



Study on:

The Security Clearance as a Condition to Obtain Rights and Public Services Undermines the Government's Integrity

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AMAN
Transparency Palestine



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Summary

Some countries allow the use of legal restrictions and conditions on occupying public positions and obtaining certain licenses and work permits due to the sensitivity of those jobs and activities, and to ensure they are not undertaken by unsuitable or dangerous individuals. This is often stipulated in legislation regulating public service, which requires good conduct¹ for occupying such public positions. The Palestinian legislature adopted a similar approach in some legislations that required good conduct for occupying certain sensitive positions, such as the Judicial Authority Law of 2002 and the Diplomatic Corps Law of 2005.

While these legislations use the phrase "good conduct and behavior", no specific legal reference or definition that specifies the meaning of this term exists. Palestinian legislation is void of any direct definition. Furthermore, it was not possible to access the preparatory works and explanatory memoranda for some legislations issued by the first Palestinian Legislative Council (PLC) that contained the phrase "good conduct and behavior", to be informed of the discussions or clarifications that explain this phrase and clarify the intent of the Palestinian legislature. Those legislations merely mentioned the term "good conduct and behavior" or "good repute", which is used by the Ministry of Interior (MOI) to issue this certificate, as a prerequisite for obtaining the approval of both the General Intelligence and Preventive Security agencies to grant that certificate, without any clear and explicit reference or criteria defining the conditions and standards that the applicants must meet. This has opened the door wide to using political affiliation and opinion as a primary criterion and condition for obtaining or denying this certificate, contributed to the spread of some forms of nepotism and favoritism, allowed for the abuse of official positions in granting these certificates, and fundamentally undermined the principle of integrity in governance, as it constitutes a form of political corruption. It also constitutes an encroachment on the legal mandate of the Ministry of Justice (MOJ) and interference of the security apparatus in the conduct of public life, thereby entrenching the concept of a police state. Moreover, several practical applications of this requirement represent a clear violation of the principle of equality stipulated in Article (9) of the Amended Basic Law of 2003: "Palestinians shall be equal before the law and the judiciary, without discrimination on account of race, sex, color, religion, political opinion or disability".

¹ In the French Law, the abolished Public Employees System of 1959 required the candidate for appointment to have good conduct. However, the current system issued in 1983 cancelled this condition and required the candidate

Executive Summary

This study examines the impact of the "security clearance" condition or the "good conduct certificate" on the Palestinian legal, administrative, and social system since the establishment of the Palestinian Authority (PA) in 1994 until the period following the political division in 2007 and beyond. The findings have shown that this condition, despite the absence of explicit legislative provisions, has become a pivotal tool for controlling access to public employment, services, and rights, transcending the legal provisions that guarantee equality and justice. The security clearance condition has gradually transformed from a routine administrative procedure into a tool for political exclusion or blackmail, which has strengthened the influence of security agencies at the expense of civil and judicial institutions and which contests the principles of the rule of law. Actual practices have also constituted a clear violation of the principle of equal opportunity, as political and factional affiliation has become a criterion for determining individuals' eligibility, depriving qualified citizens of employment, educational grants, and professional licenses. On the societal level, this condition has contributed to a decline in trust in the state and official institutions and increased citizens' feelings of exclusion and alienation. It has also helped entrench a culture of fear and self-censorship. Those practices have shown a disregard for the judiciary and the decisions of the High Court of Justice of 2012, reflecting a structural crisis in the Palestinian political system characterized by the weak independence of the judiciary vis-à-vis executive and security bodies and the exploitation of law as a tool for political hegemony.

Thus, the "security clearance" condition is no longer a mere administrative tool, but has become a central threat to the principles of good governance and the rule of law in Palestine. It has contributed to turning civil institutions into instruments of political and security control, weakened society's trust in the state, and exacerbated political and social divisions, necessitating comprehensive institutional reform that protects rights and promotes equality and integrity. The study suggests that the path to reform requires abolishing any security condition not stipulated by law, relying exclusively on the "non-conviction certificate" issued by the Ministry of Justice, strengthening the independence of the judiciary and ensuring the implementation of judicial rulings by all official bodies. It also requires supporting civil society and human rights institutions to monitor, document, and publicize violations to increase pressure on authorities to comply with the law; issuing clear legislation to ensure equal opportunities and transparency in public appointments and services, free from any political considerations; educating citizens about their legal rights and how to claim them to reduce the impact of political bias on their economic, educational, and professional lives; and establishing independent oversight mechanisms to review any decisions related to security clearance or good conduct certificates to ensure the protection of civil rights and the application of good governance.

Introduction

Since the inception of the Palestinian National Authority in 1994, the condition of "security clearance" has emerged as an administrative-security tool not stipulated in the fundamental legislations. However, it quickly evolved into one of the most influential measures that regulate public life and determine access to employment, services, and rights, particularly after the Palestinian political division in 2007.

Although the Palestinian Basic Law, the Civil Service Law, and several applicable legislations do not stipulate this condition, it has been practiced in numerous areas, including employment in the public sector, issuance of passports, access to scholarships, licensing of institutions², registration of civil organizations, and licensing for many professions. This has created a conflicting situation with the legal texts themselves, and raises questions about the boundaries of the powers of security agencies and the status of the rule of law within the Palestinian political system.

The most evident contradiction lies in the confusion between two concepts:

1. The concept of "security clearance", commonly referred to as a "certificate of good conduct", issued by the Ministry of Interior and represents an administrative-security procedure not legally defined in Palestinian legislation. This requirement necessitates the approval of the security agencies, particularly the General Intelligence and Preventive Security agencies³.

