

Social Benefits for Violence and Terror?

The Palestinian Authority's payments to Palestinian prisoners and the families of martyrs in 2017

The Palestinian Authority (PA) grants extensive financial support and other benefits to Palestinians detained in Israeli prisons and to the families of Palestinians who were killed by Israeli security forces provided their detention or death is related to the „struggle against the occupation“ or terrorism. In 2017, the total sum allocated to Palestinian prisoners and the families of martyrs amounted to €291.6 million. The policy is embedded in Palestinian constitutional law since 2003. The PA's practice of stipends for prisoners and martyrs' families promotes terrorism and violence and constitutes an obstacle to a negotiated solution of the Israeli-Palestinian conflict. It is likely that the Palestinian Authority utilizes German and European financial aid for financing prisoners' stipends and survivor's pensions to the families of so called martyrs.

Recommended Actions

- Germany and the EU member states should use their influence to pressurize the PA to end its payments to prisoners and the families of martyrs. The following bi- and multilateral bodies might be used as leverage to that end: The German-Palestinian Steering Committee, the EEAS, the European Union Representation in Palestine (EUREP), the Euro-Mediterranean Partnership, EU Joint Programming, the Quartet on the Middle East, the World Bank.
- Should the Palestinian Authority fail to cease its payments to prisoners and the families of martyrs, the EU and Germany should threaten sanctions and freeze or cut back funds to the PA.
- Criteria securing democratic principles and peace shall apply for the European Union's PEGASE-DFS-CSP program by which the EU unconditionally co-finances the salaries and pensions of PA-employees. The European development assistance to the PA shall be subject to the same criteria, e.g. *do-no-harm*, as other projects in the area of development cooperation.
- The EU shall render its financial support under PEGASE-DFS-CSP conditional on specific agreed upon results.
- The EU must consider the strengthening of existing control and monitoring mechanisms of PEGASE-DFS-CSP.
- Background checks of PEGASE-DFS-CSP beneficiaries shall be increased.

Overview

The Palestinian Authority (PA) grants extensive financial support and further privileges to Palestinians in Israeli prisons (or abroad) provided their involvement in the „struggle against the Israeli occupation”, i.e. politically inspired violence, including acts of terrorism. The funding system operated by the PA provides monthly stipends as well as one off payments. Prisoners serving a sentence of five years or more receive monthly stipends even after their release, or are offered a position within the Palestinian Authority.¹

Additionally, the PA operates a fund for „martyrs and wounded” that provides monthly stipends to the families of Palestinians killed or injured in attacks or confrontations with Israeli security forces.² In 2017, the total sum allocated to prisoners, wounded and martyrs’ families totaled €291.6 million.³

The system of stipends for the families of martyrs and prisoners involved in political violence offers significant incentives for violence and terror and fosters the potential for militancy and attitudes opposed to a peaceful settlement of the Israeli-Palestinian conflict within Palestinian society. Therefore, it constitutes a major obstacle for a two-state solution.

The European Union, the Middle East Quartet and Germany consider the renunciation of violence an inevitable precondition for a negotiated and peaceful settlement not only of the Israeli-Palestinian conflict. The PA’s system of remuneration for terror clearly contradicts this principle. Consequently, the international community must pressurize the PA to abolish its practice of rewarding acts of violence against Israelis, and, to actively combat terrorism.

In light of the given lax or non-conditionality of PEGASE-DFS-CSP and continued payments by the PA to prisoners and martyrs’ families, it is Germany’s and the EU’s responsibility to review its policy towards the PA and to render any developmental cooperation subject to strict conditions.

In 2017, Germany allocated €161 million in support of projects and institutions in the Palestinian Territories, of which the Palestinian Authority received €53 million for measures of bilateral development cooperation.⁴

The European Union provides the PA an additional annual amount of approximately €300 million as part of the European Neighbourhood Instrument (ENI) program.⁵ The ENI serves as a tool for the EU’s development cooperation with its immediate proximity to the East and to the South. The main component of ENI in the Palestinian territories is the PEGASE* mechanism, which allocates funds to a variety of projects in the West Bank, the Gaza Strip and to the Palestinian Authority.⁶

One component of PEGASE is the DFS-CSP** program: By means of this program, the EU co-finances the salaries and pensions of PA personnel. The subsidization of salaries and pensions is problematic for two reasons: Firstly, EU financial aid might be misappropriated either to employ

former prisoners – with a terrorist past, or to pay their pensions; And secondly, European direct financial support relieves the PA budget and allows the PA to apply funds to purposes not in line with EU principles. Thus, it cannot be excluded that the EU indirectly contributes to the PA’s funds for the families of martyrs and prisoners.

The PEGASE-DFS-CSP program is the biggest component of European development cooperation with the Palestinian Authority. In the period 2014-2017 Brussels allocated €452 million for paying the salaries and pensions of PA-employees. Particularly striking, however, is the fact that the European funds are not subjected to any conditionality.⁷

* PEGASE: Mécanisme Palestino-Européen de Gestion de l’Aide Socio-Economique

** DFS: Direct Financial Support / CSP: Civil Servants and Pensioners

Background

The allowances provided to prisoners and the families of martyrs are an official PA policy and already embedded in its constitutional law of 2003.⁸ The legal entitlements of prisoners and martyrs' families are defined in several laws, for instance in Law No.14 (of 2004)⁹ „to support detainees in Israeli prisons“, or Decree No. 1 (of 2013), regarding „prisoners and former prisoners“.¹⁰

The laws further entail an ideological dimension, for the PA considers the payments a „reinvigoration of steadfastness for prisoners and their families“, whom it considers the „fighting sector and an integral part of Arab-Palestinian society.“¹¹

