

No. 9346

**ISRAEL
and
AUSTRIA**

**Convention concerning judicial assistance in criminal matters
(with Final Protocol). Signed at Jerusalem, on 6 June
1966**

Official texts: Hebrew, German and French.

Registered by Israel on 16 December 1968.

**ISRAËL
et
AUTRICHE**

**Convention d'entraide judiciaire en matière pénale (avec
Protocole final). Signée à Jérusalem, le 6 juin 1966**

Textes officiels hébreu, allemand et français.

Enregistré par Israël le 16 décembre 1968.

[TRANSLATION—TRADUCTION]

No. 9346. CONVENTION¹ BETWEEN THE STATE OF
ISRAEL AND THE REPUBLIC OF AUSTRIA CONCERN-
ING JUDICIAL ASSISTANCE IN CRIMINAL MATTERS.
SIGNED AT JERUSALEM, ON 6 JUNE 1966

The State of Israel and the Republic of Austria, desiring to regulate their mutual relations in the matter of judicial assistance in criminal matters, have agreed as follows :

Article 1

(1) The Contracting States mutually undertake to afford each other on request, in accordance with the provisions of this Convention, judicial assistance in all criminal proceedings falling within the jurisdiction of the judicial authorities of the requesting State.

(2) This Convention shall not apply to the enforcement of sentences.

Article 2

Judicial assistance shall not be granted :

(a) If the request concerns an offence which is not, by its nature, punishable by the courts under the law of the requested State or which that State considers a political offence, an offence connected with a political offence, or a purely military offence;

(b) If the requested State considers that execution of the request is likely to prejudice the sovereignty, security, *ordre public* or constitutional order of that State.

Article 3

In the case of offences relating to fiscal matters, customs matters, monopolies or exchange control, judicial assistance shall be granted to the extent that it shall have been authorized under a special agreement.

Article 4

(1) Requests for judicial assistance or the documents attached thereto shall indicate as follows :

¹ Came into force on 25 September 1968, thirty days after the exchange of the instruments of ratification which took place at Vienna on 26 August 1968, in accordance with the provisions of Article 15.

- (a) The authority making the request,
 - (b) The object of and the reason for the request,
 - (c) A summary of the facts, including the time and place at which the offence was committed, the legal classification of the offence and the legal provisions which are applicable thereto,
 - (d) Where possible, the nationality of the person concerned and his place of domicile or residence,
 - (e) If applicable, the name and address of the person to be served and the nature of the documents to be served.
- (2) If the request is for search or seizure of property, it shall be accompanied by an original or a certified true copy of the relevant court decision and of the documents constituting evidence to justify the action requested.

Article 5

- (1) Documents to be transmitted, delivered or produced in pursuance of this Convention shall be transmitted through the diplomatic channel.
- (2) Such documents shall bear the signature and the official seal of a judge or public officer of the State from which the documents emanate.
- (3) Documents which are not drawn up in the French or English language shall be accompanied by a translation in one of those languages.

Article 6

Requests for legal assistance shall be executed in accordance with the laws and regulations of the requested State. An express request by the requesting authority that a particular procedure should be followed shall be complied with, provided that such a procedure is not incompatible with the laws and regulations of the requested State.

Article 7

Proof of service of writs and records of judicial decisions shall be given by means of a receipt dated and signed by the person served or by means of a certificate issued by the requested authority indicating that service has been effected and stating the form and date of such service.

Article 8

If the requested authority has no jurisdiction in the matter, it shall, *ex officio*, transmit the request for judicial assistance to the competent authority.