

## Acuerdos Bilaterales

Clasificación: 4-2007

Fecha de Ingreso: 24 de Abril de 2007

Nombre de Acuerdo: Memorandum of understanding between the Department of Justice of Canada and the General Secretariat of the Organization of American States for the holding of the Working Group on Mutual Assistance in Criminal Matters and Extradition ( OAS/ REMJA)

Materia:

Partes: SG/OEA & The Department of Justice of Canada

Referencia: Canada

Fecha de Firma: 15 de Febrero de 2007

Fecha de Inicio: 15 de Febrero de 2007

Fecha de Terminación:

Lugar de Firma: Washington,DC, Estados Unidos

Unidad Encargada:

Persona Encargada:

Original:

Claves:

Cierre del proceso:



MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DEPARTMENT OF JUSTICE OF CANADA  
AND  
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES  
FOR THE HOLDING OF  
THE WORKING GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND  
EXTRADITION (OAS/REMJA)

March 26 and 27, 2007  
Montreal, Quebec, Canada

Signed in Washington, D.C., on February 15, 2007

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DEPARTMENT OF JUSTICE OF CANADA  
AND  
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES  
FOR THE HOLDING OF  
THE WORKING GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND  
EXTRADITION (OAS/REMJA)

The participants hereto, the Department of Justice of Canada and the General Secretariat of the Organization of American States, hereinafter respectively, "the GOVERNMENT" and "the GENERAL SECRETARIAT," and, jointly, "the Participants";

Bearing in mind that, in the Conclusions and Recommendations adopted at their Sixth Meeting (REMJA-VI/doc. 21/06 rev. 1), the Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA) accepted the Delegation of Canada's offer to convene a special meeting of the OAS/REMJA Working Group on Mutual Assistance in Criminal Matters and Extradition to consider how to order the work of REMJA related to the strengthening of mutual legal assistance and extradition in the Americas, recognizing as a source for the discussion, the recommendations of the Second Meeting of Central Authorities and Other Experts on Mutual Assistance in Criminal Matters and Extradition;

Bearing in mind also that, in resolution AG/RES. 2228 (XXXVI-O/06), "Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas", the OAS General Assembly endorsed the Conclusions and Recommendations of the REMJA and instructed the Permanent Council to provide appropriate follow-up to the implementation of those Conclusions and Recommendations and to convene the meetings referred to therein;

Recalling the Note from the Permanent Mission of Canada requesting the inclusion on the Agenda of Permanent Council the item: the Convocation of the Special Meeting of the OAS/REMJA Working Group on Mutual Assistance on Criminal Matters and Extradition, in document CP/doc.4166/03 rev.4, corr.1;

Taking into account that the Permanent Council of the Organization of American States in its regular session of 24 January, 2007, after the presentation given by the delegate of Canada, approved in resolution CP/RES.914 (1577/07) the proposal for place and date meeting entitled "Place and Date of the Special Meeting of the OAS/REMJA Working Group on Mutual Assistance in Criminal Matters and Extradition," which states in operative paragraph 2 "To convene the Special Meeting of the OAS/REMJA Working Group on Mutual Assistance in Criminal Matters and Extradition, to be held in Montreal, Canada, from March 26 to 27, 2007";

Noting that Article 112.d of the Charter of the OAS states that one of the functions of the GENERAL SECRETARIAT is to "provide, on a permanent basis, adequate secretariat services for the General Assembly and the other organs..."

Considering that the General Assembly, in resolution AG/RES. 3 (XXV-E/98), "Quota Payments," operative paragraph 6, instructs the Permanent Council to authorize funds from the Regular Fund for OAS conferences and meetings away from headquarters if it considers that the host country is current in its payments of quotas to the Regular Fund or if it has established a schedule of payments with the General Secretariat and is complying with that schedule in accordance with paragraph 2 of said resolution;

Considering also that Annex A, paragraph B.2 of resolution AG/RES. 1757 (XXX-0/00), "Measures to Encourage the Timely Payment of Quotas," provides that "only member states that are 'current' or 'considered current' shall be eligible to host

meetings (including, but not limited to, conferences, meetings of ministers and experts, workshops, and seminars) of the Organization directly funded, in whole or in part, by the Regular Fund.”;

