



State of Israel
Ministry of Justice
Office of the State Attorney
Jerusalem

To the Competent Authorities of the Republic of Columbia:

Request for Legal Assistance in a Criminal Matter

1. In accordance with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988, the State of Israel hereby requests that the competent authorities of the Republic of Columbia grant legal assistance and execute letters rogatory in the manner provided for by its laws. This assistance is required in order to procure evidence relating to offenses under Sections of Israel's Dangerous Drugs Ordinance (New Version), 5733-1973, Penal Law, 5737-1977 and Prohibition on Money Laundering Law of 5760-2000 .
2. This Request is signed and submitted by the Director of the Department of International Affairs of the Ministry of Justice, who is authorized to submit requests for legal assistance on behalf of Israel.

Factual Background

3. The Israel National Police (hereinafter: "**the Israel Police**") have been conducting a covert investigation of the following persons who are suspected of carrying out the export of dangerous narcotics from the Republic of Columbia (hereinafter: "**Columbia**") to Israel, and related money laundering activities:

- a. **Ilan ABUDRAM**, D.O.B. 18 June 1969, Israeli I.D. number 23988694, Israeli passport number 22843532, additional Israeli passport number 23227246 and expired Israeli passport number 11248574, (hereinafter: "**Abudram**");
- b. **Asam HAGAG**, D.O.B. 21 October 1974, Israeli I.D. number 025814062, Israeli passport number 21179588, additional Israeli passport number 23591931, expired Israeli passport number 9269962 and additional expired Israeli passport number 10920169 (hereinafter: "**Hagag**");
- c. Assi MOOSH, DOB 31 December 1973, Israeli I.D. number 025751231, Israeli passport number 12935777, additional Israeli passports number 21684278 and number 22315609 (hereinafter: "**Moosh**");
- d. Golan BEN BARUCH, DOB 20 October 1973, Israeli I.D. number 025605536, Israeli passport number 12679622 and Israeli additional passport number 22315603 (hereinafter: "**Ben Baruch**");
- e. Gabriel KENIGSBERGER, DOB 30 December 1958, Israeli I.D. number 055574750, Israeli passport number 31607956 and expired Israeli passport number 11326842; Austrian passport number P3168374 (hereinafter: "**Kenigsberger**");
- f. Mor ZOHAR, DOB 1 June 1983, Israeli I.D. number 039982962, Israeli passport number 22315608 and expired Israeli passport number 11382451 (hereinafter: "**Zohar**");
- g. Itzhak BARMUHA, DOB 26 January 1968, Israeli I.D. number 023875131, Israeli passport number 23480662, additional Israeli passports number 22708400 and expired Israeli passport number 9261034 (hereinafter: "**Barmuha**");
- h. Dan BAR ON, a/k/a Diego FAINBRAUN, DOB 21 August 1969, Israeli I.D. number 014284970, Israeli passport number 22315697 and additional Israeli passport number 13848295. He also has Argentinian citizenship (hereinafter: "**Bar On**");

- i. Shalom Lior AZULAI, (often referred to as "**Shali**") DOB 26 May 1981, Israeli I.D. number 40611113, Israeli passport number 29030830, additional Israeli passport number 29014600, further additional Israeli passport number 20342150, expired Israeli passports numbers 10586218, 20047269 and 13035968 (hereinafter: "**Azulai**").
4. During 2017, intelligence sources indicated that Abudram and Hagag contacted a number of Israeli nationals involved in drug trafficking activities who reside in South America and have been involved in a number of importations into Israel from South America.
5. Israeli investigators have discovered that Abudram and Hagag are planning to import narcotics from Columbia into Israel either through Jordan or by means of couriers who are to send packages to Israel from Europe or carry the narcotics from Europe into Israel on their persons or in their suitcases. They conspired together with the other afore-referenced suspects to import into Israel from Columbia 300 kilograms of cocaine.
6. The Columbian authorities have been cooperating with the Israeli authorities to gather evidence in this matter. They have been conducting operational investigative activities, including surveillance and wiretapping.
7. A meeting took place on 26 April 2017 in Bogota, Colombia between Abudram, and Hagag, who had arrived in Bogata in order to promote the drug trafficking scheme.
8. On 26 June 2017, Columbian authorities observed Abudram and Hagag meeting with Ben Baruch (the latter resides in Columbia and is known to the authorities as active in the illegal narcotics trade). Resultantly, the Columbian authorities also began to wiretap Ben Baruch. They also located the mobile phone used by Hagag, and a wiretap was started on this phone. This wiretap recorded conversations between Hagag and Moosh regarding the drug trafficking scheme and consequently a wiretap was started on Moosh's phone as well.
9. Moosh conducted many conversations with Zohar, from which it was learned that Zohar was actively involved in all of Moosh's criminal activities.

