



A comprehensive reference guide to the Palestinian security and justice sectors

August 2023

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DEFINITIONS

Absentee personnel

The term refers to public sector employees in the Gaza Strip (including employees in the security and justice sectors) who stopped working after the 2007 Fateh-Hamas split but remained on the Palestinian Authority (PA) payroll.

De facto government

The term refers to the Hamas-led government in the Gaza Strip that has had effective control over ministries, administration and employees there since the Fateh-Hamas split in 2007. This government retained effective control of the administration in the Gaza Strip also after the establishment of the Palestinian Unity Government in 2014, which did not become fully functional due to the continued political divide.

Palestinian Authority

The term refers to the Fateh-led government and administration headed by President Mahmoud Abbas since 2005, which is based in Ramallah, West Bank.

Security sector

The term here refers to the core security providers and their management and oversight institutions, as well as informal security actors.

Justice sector

The term here refers to the core justice providers and their management and oversight institutions, including the criminal justice system.

HEADNOTE - JANUARY 2024

The research for this report was completed prior to 7 October 2023. As described below, the present guide was initially intended to serve as a basis on which to engage the relevant authorities on areas of development and reform, alongside the needs and perspectives gathered by DCAF through community dialogues conducted in parallel. The current war in Gaza had a profound impact and DCAF recognizes that the current context is not conducive, for the time being, to foster national policies and engage Palestinian authorities in developing and committing to strategic documents.

After previous Gaza wars, in 2012 and again in 2014, DCAF has documented that infrastructure from the justice and security sector was particularly targeted by Israeli military operations. There is no reason to believe that the current war will bring an exception to this pattern. The level of physical destruction will certainly deeply affect the institutional framework governing the security and justice sectors in Gaza but also, to a lesser extent, in the West Bank. In addition, given the massive displacement of population within Gaza, as well as the unprecedented loss of human life, it is safe to assume that, sadly, the figures related to the security and justice personnel in the mapping section of this report are already being outdated at the time of writing.

As described in recent related policy products, DCAF is working under the assumption that in order to be sustainable, any future institutional architecture in Gaza has to be grounded in domestic legitimacy and built upon existing (security) governance structures. Therefore, DCAF considers the information and data contained in this report as crucial, since they can serve as a baseline reference for addressing the security sector governance and reform that will be necessary in any future scenario for the Gaza Strip.

January 2024

INTRODUCTION

Since December 2022, DCAF, the Geneva Centre for Security Sector Governance, has been implementing a project in Palestine: “Establishing Palestinian security needs in the oPt: Towards a new Palestinian security sector strategy”. The project aims to gather the security needs and perspectives of Palestinians and make recommendations for developing a shared national strategy for security and justice sector reform, at a time of considerable political uncertainty. DCAF has conducted community dialogues in 16 governorates in the West Bank and the Gaza Strip – including the main refugee camps – to capture the diverse perspectives and opinions of a wide range of Palestinian stakeholders, with a focus on both security and justice providers and seekers, and marginalised groups. At a second stage, DCAF envisioned supporting the Palestinian authorities in addressing the provision of security services through the articulation of a shared Palestinian National Security Policy and Strategy. A shared and people-centred vision is crucial not only to improve the security provision for the Palestinian people and to ensure their protection, but also to help sustain international investment in Palestinian state-building, and ultimately contribute to building renewed prospects for Palestinian reconciliation.

As part of this work, DCAF has identified the need for an overview of the current legal and institutional frameworks and structures of the security and justice sectors in the West Bank and the Gaza Strip, as a basis on which to engage the relevant authorities on areas of development and reform, alongside the needs and perspectives gathered through community dialogues. DCAF hopes that this report can also act as a comprehensive reference guide for experts and policymakers working towards security and justice sector reform (SJSR) in Palestine.

BACKGROUND

Security and justice sector reform has been at the centre of the decades-long effort of Palestinian state-building, supported by international donors and building on Palestinian initiatives and expertise. Yet the divided rule of Fateh in the West Bank and Hamas in the Gaza Strip since 2007 has practically halted Palestinian reforms and state-building efforts. Political differences between Fateh and Hamas over the control of the security forces were a key driver of the intra-Palestinian violence of 2007 and the subsequent emergence of two rival Palestinian governments. Under pressure from international donors, reporting lines in the security sector shifted from the President to the Prime Minister and back, depending on those in power and their political affiliation. Fateh and Hamas have attempted to reconcile on several occasions, but these efforts have yielded few tangible outcomes on the ground. The two governments continue to issue separate legislations, control distinct bureaucracies, and pursue different policies. Decisions made in Ramallah in the name of all Palestinians have no effect in Gaza, and vice versa. Despite the fact that reforms are desperately needed, Palestinian decision-makers have been wary of implementing changes that could deepen the split and make reunification more difficult.

Today, the Palestinian Authority (PA) in the West Bank faces significant governance challenges, visible in its lack of a strong legal and institutional framework and continuous reliance on international aid, which has been declining over the past years, resulting in mounting financial difficulties. The stalled peace process with Israel and public discontent with the quality of the PA's governance and services add further challenges. In the Gaza Strip, the de facto government remains isolated and its ability to deliver services to the population is under significant strain. These dynamics are crucial as divided and inconsistent security provision is incompatible with the idea of good governance, which rests on values of inclusiveness, accountability, rule of law, democratic government, and institutional process. Palestinian reunification is thus fundamentally a question of good governance, and the security and justice sectors are the most politically sensitive areas of reform for future reconciliation. Integrated management is only possible if Palestinians develop a consensus on the structure of both sectors and ensure that security and justice provision is guided by the needs and priorities of the Palestinian people across the territories. Furthermore, the enduring split also has ramifications beyond the West Bank and the Gaza Strip, as Palestinian governance has direct implications for the security of Israel, Jordan, Egypt and the wider region.

Following fifteen years of political and institutional split, this report takes stock of the status of the Palestinian security and justice sectors in the West Bank and the Gaza Strip since 2007. It is a descriptive undertaking that documents the relevant legislation, institutional mandates, roles and responsibilities and organizational structures of the Palestinian security, justice, and oversight institutions in both parts of the occupied territories.

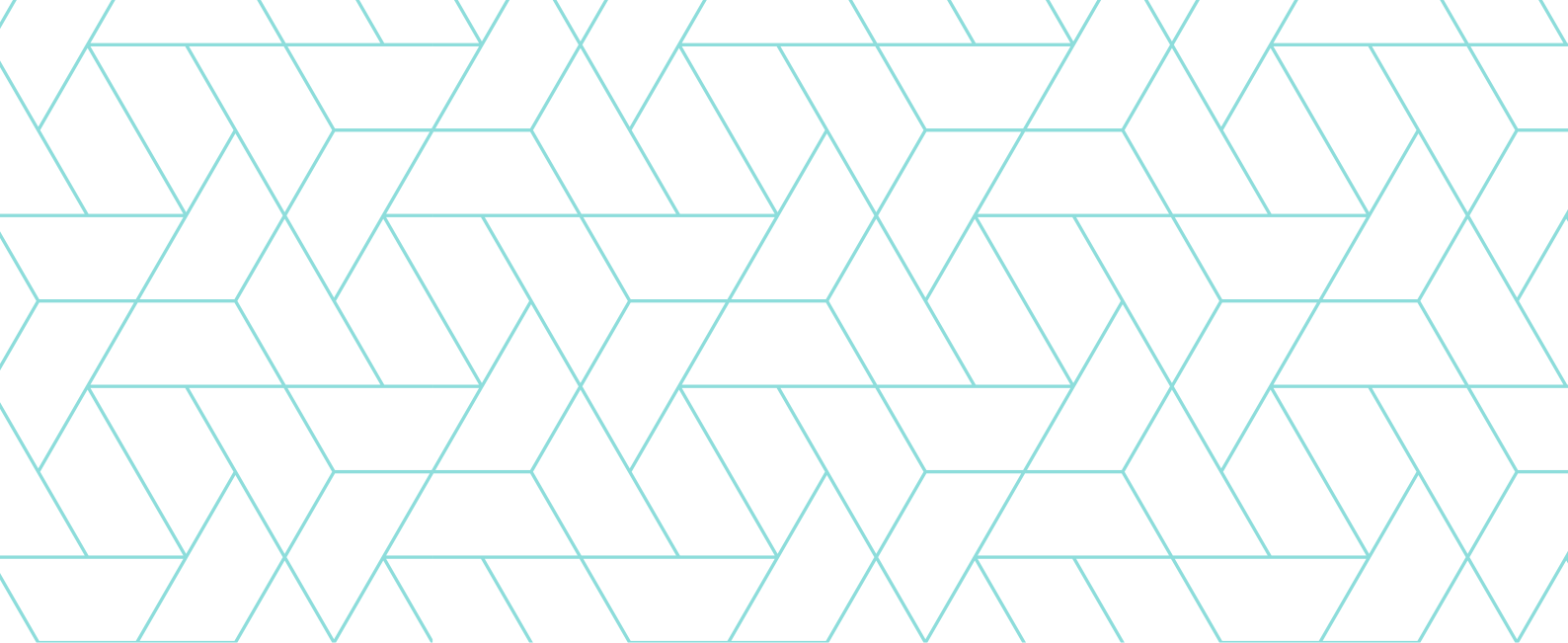
The report is structured in three parts:

- Section 1 provides an overview of the current legal and institutional frameworks of the security and justice sectors and the changes introduced by the authorities in the West Bank and the Gaza Strip.
- Section 2 provides a detailed mapping of the security and justice sectors of the Palestinian Authority in the West Bank.
- Section 3 provides a detailed mapping of the security and justice sectors of the de facto government in the Gaza Strip .

1



Section 1 - The Legal Framework of the Security and Justice Sectors in the West Bank and the Gaza Strip



More than 15 years have passed since the violent confrontation between Fateh and Hamas which led to the political and institutional split between the West Bank and the Gaza Strip. The legal framework of the security and justice sectors in both parts of the occupied Palestinian territory (oPt) has seen comparatively little changes since then. While as of 2023 the respective authorities have issued 410 decree laws in the West Bank¹ and 67 laws in the Gaza Strip², relatively few of these relate to the security forces or the judiciary. As a result, the security and justice sectors in the West Bank and the Gaza Strip remain, except for some changes in PA judicial legislation, largely still governed by the same laws that had been adopted before 2007.

The Palestinian legal system remains a patchwork in which laws from the Palestinian Authority (PA) and the Palestine Liberation Organization (PLO) coexist with legislation dating back to earlier periods of rule. These include the Ottoman rule (until 1917), the British Mandate (1917-1948), the Egyptian administration of the Gaza Strip (until 1967), and the Jordanian administration of parts of Jerusalem and the West Bank (until 1967).³ Military orders issued by Israeli occupation authorities add further to this legal complexity.

The Palestinian Authority was established by the Oslo Accords which set the boundaries of its ability to regulate its security forces. This series of agreements, signed between the Government of Israel and the PLO between 1993 and 1995, not only forms the basis for Palestinian self-government, but also puts limitations. The Oslo II Accord states that any PA legislation that goes beyond their remit 'shall have no effect and shall be void ab initio'⁴. The Accords thereby forbid the PA to create security forces, or give powers to existing forces, which were not foreseen in the Oslo process.

¹ See Electronic Reference for the Official Gazette, <https://mjrlab.pna.ps/LegReport/ResolutionLaw> (last accessed 1 May 2023).

² Information provided by de facto government, April 2023.

³ In his first decision as President of the Palestinian Authority in 1994, Yasser Arafat issued the Presidential Decision No. 1 of 1994 which stipulated that all legislation in effect in the West Bank and the Gaza Strip before 5 June 1967 would remain so under the PA.

⁴ Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (1995), Article 18 (4).

The Oslo I Accord of 1993 provided for the election of a legislative council and stipulated the creation of a Palestinian police force. Building on this, the Agreement on the Gaza Strip and the Jericho Area of 1994 detailed aspects of Palestinian autonomy. The annexes of this agreement established the structure of the Palestinian police, defined its mandate and functions and created the framework for Palestinian-Israeli security cooperation. They limited the total size of the Palestinian police in all its branches to 9,000 police personnel and their equipment to 7,000 light personal weapons, up to 120 machine guns, communications equipment and up to 45 wheeled armoured vehicles.⁵

The Oslo II Accord of 1995, officially called the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, further built on those earlier agreements. It was this agreement that divided the West Bank and the Gaza Strip into the three areas – A, B, and C – and defined the level of control granted to the PA in each of them.

Equally important, Annex I of the Oslo II Accord defined the key responsibilities of the Palestinian Police as follows:

- Maintaining internal security and public order
- Protecting the public and all other persons present in the areas as well as protecting their property, and acting to provide a feeling of security, safety and stability
- Adopting all measures necessary for preventing crime in accordance with the law
- Protecting public installations, infrastructure and places of special importance
- Preventing acts of harassment and retribution
- Combating terrorism and violence, and preventing incitement to violence
- Performing any other normal police functions⁶

Annex I also lists the security forces that the PA can establish. These are:

- Civil Police
- Public Security
- Preventive Security
- Presidential Security
- Intelligence
- Emergency Services and Rescue (Civil Defence)⁷

The Oslo II Accord thereby became the defining legal text for security governance for the Palestinian Authority. It forbade the Palestinians from creating or legalizing any other security organization outside the Oslo framework.

⁵ Agreement on the Gaza Strip and the Jericho Area (1994), Article 3.

⁶ Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (1995), Annex I, Article 4 (1).

⁷ Ibid., Article 4 (2a).

1. PALESTINIAN SECURITY AND JUSTICE SECTOR LEGISLATION

1.1 The Security Sector

The Oslo Accords grant the PA the right to regulate the security forces and define their structures. In 2003, the PA issued the so-called Basic Law as its proto-constitutional text. The Basic Law contains only limited provisions relating to the security sector. Article 39 of the Amended Basic Law of 2003 states that the President is the Commander-in-Chief of the Palestinian security forces. Moreover, Article 69 (7) gives the Council of Ministers the responsibility for maintaining public order and internal security. Some more provisions are found in Article 84 which defines all security forces as 'armed' forces (in the sense that they may bear weapons), with no distinction between military and civilian security forces. According to Article 84 (1), the functions of the security forces are 'defending the country, serving the people, protecting society, and maintaining public order, security, and public morals.' The security forces must 'perform their duties within the limits prescribed by law, with complete respect for rights and freedoms.'

The regulation of the security forces' mandates, functions and structures are left to be dealt with in ordinary legislation, as stated in Article 84 (2) of the Amended Basic Law. Before the split of 2007, the PA had only adopted a limited number of laws that define mandates, functions and administrative structures of the security forces. These include:

- Law of Civil Service No. 4 of 1998
- Civil Defence Law No. 3 of 1998
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Service in the Palestinian Security Forces No. 8 of 2005
- Law of Public Retirement No. 7 of 2005
- General Intelligence Law No. 17 of 2005

Several of the Palestinian security forces, as well as the commissions and directorates providing administrative services to them, continue to operate without a legal basis. Given these gaps in the legal framework, many pieces of pre-Oslo Accords legislation still apply to the day-to-day work of the security forces, as stipulated by the Presidential Decision No. 1 of 1994. This includes for instance the PLO Revolutionary Penal Code of 1979, the PLO Revolutionary Law of Penal Procedures of 1979 and the PLO Revolutionary Law on Correction and Rehabilitation Centres of 1979, which were originally developed to regulate the PLO's military forces in Lebanon and are still applicable to the Palestinian security forces.⁸ Similarly, Palestinian courts continue to rely on pre-PA legislation in many fields, such as for instance the Jordanian Penal Code No. 16 of 1960 in the West Bank and the Palestine Penal Code No. 74 of 1936 from the British Mandate era in the Gaza Strip.

The most important piece of Palestinian security sector legislation is the Law of Service in the Palestinian Security Forces No. 8 of 2005. Until today, it is the only law

⁸ In 2011 the High Court of Justice, in its capacity of the Constitutional Court, issued Decision No. 1 of 2011 in which it confirmed the continued applicability of PLO military justice legislation. [See. pdf https://bit.ly/48xU1sN](https://bit.ly/48xU1sN)

that addresses the structure of the Palestinian security sector as a whole, as well as the mandate, functions and responsibilities of the different security forces. The law states in Article 3 that there are three security branches and that any other force, existing or to be established, shall be part of one of them:

- Internal Security Forces
- National Security Forces
- General Intelligence

Equally important, the law regulated for the first time the rights and obligations of security personnel, as well as issues of promotion and discipline. Before this, the internal management of the security forces had been the exclusive prerogative of individual commanders. Article 1 of the Law of Service states that all security personnel are 'military'. Hence, the same rank system is applied in all security forces and all personnel are subject to military justice. The law does not distinguish between personnel working in the Police and the National Security Forces, even though the law defines these forces differently as 'security' and 'military' respectively. Moreover, Article 90 of the Law of Service states in significant details that all members of the security forces must be politically neutral.

Table 1: Overview of Palestinian security forces and their legal basis

Security force	Governing law
Internal Security Forces	
Palestinian Police	Decree Law No. 23 of 2017 concerning the Police and its amendments (adopted after the split)
Civil Defence	Civil Defence Law No. 3 of 1998
Preventive Security	Decree Law No. 11 of 2007 concerning the Preventive Security (adopted after the split)
Internal Security (Gaza only)	None
Customs Police (West Bank only)	Decree Law No. 2 of 2016 concerning the Customs Police (adopted after the split)
National Security Forces	
National Security Forces	None
Military Intelligence	Presidential Decision No. 34 of 2014 concerning Vesting the Military Intelligence Agency with the Capacity of the Judicial Police
Military Police (Gaza only)	None
Presidential Guard	None
General Intelligence	
General Intelligence	General Intelligence Law No. 17 of 2005

1.2 The Justice Sector

The Basic Law provides more details on the justice sector. Article 97 establishes an independent judiciary with a multi-layered court system. The judiciary is headed by

the High Judicial Council (Article 100) and consists of three levels of regular courts, with the High Court as the highest instance. Furthermore, the Basic Law provides for the establishment of a High Constitutional Court (Article 103), administrative courts (Article 102), Shari'a and religious courts and military courts (Article 101), as well as the Public Prosecution (Article 107 and 108). By 2007, the PA had put in place the main elements of the legal framework for the justice sector and the criminal justice system. These included:

- Correction and Rehabilitation Centres ('Prisons') Law No. 6 of 1998, as amended by Law No. 3 of 2005
- Law of the Formation of Regular Courts No. 5 of 2001, as amended by Law No. 2 of 2005
- Law of Civil and Commercial Procedures No. 2 of 2001
- Law of Penal Procedures No. 3 of 2001
- Judicial Authority Law No. 1 of 2002
- Law of the High Constitutional Court No. 3 of 2006

1.3 Management and Oversight

The Basic Law provides for a hybrid political system that combines elements of presidential and parliamentary democracy. The President is elected by direct and general vote (Article 34) and appoints and dismisses the Prime Minister (Article 45). The Council of Ministers is the 'highest executive and administrative instrument' (Article 63) and accountable to the Palestinian Legislative Council (PLC) (Article 63-67). It is headed by the Prime Minister, who selects the members of his government (Article 68-70). The PLC has the power of legislation, approves the budget and oversees the work of the government.

In line with the Basic Law, the PLC established a framework for parliamentary and financial oversight of the security forces. The PLC had put in place a number of oversight instruments, such as inquiries, interpellations and hearings, a fact-finding committee, as well as votes of non-confidence (Article 56-58). The PLC also established its own complaint function. Moreover, the PLC issued legislation for the Bureau of Financial and Administrative Control (based on Article 96) and the Commission for the Elimination of Illicit Gains, the PA's anti-corruption commission. Both bodies have the authority to oversee the financial activities of the security forces. Furthermore, the Basic Law also provides for an independent human rights commission (Article 31).

In addition to the Basic Law, the main laws regulating executive management and oversight that had been adopted by 2007 were:

- Law of the Organization of the General Budget and Public Finances No. 7 of 1998
- Law of the Bureau of Financial and Administrative Control No. 15 of 2004
- Law No. 1 of 2005 concerning Illicit Gains

2. LEGISLATIVE DEVELOPMENTS SINCE THE POLITICAL SPLIT (2007)

The political and institutional split between the West Bank and the Gaza Strip in 2007 put a halt to the regular legislative process of the PA. Efforts by Palestinian legislators to further develop and complete the legal framework for the security and justice sectors stalled. After June 2007, both the caretaker government in the West Bank and the de facto government in the Gaza Strip continued to issue legislation, theoretically applicable to all Palestinians. In the West Bank, laws took the form of Presidential Decrees. Article 43 of the Basic Law states that the President can issue decrees with the power of law ‘in cases of necessity that cannot be delayed and when the Legislative Council is not in session’. These decrees must be submitted to the PLC once it reconvenes, or they cease to have the power of law.

In the Gaza Strip, the de facto government insisted that legislative power remained with the elected members of the PLC. Many in the West Bank considered the PLC in the Gaza Strip illegal or believed it did not reach the minimum quorum necessary to issue legislation. The parliament in Gaza continued to legislate and send the laws to the President’s Office in Ramallah, claiming that it followed the legislative process outlined in the Basic Law. Article 41 of the Basic Law grants the President 30 days to either enact the law or send it back to the PLC. While the PA in Ramallah denied the parliament in Gaza the right to legislate and ignored its laws, the PLC in Gaza in 2008 issued a decision not recognizing decree laws and other decisions by the PA President that have not been approved by parliament.⁹ In 2018, the Constitutional Court in the West Bank issued a controversial decision that abrogated the PLC, stating that it had not functioned since July 2007 and that its terms had ended in January 2010.¹⁰ The PLC in Gaza continues to convene.

Since 2007, the PA in the West Bank issued 410 decree laws while the de facto government in the Gaza Strip issued 67 laws. Out of the 410 decree laws issued by the PA, only 38 relate to the security or justice sectors.¹¹ In the Gaza Strip, out of the 67 laws issued by the PLC in Gaza, 28 relate to the security and justice sectors. Much legislation issued in both the West Bank and the Gaza Strip consists of amendments of existing laws, rather than new legislation. Moreover, the Council of Ministers of the de facto government in Gaza issued at least 228 decisions, out of which 105 were related to security and justice.¹²

The table below provides an overview of the main security and justice sector legislation issued in the West Bank and the Gaza Strip since the split, divided into new laws, legislative amendments and executive decisions.

⁹ Palestinian Legislative Council Decision No. (1197/G.P.1/4) on not approving Presidential Decrees and Decisions that must be presented to the Legislative Council issued from 8/9/2008 AD until the end of his presidential term on 8/1/2009 AD.

¹⁰ Constitutional Court, Decision No. 10/2018.

¹¹ In the absence of a functioning PLC, departments of the Ministry of Interior and Palestinian civil society organizations, including universities and legal research centres, have drafted legislation that is ready for review by the competent authorities. These include draft laws on the National Security Forces and the Military Intelligence.

¹² Information provided by the de facto government, April 2023.

Table 2: Security Sector Legislation issued after the Fateh-Hamas split (2007)

West Bank	Gaza Strip
New laws	
Decree Law No. 11 of 2007 concerning the Preventive Security	Military Judiciary Law No. 4 of 2008, as amended by Law No. 2 of 2020 and Law No. 3 of 2022
Decree Law No. 18 of 2015 concerning Narcotic Drugs and Psychotropic Substances, as amended by Decree Law No. 29 of 2020	Law No. 5 of 2012 concerning the General Commission for Crossings and Borders
Anti-Money Laundering and Terrorism Financing Decree Law No. 20 of 2015, as amended by Decree Law No. 13 of 2016, No. 39 of 2022 and No. 45 of 2022	Law No. 7 of 2013 concerning Drugs and Psychotropic Substances, as amended by Law No. 2 of 2023
Decree Law No. 2 of 2016 concerning the Customs Police	
Decree Law No. 9 of 2017 concerning Early Retirement of Palestinian Security Forces	
Decree Law No. 23 of 2017 concerning the Police, as amended by Decree Law No. 2 of 2020	
Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023	
Decree Law No. 10 of 2018 concerning Cybercrime, as amended by Decree Law No. 28 of 2020	
Amendments	
Decree Law No. 28 of 2019 amending the Law of Service in the Palestinian Security Forces No. 8 of 2005	Law No. 5 of 2009 amending the Correction and Rehabilitation Centres Law No. 6 of 1998
Decree Law No. 27 of 2020 amending the Firearms and Ammunition Law No. 2 of 1998	Law No. 2 of 2022 amending the Law of Public Retirement No. 7 of 2005
Decree Law No. 4 of 2023 amending the General Intelligence Law No. 17 of 2005	
Executive decisions (most relevant)	
Presidential Decision No. 34 of 2014 concerning Vesting the Military Intelligence Agency with the Capacity of the Judicial Police ¹³	Council of Ministers Decision No. 11 of 2007 concerning the Separation of the General Financial Management of the Ministry of Interior from the Central Financial Management of the National Security Forces
	Council of Ministers Decision No. 186 of 2010 concerning the List of Disciplinary and Financial Penalties imposed on Military Personnel
	Council of Ministers Decision No. 51 of 2011 concerning the Activation of the Higher Council of Civil Defense

¹³ Judicial policing powers are defined as the authority to receive complaints, gather evidence relating to crimes, arresting suspects and searching persons and houses, as regulated in the Law of Penal Procedures No. 3 of 2001. While usually granted to police forces, most other Palestinian security forces are assigned these powers as well.

	Council of Ministers Decision No. 314 of 2011 concerning Assigning the Ministry of Interior and National Security to periodically inspect Reform and Rehabilitation Centres
	Council of Ministers Decision No. 317 of 2011 concerning Transferring the Management of the Rafah Land Crossing and supervising it during the Current Crisis to the Ministry of Interior and National Security
	Council of Ministers Decision No. 447 of 2011 regarding the Re-Formation of the Officers Committee for the Security Forces, as amended by Decision No. 168 of 2014
	Council of Ministers Decision No. 277 of 2013 concerning Activating the Work of the General Intelligence
	Council of Ministers Decision No. 169 of 2014 concerning Approving the Organizational Structure of the Ministry of Interior and National Security (Military Part)

This collection of new legislation has not significantly changed the legal framework of the Palestinian security sector in the West Bank or the Gaza Strip or its structure. The most notable new PA laws are the Decree Law No. 2 of 2016 concerning the Customs Police, the Decree Law No. 23 of 2017 concerning the Police and the Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as well as the Military Judiciary Law No. 4 of 2008 issued by the de facto government in the Gaza Strip. Also of relevance are the Decree Law No. 4 of 2023 amending the General Intelligence Law No. 17 of 2005, which removes the statutory time limits for the duration of service of the Head of Intelligence, and the Presidential Decision No. 34 of 2014 concerning Vesting the Military Intelligence Agency with the Capacity of the Judicial Police. The Decree Law No. 11 of 2007 concerning the Preventive Security is partly applied by the de facto government in the Gaza Strip to manage the work of its Internal Security Agency.

Several more consequential developments have taken place with respect to the legal framework of the justice sector. In 2020, the PA introduced legislation that brought changes in the court structure and the administration of the judiciary in the West Bank, notably the Decree Law No. 39 of 2020 concerning the Formation of Regular Courts, the Decree Law No. 40 of 2020 amending the Judicial Authority Law No. 1 of 2020, and the Decree Law No. 41 of 2020 concerning Administrative Courts. Furthermore, in the Gaza Strip the de facto government issued new legislation to deal with issues of customary justice and administrative disputes. The table below provides an overview of the main justice sector legislation issued in the West Bank and the Gaza Strip since the split.

