

Date: 14<sup>th</sup> of Heshvan 5764  
November 9, 2003

Case No.: 3559/02

Therefore, after having considered all of the mitigating and aggravating circumstances, I sentence the Defendant to the following:

- A. Five years of imprisonment, of which 3 years are to be actually served from the day of his arrest, and the rest will be suspended on the condition that for 5 years from the day of his release, the Defendant will not commit an offense of which he was convicted.
- B. A fine of NIS 5,000, which will be paid upon his release and as a condition to his release. If the Defendant does not pay this fine, he will be imprisoned for an additional period of 5 months.

**A right of appeal within 30 days is conferred.**

**Handed down and announced today, November 9, 2003, in public and in the presence of the parties.**

\_\_\_\_\_[Signature]\_\_\_\_\_  
**The Vice President**

Date: 14<sup>th</sup> of Heshvan 5764  
November 9, 2003

Case No.: 3559/02

**The Military Court  
Judea**

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Court hearing dated: November 9, 2003  
Before the Vice President: Lieutenant Colonel Nathaniel Benichou  
Prosecutor: Captain Michael Kotlik  
Defense counsel: Adv. Basoul Tawfiq – present

**Defendant: Jamal Muhammad Farah Tawil Identity No.: 963150271 / Ofer – present**

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**Sentence**

The Defendant has been convicted according to his guilty plea of the offense of membership and activity in an illegal organization, insofar as from 1997 until his arrest he was a member of the " Hamas " Organization. Within this framework, he met with an envoy from overseas and received dispatches from him which he transferred to another person, on four occasions, thus committing an offense of provision of a service for an illegal organization. The Defendant has also been convicted of holding an office in the " Hamas " Organization, by serving, from 1997 until his arrest as the chairman of the prisoners' committee of the organization, acting within this framework as described in the indictment. Later, from 2000, he served as the chairman of the reform society, which also dealt with the matter of prisoners, and in mid-2001, he was appointed as the spokesman of the " Hamas " in the Area. The Defendant had ties with senior operatives in the organization. Finally, the Defendant has been convicted of possessing war materiel, an offense under Section 53 (A) of the Security Provisions Order, insofar as in March 2001 until his arrest he possessed two pistols.

The parties jointly petitioned me to sentence the Defendant to three years actual imprisonment, a suspended prison sentence and a fine of NIS 5,000.

The parties argued their motion based on the nature of the offenses, the fact that except for a record from 1989, the Defendant had a clean record. The character of his activity, which was reduced to the social field and the fact that he had declared on a number of occasions that he objected to attacks against civilians.

The senior function of the Defendant in the " Hamas " Organization, the severity of which need not be expansively described, should lead to a harsh, deterrent sentence.

However, it must be remembered that the Defendant limited himself to social activity as set forth and pled guilty to that which was attributed to him.

Although expressing his objection to suicide attacks against civilians is not considered to be a novelty, as it is a very simple human matter, in the frenzied reality in which we live this fact must be stated to the credit of the Defendant.

Finally, not without hesitation, in view of the senior function of the Defendant, I have decided to honor the bargain because I believe that here there is no significant deviation from the commonly accepted sentencing level.

Date: 14<sup>th</sup> of Heshvan 5764  
November 9, 2003

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to carrying out a suicide attack against Israeli citizens. The prosecution believes that in this state of affairs, it is not a matter of military and political activity but social activity, and therefore the sentence of the Defendant may be somewhat alleviated, also as the record of the Defendant was almost clean except for one offense in 1989.

The defense counsel summarizes: I ask that the bargain be honored. As indicated by the evidence material, the Defendant expressed on more than one occasion his objection to carrying out a suicide attack within Israel against a civilian population. The Defendant also gave a declaration in the wake of the speech of the President of the United States on the vision of founding a Palestinian state next to the State of Israel. The Defendant has no military character. The activity carried out by the Defendant is humanitarian social activity, except for the fact that he was the spokesman of the " Hamas", the partner of the Defendant who was arrested with him was sentenced to 14 months and Muhammad Hamdan was sentenced to 13, and in comparison with these two individuals, there is an expression of the public interest and protecting its wellbeing. I ask that the bargain be honored.

The Defendant in his last address: I make do with the statement of the defense counsel.

