

In The Name of People  
Presidency Council

Based on what was adopted by the parliament and rectified by the president and based on item (First) of article (61) and item (Third) of article (73) of the constitution,

The following law was issued:

**Number ( ) of the year 2011  
Law of Political Parties**

**Chapter one**  
**Applicability, Definitions and Goals**

**Article 1**

The provisions of this law are applicable for political parties in Iraq.

**Article 2**

For the purpose of this law, the following terms will carry these definitions:

First:

Political Party: Every Iraqi group organized on the bases of mutual principles and common goals and contribute in shaping the political will on the federal and regional levels and in governorates that are not part of a region, and who participate in public affairs and seek to take part in elections and referendums to fulfil particular agendas regarding political, economical, social or cultural affairs of the country, and who practice their activities by democratic means aiming for the peaceful transition of power or participating in it.

Second:

Court of relevance: Criminal Court

Third:

Parties Department: Department of Political Parties Affairs of the Ministry of Justice.

**Article 3**

This law aims to:

First: Regulating the legislation and procedures related to forming political parties and their activities.

Second: Achieving political and parties' pluralism based on constitutional legitimacy.

Third: Ensuring citizens' right to form and join political parties.

## **Chapter Two Basic Principles**

### **Article 4**

First: Citizens of both genders have the right to establish, join or quit political parties.

Second: It is prohibited to force any person to join a political party or compelling a person to continue being a member in one.

Third: A citizen can not join more than one political party at a time.

Fourth: A citizen has the right to join another political party after they submit their resignation to the party they joined previously.

Fifth: It is prohibited to question citizens, subject them to accountability or violate their constitutional rights due to their membership in a political party.

### **Article 5**

First: Parties are formed on bases of citizenship and with accordance to the constitution.

Second: It is prohibited to found a party on grounds of racism, terrorism, atonement or sectarian intolerance, ethnic or national bases.

### **Article 6**

First: Parties formed based on this law are to participate in developing political, social and economical affairs on the bases of national unity.

Second: Parties must adopt an election mechanism as the only means to select its leadership on all levels with accordance to their statute.

### **Article 7**

Every political party must have a distinct name and slogan. The full and short names for every political party along with its slogan must be completely different of those belonging to parties previously registered with accordance to this law.

## **Chapter Three Provisions of Establishing Parties**

### **Article 8**

For parties to be established or continue to exist they must ensure that:

First: A parties' principles, goals and activities should not be in conflict with:

- a. The constitution.
- b. Human rights principles.
- c. National Unity principle.
- d. Peaceful transition of power principle.

Second: Programs to achieve goals of each party must be clearly distinct of the programs of other parties.

Third: the establishment and functioning of parties must not take a military or semi-military form, and should not be linked to any armed force.

Fourth: The founders, leaders and members of a party should not be individuals who call for, participate or publically promote ideas that are in conflict with the general principles states in the Constitutions.

#### **Article 9**

A party founder must be:

First: An Iraqi.

Second: 25 years old or above, and has a legal capacity.

Third: Not convicted with a final verdict from a specialized court of intentioned murder, a crime involving moral turpitude, terrorism, financial or managerial corruption, or international crimes.

Fourth: Not a member of any other political party at the time of establishing the new party.

Fifth: Not a member of the Judiciary, Commission of Integrity, The Independent High Electoral Commission, the army or security forces. A party member must choose between quitting the party and resigning from their job if they were holding one of the aforementioned positions.

#### **Article 10**

A party member must be:

First: An Iraq Citizen.

Second: 18 years old or above.

Third: Has a legal capacity.

Fourth: Not a member of the judiciary, Commission of Integrity, The Independent High Electoral Commission, the army or security forces.

### **Chapter Four Procedure of Forming a Party**

#### **Article 11**

To form a new party, the following procedure must be followed:

First:

a. Submit a written request to the head of Administrative Court along with a list of the names of at least 2000 founding members, residing in 6 Iraqi governorates while no single governorate has less than 100 founding members.

b. Parties representing minorities are exempted from the condition of item (a) which states that founding members should reside in 6 governorates.

