The Judicial System
Information for New Immigrants
2016
Dear New Immigrants,
The Ingathering of the Exiles in the Land of Israel is a national goal; it is inscribed on the flag of the State of Israel since its establishment, as is written in the Declaration of Independence, "The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles…" The furtherance of the goal of aliyah is the absorption of new immigrants from throughout the world who arrive in Israel. 

Your optimum absorption in Israel in every aspect of life, and your successful integration into Israeli society, is indeed the primary objective of the Ministry of Aliyah and Immigrant Absorption. Our national mission is to expand the scope of your integration into the job market, to increase your acquisition of Hebrew-language skills, to provide appropriate housing solutions, and to create favorable conditions for your integration into society and culture, as well as to provide information and guidance in your language in order to familiarize you with, and help you understand, your rights and obligations. All this is together with personalized, approachable service in your language throughout your absorption process.

This magazine offers important information in another aspect of daily life in Israel- the Judicial System. You have all made aliyah from many and varied lands, and each of those countries has its own legal system with its own unique characteristics. This magazine in English provides an opportunity to become familiar with the Israeli legal system, the various types of courts and their areas of jurisdiction, and how to apply to a court. 

This unique initiative is the product of cooperation between the Ministry of Aliyah and Immigrant Absorption and the Supreme Court of Israel, headed by Her Honor Justice Miriam Naor, President of the Supreme Court, who endorsed this advantageous collaboration. I am certain that both new and veteran immigrants will be enriched by this new source of information about your rights.

With best wishes for an easy and successful absorption,
MK Sofa Landver
Minister of Aliyah and Immigrant Absorption

Sincerely,
Miriam Naor
President of the Supreme Court
To readers of this booklet, shalom,

This booklet, "The Judicial System- Information for New Immigrants" is an important and worthy endeavor. The State of Israel- a Jewish and democratic state- is a country that welcomes immigrants, which is one of its main goals. The Declaration of Independence states, "The State of Israel shall be open to Jewish immigration and the ingathering of the exiles." The "Law of Return," (1950) reflects the basic values enshrined in the laws of the country, and establishes in its first article that "…every Jewish person is entitled to immigrate to Israel." As new immigrants, you will encounter various legal issues, by the nature of things-- as regards your civil and other rights, as regards housing, education, employment, and in other aspects of life. The courthouse doors are open to every person, and even though we hope that your encounters with the courts will be as few as possible and that your lives go smoothly, it is important to be aware of various legal points. This booklet will help familiarize you, and we hope you will find it useful.

With best wishes for a successful absorption and integration,
Elyakim Rubenstein
Deputy President

Dear New Immigrants,

Since its inception the State of Israel has been notably characterized by its "immigrant absorption." The phrase "immigrant absorption" carries within it two aspects, one being the role of the State and its agencies in receiving new immigrants, and the other being the role of immigrants themselves during the integration process. It is symbolic of the partnership existing between the absorbing nation and those that immigrate to it.

The task of the absorbing nation - which is both a new home and a new society - is to open its doors and its heart and welcome the newcomers. Opening and thereby enabling the fulfillment of the mission espoused in its founding document - the Declaration of Independence - which calls, "... on the Jewish People throughout the Diaspora to unite around the Yishuv through Aliyah and through Building..."

Aliyah to Israel means disconnecting from one’s previous society and transitioning to a new and different life. Becoming familiar with the lifestyle and mores of your new society is a difficult challenge that you as new immigrants must face.

The Judicial System - one of the three branches of government - is honored to present you with this useful booklet to help facilitate your settling into your new home. As the body responsible for maintaining the rule of law, and the fulfillment of the rights and responsibilities of the country's citizens, we hope that you will find the information within useful and informative.

Welcome Home!
Justice Michael Spitzer
Director, the Court Administration

Dear New Immigrants,

This booklet, "The Judicial System- Information for New Immigrants" belongs to you and is for you. Within it you will find information about the function of the three court instances, the courts and the various units within the court system, the powers vested in the different courts and the procedures it is possible to access at any court.

You have arrived from various parts of the Diaspora, from other societies and cultures, and from different judicial systems. For this reason, the first section of this booklet provides general information about the judiciary and laws in Israel, and specific, relevant information about the conduct of citizens in the State of Israel.

In order to ease your first steps in acclimatizing to your new home, we have included in this English-language booklet practical and relevant information about laws and the justice system, which is meant to be useful when necessary. In the same spirit, we have chosen to integrate comprehensive and important information about a variety of issues that you will encounter as a citizen during your day to day life, and which are necessary for dealing with life within Israeli society.

Therefore, we have collected together a series of rights, responsibilities, and laws along with other useful information. The booklet incorporates information about family and employment laws, civil law and contract law, traffic laws, National Insurance laws, and rights to collect benefits and compensation. Along with this you will find regulations and guidelines about filing petitions to the various court instances, and how to complete and submit applications, small claims, petitions, appeals, applications to the High Court of Justice, and more.

We hope that this booklet and information will be helpful, will ease your integration into Israeli society, and will contribute to a positive absorption experience in Israel.

With best wishes for success.
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**Please note:** the information in this booklet is general and does not constitute legal counsel. For specific legal cases appropriate legal counsel should be sought.
The Judicial System

Legal authority in Israel, as in many countries, is in the hands of the judiciary. The judicial system is composed of various courts and tribunals. The civil-court system has three branches; the Supreme Court, District Courts, and Magistrate Courts, which contain among them Family Courts, Traffic Courts and Municipal Courts. This publication gives a brief overview of these courts and tribunals.

