



بحث...  
- انظمة وقوانين

الأخبار العاجلة < >  
هيئة الأسرى: " ندعو الحركة الأسيرة وكل من له علاقة بقضية الأسرى للتريث..."



## The Law of the Captives and Liberated Captives (19) 2004 AD

President of the Palestinian National Authority

After reviewing the Amended Basic Law Based on what was approved by the Legislative Council in its session held on 22/12/2004

The following law was issued:

### Article (1)

The following terms and expressions shall have the meanings assigned to them below unless otherwise indicated: National Authority: Palestinian National Authority.

Council of Ministers: Council of Ministers of the National Authority.

The ministers: The Ministry of Captives' and Liberated Captives' Affairs or the ministry concerned with them.

The captive: Anyone who is imprisoned in the occupation prisons on the basis of his participation in the struggle against the occupation.

Liberated captive: Every captive was released in the prisons of the occupation.

## Article (2)

The captives and liberated captives are a struggling segment and an integral part of the fabric of the Palestinian Arab society. The provisions of this law guarantee a decent life for them and their families.

## Article (3)

To achieve the objectives of this law, the National Authority shall, by all possible means, :

1. Release captives from Israeli jails.
2. Provide all legal requirements to assist the captive.
3. Providing financial rights to the captive and his family in accordance with the provisions of this law and in accordance with the applicable salary list .
4. Provide the opportunity of educational attainment for the captive and his children.
5. Rehabilitation of the freed captives.
6. To provide jobs for captives who are released according to criteria that take into account the years spent in prison and its educational attainment according to a system issued by the Council of Ministers.

## Article (4)

The National Authority may not sign or participate in the signing of a peace treaty to resolve the Palestinian issue without the release of all captives.

## Article (5)

1. Every liberated captive that has spent at least five years in the occupation prisons and every female captive that has spent a period no less than three years, exempt from the following:

Fees for public university education.

Health insurance fees.

Fees of any qualification course within the scope of programs organized by specialized official authorities.

2. The Council of Ministers shall determine the exemption cases mentioned in the preceding paragraph in accordance with the regulations issued in this regard.

## Article (6)

The National Authority grants each captive, without discrimination, a monthly allowance inside the prison and is given a clothing allowance twice a year according to a regulation issued in this regard.

## Article (7)

1. The Authority shall pay to each captive a monthly salary determined by the regulation with respect to the cost of living schedule.

2. A part of the captive's salary shall be paid to members of his family in accordance with the applicable standards of legal maintenance.

3. The captive shall determine his representative in receiving his monthly salary or what remains of it.

Article (8)1- The years of the captivity shall be calculated for each of the captives and the liberated ones in accordance with the provisions of Article (107) of the Civil Service Law (4) of 1998 and the regulations issued in this regard.

2. The National Authority shall pay the insurance premiums and allowances to the employed captive in respect to years of the captivity.

#### Article (9)

The Ministry shall, in cooperation with the concerned authorities, prepare a documented database of the captives and the liberated captives, the circumstances and reasons for their detention and the crimes of the occupation committed against them.

#### Article (10)

The National Authority shall have the right to file lawsuits regarding the crimes of the occupiers against the captives and to demand any compensations for the damages inflicted on them as a result, and each captive and liberated captive shall have the right to file such lawsuits.

#### Article (11)

The Council of Ministers shall issue the necessary regulations to implement the provisions of this law.

#### Article (12)

Every verdict that does not comply with this law will be canceled.

#### Article (13)

All competent authorities, each within their jurisdiction, shall implement the provisions of this Law and shall be effective thirty days after the date of its publication in the Official Gazette.

Regulations of the law Decision of the Council of Ministers No # year 2006  
Laws of captives and liberated captives.

#### Council of Ministers:

After reviewing the law of captives and liberated captives no. (19) the year 2004 that was issued by the Legislative Council in its session held on 22/12/2004 and the President of the Palestinian National Authority on 27/12/2004, and published in the Palestinian Facts [Alwaqae' Alfalastanya, the official gazette for the Palestinian National Authority] in the 54th issue on 23/4 (2005), and in light of what was presented by the Minister of captives' Affairs during the meeting of the Council of Ministers No. (40), held on 23/11/2005, and as approved by the Council of Ministers at the same meeting.

