



Managing Corruption Risks Related to the Seizure, Destruction, and Sale of Illegal Vehicles

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Managing Corruption Risks Related to the Seizure, Destruction, and Sale of Illegal Vehicles

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AMAN
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الائتلاف من أجل النزاهة والمساءلة (أمان)

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Executive Summary

The number of illegal vehicles (ousted, stolen or smuggled from Israel in the Palestinian areas, or unfit for driving) has noticeably increased; according to Palestinian police estimates, they account for 150 thousand vehicles. Due to important and diversified risks related to the use of such vehicles, especially to the lives of citizens, the police forces organize campaigns to seize and destroy them. Official records show that 10,095 vehicles have been destroyed while 8,294 others have been seized in applying the regulation on the seizure, destruction, and sale of illegal vehicles and motorcycles for the year 2022. The Regulation sets forth the procedures applicable to the seizure, destruction, and sale under Police supervision.

The study on the management of corruption risks in the seizure, destruction, and sale of illegal vehicles aims to identify the corruption opportunities in the executive procedures to formulate recommendations for the decision-makers to immune staff against such risks. It also provides suggestions to promote the anticorruption preventive strategy in public institutions. Thus, this study is part of the efforts of the Civil Society Forum to Promote Good Governance in the Security Sector to enhance governance in the Palestinian security sector.

The study concluded the following:

- 1- The regulatory framework for seizing, destroying, and selling illegal vehicles is a key factor that affects the entire process and the transparency and integrity of the relevant procedures. Existing laws need several amendments starting with the Traffic Law No. (5) of 2000, which does not cover all the aspects related to illegal vehicles. Furthermore, the Regulation on Seizure, Destruction, and Sale of Illegal Vehicles and Motorcycles lacks the necessary mechanisms relating to the payment delay or method or pricing. It does not cover the assurances required for good implementation by the winner of the auction nor does it set the convening of the committee in charge or its decision-making process. It does not address other important issues like the conflict of interest.
- 2- The police force is an important part of the seizure, destruction, and sale process in a manner that erodes their efforts. To fulfill this task, the police department needs further human and logistic resources in addition to spaces to keep the seized vehicles.
- 3- Some deviations are noticeable in the seizing process such as reports of illegal vehicles and handling such information as well as the decision to organize a security campaign, which is leaked. Other deviations relate to how the campaign deals with these vehicles, which are targeted without any driver's or owner's liability. This is a violation of the law, which prescribes sanctions against the driver and owner. Furthermore, law enforcement agencies do not control the impoundment, which represents a source of illegal vehicles and their spare parts. Additionally, the impoundments of the seized illegal vehicles are not supervised.
- 4- The decision not to seize a vehicle after its destruction, especially during the security campaigns of law-enforcement agencies, is also a deviation in the process of destruction of illegal vehicles.
- 5- The sale of illegal vehicles encounters some deviations including the unclear announcement of the auction sales, which is missing in the regulation on seizure, destruction, and sale of these vehicles. The process also lacks a pricing mechanism for the vehicles to be sold in auctions. The regulation does not include delays and methods of payment and does not include provisions relating to the conflict of interest in the sale process.

The study concluded with several recommendations:

- 1- The regulation on the seizure, destruction, and sale of illegal vehicles needs substantial amendments to overcome the gaps that lead to the above-mentioned deviations including payment delays and methods as well as pricing of the vehicles and assurances of good implementation by the winners of the auctions. It does not cover the meetings of the committee or its decision-making process. It also needs clear provisions on the conflict of interest to be more conform with the standards of integrity and transparency.
- 2- It is necessary to add provisions that are more deterrent for the drivers and owners of illegal vehicles because, under the current regulatory framework, the law-enforcement agencies will not be able to put an end to this problem that represents a security, social, economic, and environmental threat.
- 3- Provide the necessary logistics including spaces properly equipped to keep the vehicles after they are seized prior to their destruction or sale in auctions. It is also important to provide the necessary human resources to the police to enable them to put an end to this problem.
- 4- Continue regular seizing of illegal vehicles rather than organizing seasonal campaigns triggered by a specific event.
- 5- It is necessary to address the deviations above relating to the seizure of illegal vehicles. This can be achieved by establishing a centralized computerized system to record all information, reports, and complaints submitted in person or by phone while ensuring the confidentiality of such information, which will be shared only with a small number of security officials. There needs to be penalties for the leaking of such information. Moreover, the security campaigns should target the vehicle, its driver, and its owner to be complete. The illegal vehicle impoundments must be fully monitored and inspected so that they do not turn into a source of illegal vehicles. The places where the cars are kept must be fully protected.
- 6- Address the deviation mentioned above relating to the destruction of illegal vehicles by providing larger spaces that the seizing authorities may lease to transfer the destroyed vehicles thereto (rather than leaving them in the field) to later sell them in auctions in a due sale process.
- 7- Solve the problems relating to the sale of illegal vehicles by including in the regulation a clear advertising mechanism for the sale in auctions in different media. The regulation also needs to organize the pricing of the vehicles allotted for sale and define the payment delay and methods (by setting a maximum ceiling). A clear provision must be added to prevent relatives of first kin from taking part in the auctions (prevent the close relatives of the members of the committee responsible for the seizing to take part in the auctions).

Introduction

The number of illegal vehicles (ousted, stolen or smuggled from Israel in the Palestinian areas, or unfit for driving) has noticeably increased; according to Palestinian police estimates, they account for 150 thousand vehicles. Due to important and diversified risks related to the use of such vehicles, especially to the lives of citizens, the police forces organize campaigns to seize and destroy them. Official records show that 10,095 vehicles have been destroyed while 8,294 others have been seized in applying the regulation on the seizure, destruction, and sale of illegal vehicles and motorcycles for the year 2022. The Regulation sets forth the procedures applicable to the seizure, destruction, and sale under Police supervision.

