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Report submitted by the

GENERAL SECRETARIAT

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SUBJECT : *Sale, Possession and Transport of Firearms.*

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At the I.C.P.O.-Interpol General Assembly session held in Bern in 1966, the Dutch delegate drew attention to the ease with which criminals could obtain firearms and munitions and stressed the fact that regulations on the sale, purchase and possession of firearms varied in strictness depending on the country.

The General Secretariat was asked to make a report on the subject and circulated a questionnaire (circular AM/AF/108 of 8th January 1968) to member countries, 56 replied :

ALGERIA, FEDERAL GERMANY, NETHERLANDS ANTILLES, ARGENTINA, AUSTRALIA, AUSTRIA, BELGIUM, BURMA, BOLIVIA, BRUNEI, CAMBODIA, CANADA, CENTRAL AFRICAN REPUBLIC, CEYLON, CYPRUS, CONGO KINSHASA, KOREA, IVORY COAST, DAHOMEY, DENMARK, SPAIN, UNITED STATES, FINLAND, FRANCE, GHANA, UPPER VOLTA, INDIA, INDONESIA, IRELAND, ISRAEL, ITALY, JAPAN, LACS, LEBANON, LUXEMBOURG, MADAGASCAR, MALAWI, MALAYSIA, MEXICO, MONACO, NEW ZEALAND, UGANDA, PERU, PORTUGAL, UNITED KINGDOM, SENEGAL, SIERRA LEONE, SWEDEN, SWITZERLAND, SURINAM, THAILAND, TOGO, TRINIDAD and TOBAGO, TUNISIA, TURKEY, VENEZUELA.

In the present report, the various points have been treated in the same order as they appeared in the questionnaire; we have tried to locate the similarities between the laws and regulations in different countries and to point out individual differences where they occur.

There are a great number of laws and regulations on firearms control and they are often complicated and lengthy; we therefore decided not to publish the full texts, as the report would have

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become unwieldy. A list of the legislative texts whose references we received from reporting countries is given in the Appendix.

Naturally, further information on the question can always be obtained from the General Secretariat.

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I.- TRANSPORTING FIREARMS ACROSS NATIONAL BORDERS

A) IMPORTING :

1. In a few countries (BURMA, BOLIVIA, SIERRA LEONE and TURKEY), it is entirely forbidden to bring firearms into the country.

This applies in TUNISIA, too, unless special permission has been obtained and then only on condition that the firearm will not be sold to a third person or leave the owner's possession on Tunisian territory.

- 1.a In the great majority (1) of countries replying to the questionnaire, however, importation of firearms is controlled by regulations : a person wishing to bring a firearm into the country must prove that he acquired it legally and show proof of his identity and address.

Some countries require an import licence; others ask those wishing to bring in firearms to give their reasons and these are then examined by the authorities.

In ALGERIA, the weapon must arrive dismantled. (Only foreigners in transit are allowed to bring in firearms).

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- (1) This section on "import controlled by regulations" includes countries which stated that firearms could be brought in freely, but were actually subject to regulations of some kind (e.g. permit to be obtained from the authorities).

In KOREA and SURINAM, the necessary licence can only be obtained by residents of the country.

- 1.b The actual authorisation takes the form of a sheet of paper or card called an "import licence", "import permit" or "import authorisation", depending on the country. In IVORY COAST, the firearm import permit is marked with a diagonal red line indicating that the weapon cannot be lent or sold and that it must be re-exported when its owner leaves the country.

These regulations make special provision for members of gun clubs, contestants in international shooting matches and hunters.

- 1.c Some countries have particular regulations not found elsewhere :

In DAHOMEY, the Minister of the Interior fixes each year the number of modern firearms which each police sub-prefecture may authorise to be imported.

SWEDEN has a more liberal set of regulations for nationals of other Scandinavian countries.

In SURINAM, permission is only granted after it has been shown that taxes have been paid.

In INDIA, persons wishing to import arms are asked to state where they are being taken to and to give details about the route, the approximate length of the journey, the number of firearms, the cost of the arms and ammunition and the purpose for which they are intended; tourists are treated less strictly.

- 1.d Few countries indicated the length of time for which the authorisation is valid; in LEBANON, a temporary permit is valid for 15 days but this period may be extended in special circumstances and a licence to carry a firearm is then issued to the holder by the authorities; in THAILAND, a temporary permit is valid for 6 months; in SPAIN, a permit for hunting rifles and other firearms used for sport is valid for 2 months (and may be renewed for another 2 months), provided that the principle of reciprocity is acknowledged. Gun clubs may invite people to take part in competitions without the principle of reciprocity having to be observed.)

- 1.e The agency responsible for issuing the import permit is usually the police (after the weapon has been deposited with the customs), sometimes the courts (INDIA, IRELAND, LUXEMBOURG, SURINAM), the customs (in CEYLON, a legally-acquired firearm may be brought into the country provided the owner has made a declaration and

obtained a permit from the customs authorities) or various other government departments. In MEXICO, permits may be obtained from the Ministries of National Defence, Industry and Commerce; in PERU, from the Civil Ordnance Department in Lima or in the provinces from the local Guardia Civil police station ("Jefaturas de Region" or "Comandancias" depending on the locality). In ARGENTINA, a firearm has to be handed in to the customs authorities, who then hand it over to the Arsenal (under the Ministry of War) and the latter returns the gun directly to the person concerned. In VENEZUELA, the "Ministerio de Relaciones Interiores y Defensa" issues the permit. In CYPRUS, revolvers and automatic pistols may only be brought into the island on a special permit from the Council of Ministers. In SPAIN, when more than five firearms of each category are imported for commercial purposes, they are subject to regulations issued by the Ministries of War, Commerce and Foreign Affairs. In JAPAN, people have to apply to the Ministry of International Trade and Industry to obtain an import permit : if the retail price of the weapon is less than 180,000 yen, the Chief of Customs may issue the permit (normally, the police chief at the frontier post holds the weapon temporarily until the applicant obtains the permit from the local public safety prefectural committee); if the permit is refused, the firearm is returned to its owner when he leaves Japan. In NEW ZEALAND and the UNITED KINGDOM, the firearm must be declared at the Customs and a certificate obtained from the police. In TRINIDAD and TOBAGO, a certificate of fitness must be obtained from the police, who in turn inform the customs authorities that permission has been granted. In TUNISIA, permits are issued by the national police : the application must be accompanied by a receipt showing that the weapon has been deposited with the customs.

.f Firearms may be taken into the following countries without control of any kind.:

- UNITED STATES : A person may import up to three weapons (rifles, shotguns, automatic pistols or revolvers) and 15,000 rounds of ammunition.

- FRANCE : A person may import a firearm that he has acquired legally and owns in his own country, after the usual customs formalities.

- SWITZERLAND : There are no specific regulations concerning the importation of firearms; regulations permitting or forbidding the carrying of firearms vary according to the locality (cf. section VII below). Exemption from import-duty is granted for one pistol or revolver (plus 25 rounds of ammunition) being imported or carried through Switzerland in transit.

.g In some countries, the importing of firearms is unrestricted on certain conditions :

- CONGO KINSHASA : Foreigners over 21 years of age temporarily residing in or travelling through the Republic must obtain a statement from their Government affirming that the firearms and ammunition are intended for self-defence or hunting only. This statement must be countersigned by the diplomatic or consular representatives of Congo Kinshasa in the traveller's country of origin.

- SENEGAL : Firearms must be handed in to the customs on arrival. Permission to import a gun can only be granted to an active soldier or reservist or someone carrying or accompanying funds or bonds belonging to public or private companies or someone in a position which involves unusual risks of assault; he must have official character testimonials and proof that he has no disqualifying criminal convictions.

B) EXPORTING OF FIREARMS :

2. In some countries (BURMA and BOLIVIA), it is absolutely prohibited to take firearms out of the country.

2.a The exporting of firearms is authorised :

- with no formalities of any kind : in FEDERAL GERMANY, AUSTRIA, BELGIUM and SWEDEN. In SWITZERLAND, the rules for exporting firearms are the same as for importing (see above).

- providing a declaration is filed with the authorities in : CENTRAL AFRICAN REPUBLIC, CEYLON, CYPRUS, CONGO KINSHASA, IVORY COAST (an export chit to be shown to the customs is the only requirement), DAHOMEY (any person leaving the country permanently must inform the official responsible for the control of firearms and ammunition of his departure; the official stamps the firearm possession permit with the date and the word "re-exported"); FRANCE, NEW ZEALAND, PERU, UNITED KINGDOM, SENEGAL (a receipt showing payment of the annual tax is required), TUNISIA (the firearm licence has to be shown to the customs as the gun leaves the country).

- on certain conditions, e.g. :

Depending on the country to which they are being exported : the reasons for wishing to export a firearm must be given to the authorities (CANADA).

For a limited number of arms (UNITED STATES) or provided they are not loaded and are in cases (SPAIN).

Provided the firearm is brought back to the country within a certain time and - for the diplomatic corps - provided that the principle of reciprocity is recognised (TURKEY).

2.b Everywhere else, the exporting of firearms is subject to regulations, which vary in strictness from country to country : usually, the exporter must have an export licence and obtain the agreement of the proper authorities, who are the same ones responsible for authorising the import of firearms.

In LEBANON, an export permit can be issued to anyone holding gun permit issued by Army Headquarters; this permit is only issued to certain officials attached to the armed forces or to foreign officials with permits issued by the authorities in their own countries.

In LUXEMBOURG, the papers required depend on the applicant's nationality : a certificate of "bonne vie et moeurs" (good conduct) for Belgian citizens, a good conduct certificate ("Führungszeugnis") for German nationals and proof of no disqualifying criminal convictions for French nationals.

ALGERIA forbids Algerian nationals to export firearms; however, foreigners may take firearms out of the country provided they have obtained a gun licence.

In LAOS, a legally-acquired firearm may only be exported with the authorisation of the Ministry of the Interior and the consent of the country into which the arm will be imported; if the authorisation is not obtained, the firearm must be sold to a person authorised to buy and carry it.

In MALAWI, an export permit is required; in this way, a check can be kept on the number of firearms in the country.

2.c Some countries fix the number of arms which may be exported :

SPAIN : a maximum of five handguns (pistols, revolvers) and five rifles, which must be taken to the frontier, port or airport in crates or sealed parcels, and five shotguns, which may be carried (provided they are not loaded and are in a case).

UNITED STATES : 3 firearms (the same ones as those mentioned in the section on importing), provided they are for personal use.

II.- RETAIL SALES OF FIREARMS

3. Retail sales of firearms are not uncontrolled except in some States in the United States, where the shop is not required to declare purchasers' names to the authorities; in most States, an authorisation is not needed to purchase a firearm.

- 3.a Most countries have regulations on the sale of firearms : very strict checks are kept on both parties to the transaction.

THE DEALER must :

- be accredited and licenced to engage in this trade;
- keep a register, which is periodically checked by the police, giving the specifications of every weapon sold, the number of the purchase-authorisation order or gun permit and the purchaser's identity. (In THAILAND, the dealer is not required to note purchasers' names). In BELGIUM authorisations are torn out of a book and application information is kept on the stubs left in the book : the person selling the gun then signs the purchase authorisation and enters his own name, given names, company name, address, the date of the transaction and the characteristics of the gun (make, calibre, serial number). In INDIA, a sale must be entered in the register on the same day, before the shop closes; failure to comply with this regulation is a punishable offence.
- in some countries, a dealer must inform the authorities of each sale within a certain time : 3 days in CEYLON, 21 days in UGANDA, twice a year in MALAWI; in PERU, registers of gun-sales must be turned over to the Guardia Civil for checking before the 5th of each month. Auction sales of firearms are also checked (as are declarations of loss and changes of address).

In CANADA, dealers are requested to submit a form to the Royal Canadian Mounted Police (Firearms Registration Section) reporting all their acquisitions of used weapons, but this is not compulsory.

THE PURCHASER must apply for an authorisation from the proper authorities, who will examine his reasons for desiring to acquire a firearm; in some countries (ISRAEL, JAPAN), he must have not only a purchase authorisation but also a permit to have and carry a gun; in other countries (e.g. SWEDEN), a permit to own a gun is all he needs to purchase one.

There are also a certain number of requirements with respect to age, reputation and qualifications which must be met by would-be

purchasers of firearms : these are reviewed in the next section of this report (Chapter III - Acquiring and Owning Firearms).

3.b Retail sales of firearms to private individuals is prohibited by law in some countries:

In BURMA since 1964.

In DAHOMEY and in UPPER VOLTA : dealers are only allowed to apply for special permission to act as intermediaries in transactions involving the purchase of guns abroad by persons who have received prior authorisation to import and possess a gun.

In TURKEY, private individuals can only acquire firearms through a Government-controlled office.

In VENEZUELA, the sale of firearms is completely outlawed.

In SIERRA LEONE, it has been suspended temporarily.

3.c Sales of firearms are controlled by the police in most countries.

In LEBANON, authorisations are delivered by the Ministry of the Interior and transmitted to the Ministry of National Defence for approval; the latter agency makes sure that the local conditions (security of life and property in the vicinity) are suitable.

In SPAIN, the Government is involved at several levels :

- Manufacture and sales are under the responsibility of the General Headquarters of Industry and Equipment at the Army Ministry.

- Inspection of factories, workshops and warehouses is done by the Guardia Civil.

- Possession and use of firearms is policed by the National Police Headquarters.

3.d A few countries have legislation providing for temporary restrictions on sales of firearms in particularly serious situations; in BELGIUM and LUXEMBOURG, for instance, when public order is threatened, shops and warehouses of firearms can be closed and even transferred; in UGANDA, in similar circumstances, sales of firearms are prohibited.

III.- ACQUISITION AND POSSESSION OF FIREARMS

In most countries, acquisition and possession of firearms is strictly controlled.

4. In BURMA, it is forbidden. In JAPAN, no one is authorised to own a firearm for the simple pleasure of having a gun or for a collection or for self-defence.

- 4.a A total absence of regulations is rare. In the U.S.A., most States have no firearms laws : there are no laws in any State governing rifles and shotguns; all such laws apply only to hand guns. Control is not a Federal responsibility, but is left up to the States. New York City has recently passed an ordinance requiring registration of rifles and shotguns; New York State law requires registration of hand guns even when kept in owner's home. (1)

In ARGENTINA, within the city limits of the Federal capital, .22-calibre (and under) firearms are sold freely : the only requirement is that they be declared within 30 days of purchase. Guns in this category are sold by dealers to people over 18 years of age who can establish their identity. (Police authorisation is required for acquiring larger-calibre firearms).

In SWITZERLAND, where the acquisition of firearms is controlled, there are no limitation on keeping a firearm in any place one wishes.

In MEXICO, Article 10 of the Constitution gives each citizen the right to have a firearm for self-protection; a firearm can be kept in a home, office or vehicle without any special authorisation.

- 4.b The acquisition and possession of firearms are normally subject to regulation.

(1) A clear trend towards stricter controls on guns is currently emerging in the U.S.

1) The necessary formalities for obtaining a permit to purchase or own a firearm are very similar in most countries. The application usually includes the following elements :

- A good reason for the application : the reasons given usually concern the applicant's personal situation or occupation : protection of person or property, isolated home, etc. (In INDIA, for instance, anyone applying for a permit to buy a firearm for the purpose of protecting his crops must furnish details about the land under cultivation, its location and the kind of crops grown on it).

- Proof of applicant's identity.

- Certification of applicant's home address.

- Character references.

- Specifications of the weapon (kind, make, calibre) to be purchased.

2) In most countries, there are certain conditions to be met before a permit will be granted to a person residing there :

Age

There is usually a minimum age requirement for applicants; the limit varies from country to country : 14 years (in CANADA there is a bill pending which would require all gun-owners between the ages of 14 and 17 to have a special permit); 16 years (IRELAND, NEW ZEALAND); 18 years (GHANA, ISRAEL, JAPAN, LEBANON, SWITZERLAND); 21 years (NETHERLANDS ANTILLES, FRANCE, CYPRUS, LUXEMBOURG); 25 years (UGANDA).

Qualifications

- General (AUSTRIA, SWEDEN, UGANDA, THAILAND).

- Medical : in several countries, permits are refused to mental patients (GHANA, ITALY, IRELAND, JAPAN, LEBANON, LUXEMBOURG, SWITZERLAND); in PERU, applicants are required to undergo psychiatric examination. In FRANCE, Article 18 of the "Decret-loi" of 18th March 1939 stipulates that "any person having been treated in a psychiatric hospital shall be forbidden to acquire or possess a firearm or munitions without producing a certificate from a psychiatrist"; and Article 19 adds : "Any firearm in category 1 or 4 which is the property of a person who has been hospitalised in an establishment for psychiatric care may be seized by a representative of the administrative authority".

- Technical : some countries (PERU) test applicants' ability to use a firearm; elsewhere, applicants must be experienced in

handling firearms (MALAWI, UGANDA). In JAPAN, any person wishing to own a shotgun or airgun must complete a training course sponsored by the Prefectoral Public Safety Commission.

3) The applicant must be able to supply other guarantees

- Permits are refused to anyone considered a public menace or of violent character, drug addicts or alcoholics (SWITZERLAND, IRELAND).

- Applicants must never have been convicted of a criminal offence (IRELAND, ISRAEL, LEBANON, UGANDA, UNITED KINGDOM, SWITZERLAND, TUNISIA), even in cases where a suspended sentence was given (FRANCE). In TUNISIA, disqualification lasts for five years after the offender has completed his sentence.

- An applicant must have the financial means to pay for the gun (GHANA).

- Permits are refused to applicants who already own more than a certain number of guns (CEYLON). In CONGO KINSHASA, a curriculum vitae and a testimonial from the applicant's employer are required. In DAHOMEY, citizens who are eligible for gun permits fall into three categories: members of the regular civil service who have served for 10 years; persons working in the private sector of the economy who are honourably known and who have 15 years' experience in their field; persons who have rendered signal and exceptional service.

4) Sometimes no specific requirements are stipulated: in IVORY COAST gun permits are only granted in exceptional cases at the discretion of the Minister of Interior.

When an application has been completed, it is submitted to the proper authorities (usually the police) for consideration.

In some countries, an inquiry is made following the application. The permit is only granted for the time during which the person is engaged in the work which justifies having a gun (TURKEY).

Physically, the permit usually takes the form of a document; it has various names, depending on the country.

4.c The permit

- Is strictly personal and cannot be transferred.

- Can be refused or revoked. In CANADA, however, the purchase authorisation must be granted to any person who applies for one, but a bill is pending to give the chief of the police department

to which the application is addressed the right to refuse the authorisation. In LUXEMBOURG, authorisation can be refused to anyone who is accused of adultery, engaged in divorce or separation proceedings.

- Can be renewable (every five years in NETHERLANDS ANTILLES, for example).

- Can involve payment of a fee (CEYLON).

The formalities are sometimes simplified for applicants in certain positions who apply for authorisation to purchase a firearm (see Chapter IX : Bearing Arms - Authorised Persons).

4.d Some countries have special provisions for foreigners.

In DAHOMEY, their character and patriotism must be above suspicion : they must have a permanent residence permit.

In LEBANON, gun permits are refused to anyone who has been the subject of a restricted residence order.

In BOLIVIA, foreigners are forbidden to acquire or use firearms.

4.e A permit to acquire and own a firearm involves certain obligations for the holder :

- He must be able to produce the permit at all times.

- The gun must not leave the place indicated on the permit.

- The owner is personally responsible for his gun (AUSTRIA, CEYLON, MALAYSIA, UGANDA, SURINAM) : he must take every precaution to see that it is not stolen (CYPRUS, GHANA) or does not follow into the hands of another person (SWEDEN) or does not cause an accident (MALAWI, UNITED KINGDOM). In JAPAN, the arm must never be left loaded, even with blanks.

- The transfer of a firearm is subject to the approval of the competent authorities; lending a firearm is usually forbidden (CEYLON is an exception). Heirs are required to dispose of any guns belonging to the deceased within a certain time (FRANCE) : in order to keep the gun, a new permit must be applied for PERU.

IV.- CATEGORIES AND CALIBRES

The replies received to this item on the questionnaire indicated that firearms are classified in 4 categories :

- military firearms
- prohibited weapons
- defensive weapons
- hunting and sporting guns

5. In most countries, military weapons are forbidden; this category includes all firearms and munitions designed or produced for warfare on land or sea or in the air.

- 5.a. The possession of prohibited weapons is usually an offence. In BELGIUM, however, where an authorisation is required to acquire and own a defensive firearm, it is not an offence to keep a prohibited weapon in the home: the only offence in this connection would be to accumulate a "private arsenal".

Fully-automatic weapons which continue firing as long as the trigger is held down or until the magazine is empty are outlawed in most countries (JAPAN, CONGO KINSHASA, UNITED KINGDOM, MALAYSIA), together with guns capable of firing gas canisters, rifle-canes, pen-revolvers, etc., and also magazines with a capacity of more than 6 rounds or guns which can be fitted with silencers (JAPAN).

- 5.b. Defensive arms are those which can be used for protecting lives and property and which are not classified as military weapons or prohibited arms.

- In 16 replying countries, gun permits cover pistols and revolvers of all calibres.

In SWEDEN, private individuals can own sub-machine guns and tear-gas pistols. (The calibres of normally permitted firearms vary in this country from 5.5 to 12.7 mm.)

- In the other replying countries, the calibres of firearms which private individuals are authorised to own are specified: the permitted calibres vary over a wide range :

Pistols up to 6.35 calibre (ARGENTINA); up to 7.65 short (ALGERIA, BELGIUM, FRANCE, LAOS, MADAGASCAR, PORTUGAL, SENEGAL, TUNISIA), .38 calibre (BOLIVIA, VENEZUELA, DENMARK).

Pistols and revolvers from 6.35 to 9 mm (UPPER VOLTA) and

up to .45 calibre (NETHERLANDS ANTILLES, KOREA, IRELAND, THAILAND).

The calibre limitations are sometimes more liberal with regard to revolvers than automatics. Some countries (FRANCE, ALGERIA) which limit automatics to 7.65 calibre accept revolvers of all calibres. ARGENTINA authorises .38 calibre revolvers and 6.35 automatics: higher-calibre handguns require the authorisation of the "Fabricaciones Militares" department. In GHANA, the officials who issue gun permits are empowered to set limits on the calibre of the gun for which the permit is given.

Possession and use of rocket guns, life-line launchers, humane-killing pistols and sealing guns do not seem to be subject to regulation in most countries.

- 5.c The dimensions of firearms are also controlled in some places.

The barrel length may be limited: in PORTUGAL, pistols must not exceed the following dimensions: under 6.35 calibre, not more than 7.5 cm; between 6.35 and 7.65 calibre, not more than 5 cm; revolvers must not exceed 10 cm. in length. In JAPAN, shotguns must have barrels at least 48.8 cm long and the total length of the gun must not be less than 93.9 cm. Airguns must not be less than 79.9 cm in length. In GHANA, the guns used by the army and the police are forbidden to anyone else; only shotguns are normally approved for private citizens. In ITALY, rifles capable of using partially armoured bullets must not have a range greater than 500 meters and a maximum sight of 300 meters; automatic pistols must not have stopping power in excess of 25 meters.

V.- TRANSPORTING FIREARMS IN VEHICLES

In reply to the question: "Can legally-acquired weapons be transported by their owners or kept in their vehicles?",

6. - twenty countries answered "no"; they consider that a permit to purchase and own a firearm does not mean that the weapon can be transported or carried about outside the licence-holder's home. Usually, the weapon must be kept in the place indicated on

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the licence (home, office). Generally-speaking, these countries consider that transporting a firearm in a vehicle is "carrying a gun" and it requires a special permit.

- 6.a - Thirty-five countries answered the question in the affirmative : some countries, DAHOMY for example, consider the vehicle as an extension of the home.

The affirmative replies, however, sometimes mentioned restrictions or conditions :

- Anyone transporting a firearm must have a licence to own a gun with him (CEYLON).

- A weapon may only be transported in a vehicle, it must not be left there.

- The weapon must be carried without cartridge-clip or ammunition (FEDERAL GERMANY) or it must be unloaded (ARGENTINA, NEW ZEALAND).

- Licenced shotgun owners may only carry their weapons during the hunting season (CYPRUS).

Some U.S. States require that firearms be kept in the glove compartment or else placed in full view on the front seat of the car.

In FINLAND, it is forbidden to carry a firearm in a vehicle near the frontier or in places of public amusement.

In THAILAND, it is forbidden to transport a gun in a vehicle without a valid reason.

VI.- CAN A NON-RESIDENT ALIEN ACQUIRE A FIREARM ?

7. Of the replying countries, 38 answered yes : FEDERAL GERMANY, NETHERLANDS ANTILLES, AUSTRALIA, AUSTRIA, BELGIUM, BURMA (in this country, the Minister of Interior has full discretion to authorise such purchases), BRUNEI, CANADA, CEYLON, CYPRUS, IVORY COAST, DAHOMY, SPAIN, U.S.A., FINLAND, FRANCE, GHANA, UPPER VOLTA, INDIA.

INDONESIA, IRELAND, ITALY, JAPAN, LUXEMBOURG, MALAWI, MALAYSIA, MEXICO, NEW ZEALAND, UGANDA, PERU, PORTUGAL, UNITED KINGDOM, SIERRA LEONE, SWEDEN, SWITZERLAND, SURINAM, TOGO, TUNISIA.

In countries where a foreigner is permitted to purchase a firearm, he must meet certain moral, physical and psychological requirements (cf. Chapter III : Acquiring and Owning Firearms).

In FEDERAL GERMANY, a foreigner can acquire a firearm if he has a "purchase authorisation certificate" issued by the provincial authorities on the strength of certain guarantees offered by the applicant; a foreigner can purchase a firearm without the certificate if the weapon is to be sent directly to his own country. The same system prevails in AUSTRIA. In BELGIUM, the authorisation can be restricted for tourists to purchase of a firearm without munitions (the restriction would be stipulated on the permit). In CYPRUS, a visitor can obtain a permit from the customs authorities to import or keep a gun for his own personal use. In SWEDEN, the application is followed by an inquiry, just as it would be for a Swedish national; but if the foreigner has only been in Sweden for a short time, it is sometimes difficult to grant him a purchase permit because the inquiry cannot find enough elements on which to base a finding that the applicant fulfills the requirements.

