

LII. ISRAEL¹³⁵

SUMMARY OF LEGISLATION OF ISRAEL RELATED TO TERRORISM

General legislation on the matter of terrorism exists in the *Defence Regulations (State of Emergency)* (1945), the *Prevention of Terrorism Ordinance* (1948) and the *Penal Law* (1977). Beyond these laws, there are specific provisions relevant to the terrorism in other legislation, such as the *Firearms Law* (1949) and the *Air Navigation (Security in Civil Aviation) Law* (1977).

(a) Prevention of Terrorism Ordinance (1948)¹³⁶

– Section 4(d) of the Prevention of Terrorism Ordinance provides that a person who gives money or moneys worth for the benefit of a terrorist organization is guilty of a crime and is liable to be imprisoned for a term not exceeding three years and/or a fine currently, pursuant to Section 61(3) of the Penal Law, up to 49,800 NIS (approximately U.S. \$11,580).

– Sections 4(e) and (f) of the Prevention of Terrorism Ordinance establish as an offence punishable by three years in prison, the provision of a location or an article to a terrorist organization for its use:

4. (e) a person who...puts a place at the disposal of anyone in order that that place may serve a terrorist organization or a member of a terrorist organization or its members, regularly or 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 article may serve a terrorist organization or a member of a terrorist organization in carrying out an act on behalf of the terrorist organization.

– A public act of identification with or support for a terrorist organization, is an offence punishable by three years imprisonment, according to section 4(g) of the *Ordinance*.

¹³⁵ Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1312, enclosure). Information was also provided regarding the Criminal Procedure (Arrest and Search) Ordinance (5729-1969); the Prohibition on Money Laundering Law (2000); and the International Legal Assistance Law (1998).

¹³⁶ The full text of the Prevention of Terrorism Ordinance is contained in Part I of the present publication (ST/LEG/SER.B/22, pp. 204-210).

(b) Penal Law (1977)

- Section 145 of the Penal Law (1977) defines an “unlawful association” as an association which incites to subversion or to bring down, by force or violence, the lawful government of Israel or of another country”.
- Section 146 establishes as an offence punishable by three years imprisonment, incitement or encouragement to perform any of the above acts.
- Section 147 establishes as an offence punishable by one year imprisonment, membership in a prohibited association.
- Section 148 establishes as a criminal offence punishable by six months imprisonment, the payment of membership dues to an unlawful organization, as defined in that law.
- Section 165 establishes as an offence punishable by 10 years imprisonment the attempt to destroy the political order of another state. Incitement to hostilities against a friendly state is an offence punishable by three years imprisonment (Section 166).
- Section 499 provides that conspiracy to commit a felony or misdemeanour is an offence. For our purposes, this section would apply even if the conspiracy is to commit the offence outside the territory of Israel.

Additionally, the standard provisions of the Penal Law also apply to acts of terrorism. Among the most relevant in this regard include causing death (Article 1 of chapter 10); harm with aggravating intent (Section 329); and unlawful military exercises (Section 143).

Under section 34(d) of the Penal Law, the punishment for the attempt to commit an offence is equal to the punishment for the commission of the offence itself.

Under section 32 of the Penal Law, the punishment for assisting in the commission of an offence is one half of the punishment for the main offence.

(c) Defence Regulations (State of Emergency) (1945)

Regulation 85 of the Defence Regulations establishes a number of offences relating to unlawful associations, including membership, holding an office, performing services, attending meetings, providing a place for meeting to be held, possessing propaganda or acting as a representative of such an organization.