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Legislation

No. 52

## Private Security Company Law

With its amendment

No. (52) of 2017

قانون الشركات الأمنية الخاصة

مع تعديلله

Translated in

Ministry Of Justice

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## Laws

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**In the Name of people**

**Republic Presidency**

### **RESOLUTION NO (9)**

Based on what has been 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 28/ 2/ 2017 issuing the following law:

### **PRIVATE SECURITY COMPANY LAW NO (52) OF 2017**



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### SECTION ONE APPLICATION AND OBJECTIVES

#### ARTICLE 1

First: The provisions of this law shall be applied to Iraqi private security companies and branches of foreign companies and their workers.

Second: The private security company means the Iraqi company or the branches of the foreign company that carries out the work of providing security protection services to whoever requests them from natural or legal persons in exchange for a fee.

#### ARTICLE 2

This law aims to regulate the work of private security companies, whether Iraqi ones or branches of foreign companies, pursuant to the rules that are compatible with the nature of the tasks of these companies.



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### SECTION TWO LICENSE OF THE COMPANY

#### ARTICLE 3

It shall be prohibited for a private security company to carry out its activity without obtaining a work permit in accordance with the provisions of this law.

#### ARTICLE 4

**Repealed (See the amendment, Article 1)**

Upon a proposal by the Ministry of Interior and with the approval of the National Security Council, a work permit shall be granted to the private security company based on a request from the concerned parties in accordance with the provisions of this law.

#### ARTICLE 5

It shall be prohibited to grant a license except to an Iraqi security company, and in extreme security necessities it shall be permissible to grant a license to branches of foreign security companies with the approval of the Council of Ministers and on a proposal by the Minister of Interior.



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### ARTICLE 6

A directorate shall be established in the Ministry of the Interior called (Directorate for Private Security Companies Affairs) which shall be responsible for registering and issuing the license stipulated in this law and renewing it for private security companies and supervising their affairs. It shall be managed by an officer whose rank is not less than colonel and who has an actual service of not less than (15) fifteen years.

### ARTICLE 7

**Repealed (See the amendment, Article 2)**

A fee of (10,000,000) ten million Iraqi dinars shall be collected for granting the license.

### ARTICLE 8

**Repealed (See the amendment, Article 3)**

The application for granting license shall include the following:

First: If it is an Iraqi company:

- a. A copy of the company's certificate of incorporation, its articles of incorporation, and the minutes of appointment of its authorized director, certified by the Company Registration Department.



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- b. The name of the company and its headquarters, which shall be in Baghdad or the governorates.
- c. The name of the authorized director of the company, the names of the founders and shareholders, their nationalities and permanent addresses.
- d. Details about the work and programs that the company aims to achieve.
- e. The number of weapons the company needs, their types and numbers, ammunition and origins.
- f. The number of vehicles , their types, their origin, and their registration plate numbers, provided that they are registered in the company's name in the relevant traffic departments.
- g. A statement of wireless devices that includes their types, serial numbers, origins, and other technical specifications.
- h. Ownership deed or lease contract for the building used as the company's headquarters, certified by the competent departments.
- i. A bank guarantee from an Iraqi government bank in the amount of (250,000,000) two hundred and fifty million Iraqi dinars.

Second: If it is a branch of a foreign company:

- a. Certificate of registration of the company branch with the Company Registration Department in Iraq.
- b. A copy of the contract of incorporation and bylaw of the parent company or its substitute.
- c. A copy of the company's registration certificate issued in the country in which it is registered.
- d. A list of the names of the members of the company's board of directors, the nationality of each of them, and the names of persons authorized to sign on behalf of company.



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- e. A copy of the authorization of the manager assigned to manage the branch in Iraq and who actually presents there, issued by the company's management with a sample of its signature.
  - f. A copy of the company's latest final accounts, with two copies of the Board of Directors' report attached to these accounts.
  - g. The number of weapons the company needs, their types and numbers, ammunition and their origin
  - h. The number of vehicles, their types, their origins, and their registration plate numbers, provided that they are registered in the company's name in the competent traffic departments.
  - i. A statement of wireless devices that includes their types, serial numbers, origins, and other technical specifications, provided that they are intended for communication only and are subject to careful examination by the Ministry of Interior.
  - j. A bank guarantee from an Iraqi government bank in the amount of (1,000,000,000) one billion Iraqi dinars.
- Third: The documents stipulated in paragraphs (b), (c), (d), (e), and (f) of Item (Second) of this Article shall be certified in the company's home country.