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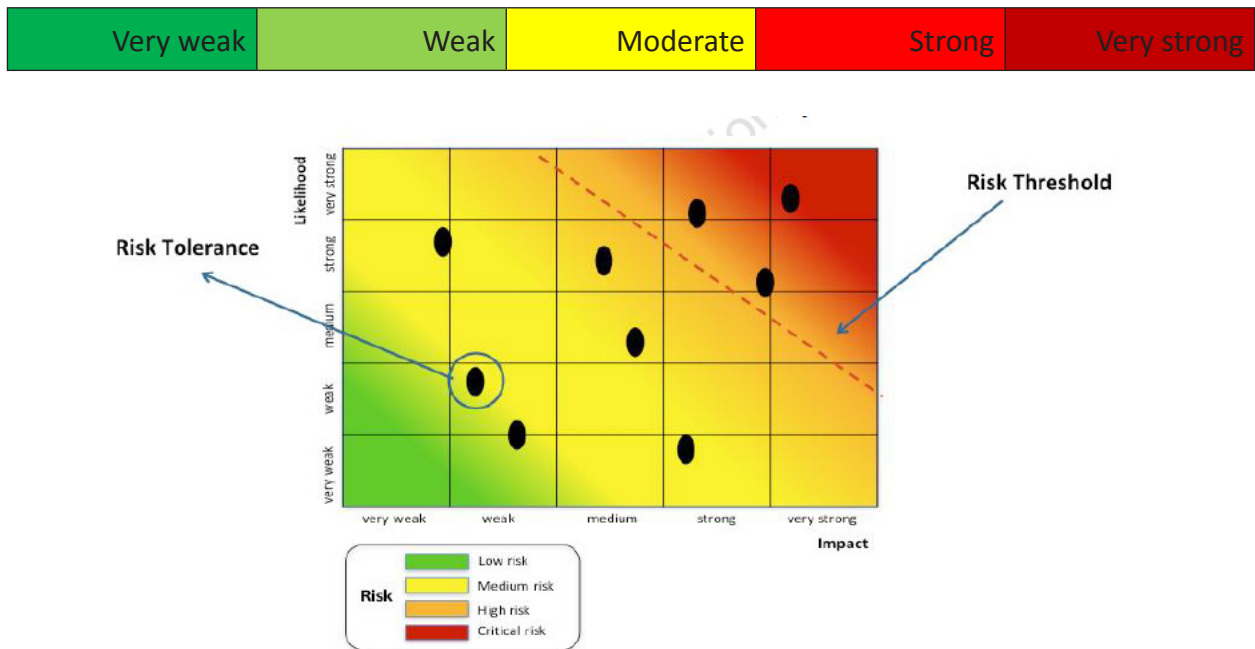
Methodology

The management of corruption risks follows the methodology developed by UNDP¹ to identify the deviations in administrative decisions made by public institutions. Deviation in this context means that a decision-maker shapes the decision to make a personal profit for him/herself or any of his/her acquaintances whether it be a material or in-kind benefit. In other words, it is a deviation in the administrative decision with the intent of corruption. The methodology to manage these corruption risks includes several steps:

- I. Map the workflow, procedures, and service delivery to draw the decision tree that affects the flow of work and delivery of service and the decision-making entities.
- II. Assess the corruption risks by identifying the forms of expected deviations in the administrative decisions the their occurrence probability. This process includes an analysis of the motives that increase the probability of such a deviation and its potential impact. The analysis also examines the controls that may eliminate the deviation. The deviation probability and its potential impact are expressed in the following indicator:

1. Conceptual Framework, Corruption Risk Assessment at Sectoral Level, United Nations Development Programme UNDP, United Nations Plaza New York, NY, 10017 USA, 2018.

See as well, Guide on Management of Corruption Risks in the Palestinian Public Sector Institutions, Palestinian Anticorruption Commission and the Palestinian Academy for the Promotion of Integrity (Nazahah) 2020 .<https://www.pacc.ps/library/viewbook10346/>



III. Control the risks by identifying and discussing the possible choices of reform to avoid such deviations and acts of corruption and remedy their negative effect. This can be done by reducing the benefits that a corrupt person may accrue due to the administrative decision deviation and harshening the penalties for such deviation in the decision or act of corruption.

Study limitations:

- 1) The study targets the police department and is limited to:
 - The seizing, sale, and destruction of illegal vehicles.
 - The decisions on the organization of campaigns to seize and track illegal vehicles in a specific area.
- 2) The study does not tackle the corruption cases in the institution and does not cover all the administrative decisions that lie at the heart of the institution’s activity. Administrative decisions do not all have the same level of importance. The study excluded the administrative decisions of “detecting” nature and focused only on the ones that “create” legal centers.

2. Regulatory and Institutional Framework of the Seizing, Sale, and Destruction of Illegal Vehicles

2.1 Regulatory Framework:

A set of laws and regulations regulated the process of seizing, destroying, and selling illegal vehicles, and identified the institutions responsible for that process. These legislations and laws can be summarized as follows::

A. The Basic Law

The amended Palestinian Basic Law of 2003 affirmed in Article (21/3) that the private property of individuals is immune from assault (private property is protected, ownership may not be expropriated, and real estate or movable property may not be seized except for the public benefit in accordance with the law in exchange for fair compensation or pursuant to a judicial ruling). The fourth paragraph of the same article also affirmed the inadmissibility of confiscating individuals' private property (no confiscation except by a judicial ruling).

B. Penal Procedural Code

Chapter Three (Disposal of Seize Items) of Part Three of the Penal Procedures Code No. (3) of 2001 is the basis to regulate seized items and their holding. It covers how to retain seized items. Article (72.1) stipulates 'The objects seized are placed in sealed containers on which the particulars of the contents are inscribed. The containers are placed in the warehouse of the Prosecution or in any place it designates', while Article 72.2 describes how to handle seized objects as it provides that (If the object seized is perishable and the expenses of preserving it exceed its value, the Public Prosecution or the court may order it sold at public auction if the requirements of the investigation so permit. The proceeds of the sale are placed in the court registry and the person entitled to the proceeds may claim the sale price within one year from the date the action is terminated, otherwise, it shall devolve to the State without the necessity for a judgment ordering same.

