

Research Department

Policy Paper

**Terrorists in the Civil Service** The Palestinian Authority's Well-oiled Economic Mechanism Designed to Incentivize and Encourage Terror and Create Jobs for Terrorists

“Pay for Slay”

September 2021 / Tishrei 5782

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# Executive Summary

* The Palestinian Authority, which has the image of a bureaucratic, moderate, pragmatic and civilian-led Palestinian government, certainly when compared to its rival Palestinian organization, Hamas, **plays an active role in the armed struggle against Israel** in many ways, including the administration of a well-oiled and well-budgeted economic mechanism designed to incentivize organized and popular acts of terror of all kinds perpetrated by Palestinians against innocent Israelis.
This is the “Pay for Slay” mechanism.
* According to Palestinian law, which designates the terrorists as Palestinian society's combat wing, imprisoned terrorists are rewarded based on the number of years they are serving in prison. **Once they have reached their 30th year in prison, their salaries reach up to 12,000 ILS per month**, which is equivalent to the salary of the president of the Palestinian Supreme Court, and **eight times the average minimum salary in Gaza and in Judea and Samaria.** It is also **four times the per capita average monthly salary earned by Palestinians.** **This annual per capita salary is surpassed by only eight countries.**
* Incarcerated terrorists who were released after having served more than five years in prison continue receiving a salary, even after their release, as well as a **one-time release payout ranging from $5,000 to $25,000.**
* The PA is also required by law to employ released terrorists in order to provide them with financial and job security for their entire lives and to give them priority during the annual job placements in all government ministries.
* Furthermore, the PA provides compensation, in the form of monthly allowances, through the PLO, to the families of the “*shaheeds*” (martyrs) who were killed during terror operations.
* **On average, the PA spends about one billion shekels every year on this,** an amount equal to about **7% of its budget** during most of the years we surveyed, and almost half of the foreign financial aid it receives from donor countries and other contributors.
* Approximately 5,000 prisoners and another 7,200 released prisoners, as well as 37,500 family members of the *shaheeds* and wounded terrorists, benefit from the allowances and employment provided through this policy.
* For comparison's sake, in 2018, the budget of the Palestinian Ministry of Health, which is budgeted for 5 million inhabitants, stood at 1.787 billion shekels (357.4 shekels per capita per year), while the terror apparatus budget, which serves 12,200 incarcerated and released prisoners, and 37,500 family members of *shaheeds* and wounded terrorists, that constitute a minuscule part of the population, is 1,237 billion shekels (28,229.3 shekels per capita per year).
* Among the terrorists receiving these benefits are Omar Abu Jalal, who murdered the members of the Solomon family and is expected to receive about 6.6 million shekels throughout his lifetime, Abdel Hakim Asi, who murdered Rabbi Itamar Ben Gal, and is expected to receive a similar amount, and Karem Fathi Lutfi Razeq, who murdered Eitam and Na'ama Henkin and received 2 life sentences plus thirty years, is expected to receive about 11.2 million shekels over the course of his life.
* Thus, the PA is making it worthwhile for people to choose terror as a course of action that not only wins operatives honor and admiration but also gives terrorists and their families financial security for their entire lives, including health insurance and access to fully subsidized education. This constitutes a systemic standardization of the Palestinian armed struggle.
* Terror is considered a legitimate and key tool used to fulfill the PLO and PA's ultimate goal of establishing a Palestinian state while eliminating the State of Israel. In this framework, in the eyes of the PA, the employment and payroll mechanism constitutes an important element in preserving the terror machine.
* By doing so, **the PA meets the Israeli and international definitions of a terror organization.** Not only does it finance terror and incentivize people to carry out terror through its support for still incarcerated and released prisoners, as well as the families of *shaheeds* and wounded terrorists – it also employs many of them as public servants. Some of these public servants are, absurdly, members of the PA’s security establishment, who are supposed to be combating terror.
* This is the Palestinian Authority's clear, declared policy, publicized in the media and in other open sources. For example, the president of the PA, Mahmoud Abbas, who called the *shaheeds* “stars in the sky of the Palestinian nation's struggle,” who are the “top Palestinian priority,” stressed, on several occasions, that “even if we were left with just one penny, we'd pay it to the families of the *shaheeds* and prisoners.”
* **Laws were passed against this policy in the United States and Israel.** In Israel, the funds that the Palestinian Authority transfers to terrorists are withheld by law from the taxes that were collected on its behalf by Israel. In the United States, American law bans the transfer of financial aid to the PA as long as this policy continues.
* The response of the vast majority of the international community to this phenomenon has been muted, and it accepts the PA's victimhood narrative, even though the PA's policy runs completely contrary to the global struggle against terror. Transferring aid money from donor countries to terrorists violates the laws of the donor countries themselves, as well as international treaties on terror financing. Indirectly, this foreign aid provides a substantial lifeline to the PA's terror mechanism, which targets innocent Israelis, in the guise of humanitarian aid.
* The law that freezes the funds that the Palestinian Authority transfers to terrorists (“the Offset Law”) should be strictly enforced, and we mustn't be fearful of a scenario in which the PA collapses. These economic collapse scenarios were meant to apply pressure and aren't consistent with the descriptions of corruption found on social media. This corruption is manifest, among other things, in massive embezzlement occurring every year, or the earmarking of inflated budgets to finance the terror financing mechanism.
* Countries throughout the world and the international community must take measures like those taken by the United States and Israel, enforce them, and make it clear to the PA that financing and incentivizing terror comes with a price tag.
* Israel must condition any political process vis-a-vis the PA on the immediate and permanent cessation of all terror financing activities on its part and on the part of any entity tied to the PA, including the PLO.

# Introduction

Or Yissachar

The range of opinions in Israel regarding the Israeli-Palestinian conflict is extensive, and, in broad terms, can be split into two groups: those who claim that a political solution must be worked out with the Palestinian Authority, and those who are skeptical about whether the Palestinian leadership is capable of striving for peace, or, simply put, those who say “there is a partner,” versus those who say “there is no partner.” Before asking questions regarding the price and the format of peace, and how worthwhile it is, one must wonder what the organization that Israel is dealing with is all about. What is the nature of the organization that, for many, is poised as a potential candidate with which Israel could strive to achieve a political settlement? **The objective of this position paper is not to completely rule out the possibility of reaching a genuine settlement with any Palestinian leadership whatsoever.** On the contrary, it is encouraging to consider the possibility of such a settlement. **Rather, this paper aims to shed light on some erroneous basic assumptions about today's Palestinian Authority that underpin public discourse and are held by current decision-makers.** In particular, it aims to clarify the nature of that organization in terms of **the armed struggle against the existence of the State of Israel.**

For a considerable portion of the Israeli and international public, **the PA benefits from the “soft” image of leadership that is civilian, bureaucratic, moderate and pragmatic.** The logical comparison between the PLO and the Hamas, the popular organization pitted against it, presents the public and decision-makers in Israel with a fake choice between a murderous organization championing the destruction of Israel and an organization whose security forces are collaborating with their Israeli counterparts, an organization that had even signed political arrangements with Israel, the most important of them being the Oslo Agreements. In contrast to the militant image that adhered to former PA president Yasser Arafat, whom Israel also signed agreements with – and certainly in contrast with the leaders of Hamas, from Isma'il Haniyyeh to Yahya Sinwar and Muhammad Deif, Mahmoud Abbas, Abu Alaa, Mohammed Shtayyeh and their colleagues have the image of the suit-and-tie-wearing responsible adults, sporting the title of “**the Palestinian Government.”**

This lack of clarity, reached intentionally or otherwise, is a tool used by stakeholders who rely on it to sway public opinion toward the conclusion they find self-evident. This narrative creates an alternate reality that serves the interests of anti-Israeli entities in Israel and abroad who wish to conceal this designated partner's real identity from the public.

Thus, “**Terrorists in Public Service**” seeks to provide the setting for a discussion on the Palestinian Authority. Armed with hard facts, this paper provides tools that can be used to contend with contemporary fundamental questions and grasp the true nature of the PA and where it stands on the armed conflict, that is, on Palestinian terror against the State of Israel's existence. Long before discussing the details, a minimum bar for discourse should be set in the form of a consensus about the reality of the situation. Is the Palestinian Authority conducting a murderous armed struggle targeting the lives of innocent Israelis, or is it the entity that they try so hard to present to the outside world of a civilian-led government that disagrees with Israel over various territorial arrangements?