- 7.a - 15 countries answered no, including ARGENTINA where the applicant's military service card is requested - which automatically excludes all foreigners.
- 7.b - Foreigners were not mentioned in the legislation of some countries (MADAGASCAR, CONGO KINSHASA).

VII.- BEARING ARMS

8. In most countries, it is an offence - carrying an unauthorised weapon - to carry a gun outside one's own home without a permit.

The permit required in most countries is granted only if cogent reasons for having a gun can be supplied by the applicant; they usually concern

- protection of life;
- protection of property (i.e. large sums which must be transported or a home, office or crops which need protection).

Conditions governing the use of a weapon appear on the permit (UNITED KINGDOM).

8.a Permits are only granted to persons who are good risks from the point of view of public security.

The permit must be carried whenever the gun is. Depending on the country, it can be issued by :

- the police (national or federal);
- by certain administrative authorities : in AUSTRIA, the "Bezirkshauptmannschaften", or municipal authorities of cities with their own charter; in FRANCE, permits are granted by the "prefect" of the administrative region in which the applicant resides;
- administrative authorities at provincial level and national police headquarters (THAILAND);
- Ministry of Justice : in BELGIUM, it is the local Royal Prosecutor; foreigners would apply directly to the Ministry (BELGIUM, IRELAND);
- military authorities : in MEXICO, the Ministry of National Defence;
- special office : in PERU, the Headquarters of Civil Ordnance Inspection.

8.b Usually, the permit to carry a gun is separate from the permit required to own one. However, in IVORY COAST, in two AUSTRALIAN STATES, CEYLON, KOREA, IRELAND, MALAYSIA one permit covers both contingencies.

It is very rare - MALAWI is an exception - for arms-bearing not be to controlled. In FEDERAL GERMANY, some firearms which can be acquired without any special authorisation cannot be carried without a permit. Even in countries which tolerate the carrying of arms, it is usually against the law to carry a prohibited weapon. (In LUXEMBOURG, however, the Government is empowered to authorise individuals to carry a prohibited weapon when the grounds are serious enough in a personal case).

8.c Permission to carry a firearm is often granted with restrictions :

1) The weapon must be kept out of sight of the public (ALGERIA, SPAIN, THAILAND).

2) Permits to carry a firearm are refused to minors, retarded or mentally-infirm people, people with no fixed address, persons with criminal convictions (especially for sedition, crimes involving violence, hunting offences, etc.) or who are under police surveillance.

3) The permit can be revoked.

4) It can be limited :

in time : in UGANDA at harvest time for the cotton crops, a buyer can obtain permission to carry a gun to protect the funds in his possession. The gun must subsequently be handed over to the police, and permits expire every year on 31st December and can never be renewed for longer than a year. In SWITZERLAND, in Geneva canton, it is against the law to carry a gun during demonstrations liable to require police intervention. In TUNISIA, authorisation to carry a gun is always an exceptional measure and is never valid for more than one year, renewable; the same is true of the NETHERLANDS ANTILLES.

in space : in INDIA, each permit shows the territorial area in which the holder is allowed to carry his weapon; the gun should not be taken outside these limits. In DENMARK, authorisation to carry a firearm is subjected to certain conditions; as in most AUSTRALIAN STATES, gun owners are allowed to carry their weapon back and forth to a firing range or to take it to a gunsmith for repair.

5) The number of cartridges carried with the gun is sometimes limited (IRELAND).

6) The personality of the applicant is sometimes taken into consideration.

8.d In some countries (CYPRUS, DAHOMEY), the carrying of firearms is absolutely prohibited; only the police may be armed.

VIII.- CARRYING FIREARMS (Categories and calibres)

9. Almost all countries replied that the weapons that private individuals may be authorised to carry are of the same category and calibre as the ones they are permitted to acquire or own.

There are no restrictions, however, in the following countries : AUSTRIA, UNITED STATES, FINLAND, NEW ZEALAND and SURINAM.

In GHANA, the calibre permitted is left to the discretion of the prescribed authority (Inspector General of Police).

IX.- CARRYING FIREARMS (Authorised persons)

10. In 26 countries, only members of the armed forces, the police and other official agencies responsible for security may carry firearms.

In some of these countries, however, the regulations are waived in special circumstances :

in times of civil disorder : in GHANA, "Special Constables" (reservists) are allowed to carry firearms to help the regular police maintain order; in Geneva canton (SWITZERLAND), citizens are forbidden to carry firearms in demonstrations where the police may have to intervene.

in exceptional cases : in the UNITED KINGDOM, firearms are only issued to the police in exceptional cases; Crown Servants are sometimes authorised to carry a firearm in the exercise of their official duties. In other countries (LAOS, MADAGASCAR), permits to carry firearms are given in exceptional cases and usually strictly limited.

- 10.a In the countries that replied in the affirmative to the question, persons in certain professions may be authorised to carry firearms while they are performing their duties : civil servants,

bank employees in charge of funds in transport and liable to be robbed (AUSTRALIA; DENMARK, UPPER VOLTA; PERU, SENEGAL); pilots - in certain circumstances (AUSTRALIA); oil diggers, miners, cattle farmers (BOLIVIA); veterinary surgeons (DENMARK); Customs, Excise and Immigration Act officers and members of foreign armed forces legally present in the country (CANADA); judges (UPPER VOLTA); judges, public prosecutors and members of the National Assembly (KOREA); forest rangers above the rank of sergeant (LUXEMBOURG); night watchmen (SPAIN); personnel of security companies and taxi drivers (SWEDEN); high-ranking persons and certain members of their family (INDIA); diplomatic representatives (SURINAM); businessmen or industrialists specialising in the sale of firearms, owners of shooting ranges at fairs or amusement halls, auctioneers and their employees, persons taking part in films or plays (for the purposes of the performance), starters at athletic meetings, etc. (IRELAND).

X.- NATIONAL FILE

In reply to the question "Is there a national file of persons authorised to own and bear firearms ?", 34 countries answered "yes".

In general, few details were supplied about the physical form which these national files take.

In ARGENTINA, the file is kept at federal level : all applications for permits to own and carry firearms are on file; the permit-holders' names are classified alphabetically and the firearms by serial number.

a 21 countries replied that they had no national file. As a rule, each agency responsible for issuing permits to own and carry firearms keeps a register covering its own district (province, department, constituency, canton) containing the names of people authorised to own or to own and carry firearms.

In CANADA, although there is no national file of people authorised to carry guns, there is a special department of the R.C.M.P. responsible for keeping a national register of legally-declared weapons and of all stolen firearms.

In CENTRAL AFRICAN REPUBLIC, there is a file which only covers people who possess a firearm.

In SWITZERLAND, the firearms file gives the names of people who have been authorised to carry a gun in the cantons which allow it.

- 11.b This file is usually the responsibility of the police. In MEXICO, the Ministry of National Defence does it and in PERU the Civil Ordnance Inspection Headquarters.

XI.- AMMUNITION

12. The sale of ammunition is entirely unrestricted in the UNITED STATES and BURMA.

- 12.a In 44 countries, ammunition may be sold to all persons authorised to own or carry firearms.

- 12.b In some countries, the sale of ammunition is uncontrolled, but with certain restrictions :

In FEDERAL GERMANY, the sale of ammunition is forbidden to minors less than 18 years old.

In ARGENTINA, the sale of ammunition for arms of less than .32 calibre is unrestricted; to obtain ammunition for .32 calibre weapons, authorisation must be sought from the Federal Police.

In AUSTRALIA, in one of the States, ammunition may not be sold to minors of less than 17 years of age; in another State, ammunition may only be sold to persons holding firearm licences.

In CANADA, all persons over the age of 14 may purchase ammunition (below that age, a licence is required); as noted above, the current laws are in the process of being revised : the new legislation would prohibit the sale of ammunition to minors between 14 and 17 years of age unless they were licence-holders.

In SWEDEN, the sale of pellets and shot-gun shells is unrestricted.

In SWITZERLAND, a licence to purchase a firearm is not required but all persons not personally known to the retailer must show proof of their identity and produce an identity card with a photograph; they must also sign a register to show that they have received the munitions (CEYLON has a similar Firearms Register).

2.c The sale of ammunition is prohibited in BELGIUM when the licence to purchase a firearm does not include the purchase of ammunition (e.g. foreigners in transit). It is also prohibited in VENEZUELA, with the exception of shot-gun shells.

2.d Several countries have regulations fixing the number of rounds which may be bought (UGANDA); the number of rounds permitted must be mentioned on the licence in SIERRA LEONE and in TRINIDAD and TOBAGO; in MALAYSIA, the number depends on the gun owner's requirements : the prescribed authority decides how many rounds of ammunition may be bought.

The amount of ammunition permitted to be purchased varies from country to country : a maximum of 25 rounds per person in CEYLON; the same amount is permitted per year in SURINAM for pistols and revolvers, and in SPAIN for hand-guns (in SPAIN, shot-gun shells may be purchased in unlimited quantities; buckshot may only be used for big game-hunting); in FRANCE, the limit is 50 rounds per gun.

For rifles, the limit is 100 rounds per person a year in SPAIN, ARGENTINA, GHANA and PERU. (In PERU, people living in distant rural areas where there are no retailers may purchase up to 500 rounds of ammunition for hunting weapons; for additional purchases, they have to prove that the rest of the ammunition has been used up), 150 rounds is the limit in ALGERIA; in ITALY, 1,500 rounds of shot and 200 rounds of hand-gun ammunition.

In THAILAND, the number of rounds permitted varies according to the type of weapon : pistols, no more than 12 rounds at one time and no more than 36 rounds per year; rifles, no more than 15 rounds at a time and no more than 60 rounds per year; shot-guns, no more than 25 rounds at a time and no more than 500 rounds per year; .22 calibres, no more than 200 rounds at a time and no more than 1,000 rounds per year; pellet guns, no more than 1,000 lead pellets at a time.

2.e For members of shooting clubs, there are usually special facilities for buying ammunition (BRUNEI); in PERU, active shooting club members may obtain the ammunition required for their training and for shooting competitions by writing to the National Shooting Headquarters; in the UNITED KINGDOM, rifle and pistol clubs buy ammunition in bulk for use by their members; no authorisation is necessary if the ammunition is used on the range and not taken away.

- 12.f Some countries regulate second and subsequent purchases of ammunition : in BRUNEI, empty cartridges may have to be returned if requested; in GHANA, 100 additional rounds of ammunition may be acquired if it can be proved that the previous stock of ammunition has all been used up; in TURKEY, the sale of ammunition is authorised once a year.

Purchases of ammunition are marked on the back of the licence (type and amount of ammunition and date of purchase) in CEYLON. In UPPER VOLTA, the permit to buy ammunition is valid for two months. In PERU, members of the armed forces and the police may, with the authorisation of their commander, acquire ammunition for the weapon placed at their disposal.

* * *

Within the framework of this report, it is rather difficult to find enough similarities between the various national laws and regulations to be able to suggest minimum measures which could be recommended for inclusion in all firearm regulations. The laws in force in different countries are sometimes contradictory; in some countries, there is great tolerance while regulations are very strict in others; in one country, the minimum age at which a person is allowed to own a firearm is 14, elsewhere it is 25.

However, most countries have adopted a classification of firearms, established a system of regulations governing their use and found means of seeing that these regulations are respected.

- Firearms are usually classified from the most dangerous to the least dangerous as :

Firearms and ammunition considered as war equipment;
Firearms and ammunition not considered as war equipment.

- The regulations usually cover :

Manufacturing and selling arms and ammunition;
Owning and carrying firearms;
Transporting firearms and ammunition.

- Checks (usually administrative) are made at different stages, and there are penalties for violations of firearm regulations; in most countries, the controls are fairly strict.

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As a step towards helping prevent offences against ordinary criminal law, it would be extremely valuable to adopt a recommendation advocating the introduction of regulations on the sale, ownership and carrying of firearms. A further step towards crime prevention would be for each country to keep records of all persons authorised to own or carry firearms, and this would only be possible if all persons purchasing or owning firearms were required by law to register them with the authorities.

REFERENCES ON LAWS CONCERNING THE ACQUISITION,
POSSESSION AND CARRYING OF FIREARMS INDICATED
BY COUNTRIES IN REPLY TO QUESTIONNAIRE

ALGERIA :

Decret n° 63-400 of 7th October 1963, appeared in the Journal Officiel de la République Démocratique et Populaire, n° 75, of 11th October 1963.

ARGENTINA :

Decreto 3189/60 (firearms intended for private use). Edicto de Portacion, Uso de Armas y Explosivos.

AUSTRIA :

Firearms Law of 1967.

BELGIUM :

Loi du 3 janvier 1933 relative à la fabrication, au commerce et au port des armes et au commerce des munitions, and Arrêté royal pour l'exécution de cette loi (Moniteur, 22nd June 1933).

BOLIVIA :

Decreto of 30th April 1894; Decreto Supremo n° 0222 of 27th November 1944; Decreto Supremo of 23rd June 1922; Ley reglamentaria de policia, of 11th November 1886; Resolucion Ministerial n° 91/65 of 9th December 1965.

CANADA :

Criminal Code, Articles 88, 89, 90, 91, 92, 93, 94, 95, 98.

CEYLON :

Firearms Ordinance; Explosive Regulation.

CYPRUS :

Firearms Law.

DAHOMEY :

Décret n° 61-39/PR/MI, of 7th February 1961, amended by l'Arrêté n° 1440/APA of 19th December 1940.

FRANCE :

Ordonnance du 7 octobre 1958; Décret du 21 novembre 1960; Décrets des 22 août 1962 and 21 août 1963.

INDIA :

Arms Act, 1959; Arms Rules, 1962.

INDONESIA :

Firearms Regulations, 1939.

IRELAND :

Firearms Act, 1925 and 1964.

ITALY :

Law n° 1274 of 22nd November 1956, Art. 44 Reg. P.S. (Regulations on Public Safety); Law of 2nd October 1967.

JAPAN:

Law Controlling Possession ... of Firearms and Swords.

LUXEMBOURG :

Arrêté Grand ducal du 22 mars 1937, amended by l'Arrêté Grand ducal du 5 septembre 1939.

MADAGASCAR :

Ordonnance n° 60-110 du 29 septembre 1960; Décret n° 60-373 du 29 septembre 1960, concerning the application of the law, establishing rules on war materials, firearms, and munitions.

MALAYSIA :

Arms Act, 1960.

MEXICO :

Article 10 of the Constitution.

NEW ZEALAND :

Arms Act 1958; Arms Regulations 1959.

PERU : Reglamento de Control de Armas, Municion y Explosivos.

SENEGAL :
Loi n° 66-30 du 18 janvier 1966; Décret d'application n° 66-889 du 17 novembre 1966.

SPAIN :
Reglamento Vigente de Armas y Explosivos of 27th December 1944.

SWITZERLAND :
Arrêté du Conseil Fédéral du 28 mars 1949; Concordat inter-cantonal du 20 juillet 1944.

TUNISIA :
Décret du 21 juin 1945, concerning the importing, trade, possession and carrying of firearms in Tunisia.

TURKEY :
Law n° 6136.

UNITED KINGDOM :
Firearms Act, 1937 and 1965.

UNITED STATES :
Federal Firearms Act (U.S. Code, Title 15, sections 901-909); National Firearms Act (U.S. Code, Title 26, Chapter 53); Regulations : Part 179 of Title 26 (1954) Code of Federal Regulations.

May 28, 1968

Interpol Washington

27/US/8/815

Secretary General

Interpol (Copenhagen, Bern, Paris NCB, Wiesbaden, Madrid, Rome, Lisbon, London, Manila, Tokyo, Bangkok, Melbourne, Ottawa

Laws Applying to FIREARMS

This Office has received an inquiry from a high ranking Government Official concerning laws regarding possession of firearms by civilians.

1. Is the possession and carrying of pistols and revolvers prohibited by law in your country or are they under a licensing system?
2. Are there laws prohibiting the possession of rifles and shotguns? Is there a licensing and registration system?
3. Is there an upward trend or a downward trend in the number of crimes where pistols, revolvers, rifles and shotguns are used?
 - a. Used in commission of robberies.
 - b. Used in commission of homicides and murder.
 - c. Persons arrested and found to be in possession of firearms.

We would appreciate your report of such trends covering a period of the past five years and we will be grateful if this were compared with the percentage increase in the general crime trend.

I most certainly will appreciate a reply as soon as possible.

Fred J. Douglas
Chief, U.C.R.

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Available in :

French
English
Spanish

SAINT-CLOUD, 8th January 1968.

I.C.P.O. - Interpol
n° 57 /ARMAF/108

The Secretary General of the International
Criminal Police Organization - Interpol,

SUBJECT :

Firearms regulations

to

The Heads of the National Central Bureaus

During the 35th General Assembly session (Berne 1966), the
General Secretariat was asked to collect information concerning the
control of firearms in different countries.

Enclosed is a questionnaire concerning the current laws in your
country. Hunting weapons and weapons used for military purposes are
excluded from this enquiry.

It would be appreciated if you could send the requested information
to this office not later than 15th March 1968.

Thank you in advance for your co-operation.

Enclosure : 1 questionnaire

J. Népote
Secretary General.

ORGANISATION INTERNATIONALE
DE POLICE CRIMINELLE - INTERPOL

SECRÉTARIAT GÉNÉRAL

26, Rue Armengaud
92 - SAINT-CLOUD, France
Tél. 408-82-30
Télex : Interpol 27.658



INTERNATIONAL CRIMINAL
POLICE ORGANIZATION - INTERPOL

GENERAL SECRETARIAT

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92 - SAINT-CLOUD, France
Tél. 408-82-30
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français
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espagnol.

SAINT-CLOUD, le 8 janvier 1968.

O.I.P.C. - Interpol
n° 57 /ARMAF/108

OBJET :

Règlementation
des armes à feu.

Le Secrétaire Général de l' Organisation
Internationale de Police Criminelle - Interpol,

à

Messieurs les Chefs des Bureaux Centraux Nationaux.

Au cours de la 35ème session de notre Assemblée Générale (Berne 1966)
le Secrétariat général a été chargé de s'informer sur les réglementations
nationales concernant les armes à feu.

Le questionnaire ci-joint a pour objet de recueillir les renseignements
sur les règles en vigueur dans votre pays, étant bien entendu qu'on ne prendra
en considération ni le régime des armes de guerre, ni celui des armes de
chasse.

Je vous serais obligé de bien vouloir me fournir les renseignements
demandés et m'adresser votre réponse pour le 15 mars 1968 au plus tard.

D'avance je vous remercie de votre coopération.

P.J. : 1 questionnaire .

J. Népote
Secrétaire Général.

QUESTIONNAIRE

(The present questionnaire concerns all firearms except hunting weapons and weapons used for military purposes).

1 - TRANSPORTING firearms across frontiers.

- a) Importing : can a person import into your country firearms which he has legally acquired and had in his possession in the country of which he is a resident ? If so, what conditions must be met and what formalities completed ?
- b) Exporting : Can a person export from your country firearms which he has legally acquired and had in his possession there ? If so, what conditions must be met and what formalities completed ?

2 - RETAILING firearms (to private individuals in your country) :

- Is this uncontrolled ?
- Is the dealer required to declare the purchaser's identity ?
- Is the purchaser required to obtain prior authorization ?
- Is this outlawed ?

3a- ACQUIRING and OWNING firearms :

- Is this uncontrolled ?
- Is it subject to declaration ?
- Is an authorization required ?
- Is it outlawed ?

If appropriate, give a brief summary of the conditions which an individual must meet in order to acquire a firearm legally and keep it at his home or in another place (e.g. shop or office).

- 3b- Indicate the categories of weapons (e.g. revolvers, automatics) and the calibres which may be owned by private citizens who meet any requirements which apply.

.../...

QUESTIONNAIRE

(Le présent questionnaire concerne les armes à feu à l'exclusion des armes de guerre et des armes de chasse).

1 - PASSAGE d'une arme à feu aux frontières.

- a) importation : une personne peut-elle, lors du franchissement d'une de vos frontières importer une arme à feu légalement acquise et détenue dans son pays de résidence ? Si oui, quelles sont les conditions et formalités requises ?
- b) exportation : une personne peut-elle, lors du franchissement d'une de vos frontières exporter une arme à feu légalement acquise et détenue dans votre pays ? Si oui, quelles sont les conditions et formalités requises ?

2 - Le COMMERCE de détail des armes à feu (vente aux particuliers à l'intérieur du pays) est-il libre, soumis à déclaration, soumis à autorisation, interdit ?

3a- L'ACQUISITION et la DETENTION des armes à feu sont-elles ... libres, soumises à déclaration, soumises à autorisation, interdites ?

Analysez, s'il y a lieu, les conditions que les personnes doivent remplir pour acquérir une arme à feu et la détenir à leur domicile ou dans un autre lieu de séjour (magasin, bureau etc.).

3b- Indiquez les catégories (par ex : pistolets, revolvers, etc.) et le calibre des armes à feu que les particuliers peuvent détenir après avoir satisfait aux conditions éventuellement exigées.

.../...

3c- Can legally-acquired weapons be transported by their owners or kept in the latter's vehicles ?

3d- Can a non-resident alien legally acquire a firearm in your country ?

4a- CARRYING FIREARMS by a private citizen outside his own property :

Is this uncontrolled ?

Is it subject to declaration ?

Is it subject to prior authorization ?

Is it outlawed ?

If the right to carry a firearm is subject to certain conditions, please list them briefly and state who is authorised to grant this permission.

4b- What kinds and calibres of firearms are private citizens allowed to bear ? Are they the same as those listed under 3 b?

4c- Are certain categories of persons (besides members of the armed forces, the police, and other official agencies engaged in protecting the public and keeping public order) authorised by law or administrative order to carry firearms ?

5a- Is there a national file of persons authorised to own or to own and bear firearms ?

5b- If so, what agency is responsible for keeping this file ?

6 - AMMUNITION. - Describe the conditions governing the sale of ammunition to private citizens. Is the sale of ammunition limited to persons who have been authorised to own or carry firearms ?

3c- Une personne qui a satisfait aux conditions éventuellement exigées pour acquérir et détenir une arme à feu chez elle peut-elle la transporter ou la conserver dans son véhicule, ou bien ce fait est-il considéré comme un port d'arme illégal ?

3d- Un étranger non-résident peut-il acquérir une arme à feu dans votre pays ?

4a- Le PORT d'une ARME à FEU par un particulier à l'extérieur de son domicile est-il libre,
soumis à déclaration,
soumis à autorisation,
interdit ?

Si le droit de porter une arme à feu est soumis à certaines conditions, citez brièvement ces conditions et indiquez l'autorité désignée pour accorder ce droit.

4b- Les armes à feu que les particuliers peuvent être admis à porter sont-elles de même catégorie et de même calibre que celles qu'ils peuvent acquérir et détenir ?

4c- Existe-t-il des catégories de personnes (autres que les membres des forces armées, de la police, des administrations publiques assurant des missions de sécurité ou de surveillance) que la loi ou le règlement autorise à porter une arme ?

5a- Existe-t-il un fichier national des personnes admises à détenir, ou à détenir et porter une arme à feu ?

5b- Quelle autorité a la responsabilité de ce fichier ?

6 - MUNITIONS - Indiquez les conditions auxquelles est soumise la vente aux particuliers de munitions pour armes à feu. Est-elle réservée aux personnes qui ont été régulièrement admises à détenir ou à porter une arme à feu ?

COMMERCE, DÉTENTION ET PORT DES ARMES À FEU.

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Lors de l'Assemblée générale de l'O.I.P.C.-Interpol qui s'est tenue à Berne en 1966, le représentant des PAYS-BAS a attiré l'attention des délégués sur la facilité avec laquelle les criminels peuvent se procurer des armes et des munitions, en soulignant le fait que la réglementation concernant la vente, l'achat et la détention d'armes est plus ou moins stricte selon les pays.

Le Secrétariat général a été prié de faire le point sur ce problème; il a donc adressé un questionnaire aux pays membres (lettre-circulaire ARMAF/108 du 8 janvier 1968); 56 d'entre eux ont répondu :

ALGERIE, ALLEMAGNE FEDERALE, ANTILLES NEERLANDAISES, ARGENTINE, AUSTRALIE, AUTRICHE, BELGIQUE, BIRMANIE, BOLIVIE, BRUNEI, CAMBODGE, CANADA, REPUBLIQUE CENTRAFRICAINE, CEYLAN, CHYPRE, CONGO KINSHASA, COREE, COTE D'IVOIRE, DAHOMEY, DANEMARK, ESPAGNE, ETATS-UNIS D'AMERIQUE, FINLANDE, FRANCE, GHANA, HAUTE-VOLTA, INDE, INDONESIE, IRLANDE, ISRAEL, ITALIE, JAPON, LAOS, LIBAN, LUXEMBOURG, MADAGASCAR, MALAWI, MALAYSIA, MEXIQUE, MONACO, NOUVELLE ZELANDE, OUGANDA, PEROU, PORTUGAL, ROYAUME-UNI, SENEGAL, SIERRA LEONE, SUEDE, SUISSE, SURINAM, THAILANDE, TOGO, TRINIDAD TOBAGO, TUNISIE, TURQUIE, VENEZUELA.

La présente étude a été faite en suivant l'ordre des questions posées; on s'est efforcé de dégager les points de ressemblance entre les diverses législations et réglementations et de mettre en valeur, chaque fois que cela a été possible, les particularités signalées par tel ou tel pays.

Les textes législatifs et réglementaires en la matière étant particulièrement nombreux et souvent complexes et volumineux, leur publication dans la présente étude n'aurait pu qu'alourdir celle-ci de façon excessive; on trouvera en Annexe l'énumération de ceux qui nous ont été indiqués par certains des pays ayant répondu au questionnaire.

Il sera toujours possible, bien entendu, de consulter le Secrétariat général pour obtenir un complément d'information sur la question.

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I.- PASSAGE D'UNE ARME A FEU AUX FRONTIERES

A) IMPORTATION :

- 1 L'importation d'une arme à feu est totalement interdite dans quelques pays (BIRMANIE, BOLIVIE, SIERRA LEONE, TURQUIE).

