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## INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

## COMMITTEE OF GOVERNMENTAL EXPERTS ON THE INTERNATIONAL PROTECTION OF CULTURAL PROPERTY

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1996年 - 1996年

OBSERVATIONS OF GOVERNMENTS
OF THE PRELIMINARY DRAFT UNIDROIT CONVENTION ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS

(Israel)

Article 3

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We suggest adding an additional paragraph to this Article, to read as follows:

(3) The time of the theft shall be determined, for the purposes of this Article, by public documents in the requesting State.

Reason: In order to allow a person to bring an action in a foreign court on the basis of a claim that an object is a stolen object, he must generally prove that he made a complaint to the local police at the time of the theft. Proof that such a complaint has been submitted ought to be only by means of public documents such as police files.

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Article 8

Paragraph (2)

We suggest that the whole paragraph be deleted.

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Reason: This alternative does not seem desirable. Any dispute as to the value of a cultural object or compensation to be made in respect thereof should be submitted to the decision of a competent authority, but the possessor of such object should not be allowed to transfer it to a third party, thus preventing the requesting State itself from gaining possession of an object illegally exported from its territory.