

# Palestinian Presidential Election 2005

## An Evaluation Report of Polling and Counting of Votes (Gaza Strip)



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## TABLE OF CONTENTS

<b>PREFACE .....</b>	<b>2</b>
<b>INTRODUCTION .....</b>	<b>4</b>
<b>EFFICIENCY OF POLLING CENTRES.....</b>	<b>6</b>
SUITABILITY OF POLLING CENTRES FOR DISABLED PEOPLE .....	7
<b>COMMENCEMENT OF POLLING.....</b>	<b>8</b>
<b>ADHERENCE TO POLLING PROCEDURES.....</b>	<b>9</b>
IDENTIFICATION PROCEDURES .....	10
EXTRAORDINARY MEASURES TAKEN BY THE CEC.....	10
USE OF INDELIBLE INK .....	12
MEASURES ADOPTED FOR ILLITERATE AND DISABLED VOTERS .....	13
<b>PROHIBITION OF ELECTION CAMPAIGNING ON THE POLLING DAY .....</b>	<b>13</b>
<b>LIMITATIONS ON PRESENCE IN POLLING CENTRES AND STATIONS .....</b>	<b>15</b>
<b>COUNTING OF VOTES.....</b>	<b>19</b>
<b>COMPLETION OF COUNTING OF VOTES .....</b>	<b>21</b>
<b>DECLARATION OF ELECTORAL RESULTS AT POLLING STATIONS AND     THE TRANSFER OF RESULTS, PROTOCOLS AND BALLOT BOXES TO DISTRICT ELECTION OFFICES .....</b>	<b>22</b>
<b>COUNTING OF VOTES IN POLLING STATIONS .....</b>	<b>22</b>
<b>TRANSPARENCY AND PUBLICITY OF COUNTING OF VOTES.....</b>	<b>23</b>
<b>CONCLUSIONS .....</b>	<b>25</b>
<b>ANNEX I: LIST OF POLLING CENTRES OBSERVED BY PCHR NOT TO BE     SUITABLE FOR DISABLED PEOPLE IN THE GAZA STRIP (BY CONSTITUENCY).....</b>	<b>28</b>
<b>ANNEX II: PHOTO ESSAY OF PCHR’S MONITORING OF PALESTINIAN PRESIDENTIAL ELECTIONS .....</b>	<b>31</b>

## **Preface**

PCHR believes that elections are the essence of democracy – democracy means a representative government of the people chosen by them through free and fair elections.

Independent monitoring over an electoral process can ensure fairness, transparency and credibility before the electorate, candidates, partisan entities and other local and international bodies. PCHR has closely monitored all stages of the presidential election in the Occupied Palestinian Territory (OPT) and carried out a wide scale campaign to monitor on the ground the electoral process in the Gaza Strip. PCHR's election monitoring programme constitutes a major part of our work on the Palestinian agenda and forms part of our continued support for democratic reform in the OPT.

Our monitoring campaign commenced with monitoring the registration of electors by the Palestinian Central Election Commission (CEC) in the last quarter of 2004. This monitoring was on a smaller scale than future monitoring activities and was carried out by PCHR staff. PCHR's response to this initial registration of voters was the result of questions of the commitment of the Palestinian National Authority (PNA) to hold elections in the near future as no date for holding elections had been announced.

In November 2004, Interim President Fattouh announced 9 January 2005 as the date for presidential election throughout the OPT. In light of this, PCHR intensified efforts to prepare a wide scale campaign to monitor all stages of presidential election, including election campaigning, polling and counting of votes.

PCHR recruited approximately 200 observers from a pool of roughly 2000 individuals who had already received training from PCHR on democracy and human rights to act as election observers. Further, in light of our belief in the importance of civil society supporting democratic reform in general and holding free and fair elections in particular, PCHR partnered with a number of other civil society groups to further strengthen monitoring of the elections. Such partnerships

were initially with Palestine Bar Association, Women's Affairs Centre and Canaan Pedagogical Institute, but subsequently another 23 civil society groups joined PCHR's monitoring campaign.<sup>1</sup>

PCHR trained the observers on all aspects of the election law and the electoral process and procedures of the CEC. The observers were given a Code of Conduct and trained about reporting. PCHR submitted applications to the CEC to accredit 194 individuals as observers, in addition to 18 of our staff members who had been already accredited by the CEC to monitor the registration of electors. The CEC accredited all observers and issued observation cards. A few days before holding the presidential election, 75 observers from al-Dameer Association for Human Rights joined PCHR's monitoring campaign, thus increasing the number of observers to 287.

Parallel to its efforts at the local level, PCHR made intensive efforts to coordinate with a number of international organizations to encourage them to participate in monitoring the election. PCHR understands the importance of international observation to ensure a free and fair election. A number of international partner organizations sent delegations including from the International Commission of Jurists, International Federation for Human Rights, Christian Aid and United Civilians for Peace.

PCHR highly appreciated the constructive cooperation on the part of civil society organizations that greatly contributed to the monitoring campaign of Palestinian presidential election. Such cooperation constituted a model for joint civil society activities and cooperation that PCHR would like to continue in any future elections, including the Palestinian Legislative Council (PLC). The cooperation also demonstrated the strong support of civil society organizations for democratic reform and in particular their commitment to free, fair and periodic elections in the PNA.

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<sup>1</sup> Please see the back cover of this report for a complete list of all the organisations participating in PCHR's monitoring campaign.

## Introduction

On 9 January 2005, the Palestinian electorate went to the polls to vote in the first presidential election under the PNA since 1996. This important development came in the context of a series of steps taken by the Palestinian leadership following the death of President Yasser Arafat which ensured quiet and peaceful transition of authority.

Despite the negative environment created by the continuous Israeli belligerent occupation and attacks launched by Israeli Occupation Forces (IOF) against Palestinian civilians that directly impacted the electoral process in the preceding weeks, Palestinians insisted on participating in the election. They demonstrated a spirit of determination to exercise their electoral right in the face of occupation.

