

Unofficial Translation

THE COUNTER-TERRORISM LAW, 5776-2016

CHAPTER ONE: OBJECT AND INTERPRETATION

OBJECT

1. The object of this Law is to establish criminal and administrative legal provisions, including special enforcement powers, for the purpose of combatting terrorism, including for –
 - (1) Preventing the establishment, existence and activity of terrorist organizations;
 - (2) Preventing and foiling terrorist offenses carried out by terrorist organizations or individuals;– all while taking into account the characteristics of the terrorist organizations and the terrorist offenses; the anticipated danger they pose to the security of the State of Israel, its residents and its governmental order; and the State of Israel's commitment to combatting terrorism in the spirit of the international conventions to which it is party – balanced alongside the State of Israel's commitment to human rights and the accepted standards in this field as provided by international law.

DEFINITIONS AND
INTERPRETATION

2. (a) In this Law –
"a Terrorist Organization" – is any of the following:
 - (1) A body of persons in an organized and continuous structure that commits terrorist acts or that operates with the intention that terrorist acts will be committed — including an aforementioned body of persons that is engaged in training or instruction for the commission of terrorist acts, or that carries out an act involving weapons or performs a weapons transaction, in order to carry out terrorist acts—whether or not it has been designated as a terrorist organization pursuant to Part B;

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(2) A body of persons in an organized and continuous structure that acts, directly or indirectly, to assist an organization mentioned in paragraph (1), or that acts with the intention of promoting the activity of such an organization, including by financing it – all of the foregoing, in a manner capable of making a substantial or ongoing contribution to the organization's activity, or [where such body of persons] has a substantial affiliation to [the organization], provided that the body of persons [defined in this paragraph] has been designated as a terrorist organization pursuant to Part B;

(3) An organization that has been designated outside of Israel as a terrorist organization, provided it has been designated as such pursuant to Part B;

For the purpose of this definition –

(a) "an organized and continuous structure" – a structure that is not random and that is meant to exist for a period of time, even if there is no hierarchy between the members and they do not have defined roles;

(b) It is immaterial whether the organization's members are aware of the identity of the other members, whether the composition of the organization's members is fixed or changes, whether the organization also engages in legal activities or whether it also acts to further legal objects;

(c) A section, branch, faction or institution of such a body of persons, and any body subordinate to it, shall be viewed as part of the terrorist organization, even if its name is different;

"a Designated Terrorist Organization" – a body of persons that has been designated as a terrorist organization pursuant to Sections 4, 6 or 11;

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"a Public International Organization" – an organization that was founded by two or more States, or by organizations founded by two or more States;

"the Advisory Committee" – the committee appointed pursuant to Section 14;

"the Ministerial Committee" – the Ministerial Committee on National Security Affairs as defined in Section 6 of the Government Law, 5761-2001¹;

"a Member of a Terrorist Organization" – a person belonging to a terrorist organization, including –

(1) Anyone who takes an active part in the activity of a terrorist organization or operates as a representative or agent on behalf of a terrorist organization;

(2) Anyone who expressed consent to join a terrorist organization to a person whom he had reasonable grounds to believe belongs to a terrorist organization or is a representative or agent on its behalf;

For the purpose of this definition –

(a) Anyone who presented himself to another as a member of a terrorist organization will be presumed to belong to a terrorist organization. If the accused raises a reasonable doubt with respect to his membership in a terrorist organization, the doubt shall be interpreted in his favor;

¹ *Sefer HaHukkim* (Book of Laws) 5761, p. 168.

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(b) Anyone who has been a member of a terrorist organization shall be deemed a member of that organization unless he proves he has ceased to be a member. However, if he did not take an active part in the activity of a terrorist organization and did not act as a representative or agent on behalf of a terrorist organization, and he raised a reasonable doubt with respect to his membership in the terrorist organization, the doubt shall weigh in his favor;

(c) A person shall not be considered a member of a terrorist organization if he proves he was not aware of the fact that the organization is a terrorist organization; here, "aware" includes where he had a suspicion and failed to investigate it;

"a Body of Persons" – a body of persons, whether incorporated or not incorporated;

"Harmful Substance" – a chemical, biological or radioactive substance, including nuclear, that due to its nature, type or quantity, is liable to kill a person or cause serious harm to a person's body, property, infrastructure or the environment;

"The Prohibition on Money Laundering Law" – the Prohibition on Money Laundering Law, 5760-2000²;

"The Prohibition on Terrorism Financing Law" – the Prohibition on Financing Terrorism Law, 5761-2005³;

"The Arrests Law" – the Criminal Procedure (Enforcement Powers - Arrests) Law, 5756-1996⁴;

"The Penal Law" – the Penal Law, 5737-1977⁵;

² *Sefer HaHukkim* (Book of Laws) 5760, p. 293.

³ *Sefer HaHukkim* (Book of Laws) 5765, p. 76.

⁴ *Sefer HaHukkim* (Book of Laws) 5756, p. 338.

⁵ *Sefer HaHukkim* (Book of Laws) 5737, p. 226.

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"Sensitive Facility" – a place, including a structure, container or vehicle, used for manufacturing, processing, holding, storing, disposing of or transporting a harmful substance, or for producing energy from such a substance;

"a Terrorist Act" – an act that constitutes an offense, or a threat to carry out such an act, which meets all of the following:

(1) It was carried out with a political, religious, nationalistic or ideological motive;

(2) It was carried out with the intention of provoking fear or panic among the public or with the intention of compelling a government or other governmental authority, including a government or other governmental authority of a foreign country, or a public international organization, to do or to abstain from doing any act;

(3) The act carried out or threatened to be carried out, involved one of the following, or posed an actual risk of one of the following:

(a) Serious harm to a person's body or freedom;

(b) Serious harm to public health or safety;

(c) Serious harm to property, when in the circumstances in which it was caused there was an actual possibility that it would cause the serious harm mentioned in sub-paragraphs (a) or (b) and that was carried out with the intention of causing such harm;

(d) Serious harm to religious objects; here, "religious objects" means a place of worship or burial and holy objects;

(e) Serious harm to infrastructure, systems or essential services, or their severe disruption, or serious harm to the State's economy or the environment;

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For the purpose of this definition –

(a) If an act or threat stipulated in paragraph (3)(a) was carried out using a weapon or knife, it shall be deemed a terrorist act even if the requirements in paragraph (2) are not met;

(b) If the act or threat was carried out using a chemical, biological or radioactive weapon, a harmful substance or a sensitive facility, or while harming a sensitive facility, where [these weapons or facilities], due to their quality or type, were liable to cause serious harm to a large area or a large public, it shall be deemed a terrorist act even if paragraphs (2) or (3) are not met;

(c) If the act or threat was carried out by a terrorist organization or by a member of a terrorist organization, paragraphs (1) and (2) will be presumed to have been met; if the accused raises a reasonable doubt in this respect, the doubt shall weigh in his favor;

(d) It is immaterial whether a motive or objective enumerated in paragraphs (1) and (2) was the sole or principal motive or objective for the act or the threat;

(e) "Weapon" – excluding a part and an accessory within the meaning of Section 144(c) of the Penal Law;

"Weapon" – as defined in Section 144(c) of the Penal Law, including a chemical, biological or radioactive weapon;

"a Chemical, Biological or Radioactive Weapon" – a weapon capable of emitting a harmful substance, including radioactive radiation;

"an Offense" – a misdemeanor or felony offense;

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"a Grave Security Offense" – a grave terrorist offense, as well as one of the offenses listed below when [that offence is] committed in circumstances seemingly capable of inflicting harm to national security, and which is affiliated with terrorist activity:

- (1) An offense pursuant to Article 2 or Article 4 in Chapter 7 of the Penal Law, excluding Sections 102(b), 103, 111 (the latter part, regarding negligently causing the delivery of information), 113A and 115(a) (the first part);
- (2) An offense pursuant to Sections 107, 143, 144, 300, 305, 329, 330, 369 to 375, 454, 456 and 497 of the Penal Law;
- (3) An offense pursuant to Sections 2, 2A, 3, 4, 5, 6 and 8 of the Prevention of Infiltration (Offenses and Jurisdiction) Law, 5714-1954⁶;

"a Terrorist Offense" – an offense under this law or an offense that is a terrorist act;

"a Grave Terrorist Offense" – any of the following:

- (1) An offense Set forth in Sections 20, 21, 22(b) and (c), 23, 25, 28, 29, 30 or 31;
- (2) An offense constituting an terrorist act that is punishable by five years' imprisonment or more, after applying the aggravated penalty according to Article 2 in Chapter 3;

"Public", "Publication" and "Published" – as defined in Section 34(24) of the Penal Law;

⁶ *Sefer HaHukim* (Book of Laws) 5714, p. 160.

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"Property transaction" – the granting or receipt of ownership or some other property right, whether proprietary or not, whether with consideration or without, as well as an action involving property that constitutes fund-raising, delivery, receipt, possession, conversion, a banking-related action, investment, an action involving securities or their possession, brokerage, the granting or receipt of credit, import, export or creation of a trust, or the mixing of terrorist property with other property, even if the latter is not terrorist property;

"Activity" of a terrorist organization – including legal activity or activity for legal purposes;

"The Evidence Ordinance" – the Evidence [New Version] Ordinance, 5731-1971⁷;

"The Arrest and Search Ordinance" – the Criminal Procedure (Arrest and Search) [New Version] Ordinance, 5729-1969⁸;

"Public" – including part of the public, a public that is not in Israel and a public that is not Israeli;

"The Head of a Defense Authority" – as specified below, as the case may be:

- (1) With regard to the Israel Security Agency (ISA) – the Agency Director;
- (2) With regard to the Israeli Secret Intelligence Service– the Service Director;
- (3) With regard to the Israel Defense Forces – the Chief of Staff of the Israel Defense Forces;
- (4) With regard to the Israel Police – the General Commissioner of the Israel Police;

⁷ Laws of the State of Israel, New Version 18, p. 421.

⁸ Laws of the State of Israel, New Version 12, p. 284.

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"Property" – land, moveable property, money and rights, including property that is consideration for the aforementioned property, and any property that grew or derived from that property or its profits;

"Property Connected to an Offense" – property with respect to which one of the following applies:

(1) An offense was committed with respect to it or it was used for the commission of an offense, it promoted or assisted the commission of an offense or was designated for the commission of an offense;

(2) It was obtained as remuneration or reward for the commission of an offense, was designated as remuneration or reward for its commission, or was obtained as a result of its commission— and all whether directly or indirectly;

"Terrorist Property" – any of the following:

(1) Property of a terrorist organization;

(2) Property connected to an offense that is a terrorist offense;

"Property of a Terrorist Organization" – property owned by, or in the possession, control or custody of a terrorist organization, by itself or together with another, as well as property used or designated for use by a terrorist organization or for a terrorist organization's activity, including property whose purchase was financed by the organization or that the organization transferred to another for no consideration. For the purpose of this definition, property located in a place regularly used for the activity of a terrorist organization, and which is not regularly used for another purpose, will be presumed to be the property of a terrorist organization, unless proven otherwise;

"Defense Authority" – any of the following:

(1) Israel Security Agency (ISA);

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- (2) Israeli Secret Intelligence Service;
- (3) Israel Defense Forces;
- (4) Israel Police.

(b) Wherever the word "intention" appears in this Law, foreseeing as a near-certain possibility that an act will result in certain outcomes is tantamount to an intention to cause them.

CHAPTER TWO: DESIGNATION OF A TERRORIST ORGANIZATION AND A TERRORIST OPERATIVE

ARTICLE A: DESIGNATION OF A TERRORIST ORGANIZATION BY THE MINISTER OF DEFENSE

DESIGNATION OF 3.
A TERRORIST
ORGANIZATION
BY THE MINISTER
OF DEFENSE

(a) Pursuant to this Article, the Minister of Defense may designate, by order, a body of persons as a terrorist organization, once he is convinced that paragraph (1) or (2) of the definition "terrorist organization" applies.

(b) The designation of a terrorist organization shall be based upon a reasoned written request from the Head of the Israel Security Agency, or from the head of another Defense Authority, submitted by the Head of the Israel Security Agency together with his opinion – [ether requests being] subject to the approval of the Attorney General. In the request, the Head of the Defense Authority shall specify the information and facts on which he is basing his position that subsection (a) applies with respect to the body of persons.

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(c) With regard to a terrorist organization according to paragraph (2) of the definition "terrorist organization" that is acting in Israel through a party operating on its behalf—the Head of the Defense Authority shall only submit a request mentioned in subsection (b) after warning has been provided to the organization and it has continued its activity, provided that he [the Head of the Defense Authority] has determined that such a warning will not thwart the possibility of taking action against the organization.

(d) The Prime Minister may, at his own initiative or at the request of the Minister of Defense, determine that a designation decision shall be made by the Ministerial Committee or by the Government, if he deems this necessary in special cases. Where the Prime Minister has so decided, "Minister of Defense" for the purpose of this article shall be replaced with "the Ministerial Committee" or "the Government", as the case may be, except with regard to the power to extend time periods pursuant to Sections 5(d), 6(a) and 7(d).

TEMPORARY
DESIGNATION

4. (a) When, following the submission of a request pursuant to Section 3(b), the Minister of Defense is convinced that paragraph (1) or (2) of the definition "terrorist organization" applies to a body of persons, he may issue, by order, a temporary designation of that body of persons as a terrorist organization.

(b) A temporary designation shall remain in force until the date specified below, as the case may be:

(1) When the Minister of Defense has made a permanent designation pursuant to the provisions of Section 6 – until the date the permanent designation enters into force;

(2) When written arguments have been submitted pursuant to Section 5 and the Minister of Defense either decides not to issue a permanent designation pursuant to Section 6, or has not yet decided the matter by the end of the period stipulated in that section – until the date of that decision or until the end of that period, respectively.

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(c) The Minister of Defense may revoke a temporary designation pursuant to a reasoned request from the head of a defense authority submitted according to Section 3(b), providing he is convinced that paragraphs (1) or (2) of the definition "terrorist organization" do not apply to that body of persons.

(d) Notice of a temporary designation shall be sent to an organization acting in Israel, insofar as it is possible to locate it by reasonable diligence, as early as possible.

(e) During the period in which such temporary designation is in force, it shall be considered, for all intents and purposes, as a designation of a terrorist organization, unless stated otherwise in this law.

