

## **Elections of Palestinian Local Elections**

### **An Evaluation Report on Elections of 10 Palestinian Local Councils in the Gaza Strip on 27 January 2005**



### **Palestinian Centre for Human Rights**

Consultative Status with the ECOSOC of the United Nations  
Affiliate of the International Commission of Jurists – Geneva  
Member of the International Federation for Human Rights – Paris  
The Euro-Mediterranean Human Rights Network

E-mail: [pchr@pchgaza.org](mailto:pchr@pchgaza.org)  
web-Page: [www.pchgaza.org](http://www.pchgaza.org)

## TABLE OF CONTENTS

INTRODUCTION .....	2
PCHR'S ROLE IN MONITORING ELECTIONS OF LOCAL COUNCILS .....	6
PREPARATIONS AT POLLING CENTRES AND STATIONS.....	7
CONTINUED ELECTION CAMPAIGNING .....	11
COMMENCEMENT OF POLLING.....	12
POLLING .....	13
END OF POLLING .....	23
COUNTING OF VOTES.....	23
COMPLETION OF COUNTING OF VOTES.....	25
COMPILATION OF ELECTORAL PROTOCOLS AT THE HCLE EXECUTIVE OFFICE .....	25
CHALLENGES OF RESULTS OF ELECTIONS OF LOCAL COUNCILS.....	26
CONCLUSIONS .....	28

## **Introduction**

**On Thursday, 27 January 2005, Palestinian voters in 10 local communities went to polling centres to vote in the first local elections to be held in the OPT since 1976 (which were partial elections in the West Bank). By holding elections in these 10 communities, the first stage of elections of Palestinian local councils, which included elections of an additional 26 local councils in the West Bank on 23 December 2004, ended. Other stages of local elections will be held in the coming months to include the remaining Palestinian local councils throughout the West Bank and the Gaza Strip.<sup>1</sup>**

**These latest elections were held for local councils of 10 communities, which vary in their area, population and the number of qualified voters. These local councils are: Beit Hanoun (13 members) in Northern Gaza; al-Zawaida (13 members), al-Musaddar (9 members), Deir al-Balah (15 members) and al-Maghazi (13 members) all in Central Gaza; Khuza'a (11 members) and Bani Suhaila (13 members) in Khan Yunis; and al-Shouka (11 members) and al-Nasser (11 members) in Rafah. According to the Higher Committee of Local Elections, 414 candidates, including 68 women (16.4%), competed for 118 seats in these councils.**

**During the day, large numbers of voters went to polling centres to vote in the elections, reflecting the public support enjoyed by these elections. Despite the current severe conditions they live in, due to the continuous attacks and closure by Israeli occupation forces, Palestinians have demonstrated again their determination to participate in the elections to select their local leaders after they had selected their president. According to initial statistics declared by the Higher Committee for Local Elections (HCLE), 72% of qualified voters, whose number is estimated at 83,700 (85% of those who are registered in the electoral register prepared by the Central Election Commission and 30% of those who are listed in the civil register) participated in these elections.**

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<sup>1</sup> The Palestinian National Authority decided organize the first stage of the second round of local elections on 5 May 2005, which will include elections for eight local councils in the Gaza Strip.

**Elections of local councils are a very important stage in the Palestinian political life, and have been waited for long. We hope that these elections will end the policy of appointment of local councils adopted by the Palestinian National Authority (PNA) since 1994. These elections have a special importance as all Palestinian political parties participate in them. They enjoy a public consensus and are supported by all Islamic and nationalist political powers, including those which boycotted the Palestinian presidential election that was held on 9 January 2005, and the first general elections under the PNA which were held in January 1996. However, the PNA postponed holding elections of local councils over the past years and instead adopted a policy of appointments of local councils throughout the West Bank and the Gaza Strip. The PNA used the lack of appropriate political conditions, including the deadlock of the peace process and Israeli violations of Palestinian human rights, as a pretext to postpone elections. As local and general elections was a persistent demand after the Palestinian Legislative Council issued the Reform Document in May 2002, which called for a series of steps to make reforms in the PNA, including holding elections as soon as possible, the PNA took serious steps to prepare for holding elections. On 28 May 2002, the late PNA President Yasser Arafat issued a presidential decree establishing the HCLE to be headed by then Minister of Local Government Jamal al-Shoubaki. In July 2003, al-Shoubaki declared that the HCLE "initiated preparations for holding elections of local councils in the Occupied Palestinian Territory," emphasizing that the HCLE "will propose its vision and working plan to the cabinet to take necessary measures to hold elections in any town or community where appropriate conditions are available without waiting holding elections at the national level."<sup>2</sup> On 31 December 2003, the Minister of Local Government declared that local elections were likely to be held in the mid of 2004 in areas where appropriate conditions were available.<sup>3</sup> In the last weeks of 2004, new developments took place with regard to the structure of the PNA following the death of President Yasser Arafat on 11 November 2004 and the subsequent peaceful transition of authority. A series of important steps were taken with regard to holding elections. On 9 January 2005, the Palestinian presidential election was held, and the parliamentary elections were decided to be held in July**

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<sup>2</sup> The daily *al-Hayat al-Jadeeda*, 16 July 2003.

<sup>3</sup> *Ibid.*, 31 December 2003.