On Election Day, approximately 800,000 Palestinian electors in the Gaza Strip and the West Bank territory, including East Jerusalem, went to 1,077 polling centres (2,316 individual polling stations) and participated in the elections. These figures include 70 polling centres (524 polling stations) devoted to the civil register.<sup>2</sup>

PCHR has always supported calls and pressured authorities to hold free and fair elections under the PNA. As part of these efforts, in cooperation with 26 local NGOs, PCHR has monitored all stages of the presidential electoral process. On Election Day, PCHR deployed approximately 300 accredited observers to all polling centres throughout the Gaza Strip and a limited number of observers in the West Bank, including East Jerusalem.

This report details the conclusions of monitoring conducted by PCHR throughout polling and during the counting of votes in the Palestinian presidential election in the Gaza Strip.

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<sup>2</sup> The PLC amended the electoral law (Law 13, 1995) to supplement the electoral register (consisting of the names of persons who registered to vote) with the civil register. The civil register was compiled by the Israel occupation authorities in the early 1990s and is a list of people who were recorded as receiving identity cards. The amended electoral law allows persons who have not registered to vote but who are recorded on the civil register to vote at special polling centres.

This is the third evaluation report in a series of PCHR reports on monitoring the presidential election. PCHR has previously published: (1) *‘Palestinian Elections: An Evaluation of the Pre-Election Process, Including the Conclusions of the Monitoring Process Conducted by PCHR on the Registration of Voters in the Fourth Quarter of 2004 (The Gaza Strip)’* which focused on the registration of electors and preparations made by the CEC for holding elections; and (2) *‘Election Campaign for the Palestinian Presidential Election of 2005: An Evaluation Report on the Election Campaign: based on the Monitoring Conducted by PCHR in Cooperation with other Civil Society Group’* focusing on election campaigning conducted by the various candidates.

Our monitoring included comprehensive surveys of all polling centres in all electoral constituencies in the Gaza Strip. The conclusion of our monitoring was that the election took place peacefully, reflecting high-levels of organization, despite a number of violations by the CEC and supporters of a number of candidates and partisan entities. Of particular concern to PCHR were two measures taken by the CEC a few hours before the official closing time of the polls (19:00 hours). The CEC circulated to all electoral constituencies new instructions to officials of polling centres to allow Palestinians not registered in the final electoral register to vote, using only their identity cards and extending the period of polling in all polling centres until 21:00 hours.

Such actions violate Law 13 of 1995 relating to the Elections (“the electoral law”) and its amendments. They negatively impacted the earlier efforts of the CEC to ensure free and fair elections. These measures were taken in response to pressure by the Executive, security services and the leadership of Fatah movement. However, it is our conclusion that these two measures did not damage the essence of the electoral process nor significantly affect the final results.

The ability of the Palestinian people to hold elections under occupation is impressive. PCHR hopes that the violations observed, including those perpetrated by the CEC, will be resolved before upcoming elections. PCHR highly appreciated the efforts taken by the CEC to successfully organize the presidential election, and its cooperation with regard to the observations raised by PCHR throughout our monitoring.

## Efficiency of Polling Centres

In general, polling centres were observed by PCHR to be suitable venues for holding elections. Generally, these centres allowed both polling and counting of votes to be undertaken smoothly and in the presence of election officials, observers and candidate's representatives. Excluding a few cases, observers did not criticise the capacity of polling centres and did not report that venues undermined their ability to monitor polling and counting of votes.

Polling stations were also observed to be laid out appropriately so that electors could vote in privacy inside polling cabins. In a few cases, observers raised concerns regarding the proximity of polling cabins to one another, but election officials immediately reacted to correct these questions.

Further, polling centres were generally easily identified and marked. In each centre, there were signs that educated electors of the voting procedures and to the location of the polling stations. Some observers noted in the evening the lack of appropriate lighting, especially near polling stations, made it difficult for some electors to identify their polling stations. These observers also noted that electricity was cut to some polling stations in the evening and candles were used instead. Some observers reported that electricity had been deliberately cut to a number of polling stations by unknown persons. Specific observations relating to lighting at polling centres included:

- Electricity was deliberately cut to the polling centre at Tunis Secondary School for Boys in Gaza (No. 1152).
- Electricity was deliberately cut to the polling centre at Subhi Abu Karsh Basic Coed School in Gaza (No. 1151).
- The routes leading to the polling centre at Salah Khalaf Higher Basic School in Gaza for Boys (No. 0809) were not properly lit. The voters faced difficulties in finding their polling stations. In addition, electricity was cut to the centre for 15 minutes during the polling. Later, it was cut again and candles were used for lighting.

- The polling centre at Anas Bin Malik Higher Basic School for Boys in Gaza (No. 1154) had poor lighting.
- Electricity was cut to the polling centre at Al Nusairat Municipality Kindergarten in Deir al-Balah constituency (No. 0876) for five minutes during which time candles were used. During this period, chaos spread over the centre and supporters of some candidates entered polling stations.

### ***Suitability of Polling Centres for Disabled People***

Most polling centres were designed so that disabled people could access the polling centres. However, PCHR observers reported that some polling centres in the Gaza Strip were not suitable for disabled persons and elderly people. Some of these centres were on upper floors that can be reached only through stairs.<sup>3</sup> PCHR documented a number of cases in which disabled persons were deprived of their right to vote because they could not reach their designated polling stations. A number of disabled persons were seen being carried by others to vote in polling stations that were located on upper floors. In one inspiring scene, a disabled person was seen pulling himself up stairs leading to a polling station, while another person carried his wheelchair.<sup>4</sup>

In our earlier report on the registration of voters, PCHR had noted that a number of registration centres were not suitable for disabled persons and called on the CEC to take necessary steps so that all persons could have access to voting. Unfortunately, such concerns were not acted upon by the CEC and a number of those inappropriate registration centres were also used as polling centres in the January election. A list of the centres which were not suitable for disabled people is annexed to this report. PCHR hopes that necessary steps will be taken in future elections to ensure that disabled people can easily practice their electoral right.

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<sup>3</sup> A number of observers reported that polling stations were placed in the upper floors of some schools, even though there were empty rooms on the ground floors.

<sup>4</sup> This person was seen in the polling centre at Al Shiekh Radhwan Martyrs Basic School for Boys "A"/"B" in Gaza (No. 803).



