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**Implementation Review Group**

**Resumed third session**

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Agenda item 2

**Executive summary**

**Note by the Secretariat**

**Contents**

	<i>Page</i>
II. Executive summary.....	2
South Africa.....	2



## II. Executive summary

### South Africa

#### 1. Introduction

##### **Overview of the legal and institutional framework of South Africa in the context of implementation of the United Nations Convention against Corruption**

The Convention was ratified on 22 November 2004 and signed by the President on 22 November 2004. South Africa deposited its instrument of ratification with the Secretary-General of the United Nations on 24 November 2004. In terms of section 231(2 & 4) of the Constitution of 1996 an international agreement binds the Republic after it has been approved by resolution in both houses of Parliament and a self-executing provision of such an agreement is law in the Republic, unless it is inconsistent with the Constitution or an Act of Parliament.

South Africa is a constitutional democracy with the President as head of State. The legal system is a hybrid of Statutory Law (Constitution and Acts of Parliament), Precedents (Judicial and Court decisions) and Customary Law, and represents a blend of legal traditions from English common law and Roman-Dutch civil law, with an infusion of indigenous African customary law. Notwithstanding these roots, in matters of judicial procedure, the common law tradition dominates, and despite adherence to the *stare decisis* principle, the Constitution grants judges the “inherent power...to develop the common law.” South African judges are appointed by the President, and have constitutionally protected independence. There are four primary courts: the Constitutional Court, the Supreme Court of Appeals, the High Courts and the Magistrates’ Courts. The Supreme Court of Appeals is the court of last instance in all matters not implicating constitutional issues. The High Courts and the Magistrates’ Courts are first instance courts.

South Africa has several mechanisms and oversight bodies that specialize in combating corruption offences.

*Anti-Corruption Task Team (“ACTT”)*: Established in 2010 by the President as an interdepartmental body to fast-track high-priority and high-profile corruption cases, the ACTT works with government departments to strengthen governance systems, reduce risks and prevent corruption. Its Principal Committee includes the Head of the DPCI, the National Director of Public Prosecutions, the Head of the Special Investigating Unit and representatives of other institutions.

*Directorate of Priority Crime Investigation (“DPCI”)*: In July 2009, the previous anti-corruption body, the Directorate of Special Operations (DSO) was replaced by the DPCI. Following a judgment in 2010 by the Constitutional Court that the DPCI lacked sufficient independence, legislation was passed on 14 September 2012 to grant the DPCI investigative independence.

*National Prosecution Authority (“NPA”)*: The National Director of Public Prosecutions determines prosecution policy in consultation with the nine Provincial Directors of Public Prosecutions, and may intervene in the prosecution process if policy directives are not complied with and may review decisions to prosecute or not. Special Directors of Public Prosecutions are in charge of Units dealing with priority tasks, such as witness protection, terrorism and commercial crimes (which

include corruption). All Directors are appointed by the President. The NPA has complete independence in prosecutorial decisions.

*Specialized Commercial Crimes Unit (SCCU)*: Established in 1999 within the NPA, its focus includes corruption, fraud, cybercrime and money-laundering. A Special Director leads a team of prosecutors and provides guidance to investigators. Under its 2012 Strategic Plan, corruption cases have been prioritised.

*Special Investigation Unit (“SIU”)*: Established by law as an independent statutory body that fights corruption through investigations and litigation. This Unit conducts investigations pursuant to Presidential proclamation, and may refer cases — including corruption cases — to law enforcement agencies.

*National Anti-Corruption Forum (“NACF”)*: Includes representatives from government, civil society and business sector to discuss corruption challenges and possible measures to address them. It meets approximately once every two years.

*The Public Protector*: Appointed by the President and independent of government, this office investigates public complaints, including with respect to corruption against government agencies and officials.

