

The President of the Republic has decided on 28 Feb 2017 to declare the following law:

No. (52) for the year 2017

## **Private Security Companies law**

### **Chapter One: Entry into Force and Objectives**

#### **Article – 1 –**

First: The provisions of this law shall apply on Iraqi Private Security companies and foreign Private security companies' branches and their employees.

Second: a private security company is a term is referred to the Iraqi companies and foreign companies' branches whose activities are to provide security protection services to natural and legal individuals who requested these services for a payment of charges.

**Article – 2 –** This law aims to regulate Private security companies' operations whether Iraqi or foreign companies' branches pursuant to rules that fit the nature of these companies' missions.

### **Chapter Two: Private Security Companies license**

**Article – 3 –**A Private Security Company is not allowed to practice its activity without obtaining operational license in accordance with the provisions of this law.

**Article – 4 –** A Private Security Company is granted an operational license according to a proposal of the Ministry of Interior and the approval of the National Security Council's (NSC) based on a request of the relevant persons and in accordance with this law.

**Article – 5 –** Only Iraqi Private security companies are to be granted operational licenses. It's possible at absolute necessities to grant foreign Private security companies' branches an operational license through the Minister of Interior's proposal and the approval of the Council of Ministers.

**Article – 6 –** A directorate should be established at MOI called (Directorate of Private security companies Affairs) that will assume registration, renewal and issuance of the operational license stipulated in this law, supervising Private security companies affairs, this directorate should be managed by an officer ranking not less than a colonel and has an actual service not less than 15 years.

**Article – 7 –** A fee of IQD 10 million is to be paid for granting an operational license.

**Article – 8 –** Operational License granting request should include the followings:

First: For an Iraqi Private Security Company:

- a Copy of the Private Security Company's Certificate of Incorporation, Establishment Contract, Meeting minutes appointing the Authorized Manager certified by CRO.
- b Private Security Company's name and headquarters either in Baghdad or other provinces.
- c Name of the Private Security Company's Authorized Manager, founders' and shareholders' names, nationalities and addresses.
- d Businesses and programs which are planned to be carried out by the Private Security Company
- e Number of weapons needed by the private security company and its types, serial numbers, ammunitions and their origin.
- f number of vehicles, their types, origin and registration plates provided that these vehicles are registered in the name of the Private Security Company at the competent traffic departments.
- g A Statement of the wireless equipment including types, serial numbers, origin and technical specifications.
- h Property deed or lease contract of the building taken as the Private Security Company's HQ attested by the competent departments.
- i Bank bond issued by a governmental bank of the amount of 250 million IQD.

Second: For a foreign Private Security Company's branch:

- a Private Security Company's branch registration certificate at CRO in Iraq
- b A copy of the Private Security Company's establishment contract, interior system of the mother company or its representative
- c A copy of the Private Security Company's registration certificate issued by the country of its registration
- d A list of the Private Security Company's Board of Directors' names and nationalities, and names of individuals authorized to sign on their behalves.
- e An authorization copy for the Manager assigned to manage the branch in Iraq and who actually resides in Iraq and his signature block sample issued by the Private Security Company's management
- f A copy of the Private Security Company's final accounts with 2 copies of enclosed board of directors report or annexed to the final accounts.
- g Number of weapons needed by the private security company and its types, serial numbers, ammunitions and their origin.
- h Number of vehicles, their types, origin and registration plates provided that these vehicles are registered in the name of the Number of weapons needed by the private security company and its types, serial numbers, ammunitions and their origin, at the competent traffic departments.
- i A Statement of the wireless equipment including types, serial numbers, origin and technical specifications, they should be assigned for communication only and subject to careful inspection by MOI.
- j Bank bond issued by a governmental bank of the amount of One Billion IQD.

Third: Documents mentioned in items b, c, d, e and f /clause (second) attested in the Private Security Company's registration country.

#### **Article – 9 –**

First: it is required that Ministry of Interior's entities confirm their security no-objection to grant the Private Security Company an operational license and employ its staff, confirmation should include Iraqi National Intel Body consent in regard of foreign Private security companies branches.

Second: 90 days from request date - non-response is considered refusal of the confirmation stipulated in clause (first) of this article.

**Article – 10 –** in case of shortages found in the documents and data, the license applicant should complete all shortages within (60) days from written notification of the shortages otherwise the request will be considered void.

**Article – 11 –**the National Security Council has the right to refuse granting a Private Security Company operational license if the requirements stipulated in this law are not present, the Private Security Company would be notified.

### **Chapter Three: Renewal of License**

**Article – 12 –** The term of the license is 2 years from date of license issue

**Article – 13 –** the license can be renewed according to the followings:

First: The Private Security Company's owner to submit a request to the Minister requesting license renewal 60 days prior to license expiry date.

Second: The Minister shall decide on the request stated in clause (first) of this article within 60 days from date of registering the request in the incoming letters log.

