

A Verdict on Sponsored Terrorism

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THE BOUCHIKI CASE

**A VERDICT ON
SPONSORED TERRORISM :
THE BOUCHIKI CASE**

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INTRODUCTORY NOTE

The following pages constitute *prima facie* evidence of Israeli clandestine activities in many parts of the world. This booklet, a translation of the Oslo magistrate's summary and jurisdiction of the Bouchiki trial, reveals the manner in which state conducted terrorism was carried out against innocent individuals «thought» to be «Palestinian» leaders or activists. Not only is this a case of officially sponsored murder, but one that was planned and undertaken on sheer suspicion of a mistaken identity and presumably to forestall actions by individuals in foreign lands. In essence, Israeli intelligence has arrogated to itself the right to murder individuals in foreign lands, which in itself constitutes a major violation of all laws and conventions that bind civilized communities. Even when there is evidence that others are planning acts deemed inimical to the interests of a state the normal, civilized course would be to inform the authorities — in this case, those of Norway — in order that they may take the necessary measures.

Ahmed Bouchiki was the victim not only of premeditated murder conducted by Israeli intelligence agents who utilized the immunities of a diplomatic mission for the planning and execution of a terrorist act, but he is also the victim of Israel's inherent indifference to the moral, legal and civilized codes and conventions that inhibit states from undertaking such flagrant flouting of other countries' sovereignty.

In the proceedings of the Court, it was obvious that two political-psychological misconceptions continued to emerge although they did not have any legal bearing except in terms of mitigating circumstances. The Court, as the following pages show, attempted to steer away from allowing these two misconceptions to influence their judgement. One was rooted in the success of the Zionist notions of the «Jew» which has pervaded the intellectual and political consciousness of the West. This is to be found even in the Norwegian prosecutor's routine identification of those implicated in the murder. Each defendant was identified as «Jewish born» before the designation of the country of birth. This identification of a person as «Jewish born» makes it «understandable» that he automatically is considered as within the fabric of an Israeli state or for that matter, within the fabric of an officially sponsored international terrorism. Neither the Prosecutor nor the Court accepted such association but implied that it constituted mitigating circumstances while the crimes remained inexcusable. This is not to say that the members of the Court were not discerning or sufficiently discriminatory, but that the political-psychological ethos that underlines Western reflexes towards the term «Jew» projects consciously or unconsciously the Zionist interpretation of it. This is partly the outcome of the post-Nazi guilt feelings which the Zionists have exploited and distorted. Suffice it to say here that the Zionist-Israeli concept of the «Jew» is predicated on the same assumption as that of anti-Semitism, namely, the inevitable and desirable alienation of the Jew from his sense of national belonging and identity. Hence, the recurrence of the word «Jewish born» is sought to make «understandable» that the defendants

are to be considered as a special category, for they have become Israelis engaged in activities which the Israeli state ordered them to do.

The prevalence of this thesis is not only erroneous but dangerous because it tends, if taken to its logical conclusion, to render Israelis as an exceptional category which Israel interprets as an exoneration for Israelis for any acts committed and as immunization from being answerable for any extra-legal activity. The Bouchiki case throws some light on the obvious disasters such notions will produce. It is suggested that the reader questions this Zionist concept of the «Jew» as he reads through the conspiratorial nature of the Israelis, as revealed in this booklet.

A further warning that ought to be mentioned is the Norwegian Court's reference to the Middle East crisis and to the fact that violent acts have been undertaken in other parts of the world between Israelis and Palestinians. Again the Court here does not excuse the Israeli murder of Bouchiki but implies that the crime that is being tried ought to be put in a broader context. So again the Court, although acknowledging the political component of the case, falls unwittingly into the Israeli frame of reference by not excusing the accused but by rendering the crime at least politically understandable.

A few observations in this respect are necessary. To begin with, the murder of Bouchiki was planned and officially sponsored by a so-called «state» which is a member of the United Nations. Acts of violence undertaken allegedly by Palestinian individuals in foreign territories in a so-called «Black September» organization have never been accepted or approved by the Palestine

Liberation Organization — which is the sole and recognized body of the entire Palestinian people. The P.L.O. disassociated from such acts undertaken by desperate individuals, while in the case of Bouchiki, Israel availed its embassy's immunity to cover the planning and execution of a murder.

Furthermore, the Middle East conflict, or any other conflict, cannot and should not be invoked as an element to minimize the criminality of officially sponsored murder or the abuse of diplomatic immunity and privileges as was done by Israel and its mission in Oslo. The conflict has its framework and its rules, and does not engulf innocent people enjoying the hospitality of foreign countries. That is why the nature of the struggle cannot be introduced as a factor to warrant the mitigation of the seriousness of the crime as such.

This introductory note is more of an explanation than a preface. Too many fallacies have been allowed to slip into our consciousness because they remained unchallenged. In a way, Zionism nearly succeeded in brainwashing mankind's assessment of the Middle East conflict. However, it is the detailed and meticulous exposure by the Court's objective investigation that rendered its verdict as impartial. It succeeded, but this impartiality suffered when it conceded the possible validity of extenuating political circumstances. This however, does not undermine the worthiness of the booklet but shows that even distortions by the Zionists of the issues cannot hide the officially sponsored and planned criminality of their activities and the abuse of immunities which the international community provides for civilized behaviour of diplomatic missions. Hence, this booklet throws

much light on one «operation». It is hoped that it will arouse sufficient consciousness to deter any recourse to similar acts, and frustrate more successfully Israel's attempts at thwarting the normal course of civilized international relations and behaviour.

C. M.

EIDSIVATING COURT

announces

That on February 1, 1974, the Court in Oslo magistrate took up the case No. 182/1973.

The Public Prosecution authority

(State Prosecutor Hakon Wiker)

Versus

1. *Marianne Gladnikoff*

(defense: court lawyer Jonas W. Myhre, Oslo)

2. *Sylvia Rafael*

3. *Abraham Gehmer*

(defense: lawyer Jon Christophersen, Oslo)

4. *Dan AErbel*

(defense: court lawyer Thorvald Wiig, Trondheim)

5. *Zwi Steinberg*

6. *Michael Dorf*

(defense: court lawyer Annaeus Schjodt, Oslo)

Chief Judge : Judge Erling Haugen

Associate Judges : Judge Karl Lous

Judge Astri Rynning

Jury : Housewife Grete Olsen Berger, Oslo

Headmaster Jan Deschington,
Nessodden
Housewife Karin Synnove Nilsen,
Oslo
Civil engineer Oivind Jentoft
Aksnes, Oslo

Secretary Liv Jensen

After the deliberations and the voting behind locked doors, the following verdict was reached:

VERDICT

Defendant No. 1, Ethel Marianne Gladnikoff, was born on August 13, 1943, in Stockholm. She is Jewish by birth and Swedish by citizenship. During the last three years, she lived and worked in Israel. She is a programmer in the Elda Company where she has worked with data and computer treatment of graded information. After three full years in Israel, i.e., in August 1973, she will acquire Israeli citizenship. She is single.

Defendant No. 2, Sylvia Rafael, was born on April 1, 1937, in South Africa. She is Jewish by birth. She arrived in Israel in March 1973 with the aim of settling there. She claims that she is a teacher by profession (philologist), but, she adds, that during the last sixteen years, she has mainly travelled around in a number of different countries and managed her living by taking the jobs that were available. She is single.

Defendant No. 3, Abraham Gehmer, was born on November 1, 1937. He claims to be a political science

student. He was employed at the Israeli embassy in Paris in 1965, but returned to Israel in 1969 to work in his field. He is married and has three children.

Defendant No. 4, Dan AErbel, was born on February 28, 1937, in Gentofte in Denmark. He is Jewish by birth and Danish by citizenship. He lived in different countries; however, since 1970, he has been living in Israel where he is now the director for exports in the Osem food company. He is married and has three children.

Defendant No. 5, Zwi Steinberg, was born on August 18, 1943, in Rio de Janeiro. He is Jewish by birth. In 1955, he moved to Israel together with his parents. He has dual citizenship — Israeli and Brazilian. From February 1969 until August 1971, he was employed as a chauffeur at the Israeli embassy in Paris. He later worked as a clerk in Tel-Aviv. He is married and has three children.

Defendant No. 6, Michael Dorf, was born on April 10, 1946, in Tel-Aviv. He is an Israeli citizen and is single. Since February 1969, he has been working as a telephone operator for international connections. In addition, he has been studying economics and political science.

