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Two loopholes in EU anti-terror laws and regulations

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Loophole 1:

EU Directive 2017/541:

The EU has criminalized many terror related activities, including directing or participating in activities of terror organizations, glorifying acts of terror, recruiting for terror and terror financing, *within all EU countries*

Loophole:

The EU has not demanded that state/non-state entities outside the EU that receive EU funding refrain from terror related activities that the EU has criminalized. As a result, the EU is funding terror supporters who would be imprisoned if they were engaged in these activities in the EU.

Loophole 2:

EU regulation for 2020 ("[General Conditions](#)"):

NGOs that receive EU funding may not fund EU designated terrorists or terror organizations

Loophole:

States/non-state entities that receive EU money, are free to fund EU designated terrorists or terror organizations

PMW recommendation to close loophole 1:

As a fundamental element of any funding agreement, the EU should require state/non state entities to commit to abide by the relevant sections of the EU's anti-terror Directive 2017/541.

Outcome: Reduce terror and save lives worldwide

While the EU has taken important anti-terror steps **within the EU**, it is enabling recipients of EU funding to continue supporting terror **outside the EU**. Limiting EU funding worldwide to only those state/non-state entities that fulfill the EU Directive 2017/541 will expand benefits of the EU's anti-terror laws to millions of non-EU citizens, and save many lives.

PMW recommendation to close loophole 2:

Just as the EU requires that NGOs who receive EU funding commit to not funding EU designated terrorists or terror organizations, all entities receiving EU money should commit to not funding EU designated terrorists or terror organizations.

Outcome: EU money will no longer go to any terror entity

Certainly the EU does not want recipients of EU money to fund EU designated terror organizations. Since as this report will show, recipients of EU funding are transferring money to terror organizations, the EU's demanding that all entities receiving EU money not fund terror organizations, will achieve EU goals and save lives.

Introduction

In 2017, to bolster the measures to prevent terror in Europe, the European Union adopted EU Directive 2017/541. It declared that “acts of terrorism constitute one of the most serious violations of the universal values of human dignity, freedom, equality and solidarity, and enjoyment of human rights and fundamental freedoms on which the Union is founded.”

Under the 2017 Directive, EU member states were required to criminalize a wide range of terror related activities, including directing or participating in the activities of terror organizations, glorification of acts of terror, recruitment for terror, and terror financing.

In 2019, the EU broadened its campaign against international terror by updating its NGO (Non-Governmental Organizations) grant forms, adding the requirement that NGOs ensure that EU aid they receive does not pass through the NGO to EU designated terrorists or terror organizations. Prior to this, EU money often made its way via NGOs that claimed to be human rights organizations, to EU designated terror organizations.

However, these positive steps to combat terror and terror financing also highlight significant loopholes in EU regulations and policy.

While the EU Directive of 2017 criminalizes terror supporting activities within the EU, it does not prohibit EU funding to entities involved in such terror supporting activities outside the EU.

In addition, while the 2019 regulation demands that NGOs do not use or channel EU funds to support or finance terror organizations, it does not restrict states and many non-state entities from channeling EU funds to support and finance such terror organizations. The EU’s new regulation prevents its funding from reaching terror organizations only via NGOs, but not via other recipients of funding.

This report will show that the Palestinian Authority (PA), a recipient of hundreds of millions of euros from the EU, is involved in those terror related and supporting activities that the EU Directive of 2017 criminalizes. In addition, the PA is funding EU designated terror organizations.

Part 1:

PA involved in activities criminalized by EU anti-terror EU Directive 2017/541:

In 2017, the EU issued “Directive 2017/541” to broaden the scope of its anti-terror laws. EU member states were required to enact legislation criminalizing a wide range of terror related activities, including, directing or participating in the activities of terror organizations; glorification of acts of terror; recruitment for terror; terror financing; and others.

Directive 2017/541 makes a great leap in the fight against terror by criminalizing “offences related to terrorist activities.” In other words, the EU recognized that there

are many activities that in themselves are not *acts of terror*, but because they “enable terrorists and terrorist groups,” they were criminalized. These included “the glorification and justification of terrorism,” “not only the financing of terrorist acts, but also the financing of a terrorist group,” “recruitment and training,” and more.

