

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE GOVERNMENT OF THE REPUBLIC OF  
SOUTH AFRICA**

**AS REPRESENTED BY THE DEPARTMENT OF  
SAFETY AND SECURITY**

**AND**

**THE GOVERNMENT OF THE  
UNITED ARAB EMIRATES**

**AS REPRESENTED BY THE MINISTRY  
OF INTERIOR**

**ON**

**POLICE COOPERATION**

## **PREAMBLE**

The Government of the Republic of South Africa, as represented by the Department of Safety and Security and the Government of the United Arab Emirates, as represented by the Ministry of Interior (hereinafter jointly referred to as the "Parties" and separately as a "Party");

**WISHING** to contribute to enhancing and developing bilateral relations in a way conducive to serving the interests of both Parties;

**DESIRING** to strengthen their capacity for police cooperation with a view to contribute effectively to combating crime and to enhancing the capabilities and efficiency of the Competent Authorities;

**HEREBY AGREE** as follows:

## **Article 1**

### **COMPETENT AUTHORITIES**

The Competent Authorities responsible for the implementation of this Memorandum of Understanding shall be -

- (a) on the part of South Africa, the Department of Safety and Security; and
- (b) on the part of the United Arab Emirates, the General Directorate of Criminal Security of the Ministry of Interior.

## Article 2

### SPHERE OF COOPERATION

- (1) The Parties shall cooperate in preventing and combating crime, subject to the international obligations and domestic law in force in their countries. The Parties shall give particular attention to cooperate in combating the following crimes:
  - (a) Organized crime and corruption;
  - (b) trafficking in persons;
  - (c) counterfeiting of and dealing in banknotes and securities, as well as the forging of official documents and entries;
  - (d) economic crimes, especially money laundering;
  - (e) the illicit production of and traffic in narcotic drugs and psychotropic substances, including those materials which are used in their production;
  - (f) illicit trafficking in firearms, ammunition, explosives, poisonous substances, including radioactive, chemical and biological materials;
  - (g) illicit trafficking in stolen goods and merchandise, including vehicles;
  - (h) crimes relating to information technology;
  - (i) crimes relating to deception and the practices of witchcraft and conjuration.
- (2) This Memorandum of Understanding shall not apply to extradition and mutual legal assistance in criminal matters.

- (3) With due regard to the provisions of sub-Articles (1) to (2), this Memorandum of Understanding does not preclude the Parties from determining and developing other areas and forms of police cooperation.

### **Article 3**

#### **MANNER OF COOPERATION**

In order to give effect to the provisions of Article 2, the Parties shall cooperate in the following manner :

- (a) Exchanging information relating to crimes which are being planned or have been committed and relating to persons and organizations involved in these crimes;
- (b) exchanging names and searching for persons who are evading criminal prosecution or execution of a sentence and also for persons who are reported missing;
- (c) exchanging relevant scientific and legal information;
- (d) sharing information on conferences, seminars and symposiums relevant to the jurisdiction or functions of the Competent Authorities;
- (e) exchanging information on working experience in respect of police and criminal sciences, including personnel training courses;
- (f) exchanging information on technical equipment utilized in combating crime; and
- (g) responding to the requests contemplated in Article 4.

## **Article 4**

### **COOPERATION AND REQUESTS FOR ASSISTANCE**

- (1) Cooperation within the framework of this Memorandum of Understanding shall be based on requests for assistance from the interested Competent Authority or on the initiative of the Competent Authority which deems such assistance to be of interest to the other Competent Authority.
- (2) Requests for assistance shall be made in writing. If necessary, requests may be made verbally, but shall be confirmed in writing within seven days of the verbal request.
- (3) Requests for assistance shall include the following information:
  - (a) The name of the requesting and requested Competent Authority;
  - (b) information and details relating to the request for assistance, including the purpose and grounds for the request; and
  - (c) any other information which could assist in the effective execution of the request.
- (4) Requests for assistance shall be signed by the head of the requesting Competent Authority or its delegate.