Table 3: Justice Sector Legislation issued after the Fateh-Hamas split (2007)

West Bank	Gaza Strip
New laws	
Decree Law concerning Shari'a Execution No. 16 of 2017, as amended by Decree Law No. 20 of 2022	Law of the Higher Institute for the Palestinian Judiciary No. 2 of 2009
Decree Law No. 17 of 2019 concerning the Formation of a Transitional High Judicial Council	Sharia Justice Law No. 3 of 2011
Decree Law No. 39 of 2020 concerning the Formation of Regular Courts, as amended by Decree Law No. 29 of 2021 and Decree Law No. 10 of 2022	Law No. 7 of 2011 concerning Forensic Medicine
Decree Law No. 41 of 2020 concerning Administrative Courts, as amended by Decree Law No. 13 of 2021	Civil Law No. 4 of 2012
Decree Law No. 8 of 2021 concerning the Shari'a Judiciary, as amended by Decree Law No. 21 of 2022	National Criminal Record Law No. 2 of 2016
	Law No. 3 of 2016 concerning the Resolution of Administrative Disputes
	Criminal Reconciliation Law No. 1 of 2017
	Community Reconciliation Law No. 1 of 2019
	Law concerning Penalties and Alternative Measures No. 3 of 2019
	Law No. 1 of 2021 regulating and installing Surveillance Cameras and Devices
	Sharia Implementation Law No. 6 of 2021
Amendments	
Decree Law No. 7 of 2011 amending the Jordanian Penal Code No. 16 of 1960	Law No. 3 of 2008 amending the Civil Status Law No. 2 of 1999
Decree Law No. 10 of 2014 amending the Jordanian Penal Code No. 16 of 1960	Law No. 1 of 2009 amending the Personal Status Law
Decree Law No. 17 of 2014 amending the Law of Penal Procedures No. 3 of 2001	Law No. 3 of 2009 amending the Penal Code No. 74 of 1936
Decree Law No. 19 of 2017 amending the Law of the High Constitutional Court No. 3 of 2006	Law No. 4 of 2009 amending the Penal Procedures Law No. 3 of 2001
Decree Law No. 20 of 2014 amending the Jordanian Penal Code No. 16 of 1960	Law No. 5 of 2010 amending the Law of Execution No. 23 of 2005
Decree Law No. 5 of 2018 amending the Jordanian Penal Code No. 16 of 1960	Law No. 4 of 2011 amending the Law of Execution No. 23 of 2005
Decree Law No. 13 of 2018 amending the Law of Penal Procedures No. 3 of 2001	Law No. 3 of 2012 amending the Civil Status Law No. 2 of 1999

Decree Law No. 7 of 2019 amending the Law of the High Constitutional Court No. 3 of 2006	Law No. 4 of 2013 amending the Civil Status Law No. 3 of 2012
Decree Law No. 26 of 2020 amending the Jordanian Penal Code No. 16 of 1960	Law No. 5 of 2014 amending the Penal Code No. 74 of 1936
Decree Law No. 40 of 2020 amending the Judicial Authority Law No. 1 of 2020	
Executive decisions (most relevant)	
Presidential Decision No. 57 of 2016 concerning the Formation of the Constitutional Court	
Presidential Decision No. 21 of 2022 concerning the Formation of the Administrative Court	
Presidential Decision No. 23 of 2023 concerning the Appointment of Judges to the Constitutional Court	
Presidential Decision No. 22 of 2022 concerning the Formation of the High Administrative Court	

However, despite the changes summarized above, a future reunification of the security and justice sectors in the West Bank and the Gaza Strip does not face substantive legal obstacles. The future PLC will have to harmonize security and justice legislation as part of its overall efforts of legal harmonization.

3. STRUCTURE OF THE SECURITY AND JUSTICE SECTORS IN THE WEST BANK AND THE GAZA STRIP

3.1 The Security Sector

Two parallel sets of Palestinian security forces compete for influence: one in the West Bank, governed by the Fateh-dominated PA, and one in the Gaza Strip, governed by Hamas' de facto government. Yet, the structure of the security sector is largely the same in both areas, as it is based on the same legal framework. According to the Law of Service in the Palestinian Security Forces No. 8 of 2005, the Palestinian security forces comprise three branches: (1) Internal Security Forces; (2) National Security Forces; (3) General Intelligence. The below chart shows the structure of the security sector according to the Law of Service. In practice, the security forces are organized a bit differently in the West Bank and the Gaza Strip.

Table 4: Structure of the Security Forces according to the Law of Service in the Palestinian Security Forces No. 8 of 2005¹⁴

	Internal Security Forces	National Security Forces	General Intelligence
Definition	A regular security organization	A regular military organization	A regular independent security organization reporting to the President
Political control	Minister of Interior	Minister of National Security ¹⁵	President
Command	Director-General of Internal Security ¹⁶	Commander-in-Chief	Head of General Intelligence (holds ministerial rank, but is not a member of the cabinet)
Appointment of commander	By presidential decree upon nomination by the cabinet	By presidential decree	By presidential decree
Term of duty of commander	Three years; one-year extension possible	Three years; one-year extension possible	Originally three years, with a one-year extension possible; since 2023 unlimited time for the term of duty ¹⁷
Authority of commander	Administers its work and regulates all of its affairs	Administers its work and regulates all of its affairs, in accordance with the provisions of the law and regulations issues therewith	Administers its work and regulates all of its affairs

¹⁴ The table quotes directly from the law in question. It thus reflects exact formulations.

¹⁵ In practice, there is currently no Ministry of National Security.

¹⁶ In practice, there is currently no Director-General of Internal Security in the West Bank.

¹⁷ In 2023, the PA President issued the Decree Law No. 4 of 2023 amending the General Intelligence Law No. 17 of 2005, removing therein the time limit of the term of duty of the Head of General Intelligence. According to the amendment, the Head of Intelligence continues to serve until removed by decision of the President.

Chart 1: Security Sector West Bank

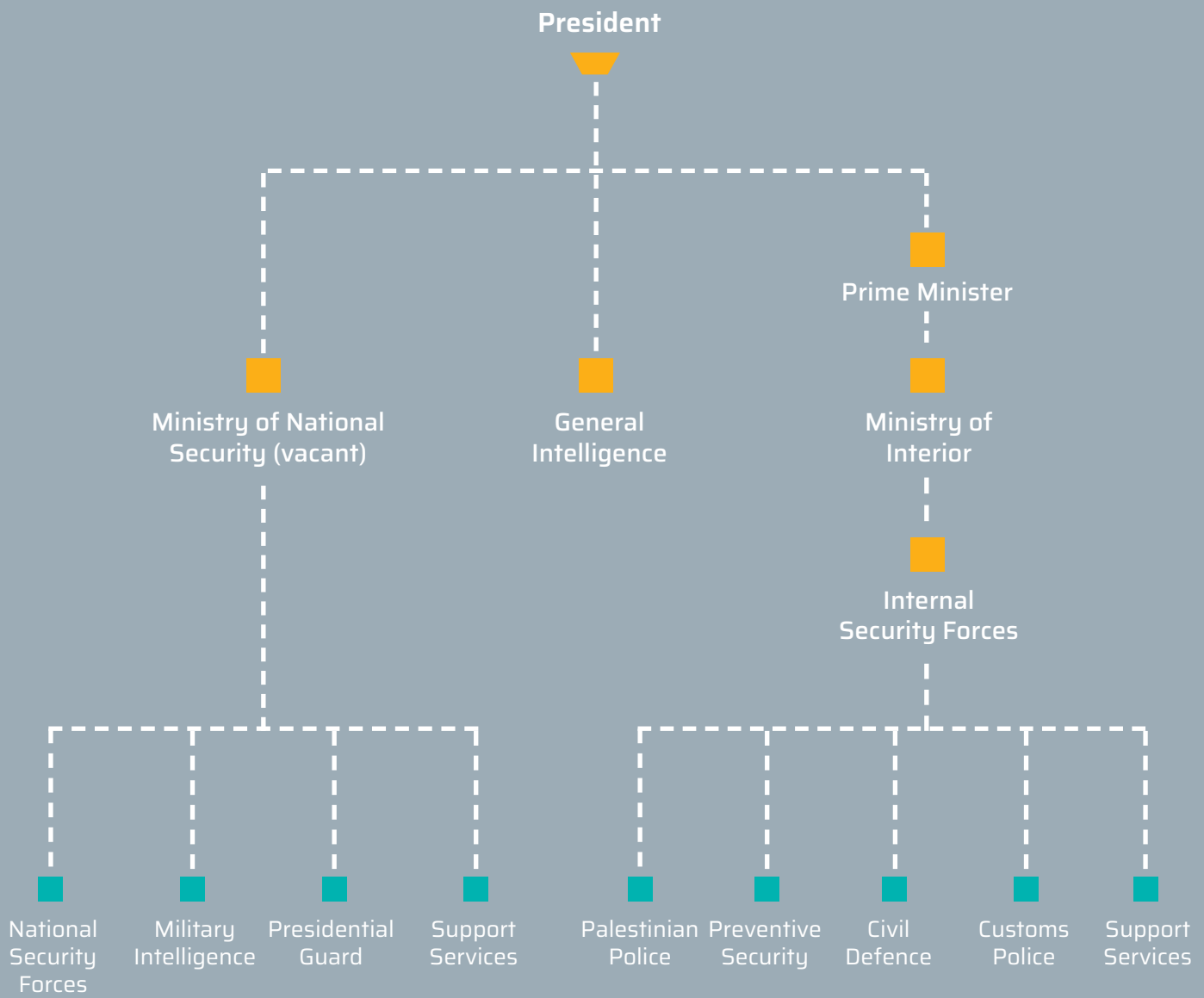
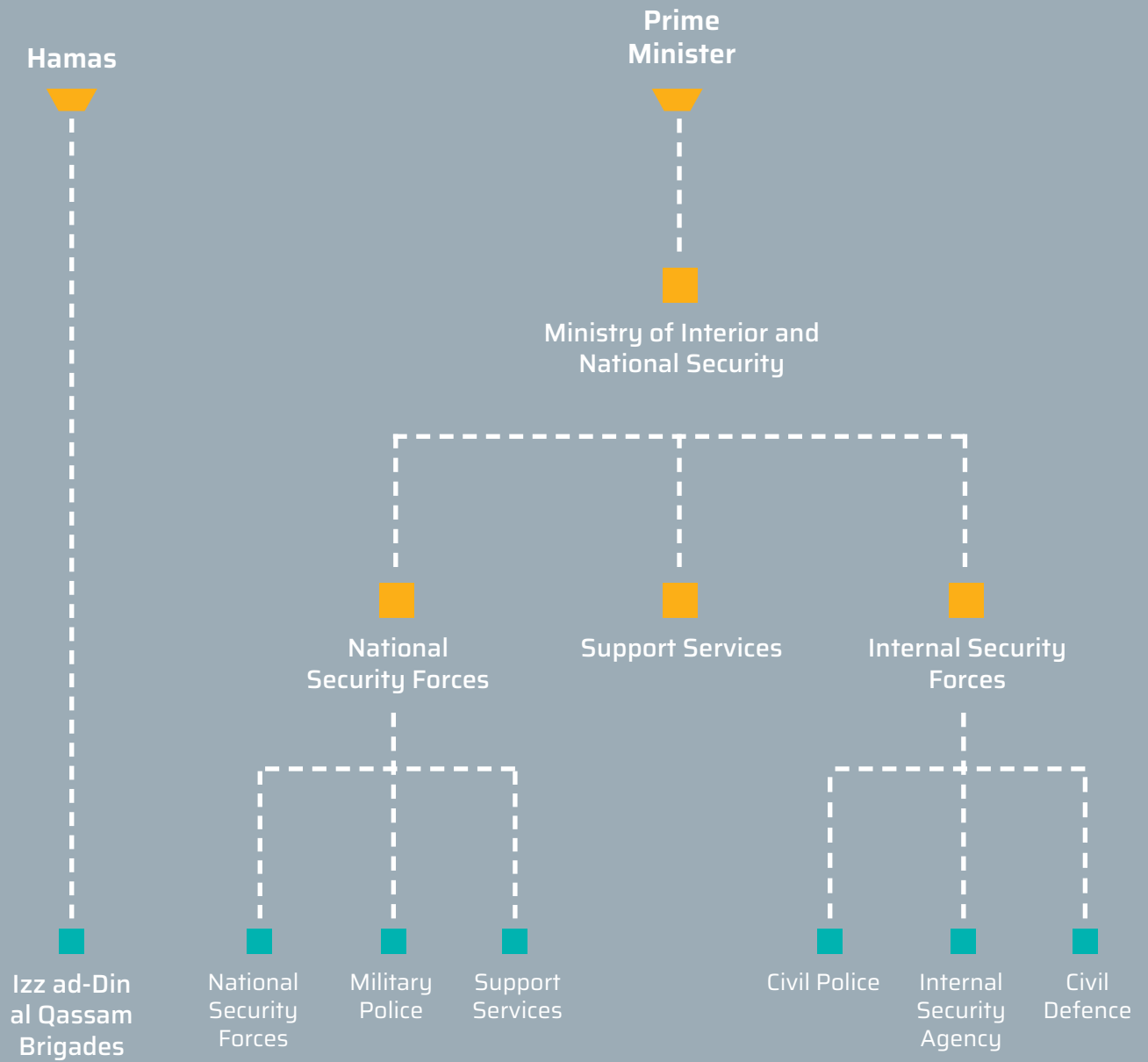


Chart 2: Security Sector Gaza Strip



3.2 The Justice Sector

Since 2007, the justice sectors in the West Bank and the Gaza Strip have operated separately, each with its own court system, High Judicial Council and Ministry of Justice. However, both justice sectors coordinate with each other on technical issues. For instance, lower-level decisions taken in one region can still have effect in the other. It is possible for a Palestinian resident of the West Bank to file a lawsuit against a Palestinian resident in Gaza in a court of the West Bank. In practice, the court decision from the West Bank holds in Gaza, and vice-versa.

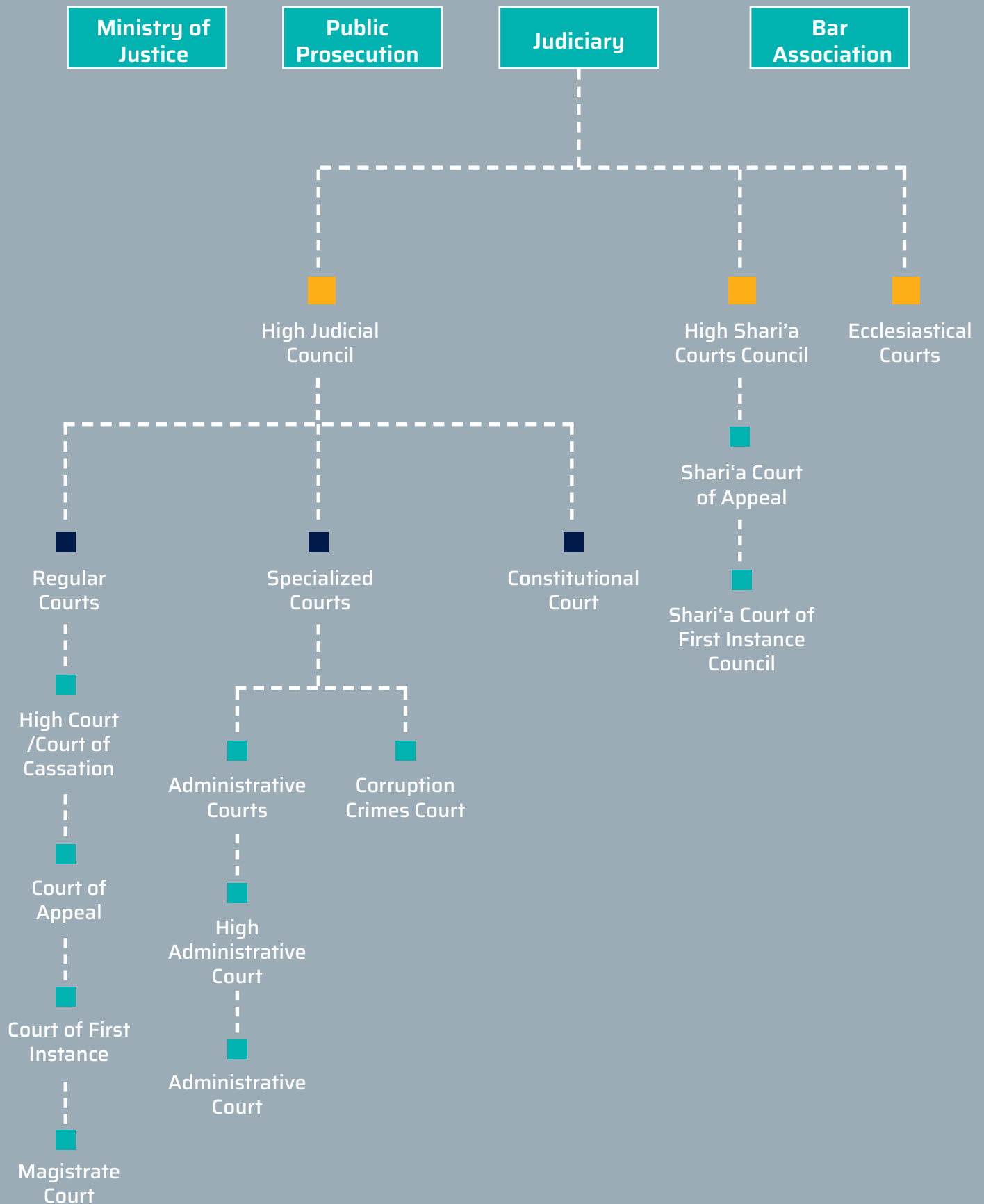
Moreover, despite recent changes introduced in the West Bank, the structure of the justice sector remains largely the same in both areas, based on the Judicial Authority Law No. 1 of 2002 and the Law of the Formation of Regular Courts No. 5 of 2001 (applicable in the Gaza Strip), and Decree Law No. 39 of 2020 on the Formation of Regular Courts (replacing the Law of the Formation of Regular Courts No. 5 of 2001 in the West Bank). Depending on its type and significance, a court case may involve one or several instances. There are also Shari'a Courts (West Bank and Gaza Strip) and the Constitutional Court (West Bank), as well as specialized courts such as the Corruption Crimes Court (West Bank), the Electoral Court (West Bank) and Military Courts (West Bank and Gaza Strip).

Table 5: Structure of the Court System according to the Judicial Authority Law No. 1 of 2002¹⁸

Level of court	Area/governorate
High Court	The permanent seat of the High Court is Jerusalem. It currently convenes in either Ramallah or Gaza, as required.
Court of Appeal	A court is established in Jerusalem, Ramallah and Gaza.
Court of First Instance	A court is established in every seat of the governorate, as required by the case.
Magistrate Court	One or more courts are established as needed within the jurisdiction of each court of first instance.

¹⁸ Judicial Authority Law No. 1 of 2002, Article 6-13.

Chart 3: Justice Sector West Bank



2

Section 2 - The West Bank



1. THE SECURITY SECTOR

This section provides an overview of the Palestinian security forces in the West Bank. The current structure of the security sector in the West Bank differs in some regards from the Law of Service. The PA Ministry of Interior oversees the Internal Security Forces, i.e., the Palestinian Police, the Preventive Security and the Civil Defence. In 2017, the PA issued a decree law to establish the Customs Police, adding it to the Internal Security Forces. No appointments have been made since 2005 to the position of the Director-General of Internal Security. The Internal Security Forces thus report to the Minister of Interior.

Moreover, the absence of a Ministry of National Security means that the National Security Forces, the Presidential Guard and the Military Intelligence continue to report to the President directly, as does the General Intelligence. Furthermore, there are a number of independent commissions, directorates and administrations that provide services to all security forces or have specialized functions. They are mostly affiliated with the Ministry of Interior but some also report directly to the President.

The number of employees in the West Bank security sector – PA security employees at ministerial and forces level – is 34,391 (chart 5). To be added to this are 18,151 security employees in the Gaza Strip who continue to receive salaries from the PA since the 2007 split but do not report for work. The current distribution of personnel as of 2023 is as follows:

Chart 4: Security Forces Personnel in the Northern and Southern Governorates Including Absentee Personnel

Title of the Security Agency	Number of employees in the Northern Governorates	Number of employees in the Southern Governorates
Palestinian Police	9,003	7,370
Preventive Security Force	4,030	1,600
Civil Defense	1,472	230
Customs Control Police	1,030	49
National Security Force	7,697	4,056
Military Intelligence	1,864	1,040
The Presidential Guard	1,990	1,150
General Intelligence	4,290	1,400
Organization and Administration Commission	480	75
Security Forces Justice Commission	245	130
Military Training Commission	360	151
Supplies and Readiness Commission	260	50
Central Armament Commission	74	0
Military Liaison	370	111
Central Military Financial Directorate	150	124
Military Medical Services Directorate	620	285
Political and National Guidance Commission	245	130
Al-Istiqlal University	616	0
Total	17,951	34,796
Total PA security employees: 52,747		

Chart 5: Employees of the PA Security Forces (2023)¹⁹

Rank	West Bank (Northern Governorates)	Gaza Strip (Southern Governorates)
Major-General	19	0
Brigadier	950	64
Colonel	1,655	242
Lieutenant-Colonel	2,502	1,201
Major	3,401	2,265
Captain	3,511	1,897
First Lieutenant	3,910	1,816
Second Lieutenant	3,822	2,702
First Adjutant	3,541	1,294
Adjutant	3,690	3,640
Staff Sergeant	2,682	2,191
Sergeant	842	37
Corporal	1,724	17
Soldier	2,142	785
Total	34,391	18,151

There are no publicly available figures on the budgets of the various PA security forces, with the exception of the Political and National Guidance Commission and the General Administration of Crossing and Borders (which are civilian entities with security responsibilities). The budgets of the security forces are included in the budget lines of the Ministry of Interior and the Central Military Financial Directorate, which are part of the PA General Budget. In 2023, the combined budget of the Ministry of Interior (NIS 4,08 billion), the Central Military Financial Directorate (NIS 3,93 billion), the Political and National Guidance Commission (NIS 18 million) and the General Administration of Crossing and Borders (NIS 223 million) amounted to NIS 8,25 billion, out of a budget of NIS 18,49 billion.²⁰ This equals 44,6 % of the General Budget.

¹⁹ Information provided by Palestinian Authority, April 2023.

²⁰ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22. All PA budget figures quoted in this report are those of 2023.

1.1 Internal Security Forces

1.1.1 Palestinian Police

Background: The Palestinian Police is the main law enforcement organization of the PA and handles ordinary police functions, such as combating crime and upholding public order. It is also in charge of the correction and rehabilitation centres, i.e., the prison system. It is the largest Palestinian security force. The Palestinian Police has judicial police powers, based on Article 21 of the Law of Penal Procedures No. 3 of 2001 and Article 6 of the Decree Law No. 23 of 2017 concerning the Police.



Legal Framework: The Palestinian Police is governed by the following laws and decrees:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 23 of 2017 concerning the Police, as amended by Decree Law No. 2 of 2020
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decree No. 12 of 2002 concerning the Attachment of the Police, the Preventive Security and the Civil Defence to the Ministry of the Interior
- Council of Ministers Decision No. 99 of 2005 concerning the Establishment of a Judicial Police Force
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

The operational work of the Palestinian Police is governed by the following laws:

- Firearms and Ammunition Law No. 2 of 1998, as amended by Decree Law No. 27 of 2020
- Correction and Rehabilitation Centres ('Prisons') Law No. 6 of 1998, as amended by Law No. 3 of 2005
- Public Meetings Law No. 12 of 1998
- Traffic Law No. 5 of 2000, as amended by Decree Law No. 3 of 2020
- Law of Penal Procedures No. 3 of 2001, as amended by Decree Law No. 17 of 2014 and Decree Law No. 13 of 2018
- Law No. 7 of 2004 concerning Children
- Anti-Corruption Law No. 1 of 2005, as amended by Decree Law No. 7 of 2010,

Decree Law No. 13 of 2014, Decree Law No. 4 of 2017, Decree Law No. 37 of 2018, Decree Law No. 9 of 2019 and Decree Law No. 27 of 2019

- Law of Execution No. 23 of 2005
- Anti-Money Laundering and Terrorism Financing Decree Law No. 20 of 2015, as amended by Decree Law No. 13 of 2016, No. 39 of 2022 and No. 45 of 2022
- Decree Law No. 18 of 2015 concerning Narcotic Drugs and Psychotropic Substances, as amended by Decree Law No. 29 of 2020
- Decree Law No. 10 of 2018 concerning Cybercrime, as amended by Decree Law No. 28 of 2020
- Decree Law No. 7 of 2020 concerning the State of Emergency
- Jordanian Penal Code No. 16 of 1960, as amended by Decree Law No. 7 of 2011, Decree Law No. 10 of 2014, Decree Law No. 20 of 2014, Decree Law No. 5 of 2018 and Decree Law No. 26 of 2020

Mandate and functions: According to Article 5 of the Decree Law No. 23 of 2017, the Police performs its functions and carries out its jurisdictions under the supervision and control of the Minister of Interior. Article 3 defines the functions of the Palestinian Police as follows:

- Maintaining public security and order, public morals and peace
- Protecting lives, honour and properties
- Preventing and combating crime and arresting perpetrators in accordance with applicable laws
- Combating riots and all forms of disturbance of public security
- Protecting legitimate rights and freedoms guaranteed by the Basic Law, relevant laws and international conventions to which the State is a party
- Protecting public and private property of the State and individuals
- Assisting other security forces and public authorities in the performance of their tasks in accordance with the provisions of the law
- Maintaining Arab, regional and international Police cooperation in the field of fighting crime by collecting, documenting and sharing information, data and evidence relating to crimes and their perpetrators, and providing services of Police and security cooperation in accordance with applicable laws and regulations and international conventions to which the State is a party
- Executing the duties and tasks imposed by laws, bylaws and regulations
- Providing information and guidance to citizens to help combat crime, protect them from it, and facilitate the implementation of police duties, ensuring that citizens contribute to assisting and supporting the Police in all of their duties
- Raising citizens' awareness of their rights and duties to ensure community participation in maintaining public order and security
- Achieving internal security for the homeland and the citizens, contributing to the achievement of national security in coordination and cooperation with the competent security forces, public institutions, civil society organizations and the media, and concluding memoranda of understanding in this regard

Structure: The Palestinian Police is headed by a Director-General who is appointed by the President, following the nomination by the Council of Ministers and based upon the recommendation of the Minister of Interior. The term of duty of the Director-General of the Police is four years, with the possibility of extension for another three years (Article 9, Decree Law No. 23 of 2017).

The Palestinian Police has its headquarters in Jerusalem²¹, with temporary headquarters in Ramallah and Gaza. It operates in all eleven governorates of the West Bank and has 66 police stations. The Police is administratively divided into the following sections:

Director-General/Office of the Director-General	Legal Directorate
Deputy Director-General/Office of the Deputy Director-General	Public Relations Directorate
Central Operations Directorate	Ombudsman and Human Rights Directorate
Judicial Police Directorate	Administrative Affairs Directorate
General Investigations Directorate	Human Resources Directorate
Traffic Police Directorate	Finance Directorate
Special Police Forces Directorate	Training Directorate
Counter-Narcotics Directorate	Research, Planning and Development Directorate
Tourism and Antiquities Police Directorate	Quality Management Directorate
Crossings and Borders Directorate	Armament Directorate
Reform and Rehabilitation Centres Directorate	Medical Services Directorate
Explosives Engineering Directorate	Information Technology and Communications Directorate
Family Protection and Juvenile Directorate	Information Directorate
Guard Directorate	Academic Affairs Directorate
Police Security Directorate	Palestinian Police College
Liaison Directorate	Palestine Interpol
Disciplinary Directorate	Gender Unit
Political Guidance Directorate	Police Sports Union

Personnel: The personnel strength of the Palestinian Police is 16,373 (9,003 in the West Bank and 7,370 in the Gaza Strip).

²¹ Foreseeing the establishment of an independent Palestinian state in the West Bank and the Gaza Strip with East Jerusalem as its capital, PA legislation regularly prescribes that government institutions have their main seat in Jerusalem.

1.1.2 Preventive Security

Background: The Preventive Security is the PA's main internal intelligence organization. Its main task has been to protect the Oslo process against internal opposition, and it has assumed functions similar to those of a political police organization. At the regional and international levels, the Preventive Security leads Palestinian international cooperation in counterterrorism. The Preventive Security has judicial police powers, based on Article 7 of the Decree Law No. 11 of 2007 concerning the Preventive Security.



