**FAQs Regarding Weapon Carrying License Applications**

**What is the process to get a weapon carrying license from Afghan MOI?**

Weapon carrying licenses may be applied through individual or batch processing. Each individual application (regardless of whether it is submitted as a single application or as part of a batch) will be composed of the following:

* Copy Letter of Authorization (LOA)
* Copy of Arming Authorization Letter
* Copy of the AISA business license for the individual’s employing company (company name should match the company on the LOA)
* 2 4x5 photos
* Completed Application Form
* Completed Statement of Understanding of Afghan Law
* Copy of passport

In addition, each application if submitted individually, or each batch if submitted as a batch, must contain:

* Resolute Support Letter of Introduction (fill in the names of those applying and send to usfora.bsajc@afghan.swa.army.mil for signature)
* Payment receipt (5000 AGNs per application)

***NOTE: THE PROCESS IS SUBJECT TO CHANGE AT ANY TIME AS DETERMINED BY THE MINISTRY OF INTERIOR.***

**Where do I submit my application?**

Applications will be submitted to the Ministry of Interior, Counter Terrorism Office Manager, “Afandi”.

**When should I submit my application for weapon carrying license?**

You should submit your application immediately, if you are or are required to be armed.

**How do I pay the fees?**

After initial review is complete, you will be issued a bank tariff for payments (5000AFN for registration and for each weapon for which a separate permit will be issued). You must deposit the specified fees as directed on the tariff and return the bank receipt to the issuance department. This can be completed in 1 to 2 days.

**How long will it take to get a response?**

Permits will be issued within 3 to 5 days. Processing times will depend on the schedule of the MOI office and the volume of applications that the MOI office is processing.

**Do I need to tell anyone when I get my license?**

Yes, this information needs to be provided to ACOD at DSN: 318-436-8536 or usfora.bsajc@afghan.swa.army.mil. A representative from your company or your Contracting Office Representative must upload the certificate in CAAMS.

**I am required to acknowledge Afghan laws, regulations and policies that might apply to me regarding use and possession of a weapon while in Afghanistan. What are some of those laws?**

That is correct, The MOI is requiring that you sign an acknowledgment stating, “This letter serves to officially notify the relevant ministries and agencies of the Government of the Islamic Republic of Afghanistan that I, [ENTER YOUR NAME HERE], am familiar with laws of the Government of the Islamic Republic of Afghanistan which govern the use of firearms, specifically:

a. Self Defence – Afghanistan: Penal Code, (A.P.C.) §§57-64;

b. Murder, including Accidental – A.P.C. §§399-400; and

c. Beating and Laceration – A.P.C. §§407-413.”

Your acknowledgement will also state: “I, the undersigned, submit this document in support of my request for a license to carry firearms consistent with the MOI Annex #2 of Weapon Carrying and Maintaining License Granting Procedure Regarding Distribution of Weapon Carrying and Maintaining License to NATO and U.S. Forces Afghanistan Contractors.”

We cannot provide you with legal advice on these matters. It is your responsibility to work with your or your employer’s legal counsel in order to ensure that you comply with applicable Afghan law, regulations, and policies. For your convenience, we attach a copy of the acknowledgement template for your review and signing, and the MOI regulations for weapon carrying licenses. Additionally, for your convenience, we have inserted below the sections of Afghanistan law that are listed in the acknowledgement. These sections of the Penal Code, 1976 can be accessed via the internet at <http://ago.gov.af/en/documents>. Simply download file by “Penal Code”. Please note that these provisions of Afghan may change, so it is important that you consult with your legal counsel to ensure that you are fully informed of current Afghan law.

Also, the information provided in these FAQs is not, and is not intended to be, comprehensive. Unique circumstances may arise, and contractors should consult with their or their employer’s legal counsel to ensure that you are properly informed and advised.

**Self Defence – A.P.C. §§57-64**

*Article 57*: Commitment of criminal act for the purpose of exercising the legitimate right of defence shall not be considered crime.

*Article 58*: Legitimate right of defence permits the threatened person to make use of any necessary means for the purpose of defending against any criminal act that poses a material loss or danger of life to the defender or someone else.

