

Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009

Chapter A – General Provisions (1-7)



Order regarding Security Provisions

Definitions

1. In this order –

“Held area” – a territory held by the IDF, other than the Area.

“A member of the General Security Service” – a person who is a member of the General Security Services according to a valid document given him by this service.

“Young adult” – a person fourteen years of age and older yet under the age of sixteen.

“Military court” and “court” – military court vested with jurisdiction in the Area in accordance with this order; subject to the provisions of Section 153(A) where this order refers to “court” or “military court” it also includes the military court of appeals.

“Mitigation” – for the purposes of punishment, including its reduction, conversion, condition or deferral, in its entirety or in part; for the purposes of this order, a fine is viewed as a lighter punishment than imprisonment of any duration provided that imprisonment is not converted to a fine in a proportion greater than one hundredth of the fine determined in Subsection 1(A)(2) of the Order regarding Raising of Fines Stipulated in Security Legislation, for each day of imprisonment.

“Explosive or combustible object” – any object or material, including liquid or gas, intended to or capable of causing an explosion or fire.

“Information” – including information that is incorrect, and any description, plan, caption, symbol, formula, object or any part of them containing information or liable to serve as a source of information.

“Child” – a person under twelve years of age.

“Police forces” – policemen and officers in the Israel Police placed under the command of the Commander of IDF Forces in the Area. In this matter, any policeman and any officer from the Israel Police deployed in the Area by authority of the Israel Police is regarded as under the command of the Commander of IDF Forces in the Area.

“Delivery” – Including delivery by signing and signaling and causing delivery.

“Detention facility” – as defined in the Order regarding Operation of a Detention Facility (West Bank Region) (No. 29), 5727-1967.

“Defendant” – including appellant, as the case may be.

“Juvenile” - a person of the age of twelve and older yet under the age of fourteen;

“President of the court” – president of a military court of first instance or president of the military court of appeals, as the case may be.

“Public servant” - including a police officer, member of the General Security Service, a person employed by the IDF, a person employed by a regional council listed in the Appendix to the Order regarding Administration of Local Councils (Judea and Samaria) (No. 982), 574-1981, in the Appendix to the Order regarding Administration of Regional Councils (Judea and Samaria) (No. 783), 5739-1979, and by a local authority and any person holding authority in accordance with the law or security legislation.

“Peremptory ruling” – any of the following:

- (1) ruling issued by the military court of appeals;
- (2) ruling issued by a military court of first instance for which the period of appeal elapsed and no appeal was submitted;

“Order” – including an appointment, order, proclamation, directive, demand and permit.

“Order regarding the Raising of Fines Stipulated in Security Legislation” – Order regarding Raising of Fines Stipulated in Security Legislation (Judea and Samaria) (number 845), 5740-1980.

“IDF authorities” – the Commander of IDF Forces in the Area and any authority appointed by him or authorized by him, or authorized to operate in the Area in accordance with the law and security legislation, including any military commander in the Area.

“Policeman” – including anyone of non-officer rank who is a member of the police forces.

“Essential services” - services essential to the maintenance of sound governance in the Area, for ensuring peace of the public and of IDF soldiers, for the maintenance of public order, or the provision of essential services for public life.

“Resident” – and “identity card” – as defined in the Order regarding Identity Cards and Population Registry (Judea and Samaria) (No. 297), 5729-1969.

“Assault” – beating a person, touching him, pushing him or applying force against his body in another manner, either directly or indirectly, without his consent or if his consent was obtained through deception.

General Provisions

2. (A) References to bombs, hand grenades, explosives or combustible devices or ammunition in this order, shall be interpreted as including any component of a bomb, hand grenade, explosives or combustible device or ammunition.

(B) An order issued under security legislation shall enter into effect at the time determined therein.

(C) It is possible to issue any order verbally, if the authority issuing or giving the order considers it proper to do so.

(D) The authority giving or issuing an order shall ensure that an announcement of its date of validity shall be given at the earliest possible time and in the manner deemed appropriate thereby. However, no order shall be viewed as invalid for a certain person for whom it is applicable, due to the fact that his attention was not drawn thereto.

(E) The provisions of this section shall apply to all security legislation.

Appointment of Military Commanders

3. The Commander of IDF Forces in the Area is permitted to appoint a military commander for any area or place in the Area. An appointment such as this may be done by announcing a name or position and if a position is named, the holder of the announced position from time to time shall be the military commander of the area or place so mentioned.

Authorities of policeman

4. Any policeman who is a member of the police forces shall have these authorities:

(1) the powers given to any soldier under the security legislation;

(2) the powers that any policeman in the Area had on June 7, 1967 under any law applicable to the region on that day.

Authorities of police officer

5. Any officer who is a member of the police forces shall have the powers granted to any policeman, police officer, or IDF officer under the security legislation and in accordance with any law.

Authority of member of the Security Service

6. (A) Any member of the General Security Services shall have the powers given to any soldier in accordance with the security legislation.

(B) With regard to a member of the General Security Services, his superiors in this service shall constitute an authority he is obliged to abide by.

Authority of member of the Prisons Service

7. (A) In this section –

“A member of the Masada Unit” – a person who is part of the Masada Unit in the Prisons Service in Israel according to a valid document given to him by this unit.

“Prison guard” – as defined in the Order regarding the Prisons Service (Judea and Samaria) (No. 254), 5728-1968.

(B) A prison guard, while performing his duty within the prison and its immediate surroundings, shall have the powers delegated to a soldier under Chapter C; while performing his duty in accompanying a prisoner – also outside of the prison area.

(C) The powers stipulated in Subsection (B) shall also be given to a prison guard who is part of the Security and Operations Unit in the Prisons Service, when fulfilling security duties for employees of the Prisons Service and their family members.

(D) Each member of the Masada Unit shall have the powers that are granted to a soldier under Chapter C.

Chapter B – Military Courts (8-20)



Order regarding Security Provisions

Non-dependence

8. In matters of adjudication there is no authority over one authorized to adjudicate, apart from the authority of the law and security legislation.

The military courts

9. The following are the military courts in the Area vested with jurisdictional authority:

- (1) Military courts of first instance that will be established by proclamation of the military commander of the region;
- (2) Military court of appeals.

Authority

10. (A) A military court is authorized to adjudicate any offense defined in security legislation and law.

(B) If a defendant is found guilty of an offense according to the law, the military court is authorized to sentence him to punishment, not to exceed the punishment that a lawfully convened court is authorized to impose upon him in the same case, when there is no other provision in the security legislation.

(C) In regard to Subsection (B), the same applies:

- (1) whether the offense was committed prior to the entry of IDF forces into the region or thereafter;
- (2) whether the authority for adjudication was assigned to a special court or a tribunal.

(D) In hearing an offense in accordance with the law, the military court shall enjoy, in addition to the authorities in the security legislation, all the powers that would have been granted a local court as defined in the Order Concerning the Local Courts (Judea and Samaria) (No. 412), 5730-1970, had it been hearing the case.

(E) The military court is authorized to adjudicate as noted in Subsection (A) in the matter of someone who committed an act outside of the region that would constitute an offense if committed in the Area, and the act harmed or was intended to harm the security of the region or public order.

(F) The military court is also authorized to adjudicate as noted in Subsection (A) a person who committed a criminal offense in area A, harming or meaning to harm the security of the region.

(G) A military court is also authorized to adjudicate, as stated in Subsection (A), anyone who committed a criminal offense in Area A according to sections 407D(B), 407(I) – 407(K) of the Jordanian Criminal Code No. 16, as amended in the Order regarding the Amendment of the Criminal Code (Amendment No. 6) (Judea and Samaria) (No. 1428) 5755-1995, and according to Section 412 of the Jordanian Criminal Code No. 16, as amended in the Order regarding the Amendment of the Penal Code (Stolen Property and Property Suspected as Stolen) (Judea and Samaria) (No. 771) 5739-1978, provided that the object of the offense is an automobile legally registered in the State of Israel.

(H) Subsection G shall remain in effect until 23.09.2010.

Appointment of judges

11. (A) The Commander of IDF Forces in the Area will appoint, according to the choice of the Committee for Selecting Judges (hereinafter – the Selection Committee):

(1) Officers in the IDF with the rank of captain or higher, with at least five years of legal experience, to serve as judges;

(2) Judges with the rank of lieutenant colonel or higher to serve as presidents of the military courts of first instance;

(3) Judges to serve as vice-presidents of the military courts of first instance, who shall fill the positions of the presidents of these courts upon their absence or when a president has not been appointed to the court as per Paragraph (2);

(4) Judges with the rank of lieutenant colonel or higher, with legal experience of at least seven years, to serve as judges of the military court of appeals; however, an officer who has not previously served as a judge shall not be appointed, unless the Selection Committee is convinced that he has engaged in legal activity in the IDF that makes him suitable for this position;

(5) A judge with the rank of colonel or higher, with legal experience of at least seven years, to serve as president of the military court of appeals. However, if the Selection Committee sees that there is no officer among the army's regular forces with legal experience suitable for the position of president of the military court of appeals, it is entitled to recommend – by a majority of five of its members – appointing to the position a suitable officer who has legal training.

(6) A judge, as noted in Paragraph (4), to serve as vice-president of the military court of appeals who shall fill the position of the president of the military court of appeals upon his absence or when a president has not been appointed to the military court of appeals as per Paragraph (5).

(B) For the purpose of Subsection (A) – officers in the IDF – officers who are part of the IDF regular forces, or officers who are part of the IDF reserve forces; however, an officer who is part of the IDF reserve forces shall not be

appointed as president of the military court of appeals, as its vice-president, as president of the military court of first instance or vice-president.

Appointing acting judges

12. A. The Commander of IDF Forces in the Area will appoint as acting judges, upon recommendation of the president of the courts-martial appeals court and with the candidate's consent -

- (1) A judge of the military court of appeals – as president or judge of the military court of first instance.
- (2) A judge of the military court of first instance – as a judge of the military court of appeals or as president of the military court of first instance.

(B) Acting appointments under this section will be for a continuous or intermittent period not to exceed one year out of a period of three years.

(C) One appointed as acting judge in accordance with this section is authorized to also hear a matter under the authority of the military court in which he regularly serves, provided that he shall not hear the same matter in two instances.

The Selection Committee

13. (A) The Selection Committee will comprise seven members as follows:

- (1) The president of the courts-martial appeals court, who will chair the committee;
- (2) The head of the Personnel Branch of the IDF General Staff;
- (3) The coordinator of government activity in the Area of Judea, Samaria and the Gaza Strip;
- (4) The vice-president of the courts-martial appeals court;
- (5) The president of the military court of appeals;
- (6) A retired judge, to be appointed by the president of the courts-martial appeals court;
- (7) A representative of the Israel Bar Association, to be selected by the national council of the Bar Association.

(B) The Selection Committee is entitled to operate even if the number of its members has decreased, provided that there are no fewer than five.

(C) The following are entitled to nominate candidates to serve as a judge:

- (1) The president of the courts-martial appeals court;

(2) The head of the Personnel Branch of the IDF General Staff;

(3) The president of the military court of appeals;

(4) Two members of the Selection Committee, acting as one.

(D) A decision of the Selection Committee will be made by a majority vote of the members participating in the vote.

(E) The Selection Committee will define the publication and selection procedures, as well as the procedures for its hearings and work. The chairman of the Selection Committee shall be authorized to appoint subcommittees.

(F) The Selection Committee will not propose the nomination of a judge who has been convicted of a criminal offense entailing moral turpitude.

Termination of tenure

14. (A) A judge's tenure will not be terminated without his consent, except in one of the following:

(1) When the Selection Committee has determined, on the basis of a medical opinion in accordance with such as it shall establish, that he is unable to continue to fulfill his role due to his state of health;

(2) By a decision of the Selection Committee proposed by the committee chairman or the president of the military court of appeals;

(3) In accordance with a decision of the president of the courts-martial appeals court for organizational reasons, including reasons pertaining to the scope of activities;

(B) The term of a judge who is part of the IDF reserve forces will be terminated, in addition to the stipulations of this subsection, if he ceases to be part of the IDF reserve forces.

(C) A judge whose term ends after he has begun a hearing shall be entitled to continue the said hearing in order to conclude it within three months from the end of his term; this provision does not apply to anyone whose tenure is terminated by a decision of the Selection Committee as stipulated in Subsection (A).

Composition of the military court of first instance

15. The military court of first instance can hold a hearing with three judges (in this order – “military court of three”) and can hold a hearing with one judge (in this order - “single judge”) in accordance with the provisions of this order.

Composition of military courts of three

16. (A) A military court of three will be composed of three judges; the panel will be determined by the president of the court and, in absence of such decision, according to the order determined by the president of the court from time to time.

(B) The president of the court will serve as the presiding judge in any panel on which he sits, unless a judge of the military court of appeals serving as an acting judge in that court sits on the panel, who will then function as the presiding judge; if the president is not among the judges of the panel – he shall determine another judge to function as presiding judge.

Single judge

17. (A) A single judge will be a judge determined by the president of the court and, in absence of such decision, according to the order determined by the president of the court from time to time.

(B) The provisions of this order will apply to a single judge as if he were a military court of three, unless another provision applies.

(C) (1) A single judge shall not have the authority to sentence any defendant, in a single sentence, to more than ten years imprisonment or a fine higher than the fine determined in Section 1(A)(4) of the Order regarding the raising of Fines Stipulated in security Legislation, or the same imprisonment and fine together;

(2) Nothing in Paragraph (1) shall detract from the powers of a single judge to implement any suspended sentence as stipulated in sections 169 to 171;

(3) Notwithstanding the aforementioned in Paragraph (1) and in addition to his authority in accordance with this paragraph, a single judge hearing a criminal offense in accordance with Section 227 is empowered to impose upon the defendant a fine at the rate determined in Section 164(C).

Transfer of hearing

18. (A) At the request of a military prosecutor the military court of three is authorized, at any stage of the hearing and up until the verdict, to transfer the matter of the defendant to a single judge.

(B) When a hearing is transferred as mentioned in Subsection (A), the single judge shall continue the trial from the stage at which the court arrived prior to the transfer and he may, after giving an opportunity to the litigants to present their contentions in the matter, treat the evidence taken by his predecessors as if he had taken it himself or retake the evidence himself, in its entirety or in part.

(C) At any stage of the hearing through the verdict, a single judge is authorized to transfer the hearing of any charge to a military court of three and return the defendant to custody, or release him under conditions determined by him which shall ensure that he will appear before the said court; when the hearing is transferred as noted, the military court of three shall have authority to hear and rule on the aforementioned charge as if the latter had been brought before it from the beginning.

Military Court of Appeals

19. (A) The military court of appeals will hear appeals from military courts of first instance.

(B) (1) The military court of appeals will be composed of judges; panels of the military court of appeals will be determined by its president.

(2) The president of the military court of appeals will serve as the presiding judge in any panel on which he sits; if the president is not among the judges of the panel – he will determine another judge to serve as presiding judge.

(C) The military court of appeals will sit as a panel of three, apart from the instances noted hereinafter, in which the military court of appeals will sit as a panel of five:

(1) When the appeal concerns a sentence imposing the death penalty;

(2) When the president of the military court of appeals so decides;

(3) When the Military Judge Advocate General believes there is need for this panel because the appeal entails a legal question involving an innovation or which is of general importance, or for another reason;

(4) When a panel of three which began to hear a certain matter ordered that the remainder of the hearing be conducted before five judges.

(D) Notwithstanding the aforementioned in Subsection (C), the military court of appeals will be a court of one judge, who is a judge of the military court of appeals, when one of the following applies:

(1) In a hearing in the matter of detention in accordance with Section 37 to 39 or in detention prior to the verdict in accordance with Section 44 or in an appeal in accordance with Section 45 or in a review hearing according to Section 47.

(2) In a hearing in an appeal against a ruling of a single judge, unless the convict was sentenced to imprisonment of five years or more, or an unsuspended prison sentence of three years or more, or when the president or the vice-president of the military court of appeals orders a hearing before a panel of three.

(E) For the purposes of this section, “imprisonment” – including a suspended prison term but not including a imprisonment due to non-payment of a fine.

Replacing a judge

20. Provided that the taking of evidence has not begun, another judge is authorized to continue the trial from the stage to which his predecessor arrived; if the taking of evidence began and a judge is prevented from finishing the trial for whatever reason, another judge may continue from the stage to which his predecessor arrived and he may, after giving an opportunity to the relevant parties to present their contentions in this matter, treat the evidence taken by his predecessor as if he had taken it himself, or retake it, in its entirety or in part.

Chapter C – Detainment, Arrest, Release, Search, Seizure and Forfeiture (21-69)



Order regarding Security Provisions

Article A – General Provisions

Applicability

21. Provisions of this chapter and provisions issued by virtue thereof shall further apply to an offense under security legislation, to an offense under another law applicable in the Area and to an act, omission or attempt executed in Israel or territory held by the IDF which is punishable by law or security legislation applicable to the place in which it was committed.

Article B – Detainment

Detainment

22. (A) In this section –

“**detainment**” – restricting the liberty of a person to move freely due to suspicion that he has committed an offense or to prevent the commission of an offense when the restriction of liberty is confined in advance in time and purpose, as stipulated in this section.

(B) If a soldier has a reasonable basis to suspect that a person has committed an offense of security legislation, or that he is about to commit an offense that is liable to endanger the well-being or security of a person, or the public order or security, the soldier is authorized to detain him in order to ascertain his identity and address, or to question him and deliver documents to him in the place where he is at.

(C) A soldier is entitled to demand that a person accompany him to a place where there is a person lawfully authorized to investigate or to summon him to a place where there is a person lawfully authorized to investigate at a date to be set, if these two apply:

(1) There is a reasonable basis to suspect that he has committed an offense or there is a high likelihood that he is about to commit an offense as stipulated in Subsection (B).

(2) The identification was insufficient, or it was not possible to question him at the site.

Detainment of witness at site

23. (A) If a soldier has a reasonable basis to suspect that an offense has been committed or that an offense is about to be committed that is liable to endanger the well-being or security of a person, or the public well-being or security of the region, the soldier is authorized to detain a person who is can provide information pertaining to this offense in order to ascertain his identity and address. He is also authorized to summon him to a place where there is a person lawfully authorized to investigate, to be scheduled at a reasonable date in order to carry out those actions.

(B) If the identification is not sufficient, or if there is concern that the person shall not appear for the investigation at the scheduled time, the soldier is authorized to request that the person accompany him to a place where there is a person lawfully authorized to investigate, in order to take testimony.

Detainment for search

24. When a statute provides the authority to search a place, a person's instruments or body or vehicle, or the authority to demand that a person present documents, the holder of that authority is empowered to detain a person in order to enable a search or examination of documents, and he is also authorized to demand that a person give his name and address.

Detainment for execution of arrest warrant

25. (A) If a soldier has a reasonable basis to suspect that an arrest warrant or an imprisonment order has been issued against a person, he is authorized to detain him until receiving a copy of the order, in order to execute the arrest or imprisonment in accordance therewith.

(B) If it is not possible to obtain a copy of the order at the site, a soldier is authorized to demand that this person accompany him to a place where there is a person lawfully authorized to investigate, in order to receive the order and execute the arrest or imprisonment in accordance therewith.

Duration of detainment

26. (A) A person shall not be detained beyond the reasonable time required, in the circumstances of the case, for carrying out the activity for which the detainment authority is provided by law.

(B) In any case, a person or vehicle shall not be detained for a period of time exceeding three hours; however, an IDF officer with the rank of lieutenant colonel and above or a police officer is authorized to extend the detainment for an additional period of time not to exceed three additional hours, for reasons that are to be recorded.

Detainment report

27. At the conclusion of the detainment, the person who conducted the detainment shall compose a report detailing the name of the person who was detained, the reason for the detainment and the duration of the detainment, if one of the following applies:

- (1) The person was brought to a place where a person lawfully authorized to investigate is present;
- (2) The person was detained for a period of three hours or longer.

Precedence of detainment

28. A person shall not be arrested under Article C of this chapter if its detainment is sufficient; however, this does not impinge upon the validity of arrest.

Article C – Arrest and Release

Place of detention

29. (A) A detainee in accordance with this order shall be held in custody in a place to be determined by a military commander.

Execution of arrest warrant

30. An arrest warrant under this article shall be executed by a soldier.

Arrest by soldier without arrest warrant

31. (A) A soldier is authorized to arrest, without an arrest warrant, any person violating the provisions of this order or if there is cause to suspect that he committed an offense under this order.

(B) A person arrested in accordance with Subsection (A) shall be transferred as soon as possible to a police station or place of detention as determined in this order.

(C) An arrest warrant against a person arrested in accordance with Subsection (A) must be received within a reasonable time; if an arrest warrant is not given within 96 hours from the time of his arrest, he shall be released.

(D) The Commander of IDF Forces in the Area is entitled to authorize any person to order the release of a person arrested in accordance with Subsection (A), provided that no arrest warrant under the provisions of this article was issued against the detainee.

Arrest by a policeman

32. (A) A police officer, who has reasonable grounds to believe that a person violated the provisions of this order or it became known to him that the investigation material gathered against the arrested person as noted in Subsection 31(A) require the continuation of his arrest, is authorized to issue an arrest warrant in writing and for a period no longer than eight days from the time of his arrest.

(B) If an arrest warrant as noted is issued for a period shorter than eight days from the time of his arrest, a police officer is authorized to extend it in writing from time to time, provided that the total arrest period does not exceed eight days from the time of the arrest.

Combat arrest

33. (A) For the purpose of this section -

“detainee” – one arrested in the Area during operational activity in the fight against terror and the circumstances of his arrest raise suspicion that he endangers or is liable to endanger the security of the region, the security of the IDF forces or security of the public.

“officer” – an IDF officer with the rank of at least captain or a police officer with the rank of at least commander.

(B) An officer is authorized to order in writing the holding of a detainee in detention for a period no longer than eight days from the day he was brought to the detention facility (hereinafter - period of detention).

(C) An officer is authorized to order the release of an detainee prior to the conclusion of the period of detention, if he finds there is no longer a need for detention.

(D) (1) Notwithstanding the aforementioned in sections 56 and 58, the detainee shall not meet with his attorney during two days from the day of his arrest.

(2) Prevention of a detainee's meeting with an attorney at the conclusion of two days from the day of his arrest shall be done in accordance with subsections 58(C) and (D).

Release from detention by police officer

34. A police officer is authorized to order the release of a person arrested in accordance with sections 31(A) or 32, conditionally or without any conditions.

Release from detention by military court

35. A judge is authorized to order the release of a person arrested in accordance with sections 31(A) or 32, conditionally or without any conditions, and to order a change in the release conditions defined by a police officer.

Request for release

36. (A) A person arrested in accordance with sections 31(A) or 32 against whom an arrest warrant has not yet been issued by a judge, is entitled to turn to a judge with a request to order his release or to order a change in the conditions determined for his release by a police officer.

(B) A request for release not presented during the hearing on issuing the arrest warrant, a request for a review or an appeal shall be submitted in writing with copies of the decision regarding the arrest and the protocol of the hearing, and shall contain a summary of their reasons; if these were preceded by requests for release or requests for review or other appeals – copies of them shall be attached to the same requests and appeals and with the protocol of their hearing; however, a judge is entitled, for reasons he deems appropriate, to consider the request even if the aforementioned copies were not attached.

Remand

37. A judge is authorized to give an arrest warrant and extend the length of detention, provided that the arrest warrant or the remand does not exceed a period of thirty days at a time, and that the total period of detention in accordance with this section not be longer than ninety days.

Remand for a period exceeding three months

38. A judge of the military court of appeals is authorized, at the request of the legal advisor of the region, to order the remand of a person arrested in accordance with Section 37 or his renewed arrest, for a period not to exceed three months; if an arrest warrant as noted is given for a period shorter than three months, a judge of the military court of appeals is authorized to extend it from time to time, provided that the total period of detention in accordance with this section does not exceed three months.

Remand for the purpose of administrative detention

39. A judge is authorized to extend the detention of a person arrested under this article for a period not to exceed 72 hours, if a military prosecutor declares that there is an intention to bring the detainee's case before the military commander, as defined in Section 285(A), for him to consider issuing an administrative detention order, and if the judge is persuaded that the circumstances of the case justify the extension of the detainee's arrest for this period. In this context, Sabbaths and holidays shall not be included in the hour count.

Release from detention by order of judge

40. (A) A person arrested by an arrest warrant of a judge shall be released solely by order of a judge.

(B) Notwithstanding the aforementioned in Subsection (A), a police officer, whose rank is not lower than that of superintendent, is authorized to order the release of a person arrested by arrest warrant of a judge prior to the end of the period of arrest as determined by the judge, unless the judge determined that the detainee shall be brought before him, or that the detainee so requested, or if the detainee was arrested by order of a judge until the conclusion of his trial.

Deferral of release.

41. (A) If a judge decides to release an arrestee and the applicant who requested the arrest announces, when this decision is issued, his intention to appeal it, the judge is authorized to order a deferral of the execution of the release for a period not to exceed 72 hours; in this context, Sabbaths and holidays shall not be included in the hour count.

(B) If a judge decides to release a detainee and a military prosecutor declares, when this decision is issued, that he intends to bring the arrestee's case before the military commander as defined in Section 285 (A) for him to consider issuing an administrative detention order against him, the judge is authorized to order the deferral of the execution of release for a period not to exceed 72 hours, if persuaded that the circumstances of the case justify deferral of the detainee's release for this period; in this context, Sabbaths and holidays shall not be included in the hour count.

Release on bail

42. (A) Release on bail can be on personal bond of the detainee or defendant, either alone or in addition to the guarantee of a guarantor or a monetary guarantee of the detainee or the guarantor or some of each, all as ordered by the police officer or court that determined the provision of bail as a condition for release.

(B) Release on bail in accordance with this section is on condition that the released person shall appear at any time requested for interrogation, for a trial, or for serving his punishment, and the military court is authorized to add any conditions it finds necessary, inter alia the military court is authorized to condition the release on bail upon deposit of the released person's passport, and prohibit him to leave the region.

