PALESTINE:

PRESIDENTIAL ELECTION

2005

Report
by
Merete Dyrud and Ragnhild Hollekim

NORDEM Report 08/2005

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NORDEM Report is a series of reports documenting NORDEM activities and is published jointly by NORDEM and the Norwegian Centre for Human Rights.

Series editor: Siri Skåre

Series consultants: Hege Mørk, Gry Kval, Christian Boe Astrup

The opinions expressed in this report are those of the author(s) and do not necessarily reflect those of the publisher.

ISSN: 1503–1330

ISBN-13: 978-82-8158-001-5

ISBN-10: 82–8158–001 –1

NORDEM Report is available online at:
http://www.humanrights.uio.no/forskning/publ/publikasjonsliste.html

Preface

In connection with the Presidential Elections 9th of January 2005 in Palestine, the European Union Election Observation Mission (EUEOM) was established. EUEOM was formally invited by the Palestine Authorities (PA) to observe the elections on the West Bank, Gaza Strip and East Jerusalem.

EU has developed a long term methodology for the conduct of its EOMs, in accordance with international practice. The key objectives of the mission were to[1]:

Conduct a comprehensive and national analysis of the electoral process.

To be able to offer an impartial, balanced and informed assessment of the election, with a series of recommendations for the further consolidation and development of the democratic process in the country.

By the presence of observers, to seek to reduce tension, minimise instances of fraud, intimidation and violence and hopefully give confidence to contestants and voters to participate freely.

The mission was established on 8 December 2004 and ended the 21st of January 2005 and was one of the largest EUEOMs The European Union has deployed so far.

The mission's Chief Observer was Mr Michel Rocard, former prime minister of France. The Core Team consisted of 12 persons and was deployed 8 December. On 15 December 42 Long Term Observers (LTOs) were deployed and before Election Day, on the 4 of January, Short Term Observers (STOs) from 26 countries were deployed. In addition 28 Members of the European Parliament participated as observers on Election Day.

NORDEM seconded 2 LTOs who were deployed in Ramallah and Hebron/Jenin. In addition 13 STOs from Norway were seconded for the Election Day and were deployed in different districts on the West Bank and East Jerusalem.

All opinions expressed in this report are the authors' responsibility and do not necessarily reflect the views of the Norwegian Centre for Human Rights.

The Norwegian Centre for Human Rights / NORDEM
University of Oslo
January, 2005

[1] EUEOM Long Term Observers Referance Manual, West Bank&Gaza 2005

Contents

Preface

Contents

Map of Country

Introduction 1

Political background 2

- Historical background 2
- Refugees and the establishment of PLO 3
- The Israel – Palestinian conflict 4
- Political parties and movements 4
- Prisoners in Israel detention 7
- Gender 8

The Legislative Framework 9

- East Jerusalem 10
- The Election Appeals Court 10

The Electoral Administration 11

Voter and Civic Education 13

Voter Registration 13

Candidate registration 14

The Election campaign 16

- Palestine-Israel conflict and the problem of movement 17
- Gender – a "no-issue" in the presidential election campaign 17
- Abuse of administrative resources 18
- Intimidation and violence between groups/movements 18
- The period of silence 24 hours before Election Day 19

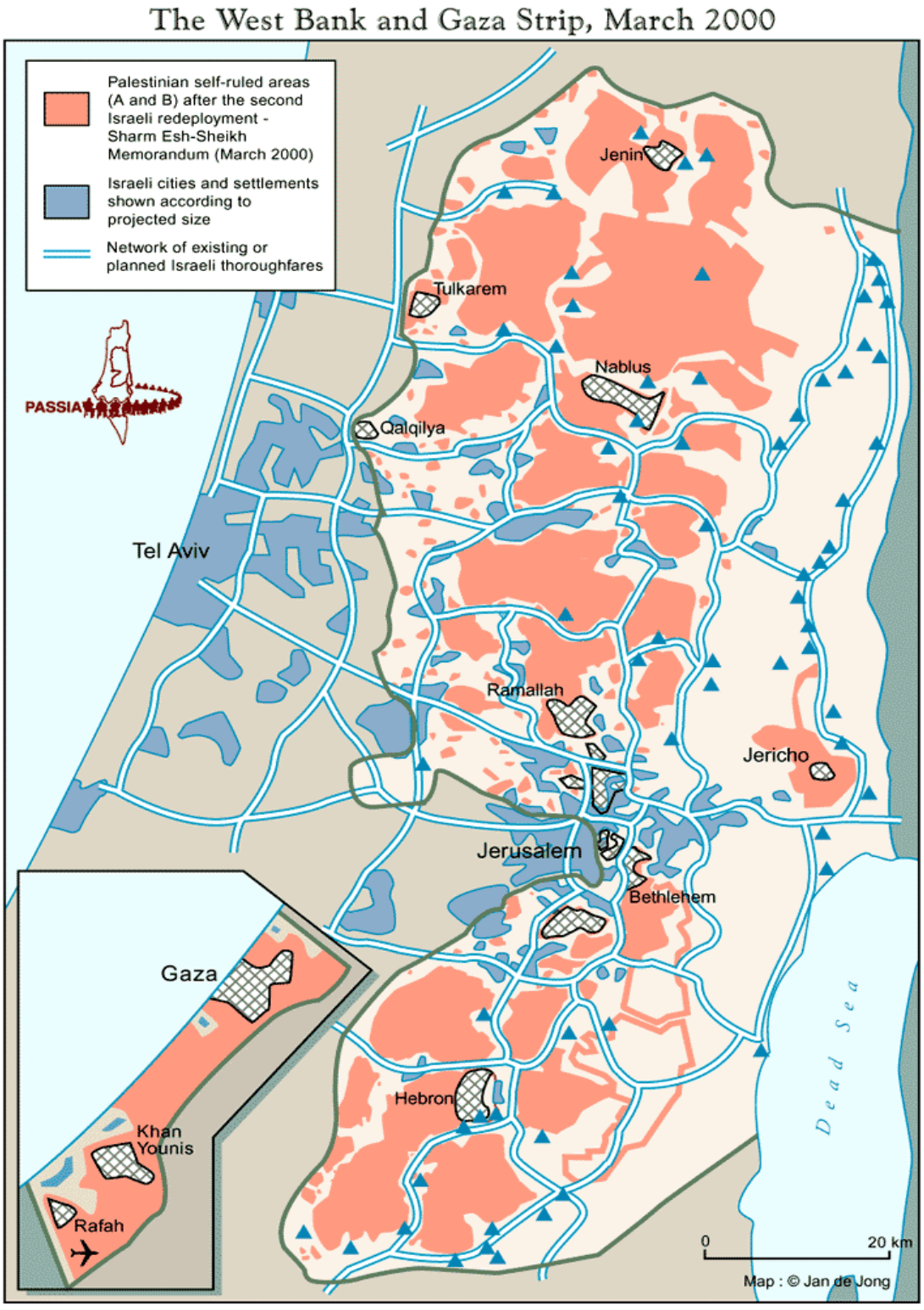
The Media 19

Observation on the Polling Day 20

- Long Term Observer: Merete Dyrud 20
- Observation of the opening 21
- Observation of the polling 21
- Observation of the closing, counting and tabulation 22
- Long Term Observer: Ragnhild Hollekim 22
- Observation of the opening 23
- Observation of the polling 23
- Observation of the closing, counting and tabulation 24

Observation on the Polling Day: STOs 25
West Bank 25
Observation of the opening 27
Observation of the polling 27
Observation of the closing, counting and tabulation 29
East Jerusalem 29
Voting results 34
The review of Complaints Process 35
Conclusions and recommendations 36
Comments on the election observation mission 38
Appendices 39
Observing organisation's statement/preliminary report 39
Copy of observers' reporting form 39

Map of Country



Palestinian Academic Society for the Study of International Affairs (PASSIA)

Introduction

The observation of elections is an important component in promoting human rights and democratisation. The mission's Chief Observer, Mr Michel Rocard, said holding a democratic election under occupation is fraught with difficulties and is therefore a rare event.

"In this case it has happened because it is essential. Following the death of President Yasser Arafat, the Palestinian people and national institutions chose to respect the provisions in the Basic Law and embark on an electoral process to identify their new leader. This decision was a courageous one and shows a demand for democracy"[2].

The 9 January election for the president of the Palestinian Authority represented a genuine effort to conduct a regular electoral process.[3] Despite the difficult and tense conditions due to occupation and continuing violence, the electoral authorities made adequate and sufficient arrangements for voters. However the findings from the EUEOM observers express several concerns, but also suggestions for improvements.

In making an assessment of the entire electoral process the EUEOM considered[4]:

The impartiality of the electoral administration

The campaign freedoms afforded to political contestants, including the fair use of state resources

The fair access for all contestants to the media, and in particular the state media

The universal franchise afforded to voters

The conduct of the polling and counting of voters

Any other issues that concern the democratic nature of the election

This report is based on the reported findings of the two Norwegian LTOs from the pre-election, Election Day and post-election phase, and the 13 STOs on Election Day. Findings from other election districts not covered by Norwegian observers, and also more in-depth analysis of some of the above mentioned issues, will be given in the EUEOM report on the following web-side:

http://europa.eu.int/comm/external_realtions/human_rights/eu_elections_ass_observ/index.htm

[2] EU Preliminary Statement 10.01.05

[3] EU Preliminary Statement 10.01.05

[4] EUEOM Long Term Observers Referance Manual, West Bank&Gaza 2005

Political background[5]

Explaining the political background of Palestine is a challenge. It is closely linked to the history of the Israeli-Palestinian and general Arab-Israeli conflicts, many of which goes several thousands years back in time. A short historical background will be given, however the main presentation has to be limited to present time and with the main focus on the political situation during the pre election phase.

Historical background

In 1917 the British Foreign Minister, Lord Arthur Balfour issued a declaration announcing his Government support for the establishment of the "Jewish National Home" in Palestine. In 1921 the British divided the region in two: east of Jordan became the Emirate of Transjordan, the west bank of Jordan became the Palestine Mandate.

During the persecution of Jews in Europe (1935-1945) an immigration of Jews to Palestine increased. The United Nations resolution (*UN GA Res 181*) in 1947 parted Palestine in two states in such a way that each state would have a majority of its own population, although some Jewish settlements would fall within the proposed Palestinian state and many Palestinians would live within the boundaries of the proposed Jewish state.

In May 1948 the British evacuated Palestine and the state of Israel was proclaimed. First Arab-Israeli war involving Egypt, Syria, Jordan and Iraq took place. The state of Israel encompassed over 77% of the territory. Palestine was divided into three parts, each under separate political control. This created the first wave of Palestine refugees, with more than 700 000 Palestinian refugees abroad.

The UN GA Res. 194 (III) of 1949 which stated the right of the Palestinians to return to their country or being compensated, did not bring any changes.

In 1964 The Palestine Liberation Organisation (PLO) was established on the initiative of Egypt's president Abdel Gamal Nasser and the Arab League.

In 1967, the Israeli military carried out a "pre-emptive" attack and defeated the Egyptian, Syrian and Jordanian armies in the area. The six day war established Israel as the dominant military power in the region. Israel occupied the West Bank and East Jerusalem from Jordan and the Gaza Strip and Sinai Peninsula from Egypt and the Golan Heights from Syria. This created the second wave of Palestinian refugees.

November 1967 *the UN Security Council Resolution 242* called for Israel to withdraw from "occupied territories" meaning the West Bank (including East Jerusalem) and the Gaza Strip. The Israeli governments have not accepted this understanding of the territories status as occupied.

In 1973, the Egyptian and Syrian army stormed over the Sinai Peninsula and the Golan Heights, during Yom Kippur, claiming the "territories" still occupied by Israeli forces. The attack was eventually repelled.

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[5] The main source of this presentation is The Palestinian Academic Society of the Study of International Affairs (PASSIA), Daily Press Summary provided by the core staff during the EUEOM pre election observation phase and LTOs interviews of presidential candidates or their campaigners.

1979 brought the Camp David I accords. The first agreement led to the Egyptian-Israeli Peace treaty and the second agreement proposed to grant autonomy to the Palestinians in West Bank and Gaza Strip.

In 1987, the first Palestinian Intifada started as a massive uprising against the Israeli occupation in West Bank and Gaza Strip.

The Islamic Resistance Movement (HAMAS) and the Islamic Jihad increased their support in occupied territories. This led to a confrontation with Israeli forces and the beginning of secret negotiations between PLO and the Rabin Government.

In 1993 the Israel-PLO Declaration of Principles (DOP) was signed in Washington, based on a mutual recognition of Israel and PLO and Israeli withdrawing from the Gaza Strip and Jericho with further withdrawals in areas of the West Bank within five years. In addition DOP specified the provisions for holding elections in an Interim Agreement for the transfer of authority from the Israeli military government to the Palestinian (Interim Self-Government) Authority (PA).

In 1995 the Oslo II Agreement was signed, foreseeing 7% of territory going to full Palestinian control and 21% to joint Palestinian-Israeli control. The same year Yitzhak Rabin was assassinated and Netanyahu (Likud) was elected prime minister of Israel. This resulted in Israeli policy moving away from Oslo Accords. The Oslo II Agreement followed "Oslo I", the Declaration of Principles (DOP), signed in Washington in 1993.

In 1996 was the first ever Palestine election for president (Ra'is) of PA (the executive authority) and the election of the Palestinian Legislative Council (PLC). Yasser Arafat won the presidential election and 88 members were elected to the PLC. The voter turn out was 75% and observers characterised the election as generally credible, with some reservations.