Date: 14<sup>th</sup> of Heshvan 5764  
November 9, 2003

Case No.: 3559/02

**The Military Court  
Judea  
- Transcript -**

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Court hearing dated: November 9, 2003  
Before the Vice President: Lieutenant Colonel Nathaniel Benichou  
Prosecutor: Captain Michael Kotlik  
Defense counsel: Adv. Basoul Tawfiq – present

**Defendant: Jamal Muhammad Farah Tawil Identity No.: 963150271 / Ofer – present**

Stenographer: Corporal Sivan Kadmi  
Interpreter: Sergeant Na'aman Madi

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**The President of the Court opens the session and identifies the Defendant**

**Course of hearing**

Prosecutor: We have reached a plea bargain, in which I am filing an amended indictment, the Defendant will plead guilty to the amended indictment and we shall ask that he be sentenced to 3 years actual imprisonment, a suspended prison sentence and a fine of NIS 5,000.

Defense counsel: I confirm the statements of the prosecutor.

**The President of the Court warns the parties that he is not bound to the plea bargain.**

Defense counsel: I have explained the amended indictment to my client.

Defendant: My defense counsel has explained the amended indictment to me and I plead guilty to it.

**Verdict**

Based on his guilty plea, I convict the Defendant of the offenses that are attributed to him in the amended indictment.

**Handed down and announced today, November 9, 2003, in public and in the presence of the parties.**

\_\_\_\_\_  
[Signature]  
**Vice President**

Prosecutor: I am filing a criminal record sheet. **Received and marked P/1.**

Defense Counsel: There is no evidence for sentencing.

Prosecutor summarizes: I ask to honor the bargain in view of the Defendant's guilty plea, in view of the character of the activity in which he dealt, which is social activity, while the evidence material does not show that he dealt with other activity. What is shown by the evidence material is that the Defendant expressed objection

**Israel Defense Forces**

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In the Military Court  
in Beit El  
before a single judge

Court Case: 3559/02  
Prosecution case: 519/02  
Detailed Incident case: 1505/02  
1548/02 Binyamin

**In the trial between the military prosecutor -**

**The Accuser**

- v -

**Jamal Muhammad Farah Tawil**

Identity No. 963150271, born April 1, 1963, a resident of Al-Bireh  
Detained since April 16, 2002

**The Defendant**

[Handwritten:] *Amended* **Indictment**

**The above mentioned Defendant is accused hereby of committing the following offenses:**

**First count:**

**Nature of the offense:** Membership in an illegal organization, an offense under Regulation 85(1)(A) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the area, from late 1997 until the day of his arrest, was a member or acted as a member in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in the Area, was a member of the " Hamas " Organization, which is an illegal organization, and operated within it and also had a number of senior functions in the organization, as will be described below.

The Defendant was in contact with senior members of the organization in the Area, in the Gaza Strip and overseas, consulted with them, received money from overseas and used it for the purpose of his activity in the Area.

**Second count:**

**Nature of the offense:** Provision of a service for an illegal organization, an offense under Regulation 85(1)(C) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count of the indictment, in 1998 or thereabouts, performed some work or performed some service for an illegal organization, as follows:

The above mentioned Defendant, at the time set forth, in Ramallah or thereabouts, was requested by an operative of the organization, Muhammad Omar Hamdan, to meet an envoy of the organization who had come in from overseas, in secret, and to receive dispatches from him. The Defendant agreed to this and met the secret envoy, who contacted him by telephone in advance, in Ramallah, received the dispatches from him and transferred them to Muhammad Omar Hamdan.

Thereafter, the Defendant transferred, on three occasions, dispatches between the envoy and Muhammad Omar Hamdan.

Date: November 9, 2003  
**L\_C166875**



## **Israel Defense Forces**

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### **Third count:**

**Nature of the offense:** Holding an office in an illegal organization, an offense under Regulation 85(1)(B) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count, from late 1997 until the day of his arrest or thereabouts, held any office or position in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, was the chairman of the prisoners' committee (Lajnat al-Asra) of the " Hamas " Organization, which is an illegal organization.

In late 1997, a " Hamas " operative, Muhammad Omar Hamdan, approached the Defendant and suggested that he be appointed for the role. The Defendant agreed to this and was appointed to be the chairman of the committee in the Area and to be responsible for the Ramallah and Jerusalem area in the committee. The function of the committee was to deal with the affairs of the detainees of the organization in the prisons in the Area and in Israel, and to distribute monthly allowances to the family members of the detainees and of killed operatives of the organization.

The Defendant was in contact with a " Hamas " Organization operative in Lebanon called " Abu Ahmad ", who instructed and guided him in the activity. The Defendant opened a bank account in Ramallah in accordance with the directions of " Abu Ahmad ", into which money was deposited for the purpose of the activity of the prisoners' committee and rented out offices to the committee in Ramallah.