The following was issued

#### Article (1)

The legislations of the law of captives and liberated captives promulgates the following:

1- The job guarantee system for the liberated captives.

2- A system of a monthly salary payment for the captive and his family.

3 - A system of insuring expenses and clothes for the captive annually in Israeli prisons and detention centers.

4- Exemption from school and university tuition fees, health insurance fees and fees for qualifying courses.

#### Article (2)

For the purposes of applying the provisions of this Law, the following words and expressions shall have the meanings assigned to them below, unless the context indicates otherwise.

Ministry: The Ministry of captives' Affairs.

Minister: Minister of captives' Affairs.

The Captive: Anyone who is imprisoned in the occupation prisons due to his participation in the struggle against the occupation.

Released Captive: Every captive that is released from the prisons of the occupation.

General Administration of Administrative and Financial Affairs: General Department of Administrative and Financial Affairs in the Ministry.

Competent Employee: The competent employee in the Department of Administrative and Financial Affairs.

Identification Documents: All necessary documents, scholarly certificates, certificates of arrest, certificates of social status and experience, etc.

Agent (Broker): The person authorized to receive the salary on behalf of the captive.

Bank: A bank located in the Palestinian territories and operating according to a permit from the Palestinian National Authority.

Department of Censorship and Auditing: Department of Censorship and Auditing in the Ministry.

The General Administration of the Program for the Rehabilitation of Released Captives: The General Administration of the Program for the Rehabilitation of Released Captives in the Ministry of Captives.

Department of Education: Department of Education in the public administration of the program for the rehabilitation of released captives in the ministry.

Training Department: Training Department in the Public Administration of the Rehabilitation Program for Released Captives in the Ministry.

Department of Health Insurance: Department of Health Insurance in the General Department of the rehabilitation program for liberated captives in the Ministry.

Prison Relations Department: A department of the General Directorate for Captive Affairs and Liberated Captives.

The Canteen: the needs that are purchased with the monthly expenditure that reaches the captive.

First: The job insurance system for the liberated captives:

#### Article (3)

Every liberated captive has the right to be granted a job in one of the ministries or departments of the Authority if the following conditions are met:

- 1- He must have spent five years or more in captivity because of his resistance of the occupation regardless, whether this interval is continuous/a one time or intermittent.
2. This period / periods shall be confirmed by official papers issued by the Red Cross or a certificate from the responsible ministry confirming the validity of his detention.
3. Captives who had been detained or held in Arab prisons on the basis of their struggle for the Cause and who do not have official papers issued by the Red Cross can obtain proof of their detention certified by the Minister.
4. The released captive is not employed in any official or civil institution with a periodic salary.
- 5 - That he has no other source of livelihood, whether from the trade or management of a factory or a service office that generates an appropriate income.
- 6 - Not possess property and movable or immovable property that gives him a permanent income that enables him to live a decent life.
7. Exceptionally the same conditions shall apply to female captives who have spent at least two and a half years in captivity, and this lump-sum salary shall cease when they (she) receive employment.

#### Article (4)

A captive who spent more than three years in captivity and was injured while in detention or because of a severe illness that prevented him from working can be considered in his file to benefit from the lump-sum salary after the conditions stipulated in Article (3), as well as the following are met:

- 1 - His infection with a disease happens during arrest or because of it.
2. That he has not received any compensations for this injury.

3. He proves that he is unable to work with a medical report issued by a government medical committee.

4 - He does not benefit from any other institution because of disability.

#### Article (5)

(A) The General Directorate for Administrative and Financial Affairs shall receive through the competent employee of the released captive all the necessary supporting documents and shall ensure that they comply with the conditions.

(B) The competent employee shall prepare a personal file for each captive, including the supporting documents and the necessary recommendations.

(C) The competent employee shall arrange the files of the captives in accordance with the years that he spent in captivity.

(D) All the ready files are viewed with a report thereon to the Minister for approval.