*Article 59*: (1) Legitimate right of defence comes into presence when the defender is assured by rational instruments and logical reasons that a danger of transgression is directed to good, life or honour of the defender or someone else.

(2) Legitimate right of defence extends to the end of danger and ends when it has disappeared.

*Article 60*: Legitimate right of defence comes into presence under the following conditions:

1. Defence should be against aggression and assaults;

2. Defence should be proportionate to the danger of threat;

3. Defence should be the only way of removing the danger;

4. Defence should be concurrent with the attack of the opposite side;

5· Defence should be against an illegal and unjust act;

6. The defendor should not have deliberately caused the criminal action of the opposite side.

*Article 61*: Intentional murder on the basis of exorcising the legitimate right of defence is not permitted, unless it takes place for defence against one of the following acts

1. Defence against an act which poses the fear of death or serious injury, provides the said fear is created by reasonable instruments.

2. Defence against the act of adultery, homosexuality or threat to either.

3. Defence against human kidnapping.

4· Defence against intentional arson.

5· Defence against that act of larceny which is considered felony by law.

6. Defence against unauthorized entry at night into residential house and/or its annexes.

*Article 62*: Legitimate right of defence does not come into existence if it is possible to resort to officials of public services to ward off the danger.

*Article 63*: Legitimate defence is not permitted against officials of public authority who carry out their duties with good intention, even if in the course of duty they go beyond the limits of their legal authority, except in cases where there is a positive fear of death or serious injuries as a result of their action, based on sound reasons.

*Article 64*: The court can, in the case of a person who has gone beyond the limits of legitimate right of defence in good faith, reduce his punishment to misdemeanor if it is felony and to obscenity if it is misdemeanor.

**Murder, including Accidental – A.P.C. §§394-400**

*Article 394*. If in a case of intentional murder the charge of "Qasas” is dropped or affected by one of two disqualifying reasons or lack of sufficient conditions, the murderer shall be sentenced, in the light of circumstances, to a "Tazeeri" punishment in accordance with the provisions of this chapter.

*Article 395*: A murderer shall be sentenced to death in one of the following cases:

1. In case where the act is accomplished with malice premeditation, insistence and pursual.

2. If murder is accomplished by using poisonous, anesthetic, or explosive materials.

3. If murder is accomplished brutally, with low motivation or for pay.

4. If the murdered is one of the roots of the murderer.

5. If the murdered is an official of public services, murdered while performing duty or murdered as a result of his duty.

6. If the murderer had the intention of killing more than one person and as a result of his single act all of them have been murdered.

7. If murder is accompanied by a felony or misdemeanor.

8. If murder has been committed for the purpose of making preparation for, facilitation of or execution of committing felony or a misdemeanor whose anticipated punishment is not less than one year, or for the purpose of escape or evasion of punishment.

9. A person who is due to serve a sentence of long imprisonment and prior to the enforcement of the verdict initiates or accomplishes a murder.

*Article 396*: The offender of a crime of murder, in one of the following cases, in view of the circumstances, shall be executed or shall be sentenced to long imprisonment: 1. In the case whose the murder had the intention of murdering only one person but his act resulted in the murder of more than one person.

2. In the case where the murderer dismembers the body of the murdered.

3. In the case where the criminal commits murder in cases other than those specified under paragraphs 1 and 2 of Article 395 of this Law.

*Article 397*: (1) A person who instigates another to suicide or, one way or another, assists someone in an act of suicide, shall be imprisoned for a period not exceeding seven years.

(2) If, as a result of the instigation, the act of suicide has only been initiated, the offender shall be sentenced to short imprisonment.

(3) A person who initiates an act of suicide shall not be punished.

*Article 398*: A person, defending his honor, who sees his spouse, or another of his close relations, in the act of committing adultery or being in the same bed with another and immediately kills or injures one or both of them shall be exempted from punishment for laceration and murder but shall be imprisoned for a period of not exceeding two years, as a “Tazeer” punishment.

