

No. 53340*

**Canada
and
Trinidad and Tobago**

Treaty between the Government of Canada and the Government of the Republic of Trinidad and Tobago on mutual legal assistance in criminal matters. Ottawa, 4 September 1997

Entry into force: *11 October 2003, in accordance with article 24*

Authentic texts: *English and French*

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**Canada
et
Trinité-et-Tobago**

Traité d'entraide judiciaire en matière pénale entre le Gouvernement du Canada et le Gouvernement de la République de Trinité-et-Tobago. Ottawa, 4 septembre 1997

Entrée en vigueur : *11 octobre 2003, conformément à l'article 24*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat des Nations Unies : *Canada, 22 janvier 2016*

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[ENGLISH TEXT – TEXTE ANGLAIS]

TREATY
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE
REPUBLIC OF TRINIDAD AND TOBAGO
ON MUTUAL LEGAL ASSISTANCE
IN CRIMINAL MATTERS

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE
REPUBLIC OF TRINIDAD AND TOBAGO;**

DESIRING to improve the effectiveness of both countries in the investigation, prosecution and suppression of crime through cooperation and mutual legal assistance in criminal matters;

HAVE AGREED as follows:

PART I - GENERAL PROVISIONS

ARTICLE 1

Obligation to Provide Mutual Legal Assistance

1. The Contracting Parties shall, in accordance with this Treaty, provide each other with the widest measure of mutual legal assistance in criminal matters.
2. Mutual legal assistance is any assistance given by the Requested State 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.
3. Criminal matters mean, for the Republic of Trinidad and Tobago investigations or proceedings relating to any offence contrary to the law of the Republic of Trinidad and Tobago and, for Canada, investigations or proceedings relating to any offence created by Parliament or by the legislature of a province.
4. Criminal matters include investigations or proceedings relating to offenses concerning taxation, duties and customs.

5. Assistance includes:
- (a) locating and identifying persons and objects;
 - (b) serving documents, including documents seeking the attendance of persons;
 - (c) providing information, documents and records;
 - (d) providing objects, including lending exhibits;
 - (e) search and seizure;
 - (f) taking evidence and obtaining statements;
 - (g) authorizing the presence of persons from the Requesting State at the execution of requests;
 - (h) making detained persons available to give evidence or assist investigations;
 - (i) facilitating the appearance of witnesses or the assistance of persons in investigations;
 - (j) taking measures to locate, seize, restrain, confiscate and forfeit the proceeds of crime; and
 - (k) providing 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 not prohibited by that law, in the manner specified by the Requesting State.
2. The Requested State shall, upon request, inform the Requesting State of the date and place of execution of the request for assistance.
3. Subject to paragraph (1), the Requested State shall not refuse to execute a request on the ground of bank secrecy.

ARTICLE 3

Refusal or Postponement of Assistance

1. Assistance may be refused if, the execution of the request would be contrary to the law of the Requested State or in the opinion of the Requested State, the execution of the request would impair its sovereignty, security, public order, 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 the immediate 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 a request for assistance or before postponing the execution of a request, the Requested State shall consider whether assistance may be provided 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

Locating and Identifying Persons and Objects

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

ARTICLE 5

Service of Documents

1. The Requested State shall serve 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 date of response or appearance.
3. The Requested State shall return a proof of service in the manner required by the Requesting State.

ARTICLE 6

Provision of Information, Documents, Records and Objects

1. The Requested State shall provide copies of publicly available information, documents and records of government departments and agencies.
2. The Requested State may provide any information, documents, records and objects in the possession of a government department or agency, but not publicly available, to the same extent and under the same conditions as would be available to its own law enforcement and judicial authorities.
3. The Requested State may provide certified true copies of documents or records, unless the Requesting State expressly requests originals.
4. Original documents, records or objects provided to the Requesting State shall be returned to the Requested State as soon as possible, upon request, unless the latter waives its rights to the return thereof.

5. Insofar as not prohibited by the law of the Requested State, documents, records or objects shall be provided in a form or accompanied by such certification as may be specified by the Requesting State in order to make them admissible according to the law of the Requesting State.

ARTICLE 7

Search and Seizure

1. The Requested State shall execute a request for search and seizure.
2. The competent authority that has executed a request for a search and seizure shall provide such information as may be required by the Requesting State concerning, but not limited to, the identity, condition, integrity and continuity of possession of the documents, records or objects seized and the circumstances of the seizure.
3. The Requested State may refuse to provide to the Requesting State any item seized unless the Requesting State has agreed to such terms and conditions as may be required by the Requested State.

ARTICLE 8

Taking Evidence in the Requested State

1. A person requested to testify and produce documents, records or objects in the Requested State shall be compelled, if necessary, to appear and testify and produce such documents, records or objects, in accordance with the law of the Requested State.
2. To the extent not prohibited by the law of the Requested State, officials of the Requesting State and other persons specified in the request shall be permitted to be present at the execution of the request and to participate in the proceedings in the Requested State.
3. The right to participate in the proceedings shall include the right of any person present to pose questions. The persons present at the execution of a request shall be permitted to make a verbatim record of the proceedings. The use of technical means to make such a verbatim record shall be permitted.

ARTICLE 9

Presence of Persons at the Execution of Requests

To the extent not prohibited by the law of the Requested State, persons specified in the request shall be permitted to be present at the execution of the request.

ARTICLE 10

Making Detained Persons Available to Give Evidence or Assist Investigations

1. Upon request, a person serving a sentence in the Requested State shall be temporarily transferred to the Requesting State to assist investigations or to testify, provided that the person consents.