Elle l'est également en TUNISIE, sauf autorisation exceptionnelle et sous la condition expresse que les bénéficiaires de ces autorisations ne pourront céder les armes à des tiers, ni s'en saisir sur le territoire de la République.

- 1,a L'importation est réglementée (1) dans la très grande majorité des pays ayant répondu au questionnaire : la personne qui désire

(1) Il a été tenu compte, dans cette rubrique, du fait que certains pays déclarent que l'importation est libre sur leur territoire mais se trouve, en fait, soumise soit à une autorisation des autorités du pays d'importation, soit à une réglementation quelconque; ces pays ont été comptés dans la catégorie "importation réglementée".

importer une arme à feu doit faire la preuve qu'elle l'a acquise légalement et justifier de son identité et de son domicile.

Certains pays exigent une licence d'importation; d'autres demandent à la personne qui désire importer une arme de faire connaître ses raisons, qui sont appréciées par les autorités compétentes.

En ALGERIE, l'arme doit être démontée (l'importation n'est admise que pour les étrangers en transit).

En COREE et au SURINAM, pour obtenir l'autorisation nécessaire, il faut avoir sa résidence dans le pays.

- 1,b L'autorisation elle-même se présente sous la forme d'une feuille ou d'une carte appelée "licence d'importation", "permis d'importation" ou "autorisation d'importation" selon les pays. En COTE D'IVOIRE, le permis d'importation d'une arme est barré d'un trait rouge, tracé en diagonale, signifiant que cette arme ne pourra être cédée ou vendue et qu'elle devra être obligatoirement réexportée lorsque son détenteur quittera le territoire national.

Cette réglementation est assouplie pour les membres de sociétés de tir, les participants aux concours de tir internationaux, et les chasseurs.

- 1,c Il existe, dans certains pays, des dispositions particulières :

Au DAHOMEY, le ministre de l'Intérieur fixe chaque année le nombre d'armes perfectionnées dont l'importation peut être autorisée dans chaque sous-préfecture.

La SUEDE applique aux ressortissants des pays nordiques un régime plus libéral en matière d'importation d'armes.

Au SURINAM, l'autorisation n'est accordée que sur justification du paiement d'une taxe.

En INDE, des précisions sont exigées sur le lieu de destination des armes, l'itinéraire, le temps approximatif du voyage, le nombre d'armes, leur prix, celui des munitions et la raison pour laquelle l'autorisation est demandée; des facilités sont accordées aux touristes.

- 1,d La durée pour laquelle l'autorisation d'importation est accordée n'a pas été précisée par la plupart des pays; au LIBAN, ce délai est de 15 jours, il peut être prolongé pour des raisons exceptionnelles et un permis de port d'arme pourra alors être délivré au titulaire par

les autorités compétentes; en THAILANDE, l'autorisation est valable 6 mois; en ESPAGNE, en ce qui concerne les armes de chasse et de sport, pour 2 mois renouvelables pour la même période, sous réserve de réciprocité (les sociétés de tir peuvent inviter des participants à des concours, sans réciprocité).

1,e L'autorité qui délivre l'autorisation est en général la Police, (après dépôt de l'arme au service des douanes), parfois la Justice (INDE, IRLANDE, LUXEMBOURG, SURINAM), la Douane (à CEYLAN, il est possible d'importer une arme légalement acquise sous réserve d'une déclaration à la douane qui délivre une autorisation d'importation) ou d'autres services : au MEXIQUE, les Secrétariats à la Défense Nationale, à l'Industrie et au Commerce; au PEROU, la Direction du Contrôle des armes, des munitions et des explosifs à usage civil, à Lima, et, en province, les Directions régionales ("Jefaturas de Region") ou les "Comandancias" de la Guardia Civil, selon les cas; en ARGENTINE les autorités douanières prennent l'arme en charge et la confient à la Direction des arsenaux (dépendant du Secrétariat à la Guerre) qui la remet directement à l'intéressé; au VENEZUELA, c'est le Ministère de l'Intérieur et de la Défense (Ministerio de Relaciones Interiores y Defensa) qui est compétent; à CHYPRE, l'importation de revolvers et de pistolets doit être spécialement autorisée par le Conseil des Ministres; en ESPAGNE, l'importation de plus de 5 armes de chaque catégorie à des fins commerciales doit se conformer aux règlements des ministères du Commerce, de la Guerre et des Affaires Etrangères; au JAPON, l'intéressé doit obtenir un permis d'importation du ministère du Commerce international et de l'Industrie ("Ministry of International Trade and Industry"). Si le prix de l'arme est inférieur à 180.000 yens, c'est le directeur des douanes qui est compétent (il est d'usage que le chef du service de police du point d'entrée dans le pays retienne l'arme provisoirement jusqu'à ce que le demandeur ait obtenu une autorisation de la commission préfectorale de sécurité publique intéressée). Si l'autorisation est refusée, l'arme n'est rendue à son propriétaire qu'au moment où il quitte le Japon; en NOUVELLE ZELANDE et au ROYAUME-UNI, l'arme doit être déclarée à la douane et il faut une autorisation accordée par la police; à TRINIDAD TOBAGO un certificat d'aptitude ("Certificate of fitness") doit être obtenu auprès des services de police, qui en avisent les services douaniers; en TUNISIE, les autorisations sont délivrées par la police nationale: le postulant adresse sa demande, accompagnée du reçu de dépôt de l'arme, au service de douane.

1,f L'importation est libre dans les pays suivants :

- aux ETATS-UNIS D'AMERIQUE : une personne peut importer jusqu'à 3 armes (fusil à canon rayé, fusil de chasse, pistolet ~~et~~ revolver) et 15.000 cartouches.

ou

- en FRANCE : toute personne peut importer une arme à feu légalement acquise et détenue dans son pays d'origine, sous réserve de se soumettre aux formalités douanières.

- en SUISSE : aucune formalité n'est prévue, sous réserve des réglementations concernant le port d'arme (voir rubrique VII ci-après). La franchise porte sur l'importation ou le transit d'un pistolet ou d'un revolver par personne, avec 25 cartouches maximum.

1,g L'importation est parfois libre, sous réserve de certaines conditions :

- au CONGO KINSHASA, les étrangers majeurs de 21 ans séjournant temporairement ou voyageant sur le territoire de la République doivent être munis d'une déclaration de leur Gouvernement constatant que les armes à feu et leurs munitions sont exclusivement destinées à leur défense personnelle ou à la chasse. Cette déclaration doit être contresignée par les autorités diplomatiques ou consulaires représentant la République démocratique du Congo dans leur pays d'origine.

- au SENEGAL, l'arme doit être déposée en douane à l'arrivée; le détenteur doit être officier d'active ou de réserve, agent porteur ou convoyeur de valeurs et fonds des établissements publics ou privés, ou particulièrement exposé, de par ses fonctions, à un risque d'agression. Il doit également être de bonne moralité et fournir un extrait de son casier judiciaire.

B) EXPORTATION :

2 L'exportation d'armes à feu est interdite par quelques pays (BIRMANIE et BOLIVIE).

2,a Elle est libre :

- sans aucune formalité : en REPUBLIQUE FEDERALE D'ALLEMAGNE, AUTRICHE, BELGIQUE, SUEDE; en SUISSE, la réglementation de l'exportation d'armes est la même que celle régissant l'importation.

- sous réserve d'une simple déclaration aux autorités compétentes, dans les pays suivants : REPUBLIQUE CENTRAFRICAINE, CEYLAN, CHYPRE, CONGO KINSHASA, COTE D'IVOIRE (il suffit dans ce pays de présenter aux services de douanes un acquit d'exportation), DAHOMEY (toute personne quittant le pays définitivement doit notifier son départ à l'agent chargé du contrôle des armes et des munitions; cet agent porte la mention "réexportée" et la date sur le permis de détention

d'arme de l'intéressé); FRANCE, NOUVELLE ZELANDE, PEROU, ROYAUME-UNI, SENEGAL (à condition de présenter le récépissé prouvant que la taxe annuelle a été acquittée); TUNISIE (il suffit de présenter au service de la douane, au moment de quitter le territoire, le permis de détention de l'arme).

- sous certaines conditions :

^{destination}
à ~~désarmation~~ de certains pays seulement ; l'intéressé doit fournir aux autorités les raisons pour lesquelles il désire exporter une arme (CANADA);

pour un nombre d'armes limité (ETATS UNIS D'AMERIQUE) et à condition que celles-ci soient désarmées et enfermées dans un étui (ESPAGNE);

si l'arme est ramenée dans le pays au bout d'un certain temps et, pour les membres du corps diplomatique, sous réserve de réciprocité (TURQUIE).

2,b Partout ailleurs, l'exportation est réglémentée, plus ou moins strictement : en général, l'exportateur doit être en possession d'une licence d'exportation et solliciter l'accord des autorités compétentes, qui sont les mêmes que celles habilitées à autoriser l'importation.

Au LIBAN, l'autorisation d'exportation est accordée en vertu d'un port d'arme délivré par le haut commandement de l'armée; ce permis est exclusivement accordé à certains fonctionnaires attachés aux forces armées, ou à d'autres fonctionnaires étrangers titulaires de permis légaux délivrés par les autorités de leurs pays respectifs.

Au LUXEMBOURG, les documents exigés varient selon la nationalité de l'intéressé : certificat de bonne vie et moeurs pour un citoyen belge, certificat de bonne conduite ("Führungszeugnis") pour un sujet allemand, extrait du casier judiciaire pour un ressortissant français.

L'ALGERIE interdit à ses nationaux l'exportation d'armes; les étrangers y sont autorisés s'ils ont obtenu un permis de port d'arme à titre personnel.

Au LAOS, une arme à feu légalement acquise peut être exportée moyennant l'autorisation du Ministère de l'Intérieur et l'accord du pays dans lequel l'arme doit être importée, faute de quoi l'intéressé doit la vendre à une personne munie de l'autorisation d'achat et de port d'arme.

Le MALAWI utilise ^{sa} ~~cette~~ ^{sur l'exportation} réglementation pour connaître le nombre d'armes qui se trouvent dans le pays.

- 2,c Certains pays déterminent avec précision le nombre d'armes qu'il est permis d'exporter :

ESPAGNE : un maximum de 5 armes courtes (pistolets, revolvers), 5 armes longues à canon rayé (fusil, carabine) livrées à la frontière, au port ou à l'aéroport de sortie du pays, dans des caisses ou des paquets scellés, et 5 fusils de chasse à canon lisse, qui peuvent être portés par l'intéressé, à condition d'être déchargés et dans leur étui.

ETATS-UNIS D'AMERIQUE : 3 armes (les mêmes que celles citées dans la rubrique relative à l'importation) destinées à un usage personnel.

II.- COMMERCE DE DETAIL DES ARMES A FEU

- 3 Le commerce de détail des armes à feu n'est libre que dans certains Etats des U.S.A., où le vendeur n'est pas tenu de déclarer aux autorités l'identité de l'acheteur; dans la plupart des Etats, un acheteur n'a pas besoin d'une autorisation pour acquérir une arme.

- 3,a La majorité des pays réglementent ce commerce : un contrôle très strict est exercé, à la fois sur le vendeur et sur l'acheteur.

LE VENDEUR doit :

- être un commerçant agréé, détenteur d'une patente d'armurier;

- tenir un registre, contrôlé périodiquement par la police, sur lequel il inscrit les renseignements techniques concernant l'arme, le numéro de l'autorisation d'achat ou du permis de détention d'arme, l'identité de l'acheteur (en THAILANDE, le vendeur n'est pas tenu de la noter). En BELGIQUE, l'autorisation est délivrée ~~sur un~~ ^{au moyen} d'un carnet à souches : le vendeur signe l'autorisation d'achat et y mentionne ses nom, prénom, raison sociale, son adresse, la date de la vente, les caractéristiques de l'arme (marque, calibre, numéro). En INDE, la vente doit être mentionnée sur le registre le jour même, sous peine de sanctions, avant l'heure de fermeture du magasin.

- informer parfois les autorités de la vente dans un délai déterminé : 3 jours à CEYLAN, 21 jours en OUGANDA, 2 fois par an au MALAWI; au PEROU, les registres doivent être remis, aux fins de contrôle, aux services de la Guardia Civil avant le 5 de chaque mois. Les ventes aux enchères d'armes sont également contrôlées (de même que les déclarations de perte et de transfert).

Au CANADA, on demande aux vendeurs de signaler à la "Royal Canadian Mounted Police" (service d'enregistrement des armes) leurs achats d'armes d'occasion, mais cette déclaration n'est pas obligatoire.

L'ACHETEUR doit, de son côté, solliciter une autorisation auprès des autorités compétentes, qui apprécient les raisons qu'il invoque; dans certains pays (ISRAEL, JAPON), il doit être en possession, non seulement d'une autorisation d'achat, mais encore d'un permis de détention et de port d'armes; ailleurs (SUEDE) le permis de détention d'armes suffit.

L'acheteur doit en outre remplir certaines conditions d'âge, de moralité et d'aptitudes que nous examinerons dans la rubrique suivante (III.- Acquisition et détention d'armes).

3,b La vente au détail d'armes à des particuliers est interdite dans plusieurs pays :

En BIRMANIE, depuis 1964.

Au DAHOMEY et en HAUTE-VOLTA : les maisons de commerce peuvent seulement être spécialement autorisées à servir d'intermédiaires pour l'exécution, hors du pays, des commandes d'armes par des personnes préalablement autorisées à importer et à détenir une arme.

En TURQUIE, les particuliers ne peuvent acquérir des armes que par l'intermédiaire d'un organisme contrôlé par l'Etat.

Au VENEZUELA, le commerce des armes est totalement interdit.

En SIERRA LEONE, il est provisoirement suspendu.

,c Le contrôle du commerce des armes est exercé, dans la majorité des pays, par les services de police.

Au LIBAN, l'autorisation, accordée par le ministère de l'Intérieur, est transmise, pour avis, au ministère de la Défense Nationale, qui s'assure que les conditions techniques (sûreté des personnes et des biens du voisinage) sont remplies.

En ESPAGNE, l'Etat intervient à plusieurs stades :

- pour la fabrication et la vente, c'est la Direction générale de l'Industrie et du Matériel du ministère des Armées qui est compétente;

- pour l'inspection des usines, ateliers et magasins : la Guardia Civil;

- pour la détention et l'usage des armes à feu : la Direction générale de la Sûreté.

- 3,d Dans quelques pays, la législation prévoit des restrictions momentanées à la liberté du commerce dans des circonstances particulièrement graves; c'est le cas, par exemple, en Belgique et au Luxembourg, où, quand la paix publique est menacée, les magasins et dépôts d'armes peuvent être fermés et même transférés; en OUGANDA, dans les mêmes circonstances, les ventes d'armes sont interdites.

III.- ACQUISITION ET DETENTION D'ARMES

L'acquisition et la détention d'armes sont soumises, dans la majorité des pays, à une stricte réglementation.

- 4 Elles sont interdites en BIRMANIE; au JAPON, l'autorisation de détention d'arme est refusée à toute personne qui en fait la demande pour le simple plaisir d'avoir une arme, pour une collection ou pour sa propre défense.

- 4,a L'absence de réglementation est rare : ~~c'est le cas aux U.S.A. dans la plupart des Etats : certains d'entre eux~~ n'ont pas de législation concernant les armes; aucun Etat, par exemple, n'a de loi relative aux fusils à canon rayé et aux fusils de chasse (rifle and shot-guns) : les lois s'appliquent ~~en~~ seulement aux armes de poing (hand-guns). Le contrôle, quand il existe, ne s'exerce pas au niveau fédéral,

mais à celui des Etats. Une ordonnance récente de New York City exige la déclaration (registration) des fusils à canon rayé et des fusils de chasse; les possesseurs d'armes de poing doivent les déclarer, dans l'Etat de New York, même quand ces armes se trouvent au domicile de l'intéressé (1).

En ARGENTINE, dans le périmètre de la capitale fédérale, les armes à feu du calibre 22 et au-dessous sont en vente libre; il suffit de les déclarer dans un délai de 30 jours suivant l'achat. Ces armes peuvent être vendues dans les magasins spécialisés, à des majeurs de 18 ans sur présentation d'une pièce d'identité (une autorisation de la police est nécessaire pour l'acquisition des armes d'un calibre supérieur).

En SUISSE, où l'acquisition des armes est réglementée, la détention d'une arme à feu dans un local quelconque est libre.

Au MEXIQUE, l'article 10 de la Constitution accorde aux citoyens le droit de posséder une arme pour leur sécurité; ils peuvent, sans autorisation, détenir une arme à leur domicile, dans leur bureau ou dans le véhicule qu'ils conduisent.

4,b La réglementation est en principe la règle:

1) Les formalités indispensables pour obtenir une autorisation d'achat ou de détention d'armes sont à peu près semblables dans la plupart des pays. Il convient tout d'abord de constituer un dossier contenant :

- une demande motivée; les raisons invoquées sont en général d'ordre professionnel ou personnel : défense de la personne ou de ses biens, résidence éloignée, etc. (en INDE, par exemple, une personne qui sollicite l'autorisation d'acheter une arme pour la protection de ses récoltes doit fournir des précisions sur la propriété cultivée, son emplacement et le genre de culture qui y est pratiqué);

- la preuve de l'identité du requérant;

- un certificat de domicile;

- des garanties d'honorabilité;

- les caractéristiques de l'arme (catégorie, marque, calibre) dont l'achat est envisagé.

(1) Une évolution, dans le sens d'une réglementation plus sévère du contrôle de la vente des armes, se dessine actuellement aux U.S.A.

2) Ces autorisations ne sont accordées, dans la plupart des pays, aux personnes qui y ont leur résidence, qu'à certaines conditions :

Age :

un âge minimum est généralement fixé, au-dessous duquel il n'est pas délivré d'autorisation; cette limite varie selon les pays : 14 ans (CANADA; un projet de loi prévoit qu'un permis spécial sera exigé pour les mineurs âgés de 14 à 17 ans); 16 ans (IRLANDE, NOUVELLE ZELANDE); 18 ans (GHANA, ISRAEL, JAPON, LIBAN, SUISSE); 21 ans (ANTILLES NEERLANDAISES, FRANCE, CHYPRE, LUXEMBOURG); 25 ans (OUGANDA).

Aptitudes :

- d'ordre général (AUTRICHE, SUEDE, OUGANDA, THAILANDE);

- d'ordre médical : l'autorisation est refusée aux malades mentaux dans plusieurs pays : GHANA, ITALIE, IRLANDE, JAPON, LIBAN, LUXEMBOURG, SUISSE; le PEROU exige un examen psychiatrique. En FRANCE, l'article 18 du Décret-loi du 18 avril 1939 stipule que : "toute personne ayant été traitée dans un hôpital psychiatrique ne pourra acquérir ou détenir une arme ou des munitions si elle n'est pas en mesure de produire un certificat délivré par un médecin psychiatre" et l'article 19 ajoute : "toute arme de la première ou quatrième catégorie appartenant à une personne traitée dans un hôpital psychiatrique peut être saisie par l'autorité administrative";

- d'ordre technique : un examen portant sur les capacités de la personne à se servir d'une arme est parfois exigé (PEROU); le postulant doit être expérimenté (MALAWI, OUGANDA); AU JAPON, toute personne désirant détenir un fusil de chasse ou une carabine à air comprimé doit suivre un cours d'entraînement organisé par la Commission préfectorale de sécurité publique.

3) Il existe d'autres garanties à présenter par le demandeur :

- il ne doit pas présenter de danger pour la sécurité publique, ni être drogué, alcoolique, ou de caractère violent (SUISSE, IRLANDE);

- il ne doit pas avoir encouru de condamnation pour crime ou délit (IRLANDE, ISRAEL, LIBAN, OUGANDA, ROYAUME-UNI, SUISSE, TUNISIE), même avec sursis (FRANCE). En TUNISIE, l'incapacité dure cinq ans après l'expiration de la peine;

- il doit avoir les moyens financiers d'acheter l'arme (GHANA);

- il ne doit pas posséder plus d'un certain nombre d'armes (CEYLAN). Au CONGO KINSHASA, un curriculum vitae et une attestation de l'employeur sont exigés; au DAHOMEY, les nationaux susceptibles

pour obtenir une autorisation de détention d'arme sont classés en trois ---

catégories : personnes appartenant à un cadre administratif régulier et justifiant de dix années de service; personnes appartenant au secteur privé, particulièrement méritantes et réunissant un minimum de 15 ans de pratique professionnelle; personnes ayant rendu des services exceptionnels particulièrement signalés.

4) Parfois, aucune condition particulière n'est exigée : en CÔTE D'IVOIRE, l'autorisation, qui n'est accordée que dans des cas exceptionnels, est laissée à l'appréciation du ministre de l'Intérieur.

Le dossier, une fois constitué, est soumis à l'avis des autorités compétentes (police en général).

Le dossier peut être complété par une enquête faite, dans certains pays, sur le postulant; l'autorisation n'est accordée que pour le temps pendant lequel le bénéficiaire exerce la profession qui justifie la possession d'une arme (TURQUIE).

Matériellement, l'autorisation se présente sous la forme d'un document portant, selon les pays, le nom de "certificat d'autorisation d'achat d'arme", "carte de détention d'arme", etc.

4,c L'autorisation :

- est rigoureusement personnelle;

- peut être refusée, et, par la suite, révoquée; au CANADA, cependant, l'autorisation d'achat doit être obligatoirement accordée à toute personne qui en fait la demande, mais un projet de loi prévoit que le chef du service de police à qui l'autorisation est demandée aura le droit de la refuser; au LUXEMBOURG, elle peut être refusée aux personnes contre lesquelles a été formulée une plainte du chef d'adultère, une demande en divorce ou en séparation de corps;

- peut être renouvelable (tous les cinq ans, par exemple, aux ANTILLES NEERLANDAISES);

- peut donner lieu au paiement d'une redevance (CEYLAN).

Les formalités sont parfois simplifiées en raison de la qualité de la personne qui sollicite l'achat d'une arme (voir rubrique IX.- Port d'armes; personnes autorisées).

4,d Certains pays ont des dispositions particulières concernant les étrangers :

Au DAHOMEY, leur moralité et leur loyalisme doivent être certains; ils doivent de plus présenter une autorisation définitive de séjour dans le pays.

Au LIBAN, l'autorisation leur est refusée s'ils sont interdits de séjour.

En BOLIVIE, il leur est interdit d'acquérir et d'utiliser une arme à feu.

4.e L'autorisation d'achat et de détention d'arme comporte généralement, pour le bénéficiaire, un certain nombre d'obligations :

- le permis doit être présenté à toute réquisition;
- l'arme ne doit pas quitter le lieu indiqué sur l'autorisation;
- le détenteur est personnellement responsable de son arme (AUTRICHE, CEYLAN, MALAYSIA, OUGANDA, SURINAM); il doit prendre toutes précautions voulues pour qu'elle ne soit pas volée (CHYPRE, GHANA), qu'elle ne tombe pas dans d'autres mains (SUEDE) et qu'elle ne cause pas d'accident (MALAWI, ROYAUME UNI); au JAPON, l'arme ne doit pas être chargée, même à blanc;
- le transfert de l'arme est soumis à l'approbation des autorités compétentes; il est interdit, en général, de la prêter, sauf à CEYLAN. En cas de décès du titulaire, ses héritiers sont tenus de se défaire de l'arme dans un certain délai (France); le nouvel acquéreur doit solliciter une autorisation de détention d'arme (PEROU).

IV.- CATEGORIES ET CALIBRES

Il ressort des réponses des pays concernant ce chapitre que les armes à feu peuvent être classées dans quatre principales catégories :

- les armes de guerre
- les armes prohibées
- les armes de défense
- les armes de chasse et de sport.

5 Sont interdites, dans la majorité des pays, les armes de guerre, c'est à dire les armes à feu et leurs munitions conçues pour ou destinées à la guerre terrestre, navale ou aérienne.

5,a La détention d'armes prohibées est en général interdite; en BELGIQUE, cependant, où l'acquisition et la détention d'une arme à feu de défense sont soumises à autorisation, il est à remarquer que la simple détention à domicile d'une arme prohibée ne constitue pas une infraction; seul le "dépôt d'armes" est interdit.

Sont en général interdites les armes entièrement automatiques, c'est à dire qui continuent le tir tant que la pression du doigt est maintenue sur la gâchette ou jusqu'à ce que le magasin soit vide (JAPON, CONGO KINSHASA, ROYAUME UNI, MALAYSIA ...), les armes tirant des cartouches de gaz nocifs, les cannes fusils, revolvers stylos, etc.; est interdite également la détention de chargeurs contenant plus de six cartouches ou balles métalliques ou les armes susceptibles d'être munies d'un silencieux (JAPON).

5,b Les armes de défense sont celles qui peuvent être utilisées pour la protection des personnes et des biens, et qui ne sont pas classées comme armes de guerre, ou comme "armes prohibées".

- Dans 16 des pays ayant répondu au questionnaire, l'autorisation de détention d'armes permet de posséder des pistolets ou revolvers de tous calibres.

En SUEDE, les particuliers peuvent détenir des mitraillettes et des pistolets à gaz lacrymogènes (en général, le calibre des armes autorisées, dans ce pays, varie de 5,5 à 12,7 mm).

- Dans les autres pays, le calibre des armes que les particuliers sont autorisés à détenir est déterminé; l'éventail est assez large :

pistolets jusqu'aux calibres 6,35 mm (ARGENTINE); 7,65 mm court (ALGERIE, BELGIQUE, FRANCE, LAOS, MADAGASCAR, PORTUGAL, SENEGAL, TUNISIE); calibre 38 (BOLIVIE, VENEZUELA, DANEMARK);

pistolets et revolvers de 6,35 mm à 9mm (HAUTE-VOLTA) et jusqu'au calibre 45 (ANTILLES NEERLANDAISES, CORÉE, IRLANDE, THAILANDE).

La réglementation est parfois plus libérale pour le calibre des revolvers que pour celui des pistolets : certains pays (FRANCE, ALGERIE) qui limitent à 7,65 mm le calibre des pistolets, admettent tous calibres pour les revolvers. L'ARGENTINE autorise le calibre 38 pour les revolvers et 6,35 mm pour les pistolets; pour les armes d'un calibre supérieur, il faut une autorisation du service de "Fabricaciones Militares". Au GHANA, les autorités qui délivrent à un particulier l'autorisation de détenir un pistolet ou un revolver ont toute latitude pour fixer le calibre de l'arme autorisée.