Second: The following required documents should be submitted along the written request:

- a. Three copies of the party's statute and political program.
- b. A list of the names of the founding members signed by each of them and authenticated by the notary.
- c. An authenticated copy of the ID and residence card for each of the founding members.
- d. A script of opening a bank account to the party.
- e. A copy of the criminal record of each founding member demonstrating they weren't convicted with murder, a crime involving moral turpitude, terrorism, financial or managerial corruption or international crimes, must be submitted within 30 days of the submission of the written request.

### **Article 12**

First: The written request must be redirected by the head of the court to obtain the fees of (1.000.000) one million Dinars and to be registered in the court registry.

Second: A date must be set to give a verdict within 15 days of paying the fees.

Third: The court looks into the request in a public session, unless the head of the court decides to hold a private session if it's for the best interest of people, public order or manners.

Fourth: Provisions of the Code of Civil Procedure article (83) of the year 1969, and The Evidence Act article (107) of the year 1979 must be applied for any case not addressed in the law of the State Consultative Council.

### **Article 13**

First: After studying all aspects, the court must issue an order to publish the party forming request in two widely spread newspapers where the published text should include the name of the party, its programs, the names of its leaders, and the number of its members, its head quarters, its branches and its statute.

Second: The court must set a specific date for issuing the final verdict of approving or declining the forming request, within (15) days of the end of the publishing period, the verdict must be presented publically by the head of the court.

Third: The verdict of the court regarding registering or rejecting a party shall be published in two widely spread newspapers within seven days of the date of issuing the order.

### **Article 14**

The verdict of the court to accept or reject the party formation is subject to appeal by any party of interest before the federal court within (15) days of the verdict announcement.

### **Article (15)**

First: Appeals against the Administrative Court verdict must be submitted to the Supreme Federal Court by the head of the Administrative Court, who registers his notes on the appeal and orders collecting the fees of (500,000) Dinars and submitting

the case file to the supreme federal court, looking into the appeals are considered an urgent priority.

Second: The verdict of the federal court is considered final and can not be appealed in any way.

Article 16

First: If the Supreme Federal Court validated the Administrative Court approval of forming a party, the party is considered legally formed starting the from date of the validation.

Second: The verdict must be announced in official newspaper.

\_Article 17

First: If the Supreme Federal Court overturns the Administrative Court approval of forming a party, the case is turned back to the Administrative Court to look into it again considering the requirements of the Supreme Federal Court, and makes a new ruling with accordance to law.

Second: It is possible to appeal against the administrative court ruling once more before the Supreme Federal Court within (7) days of the ruling, in this case the ruling of the Supreme Federal Court is final and cannot be appealed in any way, and the party will be considered legally formed from the date of the ruling.

Third: The Supreme Federal Court verdict must be announced in official newspaper.

### **Article 18**

First: It is prohibited to make any modifications to the statute or programs of the party which were submitted along the party forming request except in accordance to this law.

Second: If the party intends to modify its statute or programs, it has to submit a request to the Administrative Court and follow the procedures stated in articles (11/12/13/14/15/16/17) which are related to procedures of modifications requests, advocacy, announcements and appeals.

### **Article 19**

First: A new department to be established named Political Parties Affairs Department within the structure of the Justice Ministry, headed by an official with General Manager rank holding experience and a post graduate degree in law or political sciences. Sufficient staff should be assigned to this new department.

Second: Political Parties Affairs Department specializes in:

- a. Making follow-up of the activities of political parties and evaluating their obedience to law.
- b. Presenting a recommendation to the Ministry of Finance of the total annual financial support granted to political parties.
- c. Observing and investigating violations committed by parties.
- d. Filing appeals in specialized courts regarding rulings about political parties.
- e. Attending court sessions for cases related to political parties.
- f. Filing law suits against political parties or any individual member of them when violating law.

## **Chapter Five Rights and Duties**

### **Article 20**

A political party is a legal personality and it practices its activities on that base.