This paper shows that contrary to widespread belief, the Palestinian Authority runs a well-oiled terror apparatus. This apparatus is efficient to a degree that would cause envy among the managers of centers for the unemployed ordinary countries. The Palestinian Authority pays, directly and through the PLO, the salaries of incarcerated terrorists in Israeli prisons and families of terrorists killed in action. While generating a public image for these terrorists, national heroes, the PA promotes the murder of innocents through rhetoric, education, and the economy.

**The PA budgets about a billion ILS per year to the terror financing mechanism and the employment of released terrorists.** Between 2013-2020, this amount was equivalent to about 7% of the PA's budget, or about half of the total foreign aid it receives. About 5,000 current prisoners, 7,200 released prisoners, and 37,500 family members of *shaheeds* and wounded terrorists benefitted from these enormous sums of money. Released prisoners are also eligible for job security for their entire lives, including benefits like health insurance, free dental care, fully subsidized education, and vocational training programs.

This policy stems directly from the Palestinian Authority's commitment to the Palestinian struggle against the existence of the State of Israel and against the idea of Zionism. The ultimate national objective to be achieved is the establishment of an independent Palestinian state instead of the State of Israel. Terrorists from both Fatah and Hamas, residing in the Gaza Strip, Judea and Samaria, and East Jerusalem, both Palestinians and Arab citizens of Israel, amateur terrorists, and those operating as part of an organized network, are all compensated equally by the PA. If that weren't enough, the depiction of Palestinian terrorists as “lone wolves,” frustrated youngsters who have nothing to lose, is shattered when Palestinian terror is set within the wider context of the PA and the PLO's institutionalized efforts to coax them into carrying out terror against Israelis using financial incentives that were promised ahead of time.

Thus, the Palestinian Authority is offering run-of-the-mill Palestinians a lucrative career as murderers of Jews, which will give them and their families financial security for the rest of their lives. This track, at its highest point, offers a high salary, eight times the average minimum wage in Judea and Samaria and in Gaza, or four times the typical average monthly income per capita for Palestinians. These sums increase proportionally to the damage their acts of terror caused, i.e., commensurate with the sentences that the terrorists were given. Moreover, this policy makes choosing this track far more worthwhile than choosing any other career. Instead of creating jobs in tourism, agriculture, or manufacturing, the PA is creating jobs in the field of terror. **This is how the Palestinian Authority incentivizes the armed struggle against the lives of Israelis. It isn't substantially different from the struggle that Hamas is waging against them. The only difference is the *modus operandi*.**

In contrast with this terrorist method of pursuing goals, democracies like Israel pursue their policies by the practice of governance and control of the forces dedicated to the preservation of law and order. This is evident from the fact that any violent actions performed by either citizens or para-military organizations that are not part of the central government's normal law enforcement apparatus are against the law; they certainly are not encouraged nor does the government pay bounties for violent acts. Furthermore, in democracies, soldiers and the security apparatus are not called upon to carry out random attacks on civilian targets and certainly aren't given incentives to do so. If anyone oversteps their orders, it leads to criminal charges or disciplinary measures. This is nothing like a standard operation conducted by one army against another. Its significance isn't substantially tied in any way to adopting this or that political narrative. **This modus operandi is completely foreign to democracies based on the freedom and the rule of law, democracies whose military power is meant to, first and foremost, preserve peace, order and the rule of law.**

It would take volumes to review all of the bellicose anti-Israeli and even antisemitic actions of the Palestinian Authority. These include education programming encouraging students to despise Israel and the Jewish people that pervades all parts of the educational system, close collaboration with the BDS movement, delegitimization of Israel through international organizations, the systematic violation of the Oslo Accords by expanding their armed forces, and the filing of lawsuits at the International Criminal Court in the Hague. This position paper will focus on one small aspect of this activity that casts serious doubt about the Palestinian Authority's peaceful intentions.

As usual, the reality is more complex than a dichotomous division into a peace camp and a warmonger camp. As part of the public discourse in Israel on the Palestinian Authority, the message this position paper wishes to convey is that **if the true nature of the PA isn't clearly stated, a misrepresentation is produced, whereby a well-oiled, inflated and well-budgeted terrorist entity is portrayed as an innocuous civilian-led government.** Any political, military or civilian discourse regarding the Palestinian Authority should be based on these facts. **Regardless of the conclusion drawn from these facts,** i.e., whether there is or isn't a partner, **the discussion should be founded on reality.**

The PA's ultimate goal of destroying Israel, or at least gnawing away at its fortitude and the security of its citizens, is manifested in this policy, which is mainly concerned with **“causing harm as a profession.”**

# Rationale

To understand why the Palestinian Authority is in incentivizing terror against Israelis through its employment and payment of salaries to terrorists, we must get to the bottom of the rationale behind the Palestinian narrative and ideology.

The PLO's, and, by extension, the PA's most fundamental tenet is **the negation of Zionism, and ultimately, the establishment of a Palestinian state while eliminating the State of Israel.** This is what is stated in the Palestinian charter, publicized by the PLO in 1968. According to the charter, Zionism is an illegal expansionist movement. Thus, the PLO underscored its aspiration of negating the existence of the State of Israel in the Land of Israel, arguing that Judaism is a religion, not a nationality, and therefore should not be eligible for self-determination. Israel's demand to cancel the charter or parts thereof when the Oslo Accords were signed was never met, and today, the charter still serves as the PLO's and the PA's foundational document.[[1]](#endnote-1)

The former chairman wasn't the only one who underlined these goals; the current chairman, Mahmoud Abbas, did so as well. For example, in 2013, he said the following: “All of our holy places are under occupation, and we haven't liberated an inch of Palestinian land. All Palestinian land is occupied. Gaza is occupied, the [West] Bank is occupied, pre-1948 land is occupied, and Jerusalem is occupied.”[[2]](#endnote-2)

To accomplish this goal, the PLO and the PA support waging a multifaceted struggle, including a violent struggle against Israel, which means using terror against innocent Israeli civilians and soldiers. In English, the PA conveys messages in the spirit of international reconciliation and opposition to terror: “We, the State of Palestine, are convinced that terror must be fought everywhere, and we have at least 83 protocols with various countries all over the world in order to fight violence and terror (2017).[[3]](#endnote-3) In certain interviews, PA Chairman Abbas has voiced a commitment to the world not to allow an armed intifada, calling for liberation not by using military force, but through the use of peaceful means, gradually, in light of the failure of armed combat until the Oslo process.[[4]](#endnote-4) When speaking to a domestic audience, Abbas conveys the opposite message, like in a speech he made in 2019: **“We'll enter Jerusalem – millions of fighters!** **We will not accept the presentation of the martyrs as terrorists.** These are martyrs of the motherland. We won't reduce their salaries by a penny... They are the most sacred thing we have.”[[5]](#endnote-5)

In practice, the PA is encouraging ordinary Palestinians utilizing both rhetoric and policies, to choose the path of terror:[[6]](#footnote-1)

* It fails to denounce terror attacks in which Israelis were murdered (some of which were carried out on the same days as the opposite messages were publicized in English).
* It incites terror through its educational system, from kindergarten, through schools, summer camps and institutions of higher learning.
* It lauds the *shaheeds* (martyrs), terrorists that killed while they were carrying out an act of terror, including the annual marking of the 6th of January as the “Day of the Palestinian Shaheed.” The shaheeds are referred to as “the candles lighting our path,” trees are planted in their memory and roads, village squares and schools are named after them. Several prominent terrorists are among those so honored, like Fathi Shqaqi (the previous chairman of Palestinian Islamic Jihad), and Dalal Mughrabi (who participated in the “Coastal Road Massacre” in 1978, in which 37 Israelis were murdered), and terrorists like Bilal Adnan Rawajbeh, a Palestinian police officer who carried out a shooting attack in 2020.[[7]](#endnote-6)
* It refrains from including Israel in its official maps, designating Israeli territory as the “State of Palestine” instead.
* Worst of all, it runs one of the most extensive and well-budgeted terror financing mechanisms.

Most importantly, **the PA is essentially subordinate to the PLO,** which was recognized as “the sole representative of the Palestinian people” by the Arab League and the UN in 1974, and also recognized as such in the framework of the Oslo Accords by Israel and the United States in 1993. Its state of being subordinate to the PLO is underscored in the text of the Oslo Accords, inter alia, by referring to the Palestinian Authority as the “elected council” that lacks any authority on foreign affairs (Clause 9) and is essentially used to administer internal affairs within its jurisdiction. Under this logic, the agreements were signed between the Israeli government and the PLO, not the PA.

