



Human Rights & Democracy Media Center "SHAMS"

Reform and control of the Palestinian Security Sector

The role of Human Rights Organization

Dr. Omar Rahhal

Human Rights and Democracy Media Center "SHAMS"

June 2013

Index

Subject	Page
Preface	3
What does restructuring and reforming the security sector signify?	4
Reforming the security sector requires making changes	5
When does security reform begin?	5
The relationship between Palestinian National Authority (Palestinian state) commitments and controlling the security sector after attaining the UN membership as observer? First : internal commitments Second: external commitments	6
Which kind of control we want? First: the legal base for Palestinian civil society organizations' work Second: the role of human rights organization in the process of control on the security sector Third: public control	9
The steps of control process	15
Principles of the reform of the security sector process	16
Objectives of the reform of the security sector process	16
Obstacles within the reform and control of the security sector in Palestine	17
Suggestions and recommendations	19
Prologue	21
Margins	22
Annex no. 1	23

Reform and control of the Palestinian Security Sector

What is the role of human rights organization?

Preface

Changes which have taken place in some Arab countries should be considered a positive step forward, regardless of the consequences. This change reflects a step towards respecting human rights, enhancing democracy and getting rid of a tyrannical dominant system which don't express the public opinion and is unable to accomplish its purposes and aspirations. Previously, Arabic peoples weren't able to get out and face death, especially after they became unable to stand because their private and public freedoms were oppressed and their political, social, civic and economic rights were violated in addition to political dominance.

After the Arabic revolutions, people started talking more about the essence to reform the security sector and considering it as the entity in charge of control, domination, protection of systems and suppressing opponents. It has therefore been a part of corruption in those systems because it a basic part within it.

It is known that one of the major functions for the country is protecting borders from external dangers, as well as supplying citizens with internal safety. The country as well has the right to establish armed and security forces which belong to the people and are concerned with defending the country and preserving its lands and security besides defending and protecting the home and its land is a glorified duty. Currently, it is not allowed for any group or body to establish any military parties.

As well, setting a constitutional framework which arranges the involvement of security forces within civic life represents a substantial condition in order for these forces to be a partisan instrument by the political system to manage it without controls. The constitutional framing may require additional parallel steps like procedures for creating trust and links between civilians and security officers.

Within previous decades, the tyrant systems utilized security sectors to reinforce its ruling and destroying internal opposition while the price for keeping its authority was expensive, and the security sector in many Arab countries became extremely hateful. While after the Arab Spring revolutions, the elected governments democratically faced difficulty in reforming security institutions, which are the foundation for sustainable political legitimacy.

*Under the title of: collaboration in the fields of justice, freedom and security, a report issued by the European Union and **Action Paper of the joint team for implementing the policy of European Neighborhood in the Palestinian occupied territories (the report for the workflow of European Neighborhood in Palestine 2012)** a press release in Alquds 23/4/2013, clarified that: no actual progress was achieved within the field of reforming the security sector except some repairs in the Palestinian civil police, and there was no improvement in the quality and kind of dialogue with the Ministry of Interior. Particularly in the increasing concern about human rights violations as well as the deficiency of obviousness in specifying the responsibilities of each security body and the practices of security forces which are considered far from internationally acceptable practices (look at the second chapter). There is also a need for a better monitoring & evaluation and reporting systems by the donors and implementers in the Ministry of Interior besides a need to provide clear information from the Palestinian side to the donors regarding its capacity of direct implementation for development programs via the PA systems. One of the priorities mentioned in the PA Development Plan 2011-2013 is connected to enhancing public transparency and accountability of security bodies in order to build stronger societal relationships with citizens in addition to guarantee defending human rights. Regarding accountability and civic supervision, the UNDP in collaboration with EU office for coordinating aids to the Palestinian police launched a joint program to guarantee internal police accountability, enhancing national efforts to fight against corruption and promoting the civic social supervision. In this frame, an accountability strategy is currently developed including complaints and supervision within Palestinian civic police by a complete support from the Palestinian police, while the EU office is preparing a final draft from the programs for 2 years with DCAF center (Democratic Control of Armed forces).*

Hence, can we wonder if security forces are protecting the constitution, democracy and constitutional legitimacy or protecting the political system?

What does restructuring and reforming the security sector signify?

Restructuring signifies a set of programs, plans and policies aimed at developing a the security sector more capable to carry out its duties in line with respecting human rights, democracy and rule of law. This includes transforming the nature and aspirations of the political system, and requires upgrading the security performance to support this transformation. It can be defined also as a set of policies, plans and programs which can improve the quality as well as the manner of providing the security service in the community. It is also the necessary process in order to develop a professional, efficient

security entity which allows citizens to live in peace¹, while the Tunisian, Egyptian and Yemeni cases are close to that. In general, restructuring or reforming the security sector includes imposing values of justice, country of law and focusing on citizenship values to increase efficiency of the security sector and being arranged within the legal framework. The concept of good governance in the security sector signifies that citizens' security is perceived and understood as a public service provided by the country, like other services such as health care or education. Also, the security sector should provide security for the actual needs for citizens and the country, aside from providing effective, efficient and transparent official work. Finally, the legislative and executive powers should oversee the main entities in charge of security and justice and control them in addition to holding them accountable².

What has been mentioned above depends upon the significance of the existence of a supporting political willingness for reform, joint readiness by actors including security officers and the comprehensive reform for related sectors (Parliament, government, political parties and civil society organizations).

Reforming security forces requires changes within three levels:

- Legislative: there is a need for clear legislations of security forces' work in addition to cancel and amend some laws.
- Institutional: the reform should focus on restructuring all security forces sections.
- Cultural: there is a need to change the culture of security forces to the culture of rule of law as well as respecting human rights³.

When does security reform begin?

