



The National Centre for Human Rights

Hashemite Kingdom of Jordan

Monitoring Report of the Parliamentary Elections for the Year 2007

Amman – Jordan

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Acknowledgements and Appreciation

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Editorial note: the Arabic original reads “207” at this point; this is evidently a typographical error for “2007”.

1. The Jordanian Society for Democratic Culture.
2. The National Association for Freedom and the Democratic Approach.
3. The Jordanian Society for the Rights of the Child (Haq).
4. The Jordanian Society for Human Rights.
5. The International Institute for Women's Solidarity.
6. The Law Group for Human Rights.
7. The National Commission for Women's Affairs.
8. The Legal Network for Arab Women.
9. The Jordanian Hashemite Fund (general branches).
10. The New Jordan Centre for Studies.
11. The Adaleh Centre for Human Rights Studies.
12. The National Forum for Youth and Culture.
13. The Society of Friends of the Jordanian Parliament.
14. The Jordanian General Women's Union.
15. The Al-Hayat Centre for Local Community Development.
16. The Phenix Centre for Studies.
17. The Centre for Strategic Studies at the University of Jordan.
18. The Arab World Centre for Development, Democracy and Human Rights.
19. The Transparency Centre for Human Rights Studies.
20. The Nour Network for Lawyers.
21. Independent volunteers.
22. The staff of the National Centre for Human Rights.

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Introduction

Democratic elections are regarded as among the most important legitimate means of the free expression of the sovereignty of the people. In view of the importance which elections thus acquire, the international instruments have provided for the right of the citizen to elect and to be elected in periodic and genuine democratic elections, and have regarded this right as among the most important internationally recognised human rights. This was affirmed by each of the Universal Declaration of Human Rights in Article (21) and the International Covenant on Civil and Political Rights in Article (22) thereof.

Editorial note: the reference in the Arabic original to Article (22) of the International Covenant on Civil and Political Rights appears to be an error; the provision on the right to take part in public affairs and to vote and be elected is Article (25) of the Covenant. The reference has been translated as it appears in the source.

The Jordanian Constitution has likewise guaranteed the right of Jordanians to exercise the right to vote, in Article (67) thereof, which provides: “The House of Representatives shall consist of members elected by general, secret and direct election in accordance with an election law which shall ensure the following principles:

1. The integrity of the election.
2. The right of candidates to monitor the electoral operations.
3. The punishment of those who tamper with the will of the voters.”

The National Centre for Human Rights considers that the right to vote is among the most important political rights of the Jordanian citizen; that the future of democracy in Jordan depends upon the participation of all sectors of society in the elections, as it depends upon the extent of the equality of opportunity available to these sectors to participate in the process of political decision-making; and that the strengthening of the democratic process requires genuine popular participation.

Participation in the parliamentary elections, including the right to stand for election and to vote, constitutes an inseparable part of civil and political rights. The responsibility of monitoring such participation and of ensuring the soundness of its application in society is among the principal functions provided for in the Law of the National Centre for Human Rights, which is a special law enacted after the Election Law. On this basis the Centre saw fit to record and monitor the process of the parliamentary elections in all its stages, as a guarantee of its freedom and integrity — particularly as these elections are the first to be held following the publication of the International Covenant on Civil and Political Rights in the Official Gazette on 15/6/2006, so that the provisions contained in that Covenant have become not merely a part of the Jordanian legislative system but the supreme part thereof.

Within the framework of the powers of the National Centre for Human Rights set out in its law, this report on the recent parliamentary elections was prepared in accordance with international standards, relying upon such of the observers' observations as were available within the limits afforded to the National Centre, and upon the complaints of citizens and candidates received by the Centre.

Seeking to enhance public confidence in the integrity of the electoral process and to consolidate the principles and standards of free and fair elections in Jordanian society, the National Centre for Human Rights commenced its practical steps for the monitoring of the parliamentary elections on 19/7/2007 by submitting to the Government a memorandum containing a proposed programme for the monitoring of the parliamentary elections. For the implementation of the programme it proposed the formation of an

independent national team in cooperation with a number of civil society institutions and certain Jordanian human rights organisations, and the training of two thousand two hundred (2,200) citizens from all the governorates of the Kingdom in how to monitor elections in accordance with international principles and standards.

In its memorandum addressed to His Excellency the Prime Minister, the Centre requested that the task of the Centre and of the monitoring team be facilitated in coordination with the Higher Committee for the Supervision of the Elections. It also took the initiative of contacting a number of civil society institutions qualified for and desirous of monitoring the elections, and a national coalition was formed with them for this purpose.

In order to enable the Centre to commence its task and to train the numbers required for the monitoring process within the limits of the time available, the Board of Trustees charged the Commissioner General with following up contacts with the Government in order to ascertain its final position on the programme. Notwithstanding the lapse of sufficient time since the memorandum was submitted, and the continuation of communications with the Government, the Centre received no reply enabling it to perform its legal duty and to take the practical steps necessary to commence the implementation of the proposed programme. As the date of the elections approached, it became clear that the Centre was facing genuine difficulties liable to impede the performance of the monitoring task fully and properly. Communications with the Government nevertheless continued in order to persuade it of the necessity and importance of monitoring the elections at that stage. All these communications, however, did not yield the outcome the Centre had sought, since the Centre and certain civil society institutions that had expressed their desire to participate in the monitoring process were informed of approval for the training of one hundred and fifty (150) citizens only — which does not afford the opportunity to monitor the elections in the manner recognised in the countries of the world — and that it would be permitted only to follow up and record the electoral process from a distance, without its delegates having the right to remain continuously in the polling and counting halls, on the pretext that the Election Law conferred this right upon the candidates and their delegates to the exclusion of others, and that the civil society institutions concerned should coordinate with the National Centre for Human Rights for this purpose. The Government's position thereafter developed in the direction of permitting the members of the team to make short visits to the polling halls, without any precise determination of the nature of these visits.

With the aim of ensuring the success of the idea of national oversight over the conduct of the electoral process, the Centre selected a team composed of one hundred and fifty (150) observers and twenty-five (25) coordinators to undertake the task of local coordination in the governorates and to follow up the electoral process on polling day. The members of this team underwent a training programme which included an introduction to the concept of monitoring and to the objectives sought to be achieved, as well as an introduction to the duties and obligations of the observer and to the work plan under which the team would operate. A special team was also formed and prepared to monitor and record the most prominent violations and excesses dealt with by the media concerning the conduct of the electoral process.¹

The Centre commenced its task of following up and recording the electoral process and its procedures from the outset, including the operations of voter registration, the electoral rolls and objections thereto,

¹See Annex "A" concerning the role of the media in recording the electoral process for the year 2007.

the criteria followed in the transfer of electoral cards from one constituency to another, and the use of money to influence the choices of voters.

Legal background

The elections of the year 2007 were held under the provisions of Provisional Law No. 34 of 2001 and the amendments thereto. Notwithstanding the importance of the Election Law for political life in the Hashemite Kingdom of Jordan, it remained a provisional law from the date of its issuance and was not debated by the Fourteenth House of Representatives in any of its four ordinary sessions — a matter that raises a question as to the extent of its constitutionality in light of the provisions of Article (94) of the Constitution, which required provisional laws to be laid before the National Assembly at the first meeting it holds, and which permitted the Assembly to approve or to amend such laws; whereas if it rejects them, the Council of Ministers must, with the approval of the King, declare them void forthwith, and from the date of such declaration they cease to have effect, provided that this does not affect contracts and vested rights. It is worth noting that the Government undertook, upon obtaining the confidence of the previous House of Representatives, to work towards submitting a draft new elections law.

The Law included a number of new provisions, the most important of which are: the reduction of the voting age from 19 to 18 years, so that it became possible for every citizen who had completed 18 solar years of age on the first day of the year of the elections to participate in the polling; the Law also assigned the task of preparing the electoral rolls to the Civil Status and Passports Department; it specified the use of the citizen's personal identity card as an electoral card; and it permitted voters to cast their votes at any polling centre within their electoral constituencies, and provided for the counting of the results at the polling centres themselves. In Article (52) thereof, the Election Law further vested the Council of Ministers with the power to divide the electoral constituencies and to determine the parliamentary seats allocated to each of them; accordingly, the Regulation on the Division of the Electoral Constituencies No. (42) of 2001 was issued, dividing the Kingdom into thirteen (13) electoral regions comprising forty-five (45) electoral constituencies, bringing the number of seats in the House of Representatives to one hundred and ten (110) seats, including six (6) seats allocated to women.