## **Article 5**

### **EXECUTION OF REQUESTS**

- (1) Requests for cooperation or assistance shall be executed as soon as possible.
- (2) The requesting Competent Authority shall immediately be notified of any circumstances delaying the execution of the request.



- (3) If the execution of the request does not fall within the jurisdiction of the requested Competent Authority, it shall immediately notify the requesting Competent Authority accordingly.
- (4) The requested Competent Authority may request such additional information which it deems necessary to execute the request.
- (5) If the requested Competent Authority considers that the immediate execution of the request may hinder criminal prosecution or other proceedings or investigations being carried out in its State, it may delay the execution of the request or permit the execution under conditions which were set as necessary after consultations with the requesting Competent Authority. The requesting Competent Authority shall comply with the conditions agreed upon.
- (6) The requested Competent Authority, following the application of the requesting Competent Authority, shall take all necessary measures to ensure confidentiality of the fact that the request was made, its contents and annexed documents, as well as the fact of providing assistance. If it is not possible to preserve the confidentiality of the request in the execution thereof, the requested Competent Authority shall inform the requesting Competent Authority accordingly, and the latter may decide whether it is acceptable to execute the request under such conditions.
- (7) The requested Competent Authority shall inform the requesting Competent Authority about the results of the execution of the request as soon as possible.

#### **Article 6**

#### **RESTRICTIONS ON THE USE OF INFORMATION AND DOCUMENTS**

- (1) Each Competent Authority shall ensure the confidentiality of information and documents received from the other Competent Authority, if they are restricted or the

latter Competent Authority disapproves of its disclosure. The degree of such a restriction shall be determined by the providing Competent Authority.

- (2) Information and documents received in accordance with this Memorandum of Understanding are not to be used without the consent of the providing Competent Authority for purposes other than those for which they were requested and provided.
- (3) Information and documents received from a Competent Authority in accordance with this Memorandum of Understanding shall not be disclosed to a third party, except with the prior written consent of the providing Competent Authority.

#### **Article 7**

#### **DENIAL OF REQUESTS FOR ASSISTANCE**

- (1) The requested Competent Authority may refrain from executing any request in terms of this Memorandum of Understanding if such execution would affect the sovereignty, security, public order or other essential interests of its State, or would be in conflict with the domestic law in force in its country or international obligations.
- (2) If a request has been denied, partially or totally, the requesting Competent Authority shall be informed in writing of the reasons therefore.

#### **Article 8**

#### **EXPENSES**

Ordinary expenses incurred in processing a request in terms of this Memorandum of Understanding shall be borne by the requested Party, unless otherwise agreed upon by the Parties. Should the request involve high or extraordinary expenses, the Parties shall consult each other in order to establish the terms and conditions under which the request shall be processed, and the way in which the expenses shall be borne.

## **Article 9**

### **LANGUAGE**

The Competent Authorities, in the course of their cooperation in accordance with this Memorandum of Understanding, shall use the English or Arabic languages.

## **Article 10**

### **MEETINGS AND CONSULTATIONS**

In order to facilitate the execution of this Memorandum of Understanding, representatives of the Competent Authorities shall, when necessary, have bilateral meetings and consultations with a view to discussing and improving cooperation.

## **Article 11**

### **SETTLEMENT OF DISPUTES**

Any dispute between the Parties arising out of the interpretation or implementation of this Memorandum of Understanding shall be settled amicably through consultation and negotiation between the Parties.

## **Article 12**

### **RELATION TO OTHER INTERNATIONAL TREATIES**

The provisions of this Memorandum of Understanding shall not affect the rights and obligations arising out of other international treaties to which the Parties are signatories.



## **Article 13**

### **ENTRY INTO FORCE, TERMINATION AND AMENDMENT**

- (1) This Memorandum of Understanding shall enter into force on the date of signature thereof.

Governments, have signed and sealed this Memorandum of Understanding in two originals in the English and Arabic languages, all texts being equally authentic. In case of divergence between the texts, the English text shall prevail.

**Done at** ..... **on this** ..... **day of** .....