

Voting in Abu Ghraib

When most people think of Iraq's Abu Ghraib prison, terrible pictures of torture and suffering come to mind. But on my recent visit there, I saw something altogether different—scenes of hope and happiness as thousands of detainees seized the opportunity to vote and have a voice in their country's future.

I was in Abu Ghraib as a part of the international assistance team working with the Independent Electoral Commission of Iraq (IECI) to oversee the special voting program for prison inmates. The IECI decided to conduct these elections only after extensive debates about detainees' right to vote, international practice in special needs voting and the unique operational requirements of working in Iraq's detention facilities.

Countries vary widely in the degree of enfranchisement they allow prisoners (both pretrial detainees and convicted offenders), and no international laws explicitly govern prisoners' voting rights. After a review of international practice, IFES Manatt Fellow Brandon Rottinghaus concluded that a key component of the ideal of universal suffrage—upheld by most international agreements—is “the effective practice of allowing those eligible to vote to retain access to the polls even under temporarily dislocating circumstances” (Rottinghaus 2003). Were this principle not upheld, unethical political leaders could conceivably impact elections by jailing members of the opposition on trumped up charges that could not be dismissed before the opposition members had missed their opportunity to vote.

Given the extensive use in Iraq of detention for people awaiting trial (and not yet convicted of a crime), the IECI decided it was important to ensure detainees' access to the vote. Inmates would mark their choices in a special early voting exercise, along with hospital patients and members of the security forces. The commissioners felt that ensuring access for all three groups would make an election more inclusive and credible, especially since both security forces and prisoners are numerically and symbolically important in Iraq. In addition, the international commissioner, a non-voting member working with the IECI at the time of the decision, had personal experience of prolonged detention—in her case, as a political prisoner. She considered it especially important to give un-convicted detainees a stake in Iraq's political development.

None of this was attempted for the country's historic vote on January 30, 2005 given the daunting operational challenges the IECI faced for that first election. However, despite the demands of running more than 6,000 regular polling centers, the IECI felt capable of implementing the special early voting for the October referendum on the constitution and the December general election. For the December 15 parliamentary elections, special early polling took place on December 12. Foreign and juvenile detainees were not permitted to vote, leaving some 12,700 detainees throughout Iraq eligible to participate. Overall, close to 300,000 detainees, security forces and patients took advantage of the special voting facilities provided by the IECI in December.

Because of its violent history, Abu Ghraib was not a place with which concepts like “democracy,” “transparency” or “elections” were associated, and we had to overcome a number of challenges to provide detainees there the safe opportunity to participate in a secret ballot. The IECI feared that some detainees might threaten others to prevent them from voting or might carry out reprisals against anyone who cast a ballot. Therefore, we had to be sure voters were given an opportunity to decide without coercion whether or not to vote. This meant that—while the Multi-National Force, Iraq, was generous in their support of security during the voting process—it was essential that the IECI maintain full control of the operation in order to ensure the independence and credibility of the electoral process as a whole.

Given this security situation, the normal methods of identifying eligible voters and people who had already voted could not be used. Voter lists were prepared by Abu Ghraib authorities (who excluded convicted prisoners, foreigners and juveniles), and the eligible voters listed were then verified by the IECI. To protect their identities, detainees were identified by numbers, instead of by their names, and inmates' fingers were not inked after they had voted, which could expose them to retaliation. Instead, the voter lists were used to ensure double voting did not occur.

Security concerns also extended to poll workers and observers. IECI members feared that poll workers might be recognized by the detainees, exposing them and their families to danger. This problem was efficiently resolved by Abu Ghraib authorities, who provided masks and sunglasses for all poll workers who wished to use them. In addition, observers were needed to make sure the electoral process was transparent, and significant logistical preparation was

required to ensure that their presence neither compromised their own security nor the security of the prison.

Moving detainees from their cells to the voting booths in a way that kept them safe from each other and on a schedule that allowed them to complete the vote in the time available was yet another logistical challenge. Detainees were transported in groups whose size varied depending on their security status (which, in turn, depended on the severity of the allegations against them and their behavior in prison) and were kept in staging areas to allow for smooth flow of voters through the polls.

Beyond security, we faced the challenge of working with a population that had not been exposed to any public voter education or political party campaigns. The December ballot consisted of 212 parties contesting the parliamentary elections and was four pages long, a fairly complex ballot even for practiced voters. To help detainees feel comfortable finding their political party and completing the ballot, we provided voter education materials in advance of the vote and set up extra screens behind which voters could take the time they needed.

Once all of these obstacles had been overcome, there was still the fear of riots, like those that took place during the October referendum. During that vote, inmates rioted (throwing stones at voters, poll workers and observers), and insurgents lobbed mortars at Abu Ghraib.

Despite all these challenges, the December 12 voting in Abu Ghraib was one of the most efficiently organized polls I have witnessed in a decade of working on elections in post-conflict environments. Poll workers woke up at 3 a.m. to the sound of the muezzin's call to prayer, they made final preparations for polling and the detainees started trickling in at 7 a.m. By 3 in the afternoon, 3,098 (or 80 percent) of eligible detainees in Abu Ghraib had voted.

During the day, we recorded a few irregularities, which were promptly addressed. The guard that appeared to be instructing the voters how to vote was removed from his post. The complicated four-page ballot—which was not being used properly—was explained to voters one by one by the ballot issuer. The voter screens—which were turned the wrong way—were rotated.

The most notable incident of the day was the attempted intimidation of voters by Saddam Hussein's cousin, who is detained at Abu Ghraib. Several inmates from his group—which had declined to participate in the vote—were asked if they wished to have the polling station remain open in case they changed their minds. Answering on their behalf, Saddam Hussein's cousin said that nobody from that group wished to vote. No one contradicted him, but the group also did not disperse. Instead, in the afternoon, 35 detainees from this group told the guards that they had decided to vote. To avoid further intimidation, they were transported to a polling station on the opposite end of the prison where they got the opportunity to vote.

As the media were not allowed to film the detainees, and as they were not inked, there are no photographs of detainees proudly raising their fingers as evidence of their participation in this next step towards a democratic Iraq, but their proud expressions are something that those of us who were there will carry back with us as a symbol that these elections have helped to spread democracy through all layers of Iraqi society.

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