

World Fact Book of Criminal  
Justice Systems

Israel

by

Gloria M. Weisman  
Israeli Ministry of Justice

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GENERAL OVERVIEW

1. Political System.

Israel has a democratic parliamentary system based on three government branches: executive, legislative and judicial. The head of the executive branch is the Prime Minister, who is answerable to Israel's Parliament, known as the Knesset. The President of the State of Israel, who is elected by the Knesset for a term of five years, fulfills mainly ceremonial national functions. The three main functions that are given to the President consist of pardoning offenders, inviting the heads of the different parties to consultations in order to form a new government after elections, and appointing judges to all the courts.

The Knesset is formed by 120 members elected nationally through a party ballot list. The normal length of a Knesset term is four years; yet, the Knesset can vote itself out at any time and order new elections.

The Judicial Branch is formed by three levels of courts: Magistrates' courts, District Courts and the Supreme Court. Concerning matters of personal status there are religious courts from the main religious groups that live in Israel: Rabbinical Courts, Sharaic Courts and Druze Courts.

The State Comptroller is the authority that

supervises the activities of the government and other public institutions.

Israel is a centrally governed State. Consequently, the whole criminal justice system is based on a national division of legal regions. For this purpose the country is divided into six main districts: Jerusalem, Haifa, Tel Aviv, the Northern, Central and Southern Districts. In each of these Districts there is a District Court and a District State Attorney's office. The District State Attorney is responsible for the prosecution of felonies. In each region there are a number of Magistrates' courts, distributed through the different towns or villages of the area. Legally trained police officers are in charge of the prosecution of contraventions and misdemeanors.

## 2. Legal System.

Israel's criminal legal system is adversarial in nature. There is no jury, and all cases are decided by professional judges. The prosecution is, in general, the responsibility of the State Prosecutor's Office. The defendant may be represented by an attorney during all the stages of the criminal process; there is compulsory representation for serious offenses and for defendants with certain disabilities. In those cases, a defense counsel is appointed by the Court.

## 3. History of the Criminal Justice System.

Israel's criminal justice system is closely tailored after the common-law system. The Penal Law and the Evidence Ordinance both originated from the British Mandate days and the Criminal Procedure was heavily influenced by commonlaw.

(Israel's criminal justice system is closely tailored after the commonlaw system; the Penal Law, 5737-1977, is basically an Ordinance of the British Mandate days; the Evidence Ordinance [New Version], 5731-1971, is from the days of the Mandate; the Criminal Procedure Law [Consolidated Version, 5742-1982, has a very strong common-law influence; furthermore, judicial decisions play a significant role on the development and consolidation of the criminal law in Israel. On July 25, 1994, the Penal Law (Amendment No. 39 - Preliminary Part and General Part), 5754-1994, was approved and will enter into force a year from that date. This new law consolidates in a very continental fashion the principles of criminal justice that were until then disseminated through different sections of the Penal Law, 5737-1977, and through the decisions of the Supreme Court, handed down during the 46 years of existence of the State of Israel.)

## CRIME

### 1. Classification of Crimes.

\* Legal Classification. Crimes are divided into felonies, misdemeanors, and contraventions. A felony is a crime with a minimum punishment of imprisonment of more than three years; a misdemeanor is a crime with a minimum punishment of imprisonment of more than one month and up to three years; a contravention is an offense with a maximum punishment of imprisonment up to one month.

According to the new Penal Law there will be a change in the definition of misdemeanors and contraventions. A misdemeanor will be a crime with a minimum punishment of imprisonment for more than three months and up to three years; and a contravention will be an offense with a maximum punishment of imprisonment for up to three months or a fine of up to 7,000 N.S. (approximately \$2,300).

Some offenses have been selected as finable offenses with either an option of fine or an option of trial. Only misdemeanors or contraventions can be designated as finable offenses, and there is a limit on the amount of fine that can be imposed in this kind of offense. To date the following offenses have been selected as offenses for which a fine may be imposed: most of the traffic law offenses, contraventions of municipal by-laws, some offenses under tourist laws, offenses against anti-smoking law, some offenses concerning the environment such as pollution of the sea and sea-shore.

\* Age of criminal responsibility. The age of criminal responsibility in Israel is 12 years of age. The Youth Law codifies the special procedures and punishments or treatments that are to be used concerning minors. Minors are generally tried before Juvenile Courts and there is no waiver procedure in Israel. There are also special rules in relation to the registration of criminal records of youth offenders and the time limits concerning the delivery of information about their criminal records and on the prescription and extinction of the said records.