RIGHT TO A
HEARING

5. (a) When the Minister of Defense has issued a temporary designation pursuant to Section 4, the designated terrorist organization, or a member of that organization, may submit to the Minister, in writing, by way of the Advisory Committee, claims with regard to the designation, before a decision is made regarding permanent designation pursuant to Section 6.

(b) In the written arguments pursuant to subsection (a) the claimant shall specify all the facts upon which his arguments are based, and shall attach the relevant documents in his possession.

(c) Written arguments pursuant to subsection (a) shall be submitted within two months of the publication date of the temporary designation order in the *Reshumot* (Official Government Gazette).

(d) Subsection (c) notwithstanding, the Minister of Defense may extend the period stipulated there pursuant to a reasoned extension request, if he is convinced that the delay in the submission of the request was due to the fact the applicant was unaware of the temporary designation for reasons not in his control, providing the request was submitted within one month of the date that the temporary designation was brought to the applicant's attention, or if the Minister is convinced that the extension is justified due to other special reasons to be recorded.

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(e) (1) The Advisory Committee shall discuss claims submitted pursuant to subsection (a) and shall allow the Head of the Defense Authority who requested the designation an opportunity to reply to those claims; the Committee may summon the parties to appear before it.

(2) The Advisory Committee shall send the Minister of Defense its reasoned recommendation regarding permanent designation, together with the information presented to it to facilitate its recommendation, as early as possible, and no later than four months from the date on which the request was passed to the Committee. However, if the Committee requires additional time to form a recommendation due to special grounds to be recorded, it may extend the aforementioned period; if the Committee extends the period more than once, it shall send notice thereof to the Minister of Defense.

PERMANENT
DESIGNATION

6. (a) If the Minister of Defense has temporarily designated a body of persons as a terrorist organization pursuant to Section 4, and written claims have been submitted pursuant to Section 5, he may issue a permanent designation order with respect to that organization if, after inspecting the claims submitted, as well as the Advisory Committee's recommendation as per Section 5, he is convinced that Section 3(a) applies to the body of persons—provided he issues the permanent designation within one month of receiving the Advisory Committee's recommendation. The Minister may, for special reasons, extend this period by an additional period that shall not exceed one month.

(b) If no written arguments have been submitted within the submission period stipulated in Section 5, the designation shall become permanent one month after the end of that period.

REVOCAION OF A 7.
TERRORIST
ORGANIZATION
DESIGNATION

(a) The Minister of Defense, upon request (as stipulated in this section) or by his own initiative, may issue a revocation order of a permanent designation if he is convinced that one of the following applies:

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- (1) There was no basis for the designation;
 - (2) Two years have elapsed since the date of the designation mentioned in Section 6, the organization has substantially changed its ways, and there is a high probability that it will not resume engagement in terrorist activity. The Minister may shorten this period on special reasons.
- (b) An application to revoke a designation may be submitted by a terrorist organization that is subject to a permanent designation pursuant to Section 6, via the Advisory Committee, in writing, at any time, subject to subsection (a)(2);. In the application the applicant shall specify all the facts upon which its application is based and shall attach the relevant documents in its possession.
- (c) Section 5(e) shall apply when an application is considered pursuant to subsection (a).
- (d) The Minister of Defense's decision shall be issued within one month of receiving the Advisory Committee's recommendation, and he may, on special grounds to be recorded, extend that period by additional periods not exceeding one month each, provided that the overall extension period does not exceed three months.
- (e) If the Minister of Defense is convinced that a designation revocation decision was based on erroneous or false information, or if within two years of the revocation date he becomes convinced that the organization has resumed its engagement in terrorism activity, he may revoke the revocation decision, and Section 5 shall apply, *mutatis mutandis*. For the avoidance of doubt, no criminal or administrative liability shall accrue for having a connection with an organization referred to in paragraph (2) of the definition of a "terrorist organization" during the period in which its designation was revoked.

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(f) A copy of the Minister of Defense's decision and its reasoning shall be sent to the applicant and to the Head of the Defense Authority who requested the designation; however, information classified as confidential as defined by Section 9 shall not be sent to the applicant.

(g) Notwithstanding this article, the Ministerial Committee may revoke the designation of a terrorist organization if it finds there are special reasons that justify doing so. A decision by the Ministerial Committee to revoke a designation of a terrorist organization referred to in paragraph (1) of the definition of a "terrorist organization", despite the paragraph's continuing application, requires the approval of a joint committee of the Knesset Constitution, Law and Justice Committee and the Knesset Foreign Affairs and Defense Committee.

VIEWING RIGHT
FOR THE PURPOSE
OF A HEARING OR
AN APPLICATION
FOR
DESIGNATION-
REVOCAION

8. Anyone entitled to submit written claims pursuant to Section 5 or an application for designation revocation pursuant to Section 7 may, for the purpose of these submissions, view the designation request of the Head of the Defense Authority, the Advisory Committee's recommendations, and the Minister of Defense's decision regarding the request. However, he shall not be entitled to view confidential information as defined in Section 9, or information that the Minister of Defense and the Advisory Committee have been requested not to take into account pursuant to Section 9(d).

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CONFIDENTIAL
INFORMATION

9. (a) The Advisory Committee may, at the request of the Head of a Defense Authority, determine that information that has been presented before it is confidential, provided the Committee is convinced that its disclosure is liable to harm State security, foreign relations, or public safety or security, or to reveal confidential work methods, and that the interest in its non-disclosure outweighs the necessity of its disclosure for the purpose of determining the truth and attaining justice (in this section – confidential information). To make such a determination, the Committee may inspect the information and receive explanations on the matter from the Head of the Defense Authority, even without the presence of the applicant or its attorney.
- (b) The Advisory Committee may base its recommendations pursuant to Sections 5(e) or 7(c) on confidential information, and for this purpose may receive explanations on the matter from the Head of the Defense Authority as mentioned in subsection (a).
- (c) If the Advisory Committee wishes to base its recommendation on confidential information presented before it, as mentioned in subsection (b), it shall notify the party submitting the claims or revocation application, as the case may be, of its intention to do so, and shall send the party or its attorney a summary of the confidential information prepared by the Head of the Defense Authority who requested that the information be confidential, insofar as it is possible to do so without harming the interest for which confidentiality was determined pursuant to subsection (a).

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(d) If the Advisory Committee determines that information presented before it pursuant to this section is not confidential, the Head of the Defense Authority may request that that information not be taken into account in providing the basis for the Committee's recommendation and the Minister of Defense's decision pursuant to Sections 5, 6 or 7. If the Head of the Defense Authority has so requested, the Committee and the Minister shall not take the information into account and it shall not be sent to the applicant and its attorney.

(e) In this section, "Head of the Defense Authority" includes a senior employee who has been so authorized by him, and for this purpose, "senior employee" means a senior police officer as defined in the Police [New Version] Ordinance, 5731-1971⁹, an officer in the Israel Defense Forces ranked lieutenant colonel and above, or a senior employee in another Defense Authority, as the case may be.

ARTICLE B: DESIGNATION OF A TERRORIST ORGANIZATION OR OF A TERRORIST OPERATIVE FOLLOWING A DESIGNATION OUTSIDE OF ISRAEL

DEFINITIONS – 10. In this article –
ARTICLE B

"Foreign", as specified below, as the case may be:

- (1) With regard to an individual – anyone who is not an Israeli citizen or an Israeli resident;
- (2) With regard to a body of persons – a body for which the center of its activity is not in Israel, and if it is a corporation, the following two conditions also apply: it is not registered in Israel and it is not controlled by an Israeli resident. For the purpose of this definition, "control" is as defined in the Securities Law, 5728-1968¹⁰;

⁹Laws of the State of Israel, New Version 17, p. 390.

¹⁰ *Sefer HaHukkim* (Book of Laws) 5728, p. 234.

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"Israeli Resident" – including a person whose place of residence is in the Area, as defined in the Emergency Regulations (Judea and Samaria – Jurisdiction in Offenses and Legal Aid), 5728-1967¹¹ (as renewed and amended by law), who is an Israeli citizen or who is entitled to immigrate to Israel pursuant to the Law of Return, 5710-1950¹² and who would have been defined as an Israeli resident had his place of residence been in Israel ;

"Terrorist Act" – as defined in Section 2, as well as a terrorist act committed outside Israel to which the penal laws of the State of Israel do not apply, provided that the act constitutes an offense both according to the laws of the State of Israel and the laws of the place where the act was committed, or the laws of the state against which the act was directed, whether [directed] towards itself [the state], its citizens, or its residents;

"Terrorist Operative" – one of the following:

- (1) A person who takes part in the commission of a terrorist act or who aids or solicits the commission of a terrorist act;
- (2) A person who takes an active part in a designated terrorist organization.

Minister of
Defense
DESIGNATION OF
A TERRORIST
ORGANIZATION
OR OPERATIVE
FOLLOWING A
DESIGNATION
OUTSIDE ISRAEL

11. (a) (1) When a competent party outside of Israel, acting pursuant to its own laws, designates a foreign body of persons as a terrorist organization, the Minister of Defense may, subject to subsection (b), designate in an order such foreign body of persons as a terrorist organization, if he has reasonable grounds to assume that Section 3(a) applies with regard to it; however, with respect to that section, the definition of "a terrorist act" in Section 10 shall apply.

¹¹ *Sefer HaHukkim* (Book of Laws) 5728, p. 20; 5767, p. 364.

¹² *Sefer HaHukkim* (Book of Laws) 5710, p. 159.

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(2) When a competent party outside of Israel, acting pursuant to its own laws, designates a foreign person as a terrorist operative, and the Minister of Defense has reasonable grounds to assume that that foreign person is a terrorist operative, he may designate in an order that person as a terrorist operative. In exercising this authority with regard to a person who is a member of an organization designated pursuant to paragraphs (1) or (3), the Minister of Defense may regard his membership in that organization as *prima facie* evidence of the fact that he is a terrorist operative.

(3) If the United Nations Security Council, or anyone it has authorized for this purpose (in this section – the Security Council), designates a foreign body of persons as a terrorist organization, and it has not been designated as a terrorist organization pursuant to Article A, or if the Security Council designated a foreign person as a terrorist operative, the following provisions shall apply:

(a) The foreign body of persons or the foreign person shall be considered, for the time period stipulated in subsection (b), as though it had been designated in Israel as a terrorist organization or terrorist operative, respectively (in this section – temporary adoption of designation).

(b) The temporary adoption of designation shall come into effect at the time that the Security Council publishes the designation on its website, and shall remain in effect until such time as specified below, as applicable :

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(1) Regarding a terrorist organization – until the Minister of Defense designates the organization pursuant to sub-section (c) or Article A, and if the Minister of Defense has decided not to designate the organization – until such time as he makes his decision, or until three months have passed from the time of the designation by the Security Council, whichever comes first; the Minister of Defense may, for reasons that shall be recorded, on his own initiative or at the request of the Director of the Shin Bet or a person whom the Director of the Shin Bet has authorized on his behalf, to extend the aforementioned time period by additional time periods, so long as the total length of the extension does not exceed 90 days;

(2) Regarding a terrorist operative – until the designation by the Minister of Defense of a terrorist operative pursuant to sub-section (c), and if the Minister of Defense decides not to designate him as aforementioned – until such time as he makes his decision, or until 30 days have passed from the time of the designation by the Security Council, whichever comes first.

(c) The Minister of Defense may, subject to the provisions of sub-section (b), designate in an order a foreign body of persons as a terrorist organization or a foreign person as a terrorist operative.

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- (b) (1) The Minister of Defense shall not designate a foreign body of persons as a terrorist organization pursuant to subsection (a)(1) or 3(c) if that same body of persons has been designated as a terrorist organization pursuant to Article A or if there is an intention to do so.

(2) If a foreign body of persons has been designated as a terrorist organization pursuant to subsection (a)(1) or (c)(3), and afterwards is designated as a terrorist organization by a permanent designation pursuant to Section 6, the designation pursuant to subsection (a)(1) or (c)(3) shall be considered void upon the entry into force of the permanent designation.
- (c) Repealed.
- (d) The Prime Minister may, if he considers it necessary under exceptional circumstances, on his own initiative or at the request of the Minister of Defense, to determine that a decision regarding a designation pursuant to sub-sections (a)(1), (2), or (3)(c) should be made by the Ministerial Committee or by the Government; if the Prime Minister makes such a determination, mentions of the Minister of Defense in this Article shall be understood as referring to the Ministerial Committee or the Government, as applicable, except with regard to the capacity to extend the time period pursuant to sub-section (a)(3)(b)(1) or section 7(d) as applied in section 13(a); the Minister of Defense shall publish in an order designations pursuant to this sub-sections.

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- PERIODIC REVIEW 12. The Advisory Committee shall conduct a periodic review of a designation made pursuant to Section 11(a)(1), (2), or (3)(c) once every four years, and shall examine whether the circumstances have changed or new facts have been revealed and whether the conditions for designation according to that section are still satisfied. If the Advisory Committee is of the opinion that a new hearing should be held regarding the designation, it shall submit its recommendations to the Minister of Defense, who will discuss the recommendations and issue his decision pursuant to Section 13. The first periodic review shall be conducted four years after the entry into force of the designation.
- REVOCATION OF
TERRORIST
ORGANIZATION
OR TERRORIST
OPERATIVE
DESIGNATION 13. (a) Anyone designated as a terrorist organization or terrorist operative pursuant to Section 11(a)(1), (2), or (3)(c), as well as anyone directly harmed by such a designation, may submit an application to the Minister of Defense for the revocation of the designation, by way of the Advisory Committee. Sections 7(b) to (d) and (f), 8 and 9 shall apply, *mutatis mutandis*.
- (b) If the Minister of Defense finds either on his own initiative; or after inspecting a designation-revocation application filed pursuant to subsection (a), alongside the Advisory Committee's recommendation regarding that application, issued pursuant to subsection (a); or after inspecting a recommendation issued by the Advisory Committee pursuant to Section 12 – that one of the conditions for designation stipulated in Section 11(a)(1), (2), or (3)(c) is no longer satisfied – including when the designation has been revoked by a competent party outside Israel, as mentioned in that section, and the designation was made based on that foreign designation – he shall revoke the terrorist organization or terrorist operative designation made pursuant to that section.

