

Israel Defense Forces

Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009

Announcement of Consolidated Version

By virtue of my authority under the provisions of Section 2C of the Order Regarding the Collection of Proclamations (Judea and Samaria) (No. 111), 1967, and with the consent of the commander of IDF forces in the region, I declare the Order Regarding Defense Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.

This order replaces the following orders:

- A. Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970;
- B. Order Regarding Authorization of Persons to Conduct Preliminary Questioning of Witnesses (Judea and Samaria) (No. 17), 1967;
- C. Order Regarding Judicial Authorities in Criminal Offenses (Judea and Samaria) (No. 30), 1967;
- D. Order Regarding Police Forces Operating in Collaboration with the IDF (Judea and Samaria) (No. 52), 1967;
- E. Order Regarding Security Service Personnel Operating in the Region (Judea and Samaria) (No. 121), 1967;
- F. Order Regarding Adjudication of Juvenile Delinquents (Judea and Samaria) (No. 132), 1967;
- G. Order Regarding Rules of Responsibility for an Offense (Judea and Samaria) (No. 225), 1968;
- H. Order Regarding Prohibition on Commerce in War Equipment (Judea and Samaria) (No. 243), 1968;
- I. Order Regarding Prohibition on Training and Contact with a Hostile Organization Outside of the Region (Judea and Samaria) (No. 284), 1968;
- J. Order Regarding Methods of Punishment (Judea and Samaria) (No. 322), 1969;
- K. Order Regarding Prevention of Infiltration (Judea and Samaria) (No. 329), 1969;
- L. Order Regarding Duty to Identify Oneself (Judea and Samaria) (No. 332), 1969;
- M. Order Regarding Prohibition on Paying Wages to a Security Offender (Judea and Samaria) (No. 369), 1969;
- N. Order Regarding Supervision of Construction (Judea and Samaria) (No. 393), 1970;
- O. Order Regarding Legal Defense in Military Courts (Judea and Samaria) (No. 400), 1970;
- P. Order Regarding Prohibition on Construction (Judea and Samaria) (No. 465), 1972;
- Q. Order Regarding Closing of Files (Judea and Samaria) (No. 841), 1980;
- R. Order Regarding Transfer of Prisoners (Judea and Samaria) (No. 1435), 1996;
- S. Order Regarding Adopting Defense Measures (Judea and Samaria) (No. 1447), 1996;
- T. Order Regarding Personnel of the Masada Unit (Judea and Samaria) (No. 1558), 2005;

In order to remove any doubt, it should be clarified that directives, commands, orders, decisions, rulings or announcements that have or will be issued in accordance with the directives of these orders should be regarded as if they were issued in accordance with the directives of this order.

I hereby declare that this order will enter effect on May 2, 2010.

November 1, 2009

Sharon Afek, Colonel
Legal Advisor for the Judea and Samaria region

Chapter A – General Provisions

Definitions

1. In this order –

"held region" – territory held by the IDF except for the region.

“a member of the General Security Service” – a person who is a member of the General Security Services according to a valid document given to 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 region in accordance with this order; subject to the provisions of Section 153(A) where this order refers to "court" or "military court" it implies the military court of appeals as well.

"mitigation" – in the matter of punishment, including its reduction, conversion, condition or deferral, in its entirety or in part, in the matter of this order, a fine is viewed as a lighter punishment than imprisonment of any duration as long as imprisonment is not converted to a fine in a relation greater than one to hundred of the fine determined in Subsection 1(A)(2) of the Order Regarding the Raising of Fines Stipulated in Security Legislation, for each day of imprisonment.

"explosive or combustible object" – Every object or material, including liquid or gas, which is intended to or capable of causing an explosion or fire.

"information" – Including information that is not correct, and every description, plan, slogan, symbol, formula, object or every 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 region. In this matter, any policeman and any officer from the Israel Police deployed in the region by the authorities of the Israel Police is regarded as placed under the command of the commander of IDF forces in the region.

"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) (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), 1981, in the Appendix to the Order Regarding Administration of Regional Councils (Judea and Samaria) (No. 783), 1979, and by a local authority and every 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, announcement, directive, demand and permit.

"Order Regarding the Raising of Fines Stipulated in Security Legislation" – Order Regarding the Raising of Fines Stipulated in Security Legislation (Judea and Samaria) (number 845), 1980.

"IDF authorities" – The IDF commander of the region and every authority appointed by him or someone authorized by him or who was authorized to operate in the region in accordance with the law and security legislation, including every military commander in the region.

"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 region, for ensuring public peace and that 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), 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, will be interpreted as including all parts of a bomb, hand grenade, explosives or combustible device or ammunition.
- (B) An order issued under security legislation will enter into effect at the time determined in it.
- (C) It is possible to issue every order verbally, if the authority issuing or giving the order finds it appropriate to do so.
- (D) The authority giving or issuing an order will ensure that an announcement of its date of validity will be given at the earliest possible time and in the manner deemed appropriate by it. 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 to it.
- (E) The provisions of this section will apply to all security legislation.

- Appointment of Military Commanders** 3. The IDF commander in the region is permitted to appoint a military commander for every area or place in the region. 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 will be the military commander of the area or place in mention.

Authorities of policeman

4. Every policeman who is a member of the police forces will have these authorities:
- (1) the authorities given to every soldier under the security legislation;
 - (2) the authorities that every policeman in the region had on June 7, 1967 under any law that applied to the region on that day.

Authorities of police officer

5. Every officer who is a member of the police forces will have the authorities 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) Every member of the General Security Services will have the authorities given to every soldier in accordance with the security legislation.

(B) In regard to a member of the General Security Services, his superiors in this service will 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), 1968.

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

(C) The authorities stipulated in Subsection (B) will 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 will have the authorities that are granted to a soldier under Chapter C.

Chapter B – Military Courts

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. Following are the military courts in the region vested with jurisdictional authority:

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

10. Authority

(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, and this is when there is no other provision in the security legislation.

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

(1) if the offense was committed prior to the entry of IDF forces into the region or after it;

(2) if authority for adjudication was assigned to a special court or tribunal.

(D) In hearing an offense of the law, the military court shall have and in addition to the authorities in the security legislation, all the authorities that would have been given to a local court as defined in the Order Concerning the Local Courts (Judea and Samaria) (No. 412), 1970, if it was hearing the case.

(E) The military court is authorized to adjudicate as noted in Subsection (A) in the matter of one who committed an act outside of the region that would constitute an offense if committed in the region 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, which harmed or was meant 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) – 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) – 1978, provided that the object of the offense is an automobile that is legally registered in the State of Israel.

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

11. (A) The IDF commander in the region 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 will 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 will 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 – with 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 will 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 will 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 IDF commander of the region 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 which will not 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, as long as he will 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 at the IDF General Staff;
 - (3) The coordinator of government activity in the region 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, as long as 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 at 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 will 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 whose circumstances entail 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 decided by the Selection Committee, based on a medical opinion, in accordance with the rules it determines, that due to his health condition he is unable to continue to fulfill his role;
 - (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 a hearing has begun will be entitled to continue in order to conclude it within three months from the end of his term; this directive 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 every 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 will 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 will 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) There is nothing in Paragraph (1) that detracts from the authority of a single judge to implement any suspended sentence as stipulated in sections 169 to 171;
 - (3) Despite 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 authorized to impose upon the defendant a fine at the rate determined in Section 164(C).

18. Transfer of hearing

(A) At the request of a military prosecutor the military court of three is authorized, at every 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 will continue the trial from the stage at which the court arrived prior to the transfer and he is may, after giving an opportunity to the litigants to present their contentions in the matter, to 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 every stage of the hearing and up to the verdict, a single judge is authorized to transfer the hearing of every charge to a military court of three and return the defendant to custody, or release him under conditions determined by him which will ensure that he will appear before the said court; when the hearing is transferred as noted, the military court of three will 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 every 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 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) Despite 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 hearing the appeal of 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.

