

By the powers vested in me in accordance with sections 9(2) and (5) and 11 of the Criminal Procedure Law (Powers of Enforcement – Arrests), 1996 (hereinafter – the law), and with the approval of the Constitution, Law and Justice Committee of the Knesset, I enact the following regulations:

Definitions

1. in these regulations –

“person in charge of the investigation” – a person authorized by law to investigate, who is responsible for the investigation in the framework of which the detainee is arrested;

“the minister” – the minister of public security;

“commander of the place of detention” – the person assigned, according to the orders, as the commander of the place of detention;

“place of detention” – the place designated for holding detainees that the minister of public security has declared as a place of detention;

“detainee” – a person arrested and held in custody in a place of detention;

“detainee suspected of a security offense” – a detainee suspected of committing a criminal offense listed in Section 35(B) of the law, who has not yet been indicted;

“orders” – orders of the Israeli Police as defined in the Police Ordinance [New Version], 1971, or orders of the [Israeli Prisons] Service as defined in the Prisons Ordinance [New Version], 1971, according to the case;

“ceiling” – detention ceiling in the place of detention.

Declaration of a place of detention

2. (A) The minister will declare a place of detention only if the police commissioner

or the prisons service commissioner has confirmed that this place meets the conditions in accordance with the law and that it is possible for the detainees held in custody in this place to exercise their rights in accordance with the law.

(B) if the minister is convinced that the place of detention or part of it no longer meets the conditions as stated in Subregulation (A), he will order the deficiencies to be repaired within a reasonable period of time, and if they are not repaired, will revoke the declaration of this place, and he is also authorized to revoke the declaration immediately.

The physical conditions in the detention ceiling

3. (A) There will be a window in the ceiling that enables ventilation from outside; reasonable alternative means of ventilation will be installed in a ceiling that lacks a window as stated.

(B) There will be a toilet and sink in the ceiling. There will be a partition between the toilet and the dwelling section of the ceiling in a way that preserves the detainee's privacy; if the ceiling includes a shower, there will also be a partition as stated between the shower and the dwelling section of the ceiling; it is also possible for a ceiling to have no toilet or sink. Such a ceiling will be used only for the purpose of holding detainees as stipulated in Regulation 7.

(C) if there is no shower in the ceiling, there will be a sufficient number of showers in the place of detention to enable the detainee to exercise his right to a daily shower with hot water.

(D) in every ceiling, there will be electric lighting that enables, in a reasonable way, reading.

(E) A cell whose construction was planned subsequent to the commencement of these regulations will also be subject to these directives:

1. It will be equipped with a table, seats and shelves for storing the personal belongings of detainees who are entitled to hold them in accordance with these regulations;
2. There will be no more than four beds for detainees;
3. The average space per detainee in the cell will be no less than 4.5 square meters; the calculation of this space will be according to the area between the walls of the cell, including the area of the toilet, sink and shower, and divided by the number of beds in the cell;
4. Electric and communications infrastructure will be installed in the place of detention to enable the use of means of heating, ventilation, television and other electrical appliances, which the detainees are entitled to hold in their cell in accordance with these regulations.
5. The shower will be separate from the toilet.

The directives of this subregulation will also apply, to the extent possible, to planning renovation of existing cells.

Conditions of sanitation and hygiene in the place of detention

4. (A) A cell will be painted as needed and at least twice a year; each cell will

undergo disinfection and pest control at least once a year or according to the instructions of the physician at the place of detention; disinfection and pest control will be performed in a way that is not injurious to the health of the detainee.

(B) The place of detention will provide the detainees in each cell with means and cleaning materials in the amount needed for maintaining the cleanliness of the cell.

(C) Each detainee is required to clean the cell in accordance with the arrangements defined in the procedures of the place of detention.

Holding personal belongings by the detainee

5. (A) A detainee is entitled to keep in his possession documents that were given to him in accordance with the law during the course of his detention, that are related to his investigation or trial.

(B) A detainee will be entitled to hold in his cell objects of the type specified in Column A of the First Appendix, under special conditions as specified in Column B [of the First Appendix], and in the quantity stipulated in Column C [of the First Appendix]; where it is stated in Column C that the holding of an object is conditional upon the existence of suitable infrastructure in the cell, the detainee will not be entitled to hold this object unless the commander at the place of detention confirms that the infrastructure conditions in the place of detention allow for such use; a detainee will be entitled to purchase objects he is entitled to hold in the cell in accordance with this subregulation at the store in the place of detention, if this possible, or to receive such objects from people from the outside.

