Summary Report on

Effectiveness of the Complaints Systems at Security Agencies

Filing petitions and complaints is a fundamental human right enshrined in numerous international human rights conventions. Complaints are a tool for accountability and oversight of the functions of public authorities in general, and security agencies in particular. Complaints are a key tool for the protection of human rights against any abuses or encroachments by security agencies. In spite of the improvement in the handling of complaints filed to security agencies, a report released by the Directorate General of Complaints at the General Secretariat of the Council of Ministers in 2017 showed that functions performed by the complaints units at security agencies continued to be challenged by many obstacles. These included the lack of a unified electronic system for complaints units, public unfamiliarity with complaints units, inadequate experience of complaint handling staff, undermined public trust and confidence in complaints units, and poor expertise in producing reports on complaints outputs. This report aims at assessing the realities of the current complaint handling system at security agencies in the West Bank and Gaza Strip. It describes how effective, transparent and impartial complaint handling procedures are from the moment a complaint is filed until it is closed. Accordingly, the report proposes recommendation that may promote the effectiveness, integrity and transparency of different aspects of the complaints system.

I. Legal framework for complaints at security agencies

A. Laws on security agencies: Laws that regulate the operations of security agencies do not provide for complaint handling mechanisms at these agencies. By way of exception, Article 16(2) of the Law by Decree on the Police No. 23 of 2017 provides for establishing the Department for Grievances and Human Rights. This department is tasked

with receiving, following up on and investigating complaints and grievances filed by citizens and police personnel against police operations. Both the complaints and relevant recommendations are referred to the Director General of the Police.

B. Regulation on Complaints No. 8 of 2016: This regulation is applicable to all the complaints filed to government bodies, including security agencies. According to the regulation, a government body includes any ministry, department, public institution, authority, or any other agency, whose budget is part of, or annexed to, the general budget of the State.

C. Procedure Manual of the Regulation on Complaints of 2017: This manual provides specific items on the complaints lodged to security agencies, including procedures for lodging these complaints and annual reports compiled and submitted by security agencies to the Council of Ministers.

II. Institutional framework for regulating functions of complaints units at security agencies

1. **Establishment of complaints units**: Issued by the Council of Ministers, the Regulation on Complaints requires that a complaints unit be established at each government body. It is clear that all security agencies without exception have their own units or departments for complaints.
2. **Complaints units between centralisation and decentralisation**: The Regulation on Complaints does not make clear whether complaints units at security agencies are centralised or decentralised. Following examination, it is evident that all complaints units are centralised in the headquarters of security agencies.
3. **Reporting relationship of complaints units**: According to the Regulation on Complaints, the complaints unit reports directly to the head of relevant government body (or director of relevant security agency). Following examination, it is clear that most complaints units report directly to the directors of relevant security agencies. Other complaints units report indirectly to the directors of relevant agencies, namely, the Customs Police and General Intelligence.
4. **Complaints unit staff**: Complaints units at security agencies are operated by staff members, whose number vary from one agency to another. These hold senior ranks. A large number of complaints unit personnel also hold academic degrees in law and have work experience in security operations. Most staff members attended training sessions on complaint handling procedures.