\* Drug offenses. The Dangerous Drugs Ordinance includes three main categories of offenses: (1) possession of drugs for own consumption and misuse of drugs, (2) drug trafficking and (3) enticement of minors to misuse of drugs or to traffic in drugs.

According to the above mentioned ordinance the term drugs includes all the natural narcotic drugs, e.g. marihuana, hashish, opium and cocaine and

their man-made derivatives, and psychotropic drugs contained on the first two lists of the U.N. Psychotropic Substances Convention, 1971.

The offenses included in the Dangerous Drugs Ordinance include the following: manufacture, cultivation, production, preparation, extraction, possession, use, export, import, trade, supply, transaction, acting as go-between, conveying in transit, diversion, moving a drug in transit and tampering with a drug in transit, if all or any of these acts are done without a permit or a license as established in the Ordinance. The most serious of the offenses is either the enticement of minors to misuse drugs, or instigating them to obtain or misuse drugs.

(The punishments established for drug offenses are as follows: possession for own consumption or misuse--3 years imprisonment; trafficking--20 years imprisonment; enticement of minors--25 years imprisonment. In addition to the prison terms cited above, the courts are entitled to fine drug traffickers very severely, up to the amount of N. S. 2,725,000 (approximately \$908,000).

Finally, since 1989, when the Law Amending the Dangerous Drugs Ordinance (No. 3), 5749-1989, was adopted, the courts may order the forfeiture of some or all property connected directly or indirectly with a drug trafficking offense. The definition of property in this context embraces all kinds of property: movable, immovable, rights, and money. This general property forfeiture order may be given only after the defendant has been convicted and declared by the court a drug trafficker. In cases in which there is no conviction or no such declaration, the court has nevertheless the right to declare forfeit property directly connected with any drug offense; for that purpose there is thus the possibility of choosing between forfeiture through a civil proceeding or through a criminal proceeding.)

## 2. Crime Statistics

The statistics provided were published in the Statistical Abstract of Israel, 1993, No. 44, compiled by the Central Bureau of Statistics of the State of Israel. The statistics relate to convictions during the years 1981 to 1991. The population estimate of Israel for 1992 was 5,123,000.

Number of offenses by year	1981	1985	1988	1989	1990	1991
Against a person's life	118	140	181	257	271	369

Bodily harm	2953	5238	5097	5024	5040	5485
Sexual offenses	335	522	448	440	447	495
Property offenses	9919	12613	9086	8877	8523	8967
Fraud	2221	3010	2683	2548	2439	2561

The definitions used in the above statistics are administrative definitions that include various offenses of the same kind but of different severity. Since the legal definitions of all offenses in our legal system also include attempts these are also included. These statistics include offenses committed both by adults and juveniles.

\* Drug offenses. Information not obtained.

\* Crime regions. Information not obtained.

#### VICTIMS

##### 1. Groups Most Victimized by Crime.

The victims' survey data provided by the Statistical Abstract refer to Jewish households victimized by three different kinds of offenses: offenses against vehicles, bodily harm, and offenses against dwellings. The statistics are for the year 1990 and per 100 households. Across all six districts per 100 households there was an average of: 30.2 offenses against vehicles; 4 offenses resulting in bodily harm; 10.3 offenses against dwellings; 26.4 average total offenses.

##### Victimizations per 100 households by district, 1990

District	Against vehicle*	Bodily harm	Against dwelling	Total**
Jerusalem District	32.8	4.1	10.4	26.6
Northern District	26.8	5.7	10.1	24.5
Haifa District	33.4	3.7	9.2	26.5
Central District	27.7	3.9	9.2	26.5
Tel District	27.5	3.3	10.7	26.3

Southern District	33.3	3.5	12.3	28.2
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\* Includes only households holding vehicles.  
\*\*Includes households victimized by offenses against vehicles.

The Abstract does not provide data on victimization of specific groups, but there is a perceived increase in victimizations of children, handicapped people and battered women. The reporting of victimization of children and helpless people may be the result of legislation adopted in 1990 that obliged reporting cases of maltreatment, neglect and abuse committed against them by their parents, relatives or person in charge.

## 2. Victims' Assistance Agencies.

There is a wide range of victim assistance programs run by private support groups. The help includes a hot-line offered by different local and national organizations to the most victimized social groups, women and children, direct help provided in hostels and shelters for battered women, as well as legal aid and psychological assistance.

Help is also provided by the State for children and handicapped people through welfare officers who have the power to place children in foster homes or otherwise decide how best to treat them when they are in danger of being victimized or have actually been victimized.

