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Legislation

No. 51

Weapon Law

No. (51) of 2017

قانون الأسلحة

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In the Name of People

Presidency of the Republic

RESOLUTION NO (8)

Based on what was approved by the Parliament, in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the president of the republic decided on February 28, 2017 issuing the following law:

WEAPON LAW
LAW NO (51) 2017

ARTICLE

1

The following terms have the definitions assigned to them:

First: **Firearm:** Pistols, Rapid-fire automatic rifle (Including the machine gun. Translator), (regular) rifle and hunting rifle. This does not include pistols used in sports that make a firing sound to signal the start of matches.

Second: **Military Weapons:** Weapons used by the armed forces and internal security forces, except as stipulated in Item (First) of this Article.

Third: **Ammunition:** Bullets and cartridges used in firearms, and all parts thereof.

Fourth: **Military Equipment:** Ammunition used in military weapons and all parts thereof.

Fifth: **Antique, Commemorative or Symbolic Weapons:** Weapons possessed without ammunition for decoration, as souvenirs or as symbols. This includes weapons that are endowed or located in holy places and public museums.

Sixth: **Issuing Authority:** The Minister of the Interior or his/ her designee to issuing the Licenses stipulated in this law.

ARTICLE

2

Antique, commemorative and symbolic weapons shall be exempted from the provisions of this law.

ARTICLE

3

Import, export, possession, immediate possession, carrying, manufacture, repair, transport, delivery, receipt or trade of military weapons, their parts or their components shall be prohibited, except for security and military agencies.

ARTICLE

4

First: Import, export or manufacture of firearms, their parts or ammunition shall be prohibited, except for security and military agencies.

Second: The possession, carrying, sale or repair of firearms shall be prohibited, except with a License from the issuing authority.

Third:

- a. With a License from the issuing authority, opening private locally-located-citizen-owned shops for the sale of firearms and their components shall be licensed.
- b. A License for the possession of a firearm may offer it for sale at the shops stipulated in Paragraph (a) of this Item.

ARTICLE**5**

The types of License shall be as follows:

First: License to possess and carry a firearm and its ammunition.

Second: License to repair a firearm.

Third: License to possess one or more firearms, in accordance with the provisions of Item (Second) of Article (10) of this law.

Fourth: License to possess one or more firearms, in accordance with the provisions of Item (First) of Article (11) of this law.

Fifth: Special License to open a firearm shop.

ARTICLE

6

First: The issuing authority may, upon application submitted by the concerned party, grant any of the Licenses stipulated in Article (5) of this law, provided the applicant meets the following conditions:

- a. Must be Iraqi.
- b. Must be at least twenty- five (25) years of age, with the exception of those protecting members of Parliament, ministers and those of equivalent rank.
- c. Must be of good moral, reputation and conduct character.
- d. Must not have been convicted of a non-political felony or a moral-turpitude misdemeanor.
- e. Must not suffer from a physical, mental, or psychological illness that would preclude the use of weapons, provided this is endorsed by a report from an official medical committee.
- f. Must be technically qualified to carry firearms or practice the profession of selling or repairing firearms, as determined by the Issuing Authority.

Second: Employees of government departments and the public sector shall be exempted from the provisions of Item (First) of this Article.

ARTICLE

7

The forms of the Licenses stipulated in Article (5) of this law shall be determined by instructions issued by the Minister.

ARTICLE

8

First: The Licenses stipulated in Article (5) of this law shall be as follows:

- a. Not authorized for use by anyone other than the person in whose name they issued.
- b. Valid for a period (5) five years as from the first of January of the year in which it was issued, except for the Licenses stipulated in the Items (Second) and (Fifth) of Article (5) of this law, which shall be valid for a period of one year, as from the aforementioned date.
- c. Subject to the fee stipulated in the schedule attached this law in the cases of granting and renewal. This fee shall be collected for the two Licenses stipulated in Items (First) and (Fourth) of Article (5) of this law based on the number of firearms specified in each.

Second: The Issuing Authority shall specify in the License the quantity of ammunition that may be possessed, provided that it does not exceed (50) fifty rounds for each pistol or rifle and (200) two hundred cartridges for each hunting rifle.

Third: The fees stipulated in the schedule attached to this law shall be collected for granting and renewing the two Licenses stipulated in Items (Second) and (Fifth) of Article (5) of this law.

ARTICLE

9

First: The License holders shall submit an application to the Issuing Authority to renew their License within (60) sixty days starting from the date of its expiry.