To the charges issued by the State Prosecutors in Eidsivating on December 4, 1973, the defendants were arraigned in the Court of Eidsivating, Hedmark and Oppland magistrate, in accordance with:

I. Section 233 part 1 and 2 of the Criminal Code

for premeditatedly having caused another person's death or for having assisted in the murder;

Nos. 1-6,

for having assisted, as part of a group of about fifteen persons, in the deliberate shooting and murder of Ahmed Bouchiki as a result of thirteen shots fired by two members of the group on Saturday July 21, 1973, around 10:40 p.m. in Furubakken in Lillehammer. In accordance with a premeditated plan, they followed Bouchiki and/or forwarded information on his movements until he reached Furubakken and/or forwarded the order for his liquidation, or assisted in any other way in the assassination.

II. Section 91 a) of the Criminal Code

for, in secrecy or through unlawful means to the benefit of a foreign state, having tried to collect information about political conditions or personal data, which, in case forwarded to another state, he knows or should have understood, that it might harm Norwegian interests or endanger an individual person's life, health, freedom or property, or in having assisted in this matter;

Nos. 1-6,

for, during the period Wednesday July 18 to Saturday July 21, 1973, in secrecy and/or by unlawful means, for the benefit of the State of Israel, having tried to collect information on personal circumstances concerning Kemal Benamane and/or Ahmed Bouchiki in Norway; information which the involved persons knew or should have understood that it might harm Norwegian interests and/or endanger the above named persons or other persons' lives, health, freedom or property, or to have assisted in the matter;

III. Section 182 part 1, second penalty alternative of the Criminal Code

for, contrary to the law, the defendant made use of copied or falsified foreign public documents,

No. 2, *Sylvia Rafael*

for, on Wednesday July 18, 1973, in the passport control in the airport of Fornebu, Baerum, with the aim of concealing her true identity, the defendant made use of a falsified Canadian passport No. FK 200201 carrying the name of Patricia Roxburgh with a photo of her glued in the passport;

No. 3, *Abraham Gehmer*,

for, on Wednesday July 18, 1973, in the passport control in the airport of Fornebu, Baerum, with the aim of concealing his correct identity, the defendant made use of a falsified British passport No. 604285 carrying the name of Leslie Orbaum with a photo of himself glued in the passport;

As such, Section 62 of the Criminal Code will be applied.

Concerning the circumstances described in the decision to prosecute under articles I and II, charges are being issued according to orders from the State Prosecutor.

The matter will be tried according to the law on state treason of February 21, 1947, No. 2; of Section 1 points 1(a) and (f) of the Law.

The Court has decided to transfer the case from the magistrate of Hedmark and Oppland to that of Oslo in accordance with Section 137 of the Criminal Code.

Aside from the defendants, many individuals are suspected of having taken part in the crimes included in the charges. Thus, on July 31, 1973, the Court of Lillehammer issued an order for the apprehension of the following persons who are suspected of having taken part in the crime mentioned in allegation, part I:

Gustav Pistauer, born on August 27, 1929;

Jean Luc Sevenier, born on May 15, 1947, herein called François;

Gerard Emile Lafond, born on February 13, 1945;

Rolf Baehr, born on July 11, 1930;

Jonathan Ingleby, born on December 11, 1934, herein called James;

Edouard Laskier, born on December 3, 1928, herein called Mike;

Nora Hefner, nearly 30 years old;

Raoul «Danny» Cousin, nearly 30 years old.

The majority of these wanted persons obviously carried false identity documents inside the territory of Norway.

The Court has ascertained sufficient facts for giving an account of the main trends in the factual chain of events concerning the circumstances included in part I and II of the charges. The account is mainly

based on the evidence given by the defendants and thus mainly concerns their role in the actions undertaken.

It was probably known in early July 1973 that something was being planned in Scandinavia and according to Dan AErbel's disclosures, he was asked on July 8, 1973, by Gustav Pistauer, whom he knew to be working for the Israeli intelligence service, if he wanted to take part in a short commission as interpreter in the Scandinavian countries. He was willing to, and the following day, he went with Pistauer and François to Stockholm. They arrived on the afternoon of July 10.

In Stockholm, AErbel bought Swedish newspapers and translated some of the political news as well as advertisements on flats to rent. On directions from Pistauer, he also rented two flats — one in his own name and one in the name of Pistauer. The furnished flat rented in the name of AErbel was taken for six months, and keys to the entrance door for six persons were acquired.

On Tuesday July 17, 1973, Pistauer, François and Dan AErbel went to Oslo where they checked in at the Ritz hotel. The same day, AErbel rented two cars, as directed by Pistauer — one in his own name and one in the name of Pistauer. Moreover, on instructions from the latter, AErbel also phoned a number of hotels and asked for a person whose name he understood to be Ben Noman. At the Panorama hotel, they were told that there lived an Algerian by the name of Benamane, and when Pistauer heard this, he said, it was grand.

On Wednesday, July 18, 1973, AErbel moved to Panorama hotel on request from Pistauer. AErbel was told to try and rent a flat. Pistauer, François, and AErbel

then went by car to the Israeli ambassador's residence. According to AErbel, Pistauer was calmed after he saw a Norwegian police car outside the residence.

In the evening, AErbel was taken by Pistauer to a meeting with Zwi Steinberg in the Tivoli Grill. AErbel was given Steinberg's telephone number, and was told to call his number in case he needed money.

Steinberg arrived to Oslo from Amsterdam the same day in order to carry out minor tasks which he would be informed about upon his arrival. After his arrival, he was contacted by a man who called himself Iosi. This man asked him to the meeting in the Tivoli Grill and then to go to Fornebu in order to meet another person who would arrive there later in the evening.

On Wednesday morning, the other members of the group flew from Tel-Aviv to Oslo. Before departure, a meeting was held in Lod airport in which many of those who later came to Norway were present: Marianne Gladnikoff, Sylvia Rafael, Abraham Gehmer, James Raoul, Nora Hefner, Mike and a girl named Tamara or Tamar. In Norway, the latter were usually together. Mike probably lead the meeting. The Court is of the belief that information and instructions were delivered at the meeting concerning the aim of the journey.

They did not all go together to Oslo. Marianne Gladnikoff, Sylvia Rafael, Abraham Gehmer and James flew separately to Fornebu via Zurich. They arrived there around 9 p.m. and were contacted by Steinberg. He asked them to go to the Panorama hotel. Sylvia Rafael drove a rented car which she had booked in Zurich.

After having received a message from Pistauer, Dan AErbel had phoned the hotels in Oslo during Wednesday night and Thursday morning and asked for three or four persons with Arabic names. These inquiries lead nowhere. Meanwhile, he made an agreement to rent a big flat in Baerum. The written agreement would be signed on Friday at 10 a.m.

On Thursday morning, Benamane was no longer at the Panorama hotel. Marianne Gladnikoff called the hotels, after a request from James and Gehmer and asked for him (under the name of Noman). He was not listed.

Benamane had gone to Lillehammer. It is uncertain how he was located there, but around noontime, Pistauer, Nora, Sylvia Rafael and Dan AErbel went there in the car rented by the last mentioned. Later that day, Gehmer, in a meeting with Mike, was told that Benamane was in Lillehammer and Gehmer, Marianne Gladnikoff, Raoul and François went to Lillehammer by the car rented by Sylvia Rafael.

On his arrival in Lillehammer, Pistauer took a tour in the town and found out that Benamane had gone to the Skotte hotel. Dan AErbel and Sylvia Rafael received orders to sit on a bench where they would be able to see the hotel entrance and keep an eye on Benamane's movements. They saw him entering the hotel. They took a break for one hour during which they were replaced by Pistauer and Nora. Afterwards, they remained on the bench (later in a cafe nearby) till late at night. At this point, they were told by Pistauer and Mike to go to the Victoria hotel.

When Gehmer and his car mates arrived in

Lillehammer, Raoul was out of the car for a moment and could thereafter determine that Benamane lived in the Skotte hotel. Raoul and Marianne Gladnikoff checked in at this hotel in order to be able to keep Benamane under constant watch. Among other places, they sat together with him in the TV room till late at night.

On Friday morning at 7 a.m., Dan AErbel travelled to Oslo by train to sign the contract for the rented flat in Baerum. After having contacted Steinberg on the phone, they went to Busy Butler and received 15,000 crowns for the rent of the flat. Thereafter, AErbel contacted the real estate agent and agreed on the contents of the contract. The flat was rented for one year. It had a big living room, three bedrooms, a bathroom and a kitchen. The rent was 1,600-1700 crowns a month and rent for three months in advance was asked for.

