

## Effectiveness of the Palestinian Civil Police's Accountability and Complaints System

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### Abstract

**Objectives:** This study aims to assess the effectiveness of the Palestinian Police's accountability and complaints system, especially in light of the existing paradox in assessing the nature and role of the police. Essentially, the main goal of the police is to protect the rights and freedom of citizens; however, their authority might be abused by resorting to verbal and physical assaults against suspects and offenders under the pretext that these are essential to the task of crime control.

**Methods:** The study uses the descriptive analytical approach, as well as the empirical method to obtain statistics and data provided by official and non-official human rights institutions. Interviews were held with decision-makers in the civil police force, relevant human rights organizations and international and foreign organizations situated in Palestine. Face-to-face and phone interviews were held with some victims who filed complaints against police officers.

**Results:** The findings can be summarized by a lack of a clear conceptual structure and lack of coordination between accountability units. Moreover, the complaints system suffers from a duplication of complaints units across different institutions, which causes a depletion of the already scarce financial support.

**Conclusions:** The study concludes that the Palestinian police should simplify the structure of the accountability and complaints system, ensure public access to accountability units, and pay particular attention to complaints filed by marginalized and vulnerable individuals, especially women, children and the physically challenged.

**Keywords:** Palestinian civil police, accountability system, complaint system, disciplinary measures, citizen's confidence in civil police

### فاعلية نظام المساءلة والشكاوى في الشرطة المدنية الفلسطينية

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#### ملخص

الأهداف: تهدف هذه الدراسة إلى تقييم مدى فعالية نظام المساءلة والشكاوى في الشرطة المدنية الفلسطينية، خاصة أن هناك تناقضاً في تقييم طبيعة ودور الشرطة. فهناك وجهة نظر ترى أن الهدف الرئيسي للشرطة هو حماية حقوق وحريات المواطنين، وفي الوقت نفسه قد يتم إساءة استخدام صلاحياتها بالاعتداء اللفظي والجسدي على المشتبه بهم والمتهمين، بتبرير أن ذلك ضروري؛ لتنفيذ مهام مكافحة الجريمة.

المنهجية: استخدمت الدراسة المنهج الوصفي التحليلي، وكذلك البحث الميداني للحصول على الإحصائيات والبيانات المتوفرة في المؤسسات الحقوقية الرسمية وغير الرسمية. كما تم إجراء مقابلات مع صناع القرار في الشرطة المدنية والمنظمات الحقوقية ذات الصلة، والمنظمات الدولية والأجنبية العاملة في فلسطين. كذلك تم إجراء مقابلات، وجهاً لوجه وعبر الهاتف، مع بعض الضحايا الذين قدموا شكاوى ضد ضباط الشرطة.

النتائج: ويمكن تلخيص نتائج الدراسة في عدم وجود هيكل مفاهيمي واضح، ونقص التنسيق بين وحدات المساءلة. ومن ناحية أخرى، يعاني نظام الشكاوى من ازدواجية وحدات الشكاوى في مختلف المؤسسات، مما يتسبب في استنزاف الدعم المالي الشحيح أصلاً.

الخلاصة: تخلص الدراسة إلى أنه يجب أن تقوم الشرطة المدنية الفلسطينية بتبسيط هيكلية نظام المساءلة والشكاوى، وضمان وصول الجمهور إلى وحدات المساءلة، والاهتمام بشكل خاص بالشكاوى عندما يتم تقديمها من قبل الأشخاص المهمشين والضعفاء، وخاصة النساء والأطفال والأشخاص ذوي الإعاقة.

الكلمات الدالة: الشرطة المدنية الفلسطينية، نظام المساءلة، نظام الشكاوى، الإجراءات التأديبية، ثقة المواطن في الشرطة المدنية الفلسطينية.



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## 1. Introduction

The Palestinian Civil Police (PCP) is a regular force. In addition to other security forces, it is the armed force in Palestine. Among its functions are serving the people, protecting society, and maintaining public order and morals. Furthermore, it is the law enforcement body in Palestine. The PCP shall perform its duties with complete respect for the rights and freedoms of citizens (Article 4 of the Police Decree-Law No. 23 of 2017).

Police officers are invested with judicial powers, including accepting reports and complaints regarding crimes and presenting them without delay to the Public Prosecution, conducting examinations and searches, obtaining all necessary clarifications to facilitate investigations, and seeking the assistance of experts and witnesses without administering an oath. They are also responsible for taking all necessary measures to preserve evidence of a crime and transcribing all procedures taken in official minutes, signed by them and by the party concerned. In other words, the PCP exercises judicial duties (collection of evidence on the crime and suspects, arrest, search, and seizure) under the supervision and oversight of the Public Prosecution (Article 22 of the Criminal Procedures Law of 2001).

Although instances of police brutality are particularly dramatic and threatening to personal security, police misconduct more often falls into the broader category of abuse of discretion. The penal law provides that anyone who assaults a person with any type of violence or severity not permitted by law, with the intention of obtaining a confession to a crime or information about it, shall be punished (Article 208 of the Penal Law of 1960).