The working mechanism of the monitoring team

After the Centre had trained the members of the monitoring team and the local coordinators, the number of observers for each governorate was determined on the basis of the percentage of the number of boxes in the governorate out of the total number of boxes in the Kingdom. The follow-up team was distributed across the various electoral constituencies as shown in the following table:

No.	Governorate	Number of observers	Number of coordinators
1	The Capital	51	9
2	Irbid	27	5
3	Zarqa	17	3
4	Balqa	10	2
5	Karak	9	1
6	Mafrq	4	1

No.	Governorate	Number of observers	Number of coordinators
7	Jerash	5	1
8	Madaba	4	1
9	Ajloun	5	1
10	Aqaba	2	0
11	Tafileh	2	0
12	Ma'an	3	1
13	Central Badia	4	1
14	Northern Badia	4	1
15	Southern Badia	4	1
	Total	150	25

The working mechanism of the monitoring team was established as follows:

- Each member of the monitoring team follows the procedures for the opening of one box only, from six o'clock in the morning until the completion of the procedures for the opening of the box.
- The observer completes the form designated for the procedures for the opening of the box (Form No. 1), transmits the information to the operations room at the National Centre for Human Rights, and delivers the completed form to the local coordinator.
- Each member of the monitoring team follows the polling process at seven (7) polling centres and fourteen (14) boxes (at the rate of two boxes per centre) and completes Form No. (2) in respect of each box concerning the polling procedures and the percentage of voter participation, transmits the information to the operations room at the National Centre for Human Rights at two o'clock in the afternoon of polling day, and delivers the completed forms to the local coordinator.
- The observer continues to record the polling procedures until the conclusion of the polling process and completes Form No. (3) relating to the polling procedures and the percentage of voter participation, then completes Form No. (4) relating to the procedures for the closing of the polling place, transmits the information to the operations room at the National Centre for Human Rights after completing the follow-up of the procedures for the closing of the box, and delivers the completed forms to the local coordinator.
- Each member of the monitoring team follows the vote-counting process and completes Form No. (5), transmits the information to the operations room at the National Centre for Human Rights, and delivers the completed forms to the local coordinator.
- While moving between polling centres, the observer conducts a number of interviews with voters and completes the two forms Nos. (6 and 7) designated for this purpose. Should the observer hear of or witness any violation or infringement, he completes Form No. (8) and reports it immediately to the local coordinator, and likewise transmits the information to the operations room at the National Centre for Human Rights and delivers the form to the local coordinator.

- One observer in each electoral constituency follows the process of the aggregation of votes and the announcement of the final results obtained by each candidate and completes the form designated therefor, No. (9), contacts the operations room at the National Centre for Human Rights to transmit the information, and then delivers the completed forms to the local coordinator.

A team of local coordinators was also formed to follow up the performance of the members of the monitoring team as shown in the schedule above, each coordinator supervising a number of observers, providing them with the work plan and with the cards issued to them by the Ministry of the Interior, coordinating the distribution of tasks among the observers and following up all the stages of the electoral process during polling day. In order to ensure that both the team of coordinators and the observers discharged their duties, and to receive the observations and complaints of citizens, an operations room was opened at the headquarters of the National Centre for Human Rights, and three of the Centre's staff were selected to act as liaison officers with the Ministry of the Interior.

The stage preceding polling day

The stage of the preparation and announcement of the electoral rolls is regarded as one of the most important stages of the electoral process. From the moment the Council of Ministers announced the date for the holding of the parliamentary elections, 20/11/2007, the Civil Status and Passports Department proceeded to prepare the electoral rolls and to provide them to the administrative governors, who displayed them to citizens and opened the way for objections thereto. At this stage the National Centre received a number of complaints and observations concerning the voter registration mechanism, which were as follows:

- The transfer of the names of thousands of voters, with the approval of the Civil Status and Passports Department, from one constituency to another and on a wide scale, which resulted in an increase in the numbers of voters in certain constituencies at the expense of other constituencies, in a manner exceeding several times over the rate of the natural increase in the number of registered voters between the years 2003 and 2007.

A study prepared by the Jordanian Electoral Observatory attached to the New Jordan Centre for Studies, published in Al-Dustour newspaper on 1/11/2007 — to which no official comment or response was made at the time — showed an increase in the number of those registered in the Sixth Constituency / Amman by 15.08%, while the number of those registered in the Seventh Constituency / Amman rose by 20.4%. In the First Balqa Constituency the number of those registered rose by 30%, as against a decrease in the Fourth Balqa Constituency of 7%. In Zarqa Governorate the number of those registered in the Second Constituency rose by 21%, while it fell in the First Constituency of the same governorate by 9%. The number of those registered in the Sixth Constituency of Karak Governorate rose by 17%, while it fell in the Second Constituency of the same governorate by 0.2%. In Tafileh Governorate the number of those registered in the First Constituency rose by 19.5%, while it rose in the Second Constituency by 23%. In Irbid Governorate the number of those registered in the Eighth Constituency rose by 23%, and in the Fourth Constituency by 14.3%.

It appears from the foregoing that several thousand voters' names were transferred from certain electoral constituencies to other electoral constituencies collectively and in a striking manner, without regard to the place of residence of these voters. What raises further question is the permitting of certain candidates

to transfer large numbers of voters' names to their electoral constituencies while others were not permitted to transfer any name at all, and the continuation of the process of transferring voters' names from one constituency to another even after the announcement of the final voter rolls.

- The National Centre also recorded the formation of an official committee by the Minister of the Interior on 19/9/2007 to reconsider the electoral rolls of the Badia constituencies. This committee proceeded to strike out thousands of the names of voters registered in these constituencies, notwithstanding that these rolls had acquired final character and had become final rolls in respect of which no amendments were permissible.

The National Centre for Human Rights regards the process of transferring voters' names in large numbers, and the manner in which it was carried out, as constituting a breach of the requirements of genuine representation in these elections, and as weakening the role of the inhabitants of the constituency in choosing the candidate who represents them — a matter that constitutes a violation of an important foundation upon which the democratic electoral systems of the world are built, including the Jordanian electoral system, namely the principle of representative character. Moreover, the transfer of voter lists in this unjustified manner must give rise to an interest in ascertaining who benefited from this measure, the reasons that led to permitting such transfer, and likewise the methods followed in persuading citizens to consent thereto, and the motive that led thousands of voters to renounce the exercise of their electoral right in their original constituencies.

- The National Centre also received a number of complaints to the effect that the administrative governors failed to display the voter rolls, after receiving them from the Civil Status Department, for the inspection of and objection by voters in all constituencies in a manner enabling the public to object thereto in cases warranting this. The rolls were displayed by placing them in the form of successive pages at the premises of the administrative governors, and candidates were not permitted to photograph them; in addition, the voter's address was not stated on the schedules, only the name and national number of the voter being given. What further increased the difficulty of examining these lists and raised many questions was the refusal of the Ministry of the Interior to furnish all candidates with copies thereof — a matter that made it possible for certain candidates to obtain possession of these rolls to the exclusion of others, which cast doubt upon the manner in which they were obtained, and upon the deprivation of the others thereof and the reasons behind that.

The National Centre for Human Rights considers that the procedures by which the voter lists were published and withheld from certain candidates involve manifest discrimination between candidates, and are inconsistent with the freedom of access to information and with the fundamental guarantees that must be available for the holding of free and fair elections.

- In the same context, certain complaints and observations received by the National Centre indicated that the process of transferring voters' names largely involved the buying of the votes and consciences of voters by certain candidates, which is an offence punishable by law, whether by way of sale or of purchase.
- The National Centre for Human Rights observed that the pursuit of the perpetrators of those offences was extremely limited, whether at the stage preceding election day or on election day itself, it being noted that, according to a statement by a responsible source at the Ministry of

the Interior, two persons were arrested who had been collecting the personal identity cards of certain voters in return for money, and were referred to the competent public prosecutor.

The arrest of two persons only, in light of the prevalence of this phenomenon in most governorates openly and in a manner apparent to all, is an indicator of the extent of the failure in dealing with this phenomenon, and raises questions as to the seriousness with which the perpetrators of this offence are dealt with, and as to its effect upon the falsification of the will of the voters.