*Article 399*: (1) A person, having the intention of killing someone, who beats, lacerates, administers harmful materials, or undertakes any other intentional act which is illegal, as a result of which the person against whom the crime has been committed dies, in view of the circumstances, shall be sentenced to long imprisonment.

(2) If the crimes specified under the above paragraph are committed with prior insistence or the crimes committed are against officials of public services, while performing duties or due to their services, or the person against whom the crimes are committed is a root of the person committing the crimes, the offender shall be sentenced to continued imprisonment.

*Article 400*: (1) A person who kills another by mistake as a result of negligence, remissness, carelessness, or non-observance of rules and regulations, or a person who unintentionally becomes the cause for another person’s killing, shall be imprisoned for a period of up to three years and shall be fined an amount not exceeding thirty six thousand Afghanis, or one of the punishments stated, unless the provisions of the law have specified differently.

(2) If the mistake is a grave violation or the principles related to his occupation or profession or if the mistake is done while under the influence of narcotics or intoxicants or if during an accident the person refuses to assist, even though he has the potential, the person against whom the crime is committed, the offender shall be sentenced to medium imprisonment of not less than two years, and shall be fined an amount not exceeding fifty thousand Afghanis.

(3) If as a result of commitment of the crimes specified under the above paragraphs more than one person are killed, the offender shall be sentenced to medium imprisonment of not less than three years, and if one of the cases specified under paragraph 2 of this Article is also accompanied, the offender shall be imprisoned for a period of not less than seven years.

**Beating and Laceration – A.P.C. §§407-413**

*Article 407*: (1) A person who intentionally beats an lacerates another such that some bodily member of the letter is cut, injured or defected, or that the person permanently becomes handicapped or that the letter is deprived of one of his senses, in addition to compensation, shall be sentenced to medium imprisonment of not less than three years.

(2) If commitment of the acts specified above causes the person against whom the crime has been committed to be deprived of his intellect, or if the acts are accompanied with prior insistence and pursual, the offender shall be sentenced, in view of the circumstances, to long imprisonment not exceeding ten years.

*Article 408*: (1) If beating or laceration causes inability to work or idleness of some bodily member for a period of more than twenty days, the offender shall be sentenced to short imprisonment of not less than three months, or shall be fined an amount not less two thousand Afghanis and not exceeding three thousand Afghanis.

(2) If commitment of the acts mentioned above is accompanied by prior insistence and pursual the offender shall receive the maximum anticipated punishment for the crime committed.

*Article 409*: (1) In the case where beating or laceration does not cause defect or idleness of some bodily member, or causes inability to work of some bodily member for a period of less than twenty days, the offender shall be sentenced to short imprisonment, not exceeding six months, or shall be fined an amount not exceeding six thousand Afghanis.

(2) If the acts mentioned above is accompanied by prior insistence or pursual, the offender shall receive the maximum punishment for the crime committed.

*Article 410*: If beating or laceration specified under the above paragraph, is committed by more than one person, or if a weapon or similar objects are involved in the act, the offender shall receive the maximum anticipated punishment.

*Article 411*: A person who intentionally administers on someone else harmful (but not fatal) materials, as a result of which inability to work or idleness of some bodily member is caused, or the person is deprived of one of his senses, the offender, in addition to compensation, shall be sentenced to medium imprisonment of not less than three years.

*Article 412*: A person who causes laceration or beating of someone else as a result of negligence, carelessness, and non-dexterity or unskillfulness, in addition to compensation, shall be imprisoned for a period of not less than three months and not exceeding two years, or shall be fined an amount not less than three thousand Afghanis and not exceeding twenty four thousand Afghanis.

*Article 413*: (1) If as a result of fighting severe laceration or beating takes places, each person involved in the fight shall be sentenced, for taking part in the fight, to medium imprisonment or shall be fined an amount not exceeding sixty thousand Afghanis, except if the person’s non-responsibility is proven.

(2)If, in the cases specified above, the person instigating the fight or the person committing laceration or murder can be identified, the offender, in addition to compensation, shall receive the anticipated punishment of the crime committed.