

NAZIS AND NAZI COLLABORATORS (PUNISHMENT)
LAW, 5710—1950*

Crimes
against the
Jewish
people,
crimes
against
humanity and
war crimes.

1. (a) A person who has committed one of the following offences —
- (1) done, during the period of the Nazi régime, in an enemy country, an act constituting a crime against the Jewish people;
 - (2) done, during the period of the Nazi régime, in an enemy country, an act constituting a crime against humanity;
 - (3) done, during the period of the Second World War, in an enemy country, an act constituting a war crime,
- is liable to the death penalty.

(b) In this section —

“crime against the Jewish people” means any of the following acts, committed with intent to destroy the Jewish people in whole or in part:

- (1) killing Jews;
- (2) causing serious bodily or mental harm to Jews;
- (3) placing Jews in living conditions calculated to bring about their physical destruction;
- (4) imposing measures intended to prevent births among Jews;
- (5) forcibly transferring Jewish children to another national or religious group;
- (6) destroying or desecrating Jewish religious or cultural assets or values;
- (7) inciting to hatred of Jews;

“crime against humanity” means any of the following acts:

murder, extermination, enslavement, starvation or deportation and other inhumane acts committed against any civilian population, and persecution on national, racial, religious or political grounds;

“war crime” means any of the following acts:

murder, ill-treatment or deportation to forced labour or for any other

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purpose, of civilian population of or in occupied territory; murder or ill-treatment of prisoners of war or persons on the seas; killing of hostages; plunder of public or private property; wanton destruction of cities, towns or villages; and devastation not justified by military necessity.

2. If a person, during the period of the Nazi régime, committed in an enemy country an act by which, had he committed it in Israel territory, he would have become guilty of an offence under one of the following sections of the Criminal Code, and he committed the act against a persecuted person as a persecuted person he shall be guilty of an offence under this Law and be liable to the same punishment to which he would have been liable had he committed the act in Israel territory:

Crimes
against
persecuted
persons.

- (a) section 152 (rape, sexual and unnatural offences);
- (b) section 153 (rape by deception);
- (c) section 157 (indecent act with force, etc.);
- (d) section 188 (child stealing);
- (e) section 212 (manslaughter);
- (f) section 214 (murder);
- (g) section 222 (attempt to murder);
- (h) section 235 (acts intended to cause grievous harm or prevent arrests);
- (i) section 236 (preventing escape from wreck);
- (j) section 238 (grievous harm);
- (k) section 240 (maliciously administering poison with intent to harm);
- (l) section 256 (abducting in order to murder);
- (m) section 258 (abducting in order to subject person to grievous hurt);
- (n) section 288 (robbery and attempted robbery);
- (o) section 293 (demanding property with menaces with intent to steal).

3. (a) A person who, during the period of the Nazi régime, in an enemy country, was a member of, or held any post or exercised any function in, an enemy organisation is liable to imprisonment for a term not exceeding seven years.

Membership
in enemy
organisation.

(b) In this section, "enemy organisation" means —

(1) a body of persons which, under article 9 of the Charter of the International Military Tribunal, annexed to the Four-Power Agreement of the 8th August, 1945, on the trial of the major war criminals, has been declared, by a judgment of that Tribunal, to be a criminal organisation;

(2) any other body of persons which existed in an enemy country and the object or one of the objects of which was to carry out or assist in carrying out actions of an enemy administration directed against persecuted persons.

4. (a) A person who, during the period of the Nazi régime, in an enemy country and while exercising some function in a place of confinement on behalf of an enemy administration or of the person in charge of that place of confinement, committed in that place of confinement an act against a persecuted person by which, had he committed it in Israel territory, he would have become guilty of an offence under one of the following sections of the Criminal Code, shall be guilty of an offence under this Law and be liable to the same punishment to which he would have been liable had he committed the act in Israel territory:

Offences in
places of
confinement.

- (1) section 100 (c) (threatening violence);
- (2) section 162 (procuring defilement of females by threats, fraud or administering drugs);
- (3) section 241 (wounding and similar acts);
- (4) section 242 (failure to supply necessaries);
- (5) section 249 (common assault);
- (6) section 250 (assault causing actual bodily harm);
- (7) section 261 (unlawful compulsory labour);
- (8) section 270 (theft).

(b) "Place of confinement", in this section, means any place in an enemy country which, by order of an enemy administration, was assigned to persecuted persons, and includes any part of such a place.

**Delivering up
persecuted
person to
enemy
administra-
tion.**

5. A person who, during the period of the Nazi régime, in an enemy country, was instrumental in delivering up a persecuted person to an enemy administration, is liable to imprisonment for a term not exceeding ten years.