## Commencement of Polling

PCHR observed that polling at the majority of polling stations commenced on time at 07:00 hours. The commencement of polling was delayed in a few of the polling stations because of organisational problems but did not exceed 25 minutes.

Before the commencement of polling, PCHR observers noted that polling officials were all present in polling stations. Polling materials were also available including the electoral register, ballot boxes, ballots papers (exceeding the number of registered voters), voting protocols, indelible ink, polling booths, forms for complaints, forms for counting and locks for ballot boxes.<sup>5</sup>

PCHR observed that before the commencement of polling, elections officials followed the procedures prescribed by the law. PCHR observed that in the individual polling stations:

1. The president of each polling station opened the ballot boxes in front of elections officials and representatives of candidates to make sure that they were empty and there were not any ballot papers inside.
2. He/she placed the ballot boxes in the centre of polling stations to allow all those who were present to see them.
3. The president of each polling station then closed each ballot box with two locks.
4. The president of each polling station and his/her staff counted ballot papers.<sup>6</sup>

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<sup>5</sup> A violation in this regard was documented at polling station No. 1 in the polling centre at Al Nassreh Basic School for Girls "A"/"B" in Gaza (No. 0838), as the copy of the electoral register used by the queue official was different from that used by the registration official .

<sup>6</sup> In polling station No. 1 at the polling centre at Shadia Abu Ghazala School in Northern Gaza (No. 0772), ballot papers were not counted before a PCHR observer. The observer was told that the counting of ballot papers had taken place at 06:00 before the observer was present.

5. CEC Election protocols were completed with necessary information, including number of locks of each ballot box and the number of ballot papers.
6. CEC Election protocols were then stamped by each polling station commission and signed by members of the Commission and the representatives who were present.

## **Adherence to Polling Procedures**

PCHR observers reported that all Polling Station Commissions throughout the Gaza Strip were committed to the law and the instructions circulated by the CEC. A few violations were documented but the Commissions, in general, responded positively to the issues raised by PCHR observers.

PCHR observed that the election generally took place peacefully, reflecting high-levels of organization, and for the most part, voting on polling day took place smoothly. Voters entered polling stations in an organized manner and procedures were followed:

- Heads of individual polling stations received voters individually and checked to see if their thumbs were stamped by indelible ink which would indicate that they had already voted.
- Another official then checked the identity card of each voter and the name of the voter was marked off on the electoral register.<sup>7</sup>
- Right thumbs were then coloured/stamped with indelible ink and the voter given official ballot papers (stamped by a polling official for authenticity) in order to vote.
- Exceptional instructions related to illiterate and disabled voters were implemented throughout Election Day. Voters who were illiterate or who suffered from disabilities that inhibited them voting alone were allowed to be accompanied by one person. The accompanier's name was recorded in order to prevent him from accompanying another voter later.
- The voter then went to a polling booth where he/she voted using the ballot paper. The voter then put the paper in an envelope and put it into a ballot box in front of witnesses before leaving the polling centre.

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<sup>7</sup> The identity of veiled women was checked by female polling official.

- The number of voters allowed to enter a polling station did not exceed the number of polling booths in the station.

PCHR did not record any essential violations concerning this phase of the electoral process and reported that the electoral process took place smoothly.

### ***Identification Procedures***

PCHR did observe some problems relating to proof of identification that was accepted at different polling centres. For example, a PCHR observer in the polling centre at Al Shiekh Radhwan Martyrs Basic School for Boys "A"/"B" in Gaza (No. 0803) reported that the official checking identity accepted a military card to identify a voter in one instance but refused to accept it for another potential voter. Another PCHR observer in the polling centre at Muath Bin Jabal Higher Basic School for Boys "A"/"B" in Gaza (No. 0852) reported that a voter was not allowed to identify himself with a health insurance card while such identification was accepted later for another voter. PCHR observers also reported that polling officials faced difficulties in identifying voters whose identity cards were written in Hebrew only.

### ***Extraordinary Measures Taken by the CEC***

Of particular concern to PCHR were two measures taken by the CEC that took place a few hours before the official closing time of the polls (19:00 hours). The CEC circulated to all electoral constituencies new instructions to officials of polling centres to allow citizens not registered in the electoral register to vote, using only their identity cards and extending the period of polling in all polling centres until 21:00 hours.

These two measures violated the electoral law and its amendments.

#### **Electoral Register**

According to Article 1 of Amending Law 4 of 2004, the list of people registered to vote and the civil register together form the final electoral register and determines who is qualified to vote.

Article 7(1) of the electoral law prescribes that “any person who meets the following requirements shall be qualified to exercise the right to vote: ... (d) to be entered in the final electoral register.”

According to Article 72 (2(a)) “the President of the Polling Station Commission or the member of the Commission appointed by him or her shall examine the identity of the elector and check whether his or her name is entered in the electoral register.” Thus, using identification cards only without checking if a voter’s name is entered in the final electoral register violated the electoral law.

This measure damaged the electoral process in the evening, especially in civil register polling centres and PCHR observers reported congestion in a number of these centres. PCHR observers recorded many instances where people not registered to vote were able to vote during the extended opening times.

Subsequently, PCHR submitted a complaint of this measure to the CEC but did not receive a response. PCHR then submitted an appeal to the Palestinian Election Appeals Court to issue a final injunction canceling the measure taken by the CEC and resulting measures because they violated the electoral law. On the following day, the Court rejected the appeal submitted by PCHR. In its decision, the Court initially indicated that there was no written decision by the CEC which is a pre-condition to submit an appeal against a CEC decision. After PCHR observers provided evidence that the decision was circulated to all polling centres, the Court rejected PCHR’s appeal stating that PCHR had not received a response from the CEC regarding its complaint and therefore the Court does not have jurisdiction to hear the appeal submitted.

#### Extension of Polling Period

According to the electoral law, polling must close at 19:00 hours. However, in the afternoon, the CEC circulated instructions to its staff to extend the period of polling until 21:00 hours. These instructions violate Article 68(5) of the electoral law which prescribes that “In the case of delay in the commencement of the vote due to the absence of any or all of the Polling Station Commission members, the vote shall be prolonged for a

period of time equal to that of the delay". According to the Guide to Voting and Counting of Votes for the Palestinian Presidential Election of 2005 prepared by the CEC, the period of voting can be extended in cases of disorder and chaos that may disrupt the polling, providing that the period of suspensions are calculated to be the same as those of delays in the commencement of polling.

