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**TREATY
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDIA
AND
THE GOVERNMENT OF THE STATE OF ISRAEL
ON
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS**

The Government of the Republic of India and the Government of the State of Israel (hereinafter referred to as Parties);

Guided by the traditional friendly relations between the two countries;

Desiring to improve the effectiveness of both countries in the suppression, prevention, investigation and prosecution of crime, and in proceedings related to the tracing, restraint, forfeiture or confiscation of the proceeds and instruments of crime, through cooperation and mutual legal assistance in criminal matters;

Have agreed as follows:

ARTICLE 1
Scope of Application

1. The Parties shall, in accordance with this Treaty, provide each other with the widest measure of mutual legal assistance in criminal matters.
2. Mutual legal assistance is any assistance given by the Requested Party in respect of investigations, inquiries, prosecutions or proceedings in the Requesting Party in criminal matters, including for the purpose of the prevention of crime, irrespective of whether the assistance is sought or is to be provided by a court or some other authority.
3. Assistance shall be provided without regard to whether the conduct which is the subject of the investigation, prosecution or proceedings in the Requesting State would constitute an offence under the laws of the Requested State.
4. Assistance includes -
 - (a) locating and identifying persons and objects;
 - (b) serving documents, including documents seeking the attendance of persons;

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- (c) providing information, documents and records;
 - (d) providing objects, including lending exhibits or articles of evidence;
 - (e) search and seizure;
 - (f) taking evidence and obtaining statements;
 - (g) authorizing the presence of persons from the Requesting State at the execution of requests;
 - (h) making detained persons available to give evidence or assist investigations;
 - (i) facilitating the appearance of witnesses or the assistance of persons in investigations;
 - (j) taking measures to locate, restrain or forfeit the proceeds of crime; and
 - (k) any other form of assistance not prohibited by the law of the Requested State .
5. This Treaty is intended solely for mutual assistance between the Parties. The provisions of this Treaty shall not give rise to any right, that does not otherwise exist, on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request for assistance.
6. This Treaty shall also apply to any requests for legal assistance relating to acts or omissions committed before its entry into force.

ARTICLE 2
Definition of Criminal Matters

For the purpose of this Treaty, criminal matters means investigations, inquiries, trials or other proceedings relating to an offence created by the national legislature or by State legislature of the Parties.

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ARTICLE 3
Central Authorities

1. Each Party shall designate a Central Authority to transmit and receive all requests for the purpose of this treaty.
2. The Central Authority for the Republic of India is the Ministry of Home Affairs; and the Central Authority for the State of Israel shall be the Ministry of Justice. Any change in the designated Central Authority by any Party, shall be immediately communicated to the other Party.
3. The Central Authorities shall communicate and consult directly with one another for the purposes of the Treaty.

ARTICLE 4
Execution of Requests

1. Requests for assistance shall be executed promptly in accordance with the law of the Requested State and, in so far as not prohibited by that law, in the manner specified by the Requesting Party.
2. The Requested Party shall, upon request, inform the Requesting Party of the date and place of execution of the request for assistance.
3. The Central Authority of the Requested Party shall make all necessary arrangements for the representation in the Requested State in any proceedings arising out of a request for assistance.
4. Requests shall be executed in accordance with this Treaty and applicable law. The method of execution specified in the request shall be followed except insofar as it is prohibited by the laws of the Requested State.
5. The Central Authority of the Requested Party shall respond to reasonable requests by the Central Authority of the Requesting Party concerning progress toward execution of the request.
6. The Central Authority of the Requested Party shall promptly inform the Central Authority of the Requesting Party of the outcome of the execution of the request.

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ARTICLE 5
Contents of Requests

1. In all cases, requests for assistance shall indicate -
 - (a) the name of the competent authority conducting the investigation, prosecution or proceedings to which the request relates;
 - (b) the nature of the investigation, prosecution or proceedings a summary of the facts, and a copy of the applicable laws, including those related to the offences involved.
 - (c) the nature of the assistance sought, the purposes for which the evidence, information or other assistance is sought and the connection between the assistance and criminal matter to which it relates;
 - (d) degree of confidentiality required and the reasons therefore; and
 - (e) any time limit within which the request should be executed.
2. In the following cases, requests for assistance shall include:
 - a) in the case of requests for the taking of evidence, search and seizure, or the location, restraint or forfeiture of proceeds of crime, a statement indicating the basis for belief that evidence or proceeds may be found in the Requested State
 - b) in the case of requests to take evidence from a person, an indication as to whether sworn or affirmed statements are required and a description of the subject matter of the evidence or statement sought;
 - c) in the case of lending of exhibits, the current location of the exhibits in the Requested State and an indication of the person or class of persons who will have custody of the exhibits in the Requesting Party, the place to which the exhibit will be returned;
 - d) in the case of providing of articles of evidence, the current location of the articles in the Requested State, if known, and the circumstances and time in which the articles shall be returned;
 - e) in case of making detained persons available, an indication of the person or class of persons who will have custody during the transfer, the place to which the detained person is to be transferred and the probable date of that person's return; and

