

## **Chapter A: General Directives**

### **Definitions**

1. In this law –

"Interrogation" – preliminary inquiry or collection of testimony related to a criminal offense, by a policeman;

"Suspect" – a person suspected of committing a criminal offense;

"Testimony Ordinance" – Criminal Procedure Ordinance (Testimony);

"Cassette" – includes a diskette, compact disc and any other means of accumulating and storing information produced from a visual or audio documentation device on which an interrogation of a suspect was documented;

"Officer in charge" – the officer in charge of interrogations at the police station or the officer in charge of the investigations unit that is responsible for the interrogation, and in their absence – their substitutes;

"Policeman" – a policeman authorized to interrogate in accordance with Section 2 of the Testimony Ordinance;

"Visual documentation" – documentation by recording a combination of picture and sound;

"Audio documentation" – documentation by recording sound.

### **Interrogation in the suspect's language**

2. The interrogation of a suspect will be conducted in his language or in a language the suspect understands and speaks, including sign language.

### **Interrogation at a police station**

3. (A) The interrogation of a suspect will be conducted at a police station (in this law – a station), unless the policeman believes it is not possible to conduct it at a station or there is a practical need to urgently conduct it outside of a station, or if the officer in charge believes that there is a practical need to interrogate the suspect outside of a station.

(B) A decision to conduct an interrogation of a suspect outside of a station and the explanation for this will be documented in writing as soon as possible after making this decision.

## **Documenting the interrogation of a suspect**

4. (A) Visual documentation or audio documentation of the interrogation of a suspect will include the entire course of the interrogation, from its beginning to its end, and will include the exchange of words that takes place between an interrogator and the suspect, or in the presence of the suspect; and in visual documentation, this will include reactions or body movements.

(B) Written documentation of the interrogation of a suspect will include the main exchange of words, as well as the reactions and body movements that are a substitute for an exchange of words that take place between an interrogator and the suspect or in the presence of the suspect, in a way that accurately reflects what occurs in the interrogation, from its beginning to its end; the written documentation will be recorded at the time of the interrogation of the suspect or as close to the time of interrogation as possible.

## **Rules pertaining to an interrogation**

5. (A) The minister for public security, in consultation with the minister of justice and with the approval of the Constitution, Law and Justice Committee of the Knesset, will define –

(1) rules for conducting an interrogation of a suspect, including the obligations and prohibitions imposed on a police investigator;

(2) ways of monitoring adherence to the rules that apply to the interrogation of a suspect;

(3) that violation of the rules stipulated in Paragraph (1), in their entirety or in part, or violation of them in particular circumstances, is a disciplinary infraction as defined in the Police Law (Disciplinary Law, Investigating Complaints Against Policemen and Various Directives), 2005.

(B) The rules cited in Subsection (A) in regard to the interrogation of a suspect on a security offense, as defined in Section 35(B) of the Criminal Procedure Law (Powers of Enforcement – Arrests), 1996 (in this law – a suspect on a security offense), will be defined in consultation with the prime minister, in addition to the conditions stipulated in Subsection (A).

## **Applying the directives of the Testimony Ordinance**

6. The directives of Part A of the Testimony Ordinance will apply to the interrogation of a suspect, subject to the directives of this law.

# **Chapter B: Interrogating a Suspect at a Station**

## **Means of documenting an interrogation at a station**

7. The following directives will apply to the documentation of an interrogation of a suspect at a station:

(1) The interrogation of a suspect on one of the offenses included in the Appendix will be documented with visual documentation, with the exception of the circumstances stipulated in Paragraph (2);

(2) The officer in charge is authorized, subject to the directives of sections 8(2) or (3) or 11(A)(2), to order the documentation of an interrogation of a suspect on one of the offenses included in the Appendix with audio documentation or written documentation instead of visual documentation, if due to a technical problem or due to a practical need, it is not possible to document the interrogation of a suspect with visual documentation; such a directive will be issued in writing and will include the reasons for it; if the circumstances that prevent the visual documentation from taking place cease to exist, the rest of the interrogation will be documented with visual documentation;

(3) An interrogation of a suspect on an offense that is not included in the Appendix, and on which the directives of sections 8(2) or (3) or 11(A)(2) do not apply, will be documented with visual documentation, audio documentation or written documentation.

