

Election Campaign for the Palestinian Presidential Election of 2005

An Evaluation Report on the Election Campaign: based on the Monitoring Conducted by PCHR in Cooperation with other Civil Society Groups



The Palestinian Centre for Human Rights

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Introduction

This report deals with the election campaign for the Palestinian presidential election and violations of the regulations prescribed by the electoral law for campaigning. It is part of efforts of monitoring on all stages of Palestinian elections made by PCHR in cooperation with a number of civil society groups. The report provided a comprehensive evaluation of the election campaign for the Palestinian presidential election, which officially started on 25 December 2004 and ended on Saturday morning, 25 December 2004, and ended on Friday evening, 7 January 2005.

The report examines the commitment of candidates and related parties to the regulations prescribed by the electoral law, concerning the election campaign with regard to: the official period of the election campaign; places and regulations of the campaign; intervention of the Palestinian National Authority (PNA) and its security services; campaigning in the official media; security of the campaign; and the effects of the political environment on the campaign.

In its report, PCHR has depends on information collated by around 300 observers throughout the Gaza Strip whom it trained and supervised in the context of its efforts to monitor the Palestinian elections, in its capacity as an accredited local monitoring organization by the Central Election Commission (CEC).

Article 54, paragraph 1, of Law 13 of 1995 Related to the Lections Prescribes that "the electoral campaign consists of any legal activity carried out by candidates or registered partisan entities, in order to present their programmes to the electorate." The campaign also includes invitations by candidates and partisan entities to the electorate to vote for a specific candidate.

Law 13 included a series of regulations and limitations to which candidates must abide in their election campaigning. Even though the election campaign coincided with a serious escalation of attacks by Israeli occupation forces (IOF), especially in killings of Palestinians and also restrictions imposed on freedom of movement, the campaign was conducted peacefully and in an organized manner and did not witness serious violations that could have impacted in the essence of the electoral process; PCHR has recorded a limited number of violations. According to the observation activities conducted by PCHR observers, the candidates and their supporters and organizers of their campaigns were responsible for the vast majority of these violations, while the PNA and its security services and the CEC were responsible for the remaining violations.

Election Campaign under Occupation

Before and during the election campaign for the Palestinian presidential election, IOF perpetrated a series of violations of human rights that directly impacted on the electoral process in general and the election campaign in particular.

Contrary to Israeli official claims, IOF did not take necessary measures to allow Palestinians to participate in the various stages of the electoral process. They continued their attacks on Palestinian civilians, including killings and incursions into Palestinian civilians, in the Gaza Strip.

IOF continued to impose severe restrictions on freedom of movement. They even tightened these restrictions. Rafah Terminal on the Egyptian border, the only outlet for the Gaza Strip to the outside world, has been closed since 13 December 2004. In addition, two candidates for the presidential election, 'Abdul Karim Shubair and al-Sayed Baraka, were prevented from traveling from the Gaza Strip to the West Bank and to move freely among electoral constituencies, in violation of their campaigning right.

According to PCHR's documentation, during the period of the election campaign (25 December 2004 – 7 January 2005), IOF killed 24 Palestinians, 22 of whom including 10 children were from the Gaza Strip. They also destroyed at least 40 Palestinian houses and razed at least 80 donums ^[1] of agricultural land.

Violations of Limitations on Election Campaign

1) Violations Related to the Official Period of the Election Campaign

According to article 5 of Law 16 of 1995 amending Law 13 of 1995 Relating to the Elections, the election campaign must commence 14 days before the polling day. According to article 55 of Law 13, the election campaign must finish 24 hours before the polling day. According to a presidential decree issued on 7 December 2005, the election campaign for the presidential election will start on Saturday morning, 25 December 2004, and ends on Friday evening, 7 January 2005.

This decree violates Law 13 and Law 16 of 1995, as the election campaign must have started 14 days rather than 15 days before the polling day, that is on 26 December 2004, and must have ended 24 hours before the polling day, that is at 07:00 on Saturday, 8 January 2005.

