



برنامج: برنامج حماية و رعاية الأسرى و أسرهم و دعم و تأهيل الأسرى المحررين
تكلفة الموازنة التشغيلية والرأسمالية 2016

بند الموازنه	الاسم	موازنة 2016
رواتب وأجور	الرواتب والأجور	36,802.280
211		5165.411
مصاريف تشغيلية		
221	السفر والمهمات الرسمية	000
222	النفقات التشغيلية	000
223	إيجارات	10.000
224	أخرى (تشغيلية)	1,265.411
225	بدل تنقل	100.000
226	مكافآت للموظفين	100.000
مصاريف تحويلية		488371.806
212	المساهمات الاجتماعية	2,371.806
272	منافع المساعدات الاجتماعية	486,000.000
200.000		200.000
200.000		200.000
مصاريف رأسمالية		
311	الأصول الثابتة	530539.497
اجمالي		

INCENTIVIZING TERRORISM:

PALESTINIAN AUTHORITY ALLOCATIONS
TO TERRORISTS AND THEIR FAMILIES

BRIG.-GEN. (RES.) **YOSSI KUPERWASSER**



INCENTIVIZING TERRORISM

Palestinian Authority Allocations to Terrorists and their Families

Brig.-Gen. (res.) Yossi Kuperwasser

with Foreword by

Sander Gerber



Jerusalem Center for Public Affairs

Cover photo: Palestinian Authority document showing support for prisoners and their families in 2016 budget – 488,371,806 Israeli shekels (\$128.5 million).



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ISBN: 978-965-218-133-6

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Foreword

by Sander Gerber

The PA maintains longstanding legislation and payments to subsidize terrorists and their families. This amounts to an officially sanctioned PA government incentive system to kill Israelis. When I learned of this in November 2015, I was quite shocked. I proceeded to raise the issue with organized American Jewish community leaders and Israeli policymakers, and was told “everybody knows.” Disconcerted by my own lack of knowledge, I canvassed numerous American political leaders who, without exception, were unaware of the PA legislation/budget. The few leaders who were aware that the PA directly pays terrorists thought that the funding was only \$5-6 million; they were shocked to learn that according to the official PA budget online, it was \$300 million for 2016.

During the past year, the prevailing opinion was that the wave of knifings against Israelis consisted of young and disaffected “lone wolves.” As I examined the issue more closely, I realized that the “incitement” is much more than just an errant cleric or wayward school board, but rather is an institutional campaign of violence against Israel, coordinated and funded by the PA itself. This “struggle” or war is endorsed by the Palestinian leadership, as evidenced by their 2004 legislation specifying, “The prisoners and released prisoners are a fighting sector and integral part of the fabric of Arab Palestinian society.” PA budget line items are earmarked for funding prisoners, released prisoners, and families of “martyrs.”

Brig.-Gen. Yossi Kuperwasser, my friend, led a distinguished career as an IDF intelligence officer at the most senior level, as well as a brilliant strategist, most recently serving as Director General of the Ministry of Strategic Affairs. In this study, he accurately presents the history and current state of the PA legislation/budget for terror, as well as policy recommendations.

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Executive Summary

- The payments of salaries by the PA and the PLO to terrorists and to the families of dead terrorists reflect the core identity of the general Palestinian public as they see it. According to Palestinian leaders, achieving their national goal of establishing their state over all of Palestine commits them to struggling against Zionism in a wide variety of ways, including terrorism. Therefore, terrorists, even more than those who struggle through other means, are heroes fighting for the national and religious cause, and this is why they should be glorified and rewarded without any hesitation.
- The salary payments to terrorists from all Palestinian terror organizations, including Hamas as well as those who carried out terror attacks after the Oslo agreements came into effect, are made according to Palestinian Authority legislation that refers to the terrorists specifically as “fighters.” It makes clear that the Oslo accords are not considered by the Palestinian leadership and by most of the Palestinian people as a deviation from or an end to the battle against Zionism.
- The reaction of the donor community and Israel reflects the success of the Palestinians in portraying themselves as victims. The donors are uncomfortable making official Palestinian support of terror an issue of dispute with the PA.
- The donors and some in Israel are also concerned that steps against the Palestinian Authority opposing this practice may lead to further radicalization of the Palestinians that may cause a deterioration of the fragile situation. The Palestinians perceive this readiness to willfully turn a blind eye towards the payments of the salaries as a green light to continue the solicitation of terror through the payments as well as other kinds of incitement, hate indoctrination, and delegitimization of Israel and the dissemination of this ideology in the West and in Israel itself.
- Legally, the payments of salaries to terrorists stand in sharp contrast to the Oslo agreements, according to which the PLO directly and the PA through the PLO have committed themselves to stop terror and to refrain from encouraging terror. It is also in stark contradiction to international conventions on counterterrorism

and to the laws of most donor countries since this is direct support to terrorists affiliated with organizations designated as terrorist organizations by both the United States and the EU. By supporting the PA financially and enabling it to allocate funds to salaries for terrorists, Israel and the donors act in a way that is not only illogical and immoral but also illegal according to their own laws.

- The way to handle this problem is primarily by becoming aware of Palestinian ideology and its institutionalization through the payments for salaries for “fighters,” and then clarifying to the Palestinians through legal, economic and political means that this ideology and the policy of paying salaries to terrorists is unacceptable and must change. This should be a condition for assisting the Palestinians, and it is the only way to promote a peace agreement between Israel and the Palestinians. Sticking to the policy of ignoring the salaries would just allow the Palestinian to increase their support for terror and lead to the eternalization of the conflict, with all the harsh consequences that follow.



The family of Mohammed Tarayreh, who stabbed to death a 13-year-old Israeli girl in her bed, is now eligible for a monthly stipend from the Palestinian “Martyrs’ Fund.” (AP Photo)

Introduction

When Israel revealed in 2016 that it had arrested the Palestinian director of the “World Vision” aid organization in Gaza and later a prominent official of the UN Development Program (UNDP) in Gaza for diverting international assistance for humanitarian and civilian purposes to support Hamas terror activities, much of the world was upset. Yet at the same time, the Palestinian Authority (PA) officially, publicly, and proudly supports terror using international funding. The PA pays directly and, as of 2014, partly through the Palestine Liberation Organization (PLO), about 1.1 billion shekels (around \$300 million) every year as salaries to Palestinian terrorists in Israeli jails, continuing after they are released, and to the families of dead terrorists and other Palestinians who died fighting against Zionism.

These “incentives to terror” salaries appear clearly in the PA budget. They amount to seven percent of the Palestinian budget and more than 20 percent of the annual foreign aid to the PA. (See appendices for PA legislation and budget, and prisoner and martyrs payment schedules.)

It may seem strange, but the international and Israeli reactions to these payments have been minimal until recently, and the aid and the payments keep flowing without significant interruption.

The purpose of this study is to examine the ideological and political background for the payment of these salaries that constitutes blatant support for terrorism in contradiction to the Palestinian commitments in the Oslo agreements. It discusses the attitude of Israel and the international donor community towards the payments and the legal aspects of this phenomenon. Finally, the study presents recommended actions for dealing with it.

BRIG.-GEN. (RES.) YOSHI KUPERWASSER is Director of the Project on Regional Middle East Developments at the Jerusalem Center. He was formerly Director General of the Israel Ministry of Strategic Affairs and head of the Research Division of IDF Military Intelligence.

Palestinian Authority's Direct Expenditure in Support of Terrorists and Their Families as Percent of Total Budget and Foreign Aid

	2013	2014	2015	2016
1. Salaries to imprisoned and released terrorists	423.8 million shekels	442.8 million shekels	481.3 million shekels	488.4 million shekels (530.5 million shekels total incl. administrative costs)
	\$111,516,570	\$116,528,150	\$126,662,890	\$128,518,896
2. Salaries to "martyrs" families	603.6 million shekels	618.6 million shekels	620.4 million shekels	663.6 million shekels
	\$158,843,940	\$162,807,890	\$163,268,940	\$174,630,296
Total salaries to support terror (Lines 1+2)	1,027.4 million shekels	1,061.4 million shekels	1,101.7 million shekels	1,152.0 million shekels
	\$270,360,520	\$279,336,050	\$289,931,840	\$303,149,193
Percentage of total budget	7%	7%	7%	6.9%
Percentage of foreign aid	20%	24%	14.8%	29.6%
Total PA budget	14.387 billion shekels	14.771 billion shekels	15.673 billion shekels	16.577 billion shekels
	\$3.786 billion	\$3.887 billion	\$4.124 billion	\$4.362 billion
Total Foreign Aid	4.915 billion shekels (of which 4.532 billion current budget and 384 development)	4.402 billion shekels (of which 3.676 billion current budget and 726 million development)	7.410 billion shekels (of which 3.120 billion current budget and 4.290 billion development)	3.881 billion shekels (of which 2.925 current budget and 956 million development)
	\$1.29 billion	\$1.15 billion	\$1.95 billion	\$1.02 billion
Money Transfer from the PA to the PLO	267.9 million shekels	294.5 million shekels	775.3 million shekels	873.2 million shekels
	\$70,505,789	\$77,500,000	\$204,031,315	\$229,785,520

Note: calculation into dollars – flat exchange rate of 3.8 shekels to the dollar (Source: Palestinian Authority's Ministry of Finance, annual budgets. See Appendix 6.)