AErbel bought some furniture. He rented another car and bought a car top in order to be able to bring some of the furniture to the apartment. While he was in the flat, Pistauer called and asked him to go to Ostbanen (railway station, translator's comment) as Benamane was expected to arrive in Oslo from Lillehammer by train.

On Friday morning, Marianne Gladnikoff and Raoul had been in the reception hall when Benamane came and asked for the railway time tables. They thought that they heard «ten» being called out. They concluded that Benamane had gone to Oslo on the ten o'clock train. This information was forwarded, and Mike decided then that Gehmer and Sylvia Rafael should go to Oslo in the rented car. Pistauer also went but in the car that Dan AErbel had rented.

However, Benamane did not immediately go to Oslo. He went for a walk in town and disappeared from the sight of those who were following him. Later during the day, it was made known to Marianne Gladnikoff and Raoul that Benamane had first been seen in the terrace cafe by Kronen and later in the outdoor cafeteria by the police station. They found him in the last mentioned place together with two others. One of these had a beard, and was later understood to be Ahmed Bouchiki. Others from the group were also in the vicinity but when Benamane and the two others left the cafeteria, Bouchiki could not be found by the group. Benamane went back to the hotel and then returned by train to Oslo.

The train arrived in Oslo around 16:35. Sylvia Rafael, Abraham Gehmer, Dan AErbel and two other men, whose names the defendants do not know, waited at the station. The first three mentioned followed him to the Stefanhotell where he checked in. Later, he went for a short tour in town during which he was shadowed by Gehmer. Apart from this there were always two persons on guard outside the hotel throughout the whole evening.

To keep in touch, it was agreed that those who were in Oslo should try to come to the Tivoli Grill every even hour. When Gehmer turned up there at night, he met Mike, Tamar and Nora. At this point, Mike said that Gehmer, Sylvia Rafael and Dan AErbel should go back to Lillehammer between two and three o'clock on Saturday morning. Sylvia Rafael and Dan AErbel arrived a bit later. Mike and Tamara arrived to Lillehammer during the night. Pistauer stayed in Oslo and left the country the following day. Those of the group who had

stayed in Lillehammer looked for the bearded man — Bouchiki — throughout Friday afternoon without success. On Saturday morning, he was observed on his way to the swimming pool. Marianne Gladnikoff and Abraham Gehmer followed him. Both of them went to the swimming pool, and Marianne Gladnikoff swam over to Bouchiki to hear what language he and the other man were speaking. It was French.

Outside the swimming pool, there were a few of the members of the group, and when Bouchiki came out, he was at least under the scrutiny of Raoul, AErbel, Nora, Sylvia Rafael, Abraham Gehmer and Marianne Gladnikoff. Bouchiki was followed all the way to Rugdeveien 2A, where he lived. According to the evidence put forward by Mrs. Bouchiki, this took place around twelve o'clock noon.

After that, the group established an observation post outside Bouchiki's house. All the time, at least one and often two or perhaps more of the group's rented cars were parked outside the apartment house, and each car carried two persons. They took turns in guarding. Marianne Gladnikoff, Sylvia Rafael, Abraham Gehmer, Dan AErbel, Raoul and Nora were there. Mike and Tamara passed the apartment house once or twice during the afternoon. This happened, for example, around 7:30 p.m. when Bouchiki came out accompanied by a lady (his wife). Marianne Gladnikoff and Raoul were on guard and when the married couple walked to the town, Raoul followed them by foot while Marianne Gladnikoff drove the car downtown.

When Marianne Gladnikoff arrived at the train station, many of the group members were there. In the

morning, she had been informed that they would stay at the Kronen hotel where she was booked for a few days. Now she was informed that the hotel room was cancelled and that her luggage was brought to one of the cars. During the afternoon, all the other known members of the group had also checked out from the hotel and their luggage was brought to the cars.

Mike, who obviously had succeeded Pistauer as leader after the latter had left, decided that the cinema should be guarded. He gave the task to the members of the group. Marianne Gladnikoff and Dan AErbel were placed at the cinema exist facing south while Abraham Gehmer waited at the exit facing north. Sylvia Rafael sat in the rented car in a parking lot near the cinema. She had a walkie-talkie in the car given to her by François who showed her how to use it. She was given the code word «number five.» The Court assumes that the other group members also had walkie-talkies. At this point, the group had five rented cars at its disposal.

When the movie was over, the Bouchiki couple were seen by Marianne Gladnikoff and Dan AErbel who followed them towards Storgatan. François, who also followed Bouchiki and his wife, saw that they stepped into a bus. He transmitted this information, and just afterwards, Sylvia Rafael received orders over her walkie-talkie to drive into Storgatan. There, she took up Marianne Gladnikoff, Dan AErbel and Abraham Gehmer. She should also have had François along, but in spite of a search for him, she could not find him.

Over the walkie-talkie, the information, «all cars go home» or «go home» was given. According to Marianne Gladnikoff, one of the others in the car said,

«They took him» or something similar. However, she does not remember who said these words, or if all the other three persons had come into the car by the time the words were uttered. None of the others in the car can remember that these words were said.

What had happened was that when Bouchiki and his wife stepped off the bus at the bus stop in Furubakken near their home, a light coloured car slowly came driving towards them. It passed very close to Bouchiki, and just afterwards, two men jumped out of the car, one from each side, and killed him on the spot by shooting him with revolver fire. Bouchiki had thirteen shots in his body as well as one that just scratched him.

It is not clear who shot Bouchiki, but it seems none of the defendants were present at the killing itself or were at the spot when it took place.

The car with the four defendants drove towards Oslo. A bit south of Lillehammer, it was stopped as another car signalled with its lights. From this car came a man who took the walkie-talkie. Marianne Gladnikoff thinks it was James. She stated that he said something in English like «a job is a job.» Gehmer remembers that the cars stopped, but cannot say anything about a man coming over to their car, and did not hear any remark being made. Sylvia Rafael remembers that the cars stopped, and that a man came over to take the walkie-talkie, but because it was dusk, she could not tell who it was. Dan AErbel says that he cannot even remember that the cars stopped at all.

The defendants drove to the flat which Dan AErbel had rented in Baerum and spent the night there. On Sunday morning, Mike phoned and asked how they

were. Later, Steinberg came to the flat. He brought the car Dan AErbel had rented the Friday before, and following instructions from Iosi, the car had to be returned. It was then decided that AErbel should return it to Fornebu and that Marianne Gladnikoff should take the group there in the same car which was used from Lillehammer to Oslo the night before, and then pick up AErbel and drive him back to the flat.

The number of the last mentioned car, DA-97943, was, however, noticed when the police set up a roadblock north of Hamar after the assassination. It was tracked, and was found in Fornebu on Sunday at 10 a.m. Marianne Gladnikoff was arrested while waiting nearby for Dan AErbel to deliver his car and buy food for the group. He was also arrested. When he said that he lived in Otto Ruges vei 77 C together with Patricia Roxburgh, the police went to this address. There, Sylvia Rafael and Abraham Gehmer were arrested.

At the back of his passport, AErbel had noted down the telephone number — 14 15 89 — which he was to use when he wanted to get hold of Steinberg. In the PTT office, the police were informed that the number was that of Yigal Eyal, Tuengen allé 14 C. The police went to this address on Tuesday, July 24, 1973, and at this address, Swi Steinberg and Michael Dorf were apprehended. It appeared that the flat belonged to attache Yigal Eyal, the security officer at the Israeli embassy in Oslo.

The man who was followed in Oslo and Lillehammer carries the name Kemal Benamane and lives in Geneva. He was interrogated by Swiss and Norwegian police on July 28 and 30, 1973. According to his evidence, he is an

Algerian citizen, but he has lived in Geneva since the date of his marriage on the 28th of April, 1973. After he had finished his studies in Morocco, he visited many countries in Europe, North Africa, the Near East, the Middle East, as far east as India, as well as Romania, Hungary, Bulgaria and Yugoslavia. He did all his travels by hitch-hiking, and in many of these countries, he socialized with university circles without having been registered in any university. He worked as an unskilled labourer in Geneva.