The term "reforming security sector" is relatively a new term, and it is linked with security repairs in the developing countries or countries under democratic transformation after crises. The United Nations first tackled this term in 1994 after the collapse of the Soviet Union and communist countries, while widespread peacekeeping operations which in the nineties of the last century assisted in providing this term as an instrument to exit

¹ A press release issued by the European Union, working paper from the joint staff for implementing the European neighborhood policy in the occupied Palestinian territories, (**the report of the workflow for the European neighborhood policy 2012**) Alquds 23/4/2013.

² Concept paper for the conference of "**good governance for security sector in the Arabic region: what's the role of civil society?**" Implemented by Foundation For Future (FFF) in partnership with rights institute in Birzeit University and Center of Democratic control of Armed Forces (DCAF) 22-23 June 2009 in Amman/Jordan.

³ Conference of "rule of law and Palestinian community safety challenges" conducted by Human Rights and Democracy Media Center "**SHAMS**" and **DCAF** center in Ramallah 27/7/2011.

crises and resolve conflicts. As well, many international gatherings that were formed then adopted this term and transformed it to fundamental agendas and programs including UNDP, EU program, OECD in addition to the British and American governments.

Security reform in most cases starts with evaluating the performance of the security sector as well as revising security policy which is applied in the concerned countries. This allows comparison between security needs which are imposed by citizens in the country with the available security potentials. The security revision which is prepared may reveal the importance to prepare documents about security policies, clarify the governing legal frame for the security sector and promote it, upgrade the work of control organizations and implement procedures of change among security officers.

The relationship between Palestinian National Authority (Palestinian state) commitments and controlling of the security sector after attaining the UN membership as observer, and controlling of the security sector:

Palestine's adherence to international and regional conventions related to human rights and basic freedoms should be based on the fact that human rights are natural, inherited rights which agree with the cultural and civilizational elements for Palestine. The country itself specifies its obligations based on Human Rights International Law via setting norms, concluding conventions or placing international declarations, rules and principles. Countries agreed on the content of these sources, approved commitment and arranged their behaviors by protecting human rights, individuals and groups.

The membership of Palestine in the United Nations as an observer imposes many obligations both international and locally. There is no doubt that objectives and principles mentioned within the International Bill of Human Rights are reflected in the constitutions of several countries and their national legislations. The Palestinian authority in the fifth article of the Basic Law stipulates that "human rights and basic freedoms are obligatory and should be respectable". It is joining both regional and international declaration as well as conventions which defend human rights.

Palestinian national authority obliged itself to respect regional and international conventions. Human supreme principles have been mentioned within the Basic Law—especially in the second caption concerning rights and freedoms. The Palestinian Authority also declares continuously by official personnel headed by President Mahmoud Abbas its commitment to international agreements. Many statements indicate that the PA is moving forward in the issue of human rights to promote the concepts and values of human rights.

**There are several obligations including both internal and external duties:
First: internal duties "obligations":**

1. Constitution's project: drafting the constitution's project for the state of Palestine. It should be a democratic constitution which enroots values and principles of human rights international standards including "equality" in all fields, as well as the principle of the supremacy of international agreements and conventions ratified by national legislations, popular sovereignty which makes the people the source for all powers, separation of powers and political pluralism.
2. Palestine's constitutional obligation to human rights as it is recognized internationally. International obligations impose that Palestine should ratify all international agreements besides respecting human rights on the ground.
3. Observing the application of human rights as well as enforcement of human rights standards within all levels. In the national levels human rights are observed by concerned governments, agencies, national organizations, human rights and media organizations, vocational syndicates, labor unions and legislative council.
4. The mentioned obligations impose the accordance of Palestinian legislations with human rights standards, starting from canceling emergency and mandatory laws. This signifies enacting new laws, amending some and canceling others.
5. Revising the legal frame for the Independent Commission of Human Rights in terms of constructions and mechanisms in order to contribute to the protection of human rights and advancing it like other national similar organizations in the democratic countries.
6. Respecting both individual and collective rights, especially those connected with freedom of expression, opinion, belief, movement, journalism assembly, demonstration and establishing organizations as well as associations.
7. Respecting and securing social and economic rights for citizens, besides the state's commitment to its responsibilities in terms of fighting against poverty, securing the right to good life and respecting fundamental and social rights of health, habitat and education.
8. Obligations by virtue of the new feature toward the Palestinian people: usually the country is legally and politically responsible for providing internal security, health, education, economic opportunities, good governance, law, system and infrastructure's requirements in addition to assisting in preserving regional and international security. While the capacity of undertaking this responsibility and fulfilling it is considered a fundamental base, Palestine's capacity is limited case since it is under the Israeli occupation.

Second: external duties "obligations"

1. Observing the application of human rights as well as enforcement of human rights standards within regional level via regional foundations and monitoring mechanisms adopted in its countries, including the American Committee for Human Rights, the African Committee for Human Rights and people, the European Committee for Human Rights, the European Court for Human Rights and European Council Committee of Ministers.
2. On the regional level, the application of human rights is observed by a group of non-governmental and international organizations as well as by the United Nations. Four kinds of observing are implemented: applying conventions, outside the scope of conventions (conventions-based), peacekeeping and field operations and the United Nations High Commission for Human Rights. It is worth mentioning that these international procedures can't be considered as an alternate for the effective legal procedures on the national level. The authority is responsible for transforming human rights into tangible reality accordingly. It should be noted that international complaints' procedures integrate with the local system, which aim to protect the individual. These procedures represent the last resource when the internal procedures fail to secure the effective protection of human rights.
3. International responsibility for countries regarding human rights violations: the country is responsible for not implementing its legal obligations in terms of respecting and securing individuals' enjoyment of human rights either by obligatory conventions or by the source of other law. This means countries' commitment to prevent rights violations, investigate violations, punish it and turn back the violated rights to its owners.
4. This necessitates reporting to concerned international commissions by us. This will authenticate the Palestinian Authority's obligations in the field of human rights. The PA will continue to be subject to the revision and monitoring of authorities derived from these conventions, along with the PA obligation to the rules and requirements of the International Customary law.

Which kind of control do we want?