2. The concept of a certificate of "no conviction", a document proving that an individual's record is free from any criminal offenses and final court convictions, for a felony or a misdemeanor. This concept is based on a fundamental judicial principle, namely the "presumption of innocence", that the accused is innocent until proven guilty," as stipulated in Article (14) of the Amended Palestinian Basic Law, which prohibits depriving any individual of their rights based on an assumption of misconduct unless determined by a competent judicial ruling⁴.

This deliberate conflation between the concepts of "no conviction record" and "good conduct" has led to a fundamental conflict in the legal framework for obtaining rights. The "good conduct" certificate⁵ issued by the MOI has unlawfully substituted the "no conviction record" certificate issued by the MOJ after consulting court records, as the MOJ is the legitimate and highest authority in this regard. While the MOJ never applies the "security clearance" condition and relies solely on a verified judicial certificate⁶, the security agencies and police issue reports that may include even pending cases not yet decided by the courts. This makes the certificate an ambiguous and exploitable instrument. Such a situation has enabled the security agencies to exceed their legal powers, making administrative-

2 The Draft Council of Ministers Decision () of 2022 on the licensing system of the media institutions; Instructions on licensing scientific research centers No. (1) of 2018 issued by the Minister of Education and Higher Education. The condition of obtaining the "good conduct" certificate from MOI to license a scientific research center. For more see: AMAN. Legitimization of the Security Clearance condition with secondary legislations constitutes a blatant violation of the Basic Law and the Democratic Values. visited on 4/9/2025: <https://www.aman-monitor.org/ar/Article9>

3 Faten Daifallah, Security Clearance Report: A Disturbing Expansion Towards Police-State Control, 28 January 2025, published on: <https://nabd.com/s>, visited on 4/9/2025.

4 AMAN. Legitimization of the Security Clearance condition with secondary legislations constitutes a blatant violation of the Basic Law and the Democratic Values.

5 Notes from the researcher on the interviews on the requirement of obtaining the "good conduct" certificate: the researcher contacted MOI directly, and the Preventive Security and General Intelligence indirectly. Representatives of both security agencies indicated that the competent party that issues good conduct certificates is MOI, and that the researcher should refer to MOI as the competent party. MOI later confirmed this to the researcher. This note was recorded based on the following interviews:

- Interview with Colonel Ihsan Hamayel, Director of the Training Department at MOI, on 26/10/2025.

- Interview with (N.M) Preventive Security, on 25/10/2025.

- Interview with (S.Q) General Intelligence, on 25/10/2025.

6 Interview by telephone with Deputy Minister of Justice, Ahmad Thabaleh, on 11/9/2025.

security practices an implicit criterion for obtaining rights, without a clear reference defining the requirements for obtaining the certificate. Sometimes, these criteria may rely on political affiliation or ideological orientation, allowing for implicit and biased inclusion or exclusion.

In this context, this research paper addresses the problematic security clearance condition, or the so-called certificate of good conduct, not only as a mere administrative procedure that circumvents the judiciary, but also as a reflection of conceptual complexity, the politicization of public administration, and the prioritization of political loyalty over the principles of the rule of law and justice. The paper also aims at exposing the consequences of this condition on the structure of good governance in Palestine and clarifying how it became a manifestation of the contradiction between constitutional texts on one hand, and executive practices on the other.

First: The condition of security clearance, or the so-called "good conduct and behavior" certificate and the Palestinian political transformations

The requirement of "good conduct and behavior", known as "security clearance", has been linked to the phases of political and security transformations in the Palestinian context, gradually evolving from a simple routine administrative procedure into a tool of competition between political adversaries to dominate the public office.

In the first phase, at the beginnings of the inception of the Palestinian Authority (PA) after the Oslo Agreement, official institutions justified imposing the security clearance condition as a necessity to protect public security and prevent any criminal record or activity threatening national stability. The purpose of imposing the security clearance condition in the early days of the PA seemed legitimate and connected to the desire to ensure "a person's loyalty to their society" and their non-affiliation with the occupation⁷. This was linked to the need to build an administrative apparatus capable of controlling the employment and political sphere in the post-Oslo phase. During this period, the condition was a routine administrative procedure limited to senior positions or promotions, and obtaining it was often easy, even for members of opposition factions, as long as they declared a formal commitment to the official political path. Despite its routine nature, and after the establishment of the elected PLC, contradictions began to emerge between the Palestinian Basic Law, prepared by the PLC, which guarantees equal opportunity and non-discrimination, and the practice that linked public jobs to a condition not stipulated by law.

With the accumulation of the PA's political experience and the growth of internal tensions between the Palestinian Authority and Hamas movement after 1996, the security clearance condition entered its second phase, which witnessed a gradual transformation from a routine procedure into a tool for controlling employment and the political sphere. It was used as means to reshape the relationship between the citizens and the public institutions in line with the priorities of the political system, which led to expanding the discretionary powers of security agencies at the expense of the independence of civil institutions⁸. Meanwhile, the law remained clear in limiting employment conditions to citizenship, age majority, physical fitness, and the absence of a criminal sentences involving honor or honesty, according to the Civil Service Law No. (4) of 1998⁹.

In the second phase, accompanying the political division of 2007, the application of the condition became noticeably stricter. Hamas's control of the Gaza Strip urged the PA in Ramallah to adopt the "good conduct and behavior" condition more strictly, justifying that with preventing the repetition of the division scenario. Studies and media reported a decision issued by the Secretary-General of the Council of Ministers (COM) on 3 September 2007, regarding the application of the condition of obtaining a "good conduct certificate" as part of the recruitment process, and that the General Personnel Bureau should coordinate in this regard "with the competent security agencies".

