



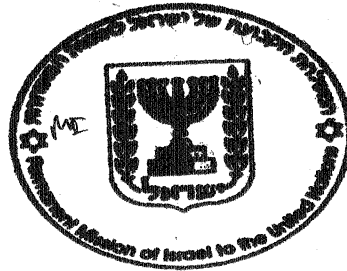
No: PMOIUNLOTS-PRCY2010

The Permanent Mission of Israel to the United Nations presents its compliments to the Secretariat of the United Nations as has the honour to acknowledge the receipt of a note verbale (reference: DOALOS Piracy 2009) dated 8 January 2010. Pursuant to the latter's note, the Permanent Mission of Israel to the United Nations has the honour to submit legislation of the State of Israel concerning piracy.

The Permanent Mission of Israel to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its highest consideration.

22 February 2010

Secretariat of the United Nations
Attention: Division for Ocean Affairs
and the Law of the Sea
Via Fax: (212) 963-5847



The State of Israel's Anti-Piracy Legislation

Further to the UN Secretariat's letter dated 8 January 2010, below is an overview of Israel's domestic legislation currently in effect pertaining to piracy:

- **Section 169 of Israel's Penal Law, 1977, explicitly criminalizes acts of piracy, as follows:**

" Piracy. 169. A person who commits piracy or any act connected with or akin to piracy is liable to imprisonment for twenty years".
- **Israel's Maritime Law (Offenses Against the Safety of International Maritime Navigation and Maritime Installations), 2008, is another national law that can be used to combat piracy.** This law was enacted in order to incorporate the provisions of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 (the "Convention"), and of the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988 (the "Protocol"), into Israeli domestic law. Israel became a party to both the Convention and Protocol in 2009. Under the said Israeli law, the seizure by force of a vessel or of a fixed maritime platform, or the threat to take control by force of such, are offenses punishable by 20 years' imprisonment (Section 3 of the law). Furthermore, under the said law, the following offenses are punishable by 15 years' imprisonment: an attack of a person aboard a vessel; an act that causes injury to the vessel or its cargo; the carrying on board of a device or materials that are likely to cause injury to the vessel or its cargo; damaging navigation equipment; conveying false information for the purpose of interfering with the safe navigation of the vessel; attacking a person upon a fixed maritime platform; causing injury to a fixed maritime platform; or bringing aboard a fixed maritime platform a device or materials that are likely to cause injury to such platform. If the attack of a person aboard a vessel or aboard a fixed maritime platform causes death or serious injury, such offence is punishable by 25 years' imprisonment. All of the offences described above may be perpetrated in the course of an act of piracy, and thus this law is an effective tool for combating piracy.

Under the Maritime Law (Offenses Against the Safety of International Maritime Navigation and Maritime Installations), 2008, the master is authorized to request from a person who has perpetrated the above crimes or who threatens to perpetrate the above crimes, their identifying information; to interrogate such person; to detain such person; to search such person or the vessel; to seize any item which may threaten the safety of the vessel; and even to arrest such person, if there is reason to believe that such person threatens the safety of the vessel or might try to escape. If the master detains or arrests such person, the master is to notify the owner of the vessel immediately of such, who, in turn is to contact the police. The police may either order the person's release, in light of the circumstances, or is to notify the country of the person's citizenship or residence of his or her detention or

arrest. The police are also to order the vessel's owner to either submit the detained person to the relevant authorities of a country that is a party to the Convention, or to submit the person to Israeli authorities in order to prosecute such person.

- In this context, it is also worth noting that **Israel's Prohibition on Money Laundering Law , 2000**, (hereinafter, the "PML") prohibits the laundering of monies that were derived from certain offences, as enumerated in the First Schedule of the law. Such list of offenses includes the crime of piracy, as defined under Israel's Penal Law (see above).ⁱⁱ Under Section 3(a) of the PML, the holding, sale, receipt, transfer, brokerage, etc. of property originating from, or used for, such aforementioned offences (including piracy), with the intent to conceal the source, owners, location, movements, or acts relating to such property, or with the knowledge that such property is related to such offences, is an offence punishable by fines of up to NIS 4,040,000 and imprisonment of up to 10 years. Furthermore, under Section 4 of the PML, the holding, sale, receipt, transfer, brokerage, etc. of property by a person who knows, or suspects, that the property was originated from, or used for, the aforementioned offenses listed in the law, including acts of piracy, is an act punishable by fines of up to NIS 2,020,000 and imprisonment of up to 7 years. The relevant sections of the PML are set forth below:

Original Offense. Section 2.

- (a) In this Chapter, "offense" means an offense as specified in the First Schedule.
- (b) For the purpose of this Chapter, an offense as stated in subsection (a) shall also be deemed an offense when committed in another state, provided that it also constitutes an offense under the laws of that state.

Prohibition on money laundering. Section 3.

