousands of emails, documents, and photographs recovered pursuant to more than fifty judicially authorized search warrants. Statements and facts listed have been summarized for the specific purposes of this complaint.

CONSPIRACY. Between at least 1999 and 2016, with intent that conduct constituting the crimes of Grand Larceny in the First and Second Degrees and Criminal Possession of Stolen Property in the First and Second Degrees be performed, the Defendant utilized her business, Nancy Wiener Gallery, 49 East 74th Street, New York County, to buy, smuggle, launder, and sell millions of dollars' worth of antiquities stolen from Afghanistan, Cambodia, China, India, Pakistan, and Thailand.

A. OBJECTIVES AND METHODS OF THE CONSPIRACY. Defendant and her co-conspirators have trafficked in illegal antiquities for decades. Transporting looted cultural property from the site of the theft to the ultimate buyer through intermediary countries in order to hide the true country of origin, Defendant used a laundering process that included restoration services to hide damage from illegal excavations, straw purchases at auction houses to create sham ownership histories, and the creation of false provenance to predate international laws of patrimony prohibiting the exportation of looted antiquities.

B. OVERT ACTS.

1. BAPHUON SHIVA. According to documents provided by informant #1, a dealer in illegal antiquities known to the District Attorney, there was an agreement between Defendant and an antiquities dealer based in London and Bangkok ("Co-Conspirator #1") to purchase and sell a Baphuon Shiva from Cambodia, dated to the 11th Century C.E., 39.5 inches high, depicting Shiva standing, and valued at \$578,500. Exhibit A.

According to emails seized pursuant to search warrants, Defendant and Co-Conspirator #1 bought the Baphuon Shiva in September 2008 "direct from a supplier, and not through a



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dealer” for \$250,000. According to informants #1 and #2 (another dealer in looted antiquities known to the District Attorney), buying from a “supplier” is an indication of a looted antiquity. Co-Conspirator #1 then shipped the Baphuon Shiva to London to be “cleaned, put together, and mounted.” In my experience, and according to informants #1 and #2, looted antiquities need to be “cleaned” of tell-tale dirt and debris; “put together,” because stolen statues are often cut up into smaller pieces-called “orphans”-for ease of smuggling; and “mounted,” because stolen statues and reliefs are often cut from their original pedestal or wall.

According to seized documents, Defendant then consigned the Baphuon Shiva to Sotheby’s New York, for its 2011 sale of “Indian and Southeast Asian Works of Art.” In May 2010, a Sotheby’s employee noted that the Baphuon Shiva had “cracks and joins dressed up with paint splatters to mask repairs.” In my experience, and according to informants #1 and #2, because shovels and picks are frequently used during the clandestine theft of antiquities, such damage is often a sign of looting. According to seized emails, Defendant told Sotheby’s the statue had been purchased from antiquities dealer Spink & Son around 1968, but that she had no written proof. In my experience, and according to informants #1 and #2, misrepresenting the true provenance of an antiquity is essential for selling stolen items in the market, because false provenance prevents the items from being easily traced and enables ownership records to be falsified to predate the patrimony laws of the antiquity’s country of origin. Sotheby’s sold the Baphuon Shiva as lot 29 from its showroom at 1334 York Avenue, New York County on March 24, 2011, for \$578,500.

2. NAGA BUDDHA. In November 2011, Co-Conspirator #1 sold Defendant for \$500,000 a stolen bronze Buddha from Thailand or Cambodia, dated to the 10th Century C.E., 17.75 inches high, depicting Buddha sitting on a throne of Naga (snake), with a market value of \$1,500,000. Exhibit B. According to informant #2, the Naga Buddha came from the Khmer Empire-present-day Cambodia and parts of Thailand.

According to seized emails, Defendant had earlier begun falsifying the Naga Buddha’s provenance with Co-Conspirator #1 and Co-Conspirator #2 (who works as a research consultant for an American museum) by arranging for a photograph of the Naga Buddha to be published in a 2011 book. In my experience, and according to informants #1 and #2, publishing a photograph of a looted antiquity is a common laundering practice. In another

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email, Co-Conspirator #2 wrote that she had “changed” the provenance “a bit,” asking Co-Conspirator #1 if the changes were “okay.” Co-Conspirator #1 then emailed Defendant, seeking her approval. In another email, Co-Conspirator #1 told Defendant that he typically gave Co-Conspirator #2 bronze statues in exchange for false letters of provenance.

