

AGREEMENT
IN RESPECT OF CO-OPERATION AND MUTUAL ASSISTANCE IN THE
FIELD OF CRIME COMBATING

PREAMBLE

WHEREAS States Parties hereto, hereinafter referred to as "the Parties" and separately referred to as a "Party" acknowledge the cordial relations which exist between their Governments and their peoples;

AND WHEREAS The supremacy of the principle of non-interference in the internal affairs of States is recognised;

AND WHEREAS The Parties are mutually desirous of concluding an Agreement in order to contribute towards peace, stability, security and prosperity through the combating of crime;

NOW THEREFORE, the Parties hereby agree as follows -

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ARTICLE 1

INTERPRETATION

- (1) This Agreement shall in no way be construed as derogating from any provision of -
- (a) the respective laws of the Parties regarding extradition; and
 - (b) any other Agreement entered into between the Parties.
- (2) Any reference in this Agreement to a "Police Service" also means a police force as established under the relevant laws of any Party.
- (3) The provisions of this Agreement shall not apply to any offence or investigation of a political nature.



ARTICLE 2

IMPLEMENTATION AND EXECUTION OF AGREEMENT

- (1) The Parties shall consult with each other as to the legislative or administrative steps that may be necessary to -
 - (a) implement the provisions of this Agreement; and
 - (b) remove any legal obstacles or impediments that may be found to exist in the execution of the provisions of this Agreement.

- (2) Each police service shall advise its Government as to -
 - (a) the legislative or administrative steps contemplated in Article 2(1); and
 - (b) any other action which may be necessary to ensure that the performance of police functions by any member of its police service (hereinafter referred to as a police official) in the territory of another Party is lawful in every respect.

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ARTICLE 3

RIGHT OF ENTRY OF POLICE OFFICIALS

- (1) Subject to Article 3(2) and Article 4, any police official of a Party (hereinafter referred to as the visiting police official) may enter into and be present in, or travel through or across, the territory of another Party (hereinafter referred to as "the hosting country") for the purpose of -
- (a) any police investigation or the seizure of exhibits relating to an offence or suspect offence committed in or in respect of the territory or State of the visiting police officials;
 - (b) tracing and questioning a witness in connection with any such offence and taking the steps authorised by law to obtain his or her presence in a court of competent jurisdiction; and
 - (c) the co-operation and assistance contemplated in this Agreement.

- (2) The right of entry, presence and travelling contemplated in Article 3(1) shall be exercised subject to the municipal laws of the hosting state.
- (3) The police service of the hosting country (hereinafter referred to as the hosting police service) shall be responsible for -
- (a) tracing, arresting, detaining, guarding or keeping in custody any person suspected of having committed any offence contemplated in Article 3(1)(a) and taking such steps as the hosting police service is authorised to by municipal law of its country in order to effect any such person's extradition for trial in a court of competent jurisdiction;
 - (b) searching for, and seizing, removing or transporting of, any exhibit known or suspected to be involved in the commission of any such offence; and
 - (c) such other acts as may from time to time in any urgent or extraordinary circumstances be authorised by the Parties or the responsible officials of the police service concerned, with the prior approval of the Parties concerned.

ARTICLE 4**CONDITIONS FOR EXERCISE OF RIGHT OF ENTRY**

- (1) A police official of a Party who wishes to enter into and to be present in, or to travel through or across, the territory of another Party for the purpose mentioned in Article 3(1), shall obtain the approval of the officials in charge of the central office referred to in Article 6(3).

- (2) Upon receipt of a request for such approval the officer designated in Article 4(1) shall immediately forward the request to his or her counterpart in the hosting country who shall in turn make the necessary arrangements for such an entry and the assistance to be afforded.

- (3) The officer concerned of the hosting police service shall without delay convey the nature of such arrangements to his or her counterpart.