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(c) Without derogating from subsection (b), the Minister of Defense may, on his own initiative or after inspecting the application or recommendations mentioned in subsection (b), revoke a terrorist organization or terrorist operative designation issued pursuant to Section 11(a)(1), (2), or (3)(c), if he finds that there are other reasons justifying this.

(d) In a decision to revoke a designation pursuant to this section the Minister of Defense shall determine the date of the commencement of the revocation, provided that it is no later than the date of the decision.

ARTICLE C: GENERAL PROVISIONS

APPOINTMENT OF 14.
THE ADVISORY
COMMITTEE AND
ITS FUNCTIONS

(a) The Minister of Justice shall appoint an Advisory Committee comprising three members who are:

(1) A retired Supreme Court or District Court judge who shall be appointed in consultation with the President of the Supreme Court, and who will act as chairman;

(2) A jurist who is qualified to serve as a District Court judge;

(3) An additional member with experience in the field of security and counterterrorism, who shall be appointed in consultation with the Minister of Defense.

(b) The Advisory Committee shall fulfill any function levied upon it by the provisions of this chapter. Among other things, it shall advise the Minister of Defense, the Ministerial Committee and the Government, as the case may be, with regard to a permanent designation pursuant to Section 6, insofar as written arguments have been submitted pursuant to Section 5, and with regard to applications for designation-revocations filed pursuant to Sections 7 or 13. It shall also advise the Minister of Defense on any other matter he may bring before it concerning his powers under this chapter.

Unofficial Translation

(c) Members of the Advisory Committee who are not civil servants will be considered civil servants for the purpose of these laws:

- (1) The Civil Service (Restrictions on Party Activity and Collection of Funds) Law, 5719-1959¹³;
- (2) The Penal Law;
- (3) The Civil Service (Gifts) Law, 5740-1979¹⁴;
- (4) The Civil Service (Restrictions after Retirement) Law, 5729-1969¹⁵.

PROHIBITION OF
CONFLICT OF
INTEREST

15. (a) Anyone likely to experience frequent conflict of interest, direct or indirect, between his position as a Committee member, and a personal interest of his or another position he holds, shall not be appointed as, or serve as, a member of the Advisory Committee.

(b) A member of the Advisory Committee shall refrain from participating in discussions and votes in Advisory Committee meetings where the matter discussed is likely to pose a direct or indirect conflict of interest between his position as an Advisory Committee member and a personal interest of his or another position he holds. An Advisory Committee member shall not handle such a matter when acting in his capacity [as a Committee member] even when outside Advisory Committee meetings.

(c) In this section –

"a personal interest" – including a personal interest of a relative or an interest of a body in which he or his relative is an interested party, majority shareholder or office holder;

¹³ *Sefer HaHukkim* (Book of Laws) 5719, p. 190.

¹⁴ *Sefer HaHukkim* (Book of Laws) 5740, p. 2.

¹⁵ *Sefer HaHukkim* (Book of Laws) 5729, p. 144.

Unofficial Translation

"relative" – spouse, parent, grandparent, spouse's parent, child, brother or sister, or the spouse or child of any of these, including by way of adoption, as well as any other person with whom he has a relationship or personal, economic or political affiliation;

"interested party", "control", "office holder" – as defined in the Securities Law, 5728-1968.

THE ADVISORY
COMMITTEE'S
DISCUSSIONS

16. (a) The Advisory Committee's discussions shall be held *In camera*.

(b) The Advisory Committee shall keep a protocol of its discussions. These protocols shall be confidential and their disclosure shall be prohibited, with the exception of information with respect to which the Committee has determined, after hearing the Head of the Defense Authority's position, that there is no bar to bringing it to the attention of the applicant or the public.

(c) The Committee shall determine its working procedures, insofar as they have not been stipulated in this Law.

ENTRY INTO
FORCE OF A
TERRORIST
ORGANIZATION
DESIGNATION

17. (a) A decision of the Minister of Defense, the Ministerial Committee or the Government, as the case may be, regarding a designation, revocation or the cancellation of a revocation, shall enter into force on the date of publication of the order pertaining to it. However, a temporary designation pursuant to Section 4 shall enter into force on the date of the decision regarding the designation.

(b) The designation of a terrorist organization pursuant to this chapter shall remain in force with respect to that organization, even if its names, symbols or structure change following the designation.

PUBLICATION

18. (a) Notice of a designation or revocation order by the Minister of Defense, the Ministerial Committee or the Government issued pursuant to this chapter as well as notice of the temporary adoption of a designation pursuant to section 11(a)(3)(a) shall be published on the Ministry of Defense's website.

Unofficial Translation

(b) The Minister of Defense, in consultation with the Minister of Justice, may determine additional ways, aside from the one mentioned in subsection (a), to bring the designation or revocation, as the case may be, to the attention of a body of persons designated as a terrorist organization or a person designated as a terrorist operative, and to the attention of the public.

EXCLUSIVITY OF
DESIGNATION
REVOCATION
PROCEEDING

19. (a) In any legal proceeding, including a legal proceeding pursuant to this Law, the Court shall not consider a claim that a body of persons or person designated pursuant to this chapter is not a terrorist organization or terrorist operative, as the case may be, or a claim concerning the invalidity of a terrorist organization or a terrorist operative designation. Section 76 of the Courts (Consolidated Version) Law, 5744-1984¹⁶ shall not apply with respect to this matter.

(b) Nothing in subsection (a) derogates from the authority of the Supreme Court in its role as the High Court of Justice, as stipulated in Section 15(c) and (d) of the Basic Law: The Judiciary.¹⁷

CHAPTER THREE: PENALTIES

ARTICLE A: OFFENSES

HEADING A
TERRORIST
ORGANIZATION

20. One who heads or manages a terrorist organization or takes part in directing a terrorist organization in its entirety, directly or indirectly, is liable to 25 years' imprisonment. If the organization is a terrorist organization whose activity includes committing offenses of murder, he is liable to life imprisonment and to that penalty alone.

PERFORMING A
MANAGERIAL OR
COMMANDING
ROLE IN A
TERRORIST
ORGANIZATION

21. One who manages the activity of a terrorist organization or takes part in directing its activity is liable to 10 years' imprisonment. If the activity was criminal activity, he is liable to 15 years' imprisonment.

¹⁶ *Sefer HaHukkim* (Book of Laws) 5744, p. 198.

¹⁷ *Sefer HaHukkim* (Book of Laws) 5744, p. 78.

Unofficial Translation

- MEMBERSHIP IN A TERRORIST ORGANIZATION AND RECRUITMENT OF MEMBERS
22. (a) One who is a member of a terrorist organization is liable to five years' imprisonment.
- (b) A member of a terrorist organization who takes part in the organization's activity, or who performs an activity on behalf of the organization or with the intention of promoting its activity, is liable to seven years' imprisonment.
- (c) One who recruits a member to a terrorist organization, directly or indirectly, is liable to seven years' imprisonment.
- PROVIDING A SERVICE OR RESOURCES TO A TERRORIST ORGANIZATION
23. One who provides a service or resources to a terrorist organization, where doing so may assist or promote the organization's activity, is liable to five years' imprisonment, unless he proves he was unaware that the organization is a terrorist organization; here, "was aware" includes having a suspicion and failing to verify it.
- DEMONSTRATING IDENTIFICATION WITH A TERRORIST ORGANIZATION AND INCITEMENT TO TERRORISM
24. (a) One who commits an act of identification with a terrorist organization, including by publishing words of praise, support or sympathy, waving a flag, displaying or publishing a symbol, or displaying, playing or publishing a slogan or anthem, in one of the following [situations], is liable to three years' imprisonment:
- (1) In public, for the purpose of identifying with the terrorist organization;
- (2) In circumstances where there is an actual possibility that the act will lead to the commission of a terrorist act or an offense according to Sections 22, 23, 25 or 29.
- (b) One who does one of the following is liable to five years' imprisonment:
- (1) Publishes a direct call to commit a terrorist act;

Unofficial Translation

(2) Publishes praise, sympathy, encouragement or support of a terrorist act, or identification with it, where the content of the publication and the circumstances in which it was published, give rise to a substantial possibility that it will bring about the commission of a terrorist act.

(c) One who does one of the following is liable to two years' imprisonment:

(1) Possesses, for the purpose of distribution, a publication mentioned in subsection (a) appearing to express identification with a terrorist organization, or a publication mentioned in subsection (b);

(2) Provides a service for the preparation, creation or distribution of a publication as mentioned in paragraph (1).

(d) Publishing a correct and fair report on a prohibited publication according to subsections (a) or (b) does not constitute an offense pursuant to this section.

(e) An indictment shall only be filed pursuant to this section with the approval of the Attorney General.

PROVIDING
RESOURCES FOR
COMMITTING A
TERRORIST ACT

25. (a) One who provides a service or makes resources available to another, as specified below, in circumstances in which doing so may facilitate, directly or indirectly, the commission of an offense that is a terrorist act; ease its commission; or [facilitate] escape from justice following the commission of such an offense, is liable to five years' imprisonment:

(1) Providing another with transportation service or a place to sleep, stay or hide, or with the means to obtain a place to sleep, stay or hide;

(2) Providing another with money, food, clothing, information, means of communication, documents, vehicles, gasoline, land, a structure, or any other resource.

Unofficial Translation

(b) It is immaterial whether the provision of the services or resources mentioned in subsection (a) was done with or without consideration, and whether or not the terrorist act mentioned in subsection (a) was committed.

FAILURE TO
PREVENT A
TERRORIST ACT

26. Anyone who had information that aroused in him a substantial suspicion that a felony offense that is a terrorist act was about to be committed, or had already been committed but its consequences could still be prevented in whole or in part, and who did not act reasonably to prevent its commission, its completion or its consequences, as the case may be, is liable to three years' imprisonment. Here, one who conveyed the information in his possession to a Defense Authority as early as possible shall be considered to have acted reasonably.

THREAT TO
COMMIT A
TERRORIST ACT

27. One who threatens to commit an offense that is a terrorist act with the motive and intention mentioned in paragraphs (1) and (2) of the definition of "A Terrorist Act" is liable to seven years' imprisonment.

PREPARATION FOR
COMMITTING A
TERRORIST ACT

28. (a) One who commits one of the following acts, that constitutes preparation for committing an offense that is a terrorist act, is liable to half the penalty prescribed for that offense, not taking into account the aggravated penalty prescribed in Article B; if the offense [he prepared for] was an offense punishable by mandatory life imprisonment, he is liable to 15 years' imprisonment:

(1) Preparing a plot or site in order to adapt it to the commission of said offense or to enable escape after its commission;

(2) Forging documents for the commission of said offense; here, "forgery" and "document" – as defined in Section 414 of the Penal Law;

(3) Preparing means for the commission of said offense, including weapons, materials, documents, photography and recording tools, costumes and vehicles, or possessing such means;

(4) Collecting or transferring information for the purpose of committing said offense;

Unofficial Translation

(5) Preparing a route, passage or tunnel for the commission of said offense or to enable escape after its commission;

(b) For the purposes of subsection (a), it is immaterial whether the act was intended for the commission of a specific or non-specific terrorist act, or if the terrorist act in which the person participated in its preparation, was planned to be committed by him or by another.

(c) One who attempted to commit a terrorist act mentioned in subsection (a) and refrained from completing the act due to remorse, as stipulated in Section 28 of the Penal Law – that section shall apply to him.

TRAINING OR
INSTRUCTION FOR
THE PURPOSES OF
TERRORISM

29. (a) One who trains or instructs another to use operational methods or means to commit an offense that is a terrorist act; to prevent its discovery; or to obstruct its investigation, or who trains or instructs another to use or prepare weapons, and all of the above, with the intention of advancing or assisting the activity of a terrorist organization, or the commission of an offense that is a terrorist act, is liable to nine years' imprisonment.

(b) One who receives the training or instruction mentioned in subsection (a) with the intention mentioned in that subsection is liable to seven years' imprisonment.

(c) For the purpose of this section –

(1) It is immaterial whether the training or guidance was given to one person or to a specific or non-specific public, or whether it was intended for the commission of a specific or non-specific terrorist act;

(2) If a person was present at a place being used at the time for training or instruction for terrorist purposes, as mentioned in subsection (a), it will be presumed that he received training or guidance with the intention cited in that subsection; if the accused raises a reasonable doubt regarding this matter, the doubt shall weigh in his favor;

Unofficial Translation

(3) If training or guidance of the kind mentioned in subsection (a) was provided or received by a member of a terrorist organization, on behalf of a terrorist organization, in connection with a terrorist organization's activity, or in a place regularly used for a terrorist organization's activity, it will be presumed to have been provided or received with the intention cited in that subsection, unless proven otherwise.

ACT OR
TRANSACTION IN
WEAPONS, A
HARMFUL
SUBSTANCE OR A
SENSITIVE
FACILITY FOR THE
PURPOSES OF
TERRORISM

30. (a) One who possesses, purchases, sells, manufactures, repairs, imports, exports, transports, brokers, distributes or performs any other transaction in weapons, with the intention of advancing the activity of a terrorist organization or the commission of a terrorist act or assisting in said activity or commission, with or without consideration, is liable to 20 years' imprisonment or a fine ten-times the fine prescribed in Section 61(a)(4) of the Penal Law.

(b) If a person performs an act or transaction stipulated in subsection (a) regarding chemical, biological or radioactive weapons or a harmful substance, or regarding a sensitive facility, he is liable to 25 years' imprisonment or a fine twenty-times the fine prescribed in Section 61(a)(4) of the Penal Law.

(c) When an act or transaction stipulated in subsection (a) is performed and the other party to the said act or transaction is a terrorist organization or a member of a terrorist organization, it will be presumed that the act or transaction was performed for the intention cited in subsection (a), unless proven otherwise.

(d) It is immaterial whether the act or transaction was intended for the commission of a specific or non-specific act of terrorism.

Unofficial Translation

PROHIBITION ON A 31.
TRANSACTION IN
PROPERTY FOR
PURPOSES OF
TERRORISM

(a) One who performs a transaction in property with the intention of assisting, advancing or financing the commission of a grave terrorist offense or rewarding its commission, or with the intention of assisting, advancing or financing the activity of a terrorist organization, is liable to ten years' imprisonment or a fine twenty-times the fine prescribed in Section 61(a)(4) of the Penal Law.