In January 2016, Defendant shipped the Naga Buddha to a New York-based restorer (“Co-Conspirator #3”) for restoration, stating its value to be \$850,000. In February 2016, Co-Conspirator #3 emailed Defendant a bill for the restoration, noting that the Naga Buddha appeared to have been struck by an agricultural tool, resulting in a jagged break—a sign of looting. Defendant displayed the Naga Buddha for sale for \$1,500,000 in the Nancy Wiener Gallery until Deponent seized it pursuant to a warrant in March 2016.

3. TWO SEATED BUDDHAS. In 1999, Defendant possessed, through her gallery, a stolen sandstone seated Buddha, from India, dated to the 1st-3rd Century C.E., 33 inches high and valued at \$500,000 (“Seated Buddha #1”). Exhibit C. In 2000, Defendant sold the statue to Singapore’s Asian Civilisations Museum (“Singapore”) without any statement of provenance. Years later, when Singapore requested provenance, Defendant first claimed that Seated Buddha #1 had belonged to an unnamed European collection for at least 35 to 40 years, but then stated that the owner’s father had acquired the piece in India. According to seized emails, Defendant then provided a third version: that the piece had belonged to Ian Donaldson, who purchased it when posted to Vietnam between 1964 and 1966.

Pursuant to a search warrant executed at Sofia Bros. Storage, in New York County, a storage facility rented by separately charged defendant Subhash Kapoor (“Kapoor”) for his business, Art of the Past, Deponent discovered an unlabeled computer disc containing a folder titled “Shantoo.” According to a former employee of Kapoor, “Shantoo” is the nickname of Ranjeet Kanwar, one of Kapoor’s main suppliers of stolen antiquities from India. The disc contained three pictures of Seated Buddha #1; in one, dated “92 11 8,” the statue appears still wet as it lay on a dirty floor in front of a makeshift black backdrop. Exhibit D. According to informant #2 and seized documents, Defendant purchased Seated Buddha #1 from Vaman Ghiya, a long-time supplier from India who often used Shantoo to sell his looted antiquities.

According to informant #2 and seized documents, Defendant also acquired a second stolen

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seated Buddha ("Seated Buddha #2") from Ghiya, possessing it through her gallery until she sold it to the National Gallery of Australia ("Australia"), in Canberra, Australia, in 2007 for \$1,080,000. Exhibit E. In May 2006, Defendant told an employee of the NGA that she had purchased Seated Buddha #2 in 2000, "but knew of it several years prior to that," and that "[i]t was originally purchased in Hong Kong by an Englishman posted there between 1964-66." When asked for proof, Defendant again used the name Ian Donaldson. Thus, for Australia, she claimed Ian Donaldson had been posted to Hong Kong between 1964-66, despite the fact that she told Singapore Ian Donaldson "was posted to Vietnam" between 1964-66.

4. KRISHNA. Pursuant to a search warrant executed at Kapoor's gallery at 1242 Madison Ave, in New York County, Deponent discovered a computer with an e-file entitled "travel." A subfolder entitled "0510 India" contained pictures of cultural property Kapoor purchased in India in October 2005 and later smuggled to New York. Some of these pictures depict Krishna Dancing on Kaliya (cobra) from Tamil Nadu, India, dating from the Chola Period (11th-12th Century). Exhibits F-G. In the pictures, the statue was still encrusted with dirt-in my experience, and according to informants #1 and #2, this indicates recent looting.

According to informant #2, Kapoor purchased the Krishna in India and smuggled it to New York hidden in a shipment of legal handicrafts-in my experience, this is a common practice to evade U.S. Customs. According to a document recovered from Kapoor's computer, Kapoor sent the statue in June 2006 to a U.K.-based restorer ("Co-Conspirator #4") for restoration to hide the signs of looting. According to informant #2 and seized emails, Co-Conspirator #1-who frequently used Co-Conspirator #4 to clean and restore stolen cultural property-saw the Krishna during restoration and bought it. Another document on Kapoor's computer records the sale to Co-Conspirator #1 for "650,000.00" on "30-Aug."

According to seized emails, in June 2011, Co-Conspirator #1 emailed Defendant pre- and post-restoration pictures of the stolen Krishna, and requested that Defendant prepare an appraisal to assist in the future sale of the statue. According to a document on her computer, "Asian treasures Final v4," Defendant provided an appraisal for \$3,500,000.

4. DORIS WIENER COLLECTION. According to documents on Defendant's computer, upon Doris Wiener's death in April 2011, antiquities that had been owned by Doris Wiener



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Gallery in New York County were transferred to the estate of Doris Wiener, of which Defendant was co-executor. According to informant #1, Defendant removed all records of where, when, from whom, and for how much each piece was acquired (filling multiple file cabinets) and later told informant #1 that the records no longer existed.

