

[Unofficial translation]

Information Sheet for Soldiers
The Authority to Temporarily Hold a Person

1. What is temporary holding?

Temporary holding is the restriction of a person's liberty to move in a free manner, in cases which are hereby specified, when the restriction of liberty is limited in the first place, in its duration and purpose.

2. Temporary holding - the rule

As a rule, a soldier is allowed to temporarily hold any person (including Israelis, Palestinians and foreigners), who are in the Judea and Samaria area, in the following cases:

- A.** When the soldier has reasonable grounds to suspect that said person has committed an offense, or is about to commit an offense which may threaten the safety or well-being of a person or threaten public peace or public security - in that case, the soldier may temporarily hold said person, in order to find out their identity and personal information or in order to enable an official with interrogation authority (a police officer or GSS officer) to take said person to an interrogation.
- B.** When the soldier has reasonable grounds to suspect that said person has information (for example - being an eyewitness) related to an offense that has been committed or a future offense that may threaten the safety or well-being of a person, or threaten public peace or public security - in that case the soldier may temporarily hold said person, in order to find out their identity and personal information or in order to summon said person to a location at which an official with interrogation authority is present.

In these cases, the soldier is also allowed to instruct said person to accompany him to a place where an official with interrogation authority is present, if the identification has not been to the soldier's satisfaction, or if it is impossible to interrogate said person at the current location or if there is a possibility that said person will not show up at the location where an official with interrogation authority is present.

C. When the soldier is authorized by law to carry out a search at the location, or in the possessions of said person, or on their body or a search of a vehicle (for example, when one has reason to suspect that said person is concealing objects which one is not allowed to carry on their body, such as a weapon or munitions), or when the soldier is authorized to demand that said person present documentation for the purpose of their identification, the soldier may temporarily hold said person in order to continue the search or the viewing of their documents, and the soldier is also authorized to demand that said person disclose their name and address.

D. In various cases (which are not very common), when the soldier has reasonable grounds to suspect that an arrest warrant or a detention warrant has been issued against said person, the soldier may temporarily hold said person until a copy of the warrant is received, for the purpose of carrying out the arrest or detention in accordance with this warrant. If it is impossible to receive a warrant on the spot, the soldier may demand that said person accompany them to a location at which an official with interrogation authority is present, for the purpose of receiving the warrant and carrying out the arrest or detention in accordance with the warrant.

3. One may not arrest a person when it suffices to temporarily hold them

Let it be stressed that it is not permitted to temporarily hold a person as punitive or 'educational' act, but only for the purpose of fulfilling one of the above-specified objectives.

4. Who is authorized to temporarily hold a person?

As a rule, temporary holding will be carried out by the commander of a mission or by an official holding a higher position.

5. Duration of temporary holding

One may temporarily hold a person only for a reasonable duration, the shortest one, which is necessary for carrying out the action for the purpose of which the temporary holding is intended, and in any case a person will not be temporarily held for more than three hours.

A police officer or an IDF officer with the rank of Lt. Colonel at least may extend the duration of temporary holding for an additional period which will not exceed an additional three hours, for reasons which are to be written down.

6. The mode of temporary holding

A. A soldier who temporarily holds a person will identify himself to said person, will inform said person that they are being temporarily held, and will clarify to said person the reason for the temporary holding, as soon as possible.

B. One must make sure that during the temporary holding, the person being held is in a place where there are reasonable conditions of convenience, and that food and water be provided to said person, if required.

7. The transition from temporary holding to arrest

If a person forcibly resists their temporary holding or does not abide by the instructions of the soldier issued in accordance with what is specified in this information sheet, or if said person interferes with the soldier's implementation of the temporary holding authority, one may instruct that said person be arrested, in accordance with the common rules of arrest.

8. Documentation duty

- A.** At the end of a temporary holding, those who have carried out the temporary holding will compile a report, in accordance with a format which is to be circulated, and will specify the name of those who have carried out the temporary holding, the reason for the temporary holding and the duration of the temporary holding if said person was temporarily held for three hours or more (in case the extension of the duration of temporary holding was authorized by a Lt. Colonel or a police officer) or in case said person was taken to a location where an official with interrogation authority is present.
- B.** The temporary holding report will be delivered, immediately following its compilation or at the first possible opportunity, to the brigade's operations room.

It is hereby stressed and clarified that one may not temporarily hold a person not in accordance with the rules specified in this sheet!

In any case of doubt or a question as to the authority to temporarily hold a person or the means of implementing this authority, one should immediately contact the officers of the criminal security department at the legal advisor's office of the Judea and Samaria command, using the following numbers: