



مركز المناصرة والإرشاد القانوني  
Advocacy & Legal Advice Center (ALAC)

# Annual Report 2013

March, 2014



Coalition for Integrity and Accountability – AMAN

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The Advocacy and Legal Advice center Annual Report 2013 funded by the European Union (EU)



This report was printed as part of the project: “CSOs and Citizens: Influential power for increasing the key state institutions’ responsiveness and accountability”, What came in this report does not necessarily reflect the opinion of the European Union.

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Graphic Design & Print: Gardenia Marketing & Advertising Services

## Introduction

The Advocacy and Legal Advice Center (ALAC), an integral part of the Coalition for Accountability and Integrity-AMAN, communicates directly with the public, and reaches out to poor and marginalized groups, to raise their awareness of the concept and forms of corruption, as well as the methods and tools to combat and report it to the relevant official parties. ALAC investigates complaints, and seeks to ensure protection for whistleblowers according to the law. Furthermore, ALAC works to enhance the role of community and civil society organizations (CSOs) in social accountability by improving their competency in monitoring public services, and implementing advocacy campaigns.

ALAC aspires to reform the management of public affairs, and to curtail corruption by strengthening values of integrity, principles of transparency, and systems of accountability. The reinforcement of a culture in which corruption is reported will serve as a major deterrent to corruption as well as in combating this phenomenon. Protection for whistleblowers is both beneficial to Palestine, and promotes the adoption of legislation and policies that contribute to combating corruption. The Center provides free services to all citizens via various methods including its hotline at (1-800-180-180), office visits, and by email. ALAC safeguards the confidentiality of information provided by the public, or by organizations, and ensures that the names of those who provide information are not revealed. The exception is related to official complaints in which it is a requirement that the complainant's identity is made known.

During 2013, ALAC communicated with 1,758 Palestinians (1,124 males and 634 females) from all educational, cultural, economic and social backgrounds to engage them in the fight against

corruption, and to provide them with free legal consultations. Communications between the Center and members of the public are initiated for a variety of reasons. Approximately 900 individuals (708 males and 323 females) contacted ALAC to ask for free legal advice, and to report complaints about corruption. A second group of 555 people (232 males and 323 females) located in marginalized districts was targeted by ALAC to raise awareness about corruption through performing simple activities. The third group targeted by ALAC comprised 303 people (193 males and 110 females) from CBOs and CSOs who took part in training courses to encourage them to play a more active role in social accountability.

The Center also invited active citizens to participate in workshops and hearing sessions of public issues directly related to corruption, and based on issues raised by the public during the year.

In the four years since it was launched, ALAC has succeeded in bringing about a change in the culture of reporting corruption. Statistics show that the number of whistleblowers has increased in comparison with the number of victims (51.5% victims versus 48.5% whistleblowers). This was not the case in previous years, and indicates that a positive change has occurred in public behavior, perceptions of public funds, and social accountability.

During 2013, cooperation between ALAC and public institutions was strengthened, and ALAC's professionalism and objectivity played an effective role in enhancing credibility and standing of the Center; the majority of officials responded to correspondence from ALAC, with very few exceptions.

## Reports Goals

1. Highlight the main cases brought to the Center's attention during the year.
2. Provide an analytical and descriptive database of the nature and content of cases of corruption reported by the public to the Center during the entire year of 2013.
3. Provide sufficient information to support studies and research conducted by AMAN. Many activities and plans are developed from issues reported to ALAC, and these will take priority in AMAN's work in 2014.
4. Highlight the extent of cooperation by official institutions in the cases reported to AMAN.

## Components of the report

**The report comprises five focal points as follows:**

**The first** is a review of all the cases and contacts submitted to the Center, gathered statistically according to variables such as the means of communication, sex age and the educational level of complainant. The report also describes the suspected cases of corruption adopted by the Center and pursued with the relevant authorities.

**The second** focal point reviews the main conclusions of 2013 based on the issues pursued by the Center during the year.

**The third** point examines the relationship between the parties related to the issues received by the Center. The fourth point highlights the significant activities conducted by the Center during 2013.

**Finally, the fifth** point of the report reviews the most important recommendations of 2013.

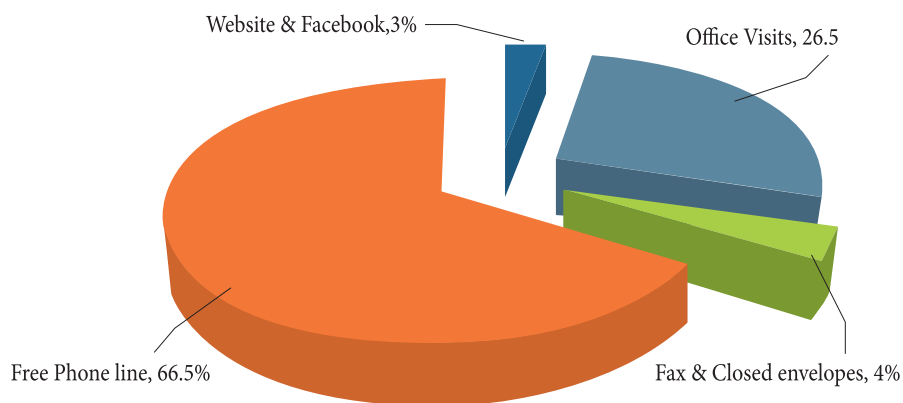
## 1. Statistical Overview of Individuals Contacting ALAC

A total of 1,758 people contacted ALAC during 2013, whereas 900 of them (708 males and 192 females) took the initiative to contact the Center by the means of communication described in the figure below.

The 900 individuals who contacted ALAC were analyzed in terms of their method of communication, their sex, geographical location, and their source of information about the Center.

- **Means of communication with ALAC**

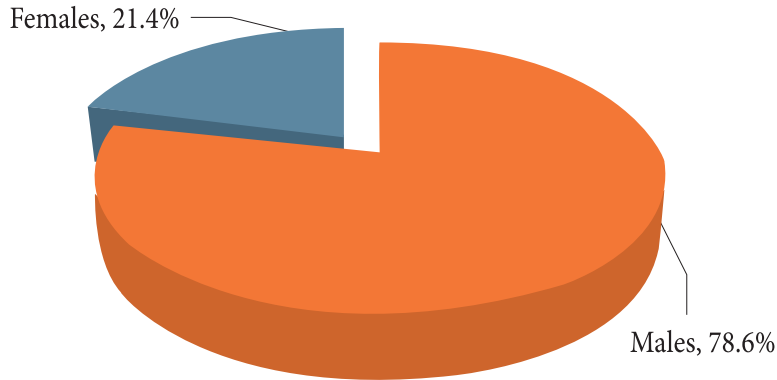
**Figure 1 :Percentage distribution of contacts by means of communication used in 2013**



The public chose to communicate with ALAC in various ways during 2013. The toll-free line was obviously the easiest and quickest method for the public to communicate with the Center and obtain its services. The percentage has remained around 66.5% during the four years of the Center's work, followed by 26.5% making personal visits to AMAN offices in Ramallah and Gaza. During 2013, the percentage of faxes and sealed letters received increased to 4%, an increase of 2% over 2012. Finally, 3% of the public communicated with ALAC via the AMAN website and Facebook page.