The Supreme Court

- The Supreme Court, located in the Government Complex (Kiryat Ben Gurion) in Jerusalem, heads the country's judicial system and is the highest court. It is also the Appellate Court (criminal, civil, administrative) and serves as the High Court of Justice as well.
- Supreme Court rulings are binding upon lower courts. In its capacity as the High Court of Justice it implements judicial review (under certain conditions) over various other courts.
- There are 15 Supreme-Court Justices; the head of the Supreme Court is the Chief Justice.
- In most cases, 3 Supreme-Court Justices hear cases. In cases in which significant or particularly complex rulings are deliberated, more Justices may join the panel, numbering 5 and up. There is always an odd number, in order to reach a verdict. There have been cases in which only one Justice has ruled.
- See Useful Addresses for details.

The High Court of Justice

- The Supreme Court also functions as the Appellate Court and the High Court of Justice ("Bagatz"). In this role it hears suits filed against various state institutions and other bodies that perform a public function. In such cases, the High Court of Justice serves as the Court of First Instance.
- Such suits are filed against actions or failures on the part of a public authority when, in the opinion of the plaintiff, they occur in contradiction to the law. The matters that are adjudicated in particular include human rights, religion and state, gender, minority relations, questions concerning relations between Palestinians and Israelis in Judea and Samaria, official appointments, official budgets, and property issues.
- The primary authority held by the High Court of Justice is the power to intervene judicially in any matter it deems necessary in order to provide legal redress, and is not within the purview of a Magistrate Court or other tribunal.

How to File a Petition with the High Court of Justice

In order to file a petition with the High Court of Justice, the written petition and all relevant documents are brought to the Court Secretariat in Jerusalem. It is necessary to abide by all procedural guidelines, for example, reinforcing the petition with a notarized affidavit that testifies to its veracity. It is also essential to provide copies of the petition and accompanying documents according to the number of respondents (defendants) included in the petition. The petition must contain the names of all parties and other identifying details, and of the redress being sought. There is a fee of NIS 1,800 in cash (correct as of 2015). Petitioners can request an exemption from the fee for financial reasons. To request an exemption, certain documents are submitted such as bank-account records that attest to financial status.

Filing a petition with the High Court of Justice is a complicated procedure that requires expertise. A petitioner is advised to obtain legal counsel before approaching the Court. An individual who is not represented by an attorney can receive explanations from the "Department of Non-Represented Petitioners" (Mador Bitti Miyutzagim) of the High Court of Justice. See Useful Addresses for details.

District Courts

- District Courts hear matters that are within their jurisdiction (see below,) as well as appeals of verdicts issued by Magistrates' Courts.
- District Courts hear all matters that are not within the purview of Magistrate Courts. These include civil suits of NIS 2.5 million or more, or criminal offenses punishable by more than 7 years' incarceration.
- Israel has 6 District Courts, which are dispersed according to geographic location; the Northern District, Haifa District, Tel Aviv District, Jerusalem District, Southern District, and the Central District.
- See Useful Addresses for details.

Magistrate Courts

- Magistrate Courts are the Courts of First Instance of the State of Israel and hear criminal cases for which the sentence is less than 7 years' incarceration, and civil suits of less than NIS 2.5 million.
Israel has 31 Magistrate Courts. In addition, the Magistrate Court-system includes Courts that hear specific types of cases, such as Traffic Courts, Family Courts, Small Claims Courts, and Municipal Courts.

For more details about Family Courts, see P. 7. For more details about Traffic Courts, see P. 9. For details about Juvenile Courts, see P. 11. For information about Small Claims Courts, see P. 13.

See Useful Addresses for more details.

Specialized Courts

Adjacent to the general courts are courts of various kinds that are invested with individual and specific authority, for example, Labor Courts (which hear matters involving labor relations,) and Military Courts Martial (which deal with offenses within the I.D.F.). It is necessary to differentiate between such Military Courts Martial, and those in Judea and Samaria, which deal primarily with security offenses. Religious Courts handle primarily, but not exclusively, matters of marriage and divorce for the various faiths. Each religion has their corresponding Court. Israeli Jews are served by Rabbinic Courts, Muslims by Sha’aria Courts, Druze by Druze Courts and various Christian communities are served by their own Courts.

For information about Labor Courts, see P. 8.

For information about Military Courts, see P. 9.

See Useful Addresses for more details.

The Court Administration

The Court Administration is responsible for management and administrative organization of the work of the Courts; the Supreme Court, the District Courts, the Magistrate Courts, and the Labor Courts. Heading the Court Administration is the Court Director. According to the "Courts Law," the Minister of Justice appoints the Court Director with the approval of the Chief Justice of the Supreme Court.

Functions of the Court Administration

- Staffing and administering Courts’ human resources (clerks, secretaries, transcribers, translators, etc.) including legal assistants to judges. The Court Administration also oversees the working conditions for judges. However, judicial appointments are not within the purview of the Court Administration; judicial positions are filled only by appointment of the Judicial Selection Committee.
- Development and management of court buildings, including new construction.
- Overall logistic management of court buildings.
- Development and management of court computer systems.
- Maintaining the operations of the Courts Spokesperson on behalf of the Administration, and its judges.
- Maintaining security and public order in the Courts and protecting judges (with the authority of the Court Security Service).

The Court Administration applies its powers with the assistance of the secretariats of the various Courts, each headed by a Chief Secretary.

The Commissioner for Freedom of Information

Within the Courts Administration is the Commissioner for Freedom of Information. According to the "Freedom of Information Law," the public is entitled to receive information from various public agencies. In accordance with the requirements of this Law, the Court Administration publishes annual reports that include statistics about all of the Courts. Additionally, judicial decisions and verdicts of every Court and Labor Court, as well as studies conducted by the Research Division, are published on the Judicial Authority web site. All relevant information is on the Judicial Authority web site under the heading "the Court Administration," www.court.gov.il.

The "Freedom of Information Law," entitles all citizens of the State of Israel to request information from the Commissioner.


Internal Audit and Public Inquiries

The Court Administration Maintains a Unit of Internal Audit and Public Inquiries. The Unit serves as a channel of communication between citizens and the court system. It handles all complaints received by the Court Administration concerning professional or administrative areas of the Courts’ various divisions.