The Directive lists the actions to be criminalized by all EU states, including the following. (See Appendix for full text of articles, 4, 5, 6, and 11):

Article 4: Offences relating to a terrorist group

“Member States shall take the necessary measures to ensure that the following acts, when committed intentionally, are punishable as a criminal offence:

- (a) directing a terrorist group;
- (b) participating in the activities of a terrorist group...”

Article 5: Public provocation to commit a terrorist offence

“... the glorification of terrorist acts, advocates the commission of terrorist offences, thereby causing a danger that one or more such offences may be committed, is punishable as a criminal offence ...”

Article 6: Recruitment for terrorism

“... soliciting another person to commit or contribute to the commission of one of the offences ...”

Article 11: Terrorist financing

1. Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly... in full or in part, to commit, or to contribute to the commission of, any of the offences...”

PA activities that are criminal, when they are done in Europe

Although it receives hundreds of millions of euros a year from the EU, the PA is openly involved in many of the activities that the EU considers terror promoting activities and which are therefore criminalized by the EU. Were the PA officials doing them in Europe they would be arrested.

Articles 4 and 6

Article 4 of the EU anti-terror Directive prohibits both directing and participating in the activities of a terrorist organization. Article 6 prohibits recruitment to terrorist organization. The PA permits activities that are criminalized in both of these articles.

The PA refuses to stop or prohibit “directing and participating in the activities of a terrorist group” (article 4) and “recruitment” to terrorist groups (article 6) because it denies that any of the EU designated organizations such as Hamas, the Al-Aqsa Martyrs’ Brigades, and PFLP, or any organization involved in murdering Israelis, are terror organizations. The PA therefore allows Palestinians to participate in, direct and recruit for EU designated terrorist groups, activities which the EU criminalized, when done in Europe.

The PA's reason for ignoring EU designations of terror organizations is because according to the PA there are no Palestinian terror organizations. PA Prime Minister Muhammad Shtayyeh explained this when the United States proposed a UN resolution condemning Hamas as a terror organization:

"Under no circumstances will we agree to any Palestinian organization being defined as a terror organization. We will not agree! Because today it is Hamas, tomorrow [Islamic] Jihad, two days from now Fatah... under no circumstances will we agree to Hamas being condemned."

[Official Fatah Facebook page, Dec. 2, 2018]

Fatah Central Committee member Abbas Zaki corroborated the PA's embrace of terror:

"If Hamas, which is involved in resistance, is considered a terrorist movement, this means that all groups of the Palestinian people are involved in terrorism. This contradicts reality, as Hamas and the rest of the Palestinian factions are national liberation movements... Hamas is part of us and we are part of it if a resolution is passed against it that defines its resistance as a crime."

[Palestine Today, independent Palestinian news agency, Dec. 2, 2018]

Article 5

Article 5 of the Directive legislates that conduct such as "the glorification of terrorist acts" or one who "advocates the commission of terrorist offences...is punishable as a criminal offence..."

The PA and Fatah - which has controlled the PA since its creation - are literally in daily violation of article 5 were their activities carried out in the EU, through the many ways they promote and glorify terror. For example, Fatah glorified terrorist Ahmed Jarrar – who murdered a father of 6 in a drive-by shooting – on the one-year anniversary of his attack. Fatah hailed him as: "the ideal example of humanity," "the crown jewel," "the magnificent," and "the star of the night that guides those wandering." [Fatah's official Facebook page Feb. 6, 2019]

Omar Abu Laila was catapulted by Fatah from an unknown Palestinian teenager to a Palestinian role model in just two weeks. Abu Laila murdered 2 Israelis, one of them a father of 12, on March 17, 2019. Two days later, Abu Laila was shot and killed by Israeli soldiers.

