

Unofficial and Non-Binding Translation

Israel Defense Forces

Order 1676

Order regarding security instructions (Amendment number 10)

(Judea and Samaria), 5771- 2011

Within my authority as the IDF commander in the area, I order as follows:

1. **Amendment to article 53:** In article 53 to the Order regarding security instructions (combined version) (Judea and Samaria), 2009 (from hereinafter: "the Order"), sub-paragraph (b) shall be cancelled.
2. **Amendment to article 135:** In article 135 to the Order, "three years" will replace "two years".
3. **Amendment to article 136:** in article 136 to the Order, in regards to the definition of "minor", "eighteen" will replace "sixteen".
4. **Addition of articles 136a- 136c:** in the Order, following article 136:

Article 136a: Notification of investigation or arrest of a minor suspect:

- (a) (1) Upon the arrival of a minor suspected of committing a crime (hereinafter: "minor suspect") to a police station, or if the minor suspect was brought to the station under arrest according to article 22(c) of the Order, or in the case that the minor was arrested, the officer in charge of the station's investigations, or in his absence, the station commander, or in the absence of both, the officer appointed in charge of the station (hereinafter: "the appointed officer"), shall notify the minor's parent as soon as possible and after notifying the minor of his intention to do so, provided that the minor has presented parent's contact information, and if a parent cannot be located by reasonable effort, an adult relative or an adult the minor is familiar with, provided that the minor has disclosed their contact information (in this sub-paragraph: "a different relation") unless it is impossible to trace any of these individuals with a reasonable effort in the circumstances.
- (2) Despite the instructions in paragraph (1), notice as referred to in that paragraph will not be provided in the case of a minor that has arrived at a police station or in the case of a minor that was brought to a station and was not under arrest, if the minor objected on reasonable grounds to the notification; or if the minor is under arrest, his desire regarding notification will be given appropriate consideration, based upon his age, level of maturity and provided that a notification will be given to a different relation.
- (b) If a notification was not given to a parent of a minor suspect as detailed in sub-paragraph (a) due to inability to locate the parent as detailed in sub- paragraph (a), the police shall notify the parent as long as the minor is under investigation or remains under arrest,

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whichever is the longer, without delay, when it becomes possible to locate a parent with reasonable effort, provided that the minor presented contact information of a parent.

- (c)
 - (1) Non-notification of a parent or other relation of a minor suspect due to inability to contact either, by reasonable effort in the circumstances as stated in sub-paragraph (a), will be recorded in writing.
 - (2) Notification of the minor, his reaction and any objection and the decision of the appointed officer will be recorded by the appointed officer by either visual or audio recording or in writing.

Article 136b: Investigation of a minor suspect without notification of a parent or a different relation

- (a) Despite the instructions stated in article 136a, the appointed officer may, based upon a well-reasoned, written decision, instruct the summoning of a minor suspect who is not under arrest for an investigation or to conduct the investigation without notifying the parent or a different relation, according to the circumstances of the matter, if he is convinced that such notification may-
 - (1) Harm the physical or mental wellbeing of the minor or another person;
 - (2) Lead to disruption of the investigation procedures due to a reasonable suspicion that one of the people as stated above or a family member of the parent or the different relation took part in the crime in which the minor is a suspect;
 - (3) Regarding a minor suspected of a crime as stated in the first annex – disruption of security in the area.
- (b) If the appointed officer gave an instruction in accordance with sub-paragraph (a) without notifying the minor's parent or a different relation, and eight hours have passed since the arrival of the minor at the police station or if the reason justifying either the summoning for the investigation or the investigation itself without the notification of the minor's parent no longer exists, according to the earlier circumstance, the parent of the minor will be notified without delay regarding the presence of the minor at the police station and about the investigation, provided that the minor has presented the contact details of the parent.
- (c) If the reason justifying not notifying the parent or a different relation of the minor, notice will be given without delay, unless authorization as stated in article 54 and 55 to the Order was given.

Article 136(c): Notifying a minor suspect of his rights before an investigation

- (a) Prior to the investigation of a minor suspect, the investigator will notify the minor of his right to consult with legal counsel in private in addition to his obligations as a suspect, in accordance with any law in a manner which will be understood by him according to his age and level of maturity.
- (b) Prior to the investigation of an arrested minor suspect, the investigator will inform a defense attorney named by the minor, details regarding the investigation; without

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prejudice to the instructions of any law, informing of the defense attorney named by the minor as detailed above, will not delay the investigation.

- (c) The Police Commander, as stated in the Order, will determine as set in the instructions regarding the phrasing of the notification as set out in sub-paragraph (a).

5. Amendment of Article 144

In the Order, in article 144-

- (1) "As stated in the third annex" will follow the words "due to a crime"
- (2) The words "in the case of a crime not listed in the third annex, which was committed as a minor, if a year has passed since the day it was committed" will come at the end of the Order.

6. Amendment of Article 149

In Article 149 to the Order, following sub-paragraph (a):

(a1) Despite the details in sub-paragraph (a), it is permitted to hold non-minors in a wings intended only for minors, provided that no minors under the age of sixteen are being held in the wing, if the prison or incarceration facility director believes that the holding as mentioned above would benefit the minors in the wing, provided that access to the wing will not be granted to non-minors in hours specified by the prison or incarceration facility policy as sleeping hours.

7. The adding of a third annex

Following the second annex to the Order will come:

"Third annex" (article 144)

- (1) Articles 209, 210, 211, 212, 213, 215, 218, 220, 221, 223, 225, 230, 231, 232, 233, 234, 237, 238, 239, 240, 241, 245, 248, 251, 254, 259, 261, 300, 317, 318, 319 to this Order.
- (2) Articles 3, 4, 5, 6, 7, 7a, 10a to the Order regarding the prohibition of incitement and hostile propaganda (Judea and Samaria) (number 101) 5727-1967.
- (3) Regulations 58, 59, 60, 61, 62, 63, 64, 66, 85, 88, 90, 91, 94, 95, 96, 97, 98, 100, 118(2), 129, 131, 136, 137, 138, 140, 142, 143, 143a, 143b, 143c, 143d, 144, 146 to Defense (Emergency) Regulations, 1945.
- (4) Attempt, solicitation, attempted solicitation or assistance of a crime from the crimes specified in this annex.

8. Entry into force

- (a) This Order will enter into force on the day of its signing.
- (b) Despite sub-paragraph (a) articles 1 and 4 will enter into force 30 days from the signing of this Order.

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(c) Despite sub-paragraph (a) the definition "minor" in article 136 of this Order as amended in article 3 of this amendment, regarding a person under arrest for a period of less than seven days, for the purpose of article 149 to this Order, will enter into force six months from the signing of this Order.

9. Name

This Order will be called: "Order regarding Security [Combined Version] (Amendment number 10) (number 1676) 5771-2011.

_____ (Signed)

29 September 2011

Avi Mizrahi, General

28 Elul 5771

IDF Commander in the Judea and Samaria Region