

**State of Israel
Ministry of Justice**

Deputy to the Attorney General (Legislation)

11 Adar II 5757

March 20, 1997

File No.: 2-1878

To:

Re: Memorandum of Law Concerning Handling of Suits Arising from Security Force Activities in Judea, Samaria and the Gaza Strip (Exemption from Liability and Granting of Payment) 1997 - 5757

Enclosed please find a memorandum of law prepared by the Ministry of Justice, Ministry of Finance, and Ministry of Defense. I would appreciate receiving your comments no later than 6 Nisan 5757 (April 13, 1997).

Sincerely,

Joshua Schoffman

Deputy to the Attorney General (Legislation)

Draft Law Memorandum

A. Name of the Proposed Law

Law Concerning Handling of Suits Arising from Security Force Activities in Judea, Samaria and the Gaza Strip (Exemption from Liability and Granting of Payment)
1997 - 5757

B. Goal of Law and Need for It

1. The need for the law arises from a particular type of tort claim submitted against the State of Israel in recent years. The source of these suits is events which occurred during the "intifada" in the areas of Judea, Samaria and the Gaza Strip (henceforth: "the areas"). In these suits it has been claimed that the IDF and other security forces inflicted bodily injuries on the claimants, residents of the areas.
2. Since the Six-Day War, the State of Israel has administered the areas in the manner of "belligerent occupation." A Civil Administration headed by a military commander was established in each area. The military commander's authority derived from the rules of public international law dealing with belligerent occupation. In accordance with international law, it is the job of the military commander to maintain security and order in the area, and to protect the well-being and security of the IDF forces and of the civilian population in the area. In December 1987 extensive riots and disturbances of order began, which were termed "the intifada." The riots and disturbances of order were organized in various frameworks by commands located within and outside of the areas, which coordinated and guided the activities in the field. The intifada was characterized by mass demonstrations, which included tire-burning at road intersections and in thoroughfares in order to prevent access to villages and cities, strikes, throwing of stones and Molotov cocktails at IDF forces and Israeli civilians, stabbings and use of other non-live weapons, and use of live weapons.

The intifada had a dual nature: violent activity aimed at harming Israeli civilians, soldiers, and other security personnel, as well as propagandist activity, such as dissemination of circulars, hanging of flags, slogan-writing, etc. The common denominator uniting the intifada's various manifestations is the negation of the legitimacy of the control of Israel and its security forces in the areas.

The intifada was therefore a violent expression of a collective struggle with political ends, whose purpose was to harm Israel's effective control in the areas in order to cause it to withdraw from them.

The aforementioned reality with which the security forces were confronted was complex: the activity of the residents was not paramount to an organized army, but it was organized. Sometimes the activity was mass, and sometimes in small groups; sometimes it bore a demonstration-like character, and sometimes it had the character of a one-time, violent and directed activity, such as firing at soldiers or their vehicles, throwing Molotov cocktails where soldiers were concentrated, throwing concrete blocks from roofs in order to seriously injure specific soldiers. Sometimes these kinds of activities were combined and mixed with one another and were difficult to identify as an activity of a certain type, with some of the civilians taking part in the violent acts and some not, and there was never a guarantee that an event that began as a demonstration might not end with more violent measures. This situation brought on special hardships, placed many dangers before the soldiers, and demanded appropriate preparedness.

4. Already at the beginning of the intifada, residents of the areas began submitting tort claims against the State, in which it was charged that the State must compensate the claimants for bodily and property damage caused to them by the security forces. At first the claims were submitted "drop - by -drop," and with the passing of years, at an increasing pace. In addition to the claims submitted to the courts, many compensation cases are pending before the Ministry of Defense, as preparation to submission of a claim.

To date, more than 4,000 claims have been submitted against the State, over 700 of them currently pending before courts across the country. In the past year alone, over 600 claims were submitted. Other claims are in a beginning stage of inquiry at the Ministry of Defense, and there are others which have ended in a judgment or a compromise. According to IDF records, during the events of the intifada, some 1,000 Palestinians were killed, and approximately 18,000 were injured.