(E) The General Administration of Administrative Affairs shall send a copy of the file to the General Staff's Office and another copy to the Ministry of Finance.

(F) The released captive shall be informed of the response of the General Staff Office and the Ministry of Finance. The deficiencies in the file shall be completed through the Ministry of captives' Affairs.

#### Article (6)

(A) After the completion of the procedures for the appointment of the liberated captive, the liberated captives shall be distributed to the vacancies in the ministries and other government agencies and institution instead of a vacant employee or a recent financial appropriation in accordance with the annual budget law.

(B) The functional degree of the liberated captive shall be determined based on the number of years spent in captivity, and scholarly certificates he has.

(C) In the absence of a vacancy he is presented to the Forum of Culture and Development after its establishment, and the liberated captive shall be paid a monthly salary.

(D) The liberated captive who has spent five years and above shall receive the grades indicated in the following table and the corresponding salary set according to the salary scale for the jobs in force by the Ministry of Finance for all employees of the Palestinian National Authority according to the civil service law.

Years of imprisonment Civil rank Military rank

5 years and less than 7 years head of lieutenant [chefs löjtnant]

7 years and less than 8 years deputy head of the captain [ biträdande chefskapten]

8 years and less than 10 years Director C pioneer

10 years and less than 15 years Director B Presenter + Seniority

15 years and less than 20 years Director A Colonel + Seniority

20 years and less than 23 years General Manager Dean

23 years and less than 25 years Assistant Undersecretary Dean

25 years and above Undersecretary of the Ministry with Seniority

If any of them is employed for a civilian or military job, all the scholarly requirements for this position must be completed.

(E) The following shall be implemented:

The liberated captives shall be granted their grades.

Those who have the potential to work are nominated to work in the civil or military establishment with the rank granted to them.

(F) Captives who have spent less than five years, and do not apply to them in Article 7/3, and Article 4 of the Executive Regulations of the law of captives and liberated captives benefit from the cycle of unemployment for six months.

(G) The newly liberated captives should contribute to building their future with immediate financial assistance as follows:

Less than a year disburses (\$ 500)

More than one to three years disburses (\$ 1000)

More than 3 years and up to 5 years disburses (\$ 2000)

More than 5 years and up to 8 years disburses (\$ 3000)

More than 8 years and up to 11 years disburses (\$ 4000)

More than 11 years and up to 15 years disburses (\$ 5000)

More than 15 years and up to 18 years disburses (\$ 6,000)

More than 18 years and up to 21 years disburses (\$ 7,000)

More than 21 years and up to 25 years disburses (\$ 8000)

More than 25 years disburses (\$ 10000)

(H) Liberated captives who have not received a monthly salary for the period of their detention, may receive their dues for that period as arrears through the Ministry of Captives' Affairs.

## Article (7)

A lump-sum is a personal right of a captive who is liberated during his life and in no case may be transferred to another beneficiary.

## Article (8)

1. The payment of the lump-sum salary shall be suspended from the released captive in the following cases:

(A) If he has exercised or has become aware that he is practicing another profession for which he is paid a periodic wage.

(B) If he is re-arrested by the Israeli occupation army, in this case he shall be considered a victim and the salary shall be paid by the Ministry of Captives' Affairs.

(C) If he performs his job in the case of a vacancy in one of the institutions, departments or government ministries, and he shall then transfer to the owner of the concerned authority and receive a full salary.

(D) If he dies, his heirs shall benefit from the salary according to the following:

Married captive:

1. The wife and the youngest minor son or the unmarried daughters benefit from 75% of the salary.

2. The last minor son or unmarried daughters benefit by 50% of the salary.

Single captive:

1. The father and mother (if the deceased was the breadwinner) + the minor siblings benefit by 75% of the salary.

2. The youngest brother or unmarried sister (girl) who does not work shall be entitled to 50% of the salary.

(E) If he is asked to join an official department with vacancies and refuses to comply with this request.

