

No. 5146 EUROPEAN CONVENTION ON EXTRADITION. DONE AT PARIS,
ON 13 DECEMBER 1957¹

ACCESSION

Instrument deposited with the Secretary-General of the Council of Europe on:
27 September 1967

ISRAEL

(To take effect on 26 December 1967.)

The instrument of accession contains the following declarations and reservations :

DECLARATIONS

Article 21

Israel will only grant transit of a person if, were the receiving State requesting the extradition of the wanted person from Israel, there would be no legal bar to declaring him subject to extradition and extraditing him.

Article 22

The evidence in writing, or the declarations given on oath or not, or certified copies of such evidence or declarations, and the warrant of arrest and the other legal documents establishing the fact of the conviction, shall be admitted as valid evidence in examining the request for extradition, if they have been signed by a judge or official of the requesting State or if they are accompanied by a certificate issued by such a judge or official or if they have been authenticated by the seal of the Ministry of Justice.

RESERVATIONS

Article 2 and Article 4

Israel will not grant extradition of any person unless he is accused or has been convicted in the requesting State of an offence which, had it been committed in Israel, would be one of the following offences :

- (a) Any offence for which the death penalty or imprisonment for a period exceeding three years may be imposed (even if the penalty is lighter where the sentence is passed by a Magistrate's Court), except :
- (1) an offence with which a person can only be charged if at the time of committing it he is a soldier within the meaning of the Military Justice Law, 5715-1955;
 - (2) offences under section 85 of the Criminal Code Ordinance, 1936 (preventing by force or obstructing notification or presence of a competent police officer in the

¹ United Nations, *Treaty Series*, Vol. 359, p. 273; Vol. 404, p. 372; Vol. 444, p. 348; Vol. 475, p. 366; Vol. 565, p. 294, and Vol. 597, p. 338.

event of a riotous assembly or riot) or under the Penal Law Amendment (Bigamy) Law, 5719-1959 (bigamy);

- (3) offences under the Penal Law Amendment (Assault on Police Officers) Law, 5712-1952, or under any of the laws specified in the Schedule to the Prevention of Profiteering and Speculation (Jurisdiction) Law, 5711-1951 (various laws, regulations and bye-laws regulating subleasing and accommodation of guests, and the distribution, prices and control of the sale of foodstuffs).
- (b) An offence the penalty for which is lighter than above specified and which is an offence under the Penal Law Amendment (Bribery) Law, 5712-1952, or under any of the following sections of the Criminal Code Ordinance, 1936 : 88 (riotously preventing the sailing of a ship), 109B, 110-115 (various offences relating to abuse of office by public servants), 120-122, 124 (false swearing, deceiving witnesses, destroying evidence, conspiracy to defeat justice and interference with witnesses), 140 (fraud by public officers), 146 (insult to religion), 156, 158, 159 (intercourse by husband with girl under 15 years, indecency without force and indecent act upon person under 16 years), 161 (*d*) (sodomy), 185, 186 (neglect in the supply of food etc. to, and desertion of, children), 195 (spread of dangerous infection or disease), 218 (homicide by carelessness), 242, 250 (assault causing bodily harm), 261, 262 (compulsory labour and false imprisonment), 270 (theft, 304 (*b*) and (*c*) defrauding of creditors), 305 (conspiracy to defraud the public), 310 (receiving property fraudulently obtained), 350 (imitation of bank notes), 359, 360, 363-366 (counterfeiting), or under the Penal Law Amendment (Deceit, Blackmail and Extortion) Law, 5723-1963 (deceit and forgery).

Article 2

Israel will not grant extradition of a person charged with an offence unless it is proved in a court in Israel that there is evidence which would be sufficient for committing him to trial for such an offence in Israel.

Article 9

Israel will not accede to a request for extradition if the wanted person has been pardoned, or has had his punishment remitted, in the requesting State in respect of the criminal act in question.

Article 14

Israel will not grant extradition in departure from the rule of speciality except :

- (a) if the wanted person has in his absence been declared subject to extradition also in respect of the other offence after he was given an opportunity to be represented in the proceedings aimed at such declaration;

- (b) upon condition that the wanted person will not be proceeded against, sentenced or detained with a view to carrying out sentence unless, having left the requesting State after his extradition, he voluntarily returned to it, or unless he failed to leave the requesting State within 60 days after being given an opportunity to do so.

Article 15

Article 15 shall be read as if the words “ 60 days ” replaced the words “ 45 days ” in Article 14, paragraph 1 (b).

Certified statement registered by the Council of Europe on 6 September 1968.