

No. 10380

**ISRAEL
and
CANADA**

**Extradition Agreement (with annex). Signed at Ottawa on
10 March 1967**

**Exchange of notes constituting an agreement amending the
above-mentioned Agreement. Tel Aviv and Jerusalem,
4 February 1969**

Authentic texts of the Agreement: Hebrew, English and French.

Authentic texts of the exchange of notes: English and French.

Registered by Israel on 18 March 1970.

**ISRAËL
et
CANADA**

**Accord d'extradition (avec annexe). Signé à Ottawa le
10 mars 1967**

**Échange de notes constituant un accord modifiant l'Accord
susmentionné. Tel-Aviv et Jérusalem, 4 février 1969**

Textes authentiques de l'Accord: hébreu, anglais et français.

Textes authentiques de l'échange de notes: anglais et français.

Enregistrés par Israël le 18 mars 1970.

EXTRADITION AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE STATE OF ISRAEL AND THE GOVERNMENT OF CANADA

The Government of the State of Israel and the Government of Canada, desiring to make provision for the reciprocal extradition of persons convicted or accused of criminal offences, have agreed as follows :

Article 1

The Contracting Parties agree reciprocally to extradite, under the terms and conditions of this Agreement, any person who, being accused or convicted of an offence committed within the territory of one Party, shall be found in the territory of the other Party; provided always that such offence is mentioned in the Schedule and such offence is punishable in accordance with the laws of both Parties.

Article 2

For the purposes of this Agreement "territory" shall be deemed to be all the territory falling under the jurisdiction of the Contracting Parties including their territorial waters and vessels and aircraft registered therein, and an offence committed partly within the territory of one Party shall be deemed to have been committed within its territory.

Article 3

The determination that extradition, based upon a request therefor, should or should not be granted shall be made in accordance with the domestic law of the requested Party and the person whose extradition is sought (the "person claimed") shall have the right to such remedies and recourses as are provided by such law.

Article 4

A person claimed shall not be extradited if

- (a) he is under examination or trial in the territory of the requested Party for the act for which his extradition is requested;
- (b) he has already been tried and acquitted or punished anywhere for the act for which his extradition is requested;

¹ Came into force on 19 December 1969, thirty days after the date of the exchange of the instruments of ratification, which took place at Jerusalem on 19 November 1969, in accordance with article 21 of the Agreement, as amended by the exchange of notes of 4 February 1969.

- (c) he is exempt from prosecution or punishment by lapse of time or other lawful cause according to the law of the requesting or requested Party for the offence for which his extradition is requested;
- (d) the offence for which his extradition is requested is one of a political character or the request for his extradition has been made with a view to prosecute or punish him for an offence of a political character;
- (e) the request for his extradition has been made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinion or his position may be prejudiced for any of these reasons; or
- (f) he was convicted *in contumacium*.

Article 5

If, under the law of the requesting Party, the person claimed is liable to the death penalty for the offence on which the request for his extradition is based, but the law of the requested Party does not provide for the death penalty in a similar case, extradition may be refused.

Article 6

A request for extradition shall be in writing and shall be communicated by a diplomatic agent of the requesting Party to the Ministry for Foreign Affairs of the requested Party.

Article 7

The requesting Party shall submit to the requested Party

- (a) a description of the person claimed, a statement and particulars of the offence and the text of the enactment creating the offence and prescribing the punishment therefor;
- (b) if the request relates to an accused person, a warrant for his arrest issued by a judge or other judicial authority of the requesting Party, or a certified copy thereof, and such evidence as according to the law of the requested Party, subject to this Agreement, would justify his arrest and committal for trial if the offence had been committed there;
- (c) if the request relates to a convicted person, a judgement, certificate or other judicial document drawn by a competent authority of the requesting Party, or a certified copy thereof, proving that the person has been convicted and sentenced for an offence mentioned in the Schedule.

