

**No. 17698**

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**CANADA  
and  
SWEDEN**

**Treaty concerning extradition. Signed at Stockholm on  
25 February 1976**

*Authentic texts: English, French and Swedish.  
Registered by Canada on 11 April 1979.*

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**CANADA  
et  
SUÈDE**

**Traité d'extradition. Signé à Stockholm le 25 février 1976**

*Textes authentiques : anglais, français et suédois.  
Enregistré par le Canada le 11 avril 1979.*

## TREATY<sup>1</sup> BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF SWEDEN CONCERNING EXTRADITION

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Canada and Sweden,

Desiring to regulate by mutual agreement their relations in the field of extradition,  
Have agreed as follows:

*Article 1.* (1) Each Contracting Party agrees to extradite to the other Contracting Party, subject to the provisions of this Treaty, any person found within its territory who is charged by a competent authority of the other Contracting Party with, or has been convicted by such an authority of, an offence committed within the jurisdiction of the Contracting Party requesting extradition.

(2) Where the requesting State asserts jurisdiction in respect of an offence committed outside its territory the requested State shall grant extradition where it asserts a similar jurisdiction.

*Article 2.* (1) Extradition shall be granted for any act or omission that constitutes any of the following offences, provided that such act or omission is a criminal offence punishable under the law of both Contracting Parties:

- (1) Offences against the laws relating to homicide, including murder, manslaughter, infanticide and causing death by criminal negligence;
- (2) Offences against the laws relating to wounding, maiming or causing bodily harm;
- (3) Illegal abortion;
- (4) Kidnapping, abduction, false imprisonment;
- (5) Rape, indecent assault, incest, bigamy;
- (6) Unlawful sexual acts with or upon a child under the age specified by the law of the Contracting Parties;
- (7) Procuring;
- (8) Wilful non-support or abandonment of a child or other dependent person where, as a result of such non-support or abandonment, the life or health of that child or other dependent person is or is likely to be endangered;
- (9) Robbery, theft, housebreaking, burglary, embezzlement, extortion;
- (10) Wilful damage to property;
- (11) Offences against the laws relating to fraud and criminal breach of trust; fraudulent conversion; obtaining property, money or securities by fraud or false pretences;
- (12) Offences against the laws relating to forgery, including uttering what is forged;
- (13) Offences against the laws relating to the unlawful receipt or possession of property, including money and securities;
- (14) Offences against the laws relating to counterfeiting;

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<sup>1</sup> Came into force on 25 June 1976 by the exchange of the instruments of ratification, which took place at Ottawa, in accordance with article 23 (2).

- (15) Offences against the laws relating to perjury, including subornation of perjury, making a false affidavit, statutory declaration or oral statement under oath or on affirmation;
- (16) Arson;
- (17) Obstruction of judicial proceedings or proceedings before governmental bodies or interference with an investigation of a violation of a criminal statute, by influencing, bribing, impeding, threatening or injuring by any means any officer of the court, juror, witness, or duly authorized criminal investigator;
- (18) Assisting or permitting the escape of a person from custody;
- (19) Offences against the laws relating to bribery;
- (20) Offences against the laws relating to civil disorders and riots;
- (21) Offences against the laws relating to gambling;
- (22) Any act or omission with intent or that is likely to:
  - (a) Endanger the safety of an aircraft in flight or of any person on board such aircraft; or
  - (b) Destroy or render any aircraft incapable of flight;
- (23) Any unlawful seizure or exercise of control of an aircraft in flight by force or violence or by threat of force or violence or by any other form of intimidation;
- (24) Any unlawful act or omission intended or that is likely to endanger the safety of any person travelling or being upon a railway or in any vessel or other means of transportation;
- (25) Piracy, mutiny or any mutinous act committed on board a vessel against the authority of the captain or commander of such vessel;
- (26) Offences against the laws relating to bankruptcy;
- (27) Offences against the laws relating to dangerous drugs and substances, including drugs listed in schedules I, II and III of the Single Convention on Narcotic Drugs of March 30, 1961,<sup>1</sup> and substances listed in schedules I, II and III to the Convention on Psychotropic Substances of February 21, 1971,<sup>2</sup> as any such schedule may be amended at any time;
- (28) Offences against the laws relating to firearms and other weapons, ammunition, explosives, incendiary devices or nuclear materials;
- (29) Offences against the laws relating to the sale or purchase of securities;
- (30) Any other offence for which extradition may be granted under the law of the Contracting Parties;
- (31) Any attempt to commit, conspiracy to commit or participation in any of the above offences.
  - (2) For the purposes of this Treaty "offence" means any act or omission referred to in paragraph (1).
  - (3) Extradition shall be granted only if the offence is punishable under the law of both Contracting Parties by deprivation of liberty for a maximum period exceeding one year or by a more severe penalty and, where the person claimed has been convicted, deprivation of liberty of at least four months' duration remains to be served.

