

IRAQ

IRAQI REFERENDUM ON THE CONSTITUTION, OCTOBER 2005

NOVEMBER 2005

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1. Introduction

- 1.01 This Country of Origin Bulletin (COI Bulletin) has been produced by Research Development and Statistics (RDS), Home Office, to identify information about the Iraqi referendum on the Constitution in October 2005 obtained from a wide variety of recognised sources. It does not contain any Home Office opinion or policy.
- 1.02 This COI Bulletin has been prepared for background purposes for those involved in the asylum / human rights determination process.
- 1.03 The COI Bulletin is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 This COI Bulletin is intended to cover major developments that have taken place in Iraq since publication of the Iraq COI Report in October 2005 and must be read in conjunction with that.
- 1.05 This COI Bulletin and the accompanying source material are publicly disclosable. Where sources identified in the COI Bulletin are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the COI Bulletin is also included.
- 1.06 As noted above, the COI Bulletin is a collation of material produced by a number of reliable information sources. In compiling the COI Bulletin, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Bulletins do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.
- 1.07 In producing this COI Bulletin, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this COI Bulletin or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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2. Iraqi referendum on the Constitution, October 2005

- 2.01 The FCO report (accessed on 21 November 2005) stated that “On 25 October, it was announced that the Constitution was passed in the referendum held on 15 October [2005].” [1a]
- 2.02 The same report mentioned that “78 percent of Iraqis nation-wide voted in favour in a turnout of 63 percent. There was a majority Yes vote in 15 out of the 18 Governorates; in 12 of these, the Yes vote was over 90 percent.” [1a]
- 2.03 The Times online stated, on 25 October 2005, that “To defeat the constitution, the opposition needed to produce a two-thirds ‘no’ vote in three of Iraq’s 18 provinces.” [2b] An article by the BBC, dated 25 October 2005, noted that Sunni ‘No’ campaigners had hoped to block the Constitution, in line with electoral rules. [3a] The Times online article, however, reported that only 55 per cent of the voters in Ninewa, a northern province with a mixed population of Sunni and Shia Muslim Arabs, rejected the Constitution which allowed it to become law. [2b] ([See also Annex A on the Election results](#))
- 2.04 An IWPR article, dated 15 November 2005, stated that:
- “The Independent Electoral Commission in Iraq reported that voter turnout in the Kurdish territories was the highest in the country, but the figures are questioned on the streets.
- Many opposed to the constitution did not participate in the referendum. They said their votes probably would not counted (sic) for much because they hold a minority view and were also wary of possible vote rigging by charter-supporting Kurdish parties.” [4a]
- 2.05 The FCO report (accessed on 21 November 2005) mentioned that the International Electoral Commission for Iraq deployed more than 10,000 monitors to polling centres across Iraq. [1a] The IWPR added, on 25 October 2005, that “Commission officials said they received 125 complaints and appeals for investigations, including 80 in the city of Kirkuk, fifteen in Mosul in Ninewa province, six in Diyala and five in Basra.” [4b]
- 2.06 The Times online article, dated 25 October 2005, and the Wikipedia report (accessed on 22 November 2005) mentioned that there were a number of allegations of massive irregularities, including widespread vote-rigging and intimidation, particularly in Ninewa. [2b] [5a] However, the Times online reported, on 17 October 2005, that there was little violence, compared with the elections in January 2005. [2a]
- 2.07 The Wikipedia report (accessed on 22 November 2005) stated that “During this election, security detainees held by coalition forces and the Ministry of Interior were given the opportunity to vote. This is the first time in the modern history of the Middle East that detainees of this nature were allowed to vote in any election.” [5a]
- 2.08 An IWPR article, dated 15 November 2005, stated that “Dozens of policemen and government employees in Sulaimaniyah province have been reprimanded, fired or imprisoned for not voting in the constitutional referendum. ... Kurdish

officials and a police chief admitted they punished government employees for not voting, saying they had a democratic duty to go to the polls.” [4a]

