

(Unofficial Translation)

**TREATY ON COOPERATION IN THE EXECUTION OF PENAL
SENTENCES BETWEEN THE GOVERNMENT OF THE STATE OF
ISRAEL AND THE GOVERNMENT OF THE KINGDOM OF THAILAND**

The Government of the State of Israel and the Government of the Kingdom of Thailand,

Taking into consideration the laws and regulations in force regarding law enforcement of the Parties and the desirability of enhancing their cooperative efforts in law enforcement and the administration of justice; and

Desiring to cooperate in the execution of penal sentences by enabling offenders to serve sentences of imprisonment, confinement or other forms of deprivation of liberty in the country of which they are nationals, thereby facilitating their successful reintegration into society;

Have agreed as follows:

Article 1. Definitions

For the purposes of this Treaty:

- a) "Transferring State" means the Party from which the offender may be or has been transferred;
- b) "Receiving State" means the Party to which the offender may be or has been transferred;
- c) "Offender" means a person who is required to be detained in a prison, a hospital or any other institution in the Transferring State by virtue of an order made by a court in the course of the exercise of its criminal jurisdiction.
- d) "Sentence" means any punishment or measure involving deprivation of liberty ordered by a court for a limited or unlimited period of time in the course of the exercise of its criminal jurisdiction.

Article 2. Scope of Application

The application of this Treaty shall be subject to the following conditions:

1. That the offence, for which the offender to be transferred was sentenced, is one which

would also be punishable as a crime in the Receiving State had the offence been committed in the Receiving State. This condition shall not be interpreted so as to require that the crimes described in the laws of the two Parties be identical in matters not affecting the character of the crimes.

2. That the offender to be transferred is a national of the Receiving State.
3. That the offender to be transferred did not commit an offence:
 - a) Against the internal or external security of the State;
 - b) Against the Head of State or the Head of Government of the Transferring State or a member of his family; or
 - c) Against legislation protecting national art treasures.
4. That there is at least one year of the offender's sentence remaining to be served at the time of his application for transfer.
5. That no further or other legal proceedings relating to the offence or any other offence are pending in the Transferring State.
6. That, in the case of imprisonment, confinement or other form of deprivation of liberty, the offender shall, at the time of transfer, have served in the Transferring State a period of one-third of the total sentence imposed on him or a four-year period whichever period is less, or for offences concerning narcotic drugs, a period of eight years if the sentence imposed is life imprisonment. Each Party may, at its discretion and to the extent permitted by its law, transfer an offender at a shorter period required by the present paragraph.
7. That the transfer may be refused if:
 - a) It is considered by the Transferring State to jeopardize its sovereignty, its security or its public order; or
 - b) The offender is also a national of the Transferring State.

Article 3. Procedure for Transfer

1. Either Party may inform an offender, who is within the scope of the present Treaty, of the substance of the Treaty.

2. Every transfer under this Treaty shall be commenced through diplomatic channels by a written request from the Receiving State to the Transferring State. If the Transferring State approves the request, it shall so inform the Receiving State through diplomatic channels and initiate procedures to effectuate the transfer of the offender.

3. In deciding upon the transfer of an offender, each Party shall consider the following factors:

- a) The probability that transfer of the offender will contribute to his social rehabilitation or otherwise be in his best interests; and
- b) The nature and severity of the offence, including the effects of the offence within the Transferring and Receiving States and any mitigating or aggravating circumstances.

4. No offender shall be transferred unless the sentence imposed on the offender is one of imprisonment, confinement or any other form of deprivation of liberty in any institution:

- a) For life;
- b) For an indeterminate period on account of mental incapacity; or
- c) For a fixed period of time.

5. The Transferring State shall furnish to the Receiving State a statement showing the offence of which the offender was convicted, the termination date of the sentence, the length of time already served by the offender, and any credits to which the offender is entitled on account of work done, good behaviour or pretrial confinement.

6. The Transferring State shall furnish to the Receiving State a certified copy of all judgements and sentences concerning the offender from the date of his detention in the Transferring State. When the Receiving State considers such information insufficient, it may request additional information.

7. Delivery of the offender by the authorities of the Transferring State to those of the Receiving State shall occur at a place within the Transferring State agreed upon by both Parties. The Transferring State shall afford an opportunity to the Receiving State, if the Receiving State so desires, to verify, prior to the transfer, that the offender's consent to the transfer is given voluntarily and with full knowledge of the consequences thereof, through the officer designated by the laws of the Receiving State.

Article 4. Retention of Jurisdiction

In respect of sentences to be executed pursuant to this Treaty, the Transferring State shall retain exclusive jurisdiction regarding the judgements of its courts, the sentences imposed by them, and any procedures for revision, modification or cancellation of judgements and sentences pronounced by its courts. The Receiving State, upon being informed of any revision, modification or cancellation of such a judgement or sentence, shall put such measure into effect.

Article 5. Procedure for Execution of Sentence

1. Except as otherwise provided in this Treaty, the completion of a transferred offender's sentence shall be carried out according to the laws and procedures of the Receiving State, including those governing conditions for service of imprisonment, confinement or other forms of deprivation of liberty, and those providing for the reduction of the term of imprisonment, confinement or other forms of deprivation of liberty by conditional release or otherwise. The Transferring State shall, in addition, retain a power to pardon the offender or to commute his sentence and the Receiving State shall, upon being notified of such pardon or commutation, give effect thereto.
2. The Receiving State may treat under its law relating to juvenile offenders any offender so categorized under its law regardless of his status under the law of the Transferring State.
3. No sentence of deprivation of liberty shall be enforced by the Receiving State in such a way as to extend it beyond the period specified in the sentence of the court of the Transferring State.
4. The expenses incurred in the transfer of the offender or in the completion of the offender's sentence shall be borne by the Receiving State.
5. The authorities of either Party shall at the request of the other Party provide reports indicating the status of all offenders transferred under this Treaty, including, in particular, the release of any offender. Either Party may, at any time, request a special report on the status of the execution of an individual sentence.

6. The transfer of an offender under the provisions of this Treaty shall not create any additional disability under the law of the Receiving State beyond that which the fact of his conviction may in and of itself already have created.

Article 6. Final Provisions

1. This Treaty shall enter into force on the date of the latter of the diplomatic Notes by which the Parties notify each other that their internal legal requirements for the entering into force of the Treaty have been complied with.

2. The present Treaty shall remain in force for three years from the date upon which it enters into force. Thereafter, the Treaty shall continue to be in force until ninety days from the date upon which either Party gives written notice to the other Party of its intention to terminate the Treaty.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed the present Treaty.

Done in duplicate at Bangkok on the 13th day of August 1997 corresponding to the 13th day of August 2540 of the Buddhist Era, and corresponding to the 10th day of Av, 5757, in the Thai, Hebrew and English languages, each text being equally authentic. In case of divergence of interpretation, the English text shall prevail.

For the Government of the State of Israel:

MORECHAY LEWY

Ambassador Extraordinary and Plenipotentiary

For the Government of the Kingdom of Thailand:

PRACHUAB CHAIYASAN

Minister of Foreign Affairs