In 2000 the Camp David II summit ended in failure of the Palestinian-Israeli talks over East Jerusalem leading to the second Intifada. In 2002, Al-Aqsa Martyrs started suicide attacks inside Israel whom responded with re-invasion of most of the West Bank. The Road Map was launched by international community as framework for addressing problems of peace and reform, while the suicide bombings and Israeli "targeted killings" continued.

Nov 11 2004 Yasser Arafat dies at the age of 75.

Refugees and the establishment of PLO[6]

An important issue in understanding the political framework of the election is the issues of the refugees and stronghold of PLO.

After the establishment of an Israeli state there were violent confrontations with the escalation of a regional war in May 1948. By the first half of 1949 some 700 – 740 000 Palestinians - about half the population - had fled or been expelled form the country. The next wave of refugees came as a result of the Six Day War in June 1967 where Israel replaced Jordan and Egypt as occupying powers in the West Bank and Gaza Strip.

[6] The main source of this presentation is *Human Rights Report no 7 May 1996, Report on the Palestinian Elections January 1996*, Nils Butenchøn, Kåre Vollan (eds) and PASSIA (see also enclosed maps and figures from PASSIA/UNRWA on the refugee situation)

The Palestinian main problem was a lack of effective organisation and representation. The Palestinian National Movement (PLO) was established in 1964 under strong influence of the Arab states. In 1969 PLO was taken over by more independent Palestine groups with Yasser Arafat's Fateh as the leading force. Arafat led PLO from refugee camps in excile (Jordan, Libanon and Tunis) and finally in Palestine.

In refugee camps the Palestinians organised activities in several committees. PLO became the umbrella organisation for different committees and different political branches – Arabic, Christians, Leftist, Fateh, more militant groups etc. In 1974 the Palestine National Council (PNC) was established as the highest authority of the PLO and the Palestinian National Assembly in exile. In 1996 before the first election for the PLC, the PNC consisted of 560 members residing in many different countries.

The first Intifada starting in December 1987 shifted the gravity of Palestinian political initiative from the PLO leadership in Tunis (in exile) to the occupied territories. In 1988 the PNC adopted the two state solutions and also declared the establishment of the State of Palestine in what was known as the occupied territories and condemning all forms of terrorism.

The centrality of the Palestine question made it a top priority in American diplomacy following the Gulf War. Even though PLO was not officially represented in the negotiation in Madrid and Washington, the Palestine delegation clearly stated that they received their instruction from PLO and Arafat. When the Israel-PLO Declaration of Principles was signed in Washington in 1993, "Oslo I", the PLO formed the "Palestinian Authorities" (PA) with "self-governing" powers.

The stronghold of PLO and especially the party Fateh among refugees is visible when visiting the refugee camps in the West Banks[7].

The Israel – Palestinian conflict

The Palestine territories are under Israeli occupation. The EUEOM stated clearly that the ongoing conflict due to the Israeli occupation was not within the mandate of this observation, unless it was incidents which directly influenced on the election. The report will only focus on incidents that clearly influenced the election.

One important issue was expected to be the lack of freedom of movement for candidates, voters, electoral bodies and journalists. Another could be political motivated arrests.

Political parties and movements

Palestine has a wide variety of political parties and movements. In the presidential election four of the candidates were registered as independent candidates and three candidates represented political parties. The presentations of the candidates are given under the headline "Candidate registration".

However to understand the political landscape in the presidential election an introduction of the main political parties are necessary. In this presentation the parties/movements are divided in three main categories: Fateh, the Leftist parties and the Islamic parties.

[7] There were no presence of Norwegian LTO or STOs in Gaza Stripe and the refugee camps there.

Palestinian National Liberation Movement (FATEH)

FATEH is the acronym for *Harakat At-Tahriri Al-Filistiniya.* Founded in Kuwait in 1959 by Yasser Arafat and associates, and advocated armed struggle to liberate Palestinian lands. Headed by Arafat until his death and is the largest and strongest PLO faction. Initially Fateh was a network of underground cells but in 1963 it was recognised by a central committee, which took control of the PLO at the 5th Palestinian National Council (PNC) in Cairo in 1969. Fateh adopted the principle of political pluralism within the PLO. Until the 1970s, it followed a guerrilla strategy, with its military wing Al-Assifa and squads – known as Fateh Hawks and Black Panthers, operation in the Occupied Palestinian Territories. They played a central role in the Intifada and were a member of the United National Leadership of the Uprising (UNLU). Fateh is represented in the PLO Executive Committee by three members.

Fateh advocates a democratic, secular, multi religious state.

Prior to the election one of the last candidates to withdraw was Marwan Barghouti, the prominent West Bank leader of Fatah's Al Aqsa Brigades, currently serving five life sentences in an Israeli jail. Barghouti enjoys widespread support on the basis of his leadership of the armed movement during the recent Intifada. His candidacy was one of the main obstacles to Mahmoud Abbas' unassailable position in the polls and also threatened to split the Fateh vote.

Mahmoud Abbas was the official presidential candidate of Fateh

The official website: http://www.fateh.net

The Leftist parties

There are several parties politically left of center in Palestine. Two of them were represented by presidential candidates.

Palestinian People's Party (PPP)

PPP is an abbreviation of *Hizb Ash-Sha'ab.* PPP is the leftist PLO faction, founded in February 1982 in the Occupied Palestinian Territories as the Palestinian Communist Party. It broke with its Leninist past in 1991 and re-launched itself as a democratic, pragmatic and popular party. It was a member of the UNLU during the Intifada. PPP was led by Bashir Barghouthi from 1982-98. In October 1998 the party held its third convention and elected a three-member committee as General Secretariat – Han Amira, Abdel Majid Hamdan and Mustafa Barghouthi, who left the party in 2002. In 2003 Bassam Salhi was elected as the PPP's Secretary-General. PPP plays a more important role locally than in the PLO, where it is represented in the PLO Executive Committee by Sulieman Najjab.

Bassam Salhi was the official presidential candidate of PPP

The official website: http://www.palpeople.org

Democratic Front for the Liberation of Palestine (DFLP)

DFLP started as an extreme left Marxist-Maoist group led by Nayef Hawatmeh (Abu Nouf). It was formed from a split in 1969 from the Popular Front for the Liberation of

Palestine (PFLP)[8]. Most supporters were from the intelligentsia, mainly Palestinian students abroad. The official headquarter is in Damascus. The party was a member of the UNLU during the Intifada. UNLU opposed to the Oslo process, but the role became marginalised after the signing of the Declaration of Principals (DOP). A DFLP-Arafat reconciliation took place in Cairo in Aug 1999. DFLP is currently represented in the PLO Executive Committee by Taysir Khailid.

DFLP advocates a two state solution, with a democratic Palestinian state with equal rights for Jews and Arabs.

Taysir Khalid was the official presidential candidate of DFLP.

The official website: http://www.fas.org

Islamic movements

There are several Islamic movements. The main ones are also by The Council of the European Union defined as "terrorist organisations". Since the foremost Islamic parties and movements boycotted the presidential elections they had no official presidential candidates running for the election.

Islamic resistance Movement (Hamas)

Hamas is an abbreviation of *Harakat al-Mouqawama Al-Islamiyya.* This is a Palestinian fundamentalist political movement grown out of religious associations and alleged links to the Muslim Brotherhood. Hamas emerged shortly after the outbreak of the first Intifada in January 1988. The spiritual leader and founding father is Sheikh Ahmad Yassin, who was freed from an Israeli jail after nine years on 1 Oct 1997. The Hamas Covenant, issued in Aug 1988, proclaims *jihad* against Israel. Hamas advocates an Islamic state in all of historic Palestine and the application of Shar'ia Law. The movement is not a PLO member and worked independently from the UNLU during the Intifada, however Hamas does not question the role of the PLO as the representative of the Palestinian people at an international level. Hamas strongly opposes the Oslo Agreements and the peace process. Through charitable efforts and the provisions of educational and health services Hamas has gained increased popularity among the population. Hamas has been responsible for many attacks on Israeli targets, mostly carried out by its military wing – the *Iss Eddine Al-Qassem Units*. There were several incidents, especially in Gaza Strip in the pre-election phase and after the Election Day.

Hamas boycotted the Palestine elections in January 1996. This was also the case for this presidential election. Now it was a "passive boycott" and there were several indications that branches of Hamas supported the opposition candidates as an alternative to the Fateh stronghold.

In the local election December 2004 there were several candidates from Hamas, which in general had great success getting candidates elected in different local legal councils. This clearly indicates the stronghold Hamas is gaining and which will be very interesting to observe in the Parliamentary Election which is planned for the 17 July 2005.

[8] PFLP was established in 1967 by the Arab National Movement and was known for hijacking actions led by Wadi Haddad, but became more moderate after 1973. PFLP rejoined with PLO in 1981. They led an anti-Arafat coalition from 1981, with a reconciliation to Fateh/Arafat in 1999. PFLPs official website: www.pflp-pal.org

The official website: http://www.palestine-info.co.uk/hamas

Other Islamic movements

Even if Hamas is the largest Islamic movement in the Palestine territories there are several others of importance. One is *Islamic Jihad Movement* which split from the Muslim Brotherhood in the mid-1980s and formed as a separate militant Islamic movement by Fathi Shiqaqi (assassinated 26 Oct 1995) and Abdul Aziz Odeh, both refugees from Gaza Strip. Islamic Jihad advocates armed struggle for the liberation of Palestine. It does not see itself as a rival to the mainstream PLO but strongly opposes the Oslo Accords.

Prisoners in Israel detention[9]

There are several Palestinian political prisoners (or by Israeli government called security prisoners) in Israeli detention. Figures state:

Total number of prisoners/detainees are: **7918**

In which:

3484 men are in central prisons[10]

4062 men are in military camps[11]

122 women are in women prisons

The others are in different forms of detention.

The prisoners/detainees are well organised within the camps and prisons and there are also a high level of political activity. Several committees are established, among them from different political fractions.

The right of detainees/prisoners to vote for the presidential election was an important issue for the Palestine Authorities, whom negotiated the issue with the Israeli Authorities. The Israeli authorities refused to accept this and the reason given was that they consider the agreement of the 1996 election still valid. This agreement stated that prisoners had no right to vote.

The Israeli statement was opposed by the Palestine Authorities, whom together with different organisations dealing with the issue of political prisoners made a joint effort to change the Israeli Authorities statement. Minister Hisham Abdul Razeg from the Palestine Ministry for Prisoners Affairs announced that he would appeal to the Israeli Supreme Court for letting the detainees/prisoners in Israel prisons and camps vote in the Palestinian presidential election[12]. However the Supreme Court refused the appeal a couple of days before Election Day.

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[9] Figures from the LTOs interview with representatives from the Mandela Institute, and their latest updated figures from 01.12.04. The numbers differs from official Israel figures, they do not include Palestinians inside the green line or from east-Jerusalem).

[10] These are persons whom are sentenced for more then 5 years in prison.

[11] These are "administrative detainees", detainees awaiting of court hearing or prisoners sentenced for less than 5 years.

[12] Newspaper Al-Ayyam 03.01.05

Gender

Part of the EUEOM mandate is to deal with the gender issue in political elections. For the presidential election this was almost a non existing topic. There was no female candidate, Mrs. Majida Al-Batch who was supposed to run as a candidate withdrew. There were no visible gender issues in the political campaign.

Women organisations are many and well organised in Palestine. Several started in refugee camps abroad. PLO covers several women organisations, also on the political left there are several women organisations and in addition there are several not affiliated to any political parties.

Of the many women organisations the LTO team interviewed in Ramallah several expressed the same concerns regarding the difficulties women face and constrictions of their possibilities of participating in political decision making processes and leadership:

Early marriage combined with lack of education, especially for girls in rural areas.

In general patriarchal structures and "tribal systems" hinder women in being elected and take more leading roles in politics.

Political parties have marginalised women participations. All political parties have a very low percentage of women involved in leading positions.

Few women in PLC – today there are 5 women out of 88 members – around 5.

Representatives from the women organisations whom the LTO team interviewed in Ramallah did – despite different political affiliation/independence – work much with the same issues concerning gender and election. Most of them have been active lobbying for changes in election laws concerning a quota system. They have also provided female voters with voter education and training courses in the local election.

Even if gender was not an issue in the presidential election, it was much more an issue in the local elections (which the EUEOM did not observe). One reason for this was the intense lobbying for a quota system in the Local Election Law. The PLC finally decided the inclusion of a quota system the 6th of November 2004. The amended article stated that *at least* two of the elected representatives for the Local Council in a municipality have to be women. The total number of representatives in Local Councils differs from seven to fifteen members. As a result of this PLC decision it was estimated a doubling of female candidates for the local election[13]. Several women organisations considered this a "small revolution".

The interesting point will be if a similar system can be included in the Law for the up coming PLC election.

[13] According to numbers given by The General Union to the Palestine Women there were 139 women candidates participating in the local elections out of the total of 887 candidates.

The Legislative Framework

The 9 January presidential election was held on the basis of the Basic Law (amended 2003), The Palestinian Election Law (No. 13) of 1995 (amended) a series of Presidential decrees and Central Election Commission by-laws and the Oslo Agreement/Accord.

Election for President of the Palestine National Authority was called when the office became vacant on the death of the incumbent, Yasser Arafat. According to the Electoral Law, election of President should be held along with election of members of the Palestinian Council (EL Art. 2.2). However, this election is now scheduled to take place on the 17 July 2005.

The electoral system for the presidential election was straightforward, with a single ballot containing all presidential candidates and one national electoral constituency. There was no threshold, the candidate who receives most votes win. There was no need for an absolute majority of the votes and there was no turn out requirements.