On 21/10/2007 nominations for membership of the House of Representatives were opened, and one thousand and six (1,006) candidates came forward for membership of the House. Nine hundred and ninety-seven (997) nomination applications were accepted, while the applications of nine (9) candidates were rejected. The central committees justified the rejection of their nomination applications either on the ground that certain candidates had not attained the legal age; or that persons had nominated themselves outside their electoral constituencies — specifically the candidates of the Badia constituencies, whose people the law prohibits from standing outside their constituencies; or on the ground that the papers submitted to the central committee did not include a letter of resignation of the candidate from employment, he being a government employee; or by reason of the issuance of a judicial judgment against one of the female candidates for a non-political offence, sentencing her to imprisonment for one and a half years, in respect of which she had been granted a special, and not a general, pardon.

Information indicates that the decisions of the central committees were challenged by five (5) candidates before the competent courts of first instance. The outcome of the courts' decisions was the rejection of all the challenges, with the exception of the challenge submitted by one of the candidates for the Second Constituency in Balqa Governorate, where the court decided to set aside the decision of the central committee and to accept and approve his candidacy.

- The National Centre for Human Rights recorded the rejection of the nomination application of one female candidate by reason of her having committed a non-political offence in respect of which no general pardon had been issued; likewise the rejection of the nomination application of one citizen outside the Southern Badia constituency; and the non-acceptance of the nomination applications of two female citizens for membership of the House of Representatives for the Northern Badia constituency, on the ground that they were not of the people of the Badia tribes, and that the Regulation on the Division of the Electoral Constituencies had allocated to the people of these tribes a number of seats of their own and had regarded them as closed constituencies.

The Centre considers that the refusal of the courts of first instance to consider the constitutionality of Article (3/c/3) of the Election Law in light of the provisions of Article (75/1/e) of the Constitution — which did not distinguish between a general pardon and a special pardon for the purposes of accepting the nomination of a person sentenced to imprisonment for more than one year for a non-political offence — and likewise their refusal to consider the constitutionality of the regulation on the division of the constituencies and the seats allocated to them, notwithstanding the settled jurisprudence of the Court of Cassation as to the right of the courts at their various levels to consider the constitutionality of laws by way of the incidental plea raised before them, constitutes a violation of the provisions of the Constitution and a clear breach of an inherent and absolute right, namely the right of litigation. This calls for the activation of the mechanism permitting expedition in adjudicating upon the constitutionality of laws

within the framework of the existing legal system, pending the establishment of the Constitutional Court, so that it may have the principal role in annulling laws that are contrary to the Constitution and laws that involve a violation of citizens' rights guaranteed by the Constitution and by the international human rights instruments, or in suspending their operation.

- Complaints were also received by the National Centre to the effect that certain candidates were subjected to security pressures in order to dissuade them from standing for membership of the House of Representatives, and that certain supporters of candidates were subjected to similar pressures to dissuade them from supporting a particular candidate or from voting for him. The complainants confirmed that they had submitted applications to the administrative governors seeking intervention to put a stop to these excesses and violations, but that these applications were not responded to and were disregarded.
- The National Centre for Human Rights observed a contradiction between the statements of official sources concerning the striking out of the names of certain voters. At the time when the Minister of the Interior announced that the courts had received eighty-six thousand (86,000) challenges concerning transfers effected from one constituency to another in breach of the law,

and that twelve thousand (12,000) cases only had been struck out in respect of persons whose names appeared in the voter rolls in all the electoral constituencies, and that it had been considered sufficient that they lose their right to participate in the elections by reason of their having submitted forged documents², the official spokesperson for the Government gave a figure different from that announced by the Ministry of the Interior, and then returned and confirmed that what had been struck out was eighty-six thousand (86,000) cases, of which twelve thousand (12,000) were struck out by the courts and the remainder were struck out by the Civil Status and Passports Department³. The failure to publish the voter rolls in their final form prevented verification of the accuracy of what had been announced.

- The National Centre for Human Rights also recorded cases of excesses and violations of the Election Law and of other laws committed by the supporters of candidates, among them the tearing down of banners and electoral advertising material of certain candidates; the mobilisation of the workers of certain companies to vote in favour of one of the candidates; in addition to the exercise of tribal pressures upon some of them to withdraw; and pressures upon voters to vote in favour of particular candidates. The National Centre observed no serious reaction on the part of the official authorities to all the excesses that occurred at the hands of the supporters of candidates.

Editorial note: the Arabic sentence corresponding to the preceding paragraph is grammatically incomplete and its two clauses appear to have been transposed in the source; it has been rendered here according to its evident sense.

- The Centre also recorded pressures and threats exercised against certain female candidates in order to compel them to withdraw and to refrain from campaigning on their own behalf, by other candidates and their supporters, who exploited for that purpose the prevailing social environment in certain areas.

²Al-Arab Al-Yawm newspaper, 30/10/2007.

³Al-Arab Al-Yawm newspaper, 8/11/2007.

Monitoring of the electoral process during polling day

These observations and findings represent the product of what was recorded by the monitoring team, composed of one hundred and fifty (150) observers representing the civil society institutions members of the National Coalition for the Monitoring of the Elections, which operated under the umbrella of the National Centre for Human Rights on polling day. The team was able to record the following observations and sightings:

First: The commencement of polling and the opening of the polling centres

The electoral process commenced at exactly seven o'clock in the morning. The monitoring team was able to attend and record the opening process at one hundred and forty-six (146) boxes only out of a total of three thousand nine hundred and ninety-five (3,995) boxes, while four members of the team were not permitted to monitor the opening process as a result of the chairmen of the polling and counting committees not allowing them to follow these procedures. The monitoring team recorded its observations and sightings as follows:

- The monitoring team observed, at the centres that were monitored, that 23% of the polling and counting committees arrived late for the time fixed for them to commence the polling procedures, and that the commencement of the polling process was accordingly delayed beyond seven o'clock — contrary to the provisions of Article 27 of the Election Law. This prevented numbers of citizens who had queued for the purpose of voting from seven o'clock in the morning from casting their votes at that time. Among the many causes underlying the delay in the commencement of the polling process was the breakdown of the electronic linkage system, which led to a state of confusion and disorder at dozens of centres as a result of the suspension of the polling process at times, and the dispensing with the electronic registration of voters' names and its replacement by manual registration at other times, or the use of electronic messages by mobile telephone to verify the presence of the voter's name in the voter lists and registers — a matter that gave rise to many questions.
- It was likewise observed that 5% of the counting and polling committees, at the boxes that were monitored, failed to display the ballot boxes to the delegates of the candidates at the commencement of the polling process in order to verify that they were empty of any papers — contrary to the provisions of Article (32) of the Election Law, which specified the procedures to be followed by the chairman of the polling and counting committee before the commencement of the polling process.
- The polling and counting committees failed to enumerate the ballot papers before commencing the polling process at 49% of the centres that were monitored, contrary to the international standards for the integrity of elections, it being noted that the current Jordanian Election Law of 2001 does not provide for the necessity of enumerating the cards before the commencement of the polling process — a matter that discloses a deficiency in this Law. There thus appears to be no utility in counting the papers used in the polling and those not used, or cancelled, or spoiled (provided for in Article (38) of the Election Law), which does not allow scope for scrutiny of the work of the polling committees in a manner ensuring that there has been no manipulation of the ballot papers.

- The monitoring team observed that 4% of the boxes that were monitored were in places that did not allow the delegates of the candidates to observe them clearly — a matter that impeded the role of the delegates of the candidates in monitoring the polling process fully.
- It was also observed that 14% of the total ballot boxes that were monitored lacked the arrangements necessary for the secrecy of the polling, in terms of the requirement that the polling booth be in a place out of the sight of the polling committees and the delegates of the candidates, and in terms of permitting more than one voter to enter the polling place at one time to vote — a matter that prejudiced the guarantees of the secrecy of the polling process.
- The monitoring team recorded that 3% of the buildings of the polling centres that were monitored contained posters relating to the electoral campaigning of candidates, and that 1% of those same polling centres contained posters relating to electoral campaigning — a matter constituting a breach of Article (17/4) of the Election Law, which prohibited the conduct of electoral campaigning in the ministries, departments and official institutions of the State, and a disregard of the international standards for the integrity of elections, which prohibit electoral campaigning on polling day.
- The monitoring team recorded that 15% of the polling centres lacked the lists of candidates and the instructions relating to the polling mechanism, contrary to the provisions of Article (33) of the Election Law, which called for the allocation to each box of a special booth provided with a list of the names of the candidates in the electoral constituency.
- The monitoring team also observed that 8% of the members of the polling and counting committees failed to comply with the instructions relating to the procedures for opening the boxes and commencing the polling process.

