



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

**To the Competent Authorities of Romania**

**REQUEST FOR LEGAL ASSISTANCE IN A CRIMINAL MATTER**

1. In accordance with the European Convention on Mutual Assistance in Criminal Matters (hereinafter: “the Convention”), the State of Israel hereby requests that the Competent Authorities of Romania grant legal assistance and execute Letters Rogatory in the manner provided for by the laws of Romania. This assistance is required in order to procure evidence relating to offenses under Sections of Israel's Penal Law 5737-1977, Prohibition on Money Laundering Law 5760-2000, Trademark Ordinance [New Version] 5732-1972, Copyright Law 5768-2007, and Law of Performers' and Broadcasters' Rights [Consolidated Version] 5744-1984.
2. This Request is signed and submitted by the Director of the Department of International Affairs in the Ministry of Justice of the State of Israel, who is authorised to submit requests for legal assistance on behalf of the State of Israel.

**Factual Background**

3. The Israel Police are investigating suspicions that an Internet site, known as **www.Liveil.TV**, is re-broadcasting illegally, to its subscribers throughout the world, programs taken without permission from Israeli communications

companies, including television programs broadcasted by Israeli cable and satellite TV networks, which hold the rights to those programs. Furthermore, it is suspected that the owners/managers of **www.Liveil.TV** are laundering the profits from the aforesaid illegal enterprise.

4. The prime suspect is Israeli national **Ofer ZALTZMAN**, Israeli passport number 10904847. An additional suspect is Israeli national **Georgiana MORHAN**, Israel passport number 15043558 (hereinafter: "**the suspects**").
5. According to the evidence gathered in Israel, the suspects purchased a number of subscriptions to the aforesaid Israeli cable and satellite networks, purportedly for their own personal viewing, using forged documents. The suspects have been rebroadcasting these programs to the subscribers of their pirate network, **www.Liveil.TV**, without the permission of the Israeli cable and satellite networks, charging their subscribers for receiving these re-broadcasts. As far as known to the Israeli investigators, these crimes are ongoing.
6. A Romania company named "**Vocalnet**", apparently owners and controlled by the suspects, is the operator of **www.Liveil.TV**, according to information published on the Internet site of and Facebook page of **www.Liveil.TV**.
7. The **domain name** for the Internet site of **www.Liveil.TV** was purchased by an American company named "**Dynadot**". Information received from "**Dynadot**" led investigators to the following **ip addresses in Romania** (listed according to the time in Romania), which in turn indicated that the **Internet server** of **www.Liveil.TV** is located in Romania:
  - 78.97.69.243 on May 29, 2016 at 14:01;
  - 94.177.21.61 on May 18, 2015 at 12:18;
  - 95.76.130.252 on January 23, 2015 at 21:57;
  - 94.177.21.48 on March 23, 2014 at 19:02 and on March 5, 2014 at 17:30;
  - 86.121.187.146 on January 24, 2014 at 14:42;
  - 94.177.21.47 on January 19, 2014 at 19:14.

8. In addition, evidence gathered to date indicates that the following **ip addresses** belong to the Internet server(s) in Romania, used by the suspects:
  - 195.216.230.145;
  - 195.216.230.40.
9. The Romanian authorities preserved the above data, in accordance with the request by Israeli cyber investigators and the preservation requests is labeled **578/II-5/2018/DIICOT**.

### **Purpose of the Request**

10. The Romanian authorities are requested to gather information and documents regarding the use of Internet server(s) and a corporation in Romania. This assistance is crucial to the success of the on-going Israeli investigation and will provide evidence in criminal trials, if the evidence gathered will support the filing of indictments.

### **Details of the Request**

11. The Romanian authorities are requested to provide information and documentation regarding the users/purchasers of the ip addresses listed above. This should include, *inter alia*, the following: Name, telephone number, address, credit card number, payment details and email address. In addition the Romanian authorities are requested to provide any other information and documentation in the afore-referenced preservation. (האם זה מה שאתם מתכוונים?)
12. The Romanian authorities also are requested to information and documentation regarding the person or persons who purchased the Internet server(s).
13. The Romanian authorities are requested to inform the Israeli authorities how many log-ins were made to the Internet server(s), by means of the ip addresses

195.216.230.145 and 195.216.230.40, from January 1, 2011 until the date of the performance of this Request.

