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Leader Faulted on Using Army in Iraqi Politics

By [STEVEN LEE MYERS](#) and ANTHONY SHADID

TIKRIT, Iraq — The Iraqi Army's Fourth Division cordoned off the provincial council building here overnight on Tuesday and showed no sign on Wednesday of leaving. It was the latest in a series of actions by the government of Prime Minister [Nuri Kamal al-Maliki](#) that have infuriated his political opponents, while raising doubts about the strength of the country's laws and democratic institutions.

In a dispute over the provincial council's legal powers to appoint a governor, Mr. Maliki ordered in the military here — for the second time — to exert his influence. American military commanders and diplomats expressed alarm at his willingness to use force.

"You have the law on your side," Col. Henry A. Arnold III, commander of the First Infantry Division's Fourth Brigade, told a council member outside the besieged building on Wednesday morning. "Maliki knows it. The Americans know it. And they're going to keep reminding him of it."

The intervention in Tikrit, a densely Sunni Arab area near [Saddam Hussein's](#) home village, occurred during an increasingly tense election campaign that has heightened fears of politically tinged violence. It highlighted what Mr. Maliki's critics have denounced as an abusive use of the law and the security forces to settle political disputes and jockey for advantage in the parliamentary elections, scheduled for March 7.

The political turmoil convulsing [Iraq](#) stems not just from suspenseful elections in which Mr. Maliki, a Shiite who has allied with several Sunni politicians, appears to be losing popular support and potentially his chances for re-election.

It also stems from an untested separation of powers, opaque back-room agreements and a loose fidelity to the country's laws, whose interpretation often depends on who is reading them.

"Iraq is like a sick person," the speaker of Parliament, Ayad al-Samarrai, said at a recent news conference. "All its organs are ailing."

In just the last week, Mr. Maliki's government has acted with, at best, disputed legal authority.

In Diyala Province, a leading candidate from one of the main blocs challenging Mr. Maliki's political coalition, known as State of Law, was arrested Sunday night by special forces sent from Baghdad only days after he took part in a recorded debate in which he criticized the security forces.

Warrants are said to have been issued for five other members of that province's legislature on charges that remain unclear.

When an appeals court last week [reversed in part the disqualification](#) of hundreds of candidates who had been barred because of reported ties to Mr. Hussein's [Baath Party](#), Mr. Maliki denounced the ruling as illegal. He later met with parliamentary leaders and the chairman of Iraq's Supreme Judicial Council to [hash out a compromise](#) that opponents said illustrated the undue political pressure exerted by Mr. Maliki on a supposedly independent judiciary.

"A prime minister who should be the first defender of the Constitution, the first defender of the supremacy of law and law and order in the country — and this incidentally is the name of his group — should be the first person to defend a decision of the court and the judiciary," said [Ayad Allawi](#), a former prime minister whose bloc has emerged as a potent rival to Mr. Maliki's, in a recent interview.

The process for disqualifying candidates accused of Baathist backgrounds was so murky that foreign diplomats, [United Nations](#) officials and even Iraqi officials knew little about what was happening — and are still in the dark. The list of those disqualified and the evidence for supporting their disqualification still have not been made public.

A committee of Parliament at one point called for a "withdrawal of confidence" in the appeals court, an act that lacked any legal foundation.

An American official, referring to the disqualification process, said, "The emotional weight of this issue is too heavy for the nascent democratic institutions to manage."

The confrontation in Tikrit began with the newly elected provincial council's vote in October to dismiss the governor of Salahuddin Province, Mtasher Hussein Ulaiwi, claiming negligence. Mr. Ulaiwi was elected by the council last year after provincial elections that were intended to expand the powers of Iraq's regions to govern themselves after decades of authoritarian control from Baghdad.

"The Iraqi government is used to using the army to settle its problems," one council member, Abdullah Ejbarah, a former general in Mr. Hussein's Republican Guard, said Wednesday at the council's building.

The dispute has clearly become part of the larger electoral battle in Iraq. Mr. Maliki has sided with the former governor's party, the Iraqi Islamic Party, whose support he is likely to need after the national elections if he hopes to remain in office. The party includes prominent Sunni leaders in Baghdad, among them Mr. Samarrai, the speaker of Parliament.

For weeks after his dismissal, Mr. Ulaiwi refused to leave office, appealing to Iraq's federal court and suing the council's chairman on charges that he had a criminal record and a falsified high school diploma.

Mr. Maliki intervened first with a letter refusing to recognize the governor's dismissal. When the federal court upheld the council's actions, though, he ordered the governor removed from office. Then he ordered the army's Fourth Division to occupy the building on the night of Jan. 20 to block the council from seating a new governor, elected by a council vote of 20 to 2.

That action shut down many of the province's basic functions until Feb. 7, when the first occupation ended after behind-closed-doors negotiations in Baghdad that allowed the appointment of an acting governor. According to members of the council, however, Mr. Maliki's aides are still insisting on influencing the choice

of governor.

“We are just adhering to the law,” the acting governor, Ahmed Abdul Jabbar Abdul Karim, said in his office on Tuesday, only hours before the provincial council building was cordoned off. “You want my opinion? There is no law today in Baghdad.”

Mr. Maliki’s government has said nothing publicly about the intervention of the army.

The Americans in Salahuddin — including commanders of the Third Infantry Division and Colonel Arnold’s brigade, as well as the State Department’s provincial [reconstruction](#) team, at a sprawling base outside Tikrit — have been caught in the middle of the dispute over where the federal government’s powers end and the provincial council’s begin.

The Third Infantry’s commander, Maj. Gen. Tony Cucolo, reached back to the early debates over the Constitution in the United States, saying in a videoconference at the Pentagon that there was “real Marbury v. Madison stuff going on here.”

By emphasizing the provincial council’s new powers and calling for respect for the rule of law, however, the Americans have in effect put themselves in direct opposition to Mr. Maliki’s government. Mr. Maliki, who once enjoyed unwavering support from the United States, has increasingly taken to accusing the Americans of interfering in Iraq’s internal affairs.

On Wednesday morning, Colonel Arnold called the new cordon by the Iraqi Army “a desperate act.”

“They’re losing,” he told Mr. Ejbarah, the council member. “That’s why they’re doing this.”

Steven Lee Myers reported from Tikrit and Baghdad, and Anthony Shadid from Baghdad. Sa’ad al-Izzi contributed reporting from Tikrit and Baghdad.

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