(C) The detainee will be entitled to hold objects as described in Subregulation (B) after they are checked by the supervisor of the place of detention or someone acting on his behalf.

(D) If the commander of the place of detention fears that the detainee is liable to cause damage to himself, to others or to property, he is authorized, after providing the detainee an opportunity to state his arguments, to prohibit him from holding objects that are liable, in his view, to cause such damage; the reasons for the prohibition will be documented in writing by the commander of the place of detention.

(E) The commander of the place of detention will allow the detainee, in accordance with the instruction of the physician at the place of detention, to hold objects he needs in order to preserve his well-being or health.

(F) The commander of the place of detention will allow the detainee, for reasons of good behavior or other reasons that will be noted, a large amount of objects permitted in accordance with the First Appendix or additional objects, but in regard to a detainee who has not yet been indicted, the commander of the place of detention will not allow such objects to be held, unless the person in charge of the investigation confirms that the holding of these objects would not be detrimental to the investigation.

(G) Objects belonging to the detainee that he is not entitled to hold in the cell will be held in deposit for him in a way to be determined in orders or will be delivered, upon his request, to a visitor who comes to the place of detention; upon the detainee's release from the place of detention, these objects will be returned to him.

items for the personal use and for the need to maintain personal cleanliness of the detainee

6. (A) The detainee will be provided, for his personal use at the place of detention, with a bed, mattress and clean blankets.

(B) The detainee's blankets will be laundered or changed at a frequency ensuring their cleanliness.

(C) The detainee will be provided at the place of detention with soap and toilet paper in a reasonable amount for personal use.

(D) A detainee will be entitled to shower with hot water once a day, subject to the stipulations of Regulation 7.

(E) A detainee whose remand to custody is extended by a judge for a period of more than 24 hours, and who is unable to purchase or receive from someone outside of the place of detention a change of clothes, a towel and basic items of hygiene, will be provided these items by the place of detention.

Preventing damage to evidence or its disappearance

7. in order to prevent damage or disappearance of evidence the detainee is suspected

of carrying on his body or in his body, the person in charge of the investigation is

authorized to order, in a decision explained in writing –

(1) Not to allow the exercise of the right stipulated in Regulation 6(D); provided that this directive is not for a period of more than three days;

(2) To hold a detainee in a cell that has no toilet.

Food

8. (A) A detainee is entitled to receive at least three meals a day, at regular hours; the meals will consist of food with the required amount and ingredients for maintaining the health of the detainee.

(B) A detainee who requires special food for health reasons, as confirmed by the physician at the place of detention, will be entitled to receive such food at the place of detention.

Right to a daily walk at the place of detention

9. (A) A detainee is entitled, for an hour every day, during the daytime, to walk in the open air at the place of detention, if the conditions at the place of detention allow for this, subject to the stipulations of subregulations (B) and (C).

(B) A detainee will not be held for more than seven days in a place of detention where it is not possible to exercise his right to a daily walk as stipulated in Subregulation (A) due to reasons pertaining to the conditions of the place of detention, and he will be transferred to another place of detention whose conditions allow for the exercise of this right.

(C) The person in charge of the investigation is entitled, in a decision explained in writing, to instruct the commander of the place of detention to restrict or deny the right to a daily walk, in subregulations (A) and (B), of a detainee who has not yet been indicted, due to concerns about compromising the investigation. If a detainee's right is restricted as stated, he will be entitled to walk in the open air for at least one hour once every seven days, for a period of not more than one month; however, an investigations officer with the rank of chief superintendent or higher is authorized to extend the one-month period to additional periods of time that will not exceed 15 days each time due to concerns about compromising the investigation.

(D) The commander of a place of detention is authorized to restrict the right of a detainee to a daily walk in order to protect the detainee's wellbeing; if the right of a detainee is restricted as stated, he will be entitled to go out for a daily walk in the open air for one hour at least once every five days.

(E) A detainee who was unable to exercise his right to a daily walk at the hour assigned for this in accordance with the procedures of the place of detention because he was taken from the place of detention to court, for interrogation or for another reason, will not be entitled to a daily walk on that day, unless the arrangements at the place of detention allow for this; however, the right of the detainee for a daily walk will not be denied for this reason for a period of more than seven consecutive days.

Right to use a telephone

10.(A) A detainee who has been indicted will be entitled to use a telephone at the place of detention once a day for a reasonable amount of time; the use of the telephone will be at the detainee's expense.