Second: The provisions of Article (6) and Item (Second) of Article (8) of this law shall be observed when renewing Weapon License granted thereunder.

Third: When renewing a License to possess and carry a firearm and its ammunition, the fee shall be collected for the periods during which it was not renewed.

ARTICLE

10

First: The Issuing Authority may grant a License to a single person to possess and carry a regular rifle, a hunting rifle, pistol, or hunting rifle and pistol.

Second: the Minister of the Interior may, in special cases, grant a special License to possess a firearm exceeding the number stipulated in Item (First) of this Article.

ARTICLE

11

First: The Minister of the Interior may, when necessary, grant a special License for the ownership of one or more firearms to legal entity, whether Iraqi or foreign, or grant more than one firearm to a natural person for the purpose of protecting property or life. The legal entity and its legal representative shall specify the nature of the weapon.

Second: The License granted under Item (First) of this Article shall specify the number and type of weapon and its ammunition.

Third: The applicant for the License shall indicate to the issuing authority the name of the person or persons who meet the conditions stipulated in this law for the possession and carrying of the firearm mentioned in the special License, so that each of them may be granted a License of possessing and carrying one of these firearms.

ARTICLE

12

Weapons Licenses of all types shall be considered revoked in one of the following cases, and the License holder, his/ her representative or heirs after License holder's death, shall hand the License over to the Issuing Authority for recording:

First: Death of the License holder or the dissolution of the legal personality of legal entity in whose name the License is registered.

Second: Loss of legal requirements for granting the License.

Third: A ruling is issued by the competent court to confiscate the weapon.

Fourth: The weapon and ammunition are transferred from the ownership licensed person to another person who was granted a License for them.

Fifth: Failure to submit a renewal application within the period stipulated in Item (First) of Article (9) of this Law, with the exception of the License stipulated in Item (First) of Article (5) of this Law, which shall be invalid during of its non-renewal period, and its holder may not be licensed to possess or carry a firearm during this period.

ARTICLE

13

First: If a License is revoked, the weapon-licensed person shall immediately hand the weapon over to the police station in their place of residence in exchange for an official receipt. He/ she may, within (180) one hundred and eighty days, dispose of the weapon and its ammunition, by sale or other legal means, to another person who meets the granting the License requirements. After this period expires, the issuing authority may sell the weapon and ammunition on behalf of its owner in accordance with the provisions of the law and deliver the sale amount to him/ her.

Second: The provisions of Item (First) of this Article shall be applied in the event of the death of the weapon-licensed person, and his/ her heirs or their representatives shall carry out the procedures stipulated in the aforementioned Item, and the issuing authority shall send the sale amount to the competent court to settle the estate for distribution to the beneficiaries.

ARTICLE

14

First: The following shall be exempted from the License of possession and carrying firearms and ammunition:

- a. President of the Republic and his/ her deputies;
- b. Speaker of the Parliament, his/ her deputies and the members of the Parliament;
- c. The Prime Minister, his/ her deputies, ministers and those of equivalent rank;

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- d. The President of the Supreme Judicial Council, judges and members of the Public Prosecution;
 - e. Members of the diplomatic and consular corps working in Iraq, in accordance with the principle of reciprocity.

Second: The possession and carrying of firearms and ammunition shall be licensed for officers of the army, internal security forces, Peshmerga Ministry in the Kurdistan Region, members of the National Security Service, the Counter-Terrorism Service, the National Intelligence Service and the Popular Mobilization Force Authority, with a free (License. Translator) document issued by the Minister of Defense, the Minister of Interior, the Minister of Peshmerga in the Kurdistan Region, the head of the National Security Service, the head of the Intelligence Service, the head of the Counter-Terrorism Service, the head of the Popular Mobilization Forces or whomever each of them authorizes to their personnel.

Third: Officers of the Army and Internal Security Forces, and members of National Security Service, National Intelligence Service, Counter-Terrorism Service and Popular Mobilization Force Authority shall be entitled to possess firearms gifted to them with a free (License. Translator) document issued by the Minister or the head of the not-affiliated-with- a- ministry entity or the authorized representative of each.

Fourth:

- a. Members of Parliament and ministers, officers of the Army or Internal Security Forces and members of the National Security Service, National Intelligence Service and Counter-Terrorism Service shall retain the free document issued to them after their retirement if they hold the rank of Lieutenant Colonel or higher. This document constitutes a permanent License of possession and carrying the firearm.
- b. After the death of the officer or employee covered by the provisions of Paragraph (a) of this Item, the free (License. Translator) document issued for the firearm shall be transferred to his/ her eldest son, and shall be considered a firearm possession License if the son meets the conditions stipulated in Item (First) of Article (6) of this law.