## **1. Chapter III: Criminalisation and Law Enforcement**

### **1.1. Observations on the implementation of the articles under review**

#### *Bribery offences; trading in influence (articles 15, 16, 18, 21)*

Section 3 of the Prevention and Combating of Corrupt Activities Act (2004) (“PRECCA”), creates a general offence of corruption for the offering or giving of a gratification, directly or indirectly, to any person, whether for the benefit of that other person or for the benefit of another person, in order to act, personally or by influencing another person, in a manner that is illegal or amounts to an abuse of power or breach of trust. Section 3(a) makes it a crime to accept, agree or offer to accept, such a gratification. Section 4 applies to public “officers”. A “public officer” is defined broadly in section 1, but specifically excludes legislators, judicial officers and prosecutors. The same corruption offence, however, applies to these officials in sections 7, 8 and 9 of PRECCA, respectively. Solicitation of a gratification is included in the definition of “offers to accept”. Section 5 of the PRECCA applies Section 3 to active bribery of foreign public officials. Although there is no specific statute addressing passive bribery of foreign public officials, the conduct could be covered by the general prohibition in Section 3, which applies to “any person.” Section 3 also applies to cases of trading in influence and bribery in the private sector.

#### *Laundering of proceeds of crime; concealment (articles 23, 24)*

Section 4 of the Prevention of Organized Crime Act of 1998 (“POCA”), makes it a crime for any person who knows or ought reasonably to have known that property is or forms part of the proceeds of unlawful activities to: (a) enter into any agreement or engage in any arrangement or transaction with anyone in connection with that property; (b) perform any other act in connection with such property, which has the effect of concealing or disguising the nature, source, location, disposition or movement of the property or its ownership.

Section 5 of the POCA makes it a crime for a person, who knows or ought reasonably to have known that another person has obtained the proceeds of unlawful activities, to enter into any agreement, arrangement or transaction with anyone whereby the retention or the control by or on behalf of the other person of the proceeds of unlawful activities is facilitated, or the proceeds of unlawful activities are used to make funds available to the other person, acquire property on his or her behalf or benefit him or her in any other way.

In addition to potential fines and imprisonment upon conviction, laundered funds may be confiscated and forfeited with due consideration for the rights of bona fide third parties.

Predicate offences are not enumerated so as to maximize the scope of the money-laundering provisions. Foreign offences count as predicate offences to the extent they would constitute offences in South Africa. A person can be convicted of both money-laundering and the underlying predicate offence.

South Africa reported that it was in the process of formally furnishing copies of its money-laundering legislation to the Secretary-General.

*Embezzlement; abuse of functions; illicit enrichment (articles 17, 19, 20, 22)*

Embezzlement by a public official and in the private sector is grounded in the common-law offences of theft, fraud and embezzlement of property. These offences address the conduct envisioned in articles 17 and 22, and South Africa reported no investigation or prosecution challenges in that regard.

South Africa has not adopted a general statute that addresses the abuse of power by public officials under article 19. Some conduct would be covered by section 4 of the PRECCA to the extent that it involves an offer or solicitation by another person. It was also reported that some cases of abuse of power by a public official may rise to the level of the statutory offence of intimidation.

South Africa has not adopted a general statute to address illicit enrichment. However, section 23 of the PRECCA deals with this conduct by granting authority to the National Director of Public Prosecutions to apply to a Judge for an investigation direction based on evidence that a person: (a) maintains a standard of living above that which is commensurate with his or her present or past known sources of income or assets; or (b) is in control or possession of pecuniary resources or property disproportionate to his or her present or past known sources of income or assets; and (c) maintains such a standard of living through the commission of corrupt activities or unlawful activities; and (d) such investigation is likely to reveal relevant information of unlawful activity. The National Director can thereafter summon the suspect, or any other person specified in the investigation direction, to answer questions and/or produce evidence. This information can be used to seize and confiscate property or lead to further criminal investigation. Although this section has not yet been applied in practice, South Africa reported that guidelines were under development to facilitate its proper application.

*Obstruction of justice (article 25)*

Section 18 of the PRECCA criminalises the direct or indirect intimidation or use of physical force to persuade or coerce witnesses to change, delay or prevent

testimony. It also prohibits inducing a person to testify falsely, withhold testimony, alter or destroy evidence, or failure to appear.

Section 67 of the South African Police Service Act (1995) makes it a crime to interfere in the official duties of law enforcement officers through resisting, hindering or obstructing official duties, or using or threatening to use force against the official or their family. Similar conduct directed towards magistrates is contained in section 108 of the Magistrates' Court Act, 1944. Similar conduct towards judges is addressed by relevant common-law offences.

*Liability of legal persons (article 26)*

Convention offences apply to natural and legal persons alike. Section 2 of the Interpretation Act (1957) states that "person" includes: (a) any company incorporated or registered as such under any law; or (b) any persons corporate or unincorporated. Section 2(5) of the PRECCA defines person to include the person in the private sector. Section 1(xx) of the PRECCA defines "private sector" to include all persons or entities, including businesses, corporations or other legal persons.

