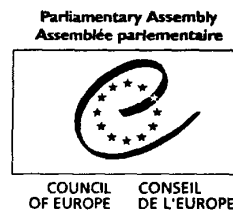


**Parliamentary Assembly  
Assemblée parlementaire**



**Doc. 10416**  
24 January 2005

**Observation of the election of the President of the  
Palestinian authority (9 January 2005)**

Report  
Bureau of the Assembly  
Rapporteur : Lord Kilclooney, United Kingdom, Group of the European People's Party

**I. Introduction**

1. Following the invitation from Dr Hana Naser, President of the Central Electoral Commission, the Bureau of the Assembly decided at its meeting on 23 November 2003, to set up an ad hoc Committee composed of 10 members to observe the election of the President of the Palestinian Authority. Taking into account the importance of the election, the Bureau agreed on 13 December 2004 to increase the number of members of this ad hoc Committee to 15 and appointed Lord Kilclooney as its Chair.
2. In accordance with the co-operation agreement between the Parliamentary Assembly and the European Commission for Democracy Through Law (Venice Commission), the latter was represented during the observation mission by Mr Ugo Mifsud Bonnici.
3. Based on the proposals by the political groups in the Assembly, the ad hoc Committee was composed as follows:

**SOCIALIST GROUP (SOC)  
GROUPE SOCIALISTE (SOC)**

MR TOM COX	UNITED KINGDOM / ROYAUME UNI
MME JOSETTE DURRIEU	FRANCE
MR TADEUSZ IWIŃSKI	POLAND / POLOGNE
MR ANDREAS GROSS	SWITZERLAND / SUISSE
MME TANA DE ZULUETA	ITALY / ITALIE
MME RUTH-GABY VERMOT-MANGOLD	SWITZERLAND / SUISSE