### ARTICLE 9

First: It shall be required that the competent authorities in the Ministry of Interior confirm that there is no security impediment to granting the company a work permit and employing its workers, and the support of the Iraqi National Intelligence Service in this regard for branches of foreign companies.



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Second: Failure to respond within (90) ninety days as of the date of registering the request shall be considered a rejection of the confirmation stipulated in Item (First) of this Article.

### ARTICLE 10

In the event that there is a deficiency in the documents and data, the applicant for the license must complete them within a period not exceeding (60) sixty days from the date of notifying his/ her of the deficiencies in writing. Otherwise, the application shall considered invalid.

### ARTICLE 11

**Repealed (See the amendment, Article 4)**

The National Security Council may refuse to grant a license to the company when one of the requirements stipulated in this law is not met, and the company shall be notified of this in writing.





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### SECTION THREE RENEWAL OF LICENSE

#### ARTICLE 12

The duration of the license shall be two years, starting from the date of issuance of the license.

#### ARTICLE 13

**Repealed (See the amendment, Article 5)**

The license may be renewed in accordance with the following:

First: The company owner shall submit to the Minister a request to renew the license sixty (60) days before the date of the end of the license period.

Second: The Minister shall decide on the request stipulated in Item (First) of this Article within (60) sixty days from the date of its registration in the incoming letter register.

Third: The Minister's failure to decide within the period stipulated in Item (Second) of this Article shall be considered a rejection of the request.

Fourth: A fee of (5,000,000) five million Iraqi dinars shall be collected for renewing the license.



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### SECTION FOUR EMPLOYMENT OF WORKERS IN COMPANY

#### ARTICLE 14

**Repealed (See the amendment, Article 6)**

A worker shall be employed in the Iraqi company with the approval of the Ministry in accordance with the following conditions:

First: The worker's age must not be less than (18) eighteen years and not more than (55) fifty-five years.

Second: The worker must be able to read and write at least.

Third: The worker must meet the health and physical fitness conditions with the support of a competent medical authority.

Fourth: The worker must pass the test for using weapons.

Fifth: The worker must have a knowledge of human rights principles.

Sixth: The worker must have good morals, reputation and behavior.



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Seventh: The worker has not been sentenced to a penalty for a felony or moral-turpitude misdemeanor and is not political.

Eighth: Providing a guarantor for (3,000,000) three million Iraqi dinars to the Ministry.

### ARTICLE 15

#### **Repealed (See the amendment, Article 7)**

A worker shall be employed in the branch of the foreign company in accordance with the following:

First: Approval of the Ministry of Interior after consulting the Ministry of Defense (the Directorate of Military Intelligence and the General Directorate of Intelligence and Security), the National Security Service and the Iraqi National Intelligence Service.

Second: Providing a guarantor for (3,000,000) three million Iraqi dinars to the Ministry, or depositing this amount in the Ministry's fund.

Third: An undertaking by the company branch to bring the worker to the competent authorities when they ask him/ her to attend and to hold them jointly responsible for the actions he/ she commits in the Republic of Iraq.

Fourth: Workers in foreign private security companies shall be subject to Iraqi legal and judicial jurisdiction in the event they commit any crimes or violations within Iraqi territory.

Fifth: Obligating all branches of foreign security companies operating in Iraq to employ (25%) of Iraqis to work in those branches who meet all the employment conditions stipulated in this law.



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### SECTION FIVE COMPANY RECORDS

#### ARTICLE 16

The company and its branches shall keep the following records:

First: Employees' register, in which the names of the company's employees, their addresses, nationalities, ages, and previous occupations are recorded.

Second: Correspondence Register.

Third: Weapons register, recording the number of weapons, their types, specifications, and the quantity of their supplies.

Fourth: Record of the daily movement of weapons.

Fifth: A register of wireless devices, including their types, serial numbers, origins, and other technical specifications.

