

TREATY BETWEEN  
JAPAN AND CANADA  
ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS



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Japan and Canada (hereinafter referred to as “the Parties”),

Desiring to improve bilateral cooperation to fight crime in both countries through effective measures of mutual legal assistance in criminal matters,

Have agreed as follows:

Article 1

Object, purpose and scope of assistance

1. Each Party shall, upon request by the other Party, provide mutual legal assistance (hereinafter referred to as “assistance”) in connection with investigations, prosecutions and other criminal proceedings in relation to the offences in the other Party in accordance with the provisions of this Treaty. The term “offences in the other Party” means, in relation to Japan, offences punishable by the laws of Japan, and in relation to Canada, offences created by a law of Parliament or by a law of the legislature of a province or territory of Canada.
2. Assistance shall include the following:
  - (a) taking testimony or statements;
  - (b) enabling the taking of testimony or statements by videoconference;
  - (c) obtaining documents, records or articles of evidence (hereinafter referred to as “items”), including through the execution of search and seizure or other court order;
  - (d) examining persons, items or places, including through the execution of search and seizure or other court order;

- (e) locating or identifying persons, items or places;
- (f) providing items in the possession of the legislative, administrative or judicial authorities of the requested Party, as well as the local authorities thereof;
- (g) presenting an invitation to a person whose appearance in the requesting Party is sought for the purpose of an investigation, prosecution or other criminal proceeding;
- (h) temporary transfer of a sentenced person in custody for testimony or otherwise assisting in an investigation, prosecution or other criminal proceeding;
- (i) serving documents related to criminal proceedings;
- (j) assisting in proceedings related to confiscation and immobilization of proceeds or instrumentalities of criminal offences; and
- (k) any other assistance permitted under the laws of the requested Party and decided upon between the Central Authorities of the Parties.

3. Except as otherwise provided for in this Treaty, assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution or other criminal proceeding in the requesting Party would constitute a criminal offence under the laws of the requested Party.

4. This Treaty is intended solely for assistance between the Parties. The provisions of this Treaty neither create a new right nor affect a pre-existing right on the part of a private person to impede the execution of a request or to obtain, suppress or exclude any evidence.

Article 2  
Central Authorities

1. Each Party shall designate the Central Authority responsible for the administration and implementation of this Treaty, as provided for in this Treaty. For Japan, the Central Authority shall be the Minister of Justice or the National Public Safety Commission, or persons designated by them. For Canada, the Central Authority shall be the Minister of Justice of Canada or persons designated by that Minister.
2. Requests for assistance under this Treaty shall be made by the Central Authority of the requesting Party to the Central Authority of the requested Party.
3. The Central Authorities of the Parties shall communicate directly with one another for the purposes of this Treaty. Such communications may be conducted through reliable means of communication, including through electronic means.

Article 3  
Grounds for refusal of assistance

1. The Central Authority of the requested Party may refuse assistance if the requested Party considers that:
  - (a) the request relates to a political offence;
  - (b) the execution of the request would impair its sovereignty, security, public order or other essential interests;
  - (c) the conduct that is the subject of the investigation, prosecution or other criminal proceeding in the requesting Party is punishable by a penalty under the laws of the requesting Party that would impair the essential interests of the requested Party. The requested Party may nevertheless provide the assistance sought if the Parties decide on the conditions under which the assistance may be provided and the requesting Party meets those conditions;
  - (d) the request does not conform to the requirements of this Treaty;

- (e) there are well-founded reasons to believe that the request for assistance has been made with a view to prosecuting or punishing a person by reason of that person's race, religion, nationality, ethnic origin, political opinions, sex, sexual orientation, language, colour, age or mental or physical disability, or that the person's position may be prejudiced for any of those reasons; or
- (f) the conduct that is the subject of the investigation, prosecution or other criminal proceeding in the requesting Party would not constitute a criminal offence under the laws of the requested Party, and the execution of the request would require a court order or other compulsory measures under the laws of the requested Party.

2. Before refusing assistance pursuant to paragraph 1, the Central Authority of the requested Party shall consult with the Central Authority of the requesting Party when the requested Party considers that assistance may be provided subject to certain conditions. If the requesting Party accepts such conditions, the requesting Party shall comply with them.

3. If assistance is refused, the Central Authority of the requested Party shall inform the Central Authority of the requesting Party of the reasons for the refusal.

