

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 3 (REVISED)

(AMENDED)

WEAPONS CONTROL

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recognizing that weapons control is necessary in order to ensure a secure environment for the people of Iraq and to promote public order and safety,

I hereby promulgate the following:

Section 1 Definitions

- 1) "Coalition Forces" includes any and all personnel, including contractors, from Coalition Member States under the command or direction of the Coalition Provisional Authority or the Coalition Force Commander,
- 2) "Criminal Proceedings Law" means Criminal Proceedings Law No. 23 of 1971, as amended, including amendments contained in CPA Memorandum Number 3, Criminal Procedures, CPA/MEM/18 June 2003/03.
- 3) "Firearms" mean automatic (7.62mm (.308 caliber) and under) and non-automatic rifles, shotguns and pistols for personal use, and associated ammunition. Such firearms are subject to licensing by the Ministry of Interior. Firearms do not include weapons rendered permanently inoperable, replicas, antiques or ceremonial weapons.
- 4) "Iraqi security forces" include any and all Iraqi personnel from the Iraqi Police Service, Iraqi Civil Defense Corps, Facilities Protection Service, Iraqi Border and Customs Police or any organization whose mission includes physical security that may be established by the CPA or under Iraqi law subsequent to the signing of this Order.
- 5) "Iraqi Weapons Code 1992" means the Law of Arms No. (13) of 1992, as amended by Law No. (15) of 2000.
- 6) "Military Weapons" are any weapons systems, ammunition or explosives or explosive devices of any type designed for use by any military forces but not including "Firearms" as defined in this Order. Military Weapons do not include weapons

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rendered permanently inoperable, replicas, antiques or ceremonial weapons. Military Weapons include "Special Category Weapons."

7) "Penal Code" means the Penal Code Law No. (111) of 1969, as amended, including Law (1) 2002 and CPA Order Number 7, Penal Code, CPA/ORD/9 June 2003/07.

8) "Public places" mean state-owned property, places of worship, holy sites, hospitals, schools, gathering places such as town squares and parks, streets and such other places that may be designated by the CPA,

9) "Special Category Weapons" are any explosives, improvised explosives or incendiary devices, grenades, rockets, shells or mines and any means of discharging such items, crew-served weapons of any kind, and Man Portable Air Defense Systems of any kind.

Section 2

Relation to Existing Law

1) Article 6.2 of the Iraqi Weapons Code 1992 is hereby amended to suspend the exemption set out therein for employees of the governmental and social sector.

2) Article 8.2 of the Iraqi Weapons Code 1992, concerning licensing requirements, is amended to allow possession of no more than 50 rounds of ammunition for any licensed firearm.

3) In all other respects, including the penalties provisions (with the exception of the death penalty) the Iraqi Weapons Code 1992 remains in effect unless specifically inconsistent with this Order, in which event this order will take precedence.

4) CPA/ORD/23 May 2003/03 is superceded by this Order.

Section 3

Authorized Possession and Use of Firearms and Military Weapons

1) The following individuals are authorized to possess and use issued Firearms and Military Weapons, including Special Category Weapons:

a) Coalition Forces,

b) Iraqi security forces, and

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c) Groups and individuals who have been authorized to carry weapons in the course of their duties by the CPA or Commander, Coalition Forces or their duly authorized delegates.

2) Private security firms may be licensed by the Ministry of the Interior to possess and use licensed Firearms and Military Weapons, excluding Special Category Weapons, in the course of their duties, including in public places.

3) Individuals may be authorized to possess Firearms for personal use by obtaining

authorization from the Ministry of Interior, as described in Section 5 of this Order.

Section 4 General Prohibitions

- 1) Unauthorized possession, transport, distribution, or use of Firearms or Military Weapons, including Special Category Weapons, is prohibited.
- 2) Other than as provided for in Section 3, no person shall possess or use any Firearms or Military Weapons, including Special Category Weapons, in public places.
- 3) Other than by Coalition Forces and duly authorized Iraqi security forces whose duty position requires the carrying of concealed weapons in the course of their duties, the carrying of concealed weapons is prohibited.
- 4) All sales of Firearms and Military Weapons are prohibited, except as authorized by the CPA.

Section 5 Weapons Authorization and Licensing

Individuals not otherwise authorized to possess or use Firearms or Military Weapons by this or any other CPA instrument may apply for weapons authorization. The licensing requirements for weapons set forth in the Iraqi Weapons Code 1992 and administered by the Ministry of Interior remain in effect. Firearms for personal use located in homes or places of business under rescinded Order Number 3 (CPA/ORD/23 May 2003/03) are subject to these licensing provisions. The Ministry of Interior shall issue procedures and establish timelines for licensing such Firearms. Possession of unlicensed Firearms in one's home or place of business for personal use, as permitted under rescinded Order Number 3, will continue to be authorized until the new procedures for licensing such Firearms become effective in accordance with a Public Notice to that effect.

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Section 6 Penalties

- 1) Firearms or Military Weapons, including Special Category Weapons, possession or use of which is unauthorized, are subject to confiscation by Coalition Forces and other relevant authorities.
- 2) Any person in violation of this Order may be detained, arrested, and prosecuted. If convicted, all lawful punishments may be adjudged, and the following terms of imprisonment will apply:
 - a.
For the conviction of unauthorized possession, transport, distribution, sale, or use

of a Military Weapon, excluding Special Category Weapons, a minimum term of imprisonment of 6 months and maximum term of imprisonment of life imprisonment.

b. For the conviction of possession, transport, distribution, sale, or use of a Special Category Weapon, a minimum term of imprisonment of 30 years, unless the proviso at paragraph 3 applies, and maximum term of imprisonment of life imprisonment. Where a person may be convicted of another offense relating to the use of a Special Category Weapon, the mandatory minimum term of imprisonment of 30 years, unless the proviso at paragraph 3 applies, shall also be applied to that conviction.

3) The mandatory minimum term of imprisonment of 30 years is subject to the proviso that in exceptional circumstances relating to the offender or the offense, the punishment may be reduced. The transport, distribution, sale or use of a Special Category Weapon shall never constitute exceptional circumstances.

4) Except as provided in paragraphs 2 and 3 of this Section, sentences for convictions of offenses under this Order or the Iraqi Weapons Code 1992 and which involve Military Weapons, including Special Category Weapons, may not be reduced as a result of mitigating excuse pursuant to paragraph 130 of the Penal Code. Persons convicted of committing these offenses shall not be eligible for Conditional Discharge as set forth in paragraph 331 of the Criminal Proceedings Law.

5) For the purposes of this Order, sentences of life imprisonment shall mean the remaining natural life of the person.

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