Recognizing that the GOVERNMENT is prepared to defray all necessary costs of transferring secretariat and conference services for holding the Special Meeting of the OAS/REMJA Working Group on Mutual Assistance in Criminal Matters and Extradition, (hereinafter “the Meeting”), together with all costs associated with infrastructure and logistical and support services needed to hold the Meeting;

HAVE COME TO THE FOLLOWING MUTUAL UNDERSTANDING:

CHAPTER I  
FINANCING

Article 1. The GOVERNMENT shall contribute the sum of fourteen thousand, two hundred and forty United States dollars (US \$14,240) (hereinafter the “CONTRIBUTION”) to finance the total estimated cost for holding of the Meeting in Montreal, Canada according to CP/Res.914 (1577/07), Operative paragraph 3, “To accept the offer of Canada to host the Special Meeting in line with OAS standards within its own budget and without drawing on the Regular Fund of the OAS. In the alternative, the Special Meeting may be at OAS Headquarters in Washington, D.C., from March 26 to 27, 2007, drawing on item 21C of the Regular Fund of the OAS in accordance with applicable rules”;

Article 2. The GOVERNMENT shall deposit with the GENERAL SECRETARIAT in Washington, D.C., on February 15<sup>th</sup>, 2007 the sum of fourteen thousand, two hundred and forty United States dollars (US \$14,240), that is, the total amount of the CONTRIBUTION to finance the conference services required for the Meeting in Montreal, in accordance with resolution CP/RES. 872 (1459/04), to be contracted for and

coordinated by the GENERAL SECRETARIAT, to make available in Canada the secretariat, conferences, protocol, press, and communications services that are needed for the meeting. The GOVERNMENT may also deposit the CONTRIBUTION electronically, payable to the GENERAL SECRETARIAT, in accordance with the information provided in Appendix V of this Memorandum of Understanding.

Article 3. Notwithstanding the provisions of the foregoing articles, and pursuant to operative paragraph 6 of resolution CP/RES. 872 (1459/04), should special or unforeseen circumstances prevent the GOVERNMENT from depositing the CONTRIBUTION by the deadlines established in Article 2 above, the GOVERNMENT shall notify the GENERAL SECRETARIAT thereof immediately and in writing. The GENERAL SECRETARIAT shall, in turn, inform the OAS Permanent Council, after which, the Meeting shall be scheduled to be held at the headquarters of the GENERAL SECRETARIAT in Washington, D.C., or, at a later date, in Canada, if the OAS Permanent Council so decides.

Article 4. The GENERAL SECRETARIAT shall submit to the GOVERNMENT, within ninety (90) days of the end of the Meeting, a statement of changes in the balance of the fund for expenses charged to the CONTRIBUTION, in accordance with the budget agreed upon by the Participants for holding the Meeting.

Article 5. If the amount of the CONTRIBUTION from the GOVERNMENT exceeds what is needed to cover the difference between the approved budget and the actual cost of the Meeting incurred by the GENERAL SECRETARIAT, the latter shall reimburse the balance to the GOVERNMENT, no less than ninety (90) days after the close of the Meeting. If, on the other hand, during the execution of this Memorandum of Understanding, special circumstances arise that increase the demand for the services foreseen in the budget, and the amount of the CONTRIBUTION proves to be insufficient to cover the costs for services linked the holding of the Meeting in Montreal, Canada, the National Coordinator of Services and the Coordinator of the General Secretariat will duly

document this situation and immediately inform the Chair of the meeting, which services will be suspended or will not be provided for the lack of additional funding.

