

No. 4960

**ISRAEL
and
FRANCE**

Convention concerning judicial assistance in criminal matters. Signed at Paris, on 12 November 1958

Official texts: Hebrew and French.

Registered by Israel on 19 November 1959.

**ISRAËL
et
FRANCE**

Convention relative à l'entraide judiciaire en matière pénale. Signée à Paris, le 12 novembre 1958

Textes officiels hébreu et français.

Enregistrée par Israël le 19 novembre 1959.

[TRANSLATION — TRADUCTION]

No. 4960. CONVENTION¹ BETWEEN THE STATE OF ISRAEL
AND FRANCE CONCERNING JUDICIAL ASSISTANCE
IN CRIMINAL MATTERS. SIGNED AT PARIS, ON
12 NOVEMBER 1958

The Government of the State of Israel and the Government of the French Republic, desiring to regulate by common agreement questions relating to judicial assistance in criminal matters, have agreed upon the following provisions :

Article 1

The Contracting Parties mutually undertake to arrange for the service of documents and of notifications of sentences on persons residing in their respective territories and to execute letters rogatory in criminal matters.

Article 2

The letter or covering memorandum accompanying the documents and the notifications of sentence must contain the following information :

- The name of the issuing authority;
- The character of the document in question;
- The name and address of the person on whom the documents are to be served;
- The legal classification of the offence.

Article 3

The authority to which application is made shall arrange for service of the document on the person named in it. Proof of service shall consist either of a receipt dated and signed by the person named or of a certificate by the authority to which application is made, as to the fact that service has been effected and as to how it was effected. One or the other of these documents shall immediately be sent to the applicant authority.

If it has not been possible to effect service, the authority to which application has been made shall return the document to the applicant authority, giving the reasons which prevent service from being effected. If the person named refuses to accept service of the document, the authority to which application is made shall as far as possible state the circumstances in which such refusal took place and the reasons which prompted it.

¹ Came into force on 12 December 1958, one month after signature, in accordance with article 12.

Article 4

Letters rogatory shall be executed by the judicial authorities. If the authority to which application is made is not competent, it shall automatically transmit the letters rogatory to the authority which is competent.

Article 5

Persons who are required as witnesses shall be sent a notification to appear; if they refuse to comply with such notification, the authority to which application is made shall make use of the powers of compulsion provided under the laws of its country.

Article 6

If the applicant authority expressly so requests, the authority to which application is made shall inform it in good time of the date and place of execution of the letters rogatory, so that the interested authorities or parties may be present.

Article 7

Apart from experts' fees, no refund of expenses shall be made in connexion with the service of documents and notifications of sentence or with the execution of letters rogatory.

Article 8

The State to which application is made may refuse to effect service of a document or of a notification of sentence or to execute letters rogatory if it considers that the action requested is outside its competence or appears prejudicial to its sovereignty, security or public policy. The State to which application is made shall inform the applicant State of its decision and shall state the reasons which prompted it.

Article 9

If, in a criminal case, the personal attendance of a witness or an expert is necessary, a request to that effect shall be made; the Government of the country in which the witness or the expert resides shall request him to comply with the summons addressed to him. In such case, the amount paid for travelling expenses and subsistence allowances, to be calculated from the place where the witness or expert resides, shall be at least equal to that provided under the scales and regulations in force in the country in which the witness or expert is to appear. At the request of the witness or expert, all or part of the travelling expenses may be advanced by the authorities of the place of residence and the advance shall be refunded subsequently by the Government making the application.

No witness or expert of whatever nationality who, upon being summoned by one of the countries voluntarily appears before the judicial authorities of the other country may be prosecuted or detained for offences or convictions prior to his departure from the territory of the State to which the application was addressed. Such immunity shall cease if the witness or expert concerned, being able to do so, does not leave within thirty days of the date when his presence before the judicial authorities is no longer required.

Article 10

All documents to be transmitted, delivered or produced in pursuance of the present Convention shall be transmitted through the diplomatic channel and shall be drawn up in the French language or accompanied by a translation in that language.

Article 11

The present Convention shall apply, in so far as concerns France, to the departments and territories within the jurisdiction of the French Republic.

Its territorial application may be extended by an exchange of letters between the two Governments.

Article 12

The present Convention shall enter into force one month after signature.

The Convention shall remain in force until the expiry of the period of six months from the day on which either Contracting Party shall give notice of its intention to terminate it.

Article 13

The present Convention has been drawn up in two originals, in the Hebrew and French languages, the two texts being equally authentic. If, however, there is any dispute between the two Governments as to its application, the French text shall prevail.

DONE at Paris, 12 November 1958.

For the Government
of the State of Israel :
(Signed) Jacob TSUR

For the Government
of the French Republic :
(Signed) Louis JOXE