An eligible voter (EL Arts. 7 & 8) is every Palestinian from the West Bank, including Jerusalem, and Gaza who is 18 years of age on the day of the election. A Palestinian is:

born in Palestine as defined under the British Mandate or had a right to Palestine citizenship as then defined (7.2.a); or

born in the West Bank, including Jerusalem, or Gaza (7.2.b); or

regardless of place of birth has one or more direct ancestors that meet the requirement of the first condition above (7.2.c); or

who is the spouse of a person who can be considered a Palestinian (7.2.d)

Even if someone has satisfied one of the above 4 conditions, he or she cannot vote if holding an Israeli citizenship (7.2.e).

To be an eligible voter, you have to register to vote. After the registration process was over (captured 71% of all eligible voters), the Palestinian Council decided to allow the use of the national civil registry (some 700.00 persons, apparently) in addition to the regular voters list. Concerns were raised, also from CEC, regarding the use of this registry. It is a poorly updated and "unreliable" document and may open the system to abuse. As the decision to incorporate civil registry was made by law, the CEC was obliged to implement it though.

Several safeguarding mechanisms to secure the integrity of the voting process were put in place by CEC as a result of this decision. Firstly, all voters in the civil registry but not on the regular voters list would have to use special polling centres. In addition CEC made an attempt to extract persons already on the voters list from the civil registry. Finally, ink was introduced to prevent multiple voting.

There were no facilities for eligible voters who were absent from the Territories to vote neither by mail nor in-person at locations outside the Territories. Further there were no provisions for mobile voting. All eligible voters must cast their votes in person at the polling centres where they are registered.

On Election Day afternoon, the Central Election Commission decided that everyone carrying ID cards (regardless whether their names were found on a register or not) were allowed to vote at nearest civil registry PC. Since this decision came late, the opening of

all PCs were extended by two hours (from 19.00 – 21.00) to provide for an equitable opportunity for all voters to cast their votes. According to CEC, a cross check procedure would take place at a later stage to disclose possible duplicate voting.

East Jerusalem

On 6 January CEC stated: "Voting arrangements for Palestinians in Jerusalem do not correspond to the standards of free fair and transparent elections".

The election here was finally conducted according to the 1995 Oslo Accord and followed the precedent set during the 1996 presidential and legislative elections. Approximately 120.000 eligible voters in East Jerusalem were offered to vote in all together five post offices each with the capacity of maximum 6000 voters. A majority of Jerusalem ID holders therefore had to travel to areas surrounding Jerusalem to cast their votes, in one of the twelve Jerusalem ID holder voting centres.

In East Jerusalem, CEC had not been able to compile a regular voters list. Israeli military closed down the voter registration centres during the original registration period. From 29 December, soon after CEC received the final election arrangements in Jerusalem from PNA, CEC staff launched a broad door-to-door campaign to register all eligible voters in the city. This registration process continued up to Election Day. On Election Day, every eligible voter in East Jerusalem could vote using their Jerusalem ID cards, having their names registered on the spot.

The Election Appeals Court

The Election Appeals Court (EAC) was constituted by Presidential Decree. It consists of 5 judges including a President and hears appeals from decisions of the CEC and in other cases given by law. EAC has considered appeals objecting to the certification of several candidates. It can also hear appeals relating to the final results of the election.

CEC has no powers to impose financial penalties or act as a body of criminal jurisdiction. In principle, CEC can refer breaches of the Electoral law or Criminal law to the Attorney-General for his consideration.

EL Arts. 95-101 mentions several electoral offences. Following acts (the list is not exhaustive) are criminally punishable by fine and/or imprisonment:

Use of force/threats to prevent someone from voting/assist a non-eligible person to vote/voting when ineligible

Forcing a voter to disclose how she or he voted/bribery to gain a vote for a particular candidate

Assuming the voting rights of another person/voting twice

Destroying/damaging electoral material or printing false electoral material

Falsifying electoral protocols

If any of the above offences are committed by members of election commissions or staff of the electoral administration, maximum sentences are increased.

The Electoral Administration

The EUEOM preliminary statement underline that CEC in general did a very good job under difficult conditions and both CEC and lower level election administration bodies enjoyed credibility and public confidence. Serious concerns were raised by EUEOM regarding last minute changes to procedures on the day of election, resulting in a 2 hours extension of voting hours and allowing everyone with an ID card to vote at the nearest civil registry PC, regardless of whether the voter's name was found on the list or not.

The problems in East Jerusalem, created by occupation forces, prevented CEC from securing democratic standards on election for the residents of East Jerusalem.

Election commissions in Palestine operate on three levels:

Central Election Commission (CEC) consists of 9 members appointed by Presidential Decree. CEC is a sovereign legal body to be total independent in political, financial and administrative terms. This is the supreme organ conducting and controlling elections, with a special mandate of *"ensuring freedom and fairness of the elections"*. CEC controls the work of all election offices, adjudicates formal complaints against decisions made by DECs and PSCs and receives directly or indirectly appeals to the Election Appeals Court.

District Election Commissions (DECs), alltogether 16 through West Bank and Gaza, each consists of 5 members. President and Secretary of DEC are to be appointed by CEC and members of DEC shall be academics, lawyers or public administrators. DECs mandate is to implement all CEC regulations and instructions, supervise voter registration and receive application for candidacy. Further, DEC shall monitor election operations and verify election results from Polling Station Commissions.

Polling Station Commissions (PSCs) are the third level, consisting of 4 members, incl. one president appointed by CEC upon proposal of DEC. PSCs shall be responsible for voter registration, running polling stations and conduct voting, counting and tabulation.

Parallel to this system, there is the executive and administrative body of CEC, the National Election Office (NEO) with a regional office in Gaza. The Election law further provides for 16 District Election Offices (DEO), executive and administrative bodies of DECs.

In Palestine there are 16 electoral districts (constituencies). For the 9 January presidential elections there were throughout West Bank and Gaza a total of 1077 polling centres and a total of 2840 polling stations distributed between:

1007 polling centres, FVL-PCs (and 2316 polling stations) for registrants on the regular voters list. Each of these polling centres can have from 1 to 5 polling stations

70 civil registry polling centres, CR-PCs, (and 524 special polling stations). Each of these special polling centres consists of maximum 10 special polling stations.

A total number of 16300 polling employees were distributed among the centres.

On district level, LTOs found only one election body. The provision in the Election law for two election bodies also on district level seemed to be unknown both in Hebron and Jenin. In both districts they were initially unable to state whether they were a DEC or a DEO. In Hebron DEO claimed they had been turned into a DEC shortly before Election

Day. In Jenin, what the LTO team for weeks had good reason to believe also was a DEO finally stated firmly that they were a DEC, all appointed by CEC as of January 2004.

In Ramallah DEC was established by the CEC on 1st of January 2005. Mr. Haitham Elfar (former head of DEO) became the head of DEC for Ramallah district and his former employees at the DEO became the members of the DEC. The CECs decision could be seen merely as a administrative decision where neither the job descriptions nor the people involved changed.

Polling staff is to be appointed by CEC on proposal of DEC. CEC chose a pragmatic solution to this big exercise in asking the Ministry of Education to propose teachers for polling staff and school directors for presiding officers. The reasons given for doing it this way were shortage of time and the need to secure competent staff.

In Jenin and Ramallah, when asked by LTOs, DEC confirmed that they accepted the lists as they received them from the Ministry of Education, with no changes or independent scrutiny. According to interviews LTO team in Ramallah had with several members of the PSCs there was no pressure involved in the recruitment process. Each Polling Station Commissioner received 500 NIS as a lump sum for 3 days training and the work on E-day.[14]

The fact that all polling staff was teachers and state employed (and in this case in reality appointed by Ministry of Education) may not have created the necessary trust in the electorate that polling staff should enjoy. That said, it is obvious that polling staff in general did an excellent job.

DECs seemed for the most well prepared for the election exercise and appeared to be neutral and independent in their work. Storage and distribution of sensitive materials were satisfactory. LTOs escorted all lorries distributing materials from CEC Ramallah to the respective districts.

Both LTO teams in Ramallah and Jenin observed training of trainers and PSC-members. In Ramallah this also implied observing training of 300 trainers (of whom 90% were men and 10% women). The trainings were conducted over several days and organised in a professional manner.

In Jenin, the DEC had obviously been put under some pressure from Fateh. Campaign Manager of Fateh in Jenin was very critical of DECs work in general, accusing the Coordinator of DEC of being biased in favour of Dr. Barghouti. He said he had personally contacted CEC Ramallah and conveyed his dissatisfaction with the DEC in Jenin.

After the 9 January presidential election, some 40 election workers from both central and district level (CEC and DECs) had allegedly withdrawn from their positions, claiming they were put under unacceptable political pressure in the course of their work. There may be a reason to believe that CEC felt a political pressure when the decision was made to extend opening hours for polling and to open up for voting only by ID cards in any special polling centre. In retrospect, it turned out that these late provisions made very little changes to final result, but ended up as an unfortunate "stain" on an otherwise very well assessed process.

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[14] Average salary of a teacher reaches from 1500 to 2000 NIS a month. Comments were made when LTO team in Ramallah interviewed several PSC members during their training session on the 1st Jan. 05.

Voter and Civic Education[15]

CECs awareness- and voter education program was quite extensive, both through registration period and polling period.

During registration period, CEC distributed 300.000 posters, 200.000 posters, over 1 million paper leaflets and brochures, 2-3 daily newspaper advertisements over a period of 50 days, 5.000 various television spots and 10.000 various radio spots.

During polling period, 25.000 educational and inciting stickers, 3.000 radio spots, 3.000 television spots, distribution of 1 million copies of the list of civil registry centres and finally distribution of a million flyers on the polling steps.

According to DEC Jenin, voter information would reach practically every household, through posters in all villages, meetings, flyers on every doorstep, constant and "around the clock" radio/TV spots, on local as well as country wide media outlets.

A fairly large voter turn out and few problems reported from the voter exercise itself lead LTOs to believe that CECs voter education program was quite successful in the West Bank and Gaza (not the case in East Jerusalem because of special circumstances mentioned earlier in the report).

Voter Registration

Voter registration took place in September and October 2004 including a 6 days extension following Yasser Arafats death. Already on September 13, the Israeli authorities shut down the 6 registration centres in East Jerusalem, confiscated sensitive materials and arrested a number of employees of the Central Election Commission. The registration centres were not allowed to reopen.

The voter registration exercise was in general assessed as successful by EUEOM, saying that the process was well conducted, CEC managing to compile a safe voters list, capturing a credible amount of eligible voters (with the exception of East Jerusalem, necessarily). From Jan. 1, CEC staff launched a broad campaign to register all eligible voters in Jerusalem city through a door to door campaign. The registration process continued up to Election Day. On E-day, voters in East Jerusalem could vote by ID cards and register on the spot.

The number of registered voters on the voters lists were 1.282.524. The voters list in West Bank and Gaza captured 71% and 64% of the eligible voters, respectively.

As mentioned earlier, the Palestinian Legislative Council voted to allow the use of the national civil registry in addition to the regular voters list, to provide for the maximum franchise for Palestinian voters. Concerns regarding this solution have already been raised under "The Legislative Framework" and "The Electoral Administration".

[15] Figures from CEC Palestine WEB-site

In Ramallah the LTO team had difficulties in receiving the voter list pr polling stations by the DEC. The same problem was confirmed by other local observation groups and campaigners for candidates[16]. According to the Election Law art. 20 all entities should have access to Final Voters List, however DEC claimed not to have received this list from CEC, which later was changed to "technical problems at DEC level". Insisting, the LTO team finally received the lists two days before the Election Day.

Candidate registration

The criterias for running as a candidate according to the Election Law are: to be Palestinian, to be at least 35 years of age, to have a valid address in the West Bank (incl East Jerusalem) or Gaza, to be an eligible voter, to have collected the signatures of 5000 voters and to have paid a deposit equivalent to US$ 3000.

Twelve candidates initially came forward for the 9 January elections. Two were ruled to have failed to meet either the requirements or the deadline and three withdrew prior to the 15 December. One of them was a strong challenger to Mahmoud Abbas, Marvan Barghouti. Barghouti allegedly represents a strong political current within the ranks of Fateh. He is said to represent "the masses" and "the youths", "the poor" and "the marginalized" but with secular connotations. If Marvan Barghouti had decided to run, the outcome for Mahmoud Abbas and Fateh might have been seriously affected.

The remaining seven candidates for the presidential election were:

Mustafa Barghouti -independent

Born 1954 in Kobar village near Ramallah, West Bank. He is a physician, president of the Union of Palestinian Medical Relief Committees and Director of the Health, Development, Information and Policy Institute (HDIP) in Ramallah. He has participated in committees that prepared the establishment of various Palestinian ministries. For the presidential election he runs as an independent candidate, but until he resigned in late 2004 he was the leader of the PPP. In June 2002 he established the "*Palestine National Initiative*" with other personalities such as Haidar Abdul Shafi and Ibrahim Daqqaq. Mr Barghouti is the Secretary General of the Initiative.

Mahmoud Abbas (Abu Mazen) – Fateh – PLO

Born 1935 in Safad village in the West Bank. A refugee to Syria from 1948, and followed Arafat to different refugee camps until he returned to West Bank in July 1995. Mr Abbas is a Fateh founder member and part of the remaining historical and elite leadership within the party. He joined the 1st Fateh central committee, with a key role in dealing with finance, then a member of the Palestine National Council since 1968. Since 1980 he has been a member of PLO-executive committee and from April 1996 the Secretary General. Arafat nominated him as the Prime Minister of the Palestinian Authority in 2003, but he resigned on 6 Sept. after an intense struggle with Arafat over the composition of his cabinet. He has also served as head of the Palestinian Election Committee (1996-2002). Mr. Abbas led the negotiations that led to the announcement 1

[16] According to a written complaint filed by the Barghouti campaigner to the CEC.