The Unit publishes an annual summary of public inquiries and statistics about the complaints processed, according to various parameters and geographical district.

Any citizen of the State of Israel may apply in writing to the Unit of Public Inquiries. For more information:
http://elyon1.court.gov.il/heb/cv/fe_html_out/courts/details/1.htm
pniyot@court.gov.il
Attorneys in Israel are certified by the Israel Bar Association (Lishkat Orchei HaDin). Every attorney in Israel is a member of the Association, and the Association oversees members both professionally and in matters of discipline.

Most attorneys specialize in a particular area in which they primarily practice, for example, labor law, tax law, family law, criminal law, etc.

Some attorneys practice privately, while others are employed in the public sector, for example, prosecutors who prepare charge sheets or represent the State in civil and criminal cases, legal advisors in government ministries and local authorities, public defenders, and others. Only an attorney licensed by the Israel Bar can represent others in court. An individual who has no legal training or license may represent only themselves, should they wish to.

Persons accused of a criminal offense, and lack the resources with which to defend themselves, can receive a state-appointed defense attorney, according to specific conditions, from the Public Defender's Bureau. The defense attorney provides clients with legal protection and assists in responding to charges in the best possible way. Persons who are unable to afford legal assistance in civil suits can apply to the state for legal aid based on criteria stipulated by law. For more information about the Public Defender's Bureau and Legal Aid, see Useful Addresses.

One of the unique aspects of the legal profession is the concept of confidentiality between attorney and client. In other words, anything related by a client is secret, and the attorney may not divulge anything without the client's permission. The imperative of confidentiality applies in both criminal and civil law.

Family Courts may not rule on issues of marriage or divorce, which are within the jurisdiction of the various Religious Courts, with the exception of annulling the marriage of spouses of differing religions.

According to Israeli family law, marriage can only take place according to the laws of the recognized religions- Jewish Halacha, Muslim Sha'aria, and Christian and Druze statutes, when each member of the couple belongs to the same faith.

Family-Court judges specialize in family law.

Aid units operate in conjunction with the Family Courts. The units are comprised of social workers and psychologists who assist the Courts and are subsidiary to them. The Court may refer a litigant or family member to a unit; the Court may also order a unit to investigate a matter under deliberation and to submit an opinion.

A Family Court can consolidate claims filed in separate jurisdictions and hear all of them together. Combining claims prevents situations in which a number of Courts deal with different aspects of a family dispute at the same time.

Nevertheless, "power struggles" do sometimes occur between Family and Religious Courts. For example, Jewish couples seeking to divorce must do so through a Rabbinic Court, according to the "Law of Rabbinical Court Jurisdiction" (Marriage and Divorce). However, other claims, such as alimony and child support, are usually adjudicated in a Family Court, although this is not obligatory, and such claims may also be heard in a Rabbinic Court. This applies to the Courts of other religious communities as well.

Family law in Israel permits marriage only according to the laws of the recognized faiths, when each member of a couple belongs to that same faith. "The Civil Marriage Without Religion Law" facilitates marriage for couples who do not belong to one of the recognized religions ('without religion') and establishes regulations for annulment. The Law does not offer a solution for instances in which one member of a couple is 'without religion' and the other belongs to a recognized faith, when both members are of differing religions, to persons who are not permitted to marry, to persons of the same faith who prefer to wed in a civil ceremony, or to same-sex couples. According to law, it is possible to enter a spousal relationship and register with the Population Authority as a couple when the following conditions are met:

- The couple consists of a man and a woman at least 18 years of age.
- Both members of the couple are residents of Israel (as the concept is defined by law).
The rights of workers are safeguarded by protective laws, which mandate a number of basic conditions that govern every employment contract, and ascertain that every worker receive their rights according to those conditions, which are enforced by the Labor Courts.

These protective laws include:

- The "Minimum Wage Law:" the current minimum wage is NIS 25 for each hour of work. The monthly salary of a full-time employee must be at least NIS 4,650.
- This Law determines the permitted number of work hours for each day according to the number of workdays for each week. For example, for a workday of up to 8 hours, the employer must pay an additional wage for work hours that exceed the maximum of 8. The Law also obligates the employer to provide a weekly day of rest, which for Jews in Israel is Shabbat.
- The "Annual Vacation Law:" every worker is entitled to an annual paid vacation. The right to vacation days is calculated according to the number of years of employment and the scale of the position.
- The "Women's Employment Law:" this Law aims to protect working women and to ensure their rights. According to the Law, it is not permissible to fire a woman who is pregnant or on maternity leave. This Law also enables women to take paid maternity leave.
- The "Termination Compensation Law:" termination compensation is recompense to an employee who is fired, as reparation for loss of livelihood. Further, compensation enables the individual to look for a new job without immediate financial distress. According to law, an employee is entitled to compensation after one year of employment in a place of work.
- The "Mandatory Pension Law:" this Law obligates an employer to deduct a sum from an employee's salary, in order to ensure funds for that employee's use following retirement. The sum that makes up the pension is composed in part of withholdings from the employee's salary, and mainly by contributions by the employer, for the benefit of the employees.

The Labor-Court system is composed of two instances; Trial Courts and Appellate Courts. The Trial Courts are divided into two instances: Labor Law and Religious Courts.
The Judicial System

Military Courts

Military Courts Martial are part of the Judicial Authority of the State of Israel; due to the specific needs of the military framework they function as a separate system.

The military judicial system is a specialized criminal justice system, and has a parallel authority to the civilian justice system in criminal matters. The Military Courts are empowered by the "Military Justice Law," and have authority to try soldiers in mandatory service and the career army, civil employees of the military, and other populations as defined by law.

