

No. 8020

ISRAEL
and
LUXEMBOURG

Convention on extradition. Signed at Luxembourg,
on 26 July 1956

Official texts: Hebrew and French.

Registered by Israel on 29 December 1965.

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Convention d'extradition. Signée à Luxembourg, le
26 juillet 1956

Textes officiels hébreu et français.

Enregistrée par Israël le 29 décembre 1965.

[TRANSLATION — TRADUCTION]

No. 8020. CONVENTION¹ ON EXTRADITION BETWEEN THE STATE OF ISRAEL AND THE GRAND DUCHY OF LUXEMBOURG. SIGNED AT LUXEMBOURG, ON 26 JULY 1956.

The Government of the State of Israel and the Government of the Grand Duchy of Luxembourg, desiring to regulate legal relations between the two States as regards the extradition and conveyance in transit of offenders as well as judicial assistance in criminal matters, have decided to conclude a Convention for that purpose and have agreed on the following provisions:

Article 1

EXTRADITION OF OFFENDERS

The Contracting Parties undertake to surrender to each other, under the circumstances and subject to the conditions specified in this Convention, persons present in the territory of either Party against whom proceedings have been instituted or who have been convicted by the judicial authorities of the other Party in respect of any of the offences enumerated below.

Article 2

OFFENCES IN RESPECT OF WHICH EXTRADITION MAY BE GRANTED

The following offences shall be extraditable:

1. Murder (including parricide, infanticide and poisoning) and the offence referred to in the law of Israel as « *hariga* »;
2. Any act of malicious wounding or bodily harm resulting in sickness or injury which permanently affects a person's health or resulting in permanent employment disability, loss or deprivation of the free use of a member or an organ, serious mutilation or unintended death;
3. The intentional administration, with the intention of causing bodily injury but without the intention of causing death, of substances capable of causing death or of seriously affecting a person's health;
4. Abortion;

¹ Came into force on 29 April 1965, the thirtieth day after the date of the exchange of instruments of ratification which took place at Luxembourg on 30 March 1965, in accordance with the provisions of article 20.

5. Rape ; indecent assault with violence ; indecent assault without violence or threats committed on, or with the aid of, a minor of either sex under the age of fourteen years ; recruiting, enticing or abducting a person of the female sex for purposes of prostitution with the object of gratifying the passions of another person ; detaining a person of the female sex against her will in a disorderly house or a house of prostitution ; compelling a person of the female sex by means of threats or intimidation to commit acts of prostitution ; maintaining a house of prostitution ;

6. Abduction of minors under the age of fourteen years or, in the case of persons of the female sex, under the age of sixteen years ;

7. Abducting or unlawfully detaining a child under the age of seven years ;

8. Exposing or abandoning a child ;

9. Larceny with or without violence or housebreaking ; extortion ; false pretences ; fraud ;

10. Embezzlement or misappropriation, to the injury of others, of securities, moneys, goods, receipts and documents of all kinds which contain or convey an undertaking or a discharge and were entrusted to the offender on condition that they should be returned or put to a specific use ;

11. Receiving money, securities or any other movable property obtained by false pretences or through larceny or embezzlement ;

12. Offences against personal freedom ;

13. (a) Counterfeiting, including the counterfeiting and altering of currency and the uttering or putting into circulation of counterfeit or altered currency ;

(b) Knowingly and without lawful authority making any instrument, tool or device adapted and intended for the counterfeiting of currency ;

14. Forgery ; counterfeiting or alteration or the putting into circulation of anything that has been falsified, counterfeited or altered ;

15. Perjury, false witness, false statements by experts or interpreters, and subornation of a witness, expert or interpreter ;

16. Illegal exaction or embezzlement by a public official ;

17. Bribery of a public official ;

18. Fraudulent bankruptcy where it is punishable by imprisonment for a term exceeding three years ;

19. Any punishable act committed maliciously with the intention of endangering persons on board a railway train ;

20. Arson ;

21. Destruction of buildings where the offence is punishable by imprisonment for a term exceeding three years.

The above enumeration shall include the attempt to commit any of the aforesaid offences or participation therein as an accessory before or after the fact.

Extradition shall also be granted in respect of conspiracy to commit any of the offences referred to in this article.

In all cases, extradition shall take place only if the act in question is punishable under the law of both Contracting Parties.

Article 3

EXTRADITION OF NATIONALS

The Contracting Parties shall not extradite their own nationals.

Extradition may, however, be granted if, at the time of the offence, the person sought was not a national of the State applied to.

Article 4

CASES IN WHICH EXTRADITION MAY BE REFUSED

Extradition shall be refused :

- (a) If the offence was committed outside the territory of the applicant State and the law of the State applied to does not permit prosecution for such offences where they are committed outside its territory ;
- (b) If, at the time when extradition could be granted, prosecution or punishment is barred by lapse of time under the law of either Contracting Party ;
- (c) If the person sought has already been convicted or acquitted of the same offence in the State applied to ;
- (d) If the person sought has already been convicted of the same offence in a third State and has served his sentence there ;
- (e) If the person sought has been pardoned in the applicant State or the alleged offence is covered by an amnesty ;
- (f) In the case of a political offence or an act connected therewith or if the alleged offence is in reality one involving racial or religious discrimination. The State applied to shall be the sole judge of whether an offence is of this nature.

Extradition may be refused :

- (a) If the offence was committed in the territory of the State applied to ;
- (b) If the offence was committed in the territory of a third State and the courts of the State applied to are competent to try the case.

Article 5

REQUISITION FOR EXTRADITION

The requisition for extradition shall in all cases be made in writing and through the diplomatic channel.

The requisition shall be accompanied by the original or an authenticated copy of the conviction and sentence or of the warrant of arrest or other order having the same effect and issued by a judge or competent legal officer or, in the case of a requisition made by Luxembourg, by any judicial authority duly authorized for the purpose.

The nature of the offence for which extradition is requested, the time and place of its commission, its legal description or designation and the relevant legal provisions shall be indicated as accurately as possible.

The requisition shall also be accompanied by a copy of the relevant provisions of criminal law and as accurate a description as possible of the person sought, together with any other information which will help to establish his identity and nationality.

In the case of an accused person, the requisition shall be accompanied in addition by the original or an authenticated copy of the statements of witnesses and experts, taken under oath or otherwise by a judge or competent legal officer or, in the case of a requisition made by Luxembourg, by an officer of the criminal police or any judicial authority duly authorized for the purpose.

In such cases, extradition shall take place only if, in the opinion of the authorities of the State applied to, such evidence exists as would justify committal for trial if the offence had been committed in the territory of that State.

All warrants and all depositions or statements, whether made under oath or otherwise, or copies thereof, and all certificates or judicial documents serving to establish the conviction of the person in question shall be accepted as valid evidence in the examination of the requisition for extradition if they are signed or certified by a judge, competent legal officer or official of the State where they were issued or made, provided that such warrants, depositions, statements, copies, certificates or judicial documents are authenticated with the official seal of the Minister of Justice or another Minister.

Article 6

SUPPLEMENTARY INFORMATION

Where doubt exists as to whether the offence for which extradition is sought is covered by this Convention, the applicant State shall be requested to furnish supplementary information or evidence and extradition shall be granted only if the information or evidence furnished is such as to remove any doubt.