5. In accordance with Article 5 of the Civil Tort Law (State Liability, 1952), the State is exempt from liability for damages for "combatant activity by the Israel Defense Forces."

In a ruling of the Supreme Court, the exemption for "combatant activity" is interpreted narrowly, as applying only to an activity in which there are clear signs of war. In Civil Petition 623/83 Asher Levi v. State of Israel P.D. 40(7) 477, Chief Justice Shamgar stipulated the following regarding interpretation of the aforementioned Article 5, as follows:

Even in time of war, there are activities, mostly of the army, that do not qualify for an exemption according to Article 5. Only genuine combatant activity, in its narrow and simple sense, such as engaging forces in battle, military attack, exchange of fire, explosions and the like, in which is manifested the special nature with its risks, and particularly the implications with its results - it is to these that Article 5 refer. Concentrations of vehicles and movement of vehicles far from the front-lines, which have nothing to do with fighting except for the fact that the time of war and recruitment caused them, do not activate the immunity which the aforementioned Article 5 intended to create.

There is no doubt that this interpretation of Article 5 is a limited interpretation, but this was, justifiably, the approach manifested in the ruling of this court since the aforementioned Civil Petition 311/59, 317, and the said interpretation is reasonable and even desirable regarding

immunity to liability for a given act, according to its nature and under usual circumstances, in the context of an act of injustice. (*Ibid.*, pp. 479-489).

Today a number of appeals are pending before the Supreme Court regarding the applicability of the exemption in the aforementioned Article 5 to activities carried out by the security forces during the intifada, and additional related questions. The Chief Justice of the Supreme Court united the hearing regarding them, and ruled that the hearing will take place before 9 judges. In a preliminary hearing held recently, the court expressed its opinion that it is preferable that the question of compensation of residents of the areas for injury by the security forces during the intifada be arranged through legislation.

Even if a more comprehensive interpretation of Article 5 of the law is accepted, as is claimed by the State, such will not provide a sufficient response to the uniquely problematic nature of the events of the intifada, since even though essential signs of war are apparent in this overall situation, the extent of their intensity changes from event to event. Some of the events, on an isolated basis, are clearly war-like, while the overall situation described above does not all fall within the bounds of the concept of "war" in its traditional sense, and there is therefore a fear that many activities of the security forces during the intifada will not qualify for exemption as "combatant activity."

The intifada was, as previously stated, a violent, planned and organized struggle, at least in part, in the context of a conflict between nations. This conflict included intentional injury to soldiers and civilians. The security forces, called upon to impose order and to protect the security of the areas, operated under difficult conditions with true risk of death and bodily injury, to an extent that justifies seeing this as "combatant activity," the damages for which the State is not liable. War is a violent struggle between nations. The manners of struggle are numerous and varied. War wears many faces. Sometimes it assumes the nature of full-blown war, and sometimes it takes the form of other violent activity.

6. The claims described above place the State before numerous evidentiary difficulties with which it frequently is unable to cope with existing legal tools

In some of the cases, the State lacks even the "smallest lead" to check the claims regarding its involvement in the damage charged, both in terms of responsibility for the event, and in terms of the extent of the damage. During the intifada, the State faced great difficulties in reaching the living area of the claimant, a resident of the areas, in order to clarify the circumstance of the injury and the extent of the damages. The clarification itself involved danger to life, and often was prevented on this account. With the IDF redeployment in the areas where the Palestinian Authority has established control, the State, in practice, does not have the possibility of access to the area in which the claimed damage took place, and therefore any possibility of clarifying the circumstances of the event, and verifying the damage claim, was brought to a standstill.

An additional difficulty in the same context is that the medical treatment of injured parties was carried out in medical facilities not in Israel, and to which the government also has no access. This fact creates difficulty regarding investigation of the reliability of the injured party's medical reporting. The body-snatching from hospitals of Palestinians killed precluded the possibility of clarifying whether they were injured by IDF soldiers; some of the injuries were unbeknownst to the soldiers, and were therefore not investigated at all. In local hospitals, only partial records existed, and even those that do, they are not necessarily instructive as to the identity of the perpetrator. Even if the IDF possesses records regarding the event for which claims are brought, in most cases the records are not sufficient to be instructive in a conclusive fashion regarding the character of the event and its results.