However, all candidates obtained equal opportunities through this extension and PCHR does not believe that the extension of hours significantly affected the election results. In the future, however, if concerned bodies believe that 12 hours are not sufficient for polling, the relevant provision in the law should be amended rather than *ad hoc* measures adopted.

When the polling terminated at 21:00, all polling centres were closed and relevant instructions in this regard were followed, including not allowing anyone to vote following the termination of polling and the closure of polling centres.

Subsequent procedures were also followed; i.e. ballot boxes were locked, unused ballot papers were counted, protocols for the termination of polling completed and signed by polling officials and representatives of candidates and partisan entities. PCHR observers did not raise any concerns/observations in this regard.

### ***Use of Indelible Ink***

On polling day, PCHR received many complaints that the indelible ink used by the CEC was easily removed. Such ink is used to stamp the right thumbs of voters to prevent double voting was easily removed. For instance, at Anas Bin Malik Higher Basic School for Boys in Gaza (No. 1154) PCHR observed that a number of voters were able to vote more than once as they immediately removed the indelible ink from their thumbs at the polling centre.<sup>8</sup> Many parties claimed that this raised doubts about the fairness of election. However, PCHR draws attention to the following observations:

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<sup>8</sup> A number of voters removed the indelible ink from their thumbs immediately without waiting for 10 seconds which is the time needed for the ink to become fixed.

1. The use of indelible ink is not prescribed by the electoral law but rather was an additional measure taken by the CEC.
2. Since the commencement of polling until the evening, when the CEC allowed electors to vote using only their identity cards, the mechanisms adopted by the CEC to ensure against double voting were satisfactory. The problems associated with the indelible ink were only significant in the evening, when it became the only means to make certain that a voter did not vote more than once in civil register polling centres. PCHR observers reported that some voters removed the ink and were able to vote more than once during this period.
3. Some voters did not vote as they refused that their thumbs be stamped with the indelible ink, thus, they were deprived of their electoral right.

### ***Measures Adopted for Illiterate and Disabled Voters***

The electoral law grants illiterate and disabled voters the right to bring a companion to help them cast their vote. To avoid the misuse of this exception by supporters of candidates, CEC decided that a person could only act as an accompanier once. However, PCHR observers reported that this exception was misused in many polling centres as they witnessed organized campaigns by supporters of some candidates to accompany illiterate or disabled voters and vote on their behalf and individuals were seen acting as an accompanier more than once.

Subsequently, PCHR believes that this exception must be reconsidered in order to prevent such attempts to influence the voting in future elections.

### **Prohibition of Election Campaigning on the Polling Day**

According to the electoral law, all election campaigning must end 24 hours prior to the polling day. Unfortunately, most candidates were observed not adhere to this prohibitions and supporters were seen conducting election campaigning near and even inside polling centres on Election Day. In many cases, PCHR observers noted that security officials and CEC representatives intervened to stop activities of election campaigning. Some polling centres witnessed quarrels among representatives of candidates but

these were instantly contained. Violations under this prohibition observed include:

- A vehicle on which posters and election campaign stickers of candidate Tayseer Khaled was seen distributing election campaign leaflets near a number of polling centres in Gaza.
- A voter placed an election campaign sticker on a table in a booth at polling station No. 3 in polling centre at Omar Bin Abd Al 'Aziz Higher Basic School for Boys in Gaza (No. 0853). The sticker was removed after a PCHR observer drew the attention of the Head of the polling station to the sticker
- A vehicle was seen distributing posters and election campaign stickers of Tayseer Khaled in front of a polling centre at Jabalia Preparatory School for Girls "B" in Northern Gaza (No. 0766).
- Election campaign materials of Tayseer Khaled were observed near and inside a number of polling centres, including a form similar to a ballot paper in which Khaled's photo appeared on the back.
- Election campaign materials of candidate Mahmoud Abbas were distributed inside a polling centre at New Gaza Preparatory School for Boys in Gaza (No. 0822).
- Election campaign materials of candidate Mahmoud Abbas were distributed inside a polling centre at Al Imam Al Shafie Basic Refugees School for Boys in Gaza (No. 0845).
- A vehicle entered a polling centre at Othman Bin Affan School in Northern Gaza (No. 0787) at approximately 18:50 and called on voters through megaphones to vote for candidate Mahmoud Abbas. When a PCHR observer complained to the President of the polling centre the driver was asked but refused to leave. The police intervened but the vehicle waited for some time before leaving the centre. The same vehicle came back to the centre at 20:00.
- A vehicle on which photos and posters of candidate Mahmoud Abbas entered a polling centre at Al Nusairat Preparatory School for Girls "A" in Deir al-Balah constituency (No. 0889).
- An accredited observer entered Polling Stations No. 2 and 3 in polling centre (No. 0935) at Mohammad Al Durra School in Khan Yuni wearing a badge of a political party.

- A number of voters entered polling centre at Al Briej Services Centre in Deir al-Balah constituency (No. 0885) wearing hats that had photos of candidate Mahmoud Abbas.
- A number of supporters of Mahmoud Abbas threatened the voters in a polling centre at Kamal Odwan Secondary School for Boys in Rafah (No. 0957) and told them to vote for Abbas. They were ordered to leave the Centre when a PCHR observer submitted a complaint to the President of the Centre.
- Head of Polling Station No. 2 in a polling centre at Kamal Odwan Secondary School for Boys in Rafah (No. 0957) urged voters to vote for one of the candidates. Observers and representatives of candidates complained and the President of the polling centre threatened to expel him from the station.
- Police officials in a polling centre at Khan Yunis Martyrs Coed Primary School in Khan Yunis (No. 0921) intervened and asked voters to vote for a certain candidate. President of the centre warned them not to do so. However, they repeated asking the voters to vote for the same candidate and the Head threatened to replace if they intervened again.