7 Rashad Twam, Ihab Maharmeh, Bahaa Ghassan. The Politicization of Civil Service in the Palestinian Bureaucracy: Augmenting Loyalty and Excluding Opposition, Hikama Journal, Issue . 7, Volume 04, Autumn 22023, Published on <https://hikama.dohainstitute.org/ar/issue07> , visited on 8/9/2025.

8 The General Personnel Council (GPC) indicates that obtaining approval from security agencies (Preventive Security, Institutional Security, General Intelligence) is a fundamental procedure for appointment to public service positions. GPC adheres to their recommendations, despite the absence of a legal basis mandating this. If the security agencies delay approval for more than two weeks, the individual is appointed after signing a pledge to resign without benefits if the security agencies recommend against the appointment. For more see: The Independent Commission for Human Rights, The Role of Security Agencies in Public Employment Independent Commission for Human Rights, Special Reports Series (33), October 2004, p. 5.

9 Article (24) of the Civil Service Law No. (4) of 1998 specifies the general conditions for public service employment.

Indeed, those bodies began implementing the decision, which was not published in the Official Gazette¹⁰. It seems that it has been based on the Jordanian Civil Service System of 1966 and the use of the phrase "good conduct and behavior" contained therein¹¹. This led to the dismissal of thousands of employees and the emergence of legal disputes over the legitimacy of the decisions¹², despite the High Court of Justice ruling in 2012 that the condition was illegal¹³. This event revealed how the condition transformed from an administrative control tool into an instrument of political conflict, and it became linked to the institutional division between the West Bank and Gaza.

In the third phase, the scope of applying the condition expanded to include various aspects of public life, including professional and trade licenses, scientific research centers¹⁴, driver's licenses, work at the shari'a marriage registrar, formation of associations, scholarships¹⁵, and the disbursement of financial and pension rights. The condition became a totalitarian tool for controlling resources and opportunities, expanding the discretionary powers of security agencies at the expense of the independence and freedom of civil institutions. Meanwhile, the law remained clear in prohibiting the linking of civil rights to security conditions, highlighting a fundamental contradiction between legal texts and practical applications.

The fourth phase, comprised a continuous and organic connection of this condition to the structure of the political division, as it has been entrenched as a tool of conflict between two parallel authorities: the PA in the West Bank, which used it to exclude opponents and strengthen its institutional influence, and the de facto " Hamas " authority in Gaza, which employed it to build networks of political loyalty and also exclude opponents. Thus, the condition became a dual tool reflecting the competition between two conflicting political projects and undermining the principle of equal opportunity, although the law remained clear in guaranteeing civil rights and the inadmissibility of security interference in public employment¹⁶.

10 Rashad Twam and others. *The Politicization of Civil Service in the Palestinian Bureaucracy: Augmenting Loyalty and Excluding Opposition*, previous source. P. 149.

11 Article (26) Paragraph (d) of the Jordanian Civil Service System of 1966 requires the employees appointed in the First and Second Grades to enjoy "a good reputation and conduct".

12 Approximately 1,500 employees were dismissed from the Ministry of Education alone. Between 2008 and 2011, the Independent Commission for Human Rights (ICHR) recorded around 621 complaints related to the suspension of appointment procedures due to security agency disapproval. Specific cases, such as those of Haifa, Ashwaq al-Amer, and Ayat Mafarja, stand out as examples of women being denied employment because of their security records or their families' ideological and political affiliations. For more information, see:- Faten Daifallah, *Security Clearance Report: A Disturbing Expansion Towards Police-State Control*, previous source.

13 The Palestinian judiciary, through rulings of the High Court of Justice, has opposed the interference of security agencies in the appointment or dismissal of public employees, deeming it a violation of the Basic Law and the Civil Service Law. 2009. The High Court of Justice, held in Ramallah, ruled in Administrative Case No. 55/2009, on 4/9 2012, and published on Al-Muqtafi, that the approval of security agencies is not a prerequisite for holding a public office. For further information, see:

High Court of Justice Decision No. (68) of 2012, on 20/3/2013, and published on Al-Muqtafi.

High Court of Justice held in Ramallah Decision in the administrative case No. (53) of 2009, on 4/9/2012, and published on Al-Muqtafi.

High Court of Justice held in Ramallah Decision in the administrative case No. (209/2009), on 4/9/2012.

High Court of Justice held in Ramallah Decision in the administrative case No. (311/2009), on 22/3/2019.

High Court of Justice held in Ramallah Decision in the administrative case No. (375/2008), on 17/3/2010.

14 Draft COM Decision No. (--) of 2022, concerning the licensing system for media institutions. Instructions for licensing scientific research centers No. (1) of 2018 (not published in the Official Gazette), issued by the Minister of Education, stipulated obtaining a certificate of good conduct from the Ministry of the Interior to license a scientific research center.

For more see: AMAN. *Legitimization of the Security Clearance condition with secondary legislations constitutes a blatant violation of the Basic Law and the Democratic.P. 1*

visited on 4/9/2025: *Legislating the Security Safety Requirement by Secondary Legislation Persistence in Violating the Basic Law and Democratic Values - AMAN Foundation*

15 The scholarships in Tunisia for the year 2025-2026 (PHD) included in the required documents a good conduct certificate issued by MOI in Ramallah, Ministry of Education and Higher Education, Palestine. <https://www.mohe.pna.ps/Portals>

16 Ibrahim Abrash, *The Palestinian Division and its Impact on the National Project*, article posted on : <https://samanews.ps/ar/post>

Second: The legal framework for the security clearance condition: conflict between the law and practice

The political transformations accompanying the application of the "security clearance" condition across different phases have shown how this condition moved from being a limited administrative procedure to a tool used in political conflict and employment exclusion. This has directly or indirectly contributed to a gradual undermining of the principle of the rule of law, which eventually led to the dominance of security agencies and the executive authority at the expense of constitutional and judicial texts, although the Amended Basic Law of 2003 constitutes the supreme constitutional reference for the Authority in Palestine and was clear in protecting public rights and freedoms. Its articles affirm the principle of equality among citizens, the inadmissibility of discrimination on any basis, and the guarantee of equal opportunities in assuming public office¹⁷. Furthermore, it enshrines the presumption of innocence until conviction by a final judicial ruling¹⁸. It also stipulates that economic¹⁹ and political rights are guaranteed by law without exceptional restrictions²⁰.