**2005. The first phase of elections of Palestinian local councils was also held.**

**The local elections are held in accordance with Law 5 of 1996 and its amendments related to the elections of local councils. They are supervised by the HCLE, whose members are appointed according to the aforementioned law by a decree that is issued by the president of the PNA. This Committee is head by Minister of Local Government. PCHR has criticized the existence of this Committee as there is a parallel committee – CEC – which supervises the presidential and parliamentary elections, calling for establishing one national body according to the constitution to supervise both the general and local elections. Under Law 5 of 2004 enacted on 1 December 2004 amending Law 5 of 1996, the HCLE is abolished and replaced by the CEC, but it will continue its duties for one year. Accordingly, the HCLE is the legal body which is responsible for organising and supervise the current local elections. Law 5 of 2004 was also amended to ensure positive discrimination for women; article 28 of the Law prescribes that "wherever women are nominated for candidature, the representation of women in local councils must not be less than two seats to be afforded to those who win the highest number of votes among female candidates."**

**PCHR has always supported initiatives to hold free and fair elections under the PNA. PCHR has welcomed holding elections for any local council, as elections for local councils have gained momentum due the wide participation of all Palestinian partisan entities. These elections are supported by both at the public and partisan levels, including partisan entities that boycotted the Palestinian presidential election that was held on 9 January 2005, and the general elections that were held in January 1996.**

**In a continuation of its role in monitoring Palestinian elections, on the day that followed holding the second stage of the first round of local elections, PCHR issued a preliminary evaluation of these elections. According to this evaluation, the elections were held in a quiet, organized and transparent atmosphere. Furthermore, PCHR highly appreciated all efforts made to ensure success for these elections, especially the role played by the HCLE to impressively organize these elections, the role played by local and international observers in**

**monitoring these elections, which created an atmosphere of fairness and transparency in all stages of the electoral process.**

**This report constitutes the conclusion of monitoring conducted by PCHR over polling and counting in elections of local councils. It highlights PCHR's role in monitoring the local elections; technical preparations in polling centres and stations; commencement of polling; end of polling; compilation of counting protocols at the HCLE Executive Office; and challenges of results of the elections. In the end, a number of notes and recommendations are concluded.**

## **PCHR's Role in Monitoring Elections of Local Councils**

The HCLE decided to accredit local and international observation bodies accredited by the CEC as observation bodies that they could monitor the local council elections and considered observer cards issued by the CEC valid if they were not out of date. As an observation organisation accredited by the CEC, PCHR was interested in monitoring elections of local councils. PCHR sent names of 18 of its observers, whose observer cards had expired, to the HCLE to renew them. However, the HCLE issued only 10 cards for PCHR observers. They issued these cards stating this is the maximum amount of cards reserved for each organization – the cards were issued without names of observers - thus, more than one observer can use the same card.

PCHR started preparations to monitor the elections of 10 local councils in the Gaza Strip. For this purpose, PCHR recruited 73 observers of those who participated in monitoring the presidential election, in addition to seven of its staff members to supervise these observers. PCHR organized special training courses for these observers and prepared a form for monitoring to be completed by observers on the polling day. The form includes details of polling, counting of votes and observers' notes to make sure that the elections are held in accordance with the provisions of Law 5 of 1996 related to elections of local councils, and related instructions issued by the HCLE.

Later, the observers were requested to monitor the polling and counting of votes. They were present in polling stations at 06:00 on the polling day, when polling staff attended polling stations. The following table shows the number of polling centres and stations in each community and the number of PCHR observers devoted for each community:

<b>Community</b>	<b>Number of Polling Centres</b>	<b>Number of Polling Stations</b>	<b>Number of PCHR observers</b>
Beit Hanoun	9	27	12
Al-Zahraa'	1	2	1
Al-Zawaida	4	14	6

Al-Musaddar	1	2	1
Deir al-Balah	13	55	23
Al-Maghazi	6	21	9
Khuza'a	3	9	4
Bani Suhaila	7	26	12
Al-Shouka	2	5	2
Al-Nasser	2	6	3
<b>Total</b>	<b>48</b>	<b>167</b>	<b>73</b>

## Preparations at Polling Centres and Stations

The guide on procedures of polling at elections of Palestinian local councils in the West Bank and the Gaza Strip, issued by the HCLE, stipulates the steps that must be taken by polling officials to prepare for starting polling, including placing direction signs, polling booths, polling table, polling boxes and other stuff.

PCHR observers did not notice any significant failure in this regard.

### Polling Stations

All preparations were made in accordance with the guide on procedures of polling. However, PCHR observers noted that a number of polling centres lacked identification signs at their entrances. These centres were:

- Polling centre (0896) at al-Maghazi Coed Primary School "A"/"B" in al-Maghazi: the sign was erected when a PCHR observer drew the attention of polling officials.
- Polling centre (0891) at Ammouriya Preparatory School in al-Zawaida: the sign was erected at 08:00 after a PCHR observer had drew the attention of polling officials.
- Polling centre (5000) for civil register at Ammouriya School in al-Zawaida lacked an identification sign at its entrance.
- Polling centre (903) at Deir al-Balah Martyrs Secondary School for Girls in Deir al-Balah lacked an identification sign at its entrance.
- Polling centre (5010) for civil register at al-Farabi Primary School in Bani Suhaila: the sign was erected when a PCHR observer drew the attention of polling centres.

- The civil register was placed away from polling stations in two polling centres (0986 and 0987) at Gassan High School for Boys in al-Nasser.

### **Capacity**

With regard to the capacity of polling stations, a number of these stations were too small to absorb the process of polling and counting and the number of observers and agents of candidates. These stations were:

- Polling station 1 in polling centre (0750) at Beit Hanoun Coed School "C" in Beit Hanoun;
- Polling station 4 in polling centre (0903) at Deir al-Balah Martyrs Secondary School for Girls in Deir al-Balah;
- Polling station 2 in polling centre (0894) at al-Maghazi Services Club in al-Maghazi;
- Polling station 2 in polling centre (5010) for civil register at al-Farabi Primary School in Bani Suhaila;
- Polling station 4 in polling centre (5008) for civil register at Bani Suhaila Preparatory School for Girls in Bani Suhaila; and
- Polling station 2 in polling centre (0953) at Khuza'a Coed Basic School in Khuza'a.

The high numbers of observers and agents of candidates caused congestions in a number of polling stations, which led directors of these stations to take some of them out or limit their numbers. This measure is allowed by the guide on the procedures of polling issued by the HCLE.

- Only eight observers were allowed to be present at polling station 4 in polling centre (0755) at Beit Hanoun Preparatory School for Girls. Other observers were prevented from entering as the station was too small.
- A number of observers were not allowed to enter polling stations 1 and 2 in polling centre (5012) for civil register at Hayel Abdul Hamid Secondary School for Boys in Beit Hanoun as those stations were too small.
- Polling station 1 in polling centre (0872) at Sabra and Shatilla Secondary School for Girls in al-Zaharaa' was overcrowded due to the high number of observers and agents of candidates.

- A PCHR observer and other observers and agents of candidates were not allowed to enter polling station 2 in polling centre (0941) at Bani Suhaila High School for Girls in Bani Suhaila as the station was too small.
- Only 11 observers and agents of candidates were allowed to enter polling station 2 in polling centre (0944) at Bani Suhaila Preparatory School for Boys in Bani Suhaila.
- Only seven agents of candidates were allowed to enter polling station 1 in polling centre (0945) at Bani Suhaila Martyrs Secondary School for Girls in Bani Suhaila.
- A number of observers and agents of candidates were not able to enter polling station 5 in polling centre (5008) for civil register at Bani Suhaila Preparatory School for Girls in Bani Suhaila as the station was too small.
- A number of observers were not allowed to enter polling station 4 in polling centre (0952) at Khuza'a Coed Primary School in Khuza'a as the station was too small.

### **Access for the disabled**

Most polling centres were suitable for disabled and elderly people, in that it was easy for disabled persons to reach and enter these polling centres. However, PCHR observers reported that some polling stations were not suitable for disabled persons and elderly people. Some of these stations were on upper floors that can be reached only through stairs. A number of disabled and elderly persons were seen carried by others to vote in polling stations that are located on upper floors. The following polling stations were not suitable for disabled and elderly people:

- Polling station 4 in polling centre (0755) at Beit Hanoun Preparatory School for Girls in Beit Hanoun.
- Polling station 4 in polling centre (0751) at Beit Hanoun Sports Club in Beit Hanoun.
- All polling stations in polling centre (5012) for civil register at Hayel Abdul Hamid Secondary School for Boys in Beit Hanoun.
- Polling stations 3 and 4 in polling centre (5000) at Ammouriya Preparatory School in al-Zawaida.
- Polling station 1 in polling centre (891) at Ammouriya Preparatory School in al-Zawaida.

- Polling station 2 in polling centre (0890) at Ibn Rushd Higher Basic School in al-Zawaida.
- Polling stations 2 and 3 in polling centre (5004) at al-Maghazi Martyrs School for Girls in al-Maghazi.
- Polling station 3 in polling centre (0892) at Deir al-Balah Preparatory School for Girls in Deir al-Balah.
- Polling station 4 in polling centre (0894) at al-Maghazi Services Club in al-Maghazi.
- All polling stations in polling centre (0901) at Deir al-Balah Basic School for Boys in Deir al-Balah.
- Polling stations 2 and 3 in polling centre (0902) at al-Aishiya Basic School for Girls in Deir al-Balah.
- Polling stations 1, 2 and 4 in polling centre (5010) at al-Farabi Primary School for Girls in Bani Suhaila.
- Polling station 5 in polling centre (0941) at Bani Suhaila High School for Girls in bani Suhaila.
- Polling station 2 in polling centre (0953) at Khuza'a Coed Primary School in Khuza'a.
- Polling stations 1 and 2 in polling centre (5014) for civil register at Khuza'a Municipal Hall in Khuza'a.
- Polling stations 1 and 2 in polling centre (0986) at Ghassan High School for Boys in al-Nasser.
- Polling station 2 in polling centre (0987) at Ghassan High School for Boys in al-Nasser.

### **Electricity Problems**

A number of polling centres faced problems related to electricity failure in the evening. Polling in these centres was temporarily suspended. In one of these centres, chaos spread as voters were not able to check their names on the electoral register. The following centres had problems in electricity:

- Polling centre (0889) at Nusairat Preparatory School for Girls "C" in al-Zawaida had poor lighting in the yard, which caused difficulties for voters to check their names in the electoral register.
- Electricity was cut from polling centre (0987) at Ghassab High School for Boys in al-Nasser, which delayed the commencement of counting.
- Polling centre (0986) at Ghassan High School for Boys in al-Nasser had poor lighting until 20:15. An electricity generator was used, but

electricity was cut at 20:45. Electricity was turned on at approximately 22:00. These problems impacted on the counting of votes.