There is also a difficulty in locating witnesses on behalf of the State and bringing them to court. The difficulty in locating arises from the fact that there was very high turnover of forces in the field, and it is extremely difficult to locate retroactively,

sometimes many years after the event, the soldiers who participated in specific activities. Yet another difficulty is that even if the soldiers are located, at the time their testimony is requested they usually are no longer soldiers. Some of them are abroad, and it is difficult to bring them to give testimony. Even if they are located, and even if they appear to give testimony, it appears that frequently, due to their participation in many similar events within a short period, they are unable to properly remember a given event. This difficulty increases in light of the considerable delay in submitting a large portion of the suits.

This state of affairs creates situations of practical inability to defend against these claims, even false claims and attempts by the claimants to cheat, where the State lacks tools to expose them and to differentiate between claims of the above type, and those claims based on facts that did not occur in actuality.

7. In claims of the type under discussion here, the courts often reverse the burden of evidence and stipulate that the State must prove that its soldiers were not negligent according to Article 41 of the Torts Ordinance ("the matter speaks for itself.") Transferring the burden of proof according to said Article 41 is intended to make it easier for the claimant to prove his claim under circumstances in which he does not know and has no possibility of knowing the circumstances under which damage was caused. In such a situation, without reversing the burden [of proof], the claimant is likely to find himself unable to prove his claim due to evidentiary disadvantage, even if his claim is completely justified.

Such is not the matter in the damage cases with which we are dealing. The underlying assumption that the State has information, as a matter of course, regarding the circumstances under which damage was caused, does not correspond to reality. Conversely, it is the State which is at an evidentiary disadvantage, and it is actually the claimant who often has information regarding the circumstances of the event.

In this situation, reversal of the burden of proof in many cases determines the fate of the claim, and liability for the event is placed on the State. From an overall standpoint regarding these cases (to distinguish from the specific standpoint of each case), it transpires that in fact the State is found liable in a large portion of the cases, despite that proof of negligence on the part of its soldiers has not been proven.

8. To the considerations elaborated above, which form the basis for justifying legislative intervention in the whole matter of the State's defense in the said tort claims, should be added the signing of the agreements with the PLO, which include mutual recognition and obligation to stop violent acts between the parties. In the framework of the agreements, the IDF forces also withdrew from the Palestinian city centers and population centers, and transfer of all authority concerning the Palestinian population to the Palestinian Authority. During a period of armed struggle between nations, every side must bear its damages and care for its injured. As far as is known, Israelis injured during the intifada have no practical possibility of claiming compensation for damages from those responsible for their injury, and they receive recompense from the State as victims of terrorist acts. When the agreements with the Palestinians were signed, an entirely new and different political climate was created between the State of Israel and the Palestinians in the areas, which itself justifies also turning over a new leaf in the aspect discussed here.

9. For all the reasons elucidated above, the government believes that it would be appropriate to offer legislative intervention to protect the State from these claims. This unique legislative arrangement is limited, according to the proposal, to a circumscribed period, from the beginning of the intifada events on December 9, 1987, to September 13, 1993, when the Declaration of Principles between Israel and the PLO was signed in Washington.

This notwithstanding, it should be emphasized that it is not suggested that payments by the State to persons injured by the security forces be completely prevented. It is being proposed that, as elucidated in the body of the proposal, a mechanism be

established for granting of payments taking into account the circumstances in which damage was caused, in appropriate situations, according to the parameters stipulated in the proposal, and the sums set forth therein.

C. Essential Elements of the Proposed Law

Following are the essential elements of the proposed law:

1. The proposed law determines an exemption for the State from liability for damages arising from an act carried out by the security forces in the areas of Judea and Samaria and the Gaza Strip during the circumscribed period, from the day of the outbreak of the intifada until September 13, 1993.