The Military Courts Martial operate in 3 judicial districts - the Northern Region Military Court in Haifa which tries soldiers serving in units connected to the Northern Command and the Navy; the Southern Region Military Court, located near the Castina Junction and which tries soldiers serving in units connected to the Southern Command and the Ground Forces, and the Central Region Military Court, which tries soldiers in units connected with the Central Command, the Civil Defense and the Air Force. In addition, a special Military Court Martial tries matters involving officers with the rank of Lieutenant Colonel and higher. The Military Appellate Court hears appeals filed on verdicts of District Military Courts Martial and the Special Military Court Martial. The Military Appellate Court is in Tel Aviv.

The Military Courts play a central role in implementing the rule of law in the army, and ensuring legal and moral activity of soldiers. Trials are conducted with strict adherence to procedural rules and with expert adjudication, and are informed by the values of justice and the values of the Israel Defense Forces. Military Courts are characterized by efficient management of hearings, in order to preserve military law, discipline, and order; at the same time strictly ensuring that the defendant's rights are preserved.

Verdicts of Military Courts can be appealed to the High Court of Justice only if there is an important legal issue, difficulty, or precedent at question—and which is reflected on the one hand by the unique independent status of the Military Appellate Court, and the fact that the Military Courts are part of the overall court system on the other.

The Military Defender

The Military Defender is a legal body that provides counsel and representation to every soldier, of every rank, who is undergoing investigation and criminal proceedings in the Army. The unit consists of attorneys serving in compulsory and reserve duty. Their services are available at no charge, and have no connection to a soldier's financial status. The Military Defender's unit is under the auspices of the Chief Military Defender's Bureau, which is located at the Kirya in Tel Aviv. It represents soldiers from different districts before Military Appellate Courts, and consolidates all of the fundamental issues with which the Military Defender's unit deals.

How to Contact the Military Defender's Unit
Tel: (03) 5691730, E-mail: sanegory@idf.gov.il

Transportation Law

The Traffic Courts are Magistrate Courts that specialize in traffic violations.

Traffic cases involve a wide range of offenses from minor transgressions such as parking violations that result in a fine only (many of which are heard in a Municipal Court) to serious offenses such as manslaughter.
Regulations for Minor Offenses

Trial

- Offenders who have committed minor wrongdoings, such as parking or speeding violations, receive a notification-form indicating the necessary payment for the fine. The form gives details of the offense and the amount of the fine.

- Fines must be paid within 90 days, unless the recipient sends notice within 90 days that they wish the offense to be tried in a Traffic Court, or the Police request to cancel the fine within 30 days.

- If the fine is not paid within 90 days and there is no request for a trial, the amount of the fine is doubled. The sum increases the longer the fine is not paid (every six months). An offender is prevented from renewing their driver's license until the balance of the fine is completely paid.

- If the Police reject an application to cancel a ticket, it is still possible to request a trial within 30 days.

- An individual who does not pay a ticket within 90 days can request exemption from payment of a double fine and surcharges to the fine in the following circumstances: they did not receive notification of the fine, they were abroad or in reserve duty, or there was an error that was the fault of an official body.

- Payment of a fine is considered an admission of guilt and a sentence.

- An individual who notifies the Police that they wish to go to trial over the offense receives a summons to trial within one year. If the defendant is convicted of the offense, the sentence is not less than the original fine, except in specific circumstances.

Summons to Appear in Court

- A summons is sent by registered mail with a return receipt requested. The recipient signs the return receipt, which is placed in the case-file.

- The Police, Court-clerk, or Court-messenger can also deliver a summons to trial. Refusal to sign an authorization of receipt does not exempt the recipient from appearing in Court, if the officer or clerk indicates the refusal on the form.

Types of Charge Sheets

- Handwritten - in most cases, drivers receive a handwritten ticket at the location at which a violation occurs, or receives it via registered mail following the complaint of a police officer, traffic warden, or other individual. The ticket includes a charge sheet and a summons to Court. It also contains details of the violation, the date and time of the violation, the nature of the violation, where it was committed, information about the law that was transgressed, the "offense symbol" (every traffic offense has an associated symbol that usually indicates the number of "points" registered against the driver), provisions of the legislation, the driver's details and those of the vehicle, and the Court to which the driver is summoned and the date of the hearing.

- Computerized - drivers receive a computerized ticket when their car is photographed committing a traffic violation. These types of tickets are usually sent when a car is caught speeding or running a red light. The ticket is sent by registered mail, and the persons who are listed as the owners of the vehicle are held responsible, unless they can prove that a different driver used the vehicle. They must indicate such proof in writing to the Police unit that sent the ticket. The ticket is also a charge sheet as well as a summons to appear in Court. A vehicle-owner who claims that another driver committed the offense must present the offending driver's testimony to the Court, along with their complete details and an affidavit confirming that the driver committed the offense. The affidavit is verified by an attorney or the Court Secretary.

- If a traffic violation did not cause an accident in which persons were significantly injured, the Court is permitted to try the defendant in absentia. A defendant who does not appear in Court, or during the proceedings, is regarded as admitting to the facts, and can be sentenced. However, a Court will not sentence a defendant to jail or give a suspended sentence in a defendant's absence. A person who does not appear in Court may appeal their sentence in writing.

Request to Cancel a Verdict

A defendant who is summonsed to Court according to law, who does not appear at the hearing, and is convicted, may, if they have justified reasons for their absence, petition to have the verdict repealed. The Court that handed down the verdict has the authority to repeal it if the petition is filed within 30 days from the date of the verdict.

Regulations Regarding Serious Offenses

- A separate charge sheet with an attached summons: in the case of a serious traffic violation, or violations involving accidents that the Police investigate, the offenders do not receive a ticket and a Court summons. Instead, a charge sheet is prepared that details the charges and the offenses.

- Revoking a driver's license: the Court can revoke a driver's
license whether or not a defendant is present. The defendant is forbidden to drive from the moment they are informed that the license is revoked, even if the period during which they are forbidden to drive only begins from the time the license is actually deposited, in order to ensure that it is deposited. The license must be deposited with the Court Secretariat; the license-holder receives an authorization of deposit, unless the deadline for the deposit is extended to a later date. If the date for revocation of the license is delayed, the license-holder must request authorization of the delay from the Court secretariat. This authorization is attached to the license until the day it is deposited at the Court.