#### Article 4

##### Form and content of requests for assistance

1. The Central Authority of the requesting Party shall make a request for assistance in writing. However, the Central Authority of the requesting Party may make a request by any other reliable means of communication, including by electronic means, if the Central Authority of the requested Party considers it appropriate to receive a request by those means. In such cases, the Central Authority of the requesting Party shall provide supplementary confirmation of the request in writing promptly thereafter, if the Central Authority of the requested Party so requires.

2. A request and any supporting documents shall be accompanied by a translation into one of the official languages of the requested Party, unless otherwise decided between the Central Authorities of the Parties. For Japan, the official language is Japanese. For Canada, the official languages are English and French.

3. A request shall include the following:

- (a) the name of the competent authority, which means an investigative, prosecutorial or judicial authority with the responsibility for the investigation, prosecution or other criminal proceeding to which the request relates;
- (b) the alleged facts pertaining to the subject of the investigation, prosecution or other criminal proceeding and, if the Central Authority of the requested Party so requires, a summary of the evidence supporting the alleged facts;
- (c) the nature and the stage of the investigation, prosecution or other criminal proceeding;
- (d) the text of the relevant laws of the requesting Party;
- (e) a description of the assistance requested; and
- (f) a description of the purpose for which assistance is requested, including, if the Central Authority of the requested Party so requires, the evidentiary basis to believe that what is sought in the request is located in the territory of the requested Party and is relevant to the investigation, prosecution or other criminal proceeding.

4. To the extent necessary and possible, a request shall also include the following:

- (a) information on the identity, nationality and location of any person from whom testimony, statements or items are sought, or any person who is the subject of the investigation, prosecution or other criminal proceeding in the requesting Party;

- (b) a description of the manner in which testimony, statements or items are to be obtained or recorded;
- (c) a list of questions to be asked of the person from whom testimony or statements are sought;
- (d) a precise description of persons or places to be searched and of items to be sought;
- (e) information regarding persons, items or places to be examined;
- (f) a description of the manner in which an examination of persons, items or places is to be conducted and recorded, including the format of any written record to be made concerning the examination;
- (g) information regarding persons, items or places to be located or identified;
- (h) information on the identity and location of a person to be served, the person's relationship to the criminal proceedings and the manner in which service is to be made;
- (i) a description of any particular procedure to be followed in executing the request;
- (j) any certification requirement in relation to the assistance sought and the reason for such a requirement;
- (k) a description of the reasons for confidentiality concerning the request;
- (l) where applicable, the names and contact details of officials in the requested Party who have knowledge of the matter under investigation or prosecution;
- (m) the time limit within which the requesting Party seeks the execution of the request and the reasons for such a time limit; and

- (n) any other information that should be brought to the attention of the requested Party to facilitate the execution of the request.

5. If the requested Party considers that the information contained in a request for assistance is not sufficient to meet the requirements under this Treaty to enable the execution of the request, the Central Authority of the requested Party may request that additional information be provided.

#### Article 5

##### Execution of requests for assistance

1. The requested Party shall promptly execute a request for assistance in accordance with the relevant provisions of this Treaty. The requested Party shall take every reasonable measure to execute the request.

2. The requested Party shall execute a request in the manner or in accordance with the procedure provided for by the laws of the requested Party. To the extent that it is not contrary to the laws of the requested Party and, if possible, the requested Party shall execute the request in the manner specified in the request.

3. If the execution of a request is deemed to impair the essential interests of the requested Party or to interfere with an ongoing investigation, prosecution or other criminal proceeding in the requested Party, the Central Authority of the requested Party may postpone the execution of the request. The Central Authority of the requested Party shall promptly inform the Central Authority of the requesting Party of the decision to postpone the execution of the request, and shall consult with the Central Authority of the requesting Party when the requested Party considers that the request can be executed subject to certain conditions. If the requesting Party accepts such conditions, the requesting Party shall comply with them.

4. The requested Party shall make best efforts to keep confidential the fact that a request has been made, the contents of a request, the outcome of the execution of a request and other relevant information concerning the execution of a request, if such confidentiality is requested by the Central Authority of the requesting Party.

5. If a request cannot be executed without disclosure of such information, the Central Authority of the requested Party shall so inform the Central Authority of the requesting Party, which shall then determine whether the request should nevertheless be executed.

6. The Central Authority of the requested Party shall respond to reasonable inquiries by the Central Authority of the requesting Party concerning the status of the execution of a request.

7. The Central Authority of the requested Party shall promptly inform the Central Authority of the requesting Party of the result of the execution of a request, and shall provide the Central Authority of the requesting Party with the testimony, statements or items obtained as a result.