Legal Framework: The Preventive Security is governed by the following laws and decrees:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by the Decree Law No. 28 of 2019
- Decree Law No. 11 of 2007 concerning the Preventive Security
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decree No. 12 of 2002 concerning the Attachment of the Police, the Preventive Security, and the Civil Defence to the Ministry of the Interior
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: According to Article 2 of the Decree Law No. 11 of 2007, the Preventive Security is a regular security directorate-general in the Internal Security Forces that works in the field of security. Article 6 defines the functions of the Preventive Security as follows:

- Working to protect Palestinian internal security
- Following up on crimes which threaten the internal security of the National Authority and/or those imposed thereon, as well as working towards their prevention
- Uncovering crimes which target governmental departments and public bodies and institutions and their employees

Moreover, Article 9 gives the Minister of Interior the authority to designate the detention centres of the Preventive Security, in coordination with its Director-General, stating that these are legal detention centres.

Structure: The Preventive Security is headed by a Director-General who is appointed by the President upon the decision of the Minister of Interior, following the nomination by the Director-General of Internal Security and based upon the recommendation of the Committee of Officers. The term of duty of the Director-

General of the Preventive Security is four years, with the possibility of extension for one more year (Article 4, Decree Law No. 11 of 2007).

The Preventive Security has its headquarters in Jerusalem, with temporary headquarters in Ramallah. It operates in all eleven governorates of the West Bank and has a directorate in each governorate, in addition to a training facility in Jericho. The Preventive Security is administratively divided into the following sections:

Director-General/Office of the Director-General	Control Directorate
Deputy Director-General/Office of the Deputy Director-General	Research, Planning and Development Directorate
Operations Directorate	Training Directorate
Analysis Directorate	ICT Directorate
Investigations Directorate	Human Resources Directorate
Counter-Narcotics Directorate	Financial Directorate
Economic Security Directorate	Public Relations and Media Directorate
Crossings and Borders Directorate	Armament Directorate
Security and Protection Directorate	Legal Department
Prisons Directorate	Gender Unit
Security Institutions Directorate	

Personnel: The personnel strength of the Preventive Security is 5,630 (4,030 in the West Bank and 1,600 in the Gaza Strip).

1.1.3 Civil Defence

Background: The Civil Defence is the PA's civil protection agency. It is tasked with the protection of civilians and public and private infrastructure, as well as ensuring the functioning of the government in cases of natural and man-made disasters.



Legal Framework: The Civil Defence is governed by the following laws and decrees:

- Civil Defence Law No. 3 of 1998
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023

- Presidential Decree No. 12 of 2002 concerning the Attachment of the Police, the Preventive Security, and the Civil Defence to the Ministry of the Interior
- Minister of Interior Decision No. 1 of 2011 concerning the Regulation of the Work of Volunteers in Operations of the Palestinian Civil Defence
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: According to Article 2 of the Civil Defence Law No. 3 of 1998, the mandate of the force is to protect civilians and their property, ensure the safety of communications, guarantee the regular functioning of public authorities, and protect public and private buildings and installations from air raids and the effects of war, as well as from natural catastrophes and fire. It is also tasked with conducting maritime rescue.

Article 5 defines the functions of the Civil Defence as follows:

- Preparing projects and work plans, supervising their implementation, procuring all necessary tools and supplies, as well as research into methods of civil defence and public relations
- Taking all necessary measures, with the competent authorities, to face natural catastrophes and emergency cases in the situations decided by the President of the National Authority
- Educating the citizens on civil defence activities, cooperating with other public authorities with regard thereto, and distributing information relating to its activities in times of peace and war

In this connection, Article 6 tasks the Civil Defence with undertaking the following:

- Organizing alarm procedures for air raids
- Supervising the organisation of cooperation between towns and villages in civil defence procedures and setting up civil rapid intervention battalions for emergency support to afflicted areas
- Organizing procedures for extinguishing fire
- Setting up and preparing a Civil Defence Operations Room
- Organizing procedures for detecting unexploded bombs and mines and their removal
- Establishing light restrictions in order to prevent damages occurring due to air raids
- Storing equipment, medicines, and disinfectants necessary for civil defence activities
- Establishing detection teams for atomic radiation, toxic substances, and germs
- Building trenches and public shelters and preparing shelters which pertain to buildings and installations
- Participating in the preparation of casualty stations appropriate to receive those injured from air raids and natural catastrophes
- Preparing rescue teams, debris removal teams, and air raid and fire controller teams
- Educating and training civilians on civil defence procedures by various means
- Organizing and regulating the conditions of transporting and storing hazardous chemicals on the roads of the territories of the National Authority

Structure: The Civil Defence is headed by a Director-General who is appointed by the Minister of Interior, following the nomination by the Director-General of Internal Security and based upon the recommendation of the Committee of Officers (Article 4, Civil Defence Law No. 3 of 1998; Article 12, Law of Service in the Palestinian Security Force No. 8 of 2005).

The Civil Defence has its headquarters in Ramallah. It operates in all eleven governorates of the West Bank. It has 44 response stations and a training facility in Jericho. The Civil Defence is administratively divided into the following sections:

Director-General/Office of the Director-General	Training Directorate
Central Operations Directorate	Public Relations and Media Directorate
Fire and Rescue Directorate	General Administration
Disaster Directorate	Financial Directorate
Support and Assistance Directorate	Volunteers Directorate
Prevention and Public Safety Directorate	Monitoring and Inspection Directorate
Security and Protection Directorate	International Relations Directorate
Planning and Development Directorate	Gender Unit

Personnel: The personnel strength of the Civil Defence is 1,702 (1,472 in the West Bank and 230 in the Gaza Strip).

1.1.4 Customs Police

Background: The Customs Police is responsible for combating customs smuggling and tax evasion. It was created in 1995 and is part of the Internal Security Forces, as stipulated in Article 1 of the Decree Law No. 2 of 2016 concerning the Customs Police. The Customs Police reports to the Ministry of Interior on administrative matters and to the Ministry of Finance and Planning on technical and operational matters. It has judicial police powers, based on Article 4 of the Decree Law No. 2 of 2016.



Legal Framework: The Customs Police is governed by the following laws and decrees:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2016 concerning the Customs Police

- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decree No. 16 of 2006 concerning the Regulation of the General Administration of the Crossings and Borders
- Presidential Decree No. 62 of 2008 concerning the Attachment of the Customs Police to the Directorate of Customs, Excise and VAT of the Ministry of Finance
- Council of Ministers Decision No. 1 of 2019 concerning the Regulation on the Operation of Government Vehicles in the Security Sector
- Jordanian Customs and Excise Law No. 1 of 1962 and Customs Law of 1929 and their amendments, as amended by Decree Law No. 23 of 2018
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

The operational work of the Customs Police is governed by the following laws:

- Law No. 7 of 1999 concerning the Environment
- Law No. 6 of 2000 concerning Standards and Measurements
- Law No. 2 of 2003 concerning Agriculture, as amended by Law No. 11 of 2005, Decree Law No. 22 of 2016 and Decree Law No. 14 of 2018
- Decree Law No. 4 of 2010 concerning Banning and Combating the Products of the Settlements
- Decree Law No. 24 of 2018 amending the Jordanian Tobacco Law No. 32 of 1952
- Decree Law No. 25 of 2018 amending the Public Health Law No. 20 of 2004
- Decree Law No. 27 of 2018 amending the Consumer Protection Law No. 21 of 2005
- In operational terms, the Customs Police is also governed by the Protocol on Economic Relations between the Government of the State of Israel and the PLO representing the Palestinian people (Paris Protocol), the Procedures of Importation to the Palestinian Authority agreed between Israel and the PA (2010) and the Protocol on Security Implementation Procedures (2005).

Mandate and functions: The functions of the Customs Police include the following:

- Combating customs smuggling and tax evasion
- Controlling the movement of goods that cross the borders of the State of Palestine
- Confiscating settlement goods and impose fines as set out in Decree Law No. 4 of 2010 concerning Banning and Combating the Products of the Settlements
- Protecting local markets, legitimate trade and registered traders by providing a safe working environment and collaborating with public safety committees in the governorates
- Transferring persons who violated the laws, bylaws and regulations to the competent prosecution for legal action
- Confiscating and destroying corrupt and expired goods, in collaboration with concerned ministries and public bodies
- Cooperating with other security forces in the fulfilment of its mandate

The Customs Police works closely with the Customs Administration which is part of the Directorate of Customs, Excise and VAT of the Ministry of Finance and Planning.

Structure: The Customs Police is headed by a Director-General who is appointed by the President, following the recommendation of the Council of Ministers (Article 3, Decree Law No. 2 of 2016). The Customs Police has its headquarters in Ramallah. It operates in all eleven governorates of the West Bank and has 16 stations, including at the Allenby crossing in Jericho. The Customs Police is administratively divided into the following sections:

Director-General/Office of the Director-General	Guard Directorate
Inspection and Prevention Directorate	Human Resources Directorate
Crossings and Border Directorate	Finance Directorate
Central Operations Directorate	Planning and Training Directorate
Force Security Directorate	ICT Directorate
Armament Directorate	Public Relations and Information Directorate

Personnel: The personnel strength in the Custom Police is 1,079 (1,030 in the West Bank and 49 in Gaza).

1.2 National Security Forces

According to the Law of Service in the Palestinian Security Forces No. 8 of 2005, the National Security Forces comprise several security organizations with quasi-military functions. These include the National Security Forces, the Presidential Guard and the Military Intelligence. The PA originally intended that all these organizations would be merged into a single force, the National Security Forces, which would report to the Minister of National Security. However, since the Ministry of National Security was not established, the National Security Forces, Presidential Guard and Military Intelligence continue to exist as separate entities reporting directly to the President.

1.2.1 National Security Forces

Background: The National Security Forces are the successor organization of the Palestine Liberation Army (PLA), the military forces of the Palestine Liberation Organization (PLO). They are the prototype of the armed forces of the State of Palestine.



Legal Framework: The National Security Forces do not have a specific law regulating their activities. They are governed by the following laws and decrees applicable to all security forces:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005

- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The National Security Forces are the future Palestinian armed forces. Their functions include the following²²:

- Defending the homeland
- Maintaining security and public order inside the homeland
- Community protection
- Assist other security forces in carrying out their functions

Structure: The National Security Forces are headed by the Commander-General who is appointed by the President. The term of duty of the Commander-General is three years, with the possibility of extension for one more year (Article 8, Law of Service in the Palestinian Security Forces No. 8 of 2005).

The National Security Forces have their headquarters in Ramallah. They operate in all governorates of the West Bank and consist of ten battalions, as well as a training facility in Jericho. The National Security Forces are administratively divided into the following sections:

Commander-General/Office of the Commander-General	Financial Management Directorate
Deputy Commander-General/Office of the Deputy Commander-General	Public Relations and Media Directorate
Joint Central Operations Directorate	International Relations Directorate
Engineering Directorate	Air Police
Signals Directorate	Scientific Committee
Organization and Administration Directorate	Gender Unit
Training Directorate	Officers Academy
Transportation and Maintenance Directorate	Officers Club
Supply and Readiness Directorate	Military Sports
Armament Directorate	Military Music
Military Liaison Directorate	

Personnel: The personnel strength of the National Security Forces is 11,753 (7,697 in the West Bank and 4,056 in the Gaza Strip).

²² Information provided by Palestinian Authority, April 2023.

1.2.2 Military Intelligence

Background: The Military Intelligence collects information on the external military environment and protects the Palestinian security forces from internal and external threats. The organization was created as the Fateh's military intelligence agency in 1967 under the name 'Revolutionary Monitoring'. Later renamed Military Intelligence, the organization was given additional tasks following the deployment of the PLO's armed and security forces to the West Bank and Gaza in 1994. In 2007, the PA merged the hitherto independent Military Police into the Military Intelligence. The Military Intelligence has judicial police powers, based on Article 1 of the Presidential Decision No. 34 of 2014 concerning Vesting the Military Intelligence Agency with the Capacity of the Judicial Police.



Legal Framework: The Military Intelligence does not have a specific law regulating its activities. The organization is governed by the following laws and decrees applicable to all security forces:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by the Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decision No. 34 of 2014 concerning Vesting the Military Intelligence Agency with the Capacity of the Judicial Police
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The functions of the Military Intelligence include the following²³:

- Monitoring and following up on all information and activities threatening the Palestinian security forces and combating them
- Protecting the Palestinian security forces from subversion and penetration
- Contributing to early warning by the Palestinian security forces concerning threats
- Contributing to detecting and preventing criminal activities inside the Palestinian security forces and combating them
- Contributing to combating domestic and international terrorism and organized violence
- Monitoring and combating activities of non-state armed groups
- Assessing threats to Palestinian national security and the activities of the

²³ Information provided by Palestinian Authority, April 2023.

Palestinian security forces

- Combating ideological subversion and incitement
- Planning, organizing and monitoring the protection of the installations, sites and financial and human resources of the Palestinian security forces
- Monitoring the implementation of measures to protect the information and communication technology systems of the Palestinian security forces
- Implement judicial decisions concerning security forces personnel and overseeing military correction and rehabilitation centres
- Following up on military delegations and installations outside the homeland
- Management and oversight of military attachés

Structure: The Military Intelligence is headed by a Director-General. According to Article 9 of the Law of Service in the Palestinian Security Forces No. 8 of 2005, appointments to the positions of chairpersons of commissions and directors-general are made by the Minister of National Security, following the nomination of the Commander-General and based upon the recommendation of the Committee of Officers. The position of the Minister of National Security is currently not filled. The Director-General of Military Intelligence is appointed by the President.

The Military Intelligence has its headquarters in Ramallah. It operates in ten governorates of the West Bank and has a training facility in Jericho. The Military Intelligence is administratively divided into the following sections:

Director-General/Office of the Director-General	Training Directorate
Deputy Director-General/Office of the Deputy Director-General	Protection and Rehabilitation Directorate
Operations Directorate	Research, Planning and Development Directorate
Analysis Directorate	Human Resources Directorate
International Relations and External Security Directorate	Financial Directorate
Military Security Directorate	ICT Directorate
Crossings and Borders Directorate	Legal Unit
Southern Governorates Directorate	Gender Unit

Personnel: The personnel strength of the Military Intelligence is 2,904 (1,864 in the West Bank and 1,040 in the Gaza Strip).

1.2.3 Presidential Guard

Background: The Presidential Guard is responsible for the protection of the President and high-ranking PA officials. It operates outside the National Security Forces under the direct control and supervision of the President. Originally set up as a small close protection unit, it has developed over time into an independent paramilitary formation. Its expanded mission also includes counterterrorism and rapid intervention tasks.



Legal Framework: The Presidential Guard does not have a specific law regulating its activities. The organization is governed by the following laws and decrees applicable to all security forces:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: As a separate paramilitary force reporting to the President, the functions of the Presidential Guard include the following²⁴:

- Protecting the President by providing him with personal protection and securing his headquarters and his movements within the country
- Protecting the Prime Minister, ministers and senior PA officials
- Protecting senior visitors and accompanying them during their visit in Palestine
- Supporting other security forces in riot control, security control and law enforcement when needed

Structure: The Presidential Guard is headed by a Commander, who is nominally appointed by the Minister of National Security, based upon the nomination of the Commander-in-Chief and the recommendation of the Committee of Officers (Article 9, Law of Service in the Palestinian Security Forces No. 8 of 2005). In practice, the Commander is appointed by the President.

The Presidential Guard has its headquarters in Ramallah. It has another base in Bethlehem and a training facility in Jericho. The Presidential Guard is administratively divided into the following sections:

²⁴ Information provided by Palestinian Authority, April 2023.

Commander/Office of the Commander	Public Relations and Media Directorate
Central Operations Directorate	Administrative Affairs Directorate
Guard Directorate	Human Resources Directorate
Intelligence Directorate	Financial Directorate
Force Security Directorate	Armament Directorate
Planning and Development Directorate	Information Directorate
Training Directorate	ICT Directorate

Personnel: The personnel strength of the Presidential Guard is 3,140 (1,990 in the West Bank and 1,150 in the Gaza Strip).

1.3 General Intelligence

Background: The General Intelligence is the main intelligence agency of the PA and operates under the direct control of the President. Its structure and organization are derived from the PLO intelligence department in exile. The General Intelligence collects intelligence inside and outside Palestine, counters espionage and cooperates with foreign intelligence agencies. There is some overlap with the mission of the Preventive Security, as the agency covers both domestic and foreign intelligence. The General Intelligence has judicial police powers, based on Article 11 of the General Intelligence Law No. 17 of 2005.



Legal Framework: The General Intelligence is governed by the following laws and regulations:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- General Intelligence Law No. 17 of 2005, as amended by Decree Law No. 4 of 2023
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decision No. 4 of 2007 concerning the Promulgation of the Regulation on Supplies and Purchases of the Palestinian General Intelligence
- Presidential Decision No. 5 of 2007 concerning the Financial System of the Palestinian General Intelligence
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: According to Article 8 of the General Intelligence Law No. 17 of 2005, the General Intelligence is officially authorized to carry out intelligence activities outside the geographical borders of the State of Palestine, as well as to exercise specific tasks within the boundaries of the State of Palestine if serving to complete activities commenced outside those boundaries.

Article 9 defines the functions of the General Intelligence as follows:

- Taking the measures necessary to prevent acts that may endanger the security and safety of Palestine and expedient measures against their perpetrators, pursuant to the provisions of the law
- Revealing external dangers which may jeopardise Palestinian national security in the fields of espionage, collusion and sabotage, and any other acts which may threaten the unity, security, independence, and resources of the homeland
- Jointly cooperating with similar agencies of friendly states to fight all acts which may threaten common peace and security or any fields of external security, upon the condition of reciprocal treatment

According to Article 10, these functions relate to the following acts:

- Communicating with a foreign state in order to perform a hostile act against Palestine
- Joining the service of a foreign army which is in a state of war with Palestine
- Delivering or helping to deliver a secret concerning the defence of Palestine in the military, political, economic or social domain to a foreign state
- Any intentional act which may result in the death, a critical physical injury, or loss of freedom of any of the following: Monarchs and Presidents of States and their spouses or their descendants; the heirs to the throne or deputies of the Presidents of States or Prime Ministers or ministers; persons who are in charge of public responsibilities or those occupying public positions, if such acts are directed toward them in these capacities; ambassadors or diplomats who are accredited with the State of Palestine
- Purposeful sabotage or damage of public or private properties for public purposes which belong to or are subject to the authorities of a state connected with Palestine by diplomatic or friendly relations
- Manufacturing, possession or acquisition of weapons, explosives or any detrimental materials with the intention to perpetrate any of the aforementioned acts in any state
- Any act of violence or threat, whatever its motives or purposes, which occurs in the implementation of an individual or collective criminal plot aimed at creating fear among the people, or intimidating them by harming them or putting their life, freedoms or security in danger, or by causing damage to the environment or to any facilities or public properties, or occupying or seizing control of them, or forfeiting land, or subjecting a national resource to danger

Structure: The General Intelligence is headed by the Head of General Intelligence, who is appointed by the President in the rank of a minister. The term of duty of the Head was three years, with the possibility of extension for one more year, until the term limit was removed by Presidential Decree in 2023 (Article 14, General Intelligence Law No. 17 of 2005, as amended by Decree Law No. 4 of 2023).

The General Intelligence has its headquarters in Jerusalem, with temporary headquarters in Ramallah. It operates in all eleven governorates of the West Bank and has a directorate in each governorate, in addition to a training facility in Jericho. The General Intelligence is administratively divided into the following sections:

Head of General Intelligence/Office of the Head of General Intelligence	Control Directorate
Deputy Head/Office of the Deputy Head	Training and Planning Directorate
Operations Management Directorate	Public Relations and Media Directorate
External Security Directorate	ICT Directorate
Analysis Directorate	Financial Directorate
Investigations Directorate	Human Resources Directorate
Economic Security Directorate	Supplies and Procurement Directorate
Crossings and Borders Directorate	Armament Directorate
Institutions Security Directorate	Legal Directorate
Prison Directorate	Gender Unit
Force Security Directorate	Palestine Institute for National Security Research
Executive Force Directorate	

Personnel: The personnel strength of the General Intelligence is 5,690 (4,290 in the West Bank and 1,400 in the Gaza Strip).

1.4 Commissions, directorates and administrations

The PA established several commissions, directorates and administrations that provide support services to all security forces or have specific functions, such as the General Administration of Borders and Crossings and Al-Istiqlal University. These entities are often derived from the support functions of the PLO's military forces in exile. Some of these entities are administratively affiliated with the Ministry of Interior while others report directly to the President. The commission, directorate and administrations have their own budgets. These entities include the following:

- Organization and Administration Commission
- Security Forces Justice Commission
- Military Training Commission
- Supplies and Readiness Commission
- Central Armament Commission
- Political and National Guidance Commission
- Military Liaison
- Central Military Financial Directorate
- Military Medical Services Directorate
- General Administration of Crossings and Borders
- Al-Istiqlal University

1.4.1 Organization and Administration Commission

Background: The Organization and Administration Commission is responsible for ensuring the implementation of administrative regulations and rules in all PA security forces. It oversees personnel matters such as recruitment, promotions, retirement, professional development, training, and personnel planning. It also monitors administrative systems and processes across the different forces. Furthermore, the Organization and Administration Commission provides studies and research in support of the organizational development of the security forces.



Legal Framework: The Organization and Administration Commission does not have a specific law regulating its activities. The Commission is governed by the following laws and decrees applicable to all security forces:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Decree Law No. 9 of 2017 concerning Early Retirement of Palestinian Security Forces
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Council of Ministers Decision No. 76 of 2006 concerning the Public Commission for the Retirement of Military Personnel
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The functions of the Organization and Administration Commission include the following²⁵:

- Monitoring the implementations of laws, rules and regulations in the Palestinian security forces
- Studying and determining the personnel needs of the security forces
- Issuing the promotion bulletin for members of the security forces
- Supervising the registration of applicants seeking to join the security forces in line with the recruitment criteria in place
- Monitoring and controlling the records of personnel departments in the security forces in regard of recruitment, promotions, transfers, assignments, screening, disciplinary matters and professional development
- Developing policies to measure the effectiveness and efficiency of security forces personnel
- Addressing administrative malpractice in the security forces

²⁵ Information provided by Palestinian Authority, April 2023.

Moreover, the Commission serves as the secretariat to the Committee of Officers of the Security Forces which is responsible for deciding personnel matters concerning officers (Article 17-19, Law of Service in the Palestinian Security Forces No. 8 of 2005).

Structure: The Organization and Administration Commission is headed by a Chairperson who is appointed by the President. It administratively reports to the Ministry of Interior and has its headquarters in Ramallah. The Organization and Administration Commission is divided into the following sections:

Chairperson/Office of the Chairperson	Administrative Affairs Department
Personnel Directorate	Information Technology Directorate
Officers Affairs Directorate	Archive Directorate
Recruitment Directorate	Finance Directorate
Control and Inspection Department	Legal Directorate
Planning and Development Department	PR and Media Unit

Personnel: The personnel strength of the Organization and Administration Commission is 555 (480 in the West Bank and 75 in the Gaza Strip).

1.4.2 Security Forces Justice Commission

Background: The Security Forces Justice Commission is the PA's military judicial body. It has jurisdiction over all security forces personnel as the Palestinian law qualifies all members of the security forces as 'military', irrespective of whether they serve in a military or civilian security force. The Security Forces Justice Commission consists of five instances of military courts, the Military Prosecution and administrative support units. It is derived from the Military Justice Authority of the Palestine Liberation Army, the PLO's military force in exile.



Legal Framework: The Security Forces Justice Commission is governed by the following laws and decisions:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decision No. 75 of 2012 concerning the Establishment and Formation of the Military Judicial Inspection Department

- Presidential Decision No. 81 of 2012 concerning the Establishment and Formation of the Military Judicial Technical Office
- Presidential Decision No. 118 of 2012 concerning the Prosecution and Detention of Senior Military Ranks from Major through Colonel
- Presidential Decision No. 38 of 2019 concerning the Establishment of the Special Military Court
- Decision of the Supreme Constitutional Court No. 2 of 2018 on the legal nature of the Palestinian Police and the concept of 'military issue' for the purpose of determining the jurisdiction of the military judiciary
- Decision of the Chairman of the Military Justice Authority No. 1 of 2012 concerning the Code of Judicial Conduct for Military Judges and Members of the Military Prosecution
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979
- PLO Revolutionary Law on Correction and Rehabilitation Centres of 1979

Mandate and functions: The mandate of the Security Forces Justice Commission includes the following²⁶:

- Achieving justice and security in Palestinian society
- Maintaining military discipline and coordination in the Palestinian security establishment
- Achieving private and public deterrence through search, investigation, preliminary investigation and final investigation procedures before military courts, in accordance with national laws and international conventions
- Monitoring the progress of justice and supervising military reform and rehabilitation centres and detentions centres
- Pursuing the perpetrators of the crimes of members of the security forces

Structure: The Security Forces Justice Commission is headed by a Chairperson who is appointed by the President in his capacity as the Commander-in-Chief, based upon recommendation of the Committee of Officers (Article 17, Decree Law No. 2 of 2018). The Commission reports to the President. It has its headquarters in Jerusalem and temporary headquarters in Ramallah and Gaza.

According to Article 10 of the Decree Law No. 2 of 2018, the Commission has five levels of courts: (1) Central Military Court; (2) Standing Military Court; (3) Special Military Court; (4) Military Court of Appeal; (5) Field Military Court. Moreover, Article 38 establishes the Military Prosecution, which is responsible for instituting criminal proceedings and disciplinary actions, as well as representation before the military courts. The Security Forces Justice Commission is divided into the following sections:

Chairperson/Office of the Chairperson	Planning and Training Department
Technical Office	Finance Department
Judicial Inspection Department	Administrative Affairs and Supplies Department
Criminal Records Department	Information Technology Department
Control and Security Department	Public Relations and Media Unit

²⁶ Information provided by Palestinian Authority, April 2023.

Personnel: The personnel strength of the Security Forces Justice Commission is 375 (245 in the West Bank and 130 in the Gaza Strip).

1.4.3 Military Training Commission

Background: The Military Training Commission is responsible for overseeing, coordinating and providing training for the members of all Palestinian security forces.



Legal Framework: The Military Training Commission does not have a specific law regulating its activities. The Commission is governed by the following laws and decisions applicable to all security forces:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decree No. 35 of 2007 concerning Military and Security Training
- Council of Ministers Decision No. 17 of 2010 on the Bylaw concerning the Allowances and Expenses of Official Work Assignments and External Courses for the Palestinian Security Forces
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The functions of the Military Training Commission include the following²⁷:

- Consolidating and coordinating training for all members of the Palestinian security forces
- Developing the capabilities, skills and knowledge of officers, non-commissioned officers and personnel according to their specialization
- Developing and implementing training policies and programmes
- Strengthening the understanding, knowledge and skills of leaders in the security forces in regard of continued training and education of personnel

²⁷ Information provided by Palestinian Authority, April 2023.

Structure: The Military Training Commission is headed by a Chairperson who is appointed by the President. It administratively reports to the Ministry of Interior. The Military Training Commission has its headquarters in Ramallah and a training centre in Jericho. It is divided into the following sections:

Chairperson/Office of the Chairperson	General Supplies Department
Training Department	Financial Department
Planning and Development Department	Archive Department
Force Security Department	Legal Department
Shooting Range Department	International Relations Department
Military Attaché Department	Leadership Institute
Public Relations and Media Department	

Personnel: The personnel strength of the Military Training Commission is 511 (360 in the West Bank and 151 in the Gaza Strip).

1.4.4 Supplies and Readiness Commission

Background: The Supplies and Readiness Commission is responsible for overseeing, coordinating and implementing the logistics for all PA security forces.