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- f) in case of requests in respect of proceeds and instruments of crime or search and seizure, a statement describing the basis of belief that the money or property are the proceeds of crime or are liable for search & seizure.
3. If necessary, and where possible, requests for assistance shall include -
- (a) the identity, nationality and location of the person/s who is or are the subject of the investigation, prosecution or proceedings;
 - (b) details of any particular procedure or requirement that the Requesting Party wishes to be followed and the reasons therefore.
 - (c) any other information which may be brought to the attention of the Requested Party to facilitate its execution of the request.
4. If the Requested Party considers that the information is not sufficient to enable the request to be executed, it may request additional information to enable the request to be dealt with.
5. A request for assistance shall be in writing except that the Central Authority of the Requested Party may, in its discretion, accept a request in another form in urgent situations. In any such case, the request shall be confirmed in writing within the time period determined by the Central Authority of the Requested Party.

ARTICLE 6
Refusal or Postponement of Assistance

- 1. Assistance may be refused if, in the opinion of the Requested Party the execution of the request would impair its sovereignty, security, public order, fundamental public policy and public interest or prejudice the safety of any person.
- 2. Assistance may be refused if the execution of the request would be contrary to the domestic law of the Requested State.
- 3. Assistance may be refused if the request relates to an offence in respect of which the accused person had been finally acquitted or pardoned.
- 4. Assistance may be refused if the request for legal assistance is for a military offence and which is also not an offence under the ordinary criminal law of the Parties.
- 5. The Requested Party shall not refuse to execute a request solely on the

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ground of bank secrecy. Requests for information concerning confidential bank records will have to be supported by factual and evidentiary bases to meet the requirements of the relevant laws of the Requested State.

6. Assistance may be refused where the request is not made in conformity with the Treaty.
7. Assistance may be refused if the request seeking restraint, forfeiture or confiscation of proceeds and instruments of crime or seizure of property are in respect of conduct or activity which cannot be made basis for such restraint, forfeiture, confiscation or seizure in the Requested State.
8. Assistance may be postponed by the Requested Party if execution of the request would interfere with an ongoing investigation or prosecution in the Requested State.
9. The Requested Party shall promptly inform the Requesting Party of its decision not to comply in whole or in part with a request for assistance, or to postpone execution, and shall give reasons for that decision.
10. Before refusing a request for assistance or before postponing the execution of a request, the Requested Party shall consider whether assistance may be provided subject to such conditions as it deems necessary. If the Requesting Party accepts assistance subject to those conditions, it shall comply with them.

ARTICLE 7

Service of Documents

1. The Requested Party shall use its best efforts to execute a request to effect service of a document, and to the extent possible, shall effect such service in the manner specified by the Requesting Party.
2. The Requesting Party shall transmit any request for the service of a document seeking the appearance of a person before any authority of the Requesting Party within a reasonable time, as agreed by the Central Authorities, before the scheduled appearance.
3. To the extent possible, the Requested Party shall return a proof of service in the manner specified in the request. If service cannot be effected in the manner specified, the Requesting Party shall be so informed and shall be advised of the reasons.

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3. To the extent possible, the Requested Party shall return a proof of service in the manner specified in the request. If service cannot be effected in the manner specified, the Requesting Party shall be so informed and shall be advised of the reasons.

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ARTICLE 8

Public or Official Information, Documents, Records and Objects

1. The Requested Party shall provide the Requesting Party with copies of publicly available records, including documents or information in any form, in the possession of government departments and agencies of the Requested Party.
2. The Requested Party may provide any information, documents, records and objects in the possession of a Government department or agency, but not publicly available, to the same extent and under the same conditions as they would be available to its own law enforcement and judicial authorities.
3. The Requested Party may provide certified true copies of documents of records. If the Requesting Party expressly requests originals, the Requested Party may provide them.
4. Original documents, records or objects provided to the Requesting Party shall be returned to the Requested Party as soon as possible upon request.
5. In so far as not prohibited by the law of the Requested State documents, records or objects shall be provided in a form or accompanied by such certification as may be specified by the Requesting Party in order to make them admissible according to the law of the Requesting State.

ARTICLE 9

Search and Seizure

1. Search and seizure shall be conducted by the Requested Party to the same extent, under the same conditions, and on the same basis as would be done for its own law enforcement and judicial authorities in accordance with its laws.
2. The competent authority that has executed a request for a search and seizure shall provide such information as may be required by the Requesting Party concerning, but not limited to, the identity, condition, integrity and continuity of possession of the documents, records or objects seized and circumstances of the seizure.

