

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 1975

1 April 2022

EXTRADITION ACT, 1962 (ACT NO. 67 OF 1962)**EXTRADITION TREATY BETWEEN THE REPUBLIC OF SOUTH AFRICA
AND THE UNITED ARAB EMIRATES**

I, Ronald Lamola, Minister of Justice and Correctional Services, hereby give notice in terms of section 2(3) *ter* of the Extradition Act, 1962 (Act No. 67 of 1962), that the Parliament of the Republic of South Africa has on 27 November 2018 agreed to the ratification of the Extradition Treaty between the Republic of South Africa and the United Arab Emirates as set out in the Schedule. The said Treaty entered into force on 10 July 2021.

Mr R.O Lamola, MP

Minister of Justice and Correctional Services

SCHEDULE
EXTRADITION TREATY
BETWEEN
THE GOVERNMENT
OF THE REPUBLIC OF SOUTH AFRICA
AND
THE GOVERNMENT OF THE UNITED ARAB EMIRATES
AND

Preamble

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA and THE GOVERNMENT OF THE UNITED ARAB EMIRATES, hereinafter referred to as “the Parties”.

Recalling the friendly relations that exist between the two countries;

Desirous of strengthening and reinforcing cooperation between the two countries in combating crime; and

Deeply concerned about the magnitude of and rising trend in acts of international terrorism and organized crime.

HAVE AGREED as follows

Article 1

Obligation to Extradite

The Parties agree to extradite to each other, pursuant to the provisions of this Treaty and subject to their respective domestic laws relating to extradition, persons whom the authorities in the Requesting State have charged with or convicted of an extraditable offence.

Article 2

The Central Authorities

1. The Central Authority of each Party shall make and receive requests pursuant to this Treaty:
 - a) for the Government of The Republic of South Africa the Central Authority shall be the Director General of the Department of Justice and Constitutional Development.

- b) for the Government of the State of the United Arab Emirates the Central Authority shall be the Ministry of Justice; and
2. The Central Authorities shall communicate with one another through diplomatic channels for the purpose of this Treaty.

Article 3

Extraditable Offence

1. Extradition shall be granted under this Treaty if:
- a) the conduct, according to the laws of both Parties, constitutes an offence punishable pursuant to the laws of both Parties for deprivation of liberty for a period of at least one year or by more severe penalty; or
 - b) the request for extradition relates to a person convicted of an offence referred to in paragraph (a) of this Article who is sought for the enforcement of a sentence, and a period of at least six months of such penalty remains to be served.
2. An offence shall also be an extraditable offence if it consists of attempting, conspiring to commit or aiding, abetting, inducing, or procuring the commission of, or being an accessory before or after the fact to any offence set out in paragraph 1 of this Article.
3. For the purposes of this Article, an offence shall be an extraditable offence whether or not the laws of the Parties place the offence within the same category of offences or describe such offence by the same terminology.
4. If the extradition of a person is sought for an offence against a law relating to taxation, customs duties, exchange control or any other revenue matter, extradition may be granted despite the fact that the laws of the Requested Party do not impose the same kind of taxes or duties as imposed under the laws of the Requesting Party.
5. If the request for extradition includes several separate offences each of which is punishable under the laws of both Parties, but some of which do

not fulfill the other conditions set out in paragraph 1 of this Article, the Requested Party may grant extradition for the latter offences provided that the person is to be extradited for at least one extraditable offence.

6. If the legal characterization of the offence for which a person has been extradited is modified during the criminal proceedings against such person, that person may not be proceeded against unless the elements constituting the offence would have allowed extradition according to their modified characterization.

Article 4

Mandatory Refusal of Extradition

1. Extradition shall not be granted in any of the following circumstances:
 - a) if the offence for which extradition is requested is considered by the Requested Party as an offence of a political nature. In the application of the provisions of this Treaty the following offences shall not be considered as an offence of a political nature:
 - i) attempted assault, assault, attempted murder and murder against the President of the State or Deputy President or Head of the Government or any member of their families, or any member of the Supreme Council of the State of the United Arab Emirates or any member of their families; or
 - ii) any offence relating to terrorism; or
 - iii) any offence within the scope of a multilateral international convention to which both Parties are members and which obligates the Parties to extradite the person sought or submit the case to its competent authorities for the purposes of prosecution.
 - b) if there are substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality or political beliefs;

- c) if the offence for which extradition is requested is an offence under military law, which is not an offence under other criminal laws of the Parties;
- d) if the person sought has been finally acquitted or convicted in the Requested Party for the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable; or
- e) if the prosecution or enforcement of the sentence in connection with the offence specified in the request for extradition is barred by lapse of time or for any other reason in accordance with the national law of either Party.