### **Article 21**

First: A party leader according to the statute of the party represents the party in all affairs before courts and elsewhere.

Second: A party leader may assign one or more deputies out of the party leaders to represent him/her with accordance to its statute.

### **Article 22**

First: Party headquarters are protected; they should not be accessed or searched except by a judicial order and with accordance to law.

Second: Parties' documents, correspondents and communications mediums are protected; they can not be searched, monitored, spied upon or disclosed, except for a security and legal necessity, and by a judicial order.

### **Article 23**

Parties' have the right to:

First: Participate in elections and political life with accordance to law.

Second: Assembly and peaceful protesting with accordance to law.

### **Article 24**

First: A party may issue one or more political newspaper or magazine, establish a website and use all communications means to express its opinions and principles, with accordance to law.

Second: Chief Editor of the newspaper or magazine is responsible of its content.

### **Article 25**

First: Parties may use media to express their views and explain their principles and programs.

Second: Media entities should refrain from taking sides against political parties in using their media to convey their view points to citizens.

#### Article 26

Political parties and their members commit to:

First: Abide by the constitution and respect the authority of law.

Second: Political pluralism and peaceful transfer of authority.

Third: Protecting the independence, security and national unity of the state.

Fourth: Granting equal opportunities for all citizens when being or participating in authority.

Fifth: Not to disrupt public order and to reject violence of all kinds.

Sixth: Protecting the neutrality of public posts and public institutions.

Seventh: Not to own or carry any weapons or explosives against the law.

Eighth: Provide the Political Parties Affairs Department with a copy of its statute, political program, forming decision and the names of the founders and members, which must be updated whenever any change occurs.

Ninth: Informing the Political Parties Affairs Department of any activities and relations with non Iraqi parties and political organizations.

Tenth: Filing law suits against any member that violates this law.

#### Article 27

Parties should refrain from:

First: Political or financial attachments to any non Iraqi party, or directing party's activities basing on directions or instructions from any foreign country or party.

Second: Interfering in other countries' affairs.

Third: Cooperating with parties banned by the government, or to be a proxy to other countries to interfere in Iraq's internal affairs.

Fourth: Political polarization for members in the army and security forces, the judicial system, Commission of Integrity or The Independent High Electoral Commission.

Fifth: Using places of worship and educational institutions to practice political activities or promote ideas supporting or against any political party.

#### Article 28

First: Parties must keep the following documents in their headquarters:

- a. The statute of the party.
- b. Register of members, showing the names of the party members including founding members, their addresses and place of residence.
- c. A register of the decisions made by the party.
- d. Financial records showing the incomes and expenses of the party.
- e. Properties register documenting all the movable and immovable properties of the party.
- f. Any other documents important for the party to function.

Second: All documents of a political party must be authenticated by the notary department.

#### Article 29

The head of party must inform the Political Parties Affairs Department of any decision to dissolve the party or integrate it into another party, or any other change to the statute, within 30 days of the decision.

## **Chapter Six Internal Structure**

### **Article 30**

First: Every political party must have its own statute and agenda, prepared by the party and approved by the board in its first meeting.

Second: The statute of the party must contain the rules of its internal organizational structure, financial and administrative affairs with accordance to this law, and it must include:

- a. Full and short names of the party, its slogan and elections code.
- b. Specifying the address of the head quarters of the party and its branches, ensuring that none of them are within a worship place or any other public entity, charity, religious, education, syndicate, military or judicial properties.
- c. The principles and goals that the party is based on, and the programs and agenda intended to achieve these goals, with accordance to the constitution and this law.
- d. Membership conditions and joining procedure.
- e. Members resignation
- f. The disciplinary procedures for members and their exclusion from the party.
- g. The allowed disciplinary actions to be taken against the branches of the party.
- h. Rights and obligations of members.
- i. Duties, obligations and authority of the General Board of the Party, its executive office, and its branches and committees.
- j. Entities authorized to nominate candidates for parliamentary and local elections.
- k. The commission specialized in taking decisions regarding merging with other parties or political alliances.
- l. The commission representing the party for its relation with the government authorities and third parties.
- m. Procedure to create party formations, choosing its leadership, conducting activities and regulating the relation with its members, and specifying the political, organizational, financial or administrative specialty of each of the formations and leadership members, and setting a procedure to carry out periodic democratic elections for all levels of formations.
- n. Financial system regulations for the party, income resources and the name of the bank where that income is saved, regulations for spending, regulations and procedures of the party bank accounts and the methods adopted for auditing and authenticating them, preparing the annual budget and adopting it and the way to spend it.
- o. Rules and procedures for voluntary dissolution of the party or its integration with other organization and liquidation of funds, assets and to determine who the ending owner is

### Article 31

Organizational structure of the party consists of:

First: General Board, the General Assembly or the General Conference.

Second: Executive Bureau, Administrative Bureau or Political Bureau.

Third: Party Branches.

Fourth: Party Committees.

Fifth: Any other formations the party finds necessary.

### Article 32

First: General Board consists of all the party members with accordance to this law and the statute of the party.

Second: General Board usual meetings are held annually by sending invitations with accordance to its statute.

Third: It is possible to call for a non-usual meeting of the General Board with accordance to its statute after demonstrating the reasons in the invitation.

Fourth: It is possible for quarter the members of the General Board to submit a written request to the party head to call for a non-usual General Board meeting demonstrating the reasons behind the request, the party head must call for a meeting within 15 days of the request, the meeting should be held within 30 days of the request.

Fifth: General Board meeting is held by the attendance of two thirds of the members. In case of not reaching the required quorum the session is postponed for at least forty eight hours. Then the meeting is considered held with the attendance of 51% members of the General Board. In case of not reaching the required quorum the meeting is postponed once again for twenty four hours, then it is held with whoever attends.

Sixth: General Board's decisions shall be issued when approved by majority of those present.

### Article (33)

The statute must demonstrate:

First: Procedures of electing the party head, his deputy, members of the executive Bureau and the party branches.

Second: The duties and specialty of the general board, the executive Bureau, the party branches and committees.

### Article 34

First: Executive Bureau consists of the party head, his deputy and other members with accordance to its statute.

Second: The Executive Bureau shall hold its periodic meetings in accordance to the party statute, and it may hold irregular meetings basing on a request from the party head or two thirds of the executive bureau members.

Third: In case of the head of the party's absence, the deputy performs his duties.

Fourth: If the party head position was unoccupied, the deputy should perform its duties and responsibilities, and the general board Bureau calls for an irregular meeting within two months to elect a party head in accordance to the procedures stated in the statute.

Fifth: If the party head deputy position is left unoccupied, the executive bureau assigns that duty to one of its members.

Sixth: The quorum for the executive bureau meetings is achieved by two thirds of its members.

Seventh: Executive bureau shall be issued by votes of the majority.

#### Article 35

Parties are organized on the form of regional and local branches, the size and domain of each branch must be clarified in the statute, and the organizational structure of the party must allow its members to formulate the political will of the party to a reasonable extent.

### **Chapter Six Making Alliances and Merging**

#### **Article 36**

First: Political parties may hold alliances with each other to make a political alliance.

Second: Parties involved in alliances must submit the alliance agreement to the Political Parties Affairs Department and request to register it in the political alliances register.

#### Article 37

The political alliance agreement includes the name, slogan and motto of the alliance, the names of the parties involved in the alliance, the goal of the alliance and the organizational pattern.

#### Article 38

Any party may merge into another party to form a new party with accordance to the procedures in article(11/12/13/14/15/16/17) of this law.

### **Chapter Seven Stopping Political Activities**

#### Article 39

Every political party and with accordance to its statute may:

First: Halt its activities.

Second: Dissolve itself.