III. The context of the complaints system at security agencies (West Bank)

1. **Procedure Manual of Complaints**: The Regulation on Complaints No. 8 of 2016 and Procedure Manual issued forth in accordance with it provide the legal and procedural basis for the functions of complaints units at security agencies. Some security agencies, including the Police and General Intelligence, have adopted complaints procedure manuals and templates. These are derived from the Regulation on Complaints approved by the Council of Ministers. According to a survey conducted by the Coalition for Accountability and Integrity (AMAN) in 2018, 56 percent of the respondents in the West Bank and Gaza Strip agreed that security agencies had a complaints system. By contrast, 34 percent of the surveyed population thought otherwise.
2. **Mechanisms for receiving complaints**: Security agencies receive complaints through multiple channels, including by email. It should be noted that the latter mode of communication is not available at some security agencies, such as the General Intelligence and Customs Police. Also, the Computerised Central Government Complaints System is being implemented on an experimental basis.
3. **Volume of complaints**: According to reports on complaints submitted to the Council of Ministers, security agencies received 461 complaints in 2014, 3,060 in 2015, 1,727 in 2016, and 884 in 2017. Complaint reports show that security agencies handled the majority of these complaints. It is noted that more complaints were filed to the Police due to the agency's direct interaction with citizens. More complaints were also lodged to the Military Intelligence, which receives complaints filed against security agencies.
4. **Coordinating work between complaints units at security agencies**: If a complaint is common to more than one agency, a joint committee is established by security agencies to investigate, follow up on and take legal action on the complaint.
5. **Reports of complaints units**: All complaints units are bound to submit annual reports to the directors of relevant security agencies, who forward them to the Council of Ministers. Conclusions of these reports are published in the annual report, issued by the Directorate General of Complaints at the General Secretariat of the Council of Ministers. It is noted that security agencies do not post complaints unit reports on their respective websites.
6. **Timeframe for handling and replying to complaints**: According to officers in charge of complaints units at security agencies, replies to all complaints are provided within the legally prescribed period (30 days). If the complainant is not convinced with the reply, they can file a challenge to the Military Intelligence, General Intelligence, and Military Justice Authority.
7. **Impartial and objective functions of complaints units**: To avoid any conflicts of interest, security agencies are bound to disqualify the security personnel against

whom a complaint is filed from investigating the complaint. In this context, security agencies either establish an impartial investigation committee to examine the complaint or refer the complaint to the director of security agency or to the Committee of Officers for disposition, as the occasion may be.

8. **Accountability for the results of complaints**: If a complaint is proven to be valid, disciplinary action is taken against the security personnel concerned. If it involves a suspicion of a criminal offence, the complaint is referred to the Military Intelligence or Military Justice Authority.
9. **Working relationship between complaints units at security agencies and human rights organisations**: According to reports of the Independent Commission for Human Rights (ICHR), security agencies favourably handle many complaints. Sometimes, however, cooperation is unsatisfactory or lacking.
10. **Challenges to complaints units**: According to annual reports of the Directorate General of Complaints at the General Secretariat of the Council of Ministers and relevant interviews, security agencies face several challenges. Dedicated facilities are not available to receive complaints. Female security officers do not receive complaints filed by women. Some security agencies are inadequately experienced in producing reports on complaints outputs. Citizens do not trust the complaints system operated by security agencies. Some citizens file the same complaint to several security agencies. As a result of limited awareness raising campaigns, the public are insufficiently familiar with complaints units and departments. In addition to poor coordination between donors, multiple projects work towards promoting the complaints system. At certain complaints units, staff members are in need of a legal background and practical training to help them follow up on complaints. Some units are challenged by short human resources and logistic support.

IV. The context of complaints at security agencies (Gaza Strip)

It should be noted that reports are not released on the functions of complaints units at security agencies in the Gaza Strip. Information provided on the Gaza Strip is based on written correspondence issued by the Office of the Comptroller General of the Ministry of Interior (MoI). Security agencies refused to meet with the researcher and referred the matter to the MoI Office of the Controller General.

Complaints are received by complaints units at security agencies and the MoI Office of the Comptroller General. The latter developed a draft Procedure Manual of Complaints Units, providing a legal point of reference for the functions performed by complaints units. The manual was rolled out to security agencies to operate accordingly. However, the manual is still a draft and has not been approved by relevant authoritative bodies.

Other than the data contained in the written correspondence of the Office of the Comptroller General, statistics on the number of complaints filed to, and handled by, security agencies are not published. In the Gaza Strip, the Office of the Comptroller General for security agencies handled a total of 1,200 complaints in 2017 and 425 in the first quarter of 2018. In 2017, the Office of the Comptroller General also established 18 investigation committees.