Fifth: A person may, with the approval of the Minister of the Interior, possess a firearm gifted to him/ her by official authorities, provided that he/ she does not possess more than two firearms.

ARTICLE

15

First: Heads of administrative units, judges, members of the Public Prosecution, judicial investigators, bailiff (Law enforcement officer. Translator), bank managers, employees of the Manager General level and above on the salary scale, employees of the three presidencies and bodyguards of members of Parliament shall be Licensed to possess and carry firearms and their ammunition with a document issued by the Minister of the Interior or his/ her designee and registered with the local police. If their official status ceases, this document becomes invalid, and they shall hand it over to the Issuing Authority within (60) sixty days of the date their status ceased. They may be granted the required License for the weapon they possess in accordance with the provisions of this law.

Second: The Issuing Authority may grant a License to possess and carry a firearm and its ammunition free of charge to State employees, other than those stipulated in Item (First) of this Article, whose job duties require it, with a Letter of Support by their departments. In the event that their employment status ceases, the aforementioned departments shall notify the Issuing Authority thereof, and the License shall be considered revoked and they shall hand it over, along with the weapon, to the Issuing Authority within a period not exceeding (7) seven days as of the date of the cessation of their employment status. They may be granted a License for that weapon in accordance with the provisions of this law.

Third: Government firearms and their ammunition may be loaned to state employees in the case stipulated in Item (Second) of this Article. The weapons shall be allocated to them by the competent authority upon request from their respective departments. The weapons and ammunition shall not be delivered to them except after obtaining a License to possess or carry them, granted to them by the Issuing Authority free of charge. The aforementioned departments shall return the firearm and unused ammunition to the allocating authority upon the cessation of their employment status and shall send the License to the Issuing Authority for revocation.

Fourth: The Minister of the Interior may loan government weapons to non-employees when necessary and in the public interest, and they shall be retrieved from them when the reasons justifying such loan cease to exist.

Fifth: Anyone who loses a firearm or its ammunition loaned under Items (Third) and (Fourth) of Article (3) shall be liable to pay three times its estimated value at the time of its loss if the loss is due to their negligence, and double its value in other cases.

ARTICLE**16**

First: If a person licensed to possess or carry a firearm claims that his/ her License is lost or damaged, or that the firearm for which the License was issued is lost, the Issuing Authority shall request the police to investigate the matter.

Secondly: If the loss or damage of the License is proven, its holder shall be granted a new License as a replacement, bearing the same number as the previous License and containing the same information, upon payment of double the fee for issuing the License.

Third: If the weapon is proven to be lost or damaged, its holder shall hand the License over to the Issuing Authority for revocation. A new License may then be issued for another weapon.

Fourth: If the claim of loss or damage of the License or the weapon is found to be false, the Issuing Authority shall refer its holder to the investigating judge for further legal procedures shall be taken against him/ her, and the court shall be obligated, upon issuing a conviction, to notify the Issuing Authority.

Fifth: When it is proven that the free (License) document granted to the officers of army or the internal security forces is lost or damaged, the Minister of Defense or the Minister of the Interior or whomever each of them authorizes shall provide him/ her with a free document instead.

ARTICLE**17**

The Minister may, after obtaining the approval of the Council of Ministers, decide to suspend the issuance of Licenses for the possession and carrying of firearms throughout the Republic of Iraq or in a part thereof for a period specified in this decision, when circumstances warrant taking such action.

ARTICLE

18

The Governor may issue a statement, to be published in one of the media outlets, stating the following:

First: Prohibiting licensed individuals from carrying firearms throughout the governorate or in a part thereof for a period the Governor specifies. Governor may exempt certain licensed individuals from this prohibition for acceptable reasons and with the approval of the Governorate Council.

Second: Prohibiting residents living outside municipal borders from entering the mentioned border while armed for a temporary period.

Third: Collecting firearms from their owners, whether licensed or unlicensed, for a period the Governor specifies for a receipt therefor, and the Governor shall decide to return the firearms to them once the reason for their confiscation no longer exists, taking into account the provisions of Article (26) of this Law with regard to unlicensed individuals.

ARTICLE

19

First: The Issuing Authority and those licensed to sell or repair firearms shall maintain records in the manner specified by the Minister of the Interior.