Article 5

Discretionary Refusal of Extradition

1. Extradition may be refused in any of the following circumstances:
 - a) if the courts of the Requested Party have jurisdiction to prosecute the person for the offence for which extradition is requested, and the Requested Party shall prosecute that offence;
 - b) if the offence for which extradition is requested is punishable by death under the law of the Requesting Party, and if in respect of such offence the death penalty is not provided for by the law of the Requested Party, extradition shall be refused unless the Requesting Party gives assurances that the death penalty will not be carried out if it is imposed;
 - c) if the person sought has been finally acquitted or convicted in a third state for the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable; or
 - d) if extradition will lead to humanitarian hardships for the person to be extradited.

2. Extradition may be refused unless the Requesting Party undertakes or gives such assurances as considered sufficient by the Requested Party that the person sought will not be:
 - a. Detained without trial;
 - b. Tortured in any way; or
 - c. Treated or punished in a cruel, inhumane or degrading way.

Article 6

Nationality

1. No Party shall extradite its nationals to the other Party, unless it is permitted by its national laws.
2. If the Requested Party denies extradition of its nationals, it shall submit the case to its competent authority for conducting the appropriate proceedings. The Requesting Party shall send all related documents or evidence to the Requested Party. The Requesting Party shall be notified of any action taken in this respect, upon its request.

Article 7

Temporary and Deferred Extradition

1. If the extradition is granted in the case of a person who is being prosecuted or is serving a sentence in the territory of the Requested Party, the Requested Party may, to the extent permitted by its national laws, temporarily surrender the person sought to the Requesting Party for the purpose of prosecution. The person so surrendered shall be kept in the custody of the Requesting Party and shall be returned to the custody of the Requested Party after the conclusion of the proceedings against that person, in accordance with conditions to be determined by agreement between the Parties.
2. The Requested Party may defer the extradition proceedings against a person who is being prosecuted or serving a sentence in the territory of

that Party. The deferment may continue until the prosecution of the person sought has been concluded or until such person has served any sentence imposed.

Article 8

Rule of Specialty

1. A person who has been extradited shall not be prosecuted, sentenced, detained or re-extradited to a third state for any offence committed prior to the surrender other than that for which that person was extradited, nor shall the person's liberty be restricted for any other reason, except in the following cases:
 - a) where the Requested Party consents; or
 - b) where the person, having had an opportunity to leave the Requesting Party has not done so within thirty (30) days of final discharge, or has voluntarily returned to that Party after having left it.
2. A request for the consent of the Requested Party under paragraph 1 of this Article shall, if required by the Requested Party, be accompanied by the relevant documents required by Article 9 as well as a record of any statement made by the extradited person in respect of the offence concerned.
3. If the charge for which the person was extradited is subsequently modified, that person may be prosecuted or sentenced provided that the offence under its modified description is:
 - a) based, on substantially the same facts contained in the extradition request and its supporting documents; and
 - b) punishable by the same maximum penalty; or a lesser penalty for the offence for which the person was extradited.
4. Before the Requested Party consents to the re-extradition of the person to the third state under this Article, the Requested Party may request such information from the Requesting Party as it deems necessary to enable it to consent to such extradition.

