

No. 3991

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**NETHERLANDS  
and  
ISRAEL**

**Agreement for the extradition of criminals. Signed at  
The Hague, on 18 December 1956**

*Official texts: Dutch, Hebrew and English.*

*Registered by the Netherlands on 6 September 1957.*

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**PAYS-BAS  
et  
ISRAËL**

**Accord relatif à l'extradition des malfaiteurs. Signé à La  
Haye, le 18 décembre 1956**

*Textes officiels néerlandais, hébreu et anglais.*

*Enregistré par les Pays-Bas le 6 septembre 1957.*

No. 3991. AGREEMENT<sup>1</sup> BETWEEN THE NETHERLANDS  
AND ISRAEL FOR THE EXTRADITION OF CRIMINALS.  
SIGNED AT THE HAGUE, ON 18 DECEMBER 1956

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The Government of the Kingdom of the Netherlands and the Government of the State of Israel,

Having resolved to conclude an Agreement for the reciprocal extradition of criminals between the two countries,

Have agreed on the following provisions :

*Article I*

The two contracting States engage to deliver up to each other, under the circumstances and conditions stated in the present Agreement, those persons who, being accused or convicted of a crime or offence enumerated in Article II committed within the jurisdiction of the one State, shall be found within the territory of the other State.

However, extradition shall not take place if the crime or offence in respect of which the surrender is demanded has been committed within the territory of the requested State.

*Article II*

Extradition shall be reciprocally granted for the following crimes or offences :

1. Murder, including infanticide, or conspiracy to murder.
2. Manslaughter, including the manslaughter of a child.
3. Assault occasioning actual bodily harm.
4. Intentionally causing grievous bodily harm.
5. Counterfeiting or altering money or uttering counterfeit or altered money.
6. Forgery, counterfeiting or altering, or uttering what is forged, counterfeited or altered.
7. Embezzlement, theft, theft by a bailee, banker, agent, trustee or director or member of any Company.
8. Bribery, i.e. the offering, giving or taking of bribe.
9. False claims by officials.

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<sup>1</sup> Came into force on 18 January 1957, one month after the signature, in accordance with article XXII.

10. Wilful injury to property if the crime is punishable with imprisonment for a period exceeding three years.
11. Obtaining money, goods, or valuable securities by false pretences.
12. Crimes against bankruptcy law if such crimes are punishable with imprisonment for a period exceeding three years.
13. Perjury, or subornation of perjury.
14. Rape.
15. Carnal knowledge or any attempt to have carnal knowledge of a girl under 16 years of age.
16. Indecent assault.
17. Administering drugs or using instruments with intent to procure the miscarriage of a woman.
18. Abduction.
19. Child stealing.
20. False imprisonment.
21. Burglary or housebreaking.
22. Arson.
23. Robbery with violence.
24. Any act done with intent to endanger the safety or lives of persons travelling on a railway.
25. Threats in writing with intent to extort.
26. Piracy.
27. Sinking or destroying a vessel at sea.
28. Assaults on board a ship with intent to destroy life, or do grievous bodily harm.
29. Revolt by two or more persons on board a ship against the authority of the master.
30. Dealing in slaves in such a manner as to constitute a crime punishable with imprisonment for a period exceeding three years.
31. Dealing in narcotic drugs in such a manner as to constitute a crime punishable with imprisonment for a period exceeding three years.

Extradition is also to be granted for participation in or attempt to commit any of the aforesaid crimes.

In the foregoing cases extradition shall take place only when the crime or offence is punishable by the laws of the contracting States and constitutes an extradition crime or offence by the laws of the requested State.

In no case shall the requested State be bound to surrender a person claimed who has been convicted or accused of a crime punishable with death, if that crime is not so punishable by the laws of that State, unless the requesting State shall give an undertaking that the death penalty will not be imposed on him, or that the death penalty which has been or may be imposed will be commuted.

*Article III*

Either State may refuse to surrender its own nationals to the other State.

