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ISRAEL DEFENSE FORCES

Order No. 1650

Order regarding Prevention of Infiltration (Amendment No. 2)

Pursuant to my authority as commander of IDF forces the Area, I hereby order as follows:

Amendment to Section 1 1. In the Order regarding Prevention of Infiltration (Judea and Samaria) (No. 329), 5729-1969 (hereinafter: the Order), In Section 1:

- A. The definition “**lawfully**” shall be deleted.
- B. The definition of “**infiltrator**” shall be replaced by:
““infiltrator” – a person who entered the Area unlawfully following the effective date, or a person who is present in the Area and does not lawfully hold a permit.”.
- C. The definition “**resident of the Area**” shall be deleted.

Amendment to Section 2 2. Section 2 shall be replaced by the following:

- “**Sentencing of an Infiltrator** 2. A. The infiltrator shall be sentenced to a term of imprisonment of seven years.
- B. The provisions of Subsection (A) notwithstanding, where an infiltrator has proven his entry into the area was lawful – he shall be sentenced to a term of imprisonment of three years.”.

Amendment to Section 3 3. In Section 3 of the Order:

- A. The following shall be added at the end of Subsection (A):
“; for the purpose of its implementation, a deportation order shall be considered an arrest order issued under Section 78 of the Order regarding Security Provisions (Judea and Samaria) (No. 378) 5730-1970, this including for the purpose of carrying out the arrest inside Israel under Section 5(A)(1) of the Order regarding Punitive Measures (Judea and Samaria) (No. 322) 5729-1969.”
- B. The following shall be inserted following Subsection (A):
“A1. A deportation order shall not be issued under Subsection (A) until the infiltrator has been provided with the opportunity to plead before an IDF or Police officer and until the infiltrator’s claims had been brought to the attention of the military commander.
A2. Where a deportation order had been issued under Subsection (A), the infiltrator shall be deported from the Area as soon as possible, unless he leaves the Area of his free will earlier.
A3. Where a deportation order had been issued under Subsection (A), the infiltrator will be given information in writing or orally, as far as possible in a language he understands, regarding his rights under this Order as well as his right to have a person close to him or an attorney be notified of his being held in custody.”

- C. The following shall be inserted following Subsection (B):
- “C. Where a deportation order had been issued under Subsection (A), the infiltrator shall not be deported unless 72 hours had elapsed from the time he was served the written deportation order, unless he agreed thereto; the military commander may delay the date of execution of the removal as per the request of a person against whom a removal order was issued.
- D. The provisions of Subsection (C) notwithstanding, where the military commander is aware that the infiltrator had entered the Area some time ago, he may order his deportation before 72 hours elapse from the time he is served the written deportation order, provided the infiltrator is deported to the country or area from whence he infiltrated and the matter is executed within 72 hours of the time at which a soldier or police officer had reason to suspect that the same had infiltrated the Area.”.

Amendment to Section 4 4. In Section 4 of the Order, “life sentence” shall be replaced by “a term of imprisonment of twenty years”.

Replacement of Section 5 5. Section 5 of the Order shall be replaced by the following:

- “**Evidence** 5. A. In any proceeding under this Order, a person is presumed to be an infiltrator if he is present in the Area without a document or permit which attest to his lawful presence in the Area without reasonable justification.
- B. For the purpose of this Section –
- “A lawful document or permit” – a document or permit issued by the commander of IDF forces in the Judea and Samaria Area or someone acting on his behalf under the provisions of security legislation, or issued by the authorities of the State of Israel under the Entry into Israel Law, 5712-1952, as it is periodically valid inside Israel, which permit the presence of a person in the Area.”.

Addition of Sections 6A-6B 6. Section 6 of the Order shall be replaced by:

“**Expenses of Execution of a Deportation Order** 6. A military commander may charge the expenses of executing a deportation order, including the expenses incurred by holding in custody, on the infiltrator, provided the total expenses do not exceed NIS 7,500; the military commander may also order the seizure of the infiltrator’s monies to cover the expenses.

Release on Bail 6A. A. Where a deportation order was issued against an infiltrator under the provisions of this Order, the military commander may order the release of the infiltrator on personal bail, whether exclusively or with the addition of a guarantor, or with a monetary bail posted by the infiltrator or a guarantor, or with part thereof as bail and part thereof as a deposit.

B. The provisions of Subsection (A) notwithstanding, the military commander shall not order the release of an infiltrator if he is of the opinion that:

1. The deportation of the infiltrator from the Area is prevented or delayed due to lack of full cooperation on his part, including refusal to return to the country of origin, or
 2. The release of the infiltrator may endanger the security of the Area, public safety or public health.
- C. Release on bail shall be subject to conditions set forth by the military commander in order to guarantee the infiltrator reports for the purpose of his departure from the Area or deportation on the date set, or for the purpose of other proceedings under this Order or under any law or security legislation.
- D. Where the military commander is aware that an infiltrator who had been released on bail broke or is about to break the conditions of his release, he may issue an order to remand the infiltrator to custody.
- E. Where an infiltrator broke his release conditions, the military commander may order –
1. Payment of all or part of the amount set for bail to the treasury of the Area headquarters;
 2. Seizure of all or part of the deposit for the Area headquarters.”.

Cancellation of Section 7 7. Section 7 of the Order is cancelled.

Commencement 8. This Order shall take effect six months from the date of its signing.

Name 9. This Order shall be called the “Order regarding Prevention of Infiltration (Amendment No. 2) (Judea and Samaria) (No. 1650) 5769-2009”.

25 Tishrey 5770
13 October 2009

**Gadi Shamni, Major General
Commander of IDF Forces
in the Judea and Samaria Area**