The PA's legal infrastructure encourages militant practices and attitudes within Palestinian society that are opposed to a peaceful settlement – including acts of violence and terrorist attacks. Palestinian legal practice further distinguishes between prisoners convicted for their involvement in violence against Israel, which are referred to as „prisoners of war“ (Arab. „āsīr“), as opposed to other prisoners, which are called „sadjīn“. The aforementioned privileges and jurisdiction applies solely to the first group.¹²

While the PA provides monthly stipends and one off payments to detainees, it guarantees released prisoners, convicted to five or more years, appointment within the PA apparatus. The duration of their detention is considered as employment period, and therefore, they are offered an appropriate rank and salary. A decree defines their classification and accordingly, for instance, after five years of imprisonment, a detainee is considered head of department, and after 25 or 30 years, a detainee appears as deputy minister or minister respectively on the PA's payroll.¹³ The provisions of the aforementioned laws also apply to „members of PLO-organizations“ abroad, provided their participation in the „struggle for the liberation of Palestine“ led to their confinement.¹⁴ It needs to be examined whether individuals residing in the European Union receive PA-allowances on the basis of the aforementioned laws.

In a speech at the Palestinian Central Council on January 14th, 2018 Palestinian president Mahmoud Abbas pointed out the importance of the prisoners and martyrs: „Under no circumstances will we allow the families of the martyrs, the wounded, and the prisoners to be harmed. These are our children, our families. We are proud of them, and we will pay them before we pay the living“ (nadfa' lahum qabla al-āhīā).¹⁵

The relevance the PA attributes to detainees and released prisoners (approx. 10.000) as well as to the families of martyrs and wounded (approx. 35.000 families)¹⁶ becomes evident by comparing the budget allocated to the Prisoners and Martyrs Fund (€291.6 million) to the budget of the Ministry of Social Affairs, which supports Palestinians living in poverty. In 2017, the Ministry of Social Affairs provided assistance to 118.000 families in need and was allotted €176.6 million. Monthly payments to the needy ranged from €174 to €424.¹⁷ In contrast, the monthly stipends paid to prisoners range from €329 to €2823.¹⁸

Allocation of funds

The PA's yearly budget is released at the end of each fiscal year in the so-called „Budget Book“ (qānūn āl-muwāzanah) by the Palestinian Ministry of Finance and Planning. This entails the funds given to the „Foundation for the Care of the Families of Martyrs and the Wounded“ and the Foundation for „Prisoners and Former Prisoners“.¹⁹

Fund 4402 „Protection and Care for the Families of Martyrs and the Wounded“

Fund 4402 provides monthly stipends and social care to the families of Palestinians killed as well as those that have been wounded in confrontations with Israeli security forces. The Foundation for the Care of the Families of Martyrs was at first part of the Ministry of Social Affairs. Following a directive of Mahmoud Abbas, in 2005, it has been sourced out administratively and transferred to the PLO.²⁰ Despite the externalization of the fund, the PA upholds its payments to this very day, as the budget books clearly show.

In 2017, the budget of Fund 4402 amounted to €161.7 million or 687.1 million Shekels (cf. fig. 1)

برنامج: حماية ورعاية وتمكين أسر الشهداء والجرحى داخل الوطن وخارجه
تكلفة الموازنة التشغيلية والرأسمالية 2017

بند الموازنة	الاسم	موازنة 2017
رواتب وأجور		3273.000
211	الرواتب والأجور	3,273.000
مصاريف تشغيلية		204.140
22	استخدامات السلع والخدمات	204.140
مصاريف تحويلية		687129.000
212	المساهمات الاجتماعية	356.000
27	المنافع الاجتماعية	686,773.000
المجموع		690606.140

Fig. 1: Program for Protection and Care and Strengthening the Families of the Martyrs and Wounded within and outside the homeland, Operating Costs and Capital Expenditure 2017. Source: Palestinian Ministry of Finances and Planning, (ed. General Directorate of the Budget), Budget Book 2017, p. 623.²¹

The foundations lifelong allocations and services to families of martyrs are being granted „without distinction“, and therefore, it is likely that members of the Palestinian Islamic Jihad and Hamas – groups classified as terror organizations by the EU – likewise benefit from the funding. However, the amount of the payment varies and is subject to a number of criteria (cf. fig. 2).²² In addition, the PA provides a one-time payment (şarf makrameh) of €1414 immediately after the event of death of a relative, as Palestinian media reports suggest.²³

Figure 2 demonstrates the itemization of monthly payments to the families of martyrs by the foundation according to family status.²⁴

Married martyr		Married civilian martyr*
Basic payment	₪1300 €306	₪650 €153
Bonus for wife	₪100 €24	₪100 €24
Bonus for every kid	₪25 €6	₪25 €6
Single martyr		Single civilian martyr
Basic payment	₪1000 €235	₪400 €94
Married martyr (female)		Married civilian martyr (female)
Basic payment without bonuses	₪1000 €235	₪400 €94

*civilian martyrs are persons that are not classified as fighters in Palestinian political or military organizations

Fig. 2: Itemization of PLO Payments, in: AMAN – Transparency Palestine, Sequential Report No. 31 (2010), On the Foundation for the Families of Martyrs and Wounded, p 16. See the Arabic original in appendix ii.

Besides the payments to family members and the wounded, the fund offers educational courses as well as medical and psychological support for beneficiaries.²⁵ The German government is aware of the PA directly financing the „Foundation for Martyrs’ Families and Wounded“ since at least September 2016.²⁶

Fund 4903 „Protection and Care for Prisoners and Former Prisoners“

Fund 4903 serves the needs of Palestinian prisoners as well as Palestinians released from prison that have served a sentence of at least five years. In addition to monthly stipends to the prisoners, the fund provides extensive social benefits and other financial aides to eligible beneficiaries.

