

Why did the Canadian Government agree to negotiate an extradition treaty with India at this time?

Canada has extradition arrangements and treaties with many countries and has on-going negotiations with a number of other countries. Formerly, there were extradition arrangements in place with India under the Canadian Fugitive Offenders Act. However, because of constitutional changes in India, these arrangements lapsed. Since then, the growth in the flow of people between Canada and India increased to the point where the Government considered that an extradition treaty was necessary. In recent years both India and Canada have sought to extradite persons from each country but were unable to do so because of the lack of a legal basis. The Extradition Treaty corrects that situation.

Concern has been expressed by the Sikh community that this treaty will be directed against them. Is this concern justified?

No. The treaty is designed to deal with serious criminal activity and not legitimate protest. Extradition will not be granted where the request is made for reasons of race, religion, colour or ethnic origin.

What crimes are covered by the extradition treaty?

The Treaty will permit the extradition of persons charged with crimes that are offences in both countries, and for which a minimum sentence of more than one year is prescribed.

Does the treaty provide for extradition for crimes committed prior to its effective date?

Yes. The Treaty has a retroactive provision which permits extradition for crimes committed prior to its effective date. This is in accordance with international treaty practice and is consistent with other extradition treaties Canada has concluded.

What sort of evidence will the Indian Government have to present in support of a request for extradition?

The evidence will have to conform to the requirements of Canadian law for admissibility and satisfy a Canadian extradition judge that the individual before the court is the fugitive charged with crime in India, that there is sufficient evidence to establish a probable case of guilt on the charges and the individual should therefore be extradited to stand trial. This is the same requirement as exists in all of Canada's other extradition treaties.