

PA law grants promotions in rank to terrorist prisoners from PA Security Services

The following is a summary by PA Judge Ali Abu Diyak, head of the Consulting and Legislation Office, (PA governmental body), of the most important clauses in PA law and regulation entitled “Securing Jobs for Released Prisoners in [the PA] Government, Decision No. 15 of 2013”, which standardized ranks and salaries for released Palestinian prisoners, i.e., terrorists.

The judge’s summary was published by Wafa, the official Palestinian Authority news agency.

Headline: “Spotlight on the Regulation Securing Jobs for Released Prisoners”

Article written by Judge Ali Abu Diyak, head of the Consulting and Legislation Office, a Palestinian Authority governmental body providing consultation on matters of legislation

“[PA] Prime Minister Rami Hamdallah published the Regulation Securing Jobs for Released Prisoners in [the PA] Government, Decision No. 15 of 2013 on Nov. 12, 2013. It took effect beginning on the date of its publication in the Records, and it was published in issue 103 of the Records, which was published on Dec. 8, 2013. This regulation was based on Decision with Legal Validity No. 1 of 2013 regarding the amendment to the Prisoners’ and Released [Prisoners’] Law, which President [Mahmoud Abbas] of the State of Palestine issued on Jan. 8, 2013, and which was published in issue no. 99 of the Records, which were published on Feb. 27, 2013.

The importance of this amendment lies in the fact that it set into law additional directives to standardize the salaries of the released prisoners and their employment ranks, and it filled the vacuum that was created as a result of the previous regulations that fixed in law the salaries of the prisoners while they were still in captivity (i.e., imprisonment), but did not address their salaries after the release from captivity.

Government Decision No. 23 of 2010 regarding a regulation of the payment of a monthly salary to a prisoner was published relying on the Prisoners’ and Released [Prisoners’] Law No. 19 of 2004, and it had great influence on everything related to the standardizing and raising of salaries of prisoners while still in prison. It constitutes a qualitative addition to the legislation that standardizes the rights of the prisoners, and it set a minimum wage of 1,400 [Israeli] shekels for a prisoner when he enters captivity, which rises gradually to 12,000 shekels in accordance with the years he remains in captivity. To this is added an addition for a wife and children linked to the cost-of-living index.

However, the aforementioned Decision No. 23 of 2010 determined in clause 10 that the salary payment will be stopped when the prisoner is released from captivity, and it did not address the [released] prisoners’ salaries, their absorption into civil service, and their employment ranks after their release from captivity. This constituted a great challenge for the new Palestinian government, which understood the importance of standardizing this matter of the national struggle, and the need to fix in law the prisoners’ salaries, their ranks, and the procedures for absorbing them into civil service after their release, according to clear and defined criteria and in accordance with Decision with Legal Validity No. 1 of 2013 regarding the amendment of the Prisoners’ and Released [Prisoners’] Law.

I will relate to the most important directives that appeared in Regulation: Securing Jobs for Released Prisoners No. 15 of 2013, which took effect on Dec. 8, 2013.

Granting priority in employment

The second clause (the writer did not review all the clauses - Ed) in this regulation established that priority should be given to the employment of released prisoners in the civil service. It established that every released prisoner who was in captivity for at least a year, who submits a request for employment in the civil service, and meets the legal conditions according to the relevant laws and regulations, receives 10 points out of the total points as priority, plus one point for every year of imprisonment up to a maximum of 20 points.

Ranks and salaries

The third clause in this regulation determines that the released prisoner who is employed [by the PA government] will receive the ranks detailed in the table appended to this regulation, taking his education into consideration. He receives a salary according to the pay scale of civil or military employees that is customary in the State of Palestine. For released female prisoners three years are to be subtracted from the periods noted in the table appended to this regulation...

Number of years in prison	Civil rank	Military rank
5-6 years	Department Head	Lieutenant
6-8 years	Director Rank C	Captain
8-10 years	Director Rank B	Major
10-15 years	Director Rank A	Lieutenant Colonel
15-20 years	Director General Rank A4	Colonel
20-25 years	Deputy Minister's Aide A2	Brigadier General
25-30 years	Deputy Minister	Major General
30 years and above	Employed at rank of Minister	Major General (senior)

The fixed salary

Clause four in this regulation determined that the released prisoner will benefit from a fixed salary if there is no vacant position that is suitable to the qualifications of the released prisoner who sat in prison for over five years and less than ten years, and of the released female prisoner who sat in prison for over two years and less than five years. This is on condition that the male or female prisoner does not have any [other] source of fixed income of more than 1,450 shekels a month...

In the regulation it is determined that the base fixed salary is 1,500 shekels, with an addition of 100 shekels for every year that the prisoner was in captivity ... with an addition of 300 shekels for a wife and an addition of 50 shekels for every child under the age of 18. The fixed salary will be linked to the cost-of-living index.

Budgeted employment

The eighth clause in this regulation dealt with fixed budgeted employment of the released prisoner who sat ten years or more and of the released female prisoner who sat five years or more. They will be employed in a budgeted manner in the state institutions in accordance with the aforementioned table appended to this regulation. All of the laws and regulations regarding civil employees apply to the released prisoners who were mentioned in the previous sub-clause of this clause, including promotions and [salary] additions for which they are eligible.

Likewise, this regulation standardized the rights of the prisoners who were injured during the arrest and the percentage of disability. In addition, it standardized the rights of the inheritors and the rights of the dependents regarding the fixed salary that was paid to the prisoner, after his [the prisoner's] death.

Unemployment payments

Clause 13 of this regulation deals with the unemployment allowance received by the released prisoner who was in captivity between one and five years, [which he receives] for a period equal to the time he was in captivity. The monthly unemployment benefits will be paid based on the last monthly payment that the released prisoner received in prison before his release.

Grants upon release [from prison]

Likewise, clause 15 standardized the grants upon release [from prison]. Every released prisoner who was in captivity for one year or more will receive a one-time release grant upon his release, after the regulation's coming into effect, as follows:

Period [in prison]	Amount in American dollars
1-3 years	1,500
3-5 years	2,500
5-8 years	3,500
8-11 years	4,500
11-15 years	6,000

15-18 years	8,000
18-21 years	10,000
21-25 years	12,000
25-30 years	15,000
30 years and above	25,000

[...]

The released Arab prisoners

Clause 17 of this regulation determined that the directives will apply to released Arab prisoners (i.e., not Palestinian or Israeli Arab), wherever they may be after their release. All of the correspondence and administrative and legal documents that are required will be arranged through the Palestinian embassies abroad, in accordance with their location and the procedures in law.

The prisoners outside of Palestine

Clause 18 of the regulation determines that its directives will apply to members of PLO factions who were arrested outside of Palestine due to their participation in the struggle for the independence and freedom of Palestine, and that their status will be arranged in accordance with what is determined in the Regulation. All of the correspondence and administrative and legal documents that are required will be arranged for those of them who are in Palestine, and the matter will be conducted through the Palestinian embassies abroad for those who are outside of Palestine, in accordance with their location and the procedures fixed in law.”

[Wafa, official PA news agency, Dec. 12, 2013]