<sup>1</sup> United Nations, *Treaty Series*, vol. 520, p. 151, vol. 557, p. 280 (corrigendum to vol. 520, p. 309), vol. 570, p. 346 (procès-verbal of rectification of the authentic Russian text), and vol. 590, p. 325 (procès-verbal of rectification of the authentic Spanish text).

<sup>2</sup> *Ibid.*, vol. 1019, p. 175.

(4) Where the request for extradition relates to more than one offence, not all of which fulfill the requirements of paragraph (3), the requested State may, if it grants extradition for at least one offence which fulfills those requirements, also grant extradition in respect of the other offences.

*Article 3.* (1) Neither of the Contracting Parties shall be bound to extradite its own nationals.

(2) If the request for extradition is refused only on the ground that the person claimed is a national of the requested State, that State shall, if asked to do so by the requesting State, take all possible measures in accordance with its own law to prosecute the person claimed. For this purpose, the files, documents and exhibits relating to the offence shall be transmitted to the requested State. All expenses incurred in connection with such prosecution shall be borne by the requested State. The requesting State shall be informed of the result of the prosecution.

*Article 4.* (1) Extradition may be refused where the offence in respect of which it is requested was committed in the territory of the requested State.

(2) If the offence in respect of which extradition is requested was committed in the territory of the requested State by an officer or employee of the requesting State, who is a national of that State, the requested State shall, subject to its law, extradite the person claimed.

*Article 5.* Extradition may be refused where:

- (a) The offence in respect of which it is requested is considered by the requested State to be an offence of a political character;
- (b) The requested State considers that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion or that his position would be prejudiced for any of those reasons;
- (c) The offence in respect of which it is requested is considered by the requested State to constitute an offence under military law and not an offence under ordinary criminal law;
- (d) The person claimed has already been tried and acquitted, or convicted and punished for the offence in respect of which his extradition is requested;
- (e) The person claimed is or has been under examination or trial in the requested State for the offence in respect of which extradition is requested; but a decision by the competent authorities of the requested State not to initiate or to stop proceedings against the person claimed in respect of an offence because of insufficient evidence shall not be a reason to refuse extradition in respect of the same offence;
- (f) The person claimed is exempt from prosecution or punishment by lapse of time according to the law of the requesting State or the requested State in respect of the offence for which extradition is requested; or
- (g) The offence in respect of which extradition is requested is punishable by death under the law of the requesting State if the law of the requested State does not permit such a punishment for that offence, unless the requesting State gives such assurances as the requested State considers sufficient that the death penalty shall not be imposed or, if imposed, shall not be executed.

*Article 6.* Extradition may also be refused on any other ground which is specified by the law of the requested State.

*Article 7.* A request for extradition and any subsequent correspondence shall be communicated through the diplomatic channel.

