

Mandates of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

REFERENCE:
AL PSE 2/2021

22 July 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 1993/2A, 43/4 and 41/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning a number of human rights concerns related to the postponement of legislative and presidential elections.

According to the information received:

The legislative and presidential elections were scheduled for May and July 2021 respectively. The Palestinian President subsequently announced the elections would be delayed due to concerns that Israel may prevent Palestinians from voting in East Jerusalem. In this context, a number of threats and attacks -mostly on physical properties and houses- have been reported particularly against those who were voicing their opposition to the postponement of these elections.

Procedurally and in terms of the holding of the elections, we are further concerned about instructions issued by the Central Elections Commissions regarding eligibility rules for individuals and political lists who would wish to become active in the Palestinian elections. Those include the requirement that each political list pay a \$20,000 (US) registration fee and that candidates working in the broad public sector, for international organizations and in civil society must resign from their current jobs in order to run for elections. These conditions appear to create unjustified obstacles to ensuring a democratic process.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concern over the postponement of the legislative and presidential elections and its potential impact on freedom of expression, association, peaceful assembly and participation. We would also like to raise our concerns with the host of issues that were raised in the context of the preparation for these elections and following their cancellation. These elections represent an important opportunity to reinforce the democratic process and to build accountable institutions especially considering that the last elections took place in 2005. While noting the importance of holding elections, we do not underestimate the challenges of holding free and fair democratic elections while under an entrenched occupation. We do in the same vein note the serious obstacles that Israel, the occupying power, has erected in the face of a

smooth running of the elections particularly in East Jerusalem.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information about measures taken to protect the physical and psychological integrity of those who have voiced concerns about the postponement of the elections.
3. Can you provide additional explanations as to the eligibility rules for those who wish to become active in the Palestinian elections?
4. Please provide information on the impact of the postponement of the elections on the enjoyment of the rights to freedom of expression, association, peaceful assembly and political participation, per Articles 19, 21, 22 and 25 of the ICCPR.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Michael Lynk
Special Rapporteur on the situation of human rights in the Palestinian territory
occupied since 1967

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to articles 9, 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights, which provide for the rights to personal security, freedom of expression, freedom of peaceful assembly and freedom of association.

In its resolution 33/22, the Human Rights Council “reaffirm[ed] that every citizen shall have the right and the opportunity, without any of the distinctions stipulated in the International Covenant on Civil and Political Rights and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives, and to have access, on general terms of equality, to public service in his or her country, and to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and held by secret ballot, guaranteeing the free expression of the will of the electors, and reaffirming also that the will of the people shall be the basis of the authority of government”.

In this context, the High Commissioner for human rights recommended a number of measures that States must take to empower rights holders to effectively exercise the right to participate in public affairs (See A/HRC/39/28, paras. 19-24).