Potential penalties include financial penalties and blacklisting from eligibility for public contracts. South Africa reported that the prosecution of the legal person is without prejudice to the potential prosecution of culpable natural persons.

*Participation and attempt, and mental state (articles 27, 28)*

Section 21(c) of the PRECCA prohibits conspiracy, attempt, inducing another person to commit an offence, and any act that aids, abets, induces, incites, instigates, instructs, commands, counsels or procures another person to commit a crime. Penalties are the same as those applicable to the underlying offence. Mere preparation to commit a criminal offence is not itself an offence.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (articles 30, 37)*

Section 26 of PRECCA sets forth potential penalties for corruption offences that are proportional to the severity of the crime. The National Prosecuting Authority Act (1998) vests the prosecuting authority with the discretion to make decisions regarding whether to institute or discontinue proceedings.

South Africa does not provide immunity from criminal investigation or prosecution for public officials. Section 252A of the Criminal Procedure Act ("CPA") provides limited criminal immunity for law enforcement officers acting in an undercover capacity.

Section 60 of the CPA allows for granting bail at the presiding officer's discretion, based on several factors, including community safety, the likelihood of appearance at future proceedings and the risk of flight.

Section 276B(1)(a) of the CPA permits a court to fix a minimum sentence during which the person shall not be placed on parole. Under section 42 of the Correctional Services Act (1998), when parole becomes possible, several factors are considered, including the nature of the crime; the offender's rehabilitation; the probability of re-offending; and the risk to the victim and the community. Section 50 of the said

Act promotes the re-integration of offenders into the community by supervision, relevant therapy and programmes.

An employee may be suspended during a disciplinary enquiry if: (a) The employee allegedly committed a serious offence, or (b) The presence of the employee at the workplace might jeopardize the investigation into the alleged misconduct.

For an offence under PRECCA sections 12 (relating to contracts) or 13 (relating to tenders), the Court may order the person to be placed on the Register for Tender Defaulters. The person thus endorsed must make this known in any subsequent agreement or tender with the State.

Under section 28 of the PRECCA, criminal accountability does not prevent disciplinary action. Although there is no general statutory prohibition to holding future public office or serving as an officer in a public enterprise, there are several sector-specific measures that prevent persons convicted of a corruption offence from serving in the public sector.

Under section 204 of the CPA, the prosecutor may agree with a cooperating offender to provide testimony and/or evidence in exchange for discharge from the offence. Under section 105A, the prosecutor may also enter into a plea agreement with a defendant for a reduced penalty upon a guilty plea and cooperation. However, this agreement is subject to the presiding officer having the final ruling. Finally, the prosecutor may elect not to initiate prosecution in exchange for cooperation.

*Protection of witnesses and reporting persons (articles 32, 33)*

Under section 1(1) of the Witness Protection Act (1998) (“WPA”), any witness who has reason to believe that his or her safety or the safety of any related person is or may be threatened by any person or group or class of persons, whether known to him or her or not, by reason of his or her being a witness, may request protection. Protection may include relocation or change of identity. The WPA established the Office for the Protection of Witnesses that facilitates both temporary and longer-term protection measures. Mechanisms exist to enable the views and considerations of victims to be presented and considered at all critical stages of criminal proceedings, including in parole consideration.

The Protected Disclosures Act (2000) (“PDA”) provides protection for both public and private sector whistle-blowers. The PDA sets out procedures by which employees may report unlawful or irregular conduct. The PDA prohibits an employer from subjecting an employee to “occupational detriment” on account of having made a protected disclosure, which includes any disciplinary action; dismissal, suspension, demotion, harassment or intimidation; being transferred against his or her will; being refused a transfer or promotion; or being threatened with any such action. The extension of the PDA to cover independent contractors has been addressed in the proposed amendment of the PDA

*Freezing, seizing and confiscation; bank secrecy (articles 31, 40)*

Under Chapters 4 to 6 of the POCA, extensive provisions address both conviction-based and non-conviction-based forfeiture. Under section 18 of Chapter 4, upon conviction, a defendant may be ordered to pay any amount the Court considers appropriate up to the value of the defendant’s proceeds derived from the offence.