Until 2014 the Foundation was attached to the Ministry of Prisoners.²⁷ Yet, after harsh international criticism especially from Norway, the US and the Netherlands, that accused the PA of sponsoring terrorism, the PA closed the ministry and created a Commission for Prisoners instead. The Commission for Prisoners is formally a subordinate to the Palestinian National Fund (PNF), which belongs to the PLO, and henceforth, a number of donor countries argued that they see no need or possibility for action respectively, since they did not finance the PNF or PLO itself.

In fact, however, the PA continues financing Fund 4903, and, in 2015, transferred the budget formerly allotted to the Ministry of Prisoners to the PNF, or rather the PLO-Commission for Prisoners.²⁸ Already in May 2014 Mahmoud Abbas had ordered that the budget and competences formerly held by the Ministry of Prisoners would be transferred to the newly created PLO commission.²⁹ Moreover, the former Minister of Prisoners Issa Qaraqe was appointed as head of the PLO-Commission and assigned ministerial rank by presidential decree.³⁰

In 2017 the budget of Fund 4903 amounted to €130 million or 552.4 million Shekel. (see fig. 3).

برنامج: برنامج حماية و رعاية الأسرى و أسرهم و دعم و تأهيل الأسرى المحررين
تكلفة الموازنة التشغيلية والرأسمالية 2017

بند الموازنة	الاسم	موازنة 2017
رواتب وأجور		22423.490
211	الرواتب والاجور	22.423.490
مصاريف تشغيلية		5011.518
22	استخدامات السلع والخدمات	5011.518
مصاريف تحويلية		552399.424
212	المساهمات الاجتماعية	552399.424
27	المنافع الاجتماعية	550.000.000
مصاريف رأسمالية		500.000
31	الاصول غير المالية	500.000
المجموع		580334.432

Fig. 3: Program for Protection and Care for the Prisoners and their Families, Support and Qualification of Released Prisoners, Operating Costs and Capital Expenditure 2017. Source: Palestinian Ministry of Finances and Planning, (ed. General Directorate of the Budget), Budget Book 2017, p. 658. Fund 4903 is a sub-fund of the Palestinian National Fund (al-ṣundūq al-qaūmī āl-filasṭīnī).

The amount being paid is subject to different criteria: Relevant is 1) the time served in prison 2) the individual's membership in a Palestinian political organization, and if applicable, their military rank or position within the organization 3) their family status and 4) their origin. For instance, exist additional bonuses for prisoners possessing Israeli citizenship or coming from East-Jerusalem. Hence, monthly payments to prisoners may vary.

The following is a translated overview (fig. 4) of applicable evaluation criteria for financial allocations to prisoners.

Detention in years	Monthly payout	Wife-bonus	Bonus kids < 18	Bonus East-Jerusalem	Bonus Israel
up to 3	₪1.400 €329	₪300 €71	₪50 €12	₪300 €71	₪500 €118
3 to 5	₪2.000 €471	₪300 €71	₪50 €12	₪300 €71	₪500 €118
5 to 10	₪4.000 €941	₪300 €71	₪50 €12	₪300 €71	₪500 €118
10 to 15	₪6.000 €1412	₪300 €71	₪50 €12	₪300 €71	₪500 €118
15 to 20	₪7.000 €1647	₪300 €71	₪50 €12	₪300 €71	₪500 €118
20 to 25	₪8.000 €1882	₪300 €71	₪50 €12	₪300 €71	₪500 €118
25 to 30	₪10.000 €2353	₪300 €71	₪50 €12	₪300 €71	₪500 €118
more than 30	₪12.000 €2823	₪300 €71	₪50 €12	₪300 €71	₪500 €118

Fig. 4: Evaluation Criteria for the Payments of Monthly Stipends to Prisoners. Cf. Government Decision No. 23 (2010), in: Bureau for Legal Advice and Jurisdiction (dīwān āl-fatwā wa āsh-sharī'a), Palestinian Chronicle (al-waqāiya' al-filasṭīniya), Vol. 90, March 30th, 2011, p. 106. For the Arabic original, see appendix iii.

Explanation: A Palestinian prisoner from East-Jerusalem, married, with two children, who serves 15 to 20 years in prison would receive a monthly payment of €1812, as well as an additional one-time payment of €1882 after his release from prison.

To better assess these figures, the average monthly income of Palestinians living in the West Bank was about €683 per month at the end of 2017.³¹

The following chart (fig. 5) illustrates the allocation of funds to Palestinian prisoners and martyrs' families in the overall budget for the years 2014 to 2017.

	2014	2015	2016	2017
PA Budget total	€3,58 Mrd.	€4,61 Mrd.	€3,91 Mrd.	€4,19 Mrd.
Budget Fund 4903/4402	€249,7 Mio.	€259,1 Mio.	€271,1 Mio.	€291,6 Mio.
Fund 4903/4402 in % of budget	6,9%	5,6%	6,9%	7%
Foreign aid to PA	€1,38 Mrd.	€1,75 Mrd.	€914,3 Mio.	€588 Mio.
Fund 4903/4402 in % of foreign aid	18.1%	14.8%	29.7%	49.6%

Fig. 5: Palestinian Ministry of Finances and Planning, (ed. General Directorate of the Budget), Budget Book 2017, pp. 12, 18, 623, 658; Budget Book 2016, pp. 12, 18, 731, 760; Budget Book 2015, pp. 1, 8, 9f., 13; Budget Book 2014, pp. 10, 16, 104f., 488f., 504.

The overview shows that the PA spends approximately 7% of its total budget for prisoners and the families of martyrs. However, while the percentage remains relatively steady we observe an annual budget increase by €10-20 million.

