

SOUTH AFRICA,
REPUBLIC OF

南非共和國

TREATY OF EXTRADITION BETWEEN
THE GOVERNMENT OF THE REPUBLIC
OF CHINA AND THE GOVERNMENT OF
THE REPUBLIC OF SOUTH AFRICA

中華民國政府與南非共和國
政府間引渡條約

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七十六年十月三十日簽訂
七十七年五月二十四日互換批准書
七十七年五月二十四日生效

PREAMBLE

WHEREAS the Government of the Republic of China and the Government of the Republic of South Africa are desirous to regulate by mutual agreement the relations between the Republic of China and the Republic of South Africa in the sphere of extradition of offenders ;

NOW, THEREFORE, the Government of the Republic of China and the Government of the Republic of South Africa (hereinafter referred to as the " Contracting Parties ") agree as follows :

序文

鑒於中華民國政府與南非共和國政府，咸欲經由相互協議對中華民國與南非共和國間之人犯引渡事宜加以規範；為此，中華民國政府與南非共和國政府（以下簡稱「締約國」）爰經協議如下：

ARTICLE 1

OBLIGATION TO EXTRADITE

The Contracting Parties undertake to extradite to each other, subject to the provisions of this Treaty and their laws relating to extradition, any person who is accused or was convicted of the commission within the jurisdiction of the requesting Party of an offence specified in Article 2 and who finds himself in the territory of the requested Party.

第一條

引渡之義務

締約國雙方承諾，依照本條約及雙方有關引渡之法律之規定，將在請求國一方之管轄內犯有第二條所列之任一犯罪行為而被追訴或判決定罪，且在被請求國領域內之任何人犯，彼此互予引渡。

ARTICLE 2

EXTRADITABLE OFFENCES

- (1) Extradition shall be granted in the case of a person accused in respect of any act which is an offence under the laws (including the common law) of the requesting Party as well as those of the requested party and which is punishable in terms of such laws by a sentence of imprisonment for a period of six months or more or by a more severe penalty other than a fine alone.

第二條

得予引渡之犯罪行為

一、被起訴之人犯，其行為依請求國之法律（包括習慣法）及被請求國之法律（包括習慣法）均構成犯罪，且依雙方法律均得科處六月以上有期徒刑或其他更重之刑罰者，應准予引渡。但專科罰金者，不在此限。如人犯就上述犯罪行為業經判決有罪，為執行此項判決或執行其未滿之刑期時，不論宣告之徒刑期間或其他更重之刑罰為何，均應准予引渡。

Extradition shall be granted, in the case of a

person convicted and sentenced in respect of such an offence, for the purpose of enforcing such sentence or the balance of such sentence irrespective of the period of imprisonment or other more severe penalty imposed.

- (2) If the request for extradition relates to more than one offence for some of which the punishment is less than that prescribed in paragraph (1) of this Article, the requested Party may in its discretion grant extradition also in respect of the latter offences.

ARTICLE 3 POLITICAL OFFENCES

Extradition may be refused if the offence in respect of which it is requested is regarded by the requested Party as a political offence.

ARTICLE 4 MILITARY OFFENCES

Extradition shall not be granted in respect of any offence under military law if such offence is not an offence under ordinary criminal law.

ARTICLE 5 PENDING PROCEEDINGS FOR THE SAME OFFENCE

The requested Party may refuse to extradite any person if the competent authorities of such Party are proceeding against such person in respect of the offence or offences for which extradition is requested.

ARTICLE 6 PROCEEDINGS AND SENTENCES FOR DIFFERENT OFFENCES

When the person whose extradition is requested is being proceeded against or is serving a sentence in the territory of the requested Party for an offence other than that for which such extradition has been requested, his surrender may be deferred until such proceedings have been concluded or such or any other sentence has been

二、如對一個以上之犯罪行為請求引渡，而其中某些犯罪行為之刑罰較本條第一項所規定者為輕時，被請求國，基於自由裁量，併得允准該等較輕之犯罪行為之引渡。

第三條 政治性犯罪

引渡請求所涉及之犯罪行為，如被請求國認係屬政治性犯罪者，得拒絕之。

第四條 軍事性犯罪

任何涉及軍法之犯罪行為，如該項行為依照一般刑法不構成犯罪者，應不准引渡。

第五條 對同一犯罪行為進行追訴中

被請求國之該管當局，如正就請求引渡之犯罪行為，對同一人犯進行追訴時，得拒絕引渡該人犯。

第六條 對不同犯罪行為之追訴與刑罰

如被請求引渡之人犯，因被請求引渡以外之其他犯罪行為，在被請求國領域內，正受追訴或服刑時，該人犯之解交，得展延至追訴程序終結或刑罰執行完畢後為之。

served or carried out.

