

No. 11472

**FRANCE
and
ISRAEL**

Extradition Convention. Signed at Paris on 12 November 1958

Authentic texts: French and Hebrew.

Registered by France on 29 December 1971.

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[TRANSLATION — TRADUCTION]

EXTRADITION CONVENTION¹ BETWEEN FRANCE AND THE STATE OF ISRAEL

The Government of the French Republic and the Government of the State of Israel, desiring to regulate by common agreement questions relating to the extradition of offenders, have agreed as follows :

Article 1

The Contracting Parties undertake to surrender to each other, in accordance with the rules and under the conditions laid down in this Convention, persons within the territory of one Party against whom proceedings have been taken or who have been convicted by the authorities of the other Party for any offence listed in article 2.

Article 2

Offences giving rise to extradition are :

1. Any offence punishable under the law of either Contracting Party by imprisonment for a period exceeding three years, with the exception of :

(a) Bigamy;

(b) Violence of any kind or assault when they constitute special offences because committed against law enforcement officers in or in connexion with the performance of their duties;

2. Homicide through clumsiness, imprudence, carelessness, negligence or failure to observe regulations;

3. Abortion;

4. Indecent assault or exposure;

5. Procuration, profiting from the prostitution of another, operating a disorderly house, incitement to debauchery, and illegal restraint in a disorderly house with a view to debauchery;

6. Abduction of minors, exposure or desertion of a child;

7. Threats or duress with a view to extortion of any kind;

8. Unlawful arrest and imprisonment;

9. Robbery, fraud and false pretences (including the making of false pretences with the object of obtaining credit), embezzlement or the fraudulent

¹ Came into force on 14 November 1971, the date of the exchange of the instruments of ratification, which took place at Jerusalem, in accordance with article 23.

dissipation, to the detriment of another, of property, funds, goods, receipts, or any other instrument containing or constituting an obligation or discharge, which had been entrusted to the person concerned on condition that they should be returned or used or employed for a specific purpose;

10. Receiving and concealing stolen goods;
11. Uttering counterfeit gold, silver or other metal coins;
12. Forgery of any kind of document;
13. Usurpation of titles or of public offices;
14. Subornation of perjury.

Attempts to commit any of the above offences and complicity in them shall also be considered offences.

To the extent provided for in the law of each Contracting Party, conspiracy shall also be an extraditable offence.

Article 3

The Contracting Parties shall not extradite their own nationals.

Nevertheless, extradition shall be granted if at the time of the offence the person sought was not a national of the requested State.

Where a Contracting Party which refuses extradition pursuant to this article, receives from the other Party a request for prosecution accompanied by the files, documents, exhibits and information in that Party's possession, it shall proceed against persons it is competent to try. The requesting Party shall be kept informed of the result of its request.

Article 4

Extradition shall not be granted when the requested State considers that the elements of the offence or the motives for the request are based on political, racial or religious considerations.

Offences covered by the Convention on the Prevention and Punishment of the Crime of Genocide approved by the United Nations General Assembly on 9 December 1948¹ do not come within this category.

Article 5

Extradition shall not be granted if the offence for which it is requested consists solely in the violation of military obligations.

¹ United Nations, *Treaty Series*, vol. 78, p. 277.

Article 6

In the matter of taxes and duties, extradition shall be granted under this Convention to the extent that it has been so decided, by simple exchange of letters, for each specially designated offence or category of offences.

Extradition shall be refused for offences against the laws on customs matters, currency exchange, illicit profits, speculation and price control and for violations of food laws.

Article 7

Extradition may be refused if criminal proceedings in respect of the offence for which it is requested have been instituted in the requested State.

Extradition shall be refused :

1. If the offence in respect of which it is requested was committed in the requested State;
2. If the person claimed has already been convicted or acquitted of the same offence in the requested State;
3. If the person claimed has already been convicted of the same offence in a third State and has served his penalty;
4. If criminal prosecution or punishment is barred by lapse of time under the law of either the requesting or the requested State;
5. If it is found, after consultation with the requesting State, that the person claimed is entitled, in that State, to the benefits of a measure of amnesty.