To draw a comparison, the total amount of €291.6 million that the PA allocated to prisoners and the families of martyrs in its 2017 budget corresponds to the financial assistance the European Union provided the PA through the European Neighborhood Instrument (ENI) program in 2015 – which totaled €291.1 million.³²

European and German development cooperation in the Palestinian Territories

The Palestinian Territories are the fourth-largest recipient of development aid in the world after Syria, Yemen and Iraq.³³

The Federal Republic of Germany supports different programs in the West Bank and Gaza in order to stabilize the volatile Palestinian economy, to promote education, and to strengthen civil society and good governance. Development cooperation with the Palestinian Territories is further meant to contribute to regional stability and to facilitate conditions that would enable the establishment of an independent Palestinian state as the result of a negotiated peace agreement with Israel. The German Foreign Ministry and the Ministry for Economic Cooperation (BMZ) usually coordinate the bilateral co-operation projects. Additionally, there is the German-Palestinian Steering Committee, which includes the Foreign Ministry, the Ministry of the Interior, the Ministry of Economics, the Ministry of Development and the Ministry of Education.³⁴

The payments Germany provided for programs in the Palestinian Territories amounted to €154 million in 2016 and €161 million in 2017. Of this sum, the Palestinian Authority received €85.7 million, in 2016, and €53 million, in 2017, respectively, for measures of bilateral development cooperation.³⁵

Besides Germany's bilateral cooperation with the Palestinian Territories Berlin supports the PA on a multilateral-European level. Relevant mechanisms for EU support are the „Instrument contributing to Stability and Peace“ (IcSP) and the European Neighborhood Instrument (ENI), the two main tools of European-Palestinian development cooperation. The IcSP had a budget of €30.2 million in the years 2012-2018. The Federal Republic of Germany pays 20% of the IcSP as part of their contribution to the general EU budget.³⁶

Additionally, the European Union pays about €300 million annually for projects of European-Palestinian development cooperation as part of the ENI program.³⁷

The European Neighborhood Instrument processes payments both to the Palestinian Refugee Organization UNRWA and to projects in the Palestinian Territories through the PEGASE mechanism.³⁸

However, via one of the PEGASE sub-programs, the Civil Servants and Pensioners program (DFS-CSP), the EU as well co-finances the salaries and pensions of 88% of the PA's employees.³⁹ The budget of the CSP program is the biggest of ENI and the European development cooperation with the Palestinian Authority in general. Approximately €452 million were paid as salaries and pensions for PA employees in 2014-2017.⁴⁰ An additional €255 million will be provided for CSP in the period 2018-2020.⁴¹

The PEGASE-DFS-CSP program, however, is not subject to the conditionality that usually applies to EU budget support, i.e. it is neither result oriented nor does it meet basic requirements of development aid, e.g. the „do-no-harm“ criteria. Rather, most EU countries consider the program to be „essentially political in nature“. Conditions are perceived as an obstacle to a two-state-solution.

Due to the lack of results and the absence of a humanitarian dimension of the CSP program Denmark and Spain withdrew their special payments for PEGASE-DFS-CSP and instead directed their funding to other ENI components.⁴²

Germany does not provide any supplementary payments to the CSP program, but indirectly finances pensions and salaries of PA employees as part of its contribution to the EU's general budget, which is approximately 20%. Thus, Germany provided about €90.4 million for the CSP program in the period 2014-2017.

The CSP program is problematic for several reasons: Firstly, already in 2013 the European Court of Auditors addressed the fungibility of PEGASE-DFS-CSP funding provided by the EU, and

determined that the CSP component „has freed up the PA’s own budget for funding personnel which are not eligible for Pegase DFS, including the PA’s security apparatus.”⁴³ Secondly, though CSP beneficiaries are subject to ex-ante and post security screenings, it cannot be ruled out, that EU funding reaches individuals associated with terrorism, for the current mechanisms of control and auditing remain insufficient. The screening of CSP recipients against international sanction directories and databases does not prevent individuals ineligible for CSP from receiving EU funding. For, the names of many Palestinian individuals associated with acts of violence against Israelis do appear neither on international sanction lists nor in the media. Moreover, there is no mechanism preventing the martyrs’ relatives from appearing on the PA’s payroll. ⁴⁴ Therefore, EU funding is not sufficiently protected from misappropriation.

Finally, the CSP program contradicts general principles of EU development cooperation itself. The official guidelines of German and European development assistance involve securing peace, the strengthening of democratic structures and the protection of human rights. The objective of EU involvement in the Palestinian Territories is to create conditions favorable to a negotiated political solution of the conflict. Additionally important for development cooperation is the „do-no-harm” principle that requires governments and multilateral organizations to minimize the harm they may inadvertently cause through providing aid in conflict regions, and that requires them to not aggravate tensions in the area of engagement. On the other hand, the receivers of development aid are required to neither use nor support violence, e.g. through hate speech or other forms of incitement.⁴⁵

In this context, the German government and the Quartet on the Middle East had asked the Palestinian Authority to stop inciting violence and to intensify the fight against terrorism.⁴⁶ Nevertheless, the PA still maintains the practice of paying allowances to prisoners and the families’ of martyrs.

Conclusion

The horrendous PA support for individuals – as well as their families – that confronted Israeli security forces or carried out acts of violence, including terrorism, against Israeli civilians or security services complicates a peaceful settlement of the Israeli-Palestinian conflict.

The continued PA policy of granting stipends and social benefits to prisoners and the families of martyrs destabilizes the region – i.e. Israel and the Palestinian Territories, and promotes militant practices and attitudes among Palestinians.

Besides the ideologization of Palestinian society through the Palestinian educational sector, the PA’s system of social benefits for violence provides further incentives for Palestinians to act violently given the fragile economic situation in the West Bank and the Gaza Strip.^{47,48}

Comparing the financial support of €291.6 million that the PA grants prisoners and martyrs’ families to the budget of the Ministry of Social Affairs that cares for the needy, which totaled €176.6 million in 2017 only, the martyrs’ rents and prisoners stipends appear to be a discriminatory measure against all those Palestinians who refrain from using violence against Israelis.⁴⁸

Hence, it is in the very interest of the European Union and Germany to not only condemn this PA policy but to take the necessary measures to compel the PA to immediately cease its policy of social benefits for terror and violence.

