

MEETING OF MINISTERS OF JUSTICE OR
OF MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS

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Central Authorities and Other Experts on Mutual
Legal Assistance in Criminal Matters
April 30 – May 2, 2003
Ottawa, Canada

REPORT
MEETING OF CENTRAL AUTHORITIES AND OTHER EXPERTS ON MUTUAL LEGAL
ASSISTANCE IN CRIMINAL MATTERS

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I. Background

Central authorities and other experts on mutual legal assistance in criminal matters of the OAS Member States, met in Ottawa, Canada, between April 30 to May 2, 2003, in accordance with the recommendations adopted in the Fourth Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA-IV), held in Port of Spain, Trinidad and Tobago, in March 2002, which were endorsed by the OAS General Assembly resolution AG/RES. 1849 (XXXII-O/02). The purpose of the meeting was to develop recommendations to strengthen and consolidate mutual legal assistance in criminal matters among the States of the Americas in order to combat transnational organized crime, money laundering and terrorism.

II. Proceedings

The meeting began with, Mr. Richard Moseley, Assistant Deputy Minister of Justice, introducing the Honourable Martin Cauchon, Minister of Justice and Attorney General of Canada, who then proceeded to welcome and offer a keynote address to the plenary ([Annex I](#)).

After the opening ceremony, OAS Assistant Secretary for Legal Affairs, Enrique Lagos, distributed, in writing, his opening remarks to the delegates ([Annex II](#)), and then proceeded to call for chair nominations. The delegate from Haiti, Mr. Salim Succar, nominated one of the delegates from Canada, Mr. Donald Piragoff. Said nomination was then seconded by the delegate from Paraguay, Mr. Juan Emilio Oviedo, who then proposed and obtained that said nomination be ratified by acclamation.

Canadian delegate, Mr. Donald Piragoff, upon receiving the Chair, briefly outlined and placed the draft agenda before the Committee for its consideration

The agenda was then approved, without amendment ([Annex III](#)).

Then, in compliance with the first item on the agenda, a panel comprised of the Attorney General of Colombia, the Honourable Luis Camilo Osorio; Dr. Eugenio Curia, Director General of Legal Counsel of the Ministry of Foreign Affairs and Worship of Argentina; and Ms. Kimberly Prost, Deputy Director Criminal Law Section of the Commonwealth Secretariat, presented an overview of the increasing importance of Mutual Legal Assistance in the Americas and some of the challenges and solutions with respect to this area. Following the presentations there was a brief question and answer period.

Afterwards, the representatives of the OAS Member States briefly introduced themselves to the plenary upon the request of the Chair and a contact list was distributed ([Annex IV](#)).

The plenary then turned its attention to the second item on the agenda: “History of the OAS Mutual Legal Assistance Working Group.” In this regard, Mr. Pierre-Gilles Belanger, Counsel for the Criminal Law Policy Section, Department of Justice Canada, and coordinator for the OAS MLA working group, made a visual presentation on the background, activities and future goals of the working group ([Appendix V](#)).

The Committee then addressed the third item on the agenda: presentation of the results and analysis of the questionnaire, which had been prepared by the OAS Secretariat in consultation with Mr. Claude LeFrançois, Senior Counsel, International Assistance Group and part of the Canadian team involved in the OAS MLA working group, of preliminary consideration. Mr. Jorge García-González, Chief of the Technical Secretariat for Legal Cooperation Mechanisms, made a visual and statistical presentation of the results obtained from the questionnaire responses, and highlighted areas in which improvement and greater cooperation is needed among the Member States. ([Annex VI](#))

Item four on the agenda began with the Chair offering instructions to the plenary on the Workshop discussion based Fact situation developed by Mr. Claude LeFrançois (who occupied the Canada chair during the plenary) based on real problems that occur on a regular basis in the work of the International Assistance Group, Canada's Central Authority under its treaties for mutual assistance. This agenda item was led by selected delegations with a view to identifying and discussing obstacles to the delivery of effective mutual legal assistance in criminal matters. Working Group "A" was led by Mr. David West, Representative of Trinidad and Tobago; while Working Group "B" was led by Mrs. Maria Seoane de Chiodi, Representative from the Republic of Argentina. Both working groups were distributed the same fact situation during this first session. They examined matters related to the issues of terrorist financing, securities fraud and asset restraint, seizure and forfeiture. The discussion included matters such as the various steps in the process, the sufficiency of the information provided in the request, issues related to domestic law in the State executing the request and structural differences in respective legal systems in the Requesting and Requested States ([Annex VII](#)). After the working groups met and discussed the situation, the rapporteurs of each of the working groups made brief presentations on the discussion that took place and their conclusions.