Second: The monthly salary system for the captive and his family:

## Article (9)

Every Palestinian or Arab captive in Israeli prisons and detention centers has the right to receive a monthly salary paid to him or to his family if the following conditions are met:

(A) If his detention is due to his resistance of the occupation.



(B) If he does not receive a monthly salary from any other governmental or non-governmental institution.

#### Article (10)

The captive's relatives must bring the following documents:

1. An original certificate from the Red Cross stating that he has been arrested. This paper is renewed every 3 months for the captive who is still under arrest and each year for the convicted captive.
2. The indictment issued by the Israeli Military Prosecution.
3. a copy of the ID card of the captive.
4. a copy of the identity card of the captive's agent (broker).
5. a copy of marriage certificate if he is married.
- 6 - a copy of birth certificates of children.
7. Account number in the name of the agent in a bank within the territory of the National Authority.
- 8 - The sentence if he is sentenced by the Israeli courts.

#### Article (11)

All the identification papers shall be delivered to the concerned employee at the branch office of the Ministry of Captives in the captive's place of residence, and if he is not from the residents of the areas under the supervision of the Palestinian National Authority, the papers shall be delivered at nearest branch office to his place of residence .

#### Article (12)

If the captive is married, his wife is his legal agent, and if he is not married, one of his parents is, and the captive may assign another person to receive his salary under an agency issued by the Red Cross and signed by him.

#### Article (13)

The Directorate General for Captives' Affairs shall prepare a special file containing all the supporting documents of the captive and its notes on the file and the amount specified for the salary to be paid in accordance with the case. The file shall be presented to the Department of Censorship and Auditing to verify the validity of the papers and match the salary with the contents of the file.

#### Article (14)

The file shall be valid for the captive financially when it is assured that he will not be paid by any governmental or private institution once all the papers have been completed and

that an indictment exists in the file. In the absence of an indictment, he will be approved if his detention is administrative.

#### Article (15)

The salary shall be paid from file's approval date and not from the date of detention, and the period between the date of arrest and the date of the approval of the person to be approved shall be considered as arrear salaries after that.

#### Article (16)

If the captive is married to more than one wife, each of them shall receive his full salary for a period of fifteen years, if the captive remains in captivity. After that, the file of the captive shall be studied and the salary will be analysed with respect to the age of the captive's children, and the increased salary due to the increase of the years of imprisonment shall be split between the two spouses.

#### Article (17)

A special allowance is paid to the Jerusalem residents to support their steadfastness, given their high standard of living.

#### Article (18)

The salary is paid to children up to the age of 18, and to the unmarried daughter who works.

#### Article (19)

The salary shall be suspended in the following cases:

1. If the captive is released from captivity.
2. If the captive dies while in captivity, it shall be converted to a Life Insurance (Deceased Insurance) as follows

Married captive:

1. The wife and the minor children shall benefit from 75% of the salary.
2. The last minor son or the unmarried daughters shall benefit from 50% of the salary.

Single captive:

1. The father and the mother (provided that the deceased is their sole breadwinner during his lifetime) and the minor siblings shall benefit from 50% of the salary.
2. The last minor brother and the non-working unmarried sister shall benefit from 50% of the salary.

#### Article (20)

The salary shall be paid to the captive based on the years spent in captivity according to the following schedule:

Number of captivity years - Basic salary in shekels - Spouse's allowance in shekels -

Children's allowance up to 18 years in shekels - Jerusalem-related allowance in shekels.

From the start of captivity and less than 5 years: 1000 300 50 per son / daughter 300

5 years and less than 10 years 1300 - 300 - 50 per son / daughter - 300

10 years and less than 15 years 2000 - 300 - 50 per son / daughter - 300

15 years and less than 17 years - 2500 - 300 - 50 per son / daughter - 300

Of 17 years and less than 20 years 300 - 300 - 50 per son / daughter - 300

20 years and less than 25 years 3500 - 300 - 50 per son / daughter - 300

More than 25 years 4000 - 300 - 50 per son / daughter - 300

#### Article (21)

The salary of the captives starts from the minimum wage in the Palestinian National Authority and the basic salary is linked to the cost of living schedule.