(b) For the purpose of subsection (a) –

(1) It is sufficient to prove that the act was performed with one of the intentions specified there, even if it is not proven for which of them;

(2) "To reward the commission of a terrorist offense" – even if the recipient of the reward is not the person who committed the terrorist offense or the person who intended to commit it.

PROHIBITION ON A 32.
TRANSACTION IN
TERRORIST
PROPERTY

(a) One who performs one of the following is liable to seven years' imprisonment or a fine ten-times the fine prescribed in Section 61(a)(4) of the Penal Law:

(1) A property transaction that is capable of assisting, advancing or financing the commission of a grave terrorist offense or rewarding its commission, even if the recipient of the reward is not the person who committed the terrorist offense or the person who intended to commit it. For the purpose of this paragraph, it is sufficient to prove that the person who carried out the transaction was aware that one of the aforementioned possibilities existed even if it is not proven which one of them;

(2) A transaction in property of a terrorist organization or property connected to a grave terrorist offense;

(3) Transfer of property to a terrorist organization.

Unofficial Translation

(b) One who performs a transaction in property of a person whom he knows to be a terrorist operative as defined in paragraph (1) of the definition of a "Terrorist Operative" in Section 10, or he knows that that person or the organization in which he takes an active part is subject to a designation pursuant to Section 11, [he] will be presumed to have done so knowing that that act is capable of assisting, advancing or financing the commission of a grave terrorism offense or rewarding its commission, as the case may be, unless he proves that he did not know so.

(c) For the purpose of this section, a person shall not be deemed to have refrained from verifying the nature of the conduct or the possibility of the existence of the circumstances for the purposes of Section 20(c)(1) of the Penal Law, if all the following are met:

(1) Delaying the transaction in order to verify the nature of the conduct or the existence of the circumstances for the purposes of Section 20(c)(1) of the Penal Law, as well as to report before carrying out the transaction in accordance with Section 33, was likely, under the circumstances, to substantially impede his business transactions;

(2) Shortly after carrying out the property transaction, he reported the transaction in accordance with Section 33, and followed the Israel Police's directives with regard to it; the Minister of Public Security, in consultation with the Minister of Justice, shall determine the date and the manner in which the Police's directives will be issued.

(d) (1) The section shall not apply to types of property transactions, or to a particular transaction, whose execution has been permitted in advance by the Minister of Finance, in consultation with the Minister of Defense and the Minister of Public Security.

Unofficial Translation

(2) Notice that permission has been granted pursuant to this subsection, that is designated for a non-particular Public, shall be published in *Reshumot* [The Official Gazette]. The Minister of Finance may determine additional methods of bringing the fact that permission has been granted to the attention of the Public.

DUTY TO REPORT 33.
TERRORIST
PROPERTY

(a) When a person has been asked to carry out a property transaction in the course of his business dealings or while fulfilling the duties of his position, or in circumstances in which he has an actual possibility to carry out the transaction, and that person has a reasonable suspicion that paragraph (1) or (2) applies, or [when] a person carries out a property transaction, and at the time of its performance or within six months of that time, he has the aforementioned reasonable suspicion, he shall report this to the Israel Police. For this purpose, it is sufficient to prove that he had a reasonable suspicion that paragraph (1) or (2) applies, even if it is not proven which of them –

(1) The property is that of a terrorist organization or is the direct consideration for, or the direct profit from that property;

(2) The transaction is capable of advancing or financing the commission of a grave terrorist offense, assisting its commission or rewarding its commission.

(b) The reporting [obligation] according to subsection (a) does not derogate from reporting obligations stipulated in Section 95 and Sections 7 and 8A of the Prohibition on Money Laundering Law.

(c) A report according to subsection (a) shall include all the pertinent information known to the reporter, and shall be conveyed as close as possible, under the circumstances, to the date on which that person had a reasonable suspicion as provided by that subsection.

Unofficial Translation

(d) Reporting methods and dates pursuant to this section shall be in accordance with the reporting methods and dates prescribed pursuant to Sections 6(b), 7(e) or 8A(e) of the Prohibition on Money Laundering Law, as the case may be, unless stipulated otherwise (as those sections state).

(e) The provisions of this section shall not apply to types of property transactions, or to a particular transaction, whose performance has been permitted in advance pursuant to Section 32(d), unless noted otherwise in the permission.

DUTY TO REPORT 34.
THE PROPERTY OF
A DESIGNATED
TERRORIST
ORGANIZATION

(a) Without derogating from Section 33, any person who has in his domain, possession or control the property of a designated terrorist organization, shall report this to the Israel Police shortly after receiving the property in his possession or control, or immediately after the designation, as the case may be.

(b) The Minister of Public Security, in consultation with the Minister of Justice, shall determine the methods and times of reporting pursuant to subsection (a).

(c) When the Minister of Defense or the Ministerial Committee has designated a terrorist organization pursuant to Sections 4, 6 or 11, no person shall perform any property transaction involving that organization's property, excluding acts that have been permitted by the Minister of Defense in an administrative seizure order issued pursuant to Section 56.

Unofficial Translation

EXEMPTION FROM 35.
LIABILITY AND
RESTRICTIONS ON
DISCLOSURE AND
REPORTING

(a) Refraining from performing a property transaction, another omission, or an act, that were performed in good faith in order to avoid committing an offense pursuant to this Law; as well as reporting, disclosure or non-disclosure performed in good faith for the purpose of abiding by the provisions of this Law; and an action in accordance with the directives of the Israel Police—will not constitute a breach of duties of confidentiality and trust or of any other duty pursuant to any law or agreement, and anyone who has thus acted or refrained from action shall not bear criminal, civil or disciplinary liability for that act or omission. Section 24(b) and (c) of the Prohibition on Money Laundering Law shall apply with regard to an act or omission pursuant to this subsection.

(b) Section 25 of the Prohibition on Money Laundering Law shall apply with regard to disclosure and reporting pursuant to this Law, *mutatis mutandis*.

BREACH OF
REPORTING
DUTIES

36. One who fails to submit a report pursuant to sections 33 or 34 is liable to one year's imprisonment or the fine stipulated in Section 61(a)(3) of the Penal Law. If he has done so with the intention of thwarting the seizure of property as referenced in those sections, he is liable to three years' imprisonment or double the aforesaid fine. All of the above – providing he has not proven that he was unaware that the organization is a terrorist organization. Here, "was aware" includes having a suspicion and failing to verify it.

ARTICLE B: AGGRAVATED PENALTIES

AGGRAVATED
PENALTIES FOR
OFFENSES THAT
ARE TERRORIST
ACTS

37. (a) One who commits an offense that is an terrorist act, excluding an offense specified below, is liable to double the penalty prescribed for such offense, but not exceeding 25 years:

- (1) An offense pursuant to this Law;
- (2) An offense pursuant to Article B or Article D of Chapter 7 of the Penal Law;

Unofficial Translation

(3) An offense punishable by mandatory life imprisonment.

(b) Notwithstanding Section 41 of the Penal Law, one who commits an offense that is a terrorist act punishable by life imprisonment, where this penalty has not been designated as mandatory, is liable to 30 years' imprisonment.

(c) Aggravated penalties shall not apply to the minimum punishment prescribed for the offense.

(d) Should the Court hold that a person has committed an offense that is a terrorist act, or convict a person of such an offense, it shall note this in its judgment.

PENALTIES FOR
CONSPIRACY AND
ASSISTANCE FOR
AN OFFENSE THAT
IS A TERRORIST
ACT

38. (a) Section 32 of the Penal Law shall apply to a person who assists in committing an offense that is a terrorist act, yet insofar as the offense is subject to an aggravated penalty according to this Law, the aggravated penalty shall be seen as the legislatively prescribed penalty for that offense.

(b) Notwithstanding Section 32(2) of the Penal Law, if the offense as mentioned in subsection (a) is an offense punishable by life imprisonment, the accessory is liable to 15 years' imprisonment.

(c) Notwithstanding Section 499 of the Penal Law, one who conspires with another to commit an offense that is a terrorist act or an offense pursuant to Section 30, is liable to –

(1) If the offense is a felony – 14 years' imprisonment or the penalty prescribed for that offense pursuant to Section 37, according to the more lenient penalty;

(2) If the offense is a misdemeanor – four years' imprisonment or the penalty prescribed for that offense pursuant to Section 37, according to the more lenient penalty.

A MASS ACT OF
TERRORISM

39. (a) One who commits an offense that is a terrorist act that caused bodily harm to a large public is liable to life imprisonment.

Unofficial Translation

(b) One who commits an offense that is a terrorist act using a chemical, biological or radioactive weapon, a harmful substance or a sensitive facility, or while harming a sensitive facility, that given its [the weapon's or facility's] nature or type is liable to cause serious harm to a large public or a large area, is liable to life imprisonment.

COMMUTING A LIFE SENTENCE 40. Notwithstanding Section 29 of the Release from Prison on Parole Law, 5761-2001¹⁸, when a life sentence has been imposed upon a person convicted of a terrorist offense, the Special Release Committee shall only present its recommendation to the President pursuant to Section 29(a) or (b) of the aforesaid Law once at least 15 years have passed since the date the prisoner began to serve his sentence or the relevant date as defined in that section, as the case may be, and the recommended commuted sentence shall not be less than 40 years.

ARTICLE C: APPLICABILITY AND EVIDENCE

APPLICABILITY OF THE PENAL LAWS ON A TERRORIST OFFENSE THAT IS A FOREIGN OFFENSE 41. For the purpose of Section 13(a)(1) of the Penal Law, an offense pursuant to Sections 20, 21, 22, 29, 30 or 31 that is a foreign offense as defined in Section 7(b) of that Law and that is committed by a member of a terrorist organization designated pursuant to Article A in Chapter 2 where the organization has a link to Israel, or [is committed] in connection with such a designated terrorist organization, shall be deemed an offense against national security.

¹⁸ *Sefer HaHukkim* (Book of Laws) 5761, p. 410.

Unofficial Translation

AN OUT OF COURT 42.
WITNESS
STATEMENT IN A
TERRORIST
OFFENSE

(a) Notwithstanding Section 10A(a) of the Evidence Ordinance, in presiding over a criminal proceeding regarding a terrorist offense, the Court may admit a statement as referenced in that section even if the one who gave the statement is not a witness, if it is convinced that the circumstances of the case indicate that it is not possible to bring him to the Court because he has left to a country or a region specified in Section 2A of the Prevention of Infiltration (Offenses and Jurisdiction) Law, 4714-1954 to the territories of the Palestinian Council, the Gaza Strip area or to a country or region specified in the Schedule, or because he is present in one of those places. In this section, "territories of the Palestinian Council" is as defined in the Emergency Regulations (Judea and Samaria – Jurisdiction in Offenses and Legal Aid), 5728-1967, as [they were] extended and amended by Law.

(b) Section 10A(c) of the Evidence Ordinance shall apply to a statement admitted pursuant to subsection (a).

(c) Nothing in this section shall be read as making evidence that is inadmissible for any other legally-prescribed reason, admissible.

(d) A person shall not be convicted on the basis of a statement admitted pursuant to subsection (a), yet such a statement may constitute an "evidentiary addition" to the prosecution's evidence, provided it does not constitute "corroborative evidence" for the prosecution.

PRE-RECORDED 43.
TESTIMONY IN A
TERRORIST
OFFENSE

For the purpose of Section 117 of the Criminal Procedure Law [Consolidated Version], 5742-1982¹⁹, when the person whose evidence is important for determining guilt in a terrorist offence charge is a resident of a place specified in Section 42(a), it will be presumed that it will not be possible to take his testimony during the course of the trial, unless proven otherwise.

¹⁹ *Sefer HaHukkim* (Book of Laws) 5742, p. 43.

Unofficial Translation

STATUTE OF
LIMITATIONS IN
TERRORIST
OFFENSES

44. Notwithstanding Section 9 of the Criminal Procedure Law [Consolidated Version], 5742-1982, it is possible to prosecute a person for an offense that is a terrorist act and that is punishable by 20 years' imprisonment (after taking into account an aggravated penalty as per Section 37) even if the statute of limitations for that offense according to Section 9(a) of that Law has expired, provided that the reason an indictment was not filed, an investigation was not conducted, or court proceedings were not held during that period, as the case may be, is that the suspect is outside Israel and it is not possible to bring him to Israel for investigation or trial.

CHAPTER FOUR: GRAVE

SECURITY OFFENSE DETAINEES – SPECIAL PROVISIONS

CHANGES IN THE
APPLICABILITY OF
THE ARRESTS LAW
TO A GRAVE
SECURITY
OFFENSE
DETAINEE

45. The Arrests Law shall apply to a detainee suspected of committing a grave security offense (in this chapter – a grave security offense detainee), subject to the changes specified in this chapter.

DELAY IN
BRINGING A
GRAVE SECURITY
OFFENSE
DETAINEE BEFORE
A JUDGE

46. (a) Notwithstanding Sections 17(c) and 29(a) of the Arrests Law, and without derogating from Section 30 of that Law –

(1) A commanding officer may, in a reasoned written decision, delay bringing a grave security offense detainee before a judge for a period not exceeding 48 hours from the start of his detention, if he is convinced that interrupting the investigation to bring the detainee before a judge is liable to materially harm the investigation;

Unofficial Translation

(2) A commanding officer, in a reasoned written decision and with the approval of the Director of the Investigations Department of the Israel Security Agency, may delay bringing a grave security offense detainee before a judge for an additional period beyond the one mentioned in paragraph (1), that shall not exceed 24 hours, if he is convinced that interrupting the investigation to bring the detainee before a judge is liable to materially harm the investigation in a manner that may thwart the prevention of harm to human life;

(3) The Court may, in exceptional cases, following a request of the Director of the Israel Security Agency submitted in writing with the consent of the Attorney General, order that a grave security offense detainee's appearance before a judge be delayed for an additional period beyond those mentioned paragraphs (1) and (2), which shall not exceed 24 hours, if it is convinced that interrupting the investigation to bring the detainee before a judge is liable to materially harm the investigation in a manner that may thwart the prevention of harm to human life. A hearing pursuant to this paragraph shall be held in the detainee's absence.

(b) When a commanding officer or the Court has delayed bringing a grave security offense detainee before a judge pursuant to the provisions of subsection (a), the Court shall document, in writing, the date on which the detainee was brought before a judge.