The PCP has been granted the authority by law to use force against citizens in certain circumstances and under certain conditions (Article 3 of the Police Decree-Law No. 23 of 2017). To this end, the legislator has granted the PCP wide powers to restrict the rights and freedoms of citizens, provided that their fundamental rights, guaranteed by the Basic Law (the Constitution) and other laws, are not prejudiced (Article 84 of the Basic Law of 2003).

Since its inception in 1994, the PCP has been dedicated to the protection and service of citizens. However, the PCP cannot fulfill its responsibilities without cooperation and support from the citizens (PCP's Strategy, 2017-2022). The promotion of the values of accountability, integrity, and transparency increases citizens' confidence in the force and enhances its legitimacy. These values are prerequisites for the PCP to fulfill its responsibilities and functions with efficiency and effectiveness. The principle of accountability can be achieved if the PCP is subject to public oversight and responds to citizens' legitimate needs and requirements.

### Research Problem

According to law and practice, the PCP is an armed semi-military force. Meanwhile, the functions of the police should be civil, non-militarized, and require strong ties with the people. Militarism, in the eyes of many observers, is considered an obstacle to professionalism, external accountability, community policing, and respect for human rights.

This paradox leads to a critical issue: whether developing an effective, independent, integrated, and transparent accountability and complaints system would result in a more effective PCP. In other words, the research problem of this study is to examine the degree of effectiveness and independence of the PCP's accountability and complaints system.

### Objectives

This study aims to assess the effectiveness of the PCP's accountability system, primarily focusing on the three accountability units: the General Inspector's Office, Internal Security, and the Bureau for Grievances and Human Rights. It will evaluate the system's organizational structure, the competence and efficiency of its components, its powers, functions, disciplinary measures, internal cooperation, and the division of responsibilities, as well as the intra-referral system.

Additionally, the study aims to assess the complaints system in terms of its complaint-receiving mechanisms, the competent authorities (both official and unofficial), verification procedures, referral processes, investigations, recommendations, and the implementation of appropriate disciplinary actions.

### Methodology

This study uses descriptive and analytical research approaches, as well as the empirical method, to gather insights from the statistics and data available from both official and non-official organizations. Interviews were conducted with police officers, decision-makers, the military judiciary, official institutions, human rights civil society organizations, and international and foreign organizations. Face-to-face and phone interviews were also held with individuals filing complaints against PCP officers.

## **2. Citizens' Confidence in the PCP and Their Satisfaction with Its Performance**

The Palestinian Central Bureau of Statistics (PCBS) conducted two public perception surveys over the past ten years, providing insights into citizens' confidence in and knowledge of the PCP's performance. The first survey, which focused on the public perception of the PCP's performance in various governorates of the West Bank, was conducted in 2014 and published in 2015. It included a sample of 4,209 Palestinian households (PCBS, 2015). The second survey, conducted in 2018, focused on the rule of law and access to justice and targeted 13,866 individuals in the West Bank and Gaza Strip (PCBS, 2018).

In both surveys, the level of respondents' general satisfaction with the policing services provided by the PCP was relatively high compared to other justice and security sector institutions. In 2018, more than half (56.9%) of the respondents who received police services expressed satisfaction with the services covered by the survey. This was slightly higher than satisfaction with other justice institutions: 48% of respondents expressed satisfaction with the courts, and just 40.6% were satisfied with the public prosecution.

The results from 2018 showed that the knowledge of respondents about the PCP's jurisdiction and functions was the highest among justice sector institutions. More than one-third of respondents were knowledgeable about the PCP's role (52.5% of males and 30.1% of females). In 2015, the majority of respondents indicated they were familiar with 90% of the services provided by the PCP. In contrast, only 27% knew about the services offered by the Bureau for Grievances and Human Rights. Based on the surveys, it can be concluded that the respondents' place of residence influenced their knowledge of the services provided by the PCP. For example, residents of Area C had less knowledge of police services compared to residents of Areas A and B. This also impacted their satisfaction with police services due to limited access to them, and the PCP's lack of authority to engage with Israelis in this area. Residents of Area C also expressed less confidence in the police's ability to protect them from external threats compared to residents of Areas B and A.

Women's awareness of these services is lower than that of men. The 2015 public perception survey also highlighted that the gender of the respondent is one of the factors influencing their knowledge of the services provided by the PCP. It also revealed an important finding: one of the key reasons preventing women from resorting to the police is the pressure exerted by families and society. Forty-seven percent of female respondents stated that societal and family pressure prevents them from approaching the police, compared to just 15% of male respondents. This indicates that cultural factors play a pivotal role in determining women's ability and willingness to benefit from police services. Additionally, 25% of respondents, particularly women, indicated that cultural traditions and fear of stigma prevent them from approaching the police, while 10% cited police political affiliation as a reason for hesitation in using police services.