(C) If a person was released on bail a soldier is authorized, whether at his own initiative or in accordance with a petition by the guarantor, if he has a reason to believe that the released person is about to flee justice, to arrest the released person without an arrest warrant. A released person arrested in accordance with this section shall be treated as noted in Section 31(B).

(D) At the request of a military prosecutor the military court is authorized, when proven thereto that the released person violated one of the conditions of his release, to order the arrest of the released person. The court is also authorized to order -

- (1) Payment of the monetary guarantee in its entirety or in part to the regional command. Such order shall be considered as a fine not paid on time;
- (2) The forfeiture of the guarantee, in its entirety or in part, to the regional command.

(E) At any time following the issuing of an order in accordance with Subsection (D), the military court is authorized, for reasons to be noted, to annul or alter it as it sees fit.

(F) A person released on bail in accordance with the instruction of a police officer may, within seven days from the provision of bail or guarantee, appeal to the military court of first instance regarding the amount of bail or guarantee.

(G) If a convict was convicted in a ruling of a military court of first instance, the court which convicted him may release him on bail at any time up until the ruling has become peremptory; if an appeal was submitted and is being heard, the military court of appeals shall be vested with this authority.

(H) The guarantee and conditions of release on bail shall be canceled if an indictment is not served against the person released on bail within two years of the date on which the conditions of release were stipulated; however, the court is authorized, upon request of a military prosecutor, to extend the bail and its conditions for an additional period not to exceed three months.

(I) The provisions of Subsection (H) shall apply to bail and conditions of release on bail determined after 24.06.09.

Detention pending conclusion of proceedings

43. If an indictment is submitted, a judge shall be authorized to order the detention of the defendant until the end of his trial.

Detention prior to verdict

44. (A) If a defendant, after the filing of charges against him, was held

In detention under the same indictment for a cumulative period of up to two years, and his trial in the first instance did not end with a verdict, his matter will be brought before a judge of the military court of appeals.

The judge will hear the matter of the defendant and order his release, conditionally or without conditions, unless the judge believes that the circumstances of the matter, including the severity of the offense attributed to the defendant and his level of dangerousness, the fear of his fleeing justice and the reasons for the prolonging of proceedings, do not justify his release.

(B) If a judge decides that the circumstances of the matter do not justify release of the defendant, the judge is entitled to order the continued holding of the defendant under detention for a period not to exceed six months, and to reorder this from time to time.

Appeal

45. (A) An arrestee, a person conditionally released from arrest, a police officer and a military prosecutor are entitled to appeal the decision of the judge of the first instance in a matter concerning arrest or release or request of review, before a judge of the military court of appeals.

(B) The proceedings in an appeal, including the presence of litigants, shall be as directed by the judge.

Authority of detention in appeal

46. If a military prosecutor appeals an arrest, the authority to arrest resides with the judge of the military court of appeals.

Review

47. A detainee, a person conditionally released from arrest, a police officer and a military prosecutor are entitled to make a request in writing to a judge to review a decision he issued in the matter of the detention or release, including a decision in accordance with this section, if new facts arise or the circumstances have changed, including time elapsed from the day of arrest, and if this may change the judge's previous decision.

In any event the detainee is entitled to submit a request for review at the end of one year from his arrest and after any additional six months. However, if the hearing of the appeal of the verdict given by the military court of first instance has begun, a judge of the military court of appeals shall decide on the request.

Authority in review and appeal

48. In a review or appeal, the judge is entitled to sustain the decision being appealed, change it or cancel it and grant another instead thereof.

Deferral of release

49. If the military court issued a ruling and a military prosecutor announces that the prosecution intends to submit an appeal of the decision of the court, the court is authorized to release the defendant on bail for reasons to be noted, or order the detention of the defendant for a period not to exceed 72 hours for the filing of a writ of appeal.

Detention after appeal

50. If a military prosecutor submitted an appeal of a ruling, the arrest authority is given to a judge of the military court of appeals.

Presence of detainee in arrest hearings

51. An arrest hearing under this section, including a review hearing, will be held in the presence of the detainee, except in one of the following cases:

(A) If the detainee requests not to be present at the hearing;

(B) If the judge is convinced, based on a physician's opinion, that the detainee is unable to participate in the hearing due to his health condition; in this event, the hearing will be held in the presence of his attorney, or if he is not represented the judge will appoint a defense attorney for him until he is able to appear in court; if the reason preventing his attendance no longer applies and the period of detention is not yet over, the detainee shall be entitled to request another hearing.

Presence of detainee in security offenses

52. (A) In this section, the meaning of the expressions "detainee" and "approving authority" will be as defined in Section 58.

(B) Notwithstanding the provisions of Section 51, the military court is authorized, upon the request of a military prosecutor, to order the detention of a detainee without the detainee's presence for special reasons to be noted for a short period indispensable under the circumstances not to exceed 24 hours, if the court is convinced that the release of the detainee would significantly harm the security of the region or the security of the State of Israel or public order; in this context, Sabbaths and holidays shall not be included in the hour count.

(C) Notwithstanding the provisions of Section 51, the military court is authorized, upon the request of a military prosecutor, to order the detention of a detainee without the detainee's presence for special reasons to be noted for a short period indispensable under the circumstances not to exceed 72 hours, and if the court is convinced that due to the security circumstances prevailing in the region there is a real difficulty in bringing the detainee to his remand hearing; in this context, Sabbaths and holidays shall not be included in the hour count.

(D) If the court orders the arrest of a detainee under Section 37, in the presence of the detainee, for a period of less than 25 days, the court is authorized, without his presence – notwithstanding the stipulations of Section 51 – to extend his detention for a period not to exceed the period remaining until the end of the 25-day period since the date of the hearing held in his presence, if such a request is submitted, with the approval of the approving authority and if the court is convinced that a cessation of the investigation is liable to undermine the prevention of an offense according to the law or security legislation listed in the second appendix or injury to human life.

(E) Notwithstanding the stipulations in Subsection (A), the military court is authorized to order a hearing of an appeal under Section 45 or of a request for a review under Section 47, not in the presence of the detainee, if such a request is submitted with the approval of the approving authority, and it is convinced that a cessation of the investigation is liable to cause real harm to the investigation.

(F) A hearing that is held not in the presence of a detainee, under subsections (B) to (D) will be held in the presence of the detainee's defense attorney, and if he is not represented, the judge shall appoint a defense attorney for him; however, if a defense attorney is not present in said hearing, the judge shall appoint a defense attorney for the purposes of the hearing stipulated in this section only, and is authorized to order the remand, as stated in subsections (B) to (D), for short periods indispensable under the circumstances, until the defense attorney is present in the hearing.

(G) The military court is authorized to order that a hearing of a request to hold a hearing not in the presence of the detainee, in accordance with paragraphs (B) to (E), in part or in its entirety, shall be held in the presence of one party only or in camera.

(H) Subsections (D) and (E) shall be in effect until 29.12.2010.

Giving notice upon arrest

53. (A) If a person is arrested, notice of his arrest and location shall be given without delay to a person related to him, unless the detainee requested that such notice not be given.

(B) Notwithstanding the aforementioned in Subsection (A), if the detainee is a minor, information about his arrest and location shall be provided without delay to one of his parents, and if it is not possible to notify a parent – to a person related to the minor; however, if there is fear that the notice shall harm the well-being of the minor, information shall not be provided but to the person appointed by the Commander of IDF Forces in the Area for this purpose.

(C) At the request of the detainee, a notice as noted in Subsection (A) shall further be made to a lawyer named by the detainee.

(D) If a person was arrested and brought to a detention facility, the commander of the facility shall notify him, close to the time of his arrival at the facility, of his aforementioned rights under this section.

(E) Subsections (C) and (D) shall not apply to a detainee as defined in Section 58.

Deferral of notification of arrest by military court

54. (A) Notwithstanding the provisions of Section 53 a judge is authorized to permit not to provide notification of arrest of a person arrested for an offense punishable by imprisonment of more than three years or that notification be given only to a designated person, if he is convinced that reasons of security of the region or investigation requirements mandate the confidentiality of the arrest.

(B) Authorization in accordance with Subsection (A) shall be for a period not to exceed 96 hours. A judge is authorized to extend it from time to time, provided that the total period does not exceed eight days.

(C) A request under Subsection (A) shall be heard *ex parte*, on behalf of the applicant a military prosecutor or a policeman of the rank of inspector or higher shall present themselves.

Deferral of notification of arrest – suspect of offense under Appendix

55. (A) For the purpose of this section – “detainee” – as defined in Section 58.

(B) If the head of the investigation team of the General Security Services or an officer of the rank of lieutenant colonel or above (so authorized by the Commander of IDF Forces in the Area upon recommendation of the head of Military Intelligence) believes that the needs of interrogation mandate this, he is entitled to order a deferral in the notification of the arrest for a period not to exceed 24 hours from the time of arrest.

(C) If a person is detained, a judge is authorized to permit not giving notice of his arrest or that the notice be given only to the person he determines, if he is convinced that for reasons of security of the region or interrogation needs necessitate this.

(D) Authorization in accordance with Subsection (C) shall be for a period or for periods which together shall not exceed 12 days, and the days of deferral of notice of the detainee's arrest in accordance with Subsection (B) shall be counted among the aforementioned 12 days in this subsection.

Meeting with attorney

56. (A) A detainee is entitled to meet with an attorney and consult with him.

(B) A meeting of the arrestee with his attorney shall be conducted in private and in conditions which ensure the confidentiality of the conversation, yet in a manner which permits supervision of the arrestee's movements and behavior.

(C) If the detainee requested to meet with his attorney, or an attorney appointed by a person related to the detainee asked to meet with the detainee, the commander of the detention facility shall permit this as soon as possible.

(D) If the detainee is in interrogation proceedings or other actions related to the investigation, and a police officer of the rank of chief inspector or higher finds that disrupting the interrogation proceedings or actions is liable to thwart the investigation, he is authorized to order, in a written and detailed decision, that a meeting of the detainee with an attorney be delayed for a few hours, and this applies if the meeting is liable to thwart or disrupt the arrest of additional suspects in the same matter.

(E) Notwithstanding the aforementioned in Subsection (C), a police officer of the rank of superintendent and higher, in a detailed written decision may order not to permit a meeting of a detainee with a lawyer for a period no longer than 96 hours from the hour of arrest, if he is convinced that this is required for maintaining the security of the region or of human life or to thwart a an offense punishable by three years or more.

(F) Subsections (C) through (E) shall not apply to a detainee arrestee as defined in Section 58.

Preventing meeting with attorney by military court

57. (A) Notwithstanding the provisions of Section 56 a judge is authorized to permit that a detainee shall not meet an attorney if he is convinced that reasons pertaining to the security of the region or investigation requirements necessitate the confidentiality of the arrest.

(B) Authorization under Subsection (A) shall be for a period not to exceed 96 hours and a judge is authorized to extend it from time to time provided that the total period does not exceed 8 days.

(C) A request under Subsection (A) shall be heard *ex parte*, on behalf of the applicant a military prosecutor or a police officer of the rank of inspector or higher shall present themselves.

Preventing meeting with attorney – suspect of offense under Appendix

58. (A) In this section and in Section 59:

“detainee” – a detainee suspected of an offense under the law or the security legislation specified in the Appendix: as well as a detainee arrested under the provisions of Chapter H and suspected of an offense that, had it been committed in the Area, would constitute an offense under the law or security legislation specified in the Appendix.

“Supervisor of interrogation” is one of the following:

- (1) A police officer of the rank of superintendent or higher;
- (2) Head of an investigation team in the General Security Services;
- (3) An IDF officer so authorized by the Commander of IDF Forces in the Area.

“Permitting authority” – is one of the following:

- (1) A police officer of the rank of chief superintendent or higher.
- (2) Head of the Investigations Department at the General Security Services.
- (3) An IDF officer of the rank of lieutenant colonel and higher so authorized by the Commander of IDF Forces in the Area.

(B) If a detainee requested to meet with his attorney or an attorney appointed by a person related to the detainee asked to meet with the detainee – the supervisor of interrogation shall allow the meeting if he sees no reason to defer it as noted in subsection (C) and (D).

(C) The supervisor of interrogation is authorized, in a written decision, to forbid a meeting of the detainee with a lawyer for a period or periods which together shall be no longer than 15 days from the date of arrest, if he reasons this is necessary for reasons of security of the region or the good of the interrogation necessitates this.

(D) The permitting authority is authorized, in a written decision, to forbid a meeting of the detainee with a lawyer for an additional period or additional periods which together shall not exceed 15 days, if convinced that this is necessary for reasons of the security of the region or the good of the interrogation necessitates this.

(E) Notwithstanding the decision in accordance with subsection (C) and (D), the supervisor of the interrogation shall permit the detainee to meet with his attorney if the interrogation has ended.

Preventing meeting with attorney by a military court – suspect of offense under Appendix

59. (A) If a person is detained, a judge is authorized to allow that the detainee shall not meet an attorney if he is convinced that reasons pertaining to the security of the region or the good of the interrogation necessitate this.

(B) Authorization under Subsection (A) shall be for a period or periods not to exceed 30 days, but the provisions of this subsection do not detract from the power under Section 58, and the days of deferral of meeting under Section 58 shall not be included in the 30-day period stipulated in this subsection.

(C) The president or vice-president of the military court of first instance is empowered to extend the aforementioned period in Subsection (B) for an additional period or periods which together shall not exceed 30 days, if the

Commander of IDF Forces in the Area confirmed in writing that special reasons of security of the region necessitate this.

(D) If charges were filed in the military court, the aforementioned authorization in subsections (B) and (C) is annulled beginning from the time when the charges were filed.

Article D – Seizure and Forfeiture

Seizure

60. Any soldier or authorized body so appointed is empowered to seize and arrest goods, objects, animals, documents or objects (hereinafter in this article – “goods”) regarding which they have reason to suspect that an offense under this order was committed or is about to be committed, or that they were given in reward for the execution of such an offense or as a means of its execution, or were used for committing any offense as noted or as a means of committing it, or used for committing any such offense or for facilitating its execution, or they have reason to believe that these may serve as evidence for any offense under this order.

Goods used for committing an offense

61. Goods regarding which an offense under this order was committed, or that were given in reward for committing an offense as noted or as a means for committing or for facilitating the execution of the offense – shall be treated as ordered by the regional commander.

Goods not used for committing an offense

62. If goods were seized in accordance with this article and were later discovered not to have been used to commit any offense under this order, or in reward for committing an offense as noted, or as a means of committing it or facilitating its execution, or are not to serve any longer as evidence for an offense under this order – they shall be released in accordance with instructions of the Commander of IDF Forces in the Area.

Conflicting claims of ownership of goods

63. If an order is given to release goods seized under this section and different claims to the goods are submitted which contradict each other, the military prosecutor shall refer to the president of the military court of first instance, or to whom the president shall determine for this matter, a request to order what shall be done with the goods; if the aforementioned request is submitted, any person claiming the goods is entitled to appear before the president of the military court, or the one whom the president appointed in this matter, to demand his right to the goods.

Expenses of seizure and holding of goods

64. The owners of the goods seized under this section or anyone who held the goods at the time of their seizure, shall be obligated to pay expenses for the seizure and holding of the goods, in accordance with the instructions of the Commander of IDF Forces in the Area.

Forfeiture of goods

65. (A) The military court is authorized, in addition to any punishment it may impose, to order the forfeiture of goods seized under Section 60-

(1) If a person was convicted of an offense committed regarding the goods, or if the goods were given in reward for the execution of an offense, or as a means of execution or if they were used to facilitate its execution; or

(2) If possession of the goods is prohibited in accordance with law or security legislation.

(B) Goods shall not be forfeited in accordance with Subsection (A) if the owner of the goods proves that he was not involved in committing the offense, and that he did anything possible to prevent the offense, provided that possession of the goods is not prohibited by law or security legislation.

(C) Order of forfeiture in accordance with this section can be given either by a sentence or by petition of a prosecutor.

Claim of ownership or right

66. (A) If a person not involved in committing the offense claims ownership of goods forfeited under this article or a right over them, he is entitled to request from the military court to annul the order and the court is authorized to do so and order delivery of the goods to the applicant's ownership or realization of right, as the case may be.

(B) If an order of forfeiture concerning goods that were sold was annulled, they shall be substituted by their sale price. If the goods were lost – the military court is authorized, if convinced that there was a crime or negligence in their safeguarding, to obligate the one responsible for their safeguarding to indemnify the damage at an amount to be determined.

Article E – Search

Searching places

67. An officer or a soldier so authorized in general or in a specific instance is authorized to enter, at any time, any place, vehicle, boat or airplane for which there may be reason to suspect use, or were used for any purpose which harms public peace, security of the IDF forces, the maintenance of public order, or for purposes of uprising, revolt or riots, or there is reason to suspect the presence there of a person who violated this order, or goods, objects, animals, documents to be seized in accordance with this order, and they are authorized to search any place, vehicle, boat or airplane and any person on them or coming out of them.

Searching persons

68. Any soldier is authorized to detain and search any person for whom there is reason to suspect that he is using any object liable to seizure in accordance with this order, or any animal regarding which there is room to suspect that it has such object thereon.

Positioning transport vehicles for search

69. (A) A person authorized under this order to enter any vehicle, boat or airplane is authorized to position or stop them by using force if necessary.

(B) A person in control of, or responsible for any vehicle, boat or airplane, who does not stop them immediately when required to do so, whether verbally or through a sign or any other means by a person authorized to do so – shall be charged with an offense under this order.

Chapter D – Pre-trial Proceedings (70-110)



Order regarding Security Provisions

Article A – Investigation and Closure of Files

Interrogation of witnesses

70. (A) In this section –

“Investigator” – any IDF officer serving in the Area, as well as any other person so authorized by the Commander of IDF Forces in the Area or by a military commander.

“Witness” – a person who, according to the investigator’s presumption, knows the facts and circumstances of an offense about which he is interrogated.

(B) An investigator is authorized to conduct investigations of offenses that are committed, and is entitled to interrogate orally any witness, and to record in writing any statement made by a person so interrogated.

(C) If a statement is recorded in writing, it shall be read to the witness who shall be asked to sign it and if he does not know how to read and write, he shall be asked to imprint his mark. Subsequently, the investigator shall sign the statement.

(D) If a witness refuses to sign the statement or imprint his mark, the investigator shall write a note in the margins of the statement indicating that the witness who made the statement refused to sign it or to imprint his mark, together with the reason for his refusal, to the extent that this is known to him.

(E) The witness shall be required to truthfully respond to all of the questions the investigator asks him during the interrogation, but is not compelled to do so, where answers would place him in danger of incriminating himself.

(F) In all proceedings against the witness who makes a statement for failure to properly respond to all questions posed to him, the written statement shall serve as evidence of statements that were made, unless it is proven that he did not make the statements or one of them.

Closing an investigation file

71. (A) The Commander of IDF Forces in the Area or the chief military prosecutor or the legal advisor or someone so authorized by the legal advisor, in general or for a particular matter, are authorized to order the closing of an investigation file pertaining to an offense of the law or security legislation, or the stay of proceedings in a trial in which a verdict not yet been issued, if they believe that there is no public interest in a trial.

(B) The chief military prosecutor or the legal advisor or someone so authorized by the legal advisor, in general or for a particular matter, are authorized to order the closing of an investigation file pertaining to an offense of the law or security legislation, or the stay of proceedings in a trial in which a verdict has not yet been issued, if they believes that there is insufficient evidence.

(C) An instruction as stipulated in subsections (A) and (B) shall be issued in writing.

(D) In all matters related to the closing of an investigation file pertaining to an offense of the law, the provisions in this section are intended to supplement the provisions in any law and not to detract therefrom.

Closing investigation file by police officer

72. (A) A police commander, as defined in the Order regarding the Appointment and Employment of Policemen (Judea and Samaria) (No. 95), 5727-1967, or an investigations officer authorized by the commander of police forces for this matter with the consent of the legal advisor, are authorized to order the closing of an investigation file if they believe there is no public interest in the investigation or insufficient evidence, and if the investigation file pertains to these matters:

- (1) an offense of law that is a misdemeanor or contravention; or
- (2) an offense of security legislation for which the stipulated punishment does not exceed five years of imprisonment; or
- (3) an offense of the law that is a felony and an offense of the security legislation for which the stipulated punishment exceeds five years of imprisonment, as determined in a declaration by the legal advisor for this case.

(B) The closing of investigation files as stipulated in Subsection (A) shall be effected in accordance with general guidelines from the legal advisor.

(C) An instruction to close a file as stipulated in Subsection (A) shall be issued in writing and brought to the attention of the legal advisor, who is authorized to order it be changed or canceled.

Transferring an investigation file

73. If an investigation file pertaining to an offense of the law is transferred by the police to a military prosecutor, or if a military prosecutor demands, in writing, that such investigation file be transferred to him, then from the time of the transfer or from the time the demand is received, only proceedings defined in security legislation shall apply to the case.

Article B – The Litigants and Their Representation

Definitions

74. “Defense attorney” – a local attorney or an Israeli attorney;

“Israeli attorney” – A person authorized under Israeli law to engage in the legal profession according to the Israel Bar Law 5721-1961 as valid in Israel from time to time;

“Local attorney” – A person authorized under law, as amended by security legislation, to engage in the legal profession in the Area.

Prosecutor

75. The prosecution before a military court shall be conducted by a person appointed by the Commander of IDF Forces in the Area as a military prosecutor.

Defense attorney

76. The defendant before a military court is entitled to defend himself through a defense attorney or to conduct his defense on his own.

Appointment of attorney by military court

77. (A) In the case of a defendant who comes before a court of three [judges] and faces charges punishable by imprisonment of ten years or more and who did not choose a defense attorney, the military court shall appoint a defense attorney for him with his consent.

(B) In a case in which there is no obligation to appoint a defense attorney for a defendant, a military court is authorized, under special circumstances – at the request of the litigants or upon its own initiative – to appoint a defense attorney for him.

Appointment of attorney as defense Attorney only with his consent

78. An attorney may not be appointed as a defense attorney under Section 77 without his consent.

Duties of defense attorney

79. A defense attorney who was chosen or appointed shall represent the defendant in all proceedings related to the case for which he was chosen or appointed.

Cessation of representation by defense attorney

80. A defense attorney for a defendant shall not cease representing the defendant except by permission of court.

Condition for appointing defense attorney

81. A military court that has permitted a defense attorney to cease representing the defendant due to the latter's lack of cooperation is authorized – notwithstanding the stipulation in Section 77 – not to appoint another defense attorney for the defendant, if it appears that it would not be beneficial.

Replacing defense attorney

82. If a defendant asks to replace a defense attorney, the military court shall not refuse the defense attorney permission to cease representing the defendant, unless it seems that the replacement of defense attorney requires an unreasonable delay of the trial.

Fees of defense attorney

83. (A) If a defense attorney is appointed by the court, the military court shall set the lawyer's fee and is authorized to approve the defense expenses. The lawyer's fees shall be determined according to the amounts stipulated in the Second Appendix of the Regulations Regarding Compensation for Arrest or Imprisonment (Order regarding Security Provisions) (Judea and Samaria) 2007 (hereinafter: "the Appendix"). If the court finds that under the circumstances it

is just to set higher lawyer fees than those stipulated in the Appendix, it is authorized to set a higher amount at a rate not to exceed double the amount stipulated in the Appendix.

(B) The military court is authorized to approve advance payment of expected defense expenses.

(C) The fee of the defense attorney and the defense's expenses shall be covered from the budget of the regional command.

(D) For the purposes of this section, the "defense's expenses" – including the defense attorney's expenses pertaining to the case for which he was appointed.

Prohibition on accepting payment

84. A defense attorney who is entitled to a fee and defense expenses as stipulated in section 83 shall not receive any wage, compensation, gift or other benefit from the defendant or from any other person.

Attorney's attire

85. (A) For the purpose of this section -

(1) The court attire of male attorneys is: a white shirt with collar and long or short sleeves, a tie, black or dark blue trousers and, a black robe and dark, closed shoes.

(2) The court attire of female attorneys is: a white shirt with a collar and long or short sleeves, pants or a skirt in black or dark blue, and a jacket in black or dark blue, or a black dress with long or short sleeves and a white collar, a black robe and dark shoes.

(3) From the period of April 1 through November 30 of each year, it is permissible not to wear a jacket.

(B) An attorney shall not be heard in a military court unless dressed in attorney's attire, unless the court has permitted him to act otherwise; however counsel is entitled to be heard before a judge in his chambers even if he is not dressed in attorney's attire.

Article C - Evidence

Evidence

86. Concerning the law of evidence, the military court shall act in accordance with the obligatory rules in criminal matters in courts within the State of Israel.

Certificates of privilege

87. (A) A person is not obligated to present, and the military court shall not receive, evidence if the commander of the region states his opinion, in a document signed by him, that its submission is liable to harm the security of the region or an important public matter, unless a military court of appeals judge finds, upon a petition by a litigant seeking the disclosure of evidence, that the need to disclose it in order to do justice takes precedence over the interest in its non-disclosure.

(B) If a document as described in Subsection (A) is submitted to the military court, the court is authorized, upon the request of a litigant seeking disclosure of the evidence, to halt the trial for a defined period in order to enable the submission of a petition to disclose the evidence, and if the court deems it appropriate – also until the petition is decided.

(C) The discussion on a petition to disclose evidence under Subsection (A) shall be in camera; in order to rule on the petition, the judge is empowered to demand that the evidence or its content be brought to his knowledge, and he is authorized to receive explanations from a representative of the commander of the region or from the military prosecutor, or from someone acting on their behalf, even in the absence of the other litigants.

Article D – Procedure and General Provisions

General provision regarding procedure

88. The military court is empowered to order in all matters of trial procedure not determined in this order, trial procedures that appear to it most appropriate for ensuring a just trial.

Publicity of the trial

89. (A) In this section –

“A person with a psychological disability” – a person with a psychological deficiency limiting his ability to be questioned or to give testimony;

“A person with a mental disability” – any of the following:

(A) A person with mental retardation;

(B) A person with another mental deficiency limiting his ability to be questioned or to give testimony;

(C) A person with an extensive developmental disturbance, including a person with autism, limiting his ability to be questioned or to give testimony;

“An incapacitated person” – a person who due to his age, illness or physical or psychological disability, mental deficiency or any other reason cannot tend to the needs of his livelihood, health or well-being.

