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## Human Rights Council

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Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

### **Written statement\* submitted by United Nations Watch, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 May 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## Report on Systemic Racism by the Palestinian Authority and Hamas, Part II

United Nations Watch submits the following Part II of its report on systemic racism by the Palestinian Authority (“PA”) and Hamas on how Palestinian legislation incorporates Palestinian rejection of Jewish rights in historic Palestine.

### 1. Palestinian Authority law prohibits land sales to Jewish Israelis

Palestinian law systematically entrenches racism and racial discrimination. For example, Palestinian law prohibits selling land to Jews. In October 2021, a Palestinian man was sentenced by a Palestinian court to 15 years in prison for attempting to sell land to Israeli Jews.<sup>1</sup> This follows the high-profile December 2018 case of an American-Palestinian who was sentenced to life in prison with hard labor for violating the Palestinian law prohibiting land sales to Israelis.<sup>2</sup> In 2016, a group of Palestinian activists, operating with the blessing of senior PA and Hamas officials, undertook a campaign against Palestinians engaged in land sales to Jews.<sup>3</sup> In 2009, a Hebron court sentenced a Palestinian man to death by hanging for selling land near his West Bank village to Israelis.<sup>4</sup> Prior to that, at least eight Palestinians suspected of involvement in property sales to Jews had been kidnapped and executed extrajudicially.<sup>5</sup>

The prohibition against selling land to Israeli Jews is based on PA laws and fatwas.<sup>6</sup> Article 114 of the Jordanian Penal Code, applicable to the Palestinian territories, prohibits Palestinians from selling lands to “an enemy state or one of its subjects.”<sup>7</sup> Enemy state refers to Israel. In a 2014 executive order, PA President Mahmoud Abbas amended this section of the penal code to increase the penalty for this crime from temporary hard labor to hard labor for life.<sup>8</sup> However, courts have meted out the death sentence.<sup>9</sup>

Palestinians consider it treason to sell land to Israeli Jews. In October 2018, the Palestinian Fatwa Supreme Council issued a statement renewing the ban on property transactions with Israelis, emphasizing that “selling [property] to the occupation or facilitating the transfer of its ownership...is a great betrayal of the religion, the homeland, and morals.”<sup>10</sup> A recent study by the Palestinian Center for Policy and Survey Research found that nearly 90% of surveyed Palestinians would call Palestinians who sell land to Jews “traitors.”<sup>11</sup>

To this day, Jewish Israelis cannot live in or even enter the territories controlled by the PA (areas A and B of the West Bank), which include a number of Jewish holy sites. Jews risk being physically assaulted or murdered if they enter these areas even by accident. The Palestinian prohibition on land sales to Jews and the draconian penalties demonstrate that the PA intends to keep its territory judenrein (German for “cleansed of Jews”). We urge the UN to condemn Palestinian apartheid.

### 2. PA law promotes and rewards terrorism against Jewish Israelis

The continuing Palestinian rejection of Jewish rights in the State of Palestine is further manifest in the so-called “pay for slay” laws. Consistent with the PLO’s declared goal of liberating the State of Palestine and eradicating Zionism, Palestinian law actively encourages the murder of Jewish Israelis through its program of martyr and prisoner payments. The 2003 Amended Palestinian Basic Law guarantees the right of “martyrs, prisoners of war, the injured and the disabled,” to “education, health and social insurance.”<sup>12</sup> A series of other laws from 2004 and 2013 mandate payments to these terrorists and/or their families with the amount determined according to the severity of the crime.

Each of these laws—Law No. 14 (2004), Amended Palestinian Prisoners Law No. 19 (2004), and Decree No. 1 (2013) on the Amendment of the Prisoners and Released Prisoners Law No. 19 (2004)—defines a prisoner as “anyone incarcerated in the occupation’s prisons for his participation in the struggle against the occupation,”<sup>13</sup> meaning involvement in terror attacks against Israel. Significantly, these laws reward only terrorists who killed or injured

Israelis or attempted to do so. Persons convicted of other crimes, like theft, do not receive similar rewards.

The rewards to these terrorists include monthly salary and other benefits, such as tuition fees at state universities and priority job placements at state institutions upon release from prison, with seniority determined based on the length of the prison term.<sup>14</sup> Likewise, pursuant to PA Government Decision No. 23 of 2010, the amount of the monthly salary is fixed based on the length of the prison term.<sup>15</sup> Thus, the more serious the crime, the longer the prison sentence and the higher the salary.

Thousands of Palestinian prisoners currently serving or having served time in Israeli jails for terror-related offenses receive salaries and benefits from the PA.<sup>16</sup> Despite a financial crisis in 2019 which led to cuts in the salaries of the PA's actual public employees, PA salaries to terrorists increased from 2018 to 2019.<sup>17</sup> In 2019, the PA paid \$150 million for prisoner salaries to incarcerated or released terrorists and \$194 million for martyrs.<sup>18</sup> In 2020, the PA paid more than \$181 million to incarcerated or released terrorists, not including payments to families of "martyrs."<sup>19</sup>

These payments cannot be characterized as welfare as they are not based on need and the budget separately allocates more than \$200 million for welfare. Also, the PA has refused to transfer the salaries to its Ministry of Social Affairs. In January 2021, PA Ministry of Detainees official Hassan Abd Rabbo admitted that the detainees are "fighters, not social cases."<sup>20</sup>

The PA program of terror payments, which promotes and encourages the murder of Israeli Jews, has been widely condemned. In March 2018, the United States of America Congress passed the Taylor Force Act to cut aid to the Palestinians until they end their policy of reward payments to terrorists.<sup>21</sup> The Biden administration affirmed the United States of America position against these payments.<sup>22</sup> Criticizing the Palestinian terror payments, European Union official Johannes Hahn, then in charge of financial assistance to the Palestinians, stated in April 2019 that payments to Palestinian terrorists and their families should be based on need only.<sup>23</sup>

In response, President Abbas reiterated the PA's commitment to these payments, stating "even if we have only a penny left, we will give it to the martyrs, the prisoners and their families."<sup>24</sup>

Like the land laws, the "pay for slay laws" are aimed at keeping Jews out of areas controlled and claimed by the PA, thereby promoting apartheid.

We urge this Council, its Special Procedures, the relevant Commissions of Inquiry and the High Commissioner to finally investigate and condemn Palestinian systemic racism and apartheid.

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