Article 8

Extradition may be refused if the offence in question is punishable by death in only one of the two States.

Article 9

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

The original of the judgement of conviction or of the warrant for his arrest, or of any other order having the same effect issued by a judge or member of the judiciary shall be attached to the request.

A statement of the offence for which extradition is requested, the time and place at which it was committed, a legal description of it and the legal provisions applicable to it, shall be indicated as accurately as possible.

A copy of the text of the law relating to the offences and to the applicable penalties shall also be attached, together with, to the extent possible, a description

of the person claimed and any other particulars likely to be helpful in establishing his identity and nationality.

In the case of a person against whom proceedings are pending, the original or an authenticated copy of the statements of witnesses or declarations of experts made on oath or otherwise to a judge or member of the judiciary or, in the case of a request from France, an officer of the criminal police, shall also be attached.

In such a case, extradition shall not be effected unless, in the opinion of the requested State, there is sufficient evidence to justify committal for trial if the offence had been committed on its territory.

The warrants, statements and declarations, made on oath or otherwise, the copies of these documents and the legal documents establishing the conviction shall be accepted as valid evidence in the procedure for examining the request for extradition if they bear the signature of, or are accompanied by an attestation from, a judge, competent legal officer, or official, of the State where they were made and if they are authenticated by the official seal of the Ministry of Justice or of some other Ministry.

Article 10

In case of urgency and at the request of the judicial authority or of the police of the requesting State, measures shall be taken for the provisional arrest of the person claimed until such time as the documents mentioned in paragraph 2 of the preceding article can be transmitted.

The request for provisional arrest shall be transmitted by telegram or letter, to the legal or police authorities in the case of France, and to the police authority in the case of Israel.

Such a request shall mention that there is a warrant for the arrest of the person claimed or a judgement of conviction against him, and that the request is made with a view to extradition.

Provisional arrest shall be effected in the manner and in accordance with the procedure prescribed by law in the requested State. The authority which has made the arrest shall immediately inform the requesting State thereof.

Article 11

Such a provisional arrest may be suspended at any time; it shall cease automatically if, within a period of 60 days from the day of the arrest, the requested State has not received the request for extradition accompanied by the documents described in article 9.

Release shall not prejudice arrest and extradition if a request for extradition is received subsequently.

Article 12

If the requested State needs additional information or evidence in order to ascertain that the conditions required by this Convention are satisfied, it shall, in cases where it considers that the omission can be rectified, so inform the requesting State through the diplomatic channel before refusing the request.

The requested State may fix a time-limit for rectification. Such time-limit shall not exceed 60 days if the person claimed is being held for extradition.

Article 13

If extradition is requested concurrently by more than one State, either for the same offence or for different offences, the requested State shall be free to make its decision having regard to all the circumstances, in particular the possibility of subsequent extradition between the requesting States, the respective dates of the requests, the relative seriousness and the place of commission of the offences.

Article 14

If extradition is granted, all articles which were acquired as a result of the offence and may be useful as evidence, and which were found in the possession of the person claimed at the time of his arrest or discovered subsequently, shall be seized and handed over to the requesting State.

Such articles may be handed over even if extradition cannot be carried out owing to the escape or death of the person claimed.

Nevertheless, any rights which third parties may have acquired in the said articles shall be preserved and, where necessary, the articles shall be returned without charge to the requested State upon completion of the proceedings.

The requested State may temporarily retain the articles seized if it considers them necessary for the purpose of criminal proceedings. It may also hand them over on the understanding that they will be returned if required for that purpose, subject to their being restored as soon as possible.

Article 15

The requested State shall inform the requesting State through the diplomatic channel of its decision with regard to the extradition.

Reasons shall be given for any complete or partial rejection.

The requested State shall inform the requesting State of a decision in favour of extradition within a period of 10 days from the date on which such a decision becomes enforceable.

The place and date of surrender shall be indicated.

