

Sixth Meeting of the Working Group on Legal Cooperation in Criminal Matters
May 15-16, 2014
Brasilia, Brazil

**DRAFT RECOMMENDATIONS
OF THE SIXTH MEETING OF THE WORKING GROUP ON LEGAL COOPERATION IN
CRIMINAL MATTERS OF THE REMJA**

The REMJA Working Group on Legal Cooperation in Criminal Matters (the Working Group) held its Sixth Meeting en Brasilia, Brazil, on May 15 and 16, 2014, as provided for in the Document of Washington (REMJA-VII/doc.6/08 rev. 2), the conclusions and recommendations of REMJA IX (REMJA-IX/doc.2/12 rev. 1), and resolutions AG/RES. 2783 (XLIII-O/13) and CP/RES. 1025 (1955/14) of the OAS General Assembly and Permanent Council, respectively.

In keeping with the second paragraph of provision 18 of the Document of Washington, the meeting was chaired by the delegation of Brazil.

After completing its deliberations, the Working Group adopted the following recommendations to be submitted to the Tenth Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA X):

I. LEGAL COOPERATION IN CRIMINAL MATTERS

1. That those member states that have not already done so implement the recommendations agreed upon at previous meetings of the Working Group and REMJAs regarding the adoption of specific measures to ensure that legal cooperation in criminal matters, particularly in the area of mutual assistance and extradition, is prompt, effective, and efficient.

2. To conclude with the consideration of the proposed “Protocol to the Inter-American Convention on Mutual Assistance in Criminal Matters Relative to the Use of New Communication Technologies and Hearings by Videoconference” (PENAL/doc.31/14 rev. 2), pursuant to recommendations I.3 of the Fifth Meeting of the Working Group and III.3.a) of REMJA IX. Accordingly, to instruct the delegation of El Salvador, with the support of the REMJA Technical Secretariat (OAS Department of Legal Cooperation) and bearing in mind the comments received and agreed on at this meeting, to draw up the revised, clean version of the proposed protocol and to convey it to the Chair of the Group for referral to REMJA X for its consideration.

3. To thank the delegation of Argentina for preparing and presenting the proposed “Inter-American Legal Instrument on Extradition” (PENAL/doc.38/14), which was drawn up through the work of a group of states, led by that delegation and also comprising the delegations of Brazil, Chile, Guatemala, Jamaica, Panama, Paraguay, and Uruguay, with the support of the REMJA Technical Secretariat. Accordingly, to support continued progress with the development of that proposal and, to that end, the aforesaid group of states, under Argentina’s leadership, with the backing of the REMJA

Technical Secretariat, and bearing in mind the comments received from the member states, should prepare a revised version of the proposal for consideration by the Working Group at the next meeting.

4. To thank the delegation of Chile for preparing and presenting the proposed “Protocol on Joint Investigation Teams to Supplement the Inter-American Convention on Mutual Assistance in Criminal Matters” (PENAL/doc.38/14). Accordingly, to support continued progress with the development of that proposal and, to that end, a group led by the delegation of Chile and also comprising Brazil, Canada, and Peru, with the backing of the REMJA Technical Secretariat, should prepare a revised version of this proposal for consideration by the Working Group at the next meeting.

5. That those states that have yet to do so furnish the Technical Secretariat of the REMJA with their responses to the preparatory questionnaire for this meeting in advance of REMJA X, so that the Technical Secretariat may present, on that occasion, an up-to-date report on the findings of those responses in keeping with recommendation III.2 of REMJA IX.

6. To reiterate the usefulness of the “Best Practices with respect to the Collection of Statements, Documents, and Physical Evidence,” “Best Practices with respect to Mutual Legal Assistance in Connection with the Investigation, Freezing, Seizure, and Confiscation of Assets that are either the Proceeds of or Instrument for Crimes,” the “Questionnaire on Legal Cooperation in Criminal Matters,” and the “Model Law on Mutual Assistance in Criminal Matters” as a set of guidelines at the disposal of states. In this regard, it is recommended that states consider encouraging the effective use of these documents in the matters to which they refer and to strengthen their disclosure and dissemination among their national authorities and other international organizations, in order to enable them to become acquainted with and access them should they so need.

7. That the Working Group continue to consider the topic of mutual legal assistance as regards the identification, freezing, and seizure of assets that are either the proceeds of or instrument for crimes, and that it formulate the recommendations it deems relevant to continue improving and strengthening cooperation among the OAS member states in this area.

8. In keeping with recommendation III.3.c) of REMJA IX, to continue to promote, in the framework of the meetings of the Working Group, the sharing of information on current subregional developments with regard to arrest warrants and simplified extradition, bearing in mind these and other related international developments, such as the Central American Treaty on Arrest Warrants and Simplified Extradition Procedures in the framework of the Central American Integration System (SICA), the CARICOM Arrest Warrant Treaty, the MERCOSUR Arrest Order (MMC), and the European Arrest Warrant (EAW).

9. To continue to promote the development of training programs in areas related to legal cooperation in criminal matters, encouraging the exchange of information on the subject, *inter alia*, through workshops, the Criminal Matters Network and the *Legal Cooperation Bulletin* published and distributed by the REMJA Technical Secretariat, as well as facilitating the participation of governmental authorities and experts in those training programs.

10. To continue consolidating and strengthening coordination, exchanges of information, and cooperation between the Working Group and the OAS's agencies, organs, entities, and mechanisms in their areas of common interest, and to avoid any duplication of efforts in those areas.

II. HEMISPHERIC NETWORK FOR LEGAL COOPERATION ON CRIMINAL MATTERS ("CRIMINAL MATTERS NETWORK")

1. To support the restructuring and modernization of the Criminal Matters Network in accordance with the presentation given at this meeting by the OAS General Secretariat, through the REMJA Technical Secretariat and the Department of Information and Technology Services, together with the continuation of its implementation, within the constraints of the available resources. Similarly, to thank the OAS General Secretariat for its continued efforts in maintaining and improving the Criminal Matters Network, and to request that it report to REMJA X and to the Working Group at its next meeting on the progress made in that undertaking.

2. To urge the OAS member states, bearing in mind the usefulness and benefits offered by the Criminal Matters Network, to consider making voluntary contributions for continuing with and consolidating its restructuring and modernization, and for its permanent updating, maintenance, and expansion.

III. VENUE OF THE SEVENTH MEETING

To express its gratitude for and accept the offer to host the Seventh Meeting of the REMJA Working Group on Legal Cooperation in Criminal Matters made by the delegation of Trinidad and Tobago.