La détention et l'usage des fusils lance-amarres, lance-fusées pour sauvetage, pistolets d'abattage et de scellement ne paraissent soumis à aucune réglementation dans la plupart des pays.

5,c La dimension des armes fait parfois l'objet d'une réglementation :

La longueur du canon des armes peut être réglementée : au PORTUGAL, les pistolets ne doivent pas dépasser les dimensions suivantes : calibre inférieur à 6,35 mm : pas plus de 7,5 cms; de 6,35 à 7,65 mm : pas plus de 6 cms; les revolvers ne doivent pas dépasser une longueur de 10 cms. Au JAPON, la longueur des fusils à canon rayé et de chasse doit être égale ou supérieure à 48,8 cms; la longueur total d'un fusil rayé ou d'un fusil de chasse doit être égale ou supérieure à 93,9 cms, et celle d'une carabine à air comprimé, égale ou supérieure à 79,9 cms. Sont interdites, au GHANA, les armes utilisées par l'armée et la police; seuls les fusils de chasse sont autorisés. En ITALIE, les fusils à un canon rayé, adaptés pour l'usage de cartouches à balles partiellement blindées, ne doivent pas avoir une portée supérieure à 500 mètres, la hausse ne doit pas dépasser 300 mètres; les pistolets automatiques ne doivent pas avoir une puissance d'arrêt supérieure à 25 mètres.

V.- TRANSPORT D'UNE ARME DANS UN VEHICULE

A la question : "Une personne qui a satisfait aux conditions éventuellement exigées pour acquérir ou détenir une arme à feu chez elle peut-elle la transporter ou la conserver dans son véhicule, ou bien ce fait est-il considéré comme un port d'arme illégal ?",

6 - 20 pays ont répondu négativement, considérant qu'une autorisation d'achat et de détention d'arme ne permet pas le transport ou le port d'une arme en dehors du domicile du bénéficiaire; l'arme doit, en principe, être conservée à l'endroit désigné dans l'autorisation (domicile, lieu de travail). Ces pays considèrent, en général, le fait de transporter une arme dans un véhicule comme un "port d'arme", qui ne peut être autorisé que par un permis spécial.

6,a - 35 pays ont répondu positivement; certains, le DAHOMEY, par exemple, considérant le véhicule comme un prolongement du domicile.

Les réponses positives sont parfois assorties de restrictions ou conditions :

- l'autorisation de détention d'armes doit être portée par le bénéficiaire (CEYLAN);

- l'arme peut être seulement transportée dans le véhicule mais ne doit pas y être laissée (AUTRICHE, OUGANDA, MALAYSIA);

- l'arme doit être sans chargeur et sans munitions (REPUBLIQUE FEDERALE D'ALLEMAGNE), ou déchargée (ARGENTINE, NOUVELLE-ZELANDE);

- les détenteurs de fusil de chasse, dûment autorisés, ne peuvent les transporter que pendant la saison cynégétique (CHYPRE).

Certains Etats des U.S.A. font obligation aux détenteurs d'armes de les déposer dans la boîte à gants ou bien en vue, sur le siège avant de leur voiture.

En FINLANDE, il est interdit de transporter une arme dans son véhicule quand on se trouve dans une zone frontalière ou dans un lieu de divertissements publics.

En THAILANDE, le transport d'une arme dans un véhicule ne peut s'effectuer sans raison valable.

VI.- UN ETRANGER NON RESIDENT PEUT-IL ACQUERIR UNE ARME A FEU ?

7 - 38 pays ont répondu positivement à cette question : ALLEMAGNE FEDERALE, ANTILLES NEERLANDAISES, AUSTRALIE, AUTRICHE, BELGIQUE, BIRMANIE (dans ce pays, l'autorisation est laissée à l'appréciation du ministre de l'Intérieur), BRUNEI, CANADA, CEYLAN, CHYPRE, COTE D'IVOIRE, DAHOMEY, ESPAGNE, ETATS-UNIS D'AMERIQUE, FINLANDE, FRANCE, GHANA, HAUTE VOLTA, INDE, INDONESIE, IRLANDE, ITALIE, JAPON, LUXEMBOURG, MALAWI, MALAYSIA, MEXIQUE, NOUVELLE ZELANDE, OUGANDA, PEROU, PORTUGAL, ROYAUME UNI, SIERRA LEONE, SUEDE, SUISSE, SURINAM, TOGO, TUNISIE.

Dans les pays où un étranger est autorisé à acheter une arme à feu, il doit faire preuve de certaines aptitudes sur le plan moral, physique et psychique (cf. rubrique III.- Acquisition et détention d'armes).

En ALLEMAGNE FEDERALE, l'acquisition d'une arme à feu par un étranger est possible si ce dernier est en possession d'un "certificat d'autorisation d'achat d'arme" qui est établi par l'autorité cantonale si le requérant présente des garanties suffisantes; il peut obtenir une arme sans certificat s'il la fait envoyer directement dans son propre pays; il en est de même en AUTRICHE. En BELGIQUE, pour les étrangers de passage, l'autorisation peut être limitée à l'achat de l'arme, à l'exclusion des munitions (le fait, dans ce cas, est précisé sur l'autorisation). A CHYPRE, un visiteur peut obtenir de la douane l'autorisation d'importer ou de détenir des armes pour son compte personnel. En SUEDE, la demande fait l'objet d'une enquête, comme pour un suédois; toutefois, quand l'étranger séjourne dans le pays depuis peu de temps, il est difficile de lui accorder une autorisation d'achat car l'enquête ne peut pas toujours, faute d'un recul suffisant, prouver que l'acheteur présente toutes les garanties nécessaires.

7,a - 15 pays ont répondu négativement à la question posée; parmi eux, l'ARGENTINE exige le livret militaire du demandeur, ce qui exclut, ipso facto, les étrangers.

7,b - la législation de certains pays ne prévoit pas le cas des étrangers (MADAGASCAR, CONGO KINSHASA).

VII.- PORT D'ARME

8 Le fait de porter une arme sans autorisation hors de son domicile constitue, dans la plupart des pays, le délit de port d'arme illégal.

Le port d'une arme à feu par un particulier à l'extérieur de son domicile est, dans la majorité des pays, subordonné à l'obtention

d'une autorisation, qui n'est accordée que si des raisons valables concernant l'usage auquel l'arme est destinée sont fournies par le demandeur :

- protection de sa personne;
- protection de ses biens (transport de fortes sommes d'argent, défense de son domicile, de ses récoltes ou de son lieu de travail).

Les conditions dans lesquelles doit s'effectuer le port d'arme sont parfois inscrites sur le permis lui-même (ROYAUME-UNI).

8,a L'autorisation n'est accordée que si le demandeur offre des garanties suffisantes pour ne pas représenter un danger pour la sécurité publique.

Cette autorisation doit être portée en même temps que l'arme; elle est accordée, selon les pays :

- par les autorités policières (nationales ou fédérales);
- par certaines autorités administratives : en AUTRICHE, les "Bezirkshauptmannschaften", municipalités des villes ayant leur propre statut; en FRANCE, c'est le "préfet" du lieu de domicile du demandeur qui est compétent;
- par les autorités administratives sur le plan de la province, et la direction générale de la police sur le plan national (THAILANDE);
- par les autorités judiciaires : en BELGIQUE, par le Procureur du Roi pour l'arrondissement; si la personne ne réside pas dans le pays, c'est le ministère de la Justice qui délivre l'autorisation (BELGIQUE, IRLANDE);
- par les autorités militaires : MEXIQUE (Secrétariat à la Défense nationale);
- par un organisme spécial : au PEROU, la Direction du contrôle des armes, munitions et explosifs à usage civil.

8,b En général, le permis de port d'arme est distinct de celui de détention. Toutefois, en COTE D'IVOIRE, dans deux ETATS AUSTRALIENS, à CEYLAN, en COREE, IRLANDE, MALAYSIA, le permis est valable dans les deux cas.

Rares sont les pays où, comme au MALAWI, le port d'armes n'est pas contrôlé. En ALLEMAGNE FEDERALE, certaines armes à feu, qui peuvent être acquises sans autorisation, nécessitent un permis de port d'arme. Même dans les pays autorisant le port d'arme, celui-ci est

interdit en général pour les armes prohibées (au LUXEMBOURG, toutefois, le Gouvernement peut autoriser, pour des raisons individuelles graves, certaines personnes à porter une arme prohibée).

8,c Le port d'armes est souvent assorti de certaines restrictions :

1) l'arme doit être cachée à la vue du public (ALGERIE, ESPAGNE, THAILANDE);

2) le permis de port d'arme est refusé aux mineurs, incapables et faibles d'esprit, nomades, personnes ayant été condamnées (notamment pour hostilité envers l'Etat, délits de violence, de chasse, etc..) ou qui sont sous la surveillance de la police;

3) l'autorisation est révocable;

4) elle peut être limitée :

dans le temps : en OUGANDA, au moment de la récolte du coton, un acheteur peut être autorisé à porter une arme pour protéger les fonds qu'il transporte; l'arme doit ensuite être remise à la police; la validité des permis de port d'arme expire le 31 décembre de chaque année; ils sont renouvelables pour un an. Le port d'arme est interdit en SUISSE dans le canton de Genève, lors de manifestations pouvant nécessiter l'intervention de la force publique. En TUNISIE, l'autorisation est exceptionnelle; elle est valable un an, renouvelable, comme aux ANTILLES NEERLANDAISES.

dans l'espace : en INDE, l'autorisation indique le territoire sur lequel il est permis de porter une arme; cette limite ne doit pas être dépassée. Au DANEMARK, le port d'une arme est soumis à certaines conditions; il est autorisé, comme dans la plupart des Etats australiens, pour aller ou revenir d'un champ de tir ou pour porter l'arme chez un armurier pour la faire réparer.

5) le nombre de cartouches que l'on peut porter avec une arme peut être limité (IRLANDE);

6) la personnalité du demandeur est parfois prise en considération.

8,d Le port d'une arme est totalement interdit dans quelques pays (CHYPRE, DAHOMEY) : seule la force publique y a droit.

VIII.- PORT D'ARME (Catégories et calibres)

9 Dans la presque totalité des pays ayant répondu au questionnaire, les armes que les particuliers peuvent être admis à porter sont de la même catégorie et du même calibre que celles qu'ils peuvent acquérir ou détenir.

Il n'y a pas de restrictions, toutefois, dans les pays suivants: AUTRICHE, ETATS UNIS D'AMERIQUE, FINLANDE, NOUVELLE-ZELANDE ET SURINAM.

Au GHANA, la détermination du calibre autorisé est laissée à l'appréciation de l'autorité compétente (Inspecteur général de police).

IX.- PORT D'ARME (Personnes autorisées)

10 Dans 26 pays, seuls les membres des forces armées, de la police et des administrations publiques assurant des missions de sécurité sont autorisées à porter une arme.

Il existe parfois, dans ces pays, des dérogations :

en cas de troubles : au GHANA, des "Special Constables" (force auxiliaire) sont autorisés à porter des armes pour aider la police à maintenir l'ordre; en SUISSE, dans le canton de Genève, le port d'armes est interdit aux citoyens lors de manifestations pouvant nécessiter l'intervention de la force publique;

dans des cas particuliers : au ROYAUME-UNI, des armes ne sont mises à la disposition des policiers que dans des cas exceptionnels; les serviteurs de la Couronne ("Crown Servants") peuvent être admis à porter une arme dans l'exercice de leurs fonctions officielles. Des autorisations peuvent être accordées (elles sont en général strictement limitées) dans certains cas particuliers (MADAGASCAR, LAOS).

- 10,§ Dans les pays ayant répondu positivement à la question posée, les membres de certaines professions peuvent être autorisés à porter une arme, pendant le temps où ils exercent leurs activités : fonctionnaires, employés de banque chargés du transport de fonds et exposés à des risques d'agression (AUSTRALIE, DANEMARK, HAUTE-VOLTA, PEROU, SENEGAL); pilotes d'avions, dans certaines circonstances (AUSTRALIE); chercheurs sur les champs pétrolifères, mineurs, éleveurs de bétail (BOLIVIE); vétérinaires (DANEMARK); employés des douanes, de la Régie et de l'immigration et membres des forces armées étrangères légalement présents au CANADA; magistrats (HAUTE-VOLTA); juges et membres du Ministère public, membres de l'Assemblée nationale (CORÉE); gardes forestiers au-dessus du grade de brigadier (LUXEMBOURG); gardiens de nuit (ESPAGNE); membres de sociétés de surveillance et chauffeurs de taxi (SUEDE); hautes personnalités et certains membres de leur famille (INDE); représentants diplomatiques (SURINAM); commerçants ou industriels spécialisés dans la vente des armes, propriétaires de stands de tir forains, commissaires priseurs et leurs employés, accessoiristes de théâtre et de cinéma, pour les besoins de la pièce ou du film, personnes chargées de donner le départ des courses etc.. (IRLANDE).

X.- FICHER NATIONAL

- 11 34 pays ont répondu positivement à la question : "Existe-t-il un fichier national des personnes admises à détenir et porter une arme à feu ?".

Dans l'ensemble, peu de détails ont été fournis par les pays sur l'organisation matérielle de ces fichiers nationaux.

En ARGENTINE, un tel fichier existe sur le plan fédéral : y sont enregistrées toutes les déclarations de détention et de port d'armes; les noms de personnes y sont classés alphabétiquement et les types d'armes numériquement.

- 11,a 21 pays n'ont pas de fichier sur le plan national; en général, chaque autorité chargée de délivrer un permis de port ou de détention d'armes enregistre, sur le plan local (province, département, circonscription, canton) le nom des personnes autorisées à détenir ou porter une arme à feu.

Au CANADA, bien qu'il n'y ait pas de fichier national des personnes autorisées à porter une arme, il existe cependant, au sein de la R.C.M.P., une section chargée, sur le plan national, de ~~ficher~~ ^{fichier} les armes légalement enregistrées, et toutes les armes volées.

En REPUBLIQUE CENTRAFRICAINE, il existe seulement un fichier des ~~personnes qui~~ ^{personnes qui} détiennent une arme à feu.

En SUISSE, il existe un fichier des personnes admises à porter une arme à feu dans les cantons qui connaissent l'institution du port d'arme.

- 11,b C'est la police, en général, qui est responsable de ce fichier.
Au MEXIQUE, c'est le Ministère de la Défense nationale et, au PEROU, la Direction du Contrôle des armes, des munitions et des explosifs à usage civil.

XI.- MUNITIONS

- 12 La vente de munitions est totalelement libre aux U.S.A. et en BIRMANIE.

- 12,a Dans 44 pays, l'achat de munitions est permis aux personnes autorisées à détenir ou porter une arme.

- 12,b Dans certains pays, la vente de munitions est libre, avec certaines restrictions :

En REPUBLIQUE FEDERALE D'ALLEMAGNE, elle est interdite aux mineurs de 18 ans.

En ARGENTINE, elle est libre pour les armes d'un calibre inférieur à 32; pour les munitions, du calibre 32 à 38, il faut une autorisation de la police fédérale.

En AUSTRALIE, la vente de munitions est interdite dans un Etat, aux mineurs de 17 ans; dans un autre Etat, elle est réservée aux personnes qui possèdent un permis de détention ou de port d'armes.

Au CANADA, elle est libre pour toute personne âgée de plus de 14 ans (au-dessous il faut un permis); la législation en cours est, comme nous l'avons vu plus haut, en voie de révision : elle permettra d'interdire à l'avenir la vente de munitions aux mineurs entre 14 et 17 ans sans permis.

En SUEDE, la vente de plombs et de cartouches à plomb est libre.

En SUISSE, il n'est pas exigé de permis d'achat, mais l'acheteur qui n'est pas personnellement connu du vendeur doit présenter une pièce d'identité officielle munie d'une photographie, attestant son état-civil et son adresse; il doit, en outre, signer un registre, attestant ainsi avoir reçu la marchandise (un tel registre existe également à CEYLAN).

12,c La vente de munitions est interdite en BELGIQUE quand l'autorisation d'acquérir une arme est limitée à l'achat de l'arme, à l'exclusion des munitions (étranger de passage, par exemple).

Elle est interdite également au VENEZUELA, sauf pour les munitions pour fusils de chasse.

12,d Plusieurs pays prévoient des dispositions particulières relatives au nombre de cartouches qui peuvent être achetées; ce nombre est limité au OUGANDA; la limitation doit être précisée sur le permis en SIERRA LEONE et à TRINIDAD TOBAGO; en MALAYSIA, elle dépend des besoins exprimés : c'est l'autorité compétente qui décide du nombre de cartouches qu'il est permis d'acheter.

La quantité de cartouches dont l'achat est autorisé varie selon les pays :

25 cartouches au maximum par personne à CEYLAN; la même quantité est autorisée au SURINAM pour les pistolets et revolvers, et en ESPAGNE, pour chaque arme courte, par an (dans ce pays, les munitions pour armes de chasse à canon lisse peuvent être acquises en quantité illimitée; les chevrotines ne peuvent être utilisées que pour la chasse au gros gibier).

50 cartouches maximum par arme en FRANCE.

100 cartouches par an et par personne en ESPAGNE, pour les armes longues à canon rayé; 100 cartouches également en ARGENTINE, au GHANA et au PEROU; dans ce pays, les possesseurs de fusils de chasse dans

les zones rurales éloignées où il n'y a pas de vendeurs peuvent acquérir 500 cartouches; pour un nouvel achat, il faut prouver que les autres munitions ont été utilisées.

150 cartouches en ALGERIE.

En ITALIE : 1.500 cartouches de chasse et 200 cartouches pour pistolets et revolvers.

En THAILANDE, le nombre de cartouches autorisé varie selon le type d'arme : pistolet : pas plus de 12 cartouches par achat, et pas plus de 36 par an.- fusil : pas plus de 15 cartouches par achat, et pas plus de 60 cartouches par an.- fusil de chasse: pas plus de 25 cartouches par achat et pas plus de 500 cartouches par an.- calibre 22 : pas plus de 200 cartouches par achat, et pas plus de 1.000 par an.- carabine à air comprimé : pas plus de 1.000 plombs par achat.

12,e Pour les membres de clubs et sociétés de tir, il existe, en général, de plus grandes facilités pour l'achat de munitions (BRUNEI). Au PEROU, les membres actifs de clubs et sociétés de tir peuvent acquérir les munitions nécessaires à leur entraînement et pour les concours de tir, en s'adressant à la Direction générale du Tir national. Au ROYAUME-UNI, les sociétés achètent les munitions en gros pour leurs membres; une autorisation n'est pas nécessaire pour les munitions qui ne sont pas emportées, mais utilisées au stand de tir.

12,f Certains pays réglementent le renouvellement des achats :

au BRUNEI, le retour des douilles vides peut être exigé;

au GHANA, on peut obtenir 100 cartouches de plus quand on peut prouver que les précédentes ont été utilisées;

en TURQUIE, la vente des munitions est autorisée une fois par an.

La vente de munitions est inscrite au dos du permis (type, nombre de munitions, date de la vente) à CEYLAN.

en HAUTE-VOLTA, le permis d'achat de munitions est valable pour deux mois; au PEROU, les membres des forces armées et de la police peuvent, avec l'autorisation du chef de leur unité, acquérir des cartouches pour l'arme qui leur a été affectée.

Au terme de cette étude, il est assez difficile de dégager une ligne générale susceptible de proposer des "mesures minimales" qui pourraient être recommandées dans le domaine de la réglementation des armes à feu; les diverses législations en vigueur sont parfois opposées : dans tel pays règne une grande tolérance, dans tel autre, une stricte réglementation; ici, l'âge minimum pour être autorisé à acquérir et détenir une arme est de 14 ans, là, de 25 ans ...

Dans la plupart des pays, on rencontre : une classification, une réglementation et un contrôle des armes à feu.

- Elles sont en général classées par ordre décroissant d'après le danger qu'elles représentent :
armes et munitions considérées comme matériel de guerre,
armes et munitions non considérées comme telles.

- La réglementation porte sur :
la fabrication et le commerce d'armes et de munitions,
la détention et le port d'armes,
le transfert d'armes et de munitions,
le retrait des autorisations de détention.

- Des contrôles, en général administratifs, sont exercés à divers stades, et des sanctions pénalisent les infractions à la législation sur les armes; ces contrôles sont, dans la majorité des pays, assez sévères.

Du strict point de vue de la prévention de la criminalité de droit commun, il paraît opportun que soit retenu le principe d'une réglementation du commerce, de la détention et du port des armes à feu. Dans le même esprit, il paraît également souhaitable que chaque pays possède, à l'échelon national, un fichier des personnes autorisées à détenir ou porter une arme à feu. Cette mesure ne serait évidemment applicable que si chaque personne achetant ou détenant une arme était obligée par la loi à la déclarer aux autorités.

TEXTES RELATIFS A LA REGLEMENTATION CONCERNANT
L'ACQUISITION, LA DETENTION ET LE PORT D'ARMES,
SIGNALES PAR LES PAYS AYANT REPONDU AU QUESTIONNAIRE

ALGERIE :

Décret No 63-400 du 7 octobre 1963, paru au Journal officiel de la République Démocratique et Populaire, en date du 11 octobre 1963, sous le numéro 75.

ARGENTINE :

Decreto 3189/60 (armes destinées à un usage civil). Edicto de "Portacion, Uso de Armas y Explosivos".

AUTRICHE :

Loi sur les armes de 1967.

BELGIQUE :

Loi du 3 janvier 1933 relative à la fabrication, au commerce et au port des armes et au commerce des munitions, et Arrêté royal pour l'exécution de cette loi (Moniteur, 22 juin 1933).

BOLIVIE :

Decreto du 30 avril 1894; Decreto Supremo no. 0222 du 27 novembre 1944; Decreto Supremo du 23 juin 1922; Ley reglamentaria de policia du 11 novembre 1886; Resolucion Ministerial no. 91/65 du 9 décembre 1965.

CANADA :

Criminal Code, articles 88, 89, 90, 91, 92, 93, 94, 95, 98.

CEYLAN :

Firearms Ordinance; Explosive Regulation.

CHYPRE :

Firearms Law.

DAHOMÉY :

Décret no. 61-39/PR/MI du 7 février 1961, abrogeant l'arrêté no. 1440/APA du 19 décembre 1940.

ESPAGNE :

Reglamento Vigente de Armas y Explosivos du 27 décembre 1944.

ETATS-UNIS D'AMERIQUE :

Federal Firearms Act (U.S. Code, Title 15, sections 901-909);
National Firearms Act (U.S. Code, Title 26, Chapter 53).
Regulations : Part 179 of Title 26 (1954) Code of Federal Regulations.

FRANCE :

Ordonnance du 7 octobre 1958; Décret du 21 novembre 1960; Décrets des 22 août 1962 et 21 août 1963.

INDE :

Arms Act, 1959; Arms Rules, 1962.

INDONESIE :

Firearms Regulations, 1939.

IRLANDE :

Firearms Act, 1925 et 1964.

ITALIE :

Loi no. 1274 du 22 novembre 1956; Art.44 Reg. P.S. (Règlements sur la Sécurité publique); Loi du 2 octobre 1967.

JAPON :

Law Contrôlling Possession .. of Firearms and Swords.

LUXEMBOURG :

Arrêté Grand Ducal du 22 mars 1937, modifié par l'Arrêté Grand Ducal du 5 septembre 1939.

MADAGASCAR :

Ordonnance no. 60-110 du 29 septembre 1960; Décret no. 60-373 du 29 septembre 1960, portant application de cette Ordonnance, fixant le régime des matériels de guerre, des armes et des munitions.

MALAYSIA :

Arms Act, 1960.

MEXIQUE :

Article 10 de la Constitution.

NOUVELLE-ZELANDE :

Arms Act 1958; Arms Regulations 1959.

PEROU :

Reglamento de Control de Armas, Municion y Explosivos.

ROYAUME-UNI :

Firearms Act, 1937 et 1965.

SENEGAL :

Loi no. 66-03 du 18 janvier 1966; Décret d'application no. 66-889 du 17 novembre 1966.

SUISSE :

Arrêté du Conseil fédéral du 28 mars 1949; Concordat international du 20 juillet 1944.

TUNISIE :

Décret du 21 juin 1945, réglementant l'introduction, le commerce, la détention et le port des armes en Tunisie.

TURQUIE :

Loi no. 6136.

QUESTIONNAIRE

1. TRANSPORTING firearms across frontiers:-

- (a) Importing:- In general, a person can import into Australia firearms which he has legally acquired and previously had in his possession.

However, such importation is subject to Customs regulations and relies mainly on the question as to whether or not a Police clearance will be granted, that is whether the Police are willing to permit the person concerned to retain the pistol, in the State in which he intends to reside.

In addition, certain firearms - such as machine guns and rifles classed as machine guns - are prohibited in certain States and these would not be permitted to be imported.

- (b) Exporting:- Firearms can be exported, provided the exporter is the holder of an Export Licence issued by the Customs Department.

2. RETAILING FIREARMS (to private individuals)

- (i) Controlled.
- (ii) In most States - Yes.
- (iii) Yes.
- (iv) No.

3a. ACQUIRING and OWNING firearms

- (i) Controlled.
- (ii) Declaration necessary.
- (iii) Yes.
- (iv) No.

The principal conditions which must be met are that an authorizing officer of Police must be satisfied that the person concerned:-

- (a) has good reason for possessing the firearm;
- (b) is not disqualified by law - that is, as a convicted felon, etc. - from possessing a firearm; and
- (c) is not unfitted to possess a firearm because of impaired mental or physical health or any other reason, such as addiction to drugs or alcohol.

- 3b. In general, there are no restrictions placed on private persons who meet the requirements laid down for the possession of firearms.

In some States, special conditions are laid down with respect to various categories or calibres of firearms but any person who meets these special requirements may possess firearms of these types.

- 3c. In some cases, firearms may be transported only when being taken to a gunsmith for repair or from the gunsmith's premises after repair.

4(a) CARRYING FIREARMS by a private person outside his own property:-

- (i) See below for comments in connection with the control exercised in this matter;
- (ii) No;
- (iii) Yes;
- (iv) No.