Legal Framework: The Supplies and Readiness Commission does not have a specific law regulating its activities. The Commission is governed by the following laws and decisions:

- Law No. 9 of 1998 on Public Supplies
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 8 of 2014 concerning Public Procurement, as amended by Decree Law No. 25 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decision No. 4 of 2007 concerning the Promulgation of the Regulation on Supplies and Purchases of the Palestinian General Intelligence
- Council of Ministers Decision No. 136 of 2004 concerning the Importation and Sale of Military Materiel
- Council of Ministers Decision No. 1 of 2019 concerning the Regulation on the

- Operation of Government Vehicles in the Security Sector
- Council of Ministers Decision No. 4 of 2020 concerning the Amendment of the Regulation of Public Procurement No. 5 of 2014
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The functions of the Supplies and Readiness Commission are as follows²⁸:

- Developing the necessary supply plans and budgets for the security forces in coordination with the competent department in each force
- Purchasing all needed equipment for the security forces and preparing tenders and contracts
- Providing the security forces with food and logistical supplies on daily, weekly, monthly and annual basis, in line with the approved plans and budgets
- Storing safely and securely all supplies and logistical items required by the security forces

Structure: The Supplies and Readiness Commission is headed by a Chairperson who is appointed by the President. It administratively reports to the Ministry of Interior and for technical and operational matters to the Ministry of Finance and Planning. The Supplies and Readiness Commission has its headquarters in Ramallah and branches in all eleven West Bank governorates. It is divided into the following sections:

Chairperson/Office of the Chairperson	Finance Department
Supplies and Procurement Department	Administrative Affairs Department
Warehouse Department	Financial Department
Readiness Department	Public Relations and Gender Unit

Personnel: The personnel strength of the Supplies and Readiness Commission is 310 (260 in the West Bank and 50 in the Gaza Strip).

1.4.5 Central Armament Commission

Background: The Central Armament Commission is responsible for overseeing and ensuring the maintenance of the weapons of the PA security forces.



Legal Framework: The Central Armament Commission does not have a specific law regulating its activities. The Commission is governed by the following laws and decisions:

²⁸ Information provided by Palestinian Authority, April 2023.

- Firearms and Ammunition Law No. 2 of 1998, as amended by Decree Law No. 27 of 2020
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decision No. 4 of 2007 concerning the Promulgation of the Regulation on Supplies and Purchases of the Palestinian General Intelligence
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The functions of the Central Armament Commission are as follows²⁹:

- The maintenance of weapons of the Palestinian security forces
- Storing weapons seized by order of the General Prosecution and other competent authorities

Structure: The Central Armament Commission is headed by a Chairperson who is appointed by the President. It administratively reports to the Ministry of Interior and has its headquarters in Jericho. It is divided into the following sections:

Chairperson/Office of the Chairperson	Administrative Affairs Department
Supplies and Procurement Department	Financial Affairs Unit
Transport and Maintenance Department	Legal Affairs Unit
Archive Department	Public Relations Unit

Personnel: The personnel strength of the Central Armament Commission is 74 (74 in the West Bank and 0 in the Gaza Strip).

1.4.6 Military Liaison

Background: The Military Liaison is responsible for security coordination with Israel through the District Coordination Offices (DCO), also known as District Coordination and Liaison Offices (DCL). The DCOs were established under the Gaza-Jericho Agreement of 1994 between the Palestinian Authority and Israel.³⁰ Their functions were further defined in Annex I (Protocol Concerning Redeployment and Security Arrangements) of the Oslo II Accord of 1995.



²⁹ Information provided by Palestinian Authority, April 2023.

³⁰ Agreement on the Gaza Strip and the Jericho Area (1994), Annex I, Protocol Concerning Withdrawal of Israeli Military Forces and Security Arrangements, Article II Coordination and Cooperation in Security Matters.

Legal Framework: The Military Liaison does not have a specific law regulating its activities. The organization is governed by the following laws and decisions applicable to all security forces:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

In operational terms, the Military Liaison is also governed by Article III (Coordination and Cooperation in Mutual Security Matters) of the Annex I - Protocol Concerning Redeployment and Security Arrangements of the Oslo II Accord (1995), which defines the working arrangements of the Joint Security Coordination and Cooperation Committee (JSC), the Regional Security Committees (RSC) and the DCOs.

Mandate and functions: The main responsibility of the Military Liaison is to coordinate and facilitate movements of PA security forces between Areas A, B and C. It does so by conveying and following up on the PA's requests for movement and access to the Israeli Civil Administration, which is part of the Israel Defense Forces (IDF), through the DCOs. It also coordinates movements of visiting delegations, transfer of weapons and medical movements of PA security personnel. In the 1990s the Military Liaison was also responsible for the joint Israeli-Palestinian patrols.

Structure: The Military Liaison is headed by a Director-General who is appointed by the President. It has its headquarters in Ramallah and reports to the President. There are nine DCOs: Bethlehem, Hebron, Jenin, Jericho, Jerusalem, Nablus, Qalqiliya, Ramallah and Tulkarem. The Military Liaison is divided into the following sections:

Director-General/Office of the Director-General	Guard Directorate
Deputy Director-General/Office of the Deputy Director-General	Human Resources Directorate
Operations Directorate	Finance Directorate
Administration Directorate	ICT Directorate

Personnel: The personnel strength of the Military Liaison is 481 (370 in the West Bank and 111 in the Gaza Strip).

1.4.7 Central Military Financial Directorate

Background: The Central Military Financial Directorate ensures the implementation of the PA's financial policies, rules and regulations across the security forces. It serves as the link between the security forces and the Ministry of Finance and Planning and is responsible for the efficient use of public finances in the security sector, as well as overseeing public expenditure and managing payments.



Legal Framework: The Central Military Financial Directorate does not have a specific law regulating its activities. The Directorate is governed by the following laws and decisions:

- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 9 of 2017 concerning Early Retirement of Palestinian Security Forces
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decree No. 33 of 2007 concerning the Reorganization of the Financial Issues and Salaries of Officers in the Security Forces
- Presidential Decision No. 4 of 2007 concerning the Promulgation of the Regulation on Supplies and Purchases of the Palestinian General Intelligence
- Presidential Decision No. 5 of 2007 concerning the Financial System of the Palestinian General Intelligence
- Council of Ministers Decision No. 76 of 2006 concerning the Public Commission for the Retirement of Military Personnel
- Council of Ministers Decision No. 17 of 2010 on the Bylaw concerning the Allowances and Expenses of Official Operational Tasks and External Courses for the Palestinian Security Forces
- Council of Ministers Decision No. 1 of 2017 on the Regulation concerning the Allowances of Military Attachés Abroad
- Council of Ministers Decision No. 4 of 2017 concerning the Financial Regulations of the Palestinian Pension Authority
- Council of Ministers Decision No. 1 of 2019 concerning the Regulation on the Operation of Government Vehicles in the Security Sector
- Extraordinary Financial Regulation (a regulation issued for the first time in 2010 and renewed annually by decision of the Minister of Finance and Planning which addresses regulatory gaps relating to the security forces in other financial regulations)
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The functions of the Central Military Financial Directorate are as follows³¹:

- Preparing the annual budget of the security forces according to their needs and based on the line-item ceilings determined by the Ministry of Finance and Planning, including following up with the security forces on their budget statements, projects and needs, as well as submitting the security sector budget to the Ministry of Finance and Planning
- Following up on the disbursement and distribution of annual and monthly budgets, as well as their transfer by the Ministry of Finance and Planning
- Providing the security forces with operational budgets according to the financial ceiling of each force as approved by the Ministry of Interior, and closing these budgets for final closure by the Ministry of Finance
- Preparing the salaries of all members of the security forces and providing monthly salary rolls to be delivered to the Ministry of Finance and Planning
- Managing the daily financial services for the security forces (water, electricity, telecommunications, etc.)
- Establishing financial branches in the security forces that serve as the link between the forces and the Central Military Financial Administration
- Auditing the operational and capital expenditure of the security forces
- Controlling all financial transactions and their conformity with the standards and conditions of exchange, payment and revenue transactions
- Implementing all civil and military provisions relating to financial matters issued for personnel to recover financial dues from their salaries
- Reviewing proposals and policies for development submitted by the security forces to determine their priorities

Structure: The Central Military Financial Directorate is headed by a Director-General who is appointed by the President. It administratively reports to the Ministry of Interior and for technical and operational matters to the Ministry of Finance and Planning. The Central Military Financial Directorate has its headquarters in Ramallah. It is divided into the following sections:

Director-General/Office of the Director-General	Archive Department
Payment Department	Transport and Maintenance Department
Budget Department	ICT Department
Audit and Control Department	Financial Affairs Unit
Accounting Department	Internal Control Unit
Salary Department	Legal Affairs Unit
Planning Department	Security and Guard Unit
Supplies and Procurement Department	Public Relations and Gender Unit
Administrative Affairs Department	Central Financial Administration Branches in the Security Forces

Personnel: The personnel strength of the Central Military Financial Directorate is 274 (150 in the West Bank and 124 in the Gaza Strip).

³¹ Information provided by Palestinian Authority, April 2023.

1.4.8 Military Medical Services Directorate

Background: The Military Medical Services Directorate provides medical care to members of the PA security forces and their families, as well as military retirees. It also provides medical care in the PA's correction and rehabilitation centres. Overall, the Directorate provides services to more than 480,000 beneficiaries.



Legal Framework: The Military Medical Services Directorate does not have a specific law regulating its activities. The organization is governed by the following laws and decisions:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Public Health Law No. 20 of 2004, as amended by Decree Law No. 25 of 2018
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decision No. 6 of 2020 concerning the Reestablishment of the Higher Military Medical Committee
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The functions of the Military Medical Services Directorate are as follows³²:

- Providing medical, preventive and treatment services to all members of the security forces, their families and their relatives, as well as military retirees
- Supervising the health conditions in security forces installations and places of presence, examining food and water, providing vaccinations and hold awareness sessions
- Supervise the health and provide medical care to inmates of correction and rehabilitation centres
- Providing first aid and advanced medical courses for security personnel
- Medically examining applicants for the security forces against the service conditions and criteria

Structure: The Military Medical Services Directorate is headed by a Director-General who is appointed by the President. It administratively reports to the Ministry of Interior. The Directorate has its headquarters in Ramallah and branches in all eleven West Bank governorates. It is divided into the following sections:

³² Information provided by Palestinian Authority, April 2023.

Director-General/Office of the Director-General	Southern Governorates Affairs Department
Ambulance and Emergency Department	Operations and Administrative Affairs Department
Laboratory Department	Health Insurance Department
Dental Department	Public Relations and Media Department
Radiology Service Department	International Relations Department
Physiotherapy Service Department	Engineering and Maintenance Department
External Treatment Department	Financial Department
Pharmacy and Central Department Directorate	ICT Department
Procurement Department	Internal Control Department
Preventive Medicine Department	Studies and Development Department

Personnel: The personnel strength of the Military Medical Services Directorate is 905 (620 in the West Bank and 285 in the Gaza Strip).

1.4.9 Political and National Guidance Commission

Background: The Political and National Guidance Commission is responsible for promoting social cohesion and national values in both the PA military and civilian sectors to realize national interests of Palestinians. It does so through the provision of training, awareness-raising, guidance and counselling. The Political and National Guidance Commission is a civilian agency but also employs security forces personnel.



Legal Framework: The Political and National Guidance Commission does not have a specific law regulating its activities. The Commission is governed by the following laws and decrees:

- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and function: The functions of the Political and National Guidance Commission include the following³³:

- Conducting political mobilization and education of Palestinian security forces personnel and civilians
- Providing education, training and guidance and holding meetings and lectures for members of the security forces
- Maintaining, raising and strengthening morale
- Strengthening the spirit of discipline, commitment and adherence to instructions
- Establishing effective relations with citizens and the public and improving the internal relations in and between the security forces
- Conducting mobilization required to achieve national goals and influence public opinion
- Raising public awareness of the danger facing the Palestinian cause
- Promoting the revival of Palestinian cultural heritage

Structure: The Political and National Guidance Commission is headed by the Commissioner-General of the Political and National Steering Committee who is appointed by the President. It administratively reports to the Ministry of Interior and has its headquarters in Ramallah. It has branches in all eleven West Bank governorates and is divided into the following sections:

Commissioner-General/Office of the Commissioner-General	Studies and Translation Commission
Political Guidance Commission	Hebrew Affairs Commission
National Guidance Commission	Public Relations and Information Department
Information and Culture Commission	Guard Department
Training and Staff Preparation Commission	Finance Department
Religious Guidance Commission	Administrative Affairs Department
Public Labour Commission	Gender Unit

Personnel: The Political and National Guidance Commission has 375 (245 in the West Bank and 130 in the Gaza Strip).

1.4.10 General Administration of Crossings and Borders

Background: The General Administration of Crossings and Borders is responsible for all border services in support of national security and public safety priorities and the free flow of persons and goods. It is a civilian agency that coordinates all PA entities providing services at border crossing points, including security, financial, administrative and trade aspects. These include the Border Police (part of the Palestinian Police), Customs Police, Customs Administration, Civil Affairs (part of the Civil Affairs Commission), General Intelligence, Preventive Security and Military Intelligence.



³³ Information provided by Palestinian Authority, April 2023.

Legal Framework: The General Administration of Crossings and Borders is governed by the following laws and decisions:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission, as amended by Decree Law No. 3 of 2023
- Presidential Decree No. 16 of 2006 concerning the Regulation of the General Administration of the Crossings and Borders
- Customs and Excise Law No. 1 of 1962
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

In operational terms, the General Administration of Crossings and Borders is also governed by the Protocol on Economic Relations between the Government of the State of Israel and the PLO representing the Palestinian people (Paris Protocol), the Procedures of Importation to the Palestinian Authority agreed between Israel and the PA (2010) and the Protocol on Security Implementation Procedures (2005).

Mandate and functions: According to Article 2 of the Presidential Decree No. 16 of 2006, the functions of the General Administration of Crossings and Borders are as follows:

- Enforcing the laws, rules, regulations and standards issued by the various ministries and governmental institutions in relation to the crossings and border points
- Managing the flow of goods and individuals at all crossings, border points and ports pursuant to the law
- Ensuring the enforcement of the laws, rules and regulations which prohibit the entry or exit of persons and goods at the crossings and border points
- Collecting due taxes, customs and fees, deliver them to the Ministry of Finance, and enforce the relevant laws and international agreements in force
- Setting forth procedure manuals to be implemented at all border points for the entry and exit of commercial commodities and individuals with reference to the policies of the concerned ministries in order to implement them in a unified manner at the crossings points and borders

Structure: The General Administration of Crossings and Borders is administratively and financially independent and reports directly to the President. It is headed by a Director-General who is appointed by the President (Article 4, Presidential Decree No. 16 of 2006). The headquarters of Administration is in Jericho. It operates at the King Hussein Bridge crossing point with Jordan (West Bank) and the Rafah crossing point with Egypt (Gaza Strip). It is divided into the following sections:

Director-General/Office of the Director-General	International Relations Department
Finance Department	Seconded elements of other security forces
Administrative Department	

Personnel: The General Administration of Crossings and Borders has 459 employees.

1.4.11 Al-Istiqlal University

Background: The Al-Istiqlal University is the PA's national higher education institution for security forces personnel. It was opened in 2007 as the Palestinian Academy for Security Sciences and granted university status in 2011. Al-Istiqlal University offers seven BA programmes and eight vocational diplomas in military, security and police sciences.



Legal Framework: The Al-Istiqlal University is governed by the following laws:

- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law on Higher Education No. 11 of 1998
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 10 of 2013 concerning the Al-Istiqlal University

Mandate and functions: According to Article 4 of the Decree Law No. 10 of 2013 concerning the Al-Istiqlal University, its functions are as follows:

- Granting academic degrees in security sciences and relevant specialisations in accordance with the laws and regulations applicable at the Ministry of Higher Education.
- Preparing, rehabilitating and training the personnel of Palestinian security forces in coordination with the Military Training Commission
- Working towards graduating qualified officers who enjoy essential academic and professional competencies to work in the Palestinian security establishment, and continuing to develop and improve their scientific and professional capacities and skills in the fields of operation of the security forces, including all its branches and various specialisations
- Supporting the Palestinian security forces with professional cadres who have academic and administrative qualifications and are capable of bearing national responsibility through knowledge and professionalism

- Furnishing opportunities for higher education in some specialisations relating to security sciences
- Supporting, developing and enhancing the competencies and capacities of the security establishment by improving the skills and capacities of respective personnel of all levels and specialisations through specialised training programmes
- Establishing, strengthening ties, exchanging and utilising scientific and security experiences with Palestinian, Arab and international bodies and institutions to serve Palestinian security and accomplish the objectives of the University
- Promoting scientific research

Structure: According to Article 2 of Decree Law No. 10 of 2013, Al-Istiqlal University is administratively and financially independent and reports to the President in his capacity as the Commander-in-Chief of the Palestinian security forces. It is headed by a President who is supported by several Vice Presidents. The President of Al-Istiqlal University is appointed by the PA President upon the recommendation of the board of trustees (Article 13, Decree Law No. 10 of 2013). The university is located in Jericho. It is divided into the following sections:

President/Office of the President	Intermediate College for Security Studies
Vice-President/Office of the Vice-President	Public and International Relations Department
Faculty of Humanities	Measuring and Evaluation Center
Faculty of Law	Al-Istiqlal Center for Strategic Studies
Faculty of Information Technology	Al-Istiqlal Center for Maps and Topographical Studies
College of Administrative Sciences and Informatics	Community Service and Continuing Education Center
Saeb Erekat College for Postgraduate Studies and Scientific Research	

Personnel: Al-Istiqlal University has 616 employees, among them 80 academic staff.

2. THE JUSTICE SECTOR

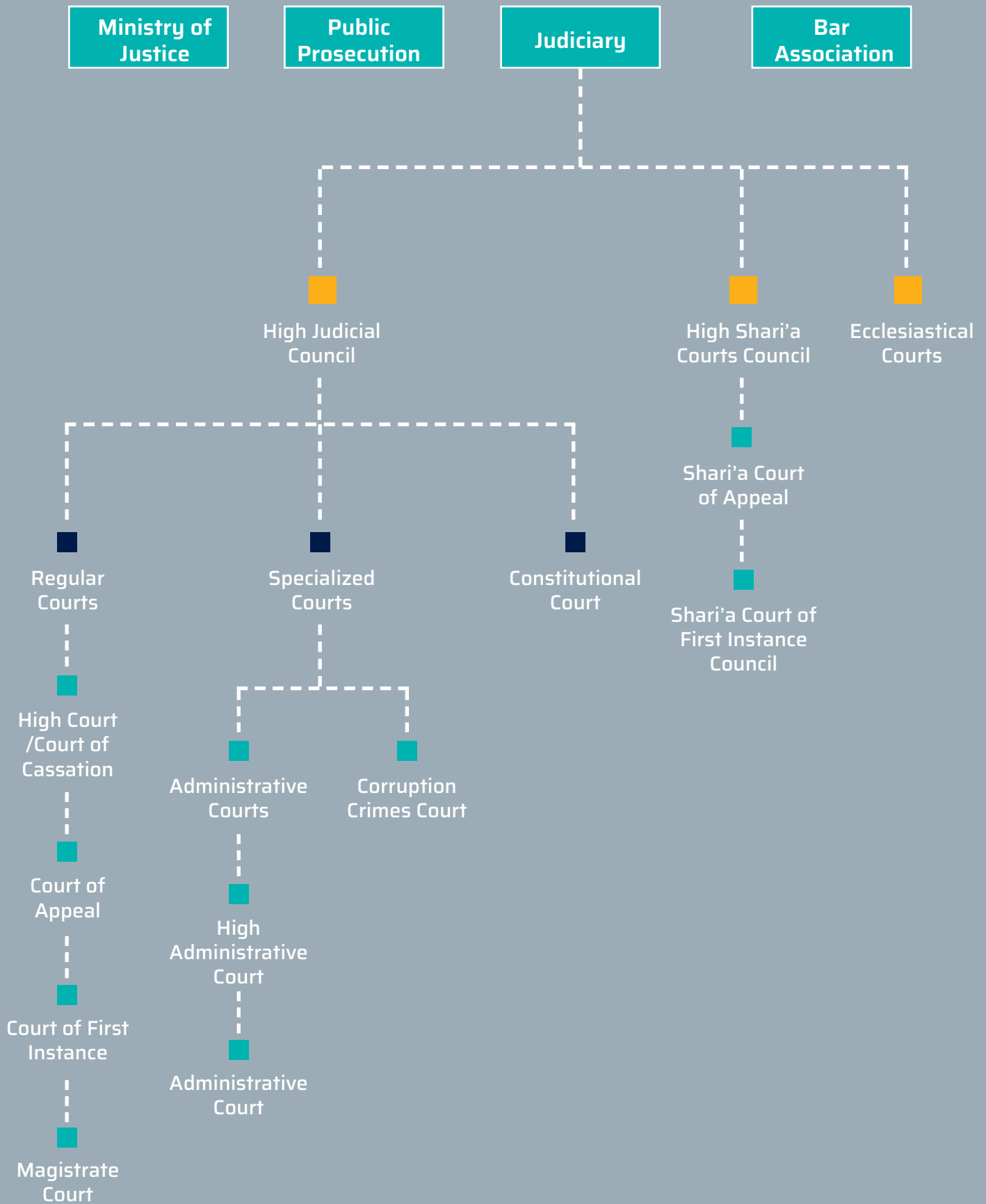
The justice sector in the West Bank includes the High Judicial Council, the regular court system, the Constitutional Court, Shari'a and ecclesiastical courts, specialized courts such as the Administrative Courts and the Corruption Crimes Court, as well as the Public Prosecution. While the overall structure of the sector as laid out in the Basic Law and the Judicial Authority Law No. 1 of 2002 remains in place, the PA adopted several new decree laws concerning the judiciary following the split between Fateh and Hamas in 2007. The PA also established new judicial bodies such as the Constitutional Court (2016), the Corruption Crimes Court (2019) and the Electoral Court (2021).

The most significant changes in the justice sector took place in 2020 when the PA President issued a set of three laws: the Decree Law No. 39 of 2020 concerning the Formation of Regular Courts, the Decree Law No. 40 of 2020 amending the Judicial Authority Law No. 1 of 2002 and the Decree Law No. 41 of 2020 concerning Administrative Courts.³⁴ The Decree Law No. 39 of 2020 concerning the Formation of Regular Courts, which replaced the Law concerning the Formation of Regular Courts No. 5 of 2001, ended the jurisdictional division of the High Court into the High Court of Justice and the Court of Cassation. It abolished the High Court of Justice, transferred its jurisdiction over administrative appeals to the newly formed administrative judiciary and removed the jurisdiction over administrative matters from regular courts. The court is now called the High Court/Court of Cassation.

The Decree Law No. 40 of 2020 amending the Judicial Authority Law No. 1 of 2002 introduced several administrative changes that strengthened executive control over the courts and removed the age limit for the position of the President of the High Judicial Council. Decree Law No. 41 of 2020 concerning Administrative Courts established a new administrative judiciary of two levels with jurisdiction over all administrative cases.

³⁴ The new laws were issued against the background of a long-standing dispute between the executive and the judiciary in the West Bank around the composition and competences of the High Judicial Council. In 2019, the PA President issued the Decree Law No. 16 of 2019 amending the Judicial Authority Law No. 1 of 2002 which reduced the retirement age for judges from 70 to 60 years and resulted in the forceful retirement of more than 50 judges. In 2019, the Constitutional Court ruled to abolish this decree law. In parallel to this, the President issued Decree Law No. 17 of 2019 concerning the Formation of a Transitional High Judicial Council, which transferred the responsibility of the existing High Judicial Council to a transitional one and granted it additional authorities to transfer judges to retirement. This followed upon earlier conflicts between the executive and judiciary around the Judicial Authority Law, such as Law No. 15 of 2005, which was abolished by decision of the High Court, and Decree Law No. 2 of 2006, which was abolished by Presidential Decision following objections of the PLC.

Chart 6: Justice Sector



2.1 High Judicial Council

Background: The High Judicial Council is the self-governing body of the judiciary and responsible for judicial administration, including personnel matters, financial affairs, judicial inspection and technical support. It has its own independent budget, as stipulated in Article 3 of the Judicial Authority Law No. 1 of 2002.



Legal Framework: The High Judicial Council is governed by the following laws and decrees:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Judicial Authority Law No. 1 of 2002, as amended by Decree Law No. 40 of 2020
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of the High Constitutional Court No. 3 of 2006, as amended by Decree Law No. 7 of 2019 and Decree Law No. 19 of 2017
- Decree Law No. 17 of 2019 concerning the Formation of a Transitional High Judicial Council
- Decree Law No. 39 of 2020 concerning the Formation of Regular Courts, as amended by Decree Law No. 29 of 2021 and Decree Law No. 10 of 2022
- Presidential Decision No. 27 of 2020 concerning the Extension of the Mandate of the Transitional High Judicial Council

The administrative work of the High Judicial Council is regulated through internal decisions including the following:

- High Judicial Council Decision No. 2 of 2006 concerning the Rules of the Commencement by the High Judicial Council of its Powers
- Transitional High Judicial Council Decision No. 1 of 2020 concerning the Code of Judicial Conduct
- Transitional High Judicial Council Regulation No. 12 of 2021 concerning Judicial Inspection

Mandate and functions: The functions of the High Judicial Council according to the Judicial Authority Law No. 1 of 2002 as amended by Decree Law No. 40 of 2020 are as follows:

- Administering appointments, promotions, transfers, delegations and secondments of judges
- Administering salaries and allowances of judges, as well as of clerks, secretaries, summons servers and translators
- Performing duties of judicial inspection, including conducting performance evaluations and training and reviewing reasons for cancelling, reversing or amending decisions of judges
- Administering disciplinary action against judges and appeals

- Undertaking training and professional development of judges and establishing relevant systems and processes
- Preparing the draft budget for the judiciary for submission to the Ministry of Justice and overseeing the implementation of the budget

Structure: The High Judicial Council consists of the President, the Vice-President and two senior judges of the High Court/Court of Cassation, the Presidents of the Courts of Appeal (Jerusalem, Gaza, Hebron, Nablus), a President of a Court of First Instance, the Attorney-General and the Deputy Minister of Justice (Article 37, Judicial Authority Law No. 1 of 2002 as amended by Decree Law No. 40 of 2020). The President of the High Court is appointed by the President following a proposal by the High Judicial Council including several candidates (Article 20).

The High Judicial Council has its headquarters in Ramallah. It is divided into the following sections:

President/Office of the President	Judicial Affairs Unit
General-Secretariat of the High Judicial Council	Council Affairs Unit
Courts Department	Disciplinary Council
Judicial Inspection Unit	Planning and Development Unit
Judicial Training Unit	Logistics and ICT Unit
Administrative and Financial Affairs Unit	Judicial Media Center

The High Judicial Council also oversees the Palestinian Judicial Institute, which is a financially and administratively independent body in charge of the professional development of judges and prosecutors.

Personnel: The High Judicial Council has 1,093 employees. The Palestinian Judicial Institute has 23 employees.

Budget: The budget of the High Judicial Council is NIS 129 million. The budget of the Palestinian Judicial Institute is NIS 2,5 million.³⁵

2.2 Regular Courts

Background: The Regular Courts are comprised of Magistrate Courts, Courts of First Instance, Courts of Appeal and the High Court/Court of Cassation, as determined in Article 7 of the Decree Law No. 39 of 2020 concerning the Formation of Regular Courts and Article 6 of the Judicial Authority Law No. 1 of 2002 as amended by Decree Law No. 40 of 2020. According to Article 14 of the Judicial Authority Law, the jurisdiction of regular courts includes all disputes and crimes with the exception of those excluded by special provisions of the law.