**Black-
mailing
persecuted
persons.**

6. A person who, during the period of the Nazi régime, in an enemy country, received or demanded a benefit —

(a) from a persecuted person under threat of delivering up him or another persecuted person to an enemy administration; or

(b) from a person who had given shelter to a persecuted person, under threat of delivering up him or the persecuted person sheltered by him to an enemy administration,

is liable to imprisonment for a period not exceeding seven years.

**Application
of General
Criminal
Code.**

7. The provisions of the First Part of the Criminal Code shall, save as this Law otherwise provides, apply to offences under this Law.

**Certain
sections
not to apply.**

8. Sections 16, 17, 18 and 19 of the Criminal Code shall not apply to offences under this Law.

**Res
judicata.**

9. (a) A person who has committed an offence under this Law may be tried in Israel even if he has already been tried abroad, whether before an international tribunal or a tribunal of a foreign state, for the same offence.

(b) If a person is convicted in Israel of an offence under this Law after being convicted of the same act abroad, the Israel court shall, in determining the punishment, take into consideration the sentence which he has served abroad.

**Release from
criminal
responsibility.**

10. If a persecuted person has done or omitted to do any act, such act or omission constituting an offence under this Law, the Court shall release him from criminal responsibility —

(a) if he did or omitted to do the act in order to save himself from the danger of immediate death threatening him and the court is satisfied that he did his best to avert the consequences of the act or omission; or

(b) if he did or omitted to do the act with intent to avert consequences more serious than those which resulted from the act or omission, and actually averted them;

however, these provisions shall not apply to an act or omission constituting an offence under section 1 or 2(f).

11. In determining the punishment of a person convicted of an offence under this Law, the court may take into account, as grounds for mitigating the punishment, the following circumstances:

Extenuating
circum-
stances.

(a) that the person committed the offence under conditions which, but for section 8, would have exempted him from criminal responsibility or constituted a reason for pardoning the offence, and that he did his best to reduce the gravity of the consequences of the offence;

(b) that the offence was committed with intent to avert, and was indeed calculated to avert, consequences more serious than those which resulted from the offence;

however, in the case of an offence under section 1, the court shall not impose on the offender a lighter punishment than imprisonment for a term of ten years.

12. (a) The rules of prescription laid down in the Fifth Chapter of the Ottoman Code of Criminal Procedure shall not apply to offences under this Law.

Prescription.

(b) No person shall be prosecuted for an offence under this Law, except an offence under section 1 or 2(f), if twenty years have passed since the time of the offence.

13. The provisions of the General Amnesty Ordinance, 5709—1949¹), shall not apply to offences under this Law.

General
amnesty
not to apply.

14. A prosecution for an offence under this Law may only be instituted by the Attorney General or his representative.

Institution
of prosecu-
tion.

15. (a) In an action for an offence under this Law, the court may deviate from the rules of evidence if it is satisfied that this will promote the ascertainment of the truth and the just handling of the case.

Evidence.

(b) Whenever the court decides to deviate, under subsection (a), from the rules of evidence, it shall place on record the reasons which prompted its decision.

16. In this Law —

Interpreta-
tion.

“the period of the Nazi régime” means the period which began on the 3rd Shevat, 5693 (30th January, 1933) and ended on the 25th Iyar, 5705 (8th May, 1945);

“the period of the Second World War” means the period which began on the 17th Elul, 5699 (1st September, 1939) and ended on the 5th Elul, 5705 (14th August, 1945);

“the Allied Powers” means the states which signed the Declaration of the United Nations of the 1st January, 1942, or acceded to it during the period of the Second World War;

“Axis state” means a state which during the whole or part of the period of the Second World War was at war with the Allied Powers; the period which began on the day of the beginning of the state of war between a particular Axis state and the first, in time, of the Allied Powers and ended on the day of the cessation of hostilities between that state and the last, in time, of the Allied Powers, shall be considered as the period of the war between that state and the Allied Powers;

“enemy country” means —

(a) Germany during the period of the Nazi régime;

(b) any other Axis state during the period of the war between it and the Allied Powers;

¹ I.R. No. 50 of the 12th Shevat, 5709 (11th February, 1949), Suppl. I, p. 173;

(c) any territory which, during the whole or part of the period of the Nazi régime, was *de facto* under German rule, for the time during which it was *de facto* under German rule as aforesaid;

(d) any territory which was *de facto* under the rule of any other Axis state during the whole or part of the period of the war between it and the Allied Powers, for the time during which that territory was *de facto* under the rule of that Axis state as aforesaid;

"enemy administration" means the administration which existed in an enemy country;

"persecuted person" means a person belonging to a national, racial, religious or political group which was persecuted by an enemy administration;

"the Criminal Code" means the Criminal Code Ordinance, 1936¹).

Implementa-
tion.

17. The Minister of Justice is charged with the implementation of this Law.

DAVID BEN-GURION
Prime Minister

PINCHAS ROSEN
Minister of Justice

YOSEF SPRINZAK
Chairman of the Knesset
Acting President of the State