*Article 8.* (1) The request for extradition shall be in writing and shall be accompanied by:

- (a) All available information concerning the description, identity, nationality and usual residence of the person claimed;
- (b) A description of the offence in respect of which extradition is requested, including the date and place of its commission, unless this information appears in the warrant of arrest or in the conviction; and
- (c) The text of all provisions of the law of the requesting State applicable to the offence, including a text or statement of the law concerning any period of limitation applicable.

(2) A request for extradition which relates to a person charged with an offence or convicted *in contumaciam* shall, in addition to the documents required by paragraph (1), be accompanied by:

- (a) A warrant of arrest issued by a judge of the requesting State; and
- (b) Such evidence as, according to the law of the requested State, would justify the arrest and committal for trial of the person claimed if the offence had been committed in the requested State.

(3) A request for extradition which relates to a convicted person shall, in addition to the documents required by paragraph (1), be accompanied by

- (a) A certificate of the conviction of the person claimed, including any sentence imposed, issued by a competent authority of the requesting State;
- (b) A statement that there is no legal impediment to imposition or execution of sentence and showing how much of the sentence imposed remains to be served.

(4) The submission of any other evidence or information considered necessary for the extradition proceedings may be required by the requested State.

*Article 9.* The documents required by article 8, and any statement on oath or affirmation, taken in the requesting State, or certified copies thereof, shall be admitted in evidence in extradition proceedings in the requested State if signed by a competent judge or officer and sealed with the seal of a Minister of the requesting State. Any document that purports to be so signed and sealed shall be deemed to be duly certified and authenticated by the person or authority competent to do so.

*Article 10.* If extradition is not granted because of insufficient evidence, the person claimed may be discharged from custody by the requested State, without prejudice to the right of the requesting State to submit a further request for extradition in respect of the same offence together with additional evidence.

*Article 11.* (1) The competent authorities of the requesting State may request the provisional arrest of the person claimed pending submission of the request for extradition either through the diplomatic channel or the facilities of the International Criminal Police Organisation (INTERPOL). Where a request for provisional arrest of the person claimed is made through the facilities of the International

Criminal Police Organisation (INTERPOL), it shall be confirmed through the diplomatic channel as soon as possible if the person claimed is located in the requested State.

- (2) The request for provisional arrest shall include:
- (a) A statement that it is intended to request extradition;
  - (b) All available information concerning the description, identity and nationality of the person claimed;
  - (c) A description of the facts surrounding the offence;
  - (d) A copy of the warrant for the arrest or of the conviction of the person claimed, including any sentence imposed; or a statement that such a warrant or conviction has been issued in the requesting State; and
  - (e) Any other information necessary to justify the issue of a warrant of arrest in the requested State.

(3) The requested State shall inform the requesting State when the person claimed has been arrested.

(4) The requesting State shall submit the request for extradition within forty days of the date of the arrest of the person claimed.

(5) If the request for extradition has not been received within the said period of forty days or such further time as a judge of the requested State may direct, the person claimed may be discharged from custody.

(6) The discharge of the person claimed under paragraph (5) shall not prevent extradition proceedings again being initiated if the request for extradition is received after such discharge.

*Article 12.* Where requests for the extradition of the same person are received from the requesting State and one or more other States, the requested State shall have the discretion to determine to which State the person is to be extradited.

*Article 13.* (1) The requested State shall notify the requesting State as soon as possible of its decision with regard to the request for extradition and, if extradition is granted, shall make the person claimed available to the persons who are authorized by the requesting State to receive him at the time and place agreed between the Contracting Parties.

(2) Where the person claimed has been made available in accordance with paragraph (1) but has not been conveyed out of the territory of the requested State within a reasonable time, which shall not exceed thirty days after the requesting State has received notice that extradition has been granted or such further time as may be permitted by the requested State, the person claimed may be discharged from custody and the requested State may thereafter refuse to extradite him for the same offence.

(3) The requested State shall inform the requesting State of the period of time during which the person claimed was in custody for the purpose of extradition.

*Article 14.* The requested State may postpone the surrender of the person claimed in order to prosecute him for another offence or in order that he may serve a sentence and shall so inform the requesting State.