(B) A detainee who has not yet been indicted will not be entitled to use a telephone as stipulated in Subregulation (A) unless the person in charge of the investigation confirms that it would not be detrimental to the investigation.

(C) A detainee who has not yet been indicted, with the exception of a detainee who is not entitled by law to meet with his attorney, will be entitled to request in writing that the commander of the place of detention place a telephone call to his attorney's office in order to relay a message on his behalf; the relaying of the message upon the detainee's request will be documented in writing by the person who relays the message.

Meeting with a lawyer

11. (A) The date of a detainee's meeting with an attorney will be coordinated in advance; the commander of the place of detention will also allow an initial meeting between a detainee and his attorney, upon the request of one of them, outside the conventional hours at the place of detention.

(B) A meeting of a detainee with an attorney will be conducted in privacy in a separate room, and under conditions that ensure the confidentiality of the meeting, but in a way that enables monitoring of the behavior of the detainee and his movements.

The right to receive visitors

12. (A) A detainee who has been indicted will be entitled to receive visitors at the place of detention once a week for a period of 30 minutes, subject to the stipulations in Subregulation (C); the maximum number of visitors for each detainee and the procedures of the visit and its arrangements will be determined in the orders; the commander of the place of detention is authorized to extend the visiting time and approve an increase in the number of the detainee's visitors for reasons of good behavior during the detention or for other reasons that will be noted.

(B) A detainee who has not yet been indicted will not be entitled to receive visitors at the place of detention, unless the person in charge of the investigation confirms that this would not be detrimental to the investigation; the person in charge of the investigation is also authorized to condition his approval of such visits to the detainee on stipulations aimed at preventing the possibility of compromising the investigation.

(C) A detainee who is entitled to receive visitors will not be held for more than seven days from the day he receives this right in a place of detention that does not allow visitors; if such a detainee is transferred to another place of detention where it is possible to exercise his right, he will be entitled to two visits or one hour-long visit during the first week of his transfer.

(D) The commander of the place of detention is authorized to prohibit the entry of a person to the place of detention for the

purpose of a visit, or to limit it with conditions, or to stop a visit or meeting with a detainee, if he has a reasonable basis for concern that the person's visit at the place of detention will harm state security or public security or the good order of the place of detention; the decision regarding the prohibition will be explained in writing.

(E) The police inspector general (hereinafter – the inspector general) or the prisons commissioner (hereinafter – the commissioner), according to the case, is authorized to order the prevention of visits to a detainee for a period of no more than one month if he has a reasonable basis for concern that the detainee is liable to exploit the visits for activity aimed at harming state security or public security.

(F) If the inspector general or commissioner, according to the case, is convinced that there is still cause for preventing visits for a period exceeding that which is stipulated in Subregulation (E), he is authorized to again order the prevention of visits for additional periods of a month each time, provided that at least ten days prior to the issuance of an additional order the detainee is notified in writing of the intention of the police chief or commissioner to issue such an order, and of his right to appeal to the court in this matter; a copy of the notification will be sent to the Public Defender's Office.

(G) Preventing visits for a consecutive period of more than 90 days requires the approval of the minister of public security.

(H) Subregulations (E) through (G) will not apply to a meeting with an attorney as stipulated in Regulation 11.

(I) The inspector general or commissioner is authorized to delegate his authority in accordance with this regulation to his deputy only.

The right to send letters

13. (A) A detainee who has been indicted will be entitled to send letters and to receive writing paper in a reasonable quantity upon his request; the mailing costs will be at the detainee's expense, unless the commander of the place of detentions deems it appropriate to exempt him, upon his request, from this payment due to his poor economic situation.

(B) A detainee who has not yet been indicted will be entitled to send letters only if the person in charge of the investigation confirms that this would not be detrimental to the investigation; the person in charge of the investigation is authorized to condition his approval on stipulations that are to be brought to the detainee's attention and which will be aimed at preventing the possibility of compromising the investigation, including a condition of examining the letter or not transmitting all or part of it to its destination for this reason.

(C) A detainee is entitled to send letters in accordance with this regulation only via the commander of the place of detention and not via visitors or in any other way.

The right to observe religious precepts

14. (A) A detainee will be allowed to observe the precepts of his religion, if the restrictions deriving from the fact that he is in detention or in interrogation allow this.

(B) Despite the stipulation in Subregulation (A), in a place of detention where it is possible to conduct public prayer in accordance with the conditions of the place and its procedures, the commander of the place of detention is authorized to restrict or prevent the detainee's participation in the public prayer if he has a reasonable basis for assuming that it would constitute a danger to security or to the good order in the place of detention or in order to protect the wellbeing of the detainee; a detainee who has not yet been indicted will not be entitled to participate in such public prayer if the person in charge of the investigation opposes this due to concerns that it would compromise the investigation.

