

Prevention of Terror Ordinance No. 33 of 1948

The Provisional State Council hereby enacts the following:

Interpretations

1. A "terrorist organization" means a group of people who employ acts of violence liable to cause the death or injury of a person, or threats of such acts of violence;

A "member of a terrorist organization" means a person who belongs to it, including a person who participates in its activity, publicizes its propaganda, activities or objectives, or collects money or objects for the benefit of a terrorist organization or its activity.

Activity in a terrorist organization

2. A person who fills a position in leadership or guidance of a terrorist organization, or participates its deliberations or decision-making, or serves as a member of a tribunal of a terrorist organization, or makes a speech at a public meeting or over the radio for its benefit, will be charged with a criminal offense, and if convicted will be subject to punishment of imprisonment of up to 20 years.

Membership in a terrorist organization

3. A member in a terrorist organization will be charged with a criminal offense, and if convicted will be subject to punishment of imprisonment of up to five years.

Support for a terrorist organization

4. A person –

(A)(repealed);

(B) who publicizes, in writing or orally, words of praise, sympathy or a call for help or support for a terrorist organization; or

(C) who holds propaganda material for the benefit of a terrorist organization; or

(D) who gives money or its equivalent to benefit a terrorist organization; or

(E) who provides a place for someone so that the place can be used by a terrorist organization or its members, regularly or at a particular opportunity, as a place of activity, meeting, propaganda or storeroom; or

(F) who provides an object for someone so that the object can be used by a terrorist organization or a member of a terrorist organization in carrying out an action on behalf of the terrorist organization; or

(G) who commits an act expressing identification with a terrorist organization or sympathy for it, by raising a flag, displaying a symbol or slogan or playing an anthem or slogan, or any similar overt action that clearly reveals such

identification or sympathy, all in a public place or in a way that people in a public place can see or hear such expression of identification or sympathy,

(H) (repealed).

will be charged with a criminal offense, and if convicted, will be subject to punishment of imprisonment of up to three years or a fine of up to 1,000 Israel pounds or both.

Confiscating property

5. (A) Any property of a terrorist organization, even if acquired prior to the publication of this ordinance in the Official Gazette, will be confiscated for the benefit of the state by order of a district court.

(B) Any property subject to confiscation according to this section, will be seized by written decision of the Commissioner of Israel Police.

(C) Any property in a place used by a terrorist organization or its members, regularly or on occasion, as a place of activity, meeting, propaganda or storeroom, as well as any property owned or controlled by a member of a terrorist organization, will be considered property of a terrorist organization, unless the opposite is proven.

Closing places of activity, etc., of a terrorist organization

6. (A) The Commissioner of Israel Police is authorized to decide in writing to close any place used by a terrorist organization or its members, regularly or on occasion, as a place of activity, meeting, propaganda or storeroom; when such a decision is issued, any police officer is authorized to enforce it.

(B) (repealed).

Proof of existence of a terrorist organization

7. To prove, in any legal hearing, that a particular group of people comprise a terrorist organization, it is sufficient to demonstrate that –

(A) on behalf of this group of people or under its command, one or more of its members, at any time after May 14, 1948, carried out a violent action liable to cause death or injury of a person, or threats of such acts of violence; or

(B) a group of people, or one or more of its members on its behalf or under its command, declared this group responsible for acts of violence liable to cause the death or injury of a person, or threats of such acts of violence, or declared that the group of people was involved in acts of violence or such threats, provided that the acts of violence or threats were made after May 14, 1948.

The government's declaration of an organization as a terrorist organization

8. If the government declares, in an announcement in the Official Gazette, that a particular group of people is a terrorist organization, the announcement will serve as proof in any legal hearing that this group of people is a terrorist organization, unless the opposite is proven.

Proof of membership in a terrorist organization

9. (A) If it be proven that at any time after May 14, 1948 a person was a member in a particular terrorist organization, the person will be considered a member of that terrorist organization, unless it is proven that he ceased to be a member of it.

(B) A person present in a place used by a terrorist organization or its members as a place of activity, meeting or storeroom will be considered a member of a terrorist organization, unless it be proven that the circumstances of his presence in that place do not justify this conclusion.

Proof by a publication of a terrorist organization

10. To convict a defendant according to this ordinance, and also for the purposes of confiscating property in accordance with this ordinance, it is permissible to accept anything the contents of which indicate that it was published by a terrorist organization or on its behalf, in writing or orally, as evidence of the facts presented.

Ruling – prima facie evidence

11. If it be determined in a final court ruling that a particular group of people is a terrorist organization, the ruling will be considered prima facie evidence in any other legal hearing that this group of people is a terrorist organization.

12 through 21 (repealed)

Cancellation

22. The Emergency Regulations for Preventing Terror, 1948 are canceled; however, their Cancellation does not detract from any declaration or announcement issued or other action undertaken in accordance with them and does not exempt a person from punishment mandated in accordance with them.

Implementation and regulations

23. The Minister of Justice is responsible for the implementation of this ordinance, and he is authorized to institute regulations on anything pertaining to its implementation.

Application

24. This ordinance will apply only when a state of emergency exists in the state as declared in accordance with Section 9 of the Law and Administration Ordinance, 1948.

Name

25. This ordinance will be called the "Prevention of Terror Ordinance, 1948."

David Ben-Gurion

September 23, 1948

Prime Minister and Minister of Defense

Felix Rosenblueth

Minister of Justice

Reference: No legal frontiers, <http://nolegalfrontiers.org/israeli-domestic-legislation/isr02?lang=en>