## **Continued Election Campaigning**

According to article 31 of Law 5 of 1996 related to elections of Palestinian local councils, "the election campaign shall commence 12 days prior to the polling day, and all aspects of elections campaigning shall be terminated 24 hours prior to the polling day." This rule was widely ignored by virtually all partisan entities, and polling officials had no capacity to prevent it. Campaigning was active outside, and sometimes inside, polling centres and stations. Posters, leaflets, mock ballots, flags, hats and banners were plentiful in areas where voting was taking place. Some supporters of candidates attempted to influence voters to vote for those candidates. Consequently, some polling centres and stations witnessed congestion and sometimes verbal quarrels that prompted the police to intervene. The following are examples of violations of the prohibition of election campaigning on the polling day:

- Campaigning leaflets were circulated in polling centre (0755) at Beit Hanoun Preparatory School for Girls in Beit Hanoun. These actions were stopped at 16:00 following several complaints in this regard. A car that showed a poster of one of the candidates entered the centre at 11:20.
- An agent of a candidate submitted a complaint because one individual had campaigned on behalf of some candidates inside the polling centre (0756) at Khalil Owaida Primary School in Beit Hanoun. The police intervened and expelled that person. However, the same person came back to the centre. The director of the centre was requested to expel the person, but he refused claiming that his authority covered polling stations only rather than the whole centre.
- A number of persons wearing campaigning hats of some candidates were seen distributing campaigning materials in polling centre (5012) for civil register at Hayel Abdul Hamid Secondary School for Boys in Beit Hanoun. A PCHR observer submitted a complaint to the director of the centre, but he took no action.
- Campaigning materials for all candidates were distributed in polling centre (0890) at Ibn Rushd High School in al-Zawaida.

- Campaigning materials for all candidates were distributed in polling centre (0900) at Abdul Karim al-Aklouk School in Deir al-Balah, and some voters stuck campaigning materials on polling booths.
- Polling station 5 in polling centre (5018) for civil register at Sukaina Secondary School for Girls in Deir al-Balah was temporarily closed as posters of candidates of Change and Reform List of Hamas were stuck on polling booths.
- Campaigning materials were distributed in polling centre (0952) at Khuza'a Primary Coed School in Khuza'a. A march of supporters of Fatah movement entered the centre and the police did not intervene. A child also entered polling station 4 carrying a flag that proclaimed a candidate's name.
- A number of members of Fatah movement entered polling centre (0988) at al-Shouka Primary School in al-Shouka holding flags and banners, but the police intervened and expelled them.
- Campaigning hats were distributed in polling centre (0986) at Ghassan High School for Boys in al-Nasser.
- Some members of the police had the electoral badge of al-Nasser Martyr's List on their heads.

## **Commencement of Polling**

The polling commenced exactly at 07:00 in most polling centres in accordance with article 38 of Law 5 of 1996 and the guide of polling procedures issued by the HCLE. In some polling stations, the polling started half an hour late for justified reasons.

Before the commencement of polling, polling officials were all present in polling stations. PCHR observers did not cited any note in this regard, excluding the absence of the queue official in polling centre (0750) at Beit Hanoun Coed School "D" in Beit Hanoun. Police members were deployed in all polling centres, and enforcements of police were brought to the centres that witnesses quarrels.<sup>4</sup> Polling materials were also available, including: ballot boxes; a number of ballots papers that exceeds the number of registered voters; voting protocols; indelible ink; polling booths;

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<sup>4</sup> Some cases of chaos will be detailed later.

electoral register;<sup>5</sup> furniture; locks for ballot boxes; complaint forms; and forms for counting.

Also before the commencement of polling, elections officials followed the procedures prescribed by the law:

- The president of each polling station opened the ballot boxes in front of election officials and agents of candidates to make sure that they were empty and there were not any ballot papers inside.
- He or she placed the ballot boxes in the centre of polling stations to allow all those who were present to see them.
- Once checked, the president of each polling station closed each ballot box with two locks.
- The president of each polling station and his/her staff counted ballot papers.<sup>6</sup>
- Vote protocols were completed with necessary information, including number of locks of each ballot box and the number of ballot papers.
- Vote protocols were then stamped by each polling station commission and signed by members of the commission and the agents who were present.

PCHR observers did not record any notable incidents in respect of the commencement of polling, as polling officials in all polling centres followed the procedures decided by the HCLE in the guide on local elections in the West Bank and the Gaza Strip.

## Polling

Polling took place transparently with the presence of candidates or their agents, independent observers and media representatives. PCHR observers, who were able to monitor polling and counting in polling stations which they visited reported that these processes were conducted

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<sup>5</sup> A violation in this regard was documented at polling station (1) in polling centre (0838) at Al Nassreh Basic School for Girls "A"/"B" in Gaza, as the copy of the electoral register used by the queue official from that used by the registration official.

<sup>6</sup> In polling station 1 at polling centre (0772) at Shadia Abu Ghazala School in Northern Gaza, ballot papers were not counted in front of a PCHR observer. The observer was told that the counting of ballot papers took place at 6.00 when she was not present.

fairly. Nevertheless, a number of violations especially by candidates and their supporters were reported, which resulted in chaos and temporary closure of a number of polling stations. A number of violations by polling officials were also reported. However, such violations did not damage the essence and results of the electoral process.

PCHR observers reported that all polling station commissions were committed to the instructions circulated by the HCLE, including:

A voter entered polling stations in an organized manner, presenting their electoral card to a polling official for verification. The polling official verified the existence of his/her name in the electoral registry and then lined it in red ink. The first polling official handed the voter's electoral card to another polling official who is in charge of ballot papers. The second polling official handed the electoral card and ballot paper to the voter after stamping it before his/her eyes. The second polling official instructed the voter on how to mark on the ballot paper. The voter went to a polling booth to vote on the ballot paper. Finally, the voter put the ballot paper into the ballot box, where the director of station stood, before the eyes of polling officials, agents of candidates and observers and left the station.

However, PCHR observers noted a number of problems in the polling process:

### **Electoral Registry**

The HCLE used the electoral registry prepared by the CEC in autumn 2004 for the purpose of presidential and parliamentary elections. The CEC started the process of registration of voters on 4 September 2004 and was supposed to complete it by 5 October 2005. However, the registration was extended up to 13 October 2004. A number of registration centres in Northern Gaza were reopened during the period 23-25 October 2004. Then, the CEC handed the electoral registry prepared during the registration period to the HCLE. However, following the death of the Palestinian President Yasser Arafat on 11 November 2004, there was an urgent need to hold presidential election in 60 days, so the CEC opened registration centres from 24 November to 1 December 2004 for complementary registration to allow more citizens to register in order to participate in the presidential election that was decided to be held on 9

January 2005. On 31 October 2005, the CEC delivered to the HCLE an electoral register that did not include names of voters who registered in the complementary period of registration. The HCLE also received the civil registry from the Palestinian Ministry of Interior.

