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Palestinian Prisoner Payments

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Since 2014, U.S. and Israeli policymakers have been calling on the Palestinian leadership to end welfare payments to prisoners in Israeli jails and to the families of prisoners and those killed by Israelis during political violence. Dubbing these payments “pay for slay,” critics claim that they incentivize militant resistance. However, Palestinians and supporters view them as a necessary social safety net in the face of brutal and oppressive living conditions under Israeli military occupation. The reality is that comparatively high numbers of Palestinians are imprisoned, and almost half of the Palestinian population is in need of humanitarian assistance.¹

¹ “Report to the Ad Hoc Liaison Committee, Office of the United Nations Special Coordinator for the Middle East Peace Process,” February 23, 2021, https://unsco.unmissions.org/sites/default/files/unsco_report_to_the_ahlc_-_february_2021_0.pdf.

Israel's Military Court System

Israel broadly defines what constitutes a security offense in the occupied territories. And as such, many Palestinians are prosecuted in military courts and face lengthy penalties for even nonviolent activities.

99%

conviction rate for Palestinians processed through Israeli military courts²

3%

of cases where Israelis are accused of committing crimes against Palestinians led to convictions between 2005 and 2017

TYPES OF SECURITY OFFENSES³

- 1 Participating, without a permit, in a demonstration of more than ten people that could be construed as political
- 2 Waving flags or taking part in vigils without approval
- 3 Belonging to an organization that Israel designates as illegal, including groups that make up the Palestine Liberation Organization (PLO)
- 4 Posting social media messages critical of Israeli forces or the occupation

INDICTMENTS OF PALESTINIANS, 2017⁴



2 Jaclynn Ashly, "Israel's Military Courts 'Humiliating Charade' for Palestinians," Al Jazeera, February 26, 2018, <https://www.aljazeera.com/features/2018/2/26/israels-military-courts-humiliating-charade-for-palestinians>.

3 Human Rights Watch, "Israel/West Bank: Grant Palestinians Equal Rights," December 17, 2019, <https://www.hrw.org/news/2019/12/17/israel/west-bank-grant-palestinians-equal-rights>.

4 Amira Hass, "In Three Years, Israeli Military Courts Have Fined Palestinians \$16 Million," Haaretz, January 15, 2019, <https://www.haaretz.com/israel-news/.premium-in-three-years-israeli-military-courts-have-fined-palestinians-16-million-1.6830009>.

Pervasive Detention

The pay-for-slay framing obscures the realities of the occupation for Palestinians. Political violence causes considerable harm to both Palestinians and Israelis, but Palestinians pay a disproportionately high cost in terms of detention. They also account for a majority of the conflict-related casualties (87 percent between 2000 and 2014).⁵

1 million

Palestinians detained by Israel since 1948⁶

40%

of Palestinian men detained since 1967

70%

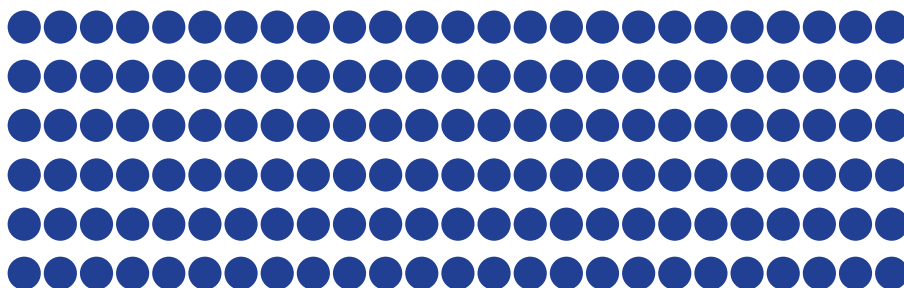
of Palestinian families with at least one relative detained

DETENTION OF CHILDREN

● =100 children

500-700
children detained each year⁷

15,000
children detained between
2000 and 2017⁸



In 2019, **73 percent of children experienced physical violence** following arrest and **88 percent children were interrogated** without a family member or lawyer present⁹

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5 Max Fisher, "This Chart Shows Every Person Killed in the Israel-Palestine Conflict Since 2000," Vox, July 14, 2014, <https://www.vox.com/2014/7/14/5898581/chart-israel-palestine-conflict-deaths>.

6 Commission of Detainees and Ex-Detainees Affairs, Palestinian Prisoners Club and Palestinian Central Bureau of Statistics, "Press Release on the Eve of Palestinian Prisoners Day," April 17, <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=1905>.

7 Defense for Children International—Palestine, "Military Detention," https://www.dci-palestine.org/issues_military_detention.

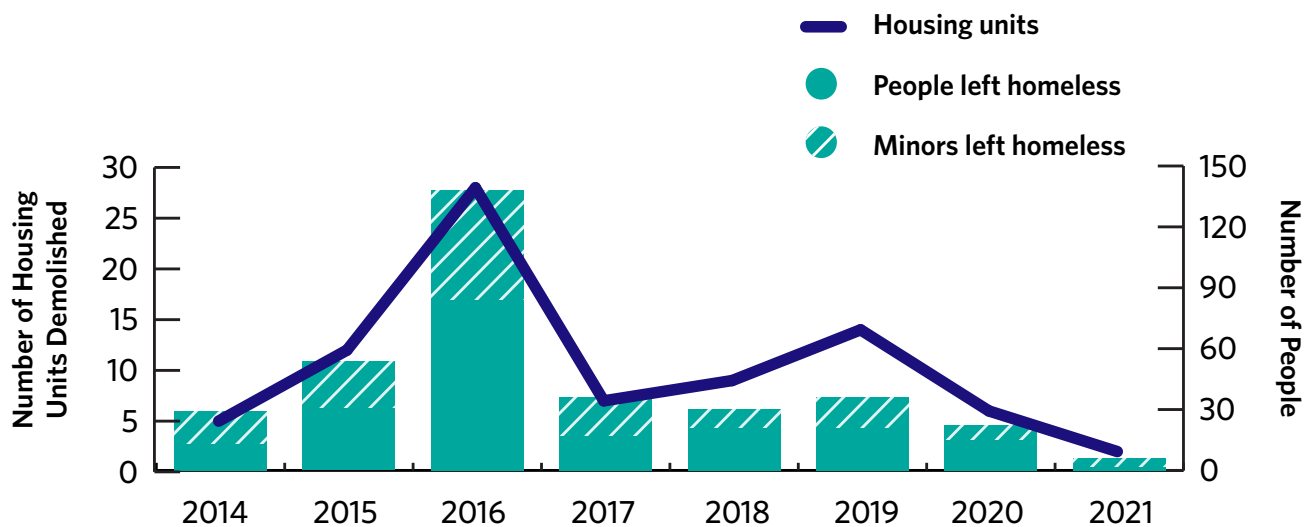
8 Commission of Detainees and Ex-Detainees Affairs, Palestinian Prisoners Club and Palestinian Central Bureau of Statistics, "Press Release on the Eve of Palestinian Prisoners Day."

9 United Nations Children's Fund (UNICEF), "UNICEF Children and Armed Conflict Bulletin 2019," <https://www.unicef.org/sop/media/1491/file/nnual%20CAAC%20Bulletin%202019.pdf>.

Palestinian Prisoners in the Context of Occupation

While Israeli settlers in the occupied territories are subject to civilian courts and receive support from tax-exempt U.S. organizations, Palestinians and their families face additional disproportionate punitive measures for crimes committed or suspected to have been committed, including the demolition of family homes.

PUNITIVE HOME DEMOLITIONS SINCE 2014¹⁰



Note: Punitive demolitions were paused between 2005 and 2014, except two sealings and one demolition in East Jerusalem, after an Israeli Military Committee found the policy was not an effective deterrent.¹¹

PUNITIVE HOME DEMOLITIONS DURING THE AL-AQSA INTIFADA, 2000-2004¹²



47%

of homes demolished were never home to anyone suspected of involvement in attacking Israelis

¹⁰ B'Tselem, "House Demolitions: Demolition of Houses as Punishment," updated March 30, 2021, <https://statistics.btselem.org/en/demolitions/demolition-as-punishment?tab=overview&structureSensor=%22true%22&demoScopeSensor=%22false%22>.

¹¹ B'Tselem, "Home Demolition as Collective Punishment," November 11, 2017, https://www.btselem.org/punitive_demolitions#:~:text=The%20policy%20of%20punitive%20house,Israeli%20civilians%20or%20security%20forces.

¹² B'Tselem, "Through No Fault of Their Own: Israel's Punitive House Demolitions in the al-Aqsa Intifada," November 2004, https://www.btselem.org/publications/summaries/200411_punitive_house_demolitions.

Prisoner Payments as a Safety Net

Support for the payments is high at 91 percent among Palestinians.¹³ They see the payments as a necessary counterbalance to the indiscriminate application of Israeli military law and the challenges of living under Israeli occupation.

Almost half of the Palestinian population is in need of humanitarian aid¹⁴

28.9% Poverty rate¹⁵

PAYMENTS TO FAMILIES OF THOSE KILLED BY ISRAEL INCLUDE¹⁶

\$350

monthly stipend per family

+\$100

if they were married

+\$50

for each child

NUMBER OF PRISONERS RECEIVING PAYMENTS IN 2017¹⁷



13,000

Prisoners



33,700

Families

13 "Public Opinion Poll #64," Palestinian Center for Policy and Survey Research, July 13, 2017, <https://www.pcpsr.org/en/node/694>.

14 "Report to the Ad Hoc Liaison Committee, Office of the United Nations Special Coordinator for the Middle East Peace Process," February 23, 2021, https://unsco.unmissions.org/sites/default/files/unsco_report_to_the_ahlc_-_february_2021_0.pdf.

15 World Bank, "Economic Monitoring Report to the Ad Hoc Liaison Committee," February 23, 2021, <https://www.un.org/unispal/document/world-bank-report-to-ad-hoc-liaison-committee-ahlc-23-february-2021/>.

16 Mohammed Daraghmeh and Josef Federman, "Israel Puts Palestinians on Defensive Over 'Martyrs' Fund," AP News, July 11, 2016, <https://apnews.com/article/11f6ce1ed78943a0afc947e81334cef9>.

17 Glenn Kessler, "Does the Palestinian Authority Pay \$350 Million a Year to 'Terrorists and Their Families'?" *Washington Post*, March 14, 2018, <https://www.washingtonpost.com/news/fact-checker/wp/2018/03/14/does-the-palestinian-authority-pay-350-million-a-year-to-terrorists-and-their-families/>.

U.S. Policy and Assistance

In 2018, Congress passed the Taylor Force Act—named after a graduate student and U.S. Army veteran who was killed by a Palestinian inside Israel. The law prohibits certain U.S. economic assistance to the Palestinian Authority (PA) until the welfare payment system for prisoners and families stop and is replaced by a purely needs-based system. While the PA and PLO have signalled a willingness to reform, a universal needs-based welfare system may not be financially possible without international donor funding.

In the short term, President Joe Biden's administration can legally provide many kinds of aid to the Palestinians, including humanitarian aid, security assistance, and voluntary contributions to the United Nations Relief and Works Agency. The United States can also fund specific programs exempted by the Taylor Force Act, including the East Jerusalem Hospital Network and wastewater projects.



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