

SUNNI POLITICIANS BARRED FROM CANDIDACY

Iraqi politicians with close ties to Iran have attempted to bar Sunni candidates from the upcoming parliamentary elections. This threatens to generate a Sunni boycott and to endanger the legitimacy of the political process.

Iraq's Accountability and Justice Commission (unofficially known as the De-Ba'athification Committee) decided on January 7, 2010 to bar fifteen political entities, consisting of nearly 500 candidates, from participating in the upcoming parliamentary election on the grounds that they supported the Ba'ath Party.¹ Most prominent amongst them is Saleh Mutlaq, the head of a political party, the National Dialogue Front, and a member of the Iraqi List, an electoral coalition that also includes former Prime Minister Ayad al-Allawi (the head of the Iraq National List), Deputy Prime Minister Rafa al-Issawi, Vice President Tareq al-Hashemi (the head of the Renewal List and former head of the Iraqi Islamic Party), and Osama al-Nujaifi (a prominent Sunni Member of Parliament who belongs to the Iraqi National List).²

Mutlaq, who has participated in Iraqi politics for years without any such rulings, and other leaders of the Iraqi List strongly disagreed with the decision.³ The day after the announcement, the Iraqi List leaders held an emergency meeting and issued a joint statement rejecting the Commission's decision and threatening to withdraw from the election if the decision is implemented.⁴ The decision of the Accountability and Justice Commission was not binding and required approval from the Iraqi High Electoral Commission (IHEC).⁵

International organizations objected to the Accountability and Justice Commission's ruling. The United Nations Assistance Mission in Iraq

(UNAMI), led by Ad Melkert, sent a letter to IHEC urging the electoral body to freeze any action against those fifteen designated entities.⁶ According to an IHEC official, UNAMI was concerned because the Accountability and Justice Commission's executive director, Ali Faisal al-Lami, is a candidate in the election and therefore not a disinterested party.⁷

After nearly a week of deliberations, IHEC announced that it had accepted the Accountability and Justice Commission's ruling to bar the candidates from the parliamentary election.⁸ Mutlaq said he would appeal the decision to the Iraqi courts.⁹ Banned parties and politicians have three days to appeal the decision and are likely to do so.¹⁰

Iraqi politicians and parties reacted to the situation in different ways. Shi'a politicians are divided on the ruling. Falah Shanshal, a Sadrist MP that heads the Accountability and Justice parliamentary committee (not to be confused with the Accountability and Justice Commission which is a separate body and not a part of the parliament), defended the decision.¹¹

Some politicians have challenged the Accountability and Justice Commission's ability to rule on this matter on constitutional grounds, an extension of the growing political debate on the relative authorities of parliamentary and executive institutions. Bahaa al-Araji, another Sadrist MP and the head of the parliament's legal committee, called

the decision to ban Mutlaq and the other entities invalid on the grounds that the Accountability and Justice Commission's leadership had not been approved by the Council of Representatives.¹² The leaders of the Iraqi List also challenged the legality of the Commission and called for the body's suspension in their joint statement issued on January 8, 2010.¹³

Other politicians have sought to diffuse the tense situation by reiterating that the decision is not final and can be appealed to the courts. Iraqi Vice President Adl Mahdi, an ISCI leader, who met with Grand Ayatollah Ali al-Sistani the day after the Commission's announcement, said after his meeting that the decision was not yet official and was still being discussed "within the corridors of power."¹⁴ Hadi al-Amiri, another ISCI leader and the head of the Badr Organization, said that he "personally think[s] everyone should be allowed to take part," and that "The door needs to remain open for everyone."¹⁵ Abdullah al-Diri, a deputy for the Iraqi National Alliance, appealed for calm and a resolution in the Iraqi courts.¹⁶ Ahmad Anwar, a deputy for the Kurdistan Alliance, also reiterated that the decision was not final and affirmed the right to appeal to the judiciary.¹⁷

Some politicians, most notably Prime Minister Nouri al-Maliki, have yet to comment publically on the Accountability and Justice Committee's decision.