8. The requested Party may provide certified true copies of documents or records, or their electronic versions, unless the requesting Party expressly requests originals or paper copies, and explains the reason for requiring the originals or paper copies. The requested Party shall make best efforts to comply with a request for originals or paper copies of the documents or records.

9. To the extent permitted by the laws of the requested Party, the requested Party shall provide items in a form or accompanied by a certification or statement as may be specified by the requesting Party in order to make the items admissible in evidence in criminal proceedings in accordance with the laws of the requesting Party.

10. If a request cannot be executed in whole or in part, the Central Authority of the requested Party shall inform the Central Authority of the requesting Party of the reasons therefor.

## Article 6

### Costs

1. The requested Party shall bear all costs related to the execution of a request, unless otherwise decided between the Central Authorities of the Parties.

2. Notwithstanding paragraph 1, the requesting Party shall bear:
  - (a) the fees of an expert witness;
  - (b) the costs of translation, interpretation and transcription; and
  - (c) the allowances and expenses related to the travel of persons pursuant to Articles 10, 15 and 16.
  
3. If it becomes apparent that costs of an extraordinary nature are required to execute a request, the Central Authorities of the Parties shall consult to determine the conditions under which the request may be executed.

#### Article 7

##### Limitations on use and confidentiality

1. The requesting Party shall not disclose or use any testimony, statements or items provided under this Treaty other than in the investigation, prosecution or other criminal proceeding described in the request without the prior consent of the Central Authority of the requested Party. Nothing in this paragraph shall prevent the requesting Party from disclosing in its proceedings the said testimony, statements or items that are exculpatory to an accused person. In the latter case, the Central Authority of the requesting Party shall notify the Central Authority of the requested Party prior to the disclosure and, if so requested, consult with the Central Authority of the requested Party. If, in an exceptional case, advance notice is not possible, the Central Authority of the requesting Party shall inform the Central Authority of the requested Party of the disclosure without delay.
  
2. The Central Authority of the requested Party may request that testimony, statements or items provided under this Treaty be kept confidential or be used only subject to other conditions that the Central Authority of the requested Party may specify. If the requesting Party agrees to such confidentiality or accepts such conditions, it shall comply with them.

## Article 8

### Transport, maintenance and return of items

1. The Central Authority of the requested Party may request that the requesting Party transport and maintain items provided under this Treaty in accordance with the conditions specified by the Central Authority of the requested Party, including the conditions deemed necessary to protect third-party interests in the items to be transferred.
2. The Central Authority of the requested Party may request that the requesting Party return any items provided under this Treaty in accordance with the conditions specified by the Central Authority of the requested Party, after such items have been used for the purpose described in the request.
3. The requesting Party shall comply with a request made pursuant to paragraph 1 or 2. When such a request has been made, the requesting Party shall not examine the items without the prior consent of the Central Authority of the requested Party if the examination could alter or impair the items.

## Article 9

### Taking testimony or statements

1. At the request of the requesting Party, the requested Party shall take testimony or statements. The requested Party shall employ compulsory measures in order to take testimony or a statement of a witness, if such measures are necessary and the request includes information justifying those measures under the laws of the requested Party.
2. The requested Party shall make best efforts to make possible the presence of officials of the requesting Party during the execution of a request for taking testimony or statements as specified in that request, and to allow those officials to question the person from whom testimony or a statement is sought. If such direct questioning is not permitted, the officials of the requesting Party shall be allowed to submit questions to be posed to the person from whom testimony or a statement is sought.
3. The requested Party may allow the presence of other persons during the execution of the request as specified in the request, and may specify the terms and conditions of their presence.

## Article 10

### Enabling the taking of testimony or statements by videoconference

1. If a person is in the requested Party and has to be heard as a witness or an expert witness by the competent authority of the requesting Party, the requested Party may enable testimony or a statement to be taken from that person by that competent authority by videoconference, if such a hearing is necessary for the investigation, prosecution or other criminal proceeding in the requesting Party. The Parties shall consult, if necessary, in order to facilitate the resolution of any legal, technical or logistical issues that may arise in the execution of the request for assistance and to mutually determine the conditions and manner applicable to the hearing by videoconference.
  