The term "security forces" includes the IDF, the Israel police and other security forces of the State of Israel, including those acting of their behalf. The exemption also applies to anyone on whose account the State owed damages, were it not for the exemption in Article 2(a) of the law, i.e. also security forces to the extent that they are sued personally.

The exemption does not apply to the tort claim of an Israeli injured party, or a tourist to Israel caught inadvertently in an event. The exemption also does not apply to a tort claim for a road accident involving a security force vehicle, where the license number or identity of the driver are known, unless the accident occurred in the course of a hostile activity on the part of the injured party against the security forces or against a civilian population.

2. Along with determining the general exemption as stated, the proposed law sets forth a mechanism for payment to a party or a dependent who would not be eligible for compensation were it not for this law, according to the decision of a committee, or a number of committees to be appointed for this matter in accordance with this law by the Defense Minister, in consultation with the Minister of Justice.

The committee will consist of three members, headed by a lawyer qualified to preside as a magistrates court judge.

3. The proposed law stipulates the standards according to which the committee will determine payment to an injured party or a dependent, the essential components of which are as follows:

(a) an injured party or dependent is eligible for payment if he proves that the claimed damage was caused by the security forces not during an operational activity of fighting against or preventing terror, and not during another activity of the security forces carried out in circumstances of risk of death or bodily injury, unless the act was carried out in true deviation, knowingly, from the instructions applying to the security forces during the event.

(b) An injured party or dependent will not be eligible for payment even if the above circumstances are fulfilled, if the injury occurred during a hostile activity by the injured party against the security forces or against a civilian population. The reason for this is that eligibility for compensation can be justified for a person who had no part in the very occurrence of the event of the damage. A person who acted against IDF forces or against a civilian population and was thereby injured, loses his right, based as stated in humanitarian reasons, to eligibility for payment. A person convicted for a terrorist activity, or regarding whom there is evidence of such activity, will not be eligible for payment, unless the damage occurred while he was in legal custody. A person whose damage occurred as a result of a legal act by the security forces in circumstances for which the State would not be liable for damages were it not for this law, will also not be eligible for payment.

(c) Payment according to the proposed law will be granted only following death or as a result of permanent disability of no less than 25 %.

(d) The proposed law instructs the committee that in determining the collection of relevant facts for the matter at hand, it must provide its opinion regarding, inter alia, the existence or absence of support for the applicant's version of circumstances surrounding the event in the registration of the injured party in the IDF record of injured parties; in the record of local hospitals near the [time of the] event; in registration of a complaint close to the [time of] the event either by the security forces or the Civil Administration or some other official agency; a decision rendered regarding the event in a legal or disciplinary proceeding; any evidence or document of the security forces or other official agency.

(e) The committee has the authority to determine payment to an injured party or to a dependent, even if he does not conform to the criteria in the law, this being in unusual circumstances for special humanitarian reasons which are to be noted.

(4) The proposed law stipulates that payment to an injured party or a dependent found to be eligible will be one-time, in sums specified in the appendix to the law, in accordance with the severity of the injury, the age of the injured party, and his family status. Payment to a person with 100% disability may be augmented by 20% of the sum specified in the appendix. The proposed law also determines that the sums specified in the appendix will be updated twice yearly, according to the rise in the [consumer price] index.

5. It is proposed that the committee be vested with powers according to articles 9 through 11 of the Law Concerning Commissions of Inquiry, 1968, the most central of which is compelling witnesses to appear to testify before the committee and to produce documents. The Committee is also authorized to appoint an expert for a matter of expertise. With the appointment of the expert as stated, no testimony of another expert on the same matter will be brought before the committee, except with approval of the committee for special reasons. The purpose of this instruction is to shorten and simplify committee proceedings.

6. The proposed law states that a request for payment by an injured party or a dependent will be submitted within a year of implementation of the law, in order to concentrate and to conclude handling of this question at the earliest opportunity. However, the committee has the authority to extend the date of the period, by no more than an additional year, if it is convinced that the injured party or the dependent did not have a reasonable opportunity to submit on time.

7. Payment according to the proposed law is conditional upon a declaration by the injured party or the dependent that he relinquishes any other claim against the State or anyone acting on its behalf.

