EXTRADITION TREATY
BETWEEN
THE GOVERNMENT
OF THE REPUBLIC OF SOUTH AFRICA
AND
THE GOVERNMENT OF THE UNITED ARAB EMIRATES
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 Party 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; 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 purposes of this Treaty.

Article 3

Extraditable Offences

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**

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 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 the 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 based on his/her age or health.

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, inhuman 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 and the Requesting Party shall on request, 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 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
Requesting Party should be informed of that fact,
so as to submit additional information before a
decision is taken on the extradition request; and
the Requested Party 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 Requesting Party of its decision on the
request for extradition and such
notification shall 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 shall upon request, shall notify the Requested Party of the result of the criminal proceedings against the extradited person. In case
of conviction, the Requesting Party, shall upon request, 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 the 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 the 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. A 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 offence(s);
(c) the 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 laws 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 the 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

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 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 by 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 Arabic and English languages, both texts being equally authentic.

DONE at Abu Dhabi on 25 of September in the year 2018,

For the Government Of The Republic of South Africa

For the Government Of The United Arab Emirates

[Signatures]
اتفاقية
تسليم الجرائم
بين
حكومة جمهورية جنوب أفريقيا
и
حكومة الإمارات العربية المتحدة

تهدف

حكومة جمهورية جنوب أفريقيا و حكومة الإمارات العربية المتحدة، ويشير إليهما في ما يلي بـ (الطرفين)،

تذكرهما بالعلاقات الصداقة القائمة بين البلدين،

رغبتي في تقوية وتعزيز أواصر التعاون بين البلدين لمحاربة الجريمة، و

بعمق احتمالهما بشأن تنفيذ الميل نحو أفعال الإرهاب الدولي والجريمة المنظمة.

اتفقوا على ما يأتي:

المادة 1
الالتزام بالتسليم

ينتقل الطرفان على تسليم كل منهما للآخر، وفقاً لأحكام هذه الاتفاقية ومراعاة لقوانينهما

الوطنية المتعلقة بالتسليم، الذين يتم إدارتهم أو اتهامهم من قبل سلطات الطرفين

على جريمة قابلة للتسليم.

المادة 2
السلطات المركزيّة

1. على السلطة المركزيّة لحكم طرف تقديم الطلبات واستلامها وفقاً لهذه الاتفاقية:

أ- بالنسبة لحكومة جمهورية جنوب أفريقيا ت تكون السلطة المركزيّة هي المدير العام

لدارة المعدل والتنمية الدستورية.

ب- بالنسبة لحكومة الإمارات العربية المتحدة تكون السلطة المركزيّة هي وزارة العدل.

2. تصل السلطات المركزيّة ببعضها ببعض عبر القنوات الدبلوماسية، وذلك لغرض هذه

الاتفاقية.
للإجازة الإسلامية

2

المؤسسات الإسلامية

3

المؤسسات الإسلامية

4

المؤسسات الإسلامية

5

المؤسسات الإسلامية

6

المؤسسات الإسلامية
الخليج العربي إذا ما كان من الناحية الجغرافية، فهذا الأمر لا يعترف به على أنه مقصود بالذين يأصلون من كل من أهل חברتي، حتى إذا كانت تلك النواحي من أجل للساحل العربي. في النتيجة، فإن الساحل العربي كان يمتلك العديد من الموارد الطبيعية، ويشتهر بكونه إحدى الموارد الرئيسية في العالم العربي. 

(1) الساحل العربي كان يمتلك العديد من الموارد الطبيعية، ويشتهر بكونه إحدى الموارد الرئيسية في العالم العربي. 

(2) الساحل العربي كان يمتلك أيضًا العديد من الموارد الطبيعية، ويشتهر بكونه إحدى الموارد الرئيسية في العالم العربي.
لا يمكنني قراءة النص العربي من الصورة.
لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.
4. يجوز لأي طرف إنهاء هذه الاتفاقية في أي وقت بإخطار مسبق للطرف الآخر يسري الإنهاء بعد الستة (6) أشهر التالية للإخطار. ومع ذلك يظل أي طلب أستلم حتى تاريخ إستلام إخطار الإنهاء محكوما بهذه الاتفاقية حتى تنفيذ الطلب.

إشعارا بذلك فإن الموافقات أدناه المفوضين حسب الأصول من حكومتيهما وقعا هذه الاتفاقية من نسختين أصليتين باللغتين العربية والإنجليزية، وتحت نصين حجة متوازيين.

حررت في أبوظبي في 25 من شهر سبتمبر في العام 2018

عن حكومة جمهورية جنوب أفريقيا عن حكومة الإمارات العربية المتحدة

[_signatures]