Work by detainees

15. (A) If a detainee has been indicted, the commander of the place of detention is authorized to employ him, with his consent, in work at the place of detention.

(B) A detainee will not be employed in work that demands physical exertion except after receiving a physician's approval.

Medical treatment

16. Any detainee who requests medical treatment is entitled to be checked by a medic or physician at the place of detention; every detainee is entitled to receive the medical treatment he requires to maintain his health, as determined by the physician at the place of detention and in the way stipulated in the orders; in this section, "medic" – someone authorized by the chief medical officer of the Israeli Police or the chief medical officer of the Prisons Service to examine detainees in accordance with this regulation.

Protecting the wellbeing of the detainees

17. (A) If the commander of the place of detention or the person in charge of the investigation has a reasonable basis for assuming that a detainee is endangered by other detainees or is liable to harm others or himself, he will order his cell assignment to be such that enables heightened monitoring of this detainee in order to provide better protection for him or from him.

(B) If a detainee requests to move from the cell in which he is held for reasons pertaining to the protection of his wellbeing, the commander of the place of detention will decide on his request as soon as possible and not later than one hour from receiving it, and will not refuse the request unless after giving the detainee an opportunity to state his arguments before him or before someone acting on his behalf in regard to this request.

Means of restraint

18 (A) in this section –

"Use of force" – including the use of tear gas and shackling the detainee, in the way specified in the orders;

"Other means" – including entering a warning in the detainee's file or imposing disciplinary measures as stipulated in Regulation 19.

(B) If a policeman or prison guard at the place of detention has a reasonable basis to fear that a detainee is about to flee or that he is about to inflict damage to a body or property or to otherwise harm the operation of the place of detention, he is authorized to exercise reasonable force against the detainee in order to prevent the flight or infliction of damage or harm as stated, provided that all of the following also applies:

(1) it is impossible to achieve the objective without use of force;

(2) The use of force is only to the reasonable extent necessary for achieving the aforementioned objective and does not continue after it is achieved;

(3) The use of force does not entail endangering human life.

Nothing stated in this subregulation detracts from the authority of the policemen or prison guard in accordance with any law.

(C) Prior to exercising force toward a detainee in accordance with this regulation, the policeman or prison guard will warn that he is about to exercise force, unless the provision of this warning would undermine the achievement of the objective for which the force is exercised.

(D) If a policeman or prison guard exercises force as stipulated in this regulation, he will submit a report on this to the commander of the place of detention, explaining the reason for the use of force and the results of the use of force.

(E) If there is a need to take additional measures for the purpose stated in Subregulation (B) or in any case of shackling a detainee, the detainee will be brought before the commander of the place of detention so that he can decide on the use of additional measures or shackling him; the commander of the place of detention will not make this decision until after providing the detainee an opportunity to state his arguments on this matter; this decision will be explained and in writing.

Means of discipline

19 (A) If the commander of the place of detention has a reasonable basis for concern that a detainee did not fulfill an obligation that he is required by law to fulfill at the place of detention, or caused harm to a body or property at the place of detention or otherwise harmed the good order of the place of detention, he is authorized to impose disciplinary measures against him, as defined in Section 10 of the law.

(B) The commander of the place of detention will not decide on imposing such disciplinary measures until after warning the detainee that he is considering imposing disciplinary measures against him and after explaining to him the reason for this, and providing the detainee an opportunity to state his arguments on this matter; the proceeding in accordance with this regulation will be documented in writing by the commander of the place of detention; the decision will be explained and in writing.

(C) The disciplinary measure of solitary confinement for a period of no more than seven days in regard to this section means holding him in a cell without other detainees and not providing him the possibility of leaving the cell, including for the purpose of a daily walk in the open air.

Publicizing rights and obligations

20. In every place of detention, a sign will be posted in a prominent place, specifying the main rights of detainees, their obligations, the authorities of the commander of the place of detention in accordance with the law, as well as the daily schedule of the detainees in that place, and including the procedures for submitting requests and inquiries to the commander of the place of detention.

Periodic inspection

21. The inspector general and the prisons service commissioner, according to the case, will appoint a person on their behalf to conduct inspections to examine adherence to the directives stipulated in the law and the regulations pertaining to the conditions at the place of detention; the inspection report will be submitted to the minister once a year.

