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TREATY SERIES No. 14 (1925).

PROVISIONAL AGREEMENT

BETWEEN THE

GOVERNMENTS OF EGYPT & PALESTINE

WITH REGARD TO THE

EXTRADITION OF FUGITIVE OFFENDERS.

Signed at Ramleh, August 7, 1922.

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty.*

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Provisional Agreement between the Governments of Egypt and Palestine with regard to the Extradition of Fugitive Offenders.

Signed at Ramleh, August 7, 1922.*

THE Egyptian Government and the Government of Palestine having realised the necessity, with a view to the better administration of justice, of regulating by means of a provisional agreement the extradition of offenders, the undersigned, in virtue of the full powers conferred on them by their respective Governments, have agreed upon the following provisions :—

I. The Egyptian Government and the Government of Palestine have agreed and hereby agree to the mutual extradition of fugitive offenders, subject to the following rules and conditions.

II. Each Government undertakes the surrender on the application of the other Government—

- (a.) Of persons against whom a warrant of arrest has been issued in respect of any offence (other than a political offence) triable by the Courts of the Government making the application and punishable with imprisonment for one year or more or with any heavier penalty.
- (b.) Of persons who have been sentenced by the Courts of the Government making the application, to imprisonment for one year or more or to any heavier penalty for any offence (other than a political offence), provided that the judgment has not been fully executed.

A judgment made in default of appearance or *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

III. The present Agreement applies only in respect of persons who, under the legislation for the time being in force in Egypt, would, if in Egypt, be subject to the plenary criminal jurisdiction of an Egyptian Court, and in consequence neither the Egyptian nor the Palestine Government shall be entitled to apply for nor required to consent to the surrender of any person who is not subject to such jurisdiction.

IV. Applications on behalf of the Egyptian Government for the surrender of fugitive offenders by the Palestine Government shall be made by the Egyptian Minister of Justice. Applications on behalf of the Palestine Government for the surrender of fugitive offenders by the Egyptian Government shall be made by the High Commissioner for Palestine.

V.—(1.) Every application for the surrender of a fugitive offender shall be accompanied by such information as is available

* Signed also in the Arabic language.

as to the identity and whereabouts of the person whose surrender is demanded.

(2.) Any such application shall furthermore be accompanied by the following documents :—

(a.) When the application is made in virtue of a warrant of arrest : by the warrant of arrest or a certified copy thereof and a certified copy of depositions made before the magistrate or other person charged with the investigation, and of any *procès-verbaux* or other evidence upon which the charge against the accused is based.

If the accused person has been convicted by a judgment made in default of appearance or *in contumaciam*, the demand shall also be accompanied by a certified copy of the judgment or of the warrant of execution based thereon.

(b.) When the application is made in virtue of a judgment pronounced in the presence of the accused : by a certified copy of the judgment or of the warrant of execution based thereon, and by a certificate by the Ministry of Justice or other similar authority of the country making the application that the judgment has become executory.

VI. Each of the Governments parties to the present Agreement has full power to decide whether an application by the other Government for the surrender of a fugitive offender ought, under the provisions of the present Agreement, to be acceded to. Such decision shall be made by the judicial or other authority who, under the legislation in force in the country concerned, is empowered to that effect.

VII. The authority by which it is to be decided whether a case for surrender has been made out shall not accede to the demand for surrender unless it is satisfied—

(a.) In the case of an application based upon a warrant of arrest that the evidence adduced of the commission of the offence by the accused is such as would justify his committal for trial.

(b.) In the case of an application for the surrender based upon judgment that the evidence adduced is sufficient to prove the fact of conviction.

(c.) In any case, that the offence with which the accused is charged, or of which he has been convicted, is not a political offence, and that the application for his surrender is not made with a view to try and punish such person for a political offence.

VIII. For the purposes of the present Agreement, the following offences shall not be considered as political offences :—

(a.) Any act of violence or of brigandage, or robbery with violence, whether committed by one or more persons, either against individuals or their property or against the local authorities, or against the railways or any other means of communication and transport.

(b.) Every attempt against the person of His Majesty the King of Egypt or against the person of His Britannic Majesty's High Commissioner for Palestine.

IX. Whenever an application is made for the surrender of a fugitive offender, and the Courts of the country to which the application is addressed are competent to try the offence with which such fugitive is charged, the Government of such country may, instead of acceding to the application, take steps to cause him to be placed upon his trial before its own Courts.

If within three months of the receipt of the application the offender has not been put upon his trial, it shall be the duty of the Government concerned, if the other conditions provided in this Agreement are satisfied, to surrender him.

X. A person surrendered in pursuance of this Agreement shall not be put upon his trial before the Courts of the country to which he is surrendered for any offence committed prior to his surrender other than that or those which may be established by the facts on which the surrender was granted, unless he has before the trial had an opportunity of returning to the country by which he was surrendered.

XI. Each Government shall pay to the other on demand all expenses incurred in execution of a demand for surrender addressed to such other Government.

XII. The present provisional Agreement will come into force as from the 1st October, 1922. It will be subsequently replaced by a definite Agreement to be drawn up between the respective Governments.

. Made in duplicate.

HERBERT SAMUEL.
A. SARAIT.

Ramleh, August 7, 1922.