If we compare these principles with the phases in which the "good conduct and behavior" condition expanded, we find that executive practices were not merely a violation of these principles but were their direct opposite. While the Basic Law stipulated that public positions are attained through objective criteria and conditions defined legislatively, in reality, an exceptional and vague condition outside the legislative framework was added. This condition became the governing tool that decides who enters public office and who is excluded from it; who obtains a license to establish civil institutions and associations, who works in them, and who is also excluded from them.

The Civil Service Law No. (4) of 1998 was precise in defining the conditions for appointment, limiting them to objective elements comprising citizenship, age, and the absence of criminal judgments involving honor or honesty except after rehabilitation. The fact that the Law does not mention the "security clearance" condition unequivocally reflects that the legislature intended to restrict appointment conditions to solid legal criteria, far from political or security considerations. However, during phases of political transformation, the practice of requiring the security clearance ignored those provisions of the Law²¹ and engaged security agencies in the employment process, making legislative texts merely a formal framework not applied in reality²². However, from MOI's perspective, security clearance procedures are a service provided to citizens upon the request of relevant bodies (without specifying those bodies) to ensure the safety of institutions and prevent the employment of legally suspicious individuals or those accused of corruption, who might abuse their positions in civil institutions for money laundering, financing terrorism, or compromising civil peace²³.

A blatant contradiction emerges here between the ruling of the High Court of Justice in 2012, which deemed the "security clearance" condition illegal, and the executive authority's persistence in imposing it. This judicial ruling, representing the highest judicial authority with the jurisdiction of resolving administrative disputes, was supposed to put an end to the application of the condition²⁴.

17 See Article (9) of the Palestinian Basic Law of 2003, published in Issue No. (0) of the Palestinian Gazette on 19/3/2003, P. 5.

18 See Article (14) of the Palestinian Basic Law of 2003.

19 See Article (21/2) of the Palestinian Basic Law of 2003.

20 See Article (26) of the Palestinian Basic Law of 2003.

21 The Independent Commission for Human Rights, The Role of Security Agencies in Public Employment (دور الجهات الأمنية في مجال الوظيفة العامة), previous source. P. 316-318.

22 Previous source.

23 Interview with Colonel Ihsan Hamayel, Director of Training Department at MOI, on 12/10/2025.

However, the exact opposite happened: it was reproduced under other names, such as "good conduct and behavior." This not only reflects disregard for a binding judicial decision but also entrenches a deeper structural crisis, namely the weak independence of the judiciary vis-avis the dominance of executive and security agencies²⁵.

One of the most prominent forms of institutional encroachment is invoking old legal texts, such as the Jordanian Civil Service System of 1966, and using the phrase "good conduct and behavior" contained therein as a pretext to involve security agencies in the employment process²⁶. This overreaching use of texts that no longer constitute a legal reference in the contemporary Palestinian context reflects a selective process in applying laws, as the text is invoked, despite being abrogated, when it serves a political or security purpose, and ignored when it imposes legal obligations. Thus, the legal text becomes a tool in the hands of the authority, not a binding supreme reference²⁷. This is because the only legal articles that required political neutrality were Article (29), paragraph two, and Article (16), paragraph five, of the Judicial Authority Law No. (1) of 2002²⁸, and Articles (90) and (169) of the Law on Service in the Security Forces, which aimed at ensuring their political neutrality, not at political exclusion²⁹. The above contradicts the practices documented by civil society organizations in that context. The Independent Commission for Human Rights (ICHR) and AMAN have shown that thousands of employees were dismissed or had their salaries frozen based on security recommendations³⁰.

Furthermore, both AMAN and ICHR recorded several complaints in 2024-2025, and took a sample of 23 cases and complaints in various sectors such as public employment, education, passports, civil licenses, and scholarships, concerning the use of the "security clearance" condition as a tool for political discrimination. The highest rate of security-based denial was in public employment and passports, accounting for 65% of the total cases in the sample. Meanwhile, only 30-35% of those complaints were partially or fully resolved after interventions by civil society and oversight institutions like AMAN or ICHR with the security agencies, particularly the Preventive Security and the General Intelligence³¹.

24 The High Court of Justice in Ramallah ruled, in Administrative Case No. (437) of 2008, on 4/9/2012, that security clearance is not a prerequisite for holding public office. The Court clarified that Article (24) of the Civil Service Law specifies the general appointment requirements in accordance with the principles of the Basic Law, such as citizenship, reaching the age of eighteen, being free from physical and mental illnesses and disabilities, and the absence of criminal convictions involving honor or honesty, without any mention of the approval of security agencies. The court also asserted that adding any new conditions through regulations or executive instructions violates the principle of separation of powers and the principle of legislative hierarchy, and enables the executive power to supersede the legislative power. The Court also indicated that the General Intelligence Law (2005) and the Preventive Security Law (2007) did not grant these agencies the authority to approve employee appointments, but rather obligated them to respect legal and constitutional rights and safeguards. Since the security agencies' refusal to appoint the petitioner was without specific reasons or evidence of harm or violation, the Court considered that considering their recommendations a prerequisite for assuming public office undermines the principles of the rule of law and erodes citizens' right to equality and equal opportunities. The Court deemed the challenged administrative decision flawed due to a lack of justification and ruled to overturn it.

