

**No. 47013**

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**Argentina  
and  
Canada**

**Treaty between the Government of the Argentine Republic and the Government of Canada on mutual assistance in criminal matters. Buenos Aires, 12 January 2000**

**Entry into force:** *20 December 2001 by the exchange of instruments of ratification, in accordance with article 25*

**Authentic texts:** *English, French and Spanish*

**Registration with the Secretariat of the United Nations:** *Argentina, 13 January 2010*

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**Argentine  
et  
Canada**

**Traité d'entraide judiciaire en matière pénale entre le Gouvernement de la République argentine et le Gouvernement du Canada. Buenos Aires, 12 janvier 2000**

**Entrée en vigueur :** *20 décembre 2001 par échange des instruments de ratification, conformément à l'article 25*

**Textes authentiques :** *anglais, français et espagnol*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Argentine, 13 janvier 2010*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**TREATY  
BETWEEN  
THE GOVERNMENT OF THE ARGENTINE REPUBLIC  
AND  
THE GOVERNMENT OF CANADA  
ON  
MUTUAL ASSISTANCE IN CRIMINAL MATTERS**

The Government of the Argentine Republic and the Government of Canada,

Desiring to improve the effectiveness of both countries in the prevention, investigation and prosecution of crime through cooperation and mutual assistance in criminal matters,

Have agreed as follows:

**PART I GENERAL PROVISIONS**

**ARTICLE 1  
OBLIGATION TO GRANT MUTUAL ASSISTANCE**

(1) The Contracting Parties shall, in accordance with this Treaty, grant each other the widest measure of mutual assistance in criminal matters.

(2) Mutual assistance for the purpose of paragraph 1 shall be any assistance given by the Requested State in respect of investigations or proceedings in the Requesting State in a criminal matter that is sought by a competent authority of that State.

“Competent Authority” means the authorities responsible for criminal investigations or prosecutions in the Requesting State, including non-judicial authorities where the request is endorsed by an Attorney General or an Agent thereof.

(3) Criminal matters for the purpose of paragraph 1 mean, for the Argentine Republic, investigations or proceedings related to offences established under penal 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 relating to taxes, customs, currency control and other fiscal or financial offences.

(5) Assistance shall be provided without regard to whether or not the conduct which is the subject of investigation, prosecution or proceedings in the Requesting State would constitute an offence under the laws of the Requested State, except for search and seizure. Nevertheless, the requested State, in the latter case, may authorize assistance to the extent permitted by its laws.

(6) Assistance shall include:

- (a) location and identification of persons;
- (b) notification of judicial acts and service of documents;
- (c) provision of documents and other records;
- (d) delivery of records, objects and elements of proof;
- (e) taking of evidence and obtaining of statements of persons in the Requested State;
- (f) making detained persons and others available to give evidence in the Requesting State;
- (g) execution of requests for search and seizure including the search of private premises;
- (h) measures to locate, restrain and forfeit the proceeds of crime and recover pecuniary penalties in respect of the offences; and
- (i) other assistance consistent with the objects of this Treaty which is not inconsistent with the law of the Requested State.

## ARTICLE 2 EXECUTION OF REQUESTS

(1) Requests for assistance shall be executed promptly in accordance with the law of the Requested State and, insofar as it is not contrary to that law, in manner requested by the Requesting State.

(2) The Requested State shall, upon request, inform the Requesting State of the time and place of execution of the request for assistance.

**ARTICLE 3**  
**REFUSAL OR POSTPONEMENT OF ASSISTANCE**

(1) Assistance may be refused if, in the opinion of the Requested State the execution of the request would impair its sovereignty, security, public order or essential public interest or prejudice the safety of any person.

Assistance may also be refused if the request relates to an offence under military law which would not be an offence under ordinary criminal law.

(2) Assistance may be postponed by the Requested State if execution of the request would interfere with an ongoing investigation or prosecution in the Requested State.

(3) The Requested State shall promptly inform the Requesting State of a decision of the Requested State not to comply in whole or in part with a request for assistance, or to postpone execution, and shall give reasons for that decision.

(4) Before refusing to grant a request for assistance or before postponing the grant of such assistance, the Requested State shall consider whether assistance may be granted subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with them.

**PART II SPECIFIC PROVISIONS**

**ARTICLE 4**  
**LOCATION OR IDENTITY OF PERSONS**

The competent authorities of the Requested State shall make best efforts to ascertain the location and identity of persons specified in the request.

**ARTICLE 5**  
**SERVICE OF DOCUMENTS**

(1) The Requested State shall do everything possible to expedite service of any document transmitted to it for the purpose of service.

(2) The Requesting State shall transmit a request for the service of a document pertaining to a response or appearance in the Requesting State within a reasonable time before the scheduled response or appearance.

(3) The Requested State shall return a proof of service in the manner required by the Requesting State.

**ARTICLE 6**  
**TRANSMISSION OF DOCUMENTS AND OBJECTS**

(1) When the request for assistance concerns the transmission of records and documents, the Requested State may transmit certified true copies thereof, unless the Requesting State expressly requests the originals.

(2) The original records or documents or objects transmitted to the Requesting State shall be returned to the Requested State as soon as possible, upon the latter's request.

(3) Insofar as not prohibited by the law of the Requested State, records, documents or objects shall be accompanied by such certification as may be requested by the Requesting State in order to make them admissible according to the law of the Requesting State.

**ARTICLE 7**  
**PRESENCE OF PERSONS INVOLVED**  
**IN THE PROCEEDINGS IN THE REQUESTED STATE**

(1) A person requested to testify and produce documents, records or other articles in the Requested State shall be compelled, if necessary by subpoena or order to appear and testify and produce such documents, records and other objects, in accordance with the requirements of the law of the Requested State.

(2) The Requested State shall authorize the presence of such persons as specified in the request during the execution of the request, and shall allow such persons to propose questions in accordance with the laws of the Requested State. The Requesting State authorities shall be permitted to use technical means to record the proceedings insofar as it is not contrary to the law of the Requested State.

**ARTICLE 8**  
**MAKING PERSONS AVAILABLE TO GIVE EVIDENCE**  
**OR ASSIST INVESTIGATIONS IN THE REQUESTING STATE**

(1) The Requesting State may request that a person be made available to testify or, subject to the laws of the Requested State, to assist an investigation.

(2) The Requested State shall notify the person of the request to assist in the investigation or to appear as a witness in the proceedings but non-appearance will not result in any sanctions.