(H) In the matter of this section “imprisonment” – including an applied suspended prison term but not including a imprisonment due to non-payment of a fine.

Replacing a judge

20. As long as 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 to retake it, in its entirety or in part.

Chapter C – Detainment, Arrest, Release, Search, Seizure and Forfeiture

Article A – General Provisions

Effect

21. Provisions of this chapter and provisions issued by virtue thereof will further apply to an offense under security legislation, to an offense under another law applicable in the region 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. 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 will 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 authorized 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 order 25.(A) If a soldier has a reasonable basis to suspect that an arrest order 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 with it.

(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 with it.

Duration of detainment

26(A) A person will 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 will 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 will 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 will not be arrested under Article C of this chapter if it 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
will be held in custody in a place to be

determined by a military commander.

Execution of arrest order

30. An arrest order under this article will be executed by a soldier.

Arrest by soldier without arrest order

31. (A) A soldier is authorized to arrest, without an arrest order, 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) will be transferred as soon as possible to a police station or place of detention as determined in this order.

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

(D) The IDF commander in the region is entitled to authorize any person to order the release of a person arrested in accordance with Subsection (A), as long as no arrest order under the provisions of this article was issued against the detainee.

Arrest by 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 order in writing and for a period no longer than eight days from the time of his arrest.

(2) (B) If an arrest order 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, as long as 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 region 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) Despite the aforementioned in sections 56 and 58, the detainee will 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 will 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) One arrested in accordance with sections 31(A) or 32 against whom an arrest order 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 order, a request for a review or an appeal – will be submitted in writing with copies of the decision regarding the arrest and the protocol of the hearing, and will contain a summary of their reasons; if these were preceded by requests for release or requests for review or other appeals – copies of them will 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 order and extend the length of detention, as long as the arrest order 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 order 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, as long as 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 will not be included in the hour count.

Release from detention by order of judge

40. (A) A person arrested by arrest order of a judge will only be released by order of a judge.

(B) Despite 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 order of a judge prior to the end of the period of arrest as determined by the judge, unless the judge determined that the detainee will 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 will 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 will 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 will 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 order. A released person arrested in accordance with this section will be treated as noted in Section 31(B).

(D) At the request of a military prosecutor the military court is authorized, when proven to it 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 will 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 directive 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 will be vested with this authority.

(H) The guarantee and conditions of release on bail will 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) will apply to bail and conditions of release on bail determined after 24.06.09.

Detention until conclusion of proceedings

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

Detention before 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, will 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 every 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 will 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 give another instead of it.

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 will 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) In spite of 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 will not be included in the hour count.

(C) In spite of 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 will 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 – despite 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) Despite 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 will appoint a defense attorney for him; however, if a defense attorney is not present in said hearing, the judge will 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, will be held in the presence of one party only or in camera.

(H) subsections (D) and (E) will be in effect until 29.12.2010.

Giving notice upon arrest

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

(B) Despite the aforementioned in Subsection (A), if the detainee is a minor, information about his arrest and location will 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 will harm the well-being of the minor, information will not be provided but to the person appointed by the IDF commander in the region for this purpose.

(C) At the request of the detainee, a notice as noted in Subsection (A) will 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 will notify him, close to the time of his arrival at the facility, of his aforementioned rights under this section.

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

Deferral of notification of arrest by military court

54. (A) Despite 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) will be for a period not to exceed 96 hours. A judge is authorized to extend it from time to time, as long as the total period does not exceed eight days.

(C) A request under Subsection (A) will be heard ex parte, on behalf of the applicant a military prosecutor or a policeman of the rank of inspector or higher will 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 (who was so authorized by the IDF commander in the region 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) will be for a period or for periods which together will not exceed 12 days, and the days of deferral of notice of the detainee's arrest in accordance with Subsection (B) will 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 will 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 will 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 at 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) Despite the aforementioned in Subsection (C), a police officer at the rank of superintendent and higher, in a detailed written decision 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 an offense punishable by three years or more.

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

Preventing meeting with attorney by military court

57. (A) In spite of the provisions of Section 56 a judge is authorized to permit that a detainee will 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) will be for a period not to exceed 96 hours and a judge is authorized to extend it from time to time as long as the total period does not exceed 8 days.

(C) A request under Subsection (A) will be heard ex parte, on behalf of the applicant a military prosecutor or a police officer of the rank of inspector or higher will 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 if it had been committed in the region 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 at the rank of superintendent or higher;
- (2) Head of an investigation team in the General Security Services;
- (3) An IDF officer authorized for this by the IDF commander of the region.

"Permitting authority" – is one of the following:

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

(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 will allow the meeting if he does not see a reason to defer it as noted in subsection (C) and (D).

(C) The supervisor of interrogation is authorized, in a written decision, to order not to permit a meeting of the detainee with a lawyer for a period or periods which together will 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 that the good of the interrogation necessitates this.

(D) The permitting authority is authorized, in a written decision, to order not to allow a meeting of the detainee with a lawyer for an additional period or additional periods

which together will not exceed 15 days, if it is convinced that this is necessary for reasons of the security of the region or that the good of the interrogation necessitates this.

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

Preventing meeting with attorney – suspect of offense under Appendix

59. (A) If a person is detained a judge is authorized to permit that the detainee will 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) will be for a period or periods not to exceed 30 days, but the provisions of this subsection do not detract from the authority under Section 58, and the days of deferral of meeting under Section 58 will not be included in the 30-day period stipulated in this subsection.

(C) (4) The president or vice president of the military court of first instance is authorized to extend the aforementioned period in Subsection (B) for an additional period or periods which together will not exceed 30 days, if the IDF commander of the region 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 appointed for this is authorized 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 an offense as noted or as a means of execution, or that they were used for committing any offense as noted or as a means of committing it, or that they were used for committing any such offense or for facilitating its execution, or they have reason to believe that they 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 – will 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 later it was discovered that they were not 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 for facilitating its execution or they are not to serve any longer as evidence for an offense under this order – they will be released in accordance with directives of the regional commander.

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 will turn to the

president of the military court of first instance or to whom the president will determine for this matter, with a request to order what will be done with the goods; if the aforementioned request is submitted, every 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, will be obligated to pay expenses for the seizure and holding of the goods, in accordance with the directives of the IDF commander of the region.

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 will 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 everything possible to prevent the offense, as long as 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 who was not involved in committing the offense claims ownership of goods forfeited under this article or to have 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, to his ownership or only for realization of his right, and all as the case may be.

(B) If an order of forfeiture concerning goods that were sold was annulled, they will 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 who was authorized to do so in general or in a specific instance are authorized to enter, at any time, any place, vehicle, boat or airplane for which there may be a reason to suspect they are being used, 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 that there is a person there 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. Every soldier is authorized to detain and search any person for whom there is reason to suspect that he is using any object that is liable to seizure in accordance with this order or any animal regarding which there is room to suspect that it has such object on it.

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 command 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 – will be charged with an offense under this order.

Chapter D – Pre-trial proceedings

Article A – Investigation and closure of files

Interrogation of witnesses

70. (A) In this section –

“Investigator” – any IDF officer serving in the region, as well as any other person who is so authorized by the commander of IDF forces in the region 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 he is entitled to orally interrogate any witness and to record in writing any statement made by a person who is so interrogated.

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

(D) If a witness refuses to sign the statement or imprint his mark, the investigator will 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 will be required to truthfully respond to all of the questions the investigator asks him during the interrogation, but he is not compelled to do so, except for questions to which the 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 will 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 region 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) A directive as stipulated in subsections (A) and (B) will 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 from them.