Appealing a Judgment of the Traffic Court

It is possible to appeal a verdict to a District Court within 45 days. The request must be accompanied by an authorized copy of the verdict. A defendant who is tried in absentia, and not notified of the verdict within 45 days from the date of the verdict, may file a request with the District Court to extend the period for filing the appeal. The appeal is processed in accordance with the results of the request for extending the period.

Juvenile Courts

- Juvenile Courts are part of the countrywide Magistrate-Courts system, and are composed of judges who specialize in this area.
- Juvenile Courts deal with matters involving minors (up to the age of 18) including protection, diagnosis, supervision, rehabilitation, and penalization of offenses.
- Juvenile Courts are empowered by two laws:
  1. The "Youth Law" (Care and Supervision) which is concerned with protection and supervision of minors whose safety and development is at risk, for example because of parental behavior.
  2. The "Youth Law" (Judgment, Sentencing, and Methods of Treatment) is concerned with adjudication of juvenile offenders who violate any type of law, including laws defined as criminal, except murder and crimes against state security (which are referred to a District Court which convenes as a Juvenile Court).

- All Juvenile Court proceedings take place in closed chambers and in full confidentiality, unless the Court permits publicity of any aspect of a case.

A Minor Whose Physical or Psychological Wellbeing is at Risk is Classified as a "Dependent" Minor

A Juvenile Court hears cases of minors who require treatment, protection, or supervision, particularly if there is no responsible adult, or if the adult responsible for the minor is not capable of caring for or supervising the minor, or neglects the obligation to care for or supervise the minor. A "dependent" minor is also a minor who commits a criminal offense but is not tried (for example, was under the age of responsibility for the crime), or wanders the streets, begs or engages in peddling without a license, is vulnerable to negative influences, resides in a location that is used for criminal purposes, or suffers withdrawal from substance abuse at birth (i.e., the mother abused harmful substances during her pregnancy).

Filing a Request to Declare a "Dependent" Minor

- According to the "Youth Law" (Care and Supervision) a "Youth Law" welfare officer, the Ministry of Social Affairs and Social Services, and the social services departments can file a petition to declare a "dependent" minor. The minor's parents and the minor become parties to the proceedings and respond to the petition (unless the Court instructs otherwise) and does not summon the minor.

- When the Court concurs that a minor is "dependent," the Court is authorized to mandate methods to address the situation as stipulated by law. The Court's ruling is binding upon both the minor and those responsible for the minor.

Who Represents the Minor?

- As a rule, a minor is represented by the parents, who are the natural guardians according to law. The parents can be represented by an attorney. Parents who lack resources can seek representation from the Legal Aid Bureau.

- The parents and the minor must appear in Court upon being summoned. If they fail to appear, the Court is permitted to hear the case in their absence, or to order the Police to bring them to Court.

- During the first stage, the Court clarifies the existence of the grounds for declaring dependency, as detailed in the
welfare officer’s petition. If the parents dispute the petition, the Court hears testimony from witnesses summoned by the welfare officer.

1. The welfare officer submits a report that details the personal, family, and social situation of the minor and the parents.
2. Once the Court determines that the minor is dependent, it receives an additional report from the welfare officer that includes treatment recommendations to ensure the minor’s wellbeing and to maintain proper development and rehabilitation. The Court is obligated to give the parents and the minor (as far as possible) the opportunity to present their own claims and to hear their proposals. The Court is authorized to order the welfare officer to monitor the minor. When necessary, and no other alternative exists, the Court can order the removal of the minor from the parents’ custody into that of the Welfare Authority, or appoint a guardian. In some cases, the minor is placed in an open residential framework, or in a locked facility. In situations in which a minor is at risk of violence from a family member, the Juvenile Magistrate’s Court can distance the violent individual from the minor by means of an order of protection.

How Are Delinquent Minors Tried?

1. A charge sheet against a minor is filed with a Juvenile Court, according to the “Youth Law” (Judgment, Penalization, and Methods of Treatment).
2. All provisions of the criminal code that apply to adults also apply to minors, subject to special provisions detailed in the “Youth Law” (Judgment, Penalization, and Methods of Treatment) and the “Law of Criminal Procedure.”
3. During criminal proceedings, the parents of a juvenile defendant are given special standing, are summoned to the proceedings, and are entitled to participate on the side of the minor.
4. A Juvenile Court is authorized to appoint a defense attorney on behalf of the minor if it believes it to be in the minor’s best interest, and the minor has not retained a private attorney. The appointment is through the Public Defender’s Bureau according to a list of attorneys who specialize in defending minors.
5. Juvenile Court proceedings conclude when the Court either determines that the defendant is innocent, or that the defendant “carried out the offense” (i.e., at this stage, there is no conviction).
6. During sentencing the Court has the capacity to act in one of the following ways:
   1. To convict the defendant and pronounce a sentence.
   2. To order treatment procedures as detailed by law.
   3. To release the minor with a warning.
   4. In instances of offenses committed by minors, a judge can order alternatives to incarceration, as follows:
      - To order placement into the supervision of another person, in order to minimize parental authority as guardians.
      - To place the minor on probation.
      - To receive guarantees from the parents (and the minor) of the minor’s future conduct.
      - To sentence the minor to a stay in an open institution, or a locked facility, according to the circumstances.
      - To obligate the minor to pay a fine.
      - A minor under the age of 14 is not sent to prison.

- An individual who does not abide by the verdict of a Juvenile Magistrate Court, or who interferes with its proceedings, is subject to penalty according to the Law and its provisions.
- At the conclusion of a trial, each side has 45 days within which they may appeal a Juvenile Court Judge’s ruling to a District Court.