The Penal Law also empowers the courts to order a person, after conviction, to pay compensation to the victim up to the amount of N.S. 70,000 (approximately \$ 23,000).

## 3. Role of Victim in Prosecution and Sentencing.

According to the law in Israel, a victim has no clear role in criminal cases. The victim is brought forward to testify, and later on may be called upon in order to establish his or her right for compensation. The Knesset is presently studying a Bill that may permit special safeguards when using victims of sexual offenses as witnesses. According to the Bill, hearing the testimony of the witness through closed-circuit television may be possible.

## 4. Victims' Rights Legislation.

The Penal Law contains both a provision concerning the payment of compensation by the convicted persons to the victim, and provisions imposing an obligation to report mistreatment of children and helpless people by those in charge of them.

Since 1955 there has been a law that protected

children under the age of 14 who were victims of sexual offenses. The Law of Evidence Revision provides that children are to be interrogated only by special social workers and only they can decide if the child may be brought to court to testify as to the sexual offense of which they were a victim or witness. The amendment also provided that minors, persons under the age of 18, that are called to testify against a parent for a sexual offense that the parent committed on the juvenile, may not testify in front of the parent. The court will order this if it is the opinion of the court that testifying in front of the parent could cause mental or emotional damage to the child.

## POLICE

### 1. Administration.

The Israel National Police Force (INP) is organized on a national and district level. The head of the INP is the Commissioner of Police, who is appointed by the Government on recommendation of the Minister of Police. There are six departments that constitute the INP's national headquarters: Investigations, Operation and Patrol, Logistics, Personnel, Planning and Organization, the Border Guard and the Civil Guard. Other units attached to the national headquarters are: the office of the Legal Counsel, the Office of the Spokesperson, Accounting, the Office of the Internal Auditor and Ombudsman, the Internal Disciplinary Court and the Internal Appeals Court.

The regional administration of the INP is divided into five District Commands: Jerusalem, Northern, Central, Southern and Tel Aviv. The District Commanders are directly responsible to the Police Commissioner. These Districts are divided into 13 Subdistricts each of which is under the direction of a Police Commander. The Subdistricts are, in turn, divided into Police Stations and Police Precincts. Each of the Districts and Subdistricts is managed by an administrative and operation headquarters that parallels the organization of the central INP headquarters in Jerusalem.

The Civil Guard, which is a volunteer force for the maintenance of security on the home front within the framework of the INP, and the Border Guard, which is a special military unit in the INP, have a special organization and administration, separate from the INP.

### 2. Resources.

\* Expenditures. The budget for the INP for 1994 was 1,945 million N.S. (approximately \$645 million). According to the report, 75% of the expenditure was for salaries, 2.3% for development and 22.6% for acquisition of equipment.

\* Number of police. There are 18,600 police officers. Of this number 15,208 are men and 3,392 are women.

### 3. Technology

\* Availability of police automobiles. In general automobiles, both marked and unmarked, are available for cruising and policing.

\* Electronic equipment. The INP is well provided with electronic equipment, including computer-aided dispatch, computer records, and radio communications. In the 1993 Annual Report of the Police Commissioner to the Minister of the Police, the following developments are reported: the acquisition and operation of a special computer for fingerprint identification, completion of the changing to communications software in the police mainframe computer that makes it possible to expand the communications network and shorten response times and improve central control, the creation of a helicopter unit, and the development of technologies that could help in various fields of police activity.

\* Weapons. Policemen on duty generally carry a gun. When rioting is expected, they may also carry batons and protective clothing.

### 4. Training and Qualifications.

A secondary degree, (high school diploma), is required in order to enter the Police Force. Recruits are given a basic course of three months. All further advancements to non-commissioned officers or to officers require special training courses. There are also courses for special activities such as anti-terrorist fighting and drug detection.

### 5. Discretion.

\* Use of force. Use of force is permitted according to the present law and there is no intention to change the law on this point. What new legislation is intended to clarify is the use of deadly force that will be limited to certain defined cases. Policemen generally carry guns and may carry batons and wear special clothing when rioting is expected.



\* Stop/apprehend a suspect. Presently the powers of arrest without warrant of a police officer are quite broad and include the following:

--he has reasonable grounds to believe that a person has committed a felony;

--a person has committed in his presence an offense punishable by at least six months in prison;

--a person obstructs him in the execution of his duty;

--a person has escaped, or attempts to escape, from lawful custody or is pursued by hue and cry;

--a person believed to have committed an offense refuses to give his name and address or to accompany him to a police station after being asked to do so;

--a person is found in suspicious circumstances or, having no visible means of subsistence, cannot satisfactorily account for himself.