The mechanisms for handling complaints are not widely known by the public. Respondents' knowledge of the procedures for filing complaints with the PCP stands at just 49.5%, still the highest among justice sector institutions. Only 6% of respondents stated they fully understand how the complaint process works. Public engagement with the complaints mechanism is also low, with 96.1% of respondents either not having filed a complaint against the PCP or not knowing anyone who has done so.

Regarding the public's perception of their satisfaction with the complaints mechanism, 63.8% of respondents said that if someone were to file a complaint against the PCP, there would be no resolution. However, almost half of the respondents expressed satisfaction with how the PCP handles complaints, a slight increase from 2015 when only 44% were satisfied with various aspects of the complaints process. These results likely reflect the views of those who have not dealt directly with the police, but who feel relatively secure compared to a period in the West Bank marked by significant security challenges. On the other hand, those who have had negative experiences with the police have a different perspective.

According to the PCP's own records, the force received 803 complaints during the first half of 2018 (as per a pamphlet published and distributed by the Bureau for Grievances and Human Rights). Among those who filed complaints, the most frequent causes were discourteous conduct, failure to perform duties, and unlawful searches of property and persons. The number of complaints filed by males is three times greater than that filed by females. This can be attributed to several factors, including the low level of awareness among women regarding the services provided by the police. Additionally, traditions and customs do not support women playing a significant role in public life. The number of complaints filed by young people is also higher than those filed by older individuals, which can be attributed to the enthusiasm of youth and their desire for change.

In contrast, a study examining citizen complaint data from eight U.S. cities found that "a small percentage of officers accounted for a disproportionate percentage of total complaints, with excessive force and discourtesy often being the most common allegations. Younger officers and those with less experience generally received a greater number of complaints" (Terrill, 2015).

In another study, researchers found that "complainants' subjective experiences are shaped mainly by outcomes, while features of the process that might be expected to enhance procedural fairness have little or no effect on complainants' judgments" (Worden, 2017).

### 3. PCP's Accountability System

The most fundamental distinction in the accountability mechanisms of the police is between internal controls, which will be discussed in detail in this paper, and external controls, such as the courts, which are beyond the scope of this paper. To assess the accountability system of any institution, one should examine the concept, levels, and measures of accountability, outline its legal basis, and review the attitudes of the public towards accountability. Additionally, the structures, functions, and competencies of the accountability system within the institution should be described and analyzed.

#### 3.1. Concept, Levels and Measures of Accountability

Accountability is defined as "the fact of being responsible for what you do and able to give a satisfactory reason for it, or the degree to which this happens" (Cambridge Dictionary). It can also be described as "a principle according to which a person or institution is responsible for a set of duties and can be required to give an account of their fulfillment to an authority that is in a position to issue rewards or punishment" (Britannica Encyclopedia).

On a broad basis, accountability means that each of the three state authorities is subject to the other two according to the principle of the flexible separation of powers (Tantawi, 1993). This is evident in the Palestinian Basic Law, which clarifies that the power of the state shall be exercised through the legislative, executive, and judicial authorities, based upon the principle of separation of powers (Article 2 of the Basic Law of 2003). Accordingly, the executive authority is subject to the control of the legislative and judicial authorities. Accountability within the PCP is an inclusive and integrated system of internal rules and controls designed to meet the needs of the police and the community at large (Shatanawi, 2006).

The PCP is bound to integrity and transparency; therefore, it should subject all its activities to accountability and provide effective responses to citizens' complaints. On the other hand, accountability is a guarantee that the PCP won't misuse its powers and binds itself, as an institution and through its individuals, to continually improve its performance to meet the needs of society (Abdelbaqi, 2015).

Accountability includes an internal and external system of balance and checks designed to ensure that the police agency performs its duties efficiently and can be held accountable for any failure (Halaby, 1982). It aims to prevent the police from abusing power, prevent political power from misusing its authority over the police, and enhance public confidence in the police while rebuilding its legitimacy. This means that police officers accept being accountable for their activities and decisions. They also accept the consequences of being convicted of crimes or misconduct and show readiness to redress the victims (Obeid, 1974). Without such transparency, corruption, crimes, and other misconducts will spread widely. Therefore, effective accountability cannot be achieved within police services that lack transparency and integrity since they are interconnected, with each reinforcing the other (Abdeen, 2018). Accordingly, transparency, professionalism, and openness to accountability are common values that support each other. Strengthening accountability can, therefore, enhance legitimacy and increase public confidence in the police, thereby strengthening the integrity of the entire system (UNODC Handbook on Police Accountability and Integrity, 2011).

In other words, performance indicators can help assess and respond to claims of bias, patterns of abusive behavior, or failure to protect citizens (Davis, 2012). International policing expert David Bayley argued that measurement is critical to maintaining a healthy balance between controlling crime and protecting the rights of citizens (Bayley, 2006). However, historically, Western police agencies have measured their performance against a very restricted set of crime-focused indicators, such as crime rates, arrests, response times, and clearance rates (Couper, 1983). Modern police officers must be prepared to act in a variety of roles, from problem-solver to counselor and provider of first aid, among many others (Greene, 2010).