Municipal Courts

- Municipal Courts are Magistrate Courts that rule on offenses involving local concerns, such as business licensing, construction transgressions, prohibited peddling, pollution and other like matters, which the State enforces through the local authorities by means of municipal inspectors. The proceedings in a Municipal Court are criminal trials and the municipality is always the petitioner, through its attorney, on behalf of the Attorney General’s office, and the citizen is the defendant.
- The geographical distribution of the regions of jurisdiction of Municipal Courts overlaps jurisdictional districts of the country. There are Municipal Courts only in certain jurisdictional districts. Therefore, one who resides in a district that lacks a Municipal Court files a petition with a Magistrate’s Court. Verdicts of a Municipal Court can be appealed in a District Court in the same jurisdictional district.
- A Municipal Court is funded by the local authority and
fines are paid into the municipal treasury. However, the judges are State employees and are not dependent upon the local authority.

For more details, see Useful Addresses.

Small Claims

Small Claims is a brief and straightforward civil procedure, which assists a claimant to request the Court to grant simple redress or small amounts of compensation. It is the claimant who decides to submit a petition to the Small Claims Court or to a Magistrate Court.

There are 29 Small Claims Courts in Israel, in most of the Magistrate Courts in various cities. The "Small Claims Courts" Law determines who is entitled to submit a small claim and in what circumstances. It is important to note that the amount of a claim may not exceed NIS 33,500.

The goal of Small Claims is to enable speedy, simple, and effective deliberations, to save resources and prevent exploitation of citizens lacking a legal background. In a Small Claims Court litigators are forbidden to have legal representation. The rules of litigation in Small Claims Court are informal and verdicts are handed down within 7 days.

It is impossible to appeal a verdict automatically; it is necessary to request special authorization. Further, in order to maintain judicial efficiency, no person may file more than 5 small claims per year, unless given special permission from the Court.

The majority of small claims involve consumer issues, but there is no impediment to filing suits for claims of discrimination, damage to one's reputation, and other like complaints.

Filing a Claim With a Small Claims Court

A claimant must submit 3 copies of the claim and all relevant documents to the Secretariat of the Small Claims Court. The forms are available online. The claim includes the following: the full name of the claimant, identity-card (te'udat zehut) number, full address and telephone number. It is also necessary to supply the full name of the defendant, and their identity-card number if possible, address and telephone number. The claim must also include details of the incident that is the subject of the suit. It is essential to ascertain that all relevant documents are attached to the claim, such as photocopies of receipts and similar documents. It is important to be organized when submitting documents to the Court so that the Court can easily understand the basis for the complaint. In order to file a suit, it is necessary to pay a fee equivalent to 1% of the amount of the suit, or a minimum of NIS 50. The fee may be paid on the spot using a credit card or with a payment slip at a postal bank.

Junk Mail- in the year 2008, legislation was approved to prevent advertisements from reaching the public via electronic mail. This was in light of the phenomenon of the growing harassment of mail that was sent to millions of citizens daily. The Law also applies to text messages sent to cell phones and faxes. The Law determined that sending advertisements by mail without prior consent of the recipient, within certain boundaries, is considered an offense. The Law enables a claimant who receives junk mail to obtain NIS 1000 in compensation, without having to prove that any damage was caused by the sender. It is possible to file claims regarding receipt of junk mail with a Small Claims Court.

Contract Law

What is a Contract?

A contract is an obligation, or series of obligations, that have legal standing. For example, a detailed document that arranges the purchase and sale of an apartment, and includes the purchase details, the price, the date of purchase, the obligations of the parties in the event that the agreement is breached, the signatures of the parties, etc.

A contractual obligation does not require a written and signed document between the sides, except in the instance of buying and selling real estate; however, a written contract is desirable in order to prevent misunderstandings.

If a contract is violated, a claimant may apply to a Court to petition for the enforcement or nullification of the contract, and to receive compensation in addition to enforcement or nullification, or in place of it.
The "Transaction Law" (Apartments) (Guaranteeing the Investment of Purchasers of Apartments)

- Persons who purchase apartments invest most of their money into buying the new apartment, and often even pay a contractor for an apartment that has not yet been built.
- The "Transaction Law" (Apartments) (Guaranteeing the Investment of Purchasers of Apartments) seeks to safeguard the funds of purchasers, so that if the building project fails their money will be refunded.
- The legislation mandates five fundamental ways in which apartment-buyers' funds are ensured:

1. Obligating the contractor to provide a guarantee that they transfer the apartment to the purchaser.
   The contractor is prohibited from receiving more than 7% of the price of the apartment unless he does one of the following:
   - Provides a bank guarantee that ensures the return of all funds paid by the purchaser for the apartment in the event that the contractor cannot transfer ownership or other entitlement to the apartment as agreed in the purchase contract.
   - The contractor takes out an insurance policy in order to return all funds to the purchaser.
   - The contractor mortgages the apartment or part of the property upon which the apartment is built, in a primary mortgage in favor of the purchaser or trust company, in order to guarantee the return of funds paid by the purchaser.
   - The contractor registers a cautionary note on the sale of the apartment or land in favor of the purchaser.
   - The contractor transfers ownership or other entitlement to the land or property, in the name of the purchaser, in order that it is free of any lien, attachment or other third-party right.

2. The Obligation to Inform Purchasers of Their Rights
   It is forbidden sell an apartment without informing the purchaser, in writing, at the time of signing the contract, of their rights according to law for protecting the funds they have paid and of the methods regulated by law in this matter.

3. The Commissioner of the "Transaction Law" is a Government Official Responsible for Overseeing the Supervision of the Law
   At the time that the contract is signed, the contractor must provide the Commissioner of the "Transaction Law" with details about the sale of all apartments in his construction project: the purchaser's name, details about the property, the provider of the guarantee and the type of guarantee offered for the benefit of the purchaser.