Second: The procedures relating to the polling

The monitoring team followed the polling procedures at the places designated for its members by the National Centre in the various regions of the Kingdom in which monitoring was permitted, while a proportion of the members of the team were unable to carry out freely the task entrusted to them inside the polling centres⁴ as a result of the failure of the chairmen of the polling and counting committees to cooperate with them. The team was able to record the following observations and sightings:

Editorial note: the percentage referred to in this sentence is left blank in the Arabic original.

- The failure of certain officials of the polling centres to verify the personal identity card of voters, in a proportion of 4% at the centres that were monitored during the period of the observers' presence only, contrary to the provisions of Article (35/a) of the Election Law, which required the chairman of the polling and counting committee to do so.
- Likewise, 19% of voters were prevented from voting at the boxes that were monitored by the monitoring team during the period of the observers' presence only, on the pretext that their names did not appear on the electronic linkage device, although their personal identity cards contained the name of the electoral constituency.

⁴The members of the monitoring team were permitted to follow the polling procedures at 1,231 boxes out of a total of 1,335 boxes that were visited.

- Conversely, the National Centre for Human Rights received numerous complaints to the effect that persons were permitted to vote notwithstanding the absence of the name of the electoral constituency on their personal identity cards — a matter constituting a breach of the Election Law, which adopted the civil status card bearing the name of the electoral constituency as the sole means of exercising the right to vote and as proof of the voter's registration in the voter registers (the National Centre examined a number of these cards and retains copies of some of them).
- The monitoring team recorded 5% of cases of collective voting, represented by the entry of more than one voter at the same time without any objection on the part of the polling committee.
- The team also recorded 9% of the polling centres that were monitored at which voters were unable to cast their votes secretly, owing to the absence of the necessary conditions in the polling booth, and to overcrowding in certain halls, and to resort to the method of open voting known as “illiterate voting”, where public and well-known figures were observed voting openly. The polling and counting committees, however, took no measures to apply the provisions of the Election Law penalising this act — a matter constituting a breach of Article (67) of the Jordanian Constitution and of Article (21) of the Election Law, which provided that the polling shall be general, secret and direct, in addition to its being contrary to Article (26/e) of the Election Law, which required the voting of an illiterate person to be by whisper such that it is heard only by the chairman and the members of the polling committee.
- The monitoring team observed the failure of certain chairmen of polling committees to apply the instructions issued by the Ministry of the Interior concerning the stamping of the cards and the clipping of their edges, in a proportion of 28% of the polling centres that were monitored — a matter that had the consequence of opening the way for many voters to vote more than once. Numerous complaints were received by the operations room at the National Centre for Human Rights to the effect that many voters had repeated the voting process.
- Numerous complaints were also received by the operations room at the National Centre to the effect that persons below the legal age for voting were permitted to enter the polling halls and to cast their votes, contrary to Article (3/a) of the Election Law, which required that the voter must have completed eighteen solar years of age on the first day of the first month of the year of the election (the Centre examined some of the personal identity cards used in the election and retains copies of some of them).
- Cases of disorder and affray were recorded at certain polling centres which resulted in injury to voters — a matter that required the intervention of the security forces to break up the affrays, at each of the town of Sahab, Fourth Constituency / Amman; the town of Jubbah in Jerash Governorate; the town of Southern Mazar in Karak Governorate; the First Constituency of Balqa Governorate; and the First Constituency of Ma'an Governorate.
- Information and complaints reaching the operations room of the Centre and the monitoring team on polling day were consistent as to the use of money by many candidates and their supporters to buy votes and influence the will of the voters, in addition to the witnessing and recording of certain voters receiving sums of money in return for their voting for one of the candidates.

- Complaints also reached the operations room of the Centre and the monitoring team to the effect that collective transfers of voters had taken place from one governorate to another and from one constituency to another within the same governorate, using collective transport buses. Numerous problems arose between some of the passengers of these buses and the supporters of candidates by reason of the retention of their cards and the non-payment of the sums of money promised to them in return for casting their votes for one of the candidates.
- Certain voters were also observed carrying a number of personal identity cards and moving with them from one ballot box to another in order to vote more than once in favour of one of the candidates under different names.
- The National Centre considers that the provision of the current Law permitting voters to vote at any polling centre within a single electoral constituency, in the absence of written registers of the names of the voters by means of which it may be ascertained who is entitled to vote at that box, prejudices the integrity of the conduct of the electoral process inasmuch as it opens the way to the repetition of voting.
- Numerous complaints were received by the National Centre to the effect that voters had used forged personal identity cards by using an adhesive label on which the name of the electoral constituency was printed, or by reprinting the name of the constituency on the card but in a manner inconsistent with the printing of the Civil Status Department. The best example of this is what occurred at box No. (99) at Al-Nawwar Bin Malik School and at Rufaida School in the First Constituency of Irbid Governorate.
- Complaints were also received by the Centre to the effect that many polling and counting committees expelled certain delegates of candidates from the polling and counting centres when they objected to the violations and excesses they had witnessed during the polling process.
- The National Centre for Human Rights records to the credit of the Ministry of the Interior its organisation and facilitation of voting by persons with disabilities, two hundred and forty-three (243) centres having been equipped through which these persons were able to exercise their right to vote with ease and facility.
- Conversely, the National Centre records the failure of the Ministry of the Interior to take the measures necessary to enable those detained administratively and judicially to exercise their electoral right — a matter that infringes the principle of the universality of the election.
- Notwithstanding the occurrence of minor incidents during the election process, the National Centre for Human Rights records the absence of any serious incidents affecting public order and security or violating the right of individuals to life and to bodily integrity.

Third: The procedures relating to the closing of the ballot boxes

The monitoring team followed the procedures for the closing of the ballot boxes at the places designated for that purpose in a number of regions of the Kingdom, while 7% of the members of the team were not permitted to follow these procedures by the chairmen of the polling and counting committees. Notwithstanding this, the team was able to record the following observations and sightings:

- The presence of persons who were not members of the polling and box-counting committees at 27% of the boxes in respect of which the closing procedures were monitored — a matter contrary to Article (38) of the Election Law, which entrusted to the polling and counting committee the responsibility for closing the boxes and drawing up the record relating thereto without the intervention of persons from outside the committee.
- The closing by certain chairmen of polling and counting committees of 4% of the ballot boxes before the time fixed for that purpose, namely seven o'clock in the evening, at each of the First Electoral Constituency in Zarqa Governorate, the First Electoral Constituency in the Capital Governorate and the First Electoral Constituency in Madaba Governorate — contrary to Article (27) of the Election Law, which fixed the time for the conclusion of the polling process at exactly seven o'clock in the evening. This prevented many voters from exercising their right to vote.
- 61% of the ballot boxes were closed at the time fixed for that purpose, while the polling period was extended for two additional hours at 35% of the ballot boxes by decision of the chairman of the central committee in five constituencies in the capital Amman, namely the Second, Third, Fourth, Fifth and Sixth.

The National Centre for Human Rights received numerous complaints from certain candidates concerning the abnormal increase in the numbers of voters during the two additional polling hours, questioning the truth and correctness of this increase. By way of example, the statistics issued by the Ministry of the Interior indicated that the polling rate in the Third Constituency / Amman had reached 36% at seven o'clock in the evening, and that the number of voters up to that time was fifty-four thousand (54,000) voters, whereas the number of voters rose to eighty thousand three hundred and sixty (80,360) voters at nine o'clock in the evening, at a percentage of 49% — an increase in the number of voters amounting to twenty-six thousand three hundred and sixty (26,360) voters, who cast their votes during the two hours of extension alone⁵.