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Appendix

Appendix i: Salary Levels and Rank (Military and Civilian) of Former Prisoners According to the Duration of their Detention

(ملحق)

عدد سنوات الأسر (السجن) للأمرى المحررين يتم خصم ثلاث (3) سنوات من السنوات الوارد ذكرها في الجدول أدناه للأسيرات المحررات.

الرتبة العسكرية	الدرجة المدنية	عدد سنوات السجن
ملازم أول	رئيس قسم	5 سنوات وأقل من 6 سنوات
نقيب	مدير C	6 سنوات وأقل من 8 سنوات
راند	مدير (B)	8 سنوات وأقل من 10 سنوات
مقدم + أقدمية	مدير (A)	10 سنوات وأقل من 15 سنة
عقيد + أقدمية	مدير عام (A4)	15 سنة وأقل من 20 سنة
عميد + أقدمية	وكيل مساعد (A2)	20 سنة وأقل من 25 سنة
لواء	وكيل وزارة	25 سنة وأقل من 30 سنة
لواء + أقدمية	يعين بدرجة وزير	30 سنة فما فوق

Governmental Decree No. 15 (2013): Regulation Concerning the Guarantee of Workplaces for Released Prisoners (p.43-51), p. 51, in: Bureau for Legal Advice and Jurisdiction (dīwān āl-fatwā wa āsh-sharīa'): Palestinian chronicle (al-waqāiyā' al-filasṭīniya), Vol. 103, December 8th, 2013: http://info.wafa.ps/pdf/Proceedings_of_the_103.pdf.

Appendix ii: Itemized Breakdown of Payments to Families of Martyrs by the Palestinian Liberation Organization (PLO) According to Family Status (valid since 1 January 2009)



لكادر المالي الجديد لمخصصات أسر الشهداء و الجرحى بالشكل

الشهيد المتزوج	
أساسي	1300
علاوة الزوجه	100
علاوة كل ابن تحت الإعاة	25

الشهيد الأعب	
أساسي / وبدون أي علاوات	1000

الشهيدة المتزوجة	
أساسي / وبدون أي علاوات	1000

الشهيد المدني المتزوج	
أساسي	650
علاوة الزوجه	100
علاوة كل ابن تحت الإعاة	25

الشهيد المدني الأعب	
أساسي / وبدون أي علاوات	400

الشهيدة المدنية المتزوجة	
أساسي / وبدون أي علاوات	400

الشهيد الذي يحمل رتبة عسكرية :- يتقاضى مخصصه بناءً على رتبته العسكرية حسب النظام المالي الجديد للرتب العسكرية

Appendix iii: Evaluation Criteria for the Payments of Monthly Stipends to Prisoners

مادة (12)

الصراف وفقاً للجدول

يتم صرف الراتب للأسير استناداً للسنوات التي أمضاها في الأسر وفقاً للجدول التالي :

علاوة أسرئ الداخل	علاوة القدس بالشكل	علاوة الأبناء حتى سن 18 سنة بالشكل ابن / ابنة	علاوة الزوجة بالشكل	الراتب الأساسي بالشكل	تعدد سنوات الأسر
500	300	50 لكل ابن / ابنة	300	1400	من بدء الأسر وأقل من 3 سنوات
500	300	50 لكل ابن / ابنة	300	2000	من 3 سنوات وأقل من 5 سنوات
500	300	50 لكل ابن / ابنة	300	4000	من 5 سنوات وأقل من 10 سنة
500	300	50 لكل ابن / ابنة	300	6000	من 10 سنة وأقل من 15 سنة
500	300	50 لكل ابن / ابنة	300	7000	من 15 سنة وأقل من 20 سنة
500	300	50 لكل ابن / ابنة	300	8000	من 20 سنة وأقل من 25 سنة
500	300	50 لكل ابن / ابنة	300	10000	من 25 سنة وأقل من 30 سنة
500	300	50 لكل ابن / ابنة	300	12000	من 30 سنة فما فوق

Government Decision No. 23 (2010), in: Bureau for Legal Advice and Jurisdiction (dīwān āl-fatwā wa āsh-sharā'), *Palestinian Chronicle (al-waqāiya' al-filasṭīniya)*, Vol. 90, March 30th, 2011, p. 106: http://info.wafa.ps/pdf/fact_90.pdf.

Endnotes

All websites were last retrieved on October 15th, 2018

¹ Cf. Decree 1, of January 1st, 2013: Decision Concerning Law No.1 of 2013 Regarding the Modification of the Law on Prisoners and Former Prisoners No. 19 of 2004, Art. 5, p. 6-9, p.7 in: Bureau for Legal Advice and Jurisdiction: Palestinian Chronicle, Vol. 99, February 27th, 2013: http://info.wafa.ps/pdf/Proceedings_of_the_99.pdf; Cf. Governmental Decision No. 15, of November 12th, 2013: Arrangement of Job Opportunities for Former Prisoners, p.41-51, in: Bureau for Legal Advice and Jurisdiction: Palestinian Chronicle, Vol. 13, August 12th, 2013: http://info.wafa.ps/pdf/Proceedings_of_the_103.pdf; This arrangement is applicable to men who had been detained for 5 to 10 years and to women that had been detained for 2 to 5 years or more, see *ibid.* p. 51.

² Payments from this fund are also made to Palestinians that have been wounded in confrontations with Israeli security forces.

³ This corresponds to the sum of 1.239 billion Shekel. The PA's budget is calculated in New Israeli Shekel (NIS). All conversions are calculated according to the exchange rate of January 31st, 2018 (€1=4.242 NIS).