The Court will also look at benefits derived from “any criminal activity which the Court finds to be sufficiently related to those offences” of conviction. Such an order can be executed against any of the defendant’s assets. In addition, for particular “lifestyle”, criminals convicted of serious offences who have assets significantly greater than their means of acquiring lawful income, a legal presumption may be invoked by the prosecutor (upon approval of the National Director) to require a convicted defendant to establish the lawful origin of property, assets and income acquired during the previous 7 years or risk their forfeiture. The NPA’s Asset Forfeiture Unit is tasked with implementing these Chapters of the POCA to their maximum effectiveness.

The POCA also provides for the confiscation of proceeds of crime in the hands of third parties, or that constitute property, equipment or instrumentalities of the offence, under a civil forfeiture mechanism. Confiscation in these civil proceedings is determined on a balance of probabilities that the property in question is connected to, or derived from, unlawful activity. Where only a part of the property was used to commit the criminal offence, courts have ruled that the entire property is subject to forfeiture. Chapter 2 of the CPA provides for the application and granting of search warrants, seizure, forfeiture and disposal of property. Sections 30 to 34 of the CPA govern the care and custody of property seized by the State.

Proceeds of an offence may be subject to pre-trial seizure. Under Part 3 of Chapter 5 of the POCA, a High Court may impose a restraint order on property belonging to a defendant or a person to be charged with an offence. Under section 38 of the POCA, the High Court may issue a preservation order for proceeds and instrumentalities of crime in a civil forfeiture proceeding. In any such order, the rights of bona fide third parties are protected.

Section 26(1) of the Financial Intelligence Centre Act (2001) permits an authorized representative of the Centre access to any records kept by or on behalf of an accountable institution, and may examine, make extracts from or copy any such records. Bank secrecy is not a ground to refuse to comply with a court order to disclose financial records related to an investigation.

*Statute of limitations; criminal record (articles 29, 41)*

Under section 18 of the CPA, the right to institute a prosecution for corruption lapses after a period of 20 years from the time when the offence was committed. So long as charges have been brought, the defendant’s flight from the jurisdiction will interrupt the limitations period.

Under section 271 of the CPA, the prosecution may produce to the court for admission or denial by the defendant a record of previous convictions. The Court shall take such convictions into account when imposing sentence.

*Jurisdiction (article 42)*

Section 90 of the Magistrates’ Court Act (1944) establishes jurisdiction over all criminal offences committed within the territory of South Africa. Section 35(1) of the PRECCA establishes jurisdiction for offences under the Act, regardless of whether or not the act constitutes an offence at the place of its commission if the person is a citizen of the Republic, is ordinarily resident in the Republic or was arrested in the territory of the Republic.

Section 35(2) of the PRECCA establishes jurisdiction over offences occurring outside of South Africa, regardless of whether or not the act constitutes an offence at the place of its commission, if (a) the act affects or is intended to affect a public body, a business or any other person in the Republic; (b) the person is found in South Africa; and (c) the person is not extradited by South Africa. Section 35(2) also provides for the prosecution of citizens of South Africa who commit crimes in foreign jurisdictions, but are not extradited.

*Consequences of acts of corruption; compensation of damage (articles 34, 35)*

Acts of corruption and unlawful activity are considered to be relevant factors in legal proceedings to annul or rescind a contract, withdraw a concession or take other remedial action. Section 300(1) of the CPA provides that where a person is convicted of an offence which has caused damage to or loss of property, the court may award restitution. Apart from this, an interested person may also institute civil proceedings to recover the damage or loss of property.

*Specialised authorities and inter-agency coordination (articles 36, 38, 39)*

South Africa has several specialized offices that work in the area of anti-corruption and law enforcement. These are detailed above, and are guaranteed investigative and operational independence.

Regarding inter-agency coordination, section 41(1) of the Constitution requires all spheres of government to cooperate with one another in mutual trust and good faith by fostering friendly relations, assisting and supporting one another, consulting on matters of mutual interest and adhering to agreed procedures. Established policy of the NPA requires effective cooperation with investigative agencies, and non-compliance may lead to disciplinary proceedings.

In addition to the National Anti-Corruption Hotline, private sector entities have also established hotlines and mechanisms for reporting corruption. Efforts are currently in an advanced stage to develop a digital system to track a case from the initial complaint through to final disposition.