- **Percentage distribution of ALAC contacts by gender**

**Figure 2: Percentage distribution of ALAC contacts according to Gender during 2013**

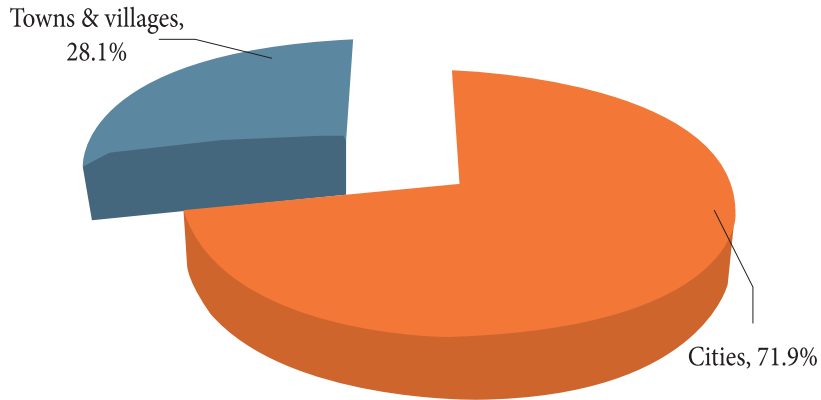


Both males and females contacted ALAC in 2013 with including, but 78.6% males versus 21.4% females. The percentage of females who contacted the Center between 2009 and 2013 ranged from 16% to a maximum of 21.5%, with an average of 19%. The percentage of females in contact during 2013 was 21.5%, which was 0.01% higher than the previous highest percentage in 2012. This indicates that the percentage of female contacts is increasing as a result of intensive awareness sessions held by ALAC for females during 2012 and 2013.

Female participation in Palestine related to contacting ALAC is comparable to the average of 24% for females in the most recent statistics from ALACs in the Middle East and South Africa. The main reason that deters women in these areas from being active in the fight against corruption is fear of reprisal, and the absence of a community safety net if those involved in corruption seek revenge.

- **Geographical location of ALAC contacts**

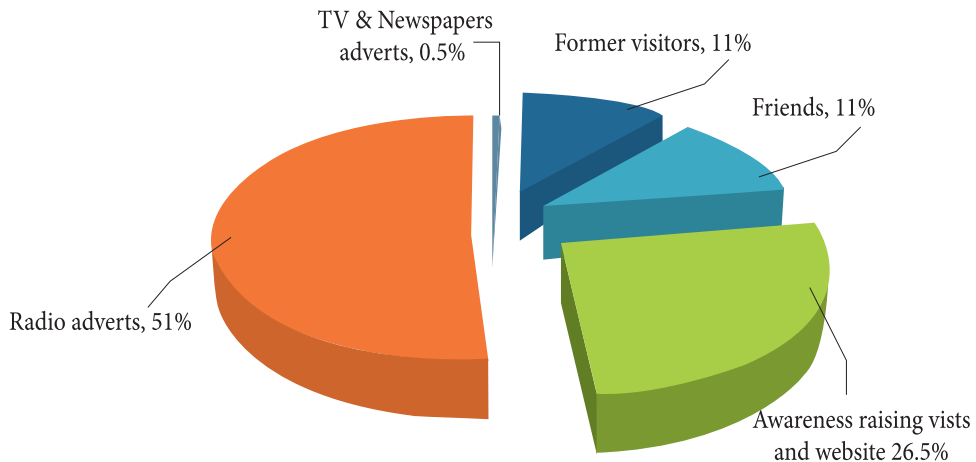
**Figure 3: Percentage distribution of ALAC contacts according by their geographical locations in 2013**



The geographical location of members of the public who contacted ALAC included 71.9% from the major cities and 28.1% were from towns and villages. These percentages reflect the natural population distribution in Palestine.

- **Source of information about ALAC by contacts**

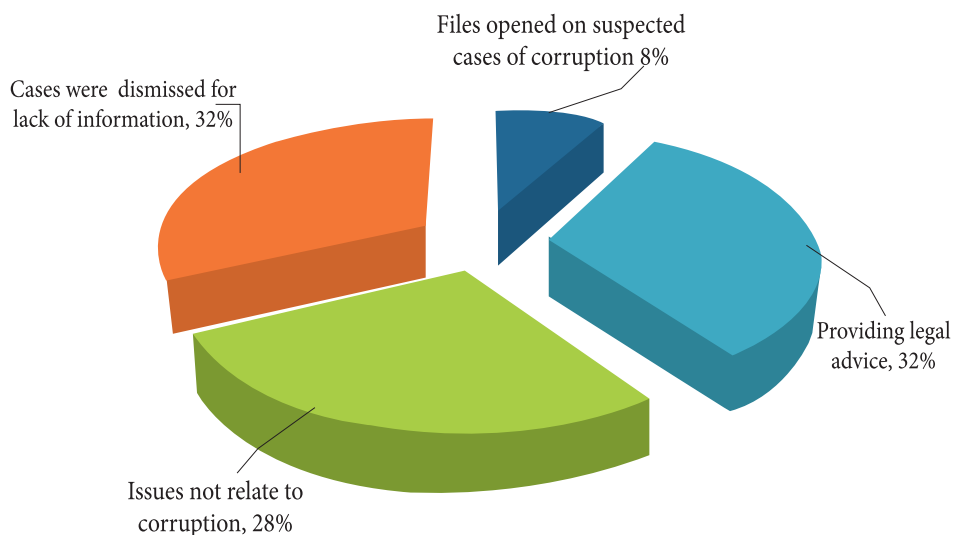
**Figure 4: Percentage distribution of the contacts by source of information about ALAC in 2013**



ALAC analyses how those contacting its Center became aware of the services provided in order to evaluate the effectiveness of tools used by AMAN to publicize it. The figure above shares that radio advertisements were the most effective tool to reach the public. This year the percentage of people who had heard about the Center via radio was 8% higher than the previous year due to the Center increasing its media campaigns during 2013. The second most effective method of increasing public awareness was through field visits, prompting 26.5% of those using the Center's services. This was 3% higher than in 2012, despite a similar number of field visits over the two years, indicating that public interest is growing. In 2013, 11% of those who used the Center had been introduced to it by contacts previously benefitting from the Center's services, while a further 11% heard about the Center from friends.

- **Services provided and procedures undertaken by ALAC in 2013**

**Figure 5 : Percentage distribution of services provided and steps taken by the Center in 2013.**



During 2013, ALAC adopted 7.6% of the 900 cases submitted on suspicion of corruption. ALAC provided legal advice to 32.6% of contacts, and verified that 30.9% of the cases were not related to corruption. Corruption complaints were directed to the relevant institution for resolution. In addition, 29.0% of cases submitted were dismissed due to lack of sufficient information

## Statistical overview of suspected cases of corruption received by the Center in 2013

This section of the report provides a statistical overview of suspected cases of corruption. It records the job sector of those who approached the Center, the relevant parties, the nature of the suspected corruption, and the outcome of following up the case. The characteristics of contacts who submitted cases are also recorded, including sex, level of education, age, place of work, and their relationship with the case in question. ALAC adopted 68 cases of suspected corruption in 2013, illustrated as follows:

- **Distribution of complainants by work sector**

**Figure 6 : Percentage distribution of complainants by employment sector in 2013**

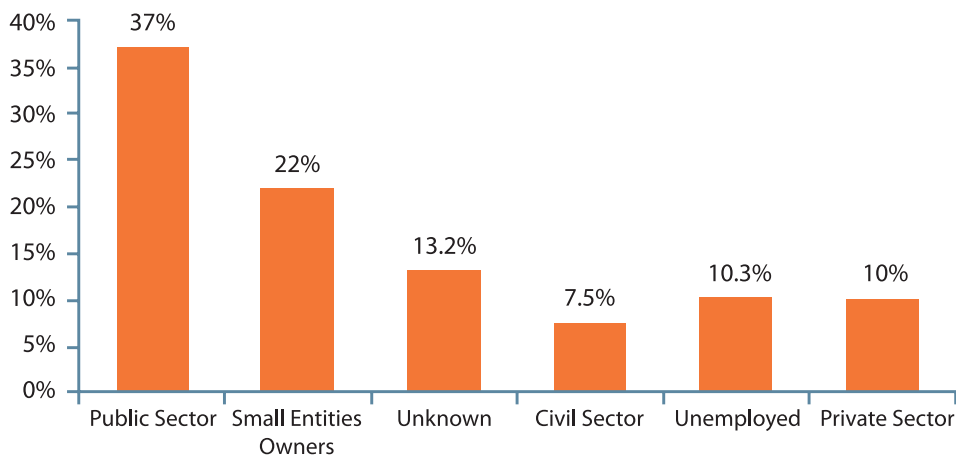


Figure 6 shows the work sectors of complainants who requested support and free legal advice from ALAC in cases of suspected corruption. Complaints by those who work in the public sector made up 37% of the total complaints, an increase of 8% from 2012, indicating a higher level of motivation among public sector workers to combat corruption. Complaints from workers in private businesses (owners of small enterprises) constituted 22%, complaints by members of civil society constituted 7.5%, complaints from the private sector made up 10%, and complaints by the unemployed constituted 10.3%.

- Percentage distribution of cases by implicated institution

Figure 7 : Percentage distribution of the cases by Implicated institution during 2013

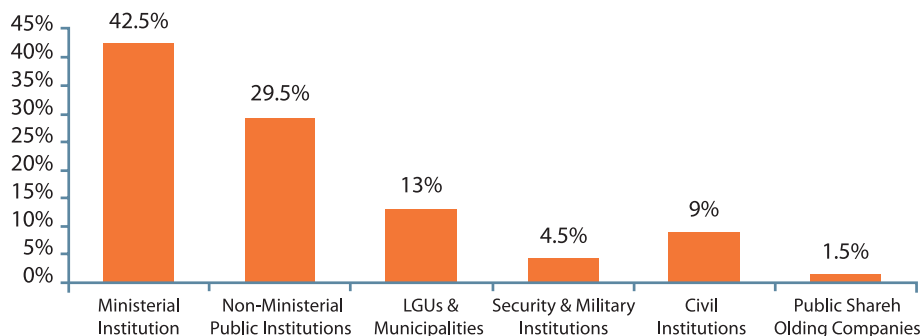
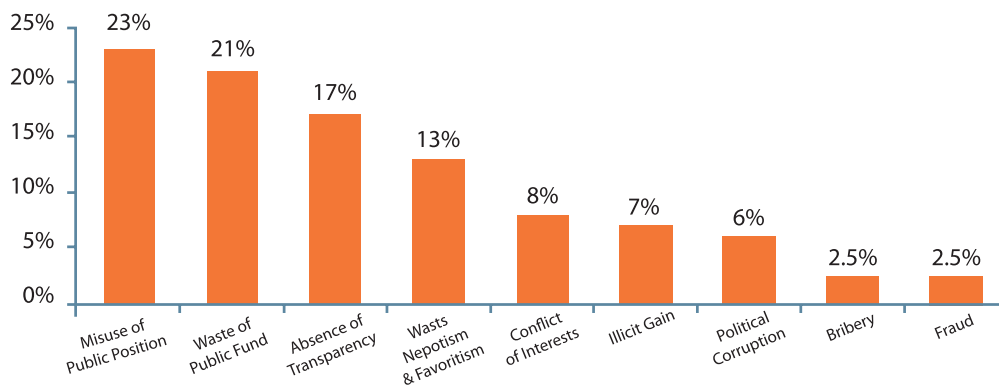


Figure 7 shows the distribution of cases of suspected corruption adopted by ALAC according to the institution or authority implicated in the case. Cases related to ministerial institutions made up 42.5%, an increase of 4.5% over 2012. Cases related to non-ministerial public institutions increased by 1% to 29.5%. Cases related to local government units (LGUs) and municipalities were at 13% decreasing by 3% compared with 2012. Complaints related to civil society institutions made up 9%, with a slight increase of 1% compared to 2012. Complaints related to security and military institutions constituted 4.5%, a decrease of 3.5% compared with 2012. The Center received many requests for legal help in cases related to the security services, but most of these were human rights issues, and were transferred to the Independent Palestinian Institution for Human Rights. Complaints about joint stock companies made up 1.5%.

- Percentage distribution of cases by nature of suspected corruption

Figure 8 : Percentage Distribution of the cases according to the nature of the suspected corruption in 2013



ALAC's mission is primarily to provide support and free legal advice to the victims, and whistleblowers of corruption. During 2013 the Center adopted 68 cases of suspected corruption. These cases showed evidence of a recognized form of corruption such as wasta, favoritism, the exploitation of power and bribery, or the presence of an environment that enhances corruption like conflict of interests, and lack of transparency. The latter was reflected in the failure of official institutions to respond to complaints from the public as per ALAC criteria. It should be noted that more than one form of corruption may be present in the same case.

During 2013, the forms of corruption were distributed as follows: 23% misuse of public position; the most common form of misuse of position was failure to implement a court ruling, taking action against employees who reported cases of corruption, and/or abuse of office for personal gain.

The waste of public funds made up 21% of the total cases, up by 8% compared with 2012. The most significant forms of waste of public money was the misuse of government vehicles, misuse of guesthouses, tax evasion, non-payment of loans granted by official institutions, and the granting of customs exemptions to unauthorized beneficiaries.

An absence of transparency was apparent in 17% of cases, which is similar to 16% in 2012. Absence of transparency mainly consists of failure by official institutions to respond to complaints by the public.

Wasta and favoritism were apparent in 13% of the cases adopted, and consisted mainly of appointments to positions, obtaining services and tenders in LGUs.

Conflict of interests appeared in 8% of cases, up by 4% from 2012. These cases were included with Wasta, favoritism and misuse of a public position.

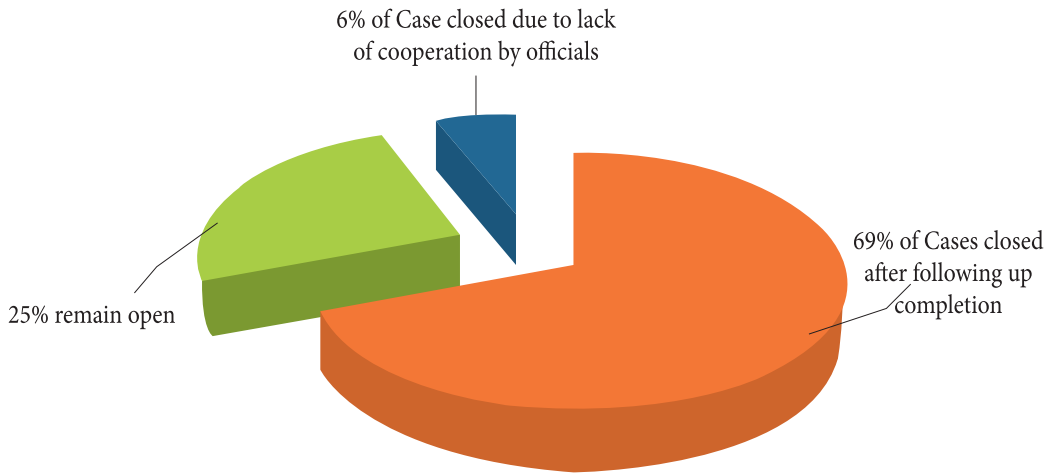
Illicit gain, such as the embezzlement of public money, made up 7% of cases despite a reduction of 7% from 2012. This included complaints about CSOs, and a number of LGUs.