⁴ The German government (through the Ministry for Economic Cooperation (BMZ)) paid the sum of €84.52 million to the Palestinian Territories. The sum was transferred within the framework of financial, technical and infrastructural cooperation. Additionally, Germany supported the UNRWA which cares for Palestinian refugees with €76.47 million. Regarding the BMZ payments, cf. the parliamentary inquiry of Member of Parliament (MdB) Alexander Krauß to the BMZ, on January 24th, 2018, and the response of the Ministry for Economic Cooperation (BMZ) respectively. The BMZ reply gives a comprehensive overview of the funds allocated for projects in the Palestinian Territories in the period 2015-2017. With regard to UNRWA payments, cf. https://www.unrwa.org/sites/default/files/overalldonor_ranking.pdf.

⁵ European Commission: European Neighborhood Policy and Enlargement Negotiations (Palestine): https://ec.europa.eu/neighbourhoodenlargement/neighbourhood/countries/palestine_en.

⁶ The EU's estimated payment in 2017 was €220.1 million. Yet, actual payments are usually higher than the projected estimates. Cf. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/a_c_2017_1096_palestine_sm_2017_commission_implementing_decision_en.pdf.

⁷ The goals of the PEGASE-DFS programs are described as follows: „Although stated as an objective, there is no direct or demonstrable link between PEGASE DFS and service delivery, and the results thereof have not been defined. The aid modality is a response to the Two-State Solution and is political in nature rather than part of a development agenda.“ Cf. Evaluation of the PEGASE Programmes of Direct Financial Support and Results Oriented Framework in the Period 2014-2015, published in December 2016: https://eeas.europa.eu/sites/eeas/files/pegase_2014-2015_and_rof_evaluation_-_final_report_dec_2016.pdf, pp. ii-iii.

According to this evaluation, €252 million were paid to the CSP component. In 2016, it was €115 million and in 2017 €85 million. The overall payments in the period 2014-2017 amount to €452 million. Cf. European Commission, Action Document for PEGASE: Direct Financial Support to Recurrent Expenditures of the Palestinian Authority 2017, p. 5 and p. 13: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/b_c_2017_1096_palestine_sm_2017_annex_1_pegase.pdf

⁸ Amended version of the Palestinian Basic Law, of March 18th, 2003, Article 22.2: <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law> .

⁹ Cf. Law No. 14, of November 24th, 2004: Regarding the Support of Prisoners in Israeli Detention: <http://muqtafi.birzeit.edu/pg/getleg.asp?id=14741>.

¹⁰ Cf. Law No. 19, of December 22nd, 2004: Law of Prisoners and Former Prisoners: <http://muqtafi.birzeit.edu/pg/getleg.asp?id=14777>; Article 4 states that all Palestinian prisoners have to be released as a precondition for peace negotiations with Israel or any peace agreement respectively. See as well, Governmental Decision No. 23, of June 28th, 2010: Arranging Monthly Payments to Prisoners: <http://muqtafi.birzeit.edu/pg/getleg.asp?id=16259>, and Governmental Decision No. 22, of June 28th, 2010: Maintaining the Legal Conditions for Prisoners, Health Insurance and Vocational Trainings: <http://muqtafi.birzeit.edu/pg/getleg.asp?id=16258>, and Governmental Decision No. 19, of January 4th, 2010: Exemption of Prisoners and Former Prisoners from School Fees and Tuition Fees, Payment of Healthcare Contributions and Training Expenses: <http://muqtafi.birzeit.edu/pg/getleg.asp?id=16255>. For further laws relevant for prisoners, cf. Budget Book 2017, pp. 647-648: <http://www.pmf.ps/52>.

¹¹ Cf. Law No. 14 (2004), Article 2, as well as Law No. 19 (2004), Article 2.

¹² Other prisoners (so-called criminal detainees (āl-sudjanā' āl-djinā'īn)) are not eligible for those privileges and exempted from the jurisdiction by law. Cf. Governmental Decision No. 21, of June 28th, 2010: Securing the Needs of Prisoners in Israeli Imprisonment, Article 4, p. 99, in: Bureau for Legal Advice and Jurisdiction: Palestinian Chronicle: Vol. 90, March 30th, 2011: http://info.wafa.ps/pdf/fact_90.pdf.

¹³ Cf. appendix i of this report: Salary Levels and Rank (Military and Civilian) of Former Prisoners According to the Duration of their Detention, in: Governmental Decision No. 15 (2013), Appendix to Art. 8, p.51. Three years need to be subtracted for female prisoners, thus, a female prisoner is e.g. promoted to head of department after three years of imprisonment. See also Decree No.1 (2013), Article 5.1 and 5.2 as well as Law No. 19 (2004), Article 3.6. An exemplary for this policy is the Palestinian Karim Younes who was nominated a member of Fatah's central committee after 34 years of detention. See, „Revolutionary council decides to admit Karim Younes a member of the central committee”, in: Ma'an, May 27th, 2017: <https://www.maannews.net/Content.aspx?id=909233>.

¹⁴ Cf. Decree No.1 (2013), Article 9.2, as well as Governmental Decision No. 15 (2013), Article 17 and 18. Further, media reports suppose that payments are also being made to members of other organizations like Hamas: <http://www.tagesspiegel.de/politik/spendenskandal-sind-deutsche-steuergelder-an-die-hamasgeflossen/13976910.html>

¹⁵ Mahmoud Abbas in a speech at the PLO's central council on January 14th, 2018 (min. 2:22:39–2:23:07): <https://www.youtube.com/watch?v=ELUIGogmH4o&t=142m39s>.

¹⁶ According to the Budget Book 2017 approximately 10.000 individuals received regular benefits by the Foundation for Prisoners and Former Prisoners. The Foundation for Martyrs and the Wounded financed approximately 35.000 families in 2017.