(c) In this section, "Commanding Officer" means any one of the following:

(1) The Commanding Officer according to its meaning in Section 25 of the Arrests Law;

(2) The Director of the Investigations Team in the Israel Security Agency.

Unofficial Translation

DETENTION PRIOR 47.
TO FILING AN
INDICTMENT

With regard to a grave security offense detainee, Section 17 of the Arrests Law shall be read thus:

(1) Subsection (a) shall be read thus:

"(a) Notwithstanding the latter part of Section 13(a)(3), when a judge orders the detention of a suspect in his presence, the detention period shall not exceed 20 days, provided that the judge does not order a detention period exceeding 15 days unless he is convinced that if the detainee is not held in detention for the purpose of continuation of the investigation, it will almost certainly thwart the prevention of harm to human life . A judge may, from time to time, extend the detention of a suspect thus for periods not exceeding 15 days each."

(2) In subsection (b), "35 days" shall be read instead of "30 days".

EXTENSION OF 48.
DETENTION IN THE
ABSENCE OF A
GRAVE SECURITY
OFFENSE
DETAINEE

Notwithstanding Section 16(2) of the Arrests Law, regarding the presence of a grave security offense detainee at a detention-extension hearing described in Section 47, if the Court ordered, in the detainee's presence, a detention period shorter than 20 days, a Supreme Court judge may extend the detainee's detention in his absence, at the request of the Director of the Investigations Department of the Israel Security Agency, submitted in writing with the consent of the Attorney General, if he [the judge] is convinced that interrupting the investigation to bring the detainee to the hearing, will almost certainly thwart the prevention of harm to human life. Such an extension shall be for additional periods not exceeding 72 hours each, provided that the total detention-extension period ordered in the detainee's absence shall not exceed 144 hours, or shall not extend beyond the 20-day period beginning from the date of the hearing held in his presence, whichever is shorter.

Unofficial Translation

REVIEWING A
COURT DECISION
CONCERNING A
GRAVE SECURITY
OFFENSE
DETAINEE

49. (a) Where a request is submitted pursuant to Section 52 of the Arrests Law to review a decision concerning the pre-indictment detention of a suspect of a grave security offense, a hearing shall only be held if the Court is convinced, following a preliminary hearing, that one of the grounds stipulated in that section for such a request applies. The preliminary hearing with respect to the existence of grounds as foresaid shall be held in the detainee's absence.

(b) Notwithstanding Section 57 of the Arrests Law, if the Court holds that there are applicable grounds according to Section 52 of the Arrests Law, it may, at the request of the Director of the Investigations Department of the Israel Security Agency, order that the hearing on the review request be held in the detainee's absence, if it is convinced that interrupting the investigation to bring the detainee to the hearing will almost certainly thwart the prevention of harm to human life.

APPEALING A
COURT DECISION
CONCERNING A
GRAVE SECURITY
OFFENSE
DETAINEE

50. (a) (1) Notwithstanding Section 53(c) of the Arrests Law, an appeal pursuant to Section 53(a) of the Arrests Law, as well as a petition for leave to appeal pursuant to Section 53(a1)(1) of that Law, of a Court decision concerning the pre-indictment detention of a suspect in a grave security offense, shall be filed with the Court within 30 hours of the time of the decision. However, the Court may, when ordering the pre-indictment detention of a grave security offense detainee, extend that period for reasons it shall record, if it is convinced this is necessary in order to prevent a miscarriage of justice with respect to the detainee. A hearing on an appeal pursuant to Section 53(a) or (a1) of the Arrests Law shall be held within 24 hours of the time that the appeal or the petition for leave to appeal, as the case may be, was filed with the Court. An appeal or a petition for leave to appeal under this paragraph shall be filed, within the aforementioned period, with the Court Secretariat or by any other method prescribed in a procedure to be issued by the Director of Courts.

Unofficial Translation

(2) Notwithstanding paragraph (1), Sabbaths (Saturdays) and Holidays shall not be taken into account when counting the hours. When a hearing must be held on the evening following the end of the Sabbath or a Holiday, the Court is permitted to hold it within six hours of the end of the Sabbath or Holiday; here, "Holiday" is as defined in Section 29 of the Arrests Law.

(b) Notwithstanding Section 57 of the Arrests Law, a Court presiding over an appeal mentioned in subsection (a) may, at the request of the Director of the Investigations Department at the Israel Security Agency, order that the appeal hearing be held in the detainee's absence, if it is convinced that interrupting the investigation to bring the detainee to the hearing will almost certainly thwart the prevention of harm to human life.

EXTENSION OF
DETENTION,
APPEAL AND
REVIEW –
GENERAL
PROVISIONS

51. (a) When the grounds on account of which a grave security offense detainee was not brought to a hearing regarding the extension of his detention, a request for review or an appeal pursuant to Sections 48, 49(b) or 50(b), cease to exist, the detainee shall be brought before the Court as soon as possible, and no later than 24 hours from the time at which the grounds ceased to exist.

(b) Section 15(c) to (h) of the Arrests Law shall also apply, *mutatis mutandis*, to a hearing on the question of the detainee's presence in proceedings pursuant to Sections 48 to 50, and the Court may, during that hearing, admit evidence even in the absence of the detainee or his defense attorney, when convinced this is necessary to prevent harm to national security or to prevent the investigation from being thwarted.

Unofficial Translation

(c) A hearing held in the grave security offense detainee's absence pursuant to Sections 48, 49(b) or 50(b), shall be held in the presence of the detainee's defense attorney, and if he is not represented, the judge shall appoint him a defense attorney. If the detainee's defense attorney is absent from that hearing, the judge shall appoint a defense attorney for the detainee for the purpose of that hearing alone, and he may order the extension of detention as per Section 48 for the shortest period necessary under the circumstances until a defense attorney is present at the hearing.

(d) A Court decision made at a hearing that took place in the absence of a grave security offense detainee, pursuant to Sections 48, 49(b) or 50(b), shall be brought to the detainee's attention as soon as possible, unless the Court has ordered otherwise at the request of a representative of the State, having been convinced that this may thwart the prevention of harm to human life.

(e) A Court decision made at a preliminary hearing pursuant to Section 49(a) shall be brought to the detainee's attention as soon as possible, unless the Court has ordered otherwise at the request of the State's representative, having been convinced that this may materially harm the investigation.

PREVENTING AN 52.
ATTORNEY FROM
MEETING MORE
THAN ONE
DETAINEE IN THE
SAME
INVESTIGATION

(a) Notwithstanding Section 34 of the Arrests Law and without derogating from Section 35 of that Law, when the Supervisor finds that a single attorney is requesting to meet with several detainees suspected of a grave security offense and who are all being investigated with regard to the same investigation, or that several such detainees are requesting to meet with a single attorney, and [he finds] that such a meeting is liable to materially harm the investigation, he may refuse to allow that attorney to meet with more than one detainee. The Supervisor shall send notice of such a decision to each of the detainees as well as to the attorney. Here –
"the Supervisor" means any one of the following:

Unofficial Translation

(1) The Director of the Investigators Department of the Israel Security Agency, whom the Director of the Israel Security Agency has so authorized;

(2) A police officer ranked Deputy Commissioner or higher, whom the Israel Police Commissioner has so authorized;

"a single attorney" – including another attorney from his office.

(b) Notwithstanding subsection (a), preventing a meeting as per that subsection for a period exceeding 30 days shall be subject to the Attorney General's approval.

(c) The provisions of Section 35(e) to (j) of the Arrests Law shall apply, *mutatis mutandis*, to a decision pursuant to this section; for this purpose, an attorney whose meeting with the detainee has been prevented pursuant to this section may also appeal.

CHAPTER FIVE: JUDICIAL FORFEITURE AND ADMINISTRATIVE FORFEITURE

ARTICLE A: JUDICIAL FORFEITURE IN A CRIMINAL PROCEEDING

FORFEITURE OF 53.
PROPERTY
FOLLOWING A
CONVICTION OF A
TERRORIST
OFFENSE

With regard to forfeiting the property of a person convicted of a terrorist offence, Sections 21, 23 and 26(a) of the Prohibition on Money Laundering Law shall apply, *mutatis mutandis* and with the following changes:

(1) Section 36H of the Dangerous Drugs (New Version) Ordinance, 5733-1973²⁰ (in this Law – the Drugs Ordinance) shall not apply with regard to the administration of the forfeited property and its use;

(2) Section 36C(a) of the Drugs Ordinance shall only apply to a claimant of a right in property who is not a terrorist organization;

²⁰ Laws of the State of Israel, New Version 27, p. 526.

Unofficial Translation

(3) Notwithstanding Section 36C(c) of the Drugs Ordinance, the Court may order the forfeiture of moveable property not susceptible to seizure according to Section 22(a)(4) of the Execution Law, 5727-1967²¹.

FORFEITURE OF
PROPERTY OF A
TERRORIST
ORGANIZATION
FOLLOWING A
CONVICTION OF
MANAGING A
TERRORIST
ORGANIZATION

54. When a person is convicted of an offense pursuant to Section 20, the Court may, at the prosecutor's request, order the forfeiture of property that is the property of the terrorist organization in connection with which he was convicted, in addition to any penalty. Section 53 shall apply to forfeiture pursuant to this section.

FORFEITURE OF
PROPERTY
DISCOVERED
AFTER THE
SENTENCE WAS
DELIVERED

55. When additional property is discovered after the sentence has been delivered, the forfeiture of which could have been requested pursuant to this article had it been discovered before the sentence was delivered, the Court that presided over the offense may, at the prosecutor's request, order the forfeiture of the property, and Section 53 shall apply in this matter.

ARTICLE B: ADMINISTRATIVE SEIZURE AND FORFEITURE

ADMINISTRATIVE
SEIZURE ORDER

56. (a) In this chapter, an "administrative seizure order" means an administrative order for the seizure of property pursuant to this section.

(b) The Minister of Defense may issue an order for the temporary seizure of the property specified below, or for the restriction of its use or for the restriction of the transfer of rights attached to it, including a requirement that a guarantee be provided to assure the property's delivery upon demand:

²¹ *Sefer HaHukkim* (Book of Laws) 5727, p. 116.

Unofficial Translation

(1) Property of a terrorist organization or a terrorist operative designated as such pursuant to Sections 4, 6 or 11, or property intended for the commission of a grave terrorist offense – if [the Minister of Defense] is convinced that this is necessary to thwart a terrorist organization's activity and harm its ability to promote its objectives, or in order to thwart a grave terrorist offense;

(2) Property with respect to which a grave terrorist offense has been committed or that has been used directly for committing such an offense;

(3) Property obtained as remuneration or reward for committing a grave terrorist offense or intended for such remuneration or reward;

(4) Property mentioned in paragraphs (1) to (3) that is discovered after the sentence has been delivered, provided that the District Attorney or another senior prosecutor authorized by him for this purpose has given notice that despite having been convinced of the property's connection with the offense, it is not possible to forfeit the property pursuant to Section 55, due to the inadmissibility or confidentiality of the evidence concerning it.

(c) The Minister of Defense may, at the request of the Director of the Israel Security Agency, or the Head of another Defense Authority via the Director of the Israel Security Agency, also issue an administrative seizure order with regard to the property of a body of persons that is not a designated terrorist organization, if all the following are fulfilled:

(1) The Head of the Defense Authority has submitted to the Minister, via the Director of the Israel Security Agency, a request to designate such body of persons as a terrorist organization pursuant to Article A of Chapter 2, or has notified the Minister that he intends to submit such a request;

Unofficial Translation

- (2) There are reasonable grounds to presume that the property is property of the terrorist organization, that the facts and conditions for the forfeiture of property pursuant to this chapter apply, and that the property with respect to which the order has been requested is liable to disappear or that actions may be taken with respect to the property that will prevent the realization of the forfeiture.
- (d) For the purposes of this section, if the property is money –
- (1) It makes no difference whether that same money is seized or any other money found under the ownership, possession, control or bank account of whoever has received the money;
- (2) If the property is remuneration or reward, as mentioned in subsection (b)(3), and money equal in value to the payment received is not found, the Minister of Defense may seize other property of the recipient of the remuneration or reward, that is equal in value to the sum received.
- (e) For the purposes of this section –
- (1) Property seized at the border crossing between Israel and the Gaza Strip, that was not reported despite being subject to a reporting requirement, without the necessary authorization or where there was an attempt to conceal it and smuggle it, will be presumed to be property which this section applies to, unless proven otherwise;
- (2) Property that was used to transfer or conceal the property mentioned in paragraph (1) will be presumed to have been used directly for committing a grave terrorist offense, unless whoever owns, possesses or controls that property proves he did not know it would be used to transfer or conceal property mentioned in paragraph (1);
- (3) "Grave Terrorist Offense" – excluding an offense pursuant to Section 31.

Unofficial Translation

RESTRICTION OF
ADMINISTRATIVE
SEIZURE IN THE
CASE OF A
CRIMINAL
PROCEEDING

57. (a) The Minister of Defense shall not order the seizure of property connected to a grave terrorist offense if a suspect has been questioned under caution with regard to that offense. If the Minister of Defense has ordered the seizure of such property, and a suspect is questioned under caution after the administrative seizure order regarding that property has been issued, the Arrest and Search Ordinance shall apply with regard to the continued possession of the property, and Section 58 shall not apply. The six months stated in Section 35 of that Ordinance shall be counted from the date on which the suspect was questioned under caution.

(b) Notwithstanding subsection (a), the Minister of Defense may seize the aforesaid property if a District Attorney, or another senior prosecutor authorized by him for that purpose, has provided notice that it is not possible to forfeit the property in a criminal proceeding, despite having been convinced of the property's connection to the offense, due to one of the following:

(1) The inadmissibility or confidentiality of the evidence regarding the connection between the property and the offense;

(2) The public interest does not warrant filing an indictment for the offense, or despite the existence of significant evidence, it does not amount to the evidentiary basis required in the criminal level for filing an indictment for the offense.

(c) If an attorney has provided notice as per subsection (b), the administrative seizure order and Section 58 shall apply once more in lieu of the Arrest and Search Ordinance.