With regard to (i) above, two of the Commissioners report that, in their areas of jurisdiction, the authorization to possess a firearm automatically authorizes a private citizen to carry it with him anywhere in the respective area, the firearm licence being a licence to possess and carry the firearm concerned.

However, the other States generally impose certain conditions in this matter. Whilst these may vary slightly, they include:-

- (a) Prior authorization to carry;
- (b) Requirement of firearm for the protection of valuables and/or large sums of money; and
- (c) in the case of target pistols, to and from target ranges only or to and from the premises of a gunsmith for repair.

Generally, the control exercised over the carrying of firearms is related to the conditions under which permits will be granted for the acquisition and possession of firearms, particularly with regard to the reason for wishing to carry it.

4(b) Yes.

4(c) In most instances, there are no certain categories of persons - outside those mentioned - authorized by law or administrative order to carry firearms.

However, in two cases pilots of aircraft are permitted to do so.

In general, banks and financial institutions and other types of businesses are permitted to possess firearms which may be carried by authorized employees. Likewise, certain sporting bodies, that is, pistol and rifle clubs, are allowed to possess firearms which may be used by their members. In these cases, however, the organization or body concerned must obtain a permit as in the case of any private person.

5(a) No. Registers of persons authorized to possess and/or carry firearms are kept by each respective State and Territory and relate only to permits issued in such State or Territory.

5(b) In general, the State or Territory registers are kept by the respective Police Departments.

6. AMMUNITION: In only ^{one} ~~any~~ State is the sale of ammunition restricted to persons who hold firearm licences. In this case the licence must be produced when purchasing the ammunition. In another instance, ammunition may not be sold to any person under the age of 17 years. Otherwise, there are no restrictions placed on the sale of ammunition in this Country.

MEMORANDUM

CLASSIFICATION

TO
A

DCI

YOUR FILE No.
Votre dossierOUR FILE No. ICPO-G-517-1
Notre dossier

DATE 19 FEB 68

FROM
De

Officer i/c Legal Branch

OLD

SUBJECT
SujetFirearms Regulations

This has reference to your memorandum of 1 FEB 68.

1. TRANSPORTING firearms across frontiersa) Importing

Yes. They must be declared to customs officials at port of entry. Then a Permit to Convey a Firearm on Form C.C. 44 (Appendix A) should be obtained from the nearest local registrar of firearms permitting the conveying of the firearm from the Customs Office to the owner's permanent address where registration can be effected through his local police department.

b) Exporting

Yes. Depending on the country and purpose for exportation, export permits may be required.

2. RETAILING firearms (to private individuals in this country)

C.C. Section 90 (4), (5), (6) and 91 (1). Retail firearm dealers are required to obtain from their local police department a permit (a permit to buy and sell firearms at retail) in Form 43, prior to entering into such business. The dealer is required to keep a record of every transaction and produce such records for inspection by a police officer when requested. The purchaser must first obtain a permit to convey in Form 44 from his local police department authorizing him to convey the weapon from the dealer to the police officer for registration purposes. Dealers are requested to submit a Form C.C. 84 to R.C.M. Police Headquarters Division, Firearms Registration Section, reporting their acquisition of all used weapons, but this is not compulsory (Appendix B).

...2

3(a) ACQUIRING and OWNING firearms

C.C. Section 90(1). Pistols, revolvers, and fully automatic weapons are subject to registration. In order to legally have a firearm in his dwelling house or place of business, a citizen must obtain a permit to convey Form 44 (Appendix A) authorizing him to bring the weapon to the police office where the bottom portion of the Form, Application to Register Firearms, will be completed by the local registrar of firearms and forwarded to R.C.M. Police Headquarters Division, Firearms Registration Section. From this point a firearms registration certificate (Appendix C) will be completed in favor of the applicant and forwarded to the local registrar for transmission to the applicant.

Currently any one may make application to register a firearm and the local registrar must forward the application to the Commissioner, R.C.M. Police Headquarters Division who must issue a certificate. New legislation to be reviewed by parliament would give the Commissioner the right to refuse a certificate. In addition, it would empower courts to prohibit a person convicted of an offence involving firearms from having a firearm for a period up to five years from the time of his conviction or expiration of sentence. Further, it would prohibit persons under the age of 14 from owning firearms, and persons age 14-17 would first have to obtain a Permit for Minors, to acquire in Form 45, from the local registrar.

- 3(b) Revolvers, pistols and fully automatic weapons of any calibre may be owned by private citizens. Some provincial Attorneys General Departments insist that fully automatic weapons be de-activated.
- 3(c) C.C. Section 90(1). Everyone commits an offence who has a firearm elsewhere than in his dwelling house or place of business unless he has a valid permit in Form 42 or 44, related to that firearm.
- 3(d) Yes. Same must be registered.

4(a) CARRYING FIREARMS

Refer to 3(c). A general permit carried in Form 42 may be issued by the local registrar for the purpose of protection, occupation, target practice in connection with a shooting club approved by the Attorney General of the province in which it is located. C.C. Section 94(4).

4(b) Same as 3(b).

4(c) Members of Foreign Armed Forces, lawfully present in Canada, are not required to register firearms used in conjunction with their duty. Canadian Customs, Excise, and Immigration Act officers are also exempt under legislation.

5(a) Is there a national file

There is no national file of persons authorized to carry firearms. However, the R.C.M. Police, Headquarters Division, maintains a national firearms registration section in which are recorded all firearms legally registered and all firearms reported stolen.

5(b) See 5(a).

6. AMMUNITION

Currently, ammunition may be sold to anyone over the age of 14, and to anyone under the age of 14 if the latter has a Permit for a Minor to acquire in Form 45. Same are issued at the discretion of the local registrar. New legislation would prohibit anyone under the age of 14 from possessing ammunition between the age 14 - 17. Subject would have to obtain a permit in Form 45.

OTTAWA
CJHK:ED:MCS

G. W. Reed, Insp.,
Officer in Charge,
Legal Branch.

RCMP - 7580

ROYAL CANADIAN MOUNTED POLICE
RETAIL DEALERS REPORT OF USED PISTOLS, REVOLVERS
AND FULLY AUTOMATIC WEAPONS ACQUIRED FOR RE-SALE

IMPORTANT: SEE INSTRUCTIONS FOR DEALERS ON BACK OF THIS FORM

D E A L E R	NAME OF PERMIT HOLDER		PERMIT NO.		FOR REGISTRY USE ONLY		
	ADDRESS OF PERMIT HOLDER		DATE PERMIT ISSUED		☐ NO RECORD ☐ STRUCK OFF MASTER INDEX CARD ☐ WEAPON CARD AMENDED		
	FIRM, CORPORATION OR COMPANY BUSINESS CONDUCTED UNDER:					SEARCHER	
	NAME		ADDRESS		TYPIST		
DESCRIPTION OF FIREARMS - (FIREARMS OBTAINED FROM OTHER SOURCES SHOULD BE SHOWN ON SEPARATE FORM)							
MANUFACTURER'S TRADE OR COMMON NAME		* TYPE	CALIBRE	MODEL	SERIAL NO.	M OR CC	BSL LGTH.
* TYPE: (P) PISTOL; (R) REVOLVER; (SA) SEMI-AUTOMATIC PISTOL; (FA) FULLY AUTOMATIC WEAPON OR ONE FITTED WITH A SELEC- TOR SWITCH PERMITTING FULLY AUTOMATIC FIRE. ABBREVIATIONS: M OR CC - MAGAZINE OR CYLINDER CAPACITY; FRC - FIREARM REGISTRATION CERTIFICATE; BSL LGTH. - BARREL LENGTH.							
PARTICULARS OF FORMER REGISTRANT OR OWNER					DATE FIREARM RECEIVED FROM FORMER REGISTRANT OR OWNER		
NAME		ADDRESS			FRC OR DEALER PERMIT NO.		
REMARKS:							
MAIL TO: The Commissioner, R.C.M. Police, OTTAWA 7, Ont. Att: Identification Branch.				SIGNATURE OF DEALER OR AUTHORIZED AGENT			
				DATE FORWARDED			

ADDITIONAL FORMS AND PRE-ADDRESSED, POSTAGE FREE ENVELOPES MAY BE OBTAINED FROM YOUR LOCAL REGISTRAR OF FIREARMS OR WILL BE PROVIDED ON REQUEST.

RCMP - 5294

PERMIT TO CONVEY FIREARM

G.C.44

This permit authorizes..... to convey
the firearm described herein from

Place of Delivery or Place of

..... to
Residence or Business Local Registrar of Firearms
and thence to
Place of Residence or Business

This permit is valid only during the period

.....
Date of Issue Local Registrar of Firearms
.....
Address

APPLICATION TO REGISTER FIREARM

Place Date

Re Born:
Name of Applicant - Please show full christian names (DAY) (MONTH) (YEAR)

Certificate No.
If available

DESCRIPTION OF FIREARM

Make of Firearm	R or A	Calibre	Model	Serial No.	No. Shots	Bbl. Lgth.

NOTE (R) Revolver
(A) Automatic

Obtained by: Purchase () Exchange () Gift () Found ()

Obtained from

Certificate No. Address

Occupation of Applicant

Purpose for which firearm required

.....
Signature of Applicant

Address

Registered under authority of section 93 of the Criminal Code of Canada.

.....
Local Registrar of Firearms

.....
Date of Issue Address

TRANSFER COMPLETED

Date Initialed by Police Dept.

INSTRUCTIONS

1. The possession of a Permit to Buy and Sell Firearms at Retail, Form 43, exempts the permit holder from registering firearms held for the purpose of conducting, operating or engaging in business. Firearms owned by dealers for their personal use are subject to registration.
2. The use of this form should not be construed as a means of registration but as a means of informing the registry, maintained by the R.C.M. Police in accordance with Section 93(1) of the Criminal Code, of formerly registered weapons acquired for re-sale purposes. Prompt submission of this report assists in clearing records pertaining to the former registrant and will avoid any delay in the re-registration of weapons to new purchasers.
3. As the prior registration of used weapons is often doubtful or unknown, all used firearms obtained for re-sale purposes should be made the subject of this report. Weapons received for sale on consignment are also to be reported with further advice provided in the event such weapons are returned to the registrant.
4. Your Local Registrar of Firearms may require the registrant to report to his office with a copy of this report so that the FIREARMS TRANSFERRED TO portion of his certificate may be completed. If the registrant has disposed of all weapons shown on his certificate and indicates that he does not intend to obtain other weapons in the near future, his certificate should be appended to this report for cancellation.
5. Descriptions of firearms should be as complete and accurate as possible and commented upon under REMARKS should the description vary with that formerly used for registration purposes. If in doubt as to proper description, submit a rough sketch of the weapon, together with a detailed listing of proof or other markings appearing thereon.

Extracts from the Firearms Section of the Criminal Code:

- 88.(1) -- Every one who sells, barter, gives, lends, transfers or delivers a firearm, air-gun or air-pistol or ammunition therefor, to a person under the age of fourteen years, who does not have a valid permit in Form 45, is guilty of an offence punishable on summary conviction.
- 90.(4) -- Every one commits an offence who conducts, operates or engages in business of buying or selling firearms at retail unless he has a permit in Form 43.
- 90.(5) -- Every one who sells, barter, lends or makes a gift of a firearm commits an offence if he delivers it before
- (a) it is registered in the name of the purchaser or the person to whom it is bartered, given or lent or
 - (b) the purchaser or the person to whom it is bartered, given or lent has a valid permit as contained in Form 44, relating to that firearm.
- 91.(1) -- Every one who conducts, operates or engages in the business of buying and selling firearms at retail or in the business of repairing firearms
- (a) shall keep a record of every transaction that he enters into with respect to firearms and
 - (b) shall produce that record for inspection at the request of a peace officer.
- 94.(1) -- A permit in Form 42, 43 or 45 may be issued by a Local Registrar of Firearms.
- (6) A permit in Form 43 is valid until it is revoked.
95. -- Permits may be revoked by any person who is authorized to issue them.
- 98.(b) -- "Firearm" means a pistol, revolver, or a firearm that is capable of firing bullets in rapid succession during one pressure of the trigger.

DESCRIPTION OF FIREARMS

1.	Make of Weapon	Cal.	Model
	()		
	Serial No.	Shots	Colour
			Blk Leth
2.	Make of Weapon	Cal.	Model
	()		
	Serial No.	Shots	Colour
			Blk Leth
3.	Make of Weapon	Cal.	Model
	()		
	Serial No.	Shots	Colour
			Blk Leth
4.	Make of Weapon	Cal.	Model
	()		
	Serial No.	Shots	Colour
			Blk Leth
5.	Make of Weapon	Cal.	Model
	()		
	Serial No.	Shots	Colour
			Blk Leth
6.	Make of Weapon	Cal.	Model
	()		
	Serial No.	Shots	Colour
			Blk Leth

NOTE: * (R) Revolver
* (SA) Semi-automatic
* (FA) Fully automatic

RECEIVED FROM

1. Certificate No.
Name
By: Purchase () Exchange () Gift () Loan () Found ()
Date:
2. Certificate No.
Name
By: Purchase () Exchange () Gift () Loan () Found ()
Date:
3. Certificate No.
Name
By: Purchase () Exchange () Gift () Loan () Found ()
Date:
4. Certificate No.
Name
By: Purchase () Exchange () Gift () Loan () Found ()
Date:
5. Certificate No.
Name
By: Purchase () Exchange () Gift () Loan () Found ()
Date:
6. Certificate No.
Name
By: Purchase () Exchange () Gift () Loan () Found ()
Date:

AUTHORIZED BY

1.	Name
	Rank
	Police Dept.
	Date:
2.	Name
	Rank
	Police Dept.
	Date:
3.	Name
	Rank
	Police Dept.
	Date:
4.	Name
	Rank
	Police Dept.
	Date:
5.	Name
	Rank
	Police Dept.
	Date:
6.	Name
	Rank
	Police Dept.
	Date:

FIREARMS TRANSFERRED TO

1. Certificate No.
Name
By: Sale () Exchange () Gift () Loan () For Destruction ()
Date:
2. Certificate No.
Name
By: Sale () Exchange () Gift () Loan () For Destruction ()
Date:
3. Certificate No.
Name
By: Sale () Exchange () Gift () Loan () For Destruction ()
Date:
4. Certificate No.
Name
By: Sale () Exchange () Gift () Loan () For Destruction ()
Date:
5. Certificate No.
Name
By: Sale () Exchange () Gift () Loan () For Destruction ()
Date:
6. Certificate No.
Name
By: Sale () Exchange () Gift () Loan () For Destruction ()
Date:

EXTRACTS FROM THE FIREARMS SECTIONS
OF THE CRIMINAL CODE OF CANADA

SECTION 88.—(1) Every one who sells, barter, gives, lends, transfers or delivers a firearm, air-gun or air-pistol or ammunition therefor to a person under the age of fourteen years who does not have a valid permit in Form 45 is guilty of an offence punishable on summary conviction.

SECTION 89. Every one who, not being a local registrar of firearms or a person authorized to issue permits, purports to issue a firearms registration certificate or permit, as the case may be, is guilty of an offence punishable on summary conviction.

SECTION 90.—(1) Every one commits an offence who has an unregistered firearm in his dwelling house or place of business.

(2) Every one commits an offence who has a firearm elsewhere than in his dwelling house or place of business, unless he has a valid permit in Form 42 or Form 44 relating to that firearm.

(3) Every one who is an occupant of a motor vehicle in which he knows there is a firearm commits an offence unless some occupant of the motor vehicle has a valid permit in Form 42 or Form 44 relating to that firearm, but no person shall be convicted of an offence under this subsection where he establishes that he did not know that no occupant of the motor vehicle had a valid permit relating to that firearm and that he took reasonable steps to discover whether any occupant of the motor vehicle had such a permit.

(4) Every one commits an offence who conducts, operates, or engages in the business of buying or selling firearms at retail unless he has a permit in Form 43.

(5) Every one who sells, barter or makes a gift of a firearm commits an offence if he delivers it before

(a) it is registered in the name of the purchaser or the person to whom it is bartered or given, or

(b) the purchaser or the person to whom it is bartered or given has a valid permit, as contained in Form 44, relating to that firearm.

(6) Every one who buys or accepts in barter or as a gift a firearm commits an offence if he receives delivery of it before

(a) it is registered in his name, or

(b) he has a valid permit, as contained in Form 44 relating to that firearm.

(7) Every one commits an offence who, upon finding a firearm that he has reasonable grounds to believe has been lost or abandoned, does not forthwith

(a) deliver it to a peace officer, or

(b) report to a peace officer that he has found it.

(8) Every one commits an offence who, without lawful authority the proof of which lies upon him,

(a) alters, defaces or removes a serial number on a firearm, or

(b) alters, defaces or falsifies a firearm registration certificate or permit.

SECTION 92. Where in proceedings under section 88 or 90 any question arises with respect to permits or registration certificates, the onus lies upon the accused to prove that he has the permit or registration certificate.

SECTION 93.—(1) The Commissioner shall cause a registry to be maintained in which shall be kept a record of every firearms registration certificate that is issued under the authority of this Act.

(2) An application for registration of a firearm shall be made on form 44 to a local registrar of firearms.

(3) A local registrar of firearms who receives an application for registration of a firearm shall, after signing the application,

(a) send one copy thereof to the Commissioner,

(b) deliver one copy thereof to the applicant, and

(c) retain one copy thereof.

(4) The Commissioner shall, upon receipt of an application for registration of a firearm signed by the applicant and a local registrar of firearms, cause a firearms registration certificate to be issued in the name of the applicant in respect of the firearm described in the application.

(5) Firearms registration certificates shall be in a form to be prescribed by the Commissioner.

(6) A local registrar of firearms shall refuse to accept an application for registration of a firearm that does not bear a serial number sufficient, in his opinion, to distinguish it from other firearms.

(7) Subsection (6) does not apply to firearms that, in the opinion of a local registrar of firearms, are useful or valuable only as antiques.

(8) A firearms registration certificate is prima facie evidence that the firearm to which it relates is registered. SECTION 95. Permits may be revoked by any person who is authorized to issue them.

SECTION 96. For the purpose of sections 89 to 97,

(a) "Commissioner" means the Commissioner of the Royal Canadian Mounted Police,

(b) "firearm" means a pistol, revolver, or a firearm that is capable of firing bullets in rapid succession during one pressure of the trigger; and

(c) "local registrar of firearms" means

(i) the Commissioner or a person appointed in writing by him, or

(ii) the Attorney General of a province or a person appointed in writing by him.

This Registration Certificate does not entitle the holder to carry a firearm.

Any additional firearms obtained must be entered on this certificate by the local Registrar after Application to Register Firearms has been completed by the applicant.

Weapon owners should notify the Commissioner, R.C.M.P. Police, Ottawa whenever a change of address is made.

FIREARMS REGISTRATION
CERTIFICATE

CERTIFICATE No.

NAME OF
HOLDER

ADDRESS

OCCUPATION

PURPOSE FOR WHICH WEAPONS
ARE RETAINED

DATE OF ISSUE

SIGNATURE OF HOLDER:

This Certificate is issued by the Commissioner,
R.C.M. Police, Ottawa, Canada.

Asunto: REGLAMENTACION DE ARMAS DE FUEGO EN ESPAÑA. INFORME SOLICITADO POR LA SECRETARIA GENERAL DE LA O.I.P.C.- INTERPOL EN PARIS.

1.- PASO DE UN ARMA DE FUEGO POR LAS FRONTERAS

a) Importación.

La Dirección General de Seguridad, por medio de los Puestos Fronterizos, (fronteras, puertos y aeropuertos) puede autorizar la entrada y uso de armas de caza y deportivas de tiro, a extranjeros no residente en España con permiso especial valedero por dos meses, que puede revalidarse por otros dos, para ciudadanos de países con reciprocidad.

Las sociedades deportivas pueden invitar a extranjeros a participar en concursos, competiciones y monterías, y con un duplicado de esta invitación la Dirección General de Seguridad puede otorgar permiso de introducción y uso de las armas oportunas, para ciudadanos de países sin reciprocidad.

A cazadores extranjeros con pasaporte en regla la Dirección General de Seguridad puede conceder autorización de entrada y uso de armas de caza, que en el momento de su entrada serán provistos de la correspondiente autorización, así como franquicia para entrar 100 cartuchos por cada arma de ánima lisa.

Se asimilan a las armas de caza las armas largas rayadas de 5'6 mm. (22 americano), las cuales sólo se podrán usar dentro de los polígonos de tiro, fuera de ellos circularán descargadas y enfundadas en su correspondiente estuche.

La importación y exportación en cantidad mayor a 5 armas de cada clase y con fines comerciales se ajustará a las disposiciones de los Ministerios de Comercio, Ejército y Asuntos Exteriores.

b) Exportación.

Los extranjeros provistos de pasaporte de cualquier clase podrán adquirir en España, con fines de exportación, hasta un máximo de 5 armas cortas, (pistolas, revólveres), 5 armas largas de cañón estriado (rifles, carabinas) y 5 escopetas de caza, de ánima lisa. Estas últimas pueden llevárselas personalmente, desarmadas y enfundadas, y las de las dos primeras clases, una vez adquiridas, los serán entregadas en la frontera, puerto o aeropuerto de su salida, y hasta ese punto irán en paquetes o cajas precintados.

2.- EL COMERCIO AL POR MENOR DE ARMAS DE FUEGO

El comercio al por menor de armas de fuego está sometido a previa autorización para su ejercicio. El Estado interviene por medio de la Dirección General de Industria y Material del Ministerio del Ejér-



cito en la fabricación y venta, la Guardia Civil en la Inspección de fábricas, talleres y comercios, y la Dirección General de Seguridad en la tenencia y uso de las armas.

3.- LA ADQUISICION Y TENENCIA DE LAS ARMAS DE FUEGO

a) La adquisición y tenencia de armas de fuego por los particulares está sometida a previa autorización por el Director General de Seguridad, previa solicitud, justificación de la necesidad, observación de buena conducta del particular solicitante y facultad graciable de la Autoridad para conceder o negar el correspondiente permiso o licencia.

b) Las categorías de armas que pueden poseer los particulares son las que especifique la oportuna licencia que pueden ser, armas cortas, largas rayadas para caza mayor y escopetas de caza. Existen categorías de armas especialmente prohibidas:

las que disparan gases,
las combinadas con blancas,
las alojadas en bastones,
las alojadas en lápices, estilográficas, llaves, etc,
los rompecabezas,
los cuchillos estriados, acanalados y perforados,
las llaves de pugilato.

c) Las personas autorizadas para tener armas pueden tenerlas en su domicilio, en su coche y también llevarlas consigo, cumpliendo las normas del Reglamento de Armas y Explosivos a tal fin.

d) Los extranjeros no residente en España pueden adquirir armas en nuestro país, según se especificó al respecto al tratar el punto 1-b).

4.- LA TENENCIA DE ARMAS DE FUEGO POR UN PARTICULAR FUERA DE SU DOMICILIO

a) Está sometida a previa autorización, siendo únicas condiciones el llevarla de manera no ostensible; las de caza desarmadas dentro de las poblaciones o enfundadas en su estuche en el mismo caso. Las de caza se llevarán libremente en campo abierto. Las de tiro se llevarán con las condiciones que se exijan dentro de los polígonos de tiro, y desarmadas y enfundadas fuera de ellos.

b) (Esta pregunta tal como está redactada carece de sentido, pero si hace referencia a distinción entre particulares y Agentes de la Autoridad, se hace constar que el Director General de Seguridad especifica en las licencias que concede la clase y calibre del arma que en cada caso se autoriza).

c) Aparte de las personas de las fuerzas armadas, policía, miembros de la seguridad y vigilancia de órganos administrativos, el Director General de Seguridad podrá conceder licencia para tenencia y uso de armas de fuego a los Guardias Municipales, Guardas Forestales, Guardas del Servicio de Caza y Pesca Fluvial, Guardas Jurados, Vigilantes nocturnos, Serenos y Vigilantes de Industria y Comercio. (En todo caso la autori

zación para llevar arma no es automática en virtud del cargo, sino en virtud de la licencia o permiso que puede conceder o negar el Director General de Seguridad).

5.- EXISTE UN FICHERO NACIONAL DE PERSONAS AUTORIZADAS A POSEER ARMAS DE FUEGO.

a) El control absoluto de los particulares autorizados a poseer armas lo efectúa la Dirección General de Seguridad a través del Negociado correspondiente.

b) La responsabilidad del control y ficheros, así como la facultad de conceder licencias, negarlas y también retirarlas, corresponde al Director General de Seguridad.

6.- MUNICIONES

Las personas autorizadas para la tenencia y uso de armas podrán adquirir en los establecimientos autorizados:

100 cartuchos anuales de arma larga rayada por cada una de las armas que posean.

25 cartuchos anuales por cada arma corta, y

cantidad ilimitada de cartuchos o municiones de escopeta de caza (ánima lisa).

(Los cartuchos "de postas" sólo podrán usarse en la caza mayor).

Todas las normas que rigen la materia anterior se hallan contenidas en el Reglamento Vigente de Armas y Explosivos de 27 de Diciembre de 1944, especialmente modificado en cuanto afecta a las preguntas de este cuestionario en relación a las facilidades que se conceden para el turismo y el fomento de las buenas relaciones internacionales en los aspectos deportivos de tiro y caza.

Por ser España uno de los países en que el Orden público y privado se halla más garantizado, la tenencia de armas deportivas se halla extraordinariamente facilitado a españoles y extranjeros, aún a los no residentes, ya que a los residentes se les equipara a los españoles a todos los efectos, en lo que a tenencia de armas se refiere.

Por esas mismas razones, de plena garantía del orden público y paz social, la tenencia de armas, especialmente "cortas", para defensa personal, se halla muy restringida, ya que salvo casos excepcionales, la necesidad de dicha tenencia no se halla justificada.



MINISTÈRE
DE L'INTÉRIEUR

RÉPUBLIQUE FRANÇAISE

DIRECTION GÉNÉRALE
DE LA SURETÉ NATIONALEDIRECTION DES SERVICES
DE POLICE JUDICIAIRE

PARIS, LE

13 Mars

1968.

