

TRIPOLI BY-ELECTIONS OBSERVATION REPORT

APRIL 14, 2019



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TRIPOLI BY-ELECTIONS OBSERVATION

LADE REPORT



HAQI – MY RIGHT” CAMPAIGN REPORT”



MAHARAT FOUNDATION REPORT



REPORT OF THE LEBANESE ASSOCIATION FOR DEMOCRATIC ELECTIONS

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INTRODUCTION

After five years of delays and three extensions of the Parliament's term, the Lebanese parliamentary elections were held in May 2018 based on a new electoral law. These elections were marked by wide local, regional and international interest and coverage, given the political arrangements and positioning they would lead to in the country, amid the geopolitical and geostrategic developments and dramatic events unfolding at the regional and global levels.

The new Lebanese Electoral Law No. 44/2017 was based on a "flawed proportional representation" system and vastly inconsistent electoral districts, due to the fact that minor districts were established at the level of *cazas* (administrative districts) or parts of a single *caza*, while in other regions more than one *caza* were merged into a single electoral district. The new law also solidified the personalised and individualistic attitude towards elections by adopting the preferential vote. This undermined the essence of the proportional system, which promotes the civic awareness of voters, who are expected to make their choices and vote based on national electoral lists competing on the basis of political, social and economic visions, orientations, positions and programmes. As a result, the new law offered a distorted version of proportional representation, turning it into a "flawed, exclusionary proportional system" based on high and variable electoral quotients. Moreover, this law reinforced the individualistic tendencies of voters by adopting the preferential vote and the majoritarian

distribution of seats among the winning lists. This amalgam of the two systems of representation restricts voters' choice to one candidate in the list, disregarding the political dimension and programme of the list as a whole. As such, the new law undermined the unity of electoral lists and generated a plethora of divisions between candidates of the same list, leading to competition amongst themselves.¹

Furthermore, the new electoral law did not put forward electoral reforms that would increase the political participation of women, despite the enthusiasm that many women have shown, which is demonstrated by the increase in the number of female candidates. Adding insult to injury is the continued sexual discrimination against women in personal status laws, the lack of a female quota, the tendency of political parties to prefer male candidates and numerous other discriminatory practices. Handicapped people also suffer from discrimination, particularly with regard to their right to access polling centres. Observers have noted that among the polling centres in which they carried out observation duties, 261 at least were not equipped to welcome handicapped people.²

Despite these shortcomings and the many criticisms made in the assessments of the elections, and despite the gaps and flaws in the performance and practices of many official and political authorities and parties, local and international bodies who followed and observed the elections have all agreed that it was a

positive experience overall. The simple fact that the elections were held solidifies the principle of recurring elections and contributes to a more functional political system in Lebanon, especially given that the last elections were held in 2009, which means that more than a full parliamentary term was completely bypassed before the last general elections were held. Other factors contributing to the positive assessment of the elections include the reforms put forth by the new electoral law, such as the pre-printed ballot, the participation of the Lebanese diaspora in the electoral process and the formation of the permanent Supervisory Commission for Elections which, despite its autonomy, remains financially dependent on the government and suffers from insufficient resources and staff members, preventing it from performing its prerogatives to the fullest.³ Due to the lack of resources that guarantee the autonomy of the Commission and its ability to perform its legal duties and powers, which goes against its very *raison d'être*, the sole representative of civil society associations in the Commission was forced to resign.⁴

The 2018 parliamentary elections were the first true test of the new electoral law. Various stakeholders have noted the numerous operational and logistical complications caused by this law, due to its complex nature. In fact, some even consider it as one of the most complicated electoral laws in existence. Upon the issuance of the election results, many appeals were submitted to the Constitutional Council in a number of electoral districts: the first and

second Beirut districts, the first Bekaa district (Zahle), the third Bekaa district (Baalbek), the second Mount Lebanon district (Metn) and the second North district (Tripoli).

It took the Constitutional Council eight months to decide on the appeals. The Chairman of the Constitutional Council, judge Issam Suleiman, announced the Council's decisions on 21/2/2019, rejecting all appeals except the one submitted by Mr. Taha Najji in the second North district (Tripoli). The Council's decision read as follows: "The Council has decided to annul the election of Mrs. Dima Jamaly and to declare the fifth Sunni seat in Tripoli as vacant. By-elections shall be held in two months to fill the void according to the majoritarian system. The fractional difference in votes between the list of the Future Movement, in which Mrs. Dima Jamaly was a candidate, and the Al-Karamah Al-Wataniyyah (National Dignity) list, in which Mr. Taha Najji was a candidate, amounts to 0.00007, or 7 in 100,000. This negligible difference cannot be relied upon to declare either of the two competing lists as the winner of the fifth Sunni seat in Tripoli, particularly given the violations recorded during the elections." The Council also pointed out that the difficulty in resolving the appeals is due to the lack of experience in those who were responsible for holding the elections.⁵

¹ Please refer to the 2018 Parliamentary Elections Observation Report, LADE, pp. 23-28.

² Ibid, p. 87.

³ Please refer to "Summary of the Reports of External 2018 Lebanese Parliamentary Elections Observation Missions", LADE, p. 4.

⁴ Please refer to the resignation speech of Mrs. Silvana Laqqis, the representative of civil society associations, from the Supervisory Commission for Elections. Press conference at the Legal Agenda headquarters, Beirut, April 20, 2018.

⁵ Statement by Chairman of the Constitutional Council, judge Issam Suleiman, announcing the Council's decisions on the appeals submitted against the May 2018 Parliamentary Elections. Newspapers and media outlets. February 21, 2018.

FIRST: MAY 2018 ELECTION RESULTS: SIGNS AND INDICATORS

AT THE OVERALL NATIONAL LEVEL

The results of the parliamentary elections held according to the new electoral law marked a turning point in the political, national and social scene in Lebanon. The results came as the culmination of a sharp, polarising conflict that marked all aspects of Lebanese politics in the post-2005 period between the 8 March and 14 March alliances. At more than one occasion, this conflict was on the brink of devolving into an armed confrontation, threatening to reignite the civil war, especially after the May 6, 2008 events. This long-standing conflict also plunged the Lebanese state and its constitutional institutions into a state of paralysis, obstruction and void by crippling the Parliament and causing a two-year presidential void. The only solution to the crisis was through a settlement between major political powers, leading to the Election of General Michel Aoun as President, the return of H.E. Saad Hariri as Prime Minister and the reshuffling of previous alliances. The country thus entered a phase of adaptation and acclimatisation to the new balance of power, which led to the issuance of a new electoral law in 2017.

It is worth noting that LADE's 2018 report (p. 2) shed light on the major events that unfolded in Lebanon between the 2009 and 2018 elections, including:

- The dissolution of the March 8 and March 14 alliances;
- The reshuffling of political alliances;

- The Arab Spring and the protests against the sectarian system in Lebanon;
- The ongoing crisis in Syria and the involvement of Lebanese political parties in the Syrian war;
- The Syrian refugee crisis and the ensuing political discourse;
- The wave of terrorist bombings that hit a number Lebanese regions;
- The spread of terrorist movements in the region;
- The outbreak of the garbage crisis and the intensification of protests in the summer of 2015.

Against the backdrop of the aforementioned events, the presidential elections were held and the cabinet was formed as a result of the political settlement that led, among many other things, to the issuance of a new electoral law. The new law made it possible to hold the parliamentary elections, which were postponed three times, and guaranteed that the results of the elections would legitimise and legalise the rules and foundations upon which the new political balances and roles were built, along with the local and regional positioning, attitudes and relations that these balances entailed. This new reality put Lebanon on a fragile geopolitical and geostrategic fault line, both regionally and internationally.

AT THE LEVEL OF NORTH LEBANON: A NEW POLITICAL MAP IN TRIPOLI

The results of the parliamentary elections in the second North district in 2018, which were held according to the new electoral law, shed light on the political balance in Tripoli. These elections also allowed for new political powers to rise to prominence alongside the Future Movement, which maintained its leading position at the level of the electoral district as a whole.

Among the eight competing lists in these elections, five failed to secure the electoral quotient and exited the race, leaving three lists to compete for the eleven seats reserved for this district by virtue of the electoral law. The votes were split between the three lists as follows:⁶

1. Al-Mustaqbal Lil-Shamal (Future for the North) list (Future Movement): 51,937 votes (five seats);
2. Al-Azm (Determination) list, headed by former PM Najib Miqati: 42,019 votes (four seats);
3. Al-Karamah Al-Wataniyyah (National Dignity) list, headed by Faisal Karameh: 29,101 votes (two seats).

After the results were announced, on June 5, 2018, Taha Naji, a losing candidate running for a Sunni seat in the second North district, submitted an appeal request to the Presidency of the Constitutional Council, registered under No. 9/2018, demanding the approval of the appeal in form and in substance and the an-

nulment of the election of: Samir Al-Jisir, Dima Jamaly, Mohammad Kabbara, Sami Fatfat, Othman Alameddine and Mohammad Najib Miqati. The appeal also requested that the applicant be declared a winner.⁷

Preferential votes of selected candidates in the second North district, May 2018⁸

1. Najib Miqati	21300
2. Mohammad Kabbara	9600
3. Samir Al-Jisir	9527
4. Faisal Karameh	7126
5. Ashraf Rifi	5931
6. Taha Naji	4152
7. Dima Jamaly	2066

⁶ Please refer to the Lebanese elections website, 2018 parliamentary elections results, second North district (elections.gov.lb).

⁷ Please refer to Constitutional Council Decision No. 10/2019 of 21/2/2019.

⁸ Please refer to the Lebanese elections website, 2018 parliamentary elections results, second North district (elections.gov.lb).

SECOND: APPEAL APPROVAL: POSITIONS AND REPERCUSSIONS

DECISION OF THE CONSTITUTIONAL COUNCIL TO APPROVE THE APPEAL AND ANNUL THE ELECTION OF DIMA JAMALY

After eight months of deliberations, the Constitutional Council made a majority decision on February 21, 2019, declaring the following:

• **IN FORM:**

The request submitted by the applicant Taha Atfat Najji, losing candidate for a Sunni seat in the second North district during the 2018 parliamentary elections, appealing the results of the elections announced by the Ministry of Interior and Municipalities for the second North district, held on May 6, 2018, shall be accepted.

• **IN SUBSTANCE:**

1. The election of candidate Dima Jamaly, who was declared a winner in the parliamentary elections on May 5, 2018, for the fifth Sunni seat in Tripoli in the second North district, shall be annulled;
2. The fifth Sunni seat in Tripoli shall be declared vacant. Elections shall be held to fill the void within a period of two months as of the date of this decision, in accordance with Article 41 of the Constitution and Paragraph 4 of Article 43 of Electoral Law No. 44/2017.

Constitutional Council member Zaghoul Attieh withdrew from the press conference held by the Chairman of the Council, judge Issam Suleiman, in objection to the Council's decision. Mr. Attieh called for the annulment of Jamaly's election and the declaration of Taha Najji as the winner, without holding a new round of elections according to the majoritarian representation system, which would lead to Jamaly's re-election. It is worth noting that two other members objected to the Council's decision, Vice-Chairman Tarek Ziadeh and member Suheil Abdul Samad, for different reasons.

FUTURE BLOC POSITION⁹

After the annulment of Dima Jamaly's election, PM Saad Hariri welcomed her at his headquarters in 'Beit Al-Wasat'. Jamaly stated that she "respects the Constitutional Council's decision, which is now a reality that must be dealt with, despite the political interventions pressuring the Council to make this decision." PM Hariri also urged Jamaly to run for the new round of elections. During her electoral tours, a video was taken and leaked of candidate Jamaly accusing the Constitutional Council of accepting bribes, leading to a harsh response by Council's Chairman, Dr. Issam Suleiman, who filed a civil lawsuit against Jamaly for libel, defamation and slander. Jamaly apologised for her accusations and said in a statement issued in response to the leaked video that her words were taken out of context, while stress-

ing that she "respects the decisions of the State and its official institutions and abides by the law, particularly with regard to the appeal submitted against her election." Jamaly also said that "the leaked part of her speech was a political response to the pressures to which Council members were subjected, as the Council changed its position suddenly at the last minute, leading to the acceptance of the appeal." The lawsuit filed by judge Suleiman led to a legal controversy regarding its effectiveness in the event that candidate Jamaly regains her seat and receives parliamentary immunity. A number of legal experts noted that parliamentary immunity would not prevent Jamaly's prosecution should she be convicted, as the lawsuit was filed during the electoral process, before Mrs. Jamaly being subject to immunity.

The Future parliamentary bloc held an urgent meeting at 'Beit Al-Wasat', chaired by MP Bahia Hariri, to discuss the Constitutional Council's decision. The bloc issued a statement, read by MP Bahia Hariri, expressing its "regret for the outcome of the Constitutional Council's deliberations regarding the appeal submitted against Dima Jamaly's election, which was addressed in accordance with adopted legal and constitutional rules. The bloc considers the grounds of the decision to be highly politicised and vindictive. The interventions in the Council's work and the shift in its original position regarding the appeal represents a constitutional transgression by those who altered their initial position from rejection to acceptance of the appeal." The bloc also noted that "one of the two Council members tasked by the Council with examining the appeal, who initially rejected it, succumbed to clear political pressures by contradicting his written report, bearing his

signature, and his vote in a previous session, thus allowing the Council to reach the seven votes required to annul Jamaly's election." The Future bloc also considered the annulment to be "an act of political treachery against the bloc and against PM Saad Hariri personally," stressing that "backstabbing and the abuse of the highest judicial position for political purposes will not prevent the bloc from protecting the Constitutional Council against those who are unqualified to serve as members in it. The bloc is adamant on taking part in the Tripoli by-elections and on supporting Dima Jamaly."

POSITIONS OF AL-KARAMAH LIST AND THE ASSOCIATION OF ISLAMIC CHARITABLE PROJECTS

Commenting on the Constitutional Council's decision, MP Faisal Karameh, of the Al-Karamah list, said that "the Constitutional Council made the right decision by accepting the appeal and annulling Jamaly's election. However, we regret the fact that the Council declared the fifth Sunni seat in Tripoli to be vacant, as the vote fraction is in our favour, and Dr. Taha Najji should have been declared the winner. We will appeal the Council's new decision and we hold the Council accountable for this transgression. Political influence has forced the Council to issue a decision depriving Dr. Najji of his right to claim his seat."¹⁰

In a joint press conference held with the Association of Islamic Charitable Projects to announce their position regarding the Tripoli by-elections,¹¹ Karameh declared the position of Al-Karamah Al-Wataniyyah list regarding

⁹ Please refer to Al-Hayat Newspaper, February 22, 2019 issue.

¹⁰ Please refer to press reports issued on 21/2/2019.

¹¹ Please refer to the National News Agency (NNA), 29/3/2019.

the Constitutional Council's decision. Karamah said that "the first part of the decision is fair and its second part regrettable: the annulment of Dima Jamaly's election is a positive step; however, it is unfortunate that the Constitutional Council committed an unprecedented legal and judicial atrocity by not declaring the victory of the appealing candidate, Dr. Taha Najji of the Al-Karamah Al-Wataniyyah list, instead calling for a new round of elections according to the majoritarian system without any justification. The Council justified its decision by considering the fractional difference unreliable to declare the victory of Mr. Najji. However, this justification leads to one of two possible conclusions: either the Constitutional Council is not fully aware of how a proportional representation system functions, or it used this justification as a pretext to distort the truth, which is more probable. How can the fraction upon which Mrs. Jamaly won her seat be valid, while the fraction obtained by Dr. Taha Najji is considered invalid to declare his victory?"

Karamah added that the Council's decision is a concoction and a blatant intervention in the judicial process, claiming that the decision is an act of oppression that the Council facilitated. Karamah also said that the decision constitutes a political appropriation of a parliamentary seat and that the Council did not follow due process, instead concocting an unjustifiable precedent. Furthermore, Karamah stressed that the elections lacked legal legitimacy, as the Constitutional Council's decision could not be appealed. Politically, Karamah maintained that "the whole matter is a prefabricated act ultimately designed to be in the benefit of the Future Movement, especially with major polit-

ical forces in Tripoli supporting the oppressor against the oppressed, shamelessly contributing to the appropriation of the seat legitimately won by Dr. Taha Najji of Al-Karamah list."

