TREATY BETWEEN JAPAN AND CANADA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Japan and Canada (hereinafter referred to as “the Parties”),

Desiring to improve bilateral cooperation to fight crime in both countries through effective measures of mutual legal assistance in criminal matters,

Have agreed as follows:

Article 1
Object, purpose and scope of assistance

1. Each Party shall, upon request by the other Party, provide mutual legal assistance (hereinafter referred to as “assistance”) in connection with investigations, prosecutions and other criminal proceedings in relation to the offences in the other Party in accordance with the provisions of this Treaty. The term “offences in the other Party” means, in relation to Japan, offences punishable by the laws of Japan, and in relation to Canada, offences created by a law of Parliament or by a law of the legislature of a province or territory of Canada.

2. Assistance shall include the following:

(a) taking testimony or statements;

(b) enabling the taking of testimony or statements by videoconference;

(c) obtaining documents, records or articles of evidence (hereinafter referred to as “items”), including through the execution of search and seizure or other court order;

(d) examining persons, items or places, including through the execution of search and seizure or other court order;

(e) locating or identifying persons, items or places;

(f) providing items in the possession of the legislative, administrative or judicial authorities of the requested Party, as well as the local authorities thereof;

(g) presenting an invitation to a person whose appearance in the requesting Party is sought for the purpose of an investigation, prosecution or other criminal proceeding;

(h) temporary transfer of a sentenced person in custody for testimony or otherwise assisting in an investigation, prosecution or other criminal proceeding;

(i) serving documents related to criminal proceedings;

(j) assisting in proceedings related to confiscation and immobilization of proceeds or instrumentalities of criminal offences; and

(k) any other assistance permitted under the laws of the requested Party and decided upon between the Central Authorities of the Parties.

3. Except as otherwise provided for in this Treaty, assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution or other criminal proceeding in the requesting Party would constitute a criminal offence under the laws of the requested Party.

4. This Treaty is intended solely for assistance between the Parties. The provisions of this Treaty neither create a new right nor affect a pre-existing right on the part of a private person to impede the execution of a request or to obtain, suppress or exclude any evidence.