8. The proposed law does not detract from any defense claim or exemption of the State according to any other law.

9. The State's general exemption and the mechanism for payment beyond the line of strict justice set forth in the proposed law, are limited to events which occurred only during the "circumscribed period." Beyond this period, regular tort laws will apply. However, it is suggested that instructions regarding tort claims for an act carried out by the security forces in the areas after the circumscribed period be included in the proposed law, pertaining to two matters. First, the clear definition of the term "combatant activity" in Article 5 of the Civil Damages Law (State Liability) 1952, which constitutes, for the most part, an interpretive clarification, and according to which an action undertaken by the security forces in the areas during an operational activity of fighting against or preventing terror, or another operational activity carried out in situations of risk of death or bodily injury, is in the category of "combatant activity," for which the State and security forces do not bear liability for damages. Second, that the instruction of Article 41 to the Torts Ordinances (New Version) not apply in such a case. The reason for this is that the practical difficulties, and the unsuitability of the aforementioned Article 41 to the matter at hand, as explained in Article 7, Chapter 2 above, also holds for claims made after the circumscribed period.

10. This law pertains, as stated, to cases of bodily harm arising from security force activity in the area. In contrast, cases of bodily and property damages caused by the Civil Administration Authority in the realms of its civilian activities such as cases for medical negligence, have already been arranged in the framework of Chapter 4 of the Law Concerning Implementation of the Agreement regarding the West Bank and Gaza Strip (Jurisdictional Authorities and Other Instructions) (Legislative Amendments) 1996. It was therefore explicitly set forth in the law that instructions of this law do not apply to an act or a claim to which Chapter 4 of the said law applies.

11. The proposed law also states that claims pending in the courts, to which the proposed law applies, and for which a sentence has not yet been rendered, will be terminated and the claimant will be eligible to submit a request to the committee for payment in accordance with the instructions of the proposed law. In a case which is terminated as stated, the court may return the fees, in total or in part.

12. The Minister conferred with execution of the proposed law is the Defense Minister, and he is authorized to issue regulations in any matter relating to its execution, in consultation with the Minister of Justice.

D. Effect of the Proposed Law on the Current Law

The proposed law does not alter the general torts law of Israel, but rather rectifies a unique problem regarding activity of the security forces in the areas of Judea and Samaria and the Gaza Strip.

E. Effect of the Proposed Law on the State Budget

The proposed law will bring about a significant reduction in the compensation sums which the State will be required to pay out in the context of tort claims of Palestinian residents of the areas.

F. Effect of the Proposed Law on Mandate of Appointed Ministry

There is no real effect. The effect will be expressed in the appointment of committee members. In fact, the burden on the courts will be significantly reduced.

G. The following is the text of the proposed law:

Law for Handling Suits Arising from Security Force Activities in Judea and Samaria and the Gaza Strip (Exemption from Liability and Granting of Payment) 1997 - 5757.

Definitions 1. In this law:

“the region” - Judea, Samaria and the Gaza Strip
“minor” - a person not yet 18 years of age
“security forces” - the Israeli Defense Forces, Israel Police, or other State security forces, including anyone who acted on their behalf
“index” - the consumer price index
“the circumscribed period” - the period between December 9, 1987 and September 13, 1993
“act” - including an omission
“bodily damage” - death, sickness, injury or a physical, mental or psychological defect
“injured party” - a person who was caused bodily damage resulting from an act carried out by the security forces during the circumscribed period;
“dependent” - at the time of the injured party's decease as a result of an act by the security forces during the circumscribed period: if he is unmarried - his parents; if he is married or has children - his spouse and minor children;
“the Minister” - the Minister of Defense
“tourist to Israel” - a person who entered Israel under permit according to the Law of Entry into Israel, 1952, or whose entry to Israel did not require a permit according to Article 17 of the aforesaid law, or under authority of an order issued according to it, except for a resident of the region.