Taha Najji, for his part, announced the position of the Association of Islamic Charitable Projects regarding the Tripoli by-elections, claiming that "we have won the parliamentary seat with the support of the people. However, democracy is being undermined by turning votes into a so-called unreliable fraction. We only lost because of the Constitutional Council's decision." Mr. Najji said that democracy in Lebanon is shaped by governmental agreements and political deals, insisting that winners cannot compete with losers and stating the following: "I will not run in their electoral show. We will meet again in the 2022 parliamentary elections."

LADE'S POSITION¹²

The Lebanese Association for Democratic Elections issued a statement on the Constitutional Council's decision, thanking the Council's Chairman for his cooperation with LADE, for taking its observation reports into consideration and taking their contents seriously and for including in his report on the outcome of the appeals a large portion of the information presented by LADE.

However, LADE said that the Council should have been more daring in its decision, adding that this position does not mean that the Association prefers certain candidates over others.

LADE also clarified that its position is consistent with its overall assessment of the elections, which it considered "undemocratic", noting that some of the appeals submitted should have required the whole election to be cancelled and held again at the level of the entire electoral district (Tripoli – Minieh – Dannieh), rather than being restricted to one seat. "The explanation put forward by the Constitutional Council reveals that there were issues in other polling stations as well, casting doubts over the results of the elections at the level of the larger electoral district, which means that the entire elections should have been cancelled and held again," LADE said in a statement. Moreover, LADE said that the Council should have elaborated the grounds of its decision and further explained its interpretation, especially with regard to the right of candidates to receive the reports of primary and higher committees.

OVERALL REPERCUSSIONS

The Constitutional Council's decision led to a whirlwind of responses and comments by political figures and parties, media outlets and legal experts. Despite the fact that the Constitutional Council's decisions are final and cannot be appealed, most reactions were expressions of regret and protest, with both sides of the political spectrum deploring the Council's decision (i.e. the Future Bloc, which lost a Member of Parliament as a result of the appeal being accepted, and Al-Karamah list, which was denied the opportunity to declare the victory of the losing candidate with the highest number of votes in the competing list, Mr. Taha Najji, who submitted the appeal). The Future Bloc considered the decision to be vindictive, calling it an act of political treachery and a constitutional transgression, as well as an abuse of the highest judicial position for political purposes.

Al-Karamah list, on the other hand, considered the decision to be an unconstitutional concoction.

Political reactions to the decision by conflicting political powers were all critical of the decision, each for their own reasons. However these political responses were relatively mild, compared to the inflammatory discourses that marked the period leading up to the presidential settlement. At the time, severe political confrontations occurred at every political turn between the March 14 and March 8 alliances. In parallel, the overall political interest by the ruling powers in these by-elections was subdued and limited to the parties directly concerned and to some stakeholders and political powers in Tripoli.

In response to the Constitutional Council's decision, which he called "political treachery" targeting him directly, PM Saad Hariri re-nominated Dima Jamaly as the Future Bloc's candidate and attempted to establish a vast political and electoral alliance in Tripoli to support Jamaly's candidature and ensure that his bloc regains its lost seat. The new alliance brought together the Future Movement, former PM Najib Miqati and minister Mohammad Al-Safadi, and it was further supported by the reconciliation between PM Saad Hariri and Major General Ashraf Rifi, mediated by former PM Fouad Siniora. Hariri bolstered this alliance by ensuring synergy between major figures of the Future Movement in North Lebanon, in order to prevent any differences in opinion that might weaken the bloc's chances of regaining Jamaly's parliamentary seat.

This political-electoral alliance further weakened the opportunity to hold balanced elections and a fair competition between Future Movement candidate Dima Jamaly, supported

¹² Please refer to LADE's statement on the Tripoli by-elections and the Constitutional Council's decision on the appeals submitted against the results of the 2018 elections. March 4, 2019.

by this vast alliance, and Al-Karamah list candidate Taha Najji, who withdrew from the race. Therefore, overall political and media interest in these elections was largely subdued. With this subdued interest and the massive support secured by the Future Movement for Dima Jamaly's candidature, as well as the withdrawal of Al-Karamah list and its political and electoral base from the race, by not nominating Taha Najji and calling for a boycott of the elections, there was a lack of candidates having explicit backing from central political powers and parties in the Lebanese sectarian ruling system. Amid this general climate surrounding the by-elections, and with the abstention of major political powers opposing the Future Movement from direct and explicit participation in the race, the competition was limited to eight candidates, including a former MP, an independent candidate backed by a national alliance and a prisoner in Iran.¹³

¹³ Please refer to the article published in Al-Akbar Newspaper on 22/2/2019 under the title "هرطقة المجلس الدستوري، ناجي هو الفائز.. لكن الانتخابات ستُعاد".

CHAPTER 2: TRIPOLI ELECTIONS: PREPARATIONS, OBSERVATION, ROLES AND INITIATIVES

FIRST: PREPARATIONS FOR THE APRIL 2019 TRIPOLI ELECTIONS

ELECTORAL BODIES INVITATION DECREE AND MINISTRY OF INTERIOR PREPARATIONS

President Michel Aoun signed the Electoral Bodies Invitation Decree in the minor electoral district in Tripoli to elect a Member of Parliament for the Sunni seat on April 14, according to the majoritarian representation system, after PM Saad Hariri and Minister of Interior and Municipalities Rayya Haffar Al-Hassan signed the said decree, which was registered under No. 4384 of March 7, 2019.

On March 12, 2019, Minister of Interior and Municipalities Rayya Al-Hassan issued a statement regarding the submission and withdrawal of candidature applications for the by-elections for the Sunni seat in the Tripoli minor electoral district, which was declared vacant by virtue of Constitutional Council decision No. 10 of 21/2/2019. Minister Al-Hassan's statement specified the date on which the elections in the said district were to be held (Sunday 14/4/2019) and informed citizens of the terms and conditions of submitting candidature applications by virtue of Article 45 of Parliamentary Electoral Law No. 44/2017. Candidature applications were to be submitted between 14/3/2019 and 29/3/2019.¹⁴

Minister Al-Hassan also issued a series of circulars and memoranda related to the regulatory, security and legal procedures of the electoral process, concerning the North Lebanon Governorate, the Directorate General of the Internal

¹⁴ Please refer to the National News Agency (NNA), March 29, 2019.

¹⁵ Please refer to An-Nahar Newspaper, April 1, 2019.

Security Forces and relevant Ministry of Interior departments, in order to avoid any delay that might occur in providing heads of stations with ballot boxes, voters' lists and other necessities. A number of other measures were also taken, including:¹⁵

- Increasing the number of committees tasked with delivering electoral necessities to heads of stations and retrieving them;
- Specifying the perimeter of polling centres and enforcing Article 91 of Parliamentary Electoral Law No. 44/2017, which stipulates that security forces must maintain order at the entrances and in the vicinity of polling centres and ban any electoral or advertising activity, particularly public address systems, loud music, party flags and car convoys in the vicinity of electoral centres;
- Enforcing legal requirements regarding the polling centre perimeter, by securing a 50-metre area around the centre's entrance from every direction/banning the entry of cars and other vehicles to the centre's perimeter, with the exception of vehicles carrying people with special needs, in which case special measures must be taken by security forces/closing campaign offices within the centre's perimeter from 10:00 am on the Saturday preceding the elections until 18:00 pm on the Monday following the elections.

Furthermore, Minister Al-Hassan addressed a letter to the Ministry of Justice, demanding that the Public Prosecution "combat any cases of bribery of any type related to the by-elections."

CANDIDATES FOR THE VACANT SEAT IN THE TRIPOLI BY-ELECTIONS

The Ministry of Interior and Municipalities – General Directorate of Political and Refugee Affairs issued a statement announcing that at 00:00 on Friday, March 29, the deadline ended for submitting candidature applications for the parliamentary by-elections to be held on April 14 in the Tripoli minor electoral district to elect a Member of Parliament for the Sunni seat, which was declared vacant by virtue of Constitutional Council decision No. 10 of 21/2/2019.

Eight people submitted their candidature for the Sunni seat: Yehya Kamel Mawloud, Dima Mohammad Rashid Jamaly, Talal Mohammad Ali Kabbara, Omar Khaled Al-Sayyed, Hamed Omar Amsheh, Mahmoud Ibrahim Al-Samadi, Mohammad Misbah Aouni Al-Ahdab and Nizar Zakka. The deadline for withdrawing from the race ended at 00:00 on Wednesday, April 3. Candidate Samir Kabbara withdrew his candidature through a political statement, explaining his reasons for running and withdrawing from the race as follows: “I hereby announce my withdrawal from the electoral race, the outcome of which is well-known in advance, given the weakness of our constitutional institutions.”¹⁶

As a result, there were eight candidates running for the elections, including Mrs. Dima Jamaly. Some candidates are well-known and had previously been elected as MPs and worked in politics, such as former MP Mosbah Al-Ahdab.

Others ran as members of civil society, whose organisational frameworks are disintegrating and whose main stakeholders have failed to communicate, to come together and to cooperate, even such a limited electoral race involving one seat. As for candidate Hamed Amsheh, he is not a known figure, and media outlets do not even have a photograph of him. Lastly, candidate Nizar Zakka is a prisoner in Iran, and his candidature was an opportunity to draw public attention to his cause.

SUPERVISORY COMMISSION FOR ELECTIONS¹⁷

In accordance with its regulating law, the Supervisory Commission for Elections closely followed the preparations for the Tripoli by-elections. For this purpose, the Commission issued Statement No. 24, addressed to polling institutions, regarding legal obligations concerning the publication, broadcasting or distribution of polls during the by-elections period in the Tripoli minor electoral district, which read as follows: “With regard to the by-elections to be held in order to elect a Member of Parliament to fill the vacant seat in the Tripoli minor electoral district on 14/4/2019, the Supervisory Commission for Elections would like to remind all polling institutions of their legal obligations, which are as follows:

1. Notify the Commission in advance of any polls to be conducted;
2. Refrain from publishing, broadcasting or distributing any polls or related comments, under any circumstance, during the week

preceding the aforementioned election day, until the closure of all ballot boxes, starting from 7/4/2019;

3. The Commission may take any measures it deems necessary against any polling institution or any other party that fails to comply with the provisions of Article 79 of this Law.”

As part of its official duties, the Commission issued four statements related to the Tripoli by-elections, which are:

Statement No. 10, in which the Commission set the legal rules for private media outlets, including TV and radio stations and print media, as well as for non-Lebanese satellite media outlets having representative offices in Lebanon, wishing to broadcast and publish paid electoral advertisements during the by-elections period.

Statement No. 11, in which the Commission defined the rules, mentioned as part of the conditions of the electoral law, applying to companies, institutions and individuals investing in billboards who wish to display electoral advertisements. The Commission stated that any use of such billboards in violation of legal provisions and procedures shall subject the billboard owner to the legal penalties stipulated in Decree No. 302 of 15/1/2015.

Statement No. 12, which read as follows: “Relevant civil society associations wishing to cover the by-elections to be held in the Tripoli electoral district on 14/4/2019 may contact the Supervisory Commission for Elections to obtain a copy of Decision No. 6 (on the procedures and rules for the follow-up of the elections by relevant foreign and local associations) and Decision No. 8 of 22/2/2018 (on the charter of honour that the said associations must adhere to), in or-

der for them to prepare the documents and identification papers that must be enclosed with the permit applications, which are to be submitted to the Commission for review and examination in order to determine the associations’ eligibility and to approve their applications in accordance with due process.”

Statement No. 13, in which the Commission called upon all media outlets wishing to cover the by-elections in the Tripoli electoral district to contact the Commission before 30/3/2019 in order to receive the required permits, in accordance with the conditions and obligations mentioned in the electoral law, by virtue of Decision No. 7 of 18/1/2018, which set the code of conduct for media coverage, to be respected by media outlets wishing to cover the voting and the counting and tabulation process, as well as the charter of honour to be respected by representatives of the said media outlets tasked with covering the elections.

Further to the above, the Supervisory Commission for Elections issued a letter referring a number of media outlets to the Publications Courts in Beirut and Mount Lebanon for violation of the electoral silence. Annex 1 includes the letter of referral of the said media outlets to the Publications Courts, issued by the Chairman of the Supervisory Commission for Elections, judge Nadim Abdul Malak.

¹⁶ Media reports, April 3, 2019.

¹⁷ Please refer to Elections 2019, Supervisory Commission for Elections, elections.gov.lb.

SECOND: BEGINNING OF PREPARATIONS FOR THE OBSERVATION PROCESS

LEBANESE ASSOCIATION FOR DEMOCRATIC ELECTIONS¹⁸

Upon the issuance of the Constitutional Council's decision, LADE announced that it had begun to prepare for follow-up and observation activities. The Association called for the complete adherence to constitutional and legal texts, as well as to the Constitutional Council's decision, related to holding the elections within two months (Article 41 of the Constitution and Article 43 of Law No. 44/2017). LADE also expected the elections to be held on April 14, 2019 at the latest.

In a statement issued on March 4, 2019, LADE tackled the issue of the Supervisory Commission for Elections, confirming the continuation of its work and its tasks, clearly and explicitly stipulated in Article 11 and Article 19 of the new electoral law. According to the said articles, the Supervisory Commission for Elections must keep performing its duties until a new Commission is formed. In light of this, LADE called for the disbursement of the necessary funds to the Commission, in order to ensure the continuity of its work and to enable it to oversee the electoral process in full autonomy.

LADE's position came as a result of calls for the formation of a new Commission – which indeed should have been formed six months after the general parliamentary elections were held, i.e. in November 2018, in accordance with Article 11 of the electoral law. However, due to

the fact that the Commission had not yet completed its final report on the general elections, LADE considered that it would be counter-productive to form a new Commission, which would be destined to failure before even assuming its duties, because it would not be able to make the necessary preparations to observe electoral campaigns.

In addition to the above, LADE reiterated the need to adopt pre-printed official ballots to optimise secrecy and limit cases of vote buying and fraud. LADE also stressed that this measure is by no means restricted to the proportional system, as many countries around the world with majoritarian systems of representation adopt unified official ballots in their electoral processes. Furthermore, LADE noted that the use of normal ballots, which were adopted prior to the 2018 elections, would gravely undermine the integrity and democracy of the elections. The Association clarified that the provisions of Paragraph 8 of Article 43 of Law 44/2017 must not be interpreted as a rejection of the official ballot – rather, the non-adoption of the official ballot would constitute a violation of the provisions of the electoral law in force.

LADE commended the Council of Ministers for its decision to adopt the pre-printed ballot in the Tripoli by-elections, as it protects voters' secrecy and indicates the willingness of political powers to implement electoral reforms. LADE also urged relevant parties to take fur-

ther positive steps, particularly in procedural matters that do not require legal amendments at present.

Regarding electoral coverage and advertisement, LADE called upon the Electoral Supervisory Committee to put an end to violations committed by media outlets during the 2018 elections, in terms of selling coverage time as advertisement time (in violation of Article 8), non-disclosure of paid promotions, inflammatory discourse, defamation and libel and publishing polls. LADE also urged the Commission to perform its duties away from any pressures in the upcoming by-elections, to monitor the financial statements of candidates and to demand that candidates submit their full financial disclosures after the elections.

LADE also expressed its concern regarding certain reforms being overlooked in the upcoming period, hoping that the by-elections would be more democratic than the previous general elections.

A few days before the Tripoli by-elections, LADE issued a statement highlighting a number of key issues regarding the elections, including:¹⁹

- Commending the Ministry of Interior for its respect of legal and constitutional deadlines for holding the by-elections;
- Regretting the rumours that were spread claiming that the outcome is known in advance, which reflects a disregard for voters' choices and potentially affects turnout rates;

- Reasserting the importance of equal coverage time for all candidates;
- Urging religious figures not to interfere in the electoral process;
- Condemning the intimidation and threats expressed by certain candidates (promises to secure school and university grants/cash and in-kind assistance/services and payments, etc.), which is considered to be a form of electoral bribery and must be ended immediately.