Political corruption included 6% of suspected cases of corruption, and took the form of withholding allowances from specific individuals (i.e. former prisoners) due to their political affiliation.

Bribery made up 2.5% of cases, similar to the percentage in 2012, and was related to complaints about services provided to the private sector. Fraud by public employees appeared in 2.5% of cases, and increased by 1.5% compared with 2012.

- **Results of cases followed-up by ALAC in 2013**

**Figure 9 : Results of Cases follow up in 2013**



In 2013, the Center pursued 68 cases of suspected corruption. Figure 9 shows the cases that were addressed by the relevant authorities and closed, the cases that were closed due to lack of cooperation by the relevant authorities, and cases that continue to be due to ongoing investigation by the relevant authorities.

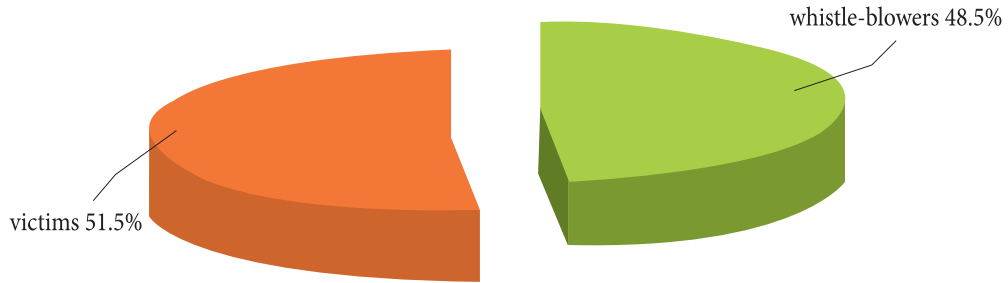
A total of 69% of these cases were closed after follow-up due to the following reasons:

In 29.8% of these cases there was successful closure when the relevant authorities investigated, and took appropriate steps to stop or prevent corruption. There was partial success in 48.9% of cases which were closed after the complaint was delivered to the official body authorized to investigate, including the Anti –Corruption Commission where there were clear suspicions of corruption, or the State Audit and Administrative Control Bureau if the case involved unknown persons. In 17% of these cases, an investigation by the authorities confirmed the absence of any corruption, and the cases were closed. Finally, 2.1% of the cases were closed due to lack of evidence, and 2.1% were also closed because the complainant withdrew the complaint.

During 2013 6% of the cases adopted were closed because the official authorities did not cooperate with AMAN, and failed to respond despite repeated requests to do so. A further 25% of the complaints, most of them adopted in the last quarter of 2013, are still under investigation by the authorities.

- **Percentage distribution of complainants to ALAC by relationship to the case in 2013**

**Figure10 : Percentage distribution of complainants by relationship to the case in 2013**

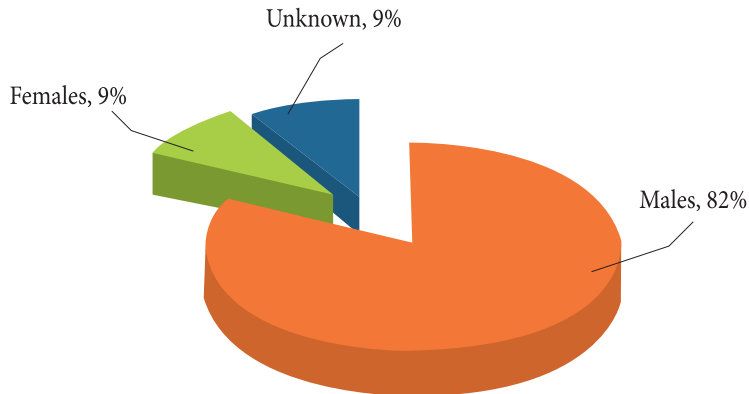


In 2013, 51.5% of those whose complaints were adopted were victims of corruption, while 48% were whistleblowers were witnesses of corruption.

This indicator is significant as it reflects a change in the culture of whistleblowing in which being a victim is not the only motivation to combat corruption; these people have witnessed corruption and opposed it because they believe that this is their duty. The victims comprise members of the public who asked for support and advocacy regarding their complaints, which they had submitted to the authorities without receiving a response.

- **Percentage distribution of complainants by gender**

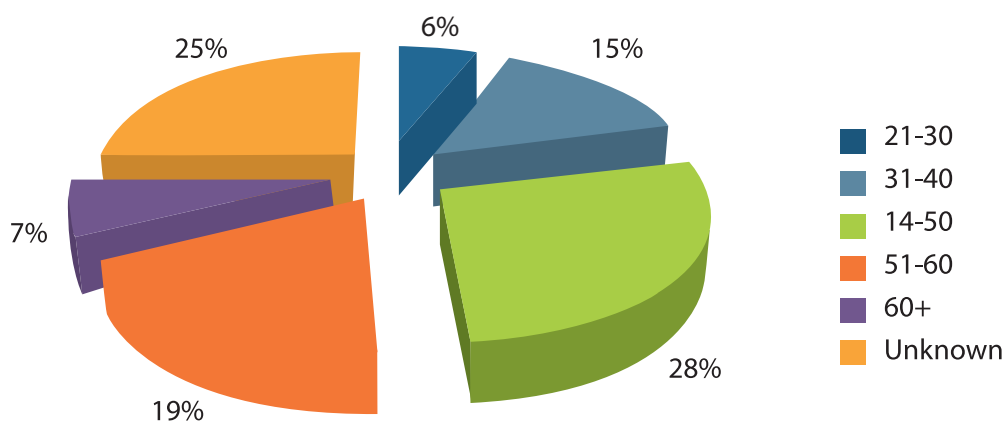
**Figure11 : percentage distribution of complainants by gender**



Both males and females filed cases of suspected corruption in 2013. The percentage of males was 82% and females 9%. Those whose gender remained unidentified because they submitted information without revealing their identity made up 9% of the complainants. These figures underline the need for the Center to further target women in its campaigns and activities to raise awareness and motivate women to participate in combating corruption.

- **Percentage distribution of complainants by age**

**Figure12 : Percentage distribution of complainants by age**



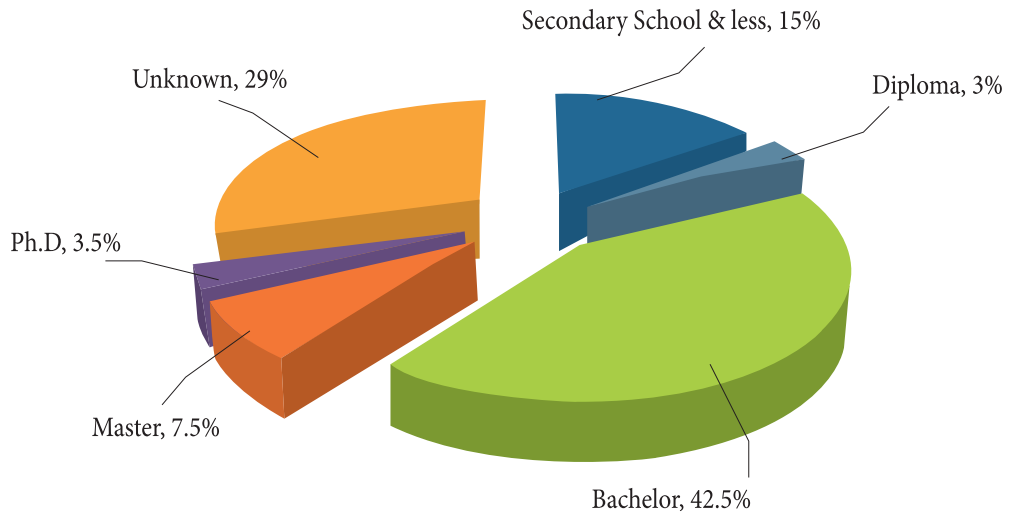
The age of the complainants who contacted ALAC is significant in terms of the reporting of corruption.