2. The following rules shall apply to the hearing by videoconference unless otherwise decided between the Parties:
  - (a) the requested Party will identify the person to be heard and invite the person to facilitate their appearance;
  
  - (b) at the request of the relevant authority of the requested Party or the person to be heard, the requesting Party will ensure, if necessary, that the relevant authority and/or the person are assisted by an interpreter;
  
  - (c) the hearing will be conducted directly by, or under the direction of, the competent authority of the requesting Party in accordance with its own laws, the fundamental principles of the law of the requested Party and the conditions and terms mutually determined between the Parties;
  
  - (d) the relevant authority of the requested Party will be present during the hearing, and will observe the hearing. If the relevant authority of the requested Party is of the view that during the hearing the fundamental principles of the law of the requested Party are being infringed, or the conditions and terms mutually determined between the Parties are not being respected, it will immediately take the necessary measures, including an intervention, adjournment or discontinuation of the hearing, to ensure that the hearing is conducted in accordance with the said principles, conditions and terms; and

- (e) the Parties will ensure the right not to testify that would accrue to the person to be heard in accordance with their respective laws and will take other measures necessary for the protection of the person as agreed upon between the Parties.

#### Article 11

##### Obtaining items

1. At the request of the requesting Party, the requested Party shall obtain items. The requested Party shall employ compulsory measures, including search and seizure, in order to obtain items, if such measures are necessary and the request includes information justifying those measures under the laws of the requested Party.
2. The requested Party may, if it deems it appropriate, permit the presence of persons from the requesting Party during the execution of a request for obtaining items, as specified in that request.

#### Article 12

##### Examining persons, items or places

1. At the request of the requesting Party, the requested Party shall examine persons, items or places. The requested Party shall employ compulsory measures in order to examine persons, items or places, if such measures are necessary and the request includes information justifying those measures under the laws of the requested Party.
2. The requested Party may, if it deems it appropriate, permit the presence of persons from the requesting Party during the execution of a request for examining persons, items or places, as specified in that request.

#### Article 13

##### Locating or identifying persons, items or places

At the request of the requesting Party, the requested Party shall make best efforts to locate or identify persons, items or places.

#### Article 14

##### Providing items in the possession of public officials

1. At the request of the requesting Party, the requested Party shall provide the requesting Party with items that are in the possession of the legislative, administrative or judicial authorities of the requested Party as well as the local authorities thereof and that are available to the general public.
  
2. At the request of the requesting Party, the requested Party may, in its discretion, provide the requesting Party, in whole or in part, or subject to such conditions as it deems appropriate, with items that are in the possession of the legislative, administrative or judicial authorities of the requested Party as well as the local authorities thereof and that are not available to the general public.

#### Article 15

##### Presenting an invitation to appear

1. At the request of the requesting Party, the requested Party shall present an invitation in writing to a person in the requested Party whose appearance is sought before the competent authority in the requesting Party for the purpose of an investigation, prosecution or other criminal proceeding.
  
2. The Central Authority of the requesting Party shall inform the Central Authority of the requested Party of the extent to which the allowances and expenses for the appearance under paragraph 1 will be paid by the requesting Party. The Central Authority of the requested Party shall, upon request, promptly inform the Central Authority of the requesting Party of the response of the person whose appearance is sought.

3. A person whose appearance is sought before the competent authority in the requesting Party under this Article shall not be subject to detention or any restriction of personal liberty in the territory of the requesting Party by reason of any conduct or conviction that precedes the departure from the requested Party of the person, nor shall the person be obliged to give testimony, statements or items in any proceeding or to assist in any proceeding other than the criminal proceeding which is specified in the request, unless the person consents and the approval of the Central Authorities of the Parties is given.

4. The safe conduct provided in accordance with paragraph 3 to the person whose appearance is sought before the competent authority in the requesting Party under this Article shall cease when:

- (a) fifteen (15) days have passed since the person was notified in writing by the competent authority that the appearance of the person is no longer necessary, and the person has not left the requesting Party;
- (b) the person, having left the requesting Party, voluntarily returns to it; or
- (c) fifteen (15) days have passed since the scheduled appearance date of the person who failed to appear before the competent authority on that date due to reasons other than those arising out of circumstances beyond their control, and the person has not left the requesting Party.

5. When the safe conduct ceases pursuant to paragraph 4, the Central Authority of the requesting Party shall so inform the Central Authority of the requested Party without delay.

6. A person who does not appear before the competent authority in the requesting Party under this Article shall not, by reason thereof, be liable to any penalty or be subjected to any compulsory measure in the requesting Party, notwithstanding any contrary statement in the request or a document related to the appearance of the person.

