

KHANAQIN ELECTION OBSERVATION 2009 CPT FINAL REPORT

Introduction

Christian Peacemaker Teams (CPT), an NGO working in Iraq since 2002 and with its current office in Sulimaniya, KRG, served as election monitors for the January 31, 2009 Iraqi provincial elections, a process overseen by the Independent High Electoral Commission of Iraq (IHEC).

Four members of CPT observed the election process in Khanaqin, an area in the northeast of Diyala Province. Those observers were: Elizabeth Pyles, Margaret Gish, Michele Naar and Denis Murphy. Naar and Murphy observed from the offices of Kalat, an Iraqi NGO acting as election oversight monitors for the entire province. Pyles and Gish observed voting at three election centers in Khanaqin and interviewed voters there and at a street demonstration outside the offices of the local IHEC for Khanaqin. In addition, CPT members previously met in Khanaqin with town officials, PUK political party officials, Kurdish, Turkman and Arab organization representatives, the local IHEC representative, and local citizens. During election day, Pyles and Gish also spoke with monitors from various political parties at the polling centers they visited.

General observations in Khanaqin

The polling sites where CPT observed were the Shakabil Polling Center at the Tafay Secondary School for Girls/Kareze Primary School; the Khanaqin Preparatory School for Boys; and the Al Noaman Primary School (also in Khanaqin).

CPT saw no political posters or irregular election behavior at any of the polling places. At each site Khanaqin police searched people and bags, had a guard on the roof of the building, and watched people going in and out, but we saw no threatening or intimidating behavior toward the people. Outside the buildings were complete listings of people registered for that site, visible to the voters. The voting procedures at the sites visited seemed well organized and standardized.

Reports of problems throughout the province

As indicated above, two CPT'ers remained at Kalat's offices and observed reports of problems on election day throughout Diyala Province.

Problems reported during that time included:

- Polling monitors were refused entrance to a poll by Iraqi Army personnel in Karatopa (outside Jalawla). Military personnel stood in the doorway physically blocking entrance, in violation of an agreement with the military that they would remain a minimum of 50 feet away from polling entrances. This report came in at 7:30 a.m.

- In Saadiya, by 7:30 a.m., only two out of thirteen polling places were open.
- Election observers were not allowed to enter the Al Makhfera polling center in Baquba, per a call received at 9:00 a.m.
- Election observers outside the Al Makhfera polling center in Baquba received reports of people coming in with their finger coated in oil to allow the indelible ink to be easily removed so they could vote more than once.
- Per Kaka Kanaan of Kalat, people not allowed to register [see discussion below] were going to election centers in Khanaqin, but were not being allowed in to vote, but that many were planning to stay and insist they be allowed to vote.

With the exception of the problem of the non-registration of certain voters, Kalat was able to contact various resources to address the varied reports of problems associated with the election throughout the day. It is unknown by these reporters to what extent the problems were actually resolved.

Central Claim of Report

CPT's conclusion about the integrity of the process for the January 31 elections is that while the procedures in place at the polling locations appeared to be sound and were applied in an impartial and correct manner, the overall process is nevertheless significantly flawed due to the manner in which the IHEC promulgated and implemented its own internal rules for the registration of voters.

Some explanation of voter registration in Iraq

Iraqi law allows for its displaced population to vote. It is the responsibility of the IHEC to assure that right is preserved by implementing measures that allow for these persons to have access to the ballot box.

In Iraq, the IHEC registers voters. The IHEC chose to register all voters based upon their food ration cards, a form of identification that, since the Oil-for-Food Program under Saddam, allows Iraqi citizens to receive food rations regardless of economic need. The card lists the head of the household, followed by each family member.

The Ministry of Commerce within the Iraqi Central Government (ICG) in Baghdad is responsible for overseeing the issuance of food cards on an annual basis. The IHEC rules provide that in order to vote in one's province for the January 31, 2009 election, the voter must have had a food ration card issued to him on or before April 15, 2008.

Tens of thousands of new food ration cards were not timely issued to Kurdish returnees (those forcibly displaced under the Saddam regime who were allowed to return to their homes following the US invasion) by the Ministry of Commerce: although applied for prior to April 15, 2008, these people did not receive their 2008 cards until long after April 15, denying them the ability to be registered to vote.

The IHEC places the blame on this state of affairs with the Ministry of Commerce for not having timely reissued the cards. But the responsibility for assuring the fairness of the election and access of all voters to the ballot box rests with IHEC, and not with the Ministry of Commerce.

The IHEC had it within its power, having known of this situation for months prior to the election, to amend the rules to allow for the displaced and the returned to vote, including: (a) the extension of the deadline for the new cards beyond April 15; and/or (b) advancing an alternative means of identification to the food ration card; and/or (c) allowing the voters not registered because of the paperwork delay to vote absentee.

The absentee voting suggestion is not as far-fetched as it might seem, given that under existing procedures in Iraq, a forcibly displaced Kurd still living in the place of his forced exile, such as Baghdad, can vote in the election for his home province by absentee ballot. But the result of the rules of the IHEC is that the Kurd who has actually returned home, presently living the political situation there, cannot vote anywhere at all unless his food card had been moved back to his home by April 15, 2008.