Figure 12 shares the age range of complainants during 2013 as follows: 21-30 years made up 6%, from 31-40 years made up 15%, from 41-50 years made up 28%, from 51-60 years made up 19%, while 60+ years made up 7%.

The two highest percentages of complainants were in the 41-50, and 51-60 age range groups. This indicates that age is a significant factor in reporting corruption. It reflects accumulated practical and professional experience and the years spent by the employee in the institution, which heightens their awareness of the running of the institution and its interaction with other bodies.

- **Percentage distribution of complainants by level of education in 2013**

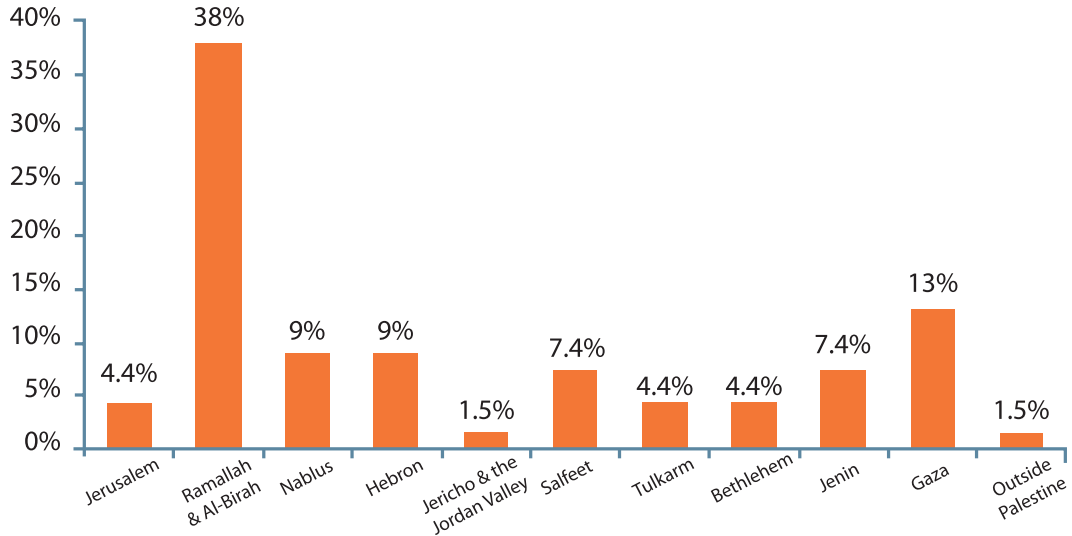
**Figure 13: Percentage distribution of cases of complainants according to level of education**



The level of education held by complainants who contacted ALAC about cases of corruption were as follows: 15% had completed secondary school education or lower, 3% held a diploma, 7.5% held a master's degree, while the majority of 42.5% held a bachelor's degree.

- **Percentage distribution of complainants by place of residence**

**Figure 14 : Percentage Distribution of complainants by place of residence in 2013**



In 2013, ALAC was advised of cases of corruption in 10 governorates and one case from outside Palestine. The highest percentages were from Ramallah and Al-Bireh with 38%, while cases from Gaza increased by 10% compared with 2012 reaching a total 13%. This reflects positive progress, and the desire of Gaza residents in combatting corruption. Hebron and Nablus governorates each registered 9%, Jenin and Salfeet 7.4% each, and 4.4% each from Jerusalem, Bethlehem and Tulkarm. Finally, Jericho and the Jordan Valley represented 1.5% of cases.

## 2. The Most Significant Conclusions of 2013

Several conclusions have emerged from the cases submitted to ALAC in 2013, based on aspects highlighted in this report as follows:

### **First: Accountability remains weak in public institutions**

During 2013, ALAC communicated with many members of the public requesting AMAN's support in obtaining a response to their complaints submitted to official institutions. AMAN communicated with these institutions to request a response and succeeded in receiving responses on some cases while others remained with no response.

Public dissatisfaction confirms that commitment to complaints procedures remains weak. Although complaints procedures have been established in most Palestinian governmental institutions, the system is ineffective. The problem is that implementation is not based on the decision of the minister or the head of the institution who determine the policy, but it relies on the awareness and conviction of deputy ministers, assistant deputy ministers and director generals in implementing procedures. It is clear to AMAN that the process of governance still faces fundamental obstacles represented in the absence of practical understanding of the rule of law, and especially the right of the public to information, and the duty of officials to respond to queries.

The system of accountability in senior positions is still very weak. This issue must be addressed, starting from nominations, which are based on political affiliation, commitment to official work hours, and the implementation of policies to improve the rule of law in the institution.

The President is the person authorized to make nominations, and he has the authority to promote or remove an official. As a result, officials remain in their positions. The situation is even more difficult if they are appointed to non-ministerial governmental institutions. It is important to target these individuals for training in capacity building and other fields.

- The weak accountability of senior personnel in formal institutions reverberates on the right of the public to obtain information, and the need to enforce complaints procedures.



### Second: Confidentiality of investigations into corruption prevents the complainant from obtaining a response to his/her complaint and discourages the public from reporting corruption

During 2013, some members of the public informed ALAC that they had reported cases of corruption to the Anti-Corruption Commission, and requested from AMAN to assist them in obtaining information from the Commission about these cases. A number of these individuals were whistleblowers who were suspended, dismissed or transferred from their posts. While the Commission has the right to maintain the confidentiality of its investigations, this does not preclude the complainant from being informed of the result of their complaint, and whether the case is being investigated or has been closed. AMAN believes that improved communications with complainants will increase public confidence in the Commission and enhance its credibility.

- The absence of a system to communicate the result of a complaint with the complainant is detrimental to the credibility of the Anti-Corruption Commission

AMAN recommends that the Commission establish defined procedures that permit complainants to be informed of the result of their complaints without prejudice to the conduct of the investigation. This is especially important in cases where the Commission rejects a complaint due to lack of evidence or failure to prove corruption. It is beneficial for the complainant to be informed that the Commission has investigated his/her complaint, and that it was not ignored as this will enhance public confidence in the Commission.

### Third: Politicization of public posts violates the rights of citizens

The political division continues to cast a negative shadow over the Palestinian arena and the rights of the Palestinian public. ALAC received many cases that highlight different forms of political corruption.

- Political corruption still casts a shadow over the rights of liberated prisoners, and threatens the pension rights of Gaza governmental employees.

During 2013, several liberated prisoners reported to the Center that they were deprived of their monthly allowance due to their political affiliation. Following the lifting of the ban in May 2013, the authorities released other decisions in July 2013 with the names of 62 prisoners who had been deprived of the monthly allowance despite being eligible as most of them had spent more than five years in the Israeli occupation prisons. This incident proves that the politicization of public jobs has a direct impact on the rights of some members of the public.