Article (73) highlights in paragraphs one and two the cases in which the seized objects are restituted. The law grants the restitution right to the Public Prosecution and the Court. Article (74) stipulates that 'The restitution order is issued by the Public Prosecution. The court may order restitution pendente lite. Article (75) includes an order to specify the method of disposal of the seized objects in the ruling issued by the court. Article (76) covers what the litigants do in case of a dispute relating to the seized objects.

C. Traffic Law

The Traffic Law No. (5) of 2000 contains a set of legal rules to regulate the registration, licensing, and legality of vehicles as well as the permits to operate a vehicle. It covers also the penalties inflicted on the violators. Article (97) grants police officers the right to seize a vehicle that has an expired license or does not have plats showing the numbers of the vehicles or a vehicle that changes its structure without a license.

The Palestinian Traffic Law punishes the driving of an illegal vehicle or a vehicle that is not registered in the records of the Palestinian National Authority or one without a license or insurance and considers this a crime. However, the severity of the punishment for driving and seizing a "wiped out" vehicle varies with the nature of the crime and the manner of use of the vehicle.

D. Regulation on the Seizing, Destruction, and Sale of Illegal Motorized Vehicles and Motorcycles

The Regulation on the Seizing, Destruction, and Sale of Illegal Motorized Vehicles and Motorcycles No. (5) of 2022 issued by the Palestinian Council of Ministers includes a set of rules regulating the process of seizure, destruction, and sale. Article (2) defines what an illegal vehicle is as follows: (1. If it is not registered with the licensing authority in the Ministry and does not have a license to operate on the road. 2. If it is driven on the road after being removed from the records of the licensing authority in the Ministry. 3. If it was brought into the country illegally. Article (3) also specified the entities responsible for the process of seizing illegal motor vehicles and motorcycles (every member of the police, customs police, or judicial officers in the Ministry's Field Control and Inspection Unit), and Article (4) gave the police and customs police the authority to inspect residences and establishments in accordance with the Law in the event of receiving information about the presence of illegal vehicles or motorcycles. Article (5) deals with regulating places of impounding vehicles (the Minister shall issue a decision defining and organizing the work of the impoundments of illegal vehicles and motorized bicycles in coordination with the Minister of Interior. 2. The police, Customs Police, or Field Control and Inspection Unit in the Ministry shall be obligated to hand over the seized vehicle and motorbike to the authority competent to manage the impoundments specified by the Minister's decision stipulated in Paragraph (1) of this Article). Articles (6-8) deal with the methods of forming sale and destruction committees, the mechanism of sale and destruction, and the time periods for destruction and sale, in addition to Article (9), which talks about conflicts of interest.

It is necessary to address the gaps in this Regulation, like setting the payment delays and methods as well as the pricing mechanism and having assurances of proper implementation by the winner of the auctions. It also needs to articulate the methods of convening the Committee and its decision-making process. Furthermore, it needs to address the conflict of interest.

There are also many laws related to this process, such as Customs and Excise Law No. (1) of 1962 AD and its amendments, Decree Law No. (2) of 2016 AD regarding customs police, and Decree Law No. (23) of 2017 AD regarding the police and its amendments.

2.2 Institutional Framework

According to the laws and regulations above, several ministries and security agencies are in charge of the seizing, sale, and destruction of illegal motorized vehicles and bides; they are namely the Ministry of Transport, Ministry of Finance, Ministry of Interior (Police Department and Customs Police)

- **Ministry of Transport (MoT)**

It is the Ministry in charge of licensing and registering motor vehicles of all types. It also supervises and organizes the transportation sector. The Directorate General of Licensing performs its role in cooperation with relevant departments. MoT also presides over the Committee formed for the sale of illegal motorized vehicles and supervises the destruction of such vehicles in the participation of other government entities as per the aforementioned Regulation.

- **Ministry of Interior (MoI)**

MoI plays a vital role in the seizing and destruction; it is member of the Committee formed of the sale of illegal motor vehicles and bikes where it is represented by the Police Department and Customs Police.

- **Palestinian Police Department**

According to Article (21) of the Penal Procedural Code No. (2) of 2001, the following bodies are vested with judicial powers: 1. The police commissioner and his deputies and the police chiefs of governorates and general districts; 2. Officers and non-commissioned officers of the police, each within his bailiwick. The Police are a key player in the seizing of illegal vehicles and also supervise and guard the impoundments. The Police are also members of the Committee responsible for seizing, destroying, and selling illegal vehicles.

- **Customs Police**

The Law by Decree No. (2) of 2016 vested the Customs Police with judicial police powers to facilitate the performance of their tasks. According to the Law, the Customs Police take part in the seizing of illegal vehicles as stipulated in Article (3) of the Regulation on the Seizing, Destruction, and Sale of Illegal Motorized Vehicles and Bikes. They are also members of the committee that supervises the seizing and destruction of illegal vehicles.

3. Procedures for Seizing and Impounding Illegal Vehicles

The Police seize illegal motor vehicles and bikes (stolen and written-off vehicles) and are assisted in many cases by other security forces in the so-called security campaigns. The seizure sometimes takes place at a police checkpoint or in case of suspicion, when a police patrol suspects a particular vehicle and finds upon its examination that it is not legal. Otherwise, seizure is carried out based on intelligence information about an illegal vehicle. When illegal vehicles are seized, a seizure report is prepared for the written-off car. It is described with full information regarding its model, year of production and other options. The vehicle is then deposited in yards near the police stations and guarded by police security. No one is allowed to approach the seized car other than the police officers and agents. In the case of destruction, a committee is formed by MoT, MoF, MoI and the police². In the event of the sale of the vehicle in an auction sale, the seizure reports are checked against the seized vehicle prior to the sale or destruction by the committee formed for this purpose in accordance with the Regulation³.

