

TREATY ON TRANSFER OF OFFENDERS
BETWEEN CANADA AND THE FEDERATIVE REPUBLIC OF BRAZIL

The Governments of Canada and the Federative Republic of Brazil, desirous of furthering the social rehabilitation of offenders by permitting them to serve their sentences in the country of which they are nationals,

HAVE AGREED as follows:

ARTICLE I

1. Sentences imposed on nationals of Canada in the Federative Republic of Brazil may be served in accordance with the provisions of this Treaty.
2. Sentences imposed in Canada on nationals of the Federative Republic of Brazil may be served in accordance with the provisions of this Treaty.

ARTICLE II

For purposes of the present Treaty,

- a) 'Sending State' means the Party from which the offender is transferred.
- b) 'Receiving State' means the Party to which the offender is transferred.
- c) A 'national' means, in the case of Canada, a Canadian citizen.
- d) A 'national' means, in the case of Brazil, a Brazilian as defined by the Brazilian Constitution.
- e) 'Offender' means a person who has been convicted of a crime and sentenced in the territory of one of the Parties.

ARTICLE III

Application of the present Treaty shall be subject to the following conditions:

- a) The offence for which the sentence was imposed must also constitute a criminal offence in the Receiving State.
- b) The offender must be a national of the Receiving State.
- c) At the time the request specified in paragraph (3) of Article V is made, at least six months of the sentence must remain to be served.
- d) That no proceeding by way of appeal or of collateral attack upon the offender's conviction or sentence is pending in the Sending State and that the prescribed time for appeal of the offender's conviction or sentence has expired.

ARTICLE IV

Each party shall designate an Authority responsible for carrying out the functions set forth under this Treaty.

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