Article 9

Content of the Request and Supporting Documents

1. Requests for extradition and supporting documents shall be made in writing and sent through diplomatic channels.
2. In all cases, the following documents shall be submitted in support of a request for extradition:
 - a) information about the description, identity, location and nationality of the person sought; and
 - b) a document from the judicial authorities concerning the nature of the conduct constituting each offence for which extradition is requested, including the place and date of the commission of the offence, the nature of the offence, the applicable legal provision, and any provision describing any time limit on the prosecution or the execution of punishment for the offence. A copy of the text of such legal provisions shall be appended.
3. In the case of a person accused of an offence, the request shall be accompanied by the original or a certified true copy of the warrant of arrest and the charging document issued in the Requesting Party; and where the request emanates from the State of the United Arab Emirates, a certificate issued by the authority in charge of the prosecution stating that the authority has sufficient evidence at its disposal to warrant the prosecution of the person concerned.
4. In the case of a person sought for the enforcement of a sentence, the request shall be accompanied by:
 - a) the original or a certified true copy of the final judgment or document setting out the conviction and sentence to be served; and
 - b) if a part of the sentence has already been served, a written statement by a competent authority specifying the portion of the sentence which remains to be served.

Article 10**Supplementary Information**

1. If the Requested Party considers that the information given in support of the request does not satisfy the requirements under this Treaty, the Requested Party should be informed of that fact, so as to submit additional information before a decision is taken on the extradition request; and may fix a time-limit for the receipt thereof.
2. An extension of any time-limit may be mutually agreed upon for providing such information, if the Requesting Party provides reasons for the extension of such time limit.

Article 11**Decision, Surrender and Notification**

1. The Requested Party shall promptly notify the Requested Party of its decision on the request for extradition; such notification should be transmitted directly to the competent authority of the Requesting Party or through diplomatic channels.
2. If the request for extradition is refused, the Requested Party shall furnish the Requesting Party with reasons of the refusal.
3. If the extradition is granted, the Parties shall agree on the date, venue and manner in which surrender shall take place.
4. The Requesting Party shall remove the person from the territory of the Requested Party within thirty (30) days from the date of notification of the decision of surrender and, if the person is not removed within that period, the Requested Party may refuse to extradite that person for the offence for which extradition was requested.
5. If either of the Parties fails to surrender or remove the person to be extradited within the agreed period because of circumstances beyond its control, the other Party shall be promptly notified thereof. In such case the Parties shall once again agree on the relevant matters relating to the

execution of the request for extradition and the provisions of paragraph 4 of this Article shall apply.

6. In case of granting extradition, the Requesting Party, upon request, shall notify the Requested Party of the result of criminal proceedings against the extradited person. In case of conviction, the Requesting Party, upon request, shall provide the Requested Party with an authenticated copy of the final judgment.

Article 12

Arrest and Detention of the Person

1. Upon receipt of the request for extradition, the Requested Party shall arrest and detain the person sought in accordance with its national laws until the Requested Party has decided on the request for extradition.
2. If the request for extradition is granted, the detention period shall continue until the person sought is surrendered to the authorities of the Requesting Party according to the national laws of the Requested Party.
3. The detention period shall be remitted from the sentence of imprisonment imposed on the person sought subject to the national laws of the Requesting Party.

Article 13

Concurrent Requests

1. If extradition of the same person is requested concurrently by one of the Parties and a third state or more, for the same offence or for different offences, the Requested Party shall determine to which State it will extradite the person, having regard to all the circumstances, especially the seriousness and place of the commission of the offence(s), the respective dates of the requests, the nationality of the person sought and the possibility of subsequent extradition to other States.

2. The Requested Party shall promptly notify the Requesting Party of its determination.

Article 14

Provisional Arrest

1. In case of urgency, the Requesting Party may apply for provisional arrest of the person sought pending the presentation of the formal request for extradition and supporting documents. The person to be extradited may be provisionally arrested and held in custody until the request for extradition, together with the documents referred to in Article 9 are received.
2. The request for provisional arrest shall be communicated in writing to the competent authority of the Requested Party through the International Criminal Police Organization (INTERPOL) channels.
3. The request for provisional arrest shall contain:
 - a) as accurate a description as possible of the person sought, together with any other information that would help to establish identity and probable location;
 - b) a brief statement of the facts of the case including, if possible, the date and location of the offences(s);
 - c) a description of the law(s) violated;
 - d) a statement of the existence of a warrant or order of arrest or a finding of guilt or judgment of conviction against the person sought; and
 - e) a statement that the supporting documents for the person sought will follow within the time specified in this Treaty.
4. The Requesting Party shall be notified without delay of the outcome of its request for provisional arrest or the reasons for any inability to proceed with the request.

