



IECI REGULATION 05 / 2004

ELECTORAL OBSERVERS

Preamble

CPA Order number 92 of 31 May 2004 established the Independent Electoral Commission of Iraq (IECI) to be the exclusive electoral authority in Iraq. It is an independent and autonomous, non-partisan, neutral and professional government office, with the authority to promulgate, implement, and enforce regulations, rules and procedures with the full force of law in connection with elections during the Transitional Period. It is independent of the executive, legislative and judicial branches of government, and is composed of the Board of Commissioners (the “Board”) and the Electoral Administration.

This regulation elaborates on the legal framework already in place, and is issued by the IECI in consequence of the authorizations given in the TAL and in CPA Orders 92, 96 and 97.

Section 1 Terminology

- 1.1 “Commission” and “IECI” mean the Independent Electoral Commission of Iraq, as established by CPA Order number 92
- 1.2 “Board” means the Board of Commissioners of the IECI.
- 1.3 “Electoral Observer Group” means a group which registers with the IECI to observe the electoral process with a view to assessing and reporting on the process
- 1.4 “Electoral Observer” means a person who is accredited by the IECI to observe the electoral process on behalf of a registered electoral observer group.

Section 2 Accreditation of Electoral Observers

- 2.1 Electoral observers are an important element of democratic elections. They are independent from all government and IECI direction, and their role is to observe the electoral process, with a view to reporting on its integrity and its adherence to international standards.
- 2.2 The IECI will register Iraqi and international groups to observe all aspects of the electoral process. Registered groups will nominate electoral observers to enable the group to perform their function effectively.
- 2.3 The IECI will register only groups and will not accredit any individual observers. Only electoral observers who are part of an registered electoral observer group will be allowed access to observe the electoral processes.
- 2.4 Electoral observer groups and their nominated observers will be required to agree to and abide by the Observer Code of Conduct, which is promulgated by the IECI. Electoral observer groups will be responsible for the adherence of their nominated observers to the Code of Conduct; any observer group whose observers contravene this Code of Conduct may have its registration or the accreditation of those observers withdrawn by the IECI.
- 2.5 The decision to cancel the accreditation of an electoral observer or the registration of an electoral observer group may be reviewed by the Board of Commissioners, whose decision on the matter is final.
- 2.6 The IECI shall issue procedures governing the registration of and withdrawal of registration of electoral observer groups, and the accreditation of such groups' nominated observers.

Section 3 Conditions of operation for electoral observers

- 3.1 The IECI shall not be responsible for any security, communications, health, transport, safety, or other support to the electoral observer teams.
- 3.2 Each electoral observer group duly registered shall be solely responsible for all support arrangements and costs in their observing duties (transport, communications, lodging); the IECI shall not be responsible for any such costs. Furthermore, no electoral observer group or observer may utilize any IECI resources, such as facilities or motor vehicles.

- 3.3 Observer groups have a duty to fully brief their accredited observers on the electoral process and the provisions of the Code of Conduct prior to the beginning of any of their activities
- 3.4 Each electoral observer must sign her/his badge on receipt. Electoral observers must carry an alternative means of identification complete with signature or photograph to enable electoral staff to confirm their identity.
- 3.5 Electoral observers may not, under any circumstances, interfere with the electoral process. They may draw the attention of members of the IECI, including the electoral officials, the Chief Electoral Officer, or the Board of Commissioners, to issues which they wish to raise, but the IECI members are under no obligation to act upon their comments.
- 3.6 Electoral observers will report their observations to the observer group leaders; the group may then issue an official public report commenting on these observations. The group must be prepared to communicate to the electoral authorities a final collective report on the results of their activities, and must wherever possible provide evidence and argument to support all their assumptions and judgments when presenting reports.