



IHEC Regulation No.7

According to the authority which has been given to the Board of commissioners in the article (4), item (8) of the Independent High Electoral Commission's law No. (11), in the year 2007 and the 6th article, point (2) of the amended law of the Kurdistan-Iraq Region's National Council's elections no. (1) Of 1992, we decided issuing the following regulation:-

(Complaints and Challenges)

Regulation no. (7)
Of 2009 of Iraqi Kurdistan Region's Parliament Elections

(Preamble)

IHEC was established according to law no. (11) Of 2007 to be the only electoral authority in Iraq. It is a professional, governmental, independent, and neutral body with a legal personality belongs to the state and supervised by the Council of Representatives.

Part One (Terminology)

The terminologies used here indicate the meanings to which they refer:

- 1- **IHEC:** the Independent High Electoral Commission.
- 2- **The Board:** the Board of Commissioners (BoC).
- 3- **Electoral Judicial commission (EJC):**-A commission consisted of three part-time judges appointed by Kurdistan court of cassation-Iraq that looks in the challenges of the electoral regional office, persons or harmed entities.
- 4- **Electoral Regional Office (ERO):** Is the IHEC Office of Kurdistan-Iraq.
- 5- **Code of Conduct:** Special rules made for IHEC's personnel for the process of elections.



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Part Two (Authorities)

1. The board is exclusively got the authority to adjudicate disputes that arise during preparation, performing, and conduct of elections, including all matters relating to arbitration proceedings in the complaints and disputes related to elections. For the Council to issue any additional measures or modifications to this regulation if necessary and in accordance with the provisions of the law.
2. The board should transfer any criminal issue to the GEO to resolve certain disputes
3. The board should transfer any criminal case to the competent authorities if it has evidences of a criminal violation against the safety of the elections.

Part Three (Procedures of Submitting Complaints)

1. Any person, but elections' observers, got the right to submit a petition to the board including a complaint or a dispute about the two electoral processes.
2. To keep the impartiality of the electoral process, the board should impose a penalty or corrective procedures in case that the electoral rules would be violated even in the absence of a complaint.
3. the following conditions should be provided in the submitting a complaint:
 - A. It should be written and signed by a person or his/her deputy who witnessed the basis of the violation.
 - B. It should be produced within three (3) days from the date where the supposed violation occurred.
 - C. It will be signed by the authorized representative if the complainer was apolitical entity.
 - D. The complainer produced his/her complaint in any stage of the electoral process.
 - E. Complaints are produced in registration period to the manager of RC, or the GO. But in the polling period they will be produced to manager of station or the PC or the GO or the REO. The complainer could submit any complaint to the national office directly.
4. The complaint should include the following information below:-
 - A. Name, address, and the necessary information to call the complainer.



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- B.** The name and the necessary call information of the supposed violator, if it was available.
 - C.** Detailed description of the supposed violation concerning time, place, date, and circumstances.
5. The complaints will be investigated by (complaints and consultants) department in the secretariat of the board of commissioners then made the recommendations about them to the board with the cooperation of the REO and GO s related to Kurdistan region.
6. Complaints units in the REO and GEO_s of the region will cooperate with (complaints and consultants) department in the investigations processes and submitting recommendations.

Part Four (Hearing sessions)

1. The board got the authority of summoning witnesses or both parties of the case. Hearing sessions which held by the BoC, could be general or private as they seen by the board.
2. The board got the authority to propose and receive related evidences in hearing sessions by all possible means and mention that in the minute of hearing.

Part Five (Respond to complaints)

1. In case of the acceptance of the complaint, the complainer of will be informed in writing whenever it is possible to give him/her a chance of answering the complaint in a date that is specified for the answering.
2. The respond of the complainer of will be submitted in writing and signed by him/her or by who deputized him/her. In case the responder was a political entity, then the political chief or the authorized representative who signed the respond.
3. The respond will be submitted to the Regional Electoral Office or in any electoral office in the region and it should be delivered to the board secretly and as soon as possible.



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4. The board will continue considering the complaint even when there is no respond from the complainer of, and the board got the right to take the action only after the end of the permitted period given to the complainer of to produce his respond.
5. The board could review the complaint in the following conditions:-
 - A. The appearance of new evidences.
 - B. If the respond was delayed and submitted after the specified period.

Part Six (Adjudication of Complaints)

1. The board could reject the complaint which is not accompanied by sufficient evidences or clearly lacks any legal justification or formal conditions.
2. It is a violation to this regulation and the code of conduct of the PE s, to submit a vexatious complaint by the PE or any individual besides it is also a violation to the rules of this regulation to submit a vexatious complaint by the voter or any other side.
3. The board got the authority to refer the complaint or any of its aspects out of the board's specialization; to the specialized side.
4. The board reviews evidences neutrally at the right time, taking into consideration keeping the secrecy of the special information in the submitted complaints but what is related to the sides of the disputes in exploring the subject of the complaint.

Part Seven (Penalties)

1. BoC got the right to set legal procedures and impose them upon any individual or a PE who violates any law, instructions, code of conduct, or any decision related to prepare and implement elections.
2. PE's are responsible for any violations committed by their members, candidates, or their deputies.
3. If any violations have been proved, then the board got the right to impose the following penalties upon the violators:-
 - A. Trying to bring back the situation to what it was before committing the violation if it is possible.
 - B. Imposing fine penalty.
 - C. Cancellation of ratification of a PE.



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- D. Prohibiting the PE from taking part in the elections.
 - E. Cancellation of ratification of the candidate from elections ' list of candidates.
 - F. Prohibiting the individual from participating in elections as a candidate or electoral employee, or a PE in the elections.
 - G. Prohibiting or counseling team of the teams of observers or an individual within the observers' team in the exact election or in the future elections.
4. Enrolling monies collected from the imposed penalties by the board, as revenues to the general budget.

Part Eight (Decisions' Implementation)

1. Decisions of the Board will be implemented within a specified period, otherwise the violator, whether a political entity or an individual, will be exposed to a hard penalty.
2. Decisions of the Board, related to complaints and electoral appeals, will be published according to the conditions in article (8), five of the IHEC's law.

Part Nine (Challenging decisions of the Board)

1. The final decisions of the board could be challenged by the EJP (Electoral Judicial Panel) according to the rules of Item (4), Article (6) of (Kurdistan Regional Parliament Elections)'s amended law no. (1) Of the year 1992.
2. The decisions of the board included a notification informing parties of their right to appeal.

Part Nine (Date of Enforceability)

This regulation shall enter into force as from the date it was approved by the BoC on 29/4/ 2009.

Board of Commissioners

Secretariat of the Board

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