Article 8

Whether or not a request for extradition has yet been received in accordance with Article 6, a judge or other judicial authority in the territory of the requested Party may issue a warrant for the apprehension and detention of the person claimed

- (a) in Canada, on production of a warrant of arrest issued in Israel or upon an information or complaint, and upon such evidence as, in the opinion of such authority, would justify the issue of a warrant if the offence of which the person is accused or is alleged to have been convicted had been committed in Canada;
- (b) in Israel, upon an indication of intention to request extradition, and either on production of a warrant issued in Canada or upon such evidence as, in the opinion of such authority, would justify the issue of a warrant if the offence of which the person is accused or alleged to have been convicted had been committed in Israel.

Article 9

The person claimed shall, subject to this Agreement and the extradition law of the requested Party, be brought before a judge or other judicial authority who may commit the person for extradition if

- (a) in the case of a convicted person, such evidence is produced as would, according to the law of the requested Party, prove that he was so convicted;
- (b) in the case of an accused person, such evidence is produced as would, according to the law of the requested Party, justify his committal for trial if the offence had been committed in the territory of the requested Party.

Article 10

(1) A person claimed may be released if a request for his extradition, and the documents referred to in Article 7, are not received within forty-five days from the date of his apprehension, or within such further time as a judge or other judicial authority may direct.

(2) The release, under this Article, of the person claimed shall not prevent extradition proceedings again being initiated if, subsequent to the time mentioned herein, the documents and other evidence required are received.

Article 11

(1) In extradition proceedings pursuant to this Agreement, the judge or other judicial authority of the requested Party will admit as evidence

- (a) warrants or copies thereof issued in the territory of the requesting Party;
- (b) sworn depositions or affirmations of witnesses taken in the territory of the requesting Party, or copies thereof;
- (c) judgements, certificates or other judicial documents stating the fact of conviction and sentence, or copies thereof, issued in the territory of the requesting Party;

if they purport to be certified to be the original or true copy by a judge, magistrate or officer of the requesting Party and are authenticated

- (d) by the oath or affirmation of some witness;
- (e) by being sealed with the official seal of the Minister of Justice or other Minister of the requesting Party; or
- (f) in any other manner for the time being permitted by the law of the requested Party.

(2) A document purporting to be authenticated in accordance with this Article shall be deemed to be an authentic document and to have been signed or certified by a person competent to do so.

Article 12

A person claimed shall not be extradited from Canada until after the expiration of fifteen days, and from Israel until after the expiration of thirty days, from the date of his committal for extradition or, if proceedings are taken to test the validity of the committal, until after the final decision is given in such proceedings.

Article 13

(1) If extradition is granted the requested Party shall promptly notify the requesting Party and shall cause the person claimed to be surrendered to the persons who are authorized by the requesting Party to receive him.

(2) If so requested, the person claimed shall be sent by the requested Party to the point of embarkation in the territory of that Party which the diplomatic or consular agent of the requesting Party shall indicate.

Article 14

When the person claimed is being proceeded against or is serving a sentence in the territory of the requested Party for an offence other than that for which extradition has been requested, his surrender may be deferred until the conclusion of the proceedings and the full execution of any punishment he may be or may have been awarded.

Article 15

A person claimed who has not been conveyed out of the territory of the requested Party within sixty days after his committal for extradition or, if proceedings are taken to test the validity of the committal, within sixty days after the final decision in such proceedings, may be released, unless such period is extended by a judge or other judicial authority, and the requested Party may thereafter refuse to extradite him for the same offence.

Article 16

(1) The requested Party shall, so far as its law allows, hand over to the requesting Party all articles including sums of money

- (a) which may serve as proof of the offence; or
- (b) which have been acquired as a result of the offence.

(2) Articles handed over in accordance with this Article shall on request be returned to the requested Party free of charge after the trial.

(3) These provisions shall not prejudice any rights of persons, other than the person claimed, in respect of the articles in question.

Article 17

(1) A person extradited under this Agreement shall not be detained, tried or punished in the territory of the requesting Party for any offence other than that for which extradition has been granted nor be extradited by that Party to a third State unless :

- (a) he has left the territory of the requesting Party after his extradition and has voluntarily returned to it;
- (b) he has not left the territory of the requesting Party within sixty days after being free to do so.

(2) This stipulation shall not apply to any offence in respect of which the requested Party gives permission in writing to the requesting Party for prosecution or extradition to a third State.