On the day he was killed, Fatah already put photos of Abu Laila on its official Facebook page with texts praising him as "heroic Martyr Omar Abu Laila." Similar to murderer Ahmed Jarrar who was called "the ideal example," Abu Laila was dubbed "the perfect person." Deputy Chairman of Fatah, Mahmoud Al-Aloul, publicly declared murderer Abu Laila the new role model for youth: "We are extremely proud, this is Omar Abu Laila... he represents all of you, represents all young Palestinians." [Official Fatah Facebook page, March 23, 2019]

A Palestinian municipality named a street and a square after the murderer. Fatah publicized this on Facebook together with a picture of the decision and the signatures of each of the members of the municipality. [March 24, 2019]

Fatah then posted a speech from a rally at which Palestinians were told to see Abu Laila's attack as a model for future terror: "We are following in your footsteps." [March 30, 2019] A few months later, Fatah leaders held a Ramadan fast-breaking dinner in honor "of the soul of Martyr Omar Abu Laila." [Fatah's official Facebook page May 15, 2019] And in June 2019, Deputy Chairman of Fatah, Al-Aloul, announced: "There are thousands of Omar Abu Lailas." [Official Fatah Facebook page, June 26, 2019]

In 2020, the glorification still continues. Fatah ran a camp for boys called the Martyr Omar Abu Laila Camp, which included members of the Fatah Shabiba High School Movement. [Official Fatah Facebook page, Feb. 9, 2020]

One of the camp activities was the holding of a mock funeral in which the boys carried a symbolic casket of the terrorist. A picture of the terrorist can be seen on the front of the "casket."



Through its glorification of this terrorist, Fatah has transformed a cold-blooded murderer into a Palestinian national symbol - reiterating to Palestinians that murdering Israelis remains a fundamental part of Fatah's mission.

Five times in two days official PA TV and PA TV Live, broadcast fillers entitled "The Giants of Palestinian History." It included the names and photos of several dozens of Palestinian terrorist prisoners and the dates of their arrests. Every single one was a murderer serving a life sentence. [April 17-18, 2020]

Official PA TV broadcasts a weekly program entitled "*Giants of Endurance*," which honors different terrorists every week. Other broadcasts endorsing violence and glorifying terrorist murderers include music videos that specifically single out suicide bombers such as Wafa Idris who murdered 1 and wounded over 150, and promote them as role models. Such a music video is being broadcast right now, in June 2020, on PA TV Live.

The PA's Bethlehem High School for Girls has established a memorial at the entrance to the school commemorating "the Martyrs of the Al-Aqsa Intifada" and singling out a 17-year-old girl suicide bomber, who murdered 2 and wounded 28 - the "Martyr Ayyat Al-Akhras." Every day as they enter school, the girls are reminded that their role model is a girl their age who murdered Israelis. (Memorial - left of the entrance) [Facebook page of the Bethlehem High School for Girls, Nov. 19, 2019]



The PA Ministry of Education has named 31 schools after terrorists including five schools after a terrorist who participated in the murder of 12 children and 25 adults; five schools after the planner of the Olympic Munich Massacre in which 11 Israeli athletes were murdered; one school is named after the founder of Hamas, and three are named after Nazi collaborators.

PA and Fatah glorification of terror and promotion of terror which would violate article 5 if performed in the EU, is a continuous and fundamental policy. With many memorials, schools, streets, sporting events throughout the PA named after terrorists, the PA's glorification of terror is a permanent daily fixture of the PA world.

Article 11

PA funding of the PLO is indirect funding of terror and should violate Article 11 of 2017 Directive

Part 2 of this report shows that the PA funds the PLO which funds EU designated terror organizations. Article 11 of the 2017 Directive prohibits financing terror "directly or indirectly." It also specifies that the funds may not be used for any of the violations in articles 4, which include "directing a terrorist group; participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way..."

One of the purposes of Article 11 is to criminalize the "indirect" funding of terror. However, the EU currently funds the PA in spite of PA funding the PLO which funds terror organizations. What is clear is that a loophole exists in the EU's anti-terror laws that enables the PA to be both a recipient of EU funding at the same time that it funds EU designated terror organizations.

PMW recommendation to close loophole in the EU Directive

Whereas the anti-terror Directive 2017/541 currently only prohibits those “offences related to terrorist activities” ***within the EU***, the EU certainly recognizes that terror related activities must be stopped ***outside the EU*** as well for the war on terror to be successful. Certainly, the EU does not want to fund any entity that promotes terror anywhere in the world, as civilians everywhere are entitled to protection from terror. Yet, because of this loophole in EU law, which only criminalizes the wide range of terror promotion ***within the EU***, the PA can continue to receive hundreds of millions of euros in aid, in spite of its being in constant and repeated violation of multiple articles of the EU anti-terror Directive 2017/541.