Third: The Minister's non-deciding within the time period mentioned in clause (second) will be considered as refusal of the request.

Fourth: A renewing fee of IQD 5 million is to be paid.

### **Chapter Four: Employment at the Private Security Companies**

**Article – 14 –** A worker is to be appointed at the Iraqi Private Security Company by the Minister's consent pursuant to the following terms:

First: The age must be no less than 18 years and no more than 55 years.

Second: Can at least write and read.

Third: Should be determined physically and health wise fit by a competent medical department.

Fourth: Should pass the weapons use test.

Fifth: Should be aware of the human rights principles.

Sixth: Should be of good manners and good reputation and behavior.

Seventh: Non-convicted by felony or misdemeanor involving moral turpitude and nonpolitical.

Eighth: 3 million IQD guarantee to be submitted to the Ministry

**Article – 15 –** Employment at the foreign Private Security Company's branch pursuant to the followings:

First: MOI consent upon obtaining the opinion of the ministry of Defense (Military Intelligence Directorate, General Directorate of Intelligence and Security), National Security Council , and Iraqi National Intelligence Body.

Second: 3 million IQD guarantee or deposit of the sum at the Ministry's fund.

Third: Private Security Company's branch pledge to bring the employee to the competent authority when his attendance is requested and the company shall take responsibility for its employee's criminal acts in the republic of Iraq.

Fourth: Foreign Private Security Company's branch employees are subject to legal and judicial jurisdiction in case of committing any crimes or violations in the Iraqi territories.

Fifth: Obliging foreign Private Security Company's branches operating in Iraq to appoint 25% of their workforce of Iraqi citizens who meet terms of appointment stipulated in this law.

## **Chapter Five: Private Security Companies' registers**

**Article – 16 –** Private Security Company should maintain the following registers:

First: Register of employees, should contain their names, addresses, nationalities, ages and former jobs.

Second: Correspondence register.

Third: Weapons register should contain their number, types, specifications and ammunitions.

Fourth: Weapons daily circulation register.

Fifth: Register of wireless equipment containing their types, serial numbers, origins and other technical specifications.

Sixth: Used vehicles register.

## **Article – 17 –**

First: Registers stipulated in above article 16 of this law should be notarized by Notary Public and their pages should be stamped by the Private Security Company's stamp.

Second: All Private Security Company's papers and documents should have the company's full name as written in the operational license.

Third: All Private Security Company's correspondence should be signed by its Authorized Manager or his Authorized Deputy and should be stamped with the Private Security Company's special stamp.

## **Chapter Six: Internal Structure**

**Article -18** - The Iraqi Private Security Company must issue an internal structure within 90 days from the date of issuance of the operational license.

**Article- 19** - The Company's internal structure must contain the following:

First: Name of the company, goals, programs and activities.

Second: the Company's headquarters.

Third: Organizational structure of the company and the financial resources.

Fourth: Number of employees in correlation with the company's contracts

Fifth: Damages compensation policy for the employees.

## **Chapter Seven -The Company's Commitments**

**Article -20** - The Company commits to the following:

First: Not to use the company's vehicles for other purposes or staying overnight outside of their locations.

Second: Appointment of someone to be in charge of organizing and controlling the vehicles' movements and logging the times of those movements in records.

Third: Notify the Ministry on any crime that is suspected to occur or has occurred during the work of the company or resulted of it.

Fourth: Notify the Ministry of any change in the data, documents or information that was used in obtaining the operational license. The notification should be made within 7 days from the date of occurrence.

Fifth: The weapons' must be carried in a hidden manner and it's not allowed to show them unless it's according to Seventh Of this article.

Sixth: Commitment to wearing the company's uniform and logo.

Seventh: The use of force against others must not be done unless it's according to the legitimate defense right as stated in the Penal Law no. (111) for the year 1969.

Eighth: The company to arrange for training courses for the employees in the technical aspects of using weapons, protection fundamentals, legal awareness and the human rights in coordination with the Ministry.

Ninth: Communication devices must not be used for purposes that are not related with the company's activity.

Tenth: A written pledge to adhere to the Iraqi Laws must be submitted.

**Article - 21** - The Company shall provide security services for people according to a contract that has been attested by the Ministry of Interior.

**Article - 22** - The Company shall provide the following documents to be checked:

First: A monthly financial statement of all the company's accounts, the financial resources should be included in the statement.

Second: All documents relating to the import of weapons from outside of Iraq and the weapons' serial numbers as well.

Third: Types and serial numbers of the weapons used on duty by the employees.

Fourth: Documents confirming the return of the weapons used on duty to the company's armory upon the end of the duty.

Fifth: Company's contracts to be submitted to the Ministry of Interior for attestation.

Sixth: A monthly report of the weapons and used ammunition.

**Article - 23** - The Company is prohibited of the following:

First: Any activity that threatens the security of the country, its national unity and independence.

Second: Formation of military or semi-military organizations.