**GROUP OF THE EUROPEAN PEOPLE'S PARTY (EPP/CD)  
GROUPE DU PARTI POPULAIRE EUROPEEN (PPE/DC)**

LORD KILCLOONEY	UNITED KINGDOM / ROYAUME UNI
Ms CORIEN JONKER	NETHERLANDS / PAYS-BAS

**LIBERAL, DEMOCRATIC AND REFORMERS' GROUP (LDR)  
GROUPE LIBERAL, DEMOCRATE ET REFORMATEUR (LDR)**

LORD RUSSELL-JOHNSTON  
M. DANIEL GOULET

UNITED KINGDOM / ROYAUME UNI  
FRANCE

**EUROPEAN DEMOCRATIC GROUP (EDG)  
GROUPE DES DEMOCRATES EUROPEENS (GDE)**

MR MIKHAIL MARGELOV  
MR ANDRE KVAKKESTAD

RUSSIA / RUSSIE  
NORWAY / NOUÈGE

**GROUP OF THE UNIFIED EUROPEAN LEFT (UEL)  
GROUPE POUR LA GAUCHE UNITAIRE EUROPEENNE (GUE)**

M. LEO PLATVOET

NETHERLANDS / PAYS-BAS

**VENICE COMMISSION**

MR UGO MIFSUD BONNICI. EXPERT

MALTA / MALTE

**SECRETARIAT**

MR VLADIMIR DRONOV, HEAD OF SECRETARIAT, INTERPARLIAMENTARY COOPERATION UNIT

MME AGNIESZKA NACHILO, SECRETARY OF THE POLITICAL AFFAIRS COMMITTEE

MR BAS KLEIN, DEPUTY TO THE HEAD OF UNIT

MR FRANCESC FERRER, PRESS OFFICER

MR SERGEY KUZNETSOV, LEGAL OFFICER, VENICE COMMISSION

MS FARIDA JAMAL, ADMINISTRATIVE ASSISTANT

4. This election observation mission did not operate as part of an international election observation mission together with partner organisations because the Organisation for Co-operation and Security in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly were not observing. The European Parliament delegation was incorporated into the European Union monitoring mission.
5. In all, approximately 800 international observers, among which 300 from the EU monitoring mission and 100 from the National Democratic Institute (NDI), were observing this election. Furthermore, approximately 20 000 local observers, mainly representatives of different candidates and national NGOs were deployed.
6. The ad hoc Committee met in Jerusalem from 7 to 10 January 2005 and held, inter alia, meetings with Dr Hassan Kreisheh, Speaker of the Palestinian Legislative Council (PLC), members of the PLC, Mr Ahmad Qurei, Prime Minister, and Dr Hana Nasser, President of the Central Electoral Commission. The full programme is attached (Appendix 1).
7. On the election day the ad hoc Committee was split into 5 teams which observed the elections in and around the following areas: Jerusalem and Jericho; Ramallah; Nablus and Qualquilia, Jenin, Hebron and Bethlehem. Initially one team was supposed to observe the election in Gaza, but this was cancelled due to a security alert.
8. The ad hoc Committee met on 11 January 2005 in order to assess the election, and agreed on a statement which was subsequently released at the press conference held at the end of the delegation's stay (see Appendix 2).
9. The ad hoc Committee unanimously concluded that the election met international standards for democratic elections. It expressed its satisfaction with the efficient organisation of the electoral process and commended Palestinian electoral officials and

international agencies concerned for the excellent job they had done in the run-up to the vote, in difficult circumstances within an illegally occupied territory.

10. While satisfied in general with the way the election was conducted, the ad hoc Committee deplored several serious issues relating to the impeded freedom of movement during the election campaign and on the day of voting, inadequate arrangements for voting in Jerusalem, no clear separation between the campaign of the leading candidate and the resources of the Palestinian Authority, preferential media treatment of the leading candidate and modification of voting arrangements on the day of the election.

## **II. Political and legal context**

11. The first Palestinian elections took place in the West Bank and Gaza Strip on 20 January 1996, in the framework of the Oslo Process, and resulted in the election of the President of the Palestinian Council, Mr Jaser Arafat, as well as 88 members of the Palestinian Legislative Council.
12. However, the process of democratisation and reform did not go much further at that time due to a number of reasons, including Mr Arafat's exceptional position within the Palestinian Authority, his way of management and the crisis in negotiations with Israel followed by the outbreak of the second intifada in 2000.
13. As a result of growing internal and external pressure for reform, President Arafat appointed, in May 2002, a Ministerial Committee for Reform which presented a 100 day plan for emergency reform. The plan envisaged presidential, legislative and municipal elections to be held within 6-8 months. The plan also included measures aimed at the separation of powers between the executive, legislative and judicial branches as well as economic, financial, security, judicial and public administration reforms.
14. The elections were not held as foreseen and the reform process was again considerably slowed down due to disagreements among Palestinian political leaders, the internal situation within the Palestinian Authority and the state of relations with Israeli authorities.
15. The death of President Arafat on 11 November 2004 created a new political situation. In accordance with the Basic Law, the Speaker of the Legislative Council took over the Presidency and fixed the date for the new presidential election.
16. The election was based on the Palestinian Election Law Nr 13 of 1995 (as amended) which, according to the Venice Commission, is in conformity with international democratic standards and the 1995 Palestinian-Israeli Protocol, both instruments in accordance with the Declaration of Principles regarding interim phase arrangements in the West Bank and Gaza Strip (Oslo I, signed in 1993) and with the interim agreement on the West Bank and Gaza Strip (Oslo II, signed in 1995) which included a special chapter on the details of the election process.
17. The major controversy concerned Jerusalem. The Palestinian authorities considered it a matter of principle and a highly symbolic question to allow the potential voters resident in this city to exercise their right to vote in their place of residence. The final arrangement with the Israeli authorities was a compromise which envisaged the designation of five post offices in which approximately 5 000 out of 120 000 voters could vote. The others had to go to neighbourhood polling stations in the territories under the control of the Palestinian Authority.
18. The election of the President of the Palestinian Authority was preceded by the first part of the municipal election held in the West Bank on 26 December 2004 in which the radical movement Hamas took part, winning the majority in 12 out of 46 municipalities. The next parts will be held on 27 January, in April and in July 2005.

### **III. Election administration**

19. The election administration was conducted by the Central Elections Commission (CEC) appointed by the late President Arafat, composed of 9 members and based in Ramallah with an Office in Gaza. Insufficient transparency of the CEC decision-making was a matter of concern. On the other hand, the CEC seems to enjoy general confidence and the impression of the ad hoc Committee, following a meeting with its President and two members, was indeed very positive.
20. Three areas of voting, namely the West Bank, Gaza Strip and East Jerusalem were divided into 16 district election commissions (11 in West Bank and 5 in Gaza) and covered by approximately 3400 polling stations located in 1100 centres. Electoral committees in polling stations were presided by school teachers appointed by the CEC.
21. The results in each polling station were supposed to be displayed outside the station immediately after counting and sent at the same time to both district polling stations and directly to the CEC. Provisional results were to be announced by the CEC on 10 January 2005 in the morning and the final results on 19 January 2005 leaving time for possible complaints and appeals to be considered.
22. Some observers have criticized the late appointment of district election commissions which were only formed on 1 January 2005. However, the idea behind it, according to the explanation received by the ad hoc Committee, was to avoid their politicalisation as it was the case during the 1996 elections.
23. The members of the CEC, as well as other electoral officials, received training from the UNDP which provided exhaustive assistance throughout the whole run-up to the vote. The UNDP has signalled the restrictions on freedom of movement for materials, staff and trainers which constituted a serious obstacle in preparing for election.