## **Limitations on Presence in Polling Centres and Stations**

The law provides limitations on the presence of certain persons inside polling stations as well as weapons (excluding law enforcement officials when they are requested by the Head of a polling station to intervene). Persons who are authorized to be present inside polling stations are polling officials, voters, accredited representatives of partisan entities and candidates, accredited local and international observers, accredited journalists and media representatives, CEC's guests and law enforcement officials when asked to enter.

In the majority of polling centres and stations, there was a strong commitment to the electoral law. However, violations were recorded in a number of polling centres and stations which created chaos. Heads of a number of polling stations were forced to stop the polling until order was restored. PCHR observers noted that polling officials took necessary



measures to maintain the integrity of electoral materials, especially ballot papers and boxes. Violations included:

1. A number of armed persons repeatedly entered a number of polling centres, including a civil register polling centre at Subhi Abu Karsh Basic Coed School in Gaza (No. 1151).
2. A number of armed persons entered polling stations to vote. In the majority of these cases, polling officials prevented those persons from voting but in a few cases armed persons were able to vote without any restriction. For example, polling station No. 2 in the polling centre at Al Rafidien Basic School for Girls "A" / "B" (No. 0802) and polling stations No. 3 and 4 in the polling centre at Ali Bin Abi Talib Higher Basic School for Girls in Gaza (No. 0867) allowed armed persons to enter.
3. A number of senior Palestinian political and security officials entered a number of polling stations to vote, accompanied by their armed bodyguards. For instance, a number of armed bodyguards accompanied Rawahi Fattouh, former President of the PNA, when he voted in polling centre at Bir Al Sabie' Secondary School for Boys in Rafah (No. 0972). Major General 'Abdul Razzaq al-Majaida and Major General Mazen 'Ezziddin visited a number of polling centres accompanied by their armed bodyguards, including the polling centre at Ibin Siena Higher Basic School for Girls (No. 0808) and the polling centre at Salah Khalaf Higher Basic School for Boys in Gaza (No. 0809). At approximately 18:00, the Governor of Rafah Majeed al-Agha entered polling station No. 1 in the polling centre at U'qba Bin Nafie' Higher School for Boys in Rafah (No. 0958), accompanied by seven armed bodyguards. However, it is notable that a number of senior officials entered polling stations without weapons or bodyguards in commitment to the law. For instance, Major General 'Abdul Razzaq al-Majaida voted in the polling centre at Al Saiedah Ruqaia Higher Basic School in Gaza (No. 0862), without being accompanied by any of his bodyguards. Further, Colonel Rashid Abu Shibak, Head of the Preventive Security in the Gaza Strip, obeyed the instructions of a Head of a polling station in the polling centre at Beit Lahya Preparatory School for Girls in Northern Gaza (No. 0761) not to enter the station armed.
4. Despite the presence of the Palestinian police to provide protection and security for voters and polling officials in accordance with the law,

members of other security services, such as the Preventive Security and Military Intelligence, were present in many centres, in violation of the law, to urge and threaten voters to vote for a certain candidate.

PCHR also documented a number of cases in which chaos spread over a number of polling centres:

1. A number of armed members of Fatah movement opened fire in polling centre at Al Shiekh Radhwan Martyrs Basic School for Boys "A"/"B in Gaza (No. 0803). Chaos spread over the centre but the polling was not disrupted.
2. At approximately 11:30, a quarrel erupted between a member of the police and a civilian, during which the police member fired in the air in polling centre at Fahmi Al-Jirawi School in Gaza (No. 0826). The quarrel was soon settled, but erupted again at approximately 18:00. The quarrel was again settled without disrupting the polling.
3. Polling station No. 2 in the polling centre at Khuza'a Coed Primary School in Khan Yunis (No. 0952) was closed for 10 minutes when a quarrel erupted in the queue outside the station.
4. Civil registry polling centres had witnessed a state of chaos since the morning due to the non-arrangement of names alphabetically. This was observed, for example, in polling centre at Muhammad Youcif Al Najjar Secondary School for Boys in Rafah (No. 1164). The situation further deteriorated in the evening when the CEC extended the period of polling and allowed voters to vote using their identity cards only. The civil register polling centres witnessed congestion and queues that were not organized. Some persons aged under 18 were able to vote, because polling officials were overwhelmed and did not check the identity of voters appropriately. This was observed, for example, in the polling centre at Tariq Bin Ziyad Coed School in Khan Yunis (No. 1162).
5. Some quarrels and instabilities emerged in a number of polling centres, which were temporarily closed as a consequence. For instance, President of a polling centre at Muhammad Youcif Al Najjar Secondary School for Boys in Rafah (No. 1164) was forced to close the five polling stations on the first floor of the centre for 10 minutes because of congestion.

PCHR observers also documented a number of incidents in which Israeli Occupation Forces (IOF) fired at or around polling centres in Rafah and Khan Yunis in the southern Gaza Strip. Consequently, a number of polling centres were temporarily closed and voters were extremely terrified. The following are examples of such incidents:

1. At approximately 14:15, IOF opened fire in the vicinity of a polling centre at Rab'a Al 'Adawiyeh Secondary School for Girls in Rafah (No. 0962). At approximately 14:50, a heavy caliber bullet fired by IOF hit a window in the same building making a heavy explosion. IOF fired at the same centre again at approximately 19:30 causing a state of chaos.
2. At approximately 11:45 and 14:30, IOF fired in the vicinity of a polling centre at Rafah Coed Primary School "C" in Rafah (No. 0963).
3. At approximately 14:55, 19:25 and 20:30, IOF opened fire in the vicinity of polling centre at Rafah Preparatory School for Girls "B" in Rafah (No. 0964).
4. Two polling stations in the polling centre at Tariq Bin Ziyad Coed School in Khan Yunis (No. 1162) were temporarily closed as IOF fired a number of artillery shells near the Centre.
5. IOF opened fire at al-Nimsawi neighborhood near the polling centre at Tariq Bin Ziyad Coed School in Khan Yunis (No. 0961).