Exemption from Liability

2. (A) The State is not liable in tort for bodily damage caused as result of an act carried out in the region by the security forces during the circumscribed period; in circumstances under which the State is not liable in tort according to this sub-article, the person[s] on whose

account the State would have been liable in tort were it not for the instruction of this sub-article, will be exempt

- (B) The instructions of sub-article (a) will not apply to a suit for a car accident, as understood in the Law of Compensation for Road Accident Victims, 1975, in which a vehicle of the security forces is involved, where the license number or the identity of the driver at the time are known, except if the accident occurred in connection to a hostile activity by the injured party against the security forces or against civilian population.
- (C) The instructions of sub-article (a) will not apply to the suit of a person registered in the population registry in Israel, or of a tourist to Israel.

Payment

3. Without impinging on what is stated in Article 2, the State will grant, out of humanitarian considerations, payment to an injured party who has incurred bodily damage to whom Article 2(a) applies, or to a dependent of said injured party, if such was decided upon by a Committee, in accordance with the instructions of this law.

Committee

4. (A) The Minister, in consultation with the Minister of Justice, will appoint a Committee or Committees for payment according to this law (henceforth - the Committee).

(B) The Committee will comprise three members; the Committee chair will be a lawyer qualified to serve as a judge in a magistrates court

(C) The Minister will determine the meeting place of the Committee, and is authorized to determine such to be in Israel or in the region

(D) The Committee will determine the procedures of its work and hearings, to the extent that they have not been determined in this law or in regulations in accordance with it.

Decision of the Committee

5. (A) The Committee will decide on granting of payment to the injured party or the dependent, if the latter have proved that one of the following was fulfilled:

(1) The damage was caused in result of an act carried out by the security forces not in connection with an operational activity of fighting against terror or preventing it, and not in connection with other activity of the security forces carried out in circumstances entailing risk of death or bodily injury;

(2) The damage was caused as a result of an act carried out in substantial deviation and knowingly, from the instructions which applied to the security forces at the time.

(B) The Committee is authorized to deny payment even if the said circumstances in paragraphs one or two of sub-article (a) were present, if it found that:

(1) The injury occurred during a hostile activity by the injured party against the security forces or against civilian population; or

(2) the injured party was convicted of terrorist activity or there exists evidence against him of such activity, except if the injured party was, at the time of the injury, in legal "custody;" or

(3) the injury was caused in consequence of a legal act on the part of the security forces under circumstances in which liability in tort would not have existed even without Article 2.

(C) Payment will not be granted unless death or permanent functional disability of 25% or more was caused.

(D) In deliberating its decision regarding a request for payment, the Committee will consider, inter alia, the presence or absence of support to the applicant's version as to the circumstances of the event, in terms of one or more of the following:

- (1) Registration of the injured party on the list of injured persons administered by the security forces or the Civil Administration in the region at the time of the event;
 - (2) Registration of the injured party on the lists of sick persons admitted to hospitals close to the time of the event;
 - (3) Registration of a complaint submitted to the security forces, the Civil Administration, or another official body close to the date of the event;
 - (4) A decision rendered during a legal or disciplinary proceeding conducted regarding the said event;
 - (5) Any testimony or other document of the security forces or of another official body;
- (E) The Committee is authorized, in exceptional cases and for special humanitarian reasons that will be noted, to determine payment for an injured party or dependent, at a rate not to exceed the sum allowed for payment according to Article 6, even if eligibility for payment does not exist according to this article.

Payment Sums

- 6. (A) The payment to an injured party or a dependent will be one-time, in a sum specified in the appendix, in accordance with the severity of the injury, age of the injured party and his family status; if there is more than one dependent, payment will be divided between the dependents according to the Committee's stipulation.
- (B) The Committee is authorized to determine an additional sum of up to 20% of the sums specified in the appendix, for an injured party who has incurred 100% disability.
- (C) The sums specified in the appendix will be updated on January first and July first every year, according to the rise in the index from the index published in January 1997 to that last published prior to the date of the update.

Auxiliary authorities of the Committee

7 (A) The Committee will possess authorities according to articles 9 through 11 of the Law of Commissions of Inquiry, 1968.

