

The Swiss cheese Iraqi Constitution ... Stuffed with Kurdish relish

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“The draft constitution for Iraq that has been published in the Western press has been widely reviewed and commented upon by many individuals. There have been ongoing revisions to the constitution. The most recent version was released internally on Sept. 13th. This version has not been disseminated to either Western or Iraqi press or to the Iraqi public. CPT Iraq was sent a copy by a contact in the government.

While much of the document is similar and most changes are more in terms of replacing a word or two, there are some significant differences. Perhaps the most dramatic change is the omission of a section of the “Transitional Provisions.”

The published draft reads:

1. “It is forbidden for Iraq to be used as a base or corridor for foreign troops.”
2. “It is forbidden to have foreign military bases in Iraq.”
3. “The National Assembly can, when necessary, and with a majority of two-thirds of its members allow events stated in #1 and #2 to take place.”

This provision is completely missing from the current unpublished version.

Perhaps a more subtle change is in the “Fundamental Principles” section.

In the published draft, Article 2 states: “No law can be passed that contradicts the undisputed rules of Islam.”

In the unpublished current version, the article reads, “No law that contradicts the established provisions of Islam may be established.”

Now this may be splitting hairs but Iraqis have said that “undisputed” would imply Islamic law that is recognized by both Sunni and Shi’a. The word “established” would imply that law that exists in one branch but not the other would be considered the basis of national law.

This could create serious tensions if a Sunni or Shi’a were required to obey a national law that is outside of their particular faith tradition.”

[Leaked constitution sets scene for foreign bases, sectarian tensions](#) September 27, 2005

“If the referendum on Iraq’s draft constitution next month is conducted fairly, it now appears very likely that the document will be defeated by a two-thirds majority in the three Sunni-dominated provinces of Anbar, Salahadeen and Nineveh, plunging Iraq into a new political

crisis.

However, one way such a defeat could be averted is by massive vote fraud in the key province of Nineveh. According to an account provided by the US liaison with the local election commission, supported by physical evidence collected by the Independent Electoral Commission of Iraq (IECI), Kurdish officials in Nineveh province tried to carry out just such a ballot-stuffing scheme in last January's election.

The Sunni Arab majority of about 1.7 million in Nineveh – including Sunni insurgent organizations – appears to be united behind a “no” vote on the constitution. Kurds number only about 200,000 and non-Kurdish, non-Arab minorities another 500,000 to 600,000. The non-Arab, non-Kurdish minorities – Assyrian Christians, Shabaks, Yezidis and Turkmen – which hold the balance in the province, are overwhelmingly opposed to the constitution.

Heavy-handed control by the Kurdistan Democratic Party (KDP) of non-Kurdish towns, exercised through Kurdish militia and intelligence presence in non-Kurdish areas, has alienated all four groups. They fear the draft constitution would legitimize Kurdish plans to absorb into Kurdistan the areas of Nineveh where they are the majority, eliminating the limited recognition of status and rights as minorities they now have.

In the January election, the Kurds dealt with the problem of being a relatively small minority in the province by stuffing the ballot boxes, as recounted by Major Anthony Cruz, an US Army reserve civil affairs officer assigned to work with the province's electoral commission. Cruz, now back in Los Angeles, provided a detailed account of the election in Nineveh to IPS in interviews.

The 1st Brigade, 25th Infantry Division (“Stryker Brigade”) was responsible for getting ballot boxes and ballots to polling places on the Nineveh Plain in January's election. But it relied on battle-hardened Kurdish Peshmerga militiamen to maintain security in the towns and villages, and did not know its way around the area well enough to deliver ballot boxes there without Kurdish help, according to Cruz. So the brigade agreed to send a US convoy with the voting materials to meet a Kurdish delegation in the Kurdish town of Faida on the border of Kurdistan 50 miles north of Mosul, so that the convoy could be guided to the largely Christian and Shabak towns on the Plain of Nineveh. When the convoy arrived in Faida the day before the election, however, the promised Kurdish guides never came. Instead, said Cruz, the Kurdish mayor of the town came demanding the ballots for what he called Kurdish towns on the list. The convoy commander wanted to take all the ballots back because the mission had been aborted. A tense standoff followed, and the convoy commander called Cruz for a decision on what to do with the ballots. He advised the commander to give the mayor enough ballots for four towns, and the convoy returned to Mosul. On election day, Cruz recalled, the US military tried to find helicopters to carry the ballot materials out to the six remaining district towns on the list, but was able to get ballots before the 5pm close of voting to only one town, Bashiqa, which is almost entirely Christian, Shabak and Yezidi. But according to Cruz, Kurdish militiamen stole the ballot boxes from the polling place, returning them later after obviously tampering with them and offering bribes to the election workers to accept them.

Meanwhile, a much more ambitious vote-fraud scheme was unfolding in Sinjar, a relatively small district town in the west known to be a predominantly Sunni Arab area. About 12,000 ballots had been sent to Sinjar, but on election day KDP officials in Sinjar requested a number of ballots far in excess of the estimated electorate in the town and surrounding

villages, according to Cruz. He recalled that the request was supported by the office of the interim president of Iraq, Sunni Arab Ghazi al-Yawer.

Cruz remembers joking about the **“500% voter-participation rate”** in Sinjar.

Nevertheless, the Stryker Brigade Combat Team complied with the request for the ballots. Later, the province’s Independent Electoral Commission of Iraq (IECI) forwarded 38 ballot boxes, 174 plastic sacks and 14 cardboard cartons of ballots that had obviously been tampered with to the national IECI. In some boxes, reams of ballot papers that had not even been folded were visible. In others, boxes had been resealed with red and green duct tape. **When Cruz asked the local IECI director how many of the fraudulent ballots had come from Sinjar, he was told, “all of them”.** (emphasis added)

[Stuffing Iraq’s ballot boxes](#) September 30, 2005

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