- 2.09 The same article mentioned that “According to regulations issued by the Independent Electoral Commission in Iraq, officials cannot question or punish citizens and government employees about their voting preferences. The Universal Declaration of Human Rights, which Iraq adopted, protects the right of citizens to vote.” [4a]
- 2.10 A Wikipedia report (accessed on 22 November 2005) noted that:
- “With the approval of the constitution, elections for a permanent government must be held no later than 15 December 2005, with the new government assuming office no later than 31 December 2005. If the constitution had been rejected, the National Assembly would have been dissolved, and a new transitional government would have been elected to attempt to write another permanent constitution.” [5a]
- 2.11 Nevertheless, the Times online stated, on 25 October 2005, that Iraqi leaders are expected to meet before the elections to make final alterations to the Constitution under a compromise agreed before the referendum. [2b]
- 2.12 The Wikipedia report (accessed on 22 November 2005) noted that “The text of the proposed constitution was read to the National Assembly on Sunday, 28 August 2005. It describes the state as a ‘democratic, federal, representative republic’ (art. 1) (however, the division of powers is to be deferred until the first parliament convenes), and a ‘multiethnic, multi-religious and multi-sect country’ (art. 3).” [5b]
- 2.13 The Times online article, dated 25 October 2005, also noted that “The draft constitution places considerable power in the hands of regional authorities, and enshrines the autonomy of the Kurds autonomy in the north. Iraq's Shia-dominated south is also expected to become an autonomous region.” [2b]

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Annex A: Referendum results

Full Results by Province		
	Yes (Per cent)	No (Per cent)
Anbar	3.04	96.9
Babil	94.56	5.44
Baghdad	77.7	22.3
Basra	96.02	3.98
Dahuk	99.13	0.87
Dhiqar	97.15	2.85
Diyala	51.27	48.73
Irbil	99.36	0.64
Kerbala	96.58	3.42
Kirkuk	62.91	37.09
Maysan	97.79	2.21
Muthanna	98.65	1.35
Naiaf	95.82	4.18
Nineveh	44.92	55.08*
Qadisiya	96.74	3.32
Salahuddin	18.25	81.75
Sulaimaniya	98.96	1.04
Wasit	95.7	4.3
National Total	78.59	21.41

**Two thirds majority required to reject the charter*

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Annex B: List of source material

- 1 **Foreign and Commonwealth Office (FCO)** <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029390554>
 - a Iraqi Referendum on Constitution – 15 October 2005, <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1130674078910> Date accessed 21 November 2005
- 2 **The Times Online** <http://www.timesonline.co.uk/>
 - a Iraq referendum gives hope to those seeking new democracy, 17 October 2005 <http://www.timesonline.co.uk/printFriendly/0,,1-6047-1828975-6047,00.html> Date accessed 21 November 2005
 - b Iraq says 'yes' to constitution, 25 October 2005 <http://www.timesonline.co.uk/printFriendly/0,,1-6047-1841803-6047,00.html> Date accessed 22 November 2005
- 3 **British Broadcasting Corporation (BBC)** <http://www.bbc.co.uk>
 - a Iraq voters back new constitution, 25 November 2005 http://news.bbc.co.uk/2/hi/middle_east/4374822.stm#startcontent Date accessed 21 November 2005
- 4 **Institute of War and Peace Reporting (IWPR)** <http://www.iwpr.net>
 - a Police, Civil Servants Punished for Not Voting, 15 November 2005 http://www.iwpr.net/index.php?apc_state=hen&s=o&o=archive/irq/irq_152_3_eng.txt Date accessed 22 November 2005
 - b Iraqi Voters Approve Constitution, 25 October 2005 http://iwpr.net/?p=icr&s=f&o=257238&apc_state=henpicr Date accessed 22 November 2005
- 5 **Wikipedia Encyclopedia** http://en.wikipedia.org/wiki/Main_Page
 - a Iraqi constitution ratification vote, 2005, http://en.wikipedia.org/wiki/Iraqi_constitution_ratification_vote,_2005 Date accessed 22 November 2005
 - b Constitution of Iraq, http://en.wikipedia.org/wiki/Proposed_Iraqi_constitution Date accessed 22 November 2005

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