Finally, the IHEC could have granted the returnees the same privilege granted to IDP's from the south, by issuing them a "Form 111", a yellow government form which allowed the internally displaced (mainly of the south) to vote in their provincial elections even though they currently have no address.

According to Kaka Tahir, head of the IHEC Office in Sulimaniya, KRG, Form 111's were issued up to two months prior to the election to internally displaced persons (IDP's) fleeing the violence in the south of the country since the 2003 invasion. This form allowed the IDP's to vote on election day even if their names did not appear on the voter registry.

The voices of the people

On January 31, people went to their polling places in Iraq expecting to vote. In the north, some of them had voted in the elections of 2005, only to be told on January 31 that their names did not appear on the voter rolls at all, and thus they could not vote. Some actually had food ration cards in Khanaqin, but their names still did not appear on the voter rolls.

According to locals in the various area, thousands were denied their voting rights on this basis in Tuz; 16,000 in Khanaqin; and upwards of 80,000 in Makhmour.

A family not allowed to vote in Khanaqin were interviewed. The father, Farid Zhian Azad Nozad , his wife and son, all from Kalar, were among seven eligible voters in their household. According to Farid, they were not allowed to vote and were told that the problem was that his name was listed incorrectly (with a repeat of the first name) on the food ration card, so that the family name on the card differs from the name as it appears on the voter rolls. The family related that in the 1970's, they were forced to leave Kalar and moved to Fallujah, but returned to Kalar since 2003. The son said, "I won't leave until I vote, even if I have to stay all day." Farid reported that his brother had a new 2009 food card, but was still unable to vote.

A second family of three male and three female eligible voters were not allowed to vote, because their names were not on the voter list at all.

A man named Abbas and his family now live in Karaka Town. Because he works for the Asaish (part of the police forces in the Kurdish north) in Suleimaniya and is paid by the KRG, the election workers told him that he would have to vote in Suleimaniya rather than in the polling center for Karaka Town (where he lives); and thus he was not allowed to vote.

Achmad Abdulrahman Murad Wais, and wife, Musria Ferid Ali, from Shaklaw village, near the Iran-Iraq border, were not allowed to vote. They have two daughters eligible to vote as well: Aisha Achmad and Hayat Achmad. With them was Achmad's brother's wife, Asima Abdulrachman and Rosemia, her adult daughter. The family had been moved to Nasaria under Saddam, returning to Kalar in August, 2008. Their food card was issued in 2007 and they have been getting their monthly rations in Kalar since August 2008. Officials told them they would give them a new card later; they are still waiting.

Ali Dar Hushiar Mohammed, from Kalar, was not allowed to vote as his name, likewise, was not on the voter roll. He and his family were deported from Kalar in the 1970's, but have returned since 2003. There are nine eligible voters in his family.

Several families interviewed had no difficulties voting, but one of those families reported that they have neighbors who are returnees and who are not allowed to vote. They reported feeling bad for their neighbors' situation.

A family of returnees from Baghdad had just recently received their new 2009 food ration card, but were denied the right to vote. While interviewing this family another man came up and said he had the same problem. He then walked away, so no further information could be obtained from him.

"We have a choice, to vote or set the polling place on fire. I had a family member killed by Saddam. That is why it is very important that I can vote now," said a man in the crowd of would-be voters who had come to the local office of the Independent High Electoral Commission of Iraq (IHEC) in Khanaqin to demand the right to vote denied them on election day.

Delshad Jabad and his family were forcibly removed by Saddam to Ramadi in 1975, but returned to their home in the Khanaqin area following the 2003 invasion. Told he could not vote, Jabad said, “This is not democracy! I am Iraqi and I want to vote in Khanaqeen. Why can’t I vote?”

The problem is wide-spread

In front of the IHEC office in Khanaqin, where the demonstration of disenfranchised returnees took place, Nooman Namad, an Iraqi Kurd who lived and worked in Iran for thirty years and worked for Human Rights Watch there, reported that around the end of February of 2008, he personally sent 6,500 applications to Baghdad on behalf of returnee families from this area to change their food ration cards.

Some of these families got a response in August, but many did not. No one seemed to understand the reason. Officials in Baghdad blame officials in Baquba, while those in Baquba blame the government in Baghdad. Nooman believes that these voter irregularities were done deliberately in order to reduce the Kurdish vote in Diyala Province.

Jabar Mohammed Ali said that he is one of the 2,500 families who still do not have their names spelled correctly and thus cannot vote. He voted in 2005, but now his name is not on the list.

At the demonstration in front of the IHEC office, wearing official monitor badges, CPT election observers Pyles and Gish were quickly surrounded. People held up their food ration cards and other documents demonstrating that they should be allowed to vote, shouting above the street noise their family names and stories. There was no purple ink on their fingers.

More than forty buses which had brought people into the polling centers of Khanaqin from the outlying villages and surrounding areas stood empty as the people tried to vote and then demanded to know why they could not.

