

Detention: A Comparison between the Youth Law, Detentions Laws and the Order Concerning Security Provisions¹

	Detentions Law [Israel]	Youth Law [Israel]	Military Order Concerning Security Provisions - Regular Offenses [West Bank]	Military Order Concerning Security Provisions - Security Offenses [West Bank]
Preliminary arrest before being brought before a judge	Up to 24 hours. Can be extended to 48 hours for urgent investigation needs.		<u>Adults:</u> Up to 48 hours. Can be extended up to 96 hours for urgent investigation needs. Suggested amendment: Can be extended up to 24 hours for urgent investigation needs.	<u>Adults:</u> Up to 96 hours. Can be extended up to 6 or 8 days.
		<u>Minors ages 12-14:</u> Up to 12 hours. Can be extended up to 12 hours for urgent investigation needs.	<u>Minors ages 12-14:</u> Up to 24 hours. Can be extended up to 24 hours for urgent investigation needs. Suggested amendment: Can be extended up to 12 hours for urgent investigation needs.	<u>Minors ages 12-14:</u> Up to 24 hours. Can be extended up to 24 hours for urgent investigation needs.

¹ **The two legal systems** is one of the most prominent and disturbing characteristics of the Israeli military rule and the settlement enterprise in the West Bank. Whereby Jewish settlers are granted the rights and liberties guaranteed in Israel's democratic legal system, Palestinians are subject to military laws which severely limit their rights and liberties.

In 2010, The Association for Civil Rights in Israel (ACRI) and fellow organizations petitioned the High Court of Justice (HCJ 4057/10) against the lengthy and discriminatory detention periods suffered by Palestinians living in the West Bank.

This table is as unofficial translation to English prepared by ACRI of a table in Hebrew that was included in the response of the State and the military to the High Court of Justice and submitted in March 2017.

The suggested amendments included in the table were put forth by the State and military and are due to be implemented starting May 2018.

Background on the petition and on the High Court's verdict from April 2017:

<http://www.acri.org.il/en/2017/05/09/detention-periods-for-palestinians/>

The original table in Hebrew and the final and full response of the State:

<http://www.acri.org.il/he/wp-content/uploads/2017/04/bagatz4057-10-detention-periods-meshivim0317.pdf>

		<u>Minors ages 14-18:</u> Up to 24 hours. Can be extended up to 12 hours for urgent investigation needs.	<u>Minors ages 14-18:</u> Up to 48 hours. Can be extended up to 48 hours for urgent investigation needs. Suggested amendment: Can be extended up to 24 hours for urgent investigation needs.		<u>Minors ages 14-16:</u> Up to 48 hours. Can be extended up to 48 hours for urgent investigation needs. <u>Minors ages 16-18:</u> Up to 96 hours. Can be extended up to 96 hours for urgent investigation needs. Suggested amendment: Up to 72 hours. Can be extended up to 72 hours for urgent investigation needs.	
Arrest by a judge before an indictment	Up to 15 days	Up to 10 days.	<u>Adults:</u> Up to 20 days. Suggested amendment: For not security-related offenses- up to 15 days.	<u>Minors:</u> Up to 15 days. Suggested amendment: For minors ages 12-14- up to 10 days.	<u>Adults:</u> Up to 20 days.	<u>Minors:</u> Up to 15 days.
Arrest by a judge before an indictment	Can be extended by 15 days up to 30 days (except if necessary for investigation).	Can be extended by 10 days up to 20 days (except if necessary for investigation).	<u>Adults:</u> Can be extended by 15 days at a time.	<u>Minors:</u> Can be extended by 10 days at a time.	<u>Adults:</u> Can be extended by 15 days at a time.	<u>Minors:</u> Can be extended by 10 days at a time.
	Can be extended up to 75 days with authorization of the Attorney General.	Can be extended up to 40 days with authorization of the Attorney General.	Can be extended up to 75 days.	Can be extended up to 40 days.	Can be extended up to 75 days.	Can be extended up to 40 days.
	Supreme Court can extend up to 90 days at a time.	Supreme Court can extend up to 45 days at a time.	Military Appeals Court can extend up to 90 days at a time.	Military Appeals Court can extend up to 90 days at a time. Suggested amendment: Up to 45 days at a time.	Military Appeals Court can extend up to 90 days at a time.	Military Appeals Court can extend up to 90 days at a time. Suggested Amendment: Up to 45 days

						at a time.
Arrest for purpose of indictment	Up to 5 days.		Up to 8 days.			
Arrest after indictment but before trial has begun	Up to 30 days (possibility to extend by 30 days at defendant's request).		Up to 60 days. Suggested amendment: Up to 45 days (possibility to extend by 15 days at defendant's request).			
	Supreme Court can extend up to 90 days at a time.	Supreme Court can extend up to 45 days at a time.	Military Appeals Court can extend for over 60 days. Suggested Amendment: Up to 90 days at a time for adults. Up to 45 days at a time for minors.			
Arrest until end of proceeding	Up to 9 months.	Up to 6 months.	<u>Adults:</u> Up to 1 year. Suggested amendment: Up to 9 months.	<u>Minors:</u> Up to 1 year. Suggested amendment: Up to 6 months.	<u>Adults:</u> Up to 1 and a half years.	<u>Minors:</u> Up to 1 year. Suggested amendment: Up to 9 months

	<p>Supreme Court can extend up to 90 days at a time.</p> <p>Possibility to extend up to 150 days under circumstances set by Clause 62(B) of the Detention Laws.</p>	<p>Supreme Court can extend by 45 days at a time.</p>	<p><u>Adults:</u> Military Appeals Court can extend up to 6 months at a time.</p> <p>Suggested amendment: Military Appeals Court can extend up to 3 months at a time.</p> <p>Possibility to extend up to 5 months under circumstances set by Clause 62(B) of the Detentions Law.</p>	<p><u>Minors:</u> Military Appeals Court can extend up to 3 months at a time.</p>	<p><u>Adults:</u> Military Appeals Court can extend up to 6 months at a time.</p> <p>Suggested amendment: Military Appeals Court can extend up to 3 months at a time.</p> <p>Possibility to extend up to 5 months under circumstances set by Clause 62(B) of the Detentions Law.</p>	<p><u>Minors:</u> Military Appeals Court can extend up to 3 months at a time.</p>
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