*Article IV*

Extradition shall not take place if the person claimed is actually on trial or has already been tried and discharged or punished in the requesting or requested State or in a third State, for the crime or offence for which his extradition is demanded.

If the person claimed should be under examination or under punishment in the requested State for any other crime or offence, his surrender shall be deferred until he has been discharged, whether by acquittal, or on expiration of his punishment, or otherwise.

*Article V*

Extradition shall not take place if, subsequently to the commission of the crime or offence, or the institution of the criminal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the requesting or requested State, or if the person claimed has been pardoned or has had his punishment remitted, in the requesting State, in respect of the crime or offence for which his extradition is requested.

*Article VI*

The person claimed shall not be surrendered if the requested State consider the crime or offence in respect of which his surrender is requested to be one of a political character, or if it consider that there are reasonable grounds for assuming that the requisition for his extradition aims at prosecuting or punishing him for a crime or offence of a political character.

In accordance with the generally accepted principle that everyone is entitled to all the rights and freedoms without distinction of any kind, such as race or religion, it is hereby declared by both contracting States that no person claimed shall be surrendered if the requisition for his extradition arise from racial or religious discrimination.

*Article VII*

A person surrendered may in no case be detained, tried or punished in the State to which the surrender has been made, for any other crime or offence committed prior to his surrender or on account of any other matters than those for which the extradition shall have taken place, or be extradited by that State to another State for such crime or offence.

This stipulation shall not apply if the person surrendered has left the requesting State after his extradition and has voluntarily returned to it, or if he has not left the requesting State within sixty days after being given an opportunity of so doing, or if the requested State has consented in writing to the taking of the aforesaid measures against the person claimed.

A request for such consent shall be made in the manner and form prescribed in Article VIII hereof as if it were a requisition for extradition of a person claimed.

The aforesaid consent shall be given in accordance with the laws for the time being in force in the requested State, provided that the criminal act in respect of which such consent is sought is a crime or offence for which extradition may be granted under the provisions of the present Agreement.

### *Article VIII*

The requisition for extradition shall be in writing, made through the respective diplomatic agents of the contracting States, and shall contain :

- a) a description for the purpose of identification of the person claimed;
- b) a summary of facts and a statement of the crime or offence for which it is intended to prosecute or punish the person claimed, or of the sentence for such crime or offence which has been imposed by the requesting State and which remains unfulfilled.

The requisition must be accompanied by :

- 1) the original or an authenticated copy of the warrant issued by a Judge or Magistrate within the jurisdiction of the requesting State, and by such evidence as, according to the laws of the State where the person claimed is found, would justify his arrest;
- 2) an authenticated copy or statement of the law of the requesting State under which it is intended to prosecute or to punish the person claimed, which shall show that such law was in force when the act was done for which extradition is requested;
- 3) the original or an authenticated copy of the judgment, where the requisition relates to a person already convicted.

### *Article IX*

Upon receipt of the requisition for extradition in accordance with the foregoing stipulations, the requested State shall take all necessary steps under the laws in force in its territory to trace the person claimed and, if necessary, to take him into custody.

*Article X*

In case of special urgency the requesting State may apply for the provisional arrest of the person claimed pending the presentation of the requisition for extradition through the diplomatic agents. Such application shall be communicated by telegram or letter to the Police authorities of the requested State and shall contain an indication of its intention to request the extradition of the person claimed and a statement of the existence of a warrant of arrest or a judgment of conviction against such person. Any person arrested upon such application may be set at liberty upon the expiration of sixty days from the date of his arrest if a requisition for his extradition shall not have been received through the diplomatic agents as aforesaid.

However, this stipulation shall not prevent the institution of proceedings with a view to extraditing the person claimed if the requisition and the documents referred to in Article VIII hereof are subsequently received.

*Article XI*

If the person claimed be found in Israel the Attorney General or his representative shall, in pursuance of a direction given by the Minister of Justice, submit to the competent District Court a petition to declare such person subject to extradition.