- (4) Under no circumstances shall the visiting police official have the right to act on his or her own, but shall at all times be accompanied by a member of the hosting police service and all actions to be taken shall be done by the hosting police official concerned.
- (5) The hosting police service shall report any visiting police official who acts in a manner contrary to any provision of this Agreement, or who otherwise misconducts himself or herself, to the police official under whose auspices the visit was arranged, who shall, in consultation with his or her counterpart of the hosting police service, take such steps as may in their opinion be necessary to remedy the breach or as may otherwise be required by law.

ARTICLE 5

SPECIFIC AREAS OF CO-OPERATION

- (1) Parties shall for the purpose of this Agreement co-operate in -
- (a) the exchange of crime related information on a regular basis;

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- (b) the planning, co-ordination and execution of joint operations including under-cover operations;
 - (c) co-operation in respect of border control and crime prevention in border areas as well as in respect of follow-up operations;
 - (d) the controlled delivery of illegal substances or any other objects; and
 - (e) technical assistance and expertise where the same are required.
- (2) The provisions of Articles 3(3), 4(4) and 4(5) shall mutatis mutandis apply to a police official whilst present in the territory of the other Party in pursuance of the provisions of this Article.
- (3) Parties shall with due regard to their respective municipal laws ensure that stolen property is returned to its lawful owner.

(4) In order to promote the objective expressed in Article 5(3), the police service concerned undertakes to -

- (a) make such arrangements as may be necessary to enable a complainant to identify his or her property; and
- (b) advise complainant as to which steps need to be taken to procure its return.

ARTICLE 6

OTHER MATTERS OF MUTUAL CONCERN

- (1) When the police service of a Party requests assistance or logistical support in connection with the execution of their functions from the police service of another Party, such assistance and support shall be rendered if it is reasonably practicable and possible, but subject to the conditions set out in Article 8.

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- (2) The police service of a Party shall, if so requested in writing by the police service of another Party, render all reasonable advice, support or assistance relating to the training of its officials, the improvement or development of its organisation or administration or the promotion of its expertise with regard to the performance of police functions.
- (3) The parties shall each appoint a Central Office to transmit and receive requests for the purpose of this Agreement.
- (4) Requests for assistance shall be made through the respective Central Offices which shall arrange for the prompt carrying out of such requests.

ARTICLE 7

LIABILITY

- (1) In the event of any legal proceedings being instituted in connection with the actions of a police official relating to this Agreement, each Party shall be liable for the actions of its own police officials and in this regard the Parties hereby, subject to their respective municipal laws, indemnify each other against liability of whatsoever nature.

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- (2) Each party assumes responsibility for any loss or damage sustained by its police service acting in terms of this Agreement.

ARTICLE 8

EXPENSES

Any expenses incurred by a Party as result of a request in terms of this Agreement by another country shall, upon receipt of proof of the expenses so incurred, be reimbursed by the other party unless the parties concerned have, in any particular case and in writing, agreed otherwise.

ARTICLE 9

AMENDMENT OF AGREEMENT

- (1) Any Party may propose amendments to this Agreement.
- (2) This Agreement, may only be amended if all Parties agree thereto in writing.
- (3) The Depository shall inform Parties in writing through the diplomatic channel that all Parties have agreed to the amendment, and of the date of entry into force.



ARTICLE 10**SIGNATURE**

The present Agreement shall be open for signature by:

The Government of the Republic of Angola;
The Government of the Republic of Botswana;
The Government of the Kingdom of Lesotho;
The Government of the Republic of Malawi;
The Government of the Republic of Mauritius;
The Government of the Republic of Mozambique;
The Government of the Republic of Namibia;
The Government of the Republic of South Africa;
The Government of the Kingdom of Swaziland;
The Government of the United Republic of Tanzania;
The Government of the Republic of Zambia; and
The Government of the Republic of Zimbabwe.

ARTICLE 11**ADMISSION**

Any other State may, subject to the acceptance of the Parties, become a party to this Agreement through accession.

