

U.S.-CANADA MUTUAL LEGAL ASSISTANCE TREATY

I. PURPOSE OF TREATY

- The treaty is intended "to improve the effectiveness of both countries in the investigation, prosecution and suppression of crime through cooperation and mutual legal assistance in law enforcement matters."

II. BACKGROUND OF NEGOTIATIONS

- While law enforcement relations are generally excellent, problems have arisen over U.S. subpoenas served on Canadians.
- Canada and the United States agreed to negotiate a treaty to regularize procedures and provide mutual assistance in criminal matters.

III. MAIN PROVISIONS

- The treaty partner seeking documents known to be located in the other country would be obligated to request assistance under the treaty before pursuing other action.
- If denial of a request or delay might jeopardize successful completion of an investigation, consultations would be held to consider alternatives.
- The specific kinds of assistance which one state would provide the other include: providing documents and records, taking the evidence of persons, executing requests for searches and seizures, transferring persons in custody and other related forms of legal assistance.