   - Fines: for example, if the supplier does not inform the purchaser of their rights according to the "Transaction Law."
   - Imprisonment: for example, for accepting an amount exceeding 7 percent of the cost of the apartment without insuring the money according to legal stipulations.

5. Imposing Sanctions on Banks that Fund Residential Projects and Violate the Provisions of the Law, Including Criminal Sanctions
   - An administrator of the company must oversee and make every effort to prevent the violations listed in the "Transactions Law" (Apartments). For example, failure to inform purchasers of their rights to ensure the funds paid to the contractor, or failure to notify purchasers that guarantees are in their favor, can result in the company being fined.
   - Purchasers who believe that apartment-suppliers violate the "Transactions Law" (Apartments) can file a complaint with the Commissioner of the "Transaction Law."

Are Negotiations for a Memorandum of Understanding Prior to a Contract Legally Binding?
- The agreement or forward agreement drawn up prior to the contract, which includes all of the main points of consensus between the parties, is the "memorandum of understanding," and is a binding agreement, as it lists and includes the main conditions of the transaction.

When is There a Contractual Obligation?
In order for a contractual obligation to exist, both sides must be aware of the obligations they take upon themselves, and they must fully intend to enter the specific contract with the specific party.

Can a Purchaser Withdraw?
Any time that a purchaser does not express agreement, they can withdraw from the contract, except in circumstances in which it is established that the bid may not be retracted.

Who is Qualified to Enter into a Contract?
- According to the "Legal Capacity and Guardianship" Law, any person from the age of 18, and who is not declared incompetent, may enter into a contract.
Legal actions of a minor require the consent of their representatives, which may be given in advance or retroactively, for a specific action or for a type of action.

Civil Law

When damage is caused to an individual, whether bodily harm or damage to property, that individual can claim compensation from the party who caused the injury. Examples include harm caused by an accident (traffic accident, work accident), negligence (medical negligence), violence, slander, disturbance (noise, air pollution), etc.

The compensation most often claimed according to Civil Law is monetary, and the aim is to restore the injured party to the situation prior to the injurious incident by means of a monetary settlement. The compensation is calculated:

- According to the harm to the injured party: the expenses incurred by the injured party (medical expenses, travel costs, personal care and similar assistance in a medical situation), and loss of income.

Non-monetary injury to the injured party: pain and suffering, including loss of ability to enjoy life and shortened life expectancy.

In addition to compensation, there is a range of redress that injured parties in a civil suit can request, such as injunctions or restraining orders. For example, a Court can issue a restraining order against a factory that is harming residents because of air pollution, and order the factory to cease the nuisance.

Legislation that is Included in Civil Law

- The "Law of Compensation to Victims of Traffic Accidents" this Law determines the fundamentals of compensation to persons who suffer bodily injury in a traffic accident. This refers as a rule to absolute liability for the damage sustained, within financial limits in certain cases, regardless of guilt. The structure of Israeli civil law is based on mandatory insurance. On the one hand, legislation determines strict liability (with a few exceptions) of the party causing the damage in a traffic accident on the part of insurance company (and also the supplementary insurance in certain circumstances). However, there are limitations on the level of some components of the compensation, such as loss of income (up to three times the average salary only), or pain and suffering.

National Insurance

The National Insurance Institute is the body responsible for realizing an important part of citizens' rights in Israel, the majority through disbursements received by citizens. All residents of Israel are obligated to pay National Insurance Institute premiums each month, and these monies are the foundation of the various payments.

The National Insurance Institute provides a number of allowances and benefits to citizens, as regulated by law, for example:

- Unemployment compensation: unemployment compensation is recompense to persons searching for work during a period in which they are not employed. The compensation is to allow persons searching for work to manage financially and to find appropriate employment.

- Maternity Allowance: a maternity allowance is paid to an employed woman who takes maternity leave and compensates her for loss of income during the period in which she does not work. In some cases, a father may take leave in place of the mother and receive a portion of the maternity allowance.

- Work-Accident Compensation: an employee who suffers injury or illness while performing their job, on the way to or from their place of employment, or as a result of their working
conditions, can be entitled to compensation. An employee who becomes disabled can be entitled to a disability allowance.

- **Child Allowance:** This allowance is paid to all persons with children under the age of 18, as a benefit from the State towards the cost of raising children.

- **An Old Age Pension:** Eligibility to receive an Old Age Pension—citizens of pension age to "eligibility age" can be eligible for a pension as long as they meet the criteria of an income test as follows:
  - **Pension Age to "Eligibility Age"**—citizens in this age group can be eligible for a pension as long as they pass an income test determined by the National Insurance Institute.
  - **Eligibility Age for an Old Age Pension**—citizens who reach the age of eligibility for an Old Age Pension can receive the pension with no connection to their income. For details, consult the National Insurance Institute. Information is also on their website: www.btl.gov.il.

- **Disability Allowance:** Allowances are for persons unable to work because of disability, or whose ability to earn a living is diminished because of their state of health. The degree of disability is determined through a medical examination by a doctor on behalf of the National Insurance Institute. The level of the allowance is established according to medical condition and earning power following disability.

- **Survivor’s Allowance:** Survivor’s Allowances are to help ensure a means of subsistence to survivors—widows/widowers and orphans of a resident of Israel who is deceased, unless the cause was war or during a crime. Survivors may also be eligible for a one-time Survivor’s Grant.

For details, consult the National Insurance Institute. Information is also on their website, www.btl.gov.il.

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**Holocaust Survivors and Victims of the Nazis**

- Since the founding of the State, legislation has been created regarding compensation and benefits to Holocaust survivors and victims of the Nazis.

- Similarly, a claims committee was formed, The Claims Conference on Jewish Material Claims Against Germany, Inc. which processes claims for compensation from Germany.

Following is an itemization of the main types of compensation:

**The "Law of Compensation to Victims of the Nazis"**

- Holocaust survivors who are citizens and residents of Israel, who made aliyah before 1/10/53, are entitled to compensation.