## Counting of Votes

PCHR observers reported that the counting of votes was conducted quietly, smoothly and in general in accordance with the law. There were a number of violations observed by PCHR but they did not impact significantly on the counting of votes:

1. Presidents of some polling stations did not count ballot papers that had the sign ( ) out of the designated squares. This was observed, for example, in polling station No. 2 in the polling centre at Al Nusairat Municipality Kindergarten in Deir al-Balah constituency (No. 0876). The results changed when the supervisor arrived and considered those papers valid.
2. A security person witnessed the counting of votes in the polling stations No. 2 and 3 in polling centre at Palestine Technical College in Deir al-Balah (No. 0898). Another security man broke into polling stations No. 2 and 3 in the polling centre at Khan Younis Martyrs Coed Primary School in Khan Yunis (No. 0921) to witness the counting of votes. The Head of the Centre intervened and expelled him but allowed another security person and a member Fatah movement to enter one of the polling stations without the approval of the Head of the Station. A number of supporters of Fatah movement entered a polling station in a polling centre at Tunis Secondary School for Boys in Gaza (No. 1152) before the end of the counting of votes. The Head of the Station did not intervene to expel them.
3. The counting of votes in polling station No. 10 in the polling centre at Tariq Bin Ziyad Coed School (No. 1162) was temporarily suspended due to the absence of the representatives of Fatah movement. The counting of votes was resumed when the representatives of Fatah arrived. A person broke into polling station No. 9 in the same Centre and mixed ballot papers, claiming that a number of persons intended to break into the station, so the counting of votes was forced to be repeated. The counting of votes in polling station No. 1 in the polling centre at Khalil U'waidha Primary School in Northern Gaza (No. 0756) was suspended when electricity was cut.

In spite of these violations, PCHR observers reported that the counting of votes was in general conducted in accordance of the law. Before the

commencement of the counting of votes, necessary measures were taken on the whole to ensure the presence of only authorized persons in polling stations: polling officials, accredited representatives of candidates and partisan entities, accredited observers, accredited journalists and any CEC's guests. Significantly, no accredited observers were prevented from monitoring the counting of votes and procedures related to the counting of votes were appropriately followed in polling stations.

Procedures were followed to prepare for the counting of votes:

- Vote protocols were completed with necessary data: the numbers of registered voters, ballot papers received by each polling station, unused ballot papers and electors who voted and those who did not vote.
- Ballot boxes were put on a counting table after ensuring that the table was empty.
- The Head of the Polling Station announced the combination on the locks to compare them with those noted in the vote protocol and then, the boxes were opened and the locks were put into designated envelopes.
- All ballot papers were brought out of each ballot box and the box was shown to those who were present to ensure that it was empty.
- Polling officials opened ballot papers and put them top of one another.
- Ballot papers were then divided into of groups of 50 and the number was written in the vote protocol in accordance with the CEC's instructions.
- Polling officials compared the numbers as follows: (1) the number of ballot papers in the boxes must be equal to the number of voters; (2) the number of ballot papers (valid and void ones) in the boxes must be equal to the number of used papers; and (3) the number of valid ballot papers plus void and unused ones must be equal to the number of ballot papers received by the station.

The Head of the Station then collected ballot papers to initiate the counting of votes. Polling officials adhered to the legal procedures in the counting of votes and were easily monitored by PCHR's observers:

- The Head of the Station announced the data of each ballot paper.

- He/she held each paper separately and declared its status (valid, void or blank).
- If a paper was valid, the Head announced the name of the candidate who was selected.
- A polling official categorized ballot papers (void papers, blank papers and votes to each candidate).

The votes for each candidate and the numbers of void and blank papers were counted and were compared to the numbers collated earlier by the polling officials. The Head then wrote all figures on the protocol i.e. the number of ballot papers in a ballot box; the number of void papers, the number of blank papers, the number of valid ballot papers for each candidate. He/she also wrote the time at which the counting of votes was completed.

## **Completion of Counting of Votes**

When the counting of votes was finished in accordance with the law and CEC's instructions, ballot papers were grouped (void/blank/unused/valid by candidate). Each group was put in the corresponding envelope, which was then closed and put in the ballot box. Other materials, such as copies of the electoral protocols, stamps and locks, were put into envelopes and the envelopes were then put into the ballot box. The ballot box was closed with three locks, whose numbers were also written on the protocol. The protocol was signed by polling officials and the representatives who wished to do. The Head then put the protocol and a copy of it and other protocols into a plastic envelope and closed it. A copy of the counting protocol was also put in a special envelope to be used by the District Election Office.

## **Declaration of Electoral Results at Polling Stations and the Transfer of Results, Protocols and Ballot Boxes to District Election Offices**

PCHR observed the procedures were observed during the final stage of the electoral process:

- The Head of a polling station announced the results detailed on the counting protocol and then placed it at the entrance of the station
- The Head of a station handed ballot boxes and all other electoral materials to an official in charge at the District Election Office and received an official receipt of delivery.
- Officials at District Election Offices opened counting protocols and sent them to the CEC.
- They also noted the results of each station on a special form and votes won by each candidate were counted.
- The above procedures were monitored by observers and representatives and candidates and partisan entities.

## **Counting of Votes in Polling Stations**

The counting of votes in polling stations took place smoothly, excluding in Northern Gaza. At approximately 13:30 on Monday, 10 January 2005, ballot papers were recounted by four officials headed by President of the District Election Office of Northern Gaza constituency. The recount was finished at 20:00 hours. Those officials discovered some mistakes in the counting protocols in a number of stations and in three polling centres designated for electors registered in the civil register. All these mistakes rectified and the results adjusted accordingly. However, the President of the District Election Office refused to declare the new results, claiming that he had no instructions to declare them.

### **Final Results**

On Wednesday, 12 January 2005, the CEC held a meeting in its headquarters in Ramallah to declare the final results of the presidential

election. Before the declaration of the results, the CEC addressed complaints submitted by District Election Offices. It also reviewed the protocols sent by District Election Offices and approved them.