Outwardly, the PLO, and the PA which is subordinate to it, took a more pragmatic, realpolitik approach toward Israel and Zionism than Hamas and other extremist organizations. It signed peace agreements with Israel, and the security forces of both sides cooperate. According to the accepted perception, the PA essentially refrains from using terror and violence to achieve its goals. This strengthened the PA's image as a “default” option or the least objectionable option among the other Palestinian entities. A “moderate” and “pragmatic” entity that we could do business with. This perception grew stronger once Hamas was excluded from the PA's apparatuses after winning the 2006 elections for the Palestinian Legislative Council, and when the Palestinian arena was reframed as a struggle between Fatah and the Palestinian Authority, with, supported by the West and the Quartet, and Hamas and the Palestinian Islamic Jihad, supported by Iran.

However, this depiction is completely debunked if, first of all, we take note of the type of motives behind this temporary pragmatism, and second of all, if we review the PA's conduct in practice. Firstly, this is the **“Theory of Stages”** that led the PLO to adopt a “softer image” on the international stage. This theory argues that since Israel can't be defeated militarily in one fell swoop, the national Palestinian objective to achieve sovereignty over all of mandatory Palestine – including the State of Israel – can be achieved gradually, without giving up on “resistance” and the ultimate means of achieving this goal.[[8]](#footnote-2) Secondly, since the PA **uses its governmental apparatus in the struggle against Israel,** from antisemitic and anti-Zionist incitement to delegitimization in UN agencies, partnering with the BDS movement, and promoting a popular struggle using primitive arms like Molotov cocktails, stones, knives and more, it has demonstrated that it remains a substantial and strategic security threat to Israel and an entity that promotes a violent struggle against that state and its citizens.

The terror financing and terrorist employment policy, nicknamed “Pay for Slay,” is the best indication of the fact that a policy of terror is deeply engrained in the very fabric of the PA and its actions. This is an enterprise that began in 1965 with the PLO and continued into the era of the Oslo Accords signed with Israel and up to today, while capitalizing on the aura of heroism surrounding the image of the “prisoner” (the Arabic word literally means “prisoner of war”), and the “*shaheed,”* as a central part of the violent Palestinian struggle against Israel.

## The Palestinian Authority Is Open About This Policy

This policy wasn't kept under wraps. It was formulated into law through the appropriate legislative procedure and is an overt and manifest Palestinian policy. From PA Chairman Mahmoud Abbas to members of the Palestinian government, consultants and civil servants, members of the PA have clearly expressed this policy in various forums, including the UN General Assembly, open conferences, and press statements.

Mahmoud Abbas (“Abu Mazen”), the chairman of the Palestinian Authority, has spoken about it on a number of occasions, and openly declared that he had no intention of stopping to pay allowances to the *shaheeds* and prisoners, even if he needed to pay them out of his own pocket; he even said so to the advisor to former US President Donald Trump. He emphasized the followed in 2018, as well: “**The *shaheeds* and their families are sacred, as are the prisoners and those wounded [in terror operations]. We must pay for all of these. The salaries of the *shaheeds*, the prisoners, and our wounded are a red line. They [Israel] are pressuring us, in every way possible, saying 'you must not pay it.’ They will even offset the amounts we pay to *shaheeds* from our money, which is in their possession. We won't let that happen. Even if we were left with just one penny, it's for them, and not for the living.”[[9]](#endnote-7)**He described payments to terrorists and terrorist employment as a subject that is “at the top of the Palestinian national priorities,” and exalted terrorists as “pioneers” and “stars in the sky of the Palestinian nation's struggle.” **He even set the goal of this enterprise as “paving the road to the liberation of Palestine.”[[10]](#endnote-8)** In 2020, he lashed out against the freezing of funds by Israel: “We swear to hour honorable *shaheeds* and our brave prisoners – [the Israelis] asked the banks not to pay prisoners, [but] we will pay prisoners, even if they disapprove!”[[11]](#endnote-9)

In 2019, speaking from the podium of the UN General Assembly, President Abbas declared: “We say to them, to the families of the martyrs, that we will defend their rights regardless of the price we’ll have to pay.” I won’t submit to what Israel has requested. Even if I’m left with one penny, I’ll pay it to the families of the martyrs, to the prisoners, and to the wounded, and I won’t withhold this from them.”[[12]](#endnote-10)

In 2018, the Palestinian Director of Detainee and Ex-Detainee Affairs, Minister Issa Qaraqe, state: “I will quote President Abbas: 'Up to my last days, we shall not stop this support, it's important’... the families of each Palestinian prisoner receive social assistance. **We are proud of this**. We aren't ashamed of it, and we say this openly, **for it is our national, moral and human duty,** and the duty of the struggle. **It is supported by the Palestinian leadership and government.**”[[13]](#endnote-11)

In the Palestinian media, senior Palestinian officials speaking openly about this declared policy are often quoted. For example, on December 12th, 2013, WAFA, the Palestinian Authority's official news agency, published an article written by Justice Ali Abu Diak, the director of the Legal Advisory and Legislation Bureau, a government body run by the PA, which provides advice on legislation. Diak described how the then Palestinian Prime Minister Rami Hamdallah had publicized the amended law on released prisoners and stressed the importance of adding new regulations that will sort out the issue of salaries paid to released prisoners as well as employment grades. He stressed that before that amendment, the PA “stopped paying salaries to prisoners when their jail term was over, and this did not provide a solution for the payment of salaries to released prisoners, absorbing them into public service apparatuses, and their employment grades after being released from captivity. This presented the new Palestinian government with a formidable challenge. The government understand how important it was to sort out this issue in the context of the national struggle, and it understood the need to enshrine in law prisoners' salaries, their ranks, and the procedures used to absorb them into public service after their release.”

In July of 2021, Qadri Abu Bakr, the director of the Palestinian Authority's Authority for the Handling of Prisoner Affairs, stated as follows: “Our position regarding the payment of allowances and salaries to prisoners and their families remains unchanged. It is their right, which is enshrined in all of the international treaties and agreements, for our prisoners are prisoners belonging to a movement of liberation and freedom fighters.”[[14]](#endnote-12)

## Summary

The above text completely shatters the Palestinian Authority's soft image as a civilian, bureaucratic “Palestinian government” whose goal is achieving nothing other than an Israeli pullout to the 1967 lines, and consequently, an organization that promotes a moderate approach that opposes violent resistance to Israel. Understanding the rationale at the foundation of the PA's *realpolitik*, and by analyzing their investments in antisemitic and anti-Israeli incitement, in delegitimizing Israel, and most importantly, in their tremendous economic project of promoting and incentivizing terror against innocent Israelis, the PA has demonstrated that it is a risk to Israel's security and that it is a major player in the violent opposition to Israel's very existence. In this way, **the PA complies with the Israeli and international definition of a terror organization and is a major player in the armed Palestinian struggle against Israel.**

In view of this, terror is considered a legitimate and key tool used to fulfill the PLO and PA's ultimate goal of establishing a Palestinian state to replace the State of Israel. The deeper rationale at its core is applying pressure on Israel and adversely ruining the morale of the Israeli public through a violent armed struggle. In this framework, **in the eyes of the PA**, **the terrorist employment and payroll policy constitutes an important element in preserving the terror machine**.

# The Palestinian Authority's laws on terrorist salaries and the families of *“shaheeds”*

The PA enshrined the payment of salaries to incarcerated and released terrorists in a series of laws and government edicts, particularly **Laws 14 and 19, from 2004, and Law 1, from 2013.** According to these laws, the prisoners are a “fighting sector, an inseparable part of the fabric of the Palestinian people,” and the financial rights of prisoners and their families must be guaranteed. The PA shall provide an allowance to every prisoner, without prejudice, a monthly allowance paid while the prisoner is incarcerated, and salaries and jobs after the prisoner is released. The prisoners are also eligible to receive an exemption from paying for education and health care, as well as vocational training.

According to the laws of the Palestinian Authority, all Palestinians incarcerated in Israel for carrying out acts of terror, including Arab citizens of Israel and residents of East Jerusalem, are included on the list of those eligible to receive a monthly salary from the Palestinian Authority. It should be stated that prisoners serving a life term for civil offenses, such as automobile theft, are not eligible for this allowance. Terrorists from Jerusalem and Israeli Arabs receive a slightly higher salary.