Many problems emerged in the electoral register as many names of registered voters were not included. To solve this problem, the HCLE decided to allow any elector who has a registration bill, which proves that she is registered, to vote, and sent a list of names not included in the electoral registry to district election commissions. In some polling centres, names of voters were not alphabetically arranged. In some lists, some citizens aged under 18 were included in lists of voters and were allowed to vote, before the HCLE noticed this failure and sent names of those citizens to all polling centres in order to delete them from electoral lists.

PCHR observers reported the following notices in this regard:

- A number of citizens aged under 18 were able to vote in polling station 2 in polling centre (0754) at Beit Hanoun Preparatory School for Boys to vote as their names were included in the electoral registry.
- Many voters arrived at polling station 2 in polling centre (5019) for the civil registry at al-Manfalouti School in Deir al-Balah, but they did not find their names in the electoral registry, so they were not able to vote although they had registration bills.
- A number of citizens aged under 18 were allowed to vote in polling station 1 in polling centre (0952) at Khuza'a Coed Primary School in Khuza'a. A PCHR observer drew the attention of the director of the polling centre, and he instructed all polling stations not allow anyone who is under 18 to vote.
- Many registered voters were not included in the electoral registry in polling station 1 in polling centre (0988) at al-Shouka Coed Primary School, so instructions were circulated to polling officials to allow those who have registration bills to vote. The HCLE decided also to add names of 71 voters who registered during the complementary registration period. As soon as PCHR learnt about this measure, it sent a letter to the Executive Office of the HCLE, who replied orally, stating that the names that were added are of those who registered during the complementary registration period and were not included in the electoral registry.

- A girl who is under 18 was allowed to vote in polling station 3 in polling centre (0986) at Ghassan High School for Boys in al-Nasser following coordination among polling officials.

### **Identity Verification of Veiled Women**

According to the guide of polling procedures of elections of local councils in the West Bank and the Gaza Strip issued by the HCLE, veiled women must uncover their faces for a female polling official for identity verification. Each polling centre must have at least one female polling official for this purpose.

PCHR observers recorded a number of violations in this regard:

- The identity of veiled women was not verified through requesting them to uncover their faces in polling stations 1, 2 and 3 in polling centre (0753) at Beit Hanoun Coed Primary School in Beit Hanoun. Polling officials only checked identity cards of those women.
- The identity of veiled women was not verified through requesting them to uncover their faces in polling station 3 in polling centre (0890) at Ibn Rushd High School in al-Zawaida. Polling officials only checked identity cards of those women and examined them on the information included in their identity cards.
- A veiled woman did not uncover her face in polling station 2 in polling centre (0900) at Abdul Karim al-Aklouk School in Deir al-Balah and was allowed to vote, despite the fact that a female polling official was present.
- A female polling official did not verify the identity of a veiled woman in polling station 4 in polling centre (0892) at Deir al-Balah Preparatory School for Girls in Deir al-Balah.
- The identity of a veiled women was not verified through requesting them to uncover their faces in polling station 1 in polling centre (5018) for the civil registry at Sukaina Secondary School for Girls in Deir al-Balah.
- The identity of veiled women was not verified through requesting them to uncover their faces in polling station 3 in polling centre (0893) at Deir al-Balah Preparatory School for Boys in Deir al-Balah as there was no female polling official.

- The identity of veiled women was not verified through requesting them to uncover their faces in polling station 1 in polling centre (0898) at Palestine Technical College in Deir al-Balah as there was no female polling official.
- The identity of veiled women was not verified through requesting them to uncover their faces in polling station 2 in polling centre (0944) at Bani Suhaila Preparatory School for Boys in Bani Suhaila although there was a female polling official. A PCHR observer drew the attention of polling officials to this and they started to follow the HCLE's instructions in this regard.
- The identity of veiled women was not verified through requesting them to uncover their faces in polling station 3 in polling centre (0943) at Shajarat al-Dur Basic School in Bani Suhaila.
- The identity of some veiled women was not verified through requesting them to uncover their faces in polling station 3 in polling centre (0945) at Bani Suhaila Martyrs School for Girls in Bani Suhaila.
- The identity of some veiled women was not verified through requesting them to uncover their faces in polling station 2 in polling centre (0989) at al-Shouka Coed Primary School in al-Shouka.
- The identity of veiled women was not verified through requesting them to uncover their faces in polling station 2 in polling centre (0987) at Ghassan High School for Boys in al-Nasser.

### **Misuse of the Exception of Accompanying Illiterate and Disabled Voters**

The guide on polling procedures of elections of local councils grants illiterate and disabled voters an exception that allows them to bring a companion to assist them. A director of a polling station must ensure that an illiterate or disabled voter chooses this companion at their own discretion. When a voter goes to a polling booth to vote, a director of a station must accompany him in order to ensure that his companion marks the voter's choices.

Although the guide prevents a person from accompanying more than one voter, it does not establish a mechanism to enforce this prevention. Some polling officials recorded names of companions, but these records were limited to specific polling stations, which allowed those persons to accompany more than one voter in other polling stations. Sometimes,

names of companions were not recorded, which enabled them to accompany more than one voter. Further, directors of some polling stations did not accompany voters and their companions to polling booths to ensure that the companions marked the voters' choices.