According to seized emails, Defendant contacted Sotheby's New York to sell the collection, but could not provide documentation that the antiquities had been removed from their countries of origin prior to each country's patrimony laws. According to Tess Davis, an expert in the laws of patrimony, those years are 1980 for Afghanistan, 1900 for Cambodia, 1982 for China, 1972 for India, 1956 for Nepal, 1975 for Pakistan, and 1961 for Thailand.

According to seized emails, Defendant instead consigned the collection to Christie's New York, because their policy requires only that an antiquity have been out of its country of origin prior to 2000 (or 1999 for Cambodia), regardless of that country's patrimony law. In November 2011, Christie's requested provenance information for the "top 20 lots" of the sale, and Defendant provided a document, "Provenance and Country of Origin Details," that contained false provenance. According to that document, of the 380 lots in the collection, ten came from Spink & Son (an antiquities dealer Defendant had falsely listed as provenance for other stolen antiquities); and four were originally owned by Doris Wiener (who had consigned them for auction to Sotheby's or Christie's and then reacquired them-in my experience, and according to informants #1 and #2, this type of straw purchase is a common laundering tactic to create a false ownership history). Of the remaining 366 lots, eight were listed with an ownership history prior to Doris Wiener. Six of those eight listed Sotheby's or Christie's, one listed a "member of the Diplomatic Corps," and one listed an actual name. For the 380 lots, then, Defendant provided the name of an owner prior to Doris Wiener (other than Spink & Son) for one lot. Christie's offered all 380 lots for sale from its showroom at 20 Rockefeller Plaza, New York County, on March 20, 2012, resulting in a total sale of \$12,796,437.

This portion of the conspiracy utilized the following trafficking networks:

a. OM SHARMA NETWORK. According to seized emails and informants #1 and #2, Om Sharma is a supplier of illicit antiquities from India. Beginning in 2008, Doris Wiener had a series of email exchanges with Sharma about buying a stolen red sandstone figure, from

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India, dated to the 12th Century C.E., 26 inches high, depicting a Jain goddess, and valued at \$74,500. According to these emails, Doris Wiener had seen the Jain Goddess still wet and pre-restoration-signs of looting. Exhibits H-J. She bought the statue in 2009, wiring the money to Hong Kong, and smuggled the piece to her New York gallery.

This Jain Goddess was one of the pieces consigned by Defendant to Christie's (lot 48) for its sale of March 20, 2012. According to seized emails, Defendant falsely claimed to Christie's that the Jain Goddess had been in a private collection in London dating back to the 1980s, before her mother acquired it in New York in 2009. It sold for \$74,500.

b. SHAROD SINGH NETWORK. According to informants #1 and #2, Sharod Singh is a supplier of illicit antiquities from India. According to emails and records provided by informant #1, Doris Wiener in 2002 bought a looted red sandstone relief ("Red Sandstone Couple"), from India, dated to the 1st-2nd Century C.E., and valued at \$150,000. Exhibit K. Doris Wiener then smuggled the relief into the United States via Kurt Anderson, Inc., a corporation owned by her to facilitate the importation of looted antiquities. Her 2007 Kurt Anderson account ledger lists a red sandstone couple as line #49, "Sharod Singh Seated Stones (3) Partnership with Nancy, S1044-S1047, \$150,000.00."

This Red Sandstone Couple was one of the pieces Defendant consigned to Christie's (lot 22) for its sale of March 20, 2012. According to seized emails, Defendant first told Christie's that her mother had acquired the relief "in London in the late 1990's." During a recorded conversation after the sale, Defendant admitted using a surrogate to purchase the statue for herself at auction-a tactic often used to launder the statue and later sell it at a higher price as a previously "published" piece. According to recovered documents, and to complete the laundering process, Defendant then changed the provenance to "the 1970s," and received a certificate from the Art Loss Register. In March of 2016, informant #3, another dealer in illegal antiquities, saw the Red Sandstone Couple at the Nancy Wiener Gallery. Defendant offered the relief for sale, using a third provenance: that it had been in her mother's collection since 1992. As proof of its legitimacy, Defendant noted its publication in a catalogue as part of her mother's estate sale at Christie's in 2012.