The Accountability and Justice Commission's decision was highly politicized and very likely influenced by Iran. The executive director of the Commission, Ali Faisal al-Lami, is a close associate of Ahmad Chalabi, who has strong ties to Iran's Qods Force¹⁸ and the Iranian regime.¹⁹ It is worth noting that al-Lami was arrested in August 2008 on grounds of his involvement with Iranian-backed Shi'a militia groups,²⁰ specifically accused of helping to orchestrate an attack on a Sadr City District Advisory Council meeting in Baghdad that killed six Iraqis, two U.S. soldiers, and two U.S. civilians.²¹ Al-Lami was released in August 2009 as part of reconciliation efforts between the Government of Iraq and Shi'a group Asaib Ahl al-Haq.²²

It is doubtful that al-Lami is acting independent of

Iran. Through the latest machinations via al-Lami, the Iranian regime likely aims to provoke a Sunni boycott of the parliamentary election (something already being threatened by Iraqi List leaders). A boycott would accomplish two key objectives. First, it would ensure the resulting government would be heavily Shi'a, weak, and seen as illegitimate by many Iraqis. Such a government would need to rely on Iran for support. Second, and equally important, a boycott would discredit the Iraqi electoral process. The Iranian regime cannot tolerate smooth, free, and fair elections in Iraq, as it would embarrass Iranian leaders in the wake of the domestic political challenges arising from their June 2009 election. This represents a refinement in Iranian objectives beyond their longstanding desire to have a weak and accommodating Shi'a-dominated government in Baghdad.

With the prospect of a court appeal, the resolution of this issue will take time. If the ban on Mutlaq and the other entities is upheld, it could seriously damage the legitimacy of the election and endanger the political and security progress witnessed in Iraq to date. Given the high stakes of this election, Iran will continue its attempts to influence the Iraqi political process to achieve its objectives.

This backgrounder will be updated as more details emerge.

List of Entities Banned by the Accountability and Justice Commission: ²³

1. The Iraqi National Dialogue Front, led by Saleh al-Mutlaq
2. The Iraqi National Unity Grouping, led by Nehru Abd-al-Karim al-Kasnazani
3. The Solution Movement, led by Jamal al-Karbuli
4. The Iraqi Republican Grouping, led by Saad Asim al-Janabi
5. The Al-Rafidayn National Trend, led by Husayn al-Safi

6. The Iraqi Al-Sawa'id Grouping, led by Salih al-Sa'idi
7. The Our Sons Bloc, led by Abdallah al-Wahb
8. The National Council of the Grouping of Iraqi Tribes, led by Mustafa al-Juburi
9. The Iraqi Social Movement, led by Ahmad al-Rakan
10. Sa'd al-Juburi List, led by Sa'd al-Juburi
11. The Iraqi Kurdistan Justice Party, led by Arshad al-Zibari
12. The All of Iraq Bloc, led by Jawhar al-Harki
13. The People's Trend, led by Ali al-Sajri
14. The Iraqi Resurrection Party, led by Abd-al-Jabbar al-Khazraji
15. The National Change Plan, led by Ali Khalifah

NOTES

¹ "Iraq Bars 14 Politicians, Parties from Election," *Agence France Presse*, January 8, 2010; Liz Sly, "Iraq Bars Major Sunni Party from Vote; It is Disqualified from the March Election for Alleged Baathist Ties. The Move May Roil Sectarian Tensions," *Los Angeles Times*, January 8, 2010; Rebecca Santana, "Former Iraqi PM warns of intimidation before vote," *Associated Press*, January 14, 2010.

² Iraqi High Electoral Commission, "Certified List of Political Coalitions for the CoR Election 2010," accessible at http://ihec.iq/content/file/House_of_Representatives_elections/Periodic_reports_of_the_activities_of_provincial_offices/eatlafat2212.pdf.

³ "(Corr) Iraqi MP accused of 'glorifyng' Ba'th party; political update 11 Jan 10," *Al-Sharqiyah TV*, Dubai, January 11, 2010, from BBC Monitoring Middle East – Political, Supplied by BBC Worldwide Monitoring, January 12, 2009.