³⁵ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

Legal Framework: The Regular Courts are governed by the following laws and decrees:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Civil and Commercial Procedures No. 2 of 2001
- Law of Penal Procedures No. 3 of 2001, as amended by Decree Law No. 17 of 2014 and Decree Law No. 13 of 2018
- Judicial Authority Law No. 1 of 2002, as amended by Decree Law No. 40 of 2020
- Law of the Fees of the Regular Courts No. 1 of 2003
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Execution No. 23 of 2005
- Decree Law No. 39 of 2020 concerning the Formation of Regular Courts, as amended by Decree Law No. 29 of 2021 and Decree Law No. 10 of 2022
- Jordanian Penal Code No. 16 of 1960, as amended by Decree Law No. 7 of 2011, Decree Law No. 10 of 2014, Decree Law No. 20 of 2014, Decree Law No. 5 of 2018 and Decree Law No. 26 of 2020
- Ottoman Courts Manual (Al-Majalla) of 1286 AH [1869 AD]

Jurisdiction: The jurisdiction of the Regular Courts, as defined in the Judicial Authority Law No. 1 of 2002 as amended by Decree Law No. 40 of 2020, the Law of Civil and Commercial Procedures No. 2 of 2001, the Amended Law of Penal Procedures No. 3 of 2001 and Decree Law No. 39 of 2020 concerning the Formation of Regular Courts, is as follows:























- **Magistrate Courts** have jurisdiction over criminal and civil cases as determined by the Law of Civil and Commercial Procedures No. 2 of 2001, the Law of Penal Procedures No. 3 of 2001 and any other applicable law (Article 8, Decree Law No. 39 of 2020). The jurisdiction extends to civil cases whose value does not exceed 10,000 Jordanian Dinars (Article 39, Law of Civil and Commercial Procedures No. 2 of 2001) and criminal cases of misdemeanour and offense (Article 300, Law of Penal Procedures No. 3 of 2001).
- **Courts of First Instance** have jurisdiction over all criminal and civil cases where jurisdiction is not given to Magistrate Courts or other courts. The jurisdiction extends to civil cases whose value exceeds 10,000 Jordanian Dinars (Article 41, Law of Civil and Commercial Procedures No. 2 of 2001) and criminal cases of felonies and misdemeanours associated therewith (Article 168, Law of Penal Procedures No. 3 of 2001). Courts of First Instance also function as the instance of appeal for cases decided by Magistrate Courts, appeals against decisions under the applicable law of execution and appeals in cases where the law determines the Courts of First Instance as the instance of appeal (Article 10, Decree Law No. 39 of 2020).
- **Courts of Appeal** have jurisdiction over appeals against criminal and civil decisions by Courts of First Instance (Article 15, Decree Law No. 39 of 2020).
- **The High Court/Court of Cassation** has jurisdiction in both criminal and civil cases. In criminal cases, it has jurisdiction over appeals against decisions by a Court of Appeal and decisions where the law determines it to be the instance of appeal. In civil cases, it has jurisdiction over appeals against decisions by a Court of Appeal concerning cases decided by a Court of First Instance with a value exceeding 10,000 Jordanian Dinars (Article 17, Decree Law No. 39 of 2020).

Structure: The Regular Courts are structured as follows:

- **Magistrate courts** convene before a single judge called the Magistrate Judge. There are 13 Magistrate Courts in 10 of the 11 governorates of the West Bank, with four in the Hebron Governorate and none in the Jerusalem Governorate.
- **Courts of First Instance** convene before a panel of three judges. There is a Court of First Instance in 8 of 11 governorates in the West Bank, exceptions being Jerusalem, Salfit and Tubas Governorates.
- **Courts of Appeal** convene before a panel of three judges. There are four Courts of Appeal in Jerusalem, Gaza, Hebron and Nablus. The Jerusalem Court of Appeal convenes in Ramallah.
- **The High Court/Court of Cassation** convenes before a panel of five judges. The seat is Jerusalem, with a temporary seat in Ramallah and Gaza.

Moreover, the Regular Courts include tribunals with specialized jurisdiction that function as chambers of the regular court system. These include the following: the Local Government Court, the Labour Court, the Juvenile Court, the Local Electoral Affairs Court, the Court of Assault on State Property, the Customs Court and the First Instance Committee for the Registration of Periods in Ramallah and Al-Bireh Governorate.

Personnel: The regular court system in the West Bank has 293 judges (225 male and 68 female). The distribution of judges is as follows:

High Court/Court of Cassation  12  2	Court of Appeal  20  4	Court of First Instance  84  21	Magistrate Court  51  18
Juvenile Court  22  6	Local Electoral Affairs Court  13  2	Local Government Court  12  1	Court of Assault on State Property  6  1
High Court  3  1	Local Electoral Affairs Court  1  1	First Instance Committee for the Registration of Periods in Ramallah and Al-Bireh Governorate  0  1	

Budget: The budget of the regular courts is NIS 138 million.³⁶

³⁶ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

2.3 Constitutional Court

Background: The Constitutional Court, as foreseen in Article 103 of the Amended Basic Law of 2003 and the Law of the High Constitutional Court No. 3 of 2006, was established in 2016.



Legal Framework: The Constitutional Court is governed by the following laws:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Civil and Commercial Procedures No. 2 of 2001
- Judicial Authority Law No. 1 of 2002, as amended by Decree Law No. 40 of 2020
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of the High Constitutional Court No. 3 of 2006, as amended by Decree Law No. 7 of 2019, Decree Law No. 19 of 2017, Decree Law No. 7 of 2019 and Decree Law No. 32 of 2022
- Presidential Decision No. 57 of 2016 concerning the Formation of the Constitutional Court
- Presidential Decision No. 23 of 2023 concerning the Appointment of Judges to the Constitutional Court

Jurisdiction: The jurisdiction of the Constitutional Court as defined in Article 24 of the Law of the High Constitutional Court No. 3 of 2006 is as follows:

- Overseeing the constitutionality of laws and regulations
- Interpreting the provisions of the Basic Law and laws in the event of a conflict over the rights, obligations and capacities of the three authorities
- Adjudicating conflicts of jurisdiction between judicial authorities and administrative authorities with judicial jurisdiction
- Adjudicating conflicts which arise with regard to the execution of two contradictory final judgements, one of which is issued by a judicial authority or an authority with a judicial jurisdiction and the other by another authority
- Adjudicating challenges regarding the loss of legal capacity of the President pursuant to the provisions of paragraph 1c of Article 37 of the Amended Basic Law of 2003

Structure and personnel: The Constitutional Court consists of a President, a Vice-President and seven judges who are appointed by the President, following the nomination by the General Assembly of the Court, as well as the Chief Clerk and administrative staff (Article 2 of Law of the High Constitutional Court No. 3 of 2006). The Constitutional Court has its seat in Jerusalem and temporary seat in Ramallah and Gaza.

Budget: The budget of the Constitutional Court is NIS 7,2 million.³⁷

³⁷ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

2.4 Specialized Courts

Specialized courts are PA courts with specialized jurisdiction as determined by separate legislation. These include the Corruption Crimes Court, the Administrative Courts and the Electoral Court.

2.4.1 Corruption Crimes Court

Background: The Corruption Crimes Court is a specialized court established in 2010 to handle all corruption crimes. It has jurisdiction over cases presented by the Public Prosecution based on the work of Anti-Corruption Commission which is tasked with collecting, investigating and prosecuting allegations of public corruption.

Legal Framework: The Corruption Crimes Court is governed by the following laws and decisions:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Penal Procedures No. 3 of 2001, as amended by Decree Law No. 17 of 2014 and Decree Law No. 13 of 2018
- Anti-Corruption Law No. 1 of 2005, as amended by Decree Law No. 7 of 2010, Decree Law No. 13 of 2014, Decree Law No. 4 of 2017, Decree Law No. 37 of 2018, Decree Law No. 9 of 2019 and Decree Law No. 27 of 2019
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Anti-Money Laundering and Terrorism Financing Decree Law No. 20 of 2015, as amended by Decree Law No. 13 of 2016, No. 39 of 2022 and No. 45 of 2022
- Council of Ministers Decision No. 7 of 2019 concerning the Regulation on the Protection of Whistle-blowers, Witnesses, Informants, and Experts in Corruption Cases and their Relatives and Persons Close to Them
- Jordanian Penal Code No. 16 of 1960, as amended by Decree Law No. 7 of 2011, Decree Law No. 10 of 2014, Decree Law No. 20 of 2014, Decree Law No. 5 of 2018 and Decree Law No. 26 of 2020

Jurisdiction: The jurisdiction of the Corruption Crimes Court as defined in Article 1 of the Anti-Corruption Law No. 1 of 2005 relates to the following:

- Crimes prejudicial to the duties of the public office and to public trust as provided for in the Penal Code
- Crimes emanating from money laundering as provided for in the Anti-Money Laundering Law
- Any act prejudicial to public funds
- Abuse of authority contrary to the provisions of the law
- Acceptance of nepotism and favouritism
- Illegal gains

- All acts provided for in the Arab and International Conventions on Anti-Corruption ratified by the National Authority or to which it is a member

Structure and personnel: According to Article 16, the Corruption Crimes Court consists of a panel of three judges under the presidency of a judge in the grade of a Court of First Instance or a Court of Appeal, as well as administrative staff (Article 16, Anti-Corruption Law No. 1 of 2005). The Corruption Crimes Court has its official seat in Jerusalem and a temporary seat in Ramallah.

2.4.2 Administrative Courts

Background: Administrative Courts are foreseen in Article 102 of the Amended Basic Law of 2003, with jurisdiction over administrative disputes and disciplinary complaints. They were established in the West Bank only in 2020 through the Decree Law No. 41 of 2020 concerning Administrative Courts.

Legal Framework: The Administrative Courts are governed by the following laws:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Civil and Commercial Procedures No. 2 of 2001
- Judicial Authority Law No. 1 of 2002, as amended by Decree Law No. 40 of 2020
- Law of the Fees of the Regular Courts No. 1 of 2003
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Decree Law No. 41 of 2020 concerning Administrative Courts, as amended by Decree Law No. 13 of 2022
- Presidential Decision No. 21 of 2022 concerning the Formation of the Administrative Court
- Presidential Decision No. 22 of 2022 concerning the Formation of the High Administrative Court

Jurisdiction: The jurisdiction of Administrative Courts is defined in Articles 2 and 20 of the Decree Law No. 41 of 2020 concerning Administrative Courts. Article 2 states that the administrative judiciary is exclusively competent to consider administrative disputes, disciplinary cases and any other jurisdiction stipulated in the decree. Article 20 defines its jurisdiction as follows:

- Appeals related to the results of elections that take place in accordance with the legislation governing them, unless a special provision is provided in another law that grants this jurisdiction to another court
- Appeals submitted to cancel regulations, systems or final administrative decisions issued by public law persons, including trade unions, institutions of higher education, duly registered federations and associations, even if they are immune under the law issued pursuant thereto
- Requests against detention, in which orders are requested to release persons who were illegally arrested

- Appeals against final administrative decisions related to public positions in terms of appointment, classification, confirmation, promotion, transfer, referral, retirement, consignment, discipline, dismissal from service, suspension from work, salaries, bonuses, annual increases, or pension rights due to public employees or retirees or to their heirs according to the legislation in force, or decisions issued by the disciplinary authorities, and everything else related to professional duties, unless another law stipulates otherwise
- Appeals against final decisions issued by administrative bodies with judicial jurisdiction, except for decisions issued by a representative or the conciliation or arbitration committee in labor disputes
- Refusal or abstention by administrative authorities from taking any decision that should have been taken in accordance with the provisions of the applicable laws or regulations
- Administrative contract disputes
- All other administrative disputes
- Appeals that are considered to be within the jurisdiction of the Administrative Court under any other law

Structure: The administrative judiciary consists of two levels, the Administrative Court and the High Administrative Court, as well as the Administrative Prosecution (Article 6, Decree Law No. 41 of 2020). The President and Vice-President of the Administrative Court and the administrative judges are appointed by the President, following the recommendation of the General Assembly of Administrative Courts. The President of the High Administrative Court is appointed by the President without recommendation (Article 7, Decree Law No. 41 of 2020). The Administrative Courts have their official seat in Jerusalem and temporary seats in Ramallah and Gaza.

Personnel: The Administrative Courts have 37 employees.

Budget: The budget of the Administrative Courts is NIS 9,5 million.³⁸

2.4.3 Electoral Court

Background: The Electoral Court is a specialized court established in 2021 by Presidential Decree to adjudicate electoral issues, taking over the role previously assumed by the High Court in this regard. The Electoral Court was formed in consultation between Fateh and Hamas in preparation of the holding of national elections.

Legal Framework: The Electoral Court is governed by the Amended Basic Law of 2003, the Decree Law No. 1 of 2007 concerning General Elections and the Presidential Decree No. 8 of 2021 concerning the Formation of the Electoral Court, as well as relevant electoral legislation.

Jurisdiction: The jurisdiction of the Electoral Court, as defined in Article 24 of the Decree Law No. 1 of 2007 concerning General Elections, is limited to adjudicating

³⁸ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

appeals to annul or amend decisions of the electoral commission. Crimes related to the electoral process fall under the jurisdiction of the regular courts.

Structure and Personnel: The Electoral Court is composed of four judges from the West Bank, four from the Gaza Strip and one from East Jerusalem. It is headed by the President of the High Court/Court of Cassation.

2.5 Shari'a and Religious Courts

Background: Personal status matters of Palestinians of Muslim and Christian denomination are handled by Shari'a and Ecclesiastical Courts respectively.

Legal Framework: Shari'a and Ecclesiastical Courts are stipulated in Article 101 (1) of the Amended Basic Law. They are governed by the following laws:

- Amended Basic Law of 2003
- Law No. 7 of 2004 concerning Children
- Decree Law concerning Shari'a Execution No. 16 of 2017, as amended by Decree Law No. 20 of 2022
- Decree Law No. 8 of 2021 concerning the Shari'a Judiciary, as amended by Decree Law No. 21 of 2022
- Jordanian Personal Status Law of 1976
- Shari'a Courts Formation Law No. 19 of 1972
- Shari'a Procedures Law No. 19 of 1965
- Shari'a Procedures Law No. 31 of 1959
- Shari'a
- Code of Canon Law for Ecclesiastical Courts

Jurisdiction: The jurisdiction of Shari'a Courts as determined by the Amended Basic Law of 2003 extends to all matters governed by Shari'a law and the personal status of Muslim citizens. This includes all family matters related to marriage, divorce, child custody and inheritance. Similarly, Ecclesiastical Courts have jurisdiction over personal status matters of Christian citizens.

Structure: The Shari'a judiciary consists of the Shari'a Court of First Instance, the Shari'a Court of Appeal and the High Shari'a Court Council, as well as the Shari'a prosecution. The Ecclesiastical Courts of the various denominations include courts of first instance and courts of appeal.

Personnel: The Shari'a judiciary has 496 employees.

Budget: The budget of the Shari'a Courts is NIS 35,8 million.³⁹

³⁹ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

2.6 Public Prosecution

Background: The Public Prosecution is responsible for criminal investigations and has the exclusive right to initiate criminal action. It also supervises officers tasked with judicial police powers in the performance of their functions.

Legal Framework: The Public Prosecution is governed by the following laws and decrees:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Penal Procedures No. 3 of 2001, as amended by Decree Law No. 17 of 2014 and Decree Law No. 13 of 2018
- Judicial Authority Law No. 1 of 2002, as amended by Decree Law No. 40 of 2020
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Decree Law No. 10 of 2018 concerning Cybercrime, as amended by Decree Law No. 28 of 2020
- Decree Law No. 17 of 2019 concerning the Formation of a Transitional High Judicial Council
- Decree Law No. 7 of 2020 concerning the State of Emergency
- Decree Law No. 39 of 2020 concerning the Formation of Regular Courts, as amended by Decree Law No. 29 of 2021 and Decree Law No. 10 of 2022
- Jordanian Penal Code No. 16 of 1960, as amended by Decree Law No. 7 of 2011, Decree Law No. 10 of 2014, Decree Law No. 20 of 2014, Decree Law No. 5 of 2018 and Decree Law No. 26 of 2020









Mandate and functions: The functions of the Public Prosecution are determined in the Judicial Authority Law No. 1 of 2002 and the Law of Penal Procedures No. 3 of 2001. The Public Prosecution has the exclusive right to initiate criminal investigations and submit criminal cases to the competent court (Article 3, Law of Penal Procedures No. 3 of 2001). It supervises officers tasked with judicial police powers during the criminal investigation process, including receiving criminal complaints, gathering evidence, arresting suspects and conducting searches of persons and houses (Article 20). The Public Prosecution also has the right to inspect all correction and rehabilitation centres to verify compliance with the law (Article 126).

Structure: The Public Prosecution is comprised of the Attorney-General, one or more deputies, heads of prosecutor district offices, prosecutors and deputy-prosecutors (Article 60, Judicial Authority Law No. 1 of 2002). The Attorney-General is appointed by decision of the President upon nomination of the High Judicial Council (Article 63). The Public Prosecution has its headquarters in Ramallah. There are 13 Criminal Prosecution offices at the governorate level and three Appeal Prosecution offices (Jerusalem, Nablus, Hebron). Moreover, there are 13 specialized prosecutorial offices operating at the central level in Ramallah.

The Public Prosecution is administratively divided into the following sections:

Attorney-General/Office of the Attorney-General	Constitutional Prosecution (specialized)
Deputy Attorney-General/ Office of the Deputy Attorney-General	Corruption Crimes Prosecution (specialized)
Inspection Unit	Economic and Environmental Crimes Prosecution (specialized)
Technical Unit	International Crimes Prosecution (specialized)
Planning, Policy and Training Unit	Prosecution for Execution of Criminal Sentences (specialized)
Human Rights Unit	State Prosecution (specialized)
Appeals Prosecution	Traffic Crimes Prosecution (specialized)
Criminal Prosecution	Electronic Crimes Prosecution (specialized)
High Court Prosecution (specialized)	Juvenile Prosecution (specialized)
Cassation Court Prosecution (specialized)	Local Government Prosecution (specialized)
Family Protection Prosecution (specialized)	

Personnel: The Public Prosecution in the West Bank has 525 employees, among them 168 prosecutors (131 male and 37 female). The distribution is as follows:

Office of the Attorney-General	Appeals Prosecution	Criminal Prosecution	Specialized Prosecution
  16 3	  5 1	  81 27	  24 7

Budget: The budget of the Public Prosecution is NIS 49,2 million.⁴⁰

⁴⁰ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

3. MANAGEMENT AND OVERSIGHT

3.1 Executive Management

3.1.1 Office of the President

Background: The President of the Palestinian Authority is directly elected by the Palestinian people for a four-year renewable term (Article 34, Amended Basic Law of 2003). The President is the Commander-in-Chief of the Palestinian security forces (Article 39) and appoints the Director-General of Internal Security (Article 11, Law of Service in the Palestinian Security Forces No. 8 of 2005), the Commander-in-Chief of the National Security Forces (Article 8) and the Head of General Intelligence (Article 14). The President also appoints governors (Article 1, Presidential Decree No. 22 of 2003 concerning the Mandates of Governors), judges (Article 18, Judicial Authority Law No. 1 of 2002), the Attorney-General (Article 107, Amended Basic Law), as well as the Chairman of the Security Forces Justice Commission (Article 17, Decree Law No. 2 of 2018 concerning the Security Forces Justice Commission). He is supported by the Office of the President, which includes several administrative units performing specific functions in relation to the security and justice sectors.



Legal Framework: As it concerns its role in the security and justice sectors, the Office of the President is governed by the following laws and decrees:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Judicial Authority Law No. 1 of 2002, as amended by Decree Law No. 40 of 2020
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 5 of 2020 concerning the Office of the Palestinian President
- Presidential Decree No. 22 of 2003 concerning the Mandates of Governors
- Presidential Decree No. 2 of 2006 concerning the Security Committee of the Governorate
- Presidential Decree No. 3 of 2018 concerning the Civilian and Military Decorations, Orders and Medals of the State of Palestine

Mandate and functions: The main functions of the President in the security and justice sectors are:

- Acting as the Commander-in-Chief of the Palestinian security forces (Article 39, Amended Basic Law of 2003)

- Promulgating laws approved by the Palestinian Legislative Council within 30 days following their referral (Article 41)
- In case of necessity that cannot be delayed and when the Legislative Council is not in session, issuing decrees with the power of law (to be submitted to the Legislative Council in the first session following their issuance, lest they cease to have the power of law) (Article 43)
- Appointing the Prime Minister (Article 45)
- Appointing the commanders of the security forces (Article 8, 11 and 14, Law of Service in the Palestinian Security Forces No. 8 of 2005)
- Appointing judges (Article 18, Judicial Authority Law No. 1 of 2002) and the Attorney-General (Article 107, Amended Basic Law of 2003)
- Appointing governors who act as the heads of the security committee in their respective governorate, comprised of the security commanders at the governorate level and tasked with implementing central security decisions and putting forward plans for enforcing law and order (Article 1 and 5, Presidential Decree No. 22 of 2003 concerning the Mandates of Governors)
- Declaring the state of emergency by decree in case of threats to national security caused by war, invasion, armed insurrection or natural disasters (Article 110, Amended Basic Law of 2003)

The functions of the Office of the President are determined by Article 4 of the Decree Law No. 5 2020 concerning the Office of the Palestinian President:

- Supporting the President in exercising his constitutional and legal powers, including the implementation of his vision, guidance and decisions and carrying out his policy in the interest of the people
- Organizing communication and cooperation with international and national official and non-official bodies, as well as the private and civil sectors
- Overseeing the preparation and implementation of the President's national and international activities
- Implementing the President's policies in the social field
- Following up on the implementation of the President's decisions and instructions with the concerned parties

Structure: The Office of the President is led by a head appointed by the President, supported by a deputy and several administrative units. It has its seat in Jerusalem and a temporary seat in Ramallah.

The main sections in the Office of the President performing functions related to the security and justice sectors are the Legal Affairs Unit chaired by the Legal Adviser (responsible for the review and issuance of decree laws, decrees and presidential decisions), the Military Secretary and his office (responsible for providing military advice), and the Governorate Affairs Adviser and his office (responsible for overseeing the activities of the governors). Moreover, the Adviser of Governorate Affairs currently also heads the Committee of Officers on behalf of the President.

Personnel: The Office of the President has 357 employees.

Budget: The Office of the President has a budget of NIS 342,8 million.⁴¹

⁴¹ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 21.

3.1.2 Council of Ministers

Background: The Council of Minister is the highest executive and administrative body of the Palestinian Authority and accountable to the Palestinian Legislative Council (Article 63, Amended Basic Law of 2003). It is headed by the Prime Minister who is appointed by the President (Article 65). The Prime Minister selects the members of the government, chairs the sessions of the Council of Ministers, issues decisions within his competence and oversees the work of ministers and other bodies reporting to the government (Article 68). According to Article 69 (7), the Council of Ministers is responsible for maintaining public order and internal security.



Legal Framework: The Council of Ministers exercises its functions with regard to the security and justice sectors according to the following laws and decisions:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 33 of 2022 concerning the Official Gazette
- Presidential Decision No. 286 of 1995 concerning the Advisory and Legislation Bureau
- Council of Ministers Decision No. 58 of 2005 concerning the Transfer of the Advisory and Legislation Bureau to the Council of Ministers
- Council of Ministers Decision No. 8 of 2016 concerning the Regulation of Complaints

Mandate and functions: The functions of the Council of Ministers are defined in Article 69, Amended Basic Law of 2003. The most relevant ones in regard to the security and justice sector are the following:

- Devising general policies within the limit of its jurisdiction and in light of the government's programme as approved by the Legislative Council
- Implementing the general policies adopted by the competent authorities
- Preparing the general budget for submission to the Legislative Council
- Establishing the structure of the administrative apparatus
- Following up on the implementation of laws and ensuring compliance with their provisions
- Supervising the performance of ministries and the administrative apparatus
- Maintaining public order and internal security
- Establishing and dissolving agencies and other administrative units belonging to the government, appointing their heads and supervising them
- Determining the area of responsibility of all ministries and other agencies reporting to the government

The most relevant sections of the Council of Ministers for the security and justice sectors are the Complaints Unit and the Bureau of the Official Gazette. Through the Complaints Units, the Council of Ministers follows up on citizen complaints against public bodies including the police and security forces. The Complaints Department reports to the Secretary-General of the Council of Ministers and oversees 64 complaints units established at the ministerial level, such as in the Ministry of Interior and the Ministry of Justice, as well as at the level of the security forces. The work of the Complaints Department is governed by the Council of Ministers Decision No. 8 of 2016 concerning the Regulation of Complaints. The Complaints Department is mandated to coordinate and follow up with complaints units in the Ministry of Interior and the police and security forces and to build their capacities (Article 4 (9) Council of Ministers Decision No. 8 of 2016).

Moreover, the Council of Ministers oversees the Bureau of the Official Gazette (formerly Advisory and Legislation Bureau), an independent body that undertakes the technical review of draft legislation, maintains the government's legal database, proposes legislative amendments, ensures harmonization of Palestinian legislation with international law and issues the Official Gazette.

Structure: The Complaints Department in the Council of Ministers is headed by a Director-General who reports to the Secretary-General of the Council of Ministers. The Bureau of the Official Gazette is headed by a Chairperson appointed by the President and reports to the Council of Ministers.

Personnel: The Council of Ministers has 209 employees, including eight employees in the Complaints Department. The Bureau of the Official Gazette has 68 employees.⁴²

Budget: The Council of Ministers has a budget of NIS 52,3 million.⁴³

3.1.3 Ministry of Interior

Background: The Ministry of Interior is the main executive body responsible for managing and overseeing the PA security forces, give the absence of the Ministry of National Security. It is responsible for administrative oversight, operational guidance, budgeting and overseeing capacity development, training and international cooperation. The Ministry of Interior also oversees various commissions and directorates that provide cross-cutting services to all security forces. The Ministry consists of a civil and a security part.



Legal Framework: The Ministry of Interior exercises its functions in the security sector according to the following laws:

⁴² Information provided by Palestinian Authority, April 2023.

⁴³ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 21.

- Amended Basic Law of 2003
- Law No. 3 of 1998 on Civil Defence
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Law No. 1 of 2000 concerning Charitable Associations and Civil Society Organisations, as amended by Decree Law No. 6 of 2011
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- Decree Law No. 11 of 2007 concerning the Preventive Security
- Decree Law No. 2 of 2016 concerning the Customs Police
- Decree Law No. 23 of 2017 concerning the Police, as amended by Decree Law No. 2 of 2020
- Presidential Decree No. 12 of 2002 concerning the Attachment of the Police, the Preventive Security and the Civil Defence to the Ministry of the Interior

Mandate and functions: The Minister of Interior proposes the general policy for the Ministry and supervises its implementation (Article 71, Amended Basic Law of 2003). The Minister oversees the conduct of affairs in the Ministry and issues the necessary instructions, implements the General Budget within the funds allocated to the Ministry, and proposes legislation related to the Ministry to the Council of Ministers.

The main functions of the Ministry in the security sector include the following⁴⁴:

- Promoting a safe, stable and prosperous environment
- Enhancing the citizens' feeling of safety and security through the development, organization and capacity-building of security sector institutions
- Countering threats by means authorized under Palestinian law
- Protecting rights and freedoms of citizens in accordance with international law and Palestinian legislation
- Preparing the security budgets for submission to the Council of Ministers
- Issuing strategic guidance and developing strategic plans and other planning documents for the development of security sector institutions
- Promoting local, regional and international partnerships
- Exercising oversight of the security forces and following up on complaints
- Regulating the work of civil society organizations

The main sections of the Ministry relevant to the security sector are the Strategic Planning and Development Unit (responsible for developing policies and plans for the security sector and coordinating security sector capacity development and support), the Directorate-General of Financial Affairs (responsible for preparing and managing security forces budgets in cooperation with the security forces and the Central Military Financial Administration), the Directorate-General of Legal Affairs (responsible for legal advice), the Complaints Unit (responsible for receiving and following up on citizen complaints concerning the Ministry and ministerial employees), the Democracy and Human Rights Unit (responsible for following up on human rights

⁴⁴ Information provided by Palestinian Authority, April 2023.

violations committed by the police and security forces and monitoring corruption and mismanagement), the Gender Unit (responsible for gender-mainstreaming of plans and policies and performing gender audits), and the Internal Control Unit (responsible for detecting technical, legal, administrative and financial irregularities in the Ministry).

Moreover, the Directorate-General of Non-Governmental Organizations is responsible for registering charities, civil society organizations and branches of foreign associations, as well as conducting financial and administrative audits of them. The Directorate-General of Tribal and Reconciliation Affairs is responsible for receiving citizen complaints about tribal issues and follows up on the work of reconciliation committees and tribal mediators to establish civil peace.