OBSERVATION ASSOCIATIONS' POSITIONS

With the beginning of the countdown towards the 2019 Tripoli by-elections, LADE, Maharat Foundation, the Women's Democratic Gathering and the Lebanese Physical Handicapped Union held meetings and deliberations to prepare for the elections.²⁰

The associations feared that officials responsible for managing the electoral process would not adopt the official, pre-printed ballot in the by-elections, which would encourage electoral campaigns to once again pressure voters and make it easier for them to buy votes. The associations considered that the return to normal ballots would undermine voter secrecy and the integrity of the electoral process. Therefore, they called upon Minister of Interior Rayya Al-Hasan to insist on adopting the official ballot, as it protects voters' freedom of choice.

¹⁸ Please refer to LADE's statement on the Tripoli by-elections and the Constitutional Council's decision regarding the appeals submitted against the results of the 2018 elections, issued on March 4, 2019.

¹⁹ Please refer to the statement entitled "On the Observation of the Electoral Campaigning Period/Tripoli By-elections", LADE, Beirut, April 9, 2019.

²⁰ Please refer to the statement entitled "the Countdown for the By-elections has Begun and Observation Associations Concerned about Voter Secrecy", LADE, Beirut, March 20, 2019.

Furthermore, the associations considered that any undermining of the powers of the Supervisory Commission for Elections and any obstruction of its work during the election period would subject the entire process to appeals. They also stressed the need for the Commission to carry out its prerogatives to the fullest, rather than simply adhering to formalities, calling upon relevant authorities to disburse its financial allocations, as promised by the Ministry of Interior, in order for the Commission to perform its duties away from any financial, technical or political pressures.

With regard to electoral coverage and advertisement, the associations reiterated the need to grant candidates equal opportunities in terms of media appearances on various media outlets and to abstain from adopting inflammatory discourse, including calls to violence or libel against candidates. The associations also urged media outlets not to broadcast or publish any reports that might be seen as an interference in voters' independence, such as intimidation, threats and electoral promises, as well as to comply with electoral silence.

Furthermore, the associations tackled the issue of the participation of PWD in the electoral process, reiterating their absolute refusal and condemnation of the marginalisation of this group. They urged relevant parties to end this discrimination, as it is no longer permissible to overlook the rights of PWD to vote and to access polling centres and stations with freedom and dignity. The associations also stressed the need to establish a fund with yearly contributions to equip public schools, municipalities and public spaces used as polling centres and to take the necessary measures to enable PWD to partake in choosing their representatives.

The associations also confirmed that they will observe the by-elections from a gender perspective, considering that all candidates, whether male or female, have equal civil and political rights and obligations. As such, the associations stated their commitment to closely observe political discourse during the election period, due to the impact it has on women's political participation as voters, candidates and public actors. Finally, the associations announced that they would begin preparing for the observation of the by-elections and that they would publish their findings gradually in order to put forward remarks and recommendations that would contribute to the development of the electoral process. The present publication includes the reports prepared by Haqi Campaign and Maharat Foundation on the Tripoli by-elections observation.

THIRD: ELECTIONS OBSERVATION METHODOLOGY²¹

OVERALL OBSERVATION FRAMEWORK

After the President of the Republic signed the Electoral Bodies Invitation Decree, LADE immediately announced its readiness to observe and follow up on the electoral campaigning period and election day on April 14, 2019. In a statement it issued regarding its methodology for observing the Tripoli by-elections (March-April 2019), LADE said that in light of Articles 43 and 105 related to holding the elections according to the majoritarian system, there seems to be a number of interconnected and related issues in the two legal texts (current Law No. 44/2017 and previous Law No. 25/2008).

As a result, the observation methodology adopted by LADE for these by-elections was similar to the methodology adopted in previous elections, with some key differences. LADE developed the new methodology based on the provisions of current Law No. 44/2017 and previous Law No. 25/2008, on which the present elections are partially based, as well as the provisions of international standards for democratic elections, Ministry of Interior decrees and decisions related to the elections and circulars issued by the Supervisory Commission for Elections. LADE also clarified that all aspects related to the majoritarian system were inspired by Article 43 of the current law, noting that Article 20 of the said law grants civil society associations the right to observe

the elections, including media outlets, electoral coverage and advertisement, candidates' electoral spending and electoral process management by municipalities, registration committees and the Electoral Supervisory Committee.

In this context, LADE states that the purpose of the 2019 by-elections observation is to monitor, document and examine violations, starting from the date of invitation of the electoral bodies and the launch of electoral campaigns, until the last appeal is addressed by the Constitutional Council,²² in order to make an accurate assessment of the electoral process and issue a set of reform recommendations to amend the process in the future.

In light of the above, LADE mobilised its coordinators in a number of cazas around the Tripoli electoral district, who had observed the 2018 general elections. LADE's team was fully prepared to receive complaints and enquiries from citizens and candidates, monitor electoral activities and violations at the level of the Tripoli district, in cooperation with the Tripoli coordination office, attract volunteers who had observed the 2018 elections and hold training sessions. In parallel, the general coordination office in Beirut was monitoring the performance of the Ministry of Interior and the Supervisory Commission for Elections.

²¹ Please refer to "Methodology of Observation of the Tripoli By-elections", March-April 2019, LADE.

²² LADE said in the report that it was not able to observe the preparation of voters' lists in the Tripoli by-elections, as they were prepared before the invitation of the electoral bodies.

PURPOSE OF THE OBSERVATION PROCESS

The purpose of LADE's observation efforts is to:

- Monitor the extent to which Lebanese citizens enjoy the right to vote – a major political right;
- Observe how Lebanese citizens practise their right to vote;
- Ensure the freedom, fairness and transparency of the voting process;
- Monitor and document violations, as far as realistically possible;
- Assess all stages of the electoral process in terms of its legal framework.

OBSERVATION PROCESS LEVELS, SOURCES AND STANDARDS

LADE stressed that the observation process covers all levels and all stakeholders in the elections, including the Ministry of Interior and other authorities, the Supervisory Commission for Elections, registration committees, municipalities, security forces, candidates political powers and parties.

In order to observe the performance of these various stakeholders, LADE relies on reports prepared by observers in each district during the campaigning period and election day, as well as on reports submitted by citizens after verifying them. LADE also relies on its daily monitoring of traditional and social media outlets, in order to assess the political and media climate and the statements and positions made with regard to the elections.

LADE also took into consideration a set of criteria issued after a careful examination of Electoral Law 44/2017 and Law 25/2008, as well as international criteria and decrees and circulars issued by the Ministry of Interior and the Supervisory Commission for Elections.

OBSERVER DISTRIBUTION MAP

LADE decided on the distribution of observers during the 2019 Tripoli by-elections based on the organisation of the 2018 general elections. At the time, there were 43 polling centres in Tripoli, each including between 2 and 16 polling stations, with the total number of stations amounting to 416.

In light of the above, LADE announced that it would deploy fixed observers in one polling station at least within each centre. The number of stations to be observed therefore amounted to 43 from the total of 416, which is the equivalent of 10.3% (with the possibility of making minor changes). In each selected polling centre, a team of three observers would be deployed as follows: one fixed observer in the specified polling station and two mobile observers within the centre. Moreover, 10 mobile support teams of coordinators and assistants from various regions, each including 2 members, would be deployed, in addition to the central team, whose members were to be split across Beirut and Tripoli.

LADE distributed the distribution map of polling centres and stations to be observed by observers, support teams and the headquarters as follows:

DISTRIBUTION MAP OF POLLING CENTRES AND STATIONS TO BE OBSERVED BY OBSERVERS AND SUPPORT TEAMS

Number of centres in Tripoli district during the 2018 elections	43
Number of stations in Tripoli district during the 2018 elections	416
Number of stations in Tripoli district in which LADE deployed fixed observers during the 2018 elections	43

NUMBER OF OBSERVERS (FIXED AND MOBILE)	(43×3)= 129
Number of support team members	20
Number of headquarters team members	21
Total	170

LADE said that in addition to observing activities in the selected sample of polling centres and stations during these by-elections, it would also closely monitor summary reports, counting and tabulation in polling stations and summary report delivery and storage in higher registration committees. Given the small number of candidates, the counting and tabulation process in polling stations was expected to be simple and quick, particularly after adopting the unified ballot by the Council of Ministers during its 21/3/2019 session.

ELECTORAL CAMPAIGN OBSERVATION

LADE monitored the electoral campaigning period by following print, digital and social media throughout an extended period of time. In clear violation of the law, municipalities failed to designate special areas dedicated for electoral advertisement and promotion. As a result, more powerful candidates dominated the scene in the electoral district in terms of electoral advertisement, at the expense of less wealthy candidates. LADE also noted that the electoral advertisements themselves included many violations, as some included electoral and clientelistic promises, such as financial grants to university students and promises to provide economic benefits for Tripoli as a whole. The electoral campaigning period was also marked by religious figures abusing their positions to publicly and directly promoting candidate Dima Jamaly. Moreover, the political discourse during the campaigning period included implicit threats of the return of security incidents, such as the assassination of PM Rafik Hariri in 2005. LADE also noted the use of state resources (Lebanese Army helicopter) by PM Saad Hariri for electoral purposes, when he headed to Tripoli a few days before the elections to hold an electoral rally for candidate Dima Jamaly.

FIRST: LADE REPORTS ON ELECTION DAY OBSERVATION

Polling centres were opened on the morning of the Tripoli by-elections day on April 14th, 2019, launching the observation process. As previously mentioned, LADE had detailed the implementation of the observation process step-by-step in its general report on the matter. In accordance with the laid-out plan, LADE deployed 170 observers across all polling centres identified in the plan on the day of the by-elections, including 43 fixed observers stationed in a sample of 10.3% of Tripoli's polling stations, which amounted to 416 stations based on the 2018 elections.

In conformity with the adopted rules and follow-up mechanisms of the observation process, LADE issued two initial statements, the first at midday and the second in the evening of the election day, which covered the following:

FIRST STATEMENT: CALM BEGINNING OF THE ELECTION DAY

At the time of drafting of the first report, and according to the observations of LADE's team, the electoral process in Tripoli appeared relatively calm, without any security issue. No incident had been recorded of LADE observers being prevented from entering polling centres and stations.

LADE also reminded all candidates and the press of the need to comply with electoral silence and to abide by Article 78 of the Electoral Law No. 44/2017, especially in light of the blatant violation of this article by a number of candidates, politicians and media outlets, namely: candidates Yehya Al-Mawloud, Mosbah Al-Ahdab, Talal Kabbara, Nizar Zakka and Dima Jamaly, as well as Minister Violette

al-Safadi, MP Samir Al-Jisr and others. In addition to the violation of electoral silence, the following incidents were recorded:

- Candidate Yehya Al-Mawloud's campaign office distributed flyers on cars throughout the night;
- Car convoys bearing photos of candidate Dima Jamaly were recorded touring several areas of Tripoli;
- Candidate Mosbah Al-Ahdab's campaign office sent messages to eligible voters on election day offering transportation services to voters to polling centres. LADE considers this practice to be a violation of the electoral silence period. It is also a form of bribery and emotional pressure on voters, in violation of international standards for democratic elections.

Statistics documented by LADE observers indicate that the election process has been diligently organised so far by the Elections body management. In this context, LADE notes the responsiveness of the Ministry of Interior and Municipalities Operations Room to LADE requests and calls.

LADE also applauds the stance of the Chairman of the Supervisory Commission for Elections on the eve of the elections and his direct intervention to enforce compliance with electoral silence on a TV channel that was about to air an intervention by a reporter from Tripoli in a live talk show. The TV station was cooperative and interrupted the live broadcasting of the programme.

Having reiterated the need for all media outlets and candidates to observe electoral silence, LADE called upon the Supervisory Com-

mission for Elections to act swiftly to stop the blatant violation of electoral silence during election day. It also reasserted the need for media outlets to refrain from taking statements from candidates, in accordance with the law and out of respect for voters' choices. LADE called upon the media to focus solely on covering the electoral process. The Association finally urged citizens to report any violations they witness, through the LADE mobile application²³ or the hotline 01/333713-4, in order for LADE observers to inspect these violations and include them in LADE reports.

SECOND STATEMENT: UNPRECEDENTED DROP IN VOTER TURNOUT AND CONTINUED BLATANT VIOLATION OF ELECTORAL SILENCE

In its second statement, LADE noted an unprecedented drop in voter turnout, compared to general and by-election turnout rates since the 1992 elections. Moreover, media outlets and candidates continued to blatantly breach electoral silence, in violation of the Electoral Law and international standards for democratic elections.

Furthermore, LADE observers recorded one security incident during election day:

- The security incident took place in the campaign office of candidate Yehya Al-Mawloud. LADE was informed of the details by a member of Mawloud's campaign team, who reported the following: The office was leased to Al-Mawloud by a group who backed his candidature at first. However,

the same group, who owns the centre, came in the afternoon and expelled the representatives of Al-Mawloud. They reclaimed the office, tore down his photos and demanded the Al-Mawloud supporters leave the premises. Afterwards, they hung up photos of Dima Jamaly in the centre.

LADE also noted that when the vote counting and tabulation process started, three officers in charge of three polling centres banned observers from attending the counting and tabulation process in the stations. After interventions by concerned officials at the Ministry of Interior, the problem was solved and observers were allowed to return and take part in the monitoring of the counting and tabulation process.

²³ The Association launched a mobile application called "LADE", which allows its observers, as well as citizens, to report violations they witness, with the possibility of uploading photo or video evidence if available.

SECOND: BY-ELECTIONS RESULTS

Given the low voter turnout rate in the Tripoli by-elections, the seven initial registration committees and the Higher Registration Committee finished their work at record speed, enabling the Minister of Interior to announce the official results at dawn on Monday. The results were as follows:²⁴

RESULTS OF TRIPOLI BY-ELECTIONS HELD ON APRIL 14TH, 2019

1. Yehya Al-Mawloud	3295 votes
2. Nizar Zakka	503 votes
3. Dima Jamaly	19387 votes
4. Talal Kabbara	290 votes
5. Omar Assayed	2240 votes
6. Hamed Amsheh	6 votes
7. Mahmoud Al-Samadi	54 votes
8. Muhammad Mosbah Al-Ahdab	2590 votes

THIRD: GENERAL REPORT ON LADE OBSERVATIONS, ISSUED THE DAY AFTER THE ELECTIONS.

In a press conference held the day after the Tripoli by-elections (April 15th, 2019), LADE presented its general report on the elections observation process. The report was titled “The Need for Government Institutions to Fulfil their Role to End Electoral Law Violations”. The report included an array of data made available to LADE through the work of its 170 observers in polling centres. The most prominent observations and violations mentioned in this report include:

1. THE NEED FOR GOVERNMENT INSTITUTIONS TO FULFIL THEIR DUTIES TO PREVENT VIOLATIONS OF THE LAW.

The blatant disregard for electoral silence by media outlets and candidates was striking, and the matter was raised by LADE in its statements yesterday, on election day. This infraction raises several questions regarding the violation of the Electoral Law and international standards for democratic elections by concerned parties, without any accountability. Laws 25/2008 and 44/2017 tasked the Supervisory Commission for Elections with issuing warnings to violating organisations and stakeholders and referring them to the Publications Court in case of non-compliance with the law.

LADE is still waiting for the Supervisory Commission for Elections to act in this regard, keep-

ing in mind that the law calls for direct intervention by the Publications Court to stop violations. We will follow up on the matter to monitor the work of the court in this regard. The law has specified a period of 24 hours during which the Publications Court must act and decide on referrals. However, the said court has yet to look into any of the referrals made by the Supervisory Commission for Elections after the general parliamentary elections held in 2018.

As such, LADE is following up on the work of the Supervisory Commission for Elections and the Publications Court in this regard. It calls upon government institutions to fulfil their legal duties to reduce the number of violations committed with impunity. LADE also calls for the broadening of the Supervisory Commission for Elections’s prerogatives in this regard for future elections.