PCHR observers reported that this exception was misused in a number of polling stations:

- A number of persons accompanied more than one illiterate or disabled voter in polling stations 1 and 2 in polling centre (0753) at Beit Hanoun Coed Primary School in Beit Hanoun.
- The director of polling station 1 in polling centre (0754) at Beit Hanoun Preparatory School for Boys in Beit Hanoun did not accompany illiterate or disabled voters and their companions to ensure that the companions mark the voters' choices.
- The director of polling station 3 in polling centre (0890) at Ibn Rushd Basic School in al-Zawaida did not accompany illiterate or disabled voters and their companions to ensure that the companions mark the voters' choices.
- The director of polling station 2 in polling centre (5019) for the civil registry at al-Manfalouti School in Deir al-Balah did not accompany illiterate or disabled voters and their companions to ensure that the companions mark the voters' choices.
- A candidate accompanied an illiterate voter to polling station 5 in polling centre (0903) at Deir al-Balah Martyrs Secondary School in Deir al-Balah and voted on his behalf. Further, names of companions were not recorded in polling station 4, and some persons accompanied more than one voter to polling station 2 in the same polling centre.
- The director of polling station 1 in polling centre (0903) for the civil registry at Sukaina Secondary School for Girls in Deir al-Balah did not ensure that a companion of an illiterate voter marked the voter's choice.
- The director of polling station 3 in polling centre (0945) at Bani Suhaila Martyrs School for Girls in Bani Suhaila did not ensure that a companion of an illiterate voter marked the voter's choice.
- The director of polling station 2 in polling centre (0952) at Khuza'a Coed Primary School in Khuza'a refused to ensure that a companion of an illiterate voter marked the voter's choice. He even neglected a PCHR observer's note in this regard.

- The director of polling station 2 in polling centre (0986) at Ghassan High School in al-Nasser did not accompany illiterate or disabled voters and their companions to ensure that the companions mark the voters' choices.
- The director of polling station 3 in polling centre (0987) at Ghassan High School in al-Nasser did not accompany illiterate or disabled voters and their companions to ensure that the companions mark the voters' choices.

### **Entry of Armed Persons**

The guide on polling procedures of elections of local councils in the West Bank and the Gaza Strip prohibits any person from entering any polling station, carrying weapons, excluding the police when requested to intervene into a specific problem. PCHR observers documented a number of violations of this prohibition, some of which were related to PNA officials:

- The Governor of Northern Gaza, Sakher Busaiso entered polling station 2 in polling centre (0755) at Beit Hanoun Preparatory School for Girls accompanied by his armed bodyguards. The director of the station neglected a PCHR observer's note in this regard.
- An armed voter entered polling station 1 in polling centre (0897) at al-Maghazi Primary School for Boys in al-Maghazi.
- A voter entered polling station 1 in polling centre (0904) at Abdullah Ibn Rawaha School in Deir al-Balah talking on his mobile phone. When the director of the station requested him to close his mobile phones, he uncovered a pistol to expose it under his suit.
- An armed voter entered polling station 1 in polling centre (0898) at Palestine Technical College in Deir al-Balah. The director of the station did not intervene to prevent him from entering the station with his weapon.
- The Governor of Khan Yunis, Husni Zo'rob, entered polling stations 2 and 3 in polling centre (5010) for the civil registry at al-Farabi Primary School for Girls in Bani Suhaila, accompanied by his armed bodyguards.
- An armed agent of a candidates entered polling stations 1 and 3 in polling centre (0943) at Shajarat al-Dur Basic School in Bani Suhaila.

- A number of gunmen entered polling stations 1 and 2 in polling centre (0945) at Bani Suhaila Martyrs Secondary School for Boys in Bani Suhaila.
- The Governor of Khan Yunis, Husni Zo'rob, entered all polling stations in polling centre (0952) Khuza'a Coed Primary School in Khuza'a, accompanied by an armed bodyguard. He refused to drive his bodyguard out when the directors of one of those stations requested him to do so.
- The Governor of Khan Yunis, Husni Zo'rob, entered polling station 2 in polling centre (0953) at Khuza'a Coed Primary School in Khuza'a, accompanied by his armed bodyguards.
- An armed observer entered polling station 2 in polling centre (0988) at al-Shouka Coed Primary School in al-Shouka. A PCHR observer drew the attention of the director of the station to take the armed observer out and he did. However, later, the armed observer entered the station again. Additionally, a member of the police remained inside the station for no apparent reason.

### **Limitations of Access of Restricted Persons in Polling Centres and Stations**

The guide of polling procedures of elections of local councils in the West Bank and the Gaza Strip issued by the HCLE provides limitations on the presence of certain persons inside polling stations. Persons who are authorized to be present inside polling stations are polling officials, voters until finishing voting, accredited representatives of partisan entities and candidates, accredited local and international observers and law enforcement officials when they are requested by the director of a polling station to intervene. However, violations of these limitations were recorded in a number of polling centres and stations:

- A number of unauthorized persons entered polling station 2 in the polling centre (0753) at Beit Hanoun Coed Primary School in Beit Hanoun.
- A number of voters remained in polling station 3 in polling centre (5000) of the civil registry at Ammouriya Preparatory School in al-Zawaida after having voted.
- An intelligence officer replaced the queue official in polling station 3 in polling centre (0892) at Deir al-Balah Preparatory School for Girls.

- Law enforcement officials repeatedly entered polling station 1 in polling centre (0898) at Palestine Technical College in Deir al-Balah to personally talk with the director of the station.
- A number of members of security services and Fatah movement were present in polling station 1 in polling centre (0945) at Bani Suhaila Martyrs Secondary School for Girls in Bani Suhaila.
- A candidate and one of his agents were together present in polling station 2 in polling centre (0986) at Ghassan High School for Boys in Bani Suhaila, so the police intervened to expel one of them.