There are many hurdles facing the seizure of vehicles:

- The large number of these vehicles, as Palestinian police reports indicated that the number of illegal vehicles on the streets of the West Bank amounts to approximately (150) thousand cars, according to what was stated by police spokesman Colonel Louay Irziqat. 4
- Some of these cars use legal car numbers, as vehicle identification plates (numbers) are stolen from legal cars and installed on illegal cars, and thus the illegal car becomes somewhat beyond suspicion, and therefore may not attract the attention of the police agent.⁵
- The majority of these vehicles are located in areas outside the control of the Palestinian Authority or in camps⁶.
- Security campaigns are not held in secret. It is often reported that the security services intend to launch a security campaign to pursue outlaws and seize and destroy illegal vehicles⁷. Thus, those wanted by justice disappear and many illegal vehicles disappear from the streets of the area targeted by the security campaign. Then, these vehicles return to the streets after the security campaign ends and members of the security forces leave the targeted area.

2. Interview with Mr. Jaffal Jaffal, Director General of the State Administrative Audit and Control Bureau (SAACB), on 11 September 2023

3. Interview with Brigadier General Thabet Al-Saadi, *ibid*.

4. A press report entitled (Police estimates: 150,000 illegal vehicles on the streets of the West Bank), Al-Eqtisadi. <https://www.aliqtisadi.ps/ar/Article/93188/%D8%AA%D9%82%D8%AF%D9%8A%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D8%B4%D8%B1%D8%B7%D8%A9-150-%D8%A3%D9%84%D9%81-%D9%85%D8%B1%D9%83%D8%A8%D8%A9-%D8%BA%D9%8A%D8%B1-%D9%82%D8%A7%D9%86%D9%88%D9%86%D9%8A%D8%A9-%D9%81%D9%8A-%D8%B4%D9%88%D8%A7%D8%B1%D8%B9-%D8%A7%D9%84%D8%B6%D9%81%D8%A9>

5. Interview with Mr. Jaffal Jaffal, *ibid*.

6. Interview with Brigadier General, Thabet Al-Saadi, *ibid*.

7. Interview with Mr. Amjad Al-Shillah, Member of the Bar Association Council, on 19.9.2023.

- The discontinuity and seasonal nature of the campaigns⁸. In the past ten years, tens of security campaigns have been launched by security forces in different areas (A, B, and C) but they did not last long. The longest continued for a week or so. This is similar to the reactions of the traffic police in many cases when they start campaigns against those who violate the law but the campaigns gradually disappear and the situation returns to what it was before.
- Lack of deterrent laws on the ownership and driving of illegal vehicles. Such laws would help the police and other security forces in seizing these vehicles. Therefore, it is necessary to enact rigorous laws to prevent the driving and ownership of such vehicles because of their flagrant threat to the lives of citizens, civil peace, the economy, and the environment.
- Insufficient qualified vehicle impoundments to retain them until their destruction or sale. The traffic police reported that the spaces available are not sufficient or properly equipped to accommodate the seized vehicles⁹.

4. Corruption Risks in the Seizing, Destroying, and selling of Illegal Vehicles

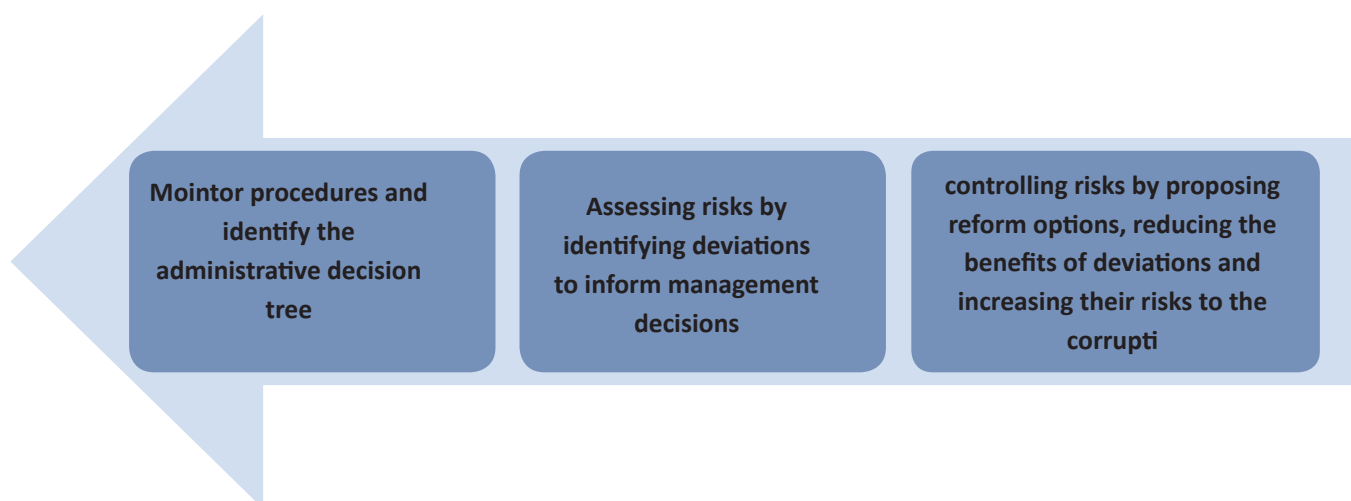
There are two types of illegal vehicles: the first is the “written off” vehicles. This includes the vehicles without an official record in the Traffic Department. The second is the stolen vehicles¹⁰. The first type was written off for some reason, most likely after a major traffic accident that affected its structure, and it was repaired to be sold at low prices. These vehicles are not quite common in the Palestinian market because their reparation cost may exceed their sale price.

However, the “written-off” vehicles with Israeli plates are the most common in the Palestinian market. They are introduced in cooperation between Israelis and Palestinians. Their price is usually low.

This section addresses the identification of potential risks and forms of corruption in three axes:

- During seizure.
- During destruction.
- During sale

Corruption risk management involves the three steps mentioned above.