2. REMARKS REGARDING THE ELECTORAL LAW

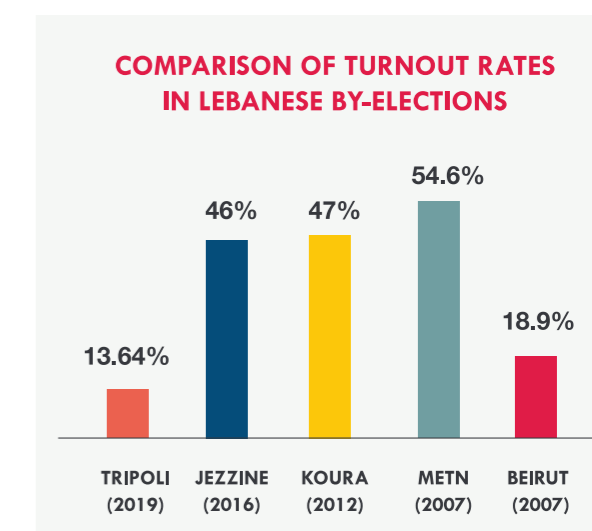
The Tripoli by-elections were held based on the majoritarian representation system, as candidates were only competing for one seat. This required the adoption of a mix of articles from Laws 44/2017 and 25/2008. These elections provide an opportunity for LADE to reiterate its major remarks regarding these laws, in terms of the need to amend the chapter on electoral spending to ensure a higher degree of financial transparency in electoral campaigns and to reduce cases of bribery, with the hope to guarantee a fairer competition.

Moreover, LADE notes that despite the good performance by the Ministry of Interior and Municipalities in managing the by-elections, the fact that the Ministry itself is responsible for managing the elections raises questions regarding the

impartiality of the process, given that the Minister of Interior is affiliated with the same political movement as one of the candidates.

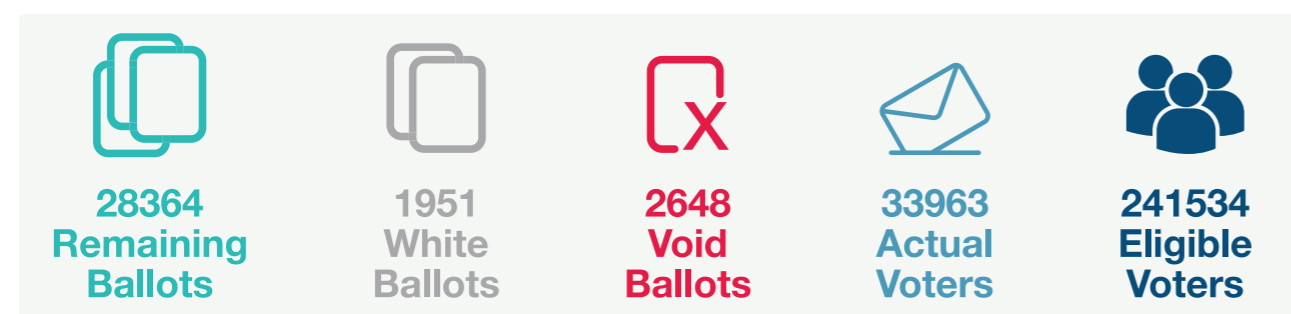
3. LOW VOTER TURNOUT

The 2019 Tripoli by-elections were mainly characterised by the abstention of 86.36% of Lebanese citizens from taking part in the electoral process. Although it would be unfair to compare the turnout rates of by-elections to those of general elections, it is however possible to compare turnout rates of previous by-elections in Lebanon.



Another remarkable feature of these by-elections is the percentage of white ballots, which reached 5.91%. Void ballots amounted to 8.03%, which is a very high percentage. This highlights the need for intensive awareness-raising sessions regarding voting processes by the Elections Body Management, which should be more involved in re-explaining the voting process to eligible voters to reduce the rate of void ballots in future elections, rather than solely focusing on voter turnout in its advertisement campaigns, despite the importance of this aspect as well.

²⁴ Please refer to the Ministry of Interior website www.interior.gov.lb.



4. ASSESSMENT OF THE PERFORMANCE OF THE ELECTIONS BODY MANAGEMENT

LADE believes that the management of the Tripoli by-elections was far better than that of the 2018 general elections. This was especially true for the Ministry of Interior and Municipalities, which did not abuse its powers to issue circulars that are in violation of the law or to turn a blind eye to the violations committed by polling station officials, which led to a blatant disregard for voting confidentiality in last year's elections. Moreover, the Ministry's Operations Room responded quickly to LADE requests.

5. KEY OBSERVATIONS DURING VOTE COUNTING AND TABULATION BY REGISTRATION COMMITTEES

Given the low voter turnout, vote counting and tabulation in stations was completed quickly. As a result, most polling station officials began to simultaneously submit the results to registration committees. This resulted in overcrowding and led to a somewhat chaotic handover process. LADE observers were deployed both inside and outside the Tripoli Serail to monitor the handover and related processes. In fact, the registration committees closed the Serail's outer gate, in an attempt to allow the gradual

entry of the heads of polling stations. This led to many of them waiting outside for extended periods time. Furthermore, LADE observers noticed that a number of envelopes being delivered were not properly sealed with red wax, and that many envelopes were open upon receipt. This was documented in reports by the judges on the registration committees.

6. MARGINALISATION OF THE DISABLED AND THE ELDERLY

During election day, LADE observers noted the continuous marginalisation of the disabled and the elderly, whose participation in the election process was hindered by the lack of free and decent access to polling centres and stations. LADE denounces this reprehensible marginalisation despite the many official promises and pledges by concerned stakeholders to solve these problems. The disabled and elderly have the full right to access polling centres and partake in the exercise of their electoral duty equally to their fellow citizens, as enshrined in laws and agreements in force. In order to resolve this issue, LADE calls upon concerned ministries, namely the Ministry of Interior and Municipalities, to take necessary measures in preparation for future elections.

In its general report issued after the Tripoli by-elections results were announced, LADE recorded the following findings:

- The by-elections were better organised than the 2018 elections;
- Numerous issues related to the lack of equal campaigning opportunities for candidates were recorded, leading to doubts as to the fairness of the electoral process;
- The electoral process was marked by the continued marginalisation of the disabled and the elderly;
- Eligible voters should be better educated on the correct ways to cast a vote;
- Drastic changes should be made to allow an administratively and organisationally professional and independent body, with enough leeway to enforce the law, to assume the management of the elections.

Further to the above, the list of violations recorded in the assessment of the 2018 general parliamentary elections and included in the 2018 elections observation report is still relevant and can be added to the violations observed by LADE in these by-elections. The period between the general elections and the Tripoli by-elections held on April 14th, 2019 is just over 11 months. During most of that period, the country was governed by a caretaker government, until January 31, 2019, when the decree establishing the formation of the new cabinet was issued. Nine months had been spent in talks to sort the power-sharing arrangements among political parties. Therefore, there was not much time to tackle the shortcomings highlighted in the general elections or

to address related violations detailed in the LADE Observation Report. In other words, the observations made then are still relevant today and can be added to the violations and findings documented in the Tripoli by-elections. In order to reassert the seriousness and relevance of the violations and infractions recorded in both the 2018 and 2019 elections, below is a reminder of the key violations recorded by LADE in the 2018 Parliamentary General Election Observation Report, mentioned again in the By-Elections Observation Report:²⁵

- Unequal opportunities for candidates in the media;
- Partiality in election management and abuse of power for electoral purposes;
- The Supervisory Commission for Elections was not independent, as it was not given sufficient resources to fulfil its role;
- A significant use of fraudulent spending and bribery;
- Lack of an electoral awareness campaign.

The most prominent violation recorded in both elections was the use of fraudulent spending and bribery. Despite the limited competitiveness in the Tripoli by-elections, as it only concerned one seat, and the political alliances and withdrawal of key political stakeholders from the race, as well as the predictability of the results, the use of bribery was flagrantly present. The winning MP Dima Jamaly shamelessly and clearly expressed this on video.

A televised interview with MP Jamaly, days after the results were announced (April 24, 2019), included the following statement: "the

²⁵ Please refer to 2018 Parliamentary General Election Observation Report, LADE p.11-12

Tripoli elections saw funds being paid to eligible voters to vote for her, leading to a spike in voter turnout between 3 pm and 7 pm, when the ballot boxes were closed.”

LADE commented on MP Dima Jamaly’s statement, noting that “Jamaly’s statement is a clear confession to paying money to eligible voters to vote for her, despite claiming that she does not know details or the amounts paid to buy votes.” LADE condemned Jamaly’s statements, as they represent an insult to citizens, to public opinion and to the judiciary. The Association noted that: “Financial payments to eligible voters during elections are prohibited by virtue of the Electoral Law. Such payments are considered to be a form of bribery, which is a punishable crime according to the Penal Code: Articles 62 and 65 of the Electoral Law.” LADE denounced the abuse of the dire economic conditions of citizens, a situation whose responsibility falls on the State, to pressure voters into casting their votes to a particular candidate in exchange for money they desperately need, as Jamaly clearly stated in the aforementioned interview. LADE considered the TV segment as actionable information for competent authorities, calling upon them to act and take necessary legal measures.²⁶



ANNEX 1: LETTER OF REFERRAL OF SOME MEDIA OUTLETS TO THE PUBLICATIONS COURT

Republic of Lebanon Ministry of Interior and Municipalities Electoral Supervisory Commission

The Electoral Supervisory Commission has referred a number of media outlets to the Publications Courts in Beirut and Mount Lebanon for repeatedly violating the period of election silence on the 13th and 14th of April, 2019.

The media outlets referred to the said courts are the following:

- Future TV s.a.l. (referred to the Publications Court in Beirut);
- New TV s.a.l. (referred to the Publications Court in Beirut);
- Lebanese Broadcasting Corporation International (LBCI) s.a.l. (referred to the Publications Court in Mount Lebanon);
- National Broadcasting Network (NBN) s.a.l. (referred to the Publications Court in Mount Lebanon);
- ORANGE TV (OTV) s.a.l. (referred to the Publications Court in Mount Lebanon);
- Murr Television (MTV) s.a.l. (referred to the Publications Court in Mount Lebanon);

A warning was also addressed to the following media outlets:

- Télé Liban (TL) s.a.l
- Lebanese Communication Group (Al-Manar) s.a.l.

Furthermore, a letter was sent to the Public Prosecution Office at the Court of Cassation with regard to the contents of the interview held with candidate Dima Jamaly on OTV on 24/4/2019 within the “الحكي عالمكشوف” programme.

Beirut on 7/5/2019

Chairman of the Electoral Supervisory Commission

Nadim Abdul Malak

[Duly sealed and signed]

²⁶ Please refer to the LADE statement, Beirut, April 25, 2019. Lade.org.lb.

ANNEX 2: NUMBERS AND PERCENTAGES OF VIOLATIONS DETECTED BY LADE

THE TABLE BELOW SHOWS THE NUMBER OF VIOLATIONS IDENTIFIED BY LADE OBSERVERS IN THEIR TOUR YESTERDAY.

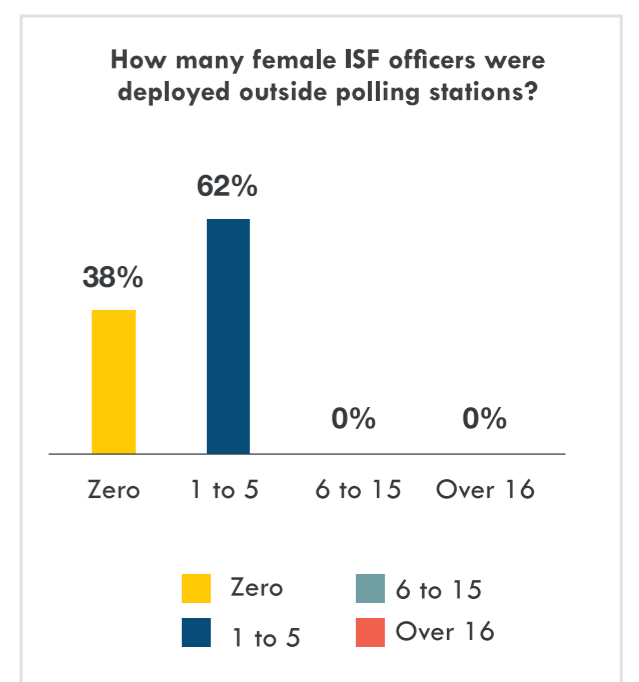
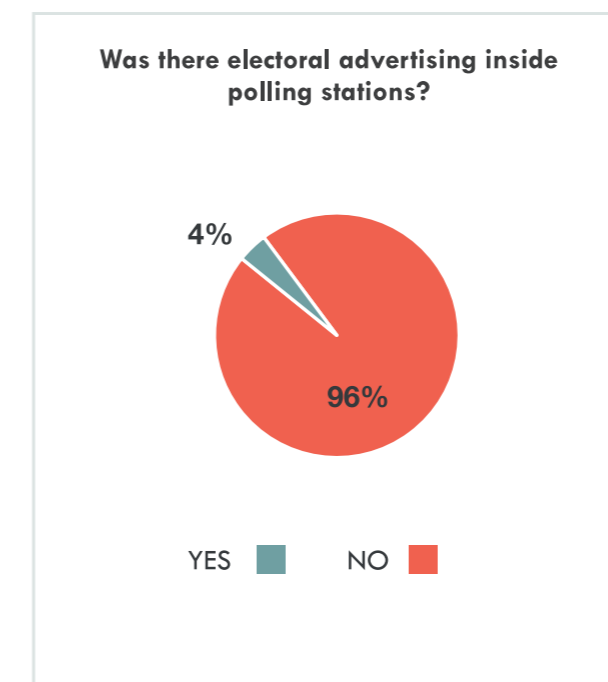
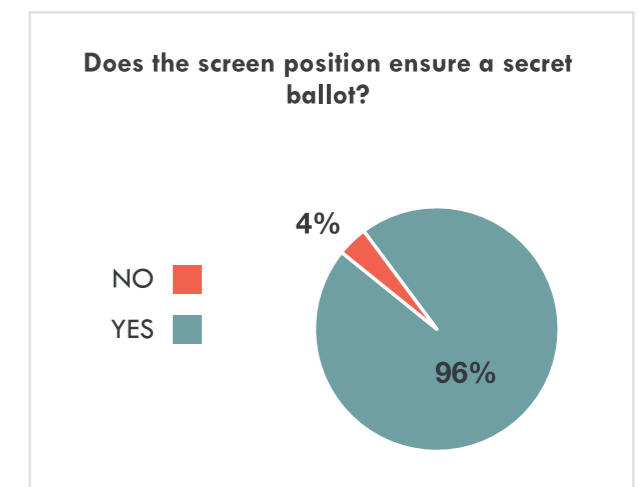
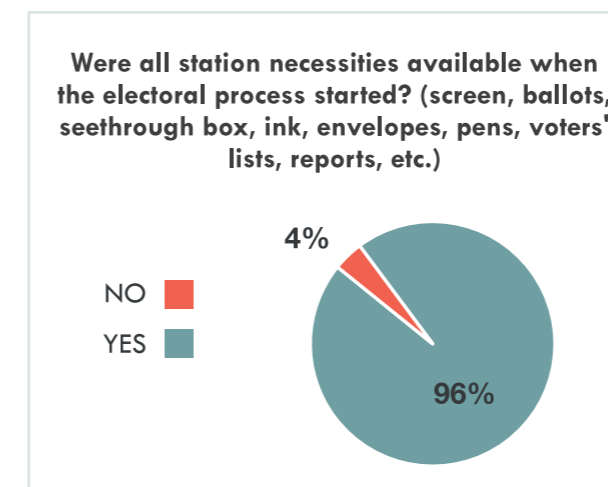
VIOLATIONS IDENTIFIED BY TOURING OBSERVERS:

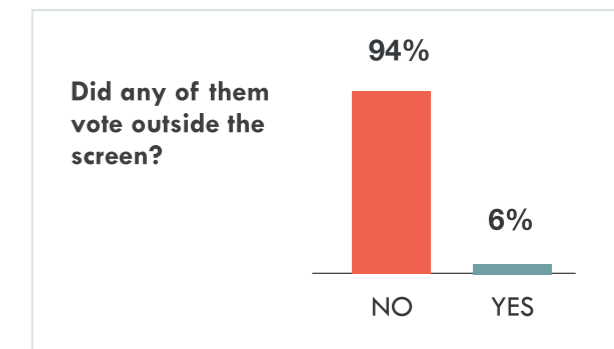
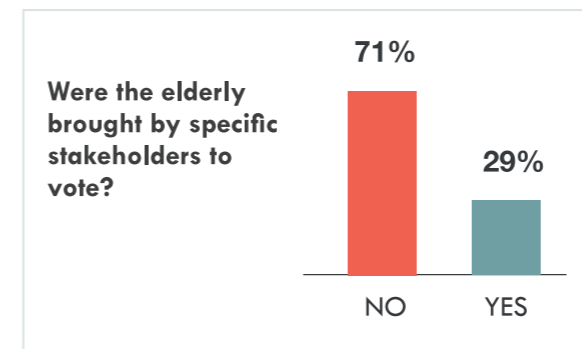
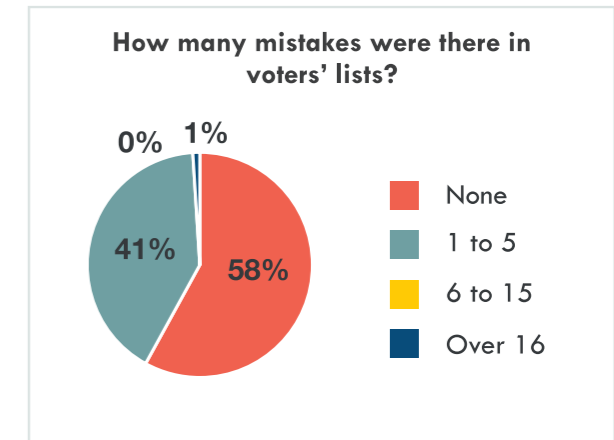
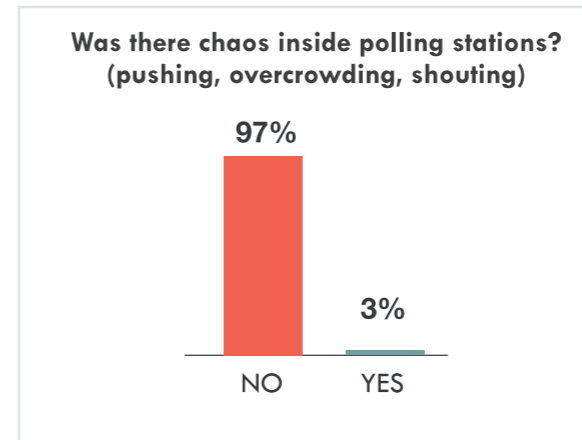
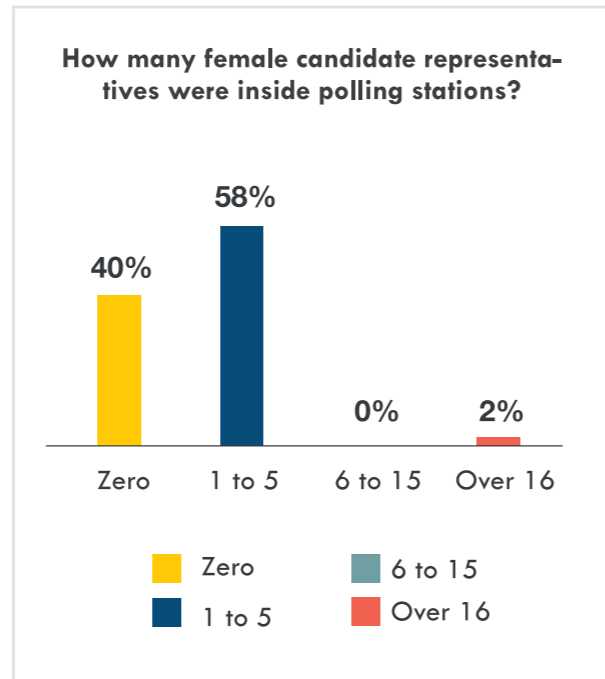
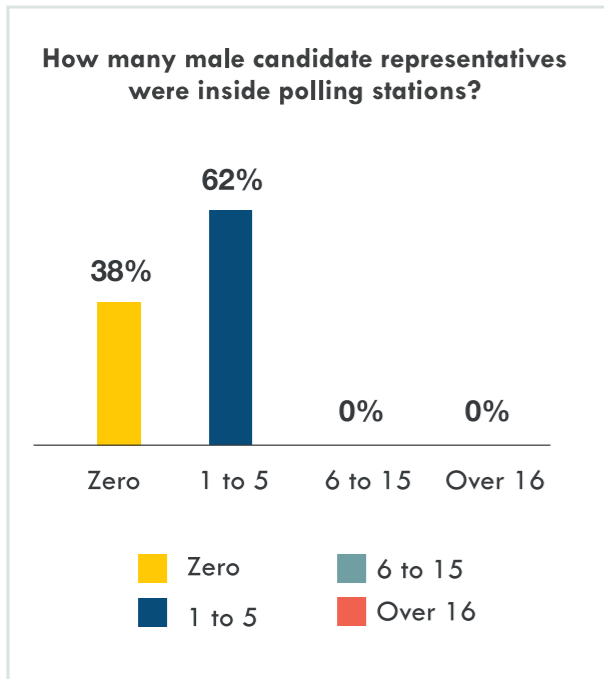
TYPE OF VIOLATION	NUMBER OF INSTANCES
Use of cell phone inside polling station without an intervention by the head of the polling station	4
The screen does not ensure a secret ballot	4
Delay in opening the polling station at the specified time until after 7:30 am	9
Providing transportation for eligible voters to polling centres	2
Intervention of civil servants or security forces in the electoral process	6
Threat of violence (heightened tension at the polling centre, exchange of insults between voters or candidate representatives, gathering of armed individuals or a number of party members...)	1
Suspension of the voting process (due to the absence of the registrar and head of polling station during the voting process, or for other reasons...)	11
Cases of PWD or elderly voters being carried into polling stations	10
Confiscation of ID cards	2
Candidate representatives going behind the screen with voters	1
Electoral advertising	33
Pressuring eligible voters inside or in the vicinity of polling centres	39
Absence of all or some polling stations officials for a period of time	3
Other violations	0
Presence of security forces officers inside polling stations	5
Arrival of large groups of voters shortly before the closing of ballot boxes	2

AS PREVIOUSLY MENTIONED, LADE COVERED A SAMPLE OF 10% OF POLLING STATIONS TO ASSESS THE ELECTORAL PROCESS. THE RESULTS ARE AS FOLLOWS:

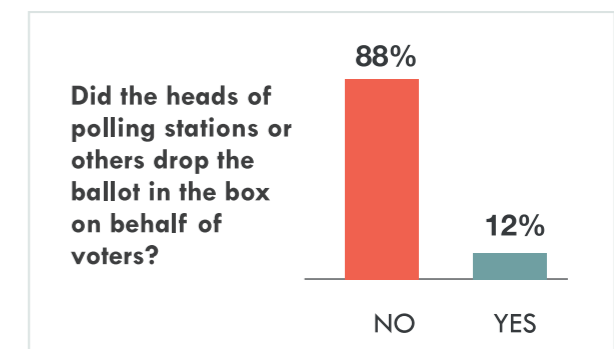
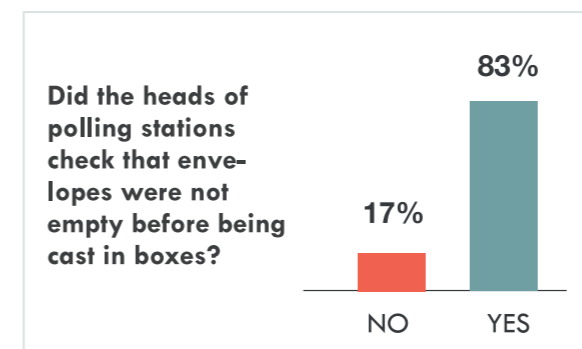
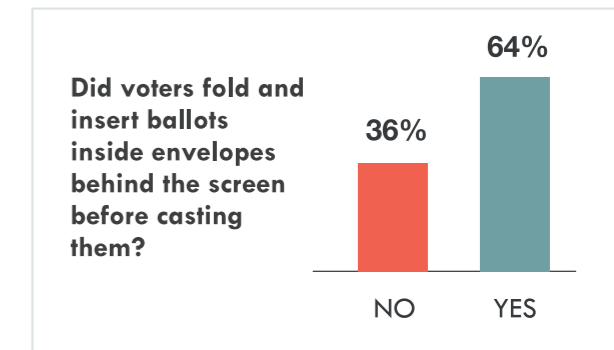
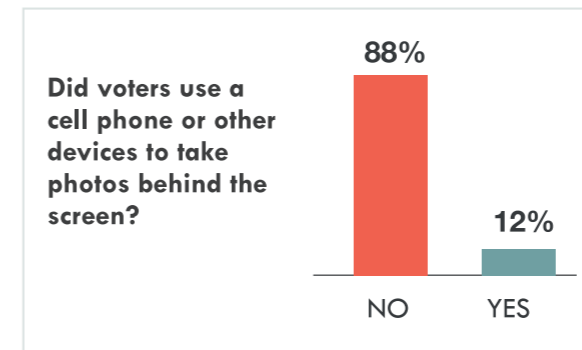
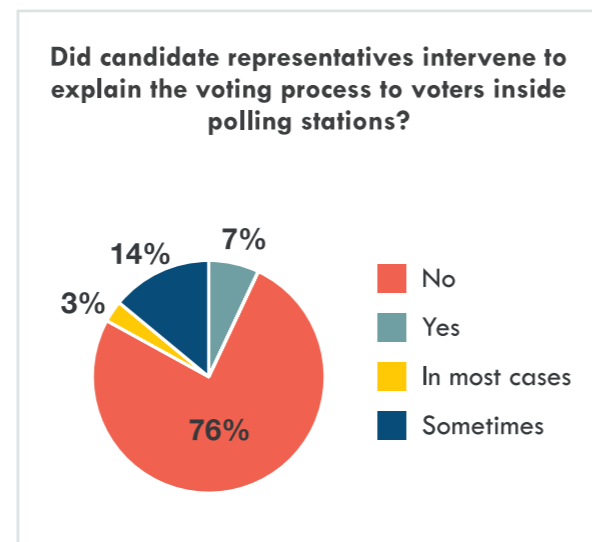
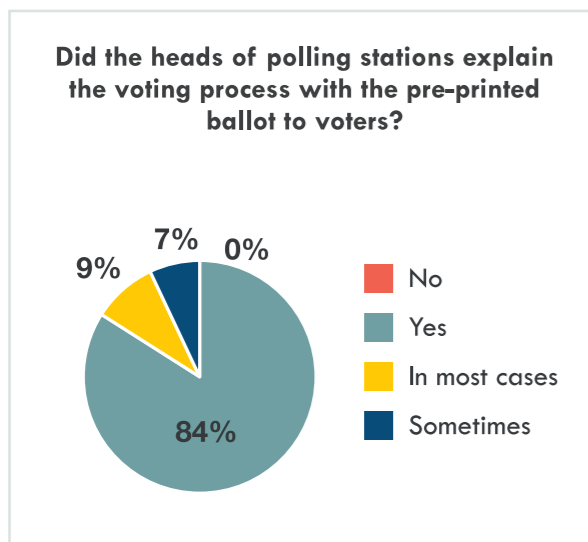
VIOLATIONS IDENTIFIED BY STATIONARY OBSERVERS IN POLLING STATIONS AT SEVERAL STAGES.

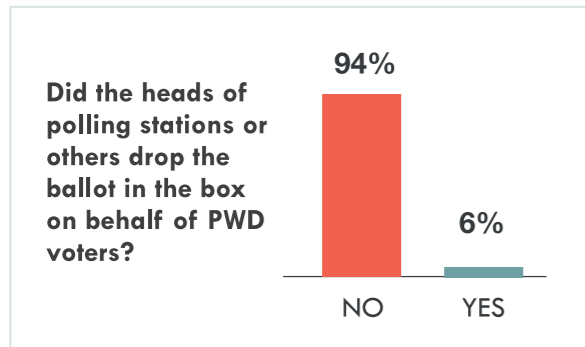
STATISTICS ON THE OPENING OF POLLING STATIONS