## CHAPTER II PREMISES, PERSONNEL, MATERIALS, SERVICES, AND EQUIPMENT

**Article 6.** The GOVERNMENT shall provide the premises, local transportation, personnel, materials, and communications equipment/Internet access required for the Meeting, as well as the services stipulated in Chapter I, Article 2 of this Memorandum of Understanding, and the following:

- a) Meeting rooms: One meeting room for the Working Group sessions. One room with partitions separating the working space of the GENERAL SECRETARIAT from the working space of the Secretariat of the GOVERNMENT. The aforementioned rooms shall be reserved exclusively for Meeting use and shall be available, duly fitted out and operational the day before at 6:00 p.m. prior to the start of the corresponding plenary sessions of the Meeting with the necessary furniture, computer equipment, printers, communications facilities and Internet access, in the quantity and with the specifications detailed in Appendices I, II, and III hereto.
- b) The local Secretariat staff, determined by common accord with the GENERAL SECRETARIAT, in the quantities indicated in the "HC" (Host Country) column of Appendix I hereto. Should the GOVERNMENT be unable to provide all staff indicated, the GENERAL SECRETARIAT may assist in obtaining them, at the GOVERNMENT's expense.
- c) The necessary premises, materials, and equipment, in the amounts indicated in Appendix III of this Memorandum of Understanding.
- d) Appropriate hotel-room reservation services for participants and GENERAL SECRETARIAT personnel. For that purpose, the GOVERNMENT shall obtain

assurances from the city's principal hotels that the minimum number of rooms required is available.

Article 7. The GOVERNMENT shall be responsible for the security, at the conference sites, of the participants, observers, guests, and GENERAL SECRETARIAT staff during the Meeting, for which purpose the GOVERNMENT shall assign the necessary personnel and allocate the necessary means to ensure the normal conduct of deliberations and the safekeeping of the supplies and equipment necessary for the event.

Article 8. The GENERAL SECRETARIAT shall be responsible for:

- a) Providing the following secretariat personnel for the Meeting:
  - (i) The personnel specified in column "GS/OAS" in APPENDIX I hereto; and
  - (ii) The personnel specified in column "C-GS/OAS" (contracted by the GS/OAS) of APPENDIX I hereto, to be hired in accordance with procedures currently in force in the GENERAL SECRETARIAT;
- b) Defraying, out of the CONTRIBUTION funds, the costs of transportation to and from Montreal, Canada;
  - (i) The costs of the personnel specified in columns "GS/OAS" and "C-GS/OAS" of APPENDIX I hereto, as well as any appropriate terminal expenses and per diem allowances;
  - (ii) The documentation on the topics to be addressed at the Meeting; and
  - (iii) The materials and equipment for which the GENERAL SECRETARIAT has responsibility, as indicated in Appendix III hereto.



### CHAPTER III PRIVILEGES AND IMMUNITIES

Article 9. Pursuant to Articles 132 to 136 of the Charter of the Organization of American States, and to THE GOVERNMENT's regulatory instrument P.C. 1999-1491 of August 26, 1999, "Organization of American States Privileges and Immunities in Canada Order," as amended by THE GOVERNMENT's regulatory instrument P.C. 2000-660 of May 4, 2000, "Order Amending the Organization of American States Privileges and Immunities in Canada Order," THE GOVERNMENT shall extend to: the Organization and its organs; the delegations of the OAS member states; the delegations of the OAS observer states; the officials of the Organization (i.e., the officers of the OAS and the officers and staff members of THE GENERAL SECRETARIAT); and the experts of the GENERAL SECRETARIAT, the necessary privileges and immunities for the independent and proper performance of their duties and responsibilities in connection with the Meeting.

Article 10. Additionally, in accordance with the provisions of the instruments cited in the preceding article, THE GOVERNMENT shall authorize duty-free entry into and exit from Canada of documentation, materials, and equipment shipped in the name of the GENERAL SECRETARIAT from its headquarters.

### CHAPTER IV COORDINATORS

Article 11. In accordance with Article 112.d of the OAS Charter, the GENERAL SECRETARIAT shall have responsibility for the organization, management, and operation of the Meeting, through a Coordinator appointed for that purpose.

Article 12. The GOVERNMENT, in turn, shall appoint a National Coordinator of Services for itself, as the host country, who shall collaborate with the GENERAL

SECRETARIAT's Coordinator on matters pertaining to the premises, personnel, materials, services, and equipment necessary for the proper functioning of the Meeting.

