

Prevention of Terrorism Ordinance No. 33 of 5708-1948*

(September 23, 1948)

THE PROVISIONAL COUNCIL OF STATE hereby enacts as follows: -

Interpretation. 1. "Terrorist organisation" means a body of persons resorting in its activities to acts of violence calculated to cause death or injury to a person or to threats of such acts of violence;

"member of a terrorist organisation" means a person belonging to it and includes a person participating in its activities, publishing propaganda in favour of a terrorist organisation or its activities or aims, or collecting moneys or articles for the benefit of a terrorist organisation or activities.

Activity in a terrorist organization. 2. A person performing a function in the management or instruction of a terrorist organisation or participating in the deliberations or the framing of the decisions of a terrorist organisation or acting as a member of tribunal of a terrorist organisation or delivering a propaganda speech a public meeting or over the wireless on behalf of a terrorist organisation shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twenty years.

Membership in a 3. A person who is a member of a terrorist

terrorist organization. organisation shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding five years.

Supporting a terrorist organization. 4. A person who -

- (a) publishes, in writing or orally, words of praise, sympathy or encouragement for acts of violence calculated to cause death or injury to a person or for threats of such acts of violence; or
- (b) publishes, in writing or orally, words of praise or sympathy for or an appeal for aid or support of a terrorist organisation; or
- (c) has propaganda material in his possession on behalf of a terrorist organisation; or
- (d) gives money or money's worth for the benefit of a terrorist organisation; or
- (e) puts a place at the disposal of anyone in order that that place may serve a terrorist organisation or its members, regularly or on one particular occasion, as a place of action, meeting, propaganda or storage; or
- (f) puts an article at the disposal of anyone in order that that article may serve a terrorist organisation or a member of a terrorist organisation in carrying out an act on behalf of the terrorist organisation,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three years or to a fine not

exceeding one thousand pounds or to both such penalties.

Confiscation of property. 5. (a) Any property of a terrorist organisation, of property. even if acquired before the publication of this Ordinance in the Official Gazette, shall be confiscated in favour of the State by order of a District Court.

(b) Any property liable to confiscation under this section shall be attached by a decision in writing of the Chief of the General Staff of the Defence Army of Israel or the Inspector General of the Israel Police.

(c) Any property being in a place serving a terrorist organization or its members, regularly or on a particular occasion, as a place of action, meeting, propaganda or storage, and also any property being in the possession or under the control of a member of a terrorist organisation, shall be considered the property of a terrorist organisation unless the contrary is proved.

Closing of places of action etc. of a terrorist organization. 6. (a) The Chief of the General Staff of the Defence Army of Israel, the Inspector-General of the Israel Police, a military governor or a military commander of an area, may decide in writing to close any place serving a terrorist organisation or its members, regularly or on a particular occasion, as a place of action, meeting, propaganda or storage; as soon as a decision as aforesaid has been given, it may be carried out by any army officer or police

inspector.

(b) Any person aggrieved by a decision given under subsection (a) may appeal against it to a District Court within fifteen days of the day on which the decision came to his knowledge.

Proof of the existence of a terrorist organisation.

7. In order to prove, in any legal proceeding, that a particular body of persons is a terrorist organisation, it shall be sufficient to prove that -

(a) one or more of its members, on behalf or by order of that body of persons, at any time after the 5th Iyar, 5708 (14th May, 1948), committed acts of violence calculated to cause death or injury to a person or made threats of such acts of violence; or

(b) the body of persons, or one or more of its members on its behalf or by its order, has or have declared that that body of persons is responsible for acts of violence calculated to cause death or injury to a person or for threats of such acts of violence, or has or have declared that that body of persons has been involved in such acts of violence or threats, provided that the acts of violence or threats were committed or made after the 5th Iyar, 5708 (14th May, 1948).

Government declaring organisation to be a terrorist organisation.

8. If the Government, by notice in the Official Gazette, declares that a particular body of persons is a terrorist organisation, the notice shall serve, in any legal proceeding, as proof that that body of persons is a terrorist

organisation, unless the contrary is proved.

Proof of membership in a terrorist organisation.

9. (a) If it is proved that a person was at any time after the 5th Iyar, 5708 (14th May, 1948) a member of a particular terrorist organisation, that person shall be considered a member of that terrorist organisation unless he proves that he has ceased to be a member of it.

(b) A person being in a place serving a terrorist organisation or its members as a place of action, meeting or storage shall be considered A member of a terrorist organisation unless it is proved that the circumstances of his being in that place do not justify this conclusion.

Proof by a publication of a terrorist organisation.