(B) The military court shall conduct the hearings held before it in open court; however, the military court is entitled to order that the hearing held before it be conducted, in its entirety or in part, in camera, if it believes that it is appropriate to do so for reasons of security of the IDF forces, public security, to protect morality, or the interest of a minor or incapacitated person or a person with a mental disability or a psychological disability, or to protect the interest of a complainant or a defendant in sexual offenses, or if it believes that a public hearing may deter a witness from testifying freely or at all.

(C) The Commander of IDF Forces in the Area is authorized to express his opinion, in a document signed by him, that a trial or proceeding before a judge, in its entirety or in part, should be conducted in camera in order to prevent harm to the security of the region. However, the military court is authorized at the request of a litigant and after hearing the other litigants, to determine, for reasons to be noted, that the hearing, in its entirety or in part, shall be public.

(D) If the military court ruled that the hearing be held in camera, it is authorized to allow a person, or type of persons, to be present at the time of the hearing, in its entirety or in part.

(E) A person shall not publicize or reveal to another anything from a hearing of the military court held in camera unless permitted to do so by the military court.

Prohibition of publication

90. (A) The military court is authorized to forbid publicity concerning the hearings of the military court, if it perceives a need for this to protect the security of a litigant, witness or other person whose name is mentioned in the trial, or to prevent harm to the privacy of a person with a psychological disability or a person with a mental disability, or to protect the security of the region.

(B) The military court is authorized to prohibit publication of the name of a suspect prior to submission of charges, or any other detail that could identify him, in addition to any detail concerning the matter under investigation, if publication may harm the investigation conducted according to law, or publication must be prohibited for reasons of security of the region. The military court is further authorized to prohibit publication of the request for an order prohibiting publication under these aforementioned circumstances.

(C) The military court is authorized to hold a hearing for a decision in accordance with this section in camera.

Gag order issued by court in Israel

91. A gag order issued by a court in Israel shall be valid as if issued by a military court, including for the purpose of prosecution under this article.

Photographing in court

92. A person shall not photograph anything in the courtroom of the military court and shall not publish such photograph, unless permitted to do so by the military court.

Publication of name of minor

93. No-one may publish, without the military court's permission, the name of a minor who is a defendant or witness in a criminal trial, or a complainant or injured party in a trial on an offense under sections 279 to 320 of the Jordanian Criminal Code, No. 16 of 1960, or his picture, address or other details that may lead to the identification of this minor.

In camera hearing not in court

94. The provisions of sections 89(D), 89(E), 90 to 93, 97 and 98 shall further apply to any hearing conducted in camera in accordance with security legislation even if not before a military court and the body before which the hearing is held in camera shall be vested with all the authorities given to the military court in accordance with these sections.

Offense

95. A person who violates any of the provisions of sections 89 to 93 is subject to imprisonment of two years.

Contempt of Court

96. Any person who is present in the military court and refuses to obey any instruction of the court, or insults the military court or any of its members, or disrupts or delays the proceedings in court, is liable to two years imprisonment and the military court is authorized to immediately sentence him to imprisonment for a period not more than three months.

The content of this section does not detract from the authority of the military court to hear an offense under this section in accordance with the regular procedures as determined in this order, provided that a person shall not be held responsible twice for the same act.

Removing a person from the military court

97. (A) The military court is authorized to order the removal of a person who during court hearings in the military court, in the judge's chambers or adjacent to the place of hearing, does one of the following actions:

- (1) Behaves in a violent or threatening manner or in a wild or shameful way;
- (2) Makes noise to express agreement or disagreement with a legal action or decision of the court;
- (3) Otherwise disrupts the court's hearings otherwise.

(B) This section shall not apply to someone against whom a complaint may be filed in accordance with the provisions of the Ordinance Regarding the Attorneys' Council (Judea and Samaria) (No. 1162) – 5746-1986 or who is subject to disciplinary adjudication in Israel in accordance with the directives of the Bar Association Law – 5721-1961, as valid in Israel, from time to time, and is present in the courtroom in exercise of his office.

Removal of person whose presence deters witness

98. The military court is authorized to remove a person, who is not a litigant, from the courtroom during a hearing if it finds, for reasons to be noted, that the presence of this person in the courtroom shall deter a witness from testifying freely or from testifying at all.

Decisions taken by majority opinion

99. Decisions of the military court, including the verdict and sentence, shall be taken by majority opinion; If there is no majority opinion concerning the type of punishment or its measure, the judge who suggested the most severe type of punishment or measure of punishment shall be viewed as having joined with the opinion of the judge who suggested the most similar proposal to his. For the purpose of this section, the presiding judge shall determine which punishment is more severe.

Article E – Charge

Indictment

100. (A) Prior to bringing the defendant before the military court, the essence of the charge and the details shall be written in an indictment that shall be presented by a military prosecutor to the military court; at the opening of the indictment, the military prosecutor shall note whether the indictment is presented to a military court of three or a single judge.

(B) A copy of the indictment shall be given to the defendant prior to his trial.

Joinder of charges

101. The details of the charge shall be separate for each offense, but it is possible to bring to trial on several charges simultaneously and it is possible to try them together or separately, all in accordance with the decision of the court at any time. The defendant shall be requested to respond to each charge separately.

Amending an indictment

102. (A) A military prosecutor is empowered, at any time prior to the start of the trial, to amend an indictment, to add to it or subtract from it, by sending an announcement to the court that details the change; the court shall provide a copy of the announcement to the defendant.

(B) The court is empowered, at any time after the start of the trial, at the request of one of the parties, to amend an indictment, to add to it or subtract from it, provided that the defendant is given a reasonable opportunity to defend himself; the amendment shall be made to the indictment or recorded in the protocol.

Joinder of defendants

103. Defendants charged with similar offenses or of offenses deriving from the same set of facts may be charged and tried either together or separately, as decided upon by the court at any time.

Separation of hearing

104. If the military court decides, at any stage of the proceedings, that the hearing against the defendant shall be separated, it is possible to continue the hearing of the said defendant or defendants, whose trial was separated at the same stage of joint proceedings at which the military court ordered the separation of the hearing, and all in accordance with the decision of the court that shall continue the hearing.

Suspension of proceedings

105. (A) At any time after pressing charges and prior to the sentencing, the military court is empowered to suspend the proceedings, whether of its own initiative or at the request of a prosecutor, if it finds the defendant cannot be brought to the continuation of his trial.

(B) If the proceedings were suspended, in accordance with Subsection (A) and subsequently it is possible to bring the defendant to a continuation of his trial, a prosecutor is empowered to announce in writing to the military court of his wish to renew the proceedings, and if he does so the military court shall renew the proceedings and is empowered to continue them from the stage reached prior to the suspension.

(C) Notwithstanding the provisions of any law and the security legislation, it is possible to renew the proceedings with permission of the legal advisor of the Area, for reasons to be noted, even if the periods stipulated in the law and security legislation elapsed between the time of suspension of proceedings and the time at which it is possible to bring the defendant to a continuation of his trial passed; provided that the proceedings were suspended for the reason that the defendant was evading justice.

Article F – Summons to Trial

Service of summons to trial

106. (A) For the purpose of this section –

“Summons” – including an order or announcement issued under this order.

(B) A summons to be served on a person in accordance with this order shall be served in one of the following ways:

(1) By personal delivery to him or, if he is not to be found in his place of residence or employment, to a family member residing with him who appears to have reached the age of eighteen years.

(2) By dispatch of a registered letter to the person's address with confirmation of delivery; the military court is empowered to consider the date on the confirmation of delivery as the date of service.

(3) By dispatch of a letter to the Palestinian council for transfer to the summoned person via the Supervisor of Legal Aid, as defined in the Addendum to the Extension of Validity of Emergency Regulations (Judea and Samaria – Criminal Jurisdiction and Legal Aid) Law, 5727-1967, as valid in Israel.

(C) Delivery of a summons to defense counsel, or delivery to the defense counsel's office, as well as dispatch of a registered letter with confirmation of delivery to the address of the office, are tantamount to service on the defendant, unless defense counsel notifies the court within five days from receipt of the summons that he is unable to bring the summons to the defendant's knowledge.

(D) If the military court finds that service in accordance with this section was not executed due to an unjustified refusal to receive the summons or to sign the confirmation of delivery, it is empowered to consider the summons to have been lawfully delivered.

(E) If the military court finds that it is impossible to serve the summons as stated in subsections (B) or (C), it is entitled to order its service in one of the following ways:

(1) By posting a copy of the summons on a visible place in the District Coordination Office in the area of residence of the defendant or witness;

(2) By publishing a notice in the Collection of Proclamations as defined in the Order Concerning Proclamations (Judea and Samaria) (No. 111) 5727-1967, or in a daily newspaper in the Hebrew language and the Arabic language;

(3) In any other manner as it sees fit.

Subpoena

107. (A) A military court is empowered to issue a subpoena against a defendant at any time, if it considers this necessary in order to compel him to appear at the trial at the determined time.

(B) A defendant against whom a subpoena was issued in accordance with subsection (A) shall be brought as soon as possible before the military court, which shall order whether to hold him in detention or release him under conditions it shall determine.

Seizure of assets of defendant who fled

108. (A) If a defendant fled or is in hiding and it is impossible to find him, the court is empowered at the request of a military prosecutor, if it is of the opinion that this may lead to the defendant's appearance, to order the seizure of any of the defendant's assets, including chattels or land; the recording of confiscation thereof in the Land Registers; or the appointment of a receiver therein, and to order what is to be done with the assets and their fruits for provided that the order is valid.

(B) An order in accordance with this section shall not injure a creditor's right in these assets.

(C) If an order is granted in accordance with this section, any person dependant on the defendant whose livelihood is liable to be harmed by the seizure of the asset is entitled to request that the military court annul or alter the order.

Article G – Summoning Witnesses and Documents

Summoning witnesses and documents

109. (A) At the request of a litigant or on its own instigation, a court is empowered to summon a person to testify in the trial if it is of the opinion that summoning him may help clarify a question concerning the trial.

(B) At the request of a litigant or on its own instigation, a military court is empowered to order a witness who was summoned, or any other person, to furnish the court at the determined time as determined in the summons or subpoena with such documents in his possession as detailed in the summons or subpoena.

(C) A military court is empowered to order a person present before it to testify or to furnish documents at such time as it determines; such a person shall be treated as someone who has been served with a summons or order to furnish documents.

(D) If a person was summoned to testify and does not appear, or was ordered to produce documents and does not produce them, the military court is empowered to issue a subpoena against him in order to enforce his appearance in court.

(E) A witness against whom a subpoena was issued in accordance with the provisions of subsection (D) shall be brought as soon as possible before a military court, which shall order whether to hold him in detention or release him under conditions it shall determine.

Imprisonment of witness or defendant for disobedience to summons

110. A person who is summoned to appear before a military court and without reasonable excuse refrains from coming or producing a document or evidence held in his possession or under his control; or who comes to the court but leaves it without receiving permission from the court; or who refrains from coming to a further hearing after he was ordered to do so is liable to two years' imprisonment. The military court is empowered to sentence him to imprisonment immediately for a period not to exceed three months.

This section shall not detract from the power of a military court to hear an offense under this section in accordance with the regular procedures for pressing charges as stipulated in this order, provided that a person shall not be held responsible twice for the same act.

Chapter E - Trial Proceedings (111-186)



Order regarding Security Provisions

Article A – Time and Place of Trial

Commencement of hearing

111. (A) The place and time at which the military court shall commence hearing a particular trial shall be determined by the president of the court or according to his instructions.

(B) Notwithstanding the content of subsection (A), a single judge shall sit in court at such times and places as he himself shall order.

Delay in continuation of trial

112. A military court is empowered to postpone its sessions at any stage of the proceedings, and to recommence them at such time and place as it orders. The court is empowered to issue any instruction concerning the remand of the defendant and his appearance at the postponed hearing.

Imposition of expenses for delaying trial

113. (A) For the purpose of this section –

“Litigant” – including the defense counsel or representative of a litigant.

(B) If a military court granted a litigant’s request to postpone the date of the trial, or if the date of the trial was postponed due to an act or omission of a litigant, the court is empowered, if it sees justification for doing so, to actual expenses in favor of the other party on the litigant on whose account the delay was caused.

(C) The military court shall not impose expenses as noted in subsection (A) until after providing an opportunity for the litigant to state his case.

Article B – Presence of Defendant

Presence of defendant in trial

114. (A) Any defendant shall be entitled to be present during all the trial proceedings, provided that he behaves properly.

(B) If a defendant behaves improperly, the court is empowered at its discretion to order his removal from the court room and to continue the trial proceedings in his absence, provided that it ensures that he shall be informed about the occurrences in the trial proceedings and enabled to defend himself.

(C) The military court is empowered, if it sees fit, to permit the defendant to be outside the court during any or all of the trial, on the hearing, for all or part of it, under conditions it shall determine.

Article C – Protocol and Translation

Recording of protocol

115. (A) The presiding judge shall record the protocol of the hearings in person or through a registrar.

(B) The protocol shall reflect everything that is said and occurs during the hearing pertaining to the trial; inter alia, the protocol shall include a concise record of:

- (1) The defendant's response to the charge;
- (2) The testimonies that were heard;
- (3) Details of the exhibits;
- (4) The verdict, including the findings established by the court and its decision whether to convict or acquit the defendant;
- (5) The sentence.

(C) The indictment, documents submitted to and accepted by the court, and any document pertaining to the case shall be attached to the protocol and form part thereof.

(D) The court is empowered, on the request of a litigant and after granting the other litigants an opportunity to state their case, to amend a record in the protocol in order to render it accurate; the military court shall consider such a request for amendment even if it is submitted after the granting of the ruling, provided that the period of appeal against the ruling has not expired.

(E) A request to correct a protocol and any decision in such a request shall be recorded in the protocol and the decision shall be signed by the military court.

(F) A protocol shall serve as prima facie evidence for the course of the trial. However, in an appeal in the case, no argument may be made against the accuracy of the protocol and no evidence may be brought of an error therein otherwise than with the permission of the military court of appeals.

(G) The military court shall sign any verdict and sentence.

Translator for defendant

116. (A) If it was clarified to the military court that the defendant does not know Hebrew, it shall appoint a translator in order to translate for him what is said during the hearing and the decisions of the court, unless the defendant willingly waives such translation, in whole or in part; the parties are entitled to object to a translator and request his replacement.

(B) Evidence presented to the military court not in Hebrew or in another language familiar to the court and to the parties in the case shall be translated by a translator, and testimony so rendered shall be recorded in the protocol in its Hebrew translation, unless the court instructs otherwise; the record of the translation in the protocol shall serve as prima facie evidence of the translated comments.

Article D – Opening of Trial

Commencement of trial

117. On the commencement of the trial, the military court shall read the indictment to the defendant and shall explain its contents to him, if it considers this necessary. The military court is empowered not do so in respect to a defendant represented by defense counsel, if defense counsel notifies the court that he has read the indictment to the defendant and explained its contents to him and if the defendant confirms the notification. The statements of the defendant and defense counsel shall be recorded in the protocol.

Explanation of Rights

118. During the trial the court shall explain to the defendant the rights granted to him for his defense, if it considers this necessary.

Plea of defendant

119. (A) The defendant shall be asked whether or not he confesses to the charge or the facts. The response of the defendant can be done through his defense attorney.

(B) The defendant may respond to this question in one of these ways:

- (1) That he pleads guilty;
- (2) That he pleads not guilty;
- (3) That he pleads not guilty, but admits to the facts or part of the facts alleged in relation to the act for which charges were pressed.

(C) If the defendant does not respond to the question asked in accordance with Subsection (A), he shall be considered as pleading not guilty.

(D) Abstention of the defendant from pleading may strengthen the weight of the evidence of the prosecution; the military court shall explain to the defendant the results of his abstention.

Recantation of plea

120. (A) With the permission of the military court and for special reasons to be noted, the defendant is entitled at any stage of the hearing to recant his response given in accordance with Section 119(B), in its entirety or in part.

(B) If the military court permitted the defendant to recant his confession following the verdict, the court shall cancel the verdict to the extent that it is founded in the confession of the defendant, and shall renew the hearing if necessitated by the circumstances.

Provision regarding a person liable to death penalty

121. If a person is accused of a crime for which he is liable to death penalty and the military court is empowered, in accordance with Section 165(A), to impose this punishment, it shall not proceed as provided in Section 119, and the defendant is considered as pleading not guilty.

Procedures after a guilty plea

122. (A) If the defendant pleads guilty, the military court is empowered, for reasons to be noted, not to accept the plea and continue the hearing as if he plead not guilty, or as if he plead not guilty and admitted to the facts noted by the court.

(B) If the military court decides to accept the defendant's plea of guilty, the charge is considered proven and the court shall convict the defendant on the basis of his confession.

(C) Before the military court shall act in accordance with Subsection (B), it shall examine whether the defendant appropriately understands the charges and the results of his confession to them.

(D) Prior to the conviction of a defendant, the military prosecutor shall bring before the military court the facts that constitute the offense and the circumstances; if the defendant disagrees with those facts or some of them, the military court is empowered to permit presentation of evidence regarding the facts in dispute.

(E) If there are several defendants in a trial, and some of them plead guilty, the military court is empowered to convict one whose plead was accepted in accordance with this section and immediately sentence him or delay the conviction until a verdict is issued for all the defendants, but if the said defendant is called to testify in the trial, the court shall convict and sentence him prior to him being called to testify.

Proceedings after admission of facts

123. (A) If the defendant pleads not guilty admitting to the facts or to some of them or the military court decides in accordance with Section 122 to hold him as if he did, those facts are regarded as proven concerning the said defendant.

(B) Notwithstanding the aforementioned in Subsection (A), the military court is empowered to demand that the military prosecutor prove a fact to which the defendant admitted in his plea, and if the court so demands, that fact is not regarded as proven until it is proven by the military prosecutor.

Article E – Determination of guilt

Proceedings after plea of not guilty

124. (A) If the defendant pleads not guilty or the court refused to accept his confession to a charge, the court shall hear the military prosecutor and his witnesses, in addition to any other testimony it deems appropriate.

(B) If the defendant is not being assisted by a defense attorney the court shall ask the defendant, at the conclusion of the examination of each witness for the prosecution, if he would like to ask the witness any questions. The court shall note his response in the protocol.

Acquittal at conclusion of the prosecution's case

125. If the military court sees, at the conclusion of the prosecution's case, that the evidentiary material does not warrant the defendant responding to a certain charge, the court shall acquit the defendant from said charge.

Defense case

126. (A) If the military court finds at the conclusion of the prosecution's case that the evidence presented against the defendant is prima facie sufficient to obligate him to respond to the charge, the court shall explain that he is entitled to testify as a witness for the defense, and then he is liable to be cross examined, or he can abstain from testifying and the results of his abstinence from testifying as noted in Subsection (B), and shall ask him if he wishes to present testimony or call a witness in order to defend himself; the court shall hear the testimony of the defendant, if he wishes to testify, and the testimonies of all the witnesses that shall be called to testify.

(B) Abstention of the defendant from testifying may strengthen the weight of the prosecution's evidence and further corroborate the evidence of the prosecution where such corroboration is required.

(C) If the defendant declares that he has witnesses, but that they are not present, the court is empowered, if it sees it fit, to postpone the hearing and order, if it sees it fit, to take measures to ensure the presence of said witnesses at a time to be determined.

Summaries

127. With the conclusion of the defense case, the prosecutor is entitled to summarize his pleas and subsequently the defendant or his defense attorney are entitled to summarize their pleas.

Immediate announcement of acquittal

128. If the military court acquits the defendant, it shall announce his acquittal immediately and the defendant shall be released if there is no reason to hold him in detention for other reasons; if the defendant was released on guarantee, he and his guarantors shall be exempt from their guarantee or the monetary bail shall be returned, as the case may be.

Conviction and sentencing

129. (A) If the military court convicts the defendant, it shall sentence him.

(B) The court is empowered to convict a defendant on an offense if his guilt becomes evident from the facts proven before it even if these facts were not alleged in the indictment, provided that the defendant is given a reasonable opportunity to defend himself; however, the defendant shall not be sentenced because of this to a more severe punishment than would have been possible had the facts been proven as alleged in the indictment.

(C) Prior to sentencing the defendant, the military court shall allow the military prosecutor an opportunity to bring evidence which may influence the type of punishment or its extent. Subsequently, the defendant is entitled to make

an announcement or provide testimony and also bring evidence concerning the facts and circumstances which may to ease the punishment.

(D) When the aforementioned procedures in Subsection (B) are completed, the prosecutor, and subsequently the defendant or his defense attorney, are entitled to make their summaries concerning the measure of punishment; after the prosecutor's summary, the court shall allow the defendant to have his final say.

Defendant who is not sane

130. (A) If a person is tried before a military court and it appears to the court that the defendant is not punishable as at the time of the action he suffered from a mental illness, the court shall rule to detain him in an appropriate place, to be determined by the commander of the Area, and to hold him there for provided that the commander of the Area is of the opinion that the defendant is ill as noted.

(B) If during the trial procedures in the military court it appears to the court that the defendant is not capable of standing trial as he suffers from a mental illness, the military court shall order that the aforementioned person be detained for a period to be determined by the commander of the Area. If two military doctors testify that the detained person in accordance with the provisions of this subsection is sane, and the commander of the Area finds that it is appropriate to do so, he shall order that the said person be tried in accordance with the law relevant to the offense of which he is accused.

(C) The commander of the Area is empowered to give, from time to time, directives as he sees fit concerning the detention of persons detained in accordance with directives of this section.

Medical examination of the defendant

131. (A) In order to permit the military court to decide if it is expedient to issue an order according to Section 130, it is empowered to order by request of the litigant or at its own instigation, that the defendant undergo a medical examination, and also if there is a need that he be admitted to a hospital.

(B) An admission order in accordance with this section shall be conducted by a psychiatrist who shall be appointed by the commander of the Area or someone empowered by him to do so; the psychiatrist shall determine a specific hospital to which the person mentioned in the order shall be admitted and the hospital shall admit him.

Article F – Witnesses

Examining witnesses

132. Witnesses appearing before the military court shall be subject to examination, cross-examination and redirect.

Witnesses in a trial of several defendants

133. When there are several defendants in one trial, the order of examination of witnesses by the defendants or their defense attorneys shall be as follows:

(1) Cross-examination – the defendants or their defense attorneys according to the order in which the defendants are listed on the indictment;

(2) Primary examination – first the defendant, or his defense attorney, who requested the witness, and subsequently the remaining defendants or their defense attorneys according to the order given in Paragraph (1).

Cautioning and swearing in the witness

134. (A) The military court shall caution the witness prior to taking his testimony that he must tell the truth and if not he shall be liable to the punishment determined in the security legislation.

(B) If the military court has reason to believe that swearing in the witness may assist in establishing the truth, the court is empowered, at its own instigation or according to the request of the litigant, to swear him in. However, the witness may declare that he shall not swear for reasons of religion or conscience, but affirm that that his testimony is true, unless the military court is convinced that the reasons given by the witness were not given in good faith.

Article G – Adjudicating Juveniles (Temporary Order)

Commencement and effect

135. (A) This article shall enter into effect on 29.09.2009 and shall remain in effect for one year from the day of its commencement.

(B) The provisions of this article shall not apply to a proceeding in which an indictment was filed prior to the commencement of this article.

Definitions

136. In this article –

“Military juvenile court” – a military court of the first instance, with a single judge presiding who is a juvenile judge, or a panel in which the presiding judge is a juvenile judge.

“Minor” – a person under the age of 16; and in regard to a suspect and a defendant, this includes a person who is under the age of 16 on the day the indictment is filed against him.

Appointment of juvenile judge

137. The president of the Military court of appeals shall assign judges – from among the military court judges of the first instance who have received appropriate training to serve as juvenile judges, in a format to be approved by the president of the Military court of appeals – to serve as juvenile judges for a period to be determined.

Judging a minor

138. (A) Notwithstanding the provisions of any law and security legislation, an offense in which a minor is charged shall be adjudicated before a military juvenile court.

(B) The provisions of this subsection shall not apply to proceedings of arrest and release under Article C of Chapter C of this order.

Adjudicating a minor and an adult together

139. (A) A minor may not be tried together with a person who is not a minor, except with the consent of the chief military prosecutor in the Military Prosecution or of someone duly empowered by him.

(B) If a minor is charged together with a person who is not a minor before a military court that is not a military juvenile court, the court is empowered, after hearing the parties, to adjudicate the case; if the military court so decides, it shall treat the minor as if it were a military juvenile court and it shall have the powers of a military juvenile court provided under this article; if the military court decides not to adjudicate the case, it shall order a separate trial for the minor and transfer him to a military juvenile court.

Minor who is brought to a court that is not a juvenile court.

140. (A) If a military court that is not a military juvenile court finds, at any stage prior to the verdict, that the defendant is a minor, it shall transfer the case to a military juvenile court, and the latter shall adjudicate the case as if it had been brought before it from the outset, and it is empowered to hear the case from the stage it had reached in the previous court.

(B) If the military court sees special circumstances that justify not transferring the case to a military juvenile court as stipulated in Subsection (A), it is empowered to continue to adjudicate it, provided that from this point onward it shall act as if it were a military juvenile court, and it shall have all of the powers of a military court provided under this article.

(C) If a military court, which is not a military juvenile court, finds after the verdict that the defendant is a minor, it shall continue to adjudicate the case as if it were a military juvenile court, and it shall have all of the powers of a military court provided under this article.

Adult who is brought before military juvenile court

141. If a military juvenile court finds during the course of the trial that the defendant is not a minor, it is empowered to continue to adjudicate the case as if it were not a military juvenile court or to transfer it to a military court, and the latter shall adjudicate it as if it had been brought before it from the outset, and it is empowered to adjudicate it from the stage it had reached in the military juvenile court.