Palestinian Authority Policy



Palestinian Chairman Abbas, PA Television, September 16, 2015. (*Palwatch*)

Prime Minister Netanyahu's Clear-Cut Condemnations of the Payments

On YouTube, Ali [a Palestinian teen] watches a clip of President Abbas himself saying, "We welcome every drop of blood spilled in Jerusalem." Over dinner, Ali asks his mother what would happen if he killed a Jew and went to an Israeli prison. Here's what she tells him. She tells him he'd be paid thousands of dollars each month by the Palestinian Authority. In fact, she tells him, the more Jews he would kill, the more money he'd get. Oh, and when he gets out of prison, Ali would be guaranteed a job with the Palestinian Authority.... Hundreds of thousands of Palestinian children ... are indoctrinated with hate every moment, every hour. This is child abuse. Imagine your child undergoing this brainwashing. Imagine what it takes for a young boy or girl to break free out of this culture of hate. Some do but far too many don't. How can any of us expect young Palestinians to support peace when their leaders poison their minds against peace?

While Israeli leaders condemn terrorists, all terrorists, Arabs and Jews alike, Palestinian leaders celebrate terrorists. While Israel jails the handful of Jewish terrorists among us, the Palestinians pay thousands of terrorists among them.

— Prime Minister Benjamin Netanyahu,
UN General Assembly,
September 22, 2016

Chapter 1

The Payment of Salaries to Terrorists and to the Dead Terrorists' Families

This chapter is largely based on testimony by Yigal Carmon, President of MEMRI, to the House of Representatives Committee on Foreign Affairs, July 6, 2016.

The PA payment of salaries to the imprisoned terrorists and to the families of the dead terrorists is anchored in a series of Palestinian laws and government decrees, chiefly Laws No. 14 and No. 19 of 2004, and Law No. 1 of 2013 (see Appendix 5). These laws describe the prisoners as “a fighting sector and an integral part of the weave of Arab Palestinian society” and proclaim that “the financial rights of the prisoner and his family” must be assured. They also state that the PA will provide the allowance to “every prisoner, without discrimination.” According to the laws, the PA must provide prisoners with a monthly allowance during their incarceration and salaries or jobs upon their release. They are also entitled to exemptions from payments for education, health care, and professional training. Their years of imprisonment are calculated as years of seniority of service in PA institutions. Whoever was imprisoned for five years or more is entitled to a job in a PA institution and the longer he is imprisoned he is entitled to a higher rank in the government apparatus and to a higher salary. Thus, the PA gives priority in job placement to people who were involved in terrorist activity. Palestinian President Mahmoud Abbas has stressed more than once “the prisoners are top priority.”

Because of this commitment, the PA invests significant sums in underwriting the expenses of the prisoners and their families. The PA dedicates 488.4 million shekels for salaries to imprisoned terrorists and released terrorists in the 2016 budget (additional 42.1 million shekels are allocated for the administration of the salaries payment). The PA delivers the money for paying these salaries to the PLO, which executes the actual payments. On top of that, the PA pays allowances to the families of the “martyrs.” These allowances amount to 663.6 million shekels in the 2016 budget, and the PA pays them directly.¹ Overall, the PA pays about 1.152 billion shekels (\$303 million) in the 2016 budget as terror related salaries and allowances. This equals about seven percent of the overall budget and almost 30 percent of the projected foreign aid, most of which goes to the general budget. (2.925 billion shekels out of the 3.881 billion in foreign aid go to the general budget and salaries to terrorists and families amount to almost 40 percent of the aid directed to the general budget.)

Over the years, the Palestinian government has taken a series of decisions implementing the laws. (See Appendix 5.) The salaries are currently paid based on PA Government Decision No. 23 of 2010, which specifies the prisoners' monthly allowance according to the length of sentence. It ranges from \$364 a month for up to three years imprisonment to \$3,120 a month for 30 years and more. There is a \$78 supplement for terrorists from Jerusalem and a \$130 supplement for Arab-Israeli terrorists. (For the full chart, see Appendix 4, Figure 2). The PA also provides prisoners with a monthly allowance for canteen expenses, totaling \$780,000 per month.

Although the law states that prisoners should be given allowances "without discrimination," sometimes the PA has cut allowances for political reasons. For example, in December 2015, allowances were reduced from \$338 to \$208 for released prisoners who were members of Hamas and the Islamic Jihad, and, recently, for members of the PFLP as well, following political tension between these organizations and the PA. This political decision aroused the protest of the director of the Commission for Detainees and Ex-Detainees Affairs, Issa Qaraqe, who said, "It is unacceptable for the Ministry of Finance to cut a prisoner's salary." His statement proves that the PA – and no any other entity – funds these allowances and that the PA can and does cut benefits to prisoners when it wishes.

In May 2014, an administrative change took place. Abbas issued a presidential order according to which the payments to prisoners would no longer be distributed by the PA's Ministry of Prisoners' Affairs. Instead, they would be disbursed by a PLO Commission for Detainees and Ex-Detainees Affairs. The aim of this deliberately misleading move was to alleviate pressure on the PA by donor countries that do not wish their money channeled to support terrorism. However, the money for the allowances still comes from the PA budget (where it appears quite clearly and openly as transfers to the PLO Palestinian national fund for the purpose of payments to the imprisoned and released terrorists, see appendix), largely funded by the international donors and by taxes collected by Israel. Moreover, the offices remained the same and the official in charge remained the same under a new job title. Besides remaining the source of the money, the PA also continues to function as the body overseeing the payments. For further details about the PA attempt to deceive the donors, see Palestinian Media Watch.²

Several high-ranking Palestinian officials have addressed this change: In June 2014, the former Deputy Minister for Prisoners' Affairs, Ziyad Abu 'Ayn, explained that "the national interest requires" this change because the donor countries "have established dozens of investigative committees focusing on the issue of [their] funds that are transferred from the PA to the prisoners." PA officials have admitted that the PA remains the financier and the decision-maker in all things pertaining to support for the prisoners and the martyrs' families. For example, in September 2014, the director of detainees and ex-detainees affairs in Hebron, Ibrahim Najajra, said that the change of status from a ministry to a commission "would not detract from the prisoners' value or from their legal, moral, or political status, since the services

extended to them are anchored in law.” He added that the commission would be under the direct supervision of the Palestinian presidency and that the payments would be made directly by the PLO’s National Palestinian Fund. In December 2015, PA Cabinet Secretary ‘Ali Abu Diyak announced that the PA government was committed to continuing to pay allowances to fighters imprisoned for their national struggle and to the families of the martyrs, the wounded, and the prisoners.

For details about the salary levels, see Appendix 4, Figures 1 and 2.



The victim, Shlomit Krigman. (Facebook)

On January 25, 2016, Ibrahim Osama Alan and another Palestinian entered the Jewish community of Beit Horon where they stabbed two Jewish women, killing 23-year-old Shlomit Krigman. The assailants were shot and killed by the community’s security guard. The next day the Abu Mazen’s Fatah organization published this poster mourning the “brave *shahid* [martyr]” Ibrahim Osama Alan. The message, issued by the Fatah branches in Ramallah, Al Bira and Beit Ur al Tahta in the “name of Allah the merciful and beneficent,” mourned their “son.”



Chapter 2

The Legal Aspect

Official legislation of the Palestinian Authority places all Palestinians (including Israeli Arabs) imprisoned in Israel for terror crimes on the PA payroll to receive a monthly salary from the PA.³ The legislation defines “prisoners” benefiting from this requirement, as “Anyone imprisoned in the occupation’s prisons as a result of his participation in the struggle against the occupation.”⁴ The PA also pays by law monthly allocations to the families of Palestinians who lost their lives in the context of this struggle (referred to as “Martyrs”), including those who were involved in carrying out terror attacks.

While ordinary prisoners, such as car thieves, do not receive a salary, every person committing acts of terror is on the PA payroll. The salary goes directly to the terrorist or the terrorist’s family, and prisoners receive pay from the day of arrest.⁵ More than 5,500 Palestinian prisoners serving time for terror-related offenses are recipients.

This situation, in effect, constitutes a clear contravention of national and international norms and obligations. Moreover, the salaries are *guaranteed in advance* to the terrorists and their families, thus making the Palestinian Authority solicitors of terror activities and directly responsible for them.

