NATIONAL ASSEMBLY

QUESTION FOR **WRITTEN** REPLY

PARLIAMENTRY QUESTION NO**: 587**

DATE OF QUESTION PAPER: **17 March 2017**

QUESTION PAPER**:  10 of 2017**

**587. Mrs C Dudley (ACDP) to ask the Minister of International Relations and Cooperation:**

(1) Whether her department has been requested to assist 29-year old South African Emlyn Culverwell and his fiancée Iryna Nohai who were arrested in an Abu Dhabi hospital; if so, (a) what is the extent of the assistance that her department can provide in a situation like this and (b) can her department intervene in terms of ensuring that the person’s family members or employers are able to make contact with him;

(2) what is her department’s policy with regard to (a) requesting the return of a South African citizen in circumstances where a particular country’s law that has been transgressed is not law in South Africa and (b) the punishment meted out for certain offences (details furnished) under the Sharia-based legal system;

(3) will her department assist the couple to appoint legal representation; if so, (a) what has been done or will be done in this regard and (b) what are the further relevant details? NW645E

**REPLY:**

1. Yes, the Department was requested to provide consular assistance to Mr Culverwell. His fiancée is not a South African citizen but a citizen of the Ukraine.
2. In such a situation the relevant South African Diplomatic mission will endeavour to establish and maintain contact with the detainee and also undertake a consular visit at the soonest opportunity and at certain intervals thereafter. Family and friends will be kept updated on the wellbeing of the detainee as per consent of the detainee. The payment of financial assistance for the detainee to buy basic necessities in prison, as deposited by the family, will be facilitated as well as the delivery of letters written by family and friends.
3. A diplomatic mission abroad can only request that a detainee is allowed the contact with family or an employer as provided for by the local regulations in the receiving State. Detainees in the UAE are permitted to make telephone calls to family members and an employer provided they have sufficient funds. Receiving calls are not permitted.

Visits by family members to detainees are allowed in accordance with local regulations. Mr Culverwell did not raise any complaints to the embassy as to not being allowed to call or to receive visitors.

1. (a) When entering a foreign country a South African national subjects him-/herself to all the laws and regulations of that sovereign country whether or not such laws are similar to South African law or not. The South African Government respects the sovereignity of other countries and will not request the return of a South African national based on the mere fact that the particular offence committed is not regarded as an offence in South Africa.

(b) The punishment meted out for offences in a foreign country is determined by the law and the Courts in that particular country and the South African Government cannot intervene in the Court proceedings and judicial processes in a foreign country.

1. (a) and (b). When a South African is arrested abroad the SA Embassy can provide a list of law firms in the country but the choice and appointment of a particular lawyer rests with the person arrested. The SA Government does not provide funds to cover the legal costs of South Africans arrested abroad. In the case of Mr Culverwell in the UAE, his employer appointed legal representation. Mr Culverwell and his fiancée have since been released from detention, but the case has not finalised yet. Their release is equivalent to a free bail in South African terms. The couple is currently at their place of employment and residing at staff accommodation.