- The monitoring team recorded the failure of certain chairmen of polling committees to enumerate the number of voters who had exercised the right to vote at 39% of the total boxes that were monitored. Certain committees likewise failed to enumerate the number of unused and spoiled ballot cards at 42% of the ballot boxes that were monitored — a matter constituting a breach of Article (38) of the Election Law, which required the polling and counting committee to draw up a record setting out the number of voters who had exercised the right to vote at the box, and the number of papers used in the polling and those not used, or cancelled, or spoiled, and the reason therefor.
- The monitoring team observed the failure of 23% of the members of the polling and counting committees to comply with the instructions relating to the effective administration of the polling process at the polling centres that were monitored, through permitting open voting known as “illiterate voting”; permitting the supporters of certain candidates to interfere with the will of the voters inside the polling halls; failing to verify the age of voters; permitting the conduct of electoral campaigning inside the polling centres; the repeated use by members of the polling committees of their telephones; and arbitrariness in clipping the edges of the civil status cards

⁵Official statistics published on the website of the Petra News Agency, dated 20/11/2007.

of many voters, which gave rise to general resentment among voters, and which likewise prevented many voters from exercising their right to vote.

Fourth: The procedures relating to the vote-counting process

The monitoring and recording team followed the vote-counting procedures at the ballot boxes designated for its members in a number of regions of the Kingdom, while 6% of the members of the team were unable to follow the vote-counting process as a result of not being permitted to follow the counting procedures by the chairmen of the polling and counting committees. The team was able to record the following observations:

- The monitoring team observed the participation of persons who were not members of the polling and counting committees at 25% of the centres that were monitored — a matter constituting a breach of Article (39) of the Election Law, which assigned the task of opening the boxes and carrying out the counting process to the members of the committees alone.
- The monitoring team recorded that observations and complaints had been submitted by the delegates of certain candidates concerning the counting mechanism at 3% of the total boxes at which the counting process was monitored. Most of these concerned the failure to read the name of the candidate entered on the ballot paper as it truly was, and the failure to permit the delegates of the candidates to examine the name entered on the ballot paper; and, in the event of objection by the delegates, the response was either expulsion or the threat of expulsion from the counting hall.
- The National Centre for Human Rights also received numerous complaints and observations from certain delegates of candidates relating to the results of certain boxes, confirming that ballot papers had been found in certain boxes exceeding many times over the number of voters who had cast their votes at those boxes. They cited by way of example box No. (21) in the Third Constituency of the Capital Governorate, where the number of papers inside the box amounted to one thousand five hundred and eighty-six (1,586) papers, whereas the number of voters was estimated at between 400 and 600 voters. The National Centre for Human Rights was unable to verify the accuracy of this estimate.
- Numerous complaints and observations were also received by the Centre from the delegates of candidates to the effect that many ballot papers had been added in favour of certain candidates through the movement created by the committee after the conclusion of the polling process, or through a visit by a person claiming to be a delegate of the Ministry of the Interior or of the Governor, whereupon a crowd would gather around the box and papers would be added. They adduced in proof of the truth of these facts the difference between the numbers of those who had actually voted and the papers subsequently enumerated in the boxes, in addition to the refusal of the committees to accede to the delegates' request to compare the statistics in their possession with the manual schedules in which the names were recorded. The monitoring team was unable to verify the accuracy of these complaints.

Fifth: The process of the final aggregation of votes and the announcement of the results

The monitoring team followed the final aggregation procedures and the announcement of the results at the centres designated for that purpose, the team having been able to enter twenty-two (22) centres,

while it was unable to follow the aggregation process at three centres as a result of not being permitted to follow these procedures by the chairmen of the aggregation committees. The team was able to record the following observations and sightings:

- Notwithstanding that Article (44) of the Election Law provided that the process of aggregating the votes obtained by each candidate and the announcement of the final results of the elections in the electoral constituency shall be carried out by the chairman of the electoral constituency committee publicly before those present of the candidates or their delegates, and that the committee shall draw up a record of those results and shall transmit a copy thereof and of all its decisions and of the papers relating to the election to the central committee, which shall in turn submit them to the Minister —

the monitoring team nevertheless observed the presence of persons other than those responsible for the process of the final aggregation of votes in the hall designated for that purpose, at 28% of the centres at which the process of the aggregation of votes and the announcement of the results was monitored — a matter that raises doubts as to the true role of these persons and necessarily affects the integrity of the electoral process.

- A complaint was received by the National Centre for Human Rights from one of the candidates of the First Constituency in Karak Governorate to the effect that, after his success had been announced inside the centre for the extraction of the final results and a record thereof had been drawn up, he was surprised thereafter by the announcement of the victory of his competitor for the same seat, adding that this had been done after amending the result he had obtained in figures in the record, while the numbers establishing his victory in the seat remained written in words as they were.
- The total number of challenges received by the General Secretariat of the Fifteenth House of Representatives amounted to seventeen (17) challenges to the validity of the membership of the members of the House of Representatives, distributed across the various governorates of the Kingdom, in addition to a challenge to the validity of the membership of all the ladies who had won by way of the women's quota.

Conclusion and Recommendations

In conclusion to this report, the National Centre for Human Rights observes, through the process of recording and monitoring and the examination of complaints, that the scale of the violations of the Election Law which accompanied most stages of the electoral process has cast dense shadows of doubt over the extent of the conformity of the procedures of the electoral process with the international and national standards relating to the integrity of elections; and that the voting of educated citizens openly (illiterate voting) in a number of electoral constituencies, without verifying that they were in fact illiterate and without taking measures to put an end to these excesses, has infringed the principle of the secrecy of the election provided for in the Jordanian Constitution.

Likewise, the prevalence of the phenomenon of the use of money to buy the votes of voters wholesale, and the absence of deterrent governmental measures to confront this grave phenomenon, has had a clear negative effect upon the will of the voters and upon the integrity and credibility of the electoral process.

The National Centre affirms on this occasion that democratic elections are regarded as free if they are founded upon the rule of law and competitiveness, and upon respect for the rights and fundamental freedoms of citizens, and if they guarantee the provision of effective judicial remedies at all their stages; and that elections are regarded as fair if they are conducted under a just and effective electoral system, and if the committees supervising them abide by complete impartiality in their administration and by transparency in the registration of voters, the counting of the votes and the announcement of the results.

In light of the foregoing, the Board of Trustees of the National Centre for Human Rights has issued this report and recommends as follows:

First: The enactment of a new election law that strengthens the democratic orientation in the Kingdom, contributes to the achievement of political pluralism, secures the broadening of the base of popular participation and achieves fairness of parliamentary representation, in accordance with the Constitution and the relevant international standards, and in particular the International Covenant on Civil and Political Rights.

Second: The establishment of a special independent commission to administer the electoral process at all its stages; the provision of the legal and objective conditions to ensure that this commission performs its task effectively, professionally and with complete impartiality; and the provision to it of the human and financial resources necessary to guarantee the integrity, transparency, independence and efficiency of the administration of the electoral process.

Third:

(a) In conformity with the provisions of the Constitution, the National Centre for Human Rights recommends that the Election Law itself contain the division of the electoral constituencies.

(b) Reconsideration of the division of the electoral constituencies on fairer bases, having regard in that connection to guaranteeing relative equality between those constituencies in terms of the number of inhabitants, and giving the votes of voters equal weight, with account being taken of special circumstances and considerations and within the narrowest limits.

Editorial note: the Arabic text of recommendation Third (b) is disordered in the source, the phrase “within the narrowest limits” appearing twice; the recommendation has been rendered here according to its evident sense.

Fourth: The regulation of the means of using money in the electoral process and the establishment of the necessary controls therefor, in a manner that ensures the observance of legal equality between candidates with a view to protecting the will of the voters; guaranteeing the transparency of information relating to the sources of funding and the means of its expenditure; as well as the cessation of campaigns and electoral advertising and the removal of the manifestations thereof twenty-four hours before the time of the polling, on pain of penal liability.

Fifth: In affirmation of the principle of the universality of the right to vote and to stand for election provided for in the Constitution and in the international instruments, the National Centre for Human Rights recommends as follows:

- a. That the electoral rolls include the names of all citizens who satisfy the conditions for voting.
- b. That the voter rolls be subjected to revision annually and periodically; that all information relating to the voter be correctly and properly known; and that they be organised precisely in a

manner that facilitates reference to them by any person entitled to vote or having an interest at the material time.

c. Enabling Jordanian citizens resident outside the Kingdom to exercise their electoral right in their places of residence.

Sixth:

a. The publication of the voter rolls by way of electronic publication in addition to the other means of publication, and the republication of the final rolls after objections thereto and the consideration of challenges, so as to enable voters and candidates to examine them and verify their accuracy.

b. The adoption of electoral rolls specific to each ballot box, in a manner ensuring that no voter is registered in more than one roll.