5. A person who is provisionally arrested may be discharged from custody upon the expiration of sixty (60) days from the date of provisional arrest pursuant to this Treaty if the Requested Party has not received the formal request for extradition and the documents supporting the extradition request as required in Article 9.
6. The fact that the person sought has been discharged from custody pursuant to paragraph 5 of this Article shall not prejudice the subsequent re-arrest and extradition of that person if the extradition request and supporting documents are delivered at a later date.

Article 15

Seizure and Surrender of Property

1. To the extent permitted under its national law and without prejudice to the rights of third parties, the Requested Party may seize and surrender to the Requesting Party all property, articles or documents that may be found in the territory of the Requested Party that is connected with the offence for which extradition is sought.
2. The property referred to in paragraph 1 of this Article may be surrendered to the Requesting Party even if extradition cannot be effected due to death, disappearance or escape of the person sought.
3. If the property referred to above is liable to seizure or confiscation within the territory of the Requested Party, the latter may, upon satisfactory assurance from the Requesting Party that the property will be returned within a fixed period of time, or as soon as practicable, temporarily surrender that property to the Requesting Party. The Requested Party may defer the surrender of such property if it is required in connection with pending criminal or civil proceedings in the Requested Party.

Article 16**Transit**

1. Either Party may authorize transit through its territory of a person surrendered to the other Party by a third State.
2. A request for transit shall be transmitted through diplomatic channels. In cases of urgency, the facilities of the International Criminal Police Organization (INTERPOL) may also be used to transmit such a request.
3. The request for transit shall contain —
 - a. a description of the person together with any information that may help to establish his or her identity and nationality; and
 - b. a brief statement of the facts of the case ,and a list of the offences for which the person was surrendered by the third State.
4. Permission for the transit of a person shall, subject to the law of the Requested Party, include permission for the person to be held in custody during transit. If transit is not continued within a reasonable time, the competent authority of the Party in whose territory the person is being held may direct that the person be released.
5. Authorization is not required when air transportation is used by one Party and no landing is scheduled on the territory of the other Party. If an unscheduled landing does occur, the Party in whose territory such landing occurs, without prejudice to Article 6 may require a request for transit pursuant to paragraph 2 of this Article, and it may detain the person until the request for transit is received and the transit is effected, provided that such request is received within ninety six (96) hours of the unscheduled landing.

Article 17**Procedure**

Except where this Treaty otherwise provides, the procedure with regard to extradition and provisional arrest shall be governed solely by the national laws of the Requested Party.

Article 18

Expenses

1. The Requesting Party shall bear all expenses necessary for the execution of the extradition request and also pay all expenses related to the return of the extradited person to the Requested Party, in case of extraordinary expenses, the Parties shall consult with each other to settle the same.
2. Despite paragraph 1 of this Article, the Requested Party shall bear the expenses incurred in its territory for the arrest and detention of the person whose extradition is sought until that person is surrendered to the Requesting Party.
3. The Requesting Party shall bear all expenses related to the delivery of the seized property and the return thereof to the Requested Party.

Article 19

Language and Translation

1. Requests, supporting documents and other communications made pursuant to this Treaty shall be accompanied by a translation:
 - a) if the Requested Party is the Republic of South Africa, into the English language;
 - b) if the Requested Party is the State of the United Arab Emirates, into the Arabic language.

Article 20

Authentication

All requests and supporting documents shall be officially signed and sealed by the competent authorities and authenticated by the Central Authority in the Requested Party, or any other manner provided for in the national laws of the Requested Party.

Article 21**Compatibility with other Agreements**

Assistance and procedures set forth in this Treaty shall not exempt either Party from its obligations arising from other international agreements or its national laws.

Article 22**Consultations**

Any dispute arising from the interpretation and implementation of this Treaty, shall be resolved by consultation between the Parties through diplomatic channels.

Article 23**Ratification, Entry into Force, Amendment and Termination**

1. This Treaty shall be ratified in accordance with the constitutional procedures of the Parties and the instruments of ratification shall be exchanged through diplomatic channels.
2. This Treaty shall enter into force thirty (30) days after the date of the exchange of the instruments of ratification.
3. This Treaty may be amended through the mutual written consent of the Parties in accordance with the same requirements of the ratification of this Treaty.
4. Either Party may terminate this Treaty at any time upon a written notice to the other Party. Termination shall take effect six (6) months following the notification. However, any request received up to the date of receipt of the notice to terminate shall continue to be governed by this Treaty until the request is executed.