10. In order to convict an accused under this Ordinance and also for the purposes of the confiscation of property under this Ordinance, any matter which appears from its contents to have been published, in writing or orally, by or on behalf of a terrorist organisation, may be accepted as evidence of the facts presented therein.

Judgment to be prima facie evidence.

11. (a) If it is determined by a final judgment that a particular body of persons is a terrorist organisation, the judgment shall, in any other legal proceeding, be considered as prima facie evidence that that body of persons is a terrorist organisation.

(b) A judgment of a military court given and confirmed under this Ordinance, and also a

judgment of a civil court from which no appeal lies - either because the law does not allow an appeal or because no appeal has been lodged within the prescribed time - shall be considered a final judgment within the meaning of this section.

Competent court, its composition and procedure.

12. (a) Anyone committing an offence under this Ordinance shall be brought for trial before and be judged by a military court.

(b) A military court, when trying a case under this Ordinance, shall be composed of three members to be appointed by the Chief of the General Staff of the Defence Army of Israel.

(c) The members of the court shall be members of the Defence Army of Israel, and its president shall be a person qualified to practise as an advocate in the State of Israel or another person certified by the Attorney General of the Government of Israel as having sufficient legal knowledge.

(d) The procedure of the court shall be in accordance with the Army Code 5708 or any other law dealing with the procedure of a military court, insofar as the procedure is not prescribed by this Ordinance.

Arrest.

13. The Criminal Procedure (Arrest and Searches) Ordinance, cap.33, applies to a person charged with an offence under this Ordinance with the following modifications:

(a) the power vested by that Ordinance in a

magistrate is hereby also vested in a military prosecutor;

(b) the power vested by that Ordinance in a police officer is hereby also vested in a military policeman.

Release on bail. 14. The Release on Bail Ordinance, 1944, applies to a person charged with an offence under this Ordinance with the following modifications:

(a) the power to release on bail before trial shall vest in a military prosecutor;

(b) the power to release on bail during trial and pending confirmation of the judgment shall vest in the military court dealing with the case;

(c) if an application for release is refused by a military prosecutor or a military court, the accused may submit it for decision to the Chief of the General Staff of the Defence Army of Israel.

Confirmation of judgment. 15. (a) Every convicting judgment of a military court under this Ordinance shall be submitted to the Minister of Defence, who may -

(1) confirm the judgment;

(2) confirm the conviction and reduce the punishment;

(3) quash the judgment and acquit the

accused; (4) quash the judgment and remit the case for retrial to a military court of the same or a different composition.

(b) The Minister of Defence shall, before giving his decision, obtain a statement of opinion from a person qualified to act as president of a military court under this Ordinance but who did not sit in that case.

Finality of judgment.

16. A judgment of a military court given and judgment. confirmed under this Ordinance shall be final and no appeal shall lie from it to any court or tribunal whatsoever.

Execution.

17. A judgment of a military court under this Ordinance shall, in any matter relating to its execution, have the same effect as a judgment of a civil court.

Reconsideration.

18. The Minister of Defence may at any time reconsider any convicting judgment of a military court, even if it has been confirmed by him, and reduce the punishment or replace it by a lighter punishment.

Pardon.

19. The powers of the Minister of Defence under this Ordinance do not derogate from the right of pardon under any other law.

Assistance, attempt, etc.

20. The provisions of the Criminal Code Ordinance, attempt, etc. 1936, as to principal offenders (section 23), offences committed in prosecution of a common purpose (section 24), the mode of execution (section 25), accessories after the fact (section 26, 27),

attempts (section 29, 30, 31), neglect to prevent offences (section 33) and conspiracy (section 34) apply as if they were expressly included in this Ordinance.

Criminal responsibility under another law.

21. (a) This Ordinance does not affect the criminal responsibility of a person committing an offence under another law.

(b) If a person is brought before a civil court, then, notwithstanding as provided in section 12 (a), offences under this Ordinance may be included in the statement of charge.

(c) A person shall not be punished twice for the same act or omission and a person shall not be brought for trial, in respect of the same act or omission, both before a civil court and a military court.

Revocation.

22. The Emergency Regulations (Prevention of Terrorism) 5 708-1948, are revoked, but their revocation does not affect any declaration or notice made or given or any other act done thereunder and does not exempt a person from a punishment to which he has become liable thereunder.

Implementation and regulations.

23. The Minister of Defence is charged with the implementation of this Ordinance and may make regulations as to any matter relating to its implementation.

Expiration of Ordinance.

24. This Ordinance shall expire upon publication of a Ordinance. declaration of the Provisional Council of State, under section

9(d) of the Law and Administration Ordinance, 5708-1948, to the effect that the state of emergency has ceased to exist.

Title. 25. This Ordinance may be cited as the Prevention of Terrorism Ordinance, 5708-1948.