Yusef Ahmad Mustafa, a member of the Iraqi Parliament representing the Kurdish region, commenting that 16,000 eligible voters from Khanaqeen were not able to vote, said, “So many times I tried to fix this problem. After 15 April, returnees tried to change their food rations card to Khanaqeen. We want to have democracy in Iraq. The people have the right to vote, but so many don’t [have the right]. This is the responsibility of the Independent Election Commission. By their name they are independent, but they don’t like Kurds.”

But there was joy on this day as well. After returning from a tour of the town, Kaka Kanaan said “it looks like Christmas”, referring to the festive atmosphere among the people in Khanaqin.

At the polling centers and on the street, people wore their best clothes and brought their children with them to bear witness and to learn. In the street alongside the demonstration was an impromptu dance led by an old man in traditional Kurdish dress beating a rhythm with his drum. Women wove the Kurdish flag into their hair or wore it as a cape. Young men painted the Kurdish and Iraqi colors on their faces. There was laughter and hope in the air alongside the anger and frustration at not being allowed to vote.

An observation about western media coverage of the election

With all due respect to the western media, coverage of the January 31, 2009 elections was focused not on the elections themselves, but rather on the violence or lack of violence on election day.

There was little violence throughout the country on election day; but the central event of January 31, 2009, was the election. How that election was conducted; whether it was done fairly; what motives various groups have to disenfranchise others (which is inextricably linked to episodes of violence when they did occur): these were the things Iraqis themselves were focused on.

Sectarian (religiously-motivated) violence is less now than it was in 2006. But ethnically-motivated episodes continue; unfortunately, they are not chronicled, so it is difficult to know whether ethnic tensions are static, decreasing, or in fact, on the rise.

The only reference to Khanaqin or to the disenfranchisement of almost 100,000 Kurds in the most recent elections, where the numbers matter in the composition of the provincial councils, which have a wide range of governing latitude, was from the Guardian, wherein Brian Murphy wrote, "Hundreds of Iraqi Kurds stormed an election office in the disputed northern city of Khanaqin after claiming many of them were not on voting lists. There were no reports of serious injuries. The incident was part of lingering disputes between Kurds and the Arab-run central government over control of the city near the Iranian border." --Brian Murphy, AP, as reported in the Guardian, Feb. 1, 2009.

In fact, Iraqi Kurds did not "storm" the IHEC office; rather they gathered peacefully outside the office in a demonstration protesting the denial of their right to vote as Iraqi citizens. As noted above, while they were speaking with media, providing information to the CPT observers, and standing together in solidarity, others were dancing, wearing the colors of the KRG, and engaging in an impromptu parade of vehicles around the circle.

Moreover, the "incident" as the Murphy piece characterizes the demonstration, was not about "lingering disputes about control of the city [actually it is a town; that's one of the disputes]". The demonstration was specifically about citizens of the nation of Iraq being denied the right to vote.

Conclusions

Iraq has a substantial displaced population. Per United Nations reports, more than 4.5 million Iraqis are either internally displaced or refugees in other countries. In addition, during the Saddam regime, substantial numbers of people were forcibly relocated away from their homes to other areas of the country (euphemistically referred to as 'resettlement'), with other ethnicities moved into the forcibly vacated homes (a process known in the north of the country as 'Arabization', as it was primarily aimed there at the Kurdish population).

On election day, Al-Iraqia, the government-owned television station, reported that upwards of one million IDP's were not being allowed to vote; later in the day, the IHEC announced that it was granting those IDP's lacking even a Form 111 to vote.

Most of the IDP's in Iraq are from the south and are Arabs. Most of those displaced persons from the north are Kurdish and were displaced prior to the 2003 invasion.

The IDP's from the south were allowed to act to get their names on the voter rolls up to two months prior to the election, while those from the north had to be registered on or before April 15, 2008, nine and a half months prior to the election.

Among the IDP's from the south, even those who had no form of registration were allowed to vote by special grace from the IHEC on election day, while those in the north were given no special dispensation.

It is laudable that IHEC went to such great lengths to assure access to the ballot box to millions of citizens denied access because of the on-going violence in Iraq. But the distinction made between the IDP's of the south and those of the north, according to Kaka Tahir, that one group was displaced due to violence, while the other to politics, not only makes no sense, it simply isn't true. Those displaced from the north were deported by force from their own homes, often after family members had been executed by their own government; and they were removed from their homes literally at the end of a gun, as military and police personnel at the time removed them beyond the borders of their home provinces.

Moreover, if the IHEC could accommodate millions of voters with no fixed address, as in the case of the mostly-Arabic IDP's, it could surely accommodate tens or even hundreds of thousands of voters who in fact have fixed addresses, as in the case of the mostly-Kurdish returnees.

Granting Arabs of the south their voting rights while denying those same rights to Kurds of the north only fuels an already-volatile divide between the two ethnic groups. This is an unconscionable distinction based upon political exigencies that are obvious, given the continued dispute between the Iraqi Central Government and the Kurdish

Regional Government (KRG) about the division of the lands that were demographically changed by force under Saddam.

But the actions of the IHEC have the added effect, reminiscent of the various voter “qualification” requirements in the southern United States targeted against citizens of color, of distinguishing between citizens based upon ethnicity.

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