SOUS-DIRECTION
DES AFFAIRES CRIMINELLES

4ème Section

RÈGLEMENTATION DES ARMES À FEU
AUTRES QUE CELLES DITES DE GUERRE ET DE CHASSE

-----0000000-----

I - PASSAGE D'UNE ARME À FEU AUX FRONTIÈRES.-a) Importation :

Lors du franchissement des frontières, toute personne peut importer une arme à feu légalement acquise et détenue dans son pays d'origine sous réserve de se soumettre aux formalités de douane.

b) Exportation :

Les mêmes règles s'appliquent pour les personnes quittant le territoire français.

2 - LE COMMERCE de détail des armes à feu est soumis à autorisation.3 - ACQUISITION & DÉTENTION DES ARMES À FEU.-

a) L'acquisition, la détention des armes à feu (révolvers et pistolets) dont le nombre est limité pour chaque personne, sont soumises à autorisation.

Ces autorisations peuvent être accordées par le Préfet du département du lieu de domicile à toute personne âgée de 21 ans ou plus, n'ayant pas encouru de condamnation pour crime ou délit même avec sursis.

b) Classement des armes par catégories :- 1ère, 2ème et 3ème catégories : armes et matériel de guerre.

Les pistolets automatiques tirant soit la munition réglementaire de 7,65 long, soit une munition d'un calibre supérieur ou dont la longueur du canon est supérieure ou égale à 11 cm, les pistolets de tout calibre dont le magasin peut contenir plus de 10 cartouches, sont considérés comme étant des armes de guerre et font partie des armes de la 1ère catégorie.

- 4ème catégorie : armes à feu dites de défense, pistolets de combats pour duels, révolvers de tous calibres, pistolets non classés dans la 7ème catégorie et pistolets automatiques non classés à la 1ère catégorie.

- 5ème catégorie : armes de chasse.

- 6ème catégorie : cannes fusils et toutes les armes blanches.

- 7ème catégorie : armes de tir, de foire ou de salon, (carabines d'un calibre égal ou inférieur à 6 m/m, pistolets Devillers.

- 8ème catégorie : armes et munitions historiques ou de collection ou d'un modèle antérieur à 1885.

c) Les autorisations d'achat ou de détention ne permettent pas le transport ou le port de l'arme en dehors du domicile.

Le fait de la conserver dans un véhicule automobile est considéré comme un port d'arme illégal.

d) Un étranger non résident en France peut y acquérir une arme à feu sous réserve de se soumettre aux règles relatives au transport de cette arme (autorisation de transport) et à l'exportation.

4 - PORT D'UNE ARME A FEU.-

a) Le port d'une arme à feu par un particulier à l'extérieur de son domicile est soumis à l'obtention d'un permis de port d'arme.

Ce permis est délivré par le Préfet du lieu de domicile à toute personne âgée de plus de 21 ans, n'ayant pas encouru de condamnation pour crime ou délit. Le postulant doit apporter la preuve de la nécessité du port d'arme.

../..

b) Les armes à feu que les particuliers peuvent être admis à porter sont obligatoirement celles qu'ils ont été autorisés à acquérir et à détenir.

c) Il n'existe pas de catégories de personnes, autres que les membres des forces armées, de la police, des administrations publiques assurant des missions de sécurité ou de surveillance, autorisées à porter une arme.

5 - FICHIER des personnes admises à détenir une arme à feu.-

a) Il n'existe pas un fichier national des personnes admises à détenir, ou à détenir et porter une arme à feu. Il existe à l'échelon départemental.

b) Chaque Préfecture est responsable du fichier tenu à son échelon.

6. - MUNITIONS.-

Les autorisations d'acquisition et de détention d'armes valent autorisations d'acquisition et détention des munitions correspondantes dans la limite de 50 cartouches par arme.

---ooOoo---



MINISTERO DELL'INTERNO

DIREZIONE GENERALE DELLA P. S.
CENTRO NAZIONALE
DI COORDINAMENTO DELLE OPERAZIONI DI POLIZIA CRIMINALE
UFFICIO CENTRALE ITALIANO DI POLIZIA CRIMINALE INTERNAZIONALE
INTERPOL

BUREAU CENTRAL NATIONAL ITALIEN DE L'O.I.P.C. (INTERPOL)
ITALIAN CENTRAL NATIONAL OFFICE OF THE I.C.P.O. (INTERPOL)

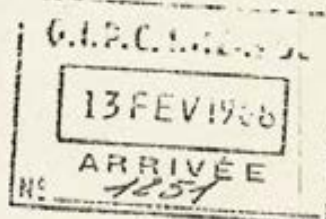
ITALIE
Téléphone: 4667 ext. 5877 - 5218 - 6840 - 5594
Télégraphe: INTERPOL ROME
Télex: 61290
Téléphoto: POSTE PRIVE INTERPOL ROME

Rome, 8th February 1968

Votre|your reference N° 57/ARMAF/108

Notre|our reference N° 010500/3/7-O.I.P.C.

The Secretary General
GENERAL SECRETARIAT
I.C.P.O. - Interpol
26, rue Armengaud
92 SAINT-CLOUD (France)



Dear Sir,

re : Firearms Regulations

With reference to your letter, file number quoted above, of Jan. 8th, 1968, concerning the control of firearms in our country, here is the information required in reply to your questionnaire:

1. TRANSPORTING firearms across frontiers.

Reply: Granted that any person wishing to buy a firearm in our country must first obtain a regular permission from the "Questore" (the head of the provincial Police force) delegated by the Prefect of the Province where he intends to buy the weapon (and this on the ground of Law N°1274, dated Nov. 22nd, 1956, photocopy of which is enclosed), we should like to point out that for the import and export of firearms, he must be in possession also of a licence which is issued to him by the "Questore", where the country into which the weapon is imported and the country from where it is exported is indicated. For firearms in transit, the application form must bear the indication of the "Questore" of the border provincial town, of the country into which the firearms are sent to and the name of the country from where they come from.

./.



MINISTERO DELL'INTERNO

DIREZIONE GENERALE DELLA P. S.

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Rome, 8th February 1968

Votre|your reference N°57/ARMAF/108

Notre|our reference N° 010500/3/7-O.I.P.C.

- 2 -

2. RETAILLING firearms...

Reply: The sale and purchase of firearms in our country is not free. A private individual wishing to buy a firearm must apply for permission, and the "Questore" after checking his real need of possessing a firearm, issues him an authorization. This authorization must be produced to the dealer.

3a ACQUIRING and OWNING firearms:

Reply: In possession of this authorization, the private individual can go to any gunshop and buy a firearm. The dealer has a registry book, on each page of which there must be a stamp of the provincial police authorities, where he must note the full name and address of the purchaser, as well as the type and serial number of the weapon bought.

The purchaser then can keep this firearm only at home. In case he wishes to carry the firearm with him he must be in possession of another permit, called "Porto d'Arma" (licence to carry weapons), which is issued to him by the "Questore".

3b Indicate the categories of weapons....

Reply: Art. 44 Reg. P.S. (Regulations on Public Safety).

According to Art. 30 of the Law, the following weapons fall under the category of common firearms:

- a) Guns with one or more barrels and with smooth-bore, muskets included;
- b) Guns with two rifled barrels, provided they are not fit for cartridges with bullets fully armoured;

./.



MINISTERO DELL'INTERNO

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Roma, 8th February 1968

Votre|your reference N°57/ARMAF/108

Notre|our reference N°010500/3/7-O.I.P.C.

- 3 -

- c) Guns with two or three different barrels (a smooth and a rifled one, or two smooth barrels and one rifled), provided they be not fit for the use of cartridges, fully armoured;
- d) Guns with one rifled barrel, that although fitted for the use of cartridges with bullets partially armoured, have a range of not more than 500 meters and a maximum sight of 300 meters.
- e) Revolving pistols and revolvers of any weight, calibre and size;
- f) Automatic pistols, the arresting power of which must not exceed 25 meters;

Air guns and indoor target guns are also considered as firearms.

Art. 28 of the "Testo Unico" states:

Beside the cases provided for by our Penal Code, the collection and possession of war weapons is strictly forbidden in our country by any private citizen if not in possession of a proper authorization, issued to him by our Ministry of Interior.

The same refers to all similar weapons, be they national or foreign; or parts of them, or ammunition or military uniforms, as well as items employed for arming or equipping national and foreign Armed Forces.

Authorization must also be requested for the manufacturing and for the import and export of these weapons or part of them, as well as for ammunition, military uniforms or for other items used for the arming and equipment of Armed Forces.

When these weapons are transported within our country, the Prefect must be informed beforehand.

The transgressor, when it does not constitute a bigger crime, is punished to serve a term of imprisonment



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- 4 -

ranging from one month to three years and to pay a fine amounting from Lire 8.000 to Lire 32.000

Art. 33 Ref. di P.S. (Regulations of Public Safety) states:

War weapons, according to art. 28 of the Law, are all weapons, both pointed and shooting weapons, employed for the arming of national and foreign troops or for military use. War type weapons are those having the same characteristics of war firearms.

War weapons which cannot be sold in the free market, are regulated by a special law issued on 2.10.1967, a copy of which is herewith enclosed.

3c Can legally acquired weapons...:

Reply: As mentioned above, a private individual in possession of the authorization to buy a firearm is not allowed to carry it.

If the owner transports or keeps his legally-acquired firearm in his vehicle in possession of no "Porto d'Arma, the Italian Magistracy considers it a crime, and he becomes responsible of carrying a prohibited weapon in his car and is liable to punishment.

3d Can a non-resident alien legally acquire a firearm...:

Reply: Also a non-resident alien can legally acquire a firearm in our country, but he must first apply for permission to the "Questore" to purchase his weapon.

4a CARRYING FIREARMS...:

Reply: He who obtains a permission to carry a firearm (Porto d'Arma) is allowed to carry with him his firearm outside his own property. He who, instead, has obtained only a permission to buy a firearm, must keep it in his own dwelling.



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Telex: 101290

Téléphoto: POSTE PRIVÉ INTERPOL ROME

Rome, 8th February 1968

Votre|your reference N°57/ARMAF/108

Notre|our reference N°010500/3/7-O.I.P.C.

- 5 -

4b What kinds and calibre of firearms...:

Reply: Yes, they must be the same as those listed in 3b.

4c Are certain categories of persons...:

Reply: There exist a special category of persons (members of the Police Forces, official agents, carrying out special duties) who are free to buy as many firearms as they want.

5a Is there a national file of persons...:

Reply: There is no national files of persons authorised to own or to own and bear firearms, but each "Questura" (Provincial Police Headquarters) have a file where names and addresses of firearms owners of their province, are entered into.

5b If so, what agency is responsible for keeping this file ?

Reply: The "Questori" in their respective provinces.

6 AMMUNITION...:

Reply: The same conditions for firearms, mentioned above, refer also to ammunition. A person who acquires legally a firearm is allowed to buy also a maximum quantity of 1.500 powdered loaded cartridges for his hunting gun, as well as 200 bullets for his pistol or revolver.

remain,

Hoping we have met with your requirements, we

Yours very truly,
IL VICE QUESTORE
DIRIGENTE

L'UFFICIO CENTRALE ITALIANO "INTERPOL"
(126, Avenue de l'Europe)

10/...

Gazzetta Ufficiale N.297 DEL 23 NOVEMBRE 1956

DECRETO LEGGE 22 NOVEMBRE 1956 N.1274 =

MODIFICHE AL TESTO UNICO DELLE LEGGI DI PUBBLICA SICUREZZA APPROVATO CON REGIO DECRETO 18 GIUGNO 1931 N.773, IN MATERIA DI ACQUISTO DI ARMI E DI MATERIE ESPLODENTI.--

IL PRESIDENTE DELLA REPUBBLICA

Visto l'art.77 comma secondo della Costituzione;

Ritenuta la necessità e l'urgenza di provvedere ad una più adeguata disciplina dell'acquisto di armi e di materie esplosive;

Sentito il Consiglio dei Ministri;

Sulla proposta del Ministro per l'Interno, di concerto con i Ministri per la Grazia e Giustizia e per le Finanze;

D e c r e t a

Art.1

L'ultimo comma dell'art.35 del testo unico delle leggi di pubblica sicurezza, approvato con regio decreto 18 giugno 1931, n.773, è sostituito dal seguente:

"E' vietato vendere o in qualsiasi modo cedere armi a privati che non siano muniti di permesso di porto d'armi ovvero di nulla osta all'acquisto rilasciato dal questore. Il nulla osta non può essere rilasciato a minori; ha la validità di un mese ed è esente da ogni tributo. La domanda è redatta in carta libera.

Il questore può subordinare il rilascio del nulla osta, di cui al comma precedente, alla presentazione di certificato del medico provinciale, o dell'ufficiale sanitario, o di un medico militare del quale risulti che il richiedente non è affetto da malattie mentali oppure da vizi che ne diminuiscano anche temporaneamente la capacità di intendere e di volere.

Il contravventore è punito con l'arresto da tre mesi ad un anno e con l'ammenda non inferiore a lire cinquantamila.

L'acquirente di armi in violazione delle norme del presente articolo è punito con l'arresto sino a sei mesi e con l'ammenda sino a lire cinquantamila.

Art.2.

All'art.42 del testo unico delle leggi di pubblica sicurezza approvato con regio decreto 18 giugno 1931, n.773, è aggiunto il seguente comma:

"Il prefetto e il questore, nelle rispettive competenze, possono subordinare il rilascio, o la rinnovazione, del permesso di porto d'armi alla presentazione del certificato previsto dall'art.35."

Art.3.

Il terzo ed il quarto comma dell'art.55 del testo unico delle

leggi di pubblica sicurezza, approvato con regio decreto 18 giugno 1931 n. 773, sono abrogati e così sostituiti:

"E' vietato vendere o in qualsiasi altro modo cedere materie esplodenti di qualsiasi genere a privati che non siano muniti di permesso di porto d'armi ovvero di nulla osta rilasciato dal questore. Il nulla osta non può essere rilasciato a minori; ha la validità di un mese ed è esente da ogni tributo. La domanda è redatta in carta libera.

Il questore può subordinare il rilascio del nulla osta di cui al comma precedente, alla presentazione di certificato del medico provinciale, o dell' ufficiale sanitario o di un medico militare, dal quale risulti che il richiedente non è affetto da malattie mentali oppure da vizi che diminuiscono, anche temporaneamente, la capacità di intendere o di volere.

Il contravventore è punito con l' arresto di tre mesi ad un anno e con l' ammenda non inferiore a lire cinquantamila.

L' acquisto di materie esplodenti in violazione delle norme del presente articolo è punito con l' arresto sino a sei mesi e con l' ammenda sino a lire cinquantamila.

Art. 4.

Le disposizioni degli articoli 1 e 3 del presente decreto legge si applicano anche nel caso di cessione tra privati, salvo l' obbligo per il cedente di darne avviso all' autorità di pubblica sicurezza ai sensi dell' art. 58, primo comma, del regolamento per l' esecuzione del testo unico delle leggi di pubblica sicurezza, approvato con regio decreto 6 maggio 1940, n. 635.

E' fatto, in ogni caso, salvo l' obbligo della denuncia, ai sensi dell' art. 38 del testo unico delle leggi di p.s., approvato con regio decreto 18 giugno 1931, n. 773.

Art. 5.

Il presente decreto entrerà in vigore il giorno della sua pubblicazione nella Gazzetta Ufficiale della Repubblica Italiana e nello stesso giorno sarà presentato alla Camera per la conversione in legge.

Il presente decreto, munito del sigillo dello Stato sarà inserito nella Raccolta ufficiale delle leggi e dei decreti della Repubblica Italiana. E' fatto obbligo a chiunque spetti di osservarlo e di farlo osservare.

Dato a Roma, addì 22 novembre 1956

G. JONCHI

Sogni - Tambroni - Moro - Andreotti

Visto, il Guardasigilli: Moro

Registrato alla Corte dei Conti, addì 22 novembre 1956

Atti del Governo, registro n. 102, foglio n. 70 - Carlonagno.

CONCORSI ED ESAMI

Ministero della sanità - Istituto superiore di sanità:

Concorso per titoli per l'assegnazione di quindici borse di studio a cittadini italiani provvisti di titolo di studio di 2° grado in materie scientifiche o tecniche . . . Pag. 5639

Concorso per titoli per l'assegnazione di cinquantotto borse di studio a cittadini italiani provvisti di laurea. Pag. 5641

Ministero della pubblica istruzione: Concorso per un posto di tecnico in prova nella carriera esecutiva (ex coeff. 157) negli osservatori astronomici, posto da ricoprirsi presso l'Osservatorio astronomico di Brera-Milano . . . Pag. 5643

Ministero dell'interno: Diario delle prove scritte del concorso pubblico a ventidue posti di vice archivista di Stato in prova nel ruolo della carriera direttiva dell'Amministrazione degli archivi di Stato . . . Pag. 5644

SUPPLEMENTI ORDINARI

SUPPLEMENTO ALLA «GAZZETTA UFFICIALE» N. 255 DEL 12 OTTOBRE 1967:

ORDINI CAVALLERESCHI

Conferimento di onorificenze dell'Ordine «Al Merito della Repubblica Italiana».

(7861)

LEGGI E DECRETI

LEGGE 2 ottobre 1967, n. 895.

Disposizioni per il controllo delle armi.

La Camera dei deputati ed il Senato della Repubblica hanno approvato;

IL PRESIDENTE DELLA REPUBBLICA

PROMULGA

la seguente legge:

Art. 1.

Chiunque senza licenza dell'autorità pubblica o introduce nello Stato o pone in vendita o cede a qualsiasi titolo armi da guerra o tipo guerra, o parti di esse, atte all'impiego, munizioni da guerra, esplosivi di ogni genere, aggressivi chimici o altri congegni micidiali, ovvero ne fa raccolta, è punito con la reclusione da due a sei anni e con la multa da lire 200.000 a lire 2.000.000.

Non si applica la precedente disposizione qualora si tratti di collezione di armi artistiche, rare o antiche.

Art. 2.

Chiunque illegalmente detiene a qualsiasi titolo le armi o parti di esse, le munizioni, gli esplosivi, gli aggressivi chimici e i congegni indicati nell'articolo precedente è punito con la reclusione da uno a cinque anni e con la multa da lire 100.000 a lire 1.000.000.

Art. 3.

Chiunque trasgredisce all'ordine, legalmente dato dall'autorità, di consegnare nei termini prescritti le armi o parti di esse, le munizioni, gli esplosivi, gli aggressivi chimici e i congegni indicati nell'articolo 1, da

lui detenuti legittimamente sino al momento dell'emanazione dell'ordine, è punito con la reclusione da sei mesi a tre anni e con la multa da lire 50.000 a lire 800.000.

Art. 4.

Chiunque illegalmente porta in luogo pubblico o aperto al pubblico le armi o parti di esse, le munizioni, gli esplosivi, gli aggressivi chimici e i congegni indicati nell'articolo 1, è punito con la reclusione da due a sei anni e con la multa da lire 200.000 a lire 2 milioni.

La pena è aumentata se il fatto è commesso da due o più persone, o in luogo ove sia concorso o adunanza di persone, o di notte in luogo abitato.

Art. 5.

Le pene stabilite negli articoli precedenti possono essere diminuite in misura non eccedente i due terzi quando per la quantità o per la qualità delle armi, delle munizioni, esplosivi o aggressivi chimici, il fatto debba ritenersi di lieve entità. In ogni caso, la reclusione non può essere inferiore a sei mesi.

Art. 6.

Chiunque, al fine di incutere pubblico timore o di suscitare tumulto o pubblico disordine o di attentare alla sicurezza pubblica fa esplodere colpi di arma da fuoco o fa scoppiare bombe o altri ordigni o materie esplodenti, è punito, se il fatto non costituisce più grave reato, con la reclusione da uno a cinque anni.

E' abrogato l'articolo 420 del Codice penale.

Art. 7.

Le pene stabilite dal Codice penale per le contravvenzioni alle norme concernenti le armi sono raddoppiate. In ogni caso l'arresto non può essere inferiore a quindici giorni.

Art. 8.

Non è punibile chi, entro trenta giorni dall'entrata in vigore della presente legge e prima dell'accertamento del reato, consegna le armi o parti di esse, le munizioni, gli esplosivi e gli altri congegni micidiali illegalmente detenuti, indicati nel precedente articolo 1 o nell'articolo 695 del Codice penale.

Art. 9.

Per i reati previsti dalla presente legge si procede a giudizio direttissimo.

La presente legge, munita del sigillo dello Stato, sarà inserita nella Raccolta ufficiale delle leggi e dei decreti della Repubblica Italiana. E' fatto obbligo a chiunque spetti di osservarla e di farla osservare come legge dello Stato.

Data a Roma, addì 2 ottobre 1967

Per il Presidente della Repubblica

Il Presidente del Senato

MERZAGORA

MORO — REALE — TAVIANI

Visto, il Guardasigilli: REALE

04305

Japon

IP TOKYO NR 42 134 5/0740 GMT

Redigé et envoyé

par III

INTERPOL PARIS

→ ARMAF. 108

NR J-NCB/109/68 STOP

CONCERNING OUR ANSWER TO YOUR QUESTIONNAIRE (J-NCB 97/68) DATED FEBRU

ARY ~~XXXXX~~ 27/68 , CONCERNING FIREARM REGULATION (YOUR REF.:57/ARMAF/

108) THE FOLLOWING CORRECTION ARE REQUESTED : 1/ITEM NO.1-A LINE 6 :

RIFLE TO RIFLE OF MILITARY TYPE STOP

~~XXM~~ ITEM NO.1-A LINE 6: FIREARM TO CANNONS STOP

2/ITEM NO.3-B (2) LINE 1 : RIFLE TO RIFLE OF ~~XXXXXX~~ MILITARY TYPE

STOP

ITEM NO.3-B (2)LINE 2: GUNS TO CANNONS STOP

3/PAGE 10 ITEM (4) LINE 58 FIREARM TO PISTOL STOP

THANKS END =

IP TOKYO +

QSL/15H35/05/03/1968/TBY

BCN SERVI

5 MARS 1968

1. -

a) Importing :

Only those firearms that are legally authorized to private individuals for possession in our country can be imported into our country. As to the conditions of firearms and persons in particular to which authorization are granted, please refer to our answer entered in 3-a and 3-b respectively. The importing of a rifle, a pistol, a machine-gun or any other type of firearm into our country is prohibited as a rule.

Our importing formalities required are as follows :

- (1) In case any person intends to import a firearm into our country, it is required for him to obtain an importing permit from the Ministry of International Trade and Industry (MITI). (In case the total price of said firearm to be imported is ¥180,000 or less, it is required to obtain importing permit for said firearm from the Director of Customs instead of MITI.) At the time of custom clearance, it is further controlled that any importer has to obtain importing permit for said firearm from the Director of Customs. In the application for the above permit, the applicant shall be required to set forth the legal basis of his possession of said firearm which he intends to import into our country.
- (2) In case any person intends to import a firearm into our country either by carrying said firearm as his personal baggage or his professional tool at the time of his entry into our country, or by sending it separately to our country after his declaration

/to

to Customs, he has to obtain importing permit for said firearm from the Director of Customs at the time of his customs clearance. In the application for this permit, he shall have the same legal basis as stated in 1-a, (1). Generally speaking, any person who enters into our country is not always immediately granted authorization for possession of said firearm legally in our country. It is customary the case with our country that prior to granting the importing permit by the Director of Customs, the Chief of the Police Station having jurisdiction over the landing place shall detain said firearm provisionally, and return it to the owner in case he has obtained permission for possession of said firearm legally in our country from the Prefectural Public Safety Commission concerned. Then his application for importing said firearms into our country is authorized by authorities concerned.

It is further controlled that those firearms which did not fall under the object of requiring permission shall not be returned to each owner of said firearm until his actual departure from our country.

b) Exporting :

Only those firearms that are legally authorized to private individuals for possession in our country can be exported from our country.

Our exporting formalities required are as follows :

(1) In case any person intends to export firearms from our country,

/it

it is required for him to obtain exporting permit from the MITI (in case firearms involving no price settlement are exported, no exporting permit is required). The person intending to export firearms from our country is further required to obtain another exporting permit from the Director of Customs at the time of the clearance of said firearms.

- (2) In case any person intends to export a firearm from our country, either by carrying it as his personal baggage or his professional tool at the time of his exit from our country or by sending it separately from our country after his declaration to Customs, he is required to obtain export permit for said firearm from the Director of Customs concerned at the time of the clearance of said firearm.

2. -

- (1) In case any person desires to sell firearms to private individuals, as business, it is required that he obtain permission of his doing so from Prefectural Governor or that he file to that effect to the Prefectural Public Safety Commission having jurisdiction over the location of his working place, depending upon the kind of firearms he so desires.
- (2) In case any person engaged in selling firearms to private individuals, as business, so desires, he shall not be permitted to do so unless it is confirmed that legal possession permit of a specified firearm is duly presented to him by the purchaser. With respect to those firearms such as Hunting gun (hunting rifle, shot-gun),

/Air-gun

Air-gun, Butcher-gun, Harpoon rifle and Harpoon gun, they shall be entered by the above seller on a prescribed book specifying type of a firearm, quantity, date of sale made and address of the purchaser at the time of the delivery of said firearm.

- (3) Prior to the purchase of a firearm, any person intending to do so is required to have the permit of possession of said firearm issued to him by Prefectural Public Safety Commission concerned.

3. -

- a) Acquiring and owning firearms are controlled depending on the description of firearms involved. Prohibition is applied to specified firearms, while permission is granted to particular types of firearms. (Please refer to our answer made in 3-b.)

- (1) With respect to those firearms which fall under the category of authorization for possession, any person is able to possess that particular firearm to which permission was granted by obtaining, in advance, the permit of possession of said firearm in our country from Prefectural Public Safety Commission concerned.

In the case stated above, it is to be noted that possession of a firearm has no direct connection with the ownership of a firearm. Therefore, any person who is actually in possession of a firearm whose ownership belongs to another individual shall be placed as responsible for the fact that he has obtained permission of possessing said firearm in our country.