IN WITNESS whereof the authorized representatives of the Parties hereby sign this Treaty. This Treaty has been done in two original copies in the English and Arabic languages, both texts being equally authentic.

Done at Abu Dhabi on 25 September in the year 2018

**For the Government
of
the Republic of South Africa
Adv M Masutha
Minister of Justice and Correctional
Services**

**For the Government
of
the State of the United Arab Emirates
Sultan bin Saeed Al Badi
Minister of Justice**

INTERNATIONAL CO-OPERATION IN CRIMINAL MATTERS ACT, 1996**(ACT NO. 75 OF 1996)****MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS TREATY
BETWEEN THE REPUBLIC OF SOUTH AFRICA AND THE UNITED ARAB
EMIRATES**

I, Ronald Lamola, Minister of Justice and Correctional Services, hereby give notice in terms of section 27(2) of the International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996), that the Parliament of the Republic of South Africa has on 27 November 2018 agreed to the ratification of the Mutual Legal Assistance in Criminal Matters Treaty between the Republic of South Africa and the United Arab Emirates as set out in the Schedule. The said Treaty entered into force on 10 July 2021.

Mr R.O Lamola, MP

Minister of Justice and Correctional Services

SCHEDULE**TREATY BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
AND
THE GOVERNMENT OF THE UNITED ARAB EMIRATES
ON
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS
PREAMBLE**

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA and THE GOVERNMENT OF THE UNITED ARAB EMIRATES, hereinafter referred to as “the Parties”;

GUIDED by the friendly relations between the two countries, and recognizing the need to facilitate the widest measures of mutual legal assistance in criminal matters,

HAVE AGREED as follows:

Article 1**Obligation to Provide Mutual Legal Assistance**

The Parties shall grant each other under this Treaty the widest measures of mutual legal assistance in criminal matters.

Article 2**The Central Authorities**

1. The Central Authority of each Party shall make and receive requests pursuant to this Treaty:
 - a) for the Government of the Republic of South Africa the Central Authority shall be the Director General of the Department of Justice and Constitutional Development; and
 - b) for the Government of the United Arab Emirates the Central Authority shall be the Ministry of Justice.
2. The Central Authorities shall communicate with one another through diplomatic channels for the purpose of this Treaty.

Article 3

Scope of Assistance

1. The Parties shall provide, in accordance with the provisions of this Treaty, mutual legal assistance to each other, in respect of the investigation, prosecution and proceedings related to criminal matters.
2. Assistance shall include:
 - a) taking the testimony or statements of persons;
 - b) providing documents, records and articles of evidence;
 - c) locating and identifying persons or items;
 - d) serving of documents;
 - e) transferring persons in custody for testimony or to assist in investigation;
 - f) executing requests for searches and seizures;
 - g) measures to locate, restrain and forfeit the proceeds of crime;
 - h) executing pecuniary sentences, restitution and compensatory orders; and
 - i) any other form of cooperation in so far as it is not contrary to the national laws of the Requested Party within the scope of this Treaty.
3. This Treaty is solely for the purpose of mutual legal assistance between the Parties and the provisions thereof shall not give rise on the part of a private party to obtain evidence.
4. This Treaty shall apply to requests made pursuant to it whether or not the offence in question was committed prior to this Treaty entering into force.

Article 4

Refusal of Assistance

1. The Requested Party may refuse assistance if:
 - a) the execution of the request would impair its sovereignty, national security, public order or other essential public interests;
 - b) the request relates to an offence under military law, which is not an offence under ordinary criminal law;
 - c) the request relates to an offence of political nature;
 - d) the request contradicts the provisions of the law of the Requested Party;
 - e) if the request is related to an offence of a pure financial nature;
 - f) the request relates to an offence where the acts or omissions alleged to constitute that offence would not, if they had taken place within the jurisdiction of the Requested Party, constitute an offence;