Were the EU to demand that any recipient of its funding worldwide must agree to accept the relevant anti-terror terms of EU Directive 2017/541 prohibiting those “offences related to terrorist activities,” it would be extending to all innocent civilians in countries that receive EU aid, the same protection that it grants civilians in the EU.

This would not merely prevent the use of EU money to fund terror promotion. The EU would be making a fundamental statement that any recipient of EU funding cannot use any part of its budget for any criminal terror-supporting activities, as defined by Directive 2017/541, by guaranteeing that all recipients of EU money are forced to stop glorifying terrorists, promoting terror, permitting terror activities and recruiting terrorists.

Needless to say, numerous attacks on European soil were committed by terrorists and organizations from outside of Europe. ***Fighting terror worldwide with the same standards as within Europe will save the lives of both non-Europeans and Europeans.***

Part 2: PA involved in passing money to terror organizations, which the EU prohibited for NGOs in 2020

In anticipation of requests to the EU for funding in 2020, the EU added a new requirement to its “[General Conditions](#)” form for NGOs requesting support. According to the new requirement, all NGOs must now commit to preventing EU money going from them to terrorist groups:

“1.5 bis. Grant beneficiaries and contractors must ensure that there is no detection of subcontractors, natural persons, including participants to workshops and/or trainings and recipients of financial support to third parties, in the lists of EU restrictive measures.”

[Website of the European Commission –

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1578925525617&do=publi.detPUB&searchtype=AS&zgeo=35466&ccnt=7573876&debpub=&orderby=upd&orderbyad=Desc&nbPubliList=50&page=1&aoref=167188>]

Defending the new requirement, the EU recently confirmed:

“The EU requires all partners implementing EU-funded projects to apply EU law as stipulated in the contractual agreements. This includes respecting the

applicable EU legislation on Restrictive Measures... entities and groups included in the EU restrictive lists cannot benefit from EU-funded activities.”
[Letter of March 30, 2020, from EU Representative Sven Kühn von Burgsdorff - <https://www.pngo.net/wp-content/uploads/2020/04/EU-Clarification-letter-regarding-the-EU-funded-contracts1.pdf>]

Palestinians Reject the Terror Financing Clause

While this provision is important to assure that EU money is not transferred from ostensibly legitimate recipients to terror organizations, PLO leaders and Palestinian NGOs have rejected it. Significantly, even PLO leaders perceived as moderate in Europe, such as the Secretary-General of the PLO and Chief Palestinian Negotiator Saeb Erekat and PLO Executive Committee member and head of the PLO Department of Diplomacy and Public Policy Hanan Ashrawi, have publicly rejected this EU regulation (see below) intended to prevent terror funding.

It is critical to understand why Palestinian leaders are against an anti-terror financing clause. Implementation of this EU restriction prevents NGOs from passing on EU funding to Palestinian organizations that appear on the EU list of designated terrorist organization, but the PA leaders refuse to acknowledge that they are terror organizations. As is shown later, this is in all likelihood because the PA themselves are transferring funding to EU designated terrorist organizations, via the PLO.

Terror organizations that NGOs may not fund under the EU regulation include the military wing of Fatah, the **Al-Aqsa Martyrs' Brigades**. During the PA terror campaign from 2000 to 2005, in which over 1000 Israeli civilians were murdered, Fatah's Al-Aqsa Martyrs' Brigades played a central terror role murdering hundreds in suicide bombings and drive-by shootings. None of the PA and Fatah leaders have ever distanced themselves from the Al-Aqsa Martyrs' Brigades or its terror attacks and it remains a division of Abbas' Fatah party.

Another organization that would not be funded by NGOs because of the new EU restrictions is the terror organization **Hamas**, which although it is ostracized by the world as a cruel terror organization, which likewise has murdered hundreds of Israelis, is popular among Palestinians and seen as a legitimate political party by the PA. The most recent poll taken by the Palestinian Center for Policy and Survey Research found that if elections were held today, Hamas leader Ismail Haniyyeh would defeat Mahmoud Abbas, 49%-44%. In polls asking about legislative elections, Hamas is nearly as popular as Fatah (Fatah 38% vs. Hamas 32%).

