



2022/1/3

A statement for Immediate Release

**"Issued by Human Rights and Democracy Media Center "SHAMS
De-facto Government in Gaza Preventing Holding Election is a confiscation for the
citizens' right to choose their representatives.**

Human Rights and Democracy Media Center "SHAMS," received with concern and condemnation the de facto government in the Gaza Strip, "Hamass movement" preventing the holding of local elections under various pretexts, represented by the movement's demand for written guarantees of holding the elections as scheduled and other demands related to the election law. "SHAMS" Center believes that the movement's demands, although their cover is technical, express a position that is, in essence, is an opportunist political and falls within the framework of factionalism and constitutes a clear confiscation of the citizens' will and their right to express an opinion and choose their representatives, and deepens the Palestinian division at the structural, hierarchical, and institutional levels. This is a surprising position because the "Hamass movement" participated and participates in the elections of local councils in the West Bank in locations where it has the opportunities and capabilities to achieve victory under various names, including "independent candidates."

The Center demanded to cancel the formation of the Elections Court and restore the jurisdiction to decide on appeals to the courts of the first instance in the West Bank and Gaza Strip, the Center confirms that the Elections Court was formed by a presidential decree issued on September 30, 2021, from (15) judges of the courts The Appeal and the first instance court, To consider appealing the decisions of the Central Elections Committee and the appeals against the election results, is formed by the Local Authorities Election Law No. (10) of 2005 by a presidential decree based on the recommendation of the Supreme Judicial Council. It should also be reminded of the "Hamass movement" that it welcomed earlier the formation of the electoral issues court that was supposed to consider matters related to the parliamentary elections, and which was formed according to factional consensus even though it was a law formed by a presidential decree. This was the position of civil society from the beginning, which understood these demands at the time to avoid the problems of the previous stages in the stage of forming lists and the stage of appeals.

"SHAMS" center views Hamass' position as a circumvention of Article 2 of the Palestinian Basic Law (Interim Constitution), which affirmed that "the people are the source of powers and they exercise them through the legislative, executive and judicial authorities based on the principle of separation of powers over the face outlined in this Basic Law and a clear violation of Article (26) of the same law, which stipulates that "Palestinians have the right to participate in political life, both individuals and groups, and in particular they have the following rights: .. 3 - Voting and being nominated in the elections to choose representatives from among them to be elected by universal suffrage by the law....".

"SHAMS" Center stressed that it should be noted the danger of appointing committees to manage local bodies as a result of this ban by "Hamass", who are increasing of one political affiliation, which will affect impartiality, equality, and integrity in the provision of services, and on the other



hand effects on their acceptance among citizens because they are specific and from one direction, and weaken efforts to activate social accountability and popular and civic oversight, which should be based on the electoral program that is not available in this case.

The "SHAMS" Center also stressed that the elections are a periodic constitutional entitlement that should not be subject to political bargaining or factional consensus, and it is not a favor from the parties, but rather a pillar of the social contract and the basis of the legitimacy of governance and the legitimacy of any party without it.

moreover, raising these demands during the short time remaining before the second phase of the local council elections in March 2022 is nothing more than a try to block the election, and if there was a serious will to enable citizens to exercise their right to vote, it would have been possible to allow the current elections to be held, provided that they meet The Central Elections Committee with the Ministry of Local Government, the national and Islamic factions and civil society institutions later to discuss the observations and demands of all parties on the electoral law and system.

"SHAMS" center recommends all factions and parties to enable Palestinian voters to exercise their political rights, foremost of which is the right to vote and to run for office, and to immediately stop practicing any form of systematic violations, including preventing Palestinian citizens from participating in elections as a candidate and to vote.