

Private Security Company (PSC) Requirements for Iraqi Kurdistan

1. Background. The Iraqi Kurdistan Region has a functioning government and an existing civil society. This government has been in existence since 1992, long before the arrival of the Allied Coalition that has liberated Iraq. As such, there are laws and rules which govern the conduct of business and the exercise of personal conduct within the Kurdistan Region. We expect that our friends in the private security companies will adhere to these rules. We welcome all of our friends to Kurdistan from the countries that were part of the liberating Coalition, and we certainly welcome the development and investment that their parent companies are bringing to our region. It is also important for the private security companies to understand that we enjoy relatively very good security in Kurdistan. Certainly, it is not perfect security as security is perfect nowhere, but you must understand that the situation in Kurdistan is nothing like the situation in some other parts of Iraq. You are surrounded by a populace that is supportive of America and Britain and the Allied countries, and is appreciative of your positive presence. For this reason, it is important that you tailor your operations accordingly.

2. References. (<http://www.iraqcoalition.org/regulations>)

- CPA Memorandum #17 – 26 June 2004
- CPA Order #3 (Revised)(Amended) – 31 Dec 2003
- CPA Order #17 (Revised) – 27 June 2004
- CPA Order #100 – 28 June 2004

3. Licensing. All Private Security Companies operating in Kurdistan must be registered with the Kurdistan Regional Government (KRG), Ministry of Finance and licensed by the KRG Ministry of Interior (MoI). Failure to obtain proper licensing is a violation of law and may be prosecuted. The licensing process is fairly simple, and may be coordinated directly with the Military Advisor to the MoI. You will be required to provide the following information with your license application:

- Letter on company letterhead outlining the activities of the company, including specification of the other companies or individuals that the security company is contracted to protect, and the areas that the company will physically operate within. Also to be included are the name, position, phone number, address and e-mail of a principal and alternate company point of contact within Kurdistan.
- Copy of the company's registration with the KRG Ministry of Finance, or proof that an application for registration has been filed.
- Copy of licensing documentation from the Federal Iraqi government Ministry of Interior and Ministry of Trade, if the company is operating in areas outside of Kurdistan.
- Copy of registration/incorporation documentation in the company's home State, if the company is registered in another State.
- A list of the names and country of origin of all expatriate personnel.
- A list for local personnel of their: name, birth date, address, position within the company, and signature.
- A list of all the weapon types and serial numbers utilized by the company.

- A list of the make, model, license number and VIN of all company vehicles.
- Copy of company insurance certificate.
- Original bond certificate drawn on an Iraqi Bank (may not be required).

Licenses will be valid for a period of one calendar year. All licenses will expire on the 31st of December. To ensure renewal of licenses, companies should submit their request for renewal – noting any changes to their original license application information, not later than the 15th of November each calendar year. A decision on granting a license will be made within 60 days of application. Complete updates of the required licensing information, as well as contract status, and financial details may be required based on periodic written request of the Minister. The MoI may grant Temporary Licenses to allow companies to operate pending approval of the regular license. Temporary Licenses may only be granted if the PSC is able to show proof that registration has been requested from the KRG Ministry of Finance, and provides the complete application packet to the KRG MoI for the operating license. A decision on granting a temporary license will be made with 14 days of application. Licenses may be suspended, revoked or refused under the following circumstances:

- The MoI may at his discretion, refuse to grant a License if the conditions in this Requirements Order are not met. The reason for the refusal will be communicated to the PSC in writing. The applicant PSC may reapply for a License once they take corrective action to their deficiencies.
- If a PSC or any of its employees breaches this Requirements Order, or any law of Kurdistan, the MoI may suspend or revoke the PSC's License. Any such decision to suspend or revoke will be based on reasonable grounds and will be proportional to the severity of the breach. Refer to paragraph 5 below, regarding status of performance bond. The MoI will consider actions of the PSC to rectify the breach in determining suspension or revocation status.