- The compensation is paid monthly at a rate determined by the level of disability and state of health. The compensation includes a "basket" that provides medical and social-welfare services, tax-concessions, benefits and discounts.

- **Conditions for Receiving the Compensation**
  - Victim of the Nazis during the period of the Second World War.
  - Disabled as a result of Nazi persecution.
  - A medical committee determines at least 25 % disability.
  - As a result of the disability, the applicant is not eligible for an allowance, benefits, or reparations from Germany.

**Compensation According to the "Law for Disabled in the War Against the Nazis:"

Jewish persons who were a member of the Allied forces or Partisan groups against the Nazis can be eligible for compensation in the form of a monthly allowance.

**The "Law of Benefits for Holocaust Survivors:"**

This law grants monthly payments to survivors of camps, ghettos, and forced labor who made aliyah after 1/10/1953 and who are therefore not eligible for a benefit according the "Law for Disabled Victims of the Nazis."

**Compensation from the Claims Conference:**

Contact information: Telephone: (03) 5194400, Fax: (03) 6240047, website: www.claimscon.co.il Address: 25 Rehov Carlebach, Tel Aviv P.O.B. 29254, e-mail: infodesk@claimscon.org.

**One-time Compensation and Quarterly-Rent**

- This compensation is for persons who are ineligible for monthly benefits from the Ministry of Finance, or health-care compensation from Germany according to German federal law, or who do not receive one-time compensation from Germany to persons who wore a yellow symbol.

**Eligibility**

- Any person who resided in a country under German control,
Eligibility for Rent

- Any person who does not receive benefits from the Ministry of Finance or health-care compensation from Germany, and who meets the following criteria:
  - More than 6 months in a concentration camp or labor camp.
  - More than 18 months in a ghetto.
  - In hiding or lived with a false identity for at least 12 months.

The widow/widower of a recipient of a social pension from Germany is eligible to submit a claim for a widow/widower's pension and receive 60% of the amount received by the deceased spouse.

The Foundation for Holocaust Victims in Israel

The Foundation supplies financial grants for dental treatment, hearing devices, medicine, medical supplies, nursing care, and other services to needy Holocaust survivors. For information, contact (03) 6090866.

Organizational Structure - The Court System
# Useful Addresses - Courts

## The National Court Information Line
077-2703333  
Hours: S,W 8:00-18:00  M,T,Th 8:00-16:00  F, and Holiday Eves, 8:00-12:30  
Hebrew, English, Russian, Amharic, and Arabic

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The Judicial System
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## Municipal Courts

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<td>Kiryat Bialik</td>
<td>(04) 8748756/83  (04) 8748803</td>
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<td>Carmiel</td>
<td>(04) 9888611/2</td>
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<td>(02) 6297971</td>
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<td>Ma'aleh Adumim</td>
<td>(02) 5421363</td>
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<td>Kiryat Arba</td>
<td>(02) 9969526</td>
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<td>Tel Aviv</td>
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<td>(03) 5776394</td>
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<td>Hertzlia</td>
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## Juvenile Courts

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### The Judicial System

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### Legal Aid - the Ministry of Justice

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<th>Legal Aid Bureau</th>
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<td>Jerusalem</td>
<td>1 Rehov HaSoreg Beit Mitzpe Jerusalem</td>
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<tr>
<td>Tel Aviv</td>
<td>4 Rehov Henrietta Szold Tel Aviv/Jaffa</td>
<td>6492404</td>
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<td>Haifa</td>
<td>15A Sd. Hapalyam Haifa</td>
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<tr>
<td>North</td>
<td>3047 Rehov Toufik Ziad Waffa Cntr. 5th Floor P.O.B. 50021 Nazareth</td>
<td>(04) 6459444</td>
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<tr>
<td>Beer Sheva</td>
<td>33 Sd. Shazar, Beit Noam Beer Sheva</td>
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The National Public Defender - The Ministry of Justice

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<tr>
<td>National Public Defender</td>
<td>4 Rehov Henrietta Szold Tel Aviv/Jaffa 6492404</td>
<td>(03) 6932606/8 <a href="mailto:LishkatSanegorArtzi@justice.gov.il">LishkatSanegorArtzi@justice.gov.il</a></td>
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<tr>
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<td>4 Rehov Henrietta Szold Tel Aviv/Jaffa 6492404</td>
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<td>(02) 5696180/1</td>
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<td>4 Rehov Henrietta Szold Tel Aviv/Jaffa 6492404</td>
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The Ministry of Aliyah and Immigrant Absorption

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<tr>
<td>National Telephone Information Center</td>
<td>(03) 9733333</td>
<td>Telephone Line for Emergency Situations 1255-081-010</td>
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<td>Website: <a href="http://www.klita.gov.il">www.klita.gov.il</a></td>
<td>E-mail: <a href="mailto:info@moia.gov.il">info@moia.gov.il</a></td>
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Main Office
2 Rehov Kaplan, Kiryat Ben Gurion, Bldg. 2, Jerusalem 9195016
(02) 6752611

Public Complaints
via "Contact Us" on the Ministry website www.klita.gov.il or e-mail: info@moia.gov.il
(02) 6752765 (03) 5209127
Fax: (03) 5209161

Ben Gurion Airport Branch Office
(03) 9774111

Southern and Jerusalem District Headquarters
31 Rehov Zalman Shazar Beer Sheva
(08) 6261216
Fax: (08) 6230811

Regional Offices
Beer Sheva and Negev
31 Rehov Zalman Shazar Beer Sheva
1599-500-921 Fax: (08) 6280529

Jerusalem and Judea
15 Rehov Hillel Jerusalem
1-599-500-923 Fax: (02) 6249398

Ashdod and Ashkelon
1 Sd. Begin, Tzimer Bld. Ashdod
1-599-500-914 Fax: (08) 8668030

Branch Offices
Beit Shemesh
(02) 9939111

The Judicial System
The Judicial System

Information for New Immigrants