Second: The person licensed to sell or repair firearms shall submit his/ her records for auditing by the competent issuing authority or whomever it assigns to this end.

ARTICLE

20

First: Foreigners may carry firearms and their ammunition in Iraq in accordance with the rule of reciprocity, with taking into consideration the provisions of this law.

Second: Upon entering Iraq, the foreigner shall surrender his/ her firearm and its ammunition to the nearest police station at the border crossing in exchange for a receipt, and the police station shall notify the relevant authorities concerning that, and the firearm's holder may then obtain the License related to this firearm, otherwise, the firearm and its ammunition shall be returned to the holder upon his/ her departure from the Republic of Iraq. Failure to comply with this provision shall result in the confiscation of the firearm and its ammunition by order of the competent authorities, in addition to the penalties imposed on him/her under this Law.

Third: A fee shall be collected from the foreigner who was granted the License in accordance with Item (Second) of this Article equal to the amount charged by his/ her country from the Iraqi person, in accordance with the rule of reciprocity, and in case of the information about this rule is not available, the fee stipulated in the table attached to this law shall be collected from the foreigner until the fee that his /her state collects from the Iraqi person is known, then the amount of the fee shall be determined accordingly.

ARTICLE

21

The Issuing Authority may License scientific researchers coming to Iraq for hunting, for scientific research purposes or participation in shooting competitions held in the Republic of Iraq to bring in, carry, and use hunting and shooting weapons, with a number of gunshots no exceeding (500) five hundreds gunshots per each one of them, provided that they inform the nearest police station and register their weapons and ammunition there, and it shall be required to take out these weapons upon their departure from the Republic of Iraq.

ARTICLE

22

Anyone who reports his/ her possessing a weapon without a License shall be exempt from punishment and the Issuing Authority may grant the License in accordance with the provisions of this law. In case of non-approval (of granting the License), the provisions of Article (13) of this Law shall be applied.

ARTICLE

23

First: The issuing authority shall publish a statement in one of the media outlets requesting that weapon holders surrendered to governmental authorities, pursuant to data issued by these authorities, to visit these authorities within sixty (60) days starting from the date of publication to hand over these weapons to their licensed holders. License shall be granted to those without Licenses if they meet the legal conditions. If these individuals do not visit the authorities within the aforementioned period, the Issuing Authority shall decide to confiscate these weapons and deposit them in police warehouses.

Second: If the Issuing Authority does not grant a License to any non-licensed individual who visited the authorities within the period stipulated in Item (First) of this Article, the weapon shall be surrendered to the aforementioned authority, which shall sell it for its holder's own account in accordance with the provisions of Article (13) of this Law.

ARTICLE

24

First: Anyone who smuggles firearms, their parts or their ammunition or manufactures them or traffics in them without a License from the Issuing Authority, shall be punished by imprisonment, and the punishment shall be death or life if the crime is committed with

the intent to spread terrorism, disrupt public security or support any armed rebellion against the State.

Second: Anyone who smuggles weapons of war, their part or their ammunition or manufactures them shall be punished with imprisonment of a period no less than (10) years, the punishment shall be death or life imprisonment if the crime is committed with the intent to spread terrorism, disrupt public security or support any armed rebellion against the government.

Third: Anyone who carries, sells or repairs firearms or their ammunition without a License from the Issuing Authority shall be punished by imprisonment for a period not exceeding (1) one year, and by a fine of not less than (500, 000) five hundred thousand dinars and not more than (1, 000, 000) one million dinars for anyone who possesses firearms or their ammunition without a License from the Issuing Authority.

Fourth: Anyone who is licensed to carry a firearm and carries it while participating in demonstrations or gatherings against the government shall be punished by imprisonment for a period not exceeding three (3) years and by a fine of not less than one (1, 000, 000) million dinars and not more than (5,000, 000) five millions dinars. The punishment shall be imprisonment for anyone carried the firearm without a License.

Fifth: Anyone who violates the provisions of this Law or the instructions or statements issued thereunder, in cases other than those stipulated in Items (First), (Second), (Third), and (Fourth) of this Article, shall be punished by imprisonment and a fine of not less than (100, 000) one hundred thousand dinars and not more than (250, 000) two hundred and fifty thousand dinars, or by either of these penalties.