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), 1967, or an investigations officer, who is 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 there is 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) will be done in accordance with general guidelines from the legal advisor.

(C) A directive to close a file as stipulated in Subsection (A) will 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, accordingly, only proceedings defined in security legislation will 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 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 region.

Prosecutor

75.

The prosecution before a military court will be conducted by one appointed by the IDF commander of the region as a military prosecutor.

Defense attorney

76. The defendant before a military court is entitled to defend himself through a defense attorney or 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 will 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 will 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 will 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 – despite 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 will 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 will set the lawyer's fee and is authorized to approve the defense expenses. The lawyer's fees will be determined according to the amounts stipulated in the Second Appendix of the Regulations Regarding Compensation for Arrest or Imprisonment (Order Regarding Security Directives) (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 will 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 will not receive any wage, compensation, gift or other benefit from the defendant or from any other person.

Attorney's attire

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

(1) The court attire of male attorneys is: a white shirt with a collar and long or short sleeves, a tie, pants and a jacket, all in black or dark blue, 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) A defense attorney will not be heard in a military court if he is not dressed in court attire, unless the court permits him to act otherwise, however, a defense attorney is entitled to be heard by the judge in his chambers even if he is not dressed in court attire.

Article C - Evidence

Evidence

86. Concerning the law of evidence, the military court will 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 will 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) will be in camera; in order to rule on the petition, the judge is authorized 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 authorized 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 will 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 from testifying at all.

(C) The IDF commander of the region 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, will be public.

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

(E) A person will 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 every 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 will be valid as if issued by a military court, including for the purpose of prosecution under this article.

Photographing in court

92. A person will not photograph anything in the courtroom of the military court and will 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 will further apply to every 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 will 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 directive of the court, or insults the military court or any of its members, or disrupts or delays the proceedings in court, is subject to two years imprisonment and the military court is authorized to immediately sentence him to imprisonment for a period not more than three months.

there is nothing in this section which detracts 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, as long as a person will not be held responsible twice for the same act.

Removing a person from the military court

97.

(A) The military court is authorized 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) Disrupts the court's hearings in another way.

(B) This section will 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) – 1986 or who is subject to disciplinary adjudication in Israel in accordance with the directives of the Bar Association Law – 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 will 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, will 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 will be viewed as having joined with the opinion of the judge who suggested the most similar proposal as he did. For the purpose of this section, the presiding judge will 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 will be written in an indictment that will be presented by a military prosecutor to the military court; at the opening of the indictment, the military prosecutor will note whether the indictment is presented to a military court of three or a single judge.

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

Joinder of charges

101. The details of the charge will 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 will be requested to respond to each charge separately.

Amending an indictment

102. (A) A military prosecutor is authorized, 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 will provide a copy of the announcement to the defendant.

(B) The court is authorized, 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 will 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 will 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 will continue the hearing.

Suspension of proceedings

105. (A) At any time after pressing charges and prior to the sentencing, the military court is authorized 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 authorized to announce in writing to the military court of his wish to renew the proceedings, and if he does so the military court will renew the proceedings and is authorized to continue them from the stage reached prior to the suspension.

(C) Despite the provisions of any law and the security legislation, it is possible to renew the proceedings with permission of the legal advisor of the region, 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 – Summoning to trial

Producing a summons to trial

106. (A) For the purposes of this section -
“Summons” - including order or announcement issued under this order.

(B) A summons that must be delivered to a person in accordance with this order will be delivered in one of the following:

(1) Personal delivery to him and if he is not to be located in his place of residence or employment – to a family member residing with him and who looks as if he is at least eighteen years of age.

(2) By sending a registered letter to the home of the person with a confirmation of delivery; the military court is authorized to view the date on the confirmation as the date of delivery.

(3) By sending a letter via the supervisor of legal aid, as defined in the addendum to the Law of Extending the Validity of Emergency Regulations (Judea and Samaria – Jurisdiction of Offences and Legal Aid), 1967, as valid in Israel from time to time, to the Palestinian Council, for transfer to the summoned person.

(C) Delivering the summons to the defense attorney of the defendant, or delivering it to the office of the defense attorney by giving it to an office clerk there, as well as sending a registered letter with a confirmation of delivery to the address of the office, will be considered as delivering it to the defendant, unless the defense attorney notifies the court within five days that he is unable to bring the summons to the knowledge of the defendant.

(D) If the military court is convinced that it is impossible to produce the summons as noted in subsections (B) or (C), it is authorized to order its delivery in one of the following ways:

(1) By pasting a copy of the summons on a visible place in the office of the Civil Authority in the area of the residence of the defendant or the witness;

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

;

(3) In any other manner it deems appropriate.

Subpoena

107. (A) A military court is authorized to issue at any time a subpoena against the defendant, if it finds that there is a need for this, in order to compel him to appear at the trial at the appointed time.

(B) A person against whom a subpoena was issued in accordance with Subsection (A) will be brought as soon as possible before the military court and it will order whether to hold him in detention or release him under conditions it will determine.

Seizure of assets of defendant who fled

108. (A) If a defendant fled or is hiding and there exists no possibility to find him, the court is authorized, at the request of a military prosecutor, if he reasons that this may result in the appearance of the defendant, to order the seizure of assets from the defendant's assets, chattels or land, the notation of seizure in the land ownership registry, or on the appointment of a receiver, and to order what is to be done with the assets and their fruits as long as the order is valid.

(B) An order in accordance with this section will not impinge on the rights of a creditor regarding those assets.

(C) If an order was given in accordance with this section, every 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 the order or alter it.

Article G – Summoning witnesses and documents

Summoning witnesses and documents

109. (A) The court is authorized, at the request of a litigant or at the instigation of the court to summon a person to testify in the trial if it is of the opinion that summoning him will assist in clarifying the question related to the trial.

(B) The military court is authorized, at the request of a litigant or at the instigation of the court, to order a witness who was summoned or any other person to produce for the court at the appointed time as noted on the summons or the subpoena, those documents in his possession detailed in the summons or subpoena.

(C) The military court is authorized to order a person present before it to testify or produce documents at an appointed time it determines; the legal standing of such a person is that of someone served with a summons or order to produce 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 court is authorized to issue a subpoena against him in order to compel him to appear in court.

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

Imprisonment of witness or defendant for disobedience to summons

110. A person is called 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 if he appeared in court and left it without receiving permission from the court to do so, or refrains from coming to a continuation of the hearing after he was ordered to do so, is subject to two years imprisonment and the military court is authorized to immediately sentence him to imprisonment for a period not to exceed three months.

Nothing in this section detracts from the authority of the 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 will not be held responsible twice for the same act.

Chapter E - Trial proceedings

Article A – Time and place of the trial

Commencement of the hearing

111. (A) The place and time at which the military court will commence hearing the trial of John Doe will be determined by the president of the court or according to his directives,

(B) Despite the aforementioned in Subsection (A), a single judge will sit in court at those times and places he himself will order.

Delay in continuation of trial

112. The military court is authorized to delay its hearings at any stage of the proceedings, and to recommence them at a place and time it will order. The court is authorized to issue any directive concerning the remand of the defendant and his appearance to a hearing that has been delayed.

Imposition of expenses for delaying trial

113.(A) For the purpose of this section –
“litigant” including the defense attorney or representative of a litigant.

(B) If the military court granted the request of the litigant to postpone the assigned time of the trial or if the trial was delayed due to an act or omission of a litigant, the court is authorized, if it sees justification for doing so, to impose on the litigant because of whom the delay was caused expenses for the other party.

(C) The military court will not impose expenses as noted in Subsection (A) until after providing an opportunity for the litigant to make his contentions

Article B – Presence of defendant

Presence of defendant in trial

114. (A) Every defendant is entitled to be present during all procedures of the trial, provided that he acts appropriately.

