



AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA
AND
THE GOVERNMENT OF THE REPUBLIC OF
BULGARIA
ON
POLICE COOPERATION

PREAMBLE

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

WISHING to consolidate and develop the cordial relations between the Republic of South Africa and the Republic of Bulgaria;

WISHING FURTHER to promote peace, stability, security and prosperity in their respective countries;

RECOGNIZING the importance of the promotion and development of cooperation in the field of combating crime;

TAKING INTO ACCOUNT the objectives 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 COOPERATE

- (1) The Competent Authorities responsible for the implementation of this Agreement shall be -
 - (a) on the part of the Government of the Republic of South Africa, the Department of Safety and Security; and
 - (b) on the part of the Government of the Republic of Bulgaria, the Minister of Interior.

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

Article 2

AREAS OF COOPERATION

- (1) The Parties, within their means, undertake to cooperate in preventing, combating and investigating crime, including, but not limited to -
 - (a) organized crime and corruption;
 - (b) the illicit production of and traffic in narcotic drugs and psychotropic substances, including those materials which are used in their production;
 - (c) trafficking in firearms, ammunition, explosives, nuclear material, chemical and biological agents and dual-use goods;

- (d) trafficking in stolen goods, including motor vehicles and objects of cultural and historical value;
 - (e) illicit trafficking in unpolished diamonds, unwrought precious metal and related crimes;
 - (f) illegal migration and trafficking in persons;
 - (g) economic crimes, including money laundering;
 - (h) the production, sale and circulation of forged banknotes, securities, identity documents and other forged or falsified documents;
 - (i) cyber crime;
 - (j) crimes related to intellectual property rights; and
 - (k) environmental crimes.
- (2) The Parties further undertake to cooperate in the field of public order policing and training of staff.
- (3) The Parties shall also cooperate in preventing and suppressing terrorist acts in accordance with the domestic law in force in their countries and their international obligations, including the relevant international conventions and United Nations Security Council Resolutions 1373 (2001), 1455 (2003) and 1540 (2004).
- (4) This Agreement does not apply to extradition and mutual legal assistance in criminal matters.

Article 3

MANNER OF COOPERATION

In order to give effect to the provisions of Article 2, the Parties shall cooperate by -

- (a) the exchange of information on working experience in respect of police and criminal sciences, including personnel training courses and victim support programmes;
- (b) the exchange of information of interest relating to crimes which are being planned or have been committed and to persons and organizations involved in these crimes;
- (c) the exchange of information of interest relating to the maintenance of public order;
- (d) the exchange of information, including operational and forensic information about narcotic drugs and psychotropic substances;
- (e) the exchange of information with a view to assisting with the control and supervision of the trade in precursors and essential chemicals, in order to prevent the diversion thereof;
- (f) the exchange of relevant legislation;
- (g) the exchange of scientific and technical literature and data on the functions of the Competent Authorities;
- (h) taking the necessary measures to coordinate the implementation of special investigative techniques, such as controlled deliveries,

surveillance and undercover operations, for the purpose of gathering evidence so that legal action may be taken against persons involved in offences targeted by these techniques;

- (i) searching for persons who are evading criminal prosecution or execution of a sentence and also for persons who are reported missing; and
- (j) the execution of requests for assistance as contemplated in Article 4.

Article 4

REQUESTS FOR ASSISTANCE

- (1) Cooperation within the framework of this Agreement 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 cases of emergency, requests may be made orally, but shall be confirmed in writing within seven days.
- (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 contain –
 - (a) the name of the agency of the Party which applies for assistance and the name of the agency of the Party 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 in the effective execution of the request.

Article 5

REFUSAL OF ASSISTANCE

- (1) Assistance contemplated in this Agreement may be refused wholly or partially if the requested Competent Authority deems the execution of the request to be detrimental to the sovereignty, security, public order or other essential interests of its State, or deems it to be in conflict with the domestic law in force in its country or international obligations.
- (2) Assistance may also be refused if execution of the request imposes an excessive burden on the resources of the requested Competent Authority.
- (3) If possible, the requested Competent Authority, before taking a decision to refuse the assistance requested in terms of this Agreement, shall 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. If the requesting Competent Authority agrees to receive assistance under the suggested conditions, it shall comply with these conditions.