Maintaining validity

142. A decision or ruling of a court shall not be deemed invalid solely because the defendant, due to his age, should have been tried before a different court; however, if a grave miscarriage of justice resulted from trying a defendant before a court that is not appropriate for his age, the president of the Military court of appeals is empowered to order

that a court he so assigns shall conduct a retrial of the case. And the provisions of sections 157 through 162 shall apply, with the necessary changes according to the case.

Separating minors

143. (A) The military juvenile court shall conduct its hearings, as far as possible, in a place where other trials are not being conducted, or in the same place but not at the same time.

(B) As far as possible, minor defendants shall not be brought to or from the court together with non-minor defendants, and shall not be held together there.

Time for indicting a minor

144. A person shall not be indicted for an offense which he committed as a minor if two years have passed since [the offense] was committed, except with the consent of the chief military prosecutor in the Military Prosecution or someone duly empowered by him.

Indicating age of the minor

145. The indictment against a minor shall indicate, if possible to ascertain, the minor's date of birth.

Defense

146. (A) The military juvenile court is empowered to appoint a defense attorney for the minor if it believes this would be in the minor's best interest.

(B) Subject to the provision in Subsection (A), the provisions of Article B of Chapter D shall apply to the appointment of a defense attorney under this section.

(C) If the minor does not have a defense attorney, the military juvenile court shall help him to examine the witnesses.

Parent's status

147. (A) A military juvenile court is empowered to order, at any time, that the minor's parent be present in the court.

(B) Any request the defendant is entitled to submit to the military juvenile court may also be submitted on his behalf by the minor's parent or by a person the court has approved for this, and they are entitled to examine witnesses and present arguments in the minor's stead or together with him.

Report

(A) If a minor is convicted, the military juvenile court is empowered, if it deems it necessary for the purpose of sentencing the minor, to demand a report in writing from an officer of the Social Welfare Affairs staff at the Civil

Administration or from a person appointed by him for this purpose, regarding all of the following, to the extent that it is possible to determine:

- (1) the minor's past;
- (2) the minor's family situation, with complete details, as far as possible, about his parents, spouse, children, brothers and sisters;
- (3) the minor's economic situation;
- (4) the health situation of the minor and of the members of his family;
- (5) special personal circumstances – if such exist – that led him to commit the offense.

(B) In the report stipulated in Subsection (A), the person who prepares the report is empowered to advise the court regarding the chances of rehabilitating the minor.

(C) A copy of the report in accordance with this subsection shall not be provided to the parties in the case or to their representatives unless the court instructs otherwise. However, the prosecutor and the minor's defense attorney are entitled to examine these documents in the court file.

Detention centers for minors

149. (A) A minor shall not be held in detention or imprisonment except in a separate prison or jail facility for minors, or in a wing of a general prison or jail facility provided that the wing is completely separate, designated for minors only and without any access between it and the other wings of the prison or jail facility or their inhabitants.

(B) Notwithstanding the provisions of Subsection (A), it is permissible to hold a minor at a police station, provided that he is held separately and there is no contact between him and non-minor suspects or prisoners.

Article H – Appeal

Ruling

150. For the purpose of this section

– “**ruling**” – including any decision of the military court which ends the hearing of first instance, and including:

- (1) The decision in accordance with sections 130 and 180;
- (2) The decision of the court to annul the indictment;
- (3) Provisions concerning conditioning of the punishment, obligation of restitution or its rates, a delay in the execution of the ruling and any other directive which can be included in the sentence;
- (4) A decision by a judge of a military court not to excuse himself from sitting in a trial.

Explaining the right of appeal

151. At the conclusion of the reading of the verdict, the military court shall explain to the defendant his right to appeal the verdict, and shall notify him of the appointed time for filing the appeal.

Appeal of the verdict

152. A ruling of the military court of first instance may be appealed at the military court of appeals.

How to proceed in an appeal

153. In any matter in appeal, including the matter of the power of the military court of appeals, submission of the appeal and summoning the litigants and witnesses, matters shall be done in accordance with the applicable rules in the court-martial in Israel, with the necessary changes in accordance with the matter at hand, unless there is a different provision regarding that matter in this order.

Period of appeal

154. The period for submission of an appeal is thirty days from the day on which the ruling was given; if the ruling was not given in the presence of the defendant or the prosecutor, the term for submission of an appeal shall be counted from the day on which notification of the ruling was served to him.

Extensions

155. The president or duty president of the military court of appeals is empowered, at his own instance or at the request of the appellant, to permit the submission of an appeal later than the terms noted in Section 154.

Automatic appeal

156. The ruling of a military court of first instance imposing a death sentence shall be heard on appeal, even if the defendant did not appeal it.

Article I – Retrial

Conducting a retrial

157. The president of the military court of appeals is empowered to order a retrial in a matter in which a peremptory ruling was given, if he finds one of the following:

- (1) If a military court or any empowered legal instance in Israel ruled that a piece of evidence brought before it in the said matter is fundamentally based on a lie or forgery, and there is a grounds to assume that without this evidence the results of the trial would have been otherwise, in favor of the convict;
- (2) If new facts or new pieces of evidence were discovered which may, either alone or together with the material that was presented to the first court, alter the results of the trial in favor of the convict, and if during his trial these facts or evidence could not have been in the convict's possession or knowledge;

(3) If another person was convicted in the meantime of committing the same offense, and from the circumstances uncovered during the trial of the other guilty party it appears that the person initially convicted of the offense did not commit it.

(4) If the death penalty was imposed on the convict during the first trial and there is grounds to assume that the ruling was fundamentally flawed.

Request for retrial

158. (A) Permission to request a retrial is given to the convict and the legal advisor; if the convict dies – the aforementioned permission shall be given to any of his offspring, his parents, brothers or sisters.

(B) A request for a retrial shall be submitted in writing to the president of the military court of appeals within 90 days from the day on which the applicant learns of the existence of one of the aforementioned causes in Section 157, and shall detail in it the reasons.

(C) If the president of the military court of appeals finds that a delay in submitting a request was caused not due to the fault or negligence of the applicant, he is empowered to consider the request even if it was submitted after the period mentioned in Paragraph (B).

(D) A decision of the president of the military court of appeals in the matter of the request shall be issued to the convict and the legal advisor in writing, unless the president of the military court of appeals ordered that it be given in another manner.

(E) In the decision concerning a retrial, the president of the military court of appeals shall determine the military court which shall conduct the retrial; the trial shall be conducted before a military court of three.

(F) If the president of the military court of appeals refuses to order a retrial, an additional or other request shall not be submitted for the reason which formed the basis of the request which was refused.

Legal opinion prior to retrial

159. (A) In order to decide in the matter of a request for a retrial, the president of the military court of appeals is empowered to turn to the chief military prosecutor for a legal opinion in writing.

(B) For the said opinion, the chief military prosecutor is empowered to order the conduct of an investigation by the police or an examination by the committee appointed for this matter by the chief military prosecutor to be presided by a judge.

(C) If an opinion of the chief military prosecutor is given as noted, a copy of it shall be given to the applicant.

Procedures in retrial

160. In a retrial, the regular trial procedures of a military court shall be applicable, although the court is empowered to deviate from them if it decides so due to the circumstances of the matter and if it appears that this should be done for the sake of justice.

Hearing in retrial

161. (A) A court hearing a retrial is empowered to issue, without hearing additional testimonies, but on the basis of the aforementioned request in Section 158 and all other material added in accordance with Section 159 and on the basis of the pleas of the parties, a verdict sustaining the ruling originally given or annulling it, in its entirety or in part, and acquitting the convict from the offenses of which he was convicted, in their entirety or in part.

(B) If the court decides that in order to rule it must hear testimonies again, it shall annul the ruling given in the first trial and shall conduct the retrial as if it were a trial being heard for the first time in accordance with the indictment that was before the court which heard the trial the first time and shall issue its ruling accordingly, provided that the punishment imposed on him shall not be more severe than the punishment imposed on him in the ruling issued in the first trial and the punishment executed in accordance with the ruling given in the first trial shall be taken into account in the new punishment.

(C) Notwithstanding the aforementioned in Subsection (B), the court is empowered to receive as evidence testimony given or a statement taken in the first trial, if it is proven to its satisfaction that it is impossible to bring the witness who gave such testimony or made such statement, or if it is of the opinion that due to the time that has passed details were forgotten by the witness that he said or gave as noted in the first trial.

Ruling in retrial

162. All the provisions applicable to a verdict of a military court of three also apply to the verdict of the court in a retrial.

Article J – Punishment

Execution of sentence

163. A peremptory ruling of the military court shall serve as authorization for any soldier to execute the sentence of the military court.

Penalty

164. (A) If a person was convicted before a military court, the court is empowered to sentence him to any punishment that does not exceed the punishment stipulated for the offense in law or security legislation, as the case may be, or a lighter punishment, including imprisonment and a fine together.

(B) If for the aforementioned offense no punishment but imprisonment is stipulated – it is possible to impose a fine that shall not exceed the fine determined in the Order regarding the Raising of Fines as Stipulated in Security Legislation, in the appropriate section concerning the prison sentence stipulated for the offense.

(C) For an offense in which the defendant intended to cause financial damage to another person or to obtain a benefit for himself or for another person, the military court is empowered to impose a fine upon the defendant that is four times the value of the damage caused or the benefit obtained through the offense, or the fine defined in statute, whichever is the greater of them.

Death penalty

165. (A) Notwithstanding the aforementioned in Subsection 164(A) the military court shall not impose a death sentence on the defendant, unless the court panel is composed of three judges whose ranks are no lower than lieutenant colonel, and the ruling is unanimous.

(B) The court shall not impose the death penalty on a defendant whose age at the time of committing the offense is under 18.

Provisions regarding certain penalties

166. Any provision in law stipulating a punishment of incarceration or life imprisonment with forced labor or temporary forced labor or making reference to them, shall be regarded as stipulating imprisonment or making reference to a punishment of imprisonment, as the case may be.

Serving of prison sentence

167. (A) A ruling imposing a prison sentence shall be executed upon its reading, unless otherwise ordered by the court which imposed the punishment.

(B) If the military court imposes a prison sentence on the defendant, the sentence shall include the entire time the defendant was held in detention in relation to the same offense prior to the sentencing.

(C) A convict sentenced to a prison term and on the day of the sentencing as noted or prior to it, has already served his entire sentence, shall be released immediately, notwithstanding the aforementioned in Subsection (B), if there is no other reason to keep him in detention.

(D) If a person is sentenced to a prison term, not including for non-payment of a fine, and before he serves any punishment is sentenced to imprisonment for another offense, the second period of punishment shall commence immediately and in parallel to the first, unless the military court otherwise orders.

(E) If the military court imposes in one ruling several prison sentences of different lengths, the court is empowered to order that the sentenced serve all or some of them consecutively. If the court does not rule so, all of them shall commence on the same day.

(F) In the case of a person sentenced to prison by a military court, when calculating the term of imprisonment and commuting the prison term –the provisions setting rules for commuting punishments for good behavior in prison shall not apply.

(G) A prison sentence shall be served in place of detention to be determined by the Commander of IDF Forces in the Area.

Imprisonment of minor

168. (A) When prescribing the punishment of a juvenile or young adult, the military court shall consider, *inter alia*, his age at the time of perpetration.

(B) Should the convict, upon the date of sentencing, be a juvenile, and the military court decides to sentence him to imprisonment – the term of imprisonment shall not exceed six months.

(C) Should the convict, upon the date of sentencing, be a young adult, and the military court decides to sentence him to imprisonment – the term of imprisonment shall not exceed one year, provided that he was not convicted of an offense of which the prescribed fixed maximum penalty exceeds five years of imprisonment.

Suspended sentence

169. (A) A military court imposing a fixed sentence, not including a sentence for non-payment of a fine, is empowered to order that the punishment, in its entirety or in part, be suspended.

(B) A person sentenced to a suspended sentence shall not serve his punishment, unless committing one of the offenses determined in the verdict (hereinafter in this section- “additional offense”), within the period determined in the sentence (hereinafter in this section- “term of probation”); The term of probation shall not exceed five years.

(C) The suspended sentence shall commence on the day of the sentencing, and if the convict serves at the time a prison sentence – from the date of his release from imprisonment. However the period spent outside of the prison due to a release on bail under this order, shall be viewed as a conditional period added to the conditional period determined by the court, unless the court orders otherwise;

Activating suspended sentence

170. (A) If a suspended sentence is imposed and the person in question was convicted within the conditional period or subsequently of another offense, the court shall order the suspended sentence to be activated and the military court is empowered to order that the activation of the suspended sentence be subject to the outcome of the appeal of the conviction for the additional offence.

(B) If the convict is convicted as noted in Subsection (A) and the military court does not rule upon activation of the sentence, the military prosecutor is empowered, no later than four months from the date of sentencing, to request from any judge of the court activation of the suspended sentence, and Section 171(A) above shall further apply to this request.

(C) A person on whom a prison sentence for an additional offense is imposed and whose suspended sentence is activated, shall serve the two prison sentences consecutively, unless the military court orders, for reasons to be noted, that the two periods, in their entirety or in part, shall coincide.

Extension of suspended sentence

171. (A) A military court which convicts a person of an additional offense and does not impose on him imprisonment for the same offense is empowered to order, notwithstanding the aforementioned in Section 170 (A) and instead of ordering activation of the suspended sentence, for reasons to be noted, the extension of the suspended sentence, or its renewal, for an additional period not to exceed three years, if the court is convinced that under given circumstances it shall not be just to activate the sentence. The court shall use its power in accordance with this paragraph only regarding the convict's first conviction for an additional offense.

(B) If the military court extends the suspended sentence for an additional period prior to conclusion of the sentence, the additional suspended sentence shall commence at the conclusion of the first suspended sentence; if the court renews the suspended sentence after the term of probation ends, the additional suspended period shall commence from the day ruling is issued, unless otherwise ordered by the court.

Order issued in sentence

172. An order issued under sections 170 and 171 shall be in any aspect as a sentence of the military court.

Payment of fine

173. A fine imposed shall be paid immediately, however, the military court is empowered to order that the fine be paid within such period and on such conditions as it shall determine.

Arrears

174. (A) A fine not paid, in its entirety or in part, at the appointed time, shall accrue arrears (hereinafter in this section – the accretion);

(B) The rate of accretion shall be fifty percent of the fine or the part of it that was not paid, as the case may be; at the conclusion of any six month period which passed from the due date – an additional fifty percent of the fine or the aforementioned part of it.

(C) An amount that was paid or collected on the account of a fine to which arrears accrued, shall be first credited on the account of the accretion.

(D) The provisions of the Collection of Public Funds Law, No. 6 of 1952 shall be applicable to the collection of a fine not paid on time, in its entirety or in part, including the arrears, as if they were public funds as defined in said law.

Imprisonment for non-payment of fine

175. (A) The military court is empowered to sentence imprisonment for non-payment of a fine for a period that appears appropriate to it, provided that it shall not exceed three years, and this in addition to any imprisonment sentenced by it.

(B) If the military court does not impose imprisonment on the defendant due to non-payment of a fine as noted in Subsection (A), the military court is empowered to impose it by order in accordance with a request by a military prosecutor which was submitted after the fine was not paid on its due date.

(C) Imprisonment in the case of non-payment of a fine shall be served after any sentence which the convict must serve. If the convict is serving a criminal imprisonment sentence at the time when the imprisonment for non-payment of a fine is imposed, that imprisonment shall be discontinued for him to serve the imprisonment for non-payment of a fine and shall be continued at the end of said imprisonment.

(D) If the military court imposes a prison sentence due to non-payment of a fine, and part of the fine is paid before the convict serves his entire sentence, the imprisonment term shall be shortened according to the relation of the amount paid to the total fine.

(E) If a person has served a prison sentence for non-payment of a fine, he shall not be required to pay the fine and the accretion; if he served part of the imprisonment term, he shall not be required to pay a part of the fine proportionate to the period of the imprisonment sentence he served, and the accretion he shall be required to pay shall be calculated in accordance with the part of the fine for which he did not serve imprisonment.

Charge of parent or guardian

176. (A) If the convict, on the date of sentencing, is under the age of eighteen, and the military court decides to impose a fine on him, as a sole penalty or in addition to any other penalty, the court is empowered to order the convict's father or his mother or if he is under the legal guardianship of another person, the said guardian, to pay the fine, and regarding payment of the fine, including the serving of a prison sentence in its stead – the provisions applicable to the convict shall also apply to the father, the mother or the legal guardian.

Require guarantee by parents or guardians

177. (A) In the event that the convict is under the age of eighteen, and the military court did not act in accordance with Section 176, the military court is empowered to order the convict's father or mother or his legal guardian to deposit a monetary pledge (hereinafter in this section - guarantee) in an amount, which shall not exceed the fine that the court was empowered to sentence for the said offense, in order to ensure that the convict shall not commit an offense so specified by the court in an order (hereinafter in this section - additional offense) during a period not to exceed one year (hereinafter in this section - guarantee period).

(B) In the event that the military court ordered a person, in accordance with Subsection (A) to pledge in order to guarantee that the convict shall not commit an additional offense, in addition to the guarantee, the court is empowered to enforce compliance with the order and the pledge by ordering a fine not to exceed the fixed fine as stipulated in Section 1(A)(1) of the Order regarding Raising of Fines Stipulated under Security Legislation. The provisions applicable to a fine imposed after conviction shall also apply to the fine imposed pursuant to this section.

(C) Should the convict be convicted of an additional offense that he committed during the guarantee period, the military court shall order the realization of the guarantee, and the provisions applicable to a ruling imposing a fine shall also apply to such order against the pledger, and the court may impose a prison term in its stead, provided that the term of imprisonment does not exceed six months.

Hearing of minor's parent

178. The military court may not enforce its power pursuant to sections 176 and 177 or 180, if said enforcement charges the minor's parent or his legal guardian, unless the parent or legal guardian were provided suitable opportunity to present their pleas.

Seizure of assets

179. (A) If a person was obligated through a peremptory ruling of the military court of first instance or the military court of appeals to pay a fine and does not pay it, a military commander in the Area is empowered to order seizure of his assets and their sale in order to ensure payment of the fine.

(B) In order to execute the provision regarding the seizure of assets and their sale as noted in Subsection (A), a military commander, is empowered to appoint a receiver, and to determine in his letter of appointment directives concerning methods of action of the receiver, his obligations and powers and payment of his fees, and further to provide the receiver from time to time with directives in the aforementioned matters.

(C) A person who disturbs a receiver in the execution of his office shall be charged with an offense under this order.

Guarantee of defendant to desist from offense

180. (A) A military court that convicted a person is empowered, in addition to the punishment imposed or instead of it, to order that the convict provide a guarantee to desist from an offense during a period to be determined by the court, which shall not exceed three years; the guarantee shall be with guarantors or without guarantors and of an amount not to exceed the fine that may be imposed for the offense of which the convict was convicted, and all as ordered by the court.

(B) If the military court orders a person in accordance with Subsection (A) to provide a guarantee to desist from an offense, the military court is empowered to compel him to obey the order and to give the guarantee by imposing upon him imprisonment for a term not to exceed three months.

(C) If a person is convicted of an offense of which he pledged to desist in accordance with Subsection (A) and does not pay the guarantee, it may be regarded for the purpose of collecting it from the convict and for the purpose of imprisonment in lieu of payment, as if it were a fine imposed upon him by the court which ordered provision of the guarantee. If the guarantee involved guarantors, the amount not paid by the convict shall be collected from the guarantors, as if it were a fine not paid on time.

Release of minor by guarantee

181. (A) In this order –

“Minor” – a person of the age of twelve or older and under the age of eighteen.

“Military commander” – A military commander as defined in Section 3 as well as an IDF commander with the rank of major or higher, or a police officer with the rank of chief inspector or higher who was empowered for the purpose of this order by a military commander.

“Parent” – a father or mother or legal guardian.

“Linkage differentials” – an addition to the sum to be repaid, according to the rate of increase of the consumer price index in the Area, as periodically published by the staff officer for statistics at the Civil Administration.

(B) If a minor is arrested as a suspect of committing an offense of the law or security legislation and a military prosecutor confirms that there is prima facie evidence that an offense was committed, a military commander is empowered to order that he shall not be tried in a military court for the offense which of which he is suspect and

which shall be detailed by the military commander in orders, provided that a monetary pledge or guarantee (hereinafter – guarantee) of the amount not to exceed the amount of the fine stipulated in Section 1(A)(4) 1(A)4 of the Fines Order be given by his father mother or legal guardian, all as ordered by the military commander in order to ensure that the minor shall not commit an additional offense for a period not to exceed one year (hereinafter – guarantee period).

(C) A parent who does not comply with the order of a military commander as noted is subject to imprisonment of one year.

(D) A person on whom a guarantee is imposed under Subsection (A) is entitled to appeal before the military court regarding the imposition of the guarantee and the amount of the monetary pledge or guarantee.

(E) In a proceeding under Subsection (D), the legal procedures and laws of evidence applicable in the military court shall apply with the requisite revisions.

(F) If a minor for whom a guarantee was provided, as noted in Subsection (A), is convicted during the guarantee period of an additional offense the military court is empowered at the request of a military prosecutor to issue an order on the realization of the guarantee, and the provisions applicable to a ruling imposing a fine upon the guarantor shall apply to the order.

(G)

(1) If a monetary guarantee is deposited, as stated in Subsection (A), and the guarantee period concludes, the parent is entitled to demand refund of the guarantee.

(2) If the parent's request is submitted within 30 days from the conclusion of the guarantee period, the linkage differentials shall be added to the sum of the guarantee for the period from the day of the deposit until the day of actual payment

(3) If the parent's request is submitted after 30 days from the conclusion of the guarantee period - the following shall be added to the sum of the guarantee:

(A) Linkage differentials for the period starting from the day of the deposit through the end of the guarantee period;

(B) Linkage differentials of 50% for the period starting from the conclusion of the guarantee period until the day of actual payment.

(H) The provisions of this section add to all security legislation and do not detract therefrom.

Imposing compensation

182. (A) A military court convicting a person is empowered to order him, in addition to the punishment, to pay the whole or part of the value of the damage to the party injured by the offense, as compensation for damage or suffering caused to him.

(B) The military court shall rule for compensation as noted in Subsection (A), only after providing an opportunity to the injured party and the defendant to produce evidence indicating the extent of damage.

(C) The determination of compensation in accordance with this section shall be according to the value of the damage or suffering caused as of the day on which the offense was committed or the day of awarding a decision on the compensation, whichever is higher.

(D) Compensation not paid shall be regarded as a fine not paid on time.

Compensation for defendant who is acquitted

183. (A) If a defendant is acquitted and the military court that decided on the acquittal finds that there was no basis for the charge or that there were other justifying circumstances, it is empowered to order, upon request by the defendant or on its own initiative, when delivering the verdict, that the Commander of IDF Forces in the Area pay the defendant's defense costs and compensation for his detention or imprisonment for the charge of which he was acquitted, in a sum the court deems appropriate.

(B) If the military court which acquits does not rule upon granting an order as stipulated in Subsection (A) when delivering the verdict, the defendant is entitled, within sixty days of this date, to request the president of the acquitting court to order a hearing on this request; the hearing shall be held before the panel of the military court which ruled on the defendant's case or before another panel composed for this purpose by its president.

(C) For the purpose of an appeal – the provisions applicable to the ruling shall also apply to an order for expenses or compensation under this section or dismissal of a request to grant it; however, a decision issued under this section after the date the ruling is read shall not extend the term for submitting an appeal or a request for an appeal in regard to the ruling itself.

(D) The military court shall issue an order as stipulated in Subsection (A) after providing the parties with an opportunity to present their pleas. If the military court is considering granting an order as stipulated in Subsection (A) due to other circumstances that justify this, it shall be empowered to permit a military prosecutor to present classified evidence pertaining to the granting of this order as noted, *ex parte*.

(E) The commander of the Area is empowered to define in regulations the maximum sums for expenses and compensation as stipulated in Subsection (A).

Article K - Conditional pardon and mitigation of punishment

Conditional pardon and mitigation of punishment

184. (A) The Commander of IDF Forces in the Area is empowered to conditionally mitigate the punishment of a person sentenced by a military court or to conditionally pardon him (hereinafter in this article – “conditional mitigation of punishment”).

(B) The condition under which a person sentenced by a military court (hereinafter in this article – “the convict”) is released in accordance with the directives of Subsection (A) is that the convict shall not commit an offense punishable by three or more months of imprisonment (hereinafter – “additional offense”) during the period of the condition stipulated in accordance with subsections (D) or (E) (hereinafter in this article – “period of condition”); and the Commander of IDF Forces in the Area is empowered to set additional conditions for the release of the convict.

(C) Notwithstanding the provisions stipulated at the beginning of Subsection (B), the Commander of IDF Forces in the Area is empowered to unconditionally mitigate the punishment of a convict or pardon him, for special reasons.

(D) The period of condition is the period starting from the day of the convict's release from imprisonment and continuing until the end of the period of imprisonment he would have served had his punishment not been mitigated, provided that this does not exceed twenty-five years; unless the Commander of IDF Forces in the Area, for special reasons, decides to set a shorter period as the period of the condition.

(E) Notwithstanding the provisions of Subsection (D), if the period stipulated at the beginning of Subsection (D) is shorter than five years, the Commander of IDF Forces in the Area is empowered to set as the period of condition a longer period than that stipulated at the beginning of Subsection (D), provided that it does not exceed five years.

Canceling the mitigation of punishment – by conviction

185. (A) If during or after the period of the condition a convict, who was released in accordance with the directives of Section 184 (A), is convicted of an additional offense that was committed during the period of the condition, the military court that convicts the convict shall order the cancellation of the mitigation of punishment and compel the convict to serve a term of imprisonment equal to the duration of the period of condition; and if the period of condition was defined under Section 184 (E) – the court shall compel the convict to serve a term of imprisonment equal to the period starting from the day of his release and continuing through the end of the term of imprisonment he would have served had his punishment not been mitigated.