First: the legal base for Palestinian civil society organizations' work:

When referring to the role of civil society organizations including human rights organizations in controlling of security sector, we refer to an ethical-professional role about Palestinian Basic Law, which is considered the constitution and tops the legal pyramid. In the caption of rights and freedoms (article 26) stipulates that "Palestinians have the right to participate within political life either individuals or groups and they have in particular these right forming political parties and joint it according to law, structuring syndicates, associations, unions, clubs and popular organizations, voting, candidacy in

elections to select their representatives by public voting, undertaking public positions and jobs based on equality of opportunities, conducting private meetings without the presence of police, conducting public meetings, gatherings and parades by virtue of law ”.

However, this text did not give these civil organizations means of control, while the Palestinian basic Law stipulated the formation of an Independent Commission for Human Rights in article (31) “An Independent Commission for Human Rights is formulated, and its formulation, functions and specializations are specified by law while its reports are submitted to the president of the Palestinian Authority and Palestinian Legislative Council”.

As well, laws issued by the Palestinian Legislative Council did not point to any controlling role for civil society organizations. Regarding the controlling of security sector, charitable associations’ law stated that (1) for 2000 is the one which organizes the work of civil society organizations in terms of establishment, work and solution. The 45 articles of the law did not indicate any controlling role for civil society organizations of security sector, while the main point in this subject is article (15) which stipulates that associations and commissions have the right to implement activities which were mentioned within the objectives of the organization, in addition to its basic system which talk about its work, asks and objectives. Therefore, the organization’s objectives will authorize it to work in this domain and its regular continuous activities may give it its controlling feature since it is specialized in this subject.

Second: the role of human rights organizations in the process of control on the security sector:

It should be mentioned that there will be no controlling role for human rights organizations unless there legal and constitutional texts allow it. There should at least be a particular law and by-laws that organize the work of security bodies through which violations against human rights should be criminalized, and which commits these bodies to respond to civil society organizations’ reports about regularities from its officers.

One of the major bases which justifies that the civil society pay attention to this domain—which contributes to its reform—is based on the constitution, since all democratic constitutions declare the role of civil society in the legislation via controlling and enforcing laws. Additionally, democratic constitutions declare that and that civil society has the right to accountability, considering it as one of the elements for the public opinion.

In addition, security institution includes confidentiality and privacy not only in Palestine, but the world over. The democratic transformations bring attention to this sector through many entries, and the connection of this intervention is linked with the availability of political willingness and their readiness to construct relationships of trust.

There is also a deficiency in declaring the principles of control of the security sector. Therefore, declaring democratic control of security forces will enhance the method of constitutional and political reform which is adopted by the Palestinian Authority. This issue is very accurate and sensitive since we can't forget the risks of transforming security from an institution for preserving public security to a system used by certain groups to protect its political and economic interests.

This belief is enhanced when we perceive the limitedness of Palestinian Legislative Council role in control and supervision over security sector, while the parliamentary supervision is considered as one of the significant mechanisms for democratic control of the security sector and reinforcing the democratic behavior within it. So, it is obligatory to focus on this mechanism within the governing principles of security and defense in order to find balance between the role of executing power which seeks to secure the efficiency of security bodies and the role of parliament as well as the specialized committees controlling it.

Despite the fact that there is no legal or constitutional article in this regards, civil society organizations can contribute to outline proposed laws or amendments, as well as discussions about some prevailing laws. Universities here can have a key role in training the legislator or legal staffs within the security institution on mechanisms of legislative drafting. These organizations may also provide central contributions in fostering the principle of good governance within security sector, control the performance of governments, implementing security policies and taking human rights into consideration. These organizations can provide experiences, knowledge and points of views. In addition, they represent the local community's interests and marginalized categories in this context. Civil society organizations guarantee preparing comprehensive security policies which embody indispensable conditions for achieving the legitimate feature for the procedures of security reform and its sustainability. Human rights organizations work to pay the attention to the concerned entities to those sides of security sector's reform which are neglected by those who are in charge of set up security strategies in many cases⁴.

The security sector works effectively according to certain quality standards in a frame of social transparency. Monitoring and collaboration helps achieve security and safety within the community and represents a motivating factor for productions as well as development, in addition to encourage investment in community. Therefore, it is contributing to increasing the rates of GNI, decreasing rates of crimes and pushing forward to more political repairs.

Accordingly, the future of human rights and its development depend on allowing human rights organizations to practice its controlling role, the accordance of local prevailing legislations with international standards for human rights, the PA capacity to change legislations that are derogative of human rights or other laws like emergency laws,

⁴ Dr. Nourhan Sheikh about “**security entities and supporting citizenship**” working paper submitted the conference of “the role of Ministry of Interior in supporting human rights”, police researches center, police academy – February 2008.

Palestine's joining to international conventions and ratifying them if possible, including the related agreements and conventions within the curriculum of security and police college, upgrading complaints' mechanisms, establishing and revising the legal framework for the Independent Commission for Human Rights in terms of its construction and mechanisms of operations so as to advance it like other national organizations in democratic countries. Additionally, the future of human rights and its development depends on the peaceful deliberation of authority, the relationship between human rights and national security and the scope of respecting and preserving the rights of national, ethnic and religious minorities. All of these terms indicate progress in the human rights field after the Arabic revolutions, along with the measure and the instrument to compare between the two periods.

There are also many factors which influence the future of control of the security sector, including the absence of democracy, the process of elimination, the deficiency of tolerance and accepting the other, the lack of dialogue's channels between the political system and societal political powers and the absence of political readiness to accomplish societal national reconciliation via transitional justice. The seriousness of the political system about defending human rights will keep the door open for different prospects. The process of democratic transformation is accompanied by several huge violations against human rights. Hence, imposing security as well as enforcement of law signifies harmony and accordance with national and international legislations headed by the Basic Law for the Palestinian National Authority. So, discussing the enforcement of law is not acceptable if there are violations against human rights and public or private freedoms⁵.

The central question here is : will the Palestinian political system, after attaining the membership for the state of Palestine in the UN as an observer, succeed in drafting a national civic constitution that defends human rights practically or it will resort to ideological alignment which is limited for expanded public requirements?