The Defendant also made contact with the detention facilities in which " Hamas " operatives were detained through dispatches that he transferred with the relatives of the detainees, received a list of the detainees and transferred it to " Abu Ahmad " in Lebanon.

Starting from 2000, the Defendant was the chairman of the Reform Society (Jam'iyat al-Islah). Within the activity of the Defendant in the prisoners' committee, the Defendant encountered difficulties with the Palestinian Authority and was also arrested by it as a result. Therefore, the Defendant decided, after consulting senior members of the " Hamas " Organization, to establish the Reform Society.

From mid-2001, the Defendant served as the spokesman of the " Hamas " Organization in the Area. During the course of the Defendant's contacts with the operative of the organization in Lebanon, " Abu Ahmad ", the Defendant was requested to serve as the spokesman of the organization in the Area and to explain its policy in the local and international media. The Defendant agreed to this offer and started to serve as the spokesman of the organization, to give interviews to the various media, to explain and disseminate the position of the organization. For the purpose of explaining the policy of the organization, the Defendant received directions from " Abu Ahmad " by email, was in contact with the head of the political department of the organization Khaled Mash'al and with other high-ranking [officials].

### **Fourth count:**

**Nature of the offense:** Possession of war materiel without a permit, an offense under Section 53(A)(1) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970.

**Details of the offense:** The above mentioned Defendant, from March 2001 until the day of his arrest, or thereabouts, possessed a firearm, ammunition, a bomb, hand grenade or explosive or

incendiary object, a tool or object or item intended or capable of causing death or severe injury, without a permit certificate issued by or on behalf of a military commander, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, possessed two FN pistols without possessing a permit to do so. The Defendant purchased the two pistols from an arms dealer in the Am'ari Refugee Camp called Abu Arab.

The said pistols were seized in the possession of the Defendant on the day of his arrest in the home of his colleague.

**The prosecution witnesses:**

1. Master Sergeant Yitzhak Yaakoboff, Badge No. 1008358, Judea Investigations Office (taker of the statement of the Defendant on May 8, 2002 and seizer of his handwriting in Arabic).
2. Sergeant First Class Avi Akiva, Badge No. 1049162, Judea Investigations Office (taker of the statement of the Defendant on June 12, 2002).
3. Nissim Levi, Hebron Station (seizer of the handwriting of the Defendant in Arabic on May 15, 2002).
4. N.P., IDF (submitter of seizure and marking report, statement).
5. Muhammad Omar Hamdan, Identity No. 991010133, detainee.
6. Akram Taha Muhammad Harubi, Identity No. 954481359, detainee.
7. Farid Saleh Na'im al-Atrash, Identity No. 029877925, detainee.
8. 'Ayid Muhammad Abdallah al-Fuqaha, Identity No. 979467016, detainee.

[Signature]

**Ra'id Shanan, Lieutenant  
Military Prosecutor**

Reference: 519-02 Amended

2

Date: November 9, 2003

**L\_C1668876**

Date: July 27, 2003  
27<sup>th</sup> of Tammuz, 5763

Case No.: 3559/02

**The Military Court in Beit El**  
**Transcript of the Hearing of a Single Judge Session**

**Hearing dated: July 27, 2003**

**Before the President of the Court: Lieutenant Colonel Nathaniel Benichou**  
**Judge: Lieutenant Colonel Ami Navon**  
**Judge: Lieutenant Colonel Jacob Spasser**

**Prosecutor: Lieutenant Michael Kotlik – present**  
**Defense counsel: Adv. Basoul – present**

**Defendant: Jamal Muhammad Farah Tawil, Identity No.: 963150271 / IPS – present**

**Interpreter: Staff Sergeant Muhammad Nasr al-Din**  
**Stenographer: Private Daniella Gabai**

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**The President of the Court opens the session and identifies the Defendant**

**Course of the hearing**

Defense counsel: I request a deferral, we need an additional short time in order to conclude the matter.

**Decision**

We defer the case to a date that will be arranged with the parties.

