

TREATY BETWEEN
CANADA AND
THE REPUBLIC OF ITALY
ON
MUTUAL ASSISTANCE IN CRIMINAL MATTERS

CANADA AND THE REPUBLIC OF ITALY,

DESIRING to intensify their cooperation in the field of assistance in criminal matters,

HAVE AGREED AS FOLLOWS:

CHAPTER I - GENERAL PROVISIONS

Article 1 - Obligation to Render Assistance

1. Each Party shall grant to the other Party upon request, in accordance with the provisions of this Treaty, the widest measure of assistance in criminal proceedings and in investigations pertaining to criminal offences. Such assistance shall include:
 - the service of summons or other judicial documents;
 - the transmission of objects and exhibits;
 - the interrogation of persons;
 - any measure to gather evidence including search and seizure;
 - the transfer of detained persons in order to give evidence or assist in investigations;
 - the transmission of criminal judgments and criminal records;
 - and any other assistance which is not prohibited by the law of the Requested State.
2. Assistance shall not include the execution of orders of arrest or detention or any other measure restricting personal liberty nor the execution of penalties or other sanctions issued in the Requesting State.
3. For the purposes of this Treaty, "criminal offence" means, for Canada, any offence created by a law of Parliament or by the legislature of a province within the jurisdiction of a criminal court and, for the Italian Republic, any offence within the jurisdiction of a criminal court.

Article 2 - Conditions of Assistance

1. Assistance shall be granted even if the conduct for which proceedings are carried out in the Requesting State does not constitute an offence under the laws of the Requested State.
2. Assistance in the execution of searches and seizures, however, shall only be granted if the conduct for which proceedings are carried out constitutes an offence under the law of the Requested State or if the person in respect of whom proceedings are carried out has freely consented.

Article 3 - Refusal of Assistance

1. Assistance may be refused:
 - (a) if, in the opinion of the Requested State, the execution of the request would impair its sovereignty, national security or other of its essential public interests or would be contrary to the fundamental principles of its legal system;