

Security Without Impunity: Designing Rights-Protective Institutions for Human Rights and State Repression

Mohd. Ruhul Amin

Mar 3, 2025

Abstract

This article presents a rights-protective model of security governance that rejects the assumption that human rights and operational effectiveness are competing objectives. It describes how unchecked coercive power can reduce public cooperation, damage intelligence quality, encourage retaliation, conceal poor performance, and weaken institutional legitimacy. The article mentions clear mandates, documented authorization, independent oversight, accessible complaint procedures, and command responsibility as essential features of accountable security institutions. It also examines policing as a potential site of authoritarian drift when surveillance, crowd control, prosecution, and disciplinary systems are applied selectively. Effective reform requires independent review bodies, transparent enforcement data, professional standards, victim participation, and protection for officials who resist improper political instructions. The article emphasizes that accountability must address policy design as well as individual misconduct. It concludes that security institutions become more legitimate and effective when their authority is reviewable, their decisions are documented, and violations produce timely legal, administrative, and institutional consequences.



Security institutions often rely on secrecy, often on discretion human-rights defenders on transparency, on controls. The question in March 2025 is a false choice as long as the discussion of rights is located as impediments to efficient protection. Impunity can lead to less cooperation with the police, the police's corruption, the acceptance of a low performance and the escalation of violence. Design focused on rights protection can further enhance legitimacy and quality of operations by clearly mapping out authority, maintaining proper record-keeping, safeguarding the independence of the monitoring and review of operations, and build accountability for rights abuses.

Security policy is frequently a question of rights and effectiveness; impunity can lead to a loss of both. Public cooperation decreases, the quality of intelligence decreases, rewarding retaliation increases and the quality of intelligence declines due to the use of coercive power that cannot be reviewed. Rights-protective institutions have clear mandates, documented authorization, independent oversight, clear complaint procedures and consequences for command responsibility. It's not enough to monitor individual violations of the law, oversight needs to extend to policies that can have detrimental impacts, even if they appear legal when applied at scale.

There is also adequate protection for officials to prevent them from receiving improper demands by their political superiors. Professional independence, clear standards, and record searches help to minimize the chances that any security agency's orders will be stumbles in rulings that are adopted in the best interests of the public, instead of for partisan gain.

One way of seeing a gradual process of authoritarianism is through the dynamics of policing: the coercive power permeates into everyday life well before constitution ceases to be in operation. Clues include intelligence-gathering against lawful activists, picking on certain groups with arms, trying to crack tough crowd-control, lack of accountability for misbehavior, and pressure on prosecuting political issues. Authoritarianism does not arise from militarized equipment and strict policing can be carried out in a democratic form of government. The protection of accountability, neutrality, necessity and proportionality is the key question. Consistent enforcement toward allies burdening and not under external review turns policing from a public good towards the maintenance of public order into a political tool(s) used in political competition.

The United States has a complex, but concentrated system of accountability. Many parts of the job can be done by federal and state courts, ignoring inspectors general and civil-rights units, legislative committees and professional boards, local prosecutors, journalists and civil society groups. Fragmentation makes for multiple avenues for participation and access but also gives rise to a shifting of responsibility amongst institutions. The advantages of federalism in preserving experimentation and the spirit of local autonomy may result in divergent remedies to like violations.

That good accountability requires evidence to be shared, as well as a jurisdictional understanding that's clear and protected independence, and then following through afterwards when the spotlight dims. Without any action to change the incentive structure, a report (without enforcement) or a settlement (without monitoring) or a prosecution (without institutional reform) can fix one incident and leave the structure that is driving the incentive alone.

Documentation is not an accountability measure; it is the start. Quality work provides information about dates, places, people, lines of authority, legal status, credibility of witnesses and protocols. Digital material provides opportunities and risks metadata can assist with verification, manipulation, copying, unsafe storage or uncontrolled circulation can lead to danger for victims and to decrease admissibility. Independent fact finding per the OHCHR guidance is a step towards establishing a factual record, raising awareness of decision-makers and locating potential responsibility.

Then it's up to investigators, prosecutors, courts, reparations bodies, policymakers, and the affected communities to make the information into action. If it breaks down anywhere, you can find a stunning history archive for which there is no fix.

Full accountability framework goes beyond criminal conviction. United Nations

transitional-justice practice has always included truth, justice, reparations and guarantees of non-recurrence and more recently the importance of memory and the role of victims has been emphasized. Criminal cases prove responsibility, but there are not enough resources and a high evidentiary standard does not allow prosecution of all violations. Truth processes can help to illuminate patterns, reparations can identify harm and institutional change can minimize recurrence.