- (a) A person performing a property transaction provided in paragraphs (1) to (3) hereunder, (in this Law referred to as "prohibited property"), with the object of concealing or disguising its source, the identity of the owners of the rights, the location, movement or disposition with respect to such property, shall be liable to ten years' imprisonment or a fine twenty times greater than the fine specified in section 61(a)(4) of the Penal Law
 - (1) property originating directly or indirectly in an offense;
 - (2) property used to commit an offense;
 - (3) property enabling the commission of an offense.
- (b) A person performing a property transaction or delivering false information with the object of preventing any reporting under section 7 or in order not to report under section 9, or to cause incorrect reporting under the aforesaid sections, shall be liable to the penalty prescribed in subsection (a); for the purposes of this section, "transmitting false information" shall

include failure to deliver updated information about any item required to be reported.

Prohibition of performing a prohibited transaction with property. Section 4.

A person performing any property transaction, knowing that it is prohibited property, and that such property falls within one of the categories of property specified in the Second Schedule, and at the value determined therein, shall be liable to seven years imprisonment or a fine ten times the fine stated in section 61(a)(4) of the Penal Law; for the purposes of this section, "knowing" does not include disregarding, within the meaning specified in section 20(c)(1) of the Penal Law.

ⁱ Please note that there is no official English translation of this law currently

ⁱⁱ **First Schedule (Section 2). Specification of offenses.** The offenses specified hereunder:

- (1) Offenses under the Dangerous Drugs Ordinance, not being offenses of self-use of a drug, possession of a drug for self-use, possession of premises for personal consumption of a drug and possession of instruments for self-use of a drug;
- (2) Offenses of illegal trading in arms under section 144 of the Penal Law;
- (2a) **Offences of piracy under section 169 of the Penal Law.** [*Emphasis Added*]
- (3) Offenses related to acts of prostitution under sections 199, 201, 202, 203, 203A, 203B, 204 and 205 of the Penal Law;
- (4) Offenses of sale and distribution of obscene publications under section 214 of the Penal Law;
- (5) Gambling offenses under sections 225 and 228 (first part) of the Penal Law;
- (6) Offenses of bribery under Article Two of Chapter Nine of Part Two of the Penal Law;
- (7) Offenses of murder and attempted murder under sections 300 and 305 of the Penal Law;
- (8) Offenses against the person under Article Seven of Chapter Ten of Part Two of the Penal Law;
- (9) Offenses against property under sections 384, 390 to 393, 402 to 404 and 411 of the Penal Law;
- (10) Offenses of theft of a vehicle, obtaining a vehicle or stolen parts and trading in a vehicle or stolen parts, as provided in Article Eight of Chapter Eleven of Part Two of the Penal Law, excluding offenses under sections 413C, 413D(a), 413E, the first part of 413F and 413G;
- (11) Offenses under Article Six of Chapter Eleven of Part Two of the Penal Law, excluding offenses under sections 416, 417 and 432;

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- (11a) Offenses under sections 439-444 of the Penal Law.
- (12) Offenses of forgery of money and coins, under Articles One and Two of Chapter Twelve of Part Two of the Penal Law, excluding offenses under sections 463, 466, 467, 480, 481 and 482, as well as the offense of installation of a tool for making stamps under section 486;
- (13) Offenses under sections 16, 17 and 18 of the Debit Cards Law, 5746-198623 ;
- (14) Offenses under sections 52C, 52D and 54 of the Securities Law, 5728-196824;
- (15) Offenses of smuggling goods under sections 211 and 212 of the Customs Ordinance²⁵ or under the Import and Export Ordinance [New Version], 5739-197926;
- (16) Offenses related to infringements of copyrights, patents, designs and trademarks, under the Copyrights Ordinance 2007²⁷, the Patents Law, 5727-196728, Patents and Designs Ordinance²⁹, the Trademarks Ordinance [New Version], 5732-197230, and the Merchandise Marks Ordinance³¹;
- (17) An offense under section 117(b)(3) of the Value Added Tax Law, 5735-1975, committed in aggravated circumstances;
- (18) Offenses under the Prevention of Terrorism Ordinance³², under the Defense (Emergency) Regulations, 1945³³, under sections 8 and 9 of the Law Prohibiting the Financing of Terror or under Articles Two to Six of Chapter Seven of Part Two of the Penal Law;
- (18a) Offenses under sections 2,3, and 4 of the Law Against Organized Crime, 5763 -2003;
- (18b) An offense under section 80(b) related to a foreign worker or under section 80(c) of the Employment Services Law, 1959;
- (18c) An offence relating to the performance of work or the use of real property without a permit or in non-conformance with a permit in accordance with section 204 of the Law for Planning and Building 1965, or an offense under Section 14 of the Law for Licensing Businesses, 1968, and all that related to sites for the removal of waste, waste stations, the gathering and transport of waste, and the processing, use and recycling of waste, or related to gas and fuel stations, refueling, the transport of fuel and gas, the storage of fuel and gas, the parking of gas and fuel tankers, the sale of fuel and gas, gas and fuel terminals, the filling of gas tankers and the distribution of gas; as well as any offense under section 111 of the Sales Ordinance, as related to sand quarrying;
- (19) Offenses of money laundering under section 3 of the Law, originating in one of the offenses specified herein;
- (20) Conspiracy to commit one of the offenses specified herein.