



جمهورية العراق

الموضيعة العليا المستقلة للانتخابات
كۆميسونى بالآى سه ربه خوى هه لئبژارد نه كان
The Independent High Electoral Commission

According to the authority given to the Board of commissioner of the item (4), article (8) of the Independent High Electoral Commission's law No. (11), in the year 2007; we decided issuing the following regulation:-

(Electoral Complain and Disputes)

No. (2) Of the year 2008

(Preamble)

The independent Supreme Electoral Commission in Iraq has been established according to law no (11) of the year 2007 to be precisely the only electoral authority in Iraq, The commission is professional, autonomous, independent, and neutral, subjected to the supervision of council of representatives.

1st Section

(Terms of IHEC)

The following items represented the meaning in the face of each one of them:-

1. **IHEC**:-The Independent High (Supreme) Electoral Commission
2. **Council of representatives**: - As it has been explained in the constitution of the republic of Iraq, year 2005.
3. **The supreme Federal Court**: - It is an independent judicial body, financially and administratively under the federal judicial authority, it certifies the results of the Representatives' Council's elections.
4. **The Board**: - Board of Commissioners (BOC).
5. **Electoral Judicial Body**: -A body which consisted of three judges appointed by the court of appeals that looks in appealing the final decisions of the board, and as mentioned in article 8 of IHEC law No.11 of the year 2007.
6. **Political Entity**: - as it defined by the law.
7. **Code of Conduct**:-Special rules of IHEC that are set down to those participated in the electoral process.
8. **Complaints and Disputes**:-Complaints and Disputes are related to the Electoral process (elections and referendum).

(2nd Section)

(Authorities)

1. The Board got the authority of jurisdiction to resolve disputes arising during preparations, implementation of elections and referendum procedures; this includes all matters related to the adjudication procedures in complaints and disputes related to elections and referendum. The board can issue any procedures or additional adjustments on this regulation if necessary and according to the law.
2. The Board can entrust its authorities to the GEO to settle a particular disputes.
3. The Board must refer any criminal issue to the specialized authorities in case of having evidences on occurring criminal misconduct against the safety of procedures, elections and referendum. If the Board applies a civil sanction on a violation; then it does not mean that there is no criminal penalty is applied under applicable Iraqi laws.

(3rd Section)

(Submission of Complain)

1. Any person or organization, except elections and referendum observers, got the right to offer complains 'or disputes' petitions to the Board on the processes of elections or referendum.
2. In order to protect the integrity and safety of the electoral process, the Board makes the first step to apply an evaluative procedures or penalty in case any electoral rules violations occurred even if there is no complaints about.
3. Submission of complaints takes the following steps:-
 - a .The complaints should be submitted written or signed by the complainer or his/her deputy who witnesses the event in which the violation occurred, within three days since the date of the occurring supposed incident .If the complainer was a political entity then the political representative must sign the complain.



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- b .It is possible to produce the complaint in registration period to the manager of the registration centre or the office in the governorate. In the period of polling, the complaint will be submitted to the manager of the station, polling centre, the manager of the electoral office of the governorate, or directly to the national office.
- c . The complaint could be mailed by filling the form of complaint in IHEC web site.
4. The complaint must be composed of the following information:-
 - a .The name of the complainer, his/her address, and required information to call him/her.
 - b .The name and information helps to call the supposed violator, if they are found.
 - c .Detailed description of the supposed violation including date, time, place, and environment.
 - d .Any other complaints related to the electoral process are submitted either to the concerned GEO manager who will refer them confidentially or directly to the National Office.

4th Section

(Hearings)

1. The Board may call witnesses or polls of the case, and then hold meetings which might be general or private according to the Board's point of view.
2. The Board may ask or receive evidences in relation; in the hearing sessions by all means.
3. The whole evidences presented to the Board, should be approved in minutes and then attached with the complaints.

5th Section

(Response to Complaints)

1. When the Board decided that the complaints is based on legal basics, the complained of, is informed in writing, whenever it is possible, then the complained of is given an opportunity to respond to the complaint in a specific time to be submitted in the Board's meetings.
2. The complainer of produces his/her respond written and signed by him/her or by a deputy act on behalf of him/her. If the complainer of was apolitical entity, then its leader or its deputy authorized, act on behalf of the entity and sign the response.
3. A respond may be submitted to the Board in any electoral office. The electoral office or the Regional Body must submit the respond to the Board secretly and as soon as possible.
4. The Board keeps on examining the complaint even if the complainer of did not submit any respond.
5. The complaint might be run over again in the following cases:-
 - a . Finding new evidences.
 - b . Delaying the respond submission to the Board after it had been submitted by the exact day.

6th Section

(Adjudication to a complaint)

1. The Board refused a complaint that is not accompanied with efficient evidences or lacked, obviously, what rationalized it; or that which lacked the formality conditions.
2. Submitting vexatious complaint by (a political entity, the voter, or any body or side); considered as a violation to this regulation and the political entities special Code of Conduct. Besides Submitting vexatious complaint by (a political entity, the voter, or any body or side), violates this regulation's rules and be subject to the penalty imposed by the Board of commissioners.
3. The Board might refer the complaint or sides of a complaint which lies outside its jurisdiction; to a special body.
4. The Board ran over the complaints produced, neutrally, in the proper time with the guaranty of the secrecy of special information submitted; except what refers to the right of feud polls in knowing the subject of the complaint.

7th Section

(Penalties)

1. The Board imposes penalties on any person or (political entity) that violates any rule, regulation, instructions, any code of the Code of Conduct, or any decision came into force which is related to the preparing or carrying out the election.



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2. Political Entities are responsible on any violations had been done by their members, candidates, or agents. When the proper penalty is determined, then the Board may consider whether the political Entity has made the necessary efforts to avoid such violations.
3. If a violation was approved ,the Board imposes the following penalties on the violators:-
 - a . The Board could return the state to what it was if it is possible. Before the violation took place.
 - b .Financial fine.
 - c .cancellation of the certification on the accreditation of a Political Entity of elections.
 - d .Preventing a Political Entity from participating in the future elections.
 - e .Elimination candidate's name from candidates'lists of elections.
 - f . Preventing a person from participating as a candidate, an electoral employee, or as a Political Entity in this elections or in the future elections.
 - g .Preventing or canceling the accreditation of a team from the observers' teams or a person within the observers' team in this election or the future elections.
 - h .The Board got the right at any time before certifying the results; to order a recount of the ballot papers and votes in some centre, or took another proper act.
 - i .Monies collected from penalties imposed on by the Board, will be considered as revenue to the public treasury.

8th Section

(Enforcement of Decisions)

1. The Decisions of the Board shall be enforced within the specific period of time. Otherwise, the violator (a person or a political entity) will be exposed to a severe penalty.
2. The decisions of the Board of the (electoral complaints and disputes) shall be published in accordance with the conditions stipulated in article 8 of the IHEC law.

9th Section

(Appeals and Reviews of the Board's Decisions)

1. The Board could review any of its decisions after having new evidences or to any other reasonable reason.
2. Final decisions of the Board can be appealed to the electoral judicial panel in accordance with the provision 8 of the law of IHEC and according to Rules of Procedures set by the electoral judicial panel according to provision 8/Item 8 of IHEC rules of law 11/ year 2007.
3. All decisions of the Board should include informing to the parties which declare their right to appeal.

9th Section

(Enforcement Date)

This regulation shall enter into force since the date of its ratification by the Board in 28/1/2008.

Board of Commissioners

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