¹⁷ Ministry for Finances and Planning: Budget Book 2017, pp. 383, 385, 391. Individuals qualified as „people in need” are: poor people, disabled persons, orphans, women, elderly, drug-dependent individuals and „regular” prisoners (āl-sudjanā' āl-djinā'īn) and their families. See *ibid.*, p. 383.

¹⁸ Cf. fig. 4.

¹⁹ Cf. the webpage of the Palestinian Ministry for Finances and Planning: <http://www.pmf.ps/52>.

²⁰ Cf. AMAN – Transparency Palestine, Sequential Report No. 31 (2010), On the Foundation for the Families of Martyrs and Wounded, pp. 2-4: <https://www.aman-palestine.org/data/itemfiles/%20b3dd98a029db76be614d1a64dd10604e.pdf>; As well as: „Report on the Foundation for the Care of Martyrs' Families and the Wounded on the Occasion

of the Day of Palestinian Martyrs“, in: Donia Al-Watan, July 1st, 2012: <https://www.alwatanvoice.com/arabic/news/2012/01/07/235851.html>

²¹ The sum of 687.129 million Shekel was the amount paid by the PA to eligible beneficiaries. The operating costs and salaries of employees have been deducted already.

²² The phrasing „without distinction“ (dūna tamyīz), cf. Ministry for Finances and Planning: Budget Book 2017, p. 622, indicates that the foundation supports all eligible beneficiaries irrespective of their political affiliation. It is most likely that members of groups like Hamas and the Palestinian Islamic Jihad – that are classified as terror organizations by the US and the European Union – receive benefits from the foundation as well.

²³ Cf. Mohammed Sabihat's (secretary general of the National Council for the Martyrs' Families) statement: „On truth and history during the term of Dr. Fayyad; martyrs' families in Palestine and in the diaspora treated as just as never before“, in: Donia Al-Watan, April 24th, 2013: <https://www.alwatanvoice.com/arabic/content/print/385973.html>; See also: „Details about new financial support for martyrs' families revealed, in: Palestinian Press News Agency, August 8th, 2011: <http://www.palpress.co.uk/arabic/?Action=Details&ID=16236>.

²⁴ Additionally important for classifying the benefits an individual receives is the membership in a Palestinian political or military organization. See: AMAN – Transparency Palestine, Sequential Report No. 31 (2010), p. 17, „The new financing system for benefits to wedded martyrs and injured military beneficiaries“ (āl-niẓām āl-mālī āl-djadīd limuchaṣṣāt āl-shuhadā' āl-mutazawidjīn wa āl-djarhā āl-'askarīn al-ma'atamidīn). <https://www.amanpalestine.org/data/itemfiles/b3dd98a029db76be614d1a64dd10604e.pdf>.

²⁵ Ministry for Finances and Planning: Budget Book 2017, pp. 622-623.

²⁶ Cf. German Government (BT-printed matter) 18/9512, of September 2nd, 2016, Ministry of Foreign Affairs, p. 4: <http://dipbt.bundestag.de/dip21/btd/18/095/1809512.pdf>.

²⁷ Cf. Ministry for Finances and Planning: Budget Book 2014, pp. 99-105: <http://www.pmf.ps/documents/10192/0/02-04-2014.pdf/b3b3a9f1-8b6a-4450-a516-7bed1c731cab>.

²⁸ Cf. Ministry for Finances and Planning: Budget Book 2017, p. 646. In the budget books after 2014 the Palestinian National Fund which is part of the PLO (listed now as cipher 49) receives a budget almost identical to those being granted to the Ministry for Prisoners (formerly listed as ciphers 0601 and 0602 in the budget books) – including the regular annual increase of approximately €10 million.

²⁹ Decree No. 16, Article 4, of May 29th, 2014: Regarding the Creation of an Institution for the Affairs of Prisoners and Former Prisoners: <http://muqtafi.birzeit.edu/pg/getleg.asp?id=16631>.

³⁰ Decision No. 103, Article 1, of August 28th, 2014: In the matter – The appointment of Issa Qaraqe as Chairman of the Commission for the Affairs of Prisoners and Former Prisoners, in: Bureau for Legal Advice and Jurisdiction, Palestinian Chronicle, Vol. 109, October 29th, 2014, p. 72: http://info.wafa.ps/pdf/Palestinian_facts_109.PDF.

³¹ Cf. Palestinian Central Bureau of Statistics (PCBS): Registration of working force during the fourth quarter of 2017, chart 33: Average monthly income of employees from Palestine (in New Israeli Shekel) listed by period of service and degree of education, p. 26: http://www.pcbs.gov.ps/portals/pcbs/Press_Release/Press_Ar_13-2-2018-LF-ar.pdf.

³² Cf. European Commission: European Neighbourhood Policy and Enlargement Negotiations (Palestine): https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine_en.

³³ Cf. Global Humanitarian Assistance Report (2018), p. 9: <http://devinit.org/wp-content/uploads/2018/06/GHA-Report-2018.pdf>.

³⁴ Cf. German Ministry of Foreign Affairs: <https://www.auswaertiges-amt.de/de/aussepolitik/laender/palaestinensischegebiete-node/161026-d-pal-lenkungsausschuss/284636>.

³⁵ Cf. the reply of the BMZ (Ministry for Economic Cooperation), of January 30th, 2018, to the inquiry of Member of Parliament (MdB) Alexander Krauß (January 24th, 2018).

The BMZ reply provides a comprehensive overview on the funds Germany allocated for projects in the Palestinian Territories in the period 2015-2017. For the total funding provided in 2016, cf. <https://www.auswaertiges-amt.de/de/aussepolitik/regionaleschwerpunkte/nahermittlererosten/01-konfliktnahost/zukunftpalaestina.html> .