**Handed down and announced today, July 27, 2003, in public and in the presence of the parties.**

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**Judge**

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**[Signature]**  
**President of the Court**

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**Judge**

Date: 8<sup>th</sup> of Sivan 5763  
June 8, 2003

Case No.: 3559/02

**The Military Court  
Beit-El  
- Transcript -**

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Hearing in court dated: June 8, 2003

Before the Vice President: Lieutenant Colonel Nathaniel Benichou

Prosecutor: Lieutenant Vladi Borodovsky

Defense counsel: Adv. Basoul– present

**Defendant: Jamal Muhammad Farah Tawil Identity No. 963150271 / IPS [illegible]**

Stenographer: Private Liat Rubinstein

Interpreter: Staff Sergeant Muhammad Nasr al-Din

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**The President of the Court opens the session and identifies the Defendant.**

**Course of Hearing**

The parties: We are trying to end the case. We declare that [illegible] reach a bargain by the next session all of the evidence material will be filed on consent.

**Decision**

In view of the statements of the parties, the case has been deferred for concluding on July 21, 2003.

**Handed down and announced today, June 8, 2003, in public and in the presence of the parties.**

\_\_\_\_\_  
[Signature]

**The Vice President**

Date: 9<sup>th</sup> of Iyar, 5763  
May 11, 2003

Case No.: 3559/02

**The Military Court  
Beit-El  
- Transcript -**

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Court hearing dated: May 11, 2003

Before the Vice President: Lieutenant Colonel Nathaniel Benichou

Prosecutor: Judicial Officer Rostislav Pasak

Defense counsel: Adv. Basoul – absent

**Defendant: Jamal Muhammad Farah Tawil, Identity No. 963150271 / IPS – present**

Stenographer: Private Sivan Kedmi

Interpreter: Staff Sergeant Muhammad Nasr al-Din

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**The President of the Court opens the session and identifies the Defendant.**

**Course of the Hearing**

Prosecutor: The defense counsel has filed a motion for deferral of the hearing date and the Court has accepted it.

**Decision**

The case will be set for arguments for sentencing for the date that will be set that will be set [sic] in arrangement with the parties.

**Handed down and announced today, May 11, 2003, in public and in the presence of the parties.**

                    [Signature]

**The Vice President**

Date: 13<sup>th</sup> of Nissan, 5763  
April 15, 2003

Case No.: 3559/02

**The Military Court  
Beit El  
- Transcript -**

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Court hearing dated: April 15, 2003

Before the President of the Court: Major Eli Bar-On  
Judge:  
Judge:

Prosecutor: Captain Ra'id Shanani  
Defense counsel: Adv. Basoul – present

Defendant: Jamal Muhammad Farah Tawil Identity No.: 963150271 / IPS – absent

Stenographer: Captain Sivan Kedmi  
Interpreter: Corporal Karim Salameh

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**The president of the court opens the session**

**Course of hearing**

Defense counsel: I have opened negotiations with the military prosecution and I believe that by the next meeting I shall be able to conclude the case with a bargain. In the circumstances of the matter, I ask to defer the hearing of the case to a conclusion session. It must be noted that the Defendant has not been brought for the hearing today in any case.

**Decision**

In view of the fact that detainees from the IPS have not been brought for the hearing today, I order the deferral of the hearing of the case to a conclusion session which the secretariat of the Court will arrange with the parties.

**Handed down and announced today, April 14, 2003, in public and in the presence of the parties.**

\_\_\_\_\_  
[Signature]

**Judge**

Date: 12<sup>th</sup> of Adar 2, 5763  
March 16, 2003

Case No.: 3559/02

**The Military Court  
Beit El  
- Transcript -**

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Court hearing dated: March 16, 2003

Before the Vice President: Lieutenant Colonel Nathaniel Benichou

Prosecutor: Lieutenant Vladi Borodovsky – present

Defense counsel: Adv. Basoul – present

**Defendant: Jamal Muhammad Farah Tawil Identity No.: 963150271 / IPS– present**

Stenographer: Corporal Sivan Harel

Interpreter: Staff Sergeant Muhammad Nasr al-Din

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**The President of the Court opens the session and identifies the defendant.**

**Course of hearing**

Defense counsel: We are very close to a bargain in this case. I ask to defer it once again to the near future.

Prosecutor: We have reached a procedural agreement whereby if we do not reach a bargain by the next session, the material pertaining to prosecution witnesses 4, 7 will be submitted.

**Decision**

The hearing of the case has been deferred for a reminder on April 15, 2003.

