

**No. 53237\***

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**Canada  
and  
Greece**

**Treaty between the Government of Canada and the Government of the Hellenic Republic on mutual legal assistance in criminal matters. Athens, 14 July 1998**

**Entry into force:** *28 January 2000 by notification, in accordance with article 24*

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

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

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**Canada  
et  
Grèce**

**Traité d'entraide judiciaire en matière pénale entre le Gouvernement du Canada et le Gouvernement de la République hellénique. Athènes, 14 juillet 1998**

**Entrée en vigueur :** *28 janvier 2000 par notification, conformément à l'article 24*

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

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

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

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

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF  
THE HELLENIC REPUBLIC,**

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 possible 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» means, for Canada, investigations or proceedings relating to any offence created by Parliament or by the legislature of a province and, for the Hellenic Republic, investigations or proceedings relating to any offence created by Parliament.
4. «Criminal matters» includes investigations or proceedings relating to offences 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 or other 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 in investigations;
- (i) facilitating the appearance of witnesses or the conduct of investigations;
- (j) taking measures to locate, restrain and forfeit the proceeds of crime;
- (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, unless prohibited by that law, in the manner specified by the Requesting State.
2. Upon request, the Requested State shall inform the Requesting State of the date and place of execution of the request for assistance.
3. The Requested State shall provide the Requesting State with bank records requested that may be subject to banking secrecy, to the same extent and under the same conditions as those under which such documents could be obtained by its own law enforcement or judicial authorities.

## **ARTICLE 3**

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

1. Assistance may be refused if:
  - (a) in the opinion of the Requested State, execution of the request would impair its sovereignty, security, public order, essential public interest, or prejudice the safety of any person;
  - (b) in the opinion of the Requested State, the request relates to a military offence, or
  - (c) in the opinion of the Requested State, the request pertains to a political offence.
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 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 every effort to ascertain the location and identity of the persons and objects specified in the request.

### **ARTICLE 5**

#### **Service of Documents**

1. The Requested State shall serve any document transmitted to it for service.
2. The Requesting State shall transmit a request to serve a document pertaining to a reply or appearance in the Requesting State within a reasonable time before the date fixed for the reply or appearance.
3. The Requested State shall transmit proof of service in the manner prescribed 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 in the possession of government departments and agencies.
2. The Requested State shall provide information, documents, records and objects in the possession of government departments or agencies, but not publicly available, to the same extent and under the same conditions as it would make them available to its own law enforcement and judicial authorities.
3. The Requested State may provide certified true copies of records or documents, unless the Requesting State expressly requests the originals.
4. Originals of records or documents or objects provided to the Requesting State shall be returned to the Requested State as soon as possible, upon request.
5. Unless prohibited by the law of the Requested State, records, documents or objects shall be provided in such form or accompanied by such certification as may be specified by the Requesting State so that they are admissible in evidence according to the law of the Requesting State.

**ARTICLE 7**

**Search and Seizure**

1. The Requested State shall execute requests for search and seizure.
2. The competent authority that executes a request for search and seizure shall provide such information as may be required by the Requesting State concerning, but not limited to, the identity, integrity and continuity of possession of the documents, records or objects seized and the circumstances of the seizure.

**ARTICLE 8**

**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, to appear and testify or produce such documents, records and other articles of evidence.
2. Upon request, the Central Authority of the Requested State shall provide in advance information regarding the date and place of the taking of the testimony or evidence referred to in paragraph 1.
3. The Requested State shall permit the presence of such persons as specified in the request during the execution of the request and shall allow such persons to question the person giving the testimony or evidence. Specifically, the persons permitted to be present will be:
  - (a) two representatives of the Requesting State;
  - (b) all parties to the criminal proceeding that is the basis for the request;
  - (c) lawyers for the parties; and
  - (d) support personnel necessary to the proceeding;
4. The support personnel present at the taking of the testimony or evidence shall be permitted to make a verbatim transcript of the proceeding. The use of technical means to make such a verbatim transcript shall be permitted.

**ARTICLE 9**

**Presence of Interested Persons at the  
Proceedings in the Requested State**

To the extent not prohibited by the law of the Requested State, persons specified in the request and referred to in Article 8 paragraph 3 shall be permitted to be present at the execution of the request.