Benamane also elaborated on his trip to Norway from July 14 to 21, 1973. He thought of taking his vacation in Spain, but at the travel agency, it was suggested that he go to Norway. He accepted this and arrived in Oslo on July 14 around four p.m. He checked in at the Panorama hotel and booked a room for a week. The same evening, he came to know a young Moroccan by the first name of Mohammad, with whom he spent some time during the following days. On July 17, he inquired at a travel agency about the possibilities of going to a seashore resort. On the map, he found that Larvik could be a suitable place, but in the travel agency, Lillehammer was suggested as being a quieter and nicer place. He had never before heard about Lillehammer, but followed the advice and went there on July 18. There, he was introduced to a French family. The following day, he saw a man in the swimming pool who looked as if he came from a southern country. He talked to him in French and received a reply in Arabic. This way, he came in contact with Bouchiki, and they spent a large part of the day together. They discussed sports, mainly karate, in which they were both interested. They met the following day in an outdoor cafe, and exchanged

addresses. Bouchiki asked to have records with Arabic music sent to him if possible.

Benamane went to Oslo the same afternoon, and checked in at the Stefanhotell. In the evening, he met Mohammad again, and the latter accompanied him to the airport from where he left for Switzerland the following day at 1:15 p.m.

Benamane denied that he was a member of «Black September» or any other similar organization. Furthermore, he disclosed that he never spoke on behalf of the Palestinians, and thought that someone had taken undue advantage of his name.

The young Moroccan, Mohammad, whom Bouchiki met in Oslo, as well as an employee whom Benamane met in the travel agency in Oslo, were both interrogated by the police. They both explained that Benamane told them about his background and his purpose in making the trip to Oslo. Both accounts are partly in variance with what Benamane told the police.

The information gathered on Ahmed Bouchiki reveals that he came to the country for the first time on July 16, 1965. He has lived and worked in a number of different places, mainly in the restaurant field. He has been in Lillehammer since July 1972 where he started to work in Skogly Badesanatorium in March 1973. On February 10, 1973, he married Torill Larsen, but neither she nor her father or brother noticed any involvement by Bouchiki in political activity. He had told them that he was trained as a saboteur during the liberation war in Algeria, but as he was so young, he had not taken part in any fighting. He did not like to

talk about his military service. Therefore, only a few incidents were mentioned.

The Court agrees with the State Prosecutor that this matter has to be seen in light of the situation in the Middle East. In the past few years, many terrorist activities had been carried out against Israeli citizens and Israeli interests. Arab organizations like «Black September» have claimed responsibility for them. From the Israeli official side, it has been clearly stated that Israel will combat these terror organizations wherever they are and by all available means. Finally, it has been generally known that during the past few years, there have been murders by both Israelis and Arabs in different countries, and these have been regarded, both in the press and otherwise, as part of the Jewish-Arab struggle. There is no evidence, however, that the assassinations are carried out as part of this struggle.

If the above mentioned is not born in mind, it would be difficult to understand why a group of fifteen to seventeen persons was sent from Israel to Norway in order to carry out an operation like the one dealt with here. In any case, there are a series of questions that have not been answered and that must be clarified through the judicial process during the main Court sessions. It is thus uncertain whether Benamane was a common tourist or if he had any special objective in his visit to Norway. Furthermore, it is not really clear what motivation the Israelis had for the surveillance of both Benamane and Bouchiki and finally killing the last mentioned.

The State Prosecutor is of the belief that the real aim of the group might have been Ali Hassan Salame,

alleged to be the person responsible for the tragedy during the Olympic Games in Munich in 1972. The Israelis might have thought that Benamane was a courier for «Black September» and that he would lead them to Salame. This person should be a very enticing target for the Israelis, not only because of their desire for vengeance, but also because he is regarded by the Israelis as an extremely dangerous man in «Black September.» The State Prosecutor asserted, however, that Bouchiki was not the same person as Salame and the evidence points to the fact that the wrong man was shot. The State Prosecutor referred to an Israeli weekly which on August 1, 1973, had an article about the assassination. The weekly carried one photo of Bouchiki and one of Salame and the title was, «Sorry, wrong victim.» The article was later referred to in Lillehammer newspapers.

It is claimed by the defense that the Israeli weekly was far from being serious, and that there has been no proof that the Israelis were chasing Salame or that the wrong man was shot.

The Court is unanimous on the point that there is no conclusive proof. The only thing known is that a few of the defendants have explained that according to information given to them, their mission was to keep track of a high-ranking member of «Black September» who had come to this country to meet another high-ranking member of this organization.

It is not essential for the Court's judgement on the issue of guilt that there remains ambiguity regarding the motive for Israeli activities in this country and the possible mistake as regards who Bouchiki really was.

The only issue that guides the Court is to verify whether or not the defendants have conducted acts contrary to the Norwegian Criminal Code. If they have done so, they will be convicted. When a final decision is made, the motives of the defendants might constitute a mitigating factor. When the motive is not known, the final decision has to be taken with other evidence as a basis. In any case, it is the task of the prosecuting authority to prove the defendants' guilt. However, the penalty will not be mitigated if the actions taken are part of a hard and bitter struggle against a possible terrorist organization. It is not permissible for anyone to carry out guerrilla operations on Norwegian soil even if it is aimed at foreign authorities or organizations and this applies regardless of who it is that is carrying out the actions.

Furthermore, there is no reason for mitigating the penalty, if Bouchiki was killed because he was assumed to be Salame; whereas, in reality they are two different persons. The same is valid if Benamane and Bouchiki were shadowed in the belief that they were someone else.

The way the operation was carried out in Norway still shows that it must have been regarded as being of great importance. As mentioned before, at least fifteen persons were employed and the operation entailed quite heavy expenses. Therefore, it should have been the Israeli intelligence service that organized the operation. This is also confirmed by the way each of the defendants was hired and that some of the defendants had connections with the intelligence service.

The manner in which their mission was planned

and carried out shows that the task was obviously aimed at collecting secret information on political and personal conditions to the benefit of the State of Israel. The information might then have been transferred to the one(s) concerned, and on the basis of this information, the decision to assassinate Bouchiki was taken. The surveillance or assistance in doing so thus covers all objective causes for sentencing according to Section 91 in the Criminal Code.

The Court is of the opinion that the group itself was not party to the decision as to whether or not an assassination should be carried out. The decision concerning this must obviously have been taken, or at least sanctioned, by a central organ.

The decision to kill Bouchiki might have been taken the same day the assassination was carried out — Saturday July 21, 1973. The whole day, Bouchiki had been under continuous surveillance. During the day, members of the group started to check out from their hotels and their luggage was put into the cars. They gathered in the center of town, and each of them received instructions as to the task they would carry out later that evening. Some were put on guard around the cinema, while others sat in the cars ready to move swiftly. Obviously, it was decided who each car should pick up and the whole situation definitely shows that they had reached the final phase of the operation. In reality, the whole situation was one which had as its objective to keep Bouchiki from escaping as well as making him available for those who were going to kill him. The Court finds that all those who took part in the joint action — whether guards or drivers — were, according

to the objective circumstances, accomplices in the assassination.

Marianne Gladnikoff, Sylvia Rafael, Abraham Gehrmer and Dan AErbel took part in keeping track of Benamane and Bouchiki as well as in the joint operation which lead to Bouchiki's death. Concerning these persons, the question is whether the subjective circumstances for sentencing are present regarding part I and II. The Court will treat this separately for each defendant. Regarding defendants No. 2 and 3, the Court will simultaneously decide whether they are subject to sentence according to the charges in part III.

In connection with the question of guilt, the defendants have put forward that they might not have found it feasible, out of loyalty to their country and its interests, to submit information about factors which they could have explained under other circumstances. Therefore, denial to testify or to respond to questions might not be regarded as circumstances against the defendants. The Court realizes that this might bear some importance. It also agrees with the defendants that it can be assumed that as a rule each single person in any intelligence mission will not know more than what is necessary for him to carry out. Still, it can be added that one knows from experience that when a number of persons are together for some time, information will leak to others in the group. Apart from this, each person will of course link the information he has with what he sees and experiences during the carrying out of the task, and from this, he will draw his conclusions.

Defendant No. 1, Marianne Gladnikoff, explained to the Court that she took a course in Tel-Aviv the

summer of 1973. In the evening of July 17, she was contacted by an unknown man who called himself Geva. He asked her if she was willing to carry out a task for the benefit of Israel. She said yes, as she had not been through any military service for Israel and felt it her duty to do something for her new homeland. She was thereafter asked if she could go to Norway the following day as she was needed for a special task as an interpreter since she spoke Swedish and understood Norwegian. Nothing was said as to what the operation was, and because the nature of her job in the Elda Company, where she worked, entailed secrecy as to information, she was used not to ask too many questions. She was uncertain as to the purpose of their mission. She understood that the State was behind it and that all must be done in secrecy. She was told that it was nothing illegal. She was also made aware of the fact that she would not be paid for her work but that she would keep her salary from Elda, and that all expenses incurred during the journey and sojourn in Norway would be paid for.