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ARTICLE 10
Taking Evidence in the Requested State

1. The Requested Party shall, upon request, obtain a statement of a person, including a person in custody, for the purpose of an investigation, prosecution or other proceeding in the Requesting State.
2. The Requested Party if necessary, shall compel the appearance of a person for taking testimony and producing documents, records, and articles to the same extent as would be permitted in investigations, prosecutions and other proceedings in that State.
3. Upon request, the Central Authority of the Requested Party shall furnish information in advance about the date and place of the taking of the statement, testimony or evidence pursuant to this Article.
4. Subject to the law of the Requested State, commissioners, other officials of the Requesting Party and persons concerned in the proceedings in the Requesting State shall be permitted to be present when evidence is taken in the Requested State and to participate in the taking of such evidence in the manner as may be specified by the Requested Party. The right to participate in the taking of evidence may include the right to pose questions.
5. At the request of the Requesting Party, a verbatim transcript of the proceedings shall be made. The use of technical means to make such a verbatim transcript may be permitted.
6. If the person referred to in paragraphs 1 or 2 asserts claim of immunity or privilege under the laws of the Requesting State, the statement, testimony or evidence shall nonetheless be taken and the claim shall be made known to the Central Authority of the Requesting Party for confirmation. The response of the Central Authority of the Requesting Party, in this regard, would be final.
7. Evidence provided by the Requested Party pursuant to this Article or which is the subject of testimony taken under this Article may be authenticated by an attestation, or in another manner specified by the Requesting Party.

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ARTICLE 11

Evidence by Video Conference

On request, the Requested Party may facilitate examination of a person before its judicial authority or other-competent authority, by means of video conferencing, in conformity with its national law and procedure.

ARTICLE 12

Appearance of Persons in the Requesting State

When the Requesting Party requests the appearance of a person before its authorities, the Requested Party shall inform that person regarding the requested appearance before the authority of the Requesting Party. In its request, the Requesting Party shall indicate the extent to which the expenses will be paid. Such person shall be under no compulsion to accept such an invitation. The Central Authority of the Requested Party shall promptly inform the Central Authority of the Requesting Party of the response of the person.

ARTICLE 13

TRANSFER OF A PERSON IN CUSTODY

1. A person in the custody of the Requested State whose presence is required by the Requesting Party for purposes of assistance under this Treaty, shall be transferred from the Requested State to the Requesting State for that purpose if the person consents and if the Central Authorities of the Parties so agree.
2. For purposes of this Article:
 - a) The receiving Party shall have the authority and the obligation to keep the person transferred in custody unless otherwise authorized by the sending Party.
 - b) the receiving Party shall return the person transferred to the custody of the sending State as soon as the purpose for which that person was transferred is fulfilled or as otherwise agreed by both Central Authorities; and
 - c) the person transferred shall have the benefit of reduction of the period served in custody in the receiving State from the total period to be served by that person under his sentence imposed by the sending State.

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3. If the sending State notifies the receiving State that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person present in the Requesting State pursuant to Article 12 of the Treaty. A person so set at liberty shall be entitled to the cost of his return travel to the sending State, if he returns to that State.
4. The Requesting Party shall be responsible for making all necessary arrangements for the transit of transferred persons through third countries.

ARTICLE 14
Safe Conduct

1. Subject to Article 13(2), a person present in the Requesting State in response to a request shall not be prosecuted, detained or subjected to any other restriction of personal liberty in that State for any acts or omissions which preceded that person's departure from the Requested State, nor shall that person be obliged to give evidence in any proceeding other than that to which the request relates.
2. Paragraph 1 of this Article shall cease to apply if a person, being free to leave the Requesting State, has not left within thirty (30) days after receiving official notification that the person's attendance is no longer required or, having left, has voluntarily returned.
3. Any person who fails to appear in the Requesting State may not be subjected to any sanction or compulsory measure in the Requested State.
4. Where there is a mutual agreement between the Central Authorities of the Parties as to the maximum period in which a person appearing in the Requesting State pursuant to Articles 12 and 13, will be required to remain there, such an agreement will be complied with, unless there is a subsequent agreement to the contrary.

ARTICLE 15
Controlled Delivery

- 1) Each Party undertakes to ensure that, at the request of the other Party, controlled deliveries may be permitted on its territory in the framework of criminal investigations.
- 2) The decision to carry out controlled deliveries shall be taken in each individual case by competent authorities of the Requested Party, in

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accordance with its relevant national law. Controlled deliveries shall take place in accordance with the procedures of the Requested Party. Competence to act, direct and control operations shall lie with the competent authorities of that Party.