4. Employee vetting. Private Security Companies must vet their local staff with the MoI. The MoI will in turn coordinate vetting of the local staff with the assorted security entities of the KRG. This procedure exists for the security of the private company, as well as for our security. We have extensive information regarding known terrorists and their criminal associates. By checking the biographical information of your local staff, we can both identify these people for possible disqualification, surveillance, or arrest and prevent potential harm to your company and those you are protecting. You will be required to provide information on any changes in any of your staff (additions, or deletion), providing all of the information specified in paragraph 2 above to the Military Advisor of the MoI, not later than the last day of each month. Additionally, all security personnel must meet the following minimum standards:

- Be at least 21 years of age.
- Be mentally and physically fit for security duties.
- Follow the law of the Kurdistan Region and respect human rights.
- Pass a background check.
- Certify no prior felony convictions.
- Have no history of involvement in any terrorist activity.

- Received certification in the operation of any weapons that will be utilized by the security employee.

5. Bonds. PSC that are not licensed by the central government MoI, and will only be operating within Kurdistan, will be required to submit a minimum refundable bond of US \$25,000, to the MoI before being granted a license from the KRG MoI.

Additional bonds may be required as determined by the MoI, based on the number of employees of the PSC. Violation of any of the minimum standards specified in these requirements, or any breach of Kurdistan law by the PSC or any of its employees may result in forfeiture of all, or part of the bond that has been posted with the MoI. A procedural breach of these requirements may be preceded by a written notification from the MoI of the breach, and an opportunity to rectify the breach before bond forfeiture. Any decision by the MoI to declare a bond forfeit will be based on reasonable grounds and will be proportional to the breach initiating the action. The MoI will take into account actions taken by the PSC to rectify the breach (i.e. termination of violating employees, full cooperation with KRG investigators, etc.) in determining PSC bond forfeiture. Additionally, any action that might lead to bond forfeiture may also result in a review and revocation of the license of the PSC. This item regarding license revocation is applicable as well to companies that have registered with the central government MoI and posted bond there. Bonds will be refunded within 30 days if the PSC ceases operations in Kurdistan, or is able to substantiate licensing in Baghdad, and proper bond posting there.

6. Insurance. PSC must submit evidence that they have sufficient public liability insurance to cover possible claims against them.

7. Weapons. Security personnel need to utilize appropriate levels of discretion in determining the types of weapons they carry in different situations and how those weapons are carried. Some general guidelines should include:

- Do not point weapons out the windows of vehicles, especially at other vehicles or persons. Your general guideline should be: if you point your weapon at someone, you are preparing to shoot them. This also serves to maintain a lower profile for your client and is less intrusive, and thus less aggressive to the people in the public. (See Use of Force – Annex A)
- Weapons are not permitted in the Erbil International Airport complex.
- Weapons are not permitted in the Council of Ministries building.
- Weapons are not permitted in many of the hotels and restaurants within Erbil (each private business has their own rules regarding this requirement).
- When entering facilities that are protected by members of the local security forces (Police, Asaish, Zeravany, Peshmerga), such as governmental buildings, close protection personnel should switch to a concealable pistol, again to be less intrusive.

All PSC employees who will be carrying weapons off of company property must be in possession at all times of a KRG Weapons Permit. The KRG Weapons Permit will grant authority to possess and use the company's firearms. The MoI will direct issuance of KRG Weapons Permits to all expatriate personnel, identified in paragraph 3 of this requirements order, unless otherwise noted by the PSC not to issue that

person a KRG Weapons Permit. Local personnel will only be issued a KRG Weapons Permit if they are a close protection guard who is contracted to operate off of the company's compound under the direction of an expatriate supervisor. This fact should be specified in the information required for local personnel by paragraph 3 of this requirements order. Local personnel who are detailed as company property/security guards will not be issued KRG Weapons Permits as they are not permitted to perform their duties in the street or off of company property. If a PSC ceases operations, its license is revoked, or an employee leaves its service, the relevant KRG Weapons Permits must be immediately returned to the KRG MoI.