**Article 13.** The National Coordinator of Services, acting in consultation with the GENERAL SECRETARIAT's Coordinator, shall have responsibility for services to be provided by the host country as stipulated herein, including the spaces and support required to hold the Meeting, response medical care, accommodation, installation and operation of equipment, etc.

**Article 14.** The National Coordinator of Services shall establish systems to oversee responsibility and security for the safekeeping of equipment, materials, and supplies specifically required to hold the Meeting. Without prejudice to this responsibility of the GOVERNMENT, either Coordinator may authorize one or more members of his or her staff to sign for the receipt of materials or equipment addressed to the other party. In such case, the staff member so authorized and the party who so designated him or her shall be released from responsibility for said signed receipt as of the time of delivery of the materials or equipment to the addressee.

## CHAPTER V FINAL PROVISIONS

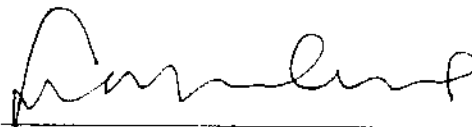
**Article 15.** APPENDICES I, II, III, IV, V, and VI hereto constitute integral parts of this Memorandum of Understanding and may be amended in writing. Such amendments shall be incorporated as integral parts of the Memorandum of Understanding with the approval of the representatives of the Participants duly authorized to give such approval.

Article 16. The Participants shall seek to resolve amicably any dispute that may arise between them in connection with the execution and/or interpretation of this Memorandum of Understanding. Should this not be possible, disputes shall be resolved through a procedure agreed by the Participants.

Article 17. This Memorandum of Understanding shall enter into force on the date of its signature and shall remain in force until the obligations undertaken herein have been discharged.

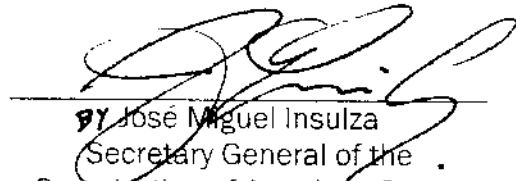
IN WITNESS WHEREOF the representatives of the Participants, having been duly authorized to do so, now sign this Memorandum of Understanding in duplicate, at the headquarters of the GENERAL SECRETARIAT, on the 15 day of February of the year two thousand seven.

FOR THE DEPARTMENT OF  
JUSTICE OF CANADA



Graeme Clark  
Ambassador, Permanent  
Representative of Canada to the  
Organization of American States

FOR THE GENERAL SECRETARIAT  
OF THE ORGANIZATION OF  
AMERICAN STATES



BY José Miguel Insulza  
Secretary General of the  
Organization of American States



APPENDIX I

THE WORKING GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION

(OAS/REMJA)

MARCH 26 AND 27, 2007

Montreal, Quebec, Canada

SECRETARIAT STAFFING CHART

MEETING SECRETARIAT STAFF	GS/OAS	C-GS/OAS	HC
<b>TECHNICAL SECRETARIAT</b>			
Director, Office of Legal Cooperation	1		
Legal Advisors	2		
Information Technology Specialist	1		
<b>OFFICE OF CONFERENCES AND MEETINGS (OCM)</b>			
Conference Coordinator (CSG)	1		
In-room assistants			2
Audio and Recording Control Supervisor			1
Audio and Recording Assistant			1
Interpreters (3 languages) for the WG session (2 per booth)			6
Translator/Reviewer (Spanish) (Remote)		1	
Translator/Reviewer (English) (Remote)		1	
Document reproduction and distribution services Supervisors			1
Photocopying and document assembly personnel			1
Accreditation Services Coordinator (GS/OAS)			1
<b>NATIONAL COORDINATION STAFF</b>	<b>GS/OAS</b>	<b>C-GS/OAS</b>	<b>HC</b>
National Services Coordinator			1
National Coordination support staff (as necessary)			13+
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>14+</b>

APPENDIX II

THE WORKING GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION  
(OAS/REMJA)  
MARCH 26 AND 27, 2007  
Montreal, Quebec, Canada

LOCAL OFFICES AND ROOMS

1. One (1) office for the Technical Secretariat Services and Host Country Secretariat with enough space for ten (10) people. Partitions to be provided to separate the working area of the OAS Technical Secretariat from the working area of the Host Country Secretariat(\*)
2. One (1) office or room for two (1) photocopying machine and four (2) long tables for document assembly with sufficient space for boxes of paper and other supplies. (\*)
3. One (1) area for delegate accreditation
4. One (1) room for the plenary meeting, large enough to hold 80 people with sufficient space for the cabins for simultaneous interpretation, equipment for service control, tables for document distribution, and space for observers, etc.