Sixth: A register of used vehicles.





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### ARTICLE 17

- First: The registers stipulated in Article (16) of this law shall be certified by the notary public and their pages shall be stamped with the company's seal.
- Second: The full name of the company shall be recorded on all papers and documents of the company as shown in its license.
- Third: All company correspondence shall be signed by its authorized director or his/ her authorized representative and stamped with its own seal.



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### SECTION SIX BYLAW

#### ARTICLE 18

The Iraqi Security Company shall issue a bylaw within (90) ninety days starting from the date of granting the license.

#### ARTICLE 19

The company's bylaws shall include the following:

First: The name of the company, its goals, programs, activities.

Second: company's management centre.

Third: The company's organizational structure and financial resources.

Fourth: The number of employees in the company in proportion to the contracts it concludes.

Fifth: The principles adopted by the company to compensate its employees for the damages they suffer.



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### SECTION SEVEN COMPANY OBLIGATIONS

#### ARTICLE 20

**Added (See the amendment, Article 8)**

The company shall be committed to the following:

- First: Not to use its vehicles for purposes other than their intended ones or to place them outside its designated areas.
- Second: Appointing a person responsible for organizing and controlling the movement of the vehicles belonging to it and setting the dates of their departure and return, and the party responsible for maintaining records for this purpose.
- Third: Informing Ministry of any crime that occurred during or because of the company's work or is suspected of having occurred.
- Fourth: Informing Ministry of any change occurring in any of the data, documents, or information on the basis of which the license was granted, within seven days from the date of its obtaining.
- Fifth: Carrying a weapon in a concealed manner and may not be shown except in accordance with Item (Seven) of this Article.



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Sixth: Adhering to the company uniform and wearing its badge.

Seventh: Not to use force against others, except in exercise of the right of legitimate defense stipulated in Penal Code No. ( 111) of 1969.

Eighth: Organizing a program to train the company's employees on the technical aspects of using weapons, principles and methods of protection, legal awareness, and human rights principles, in coordination with the Ministry.

Ninth: Not to use the communication devices for purposes other than company activity.

Tenth: Submitting a written pledge to abide by Iraqi laws.

### ARTICLE 21

The company shall undertake to provide security protection for people based on a contract concluded between the two parties and approved by the Ministry of Interior.

### ARTICLE 22

The company shall submit the following documents to the Ministry for the purpose of auditing:

First: Monthly statement of the company's accounts, including its financial resources and revenues. **(Replaced, see Amendment, Article 9)**

Second: Documents and papers related to the import of weapons from outside Iraq and its numbers.





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Third: Numbers and types of weapons used when workers carry out their duties.

Fourth: Documents related to the company's support that its employees returned the weapon used during duty to the company's weapon store after performing the duty.

Fifth: The contracts concluded by the company with those seeking protection shall be submitted to the Ministry of Interior for certification purposes.

Sixth: A monthly situation statement includes weapons and war supplies.

### ARTICLE 23

The company shall be prohibited the following:

First: Carrying out any activity that threatens the security of the state, its territorial integrity, sovereignty, independence, and national unity.

Second: Forming military or paramilitary organizations

Third: Carrying out any action that might violate the rights and freedoms of citizens.

Fourth: Carrying out any action that might interfere in the internal affairs of any other country.

Fifth: Possession or storage of unlicensed firearms, military weapons and explosive materials.

Sixth: Possession or carrying of firearms whose caliber exceeds (7.62) mm, except for pistols whose caliber does not exceed (9) mm. **(Replaced, see Amendment, Article 10)**

Seventh: Practicing an activity other than that specified on license



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### SECTION EIGHTH CONTROL AND INSPECTION

#### ARTICLE 24

First: The company shall be subjected to control and inspection by the authority designated by the Ministry to verify that the company is carrying out its activity in accordance with the provisions of this law.

Second: The company shall provide the necessary facilities to the entity stipulated in Item (First) of this Article, provide it with the necessary records, papers and documents and conduct an on-site inspection of the company's stores of weapons and war supplies and everything that enables it to perform its work.



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### SECTION NINE PUNITIVE PROVISIONS

#### ARTICLE 25

Anyone who practices the profession of security protection without a license shall be punished by imprisonment and a fine of not less than (100,000,000) one hundred million Iraqi dinars, unless the law stipulates a more severe penalty.