19th Elul, 5708
(23rd September, 1948)

DAVID BEN-GURION
Prime Minister
and Minister of Defence

FELIX ROSENBLUETH
Minister of Justice

* Published in the Official Gazette, No. 24 of the 25th Elul, 5708 (29th September, 1948).

Prevention of Terrorism Ordinance (Amendment) Law 5740-1980*

Amendment of section 4. 1. In section 4 of the Prevention of Terrorism Ordinance, 5708-1948* (hereinafter referred to as "the Ordinance"), the following paragraph shall be added after paragraph (f):

"(g) does any act manifesting identification or sympathy with a terrorist organisation in a public place or in such manner that persons in a public place can see or hear such manifestation of identification or sympathy, either by flying a flag or displaying a symbol or slogan or by causing an anthem or slogan to be heard, or any other similar overt act clearly manifesting such identification or sympathy as

aforesaid".

Amendment of section 5. 2. In section 5(b) of the Ordinance, the words "the Chief of the General Staff of the Israel Defence Forces or" shall be deleted.

Amendment of section 6. 3. In section 6(a) of the Ordinance, the words "the Chief of the General Staff of the Israel Defence Forces", "a military governor or a military commander of an area" and "army officer or" shall be deleted.

Amendment of section 11. 4. In section 11 of the Ordinance, subsection (b) is repealed and the mark "(a)" shall be deleted.

Repeal of sections 12-21. 5. Sections 12 to 21 of the Ordinance are repealed.

Amendment of section 23. 6. In section 23 of the Ordinance, the words "the Minister of Defence" shall be replaced by the words "the Minister of Justice".

Replacement of section 24. 7. Section 24 of the Ordinance shall be replaced by the following section:

"Application of Ordinance. 24. This Ordinance shall only apply in a period of Ordinance. in which a state of emergency exists in the State by virtue of a declaration under section 9 of the Law and Administration Ordinance, 5708-1948."

MENACHEM BEGIN
Prime Minister

SHMUEL TAMIR
Minister of Justice

YITZHAK NAVON
President of the State

* Passed by the Knesset on the 17th Av, 5740 (30th July, 1980) and published in Sefer Ha-Chukkim No. 980 of the 23rd Av, 5740 (5th August, 1980), p. 187; the Bill and an Explanatory Note were published in Hatzat'ot Chok No. 1467 of 5740, p. 296.

I.R. of 5708, Suppl. I, p. 73; LSI vol. I, p. 76.

In the English version, this amendment requires the addition of the word "or" at the end of paragraph (f) (Tr.).

I.R. of 5708, Suppl. I, p. 1; LSI vol. I, p. 7.

Prevention of Terrorism Ordinance (Amendment No. 2) 5746 - 1986*

[nonofficial translation]

Amendment of section 4. 1. In section 4 of the Prevention of Terrorism Ordinance, 5708-1948* (hereinafter referred to as "the Ordinance"), the following paragraphs shall be added after paragraph (g):

"(h) or, being an Israeli citizen or resident of Israel, knowingly and without lawful authority, makes contact in Israel or abroad with a person occupying a position in the directorship, council or other organ of an organization that has been declared a terrorist organization by the Government pursuant to section 8, or who acts as a representative of the said organization,

2. At the end of the section, the words "a fine not exceeding one thousand pounds" shall be replaced by the words "a fine up to 22,500 NIS (as provided in section 61(a)(3) of the Penal Law, 5737 - 1977)".

3. The following paragraph shall be added at the end of the section:

"However, a person shall not be convicted under paragraph (h) if it is proved to the court that he made such contact, in Israel or abroad, on account of a family relationship between himself and the person with whom he made contact, or that he made the contact abroad -

(1) on a matter concerning the provision of assistance to a family member who is in need;

(2) as a media representative participating in a press conference, provided that international media representatives participated;

(3) as a participant in an international forum on an academic-scientific subject, organized by an academic organization, and provided that he did not make contact with him on an issue of policy."

* Published in Sefer Ha-Chukkim 5746, No. 1191 (13th August, 1986), p. 219; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 1742 of 5745, p. 248.

Prevention of Terrorism Ordinance (Amendment No. 3) 5753 - 1993*

[nofficial translation]

Amendment of section 4. 1. In section 4 of the Prevention of Terrorism Ordinance, 5708 - 1948:

(1) Paragraph (h) shall be deleted.

(2) At the end of the section, the paragraph commencing "However, a person shall not be convicted" until "contact with him on an issue of policy", shall be deleted.

*Published in Sefer Ha-Chukkim 5753, No. 1410 (27th January, 1993), p. 46; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 2148 of 5753, p. 32.