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**Israel  
and  
India**

**Extradition Treaty between the Government of the State of Israel and the Government of the Republic of India. Jerusalem, 10 January 2012**

**Entry into force:** *1 October 2017, in accordance with article 24*

**Authentic texts:** *English, Hebrew and Hindi*

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**Israël  
et  
Inde**

**Traité d'extradition entre le Gouvernement de l'État d'Israël et le Gouvernement de la République de l'Inde. Jérusalem, 10 janvier 2012**

**Entrée en vigueur :** *1<sup>er</sup> octobre 2017, conformément à l'article 24*

**Textes authentiques :** *anglais, hébreu et hindi*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Israël, 21 février 2019*

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**EXTRADITION TREATY  
BETWEEN THE GOVERNMENT OF THE STATE OF  
ISRAEL AND THE GOVERNMENT OF THE  
REPUBLIC OF INDIA**

The Government of the State of Israel and the Government of the Republic of India (hereinafter referred to as the “Contracting States”);

Desiring to make more effective the cooperation of the two countries in the suppression of crime by making further provision for the reciprocal extradition of offenders; and

Recognizing that concrete steps are necessary to combat crime, including terrorism;

Have agreed as follows:

**Article 1**  
**Duty to Extradite**

(1) Each Contracting State undertakes to extradite to the other, in the circumstances and subject to the conditions specified in this Treaty, any person who, being accused or convicted of an extradition offence as described in Article 2, committed within the territory of the one State, is found within the territory of the other State, whether such offence was committed before or after the entry into force of this Treaty.

(2) Extradition shall also be available in respect of an extradition offence as described in Article 2 committed outside the territory of the Requesting State but in respect of which it has jurisdiction if the Requested State would, in corresponding circumstances, have jurisdiction over such an offence. In such circumstances the Requested State shall have regard to all the circumstances of the case including the seriousness of the offence.

(a) if it is committed in a third State by a national of the Requesting State and the Requesting State bases its jurisdiction on the nationality of the offender; and

(b) if it occurred in the Requested State, it would be an offence under the law of that State punishable with imprisonment for a term of at least one year.

**Article 2**  
**Extradition Offences**

(1) An extradition offence for the purposes of this Treaty is constituted by conduct which under the laws of each Contracting State is punishable by a term of imprisonment for a period of at least one year.

(2) If extradition has been granted for an extradition offence, it may also be granted for any other offence specified in the request, even if the latter offence is punishable by less than one year's deprivation of liberty, provided that all other requirements for extradition are met.

**Article 3**  
**Composite Offences**

Extradition shall be available in accordance with this Treaty for an extradition offence, notwithstanding that the conduct of the person sought occurred wholly or in part in the Requested State, if in corresponding circumstances, the Requested State would have jurisdiction over such an offence. In considering extradition, the Requested State may consider the conduct and its effects, or its intended effects, taken as a whole.

**Article 4**  
**Extradition of Nationals**

(1) Neither of the Contracting States shall be obligated to extradite its own nationals.

(2) If extradition is refused solely on the basis of nationality of the person sought, the Requested State shall, at the request of the Requesting State, submit the case to its authorities for consideration of prosecution.

(3) Nationality shall be determined at the time of commission of the offence for which extradition is requested.

**Article 5**  
**Political Offence**

(1) Extradition may be refused if the offence of which it is requested is an offence of a political character.

(2) For the purpose of this Treaty the following offences shall not be regarded as offences of a political character:

(a) any offence for which both Contracting States have the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit the case to their competent authorities for decision as to prosecution;

(b) murder;

(c) manslaughter or culpable homicide;

(d) assault occasioning actual bodily harm, or causing injury, maliciously wounding or inflicting grievous bodily harm whether by means of a weapon, a dangerous substance or otherwise;

(e) the causing of an explosion likely to endanger life or cause serious damage to property;

(f) the making or possession of an explosive substance by a person who intends either himself or through another person to endanger life or cause serious damage to property;

(g) the possession of a firearm or ammunition by a person who intends either himself or through another person to endanger life;

- (h) the use of a firearm by a person with intent to resist or prevent the arrest or detention of himself or another person;
- (i) damaging property whether used for public utilities or otherwise with intent to endanger life or with reckless disregard as to whether the life of another would thereby be endangered;
- (j) kidnapping, abduction, false imprisonment or unlawful detention, including the taking of a hostage;
- (k) incitement to murder;
- (l) any other offence related to terrorism which at the time of the request is, under the law of the Requested State, not to be regarded as an offence of a political character;
- (m) an attempt or conspiracy to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

**Article 6**  
**Extradition and Prosecution**

- (1) The request for extradition may be refused by the Requested State if the person whose extradition is sought may be tried for the extradition offence in the courts of that state.
- (2) Where the Requested State refuses a request for extradition for the reason set out in paragraph 1 of this Article, it shall submit the case to its competent authorities so that prosecution may be considered. Those authorities shall take their decision in the same manner as in the case of any offence of a similar nature under the law of that State.
- (3) If the competent authorities decide not to prosecute in such a case, the request for extradition shall be reconsidered in accordance with this Treaty.