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**Canada
and
Uruguay**

Treaty between Canada and the Oriental Republic of Uruguay on mutual legal assistance in criminal matters. Ottawa, 10 July 1996

Entry into force: *1 March 2002, in accordance with article 24*

Authentic texts: *English, French and Spanish*

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**Canada
et
Uruguay**

Traité d'entraide judiciaire en matière pénale entre le Canada et la République orientale d'Uruguay. Ottawa, 10 juillet 1996

Entrée en vigueur : *1^{er} mars 2002, conformément à l'article 24*

Textes authentiques : *anglais, français et espagnol*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY
BETWEEN
CANADA
AND
THE ORIENTAL REPUBLIC OF URUGUAY
ON MUTUAL LEGAL ASSISTANCE
IN CRIMINAL MATTERS**

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF
THE ORIENTAL REPUBLIC OF URUGUAY,**

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

HAVE AGREED, on the basis of the principles of national sovereignty and equality of rights and mutual benefits, to conclude a Mutual Legal Assistance Treaty, 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.
3. Criminal matters for the purpose of paragraph 1 mean, for the Oriental Republic of Uruguay, investigations and proceedings relating to any conduct defined as a crime by criminal law, and, for Canada, investigations or proceedings relating to any offence created by a law of Parliament which may be prosecuted by indictment.
4. Assistance shall be provided without regard to whether 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 in cases provided for in Articles 12 and 13. Nevertheless, the Requested State, in the latter cases, may authorize assistance to the extent permitted by its laws.

5. Assistance shall include:
 - (a) location of persons and objects, including their identification;
 - (b) service of documents, including documents seeking the attendance of persons;
 - (c) provision of documents, reports, information and evidence;
 - (d) taking of testimony or statements from persons;
 - (e) search and seizure;
 - (f) making detained persons and others available to give evidence or assist investigations;
 - (g) measures to locate, restrain and forfeit the proceeds of crime; and
 - (h) other assistance consistent with the objects of this Treaty and not prohibited by the law of the Requested State.
6. This Treaty is intended solely for mutual legal assistance between the Parties. Therefore, the provisions of this Treaty shall not confer rights on any private persons to obtain, suppress, or exclude any evidence or to impede the execution of a request for assistance.

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, 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,
 - (a) 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;
 - (b) the request relates to an offence under military law which would not be an offence under ordinary criminal law;
 - (c) the request relates to an offence that the Requested State considers to be political or related to a political offence or as being prosecuted for political reasons;
 - (d) the request relates to a tax offence. However, assistance shall be provided if the offence committed is the willful false declaration, in oral or written form, or the willful failure to make a declaration, with the goal of concealing income obtained from any other crime covered by this Treaty.

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

ARTICLE 6

DELIVERY OF OFFICIAL DOCUMENTS

At the request of the Central Authority of the Requesting State, the Central Authority of the Requested State:

- (a) shall provide copies of publicly available official documents, records or information in the possession of government departments and agencies in that State; and
- (b) may provide copies of official documents, records or information in the possession of a government department or agency in that State but which are not publicly available, subject to the same conditions under which such documents would be provided to its own authorities.

ARTICLE 7

**AUTHENTICATION OF DOCUMENTS
AND CERTIFICATIONS**

1. Notwithstanding any authentication or certification necessary under its law, the Requested State shall authenticate any document or copy thereof, or provide a certification regarding any article, in the manner requested by the Requesting State, if this is not prohibited by the laws of the Requested State.
2. For purposes of facilitating the use of the aforementioned special authentications or certifications, the Requesting State shall enclose in the request the appropriate forms or describe the particular procedure to be followed.
3. No authentication or certification of documents transmitted under this Treaty is necessary unless requested.

ARTICLE 8

TESTIMONY IN THE REQUESTED STATE

1. Any person in the Requested State from whom evidence is requested pursuant to this Treaty shall be compelled to appear, in accordance with the laws of the Requested State, before the appropriate authority and to testify or produce documents, records, or articles of evidence.
2. The Requested State shall give sufficient advance notice of the date and place in which a statement will be taken or documents, records, or articles of evidence will be obtained from a witness. Whenever possible, the Central Authorities shall confer together to set a date suitable to both Parties.
3. The Requested State shall authorize the presence of such persons as specified in the request during the execution of the request, and shall authorize such persons to question the person whose testimony or evidence is being taken, in the manner provided by the laws of the Requested State.
4. Any statement obtained from a person referred to in paragraph 1 shall be sent to the Requesting State together with all documents, records or articles of evidence furnished by the witness or obtained as a consequence of, or on the occasion of the statement. Notwithstanding any authentication or certification necessary under its law, the Requested State shall authenticate any document or record produced under this article in the manner requested by the Requesting State, if this is not prohibited by the laws of the Requested State.
5. The persons present from the Requesting State at the execution of a request shall be permitted to make a verbatim transcript of the proceedings. To the extent not prohibited by the law of the Requested State, the use of technical means to make such a verbatim transcript shall be permitted.

ARTICLE 9

**AVAILABILITY OF PERSONS TO GIVE EVIDENCE OR
ASSIST INVESTIGATION IN THE REQUESTING STATE**

1. The Requesting State may request that a person be made available to testify or to assist an investigation.