### **Documentation in the language of the suspect**

8. In regard to the language of documentation of an interrogation of a suspect at a station, the following directives will apply:

(1) If an interrogation of a suspect is only documented in writing, the documentation will be in the language in which the interrogation is conducted;

(2) If it is not possible to document the interrogation of a suspect in writing in the language in which the interrogation is conducted, the interrogation will be documented with visual documentation or audio documentation; however, if the interrogation is conducted in sign language, it will be documented only with visual documentation;

(3) If a policeman has a basis for assuming that the suspect does not know how to read and write, or that he is a person with disabilities that make it difficult for him to confirm the accuracy of written documentation of the interrogation, the interrogation will be documented with visual documentation or audio documentation;

(4) In regard to this section and Section 10, "disabilities" – a physical, psychological or mental disability, including cognitive, permanent or temporary.

## **Chapter C: Interrogating a Suspect Outside of a Station**

## **Methods of documentation outside of a station**

9. The interrogation of a suspect outside of a station will be documented with visual documentation, with audio documentation or with written documentation; however, a reenactment of the offense by the suspect will be documented only with visual documentation.

## **Documentation in the language of the suspect**

10. In regard to the language of documentation of an interrogation of a suspect outside of a station, the following directives will apply:

- (1) If an interrogation of a suspect is only documented in writing, the documentation will be in the language in which the interrogation is conducted, unless it is not possible to document it at the time or soon afterward in the same language;
- (2) If the interrogation of a suspect is not documented in the language in which it is conducted, as stated in Paragraph (1), the documentation will be translated to the suspect in a language the suspect understands in order to comply with the directives of Section 11, and a written translation to this language will be attached to the written documentation;
- (3) If an interrogation of a suspect is only documented in writing and the suspect does not know how to read and write or is a person with disabilities that make it difficult for him to understand the documentation, the documentation will be read to him and its content will be explained to him in order to comply with the directives of Section 11.

## **Presentation and approval of documentation conducted outside of a station**

11. (A) If a suspect is interrogated outside of a station on one of the offenses included in the Appendix, these directives will apply:

- (1) The documentation of the interrogation will be presented to the suspect at the station as soon as possible, and he will be asked to confirm it; however, the officer in charge is authorized, for special reasons that are to be noted, to permit the presentation of the documentation to the suspect at the station at a later date;
- (2) Despite the stipulation in Paragraph (1), if an interrogator, when conducting the interrogation, is convinced that there will be no possibility of bringing the suspect to a station reasonably soon, the documentation will be presented to the suspect at the place where the interrogation is conducted and he will be asked to confirm it;
- (3) The presentation of the documentation to the suspect at a station and the procedure of confirming it as stipulated in Paragraph (1) will be documented with visual documentation or audio documentation.

(B) If a suspect is interrogated outside of a station on an offense that is not one of the offenses included in the Appendix, and the interrogation is documented in writing, the documentation will be presented to the suspect at the place where the interrogation is conducted and he will be asked to confirm it; if the suspect does not confirm the documentation at the place of the interrogation, the documentation will be presented to the suspect at a station, as soon as possible, and the suspect will be asked to confirm it, unless the officer in charge approves, for special reasons that are to be noted, the presentation of the documentation to the suspect at a station at a later date.

## **Chapter D: Various Directives**

### **Additional directives regarding visual documentation and audio documentation**

12. (A) No alteration should be made to the cassette.

(B) The minister of public security will enact regulations regarding visual documentation and audio documentation of an interrogation of a suspect in accordance with this law, including methods of saving, storing, viewing and copying a cassette.