According to seized documents, Defendant also consigned to Christie's four other pieces from her mother's collection that had come from the Singh Network (lots 23, 24, 47, and



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67). In total, three of these five pieces sold at Christie's on March 20, 2012, for \$70,000.00.

c. VAMAN GHIYA NETWORK. In August 1992, Defendant sent a fax document to the supplier Vaman Ghiya (listed above), requesting that he "[p]lease call Nancy Wiener at the Hotel Storchen in Zurich immediately." That same year, according to seized documents and informant #1, Doris Wiener bought a stolen mottled red sandstone relief depicting a Bacchanalian scene, dated to the 2nd Century C.E., 25 ½ inches high, and valued at \$180,000, from Ghiya in India. Exhibit L. This relief was consigned by Defendant to Christie's (lot 20) for its sale of March 20, 2012. According to seized documents, Defendant falsely claimed that her mother had acquired it from a private collection in London.

According to seized emails and documents, Defendant consigned to Christie's five other pieces from her mother's collection that had come from the Ghiya Network (lots 20, 21, 27, 45, 49, 55). For two of the consigned statues (lot 49-Exhibit M and lot 55-Exhibit O), there were pictures in the Shantoo (Ranjeet Kanwar) file on Kapoor's computer showing the pieces still in situ. Exhibits N and P. Five of these six pieces sold at Christie's on March 20, 2012, for \$478,750.

d. THE HIMALAYAN NETWORK. According to seized documents and informant #2, Co-Conspirator #5 is an antiquities smuggler of Tibetan descent based in Nepal and Hong Kong who was in frequent email contact with Defendant about illicit pieces from Nepal. According to informant #1, in 2002, Co-Conspirator #5 sold Doris Wiener a silver-inlaid gilt bronze figure of Avalokiteshvara from Northeastern India or Western Tibet (China), dated to 10th-11th C.E., and valued at \$812,500. Exhibit Q. This Avalokiteshvara was one of the pieces consigned by Defendant to Christie's (lot 87) for its sale of March 20, 2012. According to seized emails, Defendant falsely claimed to Christie's that her mother had acquired the relief from a "private collection, Europe, early 1990's." During a recorded conversation in March 2016, Co-Conspirator #5 was asked if the provenance in the Christie's catalogue provided by Defendant for the "Silver-inlaid Gilt Bronze Figure of Avalokiteshvara," was accurate. Co-Conspirator #5 laughed and said defendant knew that he had acquired the statue from Tibet and sold it to Doris Wiener. This statue sold at Christie's on March 20, 2012, for \$812,500.

e. THE GANDHARAN NETWORK. According to informant #2, Co-Conspirator #6 and

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his father are suppliers of illicit cultural property from primarily Afghanistan and Pakistan. According to several recorded conversations, Co-Conspirator #6 has been shipping large quantities of newly dug-up, stolen antiquities from Afghanistan and Pakistan to Thailand, often via Hong Kong, and then to dealers from around the world for more than a decade.

According to seized sales invoices, Doris Wiener purchased 14 stolen antiquities in January 2011 from Co-Conspirator #6, including a gray schist relief Buddha receiving a golden bowl, a gray schist relief Buddha receiving the sheaf of grass, a gray schist relief Buddha and the devotees, all dated to 2nd-3rd Century, all between 17-20 inches high, all from Afghanistan or Pakistan, and valued at a total of \$32,000. Exhibits R-T. According to informant #1, who saw the artifacts upon their arrival in New York from Asia, they were unrestored, unmounted and/or without bases-classic signs of looting. These reliefs were consigned by Defendant to Christie's (lots 1, 2, 3) for its sale of March 20, 2012.

According to seized documents, Defendant consigned to Christie's six other pieces that had come from Co-Conspirator #6 or his father (lots 5, 7, 14, 16, 18, and 38) for the sale. For six of the nine pieces, Defendant falsely claimed that her mother had acquired the pieces from a "Private Collector, Thailand, mid-1980s or earlier" (lots 1, 2, 3, 5, 7, 18). According to informant #2, that provenance was false because the "private collector" was Co-Conspirator #6, who in the mid-1980s was a child living in Pakistan and England. According to seized documents, for two of the three remaining pieces, Christie's altered the provenance, changing Defendant's "by late 1990s" to "by late 1980s" for lot 14 and changing "2011" to "by 1996" for lot 7. On March 20, 2012, eight of these nine pieces sold at Christie's for \$196,500.

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE: NAGA BUDDHA. As noted above, in November 2011, Co-Conspirator #1 sold to Defendant for \$500,000 a stolen bronze Buddha depicting Buddha sitting on a throne of Naga (snake), from Thailand or Cambodia, dated to the 10th Century C.E., 17.75 inches high. Exhibit B. Defendant displayed the Naga Buddha for sale for its market value of \$1,500,000 in her gallery, until it was seized pursuant to a warrant in March 2016.

CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE: THE APSARA MARBLES. From on or about September 2010 to on or about at least

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March 2016, Defendant possessed a stolen marble Apsara ceiling panel depicting a female figure ("Apsara Marble"), from India, dated to the 10th Century A.D., 44 inches tall, and valued at \$500,000. According to theft reports prepared by the Archaeological Survey of India ("ASI") and filed with Interpol, a total of six celestial marble statues were stolen from the ceiling of the Toos temple in India between November 2009 and September 2010. Exhibits U-V. According to seized emails, in September and October 2010, Defendant received several emails about the theft of the Apsara Marbles as well as pictures of the stolen statues. A month earlier, in August 2010, "Victor" had emailed Doris and Nancy Wiener separately to offer one of the Apsara Marbles, attaching pictures of the dirty, unrestored sculpture on the ground with what appeared to be cut marks. Exhibit W. According to informants #1 and #2, "Victor" is the email pseudonym for Om and Badal Sharma (see paragraph 5a above). According to a recorded conversation of a former employee of the Nancy Wiener Gallery, this Apsara Marble arrived at the Gallery around the same time as this string of emails, and then Defendant sent it to Co-Conspirator #3 for restoration. According to emails and documents seized from Defendant's computer, she was still in possession of the Apsara Marble in March 2016.

Tess Davis, a member of the New York State Bar and affiliate of the Scottish Centre for Crime and Justice Research at the University of Glasgow, has conducted extensive field research on the illicit trade in Asian antiquities since 2004.

Afghanistan. Ms. Davis is familiar with the cultural property laws of the Islamic Republic of Afghanistan, including the 1980 Law on Protection of Historical and Cultural Properties as modified in 2004, and the 1958 Code for the Protection of Antiquities. According to Ms. Davis, this legal regime protects cultural heritage, vesting its ownership in the state.

Cambodia. Ms. Davis is familiar with Cambodian law governing cultural patrimony, including, inter alia, Arrêté du Gouverneur Général de l'Indochine sur la conservation des monuments et objets ayant un intérêt historique ou artistique du 9 mars 1900; Arrêté relative au classement, à la conservation et à la protection des monuments historiques des pays de protectorat du 11 juillet 1925; 1968 Law on the Organization of Suppressing the Acts of Stealing, Receipt of Stolen Goods, and Destruction of Patrimony Relating to the National Heritage; 1992 Land Law; 1996 Law on the Protection of Cultural Heritage; and 2001 Land Law. According to Ms. Davis, this legal regime protects cultural heritage, vesting its

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ownership in the state.

China. Ms. Davis is familiar with the cultural property laws of the People's Republic of China, which includes the Tibet Autonomous Region, including the Law on Protection of Cultural Relics (of 19 November 1982 as revised on 29 June 1991 and 28 October 2002). According to Ms. Davis, this and the country's broader legal regime protects cultural heritage, vesting ownership of immovable and moveable "cultural relics" in the state.

India. Ms. Davis is familiar with the cultural patrimony laws of India, including the Antiquities and Art Treasures Act of 1972, along with the Antiquities and Art Treasures Rules, 1973 (updated January 2012), and the Ancient and Archaeological Sites and Remains Act of 1958 (updated in 2010). According to Ms. Davis, this legal regime protects cultural heritage, vesting its ownership in the state.

Nepal. Ms. Davis is familiar with the cultural property laws of the Federal Democratic Republic of Nepal, including the Ancient Monuments Protection Act of 1956 as amended in 1964, 1970, and 1994. According to Ms. Davis, this legal regime protects ancient monuments and archaeological objects, vesting its ownership in the state.

Pakistan. Ms. Davis is familiar with the cultural property laws of the Islamic Republic of Pakistan, including the 1975 Antiquities Act (as amended in 1992), and its predecessors the Antiquities Act of 1968 and Ancient Monuments Preservation Act of 1904. According to Ms. Davis, this legal regime protects archaeological sites and objects, vesting the ownership of undiscovered antiquities in the state.

Thailand. Ms. Davis is familiar with the cultural property laws of the Kingdom of Thailand, including the 1961 Act on Ancient Monuments, Antiquities, Objects of Art, and National Museums (as amended in 1992). According to Ms. Davis, this legal regime protects archaeological sites and objects, vesting its ownership in the state.

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False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.


Special Agent Brenton Easter

12-21-16
Date

11:40
Time

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