Marianne Gladnikoff explained further that the next day at the meeting at Lod airport there was a discussion about a man, and then a photo was shown, but the discussion was carried out in Hebrew. She could not understand all that was said.

She was informed during her stay in Norway that the man she discovered by calling hotels in Oslo on Thursday July 19, did not have the name Noman but Benamane, and she understood that he was an Arab. She also heard that Benamane was a high-ranking member of «Black September,» and that he was to come across a person who was of an even higher rank. She

had understood that the group would shadow Benamane who would lead them to the man they were looking for. The latter would be followed in order to find out his plans. If these plans concerned terrorist action, she was of the belief that this information would be forwarded to Norwegian authorities.

Marianne Gladnikoff could not say when she came to know all this. During the car trip to Lillehammer on Thursday afternoon, this was discussed, but she claims that she came to know most of it after she had arrived in Lillehammer. She also explained that on Friday, July 20, and Saturday July 21, 1973, she saw photos of the man whom Benamane was supposed to meet, and she hesitated strongly as to Bouchiki being the right man. The picture did not resemble him, and she told the others about this.

The accused did not think that there would be any possibility that what she was undertaking might endanger anyone's life or health, and she refuses to accept that the action at the cinema in Lillehammer on Saturday evening could lead to the death of Bouchiki. The group was not sure that Bouchiki lived in the apartment house where he had spent the whole of Saturday afternoon. The defendant thinks that the watch at the cinema was deemed necessary in order to prevent Bouchiki from disappearing after the film was over. He was to be tracked until his flat was definitely found. After this, the group should try to find out about his further plans. She did not know anything about the assassination until the police told her this after her arrest.

The Court has surmised that the defen-

dant has, at least since the trip to Lillehammer on Thursday, July 19, understood that she was collecting private political information concerning Benamane, and later, Bouchiki, to the benefit of Israel. Furthermore, she understood that the information would be transferred to Israeli authorities and that this could cause danger to someone's life or health. As she has been living in Israel since 1970, she should have at least come across some information of the terrorist actions which «Black September» has undertaken, and when a big operation is started by state authority against high-ranking members in this organization, it should even seem very possible that there would be danger to someone's life or health. According to this, the Court finds Marianne Gladnikoff guilty of a crime in accordance with Section 91 (a) of the Criminal Code.

The feeling that human lives might be terminated should have increased substantially during the intensive surveillance the day of the assassination, and this particularly concerned the final phase of preparations when Bouchiki had gone to the cinema. It sounds totally unrealistic that Bouchiki, having been shadowed by the group for two days, suddenly would leave late Saturday evening after having been to the cinema with a lady, and go so far away that no one in the group would any longer need their hotel rooms in Lillehammer. The whole situation outside the cinema on Saturday evening pointed clearly in the direction of an attack against Bouchiki's life, whereafter the group would disappear. The Court cannot, in this connection, grant any credence to the defendant's hesitancy as to whether or not Bouchiki really was the man whom the group had been looking for.

Still, Marianne Gladnikoff's explanation seems probable. The Court approves of her explanation that she has so far not been involved in intelligence service operation, and both her lack of experience and bad knowledge of Hebrew could have accounted for the probability that she did not fully understand what happened outside the cinema on Saturday evening. Still, the Court does not concur that she necessarily understood that the joint action would most probably lead to Bouchiki's death. However, she should have reason to understand that the action may end that way. Thus she is found guilty, and will be penalized for her assistance in the premeditated plan according to Section 239 of the Criminal Code.

In accordance with earlier practices, the Court does not find any obstacles in penalizing the defendant, according to Section 239 of the Criminal Code, following her role as an accomplice in the assassination. The judges have had reasons to give their opinion concerning the usage of this penalty section.

Defendant No. 4, Dan AErbel, explained to the Court that he came in contact with Gustav Pistauer in 1963 when he was asked to do some translation work for the Israeli intelligence service. He assumed that Pistauer occupied a high position in the organization.

When there was a question about going to Scandinavia on July 8, 1973, Pistauer said that the trip would take them two to three days. Pistauer would fix it so that AErbel had some days off from his job in the Osem company as well as assuring his full salary. AErbel, who was building a house, was interested in going to Scandinavia in order to buy lamps and

curtains. Thus, he was willing to go. He thought that his task was to be in the field of translation.

The stay in Sweden and Norway turned out to be much longer than AErbel had counted on, and he repeatedly asked Pistauer if he could go back to Israel. However, Pistauer each time asked him to wait for another couple of days to carry out some new minor tasks, and AErbel gave in. He did not understand why the jobs he was assigned should be carried out, and as he by nature is very curious, he often asked for the reasons for what he was doing. He never received any answer, and so he stopped asking. The others had given oaths of secrecy. He had not, and so he was kept outside. Thus, he did not feel like a member of the group even though he was together with them.

Not until AErbel visited Pistauer at the Ritz hotel while in Oslo on Friday July 20, 1973, was he informed about what he was doing. Pistauer told him that there were plans to thwart terrorist action against an airline company or an embassy, and that the bearded man (Bouchiki) was involved. Israel should get hold of others involved and of the actual terrorist plans.

On the basis of this information, AErbel got the impression that they had to get hold of the plans and then contact the police. He did not have any clue as to any plots of assassinations or other criminal acts. If they killed the bearded man, they would not be able to find out his contacts and the plans of terrorist actions would thus not be prevented. AErbel did not know that there had been an assassination in Lillehammer until the police told him so after his arrest.

This evidence by Dan AErbel stands in strong contradiction to the evidence he gave the police during the interrogation and during the main inquiry by the State Prosecutor.

It is said that AErbel was interrogated by the police eleven times in all. The first time was on Sunday, July 22, 1973. At that time, he denied any knowledge of the assassination of Bouchiki as well as to his being in Lillehammer at all.

When he was interrogated on the following day, he stuck to his previous position, but added that he had been in Lillehammer on Saturday, July 21. After a while, the report carried the notice that he was now willing to explain everything concerning his part in the operation. He knew about the assassination from a Moroccan citizen who was in Lillehammer on July 21, 1973. One of the aims for his trip to Norway was to assist in the killing, and this was a political action carried out by the Israeli state against the «Black September» movement. He also explained that it was Abraham who had asked him about taking part in the action. He did not know the latter's surname. It is obvious that the man he talked about is Abraham Gehmer.

There was no information as to what was to be done with the «Black September» members, but he thought that they would be killed or maybe kidnapped. Before he, Pistauer and François left Stockholm, it was clear that an Arab was heavily involved in planned terrorist actions. It was not known where this Arab lived but another Arab, living in Ireland, was going to Norway.

At the end of the report of July 23, 1973, it was noted that the defendant wished to correct some points after it had been read to him. He claimed that he would not have gone to Scandinavia if he had known that there would be a killing involved. On the whole, he did not know that there would be criminal actions out here.

On Tuesday July 24, AErbel was again interrogated, and he said that his employer for the trip to Norway was the Israeli intelligence service. He knew very little about this organization. He knew that it had a global network, and that one of its tasks was to combat Arab terrorist organizations, and to carry out retaliatory activities against them.

During the interrogation, Dan AErbel gave some information under oath to policeman Ravlo who was the one in charge of interrogating him. Three different versions were submitted, and when the Court knew about this, it asked Ravlo to forward them.

According to the version of July 27, 1973, a man by the name of Kemal Benamane arrived on July 13 or 14 to Oslo carrying an Algerian passport. He was said to have arrived from Geneva, and was supposed to meet one of the top men in the «Black September» organization. It was assumed that the latter was No. 1 within the organization. The birthname of the man should be Ben-Salame or something similar, and he was supposed to be the son of a very well known Arab, probably a politician. Ben-Salame was assumed to have studied in the United States, France and Britain, and was regarded as an intellectual. He might have been staying in Norway for some time although his stay there was not discovered until Benamane went there. Supposedly, Ben-Salame

has used different Syrian, Israeli and Algerian passports, a total of five different ones. According to AErbel, the passports were issued under different names. In the version of August 16, 1973, AErbel disclosed that the wanted person carrying the name Leslie Orbaum actually had the name of Abraham Gehmer.