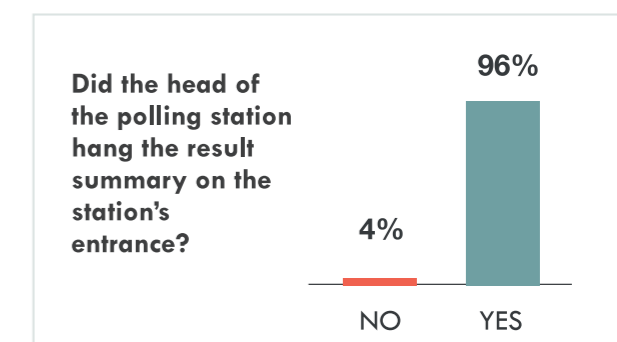
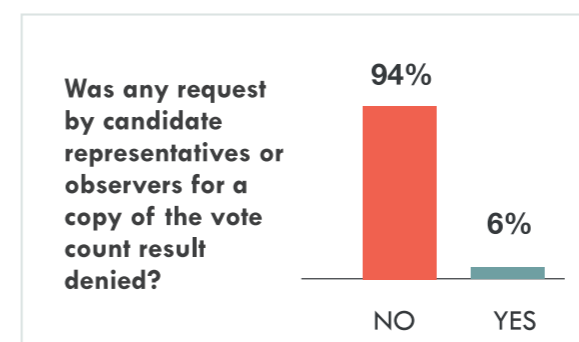
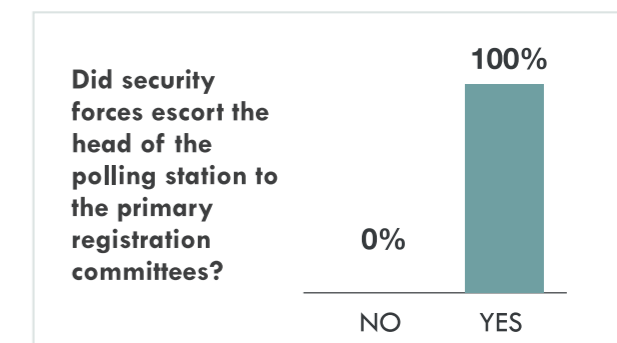
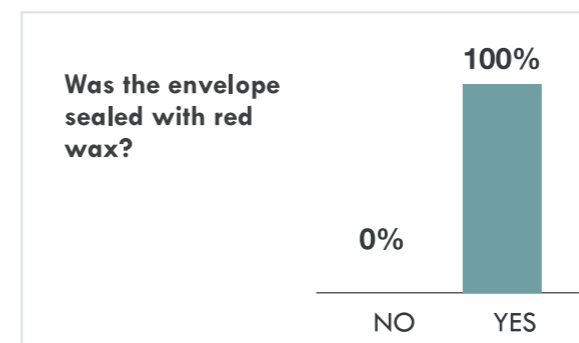
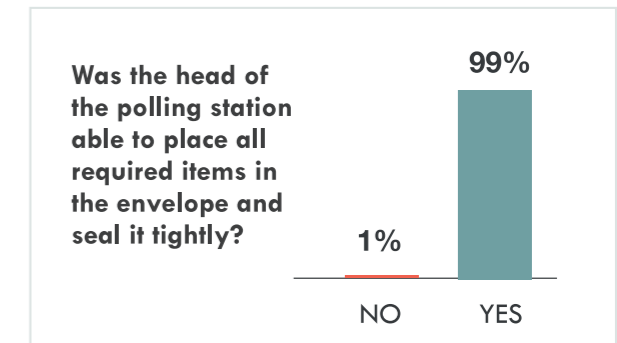
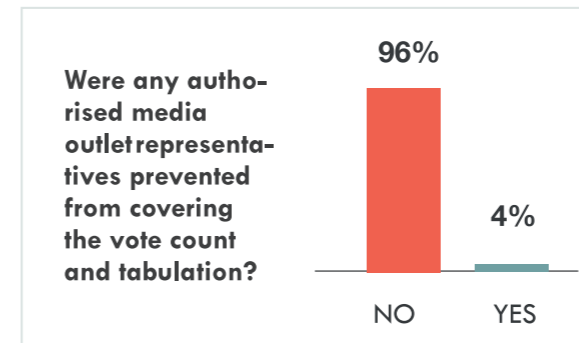
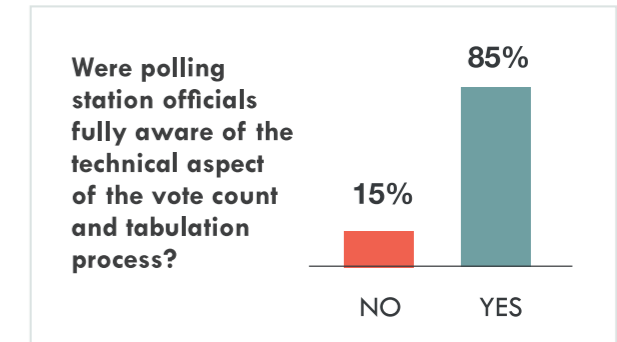
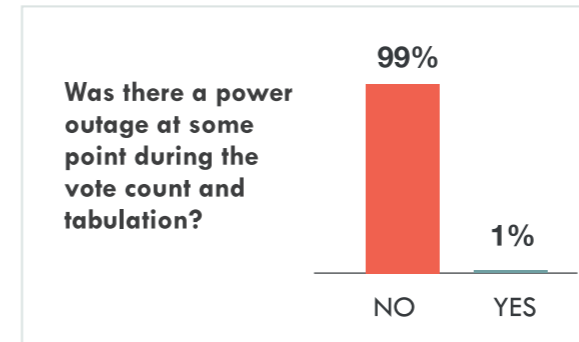
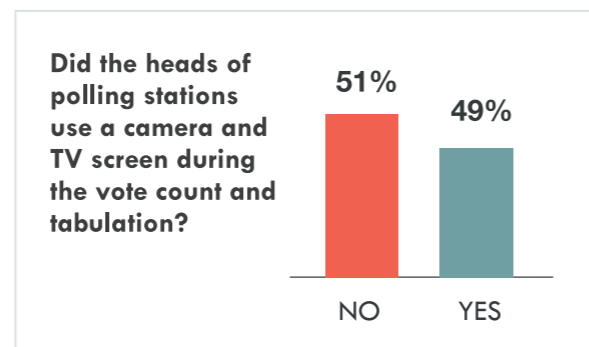
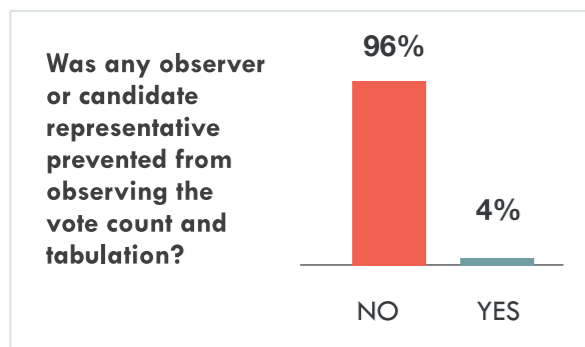
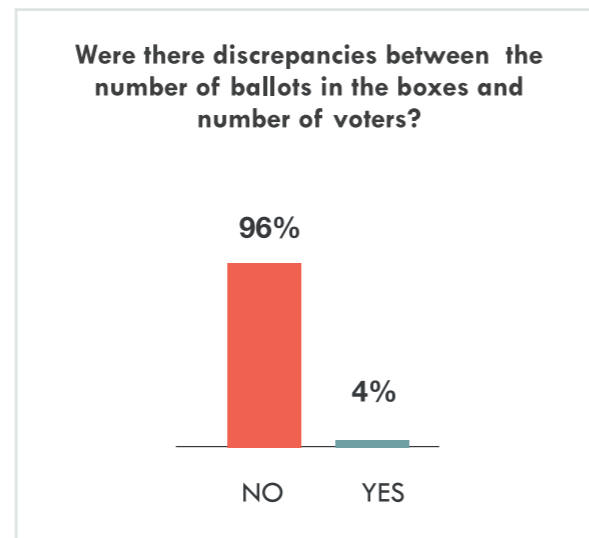
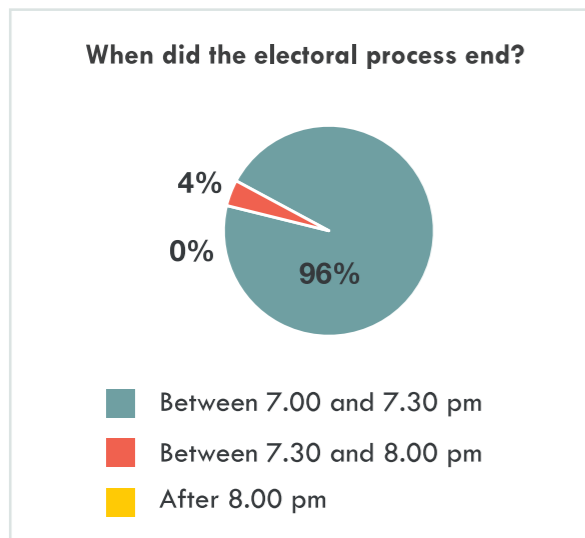


STATISTICS COLLECTED BY LADE STATIONARY OBSERVERS IN A SAMPLE OF POLLING STATIONS TO ASSESS THE VOTING PROCESS UNTIL THE CLOSING OF BALLOT BOXES AT 7 PM.



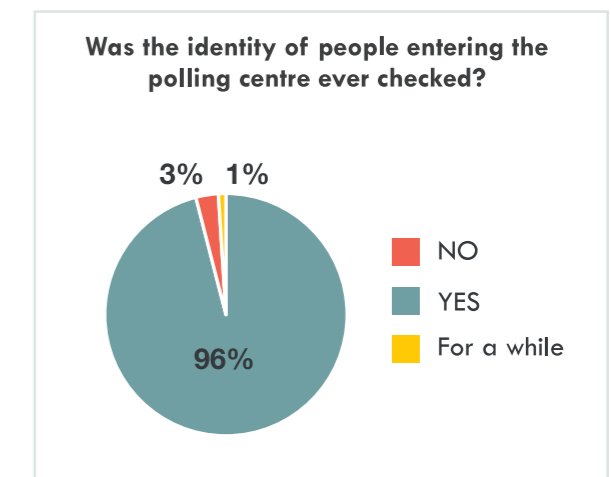
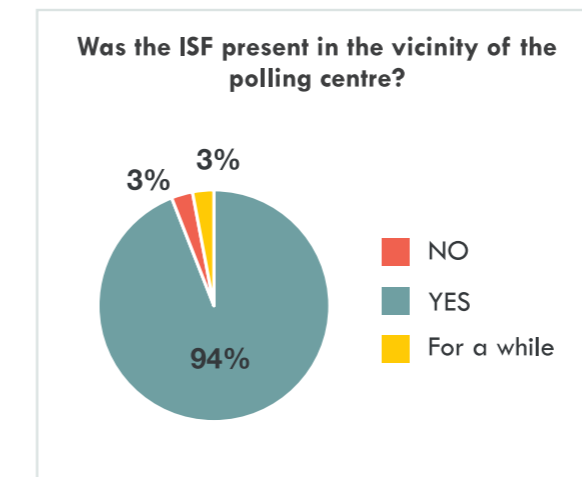
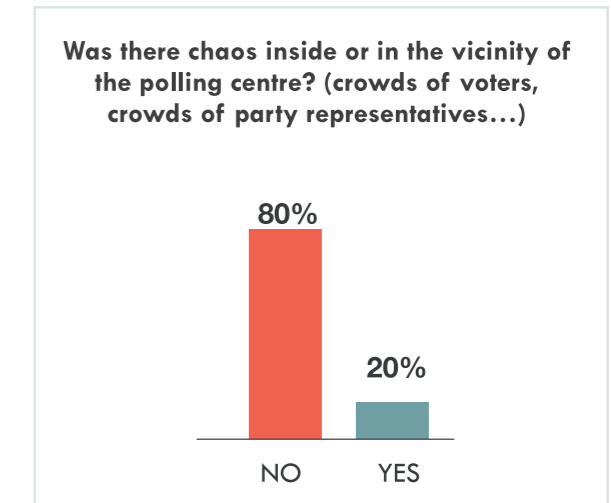
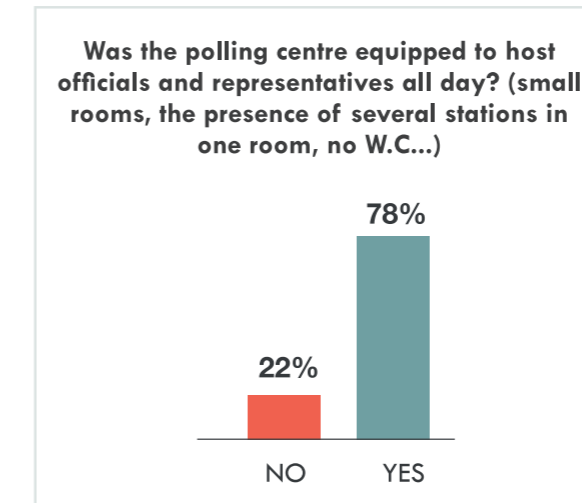
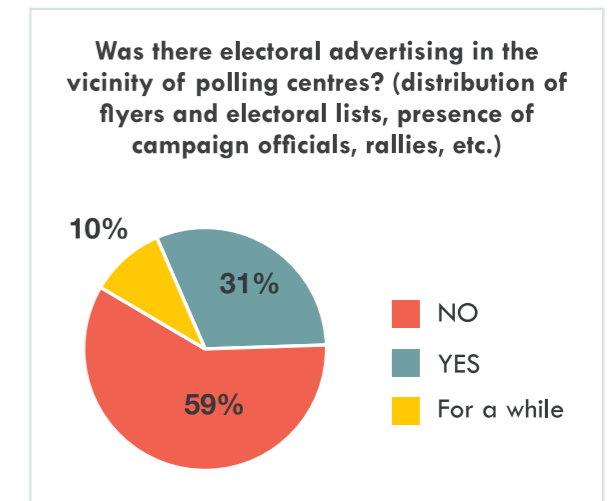
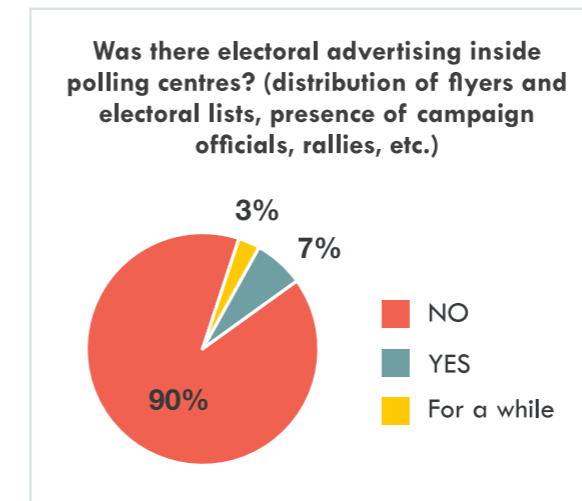
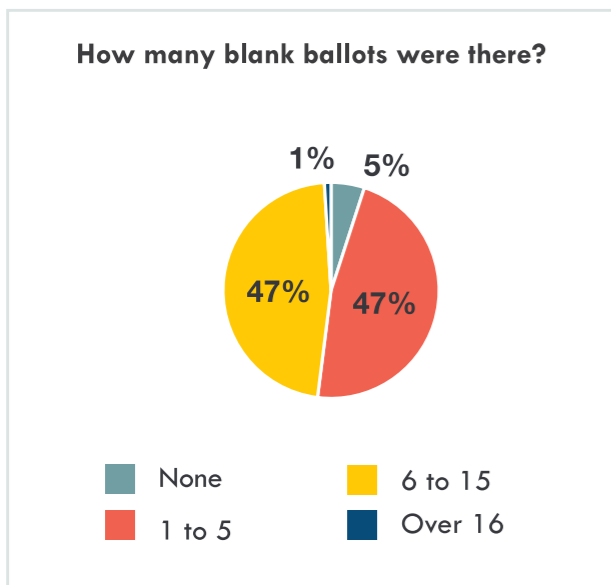
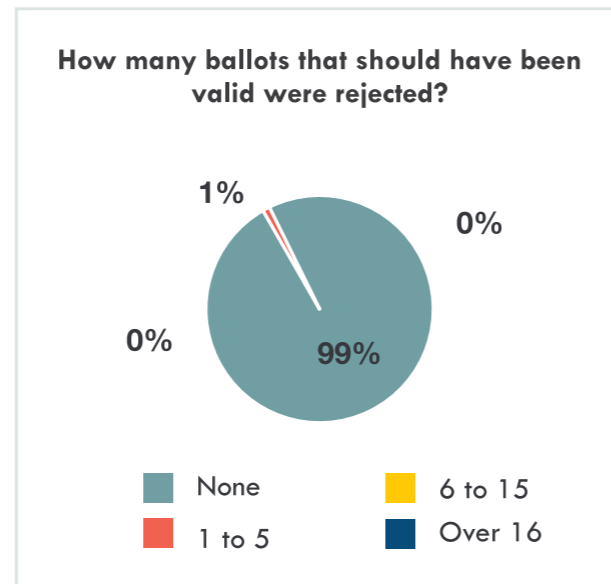
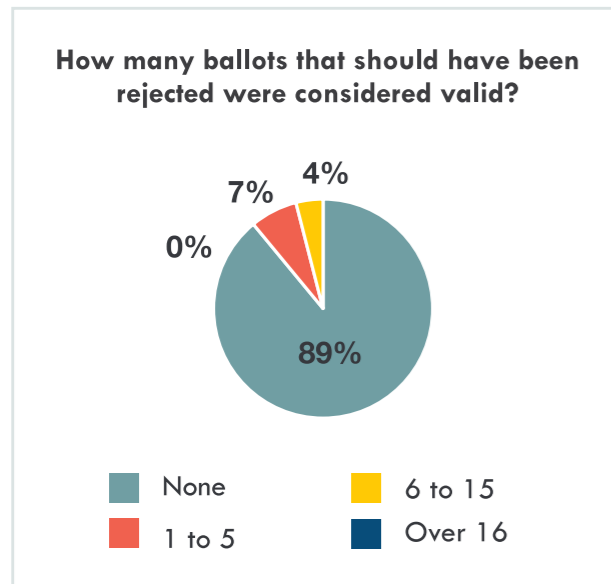


STATISTICS COLLECTED BY LADE STATIONARY OBSERVERS IN A SAMPLE OF POLLING STATIONS TO ASSESS THE VOTE COUNT AND TABULATION PROCESS IN STATIONS.



LADE OBSERVERS DEPLOYED IN POLLING CENTRES MADE THE FOLLOWING ASSESSMENT:

STATISTICS COLLECTED BY LADE'S STATIONARY OBSERVERS IN POLLING CENTRES UNTIL 5.00 PM:



NATIONAL CAMPAIGN FOR THE RECOGNITION OF THE POLITICAL RIGHTS OF PEOPLE WITH DISABILITIES PARLIAMENTARY BY-ELECTIONS OBSERVATION REPORT – TRIPOLI 2019

1. INTRODUCTION

1.1. The Lebanese Physical Handicapped Union monitors the degree to which the Lebanese government respects and protects the rights of People with Disabilities (PWD). The Union has gained vast experience in monitoring the extent of follow-up and commitment in Lebanon with relation to the political rights of PWD, through the continuous observation of elections.

1.2. In 2005, the LPHU launched a permanent national campaign to recognise and uphold the political rights of PWD, the “Haqi” (My Right) Campaign, which focuses on following and observing elections. This campaign focuses on the commitment of relevant authorities to this right and the procedures required to enable PWD and the elderly to more easily and autonomously participate in elections as independent candidates and voters. The campaign also calls upon relevant authorities to fulfil their role in terms of establishing PWD-friendly polling centres and adapting the voting mechanisms in compliance with the laws in force.