ARTICLE 7 NON BIS IN IDEM

Extradition shall not be granted if final judgment has been passed by the competent authorities of the requested Party upon the person whose extradition is sought in respect of the offence or offences for which extradition is requested. Extradition may be refused if the competent authorities of the requested Party have decided either not to institute or to terminate proceedings in respect of the same offence or offences.

ARTICLE 8 LAPSE OF TIME

Extradition shall not be granted if the person whose extradition is sought has, according to the law of either the requesting or the requested Party, become immune by reason of lapse of time from prosecution or punishment for the offence for which extradition is requested.

ARTICLE 9 THE REQUEST AND SUPPORTING DOCUMENTS

- (1) The request for extradition shall be in writing and shall be communicated through the diplomatic channel or such other channel as may from time to time be agreed upon by the Contracting Parties.
- (2) The request for extradition shall be accompanied by—
 - (a) if the person whose extradition is sought is a person accused, the original or a certified copy of the warrant for his arrest or court order having the same effect and issued in accordance with the law of the requesting Party as well as prima facie evidence of the commission of the offence by such person ;
 - (b) if the person whose extradition is sought is a person convicted, the original or a certified copy of the record of his conviction and enforceable sentence, and a statement showing

第七條 一事不再理

如被請求國之該管當局，對被請求引渡之人犯，就請求引渡之犯罪行為已為確定判決時，應不准引渡。

如被請求國之該管當局決定對同一犯罪行為處分不起訴或終結訴訟程序者，得拒絕引渡。

第八條 消滅時效

請求引渡之犯罪行為，其追訴權或行刑權，依請求國或被請求國任何一方之法律，業因時效完成而消滅者，應不准引渡。

第九條 請求書及輔助文件

一、引渡之請求應以書面並應循外交途徑或其他經締約國雙方於其後所協議之途徑為之。

二、引渡之請求應檢附：

(甲) 如被請求引渡之人犯，係已被追訴者，其拘票或其他依據請求國法律所發具有同等效力之法院命令正本或經證明之繕本，以及外觀足資認定該人犯犯罪之證據；

(乙) 如被請求引渡之人犯，係已判決有罪者，其有罪判決與可執行之刑罰之記錄正本或經證明之繕本，以及載明剩餘未執行刑期之

how much of the sentence has not been carried out ;

- (c) a statement of the offences for which extradition is requested, in which the time and place of their commission, their legal description and a reference to the relevant legal provisions shall be set out as accurately as possible ;
- (d) a copy of the relevant enactments or, where this is not possible, a statement of the relevant law ; and
- (e) as accurate a description as possible of the person whose extradition is sought together with any other information which will help to establish his identity.

ARTICLE 10 DOCUMENTS RELATING TO EVIDENCE

The authorities of the requested Party shall admit as evidence in any proceedings for extradition any deposition or statement on oath or affirmation, whether or not taken in the presence of the person accused, any record of any conviction, or any warrant issued in the requesting State or a copy or sworn translation of the aforesaid documents, if such documents or a copy or translation thereof are authenticated-

- (a) by being certified, by a judge, magistrate or other competent officer of the requesting Party, to be original documents, or to be true copies or translations thereof, as the case may be ; and
- (b) either by the oath or affirmation of some witness, or by being sealed with the official seal of the Minister of Justice or other competent authority of the requesting Party, or in such other manner as may be permitted by the law of the requested Party.