Moreover, in order to promote more lethal acts of terror against Israelis, the actual monthly salary paid to terrorists, the grants disbursed to released prisoners, the benefits to the families of incarcerated terrorists and the awarding of military or civil ranks to terrorists are based on a tiered system corresponding with the time they serve in prison. Longer prison sentences earn prisoners higher salaries. For example, according to the decisions of the Palestinian government, the allocation given to a prisoner during his first three years in prison is 1,400 ILS per month and starting on the 30th year of his sentence – 12,000 ILS per month.

Given that the average per capita monthly salary in the Palestinian Authority and Gaza is about 2,987 ILS, a terrorist's income beginning in his 30th year in prison is four times higher than the average monthly salary for typical Palestinians, and eight times higher than the average minimum wage in Judea & Samaria and Gaza (and 27% of Palestinian employees earn less than this). Beginning on the 5th year of their incarceration, terrorists earn more than the average Palestinian salary, and far more than minimum wage.[[15]](#endnote-13) Moreover, this is one of the highest salaries in the world. It amounts to an annual salary of $44,100, and only eight countries have higher average per capita salaries.[[16]](#endnote-14)

According to the tiered system mentioned above, every released prisoner who had served at least one year in prison is eligible for a **one-time release grant**, commensurate with time served in prison, which ranges from **$1,500 to no less than $25,000.**

Also, according to the tiered system, each released prisoner who had served at least 5 years in prison receives a military or a civil service rank, ranging from department head to minister in the civilian rank system, and senior lieutenant colonel and up in the military rank system.

Security prisoners and released prisoners are also eligible for certain social benefits. PA law determines that **the prisoner and his children shall be eligible for access to education** (apparently elementary and high school education for children, and academic education for fathers), **tuition-free education at schools and universities, full coverage of health care, and full coverage of tuition for all vocational training programs that the relevant official entity offers** (Section 6 of the 2013 amendment).

According to data from the World Bank, salaries in the public sector in the PA are inflated in comparison with those of the rest of the Palestinian public. For instance, if we measure average monthly salaries in the public sector in light of the general GDP per capita, we'll discover that in 2013, the average per capita annual salary for workers in the public sector in the PA was $11,059, which is 3.5 times higher than the per capita Palestinian GDP that year.[[17]](#endnote-15) The salaries of terrorists in their 30th year of incarceration are almost four times higher than that. These salaries are substantially higher than the base salaries of junior-level PA employees, like security guards and couriers (1,250 ILS per month), higher than the next three ranks, which include the engineering and medical professions (up to 2,000 ILS per month), deputy ministers (about 4,000 ILS for a junior prosecutor, 6,200 ILS for magistrate court judges, and 11,250 ILS for the president of the Supreme Court).[[18]](#endnote-16)

The World Bank found that the ratio of the PA’s spending on salaries in the public sector to its GDP is among the highest in the world. In the PA it is 17% of the GDP while in most countries, this spending doesn't exceed 10%. The main factor behind this astronomical ratio is high salaries, particularly those received by the staff of the central government, rather than the size of the public sector. Even if we include Hamas employees, those employed by the central government constitute less than 5% of the population, a substantially lower percentage than in most countries. This inflated mechanism has been enhanced over the years, introducing raises (8.4% in 2004 and 12.3% in 2006), and automatic rank promotion, which leads to a high pay grade. The gap between the wages of employees in the public sector in the Palestinian Authority and the general public is much higher than that of any other region in the world, except for Africa, and is even higher than the average gap throughout the Middle East. The World Bank determined that “at the current rate, salary payments in the Palestinian Authority are clearly unsustainable.”[[19]](#endnote-17)The astronomical salaries paid to terrorists constitute a central component of these enormous amounts, and they increase the social gaps in the PA such that Palestinians are incentivized to choose terror as a more secure career path.

Here is a table listing the complete allowance scale according to the laws of the Palestinian Authority:

|  |  |
| --- | --- |
| Monthly salary, based on prison sentence | Grants to released prisoners |
| Length of incarceration in years | Monthly salary in ILS | Number of years in prison | Payment in USD |
| Up to 3 | 1,400 | 1-3 | 1,500 |
| 3-5 | 2,000 | 3-5 | 2,500 |
| 5-10 | 4,000 | 5-8 | 3,500 |
| 10-15 | 6,000 | 8-11 | 4,500 |
| 15-20 | 7,000 | 11-15 | 6,000 |
| 20-25 | 8,000 | 15-18 | 8,000 |
| 25-30 | 10,000 | 18-21 | 10,000 |
| Over 30 | 12,000 | 21-25 | 12,000 |
|  |  | 25-30 | 15,000 |
|  |  | 30 and above | 25,000 |

Monthly Salary - released prisoners

Key to Employee Promotion by Military Rank

|  |  |  |
| --- | --- | --- |
| Number of years in prison | Civilian rank | Military rank |
| 5-6 years | Department Head | Lieutenant |
| 6-8 years | Class 3 manager | Captain |
| 8-10 years | Class 2 manager | Major |
| 10-15 years | Class 1 manager | Senior Lieutenant Colonel |
| 15-20 years | General Manager | Colonel |
| 20-25 years | Assistant Brigadier General | Brigadier General |
| 25-30 years | Deputy minister | Major General |
| 30 years and beyond | Minister | Senior Major General |

Examples of terrorists and the families of *“shaheeds”* eligible for allowances

Among the terrorists receiving these benefits are:

* **Omar Abu Jalal**, who murdered the members of the Solomon family and is expected to receive about 6.6 million shekels throughout his lifetime.
* **Abd Al-Hakim Asi**, who murdered Rabbi Itamar Ben Gal, and is expected to receive a similar amount.
* **Karem Fathi Lutfi Razeq**, who murdered Eitam and Na'ama Henkin and received 2 life sentences plus thirty years, and is expected to receive about 6.1 million shekels over the course of his life.
* **Maher Hamdi el-Hashlamoun**, who was sentenced to 2 life terms for the murder of Dalia Lemkus in a ramming and stabbing attack, and is expected to receive about 5.7 million shekels over the course of his life.
* **Amjad Awwad and Hakim Awwad**, who murdered the five members of the Fogel family, from Itamar, and received 5 life sentences and seven additional years in prison, are expected to receive about 6.9 million shekels over the course of their lives.

## PLO Regulations Concerning the Families of *Shaheeds* and the Wounded

PLO regulations determine that the families of “s*haheeds*” will be compensated. The family of a married member of the Palestinian security forces who carried out an act of terror against Israelis and is killed during the attack is given 1,300 ILS per month, as well as a spouse and child allowance. The families of unmarried civilians who are killed in action receive 400 ILS per month.

The PLO's “**Institute for the Handling of the Families of *Shaheeds* and the Wounded**,” which is responsible for executing this policy, has confirmed that its objective is to provide financial incentives for acts of terror and to promote the Palestinian armed struggle within Israel, and even **refrains to referring to Israel by name**, calling it “the Zionist Entity” instead.

The goals of the office: The Institute strives to guarantee dignified lives for all of the families of *Shaheeds* and the wounded, who were harmed as a result of their participation in the Palestinian Revolution, or were harmed because of the revolution so that they can live comfortably within society. This is done without discrimination based on political or ideological affiliation, and by providing access to social welfare programs, health care, rehabilitation and development for the families of *shaheeds*, the wounded, and the families of the victims of the war against the Zionist Entity. (2014)

The following is a table listing all of the allowances paid to the families of wounded and killed terrorists:

|  |  |
| --- | --- |
| Financial allocations to the families of casualties and the wounded, in ILS | Financial allocations to the families of casualties and the wounded, in ILS |
|  | Base | Spouse supplement | Per child supplement | Rank | Allocation amount |
| Married KIA (in the security forces) | 1,300 | 100 | 25 | Private | 1,300 |
| Unmarried KIA | 1,000 |  |  | Corporal | 1,380 |
| Married women KIA | 1,000 |  |  | Sergeant | 1,460 |
| Married civilian KIA | 650 | 100 | 25 | Staff Sergeant | 1,540 |
| Civilian unmarried casualty | 400 |  |  | Sergeant First Class | 1,670 |
| Civilian woman who was killed | 400 |  |  | Master Sergeant | 1,800 |
|  |  |  |  | 2nd lieutenant | 1,930 |
|  |  |  |  | Lieutenant | 2,060 |
|  |  |  |  | Captain | 2,260 |
|  |  |  |  | Major | 2,540 |
|  |  |  |  | Lieutenant Colonel | 2,790 |
|  |  |  |  | Colonel | 3,290 |
|  |  |  |  | Brigadier General | 3,590 |
|  |  |  |  | Major General | 3,990 |

# The Palestinian Authority's laws on the employment of terrorists: Terrorists as civil servants

Not only does the PA pay monthly salaries to terrorists and their families, but it also absorbs released prisoners into the PA's administration, where they work as civil servants.