### **IV. Voter registration**

24. Voter registration constituted one of the main tasks of the CEC. Only holders of Palestinian identity documents (ID) were entitled to register which excluded Palestinian refugees living outside Israel and territories under the control of the Palestinian Authority from the electoral process.
25. The opening of registration, preceded by an impressive information campaign, took place between September and November 2004. During that period, 1.2 million (69%) out of the estimated 1.8 million potential voters were registered. Every registered voter received a slip indicating the centre and polling station he should address on the election day. This slip, however, was not required during the vote which could only take place upon presentation of the identity document (ID). No vote by proxy was foreseen. Home bound voters were unfortunately disfranchised as no provision was made for mobile boxes.
26. There were no complaints concerning the registration process in the West Bank and Gaza. In Jerusalem, however, only 5 000 voters out of the estimated 120 000 could be registered due to the closure of centres by the Israeli military. Only 5 centres received the necessary authorisation from the Israeli authorities and their capacity did not allow for more voters to exercise their right to vote. The other voters had to go behind the checkpoints in order to exercise their right. The Israeli authorities obliged the CEC to deliver a list of registered voters, raising security concerns, on the day before the elections. This was a matter of concern in the light of the widespread rumours that those voting will be subsequently persecuted.

27. After the closure of the registration period, the Palestinian Legislative Council decided to extend franchise to persons on the civil register and passed a law in this respect. This new regulation was expected to allow for the exercise of the right to vote to an additional 700 000 people. However, there were serious concerns regarding the accuracy of the civil register which had not been updated since 1996. The civil register has been updated but it seemed doubtful that it would be ready in time for election day.
28. Out of 1100 polling centres, 71 were called special polling centres and contained copies of the civil register. This arrangement raised some concerns regarding potential for confusion for voters who may not know which centre they should address. Furthermore, a possible fraud consisting of using multiple IDs or IDs of dead or overseas persons could not be excluded. Indelible ink was supposed to prevent the same voter from voting both at regular and special centres.

#### V. Candidates and pre-election period

29. Initially, 12 candidates registered with the CEC. Two of them did not meet the requirements and three others withdrew, therefore in total seven candidates ran in the elections. The election campaign lasted from 25 December 2004 to 7 January 2005.
30. The election campaign was impeded by restrictions on the freedom of movement of all candidates. All of them were prevented by the Israeli authorities from campaigning in Jerusalem, two of them were even detained following an attempt to enter the city.
31. According to the rules established by the CEC, all candidates were allotted equal time free of charge on public television, in accordance with the results of a lottery. There was no control over private channels.
32. All candidates seemed to have had equal access to paid advertisements in the media. The situation was much less satisfactory in the public media. The time allotted to the main candidate greatly exceeded the time allotted to all other candidates. For example, between 25 December 2004 and 1 January 2005, in three main newspapers, Al-Ayyam, Al-Hayat Al-jadida and Al-Quds, editorial coverage of candidates was divided as follow: Mahmoud Abbas: 60%, Moustafa Bargouti: 20%, Tayseer Khaled: 15%, Bassam Salhi: 10% and all others together less than 10 %.<sup>1</sup>
33. Candidates had equal access to public billboards. In Jerusalem, the Israeli authorities did not allow the display of posters of any candidate.
34. One matter of concern was that there was no restriction on the amount of money spent on the election campaign. Although there were restrictions on sources of financing (for example the campaign could not be financed from public sources or from abroad), there was no immediate control. The successful candidate will have to provide an audit.
35. There were allegations that there was abuse of public resources in the campaign of the main candidate, including involvement of public officials in the campaign, backing of the candidate by public bodies, as well as no clear separation between the campaign and the financial resources of the Palestinian Authority.