ARTICLE 11 ADDITIONAL EVIDENCE OR INFORMATION

聲明書；

(丙) 關於被請求引渡之犯罪行為之聲明書，其內容應儘可能詳載犯罪之時間與地點，其法律上之記述，以及所援引之有關法條；

(丁) 有關法規各一份，如無法提供時，一份有關法律之說明；及

(戊) 對被請求引渡之人犯儘可能翔實之描述，以及任何其他足資辨明其身分之資料。

第十條 關於證據之文件

被請求國之有關當局，在任何引渡之程序中，對於任何經宣誓或證實之證言或陳述，不論製作時被追訴之人犯是否在场，任何有罪判決之記錄，或任何請求國所發之令狀，或上述文件之影本或經宣誓之譯本，如經以下程序之認證，均應採為證據：

(甲) 經請求國法官、司法行政官或其他該管官員，視個案之情形證明其為正本、真正之繕本或譯本者；及

(乙) 經證人宣誓或證實，或經請求國法務部長或其他該管當局之鈐印，或經其他被請求國法律所容許之方式，予以認證者。

第十一條 補充證據或資料

- (1) If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, the requesting Party shall submit the necessary additional evidence or information within such time as the requested Party shall designate.
- (2) If the person whose extradition is sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or information is not received within the period specified by the requested Party, he may be discharged from custody.
- (3) Such discharge as referred to in paragraph (2) of this Article shall not bar the requesting Party from submitting another request for extradition in respect of the same offence.

ARTICLE 12 RULE OF SPECIALITY

A person who has been extradited under this Treaty shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence for any offence committed prior to his surrender other than that for which he was extradited, nor shall he for any other reason be restricted in his personal freedom, except in the following cases :

- (a) When the requested Party consents thereto. A request for consent shall be submitted by the requesting Party, accompanied by the documents mentioned in Article 9, paragraph (2), and a legal record of any statement made by the extradited person in respect of the offence concerned. Consent shall not be withheld when the offence for which it is requested is itself subject to extradition in accordance with the provisions of this Treaty.
- (b) When the person, having had the opportunity to leave the territory of the requesting Party, has not done so within 45 days of his final discharge, or has voluntarily returned to that territory after leaving it.

ARTICLE 13 RE-EXTRADITION TO THIRD STATE

一、如被請求國尚需補充證據或資料始能決定是否准予引渡時，請求國應於被請求國所指定之期間內，提出必要之補充證據或資料。

二、如被請求引渡之人犯現正羈押中，而前述提出之補充證據或資料不夠充分，或資料未能於被請求國所定之期間內送達時，人犯得予釋放。

三、本條第二項所稱之釋放，應不妨礙請求國就同一犯罪行為再行提出引渡之請求。

第十二條 引渡與追訴一致原則

依據本條約被引渡之人犯，不得因解交之前已犯，且未受引渡請求之任何其他犯罪行為而被追訴、判刑或為執行刑罰而受羈押，亦不得基於任何其他理由而限制其人身自由。但有下列情形者，不在此限：

(甲) 經被請求國同意者。請求國應提出同意請求書，並檢附第九條第二項內所列之各項文件及被引渡之人犯就有關該犯罪行為所為陳述之法定紀錄。被請求之犯罪行為，依本條約之規定，如係得予引渡者，不得拒絕同意。

(乙) 人犯如有離去請求國領域之機會，而未於其最後釋放之日起四十五日內離去者，或於離去之後自願返回請求國領域者。

第十三條 再引渡與第三國

Except as provided for in Article 12, paragraph (b), the requesting Party shall not, without the consent of the requested Party, surrender to a third state a person surrendered to the requesting Party and sought by the said third state in respect of offences committed before his surrender. The requested Party may require the production of the documents in respect of the offence for which the third state is requesting extradition before giving its consent for re-extradition.

ARTICLE 14 PROVISIONAL ARREST

- (1) In case of urgency the competent authorities of the requesting Party may request the provisional arrest of the person whose extradition is sought. The competent authorities of the requested Party shall decide the matter in accordance with its law.
- (2) The request for provisional arrest shall state that one of the documents mentioned in Article 9, paragraph (2)(a) or (b), exists and that it is intended to send a request for extradition. It shall also state for what offence extradition will be requested and when and where such offence was committed and shall so far as possible give a description of the person whose extradition is sought.
- (3) A request for provisional arrest shall be sent to the competent authorities of the requested party either through the diplomatic channel or direct by post or telegraph or by any other means affording evidence in writing and acceptable to the requested Party. The competent authorities of the requesting Party shall be informed as soon as possible of the result of their request.
- (4) Provisional arrest may be terminated if within a period of 18 days after the arrest the requested Party has not received the request for extradition. In any event, the person whose extradition is sought shall not be detained longer than 40 days after the date of provisional arrest if the requested Party has not received the request for extradition and the documents mentioned in Article 9, paragraph (2), within that period. The requested Party

