

**No. 53212\***

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**Canada  
and  
Russian Federation**

**Treaty between Canada and the Russian Federation on mutual legal assistance in criminal matters. Moscow, 20 October 1997**

**Entry into force:** *18 December 2000 by the exchange of instruments of ratification, in accordance with article 24*

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

**Registration with the Secretariat of the United Nations:** *Canada, 10 December 2015*

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**Canada  
et  
Fédération de Russie**

**Traité d'entraide judiciaire en matière pénale entre le Canada et la Fédération de Russie.  
Moscou, 20 octobre 1997**

**Entrée en vigueur :** *18 décembre 2000 par échange des instruments de ratification, conformément à l'article 24*

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

**Enregistrement auprès du Secrétariat des Nations Unies :** *Canada, 10 décembre 2015*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**TREATY BETWEEN  
CANADA  
AND  
THE RUSSIAN FEDERATION  
ON MUTUAL LEGAL ASSISTANCE  
IN CRIMINAL MATTERS**

CANADA AND THE RUSSIAN FEDERATION, hereinafter referred to as the "Parties";

DESIRING to improve the effectiveness of both Parties 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 Legal Assistance**

1. The Contracting Parties shall, in accordance with this Treaty, grant each other the widest measure of mutual legal assistance in criminal matters.
2. Mutual legal assistance for the purpose of Paragraph 1 of the present Article shall be any legal assistance given by the Requested Party in respect of investigations or proceedings in the jurisdiction of the Requesting Party in a criminal matter, irrespective of whether the legal assistance is sought or to be provided by a court or some other authority.
3. Criminal matters for the purpose of Paragraph 1 of the present Article mean, for Canada, investigations or proceedings relating to any offence created by a law of Parliament or by the legislature of a province and, for the Russian Federation, investigations or proceedings relating to any offence enacted by criminal legislation of the Russian Federation.
4. Criminal matters shall also include investigations or proceedings relating to offences concerning taxation, duties, customs and international transfer of capital or payments.
5. Legal assistance shall include:
  - (a) locating and identifying persons and objects;

- (b) serving documents, including documents seeking the attendance of persons;
- (c) providing information, documents and other records, including criminal records, judicial records and government records;
- (d) delivering property;
- (e) lending of exhibits;
- (f) taking evidence and obtaining statements of persons;
- (g) executing requests for search and seizure;
- (h) making persons in custody and others, including experts, available to give evidence or assist investigations;
- (i) taking measures to locate, restrain, seize and confiscate the proceeds of crime; and
- (j) providing other assistance consistent with the purpose of this Treaty.

## **ARTICLE 2**

### **Execution of Requests**

1. Requests for legal assistance shall be executed promptly in accordance with the law of the Requested Party and, insofar as it is not prohibited by that law, in the manner specified by the Requesting Party.
2. The Requested Party shall, when the Requesting Party specifically requests it, inform the Requesting Party of the time and place of execution of the request.
3. The Requested Party shall not decline execution of a request on the ground of bank secrecy.

## **ARTICLE 3**

### **Refusal or Postponement of Legal Assistance**

1. Legal assistance may be refused if, in the opinion of the Requested Party the execution of the request would impair its sovereignty, security, public order or any other essential public interest.
2. Legal assistance may be postponed by the Requested Party if execution of the request would interfere with an ongoing investigation or prosecution in the jurisdiction of the Requested Party.
3. The Requested Party shall promptly inform the Requesting Party of a decision not to comply in whole or in part with a request, or to postpone execution, and shall give reasons for that decision.
4. Before refusing to grant a request for legal assistance or before postponing the granting of such assistance, the Requested Party shall consider whether legal assistance may be granted subject to such conditions as it deems necessary. If the Requesting Party accepts legal assistance subject to these conditions, it shall comply with them.

## **PART II - SPECIFIC PROVISIONS**

### **ARTICLE 4**

#### **Location or Identification of Persons and Objects**

The competent authorities of the Requested Party 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 Party shall serve any document transmitted to it for the purpose of service.
2. The Requesting Party shall transmit a request for the service of a document pertaining to a response or appearance in the jurisdiction of the Requesting Party within a reasonable time before the scheduled response or appearance. In determining what time is "reasonable", the Requesting Party shall take into account conditions in the jurisdiction of the Requested Party.
3. The Requested Party shall return a proof of service in the manner required by the Requesting Party. If service is delayed or cannot be effected, the reason therefor shall be communicated to the Requesting Party.

### **ARTICLE 6**

#### **Transmission of Documents and Objects**

1. When the request for assistance concerns the transmission of records and documents, the Requested Party may transmit certified true copies thereof, unless the Requesting Party expressly requests the originals, in which case the Requested Party shall make every effort to comply with the request.
2. The original records or documents or objects transmitted to the Requesting Party shall be returned to the Requested Party as soon as possible, upon the latter's request.
3. Insofar as not prohibited by the law of the Requested Party, records, documents or objects shall be transmitted in a form or accompanied by such certification as may be requested by the Requesting Party in order to make them admissible according to the law of the Requesting Party.

**ARTICLE 7**

**Presence of Persons Involved in  
the Proceedings in the Jurisdiction  
of the Requested Party**

1. A person requested to testify and produce documents, records or objects in the jurisdiction of the Requested Party shall be compelled, if necessary by subpoena or order to appear and testify and produce such documents, records or objects, in accordance with the requirements of the law of the Requested Party.
2. The Requested Party, in accordance with its laws, shall permit the presence of such persons as specified in the request during the execution of the request, and shall allow them to pose questions to the person being questioned.
3. The persons present 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 Party, the use of technical means to make such a verbatim transcript shall be permitted.

**ARTICLE 8**

**Availability of Persons to Give Evidence  
or Assist Investigations in the  
Jurisdiction of the Requesting Party**

1. The Requesting Party may request that a person be made available to testify or to assist an investigation.
2. The Requested Party shall invite the person to assist in the investigation or to appear as a witness in the proceedings and seek that person's voluntary concurrence thereto. That person shall be informed of any expenses and allowances payable. The Requested Party shall promptly inform the Requesting Party of the person's response.

**ARTICLE 9**

**Search and Seizure**

1. The competent authority that has executed a request for search and seizure shall provide such information as may be required by the Requesting Party 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.
2. The Requesting Party shall observe any conditions imposed by the Requested Party in relation to any seized documents, records or objects which may be delivered to the Requesting Party.