**Table One: Final Results of the Palestinian Presidential Election**

<b>Candidate</b>	<b>Number of Votes</b>	<b>Percentage of the vote</b>
Mahmoud Abbas	501,448	62.52%
Mustafa Barghouthi	156,227	19.48%
Tayseer Khaled	26,848	3.35%
Abdul Halim al-Ashqar	22,171	2.76%
Bassam al-Salhi	21,429	2.67%
Sayed Baraka	10,406	1.30%
Abdul Karim Shubair	5,717	0.71%
Void ballot papers	30,672	3.82%
Blank ballot papers	27,159	3.39%
<b>Total</b>	<b>802,077</b>	<b>100%</b>

## **Transparency and Publicity of Counting of Votes**

The polling and counting of votes were conducted transparently and publicly in all polling centres. All accredited local and international observers, representatives of candidates and partisan entities and journalists were allowed to monitor all stages of the electoral process, including preparations made for the commencement of polling and counting of votes at District Election Offices. PCHR observers did not report any case in which observers or representatives of candidates and partisan entities were prevented from entering polling stations.

Nevertheless, many aspects of the CEC's work were not transparent or clear from the beginning of the electoral process until the actual polling day. It was clear that the CEC was subject to extreme political pressure and that this impacted on its performance and independence. Secretary General of CEC, Dr. Ali al-Jarbawi, resigned due the pressure exerted on the CEC by certain parties in the executive. Political pressure notably increased on the afternoon of polling day when the CEC took illegal measures extending the period of polling until 21:00 and allowing electors to vote using only their identity cards.



Dr. al-Jarbawi stated that "the use of the civil register in the electoral process was a mistake from the very beginning, which led to a series of mistakes, pressure and interventions that can never be justified, and which undermine the credibility and fairness of the electoral process."<sup>9</sup> On 12 January 2005, Ammar al-Dwaik, Executive Assistant of CEC, submitted his resignation to Dr. Hanna Nasser, President of the CEC, but his resignation was rejected. al-Dwaik's resignation followed a threat directed against him. Some CEC staff members also submitted conditional resignations to the President of the CEC, calling on him to request official bodies and the executive to assert the independence of the CEC and its staff, and investigate pressure exerted on the CEC staff and hold those found responsible accountable.<sup>10</sup>

These developments raise doubts about the internal workings of the CEC and the pressure exerted on it.<sup>11</sup> Although the CEC is the official body which is in charge of organizing and supervising all stages of the electoral process, its recommendations were not taken into consideration. For instance, the CEC recommended not to use the civil register in elections, but the PLC neglected this recommendation and amended Law 13 of 1995 to allow the use of the civil register in addition to the electoral register.

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<sup>9</sup> Dr. Ali al-Jarbawi, "Presidential and Legislative Elections: Lessons," the daily local *al-Ayyam*, 15 January 2005.

<sup>10</sup> President of the CEC refused all resignation and the staff resumed work.

<sup>11</sup> A number of armed persons opened fire in front of the headquarters of the CEC and some CEC staff members were beaten.

## Conclusions

Despite some violations and situations where PCHR monitors observed chaos at polling stations, PCHR's observations indicate that the presidential elections were carried out in a fair manner. From our monitoring of all polling centres in the Gaza Strip the following broad conclusions can be drawn:

1. From the commencement of polling at 07:00, polling throughout the Gaza Strip could be generally characterised as smooth and peaceful. However, PCHR observed that the situation changed in the evening when the CEC extended the period of polling until 21:00 and allowed citizens to vote using only their identity cards. These measures damaged the electoral process, especially in civil register polling centres. PCHR observers reported that they noticed chaos and congestion in a number of these polling stations. However, PCHR did not document violations during this time which damaged the essence of the electoral process or significantly affected the final result.
2. In particular, the ability of voters to be identified by only their identity cards rather than checking against the electoral role damaged the electoral process in the evening. This was observed in particular in civil register polling centres. PCHR observers recorded many violations resulting from this measure adopted by the CEC, as many people who are not qualified to vote were able to vote.

Such measures are in violation of the electoral law. However, following the declaration of the new measures by the CEC, PCHR instructed its observers in civil registry polling centres to make comparisons between the number of voters before and after declaring the new measures. According to preliminary comparisons, the extra number of voters in observed in these civil register polling centres after the measure was announced by the CEC could not have affected the final results of the election declared by the CEC. Mahmoud Abbas won the election with a large majority (62.52% percent of the vote) and a considerable gap between him and his nearest rival, Dr. Mustafa al-Barghouthi (19.48%). This fact is further supported by the announcement of the CEC that the total number of votes in civil register polling centres was 70,000.

It is PCHR's conclusion that the measure taken by the CEC, while illegal, did not damage the results and fairness of the election.

3. The CEC's decision to extend the period of polling until 21:00 violates the electoral law, which provides that extension can only be granted when there is a delay in the commencement of polling due to the absence of any or all of the Polling Station Commission members. In such circumstances, the polling can be prolonged for a period of time equal to that of the delay. However, PCHR will not focus on this issue as all candidates gained equal opportunities from this extension.
4. PCHR observers documented blatant violations of the limitations on election campaigning on the polling day in nearly all polling centres. Vehicles were seen in the streets calling through megaphones for voting for certain candidates and supporters of a number of candidates were seen in polling centres urging electors to vote for their respective candidates.
5. Chaos spread over a number of polling centres, especially those designed for the civil register. This situation further deteriorated in the evening following the measures taken by the CEC allowing electors to vote in civil register polling centres using their identity cards only. These centres witnessed congestion and the police was forced in some cases to intervene to control voters and retain order. This situation caused many polling officials to be bewildered and PCHR document a number of incidents when citizens aged under 18 were able to vote.
6. One of the main factors that led to chaos in polling centres of the civil register is the nature of this register, which is old and outdated. It is not in alphabetical order and has not been updated since it was given to the PNA by the Israeli occupation authorities in the 1990s. It includes names of deceased, immigrated people and does not include people who have turned 18 since this time. Further, the names are translated from Hebrew to Arabic and some names are not correct. Consequently, PCHR calls for reconsidering the use of the civil register in elections. Only 12% of those registered in the civil register voted in the presidential election, which damaged the voter turnout percentage.
7. Many polling stations and centres were not appropriate to disabled people as some polling stations were placed on upper floors. This made it difficult for disabled people to vote. Consequently, PCHR calls upon the CEC to make all polling centres and station appropriate for disabled people to be able to vote.