In another version, of August 16, 1973, AErbel gave some data about the wanted person, who up till then, had carried the name Patricia Roxburgh. Her real name is Sylvia Rafael. She has been connected with the Israeli intelligence service for many years, and had carried out many tasks for it. She was taken out of service, probably in 1971, and she moved to South Africa where she lived until April 1973.

On October 2, 1973, Dan AErbel was shown seven different photos of Ben-Salame. After having studied the pictures for a long time, he said that the person on the photos closely resembled the man he had seen photos of in Lillehammer and which were supposed to be of Ben-Salame. However, he had not studied the picture that was shown in Lillehammer.

When Dan AErbel was interrogated by the police, and the reports of the police were read to him in Court, he said that most of it was made up. The basis for what he had stated was news from papers and from the radio to which he had access by mistake and which partly consisted of what he guessed the interrogator wanted to hear. When he emphasized the role of the Israeli intelligence service so strongly, and stated that Gehmer belonged to it, he was implying that if the police came in contact with the Israeli embassy, the whole matter would be seen as political. He had remembered the

name Ben-Salame from the writings in the papers concerning the Munich tragedy. The evidence given that the intelligence service had a global network and that it, among others, resorted to counter terrorism, was what he had gathered by reading a European edition of *Time* magazine. He suffered from claustrophobia and was sick. Because of this, he was anxious to prolong the interrogation period as much as possible in order to avoid returning to the cell too soon.

AErbel stresses that the report of July 23, 1973, is not correct and asked that it be corrected. The true case is that policeman Ravlo wrote the report, but when it was read to him, AErbel found that it did not correspond with the explanations he had given. Therefore, the report was re-edited in such a way that it corresponded with the explanation.

Policeman Ravlo declared as a witness that when the first part of the report of July 23, 1973, was finished and typed, there was a pause. Then AErbel said that Ravlo of course did not believe him, and when this was confirmed, he said that he wanted to explain fully his involvement in the mission. His evidence came very spontaneously and without knowing what the police already knew. The evidence was typed directly, and AErbel read it while it was being typed. When the evidence was read, Ravlo gathered that AErbel was afraid of having revealed too much. Ravlo believed that the main thrust in AErbel's evidence was correct.

The article in the European edition of *Time* magazine which AErbel had read in Sweden was published in the edition dated July 16, 1973. The article reveals that the Algerian playwright, Mohammad Boudia, was killed in

Paris on June 28, 1973. He was suspected of being the European top man of «Black September,» and was wanted by police in two countries in connection with terrorist activities. Three days later, Colonel Yosef Alon, the Israeli air attache in Washington, was killed outside his home. The article says that Boudia and Alon were more or less regarded as being the latest victims of the hard underground war which is raging between Israeli agents and Arab partisans all over the world. Such events have now almost become daily. The article also says that the Minister of Defense, Moshe Dayan, had supposedly sworn that the terrorists would be liquidated wherever they were.

Dan AErbel's explanations did not fully convince the Court. They seemed irresolute, and it seemed as if the evidence was marked by the prevailing situation when evidence was given, and also geared by wishful thinking.

On the other hand, there are many details in the evidence which are correct as far as they are determinable. On July 27, 1973, AErbel said that Benamane had come to Oslo on July 13 or July 14. He arrived on July 14. He was interrogated for the first time by the police on July 28. Furthermore, Dan AErbel gave the names of Abraham Gehmer and Sylvia Rafael, and this, in turn, led to the discovery of their identities. It is possible that not all of the details about the Israeli intelligence service, and those connected with it are correct, but definitely the main impression of the Court is that he probably had quite a lot of information about the intelligence service and particularly about the task in which he was involved.

In the opinion of the Court, Dan AErbel has been

fully aware that he was engaged in undercover activity to collect personal and political information while tracking Benamane in Oslo and Bouchiki in Lillehammer. Moreover, he understood that the information would be beneficial for Israel, and that it would be transferred to Israeli authorities.

The Court is not expressing any view on whether or not he himself had connected the name Ben-Salame to the mission. From the basis of his information, he must, in any case, have assumed that the persons to be kept under watch were very high ranking members of «Black September,» and he knew that the Israeli intelligence was behind it. He also knew about the public statements saying that terrorist organizations should be combatted by all possible means and also from the article in *Time* magazine which he had read. From all these, he should have had a strong suspicion as to the implication of his undertakings in Norway.

He should, therefore, have understood that the collection and transfer of information could endanger someone's life or health. The situation outside the cinema on Saturday night was such that he must have understood that he was involved in an action which certainly or most probably would lead to Bouchiki's death. Thus, he is guilty and punishable in accordance with both Sections 91 (a) and 233 of the Criminal Code. It is not clear whether or not AErbel hesitated, for or against, his involvement in the assassination. Thus, the conditions for using Section 233, part 2, does not arise except as admissible evidence.

Judge Jan Deschington does not concur that AErbel has understood that the joint action would lead to

Bouchiki's death, but that AErbel should have understood this. Thus, the Judge states that AErbel should be punished for being an accomplice in the premeditated assassination in accordance with Section 239 of the Criminal Code.

Defendant No. 2, Sylvia Rafael, explained to the Court that she was contacted by Mike in May 1973, and the latter asked her if she wanted to help make Israel a safe place to live in. She was willing, but assumed that she would not be engaged in anything illegal. Mike promised her that.

She explained that there might have been a meeting at Lod airport on the departure date of July 18, 1973, but she does not remember what was said, and she does not remember any photographs. Maybe she thought of «Black September,» but her impression was that no one really knew why they were going to Oslo.

In the airport, she was given a false passport. It was a Canadian passport with the number FK 200201, and carried the name Patricia Roxburgh. It was used in the Fornebu airport. The purpose was to keep her real identity undisclosed. She admits to being liable for penalty for this. She will therefore be judged according to Section 182, part 1, second penalty alternative, of the Criminal Code.

In Oslo, she heard rumours about a possible terrorist organization in the Nordic countries. She understood that they were supposed to find an Arab with dark curly hair and a beard to be able to determine what was going on. No one knew from which country he was. The man was found in Lillehammer, and she assisted in keeping him under watch there and in Oslo

after his return to it. On Friday evening, July 20, 1973, she and Dan AErbel were asked to go back to Lillehammer. By then, she had been informed that the man they had shadowed was Benamane, and they were informed that he had met another man in Lillehammer. This man was interesting, and they were to find out who he was and where he lived. On Saturday evening, François came and told them that the man had gone to the cinema, and that they were supposed to follow him from there. She therefore thought that they were to continue the pursuit after the cinema had closed.

She explained that it was possible that the name Salame was mentioned in Oslo or in Lillehammer, but that the name does not mean anything to her. She does not know who was behind the Munich tragedy as she was not in Israel at the time.

Sylvia Rafael disclosed that she lived at two different times in Paris. On both occasions, she has had tasks for Mike, but nothing similar to the one in Norway. It has been determined that she lived in Paris from the Autumn of 1969 to the Spring of 1970 under the name of Patricia Roxburgh. In May 1973, she rented a flat under this name on 3, Quai Bleriot, Paris XVI. The rent was paid for until the beginning of September. Eleven keyrings were found in Zwi Steinberg's flat. The keys on one of them fitted the lock of Sylvia Rafael's flat, (c.f. below). Furthermore, in a notebook belonging to Gehmer, the telephone number to her flat was taken down in(code). She had also taken down the telephone number to a flat rented by Jonathan Ingleby in her own notebook.

Sylvia Rafael revealed that Mike asked her to rent

the flat. She lived in it, but it was never visited by Mike, Steinberg or Gehmer. She wrote down the telephone number in the notebook about one year ago. She acquired it from someone called Jean, but she could not give any further details about him. The number was to be used when she was in trouble or when she needed money. It was a surprise to her that Ingleby owned the flat.

Sylvia Rafael admitted that the false passport she used for her trip to Norway has been used by her during the last few years' travels in Europe.

Sylvia Rafael's evidence has been very flimsy, but on the basis of the above mentioned, the Court considers it as sufficient proof that she is connected with the Israeli intelligence service, and there is no basis for doubt that she was given information that differed from that given to Marianne Gladnikoff and Dan AErbel regarding the persons to be surveilled. She knew that the Israeli intelligence service was behind the action in Norway and also that their mission concerned alleged terrorists. With her professional background, she would be aware of the contents of the statements regarding fighting terrorist organizations by all means, and she understood that their operation was secret and that the report about it could imply danger to someone's life and health. She thought that they would continue to follow Bouchiki after the show on Saturday night.

