



AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA
AND
THE GOVERNMENT OF THE
REPUBLIC OF MALTA
IN RESPECT OF
POLICE COOPERATION

ner [signature]

PREAMBLE

The Government of the Republic of South Africa and the Government of the Republic of Malta (hereinafter jointly referred to as the "Parties" and separately as a "Party");

WISHING to contribute to the promotion of bilateral relations;

EXPRESSING concern about crime, especially in its organized forms;

MOTIVATED by the desire to make an active contribution in combating criminal activity in all its forms;


TAKING INTO ACCOUNT the purposes and principles of international agreements to which they are parties, as well as resolutions of the United Nations and its specialized agencies on combating crime;

HEREBY AGREE as follows:

Article 1

COMPETENT AUTHORITIES AND OBLIGATION TO CO-OPERATE

- (1) The competent authorities responsible for the implementation of this Agreement shall be -
 - (a) on the South African part, the South African Police Service; and
 - (b) on the Maltese part, the Malta Police Force.

NEZ. 

- (2) The competent authorities shall co-operate in accordance with the provisions of this Agreement, acting under their jurisdiction and subject to the international obligations and domestic law of the Parties.

Article 2

AREAS OF CO-OPERATION

- (1) The competent authorities shall co-operate in the prevention, detection, suppression and investigation of crime, including, but not limited to -
- (a) corruption and organized crime;
 - (b) illicit traffic in firearms, ammunition, explosives and poisonous substances, including radioactive materials;
 - (c) illicit production of and traffic in narcotic drugs and psychotropic substances, including those materials which are used in their production;
 - (d) economic crimes, including money-laundering;
 - (e) production and sale of forged banknotes, securities and other fraudulent documents;
 - (f) traffic in stolen goods; and
 - (g) traffic in persons.
- (2) The competent authorities shall co-operate in preventing and suppressing terrorist acts in accordance with the domestic law in force in the respective countries and the international obligations of the Parties, including the

NEZ AH

relevant International Conventions and United Nations Security Council Resolutions 1373 (2001), 1455 (2003) and 1540 (2004).

- (3) The competent authorities shall also co-operate in the following areas:
- (a) Public order policing;
 - (b) scientific and technical research;
 - (c) personnel management and training; and
 - (d) crime prevention.

Article 3

MANNER OF CO-OPERATION

- (1) For the purpose of the realization of the provisions of Article 2, the competent authorities shall co-operate by -
- (a) exchanging information of interest relating to crimes which are being planned or have been committed and in respect of persons and organizations involved in these crimes;
 - (b) executing requests as contemplated in Article 5;
 - (c) searching for persons who are evading criminal prosecution or execution of a sentence and also for persons who are reported missing;
 - (d) exchanging information, including operational and forensic information, relating to narcotic and psychotropic substances,

NC2 ~~HT~~

technology relating to their production and the materials which were used, as well as new methods of examination and identification of narcotic and psychotropic substances;

- (e) exchanging working experience;
- (f) exchanging legislation; and
- (g) exchanging, on a mutually beneficial basis, scientific and technical literature and data related to the functions of the competent authorities.

- (2) This Agreement does not apply to extradition and judicial mutual assistance in criminal matters.

Article 4

DEVELOPMENT OF CO-OPERATION

With due regard to the provisions of Article 2, this Agreement does not preclude the competent authorities from determining and developing other areas and forms of co-operation.

Article 5

REQUESTS FOR ASSISTANCE

- (1) Co-operation within the framework of this Agreement shall be rendered on the basis of requests from the interested competent authority for assistance or following the initiative of the competent authority which deems such assistance to be of interest to the other competent authority.


NEZ AM

- (2) Requests for assistance shall be in writing: Provided that in cases of emergency, requests may be made orally, but shall be confirmed in writing within seven days.
- (3) Additional confirmation may be requested if any doubt as to the authenticity or to the contents of the request, exists.
- (4) Requests for assistance shall contain –
 - (a) the name of the agency of the competent authority which applies for assistance and the name of the agency of the competent authority to which application has been made for assistance;
 - (b) details of the case;
 - (c) the purpose of and grounds for the request;
 - (d) a description of the assistance requested; and
 - (e) any other information which may assist the effective execution of the request.
- (5) Requests for assistance shall be signed by the head of the competent authority or its delegate.