(\*) This office has to be large, with room to install and operate the equipment listed in the appendices. Working areas must be separated by partitions.

APPENDIX III

THE WORKING GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION  
(OAS/REMJA)

MARCH 26 AND 27, 2007

Montreal, Quebec, Canada

PREMISES, EQUIPMENT, AND MATERIALS

Approximately 80 people are expected to attend the meeting. The following premises, equipment, and materials will be required:

I. MEETING ROOMS

A. One room with capacity for 80 people, which will also be used for plenary sessions of the Meeting. This room must have the following equipment and furniture:

1. Tables and chairs for the 34 heads of delegation and two extra seats for delegates (68 chairs);
2. Table and chairs for the head table, for 5 people;
3. Documents table;
4. Chairs for special guests and the general public;
5. Three booths and equipment for simultaneous interpretation into Three languages English, Spanish, and French, with 100 receiver headsets and 40 microphones, and electronic name-handling capability, which requires two monitors using the Infrared system<sup>1</sup>.
6. Recording equipment and speakers; CDs or cassettes must be carefully labeled as to what sessions, dates and times were recorded.
7. Two power point projection screens for Power Point, VGA cables, and corresponding adapters.

B. A room or work space for the delegates with computers (connected to the Internet).

C. A room or space for registration of participants (this room must be ready for the start of registration one day before the Meeting begins). This room must have:

1. Two (2) registration tables
2. Four (4) chairs for registration personnel;

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<sup>1</sup> In the event that the simultaneous interpretation equipment available in the country is not equipped and programmed with electronic name-handling capability, and General Secretariat will provide such equipment on loan, with the Government responsible for defraying transportation, insurance, and installation costs.

HARDWARE: 8 computers with Pentium IV processors of 3.0 GHz (or higher), 1 GB RAM, 40 GB HD or larger, CD-ROM-RW, 17" SVGA monitors and 3½" disk drive. The keyboards must be configured in the English language layout and configured to be used in the English, Spanish, French and Portuguese languages.

PRINTERS: 2 Hewlett-Packard Laser-Jet 5 or similar 16 ppm printers (all printers must be of the same model). One printer is to be shared by every two computers, via the NETWORK.

C. EQUIPMENT AND SPECIALIZED SERVICES

PROJECTION: One (1) Power Point data projectors, one (1) laptop for Office Suite presentations (Word, Excel, Power Point) and Adobe Acrobat 7.0 Reader (.pdfs), two screens (6' x 8'), and a laser pointer.

RECORDING: Sound recorders for CDs (preferably) or cassettes (recording must not be interrupted during changes of cassette).

PHOTOCOPIERS: 1 XEROX PRO 275 high-speed photocopiers or equivalent (analog) for the print shop service, average 65 copies per minute each, with collators and automatic staplers, for letter-size paper (8½ x 11"). This service must be provided by the supplier together with a full-time technician.

One 1 XEROX 4150 photocopier or equivalent, average 45 page per minute each, with collators and automatic staplers, for letter-size (8 ½ x 11") to be placed in the room of the Technical Secretariat.

NAMEPLATES: Nameplates for each office as indicated in APPENDIX II hereto.

COFFEE SERVICES: Coffee, refreshments, water and snacks for coffee breaks for the Member State Delegates and the General Secretariat staff during working hours available in the area of the Working Group meetings.