除第十二條(乙)款所定之情形外，請求國非經被請求國之同意，不得將引渡之人犯，應第三國之主張，以其於引渡前曾犯他罪，而再引渡與該第三國。被請求國於同意再引渡之前，得要求提出關於第三國請求引渡之犯罪行為之有關文件。

第十四條 臨時逮捕

一、遇有緊急情形時，請求國之該管當局，得請求將所擬引渡之人犯，予以臨時逮捕。被請求國之該管當局，應依該國法律處理之。

二、臨時逮捕請求書，應述明既存之第九條第二項(甲)款或第二項(乙)款所稱之文件及即將提出引渡請求之意旨。上述請求書內並應述明所擬請求引渡之犯罪行為及其犯罪之時間與地點，並應儘可能對於被請求引渡人犯予以描述。

三、臨時逮捕請求書，應循外交途徑或逕以郵政、電報或任何其他足以提供書面證據並為被請求國所接受之方式，送達被請求國之該管當局。請求國之該管當局，應儘速獲知其請求之結果。

四、被請求國於逮捕後十八日內，仍未接獲引渡請求書時，得終止臨時逮捕。

無論如何，自臨時逮捕之日起四十日內，如被請求國仍未收到引渡請求書以及第九條第二項所列之各項文件時，被請求引渡之人犯，即不得再予羈押。被請求國得隨時將被請求引渡之人犯，於臨時逮捕中釋放，惟釋放後，被請求國應採

may release the person whose extradition is sought from provisional arrest at any time but, if he is released, the requested Party shall take whatever measures available under its law that it considers necessary to prevent the escape from its territory of the person whose extradition is sought.

- (5) Release from provisional arrest shall not debar rearrest and extradition if a request for extradition is received subsequently.

ARTICLE 15 CONFLICTING REQUESTS

If extradition of the same person is requested concurrently by more than one state, either for the same offence or for different offences, the requested Party shall make its decision having regard to all the circumstances and especially the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality of the person whose extradition is sought, his ordinary residence and the possibility of subsequent extradition to another state.

ARTICLE 16 SURRENDER OF THE PERSON WHOSE EXTRADITION IS SOUGHT

- (1) The requested Party shall inform the requesting Party through the channel mentioned in Article 9, paragraph (1), of its decision with regard to the request for extradition.
- (2) Reasons shall be given for any complete or partial rejection.
- (3) If the request is granted, the requesting Party shall be informed of the place and date of surrender and of the length of time for which the person whose extradition is sought would have been detained between the date of committal and the date of surrender.
- (4) If the person to be surrendered has not been received on the appointed date by the requesting Party, he may be released after the expiry of 30 days. The requested Party may refuse to extradite him thereafter for the same offence.
- (5) If circumstances beyond its control prevent a

取一切其認為必要之合法措施，以防止被請求引渡之人犯逃離該國領域。

五、經臨時逮捕而釋放者，不得妨礙接獲引渡請求書後，再行逮捕與引渡。

第十五條 請求之競合

數國對於同一人犯，無論基於同一犯罪行為或不同之犯罪行為，同時請求引渡時，被請求國應斟酌全盤情況之後予以決定，尤應考慮犯罪行為之嚴重程度與犯罪之行為地、各請求書提出之日期、被請求引渡人犯之國籍，其通常居留地以及其後引渡予其他國家之可能性。

第十六條 被請求引渡人犯之解交

一、被請求國應循第九條第一項所述之途徑，將有關引渡請求之決定，通知請求國。

二、對全部或部分之拒絕應附理由。

三、如請求獲准，應將解交之地點與期日，以及被請求引渡之人犯自羈押時起至解交時止，已受監禁之時間併通知請求國。

四、如請求國未於約定之期日接受應解交之人犯，被請求國得於三十日期滿之後將其釋放。其後被請求國得拒絕就同一犯罪行為引渡該人犯。

五、如因不可控制之情勢以致

Contracting Party from surrendering or receiving the person to be surrendered, the said Party shall so notify the other Contracting Party. The Contracting Parties shall thereafter agree upon a new date for surrender and the provisions of paragraph (4) of this Article shall thereupon apply.