According to Palestinian Authority Law, Regulation No. 1 (2013) on the 19th Amendment to the Law of Prisoners and Released Prisoners (2004), Section 5:

1. **The State [The Palestinian Authority] 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.
2. Released prisoners will be given priority in annual job placements in all State institutions, according to the laws that are in force.
3. If the State is unable to guarantee the prisoners employment according to the previous sub-article, it will be obligated to do as follows:
	1. **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.
	2. […]
	3. 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.

Section 8 states the following:

1. The State [The Palestinian Authority] will continue paying the salaries of released prisoners [employed as] civil servants.
2. 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.

It should be noted that the PA calculates terrorists' years of imprisonment as years counting toward their seniority in public service. Anyone sentenced to at least 5 years in prison is eligible for a job, and the longer that person spends in prison, the higher the pay grade. This means that **the PA gives preference to terrorists over ordinary citizens who hadn't chosen terror when hiring staff for its governmental administration and is an entity that hires convicted terrorists. These form an inseparable part of its ongoing activities, including, absurdly, Palestinian security forces** who are responsible for maintaining law and order. Some of them are even involved in the aforementioned cooperation with their Israeli counterparts.

The scope of the actual employment of released terrorists within the PA's apparatuses, as proscribed by law, is unknown, and it seems that it was minimal, until recently. Most of them received the handsome salaries that they were promised but were not employed by the PA. According to Qadri Abu Bakr, the Head of the Authority for the Handling of Released and Incarcerated Prisoners, during 2020, this reality caused financial pressure to be applied on the PA, and consequently, it struggled to pay all of its debts to the universities on account of tuition for released and incarcerated terrorists. To cope with this hardship, Abu Mazen, the chairman of the Palestinian Authority, established a committee whose role was to assess the PA's capacity to meet its commitment to integrated released terrorists into the PA's apparatuses, with an emphasis on security forces. The rationale was that this way, most of their salaries would not be paid by the Authority for the Handling of Released and Incarcerated Prisoners, but rather by the apparatuses in which they were employed. Also, those released terrorists wouldn't be employed. They would be given jobs and would work – purportedly, at least.

Indeed, the committee recommended employing released terrorists within the PA's apparatuses, including security forces, and at several opportunities, Abu Bakr, a released prisoner himself, argued that the new arrangement will enter into force immediately, but as of now, we have nothing that verifies that the committee's recommendations are truly implemented. **Their implementation may lead to an absurd reality in which released terrorists hold senior positions in the PA, including the security forces, which are responsible for, inter alia, fighting terror.**

Qadri Abu Bakr, the director of the Commission for Prisoners' Affairs, also expressed his support for employing released prisoners in the PA's security establishment: “A prisoner that is released from prison received the salary of a released prisoner, without working, without doing anything. We discussed the need to employ them with the president, that is, to employ the [released] prisoners, so that no one feels as though he is high-ranking, and is sitting around [without doing anything]. We have [released prisoners] with matriculation certificates, bachelor's degrees, master's degrees, and even doctorates. **Why should we incorporate them into the Palestinian Authority's agencies?** Several days ago, the president accepted this suggestion, and formed a very high-level committee headed by the prime minister, Mohammed Shtayyeh, to begin incorporating these prisoners... We have between 7,000 and 8,000 released prisoners receiving this salary. [They can be given] security jobs in the security establishment, or government ministries, in the PA's agencies and its commissions.”[[20]](#endnote-18)

# Data

The actual implementation of this policy illustrates how hard the Palestinian Authority has been trying to promote violent resistance to the very existence of the State of Israel, and to **incentivize the murder of innocent Israelis – that is, to carry out terror**.

For instance, in 2018, the total budget allocated to this mechanism for the salaries of incarcerated prisoners, released prisoners and the families of *“shaheeds”* and the wounded was **1,237 billion ILS**, which constituted about **7.4% of the PA's budget,** or about **44% of the total foreign aid budget** which it was supposed to receive from donor countries and others. **This is a terror mechanism operating very extensively, which constitutes a vital and central part of the overall activities conducted by the Palestinian Authority.**

Currently, 5,000 prisoners and 7,200 released prisoners receive these payments, as well as 37,500 family members of *“Shaheeds”* and the wounded.[[21]](#endnote-19) [[22]](#endnote-20)

Furthermore, the Palestinian Authority budgets another 3 million shekels per month to be used on shopping at the prison shop (the “Cantina”), equivalent to about 400 shekels per incarcerated prisoner per month.

The following is comprehensive budget data that lists payments made by the Palestinian Authority to terrorists and their families since 2013 (in ILS):[[23]](#footnote-3)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 2013 [[24]](#endnote-21) | 2014 [[25]](#endnote-22) | 2015 [[26]](#endnote-23) | 2016 [[27]](#endnote-24) |
| 1. Salaries paid to incarcerated terrorists and released prisoners | 423.8 million(a total of 530.5 million, including management costs) | 442.8 million | 481.3 million | 488.4 million |
| 2. Salaries paid to the families of *Shaheeds* | 603.6 million | 618.6 million | 620.4 million | 663.6 million |
| Total salaries supporting terror (line 1-2) | 1,0274 billion | 1,0614 billion | 1,1017 billion | 1,152 billion |
| Percentage of the foreign aid budget | 20% | 24% | 14.8% | 29.6% |
| Percentage of total budget | 7% | 7% | 7% | 6.9% |
| Total budget of the Palestinian Authority | 14.387 billion  | 14.771 billion  | 15.673 billion  | 16.577 billion  |
| Total foreign aid | 4.915 billion4.532 billion – current budget,384 million - development budget) | 4.402 billion(3.676 billion – current budget,726 million - development budget) | 7.410 billion(3.120 billion – current budget,4.290 billion - development budget) | 3.881 billion(2.925 billion – current budget,956 million - development budget) |
| Funds transferred from the Palestinian Authority to the PLO(“Transferred Expenses”) |  | 90.4 million  | 543.1 million  | 624.4 million  |
| Total transfers from the Palestinian Authority to “PLO Agencies” |  | 328.6 million  | 800.9 million  | 898.7 million  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 2017 | 2018 [[28]](#endnote-25) [[29]](#endnote-26) [[30]](#endnote-27) | 2019 [[31]](#endnote-28) | 2020 [[32]](#endnote-29) [[33]](#endnote-30) |
| 1. Salaries paid to incarcerated terrorists and released prisoners | 550 million  | 550 millionOf which:~230 million is salaries to incarcerated terrorists~176 million is for released prisoners~96 million for continuing education and other benefits | 517.4 million\* | 448.804 million\* |
| 2. Salaries paid to the families of *Shaheeds* | 687 million | 687 million | 148.905 million\* | 148.905 million\* |
| Total salaries supporting terror (line 1-2) | 1,237 billion | 1,237 billion | 666.3 million\* | 597.709 million\* |
| Percentage of the foreign aid budget | 52.6% | 44% | 41.6% | 36.4% |
| Percentage of total operating budget | 8.1% | 7.47% | 4.06% | 3.75% |
| Total budget of the Palestinian Authority | 15.1 billion[[34]](#endnote-31) | 16.559 billion  | 16.4 billion[[35]](#endnote-32) | 15.9 billion[[36]](#endnote-33) |
| Total foreign aid | 2.35 billion[[37]](#endnote-34) | 2.79 billion  | 1.6 billion[[38]](#endnote-35) | 1.64 billion[[39]](#endnote-36) |
| Funds transferred from the Palestinian Authority to the PLO(“Transferred Expenses”) | 630.6 million  | 132.2 million  | 161 million  | 673.8 million  |
| Total transfers from the Palestinian Authority to “PLO Agencies” | 917.4 million  | 419.5 million  | 452 million  | 1,01 billion(6.25% of the budget) |

\*The data is based on the NBCTF's partial and conservative estimates, based on earmarked items within the Palestinian Authority's budget.

The 3 first months of 2020 were paid in advance, in December of 2019.