*Following is a list of computer equipment, and telephone/fax equipment broken down by work area:*

COMPUTER EQUIPMENT, LAN/INTERNET, AND TELEPHONE/FAX SERVICES REQUIRED

Place	PC	Printer	LAN/ Internet	Phone/ Fax
<b><u>OFFICES OF THE OAS GENERAL SECRETARIAT</u></b>				
Director, Office of Legal Cooperation	1	-	1	1 Local
Legal Advisors	2	1	2	-
Specialist, Information Technology	-	-	1	-
Conference Coordinator (CSG)	1	-	1	1 DDI
<b><u>Subtotal</u></b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>2</b>
<b><u>OTHER OFFICES</u></b>				
Delegates' Room	2	-	2	2
Host Country Secretariat	2	1	2	-
<b><u>TOTAL</u></b>	<b>8</b>	<b>2</b>	<b>9</b>	<b>4</b>

\*DDI (International Direct Dialing)

D. Office supplies and equipment

1. Special materials:  
CDs for the sound recorders for 32 hours of recording.
2. Printing materials:  
50 reams (25,000 sheets) of letter-size [(8<sup>1/2</sup>" x 11") (216 x 279 mm)] photocopier paper.  
Five (5) medium-sized staplers for the print shop
3. Office supplies:  
60 pads of lined notepaper for the meeting rooms and Secretariat  
50 cardboard binders  
60 pencils  
5 rolls of adhesive tape, such as "Scotch tape"  
5 boxes of paper clips  
6 bottles of white-out (correction fluid)  
60 ball-point pens  
3 small staplers, 3 boxes of staples, and 3 staple-removers  
50 foolscap manila envelopes  
5 wastepaper baskets  
1 two-hole and 5 three-hole punchers  
2 pairs of scissors  
2 electric pencil sharpeners  
12 fluorescent yellow markers  
20 post-it notepads  
3 boxes of formatted diskettes



E. Other equipment

Telephones/fax:

1. One 1 Local lines for the Technical Secretariat staff.
2. One (1) telephone/fax machine with international direct dialing (IDD) capabilities for the OAS Conference Coordinator.

F. Other services

Access to medical and first aid services for participants and Secretariat personnel.

APPENDIX IV

THE WORKING GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION

(OAS/REMJA)

MARCH 26 AND 27, 2007

Montreal, Quebec, Canada

INFORMATION FOR BANK TRANSFERS TO THE OAS GENERAL SECRETARIAT

Name of the bank:	Bank of America
ABA/Routing # :	0260-0959-3
Address of the bank:	
Street:	730 15th. Street, N.W.
City :	Washington, D.C. 20005-1012
Country :	U.S.A..
Account number:	002080125354
Name on the account:	General Secretariat of the OAS
Area or Unit that will receive the funds:	Office of Conferences and Meetings

THE WORKING GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND EXTRADITION  
(OAS/REMJA)  
MARCH 26 AND 27, 2007  
Montreal, Quebec, Canada

PROPOSED BUDGET

**PROPOSED BUDGET  
OFFICE OF CONFERENCES AND MEETINGS**

**SPECIAL MEETING OF THE WORKING OAS GROUP / REMJA  
WORKING GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS  
AND EXTRADITION**

**DATE: FEBRUARY 1, 2007**

**FINANCED BY THE HOST COUNTRY USD**

**CONTRACTS (HONORARIA)**

2 Translators/Reviewer (Eng/Span) (by E-mail)	2 x 390 x 2days	1 560	
Translation services of document before and after the meeting		5 000	
			6 560

**TRAVEL  
AIRLINE TICKETS**

1 Director	500 x 1	500	
1 IT Specialist	500 x 1	500	
2 Legal Advisors	500 x 2	1 000	
1 Conference Coordinator	500 x 1	500	
			2 500

**TERMINAL EXPENSES**

1 Director	120 x 1	120	
1 IT Specialist	120 x 1	120	
2 Legal Advisors	120 x 2	240	
1 Conference Coordinator	120 x 1	120	
			600

**PER DIEM**

1 Director	1 x 272 x 3	816	
1 IT Specialist	1 x 272 x 3	816	
2 Legal Advisors	2 x 272 x 3	1 632	
1 Conference Coordinator	1 x 272 x 3	816	
			4,080

**DOCUMENTS BEFORE AND AFTER THE MEETING**

Reproduction and distribution of documents before and after the meeting			500
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**TOTAL** 14,240