ARTICLE 17

HANDING OVER PROPERTY

- (1) The requested Party shall, in so far as its law permits and at the request of the requesting Party, hand over to the latter, property -
 - (a) Which may be required as evidence ; and
 - (b) Which has been seized under the authority of a search warrant or which, at the time of arrest, was found in the possession of the person whose extradition is sought.
- (2) The property referred to in paragraph(1) of this Article shall be handed over even if extradition, having been granted, cannot be carried out owing to the death or escape of the person whose extradition is sought.
- (3) When the said property is liable to seizure or confiscation in the territory of the requested Party, the requested Party may, in connection with pending criminal proceedings, temporarily retain it or hand it over to the requesting Party on condition that it be returned within a specified period of time.
- (4) Any rights which the requested Party or third parties may have acquired in the said property shall remain unaffected. Where such rights exist the property shall be returned without charge to the requested Party as soon as possible after the trial, unless such rights have been waived.

ARTICLE 18

TRANSIT

- (1) Transit through the territory of either Contracting Party shall be granted to the other Contracting Party in respect of the extradition

妨礙締約國一方解交或接受應解交之人犯時，該方應將上述情形通知他方締約國。其後締約國雙方應另定解交之期日，此時，本條第四項之規定應適用之。

第十七條

財物之交付

一、被請求國應在其法律允許之範圍內，依據請求國之請求，將下列財物交付予請求國：

(甲) 可供作為證據之用者；
及

(乙) 經用搜索票而扣押者或係被請求引渡之人犯於逮捕時所持有者。

二、本條第一項所稱之財物，於引渡業經獲准，但因被請求引渡之人犯死亡或逃匿致無法執行時，仍應交付之。

三、如前述財物於被請求國領域內得以扣押或沒收者，被請求國得為繫屬中之刑事訴訟程序，暫時予以留置，或在特定期間內返還之條件下交付予請求國。

四、被請求國或第三者，對前述財物所已取得之任何權利應不受影響、當該等權利存在時，除非該等權利業經捨棄，財物應於審判後儘速返還被請求國，不收取費用。

第十八條

過境

一、締約國一方應依據下列各款之規定，允准他方締約國自第三國引渡人犯時經由該國之領域過

of any person from a third state in accordance with the following provisions :

- (a) A request for transit shall be submitted in the manner prescribed in Article 9, paragraph (1), in respect of a request for extradition.
- (b) The provisions and conditions laid down in this Treaty shall apply mutatis mutandis to such a request as if it were a request for the extradition of the person concerned.
- (c) The Contracting Party requested to grant transit may require the production of the documents mentioned in Article 9, paragraph (2), before granting the request for transit through its territory.
- (d) If the person whose extradition is sought is to be transported by aircraft over the territory of either Contracting Party, the following provisions shall apply :
 - (i) If no intermediate landing is scheduled to be made, the requesting Party shall notify the Contracting Party over whose territory the flight is to be made and shall confirm that a warrant of arrest or a conviction and enforceable sentence exists and shall give an assurance that in view of the facts known to it and considering the documents in its possession, there is no reason why transit in accordance with this Treaty should be refused. In the case of an unscheduled intermediate landing, the notification concerning the use of air transport shall have the effect of a request for provisional arrest as provided for in Article 14, and the requesting Party shall thereafter submit a formal request for extradition.
 - (ii) If an intermediate landing is to be made, the provisions of subparagraphs (a), (b) and (c) of this paragraph shall apply.
- (1) Any right of transit arising from the operation of paragraph
- (2) shall be exercised in accordance with such conditions as the requested party may prescribe.

