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## **Palestinian President Issues Disastrous Judiciary Decisions**

Arab Organisation for Human Rights in the UK (AOHR UK) condemned the decisions issued by the Palestinian Executive Authority, represented by President Mahmoud Abbas, on regulating the work of the judiciary.

AOHR UK considered these decisions disastrous as it constitutes a clear interference in the judicial affairs and affects its integrity and independence as well as the legitimacy of its rulings.

On January 11, 2021, the Palestinian Official Gazette published legal decisions issued by Mahmoud Abbas on December 30, 2020, stipulating the dissolution of the Supreme Judicial Council and the establishment of a transitional council to replace it, [the formation of new regular courts, and the establishment of an administrative judiciary at two levels, amending the Judicial Authority Law No. 1 of 2002](#), promoting a number of judges while arbitrarily referring 6 others to early retirement.

Abbas ordered the appointment of the head of the Transitional Supreme Judicial Council, Issa Abu Sharar, who is over 80 years old, as Chairman of the Supreme Judicial Council.

For 14 years, since the Legislative Council was absent, Abbas took advantage of this legislative vacuum and started issuing legal decisions which established an extraordinary legal system that is distinct from the systems of laws in all countries of the world.

The legal decisions should only be issued in specific circumstances and must be submitted to the Legislative Council for approval or declining.



Those decisions, which were taken by one man in the absence of the legislative institution responsible for the issuance and amendment of laws, aim to tighten the grip of the executive authority and security apparatus over the judiciary, thus making judges vulnerable to blackmailing and turning them into a tool used by the system to crush the democratic process.

The timing of the issuance of these decisions ahead of the upcoming legislative elections is a dangerous indicator of Abbas' desire to control the legislative authority and limit its independence by controlling the judiciary. This had happened before when the Constitutional Court decided to dissolve the Legislative Council in 2018.

These decisions are in breach of the **Palestinian-European Partnership Agreements** which provides that the Palestinian side shall have funding for development projects in the Palestinian society, as long as it preserves the rule of law and the independence of the judiciary.

AOHR UK called on Palestinian President Mahmoud Abbas to respect the principle of the rule of law and separation of powers, to cancel all his decisions related to the judiciary, to stop its implementation immediately, and to return working with the judicial law in force before the amendment to the Supreme Judicial Council.

AOHR UK called on the European Union, the concerned NGOs and UN bodies to review the partnership agreements they have with the Palestinian authority as the latter had breached the fundamental articles which aims to preserve the rule of law and the independence of the judiciary and uses the programs' funding in crushing democracy.

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