For comparison's sake, in 2018, the budget of the Palestinian Ministry of Health, which is budgeted for 5 million inhabitants, stood at 1.787 billion shekels (357.4 shekels per capita per year), while the terror apparatus budget, which serves 12,200 incarcerated and released prisoners, and 37,500 family members of *shaheeds* and wounded terrorists, which constitute a minuscule part of the population, is 1,237 billion shekels (28,229.3 shekels per capita per year).

Furthermore, although the law determines that the allocations will be distributed “without prejudice,” in practice, the PA cut about one-third of the salaries of released prisoners from Hamas and the Palestinian Islamic Jihad in December of 2015. Later, following tensions with the PFLP, allocations paid to incarcerated terrorists affiliated with that organization were reduced as well. Issa Qaraqe, the Detainee Affairs Minister, railed against this, exclaiming: “It's unacceptable that the ministry of finance would cut prisoners' salaries.” In this statement, the minister confirmed that the PA is the one funding terror and that if it wished, it could cut that financing as well – as it already had.

# The Ministry of Detainees and Ex-Detainees Affairs operational expenses

The PA's corrupt bureaucracy dedicates substantial sums of money to the operation of the terror financing mechanism itself. For instance, in 2018, about 19 million ILS were allocated for the salaries of the employees of the Ministry of Detainees and Ex-Detainees Affairs, in addition to amounts distributed in some vague way between the terrorists themselves and the PA's public servants.

Expenses (in ILS) of the Palestinian Authority's Ministry of Detainees and Ex-Detainees Affairs

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Direct transfers | Social payments | Ministry employees' salaries | Expenses for goods and services | Capital expenditures | Total expenses |
| 502,697,000 | 210,822,000 | 18,974,000 | 3,694,000 | 543,000 | 736,729,000 |

Source: National Bureau for Counter Terror Financing, the Ministry of Defense, from a budget execution report for 2018, prepared by the Palestinian Authority, as published on the Palestinian Authority's Ministry of Finance and Planning.[[40]](#endnote-37)

# The structure of the apparatus

The bureaucratic apparatus in the PA that oversees the implementation of the law has undergone overhauls over the years, while extensively concealing and padding corruption. For instance, between 2014 and 2020, responsibility for the terrorist salary and employment apparatus was transferred from the Palestinian Authority's “Ministry of Detainees and Ex-Detainees Affairs” and the PLO's “Committee on Detainee Affairs,” and later, in 2018, it reverted to working under the aegis of the Institute for the Handling of Incarcerated and Released Prisoners, under the PA. The substantial budgetary anomalies that occurred during this period, which reached hundreds of millions of ILS, demonstrate how arbitrary this apparatus is, as well as the fact that the PA is exposed to international pressure, and in some cases, it takes symbolic steps to create the facade that this institution is indeed disconnected from the PA's agencies.

In 2014, 2018 and 2019, the PA's “Ministry of Detainees and Ex-Detainees Affairs” paid terrorists directly and openly, while in 2015, 2016, 2017 and 2020, payments were transferred through the Palestinian National Fund (PNF), which transferred those funds to the PLO”s “Committee of Detainee Affairs.”[[41]](#endnote-38) This, for instance, is how the “transferred expenses” in the PA's budget, i.e. the funds transferred to the PLO, rose by no less than 300% between 2019 and 2020, following these bureaucratic changes.



“Transferred Expenditures” in the PA's budget (in ILS), including payments to terrorists

Source: PalWatch.[[42]](#endnote-39)

It should be noted that the amounts transferred to the PLO are estimated values in millions of ILS, and they reached over a billion ILS in 2020. In fact, since 2011, the PA has transferred the astronomical amount of over 8 billion ILS to the PLO. Many of these budget line items often remain under vague and problematic titles.[[43]](#footnote-4)

ATM cards

In July of 2021, the PA announced a new policy of making it easier for prisoners and their families to redeem the allowances it is transferring to them. The payments would be conducted using ATM cards, and to that end, dozens of ATMs were installed throughout Palestinian Authority territory, and thousands of cards were distributed to prisoners and their families.

In July of 2021, Qadri Abu-Baker, the director of the PA's Committee on Detainee Affairs, announced a new policy: this guaranteed that a “simpler mechanism” would be created, one that would “preserve the dignity of the prisoners and their families. Now, the prisoners' relatives can receive their salaries and grants without crowding in line, effortlessly, and without wasting lots of time... using ATM cards.”

The official Palestinian media outlet announced the new plan to distribute ATM cards. The Palestinian minister of communication and information, Ishaq Sider, announced the following: “We have created a **comprehensive banking mechanism** which is a cash management system that transfers information between us and the ATM machines. We have already installed 20 ATMs in residential areas, in which the beneficiaries of these services reside, and with Allah's help, we'll have 30 ATMs installed within the coming days.”[[44]](#endnote-40) [[45]](#endnote-41)

After the entry into force of Ordinance 67 on the “Order on Security Directives” in Judea and Samaria, which may expose banks involved in this process to lawsuits in Israeli courts because of the policy that allows payment for terror, 35,000 bank accounts were closed. The PA decided to pre-empt the ordinance by an advance payment for the months of January and February of 2021, and by calling on **the Palestinian Postal Bank** to distribute payments to terrorists and their families in cash. This led to complaints by the terrorists and their families, who claimed to have been treated “like beggars.”[[46]](#endnote-42) The Commission of Ex-Detainees published an announced on April 5th, 2021 on the change, which, it said, was a **temporary change, until the released terrorists were officially integrated into the PA's administration, at which time those salaries could be paid to them like any other standard public servant salary:** “The released prisoners will receive a payment this month through the post offices, until the process of integrating them into state institutions is concluded. Those of them that wish to work and are integrated into the official institutions, both civilian and military, will receive their payments through the institution they belong to, and through smart cards.”[[47]](#endnote-43)

# Legal aspects of the PA's terror apparatus, and the relevant American and Israeli offsetting laws

A legal opinion received from **ambassador Adv. (ret.) Alan Baker**, the director of the Institute for Contemporary Affairs (ICA) at the Jerusalem Center for Public Affairs, greatly contributed to this chapter. Adv. Baker served as the legal advisor and deputy director-general of the Ministry of Foreign Affairs and as the Israeli ambassador to Canada, and he represents Israel at international conferences and negotiations tied to aspects of international law.

This behavior, on the part of the Palestinian Authority, constitutes a flagrant violation of international norms and its commitments toward the international community and Israel. The PLO is an umbrella organization under which several organizations operate, including the PA, and as such, the Oslo Accords were signed between Israel and the PLO. As such, the PA is nothing more than a “creature of the PLO-Israel agreements,” and accordingly, the obligations to refrain from, to act against, and to discourage terror are equally applicable to the PLO and the PA.

The PLO’s commitment to act against terrorism, violence, and incitement first appears 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 for all PLO elements and personnel** in order to assure their compliance, prevent violations and discipline violators.”

The 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, commonly known as Oslo II, sets forth the relations with donating countries in its “Protocol concerning Redeployment and Security Arrangements (Annex I),” second article on “Security Policy for the Prevention of Terrorism and Violence.” It was 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 fulfillment of its functions. **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 directly the PA.

Therefore, the transfer of funds from donor countries for this purpose is a clear violation of Palestinian commitments in its agreements with Israel.

## International Law and Norms

Preventing terror financing stands at the forefront of international efforts to combat terror. The duty to take measures to prevent terror financing was included in all of the relevant international and regional treaties, as well as UN resolutions, particularly when it promotes and supports terror, practically and morally.

On the international level, the **1999 International Convention for the Suppression of the Financing of Terrorism** 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) calls upon states to refrain from organizing, instigating, facilitating, encouraging, tolerating, and financing terror activities.

UN Security Council Resolution 1373 (2001) was 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.” It **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.

On the regional level, the 1977 European Convention on the Suppression of Terrorism, as amended, reaffirms all the counter-terrorism conventions, including the 1999 Terrorism financing convention. 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.

## American Law

Over the years, the United States has taken judicial measures to freeze aid money transferred to the Palestinian Authority, due to its financial support for terror.