14. The Romanian authorities are requested to provide information and documentation regarding the Romanian company "Vocalnet", including *inter alia*, the following:

- Corporate registration documents or other documents showing the address and other identification information of "Vocalnet" and the identity and contact information of its directors, managers and major shareholders and their percentage of ownership;
- Information and documents regarding the nature of the business being conducted by "Vocalnet" and the scope of its work force (i.e. how many employees are employed by the company?; if the company conducts its business in an office, is it a large office?; etc.);
- The income, expenses and reported profits of "Vocalnet";

15. The Romanian authorities are requested to provide information and documents involving any bank accounts held or controlled by "Vocalnet" and/or the afore-referenced suspects in Romania or regarding which they are beneficiaries or have signatory rights. These documents should include, *inter alia*, the following:

- The name of the bank and the address of the bank branch in which the account is held;
- The name of the account owners, beneficiaries and persons with signatory rights and their/its identifying information (i.e.: address, contact information and if a corporation – its corporate registration number);
- Documents related to the opening of the account, the account owners, signatories and beneficiaries;
- Bank statements from the time the account was opened until the present;

- Documents showing withdrawals or transfers into and out of the account;
- Copies of orders, emails or documentation of phone conversations regarding the account;
- Any other relevant information or documentation.

16. The Romanian authorities are requested to provide information and documents regarding any other assets held or controlled by "Vocalnet" or the afore-referenced suspects in Romania.

### **Additional Information**

17. The Romanian authorities are requested to provide the Israeli authorities with copies of the **afore-referenced preservation order**, and all documents or evidence obtained, statements taken or reports prepared in connection with the **preservation order, any independent Romanian investigation relevant to this Request or the execution of this Request.**

**(האם זה מה שאתם רוצים?)**

18. The Romanian authorities are kindly 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**

19. Due to the on-going nature of the commission of the afore-referenced crimes, it is requested that this Request be executed expeditiously.

### **Confidentiality**

20. 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 the Request, be kept confidential to the fullest extent possible under Romanian law. If confidentiality cannot be maintained regarding any part of this Request, please immediately inform the Israeli authorities before revealing any information related to the Request and its execution.

### **The Relevant Provisions of Israeli Law**

21. The suspects allegedly perpetrated the following Israeli crimes:

- **Obtaining a Matter by Deceit (Fraud)**, offences under Section 415 of the Penal Law 5737-1977, which provides as follows:

"415. If a person obtains a thing by deceit, then he is liable to three years imprisonment; if the offense is committed under aggravating circumstances, then he is liable to five years imprisonment.";

- **Forgery and Use of a Forged Document**, offenses under Sections 418 and 420 of the Penal Law 5737-1977, which provide as follows:

"418. If a person forges a document, then he is liable to one year imprisonment; if a person forges a document with intent to obtain anything by it, then he is liable to three years imprisonment; if the offense is committed under aggravating circumstances, then he is liable to five years imprisonment.

420. If a person submits or issues a forged document or uses it in some other manner in the knowledge that it is forged, then he shall be treated like the person who forged it.";

- **Money laundering**, offenses under Sections 3 and 4 of the Prohibition on Money Laundering Law 5760-2000, which provide as follows:

"3. (a) A person performing a property transaction involving property described in paragraphs (1) to (4), (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;
- (4) property regarding which an offense was committed.
- (b)(1) A person performing a property transaction or transmitting false information with the object of preventing any reporting under sections 7 or 8(a) or in order not to report under section 9, or to cause incorrect reporting under the aforesaid sections, shall be liable to five years imprisonment or a fine eight times greater than the fine in section 61(a)(4) of the Penal Law; for the purposes of this section, "transmitting false information" shall include failure to deliver updated information about any item required to be reported.
- (2) A person transmitting false information, as stated in paragraph (1), regarding prohibited property, shall be liable to the punishment established in subsection (a).
- 4. A person performing any property transaction, knowing that it is prohibited property, and that such property falls within one of the categories of property specified in the Second Schedule, and at the value determined therein, shall be liable to seven years imprisonment or a fine ten times the fine stated in section 61(a)(4) of the Penal Law; for the purposes of this section, "knowing" does not include disregarding, within the meaning specified in section 20(c)(1) of the Penal Law.";

- **Trademark Infringement**, offenses under Section 60 of the Trademark Ordinance [New Version] 5732-1972, which provides as follows:

"60. (a) A person who commits any of the following acts shall be liable to imprisonment for a term of three years or a fine seven times the fine provided for in section 61(a)(4) of the Penal Law, 5737-1977 (hereinafter referred to as "the Penal Law")

- (1) applies for the purpose of trade, without the permission of the proprietor of the mark or any person acting on his behalf, a registered trade mark or an imitation of such mark, on goods in respect of which the mark is registered in the Register or on the packaging of such goods, and which is likely to mislead any other person in this manner;
- (2) imports for the purpose of trade, without the permission of the proprietor of the mark or any person acting on his behalf, goods or their packaging marked by a trade mark registered in the Register in respect of such goods, or an imitation of the aforesaid mark, and the mark is likely to mislead any other person; however, the provisions of this paragraph shall not apply in respect of goods marked with the permission of any person who is the proprietor of the mark in the country in which the mark was made;
- (3) engages in the sale, hire or distribution of goods marked or imported to Israel contrary to the provisions of paragraphs (1) and (2), or sells, lets for hire or distributes such goods on a commercial scale;
- (4) is in possession of goods marked or imported to Israel contrary to the provisions of paragraphs (1) and (2) for the purposes of trading in such goods).