This is linked with democratic citizenship since citizenship is born with individuals and it originates, prospers and became enrooted gradually with their realization regarding the effort of the state to serve the citizens. It should be noted also that citizenship and belonging to the state is linked with individual's enjoyment of his/her social, political and economic rights and freedoms, not just from the state or the security sector, but also from other citizens as the feeling of respect and dignity is the core of real efficient citizenship⁶.

Despite the fact that Palestinian Basic Law in article (84)⁷ clearly stipulated the importance of organizing the work of security entities in a special law, the Basic law like other Arabic constitutions did not indicate that security institutions and those who work

⁵ Dr. Najem Dlemy, the role of public control of governmental performance in the political socio-economic fields, <http://www.ankawa.com>.

⁶ Majdi Helmi, working paper regarding "necessary requirements for effective accountability in line with good governance standards" <http://www.womenpress.net>.

⁷ Alhayat Aljadeeda Newspaper, a conference about "**challenges of developing a national security policy in the Palestinian scene- challenges and expectations in the issues of security sector reform in Palestine**" 30/7/2005.

within it are implementing instruments for the state and not for the governing party, the ruler or the president. As well, it did not explain the importance for subjecting them to parliamentary control or political level, and the text just mentioned general phrases like its role in wakening to preserve security as well as public system and behaviors.

Control aims at securing legitimacy, transparency, enhancing rule of law and respecting human rights via adopting efficient controlling procedures to prevent corruption, oppression, neglect, subjecting security entities to accountability for works in light of carrying out its functions and stabilizing effective tools which guarantee conducting this control. These include: listening, investigation and accountability. Accordingly, reducing the parliamentary role of follow up as it is mentioned within the Basic Law does not establish a factual balance between administrative dependency and parliamentary supervision over security forces.

The aforementioned text does not mention within its current phrasing sufficient requirements for democratic control, since transparency and accountability are not considered within principles which govern the work of the security institution at least honestly. One of the defects within this text is the absence of dedicating principle of respecting the rule of civic authorities and manipulating it for the means of suppression and legitimate power as an absolute principle. In a way this prevents any readings or explanations lead to doubt in the role of the state and its legitimate institutions and precluding the use of security outside the frame of law and state.

Despite the fact that Palestinian Basic Law stipulated that the authority (state) is responsible for constructing the units of national security forces and police, the text also includes a space for the potential to establish organizations or other armed entities which are not subjecting to national security by virtue of law, which created a state of disorder and fear when HAMAS movement established (the executive force) as a parallel irregular security force. Generally, security forces with high professionalism in stabilized democracies are controlled via external civil sides, but still human rights organizations may have a controlling role through:

1. Formulating a presidential committee specialized in reforming the security sector which consists of initiatives working in the field of reforming the security sector and workers in the Ministry of Interior, in collaboration with civil society organizations working in the same domain, bar association, Ministry of Justice and activists in the field of reforming security sector.
2. Adopting mechanisms for control of security sector, activating the role of inspection sector within security entities and forming joint committees from civil society and Independent Commission for Human Rights for this purpose.
3. Formulating a committee for developing and revising the academic and security training's curricula in Istiqlal University.
4. Working to issue periodic reports concerned with evaluating the security performance of security entities in line with specific standards.
5. Preparing a manual for controlling of security sector.

6. Setting efficient controlling mechanisms for security sector.
7. Training Legislative Council members particularly the interior committee, security as well as activists and members of organization on the mechanism of controlling of security institution.

Third: public control

The role and objective of public⁸ control is specified according to the nature of the ruling system, and it can't have a role outside the framework of the prevailing system. Generally there is an absence and weakness for the role of public control of the governmental performance due to the absence of legal legislations, weakness of political awareness, carelessness and the gap between citizens and the political system, while the main problems which face activating the controlling role of audience is the absence as well as weakness of mutual trust between audience and political parties. The success of control depends on activating the role and status of sectional public control besides applying and tolerating the principle of accountability. All these procedures will not be successful, effective and efficient without enhancing public control and involving civil society organizations as a controller of the success of governmental and parliamentary performance at the same time.

Kinds of public control:

It is known that there is a solid relationship between the nature of the prevailing political system and public control, and no public democratic system will be established without real public control with democratic content, and without enhancing the public democracy a parliament or a democratic public government will not be established, corruption will not be resisted and performance will not be evaluated. There are two kinds of control within the democratic system: parliamentary control and public control, and parliamentary control is considered as one of the most significant kinds of control, as it evaluates governmental performance. The main functions for the parliamentary control is the legislative, controlling and accounting ones, and appliance and success for these functions depends on the high level of political awareness as well as feeling the legal and ethical responsibility by the parliament members, especially by political parties and depend on the existence of strong political opposition inside the parliament in addition to avoid duality of standards within the work of legislative authority.

Public control is considered an instrument for effective control of the political system's elements. It includes kinds of control like political control which signifies the control of political parties either participating or not participating in ruling, and these parties

⁸ Strategic plan for security sector 2011-2013 issued by Palestinian Ministry of Interior.

especially the opposing, have the right to practice its legitimate right of objective criticism in order to correct the governmental and parliamentary work and this implies legislating labor laws for political parties.

Social control includes efficient actual activity, work and involvement of civil society organizations, syndicates, associations to assist the government in line with public interest, while the activation for the activity as well as work of these syndicates, associations and unions requires legislating a special law for it in order to reinforce its legitimacy and right to control.

Public control is considered as the highest controlling authority within any democratic community since it controls both the government and parliament work to serve the public interest. The main elements for public control are represented in political, social and media control which interact and integrate within its work and activity for the interest of the citizen. The main objective of public control is working to improve the quality and efficiency of the governmental and parliamentary performance besides achieving social economic justice, which will help in decreasing the socio-economic gap within community and fight to link the wage with type of work.