Where a person claimed is on trial or is serving his sentence in Israel for another offence, the Court which deals with the petition may postpone the hearing thereof for such period as it may deem fit.

At the hearing of a petition in accordance with the foregoing stipulations the District Court of Israel shall admit as valid evidence original testimonies, statements or affirmations of witnesses, all of which need not be on oath, given in the Netherlands before an Officer of Justice or any other investigating authority certified by an Officer of Justice to be competent to take such testimonies, statements or affirmations, or copies thereof, and likewise the warrants issued and sentences passed therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows :

- 1) A warrant must purport to be signed by a Judge of the Netherlands;
- 2) Testimonies, statements or affirmations, or copies thereof, must purport to be certified under the hand of a Judge or an Officer of Justice of the Netherlands, to be the original testimonies, statements or affirmations, or to be true copies thereof, as the case may be;

- 3) A certificate of, or judicial document stating the fact of, a conviction, must purport to be certified by a Judge, or an Officer of Justice of the Netherlands;
- 4) In every case such warrant, testimonies, statements or affirmations, copies, certificates or judicial documents must be authenticated by being sealed with the official seal of the Minister of Justice or some other Minister of State, but any other mode of authentication in a manner provided for the time being by the laws of Israel may be substituted for the foregoing.

### *Article XII*

If the person claimed be found in the Netherlands the Officer of Justice shall file a petition within three days after the arrest if it had taken place or, if the arrest have not taken place, or if it have taken place prior to the requisition for extradition, then within three days after receipt of authority for that purpose from the Netherlands Government in order that the person claimed may be interrogated by the Court, and that it may express its opinion as to the grant or refusal of extradition.

Within fourteen days after the interrogatory the Court shall forward its opinion and its decision, with the papers in the case to the Minister of Justice.

In the examinations they have to make in accordance with the foregoing stipulations, the authorities of the Netherlands shall admit as valid evidence testimonies or statements on oath or the affirmations of witnesses taken in Israel, or copies thereof, and likewise the warrants issued and sentences passed therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows :

- 1) A warrant must purport to be signed by a Judge or Magistrate in Israel;
- 2) Testimonies or statements on oath or affirmations of witnesses, or copies thereof, must purport to be certified under the hand of a Judge or Magistrate in Israel, to be the original testimonies, statements on oath or affirmations, or to be true copies thereof, as the case may be;
- 3) A certificate of, or judicial document stating the fact of, a conviction, must purport to be certified by a Judge or Magistrate in Israel;
- 4) In every case such warrant, testimonies, statements on oath, affirmations of witnesses, copies, certificates or judicial documents must be authenticated either by being sealed with the official seal of the Minister of Justice, or some other Minister of State, but any other mode of authentication in a manner provided for the time being by the laws of the Netherlands may be substituted for the foregoing.

*Article XIII*

Extradition shall not take place unless the evidence be found sufficient, according to the laws of the requested State, either to the committal for trial of the person claimed if the crime or offence of which he is accused has been committed within the jurisdiction of the said State, or to prove that the person claimed has been convicted in the requesting State of a crime or offence for which extradition may be granted under the provisions of the present Agreement.

If the requested State consider it necessary to have additional evidence or information to enable it to decide as to the requisition for extradition, such evidence or information shall be submitted to it within sixty days from the date on which the diplomatic agent of the requesting State is asked to obtain such additional evidence or information.

If the person claimed be under arrest and the additional evidence is not sufficient or such evidence is not received within the period specified above, he may not be held in custody in respect of the requisition for his extradition.

*Article XIV*

A requested State shall promptly communicate to the requesting State through its diplomatic agents its final decision upon the requisition. A requested State refusing to grant extradition may state the reasons for its refusal.

If the extradition has been granted, the person claimed shall be sent by the authorities of the requested State to the frontier or port of embarkation which the diplomatic or consular agent of the requesting State shall indicate; but a person whose extradition has been granted shall not be surrendered by Israel until after thirty days from the date of his being declared subject to extradition or, if an appeal has been lodged or a writ of *habeas corpus* issued, until after the decision of the competent Court has been given therein.