- g) the criminal case is dropped for any of the reasons provided for in the law of either Party;
 - h) the requested assistance requires the execution of coercive measure, which may be contrary to the national laws of the Requested Party;
 - i) the request is not made in conformity with the provisions of this Treaty;
 - j) there are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting a person on account of that person's race, sex, religion, nationality, ethnic origin or political opinions or that person's position may be prejudiced for any of those reasons; or
 - k) a final judgement has been rendered in respect of that offence, in the Requested Party under its own jurisdiction.
2. Before refusing assistance pursuant to the provisions of this Article, the Requested Party shall consult with the Requesting Party to consider whether assistance can be granted subject to such conditions, as it deems necessary. If the Requesting Party accepts assistance subject to these conditions, it shall comply with the conditions.
3. If the Requested Party refuses assistance pursuant to the provisions of this Article, it shall inform the Requesting Party of the reasons for the refusal.

Article 5

Form and Content of Requests

1. A request for assistance shall be in writing and shall include:
- a) the name of the authority conducting the investigation, prosecution or proceedings to which the request relates;
 - b) a description of the subject matter and nature of the investigation, prosecution or proceedings, including the specific offences that relate to the matter;
 - c) a description of the evidence, information or other assistance sought; and
 - d) a description of the purpose for which the request for assistance is made in respect of the evidence, information or other assistance sought.
2. To the extent possible and necessary, a request shall include: -
- a) information on the identity and location of the person from whom evidence is sought;
 - b) information on the identity and location of the person to be served, that person's relationship to the proceedings, and the manner in which service is to be made;

- c) information on the identity and description of the location of the person to be searched and items to be seized;
 - d) a description of the manner in which the testimony or statement is to be taken and recorded, including a list of questions to be asked to the person;
 - e) a description of any particular procedure to be followed in executing the request in so far as it is not contrary to the national laws of the Requested Party;
 - f) information as to the allowances and expenses to which a person asked to appear in the territory of the Requesting Party will be entitled; and
 - g) any other information that may be brought to the attention of the Requested Party to facilitate the execution of the request.
3. In urgent cases, the Requested Party may accept the request by fax or e-mail, in this case it shall be confirmed within twenty (20) days by a formal request according to paragraph 1 of this Article, unless both parties otherwise agree.

Article 6

Language and Translation

Requests, supporting documents and other communications made pursuant to this Treaty shall be accompanied by a translation:

- a) if the Requested Party is the Republic of South Africa, into the English language; and
- b) if the Requested Party is of the United Arab Emirates, into the Arabic language.

Article 7

Authentication

All requests and supporting documents shall be officially signed and sealed by the competent authorities and authenticated by the Central Authority in the Requested Party, or in any other manner provided for in the national laws of the Requested Party.

Article 8

Execution of Requests

- 1. The Requested Party shall execute the request by transmitting it to the competent authority to do so and that authority shall use its best efforts to execute the request.

2. The Requested Party shall make all necessary arrangements for representation of the Requesting Party in any proceedings arising out of a request for assistance.
3. Requests for assistance shall be executed in accordance with the national laws of the Requested Party and the procedures specified in the request shall be followed to the extent that those procedures are not contrary to the national laws of the Requested Party: where neither the provisions of this Treaty or the request specify particular procedures, the request shall be executed in accordance with the procedures prescribed by the Requested Party.
4. If the Requested Party determines that execution of a request would interfere with an ongoing investigation, prosecution or proceedings in the territory of that Party, it may postpone or make execution subject to conditions it determines necessary after consultation with the Requesting Party. If the Requesting Party accepts such assistance, it shall comply with the conditions so determined.
5. The Requested Party shall use its best efforts to keep confidential the request and its contents if the Requesting Party so requires. If the request cannot be executed without breaching such confidentiality, the Requested Party shall so inform the Requesting Party, which shall then determine whether the request should nevertheless be executed.
6. The Requested Party shall respond to reasonable requests by the Requesting Party on the progress made towards execution of the request.
7. The Requested Party shall inform the Requesting Party of the outcome of the execution of the request. If the execution of the request is denied, delayed or postponed, the Requested Party shall inform the Requesting Party of the reasons for the denial, delay or postponement thereof.

Article 9

Costs

1. The Requested Party shall pay all costs relating to the execution of a request, including the costs of representation.
2. The Requesting Party shall pay the fees of experts, cost of translation, transcription, allowances and expenses related to travel of persons travelling either in the Requested Party for the convenience of the Requesting Party or pursuant to the provisions of Articles 13 and 14 of this Treaty.
3. If during the execution of a request it becomes apparent that complete execution will entail expenses of an extraordinary nature, the Parties shall negotiate the terms and conditions under which execution may continue.

