

Zionist Federation of Belgium (OSB) – Formal Response to Appeal

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Formal Response to the Appeal filed by "Mizrahi Belgium"

Date: 10/07/2025

To: Zionist Supreme Court

Subject: Response to Appeal Contesting the 2025 Belgian Federation Election Results

I. Introduction

On behalf of the Zionist Federation of Belgium (OSB), we respectfully submit this formal response opposing the Appeal lodged by "Mizrahi Belgium" against the certified results of the 2025 elections to the World Zionist Congress.

The Appeal should be dismissed in its entirety. The elections were conducted in **full compliance** with the **Belgium Federation Election Regulation for the 2025 World Zionist Congress** ("the Regulations"), which were *jointly negotiated, approved, signed, and adopted* by all participating lists — including Mizrahi Belgium, and the Zionist Constitution and Rules for Elections.

II. Mizrahi's Prior Acceptance of the Rules

- ✓ Mizrahi Belgium **fully participated** in drafting these electoral rules.
- ✓ Mizrahi Belgium **formally signed** the final Regulations, explicitly accepting:
 - The electoral threshold
 - The surplus vote mechanism
 - The calendar, technical modalities, and appeals procedures.

Having actively helped design the rules, Mizrahi cannot now seek to discard them because of an unfavourable electoral outcome.

III. The Electoral Threshold

Per Article 6 of the Regulations:

"Lists must reach an electoral threshold set at half the quotient obtained by dividing 100% by the total number of lists. Only those that exceed this threshold participate in the distribution of seats."

- ✓ 6 lists → Threshold = $1/12 = 8.33\%$
- ✓ Total valid votes: 1958
- ✓ Threshold ≈ **163 votes**
- ✓ Mizrahi: **128 votes (≈6.5%)** → **below threshold**

As per the clear and mandatory rule (which Mizrahi approved), Mizrahi was **automatically excluded** from seat allocation.

IV. Mizrahi's Claim about Surplus Vote Agreements

Mizrahi Belgium argues that because it had signed a surplus vote agreement with Eretz Hakodesh, their two lists should be treated as *one single list* for *all* purposes—including the threshold test.

They interpret the rule allowing surplus transfers to mean that **the votes of both lists should be combined right from the start**, before checking if they passed the electoral threshold.

Their claim in effect is:

"Because Mizrahi designated Eretz Hakodesh for surplus transfers, the 469 votes of Eretz Hakodesh and the 128 votes of Mizrahi should be combined immediately, giving 597 votes, which is well above the threshold of ~163."

Why That Interpretation Is Wrong under the Regulations ?

The actual regulation (Article 6 in the Belgian Federation Election Regulation) is very clear:

✓ It says the threshold test comes **first**:

"Lists must reach an electoral threshold set at half the quotient obtained by dividing 100% by the total number of lists. Only those that exceed this threshold participate in the distribution of seats."

✓ Then it explains the **surplus transfer** rule, which only applies **after** qualifying lists have passed the threshold:

"...The last seat is allocated by comparing the two best remaining coefficients, adding the votes transferred by other lists that have previously designated another beneficiary list."

Key legal point:

- The threshold is a *gatekeeping rule*. If a list does not reach it on its own, it is **excluded entirely** before any transfer is considered. If not, its existence in the regulation would be completely pointless.
- The surplus vote agreement only operates *after* the threshold, to affect *how* the last seat is allocated among qualified lists.
- Nowhere does the regulation allow combining votes for threshold testing itself.

In short:

✓ Mizrahi's interpretation confuses two **separate steps** in the law.

✓ The surplus transfer rule does not rescue a list that failed the threshold test.

✓ The phrase about being "regarded as a single list at the time of allocating the mandates" explicitly refers only to the **allocation phase**, not the threshold check.

V. Detailed D’Hondt Calculations Confirming the Result

A. Official Votes

List	Votes
ERETZ HAKODESH	469
AM ISRAËL HAÏ – World Likud	450
Hanoar Hatzioni	366
Union for Democratic/Laïque Zionism (Meretz)	364
Brith Am (Avoda, Habonim, Artzenu)	181
Mizrahi	128

✔ Mizrahi excluded for failing threshold.

B. Allocation of First 4 Seats (Qualified Lists Only)

Quotients (D’Hondt method):

List	÷1	÷2	÷3
ERETZ HAKODESH	469	234.5	156.3
AM ISRAËL HAÏ – World Likud	450	225	150
Hanoar Hatzioni	366	183	122
Union for Democratic/Laïque Zionism (Meretz)	364	182	121.3

✔ Top 4 quotients → Seats allocated:

1. 469 – Eretz Hakodesh
2. 450 – AM ISRAËL HAÏ – World Likud
3. 366 – Hanoar Hatzioni
4. 364 – Union for Democratic/Laïque Zionism (Meretz)

C. Allocation of 5th Seat – Official Transfer

✔ Surplus agreement:

- Hanoar Hatzioni → Likud

Remaining quotients (÷2):

List	÷2
Eretz Hakodesh	234.5
AM ISRAËL HAÏ – World Likud	225

Adjusted with transfers:

- Eretz Hakodesh: $(469 + 0) / 2 = \mathbf{234.5}$
- Likud: $(450 + 366) / 2 = \mathbf{816 / 2 = 408}$

✅ **Result:** Likud wins the 5th seat ($408 > 234.5$).