Palestinian Attempts to Conceal Direct Payments to Terrorists

Following criticism and pressure by donor governments, the PA announced in August 2014 that it had closed its Ministry of Prisoners Affairs, which funneled monthly salaries directly to terrorists.⁶

A fictional replacement infrastructure for the continued transfer of prisoners’ wages and benefits – purportedly independent of the PA – the “Commission of Prisoners Affairs” was established within the Palestine Liberation Organization (PLO). Yet, as mentioned above, the funds allocated for that purpose keep coming directly from the PA budget and are earmarked specifically for this goal in the budget, so it is clear that nothing has actually changed.

In any case, the PLO is the internationally recognized Palestinian umbrella organization within which the PA operates as the administering body for those West Bank areas of Judea and Samaria under Palestinian jurisdiction. As such the PLO, as the parent organ of the PA, is no less obligated and committed to its agreements with Israel, to refrain from all activity connected to terrorism, including the transfer of funds to terrorists.

In this manner, the Palestinian leadership hoped that indirect funding of prisoners through the PLO would not be seen by foreign donors to contravene national and international counter-terror legislation, policies and instruments. In fact, governments tended to view this fiction as a satisfactory solution to the issue.

However, this fictional manipulation has not altered the fact that foreign donations are being used to pay salaries and benefits to terrorist prisoners.

This manipulation of foreign donor governments' aid programs constitutes, however, a clear violation both of national counter-terror legislation of the donor countries, as well as the agreements between the PLO and Israel, witnessed by the same governments (including the United States and EU) providing the donor funding.

It also seriously violates and undermines accepted and agreed-upon norms of international law as set out in international counter-terror conventions and UN Security Council resolutions.

The PLO-Israel Agreements

The "Oslo Accords" and their related documents, signed between the Palestinian leadership and Israel [the Declaration of Principles on interim Self-Government Arrangements, commonly known as "Oslo I" (1993),⁷ the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, commonly known as "Oslo II" (1995)⁸ and other related documents] constitute the accepted and recognized framework that determines all aspects of the Israeli-Palestinian relationship.

The Oslo Accords are a series of agreements between the "Palestine Liberation Organization (PLO), representing the Palestinian People," and the Government of the State of Israel.

The PLO is an umbrella organization whose members include a number of Palestinian terror groups such as al Fatah and the Popular Front for the Liberation of Palestine (PFLP). For a full list of constituent terror groups within the PLO, see note.⁹

The Palestinian Authority (PA), as distinct from the PLO, is the subordinate governing body established by agreement between Israel and the PLO in the Oslo

Accords for the purpose of administering the areas and implementing the powers and responsibilities transferred to it by Israel.¹⁰

The PA was established only for the purpose of administration and governance, and its responsibilities are limited solely to this sphere. In this context, the PA is prohibited by the Oslo Accords from conducting foreign relations or signing agreements or doing anything that does not relate to the internal governance of the areas under its jurisdiction.

As such, the PA is nothing more than a “creature of the PLO-Israel agreements.” Accordingly, the obligations of the PLO pursuant to the Oslo Accords – including the obligation to refrain from, to act against, and to discourage terror – are equally applicable to the PLO and the PA.

In the Oslo Accords, the PLO is formally committed to combating all forms of terrorism, violence, and incitement.

- This commitment appears first and foremost in an exchange of letters between PLO Chairman Yasser Arafat and Israel Prime Minister Yitzhak Rabin, dated September 9, 1993.

The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators.¹¹

- The 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed at Washington D.C. (commonly known as Oslo II), and specifically its “Protocol concerning Redeployment and Security Arrangements (Annex I),” second article on “Security Policy for the Prevention of Terrorism and Violence.”¹²
- Within the context of the Oslo Accords, it is agreed that agreements between the PLO and countries donating funds for the PA are to be limited to implementing arrangements for assistance to the PA in the fulfilment of its functions.¹³

Clearly, payment of salaries and benefits to persons imprisoned for acts of terror would appear to be incompatible with this requirement, whether such payments are channeled through the PLO or the PA.

Accordingly, transfer by the PLO of donor funding for payment of salaries to terrorists in prison runs solidly counter to PLO obligations vis-à-vis Israel pursuant to the Oslo Accords, as well as vis-a-vis the United States, the EU and the other signatories who signed the Accords as witnesses.

Similarly, transfer of such donor funds by the PA as the subordinate, implementing authority, constitutes no less a violation of the Palestinian obligations.

National Counter-Terror Legislation

Channeling donor funds to terrorists is contrary to the national law in the donor countries as well as to international counter-terrorism law.

In the United States, the Consolidated Appropriations Act, 2010: Assistance for the West Bank and Gaza, Section 7039(b) requires that:

Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

International Law and Practice

From the very beginning of the international efforts to counter terrorism, the issue of financing terror has consistently figured as a major and central component of international terror. Hence the obligations in international and regional treaties as well as UN resolutions, to act to prevent terror financing, especially inasmuch as it constitutes a form of encouragement and support, both moral and practical, for terrorism.

- The 1977 European Convention on the Suppression of Terrorism, as amended, reaffirms all the counter-terrorism conventions, including the 1999 Terrorism financing convention.¹⁴
- The 1999 International Convention for the Suppression of the Financing of Terrorism¹⁵ to which the United States is a party since 2002 is one of a series of international counter-terror conventions. It criminalizes the provision of funding, directly or indirectly, for any use connected with terrorism.
- The 1994 UN Declaration on Measures to Eliminate International Terrorism (General Assembly resolution 49/60)¹⁶ calls upon states to refrain from organizing, instigating, facilitating, encouraging, tolerating, and financing terror activities.
- Similar regional counter terrorism instruments obligating member states to act against the financing of terrorism include the 2002 Inter-American Convention against Terrorism, which contains a specific Article 4 detailing measures to prevent, combat, and eradicate the financing of terrorism, Article 5 on the

seizure and confiscation of funds or other assets, and Article 6 relating to money laundering.¹⁷

- UN Security Council Resolution 1373 (2001)¹⁸ adopted following the 2001 World Trade Center attacks. This obligatory resolution adopted under Chapter VII of the UN Charter, which addresses threats to the peace, breaches of the peace and acts of aggression, recognized “the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing, and preparation of any acts of terrorism.”

The resolution obliged states to cooperate in combating international terror and criminalized all provision of funding for terrorist use, determined a freeze on, and prohibition of transfer of funds and assets of persons who commit terrorist acts.

- The 2006 UN Global Counter-Terrorism Strategy Plan of Action (annexed to General Assembly resolution 60/288) repeats the resolve of member states to prevent and combat terrorism, including through refraining from financing terror, and specifically encourages states to implement international standards on money laundering and terrorist financing.¹⁹

In light of the above, it is clear that the use of international funds for paying the salaries and benefits of terrorists serving prison sentences for acts of terror is the very antithesis of any *bona fide*, positive international action to encourage peace and stability in the Middle East.

It primarily constitutes a violation of the specific Palestinian obligations pursuant to the Oslo Accords. It undermines and contravenes accepted norms and obligations encapsulated in international legal instruments, including the 1999 UN Convention for the Suppression of the Financing of Terror and the 2001 UN Security Council resolution to combat international terror, and others.

The use of American and European governmental funds for the direct or indirect payment of prisoners’ salaries runs against the very spirit of their respective counter-terrorism policies, as well as against their active involvement in the Israeli-Palestinian peace process.

Chapter 3

The Ideological Context

To understand the ideological context of salaries to the terrorists and the relevant Palestinian legislation, it is necessary to address the Palestinian national narrative and ethos. The Palestinian long-term goal is to establish a state for the Palestinian people in all of what was mandatory Palestine. To that purpose, they seek the demise of Zionism and the state of Israel. The Palestinians are well aware that Israel is too strong to be destroyed in the near future. They are also cognizant that this ideology cannot get international support since Israel is a member state of the UN and enjoys Western support as the democratic nation state of the Jewish people within (more or less) the 1967 lines. That is why after the Yom-Kippur war the Palestinian National Council (PNC) adopted a policy of deception called “the Phases Theory,” which led eventually to the Palestinian declaration of independence by the PNC in 1988 and to the Oslo agreements in 1993.

