

Published @ 19.00 GMT on 17th January 1996

### **ELECTION UPDATE NO.3**

#### **The third special election bulletin prepared by the**

#### **Palestinian Centre for Human Rights**

This third Election Update continues the election monitoring activities of the Palestinian Centre for Human Rights. The aim of our election monitoring programme is to analyse and disseminate information on the electoral process, in order to encourage free and fair elections, towards the development of a democratic civil society where human rights and the rule of law are respected.

The preparation and arrangements for the elections have not been expeditious or efficient, and failed to fulfil the requirements of the Election Law in many cases and several procedures have still not been completed. This undermines the rule of law and throws into doubt the fair, free and democratic standards of the election process. The issues specifically covered in this Update include: problems in the re-opening of the registration process for voting of newly released prisoners; no formal arrangements have been made for voting of Palestinian security forces personnel; serious inadequacies remain in relation to domestic monitors; there are differences between accreditation cards for domestic monitors in West Bank, Jerusalem and the Gaza Strip; restrictions on the freedom of movement; changes have been made in the location of constituency voting centres; concern that electoral campaigning adheres to the provisions of the Election Law; inadequacies remain in provisions for media campaigning.

Very little time remains until polling day. This notwithstanding, The Palestinian Centre for Human Rights urges the concerned parties to seek to ensure that the voting and counting stages of the electoral process proceed without the shortcomings, flaws and transgressions which have occurred thus far in the election process; so that all the preparatory arrangements and efforts invested so far will ensure the success of the electoral process, and that once the process of voting begins it will be expeditious and problem-free so that everyone is able to exercise his/her vote freely and equally.

The Palestinian Centre for Human Rights expresses its appreciation and recognition for the efforts of all parties involved in the preparation of these elections so that they can be free, fair and democratic.

We reaffirm that the principle aim of our work is not to criticise or to accuse, but rather to focus on mistakes and shortcomings so that they can be avoided in the future. We seek the development of a society where human rights are respected and the rule of law prevails. Such work is essential for the building process of a Palestinian civil society, and must be conducted democratically, through public, free and open dialogue.

This paper takes as its basis the Palestinian Election Law 1995 and international standards for human rights and democracy. The original version of this Update has been published in Arabic.

### **Problems in the Re-opening of the Registration Process for Newly Released Prisoners**

On 13th January the Central Election Commission (CEC) took the decision to re-open the registration process for the newly released prisoners. This process was to run from the 14th to 16th January. However other persons, not only released prisoners, have been registering in the re-opened process. The problems in relation to released prisoners' participation is largely due to Israel's delays in fulfilling its obligations to release them.

Our second update identified the need for appropriate measures to be taken which would ensure the participation of newly released prisoners in the elections. This decision provides only for the registration of released prisoners, but other persons were reported to be registering on the first day of the re-opened registration process. For example, in Rafah constituency 200 persons were registered, but only 5 of them were newly-released prisoners. In Khan Younis 30 persons were registered, only of whom were newly released prisoners registered. On the 15th January registration was restricted to released prisoners only.

The Palestinian Centre for Human Rights welcomes the re-opening of registration for released prisoners. It ensures that this category of persons are given equal rights to vote in accordance with the Law. However it is not satisfactory that participation in the re-opened registration process was not restricted only to released prisoners.

Arrangements have still not been made for prisoners to participate in the nomination process. Even though time is short, the Palestinian Centre for Human Rights reiterates its demand that the nomination process be re-opened as soon as possible in order that released prisoners can be guaranteed equal participation in the election process.

There has been insufficient time provision for the whole of the electoral process. We acknowledge that the difficulty with voting arrangements for released prisoners is due to Israel's postponement of their release. In addition those Palestinians who languish in Israeli prisons still, and who should be released in accordance with Israel's obligations under the peace agreements, are denied the right to participate in the elections.

In order for the provisions of the Election Law to be fully implemented, and the rights of all those eligible to vote in the Palestinian elections fully realised, the elections would be postponed.

### **Still No Formal Arrangements for Voting of Palestinian Security Forces Personnel**

International and local observers and human rights organisations have expressed their concern about the arrangements for voting of security forces personnel. Voting begins in less than two days and there is much confusion and ambiguity about these

arrangements and still they have not been formally issued.

No official statement has been made on this issue by the CEC. However Al Ayam daily newspaper has reported on the basis of an interview with Dr Gabi Baramki Member of the CEC, which states the following: security forces personnel will vote in specially prescribed places, which have subsequently been allocated; there will be 16 voting centres, each with 16 ballot boxes, representing each constituency; guarantees and measures would be taken to ensure that votes will not be duplicated. These arrangements aim to enable each member of the security forces to vote in the area where he works rather than in the constituency where he is registered.