## **2.2. Successes and good practices**

Overall, the following successes and good practices in implementing Chapter III of the Convention are highlighted:

- Detailed mechanism to facilitate the investigation of suspected cases of illicit enrichment by public officials.
- Comprehensive conviction-based and non-conviction-based forfeiture mechanisms, including the potential invocation, at the discretion of the prosecutor and upon conviction of a particularly serious offence, of a 7-year presumption that the assets and property of the convicted person are subject to forfeiture unless their lawful origin can be established by the defendant.
- Elaborate protection for witnesses and whistle-blowers under the Witness Protection Act and the Protected Disclosures Act, including broad scope of who qualifies as a witness and what counts as an “occupational detriment.”



### 2.3. Challenges in implementation, where applicable

The following steps could further strengthen existing anti-corruption measures:

- Consider adopting legislation to make passive bribery of foreign public officials a criminal offence under section 5 of the PRECCA.
- Consider the development and adoption of legislative or other measures to criminalise the abuse of functions by public officials.
- Continue to develop guidelines for implementation at the earliest possible time regarding section 23 of the PRECCA to address suspected cases of illicit enrichment.
- Consider a statutory prohibition for the obstruction of judges consistent with article 25(b) of UNCAC and the similar statutory prohibition with regard to magistrates and to law enforcement officials.
- Consider the adoption of further procedures to disqualify, for a period of time, persons convicted of Convention offences from holding public office or holding office in a public enterprise, in line with article 30(7) of the UNCAC.
- Consider mechanisms to facilitate video testimony of witnesses in safe houses or detention facilities (article 32(2)), and continue to explore opportunities to incorporate provisions into bilateral agreements to relocate witnesses in need of long-term protection (article 32(3)).
- Review the anti-corruption strategy and action plan to strengthen implementation and operationalization of anti-corruption laws and institutions, in partnership with civil society and the business sector.

## 3. Chapter IV: International cooperation

### 3.1. Observations on the implementation of the articles under review

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (articles 44, 45, 47)*

Extradition is addressed by the Extradition Act of 1962. A new Extradition Bill is under development and is expected to be presented to Parliament in 2013. South Africa is party to 12 bilateral extradition agreements, with others having been signed or currently being negotiated. South Africa is also party to multilateral agreements such as the South African Development Community (“SADC”) Protocol on Extradition and the African Union Convention on Extradition.

South Africa does not make extradition conditional to the existence of a treaty. If no treaty exists, the President must consent in writing for the extradition process to begin. South Africa also recognizes UNCAC as a legal basis for extradition, in which case no Presidential approval is necessary, although to date, UNCAC has not been so invoked. In the absence of an agreement, or in the absence of specific provisions in the treaty, the Extradition Act is to be applied.

Under the 1962 Act, extraditable offences include any offence, both in South Africa and the requesting State, that is punishable with a sentence of imprisonment for a period of six months or more. Dual criminality is therefore a prerequisite for extradition, and is determined on the basis of the factual conduct underlying the

offence for which extradition is requested. All UNCAC offences have been criminalized under South African law with the minimum imprisonment of six months, and thus are eligible for extradition. Some bilateral agreements raise the jurisdictional punishment threshold to one year, or, in some cases, two years.

South Africa does not refuse extradition of its nationals. Extradition may be refused or deferred, however, where criminal proceedings are pending against the person in South Africa, to allow for completion of a sentence of imprisonment, based on the trivial nature of the offence, or if there is a risk of discrimination. Requests cannot be refused on the ground that the offence involves fiscal matters. If extradition is refused, the person will be prosecuted in South Africa.

The central authority for extradition is the Office of the Director General of the Department of Justice and Constitutional Development. From there, the request would be sent to the Prosecutor's Office with 15 days for examination. The request is then presented to the Magistrate Court, and its decisions can be appealed. The Minister of Justice takes the final decision, which can also be appealed. Due process is observed at all stages of the consideration of an extradition request. South Africa observes conditions requested by the other State to the extent permitted by its legal system and Constitution.

In order to facilitate extradition with civil law countries, and to accelerate the process, the Magistrate must accept as conclusive proof a certificate issued by an appropriate authority in charge of the prosecution in the foreign State, stating that it has sufficient evidence at its disposal to warrant the prosecution of the person concerned.

South Africa has established a Committee on Extradition, comprising the Central Authority, the NPA, the South African Police Service (SAPS), Interpol and the Department of International Relations and Co-operation with the view to enhance and streamline extradition procedures, and to discuss and address the main issues faced in this process.