### **Chaos in Polling Stations and Centres**

A number of polling centres and stations witnessed a state of chaos that could be largely attributed to the fact that candidates were not committed to stopping all aspects of election campaigning on polling day as well as quarrels among supporters of various candidates. In addition, supporters of a number of candidates remained inside polling stations after having voted. Although members of the police were present in all polling centres to maintain security, on many occasions, they did not intervene to put an end to the state of chaos. PCHR observers documented the following incidents in a number of polling stations:

- Agents of a number of candidates caused a rumpus in polling station 1 in polling centre (0753) at Baait Hanoun Coed Primary School in Beit Hanoun. The police intervened to restore order.
- The polling was interrupted twice for several minutes in polling station 1 in polling centre (0757) at Ahmed al-Shuqairi Secondary School in Beit Hanoun as chaos spread over the station.
- A citizen cut the electoral register in polling station 2 in polling centre (0756) at Khalil Owaida Primary School in Beit Hanoun because his name was not listed in the register although he registered for elections at this school. The police intervened and removed him from the station.
- Chaos spread over polling station 1 in polling centre (0897) at al-Maghazi Primary School for Boys in al-Maghazi. The police intervened to restore order, but they were only able to do so by closing doors of the centre. Chaos also spread over a number of other polling stations due to congestion.

- Quarrels erupted among supporters of candidates in polling centre (0904) at Abdullah Ibn Rawaha School in Deir al-Balah. The police did not intervene to stop these quarrels and restore order.
- A quarrel erupted between agents of Fatah movement and those of Hamas in polling station 5 in polling centre (5018) for the civil register at Sukaina Secondary School for Girls in Deir al-Balah as election campaigning for Hamas continued inside the station. The polling station and the whole centre were temporarily closed.
- Polling station 2 in polling centre (0903) at Deir al-Balah Martyrs School for Girls in Deir al-Balah. A quarrel also erupted between two voters regarding who would enter the station first. The station was closed to resolve the quarrel.
- A mentally handicapped person was allowed to enter polling station 2 in polling centre (0905) at Ibn Zaidoun School in al-Musaddar. He attacked a female polling official. Agents of candidates also made calls on their mobile phones, creating chaos and noise inside the station.
- Polling station 1 in polling centre (0942) at Abasan Coed Primary School "A/b" in Bani Suhila was closed for 20 minutes to maintain order inside the station.
- Quarrels erupted among voters in polling station 2 in polling centre (0944) at Bani Suhaila Preparatory School for Boys in Bani Suhila. A voter also insulted the director of the station because he requested him not to move between two polling booths where his mother and wife were voting. The police intervened and expelled this voter.
- Polling station 3 in polling centre (0943) at Shajarat al-Dur Basic School in Bani Suhaila was temporarily closes due to differences between an agent of a candidate and the Head of the centre.
- The police intervened to end a quarrel that erupted among a number of individuals in polling centre (5010) for the civil register at al-Farabi Primary School in Bani Suhaila.
- Polling station 4 in polling centre (0952) at Khuza'a Coed Primary School in Khuza'a was closed for 10 minutes to end the chaos that spread over the station.
- All polling stations in polling centre (0986) at Ghassan High School for Boys in al-Nasser for 13 minutes due to a quarrel between supporters of a candidate and the police. When the stations were reopened, the police reinforced their presence.
- The police intervened to end the chaos that spread over the queue of polling stations 1 and 2 in polling centre (0987) in al-Nasser. Clashes

also erupted between agents of candidates and the police, so polling was temporarily suspended.

- Polling station 1 in polling centre (0988) at al-Shouka Coed Primary School in al-Shouka was temporarily closed for voters to restore order.

## **End of Polling**

At exactly 19:00 all polling centres were closed in accordance with the guide on polling procedures of elections of local councils in the West Bank and the Gaza Strip. Voters who were still inside polling centres were allowed to vote and then they left polling centres. Then, the Supervisor of each centre instructed the director of each station to close their stations.

Directors of stations declared the end of polling and closed polling stations. Then, they closed ballot boxes by sticking papers with wax onto the opening. Agents of clients and observers witnessed all of these procedures. PCHR observers did not record any violation in this context.

## **Counting of Votes**

The counting of votes was in general conducted in accordance with the guide on polling procedures of elections of local councils in the West Bank and the Gaza Strip. 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.

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 voters who voted and those who did not vote.
- Ballot boxes were put on a counting table after ensuring that the table was empty.
- The director of the polling station opened ballot boxes, 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 groups of 50 and the number was written in the vote protocol.
- A polling official categorized ballot papers (void papers, blank papers and votes to each candidate).
- Void and blank papers were removed from the table and votes for candidates in ballot papers were counted and were recorded in the vote protocols.

There were a number of problems observed by PCHR but they did not impact significantly on the counting of votes:

- Half an hour following the commencement of counting, an agent of the *Change and Reform* Candidate List complained that he was not able to see each ballot paper read by a polling official in polling station 1 in polling centre (0750) at Beit Hanoun Coed Primary School in Beit Hanoun. Head of the centre intervened and all parties agreed to delegate a PCHR observer to stand near the polling official who was reading ballot papers and record the results, believing that PCHR is a neutral credible organization.
- Agents of candidates and observers were not allowed to move from one polling station to another during the counting of votes in polling centre (0892) at Deir al-Balah Preparatory School for Girls in Deir al-Balah.
- A problem between a number of candidates and the police delayed the commencement of counting in polling station 3 in polling centre (0893) at Deir al-Balah Preparatory School for Boys.
- The counting started late in polling station 2 in polling centre (0898) at Palestine Technical College in Deir al-Balah due to the presence of unauthorized persons.
- Polling officials of polling station 2 in polling centre (0900) at Abdul Karim al-'Aklouk did not count unstamped, void and blank papers.
- Agents of candidates and observers were not allowed to move from one polling station to another during the counting of votes in polling centre (0901) at Deir al-Balah Basic School for Boys.
- Agents of candidates and observers were not allowed to move from one polling station to another during the counting of votes in polling centre (0904) at Abdullah Ibn Rawaha School in Deir al-Balah, and observers were not able to monitor all stages of counting in polling station 1 as it was overcrowded with agents of candidates and observers.