The seven basic “pillars” of the Palestinian identity that evolved over the last 100 years remain the same despite the Oslo agreements. Four of these pillars are judgmental, and three are imperative. The judgmental principles declare that Zionism and its realization in the nation state of the Jews constitute injustice because:

1. Jews are neither a people nor a nation but merely believers of a religion and therefore do not have the right of national self-determination in a nation state of their own (unlike the Arab-Palestinians who are a people and deserve their state).
2. The Jews do not have a national or sovereign history in the land of Israel/Palestine. This is why their effort to justify their demand for a nation state on this piece of land, based on the vision of reconstituting the Jewish national home there (as stated in the mandate given to Britain by the League of Nations in 1922), is false and groundless. This applies to the entire international legitimacy for the establishment of Israel as the nation state of the Jewish people. Palestine in its entirety is the land of only one people – the Palestinians. The Palestinians insist in this context on denying the existence not only of the Jewish kingdoms but also of the Jewish Temple on the Temple Mount and insist on calling it “the alleged Temple.” Recently, they managed to pass a resolution in UNESCO that

ignores and denies the Jewish special relation to Jerusalem, and they raised the notion of suing Britain for the 1917 Balfour Declaration.

3. Jews, in general, Zionists, in particular, and settlers more than others, are terrible “creatures.” They are by their nature (and this is where the classic stereotypic description of the Jews in European anti-Semitism comes into play) greedy, cruel, isolationists, cunning, striving for world domination, responsible for all hardships, condescending, perceiving themselves as superiors and warmongering. Moreover, as stated by certain Islamic traditions, they are seen as descendants of “pigs and apes” and as reluctant to understand and accept the divine message of Islam. These characteristics made the Europeans eager to get rid of the Jews, and they justify the Palestinian intransigence to accept the Jews who were forced upon them by the colonial West.
4. The struggle against Zionism is both national and religious. It is national in the sense that the Palestinians as a people have the right to all of Palestine, their homeland; and it is religious in the sense that Palestine was part of the early conquests of Islam and became a “House of Islam” (*Dar el-Islam*) and as such, according to some religious interpretations, cannot be ruled by anyone who isn’t Muslim. This is why those who die in the struggle are “witnessing martyrs” in the religious sense (*shahid*). Since Israel is considered as a bridgehead for Western culture and influence in the Muslim Middle East, the battle against its existence is also justified as a part of the war to protect Islam against Western domination and Western culture.

The three imperative elements are:

1. A Palestinian should constantly struggle against Zionism, and all forms of struggle, including terror, are legitimate and should be glorified and rewarded. The Palestinians use the term “*mukawama*” or resistance for this struggle. The preference of various ways of struggle should be based on cost-benefit considerations regarding their contribution to promoting the fight against Zionism at a given time. Steadfastness and cultural activities are always recommended ways of struggling. On top of that, delegitimization, including BDS, is one of the recommended forms of struggle at this stage by all factions of the Palestinians. The PA recommends as well unilateral diplomatic activity and “popular resistance” (a term that refers to violent terror activities that do not involve the use of firearms or explosives, such as stabbings, vehicular attacks, Molotov cocktails and stoning), whereas Hamas recommends all forms of terrorism. After six months of promoting the stabbing wave of terror in the context of a “Popular resistance,” the PA embarked at the end of March 2016 on an effort to make it subside due to its political cost-benefit calculation. (For an in-depth explanation see “Abu Mazen’s Attempt to Blunt the Knife Terror Wave.”²⁰

2. Palestinians must regard themselves as victims – and the only ones – in the conflict. Their victimhood is a product of the colonialist West (which legitimized the establishment of the state of Israel) and of Zionism (which, they claim, is responsible for the creation of the refugee problem and the occupation since 1948 and 1967 alike). Because they are victims, they cannot be accountable or responsible for their actions, nor could they be criticized for the way they spend the money received from the donors. The victimhood of the Jews in Europe during the Holocaust was horrific and is deplored today by the Palestinians, but it was deliberately overstated, promoted, and exploited by the Zionists; it does not justify the injustice that lies behind the Palestinian victimhood, especially, claim the Palestinians, as the Zionists adopt an apartheid policy and Nazi practices against the Palestinians.
3. Palestinians should always be committed to all of Palestine, even if it is not realistic to believe that they would be able to rule over all of Palestine anytime soon. This commitment is unwavering, and any erosion in it is treason and justification of the Zionist narrative.

Based on these seven pillars, it is clear why Palestinians look at the perpetrators of terror against Zionism, before and after the Oslo agreements, as their “fighters” and heroes, as stated in the Palestinian laws that provide the legal basis for paying the salaries to the terrorists and the families of the “martyrs.” They are the ones who take upon themselves voluntarily (as there is no formal conscription) to fight for the promotion of the Palestinian goals. According to this logic, the Palestinian nation has to reward them with adequate salaries. This way the nation, through its leadership and institutions, sends the message to the rest of the potential fighters that the commitment to those seven pillars is unwavering and encourages them to exercise their potential and carry out more attacks in due course.

The salaries are of course just one component of the comprehensive system of hate indoctrination aimed at programming the minds of Palestinians in a way that when called upon to perpetrate terror activities, some of them will respond. **This phenomenon of pre-programmed potential terrorists is falsely referred to as lone wolves, both in the Palestinian and the global Jihad contexts. The uniqueness of the salaries payments among the other forms of programming is its institutionalization as a law with commensurate line items in the PA budget. This makes tackling this component a key element in the effort to change the Palestinian conceptual framework, which is the major obstacle on the way to genuine peace between the Jewish and the Palestinian national movements.**

Salam Fayyad’s Role

The Palestinian institutional commitment to this salary/benefits framework is uniform among their leaders. Clearly, it started with Arafat, but the people assisting

and supporting him with the initiation of the laws that obligated the PA to pay these salaries were leaders who are (falsely) considered relatively moderate.

Salam Fayyad, who worked in the World Bank and International Monetary Fund, former Prime Minister and Finance Minister of the Palestinian Authority, was deeply involved in assisting Palestinian terrorists even before the enactment of the original law back in 2003. Between 2000 and 2002, Fayyad was the director of the Palestinian branch of the Arab Bank, which was found guilty by an American court of serving as the main channel at that time for delivering financial support to Palestinian terrorists and their families. Later, as the minister of finance he was involved in promoting and implementing the initial laws of 2003 and 2004, and finally as Prime Minister under Mahmoud Abbas both of them were directly involved in the issuance of the relevant laws and decrees in 2010 and 2011 and implementing them.

The entire legal process that led to the enactment of the Palestinian legislation and decrees is another aspect of the deep commitment of the PA to supporting terror against Israel and Zionism. The payments laws were not promulgated secretly and hidden from public awareness. On the contrary, they are adopted through due legal process and announced publicly and proudly. This reflects the actual nature of the PA as a terror-sponsoring entity. Recently, in an event of the "Organization for Caring for the Martyrs Families," Prime Minister Rami Hamdallah promised to strengthen the allocations the PA pays to these families.²¹

The Arabic Term for Imprisoned Terrorists

The term used by the Palestinians to refer to terrorists arrested and imprisoned by Israel is "*Asir*" In Hebrew, this word means a "prisoner," and Israel refers to them as prisoners or imprisoned terrorists, and the international press and the international diplomatic community use the term prisoner to describe the jailed terrorists. However, the meaning in Arabic of the Palestinian term "*Asir*" is "a prisoner of war" (a prisoner in Arabic is *Sigin*). By using the word "*Asir*," the Palestinians reaffirm their perception of these terrorists as fighters on behalf of their nation deserving of being treated as role models worthy of appreciation. This explains why they and their families (if they died during their perpetration of a terror attack or in the context of the struggle) are rewarded with generous salaries.

Chapter 4

Attitudes of the Donors and Israel to the Salary Payments

In 2011, after the payments of salaries by the PA to Palestinian terrorists drew international attention, the donor countries and Israel became upset with the possible use of their own money for that purpose – either the assistance given to the PA by the international donors or the taxes collected by Israel for the PA. At first, some of the donors adopted a policy of denial and tried to justify the assistance to the terrorists by claiming that the PA gives the money for social purposes (helping families who do not have a breadwinner due to the arrest or death of the terrorist). British efforts to convince the Palestinians to refer to these salaries as social aid were turned down bluntly by the Palestinians, who insisted publicly that the money was, in fact, a salary. In 2013, then PA Minister of Prisoners' Affairs Issa Karake, at a rally under the auspices of PA Chairman Mahmoud Abbas in honor of released terrorists, even mocked the European donors for not wanting to fund terrorists' salaries. "The Europeans," Karake stated, "want their money that comes to us to remain clean – not to go to families of those they claim to be terrorists. They need to renounce this occupation mentality. These [prisoners] are heroes, self-sacrificing fighters (*fedayeen*), and fighters who fought so that we could live in dignity."²² Amazingly, the donors were not too concerned with the more troubling fact that the PA was encouraging terrorism – in contradiction to its agreed upon commitments.