**Handed down and announced today, March 16, 2003, in public and in the presence of the parties.**

[Signature]

**Vice President**

Date: 29<sup>th</sup> of Adar 1, 5763  
March 3, 2003

Case No.: 3599/02

**The Military Court  
Beit El  
- Transcript -**

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Hearing of court dated: March 3, 2003

Before the Vice President: Lieutenant Colonel Nathaniel Benichou

Prosecutor: Lieutenant Yehoshua Gurtler – present

Defense counsel: Adv. Basoul – absent

**Defendant: Jamal Muhammad Farah Tawil Identity No.: 963150271 / IPS - absent**

Stenographer: Corporal Sivan Harel

Interpreter: Staff Sergeant Muhammad Nasr al-Din

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**The president of the Court opens the session**

**Decision**

Owing to the failure of the Israel Prison Service to bring the detainee, there is no choice but to defer the case for an additional and last hearing on March 16, 2003.

As a note to my decision, I wish to clarify that the notice of the Israel Prison Service, whereby the detainees who have been summoned today will not be brought, is to be seen very gravely, as this greatly impairs the orderly work of the Court and causes a miscarriage of justice for the Defendants.

It is a pity that in such a difficult period in which great efforts are made to reduce the resources that are invested in the judicial proceeding and advancing the hearing of cases, the authorities take law into their own hands without any coordination and waste the work of other entities.

**Handed down and announced today, March 3, 2003, in public and in the presence of the Plaintiff.**

\_\_\_\_\_  
[Signature]

**The Vice President**



Date: 9<sup>th</sup> of Kislev 5763  
November 14, 2002

Case No.: 3559/02

**The Military Court in Beit El  
Transcript of the Hearing of a Single Judge Session**

**Before the Vice President: Lieutenant Colonel Nathaniel Benichou**

**Prosecutor: Judicial Officer Rostislav Pasak – present**

**Defense counsel: Adv. Basoul – present**

**Defendant: Jamal Muhammad Farah Tawil, Identity No. 963150271 / IPS – present**

**Interpreter: Staff Sergeant Kamal Zian**

**Stenographer: Corporal Sivan Harel**

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**The President of the Court opens the session and identifies the Defendant**

**Course of the hearing**

Defense Counsel: I have come into contact with the military prosecution regarding the conclusion of the case in this session. In the meantime we are at the negotiation stage, we ask to defer the case for an additional session, as there may be an amendment to the indictment.

**Decision**

I set the case for an additional arraignment on January 13, 2003.

**Handed down and announced today, November 14, 2002, in public and in the presence of the parties.**

\_\_\_\_\_  
[Signature]

**Vice President**

**Israel Defense Forces**

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In the Military Court  
in Beit El  
before a single judge

[handwritten:] 3559  
Court Case: [illegible]/02  
Prosecution case: 519/02  
Detailed Incident case: 1505/02  
1548/02 Binyamin

**In the trial between the military prosecutor -**

**The Accuser**

- v -

**Jamal Muhammad Farah Tawil**

Identity No. 963150271, born April 1, 1963, a resident of Al-Bireh  
Detained since April 16, 2002

**The Defendant**

**Indictment**

**The above mentioned Defendant is accused hereby of committing the following offenses:**

**First count:**

**Nature of the offense:** Membership in an illegal organization, an offense under Regulation 85(1)(A) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the area, from late 1997 until the day of his arrest, was a member or acted as a member in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in the Area, was a member of the " Hamas " Organization, which is an illegal organization, and operated within it and also had a number of senior functions in the organization, as will be described below.

The Defendant was in contact with senior members of the organization in the Area, in the Gaza Strip and overseas, consulted with them, received money from overseas and used it for the purpose of his activity in the Area.

**Second count:**

**Nature of the offense:** Provision of a service for an illegal organization, an offense under Regulation 85(1)(C) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count of the indictment, in 1998 or thereabouts, performed some work or performed some service for an illegal organization, as follows:

The above mentioned Defendant, at the time set forth, in Ramallah or thereabouts, was requested by an operative of the organization, Muhammad Omar Hamdan, to meet an envoy of the organization who had come in from overseas, in secret, and to receive dispatches from him. The Defendant agreed to this and met the secret envoy, who contacted him by telephone in advance, in Ramallah, received the dispatches from him and transferred them to Muhammad Omar Hamdan.

Thereafter, the Defendant transferred, on three occasions, dispatches between the envoy and Muhammad Omar Hamdan.

Reference: 519-02 Amended

1

Date: July 16, 2002 [Illegible]

**L\_C166884**

## **Israel Defense Forces**

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### **Third count:**

**Nature of the offense:** Holding an office in an illegal organization, an offense under Regulation 85(1)(B) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count, from late 1997 until the day of his arrest or thereabouts, held any office or position in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, was the chairman of the prisoners' committee (Lajnat al-Asra) of the " Hamas " Organization, which is an illegal organization.