- (4) The requesting Competent Authority shall be notified in writing about full or partial refusal to execute the request together with an explanation of the reasons for such refusal.

Article 6

EXECUTION OF REQUESTS

- (1) The requested Competent Authority shall take all the necessary measures to ensure the prompt and full execution of requests.
- (2) The requesting Competent Authority shall be notified immediately of any circumstances hampering the execution of the request or causing considerable delay in its execution.
- (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 further information as 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 State, it may suspend the execution of the request or allow the execution under conditions which were 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) On receipt of the application made by the requesting Competent Authority, the requested Competent Authority shall take all necessary measures to ensure the confidentiality of the fact that the request was made, its contents and annexed documents, as well as the fact that assistance shall be provided. If it is not possible to execute the request without preserving its confidentiality, the requested Competent Authority shall inform the requesting Competent Authority accordingly, after which the latter may decide as to whether it will be 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.

Article 7

LIMITATIONS RELATING TO 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 from a Competent Authority in accordance with this Agreement shall not be disclosed to a third party, except with the prior written consent of the providing Competent Authority.

Article 8

PROTECTION OF PERSONAL DATA

- (1) Personal data transmitted shall be used solely for the purpose and under the conditions determined by the providing Competent Authority. The providing Competent Authority shall ensure that the personal data transmitted is up-to-date, necessary and adequate for the purpose indicated by the requesting Competent Authority. Upon request of the providing Competent Authority, the receiving Competent Authority shall furnish information on the use of the data received.
- (2) The providing Competent Authority shall notify the receiving Competent Authority before or at the stage when personal data is transmitted of the purpose for which the data is provided and of any restriction on the use, deletion or destruction of the data, including possible access restrictions in general or specific terms. Where the need for such restrictions becomes apparent after the data has been transmitted, the Competent Authorities shall inform each other of such restrictions at that stage.
- (3) The providing Competent Authority shall determine the date for the destruction of transmitted personal data in accordance with the domestic law in force in its country. Personal data transmitted shall be destroyed when the receiving Competent Authority has been informed that the data was unlawfully obtained or provided, or that the data is incorrect, or if the data is no longer needed for the purpose for which it was originally requested, unless permission was specifically given to use the data for other purposes. The receiving Competent Authority shall notify the providing Competent Authority of the destruction of any transmitted personal data.

- (4) Personal data exchanged shall not be disclosed to third parties, except with the prior written consent of the providing Competent Authority.

Article 9

EXPENSES

Ordinary expenses incurred in processing a request in terms of this Agreement shall be borne by the requested Party, unless otherwise agreed upon in writing 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 10

LANGUAGE

The Competent Authorities, in the course of their cooperation in accordance with this Agreement, shall use English as the medium of communication.

Article 11

MEETINGS AND CONSULTATIONS

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

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 between the Parties.

Article 13

RELATION TO OTHER INTERNATIONAL TREATIES

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

Article 14


ENTRY INTO FORCE, TERMINATION AND AMENDMENT

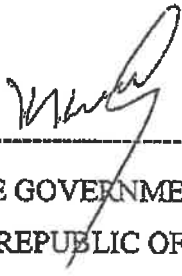
- (1) This Agreement shall enter into force on the date of signature thereof.
- (2) This Agreement shall remain in force until terminated by either Party giving six months' written notice in advance through the diplomatic channel to the other Party of its intention to terminate this Agreement.
- (3) The Agreement may be amended by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.

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

Done at Pretoria on this 2 day of December

in this year 2004


FOR THE GOVERNMENT OF
THE REPUBLIC OF SOUTH
AFRICA


FOR THE GOVERNMENT
OF THE REPUBLIC OF
BULGARIA