

**No. 7467**

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**ISRAEL  
and  
SWEDEN**

**Agreement for the reciprocal extradition of criminals.  
Signed at Stockholm, on 10 September 1963**

*Official texts: Hebrew, Swedish and English.*

*Registered by Israel on 18 November 1964.*

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**ISRAËL  
et  
SUÈDE**

**Accord relatif à l'extradition réciproque des délinquants.  
Signé à Stockholm, le 10 septembre 1963**

*Textes officiels hébreu, suédois et anglais.*

*Enregistré par Israël le 18 novembre 1964.*

No. 7467. AGREEMENT<sup>1</sup> FOR THE RECIPROCAL EXTRADITION OF CRIMINALS BETWEEN SWEDEN AND ISRAEL. SIGNED AT STOCKHOLM, ON 10 SEPTEMBER 1963

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The Royal Government of Sweden and the Government of Israel;  
Desiring to make provision for the reciprocal extradition of criminals;  
Have agreed as follows :'

*Article 1*

The Contracting Parties agree to extradite to each other, in the circumstances and subject to the conditions specified in the present Agreement, those persons, who, being accused or convicted of an offence committed within the territory of the one Party, shall be found in the territory of the other Party; Provided always that such offence is punishable in accordance with the laws of both Parties and is an extraditable offence in accordance with the laws of the requested Party.

For the purposes of establishing the place of commission of an offence under this Agreement, vessels and aircraft on or over the high seas and registered in the territory of one of the Contracting Parties shall be deemed to be that Party's territory.

*Article 2*

Either of the Contracting Parties may refuse to surrender a person claimed on the ground that he is a national of the requested Party.

For the purpose of this Agreement the term " national " includes in relation to Sweden : Swedish nationals and nationals of Denmark, Finland, Iceland and Norway.

*Article 3*

Each of the Contracting Parties may, subject to its laws and in its absolute discretion, surrender a person claimed even when the offence in respect of which extradition is requested has been committed within its territory; Provided always that in such a case the person claimed was at the time of the commission of the offence an officer or employee of the requesting Party and a national of that Party.

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<sup>1</sup> Came into force on 2 September 1964, three months after the date of the exchange of the instruments of ratification which took place at Stockholm on 2 June 1964, in accordance with the provisions of article 23.

*Article 4*

1. Extradition shall not be granted if the person claimed has already been or is at the time of the request being proceeded against, in the territory of the requested Party or of a third State, for the offence for which his extradition is requested.

2. If the person claimed is being proceeded against or under punishment in the territory of the requested Party for any other offence, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

However, the requested Party may, instead of postponing the extradition of the person claimed, temporarily surrender him to the requesting Party in accordance with conditions to be determined by mutual agreement between the Contracting Parties.

*Article 5*

Extradition may be refused :

1. When the requested Party has jurisdiction to prosecute the person claimed for the offence in regard to which the request is made;

2. When it is held by the competent authorities of the requested Party, taking account of the nature of the offence and the interests of the requesting Party, to be obviously incompatible with humane considerations to surrender the person claimed because of his tender age, state of health or any other such personal reasons;

3. When the person claimed has been sentenced in the territory of the requesting Party for the offence in respect of which his extradition is requested to imprisonment or some other form of deprivation of liberty for a term of less than six months.

*Article 6*

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

*Article 7*

1. A person claimed shall not be extradited if the offence in respect of which his extradition is requested is regarded by the requested Party as one of a poli-

tical character or if he proves that the request for his extradition has, in fact, been made with a view to trying or punishing him for an offence of a political character.

2. Extradition shall likewise not be granted if the requested Party has substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing the person claimed because of his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of the said reasons.

#### *Article 8*

1. A person claimed shall not be extradited if the offence in respect of which his extradition is requested is a military offence; Provided however, that extradition may be granted if such an offence also constitutes an offence under the criminal law of the requested Party and in respect of which extradition may otherwise be granted.

2. A person claimed shall likewise not be extradited if the requested Party has reason to believe that he would be proceeded against in the territory of the requesting Party before an extraordinary tribunal or court or serve a sentence passed against him by such extraordinary tribunal or court.

#### *Article 9*

When the offence for which the extradition is requested is punishable by death under the laws of the requesting Party and the laws of the requested Party do not permit such punishment, extradition shall be refused unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, and if imposed, shall not be executed.

#### *Article 10*

A person extradited can in no case be kept in custody, or be proceeded against, in the territory of the requesting Party for any other offence committed prior to his surrender or on account of any other matters than those for which the extradition shall have taken place, nor shall he be extradited by that Party to a third State for such offence.

This stipulation shall not apply if the person surrendered has not left the territory of the requesting Party within sixty days after being given an opportunity of so doing or has returned to that territory after leaving it or if the requested Party 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 11 hereof as if it were a request for extradition of the person concerned.

The aforesaid consent shall be given in accordance with the laws for the time being in force in the territory of the requested Party, provided the person concerned could have been extradited for that offence under the provisions of the present Agreement.

#### *Article 11*

The request for extradition shall be made through the diplomatic channel.

The request shall be accompanied by a description of the person claimed, a statement and particulars of the offence for which his extradition is requested, the text of the enactment creating the offence, and a statement of the punishment which can be imposed therefor.

If the request relates to a person who has not yet been convicted it must also be accompanied by a warrant of arrest issued by a judge or magistrate of the requesting Party and by such evidence as, according to the laws of the requested Party, would justify his arrest if the offence had been committed there.

If the request relates to a person already convicted it must be accompanied by the judgment of conviction and sentence passed against him in the territory of the requesting Party and by a statement showing how much of the punishment has not yet been carried out.

