



EMBASSY OF ISRAEL

P.O. BOX 2171,  
WELLINGTON

שגרירות ישראל

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109.11

27th October 1982

Your Excellency,

I have the honour to refer to the Protocol of 3rd August 1981, related to the Treaty of Peace of 26th March 1979 between the Government of the State of Israel and the Government of the Arab Republic of Egypt, and to the agreement between the Government of New Zealand and the Director-General of the MFO concerning the participation of a New Zealand contingent in the Multinational Force and Observers (MFO) established by the said Protocol. I propose, in accordance with paragraph 11(d) of the Appendix to the Protocol, the following supplementary arrangement between the Government of the State of Israel and the Government of New Zealand respecting those New Zealand military members of the MFO (other than those assigned to any MFO Office in Israel in accordance with arrangements to be made with the MFO, who will be regarded as on duty during their assignment to such office) who enter Israel, as the receiving State within the meaning of paragraph 3 of the Appendix to the Protocol (hereinafter 'Israel'), on leave or who are taking leave in Israel after having entered Israel on official duty and over whom your Government would otherwise exercise jurisdiction pursuant to paragraph 11(a) of that Appendix (hereinafter called vacationing New Zealand members of the MFO). This arrangement is without prejudice to the right of Israel to request a waiver of immunity in individual cases pursuant to paragraph 11(c) of the Appendix.

- (a) The Government of New Zealand waives the immunity of vacationing New Zealand members of the MFO who are reasonably suspected of having committed while on leave in Israel offenses punishable by imprisonment of more than 3 years or death or of possessing, for personal use, dangerous drugs as defined in the Dangerous Drugs Ordinance (New Version) as amended, 5733-1973 to the extent necessary to permit the Israeli authorities to detain such suspected persons for the purpose of conducting investigations, in accordance with applicable legal procedures. As provided by applicable law, it is understood that the period for which the Israeli authorities may detain such suspected persons may not exceed 48 hours, except when detention is authorized by an order of a competent court issued following a hearing at which the suspected person may be represented by a lawyer. The Israeli authorities may seek a court

order permitting detention for more than seven days only in special circumstances and with the personal approval of the Attorney-General of Israel. The Israeli authorities shall notify the Director-General of the MFO and the designated representative of the Government of New Zealand of the Attorney-General's intention to request such a court order at least twenty-four hours prior to his doing so. Any views which the Government of New Zealand may express shall be brought to the attention of the Attorney-General, in order that he may take them into account.

After detention under this section and except as provided in section (b) below, the Israeli authorities shall transfer the custody of such suspected persons to the MFO authorities for investigation and trial in accordance with National Law as provided in the Protocol. The Government of New Zealand shall inform the Israeli authorities as to the results of legal proceedings taken with respect to such suspected persons in accordance with paragraph 11 of the Appendix to the Protocol following their transfer to custody of the MFO.

In accordance with New Zealand law, an alleged victim of a crime, his family and/or his representative may be present at any trial for that crime of a member of the MFO transferred to the MFO in accordance with this section.

A member of the MFO who is detained by the Israeli authorities in accordance with this section shall be afforded all procedural guarantees established by applicable law, including the following guarantees:-

- (i) To consult with a lawyer within a reasonable period of time.
- (ii) To have legal representation of his own choice for his defense in detention proceedings, or, if he indicates he lacks funds for his defense, to petition the court for free legal representation.
- (iii) To have a writ of habeas corpus sought on his behalf.

He shall also be entitled:-

- (i) To have the services of a competent interpreter, if he considers it necessary.
- (ii) Not to be subject to the application of martial law.
- (iii) In accordance with consular practice to communicate with representatives of the MFO and of the Government of New Zealand and to have such representatives present at detention proceedings.
- (iv) In accordance with applicable prison regulations, to have the right to be visited by representatives of the MFO and of the Government of New Zealand and by members of his immediate family, and to receive during such visits material and medical assistance.

- (b) The Government of New Zealand waives the immunity of vacationing New Zealand members of the MFO whom the Government of the State of Israel intends to bring to trial for weapons offenses committed while on leave in Israel, in violation of Article 144 of the Penal Law, or for felonies committed while on leave in Israel in violation of Articles 7 and 13-20 of the Dangerous Drugs Ordinance (New Version) as amended, (attached hereto) 5733-1973 including procurement, conspiracy and attempts to commit such offenses, it being understood that none of the offenses described in this section are punishable by death.

The Israeli authorities shall notify the Director-General of the MFO and the designated representative of the Government of New Zealand of the Attorney-General's intention to bring such MFO members to trial at least twenty-four hours prior to presenting charges against such members. Any views which the Government of New Zealand may express shall be brought to the attention of the Attorney-General, in order that he may take them into account.