Article 10

Limitation on Use

1. The Requested Party may request that the Requesting Party not use any information or evidence obtained under this Treaty in any investigation, prosecution, or proceedings other than that described in the request without prior consent of the Requested Party. If the Requested Party makes such a request, the Requesting Party shall comply with the terms and conditions specified under paragraph 2 of this Article.
2. The Requested Party may request that information or evidence furnished under this Treaty be kept confidential or be used only subject to the terms and conditions it may specify.
3. Information or evidence that has been made public in the Requesting Party in a manner consistent with paragraphs 1 or 2 of this Article may thereafter be used for any purpose.

Article 11

Testimony or evidence in the Requested Party

1. A person in the Requested Party from whom evidence is requested pursuant to the provisions of this Treaty shall be compelled, if necessary and subject to the national laws of that Party to appear and testify or produce items, including documents and records.
2. The Requested Party shall permit the presence of persons specified in the request during the execution of the request, in accordance with the procedures prescribed under the national laws of the Requested Party.
3. If the person referred to in paragraph 1 of this Article asserts a claim of immunity, incapacity or privilege under the national laws of the Requesting Party, the Requested Party shall notify the Requesting Party regarding that claim to decide on it before taking testimony or evidence.
4. Evidence produced in the Requested Party or that has been the subject of testimony taken under this Article upon request from the Requesting Party shall be authenticated in accordance with the legal procedures of the Requested Party.

Article 12

Records of Government Agencies

1. The Requested Party shall provide the Requesting Party with copies of publicly available records, including documents and information that are in the possession of government departments and agencies.
2. The Requested Party may provide the Requesting Party with any records in any form, including documents and information that are in the possession of a government department or agency in that Party, which

are not publicly available unless those materials or information relate to the national security.

3. The request relating to the records produced pursuant to this Article shall be authenticated pursuant to the prescribed legal procedures in the Requested Party.

Article 13

Availability of Persons to Give Evidence or Assist in Investigations in the Requesting Party

1. When the Requesting Party requests that a person in the Requested Party appear in the territory of the Requesting Party, the Requested Party shall invite the person to give evidence or to assist in the investigations in relation to a criminal matter if he or she consents. The Requested Party shall inform the Requesting Party of the action taken in this respect.
2. The Requesting Party shall indicate the extent to which the person's expenses will be paid. A person referred to in paragraph 1 of this Article may ask the Requesting Party to advance money to cover these expenses. This advance may be provided through the Embassy or a Consulate of the Requesting Party.
3. The Requesting Party shall not subject the person referred to in paragraph 1 of this Article to the service of process, detention or any restriction of personal liberty, by reason of any offence or conviction that preceded his or her departure from the Requested Party and that person shall not be prosecuted, detained or punished by reason of his or her testimony. However, the person shall be subject to the national laws of the Requesting Party in relation to perjury and contempt of court.
4. A person made available to the Requesting Party under this Article shall not without his or her consent be required to give evidence in any proceedings or assist in any investigation other than the proceedings or investigations to which the request relates.
5. If the person referred to in paragraph 1 of this Article had the liberty and the means to leave the Requesting Party and did not leave within the subsequent thirty (30) days after being notified that his or her presence is no longer required or when the person having left it and voluntarily returns within the said period, he or she may be prosecuted, tried or serve a sentence for any offence. The period of immunity shall be extended if there are circumstances beyond the control of the person preventing him or her from leaving the territory of the Requesting Party, which do not include the commission of a criminal offence.

Article 14

Transfer of Persons in Custody to Give Evidence or Assist in Investigations in the Requesting Party

1. A person in the custody of the Requested Party may, upon request, be provisionally transferred to the custody of the Requesting Party for the purpose of giving evidence or assisting in investigations in relation to a criminal matter under this Treaty, if the Requested Party and the person sought consent.
2. For the purpose of this Article:
 - a) the Requesting Party shall keep the person transferred in custody unless otherwise authorized by the Requested Party;
 - b) the Requesting Party shall return the person transferred to the custody of the Requested Party within thirty (30) days, or any other period of time as may be agreed on by the Parties, of his or her surrender to the Requesting Party; and
 - c) the person transferred shall receive credit for service of the sentence imposed in the Requested Party for time served in the custody of the Requesting Party.