³⁶ Cf. IcSP's program website on projects in the Palestinian Territories: <https://ic-spmap.eu>. A further mechanism for development cooperation with the Palestinian Territories used by some EU member states is the PRDP-TF (Palestinian Recovery and Development Program – Trust Fund) program of the World Bank. Through PRDP-TF the Palestinian Authority received \$1.5 billion (€1.3 billion) since 2008. The conversion is calculated according to the exchange rate Dollar to Euro of October 14th, 2018 (1\$ = 0.86€).

³⁷ Cf. European Commission: European Neighbourhood Policy and Enlargement Negotiations (Palestine): https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine_en.

³⁸ The estimated budget of the EU in 2017 was €220.6 million. In fact however, actual payments are usually higher than the estimates. See: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/a_c_2017_1096_palestine_sm_2017_commission_implementing_decision_en.pdf.

³⁹ In 2014, the EU – through PEGASE-DFS-CSP – co-financed the monthly salaries and pensions of approximately 70.600 PA-employees. 88% was used to co-finance the salaries and 12% to co-finance the pensions of PA-employees and former employees. In the West Bank, 50.400 individuals benefited from the payments, whereas 20.200 people in the Gaza Strip received EU funding. Cf. Evaluation of the PEGASE Programmes (2016), p. ii; Besides the subsidization of salaries of employees of the Ministry of Health and Education the EU evaluation of the PEGASE program 2014-2015 lists 15.000 „other civilian employees“ that received EU funding, yet, without any further information on their tasks and affiliation, see *ibid.* p. 7.

⁴⁰ For the objectives of PEGASE and the financial contributions in 2014-2015, see the report of the European Commission and the International Consulting Expertise: Evaluation of the PEGASE Programmes of Direct Financial Support and Results Oriented Framework in the Period 2014-2015, of December 2016: https://eeas.europa.eu/sites/eeas/files/pegase_2014-2015_and_rof_evaluation_-_final_report_dec_2016.pdf, pp. ii-iii; For 2016 see: European Commission: Action Document for PEGASE: Direct Financial Report to Recurrent Expenditures of the Palestinian Authority 2017, (2017) pp. 5, 13: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/b_c_2017_1096_palestine_sm_2017_annex_1_pegase.pdf.

⁴¹ European Commission: Commission Implementing Decision on the Multi-annual Action Programme for 2018, 2019 and 2020 in Favour of Palestine from the General Budget of the Union, February 23rd, 2018, pp. 12-13: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/c_2018_1271_palestine_merged_document.pdf.

⁴² Accordingly Spain re-directed its special payments to the PEGASE-DFS-VPF (Vulnerable Palestinian Families) program. Denmark re-directed its bonus payments to the PEGASE-DFS-EJH (East Jerusalem Hospitals) program. See, Evaluation of the PEGASE Programs of Direct Financial Support and Results Oriented Framework in the Period 2014-2015, pp.8-9, and endnote 40.

⁴³ European Court of Auditors: Special Report No. 14 (2013) European Union Direct Financial Support to the Palestinian Authority, p. 24:

https://www.eca.europa.eu/Lists/ECADocuments/SR13_14/SR13_14_EN.PDF.

⁴⁴ The PEGASE-DFS program is subject to an internal and external auditing and is considered a robust mechanism by the EU Court of Auditors and the German government. See *ibid.* pp. 19-20; See as well, European Commission: Evaluation of the PEGASE Programmes of Direct Financial Support and Results Oriented Framework in the Period 2014-2015, p. 6.

⁴⁵ Cf. European Joint Strategy in Support of Palestine 2017-2020. Towards a democratic and accountable Palestinian State, October 2017, pp. 10-12:

https://eeas.europa.eu/sites/eeas/files/european_joint_strategy_2017-2020_2017_10_18_.pdf;

For Germany, see as well, Ministry for Economic Cooperation (BMZ): BMZ Konzepte 165: Leitlinien für die bilaterale Finanzielle und Technische Zusammenarbeit mit

Kooperationspartnern der deutschen Entwicklungszusammenarbeit, Berlin 2008, p.6:

<http://www.bmz.de/de/mediathek/publikationen/archiv/reihen/strategiepapiere/konzept165.pdf>;

See as well, BMZ-Strategy Paper 4/2013: Entwicklung für Frieden und Sicherheit.

Entwicklungspolitisches Engagement im Kontext von Konflikt, Fragilität und Gewalt, Berlin 2013, p. 18,

http://www.bmz.de/de/mediathek/publikationen/reihen/strategiepapiere/Strategiepapier328_04_2013.pdf.

⁴⁶ See the report of the Quartet on the Middle East, of February 12th, 2016, pp. 2-4:

http://www.un.org/News/dh/infocus/middle_east/Report-of-the-Middle-East-Quartet.pdf; See as

well, German Government (BT-printed matter) 18/9512, of September 2nd, 2016, Ministry of Foreign Affairs, p. 4: <http://dipbt.bundestag.de/dip21/btd/18/095/1809512.pdf>.

⁴⁷ Cf. MFFB: Educating the next Generation. Changing Palestinian Textbooks as a Precondition for Mutual Understanding (2017): <http://www.mideastfreedomforum.org/index.php?id=470&L=1>.

⁴⁸ The secretary general of the National Council for the Martyrs' Families, Mohammed Sabihat, stated in January 2018, that he would encourage a new increase of allowances for martyrs and prisoners, cf. „The council for martyrs' families convenes for its preparatory meeting in Jenin”, in Ma'an, January 30th, 2018: <https://www.maannews.net/Content.aspx?id=937810>; See a similar comment by Saeb Erekat, Palestine's chief-negotiator during the Oslo Accords and former chief of the PLO Steering and Monitoring Committee, „The Palestinian Authority will continue its payments to martyrs and prisoners, in Arab48, July 4th, 2018: <https://www.arab48.com/> 2018

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https://gadebate.un.org/sites/default/files/gastatements/73/ps_en.pdf; An increase in allowances for the needy, however, plays a only subordinate role in Palestinian discourse.