

No. 52220*

**South Africa
and
Iran (Islamic Republic of)**

Agreement between the Government of the Republic of South Africa and the Islamic Republic of Iran on mutual legal assistance in criminal matters. Tehran, 31 August 2004

Entry into force: *16 April 2014 by notification, in accordance with article 22*

Authentic texts: *English and Persian*

Registration with the Secretariat of the United Nations: *South Africa, 8 October 2014*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Afrique du Sud
et
Iran (République islamique d')**

Accord entre le Gouvernement de la République sud-africaine et la République islamique d'Iran relatif à l'entraide judiciaire en matière pénale. Téhéran, 31 août 2004

Entrée en vigueur : *16 avril 2014 par notification, conformément à l'article 22*

Textes authentiques : *anglais et persan*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 8 octobre 2014*

** Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

AND

THE ISLAMIC REPUBLIC OF IRAN

ON

MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

PREAMBLE

The Government of the Republic of South Africa and the Government of the Islamic Republic of Iran;

DESIRING to extend to each other the widest measure of co-operation in criminal matters;

HAVE AGREED as follows:

Article 1 Definitions

For the purposes of this agreement, "central authority" means -

- (a) for the Republic of South Africa, the Director-General: Justice and Constitutional Development;
- (b) for the Islamic Republic of Iran, the Director-General for Legal Affairs – the Judiciary;

"competent authority" means any person or authority responsible for matters related to the investigation or prosecution of offences;

"offence" means:

- (a) in relation to the Republic of South Africa, any offence against the law of the said Republic; and
- (b) in relation to the Islamic Republic of Iran any offence against the law of the said Republic;

"request" means a request made under this agreement;

"Requested State" means the State to which a request is made; and

"Requesting State" means the State that has made a request.

Article 2 Scope of Application

1. The Parties shall provide, in accordance with the provisions of this

agreement, mutual assistance in all matters relating to the investigation, prosecution and prevention of offences, and in legal proceedings in criminal matters.

2. Mutual assistance shall include -
 - (a) exchanging information and objects;
 - (b) locating or identifying persons, objects and sites;
 - (c) taking of evidence, obtaining the testimony or statements of persons;
 - (d) executing requests for searches and seizures;
 - (e) providing documents, records and articles of evidence;
 - (f) serving of documents;
 - (g) transferring persons for testimony or to assist in investigations;
 - (h) executing pecuniary sentences and compensatory orders; and
 - (i) measures to locate, restrain and forfeit the proceeds of crime.
3. This agreement is solely for mutual legal assistance between the Parties and the provisions of this agreement shall not give rise to a right on the part of a private party to obtain or exclude any evidence, or to impede the execution of a request.
4. This agreement shall apply to requests made pursuant to it whether or not the offences concerned occurred prior to this agreement entering into force.

Article 3

Other Assistance

The Parties, including their competent authorities, may provide and continue to provide assistance pursuant to other agreements, arrangements or practices, and this agreement shall not derogate from obligations subsisting between the Parties pursuant to such agreements, arrangements or practices.

Article 4

Requests

1. Requests and responses thereto may be transmitted through diplomatic channels or directly between the central authorities.

2. Requests shall be made in writing. In urgent circumstances and where allowed by the domestic law of the Requested State, or where otherwise permitted by the Requested State in its sole discretion, requests may be made orally but shall be confirmed in writing within ten (10) days thereafter.

Article 5

Contents of Requests for Evidence

1. In all cases requests for assistance shall include –
 - (a) a statement certifying the nature of the proceedings instituted or the nature and purpose of the investigations in the Requesting State;
 - (b) the name of the competent authority conducting the investigation or proceedings to which the request relates;
 - (c) a summary of the relevant facts and laws including particulars of the offence in respect of which the request is made;
 - (d) a statement of the purpose for which the request is made and the nature of the assistance sought;
 - (e) the need, if any, for confidentiality and the reasons therefor; and
 - (f) any time limit within which compliance with the request is desired.
2. Requests for assistance shall also contain the following information:
 - (a) Where possible, the identity, nationality and location of the person or persons who are the subject of the request;
 - (b) where necessary, details of any particular procedure or requirement that the Requesting State wishes to be followed and the reasons therefor;
 - (c) in the case of requests for documents, records or articles to be produced, a description thereof or of the desired contents thereof;
 - (d) in the case of requests for the taking of evidence or search and seizure, a statement indicating the basis for belief that evidence may be found in the jurisdiction of the Requested State;
 - (e) in the case of requests to take evidence from a person, a statement as to whether sworn or affirmed statements are required and a description of the subject matter of the evidence