

What safeguards protect an individual whose extradition has been requested?

In addition to the evidentiary requirements which ensure that there is a legal case according to Canadian standards as applied by a Canadian judge, there is a clear discretion to be exercised by the Minister of Justice to refuse extradition where the request was not made in good faith or it would be unjust in all the circumstances to extradite. The individual for whom extradition is requested may call evidence to support his contention that the request was made for improper reasons or make a submission directly to the Minister.

The safeguards are more clearly defined in this treaty than in any other of Canada's extradition treaties.

Can Canadian or Indian citizens be extradited?

Yes. The treaty does not preclude the extradition of Canadian or Indian citizens.

Does the treaty distinguish between criminal offences and offences of a political nature?

Yes. However, the fact that a serious crime was motivated by political considerations is not a defence to extradition. For example, a claim that a murder or a hijacking was committed for a political purpose would not be a bar to extradition for that offence.

Is there a requirement for a prompt trial after a person has been extradited?

Yes. The requesting state is required under the terms of the treaty to initiate prosecution of the offender within six months of the extradition.

Does the treaty have an extraterritorial application?

Yes. In cases where Canada and India claim a similar jurisdiction over a criminal act committed beyond their borders, then extradition may be granted.