\* Decision to arrest. Two concerns are taken into account for the further processing of a suspect in the criminal system: the existence of prima facie evidence linking the suspect to the crime and the public interest in bringing him to trial. The decision for continuing the legal process is in the hands of senior prosecutors in the Police Department or in the District Attorney's Office. A prosecuting officer may caution a suspect rather than indict if he decides that because the public interest will be better served in this way.

(In 1993, 295,164 criminal case files were opened by the Police and 44,842 arrests were made. This number includes all kinds of criminal filings, including traffic offenses. The published statistics for criminal cases dealt with by the police in that year are as follows: with investigative unit--23,936; with police prosecutor--34,203; with State prosecutor--5,881; closed--16929; acquitted--32; convicted 6,757; cases solved 87,828.)

\* Search and seizure. Police may search or seize property with a judicial warrant, or while performing an arrest. Without a warrant a police officer may enter and search any house or place if: (1) he has reason to believe that a felony is being committed or has recently been committed; (2) the occupier calls for police assistance; (3) any person therein calls for the assistance of the police, and there is reason to believe that an offense is being committed therein; (4) he is pursuing a person evading arrest or escaping from lawful custody. A police officer may seize any

article if he has reasonable grounds for believing that an offense has been committed, or is about to be committed, by means of that article, or that it may serve as evidence in a legal proceeding in respect of any offense or that it has been given as a remuneration for committing or a means for committing an offense.

Special search powers are given to the Police in connection with drug offenses and in order to protect the public security against terrorist attacks. There are also special search powers related to airports and seaports.

\* Confessions. Prior to obtaining a confession or a statement, the suspect is warned that anything that is said may be used against him in a court of law. Furthermore, the confession of the accused is admissible in court only when the prosecution has produced evidence as to the circumstances in which it was made and the court is satisfied that it was free and voluntary.

According to the law in Israel, there is no rule prohibiting the use of evidence irregularly obtained; otherwise known as the "fruit of the poisoned tree" rule. The rule concerning confessions was adopted out of concern over unauthorized electronic eavesdropping or unauthorized infringement of privacy.

#### 6. Accountability.

Complaints against police behavior are handled by a special department of the Ministry of Justice in charge of investigating such complaints. This department may, after reviewing the charges, order that the police officer be tried either on disciplinary charges or indicted in a regular court of law. The decisions of the investigating department are open to administrative review, and, through a petition to the High Court of Justice, also to judicial review.

### PROSECUTORIAL AND JUDICIAL PROCESS

#### 1. Rights of the Accused.

\* Rights of the accused at trial. A person in Israel is considered not guilty until convicted by a court of law after due process. In order to obtain a conviction, the Prosecution has to prove the defendant's guilt beyond a reasonable doubt. The accused has the right to remain silent and not to answer questions that might incriminate him. If arrested, the detained person has the right to legal counsel, and the right to notification of his next of kin without delay that he has been

arrested and where he is being detained.

When a person has been arrested without a warrant, he must be brought before a judge within 48 hours from the time of arrest. Juveniles must be brought before a judge within 12 to 24 hours from the time of their arrest. All matters concerning the representation of the accused and his lawyer are privileged. A suspect must be released if an information against him is not filed within 90 days of his arrest. At any time after the arrest the suspect may be released on bail. Decisions denying bail are appealable.

\* Assistance to the accused. There is not a public defender system in Israel but it is the goal of the Ministry of Justice to pilot such a system in Tel Aviv and Jerusalem. The present system of appointed counsel is based on an eligibility basis. The court shall appoint a defense counsel for an accused person, or a person suspected of an offense if: (1) he is charged with murder or with an offense punishable by death or imprisonment for life or is charged in a District Court with an offense punishable by imprisonment for 10 years or more, or is suspected of having committed an offense as aforesaid; or (2) he is under 16 years of age and is brought before a court other than a Juvenile Court; or (3) he is dumb, blind or deaf; or (4) the prosecution asks for a warrant of arrest until conviction; or (5) the suspect or the defendant is to be hospitalized or treated in a mental institution.

Where an accused person who has no defense counsel is destitute or is feared to be mentally ill or retarded, the court may, at its discretion, appoint a defense counsel for him.