Steps of control's process⁹:

Control's process includes many steps mainly:

1. Setting performance's rates and standards which should be easy, simplified and common within employees and declared for them besides being just and transparent.
2. Preventive control is done before the beginning of operation and activities, which includes revising objective policies, procedures and rules so as to make sure of planned workable activities which will be implemented, preventive control aims at precluding problems before occurring.
3. Current control is done within implementation via control's system and it aims to follow up correcting procedures in the appropriate time.
4. Subsequent control is done once the work is completed via gathering information, achieving results and checking if it is in line with what has been planned.

Accordingly, there is a demand for special constitutional texts related to control of security forces imposed by the democratic construction in terms of radical revision for the role of state's organizations including the security institutions in order for security to serve citizens instead of the dominating system of authority. This implies a revision for the role of security institution and reforming it to guarantee effective implementation of

⁹ Derek Lutterbeck, After the Fall: Security Sector Reform in post-Ben Ali Tunisia, Arab reform Initiative September 2012, p.p. 17 – 18.

security service in light of democratic control practiced by civil society organizations of this sector. This involves adopting two main ideas at least: right of security and good governance for security sector, while security as a right with a human concept wasn't mentioned clearly within constitution's draft of the basic law. And good governance represents the core of reforming security, and what is implemented currently is the security governance as it is absent legal and constitutional texts.

Principles of the reform of the security sector process:

There is a set of principles which should be taken into consideration when starting the process of security reform as following:

1. Forming a legal constitutional framework which clarifies tasks and authorities of security sectors and police.
2. Mobilizing security and police energies.
3. Specifying actors within the system of police and security.
4. Supporting the approach toward the concept of social police.
5. Activating quality's comprehensive standards on security sectors.
6. Conducting necessary modifications on police and security doctrine to make citizens' equal protection its core.
7. Having collaborative civil society organizations with the security sector and vice versa.
8. Establishing partnerships between community and private sector with the security sector in order to accomplish security.

Objectives of the reform of the security sector process:

The process of reforming the security sector aims at securing democratic control of provided security services in addition to enhancing the efficiency and success of these services. Since citizens are the target of this process they should feel first of its consequences. Therefore, it is important to move from the perspective of state's security which aims at accomplishing security for the prevailing authority to the perspective of citizens' security which is linked with internal safety for individuals and citizens.

The process of reforming the security sector also aims at fostering the effectiveness as well as efficiency of providing security according to conditions of democratic control and monitoring. Countries get involved in the process of reforming the security sector in order to adapt with changes which take place in the international level to raise the legitimacy of the government and its security forces, to preclude the repetition of previous human rights' violations perpetrated by security forces in addition to guarantee efficient distribution for the limited public resources. As well, countries implement the process of reforming security institution in order to adapt with local and international changes, to raise the legitimacy of the government and its security forces, to prevent the

recurrence of previous human rights' violations perpetrated by security forces and to secure efficient usage of public money besides the voices calling for security reform.

Obstacles within the reform and control of the security sector in Palestine:

There are obstacles which hinder the control process of the security sector in Palestine represented by the occupational, organizational, administrative and legislative challenges. The decision-maker should first redefine the security sector and its role within community, in addition to accountability as well as weakness in the training which increases the problem and prevents security officers to treat civilians correctly. While the leadership of these security entities should adopt a political role so as to improve the public relations, undertakes the issue of low salaries for security forces and taking into consideration the demographic balance for security forces' enrollers.

The other obstacle is signified in the absence of integrated partnership relation based on mutual respect and work between civil society organizations and security sector. There are many obstacles within this relation since there are many reciprocal accusations as well real crisis, and even if there is any relationship it is attributed to general one and does not express the actual position for each party. All of this is due to absent actual dialogue based on the supreme interest for the Palestinian people because each party thinks that it is having the truth and the trustee for the people and its national issue.

In fact we are all living under occupation and national liberation therefore we need a positive relationship based on mutual respect.

There are also general challenges and problems which face workers in the field of security reform represented in the need for upgrading an appropriate strategy for security reform, and the essence for security entities itself involvement in the process of security reform, issuing new laws to have a comprehensive reform, enhancing the democratic domination and moving toward professionalism, contributing to the efforts of peace building, promoting rule of law and securing continuity as well as sustainability in the reform's operations¹⁰.

¹⁰ Dr. Muhammad Mujahed Alzyat, toward guiding security sectors' performance www.ahram.org.eg

The Palestinian internal arena's complications are represented in political division and what followed it in terms of deactivating the works of Legislative Council, detentions, actions and reactions between separated parties, blocked political prospects, failure of negotiations, economic crisis and increasing rates of unemployment and others. All of these are considered as challenges which preclude achieving a unified national strategy for security and prevent reforming security forces or a societal control of it.

The other obstacles which should be taken into consideration in any control's process of Palestinians the security sector are represented in these weakness points¹¹:

1. Weakness of partnership and coordination relationships between the security sector organizations and civil society organizations.
2. The Israeli occupation and its security and military procedures besides the lack of domination over international borders and crossings.
3. The diverse interrelated support and funding sides for security sector.
4. The accumulated cases in courts which led to indigence of judicial judges and filled prisons.
5. Weakness of public relations and security media.
6. Interrelation and dispute between military and civic judgment.
7. Lack of legislations and laws and the availability of laws without executive by-laws.
8. Weakness of rehabilitation in the fields of International Human Law as well as International Law of Human Rights.
9. Lack of physical, logistic and arming potentials to fight crime against the country's security.
10. Weakness of controlling systems within security institution.
11. Geographical, partisan and tribe loyalty.
12. Absence of obvious declared procedures manual to provide services for citizens.
13. Fragility of official and societal control (complaints' system).
14. Absence of by-laws, regulations and instructions which organize internal relationship in the security entity.
15. Weakness of partnership with the community in preparing and drafting security plans as well as priorities.
16. Limitation of early observing system to preclude revenge issues and societal problems.
17. Absence of a system for evaluating, analyzing and solving societal disputes in the security institution.
18. The society's trust in the capacity and objectivity of security institution in the process of interfering within societal disputes.

