

**We include bellow, for your Excellency, the decision of Board of Commissioners No. 1 of the exceptional record No. 17 on March 22, 2021, which states the following:**

Based on the letter of the General Secretariat for the Council of Ministers, Department of Cabinet Affairs and Committees No.(6922) on March 18, 2021, containing (the directive of the Prime Minister during the meeting of the Council of Ministers in its eleventh regular session held on March 16, 2021: that the Independent high electoral commission (IHEC) should assume the full responsibility to take the appropriate decision to solve the issue of holding or not of the out-country voting, or holding in a number of countries which have the most intensive of Iraqi expatriates). Therefore, the Board of Commissioners held its extraordinary meeting No.(17) On March 22, 2021, in order to discuss what was mentioned in the aforesaid letter and take the appropriate decision in this regard. For that, the Board of Commissioners was briefed on the letter of the Deputy of the Chief Executive Officer for Technical Affairs no.(109) on March 21, 2021, which included the most important procedures taken by IHEC on OCV and the obstacles facing it technically, financially, legally and healthy.

The IHEC has, since the issuance of the Iraqi Council of Representatives Elections Law No. (9) Of 2020, taken the necessary procedures to hold OCV in a manner that ensures the applying of the Article (39) of Clause (Forth) which stipulates that (the Iraqis abroad vote for their constituencies using their biometric card exclusively), which requires opening centers to register Iraqi voters outside the Republic of Iraq and subsequent printing biometric cards and distribute them. Voting with this mechanism is considered the first process compared to previous electoral processes that were conducted using conditional voting. Despite the delay in the issuance of the Election Law No. (9) of 2020 which issued on November 5, 2020 and published in the Official Gazette on November 9, 2020, and the issuance of Financing and Allocation Electoral Expenses Law No.(23) of 2020 on December 17, 2020, and in the interest of the IHEC for the participation of Iraqis abroad, the Commission has taken the following procedures: -

1. Forming a committee to manage the elections abroad, headed by a general manager and under a supervision of a member of the Board of Commissioners

2. Preparing and approving procedures for the biometric registration of Iraqis abroad.
3. Determining the countries in which the Iraqi population is concentrated, based on previous reports of electoral processes of 2014 and 2018.
4. Holding several meetings with the Ministry of Foreign Affairs and coordination with it to hold OCV, where was approached the Ministry to allocate offices.
5. Allocating a special budget to run the OCV.
6. Preparing a schedule for OCV.
7. Coordination with the Ministries of Foreign Affairs, Interior, Immigration, Displaced Persons, Education, and the Supreme Committee for the National Health and Safety (Crisis Cell).

IHEC has faced multiple difficulties and obstacles represented in the technical, financial, legal and health aspects specified by the specialists of its staff. The Ministry of Foreign Affairs, according to its letter No.(13) on January 24, 2021, has apologized for conducting the registration and voting process in the embassies due to the small area of embassies and consulates, the spread of Covid-19 Pandemic, and the complete and partial closure of most countries of the world, also may lead to confusion in the work of embassies and consulates during the voting period. In addition, the ministry has apologized to assigning its staff to work with IHEC on voter registration due to lack of its staff in the embassies and consulates. Not holding elections in Iraqi embassies and consulates abroad, which represent the sovereignty of Iraq, and holding it in places not subject to that sovereignty makes it subject to the law of those countries and there is no jurisdiction for the Iraqi judiciary over the crimes that may be committed during the conduct of the electoral process, especially, the Elections Law No. (9) Of 2020 has stipulated a number of penal provisions in its eighth chapter. The holding of elections in a number of countries with the most intensive of Iraqi expatriates, without other countries, will face the same obstacles, as well as breaching the principle of equality and non-discrimination between Iraqis with regard to the voting right. Also, the registration period of voters abroad biometric in all its stages needs approximately (160) one hundred and sixty days under ideal conditions to complete it, while there is (40) forty days remaining for the end of the updating period of the voter register, assuming the possibility of extending the voter registration period to May 1, 2021 instead of April 1, 2021, which will

make the registration of voters abroad impossible due to the difficulty of printing voter card and distributing it to them in time, before the election event and in accordance with the schedule. Sending staffs in these critical circumstances pose threat to their safety, especially with the spread of Covid-19 pandemic, and this is what the Supreme Committee for Health and Safety stated in its Resolution No. (11) of 2021. Also, the Independent High Electoral Commission aims to ensure that its procedures regarding to organize and conduct of elections abroad are proper and in accordance with the law, as the obstacles to implementing OCV pose a force majeure that prevents it from being properly conducted.

**For the above reasons, the Board of Commissioners decided the following:**

**First: Not to hold elections for Iraqis abroad for early elections of the Council of Representatives on October 10, 2021.**

**Second: To mandate the Chairperson of the Board of Commissioners to approach each of the following:**

- 1. The Prime Minister, with a copy of the decision.**
- 2. The legal committee of the Iraqi Council of Representatives, for the same purpose.**

**Third: To mandate the Electoral Administration to publish the decision on the official website of IHEC.**

**This decision is subject to appeal before the Judicial Authority for Elections within three days from the date of its publication, and the decision was issued unanimously on March 22, 2021.**