#### Article 40

First: A party may be dissolved by a decision from the administrative court upon a request from the political parties' affairs department, in one of the following cases:

- a. If the party has not participated in parliament elections or the elections for the councils of regions or governorates that are not part of a region, for two consecutive elections.
- b. Losing one of the establishing conditions stated in article (7) and (8) of this law.
- c. Proving that the party has committed any of the following acts:

1. Conducting any activities that jeopardize the security of the state, the unity of its lands, its sovereignty or independence.
2. Conducting any activities that include violating the rights and freedoms of other parties, syndicates or NGOs.
3. Conducting any military or semi military acts.
4. Interfering with the internal affairs of another country in a way that harms Iraq's national interests.
5. Using violence in its political activities.
6. Owning, carrying or storing weapons or explosives in its headquarters or branches or elsewhere.

Second: Political Parties' Affairs Department may submit an urgent request to the administrative court to temporality halt the activities of a party until making a decision about requesting to dissolve the party.

Third:

- a. The Administrative Court must have a verdict on the party dissolving request within 30 days of the request submitting date.
- b. The Administrative Court must have a ruling on the party activities suspension request within 15 days of the request submitting date.

## **Chapter 8 Financial Provisions**

### **Article 41**

Funding resources for political parties include:

First: Subscription fees of its members.

Second: Internal endowments and donations.

Third: Returns of its investments in areas not considered commercial businesses according to Commerce Law article 30 of the year 1984.

Fourth: Returns of its newspaper, publications and other activities.

Fifth: Financial Support from the general budget of the state as per the Annual Budget law.

### Article 42

A party has the right to own real estate properties to utilize it for its head quarters or other branches.

### Article 43

First: Membership fees for the party members must be recorded and used with accordance to law and the party statute.

Second: There is no limit for the total amount of fees collected from the party members.

Third: It is prohibited to for a party to receive donation of material goods or cash originally intended to gain the benefit of an illegal party or to the donor

### Article 44

First: When receiving a donation, the ID of the contributor must be verified and registered in the donations register of the party.

#### Article 45

First: Political parties may not receive donations from self-financing public companies and institutions, or from commercial and banking companies that the majority of its capital is from the state.

Second: It is prohibited to receive donations from foreign countries, organizations of individuals.

#### Article 46

A party may not practice any commercial activities aiming to gain profit, except:

First: Publishing, preparing and distributing prints and publications and similar material of political or cultural publications.

Second: Social and cultural activities.

Third: Bank interests.

Fourth: The sale of the property owned by the party.

#### Article 47

First: Parties must deposit their money in Iraqi banks.

Second: Parties must maintain well organized records of the bank accounts demonstrating income and expenditure.

Third: The party shall present an annual report of its accounts, prepared by the office of chartered accountant licensed and raise it to the Board of Audit.

Fourth: the Board of Audit shall raise a final report on the financial situation of the parties to the Parliament, the cabinet, and the Political Parties' Affairs Department.

#### Article 48

It is not permitted to spend the party income for purposes other than supporting its needs and goals in accordance to the procedures specified in its statute.

#### Article 49

Parties must refrain from:

First: Accepting gifts or cash from any party, organization, society, individual or any foreign party except with permission of Political Parties Affairs Department.

Second: Sending money to societies, organizations or any foreign party except with permission of Political Parties Affairs Department.

#### Article 50

Political parties receive annual financial support from the general state budget; these funds are deposited in the bank account of each party by the ministry of finance.

#### Article 51

Ministry of Finance must approve the estimation of the total sum of funding allocated to supporting political parties, and should present a recommendation to the cabinet for a final verdict and to include it in the general budget of the state.

#### Article 52

Political Parties Affairs Department shall divide the total financial support among parties as follows:

First: 30% of the total funds to be distributed equally among registered parties in accordance to this law.

Second: 70% for Parties represented in parliament according to the number of seats won by candidates in the elections

Third: This article is valid starting the next elections.

#### Article 53

Financial support to any party will stop in the following cases:

First: If the party violates the provisions of articles (43, 44, 45, 46, 47, 48, 49) and that violation was proven by Office of Financial Supervision.