¹¹ Husein Hamouda, security dilemma: internal security between restructuring and building in Egypt <http://www.siyassa.org>.

19. Absence of organizing legal framework to the work of tribes' reform committees and weakness of these committees in some areas.
20. Absence of societal police.

Suggestions and recommendation:

In order for security to be in the service of democracy, to have a road map for control of security forces and in order for security to be in the service of citizens, the following sides should be focused on: training security forces, including the code of conduct and more transparency within security forces' work, pure stipulation of disciplinary procedures in addition to more control and accountability¹². The process of reforming the security sector requires precluding the phenomenon of diverse competitive security entities, setting efficient mechanisms for legislative and judicial control of performance and spending, forbidding security entities' interference within political life besides imposing accountability and transparency relating to security forces' performance. As well, there is a need for a new social contract between people and security entities in which security forces present themselves as defenders of stability and safety and in order to accomplish that, security entities should provide with such initiatives like:

1. Recruiting qualified public relations' officers.
2. Setting observing cameras inside the security entities in order to observe work and secure respecting system and law.
3. The significance of providing public initiatives which call civil society organizations for supporting security forces and recovering its prestige.
4. Permitting civil society organizations' representatives to visit security entities not just from a controlling perspective but also according to the base of partnership in the homeland.
5. Adopting a national security doctrine based on loyalty to rule of law, defending human rights and basic freedoms, serving citizens, improving the professionalism of workers in it and depending on standards of qualification and professionalism led by people subjected to accountability and operating positions¹³.

¹² International crisis groups, Tunisia: fighting against escape from punishment and recovering security, <http://www.crisisgroup.org>.

¹³ One of the recommendations for a workshop conducted by Human Rights and Democracy Media Center **SHAMS** center and Democratic Control of Armed Forces **DCAF** center on the subject of "enhancing rule of law in Jenin governorates" Jenin on 11/5/2010.

Recommendations:

1. Including the Palestinian Basic Law and security forces' law in addition to good governance and respecting human rights' international conventions' by those forces.
2. Transparency and recruitments and mobility.
3. Securing the respect for right to assembly and demonstration.
4. Establishing partnerships between civil society organizations and security institution.
5. Enacting law about the right to information which specifies clearly procedures for accessing information and procedures which preclude accessing certain kinds of documents.
6. The importance of making a turning point in coping with the security sector by transforming the view towards it from an oppressing instrument to considering them as national entities which protect citizens in a legal frame.
7. The significance to have communication between security institution and civil society organizations and between the citizen and security institution.
8. The essence to search for mechanisms to enhance rule of law, preserving it and applying it transparently.
9. The substance of having a societal control by civil society of security institution which will promote transparency and accountability.
10. Joining the special international covenant of political and civic rights, Geneva fourth convention, child rights convention, anti-torture convention and conventions connected with woman. And this depends on the nature of the concerned conventions since these several convention imply different requirements when ratifying. There are also some conventions which stipulate the complete membership in the United Nations.
11. As Palestinians, we will not be able to cancel, adapt or enact new legislations without reconciliation so as to judge legal centers which arose after the political separation, and this implies working with the existing Legislative Council or conducting new legislative elections.
12. Cautious studying of political, legal and rights' sides for any agency or conventions that Palestinian state will join.

Prologue

There is difficulty in accomplishing quick reform within the security sector as it is difficult for us to reconstruct institutions in light of unstable circumstances. Therefore, it is likely to be gradually achieving final objectives. It is clear to an extent that security entities have started to achieve a kind of discipline and respect for human rights and to be committed to law, and this will raise the hope for security entities to transform to better stages of modernity, development and justice.

In parallel to what have been mentioned, we can think seriously in a successful strategy for democratizing security forces without involving it in politics, which will help to accept the civic governance, understanding democracy's values and respecting them which is a middle and long-term strategy in a democratic atmosphere. This also implies the final treatment for the military-civic relationships as well as democratizing security forces itself which mean disseminating democracy's culture inside it, restructuring the organizations and conducting a comprehensive institutional reform process. It should be noted that security represents a fundamental guarantee for democracy which is the best framework to accomplish it, and the citizen is the first and last beneficiary from this right accordingly, it is important to attain citizen's security and this is how to attain the democratic security.

To summarize, in the process of democratic transformation and in light of expanded national government based on accordance and support from the legislative power as well as huge public support. The mentioned rules about the existence of professional security can be stabilized and the military-civic relationships can be dealt with huge wisdom and a situation in which the security institution's unity, budget and independence are preserved in addition to conduct anything which can reinforce its readiness and role to carry out its holy role in citizens' preserving security and protecting the homeland.

Margins:

1. A press release issued by the European Union, working paper from the joint staff for implementing the European neighborhood policy in the occupied Palestinian territories, (**the report of the workflow for the European neighborhood policy 2012**) Alquds 23/4/2013.
2. Concept paper for the conference of **“good governance for the security sector in the Arabic region: what's the role of civil society?”** Implemented by Foundation For Future (FFF) in partnership with rights institute in Birzeit University and Center of Democratic control of Armed Forces (DCAF) 22-23 June 2009 in Amman/Jordan.
3. Conference of **“rule of law and Palestinian community safety challenges”** conducted by Human Rights and Democracy Media Center **“SHAMS”** and **DCAF** center in Ramallah 27/7/2011.
4. Dr. Nourhan Sheikh about **“security entities and supporting citizenship”** working paper submitted the conference of **“the role of Ministry of Interior in supporting human rights”**, police researches center, police academy – February 2008.
5. Dr. Najem Dlemy, the role of public control of governmental performance in the political socio-economic fields, <http://www.ankawa.com>.
6. Majdi Helmi, working paper regarding **“necessary requirements for effective accountability in line with good governance standards”** <http://www.womenpress.net>.
7. Alhayat Aljadeeda Newspaper, a conference about **“challenges of developing a national security policy in the Palestinian scene-challenges and expectations in the issues of the security sector reform in Palestine 30/7/2005.**

8. Strategic plan for the security sector 2011-2013 issued by Palestinian Ministry of Interior.
9. Derek Lutterbeck, After the Fall: The security sector Reform in post-Ben Ali Tunisia, Arab reform Initiative September 2012, p.p. 17 – 18.
10. Dr. Muhammad Mujahed Alzyat, toward guiding security sectors' performance www.ahram.org.eg
11. Husein Hamouda, security dilemma: internal security between restructuring and building in Egypt <http://www.siyassa.org>.
12. International crisis groups, Tunisia: fighting against escape from punishment and recovering security, <http://www.crisisgroup.org>.
13. One of the recommendations for a workshop conducted by Human Rights and Democracy Media Center **SHAMS** center and Democratic Control of Armed Forces **DCAF** center on the subject of "enhancing rule of law in Jenin governorates" in Jenin on 11/5/2010.