Structure: The Ministry is headed by the Minister of Interior and has its seat in Ramallah. It also has branches at the governorate level. It is divided into the following sections:

Minister of Interior/Office of the Minister	Directorate-General of Legal Affairs
Deputy Minister/Office of the Deputy Minister	Directorate-General of ICT
Directorate-General of Political Affairs	Cabinet Affairs Unit
Directorate-General of Personal Status Issues	Internal Control Unit
Directorate-General of Passports	Democracy and Human Rights Unit
Directorate-General of Residency, Foreigners and Absentees	Complaints Unit
Directorate-General of Non-Governmental Organizations	Gender Unit
Directorate-General of Tribal and Reconciliation Affairs	Strategic Planning and Development Unit
Directorate-General of Public Relations	Arab Relations and International Cooperation Unit
Directorate-General of Financial Affairs	

Personnel: The Ministry of Interior has 946 employees.

Budget: The Ministry of Interior has a budget of NIS 4,08 billion.⁴⁵

⁴⁵ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

3.1.4 Ministry of Justice

Background: The Ministry of Justice is responsible for the administration of justice. It also contributes to the drafting and preparation of legislation, oversees the provision of judicial and legal services and raises legal awareness among the public.



Legal Framework: The Ministry of Justice exercises its functions according to the following laws:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Law of Penal Procedures No. 3 of 2001, as amended by Decree Law No. 17 of 2014 and Decree Law No. 13 of 2018
- Judicial Authority Law No. 1 of 2002, as amended by Decree Law No. 40 of 2020
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Decree Law No. 17 of 2019 concerning the Formation of a Transitional High Judicial Council
- Decree Law No. 39 of 2020 concerning the Formation of Regular Courts, as amended by Decree Law No. 29 of 2021 and Decree Law No. 10 of 2022
- Council of Ministers Decision No. 1 of 2010 concerning the Judicial Register
- Council of Ministers Decision No. 7 of 2008 concerning the Systems of the Palestinian Judicial Institute

Mandate and Functions: The Minister of Justice proposes the general policy for the Ministry and supervises its implementation (Article 71, Amended Basic Law of 2003). The Minister oversees the conduct of affairs in the ministry and issues the necessary instructions, implements the General Budget within the funds allocated to the Ministry, and proposes legislation related to the Ministry to the Council of Ministers.

The main responsibilities of the Ministry are the following:

- Drafting policies and plans for the justice sector
- Providing the organizational link between the executive authority and the judicial authority, including on the preparation and referral of the draft budget of the judiciary
- Ensuring legal harmonization
- Providing legal and other services to the public, such as the issuance of certificates of non-conviction, administering the criminal record, forensic medicine services, authentication of transactions, granting arbitration certificates, legal translation and legal advice
- Promoting the strengthening of human rights and public freedoms, including through the inspection of correction and detention centres

- Certification and documentation of legal transactions after conducting a legal and formal review and granting notaries the official seal

Structure: The Ministry is headed by the Minister of Justice and has its seat in Ramallah. It is divided into the following sections:

Minister of Justice/Office of the Minister	Directorate-General of Financial Affairs
Deputy Minister/Office of the Deputy Minister	Cabinet Affairs Unit
Directorate-General of Administrative Oversight of the Courts	Judicial Affairs Unit
Directorate-General of the Judicial Register	Planning and Development Unit
Directorate-General of Legal Affairs and Research	Internal Control Unit
Directorate-General of Forensics	Public and International Relations Unit
Directorate-General of Professional Affairs and Alternative Dispute Resolution	Human Rights Unit
Directorate-General of Administration	Gender Unit
Directorate-General of ICT	Complaints Unit

Personnel: The Ministry of Justice has 295 employees.

Budget: The Ministry of Justice has a budget of NIS 24,4 million.⁴⁶

3.1.5 Ministry of Finance and Planning

Background: The Ministry of Finance and Planning is responsible for the financial affairs of the Palestinian Authority. The Ministry oversees the budget cycle, manages tax collection, conducts public audits and oversees financial aid to the PA. As part of the General Budget, the Ministry prepares and implements the budget allocation of the security sector, in collaboration with the Central Military Financial Directorate. In the annual budget law, the security sector budget figures as part of the budget line item of the Central Military Financial Directorate. Furthermore, the Ministry prepares and implements the budget allocation of the justice sector in collaboration with the Ministry of Justice and the High Judicial Council.



Legal Framework: The Ministry of Finance and Planning exercises its functions according to the following laws:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of

⁴⁶ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

- 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Annual General Budget Law

As it concerns financial management in the security and justice sectors, the following laws and decisions are applicable:

- Law No. 9 of 1998 concerning Public Supplies
- Judicial Authority Law No. 1 of 2002, as amended by Decree Law No. 40 of 2020
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Service in the Palestinian Security Forces No. 8 of 2005, as amended by Decree Law No. 28 of 2019
- General Intelligence Law No. 17 of 2005, as amended by the Decree Law No. 4 of 2023
- Decree Law No. 8 of 2014 concerning Public Procurement, as amended by Decree Law No. 25 of 2019
- Decree Law concerning Early Retirement of Palestinian Security Forces No. 9 of 2017
- Presidential Decree No. 33 of 2007 concerning the Reorganisation of the Finances and Salaries of the Personnel of the Palestinian Security Forces
- Presidential Decision No. 4 of 2007 concerning the Promulgation of the Regulation on Supplies and Purchases of the Palestinian General Intelligence
- Presidential Decision No. 5 of 2007 concerning the Promulgation of the Financial Regulation of the Palestinian General Intelligence
- Council of Ministers Decision No. 136 of 2004 concerning the Importation and Sale of Military Materiel
- Council of Ministers Decision No. 43 of 2005 concerning the Financial Regulation of Ministries and Public Institutions
- Council of Ministers Decision No. 12/65/01/CoM/SF of 2008 concerning Allowances for Escorts
- Council of Ministers Decision No. 17 of 2010 on the Bylaw concerning the Allowances and Expenses of Official Operational Tasks and External Courses for the Palestinian Security Forces
- Council of Ministers Decision No. 1 of 2017 on the Regulation concerning the Allowances of Military Attachés Abroad

Mandate and functions: The Minister of Finance and Planning proposes the general policy for the Ministry and supervises its implementation (Article 71, Amended Basic Law of 2003). The Minister oversees the conduct of affairs in the Ministry and issues the necessary instructions, implements the General Budget within the funds allocated to the Ministry, and proposes legislation related to the Ministry to the Council of Ministers.

The main functions of the Ministry, based on the Amended Basic Law and relevant legislation, are:

- Preparing, implementing and controlling the General Budget, including rolling out the budget circular and setting economic and fiscal objectives and trends, as well as the expected amount of expenditure

- Managing the General Treasury Account
- Paying, managing and settling government employee salaries and retirement of civil administration and compensation in accordance with the laws and regulations in force
- Monitoring all financial transactions based on legally adopted accounting principles
- Monitoring the implementation of the provisions of financial legislation in force

The budgetary process for the security sector follows the same procedures as that of any other PA public institutions, with the exception of the budget of the General Intelligence which is submitted by the Head of Intelligence to the President and included separately in the General Budget as an aggregate figure. The security sector budget is formulated by the Central Military Financial Directorate based on the line-item ceilings determined by the Ministry. The Ministry allocates the required funds to the security forces and directly pays for procurement of vehicles, salaries, transfer expenses and pensions. The payroll is prepared by the Central Military Financial Directorate, based on the request of the Organization and Management Commission.

As to the justice sector, the budget of the judiciary is formulated by the High Judicial Council and submitted to the Ministry of Justice for inclusion in the General Budget. Its implementation is overseen by the High Judicial Council.

Structure: The Ministry is headed by the Minister of Finance and Planning and has its seat in Ramallah. The main sections in the Ministry of Finance and Planning relevant to the security and justice sectors are the Directorate-General of Budget, the Directorate-General of Military Financial Control, and the Directorate-General of Customs, Excise and Value Added Tax.

The Directorate-General of the Budget is responsible for financial planning and prepares the General Budget for ministries and public institutions. It works with the Central Military Financial Directorate in the preparation of the budgets of the security forces. Moreover, it collaborates with the Ministry of Justice and the High Judicial Council in the preparation of the budget of the judiciary.

The Directorate-General of Military Financial Control follows up on the use of funds by the security forces to ensure they are spent for designated purposes. The Directorate-General is tasked with auditing expenditure, ensuring the valid use of public finances and protecting allocations by the Ministry to the security forces against misuse and loss.

The Directorate-General of Customs, Excise and Value Added Tax includes the PA Customs and provides technical and operational oversight of the Customs Police in combating smuggling and tax evasion.

Personnel: The Ministry of Finance and Planning has 1,500 employees, including 150 financial controllers.

Budget: The Ministry of Finance and Planning has a budget of NIS 734,9 million.⁴⁷

⁴⁷ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

3.1.6 Ministry of Women's Affairs

Background: The Ministry of Women's Affairs is responsible for promoting and protecting women's rights in Palestine. It develops and implements policies and programmes to improve the status of Palestinian women, including gender-mainstreaming in the Palestinian Authority.



Legal Framework: The Ministry of Women's Affairs exercises its functions according to the following laws:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Council of Ministers Decision No. 80/56/21 of 2008 concerning the Establishment of Gender Units
- Council of Ministers Decision No. 10/50/31 of 2009 concerning Integrating Gender into the Preparation of Budgets
- Council of Ministers Decision No. 7 of 2019 concerning the Establishment of the Gender Policy Institute

Mandate and functions: The Minister of Women's Affairs proposes the general policy for the Ministry and supervises its implementation (Article 71, Amended Basic Law of 2003). The Minister oversees the conduct of affairs in the Ministry and issues the necessary instructions, implements the General Budget within the funds allocated to the Ministry, and proposes legislation related to the Ministry to the Council of Ministers.

The main functions of the Ministry are:

- Promoting the integration of gender into governmental plans, policies and legislation
- Combating violence against Palestinian women in all its forms, in accordance with national law and international covenants and resolutions
- Promoting the participation of women in governmental and non-governmental institutions
- Institutionalizing gender equality and justice and empowering women in all public institutions
- Enhancing women's participation in the economic sector and reducing poverty and unemployment
- Enabling women to enjoy family law and civil rights that guarantee equality and justice

Structure: The Ministry is headed by the Minister of Women's Affairs and has its seat in Ramallah. The main sections relevant to the security and justice sectors are the Directorate-General of Policy and Planning, the Gender Unit and the Complaints Unit.

The Directorate-General of Policy and Planning is responsible for developing policies and plans for gender at the national and sectoral levels, including the security and justice sectors, as well as integrating gender issues into national plans and programmes and proposing policies to enhance the status and role of women.

The Gender Unit coordinates and follows up with gender units in other ministries and public institutions, including the security forces and the judiciary, on integrating gender considerations into plans and policies, ensuring the implementation of gender policies and conducting gender audits.

The Complaints Unit follows up on complaints by women and men related to gender policies and other issue of discrimination against women or men related to laws, policies and procedures or practices of individuals and their personal behaviour.

Personnel: The Ministry of Women's Affairs has 92 employees.

Budget: The Ministry of Women's Affairs has a budget of NIS 8,5 million.⁴⁸

3.1.7 Governor's Office

Background: The existence of governorates predates the establishment of the Palestinian Authority. They were incorporated into the PA's administrative structure following the signing of the Oslo Accords. The Governor is appointed by the President and responsible for supervising the security forces and all other government agencies in the governorate. The Governor has judicial police powers, based on the Presidential Decree No. 22 of 2003 concerning the Mandates of Governors.



Legal Framework: As it concerns the security and justice sectors, the functions of the Governors are regulated by the following laws and decrees:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Presidential Decree No. 22 of 2003 concerning the Mandates of Governors
- Presidential Decree No. 2 of 2006 concerning the Security Committee of the Governorate

Mandate and functions: The Governor, based on the Presidential Decrees No. 22 of 2003 and No. 2 of 2006, is responsible for the following:

- Preserving public security, morals, order, public ethics and public health, as well as protecting public freedoms and citizens' rights

⁴⁸ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 23.

- Protecting public and private properties and ensuring security in his or her governorate, with the support of the commanders of the police and security forces in the governorate, including through regular and permanent meetings
- Chairing the security committee in the governorate, which is comprised of the police and security commanders and tasked with implementing central security decisions and putting forward plans for enforcing law and order
- Working towards economic, urban and social prosperity, achieving equality and justice, and safeguarding the rule of law
- Taking all necessary actions to confront natural disasters and incidents of significance
- Performing the functions of the judicial police in relation to flagrant crimes

Structure: There are currently 16 governorates in total, eleven in the West Bank (Bethlehem, Hebron, Jenin, Jericho, Jerusalem, Nablus, Qalqiliya, Ramallah and Al-Bireh, Salfit, Tubas, and Tulkarem) and five in the Gaza Strip (North, Gaza, Middle, Khan Younis, and Rafah). Since the 2007 split, the de facto government in the Gaza Strip has refused to recognize the governors appointed by the President. The Governor's Office has three units relating to security and justice, the Security Unit, the Civil Peace Unit, and the Complaints Unit. The Security Unit follows up on the security of the governor and provides advice to him or her on security issues in the governorate. The Civil Peace Unit is responsible for the planning and implementation of civil peace activities in the governorate and following up with civil society and other societal stakeholders. The Complaints Unit receives and follows up on citizen complaints, including on security and justice issues.

Personnel: The numbers of staff in the Governor's Office range between 50 and 80 employees.

Budget: The budgets of the Governor's Offices range from NIS 3,88 million (Tubas) to NIS 10,54 million (Hebron).⁴⁹

⁴⁹ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 21.

3.2 Legislative and Independent Oversight

3.2.1 Palestinian Legislative Council

Background: The Palestinian Legislative Council (PLC) is the parliament of the Palestinian Authority. It has the power of legislation and oversees the work of the government, holding accountable the Council of Ministers. The PLC has several oversight instruments at its disposal, such as inquiries, interpellations, hearings, fact-finding committees and votes of no-confidence. These instruments were regularly used by parliamentarians to address matters in the security and justice sectors until 2007. Since the split between Fateh and Hamas, the PLC has not met in regular session. In 2018, the PLC was dissolved by a controversial decision of the Constitutional Court.⁵⁰ The de facto government in the Gaza Strip did not recognize this decision. In 2022, the General Secretariat of the PLC was put under the supervision of the President of the Palestinian National Council (PNC), the PLO's legislative body, through Presidential Decision No. 31 of 2022.



Legal Framework: The PLC exercises its functions according to the following laws:

- Amended Basic Law of 2003
- Law No. 4 of 1995 concerning the Legislative Process
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law No. 9 of 2005 concerning General Elections
- Bylaw of the Palestinian Legislative Council of 2003
- Presidential Decision No. 31 of 2022

Mandate and functions: The PLC, as per the Amended Basic Law of 2003 and the Bylaw of 2003, approves legislation and oversees the work of the government. The main functions relevant to the security and justice sectors are:

- Proposing and approving draft legislation (Article 47 and 70, Amended Basic Law of 2003)
- Approving the General Budget, following discussion in a special session (Article 60-62)
- Exercising oversight by addressing inquiries and interpellations to the Government, ministers or officials of similar rank, as well as by forming special committees to conduct information gathering and fact-finding regarding any public matter or institution (Article 56, 58)

⁵⁰ Article 113 of the Amended Basic Law of 2003 states: 'The Palestinian Legislative Council may not be dissolved or its work hindered during a state of emergency, nor shall the provisions of this title be suspended.'

- Submitting requests to withdraw confidence from the Government following on interpellation (Article 57, 77-79)
- Receiving citizen complaints and petitions concerning public affairs and request clarifications from them from any minister (Article 100-104, Bylaw of the Palestinian Legislative Council)

Structure: The PLC is headed by the elected Speaker, two Deputies and the Secretary-General. It has its seat in Ramallah and Gaza. The main committees performing functions related to the security and justice sectors are the Legal Committee (responsible for the Basic Law, legislation and the judiciary), the Budget and Financial Affairs Committee, the Interior Committee (responsible for the Ministry of Interior, security and local governance), and the Committee for the Oversight of Human Rights and Public Freedoms (Article 48, Bylaw of the Palestinian Legislative Council).

Personnel: As per the Law No. 9 of 2005 concerning General Elections, the PLC has 132 members. The PLC General Secretariat has 148 employees.

Budget: The PLC has a budget of NIS 18,05 million.⁵¹

3.2.2 State Audit and Administrative Control Bureau

Background: The State Audit and Administrative Control Bureau is the supreme audit institution of the PA. It is an independent oversight body with its own budget. The Bureau is responsible for ensuring the sound and efficient use of public funds, undertaking administrative inspections to detect irregularities and safeguard the conformity of all financial and administrative activities with the laws and regulations in force.



Legal Framework: The State Audit and Administrative Control Bureau exercises its functions based on the following laws:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Law of the Bureau of Financial and Administrative Control No. 15 of 2004, as amended by Decree Law No. 18 of 2017 and Decree Law No. 39 of 2021

Mandate and functions: The Bureau is responsible for ensuring the soundness of financial and administrative procedures of all PA institutions including its executive, legislative and judicial branches, detecting financial and administrative irregularities

⁵¹ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 21.

and violations and ensuring that the performance of PA institutions conforms with applicable laws and regulations (Article 96, Amended Basic Law of 2003; Article 3, Amended Law of the Bureau of Financial and Administrative Control No. 15 of 2004).

The Bureau is competent to exercise its authorities over, inter alia, the PLC, the President, the Council of Ministers, the judicial authority including the Public Prosecution, ministries and public bodies, as well as the police and security forces and all other military bodies (Article 31, Amended Law of the Bureau of Financial and Administrative Control No. 15 of 2004).

According to Article 23, its main functions are:

- Ensuring that the internal bodies of control, inspection and monitoring in all financial units of the National Authority perform their duties in a correct and efficient manner
- Controlling the expenditures of the National Authority and its revenues, loans, advances, storehouses and warehouses
- Implementing policies pertaining to control and inspection in a manner that guarantees the promotion of transparency, credibility and clarity
- Investigating work and performance shortcomings, including, but not limited to, financial, administrative and technical defects which obstruct the work of the Government and public institutions and bodies, as well as proposing methods to avoid and correct them
- Detecting financial, administrative and legal contraventions made by public employees during or by virtue of their functions
- Following up, through a specialized department, on citizen complaints relating to contraventions or negligence in the performance of public functions and obligations and studying or reporting them to media outlets to address aspects of negligence, malfeasance, malpractice, or mismanagement
- Controlling and reviewing all decisions pertaining to the affairs of public employees regarding appointments, salaries, wages, promotions, increments, leaves and any other allowances
- Auditing grants, gifts and donations to administrative parties and their disbursement, as well as controlling the extent to which they conform to the laws and regulations in force
- Examining as required each issue, case or report referred to the Bureau by the President of the National Authority, the Legislative Council and its ad hoc-committees, the Council of Ministers or the competent minister

Structure: The State Audit and Administrative Control Bureau is headed by a Chairperson appointed by the President, following the approval of the PLC (Article 4, Amended Law of the Bureau of Financial and Administrative Control No. 15 of 2004). The Bureau has its permanent seat in Jerusalem and a temporary seat in Ramallah and Gaza.

The main units relevant to the security and justice sectors are the Directorate-General for Control of the Government (Civilian and Security) which is responsible for performing financial and administrative audits of security and justice sector institutions, as well as the Directorate-General for Legal Affairs, Complaints and Public Relations, which deals with citizen complaints of financial and administrative malpractice.

Personnel: The State Audit and Administrative Control Bureau has 207 employees, including 92 financial controllers in the Directorate-General for Control of the Government (Civilian and Security).

Budget: The State Audit and Administrative Control Bureau has a budget of NIS 14,76 million.⁵²

3.2.3 Anti-Corruption Commission

Background: The Anti-Corruption Commission is an independent oversight body that is responsible for combating corruption, prosecuting perpetrators of corruption crimes and promoting transparency, integrity and good governance. It was established in 2010, replacing the Commission for the Elimination of Illegal Gains. The Anti-Corruption Commission is an independent oversight body with its own budget.



Legal Framework: The Anti-Corruption Commission exercises its functions according to the following laws and decisions:

- Amended Basic Law of 2003
- Civil Service Law No. 4 of 1998, as amended by Decree Law No. 2 of 2019
- Law of Public Retirement No. 7 of 2005, as amended by Decree Law No. 5 of 2007, Decree Law No. 29 of 2018 and Decree Law No. 15 of 2020
- Law of Penal Procedures No. 3 of 2001, as amended by Decree Law No. 17 of 2014 and Decree Law No. 13 of 2018
- Anti-Corruption Law No. 1 of 2005, as amended by Decree Law No. 7 of 2010, Decree Law No. 13 of 2014, Decree Law No. 4 of 2017, Decree Law No. 37 of 2018, Decree Law No. 9 of 2019 and Decree Law No. 27 of 2019
- Anti-Money Laundering and Terrorism Financing Decree Law No. 20 of 2015, as amended by Decree Law No. 13 of 2016, No. 39 of 2022 and No. 45 of 2022
- Council of Ministers Decision No. 7 of 2019 concerning the Regulation on the Protection of Whistle-blowers, Witnesses, Informants, and Experts in Corruption Cases and their Relatives and Persons close to them
- Jordanian Penal Code No. 16 of 1960, as amended by Decree Law No. 7 of 2011, Decree Law No. 10 of 2014, Decree Law No. 20 of 2014, Decree Law No. 5 of 2018 and Decree Law No. 26 of 2020

Mandate and functions: The Anti-Corruption Commission, as per the Amended Basic Law of 2003 and the Amended Anti-Corruption Law No. 1 of 2005, is responsible for combating and prosecuting corruption. In Article 1, the Amended Anti-Corruption Law No. 1 of 2005 defines corruption as follows: (i) Crimes prejudicial to the duties of public office; (ii) Money-laundering crimes; (iii) Acts prejudicial to public funds; (iv) Abuse of authority; (v) Nepotism; (vi) Illegal gains; (vii) Acts defined as corruption by relevant international conventions to which the National Authority is a party.

⁵² General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 21.

The Anti-Corruption Commission is competent to exercise its authorities over, inter alia, the President, the Council of Ministers, the PLC, the judiciary including the Public Prosecution, heads of agencies and departments of the PA, governors, local council and PA employees (Article 2, Anti-Corruption Law No. 1 of 2005). Existing legislation does not explicitly include police and security personnel as falling under the jurisdiction of the Commission. However, the Ministry of Interior has sought to address this by concluding a memorandum of understanding with the Commission regulating their cooperation.

Article 8 defines the functions of the Commission as follows:

- Collecting declarations of financial assets and requesting information pertaining thereto
- Examining the financial assets of persons subject to the provisions of the law
- Investigating complaints with reference to illegal gains
- Investigating suspected corruption crimes committed by persons subject to the provisions of the law
- Conducting awareness raising on corruption issues
- Developing anti-corruption policies, plans and programmes
- Reviewing anti-corruption legislation
- Coordinating and cooperating with international bodies on anti-corruption

To this effect, the Commission is authorized to receive reports and complaints of corruption, initiate investigations and collect evidence, prosecute perpetrators, seize assets, impose travel bans, issue request to stop financial entitlements, call upon and hear witnesses, and request necessary information (Article 9). The Commission has the power to refer relevant cases to the Public Prosecution, which may delegate specialized prosecutors to the Commission, for adjudication by the Corruption Crimes Court (Article 9 and 21). The Commission has also signed memoranda of understanding with the Police, the Preventive Security, the General Intelligence and the Military Intelligence.

Structure: The Anti-Corruption Commission is headed by a Chairperson who is appointed by the President, following the recommendation of the Council of Ministers (Article 3 (3), Amended Anti-Corruption Law No. 1 of 2005). The Commission has its permanent seat in Jerusalem and a temporary seat in Ramallah.

Personnel: The Anti-Corruption Commission has 125 employees.

Budget: The Anti-Corruption Commission has an annual budget of NIS 20,22 million.⁵³

⁵³ General Budget of 2023, Directorate-General of the Budget, PA Ministry of Finance, p. 22.

3.2.4 Independent Commission on Human Rights

Background: The Independent Commission on Human Rights (ICHR) is the PA's ombuds-institution and national human rights commission. It is mandated to ensure that Palestinian laws and regulations and Palestinian institutions meet the requirements of safeguarding human rights.



Legal Framework: The Independent Commission on Human Rights exercises its functions according to the following laws and decisions:

- Amended Basic Law of 2003
- Presidential Decree No. 59 of 1995

Mandate and functions: The functions of the Independent Commission on Human Rights include:

- Receiving and following up on citizens' individual and collective complaints on human rights violations and violations of public freedoms in areas under PA jurisdiction by security forces, institutions and official and semi-official bodies
- Visiting places of deprivation of liberty such as detention centres, prisons, shelters and protection centres to monitor the treatment of inmates, ensure the integrity of legal procedures, physical safety, living and health conditions and reporting on them
- Monitoring and reviewing Palestinian laws and regulation, public policies, national development plans and public budgets in accordance with international human rights standards and obligations
- Making suggestions and recommendations to the competent authorities to amend legislation and policies in line with international human rights principles and standards as per the conventions ratified by the State of Palestine
- Monitoring the human rights situation in Palestine, documenting human rights violations against Palestinian citizens, monitoring interventions by duty-bearers and periodically reporting on them
- Conducting training, awareness-raising and community advocacy on human rights

Structure: The Independent Commission on Human Rights is led by a Commissioner-General who heads the Executive Office and is appointed by the Board of Commissioners. The Executive Office also appoints the Director-General who is the highest official responsible for managing staff and operations. The ICHR is administratively divided into the following sections:

Director-General/Office of the Director-General	Administrative and Financial Department
Investigation and Complaints Department	Public Relations and Media Unit
Monitoring of National Legislations and Policies Department	International Relations and Programme Development Unit
Public Awareness and Training Department	Monitoring and Evaluation Unit

The Commission has its headquarters in Ramallah. It has five regional offices in the West Bank (North, Middle, South) and two in the Gaza Strip (North, South).

Personnel: The Independent Commission on Human Rights has 69 employees (45 male, 24 female). The percentage of female staff members is 36%, among them two senior directors and six legal officers.

Budget: The Independent Commission on Human Rights has a budget of 6,5 million USD over five years.

PALESTINIAN ARMED GROUPS

Palestinian non-state armed groups are part of the informal security sector and assume a variety of security and justice functions, ranging from conducting military activity to engaging in dispute resolution and service provision. These groups include the military wings of the main Palestinian political factions, notably Fateh, Hamas and Islamic Jihad, as well as the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP). Many members of the security forces in the West Bank and the Gaza Strip are members of or affiliated with Fateh and Hamas respectively. Moreover, over the past years smaller armed groups have emerged at the local level that do not have an organizational affiliation with the main political factions and act largely autonomously. In contrast to the political and/or ideological objectives of the military wings of the Palestinian factions, such smaller groups may have more diffuse agendas. In the Gaza Strip, there are also small Salafi-jihadi groups inspired by the global jihadist movement.