Even faced with this blunt answer, the donors felt little need to do anything significant about the situation. This was originally the case with Norway and some officials within Israel itself. In the United States, Congress adopted language in the Foreign Aid Bill of 2015 that conditioned the ongoing support for the Palestinians on ending incitement. It seems obvious that paying salaries to terrorists, which constitutes a solicitation for terror and rewards terrorists, should be considered incitement to violence and terror. Due to the misleading report by the State Department, however, that gave the impression that the PA is going to make necessary changes regarding the payments of the salaries (probably referring in advance to the change that took place in August 2014), the aid kept flowing to the PA. In the FY 2017 legislation, there is a specific reference to the direct support of the PA and the PLO to terrorists and it states that U.S. aid will be reduced by amounts the PA and PLO provide as payments for acts of terrorism.

Some of the justification for the continuation of sending funds to the PA was the decision taken by the Palestinians in 2014 to move the organization in charge of the terrorists' salaries distribution from the PA to the PLO. This was a mere cosmetic change, and the money still comes from the PA general budget which includes a clear line item dedicating the money to the organization that pays these salaries and another line item for the families of the "martyrs." Even after it became apparent to the donors that they were misled they preferred to let the subject lie rather than confront the Palestinians.

Only recently, some first signs of a change of attitude were noticed. Here are some relevant examples:

- The Norwegian foreign minister expressed concern over the payments in his meeting with PA chairman Abbas.²³
- The British foreign aid agency DFID announced that it withholds the transfer of some of its funding to the PA until it will finish an investigation about the issue of the salaries.²⁴
- The German foreign ministry announced that it is worried about the possibility that German foreign aid was used to support terrorists and their families.²⁵
- The Israel Foreign Ministry charged in December 2015, "Palestinians convicted of terrorism serving time in Israeli prisons are given monthly payments by Palestinian officials. Those who serve more than five years are granted a life-long monthly stipend. Funds are also funneled by the PA to former prisoners and the families of 'Shaheeds.' ... These immoral money transfers – whether by the PA or by the PLO – should cease completely."²⁶
- New legislation in the U.S. Congress calls for stopping U.S. aid to the Palestinians as long as these payments continue.²⁷

What Lies Behind This Policy of Willful Ignorance?

First, a sheer ignorance to the real ideology of the Palestinians. This lack of knowledge comes from an absence of focused studies. It is reinforced by the deception of the Palestinians that they favor peace, do not incite to terror, and are only interested in the territories captured by Israel in 1967. Further analysis of this deception is available in Kuperwasser and Lipner's article in *Foreign Affairs*, November 2011, "The Problem is Palestinian Rejectionism"²⁸ and in the Palestinian Media Watch's book *Deception*.²⁹

Second, the West and the Israeli administration fear Palestinian radicalism. They believe that if the financial flow of funds to the Palestinians will diminish or stop because of economic measures to prevent the use of these funds for supporting

terror, the Palestinians will become even more radical. That, in turn, may cause deterioration in the sensitive and fragile situation inside the Palestinian society and between the Palestinian Authority and Israel. In this scenario, the PA may stop the security cooperation with Israel (which serves the interest of the PA no less than it serves Israeli interests) and may even lead to the collapse of the PA, causing chaos and violence and forcing Israel to take control of the territories controlled by the PA. This fear convinced the donor countries and Israel that it is better to ignore the PA payments to terrorists and their families rather than deal with the chaos that might emerge from the alternative.

Third, it might be, in our assessment, that at play is also the West's guilt mechanism toward the Palestinians' self-described victimhood. This attitude paralyzes the donors to the extent that they are ready to close an eye when Palestinians carry out attacks against the Jews in Israel, even if the victims of some of these attacks are citizens of the donor countries. Even when it becomes apparent that the PA pays the salary of the murderer of the American Kristine Luken, who also stabbed and tortured the British citizen Kay Wilson in Jerusalem, or the family of the murderer of Taylor Force, an American citizen, in Jaffa, using at least indirectly the donors' financial aid, the money kept flowing.

Lastly, there may also be a fear that denying money for the Palestinians will cause an uproar among Muslim populations in the West and in the Arab world in general.



Palestinian Authority Chairman Mahmoud Abbas receives terrorists released in 2013.
(AFP Photo)

Chapter 5

What Should Be Done?

Provided there is an Israeli (and international) interest in terminating the PA's encouragement and support of terror as part of its commitment as a state to the security of its citizens, bearing in mind that this was a crucial point in the Oslo agreement, it is incumbent on Israel to do whatever is necessary to convince the Palestinians to stop the incitement, hate indoctrination, and programming of Palestinians' minds to carry out terror attacks. Israel should focus in this context on the payments of salaries to terrorists and their families since this puts the PA in the position of a solicitor of terror that bears direct legal responsibility for the terror attacks perpetrated by those terrorists who receive the salaries, including the payments of salaries to terrorists and their families. The first condition for making this happen is clarifying to the Palestinians and to the international community that in spite of the Israeli interest in the existence of the PA and in line with its interest in promoting peace with the Palestinians, it is not going to tolerate the ongoing Palestinian support and solicitation of terrorism.

This step is necessary in order to overcome the moral ambiguity created by Israeli and Western reluctance to cease "business as usual" with the Palestinians, despite being aware of the payment of these salaries. This ambiguity erodes Israel's (and the West's) ability to claim the moral high ground and serve as a moral model in the fight against terror – unafraid of distinguishing between right and wrong.

The easiest way to achieve this goal is to withhold from the Palestinian Authority the amount of money that it spends on these salaries/benefits and to clarify to the donors, especially the United States, that Israel expects them to do the same. Currently, this is stated American and Israeli policy, but it is far from fully implemented and has had no substantive effect so far. Although a necessary step to clarify to the Palestinians that Israel and the donors cannot ignore this outrageous policy, it is not sufficient to express opposition to these payments that allow the PA to be a terror-sponsoring entity. In fact, salary payments have been increasing at a 10 percent annual rate for several years. Current policy merely gives Israel and the donors false comfort that they are not ignoring the issue and are conveying their dismay to the PA – while not taking any risk and avoiding the erosion of their commitment to the Palestinians.

Challenging the salaries should be done simultaneously by Israeli civil society and the Israeli government, focusing on the illegality and immorality of the payments which constitute a flagrant abuse of human rights. The first human rights violation is the right to life of the victims.

Israel should emphasize that the payments and the Palestinian narrative and ethos are the primary obstacle to a negotiated peaceful solution to the conflict and create a culture of hatred and murder that surrounds the Palestinians from the cradle to the grave. Israel can also point to the contribution of these Palestinian laws to the intentional failure of the PA to monopolize the use of force from the territory it controls. At the same time, Israel should call upon the international community to help the few voices among the Palestinian people who are ready to promote a change of the narrative in a way that may lead to an opportunity to make progress towards peace.

Israel should use all diplomatic and legal tools to put pressure on the PA in this context. The legal activity should be done by NGOs (that may prepare files implicating the Palestinian officials involved in this practice); by direct government activity that should include litigation; by demanding that the donors act according to their own laws and international legal norms; and by encouraging litigation against the PA and the donors by the victims of terror financed by the PA and the PLO.

Another tool to block terrorist funding is through building taxpayer coalitions in the donor countries who will complain about the illegal use of their tax money and lead public opinion campaigns to protest against it. There has recently been considerable media coverage of the transfer of donor funding from foreign governments (including the United States, UK, Denmark and other EU countries) to official Palestinian governing bodies. The focus was on the use of foreign aid for salaries and other benefits to Palestinians serving prison sentences for acts of terror and to the families of those terrorists who were killed during their terror attacks.³⁰

Here are some references to the issue in the British *Guardian* and the *Daily Mail* newspapers:

About six percent of the Palestinian budget is diverted to prisoner salaries. All this money comes from so-called “donor countries” such as the United States, Great Britain, Norway, and Denmark.”³¹ (*The Guardian*)

British aid money is helping to pay “salaries” to Palestinian prisoners – some of them convicted terrorists – serving time in Israeli jails, according to a report. The Palestinian Authority is paying them up to £1,957 a month – more than the average salary of a UK worker.

The [UK] Department for International Development (DFID) spends around £80 million a year in the Occupied Palestinian Territories, of which around £30 million goes to the general budget, which funds prisoners’ allowances.”³² (*Daily Mail*)

Britain gives £72 million a year to Palestine, more than one-third of which goes straight to the PA. It openly admits supporting terrorists whom it hails as heroes for fighting the illegal occupation, awarding lifetime payments that rise depending on time spent in jail and the seriousness of crimes.

One Hamas master bomber has reportedly been given more than £100,000. Other “salaries” go to the families of suicide bombers and even teenagers involved in the latest upsurge of deadly attacks on Israel.³³ (*Daily Mail*)

These references to the salaries were probably helpful in convincing DFID to freeze the British aid that goes to the PA budget.