The warrant of arrest and written evidence or declarations, given under oath or not, or certified copies of these documents, and also the judicial documents establishing the existence of the conviction, shall be accepted as valid proof in the examination of the request for extradition, if they bear the signature or are accompanied by the attestation of a judge, magistrate or official of the requesting Party or are authenticated by the official seal of the Ministry of Justice or any other Ministry.

#### *Article 12*

On receipt of a request for extradition in accordance with the provisions of this Agreement the requested Party shall take the necessary steps in accordance with its laws to give effect to the request.

#### *Article 13*

In case of urgency each of the Contracting Parties may apply for the provisional arrest of the person claimed pending the presentation of the request for extradition through the diplomatic channel. The application shall contain an indication of 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 that person, and such further information if any, as would be necessary to justify the issue of a warrant of arrest had the offence been committed, or the person claimed been convicted, in the territory of the requested Party.

On receipt of such an application the requested Party shall take the necessary steps in accordance with its laws to secure the continued presence of the person claimed in its territory to ensure his ultimate extradition.

A person arrested upon such an application shall be set at liberty upon the expiration of thirty days from the date of his arrest if the request for his extradition shall not have been received. However, this stipulation shall not prevent the institution of proceedings with a view to extraditing the person claimed if the request is subsequently received.

#### *Article 14*

Extradition shall take place only if the evidence be found sufficient, according to the laws of the requested Party, either to justify the committal of the person claimed for trial, if the offence of which he is accused had been committed in that territory, or to prove that he is the identical person convicted and sentenced by the courts of the requesting Party.

The Contracting Parties undertake to recognize in respect of each other any judgment of conviction and sentence unless it is clear in a particular case that the judgment or sentence is manifestly erroneous.

#### *Article 15*

If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, such evidence or information shall be submitted to it within such time as that Party shall require.

If the person claimed is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or if such evidence or information is not received within the period specified by the requested Party, he shall be discharged from custody. However, such discharge shall not debar the requesting Party from submitting a fresh request in respect of the person concerned.

#### *Article 16*

A requested Party upon receiving two or more requests for the extradition of the same person either for the same offence, or for different offences, shall determine to which of the requesting States it will extradite the person claimed after taking into consideration the circumstances and particularly the possibility of a later extradition between the requesting States, the seriousness of each offence, the place where the offence was committed, the nationality of the person claimed and the dates upon which the requests were received.

*Article 17*

The decision on extradition based upon the request of one of the Contracting Parties in accordance with the foregoing stipulations shall be made in accordance with the domestic laws of the requested Party and the person claimed shall have the right to such remedies and recourses as are provided for by such laws.

*Article 18*

The requested Party shall promptly communicate to the requesting Party through the diplomatic channel any decision on an application for extradition.

If extradition is granted the person claimed shall be sent by the authorities of the requested Party to the frontier or port of embarkation or air-port in the territory of that Party which the diplomatic or consular agent of the requesting Party shall indicate.

If a warrant or order for the extradition of a person claimed has been issued by the competent authority and he is not removed from the territory of the requested Party within such time as may be prescribed by the laws of that Party, he may be set at liberty and the requested Party may subsequently refuse to extradite that person for the same offence.

*Article 19*

When a request for extradition is granted, the requested Party shall, so far as its laws allow, hand over to the requesting Party, if required, all articles and sums of money :

- a) which may serve as proof of the offence;
- b) which have been acquired as a result of the offence and which may have been found in the possession of the person claimed.

If the articles and sums of money in question are liable to seizure or confiscation in the territory of the requested Party, the latter may, in connexion with pending criminal proceedings, temporarily retain them or hand them over on condition that they are returned.

These provisions shall not prejudice the rights of the requested Party or of any persons, other than the person claimed. When these rights exist, the articles and sums of money shall on request be returned to the requested Party without charge as soon as possible after the end of the proceedings.

*Article 20*

Expenses incurred in the territory of the requested Party by reason of the arrest, detention and maintenance of the person claimed and of any court proceedings arising from the request for extradition shall be borne by that Party.

The requested Party shall bear the expenses occasioned by the conveyance of the person claimed to its frontier or port of embarkation or air-port, while expenses occasioned by the transportation of such person from that frontier or port to the territory of the requesting Party shall be borne by the latter Party.

#### *Article 21*

The right to transport through the territory of one of the Contracting Parties a person surrendered to the other Contracting Party by a third State may be granted on request made through the diplomatic channel accompanied by the documents referred to in Article 11 hereof, provided that conditions are present which would justify extradition of such person by the State of transit.

The Party to whom the person has been extradited shall reimburse the Party through whose territory such person is transported for any expenses incurred by the latter in connexion with such transportation.

#### *Article 22*

The request and all other documents to be delivered or submitted in accordance with the provisions 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 23*

The present Agreement shall be ratified, and the instruments of ratification shall be exchanged as soon as possible. It shall come into force three months after the date of the exchange of ratifications, and shall apply to all offences committed, or convictions which have taken place, not earlier than three years before the date of signature.

Either of the Contracting Parties may at any time give notice to the other through the diplomatic channel of its desire to terminate the present Agreement and, if notice is given, the Agreement shall cease to have effect six months after the date of the notice of termination.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE in duplicate in the English, Hebrew and Swedish languages at Stockholm this 10th day of September 1963 corresponding to the day of 21st



Elul 5723 the three texts being of equal force and effect; Provided that if there is any uncertainty concerning the interpretation of the Swedish or Hebrew text, the English text shall prevail.

Torsten NILSSON  
Subject to ratification  
with the consent of the Riksdag

Moshe BITAN