Additionally you will adhere to the following in regard to use of weapons:

- Local personnel may not carry weapons off of their employer's compound or office facilities, except under the circumstances specified in the preceding paragraph.
- Expatriate personnel may not openly carry weapons during off duty hours, unless they possess a KRG Weapons Permit. Only concealed pistols are authorized in this circumstance.
- PSC will notify the MoI Military Advisor of any changes in their weapons inventory per the procedures specified in paragraph 4 regarding changes in personnel.
- PSC shall store all weapons and ammunition in a secure and safe facility, and shall not co-mingle the ammunition with other combustible materials.
- PSC must ensure that only employees who physically possess KRG Weapons Permits are permitted to carry weapons, and only when those employees are on official duty (except as noted above for expatriate personnel). PSC must also ensure that weapons not currently in service are returned to its weapons storage facility.
- PSC may only own and utilize categories of weapons as specified in CPA Order #3 (Revised)(Amended).
- Privately owned weapons may not be utilized for PSC duties.

8. Conduct. The conduct of your security personnel will go a long way in developing your relations with the people who live and work in our communities. Good relations can be equated to good security, as people will be more inclined to respect you, and take an interest in your well-being if they are treated with respect. Additionally, take the following directives into consideration for your operations:

Vehicles – Drivers in Kurdistan face many hazards. The most significant hazards are those present on the roadways of any country, which is dangerous and aggressive driving. You may encounter situations where another driver has low experience, and may even not be licensed. You must not add to the danger of these situations by having your drivers mimic the bad driving behavior they see in some other drivers here. Your drivers must obey the signals of traffic policeman and signals and signs on the street. For example, you must not proceed through a red light or a stop signal of a policeman. Your drivers should also not drive in a fashion which forces other vehicles out of the way, or off of the roadway. It is understood that there may be an occasion where emergency action must be taken. However, those situations are case by case, and certainly will be the very rare exception.

Offices – You may not erect any barricades or structures outside of your office and compound property, or erect any obstructions within the roadways near your offices without first requesting permission and coordinating with the Mayor and Asaish commander in the quarter, town, or area in which your facilities are located. When you request such measures, you should have justification to substantiate why these measures are necessary, and how you intend to manage these obstructions relevant to the activities of neighboring homes and businesses. Additionally, if you have already erected any such barriers, you must seek permission from the aforementioned persons to maintain the barrier. Failure to do so may result in an order to remove the unapproved barriers, or may constitute breach of these requirements as specified in paragraph 5.

Incidents – If any of your staff members should become involved in any kind of incident, or accident, to include: motor vehicle accidents; weapons discharges; injury to citizens of the Kurdistan Region; or any other type of situation which results in injury or damage to property; you must immediately report the matter to your Police liaison person, identified in paragraph 9 below. At a minimum, you will be expected to report the following: time of the incident; location of the incident; nature of the incident; identification of your staff involved in the incident; full description of your vehicles involved in the incident (if applicable); damages and/or injury caused to others; damage and/or injury sustained by your staff; description of other persons and/or vehicles involved in the incident; name or description of any witnesses to the incident. All of this information is required so that a proper report can be made to the investigating court judge, if necessary.

Personal – The primary role of PSC is deterrence. As such, no PSC or its employees will engage in any type of law enforcement activity. PSC and their employees are subject to all of the criminal, civil, commercial and administrative law of Kurdistan. PSC management is responsible for the actions of their employees. Ensure your employees know that you are a welcome guest in our country. You will be treated with fairness and respect, as long as your employees conduct themselves in a fashion which is worthy of this treatment. As an ambassador of your home nation, and of your profession, you are constantly under the observation of our people and our officials. Improper behavior by one of your employees may adversely effect the perception of all.

9. Liaison. A key component of any security environment is a good liaison between elements of the security community. For this reason, the Ministry of Interior will provide the Private Security Companies with a central point of contact with the KRG Police for you to go to if you have any questions regarding the security environment. For example, your Police point of contact will be able to provide information in the event there is a security incident. Similarly, we will expect that your security personnel will provide this point of contact with any information that comes to your attention regarding the security environment in this area, so that our law enforcement personnel may act as required to address the problem. In Erbil, you will liaise with: Col. Khoshawi Ali Mahmud. In Dohuk, you will liaise with: Lt. Col. Salahaddin Aiub Haji. Additionally, the MoI may call periodic meetings of all licensed PSC, to exchange information regarding KRG expectations of PSC operations, as well as to entertain feedback from the PSC.