D. Even Ignoring the Threshold – Mizrahi+Eretz Hakodesh Still Lose

Even if we **illegally** ignored the threshold and added Mizrahi to Eretz Hakodesh:

- Eretz Hakodesh + Mizrahi = $469 + 128 = \mathbf{597}$
- Quotient = $597 / 2 = \mathbf{298.5}$
- Likud remains at **408**

✅ Likud still wins clearly.

✅ **Final allocation remains:**

- Eretz Hakodesh: 1
 - Likud: 2
 - Hanoar Hatzioni: 1
 - Meretz: 1
 - Brith Am (Avoda, Habonim, Artzenu) : 0
 - Mizrahi: 0
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VI. On Technical Issues with Voting Codes

Mizrahi alleges systemic disenfranchisement due to voters not receiving email codes.

OSB acknowledges **normal technical issues** in online elections but notes:

- ✅ The vendor processed **over 150 individualized corrections** from June 8–9.
 - ✅ The voting deadline was **extended by 4 hours** to accommodate further requests.
 - ✅ The overall turnout was **84.5%**, demonstrating excellent participation despite issues.
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VII. Detailed Technical Report from the Official Provider

An **independent technical report** by FG-Support (the official election provider) confirms:

- ✅ Total registered voters: 2,316
- ✅ **Delivery rate:** 89.44% (2,058 emails delivered)
- ✅ 52 soft bounces (inactive mailboxes)
- ✅ 204 hard bounces (invalid addresses)
- ✅ High engagement:
 - Open rate: 78.83%
 - Click-through rate: 67.8%
- ✅ **Among voters who requested their code again:**
 - 79.84% voted successfully, close to the overall **84.58%** turnout.

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- ✓ Many errors arose from **typographical mistakes in email addresses**, strongly suggesting **third-party proxy registrations** — not personal mistakes.

- ✓ The provider gave **100% response rate** to all **eligible helpdesk requests** from Friday 19:00 to Sunday 18:00.

VIII. On Mizrahi's Own List of "Blocked" Voters

Analysis of the **122 emails** submitted by Mizrahi's lawyer to the Committee showed:

- ✓ Only **116 unique addresses** after duplicates.
 - ✓ Of these:
 - **65 were not registered at all.**
 - **36 were among those banned for anomalous mass registrations (multiple IPs, UK, Turkey, etc.). by unanimous decision based on objective criterias by the AEC, including Mizrahi representative.**
 - Of the **15 valid registered voters**:
 - **3 actually voted.**
 - **1 opened the voting email but did not click.**
 - **2 clicked but did not vote.**
 - **4 contacted the helpdesk, got responses in time but did not vote.**
 - **5 did not request codes before the deadline.**
 - ✓ Conclusion: The vast majority of the list **was either unregistered, banned, or in fact voted or chose not to vote despite getting help.**
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IX. On Requests for Personal Data

Mizrahi demanded disclosure of names, emails, IP addresses, and voting data.

- ✓ Such disclosure is **strictly illegal**:
 - **GDPR (EU Regulation 2016/679)**
 - **Belgian Act of 30 July 2018**
 - **Article 458 of the Belgian Penal Code** (up to **five years' imprisonment** for administrators).

OSB's DPO strictly forbade any such disclosure without explicit, informed consent — consistent with **post-WWII Belgian legal culture** protecting religious/ethnic data.

X. On the Risk of Severe Sanctions

Complying with Mizrahi's demands would have exposed OSB to:

- ✓ Criminal liability for administrators (imprisonment)
- ✓ Corporate fines and operational bans
- ✓ GDPR fines up to €20 million or 4% of turnover

OSB's refusal was therefore **legally compelled** — not obstructive.

XI. On Democratic Legitimacy

Finally, it must be stated that **any ruling** that overrides these clearly accepted, signed rules would **fatally undermine** the democratic legitimacy of the elections.

- ✓ It would violate the principle of equal treatment.
- ✓ It would disrespect the will of the electorate.
- ✓ It would destabilize the entire Zionist electoral system designed to **faithfully represent the voice of the Jewish people in Belgium**.

XII. Conclusion

For all these reasons, OSB respectfully requests the Zionist Supreme Court to:

1. **Dismiss** the Appeal in its entirety.
2. **Confirm** the validity of the election results as certified by the Area Election Committee.
3. **Recognize** that OSB acted at all times in full compliance with the Regulations, Belgian and European law, and its duty to protect the democratic voice of the community.

On behalf of the Zionist Federation of Belgium (OSB)

Raphaël Lahaye, Chairman



Simon Cohn, Chairman of the AEC

