

No. 50791

**United States of America
and
South Africa**

**Treaty between the Government of the United States of America and the Government of the Republic of South Africa on mutual legal assistance in criminal matters (with forms).
Washington, 16 September 1999**

Entry into force: *25 June 2001 by the exchange of the instruments of ratification, in accordance with article 22*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 22 May 2013*

**États-Unis d'Amérique
et
Afrique du Sud**

Traité entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République sud-africaine relatif à l'entraide judiciaire en matière pénale (avec formulaires). Washington, 16 septembre 1999

Entrée en vigueur : *25 juin 2001 par l'échange des instruments de ratification, conformément à l'article 22*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 22 mai 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
ON
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS**

TABLE OF CONTENTS

Article 1	Scope of Assistance
Article 2	Central Authorities
Article 3	Limitation on Assistance
Article 4	Form and Contents of Requests
Article 5	Execution of Requests
Article 6	Authentication or Certification
Article 7	Costs
Article 8	Limitations on Use
Article 9	Testimony or Evidence in the Requested State
Article 10	Official Records
Article 11	Testimony in the Requesting State
Article 12	Transfer of Persons in Custody
Article 13	Transit of Persons in Custody
Article 14	Location or Identification of Persons or Items
Article 15	Service of Documents
Article 16	Search and Seizure
Article 17	Return of Items
Article 18	Assistance in Forfeiture Proceedings
Article 19	Compatibility with Other Treaties
Article 20	Consultation
Article 21	Application
Article 22	Ratification, Entry Into Force, and Termination

**The Government of the United States of America and the Government of the
Republic of South Africa,**

**Desiring to improve the effectiveness of the law enforcement authorities of both
countries in the investigation, prosecution, and prevention of crime through cooperation
and mutual legal assistance in criminal matters,**

Hereby agree as follows:

Article 1

Scope of Assistance

1. The Contracting States shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offences, and in proceedings related to criminal matters.

2. Assistance shall include:

- (a) taking the testimony or statements of persons;**
- (b) providing documents, records, and articles of evidence;**
- (c) locating or identifying persons;**
- (d) serving documents;**
- (e) transferring persons in custody for testimony or other purposes;**
- (f) executing requests for searches and seizures;**
- (g) assisting in proceedings related to restraint or immobilization and confiscation or forfeiture of assets or property; compensation or restitution; recovery or collection of fines; and**
- (h) any other form of assistance not prohibited by the laws of the Requested State.**

3. Assistance shall be provided without regard to whether the conduct which is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offence under the laws of the Requested State.

4. This Treaty is intended solely for mutual legal assistance between the States. The provisions of this Treaty shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.