PERIOD OF
VALIDITY OF AN
ADMINISTRATIVE
SEIZURE ORDER

58. (a) An administrative seizure order issued pursuant to Section 56 shall remain valid for the period prescribed in the Order, which shall not exceed two years from the date the Order was given. However, the Minister of Defense may extend the Order until the date specified below, as the case may be, according to the later date:

Unofficial Translation

- (1) When arguments have been presented pursuant to Section 61(a), or a petition has been filed to the Administrative Affairs Court – until a final decision or final judgment has been given, as the case may be;
- (2) With regard to property that is the property of a designated terrorist organization –
 - (a) If the designation of the terrorist organization is a temporary designation pursuant to Section 4, and written arguments have been submitted pursuant to Section 5 – until a decision is issued regarding the permanent designation pursuant to Section 6;
 - (b) When a petition has been filed in the Supreme Court against the designation of a terrorist organization – until receipt of the final judgment in the petition.
- (b) If the Minister of Defense extended the period as per subsection (a), and it was not decided in the proceedings referenced in that subsection to revoke the administrative seizure order or the designation, as the case may be, the Minister of Defense may extend the Order for an additional period that shall not exceed 30 days for the purpose of issuing a forfeiture order as per Section 66.
- (c) If an administrative seizure order has expired and neither a forfeiture order with respect to the seized property nor a Court decision regarding the continuation of its possession has been issued, the property shall be returned to whomever it was seized from.

Unofficial Translation

(d) (1) An administrative seizure order regarding a terrorist organization that has not yet been designated shall be valid for the period prescribed in the Order, which shall not exceed three months from the date the Order was issued, and the Minister of Defense may, for special reasons to be recorded, with the approval of the Attorney General or whomever he has authorized for this purpose, extend it from time to time for additional periods, provided that the Order's total period of validity shall not exceed four months from the date it was given.

(2) If the body of persons is designated as a terrorist organization and a new administrative seizure order is issued pursuant to Section 56(b)(1) within the period stipulated in Paragraph (1), the administrative seizure order shall expire when the new Seizure Order is issued.

(3) If the Minister of Defense decides not to designate the body of persons as a terrorist organization within the period stipulated in paragraph (1), the Seizure Order pursuant to Section 56(c) shall expire at the time of his decision, unless he has found that other grounds exist for an administrative seizure order as stipulated in Section 56(b)(2) or (3). If the Minister of Defense has found this, the administrative seizure order shall remain valid for one additional month or until a new Seizure Order is issued, whichever comes first.

CONTENT OF AN 59.
ADMINISTRATIVE
SEIZURE ORDER

(a) An administrative seizure order shall specify the property or type of property to which the Order applies, as well as the place where the property is situated, providing they are known.

Unofficial Translation

(b) If it has been proven to the satisfaction of the Minister of Defense that property with regard to which it is possible to issue an administrative seizure order is mixed with additional property that is not such [sizable] property, and under the circumstances of the case it is not possible to identify or separate it [the sizable property], he may issue an administrative seizure order for the seizure of the additional property as well.

RESERVATION
WITH REGARD TO
SEIZURE

60. Section 36C of the Drugs Ordinance shall apply to the seizure and forfeiture of property pursuant to this Article, *mutatis mutandis* and with the changes specified in Section 53(2) and (3).

HEARING
FOLLOWING
SEIZURE

61. (a) If an administrative seizure order is issued, a person claiming a right to the property may present his arguments before the Minister of Defense or whomever he has authorized for that purpose, within two months of the date the Order was issued, and if he received notice pursuant to subsection (b) – from the date he received the notice. However, the Minister of Defense or whomever he has authorized for that purpose may hear arguments presented after that date if he finds this to be justified, for special reasons to be recorded. The Minister of Defense may leave the Order as it is, revoke it or change its conditions.

(b) Notice of the issuance of an administrative seizure order and [of] the right to a hearing described in subsection (a) shall be sent to one claiming a right to the property, if he is known and it is possible to locate him and send him notice using reasonable diligence.

(c) The Minister of Defense shall revoke or amend an administrative seizure order if he is satisfied that the person claiming a right to the property has proven his right, and that one of the conditions specified in Section 36C(a) of the Dangerous Drugs Ordinance, as applied in Section 60, is satisfied. Section 63(b) shall apply to the revocation or amendment of a Seizure Order pursuant to this section, *mutatis mutandis*.

Unofficial Translation

EXECUTION OF
ADMINISTRATIVE
SEIZURE ORDER

62. (a) An administrative seizure order may be executed by a public servant whom the Prime Minister or the Minister of Defense has authorized for that purpose, or by a police officer, and with regard to goods under the supervision of Customs according to the Customs Ordinance²² – it may also be executed by a Customs officer whom the Customs and VAT Manager has so authorized.
- (b) (1) A public servant thus authorized according to subsection (a), or a police officer, shall have, for the purpose of executing an administrative seizure order, the powers vested in a police officer for executing a search warrant as stated in Section 24(a)(1) of the Arrest and Search Ordinance, and Sections 26 to 29, 45 and 46 of that Ordinance shall apply to the execution of the Order, *mutatis mutandis*.
- (2) The Customs officer thus authorized according to subsection (a) shall have, for the purpose of executing an administrative seizure order, the powers pursuant to Sections 174, 177, 184 and 185 of the Customs Ordinance. In this regard, property suspected of being subject to an administrative seizure order shall be viewed as goods whose import or export is prohibited.
- (c) The provisions of Sections 26 to 29, 32, 32A, 45 and 46 of the Arrest and Search Ordinance shall also apply, *mutatis mutandis*, to property with regard to which an administrative seizure order can be issued. If the Minister of Defense has not issued an administrative seizure order within one month of the date of the seizure, the property shall be returned to the person from whom it was seized, yet the Minister may extend that period by an additional 15 days, for special reasons.

²² Laws of the State of Israel, New Version 3, p. 39.

Unofficial Translation

- (d) (1) If during the execution of an administrative seizure order the person executing the order observes that the property that should be seized is mixed with other property, and it is not possible under the circumstances to identify it or separate it, or [if he] has a reasonable basis to believe that there is additional property that belongs to the terrorist organization or is connected to the offense, that has not been specified in the Order, and it is not possible under the circumstances to obtain an amended Order pursuant to Section 63, he may also seize the mixed property or the additional property.
- (2) Notice of a seizure pursuant to paragraph (1) shall be sent to the Minister of Defense within 72 hours of the execution of the seizure.
- (3) If within two weeks of the seizure of mixed property or additional property seized pursuant to paragraph (1), the Minister of Defense has not issued an amended Order pursuant to Section 63, the property shall be returned to the person from whom it was seized.

AMENDMENT OF 63.
ADMINISTRATIVE
SEIZURE ORDER

- (a) If an administrative seizure order is issued pursuant to this chapter, and after the Order is issued or during its execution, additional property is discovered with respect to which there are reasonable grounds to believe it is the property of a terrorist organization or mixed property as mentioned in Section 62(d)(1), the Minister of Defense may issue an amended administrative seizure order. The provisions of this chapter that are applicable to the original Order shall also apply to the amended Order, and the periods stipulated in Sections 58 and 66 shall be counted from the date the original Order was issued.

Unofficial Translation

(b) If the Property seized pursuant to subsection (a) is mixed property within the meaning stipulated in Section 62(d)(1), the Minister of Defense may order that part of the mixed property not be seized due to the right of a person claiming a right to the property to that part, or he may seize that part as well, provided he gives instructions as to paying the claimant on account of his right.

EXPANDED
JUDICIAL-
ADMINISTRATIVE
REVIEW

64. In a petition against a decision made by the Minister of Defense pursuant to this chapter, the Administrative Affairs Court may approve the Minister's decision, change it, revoke it or make another decision in its place, and without derogating from the generality of the aforesaid, the Court may consider any factor that a Minister would have been entitled to consider for this purpose.

DEVIATION FROM
RULES OF
EVIDENCE AND
CONFIDENTIAL
EVIDENCE

65. (a) In a legal proceeding concerning a decision of the Minister of Defense regarding an administrative seizure order or a forfeiture order, the Court may, at the request of the Attorney General's representative, deviate from the rules of evidence, if it is convinced, for reasons that shall be recorded, that doing so is necessary for determining the truth and attaining justice.

(b) In a hearing referenced in subsection (a), the Court may, at the request of the Attorney General's representative, admit evidence even in the absence of the other party or its attorney, or without revealing it to them, if it is convinced that the disclosure of the evidence is liable to harm state security, foreign relations, or public safety or security, or to reveal confidential work methods, and that the interest in its non-disclosure outweighs the necessity of its disclosure for the purpose of determining the truth and attaining justice (in this section – Confidential Evidence). The Court may, prior to making a decision pursuant to this subsection, inspect the evidence and hear explanations without the presence of the other party and its attorney.

Unofficial Translation

(c) If the Court has decided to admit confidential evidence, it shall inform the other party of its intention to do so, and it may order that a summary of the confidential evidence be sent to the other party or to its attorney, insofar as it is possible to do so without harming the interest for the sake of which the confidentiality of the evidence was determined pursuant to subsection (b).

(d) If the Court decides not to accede to the request of the Attorney General's representative mentioned in subsection (b), the Attorney General's representative may inform that he is retracting the submission of the evidence. If the Attorney General's representative so informs, the Court shall not take the evidence into account in making its decision, and the evidence shall not be disclosed to the other party or to its attorney.

(e) A hearing on a request by the Attorney General's representative to admit confidential evidence pursuant to subsection (b) shall be held *in camera*, unless the Court has instructed otherwise.

FORFEITURE OF 66.
SEIZED PROPERTY

(a) If an administrative seizure order has been issued, the Minister of Defense may order the forfeiture of the property subject to the Order, all of it or part of it, no earlier than the dates specified bellow, whichever is latest:

(1) If claims have been made pursuant to Section 61(a) regarding the administrative seizure order – 45 days after the applicant is notified of the decision regarding his claims, provided that a petition regarding the decision has not been filed to the Administrative Affairs Court;

(2) If claims have not been made pursuant to Section 61(a) regarding the administrative seizure order – 90 days after the Seizure Order is issued or after notice regarding the Order is served pursuant to Section 61(b), whichever is later;

Unofficial Translation

- (3) If a petition against the administrative seizure order has been filed to the Administrative Affairs Court – 45 days after a judgment dismissing the petition is delivered, and if an appeal has been filed against the judgment – [45 days] after a judgment dismissing the appeal is delivered;
 - (4) With regard to the property of a terrorist organization – after the organization has been designated by a permanent designation pursuant to Section 6, and if a petition has been filed to the Supreme Court against the designation of the terrorist organization – after a judgment dismissing the petition;
 - (5) With regard to property connected to an offense –
 - (a) If an investigation under caution has not been initiated in connection with the offense – 90 days after the administrative seizure order was issued;
 - (b) If an investigation under caution has been initiated in connection with the offense – one year after the administrative seizure order was issued, provided that the District Attorney or whomever he has authorized for that purpose has confirmed that it is not possible to forfeit the property through criminal proceedings, as per Section 57(b).
- (b) If two years have passed since the date the administrative seizure order was issued, and a forfeiture order has not been issued, the administrative seizure order shall expire and the property shall be returned to whomever it was seized from. However, if the administrative seizure order has been extended pursuant to Section 58(a)(1) or (2), Section 58(b) shall apply with regard to the extension of the Seizure Order for the purpose of issuing a forfeiture order.

Unofficial Translation

SEIZURE OF
PROPERTY
PURSUANT TO THE
DEFENSE
REGULATIONS

67. (a) The power to seize property pursuant to Regulation 74 of the Defense (State of Emergency) Regulations, 1945²³, with regard to property that is property connected to a terrorist organization or to a terrorist offense, shall be limited to property that may be seized or forfeited pursuant to this Chapter. However, property that has been seized pursuant to Regulation 74 of those Regulations shall not be confiscated according to the provisions of that Regulation, and this chapter shall apply to its forfeiture.
- (b) (1) If property has been seized pursuant to subsection (a), and the Minister of Defense did not issue an administrative seizure order within one month of the date of the seizure, the property shall be returned to the person from whom it was seized. However, the Minister may extend that period by an additional 15 days, on special grounds.
- (2) If a suspect has been questioned under caution, as mentioned in Section 57, that section shall apply with regard to the continuation of the possession of the property.

**ARTICLE C: MANAGEMENT OF SEIZED OR FORFEITED
PROPERTY**

MANAGEMENT OF
PROPERTY

68. (a) Orders issued pursuant to this chapter regarding the seizure or forfeiture of property shall constitute authorization for the Administrator General to seize the property and manage it.
- (b) A request to provide the Administrator General with instructions as to the temporary management of the property in the context of an interim order in a criminal proceeding shall be submitted to the Court after consultation with the Administrator General.

²³ Official Gazette 1945, 2nd Schedule, p. (H) 855, (E) 1055.

Unofficial Translation

(c) The costs of seizing and managing property pursuant to this chapter, including payment of expenses incurred in proceedings regarding seizure, forfeiture, property management and its realization, and including the Administrator General's remuneration for management, shall be collected from the entirety of the property that he [the Administrator General] manages and that has been forfeited pursuant to this chapter.

**CHAPTER SIX: ORDERS FOR THE PREVENTION OF
ACTIVITY AND RESTRICTION OF USE OF A PLACE**

ORDER
PREVENTING THE
ACTIVITY OF A
TERRORIST
ORGANIZATION

69. (a) If a District Commander in the Israel Police (in this chapter – the District Commander) has reasonable grounds to suspect that terrorist organization activity, or activity intended to promote or support terrorist organization activity, including a meeting, procession, convention, assembly or training, is taking place or is due to take place, he may issue an order for the prevention of that activity (in this chapter – Prevention of Activity Order).
- (b) The Prevention of Activity Order shall specify the prohibited activity, as well as the time and place the activity is taking place or is due to take place, insofar as they are known. If the District Commander finds that to prevent that activity it is necessary to restrict the use of the place where it is intended to be held, including by ordering its closure, the Order shall also include a provision restricting the use of that place or closing it, for the period of time during which the activity is taking place or is due to take place, and for a reasonable period of time before or after the activity is held, insofar as this is required for its prevention, and all of this, only to the extent necessary, under the circumstances, to prevent that activity.

Unofficial Translation

(c) One who regards himself as having been harmed by a Prevention of Activity Order may submit his arguments on the matter to the District Commander; the District Commander may leave the Order as it is, revoke it or change its conditions.