8. Idem.

9. Interview with Brigadier General, Thabet Al-Saadi on 18.9.2023

10. Interview with Brigadier General Thabet Al-Saadi, Director General of Traffic Police on 9/18/2023

4.1 Managing Corruption Risks Related to the seizure of illegal vehicles

The seizing of vehicles follows a number of steps undertaken by the Police or any other law enforcement agency. These steps include the administrative decision tree mentioned earlier in the methodology.

4.1.1 Sequence of administrative decisions related to the seizure of illegal vehicles.

- **Access to information:** The police and other law enforcement agencies receive notification via (a) intelligence information through the sources of information and search and investigation officers; (b) a complaint or reporting by a citizen in person at the Police station or via a phone call; (c) a complaint or appeal by a local organization regarding this phenomenon. The information is recorded in a paper format.

- **Handling the Information (Enforcement):** After the receipt of the information, (1) the information is channeled to the competent authority (Traffic Police); (2) It is sent to the Director General of the District Office to proceed as deemed necessary; (3) The procedure is either to seize the vehicle if it is in the areas under the PNA control or keep the information to mobilize a security campaign when it is deemed fit.

- **Seizure Procedures:** Seizure is performed at the police checkpoints or patrols. The decision is made to control the vehicle papers by a police officer in most cases. If it appears that the vehicle is illegal, the officer reports to his/her office of command to initiate the seizure by noting all the relevant information including the vehicle's model, year of production, and other required features in the seizure report. The driver is arrested and taken to the police headquarters to proceed as needed. Procedures may include transferring the file to the competent authorities to submit it to the prosecution.

The procedure differs when there is a security campaign. The vehicles in the streets and neighborhoods are often seized and retained based on intelligence information for the police or other security agencies participating in the campaign. Some homes, warehouses, and garages are raided to seize illegal vehicles.¹¹

4.1.2 Assessment of Corruption Risks Related to the Seizure of Illegal Vehicles:

To assess the corruption risks related to the seizure of illegal vehicles, it is necessary to identify the possible forms of deviation in the administrative decisions pertinent to this service and their potential impact. A set of possible administrative points and deviations may be identified as follows:

Decision Point No. (1): Reporting an Illegal Vehicle: Reporting illegal vehicles often comes from people who have been harmed by these vehicles directly or indirectly, that is when such vehicles threaten their lives or the life of a member of their family or acquaintance or when they pose a threat to their property. Reporting may also be due to a sense of danger that driving these vehicles may cause to their lives or property in the future, especially because when these vehicles are involved in any specific accident, compensation is not given since they are not insured. Consequently, the affected person bears most of the costs considering that most of these accidents are settled via tribal reconciliation away from the official judicial system.

Reporting may be made by citizens who appear in person at the police headquarters or by a phone call; it may also happen when a traffic sergeant seizes an illegal vehicle or when a certain organization like the local authority or a civil society organization reports such vehicles. The deviation may take place if the officer who receives the complaint does not follow up due to personal reasons (like when the officer who received the complaint has any relation with the accused).

The probability of deviation in the administrative decision is weak for several reasons, most importantly because the complainants file complaints with several agencies. Furthermore, it is difficult to hide the

11. Interview with Brigadier General, Thabet Al-Saadi, *ibid*.

complaints submitted by civil society organizations. Any deviation relating to the decision to record the reporting of an illegal vehicle has a strong impact on public order and the rule of law since it makes citizens feel that there is security chaos and undermines their trust in the different law enforcement agencies.

Deviation probability/ weak	Resulting impact/ strong
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Decision Point (2): Security Campaign Decision: The security campaign decision is taken on the recommendation of the district commander with the approval of the leaders of the security services in the governorate. The approval is also taken from the Minister of Interior and the leaders of other security forces. Often, news of the security campaign in a specific area is leaked to some of the residents of that area. Thus, the deviation lies in the information being leaked for personal reasons (such as an officer who leaked the information having a personal relationship with one of the residents in the targeted area). Consequently, many illegal vehicles are hidden from the streets and the campaign is often transferred to other areas. This explains the lack of success of the security campaigns in many cases and their failure to eliminate this phenomenon. Indeed, illegal vehicles quickly return to the streets as soon as the security forces leave the targeted area. As a result, citizens' confidence in the effectiveness of the police and security forces is destabilized since they believe that these services are unable to rid them of the illegal vehicles that pose a threat to their lives.

The reason for the failure of the security campaign may be due to the failure to maintain the confidentiality of the information by the many people who are aware of it. Moreover, the information is leaked to untrusted parties, which may make it accessible to the outlaws and owners of illegal vehicles.

The probability of deviation in administrative decisions is strong for several reasons, mostly because the leaking of information increases the risk of corruption. The deviation represented by the leaking of the decision regarding the security campaign has a strong impact on public order and law enforcement. Thus, citizens feel that the law enforcement authorities are not serious about eliminating this phenomenon and prosecuting its promoters. This deviation also has material and moral effects.

Deviation probability/ Strong	Potential Impact/ strong
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Decision Point (3) Decision: The campaign may target the vehicle but not the driver: During the security campaigns, vehicles found by the security services in the streets and neighborhoods are often confiscated or destroyed without verifying their owner. Therefore, no action is taken against the owner or the driver, noting that the law stipulates that the owner of the illegal vehicle must be held accountable and punished. The campaign decision could have been made for personal reasons. Usually, the owner of the seized or destroyed vehicle re-buys another vehicle especially since the prices of such vehicles are low. The officer who decides not to arrest the driver or owner of the illegal vehicle may be acting for personal interests or based on nepotism, favoritism, or any other form of corruption.

The probability of deviation in this administrative decision is strong since the driver or owner is not arrested, which may indicate suspicions of corruption, nepotism, or personal, family, or factional interests. As a result, the law is not enforced, and the outlaws are not prosecuted. The deviation related to the fact that the driver or owner of the vehicles is not arrested has a strong impact on public order and the rule of law. It makes citizens feel that the law enforcement authorities are not serious about ending this phenomenon and prosecuting its promoters it raises citizens' doubts that some law enforcement agencies are involved in acts of corruption.