Bayley later expanded on these principles. He argued that, "first, democratic policing means adherence to the rule of law rather than to the whims of public authorities. Second, police must protect civil rights—from the right to free speech and association to freedom from torture and other forms of abuse. Third, democratic policing should imply that police are externally accountable to government bodies, oversight commissions, and/or the courts. Finally, democratic policing should give top priority to meeting the security needs of private citizens" (Bayley, 2006).

While it is recognized that any institution seeking to accomplish its mandate must enjoy certain authority, it is equally recognized that the institution and its officials may abuse this power. In the domain of policing, the abuse of power may jeopardize the individual liberty of a citizen or group of citizens. On the other hand, usurpers of power will rule arbitrarily, without regard for the governed or the concerns of citizens (Hudson, 1972).

### **3.2. Legal Framework of Disciplinary Accountability at PCP**

The former regimes that ruled Palestine had no concern for enacting legislation to regulate accountability within the police or other security agencies for any offenses, omissions, or negligence by their members. However, upon the creation of the Palestinian National Authority (PNA) and the establishment of the first Palestinian national civil police agency in 1994, the protection of Palestinian citizens became a priority for the Palestinian legislator and decision-makers. This priority is reflected in the Palestinian Basic Law and other laws and bylaws regulating the functions of the police, as well as the relevant human rights protections provided under the law. The policies and strategic plans of the successive Palestinian governments, complemented by international principles applicable to the police and the treatment of persons subjected to any form of detention, also reflect this trend (PCP's strategy, 2017-2022).

The PCP's plan to enhance accountability is currently based on the legal framework of Palestinian laws, including the Basic Law of 2003, the Law of Service in the Palestinian Security Forces No. (8) of 2005, the Police Decree-Law No. (23) of 2017, the Penal Revolutionary Law of 1979, Law No. (6) of 1998 on Reform and Rehabilitation Centres, the Criminal Procedure Law No. (3) of 2001, the Law of the Office of Financial and Administrative Control No. (15) of 2004, and the Anti-Corruption Law No. (1) of 2005 and its amendments.

These laws have established a general framework for regulating accountability. It can be said that Palestine now has a good legal system for accountability within a legal and theoretical framework. However, the absence or weakness of accountability can be attributed to the non-implementation of these laws with respect to accountability and the absence of a strong accountability culture in Palestinian society in general, and among security agencies in particular.

### **3.3. PCP's Attitudes Towards Disciplinary Accountability**

The PCP has undertaken to ensure the highest levels of institutional development and best policing practices in accordance with international standards, as well as adherence to institutional values, principles of good governance, rule of law, and respect for human rights and liberties, with no discrimination, nepotism, or omission (Abu Bakr, 2017).

The Directorate General of Police issued the Accountability Strategy in 2016. This strategy includes the background, methodology, definition, importance, legal framework, vision, mission, goals, and values of accountability. It describes the current state of police accountability through a SWOT analysis. Furthermore, it addresses the strategic objectives, targets, and the implementation process.

The Accountability Strategy includes a presentation of the 13th Government's accountability program, which underlines the "commitment of the PNA to the goals related to strengthening accountability, oversight of public institutions, safeguarding human rights, and strengthening good governance, as well as the rule of law in the strategic objectives." It adds that the PNA would commit to "reorganize and structure the security services, including the PCP." The strategy stresses the importance of adherence to the doctrines of a democratic state, including transparency, public accountability, respect for human rights, the development of civil government control, and effective inspection systems in the security forces, as well as the PCP ([https://unispal.un.org/pdfs/PA\\_Ending\\_Occupation-Statehood.pdf](https://unispal.un.org/pdfs/PA_Ending_Occupation-Statehood.pdf)).

Against this backdrop, the PCP established some accountability units and activated the work of other units that were already in

place to achieve the objectives mentioned above.

As for the methodology, a committee of accountability units within the police and the legal department of the office of the Police Director General, as well as the Planning and Development Department, was formed. The process began with support from the EU Coordinating Office for Palestinian Police Support (EUPOL COPPS) and the United Nations Development Program (UNDP), which continue to support the police accountability promotion project.

From the point of view of accountability objectives, the Security Sector Strategic Plan (2017-2022) pointed out that accountability is aimed at "enhancing public confidence and the legitimacy of the police." It adds that "trust in the police, its legitimacy, and responsiveness are essential to ensure effective police performance. It also allows the institution to learn and implement new processes that will make police work more efficient and effective—taking into account the optimal use of available resources" ([https://www.moi.pna.ps/docs/STP\\_EN.pdf](https://www.moi.pna.ps/docs/STP_EN.pdf)).