Third: The system of exempting the freed captives from the fees of school and university education and the fees of qualifying courses:

#### Article (22)

Every liberated captive shall be entitled to exemption from the fees of the school and university education and the fees of the qualifying courses within the programs organized by the competent official authorities, if the following conditions are met:

1. He shall have spent no less than five years, or a female captive that has spent no less than three years due to resisting occupation, whether one period or intermittent periods, and that this period should be confirmed by official papers issued by the Red Cross.

2. A captive who can not bring the official papers issued by the Red Cross because of an extended period of detention can bring a certificate of arrest approved by the Minister.

B. The services offered by the Rehabilitation Program shall continue to provide a service to the liberated captive, regardless of the period spent in captivity, in accordance with the conditions agreed upon between the program and the donor countries, and the policy adopted by the program.

#### Article (23)

A - The released captive who benefits from the education service shall bring the following documents:

1. A proof-of-arrest certificate (The Red Cross).
2. The last educational certificate obtained.
3. A certificate of registration at the university (for one who wants to benefit from university education).
4. A copy of the captive's ID card.

B - In order for a liberated captive to benefit from the health insurance service, he must bring the following documents:

1. A proof-of-arrest certificate (red cross).
2. Two personal pictures + a picture of those benefiting from the insurance with him.
3. Copy of the identity card of the captive.

C - In order for a liberated captive to benefit from the training service in qualifying courses organized by the competent authorities, he must bring the following documents:

1. A proof-of-arrest certificate (red cross).
- 2 - The last educational certificate obtained.
3. A copy of his identity card.

#### Article (24)

1. The general administration of the program for the rehabilitation of the liberated captives and through its competent staff of the released captives shall receive all the necessary supporting documents and shall verify their validity and compliance with the terms.
2. The competent employee shall prepare a special file for each captive, including the supporting documents and the necessary recommendations.
3. All reviews regarding requests to benefit from the exemption shall be processed with the employee concerned.
4. The captive who wishes to benefit from the exemption from the training courses fees must sign a commitment not to stop benefitting from this service.

#### Article (25)

The General Directorate of the Program for the Rehabilitation of Liberated Captives is the only competent authority to contact those authorities the captive wishes to benefit from, and is the only one authorized to receive replies.

#### Article (26)

1. Benefiting from exemption from school and university fees, and benefiting from the exemption from the rehabilitation courses is a personal right of the liberated captive may not be relinquished to others.

2. The health insurance fee shall be deducted monthly for the liberated captive who receives a lump-sum salary from his monthly lump salary.

#### Article (27)

1. A captive whose income is more than three thousand shekels shall not be exempted from university fees unless he has more than one child.

2. A captive who has more than one child and his income is more than five thousand shekels is not exempt from university fees.

#### Article (28)

1. To continue benefiting from the exemption from the fees of university education, the liberated captive has to obtain a cumulative rate of more than 60%.

2. To continue benefiting from the exemption from training (= praktik) fees, the liberated captive has to commit not to drop out of training.

#### Article (29)

The university tuition exemption service is offered once.

#### Article (30)

As an exception, captives who have spent less than five years, and female captive who have spent less than three years can benefit from a one-year health insurance service.

#### Article (31)

Services given to the captive shall be discontinued for the following cases:

1. If his break from benefiting from the training service lasts.

2. If he does not get a cumulative average of 60% and above for the beneficiaries of the exemption from university tuition fees for two semesters.

3. If the captive dies, the right of benefiting does not transfer to his heirs.

4. Exceptionally, the captive's family shall continue to benefit from the exemption from health insurance fees in case of his death.

Fourth: The system of securing a monthly allowance for the captive inside the prison and clothing allowance twice a year:

#### Article (32)

Every captive in the prison that has been arrested due to resisting the occupation and is among the rest of the captives, or is in the solitary confinement as a punishment from the detention center's administration, has the right to receive a monthly allowance and a change of clothing twice a year, regardless of his party - or organisational affiliation.

#### Article (33)

Each captive shall receive a monthly allowance within captivity (the canteen) that is in force in the Ministry and agreed upon with the Ministry of Finance.