Table 5: Armed groups linked to main Palestinian political factions






	Izz ad-Din al-Qassam Brigades	Al-Aqsa Martyrs Brigades	Al-Quds Brigades	Abu Ali Mustafa Brigades	National Resistance Brigades
					
In brief	Military wing of Hamas, founded in 1991. Viewed by Hamas as a national resistance army. Since 2007 directed toward defence of the Gaza Strip and the fight against Israel.	Armed groups network associated with Fateh, originated during the Second Intifada from local Fateh groups (tanzim). Less active since 2005, many members integrated into PA security forces.	Military wing of the Palestinian Islamic Jihad, focused solely on the fight against Israel.	Military wing of the PFLP.	Military wing of the DFLP. Limited activity after the Second Intifada.
Ideology	Sunni Islamist, operate under the ideological and doctrinal guidance of Hamas, itself an outgrowth of the Muslim Brotherhood	Secular-nationalist	Sunni Islamist, influenced by teachings of Ayatollah Khomeini. No governance/ reformist activity.	Secular, Marxist-Leninist.	Secular, Marxist-Leninist.
Mission	Liberating Palestine through military action	Independent Palestinian state within the 1967 border through armed struggle	Liberating Palestine through military action	Establishing democratic Palestinian state for Arabs and Jews without classes	Establishing democratic Palestinian state for Arabs and Jews without classes
Strength	Ca. 35,000	Ca. 2,000	Ca. 12,000	Ca. 2,000	Ca. 1,000
Command and control	Answers directly to Hamas, paramilitary structure in the Gaza Strip, cell structure in the West Bank	Localized, answering to Fateh leaders, loose group structure	Paramilitary structure with local autonomy, loose command and control relationship with Islamic Jihad	Paramilitary structure in the Gaza Strip, cell structure in the West Bank	Paramilitary structure
Location	Gaza Strip and West Bank	Gaza Strip and West Bank	Gaza Strip and West Bank	Gaza Strip and West Bank	Gaza Strip (Rafah, Khan Younis)

Table 6: Local armed groups in the Gaza Strip



	Nasser Salah ad-Din Brigades	Jalalat	Ansar Brigade	Ahmad Abu Rish Brigades & Abdelqadr Al-Husseini Brigades	Mujaheddin Brigade
					
In brief	Military wing of the Popular Resistance Committees, formed at the beginning of the Second Intifada (2000), umbrella group of members of various local factions	Formed in 2006 by dissident Hamas members opposed to the group's participation in PLC elections	Military wing of the Ahrar Filastin Movement, a local Fateh dissident group that allied with Hamas in 2007	Local Fateh dissident groups formed in 2000 and 2012 respectively, coordinating with Hamas	Local Fateh dissident group formed in 2006, coordinating with Islamic Jihad
Ideology	Islamist, armed struggle against Israel	Salafi-jihadi, alleged links to Al-Qaeda	None	None	Islamist, armed struggle against Israel
Mission	Liberating Palestine through military action	Islamic Emirate in Gaza Strip, greater Islamization of society	Unclear	Unclear	Unclear
Strength	Ca. 2,000	Ca. 500, many dissidents from Izz ad-Din al-Qassam Brigades	Ca. 500	Ca. 500 each	Ca. 1,000
Command and control	Umbrella structure for non-Hamas and Islamic Jihad militants, coordination with Hamas	Localized	Localized	Localized	Localized
Location	Gaza Strip	Gaza Strip	Gaza Strip	Gaza Strip (Rafah, Khan Younis)	Gaza Strip

Table 7: Local armed groups in the West Bank

	Jenin Brigade	Lion's Den	Tulkarem Rapid Response Force
			
In brief	Local group in Jenin, formed by local Fateh and Islamic Jihad youth in 2021, some Hamas supporters among the members	Local group in Nablus, formed by local Fateh and Islamic Jihad youth in 2022	Local group in Tulkarem, formed by local Fateh and Islamic Jihad youth in 2022, some Hamas supporters among the members
Ideology	Armed struggle against Israel	None	None
Mission	Unclear	Unclear	Unclear
Strength	Ca. 200	Ca. 50	Low tens
Command and control	Localized group, not reporting to any political faction	Localized group, not reporting to any political faction	Localized group, not reporting to any political faction
Location	Jenin Refugee Camp	Nablus Old City and Balata Refugee Camp	Mainly Nur al-Shams Refugee Camp

CIVIL SOCIETY

Since the PA's establishment in 1994, an active civil society has developed in the West Bank and the Gaza Strip. This includes specialized non-governmental organizations active in the security and justice sectors. Their roles range from monitoring the activities of the PA and its security forces, providing capacity development assistance and training on issues such as human rights and community relations, supporting legislative development and providing legal aid, as well as promoting the role of women and assisting survivors of gender-based violence. These organizations include human rights NGOs such as the Palestinian Centre for Human Rights (PCHR) and Addameer, women organizations such as the Palestinian Working Women Society for Development (PWWSD), anti-corruption NGOs such as Aman, legal aid organization such as Musawa and research institutes such as the Institute of Law at Birzeit University. Overall, there are some 2,800 civil society organizations in the West Bank and more than 900 in the Gaza Strip.

The work of civil society organizations is regulated by the Law No. 1 of 2000 concerning Charitable Associations and Civil Society Organisations and its proposed amendment through the Decree Law No. 7 of 2021, which was suspended. The law refers to both 'charitable associations' and 'civil society organizations' which are defined identically as associations. It includes provisions on mandatory registration with the Ministry of Interior (through the Directorate-General of Non-Governmental Organizations), organizational requirements and financial and administrative procedures for NGOs. According to Article 6, the Ministry of Interior is authorized to monitor the activities of civil society organizations to 'assure that the funds have been and are being expended for the purposes to which they were assigned pursuant to the provisions of this law and the bylaws of the association or organisation.' The Ministry also has the right to transfer funds of dissolved associations to the PA Treasury.

The Presidential Decree No. 16 of 2007 concerning Vesting the Minister of Interior with the Power to Review all Licences of Associations grants the Minister the power to 'review all licences of the associations, institutions and bodies, which have been issued forth by the Ministry of Interior or any other governmental body.' The Council of Ministers Decision No. 8 of 2007 concerning Associations engaged in Activities against the Law and the Ministry of Interior Decision No. 20 of 2007 requiring Associations to Report to the Security Forces for the Completion of Registration Procedures give the Ministry of Interior additional powers to exercise control over civil society.

3



Section 3 - The Gaza Strip



1. THE SECURITY SECTOR

This section provides an overview of the Palestinian security forces in the Gaza Strip. Under the de facto government, all security forces report to the Ministry of Interior and National Security which in turn reports to the Prime Minister. Before the split of 2007, control over the Internal Security Forces was with the Ministry of Interior. In 2006, the then Hamas-led PA created the Ministry of National Security to oversee the National Security Forces and the General Intelligence. In 2014, the de facto government merged these two ministries to create the Ministry of Interior and National Security overseeing all security forces. The new structure eliminated various duplications and avoided an overlap of authorities between the Minister of Interior, the Director-General of Internal Security and the heads of the security forces. Since 2007, the de facto government also involved informal security actors in tasks which would usually be assumed by official security forces. For instance, in 2007 Hamas removed the responsibility for border defence from the mandate of the National Security Forces and reassigned it to its military wing, the Izz ad-Din al-Qassam Brigades.

Following the split in 2007, the PA in Ramallah ordered its employees in the Gaza Strip to stop working with the de facto government (Council of Ministers Decision No. 1 of 2007). Those who refused and continued to work were removed from the PA's payroll. The salaries of the de facto government were considerably smaller than those paid by the PA and turned out to be irregular. The number of absentee employees in the Gaza security sector, i.e., security employees who received salaries from the PA but did not report to work, has shrunk over time due to early retirement⁵⁴, death or termination of service. However, by January 2023, there were still 18,151 absentee personnel in the security sector of the Gaza Strip. While many PA employees were loyal to Fateh, the decision allowed Hamas to fill thousands of vacancies with its own supporters. As a result, until today two groups of security and justice sector personnel co-exist in the Gaza Strip, those who work and those who are banned from working.

⁵⁴ In November 2017, the PA referred some 7,000 security forces personnel in the Gaza Strip to early retirement. This came after the PA Ministry of Finance and Planning in April 2017 reduced the salaries of PA employees in the Gaza Strip by 30-35 percent and ended benefits such as supervisory bonuses and transportation and social allowances, and reduced patient transferral for medical treatment outside the Gaza Strip. Internal PA sources.

Chart 7: Number of employees of the De Facto Government Security Forces (2023)

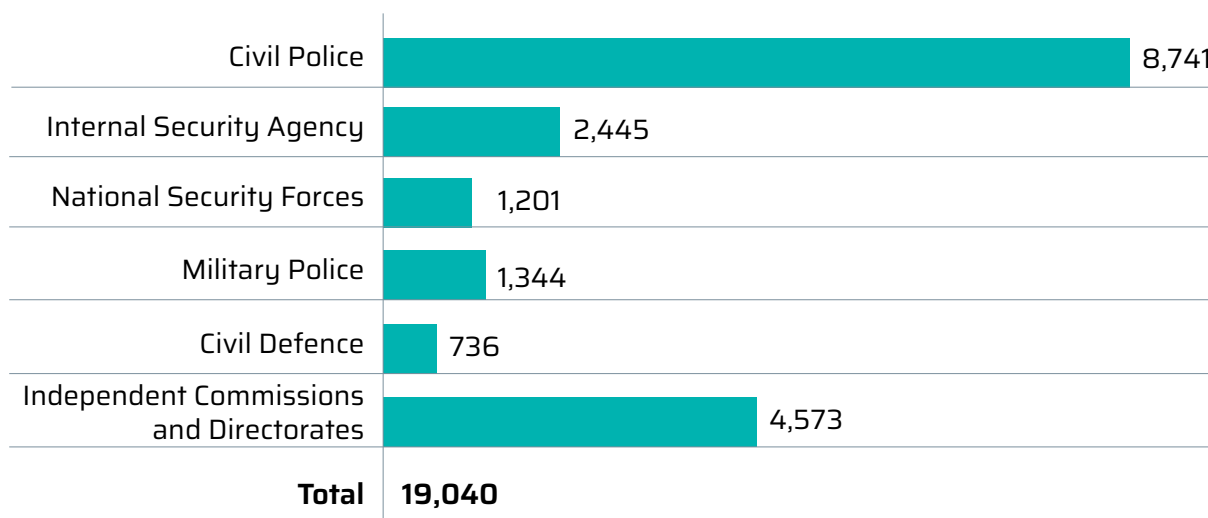
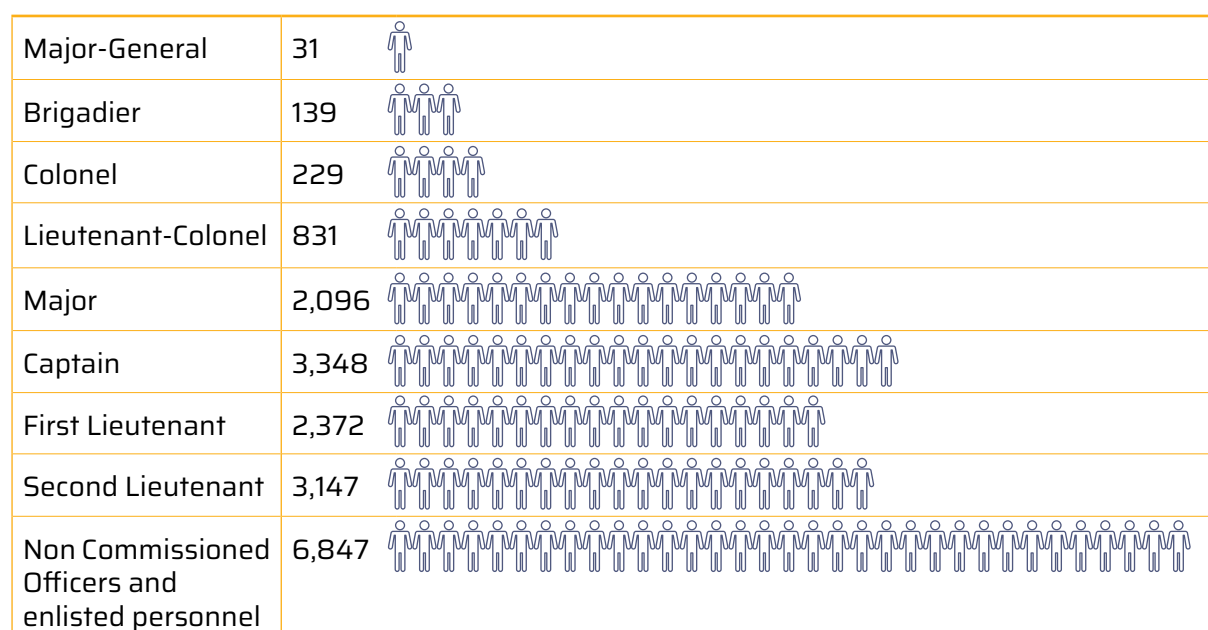
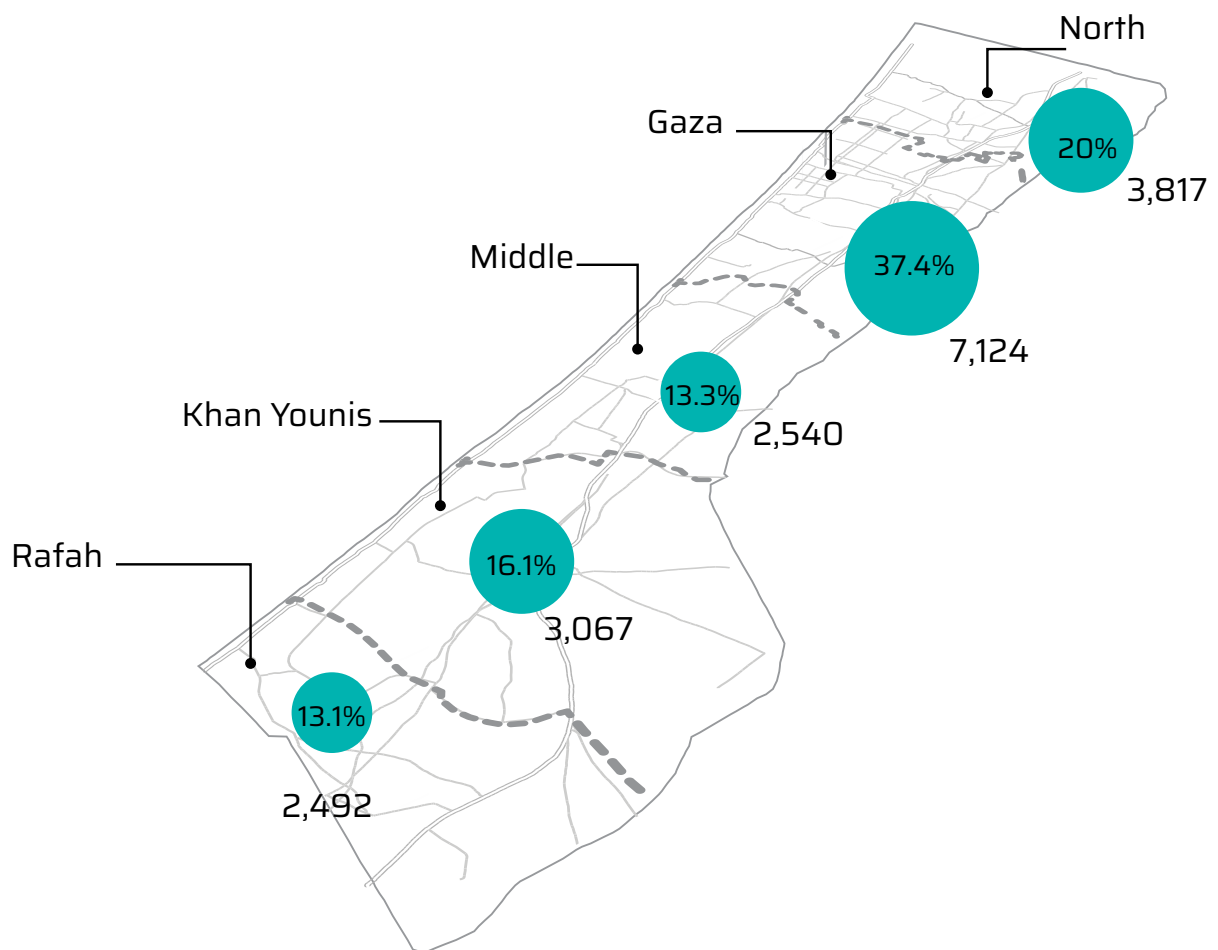


Chart 8: Employees of the De Facto Government Security Forces (2023)⁵⁵



The overall number of security employees in the de facto government security sector – i.e., employees at ministerial and forces level combined – is 19,040. The geographical distribution by governorate is as follows:

⁵⁵ Information provided by the de facto government, April 2023.



There are no publicly available figures on the security sector budget of the de facto government.

1.1 Internal Security Forces

1.1.1 Civil Police

Background: The Civil Police is the main law enforcement organization of the de facto government and handles ordinary police functions, such as combating crime and upholding public order. It is the largest security force in the Gaza Strip. The Civil Police has judicial police powers, based on Article 21 of the Law of Penal Procedures No. 3 of 2001.



Legal Framework: The Civil Police in the Gaza Strip does not have a specific law regulating its activities. The Police is governed by the following laws and decisions:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022

- Law of Service in the Palestinian Security Forces No. 8 of 2005
- Military Judiciary Law No. 4 of 2008, as amended by Law No. 2 of 2020 and Law No. 3 of 2022
- Presidential Decree No. 12 of 2002 concerning the Attachment of the Police, the Preventive Security and the Civil Defence to the Ministry of the Interior
- Council of Ministers Decision No. 99 of 2005 concerning the Establishment of a Judicial Police Force
- Council of Ministers Decision No. 186 of 2010 concerning the List of Disciplinary and Financial Penalties imposed on Military Personnel
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

In addition, the operational work of the Civil Police is regulated by the following legal texts:

- Firearms and Ammunition Law No. 2 of 1998
- Correction and Rehabilitation Centres ('Prisons') Law No. 6 of 1998, as amended by Law No. 3 of 2005 and Law No. 5 of 2009
- Public Meetings Law No. 12 of 1998
- Traffic Law No. 5 of 2000
- Law of Penal Procedures No. 3 of 2001
- Law No. 7 of 2004 concerning Children
- Law No. 1 of 2005 concerning Illicit Gains
- Law of Execution No. 23 of 2005
- Law No. 5 of 2012 concerning the General Commission for Crossings and Borders
- Law No. 7 of 2013 concerning Drugs and Psychotropic Substances, as amended by Law No. 2 of 2023
- Egyptian Decree Law No. 6 of 1963 concerning the Police
- Egyptian Decree concerning Police Offences in Violation of the Force's Order and Discipline of 1964
- Palestine Penal Code No. 74 of 1936, as amended by Law No. 37 of 1937, Law No. 59 of 1939, Law No. 21 of 1944, Law No. 57 of 1946 and Law No. 1 of 1947

Mandate and functions: The functions of the Civil Police are not regulated by a specific law. The draft Palestinian National Accord Agreement, which was developed under Egyptian mediation in Cairo in 2009, provides the following definition which is adopted by the de facto government:

- Maintaining order and security, and protecting lives, honour, funds and public property
- Preventing crimes, uncovering and investigating them, and apprehending the perpetrators and bringing them to justice
- Executing laws, regulations and official orders and assisting public authorities in performing their duties in accordance with the provisions of the law
- Controlling and regulating road traffic
- Protecting of gatherings and demonstrations in accordance with the provisions of the law

Structure: The Civil Police has its headquarters in Gaza. It operates in all governorates of the Gaza Strip and has 21 police stations, including four stations

in the Northern Governorate, six in the Gaza Governorate, three in the Middle Governorate, five in Khan Younis Governorate, and three in Rafah Governorate.

The Police is divided into the following sections:

Director-General of the Civil Police/Office of the Director-General	Judicial Police
General Investigations Directorate	Intervention and Public Order Forces
Police Guards Directorate	Naval Police
Women Police Directorate	Planning and Development Directorate
Counternarcotics Directorate	Complaints and Human Rights Directorate
Traffic and Rescue Directorate	EOD Unit
Community Policing Directorate	Media Office

Personnel: The personnel strength of the Civil Police is 8,741. This includes 5,144 officers and 3,597 non-commissioned officers/personnel.

1.1.2 Internal Security Agency

Background: The Internal Security Agency is the internal intelligence organization of the de facto government. It was established to replace the Fateh-dominated Preventive Security which was disbanded by the de facto government following the clashes between both factions in 2007. Its functions are based on those of the Preventive Security. In 2019, the Internal Security Agency absorbed two hitherto independent security organizations: the Security and Protection Force, which was formed in 2007 to protect leaders of the de facto government, and the General Intelligence, which was re-established in 2013 as the external intelligence organization of the de facto government. The Internal Security Agency derives its judicial police powers from Article 7 of the Decree Law No. 11 of 2007 concerning the Preventive Security.



Legal Framework: The Internal Security Agency is governed by the following laws and decisions:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law of Service in the Palestinian Security Forces No. 8 of 2005
- Decree Law No. 11 of 2007 concerning the Preventive Security
- Military Judiciary Law No. 4 of 2008, as amended by Law No. 2 of 2020 and Law No. 3 of 2022

- Presidential Decree No. 12 of 2002 concerning the Attachment of the Police, the Preventive Security and the Civil Defence to the Ministry of the Interior
- Council of Ministers Decision No. 186 of 2010 concerning the List of Disciplinary and Financial Penalties imposed on Military Personnel
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and Functions: The Internal Security Agency bases its work on the Decree Law No. 11 of 2007 concerning the Preventive Security.⁵⁶ Article 6 defines the role and responsibilities of the Preventive Security as follows:

- Working to protect the Palestinian internal security
- Following up on crimes which threaten the internal security of the National Authority and/or those imposed thereon, as well as working towards their prevention
- Uncovering crimes which target governmental departments and public bodies and institutions and their employees

Moreover, the de facto government has tasked the Internal Security Agency with combating espionage and providing information to the political leadership to support planning and decision-making. The Internal Security Agency has now two specialized sub-branches, the Security and Protection Agency and the General Intelligence Agency.

The Security and Protection Agency has the following responsibilities:

- Protecting official figures and government leaders during their internal movements and while traveling abroad
- Providing protection for foreign delegations
- Securing places for official meetings
- Following up on the security and inspection of the apparatus's vehicles and personnel
- Protecting convoys of official figures and their movements inside the country
- Providing protection for official figures and visitors at the country's crossings and facilitating travel
- Providing the necessary places to shelter government figures and leaders in emergency situations
- Developing contingency plans for the movement and communications of government figures and leaders in case of emergency

The General Intelligence has the following responsibilities:

- Taking the necessary measures to prevent any acts that endanger the security and safety of Palestine and take the necessary measures against the perpetrators in accordance with the provisions of the law
- Detecting external dangers that may affect the Palestinian national security in the areas of espionage, conspiracy, sabotage or any other actions that threaten the unity, security, independence and capabilities of the homeland

⁵⁶ Information provided by the de facto government, April 2023.

- Joint cooperation with the agencies of similar friendly countries to combat any actions that threaten common peace and security or any of the areas of external security, on condition of reciprocity

Structure: The Internal Security Agency has its headquarters in Gaza. It operates in all governorates of the Gaza Strip and has 13 offices. The Internal Security is divided into the following sections:

Director-General of the Internal Security Agency/ Office of the Director-General	Special Security
Counterespionage Directorate	Deviant Ideology Directorate
General Activities Directorate	Information Technology Directorate
Investigations Directorate	Coordination Directorate
Close Protection Directorate	Prison Directorate

Personnel: The personnel strength of the Internal Security is 2,445. This includes 1,492 officers and 953 non-commissioned officers/personnel.

1.1.3 Civil Defence

Background: As in the West Bank, the Civil Defence in the Gaza Strip is responsible for protecting civilians and their property. It is tasked with protecting civilians, public and private infrastructure, as well as the functioning of the government in cases of natural and man-made disasters.



Legal Framework: The Civil Defence is governed by the following laws and decisions:

- Law No. 3 of 1998 concerning Civil Defence
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law of Service in the Palestinian Security Forces No. 8 of 2005
- Military Judiciary Law No. 4 of 2008, as amended by Law No. 2 of 2020 and Law No. 3 of 2022
- Presidential Decree No. 12 of 2002 concerning the Attachment of the Police, the Preventive Security and the Civil Defence to the Ministry of the Interior
- Council of Ministers Decision No. 186 of 2010 concerning the List of Disciplinary and Financial Penalties imposed on Military Personnel
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The mandate and functions of the Civil Defence of the de facto government are akin to those of the Civil Defence in the West Bank. They are regulated in Article 2, 5 and 6 of the Law No. 3 of 1998 concerning Civil Defence.

Structure: The Civil Defence has its headquarters in Gaza. It operates in all governorates of the Gaza Strip and has 18 stations. The Civil Defence is divided into the following sections:

Director-General of the Civil Defence/Office of the Director-General	Guards Unit
Operations Directorate	Organization and Administration Unit
Emergency Directorate	Public Relations Unit
Rescue and Firefighting Directorate	Information Technology Unit
Governorate Affairs Directorate	Planning and Development Unit
Training Directorate	Oversight and Control Unit
Financial Affairs Directorate	Legal Unit
Safety and Security Directorate	

Personnel: The personnel strength of the Civil Defence is 736. This includes 552 officers and 184 non-commissioned officers/personnel.

1.2 National Security Forces

Akin to the PA in the West Bank, the National Security Forces also exist under the de facto government, along with the Military Police. Both forces report to the Ministry of Interior and National Security. However, the National Security Forces in the Gaza Strip are considerably smaller than their counterpart in the West Bank, as the de facto government assigned most quasi-military functions to the Izz ad-Din al-Qassam Brigades. Furthermore, the de facto government dissolved the Military Intelligence and assigned its functions to the Internal Security Agency and the Qassam Brigades.

1.2.1 National Security Forces

Background: The National Security Forces of the de facto government were formed in 2007.



Legal Framework: The National Security Forces do not have a specific law regulating their activities. They are governed by the following laws and decisions:

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law of Service in the Palestinian Security Forces No. 8 of 2005

- Military Judiciary Law No. 4 of 2008, as amended by Law No. 2 of 2020 and Law No. 3 of 2022
- Council of Ministers Decision No. 186 of 2010 concerning the List of Disciplinary and Financial Penalties imposed on Military Personnel
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The draft Palestinian National Accord Agreement, developed under Egyptian mediation in Cairo in 2009, provides the following definition for the National Security Forces, which is adopted by the de facto government⁵⁷:

- Protecting the country's sovereignty, ensuring the safety of its territory, participating in its reconstruction and assisting in tackling natural disasters, in accordance with the cases in which it is permissible to seek the assistance of the National Security Forces in non-military tasks
- Executing judicial decisions and orders issued by the competent authority with regard to the security forces, in accordance with military law and order
- Protecting the homeland from any external aggression
- Facing external and internal threats in its areas of deployment and participating in addressing constitutionally defined emergencies.
- Military representation in national embassies abroad

Structure: The National Security Forces are headed by the Commander-General who is appointed by the Committee of Officers. The term of duty of the Commander-General is three years, with the possibility of extension for one more year (Article 8, Law of Service in the Palestinian Security Forces No. 8 of 2005).

The National Security Forces have their headquarters in Gaza. They operate in all governorates of the Gaza Strip and consist of four battalions.

Personnel: The personnel strength of the National Security Forces is 1,201. This includes 605 officers and 594 non-commissioned officers/personnel.

1.2.2 Military Police

Background: Different from the West Bank where the PA dissolved the Military Police⁵⁸, the de facto government kept the Military Police as a separate force and integrated it into the Ministry of Interior and National Security.



Legal Framework: The Military Police does not have a specific law regulating its activities. The force is governed by the following laws and decisions:

⁵⁷ Information provided by the de facto government, April 2023.

⁵⁸ The PA in the West Bank in 2007 abolished the Military Police as a separate force and integrated it into the Military Intelligence.

- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law of Service in the Palestinian Security Forces No. 8 of 2005
- Military Judiciary Law No. 4 of 2008, as amended by Law No. 2 of 2020 and Law No. 3 of 2022
- Council of Ministers Decision No. 186 of 2010 concerning the List of Disciplinary and Financial Penalties imposed on Military Personnel
- PLO Revolutionary Penal Code of 1979
- PLO Revolutionary Law of Penal Procedures of 1979

Mandate and functions: The functions of the Military Police include the following⁵⁹:

- Protecting national security
- Enforcing discipline among the various security forces and preventing violations and transgression of the law
- Protecting critical security infrastructure such as governmental facilities and border crossings
- Protecting military delegations

Structure: The Military Police have their headquarters in Gaza. They operate in all governorates of the Gaza Strip.

Personnel: The personnel strength of the Military Police is 1,697. This includes 1,344 officers and 353 non-commissioned officers/personnel.