Jan 1977 of "principles of peace" based on a two state solution. He oversaw the negotiations that led to the Oslo Accords and signed the Declaration of Principles (DOP), on behalf of PLO.

Politically he is pro negotiation and strongly criticising the direction of the armed Intifada, urging the cessation of all military operations. Abbas is strongly challenged by the younger leaders in Fateh and many consider him an "interim leader" to give legitimacy for the peace negotiation and starting the rebuilding of democratic institutions in Palestine.

Bassam Salhi – Palestine People's Party (PPP)

Born 1960 in Al-Am'Ari Refugee Camp in Ramallah, West Bank. He was a student activist in the mid 1970s and elected Chairman of the Student Council at Birzeit University (1970-1981). He also led the student movement opposed to the Camp David Accords. He was represented in the National Guidance Committee, which consisted of the most prominent leadership of the nationalistic movement. Consequently, he was arrested several times by Israeli occupation authorities. He led the PPP's underground movement in the Gaza Strip and had a leading role during both the first and second Intifadas. Mr. Salhi was elected as the PPP's Secretary-General in 2003. He serves as a member of the Palestinian National Council and holds an observer status in the Palestinian Central Council.

Tayseer Khaled – Democratic Front for the Liberation of Palestine (DFLP)

Born 1941 in Nablus, West Bank. In 1971 he was elected to the DFLP politburo and acts now as the leader of the DFLP and its representatives on the PLO-Executive Committee. After the DFLP-Arafat reconciliation in 1999, Mr. Khaled acted as an adviser to Arafat at Camp David in 2000. He was arrested by Israeli forces late 2002 and released on 2 June 2003.

Abdul Karim Shbair (Independent)

Born 1955 in Khan Yunis, Gaza Strip. He has acted as a lawyer for 22 years, his offices in Gaza and Khan Yunis. In addition he lectures in the Gaza Mental Health diploma programme and has also worked as a member of several trade unions.

Abdul Halim Ashqar (Independent)

Born 1958 in Sayda village near Tulkarem, West Bank. Mr. Ashqar is an academic living in the US. He left to the US in 1989 to pursue his higher studies, got his PhD and worked at Washington University. He was denied return to Palestine by the Israeli Embassy. In 1998 he was first arrested by US authorities and he is currently under house arrest for refusing to testify on charges of membership in and assisting to fund Hamas.

Sheikh Sayeed Barakeh (Independent)

Born 1956 in Khan Yunis, Gaza Strip He was one of the previous leaders of Islamic Jihad and was deported to Lebanon in 1989. He returned to Gaza in 1998. Until he resigned to become a candidate for the presidential election he was the Director General in Ministry for Youth and Sports.

Expectation concerning the candidates and the election

After the resignation of Marwan Barghouti the expectation was that Mahmoud Abbas would win the election with a large margin to the other candidates.

Two candidates from the Left side, or some say three as they also include Mustafa Barghouti on the leftist side, were considered an over representation from this side. In a meeting with the head of campaigning for Tayseer Khaled in Ramallah, he stated that there had been some talks trying to agree on one candidate, with no success. The polls also gave early signs that the two candidates Mr Salih and Mr Kahled would have little support.

The boycott from Hamas and other Islamic movements left more room to independent candidates. Mustafa Barghouti portrayed himself as the "third way", neither political Islam nor Fateh's mainstream nationalism. He also utilizes networks from his work in an influent NGO in the health provision sector. If he succeeds, this is interesting and may set a precedent for other NGOs to transform themselves from urban elite NGOs into popular movements to obtain some real political power[17].

Also the boycott issue was interesting for the election as it could lead to a low voter turn out or protest votes such as a high number of invalids ballots or blank ballots.

The Election campaign

The preliminary statement says that in general; "campaign was vigorously contested, with candidates utilising media advertising and eventually conducting rallies in most areas".

There was a "poster war" going on between the campaign activists for the different candidates, both in urban and rural areas. The District Election Offices did not supply lists of available areas for the display of political posters (ref. Palestinian Election Law art 54.2). This together with the tradition of expressing opinions using walls resulted in political posters "all over". Posters of presidential candidates were put one on top of the other or immediately removed or destroyed.The only solution to this problem seemed to be big posters posted well above street level (a solution that most likely favoured Fateh, seemingly enjoying unlimited resources for their campaign).

In rural areas the above mentioned "poster war" seemed to be the main way of campaigning.

In urban areas the candidates conducted several rallies and also held special meetings where selected groups of people were invited. In Ramallah all candidates except Abdul Halim Ashqar, Sayyed Barakeh and Abdul Kareem Shubier held political rallies, however the last two had some political meetings in Ramallah in addition to appearances in the media[18]. As far as the LTOs observed, no security incidents occurred during these rallies or meetings.

Very little "Black PR" or inflammatory language were observed. Also in the regions, the contestants representatives underlined the code of conduct and their strongly felt obligations in this respect.

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[17] Interview with Islah Jad, from women's and cultural studies at Birzeit University, published 13.12.04

[18] This was confirmed when the LTO team in Ramallah in separate interviews talked to the two candidates from Gaza – Mr. S. Barakeh and A.K Subeir

LTOs impressions were that Mahmoud Abbas had extensive support, but for several reasons. In addition to those who genuinely supported his program and candidacy, he also had extensive support from groups because "there is no other choice". To quote one voter: "*Abu Mazen has the support of the US, the EU, the Arab world and Israel. What do we do, apart from giving him our support and hope that he is the right man*".

Palestine-Israel conflict and the problem of movement

On the issue of the Palestine-Israel conflict and the Israeli occupation there were clearly obstacles given by the Israeli Authorities. Concerning freedom of movement this was a problem for everyone, including the candidates and their campaigners. The problem was a general one, but especially troublesome in East Jerusalem and Gaza. In addition, political campaigning as such was refused in East Jerusalem.

On the issue of arrests of Palestinians made by Israeli Military or Security Forces there were few indications that these were politically motivated with the intention to interfere with the presidential election. Several persons were arrested during the pre election phase; this was almost a daily event. As several stated "the Israeli have their own agenda" and arresting "wanted persons" is a part of this, there were no indication of arrests declining or increasing during the pre election phase.

However the arrest of candidate Mustafa Barghouti twice in Jerusalem was politically motivated. In both incidents candidate Barghouti violated the Israeli laws which restricts the freedom of movements for Palestinians. On both occasions he was arrested by the Israelis but released after a couple of hours.

Another incident with Israeli military forces involved took place in the Ramallah district - the Bani Zaid village Quarawat. The 27th of December a campaigner for Bassam Salhi was putting up political posters for the candidate when an Israeli convoy of jeeps passed by. Soldiers from one jeep threw two "noise bombs" into his car and destroyed the election materials. Also three vehicles stopped and soldiers came out and destroyed the political posters hanging on the walls. This incident was also referred to in the newspapers.[19]

Gender – a "no-issue" in the presidential election campaign

As expected gender issues were a non topic in this election. Even though several candidates mentioned equal rights for men and women in their programs there were few elaborations on how to accomplish equal rights. According to representatives from women organisations "*all parties/candidates are equally bad in promoting gender issues*".

Few candidates had women in charge of their campaigns. In political rallies as a rule there were few women participating in the panel or in the audience. In Hebron, in a large meeting at Fateh campaign HQ where all the influential families had been especially invited, more than 300 people were present, exclusively men. LTOs observed women being turned away at the door.

As a result of women's "invisibility" in public meetings, several of the presidential candidates conducted special political meetings inviting representatives from women organisations. In the meetings attended by the LTO teams in Ramallah, the issues were

[19] The incident was confirmed during an interview the LTO had with this campaigner.

mainly the political program which contained very little (or nothing) concrete concerning gender. On a few occasions, a few "hints" towards gender issues like f. ex. a quota system for political elections was mentioned.

Abuse of administrative resources

The preliminary statement indicates clearly misuse of public resources in favour of Mahmoud Abbas, involving PA institutions, personnel and materials. This was also confirmed by LTOs own observations in the regions.

On a Mahmoud Abbas ralley in Jenin on Dec. 30, an un proportionally large presence of officials, police, military- and security were observed. The rally also took place on public premises (a secondary school), which allegedly had been denied other contestants earlier. At the same rally, members of Al-Aqsa Martyr's Brigade entered the premises and the scene, cheerfully shooting in the air and leader kissing Mahmoud Abbas, underlining their support for Fateh.

In Hebron, LTOs a number of times observed campaign posters on PCs and public buildings. On several PCs large posters of Mahmoud Abbas were observed. In Al Dahiyria in the South of Hebron, the police HQ had lightened up otherwise sad and very poorly equipped locations with colourful (and beautiful) posters of Mahmoud Abbas (with Yasser Arafat). Here, on the other hand, the municipality building was plastered with posters of Dr. Mustafa Barghouti and Bassam Sahli.

In Ramallah the LTO team observed several violations concerning the misuse of administrative resources. There were official cars, like police cars, covered by posters of Mahmoud Abbas. The municipality building was also plastered with posters of Mahmoud Abbas, both outside and inside the building.

Intimidation and violence between groups/movements

For the most, the election campaign went by without major incidents between Palestinian groups or movements.

Across the country election materials and pictures of running candidates were posted. This often led to situations where posters immediately were removed or destroyed by campaigners or supporters of the opponent candidates. This "poster war" caused some problems.

There were some incidents of fighting between different groups. Among them one incident in Hebron, where The Liberation Movement (Altahreer) badly beat 4 campaign workers of Dr. Barghouti, leaving them hospitalized badly bruised and with broken limbs. This incident seems to have been more of an exception though. In Hebron, Hamas had officially "boycotted" the election, but at the same time, to our understanding, they had clearly underlined that they would impose no obstacles on campaign activities and voters. In Hebron there was a somewhat tense atmosphere in general. This may have had a negative effect on the voter turn-out in this district on Election Day.

Also in the Ramallah area there were several allegations of fighting between campaigners from different candidates, with some brought to hospitals. On these occasions there were allegations that the police did not interfere in the clashes.

The period of silence 24 hours before Election Day

The period of 24 hours of silence before the Election Day was not respected. As stated by the campaign manager of DFLP in Ramallah; "*none of the candidate campaigners apply to this regulation in the Election Law*".

As for DFLP they mainly delivered posters and went house-to-house campaigning. The most active campaigners were from Fateh. Several cars plastered with Mahmoud Abbas posters went around Ramallah city during the period of silence, urging people to vote. This was also the case in Jenin. Here LTOs by chance happened to observe DEC Jenin acting promptly when Fateh campaign workers violated the ban on campaigning the day before Election Day.

Campaign activities also continued on Election Day when at least seven cars with Mahmoud Abbas posters were driving around the city of Ramallah, filled with campaigners urging people to vote. This was observed several times by the LTO team. Some of the campaigners later confirmed that they were sent out by Fateh.

The Media

The legal framework for the media coverage during the election campaign is determined by three documents, the Basic law, the Press law and the Election law. The Election law sets limited provisions in relation to election coverage. CEC can issue implementing regulations necessary for implementation of the law.

The main articles for election coverage concern:

Free air time and space are allotted to candidates on an equal basis

Complaints shall be addressed to CEC

Campaign restrictions include the prevention to use the PA badge or symbols in electoral propaganda and the prohibition for CEC, PA and PLO to conduct any electoral campaign activity other than voter education and information.

The law sets a moratorium on campaign related activities for 24 hours prior to Election Day and for E-day itself.

The EUEOM monitored the official Palestinian broadcasters Palestine TV and Radio Voice of Palestine as well as a sample of privately owned broadcasters (f. ex. Watan TV and Amwaji Radio). Due to penetration of regional Arab and Israeli media, EOM also, among others, monitored Al-Jazeera.

The three Palestinian dailies Al-Quds, Al-Ayam and Al-Haya-Jadida were also monitored. Certain LTO teams had special responsibilities in regard to media monitoring in the regions.

Legal provisions for equal free airtime for candidates were considered a very positive step forward.

Media coverage was according to the preliminary statement an improvement compared to 1996 "with many voices represented across the media spectrum". There were in

general wide coverage of the electoral process, access for all contestants, and very little "black PR" or "aggressive and inflammatory language".

Massive use of paid advertisements was observed though. Since the Election law does not impose any control mechanism for the campaign budget of candidates, except for the winning candidate and candidates from political parties, there are a lack of information on how much money and resources each candidate spent on paid media coverage (and whom their benefactors were).

Palestine TV gave excessive coverage for Mahmoud Abbas (receiving 94% of the overall airtime in news broadcasts during the campaign period). Media outlets in Gaza were in particular heavily biased in favour of Mahmoud Abbas. There were also complaints about Mahmoud Abbas being unreasonably well covered on Al-Jazeera. On the other hand, there were several examples of private channels dedicated extensive air time to other candidates (like Dr. Mustafa Barghouti and Bassam Sahli).

Observation on the Polling Day

With the exception of some tense parts in Gaza, the process on Election Day was generally peaceful. The process in the regular polling stations was well conducted and the proper voters list seemed reliable (in the West bank and Gaza).

A most significant problem on E-day was East Jerusalem, where there had been no proper voter registration and voters had to cast their votes in Israeli post offices. The provisions for voters in East Jerusalem did not ensure basic standards for democratic elections.