(d) A Prevention of Activity Order shall be displayed in the place where the activity is taking place or is due to take place, if it is known. Notice of the issuance of the Order and the right to submit arguments as aforesaid in this section shall be served to the owner of the place and to its occupant, as soon as possible, if they are known and it is possible to locate them and serve them the notice using reasonable diligence under the circumstances.

ORDER
RESTRICTING THE
USE OF A PLACE
USED FOR
TERRORIST
ORGANIZATION
ACTIVITY

70. (a) If the Israel Police Commissioner (in this chapter – the Commissioner) has reasonable grounds to suspect that a particular place is being used for a terrorist organization's activity, and that there are reasonable grounds to suspect that the place will continue to be used for that activity if its use is not restricted, he may issue an Order to restrict the use of that place for a period of time that he will prescribe in the Order, which shall not exceed three months, and he may extend it for additional periods, provided that the sum total of all the additional periods does not exceed three months (in this chapter – the Restriction of Use of a Place Order).

(b) A Restriction of Use of a Place Order shall only be issued after the owner of the place, as well as its occupant, have been given an opportunity to submit their claims, if they are known and it is possible to locate them using reasonable diligence under the circumstance. However, if the Commissioner has reasonable grounds to suspect that granting the aforementioned right to a hearing is liable to thwart the purpose of the Order, he may issue a Restriction of Use of a Place Order even without granting that right, provided it is granted as soon as possible thereafter.

Unofficial Translation

(c) If the owner or occupant has submitted claims as per subsection (b), he may submit his claims again if new facts have been discovered or the circumstances have changed.

(d) The Magistrate Court may, at the written request of whomever the Commissioner has authorized for this purpose, order the extension of the Restriction of Use of a Place Order, according to conditions [the Court] will prescribe, for an additional period that shall not exceed six months, if convinced that restricting the use of the place is essential to prevent the continuation of the activity on account of which the Order was issued, and it may re-issue this order from time to time. The provisions of Section 65 relating to deviation from the Laws of Evidence and confidential evidence shall apply to a proceeding pursuant to this section and to a resulting appeal.

(e) The Restriction of Use of a Place Order shall stipulate, *inter alia*, the conditions, restrictions or prohibitions on the use of the place mentioned in the Order, including the place's closure, [all which shall be] only to the extent necessary under the circumstances to prevent the continuation of the terrorist organization's activity in that place.

(f) If a Restriction of Use of a Place Order has been issued, a police officer may enter the place subject to the Order and take any reasonable measures, including the use of force, necessary to ensure compliance with the Order.

(g) A Restriction of Use of a Place Order shall be displayed in the place to which it applies. Notice of the issuance of the Order, and of the right to submit claims as mentioned in this section, shall be served to the owner of the place and its occupant as soon as possible, providing they are known and it is possible to locate them and serve them notice using reasonable diligence under the circumstances.

Unofficial Translation

PROVISIONS WITH REGARD TO A PETITION REGARDING A PREVENTION OF ACTIVITY ORDER OR A RESTRICTION OF USE OF A PLACE ORDER 71. (a) In presiding over a petition regarding a Prevention of Activity Order or a Restriction of Use of a Place Order, the Administrative Affairs Court may revoke the Order, affirm it or change its conditions, and it may return the matter with instructions to whoever issued the Order.

(b) The provisions of Section 65 with regard to deviation from the Laws of Evidence and Confidential Evidence shall apply to a petition as aforesaid in subsection (a) as well as to a resulting appeal.

BREACH OF A PREVENTION OF ACTIVITY ORDER OR A RESTRICTION OF USE OF A PLACE ORDER 72. One who breaches a Prevention of Activity Order or a Restriction of Use of a Place Order, including by allowing another to use a place that is subject to such an Order, shall be liable to two years' imprisonment.

CHAPTER SEVEN: LEGISLATIVE AMENDMENTS

REPEAL OF THE PREVENTION OF TERRORISM ORDINANCE 73. The Prevention of Terrorism Ordinance, 5708-1948²⁴ is repealed.

REPEAL OF THE PROHIBITION ON TERRORISM FINANCING LAW 74. The Prohibition on Terrorism Financing Law, 5765-2005²⁵ is repealed.

²⁴ Official Gazette 5708, 1st Schedule, p. 73; *Sefer HaHukkim* (Book of Laws) 5765, p. 746.

²⁵ *Sefer HaHukkim* (Book of Laws) 5765, p. 76; 5774, p. 744.

Unofficial Translation

- REPEAL OF THE CRIMINAL PROCEDURE LAW (DETAINEE SUSPECTED OF A SECURITY OFFENSE) (TEMPORARY PROVISIONS) 75. The Criminal Procedure (Detainee Suspected of a Security Offense) (Temporary Provisions) Law, 5766-2006²⁶ is repealed.
- AMENDMENT OF THE DEFENSE (STATE OF EMERGENCY) REGULATIONS 76. In the Defense (State of Emergency) Regulations, 1945,²⁷ –
- (1) In Regulation 2(1), the definitions "Requisition" and "Motor Vehicle" shall be deleted;
- (2) Regulations 2(3) and (4), 2A, 6(3) and (4), 9(3), 10, 11, 61, 66, 67, 70, 71A, 73, 78 to 85, 94 to 96, 120, 121, 122(1)(b), 123, 127A to 128, 131, 133(1), 134, 135, 135A, 137A to 137C, 139A, 141 to 143C and 146 to 162 are repealed;
- (3) Regulations 127, 139, 140 and 143D are repealed, excluding with regard to the powers prescribed in Regulations 72, 74 to 77, 119 and 145.
- AMENDMENT OF THE CITIZENSHIP LAW 77. In the Citizenship Law, 5712-1952²⁸ –
- (1) In Section 11(b)(2)(a), "in the Prohibition on Terrorism Financing Law, 5765-2005" shall be replaced by "in the Counter-terrorism Law, 5776-2016 (in this Law – the Counter-terrorism Law)";
- (2) In Section 11A(a), "in the Prohibition on Terrorism Financing Law, 5765-2005" shall be replaced by "in the Counter-terrorism Law";

²⁶ *Sefer HaHukkim* (Book of Laws) 5766, p. 364; 5776, p. 324.

²⁷ Official Gazette 1945, 2nd Schedule, p. (H) 855, (E) 1055; *Sefer HaHukkim* (Book of Laws) 5774, p. 472.

²⁸ *Sefer HaHukkim* (Book of Laws) 5712, p. 146; 5771, p. 1073.

Unofficial Translation

- AMENDMENT OF 78. In the Knesset Building and Precincts Law, 5728-1968²⁹, the following
THE KNESSET shall be inserted in Section 3(c) after paragraph (4);
BUILDING AND
PRECINCTS LAW
- "(5) The Counter-terrorism Law, 5776-2016, as well as offenses pursuant to other legislation that constitute a terrorist act as defined in that Law."
- AMENDMENT OF 79. In the Benefits for Victims of Hostilities Law, 5730-1970³⁰, in Section 1,
THE BENEFITS FOR in the definition of "Hostility", in paragraph (5), "a terrorist organization
VICTIMS OF designated by the Government pursuant to Section 8 of the Prevention of
HOSTILITIES LAW Terrorism Ordinance, 5708-1948" shall be replaced by "a terrorist organization that has been designated pursuant to Article A of Chapter 2 in the Counter-terrorism Law, 5776-2016".
- AMENDMENT OF 80. In the Prisons [New Version] Ordinance, 5732-1971³¹ –
THE PRISONS
ORDINANCE
- (1) In Section 45A(a), the definition of a "Terrorist Organization" shall be replaced by:
- ""A Terrorist Organization" – as defined in the Counter-terrorism Law, 5776-2016;"
- (2) In Section 45A1 –
- (a) In subsection (a), the definition "Terrorist Organization" shall be replaced by:
- ""a Terrorist Organization" – as defined in Section 45A";
- (b) In subsection (b), "a Terroristic Organization" shall be replaced by "a Terrorist Organization";
- (3) In the First Schedule A, the following shall be inserted after Item 3:

²⁹ *Sefer HaHukkim* (Book of Laws) 5728, p. 197; 5772, p. 528.

³⁰ *Sefer HaHukkim* (Book of Laws) 5730, p. 126; 5774, p. 204.

³¹ Laws of the State of Israel, New Version 21, p. 459; *Sefer HaHukkim* (Book of Laws) 5775, p. 251.

Unofficial Translation

"4. A Grave Security Offense as defined in the Counter-terrorism Law, 5776-2016, as well as an offense pursuant to Section 22(a) of that Law."

AMENDMENT OF
THE PENAL LAW

81. In the Penal Law, 5737-1977³² –

(1) In the heading of Article A1 of Chapter Eight, "Incitement to Racism, Violence or Terrorism" shall be replaced by "Incitement to Racism or Violence";

(2) In Section 144D2 –

(a) In the margin heading, the words "or terrorism" shall be deleted;

(b) In subsections (a) and (b), in every place, the words "or terrorism" shall be deleted;

(3) In Section 144D3, in the margin heading, the words "or terrorism" shall be deleted;

(4) In Section 453, the following shall be inserted after subsection (c):

"(d) Whoever commits an offense as aforesaid in Section 452 with regard to property that is a sensitive facility as defined in the Counter-terrorism Law, 5776-2016, is liable to ten years' imprisonment."

AMENDMENT OF
THE CRIMINAL
REGISTRY AND
REHABILITATION
LAW

82. In the Criminal Registry and the Rehabilitation Law, 5741-1981³³ –

(1) The following shall be inserted at the end of Section 17(4):

³² *Sefer HaHukkim* (Book of Laws) 5737, p. 226; 5776, p. 718.

³³ *Sefer HaHukkim* (Book of Laws) 5741, p. 322; 5776, p. 611.

Unofficial Translation

"J. The Counter-terrorism Law, 5776-2016, as well as offenses pursuant to other legislation that constitute a terrorist act as defined in that Law.";

(2) In the First Schedule, in Item (I1), "and pursuant to Sections 84, 120 and 130" shall be replaced by "pursuant to Article A in Chapter 2 and pursuant to Chapter 5 of the Counter-terrorism Law, 5776-2016, and pursuant to Section 130."

AMENDMENT OF 83. In the Courts Law [Consolidated Version], 5744-1984³⁴ –
THE COURTS LAW

(1) In Section 68 –

(a) The following shall be inserted after subsection (c):

"(c1) During a hearing of a petition for a hearing *in camera*, the Court may, at the request of the Attorney General's representative, deviate from the laws of evidence, for reasons that shall be recorded, and [may] admit evidence even in the absence of a party or its attorney, or without revealing it to them, if convinced that the disclosure of the evidence is liable to harm state security, foreign relations, or public safety or security, or to reveal confidential work methods, and that its non-disclosure is preferable its disclosure for the purpose of attaining justice. The Court may, prior to making a decision pursuant to this subsection, inspect the evidence and hear explanations in the absence of the other party and its attorney.

³⁴ *Sefer HaHukkim* (Book of Laws) 5744, p. 198; 5776, p. 358.

Unofficial Translation

(c2) The Court shall preside *in camera* during the testimony of a witness whose identity is confidential pursuant to a Confidentiality Certificate issued by virtue of Sections 44 or 45 of the Evidence [New Version] Ordinance, 5731-1971³⁵, or pursuant to the provisions of any other Law. However, the Court may, for reasons it shall record, preside over the matter, all of it or part of it, in open court.";

(b) The following shall be inserted at the end of subsection (d): "and it may also order thus in a hearing pursuant to subsection (C2), for reasons that shall be recorded";

(2) In the First Schedule –

(a) Items 8, 10 and 11 shall be deleted;

(b) The following shall be inserted after Item 13:

"14. Offenses pursuant to Sections 21 and 31 of the Counter-terrorism Law, 5776-2016."

AMENDMENT OF
THE NATIONAL
INSURANCE LAW

84. In the National Insurance [Consolidated Version] Law, 5755-1995³⁶, in Section 326(c), "In one or more of the offenses specified in paragraphs (1) and (2) in the definition of a "Security Offense" in the Criminal Procedure (Detainee Suspected of a Security Offense) (Temporary Provisions) Law, 5766-2006," shall be replaced by "In a grave security offense as defined in the Counter-terrorism Law, 5776-2016".

AMENDMENT OF
THE PUBLIC
DEFENDER LAW

85. In the Public Defender Law, 5756-1995³⁷, the following shall be inserted in Section 18(a), after paragraph (18):

"(19) Anyone for whom the Court has decided to appoint a defense attorney pursuant to Section 51(c) of the Counter-terrorism Law, 5776-2016."

³⁵ Laws of the State of Israel, New Version 18, p. 421.

³⁶ *Sefer HaHukkim* (Book of Laws) 5755, p. 210; 5776, p. 658.

³⁷ *Sefer HaHukkim* (Book of Laws) 5756, p. 8; 5776, p. 676.

Unofficial Translation

AMENDMENT OF 86. In the Criminal Procedure (Enforcement Powers – Arrests) Law ,
THE CRIMINAL 5756-1996³⁸ , in Section 35(b) –
PROCEDURE
(ENFORCEMENT
POWERS –
ARRESTS) LAW

(1) In paragraph (2), "64, 66, 67, 84 and 85" shall be replaced by "and 64".

(2) The following shall be inserted instead of paragraph (3):

"(3) A grave terrorist offense as defined in the Counter-terrorism Law, 5776-2016;"

(3) Paragraph (5) shall be deleted.

AMENDMENT OF 87. In the Prohibition on the Establishment of Monuments in the Memory of
PROHIBITION OF Perpetrators of Terrorist Acts Law, 5758-1998³⁹ , in Section 3, "Pursuant
THE to Section 4 of the Prevention of Terrorism Ordinance, 5708-1948" shall
ESTABLISHMENT be replaced by "Pursuant to Section 24 of the Counter-terrorism Law,
OF MONUMENTS 5776-2016".
IN THE MEMORY
OF PERPETRATORS
OF TERRORIST
ACTS LAW

AMENDMENT OF 88. In the International Legal Assistance Law, 5758-1998⁴⁰ , in the Second
THE Schedule –
INTERNATIONAL
LEGAL
ASSISTANCE LAW

(1) In Item C2, in the first part, "as defined in the Prohibition on Terrorism Financing Law, 5765-2004" shall be replaced by "as defined in the Counter-terrorism Law, 5776-2016 (in this Schedule – the Counter-terrorism Law)";

(2) The following shall be inserted after Item K:

³⁸ *Sefer HaHukkim* (Book of Laws) 5756, p. 338; 5775, p. 134.