The Chair announced that the Secretariat would be preparing draft recommendations based on the discussions held throughout the day, and taking into account the concerns and issues expressed by the plenary, to be distributed the following day. Also, the Chair addressed some of the issues that should be included in the language of the draft recommendations.

This was followed by an intervention from the Attorney General of Colombia, Mr. Luis Camilo Osorio, addressing the importance of mutual legal assistance in criminal matters, and the need to bring the *Ibero-American Associations of Ministries of Justice and of the Ministerios Públicos* and the OAS MLA initiative together, combining our efforts instead of duplicating them. After the Attorney General of Colombia offered his speech, the Chair thanked him for his participation and welcomed Mr. Osorio's invitation to a meeting that will be held in Colombia in June.

The meeting then continued with item five on the agenda, Workshop 2, in which the same working groups addressed the second case study that examined matters such as the issue of delay, the role of central authorities and difficulties related to confidential informants and territorial jurisdiction. After the delegates discussed the situation, the working group rapporteurs reported to the plenary the results of said discussions and summarized the conclusions reached.

The chair then proceeded to present the draft recommendations to be considered and approved by this plenary. The chair began by making a brief overview of the draft recommendations, explaining the foundation and purpose of the document. He then offered the floor to all the delegates for preliminary comments and general observations on said draft recommendations. Many delegations made some brief comments on the document presented, and highlighted that in general the draft recommendations were appropriate except for some minor adjustments in language and some substantive issues. The Chair took note of these observations and requested the Secretariat to make some changes of the draft recommendations during the lunch break.

Afterwards, the Chair suggested that the plenary go item by item on the draft recommendations, making specific observations to each paragraph or approving the language as is and moving forward. The plenary addressed items 1, 2, 3 and 4 throughout the rest of the afternoon session. The Chair again took note of all the changes and proposals and instructed the Secretariat to incorporate them into the document to be distributed the following morning.

The plenary resumed their discussion of item six of the draft recommendations, while leaving item five off the table since there was to be a presentation of the secure E-mail network later that morning. The Chair, took note of the comments made on item six of the draft recommendations and then proceeded to address the changes made to the draft recommendations from the day before. The delegations once again began to discuss these changes and make minor changes in language and proceeded to approve each of the items. After this exercise the Chair proposed that the Secretariat make all the necessary changes to the draft recommendations, meanwhile agenda item seven was to begin with the presentation of the secure e-mail network and new public website of the MLA Network on Information Exchange. This visual presentation was given by Mr. Pierre-Gilles Belanger, along with the consultants from the University of Montreal. After the presentation various delegations offered come technical and policy questions to Mr. Belanger, who then proceeded to respond to each of them.([Annex VIII](#))

The final draft of the draft recommendations was circulated to all delegates for a final reading. The Chair highlighted those areas of the document that underwent some final changes and offered the floor to all delegates for final consideration and approval of the draft recommendations. A few delegations offered some final proposals that were taken note of and were to be included in the final draft to be circulated to all delegations after the meeting finished. However, the document was approved by the delegations, taking into account the aforementioned changes ([appendix IX](#)).

The Chair then offered the floor to the Secretariat for some final words. In those words, Dr. García-González stated his gratitude to all participants in this very successful meeting and the importance of this issue in the global context of combating transnational organized crime. Also, Dr. García-González thanked the government of Canada for being such a gracious host, and the Chair for his impeccable work undertaken.

Lastly, the Chair delivered some eloquent words of appreciation to his staff for making this meeting an absolute success and to the delegations, that without them this meeting would have been empty.

Before ending the meeting, the Secretariat read out these minutes, which were then unanimously approved, together with all the appendices that form an integral part thereof, by the plenary of the meeting.

Ottawa, Canada, May 2, 2003.