1.3. Since it was first launched, the campaign has observed 7 election cycles: 2005 parliamentary elections, 2007 parliamentary by-elections, 2009 parliamentary elections, 2010 municipal and mayoral elections, 2012 municipal and mayoral by-elections, 2016 mu-

nicipal and mayoral elections and 2018 parliamentary elections.

1.4. The campaign carries out field observation of elections and monitors violations against PWD and elderly voters while exercising their right to vote. Furthermore, it observes the extent to which elections are democratic in general. It issues its own documentary report to the public and the press once the elections are over. The report presents the outcome of the observation, as well as key findings.

1.5. For each electoral process, the campaign guides and educates people with disabilities on their political rights, including their right to autonomously vote and run as candidates, their role in observing the elections and monitoring violations committed against them and their right to safely participate in the elections and to have access to well-equipped polling centres capable of welcoming them.

1.6. Haqi Campaign teams are deployed in polling centres, and they intervene to reduce potential violations against disabled and elderly voters in polling centres. These violations usually occur due to the lack of sufficient culture and knowledge amongst election officials, as well as the absence of proper facilities, inadequate voting mechanisms and the lack of guidelines and alternative measures.

1.7. The campaign has become a necessary advocacy and awareness resource for many individuals. Its presence has become essential for the public to shed light on the political rights of people with disabilities (accounting for more than 10% of voters according to international and civil statistics).

1.8. In April 2019, a new round of elections was held: the Tripoli by-elections, in which candidates competed for one seat by virtue of the majoritarian representation system. Haqi Campaign followed the elections to highlight any violations committed against disabled and elderly voters, in order to assert its continued role, to uphold the concept of public participation for all and to put into effect the advancements made in Law 44/2018. Moreover, the campaign supported the reinvigoration of the role of the Supervisory Commission for Elections. It also underscored the importance of gender equality, the protection of women's rights and the need to support their active participation in the electoral process.

1.9. The campaign coordinated its activities with a tripartite alliance to observe elections, by collaborating with the Lebanese Association for Democratic Elections (LADE) and the Lebanese Democratic Women's Gathering (RDFL), to identify violations against the disabled, women, the elderly and the integrity of the electoral process, and to documenting all violations inside and outside polling centres.

1.10. Observers from the alliance were deployed across several polling centres, while Haqi Campaign focused on five polling centres in the neighbourhoods of Al-Tall, Al-Haddadin and Al-Zahriye within Tripoli City.

2. COMMENTS ON THE APRIL 14, 2019 ELECTIONS

The Haqi Campaign teams took off Sunday morning on April 14th, 2019 to observe the parliamentary by-election in Tripoli. Activists arrived in the city at 10 am. The three teams were deployed to the polling centres, wearing the campaign uniform, and were provided with official observation permits. They were stationed in 3 locations and visited 2 more. The teams highlighted key findings during the day, including:

2.1. No improvement or change was recorded in terms of polling centre accessibility for the disabled and the elderly since the comprehensive field survey carried out by the campaign in 2009. Successive governments have not fulfilled their role in providing exemplary and modern polling centres accessible to all voters.

2.2. Complaints, infractions and violations have not ceased, meaning that the successive cabinets have continued to unlawfully exclude hearing-, visually-, physically- and mentally-impaired and elderly voters. Their dignity and right to vote continue to be violated. This is a clear indication of the government's continued lies after promising and failing to implement reforms in 2018, and once again infringing on our rights in the Tripoli by-elections.

2.3. Voter turnout was very low. In fact, the polling centres where the campaign observers were stationed did not see a high voter turnout. Between 10 am and 2 pm, voter turnout was very low, and most voters were elderly and male. Furthermore, PWD turnout in these centres was extremely low. Only 3 people with disabilities were recorded to have voted.

2.4. Numerous general violations were noted, including an overlap between candidate representatives and voters, candidate representatives sitting next to ballot boxes and “representatives” with unknown affiliations in some stations. Some stations only had candidate representatives from one political bloc.

2.5. The following was noted:

- Some individuals were prevented from voting because of mistakes in their ID, despite the fact that the same mistakes were overlooked in the 2018 elections, with voters using the same IDs.
- Instructions regarding room, station and personal record numbers were not clear and failed to provide voters with all the information they needed.
- Voters’ lists were ill-placed. Voters were prone to accepting help and guidance from representatives, thus affecting their choice.

2.6. Instead of adequately equipping polling centres, the Ministry, as in previous occasions, used Civil Defence and ISF officers to carry the disabled and the elderly up and down the stairs to higher floors where the polling stations were located, in a very uncivilised manner. This had a negative psychological and emotional impact on people, in addition to putting them at risk of bodily harm.

3. MONITORING AND OBSERVATION REPORT

3.1. During election day, Haqi Campaign observers identified a number of violations against a limited number of disabled and elderly voters due to the low turnout, which did not exceed 10%.

3.2. The campaign once again documented the lack of proper facilities in polling centres, which are supposed to meet people’s most basic needs (parking, entry - ramps, elevators, hallways, polling stations, W.C). Moreover, there was a lack of material adaptation in terms of braille, sign language and explanatory panels for mentally-impaired voters.

3.3. A high percentage of people with disabilities refused to partake in the electoral process. Only 3 PWD were recorded to have voted, according to observers. This stems from the conviction of PWD that their rights are still being overlooked. In conclusion, campaign observers documented 87 violations concerning PWD, the elderly and the democratic election process in 5 polling centres encompassing 16 stations. These violations were as follows:

AGAINST PWD AND THE ELDERLY	MOVEMENT INSIDE STATIONS	ASCENDING STAIRS TO THE STATIONS	INSIDE STATIONS	GENERAL VIOLATIONS	AGAINST THE CAMPAIGN TEAM	AGAINST PWD AND THE ELDERLY
19	15	18	18	9	4	4

3.4. GENERAL VIOLATIONS

- A candidate representative was seen talking to a voter during the voting process.
- A candidate representative sat next to the ballot box, under the pretext of not being able to hear voters’ names “due to the noise”, although the turnout was low in the centre.
- Two representatives with unknown affiliations were present in two different stations.
- In three separate stations, only the Future Bloc candidate representatives were present.
- One person was prevented from voting due to a mistake in their ID and passport, although they had used the same documents to vote in 2018.
- The numbers of rooms and stations and personal record serial numbers were handwritten on regular notebooks. They were insufficient to provide voters with the information they needed. They were also hung on the walls of the centre with regular tape, exposed and unprotected from any potential additions by others.
- Voters’ lists were difficult to grasp. Voters had trouble understanding them. The guidelines and information to help voters navigate the floors and station rooms were insufficient and vague, especially for elderly people who cannot read. Therefore, a number of voters needed help understanding the information provided.
- In one polling station, the screen was placed in a manner that allows the head of the station to watch the person as they voted.

3.5. VIOLATIONS AGAINST THE DISABLED AND THE ELDERLY:

- Only 3 PWD voters were identified (one woman and two men).
- PWD voters were able to access the perimeter of the centre and reach the entrance of the building where stations are divided across multiple floors. From that point onward, PWD needed help from others to carry them up the stairs to the polling stations.
- Civil Defence officers in polling centres handled the task of helping the elderly up the stairs, either by supporting them as they climbed the stairs or by carrying them to the polling stations.
- In one of the stations, the head of the station himself helped a visually impaired voter by holding their hand to tick the box next to their chosen candidate’s name.
- One head of station said to a person that they lack awareness and perception.

3.6. VIOLATIONS AGAINST HAQI CAMPAIGN TEAMS:

- The team was strictly banned from taking photos in one centre.
- One team was not allowed to park. The ISF NCO refused to confer with the ranking officer regarding the matter.
- In one centre, ISF officers banned the team from performing any activity within the centre’s perimeter.
- In two out of the five centres, the ISF treated us well.
- In one centre, several attempts were made to allow the team to park their car. Eventually, the car was allowed to park, on the condition that it will be removed later.

3.7. POLLING CENTRE PREPAREDNESS:

ACCESS AND PARKING RIGHTS			
	No	Yes	Occasionally
Parking space available near centre	4	1	0
Parking in nearby parking lots	3	2	0
Car access to the entrance of the centre	1	3	1
People parking their cars near the centre	3	2	0
Escort needed	0	5	0

RIGHT TO ACCESS THE CENTRE			
Centre main entrance	Suitable/0 centres	Unsuitable 5 centres	Stairs 5 centres
Easier alternative entrance to the centre	Yes /2	No /3	Used/ 2 centres Not used /0

RIGHT TO MOVE WITHIN THE CENTRE PERIMETER (SCHOOL YARD)			
The centre perimeter includes an obstruction	Yes/ 5 centres	No/ 0 centres	Stairs + thresholds/ 5 centres
Ground floor/ ground floor rooms	Yes/ 4	No/1	Used /1 Not used /3 centres
W.C. available	Yes /5 centres	No / 0 centres	Unsuitable /5 centres
Elevator available	Yes/ 0 centres	No /5 centres	
Guiding signage	Yes /0 centres	No /5 centres	

RIGHT TO ACCESS POLLING STATIONS			
Access method to stations	Elevator / 0	Stairs /5 centres	Person carried /5 centres
Carrying method	Plastic chair	By hand /2 centres	Personal wheelchair /2 centres
Party carrying the people	Security forces /0	Civil Defence /3 centres	Electoral party /4 cases
Station floors	First/ 4 centres	Second /4 centres	Third /4 centres Ground floor /3 centres
Hallways in floors	Suitable /3	Narrow /2	Unsuitable /2
Polling station doors	Suitable /4	Narrow /1	Unsuitable /1

RIGHT TO VOTE INSIDE STATIONS			
Ballot box table	Suitable /2 stations	Unsuitable /3 stations	Over the bench /0
Box height	0	5 stations	0
Cardboard screen	0	5 stations	0
Space between door and table	4 stations		1 station 0
Person's ability to drop ballot in the box	With ease /1	With difficulty /4	With help /0 Box lowered/0

4. AWARENESS CAMPAIGN IN PARALLEL WITH OBSERVATION ACTIVITIES:

4.1. Haqi Campaign polled voters through a special form after voting. The questions focused on the right of PWD to partake in elections. People targeted were a random sample of the public made up of 27 people, distributed as follows:

MALE	DISABLED	ABLED	YOUNG	MIDDLE-AGED	ELDERLY
17	2	15	3	6	8

FEMALE	DISABLED	ABLED	YOUNG	MIDDLE-AGED	ELDERLY
10	1	9	6	2	2

CENTRE	TEAM	NUMBER
The Islamic School of Education and Learning	No.1	13 forms
The Namuthaj Official School for Boys	No. 2	5 forms
The Educator Hassan Al-Hajje Official High School	No. 2	9 forms

4.2. The survey consisted of 10 questions about the political rights of PWD, asked in the same sequence. It was evident that most respondents were aware of Law 220/2000 and of the importance of adequately equipping polling centres. Most respondents endorse the right of people with disabilities to partake in the elections as candidates and voters without hindrance. They also support the work of Haqi Campaign towards securing that right. The questions were as follows:

QUESTION	YES	NO
Is this the first time you vote?	3	24
Do you know about a law on the rights of people with disabilities?	19	8
Are you aware that PWD are entitled to partake in elections?	23	4
Do you support the participation of PWD in election as candidates and voters?	27	0
Did you witness how PWD arrived at the polling centre?	5	22
Did you witness a positive or negative treatment of PWD?	2	25

QUESTION	YES	NO
Do you see the need to adequately equip polling centres?	27	0
Do you see the importance of candidate programmes guaranteeing PWD rights?	26	1
Do you support a PWD running for office?	25	2

IN YOUR OPINION, WHAT ARE THE OBSTACLES PREVENTING PWD FROM PARTICIPATING IN ELECTIONS?			
Lack of equipment	Non-adaptation of voting mechanism	Lack of integration policy	Non-enforcement of rights
17	8	11	12

5. IN THE PRESS:

5.1. Haqi Campaign coordinator Jihad Ismail did an interview with Alaraby (New Arab) Newspaper on April 12, 2019 on the reality exposed during the latest 2018 elections in terms of facilities provided to PWD. Mr. Ismail addressed the question of whether the situation had changed for the current by-elections, exploring the key problems and the proposed solutions for these elections and future ones.

5.2. Colleague Fady Al-Sayegh had a talk with Minister Violette Al-Safadi, at the polling centre (the Namuthaj School for Boys) in Al-Zahriye, about concerned officials failing to provide suitable facilities to PWD and the elderly to vote with decency and independence. Al-Sayegh also gave a statement to MTV about the issue.

5.3. Colleague Jihad Ismail had a talk with candidate Dima Jamaly at the polling centre (the Islamic School of Education and Learning) in Al-Haddadin regarding officials and MPs failing to provide suitable facilities for PWD to vote with decency and independence. He called upon the candidate, should she win, to support and follow up on the matter and hold the government accountable for its neglect and shortcomings towards PWD.

5.4. Colleague Sylvana Al-Laqqis had a talk with former Prime Minister Najib Miqati at the polling centre (the Educator Hassan Al-Hajje High School) in Al-Tall regarding promises made in 2013 when he was Prime Minister.

5.5. The Tripoli campaign day closing statement was aired on Sawt Al-Chaab radio station at 4.30 pm.

6. MONITORING DAY CLOSURE

6.1. Through its participation in observation and its presence in the field on election day, Haqi Campaign has reaffirmed that many violations against PWD, the elderly and voters in general could have been avoided had the Ministry of Interior and Municipalities implemented Executive Decree No. 2214/2009 regarding facilitating the voting of PWD. Furthermore, it underscored the Ministry's failure yet again to develop a civilised model for the Tripoli by-elections and equip even a portion of polling centres in Tripoli as a prelude to adapting a larger number of polling centres, based on a national strategy to transform buildings into PWD-friendly environments and adapt standardised ballots with braille to ensure the independence of visually-impaired voters. However, the Ministry continues to neglect these demands, despite the campaign providing the Ministry in 2018 with blueprints on how to adequately equip polling centres and models of a braille-adapted ballot for adoption.

6.2. The campaign is making the results of its monitoring, observation and awareness efforts available to the public to shed light on the violations, including the lack of adequately equipped facilities meeting even the most basic PWD voter needs, as well as other violations incurred by PWD and the elderly during voting. The campaign would also like to point out that the Ministry of Interior has failed to provide guiding signage and parking spaces near polling centres. Ground floors were not used in polling centres, with officials instead opting yet again for the use of upper floors as polling stations, making it necessary to carry PWD and the elderly up the stairs, thus subjecting them to potential psychological and emotional harm.

6.3. In conclusion, the campaign would like to shed light once again on the continuous alienation by successive ministries of PWD and elderly voters, as well as on the continued violation of human dignity and the right to vote with complete autonomy. Officials have not honoured promises made time and time again. The campaign urges them to respect human rights during the electoral process, namely by allocating items in the 2019 general budget to equip polling centres, most of which are schools. The campaign also warns of the danger of diluting this right under the pretext of austerity or the like. We reiterate the promises made by the Prime Minister in this regard on May 6, 2018.

MONITORING OF THE TRIPOLI PARLIAMENTARY BY-ELECTIONS COVERAGE MARCH 29, 2019 UNTIL APRIL 12, 2019

INTRODUCTION:

Maharat Foundation monitored the media coverage by eight television channels of the Tripoli by-elections held on Sunday April 14, 2019, after a seat was declared vacant following the annulment of the election of Mrs. Dima Jamaly. The monitoring process covered the campaigning period, from the end of the application submission period, on Friday March 29, 2019, until April 12, 2019.

Eight candidates ran for the elections, including one female candidate, Dima Jamaly. Jamaly, backed by the Future Movement and alliance of key parties and powers in the city, was competing against seven candidates, most of whom were running for the elections for the first time, with the exception of former MP Mosbah Al-Ahdab. Among the candidates was Nizar Zakka, who is a human rights and public freedoms advocate held in arbitrary detention by the Iranian authorities since 2015, who was running as an independent.