### 3.4. PCP's Accountability Units

The following are the three main accountability units of the PCP: the Office of the Inspector-General, the Internal Security of the Police, and the Bureau for Grievances and Human Rights.

### 3.5. Inspector General Office

When the PCP was established in 1994, its organizational structure included a department called the "Inspection Department." However, it was no more than a name on the structure until it was activated and changed to the "Inspector-General Office" pursuant to a decision issued by the Police Director-General on 18 January 2008 (PCP's website: <https://www.palpolice.ps/>). The Inspector-General adheres directly to the Police Director-General and enjoys broad powers. The rank of the Inspector-General comes third in the PCP's hierarchy, following the Police Director-General and his deputy (PCP's hierarchy chart, 2008).

The main functions of the Inspector-General Directorate include assuming administrative, financial, and legal oversight tasks across all police directorates and departments. Specifically, it has three main operations covering all its duties: inspection of all police departments, supervision of all reports and mail issued by police departments, and examination of complaints presented to the police regarding the proper procedures for handling them (Article 16/1 of the Police Decree-Law No. 23 of 2017).

Inspection is divided into announced, unannounced, follow-up inspections, and what is called "secret inspection," where an inspection officer reports a case to a certain police department and keeps track of how quickly and effectively its response is. The response is documented and photocopied. Each inspection team must fulfill all competencies (administrative, financial, judicial, and technical). Specialized inspection can be delegated to a certain department, such as the investigation unit (Interview with the Inspector-General, 2023).

Inspection usually covers five areas: procedures, money, facilities, people, and things. The objectives of the inspection are to improve performance, measure compliance, improve the environment, ensure objectivity, and ensure transparency in leadership appointments. The criteria are still personal in this regard, so a regulation determining the criteria for leadership positions and their rotation should be in place (Workshop on the PCP's Accountability and Complaint System, 2023).

Complaints received by the Office of the Inspector-General are often related to poor performance and omissions in service provision, such as the presence of stolen vehicles in a given area or slow response to a distress call.

These complaints serve as a lever for inspection, where a team is formed to inspect, follow up, and examine the truth of the complaint. The results of the inspection would be different if the investigation into the complaint were conducted by the Internal Security or the Bureau for Grievances and Human Rights. These units pursue and question the offender, recommending the appropriate disciplinary punishment. In contrast, the Inspector-General Office focuses on the propriety of procedures, human resources training, qualification and competency, and the adequacy of logistics (Workshop on the PCP's Accountability and Complaint System, 2023).

Inspection by the Office of the Inspector-General varies as follows:

- **Field Inspection:** Teams of 6-7 officers, and up to 15 officers when they move to a large governorate such as Hebron, inspect the directorates and departments within annual programs and plans.

- **Office Control:** All administrative, financial, operational, and statistical reports are submitted to the Office of the Inspector-General, where they are scrutinized and examined.
- **Occupational Risk Inspection:** This strategy has recently been adopted and implemented in governmental ministries and departments, including the PCP. Eighty risks are identified for inspection. These risks include the non-documentation of the procedures and operations carried out by any department or section. There is a tendency to focus more on this type of inspection, aiming to reach 70% of the total volume of inspection operations (Workshop on the PCP's Accountability and Complaint System, 2023).

### **3.6. Department of Internal Security**

The Department of Internal Security (formerly Police Security) is a specialized department within the PCP, with 11 branches in the West Bank. Although it has been part of the police structure since its inception in 1994, it is not mentioned in the Police Decree-Law No. 23 of 2017, as the legislator did with regard to the other two departments, namely, the Office of the Inspector-General and the Bureau for Grievances and Human Rights.

The main tasks of the department can be summarized as follows:

- Collecting evidence and investigating crimes against police officers, including corruption and drug offenses committed by police officers and candidates.
- Providing security reports about the employees of the PCP.
- Raising security awareness among the PCP's personnel.
- Ensuring adherence of police officers to the instructions regulating their relationships with citizens, and ensuring the fulfillment of their duties with impartiality, integrity, and equity.
- Conducting investigations into citizens' complaints, which are evaluated by the Internal Security Investigation Division to determine whether there has been misconduct. If the act does not constitute an offense, the complaint will be closed, and the complainant will be informed. If the complaint is valid, the accused police officer will be summoned for a hearing. The investigating officer will then submit the appropriate penalty and forward the case, along with the investigation files and documents, to the Director-General of the PCP for approval. The referral is often not made to the investigating committees and disciplinary boards. If no conclusions are reached, the complaint remains under review (Workshop on the PCP's Accountability and Complaint System, 2023).

### **3.7. Bureau for Grievances and Human Rights**

The Bureau for Grievances and Human Rights was established by a decree issued by the Police Director General on 14/2/2009. Later, Police Decree-Law No. 23 of 2017 stated that the Bureau for Grievances and Human Rights shall be established within the General Directorate. The tasks of the bureau can be specified as follows: to receive complaints and grievances from citizens and police personnel regarding police affairs, follow up on, investigate, and refer the complaints along with recommendations to the Director General (Article 16/2 of Police Decree-Law No. 23 of 2017).