25 The Independent Commission for Human Rights, The Role of Security Agencies in Public Employment (دور الجهات الأمنية في مجال الوظيفة العامة), previous source. P. 316-318.

26 Previous source P. 5.

27 AMAN. Legitimization of the Security Clearance condition with secondary legislations constitutes a blatant violation of the Basic Law and the Democratic.

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28 The Judicial Authority Law No. (1) of 2002, The Official Gazette, Issue No. (40), on 18/5/2002. P. 9.

29 The Law on Service in the Security Forces No. (8) of 2005. The Official Gazette, Issue No. (4), on 18/5/2002. P. 4.

30 The Commission receives numerous complaints in this regard, over 250 complaints as of end of November 2009.

See: ICHR. Ombudsman, the Commission judicially contests the security clearance condition for assuming public office (الهيئة تطعن قضائياً بشرط) 2011. السلامة الأمنية المتعلق بتولي الوظائف العمومية. Ramallah <https://www.ichr.ps/public/page/121172>.

31 For more on cases related to the security clearance condition (2024-2025), according to the types of complaints obtained from ICHR and AMAN on 25/10/2025 for the purpose of writing this report, an interview with Ammar Jamous, legal researcher, ICHR, an interview with Raja'a Ahmad, Advocacy affairs coordinator, AMAN. See Annex No. (1) of this report below.

Specific cases emerged in previous years, such as "Haifa," "Ashwaq Al-Amer," and "Ayat Mafarjeh," as examples of citizens being denied appointment due to security records or the intellectual and political affiliations of their families. Other citizens were also deprived of their rights to education, scholarships, and professional licenses based on legally baseless secret security reports. These practices not only violate the provisions of the Basic Law and the Civil Service Law, but also invalidate the principle of legality, the cornerstone of any legal system³².

While the laws stipulated that the Ministry of Justice is the sole reference for issuing the "non-conviction certificate" as the official document proving an individual's clean criminal record³³, this legal reference was replaced by the requirement of the good conduct certificate issued by the security agencies and MOI. This created a fundamental conflict within the legal reference itself. Indeed, these practices rendered the "non-conviction certificate", which is supposed to be sufficient and complete, practically worthless, in favor of security documents not legally stipulated but more powerful and influential in reality.

This contradiction between legal texts and actual practices is not only a conflict between a static text and a changing reality, but constitutes a crisis in the structure of the entire political and legal system. The Basic Law, with its safeguards of rights, has failed to protect citizens against an executive authority and security agencies that have redefined public employment as a tool for political control. This makes the "security clearance" condition a contradiction of the laws: while the laws formulated a framework that ensures equality and equal opportunity, the practice undermines this framework and replaces it with a veiled system based on political loyalty and employment exclusion.

32 A report entitled "Women in the West Bank as Victims of the Security Clearance Condition (نساء في الضفة ضحايا لشروط السلامة الأمنية)", on 19/3/2023. Posted on <https://www.nawa.ps/ar/>, visited on 6/9/2025.

33 COM Decision No. (1) of 2020 on the national Palestinian judicial record system <http://muqtafi.birzeit.edu/pg/getleg.asp84>

Third: The impact of the security clearance condition on the government's integrity and governance and the social consequences

The "security clearance" condition or the "good conduct certificate" is not only an administrative procedure that surpasses the law, but has rather become a threat to the principles of good governance and the foundations of democratic government, which are based on the separation of powers, accountability, transparency, and equal opportunity.

In practice, the condition has become a mirror of political and administrative encroachment, as it allows security agencies to intervene in areas unrelated to their legal mandate and redefines public employment as a political gain conditioned on loyalty, rather than a civil right based on competence. This transformation undermines the pillars of good governance, which require independent, transparent, and accountable institutions. Instead, state institutions are being converted from tools for providing public services into tools for control and exclusion, where administrative decisions constitute means of political domination rather than a mechanism for regulating society.

At the democratic level, the "security clearance" condition or the "good conduct certificate", rather than "non-conviction certificate", constitutes a fundamental obstacle that impedes equal opportunity and social justice. Requiring it for public jobs, scholarships, or professional licenses has made political affiliation or factional loyalty a determinant of the individual's fate more than their competence or academic qualifications. This has resulted in depriving distinguished citizens of their rights, as in the case of (Z.N.), who obtained a Bachelor's degree in Mathematics with excellent grades, applied for the year 2023/2024, and ranked first, but was repeatedly prevented from employment under the pretext of security clearance³⁴. The same applies to the teacher (M.R.), who was nominated for the position of principal at a private school. The MOI required her to obtain a good conduct certificate to complete the procedures. Upon submitting the application, the security check revealed she was not affiliated with "Fateh" movement, so she was asked to contact the General Intelligence. After a series of correspondences, the ban was only lifted after she officially proved her affiliation with the movement, after which the required certificate was issued³⁵. This confusion between "non-conviction" and "good conduct" certificates opens the door for excluding anyone, even without a judicial ruling, making the condition closer to a political tool than a legal one³⁶.

In this context also comes the case of citizen Abdul Basit Mohammad Taha Ma'tan and his wife Zubaida Daoud Hamad Ma'tan, who applied for a license to establish a private school in the village of Deir Abu Mash'al, west of Ramallah (Masha'el Al-Ilm Model School). Their application was rejected several times under the pretext of a security ban from the competent agencies, although they had obtained a one-year temporary permit from the Minister of Education. Later, they received a letter from the Ministry requiring them to complete procedures to obtain the good conduct certificate, otherwise the license would be revoked.