## 2. Procedures.

\* Preparatory procedures for bringing a suspect to trial. A suspect is brought to trial after a police investigation has collected enough proof to obtain a conviction. In felony cases the attorneys may require the police investigation team to seek additional evidence, recall witnesses, and do various other investigative tasks. The decision not to investigate or not to prosecute either because there is no public interest involved or because of lack of evidence is reviewed by the appropriate authority in charge of the prosecution. The Attorney General may also, by reasoned notice in writing to the court, stay the proceedings at any time until conviction.

\* Official who conducts prosecution. Police officers who are qualified as lawyers prosecute

misdemeanors and triable contraventions. Attorneys from the District Attorney's Office prosecute felonies.

Certain offenses--municipal triable contraventions, offenses against the environment, offenses against labor security laws, consumer protection, health protection, tax offenses--are tried by lawyers of the correspondent organizations that have been empowered to do so by the Attorney General.

\* Alternatives to trial. Plea bargaining is used extensively in Israel, mainly in criminal cases concerning felonies. The courts are not legally bound by the arrangements reached by the prosecution and the defense, whether concerning the indictment or the kind of punishment proposed; but seldom will the court depart substantially from the bargain.

When a plea of insanity is proffered by the defendant or on his behalf claiming incompetence to stand trial, the court may order a stay of the trial and the defendant will be sent to a psychiatric institution for treatment. If counsel for the defense can prove that the offense was committed while insane, the court may order the end of the trial and send the defendant for treatment to a psychiatric institution.

\* Proportion of prosecuted cases going to trial. Information not obtained.

\* Pretrial incarceration conditions. In 1988 there was a new law on pretrial incarceration adopted that defined and limited the cases in which the courts may order it. According to the legal system in Israel there are three different kinds of detention:

- \* without warrant - up to 48 hours;
- \* before indictment - up to 90 days;
- \* after indictment - until the end of the trial, including appeal.

The present law contains reservations only for incarceration after indictment. Incarceration before indictment is limited only through judicial decision making.

The main grounds for ordering the incarceration of a defendant after indictment are:  
(1) reasonable suspicion, founded on evidence presented to that effect, that the defendant might obstruct the course of justice or try to escape, or, because in view of the nature of the offense it is reasonable to suspect that the defendant may endanger the life of some other person, the public order or the security of the State; (2) the defendant is on trial for a serious

drug offense, for a violent and cruel act or against a child or against a helpless person; (3) the court ordered bail but it was not raised; (4) the defendant is tried for murder or for the most serious of offenses against the security of the State.

\* Bail procedure. Release on bail is conditional on the released person's appearing for trial or the hearing of the appeal or for serving sentence or compliance with other conditions the court sees fit to impose. Some of the conditions are that the person will not leave his home, or will not leave during certain hours of the night. When the released person is being prosecuted for offenses against a member of his family he may be requested not to enter the family home.

Bail shall be (1) the arrested person's personal bond, with or without a surety; (2) a monetary deposit by the arrested person or a surety; or (3) partly by bond and partly by a monetary deposit.

\* Proportion of pretrial offenders incarcerated. There were 408 incarcerated individuals awaiting trial; their proportion of total pretrial offenders is not available.

## JUDICIAL SYSTEM

### 1. Administration.

The judicial system of Israel is based on a three-tiered hierarchy: the Supreme Court of Israel, 6 District Courts, and Magistrates' courts. The independence of the courts, the publicity of the proceedings, and the main provisions concerning the appointment of judges and tenure are provided for in the Basic Law: Judicature.

### 2. Judges.

\* Number of judges. The Supreme Court of the State of Israel is comprised of 14 judges. There are 86 District Court Judges and 174 Magistrates' court judges. Ten Magistrates are appointed for local matters and another ten for Small Claims Courts. All District and Magistrates' court judges are also appointed as Juvenile Court Judges, but only about 15 are engaged exclusively in juvenile matters.

Twenty-nine judges are appointed as Traffic Law Court judges, and most of them, after a 2-year period, are formally recognized as Magistrates. There are also 30 Court Registrars at Magistrates' courts level, with jurisdiction on

matters of court administration, determining dates for hearings and so on.

The Labor courts have four judges in the National Labor Court and 22 judges in the District Labor Court.

\* Appointment and qualifications. Judges of all kinds are appointed by the President of the State upon the recommendation of a Judges' Election Committee. This Committee consists of nine members, namely, the President of the Supreme Court, two other Judges of the Supreme Court, the Minister of Justice and another Minister designated by the Government, two members of the Knesset and two representatives of the Chamber of Advocates; the Minister of Justice serves as the Chairman of the Committee.

The tenure of a judge begins upon his declaration of allegiance and ends only upon his retirement, his resignation, or upon a decision of the Court of Discipline or of the Election Committee. The qualifications to be appointed judge to the different courts are laid down in the Courts Law.