³⁹ *Sefer HaHukkim* (Book of Laws) 5758, p. 236.

⁴⁰ *Sefer HaHukkim* (Book of Laws) 5758, p. 356; 5774, p. 576.

Unofficial Translation

"L. Terrorist offenses, as defined in the Counter-terrorism Law".

AMENDMENT OF 89. In the Freedom of Information Law, 5758-1998⁴¹, the following shall be
THE FREEDOM OF inserted in Section 14(a), after paragraph (14):
INFORMATION
LAW

"(15) The Advisory Committee, pursuant to Section 14 of the Counter-terrorism Law, 5776-2016".

AMENDMENT OF 90. In the Prohibition on Money Laundering Law, 5760-2000⁴² –
THE PROHIBITION
ON MONEY
LAUNDERING LAW

(1) The definition of "the Prohibition on Terrorism Financing Law" shall be deleted;

(2) The following shall be inserted after the definition of "the Companies Law":

"The Counter-terrorism Law" – the Counter-terrorism Law, 5776-2016;"

(3) In Section 28, "Prohibition on Terrorist Financing" shall be replaced by "Counter-terrorism";

(4) In Section 29(b), "Prohibition on Terrorist Financing" shall be replaced by "Counter-terrorism";

(5) In Section 30, in every place, "Prohibition on Terrorist Financing" shall be replaced by "Counter-terrorism";

(6) In Section 31(a), "Prohibition on Terrorist Financing" shall be replaced by "Counter-terrorism";

⁴¹ *Sefer HaHukkim* (Book of Laws) 5758, p. 226; 5776, p. 313.

⁴² *Sefer HaHukkim* (Book of Laws) 5760, p. 293; 5776, p. 712.

Unofficial Translation

(7) In Section 31B(a)(1), "Section 48(a) of the Prohibition on Terrorist Financing Law" shall be replaced by "Section 95 of the Counter-terrorism Law";

(8) In the First Schedule, in Item (18), "or pursuant to Articles B to F of Chapter 7 of Part B of the Penal Law" shall be replaced by "pursuant to Articles B to F of Chapter 7 of Part B of the Penal Law, or pursuant to Sections 20, 21, 22, 23, 25, 28, 29, 30, 31 and 32 of the Counter-terrorism Law, or an offense that is a terrorist act pursuant to that Law".

AMENDMENT OF
THE COURTS OF
ADMINISTRATIVE
AFFAIRS LAW

91. In the Courts of Administrative Affairs Law, 5760-2000⁴³, in the First Schedule, the following shall be inserted after Item 54:

"55. COUNTER-TERRORISM –

(1) A decision of an Authority regarding an administrative seizure order and a forfeiture order pursuant to Chapter 5 of the Counter-terrorism Law, 5776-2016 (hereinafter – "the Counter-terrorism Law");

(2) A decision of an Authority regarding a Prevention of Activity Order or a Restriction of the Use of a Place Order, pursuant to Chapter 6 of the Counter-terrorism Law."

AMENDMENT OF
THE COMBATTING
CRIMINAL
ORGANIZATIONS
LAW

92. In the Combatting Criminal Organizations Law, 5763-2003⁴⁴, in the First Schedule, Item 3 shall be deleted.

⁴³ *Sefer HaHukkim* (Book of Laws) 5760, p. 190; 5776, p. 880.

⁴⁴ *Sefer HaHukkim* (Book of Laws) 5763, p. 502; 5776, p. 796.

Unofficial Translation

AMENDMENT OF 93. In the Regulation of Research on Biological Generators of Diseases Law,
THE REGULATION OF RESEARCH ON 5769-2008⁴⁵, in Section 1, in the definition of a "Security Offense", the
BIOLOGICAL following shall be inserted after paragraph (5):
GENERATORS OF
DISEASES LAW

"(6) A terrorist offense as defined in the Counter-terrorism Law, 5776-2016, excluding an offense pursuant to Sections 26, 32 and 36 of that Law;"

CHAPTER EIGHT: MISCELLANEOUS PROVISIONS

DELEGATION OF 94. (a) Powers given to the Minister of Defense and to the Head of the
POWERS Defense Authority pursuant to this Law may not be delegated, unless prescribed otherwise in this Law.

(b) The Attorney General may delegate powers given to him pursuant to Sections 3(b), 46(a)(3) and 52(b) to the State Attorney and the Deputy State Attorney, and with regard to the power given to him pursuant to Section 3(b) – also to the Deputy Attorney General.

APPLICATION OF 95. (a) The powers given to the Governor of the Bank of Israel and to the
THE PROHIBITION Minister to issue orders for the purpose of enforcing the Prohibition on
ON MONEY Money Laundering Law as stated in Sections 7, 8A or 8B of that Law shall also be given to them in order to enforce Sections 31 to 36 of this Law. Each of them, with the consent of the Minister of Justice and in consultation with the Minister of Public Security, shall be entitled to prescribe by Order, with regard to a banking corporation or body, as stated in Sections 7, 8A or 8B of that Law, provisions regarding checking the identifying details of the parties to a property transaction against the identifying details of designated terrorist organizations and the identifying details of anyone designated pursuant to Section 11 as terrorist operatives.

⁴⁵ *Sefer HaHukkim* (Book of Laws) 5769, p. 27.

Unofficial Translation

(b) Reports received pursuant to this section by the Israel Prohibition on Money Laundering and Terrorist Financing Authority shall be preserved in the database that has been established pursuant to Section 28 of the Prohibition on Money Laundering Law. The transfer from the database of information that was received pursuant to this section or for the enforcement of the provisions of the sections specified in subsection (a), shall be done pursuant to that Law. The provisions of Section 31A of the Prohibition on Money Laundering Law, regarding a duty of confidentiality and a prohibition on disclosing information and use of it in a manner not in accordance with the provisions of the Prohibition on Money Laundering Law, will apply to one who has received information obtained pursuant to this Section.

(c) A person responsible for carrying out obligations in a banking corporation and in any body specified in the Third Schedule of the Prohibition on Money Laundering Law, who was appointed pursuant to Section 8 of that law, or a person responsible for fulfilling the obligations in a corporation that is a trader in precious gemstones, who has been appointed pursuant to Section 8A(f) of that Law, shall also act to carry out the obligations that will be imposed in orders pursuant to subsection (a), on said corporation or body, and [shall also act] to direct the employees to fulfill such obligations and to supervise their fulfillment.

(d) The supervisors who were appointed pursuant to Section 11N of the Prohibition on Money Laundering Law shall also supervise the implementation of provisions in orders pursuant to subsection (a) regarding the obligations of a banking corporation, a body specified in the Third Schedule of the said Law and a trader in precious gemstones. For this purpose, the powers stipulated in that Law shall be vested in them and Chapter 4-2 of that Law shall apply.

Unofficial Translation

(e) The provisions of Section 14 of the Prohibition on Money Laundering Law prescribing financial sanctions for breaches of provisions of that Law shall also apply with regard to breaches of the provisions of Orders issued pursuant to subsection (a). The powers given to the Financial Sanctions' Committee established pursuant to Section 13 of the Prohibition on Money Laundering Law will be given to it also regarding one who violated provisions of said orders, and Chapter Five of that Law shall apply with regard to financial sanctions.

(f) If a financial sanction has been imposed pursuant to this section and the sanction has been paid, an indictment for an offense according to Section 36 shall not be filed pertaining to the same act for which the financial sanction was imposed.

(g) No more than one financial sanction shall be imposed for a single act in breach of the provisions of an Order issued pursuant to subsection (a), even if the act is also in breach of an Order issued pursuant to the Prohibition on Money Laundering Law.

PRESERVING
LAWS

96. The provisions of this Law are intended to add to the provisions of any other law and not to derogate from them.

EXECUTION AND
REGULATIONS

97. (a) Subject to subsections (b) and (c), the Minister of Justice is responsible for the execution of the provisions of this Law, and may enact regulations for its execution, including regulations in the following matters:

(1) Procedures for a forfeiture request in a criminal proceeding, including concerning the service of notice to those claiming a right to property, and the submission of their claims regarding the forfeiture;

(2) The management of property seized and forfeited pursuant to Chapter 5, including payment arrangements for that property's management expenses. Regulations pursuant to this paragraph shall be enacted with the consent of the Minister of Finance.

Unofficial Translation

(b) The Minister of Defense is responsible for the execution of the provisions of Chapter 2 concerning designation, and for the execution of the provisions of Article B of Chapter 5 concerning administrative seizure and forfeiture.

(c) The Minister of Public Security is responsible for the execution of the provisions of Chapter 6, and may, with the consent of the Minister of Justice, enact regulations for its execution, including regulations concerning the following:

(1) The service of a copy of the Prevention of Activity Order and the Restriction of Use of a Place Order to the owner or occupant of a place;

(2) The submission of claims concerning the Orders mentioned in paragraph (1).

(d) Notwithstanding subsections (a) and (b), the Minister of Defense and the Minister of Justice may together enact regulations in the following matters:

(1) Designations pursuant to Chapter 2, including details to be included in a designation as aforesaid;

(2) Manner and dates for serving notices to a designated terrorist organization or to someone designated as a terrorist operative, as well as to someone subject to a reporting duty pursuant to Sections 7 or 8A of the Prohibition on Money Laundering Law;

(3) The manner and date for filing a designation-revocation request, as well as the manner of conducting the periodic review of designations pursuant to Article B of Chapter 2;

(4) Administrative seizure orders or forfeiture orders pursuant to Chapter 5. Regulations concerning the execution of these Orders shall be enacted in consultation with the Minister of Public Security.

Unofficial Translation

(e) Regulations pursuant to this Law, excluding Orders regarding designations of a terrorist organization or a terrorist operative pursuant to Chapter 2, shall be enacted with the approval of the Knesset Constitution, Law and Justice Committee.

AMENDING THE
SCHEDULE

98. The Minister of Justice, with the approval of the Knesset Constitution, Law and Justice Committee, may amend the Schedule by way of Order.

REPORTING TO
THE KNESSET

99. The Minister of Justice shall report to the Knesset Constitution, Law and Justice Committee on June 1st of every year, regarding the following:

(1) The number of indictments filed for a Section 24 offense in the year preceding the date of the report, and the manner by which the provisions of that section were implemented;

(2) The implementation of the provisions of Chapter 4, including the number of cases in which –

(a) A Commanding Officer delayed bringing a security offense detainee before a judge pursuant to Section 46(a)(1) or (2); The report shall specify the periods of delay;

(b) A Court ordered that a security offense detainee's appearance before a judge be delayed pursuant to Section 46(a)(3);

(c) A judge ordered the detention of a security offense detainee as per Section 17(a) of the Arrests Law, as it is to be read according to Section 47 of this Law, including specification of the periods he was held in detention as per Section 17(b) of the Arrests Law, according to the wording stipulated in that section [Section 47], and including specification of the periods he was held in detention for over 15 days;

(d) The Supreme Court extended a security offense detainee's detention in the detainee's absence pursuant to Section 48, including specification of the periods he was held in detention;

Unofficial Translation

(e) The Court ordered that a hearing pursuant to Section 49(b) or 50(b) be held;

(f) A defense attorney was appointed for the detainee pursuant to Section 51(c);

(g) A Court ordered its decision not to be brought to the attention of the detainee pursuant to Section 51(d), and the date on which a decision delivered by a Court in a hearing held in [the detainee's] absence was brought to the detainee's attention, as stated in that section;

(h) More than one of the powers listed in Sections 46(a)(2) and (3), 47, 48, 49(b) or 50(b) [of this Law], as well as Section 35 of the Arrests Law, was exercised, and specification of the powers exercised.

COMMENCEMENT 100. (a) This Law shall enter into force on 30 Tishrei 5777 (1 November 2016) (hereinafter – the Commencement Date).

(b) Notwithstanding subsection (a), the commencement of the revocation of Regulations 84, 85 and 120 of the Defense (State of Emergency) Regulations, 1945, as aforesaid in Section 76 of this Law, is on 3 Adar 5777 (1 March 2017). However, prosecuting an offense committed after the commencement date, or exercising another power pursuant to Regulations 84, 85 and 120 of the Defense (State of Emergency) Regulations, 1945, during the period between the commencement date and the date of their [the Regulations'] revocation, requires the approval of the Attorney General or the State Attorney; the power to grant such approval may not be delegated.

Unofficial Translation

APPLICABILITY
AND
TRANSITIONAL
PROVISIONS

101. (a) A body of persons designated, before the commencement date, as a terrorist organization pursuant to Section 8 of the Prevention of Terrorism Ordinance, 5708-1948 (in this section – the Prevention of Terrorism Ordinance) or as an unlawful association pursuant to Regulation 84(1)(b) of the Defense (State of Emergency) Regulations, 1945, shall be seen as having been designated as a terrorist organization by a permanent designation pursuant to Section 6 of this Law.
- (b) A body of persons designated, before the commencement date, as a terrorist organization pursuant to Section 2 of the Prohibition on Terrorism Financing Law, 5765-2005 (in this section – the Prohibition on Terrorism Financing Law), shall be seen as having been designated as a terrorist organization pursuant to Section 11(a) of this Law.
- (c) A person who was designated, before the commencement date, as a terrorist operative pursuant to Section 2 of the Prohibition of Terrorism Financing Law, shall be seen as having been designated as a terrorist operative pursuant to Section 11(a)(2) or (3)(c) of this Law.
- (d) The laws applicable prior to the commencement date shall apply to property seized, forfeited or confiscated prior to the commencement date.
- (e) Offenses specified below committed prior to the commencement date shall be seen as grave terrorist offenses:
- (1) An offense pursuant to Sections 2 or 3 of the Prevention of Terrorism Ordinance;
 - (2) An offense pursuant to Section 8 of the Prohibition of Terrorism Financing Law;
 - (3) An offense pursuant to Regulations 84 or 85 of the Defense (State of Emergency) Regulations, 1945;
 - (4) Regarding Chapter 4 – also a security offense as defined in the Criminal Procedure (Detainee Suspected of a Security Offense) (Emergency Provisions) Law, 5766-2006.

Unofficial Translation

SCHEDULE

(Sections 42 and 98)

- (1) Afghanistan;
- (2) Libya;
- (3) Sudan;
- (4) Pakistan.