Conclusion

The Palestinian Authority’s institutionalized and legislated salary payments of more than \$300 million annually to imprisoned terrorists and the families of terrorists who died while carrying out terror attacks reflect the ironclad formal commitment of the PA and its leadership to incentivize Palestinian society to commit acts of terror. This constitutes the major obstacle to peace and a violation of all the commitments of the Palestinians in their internationally guaranteed agreements with Israel. As such, it casts a dark shadow over the international donor community’s assistance to the PA. This state of affairs is intolerable, immoral, and must be rectified.

Appendices

Appendix 1

Monthly Salaries According to the Length of Imprisonment³⁴

Length of Imprisonment (in years)	Monthly Salary
Up to 3	NIS 1,400 (\$400)
3-5	NIS 2,000 (\$570)
5-10	NIS 4,000 (\$1,142)
10-15	NIS 6,000 (\$1,714)
15-20	NIS 7,000 (\$2,000)
20-25	NIS 8,000 (\$2,286)
25-30	NIS 10,000 (\$2,857)
Over 30	NIS 12,000 (\$3,429)

Appendix 2

Grants to Released Prisoners³⁵

Years Spent in Prison	Amount paid in dollars
1-3	\$1,500
3-5	\$2,500
5-8	\$3,500
8-11	\$4,500
11-15	\$6,000
15-18	\$8,000
18-21	\$10,000
21-25	\$12,000
25-30	\$15,000
30 and more	\$25,000

Appendix 3

Key for Promotion in Employee Grade and Military Rank³⁶

(Source: Wafa Palestinian News Agency, December 12, 2013)

Years Spent in Prison	Civil Grade	Military Rank
5-6	Head of department	First Lieutenant
6-8	Director (c)	Captain
8-10	Director (b)	Major
10-15	Director (a)	Lieutenant Colonel + seniority
15-20	Director General (A4)	Colonel + seniority
20-25	Assistant Undersecretary (A2)	Brigadier General + seniority
25-30	Undersecretary of Ministry	Major General
30 and more	Minister	Major General + seniority

Appendix 4

Allocations to the Families of the Martyrs and the Wounded³⁷

(Source: PLO/Organization for Caring for the Families of the Martyrs and Wounded)

Figure 1

Financial Allocations to Families of Martyrs and Wounded (in shekels)

	Basis	Addition for Spouse	Addition for Each Child
Married Martyr	1300	100	25
Unmarried Martyr	1000		
Married Woman Martyr	1000		
Married Civilian Martyr	650	100	25
Unmarried Civilian Martyr	400		
Civilian Woman Martyr	400		

*A Martyr who carries a military rank receives his allocation according to his military rank

Figure 2
The Financial Structure for Allocations to Military Married Martyrs and Wounded – Who are Then Cared for by the Organization

Rank	Amount (in shekels)
Private	1300
Corporal	1380
Sergeant	1460
Sergeant First Class	1540
Master Sergeant	1670
Sergeant Major	1800
Second Lieutenant	1930
First Lieutenant	2060
Captain	2260
Major	2540
Lieutenant Colonel	2790
Colonel	3290
Brigadier General	3590
Major General	3990

Appendix 5³⁴

Palestinian Authority Laws

Law No. 14 (2004) on Aid for Prisoners in Israeli Prisons

Following an examination by the Palestinian Authority Chairman of the Amended Basic Law, and in accordance with what was approved by the Legislative Council in its November 24, 2004 session, we issued the following Law:

Article 1:

All instances of the following terms and expressions have the specific meaning defined below, unless the context indicates otherwise:

Prisoner: anyone incarcerated in the occupation's prisons for his participation in the struggle against the occupation.

The account: the special account for prisoners within the Aid Fund for Victims of Israeli Aggression in the Al-Aqsa Intifada.

The fund: the Aid Fund for Victims of Israeli Aggression in the Al-Aqsa Intifada.

Article 2:

Under this Law a "special account" will be opened as part of the fund, dedicated to supporting the steadfastness of the prisoners and their families.

Article 3:

The account's sources of funding will consist of the following:

Moneys deducted from the salaries of Palestinian Authority civil servants and employees in favor of the account. [The overall sum deducted] will not exceed the wages [paid out for] one day out of the fiscal year, and the government will take a decision regarding [the deduction] following the Legislative Council's approval.

A budget allotted by the [Palestinian] Finance Ministry for the account out of the general budget.

Donations, grants and aid [moneys] forwarded to the account.

Any additional source designated by the fund's board of directors for this purpose.

Article 4:

The government is entitled to demand that bodies in the private and [non-governmental] public sector deduct one day's wages from [the salaries of] all their employees in favor of the account.

The sum deducted will not exceed one day's wages in the body's fiscal year.

Article 5:

The provisions of the Fund Law will apply to the moneys in the account.

Article 6:

The government will determine the regulations necessary to implement the provisions of this law.

Article 7:

All the relevant parties, each in its domain, must implement the provisions of this Law and act according to it, from the date of its approval, and it will be published in the register.

*Published: Gaza, December 1, 2004,
Rouhi Fatouh, Palestinian Authority Chairman*

Amended Palestinian Prisoners Law No. 19 (2004)

Palestinian Authority Chairman

After examining the amended Basic Law and in accordance with what was ratified by the Palestinian Legislative Council in its session on December 22, 2004, we have issued the following Law:

Article 1: Definitions

The following terms and expressions have the specific meaning defined below, unless the context indicates otherwise:

- The National Authority: the Palestinian National Authority.
- The government: the government of the National Authority.
- The ministers: the Ministry of Prisoners and Released Prisoner Affairs or [any other] ministry dealing with [prisoners and released prisoners].
- Prisoner: anyone incarcerated in the occupation's prisons for his participation in the struggle against the occupation.
- Released prisoner: any prisoner released from an occupation prison.

Article 2: The right to a dignified life

The prisoners and released prisoners are a fighting sector and an integral part of the fabric of the Arab Palestinian society. The provisions of this Law guarantee them and their families a dignified life.

Article 3: The National Authority's duties towards the prisoner

To actualize the objectives of this law, the National Authority will take every possible measure to do the following:

- Release the prisoners from the prisons of the occupation.
- Extend every legal aid to the prisoner.
- Grant the financial rights of the prisoner and his family as specified in the provisions of this Law and in accordance with the salary chart that is in force.
- Enable the prisoner and his children to obtain an education.
- Rehabilitate released prisoners.
- Guarantee [released prisoners] positions according to the length of their imprisonment and their level of education, as will be specified in a regulation to be issued by the government.

Article 4: The release of prisoners is a fundamental condition in a peace agreement

The National Authority is prohibited from signing or participating in the signing of a peace agreement to resolve the Palestinian problem without releasing all the prisoners.

Article 5: Preferential treatment for released prisoners

Any released male prisoner who was incarcerated in an occupation prison for five years or more, and any female prisoner who was incarcerated for three years or more, will be exempt from the following:

- Tuition fees at government schools and universities.
- Health insurance payments.
- Tuition fees for all professional training programs offered by the relevant official bodies.

The government will stipulate the exemptions set out in the previous sub-article in a regulation to be issued on this matter.

Article 6: Monthly salary and clothing allowance

The National Authority will grant every incarcerated prisoner a monthly salary, without discrimination, and twice annually a clothing allowance, in accordance with a regulation to be issued in this matter.

Article 7: Monthly salary

The National Authority is obligated to pay every prisoner a monthly salary as specified in the regulation [to be issued in this matter]. The sum will be linked to the cost-of-living index.

The prisoner's family will receive a portion of his salary, according to the legal criteria that are in force.

The prisoner will choose his representative for the purpose of collecting his monthly salary or [the portion] that remains of it.

Article 8: Years spent in prison recognized as tenure

[In the case of] a released prisoner working as a civil servant, the years spent in prison will be calculated [as part of his tenure] as defined in Article 107 of the Civil Service Law of 1998 and related regulations.

[In the case of] a released prisoner working as a civil servant, the National Authority shall pay his social security and pension fees to the social security and pension fund for the years he spent in prison.

Article 9: Preparing a prisoner database

The [Prisoner Affairs] Ministry, in cooperation with the relevant bodies, will prepare a document-based database on prisoners and released prisoners, including [information on] the grounds for their arrest, the circumstances of their arrest and the crimes of the occupation against them.

Article 10: Filing lawsuits regarding the occupation's crimes against the prisoners

The National Authority will be entitled to file lawsuits pertaining to the occupation's crimes against the prisoners and demanding reparation for damages caused to them as a result [of these crimes]. Every prisoner or released prisoner is entitled to file such lawsuits.

Article 11: Issuing regulations

The government will issue the regulations necessary for implementing the provisions of this Law.

Article 12: Eliminating contradictions

Any article that contradicts the provisions of this Law shall be [considered] null and void.

Article 13: Action and implementation

All relevant parties are obligated to carry out the provisions of this Law. The Law shall come into force 30 days after its entry into the register.