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<sup>1</sup> Source : EU EOM Media Unit

**VI. Election day – vote count and tabulation**

36. The vote took place in a generally calm and orderly manner and no violent incidents were reported except for Gaza where shooting between supporters of different candidates at the polling station was noted. A minor shooting incident occurred in Ramallah where the Palestinian police had to shoot in the air in an attempt to pacify a disgruntled voter who had not found his name on the voters' list. Fortunately, there were no casualties.
37. In all polling stations in the West Bank which were visited by the teams of the ad hoc Committee, the members of the electoral commissions seemed to be well aware of the voting procedures prescribed by the law and these were observed in a satisfactory manner. Local observers, and in particular representatives of main candidates, were present in practically every polling station. The good level of preparation of electoral officials and the presence of local and international observers contributed largely to the credibility of the electoral process.
38. Unfortunately, this was not the case in Jerusalem. The secrecy of vote could not be ensured in the post offices designated as polling stations. The presence of cameras added to the intimidation of voters. The security of ballots was not ensured, in particular, during the transfer by Israeli army lorries to the district commission.
39. Freedom of movement throughout the territory on election day was partially impeded although controls at checkpoints were visibly relaxed. They had not been lifted altogether, however, and this might have had a negative impact on voters turnout, particularly residents of Jerusalem and those voting in special voting centres often distant from their place of residence. Reportedly one incident took place when Israeli armed settlers forced a group of 35 Palestinians, on their way to the special polling station, to turn back, thus preventing them from voting.
40. Unfortunately, access to many polling stations involved climbing a number of stairs which made access for voters with mobility problems either impossible or difficult.
41. The decision by the CEC to extend the polling period by two hours and to allow for non-registered voters to vote, which was announced at 7pm, raised serious concern among the observers. However, only a small percentage of votes were cast in the extended period and the clear victory of Mr Mahmoud Abbas gave no rise to concern as to a possible modification of the final result.

**VII. Conclusions and recommendations**

42. The general assessment by the ad hoc Committee of the electoral process was positive. The election law is in conformity with democratic standards and provides necessary guarantees for a good electoral process. It was scrupulously implemented by the CEC, notwithstanding the very difficult political and security context. Unfortunately, the restrictions imposed on voters in East Jerusalem by the Israeli authorities made it impossible to fully apply the law's provisions there.
43. The overall high voter turnout clearly indicates the belief of the Palestinian population in the democratic process. With the election of Mr Mahmoud Abas, who appeared throughout the election campaign as a moderate politician, committed to the peace solution and willing to negotiate with Israel, a new window of opportunity has been opened for dialogue between the parties concerned.
44. This momentum must not be lost and contact should be resumed as soon as possible to avoid deadlock and intensified violence. All parties concerned should show the political will to make headway towards a meaningful negotiating process.

45. The Parliamentary Assembly continues to welcome the presence of the Palestinian Legislative Council at the PACE plenary sessions in Strasbourg and at all meetings where issues discussed concern them as provided by Resolution 1245 (2001). The Parliamentary Assembly is ready to give all possible assistance to the preparation of the forthcoming parliamentary elections in July 2005, and accepts the invitation conveyed to the ad hoc Committee by Dr Hassan Kreisheh, Speaker of the PLC to observe these elections.
46. The Parliamentary Assembly encourages the Venice Commission to provide the Palestinian Authority with any legal assistance within its competence which may be requested.

**APPENDIX I**

AS/BUR/AH PALESTINE (2005) 2  
15 January 2005

**AD HOC COMMITTEE TO OBSERVE THE ELECTION OF THE PRESIDENT OF THE  
PALESTINIAN AUTHORITY**

**(9 January 2005)**

**PROGRAMME**

**Thursday, 6 January 2005**

Arrival of the members of the ad hoc Committee

All members will be collected at the airport by the hotel in which they stay.

American Colony Hotel  
Nablus Road  
East Jerusalem  
Tel: +972 2 6279777  
Fax: +972 2 627 9779

Addar Hotel  
St Georges Street  
East Jerusalem  
Tel: +972 2 626 31111  
Fax: +972 2 6260791

**Friday, 7 January 2005**

*American Colony Hotel*

- 09:00 Meeting of the ad hoc Committee
- 10:00 Briefing by Ambassadors of Council of Europe Member States
- 11:00 briefing by the EU representation and UNDP (to be confirmed)
- 12:00 Informal Lunch
- 13:00 Departure for Ramallah
- 14:00 Meeting with Dr Hana Nasser, President of the Central Electoral Commission
- 15:30 Meeting with Dr Hassan Kreisheh, Speaker of the Palestinian Legislative Council
- 16:30 Briefing by the experts of the Palestinian Legislative Council (PLC)
- 17:30 Visit to the grave of Yasser Arafat
- 18:00 Return to Jerusalem
- 20:00 Working dinner with the members of the PLC, Diplomatic Corps, UNRWA and NGOs