(3) These stipulations shall not apply to offences committed after the extradition.

Article 18

Where the requesting Party seeks the extradition of a person whose extradition is also sought by one or more other States, the requested Party shall, subject to its obligations under agreements with the other States, give priority to the request of the State that first requested extradition.

Article 19

Expenses incurred in the territory of the requested Party by reason of extradition shall be borne by that Party. However, the requesting Party shall bear the expenses occasioned by being legally represented before the courts of the requested Party and by conveying the person claimed from the territory of the requested Party.

Article 20

If required by the requested Party, the requesting Party shall provide a certified translation of any document submitted in accordance with this Agreement.

Article 21¹

This Agreement shall be ratified and the instruments of ratification shall be exchanged in Israel, as soon as possible. It shall come into force thirty days after the date of the exchange of ratifications. It shall continue in force until six months from the day on which either of the Contracting Parties gives notice in writing to the other through diplomatic channels of its desire to terminate it.

SCHEDULE

Article 1

1. Murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of a woman.
4. Maliciously wounding or inflicting grievous bodily harm.
5. Assault occasioning actual bodily harm.
6. Rape.
7. Unlawful sexual intercourse with a girl under sixteen years of age.
8. Indecent assault.
9. Prostitution.
10. Kidnapping.
11. False imprisonment.
12. Abduction.
13. Stealing, abandoning, exposing or unlawfully detaining a child.
14. Bribery, being the offering, giving or receiving of a bribe.
15. Perjury, or subornation of perjury.

¹ Article 21 was modified by the exchange of notes dated at Tel Aviv and Jerusalem on 4 February 1969 (see p. 284 of this volume).

16. Arson.
17. (a) Counterfeiting or altering money, or uttering or bringing into circulation counterfeited or altered money.
(b) Knowingly and without lawful authority making or having in possession any instrument, tool or engine adapted and intended for the counterfeiting of money.
18. Forgery, or uttering what is forged.
19. Robbery.
20. Burglary, housebreaking or larceny.
21. Embezzlement.
22. Fraud by a bailee, banker, agent, factor, or trustee, or by a director, member or public officer of any company; fraudulent conversion.
23. Obtaining money, valuable security or goods by false pretences.
24. Receiving any money, valuable security or other property knowing the same to have been stolen or unlawfully obtained.
25. Threats with intent to extort money or other things of value.
26. Any malicious act done with intent to endanger the safety of persons travelling or being upon a railway.
27. Piracy.
28. Sinking or destroying a vessel at sea.
29. Malicious damage to property.
30. Offences against bankruptcy law.
31. Offences in connection with the traffic in dangerous drugs.
32. Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.
33. Revolt by two or more persons on board a ship on the high seas against the authority of the master.
34. Attempt or conspiracy to commit, or participation in, any offence above mentioned.

A person accused or convicted of any of the offences numbered 29 to 34 shall not be extradited therefor unless he is or was liable on conviction to a term of imprisonment exceeding three years.

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

DONE in two copies, at Ottawa this tenth day of March, 1967 corresponding to the twenty-eighth day of Adar A, 5727, in the Hebrew, English and French languages, all versions being equally authentic.

For the Government of the State of Israel :

Gershon AVNER

[SEAL]

For the Government of Canada :

Paul MARTIN

[SEAL]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN ISRAEL AND CANADA AMENDING THE EXTRADITION AGREEMENT OF 10 MARCH 1967²

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE ISRAËL ET LE CANADA MODIFIANT L'ACCORD D'EXTRADITION DU 10 MARS 1967²

I

[EMBLEM-EMBLÈME]

CANADIAN EMBASSY

AMBASSADE DU CANADA

TEL AVIV, ISRAEL

February 4, 1969

4 février 1969

Note No. 30

Note n° 30

Excellency,

Monsieur le Ministre,

I have the honour to refer to the Extradition Agreement between the Government of the State of Israel and the Government of Canada signed at Ottawa on March 10, 1967² and to discussions which have taken place between representatives of our two Governments concerning the amendment of the said Agreement.

