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State of Israel
Ministry of Justice
State Attorney's Office
(Special Prosecutions)

14 Shvat 5776
January 24, 2016
Case No: 424-15-6
Letter No: 811-99-2016-000378

To:
Dalia Kirstein, Executive Director
HaMoked: Center for the Defence of the Individual
4 Abu Obeida St.
Jerusalem 97200

Dear Madam,

Re: **Your demand to launch a criminal investigation against Im Tirzu for incitement to murder**

Ref: Your letter 11432 to the Attorney General, dated December 15, 2015, your letter 11432 to the Attorney General dated December 21 2015, letter from Adv. Gonen 11432 to State Attorney (Special Prosecutions) dated January 3, 2016.

1. The letters in reference concern the publication of an ad distributed by Im Tirzu on various internet sites, including the Im Tirzu Facebook page, its official website and YouTube.
2. In your communication, you argued that the ad implies a call to take the lives of staff members of various human rights organizations, including Adv. Sigi Ben-Ari, of HaMoked: Center for the Defence of the Individual, and that as such, publication thereof constitutes incitement.
3. Having reviewed the matter, we reached the conclusion, approved by Deputy State Attorney (Special Prosecutions) (Acting) Mr. Amit Isman, that the ad is vitriolic and extremely problematic and should not have been published. However, we believe that there is no cause to launch a criminal investigation with respect to the publication of said ad, the main reason

being that the message of the ad is ultimately clear and unequivocal – to support the bill the ad is promoting rather than take any sort of violent action.

Section 144.d.2 of the Penal Code sets forth:

- 144.d.2 (A) Any person who publicizes a call to commit an act of violence or terrorism, or statements praising, supporting or encouraging acts of violence or terrorism, or supports or sympathizes with terrorism (in this section – an inciting publication), and, given the content of the inciting publication and the circumstances in which it was made public, there is true probability that it would lead to an act of violence or terrorism, shall be sentenced to five years in prison.
- (B) In this section, “an act of violence and terrorism” – an offense against a person’s body, or an offense that puts a person in mortal danger or danger of serious injury.

Given the language of the law, it appears that the ad, though, as stated, we view as extremely problematic, does not amount to the offense of incitement to violence.

Sincerely,
[signed]
Eilona Inbar
Senior Deputy State Attorney (Special
Prosecutions)

Enclosed: Copy of power-of-attorney
CC: HaMoked: Center for the Defence of the Individual