- (c) For purposes of this arrangement, a member of the MFO present in Israel shall be considered on leave unless that member's name has been forwarded in advance to the Israeli authorities as being in Israel on official duty in accordance with the regular mutually accepted procedures prevailing in this regard. The Director-General of the MFO shall determine any question arising as to whether a member of the MFO whose name has been forwarded in accordance with those procedures was on official duty at the time the alleged offense was committed.
- (d) In accordance with the Protocol and consular practice, the Israeli authorities shall notify immediately the Director-General of the MFO and the designated representative of the Government of New Zealand of the detention of a vacationing New Zealand member of the MFO, and of any further action taken.
- (e) A member of the MFO who is to be brought to trial in accordance with the foregoing provisions shall be afforded all procedural guarantees established by applicable law, including the following guarantees:-
- (i) To a prompt and speedy trial.
  - (ii) To be informed, in advance of trial, of the specific charge or charges made against him.
  - (iii) To be confronted with the witnesses against him.
  - (iv) To have compulsory process for obtaining evidence and witnesses in his favour, if they are within the jurisdiction of the State of Israel.

- (v) To have legal representation of his own choice for his defense, or, if he indicates he lacks funds for his defense, to petition the court for free legal representation.

He shall also be entitled:-

- (i) To have the services of a competent interpreter, if he considers it necessary.
  - (ii) In accordance with consular practice to communicate with representatives of the MFO and of the Government of New Zealand and to have such representatives present at his trial.
  - (iii) Not to be subject to the application of martial law or trial by military courts or special tribunals.
  - (iv) In accordance with applicable prison regulations, to have the right to be visited by representatives of the MFO and of the Government of New Zealand and by members of his immediate family, and to receive during such visits material and medical assistance.
- (f) At the request of either Government, the Government of the State of Israel and the Government of New Zealand shall review this arrangement.

I have the honour to propose, if the foregoing is acceptable to you, that this letter and your reply thereto shall together constitute an agreement between our two Governments which shall enter into force on the date of your reply.

Please accept, the assurances of my highest consideration.



Shaul Bar Haim  
Charge d'Affaires



MINISTER OF FOREIGN AFFAIRS  
PARLIAMENT HOUSE  
WELLINGTON, NEW ZEALAND

1 November 1982

Sir,

I have the honour to refer to your letter of  
27 October 1982, which reads as follows:

"I have the honour to refer to the Protocol of 3rd August 1981, related to the Treaty of Peace of 26th March 1979 between the Government of the State of Israel and the Government of the Arab Republic of Egypt, and to the agreement between the Government of New Zealand and the Director-General of the MFO concerning the participation of a New Zealand contingent in the Multinational Force and Observers (MFO) established by the said Protocol. I propose, in accordance with paragraph 11(d) of the Appendix to the Protocol, the following supplementary arrangement between the Government of the State of Israel and the Government of New Zealand respecting those New Zealand military members of the MFO (other than those assigned to any MFO Office in Israel in accordance with arrangements to be made with the MFO, who will be regarded as on duty during their assignment to such office) who enter Israel, as the receiving State within the meaning of paragraph 3 of the Appendix to the Protocol (hereinafter 'Israel'), on leave or who are taking leave in Israel after having entered Israel on official duty and over whom your Government would otherwise exercise jurisdiction pursuant to paragraph 11(a) of that Appendix (hereinafter called vacationing New Zealand

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Attorney-General, in order that he may take them into account.

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I have the honour to propose, if the foregoing is acceptable to you, that this letter and your reply thereto shall together constitute an agreement between our two Governments which shall enter into force on the date of your reply.

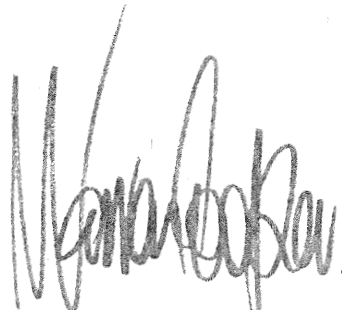
Please accept, the assurances of my highest consideration."

I have the honour to confirm that the foregoing is acceptable

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to the Government of New Zealand and that your letter and this reply shall together constitute an agreement between our two Governments which shall enter into force on the date of this reply.

Accept Sir, the renewed assurances of my highest consideration.

A handwritten signature in dark ink, appearing to read 'Warren Cooper', written in a cursive style.

(Warren Cooper)  
Minister of Foreign Affairs

Mr Shaul Bar Haim,

Charge d'Affaires a.i. of Israel,

WELLINGTON.