*Published: Gaza, December 27, 2004
Rouhi Fatouh, Palestinian Authority Chairman*

Decree Law No. 1 (2013) on the Amendment of the Prisoners and Released Prisoners Law No. 19 (2004)

According to the provisions of the Amended Basic Law of 2003 and its amendments, in particular Article 43; following an examination of the Prisoners and Released Prisoners Law No. 19, of 2004; based on the government recommendations of June 19, 2012 and in accordance with our powers; in the interest of the public good and on behalf of the Arab Palestinian people, we issue the following Decree Law:

Article 1:

For the purpose of this amendment, “the original law” refers to the Prisoners and Released Prisoners Law No. 19 of 2004.

Article 2:

Article 1 of the original law shall be amended as follows:

The following terms and expressions have the specific meaning defined below, unless the context indicates otherwise:

- The State: The State of Palestine.
- The government: the government of the State of Palestine.
- The ministry: the Ministry of Prisoners and Released Prisoners Affairs, or the relevant ministry.
- The minister: the Minister for Prisoners and Released Prisoners Affairs, or the relevant minister.
- Prisoner: anyone incarcerated in the occupation’s prisons for his participation in the struggle against the occupation.
- Released prisoner: any prisoner released from an occupation prison.
- House arrest: a decision by the occupation to place a person under house arrest and prevent him from leaving his home or place of residence for a specified period of time, for resisting the occupation.
- Expulsion: a decision by the occupation to expel any Palestinian by force from his usual place of residence [to a location] inside or outside Palestine.
- The prisoner’s family: the [prisoner’s] father, mother, spouse, children and any dependent member of his household.
- Period of incarceration: the time actively spent in prison, whether continuous or intermittent.
- Unemployment benefits: regular monthly payments provided for a specified period of time in accordance with the regulation issued pursuant to the provisions of this Decree Law.

Article 3:

All references to “the National Authority” in the original law shall be replaced with the term “State of Palestine”

Article 4:

Article 3 of the original law shall be amended as follows:

To actualize the objectives of this Decree Law, the State will take every legitimate measure to do the following:

- Release the prisoners from the prisons of the occupation.
- Extend every legal aid to the prisoner during his incarceration.
- Grant the financial rights of the prisoner and his family, and every other right that can be granted to him in accordance with the provisions of this Law and the regulation issued pursuant thereto.
- Enable the prisoner, his spouse and his children to obtain an education.
- Rehabilitate released prisoners according to the provisions of the regulation issued pursuant to the provisions of this Law.
- Provide health insurance to the prisoner and his family.

Article 5:

A new article shall be added to the original law, after sub-article 3, whose number will be 3', as follows:

The State will guarantee employment to released prisoners, according to criteria that take into consideration the number of years spent in prison, the prisoner's level of education and his employability.

Released prisoners will be given priority in annual job placements in all State institutions, according to the laws that are in force.

If the State is unable to guarantee the prisoners employment according to the previous sub-article, it will be obligated to do as follows:

Pay a monthly salary to every released male prisoner who spent five to ten years in prison and every released female prisoner [who spent] two to five years in prison.

In the event of the death of a released male or female prisoner mentioned in clause (a) of this sub-article, the State will undertake to provide for their families, in accordance with the regulation issued pursuant to the provisions of this Decree Law.

A permanently disabled male prisoner will receive 50% or more [of the sums specified] in clauses (a) and (b) of this sub-article, providing he spent two and a half years in prison, or one year in the case of a female prisoner.

A male prisoner who was incarcerated for ten years or more, and a female prisoner who was incarcerated for five years or more, will be given a salaried position in a State institution, without detracting from the rights of the released prisoners [employed as] civil servants.

A prisoner who was incarcerated for one to five years and did not receive benefits under the previous articles will be entitled to unemployment benefits for a period equal to the period of his incarceration.

Every prisoner who was incarcerated for one year or more is entitled to a one-time release grant upon his release.

The provisions of this Article will be [implemented] according to the regulation issued pursuant to this Decree law.

Article 6:

Sub-article 1 of Article 5 of the original law will be amended as follows:

Any released male prisoner who was incarcerated in an occupation prison for a year or more will be wholly or partially exempt from the following payments:

- Tuition fees at Palestine universities.
- Health insurance payments.
- Tuition fees for all professional training programs offered by the relevant official bodies.

Article 7:

A new article shall be added to the original law, after Article 5, whose number will be 5', as follows:

A prisoner who dies in prison will be recognized as a member of the Martyrs' Families Institution and will receive an augmented salary, according to the time he spent in prison and according to the Palestinian Security Service Law that is in force.

The provisions of sub-article 1 will [also] apply to any released prisoner who died within a year of his release of a health problem related to his incarceration.

Article 8:

Two sub-articles will be added to Article 8 of the original law, after sub-article 2, as follows:

The State will continue paying the salaries of released prisoners [employed as] civil servants.

If the salary of a released prisoner [employed as] a civil servant is lower than the salary he received in prison, the State will make up the difference.

Article 9:

A new article shall be added to the original law, after Article 10, whose number will be 10', as follows:

The provisions of this Decree Law will [also] apply to persons who have been expelled and to those under house arrest.

[In addition,] the provisions of this Decree Law will apply to members of PLO factions arrested outside of Palestine for participating in the struggle for the independence and liberation of Palestine.

Article 10:

According to the Minister's recommendation, the government will issue the regulations necessary for implementing the provisions of this Law.

Article 11:

Any [article] that contradicts the provisions of this Decree Law shall be [considered] null and void.

Article 12:

This Decree Law will be submitted to the Legislative Council for ratification at its next session.

Article 13:

All relevant parties are obligated to carry out the provisions of this Decree Law. The Decree Law shall come into force 30 days after its entry into the register.

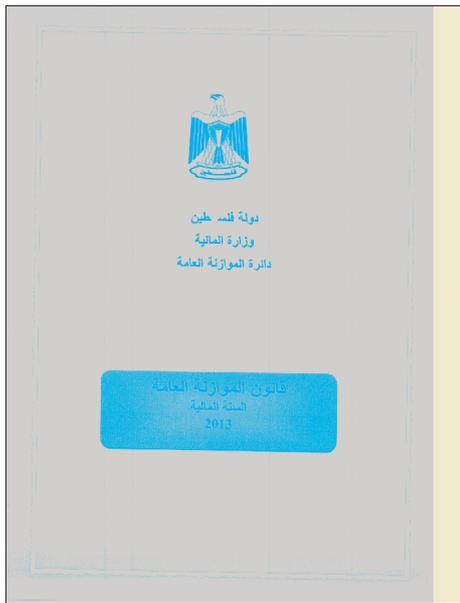
*Published: Ramallah, January 8, 2013
Mahmoud Abbas, President of the State of Palestine, PLO Chairman*

Appendix 6

Palestinian Authority's Annual Budgets in Arabic 2013–2016

For text of PA budgets in Arabic, see <http://jcpa.org/paying-salaries-terrorists-contradicts-palestinian-vows-peaceful-intentions/#appendix-6>