Deviation probability/ strong

Potential impact/ strong

Decision Point No. (4) Control of Vehicle Impoundments: Many vehicle impoundments import written-off vehicles from Israel to use them as spare parts. Sometimes, these impoundments may resell the illegal vehicle (stolen or written-off) to citizens with or without their knowledge. When law enforcement authorities turn a blind eye or ignore these impoundments, this could be attributed to acquiring personal privileges.

The probability of deviation in the administrative decision is very strong for many reasons, most importantly the weak control of these impoundments, some of which are the source of these vehicles and their spare parts. Some indicate that certain law enforcement authorities receive special privileges, interests, or services in exchange for ignoring what these workshops do. This deviation has a strong potential impact since it makes citizens feel that law enforcement authorities are not serious about ending this phenomenon and that they lack integrity. It also raises citizens' doubts about possible acts of corruption by these authorities. Moreover, the deviation has several material and moral effects.

Deviation probability/ strong

Potential impact/ strong

Decision Point No. (5) Supervision of Seize Vehicles Impoundments: The Police explained in several interviews that the impoundments of the seized vehicles are often located in open unwalled areas near the police headquarters and stations. Several theft incidents were reported in these areas. The deviation may take place if the guards and supervisors of the impoundments ignore these breaches to serve personal interests, especially if they allow the obtention of spare parts for sale or personal use by any supervising authority.

The probability of deviation is moderate because the agents charged with guarding the impoundments may be reluctant to risk their jobs as they will be immediately held to account by their supervisors. Thus, the deviation has a moderate effect related to the credibility of the seizing authority and its image among the citizens.

Deviation probability/ moderate

Potential impact/ moderate

4.1.3 Combatting Corruption Risks Related to the Seizure of Illegal Vehicles

There are several possible interventions to address the deviations in administrative decisions relating to the seizure of illegal vehicles and to mitigate their impact if they take place. These include:

- Decision Point No. (1) regarding reporting an illegal vehicle. This deviation can be addressed by having a central, computerized system to record all types of information, reports, and complaints, whether submitted in person or over the phone.
- Decision point No. (2) related to organizing the security campaign. The deviation happens when the information about the security campaign is leaked. It can be addressed by maintaining the confidentiality of the information within a limited leadership framework in the security institution and identifying weaknesses in the process of maintaining confidentiality. It is also necessary to take appropriate punitive measures against those who leak information about security campaigns, their dates, and objectives.
- Decision point No. (3) regarding the security campaign targeting the vehicle and not targeting its driver or owner. To address this deviation in the administrative decision, the seizure must include, in addition to the vehicle, its driver, and owner in order for the seizure process to be duly completed.

- Decision point No. (4) regarding the control of car impoundments. The deviation may result from the lack of control of these impoundments, which are the source of illegal vehicles and their spare parts. To overcome this deviation, it is necessary to impose control and inspection on the impoundments to ensure that they are not transformed into a source of illegal vehicles.
- Decision point No. (5) regarding the supervision of the places where seized vehicles are held. the deviation stems lack of adequate oversight and protection of these places. It may be addressed by proper guarding and electronic monitoring. It is best to have fenced places and official records detailing each vehicle, in addition to appointing a warehouse supervisor to protect the site and its contents.

4.1.4 Matrix of Corruption Risks Related to the Seizure of Illegal Vehicles

Decision point	Description of deviation	Probability	Impact	Remedy	Decision-maker
1	A police officer ignores the recording of a report regarding an illegal vehicle	Weak	Strong	Establish a central reporting system for all types of reports in person or over the phone.	Head of Police District Office Head of Criminal Investigations.
2	Non-confidentiality of security campaigns.	Strong	Strong	Restrict the information to the leadership level to preserve confidentiality	Area commander Heads of security district departments
3	Non-targeting of the driver or owner of the illegal vehicle	Strong	Strong	Apply the law on the driver and/or owner of the vehicle	Director General of Police in the District Public Prosecution
4	Lack of control of impoundments	Strong	Strong	Impost control, oversight, and inspection of impoundments	Police Customs Police Ministry of Transport
5	Insufficient control of the places where the vehicles are kept	Moderate	Moderate	Provide the necessary facilities to enable the police to perform its work	Director of police in the district

4.2 Managing Corruption Risks Related to the Destruction of Illegal Vehicles

The destruction of illegal vehicles undergoes several steps applied by law enforcement authorities. These steps include the administrative decision tree indicated in the methodology.

4.2.1 Sequence of Administrative Decisions Related to the Destruction

- **Destruction in accordance with the Regulation:** The Regulation on the Seizure, Destruction, and Sale of Illegal Vehicle stipulates that the winner of the auctions is responsible for the destruction in the place where the vehicle is kept and in the presence of the members of the committee formed in conformity with the Regulation. The Committee comprises a representative of the Ministry of Transport (Head of the Committee) and representatives of the Ministries of Finance and National Economy as well as representatives of the police and Customs Police.
- **Destruction in the Field:** In other cases, the vehicles are destroyed in the field (location of seizure) and left in the location. The Police justify this by the lack of space to accommodate these vehicles. Consequently, after their seizure and destruction, they are left in the location. The decision is made in consultation with the heads of the security services taking part in the campaign.

4.2.2 Assessment of corruption risks related to the destruction of illegal vehicles

To assess the risks of corruption in the process of destroying illegal vehicles, it is important to identify the forms and types of potential deviations in the administrative decisions related to this process and their potential impact. A number of decision points and possible deviations may be identified as follows:

Decision Point No. (1) **The decision not to confiscate the vehicle after its destruction:** In many locations where security campaigns were carried out over the past years, damaged vehicles were left in these locations without being confiscated after being destroyed. Consequently, the vehicle owner has an opportunity to benefit from some of its parts or sell the vehicle as scrap iron, which reduces the financial loss for the vehicle owner, and at the same time reduces the financial return to the treasury of the Palestinian Authority.