Annexes

Annex no. 1

Extracts from the Palestinian development and reform plan 2010-2013

6.3 The security sector

The Palestinian Authority since its establishment in 1993 has paid special attention to the security sector because it represents one of the fundamental bases for building an independent democratic state, in which citizens enjoy security, safety and good socio-economic conditions which help in enhancing their determination on the homeland.

Security entities within the previous three years have been able to accomplish several achievements headed by imposing the public system as well as applying the rule of law especially after the events of security chaos that Palestinian territories witnessed after the second Intifada until 2007. It should be noted here that those achievements will not be achieved without the serious work as well as the commitments of security entities to implement the priorities of development and reform plan 2008-2010 which focused mainly on reforming and developing the infrastructure to enable security entities to carry out its role successfully and efficiently and attain its objectives in raising citizens' trust and safety.

As a continuation of the strategy of the security sector for 2011-2013 was prepared for building and accumulating over the accomplished achievements, and a set of policies which guarantee the protection for citizens and their areas was specified after continuing the preparations and readiness of security entities including:

- Continuing the work to restructuring security entities and unifying them in three main entities: police, national security and investigations to be all affiliated with political leadership and be accountable toward it.
- Achieving the work to prepare comprehensive programs for training, to develop skills and to supply with necessary facilities so as to guarantee the training for security entities' individuals in the fields of its works inside Palestine under the supervision of the Central management for training.
- Enhancing the security institution's commitment to transparency in its work and securing its compliance with public accountability so as to build strong relationships with the community and to guarantee respecting human rights for citizens without exceptions.
- Upgrading systems of monitoring and inspection within Ministry of Interior as well as security institution and securing its success and efficiency.
- Advancing the level and quality of coordination among security institution's branches and with justice sector's organizations.
- Improving the entity of civil defense, updating it and enhancing its capacities and potentials to respond to disasters and how to deal with it.
- Developing reform's center and rehabilitating it in line with international standards.

To follow up the progress of workflow within security sector, a set of indicators for 2011-2013 was developed based on the strategic objectives as it was mentioned within the strategic plan of the sector, and table 48 explains performance's indicators for security sector:

Table 48: performance indicators of the security sector

Achieved value 2011	Targeted value 2013	Base year	Information source	Reference information line	Indicator	Strategic goal
	%75	2008	pcbs	%70	The average of citizens who feel security	Providing security and safety for the homeland and citizen
20684	19823	2010	Civil defense	17237	Number of constructions abide by public safety procedures which were licensed	
%71	%60	2010	pmc)(%56	The level of audience's trust in security institution (investigation, preventive security, national security, police, presidential	building a professional wise security institution

					guard, civil defense and political guidance)	
%0.2	The work to the rate until 5%	2010	Investigation	%5.7	The rate of complaints submitted from citizens against security institution and its enrollers (the rate of complaints to the number of the institution's individuals)	
427	348	2010	The military jurisdiction	359	the number of judges issued by military courts	
regression of 201%	An increase of 5% over reference line	2010	Police	%59.5	The rate of achieved cases received to the execution's section in police.	Integrating between sectors of security and justice
15 minutes	2010	Civil defense	17 minutes	Civil defense	the average of accidents' response time	supplying with services effectively and efficiently
7.6 minutes	2011	Police	10.5 minutes	civil police		
68.9	%75	Ministry of Interior	%69.5	Citizens' satisfaction of services provided by Ministry of Interior (passports, birth and death certificates and Identity cards)		

It is noted from the above table that progress achieved within the security sector in terms of crime's decreasing rates, an improvement in the time of response from both civil police and defense, an increase in the feeling of security and safety for the Palestinian citizen, raising citizens' trust in the security institution, an improvement in the level of discipline in this institution. While some indicators witnessed retrogression like the rate of implemented judges which the Ministry of Interior searched in and tried to explain

which are clarified by the report in the next paragraphs. Ministry of Interior within the team of follow up and evaluation works to continue instruments and manners of evaluation, particularly the sustainability of questionnaires which measure citizens' feelings of security and safety, trust in the security institution and their satisfaction by services provided by Ministry of Interior.

While the increase recorded by the indicator of constructions abide by public safety procedures which were licensed pointed to 20684 constructions, while the previous target was 19823 constructions because of changing human resources from technicians depend on experience to engineers depend on geometrical bases which led to better work mechanisms and collaboration with concerned ministries, municipalities, petroleum Corporation, police and transportation. The increase recorded by the indicator of judgments issued by the military judiciary in 2011 since the total number was 427 while the previous target was 348 judgments; it was justified positively as the increase represents more discipline within security institution via following appropriate legal procedures against military personnel who perpetrate disciplinary breaches, then all cases are transformed to military jurisdiction after it was solved internally. It is know that the approaches of the sector for the next years is moving towards reducing the number of judgments issued against military personnel through the work to increase disciplinary procedures for them. While the reasons behind decreasing the indicator of achieved cases which are received to the section in the police is 2.1% while the indicator was 5% from cases received in 2011 were the following:

- The absence of security control over all areas and the need to previous coordination to carry out the tasks outside area A.
- The lack of obviousness for the address, location or mistake in the data of ID or name.
- Changing the places and locations of wanted people or transportation from one governorate to another.
- Part of wanted people is inside the green line or outside the country.
- Some legal memorandums include name of wanted people with blue identity and the privacy of dealing with them.
- Cases and memorandums issued by enrollers of security entities are referred to military prosecution by official correspondences and they are not recorded until being achieved.
- Keeping the cases and memos issued by wanted or sentenced people outside the country on observance lists on crosses' borders until they are arrested.
- The absence of a legal text which allows inspecting homes and looking for wanted people as this requires issuing warrant by the public prosecution each time.