**Saturday, 8 January 2005**

*American Colony Hotel*

09:15 Departure for Ramallah

10:00 Meeting with Dr Abdullah Abdullah , Deputy Minister of Foreign Affairs

11:00 Meeting with Mr Ahmad Qurei (Abu Ala'a) Prime Minister

12:00 Meeting with and Mr Azmi Shaibi and Mr Abdel Jawad Saleh, Members of the PLC

14: 00 Return to Jerusalem

**Sunday, 9 January 2005**

**Observation of the election**

**Monday, 10 January 2005**

08.30 Ad Hoc Committee Meeting

10:00 Press Conference (*Ambassador Hotel*)

## APPENDIX II

### PRESS RELEASE

#### **PACE satisfied with the election of the President of the Palestinian Authority**

Jerusalem, 10.01.2005 – A delegation (1) of the Parliamentary Assembly of the Council of Europe (PACE), led by Lord Kilclooney, former Minister at Home Affairs in Northern Ireland, observed the 9 January election of the President of the Palestinian Authority.

Palestinians voted in three distinct areas: the West Bank, East Jerusalem and Gaza. The delegation was satisfied with the efficient organisation of this election and commends Palestinian electoral officials and international agencies concerned on the excellent job they have done in the run up to the vote, in difficult circumstances within an illegally occupied territory.

The overall high voter turnout clearly signals the belief of the Palestinian electorate in the democratic process. With the election of the new President, a new window of opportunity is opened for a renewed dialogue between Palestinians and Israelis. The momentum must not be lost and contacts should resume at the earliest to avoid deadlock and intensified violence. We expect all sides to show the political will to make headway towards a meaningful negotiating process. The Palestinian people have expressed their hope. We believe that trust could be restored.

While satisfied with the way in general the election was conducted, the delegation deplores a number of serious matters such as:

- impeded freedom of movement throughout the territories, including the movement of candidates, during the electoral campaign which may have had a negative impact on the voter turnout;
- inadequate arrangements for voting in Jerusalem imposed by the Israeli authorities. In particular it is regrettable that out of 120 000 eligible voters resident in Jerusalem, only around 5 000 could vote in their city. Even those 5 000 had to cast their votes in post offices rather than in polling stations where neither the secrecy of the vote nor the security of transportation of ballots could be guaranteed;
- reportedly, there was no clear separation between the campaign of the leading candidate and the resources of the Palestinian Authority. This may have created an uneven playing field between the candidates;
- whilst there was equal opportunity for advertising, there were reports that some candidates have had little coverage in the press;
- non-registered electors being allowed to vote and the extension of the polling period.

The Election Law No.15 of 1995, on the basis of which the present election was held, seems to be in conformity with general democratic standards and the Central Election Commission gave every indication that it intended to implement it to the letter, notwithstanding a very difficult political and security context.

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The delegation will continue to welcome the presence of members of the Palestinian Legislative Council at the PACE plenary Sessions in Strasbourg and at all other meetings involving Israel and the Palestinian Authority. PACE is ready to give any assistance possible to the Palestinian authorities for the preparation of the parliamentary election in July 2005.

#### **(1) Members of the delegation:**

**Socialist Group (SOC):** Tom Cox (United Kingdom), Josette Durrieu (France), Andreas Gross (Switzerland), Tadeusz Iwinski (Poland), Ruth Gaby Vermot-Mangold (Switzerland), Tana de Zulueta (Italy).

**Group of the European People's Party (EPP/CD):** Corien Jonker (Netherlands), Lord Kilclooney (United Kingdom).

**Liberal, Democratic and Reformers' Group (LDR):** Daniel Goulet (France), Lord Russell-Johnston (United Kingdom).

**European Democrat Group (EDG):** André Kvakkestad (Norway), Mikhail Margelov (Russia).

**Group of the Unified European Left (UEL):** Leo Platvoet (Netherlands).

**Contact:** Francesc Ferrer, PACE Communication Unit, Mob. +33 6 30 49 68 22, Tel. +33 3 88 41 32 50, francesc.ferrer@coe.int