(To be appointed a Judge of the Supreme Court, a person must (1) have held office as a Judge of a District Court for 5 years, or (2) be inscribed, or be entitled to be inscribed, as a member of the Chamber of Advocates, and for the last 10 years been engaged in the profession of advocate, served a judicial or other legal function in the service of the State, taught law at a university, or be recognized as an eminent jurist.

The qualifications to be appointed to District Court Judge or a Magistrate are similar to those above, with shorter periods of experience; one would need 6 years or 3 years respectively instead of 10 years.)

### 3. Special Courts.

Religious Courts. There are religious courts that deal with personal status problems.

Labor Courts. Labor Courts having jurisdiction on labor matters are two-tiered: the National Labor Court and the District Labor Courts.

Military Courts. The military has special courts with criminal jurisdiction over soldiers. There are six District Military Courts and one military court of appeal. There are also six Military Courts for traffic offenses and one Special Military Court for officers of high rank.

#### 4. Procedure.

Criminal cases in Israel are resolved by sentence either after a trial or a guilty plea. No official statistics are available at this point about the percent of guilty pleas offered.

### PENALTIES AND SENTENCING

#### 1. Sentencing Process.

\* Who determines the sentence? The sentence is determined by the court.

\* Is there a special sentencing hearing? After the court has decided to convict or to declare that the defendant has committed the offense but will not be convicted, there is a pre-sentencing hearing. At that hearing both the prosecution and the defense may produce evidence that may aggravate or mitigate the penalty.

\* Which persons have input into the sentencing process? The prosecution may put forth evidence of previous convictions of the accused. The defendant may introduce evidence and be examined; make a statement without being examined or present evidence in mitigation. If the defendant is under 21 years of age, the court will not sentence him to imprisonment without first receiving the report of a probation officer. The court may request a report of a physician or any other expert as needed.

#### 2. Types of penalties.

\* Range of penalties. The penalties permitted under Israeli law are death, imprisonment, conditional imprisonment, fines, community service, labor service, and bond to abstain from committing an offense. The court may also order the defendant, upon conviction, to pay the victim compensation and costs. The court may also order forfeiture of the proceeds of the crime.

Mandatory penalties in the Israeli system are very rare and the court is given discretion to impose any sanctioned punishment. For traffic offenses, the court may also disqualify one from holding a driver's license or a car license. For drug offenses committed while involved in a profession, the court may temporarily revoke the professional license of the convicted person.

Probation may be imposed either without conviction or after conviction. There is also a special probation order conditional on the person receiving treatment for drug addiction.

Serious sexual offenses and offenses against the life of a person or offenses that cause serious bodily harm are generally punished by prison terms. The crimes of murder and kidnaping a child or a helpless person for the purpose of committing murder are punished by obligatory life sentences. Offenders who commit property crimes are generally given short prison terms. Drug traffickers receive prison terms that vary in length by the seriousness of the offense. Fraud offenders are given prison sentences that vary in length considering the seriousness of the offense.

\* Death penalty. The death penalty is available in two cases: offenses against humanity and against the Jewish People committed by the Nazis and their abettors; treason in war time. The death penalty has been imposed only once in the history of the State, against Adolph Eichmann.

## PRISON

### 1. Description

\* Number of prisons and type. There are 11 prisons in Israel and 3 detention centers. There are 5 maximum security prisons, 2 minimum security, 1 prison for juveniles, 1 prison for women, and the rest are prisons of mixed categories.

\* Number of prison beds. Information not obtained.

\* Average daily/number of prisoners. As of August 1994, there were 5,300 criminal prisoners, 150 of which were women.

\* Number of annual admissions. The Israeli Prison System's Diagnostic and Classification Center attached to the Central Detention facility screens some 300 inmates monthly.

\* Actual or estimated proportions of inmates incarcerated as of January 1994:

Crime type:	Daily average:
Sexual offenses	5%
Drug crimes	27%
Bodily harm	5%
Life endangering	7%



Property crimes	30%
Fraud	3%
Other	19%

## 2. Administration.

\* Administration. Prisons are administered through the Israel Prison Service (IPS). At the top of the hierarchy is the Commissioner of Prisons, who is appointed by the Government on the recommendation of the Minister of Police. The Israel Prison Service Commission is the administrative body in charge of the management of the IPS. The Commission consists of two Administrations: the Management or Planning Administration, headed by the Chief of Staff, and the Institutions or operational Department headed by the Deputy Commissioner. The prisons are distributed in three Districts: Southern, Central and Northern.

