

The Law for the Prevention of Infiltration, 1954

Definitions

1. In this law –

“Family members” – Parents, siblings, aunts or uncles over the age of 21.

“Law of Entry into Israel” – Law of Entry into Israel, 1952

“The Arrests Law” – Criminal Procedure Law, 1996

“Infiltrator” – a person who is not a resident according to section 1 of the Population Registrar Law, 1965, who entered Israel not by way of a border crossing determined by the Minister of Interior according to section 7 of the Law of Entry into Israel.

“Head of the General Staff” – deleted

“Armed” – including a person who is armed with an instrument or with material which is liable to kill a person or cause him serious injury or a dangerous injury, but which is not a firearm or explosive material or inflammable material.

“Head of Border Control” – with the meaning from the Law of Entry into Israel.

The law with regards to an infiltrator

2. The infiltrator is subject to five years imprisonment or a fee of 5,000 liras or both punishments together.

Illegal Departure

2a. The departer who knowingly and unlawfully leaves from Israel to Lebanon, Syria, Egypt, across to Jordan, Saudi Arabia, Iraq, Yemen, Iran or to any part of the Land of Israel which is outside of the territory of Israel shall be sentenced to four years or be fined 4,000 liras.

The sentence for an infiltrator after he has been deported from Israel

3. A person who infiltrates after being deported from Israel is sentenced to seven years or a fine of 7000 liras or both punishments together.

The sentence for an armed infiltrator

4. A person who infiltrates while armed or in the company of an armed person or who is supported by an armed person is sentenced to 15 years, and if the infiltrator or the person mentioned above is armed with a firearm or with explosives materials or with inflammable material, he is sentenced to a life sentence.

The sentence for an infiltrator who committed certain crimes

5. A person who infiltrated and committed a crime or an offence which harms property or which involves the use of force or disruption of peace shall be sentenced to a life sentence.

The sentence for a person who gives protection or other aid to the infiltrator

6. A person who gives protection to an infiltrator or gave him other aid in order to facilitate his infiltration or his illegal residency in Israel shall be sentenced to 15 years or a fine of 15,000 liras and both punishments together.

The sentence for a person who trades with an infiltrator

7. A person who trades with an infiltrator, so long as he is in Israel unlawfully, is sentenced to 15 years or a fine of 15,000 liras or both punishments together.

The sentence for a person who is on his way to provide protection or other aid to an infiltrator

8. A person who gives protection to an infiltrator or gave him other aid in order to facilitate his infiltration or his illegal residency in Israel and the Tribunal is aware that he already gave protection or other aid as stated is sentenced to 15 years or a fine of 10,000 liras or both punishments together.

Presumption of knowledge

9. So long as not proven otherwise –
 - (1) The accused according to section 6 or 8 is seen as if he knew, while receiving protection or other aid, that he is an infiltrator and that he resides in Israel unlawfully.
 - (2) The accused according to section 7 is seen as if he knew when trading with a person that he is an infiltrator and that he resides in Israel unlawfully.

Reservation for the application of the temporary order

9a. in the period stated in section 9 of the Prevention of Infiltration Law (amendment 3 and temporary order), 2011 –

- (1) In section 4, the end shall begin with the words “and if the infiltrator or the person mentioned above is armed” – will not be read.
- (2) The guidelines from sections 5 until 9 will not apply except for a case of an infiltrator who is armed or who infiltrated in order to commit a crime –
 - a. Of human trafficking according to section 377(A)(a)(5) of the Penal Code, 1977.
 - b. In order to commit a crime according to note (B) in chapter (C) of the Dangerous Drugs Ordinance (new version), 1973.

Detention of an Infiltrator

10. A person who entered Israel without permission to enter or who resides in Israel illegally shall be seen for the matter of this law as an infiltrator so long it is not proven otherwise.
11. (Nullified)
12. (Nullified)
13. (Nullified)
14. (Nullified)
15. (Nullified)
16. (Nullified)
17. (Nullified)
18. (Nullified)
19. (Nullified)
20. (Nullified)
21. (Nullified)
22. (Nullified)
23. (Nullified)
24. (Nullified)

25. (Nullified)

26. (Nullified)

Detention and Search

27. The criminal procedure ordinances (detention and searches) applies to a person accused of an offense according to this law, with the following changes:

- (1) The authority to release with guaranty because the conviction is given to the sole judge.
- (2) The authority granted to a police officer is granted also to a soldier.

28. (Nullified)

29. (Nullified)

Deportation

30. (A) The Minister of Defense or a person authorized by him may order in writing that an infiltrator be deported whether he is convicted according to this law or not. The order will be used as the legal basis for holding the infiltrator in detention until his deportation.

(A1) a deportation order according to section (a) will not be implemented until after the Minister of Defense or a senior state employee authorized by him determined that it is possible to do so taking into account the personal circumstances of the infiltrator and the country targeted for his deportation.