(C) The minister of justice and the minister of public security will together enact regulations regarding the editing of the transcript typed from visual documentation or audio presentation of an interrogation of a suspect, and as necessary, regarding the translation of the transcript.

(D) The minister of public security is authorized to set a fee for copying a cassette.

### **Prohibition on disseminating a cassette – punishment**

13. A person who disseminates visual or audio documentation of an interrogation, in full or in part, without a court's permission, is subject to punishment of one year in prison; for the purpose of this section, "interrogation" – includes an investigation by another authority that is legally authorized to interrogate, for which an order was issued in accordance with Section 16(C).

### **Amending the Appendix**

14. The minister of public security is authorized, with the approval of the Constitution, Law and Justice Committee of the Knesset, to add offenses to the offenses in the Appendix.

### **Execution and regulations**

15. The minister of public security is responsible for the execution of this law, and he is authorized, with the approval of the Constitution, Law and Justice Committee of the Knesset, to enact regulations for its execution.

## **Chapter E: Commencement, Application and Temporary Order**

### **Commencement and application**

16. (A) The commencement of this law, with the exception of Section 8(2), is a year from the date of its publication (hereinafter – day of commencement).

(B) Subject to the directives of Subsection (B1), the application of the obligation to document the investigation of a suspect with visual or audio documentation in accordance with this law, except under section 8(2) and sections 8(3), 9 and 11(A)(3), will be executed via orders issued by the minister of public security, gradually, from the day of commencement, according to the severity of the offense, provided that by January 1, 2009 this obligation to document will apply to offenses for which the punishment is 15 or more years of imprisonment, and that by January 1, 2010 this obligation to document will also apply to offenses for which the punishment is imprisonment of 10 to 15 years.

(B1) The obligation to document the interrogation of a suspect with visual documentation or audio documentation in accordance with this law will apply to –

(1) An offense according to Section 300 of the Penal Code, 1977 (in this section – the Penal Code) – on August 1, 2006;

(2) An offense according to Section 298 of the Penal Code, which is not a traffic violation as defined in the Traffic Ordinance – on August 1, 2007;

(C) The minister of public security is authorized in an order – with the approval of the minister in charge, in consultation with the minister of justice, and with the approval of the Constitution, Law and Justice Committee of the Knesset – to apply the directives of this law, all or some of them, and with the requisite changes, to another authority that is authorized by law to interrogate; however, in regard to the interrogation of suspects in accordance with the Military Judgment Law, 1955, this authority will be given to the minister of defense, in consultation with the minister of justice and with the approval of the Constitution, Law and Justice Committee; in this section, "the minister in charge" – the minister in charge of the authority that is authorized to interrogate.

### **Monitoring the implementation and execution of the law**

16A. (A) The minister of public security and the minister of justice will report to the Constitution, Law and Justice Committee of the Knesset, by February 1, 2007, on a multi-year plan of preparation for implementing the application of the obligation to

document the interrogation of a suspect with visual documentation or audio documentation as stipulated in Section 16(B).

(B) During the period from August 1, 2006 through February 1, 2010, the minister of public security and the minister of justice will report to the Constitution, Law and Justice Committee of the Knesset every six months (in this section – period of reporting) on the status of implementation of the law and its execution; the report will include, inter alia, details on all of the following in regard to the period of reporting:

(1) The number of interrogations conducted on each of the offenses included in the Appendix;

(2) The number of interrogations that were documented with visual documentation as stipulated in Section 7, as well as the number of interrogations that were documented as stipulated and were also transcribed;

(3) The costs involved in implementing the law and its execution, including the costs involved in transcribing the interrogations.

### **Temporary order**

17. During the period from the day of commencement through to 6 Tevet 5777, January 4, 2017, the obligation to document the interrogation of a suspect with visual or audio documentation in accordance with sections 7 and 11 will not apply to the interrogation of a suspect on a security offense.

### **Appendix**

(Section 7)

Offenses for which the maximum punishment is set at imprisonment of 10 or more years.

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Speaker of the Knesset