The US aid to the Palestinians can be roughly divided into two components: the first component is **bilateral aid** which includes the Economic Support Fund (ESF), **Narcotics Control and Law Enforcement** (INCLE); and aid provided for **Nonproliferation, Anti-terrorism, Demining and Related Programs** (NADR). The ESF aid accounts for the vast majority of the aid. The US has donated over 5 billion USD to the PA since 1994 for these purposes. The second component is **aid to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA),** which has totaled over 6 billion USD since 1950, of which around 4.5 billion USD since 1994.[[48]](#endnote-44)

Following the uproar caused by statements that were publicized on the PA's terror financing policy, in 2015, the Consolidated Appropriations Act (2016) was passed in the US Congress, which obligates the Secretary of State to “**reduce the amount of assistance** made available by this Act under the heading ‘Economic Support Fund’ for the Palestinian Authority by an amount the Secretary determines is equivalent to the **amount expended by the Palestinian Authority,** the Palestine Liberation Organization, and any successor or affiliated organizations with such entities **as payments for acts of terrorism by individuals who are imprisoned** after being fairly tried and convicted for acts of terrorism **and by individuals who died committing acts of terrorism** during the previous calendar year.”[[49]](#endnote-45)

As a result of a misleading report issued by the US State Department, which claims that the Palestinian Authority is to introduce the required changes in this area, US aid continued to flow.

The most significant step taken until today with regard to the American posture toward the Palestinian Authority's incentivization of terror as a function of US foreign aid is the Taylor Force Act, passed in March 2018, which is named for a discharged American officer who was murdered by a Palestinian terrorist during a terrorist act in Tel Aviv, in March of 2016. The act **completely freezes aid money to the PA under the ESF until the complete cessation of the pay-per-slay mechanism**, as well as “taking credible steps to end acts of violence against Israeli citizens and United States citizens,” investigating them, and bringing those responsible to face justice. The bill was introduced by Congressman Doug Lamborn in February of 2017. It cleared the House of Representatives in December of 2017 and was then presented to the Senate by senators Lindsay Graham (R-SC), Dan Coasts (R-IN) and Roy Blunt (R-MO). It was passed in the Senate in March of 2018 and signed into law by President Trump the very same day.[[50]](#endnote-46)Sandy Gerber, the CEO of Hudson Bay Capital and a consultant on international terror financing, was among those who spearheaded this legislation.

In the United States, this PA policy was called “the epitome of Palestinian Authority incitement through generous incentives to carry out acts of violence.”[[51]](#endnote-47)Just before signing the bill into law, President Trump made the following announcement: ”…the practice of #PaytoSlay must be stopped.”[[52]](#endnote-48)

The Palestinian Authority and the PLO publicly condemned this legislation and made the following statement: “In the eyes of our people, our nation, and our cause, the martyrs and prisoners are sacred symbols of freedom, struggle, protecting human dignity, and resistance to submission and humiliation. All of these titles are noble titles, and an anchored right of all humans, which cannot be bought or sold for any fortune in the world.” Husam Zomlot, the Head of PLO General Commission in the US, declared that the Palestinian leadership will not submit to financial “extortion.” Moreover, after the Anti-terrorism Clarification Act (ACTA) was passed, in 2018 – an act that determined that any body in receipt of US aid must agree to the jurisdiction of the US courts to adjudicate claims by victims of acts of terror caused by its actions, and that may have fateful repercussions on US aid to the PA, Palestinian Prime Minister Shtayyeh wrote a letter to US Secretary of State Pompeo in which he requested that the United States cease all financial assistance to the PA. **When faced with the decision to choose either terror financing or receiving foreign aid, the PA chose terror financing.[[53]](#endnote-49)**

It should be noted that in the meeting that eleven republic and democratic congressmen had with Abu Mazen, on July 8, 2021, in Ramallah, the congressmen raised the issue of the transfer of funds to prisoners and families of the *shaheeds* to PA Chairman Abbas. The congressmen proclaimed that to them, these transfers are completely unacceptable, and violate the Taylor Force Act of 2018, which prohibits the administration from sending financial assistance to the PA as long as it continues paying salaries to terrorists and fails to cancel the law that regularizes this. The congressmen said that Abbas defended this policy, claiming that these were welfare payments to needy families, but the congressmen were very skeptical of what he and the other Palestinian participants said. The subject came up against in a meeting with Hady Amr, the Palestinian emissary to the United States, with Prime Minister Mohammed Shtayyeh. Responding to the congressmen's question regarding whether cancer patients also receive this type of support from the PA, Abbas said that the support mechanism for these types of needy individuals is currently being created.[[54]](#endnote-50)

## Israeli Law

Over the years, on an official level, the State of Israel refrained from taking concrete measures to combat the Palestinian Authority's terror incentivization mechanism, other than rhetoric. In July 2018, **the law to freeze funds that the Palestinian Authority transfers to terrorists[[55]](#endnote-51)**, which was submitted by MP Elazar Stern and MP Avi Dichter, passed in the second and third readings. According to the law, Israel must offset an amount equal to the monthly sum the PA transferred to the terrorist salary mechanism in the previous year from the money it transfers monthly to the PA, pursuant to the agreements between them. By law, the Ministry of Defense must issue a report, at the end of each calendar year, stating the amount the PA allocates to the terror financing mechanism, and, subject to the approval of the Security Cabinet, Israel shall offset 1/12 of this amount from the funds it transfers to the PA in the subsequent year.

When the law was passed, MP Stern said that the law “reduces terror and promotes peace, simultaneously.” The following appears in the explanatory notes:

Every year, the Palestinian Authority and the Palestinian Liberation Organization disburse exorbitant sums to those involved in acts of terror against Israelis and their families in the form of salaries and benefits to Palestinians incarcerated in Israeli jails (during and after their incarceration), and an allowance grant to Palestinian families whose relatives were killed or wounded in the said acts. **These payments per se are tantamount to expressing support for acts of terror.**

This means that **the State of Israel is indirectly funding the said payments,** through the transfer of funds to the Palestinian Authority. No country would agree to such a thing. Therefore, we suggest offsetting the amount of financial aid to terror operatives and their relatives in the previous year from the funds transferred to the Palestinian Authority, in accordance with the said laws. This amount shall be determined in the annual report published by the minister of defense.”[[56]](#endnote-52)

The Palestinian Authority responded harshly to this step, and for a time, even refused to receive the tax revenue that Israel needed to transfer to it, to avoid implying that it recognizes the reality that the Israeli law wishes to dictate, i.e., the need to offset terrorist salaries from the funds being transferred to the PA.

**For various reasons, the implementation of this law has faced snags since it was passed.** In February of 2019, an amount equal to 1/12 of the amount determined by the Ministry of Defense, which was allocated by the PA to the terror financing mechanism, was offset for the first time. During 2020, however, Israel was accused of failing to enforce the law, fearing a change in the status quo and the collapse of the PA, or of providing compensation for the setoff in other ways. Sure enough, in July of 2021, the IDF told the Security Cabinet that the offset for 2019 hadn't been completed yet,[[57]](#endnote-53), i.e., the 2019 offset had been delayed, and the 2020 offset hadn't been executed at all. A meeting in the Security Cabinet regarding the offsetting of 2019 funds was held as late as November 2020, for various reasons, including political instability and the COVID-19 crisis, and approval was given for the setoff of 609 million ILS from the funds that Israel transfers to the PA. The next meeting will be held in December of 2020 regarding the freezing of funds for that year.

It should be stressed that the offset law was passed despite stark opposition by the security establishment, including the IDF and the Israeli Security Agency (“Shabak”). In Security Cabinet meetings, the security establishment repeated its warning that implementing the report jeopardizes the stability of the Palestinian Authority and may cause its collapse while disregarding the rampant corruption in the PA's apparatuses involving hundreds of millions of dollars per year, and without providing an alternative that would change the current dire situation. For example, in July of 2021, during a cabinet meeting, when the Ministry of Defense's report was presented, the security establishment supported the ministers opposed to the setoff. The Coordinator of Government Activities in the Territories (“COGAT”), Major General Ghassan Alian, expressed his reservations to the ministers regarding the freezing of funds at the current time. He said that the PA was in the midst of a domestic financial crisis and needed those funds. Since the 2019 offset hadn't been fully implemented yet, a simultaneous double offset would confound its situation, though it wasn't predicted to collapse because of this measure. Representatives of the Israeli Security Agency seconded COGAT's position, and also expressed their reservation from the timing of this measure, suggesting that it be postponed. The minister of defense backed up these recommendations, stating that the timing of the offset “is unfavorable, and it should be postponed.” The ministers were even taken aback by the contradiction in the recommendations from the security establishment: on the one hand, they suggested offsetting funds being transferred to the PA, while on the other hand, they recommended strengthening the PA, at the expense of Hamas.[[58]](#endnote-54)