#### ARTICLE 26

**Repealed (See the amendment, Article 11)**

The Minister may withdraw or suspend the work license granted to the company in one of these two cases:

First: The Company's failure to commence its activity or stop it after (90) ninety days has passed since granting it the license without a legitimate excuse.

Second: Failure to renew the company's license within the period stipulated in Item (First) of Article (13) of this law.



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### ARTICLE 27

#### **Repealed (See the amendment, Article 12)**

The Minister may withdraw or suspend the work license granted to the company and restrict the financial guarantee as revenue to the state treasury in one of two cases:

First: The Company loses one of the necessary conditions for granting it the work license stipulated in this law.

Second: Violating the provisions of one of Articles (14), (15), (16),( 17), (18),( 20), (21),( 22), (23) and Item( second) of Article (24) of this law.

### ARTICLE 28

#### **Repealed (See the amendment, Article 13)**

The Minister may decide that the company shall resume its activity if it addresses the situation that caused the suspension of its license.

### ARTICLE 29

The Minister may withdraw the license granted to the company and credit the cash guarantee as revenue to the state treasury if a period of (90) ninety days has passed since its license was suspended without it addressing the situation that caused this.





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### ARTICLE 30

In the event that the company's license is withdrawn; it shall be committed to the following:

First: Returning the documents related to the possession of weapons stipulated in Article (32) of this law and the identities stipulated in Item (First) of Article (34) of this law.

Second: Selling the vehicles, weapons, war supplies and wireless devices in its possession to the company or other security companies licensed in accordance with the provisions of this law after obtaining the approval of the Ministry of the Interior for the sale and within a period not exceeding (60 ) days starting from the date of withdrawing the company's license, otherwise, what is stipulated in this Item shall be confiscated by the Ministry of the Interior.

### ARTICLE 31

If a decision is issued to withdraw the license of the Iraqi company or the branch of the foreign company and it attains the status of finality, then the company shall be liquidated in accordance with the law.



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### SECTION TEN

### GENERAL AND FINAL PROVISIONS

#### ARTICLE 32

The Ministry shall grant the company special licenses for ownership and possession of firearms based on the license granted to it and on the basis of its actual need in accordance with the law.

#### ARTICLE 33

The uniforms and badges of company employees, the marks placed on their vehicles and their colors shall be determined by instructions issued by the Minister.

#### ARTICLE 34

First: The Ministry shall undertake providing the company's employees with their IDs in accordance with form it prepares for this purpose.



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Second: A fee of (100,000) one hundred thousand Iraqi dinars shall be charged for issuing the identity card.

### ARTICLE 35

The company licensed under the (dissolved) Coalition Provisional Authority Memorandum No. (17) of 2004 shall adjust its conditions in accordance with the provisions of this law within a period not exceeding (60) sixty days from the date of its entry into force, otherwise, the work permit granted to the company shall be withdrawn.

### ARTICLE 36

The Minister's decision issued based on the provisions of Article (11), Item (Third) of Article (13), Articles (26, 27 and 29) of this law shall be appealed to the Administrative Judicial Court in accordance with the law.

### ARTICLE 37

**Repealed (See the amendment, Article 14)**

The provisions of the Company Law No. (21) of 1997 and the Law of Branches of Foreign Companies and Institutions No. (5) of 1989 shall be applied to all what not stipulated in this law.



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### ARTICLE 38

Foreigners' Residence Law No. (118) of 1978 shall be applied to foreign workers in security companies.

### ARTICLE 39

Coalition Provisional Authority (dissolved) Order No. (17) of 2003 (Status of the Coalition, Foreign Liaison Missions, Their Employees, and Contractors Working with Them) and Section (2) Relevance of Judicial Authorities to Coalition Provisional Authority (Dissolved) Memorandum No. (3) of the year (2003) (Penal Procedures) shall not be applied to the private security companies and their employees.

### ARTICLE 40

The (dissolved) Coalition Provisional Authority's Memorandum No. (17) of 2004 (Registration Requirements for Private Security Companies) shall be repealed.