The function of the Institutions Administration is to provide professional guidance to senior commanders and administrative staff in all IPS facilities with regard to security, inmate education and rehabilitation, inmate classification and movement, and communications. The Planning Administration is responsible for the Personnel and Training Divisions which are in charge of all personnel matters, including recruitment, training, and supervision.

The IPS's centralized computer system contains all prisoner files, including relevant data as to decisions of release boards and disciplinary measures. The IPS and the Police are under the authority of the Minister of Police.

\* Prison guards. There are about 3,325 employees in the IPS, all of whom are enlisted personnel with ranks similar to those used in the Israel National Police. About 68% of these deal with security of the inmates, 23% are administrative staff, and 9% deal with the welfare and care of the inmates.

\* Training and qualifications. Prison guards are recruited after having finished secondary school and doing a basic course for prison guards lasting 4 to 5 months. There are special courses that also last 4 to 5 months for non-commissioned officers. The courses for commanding prison officers may either be for regular prison officers or for prison officers doing non-security work such as treatment, social work, or education programs for the inmates. These courses may last for 3 to 5 months. All professional people working in the prisons have a university degree in a profession such as

criminology, medicine, psychiatry, social work, or education.

\* Expenditure on the prison system. The yearly budget for the IPS is approximately 450 million N.S. (approximately \$150 million).

\* Number of prisoners awaiting trial. In 1994 there were 408 prisoners awaiting trial.

### 3. Conditions.

\* Remissions. There is no automatic total or partial remission of the sentence. A Release Committee may order the release of prisoners who have served two-thirds of their sentence. Generally, time off will be granted for good behavior. The Minister of Police may grant special permission to release a prisoner because of very serious health conditions. The overcrowding of prisons in Israel obliged the Knesset to pass a special law authorizing administrative release of prisoners, according to some strict criteria, when the number of prisoners exceeds a certain maximum. In addition, the President of the State may pardon or commute the sentence of any offender at any time.

\* Work/education. Sentenced prisoners are asked to work and are offered also education and amenities, according to their behavior.

\* Amenities/privileges. Visits to prisoners from kin and friends are permitted according to the length of the sentence and the behavior of the prisoner.

Prisoners are allowed to receive and send letters, and to receive parcels. Towards the end of the time of detention, most prisoners are permitted to start working out of the grounds of the prison and all receive rehabilitation help.

The physical treatment of inmates includes medical treatment, treatment of drug abusers within the prison system and dealing with AIDS. Each inmate is tested for HIV antibodies; prisoners who test positive are treated in cooperation with AIDS clinics attached to local hospitals and are kept in separate cells in the regular wards.

### EXTRADITION AND TREATIES

\* Extradition. Offenders and suspects may be extradited to other countries if they are not Israeli citizens when committing the crime for

which the extradition is demanded and if there is an extradition treaty between Israel and the requesting country. When extradition is not permitted because of the citizenship of the demanded person, Israel has jurisdiction in order to bring him or her to trial in Israel for the offense for which the extradition was demanded.

Israel has extradition treaties with the following countries: Australia, Austria, Belgium, Canada, Czech Republic, Cyprus, Denmark, Fiji, France, Germany, Holland, Hungary, Iceland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Slovak Republic, South Africa, Spain, Swaziland, Sweden, Switzerland, Turkey, United Kingdom and the United States.

\* Exchange of prisoners. Prisoners may not be exchanged or transferred to other countries.

\* Specified conditions. Being a signatory of some multilateral treaties which have sections on extradition, Israel may use those treaties as a basis for extradition. This is the case concerning the Hague Convention for the Suppression of Unlawful Seizure of Aircraft (1970) and the Convention on offenses and certain other acts committed on board aircraft, signed in Tokyo in 1963. After ratifying the U.N. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna 1988, of which Israel is a signatory, it will be possible to use that Convention as a treaty to extradite from Israel people who have committed drug trafficking offenses.

#### SOURCES

##### Published documents

Please note: the documents are cited according to the order in which they were used in the report; unless otherwise stated, the referrals to Laws and Ordinances published in the Laws of the State of Israel Series (L.S.I.) are the authorized translations of the Hebrew official versions of the said documents, published by the Government Printer in Jerusalem.

Penal Law, 5737-1977, (L.S.I.), Special Volume.

Evidence Ordinance [New Version], 5731-1971, L.S.I., New Version, Vol.2, pp.30-40.

Criminal Procedure [Consolidated Version],

5742-1982, L.S.I., vol. 36, pp.35-79.