PA Annual Budget 2013 – Excerpts



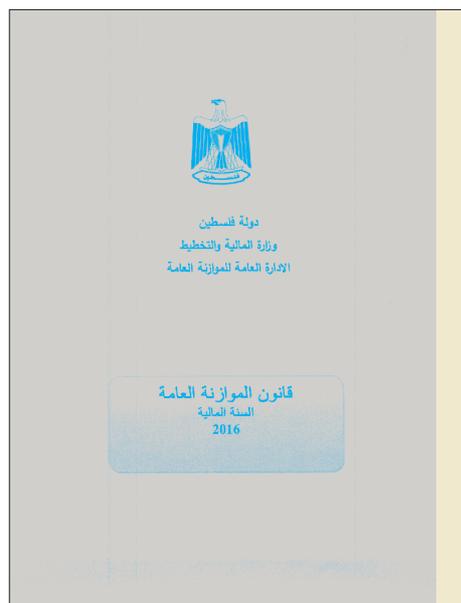
PA Annual Budget 2014 – Excerpts



PA Annual Budget 2015 – Excerpts



PA Annual Budget 2016 – Excerpts



Notes

1. According to MEMRI, the 2016 budget describes the PLO's Institute for Care for the Families of Martyrs as the body "responsible for ensuring a dignified life to the families of all those martyred and wounded as a result of being participants or bystanders in the revolution." It allocated just under \$173 million (\$172,534,733) for families of martyrs and the wounded within the homeland and outside it. The Institute's operating expenses comes to about \$1.5 million. The budget also states that the Institute provides allowances "without discrimination" – in other words, also for members of Hamas, Islamic Jihad, and so on. Palestinian Prime Minister Rami Hamdallah said recently, on June 17, 2016, "The government will continue to act together with the PLO institutions to improve the allowances of the families of the martyrs as soon as possible." According to reports from 2011 in the Palestinian media, the family of every "martyr" receives a one-time payment of \$1,560, as well as a monthly allowance of \$364. There are also additional payments based on various criteria, including family status, such as the family of a married man. <http://www.memri.org/report/en/print9305.htm>
2. Palestinian Media Watch, <http://palwatch.org/STORAGE/special%20reports/PMW%20report,%20PA%20billion%20dollar%20fraud,%20270416.pdf>.
3. Official PA daily *Al-Hayat Al-Jadida*, April 15, 2011
4. See Palestinian Prisoners law, 2004/19, published in December 2004 by the PA Chairman and Government, December 2004. The Prisoners' Centre for Studies, www.alasra.ps, Accessed May 9, 2011. See also <https://www.theguardian.com/commentisfree/2013/nov/11/british-american-aid-subsidises-palestinian-terrorism> and <http://www.gatestoneinstitute.org/2302/palestinian-authority-terrorist-salaries>.
5. *Al-Hayat Al-Jadida*, April 15 and July 14, 2011
6. <http://www.jpost.com/Arab-Israeli-Conflict/Palestinians-duping-world-by-denying-it-pays-salaries-to-prisoners-in-Israeli-jails-404197>
7. <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Declaration%20of%20Principles.aspx>
8. <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20israeli-palestinian%20interim%20agreement.aspx>
9. https://en.wikipedia.org/wiki/Palestine_Liberation_Organization
 - Fatah – Largest faction, secular, left-wing nationalist.
 - The Popular Front for the Liberation of Palestine (PFLP) – Second largest, radical left militant and communist

- The Democratic Front for the Liberation of Palestine (DFLP) – Third largest, communist
 - The Palestinian People’s Party (PPP) – Socialist
 - The Palestine Liberation Front (PLF, Abu Abbas faction) – Minor left-wing faction
 - The Arab Liberation Front (ALF) – Minor faction, aligned to the Iraqi Ba’ath Party
 - As-Sa’iqa – Syrian-controlled Ba’athist faction
 - The Palestinian Democratic Union (Fida) – Minor democratic socialist, 2 state solution, non-militant faction
 - The Palestinian Popular Struggle Front (PPSF, Samir Ghawsha faction) – minor socialist faction
 - The Palestinian Arab Front (PAF) – minor pro-Fatah, former Iraqi Ba’athists faction
10. Article 1 of the Declaration of Principles defines the PA as follows:
- The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the “Council”), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement.*
- Article III of the 1995 interim Agreement defines the PA as follows:
1. *The Palestinian Council and the Ra’ees of the Executive Authority of the Council constitute the Palestinian Interim Self-Government Authority, which will be elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip for the transitional period agreed in Article I of the DOP.*
 2. *The Council shall possess both legislative power and executive power, in accordance with Articles VII and IX of the DOP. The Council shall carry out and be responsible for all the legislative and executive powers and responsibilities transferred to it under this Agreement. The exercise of legislative powers shall be in accordance with Article XVIII of this Agreement (Legislative Powers of the Council).*
11. <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Israel-PLO%20Recognition%20-%20Exchange%20of%20Letters%20betwe.aspx>
12. Interim Agreement, see footnote 2, at Article XV, in Annex I, ARTICLE II– Security Policy for the Prevention of Terrorism and Violence <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT%20-%20Annex%20I.aspx>
13. See Article IX of the Interim Agreement, according to which:
- Notwithstanding the provisions of this paragraph, the PLO may conduct negotiations and sign agreements with states or international organizations for the benefit of the Council in the following cases only:*
1. *economic agreements, as specifically provided in Annex V of this Agreement;*
 2. *agreements with donor countries for the purpose of implementing arrangements for the provision of assistance to the Council.*
14. <http://www.worldlii.org/int/other/COETS/1977/1.html>
15. <http://www.un.org/law/cod/finterr.htm>
16. <http://www.un.org/documents/ga/res/49/a49r060.htm> see Article II(5)(a)
17. http://oas.org/xxxiiga/english/docs_en/docs_items/AGres1840_02.htm
18. [http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20\(2001\).pdf](http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20(2001).pdf)

19. <https://www.un.org/counterterrorism/ctitf/en/un-global-counter-terrorism-strategy>, see Part II (Measures to Prevent and Combat Terrorism), Paragraphs 1 and 10
20. <http://jcpa.org/abu-mazens-attempt-to-blunt-the-knife-terror-wave/>
21. *Al-Hayat Al-Jadidah*, June 17, 2016
22. Official PA TV Live, November 4, 2013
23. Noga Tarnopolsky, "European Crackdown on Use of Funds Donated to Palestinian Authority," *The Media Line*, May 16, 2016, <http://www.themedialine.org/featured/european-crackdown-on-use-of-funds-donated-to-palestinian-authority/>
24. "UK freezes \$30m in Palestinian aid over salaries for terrorists," *Times of Israel*, October 7, 2016, <http://www.timesofisrael.com/uk-freezes-30m-in-aid-to-palestinians-over-payments-to-terrorists/>
25. Benjamin Weinthal, "Palestinian Authority 'probably' pays terrorist families, admits German gov't," *Jerusalem Post*, September 6, 2016, <http://www.jpost.com/Arab-Israeli-Conflict/Palestinians-probably-pay-terrorist-families-admits-German-government-466980>
26. <http://mfa.gov.il/MFA/ForeignPolicy/Issues/Pages/Rewarding-terrorists-and-encouraging-violence-Dec-2015.aspx>
27. Mary Orndorff Troyan, "Sen. Lindsey Graham Targets Aid to Palestinians," *Greenville News*, September 28, 2016, <http://www.greenvilleonline.com/story/news/politics/2016/09/28/sen-lindsey-graham-targets-aid-palestinians/91231374/>
28. <https://www.foreignaffairs.com/articles/middle-east/2011-11-01/problem-palestinian-rejectionism>
29. <https://www.palwatch.org/main.aspx?fi=950>
30. http://palwatch.org/STORAGE/special%20reports/4_reports_PA_salaries_to_terrorists_Feb_13_2013.pdf
31. <https://www.theguardian.com/commentisfree/2013/nov/11/british-american-aid-subsidises-palestinian-terrorism>
32. <http://www.dailymail.co.uk/news/article-2224621/Palestinian-prisoners-handed-millions-British-aid-paid-average-UK-worker.html>
33. <http://www.dailymail.co.uk/news/article-3510827/Revealed-UK-aid-funds-TERRORISTS-budget-cuts-12bn-taxes-splurged-foreign-hand-outs-militants-killers-Palestinian-palaces-jobs-don-t-exist.html>
34. *Al-Hayat Al-Jadida*, April 15, 2011 and Official Palestinian Register presented by MEMRI to Congress. http://www.memri.org/report/en/0/0/0/0/0/9305.htm#_edn17
35. MEMRI.
36. <http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Palestinian/Pages/Palestinian-Authority-funds-terrorists-June-2014.aspx>
37. MEMRI and <http://www.aman-palestine.org/data/itemfiles/b3dd98a029db76be614d1a64dd10604e.pdf>
38. Yigal Carmon, President, MEMRI, Testimony To House Committee On Foreign Affairs, July 6, 2016: Palestinian Authority Support For Imprisoned, Released, And Wounded Terrorists And Families Of 'Martyrs' <http://www.memri.org/report/en/0/0/0/0/0/9305.htm>.



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The Palestinian Authority's allocations of monthly salaries and benefits to imprisoned and released terrorists and to families of "Martyrs" amount to \$300 million annually. That is seven percent of the PA's annual budget and more than 20 percent of the PA's annual foreign aid. These financial rewards, mandated by Palestinian laws, demonstrate the PA's institutional commitment to sponsoring terror against Israel.

Palestinian leaders declare that their national goals commit them to struggling against Zionism even through terrorism. Terrorists are heroes fighting for the national and religious cause who are glorified and rewarded.

The Palestinians perceive the mild reactions of the donor community to these payments as a green light to continue the solicitation of terror.

Legally, these payments violate the Oslo agreements, international conventions on counterterrorism, and international law.

The way to handle this serious problem is by becoming aware of Palestinian ideology and its institutionalization through the payments of salaries for "fighters." Through legal, economic and political means applied by donors, the Palestinian Authority may realize that this ideology and the policy of paying salaries to terrorists is unacceptable and must change.

Brig.-Gen. (res.) Yossi Kuperwasser is Director of the Project on Regional Middle East Developments at the Jerusalem Center. He was formerly Director-General of the Israel Ministry of Strategic Affairs and head of the Research Division of IDF Military Intelligence.



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for Public Affairs**

ISBN 978-965-218-133-6



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