### ARTICLE 41

The Minister shall issue instructions to facilitate the implementation of the provisions of this law.



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### ARTICLE 42

This law shall be implemented as of the date of its publication in the Official Gazette.

**Fu'ad Masum**

**President of the Republic**



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**AMENDMENT**





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**In the name of the People**

**Republic Presidency**

**DECISION NO. (20)**

Based on what has approved by the Parliament Council, 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, in August 28, 2023 , to promulgate the following law:

**NO. (22) OF 2023**

**THE LAW OF THE FIRST AMENDMENT  
OF PRIVATE SECURITY COMPANY LAW**

**NO. (52) OF 2017**

**ARTICLE 1**

The provision of Article (4) of the Private Security Company Law No. (52) of 2017 shall be repealed and replaced by the following:



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### Article 4

The Minister of Interior may grant a work permit to the private security company based on a application submitted by the concerned party in accordance with the law.

### ARTICLE 2

the provision of Article (7) of the Law shall be repealed and replaced by the following:

### Article 7

A fee about (100,000,000) one hundred millions Iraqi Dinars shall be collected for granting the permit to the Iraqi company, and (150,000,000) one hundred and fifty millions Iraqi Dinars for the branch of a foreign company.

### ARTICLE 3

The provision of Article (8) of the Law shall be repealed and replaced by the following:

### Article 8

The Application for granting the permit shall include the following:

First: If it is an Iraqi company:

- a. A copy of the company foundation certificate, its articles of incorporation and minutes of appointing its authorized director certified by the Company Registration Department.



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- b. The name of the company and its headquarters, which shall be in Baghdad or the governorates.
- c. The name of the authorized company manager, the names of the founders and shareholders, their nationalities and their permanent addresses.
- d. Details of the work and programs that the company wishes to carry out.
- e. The title deed or the lease contract for the building used as the company headquarters certified by the competent departments.
- f. A bank guaranty from an Iraqi governmental bank in the amount of (250,000,000 ) two hundred and fifty millions Iraqi Dinars.

Second: If it is a branch of a foreign company:

- a. A certificate of registration of the company branch with the Company Registration Department in Iraq.
- b. A copy of the foundation contract and the bylaw of the parent company or its equivalent.
- c. A copy of the certificate of the company registration issued in the country in which it was registered.
- d. A list of the names of the company board members' names, the nationality of each of them and the names of the persons authorized to sign on its behalf.
- e. A copy of the authorization of the manager in charge of managing the branch in Iraq and is genuinely resident in it, issued by the company management with a sample of its signature.
- f. A copy of the company's latest final accounts for the last (2) two fiscal years along with (2) two copies of the report of the management council attached and annexed to these accounts.



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- g. A bank guaranty from an Iraqi governmental bank in amount of (1,000,000,000) one billion Iraqi Dinars.

Third: The documents stipulated in paragraphs (b), (c), (d), (e) and (f) of Item (Second) of this Article shall be approved in accordance with the Law.

### ARTICLE 4

The provision of Article (11) of this Law shall be repealed.

### ARTICLE 5

The provision of Article (13) of the Law shall be repealed and replaced with the following:

#### Article 13

First: The Minister may renew the work permit based upon a application submitted by the authorized manager of the private security company (60) sixty days before the date of the end of the permit period in accordance with the conditions stipulated in both Articles (8) and (9) of the Law.

Second: The Minister shall decide on the application stipulated in Item (First) of this Article within (60) sixty days from its registration date in the incoming letter record of Minister's office.

Third: If the Minister does not decide on within the period stipulated in Item (Second) of this Article shall be considered as an acceptance of the application.



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Fourth: A fee of (25,000,000) twenty-five million Iraqi dinars shall be collected for renewing the permit for the Iraqi company and (50,000,000) fifty million Iraqi Dinars for the branch of the foreign company.

### ARTICLE 6

The provision of Article (14) of the Law shall be repealed and replaced by the following:

Article (14 )

First: The worker shall be appointed in the Iraqi company by the approval of the Ministry in accordance with the following conditions:

- a. The age is at least (18) eighteen years old.
- b. Proficiency in reading and writing.
- c. Meeting the conditions of the health and physical fitness requirements with the certification of a competent medical authority.
- d. Passing the test of using weapons.
- e. Having knowledge of human rights principles.
- f. Having straight morals and good reputation and conduct.
- g. Not sentenced with a felony or moral turpitude-involving misdemeanor.
- h. Providing a debtor guaranty in the amount of no less than (3,000,000) three million Iraqi Dinars.