(B) The Committee is permitted to appoint an expert on its behalf for a matter of expertise the clarification of which is necessary in order to rule on a request pending; with appointment of the said expert, testimony of another expert on the same matter will not be introduced except for special reasons, with the Committee's approval.

Date for submitting requests

8. A request for payment according to this law will be submitted by the injured party or the dependent within a year from the day when the law enters into force; however, the Committee is authorized to extend this period by an additional period not to exceed one year, if it is convinced that the injured party or the dependent did not have a reasonable opportunity to submit the request by the said date.

Concession

9. A payment will not be made unless the injured party or the dependent submits a signed statement that he does not and will not have any other claim against the State or against one who acted on its behalf for this act.

Preservation of Instructions

10. The instructions of this law do no derogate from any instruction of defense or exemption regarding liability of the State or of any of its agencies or of one who acted on its behalf, according to any law.

11. Combatant Activity

(A) In a suit in tort for an act of the security forces which occurred after the circumscribed period in the area -

(1) Any operational activity of fighting against terror, and any other operational activity undertaken by the security forces in circumstances entailing risk of death or bodily injury by the security forces, will be seen as a "combatant activity" in terms of applicability of Article 5 for the Civil Torts Law (State Liability) 1952, unless a person was convicted at law of causing the injury which is the subject of the suit;

(2) The instructions of Article 41 will not be applicable to Civil Wrongs Ordinance [New Version]

(B) This article will also apply to an act as mentioned in sub-article (a) which occurred prior to entry into force of the law.

Application

12. The instructions of this law will not apply to an act or a claim which falls under Chapter 4 to the Law for Implementation of the Agreement Regarding the West Bank and Gaza Strip (Jurisdictional Authorities and other Instructions) (Legislative Amendments), 1996

Transitional Instructions

13. If a suit was submitted to a court the cause of action of which was an act as set forth in Article 2(a), and judgment has not been rendered, the trial will be terminated, and the claimant will be eligible to submit a request to the Committee by the date stipulated in Article 8; if the claims trial was terminated according to this article, the court is authorized to order a return of the court filing fees to the claimant, in part or in total.

Execution and Regulations

14. The Minister is responsible for execution of this law, and he is authorized to issue regulations in all matters relating to its execution, in consultation with the Minister of Justice.

Annex

(Article 6)

Amount of payment to an injured unmarried person (by age and percentage of disability) - in thousands of shekels.

Age	% dis-ability	25%	30%	35%	40%	45%	50%	55%	60%	65%	70%	75%	80%	85%	90%	95%	100%
Up to 20	61	73	85	97	109	122	134	146	158	170	182	195	207	219	231	243	
20 to 25	55	66	77	88	100	111	122	133	144	155	166	177	188	199	210	221	
25 to 30	52	62	72	82	92	102	112	122	132	142	152	160	170	180	190	200	
30 to 35	49	59	69	79	88	98	102	112	122	132	142	152	160	170	180	190	
35 to 40	44	53	62	71	80	88	97	106	115	124	133	142	150	159	168	177	
40 to 45	38	44	52	59	66	73	81	87	95	102	109	116	124	130	138	145	
45 to 50	30	35	42	48	54	60	66	72	79	84	91	96	103	108	115	121	
50 to 55	21	25	29	33	36	41	44	49	52	56	60	64	67	72	75	80	
55 to 60	15	19	22	25	29	32	35	39	42	45	49	52	55	59	62	65	
over 60	11	13	15	18	20	22	24	27	29	31	33	35	38	40	42	44	

To these sums the following payments will be added

10% for married; 3% for each child up to 15%

Payments for death

<u>Age and family status before death</u>	<u>Payment in New Shekels</u>
child	18,000
single person	
Age 18 to 40	55,000
Over age 40	44,000
Married without children	
Age 18 to 40	153,000
Over age 40 to 60	93,000
Over age 60	28,000

Addition for each child - 1,100 New Shekels per year until they reach the age of 18 so long as the amount of the addition for children does not exceed 38,000 New Shekels.

The payment for a single person with children will be calculated as appropriate.