The Palestinian Centre for Human Rights welcomes appropriate arrangements for security forces personnel. We remain concerned, however, that there has been no official promulgation of them. This constitutes a serious transgression of the provision of the Electoral Law by the CEC.

The need for official confirmation of these arrangements is now urgent given the closeness of the voting process. There must be full monitoring of these arrangements by local and international observers in all stages, as the potential threats to democratic and fair standards are enormous, considering the high number of this group of voters (22,000) and the effect their voting could have on the outcome of the elections.

### **Serious Inadequacies Remain in Relation to Domestic Monitoring**

Only 30 of the 72 names submitted to the CEC for accreditation a domestic election observers have received accreditation. These arrangements have come very late, and this number is not sufficient, either to enable adequate representation of domestic observers at every voting centre, or to fulfil the provisions of the Election Law. Subsequent to accreditation of domestic observers a very serious issue has come to light; the extent of activity for domestic observers in the Gaza Strip is more limited than that for observers in the West Bank.

The Centre has made numerous communications to the CEC to request accreditation for domestic monitors. We received approval of this accreditation from the Coordinator of the CEC in Gaza Strip Mr Ussafeyya, and from Dr Mohammad Shtayya, the Secretary of the CEC on 13th January.

Despite both these communications, the CEC has delayed the issuing of the required accreditation documents and domestic monitoring identity cards until 16th January. The voting process begins in less than 2 days. Accreditation arrangements have been made at a very late stage. The response of the CEC should have been far more expedient; this lack of urgency in its part is most inappropriate.

The list which was sent by the Centre for accreditation included 72 names of persons from various Palestinian NGOs, including the Palestinian Centre for Human Rights. However we were astonished that on 15th January, only 20 cards were issued. This limited and seemingly random accreditation does not provide for sufficient domestic monitoring. For example, only one person was accredited in Rafah constituency, two persons in Khan younis, and four persons in Gaza City.

On 16th January the Palestinian Centre for Human Rights contacted the CEC and after much persistence on our part, we finally received accreditation for 10 more people. The CEC justified this very limited accreditation for domestic observers on the basis that there is already a great number of monitors.

The Palestinian Centre for Human Rights welcomes the decision to finally accredit a further local monitors. However the number accredited is insufficient and does not allow domestic observers to cover all the voting centres in each constituency.

We urge the CEC to accredit all 72 of the people on the list which we submitted, without delay; particularly as this is not an excessive number anyway.

### **Differences in Accreditation for Domestic Monitors in West Bank, Jerusalem and the Gaza Strip**

The Palestinian Centre for Human Rights notes that local observers from East Jerusalem and West Bank who hold monitoring cards issued by the CEC, differ from those issued by the CEC to domestic monitors in Gaza. The reasons for this is not apparent.

The differences are not only in the form of the card, but also in the extent of the activities which they prescribe. A copy of two cards from each of the territories can be found in the appendix. For example the cards for domestic monitors in Gaza don't give a local observer the right to observe in the Gaza Strip, but confines the observer to a particular constituency and confirms that they are responsible for the procedures relating to elections in this area alone. There seems to be no justification for confining a monitor to a particular area. Domestic monitors in the West Bank are not subject to such restriction.

Local monitoring of Palestinian elections is for many reasons one of the most important elements of the election monitoring process.

The following are our main concerns in relation to the CEC:

- i. The attitude of the CEC in dealing with domestic monitors has been improper and has failed to fulfil the provisions of the Election Law.
- ii. There has been a serious lack of expediency.

The Palestinian Centre for Human Rights has asked Dr Mohammed Ishaitiah, the General Secretary of the CEC to explain this situation and to clear up the ambiguity which exists.

The ramifications of this limitation are serious considering the very limited number of accredited domestic observers; and severely curtails the opportunity for domestic observers in Gaza to carry out their observation activities.

## **Restrictions on the Freedom of Movement**

The occupation continues in a legal and physical form. The elections take place in a context where Israel imposes severe restrictions on the freedom of movement of the Palestinian people. This places severe constraints on voters, campaigners and candidates. The freedom of movements is one of several accessory rights which are vital for facilitating an appropriate atmosphere in which democratic elections can be conducted.

The Palestinian Centre for Human Rights affirms the need to lift all restrictions imposed by Israel on the freedom of movement of Palestinians within the territories of Palestinian jurisdiction. Candidates must be able to enjoy complete and equal freedom of movement and access to all Palestinian territory which it was agreed in the Declaration of Principles would be integral.

Restrictions on Palestinian freedom of movement imposed by Israel both affect both voters and candidates. The total closure imposed on the West Bank and Gaza Strip on the 8th January in the aftermath of the assassination of Yahia Ayyash, wasn't lifted until the 11th January. Since then the previous restrictions on freedom of movement have been maintained, with the effect that Palestinians are still deprived of the freedom of movement between the Gaza Strip and West Bank, and measures restricting the entrance to Jerusalem remain.