ARTICLE

25

The possessor of a firearm who did not renew his/ her License within (30) thirty days starting from the date of expiry of the period stipulated in Item (First) of Article (9) of this Law shall be punished by a fine of not less than (100, 000) one hundred thousand dinars and not more than (250, 000) two hundred and fifty thousand dinars.

ARTICLE

26

First: The court shall rule on the penalties stipulated in Article (24) of the law, in addition to any fines imposed by the customs departments in accordance with customs law.

Second: If the court issues a ruling imposing one of the penalties stipulated in Items (First) and (Second) of Article (24) of this law, it shall rule the confiscation of the weapon, its License and its ammunition in addition to the transportation means used in committing the crime, taking into account the case of the owner of the vehicle in good faith, except in customs cases where the customs departments are responsible for imposing the penalty of confiscation.

Third:

- a. If the competent customs authorities decide to confiscation smuggled military weapons, their parts or their ammunition, or the smuggled ordinary rifles, their parts or their

ammunition, and this decision becomes final, the aforementioned weapons, their parts and their ammunition shall be transferred permanently to the Supply Directorate in the Ministry of Defense and the Minister of Finance may, based on a proposal from the General Authority of Customs, grant a reward to informants who contributed to the discovery of a crime in accordance with the law.

- b. If the competent court decides to confiscate non-smuggled military weapons, their parts or their ammunition, and the decision becomes final, the aforementioned weapons, their parts and their ammunition shall be permanently transferred to the Supply Directorate of the Ministry of Defense.
 - c. If the competent court decides to confiscate non-smuggled firearms, their parts or their ammunition, and the decision becomes final, the aforementioned weapons, their parts and their ammunition shall be deposited with Ministry of Interior.
 - d. The Issuing Authority shall decide to hand out the weapons with their parts and ammunition deposited with it, based on the provisions of Paragraph (c) of Item (Third) of this Article, to one of the State departments that requests them when the need arises. If no request is made, the Ministry of Interior shall sell them, in accordance with the provisions of the Law on the Sale and Lease of State Property.
- Fourth: Military weapons with their parts and ammunition, and smuggled ordinary rifles and smuggled pistols with their parts and ammunition shall be deposited with the nearest military authority for safekeeping upon their discovery. The aforementioned military authority shall bring these weapons before the authority concerning examining the case whenever necessary. As for non-smuggled firearms with their parts and ammunition, they shall be deposited upon their discovery with nearest police station in the area where the weapons were discovered for safekeeping. The police station shall bring these weapons before the court or the customs authority concerning examining the case whenever necessary.

ARTICLE

27

The provision of this law shall not be applied to weapons used by the armed forces, internal security forces and security agencies.

ARTICLE

28

The Commander-in-Chief of may decide to grant a license to possess or carry an automatic rifle in accordance with the provisions of this law.

ARTICLE

29

The Minister of the Interior, in coordination with the Minister of Finance, may review the fees stipulated in the schedule attached to this law whenever the need arises.

ARTICLE

30

The Minister of the Interior shall issue instructions regarding the possession, carrying, transport, manufacture, repair, import, or trade of injuring (Sharp-edged. Translator) and blunt weapons.

ARTICLE

31

First: The Weapon Law No. (13) Of 1992 shall be hereby repealed, and Instructions issued thereunder shall remain in force to the extent that they do not conflict with the provisions of this law, until such time as they are replaced or repealed.

Second: Coalition Provisional Authority (dissolved) Order No. (3) Issued on December 31, 2003 (Control of Weapons) and (dissolved) Coalition Provisional Authority Memorandum No. (5) Issued on August 22, 2003 (Implementation of Order No. (3) Concerning Control of Weapons) shall be hereby repealed.

Third: Weapons licenses issued under Weapon Law No. (13) Of 1992 issued after 2003 shall remain valid until their expiry or replacement.

ARTICLE

32

This law shall enter into force as of the date of its publication in the Official Gazette.

Fuad Masoum

President of the Republic

SCHEDULE OF FEES APPENDED TO THE LAW

1. **Fee for a License to possess and carry a firearm and its ammunition:** (10, 000) ten thousand dinars.
2. **Fee for renewing a License to possess and carry a firearm and its ammunition:** (5,000) five thousands dinars.
3. **Fee for a License to repair firearm:** (100, 000) one hundred thousand dinars.
4. **Fee for License to open a shop for selling firearms:** (150, 000) one hundred and fifty thousand dinars.
5. **Fee for renewing the two Licenses stipulated in (3) and (4) of this schedule:** (50, 000) fifty thousand dinars.