

State of Israel
Ministry of Public Security
-unclassified -

General - B/321285

In 1896, here in Vienna, Dr. Theodore Herzl envisioned the establishment of the State of Israel. Alongside the description of the establishment of a home for the Jewish People, to be built on the values of Zionism based on the ancient tradition Jewish and on the universal values of cultured states, in his writings "The State of the Jews" and "Altneuland", Herzl also mentions the role of the state-to-be in relation to the potential criminal element and the obligation of the state to maintain the rule of law in its borders. The expectation and aspiration for a state, that would be an equal status member in the community of nations, is expressed in the wish to see the realization of establishment of a "Hebrew police force" and to see the first "Hebrew policeman".

One hundred and four years later, at the start of the 21st Century, Israel, as a member of the "global village", is at the height of rapid changes of great significance on many levels, varied and of great impact in a wide-ranging gamut of aspects at the same time. The connection between them, and the tasks of the Police Force, and its commitment under the law, is unbreakable.

Examination of the spectrum shows that the State of Israel, at the beginning of the second millennium, is coping simultaneously with a variety of processes, the most significant of which are:

a. Processes on the political plain the impact of which on the tasks of the Police in the area of maintaining public order and safeguarding the security of person and property is very noticeable.

b. Central processes on the internal plain - ethical, religious, cultural, social, economic, demographic and so on, the impact of which is long-term and increasingly infers social threats of great impact from the point of view of their influence on classic police tasks.

It is anticipated that a number of crime areas which, for a long time, have been on the rise, will require increasingly more serious attention on the part of the Israel Police. Among these are: the drug phenomenon, organised crime, personal and social violence- breaches of intellectual property rights and an increasing involvement of youth in crime. To these may be added the ramifications of technological progress and the communications revolution in the world. These have the effect of removing borders between countries, with an emphasis on the sophisticated crimes of deceit and fraud, computer "terrorism", activity of international criminal organisations, software forgeries and drug-related crimes.

All these are in addition to the duty of the Israel Police to bear the role imposed upon it since 1974, of being responsible for public security.

In order to give the Police the powers of enforcement it needs to fulfil the range of its tasks, a number of central pieces of legislation were completed in Israel in the -past five years- Among these are laws on matters of arrests and searching the body of a suspect.

These laws are the result of the work of a public committee chaired by Supreme Court Judge Dov Levine, In the arrests law, the guiding principle is that of "residuality of the arrest". This principle obliges the court and the Police to give some thought to having recourse to alternative means which are less harmful to a person's freedom before using the serious power of denying freedom. In the body search law, detailed provisions were determined with the intention of ensuring that the search of a suspect's body be done with the minimum harm to the suspect and preservation of his dignity and only to the extent that the search is truly required for the purpose of discovering evidence.

In addition, in order to cope with crime on the international level, and Israel's increased cooperation with the countries of the world, the following Laws, which arrange cooperation between countries, have been added. the International Legal Aid Law and the Moving Prisoners to their Home Countries Law.

A number of other important items of legislation, regarding coping with delinquency, are also currently in preparation. Among these are:

Prohibition of Money Laundering Law

The proposed law was approved by the Knesset in a first reading on April 19, 1999. It has been placed now on the table of the Legislation, Law and Justice Committee of the Knesset for it to be prepared for the second and third readings and the completion of its enactment.

The law determines an offence of prohibition of laundering money. This had not previously existed in the Israeli criminal code. For the purpose of discovering offences and enforcement, the establishment is proposed, according to the proposed law, of a data base at the Ministry of Justice. The data base will be managed as a separate unit to which reports will be sent in accordance with the duty to report which is determined in the law, both from financial institutions and from people who are found, when entering or leaving the country, to have with them an amount in excess of approximately 10,000 US Dollars.

The model for imposition of the duty to report to the data base , chosen for adoption by the Israeli legislator, is that of the European Community, which is based on reports of suspicious transactions and on a limited duty to report transactions according to certain characteristics.