Therefore, procedures should be established that guarantee the rights of liberated prisoners, while ensuring that these prisoners do not receive an allowance from more than one party.

The Center received a number of requests for legal advice from employees working in Gaza with the Hamas government. These employees had been working in public institutions prior to the political split. Their requests revolved around their pension rights as the money they are required to contribute is not being transferred to the Retirement and Pension Authority. AMAN anticipates that the problem of these employees will surface in the next few years, and steps must be taken to guarantee that their pensions will not be lost.



#### Fourth: Absence of accountability for medical errors

During 2013, a number of complaints were reported to AMAN by members of the public who had suffered as a result of medical errors and were shocked to find that no effective procedures of accountability exist. Although several studies, reports, conferences and workshops have highlighted this problem in Palestine, the situation continues without a solution. The ambiguity surrounding accountability and the handling of such errors by the relevant authorities, in particular the Doctor's Union, the Ministry of Health, the public prosecution and the judiciary, demonstrate the lack of transparent procedures based on a compulsory system for all health services. The complainants claim that there is collusion among the medical parties at the expense of the rights of the victims. Having received many complaints of this type, AMAN examined this issue, and arrived at the following recommendations:

1. The activities of the committees that investigate medical errors need to be regulated, including the manner in which these committees are formed, their working procedures and competence (Doctor's Union for errors by individuals and the Ministry of Health for errors by institutions, and the importance of coordination between both of them in this respect) to ensure neutrality, professionalism and efficiency.
2. Insurance against medical errors should be made compulsory, and a fund established to compensate the victims of medical errors, that are not the result of malpractice or negligence, as a fundamental guarantee of compensation. This would remove the responsibility from investigative committees of determining whether medical malpractice had occurred or not.
3. An integrated system should be put into place to document medical errors with the health authorities, either with the Ministry of Health or with the Doctor's Union.
4. Legislation should be adopted to define what constitutes a medical error, and to specify the channels and working procedures of supervisory committees. Compulsory insurance for medical errors should be enforced, with the possibility of finding alternative means of conflict resolution in such cases (friendly settlement).
5. Preventive measures to address this problem include the implementation of codes of conduct, and work ethics related to the medical profession.
6. Reform is required to the manner in which the judicial authorities, especially the public prosecution, deal with cases and complaints of medical errors.

.....  
• The Palestinian health sector lacks an effective system  
• of accountability for medical errors, and there is no  
• system of insurance or a fund to compensate victims.  
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### **Fifth: Private contracts in public institutions**

The Center received several inquiries by members of the public about the legality of private contracts signed with government employees who reach retirement age. The complaints on this issue prompted AMAN to prepare a report<sup>1</sup> that revealed many challenges in the process of contracting experts. The absence of a defined legal system to regulate the appointment of experts and consultants has led to exploitation in the past. The General Personnel Council has authority over the contracting of experts as it is the supreme authority overseeing public jobs in state institutions.

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• The Absence of leg-  
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The report made several recommendations to regulate the contracting of experts and consultants in the governmental sector, primarily the importance of a certified system from the Council of Ministers that regulates all legal issues relating to this practice including a definition of expert or consultant, the professional standards that they must fulfill and specifying the role of government parties in contracting the expert, particularly the General Personnel Council

### **Six: Exploitation of customs exemptions for vehicles for the disabled and charitable societies<sup>2</sup>**

AMAN received information from the public about the abuse of rights granted to disabled and charitable societies concerning customs exemptions on vehicles. These privileges have been abused for the personal interests of some individuals. Subsequently, AMAN produced a report<sup>3</sup> on means to tighten control over customs exemptions for vehicles belonging to the disabled and charitable societies, and to prevent fraudulent exploitation of this privilege. This abuse violates the rights of the disabled, and constitutes an abuse of a privilege granted to charitable societies in the public interest.

The report cited the reasons that have led to the misuse of this right. The most important reasons are as follows:

Absence of coordination between the relevant ministries.

- Absence of control and lack of legal commitment regarding these vehicles. For example, giving private registration plates for these vehicles has exacerbated the problem, and has made control difficult in practice.
- The existence of a system of exceptions has opened the door to privileges being granted to those who are not eligible.
- The report highlights that the role of the regional or supreme medical committees is stipulated in law as giving an opinion on the situation without recommending whether an exemption should be granted or not. Their duty in law is “to ascertain the medical status of the disabled”. The report also concludes that the decisions of the regional medical committees are hampered by community pressures, wasta and favoritism.

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1. for more information, see the following report <http://www.aman-palestine.org/ar/reports-and-studies/2018.html>  
2. for more information, see the following report <http://www.aman-palestine.org/ar/activities/1796.html>  
3. for more information, see the following report <http://www.aman-palestine.org/ar/reports-and-studies/1999.html>

- AMAN do believe that there is a need to establishment of an integrated computer network between the different ministries would enhance coordination and prevent cases of customs exemptions being abused in cases of the death of the individual eligible for the exemption.
- The report indicates that charitable societies exercise poor external and internal control over the exemptions granted to them, and this encourages the misuse of public funds. The report also describes failings by the relevant ministries to monitor tax-exempt vehicles operated by charitable societies.
- The absence of effective sanctions for violators.
- Lack of commitment to the codes of conduct applicable to charitable societies.

• The absence of coordination between official parties, weak controls, lack of commitment to the law, and the granting of exceptions has opened the door to the misuse of privileges intended for the disabled. This misuse of public money by charitable societies jeopardizes the rights of the disabled. Therefore it is vital to ensure values of integrity, principles of transparency, and systems of accountability to protect these rights.

**Seventh: Local bodies and municipalities and the absence of supervision by local councils**

During 2013, ALAC continued to receive complaints related directly to local bodies, municipalities and village councils. The content of these complaints has not changed since the Center was established in 2009. The public are still dissatisfied with the performance of the municipal council in overseeing the work of the municipality and yet, they don't file their complaints there. This year AMAN was approached with requests for assistance from members of the municipal council asking for the head of the council, or a council member to be brought to account.

Complaints by the public reveal the existence of the same problems highlighted in previous years of wasta and favoritism, either in nominations, tenders or the rental properties of the council, and cases of conflicts of interest in the execution of tenders.

AMAN believes that it is important to enhance the principles of transparency, values of integrity and systems of accountability in the work of local bodies, municipalities and village councils, and to enable council members to assume the basic role of supervision and accountability, in addition to adhering to their codes of conduct.

• Weaknesses are still apparent in internal and external control of the work of the municipalities and in their adherence to systems of integrity





### **Eighth: Evasion of regulations on the use of government vehicles continues**

The Center continues to receive information from the public about the misuse of government vehicles, and failure to abide by the decision regulating the use of government vehicles passed by the Council of Ministers in 2010. This emphasizes the need for the government to adopt the recommendations proposed previously by AMAN of specific sanctions for those who misuse government vehicles. AMAN also highlights the importance of developing a system similar to that used in the military services, which forms the largest sector using government vehicles.