(B) Notwithstanding the provisions of Article J of this chapter, if the conditional mitigation of punishment is canceled in accordance with Subsection (A), the convict shall serve the remainder of the term of imprisonment he is obligated to serve following the cancellation of the mitigation of his punishment – before and cumulative to any other imprisonment imposed on him, and if he committed an additional offense during the period of condition – also before and cumulative to any imprisonment imposed on him for this offense; if a convict is serving a term of imprisonment at the time the mitigation of his punishment is canceled, this imprisonment shall be discontinued for him to serve the remaining imprisonment term he must serve due to the cancellation of the release, and [the previous term of imprisonment] shall resume at the end of this period; in this matter, “imprisonment” – includes imprisonment for the non-payment of a fine.

Canceling mitigation of punishment – not by conviction

186. (A) A committee is hereby established to review the breach of conditions of conditional mitigation of punishment issued in accordance with Section 184 (hereinafter in this section – “the committee”).

(B) The Commander of IDF Forces in the Area shall appoint officers with the rank of major or a higher rank, who are qualified to serve as judges of military courts of first instance, as members of the committee.

(C) The Commander of IDF Forces in the Area shall appoint one of the members of the committee to serve as governor of the committee.

(D) The committee shall adjudicate with a single judge, to be assigned by the governor of the committee. However, at the request of a representative of the military commander or in accordance with a decision by the governor of the

committee, the committee shall adjudicate with three; a panel of three and the chairman of the panel shall be assigned by the governor.

(E) If the convict violates any of the conditions for the conditional mitigation of his punishment, the military commander's representative, with the approval of the legal advisor, shall be empowered to write to the committee, requesting it to order the convict to be brought before it and to cancel the mitigation of punishment.

(F) The committee's decision regarding a request to summon the convict for a hearing before it in accordance with Subsection (E) shall serve as authorization for holding the convict in custody until the committee's final decision on the request in accordance with Subsection (E); the hearing on a request to summon the convict to appear before the committee may be conducted in the absence of the convict or his representative.

(G) If the convict violates a condition of the conditional mitigation of his punishment awarded under Section 184, the committee shall order the cancellation of the mitigation of punishment and compel the convict to serve a term of imprisonment equal to the period of the condition; and if the period of the condition was set under Section 184(E) – [the committee] shall compel the convict to serve a term of imprisonment equal to the period starting from the day of his release and continuing through the end of the term of imprisonment he would have served had his punishment not been mitigated.

(H) If the convict commits an additional offense during the stipulated period of condition, for the purposes of the committee's decision under Subsection (G) it is irrelevant whether or not the convict has been convicted of the additional offense.

(I) Notwithstanding the provisions of Subsection (G), if a convict violates any of the conditions of the conditional mitigation of his sentence, an additional offense during the period of condition, the committee is empowered, for reasons to be recorded –

(1) To decide on the continued release of the convict under the conditions stipulated in the decision to conditionally mitigate his punishment or under additional conditions to be defined; if the committee decides to continue his release, a new period of condition shall commence regarding the convict; in this matter the "new period of condition" – the period starting from the day of the committee's decision and lasting for the duration of the period of condition. A decision as noted shall not be issued for the same convict more than once.

(2) To order in its decision under Subsection (G) that the convict resume serving a term of imprisonment shorter than the period of condition; if the committee ordered that the convict serve an imprisonment term shorter than the period of condition – the period the convict did not serve, as per the committee's directive, shall be a conditional period that commences with the convict's release from the term of imprisonment he served, and shall be added to any other period of condition he has accrued.

(J) The committee's decision regarding the cancellation of mitigation of punishment is the legal equivalent of an imprisonment warrant for the convict.

(K) The provisions of Section 185(B) shall also apply to the cancellation of mitigation of punishment under this section.

(L) The provisions of subsections 296 (F) and 296 (G), with the required changes, shall apply to the proceedings under this section.

(M) Subject to the provisions of subsections (F) and (L), the convict shall be entitled to be present at any hearing before the committee under this section.

(N) In any matter of legal procedure that is not defined in this section, the committee shall adjudicate in a way it deems to be most effective in reaching a just and prompt decision on the matter.

(O) The committee is empowered, upon the request of the military commander's representative or the convict, to order a deferral of the decision's implementation for a period not to exceed 72 hours from the time of the decision; in this context, Sabbaths and holidays shall not be included in the hour count.

(P) A decision taken by the committee under this section may be appealed before an appeals committee to be appointed by the president of the military court of appeals (hereinafter in this section – "the appeals committee"); the appeals committee may consist of one member; an IDF officer with the rank of lieutenant colonel or higher, who is qualified to serve as a judge in the military court of appeals, shall be appointed as a member of the appeals committee.

(Q) The appeals committee shall be vested with all of the powers assigned to the committee.

(R) An appeals hearing under Subsection (P) shall be conducted in accordance with the directives of this section, with the required changes.

Chapter F – Rules of liability for an offense (187-208)



Order regarding Security Provisions

Definition

187. In this chapter –

"Offense" – an action, omission or attempt punishable under law or security legislation

Double jeopardy

188. (A) In this section –

"Action" – including omission.

(B) A person may not be tried for an action for which he was previously acquitted or convicted of an offense in a ruling issued by a military court in the Area, or a held area or by a court in Israel; but if the action caused the death of [another] person, he may be tried for this even if previously convicted of a different offense related to the same action.

Offenses committed partly within the Area and partly outside the Area

189. A person who commits any part of an action that would be considered an offense if committed entirely within the confines of the Area, and is committed partly within the confines of the Area and partly outside of the confines of the Area may be tried and punished, as if the entire action was committed within the confines of the Area.

Ignorance of the law or security legislation

190. Ignorance of the law or security legislation does not serve as justification for any action or omission that otherwise would constitute an offense unless it is explicitly stated that the offender's knowledge of the law or security legislation is one of the foundations of the offense.

Criminal liability of a minor

191. (A) A child shall not bear criminal liability for any action or omission.

(B) A person who committed an offense while he was a child, shall not be arrested or prosecuted in a military court for it.

Intention or motive

192. (A) Subject to the detailed directives in the law or in security legislation in regard to negligent actions or omissions, a person shall not bear criminal liability for an action or omission that occurred unintentionally, but due to an event that occurred by chance.

(B) Unless it is explicitly stated that the intention to cause a specific consequence is one of the elements of the offense which was committed entirely or in part by an action or omission, it is irrelevant whether or not the offender intended to cause this consequence by an action or omission.

(C) Unless it is explicitly stated otherwise, in all things pertaining to criminal liability, it is irrelevant what the motive is that drives a person to commit or omit or generate an intention.

Error in fact

193. A person who commits an action or does not commit it in the sincere and reasonable, though erroneous, belief in the reality of a certain state of affairs, shall not bear a greater extent of criminal liability for the action or omission than he would if the real state of affairs had been as he believed.

Assumption of lucidity

194. It is assumed that any person is of lucid mind and was of lucid mind at all possible times until proven to the contrary.

Insanity

195. A person shall not bear liability for an action or omission if at the time of committing the action or omission he was incapable of understanding what he did or of knowing that it was forbidden to commit the action or omission due to illness that impaired his lucidity. However, it is possible for a person to be criminally responsible for an action or

omission even if his lucidity is impaired by illness if this illness does not truly engender one of the consequences cited above in regard to the particular action or omission.

Drunkenness

196. (A) For the purposes of this section, “drunkenness” shall include a state created by the use of intoxicating drugs.

(B) Except for the stipulations in this section, drunkenness shall not serve as a defense against any charge.

(C) Drunkenness shall serve as a defense against any charge if while committing the action or omission for which he is charged, the defendant did not know due to his drunkenness that the action or omission was improper or did not know what he did, and also –

(1) If his state of drunkenness was caused, without his consent, by an act of malice or negligence by another person: or

(2) If, due to his drunkenness, the defendant was, at the time of committing the action or its omission, a state of insanity as defined in Section 195.

(D) In a case where a defense in accordance with Subsection (C) is proven, if the matter falls within the domain of Paragraph (1) of Subsection (C), the defendant shall be released, and if the matter falls within the domain of Paragraph (2) of Subsection (C), the provisions of Section 194 shall apply.

(E) Drunkenness shall be taken into account when determining whether the defendant had a special or other intention without which he would not be guilty of the offense he committed.

Compulsion

197. Except for an act of murder and offenses subject to capital punishment, any action committed by a person who was compelled to do it because of threats at the time of the action which provided reasonable grounds to fear that the person, at that moment, be killed or suffer severe injury if he did not surrender to the threats – is not an offense; under the condition that the person who committed this act did not willingly place himself in the situation in which he was subject to such compulsion.

Necessity

198. A defendant shall be forgiven for an action or omission that would otherwise be considered an offense, if he can show that the action was committed or omitted only in order to prevent consequences that were impossible to prevent otherwise, and if these consequences had occurred, they would have caused damage or serious injury to his own body or dignity or property, or the body or dignity of other persons, which he had to defend, or to assets entrusted to him; under the condition that in doing this he did not do more than what was reasonably necessary to do for this purpose, and under the condition that the damage or injury caused by his action or omission is not greater than the damage or injury he sought to prevent.

Justification

199. (A) A person shall not bear criminal liability for an action or omission if he committed or refrained from committing the action for one of the following reasons:

- (1) While carrying out security legislation or law.
- (2) While obeying an order issued by an "authoritative" authority he is obligated to obey according to security legislation, unless the order is patently illegal.

(B) The question of whether or not an order is patently illegal is a question of law.

Coercion by husband

200. A married woman is not exempt from criminal liability for committing or failing to commit a particular action only due to the fact that the action or omission was committed in the presence of the husband.

Principal offenders

201. (A) If an offense is committed, each of the following persons shall be regarded as if they partook in the commission of the offense and shall be held guilty of the offense, and it is possible to charge them with the commission of the offense:

- (1) Principal perpetrator - Any person who actually committed the action or one of the actions or who committed the omission or one of the omissions which constitute the offense;
- (2) Accomplice - Anyone who commits or refrains from committing a particular action in order to enable another person to commit the offense or in order to assist him in committing the offense;
- (3) Facilitator - Any person who aids another person in committing an offense, whether he is present at the time the offense is committed or is not present at the time the offense is committed.

A person is considered to have aided if he was present in the place where the offense was committed in order to overcome opposition or strengthen the decision of the real perpetrator of the offense or to ensure the execution of the offense that was about to be committed;

- (4) Advisor or inducer- Any person advising or soliciting another person to commit the offense, whether he is present or is not present at the time the offense is committed.

(B) In the case noted in Paragraph (4) of Subsection (A), it is possible to charge the person with commission of the offense or advising or soliciting its commission.

(C) When convicting a person for advising another person or soliciting him to commit an offense, this conviction entails all of the consequences involved in a conviction for committing the offense itself.

(D) Anyone who solicits another person to commit or refrain from committing an action, and had he committed the action or omission himself it would have constituted an offense on his part, shall be charged with the same type of offense and shall be subject to precisely the same punishment as if he himself had committed the action or omission.

Offenses committed to attain shared objective

202. When two or more persons create a shared intention to promote an illegal objective, and while promoting such objective an offense is committed or offenses of a type whose execution is a possible consequence of promoting

such objective, each of the persons present at the time when one of these offenses is committed shall be regarded as if he committed the offense or offenses.

The mode of execution is irrelevant

203. (A) When a person advises another person to commit an offense and the latter indeed commits an offense after receiving the advice, it is irrelevant whether the offense which was actually committed is the same offense he was advised to commit or a different offense, or whether the offense was committed in the mode he was advised to commit it or in a different mode; provided that for each of the aforementioned cases the facts constituting the offense actually committed are a possible consequence of carrying out the advice.

(B) In each of the aforementioned cases, the person who gives the advice shall be considered as having advised the other person to commit the offense that he actually committed provided that if a particular person solicited or advised another person in any way to commit an offense, and before it is committed he retracts and cancels the advice, he shall not be considered as having committed the offense if the offense is subsequently committed.

Attempts

204. Unless otherwise stipulated or implied by a statute all the provisions applicable to the commission of the entire offense shall also apply to an attempt to commit it.

Definition of attempt

205. (A) A person is regarded as attempting to commit an offense when he begins to carry out his intention to commit the offense via means appropriate for carrying out his intention, expresses his intention through an open act and does not carry out his intention to the point of completing the offense.

(B) It is irrelevant, except in regard to punishment, whether the offender does everything on his part to complete the commission of the offense or whether the complete execution of his intention was prevented by circumstances beyond his control, or if he refrained of his own accord from continuing to carry out his intention.

(C) It is irrelevant whether, due to reasons unknown to the offender, there was no actual possibility of committing the offense.

(D) A provision stipulating mandatory punishment or minimal punishment for an offense shall not apply to an attempt to commit it.

Attempts to solicit, seduce or incite to criminal act

206. A person attempting to solicit or seduce or incite another person to commit or not to commit, in the Area or elsewhere, an action or an omission of such type which if the action is committed or the omission occurs an offense would be committed according to law or according to security legislation by him or by the other person – he shall be charged of an offense of the same type and shall be subject to the same punishment as if he himself had attempted to commit the action or omission in the Area.

Offenses of corporation

207. If a corporation is convicted of an offense under the security legislation or the law, the person who was at the time of the offense the director or clerk of the corporation shall be regarded as guilty of the said offense unless proven that the offense was committed without his knowledge or that he took all reasonable measures to prevent the commission of the offense.

Burden of proof

208. A person charged with an offense under the security legislation bears the burden of proof that his matter is exempt, permitted or justified, or that he possessed a license, permit, approval or authorization.

Chapter G – Offenses (209-262)



Order regarding Security Provisions

Article A – Injury to person

Intentionally causing death

209. (A) A person who intentionally causes the death of another, shall be sentenced to death.

(B) A member of a group, in which one or more of its members commit or committed, while members of the group, an offense under this section shall be sentenced to life imprisonment.

Manslaughter

210. (A) A person who causes by illegal action or omission the death of a person, shall be charged with manslaughter and shall be sentenced to life imprisonment.

(B) An illegal omission is an omission amounting to criminal negligence in fulfilling an obligation, whether with the intention to cause death or bodily injury or without such intention.

Assault

211. (A) A person who illegally assaults shall be sentenced to imprisonment of five years, unless another punishment is stipulated in this order for the offense under the circumstances; if the assailant caused another person real injury – his sentence shall be seven years imprisonment;

(B) If an offense was committed in accordance with Subsection (A) when two or more persons were present who joined together to commit the act by one or more of them, each one shall be sentenced to ten years imprisonment.

Throwing of objects

212. A person who throws an object, including a stone –

(1) In a manner that harms or may harm traffic in a transportation lane shall be sentenced to ten years imprisonment;

(2) At a person or property, with the intent to harm the person or property shall be sentenced to ten years imprisonment;

(3) At a moving vehicle, with the intent to harm it or the person traveling in it shall be sentenced to twenty years imprisonment.

Article B – Offenses against personal liberty

Kidnapping

213. (A) A person who coerces a person through force or threats or entices him by deceptive means to leave the place in which he is located, is a kidnapper and shall be sentenced to ten years imprisonment.

(B) Anyone who takes another person out of the Area without his consent or that of the person empowered to consent for him, shall be sentenced to twenty years imprisonment.

(C) A person who kidnaps a person with the intention to have him unlawfully imprisoned shall be sentenced to twenty years imprisonment.

(D) A person who kidnaps a person knowing that the kidnapped shall be exposed to danger of life, or who kidnaps a person in order to extort or threaten, shall be sentenced to twenty years imprisonment.

(E) A person who removes a minor under the age of 16 or an insane person by enticement from the custody of their legal guardian without the consent of the guardian – shall be sentenced to twenty years imprisonment; a person who does so knowing that the kidnapped shall be exposed to danger of life, shall be sentenced to life imprisonment.

(F) A person who kidnaps a person so that he shall be subject to severe injury and a person who kidnaps a person knowing that the kidnapped person shall be exposed to severe injury, shall be sentenced to twenty years imprisonment.

(G) A person who illegally hides or imprisons a person knowing that he has been kidnapped shall be sentenced as if he kidnapped the person with the same intent, knowledge or goal which he had for hiding or imprisoning the person.

Unlawful imprisonment

214. (A) A person who unlawfully detains or imprisons a person, shall be sentenced to three years imprisonment; a person who does so, pretending to hold an official position or pretending that he had the power to detain or imprison him, shall be sentenced to five years imprisonment.

Article C – offenses against authorities of the Area

Harming a soldier

215. (A) For the purpose of this section –

“**Soldier**” - including a person vested with power of a soldier in accordance with security legislation.

(B) A person who assaults a soldier or is uses violence toward him – shall be sentenced to ten years imprisonment.

(C) A person who threatens a soldier shall be sentenced to seven years imprisonment.

(D) A person who insults a soldier or does any other act offending his honor or harming his position as a soldier – shall be sentenced to one year imprisonment.

Causing damage by negligence

216. A person who by negligence causes damage to the body of a soldier, a person employed in the service or mission of the IDF or one of its authorities or a person employed by the authorities which were appointed or empowered to operate in the Area by the IDF commander of the Area or a military commander – shall be charged with a an offense under this order.

Assault of public servant

217. A person who assaults a public servant or anyone fulfilling a duty or task conferred upon him in accordance with the law or security legislation, or anyone who provides or provided a service to the IDF or one of the IDF authorities, and the assault is connected to the assaulted person's being a public servant or fulfilling a duty or task or providing a service as noted – shall be sentenced to ten years imprisonment.

Disturbing a soldier

218. A person who disturbs a soldier in fulfilling his task or any person using power or executing any task awarded to him or imposed upon him by the security legislation, or holding a position related to public peace, security of the IDF forces, defense of the Area, maintenance of public order or provision of supplies or services to the public – shall be charged with an offense under this order.

Offending authority or symbol

219. A person who behaves in an insulting manner toward one of the IDF authorities in the Area or toward one of its symbols shall be charged with an offense under this order.

Sabotage to IDF installation

220. A person who carries out an act of sabotage to an IDF installation shall be sentenced to life imprisonment.

Damaging security property

221. (A) For the purpose of this section –

“security property” – property owned or used by one of those detailed in Section 2 of the Order regarding Local Courts (Status of IDF Authorities) (Judea and Samaria) (No. 164), 5728-1967.

(B) A person who by negligence causes damage to security property shall be charged with an offense under this order.

Offenses against public order

222. (A) A person shall not commit an act or omission which entail harm, damage, disturbance or danger to the security of the Area or the security of the IDF, or to the operation, use or security of one of the following: boat, airplane, port, platform, dock, harbor, airport, train tracks, waterway, road, dirt path, locomotive, vehicle, truck or any other means of public transport, or public communication or any factory, institution or equipment used or able to be

used for the manufacturing, supplying, storing, transporting, transfer or distribution of water, petrol, gas or electricity or any property of the state of Israel or of the IDF.

(B) A person shall not come near or be in the proximity of all property mentioned in Subsection (A) or enter it in order to commit any act prohibited under the same subsection.

(C) A person shall not be member of a group of which one or more members commit or committed, while members of the group, an offense under this section.

(D) A person who commits an offense under this section shall be sentenced to life imprisonment.

Interfering in IDF matters

123. (A) A person who commits any act for which there is reasonable ground to believe that it may prevent the IDF forces or persons engaged in providing essential services from executing their tasks shall be charged with an offense under this order.

(B) A person who knowingly commits an act intended to render a soldier, or person engaged in essential services, to be unqualified to efficiently carry out his task – shall be charged with an offense under this order.

Authority to receive information

224. A person who does not obey an order given by one of the authorities of the IDF or on its behalf to produce or show information or objects in his possession to an authority or person specified in the order shall be charged with an offense under this order.

Obligation to appear

225. (A) A person who does not obey an order given to him by one of the IDF authorities or on its behalf to appear at a place and time determined in the order shall be charged with an offense under this order.

(B) A person who does not obey a special summons delivered to him shall be sentenced to seven years imprisonment. For the purpose of this section, "special summons" - an order signed by an IDF officer commanding the person to whom the summons is directed to appear for interrogation at the place and time determined in the summons.

(C) A special summons shall be seen as having been delivered to a person by way of one of these:

(1) By personal delivery to him;

(2) Delivered to a family member residing with him and who appears to be at least eighteen years of age, in addition to the publication of such notice at the coordination and liaison offices in the district of his registered residence, and the delivery shall be regarded as having been done thirty days after completion of these actions - unless proven that the summons did not reach his attention.

False information

226. A person who makes a false declaration to one of the IDF authorities or makes a misrepresentation before it or uses before it a document containing a false detail shall be charged with an offense under this order.

Evading payment obligation

227. A person intending to evade an obligation imposed in accordance with law or security legislation to pay an amount of money to one of the IDF authorities, who commits one of the following acts shall be sentenced to five years imprisonment:

- (A) Omits from a document which he is obliged to submit in accordance with law or security legislation any amount that must be included in the document;
- (B) Provides in a document he is obliged to submit in accordance with law or security legislation a false statement or record;
- (C) Provides a false answer, orally or in writing, to a question asked or about an information request directed to him in accordance with law or security legislation;
- (D) Prepares or organizes, or permits to prepare or to organize, false financial records or other false lists, or forges or permits to forge financial records or lists;
- (E) Uses any deception, guile or ruse, or allows for them to be used.

Article D – Obstruction of judicial proceedings

Obstruction of judicial proceedings

228. (A) A person who does anything with the intention to obstruct or defeat a judicial proceeding or to engender a distortion of justice, whether by frustrating the summoning of a witness, by concealing evidence, or in another manner, shall be sentenced to three years imprisonment; for this purpose, “judicial proceeding” – including a criminal investigation and the execution of a court directives.

(B)

(1) A person who induces, or tries to induce, another person to refrain from providing a statement or to provide a false statement or to retract a statement in an investigation conducted in accordance with law or security legislation, shall be sentenced to five years imprisonment;

(2) A person who induces or attempts to induce as stipulated in Paragraph (1) by fraud, deception, force, threats, intimidation, granting a benefit or any other improper means, shall be sentenced to seven years imprisonment.

(C)

(1) A person who induces, or tries to induce, another person to refrain from testifying or to provide false testimony or to retract testimony or a statement made in a judicial proceeding, shall be sentenced to seven years imprisonment.

(2) A person who induces or tries to induce as stipulated in Paragraph (1) by fraud, deception, force, threats, intimidation, granting a benefit or any other improper means, shall be sentenced to nine years imprisonment.

(D) Subsections B(1) and C(1) shall not apply to an action aimed at informing a person of his legal right to refrain from testifying or providing a statement, or an action lawfully performed in the course of a trial or investigation.

(E) In an indictment for preventing a statement or testimony or retracting a statement or testimony under subsections B(1) and C(1), the defendant shall have a defense if he proves he carried out the action in order to reveal the truth or prevent a falsehood.

(F) A person who harasses someone in regard to a statement the latter provided, or is about to provide, in an investigation conducted in accordance with law, or in regard to testimony he provided, or is about to provide, in a judicial proceeding, shall be sentenced to three years imprisonment.

(G) If an offense is committed under subsections (B), (C) or (F) when the offender is carrying a firearm or cold arm, or when two or more persons were present who joined together to commit the action by one or more of them, each of them shall be sentenced to –

(1) an offense under Subsection B(1) – imprisonment of seven years;

(2) an offense under Subsection B(2) – imprisonment of ten years;

(3) an offense under Subsection C(1) – imprisonment of ten years;

(4) an offense under Subsection C(2) – imprisonment of fourteen years;

(5) an offense under Subsection (F) – imprisonment of five years.

(H) A person who fabricates evidence, not through false testimony or by seducing someone to provide false testimony, or who knowingly makes use of such fabricated evidence, all with the intention of deceiving a court in a judicial proceeding, shall be sentenced to five years imprisonment.

Contempt of court

229. A person who says or writes something about a judge pertaining to his position with the aim of harming his standing, or who publishes words of calumny against a judge in order to cast suspicion upon him or to disparage his ways of adjudication, shall be sentenced to three years imprisonment; however, honest and polite criticism of the quality of the judge's decision in a matter of public interest shall not be an offense under this section.

Article E – Offenses regarding weapons and war equipment

Carrying, holding and manufacturing weapons

230. (A) In this article –

"firearm" – A weapon of any type that is capable of killing and from the barrel of which it is possible to fire a bullet or slingshot. And this term includes each part, accessory and ammunition of such firearm installed or adapted to

reduce the noise or flash caused by firing the firearm; and additionally a firearm adapted to discharge material intended to harm a person, including a part, accessory and ammunition of said firearm and including a container holding or adapted to hold the aforementioned material, regardless of whether or not the firearm was fit for use at the time the offense was committed.

“weapon” – A firearm, ammunition, bomb, hand grenade, or explosive or combustible object.

(B) A person who carries holds or manufactures a weapon without a permit from a military commander or on his behalf, or not in accordance with the conditions of the permit shall be sentenced to life imprisonment.

(C) A military commander is empowered to determine, in an announcement to be published on his behalf, general conditions which shall apply to everyone who received the permit aforementioned in Subsection (B).

Membership in a group committing illegal actions

231. A member of a group in which one or more of its members, commit or committed, while members of the group an offense under Section 230 shall be sentenced to life imprisonment.

Deposit of firearms, explosives, etc.

232. (A) A person who carries or holds in his possession a weapon in accordance with a permit from a military commander or on his behalf, and the permit expires or is annulled by the issuer, must bring it immediately to the nearest police station and deposit them there; weapons deposited shall be disposed of as ordered by a military commander.

(B) A person who commits an offense under this section shall be sentenced to ten years imprisonment.

Commerce in war materiel

233. (A) In this section-

“War equipment” – weapons whether they be suitable for use or unsuitable for use, auxiliary equipment for aiming or repairing weapons, military clothing or any equipment that was the property of an army or was held by an army or used for the purposes of an army, including parts of such equipment;

“Commerce”– purchase, sale, mediation, delivery, storage, transportation, transfer, shipment or repair.

(B) A person who trades or otherwise engages in war equipment without a permit signed by the IDF Commander of the Area or on his behalf shall be sentenced to life imprisonment.

(C) A person who knows that another person is about to violate or has violated this order and does not inform an officer or one of the police stations in the Area within a reasonable period of time shall be sentenced to ten years imprisonment.