34 Telephone interview with the husband of (Z.N. Snobar) on 13/9/2025.

35 Telephone interview with (M.R.) on 14/9/2025.

36 Telephone interview with Ahmad Thabaleh, Deputy Minister of Justice on 10/9/2025.

This security and administrative denial deprived 170 students from education and 26 teachers of their livelihood. It also undermined the parents' trust, who hesitated to enroll their children in a school that had not yet obtained the official permits to operate, especially since the Directorate of Education in Birzeit set a final deadline for submitting the required certificates, threatening to revoke the license if they were not provided³⁷.

These are living examples that reveal how unclear and unprofessional security criteria affect fundamental rights, community participation, and trust in official institutions. This illustrates the direct relationship between policies of political loyalty and the spread of frustration and societal alienation, and reflects the role of security agencies in linking employment to political loyalty rather than professional competence or the legal record of applicants.

These practices reproduce a system based on discrimination and exclusion and weaken effective political participation. A citizen who realizes that their economic and social rights are contingent on secret security reports will lose their motivation for free participation and give in to the logic of forced loyalty, thereby undermining one of the pillars of democracy: the principle of equality before the law and the neutrality of state institutions. At the societal level, imposing the "security clearance" condition indirectly contributes to the erosion of citizens' trust in the state and its institutions.

The absence of clear legal foundations in employment or scholarship decisions, and the adoption of vague and unprofessional security criteria, reinforces individuals' feeling of a lack of justice and accountability, and leads to widening the gap between the ruler and the ruled. As citizens continue to be deprived of their fundamental rights based on political affiliations or stances, a sense of alienation from state institutions grows, viewing them as an adversary rather than a protector of rights. This feeling leads to citizens' frustration and is reflected in weak national belonging, pushing some groups, particularly those affected by the condition, to seek alternatives outside the official system, whether through emigration or by resorting to parallel social and political networks. Opinion polls confirm this sharp decline in trust, indicating that 86% of respondents believe in the spread of corruption in PA institutions, while 71% relate to institutions run by the Hamas movement, reflecting a comprehensive legitimacy crisis threatening the foundations of the social contract in the Palestinian society³⁸.

This condition also contributes to instilling a culture of fear and self-censorship, as individuals become cautious in expressing their opinions or engaging in civil or political activities for fear that "security recommendations" might haunt them in job and educational opportunities. Thus, civil society, a fundamental pillar of any democratic system, is weakened and replaced by a system based on political loyalties³⁹. Local reports from various human rights institutions, such as the ICHR and AMAN, have documented how this condition led to the exclusion of many competent young cadres from work or study positions, which deprives the institutions from potentials capable of development and reform⁴⁰.

37 Telephone interview on 26/11/2025 with Abdul Basit Mohammad Taha Ma'tan, the citizen who took the initiative to start a private school in the Palestinian countryside, particularly in Deir Abu Mash'al. For more on Hamdan's case, see Annex No. (2).

38 The results of the public opinion poll No. (84) the Palestinian Center for Policy and Survey Research (PCPSR) 28/6/2022 <https://pcpsr.org/ar/node/913>.

39 Bar-Tal, Daniel, 2015, "Self-Censorship as a Socio-Political-Psychological Phenomenon: Nature, Antecedents, Consequences. p15 https://www.researchgate.net/publication/280732289_Self-censorship_as_a_Socio-political-psychological_Phenomenon_Nature_Antecedents_Consequences

40 For more on the dismissed persons or deprivation from employment, because of the security clearance, or the good conduct condition, see:
-The Independent Commission for Human Rights, The Role of Security Agencies in Public Employment, (دور الجهات الأمنية في مجال الوظيفة العامة), previous source.

-Rashad Twam and others. The Politicization of Civil Service in the Palestinian Bureaucracy: Augmenting Loyalty and Excluding Opposition, previous source.

The societal impact is also evident in the reproduction of nepotism, favoritism, and cronyism. Those loyal to the Authority obtain jobs, promotions, and scholarships, while others are excluded, which widens the gap between community groups and creates a deep sense of injustice and injustice. These community divisions weaken social cohesion and increase political polarization, threatening community stability and civil peace in the long run.

Furthermore, the continuation of these practices reinforces the image of the state as an entity above the rule of law, that rather exploits the law to serve its loyalists. This undermines the legitimacy of the entire political system, as it enhances the general impression that laws are not applied justly, and that rights are guaranteed only on paper but are void of any meaning in practice. This impression not only weakens trust in institutions but also deepens a culture of "circumventing the law," as the citizens realize that they cannot access their rights through the legal path, but through nepotism and loyalties. Here, corruption transforms into systematic institutional practice, weakening reform opportunities and increasing the fragility of the political system.

The overall impact of these practices on good governance and government transcends the administrative or employment dimension, constituting a structural crisis affecting the relationship between the state and society. The absence of integrity, justice, and equality in occupying public office, and the disregard for judicial rulings, are all manifestations reflecting a fundamental deviation from the principles of good governance, and open the door to further authoritarianism and institutional corruption. In this sense, the "security clearance" condition not only represents an administrative or even political tool, but constitutes a structural threat to the governance system in Palestine, undermining the foundations of a democratic state and reproducing patterns of authoritarian rule that turn legally guaranteed rights into privileges conditional on political loyalty, contrary to the provisions and principles of the Palestinian Basic Law.