The preliminary statement further stated that the last minute changes for voting at special polling stations, which was outside of the law and impacted negatively on the proper administration of voting at the post offices as it did not benefit from the safeguards envisioned in the law, raised concerns.

The reported observations from the Election Day are divided into sections, starting with the two LTOs observations in Ramallah and Hebron/Jenin respectively. Then a presentation of the Norwegian STOs deployed to the West Bank, their AoR and a summary of their findings follow. Finally, the reports from the two STOs observing Election Day in East Jerusalem are included as they were received.

Long Term Observer: Merete Dyrud

AoR: Ramallah Team member: Astrid Everensel (Austria)

Ramallah is one of the most important cities and the head quarters of the Authorities of Palestine. The headquarters of PLO, Fateh and all political parties with candidates whom were running for the presidential election is stationed in Ramallah.

The district covers the mid part of the West Bank, bordering Israel to the West and to the East, with several Israeli check points over to Jerusalem. The city is fast growing with a lot of activities in house building and other infrastructure.

Ramallah (considered a Christian city) is more or less merged with Al Bireh (considered a Muslim city). There are also two large refugee camps in the city and one large outside the city. The district has several areas of Israeli settlements with larger area of security fences and check points (both permanent and mobile check points). There are also several Israeli military camps, some of them also containing Palestinian detainees.

Two LTO teams were covering the two cities and the whole district. Both LTO teams deployed each 4 STO teams on the Election Day. In addition the Ramallah LTO team assisted the head of Mission – Mr Rochard, 6 Members of the European Parliament and several TV crew teams on Election Day.

The LTO team in Ramallah conducted some observation on Election Day. However due to the amount of "special tasks" in coordinating Head of Mission, members of the European Parliament and TV crews, the observations was limited to 5 PS. In addition the LTO, when informed of the CEC decision to register new voters on special PS, called in all the STOs in addition to themselves to observe the two special PS in Ramallah. This was coordinated by the Core Team as it was needed to observe this new situation closely. In addition the LTO and STO teams observed in shifts the DEC level all night until it calmed down in around four o'clock in the morning. The report from Ramallah is a summary of the reports from the LTO and STO teams.

Observation of the opening

There were no reported incidents and all opening procedures observed by the 4 STO teams where in accordance with the Election law.

On the issue of local observers being present during the opening and the whole day, the LTO team where told before Election Day, by the head of EMCC (surpassingly the largest group of local observers), that there would be two local observers from EMCC at all PSs. On Election Day these observers were only present at a few PSs. This was also confirmed by the spokesperson of Mustafa Barghouthi campaign. The local observers were mainly from parties/candidates (Abbas, Barghouthi).

Observation of the polling

In general the administration of the polling stations was run in a professional and orderly manner. However at around three o'clock several PSC refused to cooperate and give figures to some of the observers. This problem increased after 17.00 when the CEC had made the decision of expanding the opening hours and starting register new voters and let them vote. In addition the situation in the special polling stations which started the register of new voters turned into a chaos in Ramallah.

In a meeting with the head of DEC after the election he denied that there were given any orders not to cooperate with the EU observers. However, he referred to some incidents with observers from NDI and he had on this background given order to one PS in Al Bireh not to give information to them.

There where no major incidents concerning the freedom of movement. Within the Ramallah district there were no reported obstacles at the Israeli check points. There were neither reported any mobile check points. The Qalandiya check point between Ramallah and Jerusalem was heavily guarded by Israeli military as usual, but there where no queues and no reported intimidations of Palestine residents.

In Ramallah the LTOs together with the 4 STO teams all observed the situation at the special PS with civic registry for the last three hours and the counting. After the CEC decision was effectuated the next hours were a period of chaos. There were tensions, quarrels, allegations of threats, allegation of double voting, lack of transparency and allegation of Fateh campaigners organising busses with voters coming to the special polling stations. Also there were heavy presence of police and military personnel. All this was later also confirmed by spokespersons from DFLP and Barghouthi based on the reports from their observers. Several candidates filed complaints to the CEC on these matters.

According to the DFLP observers there were allegations of at least 12 incidents of double voting in one polling station. In addition, several persons including the LTO and STO teams, checked the possibility to rub off the ink after voting at some PSs, which turned out to be possible in some places. A lawyer working for the DFLP did this and then registered at the special PS and voted again. In doing so he stated to the PSC when putting the ballot paper in the ballot box that this was the second time he voted that day.

As an overall view, the situation came partly out of control in the last hours of the special PS with civic registry. At the other PSs there were no such incidents.

Observation of the closing, counting and tabulation

The closing, counting and tabulation at the PSs where conducted in an orderly manner.

The STOs confirmed that the figures from the special polling stations were interesting. On the four PSs observed, the figures showed that at least it was the double number of voters on the new list compared to the ones that had been voting on the civil registry list. This meant that there had been a rush of voters registered and voting after the CEC decision was made – the last three hours before the closing of the PS.

The results were not posted outside the polling station after the counting in the special PSs.

At the DEC level in Ramallah the DEC faced a challenging situation on retrieval of protocols/election materials. The premises was not suited for the amount of people coming to deliver all the material, there were queues and tensions in periods. Practical administrative problems and lack of transparency on the process made it difficult to observe. There seemed to be a lack of control mechanisms in part of the process which also resulted in incidents of tensions and quarrels – especially in the peak period from 12.00 am too 04.00 am at night, then the situation seemed to cool down. Some of our LTOs said they had observed PSC whom just left their materials at the premises and then left without reporting, this was denied when the LTO interviewed the head of DEC at the 12th of January. Overall there are improvements to be done on the administrative issue and control mechanisms on the DEC level.

Long Term Observer: Ragnhild Hollekim

AoR: Jenin. Team member: Britt-Louise Renstrøm (Sweden)

Jenin covers the most Northern part of the West Bank, bordering Israel to the North and to the West (in reality also to the East towards the Jordan valley, where the wall is built far into and along Jordan valley/river). The district as a whole covers three

constituencies, Jenin (city), Tulkarem and Tubas, respectively. 3 LTO teams worked in this region, LTO 01 covering the city of Jenin.

Jenin is one of the oldest cities in Palestine, of importance both for Muslims, Christians and Jews. The area, historically called "the bread basket of Palestine", is very fertile (especially the Jordan valley, now partly occupied by Israel) with large reservoirs of underground water, also partly under Israeli control. Many agricultural products are grown here. In addition, one finds small scale businesses and shops. Jenin has suffered severely from the second intifada and closed borders to Israel, the most important market for their products. To day Jenin is called "The capital of poverty", with economic stagnation, the largest number of young population in the country and the highest percentage of unemployment (between 60-70%).

The city has also played an important role as a stronghold of opposition against Israeli occupation. As a consequence, the Jenin Camp massacre took place in 2002. In this refugee camp, 11.000 people (within 1 square km.) were victims of heavy air strikes from the Israelis. 63 Palestinians were killed and 455 families had their homes demolished completely. 5000 people were homeless until the reconstruction of the Jenin Camp was a fact in Nov. 2004.

The population of Jenin is approximately 250.000, with 122.845 eligible and 88.020 registered voters (71 %). On the civil registry list there are 123.000 registered citizens. Out of 104 polling centres, 6 are special PCs for civil registry voting. The number of polling stations in Jenin is 257.

4 STO teams (1 team of 3 that partly worked as 2 teams) and 1 one team from the European Parliament were deployed to Jenin city, altogether 11 observers. Together with LTO team 01, they visited approximately a 100 polling stations over Election Day.

Observation of the opening

All teams in Jenin rated opening procedures as good or very good. Polling stations opened on time, they were staffed according to rules and regulations, equipped with all necessary materials, and access and arrangements in general were for the most very satisfying. Staff appeared competent and efficient. In Jenin there were no reports on problems of any kind with opening procedures.

Observation of the polling

Polling staff were in general seen as well prepared, competent and diligent.

No lifting of restrictions on movement was reported or observed before Election Day. One STO team was held back at check point by the wall on Jan. 8, Israeli soldiers claiming that local assistant did not have the necessary papers. There seemed to be an ease on freedom of movement on Election Day though. Still, in one instance, 3 voters were held back at check point and prevented from casting their votes (PC 122). In the vicinity of PC 146, there were mobile check points and heavy Israeli patrolling on Election Day. Apart from this case, we have in Jenin no reports of direct intimidation of or pressure on voters during the time of the polling exercise itself.

The fact that there were no special PCs outside the wall prevented eligible voters from casting their votes.

What borders to active campaigning on Election Day was observed by all teams. This goes for posters in the vicinity/at entrances of school premises where voting took place but first and foremost because of the system with pick-up cars clearly marked or plastered with campaign posters, shuttling voters to polling stations. All major parties/candidates seemed to use pick-up cars for this purpose, but "*for every pick up car for other parties or candidates there are five cars for Abu Mazen"*!

Unauthorized persons inside polling premises were rare. What was quite frequently observed though was people with unclear roles "hanging around" the polling station premises/in the school court yards, sometimes wearing party symbols.

On a quite regular basis, polling staff refused to give information about number of persons voted so far. There was a change during the day, STOs experiencing more openness in regard to these numbers. Supervisors claimed this was according to instructions from DEC (and CEC), given at the supervisors training sessions, which most likely is correct.

People being turned away because they did not find their name on the voters list was often observed (observed in at least 25 polling stations in Jenin). For the most numbers varied between 2 and 10, but in at least three centres, the reported numbers were around 50. The problem was first and foremost the fact that people had not registered to vote in the first place. In these cases, voters were correctly referred to the relevant civil registry PCs.

There were claims and rumours that ink could be removed if done immediately. According to the information LTOs received, there is no reason to think that this possibility (if real) created serious problems with multiple double voting in Jenin. A number of voters expressed feeling insulted by having to use ink to be able to cast their vote.

There were reports on problems with queues and lack of proper procedures at some special PCs after new regulations had been enforced (from party agents of Barghouti and domestic observers, not observed by LTOs). Allegedly this situation created a "chaotic" and non-transparent situation in some special PCs between 19.00 – 21.00 hours.

Observation of the closing, counting and tabulation

All teams rated counting procedures as good or very good. Protocols were distributed and displayed on the wall. No specific problems reported.

Organizing the retrieval of protocols and election materials from PSCs on election night turned out to be a big challenge for DEC Jenin.

At DEC, where aggregation and transfer of results took place, there were some major problems. This was mostly due to unsuitable premises for such a big exercise. DEC Jenin is located on the 4 floor with narrow steps and no lift. Most presiding officers/polling staff from the 257 polling stations arrived with their material at the same time. This created almost "chaos" and prevented normal procedures from taking place. It also created a non-transparent situation in general. It was difficult for observers to follow the hand-over of materials closely. Results were not aggregated as they were handed over, but filed to be counted later. At around 03.30, staff announced that they would pack up for the night and continue the next day. STOs left, but it turns out that DEC continued their work through the night. On LTOs arrival the next morning, aggregated results were displayed on the wall. The results were very much like expected.

In addition to EU observers, no domestic observers and only one party agent from Dr. Barghouti was present at DEC Jenin for the aggregation exercise.

After Election Day, DEC was able to provide LTOs with aggregated results on district level but not results broken down on polling station level in Jenin district. At the same time, LTOs were shown and explained all the complaints DEC had received over Election day (less than 10). DEC Jenin claims no formal written complaints had been forwarded to them before E-day.

Observation on the Polling Day: STOs

In addition to the two LTOs, NORDEM/EU deployed 13 STOs through West Bank and East Jerusalem for the 9 January presidential election. There was no presence in Gaza by Norwegian observers.

West Bank

Tore Nilsen, Elisabeth Salvesen, Turid Smith Polfus and Kristin Lunden were deployed to Hebron.

Hebron is the largest and most southern constituency on the West Bank. Hebron is a spiritual centre both for Muslims, Jews and Christians. There have been two big massacres in Hebron, first on Jews in 1929 and later, in 1994, when the victims were Muslims.

Hebron City is divided into two parts. The East part of the city (H2) is completely under the control of the Israeli Defence Forces (IDF) and the rest of the city is governed by the Palestinian Authority (PA) which means mostly members of the Fateh Movement. The situation in Hebron is often tense because of the presence of Jewish settlers and IDF, a situation that imposes serious restrictions on freedom of movement of Palestinians.

The town is characterized as traditional and conservative. Political and social life of the district is strongly influenced by the seven most powerful families. The governor, mayor and many other officials belong to these families and to the Fateh Movement. There are also other important political forces like Hamas and Liberation Movement in Hebron. In the recent local elections, Islamic groups at the district were successful.

In Hebron there were 165.809 registered voters. On the civil registry list, there were 93.000 names.

Kristin Hauge was deployed to Tulkarem (Jenin).

Tulkarem district has around 170.000 inhabitants of whom 45.000 live in Tulkarem town and some 20.000 in Tulkarem refugee camp. The Nur Shams refugee camp has some 9000 inhabitants. The overwhelming majority of the population is Muslim. There is a considerable difference between the more conservative rural areas and the town. Illiteracy in the villages may be up to 25 per cent. Agriculture is the main source of income, besides commerce. Many people used to work in Israel before the Intifada, and in addition had access to the shores of the Mediterranean Sea for business and leisure, but this has come to an almost complete stop. The economy of the district has suffered badly from the Intifada and the building of the wall. In addition to the building of the

wall, we also observed areas taken by the Israelis for unknown use (construction roads, large fields to be used for storages, or stationing of military personnel). The unemployment rate is allegedly close to 60 per cent. The wall has separated many farmers from their lands and families. There are three Israeli settlements in the district.