The Bureau for Grievances and Human Rights is concerned with human rights violations, including murder, harm, torture, abuse, defamation, slander, insult, indecent acts, negligence, and omission in providing services to citizens. However, the key functions and competencies of the Bureau for Grievances and Human Rights can be summarized as follows:

Receive complaints and grievances directly from citizens and police officers, whether they are free or deprived of their freedom in lockups or prisons, or through national or international human rights organizations that receive complaints from citizens regarding human rights and personal liberties violations by police officers. The Bureau may also handle disciplinary irregularities it learns of through reports from citizens, social media, or media outlets.

Verify the authenticity of the complaint, investigate it, and collect evidence. The Bureau may summon the defendant and witnesses for hearings. It may also assign experts and address formal and informal authorities to collect information, documents, and evidence to verify the authenticity of the complaint or dismiss it.

Submit recommendations based on the data collected during the investigation process to the Director General of the PCP after

investigating a complaint.

Recommendation of conviction and appropriate disciplinary punishment would be submitted to the Director General if the defendant is found guilty, in order to issue an order of execution (Regulations on the Bureau for Grievances and Human Rights, 2021).

On the other hand, the Bureau for Grievances and Human Rights also has the following duties:

- Managing records and files and following up on complaints' outcomes.
- Informing complainants of the results of the investigation and the decisions taken according to a specific timetable.
- Coordinating with national and international human rights organizations (e.g., the Red Cross) to organize workshops and other activities on human rights for PCP members, as well as to visit lockups and prisons.
- Making visits to lockups and prisons to ensure police compliance with human rights principles.
- Organizing awareness-raising campaigns to introduce the Bureau for Grievances and Human Rights to the public.
- Finally, it should be noted that the Bureau for Grievances and Human Rights and Internal Security have overlapping

powers. The distribution of jurisdiction between them is determined by the type of violation. For example, offenses such as robbery, bribery, and adultery fall under the jurisdiction of Internal Security, while physical assaults, beating, torture, badmouthing, and contempt fall under the jurisdiction of the Bureau for Grievances and Human Rights (Regulations on the Bureau for Grievances and Human Rights, 2021).

### 3.8. Assessment of Having Multiple Accountability Units in the PCP

Accountability devices cannot be advocated for police agencies in the abstract or according to a fixed recipe. Particular needs must be assessed so that changes may be advocated separately, demonstrating precisely what is required in the current police performance (Bayley, 2006). It would therefore be premature for this paper to answer the question of whether the current PCP's accountability system is effective or not. Furthermore, it is premature to advocate a specific set of mechanisms to be adopted in the PCP.

Bayley stressed that external control could never replace internal control. He always called for a combination of internal and external accountability, emphasizing that if accountability is to be achieved, the support of the police in developing external control is essential.

Another guiding principle in the search for improved accountability relates to the role of criminal sanctions in cases of police misconduct. Although there are cases in which justice demands the imposition of criminal sanctions, some argue that the punitive approach tends to reflect and reinforce the view that the problem of abuse is one that arises from a few individual "rotten apples" rather than from systemic organizational failings. On the other hand, the officers sitting at the top of the pyramid enjoy relative immunity. In contrast, others advocate for a conception of accountability that is bottom-up rather than top-down, in which the more power an individual has within the organization, the more they should be held accountable (Khalifa & Kibble, 2000).

Some jurists suggest police review boards made up of civilians, which are founded on basic tenets of their professional standards, where jurisdiction over the discipline of members of a police force belongs exclusively with the command structure. Since review boards tend to interfere with this jurisdiction, it is felt that they undermine the authority of the police command. Opponents of civilian review boards insist that adherence to the principle of departmental jurisdiction over discipline is necessary to preserve the morale, effectiveness, and efficiency of a law enforcement organization. This is because citizens expect the police to act quickly and decisively in critical situations. Willingness to do so depends on the line officer's belief that, whenever his/her actions are questioned and reviewed, those who do so must be knowledgeable about police practices. That belief contributes greatly to high morale on the force, and morale is a fundamental component of an effective police organization (Hudson, 1972).

However, the option of multiple accountability units is the administrative model used by the PCP. It is considered the best option from the point of view of the police leadership. The PCP Director General expressed his satisfaction with this policy known as "treading on toes", which means that if one accountability unit fails to receive and follow up on a complaint, the others would fill the gap. He believes that the success of this model could be enhanced through regular meetings between competent police officers from the different accountability units (Interview with the PCP Director General, 2023).



In 2008, the PCP Director General issued a decision to form a field committee to follow up on the accountability promotion project. Since then, weekly meetings of representatives from the three accountability units have been held to coordinate their work. The mission was divided into three practical tracks operating in parallel: building the complaints system, preparing the accountability strategy, and preparing the code of conduct.

