

Can Canada extradite to India for a conspiracy in Canada to commit serious harm in India?

Under the treaty Canada reserves the right to prosecute all offences including conspiracies which occur in Canada. Where the serious effects of the conspiracy were felt in India, a request for extradition will be considered. There is, however, no obligation to extradite even where the serious effects were felt or were intended to occur in India.

Does the treaty conform to recent court decisions interpreting the Canadian Charter of Rights in extradition cases?

Yes. The treaty conforms fully with the Canadian Charter of Rights and Freedoms. The rights of the individual are fully protected and extradition will not be granted where there is discrimination on the grounds of race, religion, colour or ethnic origin.

Are there any outstanding extradition requests between India and Canada and what will happen to these?

There are outstanding requests for extradition between our two countries, but it is not our policy to comment on individual cases. However, such requests may be resubmitted under the new treaty.

Could Canadians be extradited to India for a crime where a sentence of death could be imposed?

Yes. However, each country has the right to require, as a condition of extradition, assurances that the death penalty will not be carried out.

Previous extradition treaties contained a list of crimes that were extraditable. Why has this treaty no such list?

There were many problems associated with the listing of crimes in extradition treaties. There were problems in defining crimes for comparative purposes since different definitions are used in different countries. Under the Canada/India Treaty a minimum sentence determines the crimes covered. In addition, it will not be necessary to amend the treaty to cover new crimes in future.