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• The absence of sanctions has encouraged the evasion of regulations, and the misuse of government vehicles.  
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### **Ninth: Sharia judiciary is an institution that lacks accountability<sup>4</sup>**

AMAN received several complaints related to the Sharia judiciary that confirm the existence of accumulated problems due to the ambiguity of the legislative and structural framework under which it is organized, the lack of a clear hierarchy, interference between the Chief Justice and the Sharia judiciary, plus problems in the establishment of a Sharia prosecution. The rulings of the Sharia Supreme Court pose potential dangers to the rights of the public despite a ruling by the Palestinian Supreme Court on the illegality of the Sharia Supreme Court. Other problems are related to accountability, transparency and the integrity of the work of the Sharia judiciary, a lack of transparency in nominations and promotions, and a lack of respect for the qualifications required of those nominated to posts.

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• The Sharia judiciary still faces several problems because of the lack of a clear policy by the Palestinian government towards it.  
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4. For more information: <http://www.aman-palestine.org/ar/activities/1624.html>

### **Tenth: Transparency of nominations still in doubt by candidates for legal posts, and by the public for senior level public posts**

Although the General Personnel Council observes procedures to guarantee the integrity of nominations to public posts, some candidates remain doubtful about the integrity of the process, and complaints have been made to the Center about suspicions of *wasta* or favoritism in recruitment procedures, possibly based on political orders. A report<sup>5</sup> produced by AMAN on nominations to public positions confirmed these suspicions by the public. More transparent procedures must be adopted for equal opportunity for all candidates to achieve senior level posts.

Follow-up of these complaints, the Center identified that the failure of ministries and official institutions to disseminate information until the end of the recruitment process gives rise to suspicions of abuse. The publication of the results of oral and written tests publicly and making known the criteria on which selection will be based would remove doubts about the process.

It is important not to politicize nominations for senior posts in the public sector. Opportunities should be open to all and information about the recruitment procedure and criteria for selection for public posts should be made public, starting with the announcement of the vacancy to the selection of the candidate.

5. For more information:  
<http://www.aman-palestine.org/ar/reports-and-studies/2018.html>



### 3. Analysis of the relationship with official parties

AMAN believes that the cooperation of official institutions is important to achieve success in combating corruption, therefore it was important to examine the extent of cooperation by official institutions in dealing with issues brought to AMAN's attention. It was significant in 2013, that AMAN received responses from most of the institutions addressed in the West Bank and Gaza Strip.

#### West Bank

The following institutions cooperated and responded to ALAC during 2013 regarding issues of corruption and participated in hearing sessions and workshops: the State Audit and Administrative Control Bureau; General Personnel Council; Ministry of Health; Ministry of Justice; Energy Authority; Ministry of National Economy; Ministry of Transportation; Ministry of Telecommunications and IT; Ministry of Interior; Ministry of Education; Ministry of Social Affairs; Ministry of Detainee Affairs; the Supreme Judicial Council; the public prosecution; police services; and the customs service.

The institutions that demonstrated low cooperation on issues submitted by ALAC were the Ministry of Local Government and the Ministry of Finance.

ALAC did not receive any response regarding cases transferred to the Anti-Corruption Commission, although the Center was aware unofficially that such cases were under investigation.

#### Gaza Strip

Relations with formal institutions in the Gaza Strip improved during 2013. The following institutions participated in hearing sessions and workshops held by ALAC in Gaza and cooperated with surveys for reports about complaints on various issues: Ministry of Interior; Ministry of Social Affairs; Petroleum Authority; Energy Authority; Ministry of Public Works; Ministry of Planning; and the General Personnel Council. AMAN looks forward to further cooperation, especially formal responses to complaints addressed to official institutions.

## 4. Main activities of ALAC during 2013

### First: Hearing sessions and workshops

ALAC held several workshops and hearing sessions during 2013 based on issues that were brought to the Center's attention. The main activities included:

#### 1. A hearing on the accountability, integrity and transparency of bills from telecommunication companies and the competitions and prizes organized by these companies<sup>6</sup>

On 15 January 2013, AMAN held a discussion with all the relevant parties following complaints and questions from the public about the information provided in bills sent to subscribers by telecommunication companies. Complaints were related to the competitions and prizes organized by these companies, unclear terms in bills, and difficulty understanding some charges in the bill. In addition to competitions organized by domestic and international companies via phone calls, and messages sent to subscribers by telecommunications companies. These messages are frequent and questions about transparency are heightened as it is unclear which parties exercise control over such activities.

Following the discussion, AMAN recommended to the Ministry of Telecommunications that a special system for competitions be established, and the names of the companies running this activity should be made public. AMAN also reiterated that private sector companies should convey information as a public right that is consistent with transparency, integrity and accountability. The Ministry of Telecommunications approved a regulation that regulates competitions conducted via SMS, and competitions operated through the media.

#### 2. Discussion session on crimes of corruption

Based on the Palestinian Law to Combat Corruption No. 1 of 2005, many acts of corruption are designated as crimes punishable by law. AMAN is aware that many such activities occurring in Palestinian society are not treated as crimes, and the perpetrators have not been charged up to the present day. For example, some court rulings have not been enforced. For this reason, AMAN decided to hold a discussion on the 26th of March, 2013 to ascertain a clear legal understanding of acts of corruption that are liable to prosecution.

6. For further information, visit <http://www.aman-palestine.org/ar/activities/1150.html>



The discussion concluded that the Palestinian Law to Combat Corruption requires amendments to clarify its legal provisions. Crimes that violate the duties of a post, and prejudice public confidence in the penal code should be treated as crimes of corruption. The Anti-Corruption Commission should be committed to prosecuting perpetrators under the Law to Combat Corruption No. 1 of 2005, especially crimes related to obstructing the enforcement of the law, judicial rulings, the collection of fees and taxes, failure to perform professional duties, failure to comply with the requests of the judiciary and administrative authority, and fraudulent use of the state stamp or an official signature or using them unlawfully.

### **3. Discussion session on the problems and obstacles that prevent the prosecution of corruption related to medicine and food and adequate sanctions being imposed<sup>7</sup>**

The growth in crimes of fraud and the great danger these represent to society has prompted Palestinian public opinion to put pressure on the authorities to reduce these crimes, and punish the perpetrators. As a result, AMAN held a discussion on the 10th of April 2013 with the participation of all the relevant authorities in this field. The discussion aimed to highlight the problems and obstacles that prevent the prosecution of crimes related to food and medicine, and the application of sanctions stipulated in the provisions of the legal framework. Several items of legislation govern this sector and at times conflict with each other. This in particular with the Penal Code and the Consumer Protection Law, the Law of Public Health, and the Law to Prevent Sales of Goods from Settlements. In addition, multiple authorities dispute who holds responsibility for this field, especially the Ministry of National Economy, Ministry of Health, the customs service, Ministry of Agriculture, the police, public prosecution and governorates, while the law does not stipulate any coordinating bodies.

The discussion followed a recommendation to prepare a discussion paper on this topic for presentation at the AMAN's ninth conference for comment by the relevant parties. The resulting recommendations are to be presented to the government as proposed public policies to tackle these issues.

### **4. Discussion on medical accountability and the investigation of medical errors**

After following-up on several complaints submitted to the Center about medical errors, it was apparent that no effective and impartial system of accountability exists to protect the rights of patients and doctors. AMAN held a discussion on accountability with the Ministry of Health, the Doctor's Union and the relevant parties.