Article 15

Transit of Persons in Custody

1. The Requested Party may, subject to its national laws, authorize the transit through its territory of a person in custody to the Requesting Party whose presence has been requested from a third state by the Requesting Party.
2. The Requested Party shall, subject to its national laws, have the authority and the obligation to keep the person in custody during transit.

Article 16

Location or Identification of Persons or Articles

If the Requesting Party seeks a location or identity of the persons or articles in the territory of the Requested Party, the Requested Party shall use its best efforts to ascertain the location or identity subject to its national laws.

Article 17

Service of Documents

1. The Requested Party shall use its best efforts to effect service of any document relating, in whole or in part, to any request for assistance made by the Requesting Party under the provisions of this Treaty.

2. Any request for the service of a document requiring the appearance of a person before an authority in the territory of the Requesting Party shall be transmitted within a reasonable time before the scheduled appearance.
3. The Requested Party shall return a proof of service in the manner specified in the request.

Article 18

Search and Seizure

1. The Requested Party shall in accordance with its national laws execute a request for search, seizure and transfer of any article related to the offence which is subject to investigation in the Requesting Party.
2. The competent authority of the Requested Party that had executed a request for search and seizure shall provide such information in the form as may be required by the Requesting Party concerning, but not limited to, the identity, condition, description, weight, integrity and continuity of possession by that authority of the article concerned.
3. The Requested Party may require that the Requesting Party agree to terms and conditions deemed necessary to protect a third party's interests in the article to be transferred.

Article 19

Return of Articles

The Requesting Party shall return any article, including documents and records, furnished to it in execution of a request under this Treaty if the Requested Party so required.

Article 20

Assistance in Forfeiture Proceedings

1. If one of the Parties is aware of proceeds or instrumentalities of offences that are located in the territory of the other Party, which may be forfeitable or otherwise subject to seizure under the national laws of that Party, it may so inform the other Party. If that other Party has jurisdiction in this regard, it may present this information to its authorities to take any decision in this regard. These authorities shall take appropriate action in accordance with their national laws and report to the other Party on the action taken.
2. Each Party shall assist the other with or initiate proceedings to the extent permitted by its respective national laws relating to the forfeiture of the proceeds and instrumentalities of offences, restitution and compensation to the victims of the offence.
3. The Party that has custody over proceeds or instrumentalities of offences shall dispose of them in accordance with its national laws. Either Party may transfer all or part of such assets, or the proceeds of their sale, to the

other Party, to the extent permitted in accordance with the transferring Party's national laws and upon such terms as it deems appropriate.

Article 21

Compatibility with other Agreements

Assistance and procedures set forth in this Treaty shall not exempt either Party from its obligations arising from other international agreements or its national laws.

Article 22

Consultations

Any dispute arising from the interpretation and implementation of this Treaty shall be resolved by consultation between the Parties through diplomatic channels.

Article 23

Ratification, Entry into Force, Amendment and Termination

1. This Treaty shall be ratified in accordance with the constitutional procedures of the Parties and the instruments of ratification shall be exchanged through diplomatic channels.
2. This Treaty shall enter into force thirty (30) days after the date of the exchange of the instruments of ratification.
3. This Treaty may be amended through the mutual written consent of the Parties in accordance with the same requirements of the ratification of this Treaty.
4. Either Party may terminate this Treaty at any time upon a written notice to the other Party. Termination shall take effect six (6) months following the notification. However, any request received up to the date of receipt of the notice to terminate shall continue to be governed by this Treaty until the request is executed.

IN WITNESS whereof the authorized representatives of the Parties hereby sign this Treaty. This Treaty has been done in two original copies in the English and Arabic languages, both texts being equally authentic.

Done at Abu Dhabi on 25 September in the year 2018

**For the Government
of
the Republic of South Africa
Adv M Masutha
Minister of Justice and Correctional
Services**

**For the Government
of
the State of the United Arab Emirates
Sultan bin Saeed Al Badi
Minister of Justice**