There seems to be a belief in this model among the third line of command in the police as well (workshop on the PCP's accountability and complaint system, 2023). They consider that the current situation is an advantage for the citizens, but some controversial issues need to be resolved. They recommend the following:

- **Unify the complaint-receiving, investigating, and assessing body.** This task should be assigned to the Bureau for Grievances and Human Rights. It requires that internal grievances within the PCP's officers, complaints of prisoners, and issues of internal discipline would not be included in the complaints system, but they should have their own systems identified.
- **Withdraw the competence of recommending disciplinary penalties** from the Bureau for Grievances and Human Rights and assign it to the committee of officers in accordance with the provisions of the Law of Service in the Security Forces of 2005.
- **Replace the term "petition"** mentioned in the decree-law with the term "appeal". This is important because when a conviction is issued by the PCP Director General against the accused police officer, the latter has the right to appeal the conviction, not to file a petition.
- **Update complainants on the results of their complaints**, which aligns with the legislative principle of freedom of access to information. This also goes in line with the values of transparency.

#### 4. PCP's Complaint System

It has been suggested that, to be effective, a police agency must utilize a simple complaint procedure and have a staff adequate to ensure prompt and thorough investigations of all complaints. In addition, the organization should allow the complainant to participate in investigations, hearings, or conciliation procedures and notify them of the outcome of the deliberations (Hudson, 1972).

Among the characteristics of an effective accountability system in any official department is the existence of procedures for receiving and handling complaints, whereby the public as well as its employees can file complaints against disciplinary irregularities.

These institutions can also raise the issue of violations without a formal complaint being filed, as long as they learn about it from media outlets, social media, or other means. This can be applied, especially in cases of public opinion, attacks on peaceful gatherings, deaths inside interrogation and detention centers, as well as prisons (Independent Commission for Human Rights (ICHR), 2017). Thus, the complaint system is not a prerequisite to control an accountability system. However, it is the starting point for establishing the principle of the rule of law and the values of integrity, transparency, and accountability (Reber, 2013).

The existence of an effective complaints system in the PCP, with public confidence, is an indication of a high level of accountability and human rights protection. It maintains and enhances trust in the PCP. Some people think that the Palestinian complaints system lacks clarity in terms of complaints handling and decisions-appealing mechanisms (Interview with ICHR Director of Complaints Department, 2023).

Domestic legislation and international conventions guarantee the human right to complain. Many national and international human rights organizations rely on the complaints system as an effective mechanism for the protection of human rights. They receive complaints from citizens against official institutions and security services and follow up with these institutions and services.

Human rights organizations have special sections within their organizational structures for complaints follow-up. They have had significant success stories in this regard, but they also face challenges and failures. They receive, document, and verify complaints before referring them to the complaint sections of the defendant's institution. They also follow up on these complaints with the senior officials of the concerned institution or service if the results are unsatisfactory (Bahnam, 1984).

This section will briefly shed light on the importance of enabling the public to file complaints since they are viewed as an indication of people's trust in the institution and its disciplinary procedures. In addition, best practices in complaints handling, in

terms of the mechanisms for receiving and following up on complaints, as well as informing the complainant of the progress of their complaint, will be explored.

#### **4.1. Importance of Enabling the Public to File Complaints**

The public's enjoyment of the right to file complaints against the police is critical. In most countries, including Palestine, people are able to file such complaints with the police themselves, mainly with the competent units of the police stations or general directorates at the governorates. These units decide the follow-up steps, which may include an investigation.

In England and Wales, for example, statistics between 1969 and 1989 show that an average of 30 officers were prosecuted annually for non-traffic offenses arising from complaints.

The statistics reveal that only 20 percent of substantiated complaints lead to criminal or disciplinary proceedings because it is believed that the majority of complaints do not require disciplinary action. These are followed up by a supervisory officer, who may offer advice or an admonishment to the officer being complained about (Smith, 2001).

Palestinians sometimes hesitate to make complaints to the police due to fear or lack of confidence in the integrity of the police. Therefore, they may seek alternatives, such as the military prosecution, the governor's office, human rights institutions, or even tribal justice.

The same concern is also expressed about the British complaint process. At least two problems are foreseen: people may be reluctant to file a complaint at a police station because they believe the police officer may not take action against his/her colleague, or the officer who is recording the complaint may attempt to discourage the complainant from filing it (Terrill, 1983).

However, people should be enabled to file complaints against the police in cases of assault or omissions by police personnel. Failure to file complaints keeps the police service uninformed of violations or misconduct by its personnel, missing the opportunity to learn from concrete examples to improve its performance. Failure to file complaints may lead to impunity for offenders and give people the impression that the police are above the law.

These complaints should not be restricted to violations and omissions committed by police personnel. They should also cover the policies of the police agency and the quality of its services (Mustafa, 1976).