All should supplement each other and never become a replacement for one another. Prosecutor without reception of victims can be seen as far away and truth commission without consequences, performative. Complementarity is important because violation of rights has an impact, not only on the victim's legal status, but also on livelihood, health, family life, political voice and public trust.

Working through a democratic recovery approach in partnership with policing, getting operational change to work with constitutional protections. Independent complaints procedures must be able to access records, have subpoena powers, report openly and be protected in case of retribution. Crowd-management policies and training should differentiate between violent and peaceful presence, and focus on de-escalation and a neutral perspective. But it cannot be done on the basis of one chief or any one chief's acquiescence; prosecutors, courts, civilian review bodies, unions, municipal government and community organizations all impact outcomes. Differences may be revealed by data on stops, force, arrests, surveillance, and disciplinary outcomes, but data alone if published without enforcement will not result in institutional change.

A robust evidence approach is one that widens and doesn't narrow comparative moments and institutions. Event datasets provide information on when and where concentration is occurring, and administrative records on the other hand, provide information on the enforcement decisions and the organizations' responses. Survey experiments can be used to test public tolerance, reconstruction via process tracing. Other indicators include court opinions, in-house guidance documents, turnover, discipline issues and budget changes.

There is no one dimension that really depicts democratic erosion and accountability. Triangulation is important because danger can be highlighted in the public discourse, official statistics may reflect underreporting, and there may have been a change without changes in laws. Independent sources are more likely to bring confidence when they conclude the same mechanism at the different levels of government.

Rights protecting security architecture should incentivize threat evaluations based on the truth and not high arrests, ostentatious force or politically popular security enforcement.

Whilst independence is required for complaint systems, internal control is always necessary as external control cannot take the place of day-to-day control. Having clear rules insulates operational folks from unclear instructions and afterward post hoc political recrimination.

When consultation is used to form priorities of what to do, how to protect, what to do with evidence, and the nature of available remedies, victim involvement increases the legitimacy of the effort. Issues of command responsibility and organization responsibility will apply as repeated abuse is unlikely to come about as a result of a single decision made at the lowest level of operation. Often another gauge of the commitment can be obtained by assessing the budget decisions for investigation, witness protection and monitoring, and for reparations.

Public reporting should not only address what has already been done, but should also, in the form of a report, make the cases acceptable to the public by making the unworked-out gaps understandable. Such reform can be maintained beyond change of leadership by using binding policy, access for institutions, mandatory training and external institutions. A credible process also safeguards due process, because without a credible accountability process the process of punishment loses its legitimacy, when it seems to be known in advance or chosen politically.

Protective measures should be established to ensure investigative independence in terms of appointment, tenure, funding, access to evidence and publication of the results of a probe. Witness security needs should be taken care of prior to the public disclosure as this can lead to potential reprisals, PTSD, displacement or loss of livelihood for the witness. Digital verification should occur and record where, when, how and who, and where the material from which it came, if it has potential legal implications.

Reparations may take the form of restitution, compensation, rehabilitation, public understanding and public acknowledgment, memorialization, and institutional assurances of non-repetition. Having the community understand what constitutes harm can sometimes reveal outcomes of harm beyond what criminal files document (e.g. educational loss, separation from family, stigma and political exclusion). There should be clear benchmarks and exit criteria for monitoring arrangements to ensure that settlements are not closed out before there is real change in the way in which behaviors are met.

Professional licensing bodies can augment enforcement of accountability if there are professional ethics that are not covered by criminal or civil law. Arising from the work of

many journalists, accountability trails are sometimes discovered (and seldom they don't get there), but the law should determine the facts and not let publicity do that for them. One layer of that mess would require rules and guidelines for explicit referral, otherwise a complaint can go from agency to agency until required deadlines are met or evidence lost.

Truth-seeking should also illuminate patterns and structures in addition to bringing together individual stories, without analyzing the incentives of policy, command and institutions.

All of these reinforce each other and are a key to making accountability credible, including: documentation, legal responsibility, victim recognition, institutional reform, and public explanation. Though one case can make a difference, no case can restore all of the broken rules or relationships. One keeps an account and it becomes truth; one doesn't have the archive one can't implement it. Only where the results change budgets, counseling, practice, training and audits, and access to remedy, will lasting improvements be made.

Though high standard, anything less would be futile in terms of having impact on visibility. Ultimately, human rights protection rests on the shoulders of institutions that can learn from abuse without loss of hyper power or diffusion of responsibility in a diffuse and divided power.