According to the Office of the Comptroller General, complaints units at security agencies compile and submit monthly and annual reports to the directors of relevant agencies and to the MoI. However, these reports are not published to allow the examination of their contents. On the other hand, complaints units face several obstacles, including eroded public trust in the functions they perform. The process of enforcing penal actions against offending security personnel is slow. The Procedure Manual of Complaints Units should be adopted with a view to reinvigorating operations of complaints units. A unified computerised system should be developed and rolled out to all complaints units. These should be supported by more competent staff and necessary financial resources should be provided to maintain their functions.

Conclusions

1. With the exception of the Police Law by Decree, the majority of laws on the security sector do not include provisions, which vest security agencies with the power to investigate complaints. Hence, the Regulation on Complaints No. 8 of 2016 and respective Procedure Manual serve as the formal terms of reference for functions of complaints units at security agencies.
2. Complaints units are in place at various security agencies. However, these units are centralised in the headquarters of security agencies.
3. Most complaints units report directly to the directors of relevant security agencies. Some units report indirectly to the directors of security agencies.
4. The majority of staff members of complaints units hold senior military ranks (e.g. lieutenant colonel and colonel). Most of these attended training sessions on complaint handling procedures.
5. Various mechanisms are used to receive complaints, including via social media platforms at some security agencies. A number of security agencies still lack e-portals, where complaints can be filed.
6. Although the Computerised Central Government Complaints System was launched by the Directorate General of Complaints at the General Secretariat of the Council of Ministers, the system continues to be implemented on an experimental basis.

7. The volume of complaints lodged to security agencies fluctuate from year to year. Security agencies managed to resolve a significant number of complaints. Some complaints remained unhandled, however.
8. Complaints units at security agencies coordinate common complaints, the investigation of which lies with more than one security agency.
9. All security agencies adhere to compiling and submitting annual reports to relevant directors and to the Directorate General of Complaints at the General Secretariat of the Council of Ministers. These reports are published by the Directorate General of Complaints at the General Secretariat of the Council of Ministers.
10. Security agencies hold to account relevant personnel, against whom complaints are proven to be valid. Internal disciplinary sanctions are imposed or the matter is referred to the Military Justice Authority for adjudication.
11. Security agencies take seriously and cooperate with the ICHR. However, in other cases, cooperation is unsatisfactory or lacking.

Recommendations

1. Laws on security agencies will provide for vesting security agencies with the power to investigate complaints.
2. Complaints units at security agencies will be distributed between the headquarters and district offices of security agencies. Particular attention should be paid to security agencies with daily and direct interaction with the public, such as the Police, General Intelligence and Preventive Security.
3. All complaints units at security agencies will report directly to relevant directors. Accordingly, these units will have more powers to ensure effective delivery of assigned tasks.
4. More training courses will be provided to complaints unit personnel, particularly newly established staff members, to help them acquire more detailed knowledge about complaint handling procedures and international best practice.
5. The Computerised Central Government Complaints System will be reinvigorated to help citizens file complaints and eliminate duplicate complaints at more than a security agency. Additionally, the system serves as an effective tool for control and accountability for the complaint handling process, starting with the receipt and ending with the closing of complaints. Some citizens will no longer be afraid of filing complaints.
6. To raise public awareness of complaints units at security agencies, a media plan will be led by the Directorate General of Complaints at the General Secretariat of the Council of Ministers in coordination with various media outlets. For this plan, needed funding will be provided to fully achieve its objectives.

7. The e-portal will be activated to receive complaints. A dedicated link will be developed to file complaints online to all security agencies. Where possible, social media networks will also be used.
8. Stereotypical replies by security agencies to complaints filed by citizens or the ICHR will be eliminated. Replies should be clearly and accurately reasoned, avoiding overbroad expressions.
9. Opinion polls will be conducted to gauge public satisfaction with the performance of security agencies with regard to complaints. In this context, actions will be taken to overcome the problems indicated by citizens.

In relation to the Gaza Strip:

The Procedure Manual of Complaints Units, developed by the MoI Office of the Comptroller General will be adopted. A computerised system that covers all complaints units will be developed. To maintain their functions, complaints units will also be supported by needed human resources and logistic requirements.