/(2)

(2) Various conditions under which permission of possession of a firearm is granted are as follows :

- A. The firearm so presented shall meet the prescribed standard of firearms as stated in item 3-a.
- B. The object of possession of a firearm so requested shall conform to the intended use of said firearm so specified by our law, depending upon the description of firearms requested. For instance, with respect to hunting rifle (rifle, shot-gun) and air-gun in particular, only those firearms exclusively used for hunting, destruction of harmful birds and beasts or target practice are authorized for possession in our country. Therefore, permission shall not be granted to the applicants intending to possess a firearm for personal protection, admiration or collection purposes.

(3) Any person intending to possess a firearm shall conform to the following personal condition and requirement so stipulated by our law :

- A. As a rule persons reaching the age of eighteen years old.
- B. Any person who is neither mentally deranged nor poisoned by narcotic drugs or cannabis.
- C. Any person having a definite residence.
- D. Any person having no considerable reason to sufficiently believe that life or property of other persons or public safety is likely to be destroyed.
- E. Others.

- (4) With respect to Hunting rifle (rifle, shot-gun) and Air-gun, it is further required that any person intending to obtain permit for possession of firearms stated above has finished the training course conducted by Prefectural Public Safety Commission.
- (5) Any person having obtained permission for possession of a firearm shall at all times keep firearm relating to permission himself except for such cases under justifiable reasons. In his actual custody of said firearm, he shall not keep said firearm loaded with a ball cartridge, a blank cartridge or any metallic bullet. Except for such cases when any person intends to use his firearm for the purpose relating to permission or for other case under justifiable reason, he is not allowed to bring or carry said firearm to which permission was granted.

In the event that the person having obtained permission brings or carries the firearm for which he has obtained permission, he shall, except for such cases when he is at the actual scene of hunting or target practice, cover or put said firearm in a case without loading it with a ball cartridge, a blank cartridge or any metallic bullet.

- b) (1) The law prescribing the possession of firearms etc. in our country is the one entitled "Law Controlling Possession Etc. of Firearms and Sword". "Firearms" in this law shall mean pistols, rifles, machine-guns, guns, hunting-guns and any other firearms charging with gunpowder and air-guns (including those using compressed gas) that have mechanism of shooting metallic bullets.

- (2) Of those firearms stated above, pistols, rifles, machine-guns and guns are, as a rule, prohibited for possession in our country, therefore no permit shall be granted to any private individual. (With respect to exception of permission of possession of a pistol, please refer to our Referential information added at the end of this answer.)

With respect to an old type of firearms such as matchlock type of firearms worthy as an object of art or an antique, any person can legally possess them in our country in the event that any owner or any one who is in possession of said firearms has obtained registration for said arm by making his application for registration to Prefectural Education Board concerned.

- (3) Of those firearms relating to permission for possession of firearms in our country, functional and structural conditions for hunting guns (rifle, shot-gun) and air-guns are as follows :

- A. Those firearms not belonging to the type of continuous automatic percussion.
- B. As part of structure of a firearm, no magazine or cylinder capable of loading more than six ball cartridges or metallic bullets.
- C. Required calibre of the firearms stated above is as follows :
- Rifle under 10.5 mm. (under 12 mm. for rifle used for capturing a sea-horse or a bear etc.).
- Shot-guns Smaller calibre than guage 12 (Smaller than guage 8 : used for capturing a "walrus" or a bear).

Air-guns Eight mm. or less (As to air shot-gun ...
12 mm. or less)

(As to anesthetic air-gun ...
15 mm. or less).

D. Length of barrel of rifles and shot-guns shall be 48.8 cm. or over.

E. Over-all length of rifles and shot-guns shall be 93.9 cm. or over.

Over-all length of air-guns shall be 79.9 cm. or over.

F. As part of structure of firearms, no silencing device is attached to said firearms.

G. There shall be no serious defects likely to cause danger at mechanized or barrel part of said firearms.

(4) Other firearms to which permission for possession in our country is granted are as follows :

Rescue rope discharging gun, Signal guns for rescue, Butchering guns, Harpoon gun, Harpoon rifle, Signal guns for whaling, Rivet discharging guns for construction, and Rope discharging guns for construction etc. With respect to those firearms, there is no structural and functional conditions applied to said firearms except the fact that there is no distinct defects likely to cause danger on mechanized or barrel part of said firearms.

c) Yes, on condition that these weapons are used for the intended purpose authorized or for other justifiable reason.

d) Yes, so long as various conditions required is met as stated in item 3-a and 3-b.

4. -

a) Self-evident by our statement in 3-a.

b) Self-evident by our statement in 3-b.

/c)

c) Other than police officers etc., possession of firearms by any person without permit is authorized strictly in cases specified below :

- (1) In case any official of the State or local public entity possesses them for test or research, for use in teaching material of the short training course or for display to public.
- (2) In case any manufacturer or seller etc. possesses the weapons under his manufacture for business.

It is to be noted that even in such cases stated above, the above listed persons are not authorized to carry or bring said firearms without justifiable reasons.

5. -

a) Yes.

b) The National Police Agency is responsible for keeping this file up-to-date.

6. Any private individual intending to purchase ammunition for firearms, shall be in possession of a firearm to which permit has been granted by authorities concerned. He is further required to obtain the permit of transfer of ownership of his firearm from the Prefectural Public Safety Commission concerned. However, any person purchasing ammunition of a firearm for hunting purposes shall not be required to possess the permit of transfer of the ammunition in the event that he intends to purchase the ammunition which is less than the quantity so fixed. It is further stated that prior to business transaction a seller who is responsible for sale of an ammunition to private

/individuals

individuals has to obtain permit for doing so from Prefectural Governor concerned.

(Referencial information)

It is to be noted that any person falling under any one of the following items shall only be authorized to obtain each permit of possession of a firearm in our country.

- (1) Any person intending to possess a firearm necessary for use in such test or research after acquiring a required certificate issued to him by related Administrative agencies.
- (2) Any representative athlete or its candidate both of whom are recommended by the Japan Athletic Association to participate in pistol shooting match of the athletic game such as Olympic Games etc. to be held in an international scale, intends to possess a pistol for use in said pistol shooting match.
- (3) Any person recommended by the Japan Athletic Association as a person engaging in umpire of athletic match in the athletic game to be held in an international or nation-wide scale, intends to possess a signal gun for the athletic game or a pistol for use in starting signal of said athletic match.
- (4) Any foreigner participating in an international match to be held in our country, who intends to possess a pistol necessary for use in said pistol shooting match.

It is further noted that any person falling under each of the items listed above, who is able to possess said firearm upon receiving permission shall not be authorized to bring or carry said firearm unless he has any justifiable reason to do so, (please refer to our answer as stated in 3-a) and that he is also under strict control of our law with respect to the condition of custody for his firearm to which permission had already been granted.



Polícia Internacional
e de Defesa do Estado

Rua António Maria Cardoso, 20-LISBONNE
Adresse Télégraphique: Interpol

O. I. P. C.
(INTERPOL)
GABINETE NACIONAL
LISBOA-PORTUGAL

Nº. 773/68-BCN

Paul

Lisbonne, le 23 de Février 1968

Monsieur le

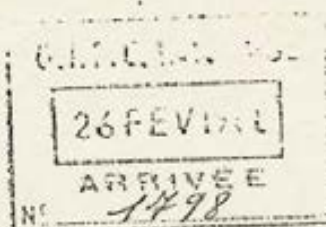
Secrétaire Général de l'OIPC-Interpol

26, rue Armengaud

92 Saint-Cloud

→ ARMAF/108

FRANCE



En référence à votre lettre O.I.P.C.-Interpol Nº.

57/ARMAF/108 du 8 Janvier 1968 écoulé, concernant la réglementation des armes à feu, j'ai l'honneur de vous fournir ci-dessous les réponses à votre questionnaire:

- 1) - a) L'entrée d'armes propriété d'étrangers, est permise une fois qu'ils les déposent au poste de frontière par lequel ils sont entrés au Pays et sollicitent l'autorisation compétente au Commande-Général de La "Polícia de Segurança Pública".
b) La sortie des armes acquises dans notre Pays est également permise dès qu'on demande permission pour ça au Commande-Général de la "Polícia de Segurança Pública".
- 2) - Les armes en question ne pourront être vendues que en des magasins situés dans les capitales des arrondissements dès qu'ils ont un permis concédé par les respectifs Gouvernements Civil.
- 3) - a) Peuvent seulement acquérir des armes les individus munis des permissions ou des autorisations compétentes délivrées par les Commandants de la "Polícia de Segurança Pública", de leurs arrondissements. Les autorisations en question sont seulement concédées aux individus d'idoneité bien con

Polícia Internacional
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(INTERPOL)
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LISBOA-PORTUGAL

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nue et qui justifient le besoin de porter et utiliser des armes.

- b) Les particuliers peuvent détenir des pistolets de calibre inférieur à 7,65m/m ou des revolvers de calibre inférieur à 9m/m. La longueur du canon de ces armes ne doit cependant excéder 7,5cm pour les pistolets de calibre non supérieur à 6,35m/m, 6cm pour ceux compris entre les calibres 6,35m/m et 7,65m/m et 10cm pour les revolvers.
- c) Une personne dûment autorisée à porter et détenir une arme, peut la transporter ou la détenir dans son véhicule.
- d) Si.
- 4) - a) Quelque particulier peut transporter une arme une fois muni de permission de port et détention d'arme, concédée par le Commande de la "Polícia de Segurança Pública" de l'arée de son arrondissement.
- b) Si.
- c) Oui, avec le conditionnement cité dans l'alinéa 3 - a)
- 5) - a) Si.
- b) Le Commande-Général de la "Polícia de Segurança Pública".
- 6) - Elle est faite exclusivement dans les magasins autorisés au commerce d'armes, aux titulaires de permissions de port et détention d'arme, où est élargé le calibre des munitions qu'ils prétant acquérir.

Answers to Questionnaire

1. a) Yes - Firearms and ammunition must be declared at the port of entry to H.K. Customs, who will retain them for a short period, pending the owner making an application to police in the area where he resides for the grant of a firearm certificate for the weapons and ammunition in question. The issue of a certificate will depend on the applicant satisfying the Chief Officer of Police that he has a good reason to possess them in this country.

b) Firearms shown in possession on a firearm certificate can be taken out of the country, but they must be declared to the Customs authorities. Alternatively, a Registered Firearms Dealer can have them exported for the purchaser by means of a Board of Trade Licence.

2. It is controlled by legislation contained in the Firearm Acts of 1937 and 1965. The Dealers must record details of acquisition and sale of firearms and ammunition. The purchaser must obtain a firearms certificate prior to purchase. Retailing is not outlawed.

3. a) It is controlled by the above mentioned acts. Details of weapons and ammunition held must be declared on initial application, variation and renewal forms when they are submitted to police for the grant variation and renewal of firearm certificates. An authorisation is required prior to the purchase of a firearm or ammunition. It is not outlawed.

Generally speaking firearms certificates are issued to private individuals in respect of rifles and pistols/revolvers, for use on authorised ranges. The individual who should not be a prohibited person must produce proof of full and current membership of an approved club which has facilities for use of the weapon required (i.e. small bore or full bore, rifle or pistol). Furthermore, adequate security must be provided at the applicant's address, failing this alternative security arrangements must be made, e.g. the weapons retained at the approved club if facilities exist for this.

Persons sentenced to preventive detention, corrective training or imprisonment for 3 years or more are prohibited from possessing firearms and ammunition.

Persons sentenced to three months or more, but less than three years are similarly prohibited for five years from date of release.

b) Rifle and pistols or revolvers of any calibre e.g. .22 to .455 (including "Magnum" and "Special") but not gas operated or fully automatic weapons, i.e. weapons which fire continuously whilst the pressure on the trigger is maintained, or until the magazine has been emptied. Weapons or devices that are capable of firing a gas or noxious substance are regarded as "prohibited" and their possession is outlawed.

c) Weapons and ammunition can be transported for legitimate use e.g. to and from the range or shooting clubs, provided the holder takes adequate precautions to safeguard them from a security point of view.

d) Yes, provided he can satisfy the requirements necessary for a resident in this country.

4. a) The applicant must state where the weapon will be used on his application prior to a certificate being issued. Certain conditions are inserted in the certificate concerning the use of weapons and these must be strictly adhered to. Failing to do so can result in proceedings being instituted. A list of some of the conditions commonly inserted is enclosed, (Marked 'A'). These are inserted at the discretion of the Chief Officer of Police by whom the certificate is issued.

b) Yes.

c) Private persons are not authorised to possess firearms for the purpose of protection. Sometimes, however, Crown Servants are authorised to do so in the exercise of their official duties. This, usually, is applicable in cases where they are travelling abroad. Firearms are only issued to Police in exceptional cases, e.g. when arresting an armed criminal.

5. a) (b) No - Each Chief of Police maintains a record of private individuals who are issued with firearm certificates and Dealers who are registered in his area.

6. Ammunition is sold by firearm Dealers registered by police to private individuals who possess a current firearm certificate

authorising the acquisition of ammunition for the weapon shown on their certificate. Approved rifle and pistol clubs buy ammunition in bulk for use on their ranges by their members. If the ammunition is purchased and used on the range, but not taken away from it, no authorisation in the certificate is necessary.

"A" U.K.

Standard Conditions Special Conditions and Instructions
Entered in Firearm Certificates.

STANDARD CONDITIONS (and Instructions)

1. Condition. (Hire for Theatrical or Film Use).

The firearm(s) authorised to be acquired may be used only for theatrical or film purposes. They shall be hired from a registered firearms dealer and shall be returned when no longer required. A second or subsequent hiring is not authorised unless the certificate is specially varied for that purpose.

2. Instruction.

Authorities in this certificate to acquire firearms are valid for ONE hiring only.

3. Condition. (Purchase for Theatrical or Film use).

The firearm(s) shall be used only for theatrical or film purposes and the holder of this certificate shall take adequate steps to ensure the recovery and safe custody of the firearms after each performance, rehearsal or production.

5. Condition. (Slaughter of Animals).

The weapon(s) to be used only for the slaughter of animals. Additional authority for slaughter of animals (to be added at 1 (ii) of certificate when instructed).

One additional slaughtering instrument to be hired or borrowed when the instrument in possession is not available for use.

6. Condition. (Race starting).

The weapon(s) to be used by the Official Starter at Sports Meetings.

7. Condition. (confining use to Authorised Ranges only).

The firearms shown in the certificate
~~The pistol (or revolver)~~ may be used only on authorised pistol (or revolver) ranges.

9. Condition. (War Trophy).

The firearm(s) may be possessed only as a War trophy (1914-1918) (without ammunition) and may not be possessed, used or carried for any other purpose.

10. Condition. (Persons under 17 years of age).

No firearm or ammunition must be sold or let on hire to the holder of this Certificate prior to on which date he will attain the age of 17 years.

2.

11. Condition. (Used by Cadet Corps, or Rifle Clubs).

The firearm(s) to be used only for drill (or for target practice on authorised ranges) by members of the Cadet Corps (or Rifle Club).

SPECIAL CONDITIONS (to be entered in certificate only when specified)

(Additional authority for slaughter of animals).
(to be added at 1 (ii) of Certificate when instructed).

One additional slaughtering instrument to be hired or borrowed when the instrument in possession is not available for use.

(Service condition - Weapon).

The weapon may be used only as an Equipment Arm whilst holder is serving in H.M. Forces.

(Service condition - ammunition only).

(Use abroad)

The holder is authorised to possess the firearm in the United Kingdom. Thereupon to be retained solely for use abroad.

(~~Export~~)

(Combined practice and subsequent export (usually U.S.A.F.'S))

The weapon/rifle or pistol to be obtained (or retained) solely for use on authorised ranges, and for subsequent export from the United Kingdom.

(Museum Condition).

The firearm(s) entered herein are to be retained solely as museum pieces.

(Demonstration purposes).

The firearm(s) may be used only for demonstration purposes.
(ONLY FOR DEMONSTRATION OR PHOTOGRAPHIC PURPOSES).

Special built up area.

Rifle not to be used in a 'built up' area or near to any thoroughfare to which the public has access.

Rifle not to be used in a 'built up' area or near to any thoroughfare to which the public has access. Police of district concerned to be consulted before shooting takes place.

3.

(Merchant Navy Condition).

The revolver and ammunition may be retained only whilst holder is serving with the Merchant Navy.

(Ships or Aircraft equipment)

The Very Light pistol to be retained solely as part of the equipment of a ship (aircraft or airdrome).

TO BE ADDED TO FORM 29 ONLY WHEN INSTRUCTED.

Section 11 (2) Your attention is drawn to Section 11 (2) of the Firearms Act, 1937, as set out on Page 1 of the certificate.

BLANK AMMUNITION. The authority to purchase and possess Blank ammunition is not required to be entered in this certificate.

Section 11 (2) and Gun Licence combined. See above.

Shot Gun Ammunition. Ordinary shot gun cartridges may be obtained and kept without being shown on the firearm certificate.

Acquisition of pistol or revolver ammunition for target practice. (Ammo. shown in 2 (i) and (ii)). Additional pistol (or revolver) ammunition required for target practice must be acquired and used on authorised pistol (or revolver) ranges.
(If there is no pistol or revolver ammunition shown at 2 (i) and (ii) OMIT THE WORD ADDITIONAL).

GAME ~~CERTIFICATE~~ LICENCE. The holder of a firearm certificate is not relieved from the obligation to take out a Game ~~or Gun~~ Licence when necessary.

Make and/or number of weapon for records purposes. It is requested that you will inform this Office, in due course of the Make and/or number of the for record purposes.

Requesting completion of Form 13. It is requested that you will complete the enclosed form, where indicated, and return it to this Office for record purposes. (Form 13 to be typed as far as possible).

Drawing attention to special conditions. Underline in red the words 'Special attention is called to Page 5 which shows the conditions under which the certificate is held'.

Further renewal. Your attention is drawn to the fact that further renewal will be necessary on

Asking for Bank or Private address. It is requested that you will be so good as to forward to this Office, for record purposes a Bank or private address.

No. OIPC/39/Be/j.6
ad OIPC-Interpol
No57/ARMAF/108

Secrétariat général de
l'OIPC-Interpol
26, rue Armengaud
92 - Saint-Cloud
France

Objet : Réglementation des armes à feu

Monsieur le Secrétaire général,

Nous avons l'honneur de répondre comme il
suit au questionnaire qui accompagnait votre circulai-
re du 8 ct. :

1. Passage d'une arme à feu aux frontières

a) Importation : A teneur d'une ordonnance du Départe-
ment militaire fédéral du 8 août 1967, l'importation ou
le transit d'un pistolet ou revolver par personne, avec
25 cartouches au maximum, sont autorisés dans le trafic
des voyageurs. Aucune formalité n'est prévue sous résér-
ve de ce qui est exposé ci-dessous sous 4a.

b) Exportation : La même réglementation est valable pour
l'exportation.

Cette réglementation constitue une exception aux princi-
pes fixés par l'arrêté du Conseil fédéral du 28 mars 1949
en vertu desquels l'importation de "matériel de guerre"
(par quoi il faut entendre notamment les armes à feu d'un
calibre supérieur à 6,2 mm) est soumise à autorisation
et l'exportation et le transit interdits.

2. Commerce des armes à feu

Selon un concordat intercantonal du 20 juillet 1944, celui qui vend professionnellement des armes et des munitions doit être en possession d'un permis (patente d'armurier) délivré par l'autorité cantonale.

3a. Acquisition et détention

A teneur du même concordat intercantonal, celui qui veut acquérir une arme à feu d'un vendeur patenté doit produire un permis d'achat d'armes délivré par l'autorité de police locale. Le permis d'achat d'armes doit être refusé :

- aux mineurs de moins de 18 ans;
- aux aliénés et aux faibles d'esprit;
- aux interdits de droit civil;
- aux buveurs d'habitude soumis à un patronage;
- aux personnes frappées de l'interdiction de fréquenter les débits de boisson (peine accessoire du Code pénal);
- aux personnes astreintes à fournir un cautionnement préventif (art. 57 du Code pénal);
- aux personnes condamnées pour des infractions dénotant un caractère violent ou dangereux, tant que l'inscription au casier judiciaire n'a pas été radiée;
- aux personnes qui, pour d'autres délits, ont été condamnées plusieurs fois à la réclusion ou à l'emprisonnement, tant que l'inscription au casier judiciaire n'a pas été radiée;
- aux personnes privées des droits civiques par jugement pénal.

La détention d'une arme à feu dans un local quelconque n'est soumise à aucune réglementation.

- 3b. La réglementation sus-décrite est applicable à toutes les catégories d'armes à feu d'un calibre de plus de 6,2 mm.

La vente professionnelle d'armes automatiques de tous calibres est interdite. Echappent à cette réglementation les armes de chasse, les armes de sport d'un calibre inférieur à 6,2 mm. et celles d'un calibre supérieur qui sont à un coup et qui, pour un spécialiste, sont incontestablement reconnaissables comme armes de sport.

- 3c. L'arme peut être transportée ou conservée dans un véhicule sans autorisation supplémentaire ou moyennant l'obtention d'une autorisation de port d'armes, suivant le lieu d'immatriculation du véhicule (voir sous 4a).
- 3d. Les seules restrictions à l'acquisition d'armes à feu sont celles indiquées sous 3a.
- 4a. Le port d'une arme à feu n'est pas réglementé de façon uniforme en Suisse, pays à structure fédéraliste. Le port d'arme est libre dans les cantons de Berne, Nidwald, Glaris, Fribourg, Bâle-Campagne, Appenzell (Rhodes extérieures et intérieures), Argovie, Thurgovie, Grisons et Neuchâtel. Dans le canton de Genève, il existe une interdiction générale de porter des armes "lors de manifestations pouvant nécessiter l'intervention de la force publique". En Valais, l'autorisation de port d'armes n'est pas prescrite dans la vallée du Rhône, mais bien dans les vallées latérales et sur les chantiers de montagne. L'autorisation de port d'armes est exigée dans les cantons de : Zurich, Lucerne, Uri, Schwyz, Obwald, Zoug, Soleure, Schaffhouse, Saint-Gall, Tessin, Bâle-Ville et Vaud.

Lorsqu'il est réglementé, le droit de porter une arme n'est pas soumis à d'autres restrictions que celles énoncées sous 3a pour l'acquisition.

- 4b. Oui.
- 4c. Non.

5a. Il existe seulement un fichier des personnes admises à porter une arme dans les cantons qui connaissent l'institution du port d'arme (voir sous 4a).

5b. L'autorité de police cantonale.

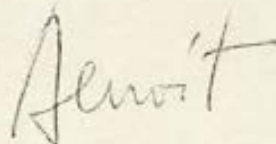
6. Munitions

La vente de munition n'est pas réservée aux seules personnes admises à porter une arme. La vente professionnelle est réglementée de la même façon que celle des armes à feu (voir sous 2). Il n'est pas exigé de permis d'achat. Les restrictions limitant la vente des armes à feu (voir sous 3a) ne sont pas applicables. En revanche, l'acquéreur qui n'est pas personnellement connu du vendeur devra présenter une pièce d'identité officielle, munie d'une photographie, attestant son état civil et son adresse; il devra en outre signer un registre, attestant ainsi avoir reçu la marchandise.

Restant à votre disposition pour tous renseignements complémentaires, le cas échéant, nous vous prions d'agréer, Monsieur le Secrétaire général, l'assurance de nos meilleurs sentiments.

MINISTÈRE PUBLIC FÉDÉRAL
Secrétariat suisse de l'INTERPOL

Annexe : copie de la présente.

A handwritten signature in dark ink, appearing to be 'A. J. ...' or similar, written in a cursive style.

1 - TRANSPORTING firearms across frontiers.

Thailand

- a) Importing : A person can import temporary for a period of 6 months into our country firearms which he has legally acquired and had in his possession in the country of which he is a resident. When the firearms are imported, on arrival they must be kept in custody at the first Customs checkpoint. He then must file an application with the local Registrar of firearms for the permission to bring them into the country within 90 days from the date of delivery of the firearms to the Customs Official. The permit will be granted for a period of 6 months.
- b) Exporting : A person can export from our country firearms which he has legally acquired and had in his possession. He must ask for the permit to export from the local Registrar of firearms. This permit has to be shown to the Customs Official.

2 - RETAILING firearms (to private individuals in your country) :

It is under control.

The dealer is not required to declare the purchaser's identity.

The purchaser is required to obtain prior authorization.

If the permission is not given it is outlawed.

3a- ACQUIRING and OWNING firearms :

This is controlled.

It is subject to declaration when permit is asked.

An authorization is required from the Registrar of firearms.

If permission is not granted it is outlawed.

An application stating the reasons for acquiring and owning firearms must be lodged with the Registrar of firearms. His record must be checked. If he is considered to be a fit person to acquire and own firearms the permit will be issued. Then he can purchase. He must keep the firearms in the place mentioned in the permit.

3b- The revolvers and automatic pistols must not be over .45 calibre.

3c- Legally-acquired weapons can be transported by their owner or kept in the latter's vehicles if there is sufficient reason.

3d- A non-resident alien cannot acquire a firearm in our country except for temporary use according to 1.

4a- CARRYING FIREARMS by a private citizen outside his own property :

This is controlled.

It is subject to prior authorization from the Registrar of firearms.

The carrying of firearms must be unnoticeable. They can be carried to anywhere in the Kingdom. If the firearms are to be carried within the Province it is in the power of the Governor of that Province to grant permission. If they are to be carried anywhere in the Kingdom, it is in the power of the Director General of Police to grant permission.

4b- Private citizens are allowed to carry firearms mentioned in 3b.

4c- Certain categories of persons (besides members of the armed forces, the police and other official agencies engaged in protecting the public and keeping public order) are authorized by law or administrative order to carry firearms. The permission must be asked as mentioned in 4a.

5a- There is no national file of persons authorized to own or to own and bear firearms.

6 - AMMUNITION-- The sale of ammunition is limited to persons who have been authorized to own those firearms only. The amount of ammunition allowed is :-

a) Pistol : each purchase not more than 12 cartridges and not more than 36 cartridges per year.

b) Rifle : each purchase not more than 15 cartridges and not more than 60 cartridges per year.

c) Shotgun: each purchase not more than 25 cartridges and not more than 500 cartridges per year.

d) .22 : each purchase not more than 200 cartridges and not more than 1,000 cartridges per year.

e) Airgun : each purchase not more than 1,000 pellets.



