

**No. 53040\***

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**Canada  
and  
Sweden**

**Treaty between the Government of Canada and the Government of Sweden on mutual legal assistance in criminal matters. Stockholm, 15 February 2000**

**Entry into force:** *1 December 2001, in accordance with article 22*

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

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**Canada  
et  
Suède**

**Traité d'entraide judiciaire en matière pénale entre le Gouvernement du Canada et le Gouvernement de la Suède. Stockholm, 15 février 2000**

**Entrée en vigueur :** *1<sup>er</sup> décembre 2001, conformément à l'article 22*

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

**Enregistrement auprès du Secrétariat des Nations Unies :** *Canada, 16 octobre 2015*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

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

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF SWEDEN,**

**DESIRING** to improve the effectiveness of both countries in the investigation, prosecution and suppression 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 in respect of investigations or proceedings in the Requesting State in a criminal matter, irrespective of whether the assistance is sought or to be provided by a court or some other authority. However, requests regarding the taking of evidence of persons, the production of documents and objects and the restraining of property shall emanate from a court or public prosecutor of the Requesting State
3. Criminal matters for the purpose of paragraph 1 mean, for Sweden, investigations or proceedings relating to any offence created by the Penal Code or any other offence subject to the jurisdiction of a court, 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 criminal records, judicial records and government 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,
  - h) measures to locate, restrain and secure the confiscation of proceeds of crime; and
  - i) other assistance consistent with the objects of this Treaty.

## **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 prohibited by that law, in the manner requested by the Requesting State
2. The Requested State shall not decline execution of a request on the ground of bank secrecy

## **ARTICLE 3**

### **Refusal Or Postponement of Assistance**

1. Assistance may be refused if the request does not meet the legal requirements for execution in the Requested State or, in the opinion of the Requested State, 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
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**

##### **Presence of Persons Involved in the Proceedings in the Requested State**

- 1 The Requested State shall, upon request, inform the Requesting State of the time and place of execution of the request for assistance
2. To the extent not prohibited by the law of the Requested State, judges, or officials of the Requesting State and other persons concerned in the investigation or proceedings shall be permitted to be present at the execution of the request. Judges, prosecutors and counsel for the accused shall be permitted to participate in the proceedings in the Requested State
- 3 The right to participate shall include the right of judges or officials of the Requesting State to propose questions and the right of counsel for the accused to pose questions directly. The persons present at the execution of a request shall be permitted to make a verbatim transcript of the proceedings. The use of technical means to make such a verbatim transcript shall be permitted

#### **ARTICLE 5**

##### **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 and 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, documents, objects and records shall be transmitted in a form or 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 6**

**Availability of Persons 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 to assist an investigation.
- 2 The Requested State shall invite the person to assist an investigation or to appear as a witness in the proceedings and seek that person's concurrence thereto.
- 3 The request shall indicate the approximate allowances payable and the travelling and subsistence expenses refundable by the Requesting State.
- 4 At the request of the Requesting State, the Requested State may grant the person an advance which shall be refunded by the Requesting State.

**ARTICLE 7**

**Making Detained Persons Available to Give Evidence Or Assist Investigations**

- 1 A person in custody in the Requested State shall, at the request of the Requesting State, be temporarily transferred to the Requesting State to assist investigations or to appear as a witness in the proceedings, provided that the person consents to that transfer and there are no overriding grounds against transferring the person
- 2 Where the person transferred is required to be kept in custody under the law of the Requested State, the Requesting State shall hold that person in custody and shall return the person in custody at the conclusion of the execution of the request.
- 3 Where the sentence imposed expires, or where the Requested State advises the Requesting State that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person present in the Requesting State pursuant to a request seeking that person's attendance

**ARTICLE 8**

**Service of Documents**

- 1 The Requested State shall effect service of documents that are transmitted to it for this purpose by the Requesting State
- 2 Service may be effected by simple transmission of the document to the person to be served. If the Requesting State expressly so requests, service shall be effected by the Requested State in the manner provided for the service of analogous documents under its own law or in a special manner consistent with such law.