The Palestinian authority is largely dominated by Fateh. In Tulkarm refugee camp Hamas, Fateh and DFLP are the dominant political forces. Both camps are said to be strongholds of the armed resistance against the occupation. All four parties are present in the district. The campaign period was dominated by Fateh and Barghouti.[20]

Toril Lund and Anette Frøyland were deployed to Qalqiliya (Nablus)

AoR is located in the north-west of the West Bank approximately 40 km west of Nablus and 14 km from the Mediterranean Sea. It is bounded by the so called Green Line which is the Armistice Line of 1949 and Israel to the west. The Qalqiliya Governorate comprises of Qalqiliya town and 36 villages with a total population of 95.000. The population of Qalqiliya town is around 43.000 residents. More than 35.000 are UNWRA registered refugees, but there is no refugee camp in the district.

Compared to the neighbouring Nablus district, Qalqiliya district is calm when it comes to the political security situation. However, the main political issue concerning carrying out the election related tasks was the security barriers build by Israel. AoR is a district with heavy settlements presence and the security barrier was the biggest accessibility problem of the area. Entering polling stations in villages in wall enclaves required a well prepared planning of routes.

Hans Georg Leopolder and Tom Røseth were deployed to Salfit

The STO teams were assigned to observe in Salfit district. Salfit is a small constituency on the West Bank and not an area of major security concerns. Several Israeli settlements are, however, creating severe travel restrictions. Salfit contains 50 percent of all settlers in the West bank (excluding Jerusalem), and has a complex system of barriers, checkpoints and roadblocks. In effect these have divided the Palestinian areas of the district into three distinct zones - and intra-travel is usually not possible without long bypasses. The area is generally dominated by Fateh, but there is also significant support for Hamas in the western villages located near the construction of the wall.

Jannicke Storm was deployed to Bethlehem.

Area of responsibility (AOR) was 17 stations in the centre and right outside the city centre of Bethlehem. Approximately two third of these were in Christian areas and one third in Muslim areas.

16 STOs and 4 LTOs were deployed by the EU to that area. There were 155 polling stations, of which 130 were regular and 25 were special polling stations. 61 800 voters had been registered in Bethlehem District.

The AOR is located just a few kilometres south of Jerusalem. The security situation in Bethlehem Governorate is one of the more stable ones within the West Bank and Gaza. During the last few months there have not been any major incidents, however there are many check-points within the district. Approximately 78 physical obstacles surround Bethlehem today, along with the barrier, which is nearing completion along the northern

[20] The sources from this information were from the LTOs in this district.

and western sides of the city. Israeli settlements have been built around Bethlehem, and movement restrictions for Palestinians have been tightened due to the security situation.

Before the intifada Bethlehem were able to rely on tourism. Today with the tourism sector decimated, most residents can barely make a living. One- tenth of Bethlehem's Christian population has left Bethlehem for other countries since September 2000.

Trond Erik Sletmoe was deployed to Jericho.

The administrative district of Jericho stretches for around 30 km along the Jordan Valley north of Jericho town. The northwest part of the district is mountainous. Jericho town is a desert oasis situated in the Jordan Valley, around 10 km north of the Dead Sea, 40 km east of Jerusalem and 270 m below sea level.

There are about 34.000 inhabitants in the district of which 47% live in urban areas, i.e. mainly in Jericho town and surrounding villages, about 19% live in the refugee camps, and the remaining 34% in rural areas.

The political landscape of Jericho is dominated by Fatah represented by Abu Mazen.

Mustafa Barghouti's campaign focused on presenting him as a fighter, who would resist giving in on Palestinian key issues. He represented the poor people, the farmers and the women.

On the subject of the political tendencies in the camps, it seemed that Hamas did not have huge support among the residents. They seemed to prefer a secular state.

Other candidates such as Bassam Salhi and Tayseer Khaleed were quite marginal compared with Abu Mazen and Mustafa Barghouti.

Observation of the opening

Opening procedures were assessed as very good by all Norwegian STOs. The stations opened on time, all members of staff were present, materials had been received timely and procedures were followed correctly and according to the law. No queuing, incidents or irregularities noted. Most teams report low turn-out during opening hours.

In Hebron, a printing problem regarding serial numbers on the ballots was observed.

Observation of the polling

Polling staff were considered highly competent and efficient, and procedures were carefully followed. The atmosphere was calm, the process as a whole was very well conducted and arrangements were adequate and sufficient for the voters. Staff were helpful and attentive to the needs of the voters. Women were well represented at PS level.

Party observers were present and always for Mahmod Abbas and Dr. Mustafa Barghouti. The presence of domestic observers varied a lot, from one STO team meeting them in every polling station (Bethlehem) through the day to another STO team meeting only 3 domestic observers in altogether 17 PSs (Hebron). According to the regulations, party agents should have had green badges and domestic observers blue badges. This was often not the case in Hebron were party agents frequently wore blue badges also.

All teams report being well received and welcomed everywhere. The only exception was *one* civil registry PC in Hebron, where a STO team felt most unwelcome and the presiding officer refused to answer questions.

For the most, the STOs reported few incidents on restrictions of movements on Election Day itself. There were exceptions though. In Hebron, three cases of IDF presence possibly affecting voter attendance were noted. One was a check point still activated and manned between Al-Fawwar and Abda PC. Two attempts were made by STOs to pass through, without success. Another was an IDF truck with two soldiers positioned in a junction on the main road between Al-Fawwar and the District Education Office PC. This mobile post was in operation from midnight before the Election Day and 24 hrs onwards. The PC committee told that voters had complained, as some people were frightened to pass the truck. Thirdly, at one check point there were heavy presence of IDF all afternoon, actively and thoroughly checking cars and people passing.

In Salfit an indication of intimidation outside a polling station in Deir Ballut was observed. A group of 15-20 people were gathered outside the polling centre. A Hamas affiliated family member wanted to vote, but his family tried to persuade him not to by physically holding him back – a crowd gathered and pushing and shouting occurred. Nonetheless, he managed to enter the polling station and vote. Leaving the polling station there was no way he could hide the cast of vote, as his thumb now was marked with ink. He was obviously awaiting trouble with his relatives. Thus, the vote was not secret and in such a radical environment the use of ink would intimidate possible voters not to vote.

The work of the police is in general assessed very positively, visible presence but seemingly well aware of responsibilities and regulations

There were only one report on unauthorized people inside the PSs . This was in Salfit, where the mayor (from Fateh) made visits to the polling stations together with a representative from DEC. Some minor problems outside the PSs were reported. In Hebron, a man with a Fateh button and Fateh scarf seemed to take on responsibilities at the entrance of a PC. In Salfit, Fateh representatives were observed residing outside several PSs and in Jericho, the local mayor was observed outside a PS for several hours.

Activities which borders campaigning were observed, mostly in the form of cars with campaign posters in the vicinity of the PSs (Bethlehem, Hebron, Salfit).

At least three STO teams (Hebron, Salfit and Jericho) experienced problems accessing the number of voters having voted at the time of their visit to the PS. This attitude changed through the day.

In Bethlehem and Qalquilia, a few cases of family voting were observed, mostly due to moments of lack of attention from polling staff. In Salfit, one case of proxy voting was observed.

STOs report in general no major problems with the voters list. In some cases (but not to a large extent) voters had to be referred to civil registry PCs, because of not having registered to vote in the first place.

There were cases where voters complained about the quality of the ink. Some voters were upset about the fact that ink was used (Tulkarm).

There is in general little information about how extended polling hours and change of regulations affected the election exercise at civil registry PCs between 19.00 – 21.00.

Some teams say it did not affect the turn out to any extent. Several STO teams were late and sometimes poorly informed about both the decision to extend polling hours and the procedural changes that took place. Consequently, careful observation at civil registry PCs between 19.00 – 21.00 was more of an exception than a rule.

Observation of the closing, counting and tabulation

STOs report procedures being followed, most often strictly. The counting exercise was in general transparent and done quickly and efficiently. Some problems were reported, and some creative solutions were chosen, but nothing affecting final results according to STO reports.

Results were correctly posted outside the polling station in all PSs observed apart from the PSs observed for counting in Salfit. The exercise was in general assessed as good also in Salfit. All authorised representatives in Salfit were given handwritten copies of the protocol (team 0903)

In Qalqyilia the process of transporting election materials to DEC was delayed for more than an hour. PEC chairman/staff felt a clear discomfort moving at night with sensitive election materials. Careful planning and arrangements with security personnel took place before leaving for DEC.

With one exception, all STOs escorted the protocols/election materials to DEC.

All DECs seem to have faced a very challenging situation on retrieval of protocols/election materials. In Hebron, the situation was described as "chaos" or a "gigantic mess". In general, the situation at DEC is described as most difficult. DECs often struggle with unsuitable premises for this kind of purpose, and also with lack of staff. This meant long lines of people waiting to hand over protocols and materials, overcrowding etc. In addition, staff both at DEC and at PECs at this point must have been quite exhausted, also due to extension of voting hours.

Only a few STO teams observed the aggregation process (and then only for limited time). Most often it seems like LTOs took on this responsibility. In spite of the difficulties at DECs, the STO reports have no information or observations indicating irregularities affecting final results at DEC level.

In Hebron and Salfit, celebration and "friendly shooting" took place on election night.

East Jerusalem

Report from STO: Dag Tuastad

Main observation:

Salah Al Din Post Office, East Jerusalem

Other polling stations observed:

Bir Narbala, Al Mukhtaribeen School (special polling station and regular polling station)

Beit Hanina, secondary school (regular PS)

Al Ram – AL Umma secondary school (special PS + regular PS)

Salah al din post office, East Jerusalem, observed from 06.30 – 14.00 and from 17.00 – 23.00, 10.1.2005

Background

Salah al Din post office was one of six special cases of voting inside East Jerusalem where 6000 thousand voters had been registered by the Palestinian Election Commission during the days leading up to the elections. The registration offices in East Jerusalem had been closed by Israeli authorities during the regular registration period. The Israeli authorities officially did not recognize that voting took place at regular polling stations in East Jerusalem. Voting thus took place in post offices (P.O) indicating from the Israeli point of view that it was absentee voting. The Palestinian authorities had wanted as regular voting of the around 100 000 eligible Palestinian voters of East Jerusalem carrying a special, blue Jerusalem ID card for Palestinians, - but the Israelis had only permitted that 6000 of these could be registered in order to vote at post offices.

The Salah al Din post office is the main post office in East Jerusalem, having both Palestinian and Jewish employees, and 3500 of the 6000 registered voters were registered there, where 7 boxes were located, - red like post boxes and with opening at the side rather than at the top unlike the regular ballot boxes. Voters should put ballots in envelopes unlike other PS's where the ballots were put in the polling boxes without envelopes.

After the voting had finished, the boxes were to be transported by Israeli post authorities to the checkpoint of al Ram, where they should be received by Palestinian authorities. Unlike at the other PS's the votes of these were thus not counted on the stations were the voters had initially voted, only at the District level would the votes of the PS's be counted.

Voters not finding their names on the Voters' Lists

From the beginning of the day, there was confusion and frustration as many people were turned away because their names were not on the list, and no information was available about where they should go. Partly as a result of this problem, and no doubt for other reasons too, turnout was low in the first half of the day. At 8 o'clock, 15 people had voted; at 11.40 110 people had voted, at 18.15 629 people had voted, according to the information we received from P.O. staff. We are not sure how reliable these figures are. At 21.30 we were told by a P.O. official that the total figure was 1200 votes.

Lack of secret voting

The P.O. was divided into two parts, one part for regular customers, and one for voters. The voter would receive the ballot and envelop from the P.O. official behind the encounter, but there were no screen and the voters had no place to vote in secret. They voted in front of the P.O. official.

First procedural change

At 14.00 we were told by a representative of the NDI/Carter Centre (the main American observation mission), that a deal had been reached by Jimmy Carter, Sharon's chief of staff, and Palestinian authorities to allow voting for people not on the voter's list, as long as they had a blue ID + registration receipt. NDI and Carter Centre had agreed to witness this procedure. We were told a slightly different version by Wyzhar Tal (legal advisor at the Ministry of Communications, Israel). He said the agreement was reached only after the CEC had been persuaded by Jimmy Carter to agree. He also said that NDI had agreed to take a role in checking who was eligible to vote under the new procedure. He stressed that the Israeli post office authorities were keen to co-operate, and that it was not the Israeli's role to determine who was eligible to vote, but that this was NDI's role.

This turned into a dispute in the middle of the afternoon, as NDI were emphasising that they were not *determining* who was eligible, but only *witnessing* it. NDI signed the additional papers that the P.O. officials filled in with the name & number of the voters who were not on the list.

The Voters' List

The Israeli P.O. official and Wyzhar Tal (Min. of Communication) told us that they had received the voters' list from the CEC the night before and that they had not modified it or altered it. During the day a story was in circulation that the Israelis had mixed up the list and put it into numerical order to make it more difficult for people to know where to vote. We did not have this story confirmed by any significant sources.

Extending of voting hours

At 18.10 we were told by the head of the P.O. that they had received official instructions from the Israeli authorities that voting would be extended to 9 p.m. Wyzhar Tal (legal advisor at the Minister of Communication), told us that Saeb Erekat from the Palestinian Authorities had called the Israeli authorities to request this. (Erekat allegedly was not a member of the CEC).