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ARTICLE 12
RATIFICATION

This Agreement shall be subject to ratification.

ARTICLE 13
DEPOSITORY AND ITS FUNCTIONS

- (1) Instruments of ratification and instruments of accession shall be deposited with the Director of the Interpol Sub-regional Bureau, Harare.
- (2) The Depository shall promptly inform all ratifying and acceding Parties of the date of each signature, the date of deposit of each instrument of ratification and accession to this Agreement, the date of entry into force and other notices.

ARTICLE 14
NOTIFICATION

- (1) Any Party may by notice in writing through diplomatic channel give six months notice of the withdrawal from this Agreement.
- (2) This notice shall be given to the Depository.

ARTICLE 15

ENTRY INTO FORCE

- (1) This Agreement shall enter into force upon the deposit of instruments of ratification by seven Parties.

- (2) For Parties whose instruments of ratification or accession are deposited subsequent to the entry into force of this Agreement, it shall enter into force on the date of the deposit of the instrument of ratification or accession.

ARTICLE 16

ORIGINAL/AUTHENTIC TEXTS

The original of this Agreement, of which the English and Portuguese texts are equally authentic, shall be deposited with the Depository. Duly certified copies of this Agreement shall be sent by the Depository to the Governments of ratifying and acceding States.

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IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement in English and Portuguese.

[Signature]
FOR AND ON BEHALF OF THE

GOVERNMENT OF THE REPUBLIC OF ANGOLA

DONE at Harare on this 01 day of Outubro 1997.

[Signature]
FOR AND ON BEHALF OF THE

GOVERNMENT OF THE REPUBLIC OF BOTSWANA

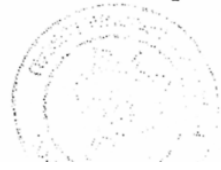
DONE at Harare on this 1st day of October 1997.

[Signature]
FOR AND ON BEHALF OF THE

GOVERNMENT OF THE KINGDOM OF LESOTHO

DONE at Harare on this 1st day of October 1997.

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Moyo

FOR AND ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC OF MALAWI

DONE at ... *HARARE* ... on this *1st* day of
OCTOBER 1997.

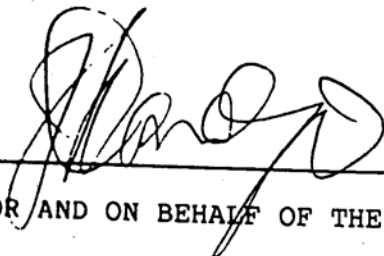
FOR AND ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC OF MAURITIUS

DONE at on this day of
.....1997.

Alny

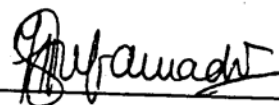
FOR AND ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC OF MOZAMBIQUE

DONE at ... *Harare* ... on this *1* day of
October 1997.




FOR AND ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC OF NAMIBIA

DONE at ... HARARE ... on this ... 1ST ... day of
OCTOBER 1997.



FOR AND ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

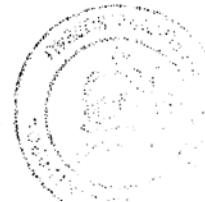
DONE at ... HARARE ... on this ... 1st ... day of
... OCTOBER 1997.



FOR AND ON BEHALF OF THE
GOVERNMENT OF THE KINGDOM OF SWAZILAND

DONE at ... HARARE ... on this ... 1st ... day of
... OCTOBER 1997.

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COPY OF ORIGINAL



[Handwritten Signature]

FOR AND ON BEHALF OF THE
GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA

DONE at ... HARARE ... on this 18th day of
OCTOBER 1997.

[Handwritten Signature]

FOR AND ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC OF ZAMBIA

DONE at ... HARARE ... on this 18th day of
OCTOBER 1997.

[Handwritten Signature]

FOR AND ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC OF ZIMBABWE

DONE at ... HARARE ... on this 18th day of
OCTOBER 1997.