A third terror organization that would not receive EU money is the **Palestinian Islamic Jihad**, which, after Hamas, is the prime force main behind the hundreds of rockets fired from the Gaza Strip into Israel.

Another organization ineligible now for EU funding through Palestinian NGOs is the **Popular Front for the Liberation of Palestine (PFLP)**. This is one of the oldest Palestinian terror organizations, committing terror attacks for over 50 years, including plane hijackings and the murder of Israeli Minister of Tourism Rehavam Ze'evi in

2001. Recent PFLP terror attacks include the murder of a 17-year-old Israeli girl, Rina Schnerb, in August 2019. When Mahmoud Abbas sent “greetings of honor and esteem to all the prisoners in the occupation's jails” he specifically mentioned by name PFLP leader Ahmad Sa'adat. [Official PA TV, April 17, 2008]

When the honor and status that the Palestinian population and PA leaders themselves grant Palestinian terrorists and terror organizations is understood, it is apparent why the PA rejects EU regulations that prevent NGOs from transferring money to these organizations. Fundamentally, the PA refuses to categorize Palestinians murdering Israelis as terror, whether acting within an organization or individually.

For example, Saeb Erekat, Secretary-General of the PLO and Chief Palestinian Negotiator, criticized the anti-terror restrictions in a letter to EU Minister of Foreign Affairs Josep Borrell. He argued that the EU designated terror organizations are merely “political parties” and that the new anti-terror-financing conditions “are aimed at disrupting Palestinian political and civil activity.” He added that denying funding to these “political parties” will “directly affect the Palestinian rights under international law, and in particular the right to self-determination.” Finally and most significantly, Erekat argued that “the Palestinians reject all attempts to criminalize their legitimate national struggle and brand it as 'terrorism'”:

“[Erekat] pointed out that among the organizations included in the EU blacklist are Palestinian political parties, which means that the conditions are aimed at disrupting Palestinian political and civil activity, which places a new burden on Palestinian institutions.

‘These restrictions directly affect the Palestinian rights under international law, and in particular the right to self-determination. They are not in line with the European Union’s commitment to a two-state solution, peace and stability in the region,’ Erekat said.

Erekat stressed that the Palestinians reject all attempts to criminalize their legitimate national struggle and brand it as 'terrorism.’”

[Wafa (English), Official PA news agency, Jan. 3, 2020]

Hanan Ashrawi, PLO Executive Committee member and head of the PLO Department of Diplomacy and Public Policy, also protested to Borrell over the new conditions:

“Ashrawi emphasized in her letter that these unfair conditions will limit the bodies working in Palestinian society in carrying out their duty towards our people, which contradicts the Palestinian laws and international criteria.”

[Official PA daily *Al-Hayat Al-Jadida*, Jan. 10, 2020]

Palestinian NGOs rejected the anti-terror regulation for a variety of reasons. The Palestinian Non-Governmental Organizations Network (PNGO) wrote:

“These conditions are unacceptable in principle, and clearly contradict the international laws that reject discrimination in the provision of services. These conditions also contradict the local Palestinian laws and the Non-Profit Law of

2000... The civil society organizations will not become a policeman that works for the EU.”

... [Sanad News, Dec. 22, 2019]

PNGO head Amjad Shawa argued that preventing NGOs from transferring money to EU designated terror organizations is political:

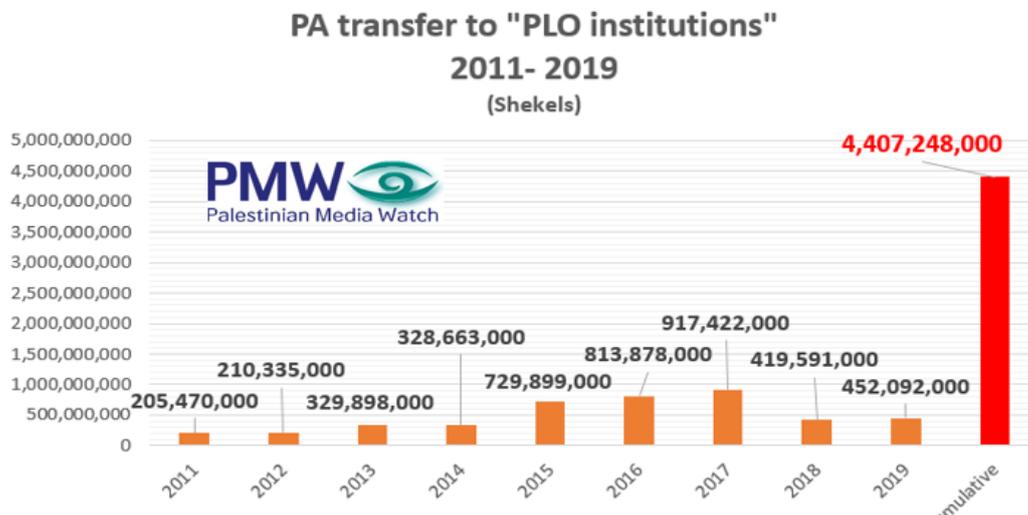
“Palestinian law prevents us from receiving any politically conditional funding...”

[themedialine.com, Jan. 6, 2020]

Fundamentally, the Palestinian NGOs want to continue to serve as an easy avenue for supporting Palestinian terror organizations.

PA funding of designated terror organizations via the PLO

But what is worse, as mentioned above, is that the PA itself transfers money to many of the same EU designated terror organizations. According to financial reports published by the PA, the PA transferred 4,407,248,000 shekels (€1,155,925,072) to the “PLO institutions” from 2011 to 2019. These transfers are just [part of the total PA transfers to the PLO](#).

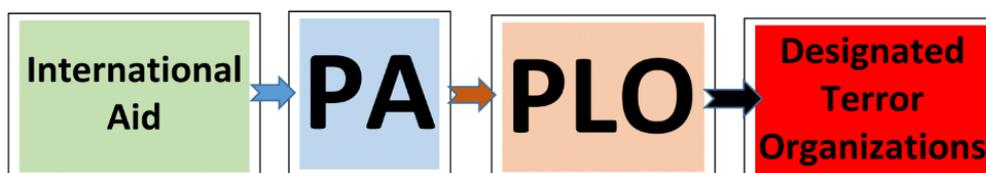


The PLO, also headed by PA Chairman Mahmoud Abbas, is an umbrella organization for several Palestinian groups. The largest and most dominant is Abbas’ Fatah party. Other members include organizations designated by the [US](#) and the [EU](#) as terror organizations such as the PFLP and the Palestinian Liberation Front.



[Website of the Palestine Liberation Organization
- <http://www.plo.ps/category/112/1/%D9%81%D8%B5%D8%A7%D8%A6%D9%84>]

All PLO member organizations, including the designated terror organizations, receive funding from the PLO, which receives funding from the PA, which in turn receives funding from the EU.



As opposed to the PA, which must publicize its financial reports, the PLO does not publish how it uses the money received from the PA. However, the PA does not hide that the PLO funds the terror organizations.

For example, in June 2018, a senior PFLP official, Maher Mazhar, complained that the PFLP was not getting its monthly allocations from the PLO. Denying the claim of the PFLP, PLO Executive Committee member and Fatah Central Committee member Azzam Al-Ahmad confirmed that Abbas and the Palestinian National Fund - the financial branch of the PLO - are responsible for funding the PFLP, and stressed that the allocations had not been stopped:

“PLO Executive Committee member [and Fatah Central Committee member] Azzam Al-Ahmad denied that the allocation from the Palestinian National Fund to any Palestinian organization, including the Popular Front [for the Liberation of Palestine], has been stopped. In a telephone conversation with Al-Ahmad from Amman, he said: ‘There is no truth to the rumors that [PA] President Abbas or any other party has stopped the allocation to the PFLP.’”
[Ma’an, (Independent Palestinian news agency), June 17, 2018]

Other reports in the PA media show that PA leader Mahmoud Abbas himself is the one who controls the PLO money and its dissemination to the terror organizations. In 2016, after Mahmoud Abbas was publicly criticized by the PFLP, Abbas temporarily withheld PLO funding from the PFLP:

“The Ma’an News agency was informed that President Mahmoud Abbas has terminated the budgeting of the Popular Front for the Liberation of Palestine following the demand of some of the Front’s leaders for Mahmoud Abbas’ resignation.
Regarding the termination of the budgeting, PFLP leadership member Kayed Al-Ghoul stated yesterday morning, Monday [April 10, 2016], that President Abbas has stopped budgeting of the PFLP for February and March.”
[Ma’an, (Independent Palestinian news agency), April 11, 2016]

As is clear from these reports, the cessation in funding of the terror organization by the PLO was only temporary. Using this conduit of the PLO, the PA - although it receives EU money - has for many years funded organizations that the EU designates as terror organizations.

As mentioned, the largest and strongest organization in the PLO is Abbas’ Fatah party, which includes, the EU designated terror organization, the Al-Aqsa Martyrs’ Brigades. Fatah as the largest organization in the PLO probably receives the largest amount of funding, but because of the PLO’s non-transparency it is unknown how much of this goes to the Al-Aqsa Martyrs’ Brigades terror organization.

Not only has Fatah not distanced itself from the Al-Aqsa Martyrs' Brigades, Fatah continues to present them as an integral part of Fatah. In January 2020, Fatah published on its official Facebook page an event celebrating the founding of the organization. During the event, one of the speakers called for the Al-Aqsa Martyrs' Brigades to renew their terror:

Speaker: "Fatah is a revolutionary people. It set out on the path 55 years ago, and our hand still holds the weapon, we are still involved in resistance... Fatah of the Al-Aqsa Martyrs' Brigades, will return to be as it was! It will bear the rifle!"

[Official Fatah Facebook page Jan. 6, 2020]

Last year, a senior Fatah official also called for the Al-Aqsa Martyrs' Brigades to renew their terror:

Headline: "A senior Fatah official: The return of the Al-Aqsa Martyrs' Brigades to military activity is required now"

"Fatah Movement Revolutionary Council member Hatem Abd Al-Qader demanded that the military activity of the Al-Aqsa Martyrs' Brigades be renewed, in the same way in which they acted 12 years ago... The return of the Al-Aqsa Martyrs' Brigades to activity is required now, and noted that the brigades embodied a most important state of military struggle among the Palestinian people."

[Donia Al-Watan, independent Palestinian news agency, Aug. 18, 2019]

Also last year, armed and masked members of the Al-Aqsa Martyrs' Brigades participated in a Fatah event in Bethlehem. The text on the poster at the event read: "Long live the anniversary for the memory of the Al-Aqsa Martyrs' Brigades commanders." Speaking at the event, the Secretary of Fatah Bethlehem branch Muhammad Al-Masri said: "Of all of Fatah's armed branches... Our military uniforms are different, but our weapon is one." During the speeches at the event, members of the Al-Aqsa Martyrs' Brigades fired their rifles in the air. [Fatah Movement - Bethlehem Branch, Facebook, April 3, 2019]

Because the Al-Aqsa Martyrs' Brigades are still a part of Fatah, it is Fatah that is the avenue by which the Al-Aqsa Martyrs' Brigades publishes its hate and terror messages, especially when it is involved in active terror attacks against Israeli civilians. During the terror wave of 2016, Fatah's official Facebook page published an announcement by the Al-Aqsa Martyrs' Brigades celebrating the return of bus bombings:

"An Announcement on behalf of the Al-Aqsa Martyrs' Brigades The Al-Aqsa Martyrs' Brigades bless the self-sacrificing operation (i.e., bombing of a bus on April 18, 2016) in Jerusalem. For our Jerusalem and our Al-Aqsa Mosque, the good news of victory keeps arriving today, in a display we have not seen in a long time - a bus bombing operation in the occupied city of Jerusalem, in which dozens of Zionists were injured.

The Al-Aqsa Martyrs' Brigades' Al-Amoudi Division blesses the self-sacrificing operation ... [it is] clear evidence that the free men in the West Bank have answered the call of their Brigades, according to which the Martyrdom-seeking operations (i.e., suicide bombings) are the best option of response to the occupation's crimes in the West Bank, Gaza Strip and Jerusalem. Likewise, the Brigades call on their fighters in the West Bank and Jerusalem to fight with every possible means...



