
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NOTICE 3365 OF 2024****PUBLICATION OF EXPLANATORY SUMMARY OF THE INTERNATIONAL CO-OPERATION
IN CRIMINAL MATTERS AMENDMENT BILL, 2025**

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Justice and Constitutional Development intends to introduce the International Co-operation in Criminal Matters Amendment Bill, 2025 ("the Bill"), in the National Assembly shortly.
2. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.
3. The International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996) (the Act"), does not allow for the giving of evidence by means of audio-visual link, a form of communication which is sometimes possible as a result of technological developments. The giving of evidence in this manner could substantially limit State expenditure in future.
4. The Bill amends the Act in order to allow for the giving of evidence provided for in the Act by means of audio-visual link, and to facilitate the provision of evidence to entities (International Criminal Tribunals or International Criminal Court) in order to ensure that South Africa complies with its international obligations conferred in terms of International Resolutions.
5. The Act does not make provision expressly for the rendering of legal assistance by the Republic to entities, but only to States. There is a need to give clarity to the legal framework governing the Republic's compliance with its international obligations relating to—
 - (a) requests for the surrender of certain persons sought by entities for international crimes (for example genocide, war crimes and crimes against humanity) because the Extradition Act, 1962 (Act No. 67 of 1962), regulates the extradition of persons to States and does not specifically refer to the surrendering of persons to entities; and
 - (b) the provisioning of legal assistance to entities.
6. The Bill additionally provides, in a separate chapter, for the arrest, detention and surrender of persons to an entity having jurisdiction in respect of international crimes (such as war crimes, crimes against humanity and genocide), provisions that do not currently exist in our law.
7. A copy of the Bill can, after introduction, be found on the websites of the Parliamentary Monitoring Group at <http://www.pmg.org.za> and the Department of Justice and Constitutional Development at www.justice.gov.za and may also be obtained from the Government Printers: Cape Town (Telephone number: (021) 465-7531).

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

KENNISGEWING 3365 VAN 2025

**PUBLIKASIE VAN VERDUIDELIKENDE OPSOMMING VAN DIE
WYSIGINGSWETSONTWERP OP INTERNASIONALE SAMEWERKING IN
STRAFREGTELIKE AANGELEENTHEDE, 2025**

1. Kragtens Reël 276(1)(b) van die Reëls van die Nasionale Vergadering word hiermee kennis gegee dat die Minister van Justisie en Staatskundige Ontwikkeling beoog om die Wysigingswetsontwerp op Internasionale Samewerking in Strafregtelike Aangeleenthede, 2025 ("die Wetsontwerp"), eersdaags in die Nasionale Vergadering in te dien.
2. Die verduidelikende opsomming van die Wetsontwerp word hierby ooreenkomstig Reël 276(1)(c) van die Reëls van die Nasionale Vergadering gepubliseer.
3. Die Wet op Internasionale Samewerking in Strafregtelike Aangeleenthede, 1996 (Wet No. 75 van 1996) ("die Wet"), maak nie voorsiening vir die aflê van getuienis deur middel van oudio visuele skakel nie, 'n vorm van kommunikasie wat soms moontlik is as gevolg van tegnologiese ontwikkeling. Die aflê van getuienis op hierdie wyse kan Staatsbesteding aansienlik in die toekoms verminder.
4. Die Wetsontwerp wysig die Wet ten einde die aflê van getuienis deur oudio visuele skakel toe te laat, en om die verskaffing van getuienis aan entiteite (Internasionale Straf Tribunale of die Internasionale Strafhof) ten einde te verseker dat Suid-Afrika aan internasionale verpligtinge ingevolge Internasionale Resolusies voldoen.
5. Die Wet maak nie uitdruklik voorsiening vir die aanbied van regsbystand deur die Republiek aan entiteite nie, maar slegs aan State. Daar is 'n behoefte om duidelikheid te bring tot die regsraamwerk wat die Republiek se nakoming tot internasionale verpligtinge beheer met betrekking tot—
 - (a) versoeke vir die uitlewering van sekere persone wat vereis word deur entiteite vir internasionale misdade (byvoorbeeld volksmoord, oorlogsmisdade en misdade teen die mensdom) omrede die Wet Uitlewering, 1962 (Wet No. 67 van 1962), die uitlewering van persone aan State reguleer en nie uitdruklik verwys na die uitlewering van persone aan entiteite nie; en
 - (b) die verskaffing van regsbystand aan entiteite.
6. Die Wetsontwerp maak bykomendvoorsiening, in 'n afsonderlike hoofstuk, vir die arresstasie, aanhouding en die uitlewering van persone aan 'n entiteit wat jurisdiksie het ten opsigte van internasionale misdade (soos oorlogsmisdade, misdade teen die mensdom en volksmoord, bepalings wat nie tans in ons reg bestaan nie).
7. 'n Afskrif van die Wetsontwerp kan, na indiening, op die webtuistes van die Parlementêre Moniteringsgroep by <http://www.pmg.org.za> en die Departement van Justisie en Staatskundige Ontwikkeling by www.justice.gov.za gevind word en kan ook verkry word van die Staatsdrukkers: Kaapstad (Telefoonnommer: (021) – 465 7531).