(B) If a defendant acts inappropriately, the court is authorized, at its discretion, to order the removal of the defendant from the court room and continue the trial proceedings not in his presence, provided that it ensures that the defendant be notified about the occurrences in the trial proceedings and he is given a possibility to defend himself.

(C) The military court is authorized, if it deems it fit, to allow the defendant to be outside the court during the hearing, for all or part of it, in conditions to be determined by it.

Article C – Protocol and translation

Taking the protocol

115. (A) The presiding judge will take the minutes of the hearings, either himself or via a registrar.

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

- (1) the defendant’s plea;
- (2) the testimonies that were heard;
- (3) details about the exhibits;
- (4) the verdict (the findings the court determined and the decision whether to convict the defendant or acquit him);
- (5) the sentence.

(C) The indictment, documents that were submitted and which the court accepted, and any document pertaining to the case will be attached to the protocol and will be part of it.

(D) The court is authorized, upon the request of one of the parties in the case and after allowing the other parties an opportunity to voice their views, to correct a record in the protocol in order to make it accurate; the court will consider a request for such a correction even if submitted after the ruling is given, and as long as the period for appealing it has not expired.

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

(F) A protocol will serve as prima facie evidence for the course of the trial. But in an appeal of the case, no argument may be presented against the accuracy of the protocol and no evidence may be presented regarding an error in it, except by permission of the Military court of appeals.

(G) The military court will sign every verdict and sentence.

Translator for defendant

116. (A) If it was explained to the military court that the defendant does not know Hebrew it will appoint a translator in order to translate for him what is being said during the hearing and the decisions of the court, unless the defendant willingly yields the right to translation, either in whole or in part; he 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 will be translated by a translator, and testimony so rendered will be recorded in the protocol as translated into Hebrew, unless the court orders otherwise; the recording of the translation in the protocol will serve as prima facie evidence for the words translated.

Article D – opening of trial

Commencement of trial

117. At the commencement of the trial, the military court will read the indictment to the defendant and will explain its contents to him, if it deems it necessary. The military court is authorized not do so in respect to a defendant represented by a defense attorney, if the defense attorney 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 statement of the defendant and his defense attorney will be recorded in the protocol.

Explanation of rights

118. During the trial the court will explain to the defendant, if it perceives a need to do so, the rights given to him and to his defense.

Plea of defendant

119. (A) The defendant will 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 will be considered as pleading innocent.

(D) Abstention of the defendant from pleading may strengthen the weight of the evidence of the prosecution; the military court will 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 will cancel the verdict to the extent that it is founded in the confession of the defendant, and will 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 authorized, in accordance with Section 165(A), to impose this punishment, it will not proceed as provided in Section 119, and the defendant is considered as pleading not guilty.

Procedures after plea of guilty

122. (A) If the defendant pleads guilty, the military court is authorized, 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 will convict the defendant on the basis of his confession.

(C) Before the military court will act in accordance with Subsection (B), it will 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 will 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 authorized 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 authorized 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 will convict and sentence him prior to him being called to testify.

Proceedings after admission to 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) Despite the aforementioned in Subsection (A), the military court is authorized 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 will 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 will 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 will 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 will 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 will 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 will ask him if he wishes to present testimony or call a witness in order to defend himself; the court will hear the testimony of the defendant, if he wishes to testify, and the testimonies of all the witnesses that will 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 authorized, 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 will announce his acquittal immediately and the defendant will 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 will be exempt from their guarantee or the monetary bail will be returned, as the case may be.

Conviction and sentencing

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

(B) The court is authorized 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 will 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 will 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 will 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 will rule to detain him in an appropriate place, to be determined by the commander of the region, and to hold him there for as long as the commander of the region 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 will order that the aforementioned person be detained for a period to be determined by the commander of the region. If two military doctors testify that the detained person in accordance with the provisions of this subsection is sane, and the commander of the region finds that it is appropriate to do so, he will 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 region is authorized 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 authorized 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 will be conducted by a psychiatrist who will be appointed by the commander of the region or someone authorized by him to do so; the psychiatrist will determine a specific hospital to which the person mentioned in the order will be admitted and the hospital will admit him.

Article F - Witnesses

Examining witnesses

132. Witnesses appearing before the military court will 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 will 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 the witness and swearing him in

134. (A) The military court will caution the witness prior to taking his testimony that he must tell the truth and if not he will 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 authorized, at its own instigation or according to the request of the litigant, to swear him in. However, the witness may declare that he will 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 will enter into effect on 29.09.2009 and will remain in effect for one year from the day of its commencement.

(B) The provisions of this article will 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 will 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 will be adjudicated before a military juvenile court.
- (B) The provisions of this subsection will 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 authorized 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 authorized, after hearing the parties, to adjudicate the case; if the military court so decides, it will treat the minor as if it were a military juvenile court and it will have the authorities of a military juvenile court provided under this article; if the military court decides not to adjudicate the case, it will 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 will transfer the case to a military juvenile court, and the latter will adjudicate the case as if it had been brought before it from the outset, and it is authorized 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 authorized to continue to adjudicate it, provided that from this point onward it will act as if it were a military juvenile court, and it will have all of the authorities 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 will continue to adjudicate the case as if it were a military juvenile court, and it will have all of the authorities 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 authorized 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 will adjudicate it as if it had been brought before it from the outset, and it is authorized to adjudicate it from the stage it had reached in the military juvenile court.

Maintaining validity

142. A decision or ruling of a court will 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 authorized to order that a court he so assigns will conduct a retrial of the case. And the provisions of sections 157 through 162 will apply, with the necessary changes according to the case.

Separating minors

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

(B) To the extent possible, minor defendants will not be brought to or from the court together with non-minor defendants, and will not be held together there.

Time for indicting a minor

144. A person will 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 authorized by him.

Indicating age of the minor

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

Defense

146. (A) The military juvenile court is authorized 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 will 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 will help him to examine the witnesses.

Parent's status

147. (A) A military juvenile court is authorized 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

148. (A) If a minor is convicted, the military juvenile court is authorized, 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 to the extent 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 authorized to advise the court regarding the chances of rehabilitating the minor.

(C) A copy of the report [submitted] in accordance with this subsection will 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 will 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, as long as 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 every 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 every other directive which can be included in the sentence;

(4) A decision by a judge of a military court not to recuse himself from sitting in a trial.

Explaining the right of appeal

151. At the conclusion of the reading of the verdict, the military court will explain to the defendant his right to appeal the verdict, and will 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 every matter in appeal, including the matter of the authority of the military court of appeals, submission of the appeal and summoning the litigants and witnesses, matters will 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 will 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 authorized, 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 will 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 authorized 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 authorized 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 will be given to any of his offspring, his parents, brothers or sisters.

(B) A request for a retrial will 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 will 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 authorized 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 will 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 will determine the military court which will conduct the retrial; the trial will 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 will 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 authorized to turn to the chief military prosecutor for a legal opinion in writing.

(B) For the said opinion, the chief military prosecutor is authorized 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 will be given to the applicant.

Procedures in retrial

160. In a retrial, the regular trial procedures of a military court will be applicable, although the court is authorized 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 authorized 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 will annul the ruling given in the first trial and will 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 will issue its ruling accordingly, provided that the punishment imposed on him will 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 will be taken into account in the new punishment.

(C) Despite the aforementioned in Subsection (B), the court is authorized 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 will 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 authorized 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 will 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 authorized

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) Despite the aforementioned in Subsection 164(A) the military court will 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 will 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, will 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 will 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 will 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, will be released immediately, despite 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 will 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 authorized to order that the sentenced serve all or some of them one after the other. If the court does not rule so, all of them will 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 will not apply.