Second: The party's activities are suspended by an order from the Administrative Court.

Third: The party stops its political activities voluntary.

Fourth: The party chooses to dissolve itself.

Fourth: The party is dissolved in accordance to the provisions of article (40) of this law.

## **Chapter Ten Penalties**

#### Article 54

Political Parties Affairs Department conducts administrative interrogation for actions taken by the party or one of its members that violate the law, and the Department then forwards the case to the court of specialty depending on whether it is a violation, felony or a crime.

#### Article 55

First: Penalty of imprisonment of no less than 6 months and no more than a year shall be sentenced upon any individual who establishes, organize, lead or finance a party not licensed in accordance to this law.

Second: Penalty of imprisonment of no less than 10 years shall be sentenced to any individual who establishes, organize, lead or finance a party not licensed in accordance to this law if the established party carries, promotes or defends terrorism, Expiatory, Sectarian or racial cleansing beliefs and seeks to undermine the provisions of the Constitution.

Third: When the Court of specialty convicts a party it shall order to dissolve the party, shut its quarters and confiscate all its belongings.

#### Article 56

Penalty of imprisonment of no less than 6 years shall be sentenced to any individual establishing a military or semi military organization within a party or connected a party to such an organization.

#### Article 57

Penalty of imprisonment of no less than six months and no more than one year in addition to removal from office shall be sentenced to any individual violating article (9/ Fifth) of this law.

#### Article 58

First: Penalty of imprisonment of no less than three months and no more than one year shall be sentenced to any leader or member in a party that accepts or receives directly or through a third party money, privilege or advantage unrightfully from any Iraqi person or entity for the purpose of practicing an activity related to the party.

Second: Penalty of imprisonment of no less than six years and no more than 10 years shall be sentenced if the money, privilege or advantage came from a foreign individual or entity.

Third: The court of specialty shall confiscate any money acquired by this crime.

#### Article 59

Penalty of imprisonment of no less than a year and no more than three years shall be sentenced to any party leader who sends party's money to societies, organizations, individuals or any other party outside Iraq without the approval of the Political parties' affairs department.

#### Article 60

Penalty of imprisonment of no less than six months and no more than a year shall be sentenced to any individual holding any activity or tries to polarize or establishes a political gathering within the members of the army, security forces, the judicial power, Commission of Integrity and The Independent High Electoral Commission.

#### Article 61

A fine of no less than one million Dinars and no more three million Dinars shall be sentenced to any party violating an article of this law when the penalty for it is not specified.

#### Article 62

Any party reporting the crimes mentioned in this law to the authorities shall be exempt from punishment if the reporting took place before investigations begin and the court may reduce the punishment if reporting took place during investigations in a way that led to discovering the parties involved in the crime.

#### Article 63

The provisions of this law do not come in the way of any stronger punishments stated by the criminal law or any other laws.

## **Chapter 11 General and Final Provisions**

### Article 64

It is possible to appeal before the Supreme Federal Court against the administrative court decision to dissolve a party or suspend its activities within 15 days of informing the party of the decision or considering it informed, issuing a verdict regarding the appeal is considered an urgent matter.

### Article 64

The belongings of a dissolved party shall be given to any party inside Iraq specified by the dissolving verdict.

### Article 66

Existing parties must evaluate their status in accordance to this law at the time of its activation, and shall correct any violations within 6 months of the law activation or otherwise the party shall be considered dissolved.

### Article 67

The cabinet shall issue the instructions needed to facilitate implementing this law, which shall be formulated by the political parties' affairs department.

### Article 68

First: The political parties' law number 30 of the year 1991 is canceled.

Second: The dissolved CPA order (Political Parties and Entities Act) number 97 of the year 2004 is canceled.

### Article 69

This law is considered valid after 60 days of announcing it in official newspaper.

### Reasons to Issue This Law

To fit the requirements of the new political life and democratic transition, and to regulate the legal framework of establishing political parties on national democratic bases ensuring political plurality and promote broader participation in public affairs,

This law has been issued.