



**the doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA



## International Legal Relations

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### Extradition and Mutual Legal Assistance in criminal matters treaties

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As on 8 December 2010

#### 1. South Africa currently has extradition agreements with the following countries:

- **Botswana**
- **Lesotho**
  - Approval to ratify by Parliament on 7 November 2001
  - Entered into force on 23 December 2003
  - Notice published in Government Gazette 26375 of 28 May 2004
- **Malawi**
- **Swaziland**
- **United States of America**
  - Instruments of Ratification exchanged on 25 June 2001
  - Approval to ratify on 9 November 2000
  - Notice in Government Gazette 7100 of 29 June 2001
- **Canada**
  - Approval to ratify by Parliament on 3 April 2001
  - Notice in Government Gazette 7063 of 18 May 2001
- **United States of America**
  - Approval to ratify by Parliament on 9 November 2000
  - Notice in Government Gazette 7132 of 1 August 2001
- **Israel**
- **Egypt:**
  - Approval to ratify on 11 November 2002
  - Instruments of ratification exchanged on 16 September 2003
  - Entered into force on 16 September 2003
  - Notice in Government Gazette 26497 of 2 July 2004
- **Algeria**
  - Approval to ratify on 11 November 2002
  - Not yet in force
- **Nigeria**
  - Approval to ratify on 11 November 2002
  - Not yet in force
- **China:**
  - Approval to ratify on 11 November 2002
  - Instruments of ratification exchanged on 18 October 2004
  - Entered into force on 17 November 2004



- **India**
  - Approval to ratify on 9 November 2004
  - Instruments of ratification exchanged on 6 December 2005
  - Entered into force on 16 December 2005

## 2. Treaties negotiated but not yet signed

- **Zambia** (Extradition and MLA)
- **Hungary** (Extradition) (Covered under COE Convention on Extradition)
- **Namibia** (Extradition and MLA)
- **Brazil** (MLA)
- **Republic of Korea** (Extradition and MLA)
- **Cuba** (Extradition and MLA)
- **United States of Mexico** (Extradition and MLA)
- **United Arab Emirates** (Extradition) MLA to be finalised during second round of negotiations
- **Taiwan** (MLA arrangement)

## 3. Extradition and Mutual Legal Assistance Treaties signed but not yet ratified:

- **Iran**
  - Signed on 31 August 2004
  - Submitted to Parliament for ratification
- **Argentina** (Extradition and MLA)
  - Signed on 28 February 2007
- **Hong Kong** (Extradition and MLA)
  - Signed on 20 February 2009
  - To be submitted to Parliament for ratification

4. **The Treaty with the Republic of China (Taiwan)**, signed on 30 December 1987, is deemed to be terminated in terms of the Memorandum of Understanding between the Government of the Republic of South Africa (RSA) and the Government of the People's Republic of China (PRC) on the Establishment of diplomatic relations between the RSA and the PRC.

## 5. South Africa has Mutual Legal Assistance in Criminal Matters Treaties with the following countries:

- **Canada**
  - Ratified by Parliament on 3 April 2001
  - Entered into force 5 May 2001
- **USA**
  - Ratified by Parliament on 9 November 2000
  - Entered into force on 25 June 2001
- **Lesotho**
  - Ratified by Parliament on 7 November 2001
  - Entered into force on 23 December 2003
- **Egypt**
  - Ratified by Parliament on 11 November 2002
  - Entered into force on 16 September 2003
- **Algeria**
  - Ratified by Parliament on 11 November 2002
  - Not yet in force
- **Nigeria**
  - Ratified by Parliament on 11 November 2002
  - Not yet in force
- **France**
  - Ratified by Parliament on 11 November 2002
  - Entered into force on 1 March 2004

- Notice in Government Gazette 27371 of 18 March 2005

- **China**

- Ratified by Parliament on 21 October 2003
- Instruments of ratification exchanged on 18 October 2004
- Entered into force on 17 November 2004

- **India**

- Approval to ratify on 3 November 2004
- Instruments of ratification exchanged on 6 December 2005
- Entered into force on 6 December 2005

6. The Department is currently busy setting up **negotiations for the conclusion of extradition and mutual legal assistance treaties with various countries including:**

- **Peru**
- **Paraguay**
- **Uruguay**
- **Tunisia**
- **Pakistan**
- **Venezuela**
- **Ethiopia**
- **Brazil**
- **Chile**

7. South Africa has also designated **Ireland, Zimbabwe, Namibia** and the **United Kingdom** in terms of section 3(2) of the Extradition Act.

**8. South Africa's accession to the Council of Europe's Convention on Extradition entered into force on 13 May 2003.** A request was also directed to the Council of Europe that South Africa accede to the Convention on Mutual Legal Assistance. The Council of Ministers approved that South Africa accede to the Convention. South Africa must now indicate any possible reservations.

**9. In terms of the Extradition Act, any arrangement made with any foreign State which, by virtue of the provisions of the Extradition Acts, 1961 and 1988 of the Parliament of the United Kingdom as applied in the Republic, was in force in respect of the Republic immediately prior to the date of commencement of the Extradition Act, shall be deemed to be an agreement entered into and published on the said date by the President under the Act.**

**10. SADC Protocols** on Extradition and Mutual Legal Assistance (MLA) in Criminal Matters

- This Protocol was signed by Summit on 3 October 2002 and ratified by Parliament on 14 April 2003. The Protocol on Extradition entered into force on 18 April 2006. The MLA Protocol still needs one ratification before it can enter into force (to be confirmed by SADC Secretariat).

**11. African Union Convention** on Extradition

- The African Convention on Extradition was finalized during a meeting of legal experts held in Ethiopia from 4 – 8 April 2001. The Department of Foreign Affairs requested to determine the delay in this matter.