(G) A prison sentence will be served in place of detention to be determined by the IDF commander in the region.

Imprisonment of minor

168. (A) When prescribing the punishment of a juvenile or young adult, the military court will 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 authorized to order that the punishment, in its entirety or in part, be suspended;

(B) A person sentenced to a suspended sentence will 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 will not exceed five years.

(C) The suspended sentence will 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, will 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 will order the suspended sentence to be activated and the military court is authorized 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 authorized, 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 will 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, will 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, will 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 authorized to order, despite 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 will not be just to activate the sentence. The court will use its authority 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 will 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 will 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 will be in every aspect as a sentence of the military court.

Payment of fine

173. A fine imposed will be paid immediately, however, the military court is authorized to order that the fine be paid within a period and under conditions determined by it;

Arrears

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

(B) The rate of accretion will be fifty percent of the fine or the part of it that was not paid, as the case may be; at the conclusion of every 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, will be first credited on the account of the accretion.

(D) The provisions of the Law of Collecting the Public Funds, No. 6 of 1952 will 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 authorized to sentence imprisonment for non-payment of a fine for a period that appears appropriate to it, provided that it will 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 authorized 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 will be served after every 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

will be discontinued for him to serve the imprisonment for non-payment of a fine and will 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 will be shortened according to the relation of the amount paid to the total fine.

(E) A If a person has serves a prison sentence for non-payment of a fine, he will not be required to pay the fine and the accretion; if he served part of the imprisonment term, he will not be required to pay a part of the fine proportionate to the period of the imprisonment sentence he served, and the accretion he will be required to pay will 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, upon 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 authorized 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 applying to the convict will 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 authorized 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 authorized to sentence for the said offense, in order to ensure that the convict will 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 will not commit an additional offense, in addition to the guarantee, the court is authorized 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 applying 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 will order the realization of the guarantee, and the provisions applying to a ruling imposing a fine will 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 authority 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 region is authorized 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 authorized to appoint a receiver, and to determine in his letter of appointment directives concerning methods of action of the receiver, his obligations and authorities 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 execution of his office will 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 authorized, 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 will not exceed three years; the guarantee will 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 authorized 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 will 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 authorized 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 region, 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 authorized to order that he will not be tried in a military court for the offense which of which he is suspect and which will 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 will 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 will 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 authorized at the request of a military prosecutor to issue an order on the realization of the guarantee, and the provisions applying to a ruling imposing a fine upon the guarantor will 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 will 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 will 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 from it.

Imposing compensation

182. (A) A military court convicting a person is authorized 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 will 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 will 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 will 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 authorized to order, upon request by the defendant or on its own initiative, when delivering the verdict, that the commander of IDF forces in the region 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 will 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 applying to the ruling will 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 will not extend the term for submitting an appeal or a request for an appeal in regard to the ruling itself;

(D) The military court will 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 will be authorized 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 region is authorized 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 region is authorized 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 will 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 region is authorized 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 region is authorized 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 region, 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 region is authorized 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 will 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 will 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 will 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 will 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] will 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 region will 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 region will appoint one of the members of the committee to serve as governor of the committee.

(D) The committee will 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 will adjudicate with three; a panel of three and the chairman of the panel will 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, will be authorized 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) will 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 will 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] will 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 authorized, 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 will 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 will 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, will be a conditional period that commences with the convict's release from the term of imprisonment he served, and will 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) will 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, will apply to the proceedings under this section.

(M) Subject to the provisions of subsections (F) and (L), the convict will 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 will adjudicate in a way it deems to be most effective in reaching a just and prompt decision on the matter.

(O) The committee is authorized, 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 will 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, will be appointed as a member of the appeals committee.

(Q) The appeals committee will be vested with all of the authorities assigned to the committee.

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

Chapter F – Rules of responsibility for an offense

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 region, or a held region 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 region and partly outside the region

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

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 responsibility of a minor

191 (A). A child will not bear criminal responsibility for any action or omission.

(B) A person, who committed an offense while he was a child, will 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 will not bear criminal responsibility 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 responsibility, 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, will not bear a greater extent of criminal responsibility 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 every person is of lucid mind and was of lucid mind at all possible times until proven to the contrary.

Insanity

195. A person will not bear responsibility 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” will include a state created by the use of intoxicating drugs.

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

(C). Drunkenness will 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 will be released, and if the matter falls within the domain of Paragraph (2) of Subsection (C), the provisions of Section 194 will 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 will 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 in another way, 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 will not bear criminal responsibility 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 responsibility 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 will be regarded as if they partook in the commission of the offense and will 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, will be charged with the same type of offense and will 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 will 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 will 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 will 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 applying to the commission of the entire offense will 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 will 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 region 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 will be charged of an offense of the same type and will be subject to the same punishment as if he himself had attempted to commit the action or omission in the region.

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 will 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

Article A – Injury to person

Causing intentional death

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

Manslaughter

210. (A) A person who causes by illegal action or omission the death of a person, will be charged with manslaughter and will 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 will 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 will be seven years imprisonment;

(2) 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 will 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 will be sentenced to ten years imprisonment;

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

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

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

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

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

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

(G) A person who illegally hides or imprisons a person knowing that he has been kidnapped will 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, will be sentenced to three years imprisonment; a person who does so, pretending to hold an official position or pretending that he had the authority to detain or imprison him, will be sentenced to five years imprisonment.

Article C – offenses against authorities of the region

Harming a soldier

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

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

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

(C) A person who threatens a soldier will 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 – will 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 authorized to operate in the region by the IDF commander of the region or a military commander – will 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 – will be sentenced to ten years imprisonment.

Disturbing a soldier

218. A person who disturbs a soldier in fulfilling his task or any person using authority 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 region, maintenance of public order or provision of supplies or services to the public – will 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 region or toward one of its symbols will 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 will 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), 1967.

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

Offenses against public order

222. (A) A person will not commit an act or omission which entail harm, damage, disturbance or danger to the security of the region 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 will 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 will 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 will 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 will 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 – will 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 will 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 will be charged with an offense under this order.

(B) A person who does not obey a special summons delivered to him will 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 will be seen as having been delivered to a person in 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 will 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 will 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 will 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, will 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, will be sentenced to five 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, will 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, will 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, will be sentenced to nine years imprisonment.

(D) Subsections B(1) and C(1) will 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 will 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, will 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 will 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, will 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, will 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 will 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 will be sentenced to life imprisonment.

(C) A military commander is authorized to determine, in an announcement to be published on his behalf, general conditions which will 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 will 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 will be disposed of as ordered by a military commander.

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

Commerce in War Equipment

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 region or on his behalf will 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 region within a reasonable period of time will 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 region for its use.

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

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

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

(E) A person who commits an offense under this section will 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 reservoir of mineral or plant fuel;

(5) Material or anything located in a building or under it or on it, whether the building was set on fire or not;

will be sentenced to ten years imprisonment.

Malicious damage to property

236. (A) A person who destroys property or willfully and unlawfully damages it – will 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 will 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 will 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.

238 Prohibition of military training and contact with hostile organization outside the region

(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 region;

“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 region” – includes a resident of a held region.

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

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

(D) Pleas of necessity and compulsion will 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 region immediately upon his return to the region.

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

Espionage

239 (A) A person who transfers information and thereby intends to ham the security of the region will be sentenced to fifteen years imprisonment.

(B) A person who obtains, prepares, records or holds information and intends to harm the security of the region will 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 region necessitates keeping it secret.

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

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

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

(E) It will 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 authority 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 – will 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 will 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 authorized to do so, and further a person who attempts to disturb or deceive a sentry or guard responsible for the restricted area, will 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 region or the maintenance of public order will be sentenced to imprisonment not to exceed five years.