Second procedural change

At 19.40 they began to accept voters with only a blue ID, without the need for a registration receipt, nor for the name to be on the list. We were told by NDI/Carter Centre that this followed a direct request to them from Saeb Erekat asking them to witness this new procedure. NDI/Carter said no to this request. We were told that Erekat then called an Egyptian observer, representing an Egyptian human rights NGO, and that he agreed to witness the new procedure, signing the papers where the Israeli officials wrote down the new voters' names and numbers.

Did these new procedures increase the number of voters?

We were not in the P.O. from 14.00 to 17.00 so we can not assess that period. When we returned at 17.00 there were more people voting than before. After the second change at 19.40, considerable more people came too.

Israeli Copying of the Voters' Lists

After the voting closed soon after 21.00, the voters' list were taken away to be photocopied. This included the original printed list, as well as the handwritten list that was filled in by the person at each voting station, as well as the additional paper that was filled in at the entrance and witnessed by international observers.

There was a problem with this in that it did not happen in view of any observers. We were told by Herzl Bar Mag (director of the P.O.) that the reason for this was that the Israelis took these copies in case any queries came up later from the CEC.

Quite a few Palestinians from Jerusalem told us that they did not vote because of fear of reprisals from the Israeli authorities, so it might be significant that the names of those who voted were retained by the Israelis.

Atmosphere inside & outside the P.O.

There was a crowd of people outside all day long, partly voters, partly observers, many media, and other people too. At some point there was the potential for crowd control problems, but no incidents occurred.

The Israeli police kept a low profile.

There was some small campaigning activity by some young Fatah activists outside the PS towards the end of the day

The P.O. authorities had a relaxed attitude to observers, and allowed large number of international and national observers into the P.O. At the opening of voting we counted 40 observers inside.

The P.O. authorities became increasingly relaxed as the day went on, allowing various Palestinians in.

A few hundred metres up Salah Al Din Street (near St Georges Hotel) a few Israelis had a demonstration at noon time, saying that Jerusalem should not be divided, and that Jordan is the Palestinians' home. The Israeli Police were monitoring this demonstration, and not allowing them to come closer to the P.O.

Transportation of the boxes and observation of counting

After the post office closed, the boxes and voting material were transported by an Israeli post van to the al Ram CP at the West Bank. An observer from EUEOM was inside the van. The boxes were given Palestinian CEC at the CP and moved into a Palestinian van, including EUEOM observer, and transported to the District Centre, arriving there at 01.30. AM.

One team from EUEOM was assigned by the Long Time Observers to follow the voting. After following the counting of one box, the team was told by a member of the EUEOM core team that they could return. Thus, the counting of one out of 12 ballot boxes from the post votes in Jerusalem was observed by EUEOM.

Comments on the Polling Stations in J2, observed from 14 to 17.

Everything appeared fine and calm, but only a few people voted during our observation in J2.

Report from STO: Rune Fimreite

The team was based in East Jerusalem, and was responsible for some villages and rural areas to the north, as well as the Beit Hanina Post Office. During the morning the team covered 4 polling stations (three regular and one "special polling station"[21]). From 10 am and until closing time at 9 pm the team stayed at the Beit Hanina Post Office.

Voting at the four polling stations

Unfortunately the team was not able to observe any opening of the polling station, because the driver overslept and did not manage to pick up the team on time. After the delayed start, the team visited four polling stations during the morning. Very few voters were out voting this early, therefore there was not a lot of data to base the observation on. But in general the voting procedures went well at the four polling stations visited by

[21] A "special polling station" was a polling station where people not registered on the voters list could vote. People registered on voters list voted at a regular polling station.

the team. The polling boards seemed professional and confident with the voting procedures and the few voters observed received all the information needed for voting.

Checkpoints

Between 7 am and 10 am we passed through three different checkpoints. At two of them we passed through without showing our id-papers, where as at the last one we where checked for id-papers. The overall impression from the checkpoints was that everything went smoothly and according to the agreement between the Israeli and Palestinian authorities.

Voting at the Post Office in Beit Hanina

501 voters were registered on the voting list for the Beit Hanina Post Office. When the team arrived at 10 am 26 persons had voted. By the time the polling station closed at 9 pm 102 persons had cast their vote. That is a 20% voting turnout. It was a good gender balance among the people that voted. However, many voters were turned away, because they were not on the voters list for the polling station at the Beit Hanina Post Office.

The post office at Beit Hanina is quite small, and because of its size only one observer at a time was allowed inside the post office. Due to this circumstance the team split in two and took a half hour turn each inside the post office. While inside the post office, we observed from behind the bar. Only observers from the European Union Election Mission were allowed inside the post office, the observers from other organizations had to do the observation from the outside.

As mentioned earlier many voters that claimed that they were registered on the voters list were turned away due to the fact that they were not on the voters list for this polling station. The voters did show a slip of paper that said that they were supposed to vote at the Beit Hanina Post Office. All of these voters (somewhere between 200-300 people) were asked to go to the "special polling station" in Al-Ram. It seemed like the staff at the post office found this unclear and also the fact that they had to turn the voters away seemed confusing and difficult. Some of the voters started to argue because they were turned away and quite a few times it got really tense.

Outside the Post Office, Fatah had people and vans, and they offered the voters that were turned away a lift to the "special voting station" in Al-Ram. At one time some of the young Fatah supporters got really angry because for some reason they thought that there was no observer inside the post office. They calmed down when we explained to them how the team had to do the observation due to the size of the post office and showed them that we were present all the time.

Around 4 pm there was a big confusion about who could vote where. According to rumours, voters with the slips of paper and proper id could now vote anywhere although they were not on the voters list as long as the international observers registered them on a separate list. Observers from the National Democratic Institute (NDI) "confirmed" these rumours, and said that the "orders" were that observers from the NDI and the observers from European Union Election Mission were now in charge of this registration. The team told the NDI observers that our job was strictly to observe and not to interfere in the voting process. The team also explained that we could not accept any orders from anybody else that our LTO. The team got into a big discussion on this issue, and in order to put an end to the discussion we did make a call to the LTO. The NDI observers were not satisfied with our answers and started the registration on their own. The voters were still not allowed to vote, because despite what the NDI observers said about the new

"orders", the head of the post office had not received any instructions from his supervisors and he refused the NDI observers to continue with the registration. Tension rose as one of the NDI observers refused to accept this decision and continued to demand that people should be able to vote no matter if they was on the voters list or not. This particular NDI observer did manage to get the crowd of turned away voters, Fatah supporters and other people involved in the discussion and there were signs of fighting until the staff of the post office managed to get the NDI observer and the angry crowd out of the post office. What occurred was quite ugly and an embarrassment considering that it was an international observer who created the situation and that he managed to escalate the tension among the group.

At 6 pm the head of the post office received a phone call from his supervisor that announced that the election hours had been expanded with 2 hours - until 9 pm. Around this time there were also people from the District Election Committee outside the post office announcing that people now could vote whether they were on the voters list or not. They had nothing written that verified the change on procedures for voting, neither did the head of the post office get any new information regarding the change from his supervisors. Therefore the election went on as before, and the people on the voters list could vote and those who were not on the voters list were asked to vote at the "special voting station" at Al-Ram. The extension of the election hours did not make any difference at the Beit Hanina post office. There were no voters after 7 pm.

The team was dismissed from the Post Office at 11 pm when the LTO arrived with the postal authorities to collect the ballot box and the voting material. At that time nobody knew where the counting would take place and due security measures the team was asked to go back to the hotel. Therefore the team had no results from the Polling Station at Beit Hanina Post Office.

Conclusion

The overall impression by the team was that the polling station commissions and the staff at the post office seemed both skilled and highly professional. The voting in the regular polling stations and the "special voting station" in the outskirt of East Jerusalem was well conducted. The voting at the Post Office at Beit Hanina was a different story. Here the voters faced a lot of obstacles in order to cast their vote due to lack of appropriate voting facilities as well as unclear voting procedures. The degree of secrecy of the vote under these circumstances can also be questioned. The conclusion is that at the Beit Hanina Post Office the election was not conducted in accordance with international standards or the Election Law of Palestine.

Voting results

The voting results were first announced by Dr. Hanna Nasir, chairman of the Palestinian Central Election Committee (CEC) on a conference in Ramallah 10 January. With some small amendments the official numbers were announced in the newspapers the 13th of Janyary.

802 077 citizens cast their votes in the West Bank, East Jerusalem and the Gaza Strip.

The results were as follows:

	Name of candidate	No votes	No (%) votes
1	Mahmud Abbas (Abu Mazin)	501 448	62.52%
2	Mustafa Barghouti	156 227	19.48%
3	Tayseer Khaled	26 848	3.35%
4	Abd Alhalim Ashqar	22 171	2,76%
5	Bassam Al Salhi	21 429	2,67%
6	Assayed Barakeh	10 406	1.30%
7	Abd Al-Karim Shbair	5 717	0.71%
	Invalid Ballots	30 672	3,82%
	Blank Ballots	27 159	3.39%

The review of Complaints Process

The EUEOM preliminary report states that there is a concern regarding the issue of complaints and appeals. According to this report, numerous complaints were lodged with DECs and CEC. In spite of this there were a lack both on transparency and real action taken.

In Ramallah, LTO team was handed written copies from the Candidates campaigners of complaints filed to the CEC, DEC and PSC during the election campaign and on Election Day.

In the pre election phase in Ramallah the campaigners for Mustafa Barghouti filed several complaints mostly concerning the "poster war" and indications of misuse of administrative resources from the Mahmud Abbas/Fateh campaigners. Also other candidates filed complaints to the DEC and CEC in the pre election phase.

In Jenin, DEC received less than 10 complaints, all on Election Day, by DEC considered as minor violations or sometimes misunderstandings. No parties or candidate representatives could verify having forwarded formal written complaints before Election Day, even though f. ex. Fateh claimed they had done so. Dr. Barghoutis campaign manager in Jenin, on the other hand, claimed they forwarded all complaints directly to CEC, not via DEC. There seems to be a general reluctance to forward official complaints by different interlocutors and little faith in how useful this would be in the end. LTOs by chance happened to observe DEC Jenin acting promptly when Fateh campaign workers violated the ban on campaigning the day before Election Day though.

In Ramallah, according to the DEC they received 21 complaints, mainly concerning illegal campaign activities and the CEC-decision to allow new voters to register and vote on E day. There were no complaints on the counting procedures. The head of the DEC

informed the LTOs that they handled the complaints the day after the election with three local party observers present. The DEC considered the complaints as minor violations if any and none of the DEC decisions were ruled in favour of the complainants. According to several campaign leaders they claimed that complaints were also filed directly to the DEC and CEC by the DFLP and Barghouti especially concerning the decision to register new voters on Election Day. In one of the complaints there was evidence of double voting taking place in one of the special polling stations in Ramallah, after new procedures were introduced.

Concerning the issue of alleged double voting the head of DEC in Ramallah informed the LTO team that CEC checked the "new" voters list (voters registered on Election Day) against the civil registry list. As far as the LTO team was informed there were no observers present during this alleged control, and if it happened it may still not have been satisfactory. Several spokespersons of the candidates said they did not rely on the CEC conducting a thorough double check of the voter's lists to control if there had been any double voting. However – the number of possible double voting will still be low and of no impact on the outcome of this presidential election.

All spokesmen from the candidates underline that the CEC decision to extend voting hours and allow voting only by ID cards were a miscalculation.

The EUEOM observed an Election Appeals Court hearing in Gaza concerning a complaint claiming that the three candidates Mahmoud Abbas, Tayseer Khalid and Bassam Salhi, who identify as representing "registered entities" i.e. Fateh, DFLP and PPP, should have had their candidacies cancelled on the basis that the entities are not in fact registered by the Ministry of Interior (MoI). The Court ruled in favour of the candidates on the basis that the MoI confirmed their registration status, and Mahmoud Abbas, Tayseer Khalid and Bassam Salhi, respectively, remained candidates.

As far as the LTOs have been informed, no other complaints for the Courts were filed in Ramallah and Jenin.

Conclusions and recommendations

Overall, the preliminary statement says the 9 January presidential election represent "*an opportunity*", an "*achievement*" and a "*genuine effort*" to conduct a regular electoral process, taken the wider political context and restrictions occupying forces laid on the whole exercise.

This taken into account, and the fact that this is only the second election for the PA (the first was held in 1996), election bodies at all levels for the most did an impressive job. It also necessarily means a number of challenges still needs to be addressed.

Freedom of movement should be ensured for candidates, campaign workers, election bodies and voters in all parts of the West Bank, Gaza and East Jerusalem.

One basic problem concerning the legal framework is the lack of mechanism to enforce the legislation and thereby sanction violation of the Election Law. As the spokesperson from DFLP stated to the LTO team in Ramallah; "*CEC has no real enforcement role*

and acts more as an advisory unit", he further stated that "*since this is quite visible many do not have the urge to obey some of the articles in the Election Law*". The EUEOM preliminary statement underlines the need for "further strengthening the independence of CEC, ensuring more rigorous enforcement of legal provisions and clarifying and developing the legislative framework" in time for the proposed legislative council elections later this the year.

The preliminary statement underlines further the need for proper voting facilities and clear procedures for the voters of East Jerusalem. "The electoral arrangements in East Jerusalem were highly problematic and the 1996 Protocol on elections does not provide for proper electoral conditions".

CEC is strongly urged to ensure that last minute changes for voting, of the kind that took place at the special PCs for the 9 January presidential elections, is not repeated in future elections.

The dual system of voting by two voters lists (and at different PCs accordingly) had advantages and disadvantages. At upcoming elections, there should be *one* updated voters list, preferably.

Provisions for early voting/out of area voting and mobile voting should be considered.

There is a need for legal clarity regarding campaign funding and full transparency in this respect (amount and sources).