Penal Law (Amendment No. 39 - Preliminary Part and General Part), 5754-1994, not yet translated; Hebrew official version published on August 23rd,1994, Sefer Ha-Chukkim of 5754.

Basic Law: Judicature, L.S.I., vol. 38, pp. 101-106.

Courts Law [Consolidated Version], 5744-1984, L.S.I., vol. 38, pp. 271-302.

Administrative Offences Law, 5745-1985, there is yet no published authorized translation; Sefer Ha-Chukkim 5745, p. 31.

The Youth Law (Trial, Punishment and Modes of Treatment), 5731-1971, L.S.I., vol. 25, pp. 128-138.

Crime Register and Rehabilitation of Offenders Law, 5741-1981, L.S.I., vol. 35, pp. 398-409.

Dangerous Drugs Ordinance [New Version], 5733-1973, L.S.I., New Version, vol. 3, pp. 5-27.

Law amending the Dangerous Drugs Ordinance (No. 3), 5749-1989, no authorized translation, Hebrew official version published in Sefer Ha-Chukkim 5749, pp. 80.

Statistical Abstract of Israel, 1993, vol. 44, pp. 610-619.

Law of Evidence Revision (Protection of Children) Law, 5715-1955, L.S.I., vol. 9, pp. 102-104.

Basic Law: Human Dignity and Freedom, no authorized translation, Hebrew version published in Sefer Ha-Chukkim 5752, pp.

Criminal Procedure (Arrest and Searches) [New Version] Ordinance, L.S.I. New Version, vol. 2, pp.30-40.

Police Ordinance [New Version], 5731-1971, L.S.I. New Version, vol.2, pp. 158-197.

Law amending the Police Ordinance (No. 11), 5752-1992, no authorized translation, sefer Ha-Chukkim 5752, p. 156.

Protection of Privacy Law, 5741-1981, L.S.I.,

vol. 35, pp. 136-145.

Secret Monitoring Law, 5739-1979, L.S.I., vol. 33, pp. 141-146.

Military Justice Law, 5715-1955, L.S.I., vol. 9, pp. 184-280.

S.Z. Feller, Elements of Criminal Law, 3 volumes, Jerusalem, Harry Sacher Institute for Legislative Research and Comparative Law, Faculty of Law, Hebrew University of Jerusalem, 1984, and 1987.

S.Z. Feller, Extraditional Law, Jerusalem, Harry Sacher Institute for Legislative Research and Comparative Law, Faculty of Law, Hebrew University of Jerusalem.

A. Rubinstein, Constitutional Law, 4th edition, Shiken, 1992.

The Ministry of Police, An Overview, prepared by the Information Services and International Relations Div., Ministry of Police, Jerusalem.

Israel National Police, Annual Report 1993, presented by the Police Commissioner to the Ministry of Police, published May 1994.

Report of the Minister of Police to the Knesset on the Ministry of Police activities during 1993, published in Hebrew.

Personal communications

Mr. Moshe Zeevi, Head of the Department of Planning and Organization at the Israel Prison Service.

Mrs. Rachel Gotlieb, Deputy Legal Counsel to the Ministry of Police.

Treaties

Please note: only treaties that are in force for Israel are published in the official Israel Treaty Series (I.T.S.). For most European countries extradition is based nowadays on the European Extradition Treaty.

Treaty between the State of Israel and Australia concerning extradition, I.T.S., vol. 25, p. 157.

Extradition agreement between the Government of the State of Israel and the Government of

Canada, I.T.S., vol. 21, p. 367.

Exchange of Notes between the Government of the State of Israel and the Government of Fiji constituting an agreement on extradition, I.T.S., vol. 27, p. 685.

Exchange of Notes between the Government of the State of Israel and the Kingdom of Swaziland constituting an agreement on extradition, I.T.S., vol. 22, p. 539.

Convention on extradition between the Government of the State of Israel and the Government of the United States of America, I.T.S., vol. 13, p. 795.

Extradition Treaty between the State of Israel and the Union of South Africa, I.T.S., vol. 10, p. 649.

European Convention on Extradition, I.T.S., vol. 17, p. 87.

Convention on offences and certain other acts committed on board aircraft, signed in Tokyo 14.9.63, I.T.S. vol. 21, p. 65.

Gloria M. Weisman  
Senior Head  
Department of Criminal Law Legislation  
Ministry of Justice  
29 Salah A Din Street  
91019 Jerusalem  
Israel

tel: 972-2-708-511

fax: 972-2-869-473