(A2) If an infiltrator is given a permit and license for residency in Israel according to the Law of Entry into Israel, the Minister of Defense or a person authorized by him will cancel the deportation order that was given according to section (a).

(B) A person who enters Israel without permission to enter before the implementation of this law and because of this it is possible to order his deportation from Israel whether according to the Aliyah Ordinance, 1941, or according to the Law of Entry into Israel, 1952, the instructions from this section from apply to him as if he entered Israel after the implementation of the law.

Bringing before the Head of Border Control

30(A)(a) An infiltrator located in detention will be brought before the Head of Border Control no later than seven days from the beginning of his detainment in detention.

30(A)(b) The Head of Border Control is authorized in exceptional circumstances to release an infiltrator with a monetary guarantee, with a bank guaranty or another suitable guaranty (in this law – guarantee), if he is convinced that there exists one of the following:

- (1) Due to the infiltrator's age or to his physical condition, his being held in detention is likely to harm his health and there is no other way to prevent this stated harm;
- (2) There are other, special humanitarian grounds from those stated in paragraph (i) justifying the release of the infiltrator with a guarantee, including if as a result of his detainment in detention, a minor will be left unaccompanied;
- (3) The infiltrator is a minor who is unaccompanied by his family members or a guardian.
- (4) His release will assist in the infiltrator's deportation proceedings.

30(A)(c) The Head of Border Control is authorized to release an infiltrator with guaranty if he is convinced that one of the following exists:

- (1) The infiltrator requested a permit and license for residency in Israel and the handling of his requests has not begun despite the fact that three months have passed;
- (2) The infiltrator submitted a request as stated in paragraph (1) and no decision has been given as regards to his request;
- (3) Three years have passed since the beginning of the infiltrator's detention in detention.

30(A)(d) In spite of the instructions in section (b)(2) or (4) or (c), an infiltrator will not be released with guaranty if the Head of Border Control is convinced that there exists a condition from the conditions described below:

- (1) His deportation from Israel is prevented or delayed due to a lack of full cooperation on his part, including the matter of verifying his identity or arranging for deportation from Israel proceedings;
- (2) His release would endanger national security, public order or public health;
- (3) An opinion by an authorized security personnel was submitted to the Head of Border Control according to which in the infiltrator's state or place of residence he carried out activities which are likely to endanger Israel's national security or its citizens.

This is the case unless the Head of Border of Control is convinced that due to his age or to his health condition, his being held in detention is likely to harm his health and there is no other way to prevent this stated harm.

30(A)(e) His release with guarantee from detention will be contingent on conditions which the Head of Border Control will determine, including release with guarantee, for the sake of ensuring the reporting of the infiltrator in order to deport him from Israel at the determined time or for different proceedings according to law; the Head of Border Control is entitled at any time to re-review the guarantee conditions if new facts will be discovered or if the circumstances have changed from when the decision to release with guarantee was rendered.

30(A)(f) An infiltrator released from detention with guarantee according to this section will view the decision regarding his release with guarantee as the legal validation of his stay in Israel for the period of his release with guarantee; the validity of this decision regarding release with guarantee is contingent on the existence of the conditions for release described above;

30(A)(g) Where a guarantor requested to cancel the guarantee which he gave, the Head of Border Control is entitled to meet the request or to reject it, if its decision will ensure the reporting of the infiltrator by supplying a different guarantor; if it is not possible to ensure the reporting of the infiltrator by a different guarantor, the infiltrator will be returned to detention.

30(A)(h) If an infiltrator is deported from Israel at the time determined, he and his guarantors will be exempt from their guarantee and the monetary guarantee will be returned, to the extent required.

30(A)(i) If the Head of Border Control realizes that the infiltrator released with guarantee violated or was about to violate a condition from the conditions for release with guarantee, he is entitled to instruct, with an order, the infiltrator's return to detention and is entitled to instruct the confiscation or realization of the guarantee.

30(A)(j) No instruction will be given to confiscate or realize the guarantee as mentioned in section (i) until after the infiltrator or guarantor has been given an opportunity to make his claims according to the issue at hand, to the extent that it is reasonably possible to locate him.

Conditions for detention

30(B)(a) : An infiltrator will be detained in the place of detention; for this issue, "place of detention" – is all of these:

- (1) The place of detention as defined in section 13(a) in the Law of Entry into Israel, with the necessary changes;
- (2) A place which the Minister of Defense, by himself or together with the Minister of Internal Security, determined by order as a place of determine for the purposes of this law.

30(B)(b) An infiltrator held in detention will be held in proper conditions which will not be, taking into consideration the circumstances of the matter, including the length of detention, harmful to the health and dignity of the infiltrator.

30(B)(c) An infiltrator held in detention will be held in a separate cell from criminal prisoners.