Offenses concerning military equipment

234. (A) In this section –

“military equipment” - weapons, clothing, tags, uniforms, personal equipment of soldiers or pieces of equipment provided for the use of the IDF or IDF property or property legally awarded to the IDF or within the IDF supplies or brought to the Area for its use.

(B) A person shall not hold military equipment without a permit or reasonable explanation which he must prove.

(C) A person shall not purchase, exchange, hold in his possession and shall not receive military equipment from a soldier or on behalf of a soldier or in his name and shall not ask, move or assist the soldier to sell or transfer from his possession military equipment in any manner.

(D) A person shall not knowingly and illegally remove military equipment from the possession of the army.

(E) A person who commits an offense under this section shall be sentenced to ten years imprisonment.

Article F – Offenses regarding property

Arson

235. A person setting fire to any object with the intention to cause damage to property or to one of the following:

(1) A building or any structure, whether completely built or not completely built, or any part thereof;

(2) A vehicle, including motorized, or any part of it;

(3) Agricultural field and any stockpile of plants, including standing plants, seedlings and bushes;

(4) A reserve of mineral or plant fuel;

(5) Material or anything located in a building or under or on it, whether the building was set on fire or not; shall be sentenced to ten years imprisonment.

Malicious damage to property

236. (A) A person who destroys property or willfully and unlawfully damages it – shall be charged with an offense under this order if no other punishment is stipulated under the circumstances.

(B) A person who commits an offense as noted in Subsection (A) against the property of a public servant or a person fulfilling a duty or job assigned to him in accordance with the law or security legislation or a person who provides or provided a service to the IDF or one of the IDF authorities, and the destruction of the property or its damage is connected to it being the property of a public servant or a person fulfilling a duty or a person providing a service as noted shall be sentenced to ten years imprisonment.

Article G – Espionage or contact with an enemy or hostile organization

Prohibition of contact with an enemy

237. A person shall not come into contact, either by physical contact, writing, verbally, or in any other manner with a person against whom there is a reasonable grounds to assume that he is acting for the enemy, whether in service of the enemy or in another manner.

Prohibition of military training and contact with hostile organization outside the Area

238. (A) In this section -

“Hostile organization” – a person or any group of persons whose aim it is to harm public security, IDF forces or the public order in Israel or in a held area;

“Contact with a hostile organization” – including contact with a person who can reasonably be assumed to be operating on behalf of a hostile organization or in its service, regardless of whether the contact is conducted with the hostile organization alone or with a body in which the hostile organization participates or takes part in its decisions.

“Resident of the Area” – includes a resident of a held area.

(B) A resident of the Area who leaves it shall not undergo weaponry or sabotage training and shall not knowingly engage in contact with a hostile organization during his stay outside of the Area.

(C) A person who enters the Area, regardless of whether or not he is a resident of the Area, must immediately inform the nearest police station about weaponry or sabotage training he underwent outside of the Area, as well as any contact in which he knowingly engaged with a hostile organization during his stay outside of the Area.

(D) Pleas of necessity and compulsion shall not be heard on behalf of the defendant as a defense against a charge of committing the offenses in Subsection (B) unless the defendant reported the training or contact at a police station in the Area immediately upon his return to the Area.

(E) Anyone who violates the directives of this section shall be sentenced to ten years imprisonment.

Espionage

239. (A) A person who transfers information and thereby intends to harm the security of the Area shall be sentenced to fifteen years imprisonment.

(B) A person who obtains, prepares, records or holds information and intends to harm the security of the Area shall be sentenced to ten years imprisonment.

Serious espionage

240. (A) In this section –

“classified information” – Information of which the content, form or storage arrangements indicate that the security of the Area necessitates keeping it secret.

(B) A person who transfers classified information without being empowered to do so, shall be sentenced to fifteen years imprisonment.

(C) A person who transfers classified information without being empowered to do so and intends to harm the security of the Area shall be sentenced to life imprisonment.

(D) A person who obtains, collects, prepares, records or holds classified information without being empowered to do so, shall be sentenced to seven years imprisonment. If he intends to harm the security of the Area, he shall be sentenced to fifteen years imprisonment.

(E) It shall be a valid defense for a person accused of a an offense under Subsection (D) that he did nothing illegal to obtain the information which is classified, and that he obtained it, collected it, prepared it, wrote it or held it in good faith and for a reasonable objective.

Information of military value

241. (A) A person who without legal power obtains or records or transfers to another person or publishes or holds a certificate or note containing information supposedly referring to the following: the numbers, descriptions, arming, supplies, location, movement or positioning of IDF forces, their vehicles, air or sea crafts, their ongoing or future operations, or their prisoners or any of their war equipment, or any defense means or fortifications of any place, or any other information of military value or supposedly of such value – shall be sentenced to fifteen years imprisonment.

(B) Without detracting from the provisions of Subsection (A) as pertaining to a person who transfers to any other person or publishes classified information, a person who gives or sends a sign of any type or an announcement by any means, or comes into contact with another person in a manner, under circumstances or by means through which he may transfer information shall be regarded as if he actually transfers information as noted in Subsection (A) to another person.

Entry into restricted area

242. (A) In this section –

“restricted area” – an area held by the IDF or serving a security purpose or used for essential services.

(B) A person who enters a restricted area, attempts to penetrate it, stays in it, attempts to inspect its structure or utilization, or without plausible explanation wanders in the proximity of the area without being empowered to do so, and further a person who attempts to disturb or deceive a sentry or guard responsible for the restricted area, shall be sentenced to ten years imprisonment.

Article H – Offenses against public order and thuggery

Masquerading

243. A person who uses a costume in circumstances in which the use of the costume may harm public peace, or the security of the IDF forces or the defense of the Area or the maintenance of public order shall be sentenced to imprisonment not to exceed five years.

Impersonation

244. A person who is not a public servant and impersonates a public servant shall be charged with an offense under this order.

Provision of shelter

245. A person shall not help and shall not provide shelter to any person who committed an offense under the security legislation or who is or was engaged in any action aimed at harming public peace, the well-being of the IDF and the maintenance of public order, or if there is a reasonable basis to suspect that he did so, whether by providing information, shelter, food, drink, money, clothes, weapons, ammunition, supplies, animal feed, means of transport, oil or fuel of any sort or in another manner.

Tools or means for committing a crime

246. (A) A person who gives a person tools, materials, money, information or any other means, when he knows that it may serve, directly or indirectly, for committing a crime or facilitating its commission – shall be sentenced to five years imprisonment.

(B) For the purpose of this section, it is irrelevant whether the thing is given permanently or temporarily, for consideration or for no consideration, and whether or not a crime is committed.

Actions against public order

247. A person who commits an act which harms or may harm public peace or public order shall be charged with an offense under this order.

Knives

248. (A) For the purpose of this Section –

“Knife” – a tool with a blade or another tool capable of stabbing or cutting;

“Penknife” – a fold-up knife the blade of which does not exceed 10 cm and which cannot be converted, through a spring or other means, into a knife with a permanent blade.

(B) A person who trades, manufactures or imports a knife not intended to serve a professional purpose, a craft, business or domestic need or any other legitimate purpose shall be sentenced to seven years imprisonment.

(C) A person who holds a knife outside of his home or yard and does not prove that he holds it for a legitimate purpose shall be sentenced to five years imprisonment; for the purpose of this subsection it shall be assumed that possession of a penknife is for a legitimate purpose.

Threat

249. A person who threatens another person to cause him bodily harm, or damage to his reputation or property or to the body or reputation of a person for whose property or honor said person is responsible – with the intention to cause the person to do an act he is not obligated to do in accordance with the law, or to desist from doing any act he is entitled to do in accordance with the law; or a person who threatens in a similar manner and with a similar intention persons in general or persons of a certain type or gender – shall be charged with an offense under this order.

Threats and insults

250. A person who threatens a person or insults him in a manner which may harm public peace or public order – shall be sentenced to one year imprisonment.

Incitement and support of hostile organization

251. (A) For the purpose of this section -

“**Hostile organization**” – as defined in Section 238 or an unlawful association as defined in Regulation 84 of the Defence (Emergency) Regulations, 1945.

(B) A person who:

(1) Attempts, orally or otherwise, to influence public opinion in the Area in a manner which may harm public peace or public order, or

(2) Carries out any action or holds in his possession any object with the intention of executing or facilitating the execution of an attempt to influence public opinion in the Area in a manner which may harm public peace or public order, or

(3) Publishes words of praise, sympathy or support for a hostile organization, its actions or objectives, or

(4) Carries out an action expressing identification with a hostile organization, with its actions or its objectives or sympathy for them, by flying a flag, displaying a symbol or slogan or playing an anthem or voicing a slogan, or any similar explicit action clearly expressing such identification or sympathy, and all in a public place or in a manner that persons in a public place are able to see or hear such expression of identification or sympathy – shall be sentenced to ten years imprisonment.

Article I – Offenses regarding documents

Prohibition on issuing identification documents

252. A person shall not draft, print, issue or give to another person a certification or other document purporting to serve as identification of a person, without permission from the Commander of IDF Forces in the Area.

Offenses regarding permits and documents issued in accordance with security legislation

253. (A) A person holding a permit shall present it at the demand of a soldier.

(B) A person shall not violate any condition determined in a permit.

(C) A person shall not alter and shall not allow another person to alter any document issued in accordance with security legislation without permission from the Commander of IDF Forces in the Area.

(D) A person shall not use and shall not allow another person to use an aforementioned document to which changes were made in contravention to Subsection (C).

(E) A person shall not lend a document issued in accordance with security legislation.

(F) A person shall not hold in his possession or his control any document similar to a document issued in accordance with security legislation, if it can mislead.

(G) A person shall not hold in his possession or his control a document issued in accordance with security legislation which is not made out to his name, with an intention to deceive.

(H) For the purpose of subsections (B) to (G) – an act committed outside of the Area shall be regarded as if committed in the Area.

Article J – Conspiracy and accessories after the fact

Conspiracy

254. (A) A person who conspires with another person to commit an offense punishable by imprisonment of more than three years shall be subject to imprisonment in accordance with the punishment stipulated for that offense, provided that the punishment imposed on him does not exceed seven years imprisonment.

(B) A person who conspires with another person to commit an offense punishable by no more than three years of imprisonment, shall be sentenced to imprisonment of two years or the punishment stipulated for that offense, whichever constitutes the lighter punishment.

(C) A person who conspires with another person to attain any of the following objectives:

(1) To prevent or hinder the execution or implementation of any law or security legislation; or

(2) To cause any damage to the body or reputation of any person or to diminish the value of the property of any person; or

(3) To prevent or disturb the free and legal transfer of any property by the owner of the property in exchange for its appropriate value; or

(4) To harm any person in his commerce or profession; or

(5) To prevent or hinder the free involvement and training of any person in his commerce, in his profession, or in his occupation, by any action or actions that, were they committed by another person, would constitute an offense on his part; or

(6) To attain any illegitimate objective; or

(7) To attain any legitimate objective through illegitimate means.

shall be subject to imprisonment of two years.

Accessories after the fact

255. (A) If not stipulated otherwise in security legislation, any person, except for the father, the mother, the son, the daughter, the husband or the wife of the offender, who knows that an offense was committed by another person, and receives such person, or aids him to escape punishment, shall be considered as an accessory to the offense after the fact.

(B) A person found guilty of an offense stipulated in Subsection (A) who is convicted shall be subject to punishments as follows:

(1) If the offense which was committed by the person who was received or aided subjects the offender, if convicted, to death penalty or a prison sentence of more than three years, he shall be punished by imprisonment not to exceed three years;

(2) If the offense subjects the offender, if convicted, to a prison sentence of three years or less – he shall be punished by imprisonment not to exceed one half of the prison term that the offender is subject to for the offense.

Accessory after the fact

256. A person considered an accessory after the fact may be charged and convicted of an offense regardless of whether or not the offender himself was convicted before of the same offense to which he was an accessory, and regardless of whether or not it is possible to initiate proceedings against him and to enforce any punishment imposed on him for this offense, and it is possible to charge any such person with this offense, either alone or together with the actual offender, or together with all other accessories after the fact.

Article K – Various offenses

Escape from custody

257. A person who escapes from custody in which he is legally held shall be charged with an offense under this order.

Offenses regarding bribes

258. (A) In this section -

(1) "Benefit" – money, equivalent of money, service or other benefit;

(2) "To receive" – including to receive for another or by another person, directly or indirectly.

(B) A public servant who takes a bribe for an action pertaining to his position, shall be sentenced to seven years imprisonment.

(C) A person who gives a bribe shall be sentenced as the one receiving it. A person who offers or promises a bribe even if rebuffed shall be sentenced as if he gave a bribe.

(D) A person who receives a benefit in order to give a bribe to a public servant – shall be charged with a an offense under this order, regardless of whether the bribe was given to him or to another person on account of his mediation, whether it was not given, and whether or not he intended to give a bribe.

(E) A person who receives a bribe in order to induce, by himself or by another person, directly or indirectly, a public servant to an act, omission, suspension, acceleration or deceleration, preferential or discriminating treatment shall be charged with an offense under this order.

(F) A person who gives a benefit to a recipient to whom the aforementioned in subsections (D) or (E) applies shall be sentenced as the person giving the bribe.

(G) In regard to bribery, it is irrelevant:

(1) In what form the benefit is given;

(2) Whether it is for an act, omission, suspension, acceleration, deceleration, preferential or discriminating treatment;

(3) Whether it is for a specific act or in order to foster preferential treatment in general;

(4) Whether it is for an act of the taker himself or his influence on the act of another person;

(5) Whether it is given by the giver or through another person; if it is given to the taker or to another person for the taker; if in advance or after the event; and if the beneficiary of the bribe is the taker or another person;

(6) Whether the task of the taker is one of power or service; whether it is permanent or temporary or whether general or for a specific matter; whether its exercise is paid or unpaid, whether voluntary or in fulfillment of an obligation.

H) In a trial of an offense under this section, the military court is empowered to convict on the basis of one testimony, even if this is the testimony of an accessory.

Prohibition on payment of wages to security offender

259. In this section –

“Public authority” – Any local authority in the Area, and any corporation or institution whose budget is financed, in its entirety or in part, from the funds of the Area’s military command.

“Security offense” – Any offense stipulated in security legislation, and any offense in contravention of emergency legislation as defined in the Order regarding Interpretation (Additional Directives) (No. 5) (Judea and Samaria) (No. 224), 5728-1968, punishable by five years or more of imprisonment.

“Security offender” – A person who is incarcerated in a prison facility after being tried in a military court for a security offense, and a person detained in accordance with this order as a suspect of such an offense.

“Wages” – Including salary, pension and any payment or compensation or benefit provided in exchange for work or pertaining to it, as well as any part of them, with the exception of any sum lawfully deducted after the defining day for transfer to a pension fund from the salary of a person who worked in a public authority.

(B) A person shall not pay wages and shall not approve the payment of wages to a security offender, or to someone acting on his behalf, from the coffers of a public authority, or from a fund affiliated with it or from funds to which the public authority is entitled, or from donation assets awarded to the public authority, if the commander of the Area so directs in an order.

(C) A person shall not pay wages and shall not approve the payment of wages from the coffers of a public authority, or from a fund affiliated with it or from funds to which the public authority is entitled, or from donation assets awarded to the public authority, to a person who has stopped working at a public authority in practice, or to someone acting on his behalf, if a military commander informs the public authority that he is suspected of committing a security offense.

(D) A person who violates the provisions of this section shall be sentenced to five years imprisonment.

Perjury and contradictory testimonies

260. (A) A person who knowingly provides false testimony in any proceeding before a military court shall be sentenced to five years imprisonment.

(B) A person who knowingly provides false testimony before any person empowered in accordance with the law or security legislation to take testimony, shall be sentenced to two years imprisonment.

(C) A person who makes statements and gives testimonies in the same matter before a person empowered to conduct an investigation according to Section 70 or before a military court, and his statements and testimonies contradict each other in a question of fact which is substantial with regard to that matter, and does so with the intention to deceive shall be sentenced to three years imprisonment.

(D) The protocol of a military court hearing and a statement lawfully recorded in an investigation shall serve as prima facie evidence for the words said by the witness before them.

(E) In this section –

Testimony – Regardless of whether or not it was given under oath or by affirmation that it is true or without such

Non-prevention of an offense

261. A person who knows or who has reasonable grounds to suspect that another person is committing or planning to commit an offense of the law or the security legislation, punishable by more than three years imprisonment, and does not immediately provide notice of this to a military commander or the nearest police station or to any IDF officer, or does not act in another reasonable manner to prevent the offense, or its continuation or completion – shall be charged with a an offense under this order.

Bringing animals to certain zones

262. (A) In this section –

“closed zone” – as defined in Section 318 and further any area closed by a military commander for the purpose of this section.

(B) A person shall not hold, or herd or lead animals into a closed zone, he shall not bring them inside of it and shall not permit another person to do the aforementioned without a permit from a military commander; however, the owners of the animal shall not be convicted in accordance with this section for the action of another person if he proves that he took all reasonable measures for the said person not act in the aforementioned manner.

(C) Any soldier or empowered authority appointed for such is empowered to confiscate an animal if they have reason to think that an offense under this section was committed regarding it, in order to transfer the animal to a place determined by a military commander.

(D) An animal seized in accordance with this section shall be dealt with in accordance with directives to be published by an IDF commander of the Area.

(E) The owners of the animal seized in accordance with this section , or anyone who held the animal at the time of his confiscation, shall be obliged to pay expenses for confiscating and holding the animal, in accordance with the directives of the IDF commander of the Area.

Chapter H – Legal aid (263-270)



Order regarding Security Provisions

Investigation of cause of death

263. If a person dies in the Area and there is grounds for fear that the cause of his death was not natural or that his death was caused by an offence, and if a person dies in the Area while under arrest or imprisonment, a police officer or an officer of the military police is empowered to order the transfer of his corpse to Israel for the purpose of determining the cause of death.

Confiscation and destruction of property

264. A military commander is empowered to exercise his powers under Regulation 119 of the Defense (Emergency) Regulations, 1945 regarding a home, structure or land situated in the Area, also due to an act committed outside of the Area which, had it been committed in the Area, would have enabled the exercise of his powers under the aforementioned regulation.

Executing arrest

265. (A) If an arrest warrant or an arrest warrant is issued against a person by virtue of security legislation, his arrest and detention may be executed in Israel in the same manner that an arrest warrant or an arrest warrant is executed in Israel.

(B) If a person is lawfully arrested in the Area due to an action or attempt committed in Israel or in a held Area and punishable by law or security legislation in force in the area where it was committed, he may be held in detention in Israel or in a held Area, as if arrested in Israel or in a held Area, as the case may be.

Executing imprisonment

266 (A) The punishment of a person tried and sentenced by a military court may be executed in Israel, if not formerly executed in the Area, in the same manner that punishment imposed by a court in Israel is executed, and subject to all security legislation.

(B) A resident of a held area sentenced to imprisonment by an empowered court in the Area may be transferred from the Area to the held area to serve or complete his prison term.

Executing order of arrest or imprisonment

267 (A) If an arrest warrant, an arrest warrant, an imprisonment order, a subpoena or any other directive is issued in Israel against a person and serves as authorization for his arrest or detention according to Israeli statute, except for an order issued by the Israeli execution office, he may be arrested on the basis of these if present in the Area, in the same manner that arrest warrant or arrest warrant are executed in the Area.

(B) If a resident of the Area is tried and sentenced to imprisonment by a court in Israel, his punishment may be executed in the Area, if not formerly executed in Israel, in the manner in which prison sentences imposed by a military court are executed in the Area; however, the provisions of Israeli law regarding early release, concurrent prison terms, the order of serving criminal prison sentence, transfer of mentally impaired prisoners, discharge of sick prisoners and amnesty shall continue to apply to him.

(C) If, in a held area, an arrest warrant, an arrest warrant, an imprisonment order, a subpoena or any other directive is issued against a person and serves as authorization for his arrest or detention according to law or security legislation applicable, he may be arrested on the basis of these if present in the Area, in order to be transferred to that held area.

(D) A resident of the Area sentenced to imprisonment by an empowered may be held in a detention facility.

Minors

268. (A) If a court in Israel orders that a resident of the Area who is a minor be held in a locked facility or orders the implementation of one or more of the means and methods of treatment set in Israeli youth legislation, the order may be executed in the Area, if not formerly executed in Israel, in the same manner in which a similar order issued by a court of law in the Area is executed; however, the provisions of the Israeli law regarding the transfer, custody of a minor by a foster family, remand in custody in a facility, duration of custody, a parole board, release from a facility, leave, return and amnesty shall continue to apply.

(B) In regard to Subsection (A), any place in the aforementioned Israeli legislation in which the director of the facilities or minister of labor and social welfare is mentioned shall be replaced by the staff officer for social welfare in the Area or a person empowered by him.

(C) If a court in Israel issues a probation order for a resident of the Area who is a minor, the order may be executed in the Area, if not formerly executed in Israel, in the same manner in which a probation order issued by a court of law in the Area is executed.

Transfer

269. In order to execute an arrest and punishment under this article, a soldier is empowered to transfer a person as stipulated in section 265 to 267 to a police station or a lawfully operated detention facility in Israel or in a held area, as the case may be.

Transfer of detainees and prisoners to the Palestinian council

270. (A) **"Prisoner"** – a person who has been tried and sentenced to imprisonment by an empowered court in the Area;

"Detainee" – a person against whom an arrest warrant or arrest warrant has been issued by an empowered authority in the Area;

(B) The Commander of IDF Forces in the Area is empowered to order, in writing, the transfer of a prisoner to the Palestinian Council, in order to serve the rest of his prison term in the territories of the Council; if a prisoner is so transferred, the Palestinian Council shall have all of the powers pertaining to the execution of his imprisonment, including in the matter of early release and amnesty.

(C) The Commander of IDF Forces in the Area is empowered to order, in writing, the transfer of a detainee to the Palestinian Council.

(D) The Commander of IDF Forces in the Area is empowered to stipulate conditions for the transfer of a prisoner or detainee under this section.

(E) (1) If a prisoner who was transferred to the Palestinian Council in accordance with Subsection (B) is released before serving his full term of imprisonment, he shall be regarded as a prisoner whose sentence was reduced on the condition that he remains in the Area until the end of the term of his imprisonment, and the provisions of Article K of Chapter E shall apply to him, with the required changes.

(2) The provisions of Paragraph (1) do not in any way detract from the authority of the commander of the IDF forces in the Area or a person so empowered by him to issue any directive pertaining to the departure of a prisoner from the Area as noted above.

Chapter I - Administrative Orders (271-315)



Order regarding Security Provisions

Article A - Administrative Detention

Effect

271. The provisions of this article take effect provided that the provisions of Article V of this chapter apply.

Restriction on use of powers

272. A military commander shall not apply authority in accordance with this article unless it is deemed necessary by him for imperative reasons of security.

Administrative detention

273. (A) If the commander of the Area has reasonable grounds to believe that reasons of regional security or public security require that a certain person be held in detention, he is empowered, by an order signed by him, to order the detention of a person for a period to be noted in the order not to exceed six months.

(B) If the commander of the Area has a reasonable grounds to believe, prior to the expiration of the order in accordance with Subsection (A) (hereinafter in this section- the original detention order), that reasons of regional security or public security still require the retention of the detainee in detention, he is empowered, through an order signed by him, to order from time to time the extension of the original detention order for a period not to exceed six months, and the same provisions as apply to the original detention order shall apply to the extension order.

(C) If a military commander has reasonable grounds to believe that the conditions stipulated in Subsection (A), whereby the commander of the Area may order the detention of a person, apply, he is empowered, through an order signed by him, to order the detention of that person, for a period not to exceed 96 hours and not extendible through order of the military commander.

(D) An order in accordance with this section may be issued in absence of the person whose detention it involves.

Execution

274. A detention order in accordance with this chapter shall be executed by a soldier or policeman and warrant the incarceration of the detainee in a place of detention as stipulated in the detention order or in a later order.

Judicial review

275. (A) If a person is detained by order of the commander of the Area in accordance with this article, he shall be brought within 96 hours of his detention, and if he was just previously held in detention by order of the military commander – within 96 hours of his detention by order of the military commander – before a judge as defined in Section 11(A)(1) of this order (hereinafter – judge), and the judge is empowered to approve the detention order, cancel it or reduce the detention period; if the detainee is not brought before a judge and a hearing is not initiated in his presence within 96 hours as stipulated, the detainee shall be released, unless there is an additional reason for his detention in accordance with any law or security legislation.

(B) The judge shall cancel the detention order if he is convinced that the reasons for which it was issued were not relevant reasons to do with regional security or public security, or that it was issued not in good faith or by unlawful considerations.

Periodical review

276. If a detention order is approved in accordance with this chapter, with or without changes, a judge shall hear the matter of the detention anew no later than three months after the approval of the detention in accordance with Section 275, or after a decision is issued in accordance with Section 275 or after a decision is issued in accordance with this section or within a shorter period as determined by the judge in his decision, so long as the detainee is not released; if the hearing does not begin before a judge within the stipulated period, the detainee shall be released, unless there is an additional reason for his detention in accordance with any law or security legislation.

Deviation from rules of evidence

277. (A) In proceedings in accordance with sections 275 and 276, it is possible to deviate from the rules of evidence if the judge is convinced that this shall be expedient in establishing the truth and conducting a just trial.

(B) When decided upon deviation from the rules of evidence, the reasons for this decision shall be noted.

(C) In proceedings in accordance with sections 275 and 276, the judge is empowered to accept evidence even in absence of the detainee or his representative or without disclosing it to them if, after examining the evidence or hearing the pleas, even in absence of the detainee and his representative, the judge is convinced that disclosing the evidence to the detainee or his representative may harm regional security or public security. This provision does not detract from any right to withhold evidence in accordance with Section 87 of this order.

Appeal

278. (A) A decision by a judge to approve a detention order, with or without changes, to cancel or alter it, as well as a decision in accordance with Section 276, can be appealed before the president of the military court as stipulated in Section 11(A)(2); or before the acting president as stipulated in Section 11(A)(3) the president of the court and the acting president shall hold all the powers awarded to a judge in accordance with this chapter.