⁴ "Iraqi Bloc to 'Reconsider' Running in Polls if Barring Decision Remains," *Al-Sharqiyah TV*, Dubai, January 8, 2010, from BBC Monitoring Middle East – Political, Supplied by BBC Worldwide Monitoring, January 9, 2010.

⁵ Nada Bakri, "Anger Over Move to Bar Sunni From Iraq Elections," *The New York Times*, January 8, 2010.

⁶ "UN urges freeze to any procedure against parties barred from vote; Iraq update," *Al-Sharqiyah TV*, Dubai, January 12, 2009, from BBC Monitoring Middle East – Political, Supplied by BBC Worldwide Monitoring, January 12, 2010.

⁷ "UN urges freeze to any procedure against parties barred from vote; Iraq update," *Al-Sharqiyah TV*, Dubai, January 12, 2009, from BBC Monitoring Middle East – Political, Supplied by BBC Worldwide Monitoring, January 12, 2010.

⁸ "Iraqi Election Officials Bar Nearly 500 Candidates from Poll," *Agence France Presse*, January 14, 2009.

⁹ Nada Bakri, "Anger Over Move to Bar Sunni From Iraq Elections," *The New York Times*, January 8, 2010.

¹⁰ "Iraqi Election Officials Bar Nearly 500 Candidates from Poll," *Agence France Presse*, January 14, 2009.

¹¹ "(Corr) Iraqi MP accused of 'glorifyng' Ba'th party; political update 11 Jan 10," *Al-Sharqiyah TV*, Dubai, January 11, 2010, from BBC Monitoring Middle East – Political, Supplied by BBC Worldwide Monitoring, January 12, 2009; "Iraq bars 14 politicians, parties from

election,” Agence France Presse, January 8, 2010.

¹² “Iraq urges vote ban for Sunni leader, parties,” Al Arabiya, January 7, 2010.

¹³ “Iraqi Bloc to ‘Reconsider’ Running in Polls if Barring Decision Remains,” Al-Sharqiyah TV, Dubai, January 8, 2010, from BBC Monitoring Middle East – Political, Supplied by BBC Worldwide Monitoring, January 9, 2010.

¹⁴ Nada Bakri, “Anger Over Move to Bar Sunni From Iraq Elections,” The New York Times, January 8, 2010.

¹⁵ Nada Bakri, “Anger Over Move to Bar Sunni From Iraq Elections,” The New York Times, January 8, 2010.

¹⁶ “Iraqi MP says decision barring Sunni leader from poll not final; update 10 Jan,” Al-Iraqiyah Television, Baghdad, January 10, 2010 from BBC Monitoring Middle East – Political, Supplied by BBC Worldwide Monitoring, January 10, 2010.

¹⁷ “Iraqi MP says decision barring Sunni leader from poll not final; update 10 Jan,” Al-Iraqiyah Television, Baghdad, January 10, 2010 from BBC Monitoring Middle East – Political, Supplied by BBC Worldwide Monitoring, January 10, 2010.

¹⁸ Michael Isikoff and Mark Hosenball, “Iraq’s Chalabi Loses Post Over Ties to Iran,” Newsweek, May 15, 2008.

¹⁹ Eli Lake, “EXCLUSIVE: Iraqi official’s top aide linked to Shi’ite terrorists,” The Washington Times, August 28, 2009.

²⁰ Rod Nordland and Sam Dagher, “U.S. Will Release More Members of an Iraqi Militia,” The New York Times, August 17, 2009.

²¹ Rod Nordland and Sam Dagher, “U.S. Will Release More Members of an Iraqi Militia,” The New York Times, August 17, 2009.

²² Rod Nordland and Sam Dagher, “U.S. Will Release More Members of an Iraqi Militia,” The New York Times, August 17, 2009.

²³ “In its morning newscasts on 9 January, Dubai Al-Sharqiyah Television,” Al-Sharqiyah TV, Dubai, January 9, 2010, from from BBC Monitoring Middle East – Political, Supplied by BBC Worldwide Monitoring, January 9, 2010.