Samiha Yousef Khalil, the only other candidate for the Presidency, apart from Yasser Arafat, has experienced unacceptable treatment, given that she is a candidate for presidency and should as such be treated with respect. She has been faced many obstacles and unjustified delays to her freedom of movement between West Bank and Gaza Strip, which will have adverse effects on her campaign.

On January 13th Khalil was detained at the military checkpoint in Israeli territory near Latroun Junction, for nearly 30 minutes, and she was harassed by the Israeli soldiers, despite the fact that she had all necessary permits to travel through Israel.

On her arrival at Erez Checkpoint Israeli soldiers did not allow her to enter Gaza Strip, on the pretext that she had to wait until Secretary of State Warren Christopher entered before her. The arrangements for his entry took around 1 hour. When she was finally permitted to enter, she was not allowed to take her own car, despite the fact that she had the necessary permit for it.

On the Palestinian side of the checkpoint, the director of her electoral campaign was prevented by Palestinian police from meeting her on the same pretext that Secretary of State Christopher was visiting.

Khalil had obtained two permits to enter Gaza Strip on January 10th. The first was issued by the Liaison and Coordination Office of the Israeli Defence Force (IDF) in Gaza Strip, and is valid between 5.00am and 7.00pm for the period January 11th to February 11th. The second permit was issued by the Liaison and Coordination Office of the IDF in Ramallah and is valid for 24 hours every day for the period 10th to 31st January.

January.

The Palestinian Centre for Human Rights believes that the continuation of Israeli restrictions on the freedom of movement for Palestinians between territories under Palestinian jurisdiction undermines the proper environment in which elections can be carried out fairly, freely, equally and democratically.

### **Changes Made in the Location of Many Constituency Voting Centres**

Electoral centres were allocated and their locations made clear on voters' registration cards. However the CEC announced on 15th January, only 5 days before the date of voting, that there would be some changes in the location of many centres. This will cause much disorganisation and confusion so close to voting day.

For example, in Gaza constituency the location of a total of 16 centres has been changed; and in Rafah 3 centres have been changed; similarly this has been done in many constituencies.

The CEC has justified these changes on the basis that maintenance and construction work has to be made to some of the buildings which had been previously allocated as voting centres. However these changes come at a very late stage, and rearrangements should have been made long before this, especially as the CEC located and allocated voting centres itself, and it should therefore have known that they needed maintenance work and that there was a risk of relocation.

In addition many other changes have been taken on different grounds. For example the voting centre which was located at Deir Al Balah Primary School was transferred to the Agricultural Cooperative upon Israeli demands as it claimed that the previous location was too close to the Kfar Darom Settlement in Gaza Strip.

### **Electoral Campaigning Must Adhere to the Prof tElection Law**

Keeping in mind the previous transgressions of the Election Law by campaigners who were posting their campaign slogans, banners and posters prematurely and in more places than the Law provides, that in accordance with Article 55, all electoral campaigning activities must end 24 hours before voting begins.

The Centre hopes that the CEC makes every effort to implement the provisions of the Election Law in a more efficient, expedient and effective way than it has previously done so. The CEC must ensure that no campaigning is conducted after this specified time, and must oblige all candidates to follow the rule of law.

### **Inadequacies Remain in Provisions for Media Campaigning**

Although the Election campaign is nearing its end the CEC has not prepared an adequate schedule for media campaigning in accordance with the Election Law.

The time allocated for radio campaigning for each candidate is limited to only 2 minutes. Only 2 hours have been allotted for campaign broadcasting, and this is from 9.00am to 11.00am, when most people are at work.

The general picture so far of the election campaigning is positive. They appear to have been allowed to conduct their campaigns freely despite the existence of the Press law, the provisions of which contain severe restrictions on the freedom of expression; and the two orders issued in 1995 by the Chief of Police which provide for severe restrictions on the freedom of assembly.

Addendum: In the Second Update it was stated that the number of seats allocated to Gaza Strip was 11. However the correct number is 12.

*The Palestinian Centre for Human Rights is a legal agency dedicated to protecting and promoting human rights in the Occupied Palestinian Territories. It was established by Raji Sourani, Robert F Kennedy Memorial Human Rights Laureate, and a group of lawyers and individuals actively committed to seeking respect for international standards of human rights and humanitarian law, for the rule of law and promoting the development of a democratic civil society in the Occupied Territories. The Palestinian Centre is supported by Agir Ensemble pour le Droits de l'Homme, CAW Social Justice Fund, Christian Aid, DanChurdhAid, NOVIB, Open Society Fund, Robert F Kennedy Memorial Foundation, Royal Norwegian Embassy and Swedish International Commission of Jurists.*