(B) The appeal shall not delay execution of the order, unless a judge or president of the military court decrees otherwise.

Presence

279. Subject to the aforementioned in Section 277(C), the detainee is entitled to be present at any hearing in accordance with sections 275, 276 and 278.

In camera

280. The hearing of proceedings in accordance with this article shall be conducted in camera.

Rules of procedure

281. The commander of the Area is empowered to promulgate regulations for the execution of this article, including regulations to determine the rules of procedures in proceedings under this article and the appointed time for the submission of appeal and any other action under this article.

Prohibition of delegation

282. The powers of the commander of the Area under this article may not be delegated.

Canceling of order by the commander of the Area

283. The provisions of this article do not detract from the authority of the commander of the Area to cancel a detention order issued in accordance with these sections, whether prior to its approval in accordance with Section 275 or subsequently.

Article B- Administrative detention- temporary order

Temporary order

284. (A) By the powers vested in me as Commander of IDF Forces in the Area, and judging that due to the special circumstances prevailing in the Area today, it is necessary in order to maintain public order and regional security to proceed temporarily not in accordance with the principles of administrative detention stipulated in Article A of this Chapter, I hereby decree that the provisions of Article A of this chapter shall not apply to a detention order to which the provisions of this article apply.

(B) The provisions of this article shall remain in effect until a different directive is issued by the commander of the IDF in the Area.

(C) Notwithstanding the stipulation in Subsection (A), the Regulations regarding Administrative Detention (Conditions of Detention in Administrative Detention) (Judea and Samaria), 5742-1981 shall apply to the detention of detainees in the Area by virtue of this article.

Administrative detention

285. (A) If the Commander of IDF Forces in the Area or a military commander empowered by him for the purpose of this section (in this article: "military commander") has reasonable grounds to believe that a certain person must be held in detention for reasons to do with regional security or public security, he is empowered, through an order signed by him, to order the detention of that person for a period of time to be specified in the order, not to exceed six months (in this article: "detention order").

(B) If a military commander has reasonable grounds to believe, prior to the expiration of the detention order issued under Subsection (A) that reasons pertaining to regional security or public security still require the detention of the person, he is empowered, through an order signed by him, to order from time to time the extension of the validity of

the original detention order for a period not to exceed six months and the provisions applicable to the original detention order shall apply to the extension order.

(C) A detention order under this article may be issued in absence of the person to whose detention it applies.

Execution of detention

286. (A) A detention order issued under this article shall be executed by a soldier or policeman, and shall serve as the authorization for the incarceration of the detainee.

(B) If the place of detention is not cited in the detention order, the detainee shall be held in custody in one of the following places:

(1) A detention facility or prison facility as defined in security legislation;

(2) A prison, as defined in the Prisons Ordinance [New Version], 5732-1971, as in force in Israel;

(3) A military prison as defined in the Military Adjudication Law, 5715-1955, as in force in Israel.

Judicial review

287. (A) A person detained under this article shall be brought within eight days of his arrest before a judge whose rank is no lower than the rank of major. The judge is empowered to approve the detention order, to cancel it or to reduce the stipulated period of detention;

If a detainee is not brought before the judge and a hearing is not initiated within eight days as noted, the detainee shall be released, unless there is another reason to detain him under any law or security legislation.

(B) The judge shall cancel the detention order if he is convinced that the reasons for which it was issued were not relevant reasons to do with regional security or public security, or that it was issued not in good faith or by unlawful considerations.

Appeal

288. A judge's decision under Section 287 may be appealed before a judge of the military court of appeals, and he shall have all of the powers awarded to a judge under this article.

Deferral of execution

289. (A) If a judge decides under Section 287 to cancel or reduce a detention order, and the representative of the military commander announces following the issuing of the decision that he wishes to appeal it, the judge is empowered to order a deferral in the execution of release for a period not to exceed 72 hours; in this context Saturdays and holidays shall not be included in the hour count.

(B) If the military commander's representative submits an appeal regarding a judge's decision under Section 287, the military court of appeals judge shall have the authority to order a deferral in the execution of release until the ruling on the appeal.

(C) If the military court of appeals judge decides in a proceeding under Section 288 to cancel or reduce a detention order, the judge shall have the authority, if requested by the military commander's representative, and for special reasons to be cited, to defer the execution of the release for a period not to exceed 72 hours; in this context Saturdays and holidays shall not be included in the hour count.

Deviation from rules of evidence

290. (A) In proceedings under sections 287 and 288, it is permissible to deviate from the rules of evidence if the judge is convinced that this shall be expedient in establishing the truth and conducting a just trial.

(B) Whenever it is decided to deviate from the rules of evidence, the reasons for this decision shall be noted.

(C) In proceedings under sections 287 and 288, the judge is empowered to receive evidence even in absence of the detainee or his representative, or without disclosing it to them if, after examining the evidence or hearing the pleas, even in absence of the detainee and his representative, the judge is convinced that disclosing the evidence to the detainee or his representative may harm regional security or public security; this provision does not detract from any right to withhold evidence in accordance with Section 87.

In camera

291. (A) The hearing of proceedings in accordance with this article shall be conducted in camera.

(B) Subject to the stipulations of Subsection 290(C), the detainee is entitled to be present in any hearing of his case.

Prohibition of delegation

292. The powers of the commander of the Area under this article may not be delegated.

Canceling of order by military commander

293. A military commander is empowered, at any stage, to cancel or reduce a detention order to which the provisions of this article apply.

Rules of procedure

294. The IDF commander of the Area is empowered to promulgate regulations for the execution of this article, including regulations to determine the rules of procedures in proceedings under this article and the appointed time for the submission of appeal and any other action under this article.

Article C – Restraining orders and supervision

Restriction on use of powers

295. A military commander shall not apply authority in accordance with this article unless it is deemed necessary by him for imperative reasons of security.

Restraining orders

296. (A) A military commander is empowered to issue an order, concerning any person, for all or part of the following goals:

- (1) To ensure that the said person shall not stay in any one of the areas in the Area to be detailed in the order, unless he was permitted to do so by the order, or by the authority or person determined in the order;
- (2) To demand from him that he inform about his movements, in the manner and at the times to be determined in the order, to an authority or person, to be named in it;
- (3) To prohibit or limit the said person's possession or use of objects to be detailed in the order;
- (4) To impose upon him limitations concerning his employment or businesses or his contacts with other persons, and concerning his actions in relation to the distribution of information or opinions, all to be detailed in the order.

(B) A person who violates an order under this section he shall be charged with an offense under this order.

(C) An order issued under this section (hereinafter in this section - the order) may be appealed before an appeals committee appointed by the president of the military court of appeals (hereinafter in this section - the committee). The committee may be composed of a single member. A judge with the rank of major or above shall be appointed as a member of the committee.

(D) If the committee finds cause to intervene in the decision of the military commander, it is empowered to cancel the order, reduce it or change its conditions.

(E) If an appeal is submitted to the committee, it is empowered to defer execution of the order until issuing its decision.

(F) In proceedings under this section, it is permissible to deviate from the rules of evidence for reasons to be noted.

(G) In proceedings under this section, the committee is empowered to accept evidence even in absence of the person against whom the order was issued or his representative, or without disclosing it to them, if after examining the evidence or hearing pleas, even if in absence of the person against whom the order was issued or his representative, it was convinced that disclosing the evidence to the person against whom the order was issued or his representative may harm regional security or public security; this provision does not detract from any right to withhold evidence in accordance with Section 87.

(H) Subject to the stipulations in Subsection (G) above, the person against whom the order was issued is entitled to be present in any hearing under this section.

(I) The committee shall proceed in any matter of rules of procedure not defined in this section in a way it deems most effective for reaching a just and rapid decision on the appeal.

(J) After reaching a decision on an appeal submitted under Subsection (C) above, the committee is empowered, at the request of the military commander's representative or of the person against whom the order was issued, as the case may be, to defer execution of its decision for a period not to exceed 48 hours from the time the decision is delivered; in this context Saturdays and holidays shall not be included in the hour count.

Special supervision and assigned residence

297. (A) A military commander is empowered to issue an order that a person be under special supervision.

(B) A person under special supervision in accordance with this section – shall be subject to all or part of the following limitations, as ordered by the military commander:

(1) Shall be required to live within the confines of a certain place in the Area to be detailed by the military commander in the order;

(2) Shall not leave the city, village or district in which he lives, without written permission of a military commander;

(3) Shall give, at any time, notice of the house or the place in which he lives to the military commander or to whom the military commander orders him;

(4) Must report at any time he is required to do so by the military commander and to a place ordered by him;

(5) Shall remain behind the doors of his home during hours to be determined by the military commander in the order.

(C) A soldier is empowered to arrest a person against whom an order in accordance with subsections (A) and (B) was issued and bring him to the place in which he is required to stay.

(D) If a person violates an order in accordance with this section he shall be charged with an offense under this order.

(E) An order issued under this section (hereinafter in this section - the order) can be appealed before an appeals committee appointed by the president of the military court of appeals (hereinafter in this section - the committee). The committee may be composed of a single member. A judge with the rank of major or above shall be appointed as a member of the committee.

(F) If the committee finds cause to intervene in the decision of the military commander, it is empowered to cancel the order, reduce it or change its conditions.

(G) If an appeal is submitted to the committee, it is empowered to defer execution of the order until issuing its decision.

(H) In proceedings under this section, it is permissible to deviate from the rules of evidence for reasons to be noted.

(I) In proceedings under this section, the committee is empowered to accept evidence even in absence of the person against whom the order was issued or his representative, or without disclosing it to them, if after examining the evidence or hearing pleas, even if in absence of the person against whom the order was issued or his representative, it was convinced that disclosing the evidence to the person against whom the order was issued or his representative may harm regional security or public security; this provision does not detract from any right to withhold evidence in accordance with Section 87.

(J) Subject to the stipulations in Subsection (I) above, the person against whom the order was issued is entitled to be present in any hearing under this section.

(K) The committee shall proceed in any matter of rules of procedure not defined in this section in a way it deems most effective for reaching a just and rapid decision on the appeal.

(L) After reaching a decision on an appeal submitted under Subsection (E) above, the committee is empowered, at the request of the military commander's representative or of the person against whom the order was issued, as the case may be, to defer execution of its decision for a period not to exceed 48 hours from the time the decision is delivered; in this context Saturdays and holidays shall not be included in the hour count.

(M) If a person against whom an order under Subsection (B)(1) is issued appeals and the order is sustained, the committee shall review his case every six months, regardless of whether or not the person submits another appeal. In such hearing, the committee shall have all of the powers granted to it in an appeal, as stipulated in Subsection (F).

(N) A military commander who issues an order under Subsection (B)(1) above is empowered to command that the person against whom the order was issued be held in detention in a place determined by the military commander, in the Area or in Israel, until his transfer to the place determined in the order.

In camera

298. The hearing of proceedings in accordance with this chapter shall be held in camera, unless the appeals committee formed under subsections 296(C) or 297(E) issues a different directive in this matter.

Article D – Expulsion of Infiltrators

Definitions

299. In this article –

“**Infiltrator**” – a person who enters the Area unlawfully after the defining date or a person who stays in the Area and does not have a legal permit.

“**Armed**” – including a person armed with an instrument or material capable of killing a person or causing severe injury or dangerous damage, even if it is not a firearm or explosive material or inflammable material.

“**person in custody**” – a person held in custody by virtue of a deportation order.

“Deportation order” – a written deportation order issued by a military commander in accordance with Section 301 (A).

Sentence of infiltrator

300. (A) An infiltrator shall be sentenced to seven years imprisonment.

(B) Notwithstanding the provisions in Subsection (A), if an infiltrator proves that his entry to the Area was lawful, he shall be sentenced to three years imprisonment.

(C) A person who infiltrates while armed, or in the company of an armed person or is supported by an armed person shall be sentenced to twenty years imprisonment.

Deportation

301. (A) A military commander is empowered to order in writing that an infiltrator be deported from the Area, regardless of whether or not he is charged with an offense under this order, and the deportation order shall warrant keeping the infiltrator in custody until his deportation; for the purpose of its execution, a deportation order shall be regarded as an arrest warrant issued under Article C of Chapter C of this order, including for the purpose of executing the arrest in Israel in accordance with Section 265(A).

(B) A deportation under Subsection (A) shall be issued only after providing the infiltrator an opportunity to present his arguments before an IDF officer or a police officer, and after the infiltrator’s arguments are brought before the military commander.

(C) If a deportation order is issued under Subsection (A), the infiltrator shall be deported from the Area as soon as possible, unless he has already left the Area of his own accord.

(D) If a deportation order is issued under Subsection (A), the infiltrator shall be given, in writing or orally, as far as possible, in a language he understands, information about his rights under this order, as well as his right to have notification about his detention sent to a person close to him and to an attorney.

(E) If a deportation order is issued under Subsection **(A)** and if the person against whom the deportation order is issued is detained or imprisoned for any reason, the person shall be released from his detention or imprisonment for the purpose of executing the deportation, even if his detention or imprisonment term has not ended, unless otherwise stipulated in the deportation order.

(F) If a deportation order is issued under Subsection (A), the infiltrator shall not be deported unless 72 hours have passed since the date he was given the deportation order in writing, unless he agrees to this; and the military commander is empowered, upon the request of a person against whom a deportation order was issued, to postpone the date of executing the deportation.

(G) Notwithstanding the provisions of Subsection (F), if the military commander learns that the infiltrator has recently entered the Area, he is empowered to order his deportation even before 72 hours pass from the date the deportation order is given to him in writing, provided that the infiltrator is deported to the state or area from which he infiltrated

and that this be done before 72 hours pass from the time when a soldier or policeman has a reasonable basis to suspect that the person infiltrated into the Area.

Costs of executing deportation order

302. A military commander is empowered to impose the costs of executing a deportation order, including the costs of detention, on the infiltrator, provided that these costs do not total more than 7,500 New Shekel; and the military commander is empowered to order that the costs be forfeited from the infiltrator's money.

Release on bail

303. (A) If a deportation order is issued against an infiltrator in accordance with provisions of this order, a military commander shall be empowered to order the release of the infiltrator on his own recognizance, whether alone or in conjunction with a guarantor's bond, or on the monetary bond of the infiltrator or of a guarantor, or partly in a bond and partly in a guarantee.

(B) Notwithstanding the provisions of Subsection (A), the military commander shall not order the release of an infiltrator if he believes that –

(1) The deportation of the infiltrator from the Area is being prevented or delayed due to a lack of full cooperation on his part, including a refusal to return to his country of origin, or

(2) Release of the infiltrator could endanger the security of the Area, public safety or health.

(C) Release on bail shall be predicated on conditions the military commander defines for ensuring that the infiltrator shall report for his departure from the Area or for his deportation on the appointed date, or for other proceedings under this order or in accordance with any law or security legislation.

(D) If a military commander learns that an infiltrator who was released on bail has violated or is about to violate the conditions of his release, he is empowered to command, in an order, that the infiltrator be returned to custody.

(E) If the infiltrator violates the conditions of his release, a military commander is empowered to order –

(1) Payment of the monetary guarantee in its entirety or in part to the regional command;

(2) The forfeiture of the guarantee, in its entirety or in part, to the regional command.

Evidence

304. (A) In any proceeding under this article, it is presumed that a person is an infiltrator if he is present in the Area without a certificate or permit indicating that he is lawfully staying in the Area, without reasonable justification.

(B) For the purpose of this section –

“Certificate or legal permit” – a certificate or permit issued by the IDF commander in the Judea and Samaria Area or by someone on his behalf, in accordance with the provisions of security legislation, or issued by the authorities of

the State of Israel in accordance with the Entry to Israel Law, 5712-1952 as in force in Israel from time to time, allowing a person to stay in the Area.

Establishment of committee

305. A committee shall be established in the Area to review deportation orders, which shall be empowered to hear appeals on decisions issued under sections 301 to 303 (hereinafter in this article – “the committee”).

Composition of committee

306. (A) The Commander of IDF Forces in the Area shall appoint judges with the rank of major, at least, as members of the committee.

(B) One of the members of the committee shall be appointed as governor of the committee.

(C) The governor of the committee shall appoint members from among the members of the committee to sit as a single-judge panel.

(D) The governor of the committee shall be empowered to determine that the committee shall be a panel of three if he sees that there is a special need for that. If a panel of three is set, the governor of the committee shall appoint the chairman.

(E) The governor of the committee shall be empowered to replace a committee member with another one, and the hearing of the appeal shall continue from the stage it was halted, unless the governor instructs otherwise.

Bringing before the committee for reviewing deportation orders

307. (A) If a deportation order is issued and a person is held in custody by its virtue, the person in custody shall be brought before the committee as soon as possible, and no later than 8 days from the date on which the deportation order is issued. If the person in custody is under 18 years of age, he shall be brought before the committee no later than 4 days from the date on which the deportation order is issued.

(B) A person in custody who is not brought before the committee within the period of time stipulated in Subsection (A), shall be brought before the committee, which shall hear his case and order his release, under conditions or without any condition, unless the committee believes that the circumstances of the case – including the danger posed by the person in custody, the fear of his evasion of justice, and the reasons for not bringing him before it – do not justify his release.

Powers of committee

308. The committee is empowered –

(A) To sustain the deportation order, with changes or without changes.

(B) To cancel the deportation order, if convinced that the person in custody is not an infiltrator.

(C) To order the release of a person in custody under conditions, including a guarantee, or without any condition, if convinced that there are special reasons justifying this, or that such release shall facilitate the expulsion of the person in custody from the Area; provided that it does not issue such order if –

(1) the expulsion of the person in custody from the Area is prevented or delayed due to a lack of full cooperation on his part, including for the purpose of establishing his identity or arranging the procedures for his expulsion from the Area, and including an unjustified refusal to return to the state from which he arrived to the Area or to another state if his return to the state from which he arrived to the Area is impossible; or

(2) The release of the person in custody would endanger the security of the Area, the public safety or health.

(D) To order the release of the person in custody on bail at the end of a period defined by it, if he is not previously expelled from the Area, if it is convinced of one of the following:

(1) That the expulsion of the person in custody from the Area is being prevented or delayed without reasonable justification, despite full cooperation on his part, and that it is possible to execute the deportation order within the defined period of time;

(2) That due to his age or health condition, holding him in custody may harm his health, or that there are other special humanitarian reasons justifying his release on bail, including if due to the custody a minor would remain without supervision.

Provided that it shall not issue such order if the release of the person in custody would endanger the security of the Area, the public safety or health.

(E) To order a change in the conditions determined for the release of the person in custody under Section 303.

(F) To order the refund of sums collected from the infiltrator for the expenses of executing the deportation order, as stipulated in Section 302, in their entirety or in part.

Periodic review

309. (A) If the committee decides, in accordance with Section 308, not to release the detainee, his case shall be reviewed by the committee no later than sixty days after the date of its decision in accordance with Section 308 or within a shorter period which the committee determines in its decision.

(B) A person in custody whose case is not brought before the committee for an additional review within the time period stipulated in Subsection (A) shall be brought before the committee, which shall hear his case and order his release, under conditions or without any condition, unless the committee believes that the circumstances of the case – including the danger posed by the person in custody, the fear of his evasion of justice, and the reasons for not bringing him before it – do not justify his release.

(C) Notwithstanding the provisions of Subsection (A), if the person in custody is under 18 years of age, his case shall be brought before the committee for an additional review within a period of time not to exceed 30 days.

Review

310. (A) A person in custody is entitled to appeal to the committee in writing at any time with a request to review the decision issued in his case if new facts arise or the circumstances have changed, including time elapsed from the day the deportation order was issued, and if this may change a previous decision made by the committee.

(B) The military commander or a person so empowered by him is empowered to request the committee in writing to order an infiltrator who was released by decision of the committee to be returned to detention, or to set different conditions of release if new facts arise or the circumstances have changed since the date the previous decision was issued in the infiltrator's case; the provisions of this subsection do not detract from the powers of a military commander under sections 301 to 303.

Evidence

311. In proceedings conducted in accordance with this chapter, the provisions of subsections 296(F) and 296(G) shall apply.

Presence of person in custody

312. Subject to the provisions of Section 311, the provisions of sections 51 and 52(B) and (C) shall apply to the hearings in proceedings conducted in accordance with this chapter, with the necessary changes.

Rules of procedure

313. (A) In any matter of legal procedure not defined in this chapter, the committee shall proceed in a way it deems most effective for reaching a decision in the case.

(B) The committee is empowered to refer to the military commander in order to receive his view, in writing or orally, with regard to a person in custody or on any question it needs to address for the purpose of issuing a decision, provided that the committee does not issue a decision pertaining to subsections 308(B) through 308(E) without being apprised of the military commander's view.

(C) A person in custody is entitled to be assisted by a representative in presenting his arguments before the committee, and the committee is empowered to receive the arguments of the person in custody in writing if the person in custody chooses not to appear before the committee.

(d) The provisions of sections 42(A) through 42(D) shall apply to the proceedings for release on bail under this chapter, with the necessary changes; the committee shall have all of the powers granted to the military court under this section.

Deferral of execution

314. After the committee issues a decision in accordance with Section 308, it is empowered to order, upon the request of the military commander's representative, a deferral of the decision's execution for a period not to exceed 72 hours; in this context Saturdays and holidays shall not be included in the hour count.

Retaining powers

315. None of the provisions in this chapter detract from the authority of the military commander to cancel a deportation order, before or after the proceedings under Section 308.

Chapter J – Administrative powers (316-332)



Order regarding Security Provisions

Article A – Restraining orders

Movement and traffic

316. (A) A military commander or a person acting with the general or special authorization of a military commander is empowered, in an order or by providing directives or in another manner to:

- (1) Prohibit, limit or regulate the use of certain roads or to determine lanes on which vehicles or animals or persons shall pass, whether in general or in particular;
- (2) Demand from any person who is the owner or possessor of a vehicle, or who has a vehicle under his control, that he use the vehicle for transferring goods at the times and on the roads to be detailed by him;
- (3) Prohibit, limit or regulate the movement of persons, generally, or of a certain gender or type, or of certain persons in airplanes, trains, cars, buses, in other vehicles or on sea crafts.

(B) Any soldier is empowered to demand in an order from all or part of the residents of any city, village, area or neighborhood to remove from the road any barricade or nuisance or any glass, nails or blockades or other barriers hindering use of that road.

(C) A person who violates an order, directive or any demand given to him in accordance with this section – shall be charged with an offense under this order.

Curfew

317. A military commander is empowered to demand in an order from any person who is staying in the confines of the area noted in the order, to remain within his home during the hours noted in the order. A person outside of his home within the confines of the aforementioned area and during those hours, without a written permit issued by the military commander or on his behalf shall be charged with an offense under this order.

Closed zones

318. (A) A military commander is empowered to declare that an area or place are closed (hereinafter in this section - "closed zone").

(B) If an area or place is closed as noted in Subsection (A), a military commander is empowered to determine that one of the following provisions shall apply to it:

- (1) No one shall enter the closed zone;
- (2) No one shall leave the closed zone;
- (3) No one shall enter the closed zone or stay in it;
- (4) No one shall enter the closed zone or leave it.

(C) A military commander is empowered by personal permit or by general permit to exempt a person from the provisions of the declaration concerning closure of an area or place as noted in this section.

(D) If a person violates provisions of a declaration concerning closure of a territory or place, prohibiting entry into the closed zone or staying within it, or the conditions of a permit issued in accordance with this section, any soldier,

policeman or empowered authority appointed for such shall be empowered to remove the person from the closed zone. This subsection does not apply to a permanent resident of the closed zone.

(E) If a person violates provisions of a declaration concerning closure of a territory or place, prohibiting leaving the closed zone, or the conditions of a permit issued in accordance with this section – any soldier or policeman shall be empowered to arrest him and move him to the closed zone.

(F) If a person violates provisions of a declaration concerning closure of a territory or place, or the conditions of a permit issued in accordance with this section, or disturbs a soldier or policeman or empowered authority appointed for such in fulfilling their tasks in accordance with this section shall be charged with an offense under this order.

Orders to open and close places

319 .(A) In this section:

“Business” – including workshop, factory, commerce establishment, shop, restaurant, snack bar, pharmacy, bakery, laundry and any business engaging in the production or sale of goods or in the provision of services to the public;

“To hold” – concerning any place - including the owner, tenant, manager, clerk, power of attorney or anyone in control of a place or enabled to operate it.

(B) A military commander is empowered, in an order:

(1) If he believes that it is necessary for the maintenance of essential services, to demand of any person holding a business, educational institution or another place which the public or part of it frequents (hereinafter in this section - place) of which he has reason to believe that it was closed due to a general closure or an organized closure of places that he open the place and operate it as usual:

(2) If he believes that it is necessary for the maintenance of sound government, public order and for the security of the Area and the IDF, to demand from any person holding a place that he close it and desist from operating it and keep it closed for the period to be determined in the order.

(C) A person who violates an order issued in accordance with this section shall be charged with an offense under this order.

Authority to order signposting and the removal of signs

320. (A) For the purpose of this section - “symbol” – including a signpost, flag, sign, color, inscription and slogan.

(B) A soldier is empowered to command any person by an order, if he believes that it is necessary for the security of the Area, safety of the Area or for the maintenance of public order, to remove, erase or cover, as he may order, any symbol displayed or located on a property, provided that the person or life of that individual is not endangered thereby.

(C) Without detracting from the aforementioned in Subsection (B), any person holding property must remove, erase or cover in any other manner any symbol displayed or located on the property in his possession, if the symbol may

influence public opinion in the Area in a manner which may harm the security of the Area, the safety of the Area or the public order in it.

(D) A person who violates any provision of this section or directives issued in accordance with it shall be charged with an offense under this order, however, he shall not be charged with an offense under Subsection (C) if he proves that he did not know of the existence of the symbol and was not required to know of it under the circumstances.

Painting, signposting and marking

321. (A) A military commander is empowered to command any property holder in an order, if he believes it is necessary for the security of the Area or for the maintenance of public order, to mark, paint and signpost property in his possession.

(B) A person who violates a directive given in accordance with this section or causes defacement or blurring of signs, colors and signposts done in accordance with this section or any law and security legislation, shall be charged with a an offense under this order.