10. Bar On also was actively involved in the narcotics dealings, as discovered by means of the above wiretaps.
11. From the wiretaps, it was discovered that Kenigsberger was the contact person between Moosh and Bar On.
12. On 8 August 2017, Moosh was observed, together with Barmuha at Barranquilla and Cartagena, after a wiretapped conversation between Moosh and Barmuha had indicated that Barmuha was organizing the use of the mobile phone for someone else.
13. On 7 October 2017, wiretap evidence of Moosh's conversations showed that Azulai was involved in financial aspects of the narcotics crimes.
14. The suspects are committing money laundering crimes involving money used to finance the purchase of the dangerous narcotics and committing money laundering crimes involving the proceeds of the narcotics crimes.
15. On November 24, 2017, Moosh was tracked by the immigration authorities in Santa Marta, Columbia and thereafter expelled from Columbia.

Purpose of the Request

16. The purpose of this request is to obtain the evidence gathered by the Colombian authorities to date, including related materials as detailed hereinafter.

Details of the Request

17. The Columbian authorities are requested to share with the Israeli authorities all of the materials gathered to date, including *inter alia*, the following:
 - a. All the evidence gathered from and related to the surveillance operations in this matter, e.g.: court orders, photos and video tapes and surveillance reports;
 - b. All the evidence gathered from and related to the wiretaps in this matter, e.g.: court orders, reports regarding the fruits of these wiretaps and recordings,

telephone printouts, communication analysis prepared in relation to this investigation and transcripts of the conversations;

- c. A copy of the Columbian residence or visitor's permit of Hagag, a copy of his request to renew this permit, a copy of the actual renewal and any information and documentation explaining the basis for his renewal request and the reason why the Columbian authorities granted the renewal;
- d. A copy of all documents related to Moosh's expulsion from Columbia after having been tracked by immigration authorities in Santa Marta on 24 November 2017;
- e. A list of the entrances into Columbia and the departures from Columbia of all nine of the afore-referenced suspects and all information and documentation of their entrances and departures, including the passports they used. This information and documentation is requested from the beginning of year 2016 until the date of compliance with this Request;
- f. Copies of all bank documents of any bank account in which Bar On (a/k/a Diego FAINBRAUN) is the account holder, a beneficiary or has signatory rights;
- g. A list of all assets in Columbia regarding which Bar On (a/k/a Diego FAINBRAUN) is the owner, beneficiary or has signatory rights;
- h. A list of all investigations, detentions, indictments and/or convictions of Bar On (a/k/a Diego FAINBRAUN);
- i. A list of all of Bar On's (a/k/a Diego FAINBRAUN's) entrances into and departures from Columbia, (not limited to those from the beginning of 2016);
- j. Copies of all bank documents of any bank account in which Moosh is the account holder, a beneficiary or has signatory rights;
- k. A list of all assets in Columbia regarding which Moosh is the owner, beneficiary or has signatory rights;

- l. A list of all of Moosh's entrances into and departures from Columbia, (not limited to those from the beginning of 2016);
- m. From the beginning of year 2017, regarding all of the afore-referenced suspects, all the information and evidence gathered from all the data communications orders and incidents (i.e.: information and documents gathered through electronic surveillance measures, including related to use of the Internet), including the information and evidence provided by parties outside of Columbia. However, regarding Bar On (a/k/a Diego FAINBRAUN), this request is not limited to the above time period;
- n. Copies of all investigative and judicial files involving any of the afore-referenced suspects, including *inter alia*, detentions, indictments and/or convictions.
- o. All additional information and evidence regarding the afore-referenced suspects, in the hands of the Columbian authorities, including *inter alia*, information and evidence received by the Columbian authorities from foreign authorities;

Additional Information

18. The Columbian authorities are requested to provide the Israeli authorities with copies of all documents or evidence obtained, statements taken and reports in this matter.
19. The Columbian authorities kindly are requested to provide any further assistance that may be required in this matter, in accordance with the developments in the investigation in this matter.

Time Constraints

20. This Request is deemed urgent due to the on-going nature of the commission of the crimes. The Columbian authorities therefore kindly are requested to comply with this Request on an urgent basis.