*Article 15.* (1) If extradition is granted, the requested State shall, so far as its law permits and subject to the rights of third parties, surrender all property, includ-

ing money, found in the possession of the person claimed that may be required as evidence or that has been acquired as a result of the offence. Such property shall, so far as possible, be surrendered without any request and at the same time as the surrender of the person claimed.

(2) The requested State may refuse to surrender any property unless it receives satisfactory assurances from the requesting State that the property will be returned as soon as possible.

*Article 16.* (1) A person extradited under this Treaty shall not be tried, punished or detained in the requesting State for any offence committed prior to his surrender other than that for which extradition was granted except where:

(a) The requested State consents thereto; or

(b) Having had the opportunity lawfully to leave the requesting State, he has not done so within forty-five days after the completion of legal proceedings, including any appeal, and any sentence imposed or, having left, he has voluntarily returned to that State.

(2) Instead of the offence for which he was extradited, the person may be tried or punished for a different offence, provided that it is based on the same facts as were set out in the request for extradition and supporting documents and that it is an extraditable offence under this Treaty.

*Article 17.* The Contracting Party to which a person has been extradited under this Treaty shall not re-extradite him to a third State without the consent of the Contracting Party that extradited him, except in the circumstances referred to in article 16 (1) (b). The request for consent to re-extradition shall be accompanied by originals or true copies of the extradition documents of the third State.

*Article 18.* Transit of a person who is being extradited from a third State through the territory of one Contracting Party to the other Contracting Party shall, subject to the law of the Contracting Party through the territory of which the person is to be transported, be granted on request provided that the offence concerned would be an extraditable offence under this Treaty. The Contracting Party requesting transit shall provide any documents required by the other Contracting Party.

*Article 19.* Any documents submitted in accordance with this Treaty shall be accompanied by a translation certified in accordance with the law of the requesting State. Any such translation shall be admissible as evidence in extradition proceedings in the requested State.

*Article 20.* Expenses incurred in the territory of the requested State by reason of extradition shall be borne by that State, but the requesting State shall bear all expenses incurred in respect of conveying the person extradited from the territory of the requested State and any expenses incurred in respect of transit.

*Article 21.* Proceedings with regard to provisional arrest, extradition and transit shall be governed solely by the law of the requested State.

*Article 22.* (1) For the purposes of this Treaty, a reference to the territory of a Contracting Party means all territory, waters and airspace under its jurisdiction.

(2) An offence shall be deemed to have been committed in the territory of a Contracting Party if it was committed:

- (a) On the high seas on board a vessel registered in its territory; or
  - (b) Against or on board an aircraft and that Contracting Party asserts jurisdiction over the offence.
- (3) An offence committed partly within the territory of a Contracting Party shall be deemed to have been committed entirely within its territory.

*Article 23.* (1) This Treaty shall be ratified; the instruments of ratification shall be exchanged in Ottawa as soon as possible.

(2) This Treaty shall enter into force on the date of the exchange of the instruments of ratification.

(3) This Treaty may be denounced in writing by either Contracting Party at any time and it shall terminate one year after the date of such denunciation.



DONE in Stockholm on February 25, 1976, in two copies in the English, French and Swedish languages, the three texts being equally authentic.

FAIT à Stockholm le 25 février 1976 en deux exemplaires rédigés en langues anglaise, française et suédoise, les trois textes faisant également foi.

SOM SKEDDE i Stockholm den 25 februari 1976 i två exemplar på engelska, franska och svenska språken, vilka tre texter skall ha lika vitsord.

For Canada:  
Pour le Canada :  
För Canada:

[Signed — Signé]<sup>1</sup>

For Sweden:  
Pour la Suède :  
För Sverige:

[Signed — Signé]<sup>2</sup>

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<sup>1</sup> Signed by R. Harry Jay — Signé par R. Harry Jay.

<sup>2</sup> Signed by Sven Andersson — Signé par Sven Andersson.