From the manner in which the whole matter was organized, and the way the situation was at that moment, the Court is of the opinion that she had assisted in an action that certainly or most probably would end in the death of Bouchiki. She is therefore found guilty,

and sentenced in accordance with both Sections 91 (a) and 233 of the Criminal Code. Still, the Court cannot conclude that it has been proven that she is guilty of premeditated murder.

Judge Jan Deschington is not of the opinion that it has been proven that Sylvia Rafael has understood that the joint action Saturday night certainly or most probably would lead to Bouchiki's death, but Sylvia Rafael should have understood this, and, accordingly, she should be sentenced for being an accomplice in premeditated murder in accordance with Section 239 of the Criminal Code.

Defendant No. 3, Abraham Gehmer, told the Court that two to three weeks before the journey to Norway, he was asked by a friend if he was willing to engage in a commission. He agreed to this and was summoned to a meeting where, among others, he met Mike. The latter asked him if he could go to Norway to collect information of interest to Israel and also of interest to other countries. Gehmer was chosen as he had travelled a bit. He had already been once before in Norway. He would be given more details later. He would travel on a false passport. He was willing, and submitted his photos and signatures in order to get the passport.

He was present in a meeting at the Lod airport on July 18, 1973. There, he was taken aside by a man who told him some things about Britain as he was going to travel there as an Englishman. Still, he understood from the meeting that they should collect information about a possible hijacking. He might have heard the name of Benamane. He did not see any photo.

He had his false passport delivered to the airport.

It was British passport No. 604285 carrying the name Leslie Orbaum. A photo of himself was glued on to it. He had never before used the passport, but he used it in Fornebu airport in order not to have his real identity disclosed. He admits to being guilty for this, and the Court finds him guilty according to Section 182, part 1, second alternative of the Criminal Code.

Gehmer was given a more detailed description of Benamane in a meeting with Mike in Oslo on Thursday, July 19, 1973. He was supposedly an Arab around 30 years old who had a two weeks-old beard. Gehmer could not remember if Mike connected him with «Black September» as there are so many Arab terror organizations, but he connected him with terrorist activity. It was said that Benamane had gone to Lillehammer, and Gehmer was asked to go there to take part in keeping him under constant watch. Benamane was found in Lillehammer, and Gehmer joined the operation there and later on in Oslo. On Friday evening, July 20, 1973, Gehmer was informed by Mike to go back to Lillehammer and wait there as Benamane might go there again.

Gehmer took part in keeping track of Bouchiki on Saturday, but he also looked for Benamane. He was instructed that if he does not find Benamane or receive other instructions by the evening, that he should go back to Oslo. He did not know whether this was the case for every body in the group.

On Saturday evening, Gehmer was looking for Benamane near the cinema, but also for Bouchiki whom he heard had gone to the show together with a lady. He did not know anything about the assassination until he was told about it after his arrest.

Gehmer denies having had a mission for the Israeli intelligence service. He produced a certificate from the university in Tel-Aviv stating that he studied political science there from 1968/69 to 1972/73.

As mentioned before, eleven keyrings were found in Zwi Steinberg's flat in Paris. Six of the keyrings corresponded to flats which the French police had been able to track. Gehmer's notebook contains the telephone numbers to five of the flats (in code). Among these is the key to the flat which Sylvia Rafael rented under the name of Patricia Roxburgh. In the notebook, Pat is noted in front of the telephone number.

One of the other flats of which Gehmer noted the telephone number is the one rented by Jonathan Ingleby. Here, the name John is noted in front of the number. In a third case, the name Iosi is noted in front of the telephone number, and in a fourth case the name of François is noted.

All flats are now abandoned.

Abraham Gehmer explained that he received these numbers and names at the Lod airport. He took them down. If necessary, he would get information as to what numbers and names should be used. The code was not explained to him.

In the opinion of the Court this explanation is obviously incorrect. It is completely unbelievable that Gehmer should receive telephone numbers to five different flats for possible future use. They are obviously cover flats for the Israeli intelligence service. The Court is of the opinion that the evidence is beyond any doubt that Gehmer is connected with the Israeli intelligence service.

So far, Gehmer is in approximately the same position as Sylvia Rafael. He must also have received the same information as Marianne Gladnikoff and Dan AErbel about the persons who were to be kept under watch. He consequently knew that the Israeli intelligence service was behind their activity, that it was supposed to be carried out in secret and that it concerned alleged terrorists. He also knew that when the information collected following the surveillance was made known to the Israeli authorities, it could imply danger for someone's life or health.

The explanation that Gehmer should look as well for Benamane on Saturday cannot be correct. The group should have known that Benamane left the country Saturday noon, and it must have been clear that Gehmer's duties concerned Bouchiki. With the experience that Gehmer had regarding the aims and activities of the intelligence service, he must, in the opinion of the Court, have understood that the joint action he participated in certainly or most probably would lead to Bouchiki's death. He is thus guilty and should be sentenced in accordance with Section 91 (a) and 233 of the Criminal Code; however, the Court does not conclude that he has acted in a premeditated manner.

Judge Jan Deschington does not consider it as an established fact that Abraham Gehmer has understood that the joint action on Saturday night certainly or most probably would lead to Bouchiki's death, but, nevertheless, he should have understood that this would be the outcome. He is thus punishable for assistance in premeditated murder in accordance with Section 239 of the Criminal Code.

No. 5, Zwi Steinberg, disclosed that he was going to start a company in Paris in August 1973 dealing with Brazilian semi-precious stones. He did not want to give the name of the proprietor in order not to pull him into this matter.

Steinberg arrived in Paris in the beginning of May in order to get acquainted with the situation. On June 8, he rented a flat in Paris in which he still resides. His wife and children did not come to Paris until July, and they also lived in the apartment.

On Wednesday, July 18, a personal friend of his asked him if he was willing to go to Oslo in connection with Jewish and Israeli interests. There was not much to do for him there, but he would get further information in Oslo from a person called Iosi. Steinberg accepted as he knew attache Yigal Eyal, and wanted to see him. He said that he would spend a lot of time with Eyal, and that he could be contacted there.

Steinberg arrived in Oslo on July 18, between four and five in the afternoon. He checked in at the Norum hotel, and thereafter, he went to Eyal's home. The latter knew that he worked in Paris. Steinberg told him that his stay in Oslo was connected with his job.

Steinberg was contacted by Iosi while staying with Eyal, and after having met with Iosi, Pistauer and AErbel in Tivoli Grill, Steinberg went to Fornebu to meet the group coming from Tel-Aviv. He denies having given Marianne Gladnikoff a paper with a telephone number, which she alleges that he did.

Steinberg spent quite some time with the Eyal family. They felt left out and lonely in Oslo and were

happy for his visits. They did not know anything about his mission to Oslo.

On Thursday, July 19, Steinberg was once again contacted by Iosi. At the meeting in a cafe, Steinberg received 15,000 crowns which Iosi asked him to deliver to Dan AErbel when the latter had contacted him.

The following morning, at around 8:00 a.m., Iosi called Eyal's house from Lillehammer to hear if Steinberg would stay in or go out. A little later in the day, there was still another call whereafter Iosi wanted to see him in a cafe in Oslo the same evening. In the meeting, Steinberg was asked to fetch Pistauer from the Ritz hotel the following day, and take him to the airport. This was done and Steinberg thinks that Pistauer went to Copenhagen.

Iosi phoned a couple of times from Lillehammer on Saturday. The first time he wanted to know what had happened to Pistauer. The next time Iosi told him that he was coming to Oslo and that he wanted to have a meeting with Steinberg. He would call him later to decide on a definite time for the meeting. The call was made between ten and eleven Saturday evening. Iosi then wanted to meet Steinberg at the magistrate's court and asked him to bring the car AErbel had rented on Friday — who was at the flat on Otto Ruges vei — and see to it that the latter delivered it back to the renting agency.

When Steinberg carried out his task, he met Iosi again and had breakfast with him. After an invitation from Eyal, Steinberg moved to Eyal's flat. He was arrested there on July 24, 1973, in the evening.

On December 10, 1973, eleven keyrings were found in Steinberg's apartment in Paris. Eight of the keymarks carried names. The French police found that six of the keyrings fit six flats whose tenants had disappeared long ago. It is therefore assumed that the flats are cover apartments for the Israeli intelligence service (c.f. in the section on Abraham Gehmer's evidence).