Even though the candidates adhered to the official beginning and end of the election campaign, PCHR observers recorded a number of violations by most candidates regarding organizing campaigning activities before and after the official period of the election campaign.

The CEC requested from all candidates and their agents who were responsible for their election campaign to stop informal campaigning and to reverse any mistakes resulted for their campaigns. The following are some violations of the election campaign with regard to timing:

- On 16 December 2004, Bassam al-Salhi, a candidate for the Palestinian presidential election, met with some people in offices of the Palestinian Peoples' Party. During this meeting, al-Salhi presented his platform.
- On 18 December 2004, a number of young men stuck photos of Mahmoud Abbas, a candidate for the Palestinian presidential election, on walls in Sheikh Radwan neighborhood in Gaza City.
- At approximately 23:00 on 20 December 2004, Palestine Satellite Channel, which represents the official media, presented a national song entitled "Our Land Called Us," which included photos of Abbas with the late President Yasser Arafat. This song was repeatedly presented in a way that could only be interpreted as a form of election campaigning by Abbas.
- On 20 December 2004, the daily local *al-Quds* published a photo of Mustafa al-Barghouthi, a candidate for the Palestinian presidential election, during his visit to Nasser Hospital in Khan Yunis.
- On 19 December 2004, the daily local *al-Quds* published on its second page a statement by Bassam al-Salhi, in which he campaigned for his platform.
- On 21 December 2004, the daily local *al-Quds* published statements by Bassam al-Salhi and Tayseer Khaled, two candidates for the presidential election, in which they advertised for their own platforms.
- On 23 December 2004, a vehicle was seen in al-Saftawi neighborhood in Northern Gaza, calling on people through megaphones to attend a public meeting to be held by Khaled on the following day.
- On 23 December 2004, two large posters of Mustafa al-Barghouthi were placed opposite to offices of the Palestinian National Initiative and a neighboring house.

Even though, the period of the election campaign ended at 24:00 on 7 January 2005, PCHR observers recorded a number of cases, in which campaigning for a number of candidates continued after this time, including:

- On 8 January 2005, a number of supporters of 'Abdul Karim Shubair stuck his posters and stickers on walls in Gaza Governorate Street.
- On 8 January 2005, a vehicle was seen in the Southern Remal area in Gaza City calling on electors through megaphones to vote for Mahmoud Abbas.
- On 8 January 2005, the Youth Radio broadcast a special program that hosted a number of figures who talked about Mahmoud Abbas' platform.
- On 8 January 2005, a vehicle was seen in the streets of Gaza City calling on electors through megaphones to vote for Mustafa al-Barghouthi.
- On 8 January 2005, Mahmoud Abbas' supporters distributed a booklet on Abbas' platform in Gaza City.

2) Neutrality of the PNA

Article 54, paragraph 2, of Law 13 of 1995 Relating to the Elections prescribes that "The Palestinian Authority and all of its administrative or security bodies shall remain neutral throughout the different phases of the electoral process, and shall refrain from conducting any kind of activity which may benefit any candidate against others, or any partisan entity against others."

PCHR observers recorded a number of violations of the neutrality of the PNA and its civil and security establishments for the benefit of one of the candidates, as members of the security services and PNA officials participated in the election campaigning for the candidate of Fatah movement. PCHR believes that this attitude is relevant to the chronic problem of the lack of clear separation between the PNA and its major party, Fatah movement, and the interrelation with the post of President of Palestine Liberation Organization. This problem requires serious and essential treatment and the elected president of the PNA should make it a priority in their efforts towards institutional reforms. Nevertheless, PCHR believes that such violations did not impact on the essence of the election campaign. The following are some violations recorded by PCHR observers:^[2]