7. For further information, visit <http://www.aman-palestine.org/ar/activities/1334.html>





During the discussion AMAN clarified that despite studies, reports, conferences, workshops and discussions that have highlighted this problem in Palestine, the status quo continues. Every year, several medical errors occur which kill patients or cause harm and permanent disabilities without explaining to the public and the victims what action was undertaken by the relevant authorities, especially the Doctor's Union, the Ministry of Health, the public prosecution and the judiciary. Furthermore, there are doubts

about the seriousness of commissions of inquiry, and their limited impact. Some suspect that in some cases there may be collusion between the members of these committees and the individuals under investigation by virtue of being colleagues in the medical profession. In response, AMAN was prompted to conduct a discussion with the relevant authorities and use the conclusions to draft a proposal for the formation of investigative committees to look into medical errors. This proposal was submitted to the Ministry of Health, and AMAN is currently working with the Ministry to establish such a system.

#### **5. A workshop on draft laws for the military justice system<sup>8</sup>**

During 2013, ALAC received questions and enquiries about laws drafted by the relevant authorities for approval by the President. The most serious of these questions was related to draft laws on military laws affairs. AMAN held a workshop to discuss these draft laws presented by the Military Justice Commission to the President for approval, including laws relating to the Military Justice Commission, the military penal code, military criminal procedures, the fees charged by military courts, and the Law of Execution.

Following a discussion, the participants recommended requesting that the President refrain from approving the draft laws and to work on the basis of temporary laws until the situation in Palestine stabilizes, taking into account Article 101 of the Palestinian Basic Law which states that military justice is an exception. The scope of jurisdiction of military justice may not be expanded at the expense of the regular judiciary, which holds overall competence. The concept of military affairs is limited to acts committed by individuals in the military and relates directly to military aspects like desertion of military duties, failure to carry out orders, absence from work and war crimes ...etc. This does not apply to non-military security services.

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8. For further information, visit <http://www.aman-palestine.org/ar/activities/1586.html>



## 6. Discussion session on the final account of the Palestinian Authority<sup>9</sup>

AMAN held a discussion with the Civil Team to Support the Transparency of the Public Budget plus the relevant authorities to discuss the notes in the report of the State Audit and Administrative Control Bureau on the PA's final account for the 2010 fiscal year. The importance of involving the civil community in the accountability of public finance management was emphasized. Participants also stated that information must be available to the public in a timely fashion and with comprehensive and accurate details. They stressed that the void caused by the absence of the Legislative Council cannot be filled despite the presence of the civil community to review the final account for the first time.

The recommendations of the discussion concluded that the Palestinian Authority must adhere to the provisions of Palestinian law regarding the budget, the report of the final account and the public right to receive full and accurate information at an appropriate time about the budget and the final accounts. The consequences of any failure to do so are ultimately the responsibility of the Palestinian Authority. Internal control procedures must be observed and should operate independently to ensure the desired efficiency in the absence of the Legislative Council due to the political divisions.



9. For further information visit <http://www.aman-palestine.org/ar/activities/1629.html>



## Second: Awareness Raising Activities

The ALAC team at AMAN conducts a series of awareness raising activities every year with the belief that these activities influence the culture and behavior of individuals and society. In 2013, the Center conducted several campaigns to introduce ALAC, its goals and services in efforts to raise public awareness of the concepts of integrity, transparency, accountability and corruption, including

the forms of corruption and means by which the public can expose and combat corruption. These campaigns included:

- **Outreach Visits:** 21 outreach visits were conducted by the ALAC team in cooperation with many civil society organizations located in marginalized districts. These visits involved 555 individuals including 323 females and 232 males. As the public in Gaza rarely reports cases of corruption, the Center focused on visits in Gaza to encourage individuals to participate in combating, and reporting corruption. During 2013, there was an increase of 6% in the number of people who contacted ALAC from Gaza. A total of 23% of all those contacting ALAC during 2013 were from Gaza.

**These visits were clearly influential in increasing reports of corruption by the public in Gaza. During 2013, cases of suspected corruption increased by 10% in comparison with 2012.**

- **Local radio campaigns:** many campaigns were conducted in different governorates to raise public awareness of what constitutes corruption, and to encourage individuals to use the toll free phone number provided by AMAN through the Center. AMAN ran six campaigns during the entire year 2013. Many radio programs were broadcast to discuss issues that arose in ALAC during 2013 as follows:
  1. Reconstruction process in the Gaza Strip.
  2. Role of the State Audit and Administrative Control Bureau in combating corruption in the Gaza Strip.
  3. Radio discussion on integrity, transparency and accountability relating to grants and college loans.
  4. The environment of integrity surrounding water projects in the Gaza Strip.



## 5. Recommendations of 2013

By the end of 2013, the Center had produced a set of recommendations summarized as follows:

1. AMAN recommends targeting employees in senior positions to build skills to enhance good governance, and promote the work of complaints units. In 2013, it was apparent that accountability of senior staff in official institutions is weak, and this impacts on the right of the public to access information and on the enforcement of the complaints system.
2. AMAN recommends that the Anti-Corruption Commission create a means of communicating with complainants that will not be prejudicial to an investigation. This will enhance the credibility of the Commission.
3. AMAN recommends that the relevant authorities cooperate to establish a system that protects the rights of released detainees while ensuring that they do not receive an allowance from more than one source.
4. AMAN recommends that the Retirement Commission and the Palestinian authorities in the West Bank and Gaza Strip open a dialogue to put in place plans that will protect against violations of the pension rights of workers. In 2013, the ongoing political division raised the threat of the violation of the retirement rights of employees in the Gaza Strip.
5. AMAN recommends that the Ministry of Health establish a defined system of accountability in cases of medical errors and confirm the importance of establishing a fund to compensate victims. In 2013, the Palestinian health sector clearly lacked an effective system of accountability for medical errors, and is vulnerable to *wasta* and favoritism in the investigation of such cases. In addition, there is no insurance system or fund to compensate victims.
6. AMAN recommends the need for transparent procedures for the hiring of experts and consultants to make public the administrative and financial rights, duties of candidates, and the criteria for their selection. Issues related to the hiring of consultants to work in the public sector increased in 2013, and the absence of legislation regulating the hiring of experts by PA institutions opens the door to job exploitation.

7. AMAN recommends the need to ensure values of integrity, principles of transparency, and systems of accountability to protect against the misuse of customs exemption privileges for the disabled and charitable societies. Improved coordination between official parties, commitment to the law, and the enforcement of controls are required to prevent the misuse of privileges, which jeopardizes the rights of the disabled, and the misuse of public money by charitable societies.
8. AMAN recommends that the President refrain from adopting non-emergency laws in the absence of the Legislative Council. During 2013, it became clear that the absence of the Legislative Council had opened the door to some groups to exert pressure for the enactment of laws that protect their interests, and threaten the rights of the public.
9. AMAN recommends that the State Audit and Administrative Control Bureau and the Ministry of Local Government assume a greater supervisory role over the work of local institutions, municipalities, and councils. AMAN also recommends that council members are targeted for training to enhance a national system of integrity in the work of local institutions.
10. AMAN recommends that the Palestinian Council of Ministers adopt a penal code related to the misuse of government vehicles. Since the establishment of ALAC in 2009 and up to the end of 2013, the Center has received continuous complaints of the misuse of government vehicles. This indicates that the decisions taken have still not been enacted as required, and the absence of regulations and enforcement of sanctions have contributed to the ongoing evasion of regulations and misuse of government vehicles.
11. AMAN recommends that the Palestinian Council of Ministers draft a plan and clear policies for the Sharia judiciary as problems are continuing to accumulate in the absence of a legislative framework.
12. AMAN recommends that the Palestinian Authority not politicize appointments of senior positions in the public sector, and should leave open opportunities for all to compete. Information about recruitment procedures and selection criteria in public jobs should be available to all, starting from the announcement of the vacancy until the selection of the candidate for the post.