If the person claimed have not been surrendered or transferred outside the boundaries of the requested State within thirty days from the date of communication of the final decision, such person may be set at liberty and the requested State may refuse to take him into custody again for the same crime or offence. However, if special circumstances caused the delay in the actual surrender of the person claimed within the aforesaid period, the requested State may take all necessary steps to extend the said period if an application for such extension is received from the requesting State before the expiration of the period specified above.



*Article XV*

A requested State, when receiving two or more requisitions for extradition of the same person, either for the same crime or offence or for different crimes or offences, shall determine to which of the requesting States it will extradite the person claimed, taking account of the circumstances and particularly the possibility of later extradition between the requesting States, the seriousness of each crime or offence, the place where the crime or offence was committed, the nationality of the person claimed and the time when the requisitions were received.

*Article XVI*

All articles seized which were in the possession of the person claimed at the time of his apprehension and any articles that may serve as a proof of the crime or offence shall, if the competent authority of the requested State has consented to the delivery thereof, be delivered to the requesting State at its own expense.

The rights acquired by third parties over such articles shall be reserved and same shall be returned to the requested State without charge after the trial.

*Article XVII*

Each of the contracting States shall defray the expenses incurred by the arrest within its territory, the detention, maintenance and the conveyance to its frontier or port of embarkation, of the person whom it may have consented to surrender in pursuance of the present Agreement.

All other expenses incurred in connection with the transportation of the person to be extradited shall be borne by the requesting State.

*Article XVIII*

The contracting States undertake to execute letters of request for the taking of evidence for the purpose of any criminal matter pending in any court or tribunal of each other, in accordance with the laws for the time being in force in the respective States. This stipulation shall not apply if the criminal matter is one in which no extradition could be granted under the provisions of Article VI hereof.

*Article XIX*

If a criminal matter is pending before a court or tribunal of one of the contracting States and the personal attendance in such a court or tribunal of a witness or expert be considered necessary or desirable, the other contracting State where such witness or expert happen to be shall facilitate his attendance if, after being

summoned by the court or tribunal, he has declared his willingness to comply with the summons. This stipulation shall not apply if the criminal matter is one in which no extradition could be granted under the provisions of Article VI hereof.

All expenses incurred in connection with the attendance of the witness or expert as aforesaid shall be borne by the State in whose territory his evidence is to be taken.

No witness or expert, whatever his nationality, who, when summoned in one of the two contracting States, voluntarily appears before the court or tribunal in the other State may be detained, prosecuted or punished there for previous crimes or offences or on the ground of complicity in the offence forming the subject of the case in which he is asked to appear unless he fails of his own free will to leave the territory of that State within sixty days from the date on which his attendance in court or tribunal ceases to be necessary.

#### *Article XX*

The requisition and all other documents referred to in Articles VIII, X, XIII and XVIII of the present Agreement, including written evidence to be submitted in the extradition proceedings, shall be accompanied by a duly certified translation in the English language.

#### *Article XXI*

The provisions of the present Agreement shall extend to the Netherlands Overseas Territories.

However, the application of the present Agreement on the said Overseas Territories shall be subject to special arrangements between the contracting States.

Such arrangements shall include any special provisions which may be required by the laws and practices obtaining in the said Territories.

#### *Article XXII*

This Agreement shall come into force one month after the signature thereof. It may be terminated by either of the contracting States at any time on giving to the other six months' notice of its intention to do so.

IN FAITH WHEREOF the undersigned representatives, duly authorised for that purpose by their respective Governments, have signed the present Agreement.

DONE at The Hague, this 18th of December 1956, in two copies in the Netherlands, Hebrew and English languages, the three texts being equally authentic. In case of difference in meaning between the Netherlands and Hebrew texts, the English text shall be decisive.

For the Government  
of the Kingdom of the Netherlands :  
(Signed) J. LUNS

For the Government  
of the State of Israel :  
(Signed) E. YORAN