Steinberg denied knowledge of these keyrings. His family returned to Israel some time after his arrest. The family was helped by a friend. Steinberg might have used the apartment later and left the keyrings there. Steinberg denies every connection with the Israeli intelligence service.

The Court is unanimous in its opinion that the discovery of the keyrings does not constitute sufficient proof of Steinberg's connection with the Israeli intelligence service.

However, the Court concurs that he understood that he was assisting in collecting information of a personal or political nature while being in Oslo. The way he was engaged in the mission should have made him understand that it would be for the benefit of Israel and that it should be carried out secretly. That he was asked to disburse 15,000 crowns to a man he had seen only once before, and without a receipt, only confirms that the whole action was to be carried out secretly. It should also have indicated the possibility of a major operation.

There has been information given from the telephone authority regarding those long distance calls from Lillehammer which Steinberg has given evidence about.

Apart from these, there was a long distance call from Mike's room at the Victoria hotel to Eyal's home on Saturday at 7:18 p.m. Steinberg could not remember this latter call.

The Court does not accept that the calls from Lillehammer were of such an innocent content as he has declared. Based on the evidence given, the Court concurs that there is sufficient proof that he has assisted as a contact man between the group and the central organs in the Israeli intelligence service. He should have transferred information on the activity of the group as well as instructions and information to and from it, and even if he earlier did not have any experience in intelligence work, he must have known the official Israeli view on the combatting of terrorist organizations.

In the opinion of the Court, he has therefore understood or should have understood that information collected and transmitted by the group could cause danger to an individual's life or health. Thus, he is guilty and sentence should be imposed according to Section 91 (a) of the Criminal Code.

On the other hand, the Court does not conclude that he is guilty for assistance in murder. For sure, some of the telephone calls have close connection to central points in the development of their mission. The telephone call from the Victoria hotel came about the time when Bouchiki went to the cinema and Mike, who the same morning had booked a room for four days, cancelled the booking and rushed out between 9 and 10 p.m. The Court does not assent that there is sufficient proof that Steinberg understood what was involved but that he should have understood that the action

concerned a particular human life judging from this or other calls or connections that he had with persons engaged in the matter. The group could have had other links as well, and even if Hebrew as such might be a good enough code when using the Norwegian telephones, it cannot be excluded that a code was used when it concerned the decision proper of what to do with Bouchiki.

Steinberg is therefore found innocent on part 1 of the charges.

Defendant No. 6, Michael Dorf, stated that he never had anything to do with the Israeli intelligence service. He was contacted in a cafe in Tel-Aviv by a man who said he had come after having consulted a good friend of Dorf's at the university. The man asked Dorf if he was interested in doing something for the benefit of Jewish interests. Obviously, the job would involve a journey abroad. Dorf said he was willing, and it was decided that he should go to Oslo, and there he would be contacted by a person who would give him more detailed information. He also received two telephone numbers which he should call and over which he should forward messages.

On Wednesday, July 18, 1973, Dorf went to Oslo and checked in at the KNA hotel. The following day, he moved over to the Philadelphia hotel. On the same day, he visited the Israeli embassy where he was employed. The work consisted of recording and sending mail.

On Friday, July 20, Dorf had a telephone call from a man who introduced himself as Gill, who turned out to be the contact. Gill gave Dorf the code name of the

person he should ask for when calling. The call should be done from a telephone box. So far, Gill had no instructions nor did he receive any until Saturday afternoon.

Early Sunday morning, Dorf was woken up by Gill who wanted him to check the newspapers in connection with a murder that was said to have taken place in Lillehammer. Dorf did not understand Norwegian, but the embassy made a translation of the first page of each of the Norwegian papers. Dorf checked to see if he could find anything there. Gill asked him to report to him regardless of whether or not he found anything.

On Monday, the murder in Lillehammer was reported on the front pages of the papers. The reports were translated at the embassy. Dorf took a summary and phoned the contact number from a telephone booth in the evening. He was asked to do the same thing with the papers the following day and to get details about those who were arrested.

On Tuesday, July 24, Dorf made another summary of what the translations from the papers said about the murder and called his contact. He now received a message for himself and one for Steinberg whom he would possibly meet at Eyal's. He had also been at Eyal's earlier. Around 10 p.m. on Tuesday evening, he took a cab there. Right afterwards, he was arrested.

There is no doubt that Dorf was sent to Oslo in connection with the mission in which the other defendants were engaged in. However, there is no proof that he knew what the action was about before the assassination of Bouchiki, and there is no proof that he did

anything else other than what he has given evidence to before the murder. Therefore, there is no reason for passing a sentence in accordance with either Sections 91 (a) or 233 of the Criminal Code. He is thus to be set free.

The sentences in this case are based on very special and problematic circumstances. The Court has no guidance from legal precedence.

On the other hand, there is a planned action which ended with an assassination in an open street in Norway. This consideration implies, as such, a serious penalty act.

Furthermore, the Court refers to what was earlier said about the special background for the action because of the situation in the Middle East. The defendants have, to an extent, felt it their duty to take part in the action which they understood would be of benefit to their homeland, Israel.

The State Prosecutor has expressed his point of view thus; that the action and the defendants' engagement in it must be looked upon as part of the acts of war. The Court is of the same view.

When formulating a sentence, a decisive factor consists in judging what role each of the defendants had in the operation. In this case, it concerns a joint action lead by one or another of the notified persons where each of the engaged had his special task. The acts of the first four defendants have thus also been necessary links in the complete plan. The false passports given to defendants No. 2, Rafael, and No. 3, Gehmer, was also part of the link in the operation for it simplified their arrival in Norway and concealed their true identity.

On the other hand, it is obvious that none of those have had any decisive influence on the plans, and they have understood that it concerned an assassination. At this point, it might have been difficult for any of them to pull out of the action. In any case, one can assume that protests or remarks at this point would be without response with the consequence that none of the four defendants had any power to prevent the final result, that is, the assassination of Bouchiki.

The Court finds that in comparison with the acts of the main figures, the assistance in the murder by each of the defendants can be judged as having been of minor importance. Thus, Section 58 of the Criminal Code will be used such that the Court will be enabled to go below the normal minimum penalty for premeditated murder.

The Court does not find that any of the persons have any dependent position towards the leaders of the mission. They have all voluntarily joined the journey to Norway and there is no evidence that they have made any serious attempt to return home.

When it comes to the determination of the sentence for each of the defendants, reference is mainly made to what is earlier mentioned concerning each person's involvement in the mission.

The Court's remarks on Marianne Gladnikoff, who is only judged for unpremeditated murder, is that her conduct in the operation comes very close to premeditation. On the other hand, the Court takes into consideration her detailed and sincere evidence given at an earlier stage of the interrogation.

After an evaluation of these issues, the Court's

verdict is as follows, taking Section 62 of the Criminal Code in consideration for defendants Nos. 1-4.

Defendant No. 1, Marianne Gladnikoff, is sentenced according to Sections 239 and 91 (a) of the Criminal Code to six months in prison.

Defendant No. 2, Sylvia Rafael, is sentenced to prison for five years and six months according to Sections 233 part 1, 91 (a) and 182, part 1, second penalty alternative.

Defendant No. 3, Abraham Gehmer is sentenced to prison for five years and six months according to the same penalty laws.

Defendant No. 4, Dan AErbel is sentenced to prison for five years according to Sections 233, part 1 and 91 (a) of the Criminal Code.

Defendant No. 5, Zwi Steinberg, is sentenced to prison for one year according to Section 91 (a) of the Criminal Code.

For all the defendants, the time spent under apprehension will be included in their prison terms: for defendants 1-4 from July 22, 1973, for defendant No. 5, Steinberg, from July 24, 1973.

The prosecution has not asked for reimbursement of costs connected with court expenses, and they will not be included in the sentences.

The verdict is unanimous except for the sentence according to Section 233, part 1, of the Criminal Code concerning defendants No, 2, 3, & 4.

The sentence was read to the defendants and then released.

The sentenced persons were told within what period of time and how they can ask for appeal to the Supreme Court.

The defendants asked time for consideration. They received a copy of «Guidance for Sentenced.»

The Court adjourned at 4:15 p.m.

Judge
Erling Haugen

Astri Rynning

Karl Lous

Grete Olsen Berger

Jan Deschington

Karin Snnove Nilsen

J. Aknes

Liv Jensen
Secretary