Article B – Identification documents

Obligation to provide identifying information

322. A person who is requested to do so by a soldier or a member of the General Security Services must provide full information enabling his identification and present any document in his possession enabling his identification.

Carrying identification card

323. (A) A resident, man, who is of the age of 16 or above shall carry an identification card with him.

(B) A person who enters the Area from Israel and is not a resident of a held area shall carry a document of identification which he is required to carry in Israel.

(C) A resident of a held area, a man who is 16 years of age, shall carry with him an identity card issued in accordance with security legislation applicable in the held area.

Temporary seizure of identity card

324. (A) For the purpose of this section – “identification card” – a document identifying its holder, which was issued by the authorities of the Area or authorities of the Gaza Strip region.

(B) A soldier is empowered to seize from any person his identification card (hereinafter in this section – “**document**”) if he believes this is necessary for one of the following:

(1) Ensuring the implementation of a directive given to said person in accordance with sections 316(B) or 320;

(2) Ensuring the appearance of said person in a place and at time determined in the directive given by an IDF authority or on its behalf in accordance with Section 225;

(C)

(1) If a soldier seizes a card as noted in Subsection (B), he shall give the person from whom he seizes the card a substitute document.

(2) The soldier shall note the following details on the substitute document as noted in Paragraph (1): the name of the person whose document was seized, the district of his residence, identification number of said person, time of seizure of the document, reason for seizure of the document, the place and time at which the person may receive the seized document, the period of validity of the substitute document and the details of the soldier who seized the document.

(3) The validity of the substitute document as noted in Paragraph (1) shall be for a period of 96 hours from the time of seizure of the document unless a shorter period is noted on the aforementioned substitute document, and in this period the substitute document shall be regarded as an identification card for the purpose of any law and security legislation.

(D) A document seized as noted in Subsection (B)(1) shall be returned to the person from whom it was seized immediately following execution of the directive issued to said person, however, the soldier is empowered to order a person whose card was seized as noted to appear at a place and time to be determined and noted on the substitute document as noted in Subsection (C)(1) in order to receive the seized document, provided that the time so determined shall be within the validity period of the substitute document.

(E) A document seized as noted in Subsection (B)(2) shall be returned to the person from whom it was seized upon his reporting.

Article C – Various powers

Definitions

325. In this article:

“Security measure” – a measure decreed by the military commander in accordance with Section 326(A).

“Land owner” – including an owner, holder, leaser or renter.

“Owner of chattels” – including an owner and a holder.

Implementing security measures

326. (A) A military commander is empowered to order the implementation of measures he deems necessary for protecting the security or property of the residents of the Area or those who are present in the Area, or the security of the Area, or for maintaining public order.

(B) Security measures under this order may be implemented vis-à-vis a person, land or chattels.

(C) A directive on implementing security measures may apply to the entire Area, to particular areas within it, to the entire public, to types of persons, or to particular persons – all as ordered by the military commander.

(D) The military commander shall detail in the order all of the operations or actions requested by him and he is empowered to define a period of time within which the implementation of the operations and actions is to be completed.

(E) In the order, the military commander may, inter alia:

(1) Compel a land owner or owner of chattels or any person to execute any operation or action, in land or chattels, as the case may be;

(2) Compel a land owner or owner of chattels or any person to enable the execution of any operation or action in land or chattels, as the case may be, by someone empowered to do so by the military commander, as noted in Section 327(A);

(3) Compel a person to hold security measures in his possession and to make use of them;

(4) Prohibit a person from making use of land or chattels unless security measures were installed in them;

(5) Prohibit a person from movement in places stipulated in the order, except in vehicles in which security measures have been installed.

Enforcing execution

327. (A) The military commander is empowered to decree that an order issued under Section 326 shall be executed by a person so empowered by him in writing.

(B) If an order is issued under Section 326, the military commander or a person so empowered by him in writing, is empowered to enter lands or chattels concerning which the order is issued in order to ascertain implementation of the order or to implement it.

(C) Entry to the place, as stipulated in Subsection (B), shall be conducted, as far as possible, in coordination with the land owner or owner of chattels, as the case may be, and between the hours of eight AM and eight PM.

(D) The military commander, and a person empowered by him to execute the order regarding the implementation of security measures, shall be empowered, for the purpose of executing the order and for the purpose of entry as stipulated in Subsection (B), to exercise reasonable force, to the extent necessary under the circumstances, vis-à-vis a person, land or chattels.

Expenses for implementing security measures

328. The military commander shall determine who shall bear the expenses of implementing security measures and shall be empowered to decree that these expenses shall be imposed, in their entirety or in part, on the land owner or owner of chattels or on the person holding the security means, as the case may be.

Exercise of power

329. A military commander is empowered to exercise his powers under this order or by issuing orders, directives, announcements, demands or in any other way, orally or in writing, all as he deems appropriate.

Punishment

330. A person who fails to obey any order lawfully issued by the military commander under Section 326 or who is negligent in fulfilling it or who knowingly caused damage to security measures or who obstructs someone who is empowered to act under this section – shall be sentenced to six months imprisonment.

Prohibition of construction

331 (A) In this section and in Section 332 –

“Building” – Any structure, whether built of stone or built of concrete, mortar, iron, wood or any other material, including:

- (1) Any part of such building and anything permanently attached to it;
- (2) A wall, dirt embankment, fence and the like, which enclose or demarcate or are intended to enclose or demarcate an area of land or space.

“An area of land where a building is situated” – including the area around the building and extending to the boundaries of the lot.

(B) A building shall not be constructed on an area of land where a building was situated which was confiscated and demolished, and the sealing shall not be removed from a confiscated building of which the openings have been sealed by order of a military commander under the power vested in him in accordance with Regulation 119 of the Defense (Emergency) Regulations, 1945, except by approval of the commander of the IDF in the Area.

(C) A person who constructs a building or removes the sealing from a building in contravention of the provisions of Subsection (B) shall be sentenced to two years imprisonment.

(D) A military commander is empowered to order the demolition of a building which was rebuilt or of which the openings were unsealed in contravention of the provisions of this section.

Supervision of construction

332 (A) In this section –

“Construction” – Including construction of a building, and any action aimed at constructing a building or making changes to it.

“License” – A license as defined in the fourth chapter of the Law for Planning Cities, Villages and Buildings, No. 79 of 1966, or a permit under Section 2 of the Order regarding the Granting of Permits for Works in the Administered Territories for Military Purposes (Judea and Samaria) (No. 997), 5742-1982, accordingly, including an exemption from one of these.

(B) A military commander is empowered, in an order, to prohibit construction or to order its cessation or to stipulate conditions for construction, if he believes that it is necessary for the security of the Area or to ensure public order.

(C) If an order is issued under Subsection (B), a license shall not be granted for the lands to which the order applies except by approval of the military commander or by a person he authorizes for this purpose.

(D) If a license is granted prior to the issuance of an order under Subsection (B) regarding lands for which the license was granted, the license shall be suspended provided that the order remains in effect or provided that the military commander or a person he authorizes for this purpose does not instruct otherwise, in general or in a particular case.

(E) If construction is done in contravention of an order issued under Subsection (B) the military commander is empowered to issue an order to destroy, dismantle or remove the building or the part of it in which such construction was done

(F)

(1) A person who violates an order issued by a military commander under Subsection (B) – shall be sentenced to two years imprisonment.

(2) A member of a planning institution who votes in favor of a decision to grant a permit or to recommend it, or who is involved not by voting, while knowing that the granting of the permit is in violation of the provisions of subsections (C) and (D) – shall be sentenced to one year imprisonment.

(3) A person employed by a planning institution or a local authority who declares in writing or orally during a hearing at a planning institution that it is possible to grant a permit, and on the basis of his declaration the permit is granted or recommended, while knowing that the granting of the permit is in violation of the provisions of subsections (3) and (D) – shall be sentenced to one years imprisonment.

(4) In this subsection, a “planning institution” – an authority empowered in regard to planning permits or plans under the Planning of Cities, Villages and Buildings Law, No. 79 of 1966, under the Order regarding Planning of Cities, Villages and Buildings (Judea and Samaria) (No. 418), 5731-1971, or under the Order regarding Granting of Permits for Work in the Administered Territories for Military Purposes (Judea and Samaria) (No. 997), 5742-1982, as the case may be.

Chapter K – Miscellaneous provisions (333-335)



Order regarding Security Provisions

General punishment

333. A person who violates the provisions of this order, or does not fulfill a directive or obligation stipulated in the security legislation, shall be sentenced to five years imprisonment, if no other punishment is explicitly stipulated for that offense.

Transition provisions

334. (A) The provisions of Subsection 175(E) shall not apply to someone whose payment date for a fee imposed upon him under Section 165 is prior to 17 Adar 5767 (March 7, 2007). And the provisions of this section shall apply to him, with the following changes:

(1) In Subsection (A), the words 'three years' shall be replaced by 'two years';

(2) The wording of Subsection (C) shall be replaced by:

"Imprisonment in the case of non-payment of a fine shall be served after any prison sentence the convict is required to serve"

(B) An arrest warrant issued under the Order regarding Administrative Detentions (Temporary Order) [Consolidated Version] (Judea and Samaria) (No. 1591), 5767-2007, [and] the proceedings conducted in regard to an arrest warrant in accordance with its provisions and the powers derived from it, shall be regarded as if conducted under the power of Article B of Chapter I of the order.

(C) The provisions of Article C of Chapter I shall apply to persons in custody against whom a deportation order was issued before [the] day (the day the amendment to the Order regarding Infiltration was signed); notwithstanding the provisions of this order, persons in custody against whom an expulsion order was issued prior to the enactment of this order shall be brought before a committee under Section 274(A) within 14 days of the day (the day the amendment to the Order regarding Infiltration was signed).

(D) The provisions of sections 331 and 332 shall apply to any building as stipulated in Subsection (B), regardless of whether it was confiscated and demolished or confiscated and its openings sealed, prior to Friday, 6 Iyar 5732 (April 20, 1972) or subsequently; if construction of a building has begun on an are of land where a building was situated which was confiscated and demolished prior to this date as stipulated in Subsection 331(B), all construction activity shall be halted.

Indirect amendments

335. (A) In the Order regarding Interpretation (Judea and Samaria) (No. 130), 5727-1967 -

(1) After Section 8(B), the following shall be added:

"8(B1) Security legislation of the commander of the IDF in the Area or of a military commander takes precedence over security legislation issued by someone else, by virtue of the power granted to him under Section 17(C)"

(2) After Section 17(B), the following shall be added:

"17(C) The commander of the IDF in the Area is empowered to grant, in writing, to someone else the powers of a military commander, in their entirety or in part"

(B) In the Order regarding Prison Facilities (Judea and Samaria) (No. 29), 5727-1967, after Section 2(D) the following shall be added:

"2(E) A juvenile or young adult, as defined in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009, shall be held in detention separately from the rest of the prisoners unless a military commander instructs otherwise regarding a particular case or type of case."

(C) In the Order regarding Prohibition of Acts of Incitement and Hostile Propaganda (Judea and Samaria) (No. 101), 5727-1967, sections 7 and 7A are revoked.

(D) In the Order regarding the Prisons Service (Judea and Samaria) (No. 254), 5728-968, in Section 4, subsections (C) and (D) are revoked.

(E) In the Order regarding Appointments and the Employment of persons in the Government Apparatus (Judea and Samaria) (No. 37), 5727-1967 –

(1) In Section 2D, in Paragraph (A), “91(A)(2) of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970” shall be replaced by “319(B)(2) of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(2) In Section 2G, “the Order regarding Authorization of Persons to Conduct Preliminary Investigation of Witnesses (Judea and Samaria) (No. 17), 5727-1967” shall be replaced by “sections 70 and 260 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(F) In the Order regarding Summons to Court for Offenses Committed Outside of the Region (Judea and Samaria) (No. 148), 5727-1967, in Section 1, “in the Order regarding Police Forces Operating in Cooperation with the IDF (the West Bank Region) (No. 52), 5727-1967” shall be replaced by “the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009”

(G) In the Order regarding Crossing Stations – Jordan Bridges (Judea and Samaria) (No. 175), 5727-1967, in Section 4, “in the Order regarding Police Forces Operating in Cooperation with the IDF (the West Bank Region) (No. 52), 5727-1967” shall be replaced by “Section 4 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009”

In the Order regarding Licenses for Firearms (Judea and Samaria) (No. 180), 5727-1967 –

(1) In Section 1, “the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970” shall be replaced by “Section 1 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009”

(2) In Section 2 –

(A) In Subsection A, “of sections 52(A) and 53(A)(1) of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970” shall be replaced by “of sections 230 and 232 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009”

(B) In Subsection (B), “the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970” shall be replaced by “the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009”

(H) In the Order regarding the Explosive Materials Law (Judea and Samaria) (No. 275), 1968, in Section (3) –

(1) “the Order regarding Police Forces Operating in Cooperation with the IDF (Judea and Samaria) (No. 52), 5727-1967” shall be replaced by “the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(2) "in the Order regarding Security Service Personnel Operating in the Region (Judea and Samaria) (No. 121), 5727-1967" shall be replaced by "in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(I) In the Order regarding Regulation of Public Bathing Areas (Judea and Samaria) (No. 280), 5728-1968, "the Order regarding Police Forces Operating in Cooperation with the IDF (Judea and Samaria) (No. 52), 5727-1967" shall be replaced by "the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(J) In the Order regarding Customs Powers (Judea and Samaria) (No. 309), 5729-1969 –

(1) In Section (2) –

(A) "Section 80(B) of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Section 61 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(B) "Section 81" shall be replaced by "Section 67."

(C) "Section 1(A) of the Order regarding Authorization of Persons to Conduct Preliminary Investigation of Witnesses (Judea and Samaria) (No. 17), 5727-1967" shall be replaced by "Section 70 of the Order regarding Security Directives."

(2) In Section (3), "in accordance with Chapter D" shall be replaced by "in accordance with Chapter C."

(K) In the Order regarding Payment of Witness Fees (Judea and Samaria) (No. 351), 5730-1969, in Section 1, "in accordance with Section 5 of the Order regarding Security Directives" shall be replaced by "in accordance with Section 9 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009"

In the Order regarding Regulation of Guarding in Settlements (Judea and Samaria) (No. 432), 5731-1971 –

(1) In Section 3B, "Section 78 of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Chapter C of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009"

(2) In Section 3C, "the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009"

(L) In the Order regarding Paid Employment of Policemen for an Event (Judea and Samaria) (No. 519), 5733-1973, in Section 1, "in the Order regarding Police Forces Operating in Cooperation with the IDF (Judea and Samaria) (No. 52), 5727-1967" shall be replaced by "the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(M) In the Order regarding the Labeling of Products (Judea and Samaria) (No. 530), 5734-1973, in Section 5A, "sections 80 through 83 of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall

be replaced by “sections 60 through 69 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009”

(N) In the Order regarding Dangerous Drugs (Judea and Samaria) (No. 558), 5735-1975 –

(1) All reference to “the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970” shall be replaced by “the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009”

(2) In Section 28, in Subsection (D), “Chapter D” shall be replaced by “Chapter C.”

(3) In Section 35, in Subsection (B), “Section 80” shall be replaced by “sections 60 through 64.”

(4) In Section 36, in Subsection (C), “Section 80” shall be replaced by “sections 60 through 64.”

(O) In the Order regarding Safety Belts in Vehicles (Judea and Samaria) (No. 600), 1975, in Section 8, in Subsection (A), “in the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970” shall be replaced by “in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(P) In the Order regarding Amendment of the Penal Code (Stolen Property and Property Suspected to Be Stolen) (Judea and Samaria) (No. 771), 1978, in Section (2), “in the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970” shall be replaced by “in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(Q) In the Order regarding Administration of Regional Councils (Judea and Samaria) (No. 783), 1979, in Section (1), “in the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970” shall be replaced by “in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(R) In the Order regarding Powers to Supervise Goods and Services (Judea and Samaria) (No. 886), 1980, in Section 2, in Subsection (B) –

(1) “Chapter D of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970” shall be replaced by “Chapter C in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(2) “1(A) of the Order regarding Authorization of Persons to Conduct Preliminary Investigation of Witnesses (Judea and Samaria Area) (No. 17), 5727-1967” shall be replaced by “Section 70 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(S) In the Order regarding Bringing Money into the Region (Judea and Samaria) (No. 973), –

(1) in Section (1), “in Section (1) of the Order regarding Prohibition of Training and Contact with a Hostile Organization Outside of the Region (Judea and Samaria) (No. 284), 1969” shall be replaced by “in Section 238(A) of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(2) in Section 9, in Subsection (C), “sections 80 and 84 of the Order regarding Security Directives” shall be replaced by “Chapter C of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.”

(T) In the Order regarding Setting Interest Rates and Linkage (Judea and Samaria) (No. 980), 5742-1982, in Section 9, "Section 49 of the Order regarding Security Directives, 5730-1970" shall be replaced by "Section 182 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009"

(U) In the Order regarding Supervision of Public Corporations (Judea and Samaria) (No. 998), 5742-1982 –

(1) In Section 1, "in Section 1 of the Order regarding Prohibition of Training and Contact with a Hostile Organization Outside of the Region (Judea and Samaria) (No. 284), 1969" shall be replaced by "in Section 238(A) of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(2) In Section 9, in Subsection (C), "sections 80 and 84 of the Order regarding Security Directives" shall be replaced by "Chapter C of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(V) In the Order regarding Amendment of the Nurseries Law (Judea and Samaria) (No. 1002), 5742-1982, in Section 3A, in Subsection (B), "Section 80(A) of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Section 60 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009"

(W) In the Order regarding Bounced Checks (Judea and Samaria) (No. 1024), 5742-1982, in Section 19, "in the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(X) In the Order regarding Marketing of Agricultural Produce (Judea and Samaria) (No. 1051), 1983, in Section 6, in Subsection (A), "Section 80(A) of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Section 60 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(Y) In the Order regarding the Antiquities Law (Judea and Samaria) (No. 1166), 1986, in Section 16, in Subsection (D), "in the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

In the Order regarding Administrative Offenses (Judea and Samaria) (No. 1263), 1988 –

(1) in Section 11, "Section 8 of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Section 75 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(2) in Section 18, in Subsection (B), "Section 47(A)(4) through (7) of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Section 175 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(3) In the addendum –

(A) "Section 90 of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "318 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(B) "Section 70A(A) of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Section 242 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(Z) In the Order regarding Traffic (Judea and Samaria) (No. 1310), 5762-1992 –

(1) All reference to "the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(2) In Section 1, in the definition of "prosecutor", "Section 8" shall be replaced by "Section 75".

(3) In Section 29A, in Subsection (D), "Section 8" shall be replaced by "Section 75."

(4) In Section 29B, in Subsection (G), in Paragraph (3), "Section 47(A)(3)" shall be replaced by "Section 174".

(Aa) In the Order regarding the Civil Guard in Settlements (Judea and Samaria) (No. 1362), 5752-1992, in Section 1, "in the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009"

(Ab) In the Order regarding Forfeiture of Vehicles (Temporary Order) (Judea and Samaria) (No. 1410), 5754-1994, in Section 1, "in the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "in the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009"

(Ac) In the Order regarding Adjudication in Courts for Local Affairs (Temporary Order) (Judea and Samaria) (No. 1564), 2005, in the addendum, "the Order regarding Supervision of Construction (Judea and Samaria) (No. 393), 5730-1970" shall be replaced by "Section 332 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009"

(Ad) In the Order regarding Implementation of the Disengagement Plan (Judea and Samaria) (No. 1565), 5765-2005, in Section 13, in Subsection (B), "Section 90 of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Section 318 of the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009"

(Ae) In the Order regarding Amendment of Registration of Real Estate not yet Registered (Judea and Samaria) (No. 1621), 5770-2008, in Section 6, "the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "the Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009"

(Af) In the Order regarding Powers for Maintaining Public Security (Judea and Samaria) (No. 1628), 5770-2009 -

(1) All reference to "Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970" shall be replaced by "Order regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009."

(2) In Section 1, "in Section 66A" shall be replaced by "in Section 248(A)."

(3) In Section 4, in Subsection (B), "Section 80" shall be replaced by "sections 60 through 64."

(4) In Section 6, in Subsection (C), "Section 78E" shall be replaced by "sections 22 through 28."

Addendum



Order regarding Security Provisions

Addendum

(1) Sections 90(A) (provided that the reason for holding the hearing in camera is due to fear of harm to security of the Area or public order), 90(B), 209, 210, 212, 213, 215, 218, 220, 221, 223, 230, 231, 233, 234, 235 (provided that there is suspicion that the offense was committed with the intention to harm the security of the Area or public order), 236 ((provided that there is suspicion that the offense was committed with the intention to harm the security of the Area or public order), 237, 238, 239, 240, 241, 244, 245, 248, 253, 254(A), 257, 261, 300 of the Order regarding Security Directives (Judea and Samaria) (No. 378), 5730-1970.

(2) Regulations 58, 62, 64, 66, 84, 85, 136, 138, 139, 140, 141, 143A of the Defence (Emergency) Regulations, 1945.

Amendments No.1, 2



Order regarding Security Provisions

Israel Defense Forces

Order No. 1656

Order Regarding Security Provisions [Consolidated Version] (Amendment)

By virtue of my authority based on provision 2C of the Order Regarding the Collection of Proclamations (Judea & Samaria) (No. 111), 1967, and with the concurrence of the IDF Commander in the area, I hereby determine that:

Amendment to Section 42	1.	In Section 42 of the Order Regarding Security Provisions [Consolidated Version] (Judea & Samaria) (No. 1651) 2009 (hereinafter: " The Order ") In Subsection (9): Subsection (8) shall replace Subsection 9.
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Amendment to Section 59	2.	In Subsection (B) of the Order, "according to Subsection (A)" shall replace, "according to Subsection (B)."
Amendment to Section 184	3.	In Subsection (B) of the Order, after "military (hereinafter: at this sign)" shall be followed by "- "sentenced."
Start	4.	This order shall go into effect on its signing date.
Title	5.	This order shall be entitled: "Order Regarding Security Provisions [Consolidated Version] (Judea & Samaria) (No. <u>1656</u>) (Amendment), 2010."

5 February 2010

Colonel Eli Bar-On

Legal Advisor for Judea & Samaria

Israel Defense Forces

Order No. 1658

Order Regarding Security Provisions [Consolidated Version]

(Amendment No. 2)

By virtue of my authority as the Commander of the Israel Defense Forces in the area, I hereby issue the following order:

Amendment to Section 157	1.	In Section 157 of the Order -
		(A) In Paragraph (2), the words, "new facts or new evidence were revealed" shall be replaced by, "new facts or new evidence were presented," and the

		<p>closing passage starting from the words "and during his trial investigation" – shall be deleted.</p> <p>(B) Paragraph (4) shall be followed by:</p> <p>"(5) There is a real concern that the conviction caused a miscarriage of justice."</p>
Start	2.	This order shall go into effect on its signing date.
Title	3.	This order shall be entitled: "Order Regarding Security Provisions [Consolidated Version] (Amendment No. 2) (Judea & Samaria) (No. 1658), 2010."

28 April 2010

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Major General Avi Mizrahi

IDF Commander

of Judea & Samaria

By virtue of my powers under Section 2C of the Order regarding the Collection of Proclamations (Judea and Samaria) (No. 111), 5727-1967, and with the consent of the Commander of IDF Forces in the Area, I hereby establish the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

This order replaces the following:

- A. Order regarding Security Provisions (Judea and Samaria) (No. 378), 5730-1970;
- B. Order regarding Authorization of Persons to Conduct Preliminary Questioning of Witnesses (Judea and Samaria) (No. 17), 5727-1967;
- C. Order regarding Judicial Authorities in Criminal Offenses (Judea and Samaria) (No. 30), 5727-1967;
- D. Order regarding Police Forces Operating in Cooperation with the IDF (Judea and Samaria) (No. 52), 5727-1967;
- E. Order regarding Security Service Personnel Operating in the Region (Judea and Samaria) (No. 121), 5727-1967;
- F. Order regarding Adjudication of Juvenile Delinquents (Judea and Samaria) (No. 132), 5727-1967;
- G. Order regarding Rules of Responsibility for an Offense (Judea and Samaria) (No. 225), 5728-1968;
- H. Order regarding Prohibition of Commerce in War Materiel (Judea and Samaria) (No. 243), 5728-1968;

- I. Order regarding Prohibition of Training and Contact with a Hostile Organization Outside the Region (Judea and Samaria) (No. 284), 5729-1968;
- J. Order regarding Methods of Punishment (Judea and Samaria) (No. 322), 5729-1969;
- K. Order regarding Prevention of Infiltration (Judea and Samaria) (No. 329), 5729-1969;
- L. Order regarding Obligation to Identify Oneself (Judea and Samaria) (No. 332), 5729-1969;
- M. Order regarding Prohibition of Paying Wages to a Security Offender (Judea and Samaria) (No. 369), 5730-1969;
- N. Order regarding Supervision of Construction (Judea and Samaria) (No. 393), 5730-1970;
- O. Order regarding Legal Defense in Military Courts (Judea and Samaria) (No. 400), 5730-1970;
- P. Order regarding Prohibition of Construction (Judea and Samaria) (No. 465), 5732-1972;
- Q. Order regarding Closing of Files (Judea and Samaria) (No. 841), 5740-1980;
- R. Order regarding Transfer of Prisoners (Judea and Samaria) (No. 1435), 5756-1996;
- S. Order regarding Adoption of Security Measures (Judea and Samaria) (No. 1447), 5757-1996;
- T. Order regarding Personnel of the Masada Unit (Judea and Samaria) (No. 1558), 5765-2005;

To eliminate any doubt, directives, commands, orders, decisions, rulings or proclamations issued in accordance with the provisions of these orders should be regarded as if issued in accordance with the provisions of this order.

I hereby declare that this order shall take effect on May 2, 2010.

November 1, 2009

Sharon Afek, Colonel

Legal Advisor for the Judea and Samaria Area

Reference: No legal frontiers, <http://nolegalfrontiers.org/military-orders/mil01?lang=en>