- On 25 December 2004, "the General Framework of Tribal and Resolution Committees for Presidential Election – Khan Yunis" sent letters to a number of people calling them to vote for Mahmoud Abbas. PCHR was able to obtain a copy of these letters, which were stamped by the Higher Resolution Committee in Khan Yunis, Khan Yunis Governorate, Fatah movement and the PNA/ State of Palestine/ Office of the President/ Department of Tribal Affairs/ Coordinator of Resolution Committees in Khan Yunis.
- On 28 December 2004, Major General Mousa Arafat, Director of the General Security Service in the Gaza Strip, held a meeting at the headquarters of the service, in which he explained the advantages and characteristics of Mahmoud Abbas and his platform.
- A number of members of the PNA security services in official uniforms and armed persons were present in all public meeting organized for Mahmoud Abbas. For instance, on 1 January 2005, PNA security services participated in escorting the convoy of Mahmoud Abbas during his visit to Rafah.
- Photos of Mahmoud Abbas were seen on a number of vehicles of PNA security services and public institutions.

Intervention of the PNA has constituted a chronic institutional failure, demonstrated in the lack of separation between the PNA institutions and those of its main party, Fatah movement. This problem has demonstrated itself in all aspects of the Palestinian political and social life, and its outcome is clear in the current elections. This problem requires serious and essential treatment and the elected president of the PNA should make it as a priority in the efforts of institutional reforms. Nevertheless, PCHR believes that such violations did not impact on the essence of the election campaign.

3) Places of Election Campaign

Article 56, paragraph 1, of Law 13 of 1995 Relating to the Elections prescribes that "to assist coordination of the electoral propaganda activities of candidates and registered partisan entities, the District Election Offices shall assemble a list of all available venues and facilities [in their constituency] for the holding of such activities, as well as for the display of electoral posters." The law also imposes a number of restrictions of the election campaign, article 58 of the law prohibits the following:

1. Holding any kind of electoral propaganda activity in mosques or churches, or in buildings or facilities used by government departments or bodies.
2. Putting posters or any other kind of electoral propaganda material in public places not specified by the District Election Commissions.

3. The use of the Palestinian National Authority badge in publications, advertisements, or in any other type of electoral propaganda, written or photographic.
4. Any type of electoral propaganda, whether oral, written or photographic, containing offensive material or insults addressed to other candidates, or incitements to tribal, family, or religious confrontations among citizens.

The CEC did not take the necessary steps to implement article 56 of Law 13. On 27 December 2004, PCHR, in its capacity as an accredited local monitoring organization, sent a letter to the CEC inquiring about the places devoted for election campaigning activities in each electoral district. PCHR hoped that the CEC would take necessary measures to implement article 58 of Law 13 of 1995 Relating to the Election, concerning restrictions on the election campaign. Regrettably, the CEC did not respond and did not take necessary measures to specify places devoted for the election campaign, which created an atmosphere of chaos as the election campaign activities were conducted in an unorganized manner.

In many cases, the election campaigning violated the electoral law, as streets and residential areas were full of posters and writings supporting candidates were seen on walls in all areas. In some cases, electoral stickers were placed on inappropriate places, such as the traffic lights. In some places, electoral stickers of candidates were placed over advertisements made by the CEC. Furthermore, marches supporting candidates for the presidential election were organized in many neighborhoods in the Gaza Strip, and meetings were held in offices of a number of governmental and non-governmental institutions.

PCHR received a number of complaints from citizens, in which they asserted that electoral campaigning materials were placed on their cars and properties against their will.

According to PCHR's documentation, there were a number of violations of the restrictions imposed on the election campaign with regard the place. PCHR observers recorded dozens of cases, in which electoral campaigning materials of candidates for the presidential election were placed on walls of schools, hospitals, medical centers, ministries and governmental institutions, sites of the PNA security services, houses, shops and other public places. The following are some violations of the restrictions imposed on the election campaign regarding the location, as recorded by PCHR observers:

- On 25 December 2004, posters of Bassam al-Salhi were seen on walls of al-Awda mosque in Rafah.
- On 25 December 2004, posters of Mustafa al-Barghouthi were seen on walls of al-Awda mosque and the *Shri'a* Court in Rafah.
- On 26 December 2004, posters of 'Abdul Halim al-Ashqar, a candidate for the presidential election, were seen on walls of the White Mosque in al-Shati refugee camp.
- On 28 December 2004, posters of 'Abdul Karim Shubair were seen on the gate of Khalil al-Rahman mosque in al-Shati refugee camp.
- On 30 December 2004, a number of members and supporters of Fatah movement held a meeting in al-Nour mosque in Tal al-Saultan neighborhood in Rafah, in which they presented Mahmoud Abbas platform.
- On 30 December 2004, supporters of 'Abdul Halim al-Ashqar distributed his election campaigning materials in mosques of al-Nusairat refugee camp.
- On 2 January 2005, Mahmoud Abbas held a meeting in office of the General Personnel Department of the PNA in Gaza City with families of a number of Palestinians who were killed by IOF.
- On 5 January 2005, a number of members of the Directorate of National and Political Guidance organized a meeting in Tal al-Sultan Vocational Training Center in Rafah in support for Mahmoud Abbas.

4) Election Campaign in the Media

Article 57 of Law 13 of 1995 Relating to the Elections prescribes that:

"1. The National Election Office shall agree with the official Palestinian information media on a special programme of times and spaces to be offered, free of charge, to candidates and partisan entities for their electoral propaganda.

2. In preparing this program, the National Election Office shall give equal and fair opportunities to all the candidates and partisan entities, taking into account the number of candidates nominated by each partisan entity in the various constituencies. In the case of candidates for the position of President, the treatment shall be equal.

3. Any claim referring to the above-mentioned programme shall be submitted to the Central Election Commission, which shall adjudicate as soon as possible."

The CEC made this special programme in accordance with this article, which gave all candidates equal opportunities for campaigning in the official media. PCHR did not receive any information regarding a rejection by any party to the program prepared by the CEC in cooperation with the official media. PCHR did not receive any complaint regarding the presentation of forbidden materials, such as insults or humiliation to any candidate. The official media gave equal opportunities to all candidates for campaigning.

Nevertheless, PCHR observers recorded a number of violations concerning the election campaigning in the official media, especially with regard to the neutrality of the media and the timing of the election campaigning. The following are a number of these violations:

- *Sawt Flastin* (Voice of Palestine) Radio – the Second Program – covered activities of Mahmoud Abbas in particular in its news broadcasts.
- Palestine Television presented a national song entitled "Our Land Called Us," which included photos of Abbas with the late President Yasser Arafat.
- On 23 December 2004, Palestine Television presented photos of Mahmoud Abbas. These photos were fixed on the screen for nearly 15 minutes.

5) Security of the Election Campaign

Article 59 of Law 13 of 1995 Relating to the Elections prescribes that "the Palestinian security forces shall be responsible for the keeping of law and order and the security of the citizens in all of the phases of the electoral process." The same article emphasizes that "no person, except for the security forces, shall carry any type of arm the possession of which is punishable by law, or let off fire-arms during rallies and other electoral activities."

PCHR observers recorded a number of violations of this article. In some cases, Palestinian security forces did not assume the responsibilities of ensuring security of citizens. In other cases, armed persons who are not members of the security forces were present or fired in the air during rallies and other campaigning activities. In the majority of cases in which security forces were present, they appeared as they only escorted the candidate of Fatah movement Mahmoud Abbas. The following are some of the violations recorded by PCHR observers:

- A number of armed persons were present in a camping rally for Mustafa al-Barghouthi in Deir al-Balah. They

threw eggs at al-Barghouthi, and when they were forced to leave the place, they fired in the air.