Second: The Iraqi private security company may employ no more than (20%) twenty per cent of the foreigners who meet the conditions of employment stipulated in Item (First) from this Article after consulting the competent authorities.



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### ARTICLE 7

The provision of Article (15) of the Law shall be repealed and replaced by the following:

#### Article 15

First: The worker in the foreign company branch shall be employed in accordance with the following:

- a. The approval of the Ministry of Interior after taking into consideration the opinion of the competent bodies.
- b. Providing a debtor guaranty in the amount of no less than (3,000,000) three million Iraqi Dinars.

Second: The workers in the foreign private security companies shall be subjected to the Iraqi legal and judicial jurisdiction in case of committing any crime inside the Iraqi territories.

Third: The branches of the foreign security companies working in Iraq shall commit themselves to employ no less than (50%) fifty per cent of the Iraqis who meet the employment conditions stipulated in this Law to work in those branches.

### ARTICLE 8

The following shall be added to the Article (20) of the Law to be as Items (Eleventh), (Twelfth), and (Thirteenth) and shall be as follows:

Eleventh: Bringing the worker in these companies to the competent authorities upon request and they shall be in charge of the acts committed by him/ her inside Iraq.

Twelfth: Providing the directorate after obtaining the work permit with the following:





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- a. The number of the weapons needed by the company, their types, their numbers, the war supplies and their origin.
- b. The number of the vehicles, their types, their origin and their registration of plate numbers in accordance with the Law.
- c. A statement of the wireless devices including their types, their serial numbers, their origins and other technical description, provide that they used only for communication and be subjected to a careful examination by the Ministry of Interior.
- d. A list of names of workers in the company, their nationalities and their addresses.

Thirteenth: Informing the directorate in writing with all the changes to the contract signed between it and the parties contracting with it.

### ARTICLE 9

The provision of Item (First) of Article (22) of the Law shall be repealed and replaced with the following:

First: A periodical statement of the company accounts every (6) six months, provided that it includes the financial resources of the company and its sources.

### ARTICLE 10

The provision of Item (Sixth) of Article (23) of the Law shall be repealed and replaced by the following:

Sixth: Possessing and holding firearms and their caliber is no more than (7, 62×39) millimeters, except for the pistols that their caliber is no more than (9) millimeters.



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### ARTICLE 11

The provision of Article (26) of the Law shall be repealed and replaced by the following:

#### Article 26

First: The Minister may suspend the work permit granted to the company within a period no more than (90) ninety days in case it violates the provisions of any of the Articles (14), (15), (16), (17), (18), (20), (21) and (22) and Item (Second) of Article (24) in this Law.

Second: The Minister may decide to resume the company's activities in case of resolving the case resulted in suspending its permit during the period of suspension.

### ARTICLE 12

The provision of Article (27) of the Law shall be repealed and replaced by the following:

#### Article 27

The work permit granted to the company shall be withdrawn in one of both cases:

First: Non-renewal of the work permit during the period stipulated in the Law.

Second: Acting any prohibited acts stipulated in Article (23) of this Law.



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### ARTICLE 13

The provision of Article (28) shall be repealed and replaced by the following:

#### Article 28

The Minister may impose a fee no less than (1,000,000) million and no more than (5,000,000) five million Iraqi dinars when the security company violates the provisions of the Law.

### ARTICLE 14

The provision of Article (37) of the Law shall be repealed and replaced by the following:

#### Article 37

First: The amounts of paid fees and fines shall be credited as a final income for the account of the State's public treasury in accordance with the provisions of this Law.

Second: The provisions of the Company Law No. (21) of 1997, and the Foreign Company Branches Regulation No. (2) of 2017 shall be applied to all what not stipulated in this Law.

### ARTICLE 15

This Law shall be applied as of the date of publication in the Official Gazette.

**Abdul-Latif Jamaal Rasheed**

**President of the Republic**