

TREATIES ON MATTERS INVOLVING CRIMINAL LAW

TRANSFER OF OFFENDERS

Canada has transfer of offenders arrangements with about 38 countries through bilateral treaties, the Strasbourg Convention on the Transfer of Sentenced Persons and the Scheme for the Transfer of Convicted Offenders within the Commonwealth. These arrangements permit individuals in prison abroad to be returned to Canada to serve their sentence in their own culture and language close to friends and relatives. Rehabilitation is one of the principle objectives of these arrangements

On July 27, 1993 Canada accepted the Scheme for the Transfer of Convicted Offenders within the Commonwealth. This permits offenders from Commonwealth countries which accept this Scheme to serve their sentences in their home countries. Under the Scheme a Canadian prisoner in a Commonwealth country can apply to the government of that country for a transfer to Canada. The prisoner would have to have at least six months of the sentence left to serve and have completed all appeals. If both governments approved the transfer, the prisoner would be brought back to Canada to serve the sentence in a Canadian correctional institution. The sentence of the foreign court would be treated as a sentence of a Canadian court. The appropriate parole board would decide on parole on the basis of Canadian law.

As well Canada is considering joining the Inter-American Convention on Serving Criminal Sentences Abroad which was adopted in July 1993 by the Organization of American States General Assembly.

MUTUAL LEGAL ASSISTANCE TREATIES

The network of Mutual Assistance in Criminal Matters Treaties (Malts) ensure that an effective mechanism of international legal assistance exists for use by Canadian law enforcement authorities. Malts may be used to obtain evidence, exchange information on the proceeds of crime and assist, to the extent permitted by respective laws, in forfeiture. An MLAT may also be used to examine objects, exchange information, locate and identify persons, transfer persons in custody, and facilitate requests for search and seizure. Canada has entered into