

No. 27825

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**MEXICO
and
CANADA**

**Treaty on mutual legal assistance in criminal matters. Signed
at Mexico City on 16 March 1990**

Authentic texts: Spanish, English and French.

Registered by Mexico on 21 December 1990.

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**MEXIQUE
et
CANADA**

**Traité d'entraide juridique en matière pénale. Signé à Mexico
le 16 mars 1990**

Textes authentiques : espagnol, anglais et français.

Enregistré par le Mexique le 21 décembre 1990.

TREATY¹ BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES AND THE GOVERNMENT OF CANADA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The Government of the United Mexican States and
the Government of Canada, (the Parties),

DESIRING to improve the effectiveness of both
countries in the investigation, prosecution and
suppression of crime through co-operation and mutual
assistance in criminal matters,

HAVE AGREED as follows:

ARTICLE I

Scope of the Treaty

1. The Parties shall co-operate with each other by taking all appropriate measures that they have legal authority to take, in order to provide mutual assistance in criminal matters, in accordance with the terms of this Treaty and subject to the limitations of their respective domestic legal provisions. Such assistance shall deal with

¹ Came into force on 21 October 1990, i.e., 30 days after the date of the exchange of the notifications by which the Parties had informed each other of the completion of their respective domestic legal requirements, in accordance with article XXI (1).

the prevention, investigation and prosecution of offences or any other criminal proceedings arising from acts which are within the competence or jurisdiction of the Requesting Party at the time the assistance is requested, and in connection with ancillary proceedings of any other kind related to the criminal matters in question.

2. This Treaty does not empower one Party's authorities to undertake, in the territorial jurisdiction of the other, the exercise and performance of the functions or authority exclusively entrusted to the authorities of the other Party by its national laws or regulations.

3. Criminal matters for the purpose of paragraph 1 mean, for the United Mexican States, investigations or proceedings relating to any offence under federal or state law and, for Canada, investigations or proceedings relating to any offence created by a law of Parliament or by the legislature of a province.

4. Criminal matters shall also include investigations or proceedings relating to offences concerning taxation, duties, customs and international transfer of capital or payments.

5. Assistance shall include:

- a) taking of evidence and obtaining of statements of persons;
- b) provision of information, documents and other records, including extracts from criminal records;
- c) location of persons and objects, including their identification;
- d) search and seizure;
- e) delivery of property, including lending of exhibits;
- f) making detained persons and others available to give evidence or assist investigations;
- g) service of documents, including documents seeking the attendance of persons; and
- h) other assistance consistent with the objects of this Treaty, which is not

inconsistent with the law of the Requested Party.

ARTICLE II

Refusal or Postponement of Assistance

1. Assistance may be refused if, in the opinion of the Requested Party:
 - a) the execution of the request would impair its sovereignty, security, public order or similar essential public interest, prejudice the safety of any person or be unreasonable on other grounds;
 - b) the execution of the request would require the Requested Party to exceed its legal authority or would otherwise be prohibited by the legal provisions in force in the Requested Party, in which case the Co-ordinating Authorities referred to in Article XII of this Treaty shall consult with each other to identify lawful means for securing assistance; or