Findings

At the level of official bodies:

- The application of the security clearance condition or the good conduct certificate has revealed a clear gap between Palestinian legislations and the actual practices of the executive authorities
- The Amended Basic Law and the Civil Service Law identify objective criteria for assuming public office. However, this condition has turned into an illegal tool that grants security agencies wide powers on appointments and access to public resources, causing a deviation from the legal text that has weakened the principle of the rule of law and undermined citizens' confidence in the integrity of state institutions.
- The continued application of this condition reflects the absence of an effective oversight system and the erosion of accountability mechanisms. This has enabled the executive authority to exceed its natural jurisdiction and impose criteria of political loyalty instead of criteria of competence and professionalism in assuming public posts.

At the level of community bodies

- A decline in public trust in official institutions and a deepening feeling of exclusion from public affairs among citizens, as a result of the continued application of the security clearance condition.
- The lack of transparency in the procedures for issuing security approvals and their reliance on undisclosed criteria has created a climate of fear and self-censorship within society, and opened the door to blackmail and other corruption suspicions such as nepotism and favoritism.
- The withdrawal of many individuals from political participation or free expression for fear that security reports might affect their professional or academic future.
- The exclusion of independent qualified persons from civil society institutions, which has weakened the oversight and reform role of these institutions and entrenched political subordination.
- Deepening of the gap between the state and society, reducing opportunities for building mutual trust based on rights and duties.

At the level of the political system and government:

- The security clearance condition has become a direct threat to the system of good governance in terms of transparency, accountability, and equal opportunity.
- The condition has turned into a tool for redefining public employment based on political loyalty rather than professional merit.
- The expanded application of the condition has deepened the state of division between the West Bank and Gaza Strip, led to further political and social polarization, undermined the legitimacy of government institutions, and weakened the social contract between the state and citizens.
- The transformation of security agencies into a powerful center of decision-making, replacing elected civil institutions.

Recommendations and Possible Alternatives

At the level of official bodies:

- The Palestinian Council of Ministers shall issue clear instructions, amidst its talk of a sincere will for reform, to readjust employment and public service policies so that they are based solely on the non-conviction certificate issued by the Ministry of Justice. This certificate should be considered the one intended by the phrase (good conduct and behavior) wherever this phrase appears in any legislation, while canceling all illegal security conditions.
- Strengthen the independence of the judiciary and ensure the implementation of its rulings without political or security interference to consolidate the principle of the rule of law.
- Develop administrative and financial oversight mechanisms within government institutions to ensure their compliance with legal criteria and transparency in all stages of appointment, promotion, and public services.

At the level of community bodies:

- Empower civil society institutions and human rights organizations to monitor violations of the application of the security clearance condition and publish periodic documentation reports to enhance societal accountability.
- Implement legal awareness programs to raise citizens' awareness of their constitutional rights and ways to resort to the judiciary when facing administrative or political discrimination.
- Encourage the establishment of independent platforms for receiving complaints and legal follow-up, and linking them with neutral oversight bodies to ensure equity and transparency.

At the level of the political system and government:

- Adopt comprehensive institutional reforms that restore balance between the powers and ensure the independence of the administrative apparatus from political and security influence.
- Enact clear legislation that enshrines the principle of equal opportunity and transparency in appointments and public services, and protects civil and political rights from any security interference.
- Form independent national committees to review all previous administrative decisions related to the security clearance condition and ensure their compliance with the law and principles of good governance.

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Annex No. (1)

This is an analytical table of the cases related to the security clearance conditions (2024-2025) according to the types of complaints received at ICHR and AMAN , according to the type of public service, number of cases and basic results:

Table No.(1): Types and nature of complaints						
Year	Case type	Number of cases	Nature of violation or problem	Security justification	Measure/follow up	Final result
2024	Determination of inheritance	1	Stop the transaction on the pretext of referring to the Preventive Security	The land is close to sensitive areas, near the Wall	AMAN follow up with the Preventive Security	Not legally resolved, the justification is illegal
2024	Public employment (teachers)	4	Denied or delayed employment because of security ban	Political affiliation of a family member or union activism	AMAN follow up with ministries	Some cases were resolved; others are on-going
2024	Religious positions (Imam, Qur'an teacher)	2	Denied employment because of the lack of "good conduct" certificate	Political affiliation or previous detention	Follow up with Intelligence and Preventive Security	Partially resolved, while ban continues in some cases
2024	Passports-Gaza citizens	4	Seizing or refusing to issue passports	"Security ban" with no clear justification	AMAN's correspondence with MOI and Anti-Corruption Commission	Limited responsiveness, 3 cases have not been resolved
2024	Scholarship	1	Refusing to grant a "good conduct" certificate because of having a prisoner in the family	Political affiliation of the prisoner	Addressed the Prime Minister	No actual solution has been announced
2024	Private business license	1	Refusing to grant a "good conduct" certificate	Conflict between security agencies	No cooperation from MOI	Not resolved
2025	Education positions (Ministry of Education)	0	Prevent employment despite academic merit	"Security ban" or Political affiliation	AMAN follow up with MOEHE	One case has been resolved
2025	Passports-Gaza citizens and their families	2	Seizing or refusing to issue passports	Political reasons or because they are released prisoners	Complaints to ICHR and AMAN	Not resolved so far
2025	License for a private kindergarten	1	Refusing to grant a "good conduct" certificate	Participation in the 2022 teachers strike	Complaints and correspondence	Under follow-up
2025	Scholarship (PHD)	1	Refusing to grant a "good conduct" certificate	Political affiliation (Hizbu AtTahrir)	ICHR follow up	Not resolved
2025	Audit firm license	1	Refusing to grant a "good conduct" certificate	Political affiliation	ICHR follow up	Not resolved