In addition, following an order signed off by the commander of the Central Command, **Ordinance 67 of Order Concerning Security Provisions** [consolidated version] (Judea and Samaria) (No. 1651), 5770-2009, the main security-criminal codex in the military government of Judea and Samaria, came into force. **It adopts extensive sections of the Counter-Terrorism Law of 2016.** After several delays, all of the clauses of the ordinance came into force, in December of 2020.The Ordinance contains a prohibition to carry out any “act though property” that may provide compensation to those carrying out acts of terror. According to the Israeli attorney general's expert opinion, **the payment of salaries to incarcerated terrorists by the PA constitutes a violation of the Counter-Terrorism Law.** This means that banks in Judea and Samaria used to transfer the PA's terror funds are now in violation of the law.[[59]](#footnote-5)

Donor countries and the Palestinian clarification that it is a mechanism to support terrorists

The donor countries accepted the image of victimhood that the Palestinian Authority tried to depict, often publishing severe condemnations of Israel, while failing to take legislative measures to freeze financial aid as long as those funds are used for the terror financing mechanism and the employment of terrorists. It should be mentioned that transferring aid money from donor countries for this goal violates the laws of the donor countries themselves, as well as international treaties on terror financing. **Indirectly, this foreign aid from donor countries provides a substantial lifeline to the PA's terror mechanism, which targets innocent Israelis, in the guise of humanitarian aid.**

After the existence of this mechanism was brought to light, some of the donor countries preferred to adopt a stance of looking the other way, while accepting the PA's misrepresentation to them portraying these funds as “social welfare” for “victims of occupation,” i.e., families who had lost their breadwinners.[[60]](#endnote-55)For its part, the PA refrained from officially “whitewashing” the mechanism's finances. The Palestinians even bluntly refused a request from the UK to publicly portray the support for terrorists as support of a social nature. Issa Qaraqe, the Minister of Detainee Affairs, even ridiculed the donor countries at the general assembly of the United Nations in 2013, under the auspices of Chairman Abbas. He stated that “the Europeans want the funds they are giving us to be 'clean.’.. that the funds not be transferred to the families of those they call 'terrorists.’ They need to abandon this occupation mentality. These prisoners are heroes. They sacrifice themselves (“Fedayoun”) and have fought so that we can live with dignity.”

Following pressure from other countries, in 2014, PA Chairman Abbas issued a presidential decree, according to which the terror financing mechanism would be removed from the PA's Ministry of Detainee Affairs and placed under the PLO's Committee on Detainee Affairs. This was meant to placate the donor countries and create an artificial separation between the terror financing mechanism and the PA itself. Abbas even used this argument at a 2017 meeting with President Trump, who was visiting Ramallah, in an attempt to differentiate the PA from the terror incentivizing mechanism. However, the funds for these allowances come directly from the Palestinian Authority's budget. The PA is the one overseeing the finances of the PLO's National Fund, and the official responsible for those payments is the same official who was responsible for the payments when they were disbursed by the PA directly.

Senior PA officials vocally admit that this artificial separation, which ended overtly in 2018 following the legislation of the Taylor Force Act, was nothing but lip service. For example, in September of 2014, Ibrahim Najjara, who was the officer in charge of detainee affairs in Hebron, stated that the transfer from the PA to the PLO's committee “will not detract from the value of the prisoners or their legal, moral or political status, since the services provided to them are enshrined in law,” and that President Abbas will personally oversee this. In December of 2015, Ali Abu Diak, the secretary-general of the Palestinian government, explained that the PA (and not the PLO) is duty-bound to transfer the payments “to the incarcerated fighters, due to their national struggle,” and to the families of “*shaheeds*” and the wounded.

# Recommendations

By playing such a major role in terror against Israel, the Palestinian Authority has reaffirmed its commitment to the violent struggle against Israel, and this requires a reassessment of the Palestinian Authority's image in public discourse and drawing the necessary political and military conclusions.

The way to deal with this begins with increasing awareness of the existence and extent of these payments in Israel and abroad, and then, to **make it clear to the Palestinian Authority, using diplomatic, judicial, economic and political tools, that the ideology and policy of paying terrorists are unacceptable and have to change. This change must be an essential condition for financial aid to the Palestinians, and a milestone if a political process is underway.** If this is ignored, the Palestinians will be able to amplify terror, which will lead to an intensification of conflict, along with all that entails.

* **On the level of public awareness,** disregarding these acts of terror committed by the Palestinian Authority due to a lack of recognition or turning a blind eye would mislead donor countries and public opinion in Israel and elsewhere in the world. This is predicated on misinformation according to which the PA has chosen the pragmatic path of *realpolitik*, does not participate in the armed struggle against Israel, and that its political struggle is confined to the territories captured by Israel in 1967. This practice of turning a blind eye is supported by considerations such as global sensitivity to the Palestinian struggle along with fear in Israel of a scenario in which the PA collapses financially, and cooperation with security forces is stopped, which could lead to a renewed Israeli takeover of Areas A and B. **Thus, a fact-based discourse should be encouraged, one that places a focus on the true nature of the PA as an organization that carries out terror against Israelis regardless of political stances on negotiations with the PA or with any other Palestinian entity.**
* In this spirit, the **“moral ambiguity”** intrinsic to turning a blind eye to these activities conducted by the PA, which undermine the global struggle against terror, should be eliminated. Israel and the international community wish to convey a feeling of “business as usual” with the Palestinians, even though they are aware that these salaries are being paid. This ambiguity erodes the ability of Israel and others in the international community to demand to exercise their appropriate moral right and serve as a moral role model in the struggle against terror.
* **On the judicial level**, Israel must make it clear to the Palestinian Authority that it may be exposed to lawsuits if this policy isn't stopped. The PA continues paying salaries to terrorists, and the Israeli government, as well as the governments of the other countries, must take on this issue as a challenge, and determine that these payments violate the rights of their citizens, and most of all, the victims, to life. The United States and other donor countries should be encouraged to adopt this policy line, and demand that countries implement their terror financing laws with respect to the PA as well while making it clear that the State of Israel finds it unacceptable to take part in promoting terror against Israelis financially.
* **On an economic level,** the Israeli offsetting law should be fully enforced, as should the Taylor Force Act in the United States, such that the PA would be compelled to choose between complete economic collapse and mechanisms for employing terrorists and paying them salaries. It should be stressed that the rampant corruption in the Palestinian Authority, including the embezzlement of hundreds of millions of ILS every year and the enormous salaries of public servants, debunk the claim that the PA's financial situation could not withstand an offset of the funds transferred to terrorists.Other donor countries should be encouraged to adopt this type of policy.
* In addition, a **coalition of taxpayers** from the donor countries should be established to apply pressure to decision-makers to change their policies regarding this issue, in the spirit of the Taylor Force Act.
* **In Israel, in terms of what actions must be taken**, the law should be strictly adhered to, without fearing that this might lead to the PA's economic collapse. **The law to freeze funds involved in the financing of terror should be enforced**, without delay, at the beginning of each calendar year. Moreover, **Ordinance 67** of the security-criminal codex in Judea and Samaria should be strictly enforced, including **the arrest of individuals in the PA and the Palestinian Postal Bank involved in the terror financing mechanism, and the said funds should be seized.** Foreign banks operating in Judea and Samaria should be made to close bank accounts that constitute a link in the chain of this mechanism, and it should be clarified that if they continue turning a blind eye, that could expose them to lawsuits in Israeli courts.
* **On a political level,** Israel, the United States, the Quartet and donor countries should make it clear to the PA that abandoning terror is something that the PLO and the PA committed to in the Oslo Accords, and that **any progress in any final status arrangements would be conditioned on the complete and permanent cessation of this policy on the part of the PA.** Israel must stress that this mechanism, alongside Palestinian incitement and delegitimization, is the main obstacle in the path to peace through negotiations, and that it **creates a culture of contempt and terror within Palestinian society.**

In conclusion, Israel and the international community must explain to the PA that they will have to pay a price for supporting terror. To that end, funds transferred to the PA should be frozen, until this policy is canceled. Furthermore, the Palestinians must be made to understand the opposition to the wholesale integration of released terrorists in its security forces. Israel must also avert the international community to the repercussions of providing aid to Palestinian security forces staffed, inter alia, by released terrorists, and clarify that financial assistance to the Palestinian Authority, without offsetting the amount transferred to terrorists, is akin to abetting terror against its citizens and soldiers, which is prohibited by law and runs counter to international treaties on terror financing.

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