

With US backing, court rejects candidate ban in Iraq

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An Iraqi appeals court on Wednesday overturned a ruling that had banned hundreds of candidates from standing in the March 7 election on the grounds they had links with or held the views of Saddam Hussein's now illegal Baath Party. The decision immediately heightened already sharp sectarian tensions, with competing factions of the Iraqi ruling elite vying for dominance in Washington's puppet regime.

The candidate ban was imposed by the Justice and Accountability Board, an anti-Baathist judicial body headed by Ali Faysal al-Lami, a prominent Shiite fundamentalist. Lami is aligned with the major Shiite parties that dominate the government of Prime Minister Nouri al-Maliki and is suspected by the US military of having close relations with the Iranian regime.

The Justice and Accountability Board's decisions were blatantly political. In effect, Lami ruled that opposing the domination of parliament by Shiite religious parties was equivalent to promoting the return to power of the Baath Party, which, representing the interests of a Sunni ruling stratum, espoused an Arab nationalist and secular ideology. In total, he excluded 458 candidates from Sunni-based and secular coalitions. Among those banned were Saleh al-Mutlaq, one of the most prominent Sunni politicians, Abdul Kader al-Obeidi, the current defence minister, and a number of serving Sunni members of parliament.

Subsequent events underscore the extent to which sectarianism and communalism has been embedded in the state structures erected under the US military occupation. The bans were supported by Maliki, the main Shiite parties, the nominally independent Electoral Commission and judges in lower appeals

courts. Mutlaq and other Sunni leaders responded by threatening an election boycott, with veiled warnings that the discriminatory rulings could reignite the Sunni-based, anti-occupation insurgency.

The Obama administration reacted with alarm. Tens of thousands of American troops and vast quantities of equipment are in the process of being withdrawn from Iraq to allow for the deployment of additional forces to Afghanistan. By September, it is intended that the US presence in Iraq will be reduced to 50,000 personnel. The resumption of large-scale resistance in Sunni areas could throw the entire US strategy into disarray.

US Vice President Joe Biden was dispatched to Iraq on January 22 to pressure Maliki and other leaders to repudiate the decisions of the Justice and Accountability Board and thereby dampen Sunni-Shiite tensions. It initially appeared his efforts were unsuccessful, with Maliki openly rejecting any action against Lami's rulings. It is now clear, however, that while failing to shift the Shiite-dominated government, Washington did succeed in cajoling a section of the judiciary to overturn the ban.

Sunni vice president Tariq al-Hashemi, who is currently on a visit to the US and whose electoral bloc was badly affected by the candidate bans, told journalists that he had held discussions this week on the issue with Obama, Biden and Secretary of State Hillary Clinton. He warned that the Maliki government should accept the court ruling, otherwise "bitter feeling could turn to anger" and "it could be dangerous".

The appeals court ruling issued on Wednesday exactly matches Biden's proposal to resolve the

political crisis. The affected candidates can stand in the election, but will be investigated for Baathist links following the March 7 vote if they win seats. If found guilty, they will be barred from sitting in the next parliament.

Saleh al-Mutlaq hailed the ruling as a “victory”. The coalition to which his party belongs, Iraqiya, expects to win a large number of seats. The alliance includes the parties of former Prime Minister Iyad Allawi and vice-president Hashemi. It has attempted to make a broad appeal to both Sunnis and Shiites through populist and nationalist denunciations of the Maliki government as incompetent, authoritarian, sectarian and too close to Iraq’s regional rival Iran. Numerous Sunni leaders accused the Justice and Accountability Board of banning Sunni and secular candidates directly on Tehran’s orders.

Predictably, the Shiite parties have reacted to the court ruling with anger. A spokesman for Maliki declared the appeals court’s actions were “illegal and unconstitutional”. A leading representative of the Sadrist movement headed by Shiite cleric Moqtada al-Sadr denounced it as “a betrayal of the people and the blood which poured in Saddam’s era and after the occupation”. The Electoral Commission called on the country’s Supreme Court to rule whether the decision had to be obeyed and ordered a week’s delay in the formal start of the election campaign until the matter was clarified.

A meeting will take place today between Maliki, the president and two vice presidents, the speaker of parliament and the head judge of the Supreme Court to seek a consensus that the ruling is unconstitutional. If no agreement is reached, Maliki has called an emergency parliamentary session for Sunday. The Shiite parties are threatening to pass legislation that upholds the authority of the Justice and Accountability Board and rejects the court intervention.

The US embassy is waging a campaign to stop the controversy escalating and further inflaming Shiite-Sunni tensions. On Friday, Hillary Clinton endorsed the court ruling and issued a blunt warning to the Shiite factions to back off, telling a press conference: “People

are forming coalitions and seeking votes, and reaching beyond their own community to do so. That is exactly what we want to encourage. So obviously, anything that would undermine the potential legitimacy would be of concern to us.”

Washington’s primary concern in the March 7 election is to forge a regime that is both stable and loyal to US interests in the country and the broader Middle East. Washington expects the Baghdad regime to complete the opening up of the oil industry to foreign exploitation and to sign off on the maintenance of permanent US military bases. Having devoted vast resources to subjugating Iraq over the past seven years, it will not allow a power struggle between rival cliques of the Iraqi ruling elite to disrupt its agenda.



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