Impersonation

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

Provision of shelter

245. A person will not help and will 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 – will 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 will be charged with an offense under this order.

Knives

248. (A) (2) 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 will 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 will be sentenced to five years imprisonment; for the purpose of this subsection it will 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 – will 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 – will be sentenced to one year imprisonment.

Incitement and support of hostile organization

251. (A) For the purpose this section -

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

(B) A person who:

(1) Attempts, orally or in another way, to influence public opinion in the region 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 region 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 –

will be sentenced to ten years imprisonment.

Article I – Offenses regarding documents

Prohibition on issuing identification documents

252. A person will 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 region.

Offenses regarding permits and documents issued in accordance with security legislation

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

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

(C) A person will not alter and will not allow another person to alter any document issued in accordance with security legislation without permission from the commander of IDF forces in the region.

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

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

(F) A person will 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 will 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 region will be regarded as if committed in the region.

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 will 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, will 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.

will 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, will 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 will 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 will 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 will 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 will 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, will be sentenced to seven years imprisonment.

(C) A person who gives a bribe will be sentenced as the one receiving it. A person who offers or promises a bribe even if rebuffed will 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 – will 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 will 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 will 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 authority 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 authorized 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 region, and any corporation or institution whose budget is financed, in its entirety or in part, from the funds of the region’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), 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 at a public authority.

(B) A person will not pay wages and will 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 region so directs in an order.

(C) A person will not pay wages and will 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 will 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 will be sentenced to five years imprisonment.

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

(C) A person who makes statements and gives testimonies in the same matter before a person authorized 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 will be sentenced to three years imprisonment.

(D) The protocol of a military court hearing and a statement lawfully recorded in an investigation will 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 – will 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 will not hold, or herd or lead animals into a closed zone, he will not bring them inside of it and will not permit another person to do the aforementioned without a permit from a military commander; however, the owners of the animal will 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) Every soldier or authorized authority appointed for such is authorized 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 will be dealt with in accordance with directives to be published by an IDF commander of the region.

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

Chapter H – Legal aid

Investigation of cause of death

263. If a person dies in the region 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 region while under arrest or imprisonment, a police officer or an officer of the military police is authorized 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 authorized to exercise his authorities under Regulation 119 of the Defense (Emergency) Regulations, 1945 regarding a home, structure or land situated in the region, also due to an act committed outside of the region which, had it been committed in the region, would have enabled the exercise of his authorities under the aforementioned regulation.

Executing arrest

265. (A) If an arrest order 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 order or an arrest warrant is executed in Israel.

(B) If a person is lawfully arrested in the region due to an action or attempt committed in Israel or in a held region 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 region, as if arrested in Israel or in a held region, 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 region, 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 region sentenced to imprisonment by an authorized court in the region may be transferred from the region to the held region to serve or complete his prison term.

Executing order of arrest or imprisonment

267 (A) If an arrest order, 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 region, in the same manner that arrest order or arrest warrant are executed in the region.

(B) If a resident of the region is tried and sentenced to imprisonment by a court in Israel, his punishment may be executed in the region, if not formerly executed in Israel, in the manner in which prison sentences imposed by a military court are executed in the region; 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 will continue to apply to him.

(C) If, in a held region, an arrest order, 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 region, in order to be transferred to that held region.

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

Minors

268. (A) If a court in Israel orders that a resident of the region 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 region, if not formerly executed in Israel, in the same manner in which a similar order issued by a court of law in the region 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 will continue to apply.

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

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

Transfer

269. In order to execute an arrest and punishment under this article, a soldier is authorized 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 region, 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 authorized court in the region;

“**Detainee**” – a person against whom an arrest order or arrest warrant has been issued by an authorized authority in the region;

(B) The commander of IDF forces in the region is authorized 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 will have all

of the authorities pertaining to the execution of his imprisonment, including in the matter of early release and amnesty.

(C) The commander of IDF forces in the region is authorized to order, in writing, the transfer of a detainee to the Palestinian Council.

(D) The commander of IDF forces in the region is authorized 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 will be regarded as a prisoner whose sentence was reduced on the condition that he remains in the region until the end of the term of his imprisonment, and the provisions of Article K of Chapter E will 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 region or a person so authorized by him to issue any directive pertaining to the departure of a prisoner from the region as noted above.

Chapter I- Administrative Orders

Article A- Administrative Detention

Effect

271. The provisions of this article take effect as long as the provisions of Article V of this chapter apply.

Restriction on use of authorities

272. A military commander will 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 region has reasonable grounds to believe that reasons of regional security or public security require that a certain person be held in detention, he is authorized, 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 region 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 authorized, 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 will 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 region may order the detention of a person, apply, he is authorized, 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 will 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 region in accordance with this article, he will 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 authorized 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 will be released, unless there is an additional reason for his detention in accordance with any law or security legislation.

(B) The judge will 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 will 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 will 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 will 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 will be noted.

(C) In proceedings in accordance with sections 275 and 276, the judge is authorized 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 will hold all the authorities awarded to a judge in accordance with this chapter.

(B) The appeal will 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 will be conducted in camera.

Rules of procedure

281. The commander of the region is authorized 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 authorities of the commander of the region under this article may not be delegated.

Canceling of order by the commander of the region

283. The provisions of this article do not detract from the authority of the commander of the region 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

284. Temporary order

(A) By the powers vested in me as commander of IDF forces in the region, and judging that due to the special circumstances prevailing in the region 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 will not apply to a detention order to which the provisions of this article apply.

(B) The provisions of this article will remain in effect until a different directive is issued by the commander of the IDF in the region.

(C) Despite the stipulation in Subsection (A), the Regulations Regarding Administrative Detention (Conditions of Detention in Administrative Detention) (Judea and Samaria), 1981 will apply to the detention of detainees in the region by virtue of this article.

Administrative detention

285. (A) If the commander of IDF forces in the region or a military commander authorized 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 authorized, 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 authorized, 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 applying to the original detention order will 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 will be executed by a soldier or policeman, and will 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 will 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], 1971, as in force in Israel;
- (3) A military prison as defined in the Military Adjudication Law, 1955, as in force in Israel.

Judicial review

287. (A) A person detained under this article will be brought within eight days of his arrest before a judge whose rank is no lower than the rank of major. The judge is authorized 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 will be released, unless there is another reason to detain him under any law or security legislation.

(B) The judge will 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 will have all of the authorities 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 authorized to order a deferral in the execution of release for a period not to exceed 72 hours; in this context Saturdays and holidays will 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 will 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 will 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 will 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 will 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 will be noted.

(C) In proceedings under sections 287 and 288, the judge is authorized 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 will 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 authorities of the commander of the region under this article may not be delegated.

Canceling of order by military commander

293. A military commander is authorized, 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 region is authorized 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 authorities

295. A military commander will 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 authorized to issue an order, concerning any person, for all or part of the following goals:

(1) To ensure that the said person will not stay in any one of the areas in the region 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 will 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 will 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 authorized to cancel the order, reduce it or change its conditions.

(E) If an appeal is submitted to the committee, it is authorized 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 authorized 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 will 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 authorized, 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 will not be included in the hour count.

Special supervision and assigned residence

297. (A) A military commander is authorized to issue an order that a person be under special supervision.

(B) A person under special supervision in accordance with this section – will be subject to all or part of the following limitations, as ordered by the military commander:

(1) Will be required to live within the confines of a certain place in the region to be detailed by the military commander in the order;

(2) Will not leave the city, village or district in which he lives, without written permission of a military commander;

(3) Will give, at every 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) Will remain behind the doors of his home during hours to be determined by the military commander in the order.

(C) A soldier is authorized 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 will 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 will 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 authorized to cancel the order, reduce it or change its conditions.

