

Vetting Without Purge: Individual Screening for Security Personnel

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Series: Security-Sector Transition & Rule-of-Law Safeguards — research papers accompanying [the Security-Sector Transition & Rule-of-Law Safeguards working blueprint](#). **Paper S2.**

1. The question

A democratic transition in the PRC (Mainland) would inherit a security sector of enormous size: the People's Liberation Army, the People's Armed Police, the public-security police and the state-security services. Almost everyone in that sector serves under the Party's command, and some of them have taken part in serious abuses. A new constitutional order cannot keep every officer unexamined. Nor can it dismiss everyone who held a Party card or a rank.

This paper asks a narrow question. How should a transitional authority decide who may continue to carry a weapon, arrest a citizen or read a citizen's files, and who may not? It deals with fitness for continued service in the security sector. Bars on holding elected or political office, and the wider questions of amnesty and truth-telling, belong to the sibling paper on lustration, amnesty and truth under the Transitional Justice hub, and are cross-referenced here only.

2. The hub position

The Security-Sector Transition & Rule-of-Law Safeguards blueprint (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/security-sector-transition-rule-of-law/>) sets the frame. It places vetting fourth in a fixed sequence: registration, freeze, interim control, vetting, reorganization, then exit or lawful integration. It says vetting "should distinguish ordinary professional service from credible serious-abuse cases." It also says exit routes should include retirement, transfer or civilian employment where criminal liability is not established, and that security-sector justice should reject both collective guilt and blanket impunity. The hub lists vetting criteria among its open research questions. This paper offers a proposed answer.

The companion institutional baseline (<https://freechina.live/governance-public-policy/military-public-security-civilian-control/command-control-pla-pap-police-intelligence-baseline/>) likewise asks for published vetting criteria, statutory command chains and a legal duty to refuse manifestly unlawful orders. The Seven-Law Transition Package (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/seven-law-transition-package/>) treats individual responsibility, due process and the rejection of collective guilt as requirements across the whole package. It assigns personnel review to L03 and institutional vetting to L04.

3. Evidence and comparative options

The international standard. The UN human rights office's 2006 rule-of-law tool, *Vetting: an operational framework* (<https://www.ohchr.org/sites/default/files/Documents/Publications/RuleoflawVettingen.pdf>), defines vetting as an assessment of individual integrity to decide suitability for public employment. It treats gross human rights violations and serious international crimes, including torture, extrajudicial execution and enforced disappearance, as grounds for removal. Lesser misconduct, including financial impropriety, is weighed case by case. The framework sets out minimum guarantees: notice of the case, access to the evidence, a hearing, counsel, a reasoned written decision and an appeal to an independent body. It criticizes removal based on group or party membership, because such removal

catches people of integrity and misses abusers outside the group. It also warns that dismissed personnel with no alternative livelihood can become a security risk.

Iraq: what a purge looks like. Order No. 1 of the Coalition Provisional Authority, dated 16 May 2003 ([https://govinfo.library.unt.edu/cpa-iraq/regulations/20030516_CPAORD_1_De-Ba athification of Iraqi Society .pdf](https://govinfo.library.unt.edu/cpa-iraq/regulations/20030516_CPAORD_1_De-Ba%20athification%20of%20Iraqi%20Society.pdf)), removed every member of the top four ranks of the Ba'ath Party from their posts and banned them from future public-sector employment. It also screened the top three management layers of ministries and state bodies for party membership. The United Kingdom's Iraq Inquiry (Volume X, section 11.1: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/535427/The Report of the Iraq Inquiry - Volume X.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/535427/The_Report_of_the_Iraq_Inquiry_-_Volume_X.pdf)) records the results:

- About 35,000 people had been removed by December 2004, and about 15,000 had been allowed back.
- Officials warned that ministries were losing technical capacity.
- Commanders and diplomats warned of Sunni alienation.
- Once implementation passed to a politically led Iraqi commission, the commission widened the bans and rescinded exemptions.

The flaw was design: membership stood in for conduct, and a partisan body ran it.

Bosnia and Herzegovina: speed without due process. UN police certification in Bosnia screened the whole police force. The Council of Europe's Venice Commission, in opinion CDL-AD(2005)024 (<https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Venice%20Commission.pdf>), reports that 16,762 officers were certified and 598 decertified. Decertified officers could not see their files, could not appear before the review panel and had no judicial review at home. The Commission found that this failed the standard of a fair, independent and adversarial hearing. It recommended an independent expert review of the roughly 150 contested cases. UN reporting (<https://news.un.org/en/node/95982>) shows these disputes still reaching domestic courts years later.

Germany: individual review inside a merger. When the National People's Army of the German Democratic Republic was absorbed in 1990, the Federal Agency for Civic Education (<https://www.bpb.de/themen/militaer/deutsche-verteidigungspolitik/199278/armee-der-einheit>) records the following:

- About 51,000 personnel were allowed to apply, and about 18,000 were taken over.
- They first served as fixed-term soldiers on two-year contracts, with a transition allowance if they left.
- A personnel advisory panel reviewed 2,650 officers and rejected 35.
- Political officers, border-troop officers and Stasi staff or informants were excluded as categories.
- More than 1,500 former soldiers were later removed when Stasi links surfaced.
- All generals and career soldiers over 55 were let go, and officers had to accept recalculated ranks.

The model combined probation, individual review and continuing disclosure. It was also harsh at the top and depended on an intact host army that a PRC (Mainland) transition would not have.

South Africa: integration with registers. The South African National Defence Force combined former statutory forces with former liberation armies. A 1999/2000 parliamentary oversight report on the integration process (<https://static.pmg.org.za/docs/2001/appendices/010403pioc.htm>) shows that eligibility depended on certified personnel registers. It also documents register errors, fraudulent enlistments under combat names, training backlogs and rank disputes. Vetting is only as good as the personnel records it starts from.