Complaints against services do not always need to be investigated; however, they require effective interventions by the competent units at the right time. This kind of complaint presents the police with a unique opportunity to learn lessons. In addition to ensuring that the public can make complaints directly to the police, there should be alternatives, such as the possibility of filing complaints with authorities independent from the police and public prosecution, such as the Bureau for Grievances and Human Rights.

This would encourage victims to file complaints against offenders without being threatened or intimidated by the colleagues of the offenders, who receive and investigate the complaints. If the task of receiving complaints is assigned to an independent authority, this authority should keep track of the complaint. The police's desire to cooperate with the independent authority would contribute to supporting its legitimacy and demonstrate that the police do not interfere with the investigation process.

#### **4.2 Complaints as an Indication of People's Confidence in Disciplinary Procedures**

The relationship between the number of complaints and the trust of citizens in the police is direct. If trust in the police increases, complaints against them will also increase, not the other way around (Reber, 2013). An increase in the number of complaints is often observed when the police enhance their efforts, improve standards of integrity and transparency, and develop complaint procedures, in particular. In this context, some observers note that the efficiency of the complaint system can be measured by the speed with which a complaint is resolved, while the effectiveness of the system concerns public confidence and their willingness to use it (Terrill, 1983).

The failure to file complaints is not an indication that the performance of the police is fully satisfactory. It can, instead, be interpreted as a lack of trust in the effectiveness of the complaint procedure, fear or despair regarding access to their rights, or a change in the mentality and behavior of these agencies. Conversely, an increase in the number of complaints may signal increased confidence in access to rights or a cessation of violations.

In other words, high numbers of citizen complaints may indicate an abusive police force, but they may also suggest that the complaint process is well-publicized, and the filing process is free of barriers. In the USA, for example, sources of civil disorder against police in some states and regions often stem from the lack of effective channels for redress of complaints against police conduct (Davis, 2012). Meanwhile, the aggrieved complainants were not always interested in having disciplinary action taken against the offending officers but merely requested an apology and a statement that their rights would be respected in the future (Hudson, 1972).

In general, the annual rate of complaints is not low in countries that have the best record of human rights. For example, over 7,000 complaints are filed annually against the police in Sweden (Interview with the head of the Rule of Law Section of EUPOL COPPS, 2023). Does this large number of complaints imply that the Swedish police practice torture in Swedish prisons or fail to fulfill their policing responsibilities? The answer is that Swedish citizens aspire to have better policing services, and thus, they file complaints. They trust the police and know that their complaints will receive full attention.

## **5. Conclusions and Recommendations**

### **5.1 Conclusions:**

1. Many obstacles have been observed in the work of the complaint units due to the Israeli occupation authorities, particularly in receiving, processing, and following up on complaints, especially in areas B and C. The continued raids by the Israeli occupation forces in Palestinian areas have obstructed the functioning of the PCP and prevented it from providing services to the public.
2. The inaction of the Palestinian Legislative Council and constitutional institutions over a long period has led to a weak and fragile culture of accountability in Palestinian society.
3. The distinction between criminal accountability and disciplinary accountability within the PCP is unclear. This is partly due to the lack of clarity in the relevant laws, particularly the Security Service Law of 2005 and the Revolutionary Penal Law of 1979.
4. There are various accountability units in the PCP (the Office of the Inspector-General, the Internal Security, and the Bureau for Grievances and Human Rights), as well as multiple entities that receive complaints and several investigation bodies. This often leads to overlapping powers and duplication of work and procedures among the various units.
5. The duplication of complaints across more than one entity drains already scarce efforts, time, and resources, especially when such repetition is discovered only at a late stage. This often happens because some complainants lack trust in those responsible for receiving complaints.
6. The PCP lacks standard procedures that clarify the mechanism for reporting disciplinary or criminal offenses and how to refer them to the competent accountability unit or to the military prosecution if the complaint relates to a crime.

### **5.2 Recommendations:**

1. Ensure public access to accountability units and allow people to file complaints by removing any obstacles that prevent them from doing so, such as distance and other barriers. It is essential that accountability units are easily accessible and, ideally, situated in a way that does not make it obvious that a person is going to file a complaint.
2. Pay special attention to complaints filed by marginalized and vulnerable individuals, particularly women, children, and people with disabilities.
3. Establish and implement standard operating procedures (SOPs) for all accountability units that outline how to receive, document, and manage complaints.
4. Keep the complainant informed about the progress of their complaint, the decisions made, and the punishments imposed on the person proven guilty of the crime or offense. A toll-free line should also be established to connect complainants with the PCP, with all actions carried out within binding timetables.
5. Complete the development and implementation of the electronic system for receiving and handling complaints and apply it to the central complaints office.

6. The PCP should ensure the transparency and impartiality of investigations in favor of both the complainant and the defendant, ensuring that all complaints are received and addressed efficiently and effectively, without favoritism or discrimination.

Establish effective programs and mechanisms to protect complainants and witnesses, in line with Palestinian political, social, and cultural contexts.

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