境：

(甲) 應依第九條第一項所定關於請求引渡之方式，提出過境請求。

(乙) 一如其為請求引渡該有關人犯，本條約所定之規定與條件，應準用於此項過境請求。

(丙) 被請求允准過境之締約國一方，於允准經由其領土過境前，得要求提出第九條第二項所述之各項文件。

(丁) 如被請求引渡之人犯將以航空器運送飛越締約國一方之領域時，應適用下列規定：

(一) 如按預定之行程不作中途著陸時，請求國應通知將飛越其領土之締約國，並應證實確有拘票或有罪判決與得執行之刑罰係屬存在，且應使人確信，鑒於已知之事實與所持有之文件，依本條約之規定，其過境應無理由遭受拒絕。如需作行程所未預定之中途著陸時，關於使用空中運送之通知，應有第十四條所定請求臨時逮捕之效力，請求國隨後並應提出正式之引渡請求。

(二) 如預定將於中途著陸時，本項(甲)(乙)(丙)各款之規定應予適用。

二、因第一項之適用而生之任何過境權利，應依照被請求國所規定之條件予以行使。

- (3) Notwithstanding the provisions of this Article, the requested Party may refuse a request for transit if it is of the opinion that such transit would endanger public order in its territory.

ARTICLE 19 LANGUAGE TO BE USED

Where the Government of the Republic of China is the requested Party, the documents to be produced shall be accompanied by certified translations into English or Chinese if such documents are not in one of these languages. Where the Government of the Republic of South Africa is the requested Party, the documents to be produced shall be accompanied by certified translations into English or Afrikaans if such documents are not in one of these languages.

ARTICLE 20 EXPENSES

- (1) Expenses incurred in the territory of the requested Party by reason of the arrest, detention and maintenance of the person whose extradition is sought, and any court proceedings arising from the request for extradition, shall be borne by that party.
- (2) The requesting Party shall bear the expenses occasioned by the conveyance of the person whose extradition is sought from the place where he is surrendered to its own territory.
- (3) Expenses incurred by reason of transit through the territory of a party requested to grant transit shall be borne by the requesting Party.

ARTICLE 21 APPLICATION OF THE TREATY

This Treaty shall apply to offences committed and sentences imposed whether before or after the date upon which this Treaty comes into force.

ARTICLE 22 RATIFICATION AND ENTRY INTO FORCE

This Treaty shall be ratified in accordance

三、縱有本條之規定，被請求國如認為其過境將危害該國領域之公共秩序時，仍得拒絕過境之請求。

第十九條 使用之語文

中華民國政府係被請求之一方時，所提出之文件如非以英文或中文作成時應檢附經認證之英文或中文譯本。南非共和國政府係被請求之一方時，所提出之文件如非以英文或斐文作成時應檢附經認證之英文或斐文譯本。

第二十條 費用

一、在被請求國領域內，因逮捕、羈押與被請求引渡之人犯之生活及因請求引渡之法庭程序所生之費用應由被請求國負擔。

二、請求國應負擔將被請求引渡之人犯自解交地運送至其領域所生之費用。

三、因過境被請求允准過境之一方領土所生之費用應由請求國負擔。

第二十一條 本條約之適用

本條約適用於本條約生效之日以前及生效之日以後之犯罪行為與宣告之刑罰。

第二十二條 批准及生效

本條約應由各締約國依其憲法

with the constitutional processes of each Contracting Party and shall come into force upon the date on which instruments of ratification thereof have been exchanged.

ARTICLE 23
TERMINATION

Either of the Contracting Parties may terminate this present Treaty at any time by giving six months' written notice to the other Party through the diplomatic channel.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed and sealed this Treaty in duplicate in the Chinese and English languages, both texts being equally authentic.

DONE at Taipei, this Thirtieth day of the Twelfth month of the Seventy-sixth year of the Republic of China, corresponding to the Thirtieth day of December 1987.

[Signed]
FOR THE GOVERNMENT OF THE
REPUBLIC OF CHINA

[Signed]
FOR THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA

[Translation]

INSTRUMENT OF RATIFICATION

Whereas the Plenipotentiaries of the Government of the Republic of China and of the Government of the Republic of South Africa signed the Extradition Treaty between the two countries at Taipei on the Thirtieth day of the Twelfth month of the Seventy-sixth year of the Republic of China, in accordance with the provision of Article 22 of the said Treaty and the constitutional procedures of the Republic of China, I hereby ratify the said Treaty and provide therefor this Instrument of Ratification.

