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**Canada
and
Sweden**

**Treaty on extradition between the Government of Sweden and the Government of Canada.
Stockholm, 15 February 2000**

Entry into force: *30 October 2001 by the exchange of the instruments of ratification, in
accordance with article 22*

Authentic texts: *English, French and Swedish*

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**Canada
et
Suède**

**Traité d'extradition entre le Gouvernement de la Suède et le Gouvernement du Canada.
Stockholm, 15 février 2000**

Entrée en vigueur : *30 octobre 2001 par l'échange des instruments de ratification,
conformément à l'article 22*

Textes authentiques : *anglais, français et suédois*

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[ENGLISH TEXT – TEXTE ANGLAIS]

TREATY ON EXTRADITION
BETWEEN
THE GOVERNMENT OF SWEDEN
AND
THE GOVERNMENT OF CANADA

THE GOVERNMENT OF SWEDEN AND THE GOVERNMENT OF CANADA,

DESIRING to make more effective their cooperation in the prevention and suppression of crime by concluding a Treaty on Extradition,

AFFIRMING their respect for each other's legal systems and judicial institutions,

HAVE AGREED as follows:

ARTICLE 1

Obligation to Extradite

Each Contracting State agrees to extradite to the other, in accordance with the provisions of this Treaty, any person within its territory who is wanted for prosecution or the imposition or enforcement of a sentence in the Requesting State for an extraditable offence.

ARTICLE 2

Extraditable Offences

1. For the purposes of this Treaty, extradition shall be granted for conduct that constitutes an offence under the laws of both Contracting States punishable by deprivation of liberty for a period of at least two years or by a more severe penalty.

2. For greater clarity, the Contracting States confirm that the conduct referred to in paragraph 1 includes conspiring in, attempting, preparing for, or participating in, the commission of an offence.
3. Where the request for extradition relates to a person sentenced to deprivation of liberty by a court of the Requesting State for any extraditable offence, extradition shall be granted if a period of at least six months of the sentence remains to be served.
4. For the purpose of this Article;
 - a) it shall not matter whether the laws of the Contracting States place the conduct constituting the offence within the same category of offences or denominate the offence by the same terminology;
 - b) in determining whether conduct is an offence against the law of the Requested State the totality of the conduct alleged against the person whose extradition is sought shall be taken into account and it shall not matter whether, under the laws of the Contracting States, the constituent elements of the offence differ.
5. An offence of a fiscal character, including an offence against a law relating to taxation, customs duties, foreign exchange control or any other revenue matter, is an extraditable offence. Extradition may not be refused on the ground that the law of the Requested State does not impose the same kind of tax or duty or does not contain a tax, duty, customs, or exchange regulation of the same kind as the law of the Requesting State provided that the conduct for which extradition is sought is an offence in the Requested State.
6. Where the offence has been committed outside the territory of the Requesting State extradition shall be granted where the law of the Requested State provides for jurisdiction over an offence committed outside its territory in similar circumstances or the person sought is a national of the Requesting State.
7. Extradition may be granted pursuant to the provisions of this Treaty irrespective of when the offence in relation to which extradition is sought was committed, provided that:
 - a) it was an offence in the Requesting State at the time of the conduct constituting the offence; and

- b) the conduct alleged would, if it had taken place in the Requested State at the time of the making of the request for extradition, have constituted an offence against the law in force of the Requested State.

8. If the request for extradition relates to a sentence of both imprisonment and a pecuniary sanction, the Requested State may grant extradition for the enforcement of both the imprisonment and the pecuniary sanction.

9. If the request for extradition relates to a number of offences, each of which is punishable under the laws of both States, but some of which do not meet the other requirements of paragraphs 1 and 3, the Requested State may grant extradition for such offences provided that the person is to be extradited for at least one extraditable offence.

ARTICLE 3

Mandatory Refusal of Extradition

Extradition shall not be granted in any of the following circumstances:

- a) where the offence for which extradition is requested is considered by the Requested State to be a political offence or an offence of a political character;
- b) where there are substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of the person's race, religion, nationality or political beliefs;
- c) where final judgment has been passed in the Requested State upon the person sought in respect of the offence for which the person's extradition is requested;
- d) where the prosecution or the punishment for the offence for which extradition is requested would be barred by prescription under the law of the Requesting State or the Requested State;
- e) where the offence for which extradition is requested constitutes an offence under military law that is not an offence under ordinary criminal law.

ARTICLE 4

Discretionary Refusal of Extradition

Extradition may be refused in any of the following circumstances:

- a) where the offence for which extradition is requested is subject to the jurisdiction of the Requested State and that State will prosecute that offence. In such a case, before refusing, the Requested State, after consulting with the Requesting State, shall decide whether to extradite the person or submit the case to its competent authorities for the purpose of prosecution. In making its decision, the Requested State shall consider all relevant factors, including but not limited to:
 - (i) the time and place of commission of each offence or place of intended commission;
 - (ii) the place where injury occurred or was intended to occur;
 - (iii) the respective interests of the Contracting States;
 - (iv) the nationality of the person and victim;
 - (v) the habitual place of residence of the person; and
 - (vi) the availability and location of the evidence;
- b) where the person sought is being prosecuted by the Requested State for the offence for which extradition is requested or the competent authorities of the Requested State have decided, in accordance with the law of that State, not to prosecute or to terminate the prosecution that has been instituted;
- c) where the offence carries the death penalty under the law of the Requesting State, unless that State undertakes that the death penalty will not be sought, or if a sentence of death is imposed it will not be carried out;
- d) where, in exceptional cases, the Requested State while also taking into account the seriousness of the offence and the interests of the Requesting State considers that because of the personal circumstances, particularly the age or health, of the person sought, the extradition would be incompatible with humanitarian considerations;