Article 6

REFUSAL OF ASSISTANCE

- (1) Assistance within this Agreement may be refused completely or partially, if the requested competent authority considers the execution of the request to be detrimental to the sovereignty, security, public order or other

NCZ 


essential interests of its State, or is in conflict with its domestic law or international obligations.

- (2) Assistance may be refused if the act in relation to which the request was forwarded is not punishable under the domestic law of the State of the requested competent authority.
- (3) Assistance may also be refused if execution of the request imposes an excessive burden on the resources of the requested competent authority.
- (4) Should it be possible, the requested competent authority shall, before taking a decision to refuse the assistance in accordance with sub-Articles (1) and (2), consult with the requesting competent authority in order to establish whether the assistance may be granted on the conditions which the requested competent authority may impose. The requesting competent authority shall comply with the conditions on which assistance is granted.
- (5) The requesting competent authority shall be notified in writing about full or partial refusal to execute the request with an explanation of the reasons for it.

Article 7

EXECUTION OF REQUESTS

- (1) The requested competent authority shall take all necessary measures to ensure prompt and full execution of requests.
- (2) The requesting competent authority shall immediately be notified of any circumstances hampering execution of the request or causing considerable delay in its execution.

nez 

- (3) If the execution of the request does not fall within the competence of the requested competent authority, it shall immediately notify the requesting competent authority about it.
- (4) The requested competent authority may request such further information which it deems necessary to duly execute the request.
- (5) If the requested competent authority considers that the immediate execution of the request may hamper criminal prosecution, other proceedings or investigations being carried out in its country, it may suspend the execution of the request or allow the execution under conditions which are set as necessary after consultations with the requesting competent authority. If the requesting competent authority agrees to receive assistance under the suggested conditions, it shall comply with these conditions.
- (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 execute the request without preserving its confidentiality, 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 at its earliest convenience inform the requesting competent authority about the results of the execution of the request.

NEZ AH

Article 8

**LIMITATIONS RELATING TO THE USE OF INFORMATION,
DOCUMENTS AND PERSONAL DATA**

- (1) Each competent authority shall ensure the confidentiality of information, documents and personal data 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, documents and personal data received in accordance with this Agreement shall not be used without the consent of the providing competent authority for purposes other than those for which they were requested and provided.
- (3) In order to share information, documents and personal data received by a competent authority in accordance with this Agreement with a third party, the prior consent of the providing competent authority shall be obligatory.

Article 9

EXPENSES

Each Party, in the course of the implementation of this Agreement, shall bear all ordinary costs incurred within its own country, except if it is agreed otherwise.

Wcz [Signature]

Article 10

LANGUAGE

The competent authorities, in the course of their co-operation in accordance with this Agreement, shall use the English language.

Article 11

WORKING MEETINGS AND CONSULTATIONS

The representatives of the competent authorities shall, where necessary, have working meetings and consultations to discuss and improve co-operation in accordance with this Agreement.

Article 12

SETTLEMENT OF DISPUTES

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

Article 13

RELATIONSHIP WITH OTHER INTERNATIONAL TREATIES

The provisions of this Agreement shall not affect the rights and obligations arising out of other international treaties of the States of the Parties.

NEV [Signature]

Article 14

**ENTRY INTO FORCE, TERMINATION
AND AMENDMENT**

- (1) This Agreement shall enter into force following the date on which the Parties have notified each other in writing through the diplomatic channel of their compliance with their constitutional requirements and/or internal validation procedures for the entry into force of this Agreement. The date of entry into force shall be the date of the last notification.
- (2) This Agreement shall remain valid for a period of five years from the date of entry into force, after which it shall be renewed automatically for successive five year periods, or until terminated by either Party giving six months' written notice in advance through the diplomatic channel of its intention to terminate this Agreement.
- (3) This Agreement may be amended by mutual consent of the Parties through an Exchange of Notes, between the Parties, through the diplomatic channel.

NEZ 

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed and sealed this Agreement in two originals in the English language, both texts being equally authentic.

Done at Valletta on this 4th day of April

in the year 2007

Netuma

FOR THE GOVERNMENT
OF THE REPUBLIC OF
SOUTH AFRICA

Michael Frendo

FOR THE GOVERNMENT
OF THE REPUBLIC OF
MALTA