In WITNESS WHEREOF, I have signed this Instrument of Ratification and caused to be affixed

所定程序予以批准，並於互換批准書之日起發生效力。

第二十三條
終止

締約國一方得隨時循外交途徑於六個月前以書面通知他方終止本條約。

為此，締約雙方代表，經雙方政府合法授權，爰於本條約簽字並蓋印，以昭信守。

本條約以中文及英文各繕兩份，中文本及英文本同一作準。

中華民國七十六年十二月三十日
即公曆一九八七年十二月三十日
訂於台北

中華民國政府代表
丁懋時 [簽名]

南非共和國政府代表
H J COETSEE, MP [簽字]

批准書

中華民國政府與南非共和國政府曾各派全權代表，於中華民國七十六年十二月三十日在台北簽訂兩國間引渡條約。本總統茲依照該約第二十二條之規定暨中華民國憲法程序，予以批准，並備具批准書，由本總統署名，鈐蓋國璽，以昭信守。

hereunto the National Seal of the Republic of China.

Done at Taipei this Tenth day of the Fifth month of the Seventy-seventh year of the Republic of China.

[Singed]
Lee Tang-hui
President of the Republic of
China

中華民國總統

李登輝

[Countersigned]
Ding Mou-shih
Minister of Foreign Affairs

外交部部長

丁懋時 公出

政務次長

王飛 代行

Translation certified by :

[Signed]
Kuo Kang
Director
Department of Treaty and Legal Affairs
Ministry of Foreign Affairs
Republic of China

中華民國七十七年五月十日於台北
典璽官 劉屋

[Translation]

Full Power

全權證書

Whereas the Extradition Treaty between the Republic of China and the Republic of South Africa signed at Taipei on the Thirtieth day of the Twelfth month of the Seventy-sixth year of the Republic of China has been duly ratified by the Government of the Republic of China, I, President of the Republic of China, have appointed Dr. Shih Chi-yang, Minister of Justice of the Republic of China, the Plenipotentiary for exchanging the instruments of ratification of the said Treaty with the Plenipotentiary appointed by the President of the Republic of South Africa.

中華民國總統為發給證書事茲
因

中華民國與南非共和國於中華民國七十六年十二月三十日在台北簽訂之引渡條約業經中華民國政府予以批准本總統特派中華民國法務部部長施啟揚為互換批准書

In testimony whereof, this Full Power is issued to Dr. Shih Chi-yang, Minister of Justice of the Republic of China, the Plenipotentiary for exchanging the instruments of ratification of the said Treaty.

全權代表俾與
南非共和國總統所派全權代表
將批准書彼此互換為此發給全權證
書以昭信守此證

Done at Taipei, this Nineteenth day of the Fifth month of the Seventy-seventh year of the Republic of China.

右給互換中華民國政府與南非
共和國政府間引渡條約批准書全權
代表中華民國法務部部長施啟揚收
執

[Signed]
 Lee Reng-hui
 President of the Republic of
 China

中華民國總統
 李登輝

[Countersigned]
 Ding Mou-shih
 Minister of Foreign Affairs

外交部部長
 政務次長
 丁懋時 公出
 王飛 代行

Translation certified by :

[Signed]
 Kuo Kang
 Director
 Department of Treaty and Legal Affairs
 Ministry of Foreign Affairs
 Republic of China

中華民國七十七年五月十九日於台
 北

典璽官 劉屋

STATE PRESIDENT'S MINUTE NO 369

Under the powers vested in me by section 6(3)
 (e) of the Republic of South Africa Constitution
 Act, 1983 (Act 110 of 1983), I hereby—

(a) ratify the Treaty of Extradition between
 the Government of the Republic of South Africa
 and the Government of the Republic of China ;
 and

(b) authorise the Minister of Justice to sign
 and exchange the instrument of ratification.

[Signed]
 STATE PRESIDENT
 DATE 20 - 05 - 1988

[Signed]
 MINISTER OF THE
 CABINET

INSTRUMENT OF RATIFICATION

WHEREAS the duly accredited plenipotentia-
 ry of the Republic of South Africa and the
 Minister of Foreign Affairs of the Republic of
 China signed a Treaty of Extradition in Taipei on
 30 December 1987 ;

AND WHEREAS article 22 of the said Treaty-
 provides that the Treaty shall be ratified in

accordance with the constitutional processes of each Contracting Party and shall come into force upon the date on which instruments of ratification thereof have been exchanged ;

NOW, THEREFORE, the Government of the Republic of South Africa, having considered the said Treaty, hereby confirms and ratifies the same for the Republic of South Africa ;

IN WITNESS WHEREOF, I HENDRIK JACOBUS COETSEE, Minister of Justice of the Republic of South Africa, have signed and sealed these presents at capy town on this the 24th day of May One thousand Nine hundred and Eighty - eight.

