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# INTERNATIONAL LEGAL COOPERATION

FULL TEXT CONSOLIDATED AND UPDATED TRANSLATIONS

of the

FOREIGN JUDGMENTS ENFORCEMENT LAW 5718-1958

and the

INTERNATIONAL LEGAL ASSISTANCE LAW 5758-1998

ARYEH GREENFIELD - A. G. PUBLICATIONS  
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## INTRODUCTION

We here present full text English translations of Israel Laws on cooperation between the judiciary and law enforcement authorities of this and other countries. This includes two measures: the FOREIGN JUDGMENTS ENFORCEMENT LAW 5718-1958 and the recently enacted INTERNATIONAL LEGAL ASSISTANCE LAW 5758-1998. The latter measure only went into effect from February 8, 1999, completely replacing the earlier Legal Assistance to Foreign States Law (Consolidated Version) 5737-1977.

As a rule, our translations take their departure from English versions of Israel Laws, which appeared in Laws of the State of Israel, a series of annual compendia issued by the Ministry of Justice, covering primary legislation in the chronological order of its passage by the Knesset. However, since that series is not up-to-date, most of the material in these pages was translated from the Hebrew original by Aryeh Greenfield, who also edited this publication.

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**Readers are also cautioned that no translation of Israel legal measures has any standing under Israel legal practice; the Courts and other authorities will concern themselves only with the original and official Hebrew text. For this and other reasons readers are advised to consult qualified professional counsel before making any decision in connection with the Laws, which are here presented in translation for their general information only.**

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# FOREIGN JUDGMENTS ENFORCEMENT LAW 5718-1958

## **Definition**

1. In this Law -  
"foreign judgment" - a judgment in a civil matter given by a Court in a foreign state, including a judgment for the payment of compensation or damages to an injured party, even if that was not given in a civil matter.

## **No enforcement, save under this law**

2. A foreign judgment shall be enforced in Israel only under this Law.

## **Conditions of enforcement**

3. A Court in Israel may declare that a foreign judgment is an enforceable judgment, if it finds that it complies with the following conditions:
  - (1) the judgment was given in a state, according to the Laws of which its Courts were competent to give it;
  - (2) the judgment is no longer subject to appeal;
  - (3) the obligation imposed by the judgment is enforceable according to Laws on the enforcement of judgments in Israel, and the content of the judgment is not contrary to public policy;
  - (4) the judgment is capable of being executed in the state in which it was given.

## **Reciprocity of enforcement**

4. (a) A foreign judgment shall not be declared enforceable if it was given in a state, under the laws of which judgments by Israel Courts are not enforceable.
  - (b) The Court may, on application by the Attorney General, enforce a foreign judgment even where there is no reciprocity, as said in subsection (a).

## **Period of enforcement**

5. The Court shall not entertain an application for the enforcement of a foreign judgment, if that application is submitted more than five years after the day on which the judgment was given, unless a different

period was agreed upon between Israel and the state in which the judgment was given, or unless the Court finds that there are special reasons to justify the delay.

#### **Protection against enforcement**

6. (a) A foreign judgment shall not be declared enforceable, if one of the following is proved to the Court:
- (1) the judgment was obtained by fraud;
  - (2) the opportunity given the defendant to present his arguments and to produce his evidence before the judgment was given was not, in the Court's opinion, reasonable;
  - (3) the judgment was given by a Court not competent to give it according to the rules of private international law that apply in Israel;
  - (4) the judgment is in conflict with another still valid judgment given in the same matter between the same parties;
  - (5) when the action was brought in a Court in the foreign country, a suit on the same matter was pending between the same parties before a Court or tribunal in Israel.
- (b) For the purposes of subsection (a)(3), a person shall not be deemed to have acknowledged the competence of the Court which made the judgment against him (hereinafter: person found guilty) only because he appeared before that Court, whether conditionally or unconditionally, and argued one or more of the following:
- (1) that the Court is not competent, or he protested against it;
  - (2) that the proceedings be quashed or stayed, in order to bring the dispute before arbitration or before a Court in another country for its decision;
  - (3) that his assets, which had been or were about to be seized, be freed, or that he defended them.
- (c) It shall not make any difference that - in addition to arguments said in subsection (b) - the person found guilty argued to the substance of the dispute or participated in proceedings in some other manner, on condition that he did so before that Court's final decision on the point of competence was made.

#### **Restriction on enforcement**

7. A foreign judgment shall not be declared enforceable, if its enforcement is liable to prejudice the sovereignty or security of Israel.

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