#### Article (34)

The Prison Relations Department in the General Directorate for Captives' and Liberated Captives' Affairs is the only body authorized to distribute the expenses to captive according to the following procedures:

1. The department shall obtain the correct figures about the number of captives in each prison based on its contacts with each prison separately.
2. The department shall prepare special lists of captives' names and their account numbers within the prison.
3. The department shall prepare the required expense permits according to the number of captives and based on the lists that it has and expectation from the Minister to conduct the disbursement process.
4. The department may, at its discretion, send the expense to each captive's number separately or divide the amounts into groups according to need.
5. The department shall keep a copy of each expense permit issued.

#### Article (35)

In the case of large-scale prison transfers, the Prison Service may, after conducting the necessary contacts, determine the mechanism of paying expenses according to the need of each prison. The same applies in the event of an inspection and confiscation of captives' belongings in prison.

#### Article (36)

In the event of general disturbances in prisons, where the prison administration assaults the captives and confiscates their belongings, the minister may at the earliest opportunity apply for urgent assistance to the captives, distributed according to the need of each prison.

#### Article (37)

A captive clothing allowance is paid twice a year at the value of 400 shekel each time for the captive's agent as an increase on his salary once in the middle of the year, and another at the end of the year by the Ministry of Finance.

#### Article (38)

The captive loses his right to receive the monthly allowance and the allowance of clothing in the following cases:

1. If the captive is released from prison.
2. If the captive dies inside the prison.
3. If the captive cut his relationship with the captive population and the prefers a solitary life for reasons related to the captivated national sum.

#### Article (39)

After the agreement with the two parts, the Ministry of Finance and the Ministry of the Captives' and Liberated Captives' Affairs, a decision from the Council of Ministers is particularly issued.

#### Article (40)

All competent authorities, each within its jurisdiction, shall implement this resolution and shall come into effect from the date of its issuance and shall be published in the Official Gazette.

#### The special system for the Upper Category Liberated Captives

According to the Law of Captives and Liberated Captives No. (19) of 2004, especially the provisions of Article 3 (paragraph 6). And the appointment of the Secretary General of the Council of Ministers.

And based on what was approved by the Council of Ministers in its weekly session held on 7/9/2009.

And Based on the requirements of the public interest.

And in accordance with the influence granted to us by law, The following system was issued:

#### Article (1)

##### Terms of appointment

A person who is appointed to one of the posts of the upper category of the released captives must:

1. Have a good biography and behaviour.
2. Have at minimum a high school certificate and be duly certified.
3. Have been in prison for defending the Palestinian cause.

A. For a period of not less than ten years, and to have spent at least five years in the public office and obtained reports of efficiency with a very good grade.

- B. Or a period of not less than eleven years, and have spent at least four years in the public office and received reports of efficiency with a very good estimate.
- C. Or a period of not less than twelve years, and have spent at least three years in the public office and received reports of efficiency with a very good estimate.
- D. Or a period of not less than thirteen years, and has spent at least two years in the public office and received reports of efficiency with a very good estimate.
- E. Or a period of not less than fourteen years, and has spent at least one year in the public office and received reports of efficiency with a very good estimate.
- F. Or a period of not less than fifteen years.
- G. Must be at least 35 years of age.

#### Article (2)

##### Occupation [job]

- A. No liberated captive should be appointed if Article 1 of this law applies to him, to any specialized supervisory occupation unless he is specialized in this field based on duly accredited scholarly qualifications.
- B. The staff to whom Article 1 of this law applies and which paragraph (A) of this Article does not apply shall be financially promoted to the higher category.

#### Article (3)

##### Identification papers

Every liberated captive who is subjected to the provisions of this law must provide:

1. Original certificate issued by the Red Cross.
2. A book issued by the Minister of Captives' Affairs.

#### Article (4)

##### Early retirement

For purposes of early retirement, the previous years of captivity of the liberated captive are considered to be actual years of service in accordance with this system for the purpose of early retirement in the public service.

The liberated female captives shall be granted a three year exemption from captivity which is mentioned in Article 1 of this Law.



