

**No. 44848\***

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**South Africa  
and  
Lesotho**

**Memorandum of understanding between the Government of the Republic of South Africa and the Government of the Kingdom of Lesotho on co-operation in the field of correctional services. Cape Town, 19 June 2007**

**Entry into force:** *19 June 2007 by signature, in accordance with article 11*

**Authentic texts:** *English*

**Registration with the Secretariat of the United Nations:** *South Africa, 19 March 2008*

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**Afrique du Sud  
et  
Lesotho**

**Mémorandum d'accord entre le Gouvernement de la République d'Afrique du Sud et le Gouvernement du Royaume du Lesotho relatif à la coopération dans le domaine des services pénitentiaires. Le Cap, 19 juin 2007**

**Entrée en vigueur :** *19 juin 2007 par signature, conformément à l'article 11*

**Textes authentiques :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Afrique du Sud, 19 mars 2008*

\* *The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. Their final UNTS version is not yet available.*

*Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Leur version finale RTNU n'est pas encore disponible.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

Memorandum of understanding between the Government of the Republic of South Africa and the Government of the Kingdom of Lesotho on co-operation in the field of correctional services

**PREAMBLE**

The Government of the Republic of South Africa and the Government of the Kingdom of Lesotho (hereinafter jointly referred to as the “Parties” and in the singular as a “Party”);

**PURSUANT** to the Joint Bilateral Commission of Co-operation (JBCC) signed on 19 April, 2001 by the President of the Republic of South Africa and the Prime Minister of the Kingdom of Lesotho, on promotion and maintenance of peace, stability, security and prosperity in their respective countries;

**RECOGNISING** the contents of the Johannesburg Declaration on SADC Regional Correctional Co-operation on public safety, security, social rehabilitation and re-integration of offenders as law abiding and productive persons;

**DESIROUS** of consolidating and developing a special relationship, which will be guided by the strategic partnership on co-operation in the field of corrections between the two countries;

**GUIDED** by the aspiration to strengthen and intensify friendly relations existing between the Parties and their peoples;

**AWARE** that the closer relationship among the peoples of both countries should find its expression in the facilitation of movement of people and inmates across the borders of the respective countries;

**PROMPTED** by their commitment to the universal norms of human rights, co-operation for mutual benefit and the rule of law;

**HEREBY AGREE** as follows:

**ARTICLE 1**

**COMPETENT AUTHORITIES AND OBLIGATION TO COOPERATE**

- (1) The Competent Authorities responsible for the implementation of this Memorandum of Understanding shall be-
  - (a) on the South African part, the Department of Correctional Services; and
  - (b) on the Lesotho part, the Ministry of Justice, Human Rights and Rehabilitation, Law and Constitutional Affairs.
- (2) The Competent Authorities shall cooperate in accordance with the provisions of this Memorandum of Understanding, acting under the jurisdiction and subject to the international obligations and domestic law in force in the countries of the Parties.
- (3) The Parties may establish procedures to facilitate harmonization of operating procedures, policies and administrative formalities where practicable.

## **ARTICLE 2**

### **SPECIFIC AREAS OF COOPERATION**

- (1) The Parties shall for the purpose of this Memorandum of Understanding co-operate in the areas relating to -
  - (a) cultivation and promotion of good governance between the South African Department of Correctional Services and the Lesotho Prison Service;
  - (b) strengthening capacities of the Parties through human resource development;
  - (c) procedures for transferring deceased South African or Lesotho prisoners to their own countries for burial;
  - (d) the serving of parole in the respective countries and modalities thereof;
  - (e) supervision of imprisoned Lesotho nationals being transferred to South African hospitals for medical treatment;
  - (f) serving of sentence in their own country by pregnant and nursing mothers and juveniles; and
  - (g) co-operating and harmonizing the position of the Parties in addressing multilateral issues of common interest.
- (2) The Provisions of this Article do not preclude the competent authorities from determining and developing other areas and forms of correctional co-operation.

## **ARTICLE 3**

### **MANNER OF CO-OPERATION**

In order to give effect to the provisions of Article 2, the Competent Authorities shall co-operate by execution of requests as contemplated in Article 4.

## **ARTICLE 4**

### **REQUESTS FOR ASSISTANCE**

- (1) Cooperation within the framework of this Memorandum of Understanding shall take place on the basis of 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. In case of an emergency, requests may be made orally, but shall be confirmed in writing within (7) seven days of such oral request.
- (3) Should there be any doubt about the authenticity or the content of the request, further confirmation may be requested.
- (4) Requests for assistance shall be signed by the head of the competent authority or its delegate.