Legislative initiative on the subject Of criminal organizations

The main conflict with this subject is the substantive question of the definition of "criminal organization. Should every group which comes together for the purpose of perpetration of some crime or other be included in this definition? Or should such definition be kept only for

such a group which has come together for systematic perpetration of crimes? Is a "criminal organization" a group of people who have come together for the purpose of systematic perpetration of certain crimes or for the purpose of gain? Is a criminal "organization" such a group that penetrates governmental institutions within the country? Beyond this prime issue, there are many other questions which arise, among them:

- a. What is the accountability of each member in an organization?
- b. Should accountability be imposed because of the very membership in an organization?
- c. Should the circle of those accountable be enlarged and applied, for example, with respect to one who assists with financing the activity of such an organization, and so on.

We hope that the legislative work of these two important laws will be completed rapidly and will accord the Israel Police necessary tools for dealing with this serious delinquency.

The rapid and substantive changes that we have pointed to necessitate constant re-examination of the goals of the Police Force. The Minister of Public Security, Prof. Ben Ami, has placed the "service approach" at the centre as a goal and main modus operandi of the Police Force in the coming years, with the aim of achieving the following end purposes:

1. Improvement in the quality of the service and the attitude to citizens in need of police services.
2. Raising the feeling of security of the citizen.
3. Increasing the citizen's faith in the Police.
4. Crime prevention as an initiated and active goal
5. Overall dealing with the causes of crime.

As a prime means for achieving his policy, the Minister has adopted the stressed and massive transition to community preparedness and community policing.

As to what is happening in the Prison Service:

Because of the increasing over-crowding in the prisons, the budgetary restrictions and adoption of the idea of engaging in punishment and handling Of criminals in the community as an alternative to incarceration, the following subjects are currently being looked at in the Ministry of Public Security in conjunction with the Ministry of Justice:

a. Privatisation of the prisons

On this subject, the inclination, at least in the first stage, is to adopt the French model, according to which the privatisation is not full and all the security functions and operation of the governmental powers vis-à-vis the prisoner remain in the hands of the State.

b. Electronic Monitoring Program - As a means of supervision over a

detainee or prisoner. this could serve as an additional, alternative tool in the hands of the enforcement authorities and the courts instead of detention or imprisonment.

In addition, the Ministry of Public Security is initiating the construction of new, modern prisons and is renovating existing prisons and jails in order to give the prisoner living conditions such that he can retain his self respect during the period when he is serving his term, and to enable his preparation for life outside the prison and for his integration as a useful, contributing member of society who can stand on his own feet.

Support for prisoners is also given outside the prison walls through the Prisoner Rehabilitation Authority. This is a separate, independent, statutory entity, which acts according to law. The success of this authority is expressed in the growth in the number of prisoners turning to it for its services, from 20% of all prisoners released in 1996 to 45% in 1998. This is alongside a decline of 6.1% in the number of recidivist prisoners who come back to serve a sentence and in view of the increase of 28% in the number of prisoners released in that period.

This decline should also be credited to the rehabilitative actions taken and the corrective tools inculcated in the prisoner population by the Prison Service during the period of imprisonment.

Before concluding, I should like to thank:

Prof Pinny Arlaky, the Under Secretary-General of the UN for the assistance he has given to the State of Israel in its preparations for implementation of the Laundering of Capital Prohibition Law and setting up the data base.

We wish to give symbolic expression to this appreciation by raising a contribution of 5 10,000 for the UN. We wish this amount to be earmarked for a project to prevent delinquency among children in our region, so that this will promote both our joint duty to root out crime and a deepening of the familiarisation and creation of interpersonal bonds between the children of the region, so that a true peace may be established between us and our neighbours.

And I should like to express the hope, in prayer to the Creator of the Universe, that before the next Congress in the year 2005, the political processes will be fruitful and peace will reign between the State of Israel and all its neighbours.

Thank you.