Finally, the indicator of the average time for responding to accidents recorded an increase to be 7.6 minutes while the previous target was 10 minutes; this is referred to some

improvements which contributed to speeding up the response including: raising the number of emergency numbers in operations' sections, giving more authorities for operations' officers to take necessary procedures, upgrading the performance of operations' coordinators after receiving specialized training courses and identifying them geographically with governorates, supplying them with support by joint operations room, providing logistic potentials in terms of vehicles and communication tools and increasing the number of patrols which move within accidents.

While achievements in the level of interventions as they are mentioned within National Development Plan 2011 as the following:

In the level of legislative legal frames and executive explanatory by-laws and blogs the following was achieved:

- Drafts for police law, “penal laboratory” law and military judiciary law.
- Model rules by using firearms for security forces.
- Rules and code of conduct for police enrollers.
- Manual for inmates of rehabilitation and reform centers, know your rights and duties in addition to operational manual for workers in rehabilitation and reform centers.
- Code of conduct for military judiciary.
- Manual of know your rights which is directed to citizens and includes procedures follow up and work in line with laws including the stage of: submitting complaints, apprehension, arrest and entering and inspecting homes.
- Three training manuals for workers in jails.
- Procedural manual to organize the relationship between lawyers and rehabilitations and reform centers' officers besides judicial control's commissioners.
- Periodic reports about disciplinary procedures.
- Working on the training manual for human right issues and by-laws of security forces.

In relation to developing policies and strategies, the following was achieved:

- The strategies of the security sector 2011-2013, civil police, civil protection, accountability within civil police, rehabilitation and reform centers, , protecting family and childhood, anti-disasters and military judiciary.
- A draft for the strategy of gender in the security sector.

In relation to developing system of monitoring and inspection, the following was achieved:

- Activating and enhancing democracy and human rights unit in the Ministry.
- Promoting the joint work of police and prosecution.
- Accomplishing a plan for reinforcing accountability for civil police.

- Building the capacities of public inspection in security entities.
- Decreasing number of complaints submitted against security officers.
- Raising the number of decisions issued by military judiciary against military personnel in 19%.

In the field of training the following was achieved:

- Finishing the work in a set of important training constructions like central training authority for security forces and police training school.
- Finishing the work in the Palestinian firing field so as to secure professional training for specialized people and decrease the percentage of mistakes if needed to use power.
- Unifying the training via military training authority as well as designing special training curricula for security institution by the training center.
- Including human rights issues within the training curriculum of security sector.
- Training the national security brigades and civil defense personnel in Jordan.
- Opening and operating civil police training school.
- Training police officers and Ministry of Interior on combating documents-falsification.
- Training the employees of the front side in the Ministry of Interior.
- Rehabilitating project managers in the Ministry of Interior and the security sector about professional management for projects.

In the level of national program to combat drugs and preventing crimes and enhancing criminal justice, the following was achieved:

- Accomplishing the draft of the national program in partnership with Palestinian official institutions (Ministries of Justice, Health and Exterior).
- Beginning the project of criminal laboratories in the civil police.
- Building the team of combating human trafficking.
- A regression in crimes rate in Palestine by 2.7 if compared with 2010.
- A decrease in the number of crimes perpetrated against self by 8.7% valuation change.
- A decrease in the number of crimes perpetrated against individuals' lives and their reputations by 3.5 valuation change.
- A decrease in the number of crimes perpetrated against money by 0.4% valuation change.
- A decrease in the number of crimes perpetrated against private and public properties by 3.7% valuation change.
- A decrease in the number of crimes perpetrated against the public system by 11.5% valuation change.
- Decreasing the indicator of infringement upon others from 358.02% in 2011 to 351.4 in 2012.

- A retreat in the percentage of sentences' execution by 2.1%.
- A decrease in the average of response times to 7.6 minutes.

Main achievements accomplished in the field of civil protection are represented in the following:

A decrease in the time of civil defense response to accidents from 17 minutes in 2010 to 15 minutes in 201.	
• Firefighting operations.	5587
• Rescue operations.	1815
• Casualties	1292
• Death	44
• Number of civil society courses	648
• Number of beneficiaries from these courses	94341
• Constructions' licensing	21652
• Field visits	46011

In the level of reform and rehabilitation's centers the following were achieved:

- Building and operating Jericho prison according to international standards.
- Rehabilitating Ramallah prison.
- Setting a draft for the organizational rules of reform and rehabilitation's centers' law.
- Outlining manuals and procedures for reform and rehabilitation's centers.
- Setting the strategic plan for reform and rehabilitation's centers.
- Building the system of inmates' file.
- Providing educational programs and workshops for inmates.

- Offering communication and technology systems for reform and rehabilitation's centers.

Regarding the field of infrastructure, the sector accomplished the following achievements:

Nablus province: receiving 4 buildings, the buildings of: leadership, central operations, Nablus governorate and Ministry of Interior, while police building are still under works (jail and venue).

Civil defense centers: works of building and finishing were completed in Northern Aseera civil defense center which was delivered and run while the center in Bir Nabala is still under construction.

Police centers: there are 5 centers under construction which are: Jelqamous, Deir Ghassana, Tal Al'ouja and Altaybeh, and work is continuing in Jericho police training center.

In addition to that, Ministry of Housing and Public Works has implemented a set of projects linked with security buildings and included works of building and finishing for some venues: preventive security, police, presidential guard, national security and operations' camp in Alnwe'ema.