

TREATY
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
ON
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA;

DESIRING to improve the effectiveness of both countries in the investigation,
prosecution and suppression of crime through cooperation and mutual legal assistance
in criminal matters;

HAVE AGREED as follows:

ARTICLE 1

Obligation to Provide Mutual Legal Assistance

1. The Contracting Parties shall, in accordance with this Treaty, provide each other with the widest measure of mutual legal assistance in criminal matters.
2. Mutual legal assistance is any assistance given by the Requested State in respect of investigations, prosecutions or proceedings in the Requesting State in a criminal matter, irrespective of whether the assistance is sought or is to be provided by a court or some other authority.
3. Criminal matters means, for the Republic of South Africa both statutory and common law offences and, for Canada, investigations or proceedings relating to any offence created by Parliament or by the legislature of a province.
4. Criminal matters includes investigations, prosecutions or proceedings relating to offences concerning taxation, duties customs and foreign exchange.
5. Assistance shall be provided without regard to whether the conduct which is the subject of the investigation, prosecution, or proceedings in the Requesting State would constitute an offence under the laws of the Requested State.
6. Assistance includes:
 - (a) locating and identifying persons and objects;
 - (b) serving documents, including documents seeking the attendance of persons;