Seventh: The prohibition of the collective transfer of voters' names between constituencies, and the restriction of the transfer of voters' names from one constituency to another to cases of a change in the permanent place of residence of the voter, or his choice of his place of birth for the casting of his vote only, after verification of the accuracy of the information relating to such change; and the treatment of transfer in cases other than these two as a legal violation warranting punishment.

Eighth: That the Election Law contain in clear terms the conditions that must be satisfied in order to guarantee the secrecy of the polling, as follows:

a. A statement of the conditions to be satisfied in respect of the polling booth, such that it be placed in a location remote from the members of the electoral committee and the delegates of the candidates, and that the Law require the voter to proceed to the booth in order to enter the name of the candidate for whom he wishes to vote.

b. The determination of the form and content of the ballot paper, such that it be folded and non-transparent, and that it contain the name of the candidate, his photograph or a clear symbol, so that the voter may mark the name of the candidate or his photograph or the symbol allocated to him — this being for the purpose of regulating the voting of illiterate persons in a manner that guarantees the secrecy of the election and the integrity of the electoral process.

Ninth: In order to guarantee the integrity and transparency of the procedures relating to the electoral process on polling day, the National Centre for Human Rights recommends as follows:

a. Obliging the polling and counting committees to enumerate the ballot cards in their possession before the commencement of the polling process, and to document that.

b. Providing for a clear mechanism for the submission of complaints to the polling and counting committees during the counting and polling operations, such that complaints be submitted and determined in writing, and permitting challenges to the decisions of the committees before the competent courts.

c. Enabling civil society institutions to monitor the conduct of the electoral process without impediment and in coordination with the committee supervising the elections.

Tenth: Finally, the Jordanian National Centre considers that the chairmen and members of the electoral committees, as well as candidates and their delegates and voters, in respect of whom it is established that they failed to comply with the application of and respect for the provisions of the Election Law and caused violations prejudicing the integrity of the electoral process, ought to be subjected to legal accountability.

Amman – Jordan

6/1/2008

Annex “A”

**concerning the role of the media in recording the electoral process
for the year 2007**

Article (67) of the Jordanian Constitution provides that the House of Representatives shall consist of members elected by general, secret and direct election in accordance with the Election Law, which shall guarantee the following principles:

The integrity of the elections; the right of candidates to monitor the electoral operations; the punishment of those who tamper with the will of the voters.

The Universal Declaration of Human Rights, as well as the other international conventions, have likewise affirmed the right of citizens to take part in the conduct of the public affairs of their countries, whether directly or through their representatives.

Article (21) of the Universal Declaration provides that:

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic elections held by universal and equal suffrage and by secret vote or by equivalent free voting procedures.

The other international conventions — such as the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Political Rights of Women — have likewise contained the precise procedures relating to the right of participation in government and to electoral rights. The monitoring of elections has become one of the guarantees of those rights and is no longer a matter of sharp controversy as it was in the past. The primary objective of election monitoring has become the guaranteeing of the integrity of the electoral process, and the observers — represented by impartial and well-trained election officials, by representatives of the political parties, by the local media and by impartial civil society institutions — play an important role in the monitoring process, which is directed to the conduct of the electoral process more than to its results.

Hence, the monitoring of the media in the electoral context requires civil society institutions to monitor the extent of the media's coverage of the legal framework of the elections; the extent of the legal recognition of the political parties and of the eligibility of candidates; the electoral districts and the accuracy of voter data; freedom of movement in the electoral campaigns; incidents of election-related violence; intimidation and vote-buying; the performance of the electoral administration; the integrity of the polling process and the counting and tabulation of votes; and the performance of the mechanisms for following up complaints — taking into consideration the provisions and duties laid down in the Constitution and the law, and the extent of their conformity with international standards. It likewise requires that civil society organisations, when monitoring the media, be objective and impartial and possess credibility in documenting and announcing their objectives, methodologies and findings.

In selecting the newspapers, regard was had to their daily circulation, the areas they cover, and the survey of the Centre for Strategic Studies concerning the extent of the spread and influence of these local newspapers. They were as follows:

Al-Ra'i, Al-Dustour, Al-Arab Al-Yawm, Al-Ghad, Al-Anbat and Al-Diyar; the website of the Jordan News Agency (Petra) and the website of the Ammon electronic agency, in addition to the weekly newspapers.

This report aims to record

- The extent to which the polling process was administered in accordance with the articles of the Jordanian Election Law and the relevant laws and international standards.
- The extent of the degree of influence of certain problems upon the results of the elections during the electoral campaigning process and during the polling and counting stages, and up to the appearance of the final results, as reported in the newspapers to be monitored.

The findings were as follows:

First: The registration process

The newspapers disclosed that the registration committees in certain electoral constituencies had struck out large numbers of voters' names from the registers following the process of scrutiny and follow-up. The newspapers did not disclose whether these committees had corrected their place of residence according to their original addresses, or whether they had published the voter registers in their final form as provided for in the Jordanian Election Law, or whether the law had been used arbitrarily or in a discriminatory manner — the existence of such a matter being indicative of a violation of the Jordanian Election Law and of the relevant international standards.

The newspapers also disclosed cases in which certain voters were prevented from casting their votes because their names did not appear on the electronic linkage device, notwithstanding that they carried personal identity cards containing the names of the electoral constituencies in which they were registered.

Article (5) of the Jordanian Election Law of 2001 and the amendments thereto provides:

Article (5)

The administrative governor, in his capacity as chairman of the committee of the electoral constituency, shall display the voter rolls furnished to him by the Department, at the place he determines and for a period of one week from the date of receipt thereof, and shall announce the display thereof in at least two local daily newspapers.

- The newspapers disclosed that the courts had received eighty-six thousand (86,000) challenges concerning transfers of voters effected from one constituency to another in a manner contrary to the law, and that twelve thousand (12,000) cases only had been struck out in respect of persons whose names had appeared in the voter rolls in all the electoral constituencies, by the courts, according to the statement of the Minister of the Interior, who announced that it had been considered sufficient that they lose their right to participate in the elections by reason of their having submitted forged documents. The spokesperson for the Government cast doubt upon the figure announced by the Ministry of the Interior, but then returned and confirmed that what had been struck out was eighty-six thousand (86,000), of which twelve thousand (12,000) were struck out by the courts and the remainder were struck out by the Civil Status and Passports Department.
- Three thousand seven hundred and eighty (3,780) names were also struck out from the voter rolls in the Central Badia constituency following follow-up and scrutiny by the committees

formed for that purpose, which reported that these names were not entitled to vote in the Central Badia constituency because they were not of the tribes or families provided for in the Election Law, that constituency being regarded as one of the closed constituencies under the law.

Article (25) provides for the necessity of publishing the voter rolls:

Article (25)

The chairman of the electoral constituency shall, within thirty days from the date of the completion of the preparation of the final voter rolls, issue a decision to be published in at least two local daily newspapers and in any place he deems necessary

Many electoral constituencies witnessed cases in which certain voters were prevented from casting their votes on the pretext that their names did not appear on the computer device, notwithstanding their registration for the elections and their carrying of the personal identity card containing the name of the electoral constituency in which they were registered.

The voter name rolls were sold in Ma'an and other governorates on the black market, owing to the unavailability of the compact discs containing the names of the voters, which ought to have been available and in the hands of the candidates through a publicly announced mechanism followed by the Ministry of the Interior.

Second: The right to vote

The newspapers recorded that individuals not qualified to vote were permitted to cast their votes, and that voters were likewise prevented from voting notwithstanding that they carried personal identity cards on which the name of the electoral constituency was recorded, on the pretext that their names were not registered on the electronic linkage network; and that individuals were permitted to cast their votes more than once. The newspapers shed light upon what is believed to have had an effect in changing the results of the elections.

Articles (3) and (4) of the Election Law provide:

Article (3) The right to vote:

a. Every Jordanian who has completed eighteen solar years of age on the first day of the first month of the year of the election shall have the right to vote.

Article (4)

A voter may not exercise his right to vote more than once in a single election.

- The newspapers disclosed, by tangible material evidence, through their publication of photographs of the personal identity cards of individuals below the legal voting age, that such persons had been permitted to enter the election halls and to cast their votes.