There is also a need for clearer rules on where election materials can be posted.

Abuse of public resources for campaign purposes must be addressed.

"Campaigning" on E day in the form of cars with candidate posters/party symbols shuttling voters to PSs should be addressed. In addition more attention should be paid to people with undefined roles, often with party symbols "hanging around" PS premises.

A clarification is needed regarding election bodies on regional level. During this election it was unclear whether the election body (only one) was a District Election Commission (appointed by CEC) or a District Election Office (executive body).

Composition of and appointment of PS staff/presiding officers should preferably be looked into. All being teachers/head masters and appointed by Ministry of Education secured competence and efficiency and may well, in the context, have been the very best and a quite sensible solution (there were also time restrictions). On the other hand, all being state employed with no proper individual scrutiny by an independent DEC, may not have created the necessary trust in the electorate.

How to organize retrieval of election protocols and materials and aggregation of results at the DEC level needs to be carefully addressed. To secure normal and proper procedures and transparency, DECs needs suitable premises and to be better staffed.

Even though the Election law provides some general guidance, there is a need for more detailed guidelines for media outlets. Examples can be code of behaviour also for private channels and clearer guidelines in regard to paid advertisements.

Comments on the election observation mission

Both LTOs and STOs received very good, comprehensive, thorough and most useful briefings, security issues included, in Oslo before leaving to Palestine.

LTOs also received a 3 days briefing on arrival in Ramallah, for the most both comprehensive and useful. Some extra free time could have been taken more advantage of, though. The length of the briefing was due to special circumstances. The fact that we would be working on occupied territories (included problems with freedom of movement) and the security situation in general meant careful planning from core team. LTOs fully recognize the challenges core team was up against on this mission. It is LTOs assessment that the security briefing should have been better planned and more focused.

LTOs received a very much focused and to the point debriefing in Jerusalem.

Overall, the EUEOM seemed prepared and well organized.

STO briefing/debriefing in Jerusalem were according to most Norwegian STOs satisfactory. An important exception was the security briefing, which clearly could have been more comprehensive and focused. The quality of the regional briefings including security, varied, from "well prepared" (Qalquilia and Bethlehem) to "leaving much to be desired" (Hebron).

Logistically this was a very challenging mission, but with a few minor exceptions, it worked well throughout the mission.

The mere size of the mission, which implied many LTOs in each region (and sometimes up to 4 LTO teams in one constituency), provided a need for good coordination and smooth information flow also on regional level. The system with regional "focal points" and regional "security wardens" met this need to a certain extent, but could preferably be evaluated before a possible next EUEOM to Palestine in July 2005.

It is also recommended to look at how LTOs are dispatched throughout the country, taking more carefully into account the size of electoral districts/population size and registered voters.

The information flow between HQ Ramallah and the regions worked well. LTOs were served well by core team, facilitated and supported in all our work.

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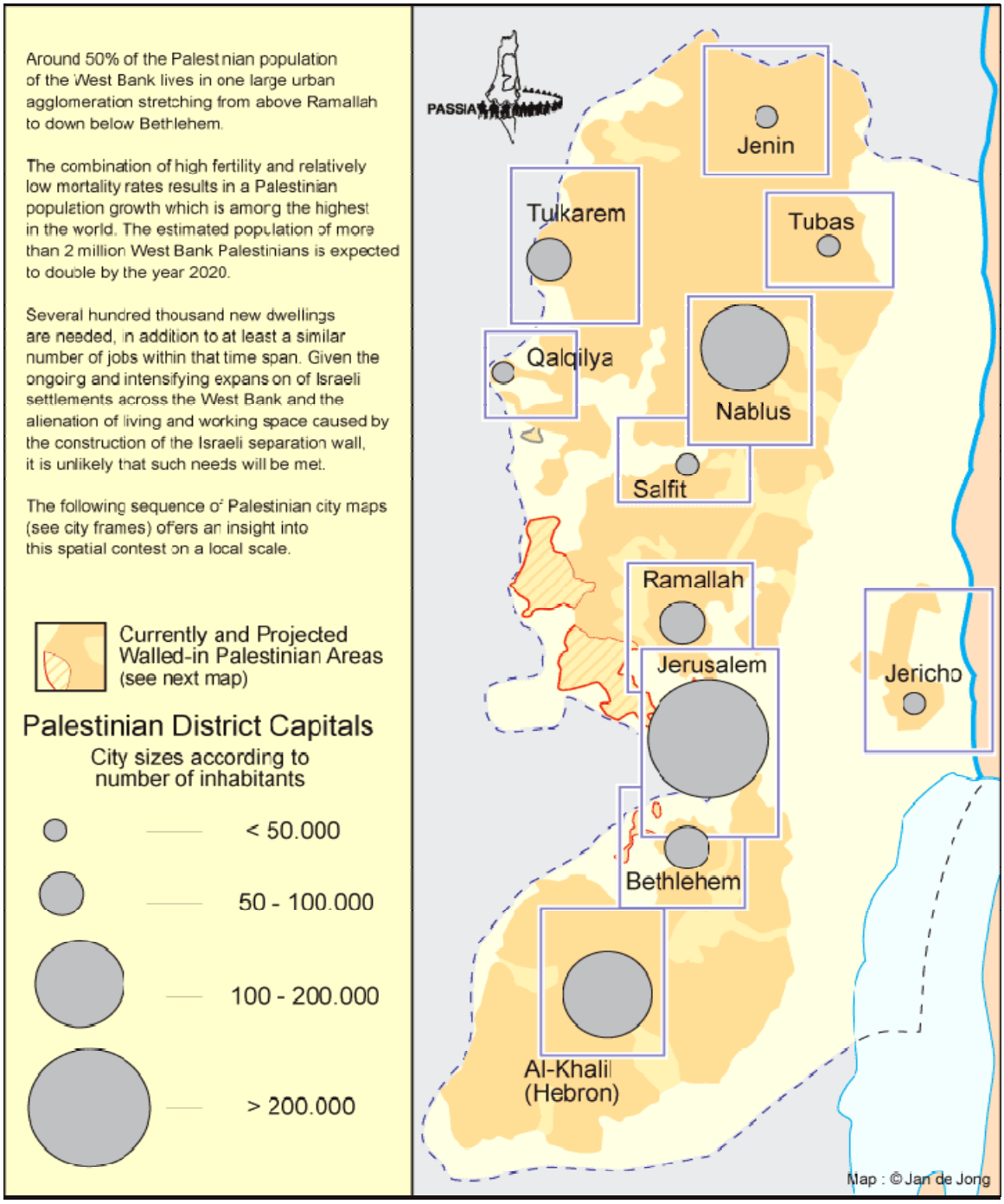
Appendices
(These are nt published in the web edition)

Observing organisation's statement/preliminary report

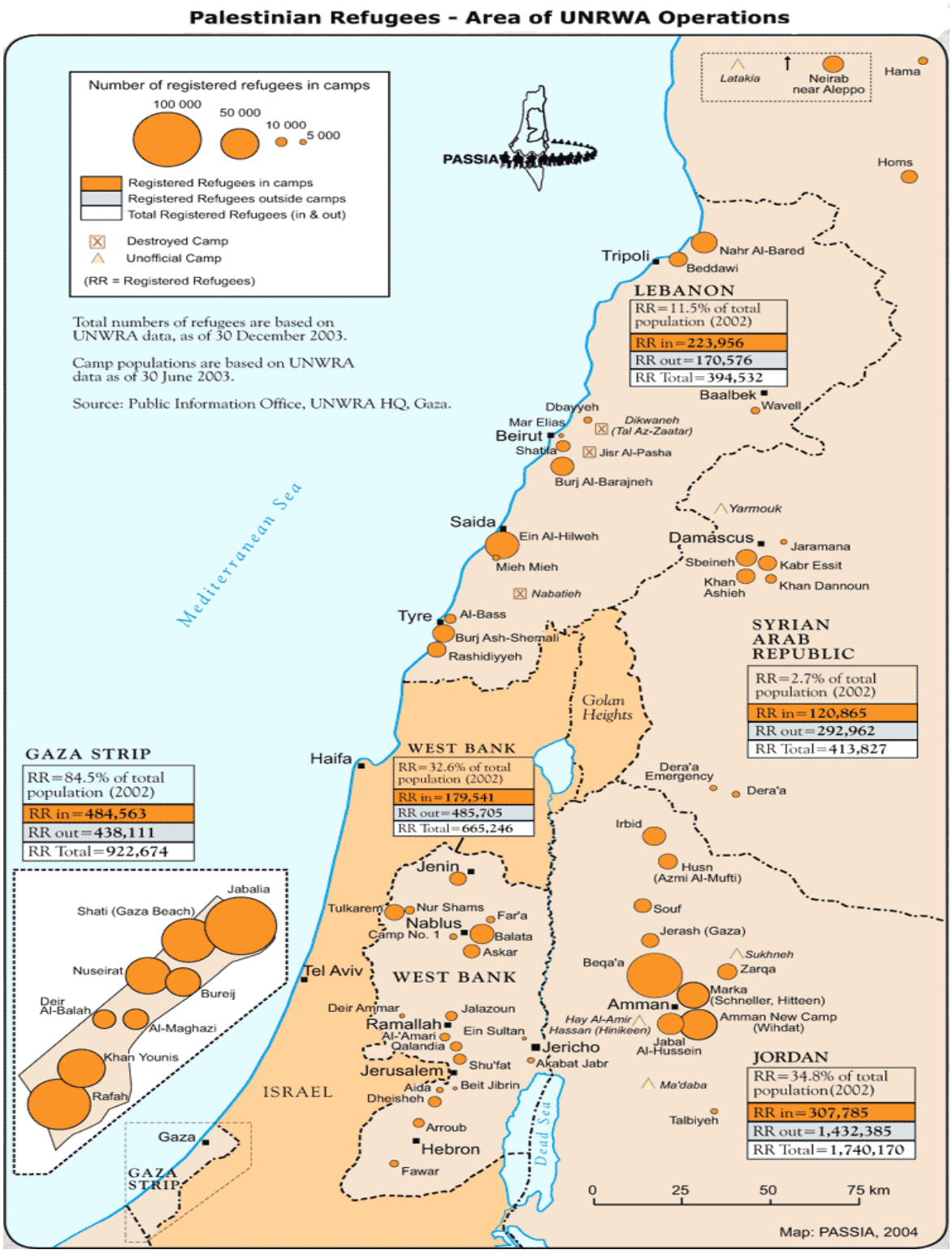
Copy of observers' reporting form

MAPS - from PASSIA conserning settlements and refugees[22].

PALESTINIAN WEST BANK CITIES AND ISRAELI SETTLEMENT POLICY



[22] Comments in MAPs are PASSIAs, and do not necessarily reflect the views of the Norwegian LTOs.


Palestinian Refugees - Area of UNRWA Operations
Number of registered refugees in camps
100 000
50 000
10 000
5 000
Registered Refugees in camps
Registered Refugees outside camps
Total Registered Refugees (in & out)
Destroyed Camp
Unofficial Camp
(RR = Registered Refugees)
Total numbers of refugees are based on UNWRA data, as of 30 December 2003.
Camp populations are based on UNWRA data as of 30 June 2003.
Source: Public Information Office, UNWRA HQ, Gaza.
PASSIA
Latakia
Neirab near Aleppo
Hama
Homs
Tripoli
Nahr Al-Bared
Beddawi
LEBANON
RR=11.5% of total population (2002)
RR in=223,956
RR out=170,576
RR Total=394,532
Baalbek
Wavell
Dbayyeh
Mar Elias
Dikwaneh (Tal Az-Zaatar)
Beirut
Shatila
Jisr Al-Pasha
Burj Al-Barajneh
Mediterranean Sea
Yarmouk
Saida
Ein Al-Hilweh
Mieh Mieh
Damascus
Jaramana
Sbeineh
Kabr Essit
Khan Ashieh
Khan Dannoun
Nabatieh
Tyre
Al-Bass
Burj Ash-Shemali
Rashidiyyeh
SYRIAN ARAB REPUBLIC
RR=2.7% of total population (2002)
RR in=120,865
RR out=292,962
RR Total=413,827
Golan Heights
GAZA STRIP
RR=84.5% of total population (2002)
RR in=484,563
RR out=438,111
RR Total=922,674
Haifa
WEST BANK
RR=32.6% of total population (2002)
RR in=179,541
RR out=485,705
RR Total=665,246
Dera'a Emergency
Dera'a
Irbid
Husn (Azmi Al-Mufti)
Jenin
Souf
Tulkarem
Nur Shams
Far'a
Nablus
Camp No. 1
Balata
Askar
Jerash (Gaza)
Sukhneh
Beqa'a
Zarqa
Marka (Schneller, Hitteen)
Amman
Amman New Camp (Wihdat)
Hay Al-Amir (Hinikeen)
Jabal Al-Hussein
Tel Aviv
WEST BANK
Deir Ammar
Jalazoun
Ramallah
Al-'Amari
Qalandia
Ein Sultan
Jericho
Akabat Jabr
Shu'fat
Jerusalem
Aida
Beit Jibrin
Dheisheh
ISRAEL
Ma'daba
Talbiyeh
JORDAN
RR=34.8% of total population(2002)
RR in=307,785
RR out=1,432,385
RR Total=1,740,170
Jabalia
Shati (Gaza Beach)
Nuseirat
Bureij
Deir Al-Balah
Al-Maghazi
Khan Younis
Rafah
Gaza
GAZA STRIP
Arroub
Hebron
Fawar
Dead Sea
0
25
50
75 km
Map: PASSIA, 2004