- All observers were requested to leave polling station 1 in polling centre (5014) for the civil register at Khuza'a Municipal Hall in Khuza'a. They were allowed to enter the station 45 minutes later after PCHR contacted the HCLE.
- Armed police members entered polling station 2 in polling centre (0986) at Ghassan High School for Boys in al-Nasser before the completion of counting.

## **Completion of Counting of Votes**

When the counting of votes was finished, ballot papers were grouped (void/blank/void/unused/valid by candidates). 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 a black sack that was tied by a rubber tape. The sack was put into the ballot box, which was closed before the eyes of observers. Directors of polling stations informed the Head of their respective polling centre about the completion of counting, and he/she informed officials at his/her respective electoral constituency. Then, ballot boxes were transported to secure rooms at local councils under police escort. Ballot boxes remained there until the following morning.

PCHR observers reported that these procedures were followed in all polling stations and centres, excluding polling station 2 in polling centre (0986) at Ghassan High School in al-Nasser, as ballot boxes were transported without police escort.

## **Compilation of Electoral Protocols at the HCLE Executive Office**

On the following morning, ballot boxes were transported from secure rooms in local councils to the HCLE Executive Office in the Gaza Strip, where protocols of counting received from polling stations were compiled. PCHR, as an accredited observation organization, wanted to monitor the compilation of protocols, but the HCLE decided to prohibit the presence of

observers during the compilation of protocols at the Executive Office, in accordance with Law 5 of 1996 related to elections of Palestinian local councils, which does not provide for the presence of observers during the compilation of protocols. Thus, PCHR has no information about the mechanism used in the compilation of protocols.

## **Challenges of Results of Elections of Local Councils**

Law 5 of 1996 related to elections of local councils provides an opportunity to challenge declared results before a designated court. According to article 50(1), "each elector or candidate or his/her agent has the right to challenge declared results before the designated court in one week following the declaration of results, and the court shall decide on such challenge in five days following its submission and shall inform the HCLE about its decision to act accordingly."

According to article 1 the definition of the court is "the Central Court or the Court of First Instance according to the case being considered."

The HCLE has the authority to cancel all or some of the electoral process; according to article 1(2), "if the court decides to cancel all or some of the electoral process, the elections shall be held in ten days following the issuance of the decision according to this and shall use in the second polling the same electoral registries used in the first polling."

Following the declaration of results, a number of Palestinians submitted four challenges before Khan Yunis Court of First Instance, challenging the results of elections in al-Nasser (Challenge No. 40/2005), Khuza'a (Challenge No. 46/2005 and Challenge No. 49/2005) and Bani Suhaila (Challenge No. 48/2005). The Court held a session on 7 February 2005 to consider these challenges, and decisions on these challenges were:

### **Challenge No. 46/2005 (Khuza'a)**

Due to lack of awareness of the definition of a challenge, the challengers submitted an appeal and a challenge, and the Court rejected the appeal in essence as Law 5 of 1996 related to elections of Palestinian local council

provides for submitting challenges not appeals. So, the challenge was considered and following legal proceedings, the Court rejected the challenge.

**Challenge No. 48/2005 (Bani Suhaila)**

The challenge was considered and following legal proceedings, the Court rejected it.

**Challenge No. 40/2005 (al-Nasser)**

The Court rejected it as it was submitted in the form of an appeal.

**Challenge No. 49/2005 (Khuza'a)**

The challenge was considered and following legal proceedings, the Court rejected it.

## Conclusions

PCHR highly appreciates all the efforts made by the HCLE to ensure that free and fair elections were held. The elections took place peacefully and impressively, reflecting high-levels of organization. There were a number of violations, but these violations did not damage the essence of the electoral process. PCHR hopes that these notes will be taken into consideration in the upcoming phases of elections of Palestinian local councils to avoid such violations.

There were some problems in the electoral register as some names of persons who are under 18 were included in the register and were able to vote, before the HCLE noticed this problem and deleted their names.

Another problem in the electoral register was related to some registered voters whose names were not included in the electoral register, and thus were deprived of practicing their right to vote although they had bills of registration.

Some polling stations were too small so that they did absorb agents of candidates and observers.

Some polling centres and stations were not suitable for disabled and elderly people as they were on upper floors, which caused extreme difficulties to these people to practice their right to vote.

The exception of accompanying disabled or illiterate voters was misused. A companion must not accompany more than one voter of this category and a director of a polling station must ensure that a companion marks the ballot paper according to a voter's selections. However, these instructions were violated, as some persons accompanied more than one voter due to the lack of a mechanism that can ensure that he/she cannot accompany more than one voter. In some cases, directors of polling stations did not act to ensure that a companion marks the ballot paper according to a voter's selection.

Active campaigning outside, and sometimes inside, polling centres and stations, violated the election law. Posters, leaflets, mock ballots, flags, hats and banners were plentiful in areas where voting was taking place. These aspects of campaigning caused disorder in polling centres. Some quarrels also erupted in some polling centre.