- They also disclosed that certain voters were carrying dozens of different electoral cards and moving with them from one ballot box to another in order to vote more than once in favour of one of the candidates and under different names.

Third: Electoral campaigning

The newspapers recorded the early commencement of electoral campaigning before the date fixed therefor, and the use of loudspeakers by the supporters of certain candidates in many electoral constituencies and up to polling day. The newspapers did not point out that this activity might have an important effect upon the voting and that it constitutes pressure upon the will of the voters.

Article (18) of the Election Law provides as follows:

Article (18)

- b. The official emblem of the State may not be used in electoral meetings, advertisements and statements, nor in any other kind of writings, drawings and photographs used in electoral campaigning; likewise the use of loudspeakers outside halls and on means of transport is prohibited for this purpose.
- e. The holding of festivals and gatherings in the vicinity of a polling and counting centre is prohibited.

- The newspapers disclosed the commencement of electoral campaigning by many candidates before the date fixed therefor.
- And the use of loudspeakers by the supporters of certain candidates in many electoral constituencies in order to mobilise voters to vote in favour of one of the candidates, up to polling day.
- They also disclosed the existence of many campaign headquarters in the vicinity of polling and counting centres, contrary to the provisions of the Election Law, which were exploited to influence the will of the voters.

Fourth: The use of money

Many voters confirmed to the newspapers the spread of the phenomenon of trading in the votes of voters and the diversity of the forms of vote-buying and of their prices.

The newspapers pointed out that the money used in the operations of donations and gifts in this situation is not legitimate electoral campaigning but rather a bribe contrary to Article (20) of the Jordanian Election Law; they did not, however, shed light upon the personalities or bodies involved in the use of money to buy votes.

Article (20) provides:

Article (20)

No candidate may, in the course of his electoral campaigning, offer gifts, donations, monetary or in-kind assistance or any other benefits, or promise to offer them to any natural or legal person, whether directly or through another.

It is likewise prohibited for any person to request such gifts, donations or assistance, or a promise thereof, from any candidate.

- The newspapers played a role in disclosing operations of vote-buying by the support team of one of the candidates, showing the mechanism of sale, the swearing of an oath and the signing of a receipt.
- The newspapers confirmed that the phenomenon of vote-buying did not begin with the official launch of the electoral campaign, but rather preceded it by many months through operations of the collective transfer of votes in return for money, until other competitors entered in the final weeks, whereupon the scope of the phenomenon widened and the secret deals for the purchase of votes turned into an open and undisguised activity forming part of the electoral campaigns.

According to what was reported in the newspapers, many voters confirmed the spread of the phenomenon of trading in the votes of voters and the diversity of the forms of vote-buying and of their prices, which reached fifty (50) dinars upon the casting of the vote and the receipt of a promissory note and an undertaking to pay a further two hundred and fifty (250) dinars after the conclusion of the elections.

The newspapers also circulated photographs indicating the spread of businessmen's briefcases circulating in front of the polling centres, particularly in the constituencies of the capital Amman, for the purchase of votes openly.

Fifth: The electoral process

The newspapers disclosed the resort of many voters to voting openly, in what is known as illiterate voting, in many electoral constituencies. The newspapers did not mention that election officials must apply and implement the relevant procedures effectively pursuant to Article (21) of the Jordanian Election Law, and must show respect for the requirement that the polling be secret and direct, and that failure to comply with that entails legal liability.

Articles (21) and (36) of the Election Law provide as follows:

Article (21)

The electoral operations

The polling shall be general, secret and direct.

Article (36)

The voting of an illiterate voter shall take place in the following manner:

- a. The chairman of the polling and counting committee shall verify the card.
- b. The illiterate voter shall declare that he is illiterate and unable to read and write, this being under pain of legal liability if it is established that his claim of illiteracy is untrue.
- c. The chairman of the polling and counting committee shall announce to the members of the committee and to those present that the voter is illiterate; and if it is established to the chairman of the committee

that the voter is not illiterate, contrary to his claim, he shall decide to deprive him of the exercise of the right to vote and his card shall be withheld.

d. The name and national number of the voter and the fact that he is illiterate shall be entered in the schedule, and his signature or fingerprint shall be taken thereon.

- Many newspapers disclosed the resort of many voters to voting openly, in what is known as illiterate voting, in many electoral constituencies, and particularly in the constituencies of the south of the Kingdom and the constituencies of the Central and Northern Badia.
- The media also disclosed the interference of certain supporters of candidates with the will of illiterate voters by dictating to them the names of their candidates.

Sixth: The counting operations

The newspapers disclosed that there was, at certain ballot boxes, a discrepancy between the number of those who had actually cast their votes at those boxes and the number of papers counted at those boxes. Reports also showed a discrepancy between the counting results of certain boxes and the results that appeared upon their final aggregation.

Article (38) provides as follows:

Article (38)

After the conclusion of the polling process the polling and counting committee shall draw up in respect of each box a record in two copies, to be signed by the chairman and members of the committee and by such of those present of the candidates or their delegates as wish to sign, provided that the record shall contain the following:

- a. The number of voters who exercised the right to vote at that box.
- b. The number of papers used in the polling and the papers not used, or cancelled, or spoiled, and the reason therefor.

- Numerous testimonies were presented by the media from persons who had observed a breach of this Article, among them the account of a delegate of one of the candidates for the First Constituency in Zarqa, who said that the counting committee had brought a black bag in which to enumerate the papers for the purposes of counting the votes; she objected to this and requested the chairman of the committee to demonstrate to the delegates of the candidates that the bag was empty, but he did not accede to her request and proceeded to empty the contents of the ballot box into the black bag. When the papers were taken out of the bag they found that their number was five hundred and fifty (550) papers, whereas the delegate had told the chairman of the committee that she had counted the number of voters at the box and that they were two hundred and fifty (250) voters only; and she requested the chairman of the committee to count the number of paper slips in his possession so as to prove to him the correctness of what she had said, but the chairman of the committee told her not to interfere in the matter. In the same manner further papers were added to box No. (67) at Rabi'a Al-Adawiyya School in the same constituency.

Article 41 provides:

Article (41)

b. The polling in respect of a box shall likewise be regarded as cancelled if it appears, after enumeration of the number of ballot papers present therein, that they exceed or fall short by a proportion exceeding (5) of the number of voters at that box.

- Many newspapers published photographs of one of the official papers signed by the chairman of the elections committee in Zarqa Governorate, which showed that the total number of votes obtained by the candidates in the First Constituency in the Governorate was 51,508 votes, whereas official statistics showed that the number of voters in the same constituency was 41,310 — which led many candidates to ask where the additional 10,198 votes had come from, constituting in the aggregate 20% of the number of votes.

Seventh: Electoral offences

Many newspapers disclosed a number of breaches of and excesses in relation to the Jordanian Election Law on the part of voters, candidates and their supporters and the election committees, contrary to the provisions of Article (47) of the Election Law.

Article 47 provides as follows:

Article (47) Election offences:

There shall be punished by imprisonment for a period of not less than three months and not exceeding one year, or by a fine of not less than two hundred dinars and not exceeding five hundred dinars, or by both such penalties, anyone who commits any of the following acts:

- a. Retains the card of another without right, or takes possession of it, or conceals it, or destroys it.
- b. Impersonates the identity or name of another with the intention of voting in the election.
- c. Exercises his right to vote more than once.
- d. Claims illiteracy or inability to write when that is not the case.
- e. Enters a polling and counting centre in order to influence the electoral operations or to delay them, or maltreats any of those responsible for conducting them, including the buying of votes.
- f. Influences the freedom of the elections or obstructs the electoral operations in any manner whatsoever.

- The newspapers disclosed that many candidates had retained large numbers of cards with the aim of withholding the votes of their holders from competing candidates.
- Certain areas also witnessed — particularly in the north of the city of Salt — a complete closure by the supporters of one of the candidates to prevent the arrival of voters and of the vehicles of the supporters of other candidates at the polling centres, so that the ballot boxes would receive only the supporters of the candidate from that same area.
- Rioting incidents witnessed in certain towns, such as the town of Sama in the Tayba district of Irbid Governorate, marred the elections. These incidents led to a cut in the electricity supply as a result of chains being thrown onto the electricity wires supplying the town.