[Signed]
H J COETSEE, MP
MINISTER OF JUSTICE
REPUBLIC OF SOUTH
AFRICA

[Translation]

CERTIFICATE OF EXCHANGE

The Undersigned having met together for the purpose of exchanging the Instruments of Ratification of a Treaty of Extradition between the Republic of China and the Republic of South Africa which was signed at Taipei on the Thirtieth day of the Twelfth month of the Seventy - sixth year of the Republic of China, corresponding to the Thirtieth day of December, 1987, by the duly accredited representatives of the Government of the Republic of China and of the Government of the Republic of South Africa ; and the respective Ratifications of the said Treaty having been found in good and due form, the said exchange took place this day.

In witness whereof the Undersigned have signed the present Certificate.

Done at Cape Town, on the Twenty - fourth day of the Fifth month of the Seventy - seventh year of the Republic of China, corresponding to the Twenty - fourth day of May, 1988, in duplicate, in the Chinese and English languages, both texts being equally authentic.

互換批准書證明書

本證明書之簽字人為互換經由中華民國政府與南非共和國政府正式授權之代表，於中華民國七十六年十二月卅日即西曆一九八七年十二月卅月在台北所簽訂中華民國與南非共和國間引渡條約之批准書事，特舉行會晤，經互相校閱雙方之批准書，均屬妥善，爰於本日予以互換。

為此，雙方代表爰簽署本證明書，以昭信守。本證明書用中文及英文各繕兩份，中文本及英文本同一作準。

中華民國七十七年五月廿四日
即西曆一九八八年五月廿四日於開普敦。

中華民國政府代表

[Signed]

南非共和國政府代表

[Signed]

[Signed]
For the Government of the
Republic of China

[Signed]
For the Government of the
Republic of South Africa

AGREEMENT ON MEDICAL
CO-OPERATION IN PROVIDING
ADVANCED TRAINING FOR MEDICAL
AND NURSING PERSONNEL BETWEEN
THE GOVERNMENT OF THE REPUBLIC
OF CHINA AND THE GOVERNMENT
OF THE REPUBLIC OF SOUTH AFRICA

Signed on January 12, 1988
Entered into Force on January 12, 1988

中華民國政府及南非共和國
政府為提供醫護人員進行訓
練之醫療合作協議

七十七年一月十二日簽訂
七十七年一月十二日生效

PREAMBLE

WHEREAS the Government of the Republic of China (hereinafter referred to as "China") and the Government of the Republic of South Africa (hereinafter referred to as "South Africa") recognise the friendly relations existing between them and their peoples ;

AND WHEREAS China and South Africa are desirous of further strengthening such friendly relations by co-operation in providing advanced training for medical and nursing personnel ;

NOW, THEREFORE, China and South Africa (hereinafter referred to as the "Parties") agree as follows :

ARTICLE 1
NUMBER OF CANDIDATES

- (a) South Africa undertakes to accept medical doctors from the Republic of China annually for advanced medical training in the Republic of South Africa. After completion of one year training candidates will in consultation with and upon the approval of China, be selected for a further post-graduate study course. Candidates not selected, are to return to the Republic of China. At no time shall there be

前言

中華民國政府（以下簡稱「中華民國」）和南非共和國政府（以下簡稱「南非」）基於兩國及其人民間之友好關係，及中華民國及南非皆希望經由提供醫護人員之進修訓練增強雙方之友好關係；

中華民國及南非（以下簡稱「雙方」）爰同意如下：

第一條
受訓人數

一、南非同意每年接受中華民國之醫師前來南非共和國接受進修訓練。一年受訓結束後，經洽商並取得中華民國同意後，醫師將被甄選繼續接受研究所課程，未經甄選之醫師將返回中華民國。在任何時間內中華民國在南非接受訓練之醫師人數每年不得超過二十二名。