(G) If an appeal is submitted to the committee, it is authorized 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 authorized 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 will 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 authorized, 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 will 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 will review his case every six months, regardless of whether or not the person submits another appeal. In such hearing, the committee will have all of the authorities 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 authorized 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 region 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 will 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 region unlawfully after the defining date or a person who stays in the region 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 will be sentenced to seven years imprisonment.

(B) Notwithstanding the provisions in Subsection (A), if an infiltrator proves that his entry to the region was lawful, he will 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 will be sentenced to twenty years imprisonment.

Deportation

301. (A) A military commander is authorized to order in writing that an infiltrator be deported from the region, regardless of whether or not he is charged with an offense under this order, and the deportation order will warrant keeping the infiltrator in custody until his deportation; for the purpose of its execution, a deportation order will be regarded as an arrest order 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) will 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 will be deported from the region as soon as possible, unless he has already left the region of his own accord.

(D) If a deportation order is issued under Subsection (A), the infiltrator will be given, in writing or orally, to the extent 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 will 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 will 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 authorized, 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 region, he is authorized 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 region 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 region.

Costs of executing deportation order

302. A military commander is authorized 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 authorized 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 will be authorized 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 will not order the release of an infiltrator if he believes that –

(1) The deportation of the infiltrator from the region 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 region, public safety or health.

(C) Release on bail will be predicated on conditions the military commander defines for ensuring that the infiltrator will report for his departure from the region 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 authorized 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 authorized 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 region without a certificate or permit indicating that he is lawfully staying in the region, 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 region 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, 1952 as in force in Israel from time to time, allowing a person to stay in the region.

Establishment of committee

305. A committee will be established in the region to review deportation orders, which will be authorized 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 region will appoint judges with the rank of major, at least, as members of the committee.

(B) One of the members of the committee will be appointed as governor of the committee.

(C) The governor of the committee will appoint members from among the members of the committee to sit as a single-judge panel.

(D) The governor of the committee will be authorized to determine that the committee will 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 will appoint the chairman.

(E) The governor of the committee will be authorized to replace a committee member with another one, and the hearing of the appeal will 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 will 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 will 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), will be brought before the committee, which will 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.

Authorities of committee

308. The committee is authorized –

(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 will facilitate the expulsion of the person in custody from the region; provided that it does not issue such order if –

(1) the expulsion of the person in custody from the region 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 region, and including an unjustified refusal to return to the state from which he arrived to the region or to another state if his return to the state from which he arrived to the region is impossible; or

(2) The release of the person in custody would endanger the security of the region, 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 region, if it is convinced of one of the following:

(1) That the expulsion of the person in custody from the region 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 will not issue such order if the release of the person in custody would endanger the security of the region, 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 will 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) will be brought before the committee, which will 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 will 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 authorized by him is authorized 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 authorities 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) will apply.

Presence of person in custody

312. Subject to the provisions of Section 311, the provisions of sections 51 and 52(B) and (C) will 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 will proceed in a way it deems most effective for reaching a decision in the case.

(B) The committee is authorized 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 authorized 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) will apply to the proceedings for release on bail under this chapter, with the necessary changes; the committee will have all of the authorities 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 authorized 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 will not be included in the hour count.

Retaining authorities

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 authorities

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 authorized, 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 will pass, whether in general or in particular;

(2) Demand from every 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) Every soldier is authorized to demand in an order from all or part of the residents of every city, village, area or neighborhood to remove from the road every 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 – will be charged with an offense under this order.

Curfew

317. A military commander is authorized 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 will be charged with an offense under this order.

Closed zones

318. (A) A military commander is authorized 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 authorized to determine that one of the following provisions will apply to it:

(1) No one will enter the closed zone;

(2) No one will leave the closed zone;

(3) No one will enter the closed zone or stay in it;

(4) No one will enter the closed zone or leave it.

(C) A military commander is authorized 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, every soldier, policeman or authorized authority appointed for such will be authorized 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 – every soldier or policeman will be authorized 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 authorized authority appointed for such in fulfilling their tasks in accordance with this section will 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 every business engaging in the production or sale of goods or in the provision of services to the public;

“To hold” – concerning every 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 authorized, 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 region 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 will 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 authorized to command any person by an order, if he believes that it is necessary for the security of the region, safety of the region 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), every 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 region in a manner which may harm the security of the region, the safety of the region or the public order in it.

(D) A person who violates any provision of this section or directives issued in accordance with it will be charged with an offense under this order, however, he will 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 authorized to command every property holder in an order, if he believes it is necessary for the security of the region 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, will 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 will carry an identification card with him.

(B) A person who enters the region from Israel and is not a resident of a held region will carry a document of identification which he is required to carry in Israel.

(C) A resident of a held region, a man who is 16 years of age, will carry with him an identity card issued in accordance with security legislation applying in the held region.

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 region or authorities of the Gaza Strip region.

(B) A soldier is authorized 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 will give the person from whom he seizes the card a substitute document.

(2) The soldier will 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) will 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 will be regarded as an identification card for the purpose of every law and security legislation.

(D) A document seized as noted in Subsection (B)(1) will be returned to the person from whom it was seized immediately following execution of the directive issued to said person, however, the soldier is authorized 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 will be within the validity period of the substitute document.

(E) A document seized as noted in Subsection (B)(2) will be returned to the person from whom it was seized upon his reporting.

Article C – Various authorities

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 authorized to order the implementation of measures he deems necessary for protecting the security or property of the residents of the region or those who are present in the region, or the security of the region, 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 region, 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 will detail in the order all of the operations or actions requested by him and he is authorized 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 authorized 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 authorized to decree that an order issued under Section 326 will be executed by a person so authorized by him in writing.

(B) If an order is issued under Section 326, the military commander or a person so authorized by him in writing, is authorized 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), will be conducted, to the extent 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 authorized by him to execute the order regarding the implementation of security measures, will be authorized, 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 will determine who will bear the expenses of implementing security measures and will be authorized to decree that these expenses will 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 authority

329. A military commander is authorized to exercise his authorities 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 authorized to act under this section – will 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 will not be constructed on an area of land where a building was situated which was confiscated and demolished, and the sealing will not be removed from a confiscated building of which the openings have been sealed by order of a military commander under the authority 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 region.

(C) A person who constructs a building or removes the sealing from a building in contravention of the provisions of Subsection (B) will be sentenced to two years imprisonment.

(D) A military commander is authorized 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), 1982, accordingly, including an exemption from one of these.

(B) A military commander is authorized, 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 region or to ensure public order.

(C) If an order is issued under Subsection (B), a license will 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 will be suspended as long as the order remains in effect or as long as 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 authorized 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) – will 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) – will 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) – will be sentenced to one years imprisonment.

(4) In this subsection, a “planning institution” – an authority authorized 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), 1971, or under the Order Regarding Granting of Permits for Work in the Administered Territories for Military Purposes (Judea and Samaria) (No. 997), 1992, as the case may be.

Chapter K – Miscellaneous 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, will 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) will not apply to someone whose payment date for a fee imposed upon him under Section 165 is prior to March 7, 2007. And the provisions of this section will apply to him, with the following changes:

(1) In Subsection (A), the words ‘three years’ will be replaced by ‘two years’;

(2) The wording of Subsection (C) will be replaced by:

“Imprisonment in the case of non-payment of a fine will be served after any prison sentence the convict is required to serve”

(B) An arrest order issued under the Order Regarding Administrative Detentions (Temporary Order) [Consolidated Version] (Judea and Samaria) (No. 1591), 2007, [and] the proceedings conducted in regard to an arrest order in accordance with its provisions and the authorities derived from it, will 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 will 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 will 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 will 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, 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 will be halted.

