

PREVENTION OF INFILTRATION (OFFENCES AND JURISDICTION) LAW

1954 (5714)*

1. In this Law --

- "infiltrator" means a person who has entered Israel knowingly and unlawfully and who at any time between the 16th Kislev, 3708 (29th November, 1947) and his entry was -
 - (1) a national or citizen of the Lebanon, Egypt, Syria, Saudi-Arabia, Trans-Jordan, Iraq or the Yemen ; or
 - (2) a resident or visitor in one of those countries or in any part of Palestine outside Israel ; or
 - (3) a Palestinian citizen or a Palestinian resident without nationality or citizenship or whose nationality or citizenship was doubtful and who, during the said period, left his ordinary place of residence in an area which has become a part of Israel for a place outside Israel.
- "the Chief of the General Staff" means the Chief of the General Staff of the Defence Army of Israel
- "armed person" includes a person armed with any instrument or material likely to cause death or serious or dangerous injury to a person, even though it may not be a firearm or explosive material or inflammable material.

2. An infiltrator is liable to imprisonment for a term of five years or to a fine of five thousand pounds or to both such penalties.

3. A person who infiltrates after having been deported from Israel is liable to imprisonment for a term of seven years or to a fine of seven thousand pounds or to both such penalties.

4. A person who infiltrates while armed or in the company of or supported by an armed person is liable to imprisonment for a term of fifteen years or, if he or the person as aforesaid was armed with a firearm or with explosive or inflammable material, to imprisonment for life.

5. An infiltrator who commits a felony or an offence involving damage to property, the use of force or a disturbance of the peace is liable to imprisonment for life.

6. A person who shelters an infiltrator or otherwise aids an infiltrator in order to facilitate his infiltration or his unlawful presence in Israel is liable to imprisonment for a term of five years or to a fine of five thousand pounds or to both such penalties.

7. A person who trades with an infiltrator so long as he is unlawfully in Israel is liable to imprisonment for a term of five years or to a fine of five thousand pounds or to both such penalties.

8. Where a person has sheltered an infiltrator or has otherwise aided an infiltrator in order to facilitate his infiltration or his unlawful presence in Israel, and the Court is satisfied that he has given such shelter or aid before, that person is liable to imprisonment for a term of fifteen years or to a fine of ten thousand pounds or to both such penalties.

9. So long as the contrary is not proved -

- (1) a person charged under section 6 or 8 is deemed to have known that the person receiving shelter or other aid was an infiltrator and was in Israel unlawfully ;

- (2) a person charged under section 7 is deemed to have known that the person with whom he traded was an infiltrator and was in Israel unlawfully.

10. A person who enters Israel without permission or who is in Israel unlawfully is, for the purposes of this Law, deemed to be an infiltrator so long as he has not proved the contrary.

11. There shall be established Tribunals for the Prevention of Infiltration.

12. The Minister of Defence shall, upon the proposal of the Chief of the General Staff, appoint from among the officers of the Defence Army of Israel judges for Tribunals for the Prevention of Infiltration.

13. There shall be two kinds of Tribunals for the Prevention of Infiltration:

- (1) a one-man Tribunal of first instance;
- (2) a three-man Tribunal for appeals.

14. There shall not be appointed as presiding judge of a three-man tribunal any person other than a soldier with a legal training, within the meaning of regulation 168 of the Army Code, 5708(1).

15. The Chief of the General Staff shall appoint prosecutors for the Tribunals for the Prevention of Infiltration. One of them shall be appointed Chief Prosecutor.

16. A one-man Tribunal shall be competent to try any offence under this Law and for that purpose shall, in addition to its powers under this Law, have all the powers of a District Court in criminal matters; provided that a judge sitting alone who is not a soldier with a legal training, as defined in section 14, shall not impose a penalty of imprisonment for a term exceeding two years or a fine exceeding one thousand pounds.

17. An information addressed to a one-man Tribunal shall be filed by a prosecutor.

18. When an information has been filed, the Tribunal may, either on the application of the accused or on its own motion, appoint a defence counsel for an accused person who has not himself chosen a defence counsel.

19. The Attorney General may, at any time before judgment, order a stay of proceedings in a one-man Tribunal.

20. The accused and the Chief Prosecutor may appeal against any judgment of a one-man Tribunal to a three-man Tribunal within fifteen days from the day on which the judgment is read.

21.

- (a) The respondent in an appeal filed by the accused shall be the Chief Prosecutor.
- (b) Any prosecutor of a Tribunal for the Prevention of Infiltration may appear as the representative of the Chief Prosecutor in an appeal.

22. A three-man Tribunal dealing with an appeal under this Law shall have all the powers of a District Court sitting as a Court of Criminal Appeal.

23. A judgment given by a three-man Tribunal is final and non-appealable.

24. A Tribunal for the Prevention of Infiltration shall not entertain the plea of a defect in the form or contents of the summons of the accused or the indictment if it appears to it, for reasons to be specified in its decision, that the non-entertainment of the plea is not likely to cause a

miscarriage of justice.

25. A Tribunal may deviate from the rules of evidence if satisfied that this will assist the discovery of the truth and the just handling of the case ; where the Tribunal has decided to deviate from the rules of evidence as aforesaid it shall record the reasons which prompted its decision.

26.

- (a) Save as otherwise provided in this Law or in procedural regulations to be made thereunder -
 - (1) there shall apply in a one-man Tribunal the rules of procedure obtaining at the time in an Area Court under the Army Code, 5708, with such adaptations as may be required ;
 - (2) there shall apply in a three-man Tribunal the rules of procedure obtaining in the High Court, in an appeal against a judgment of an Area Court, under the same Code, with such adaptations as may be required ; provided that regulation 146 of that Code shall not apply in respect, of a Tribunal for the Prevention of Infiltration.
- (b) The hearing in a Tribunal for the Prevention of Infiltration shall be held in public unless the Tribunal decides to hold the whole or a part thereof *in camera* because, in its opinion, this is necessary for the maintenance of State security.

27. The Criminal Procedure (Arrest and Searches) Ordinance(2) applies to a person charged with an offence under this Law with the following modifications:

- (1) The powers conferred by it on a magistrate shall vest also in a judge sitting alone ;
- (2) the power conferred by it on a police officer shall vest also in a soldier.

28. The Release On Bail Ordinance, 1944(3), applies to a person charged with an offence under this Law with the following modifications:

- (1) The power to release on bail before the filing of the information shall vest in a judge sitting alone;
- (2) the power to release on bail from the time of the filing of the information until judgment shall vest in the Tribunal which deals with the charge;
- (3) the power to release on bail from the time of the filing of appeal shall vest in the Tribunal which deals with the appeal.

29. A judgment of a Tribunal for the Prevention of Infiltration shall, as to everything relating to its execution, have the effect of a judgment of a civil court, and it shall be enforced immediately upon being given unless the Tribunal otherwise directs.

30.

- (a) The Minister of Defence or a person authorised by him may order in writing the deportation of an infiltrator, whether or not he has been charged under this Law. The order shall be a legal warrant for holding the infiltrator in custody pending his

deportation.

- (b) Where a person has entered Israel without permission before the coming into force of this Law and may for this reason be ordered to be deported from Israel either under the Immigration Ordinance, 1941(4), or under the Entry into Israel Law, 5712-1952(5), the provisions of subsection (a) shall apply to him as if he had entered Israel before the coming into force of this Law.

31. Where an order under section 30 has been made and the infiltrator is, for any reason whatsoever, under imprisonment, he may be released from imprisonment for the purpose of enforcing the order even if the term of his imprisonment has not yet expired.

32. The authority who has made an order under section 30 may direct that the expenses of enforcing deportation orders against the infiltrator and against other infiltrators dependent on him shall be covered out of the money or other property of the infiltrator.

33. This Law shall not affect the criminal responsibility of a person under any other Law or the power of another court to try an offence against this Law or the power of any other authority.

34. This Law shall expire when a declaration of the Knesset is published, under section 9(d) of the Law and Administration Ordinance, 5708-1948(6), that the state of emergency has ceased.

35. The Minister of Defence is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

MOSHE SHARETT PINCHAS LAVON
Prime Minister Minister of Defence

YITZCHAK BEN-ZVI
President of the State

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(1) *I.R.* of 5708, Suppl. II. No. 20, p. 106.

(2) *Laws of Palestine* vol. I. cap. 33, p. 459 (English Edition).

(3) *P.G.* of 1944, Suppl. I. No. 1359, p. 83 (English Edition).

(4) *P.G.* of 1941, Suppl. I, No. 1082, p. 6 (English Edition)

(5) *Sefer Ha-Chukkim* No. 111 of 5712, p. 354; *LSI* vol. V1, p. 159.

(6) *I.R.* of 5708, Suppl. I, No. 2, p. 1; *LSI* vol. I, p. 7.