

Decision of the Council of Ministers No. (23) for the year 2010 regarding the system of paying a monthly allowance for the captive

The Council of Ministers, based on the amended Basic Law of year 2003 and its amendments, in particular article 70 thereof, and the Captive's and Liberated [Captives'] Law No. (19) of year 2004, in particular Articles 3 and 7 thereof, and based upon the recommendation of the Minister of Captives and Liberated [Captives] as approved by the Council of Ministers in its weekly session held in Ramallah on 28/06/2010, and based on the authority given to us, and based on the requirements of the public interest, the following system was issued:

Article (1)

The words and phrases contained in this Law shall have the meanings assigned to them below unless the context indicates otherwise:

The Ministry: The Ministry of Captive's and Liberated [Captives'] Affairs. Minister: Minister of Captive's and Liberated [Captives'] Affairs. Captive: Anyone who is imprisoned in the occupation because of his participation in the struggle against it (the occupation). Liberated Captive: Every captive that is released from the prisons of the occupation. Monthly salary: The monthly amount paid to the captive who is not employed and it is paid to him or his family and it is immediately interrupted after liberation from the prisons of the occupation according to the table contained in this system. Agent: The person authorized to receive the salary on behalf of the captive. Competent Department: The General Department for Captives' Affairs in the Ministry. Documents: All necessary documents, scientific certificates, certificates of arrest, certificates of social status, experience and other requirements specified by the Ministry. Year: The calendar year according to the solar calendar. Month: One of a twelve-part period during the year.

Article (2)

1. Each captive shall be given a monthly salary paid to him or to his family, as long as he does not benefit from a monthly salary from any governmental or semi-governmental entity or any official institution.
2. Government departments, official institutions or semi-governmental institutions may not deduct the salaries of their employees if they are captured.

Article (3)

In order to pay the monthly salary of the captive, his family is obliged to submit the required documents to the competent administration. These are as follows: 1. An original certificate from the Red Cross stating that he has been arrested and it shall be renewed every three months for the captive who is still in employment. 2. The indictment issued by the Israeli Military Prosecution or a certified copy thereof. 3. A copy of the ID card of the captive, if available. 4. A copy of the agent's identity card. 5. A copy of the marriage contract. 6. A copy of birth certificates of children. 7. Account number under the name of the agent in a bank within the territory of the National Authority. 8. The decision of the final sentencing pronounced by the Israeli

courts or a certified copy thereof. 9. The competent officer must match the original pictures and stamp them and sign them accordingly.

Article (4)

The person who is under house arrest from the Israeli occupation authorities shall benefit from the provisions of this Law, provided that the relevant documents are submitted to the competent department.

Article (5)

1. If the captive is married, his wife is considered his agent unless someone else is appointed by him. 2. If the captive is not married, one of his parents is his agent, and the captive shall select one of them in case of disagreement, or any other person. 3. Setting an agent shall be vested by the Red Cross and signed by the captive, or by a personal assignment by the captive (himself) approved by the Ministry's lawyers as well as the Ministry of Legal Affairs, and it (the assignment) is only valid within the Ministry.

Article (6)

The file shall be approved by the competent administration of the captive financially after ensuring that he has not been paid by any governmental, official or semi-governmental institution based on an indictment issued against him.

Article (7)

A salary shall be paid to the captive (starting) at the date of his captivity.

Article (8)

With the provisions of Article 5 of this Decree put into consideration:

1. If the captive is married to more than one wife, the salary shall be paid according to the following:

A. Each of them [the wives] shall receive the wife allowance assigned to her in the salary table and her children's allowance from her captive husband.

B. The basic salary of a captive shall be divided by the number of wives. C. The salary shall be paid after computation in accordance with items (A) and (B) of this paragraph on the bank account of each wife in accordance with the schedule in Article 12 of this Law.

2. To make a special allowance for the captives of Jerusalem and the interior. If he is married more than a wife, each wife shall be entitled to the allowance granted to the captives of Jerusalem and the interior.

Article (9)

1. A bonus shall be paid to the children up to the age of 18 in accordance with the schedule mentioned in Article 12 of this Law.

2. The allowance shall continue to be paid to the children if they pursue their studies in any educational institution until accomplishing their studies or filling 25 years of age whichever precedes.

3. The bonus is paid to the unmarried girl [daughter] if she does not work.

4. The bonus shall continue to be paid to the children of the disabled captives even after the age of 18 years, provided that such disability is proven by official medical reports which prove that he [the captive] is unable to support himself.

Article (10)

The payment of the salary shall be stopped in any of the following cases:

1. If the captive is released.

2. If the captive dies while in captivity, his salary shall continue to be paid to his heirs until his file is settled at the institution of the martyrs' families.

Article (11)

Equality [shall be maintained] between married male and female captives regarding the monthly salary paid to the captives in Israeli prisons and the allowances given in the table allocated according to the following:

1. The husband's and the children's allowance shall be paid to the female captive according to the schedule mentioned in Article 12 of this Law.

2. The female captive shall benefit from the husband's and the children's allowance provided that the husband does not work.

Article (12)

The salary is paid to the captive based on the years he spent in captivity according to the following schedule: The interior's captives allowance [Israeli citizens] and Jerusalem allowance in NIS - Child allowance up to age 18 in NIS - Wife's allowance in NIS - Basic salary in NIS - Years of captivity:

500 300 50 [500 additional for Israeli residency, 300 a wife and 300 for Jerusalemites + 50 shekel for every kid of the captive]

- From the beginning of the captivity and less than 3 years for each son / daughter
1400

500 300 50

- 3 years and less than 5 years Years per son / daughter 2000

500 300 50

- 5 years and less than 10 years per son / daughter 4000

500 300 50

- 10 years and less than 15 years per son / daughter 6000

500 300 50

- 15 years and less than 20 years per son / daughter 7000

500 300 50

- 20 years and less than 25 years per son / daughter 8000

500 300 50

- 25 years and less than 30 years per son / daughter 10 000

500 300 50

- 30 years and above 12 000

Article (13)

The table in Article 12 of this Law shall be subjected and linked to the cost-of-living schedule established by the Government.

Article (14)

The provisions of this Law shall apply financially from the date of 01/01/2011 according to available financial resources.

Article (15)

Any contravention of the provisions of this Law shall be canceled.

Article (16)

All competent authorities, each within its jurisdiction, shall implement the provisions of this Law and shall come into effect from the date of its publication in the Official Gazette.

Issued in the city of Ramallah on 28/06/2010 Corresponding: 16 / Rajab / 1431 (Hijri calendar)

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Translated by Perspektiv på Israel