Indirect amendments

335. (A) In the Order Regarding Interpretation (Judea and Samaria) (No. 130), 1967

(1) After Section 8(B), the following will be added:

“8(B1) Security legislation of the commander of the IDF in the region or of a military commander takes precedence over security legislation issued by someone else, by virtue of the authority granted to him under Section 17(C)”

(2) After Section 17(B), the following will be added:

“17(C) The commander of the IDF in the region is authorized to grant, in writing, to someone else the authorities of a military commander, in their entirety or in part”

(B) In the Order Regarding Prison Facilities (Judea and Samaria) (No. 29), 1967, after Section 2(D) the following will be added:

“2(E) A juvenile or young adult, as defined in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009, will 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), 1967, sections 7 and 7A are revoked.

(D) In the Order Regarding the Prisons Service (Judea and Samaria) (No. 254), 1968, 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), 1967 –

(1) In Section 2D, in Paragraph (A), “91(A)(2) of the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “319(B)(2) of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(2) In Section 2G, “the Order Regarding Authorization of Persons to Conduct Preliminary Investigation of Witnesses (Judea and Samaria) (No. 17), 1967” will be replaced by “sections 70 and 260 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(F) In the Order Regarding Summons to Court for Offenses Committed Outside of the Region (Judea and Samaria) (No. 148), 1967, in Section 1, “in the Order Regarding Police Forces Operating in Cooperation with the IDF (the West Bank Region) (No. 52), 1967” will be replaced by “the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(G) In the Order Regarding Crossing Stations – Jordan Bridges (Judea and Samaria) (No. 175), 1967, in Section 4, “in the Order Regarding Police Forces Operating in Cooperation with the IDF (the West Bank Region) (No. 52), 1967” will be replaced by “Section 4 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

In the Order Regarding Licenses for Firearms (Judea and Samaria) (No. 180), 1967 –

(1) In Section 1, “the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “Section 1 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 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), 1970” will be replaced by “of sections 230 and 232 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(B) In Subsection (B), “the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 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), 1967” will be replaced by “the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(2) “in the Order Regarding Security Service Personnel Operating in the Region (Judea and Samaria) (No. 121), 1967” will be replaced by “in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(I) In the Order Regarding Regulation of Public Bathing Areas (Judea and Samaria) (No. 280), 1968, “the Order Regarding Police Forces Operating in Cooperation with the IDF (Judea and Samaria) (No. 52), 1967” will be replaced by “the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(J) In the Order Regarding Customs Authorities (Judea and Samaria) (No. 309), 1969 –

(1) In Section (2) –

(A) “Section 80(B) of the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “Section 61 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(B) “Section 81” will 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), 1967” will be replaced by “Section 70 of the Order Regarding Security Directives.”

(2) In Section (3), “in accordance with Chapter D” will be replaced by “in accordance with Chapter C.”

(K) In the Order Regarding Payment of Witness Fees (Judea and Samaria) (No. 351), 1969, in Section 1, “in accordance with Section 5 of the Order Regarding Security Directives” will be replaced by “in accordance with Section 9 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

In the Order Regarding Regulation of Guarding in Settlements (Judea and Samaria) (No. 432), 1971 –

(1) In Section 3B, “Section 78 of the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “Chapter C of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(2) In Section 3C, “the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(L) In the Order Regarding Paid Employment of Policemen for an Event (Judea and Samaria) (No. 519), 1973, in Section 1, “in the Order Regarding Police Forces Operating in Cooperation with the IDF (Judea and Samaria) (No. 52), 1967” will be replaced by “the

Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(M) In the Order Regarding the Labeling of Products (Judea and Samaria) (No. 530), 1973, in Section 5A, “sections 80 through 83 of the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “sections 60 through 69 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(N) In the Order Regarding Dangerous Drugs (Judea and Samaria) (No. 558), 1975 –

(1) All reference to “the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(2) In Section 28, in Subsection (D), “Chapter D” will be replaced by “Chapter C.”

(3) In Section 35, in Subsection (B), “Section 80” will be replaced by “sections 60 through 64.”

(4) In Section 36, in Subsection (C), “Section 80” will 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), 1970” will be replaced by “in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 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), 1970” will be replaced by “in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 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), 1970” will be replaced by “in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(R) In the Order Regarding Authorities 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), 1970” will be replaced by “Chapter C in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(2) “1(A) of the Order Regarding Authorization of Persons to Conduct Preliminary Investigation of Witnesses (Judea and Samaria region) (No. 17), 1967” will be replaced by “Section 70 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(S) In the Order Regarding Bringing Money into the Region (Judea and Samaria) (No. 973), 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” will be replaced by “in Section 238(A) of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(2) in Section 9, in Subsection (C), “sections 80 and 84 of the Order Regarding Security Directives” will be replaced by “Chapter C of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(T) In the Order Regarding Setting Interest Rates and Linkage (Judea and Samaria) (No. 980), 1982, in Section 9, “Section 49 of the Order Regarding Security Directives, 1970” will be replaced by “Section 182 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(U) In the Order Regarding Supervision of Public Corporations (Judea and Samaria) (No. 998), 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” will be replaced by “in Section 238(A) of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(2) In Section 9, in Subsection (C), “sections 80 and 84 of the Order Regarding Security Directives” will be replaced by “Chapter C of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(V) In the Order Regarding Amendment of the Nurseries Law (Judea and Samaria) (No. 1002), 1982, in Section 3A, in Subsection (B), “Section 80(A) of the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “Section 60 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(W) In the Order Regarding Bounced Checks (Judea and Samaria) (No. 1024), 1982, in Section 19, “in the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 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), 1970” will be replaced by “Section 60 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 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), 1970” will be replaced by “in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 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), 1970” will be replaced by “Section 75 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 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), 1970” will be replaced by “Section 175 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(3) In the addendum –

(A) “Section 90 of the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “318 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(B) “Section 70A(A) of the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “Section 242 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(Z) In the Order Regarding Traffic (Judea and Samaria) (No. 1310), 1992 –

(1) All reference to “the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(2) In Section 1, in the definition of “prosecutor”, “Section 8” will be replaced by “Section 75”.

(3) In Section 29A, in Subsection (D), “Section 8” will be replaced by “Section 75.”

(4) In Section 29B, in Subsection (G), in Paragraph (3), “Section 47(A)(3)” will be replaced by “Section 174”.

(Aa) In the Order Regarding the Civil Guard in Settlements (Judea and Samaria) (No. 1362), 1992, in Section 1, “in the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(Ab) In the Order Regarding Forfeiture of Vehicles (Temporary Order) (Judea and Samaria) (No. 1410), 1994, in Section 1, “in the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “in the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 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), 1970” will 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), 2005, in Section 13, in Subsection (B), “Section 90 of the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “Section 318 of the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(Ae) In the Order Regarding Amendment of Registration of Real Estate not yet Registered (Judea and Samaria) (No. 1621), 2008, in Section 6, “the Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “the Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009”

(Af) In the Order Regarding Authorities for Maintaining Public Security (Judea and Samaria) (No. 1628), 2009 -

(1) All reference to “Order Regarding Security Directives (Judea and Samaria) (No. 378), 1970” will be replaced by “Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), 2009.”

(2) In Section 1, “in Section 66A” will be replaced by “in Section 248(A).”

(3) In Section 4, in Subsection (B), “Section 80” will be replaced by “sections 60 through 64.”

(4) In Section 6, in Subsection (C), “Section 78E” will be replaced by “sections 22 through 28.”

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 region 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 region or public order), 236 ((provided that there is suspicion that the offense was committed with the intention to harm the security of the region 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), 1970.

(2) Regulations 58, 62, 64, 66, 84, 85, 136, 138, 139, 140, 141, 143A of the Defence (Emergency) Regulations, 1945.