Kenya: a slow pipeline. Kenya's National Police Service Commission began vetting in December 2013. ICTJ's 2017 briefing (<https://ictj.org/sites/default/files/ICTJ-Briefing-Kenya-PoliceVetting-2017.pdf>)

reports about 77,500 officers subject to review, removal rates of about 2 percent and a projected completion time of more than a century at the observed pace. It also reports seconded rather than independent staff and senior officers left unvetted. Interviewing every officer one by one, with no deadline and no triage, can make vetting both slow and toothless.

European human rights law. In *Sidabras and Džiautas v. Lithuania* (27 July 2004; summary: <https://hudoc.echr.coe.int/eng?i=001-61942>), the European Court of Human Rights accepted that states may require loyalty from public servants. It nevertheless found a broad ban on former KGB staff working in private-sector jobs disproportionate and discriminatory. The ban lacked a clear link to security aims, was imposed about a decade after independence and offered no individual safeguards. Status-based exclusions are most defensible when they are narrow, tied to sovereign functions and subject to individual review.

4. Recommended design

1. **Conduct, not membership.** No person shall be removed from, or barred from, security-sector service solely because of Party membership, rank, unit or past assignment. Membership may prompt review but may not decide it.
2. **Three tracks.** Every serving member enters one of three tracks:
 - Track A, continued service subject to standard checks.
 - Track B, individual integrity review.
 - Track C, referral to independent criminal investigation where credible evidence of torture, unlawful killing, enforced disappearance, systematic persecution or destruction of evidence exists. Track C does not wait for vetting to finish, and removal never replaces prosecution.
1. **Risk-based triage.** Track B begins with posts that carry the highest risk: command and senior officer ranks, detention and interrogation, domestic-security and surveillance units, and units with documented abuse records. Ordinary conscripts, logistics staff and technical personnel default to Track A. This sets a finite caseload and a published timetable.
2. **A documented-unit presumption.** Where independent evidence documents systematic abuse by a specific unit, its officers above a defined rank face a rebuttable presumption of unfitness for that function. The burden then shifts, but each person keeps a full hearing.
3. **Published criteria.** Grounds for removal are limited and published in advance: serious human rights violations, serious financial misconduct, falsified records, and non-cooperation with lawful review. Political opinion and lawful past service are not grounds.
4. **Minimum guarantees.** Every Track B decision requires written notice, access to the evidence relied on (with protective measures for witnesses), a hearing, counsel, a reasoned decision and appeal to an ordinary court within a fixed period.
5. **An independent vetting body.** Review is conducted by a statutory commission whose members are appointed through a cross-party and judicial process, with its own staff and budget, a sunset date and public statistical reporting. It is not run by a party, a ministry, or the units under review.
6. **Records first.** Vetting starts only after the hub's registration and freeze steps have secured personnel, detention and surveillance files. Destroying or altering such records is itself a ground for removal and an offence. Files are tested before use, and personal data is protected.
7. **Probation and ongoing disclosure.** Those retained serve a probationary period, and they have a continuing duty to disclose. Undisclosed abuse that surfaces later reopens review.
8. **Dignified exit.** Those removed for non-criminal reasons, or retired as the force is downsized, receive pensions earned, severance, retraining and civilian placement support. Bans are limited to security-sector and sovereign functions. They do not extend to private employment, consistent with *Sidabras*.
9. **Cross-reference.** Eligibility for elected or political office is governed by the lustration provisions developed under the Transitional Justice hub, not by this procedure.

5. Open questions and risks

- **Scale.** The design relies on triage, but even a narrow Track B could involve tens of thousands of cases. Staffing a trustworthy commission quickly is unsolved.
- **Evidence quality.** Personnel and surveillance archives may be incomplete, falsified or destroyed. South Africa's register problems suggest that records will need audit before they can support adverse findings.
- **Security during review.** Removing officers before replacements are trained risks a policing gap. Delay risks insiders sabotaging reform. Interim control arrangements, the subject of the sibling paper on civilian command, must carry this period.
- **Spoilers.** Iraq shows that vetting placed in partisan hands can be turned into a weapon. Bosnia shows that unfair procedures are later reversed. Both erode trust.
- **The domestic-security apparatus.** Whole functions, not only individuals, may need abolition rather than vetting. That decision belongs to the sibling paper on demobilizing the stability-maintenance apparatus.
- **Intelligence personnel.** Classified files complicate the right to see the evidence. The standards developed in the intelligence oversight paper should govern closed-material procedures.

6. Cross-links

- Hub: Security-Sector Transition & Rule-of-Law Safeguards — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/security-sector-transition-rule-of-law/>
- Sibling papers in this series: S1 Civilian Command From Day One; S3 Demobilizing the Stability-Maintenance Apparatus; S4 Intelligence Oversight (forthcoming under the same hub).
- Lustration, amnesty and truth (paper T3), under Transitional Justice, Economic & Social Transition — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/transitional-justice-economic-social-transition/>
- Model law: Seven-Law Transition Package (L02 security sector; L03 accountability, vetting and reparations; L04 archives, truth and institutional vetting) — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/seven-law-transition-package/>
- Baseline: Command & Control: The PLA, PAP, Police & Intelligence — <https://freechina.live/governance-public-policy/military-public-security-civilian-control/command-control-pla-pap-police-intelligence-baseline/>
- Professional civil service continuity (LG-07) — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/lg-07-professional-civil-service/>
- Open Design & Research Questions — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/open-design-research-questions/>

In this series: [Civilian Command From Day One](#) · [Demobilizing the Stability-Maintenance Apparatus](#) · [Intelligence Oversight](#).

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