



## **MINISTRY OF JUSTICE AND CORRECTIONAL SERVICES**

### **Media Statement**

### **For Immediate Use**

**11 June 2021**

### **FINALISATION OF THE RATIFICATION OF EXTRADITION AND MUTUAL LEGAL ASSISTANCE TREATIES BETWEEN SOUTH AFRICA AND THE UNITED ARAB EMIRATES (UAE)**

On the 10<sup>th</sup> of June 2021, the Ministry of Justice and Correctional Service met with the Ambassador of the United Arab Emirates to South Africa, His Excellency Mahash Saeed Salem Alhameli, to exchange ratification instruments between the two states.

We welcome the finalisation and ratification of the treaties on extradition and mutual legal assistance between South Africa and the UAE. These treaties are expected to allow for greater cooperation between the two states on legal matters and assist in the investigation and prosecution of crimes. We hope that the ratification of treaties symbolises a change of course and that there will be a political will to co-operate.

It is important that we explain the history of the negotiations to date.

South Africa and the UAE began negotiating the treaties in February 2010. The Extradition Treaty and Mutual Legal Assistance agreement between the two nations were entered into on September 25, 2018. The Minister of Justice and Correctional Services at the time, Adv Michael Masutha, and his United Arab Emirates counterpart, His Excellency Sultan Saeed Al Badi, signed Treaties on Extradition and Mutual Legal Assistance in Criminal Matters in Abu Dhabi, UAE.

Within two months of entering into the agreement, Parliament of South Africa during its plenary sitting on 15 November 2018, ratified on the Extradition and Mutual Legal Assistance in Criminal Matters Treaties between the Republic of South Africa and the UAE. In essence, the ratification by the UAE concludes a ten year process. The treaties will come into force 30 days after the ratification instruments have been exchanged, which is 10 July 2021.

#### Applicable Legal Instruments:

It is a common cause that South Africa has persons of interest who frequent the UAE and are believed to be in the UAE. It is worth mentioning that our request for mutual legal assistance to the UAE to date, was not prohibited by the fact that there were no treaties in force between the two states. All of our requests were sent in terms of article 44 of the United Nations Convention against Corruption (“The Convention”).

South Africa ratified the Convention in 2004 and it came into force in 2005. The [UAE](#) also ratified the Convention in 2006. We state this to point out that this was the applicable legal instrument under which we expected co-operation. This Convention offers the same amount of framework for cooperation on criminal matters.

The Convention is premised on the fact all parties to it agree to place particular focus on, and give priority to the fight against the worldwide conditions that pose severe threats to the sustainable development of our people. Among these conditions are: organized crime; and corruption.

In terms of this Convention, all State parties who are party affirmed that they are concerned about the serious problems and threats posed by corruption to the stability and security of societies; undermining of institutions and values of democracy; ethical values and justice; and jeopardizing sustainable development and the rule of law.

Moreover such States affirmed that they are convinced that corruption is no longer a local matter, but a transnational phenomenon that affects all societies and economies, making international co-operation to prevent and control it essential.

Irrespective of the fact that both South Africa and UAE ratified this convention, regrettably, we have to date, not experienced the level of appreciation and co-operation which is required in terms of the Convention in the fight against corruption.

However, we will continue to pursue our counterparts through diplomatic channels, in order to reach the desired levels of cooperation to enable our law enforcement agencies to bring to justice persons of interest on any investigation they are pursuing.

It is our hope that even though we could not get the assistance we required through the UN convention, the ratification of the two treaties symbolizes a change of course and cooperation.

In our bilateral meeting, the Ambassador of the UAE reaffirmed that our ties are only held together by co-operation. We have reassured our counterparts that whilst we welcome the ratification of the treaties, our expectations are yet to be fulfilled and this is a critical component of relations.

We remain committed to maintaining bilateral relations with the UAE, these have spanned for a period of 27 years.

Ends

Issued by the Ministry of Justice and Correctional Services.