The Brigades stress that this operation indicates that our people adheres to the option of armed struggle...
The revolution is until victory, Al-Aqsa Martyrs' Brigades – Palestine Fatah's military wing”

[Official Fatah Facebook page, April 18, 2016]

Given the fact that Al-Aqsa Martyrs' Brigades are still a part of Fatah, the PA's Fatah leadership has an inherent interest in continuing to be able to transfer funding to the PLO, without the EU prohibitions against transferring money to EU designated terror organizations.

And this is the situation today. Fatah and its Al-Aqsa Martyrs' Brigades, the PFLP, and all the other EU designated terror organizations that are part of the PLO continue to receive their funding from the PA. According to its financial reports, in the first quarter of 2020, the PA transfers to the “PLO institutions” rose dramatically reaching 201,139,000 shekels, as this copy of the chart from the PA Ministry of Finance website documents (see second line from top, first column on left).

Table 5-8: Expenditure by PA organizations, (Commitment Basis) Jan - Mar 2020 (thousand NIS).

	Total Expenditure	Wages and salaries	Social contributions	Use of goods and services	Interest payments	Transfer Expenditure	Minor Capital Expenditure	Development Expenditure
Governance Sector								
President's Office	27,538	21,186	2,166	3,865	-	-	34	286
P.L.O. Institutions	201,139	27,269	1,375	22,359	-	148,620	1	1,515
Legislative Council	3,403	2,583	286	257	-	277	-	-
Ministers' Council	4,814	1,688	115	1,159	-	-	6	1,846

One of the reasons why the PA rejects the EU's insistence that NGOs cannot pass on EU money to EU designated terror organizations is clearly because the PA itself - recipient of hundreds of millions of euros in funding - is likewise passing on money to EU designated terror organizations and in much greater amounts. From the PA perspective there is nothing wrong with funding terror organizations so it rejects the condition – even for NGOs. As shown, in the first quarter of 2020, nearly €52 million were transferred from the PA to the “PLO institutions.”

PMW recommendation to close the loophole in EU regulation for NGOs:

Given the importance that the EU places on preventing EU funded organizations from supporting EU designated terror organizations, the EU should impose the same requirements that it placed on NGOs on all recipients of EU funding. This requirement would extend the prohibition of indirect terror funding to states and non-state entities and thereby also the Palestinian Authority, and would thereby stop the transfer of hundreds of millions of euros from the PA to the PLO and its terror organizations.

PMW calls on the EU to correct the loopholes in its laws and regulations:

1- As a fundamental element of any funding agreement, require states/non state entities to commit to abide by the relevant sections of the EU's anti-terror Directive 2017/541.

2- Place the same restrictions regarding terror financing on all recipients of EU funding that it has already placed on NGOs, by having every recipient commit to not funding EU designated terrorists or terror organizations

Appendix:

Articles 4, 5, 6, 11 of EU Directive 2017/541:

Article 4: Offences relating to a terrorist group

Member States shall take the necessary measures to ensure that the following acts, when committed intentionally, are punishable as a criminal offence:

- (a) directing a terrorist group;
- (b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group.

Article 5: Public provocation to commit a terrorist offence

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available by any means, whether online or offline, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (i) of Article 3(1), where such conduct, directly or indirectly, such as by the glorification of terrorist acts, advocates the commission of terrorist offences, thereby causing a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Article 6: Recruitment for terrorism

Member States shall take the necessary measures to ensure that soliciting another person to commit or contribute to the commission of one of the offences listed in points (a) to (i) of Article 3(1), or in Article 4 is punishable as a criminal offence when committed intentionally.

Article 11: Terrorist financing

1. Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intention that they be used, or in the knowledge that they are to be used, in full or in part, to commit, or to contribute to the commission of, any of the offences referred to in Articles 3 to 10 is punishable as a criminal offence when committed intentionally.

2. Where the terrorist financing referred to in paragraph 1 of this Article concerns any of the offences laid down in Articles 3, 4 and 9, it shall not be necessary that the funds be in fact used, in full or in part, to commit, or to contribute to the commission of, any of those offences, nor shall it be required that the offender knows for which specific offence or offences the funds are to be used.