If there is no agreement on surrender, the requested State shall arrange for the person extradited to be brought to the place designated by the diplomatic mission of the requesting State.

Save in exceptional circumstances, the requesting State shall arrange for the person extradited to be taken over within a period of 40 days from the day on which the decision in favour of extradition is communicated to it in accordance with the provisions of this article. Upon the expiry of this period, the person claimed may be released and may not be claimed again for the same offence. It shall be for the requested State to evaluate the circumstances.

Article 16

If proceedings have been instituted against the person claimed, or he has been convicted in the requested State for an offence other than that for which extradition is requested, the requested State shall nevertheless consider the request.

If extradition is granted, surrender may be postponed until such time as the person claimed has satisfied the demands of justice in the requested State. Temporary extradition may be granted in order that the person claimed may appear before the legal authorities of the requesting State on condition that he will be returned to the requested State at a time and in a manner to be determined by mutual agreement in each particular case.

Article 17

A person who has been handed over may not be proceeded against, sentenced or detained pending proceedings or enforcement of a penalty for an offence committed prior to his surrender other than that for which he was extradited, except in the following cases :

1. If, having been at liberty to leave the territory of the State to which he has been surrendered, the person who has been extradited has not done so within 60 days of his final discharge, or has returned to that territory after leaving it;

2. If the State which surrendered him consents. A request for consent shall be submitted, accompanied by the documents described in article 9 and a legal record of any statement made by the extradited person. Such a record shall have the same standing as the legal documents mentioned in the last paragraph of article 9 if authenticated in the manner there described.

If the description of the offence charged is altered in the course of proceedings, an extradited person shall be proceeded against or sentenced only in so far as the offence under its new description is extraditable.

Article 18

Except where the person extradited has remained on the territory of the requesting State or has returned to it in the conditions described in the preceding article, the assent of the requested State shall be necessary to enable the requesting State to hand over to a third State the person surrendered to it.

Article 19

The requested State shall bear the expenses incurred by reason of a request for extradition up to the time of the surrender of the extradited person, either to officials of the requesting State at the port of embarkation by sea or air, or to authorities at the frontier of the transit State designated by the requesting State.

Nevertheless, in case of extradition from a French territory outside Europe, expenses incurred between that territory and the place of surrender shall be borne by the State of Israel.

Article 20

The extradition by means of transit through the territory of one of the Contracting Parties of a person handed over to the other Party shall be granted on submission of a request through the diplomatic channel, provided that the offence concerned is extraditable and that the request is supported by the documents mentioned in article 9

If air transport is used, the following provisions shall be applied :

1. If no landing is envisaged, the requesting State shall warn the State whose territory will be overflown and testify to the existence of one of the documents described in the third paragraph of article 10; in the case of an unscheduled landing, such a notification shall have the effect of the request for provisional arrest provided for in article 10 and the requesting State shall submit a request for transit in the conditions provided for in the first paragraph of this article;

2. If a landing is envisaged, the requesting State shall submit a request for transit.

If a State requested to allow transit also requests extradition, it may suspend transit until such time as the person claimed has satisfied the demands of justice in that State.

The cost of transit shall be refunded by the requesting State.

Article 21

The documents to be transmitted, delivered or produced in pursuance of this Convention shall be drawn up in the French language or accompanied by a translation into that language.

Article 22

This Convention shall be applicable, in the case of France, to the departments and territories under the authority of the French Republic.

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

Article 23

This Convention shall be subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place as soon as possible.

It shall also be applicable to offences committed before its entry into force.

It shall remain in force until six months have elapsed from the day on which either of the Contracting Parties shall have expressed the wish to terminate it.

Article 24

This Convention has been drawn up in duplicate in the French and Hebrew languages, both texts being equally authentic. Nevertheless, in case of dispute, the French text shall prevail.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE in Paris on 12 November 1958.

For the Government
of the French Republic:

[Signed]

LOUIS JOXE

[SEAL]

For the Government
of the State of Israël:

[Signed]

JACOB TSUR

[SEAL]