## Article 16

### Temporary transfer of sentenced persons in custody

1. A sentenced person in the custody of the requested Party whose presence in the territory of the requesting Party is sought for the purpose of testimony or otherwise assisting in an investigation, prosecution or other criminal proceeding shall be temporarily transferred for those purposes to the requesting Party, if the person consents and if the Central Authorities of the Parties give their approval, when permitted under the laws of the requested Party.
2. The requesting Party shall:
  - (a) keep the person transferred pursuant to paragraph 1 in the custody of the requesting Party, unless permitted by the requested Party to do otherwise; and
  - (b) immediately return the person transferred to the requested Party, as decided beforehand, or as otherwise decided between the Central Authorities of the Parties.
3. The person transferred to the requesting Party pursuant to this Article shall be deemed to be continuing to serve their sentence in the requested Party during the period spent in the custody of the requesting Party.
4. The person transferred to the requesting Party pursuant to this Article shall enjoy the safe conduct provided for in Article 15 in the requesting Party until the transferred person's return to the requested Party.
5. A person who does not consent to be transferred pursuant to this Article shall not, by reason thereof, be liable to any penalty or be subjected to any compulsory measure in the requesting Party, notwithstanding any contrary statement in the request or a document related to the appearance of the person.

Article 17  
Service of documents

1. A request for service of documents shall be accompanied by a translation of the document to be served into one of the official languages of the requested Party.
2. The requested Party shall effect service of documents related to criminal proceedings that are transmitted to it for this purpose by the requesting Party, and shall transmit proof of service, including the date, place and manner of service, to the requesting Party.
3. Where a request concerns service of a judicial document requiring the appearance of a person before the competent authority in the requesting Party, the request shall be received by the requested Party not less than fifty (50) days before the scheduled appearance date. In urgent cases, the requested Party may waive this requirement.
4. A person who does not comply with a judicial document requiring the appearance of the person before the competent authority in the requesting Party served pursuant to this Article shall not, by reason thereof, be liable to any penalty or be subjected to any compulsory measure in the requesting Party, notwithstanding any contrary statement in the request or that judicial document.

Article 18  
Proceeds or instrumentalities of criminal offences

1. At the request of the requesting Party, the requested Party shall assist, to the extent permitted by its laws, in proceedings related to the confiscation of the proceeds or instrumentalities of criminal offences. Such assistance may include action to temporarily immobilize the proceeds or instrumentalities pending confiscation proceedings.
2. A request for the confiscation or immobilization described in paragraph 1 shall be accompanied by a certified true copy of a court order imposing confiscation or immobilization, if the laws of the requested Party so require.

3. The requested Party that has custody over proceeds or instrumentalities of criminal offences may transfer such proceeds or instrumentalities to the requesting Party, to the extent permitted by the laws of the requested Party and upon such conditions as it deems appropriate.

#### Article 19

##### Relation to other instruments

Nothing in this Treaty shall prevent either Party from requesting assistance from or providing assistance to the other Party in accordance with other international agreements, arrangements or its laws that may be applicable.

#### Article 20

##### Consultations

1. The Central Authorities of the Parties shall hold consultations as required for the purpose of facilitating speedy and effective assistance under this Treaty, and may decide on such measures as may be necessary for this purpose.

2. The Parties shall, if necessary, hold consultations on any matter that may arise in the interpretation or implementation of this Treaty.

#### Article 21

##### Headings

The headings of the Articles of this Treaty are inserted for convenience of reference only and shall not affect the interpretation of this Treaty.

#### Article 22

##### Entry into force, amendment and termination

1. This Treaty shall enter into force on the thirtieth (30th) day after the date on which the Parties exchange diplomatic notes informing each other that their respective internal procedures necessary to give effect to this Treaty have been completed.

2. This Treaty shall apply to any request for assistance presented on or after the date upon which this Treaty enters into force, whether the acts relevant to the request were committed before, on or after that date.

3. This Treaty may be amended by written agreement between the Parties.

4. Each Party may terminate this Treaty at any time by giving written notice to the other Party. Such termination shall be effective six months after the date of such notice.

5. Following the notice of termination of this Treaty, the requested Party may, in its discretion, process requests that have been received prior to the effective date of termination of this Treaty in accordance with the terms of this Treaty.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

DONE in duplicate, at Ottawa, on the 12th day of December 2025, in the Japanese, English and French languages, all texts being equally authentic.

FOR JAPAN:

Kanji Yamanouchi

FOR CANADA:

Shalene Curtis-Micallef