The possibility of deviation in the administrative decision is considered strong. Failure to confiscate vehicles after destroying them may raise suspicions of corruption for several reasons. Most importantly, it provides the owners of illegal vehicles with an opportunity to financially benefit from the seized vehicle after its destruction. Deviation in leaking the decision has a strong impact on public order and the enforcement of the law because it makes citizens feel that law enforcement authorities are being held to a double standard, which affects citizens' confidence in the integrity of those authorities.

Deviation probability/ strong	Potential impact/ strong
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4.2.3 Combatting corruption risks in the destruction of illegal vehicles

Several interventions are possible to address the deviations in the administrative decisions related to the destruction of illegal vehicles and to mitigate their effect if they take place. They are as follows:

- Decision Point No. (1): The deviation in the administrative decision lies in not confiscating vehicles after destroying them and leaving them in the field. This deviation can be addressed by providing larger spaces that are rented for the benefit of the seizing authorities to accommodate the damaged vehicles and then sell them at auction according to the legal framework regulating the sale process.

4.2.4 Matrix of corruption risks in the destruction of illegal vehicles

Decision point	Description of deviation	Probability	Impact	Solution	Competent authority
1	Leaving the vehicles in the location in which they are destroyed	Strong	Strong	Equip the police forces with the necessary logistics including sufficient spaces to accommodate the vehicles	District command

4.3 Management of Risks in the Sale of Illegal Vehicles:

The sale process goes through several steps applied by law enforcement authorities; these steps include the administrative decision tree mentioned earlier in the methodology.

4.3.1 Sequence of administrative decisions related to the sale of illegal vehicles

The Regulation on seizing, destruction, and sale of illegal vehicles specified the destruction processes via a committee formed in accordance with the Regulation to organize an auction sale every 6 months.

- Announcing the Auction: The Regulation did not specify the mechanism for announcing the auction via the media or MoT's website, or other ministries' websites.
- Organizing the Auction: The committee formed for this purpose organizes an auction every 6 months.
- Sale of Vehicles: The winner of the auction destroys the vehicles in their impoundments and pays the agreed-upon amount then takes the destroyed vehicles.

4.3.2 Assessment of Corruption Risks in the Sale of Illegal Vehicles

To assess the risks of corruption in the process of selling illegal vehicles, it is important to identify the forms and types of potential deviations in the administrative decisions related to this process and their potential impact. A number of decision points and possible deviations may be identified as follows:

Decision Point (1): Regarding the Announcement of the Auction: The deviation in the administrative decision stems from the unclear announcement methods in the regulation, which did not cover the advertisement of auctions. It is customary to announce the suction in several media outlets and government websites.

The probability of deviation in this decision is strong, especially due to the unidentified announcement mechanism in the media. This raises suspicions of corruption as it includes some and excludes other parties. The potential for corruption becomes higher. The deviation has a strong impact since it relates to the reputation of the security institutions among citizens and has a high potential for corruption under this ambiguity about the announcement mechanism in the Regulation.

Deviation probability/ strong	Potential impact/ strong
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Decision Point (2) Absence of a Pricing Mechanism for the Vehicles: The Regulation does not specify a mechanism for pricing in Article 7.3. It lacks a clear provision about the pricing mechanism; what is applied is a persona interpretation, which raises suspicions of corruption.

The probability of corruption in the administrative decision is weak since a committee is formed according to the Regulation. It is hence difficult to affect the decision of the members of the Committee. The impact of this deviation is weak and relates to financial losses for the treasury of the PA estimated at tens of thousands of NIS.

Deviation probability/ weak

Potential impact/ weak

Decision Point (3): Unspecified delays and methods for payment: The Regulation does not specify the delay and method of payment in Article 7.3. It lacks a clear provision about this issue, which opens the way for nepotism and facilities for some, representing a form of corruption.

The probability of deviation is weak since this aspect is not given the necessary attention under the pretext of granting facilities for those selected using weak arguments related to socioeconomic and political conditions. The impact of this deviation is moderate and relates to the moral impact and reputation of the committee or PA in general and its credibility among the Palestinians.

Deviation probability/ weak

Potential impact/ moderate

Decision point No. (4) regarding conflict of interest: The system did not clearly take into account the issue of conflict of interest in Article No. (9), as it stipulates that (The chairman or members of the committee or any person who took part in the seizing or destruction of an illegal motor vehicle or bike may not apply to the auction in person or through others). It would have been better to introduce a clear provision that prevents these persons and their first-degree relatives from submitting to the public auction.

The possibility of deviation in the administrative decision is considered moderate due to the absence of a provision prohibiting first-degree relatives from participating in the auction, despite the existence of a committee formed in accordance with the Regulation, which makes it difficult to influence the decision of the committee members. This deviation has a strong impact on the integrity system that governs the committee's work.

Deviation probability/ moderate

Potential impact/ strong

4.3.3 Combatting the corruption risks in the sale of illegal vehicles

There are several possible interventions to address the deviation in administrative decisions related to the sale of illegal vehicles or mitigate their potential impact. They come as follows:

- Decision point No. (1) regarding advertising the auction. The deviation is represented by the lack of clarity in the method of advertising in the media. This deviation can be addressed by including in the Regulation a clear mechanism for announcing the auction in the various media.
- Decision Point No. (2) The deviation in the administrative decision lies in the lack of a mechanism for pricing vehicles. It can be addressed by including in the Regulation a clear mechanism for determining the price of seized vehicles offered for sale.
- Decision Point No. (3) The deviation in the administrative decision lies in not specifying the delay and the method of payment. This deviation can be addressed by including in the Regulation a clear mechanism for the method of payment and specifying the delay for making the payment (by setting the maximum limit and not exceeding it).
- Decision point No. (4) related to conflict of interest. The deviation in the administrative decision is represented by the absence of a clear and explicit provision prohibiting first-degree relatives from participating in the auction. This deviation can be addressed by adding a clear provision prohibiting the participation of relatives of committee members or those who carried out the seizure operation from participating in the auction.