- The area of Umm Al-Rasas in the Central Badia constituency witnessed heavy gunfire directed at the high-tension electricity lines with a view to disrupting the electoral process; and in the areas of Rajib, Al-Sukhna, Ain Al-Bustan and Al-Fakhira within the Kufranja district, damage to the electricity lines led to a cut in the electricity supply from half past one until half past three in the afternoon — a matter that disrupted the conduct of the electoral process.
- The media also disclosed that certain voters were carrying dozens of electoral cards and moving with them from one ballot box to another in order to vote with them more than once in favour of one of the candidates and under different names.
- The delegate of the Islamic Action Front was expelled from the centre of Umm Kulthum School in Suwaileh after he had objected to what he described as excesses in the polling process, namely that certain voters had obtained more than one ballot paper per voter.
- And many other excesses previously mentioned.

Article (49) provides as follows:

Article (49)

If any member of the committees appointed for the organisation and preparation of the electoral rolls or their revision, or for the conduct of the polling and counting operations and the enumeration of votes, or any of the officials entrusted with the supervision of these operations under the provisions of this Law, commits any of the following acts, he shall be punished by imprisonment for a period of not less than one year and not exceeding three years, or by a fine of not less than five hundred dinars and not exceeding one thousand dinars, or by both such penalties:

f. Reads a ballot paper otherwise than as it truly is and in a manner contrary to what is set out therein.

- The media circulated a testimony given by the candidate for the Russeifa area, Ja'far Al-Hourani, saying that during the reading of the names for the purposes of counting “we found that there were papers being read out with names other than those written on them, and when the delegate objected to that he was expelled from the hall”.

The media also disclosed that certain committees supervising the polling and counting process lacked adequate training in the administration of the polling process, and their failure to comply with the instructions set out in the Election Law. This excess was manifested in the failure to comply with the provisions of Articles (36, 38, 39, 41, 43, 49) of the Law on Elections to the Jordanian House of Representatives of 2001 and the amendments thereto.

Editorial note: the article numbers in this sentence appear in the Arabic original in Eastern Arabic numerals and in a partly garbled form (“٤٩، ٣٨، ٣٩، ٤١، ٤٣، ٤٩”); they have been rendered here as Articles (36, 38, 39, 41, 43, 49).

The newspapers also shed light on many of the issues that accompanied the conduct of the electoral process, the most important of which are:

1. The period preceding election day

- The nomination applications of nine citizens in the Kingdom were rejected by the central committees in the various electoral constituencies of the Kingdom, namely: Toujan Faisal and Khaled Al-Huwaitat in the Capital Governorate; Nahed Tarabsheh and Rania Abu Al-Nadi in

Irbid Governorate; Eideh Al-Sharida, Nahla Thalji and Turki Al-Arifi in Mafraq Governorate; Hamdi Al-Jariri in Balqa Governorate; and Aisha Al-Bataineh in the Southern Badia constituency.

- The South Amman Court rejected the objection submitted by the candidate Khaled Al-Huwaitat against the refusal of his nomination in the Fourth Constituency of the Capital Governorate, on the ground that he belongs to the Huwaitat tribe, one of the tribes of the Southern Badia, and because the Southern Badia constituency is one of the closed constituencies whose people may not stand for election outside it.
- The Amman Court of First Instance rejected the challenge submitted by the electoral candidate Toujan Faisal against the decision of the Central Committee for the Elections of the Capital, on the ground that she had been sentenced to a criminal penalty exceeding one year in duration.
- Two persons were arrested who were suspected of collecting personal cards of voters registered in the voter rolls of an electoral constituency situated outside the Capital, in favour of a candidate for that constituency, in return for sums of money, and they were referred to the competent public prosecutor.
- The first case of objection to candidates was recorded in Ajloun Governorate by a lawyer who objected to the candidate Ahmad Al-Aroud on the ground that he holds Italian nationality.
- The house of one of the candidates of Madaba, Sulaiman Abu Ghaith, was assaulted by a group of persons who vandalised the contents of his house and broke the doors and windows of the house while he was organising an electoral rally in preparation for the elections.
- One of the candidates for the First Electoral Constituency in the Capital Governorate was summoned to the office of the Governor of the Capital and asked to remove certain banners on the ground that they were offensive to another State and would disturb the serenity of the relations linking it with Jordan. The Governorate also removed banners belonging to one of the candidates which bore the word “Leader”.
- An increase in the tearing and defacing of the banners and photographs of certain candidates in the First and Third Constituencies in Karak Governorate, and the pouring of diesel oil and asphalt over the photographs of certain candidates.
- Numerous brawls occurred between parties from a single family in Karak Governorate, resulting in numerous injuries, according to an eyewitness account by one of the citizens. Fire was also set to one of the electoral headquarters in the town of Al-Thaniyya in the Karak district, and the fire consumed all the contents of the headquarters.
- The house of the candidate Ni'ma Hassan Al-Wuhaidi was subjected to heavy gunfire at a late hour of the night, which led to the shattering of the windows of the room in which the candidate was present with her supporters.

Editorial note: the sentence concerning the banners in the Arabic original is disordered and contains a repetition of the phrase “bore the word ‘Leader’”; it has been rendered here according to its evident sense.

2. Polling day

- The continuation of electoral campaigning near the polling and counting centres was observed, as well as in the newspapers published on the morning of polling day.
- The breakdown of the electronic linkage in most electoral constituencies during the first hours of the commencement of the polling process — a matter that led to the suspension of the polling process at times and to the replacement of the electronic entry of voters' names into the computer device by manual registration at other times, and to resort to sending electronic messages by mobile telephone to enquire about the person wishing to vote and waiting until the message was answered, which took a long period of time and exhausted voters by reason of the length of the wait.
- The newspapers disclosed that the election committees lacked certain instructions relating to the polling process, such as how to verify the identity of veiled female voters — a matter accompanied by a violation of personal freedoms and of intellectual and religious beliefs.
- The spread of campaigning through electronic messages indicating that one of the candidates was leading at the expense of the others.
- The media reported the refusal of a number of voters to cast their votes so as to avoid the clipping of their identity cards, being convinced that they would be invalid after clipping — a matter that would require them to obtain a new card at their own expense.
- The newspapers disclosed the occurrence of collective transfers of voters by bus from certain electoral constituencies and from certain governorates to other constituencies outside their place of residence.
- The media also circulated a report that one of the female candidates of the Fifth Constituency in Irbid Governorate had been unable to vote for herself after it became apparent to the polling committee that her personal identity card bore the name of one of the electoral constituencies of the Capital — a matter confirming the invalidity of her candidacy for that constituency.
- The delayed opening of the boxes beyond the appointed time by a period ranging between a few minutes and one hour at 11 of the polling centres.
- The newspapers also dealt with numerous complaints by candidates to the effect that large numbers of ballot papers had been introduced into the ballot boxes at each of the Fourth, Fifth and Sixth Constituencies (Amman), Aqaba, Russeifa, Ajloun, Zarqa and other constituencies.
- The newspapers also disclosed the failure to fulfil the procedures necessary for the polling process, represented by the failure of the committees supervising the polling process to clip the personal identity card in accordance with what had been announced by the Ministry of the Interior.

3. The period of the announcement of the results

- The newspapers disclosed that, immediately upon the announcement of the results, a number of those protesting against them in the Southern Mazar district set fire to a warehouse belonging to the municipality; limited rioting incidents also broke out which the security forces were able to contain.

- Immediately following the conclusion of the vote-counting process, the media dealt with the negative effect of the process of transferring votes and its impact upon the demographic composition and upon the conduct of the electoral process in certain constituencies. The electoral registers of the Second Constituency in Amman — which is regarded as the largest electoral constituency in terms of the number of inhabitants — showed a decrease in the number of its voters by about ten thousand voters, so that their total fell to some two hundred thousand (200,000) voters, after it had exceeded two hundred and nine thousand (209,000) voters in the previous elections. The position was likewise with the First Zarqa Constituency, the number of whose voters fell by about twenty-four thousand (24,000) voters compared with the previous elections. As for the constituencies that witnessed a marked increase, the Fifth, Sixth and Seventh Amman Constituencies stood out; the number of voters of the First Balqa Constituency (the Qasaba) also rose by twenty-five thousand (25,000) male and female voters at a single stroke.
- Against the background of the elections, a number of citizens assaulted and beat the chairman of the elections committee in the Third Zarqa Constituency — the Administrative Governor of the Hashimiyya district — in protest against what they said was his having been a party to excesses that occurred during the electoral process.