Third: Any action that will harm the rights and freedom of the citizens.

Fourth: Any action that will interfere with the internal affairs of any another country

Fifth: Possession or storage of any unauthorized firearms, war weapons and explosive devices and materials.

Sixth: Possession or carrying of weapons of more than (7.62) caliber except for pistols of no more than (9) mm.

Seventh: Practicing an activity other than the one specified in the operational license

## **Chapter Eight- Supervision and Inspection**

### **Article - 24 -**

First: The Company will be supervised and inspected by a party specified by the Ministry in order to confirm that the company is practicing its activity according to the law.

Second: The Company must provide facilitations to the aforementioned party in First of this article and all necessary records and documentations and help conducting inspections on the company's weapons and ammunition storage places and anything that would help the party do its work.

## **Chapter Nine- Penalties**

**Article - 25 -** Anyone who practices in security services field without having a license shall be punished with imprisonment and a fine of no less than 100,000,000 IQD one hundred million Iraqi Dinars unless a stricter punishment is stated by the law.

**Article - 26 -** The Minister may withdraw or suspend the company's operational license in one of the two following cases:

First: If the company did not practice its activity or seized it without a legitimate justification after 90 days from obtaining the operational license.

Second: If the operational license was not renewed in the aforementioned period of article (13) First, of this law.

**Article - 27 -** The Minister may withdraw or suspend the company's operational license and collect the bank guarantee as revenues to the government in the following two cases:

First: If the company has lost one of the necessary conditions to obtain the operational license stated in this law.

Second: The violation of one of the articles 14,15,16,17,18,20,21,22,23 and 24 Second, of this law.

**Article - 28** - The Minister may decide to approve the recommencement of the company's work if the reason of the license suspension has been fixed.

**Article - 29** - The Minister may withdraw the company's operational license and collect the bank bond as government revenues if the company's operational license has been suspended for more than 90 days and no action to fix the problem was made by the company.

**Article - 30** - In the case of withdrawing the company's operational license, the company must commit to the following:

First: Returning of all weapon possession documents stated in article 32 of this law and ID cards stated in article 34 first, of this law.

Second: Selling all vehicles, weapons, ammunitions and communication devices to the other licensed Private Security Companies after obtaining the Ministry of Interior's approval of the sell and within a period of 60 days starting from the date of the license withdrawal, otherwise the Ministry of Interior will confiscate all the above mentioned items in this article.

**Article - 31** - If a decision to withdraw the operational license of an Iraqi company or the branch of a foreign company has been issued and has obtained the state of finality, the company will be cleared according to the law.

## **Chapter 10 – General and Conclusive Regulations**

**Article - 32** - The Ministry provides the companies with special licenses to possess and carry firearms according to the operational license, actual need and as per the law.

**Article - 33** - Assigning the company's employees' uniforms, logo, and vehicles' stickers and its colors as per the Minister's instructions.

**Article - 34** -

First: The Ministry shall provide the company's employees with ID cards in a special design made for that purpose.

Second: The ID card issuance fees shall be (100,000) IQD one hundred thousand Iraqi Dinars.

**Article - 35** - The companies licensed according to the disintegrated Coalition Provisional Authority's memorandum no. (17) for the year 2004 must condition themselves according to this law within 60 days of its implementation date, otherwise the company's operational license shall be withdrawn.

**Article - 36** - The Minister's decision can be objected in the Administrative Court according to articles 11, 13 Third, 26, 27 and 29 of this law.



**Article - 37** - The regulations of the companies' law no. (21) for the year 1997, and the regulations of the foreign companies' and establishments' branches no. (5) for the year 1989, shall be referred to in the matters that were not covered by this law.

**Article 38** - The foreigner's' residence law no. (118) for the year 1978 shall be applied on the foreign employees of the security companies.

**Article - 39** - The disintegrated Coalition Provisional Authority's memorandum no. (17) for the year 2003 (the state of the coalition, foreign liaison delegations and their employees and contractors) and part (2) the Judicial Authorities relationship of the disintegrated Coalition Provisional Authority's memorandum no. (3) for the year 2003 (Penal procedures) does not apply on the Private Security Companies and their employees.

**Article - 40** - The disintegrated Coalition Provisional Authority's memorandum no. (17) for the year 2004 (requirements for the registration of private security companies) to be cancelled.

**Article - 41** - The Minister shall issue instructions to facilitate the implementation of this law.

**Article - 42**- This law to be implemented from it's publishing date in the official newspaper.

**Fouad Ma'soum**

**President of the Republic**

### **Justification:**

This law has been legislated for the purpose of organizing the private security companies' work and their role in providing security services to the individuals and companies. The security companies have been working according to the disintegrated Coalition Provisional Authority's memorandum no. (17) for the year 2004 and because that memorandum did not contain clear legal regulations and texts that determines procedures and required conditions in a company in order to be granted an operational license and it also did not contain penalties for the violating companies and therefore this law has been legislated.