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A Statement for Immediate Release Issued by the Human Rights and Democracy Media "SHAMS" Center

On the International Day of Democracy: Postponing the Palestinian Elections is a Major Setback, and the Continuation of the Emergency Raises the Level of Threat to Public Rights and Freedoms

"SHAMS" Center views anxiously the continuation of the unconstitutional extension of the state of emergency after it was announced on 5/3/2020 under the pretext of confronting Covid-19, despite of the sufficiency of National legislation represented by the penal laws, civil defense and public health to confront the pandemic and the decline of the curve of injuries to a low degree in several periods, which suggests that the announcement of this condition and its continuous extension, contrary to the constitution, is taking place for political reasons.

This year, the International Day of Democracy falls on the Occupied Palestinian Territory in special and delicate conditions, after the citizens breathed a sigh of relief when the President Mahmoud Abbas issued a long-awaited decree on 15/1/2021 to hold general elections after 15 years of disruption that led to an imbalance in the political system and has caused severe damage to the constitutional institutions, including the Legislative Council (Parliament), which has the original constitutional legislative and oversight jurisdiction, that has been solved. As much as the decision to postpone the elections seemed likely before it was taken, the issuance of a decree regarding the postponement of the general elections, caused great anger, as it eliminated the last glimmer of hope, and consolidated the continued deprivation of an entire generation - everyone under 33 - of Political participation and the exercise of their right to vote, which they never exercised before.

"SHAMS" Center **denounces** the escalation of official attempts to control the public space through the legislative tool after the executive authority completely



controlled the right to legislate, represented by the issuance of the decision by Law 7/2021 regarding the amendment of the Law of Charitable Associations and Civil Organizations 1/22021, which constituted serious and direct danger in the right to form ,for example, trade unions, associations and federations, which is guaranteed by the Basic Law in Article (26) of it, and put unjustified restrictions on the work of associations and organizations and attached them to the ministries of competence in the executive authority, and fundamentally affected the environment of public rights and freedoms at the same time that civil society institutions were and still are. It is subject to a systematic campaign of incitement by the occupying state and attempts to stigmatize terrorism and put pressure on funding sources in light of what it is doing in exposing the crimes of the occupation in international forums and pressing for accountability. The amendments provoked wide reactions, forcing the authorities to issue a decision to suspend them under the pretext of completing consultations with the relevant authorities, but the legislative behavior issued by the executive authority reflected the overwhelming and deep desire to reduce civil space, making human rights violations less costly.

In a similar way, the Council of Ministers issued a shocking decision to abolish Article 22 of the Code of Conduct and Ethics for the Public Job, which stipulated the right of the employee to express his/her opinion and publish it verbally, in writing, or other means of expression. This constitutes a violation of the Basic Law, especially the chapter of rights and freedoms, which guarantees freedom of expression as a basic constitutional right, and violates the legal obligations of the State of Palestine under the conventions and treaties it has acceded to, and offends the image of Palestine as a state that struggles for liberation and emancipation from colonialism. This intersects with the continued prosecution, trial and arbitrary imprisonment of citizens for expressing opinion.

Furthermore, this year witnessed the killing of a prominent political activist and former candidate for the parliamentary elections, "Nizar Banat" by a joint security force, which led to the emergence of peaceful assemblies in different governorates for long days, which were suppressed by excessive force. This included members of the security services in uniform, others in civilian clothes, and civilian members



protected by the security services assaulted participants in peaceful assemblies, dragged them, beat them on separate parts of the body with sticks and batons, detained, arrested and tortured dozens, and stole and used the activists' mobile phones to blackmail, defame some of them, attack journalists, and launch sound and gas bombs extensively without regard for the safety of peaceful assemblers and for the fact that they are exercising a constitutionally guaranteed right.

Therefore, "SHAMS" Center calls to:

- 1- Announcement of a new date for holding general, comprehensive and simultaneous elections on the basis of a fair electoral law and a court for electoral issues and after creating a free, fair and responsive electoral environment for rights and freedoms.
- 2- Ending the unconstitutional ongoing state of emergency, which has no real need to declare, and which harms public rights and freedoms and imposes unnecessary restrictions on them.
- 3- Calling on the authorities in the West Bank and Gaza Strip to respect human rights, foremost among them the right to peaceful assembly, the right to express opinion, and freedom of the press, publication and media, and to punish violators of these rights through effective, transparent and deterrent channels.
- 4- Retreat the policy of continuous pressure by the authorities on the civil space in attempts to reduce it and control the public space.
- 5- Calling on the authorities in the West Bank and Gaza Stripe to respect the legal obligation in Palestine under treaties and conventions and harmonize them with the National Legislation to publish it and publish the amendment in the Official Gazette to give them a clear enforceability.

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