(b) Where an offence under subsection (a) is committed by a body corporate, such corporate body shall be liable to double the fine provided for the offence.

(c) A person passing on false information to the Registrar in connection with an application for registration of a mark in the Register shall be liable to imprisonment for a term of one year.

(d) (1) A senior officer of a body corporate shall be obliged to supervise and take any action necessary to prevent any of the offences set forth in this section (hereinafter referred to as "an offence") by a body corporate or any of its employees. Where such officer is in breach of his aforesaid obligation he shall be liable to the fine stated in section 61(a)(4) of the Penal Law.

(2) Where an offence has been committed by a body corporate or any of its employees, there is a presumption that the senior officer was in breach of his obligation under paragraph (1), unless it is proved that he took any action necessary to perform his aforesaid obligation.

(3) In this subsection, "senior officer" means an active manager of a body corporate, a partner - excluding a limited partner - and an officer responsible on behalf of the body corporate for the field in question in which the offence was committed.";

- **Copyright Infringement**, offenses under Section 61 of the Copyright Law 5768-2007, which provides as follows:

"61. (a) A person shall not make an infringing copy for purposes of trading therein.

(b) A person shall not import into Israel an infringing copy of a work for purposes of trading therein.

(c) A person shall not engage in the selling, letting for hire or distributing of an infringing copy of a work.

(d) A person shall not sell, let for hire or distribute infringing copies of a work on a commercial scale.

(e) A person shall not possess infringing copies of a work for purposes of trading therein.

(f) A person shall not make or possess an object designed for the making of copies in contravention of sub-section (a).";

- **Performers' and Broadcasters' Rights Infringement**, offenses under Section 6 of the Law of Performers' and Broadcasters' Rights [Consolidated Version] 5744-1984, which provides as follows:

"6. (a) A person who commits one of the following shall be liable to three years imprisonment, or to a fine seven times what is said in section 61(a)(4) of the Penal Law 5737—1977 (Hereinafter – the Penal Law):

(1) Makes an infringing copy of a performance for a commercial purpose.



(2) Deals in selling, renting or distribution of an infringing copy of a performance, or he is selling, renting or distributing infringing copies of a performance in a commercial capacity.

(a1) a person who holds an infringing copy of a performance for purpose of dealing in it commercially, he shall be liable to imprisonment of a year or a fine of up to five time the said fine in section 61(a)(4) of the Penal Law.

(a2) in subsections (a) and (a1), "infringing copy" – copy of a performance or reproduction of a copy of a performance, made without the consent of the performer, contrary to the provisions of section 2 and 3, except for if their making was permitted under a provision of the provisions of this Law or they were made with the consent of another person who holds the right to permit so under the provisions of this Law.

(a3)(1) The following are liable to imprisonment of six months or double the fine aforesaid in section 61(a)(3) of the Penal Law:

(a) a person who make an infringing copy of a broadcast for a commercial purpose.

(b) a person who deals in the sale, renting or distribution of an infringing copy of a broadcast, or, he sells or rents or distributes infringing copies of a broadcast in a commercial capacity.

(2) in this subsection, "infringing copy" – a copy of a broadcast or reproduction of a copy of a broadcast, made without the consent of the broadcaster, contrary to the provisions of section 4A1, except for if their making was permitted under the Law.

(a4) If an act under subsections (a), (a1) or (a3) was committed by a firm, it shall be liable to twice the set fine for the offence.

(b) If a person presumes to give agreement for purposes of section 2 without being authorized to do so or in digression from the authorization, shall be liable to a fine."

(לא ניתן להכליל את העבירה של רישום כוזב במסמכי תאגיד היות ואין לנו ראיות לכך – ככל הידוע לי – ואין צורך בכך).

(לגבי העבירה של קשירת קשר לביצוע פשע, לא הועבר אלי מידע כלשהו לגבי המעשים של

**Georgiana Morhan.**

בנוסף לכך, ייתכן שהיא בעלת חשבונות בנקים רלוונטיות ולצורך קבלת כול המידע ומסמכים

שאנו מבקשים, יש מקום שנפרט את התשתית הראייתית הקושרת אותה לפרשה זו.)

**Supplementary Information**

22. The State of Israel will submit any additional information, which the Romanian authorities may require in order to enable them to accede to this Request.
23. 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 e-mail [Ninah@justice.gov.il](mailto:Ninah@justice.gov.il), Tel: + 972-506216206 or Fax: + 972-2-5419644.
24. The State of Israel takes this opportunity to express its appreciation to the Romanian authorities for their co-operation and assistance in this case and offers its assurance of reciprocal assistance.

Jerusalem, \_\_\_ day of \_\_\_\_\_, 2018  
\_\_\_ day of \_\_\_\_\_, 5778

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Yuval Kaplinsky, Director  
Department of International Affairs  
Office of the State Attorney  
Ministry of Justice  
State of Israel