Copenhagen
Copenhagen

7th June, 1968

DENMARK

INTERPOL n°

Hj. 1968-90-3

Bureau Central National Danois
de l'Organisation Internationale de
Police Criminelle
INTERPOL Copenhagen

destinatario:

Interpol WASHINGTON

destinatario:

copie à:

Interpol PARIS SG.

aplicación para:

référence:

reference:

referencia:

No. 27/US/8/815

Texte: Laws Applying to Firearms

Text:

Texto:

Referring to your circular letter of 28th May, 1968 requesting information on regulations in force in Denmark as to possession of firearms and use of firearms in connection with certain categories of crimes please find my replies to the questions as follows:

Re 1 and 2.

The permit to possess and use firearms is given by the police authorities provided that the latter find that the applicant has a reasonable interest in obtaining such permit.

It is normally expected that such permits can be given to rifle clubs members, persons who possess a special game licence, and persons who use firearms in their legal occupation such as veterinaries.

Without such permit firearms must not be possessed or used. Thus Danish citizens do not normally obtain firearms licences, and it should be added that it is not possible in Denmark to obtain such licence for the sole purpose of self-defence.

Along with the permit is given a permission to transport of the weapon subject to certain limitations in most cases for instance to the effect that the weapon is only to be transported between home and shooting range. A general permit to carry firearms is not given.

Re 3.

88-1, 2. However, the Danish criminal statistics do not indicate to which extent firearms have been used in commission of homicides (murders) and robberies, nor to which extent arrested persons have been found in possession of firearms.

It will hardly be possible to prove any tendency with regard to the use of firearms in connection with the mentioned crimes, but I can just ascertain that in my opinion there is no question of neither a significant increase nor decrease in the rather few cases in which firearms have been used in Denmark in commission of crimes.

Andriagun

F. C. V. MAGIUS
ASSISTANT NATIONAL COMMISSIONER
OF THE DANISH POLICE FORCES
C. I. D.

Reference to your covering letter of 24th May, 1968 re-
questing information on regulations in force in Denmark as to
possession of firearms and use of firearms in connection with
certain categories of crime please find attached to the
questionnaire the following:

• 3.648 f 32

AG/SL

French Republic
Department of the Interior
General Direction of the
National Security

Direction of the Services
of Judicial Police

SN.PJ.SER.RI.BCN Nr. 15131
Dept Arms

International Organization of Criminal Police
Interpol

Paris, July 5, 1968

The Director of Judiciary Police
Chief of B.C.N., France

to
The Chief of the National Central Bureau
Interpol
Room 1130, MF
U.S. Treasury Department
Washington, D.C.

Subject: French legislation on fire arms control.

In your letter Nr. 27/US/8/815 of May 28, 1968, you asked me to send you all information concerning the laws on the control of fire arms in France.

I have the advantage of sending you, under this cover, a brochure published by the Services of the Franc Official Journal which includes all the details of the regulation applicable in France to the control of fire arms and amunitions.

You will find in this document all the details on the laws and decrees applicable in this field as well as the answers to the several items listed in your letter.

Concerning the statistical problems, I can not answer with exactitud to your questions. However, I can give you the following figures which should, as a whole, be sufficient for your information:

1- Homicides -

During the years 1965, 1966 and 1967 the number of homicides has been relatively constant varying between 1,000 and 1,200.

Among these homicides about 50% were committed with the use of fire arms.

2- Major arm^s robberies (hold up) +

The figures concerning major arm robberies for the past three years are:

1965	:	400
1966	:	440
1967	:	580

In this field the progression is constant and has been particularly important during 1967.

Sincerely yours,



YOUR REFERENCE:

OUR REFERENCE: 0507/ 2132

SUBJECT: Laws Applying to FIREARMS

NATIONAL CENTRAL BUREAU
(N.C.B.)DIVISION OF FOREIGN AFFAIRS,
POLICE DEPARTMENT, PATUMWAN,
BANGKOK, THAILAND.
CABLE ADDRESS "INTERPOL BANGKOK"

July / 9 , 1968

Chief of Division
Foreign Affairs Division
Police Department, Patumwan
Bangkok, THAILAND.

to

Chief N.C.B.
Interpol National Central Bureau
Room 1130 MT
U.S. Treasury Department
15th & Pennsylvania
Washington, D.C. 20220
U. S. A.

With reference to your letter No. 27/US/8/815 dated May 28, 1968 concerning the abovementioned subject, we should like to answer your questions as follows:

1 A. The possession of firearms: Section 7 of the Act controlling Firearms Ammunition Explosives Fireworks and Imitation of Firearms B.E. 2490 (1947) prohibits any person to have firearms in possession unless a licence is being granted by the local Registrar. Applications have to be filed and the local Registrar shall issue the licence. Section 13 prescribes that no licence shall be issued to:

(1) Any person who has been imprisoned for certain offences under the Penal Code such as offences against the Security of the Kingdom and offences against Life and Body.

(2) Any person who has been imprisoned for certain offences under the Firearms Act such as illegally trading in firearms and ammunition and illegally possessing firearms and ammunition.

(3) Any person who within five years prior to the date of filing the application for a licence has been imprisoned twice or more for any offence other than those provided in (1) and (2) except offences committed through negligence or petty offences.

(4) Persons not Sui Juris.

(5) Persons who, for reason of physical infirmity, are unable to use firearms, provided that such persons may be licenced to keep firearms as antiques.

(6) Persons adjudged incompetent or quasi-incompetent or found to be of unsound mind or mental infirmity.

(7) Persons with no means of living or income.

(8) Persons with no fixed habitation.

(9) Persons of such grossly bad character as to constitute a danger to public peace.

1 B. The carrying of firearms about the person: The Director General of the Police Department has the power to grant licences for the whole of the Kingdom of Thailand. The Governor of each province has the power to grant licences in his respective province. Applications for carrying firearms for the purpose of defending the person and property must be filed with the Registrar of the locality where he resides. The applicant has to be responsible for the property while travelling not less than Baht 20,000 (approximately U.S. \$ 1000)

2 A. The possession of Rifles: The law forbids anyone to possess the following types of rifles:

- (a) Carbines, type 47, 8 mm.
- (b) Carbines, type 47/66, 8 mm.
- (c) Carbines, type 83, 6.5 mm. and 7.62 mm.
- (d) Rifles, type 45, 8 mm.
- (e) Rifles, type 46, 8 mm.
- (f) Rifles, type 45/66, 8 mm.
- (g) Rifles, type 46/66, 8 mm.
- (h) Rifles, type 83, 6.5 mm. and 7.62 mm.
- (i) Rifles, type 66, 7.62 mm.
- (j) Rifles, type 66, 8 mm.
- (k) Rifles, type Rama VI, 7.69 mm.

The law allows anyone to possess all other types of rifles. Applications have to be lodged according to 1 A.

2 B. The law allows the possession of shotgun. Applications have to be filed according to 1 A.

2 C. Registration: Anyone who brings firearms into the country has to deliver to the Customs Authorities at the first check point and must file an application for licence to bring the same into the country within 90 days from the date of delivery. After such licence is granted, within 60 days, the applicant has to obtain firearms from the Customs Authorities. The applicant, within 30 days from the date when the firearm was released from the Customs Authorities, has to take out a licence to possess and use firearms.

3 A. The statistics of crimes where firearms are used in robbery homicide and murder.

Offences	1964	1965	1966	1967	Jan. - May 1968
Commission of robbery by firearms	3117	2852	2131	2429	1147
Commission of homicide and murder by firearms	4130	4348	4242	4491	2071

3 B. The total number of general crime offences.

Year	total number of offences
1964	213,654
1965	256,732
1966	167,180
1967	not available
Jan. - May 1968	not available

3 C. The numbers of persons arrested in connection with firearms.

Year	Persons
1963	12,502
1964	14,444
1965	10,184
1966	14,400
1967	14,040

We hope this information will be of interest to you.

Police Maj. Gen.

Amroong Skulratana

(Amroong Skulratana)
Division Chief

WILKINSON
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RECEIVED

CANADA - 1968

<u>Year</u>	<u>Total No. of Victims</u>	<u>Shooting</u>	<u>Beating</u>	<u>Stabbing</u>	<u>Strangling</u>	<u>Suffocating</u>	<u>Explosive</u>	<u>Drowning</u>	<u>Arson</u>	<u>Other</u>	<u>Not Reported</u>
1961	185	84	47	33	9	3	1	—	1	—	7
1962	217	81	53	42	21	5	2	3	—	—	10
1963	215	99	49	37	13	3	4	2	2	1	5
1964	218	105	48	40	13	3	—	3	—	3	—
1965	243	112	70	34	13	3	—	3	2	5	1
1966	220	91	68	27	17	4	1	5	2	3	2

BUNDESKRIMINALAMT

DEUTSCHES ZENTRALBURO DER INTERNATIONALEN KRIMINALPOLIZEILICHEN ORGANISATION
INTERPOL WIESBADEN

BUREAU CENTRAL DE LA REPUBLIQUE FEDERALE D'ALLEMAGNE - CENTRAL BUREAU OF THE FEDERAL REPUBLIC OF GERMANY

AL/A - 625-633/68

Tgb.Nr. 9242/68

62 Wiesbaden 1, 12th July, 1968

Postfach A

Trömkweg / Fernruf 3831

Telex: 04 186-867 - Interpol Wbn

Bei Antwortschreiben bitte angeben.

Prière rappeler dans la réponse, la date et les indications ci-dessus.

In reply, please refer to this file number and date.

Interpol National Central Bureau

Room 1130 MT

U.S. Treasury Department

15th and Pennsylvania

WASHINGTON, D.C. 20220

U.S.A.

The new Federal Firearms Law dated 14th June, 1968, applies in equal fashion in all Federal States of this country to

- the definition of firearms as well as of cut-and-thrust weapons and of ammunition and projectiles and of the essential parts of firearms;
- the manufacture, preparation and servicing, commerce and importation of arms;
- the book-keeping, application of marks, keeping and control;
- the prohibitions of manufacture, commerce and importation as well as the cession of arms;
- the check and admission of hand-guns and ammunition;
- the carrying and purchase of weapons through Federal Authorities and through Federal agents, and
- the pertaining punishments and fines.

According to article 1 (1) firearms in the sense of the above-quoted law are defined as portable weapons which are destined for attack, defence, sports, play or hunting and which are conceived such that projectiles will be driven through a barrel.

The following portable devices are also regarded as being firearms:

- 1/ devices which are constructed in a way that solid bodies are propelled indirectly by muscular strength, when they can be used for the shooting at an aim and when the propulsion can be blocked by way of a special appliance;
- 2/ devices which are destined for the shooting of ammunition;
- 3/ devices which are destined for commercial and technical purposes and in which ammunition is used for the propulsion (shooting devices).

As hand-guns in the sense of the recent law are to be considered:

- 1/ firearms in which hot gases are used for the propulsion of the projectiles;
- 2/ devices as described under 2/ and 3/ above.

Such firearms as are longer than 40 cm/s are regarded as long barrellled arms, whereas firearms which do not reach a length of 40 cm/s are short barrellled arms.

As ammunition in the sense of the present law are to be mentioned

- 1/ shells with loadings containing the projectile (shell ammunition);
- 2/ shells and loadings which do not contain a projectile (cartridge ammunition);
- 3/ shells with loadings containing a projectile which - after having been fired - is propelled by the loading contained therein (missiles).

Projectiles. These are defined by law as follows:

- 1/ solid bodies or
- 2/ liquids or gases contained in coverings which are destined and prepared to be fired from firearms, but which do not contain the loading required for their propulsion.

Essential parts of firearms. These are:

- 1/ the barrel, the locking as well as the shell or cartridge chamber;

- in the case of
- 2//firearms, in which an inflammable, liquid or gas-like mixture is used for propulsion, the combustion chamber and the application which is installed for the production of the mixture mentioned are considered as 'essential parts', too;
 - 3/ with firearms in which the propulsion is a different one still, also the application affixed for propulsion is considered as an essential part but only when it is an unseperable part of the firearm.

Contrary to the Firearms Law dating from 18th March, 1938, which had been in effect up to now, authorization pertaining to the purchase and the carrying of weapons by private persons can now also be exerted by the Federal States. According to the recent Federal Arms Law dated 14th June, 1968, the Federal States are empowered to distinguish - within their jurisdiction - between dangerous and what is called less dangerous weapons. It is, however, to be expected that the regulations to be established in a near future by the Federal States - i.e. the regulations concerning the possession, the purchase, and the carrying of weapons - will to a large degree correspond to the ones having been valid before.

At the present moment, the following regulation is still valid:

Possession:

- The possession of firearms (short and long barrellled arms) is not prohibited in any way and there is no regulation concerning their registration or authorization.

Purchase:

- For the purchase of long barrellled arms (rifles; shotguns etc.) no licence is required; they must, however, not be handed over to juveniles who are not yet 18 years old.
- For the purchase of short barrellled arms (such as pistols, revolvers etc.) what is called an

arms purchase licence

respectively an

annual hunting licence

is required by the law..

As for the arms purchase licence, it is issued by the district administration authority and, in the case of independent towns, by the corresponding local administration authority. The law stipulates that this kind of licence shall be issued only when

- the applicant can proof that he needs the arm he applies for, and
- when he has a clean police record (police clearance certificate).

The annual hunting licence. As in the previous case, this licence is issued only to individuals who dispose of a clean police record. Furthermore, the applicant has to have passed a hunter's examination. The licence is then issued by the competent hunting authority. If the applicant does not have a clean police record, he is not admitted to the hunter's examination, which, in turn, means that he can never obtain the annual hunting licence.

The authority which issues the arms purchase licence indicates on same the total number of short barrelled arms which can be bought. When an arms purchase licence is to be issued, severe rules are applied with regard to the need and the police clearance certificate.

Persons holding an annual hunting licence can still buy any number of short barrelled arms.

Juveniles who are not yet 18 years old are not allowed to purchase short barrelled arms.

Carrying of arms:

To carry a firearm in the sense of the law means to carry it on one's person ready to be fired, i.e. to be equipped with it. When a firearm is used on an authorized shooting-range, its use is not considered as "carrying a firearm". The transport of an uncharged firearm to or from the shooting-range is, therefore, not regarded as the carrying of such.

He who carries a firearm (long or short barrelled ones) outside his residence, service or commercial premises or outside a fenced property of his own - with exception of the previously mentioned case - has to have an arms licence or the above-quoted annual hunting licence on him.

He who intends to fire a firearm within his living, service or commercial premises or within a fenced property of his own (i.e. a long or a short barrelled arm) can do so only when he does not infringe the following regulations:

- Article 367 (1) of the German Penal Code - infraction -
Firing of firearms without permission by the police at premises being lived or walked upon by human beings, and
- Article 368 (7) of the German Penal Code - infraction -
Discharge of firearms dangerously close to buildings or inflammables

The discharge or firing of firearms can hardly be practiced without an arms licence (with the exception of authorized shooting-ranges), as on account of the dense population of the Federal Republic of Germany there will practically always be an infraction of one of the regulations quoted above.

The police, Federal Armed Forces, customs authorities etc. are not subject to the obligation of a purchase licence where short barrelled arms are concerned, and members of these units can buy a short barrelled arm without possessing an arms purchase licence or an annual hunting licence, when the authority from which they are depending issued a replacement licence which, however, can only be done in all those cases where the above-indicated conditions (see arms purchase licence and annual hunting licence) are fulfilled.

Excepted from the possession, the commerce, the purchase and the carrying of firearms of all kinds are military weapons. The possession of war weapons - including short barrelled arms - is punishable according to the law applying to war weapons.

Sports firearms. There is no special regulation applying to this type of arms.

- The possession and the purchase of long barrelled arms are not subject to any special conditions.
- For the purchase of short barrelled arms an arms purchase licence or an annual hunting licence (see above) is required.
- For sports shooting purposes on authorized shooting ranges, no arms licence and no annual hunting licence is required.

The importation of firearms or the sale by mail (mailing commerce) are subject to the following regulations:

a) long barrelled arms:

- When a long barrelled arm is introduced from abroad, the buyer has to present to the customs authorities a certificate issued by the police which authorizes him to take delivery of the weapon.
- When a long barrelled arm is ordered in the country with a mailing firm, the dealer can deliver the ordered firearm or the ammunition only, when an official certificate on the birth date is available. The applicant who orders the arm has to proof his age only once, i.e. he does not have to proof it again, once he is contained on the customers' list of the dealer. In the place of the certificate mentioned, an official certificate authorizing the purchase of a firearm or ammunition suffices.
- What is prohibited on a general level is the importation of firearms which can be folded, pushed together, shortened or put to pieces quickly (i.e. on a scale which surpasses the one permitted for the usual hunting and sports purposes). This applies also to one-barrelled arms with a rifled barrel to be used for rim-fire cartridges, the longest part of which is shorter than 60 cm/s.

Furthermore, the importation of weapons is prohibited which are hidden in walking-sticks, umbrellas or in a similar manner and which do not have the usual form of a firearm.

b/ short barrelled arms

- When a short barrelled arm is to be imported from abroad, the purchaser has to present to the customs authorities a police certificate which corresponds to the arms purchase licence or to the annual hunting licence. Without one of these two licences the customs authorities do not allow the weapon to be taken delivery of.
- When a short barrelled arm is ordered on the national territory from a mailing commerce, the purchaser has to send in to the firm his arms purchase licence or the annual hunting licence, viz. the original copy thereof. Without any one of these licences, no arm can be mailed.

The Federal Firearms Law also stipulates that a licence is required by those who - professionally or independently within the scope of a commercial firm -

- 1) manufacture, prepare or service (manufacture of weapons),
 - 2) purchase, sell (offer for sale, take in orders etc.), leave to others or play an intermediary role in the sale or the leaving to others (arms commerce)
- firearms or ammunition.

The licence will not be granted when there is ground to believe that the applicant or any of the persons in charge with the management of the firm or of one of its branches do not dispose of the required good reputation (clean record).

The licence for an arms firm (commerce) will also have to be refused in a case where the person in question (see above) cannot proof the required technical knowledge.

This technical knowledge has to be shown through an examination which has to be passed before the competent authorities.

He who purchases, sells or leaves to others professionally firearms, has to keep an arms selling book from which the types and the numbers of firearms, their origin and their destiny can be seen.

Re the problem of the use of firearms in connexion with criminal offences, mention must be made of the following details:

Before the 31st December, 1962, all those criminal offences had been outlined in a special way according to their numbers within the scope of the "Polizeiliche Kriminalstatistik", in the course of which a firearm had been used or carried by the author of the crime. The number of this kind of criminal offences contained cases of illegal possession of arms and, besides, also the ones where the criminal author had just carried on him a weapon which he was authorized to have but which he did not use when committing the punishable act. The analysis of the percentage of criminal offences of this kind, which - in a period covering ten years (i.e. before 31st Dec. 1962) - represented no more than 0.1% of all criminal offences annually committed or respectively taken into consideration within the scope of the "Polizeiliche Kriminalstatistik", revealed an almost unchanging percentage within the total numbers of such kinds of criminal offences, where the conclusion has, indeed, been offering itself almost at first sight that in these instances in the majority of cases a firearm had as a matter of fact been used when the offences were committed:

murder and homicide, including attempts	10.0% - 12.0%
homicide by negligence	0.2%
bodily injury with fatal result	0.3% - 0.5%
robbery and extortion with violence	2.0% - 3.0%

Because of the lack of importance and also on account of the fact that in the course of 10 years no essential changes were to be made out, the "Polizeiliche Kriminalstatistik" does no longer mention offences where firearms are used or carried by the author, viz. since 1-1-1963.

Within the scope of the criminal police obligatory information system, all offences involving the loss of human life are reported to the Bundeskriminalamt (Federal Office of Investigation). In 1966, 902 crimes of this kind (173 of which with the use of a firearm), and in 1967 1104 crimes (234 of which with the use of a firearm) were reported. These numbers show an increasing tendency. The same thing applies to armed robberies of banks etc.

The following attacks against financial institutions (banks) were reported to us:

1963	100 attacks
1964	202 "
1965	229 "
1966	389 "
1967	430 "

In all of these cases - or in almost all of them - firearms had been carried by the criminal authors. Re the kinds of firearms used (carried) no details are available, but in spite of the rather elevated numbers of attacks firearms have been made use of in a rather small number of cases.

The solution of various cases has revealed that also self-made weapons or toy arms (dummies) have been used. I do, however, not yet dispose of any exact numbers to this respect. There are no exact numbers available either re the use of firearms.

The numbers reported by the firearms identification service of the Bundeskriminalamt are not of much help either, because they include all arms which have ever been seized or found (by children etc.) in the Federal Republic. Much to my regret, I am, therefore, not in a position to forward any details to this respect.

Yours truly,



by order of the of the Bundeskriminalamt

Trsl.-19.663-
12-7-68 /Li -

1966

Country	Population	Number of offences known to the police (Volume of crime)			
		Wilful & attempted murder or what is believed to be such	Theft with aggravated circumstances	simple	Offences in con- nection with drug
Austria	7 290 000	153	50 667	36 392	70
Denmark	4 779 000	39	31 489	97 765	615
Finland	4 650 000	103	13 412	27 624	0
France	49 500 000	1 268	64 504	398 549	96
Fed. Rep. of Germany	59 000 000	1 864	407 888	755 709	1 080
Great Britain (England & Wales)	48 075 000	538	280 852	793 319	136
Rep. of Ireland	2 880 000	17	4 779	12 059	0
Italy	ab. 50 000 000	1 296	220 235	21 067	19
Norway	3 769 000	9	12 828	22 556	0
the Netherlands	12 377 000	373	28 587	86 767	60
Spain (Court Sta- tistics)	31 870 000	166	62 300		included in other offences
Sweden	7 808 000	181	81 586	210 112	1 051

Sender :

Please return to:

INTERNATIONAL CRIMINAL
POLICE ORGANIZATION
INTERPOL

37 bis, rue Paul Valéry

PARIS 16^e

INTERNATIONAL CRIME STATISTICS

Country :

Year to which statistics refer :

Total population :

VOLUME OF CRIME

IMP. FORM NO. 100

OFFENCE 1	Cases the police were informed about					Volume of crime per 100,000 inhabitants 7	Cases solved in the year 8
	Jan- March 2	April- June 3	July- Sept. 4	Oct- Dec. 5	Total number of offences 6		
A) Wilful and attempted murder, or what is believed to be such							
B) Sexual offences, including rape.....							
C) Theft a) with aggravating circumstances..... b) simple.....							
D) Fraud, swindling, fraudulent acts, breach of trust, embezzlement, forging of docu- ments, wilful misrepresentation of any kind.....							
E) Fraud connected with the counterfeiting of currency.....							
F) Offences in connection with drugs							
G) Total number of offences mentioned in the criminal police national statistics.....							

See Instructions
on back.

Town : _____ Date : _____

INSTRUCTIONS FOR COMPILING THE STATISTICS

I. — GENERAL.

- The aim of these statistics is firstly to determine the trend of crime by obtaining data over a period of several years, and secondly to determine to what extent it has been counteracted.
- All those offences which come to the knowledge of the police, no matter what the source, should be given for each and yearly period.
- Attempted offences are counted as actual offences.
- An offence involving several persons should be counted as a *single offence*. In short, it is the number of offences and not the number of individuals concerned which is wanted.
- If a case comprises several different offences having no direct connection with each other, each offence should be counted separately. However, if the offences are connected, only the most serious should be mentioned.

For example :

- An investigation into a burglary shows that there have been three other burglaries committed at different places and at different times. This is counted as four offences (Heading C, a) ;
- A person effects burglarious entry into a house, commits a murder, steals, then escapes after having set fire to the neighbouring house. Here, only the most serious offence, the murder, is counted. (Heading A).
- From the point of view the police, a case is considered as solved when only one of the four following conditions are fulfilled :
 1. The person accused of the crime is convicted either by his own verified confession or by proofs.
 2. The person is caught in the act, even if he denies his guilt
 3. The person responsible is identified no matter whether he is arrested, allowed to go free for the time being, escaped or dies.
 4. The police decided, after investigation that there had really been no offence committed.

II. — SOME DEFINITIONS.

Column 1 :

- A) "Wilful or attempted murder or acts presumed to be such" : all acts undertaken with the purpose of taking human life, no matter in what way and whatever the circumstances. This therefore excludes involuntary manslaughter and abortion but not infanticide.
- B) "Sexual offences, including rape" each country should judge according to its own laws what exactly constitutes a "sexual offence", it being understood, however, that rape and shall be included

C) "Theft" : an act which is an attempt on property : i.e. to carry off or appropriate another's property. Such acts, being diverse in nature, are subdivided :

- a) "Robbery with arms or aggravated theft" : stealing in circumstances which render such an act particularly dangerous (with arms, at night, with illegal entry, in association with others etc.);
- b) "Simple theft" : this includes all thefts and receiving of stolen goods not mentioned in a). Each country will make the distinction according to its own legislation.

D) "Fraud" etc. This includes all attempts on property which cannot be defined as theft or robbery.

For example :

- The loss of property suffered by a person as a result of deception ;
- The violation of an obligation to take care of property entrusted to one for safe-keeping for some particular purpose and resulting in a loss for the other person ;
- The making, forging or use of documents of a public or private nature with the purpose of deceiving another.

E) "Offences in connection with the counterfeiting of currency" : includes all the offences relating to making, distributing, uttering, smuggling and trafficking in counterfeit currency.

F) "Offences connected with drugs" refers to offences of any kind (manufacture, transport and sale) of any kind of drug.

G) "The total number of offences mentioned in the national statistics" : In giving these figures, all the offences mentioned in the national statistics (including, of course, all those mentioned under the headings A to F, above) should be included.

Columns 2, 3, 4 and 5 : The number of offences detected in the period mentioned.

Column 6 : The sum of columns 2, 3, 4 and 5.

Column 7 : The figure obtained by multiplying the number given in column 6 by 100,000 and then dividing the result by the population of the country at that period.

Column 8 : The definition of "the case solved" is given above. Here should be mentioned all cases successfully solved by the criminal police during the year in question, irrespective of whether the police were informed of it in the same year. This figure is necessarily lower than the one in column 6, since no police force ever solved all the cases brought to its notice.