4.3.4 Matrix of Corruption Risks in the Sale of Illegal Vehicles

Decision point	Description of deviation	Probability	Impact	Solution	Competent authority
1	Unclear mechanism to announce the auction	Strong	Strong	Add a clear announcement mechanism in the Regulation	Minister of Transport/ Prime Minister
2	Absence of a pricing mechanism	Weak	weak	The Regulation should include a clear mechanism to price seized illegal vehicles	Minister of Transport/ Prime Minister
3	Regulation lacks delay and methods of payment	Weak	Moderate	The Regulation should add a clear provision regulating the delay and methods of payment	Minister of Transport/ Prime Minister
4	Regulation does not take into account the issue of conflict of interest	Moderate	Strong	The Regulation should include clear provisions preventing first-degree relatives of members of the committee and those in charge of the destruction of vehicles to take part in the auctions	Minister of Transport/ Prime Minister

Conclusion

The study attempted to show the risks of corruption in the process of seizing, destroying, and selling illegal vehicles by identifying weaknesses in the process, including decisions and procedures that may constitute a gateway to corruption in one form or another. Consequently, the study reached certain findings and recommendations in order to reduce the risks of corruption as a preventive measure that protects public institutions against corruption.

Findings of the Study:

The Study reached Key findings:

1. The seizure, destruction, and sale of illegal vehicles encounter several difficulties and obstacles that stem from the large number of these vehicles (about 150 thousand vehicles), and the use of legal vehicle plates on some illegal vehicles. Vehicle identification plates (numbers) are often stolen from legal cars and installed on illegal ones. Moreover, most of the illegal vehicles are in areas outside the control of the Palestinian Authority or in the camps. On another note, the security campaigns organized to seize these vehicles are not kept confidential. It is often reported that the security services intend to carry out such campaigns. Additionally, the discontinued and seasonal nature of these campaigns combined with the absence of deterrent sanctions for owning and driving illegal vehicles, undermine their effectiveness. The insufficient number of qualified places to accommodate the vehicles until they are destroyed and sold is another weakness.
2. The regulatory framework of the seizure, destruction and sale of illegal vehicles is a key factor in influencing the transparency and integrity of the procedures. The laws need amendments, starting with the Traffic Law No. (5) of 2000, which does not cover all aspects related to illegal vehicles. Furthermore, the Regulation on the Seizure, Destruction, and Sale of Illegal Motor Vehicles and Bikes lacks a number of mechanisms related to the delays and methods of payment and pricing of the vehicles. It does not cover the assurances of proper execution by the winners of the auctions and the manner of convening the responsible committee and its decision-making process. The Regulation does not take into account the important issue of conflict of interest.
3. The Police is a key element of the seizure, destruction, and sale process, which drains its efforts under human and logistics needs. Such needs include dedicating sufficient places to accommodate the seized vehicles.
4. Some deviations are observed in the seizing of illegal vehicles in the reporting of the vehicle and handling of the information. There are deviations also in the leaking of the decision to launch a security campaign in some cases and in how the campaign deals with the vehicles. The vehicle alone is targeted but not its driver or owner although this is a violation of the law that also punishes the driver and owner. Moreover, law enforcement authorities do not control the impoundments, which represent a source of illegal vehicles and their spare parts. The supervision of these impoundments after the seizure of the vehicles also represents a form of deviation.
5. The decision not to seize the vehicle after its destruction, especially during the campaigns launched by law enforcement services, is also a deviation related to the destruction of illegal vehicles.
6. The sale of illegal vehicles also suffers from some deviations related to the unclear announcement of the auctions, which is ignored by the effective regulation. The same regulation lacks specific provisions related to the pricing of the vehicles to be sold in auctions and the delays and methods of payment. Furthermore, it does not provide for the disclosure of conflict of interest related to the sale process.

Recommendations

The Study concluded with some recommendations to avoid the risks of corruption in the seizure, destruction and sale procedures as follows:

1. The Regulation on the Seizure, Destruction and Sale of Illegal Vehicles needs substantial changes to overcome the gaps that allow for such deviations in the legal delay and methods of payment as well as the pricing mechanisms and assurances of proper implementation by the winners of the auctions. Provisions are needed to organize the convening of the Committee and its decision-making as well as the conflict of interest to make the Regulation more responsive to the standards of integrity and transparency.
2. It is necessary to introduce more deterrent provisions for the drivers and owners of illegal vehicles because – under the current regulatory framework – law enforcement authorities cannot eliminate this phenomenon that poses security, social, economic, and environmental threats.
3. Fulfill logistic needs, especially in terms of qualified impoundments to accommodate the vehicles after their seizure prior to their destruction or sale in auctions. The police also need human resources to fulfill their duties in combatting this problem.
4. Pursue and seize illegal vehicles on continual rather than the current seasonal campaigns that are linked to a particular event or the composition of the campaigns.
5. Address the deviations in the seizure of illegal vehicles including their reporting procedures. This can be achieved via the creation of a computerized central system to record all relevant information, reports, and complaints submitted in person or over the phone. Control the leak of information about the security campaigns and keep it restricted to a small number of commanders of security services. Impose punishments on the violators of secrecy of information. Security campaigns should target the vehicle, its driver, and its owner for due process of seizure. The impoundments should be placed under strict control and inspection to ensure they are not transformed into a source of illegal vehicles. The places where these vehicles are kept must benefit from proper guarding and e-monitoring.
6. Address the deviations mentioned in the destruction of illegal vehicles by renting larger spaces to accommodate them and transport the destroyed cars to these spaces (rather than leaving them in the field), and then sell them in auction as per the law.
7. Address the deviations mentioned in the selling of illegal vehicles, which are: the need for the Regulation to include a clear mechanism for the announcement of auctions in various media; the need to add clear mechanisms to price the seized vehicles offered for sale and determine the methods and delays of payment (a maximum delay needs to be established). A clear and explicit provision is needed to prevent first-degree relatives of members of the committee and those involved in the sale of vehicles from participating in the auction.

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