

IDF

Order no. 1798

Order regarding Security Provisions [Consolidated Version] Amendment no. 57

Under my authority as commander of the IDF forces in the Area, and believing that this is necessary for the maintenance of public security and order in the Ara, I hereinafter decree:

Amendment to article 31

1. In article 31 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (no. 1651), 2009 (hereinafter referred to as "the Order") -
 - a. In article (c) after "Within 96 hours of arrest" the following will be added: "And if he was a minor aged at least 16 but no more than eighteen, within 72 hours from his arrest".
2. In article 31b of the Order -
 - a. In article 31b(1)(c) the following will be written at the beginning of the article: "If a youth has been arrested on suspicion of committing a security offense,"
 - b. The following will be added following article 31(b)(1)(c):

"(d) If a youth has been arrested on suspicion of committing an offense which is not a security offense, a police officer, who believes that there is a need for urgent interrogative actions, which may not be carried out during the youth's arrest, is authorized to issue a written arrest warrant for a period which will not exceed 36 hours from the time of his arrest."
 - c. In article 31b(2)(c), the following will appear at the beginning of the article: "If a young adult has been arrested on suspicion of committing a security offense,".
 - d. The following will be added following article 31b(2)(c):

"(d) If a young adult has been arrested on suspicion of committing an offense which is not a security offense, a police officer, who believes that an urgent interrogation action must be carried out, and can only be carried out with the arrest of the young

adult, is authorized to issue a written arrest warrant for a period which will not exceed 72 hours from the time of his arrest.”.

Amendment to article 32

3. In article 32 of the Order -

a. The following will be added to article (b):

“If the defendant is a minor aged at least 16 but no more than 18, the arrest warrant shall not exceed six days from the time of his arrest.”

b. In article (c) "72 hours" will replace "96 hours".

Amendment to article 37

4. In article 37 of the Order -

a. The following will appear at the beginning of article (a):

"Whoever was arrested on suspicion of committing a security offense".

b. The following will be added after article (a):

"(a1) As to whomever has been arrested on suspicion of committing an offense which is not a security offense, a judge is authorized to issue an arrest order for a period of no more than 15 days, and authorized to extend the arrest for additional periods each of which will span no more than 15 days, provided the total period of successive detention in relation to said event does not exceed 75 days."

c. In article (b), the words "article (a)" are to be removed and replaced by "in articles (a) and (a1)".

d. The following will be added after article (b):

"(c) in spite of what is stated in article (b), if a youth has been arrested on suspicion of committing an offense which is not a security offense, a judge will be authorized to issue an arrest order for a period which shall not exceed 10 days, and will

be authorized to extend the arrest for additional periods, each of which shall not exceed 10 days, provided the total of successive detention(s) in relation to said event do not exceed 40 days."

Amendment to article 38

5. In article 38 of the Order, following the words "Whoever has been arrested in accordance with article 37", the following will be added:

", except for a minor as defined by article 136 of this order,".

Addition of article 38a

6. The following will appear following article 38:

"Additional extension of arrest for the purpose of the interrogation of minors

38a. A military appeals court judge may, at the request of the Chief Military Attorney or whomever has been authorized by the latter to do so, order the extension of the arrest of a minor who has been arrested according to article 37 or his re-arrest, for additional periods, each of which shall not exceed 45 days."

Amendment to article 43a

7. In article 43a of the Order -

- a. "60" will be replaced by "45" in article (1).
- b. In article (a), the words "his case will be brought before a military appeals court judge" will be replaced by "the judge may order the extension of arrest, for a term which would not exceed an additional 15 days, if the defendant or their attorney have requested this".
- c. What follows "the military appeals court." will be marked as article "(a2)".
- d. The following will be added to article (a):

"(a1) A defendant who has been under arrest for the same charge during a period which amounts to 45 days and whose arrest has not been extended in accordance with article (a) or up to a period which amounts to 60 days, and whose trial in the first instance has yet to begin, his case will be brought before a military appeals court judge."

- e. In article (a2), the words "the judge will hear the defendant's case" will be replaced by "the military appeals court will hear the defendant's case".
- f. Following the words "do not justify his release", the following will be added:

"(a3) If the military appeals court believes the defendant is not to be released in accordance with article (a2), he may order the extension of his detention, for a period amounting to no more than 90 days and as to a minor, for a period amounting to no more than 45 days, and repeatedly order this from time to time."

8. In article 44 of the Order -

- a. The words "who is not a minor as defined by article 136 of this order (hereinafter - in this article - "a minor")" - will be deleted.
- b. The following will be added in article 44(a) following the words "a period amounting to 18 months":

"And as for a minor as defined by article 136 of this order (hereinafter, in this article - "a minor"), a period amounting to nine months,".

- c. In article 44(a1), the words "or a defendant who is a minor" - will be deleted.
- d. In article 44(a1), "for one year" will be replaced by "for nine months".
- e. In article 44(a1), the following words will appear following "a term which amounts to one year":

"as for a minor, a term amounting to six months,".

9. This Order will come into effect on 11 May 2018.

10. The instructions of this order will apply to anyone who is under arrest on the day it comes into effect. However, anyone who is under arrest based on an arrest warrant, on the day

this order comes into effect, will continue to be under arrest until the end of the arrest warrant.

11. This order shall be called "The order on security provisions (amendment no. 57) (Judea and Samaria) (order no. 1798), 2018".

24 April 2018

Signed by Nadav Padan, General, Commander of the IDF Forces in the Judea and Samaria Area