8. The exception that allows illiterate people to be accompanied by other persons when voting was misused. In some cases, more than one person accompanied these voters and in other cases supporters of candidates accompanied the voter. Such observation raises doubts about the integrity of this process. PCHR calls upon the CEC to establish a mechanism to allow those people to vote independently. PCHR calls also upon the CEC to take necessary measures to prevent the misuse of this exception and to closely monitor companions.
9. A number of law enforcement officials, there to provide security for polling centres, tried to influence the vote by persuading voters to vote for certain candidates. A number of members of security services were also seen in polling centres urging or even threatening voters. In other cases, PCHR monitors observed polling officials trying to persuade voters to vote for a certain candidate in clear violation of the electoral law.
10. PCHR observers reported that some observers and representatives of candidates and partisan entities were not present when the polling commenced in a number of polling centres and some of them were not aware of the electoral process and their roles.
11. The IOF announced that they would not interfere with the Palestinian electoral process. However, in many cases throughout the day the IOF opened fire at or near a number of polling centres in Rafah and Khan Yunis.

## Annex I: List of polling centres observed by PCHR not to be suitable for disabled people in the Gaza Strip (by constituency)

### Gaza

No. of Centre	Name of Centre	Location
0788	Al Shatie' Camp 1	Al Quds Society for Social Services
0793	Al Shatie' Camp 6	Al Shatie' Coed Primary School
0799	Al Shatie' Camp 12	Al Shatie' Coed Primary School "C"
0802	Gaza 1	Al Rafidien Basic School for Girls "A" / "B"
0803	Gaza 2	Al Shiekh Radhwan Martyrs Basic School for Boys "A"/"B"
0805	Gaza 4	Abd Al Rahman Bin O'uf Coed Basic School "A"/"B"
0806	Gaza 5	Abd Al Malik Bin Marwan Basic School for Boys "A"/"B"
0807	Gaza 6	Khalid Al 'Alami Secondary School for Girls
0810	Gaza 9	Zahrit Al Mada'en Secondary School for Girls "A"
0811	Gaza 10	Hasan Salameh Higher Basic School for Girls "B"
0821	Gaza 20	Musa Bin Nusair Basic School for Boys "A"/"B"
0852	Gaza 51	Muath Bin Jabal Higher Basic School for Boys "A"/"B"
1151 (civil register)	Gaza	Subhi Abu Karsh Basic Coed School
1152 (civil register)	Gaza	Tunis Secondary School for Boys
1153 (civil register)	Gaza	Khalil Al Noubani Secondary School for Girls
1154 (civil register)	Gaza	Anas Bin Malik Higher Basic School for Boys

### Northern Gaza

No. of Centre	Name of Centre	Location
0741	Beit Lahya 2	Beit Lahya Primary School for Boys
0761	Jabalia Camp 4	Beit Lahya Preparatory School for Girls
0762	Jabalia Camp 5	Jabalia Rehabilitation Society
0768	Jabalia Camp 11	Women Activity Centre
0769	Jabalia Camp 12	Jabalia Primary School for Girls "B" / "D"
0770	Jabalia Camp 13	Refugees Popular Committee
0774	Jabalia 1	Ebad Al Rahman Private School
1148 (civil register)	Northern Gaza	Jabalia Preparatory Refugees School for Girls "C"
1150 (civil register)	Northern Gaza	Martyr Raed Dhamra School & Kindergarten

### Deir Al Balah

No. of Centre	Name of Centre	Location
0878	Al Nusairat Camp 5	Al Nusairat Services Club
0884	Al Briej Camp 2	Al Briej Preparatory School for Boys
0890	Al Zuwaideh 2	Ibn Rushd Higher Basic School
0894	Al Maghazi Camp 1	Al Maghazi Services Club
0900	Deir Al Balah 3	Abd Al Karim Al 'Aklouk School
0901	Deir Al Balah 4	Deir Al Balah Basic School for Boys

### Khan Yunis

No. of Centre	Name of Centre	Location
0910	Khan Yunis Camp 1	Khan Yunis Primary School "A"/"B"
0915	Khan Yunis Camp 6	Khan Yunis Preparatory School for Girls "A"
0928	Khan Yunis 10	Tabariya Secondary School for Girls
0936	Khan Yunis 18	Abu Baker Al Siddeeq Higher School for Girls
0937	Khan Yunis 19	Ammar Bin Yasir Higher School for Boys
0945	Bani Suhaila 6	Bani Suhaila Martyrs Secondary School for Girls
0953	Khuza'a 2	Khuza'a Coed Basic School
1161 (civil register)	Khan Yunis	Al Mutanabi Secondary School for Boys

**Rafah**

<b>No. of Centre</b>	<b>Name of Centre</b>	<b>Location</b>
0960	Tal Al Sultan 4	Al 'Omariyeh Preparatory School for Boys
0968	Rafah 7	Deir Yasin Secondary School for Girls
0971	Rafah 10	Rafah Coed Primary School "B"
0978	Rafah Camp 5	Rafah Higher School for Boys
1163 (civil register)	Rafah	Tal Al Sultan Coed Basic School
1164 (civil register)	Rafah	Muhammad Youcif Al Najjar Secondary School for Boys

## **Annex II: Photo Essay of PCHR's monitoring of Palestinian presidential elections**



**PCHR receives former French Prime Minister Mr. Michel Rocard, Chief Observer of the EU Election Observation Mission – West Bank territory and Gaza Strip 2005.**



**A training course for PCHR observers in Gaza on election monitoring.**





**PCHR observers in Khan Yunis just before starting to monitor the election.**



**A number of international observers invited by PCHR to monitor the election during a visit to a polling centre.**



**A number of international observers invited by PCHR to monitor the election during a visit to a polling centre.**



**A number of PCHR observers accompanying international observers invited by PCHR on the morning of the polling day.**



**A number of international observers invited by PCHR to monitor the election during a visit to a polling centre**



**A number of international observers invited by PCHR to monitor the election during a visit to a polling centre.**



**PCHR receives a delegation of National Democratic Institute to monitor the Palestinian presidential election.**



**PCHR receives a number of members of the EU Mission to monitor the Palestinian presidential election.**