Table No. (2) Distribution of cases and complaints according to type of service

Type of public service	Number of cases	Rate
Public employment (Ministry of Education, Ministry of Endowments (Awqaf), government institutions)	7	35%
Passports- Gaza Strip and the deportees	6	30%
Licenses and private enterprises (auditing firm, kindergarten, business)	3	15%
Scholarships	2	10%
Determination of inheritance transaction	1	5%
Religious positions (Imam, Qur'an teacher)	1	5%

Table No. (3): Distribution of the parties interfering in the ban decisions

Administrative/security party	Rate of recurrence of cases
General Intelligence	40%
Preventive Security	35%
Ministry of Interior	20%
Other parties (Ministry of Education, Ministry of Endowments (Awqaf), universities)	5%

Table No. (4) : Distribution according to rate of following up and resolving cases

Status of follow up	Number of cases	Rate
Fully resolved after the invention of AMAN/ICHR	4	20%
Partially resolved or after a delay	3	15%
Unresolved or no response	13	65%

The general indicators according to the tables:

- Total number of cases in sample: Around 20 documented cases (2024-2025).
- Affected sectors: Public employment, education, passports, civil licenses, scholarships.
- Prevalent pattern: Use of the "security clearance" condition as a tool for political discrimination.
- Highest rate of security ban: In public employment and passports, accounting for 65% of total cases.
- Resolution rate: Only 30–35% of cases in the sample were partially or fully resolved after intervention by oversight bodies.
- Main intervening bodies: Preventive Security, General Intelligence, MOI.

Annex No. (2)

Telephone interview on 26/11/2025 with Abdul Basit Mohammad Taha Ma'tan, the citizen who took the initiative to start a private school in the Palestinian countryside, particularly in Deir Abu Mash'al

Abdul Basset says that his idea was based on 25 years of experience working as a teacher and principal in private schools in Jerusalem and Ramallah. This experience enabled him to recognize the urgent need for private schools in the Palestinian countryside. He observed that this type of school provides an educational environment capable of developing students' academic and personal skills, and offers them broad opportunities to participate in cultural, sports, and recreational activities, which are often lacking in public schools.

He indicates that he conducted a field study that included several villages in the western Ramallah to assess their capacity to host a private school, before finally settling on the village of Deir Abu Mishal as a suitable location for the project. After identifying the location, work began on establishing the school, a project that took an entire year.

During the various stages of establishment, he submitted license applications to the relevant government authorities. He had hoped the project would receive official support, given its importance in addressing educational problems in the area, especially considering the severe shortage of classrooms and the difficulty of accommodating students in public schools. He also sensed strong enthusiasm from the local community for establishing the school, as it provided a solution to a worsening educational problem and provided employment opportunities for unemployed graduates.

However, the project faced a series of administrative obstacles, most notably the suspension of the licensing procedures due to the relevant authorities' refusal to issue a certificate of "good conduct" for those in charge of the project. This delayed the school's opening and its ability to enroll students in a timely manner, leading many parents to enroll their children in other schools.

Abdul Basset confirms that this refusal had a major impact on the school's staff. It led to losing several qualified educational and administrative personnel who constituted the core of the school's academic staff, because they failed to obtain the certificate of "good conduct" required for licensing.

This situation also affected the parents' confidence, who hesitated to enroll their children in a school that had not yet received official permits. Furthermore, the Directorate of Education in Birzeit set a final deadline to submit the required certificates, threatening to revoke the license if they were not provided.

After repeated follow-ups, those in charge of the project obtained special permission from the Deputy Minister of Education to operate temporarily pending the completion of the requirements, primarily the certificate of "good conduct". However, the security agencies continued to refuse to issue the certificate.

With no other option available, they were compelled to register the kindergarten under the name of another person who had previously obtained a certificate of good conduct, in an attempt to avoid its closure. Meanwhile, the official license file for the school remained pending under the name of his wife, Zubeida Dawoud Mi'tan, whose request was also rejected.

Abdul Basset mentions that all applications for certificates of good conduct that he and his wife had submitted on 22/04/2025, and his son's application on 20/10/2025, were rejected without explanation.

Currently, the school employs 26 female staff members and has 160 male and female students from kindergarten to fifth grade, coming from several neighboring villages. Nevertheless, the school still faces the threat of losing its license due to the non-issuance of the certificate.



دولة فلسطين
وزارة الداخلية
دائرة الشؤون العامة بـ

تصديق على تقديم طلب

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سيدة صبح عبد الباقى صبح
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تقدم بطلب في 20/10/2018

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هذا التصديق يشمل كمنسند فقط عند الصاق نسخة الطابع عليه

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20/10/18



اسم الموظف مستلم الطلب وختم المكتب

AMAN
Transparency Palestine



AMAN was established in 2000 as a civil society organization that seeks to combat corruption and promote integrity, transparency and accountability in the Palestinian society. The Coalition was first formed by an initiative from a number of civil society organizations working in the field of democracy, human rights and good governance. In 2006, the Coalition was accredited as a national chapter for Transparency International.

AMAN is a Palestinian think tank and a specialized body providing knowledge on corruption at the local and regional level through producing specialized reports and studies. The periodic publications include: The annual Integrity and Anti-Corruption Report, the annual Palestinian Integrity Index and the National Integrity System studies and reports, in addition to the Coalition's continued contributions to produce reports and studies on the status of corruption in the Arab region.

As part of the global anti-corruption movement - and of international alliances and partnerships with relevant specialized coalitions and organizations - AMAN plays a key role in the transfer and contextualization of necessary international knowledge and tools to combat corruption in all sectors.

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