In late 1997, a " Hamas " operative, Muhammad Omar Hamdan, approached the Defendant and suggested that he be appointed for the role. The Defendant agreed to this and was appointed to be the chairman of the committee in the Area and to be responsible for the Ramallah and Jerusalem area in the committee. The function of the committee was to deal with the affairs of the detainees of the organization in the prisons in the Area and in Israel, and to distribute monthly allowances to the family members of the detainees and of killed operatives of the organization.

The Defendant was in contact with a " Hamas " Organization operative in Lebanon called " Abu Ahmad ", who instructed and guided him in the activity. The Defendant opened a bank account in Ramallah in accordance with the directions of " Abu Ahmad ", into which money was deposited for the purpose of the activity of the prisoners' committee and rented out offices to the committee in Ramallah.

The Defendant also made contact with the detention facilities in which " Hamas " operatives were detained through dispatches that he transferred with the relatives of the detainees, received a list of the detainees and transferred it to " Abu Ahmad " in Lebanon.

### **Fourth count:**

**Nature of the offense:** Holding an office in an illegal organization, an offense under Regulation 85(1)(B) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count, from 2000 until the day of his arrest or thereabouts, held any office or position in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, was the chairman of the Reform Society (Jam'iyat al-Islah) belonging to the " Hamas " Organization, which is an illegal organization.

Within the activity of the Defendant in the prisoners' committee, the Detainee encountered difficulties on the part of the Palestinian Authority and was also arrested by it as a result. Therefore, the Defendant decided, after consulting senior members of the " Hamas " Organization, to establish the Reform Society that would operate for the community, as a cover for the activity of the Prisoners Committee.

### **Fifth count:**

**Nature of the offense:** Holding an office in an illegal organization, an offense under Regulation 85(1)(B) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count, from mid-2001 until the day of his arrest or thereabouts, held any office or position in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, served as the spokesman of the " Hamas " Organization in the Area.

During the course of the Defendant's contacts with the operative of the organization in Lebanon, " Abu Ahmad ", the Defendant was requested to serve as the spokesman of the organization in the Area and to explain its policy in the local and international media. The Defendant agreed to this offer and started to serve as the spokesman of the organization, to give interviews to the various media, to explain and disseminate the position of the organization.

For the purpose of explaining the policy of the organization, the Defendant received directions from " Abu Ahmad " by email, was in contact with the head of the political department of the organization Khaled Mash'al and with other high ranking [officials].

Reference: 519-02

2

Date: July 16, 2002

**L\_C166885**

## **Israel Defense Forces**

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### **Sixth count:**

**Nature of the offense:** Possession of war materiel without a permit, an offense under Section 53(A)(1) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970.

**Details of the offense:** The above mentioned Defendant, from March 2001 until the day of his arrest, or thereabouts, possessed a firearm, ammunition, a bomb, hand grenade or explosive or incendiary object, a tool or object or item intended or capable of causing death or severe injury, without a permit certificate issued by or for a military commander, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, possessed two FN pistols without possessing a permit to do so. The Defendant purchased the two pistols from an arms dealer in the Am'ari Refugee Camp called Abu Arab.

The said pistols were seized in the possession of the Defendant on the day of his arrest in the home of his colleague.

### **The prosecution witnesses:**

1. Master Sergeant Yitzhak Yaakoboff, Badge No. 1008358, Judea Investigations Office (taker of the statement of the Defendant on May 8, 2002 and seizer of his handwriting in Arabic).
2. Sergeant First Class Avi Akiva, Badge No. 1049162, Judea Investigations Office (taker of the statement of the Defendant on June 12, 2002).
3. Nissim Levi, Hebron Station (seizer of the handwriting of the Defendant in Arabic on May 15, 2002).
4. N.P., IDF (submitter of seizure and marking report, statement).
5. Muhammad Omar Hamdan, Identity No. 991010133, detainee.
6. Akram Taha Muhammad Haroubi, Identity No. 954481359, detainee.
7. Farid Saleh Na'im al-Atrash, Identity No. 029877925, detainee.
8. 'Ayid Muhammad Abd Allah al-Fukha, Identity No. 979467016, detainee.