1.3 Independent commissions and directorates

The de facto government merged all independent commissions and directorates that provide cross-cutting services to the security forces into the Ministry of Interior and National Security. This includes the Directorate-General of Training (replacing the Military Training Commission), the Directorate-General of Finance and Supplies (replacing the Central Military Financial Directorate and the Supplies and Readiness Commission), the Political and Moral Guidance Commission (replacing Political and National Guidance Commission and reporting to the National Security Forces), the Organization and Administration Commission, the Military Justice Commission, and the Military Medical Services Directorate (reporting to the National Security Forces).

⁵⁹ Information provided by the de facto government, April 2023.

2. THE JUSTICE SECTOR

The justice sector in the Gaza Strip has largely maintained its structure from before 2007. While the de facto government established its own High Judicial Council, courts continue to operate at four levels: Magistrate Courts, Courts of First Instance, the Court of Appeal and the High Court. The justice sector of the de facto government also includes Shari'a courts. There is no Constitutional or Corruption Crimes Court. Since the split, the de facto government has issued several laws that pertain to the Shari'a and customary and informal justice, such as the Shari'a Justice Law No. 3 of 2011, the Criminal Reconciliation Law No. 5 of 2016, the Community Reconciliation Law No. 1 of 2019, the Law concerning Penalties and Alternative Measures No. 3 of 2019 and the Shari'a Implementation Law No. 6 of 2021.

The bigger change has been in the field of judicial personnel. Before the split, around 50 judges and nearly 300 administrative personnel were working in the courts of the Gaza Strip. All of them abstained from work after the split, except for one judge and 15 administrative employees. By 2023, retirement and deaths had reduced the number of absentee judges to 30, according to the High Judicial Council of Gaza. Since 2007, the de facto government has appointed new judges, bringing the total of working judges to 89.

2.1 High Judicial Council

Background: The High Judicial Council is the self-governing body of the judiciary and responsible for judicial administration, including personnel matters, financial affairs, judicial inspection and technical support. It has its own independent budget.

Legal Framework: The High Judicial Council in the Gaza Strip is governed by the following laws and decrees:

- Amended Basic Law of 2003
- Law of Civil Service No. 4 of 1998
- Law of the Formation of Regular Courts No. 5 of 2001, as amended by Law No. 2 of 2005
- Judicial Authority Law No. 1 of 2002
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law No. 2 of 2009 concerning the High Institute for Palestinian Justice

Mandate and functions: The functions of the High Judicial Council as regulated in the Judicial Authority Law No. 1 of 2002 are as follows:

- Administering appointments, promotions, transfers, delegations and secondments of judges
- Administering salaries and allowances of judges, as well as clerks, secretaries, summons servers and translators

- Performing duties of judicial inspection, including conducting performance evaluations and training and reviewing reasons for cancelling, reversing of amending decisions of judges
- Administering disciplinary action against judges and appeals
- Undertaking training and professional development of judges and establishing relevant systems and processes
- Preparing the draft budget for the judiciary for submission to the Ministry of Justice and overseeing the implementation of the budget

Structure: The High Judicial Council of the de facto government consists of the President, the Vice-President and two senior judges of the High Court, the Presidents of the Courts of Appeal (Jerusalem, Ramallah, Gaza), the Attorney-General and the Deputy-Minister of Justice. The President of the High Court and its most senior judges are appointed by the Council of Ministers (Article 37, Judicial Authority Law No. 1 of 2002). The High Judicial Council has its seat in Gaza.

The High Judicial Council is divided into the following sections:

President/Office of the President	Judicial Inspection and Technical Unit
General-Secretariat of the High Judicial Council	Planning and Development Unit
Courts Department	Internal Control Unit

Personnel: The High Judicial Council has 307 employees, including 89 judges and 218 administrative staff.

Budget: The budget of the High Judicial Council in 2022 (last figure) was 392,000 USD, compared to 24,544,000 USD in 2008. The nearly 99% fall in the judiciary's budget highlights the effects of the blockade of the Gaza Strip on operational and capital expenses.

2.2 Regular Courts

Background: The Regular Courts are comprised of Magistrate Courts, Courts of First Instance, Courts of Appeal and the High Court (Article 7, Law concerning the Formation of Regular Courts No. 5 of 2001; Article 6, Judicial Authority Law No. 1 of 2002). The jurisdiction of regular courts includes all disputes and crimes except for those excluded by special provisions of the law (Article 14, Judicial Authority Law No. 1 of 2002).

Legal Framework: The Regular Courts are governed by the following laws and decrees:

- Amended Basic Law of 2003
- Law of Civil Service No. 4 of 1998
- Law of Civil and Commercial Procedures No. 2 of 2001
- Law of Penal Procedures No. 3 of 2001

- Law concerning the Formation of Regular Courts No. 5 of 2001, as amended by Law No. 2 of 2005
- Judicial Authority Law No. 1 of 2002
- Law of the Fees of the Regular Courts No. 1 of 2003
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law of Execution No. 23 of 2005
- Civil Law No. 4 of 2012
- Palestine Penal Code No. 74 of 1936, as amended by Law No. 37 of 1937, Law No. 59 of 1939, Law No. 21 of 1944, Law No. 57 of 1946 and Law No. 1 of 1947

Jurisdiction: The jurisdiction of the Regular Courts, as defined in the Judicial Authority Law No. 1 of 2002, the Law of the Formation of Regular Courts No. 5 of 2001, the Law of Civil and Commercial Procedures No. 2 of 2001 and the Law of Penal Procedures No. 3 of 2001, is as follows:

- **Magistrate Courts** have jurisdiction over criminal and civil cases as determined by the Law of Civil and Commercial Procedures No. 2 of 2001 and the Law of Penal Procedures No. 3 of 2001. The jurisdiction extends to civil cases whose value does not exceed 10,000 Jordanian Dinars (Article 39, Law of Civil and Commercial Procedures No. 2 of 2001) and criminal cases of misdemeanour and offense (Article 300, Law of Penal Procedures No. 3 of 2001).
- **Courts of First Instance** have jurisdiction over all criminal and civil cases where jurisdiction is not given to Magistrate Courts or other courts. The jurisdiction extends to civil cases whose value exceeds 10,000 Jordanian Dinars (Article 41, Law of Civil and Commercial Procedures No. 2 of 2001) and criminal cases of felonies and misdemeanour associated therewith (Article 168, Law of Penal Procedures No. 3 of 2001). Courts of First Instance also function as the instance of appeal for cases decided by Magistrate Courts.
- **Courts of Appeal** have jurisdiction over appeals against criminal and civil decisions by Courts of First Instance (Article 22, Law of the Formation of Regular Courts No. 5 of 2001).
- **The High Court** consists of the **Court of Cassation** and the **High Court of Justice**. The Court of Cassation has jurisdiction over appeals against decisions by Courts of Appeal in felony cases, civil cases and personal status issues for non-Muslims, appeals from Courts of First Instance in their appellate capacity, and matters related to changing the terms of reference of a case. The High Court of Justice has jurisdiction over the following: (i) Requests to cancel final administrative regulations; (ii) Decisions and decrees concerning public juridical persons; (iii) Appeals for the release of illegally detained persons; (iv) Disputes related to personnel matters of public employees; (v) Administrative disputes; (vi) Injunctions and summons outside the jurisdiction of other courts that must be adjudicated in the interest of justice (Article 30 and 33, Law of the Formation of Regular Courts No. 5 of 2001).









Structure: The Regular Courts are structured as follows:

- **Magistrate courts** convene before a single judge called the Magistrate Judge. There are five Magistrate Courts in the Gaza Strip, located in Jabaliya, Gaza,

Deir al-Balah, Rafah and Khan Younis.

- **Courts of First Instance** convene before a panel of three judges. There is a Court of First Instance in three out of five Gaza Strip governorates: Gaza, Khan Younis and Deir al-Balah.
- **The Court of Appeal** convenes before a panel of three judges. It is seated in Gaza.
- **The High Court** convenes before a panel of five judges. It is seated in Gaza.

Personnel: The regular court system in Gaza has 89 judges (87 male and 2 female). The distribution of judges is as follows:

High Court	Court of Appeal/ Administrative Court	Court of First Instance	Magistrate Court
 	 	 	 
11 0	16 0	43 2	17 0

Of the total number of judges, 87% have a bachelors degree and 13% have a masters degree. Their age distribution is as follows: 30-40 years: 19%; 40-50 years: 41%; 50-60 years: 19%; 60+ years: 21%.

2.3 Shari'a Courts

Background: Personal status matters of Palestinian Muslims in the Gaza Strip are handled by Shari'a Courts.

Legal Framework: Shari'a Courts are stipulated in Article 101 (1) of the Amended Basic Law. They are governed by the following laws and decrees:

- Amended Basic Law of 2003
- Law No. 7 of 2004 concerning Children
- Shari'a Justice Law No. 3 of 2011
- Shari'a Implementation Law No. 6 of 2021
- Egyptian Law on Family Rights of 1954
- Shari'a
- Administrative decisions issued by the Qadi al-Qudah

Jurisdiction: The jurisdiction of Shari'a as determined by the Amended Basic Law of 2003 extends to all matters governed by Shari'a law and the personal status of Palestinian Muslims. This includes all family matters related to marriage, divorce, child custody and inheritance.

Structure: The Shari'a judiciary is three-tiered and consists of ten Shari'a Courts of

First Instance, two Shari'a Courts of Appeal (Gaza and Khan Younis) and the Shari'a Supreme Court (Gaza), as well as the Shari'a prosecution. It is governed by the High Shari'a Court Council which is divided into the following sections:

President/Office of the President	Courts Unit
Research and Legal Studies Unit	Planning and Development Unit
Family Counselling Unit	Information and Communication Technology Unit
Technical Unit	Internal Control Unit

Personnel: The Shari'a judiciary has 227 employees, including 32 judges and 195 administrative staff.

2.4 Public Prosecution

Background: The Public Prosecution is responsible for criminal investigations and has the exclusive right to initiate criminal action. It also supervises officers tasked with judicial police powers in the performance of their functions.

Legal Framework: The Public Prosecution is governed by the following laws and decrees:

- Amended Basic Law of 2003
- Law of Civil Service No. 4 of 1998
- Law of Penal Procedures No. 3 of 2001
- Judicial Authority Law No. 1 of 2002
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law No. 7 of 2013 concerning Drugs and Psychotropic Substances, as amended by Law No. 2 of 2023
- Palestine Penal Code No. 74 of 1936, as amended by Law No. 37 of 1937, Law No. 59 of 1939, Law No. 21 of 1944, Law No. 57 of 1946 and Law No. 1 of 1947

Mandate and functions: The functions of the Public Prosecution are regulated by the Judicial Authority Law No. 1 of 2002 and the Law of Penal Procedures No. 3 of 2001. The Public Prosecution has the exclusive right to initiate criminal investigations and submit criminal cases to the competent court (Article 3, Law of Penal Procedures No. 3 of 2001). It supervises officers tasked with judicial police powers during the criminal investigation process, including receiving criminal complaints, gathering evidence, arresting suspects and conducting searches of persons and houses (Article 20). The Public Prosecution also has the right to inspect all correction and rehabilitation centres to verify compliance with the law (Article 126).

Structure: The Public Prosecution is comprised of the Attorney-General, one or more deputies, heads of prosecutor district offices, prosecutors and deputy-prosecutors (Article 60, Judicial Authority Law No. 1 of 2002). The Attorney-General of the de facto government is appointed by decision of the Prime Minister upon nomination of the High Judicial Council.

The Public Prosecution of the de facto government has its headquarters in Gaza. There are five Criminal Prosecution offices at the governorate level and three Appeals Prosecution offices (Gaza, Centre, Khan Younis). Moreover, there are seven specialized prosecutorial bodies operating at the central level in Gaza. The Public Prosecution of the de facto government is divided into the following sections:

Attorney-General/Office of the Attorney-General	High Court and Cassation Court Prosecution (specialized)
Deputy Attorney-General/ Office of the Deputy Attorney-General	Corruption Crimes Prosecution (specialized)
Inspection and Control Unit	Economic Crimes Prosecution (specialized)
Technical Unit	Organizations Prosecution (specialized)
Planning and Development Unit	Prosecution for Execution of Criminal Sentences (specialized)
Public Relations Unit	State Prosecution (specialized)
Criminal Prosecution	Traffic Crimes Prosecution (specialized)
Appeal Prosecution	

Personnel: The Public Prosecution has 410 employees. This includes 80 prosecutorial staff, with 23 at the level of the head of prosecution.

3. MANAGEMENT AND OVERSIGHT

3.1 Executive Management

3.1.1 Council of Ministers

Background: The function of the Council of Ministers in the Gaza Strip is akin to that of the Council of Ministers in the West Bank. It is the highest executive and administrative body of the de facto government and accountable to the Palestinian Legislative Council. Moreover, since the split the Prime Minister in the Gaza Strip has come to exercise many of the functions and authorities of the PA President in respect to the de facto government.

Legal Framework: As in the West Bank, the Council of Ministers in the Gaza Strip exercises its responsibilities in the security and justice sectors according to the following laws and decisions:

- Amended Basic Law of 2003
- Law No. 4 of 1995 concerning the Legislative Process
- Law of Civil Service No. 4 of 1998
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law of Service in the Palestinian Security Forces No. 8 of 2005
- Presidential Decision No. 286 of 1995 concerning the Advisory and Legislation Bureau
- Council of Ministers Decision No. 58 of 2005 concerning the Transfer of the Advisory and Legislation Bureau to the Council of Ministers

Mandate and functions: As in the West Bank, the functions of the Council of Ministers in the Gaza Strip are defined in Article 69 of the Amended Basic Law. According to Article 69 (7) of the Amended Basic Law, the Council of Ministers is responsible for maintaining public order and internal security.

The most relevant sections of the Council of Ministers in the Gaza Strip in relation to the security and justice sectors are the Control Directorate, which is in charge of administrative control of the work of the line ministries, and the Ombuds Office, the de facto government's public complaint function.

Structure: The Control Directorate reports directly to the Secretary-General of the Council of Ministers. The Ombuds Office is administratively and financially part of the Council of Ministers but technically independent.

Personnel: The Council of Ministers has 136 employees. The Ombuds Office has 22 employees.

3.1.2 Ministry of Interior and National Security

Background: The Ministry of Interior and National Security is responsible for managing and overseeing all security forces of the de facto government. This includes administrative oversight, operational guidance, budgeting, and coordinating capacity development and training. The Ministry underwent two major processes of restructuring in 2014 and 2019, which included the merger and integration of various independent commissions and directorates into what is termed the military part of the Ministry. One major difference to the Ministry of Interior in the West Bank is that the position of the Director-General of Internal Security – which reports to the Minister and oversees the three internal security forces – has been filled since the split. Moreover, the Commander-General of the National Security Forces is also integrated into the Ministry, reporting to the Minister.

Legal Framework: The Ministry of Interior and National Security exercises its functions in the security sector according to the following laws:

- Amended Basic Law of 2003
- Firearms and Ammunition Law No. 2 of 1998
- Law No. 3 of 1998 on Civil Defence
- Law of Civil Service No. 4 of 1998
- Correction and Rehabilitation Centres ('Prisons') Law No. 6 of 1998, as amended by Law No. 3 of 2005 and Law No. 5 of 2009
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Public Meetings Law No. 12 of 1998
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law of Service in the Palestinian Security Forces No. 8 of 2005
- Military Judiciary Law No. 4 of 2008, as amended by Law No. 2 of 2020 and Law No. 3 of 2022
- Presidential Decree No. 12 of 2002 concerning the Attachment of the Police, the Preventive Security and the Civil Defence to the Ministry of the Interior
- Council of Ministers Decision No. 186 of 2010 concerning the List of Disciplinary and Financial Penalties imposed on Military Personnel
- Council of Ministers Decision No. 169 of 2014 concerning Approving the Organizational Structure of the Ministry of Interior and National Security (Military Part)
- Council of Ministers Decision No. () of 2019 concerning Approving the Organizational Structure of the Ministry of Interior and National Security (Military Part)

Mandate and functions: The Minister of Interior and National Security proposes the general policy for the Ministry and supervises its implementation (Article 71, Amended Basic Law of 2003). The Minister oversees the conduct of affairs in the Ministry and issues the necessary instructions, implements the General Budget within

the funds allocated to the Ministry, and proposes legislation related to the Ministry to the Council of Ministers. The Ministry is divided into a civilian and a military part. The functions of the Ministry of Interior and National Security in the security sector are as follows⁶⁰:

- Preserving public order and public morals
- Protecting the citizens' security, rights and freedoms and protecting public and private institutions
- Implementing and respecting the law
- Carrying out civil defense, rescue and firefighting activities
- Combating all acts and phenomena of espionage inside the country
- Preserving the home front from any intrusions or external threats
- Executing judicial rulings or any legal decisions issued by the competent authority, as stipulated by law

Structure: The Ministry is headed by the Minister of Interior and National Security and has its seat in Gaza. The Minister oversees several administrative units in the military part of the Ministry, as well as the Director-General of Internal Security and the Commander-General of National Security Forces.

Contrary to the West Bank, the de facto government decided to integrate various independent support commissions and directorates directly into the Ministry. This includes the Directorate-General of Training (replacing the Military Training Commission), the Directorate-General of Finance (replacing the Central Military Financial Directorate), the Organization and Administration Commission and the Military Justice Commission, which all report directly to the Minister. Furthermore, the de facto government removed the Directorate-General of Correction and Rehabilitation from the Police and integrated it into the Ministry, reporting directly to the Minister.

The Ministry is divided into the following sections:

Minister of Interior and National Security/Office of the Minister (102 staff: 84 officers and 16 personnel)	Directorate-General of Finance and Supplies (486 staff: 18 officers and no personnel)
Inspector-General (61 staff: 49 officers and 12 personnel)	Directorate-General of Correction and Rehabilitation (500 staff: 251 officers and 249 personnel)
Directorate-General of Central Operations (153 staff: 115 officers and 38 personnel)	Organization and Administration Commission (84 staff: 66 officers and 18 personnel)
Directorate-General of Public Relations and Media (111 staff: 152 officers and 24 personnel)	Military Justice Commission (184 staff: 115 officers and 69 personnel)
Directorate-General of Training (212 staff: 251 officers and 60 personnel)	Political and Moral Guidance Commission (140 staff: 114 officers and 26 personnel)
Directorate-General of Crossings (140 staff: 96 officers and 44 personnel)	Military Medical Services Directorate (905 staff: 686 officers and 219 personnel)
Directorate-General of Discipline and Special Security (156 staff: 132 officers and 24 personnel)	Al-Ribat Officers College (136 staff: 96 officers and 40 personnel)
Directorate-General of Planning and Development (18 staff: 18 officers)	

⁶⁰ Information provided by the de facto government, April 2023.

Personnel: The Ministry of Interior and National Security has an overall number of 4,080 security employees, consisting of 3,388 employees working in the above departments, 153 security employees working in the civilian part and 670 employees staff working in the general administration.⁶¹

3.1.3 Ministry of Justice

Background: The Ministry of Justice is responsible for the administration of justice. It also contributes to the drafting and preparation of legislation, oversees the provision of judicial and legal services and raises legal awareness.

Legal Framework: The Ministry of Justice exercises its functions according to the following laws and decisions:

- Amended Basic Law of 2003
- Law of Civil Service No. 4 of 1998
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Law of Penal Procedures No. 3 of 2001
- Law of the Formation of Regular Courts No. 5 of 2001, as amended by Law No. 2 of 2005
- Judicial Authority Law No. 1 of 2002
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Council of Ministers Decision No. 7 of 2008 concerning the Systems of the Palestinian Judicial Institute
- Council of Ministers Decision No. 1 of 2010 concerning the Judicial Register

Mandate and functions: The Minister of Justice proposes the general policy for the Ministry and supervises its implementation (Article 71, Amended Basic Law of 2003). The Minister oversees the conduct of affairs in the Ministry and issues the necessary instructions, implements the General Budget within the funds allocated to the Ministry, and proposes legislation related to the Ministry to the Council of Ministers.

The main roles and responsibilities of the Ministry of Justice include the following:

- Establish a safe society based on the rules of justice and equality before the law
- Preserve public rights and freedoms and consolidate the rule of law
- Ensure access to justice and the right to a fair trial
- Provide judicial services to Palestinian citizens

Structure: The Ministry is headed by the Minister of Justice and has its seat in Gaza. It is divided into the following sections:

⁶¹ Adding employee numbers at the forces level to this, the overall number of employees in the security sector is 19,040. Information provided by the de facto government, April 2023.

Minister of Justice/Office of the Minister	Directorate-General of Information and Communication Technology
Deputy Minister of Justice/ Office of the Deputy Minister	Planning and Development Unit
Directorate-General of Legal Affairs and Research	Internal Control Unit
Directorate-General of Professional Affairs and Alternative Dispute Resolution	Public Relations Unit
Directorate-General of Forensic Medicine and Laboratory	Human Rights and Complaints Unit
Directorate-General of Financial Affairs	Council of Ministers Affairs Unit

Personnel: The Ministry of Justice has 178 employees.

3.1.4 Ministry of Finance

Background: The Ministry of Finance is responsible for the financial affairs of the de facto government. It oversees the budget cycle, manages tax collection and conducts public audits. The budget allocation of the security and justice sectors is prepared and implemented by the Ministry as part of the general budget, in close collaboration with the Ministry of Interior and National Security and the Ministry of Justice respectively.



Legal Framework: The Ministry of Finance exercises its responsibilities in the security and justice sectors according to the following laws:

- Amended Basic Law of 2003
- Law of Civil Service No. 4 of 1998
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Insurance and Pensions Law of the Palestinian Security Forces No. 16 of 2004, as amended by Law No. 16 of 2005
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law of Service in the Palestinian Security Forces No. 8 of 2005
- Annual Public Budget Law

Mandate and functions: The Minister of Finance proposes the general policy for the Ministry and supervises its implementation (Article 71, Amended Basic Law of 2003). The Minister oversees the conduct of affairs in the Ministry and issues the necessary instructions, implements the General Budget within the funds allocated to the Ministry, and proposes legislation related to the Ministry to the Council of Ministers.

The main responsibilities of the Ministry of Finance, as per the Amended Basic Law and relevant legislation, are:

- Preparing, implementing and controlling the General Budget, including rolling out the budget circular and setting economic and fiscal objectives and trends, as well as the expected amount of expenditure
- Managing the General Treasury Account
- Paying, managing and settling government employee salaries and retirement of civil administration and compensation in accordance with the laws and regulations in force
- Monitoring all financial transactions based on legally adopted accounting principles
- Monitoring the implementation of the provisions of financial legislation in force

The budgetary process for the security and justice sectors follows the same procedures as any public institution of the de facto government. The security sector budget is formulated by the Ministry of Interior and National Security based on the line-item ceilings determined by the Ministry. The payroll is prepared by the Directorate-General of Finance and Supplies in the Ministry of Interior and National Security.

Structure: The Ministry is headed by the Minister of Finance and has its seat in Gaza. The main sections in the Ministry of Finance relevant to the security and justice sectors are the Directorate-General of Budget, the Directorate-General of Security Forces Control and the Directorate-General of Customs and Excise.

The Directorate-General of the Budget is responsible for financial planning and prepares the General Budget for ministries and public institutions. It works with the Ministry of Interior and National Security in the preparation of the budgets of the security forces. Moreover, it collaborates with the Ministry of Justice and the High Judicial Council in the preparation of the budget of the judiciary.

The Directorate-General of Security Forces Control follows up on the use of funds by the security forces to ensure they are spent for designated purposes. The Directorate-General is tasked with auditing expenditure, ensuring the valid use of public finances and protecting allocations by the Ministry to the security forces against misuse and loss.

The Directorate-General of Customs and Excise provides technical and operational oversight of all customs matters.

Personnel: The Ministry of Finance has 771 employees.

3.2 Legislative and Independent Oversight

3.2.1 Palestinian Legislative Council

Background: While dissolved in the West Bank, the PLC continues to convene in the Gaza Strip, as the de facto government did not recognize the Constitutional Court's decision of 2018. The PLC in Gaza has currently 23 members and works based on the arrangement of power of attorney whereby PLC members detained by Israel grant sitting members the right to vote on their behalf. This arrangement is controversial and has no legal basis. The PLC issues legislation and oversees the work of the government through its oversight instruments.⁶² By May 2023, the PLC in Gaza had issued 67 laws.

Legal Framework: The PLC exercises its responsibilities according to the following laws:

- Amended Basic Law of 2003
- Law No. 4 of 1995 concerning the Legislative Process
- Law of Civil Service No. 4 of 1998
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022
- Law No. 9 of 2005 concerning General Elections
- Bylaw of the Palestinian Legislative Council of 2003

Mandate and functions: The PLC, as per the Amended Basic Law of 2003 and the Bylaw of 2003, approves legislation and oversees the work of the government. The main functions relevant to the security and justice sectors are:

- Proposing and approving draft legislation (Article 47, 70, Amended Basic Law)
- Approving the General Budget, following discussion in a special session (Article 60-62)
- Exercising oversight by addressing inquiries and interpellations to the Government, ministers or officials of similar rank, as well as by forming special committees to conduct information gathering and fact-finding regarding any public matter or institution (Article 56, 58)
- Submitting requests to withdraw confidence from the Government following on interpellation (Article 57, 77-79)
- Receiving citizen complaints and petitions concerning public affairs and request clarifications from them from any minister (Article 100-104, Bylaw of the Palestinian Legislative Council)

Structure: The PLC is headed by the elected Speaker, two Deputies and the Secretary-General. It has its seat in Ramallah and Gaza. The main committees performing functions related to the security and justice sectors are the Legal Committee (responsible for the Basic Law, legislation and the judiciary), the Budget and Financial Affairs Committee, the Interior Committee (responsible for the Ministry of Interior,

⁶² The PLC in Gaza continued some oversight activities in the security sector through specialized committees. See for instance Palestinian Legislative Council Decision No. (1378/G.P.1/4) concerning the Acceptance of the Interior, Security and Local Governance Committee of the Most Important Problems of Reform and Rehabilitation Centers in the Governorates of Gaza by an Absolute Majority with Amendments.

security and local governance), and the Committee for the Oversight of Human Rights and Public Freedoms (Article 48, Bylaw of the Palestinian Legislative Council).

Personnel: As per the Law No. 9 of 2005 concerning General Elections, the PLC has 132 members. The PLC in the Gaza Strip currently has 23 members and 60 employees.

3.2.2 State Audit and Administrative Control Bureau

Background: The de facto government in the Gaza Strip has its own State Audit and Administrative Control Bureau. As in the West Bank, it is responsible for ensuring the sound and efficient use of public funds, undertaking administrative inspections to detect irregularities and safeguarding the conformity of all financial and administrative activities with the laws and regulations in force.

Legal Framework: The State Audit and Administrative Control Bureau (SAACB) of the de facto government exercises its functions according to the following laws:

- Amended Basic Law of 2003
- Law of Civil Service No. 4 of 1998
- Law of the Organisation of the General Budget and Public Finances No. 7 of 1998
- Law of the Bureau of Financial and Administrative Control No. 15 of 2004
- Law of Public Retirement No. 7 of 2005, as amended by Law No. 2 of 2022

Mandate and functions: The Bureau is responsible for ensuring the soundness of financial and administrative procedures of all governmental institutions including its executive, legislative and judicial branches, detecting financial and administrative irregularities and violations and ensuring that the performance of governmental institutions conforms with applicable laws and regulations (Article 96, Amended Basic Law of 2003; Article 3, Law of the Bureau of Financial and Administrative Control No. 15 of 2004).

The Bureau is competent to exercise its authorities over, inter alia, the PLC, the Council of Ministers, the judicial authority including the Public Prosecution, ministries and public bodies, as well as the police and security forces and all other military bodies (Article 31, Law of the Bureau of Financial and Administrative Control No. 15 of 2004). Its responsibilities in the security and justice sectors are akin to the SAACB in the West Bank based on Article 23 of the law.

Structure: The State Audit and Administrative Control Bureau is headed by a caretaker chairperson appointed directly by the PLC in the Gaza Strip. The main administrative unit relevant to the security and justice sectors is the Directorate-General for Control, including its Unit for the Internal, Security Forces and NGO Sector and its Unit for the Justice Sector and General Administration.

Personnel: The State Audit and Administrative Control Bureau in the Gaza Strip has 70 employees.



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