South Africa has not adopted provisions with regard to the transfer of sentenced persons, although it was considering the Draft Protocol on Interstate Transfer of Foreign Prisoners under SADC.

South Africa's legislation does not prohibit the transfer of criminal proceedings. Therefore, bilateral agreements providing for the transfer of criminal proceedings are possible.

#### *Mutual legal assistance (article 46)*

South Africa provides mutual legal assistance to the broadest extent possible, within the framework of the respect for human rights.

The International Co-operation in Criminal Matters Act (1996) ("ICCMA") seeks to facilitate the provision of evidence, execution of sentences in criminal cases and the confiscation and transfer of proceeds of crime. South Africa does not require an agreement for the provision of such assistance. It is party to 9 bilateral agreements, and has signed or is negotiating others. South Africa is also party to multilateral agreements such as the SADC Protocol on Mutual Legal Assistance. In the absence of an agreement, the ICCMA or UNCAC may be applied.

South Africa has applied the UNCAC or other UN Conventions as a basis for mutual legal assistance in the taking of statements, the provision of documents and the examination of objects and sites. The ICCMA enables South Africa to provide the widest legal assistance, both with regard to natural and legal persons, including all types of assistance listed in the UNCAC.

The Office of the Director General of the Department of Justice and Constitutional Development is the central authority, and therefore coordinates all requests for assistance.

Dual Criminality is not a prerequisite to provide assistance. Bank secrecy is not a ground for refusal of a request. Assistance can only be refused where the requirements in the bilateral agreement are not met; for issues relating to sovereignty, national security or public order; or when the action requested would be contrary to law. To date, South Africa has replied positively to all assistance requests. South Africa manages the information confidentially.

In case of emergency, the request can be sent directly to the tribunal having jurisdiction in the place where the evidence is located, whereupon the NPA would be notified as soon as possible. Safe conduct for witnesses is guaranteed.

*Law enforcement cooperation; joint investigations; special investigative techniques (articles 48, 49, 50)*

South Africa does not require an agreement to provide police-to-police cooperation, and cooperates regularly with law enforcement outside of the framework of an agreement. To date, the SAPS has concluded approximately 30 police cooperation agreements, 12 of which specifically address corruption: Austria, Bulgaria, Cyprus, France, Malta, Nigeria, Portugal, the Russian Federation, Rwanda, Turkey, Uganda and the United Arab Emirates. The SADC provides for broad police cooperation on a regional level, as does the Asset Recovery Inter-Agency Network Southern Africa. Direct informal contact is not precluded although often such contact would be made through Interpol, or through the police liaison officer placed in many embassies of South Africa.

South Africa is a key regional provider of interstate training, including in witness protection, corruption and money-laundering.

Joint investigations with foreign law enforcement agencies can be, and have been conducted, in the absence of any agreement or on the basis of the SADC protocol.

Special investigative techniques, including electronic and video surveillance and undercover operations, have been successfully used in corruption and money-laundering operations. These techniques are authorized by the Regulation of Interception of Communications and Provision of Communication-related Information Act (2002) and the CPA. A specific agreement is not necessary to use special investigative techniques, and South Africa coordinates closely to ensure legality and admissibility of evidence obtained. However, assistance requests made by South Africa have in some cases suffered delays due to the lack of a mechanism facilitating the provision of costs incurred for such requests.

### **3.2. Successes and good practices**

Overall, the following successes and good practices in implementing Chapter IV of the Convention are highlighted:

- The establishment of the Committee on Extradition to improve the effectiveness of the extradition mechanism.
- The requirement that the Magistrate accepts as conclusive a certificate issued by an appropriate authority in charge of the prosecution in the foreign State concerned, stating that it has sufficient evidence at its disposal to warrant prosecution.
- South Africa can use, and has previously used, the UNCAC as a legal basis in the framework of mutual legal assistance requests.

### **3.3. Challenges in implementation, where applicable**

The following steps could further strengthen existing anti-corruption measures:

- Continue to develop bilateral and multilateral agreements with foreign countries that are in process, to enhance international cooperation.
  - Continue to explore opportunities to conclude bilateral and multilateral agreements regarding the transfer of sentenced persons.
  - Continue to seek ways to address, where necessary, costs associated with requests for assistance made by South Africa.
-