**Ra'id Shanan, Lieutenant  
Military Prosecutor**

Reference: 519-02  
Date: July 16, 2002

**L\_C166886**

**Israel Defense Forces**

In the Military Court  
in Beit El  
before a single judge

[Handwritten:]3559  
Court Case: [illegible]/02  
Prosecution case: 519/02  
Detailed Incident case: 1505/02  
1548/02 Binyamin

**In the trial between the military prosecutor -**

**The Accuser**

**- v -**

**Jamal Muhammad Farah Tawil**

Identity No. 963150271, born April 1, 1963, a resident of Al-Bireh  
Detained since April 16, 2002

**The Defendant**  
**Indictment**

**The above mentioned Defendant is accused hereby of committing the following offenses:**

**First count:**

**Nature of the offense:** Membership in an illegal organization, an offense under Regulation 85(1)(A) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the area, from late 1997 until the day of his arrest, was a member or acted as a member in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in the Area, was a member of the " Hamas " Organization, which is an illegal organization, and operated within it and also had a number of senior functions in the organization, as will be described below.

The Defendant was in contact with senior members of the organization in the Area, in the Gaza Strip and overseas, consulted with them, received money from overseas and used it for the purpose of his activity in the Area.

**Second count:**

**Nature of the offense:** Provision of a service for an illegal organization, an offense under Regulation 85(1)(C) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count of the indictment, in 1998 or thereabouts, performed some work or performed some service for an illegal organization, as follows:

The above mentioned Defendant, at the time set forth, in Ramallah or thereabouts, was requested by an operative of the organization, Muhammad Omar Hamdan, to meet an envoy of the organization who had come in from overseas, in secret, and to receive dispatches from him. The Defendant agreed to this and met the secret envoy, who contacted him by telephone in advance, in Ramallah, received the dispatches from him and transferred them to Muhammad Omar Hamdan.

Thereafter, the Defendant transferred, on three occasions, dispatches between the envoy and Muhammad Omar Hamdan.

Reference: 519-02 [Handwritten:] [Illegible] *Yael*

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Date: July 16, 2002

**L\_C166887**



## **Israel Defense Forces**

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### **Third count:**

**Nature of the offense:** Holding an office in an illegal organization, an offense under Regulation 85(1)(B) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count, from late 1997 until the day of his arrest or thereabouts, held any office or position in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, was the chairman of the prisoners' committee (Lajnat al-Asra) of the " Hamas " Organization, which is an illegal organization.

In late 1997, a " Hamas " operative, Muhammad Omar Hamdan, approached the Defendant and suggested that he be appointed for the role. The Defendant agreed to this and was appointed to be the chairman of the committee in the Area and to be responsible for the Ramallah and Jerusalem area in the committee. The function of the committee was to deal with the affairs of the detainees of the organization in the prisons in the Area and in Israel, and to distribute monthly allowances to the family members of the detainees and of killed operatives of the organization.

The Defendant was in contact with a " Hamas " Organization operative in Lebanon called " Abu Ahmad ", who instructed and guided him in the activity. The Defendant opened a bank account in Ramallah in accordance with the directions of " Abu Ahmad ", into which money was deposited for the purpose of the activity of the prisoners' committee and rented out offices to the committee in Ramallah.

The Defendant also made contact with the detention facilities in which " Hamas " operatives were detained through dispatches that he transferred with the relatives of the detainees, received a list of the detainees and transferred it to " Abu Ahmad " in Lebanon.

### **Fourth count:**

**Nature of the offense:** Holding an office in an illegal organization, an offense under Regulation 85(1)(B) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count, from 2000 until the day of his arrest or thereabouts, held any office or position in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, was the chairman of the Reform Society (Jam'iyat al-Islah) belonging to the " Hamas " Organization, which is an illegal organization.

Within the activity of the Defendant in the prisoners' committee, the Detainee encountered difficulties with of the Palestinian Authority and was also arrested by it as a result. Therefore, the Defendant decided, after consulting senior members of the " Hamas " Organization, to establish the Reform Society that would operate for the community, as a cover for the activity of the Prisoners Committee.

### **Fifth count:**

**Nature of the offense:** Holding an office in an illegal organization, an offense under Regulation 85(1)(B) of the Defense Regulations (Time of Emergency), 1945.

**Details of the offense:** The above mentioned Defendant, in the Area, within his activity in the illegal organization as described in the first count, from mid-2001 until the day of his arrest or thereabouts, held any office or position in an illegal organization, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, served as the spokesman of the " Hamas " Organization in the Area.

During the course of the Defendant's contacts with the operative of the organization in Lebanon, " Abu Ahmad ", the Defendant was requested to serve as the spokesman of the organization in the Area and to explain its policy in the local and international media. The Defendant agreed to this offer and started to serve as the spokesman of the organization, to give interviews to the various media, to explain and disseminate the position of the organization.