ARTICLE 16
Proceeds and Instruments of Crime

1. The Requested Party shall, upon request, endeavor to ascertain whether any proceeds or instruments of a crime are located within its jurisdiction and shall notify the Requesting Party of the results of its inquiries.
2. When, pursuant to paragraph 1 of this Article, suspected proceeds or instruments of crime are found, the Requested Party may upon request take such measures as are permitted by its law to restrain and forfeit those proceeds or instruments.
3. In application of this Article, the rights of the Requesting Party and of *bona fide* third parties shall be respected in accordance with the laws of the Requested Party.
4. Proceeds or instruments of crime forfeited or confiscated pursuant to this Treaty shall accrue to the Requested State, unless otherwise agreed.

ARTICLE 17
Restitution

The Requested Party shall, to the extent permitted by its law, provide assistance concerning restitution to the victims of crime.

ARTICLE 18
Confidentiality

1. The Requested Party may require, after consultation with the Requesting Party, that information or evidence furnished or the source of such information or evidence be kept confidential. Such information or evidence could be disclosed or used only subject to such terms and conditions as may be specified by the Requested Party and are agreed to by the Requesting Party.
2. The Requesting Party may request that the request for assistance, the contents of the request and its supporting documents, and the fact of

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granting such assistance be kept confidential. If the request cannot be executed without breaching such confidentiality, the Central Authority of the Requested Party shall so inform the Central Authority of the Requesting Party, which shall then determine whether the request should nevertheless be executed. When such confidentiality has been requested, the Requested Party shall use its best efforts to ensure that the confidentiality is maintained.

ARTICLE 19
Limitation of Use

1. The Requesting Party shall not disclose or use information or evidence furnished for purposes other than those stated in the request, without prior consent of the Requested State.
2. Unless otherwise indicated by the Requested Party when executing the request, information or evidence, the contents of which have been disclosed in a public, judicial or administrative proceeding related to the request, may thereafter be used for any purpose.

ARTICLE 20
Authentication

Documents, records or objects transmitted pursuant to this Treaty shall not require any form of authentication, except as specified in Article 8, or as requires by the Requesting State

ARTICLE 21
Language

1. Requests shall be submitted in the English language.
2. Supporting documents, if not in the English language, shall be accompanied by an English translation.

ARTICLE 22
Expenses

1. The Requested State shall meet the cost of executing the request for assistance, except that the Requesting State shall bear -
 - (a) the expenses associated with conveying any person to or from the territory of the Requested State at the request of the Requesting State, and any expenses payable to that person while in the Requesting State pursuant to a request under Article 12 or 13 of this Treaty;

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- (b) the expenses and fees of experts either in the Requested State or the Requesting State;
 - (c) the expenses of translation, interpretation and transcription; and
 - (d) the expenses associated with the taking of evidence from the Requested State to the Requesting State via video, satellite or other technological means.
2. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the Parties shall consult to determine the terms and conditions under which the requested assistance can be provided.

ARTICLE 23
Compatibility with other Treaties

Nothing in this Treaty shall prevent either Party from granting assistance to the other Party through the provisions of other applicable international conventions or agreements, or through the provisions of its domestic law. The Parties may also provide assistance pursuant to any bilateral arrangement, agreement or practice which may be applicable.

ARTICLE 24
Consultation

The Central Authorities of the Contracting Parties shall consult, at times mutually agreed to by them, to promote the most effective implementation of this Treaty. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of this Treaty.

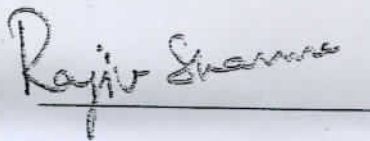
ARTICLE 25
Final Provisions

1. This Treaty shall be subject to ratification. Each Contracting State shall notify the other as soon as possible, in writing, through the diplomatic channels, upon the completion of its legal procedure required for the entry into force of the Treaty. The Treaty shall come into force on the first day of the second month following the date of the last notification.
2. This Treaty may be amended by mutual consent. The amendments shall enter into force in the manner as stipulated in paragraph 1.

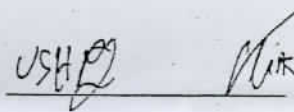
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3. The Treaty shall remain in force for an indefinite period. It may, however, be terminated by either of the Contracting State by giving a written notice of termination to the other Contracting State. The termination shall take effect after six months of the date of such notice.
 4. Notwithstanding the termination, the Treaty shall continue to apply to requests submitted before the date of the notice of termination.

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

DONE at New Delhi this the 27th day of February 2014 which corresponds to the 25 day of Adar B, 5774 in the Hebrew calendar, in two originals each, in Hindi, Hebrew and English, all texts being equally authentic. However, in case of divergence of interpretation, the English text shall prevail.



For the Republic of India



For the State of Israel