J'ai l'honneur de me référer à l'Accord d'Extradition entre le Gouvernement de l'État d'Israël et le Gouvernement du Canada, signé à Ottawa le 10 mars 1967², et aux entretiens qui ont eu lieu entre les représentants de nos deux Gouvernements concernant la modification dudit Accord.

I have the honour to propose that Article 21 of the said Agreement be amended to read as follows :

J'ai l'honneur de proposer que l'article 21 dudit Accord soit modifié pour se lire comme il suit :

“This Agreement shall be ratified and the instruments of ratification shall be exchanged in Israel, as soon as possible. It shall come into force thirty days after the date of the exchange of ratifications and shall apply only to offences committed or convictions which have taken

« Le présent Accord sera ratifié et les instruments de ratification seront échangés en Israël le plus tôt possible. Le présent Accord entrera en vigueur trente jours après la date de l'échange des ratifications et il ne s'appliquera qu'aux actes commis ou aux condamnations prononcées après

¹ Came into force on 19 December 1969, i.e. at the same time as the Agreement of 10 March 1967, in accordance with the provisions of the said notes.

² See p. 261 of this volume.

¹ Entré en vigueur le 19 décembre 1969, soit en même temps que l'accord du 10 mars 1967, conformément aux dispositions desdites notes.

² Voir p. 261 du présent volume.

place after the date of signature. It shall continue in force until six months from the day on which either of the Contracting Parties gives notice in writing to the other through diplomatic channels of its desire to terminate it.”

If this proposal meets with the approval of your Government, I have the honour to propose that this Note, which is authentic in English and in French, and your reply to that effect, shall constitute an amendment to the Extradition Agreement between the Government of the State of Israel and the Government of Canada referred to above, which shall come into force on the date of the entry into force of the said Agreement and shall be considered an integral part of the said Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

R. L. ROGERS
Ambassador

His Excellency Abba Eban
Minister of Foreign Affairs
Government of Israel
Jerusalem

la date de signature. Il restera en vigueur jusqu'à six mois de la date à compter de laquelle l'une des Parties Contractantes notifiera l'autre, par écrit et par les voies diplomatiques, de son intention de le dénoncer. »

Si votre Gouvernement approuve ledit projet, j'ai l'honneur de proposer que la présente Note, faisant foi en langues française et anglaise, et votre réponse dans ce sens constituent une modification à l'Accord d'extradition susmentionné entre le Gouvernement de l'État d'Israël et le Gouvernement du Canada, qui entrera en vigueur à compter de la date d'entrée en vigueur dudit Accord dont elle fera partie intégrante.

Veillez agréer, Monsieur le Ministre, les assurances de ma très haute considération.

R. L. ROGERS
Ambassadeur

Son Excellence M. Abba Eban
Ministre des Affaires Étrangères
Gouvernement de l'État d'Israël
Jérusalem

II

MINISTER FOR FOREIGN AFFAIRS¹

Jerusalem, 4 February 1969

Excellency,

I have the honour to refer to your Note of today concerning the proposal of the Government of Canada for the

Jérusalem, le 4 février 1969

Monsieur l'Ambassadeur,

J'ai l'honneur de me référer à votre Note d'aujourd'hui concernant la proposition du Gouvernement du

¹ Ministre des affaires étrangères.

amendment of article 21 of the Extradition Agreement between the Government of the State of Israel and the Government of Canada signed at Ottawa on 10 March 1967.

The Government of Israel accepts the amendment as set out in your Note and agrees that this Note of reply together with your Note shall constitute an agreement to that effect between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

Abba EBAN

His Excellency
Mr. Robert Louis Rogers
Canadian Ambassador
in Israel

Canada pour la modification de l'article 21 de l'Accord d'Extradition entre le Gouvernement de l'État d'Israël et le Gouvernement du Canada, signé à Ottawa le 10 mars 1967.

Le Gouvernement d'Israël approuve cette modification comme citée dans votre Note et il est d'accord que cette réponse et votre dite Note constitueront une modification à l'Accord d'Extradition entre les deux Gouvernements.

Veillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

Abba EBAN

Son Excellence
Monsieur Robert Louis Rogers
Ambassadeur du Canada
en Israël