30(B)(d) The provisions from section 9(b) of the Arrests Law will apply to the detainment in detention according to this law, with the necessary changes.

30(B)(e) The provisions from section 10 of the Arrests Law will apply to the detainment in detention according to this law, with the necessary changes.

30(B)(f) The Minister for Internal Security, with the agreement of the Minister of Interior, and with the permission from the Interior and Environmental Protection Committee of the Knesset, is entitled to set, subject to the provisions from section (b), other provisions regarding the matter of detention conditions in a special place of detention, including the matter of detention conditions for families and children.

30(B)(g) The main rights and obligations of infiltrators in detention will be published in a place that stands out in detention in Hebrew and English.

Appointing a Tribunal for the Detention Review of Infiltrators

30(C) The Minister of Justice will appoint, from amongst those appointed as Detention Review Tribunals for Unlawful Residents according to section 13(k) in the Law of Entry into

Israel, one or more Detention Review Tribunals for Infiltrators according to this law (in this law -- Detention Review Tribunals for Infiltrators).

The Tribunal's authorities

30(D)(a) The Detention Review Tribunals for Infiltrators is authorized to -

- (1) Approve the detainment of an infiltrator in detention, and it is entitled to instruct that the infiltrator's matter be brought before it for additional examination where the conditions that it determined exist or within a time-frame which he determined which will not be greater than sixty days;
- (2) Instruct the release with guarantee of the infiltrator at the end of a period determined, if it is convinced that the conditions for his release with guarantee exist according to section 30(A)(b) and subject to the qualifications determined in section 30(A)(c).
- (3) Instruct to change the guaranty conditions determined according to section 30(A)(d), as well as the confiscation of the guarantee due to the violation of a condition from the release with guarantee conditions.

30(D)(b) The instructions from section 30(A)(d) will apply, with the necessary changes, to release with guarantee according to the order from the Detention Review Tribunals for Infiltrators.

30(D)(c) A decision by the Detention Review Tribunals for Infiltrators will include the main claims made by both parties, will be well-explained and in writing, will be delivered to the infiltrator on the spot, to the extent possible; if the Tribunal sees a need for additional clarification, it will instruct to bring before it the infiltrator located in detention at a time-period it determines.

Applying the instructions from the Law of Entry into Israel to the matter of the Tribunal

30(E) The provisions from subsection (b) in the fourth chapter of the Law of Entry into Israel, except for instructions 13(o) – 13(u) in the above-mentioned law, will apply to the matter of the Detention Review Tribunals for Infiltrators, with the necessary changes and with the following changes:

30(E)(1) In section 13(n) in the Law of Entry into Israel –

- (a) In section (a), in place of "as soon as possible and not later than 96 hours from the time the detainment began," will read, "no later than fourteen days from the day in which detainment in detention began".
- (b) In section (b), instead of "section 13(q)", it will read section 30(A)(h);
- (c) In section 13(37) in the Law of Entry into Israel, instead of "section 13(g)" it will read "section 30(A)(h)";
- (d) In section 13(17)(b) in the Law of Entry into Israel, in place of "section 13(6)(c)," it will read "section 30(E)(a)(2)."

Appeal and Administrative Petitions

30(F)(a) The decisions of the Detention Review Tribunals for Infiltrators are appealable before the Court for Administrative Affairs.

30(F)(b) If a petition is submitted to the Court for Administrative Affairs against a decision regarding deportation based on this law, and at the same time there is an administrative appeal pending on the decision in the Detention Review Tribunals for Infiltrators regarding the detention or the release with guarantee, within the framework of the petition the Court will also discuss the matter of detention or release with guarantee and the appeal will be deleted; however if the petitioner has not yet submitted an administrative appeal regarding detention or release with guarantee, these matters will be included in the petition.

30(F)(c) The Court for Administrative Affairs' decision on an appeal or petition as mentioned in this section should not subtract from the Detention Review Tribunals for Infiltrator's authority, although the Tribunal will not have to rely on any matter which the court decides on within the framework of an appeal or a petition unless it is convinced that there has been a change in circumstances which constitutes a basis for the court's decision.

Release from Prison for the Purpose of Deportation

31. If an order is given according to section 30 and the provisions of section 30(A)(1) exist and the infiltrator is for whatever reason located in detention, it is possible to release the infiltrator from detention in order to carry out the order, even if the detention period has not come to an end.

Covering Expenses

32. A person who gave an order according to section 30 is entitled to instruct that the expenses incurred as a result of implementing the deportation order of the infiltrator and of other infiltrators dependent on him will be covered by him or by his property.

The law adds and does not detract

33. This law is not meant to detract from the criminal responsibility a person has under another law, or the jurisdiction of another court to try a person for an offense according to this law, or the jurisdiction of any other authority.

34. (Nullified)

Implementation

35. The Minister of Defense is charged with implementing this law and he is entitled to make rulings with regards to its implementation.

