



What is the Palestinian Authority's (PA) Martyrs Fund?

The Welfare Law for Prisoners, popularly known as the PA's "Martyrs Fund," is a program launched in 2013 that provides a small number of Palestinian prisoners' families with monthly stipends and social welfare services. This fund is informed by Article 22 of the Palestinian Basic Law which considers protecting and caring for the families of prisoners a public obligation.¹ The Martyrs Fund is the latest incarnation of a program that was initiated in the early 1960s by the Palestinian Liberation Organization's (PLO) "Commission of Martyrs and Injured." The Commission essentially served as the PLO's welfare and social affairs division and helped the families of prisoners. Following the signing of the Oslo Accords, the commission's role has shifted to only providing assistance to the families of injured prisoners and martyrs.² While in Western languages, "martyr" usually refers to someone who dies because of their religious beliefs, Palestinians use the label "martyr" to refer to anyone killed by the Israeli military, whether combatants, civilians or children.³ According to the PA, these payment programs were created on the grounds that the Palestinian cause is a "national struggle for liberation, humanity, and justice, and that those negatively impacted by the occupation must not be left behind."⁴

Who benefits from the fund?

According to the PA, all families of prisoners (regardless of their political affiliation) who apply for benefits can receive monthly payments while their relatives are incarcerated. The monthly payment per family is \$350 with an additional \$100 if married and an extra \$50 per child.⁵ In 2017, 13,000 prisoners and 33,700 families were able to benefit from these payments,⁶ which constituted 1.5% of the total number of detainees and ex-detainees.⁷ Families of prisoners are entitled to apply for other benefits such as basic government healthcare and partial scholarships for children of prisoners who qualify. The amount of financial benefits depends on the status of the spouse and other dependents as well as the number of years spent in Israeli prisons. Ex-detainees can only receive funding if they can prove that their income is less than 2000 NIS a month.

They are also entitled to partial university scholarships in public universities if they meet certain criteria. Additionally, many of them are entitled to public healthcare in the instances in which their detention conditions have negatively impacted their health. Finally, while in prison, detainees can receive canteen money through the Commission of Detainees and Ex-Detainees Affairs. This allows them to buy food, clothing and other items in the prison shop that pays royalties to the Israeli prison system.⁸

Why do Palestinians consider these payments necessary?

According to the Palestinian Center for Policy and Survey Research, support for the payments is as high as 91% among Palestinians.⁹ Such payments are seen as a safety net and as a necessary counterbalance to the challenges of living under Israeli occupation and to the application of Israeli military law.¹⁰ There is copious evidence that Israel's military courts grossly and consistently mishandle cases brought against Palestinians.¹¹ Many Palestinians are jailed by Israel as security threats for acts that most Canadians would consider acts of civil disobedience. The conviction rate for Palestinians processed through Israeli military courts is 99%¹² — a figure unheard of in Western democracies. Worse, Israel often imposes collective punishment against the families of Palestinians suspected of having committed crimes, such as the destruction of the suspect's family's home¹³ — a war crime under international law. In 2000, Israel passed laws preventing Palestinians from suing the Israeli army for injury or death.¹⁴ Consequently, this leaves the PA's Martyrs Fund as the only channel of compensation for Palestinian families.

How do supporters of the Martyrs Fund respond to criticisms?

Critics of the Martyrs Fund, particularly in the U.S. and Israel, suggest that these prisoner payments act as a form of terror incitement: a program to reward Palestinians for committing acts of violence against Israelis.¹⁵ Critics dub the program "pay for slay" suggesting that the PA pays Palestinians to kill Israelis.¹⁶ However, CJPME's research found no evidence that Palestinians were incentivized to commit violence against Israelis because of this program.

Palestinians would argue that the violence directed against Israel and its citizens is the result of a brutal, decades-long Israeli military occupation, not the result of a government program.¹⁷ And in the daily confrontations between the Israeli military and Palestinians, the vast majority of acts of Palestinian violence are not pre-meditated. Some point out that, even if a would-be attacker had premeditated motives, they would reflect not only on the personal risk of being killed or jailed, but of the potential devastation inflicted on their family by Israel.¹⁸ Ultimately, Palestinians committed to their liberation struggle are prepared to act and to pay a price, whether the Martyr's fund exists or not.¹⁹

The PA gives a number of reasons for maintaining the program. First, PA President Mahmoud Abbas has argued that, "payments to support the families are a social responsibility to look after innocent people affected by the incarceration or killing of their loved ones."²⁰ Abbas has also asserted that the vast majority of Palestinians in Israeli jails are political prisoners, and not terrorists.²¹ The PA argues that their program prevents prisoners and their families from being exploited by radical groups, in addition to deterring recidivism.²² Finally, the PA has also expressed concern that, given the program's popularity among Palestinians, closing it would cause a widespread revolt and civil unrest against the PA.²³

¹ "2002 Basic Law," The Palestinian Basic Law, February 15, 2012, <https://www.palestinianbasiclaw.org/basic-law/2002-basic-law>.

² "The Palestinian Authority's (PA) policy position on the social welfare payments to the families of prisoners," The General Delegation of Palestine to Australia, New Zealand and the Pacific, October 12, 2018, <https://www.palestine-australia.com/highlights/news/2018/the-palestinian-authoritys-pa-policy-position-on-the-social-welfare-payments-to-the-families-of-prisoners/>.

³ "Martyrdom in the Context of the Palestinian National Struggle," Institute for Palestine Studies, Accessed Monday, Feb 27, 2023, <https://oldwebsite.palestine-studies.org/resources/special-focus/martyrdom-context-palestinian-national-struggle-0>.

⁴ The General Delegation of Palestine to Australia, 2018.

⁵ "Palestinian Prisoner Payments," Carnegie Endowment for International Peace, 2021, <https://carnegieendowment.org/specialprojects/breakingtheiraelpalestinestatusquo/payments>.

⁶ Ibid.

⁷ The General Delegation of Palestine to Australia, New Zealand and the Pacific, 2018.

⁸ "Does the Palestinian Authority pay \$350 million a year to 'terrorists and their families'?" Glenn Kessler, *The Washington Post*, March 14, 2018.

⁹ "Public Opinion Poll No (64)," The Palestinian Center for Policy and Survey Research, July, 2017.

¹⁰ Carnegie Endowment for International Peace, 2021.

¹¹ Kessler, 2018.

¹² "Israel's Military Courts 'Humiliating Charade' for Palestinians," Jaclynn Ashly, *Al Jazeera*, February 26, 2018.

¹³ Carnegie Endowment for International Peace, 2021.

¹⁴ The General Delegation of Palestine to Australia, New Zealand and the Pacific, 2018.

¹⁵ "Palestinian Prisoner and Martyr Payments explained," Israel Policy Forum, April 2, 2021, <https://israelpolicyforum.org/2021/04/02/palestinian-prisoner-and-martyr-payments-explained/>.

¹⁶ "Why the discourse about Palestinian payments to prisoners' families is distorted and misleading," Shibley Telhami, *Brookings*, December 7, 2020.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ "PA payments to prisoners, 'martyr' families now equal half its foreign budgetary aid," Dov Lieber, *The Times of Israel*, July 21, 2017.

²¹ Ibid.

²² The General Delegation of Palestine to Australia, New Zealand and the Pacific, 2018.

²³ Ibid.