



---

**AGREEMENT BETWEEN**

**THE GOVERNMENT OF THE REPUBLIC OF  
SOUTH AFRICA**

---

**AND**

**THE GOVERNMENT OF THE  
REPUBLIC OF TURKEY  
ON POLICE COOPERATION**

## **PREAMBLE**

The Government of the Republic of South Africa and the Government of the Republic of Turkey (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 actively combat 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 COOPERATE**

- (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 Turkish part, the General Directorate of Security of the Ministry of Interior.
  
- (2) The Competent Authorities shall cooperate in accordance with the provisions of this Agreement, acting within the ambit of their jurisdiction and subject to the international obligations of the Parties and the domestic law in force in the countries of the Parties.

## **Article 2**

### **AREAS OF COOPERATION**

- (1) The Competent Authorities shall cooperate in the prevention and investigation of crime, including, but not limited to -
  - (a) corruption and organized crime;
  - (b) illicit trafficking in firearms, ammunition, explosives and

poisonous substances, including radioactive materials;

- (c) the illicit production of and traffic in narcotic drugs and psychotropic substances, including those materials which are used in their production;
  - (d) financial or economic crimes, including money laundering;
  - (e) forgery of banknotes, securities and other fraudulent documents;
  - (f) illicit trafficking in stolen goods, including motor vehicles;
  - (g) crimes relating to trafficking in persons, slave trade, prostitution and illegal immigration in accordance with the mandates of the Competent Authorities;
  - (h) illicit trafficking in cultural objects and artefacts; and
  - (i) illicit trafficking in unpolished diamonds, unwrought precious metal and related crimes.
- (2) The Competent Authorities shall also cooperate in the following technical areas:
- (a) The techniques and methods used to maintain public order;
  - (b) the methods used and procedures followed in forensic and

other scientific or technical police investigations;

- (c) training of staff;
  - (d) the methods used for crime prevention.
- (3) The Competent Authorities shall also cooperate 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 relevant International Conventions and United Nations Security Council Resolutions 1373 (2001) and 1390 (2001).
- (4) This Agreement does not apply to extradition and mutual legal assistance in criminal matters.
- (5) With due regard to the provisions of subArticles (1) to (4), this Agreement does not preclude the Competent Authorities from determining and developing other areas and forms of police cooperation.

### **Article 3**

#### **MANNER OF COOPERATION**

For the purpose of realization of the provisions of Article 2, the Competent Authorities shall cooperate in the following manner:

- (a) The exchange of information relating to crimes which are

being planned or have been committed and in respect of persons and organizations involved in these crimes;

- (b) the execution of requests for assistance as contemplated in Article 4;
- (c) searching for persons who are evading criminal prosecution or execution of a sentence and also for persons who are reported missing;
- (d) the exchange of information, including operational and forensic information relating to narcotic drugs and psychotropic substances, the technology and materials which were used for their production, as well as new methods of examination and identification of narcotic drugs and psychotropic substances;
- (e) the exchange of samples of drugs, psychotropic substances and substances used to make them;
- (f) the exchange of experience gained and techniques used in the performance of police functions;
- (g) the exchange of legislation;
- (h) the exchange, on a mutually beneficial basis, of scientific and technical literature and data on the functions of the Competent Authorities;

- (i) convening meetings if necessary.

#### **Article 4**

#### **REQUESTS FOR ASSISTANCE**

- (1) Cooperation within the framework of this Agreement shall be based on 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 which have not been confirmed in writing shall not be executed.
- (3) Additional confirmation may be requested if any doubt as to the authenticity or to the contents of the request, exists. Requests which have not been supported by additional information shall not be executed.
- (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) the nature of the assistance requested; and
  - (e) any other detailed information which may assist in the effective execution of the request.
- (5) Requests for assistance shall be signed by the head of the Competent Authority or its delegate.

## **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 its domestic law, including any court ruling, 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 country 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) If possible, the requested Competent Authority shall, before taking a decision to refuse the assistance requested in accordance with subArticle (1), 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.
- (5) 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 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 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 or 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 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 steps taken and the results of the execution of the request.

## **Article 7**

### **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 are not to be used without the consent of the providing Competent Authority for purposes other than those for which they were requested and provided.
- (3) Information, documents and personal data 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**

### **EXPENSES**

Ordinary expenses incurred in processing a request in terms of this Agreement shall be borne by the requested Party, unless otherwise agreed upon by the Parties. Should the request involve high or

## **Article 7**

### **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 are not to be used without the consent of the providing Competent Authority for purposes other than those for which they were requested and provided.
- (3) Information, documents and personal data 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**

### **EXPENSES**

Ordinary expenses incurred in processing a request in terms of this Agreement shall be borne by the requested Party, unless otherwise agreed upon 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 9**

### **LANGUAGE**

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

#### **Article 10**

### **MEETINGS AND CONSULTATIONS**

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

#### **Article 11**

### **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 12**

### **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 13**

### **ENTRY INTO FORCE, TERMINATION AND AMENDMENT**

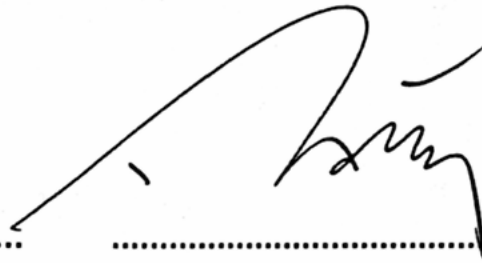
- (1) This Agreement shall enter into force on the date on which each Party has notified the other in writing through the diplomatic channel of its compliance with the constitutional and internal legal requirements necessary for the implementation of this Agreement. The date of entry into force shall be the date of the last notification.
- (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) This 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 thereto by their respective Governments, have signed and sealed this Agreement in two originals in the English and Turkish languages, all the texts being equally authentic.

**DONE** at *Ankara* on this *14<sup>th</sup>* day of *October* in this year *2003*



.....  
**FOR THE GOVERNMENT OF  
THE REPUBLIC OF SOUTH  
AFRICA**



.....  
**FOR THE GOVERNMENT OF  
THE REPUBLIC OF TURKEY**