Confidentiality

21. The illegal activities discussed above are presently the subject of on-going covert investigative activities in which **confidentiality is of the utmost importance**. In consonance with the need for confidentiality during these stages of the investigation, the State of Israel kindly requests that this Request, and the activities undertaken pursuant to it, be kept **strictly confidential**. If confidentiality cannot be maintained regarding any part of this Request, please immediately inform and receive the permission of the Israeli authorities before undertaking any action that might reveal any information or documents related to this Request and its execution.

The Relevant Provisions of Israeli Law

22. Section 7 of the Dangerous Drugs Ordinance (New Version), 5733-1973 provides as follows:

"7. (a) A person shall not possess or use a dangerous drug unless he has been authorized to do so under this Ordinance, the regulations enacted pursuant thereto or by a license from the Director.

(b) The prohibition on possession as stated in this section shall not apply to a dangerous drug in transit which is permitted under this Ordinance.

(c) The punishment for violating the provisions of this section shall be twenty years imprisonment or a fine of twenty-five times the amount stated in section 61(a)(4) of the Penal Law, 5737-1977. (d) Notwithstanding the provisions of subsection (c), the punishment for a person who possesses a drug for himself or uses it inside or within the grounds of a school which he does not attend, shall be five years imprisonment; this provision shall not apply to a person of less than sixteen years of age."

23. Section 13 of the Dangerous Drugs Ordinance (New Version), 5733-1973 provides as follows:

"A person shall not export, import or facilitate the export or import of, or trade in, or effect any other transaction in respect of, or supply a dangerous drug in

any manner whatsoever, whether with or without consideration, save in so far as permitted by this Ordinance or by regulations made there under, or under a license from the Director”.

24. Section 19A of the Dangerous Drugs Ordinance provides as follows:

“A person who contravenes the provisions of this article shall be liable to imprisonment for a term of twenty years”.

25. Section 38 (a) of the Dangerous Drugs Ordinance provides as follows:

"An Israeli national or resident of Israel who does an act outside of Israel, which if it were done in Israel would be an offence under this ordinance, shall be deemed to have committed an offence in Israel”.

26. Section 499 of Israel's Penal Law, 5737-1977, provides as follows:

“Conspiracy to commit a felony or misdemeanour

If a person conspires with another to commit a felony or misdemeanour, or to commit an act in a place outside Israel which – if committed in Israel – would be a felony or misdemeanour and which is an offence under the laws of that place, then he is liable –

(1) if the offence is a felony, to seven years imprisonment or to the punishment prescribed for that offence, whichever is the lighter punishment;

(2) if the offence is a misdemeanour, to two years imprisonment or to the punishment prescribed for that offence, whichever is the lighter punishment”.

27. Prohibition on Money Laundering Law of 5760-2000 provides in relevant part as follows:

"Prohibition on money laundering

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.*

Chapter Four: Obligation to report on monies at the time of entry into and exit from Israel

Obligation to report on monies at the time of entry into and exit from Israel

9. (a) *In this Chapter, "monies" means cash, bankers' drafts and travelers' checks.*

(b) *A person entering or leaving the State of Israel shall be obliged to report on the monies he has with him at the time of entry into or exit from Israel, where the value of the monies is of the amounts prescribed in the Fourth Schedule.*

(c) *The obligation to report on monies brought into or taken out of Israel, at the rate stated in subsection (b), shall also apply to a person bringing monies into or taking monies out of Israel by mail or by any other method....*

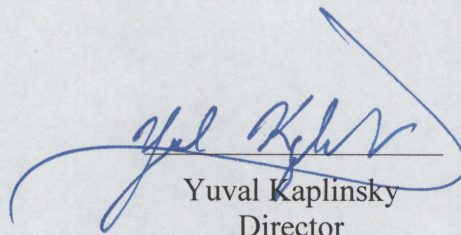
Breach of obligation to report

10. *A person in breach of the obligation to report imposed on him under section 9 shall be liable to six months' imprisonment or a fine at the rate stated in section 61(a)(4) of the Penal Law, or ten times the amount which was not reported on, all according to the greater amount."*

Supplementary Information

28. The State of Israel will submit any additional information which the Columbian authorities may require in order to enable them to accede to this request.
29. The Department of International Affairs of the Office of the State Attorney in the Ministry of Justice may be contacted with respect to any issues or questions regarding this Request. Attorney Nina Mansur is handling this matter and can be reached by telephone at +972-2-5419613/4, by fax at +972-2-5419644 or by e-mail: Ninah@justice.gov.il.
30. The State of Israel takes this opportunity to express its appreciation to the authorities of Columbia for their co-operation and assistance in this case and offers its assurances of reciprocal assistance.

Jerusalem, 12 of March, 2018
25 of Adar, 5778



Yuval Kaplinsky
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