For the purpose of explaining the policy of the organization, the Defendant received directions from " Abu Ahmad " by email, was in contact with the head of the political department of the organization Khaled Mash'al and with other high ranking [officials].

Reference: 519-02

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Date: July 16, 2002

**L\_C166888**

## **Israel Defense Forces**

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### **Sixth count:**

**Nature of the offense:** Possession of war materiel without a permit, an offense under Section 53(A)(1) of the Security Provisions Order (Judea and Samaria) (No. 378), 5730-1970.

**Details of the offense:** The above mentioned Defendant, from March 2001 until the day of his arrest, or thereabouts, possessed a firearm, ammunition, a bomb, hand grenade or explosive or incendiary object, a tool or object or item intended or capable of causing death or severe injury, without a permit certificate issued by or on behalf of a military commander, as follows:

The above mentioned Defendant, during the said period, in Ramallah or thereabouts, possessed two FN pistols without possessing a permit to do so. The Defendant purchased the two pistols from an arms dealer in the Am'ari Refugee Camp called Abu Arab.

The said pistols were seized in the possession of the Defendant on the day of his arrest in the home of his colleague.

### **The prosecution witnesses:**

1. Master Sergeant Yitzhak Yaakoboff, Badge No. 1008358, Judea Investigations Office (taker of the statement of the Defendant on May 8, 2002 and seizer of his handwriting in Arabic).
2. Sergeant First Class Avi Akiva, Badge No. 1049162, Judea Investigations Office (taker of the statement of the Defendant on June 12, 2002).
3. Nissim Levi, Hebron Station (seizer of the handwriting of the Defendant in Arabic on May 15, 2002).
4. N.P., IDF (submitter of seizure and marking report, statement).
5. Muhammad Omar Hamdan, Identity No. 991010133, detainee.
6. Akram Taha Muhammad Haroubi, Identity No. 954481359, detainee.
7. Farid Saleh Na'im al-Atrash, Identity No. 029877925, detainee.
8. 'Ayid Muhammad Abdallah al-Fuqha, Identity No. 979467016, detainee.

**Ra'id Shanan, Lieutenant  
Military Prosecutor**

Reference: 519-02  
Date: July 16, 2002

**L\_C166889**

[Illegible]  
Israel Defense Forces

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**Judea Military Court**

**Imprisonment Order**

Court Case.: 2550/2  
Prosecution case: [Illegible]  
Detailed incident case: [Illegible]

To Israel Police policeman / soldier / prison guard.

I, the judge of this military court order the imprisonment of

Jamal Muhammad Farah Tawil 963150271  
First name Father Grandfather Last name Identity No.

who has been convicted of the offenses of: Terrorist activity  
and his delivery with this imprisonment order to a guard at the prison below for him to be imprisoned for a period of 3 years imprisonment to be served from the day of his arrest.  
The defendant has been fined NIS 5000. The fine is to be paid by the day of his release from imprisonment. If he does not pay it, the defendant will serve 5 additional days / months imprisonment in exchange.

Slip No. 4358.

**This imprisonment order serves as a reference for incarcerating him by any person who is authorized by law to do so.**

[Signature]

Signature of the judge

November 9,  
2003

5050739

Lieutenant  
Colonel

Nathaniel Benichou

Date

Stamp of the  
court

Serial  
No.

Rank

First name and last  
name

**This imprisonment order has been delivered to the undersigned police officer / soldier who has undertaken to deliver it to the prison.**

[Signature]

Name and signature

L\_C166890

Unclassified  
Israel Defense Forces

The Military Court in \_\_\_\_\_  
\_\_\_\_\_

Court case: 3559/02

[Stamp] The Military Court  
Judea

**Notice of a Trial Hearing**

To Basoul Tawfiq

Address \_\_\_\_\_ / \_\_\_\_\_

You are informed that the hearing in the trial of the military prosecutor against Jamal Tawil has been set for November 9, 2003 at 9:30 a.m. for pleadings / proofs \*

Comments: Announced to the defense counsel personally by telephone, he said that he would file a motion for deferral to November 6, 2003.

October 16, 2003 Stamp of the Court

\_\_\_\_\_  
[Signature]

(Signature of the court officer)

[Stamp] The Military Court  
Judea

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Rank)

**Confirmation of Receipt**

Please sign a copy of this notice and return it to the secretariat of the military court, within 7 days of the day of receipt of the notice.

Confirmer of receipt of the notice \_\_\_\_\_  
(Date) (Signature of recipient of the notice)

\* Please delete the inappropriate.

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**L\_C166891**