This report shall discuss five main topics:

- First: The role of the Supervisory Commission for Elections in enforcing articles on election coverage and advertising.
- Second: Media appearance of candidates in political talk shows and live broadcasting.
- Third: News coverage of candidates' campaigns in evening news bulletins.
- Fourth: Stereotyping, gender discrimination and offences against women in media campaigns.

- Fifth: Media compliance with election silence.

FIRST: THE ROLE OF THE SUPERVISORY COMMISSION FOR ELECTIONS IN ENFORCING ARTICLES ON ELECTION COVERAGE AND ADVERTISING

Media outlets were less than enthusiastic in covering the electoral campaigns of the Tripoli by-elections candidates. In fact, only one broadcasting station and one news website submitted applications to the Supervisory Commission for Elections to partake in paid election advertisement.

The Supervisory Commission for Elections reiterated media obligations in election coverage. However, it failed to perform its awareness role set forth in Article 19 of the Electoral Law in terms of disseminating electoral knowledge, guiding eligible voters and promoting democratic practices by all means available. The Commission also failed to inform candidates, whether directly or indirectly, of the procedures regarding media appearances, which must be held upon a request by the candidates themselves.

One of the key means by which the Supervisory Commission for Elections promotes democratic practice is allowing all candidates to access media outlets, including public media. In this regard, Maharat Foundation discovered that some candidates were unaware of the procedures regarding the right to request me-

dia appearances on both public and private media outlets, on equal grounds with other opponents who had had such an opportunity. Furthermore, Télé Liban, the public television network, did not allocate any programme to host candidates, in violation of the Electoral Law. The station even covered the electoral rallies of PM Saad Hariri, who visited Tripoli on 12/4/2019 in support of candidate Dima Jamaly. This is a violation of the obligation of impartiality set forth in the Electoral Law. PM Hariri even made campaign promises during media coverage.

In this context, candidate Omar Al-Sayyed filed two applications to the Supervisory Commission for Elections: The first requesting permission to appear in the media as a candidate through the Télé Liban programmes dedicated to present electoral programmes; and the second application was a request to the Commission to ensure equal coverage, as per the rules of a fair electoral race, between him and opponent Yehya Al-Mawloud, who had appeared on several talk shows, namely “ضروري” (We need to talk) on OTV, “الحدث” (The Event) on Al-Jadeed and “بدا ثورة” (Time for a Revolution) on MTV.

Al-Sayyed’s applications did not produce any actual results with regards to granting him similar media appearances to those of his opponent, or even with regards to him appearing on Télé Liban. As soon as candidate Omar Al-Sayyed submitted the applications to the Supervisory Commission for Elections, he was informed that he was violating the electoral law by appearing in a talk show broadcasted by the “أنا هون” page on Facebook. However, this video was part of a series of interviews the page had done with all candidates under the title “تاكسي الورد”, as the talk was carried out in a taxi cab touring the streets of Tripoli.

The Supervisory Commission for Elections considered that this appearance constituted implicit electoral advertising, demanding that the candidate estimate the financial expenses for the interview and include it in his campaign expenses statement.

The Commission’s decision is a violation of the provisions of the electoral law and of election coverage and advertising. It is a restriction of freedom of press and candidates’ right to free media appearances in shows to which they are invited. The Supervisory Commission for Elections should have investigated through various means whether the programme is paid before making its decision, not to mention that it should have alerted the media outlet rather than the candidate.

It must be noted that the decision to provide the Supervisory Commission for Elections with funds in order to fulfil its responsibilities during the upcoming by-elections was taken only ten days prior to the parliamentary elections, during the April 4th, 2019 cabinet session. It must also be noted that the current Commission’s mandate has ended since November 2018, but it is still performing its responsibilities until the formation of a new Commission. The Supervisory Commission for Elections is still incapable of effectively fulfilling its responsibilities and has been unable to complete its institutional structure.

Although the Commission’s report on the May 2018 general parliamentary elections, published in the Official Gazette on January 18, 2019, highlighted serious violations in terms of media coverage during electoral campaigns, the Commission was not able to stop or reduce the said violations due to the following reasons:

- The Supervisory Commission for Elections did not inform media outlets of the programmes and durations in which media or advertising material on candidates and lists can be broadcasted and the times of broadcasting, or the spaces for publishing such material, as per the stipulations of Article 71, Item (b) of Electoral Law 44/2017.
- The Commission did not inform media outlets of the terms of coverage of the official activities carried out by ministers running for office, which might include implicit electoral advertising, keeping in mind that these ministers could use government departments and public services to appear on media outlets and promote their electoral programmes and positions.
- The Commission failed to take expedited measures to confer with the Publications Court and refer media outlets that violate media coverage obligations during electoral campaigning.
- The Ministry of Interior did not respond to the request of the Supervisory Commission for Elections to issue an order enabling the Commission to collect a fine it had had proposed against a polling organisation that violated the provisions on publishing polls.
- The Publications Court did not issue its verdicts on the violating media outlets, according to expedited procedures, within 24 hours on cases referred to it by the Supervisory Commission for Elections. The said cases are still pending trial and verdicts are yet to be issued.

SECOND: MEDIA APPEARANCE OF CANDIDATES IN POLITICAL TALK SHOWS AND LIVE BROADCASTING

Televised political talk shows represent a major electoral platform for candidates, with live coverage sometimes reaching one full hour. The candidate is usually the only guest with the host. Candidates utilise this precious time of live broadcasting to present their electoral programmes and stances on current issues. When drafting the provisions on electoral coverage and advertising, legislators recognised the significance of media appearances in these programmes and their impact on fairness and equal opportunities in the electoral race. Therefore, they gave each candidate the right to ask from the Supervisory Commission for Elections to compel the media outlet that hosted an opponent to host the applicant under the same conditions.

Article 72, Item (2) of the electoral law underscores the need for “the Commission to ensure the respect of the freedom of expression of various opinions and lines of thoughts in media programmes during the electoral campaign, by issuing binding recommendations to these outlets, compelling them to provide a fair, equal and unbiased coverage of candidates and lists.”

The law also required that the live broadcasting of electoral campaigns, political talk shows, interviews, meetings and round tables should be free of charge. Furthermore, media outlets should refrain, according to the law, from endorsing any candidate and observe a fair, equal and impartial treatment of candidates as much as possible.

The media coverage of visual media outlets seemed to completely overlook the principle of fair, equal and impartial treatment of candidates in talk shows and live broadcasting. The monitoring period began with the start of the candidature application submission on March 14 and lasted until April 12, 2019. Candidate Dima Jamaly had a televised interview on April 9, 2019 on the daily talk show "لبنان اليوم" (Lebanon Today) aired on MTV Network. However, no other candidate seems to have been given the opportunity to appear on the network's talk shows.

On April 1, 2019, MTV covered the live announcement of the candidature of former MP Mosbah Al-Ahdab in a press conference. No other candidate was given this opportunity. Al-Jadeed Network solely hosted candidate Yehya Al-Mawloud on the daily talk show "الحدث" (The Event) on April 9, 2019, and the withdrawn candidate Samer Kabbara.

OTV Network hosted candidate Yehya Al-Mawloud on the March 25th, 2019 episode of the weekly talk show "ضروري نحكي" (We Need to Talk). Candidate Dima Jamaly was also supposed to be present but she was unable to attend.

The following chart reveals the results of the monitoring of candidate programme and campaign media coverage in political talk shows:

THIRD: NEWS COVERAGE OF CANDIDATES' CAMPAIGNS IN EVENING NEWS BULLETINS

Televised news bulletins play a key role in highlighting events and shaping public opinion through televised and investigative reports broadcasted daily. The law prohibits paying for or exploiting news segments to endorse any candidate or as implicit electoral advertising. Facts and realities should also be clearly distinguished from opinions and comments according to the law.

The monitoring of eight TV stations evening news between March 29 and April 12 has revealed the following:

During the electoral campaigning period between March 29 and April 12, the number of news reports monitored covering the Tripoli by-elections reached 76. Table 1 shows that most of these reports, 57, were focused on electoral campaigns, compared to 12 reports covering the positions of stakeholders in the elections, 6 reports on official activities regarding the elections and one report on electoral education and awareness-raising.

Influential and public figures were involved in candidates' campaigns. Their functions were identified based on their media appearances through news programmes monitored, as per Table 2. Among the influential figures involved in electoral campaigns were PM Saad Hariri, one minister, two members of parliament, party leaders and officials, the Grand Mufti and his representatives, in addition to candidates and independent figures.

Tables 3 and 4 above show that the appearance of candidates in evening news (40 appearances) occupied only 22.65% of coverage time, versus 77.35% (51 appearances)

for non-candidate political influential figures. Across the eight television channels, total coverage time for the Tripoli by-elections in evening news reached 9107 seconds.

Monitoring results indicate that the Future Movement, headed by PM Saad Hariri, and allied forces have received the larger portion of news coverage, benefitting from 76% of the total time dedicated to all stakeholders, parties and candidates. Independent candidates came in second, with 12% of total coverage time. In third place came the Civil Moderation Gathering, presided by candidate Mosbah Al-Ahdab, which garnered 12% of coverage time, followed by Al-Karamah Movement presided by MP Fayssal Karamah, with 5%. The Association of Islamic Charitable Projects came in last with 0.80% and Al-Jama'ah Al-Islamiyyah with 0.20% of coverage.

As indicated in Table 6, each of candidate Dima Jamaly and former MP Mosbah Al-Ahdab secured 34% of candidate media appearances, followed by candidate Yehya Al-Mawloud with 18%, candidate Omar Al-Sayyed with 12% and candidates Mahmoud Al-Samadi and Talal Kabbara with 1% each. Table 7 shows how the media coverage of the Tripoli by-elections by each of the monitored channels evening news. Future TV coverage of campaigns reached 53% of the 9107-second coverage. Al-Jadeed follows in with 13%, MTV with 11%, LBCI with 8% and, lastly, OTV, NBN and TL with 6%, 5% and 4% respectively.

Table 8 reveals that the Future Movement benefitted from the majority of coverage time in the news bulletins of the eight monitored stations. Télé Liban dedicated most of its coverage to the Future Movement, in comparison with only one appearance for former MP Mosbah Al-Ahdab. All other independent can-

didates did not benefit from this opportunity. Future TV allocated more than 66% of coverage to the Future Movement campaign and candidate Dima Jamaly.

FOURTH: STEREOTYPING, GENDER DISCRIMINATION AND OFFENCES AGAINST WOMEN IN MEDIA CAMPAIGNS

The televised news coverage of the Tripoli by-elections, which included 52 reports aired on 8 monitored TV channels from March 29 to April 12, did not tackle any issues related to women's political participation, nor did they address gender issues from an electoral perspective. The topic of female candidates was never discussed as part of this coverage.

Campaigns endorsing or opposing candidate Dima Jamaly painted a stereotypical image of women. Supporting billboards used slogans reflecting the prevailing image of women, associated with beauty and honour. Among the slogans used were: "the Future's rose is going to embellish the Parliament," "For her eyes, she could have it all," "The whole confession stands unified in defence of its honourable representative," "Dima Jamaly makes Tripoli more beautiful," amongst others.

Stereotyping was not limited to posters in the streets of Tripoli. In fact, a news website published a story entitled "Video: Dima Jamaly takes part in makeup centre advertisement", in a reference to the video posted on social media with the owner of a beauty centre where she had her makeup done.

Moreover, demeaning discourse was used against candidate Dima Jamaly on a televised

interview with a journalist during a daily talk show on one of the channels. It undermined her human value and role in society. Among the demeaning statements made by the journalist were: “Dima Jamaly is unreal”, “Saad Hariri, what do you need her for?”, “She’s better suited to be your girlfriend,” “You can go on a picnic with her”, “She’s more like someone you would hop on a train, have fun and laugh with.”

FIFTH: MEDIA COMPLIANCE WITH ELECTION SILENCE

Article 78 of the Electoral Law states that “as of midnight of the day before the election and until the ballot boxes are closed, all media outlets are prohibited from broadcasting any direct announcement, advertisement or electoral plea/image, during direct coverage of the electoral process. On election day, media coverage shall be limited to the airing of the voting process.”

This measure set forth in the law is essential to ensure voters’ independence when casting their votes, away from the influence of advertisement and electoral pressure and stances. The Supervisory Commission for Elections issued its 14th Statement on April 13, 2019 prohibiting media outlets from carrying out interviews with candidates and voters during the election silence period, with the exception of voluntary or immediate interviews with people sharing their opinions on the electoral process, provided that they do not make direct or indirect electoral pleas or call upon partisans to vote. Media outlets did not abide by this obligation, instead taking statements from voters in polling stations, with some taking electoral positions, especially in Jabal Mohsen following a statement by former Minister Ashraf Rifi, who said

that a group of voters only vote after “hearing the whistle”.

It must be noted that during the election silence period, the Supervisory Commission for Elections intervened directly by contacting the media outlets committing violations to warn them and demand that they put an end to the violations and the breach of legal provisions.

IN CONCLUSION:

1. Media outlets were less than enthusiastic in covering the electoral campaigns of candidates running in the Tripoli by-elections. The Supervisory Commission for Elections did not fulfil its educational role set forth in Article 19 of the electoral law in terms of dissemination of election knowledge, guiding eligible voters and promoting democratic practice by all means available. It is important to point out that the decision to provide the Supervisory Commission for Elections with funds necessary to fulfil its responsibilities during the upcoming by-elections was made only ten days prior to the parliamentary elections [...] The Commission is still incapable of effectively fulfilling its responsibilities and has been unable to complete its institutional structure.

2. Télé Liban did not dedicate any programme to host candidates, in violation of the electoral law. Rather, it covered PM Saad Hariri’s electoral rallies in Tripoli in support of candidate Dima Jamaly. This constitutes a violation of the impartiality obligation set forth in the electoral law. PM Hariri even made campaign promises during media coverage.

3. The media coverage of visual media outlets seemed to overlook the principle of fair, equal and impartial coverage of candidates

in talk shows and live broadcasting. Candidate Omar Al-Sayyed had submitted two applications to the Supervisory Commission for Elections, the first requesting permission to appear in the media as a candidate through the Télé Liban programmes, and the second to ensure equal coverage, as per the rules of a fair electoral race, between him and opponent Yehya Al-Mawloud, who had appeared on several talk shows. Neither application came to fruition.

4. The law prohibits paying for or exploiting news segments to endorse any candidate or to air implicit electoral advertising. Monitoring results have shown that the Future Movement, headed by PM Saad Hariri, and allied forces have received the larger portion of news coverage, benefitting from 76% of the total time dedicated to all stakeholders, parties and candidates by the eight monitored TV channels. Télé Liban dedicated most of its coverage to the Future Movement, in comparison with one appearance for former MP Mosbah Al-Ahdab. All other independent candidates did not benefit from this opportunity. Future TV allocated more than 66% of coverage time to the Future Movement campaign and candidate Dima Jamaly.

Detailed results for each candidate show that Dima Jamaly and former MP Mosbah Al-Ahdab both occupied 34% of candidate media appearances, followed by candidate Yehya Al-Mawloud with 18%, candidate Omar Al-Sayyed with 12% and candidates Mahmoud Al-Samadi and Talal Kabbara with 1% each.

5. The televised news coverage of the Tripoli by-elections, which included 52 reports, did not tackle any issues related to women’s political participation, nor did they address gender issues from an electoral perspective. The topic

of female candidates was never discussed as part of this coverage. Campaigns endorsing or opposing candidate Dima Jamaly painted a stereotypical image of women and included abusive and demeaning language.

6. Media outlets failed to commit to election silence, especially on election day, instead taking statements from voters and partisans in polling stations. Some shared electoral stances, especially in Jabal Mohsen after a statement by former Minister Ashraf Rifi, who said that a group of voters only vote after “hearing the whistle”. Candidates and party members made indirect electoral pleas calling upon partisans to vote. It must be noted that during the election silence period, the Supervisory Commission for Elections intervened directly by contacting the media outlets committing violations to warn them and demand that they put an end to the violations and the breach of legal provisions.

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