10. Oversight. The MoI will establish a PSC Oversight Committee that will have general inspection and auditing responsibility over the implementation of these requirements, and PSC adherence to the requirements. Oversight shall include assessing enforcement of the standards in these requirements as well as ensuring equitable treatment of PSC. The Minister shall appoint the members of the committee, who shall include a representative of the MoI, a representative of the Asaish, and a representative of the Ministry of Finance. This committee may be assisted by others in the performance of the committee's duties at the discretion of the MoI. The committee shall report its findings to the Minister of Interior at least once annually. In the performance of their duties, this committee will be authorized to supervise, or directly conduct periodic audits of PSC operations in Kurdistan to ensure their compliance with these requirements.

11. Cooperation. Good cooperation between your companies and the local government is an essential element to our mutual success. This cooperation will allow you to conduct your business free of government intrusion, and with an assurance that your clients are protected. The cooperation will also allow the government to execute its executive authority, receive the benefit your clients provide and help with your security.

12. Applicability. These requirements are applicable to all private security companies operating in the areas administered by the Kurdistan Regional Government. The MoI may issue administrative directions related to the specific implementation of portions of these requirements. Any PSC or employee, who is adversely affected by a decision of the MoI made pursuant to this policy, may request in writing to the MoI for a review of the decision. The only exceptions to this policy are for those security personnel who are directly providing security to foreign country Diplomatic and Consular personnel, or to the official humanitarian and development representatives of those Diplomatic missions, or to the Coalition Forces; and are credentialed as such. For these exceptions, the Diplomatic or Consular Mission may intervene on behalf of their contracted PSC who is applying for license, to certify that all of the provisions of these requirements have been met. If accepted by the MoI, the Diplomatic or Consular Mission's guarantee will serve to validate all of the requirements of this order in lieu of direct submission, except for the requirement to possess a KRG Weapons Permit. The MoI may revoke this exception if the PSC providing service to the Diplomatic or Consular Mission violates any of these requirements or the law of Kurdistan, as per the suspension and revocation guidelines in paragraph 3.

So ordered,



Karim Sinjari
Minister of Interior
Kurdistan Regional Government
7 December 2005

Annex A – Use Of Force

RULES FOR THE USE OF FORCE BY PSC PERSONNEL

1. PSC personnel cooperate fully with Coalition personnel and the personnel of the Kurdistan Security Forces. PSC personnel do not avoid, or run Kurdistan Security Forces or Coalition checkpoints. If authorized to carry weapons, they are not to be aimed at Coalition or Kurdistan Security Forces.
2. Use of Deadly Force: Deadly force is that force which one reasonably believes will cause death or serious bodily injury. Necessary force may be used, to include deadly force, in the following circumstances:
 - In self-defense.
 - In defense of persons as specified in the PSC contract with their client.
3. Escalating Force: The minimum force necessary will be used to gain control of a situation. Below are some techniques which may be used in an escalating scale:
 - Shout – provide a verbal warning to HALT.
 - Shove – physically restrain, block, or detain.
 - Show – display your weapon and demonstrate the intent to use it.
 - Shoot – to remove an intentionally life threatening threat only when necessary.
4. If a weapon must be fired:
 - Only fire aimed shots.
 - Fire with consideration for the safety of innocent civilians.
 - Immediately report the incident to Kurdistan Security Forces.
5. Civilians: Treat civilians with dignity, respect and humanity.
 - Avoid civilian casualties.
 - You may stop, detain, search and disarm civilian personnel for your safety at fixed security points.
 - Any detained civilians will immediately be turned over to Kurdistan Security Forces.
6. Weapons Possession and Use:
 - KRG Weapons Permits must be carried at all times.
 - Weapons proficiency records will be maintained on all security personnel.
 - PSC personnel may not join Coalition or Kurdistan Security Forces in combat operations, except in self-defense, or defense of their clients.
 - PSC must follow Coalition procedures for loading, clearing and safe-guarding weapons.