- A number of armed persons were present in a campaigning rally for Mahmoud Abbas organized on 5 January 2005 to express support for him.
- A number of armed persons were present in a campaigning rally for Mahmoud Abbas organized in Gaza City on 4 January 2005.
- A number of armed persons were present in a campaigning rally for Mahmoud Abbas organized in Khan Yunis on 4 January 2005 to express support for him.
- A number of members of security forces and Fatah movement fired in the air welcoming the arrival of Mahmoud Abbas.
- On 24 December 2004, a number of members of the military wing of the Democratic Front for the Liberation of Palestine fired in the air during a campaigning rally for Tayseer Khaled organized at the entrance to al-Nusairat refugee camp.
- On 4 January 2005, following a verbal quarrel between supporters of Mustafa al-Barghouthi and those of Mahmoud Abbas during a campaigning rally for al-Barghouthi, a number of members of security forces and other gunmen fired in the air and insulted al-Barghouthi.

Conclusions

PCHR's evaluation of the election campaign for the Palestinian presidential election can be summed up in the following conclusions:

- Israeli practices impacted on the election campaigns of all candidates, in particular restrictions imposed by Israeli occupation forces on the freedom of movement impacted on the ability of candidates to move freely among electoral constituencies for campaigning.
- The election campaign took place quietly, violence among Palestinians was completely absent and it did not include any incident that could have damaged the essence and fairness of the campaign.
- The Central Election Commission should have specified places of the election campaign in accordance with article 56 of Law 13 of 1995 Related to the Elections, since assigning places for the election campaign could have ensured much order with regard to organizing campaigning activities in public places designed for assemblies, meetings and electoral marches.
- Even through the candidates adhered to the official beginning and end of the election campaign, PCHR observers recorded a number of violations by most candidates regarding organizing campaigning activities before and after the official period of the election campaign.
- PCHR noticed some violations of the election campaign, which indicated that the PNA was bias to one of the candidates. PCHR believes that this attitude is relevant to of the chronic problem of the lack of clear separation between the PNA and its major party, the Palestine National Liberation Movement (Fatah), and the interrelation with the post of President of Palestine Liberation Organization. This problem requires serious and essential treatment and the elected president of the PNA should make it as a priority in the efforts of institutional reforms. Nevertheless, PCHR believes that such violations did not impact on the essence of the election campaign.
- The official media gave equal opportunities to the candidates in their campaigns, although PCHR recorded a number of violations in this regard.

Organizations Cooperating with PCHR in Election Monitoring

1. Palestine Bar Association
2. Al-Dameer Association For Human Rights
3. Women's Affairs Center
4. Cana'an Pedagogical Institute
5. Al Bayader Center for Culture and Arts
6. The Society against Poverty and for the Protection of Children
7. Palestinian Lebanese Brotherhood Society
8. The Society for Saving the Future of Youth
9. Hitteen Charitable Society
10. Deir al-Balah Community Service Center
11. The Socio-Cultural Center
12. Palestinian Brotherhood Forum
13. Wmen's Activities Center- Beit Hanoun
14. Bait Lahia Youth Center
15. El-Maghazi Cultural Center
16. Palestinian Woman Development Society
17. Sharek Youth Forum - Rafah
18. The Society of Women Graduates in Gaza Strip
19. Association Of Women Committees For Social Work- Gaza Strip
20. Almaghada Association for Family Correlation Khan Yunis Governorate, Alqarara
21. AHALI ELMAWASY Charity Society, Khan Yunis
22. Dar El-Shabab For Arts & Culture - Palestine - Jabalia
23. Palestinian Children Promotion Association - Al- Nuseirat
24. Association Of Qarara Youth From- Gaza Strip - Khanyounis -El-Qarara
25. Al Foukhary Association For Development & Culture

26. Human Developmental Association

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[1] 1 donum is equal to 1000 square meters.

[2] PCHR observers recorded other violations concerning the use of some NGOs by a number of candidates in their election campaigning. For instance, the Medical Relief Committee in Jabalya organized a meeting in Jabalya social club in support for Mustafa al-Barghouthi. PCHR observers recorded also a number of cases in which al-Barghouthi used vehicles and services of the Union of Health Work Committees in his election campaigning.