Restricted application of regulations for a detainee suspected of security offenses

22 (A) These regulations will apply to a detention cell in which a detainee suspected of security offenses is held, but with the changes specified as follows:

(1) in Regulation 3 –

(A) (Canceled)

(B) in Subregulation (E), Paragraph (4) will not apply and paragraphs (1) and (2) will instead appear as stating:

(1) Will be equipped with a table and seats;

(2) Will be room for at most four detainees

(2) instead of Regulation 4, it will appear as stating:

“Sanitation conditions

4. A cell will be painted as needed and at least once a year;

each cell will undergo disinfection and pest control once a year or according to the instructions of a physician at the place of detention; disinfection and pest control will be performed in a way that is not injurious to the health of the detainee.”

(B) A detainee suspected of security offenses will be entitled to rights and obliged with obligations in accordance with these regulations, with the changes specified here:

(1) in Regulation 5, instead of Subregulation (B) it will appear as stating:

“(B) A detainee suspected of security offenses will be entitled to hold in his cell objects of the type specified in Column A of the Second Appendix, under special conditions as specified in Column B [of the Second Appendix], and in the quantity stipulated in Column C [of the Second Appendix].”

(2) in Regulation 6, instead of Subregulation (A) it will appear as stating:

“(A) A detainee will be provided, for his personal use at the place of detention, with a double mattress and clean blankets in the amount stipulated in the orders.”

(3) Regulations 9, 10 and 15 will not apply to a detainee suspected of security offenses.

Commencement

23. These regulations will enter effect on the day the law enters effect;

however, Regulation 10(A) and (B) will enter effect on August 13, 1997.

First Appendix

(Regulation 5(B))

Column A		Column B	Column C
No.	item	Special conditions for receiving, in regard to detainees who have not yet been indicted	Amount permitted to hold simultaneously and additional conditions
1.	Magazines and newspapers	Unless the person in charge of the investigation prohibits this as detrimental to the investigation	4
2.	Writing utensils and other documents	Unless the person in charge of the investigation prohibits this as detrimental to the investigation	Reasonable
3.	Books	Unless the person in charge of the investigation prohibits this as detrimental to the investigation	6
4.	Ritual objects		1 of each type
5.	Social games and handheld computer games		3

6.	Television set	By approval of the person in charge of the investigation, due to concerns of compromising the investigation	1 per cell, subject to the existence of suitable infrastructure in the cell
7.	Radio	By approval of the person in charge of the investigation, due to concerns of compromising the investigation	1 per cell, subject to the existence of suitable infrastructure in the cell
8.	Transistor radio	By approval of the person in charge of the investigation, due to concerns of compromising the investigation	1
9.	Electric razor (for use with batteries)	By approval of the person in charge of the investigation, due to concerns of compromising the investigation	1
10.	Towel		3
11.	Small plastic mirror		1
12.	Blanket case		2
13.	Sheets		2
14.	Blankets		2
15.	Shoes		1 pair
16.	Slippers		1 pair
17.	Socks		4 pairs
18.	Underwear		4 sets
19.	Clothes		2 sets
20.	Pajama or training suit		2
21.	Wedding ring and wrist watch		1
22.	Automatic electric kettle		1 per cell, subject to the existence of suitable infrastructure in the cell

23.	Small, plastic wall lamp		1, subject to the existence of suitable infrastructure in the cell
24.	Small fan	By approval of the person in charge of the investigation, due to concerns of compromising the investigation	1, subject to the existence of suitable infrastructure in the cell
25.	Heating device – blow heater		1, subject to the existence of suitable infrastructure in the cell
26.	Medical accessories	By approval of the physician at the place of detention	
27.	Bag for storing personal belongings		1
28.	Hygiene products and cosmetics		Reasonable amount for personal use

Second Appendix

(Regulation 22(B)(1))

No.	Column A	Column B Special conditions	Column C Amount permitted
1.	Ritual objects		1 of each type
2.	Towel		3
3.	Blanket case		2
4.	Sheets		2
5.	Blankets		2
6.	Shoes		1 (pair)
			1 (pair)

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| 7. Slippers | | |
| 8. Socks | | 4 (pairs) |
| 9. Underwear | | 4 sets |
| 10. Clothes | | 2 sets |
| 11. Pajama / training suit | | 2 |
| 12. Medical accessories | By approval of the physician at the place of detention | |
| 13. Bag for storing personal belongings | | 1 |
| 14. Hygiene products | | Reasonable amount for personal use |

Avigdor Kahalani

May 8, 1997

Minister of Public Security